



CITY COUNCIL AGENDA
June 6, 2016

5:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Boards and Commissions; consultation with legal counsel regarding pending litigation with Charlottesville Parking Center.)

7:00 p.m. **Regular Meeting**
Council Chambers

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS *Alzheimer's and Brain Awareness Month; Daughters of Zion*
ANNOUNCEMENTS

APPOINTMENTS TO BOARDS & COMMISSIONS
CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

MATTERS BY THE PUBLIC Public comment provided for up to 12 speakers publicized at noon the day of the meeting (limit 3 minutes per speaker) and for an unlimited number of speakers at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

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

- a. Minutes for May 16
- b. APPROPRIATION: Victim Witness Assistance Program Grant Increase – \$22,245 (1st of 2 readings)
- c. APPROPRIATION: Virginia Homelessness Solutions Grant – \$5,887 (1st of 2 readings)
- d. APPROPRIATION: Local Agency Contributions for Crisis Intervention Training - \$15,000 (1st of 2 readings)
- e. APPROPRIATION: Albemarle County Reimbursement for the Gordon Avenue Ceiling & Lighting Replacement Project – \$25,000 (1st of 2 readings)
- f. RESOLUTION: Amendment to Local Government Support Agreement for Recycling Programs (1st of 1 reading)
- g. RESOLUTION: Virginia Land and Water Conservation Fund Grant Application for Acquisition of Park Land on Moore's Creek (1st of 1 reading)
- h. RESOLUTION: 2016 Climate Protection Program Support Grant – \$70,000 (1st of 1 reading)
- i. RESOLUTION: Approval of Employment of Outside Counsel (1st of 1 reading)
- j. RESOLUTION: Notification of PILOT for Utilities (1st of 1 reading)
- k. ORDINANCE: Utility Rates (2nd of 2 readings)
- l. ORDINANCE: Homeowner Tax Relief Grant (1st of 2 readings)
- m. APPROPRIATION: Housing Opportunities for Persons with AIDS – \$11,485 (1st of 2 readings)

2. PUBLIC HEARING / RESOLUTION* Charlottesville Albemarle Convention and Visitors Bureau Lease
Renewal (1st of 1 reading) – **10 mins**

3. PUBLIC HEARING / ORDINANCE* Closing Unaccepted Street off Douglas Avenue (1st of 2 readings) – **10 mins**

4. RESOLUTION* Aqua Car Wash – 1300 Emmet Street (1st of 1 reading) – **20 mins**

5. RESOLUTION* International School of Charlottesville SUP – 209 Maury Ave. (1st of 1 reading) – **10 mins**

6. RESOLUTION* Blue Moon Redevelopment SUP – 600 W. Main St. (1st of 1 reading) – **20 mins**

7. RESOLUTION* Sidewalk Waiver Request for 1501 Rugby Rd. (1st of 1 reading) – **20 mins**

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

GUIDELINES FOR PUBLIC COMMENT

**We welcome public comment;
it is an important part of our meeting.**

Time is reserved near the beginning and at the end of each regular City Council meeting for Matters by the Public.

Please follow these guidelines for public comment:

- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- Each speaker has **3 minutes** to speak. Please give your name and address before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them.
- Please **refrain from using obscenities**.
- If you cannot follow these guidelines, you will be escorted from City Council Chambers and not permitted to reenter.

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



Agenda Date:	June 6, 2016
Action Required:	Approval and Appropriation
Presenter:	Maggie Cullinan, Coordinator Victim and Witness Assistance Program
Staff Contacts:	Maggie Cullinan, Coordinator Victim and Witness Assistance Program Maya Kumazawa, Budget & Management Analyst
Title:	Victim Witness Assistance Program Grant Increase- \$22,245

Background:

The City of Charlottesville, through the Commonwealth's Attorney's Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$22,245 in Federal Funds. This increase is in addition to the original grant of \$111,226 in Federal Funds, \$37,086 in State Funds, and required local match appropriated on September 8, 2015.

Discussion:

The additional funding is the result of an increase to the Victims of Crime Act Fund from the federal government to the states to disburse. Based on the number of victims we serve and the services this office provides, the Department of Criminal Justice Services has provided an additional \$22,245 for the program to use for the period January 1, 2016 to June 30, 2016. Due to the unexpected nature of the extra money, D.C.J.S. has given programs until September 30, 2016 to spend the funds. The program has budgeted the extra funds for this fiscal year to cover many one-time purchases, such as tablets for staff to use while in court, video conferencing equipment to use to work with our many out of town victims and witnesses (U.V.A. students), uniform/shirts to identify victim witness staff at a crime scene, additional brochures, the purchase of media (radio) time on local stations to reach under-served communities and purchase of a telephone translation service.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City, a Community of Mutual Respect and a Smart, Citizen-Focused Government. According to the Bureau of Justice Statistics, the total economic loss to crime victims was \$1.19 billion for violent offenses and \$16.2 billion for property crime in 2008. Statistics vary on the amount of intangible losses victims accumulate, such as the effects of the crime on their sense of security, mental health and relationships. The Charlottesville Victim

Witness Assistance Program contributes to the health of the community by connecting crime victims with medical and mental health providers through the Criminal Injury Compensation Fund. The Program helps create a **Community of Mutual Respect** by responding to the needs of crime victims and helps achieve a **Smart, Citizen-Focused Government** by ensuring their rights are recognized throughout the local criminal justice system, including police, prosecution, judges and probation.

In addition, this program aligns with Strategic Plan Goal 2: Be a safe, thriving and beautiful community, Objective 2.4: Ensure families and individuals are safe and stable.

Community Engagement:

The Victim Witness Assistance Program is engaged daily with victims of crime who access services through referrals from police, court services, social services and other allied agencies. Program staff contacts crime victims within 48 hours of their reported victimization. Program staff serves on several coordinating councils, such as the Multi-Disciplinary Team on Child Abuse, the Domestic Violence Coordinating Council, the Sexual Assault Response Team, the Monticello Area Domestic Violence Fatality Review Team and the Charlottesville/Albemarle Evidence Based Decision Making Policy Team. The program regularly provides outreach in the forms of government services day, training and speaking engagements at U.V.A., P.V.C.C. and other allied agencies as requested.

Budgetary Impact:

This has no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund. The Victim Witness Assistance Program Grant is renewed annually; the amount of this year's award increase is \$22,245.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If the increase in grant funds is not appropriated, the additional services to Charlottesville crime victims will not occur.

Attachments:

Appropriation Memorandum

APPROPRIATION

Charlottesville Victim Witness Assistance Program Grant

\$22,245

WHEREAS, The City of Charlottesville, through the Commonwealth Attorney's Office, has received an increase in the Victim Witness Program Grant from the Virginia Department of Criminal Justice Services in the amount of \$22,245; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$22,245 is hereby appropriated in the following manner:

Revenues

\$ 22,245 Fund: 209 Cost Center: 1414001000 G/L Account: 430120

Expenditures

\$ 22,245 Fund: 209 Cost Center: 1414001000 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of an additional \$22,245 from the Virginia Department of Criminal Justice Services.

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



Agenda Date:	June 6, 2016
Action Required:	Approval and Appropriation
Presenter:	Mike Murphy, Assistant City Manager
Staff Contacts:	Mike Murphy, Assistant City Manager Maya Kumazawa, Budget & Management Analyst
Title:	Virginia Homelessness Solutions Grant (V.H.S.P.) - \$5,887

Background:

The Department of Human Services in coordination with the Thomas Jefferson Area Coalition for the Homeless (T.J.A.C.H.) and the Service Provider Council (S.P.C.) applied for and received \$5,887 in additional funding from the Virginia Department of Housing and Community Development (V.D.H.C.D.) to be used for the Virginia Homelessness Solutions Grant (V.H.S.P.) award. These funds are in addition to the \$458,799 in V.D.H.C.D. funds appropriated for these purposes on August 17, 2015.

Discussion:

The City of Charlottesville has staff from Human Services, Social Services, and Neighborhood Development Services all taking a leadership role in the governance of T.J.A.C.H. The Virginia Homelessness Solutions Grant (V.H.S.P.) is an important resource in our community's efforts to end homelessness. V.H.S.P. provides funding for services to persons experiencing homelessness. The granting agency has approved using the additional grant funding for rapid rehousing the homeless through rent subsidies. Thomas Jefferson Health District is the sub-recipient of funds for Virginia Homelessness Solutions Grant (V.H.S.P.) funds.

Community Engagement:

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness. This partnership is reflective of the governance model for T.J.A.C.H.

Alignment with City Council's Vision and Strategic Plan:

Opportunities for All. Outcomes will demonstrate a coordinated assessment process, individuals and families linked to housing and other resources, and the length of time homelessness was experienced. This grant also fosters the ideals of Community of Mutual Respect and Economic Sustainability by providing services to vulnerable citizens and promoting self-sufficiency.

Budgetary Impact:

This has no impact on the General Fund. This grant will be entirely State funds. No local match is required. All funds will be distributed to sub-recipients for service provision.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

Council may elect to not accept the funds and the community will not have the capacity to administer the rapid rehousing services to persons experiencing homelessness.

APPROPRIATION
Virginia Homelessness Solutions Grant
\$5,887

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received additional funding for the Virginia Homelessness Solutions Grant from the Virginia Department of Housing and Community Development in the amount of \$5,887;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$5,887 is hereby appropriated in the following manner:

Revenues

\$5,887	Fund: 209	IO: 1900251	G/L: 430120 State (Federal Pass-Thru)
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Expenditures

\$5,887	Fund: 209	IO: 1900251	G/L: 530550 Contracted Services
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$5,887 in additional funds from the Virginia Department of Housing and Community Development.

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



Agenda Date:	June 6, 2016
Action Required:	Approval and Appropriation
Presenter:	Lieutenant David W. Shifflett, Jr., Police Department
Staff Contacts:	Lieutenant David W. Shifflett, Jr., Police Department Thomas Von Hemert, Jefferson Area C.I.T. Coordinator
Title:	Local Agency Contributions for Crisis Intervention Training - \$15,000

Background:

The City of Charlottesville Police Department has received contributions from local agencies to support Crisis Intervention Training (C.I.T.) in the amount of \$15,000. This funding will provide ongoing training, along with mentoring, technical assistance, and consultation, to C.I.T. programs and will be provided in the following manner per fiscal year:

Albemarle County Police Department	\$2,500
City of Charlottesville Police Department	\$2,500
University of Virginia Police Department	\$2,500
Albemarle/Charlottesville Regional Jail	\$2,500
Region Ten	\$2,500
Central Virginia Regional Jail	\$2,500
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Total contributions	\$15,000

Additional income may be received from outside jurisdiction agencies who attend training in the Thomas Jefferson Training Area. These are reimbursed through The Department of Criminal Justice Services, at \$500 per person and received on a case by case basis as the training occurs.

Discussion:

The Thomas Jefferson Area Crisis Intervention Program provides regular training courses for Law Enforcement and other agencies, both local and from throughout the state. These week long training sessions for Police Officers, along with other training sessions for security guards, dispatchers, and others are provided regularly over the course of each year led by C.I.T. Coordinator, Thomas von Hemert. This training serves to keep agencies equipped with C.I.T. trained officers in order to better service those in mental crisis. Funding for this training is provided from multiple agencies on a previously agreed upon cost.

Alignment with Council Vision Areas and Strategic Plan:

Appropriation of this item aligns with Council's visions by providing funding to aid the Thomas Jefferson Crisis Intervention Team Program and the Charlottesville Police Department in delivering optimal C.I.T. services to our City as a Smart, Citizen-Focused Government. It supports our Mission of **providing services that promote exceptional quality of life for all in our community** by providing important quality services to those in need of mental health assistance and safety.

This appropriation also supports **Goal 2** of the Strategic Plan: **Be a safe, equitable, thriving and beautiful community**. The C.I.T. program provides education and training to members of the Community who have frequent interaction with those in need of mental health assistance. These people include but are not limited to, police officers, dispatchers, corrections officers, and fire department personnel. C.I.T. encourages safer and more effective interaction between care providers and those in need, making those interactions and the community more equitable and safer for all. The Jefferson Area C.I.T. program also embraces **Goal 5: Foster Strong Connections** by involving all aspects of the mental health processes and making them more efficient and safer. C.I.T. facilitates and fosters relationships between Region 10, mental health providers, law enforcement, local hospitals, jails, and many others to ensure that those in need of mental health services can obtain them as safely and efficiently as possible. Outcomes for C.I.T. programs can be reported through the number of people who received services related to the program.

Community Engagement:

N/A

Budgetary Impact:

This has no impact on the General Fund. The funds will be expensed and reimbursed to a grants fund and used to operate the program through the Thomas Jefferson Area Crisis Intervention Team.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

The alternative is to not approve this project to the detriment of increasing much needed mental health programs.

Attachments:

Appropriation

APPROPRIATION

\$15,000

Local Agency Contributions for Crisis Intervention Training

WHEREAS, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, receives from local agencies \$15,000 per fiscal year;

WHEREAS, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, receives from other local agencies, funding to support Crisis Intervention Training programs;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the lump sum of \$15,000, received from local Agencies is hereby appropriated in the following manner:

Revenues: \$15,000

\$15,000	Fund: 209	Cost Center: 3101003000	G/L Account: 434410
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Expenditures: \$15,000

\$14,900	Fund: 209	Cost Center: 3101003000	G/L Account: 519999
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\$100	Fund 209	Cost Center: 3101003000	G/L Account: 599999
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BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville, Virginia, that this appropriation is conditioned upon the receipt of funding by the participating agencies listed above, and will be hereby considered as a continuing appropriation and funds received for this purpose will be immediately available to spend for the C.I.T. program.

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



Agenda Date:	June 6, 2016
Action Required:	Approve Appropriation of Reimbursement
Presenter:	Mike Mollica, Division Manager, Facilities Development
Staff Contacts:	Mike Mollica, Division Manager, Facilities Development Ryan Davidson, Senior Budget & Management Analyst, Budget and Performance Management
Title:	Appropriation of Albemarle County Reimbursement for the Gordon Avenue Ceiling & Lighting Replacement Project – \$25,000

Background: The City of Charlottesville Facilities Development Division oversees capital projects for jointly owned buildings with Albemarle County. The City invoices the County on a monthly basis to recover the County’s share of project expenses associated with these joint projects. Under this agreement, the City will receive a reimbursement in the amount of \$25,000 for expenses related to the recently completed Gordon Avenue Library Ceiling & Lighting Replacement Project.

Discussion: Appropriation of these funds is necessary to replenish the Facilities Capital Projects Lump Sum Account (P-00826) for project related expenses.

Alignment with Council Vision Areas and Strategic Plan: This request supports City Council’s “Smart, Citizen-Focused Government” vision. It contributes to Goal 4 of the Strategic Plan, to be a well-managed and successful organization, and objective 4.1, to align resources with the City’s strategic plan.

Community Engagement: N/A

Budgetary Impact: Funds have been expensed from the Facilities Capital Projects Lump Sum Account (P-00826) and the reimbursement is intended to replenish the project budget for the County’s portion of those expenses.

Recommendation: Staff recommends approval and appropriation of the reimbursement funds.

Alternatives: If reimbursement funds are not appropriated, the Facilities Capital Projects Lump Sum Account (P-00826) will reflect a deficient balance.

Attachments: N/A

APPROPRIATION.
**Albemarle County Reimbursement for the Gordon Avenue Library Ceiling & Lighting
Replacement Project - \$25,000.**

WHEREAS, Albemarle County was billed by the City of Charlottesville in the amount of \$25,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$25,000 from Albemarle County is to be appropriated in the following manner:

Revenues - \$25,000

Fund: 426	Funded Program: CP-015 (P-00826)	G/L Account: 432030
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Expenditures - \$25,000

Fund: 426	Funded Program: CP-015 (P-00826)	G/L Account: 599999
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$25,000, from Albemarle County.

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



Agenda Date:	June 6, 2016
Action Required:	Yes (Authorize City Manager to Sign Agreement)
Presenter:	Judith M. Mueller, Director of Public Works
Staff Contacts:	Maurice Jones, City Manager S. Craig Brown, City Attorney
Title:	RSWA/Albemarle County/City - Local Government Support Agreement for Recycling Programs

Background: Last year the City agreed to extend its funding for the McIntire Recycling Center for one year (until June 30, 2016). This would allow Albemarle County time to decide on its long term solid waste management strategy. Albemarle County has asked the City to extend the expiration date of the Agreement to June 30, 2017.

Discussion: Although use of this facility has decreased over the past several years there are still a substantial number of City residents and businesses that regularly frequent the center.

Alignment with Council Vision Areas and Strategic Plan: Vision of Charlottesville as a “Green City” which encourages recycling.

Community Engagement: Albemarle County has a citizen committee which is working on this issue. City staff participate in these meetings.

Budgetary Impact: Sufficient funding is available in the proposed FY17 budget.

Recommendation: Approve extension of the agreement.

Alternatives: Discontinue funding for the McIntire Recycling Center.

Attachments: Signature Resolution
Amendment No. 5 to Local Government Support Agreement for Recycling Programs
Original Agreement dated August 23, 2011

RESOLUTION

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

Amendment No. 5 to the Local Government Support Agreement for Recycling Programs among the City, Albemarle County and the Rivanna Water and Sewer Authority, dated August 23, 2011, extending the expiration date of the original Agreement to June 30, 2017.

**AMENDMENT NO. 5 TO
LOCAL GOVERNMENT SUPPORT AGREEMENT FOR RECYCLING PROGRAMS
AMONG
THE CITY OF CHARLOTTESVILLE
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **Amendment No. 5** to the **Local Government Support Agreement for Recycling Programs** (this “Amendment”) is made this ____ day of _____, 2016 by and among the **City of Charlottesville, Virginia** (the “City”), the **County of Albemarle, Virginia** (the “County”) and the **Rivanna Solid Waste Authority** (the “Authority”, individually a “Party”, and together referred to as the “Parties”).

WHEREAS, the City, the County and the Authority entered into a certain Local Government Support Agreement for Recycling Programs dated August 23, 2011 (the “Original Agreement”) providing the terms of the City’s and County’s shared financial support and Authority’s operation of the Recycling Services; and

WHEREAS, the Original Agreement provided that such financial support and operations continue through the Authority’s fiscal year ending June 30, 2012, with the City and County retaining an exclusive option to extend the Original Agreement for two successive one-year periods by giving prior written notice to the Authority; and

WHEREAS, the City and County exercised their first option to extend the term of the Original Agreement through June 30, 2013, but the County elected not to exercise its second option to extend the term through June 30, 2014 and instead requested, with the concurrence of the City, an extension of the Original Agreement through December 31, 2013; and

WHEREAS, the City, the County and the Authority entered into Amendment No. 1 to the Original Agreement dated June 5, 2013 extending the term of the Original Agreement through December 31, 2013; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 2 to the Original Agreement dated October 23, 2013 extending the term of the Original Agreement through June 30, 2014; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 3 to the Original Agreement dated January 28, 2014 extending the term of the Original Agreement through June 30, 2015; and,

WHEREAS, the City, the County and the Authority entered into Amendment No. 4 to the Original Agreement dated July 1, 2015 extending the term of the Original Agreement through June 30, 2016 (the Original Agreement, as amended by Amendment No. 1, Amendment No. 2, Amendment No. 3 and Amendment No. 4, hereinafter, the “Agreement”); and,

WHEREAS, the County desires an additional extension of the term of the Agreement through June 30, 2017, and the City is agreeable to an extension for such period.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. **Amendment to Section 4.** Section 4 of the Agreement, entitled "Term of Agreement," is amended and restated as follows:

4. **Term of Agreement**

This Agreement shall be effective upon execution and the financial participation requirements shall be retroactive to July 1, 2011 and shall continue through June 30, 2017.

2. **Miscellaneous.** Capitalized terms used herein shall have the meanings ascribed to them in the Agreement unless otherwise specifically defined herein. Except as expressly modified hereby, all other terms and conditions of the Agreement shall remain unchanged and shall continue in full force and effect. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates below.

CITY OF CHARLOTTESVILLE:

Maurice Jones
City Manager

Date

COUNTY OF ALBEMARLE:

Thomas C. Foley
County Executive

Date

RIVANNA SOLID WASTE AUTHORITY:

Lonnie Wood
Acting Executive Director

Date

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



Agenda Date:	June 6, 2016
Action Required:	Resolution
Presenter:	Chris Gensic, Parks and Recreation
Staff Contacts:	Chris Gensic, Parks and Recreation
Title:	Virginia Land and Water Conservation Fund Grant Application for Acquisition of Park Land on Moore's Creek

Background:

The City of Charlottesville, via the Parks and Recreation Department, is applying for assistance through the Virginia Land and Water Conservation Fund to supplement local funding for acquisition of parkland along Moore's Creek on Hartmans Mill Road near Jordan Park. This grant is administrated through the Virginia Department of Conservation and Recreation. The grant funding being sought is in the amount of \$100,000, with a local match of \$100,000.

Discussion:

The property owners have met with Parks Department staff to request that the City work to purchase the property to become parkland. The land consists of 2.8 acres, much of it floodplain and including a sewer interceptor corridor that is intended to become a shared use path. The land is along the Moore's Creek corridor, a targeted area to develop linear parkland and acquire forested stream buffers. The property also includes an existing wetland and offers further potential for urban stormwater management.

Alignment with City Council's Vision and Priority Areas:

The project supports both City Council's "Green City" and "Healthy City" visions by creating an outstanding recreational amenity for many users while preserving and enhancing a natural and forested area of the City. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship, as well as objective 5.3 supporting community engagement.

Community Engagement:

The land is along the corridor proposed in the Bicycle, Pedestrian and Trails plan as a shared use path, and also supports the goals of the Urban Forest Management Plan.

Budgetary Impact:

This application requires a 50% match from the parkland acquisition fund. If acquired, the land will have limited maintenance requirements other than construction and maintenance of the shared use path.

Recommendation:

Staff recommends approval of the resolution to apply for grant funds.

Alternatives:

If grants funds are not pursued, acquisition of the property will have to be funded entirely with local funds.

Attachments:

Resolution

Land & Water Conservation Fund Authorizing Resolution

A resolution authorizing application(s) for federal funding assistance from the Land and Water Conservation Fund (LWCF) to the Virginia Department of Conservation & Recreation (DCR) as provided in the LWCF Act of 1965, as amended.

WHEREAS, under the provisions of LWCF, federal funding assistance is requested to aid in financing the cost of land acquisition and/or facility development; and

WHEREAS, The City of Charlottesville considers it in the best public interest to complete the development project described in the application;

NOW, THEREFORE, BE IT RESOLVED that:

- 1. The City Manager be authorized to make formal application to DCR for funding assistance;*
- 2. Any fund assistance received be used for implementation and completion of Moore's Creek Land Acquisition and primary trail system within the specified time frame;*
- 3. The City of Charlottesville hereby certifies that project funding is **currently available and is committed for this project***
- 4. We are aware that the grant, if approved by the National Park Service, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid to our vendors and evidence of such has been provided to DCR in the format required.*
- 5. We acknowledge that any property acquired and/or developed with financial aid from the Land & Water Conservation Fund must be placed in use and be retained in perpetuity as a public outdoor recreation area in accordance with the provisions and requirements of the Land & Water Conservation Fund Act of 1965, as amended;*
- 6. We acknowledge that any non-recreational uses may not be made of the property without undergoing a conversion of use process and obtaining approval from the Department of Conservation and Recreation and the U.S. Department of Interior/National Park Service;*
- 8. We acknowledge that we are responsible for compliance with the National Environmental Policy Act, Endangered Species Act, Historic Preservation Act, Executive Orders 11988 and 11990 (Floodplain Management and Wetlands Protection) and all other applicable state and federal laws;*
- 7. We acknowledge that appropriate opportunity for public comment has been provided on this application and evidence of such is a required component for approval.*
- 8. This resolution becomes part of a formal application to the Virginia Department of Conservation & Recreation.*

This resolution was adopted by Charlottesville City Council during the meeting held:

Monday, June 6, 2016 at 7pm at City Hall – East Market Street, Charlottesville, VA 22902

Signed and approved by the following authorized representative:

Signed: _____ Title: _____

Date: _____

Proposed acquisition of "Charley Close"
Moore's Creek near Jordan Park
2.783 acres - 6 lots and wetland area



CITY OF CHARLOTTESVILLE, VIRGINIA



Agenda Date:	June 6, 2016
Action Required:	Resolution
Presenter:	Susan Elliott, Climate Protection Program Coordinator
Staff Contacts:	Susan Elliott, Climate Protection Program Coordinator Kristel Riddervold, Environmental Sustainability Manager Judith Mueller, Department of Public Works Director
Title:	2016 City-LEAP Climate Protection Program Support Grant - \$70,000

Background:

Charlottesville has been involved with climate protection related efforts at the local level for over 10 years. This focus and commitment continues to be relevant. Successful efforts have routinely included an ongoing partnership with the Local Energy Alliance Program (LEAP).

Recent highlights include:

- Delivery of numerous Home Energy Check Ups with direct installations of energy saving measures
- Delivery of weatherization energy upgrades to low income, elderly, veteran, and multifamily households
- Ongoing promotion and certification for the Home Performance with Energy Star (HPwES) Program (including promotion on the MLS)
- Facilitation of do-it-yourself energy and water improvements
- Solarize Charlottesville (see attached map for a recent snapshot of solar installations in Charlottesville)
- Support in the development and implementation of the *Energize!Charlottesville* campaign to win the \$5 Million Georgetown University Energy Prize (GUEP)
- Non-residential sector (e.g. commercial, non-profit, houses of faith) engagement through the workshop presentations, two rounds of the Better Business Challenge, and related energy benchmarking services
- Support for energy efficiency financing strategies including the residential PowerSaver loans (0% interest rate) and the Clean Energy Commercial Loan program offered in partnership with LEAP and the UVA Community Credit Union.

- Increased community awareness and understanding of the benefits and co-benefits of energy efficiency including cost savings, healthier indoor air, and basic comfort
- Improved durability and affordability of building stock
- Additional support and participation in Charlottesville's Climate Protection Program (CPP) through grant development and other subject matter expertise

Discussion:

LEAP, a community-based 501c3 nonprofit, has a mission to lead the effort in its community to retrofit buildings with energy efficient and renewable technologies. LEAP's overarching goals include cost savings, job creation, energy self-reliance, local economic development, and the mitigation of global warming. The most recent 2015 Year-End Report is provided as an attachment.

As presented in the attached proposal, the ongoing partnership between LEAP and the City will continue a demonstrable, effective, and nimble model for delivering increased energy performance to both the City's residential and non-residential building sectors. LEAP continues to appreciate the past grants from the City and to use these to leverage significant additional funding that contributes to enhanced delivery of energy efficiency programs and services to Charlottesville.

The proposal to grant funds to LEAP to provide ongoing support to the Climate Protection Program will continue the strategy to reduce energy consumption and associated greenhouse gas (GHG) emissions, increase cost savings, support the City's competitiveness in the GUEP, and contribute to the City's 2030 policy goals.

Through a proposed grant of \$70,000 from the City to LEAP to implement the 2016 Climate Protection Program Support proposal (attached), the following will be furthered:

- Generate the greatest amount of GHG emission reductions through direct installation of energy saving measures
- Provide expertise and action steps for increased energy performance in buildings
- Make the energy efficiency actions process streamlined, easy to understand, and financially attractive, affordable, and accessible.
- Raise the energy literacy and awareness in the community

City staff has again closely coordinated with LEAP on the intent of the grant, and the attached Memorandum of Understanding provides a summary of the purposes of the funds, program parameters desired by the City, and progress reporting requests.

Alignment with City Council's Vision and Strategic Plan:

Approval of the Resolution for the 2016 Climate Protection Program Support Grant aligns directly with Council's vision for Charlottesville to be *A Green City* with clean air and energy efficient homes and buildings.

It also contributes to the following goal/objective in the City's Strategic Plan:

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

Objective 2.5. Provide natural and historic resources stewardship
Initiative: Implement an energy savings plan

Community Engagement:

There have been and will continue to be numerous initiatives engaging various community audiences. Implementation of the grant will assist with continued community engagement on energy efficiency and community energy planning associated with the City's 2030 goals and participation in the GUEP.

Budgetary Impact:

Funds are currently appropriated as part of the FY16 budget within the Environmental Sustainability Division cost center.

Recommendation:

Staff recommends approval of the Resolution.

Alternatives:

If Council chooses not to proceed, other approaches to promote energy efficiency improvements in the residential and non-residential sectors will be examined.

Attachments:

Resolution

Proposed Memorandum of Agreement

LEAP 2016 Proposal for City of Charlottesville Climate Protection Program Support

LEAP 2015 Year-End Report

Map: Solar in Charlottesville (*shows projects installed through the Solarize Charlottesville programs*)

RESOLUTION
2016 Climate Protection Program Support Grant
\$ 70,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$70,000 is hereby paid to LEAP from currently appropriated funds in the Gas Fund, Environmental Sustainability Cost Center as follows:

\$70,000 Fund: 631 Cost Center: 2711001000 G/L Account: 599999

MEMORANDUM OF UNDERSTANDING 2016 CLIMATE PROTECTION PROGRAM SUPPORT

This Memorandum of Understanding (“MOU”) is made this ____ of _____, 2016, by and among the City of Charlottesville, Virginia and the Local Energy Alliance Program.

Whereas, the City of Charlottesville, Virginia, (hereafter, the City) wishes to raise the energy literacy and awareness in the community, to increase energy performance of Charlottesville homes and non-residential buildings, and to reduce the greenhouse gas associated with community-wide energy use, and;

Whereas, the Local Energy Alliance Program (hereafter, LEAP) wishes to serve our local community to conserve energy in existing buildings, to promote cost savings, job creation, sustainability, local economic development, and environmental stewardship, and;

Whereas, LEAP wishes to provide access to expertise and action steps for energy efficiency and renewable energy implementation;

Whereas, the parties agree that the intended use and release of City funds should be authorized in a mutually agreed fashion, in furtherance of these shared goals;

Now, Therefore, the City and LEAP jointly agree that upon execution of this MOU, LEAP will be granted an amount of Seventy Thousand Dollars (\$70,000) the source of which is already appropriated funds in Fund 631, Cost Center 2711001000, for the purpose of providing the 2016 Climate Protection Program support focused on raising the energy literacy and awareness in the community, providing access to expertise and action steps for improved energy performance and making the energy efficiency actions process streamlined, easy to understand, and financially attractive, affordable, and accessible. The parties agree to the terms and conditions of this MOU as set forth below:

1. Use of Funds:

The parties agree that funds may be used only for the following purposes as covered in the 2016 Climate Protection Program Support proposal:

- A. Assisting in the development and execution of Energize!Charlottesville (created and managed in conjunction with the Georgetown University Energy Prize Competition) that drives mass uptake of energy efficiency improvements in the residential and low-income/multifamily sectors.
- B. Provision of low cost Home Energy Audit Walk-Throughs for Charlottesville residents that include a checklist of improvement opportunities and the installation of energy savings measures.
- C. Incorporation of water saving and home safety measures into Home Energy Audits
- D. Basic weatherization services.
- E. Improved durability, affordability, and value of the City’s residential building stock.
- F. Bringing additional grants, resources, and expertise to Charlottesville’s CPP and the community.

- G. Providing subject matter expertise and consultation around energy literacy, healthy homes, housing affordability, and energy policy in Charlottesville by being a resource for educational workshops/presentations and assisting staff with policy reviews.
- H. Promotion of Charlottesville rebates and tax credits via customer marketing, education, and outreach including presentations, e-Newsletter content, and campaigns.
- I. Promotion of financing for energy improvements through LEAP's partnership with the UVA Community Credit Union and the interest rate buy down programs for residential and commercial properties in the City.
- J. Support in delivery of non-residential program elements
- K. Associated marketing, outreach, and program administration.

2. Program Parameters:

Upon receipt of the grant, LEAP agrees to provide the proposed program support to promote energy performance improvements in residential and non-residential buildings.

3. Program Progress Reports

LEAP acknowledges the City's desire to receive progress reports regarding the accomplishments of the program at a minimum of two mutually established checkpoint dates. Both parties agree to the value of monthly or bi-monthly progress/coordination meetings to ensure that pursuit of common goals is on track. Progress reports may be provided to those LEAP board members appointed to represent the City of Charlottesville and may contain the metrics outlined in the June 2016 proposal.

4. Modification Terms

This MOU may be supplemented, modified, or amended by mutual agreement as set forth in writing.

In Witness Whereof, the City of Charlottesville and the Local Energy Alliance Program have executed this MOU effective the last date written below.

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____

Title: _____

Date: _____

Approved as to Form:

Funds are Available:

S. Craig Brown, City Attorney

Director of Finance, or designee

LOCAL ENERGY ALLIANCE PROGRAM

By: _____

Title: _____

Date: _____

Proposal for City of Charlottesville Climate Protection Program Support

May 2016



Local Energy Alliance Program

LEAP Proposal for City of Charlottesville

Energy Efficiency and Renewable Energy Programs

Summary

LEAP is pleased to present this grant proposal to the City of Charlottesville to continue supporting the City's Climate Protection Program (CPP) through June, 2017 in order to meet our shared goal of reducing energy use and the associated greenhouse gas (GHG) emissions within the City. This partnership between LEAP and the City is a nimble, effective method of increasing the number and scope of clean energy improvements in residential and non-residential buildings. Even as the landscape of energy policy and technology changes daily, LEAP remains fully engaged in the continued work, support, and focused effort related to the ongoing efforts of the City's CPP with a priority focus on *Energize!Charlottesville*.

We have accomplished much together over the past three years. This new plan builds on that work and the lessons we have learned from it, and we are excited to re-focus and to introduce new initiatives. LEAP will continue to administer and support programs such as the Home Energy Conservation Program for income-qualifying homeowners, *Energize!Charlottesville* for residents, the Clean Energy Loan Fund for businesses, Solarize Charlottesville, and we remain an accessible local resource for building science expertise and access to funding.

For the coming year, LEAP staff will prioritize gaining access to residents' homes and maximizing immediate energy savings while we are in the home. We plan to streamline our outreach efforts to focus on the most effective methods and to reach new audiences. With the grant funding, LEAP will be able to collect and track more demographic and property-characteristic data about the clients we serve, and we will store and manage those data to measure the full range of our impact and to provide actionable analysis and reporting to users and policy makers. We will collaborate with City staff on topical policy reports designed to respond to Charlottesville's particular challenges and opportunities. Finally, we propose a special effort to reach Charlottesville's significant multifamily and rental market.

Updates from 2015 Proposal Implementation

In May of 2015, LEAP signed a program support agreement MOU with the City of Charlottesville for the implementation of residential and non-residential energy efficiency programs in partnership with the City's CPP. Our request for continuing support is informed by the current status of projects associated with that agreement:

- 1) The City and LEAP have worked hand-in-hand in competing for the \$5 Million Georgetown University Energy Prize (GUEP), including outreach and the marketing of energy efficiency services, the promotion of *Energize!Charlottesville* and of WattzOn, an online tool that allows residents to track their energy usage month-to-month and compare to the previous year. During this grant cycle, LEAP and the City's Office of Environmental Sustainability participated in a number of radio shows, local TV spots, and were featured in print articles promoting the GUEP. In addition to tracking our progress, local media also covered GUEP related activities, including

the Arts Pitch Night, the lighting of the Downtown Mall Christmas tree with LEDs, and the ability to check out Kill-A-Watt meters at JMRL branches in the City. We increased social media activity significantly and have successfully contributed to the City's ranking in the GUEP.

- 2) Following our first successful Solarize Charlottesville 2014 campaign which generated over 1500 signups from Charlottesville and Albemarle residents and resulted in 44 rooftop solar arrays in the City, LEAP decided to duplicate the campaign in 2015 to capture remaining unmet demand. Based on the low 2014 conversion rate from signup to actual installation, LEAP decided to better manage interested residents expectations about the cost, how their system would work, financing opportunities, and the installation process. We accomplished this through a series of required Solarize Seminars in 2015, with additional effort directed toward engaging City residents supported by the CPP. As a result, LEAP's Solarize Charlottesville campaign had 232 signups and 15 rooftop solar arrays, significantly increasing our conversion rate. The rated output of all systems installed in the City as a result of the 2015 campaign is 279 kW.
- 3) In the fall of 2015 LEAP became the local provider for Dominion Virginia Power's Income and Age Qualifying Home Improvement and EnergyShare low-income weatherization programs for the City of Charlottesville and Albemarle County. These programs allow LEAP to add attic insulation, swap incandescent light bulbs for LEDs, replace older water fixtures with low-flow showerheads and faucet aerators, tune up heat pumps, and seal ductwork for income and age qualifying residents who either rent or own single-family homes, multi-family apartments, or mobile homes.

To date, LEAP has weatherized 198 workforce rental units at Hearthwood Apartments, completed 41 single family homes including many AHIP client homes, several houses for the nonprofit Casa Alma, the homes known as Dogwood Properties, and 6 mobile homes--all located in the City. LEAP utilized CPP support funds to supplement measures not included in the weatherization programs. We are concentrating this weatherization work in the City during the remaining period of the GUEP competition as the energy savings achieved in these properties is significant.

- 4) In April 2016, LEAP, with the UVA Community Credit Union, launched a revised Clean Energy Loan Fund for businesses. This loan program has morphed over time from a revolving loan fund, to a loan loss reserve fund, to a rate reduction program whereby LEAP pays the interest on any loan up to \$60K to 0% APR. The latest revision was in response to a lack of use since the Main Street Arena used the fund to install its rooftop solar array in 2011. The UVA Community Credit Union and LEAP both felt that a program modeled after our successful residential rate reduction program would be more appealing and drive more uptake. We announced the revision in April at a well-attended re-launch event for our commercial program which has thus far resulted in walk-through audits by LEAP staff of Rebecca's Natural Foods, Scarpa, and the Dinsmore Inn on West Main.
- 5) LEAP continues to participate in Dominion's Home Energy Check-Up program, which gives us an excellent opportunity to spend time with homeowners discussing the specifics of their home's energy use and possible improvements while also installing direct measures that save them

energy immediately. Because some measures are restricted to electric heating and hot water, and there is a desire to conduct these Check-Up in homes served by both electric and gas utilities, LEAP continues to use the \$75 Charlottesville Gas rebate and CPP support for City homes. These funds enable us to insulate water heater pipes and install low-flow showerheads and faucet aerators.

2016-2017 Program Services Proposal

LEAP's mission is to lead the effort in local communities to implement clean energy technologies in buildings to promote cost savings for families and businesses, job creation, energy self-reliance, local economic development, and the mitigation of climate change. LEAP's alliance model is a community-based, public-private partnership. LEAP was established in 2009, has successfully managed and partnered on numerous federal grants (including DOE Better Buildings, State Energy Program, and Weatherization Innovation Pilot) and utility-funded demand side management programs. LEAP's 2015 annual report included the following 5-year metrics:

- brought energy efficiency and solar upgrades to 5,600 homes and businesses across Virginia,
- saved 18.1 Gigawatt-hours of energy (and counting),
- removed the equivalent of 1,134 homes off the grid from energy retrofits alone, and
- facilitated installation of nearly 200 solar photovoltaic systems (1,293 kW installed, worth \$3.5M).

Over the past three annual Program Support Agreements, much of LEAP's work in the City has focused on outreach and education. We are proposing a shift towards increased support for actual energy reduction work in Charlottesville's buildings - to obtain more measurable energy savings, to better reach new audiences, and to generate, process, and learn from more data about the impact of our work.

With continued grant support from the City, LEAP will continue to focus our attention on reaching clients in the City and providing them with the greatest possible benefits we can rally. Funds will be dedicated to expand on the improvements paid for by utility or other programs, leveraging additional energy efficiency gain. The purpose is to tackle potential "missed opportunities" regarding easy and obvious fixes when LEAP already has incurred the cost of obtaining the client and entering the home. Typical improvements in this category would include refrigerant charges, heat pump tune-ups, installing additional LED lamps, and critical health/safety remedies.

To further maximize and leverage LEAP's impact, we must collect and effectively manage comprehensive data about the people and buildings we touch. With rigorous before and after energy use, building characteristics, and socio-demographic details, LEAP can both improve our own processes and contribute to the state of the art in this industry. This has been a major challenge for LEAP in the past, as no other funding fully supported this. Regulators in Richmond have expressed a particular desire for data on the impact of energy efficiency programs in Virginia. With new IT tools and secure funding, we can not only do better work here, but also inform state policies that would drive expanded utility-funded programs as well as executive and legislative progress.

GOAL 1: Maximize implementation of efficiency measures: get us in the home and increase the work we do when in homes.

1. ensure continuation of some form of free/very low cost walk-through energy audit with direct installs - even as utility-funded programs change or are potentially canceled
2. pay for additional direct install measures beyond what utility programs provide (lighting, hot water pipe wrap, aerators, air filters, etc.)
3. when helpful, pay for additional diagnostic tests to inform improvements and augment building data set
4. directly fund obvious efficiency improvements and immediately needed fixes not covered by utility programs (refrigerant charges, emergency health/safety repairs, whole-house air-sealing)

Reporting metrics: dollars spent, labor and materials, households reached, work performed in each household, (estimated or measured) energy use changes in households

GOAL 2: Spread the word.

1. ensure clients are equipped to tell friends and neighbors about the benefits they received: provide brochures to all clients served
2. provide brochures, etc. to partner agencies
3. distribute brochures, etc. at community events
4. fund presentations at community events and workshops on clean energy issues, such as short presentations during public comment period of neighborhood association meetings, dedicated workshops like solarize seminars, a panel on climate resiliency
5. Assist with maintaining a social media presence on the “A Green City” and LEAP’s Facebook page for Energize!Charlottesville

Reporting metrics: dollars spent, labor and materials, number of partner agencies, number/type of presentations

GOAL 3: Obtain and use data to increase impact of the Climate Protection Program.

1. continue funding and promoting WattzOn energy management platform for residents’ use
2. capture and effectively store robust data on clients, their buildings, and energy improvements
3. utilize new IT tools to track data over time
4. use database analytics to facilitate continuous improvement of all programs and services
5. integrate local data into efforts to develop and promote industry best practices for state and local policy
6. collaborate with City staff on data analysis and dataset augmentation

Reporting metrics: dollars spent, labor and materials, residents’ use of WattzOn, anecdotes of insights gained by data analytics, reports/recommendations submitted to other agencies

GOAL 4: Inform state and local energy policy discussions.

1. collaborate with City sustainability staff on research and reports
2. develop and promote best practices for local application, e.g., building codes, community solar, utility data access, on-bill repayment for clean energy investments, “pay-go” utility bills

3. contribute to energy data benchmarking efforts

Reporting metrics: dollars spent, labor and materials, number of reports completed, presentations to decision-makers

GOAL 5: Bring more energy services to renters and multi-family properties.

1. engage owners and managers of multi-family properties and renters with a focus on Dominion Home Energy Check-up and low-income weatherization programs for residents and lighting and HVAC upgrades for common areas, parking lots, etc. Potential for a solarize initiative aimed directly at multi-family property owners
2. directly augment installed measures in order to leverage utility program funds and to avoid neglecting glaring problems with very cost-effective fixes

Reporting metrics: dollars spent, labor and materials, installed measures, utility dollars leveraged, estimated or measured energy savings, households reached, properties and management companies reached, work performed in each household and property

Conclusion

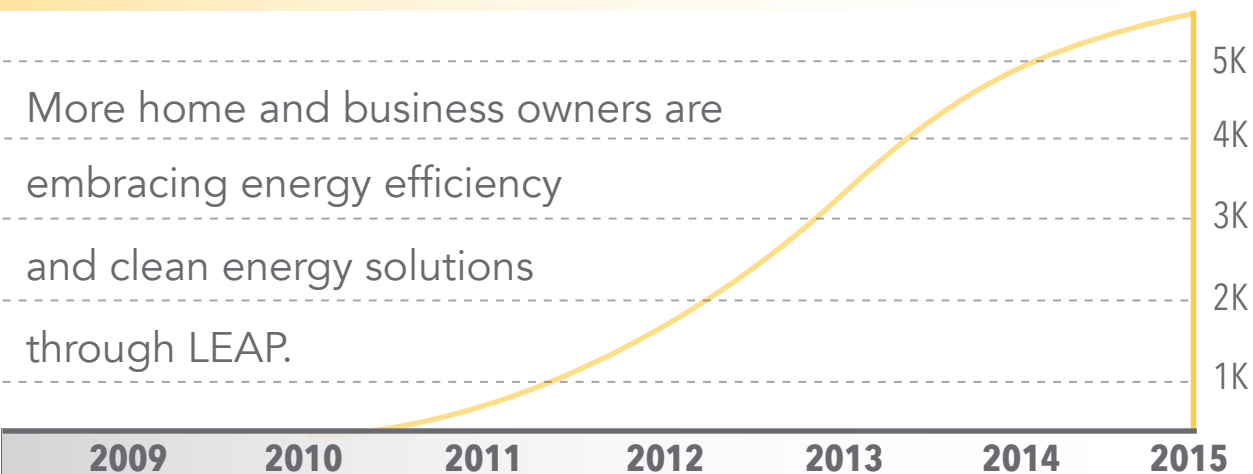
The City of Charlottesville was instrumental in the creation of LEAP in 2009. Since then, LEAP has grown and evolved in many unanticipated ways, many of which have proven beneficial – particularly when they include additional grants and resources brought to Charlottesville and its residents. In addition to LEAP’s basic services, the City’s support has enabled LEAP to provide specialized attention and focused outreach from LEAP staff, development of effective delivery pilot initiatives that expand the accessibility of services within the City and can serve as models for other localities in LEAP’s service area, additional funding to Charlottesville from non-City sources, and support in advancing the City’s CPP goals and its competitiveness in the upcoming GUEP competition.

Again, LEAP remains fully committed to the special relationship it has with the City of Charlottesville as its energy efficiency program implementer and looks forward to continued growth, innovation, and success.



LOCAL ENERGY ALLIANCE PROGRAM THE FIRST FIVE YEARS

We're proud to have brought energy efficiency and solar upgrades to 5,600 (and counting) homes and businesses across Virginia since we got started in 2010—while having informed and empowered many thousands more. We've accomplished this and many other feats with a combination of passionate staff, steadfast local partners and funders, innovative service offerings, and small nonprofit grit.



BY THE NUMBERS # HEALTH, COMFORT, SAVINGS, VALUE.

5,674

Families in central and northern Virginia served by our efficiency and solar programs

ENERGY EFFICIENCY (2010 - 2015)

18.01

Gigawatt-hours of energy saved

1,134

Equivalent homes off the grid for one year

\$1.5M

Energy savings from whole house retrofits alone

SOLAR (2014 - 2015)

195

Residential solar installations

1,293

kW installed (6% of the total kW installed in Virginia)

\$3.5M

Value of installations

LEAP has become a key player in Virginia's clean energy future because Virginia's communities need the expertise, resources, and advocacy that LEAP provides.

161

low-income
single-family homes

859

low-income
multi-family homes

1,350

single-family
homes

As of December 2015, LEAP has worked with **2,370 HOMEOWNERS**—at all income levels—on comprehensive home energy retrofits, bringing higher values, lower energy bills, healthier and more comfortable homes to all of our neighbors.



BECAUSE LEAP IS HERE, MORE HAPPENS.

- More homes obtain efficiency upgrades: big and small, old and new, rented and owned.
- More businesses reduce operating costs.
- More solar panels are installed.
- More families are made safer and more comfortable.
- More Virginia communities are cutting their carbon footprint.
- More Virginians become educated and empowered energy consumers.

As the world of energy supply, demand, price, technology, and policy see ever-increasing change, LEAP is here to help. Because the cheapest and most secure energy is the energy you don't use, we promote efficiency as the foundation of every energy strategy. And because so many folks want to produce as well as reduce, we use our leverage to lower the cost of investing in renewable power.

With our clients and partners, LEAP takes existing resources—in the market and in our communities—and builds on them to reach more people with more impact. Looking to the next five years, we expect to do much more in renewable energy, affordable housing, energy management systems, clean energy financing, energy codes, electric vehicles, and more. All together, it's an incredibly exciting and rewarding field in which to work.

If you're reading this, and haven't reached out lately, please do. We'll find a way to work together. We are Virginia's clean energy force multiplier.

ANDREW GRIGSBY, EXECUTIVE DIRECTOR



"It's so easy to be influenced by every article you read. And there was no way we felt like we could afford to do everything we were reading. The LEAP expert helped us match our budget to an effective strategy, which allowed us to set and reach goals we could be excited about. We were thrilled with how easy it was to do the right thing for our energy use and the environment."

—Kristin S.,
LEAP client

"We are extremely proud to have partnered with LEAP on multiple programs over the past several years. Not only have LEAP programs led to the biggest gains in solar adoption ever seen in central Virginia, but these initiatives have consistently found new and innovative ways to leverage the power of community enthusiasm and installation partnerships. LEAP programs have provided a consistent volume to our business that has been a factor in our expansion - we now provide good stable jobs in clean energy to 40 awesome people across Virginia."

—Andy Bindea,
President, Sigora Solar



Opened offices at the LEED Platinum ecoREMOD

Launched an EmPOWERment fund to support homeowners in need

Worked with local real estate community to have energy efficiency added to MLS listings

Joined UVA Community Credit Union to introduce PowerSaver Loans

SOME OF OUR 2010 - 2015 ACCOMPLISHMENTS

Home Energy Makeover Contests

Better Business Challenges

Southeast Energy Efficiency Alliance's Energy Pro Award

Launched Solarize Charlottesville and Solarize NOVA



"In 2015, LEAP continued to diversify in its transition away from grant funds, bringing on new leadership and staffing, increasing its efforts promoting solar energy, and launching a new effort helping low-income and disabled people. From Nelson County in the south to Clarke County in the north, to King George County in the east—and many places in between—LEAP's Solarize campaigns made low-cost solar power available to homes and businesses. In the affordable housing sector, LEAP became a local provider for Dominion Virginia Power's expanded EnergyShare weatherization programs, helping hundreds of our most vulnerable neighbors afford their homes through energy upgrades at no cost to them. And we continue to provide expert consulting, referrals, education, and financing. As 2016 begins, LEAP is bringing energy savings and clean energy to more people in more ways than ever, applying our expertise to make their lives and communities better. We're proud to be a valued resource for our neighbors."

BILL PRINDLE, GOVERNANCE BOARD CHAIR



WHAT LEAP CAN DO FOR YOUR HOME OR BUSINESS.

We help all kinds of people improve comfort, affordability, and value.

Our clients:

- Need help getting their energy bills under control
- Are ready to go solar
- Rent or own their home or commercial building
- Are making big investments in their property and want it done right
- Qualify for assistance from government or utility programs
- Are tired of rooms that won't heat/cool properly
- Want unbiased advice on how to make their home or business better

To meet these needs we offer a range of services, including:

- Low-cost (sometimes even free) walk-through energy evaluations
- Solarize campaigns that make going solar simple and affordable
- Loans as low as 0% for efficiency improvements or adding renewables
- Comprehensive, diagnostic energy audits
- Help accessing rebates and incentives
- Ongoing consulting services for complex construction projects
- Installation of energy saving products
- Workshops and trainings for the public and building professionals

CONTACT US TODAY. info@leap-va.org 434.227.4666. leap-va.org.

LEAP MAKES A DIFFERENCE. YOU CAN HELP.

While some of our activities earn revenue, they do not cover all of the costs to fully maintain the organization and to effectively execute our mission. Your tax-deductible donation helps keep this feisty, local nonprofit alive and well to continue this work across Virginia.

LEAP-VA.ORG/DONATE

www.LEAP-VA.org
info@LEAP-VA.org



Hit 1,000th retrofit for Better Buildings Neighborhood Program, 2nd program in the country to achieve the milestone

Hosted an AmeriCorps team to assist with community outreach and home energy reviews

Launched Charlottesville Commercial Clean Energy Loan Fund

Kicked off Energize!Charlottesville with the City of Charlottesville

Introduced PTO/nonprofit fundraising

Administered Department of Energy's Weatherization Innovation Pilot Program

Piloted the Department of Energy's Home Energy Score

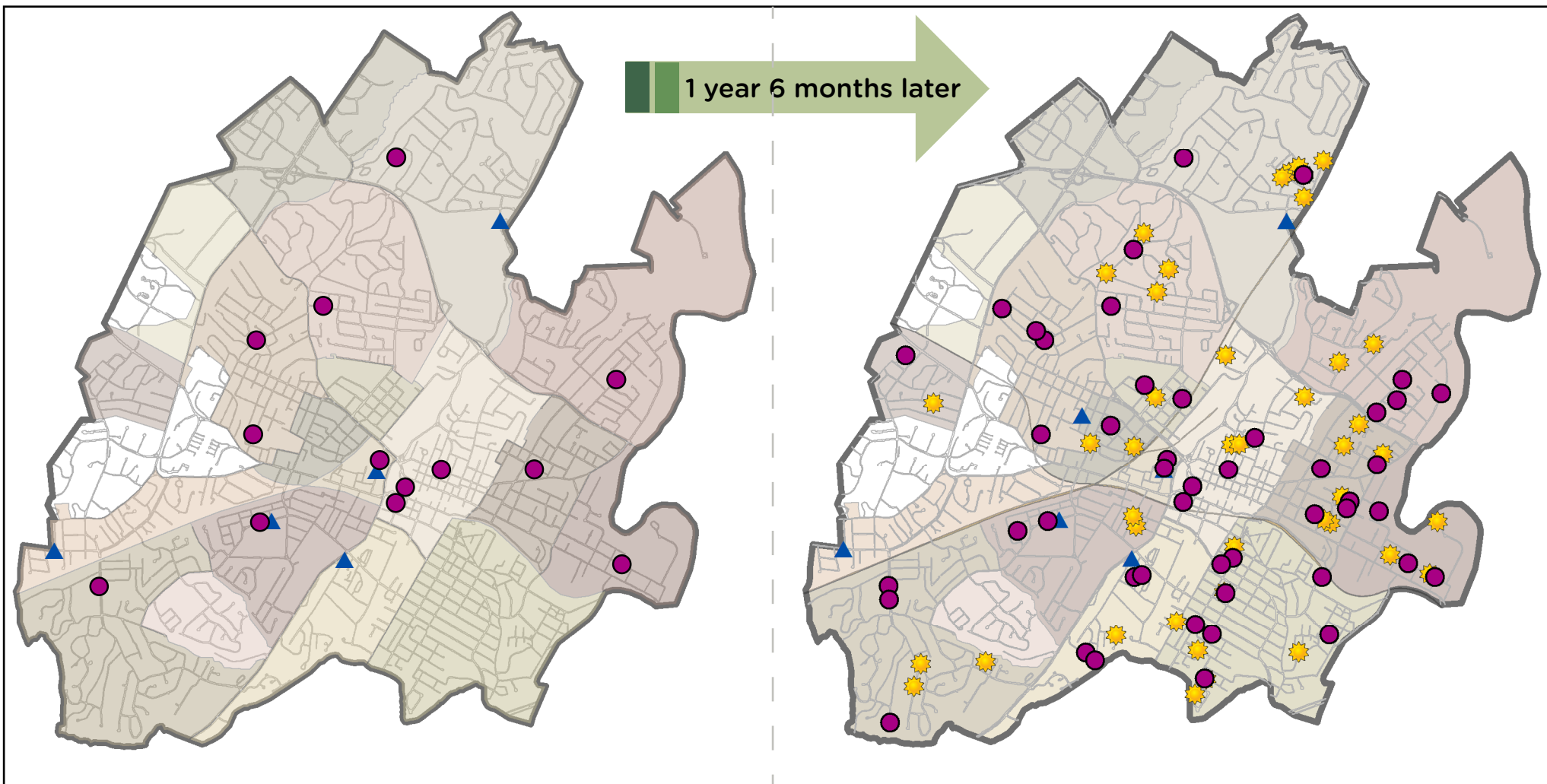
Hosted roundtable with the White House Council on Environmental Quality

Implementers of Dominion Virginia Power's Home Energy Check-Up and EnergyShare weatherization programs

www.facebook.com/LEAPVA
twitter.com/LEAP_VA

Solar PV Installations in Charlottesville, VA

Data Source: City Permit Database



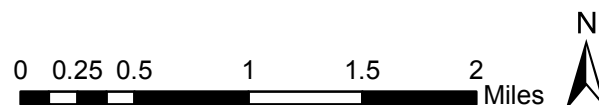
Through June 2014*

- ▲ City-Owned (5)
- Private Sector (13)

Total: 18

**This data may be incomplete due to limited tracking tools through June 2014.*

*** Includes 2015 Solarize and Non-Solarize installations.*



Current through Dec. 2015*

- ▲ City Owned (6)
- Private Sector (48) **
- ★ Solarize 2014 (42)

Total: 96

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



Agenda Date:	June 6, 2016
Action Required:	Yes (one reading resolution)
Presenter:	Consent Agenda
Staff Contacts:	Craig Brown, City Attorney
Title:	Approval of Employment of Outside Counsel

Background:

Last December Charlottesville Parking Center, Inc. (“CPC”) and the City of Charlottesville were unable to agree on new hourly and monthly parking rates for the Water Street Parking Garage. As a result of the deadlock over rates, the Water Street Parking Garage Condominium Association Board of Directors was unable to approve the annual 2016 operating budget for the garage. CPC subsequently filed a lawsuit against the City in Circuit Court, alleging that the City was improperly trying to set garage parking rates below the full fair market value. Due to the complexity of the issues and the anticipated amount of time to defend the suit, the City retained the assistance of outside counsel that has expertise in this area of the law. With the assistance of the Richmond office of LeClairRyan the City has responded to the lawsuit and filed a counterclaim against CPC, arising from the manner in which CPC acquired parking spaces in the garage previously owned by Wells Fargo Bank. The City’s counterclaim seeks damages and attorney fees, and the conveyance of a certain number of the parking spaces that were acquired from Wells Fargo.

Discussion:

City Code sec. 2-213 (d) provides that city council may authorize the retention of outside legal counsel to assist the City Attorney on legal matters involving the City. The attached Resolution authorizes the retention of the law firm of LeClairRyan to assist in the legal dispute between the City and CPC.

Budgetary Impact:

An exact amount for outside counsel is unknown at this time, as it will depend on whether the claims by both parties proceed to trial, whether some are dismissed before trial, or whether the

entire case is settled. LeClairRyan will bill at different hourly rates, depending on the experience of the particular attorney that does the work. Even with the assistance of outside counsel the City Attorney's Office will continue to devote considerable time to the resolution of this lawsuit.

Recommendation:

Adoption of the attached resolution.

Attachments:

Resolution

RESOLUTION
AUTHORIZING THE RETENTION OF OUTSIDE LEGAL COUNSEL

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the retention of the law firm of LeClairRyan for the purpose of assisting in the representation of the City in the case of Charlottesville Parking Center, Inc. v. City of Charlottesville, and in the resolution of legal matters involving the Water Street Parking Garage, is hereby ratified and approved.

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



Agenda Date:	June 6, 2016
Action Required:	Council Vote
Presenter:	Christopher V. Cullinan, Director of Finance
Staff Contacts:	Christopher V. Cullinan, Director of Finance Sharon O'Hare, Assistance Finance Director
Title:	Notification of PILOT for Utilities

Background:

Since the mid-1980's, the City has included a Payment-In-Lieu-Of-Taxes (PILOT) in the calculation of water, wastewater, and natural gas rates. The PILOT is intended to reflect the "corporate" tax liabilities of these utilities that would be due to the General Fund if the utilities were investor-owned or privately owned. The PILOT is an expense of each utility and is included in the calculation of the rates of each utility. Revenues received from the payment of utility bills are first deposited in each of the utility funds. The PILOT portion of these revenues is then transferred to the General Fund as this is the fund to which the liabilities are owed.

In an effort to keep rate payers informed of how the City operates and finances its utilities, Councilmember Galvin proposed the attached resolution.

Discussion:

The Utility Billing Office (UBO) will include a description of the PILOT on utility bills and post the PILOT information on the City's website.

Recommendation:

Staff recommends approval of the proposed resolution.

Alternatives:

Make no changes to the City's utility bills.

Attachments:

Resolution.

RESOLUTION
Notification of PILOT for Utilities

Whereas, raising revenue to pay for maintenance and repairs to infrastructure through the utility prevents the utility from incurring debt; and

Whereas, it is common practice for many communities to receive some payment in lieu of taxes to represent the corporate tax liability of a utility; and

Whereas, the City Council of Charlottesville is committed to keeping all rate payers informed of how the public utility operates;

Be It Resolved, that the PILOT fee (as cents/dollar) and its uses (inclusive of any surpluses) will henceforth be identified on customers' bills;

Be It Further Resolved, that this information will also be posted in a prominent location on the City's public utilities website.

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



Agenda Date:	May 16, 2016
Action Required:	Public Hearing for Utility Rates- Adoption is June 6 th , 2016
Presenter:	Sharon O'Hare, Assistant Finance Director, City of Charlottesville
Staff Contacts:	Christopher V. Cullinan, Director of Finance Sharon O'Hare, Assistance Finance Director Teresa Kirkdoffer, Senior Accountant
Title:	Proposed Utility Rates for FY2017

Background:

Recent news stories from across the country have highlighted the value of providing reliable, safe, environmentally responsible utility services. Protecting public health and safety is a core part of the City's utility service. The City (in conjunction with our partners at the Rivanna Water and Sewer Authority and Albemarle County Service Authority) has an exceptional track record of providing reliable, top-quality water that meets or exceeds all federal and state standards for public health. The City's Gas Division provides safe, efficient, reliable and economical service whose supply has never been interrupted. The Gas Division has a robust safety program for our customers and the public to be cautious working around natural gas pipelines and how to detect gas leaks.

These valuable services require investments of resources, time, and expertise. The quality and accessibility of utility services is the result of thoughtful, deliberate planning to ensure efficient and orderly maintenance and operation of these systems. This need for investment in our utility systems is not without cost but must be balanced with affordability.

The City of Charlottesville will adopt water, wastewater, and natural gas rates for the upcoming fiscal year beginning July 1, 2016 (FY2017). This is the public hearing for the proposed utility rates which are scheduled to be adopted by City Council on June 6th, 2016.

Discussion:

The City is proposing the following rates in the water, wastewater, and gas utility:

- \$54.51/1,000 cubic feet (cf) of water,
- \$74.61/1,000 cf of wastewater, and;
- \$70.15/8,000 cf of natural gas.

Utility customers continue to conserve water and natural gas which is both good for the environment and their utility bill. The average residential water customer is using 427 cf per month compared to 437 cf per month last year. Similarly, the average residential gas customer is using 4,878 cf compared to 5,092 cf last year. Based on these usage figures and the proposed utility rates, the average residential customer is projected to spend the following per month:

	<u>Current</u>	<u>Proposed</u>	<u>Increase</u>	<u>Percent</u>
Water	\$ 26.36	\$ 27.28	\$ 0.92	3.49 %
Wastewater	34.08	35.86	1.78	5.22
Gas	<u>54.79</u>	<u>48.22</u>	<u>(6.57)</u>	<u>(11.99)</u>
Total	\$ 115.23	\$ 111.36	\$ (3.87)	(3.36) %

For City residential customers who receive water, wastewater, and natural gas (approximately 87% of City residents), their total utility bill is projected to be lower in FY2017. For residential customers who receive just water and wastewater service, their utility bill will increase by less than \$3 per month.

Budgetary Impact:

Not adopting the recommended rates would impact both the Utility Funds and the General Fund. The Utility Funds are self-sustaining and the supported 100% by self-generated revenues. Not adopting the full rates would result in unbalanced budgets for the Utility Funds. In addition, City Council has adopted the General Fund budget for FY2016, which includes transfers from the Utility Funds in the form of payments-in-lieu-of-taxes (PILOT) and indirect cost allocations. Not adopting the proposed rates would result in decreased revenues to the General Fund.

Recommendation:

Staff recommends approval of the proposed rates.

Alternatives:

Maintaining existing rates will result in nearly over \$1,175,000 loss within the Water Fund and over \$1,759,000 loss within the wastewater fund. This would exhaust available fund balances and would violate the City's long term financial policies by not meet the working capital requirements. Keeping FY2016 gas rates will result in a profit within the gas utility and overcharge our customers. If the utilities are not self-sustaining, the funds would either require subsidies from other City funds to maintain levels-of-service or reduced reliability and performance of the utility systems.

Attachments:

At a Glance, Press Release.

At A Glance

City of Charlottesville Utility Rate Report FY2017

The following material provides a brief summary of the rate and fee recommendations for water, wastewater, and natural gas for FY2017. All rates will go into effect July 1, 2016. For a thorough explanation and details of the recommendations please consult the complete Proposed Utility Rate Report FY2017.

For an average single family household customer using 427 cubic feet (cf) of water and wastewater and 4,878 cf of gas per month, the City is proposing the following changes in the water, wastewater, and gas rates:

	<u>Current Monthly Charge</u>	<u>Proposed</u>	<u>Increase</u>	<u>Percent</u>
Water	\$ 26.36	\$ 27.28	\$ 0.92	3.49 %
Wastewater	34.08	35.86	1.78	5.22
Gas	<u>54.79</u>	<u>48.22</u>	<u>(6.57)</u>	<u>(11.99)</u>
Total	\$ 115.23	\$ 111.36	\$ (3.87)	(3.36) %

WATER RATES

The proposed composite rate for FY2017 for 1,000 cubic feet of water is \$54.51.

Impact on the Customer

The customer impact from the rate increase will depend on how much water the customer consumes a month. The average single-family household uses 427 cf/month (3,194 gallons/month; approximately 106.5 gallons/day).

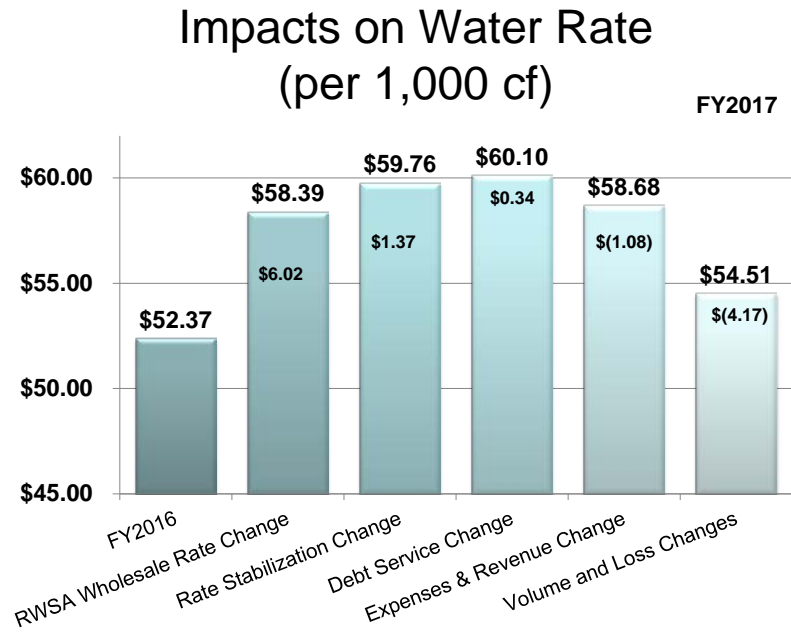
- **The monthly bill for the average single-family customer** will increase from \$26.36 to \$27.28; an increase of \$0.92 or 3.49%.
- The monthly bill for the customer who uses 1,000 cubic feet of water per month (and including the \$4.00 monthly charge) will increase from \$56.37 to \$58.51, an increase of \$2.14 or 3.80%.

Factors Influencing the Water Rate

The impact of each component on the final rate is shown below.

- Increasing wholesale rate from RWSA increased the City's rate by \$6.02.
- Using \$200,000 less of rate stabilization funds increases the rate by \$1.37.
- A \$50,000 increase in debt service results in a \$0.34 increase.
- Decreases in operating expenses and increases in non-rate revenue reduce the rate by \$1.08.
- The change in volume and number of customers results in a \$4.17 reduction in the rate.

In total, these components result in an increase in the rate to \$54.51 per 1,000 cf.



City of Charlottesville Utility Rate Report FY2017

WASTEWATER RATES

The proposed rate for 1,000 cubic feet of wastewater FY2017 is \$74.61.

Impact on the Customer

- **The average monthly wastewater bill for the single-family customer**, who uses 427 cubic feet of water, will rise from \$34.08 to \$35.86, an increase of \$1.78 or 5.22%.
- The monthly bill for the customer who uses 1,000 cubic feet of water per month (and including the \$4.00 monthly charge) will rise from \$74.44 to \$78.61, an increase of \$4.17 or 5.60%.

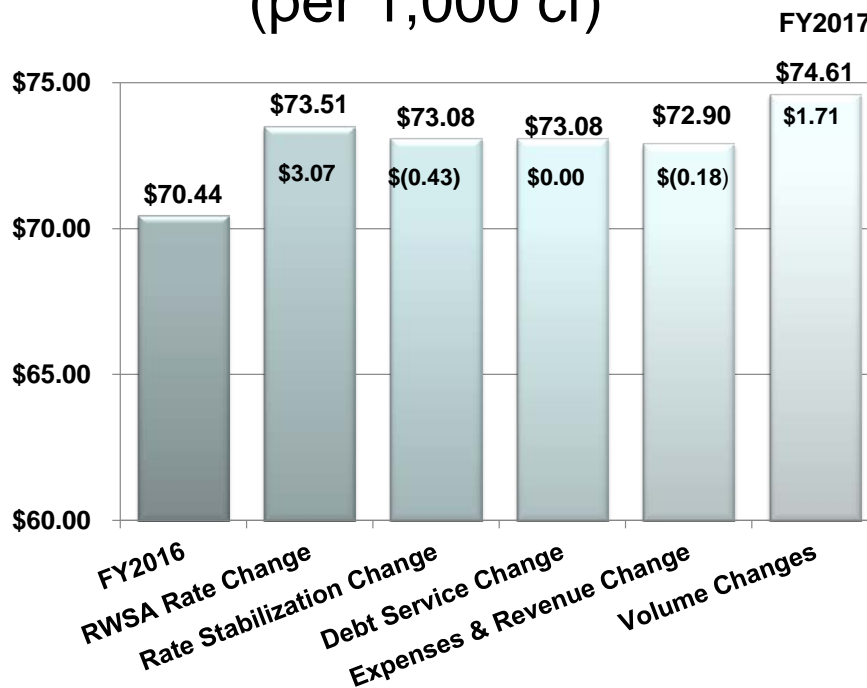
Factors Influencing the Wastewater Rate

The impact of each component on the final rate is depicted below.

- An increase in the treatment rate from RWSA increases the City's rate an additional \$3.07.
- The use of an additional \$100,000 in rate stabilization funds produces a decrease in the wastewater rate by \$0.43.
- There is no change in debt service.
- Decreases in operating expenses and increases in non-rate revenue results in a decrease in the rate of \$0.18.
- The change in treatment volume and number of customers increases the rate by \$1.71.

In total, these components result in an increase in the rate to \$74.61 per 1,000 cf.

Impacts on Wastewater Rate (per 1,000 cf)



City of Charlottesville Utility Rate Report FY2017

GAS RATES

Impact on Average Customer

Proposed firm rates for July 1, 2016 are 12.82% lower for the typical firm customer using 8,000 cf than actual rates for March, 2016. Firm customers include all types of customers (residential, commercial and industrial) for whom gas supplies are guaranteed to be available all year long without interruption. The actual decrease is dependent upon usage.

- For a representative residential monthly consumption of 8,000 cf, the monthly bill will decrease from \$80.47 to \$70.15, a decrease of 12.82%.
- The average single-family household, who consumes 4,878 cf of gas, will see the monthly bill decreases from \$54.79 to \$48.22, a reduction of 11.99%.

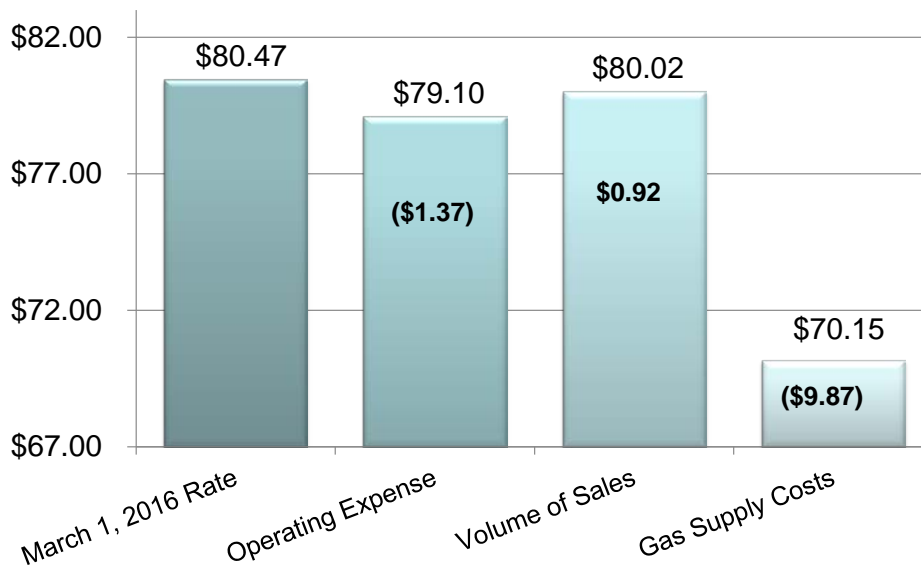
Factors Influencing the Gas Rate

Continued growth in our customer base and a volatile gas wholesale market contribute decrease to firm customers. The proposed 12.82% decrease to firm customers, from \$80.47 to \$70.15, is due to the following:

- Reductions in the operating budget (not including gas purchases) resulting in a \$1.37 decrease.
- Decreasing sales volume for firm customers producing a \$0.92 increase.
- Decreases in total gas supply costs resulting in a \$9.87 decrease

In total, these components result in a decrease in the rate to \$70.15 per 8,000 cf.

Impacts on Gas Rate (per 8,000 cf)



CHARLOTTESVILLE, VA - The City of Charlottesville announced today that staff will present the FY 2017 Utility Rate Recommendations to City Council at their regular meeting on May 16, 2016, at 7pm in City Council Chambers.

The City is proposing the following changes in the water, wastewater, and gas utility. The rates are based on average single family household usage per month:

	Current Monthly Charge	Proposed	Change	Percent
Water	\$ 26.63	\$ 27.28	\$ 0.92	3.49%
Wastewater	\$ 34.08	\$ 35.86	\$ 1.78	5.22%
Gas	\$ 54.79	\$ 48.22	-\$ 6.57	-11.99%
Total	\$ 115.23	\$ 111.36	-\$ 3.87	-3.36%

For Customers using water, wastewater, and gas the monthly charge will decrease by \$3.87 or 3.36% of the combined charges for the average single family residential house using 427 cubic feet of water and 4,878 cubic feet of gas.

The rates charged to our customers are derived from wholesale charges from the Rivanna Water and Sewer Authority (RWSA), BP Gas, operating expenses of the City utilities, and debt service cost.

The entire Utility Rate Report recommendation can be found on the City website, www.charlottesville.org/ubo

**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.**

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

1. Sections 31-56, 31-57, 31-60, 31-61, 31-62, 31-153 and 31-156 of Chapter 31, of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:

CHAPTER 31. UTILITIES

ARTICLE II. GAS

DIVISION 2. TYPES OF SERVICE; SERVICE CHARGES

Sec. 31-56. Rates - Generally.

The firm service gas rates based on monthly meter readings shall be as follows:

Basic Monthly Service Charge	\$ 10.00	
First 3,000 cubic feet, per 1,000 cubic feet	\$ 9.4665	<u>\$8.0201</u>
Next 3,000 cubic feet, per 1,000 cubic feet	\$ 8.8985	<u>\$7.5389</u>
Next 144,000 cubic feet, per 1,000 cubic feet	\$ 7.9518	<u>\$6.7369</u>
All over 150,000 cubic feet, per 1,000 cubic feet	\$ 7.7625	<u>\$6.5765</u>

Sec. 31-57. Same--~~Summer~~ air conditioning.

(a) Gas service at the rate specified in this paragraph ("air conditioning rate") shall be available to customers who request such service in writing and who have installed and use air conditioning equipment operated by natural gas as the principal source of energy. The air conditioning rate will be ~~\$8.0591~~ \$7.1571 per one thousand (1,000) cubic feet of gas used per month.

(b) The director of finance may, when it is impracticable to install a separate meter for air conditioning equipment, permit the use of one (1) meter for all gas delivered to the customer, in which instance the director of finance shall estimate the amount of gas for uses other than air conditioning and shall bill for such gas at the rates provided in applicable sections of this division.

...

Sec. 31-60. Interruptible sales service.

(a) *Conditions.* . . .

(b) *Customer's agreement as to discontinuance of service.* . . .

(c) *Basic monthly service charge.* The basic monthly charge per meter for interruptible sales service ("IS gas") shall be sixty dollars (\$60.00).

(d) *Rate.* For all gas consumed by interruptible customers the rate shall be ~~\$6.9358~~ \$5.6652 per one thousand (1,000) cubic feet for the first six hundred thousand (600,000) cubic feet, and ~~\$5.7006~~ \$4.3750 per one thousand (1,000) cubic feet for all volumes over six hundred thousand (600,000) cubic feet.

(e) *Annual Minimum Quantity.* Interruptible rate customers shall be obligated to take or pay for a minimum quantity of one million two hundred thousand (1,200,000) cubic feet of gas annually. Each year, as of June 30, the director of finance shall calculate the total consumption of each interruptible customer for the preceding twelve (12) monthly billing periods, and shall bill any customer that has consumed less than the minimum quantity for the deficient amount at the rate of ~~\$5.7006~~ \$4.3750 per one thousand (1,000) cubic feet. Any new customer shall be required to enter into a service agreement with the City prior to the start of service. If an interruptible customer terminates service the annual minimum requirement shall be prorated on the basis of one hundred thousand (100,000) cubic feet per month for each month the customer has received service since the last June 30 adjustment.

(f) *Contract required.* . . .

Section 31-61. Interruptible Transportation Service.

(a) *Generally.* ...

(b) *Rates.* The rates for interruptible transportation service ("TS gas") shall be as follows:

- (1) \$3.6347 per decatherm for a combined IS and TS customer, and
- (2) ~~\$3.3278~~ \$3.1808 per decatherm for a customer receiving only TS gas, and
- (3) ~~\$1.9588~~ \$1.8869 per decatherm, for customers who transport 35,000 or more decatherms per month ("large volume transportation customers"), regardless of whether such large volume transportation customer receives only TS gas, or also receives IS service.

- (c) *Basic Monthly Service Charges. . . .*
- (d) *Special terms and conditions. . . .*
- (e) *Extension of facilities. . . .*
- (f) *Billing month. . . .*
- (g) *Lost and unaccounted-for gas. . . .*
- (h) *Combined IS and TS customer using more than provided or scheduled by customer....*
- (i) *TS Customer providing more gas, or less gas, than customer's usage. . . .*
- (j) *Other terms and conditions. . . .*

Section 31-62. Purchased gas adjustment.

In computing gas customer billings, the basic rate charges established under sections 31-56, 31-57, 31-60 and 31-61 shall be adjusted to reflect increases and decreases in the cost of gas supplied to the city. Such increases or decreases shall be computed as follows:

(1) For the purpose of computations herein, the costs and charges for determining the base unit costs of gas are:

- a. Pipeline tariffs;
- b. Contract quantities; and
- c. Costs of natural gas, in effect or proposed as of March 1, ~~2015~~
2016.

(2) Such base unit costs are ~~\$4.412~~ 3.2613 per one thousand (1,000) cubic feet for firm gas service and ~~\$3.1235~~ 1.9814 per one thousand (1,000) cubic feet for interruptible gas service.

(3) In the event of any changes in pipeline tariffs, contract quantities or costs of scheduled natural gas, the unit costs shall be recomputed on the basis of such change in accordance with procedures approved by the city manager. The difference between the unit costs so computed and the base unit costs shall represent the purchased gas adjustment to be applied to all customer bills issued beginning the first billing month after each such change.

ARTICLE IV. WATER AND SEWER SERVICE CHARGES

...

Sec. 31-153. Water rates generally.

(a) Water rates shall be as follows:

	<u>May-September</u>	<u>October-April</u>
(1) Monthly service charge.	\$4.00	\$4.00
(2) Metered water consumption, per 1,000 cu. ft .	\$60.31 <u>62.78</u>	\$46.39 <u>48.29</u>

(b) This section shall not apply to special contracts for the consumption of water which have been authorized by the city council.

...

Sec. 31-156. Sewer service charges generally.

(a) Any person having a connection directly or indirectly, to the city sewer system shall pay therefor a monthly charge as follows:

(1) A basic monthly service charge of four dollars (\$4.00).

(2) An additional charge of ~~seventy dollars and forty four cents (\$70.44)~~ seventy four dollars and sixty one cents (\$74.61) per one thousand (1,000) cubic feet, of metered water consumption.

(b) Any water customer not discharging the entire volume of water used into the city's sanitary sewer system shall be allowed a reduction in the charges imposed under this section, provided such person installs, at his expense, a separate, City-approved water connection to record water which will not reach the City sewer system. The cost and other terms of City Code section 31-102 shall apply. For customers with monthly water consumption in excess of thirty thousand (30,000) cubic feet, where the director of finance considers the installation of a separate meter to be impracticable, the director may establish a formula which will be calculated to require such person to pay the sewer charge only on that part of the water used by such person which ultimately reaches the city sewers.

2. The foregoing amendments shall become effective July 1, 2016.

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



Agenda Date:	June 6, 2016
Action Required:	Approval of Homeowner Tax Relief Grant Program
Presenter:	Todd D. Divers, Commissioner of the Revenue
Staff Contacts:	Todd D. Divers, Commissioner of the Revenue
Title:	Homeowner Tax Relief Grant – 2016

Background:

Attached is an ordinance for Council’s consideration for the Homeowner Tax Relief grant program for Calendar Year 2016, for certain low-and moderate-income homeowners. The program allows the owners of eligible homeowner-occupied properties grant amounts to be applied to real estate taxes due on the property for the second half of calendar year 2016.

Discussion:

Grant amount is tied to the adjusted gross income of the applicant. An applicant with a household income of \$0 - \$25,000 may receive a grant of \$525. An applicant with a household income of \$25,001- \$50,000 may receive a grant amount of \$375.

Alignment with City Council’s Vision and Priority Areas:

This aligns with the City Council’s Vision “...to be flexible and progressive in anticipating and responding to the needs of our citizens.”

Budgetary Impact:

Cost of this program is funded with the annual budget appropriation for Fiscal Year 2017 approved by Council.

Recommendation:

Approve proposed ordinance

**AN ORDINANCE TO ESTABLISH A GRANT PROGRAM TO PROMOTE AND
PRESERVE HOMEOWNERSHIP BY LOW- AND MODERATE-INCOME PERSONS
WITHIN THE CITY OF CHARLOTTESVILLE**

WHEREAS, effective July 1, 2006, §50.7 of the Charter of the City of Charlottesville authorizes City Council to make grants and loans of funds to low- or moderate-income persons to aid in the purchase of a dwelling within the City; and

WHEREAS, this City Council desires to offer a monetary grant for Fiscal Year 2017, to aid low- and moderate-income citizens with one of the ongoing expenses associated with the purchase of a dwelling, *i.e.* real estate taxes; and

WHEREAS, public funding is available for the proposed grant;

NOW, THEREFORE, effective July 1, 2016 and for calendar year 2016, the Charlottesville City Council hereby ordains:

Grant—provided.

(a) There is hereby provided to any natural person, at such person's election, a grant in aid of payment of the taxes owed for the taxable year on real property in the city which is owned, in whole or in part, and is occupied by such person as his or her sole dwelling. The grant provided within this section shall be subject to the restrictions, limitations and conditions prescribed herein following.

(b) If, after audit and investigation, the commissioner of revenue determines that an applicant is eligible for a grant, the commissioner of revenue shall so certify to the city treasurer, who shall implement the grant as a prepayment on the applicant's real estate tax bill due on December 5, 2016.

(c) The amount of each grant made pursuant to this ordinance shall be \$525 for taxpayers with a household income of \$0-25,000, and shall be \$375 for taxpayers with a household income from \$25,001-\$50,000, to be applied against the amount of the real estate tax bill due on December 5, 2016.

Definitions.

The following words and phrases shall, for the purposes of this division, have the following respective meanings, except where the context clearly indicates a different meaning:

(1) *Applicant* means any natural person who applies for a grant authorized by this ordinance.

(2) *Dwelling* means a residential building, or portion such building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is a part of the real estate for which a grant is sought pursuant to this ordinance.

(3) *Grant* means a monetary grant in aid of payment of taxes owed for the taxable year, as provided by this ordinance.

(4) *Spouse* means the husband or wife of any applicant who resides in the applicant's dwelling.

(5)*Real estate* means a city tax map parcel containing a dwelling that is the subject of an grant application made pursuant to this ordinance.

(6)*Taxes owed for the current tax year* refers to the amount of real estate taxes levied on the dwelling for the taxable year.

(7)*Taxable year* means the calendar year beginning January 1, 2016.

(8)*Household income* means (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, or (ii) for applicants for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year: of the applicant, of the applicant's spouse, and of any other person who is an owner of and resides in the applicant's dwelling. The commissioner of revenue shall establish the household income of persons for whom no federal tax return is required through documentation satisfactory for audit purposes.

Eligibility and restrictions, generally.

A grant awarded pursuant to this ordinance shall be subject to the following restrictions and conditions:

(1)The household income of the applicant shall not exceed \$50,000.

(2)The assessed value of the real estate owned by the applicant shall not exceed \$365,000.

(3)The applicant shall own an interest in the real estate that is the subject of the application (either personally or by virtue of the applicant's status as a beneficiary or trustee of a trust of which the real estate is an asset) and the applicant shall not own an interest in any other real estate (either personally or by virtue of the applicant's status as a beneficiary or trustee of a trust of which the real estate is an asset).

(4)As of January 1 of the taxable year and on the date a grant application is submitted, the applicant must occupy the real estate for which the grant is sought as his or her sole residence and must intend to occupy the real estate throughout the remainder of the taxable year. An applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration.

(5)An applicant for a grant provided under this ordinance shall not participate in the real estate tax exemption or deferral program provided under Chapter 30, Article IV of the City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) for the taxable year, and no grant shall be applied to real estate taxes on property subject to such program.

(6)An applicant for a grant provided under this division shall not be delinquent on any portion of the real estate taxes to which the grant is to be applied.

(7)Only one grant shall be made per household.

Procedure for application.

(a) Between July 1 and September 1 of the taxable year, an applicant for a grant under this ordinance shall file with the commissioner of revenue, in such manner as the commissioner shall prescribe and on forms to be supplied by the city, the following information:

(1) the name of the applicant, the name of the applicant's spouse, and the name of any other person who is an owner of and resides in the dwelling.

(2) the address of the real estate for which the grant is sought;

(3) the household income;

(4) such additional information as the commissioner of revenue reasonably determines to be necessary to determine eligibility for a grant pursuant to this ordinance.

(b) Changes in household income, ownership of property or other eligibility factors occurring after September 1, but before the end of the taxable year, shall not affect a grant once it has been certified by the commissioner of the revenue, in which case such certified grant shall be applied to the subject real estate.

(c) Any person who willfully makes any false statement in applying for a grant under this division shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$500 for each offense.

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



Agenda Date:	June 6, 2016
Action Required:	Approval and Appropriation
Presenter:	Mike Murphy, Assistant City Manager
Staff Contacts:	Mike Murphy, Assistant City Manager Leslie Beauregard, Assistant City Manager
Title:	Housing Opportunities for Persons with Aids (H.O.P.W.A.) - \$11,485

Background:

The Department of Human Services in coordination with the Thomas Jefferson Area Coalition for the Homeless (T.J.A.C.H.) and the Service Provider Council (S.P.C.) applied for and received \$11,485 in additional funding from the Virginia Department of Housing and Community Development (V.D.H.C.D.) to be used for Housing Opportunities for Persons with Aids (H.O.P.W.A.) services. These funds are in addition to the \$190,612 in V.D.H.C.D. funds appropriated for these purposes on August 17, 2015.

Discussion:

The City of Charlottesville has staff from Human Services, Social Services, and Neighborhood Development Services all taking a leadership role in the governance of T.J.A.C.H. The Housing Opportunities for Persons with Aids (H.O.P.W.A.) Grant is an important resource in our community's efforts to end homelessness. H.O.P.W.A. provides funding for services to persons experiencing homelessness. The additional grant funding provides services in the same key areas and proportions as the original award.

1. Tenant-based rental assistance	52.5%
2. Short-term rent assistance	18.2%
3. Support Services	22.3%
4. Administration	<u>7.0%</u>
	100.0%

Thomas Jefferson Health District is the sub-recipient of funds for Housing Opportunities for Persons with AIDS (H.O.P.W.A.) funds for rental subsidies. Supportive Services will be provided to all recipients of financial subsidies for up to 24 months. The remainder will be used to serve the most vulnerable clients experiencing homelessness based on evidence-based decision-making tools and administrative expenses that occur through these activities.

Community Engagement:

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness. This partnership is reflective of the new governance model for TJACH and the priority requests of the Interfaith Movement Promoting Action by Congregations Together (I.M.P.A.C.T.).

Alignment with City Council's Vision and Strategic Plan:

This grant advances the City of Charlottesville's Strategic Plan goal #1 of enhancing the self sufficiency of our residents. Specifically, it will facilitate the objective of increasing affordable housing options. This item primarily aligns with Council's vision for Quality Housing Opportunities for All. Outcomes will demonstrate a coordinated assessment process, individuals and families linked to housing and other resources, and the length of time homelessness was experienced. This grant also fosters the ideals of Community of Mutual Respect and Economic Sustainability by providing services to vulnerable citizens and promoting self-sufficiency.

Budgetary Impact:

This grant will be entirely State funds. No local match is required. There is no budget impact for the City of Charlottesville. All funds will be distributed to sub-recipients for service provision.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing homelessness: shelter, prevention funds, rapid rehousing, HMIS, and administration.

APPROPRIATION
Virginia Homelessness Solutions Grant
\$11,485

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received additional funding for the Virginia Homelessness Solutions Grant from the Virginia Department of Housing and Community Development in the amount of \$69,368.95;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$69,368.95 is hereby appropriated in the following manner:

Revenues

\$11,485	Fund: 209	IO: 1900252	G/L: 430120 State (Federal Pass-Thru)
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Expenditures

\$11,485	Fund: 209	IO: 1900252	G/L: 530550 Contracted Services
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$11,485 in additional funds from the Virginia Department of Housing and Community Development.

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



Agenda Date:	June 6, 2016
Action Required:	<i>Approval of Lease of City Property to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB)</i>
Presenter:	John Jones, Transit Manager
Staff Contacts:	John Jones, Mike Mollica, Lance Stewart
Title:	<i>CACVB Lease</i>

Background: Since 2006 the CACVB has leased space at the Downtown Transit Station (DTS) to house its administrative offices and to serve as a central point for the dissemination of tourist information to the visitors of the City and County. During that time the CACVB and City have utilized three (3) separate lease documents, each for spaces within the DTS, and has paid the same monthly lease rate for the three spaces since the inception of those leases in 2006.

Discussion: After ten years we feel it is important to revisit the lease rates and consolidate the various areas occupied into one written lease document covering all the three areas which the CACVB occupies. Further, a check of the commercial lease market indicated that rent rates should be reviewed. This proposed, updated lease provides a slight increase in the rate per square foot for each leased space and revisions in the square footage for the spaces included in the lease.

The square footage for each leased space was reviewed by the Director of Facilities Development.

This proposed lease has been reviewed by the City Attorney, the Director of Facilities Maintenance and the City's Risk Manager.

Alignment with City Council's Vision and Priority Areas: Approval of this agenda item aligns directly with Council's vision for Charlottesville to have a strong and diversified economy and to foster strong connections by partnering with community organizations to promote arts and culture in the City.

Budgetary Impact: The proposed lease will positively affect revenues for Charlottesville Area Transit (Rents will increase approximately \$5,240.00 annually).

Recommendation: Staff respectfully recommends that Council approve this lease agreement between the City and CACVB.

Alternatives: Cancellation of the current lease at the end of term.

Attachments: Resolution, Lease, and Floor Plan

RESOLUTION

APPROVING A LEASE OF CITY PROPERTY TO THE CHARLOTTESVILLE ALBEMARLE CONVENTION AND VISITORS BUREAU

WHEREAS, the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) maintains its offices, and operates a visitor's information center, within certain premises at 610 East Main Street, Charlottesville, Virginia (the Downtown Transit Center building), as the tenant under certain lease agreements with the City of Charlottesville (City), and the term of such lease agreements will expire June 30, 2016; and

WHEREAS, the City and CACVB desire to enter into a new lease agreement for all of the space currently occupied by CACVB, effective July 1, 2016, under the terms and conditions of a proposed Lease presented to and reviewed by this Council in conjunction with its consideration of this Resolution ("Proposed Lease"); now, therefore,

BE IT RESOLVED that City Council does hereby approve the Proposed Lease with CACVB; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized: (i) to execute a final lease agreement with CACVB, upon terms and conditions consistent with those set forth within the Proposed Lease and approved as to form by the City Attorney's Office, and (ii) to act as the agent of City Council for the administration of the lease with CACVB, and to give such approvals and notices, and to exercise such rights as may be authorized or reserved to the City within such lease agreement.

LEASE

THIS LEASE is made effective **July 1, 2016**, by and between THE CITY OF CHARLOTTESVILLE, VIRGINIA (herein, "City"), and the CHARLOTTESVILLE ALBEMARLE CONVENTION AND VISITORS BUREAU (herein, "Tenant").

For in consideration of the terms, conditions and mutual covenants contained herein, the parties agree as follows:

1. **Lease of Property.** City hereby demises to Tenant, and Tenant hereby leases from City, certain premises within a building located at 610 East Main Street, Charlottesville, Virginia, otherwise known as the "Presidential Plaza Visitor/Transit Center", such premises consisting of three areas within the upper level of the premises. Specifically:

A. Lobby Area	352 Square Feet
B. Office Area	1,750 Square Feet
C. Storage Area	173 Square Feet

The demised premises are generally illustrated within the attached *Exhibit A*, within the areas outlined in yellow (hereafter the foregoing premises are, individually and collectively, referred to as the "Leased Premises"). Each party warrants that it has had adequate opportunity to verify the accuracy of the square footages set forth above, and that the referenced square footages are and shall hereafter be deemed acceptable to both parties as the basis upon which Rent shall be calculated.

Said Leased Premises are demised together with a nonexclusive right to use of all sidewalks, elevators, entrances, hallways, stairs and the other areas within or appurtenant to the building which are designed for common use.

2. **Term.** The initial term of this Lease shall be for a period of three years, commencing on July 1, 2016 ("Commencement Date") and expiring at midnight on June 30, 2019, unless sooner terminated by the City or the Tenant in accordance with the terms and conditions of this lease.

(A) This Lease may be renewed by agreement of the parties, for not more than two additional terms of one-year each.

(B) If Tenant holds possession of the Leased Premises following the expiration or earlier termination of any term of this Lease, then Tenant shall become a tenant from month-to-month on the terms and conditions of this Lease, and rent shall continue as provided within this Lease.

3. **Rent.** Tenant shall pay to the City as Rent for the Leased Premises the total sum of \$45,122.00 annually ("Rent"), payable in monthly installments of \$3,760.17 each (each, a "Monthly Installment"), without notice or demand therefor. The first Monthly Installment shall be due on the Commencement Date; thereafter, a Monthly Installment shall be due to the City on or before the first day of every calendar month. In the event that a termination of this Lease takes effect on a day other than the last day of a month, that last month's Rent may

be prorated accordingly. Rent is not subject to increase during the term of the Lease. The Rent has been established as follows:

A. Lobby Area	\$8.00 per square foot	\$2,816.00 annually
B. Office Area	\$22.00 per square foot	\$38,500.00 annually
C. Storage Area	\$22.00 per square foot	\$3,806.00 annually

Each Monthly Installment shall be paid to the City without any setoff or deduction whatsoever; provided, however, that the City may, at its sole option, and only by advance written agreement, authorize specific amount(s) to be setoff or deducted from a Monthly Installment.

4. **Security Deposit.** No security deposit shall be required of Tenant.

5. **Use of Premises.**

(A) Tenant represents and warrants that it will utilize the Leased Premises as office space for its operations, and as a visitor information center (inclusive of activities as are reasonably and necessarily incidental thereto, such as dissemination of visitor information and use of designated wall space for promotion and advertising). The Leased Premises shall not be utilized for any other purpose(s) without the advance written permission of the City.

(B) In its use and occupancy of the Leased Premises, Tenant shall comply with (i) applicable laws, ordinances, and regulations (including, without limitation, building and fire codes relating to the use and condition of the Leased Premises), and (ii) Tenant shall also comply with rules that may be established by City.

6. **Maintenance of Leased Premises.**

(A) City shall at its expense provide routine cleaning and janitorial services for the Leased Premises and common areas, and shall be responsible for removal of ice and snow from sidewalks and driveways. City shall maintain all of the common areas in a clean and orderly condition. City shall replace any broken plate glass within the Leased Premises.

(B) Tenant shall keep and maintain the Leased Premises in the condition in which they exist on the Commencement Date, with exception of: reasonable wear and tear, and damage caused by accidental fire or other casualty. Tenant shall be responsible for any maintenance and repair of the Leased Premises necessitated by or attributable to actions of Tenant, its invitees, agents or employees. Tenant shall keep the Leased Premises free of vermin.

7. **Maintenance of Building Systems.** City shall at its expense maintain and keep in good repair (i) the roof and common exterior walls of the building in which the Leased Premises are situated; (ii) common plumbing and permanent electrical wiring serving the Leased Premises; (iii) the building's: heating, cooling and air handling equipment; elevator;

restrooms; and plumbing fixtures. Notwithstanding any other provision of this Lease, the cost of any maintenance, repairs or replacements required as a result of the negligence or willful act of Tenant, its invitees, agents, or employees, shall be borne by Tenant.

8. **Furnishings, Fixtures, Equipment and other Property.**

(A) The Leased Premises contain certain basic furnishings, fixtures, and equipment, as may be reflected on building plans in the possession of the City, and which are available for inspection by Tenant at all regular business hours. Any additional furnishings, fixtures, equipment or other property required by Tenant may be installed by Tenant at Tenant's expense with prior approval of City, which shall not be unreasonably withheld.

(B) All furnishings, fixtures, equipment and other property belonging to the Tenant, located on or about the Leased Premises, shall be there at the sole risk of the Tenant, and the City shall not be liable for the theft or misappropriation thereof, or for any damage or injury thereto, or for damage or injury to the Tenant or any of Tenant's officers, agents, or employees or to other persons or to any property caused by fire, explosion, water, gas, electricity, leaks from the roof or other portion of the building, the bursting or leaking of pipes, plumbing, electrical wiring and equipment or fixtures of any kind, or by any act or neglect of other tenants or occupants of the building, or due to any other cause whatsoever, unless resulting from the willful acts of the City, its employees, agents or representatives for which it/ they may be held responsible under the laws of the Commonwealth of Virginia.

(C) Tenant shall give immediate notice to the City in case of fire or accident within the Leased Premises, or of any defects, damages or injury therein or in any fixtures or equipment provided by City.

9. **Alterations.** Alterations and improvements may be made to the Leased Premises by Tenant, but only with the City's advance written consent. Upon the expiration or earlier termination of this Lease, Tenant's alterations and improvements shall be removed, and the Leased Premises returned to their condition as of the Commencement Date, unless the City agrees otherwise in writing.

10. **Signs.** Tenant shall not display or erect any lettering, sign, advertisement, sales apparatus or other projection in any manner or place such that they are visible from locations exterior to the Leased Premises (excluding interior window and door glass), except with the advance written approval of City.

11. **Taxes.** During the term of this lease, the Tenant shall be responsible for, and shall pay directly to the City of Charlottesville, any real estate taxes and assessments imposed on its share of the leasehold interest. Tenant shall pay its share of personal property and business license taxes imposed by the Commonwealth of Virginia and the City of Charlottesville.

12. **Utilities.** Tenant shall be responsible for telephone, cable television, internet and other communications service/utility charges provided to or utilized by Tenant at the Leased Premises. City shall pay the charges for other utilities provided to the Leased Premises.
13. **Liability Insurance.** Tenant, at its sole cost and expense, shall obtain and keep in force a local government liability insurance policy with a minimum limit of no less than \$1,000,000 per occurrence, throughout the term(s) of this Lease. The policy shall include, without limitation, coverage for bodily injury and property damage to the Leased Premises. This insurance coverage shall be primary with respect to any other insurance maintained by the Tenant or City.
14. **Assignments.** Tenant shall not assign its rights or obligations under this Lease, or sublease the Leased Premises, without the prior written consent of City, which consent shall not be unreasonably withheld.
15. **City's Right of Entry.** City and its agents may enter the Leased Premises at any reasonable time, for the purpose of inspecting the Leased Premises, performing any work which City elects to undertake or is required by this Lease to perform, exhibiting the Leased Premises for sale or lease, and for any other reasonable purposes.
16. **Indemnification.** Tenant shall indemnify City against all liabilities, expenses (including attorney's fees) and losses incurred by City as a result of (A) failure by Tenant to perform any covenant required to be performed by Tenant hereunder; (B) any accident, injury or damage which shall happen in or about the Leased Premises or resulting from the condition, maintenance, or operation of the Leased Premises caused by Tenant; (C) failure to comply with any laws, ordinances, regulations or requirements of any governmental authority; (D) any mechanics' lien or security agreement or other lien filed against the Leased Premises or fixtures and equipment therein belonging to City; and (E) any negligent act or omission of Tenant, its officers, employees, and agents.
17. **Condemnation.**
- (A) If the whole of the Leased Premises shall be taken, or if substantially all of the leased premises shall be taken so as to render unsuitable for Tenant's business purpose, for any public or any quasi public use under any statute or by right of eminent domain, or by private purchase in lieu thereof, this Lease shall automatically terminate as of the date title is taken. If less than substantially all of the Leased Premises shall be so taken, then City shall at its sole option have the right to terminate this Lease on 30 days' advance notice to Tenant, given within 90 days after the date of such taking. In the event that this Lease shall terminate or be terminated, rent shall be equally adjusted.
- (B) If any part of the Leased Premises shall be so taken and this Lease shall not terminate or be terminated under the provision of subparagraph (A) above, rent shall be equitably apportioned according to the space so taken, and City shall at its own cost restore the remaining portion of the Leased Premises to the extent necessary to render

them reasonably suitable for Tenant's business purpose, and shall make all repairs to the Leased Premises necessary to make them a complete architectural unit of substantially the same usefulness, design and construction as before the taking, provided the cost of work shall not exceed the proceeds of the condemnation award.

- (C) All compensation awarded or paid upon such a total or partial taking of the Leased Premises shall belong to City without any participation by Tenant. Nothing contained herein, however, shall be constructed to preclude Tenant from prosecuting any claim directly against the damage to or cost of removal of for the value of stock trade fixtures, furniture, and other personal property belonging to Tenant; provided, however, that no such claim shall diminish or otherwise adversely affect City's award.

18. Damage by Fire or other Casualty. If the Leased Premises shall be rendered untenable by fire or other casualty:

- (A) City may at its sole option terminate this Lease as of the date of such fire or other casualty, upon 30 days' advance written notice to Tenant. In the event of such termination, rent shall be equitably adjusted.
- (B) If the City elects not to terminate this under the provisions of subparagraph (A) above, Tenant's rent shall be equitably apportioned according to any space rendered untenable, and City shall at its own cost restore the Leased Premises to substantially its same condition immediately preceding such loss, provided that the cost of such work shall not exceed the insurance proceeds received by City on account of such loss. If City fails to substantially complete the restoration within 90 days after such fire or other casualty (subject to allowance for delay not the fault of either City or Tenant) then either party may terminate this Lease by giving written notice to the other party within 15 days following the expiration of the 90-day restoration period.

19. Default; Surrender.

- (A) Each of the following shall constitute an Event of Default: (i) if the Leased Premises shall be vacated by Tenant prior to the end of the Lease period, or if Tenant is absent from the Leased Premises for more than 10 consecutive days; (ii) if Tenant files a voluntary petition in bankruptcy, or is adjudged bankrupt or insolvent by any federal or state court, or files any petition or answer seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future federal or state law or regulation relating to bankruptcy, insolvency or other relief for debtors, or consents to or acquiesces in the appointment of any trustee, receiver or liquidator, or makes any general assignment for the benefit of creditors; (iii) if any monthly installment or rent as herein called for remains overdue and unpaid for 30 days; and (iv) if there shall be a default by Tenant in the performance for any other material provision of this Lease agreement for more than 10 days following written notice thereof from City.

(B) In the event of an Event of Default, City may, at its option, declare this Lease to be terminated and canceled, and may take possession of the Leased Premises. In such case, City may at its option, re-rent the Leased Premises or any part thereof as agent for Tenant, and Tenant shall pay City the difference between the rent herein provided for during the portion of the Lease term remaining at the time of re-possession and the amount, in any, received under such relating for such portion of the Lease term.

(C) Upon the expiration or earlier termination of the initial term of this Lease, or of any renewal term, Tenant shall quit and surrender the Leased Premises to City in good order and condition, ordinary wear and tear excepted. Tenant shall, on or prior to the Expiration Date or earlier termination date, remove all of its property (inclusive of furnishings, fixtures, equipment and all other property). Thereafter, within two weeks of such date, Tenant shall repair all damage to the Leased Premises caused by such removal and make restoration of the Leased Premises in accordance with the terms and conditions of this Lease. Any property of the Tenant that remains on the Premises after the expiration or termination of this Lease may be treated by the City as abandoned property. Any property which is left on the Leased Premises that is worth (collectively) less than two thousand dollars shall be deemed abandoned and may be immediately removed by the City as trash.

20. **Miscellaneous covenants.** Tenant shall faithfully observe and perform the following covenants, in addition to the other terms, conditions and covenants of this Lease:

(A) Tenant shall not do or permit anything to be done in the Leased Premises, or bring or keep anything therein, which will or may: increase the rate of fire insurance of the building of which the Leased Premises are a part, or obstruct or interfere with the rights of any other tenant(s).

(B) Tenant shall not keep any animal(s) in or about the Leased Premises.

(C) Tenant agrees to keep all windows and exterior doors closed in the Leased Premises in order to assure proper functioning of heating and air conditioning systems and to prevent damage to the Leased Premises, and upon failure to do so, agrees to pay for any damage caused thereby.

(D) Tenant shall observe reasonable rules and regulations established from time to time by the City for the promotion of the convenience, safety or welfare of tenants and invitees, after being given notice thereof by the City.

21. **Quiet Enjoyment.** Upon payment by Tenant of all Rent and other sums provided to be paid in this Lease, and the observance and performance of all of the covenants, terms and conditions on Tenant's part to be observed and performed, Tenant shall have the peaceful and quiet use of the Leased Premises, and all rights, servitudes and privileges belonging to, or in any way appertaining thereto, or granted hereby for the terms stated, without hindrance or interruption by City or any other person or persons lawfully claiming by, through or under the City; subject, nevertheless, to the terms and conditions of this Lease.

22. **Notices.** Notices under this Lease shall be in writing, signed by the party giving such notice, and shall be hand-delivered or sent by: (i) United States Mail, or (ii) electronic mail, addressed to a party at its address given below, or to such other address as a party may have furnished to the other by written notice. Any notice sent by U.S. mail shall be deemed to have been given as of the time-said notice is deposited in the United States Mail. The parties' designated representatives and addresses for purposes of notices and communications pertaining to this Lease are as follows:

City: City of Charlottesville- Attention: Transit Division Director
Mail: P.O. Box 911
Delivery: 1545 Avon St. Extended
Charlottesville, Virginia 22902
Email: jonesjo@charlottesville.org

Tenant: Charlottesville Albemarle Convention and Visitor Bureau-Attention: Director
Mail: P.O. Box 178
Delivery: 610 East Main Street
Charlottesville, Virginia 22902
Email: burkhart@charlottesville.org

23. **Governing Law.** This Lease shall be construed under and governed by the laws of the Commonwealth of Virginia.

24. **Exhibits.** The following exhibit(s) are attached and incorporated herein by reference, as if set forth herein verbatim: *Exhibit A* (Floor Plan illustrating general location of leased premises)

WITNESS the following signatures and seals as of the date first above written.

City:
CITY OF CHARLOTTESVILLE, VIRGINIA

BY: _____
Maurice Jones, Its City Manager

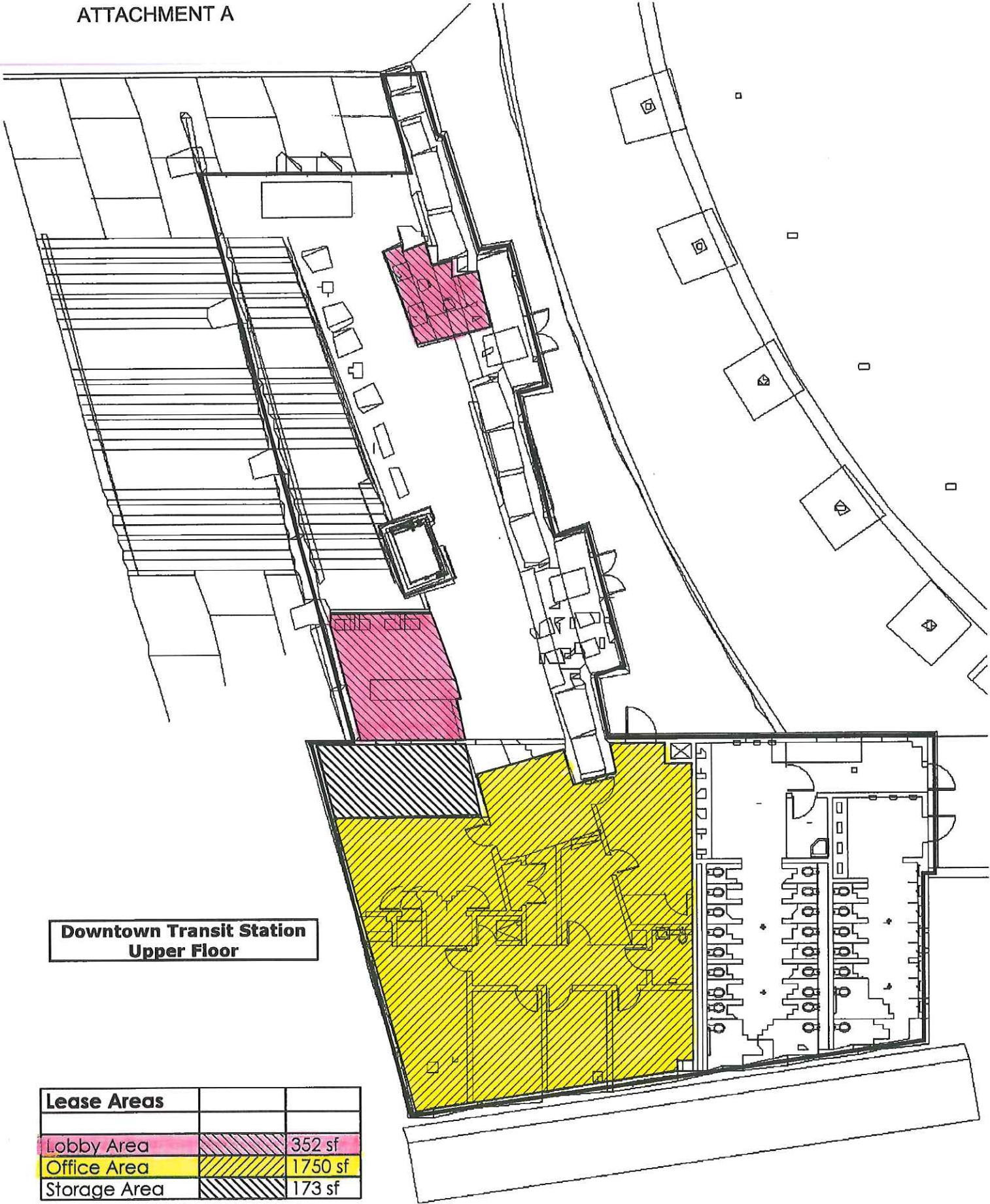
Tenant:
CHARLOTTESVILLE ALBEMARLE CONVENTION AND VISITORS BUREAU

BY: _____

Print Name: _____

Its: _____

ATTACHMENT A



CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date: June 6, 2016

Action Required: Yes (First Reading of Ordinance)

Presenter: S. Craig Brown, City Attorney

Staff Contacts: S. Craig Brown, City Attorney

Title: **Closing Portion of Unaccepted Street (5th Street) off Douglas Avenue in Belmont**

Background:

Janice K. Kavanagh, owner of 209 Douglas Avenue, and Five Petals, LLC, owner of 207 Douglas Avenue, have petitioned the City to close an unaccepted right-of-way adjoining these two properties. The subject right-of-way was named 5th Street on a 1906 map of “Haden’s Addition”, a 26-lot subdivision with Douglas Avenue as the primary street, of record in the Charlottesville Clerk’s Office in Deed Book 17, page 53. The map specifies that “*All the streets on said map, with the exception of said Douglas Avenue, are only for the benefit of the owners and occupants of the property abutting on said streets, and may be closed by the mutual consent of the owners and occupants of the property abutting on each of said streets.*” In order to ensure clear title to the right-of-way, the owners are seeking adoption of a formal ordinance by City Council evidencing the vacation of any public interest in the subject right-of-way.

Discussion:

There are no public utilities located in this portion of the 5th Street right-of-way. Closing the subject right-of-way will offer the adjoining property owners clear title to the center line of the closed portion of 5th Street, curing an encroachment problem with a shed, and will not impede or alter access to any other lot owners in the subdivision.

The adopted City Council policy for the closing and vacating of streets and alleys states that City Council should consider the following in making their decision as to whether a particular street should be closed:

1. *Will vacating the street or alley impede any person's access to his property, or otherwise cause irreparable damage to the owner of any lot shown on the original subdivision plat?*

The requested street vacations will not impede access to any parcel, nor result in any parcel becoming "landlocked".

2. *Are there any public utilities located in the area to be vacated?*

There are no public utilities located in the subject right-of-way.

3. *Will vacation of the street or alley result in an adverse impact on traffic on nearby public streets, or result in undesirable circulation conditions for vehicular movements in and through the subdivision?*

Since the 5th Street right-of-way has never been dedicated to the public nor accepted into the City street system for vehicular travel, there will be no adverse impact on traffic as a result of the street vacation.

Community Engagement: A public hearing is being held, and has been advertised as required by law.

Budgetary Impact: None.

Recommendation: Staff recommends approval of the ordinance.

Attachments: Petition; Exhibit Drawing; Tax Map
Proposed Ordinance to Close the 5th Street Right-of-Way off Douglas Avenue

PETITION TO CLOSE A STREET OR ALLEY

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

FEE: A filing fee of \$100.00 made payable to the City of Charlottesville.



A. PETITIONER INFORMATION

Petitioner Name: Janice K. Kavanagh and Five Petals, LLC

Petitioner Mailing Address: 209 Douglas Avenue, Charlottesville, VA 22902

Does Petitioner currently own property adjacent to the area requested to be closed? Yes If no, please explain _____

Petitioner Phone Number(s):

Work: 434-760-0739

Home: 434-760-0739

Fax: _____

Email: janicekshomes@earthlink.net

B. ADDRESSES OF PROPERTY OWNERS ADJACENT TO THE STREET/ALLEY (use back of form if necessary)

Property Owner Name

Janice K. Kavanagh

Five Petals, LLC

Mailing Address

209 Douglas Ave., Charlottesville, VA 22902

209 Douglas Ave., Charlottesville, VA 22902

City Tax Map and Parcel #

TMP 58-340 (Lot 2, Block 5 Haders Add.)

TMP 58-338 (Lot 1, Block 6, Haders Add.)

C. PETITIONER'S REQUEST

1. That, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia (1950), as amended, the said Petitioner(s) apply for the vacating, closing and discontinuance of a certain street or alley, situated in the City of Charlottesville, Virginia, as described below as follows: (Provide name, right-of-way width and length of streets or alleys being closed)

That street identified on subdivision plat recorded in Deed Book 17, page 53 as "5th St." as it runs between Douglas Avenue and Blocks 5 and 6 on said plat.

Vacated street to become part of the adjacent parcels listed above consistent with attached plat prepared by Roudabush, Gale & Associates, Inc.

2. Confirm that no inconvenience will result to any person by reason of said closing, vacation and discontinuance of the said street or alley. Include details in narrative.
3. That land owners along and adjacent to said street or alley desire and request the street or alley to be closed. Attach letters of approval or signatures of approval from adjacent property owners.
4. Attach a copy of the city real property tax map showing the portion of the street or alley to be vacated with the square footage clearly indicated.
5. Applicant must provide copies of a title search and opinion performed by an attorney or licensed title company of the property in question and the alley to the original dedication of the alley or street. Highlight on the deed when the street or alley was created. The deed information is available at the City Circuit Courthouse (315 E. High Street).
6. Applicant must review the attached closing policy prior to submission of this form and attach a narrative which addresses the objectives outlined in that policy to include specific information as to why an alley closing is being requested.

Respectfully Submitted,

Janice K. Kavanagh (owner of TMP 58-340)

and Christine Louise Kavanagh, sole member of

Five Petals, LLC (owner of TMP 58-339)

Signature of Petitioner(s)

Print

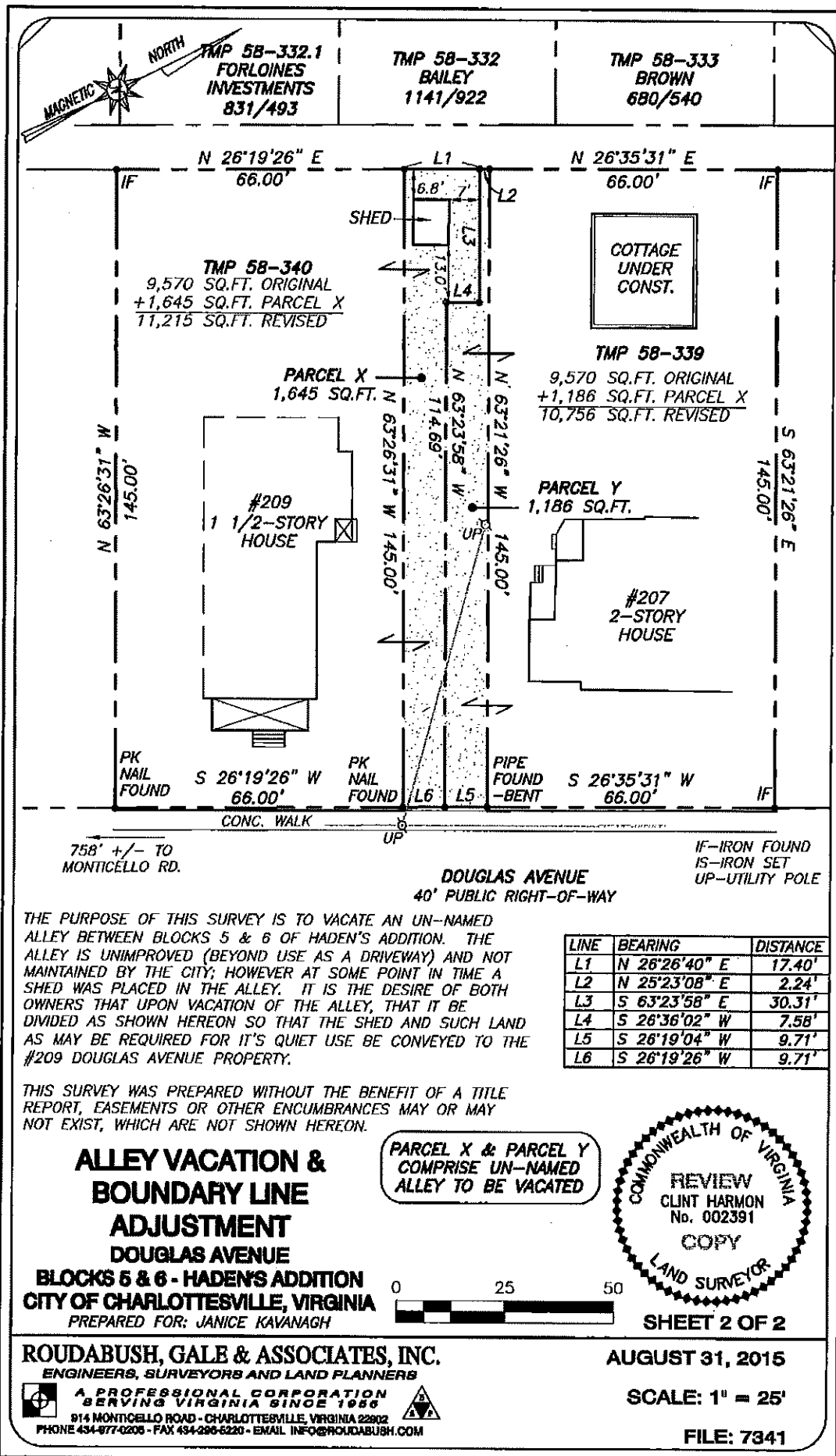
The review process typically takes two months. Following the review, valid applications will be forwarded to a joint Planning Commission and City Council Public Hearing and then to City Council for two readings.

FOR OFFICE USE ONLY (Sign Posting)

I certify that the sign(s) as required by Section 31-271 of the City Code (Zoning Ordinance) as amended has been posted on the following date:

Signature: _____

Date Paid: _____ Amt. Paid: _____ Check #: _____ Recorded by: _____



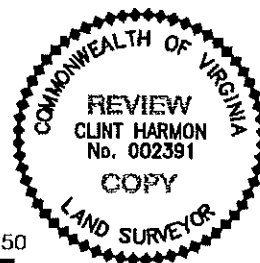
THE PURPOSE OF THIS SURVEY IS TO VACATE AN UN-NAMED ALLEY BETWEEN BLOCKS 5 & 6 OF HADEN'S ADDITION. THE ALLEY IS UNIMPROVED (BEYOND USE AS A DRIVEWAY) AND NOT MAINTAINED BY THE CITY; HOWEVER AT SOME POINT IN TIME A SHED WAS PLACED IN THE ALLEY. IT IS THE DESIRE OF BOTH OWNERS THAT UPON VACATION OF THE ALLEY, THAT IT BE DIVIDED AS SHOWN HEREON SO THAT THE SHED AND SUCH LAND AS MAY BE REQUIRED FOR IT'S QUIET USE BE CONVEYED TO THE #209 DOUGLAS AVENUE PROPERTY.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, EASEMENTS OR OTHER ENCUMBRANCES MAY OR MAY NOT EXIST, WHICH ARE NOT SHOWN HEREON.

ALLEY VACATION & BOUNDARY LINE ADJUSTMENT DOUGLAS AVENUE

**BLOCKS 5 & 6 - HADEN'S ADDITION
CITY OF CHARLOTTESVILLE, VIRGINIA**
PREPARED FOR: JANICE KAVANAGH

PARCEL X & PARCEL Y
COMPRISE UN-NAMED
ALLEY TO BE VACATED



SHEET 2 OF 2

ROUDABUSH, GALE & ASSOCIATES, INC.
ENGINEERS, SURVEYORS AND LAND PLANNERS



A PROFESSIONAL CORPORATION
SERVING VIRGINIA SINCE 1986

914 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902
PHONE 434-977-0206 - FAX 434-296-6220 - EMAIL INFO@ROUDABUSH.COM



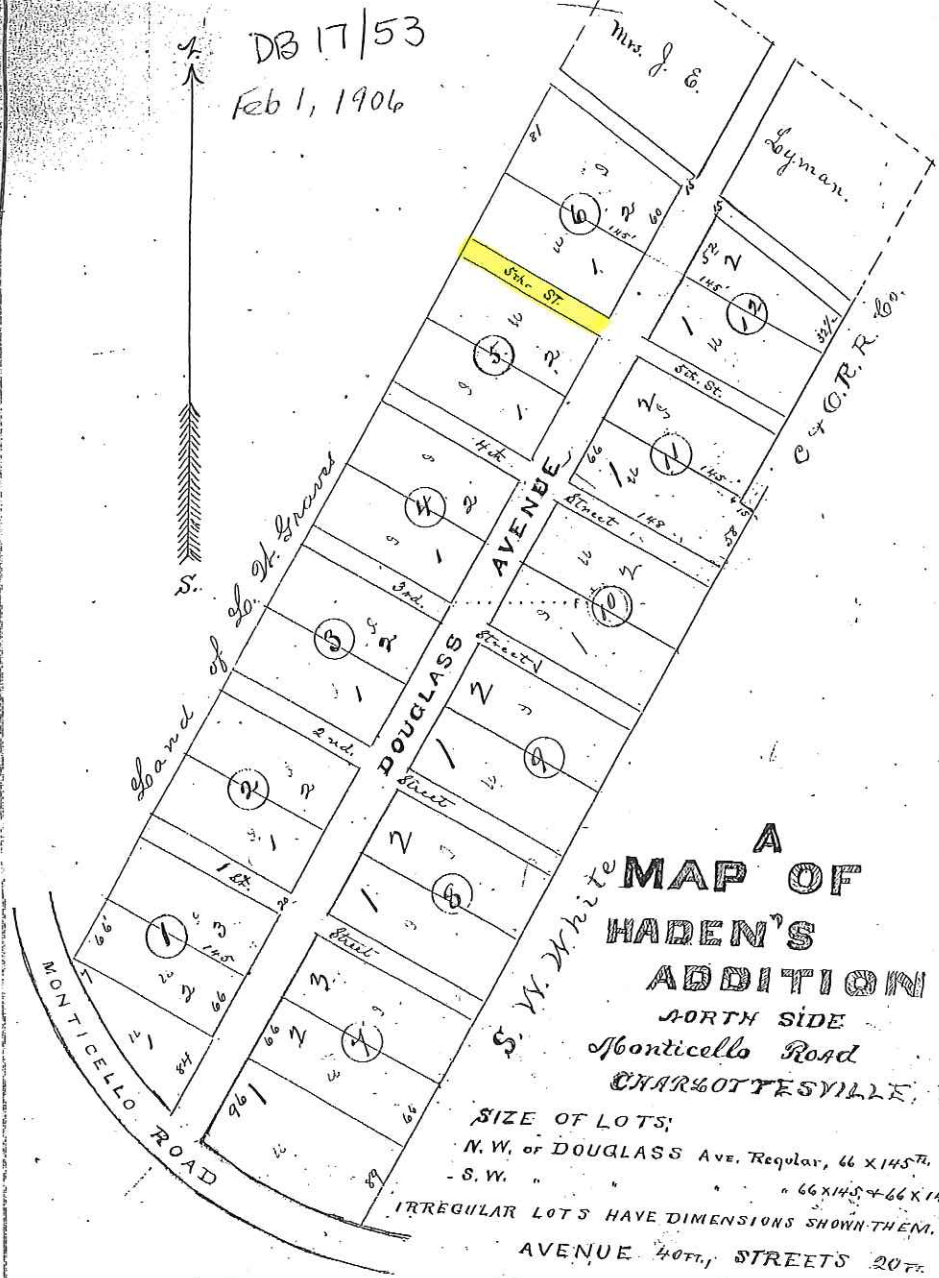
AUGUST 31, 2015

SCALE: 1" = 25'

FILE: 7341

DB 17/53
Feb 1, 1906

E. G. Haden
Monticello
City of Dedication
plat.
Surp. 1.50
Dead 1.25
Plat. 1.50
paid 3.50
incurred to me
1904
E. Haden



**A MAP OF
HADEN'S
ADDITION**
NORTH SIDE
Monticello Road
CHARLOTTESVILLE, VA.

SIZE OF LOTS:
N. W. of DOUGLASS Ave. Regular, 66 X 145TH.
S. W. " " 66 X 145TH + 66 X 148TH.

IRREGULAR LOTS HAVE DIMENSIONS SHOWN THEM.

AVENUE 40^{FT.}, STREETS 20^{FT.}

J. R. Ferguson, Deputy.
for J. T. E. Linnis, S. A. C.

The plat of Haden's Addition on the North side of Monticello Road, Charlottesville, Virginia, is admitted to record with the understanding that Douglas Avenue is not a public Street, but is to be used as a private street or driveway for the benefit of the abutting property owners on said Douglas Avenue and the occupants of the property on Lyman Street now owned by Mrs. Jane Ellen Lyman, and the right is hereby reserved to the said E. G. Haden and his assignees to sell or dedicate said Douglas Avenue to the City of Charlottesville, so that the said avenue may become a public thoroughfare. All the streets on said map, with the exception of said Douglas Avenue, are only for the benefit of the owners and occupants of the property abutting on said streets and may be closed by the mutual consent of the owners and occupants of the property abutting on each of said streets.

CITY OF CHARLOTTESVILLE



This map is intended for display purposes only.
Distances shown are from plats and may not measure accurately.
These maps are current as of August 2010.



TAX MAP 58

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING A
PORTION OF THE 5TH STREET RIGHT-OF-WAY,
LOCATED OFF DOUGLAS AVENUE IN BELMONT**

WHEREAS, Janice K. Kavanaugh and Five Petals, LLC, owners of properties at 209 and 207 Douglas Avenue, respectively, initiated a petition seeking to close the right of way adjoining their properties named 5th Street, approximately 20 feet wide and 145 feet in length, on a map of Haden's Addition (1906), located off Douglas Avenue in the Belmont neighborhood (hereinafter "Subject Right of Way"); and,

WHEREAS, the Subject Right of Way was platted in 1906 as part of the Haden's Addition Subdivision, but was designated as a private right-of-way to serve the adjoining property owners, and was never accepted by the City as part of the City's public street system; and

WHEREAS, following notice to the public pursuant to Virginia Code §15.2-2272, a public hearing by the City Council was held on June 6, 2016, and comments from City staff and the public were made and heard; and,

WHEREAS, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on February 7, 2005, this Council finds and determines that the petitioner's request should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City hereby closes, vacates and discontinues the Right-of-Way described as follows:

The portion of right-of-way designated as 5th Street (off Douglas Avenue), adjoining City Tax Map Parcels 580339000 and 580340000, shown on a map of Haden's Addition (1906), of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 17, page 53.

BE IT FURTHER ORDAINED that unless an appeal from Council's enactment of this ordinance is made to the Charlottesville Circuit Court within thirty (30) days of the date of adoption, the Clerk of the Council shall send a certified copy of this ordinance to the Clerk of the Circuit Court for recordation in the current street closing book.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 6, 2016
Action Required:	Consideration of a Special Use Permit
Presenter:	Heather Newmyer, City Planner
Staff Contacts:	Heather Newmyer, City Planner
Title:	SP16-00005 – 1300 Emmet Street North – Aqua Hand Car Wash and Detail

Background:

Aqua VA, LLC, contract purchaser for property owner Kathleen Whatley, is requesting a Special Use Permit in conjunction with a preliminary site plan to allow the establishment and operation of a manual car wash on property located at 1300 Emmet St N, identified on City Real Property Tax Map 40 as Parcel 4-F. The property has frontage on Emmet St N and access to Meadowbrook Rd, and contains approximately 0.719 acres or 31,320 square feet. Car washes are allowed by special permit in the Urban Corridor District (URB).

The applicant proposes to replace the existing building (former Subway and Pizza Hut) with a 1,105 square foot office and sales building fronting on Emmet St N, an outdoor landscaped seating area, and a canopied wash/vacuum area and canopied detail area to the rear of the proposed building. The applicant proposes a rainwater cistern onsite that will capture rainwater from the proposed building's roof; this water will be stored and reused for the water necessary for car washes.

Discussion:

This application was the subject of a joint public hearing by City Council and the Planning Commission, on May 10, 2016. A copy of the staff report and application materials is located at <http://www.charlottesville.org/home/showdocument?id=40528>.

The following topics of discussion that the Commission focused on were:

- Traffic concerns and traffic flow of the site
- The site's access to Meadowbrook Rd and its impact to the neighborhood
- Appropriate hours of operation for the proposed use
- Noise impact and potential ways to mitigate noise

Alignment with City Council's Vision Areas and Strategic Plan:

The City Council Vision of **Economic Sustainability** states that the City has “a business-friendly environment” where “residents have access to small business opportunities.”

The City Council Vision **A Green City** states the City has “clean air and water” and “emphasizes recycling and reuse.”

The project contributes to Goal 2 of the Strategic Plan, **Be a safe, equitable, thriving and beautiful community**, and objective 2.6, to engage in robust and context sensitive urban planning. The project contributes to Goal 3 of the Strategic Plan, **Have a strong diversified economy**, and objective 3.2, attract and cultivate a variety of new businesses.

Community Engagement:

City Council and Planning Commission held a joint public hearing on this matter on May 10, 2016.

Meadowbrook Hills neighborhood residents in attendance expressed concern with the potential traffic along Meadowbrook Rd and safety of residents.

Other members of the Meadowbrook Hills neighborhood expressed support for the proposed project, one member of the public stating the project is clean, family-oriented, will have less of an impact than potential by-right uses and will block cut-through traffic at close of business hours.

Staff attended a community meeting hosted by the applicant on April 18, 2016. Property owners within 500 feet and the Meadowbrook Hills/Rugby Rd, Meadows and Venable Neighborhood

Associations were notified of the meeting per requirements in Section 34-41(c)(2). Noticed recipients attended the meeting and expressed concern with the potential traffic along Meadowbrook Rd as a result of the proposed project.

A site plan conference was held on April 20, 2016 where property owners within 500 feet and the Meadowbrook Hills/Rugby Rd, Meadows and Venable Neighborhood Associations were notified per requirements in Section 34-821(b).

Letters received from both the Meadowbrook Hills/Rugby Rd neighborhood and the public regarding the proposed project are included in the attachments.

Budgetary Impact:

This has no impact on the General Fund.

Recommendation:

The Commission took the following action:

Ms. Green moved to recommend approval of this application for a Special Use Permit in the URB zone with Entrance Corridor Overlay at 1300 Emmet St N to authorize a manual car wash with the list of conditions provided in Attachment A. The recommended conditions focus on traffic flow, pedestrian access, providing bicycle facilities, limiting hours of operation, lighting and mitigating noise.

Mr. Lahendro seconded the motion. The Commission voted 5-1 (Commissioner Keller voting no) to recommend approval of the Special Use Permit.

Alternatives:

City Council has several alternatives:

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

Attachments:

- (1) Proposed Resolution Approving a Special Use Permit
- (2) Correspondence from the Public

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE THE ESTABLISHMENT AND OPERATION OF A CAR WASH
AT 1300 EMMET STREET NORTH**

WHEREAS, Aqua Virginia, LLC, Contract Purchaser (“Applicant”) has requested City Council to approve a special use permit pursuant to City Code §34-796, to authorize the establishment of a Car Wash (Manual) use at 1300 Emmet Street North (City Tax Map 40, Parcel 4F) (Tax Map Parcel Id. # 400004F00) (the “Subject Property”) (the proposed “Special Use”); and

WHEREAS, the Special Use requested by the Applicant is generally described within the Applicant’s application materials dated March 22, 2016, submitted in connection with SP16-00005 (the “Application Materials”), and the Special Use is allowed by special use permit within the Emmet Street Commercial Corridor Zoning District (ES), pursuant to City Code 34-796; and

WHEREAS, the existing building at the Subject Property, previously the site of Pizza Hut and Subway restaurants, is currently vacant, and is proposed to be demolished/ removed to allow for establishment of the Special Use and related buildings and improvements; and

WHEREAS, the Planning Commission has reviewed the Application Materials, and the City’s Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission on May 10, 2016, the Commission voted to recommend that City Council should approve the requested special use permit, subject to certain conditions recommended for Council’s consideration; and

WHEREAS, following the joint public hearing, and upon consideration of the Planning Commission’s recommendations 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 requested special use permit 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 §34-796, a special use permit is hereby approved and granted to authorize a Car Wash (Manual) to be established and operated on the Subject Property, subject to the following conditions:

1. The Special Use approved is a manual car wash, a facility where cleaning is performed by employees of the facility. If the property owner wishes to establish or operate an automatic car wash, or a self-service car wash, those types of car washes are not covered by this permit.
2. Access to Meadowbrook Road from the Subject Property shall be closed off during hours when the car wash is not open to the public.
3. Signage shall be placed interior to the site, directing the drivers of motor vehicles exiting the rear of the site to turn left onto Meadowbrook Road and proceed to Morton Drive in

order to access Emmet Street North. This will help mitigate any potential increase in traffic through the Meadowbrook Hills/Rugby neighborhood. The location, type and orientation of the signage shall be reviewed and approved by the Traffic Engineer. In addition to the interior signage, some type of physical improvement (for example, a concrete “porkchop”) shall be installed to inhibit the ability of motor vehicles to make a right turn onto Meadowbrook Rd when exiting the Subject Property. The nature and dimensions of the physical improvement shall be determined by the City’s Traffic Engineer as part of final site plan approval.

4. Bicycle storage facilities will be provided on-site, the number and type to be reviewed and approved by the Bicycle and Pedestrian Coordinator.
5. The owner of the Subject Property shall provide a connection to the proposed Meadowbrook Rd sidewalk/trail project (Barracks to Morton Drive), in a location determined in consultation with City staff.
6. The Special Use shall comply with the following requirements, in addition to the requirements of the City’s outdoor lighting regulations (City Code Chapter 34, Article IX, Division 3, Sec. 34-1000 et seq.): a vertical shield shall be placed on each light fixture installed adjacent to low-density residential properties. The final site plan shall identify the location of each light fixture subject to this requirement, and shall identify the type of fixture and shield that will be used to comply with this condition.
7. No exterior speakers shall be utilized in the operation of the Special Use.
8. The hours of operation for the Special Use shall be limited to the period from 8:00 am to 7:00 pm each day.

Valuing your time, will you do me the courtesy of considering my written reply?

There's a saying used in Y work with youth: I can't hear what you are saying because your actions speak so loudly. It's a charge to do other than give lip service to our intentions.

This SUP request falls within the designated Entrance Corridor and those design guidelines include 2007 Comprehensive Plan Guiding Principles adopted by both the Planning Commission and City Council to guide the 2007 plan. It states the Charlottesville Community

- * Has safe neighborhoods with identifiable centers with strong social fabric;
- * Has accessibility to safe public transportation, alternative modes of transportation and interconnected pedestrian and bicycle access,
- * Puts a value on trees, parks, greenspace, stream and biodiversity
- * Values mixed use development that promotes 24 hour activity, pedestrian connectivity and transit use.
- * Has open and accessible government and institutions that cooperate to provide quality services economically and operate through an open democratic process.

That's a charge that enables us to have these conversations and the neighborhood to participate in the decisions about SUP requests.

The Entrance Corridor document was intended to provide Design Guidelines that apply to this SUP and the CVS proposal as an opportunity to give form to what we give voicing our concerns. It goes on to state:

Mixed-use development provides an alternative to sprawl that allows residents to live within walking distance of activities thereby reducing time spent in the car.

Also states options for walking, bicycling and transit promote healthy living and reduce dependence on automobiles and energy use.

It lists a number of guidelines about sustainability design including LEED, Energy Star, and states "nothing in these guidelines should be construed to discourage green building or sustainable design."

On the following ECDG page, there are 10 design principles on which the Entrance Corridor Guidelines are based.

As I consider what has been said by my neighbors, my husband, the people presenting this SUP request, **safety** seems to be a clear, over-arching neighborhood concern, particularly pedestrian and our children on bicycles. If it's not safe for the driver of a vehicle to encounter a *fixed* speed bump on Meadowbrook Road, what does that say for the people's safety when pedestrians or bicycles, particularly for children, are not seat-belted in a vehicle?

If the Entrance Design Corridor states the CHARGE to us, then I wonder will we give just lip service to what we say ... how loudly will our actions speak ... will we act on what has been stated in this design guidelines? I suggest that the City's actions regarding traffic management speak more loudly than promises that can be called lip service when it comes to our safety. It depends on what is done by all of us *after* voicing ~~to~~ complaints and requests.

It's a 2-way street – no pun intended.

I listened to people tell Jeff and Ginger Kamarth how to DO THEIR business – when the Kamarths seem to speak to considering more than just making their own living. You can likely imagine what I would think if Jeff and Ginger are telling me I should make my living somewhere else or by doing something else or my house should be on the other side of my property or be more like a kiosk.

The reality for the neighborhood is that we alone don't OWN these streets. We SHARE these streets. I can understand how neighbors feel – I don't like cars speeding past me when I am trying to pull out of my driveway or endanger my safety when I am walking to the disc park on Meadowbrook Road or to Meadowbrook and Barracks Road Shopping Centers. A police car nearly hit my husband as he drove out of our driveway. Despite the reasons for the police car's speed, it wouldn't have changed the reality had my husband had been injured or killed.

I am not a transportation engineer but I have spent many years listening to them and ask questions. In another proposal in Albemarle County, I was told by a VDOT research scientist that VDOT would likely not take corrective actions on a roadway until there was a body count despite neighbors who had cars crashing onto their property, endangering their families and homes. I have also been told that VDOT doesn't have a role in our city streets – it's the City that decides what is done.

So will it take a body count for all of us to work together to make our streets safe? That engineer told me it takes more than a few dead bodies. So will we take action to safeguard pedestrians and people on bicycles. If attention is paid to the safety of the driver encountering a speed bump, what attention will be put into

action to safe guard those who aren't using vehicles. **This Entrance Design Corridor articulates safety repeatedly.**

We the neighborhood might consider this reality: it's unrealistic to expect these streets are preserved as the quiet little street for our exclusive personal use – even if we have expected that for YEARS! The reality of managing traffic flow is that the City regards the streets as an option for "overflow." It is reasonable for us to expect that our safety is not the price of doing business. The safety issues people have articulated are real but I fear won't gain traction unless we can take actions that enable businesses to be successful and drivers to get where they are going. Forcing traffic onto the R1 zoned neighborhoods is more than just this battle with this SUP request.

If this SUP and the CVS proposals give renewed intentions and opportunities to act on these traffic and safety concerns, will we work together and put into action what's it takes to make this a win win? It seems that the Kamraths may be more responsive than CVS will be. The economic reality for businesses is that if traffic becomes such an obstacle and ordeal, customers will avoid shopping here – either during peak hours that may be more convenient than returning during non-peak hours or avoiding these intersections *at any time* around Meadowbrook RD, Barracks Road, Emmet Street and the 250 By pass.

I hope that our City officials – particularly the new traffic engineer – will find workable solutions to our concerns as well as the charge for commerce and the Charlottesville Community. Considering the AASHTO Policy on the Geometric Design of Highways and Streets, what does this "Green Book" advise for safety as these questions are considered:

How wide does a street have to be to safely handle 2 lines of direction – for pedestrians and bicycles as well as vehicles and trucks?

If separation of pedestrians and bicycles from vehicles is a better solution for our safety, how can that be done?

Could one-way streets address the problems with flow-through traffic from the heavily used arteries?

Residents would be required to change our actions.

The reality is that our "dominion" over property stops at our property line.

We don't have exclusive right to our neighborhood streets but we do have by-right expectations for safety in our neighborhoods and City streets. **If supporting alternative**

transportation to vehicles is to be put into actions by the Entrance Design Corridor Guidelines, then take proper actions now before there's a body count.

Speed limits of 35 mph are in place on a newly designed 250 By-Pass without sidewalks. People would think pedestrians and bicycles in those traffic lanes an ill-conceived plan. Why expect that non-vehicular traffic would be safe on these streets at 25 mph?

What vehicular speed allows enough sight line to assure pedestrian and bicycle safety as well as vehicular? A car swerving into the guard rail or into Meadow Creek is a safety concern. What action will be taken to assure compliance?

* Increased enforcement with higher fines, like those on Avon Street?

*Increased police enforcement of the speed limit – Increased signage like Park Street?(I say this questioning what effective actions are not taken with people violating even red lights at major intersections.)

*Sidewalks or the road painted to mark off pedestrian areas like it does for bicycles. It seems ludicrous that speed bumps wouldn't be allowed because blind spots don't allow for enough distance. It's a fixed speed bump. Then limited sight line of moving objects like pedestrians and bicycle rides is *not* a safety issue?

Specific to this SUP request:

By through traffic, if it's traffic from Meadowbrook Road using this SUP property to reach Emmett Street, that "opening" would seem to encourage people to travel these neighborhood streets for their speedy shortcut to waiting in traffic. I was told that the bridge was built as a result of "deals" for Pizza Hut. The other businesses along Emmet don't have access over Meadow Creek. The access taken through this property is not entitled. Let's find workable solutions to limit this access to the owners/leases' business use and promote safety for all.

By-rights development would allow restaurants (without a drive-thru which would require a SUP). Those restaurants like a Starbucks (which doesn't have a presence at Barracks Road and likely would make a SUP request for drive-thru) will likely be open longer than the current Aqua VA proposal. Like Bodo's and Cook-Out, there would be more traffic than a car wash. It doesn't seem likely a car wash operation as proposed will have more cars than a restaurant. What by-rights business would locate there? I have considered only restaurants. Those restaurants would face the same design constraints Aqua VA faces:

- * cannot - will not risk of business loss by build over box culverts
- * flood plain requirements that decrease the viable building site
- * would likely involve more traffic than proposed 125-300 cars per day

We might expect that an independent restaurant may be not successful/viable.

A chain-restaurant like Cook Out might consider this site. We neighbors have no accessibility to Cook-Out owners - they don't even have a local phone number. The corporate phone number answered none of our calls.

Being a neighbor whose property borders this site plan, as I consider the Aqua VA SUP request, I am encouraged by

The Kamarths' intentions to work with the neighbors and adjust their business plan where they can/will.

Local ownership taking pride in their business – evidenced by their site plan – I have hope that they will join me/us in curbing what now I see from my kitchen window:

People living in the brush on this property using the streets and Meadow Creek as their toilets and trash receptacles. Not a nice way to start my day as I looked out my window doing breakfast dishes when a man urinated less than 20 yards away.

Others using it for their personal landfill dumping their mattresses, landscape, lumber, coolers, and stinking garbage.

Drivers looking to find a better path to their destination speeding through these streets and that property at all hours 24/7. I've seen it because there's an array of vehicles waking me up: garbage trucks beeping as each backs up after banging those large receptacles to empty at each business close to Meadowbrook Road; the cars roaring engines as mufflers fail; trucks decelerating on 250 ramps. I was wrong when thinking being inside a brick house with concrete walls and windows closed would afford me shelter and the comfort of a good night's rest.

Yes – I won't welcome the noise generated by 125-300 cars being vacuumed within eyesight and earshot from our newly *enclosed* porch. I also don't like Cook-Out with lights that are non-compliant with dark sky policies and noise pollution because Cook-Out constantly fails to remain compliant with Police and City directives to reduce volume on their drive-thru speakers that are aimed at the neighborhood not Emmet Street (aka poor planning). They operate LOUD power washers behind their building during 2-4 am.

Rather than have another neighbor like Cook-Out, Aqua VA appears to be a better neighbor who considers this home for their family as well as mine. I hope they

will join the neighborhood and City in efforts to maximize the natural resources Meadow Creek affords.

Will we get answers and more information so the public has time to consider this before the action to approve the SUP is taken?

I will be an enthusiastic supporter *if* the City will take action on the charge spelled out in the Entrance Corridor Guidelines for our safety and neighborhood on our City streets before there's a body count driving corrective measures.

Thank you for your time – Pat Gibson, 1408 Meadowbrook Road on 4-20-16



Monday, May 09, 2016

To whom it may concern:

I am writing this letter in support of the business venture, Aqua Hand Car Wash & Detail. As a business executive at The Boar's Head Sports Club I am fully aware of the detailed approach that the City of Charlottesville & Albemarle County take towards zoning & special permit requests.

As a Charlottesville resident for the last 10 years, I have come to appreciate a community that supports a locally-owned and operated business that holds high values & business practices. Aqua Hand Car Wash & Detail would provide the community with a business that is providing a high-quality car service that will enhance the life & quality of the car being serviced all while maintaining business practices that are environmentally-friendly. I believe a key component in their business model is that they will stay true to the Charlottesville model of creating a business environment that will be family-friendly for all business patrons with amenities available such as a coffee bar and work stations. I personally know that I will become a frequent customer at Aqua Hand Car Wash due to the fact of its central convenience in town, kid-friendly waiting areas and environmentally friendly business practices.

Sincerely,

A handwritten signature in black ink, appearing to read "Bret Garrison", with a long horizontal flourish extending to the right.

Bret Garrison

Charlottesville Resident

Director of Operations at Boar's Head Sports Club

WWW.BOARSHEADINN.COM

200 Ednam Drive | Charlottesville, VA 22903 | 800.476.1988 or 434.972.2224 | F. 434.972.6021
dining | lodging | golf | tennis | spa | meetings | weddings



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chuck@baldguystudio.com
www.baldguystudio.com
932 Bing Lane
Charlottesville, VA 22903
434.825.8921 mobile

9 May 2016

To: City of Charlottesville City Council

I am writing in support of the granting of a Special Use Permit to Aqua Hand Car Wash & Detail for their planned facility on Emmet Street.

This is a service that we need in the community. While there are other car washes, I frankly don't like to patronize them for one particular reason: I have a brand-new 2016 MINI Cooper, and as someone who cares for his car and what it looks like, I don't favor the idea of gobs of soap and rough, highspeed brushes sloshing and spinning against my car's painted and other surfaces. When I've washed my own vehicles, I've washed them by hand because of the level of care I can bring to the process.

As a local business owner, I don't have a lot of time to wash my car. Aqua Hand Car Wash will provide the option that I, and I believe many others, need. I have seen some of the company's plans, and I am quite impressed with the care that they will use to build and operate their facility. Capturing rainwater, using a low amount of soap and water, cleaning and reusing the water, and, in particular, hand washing with environmentally-friendly products are among the features that I appreciate.

Last, I love their planned location. I feel their business will bring an attractive and more upscale "feel" to that section of Emmet Street. I rarely shop "up 29;" instead I patronize businesses in Barracks Road and Downtown. Additionally, I am a Charlottesville native and prefer to support my fellow local business owners.

I urge the City to issue this permit.

Thank you, and best regards,

A handwritten signature in black ink that reads "CEC Moran". The signature is stylized, with the first letters of the first and last names being prominent.

Charles E. C. "Chuck" Moran
Owner and President



NEST REALTY

126 Garrett Street, Suite D
Charlottesville, VA 22902

May 9, 2016

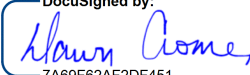
Charlottesville City Council and City Planning Commission:

I would like to take the opportunity to voice my support for Aqua Hand Car Wash & Detail, which I understand is seeking approval for their application of a Special Use Permit to operate a manual (hand) car wash at 1300 Emmet Street North, near Bodo's Bagels and the Route 250-Bypass. Personally, I am excited to see high-end, locally owned, service-industry businesses, such as Aqua, seeking to start and build businesses here in Charlottesville and I urge the City Council to approve their application.

As former student-athletes for the University of Virginia now raising a family and building our professional careers here in Charlottesville, my husband and I have enjoyed the strong entrepreneurial mindset and values that flourish here. As a local Realtor, I have had the opportunity to engage, professionally, with many families that expect local businesses to be environmentally conscious and family friendly while providing great service. After speaking with Jeff and Ginger Kamrath on multiple occasions regarding their vision for this business, I have nothing but confidence that Aqua Hand Car Wash & Detail will be a much needed, valuable, necessary and popular addition to our community.

Thank you for the opportunity to share my thoughts with you and I urge the City Council and Planning Commission to approve Aqua's application for the Special Use Permit and bring another great, locally owned, small business to our community.

Respectfully,

DocuSigned by:

7A69F62AF2DF451...

Dawn Cromer
c 434.466.6942
e dawn@nestrealty.com



HasBrouck Management
Commercial | Residential | Community

May 10, 2016

To: Charlottesville City Council and City Planning Commission

On behalf of Jeff and Ginger Kamrath, and their proposed venture, Aqua Car Wash, I would like to voice my support for their application for a Special Use Permit to operate a manual car wash for 1300 Emmet Street North.

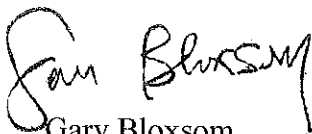
As a long time Charlottesville area resident and business owner, I am excited to see new, upscale and locally owned business ventures, such as Aqua, come to our city. It makes me proud that the community we have collectively built appeals to new business owners such as the Kamrath's.

Additionally, I would like to voice my support for the specific business model and service that Aqua will bring to our community. A hand car wash is something that I, personally, have desired to see here in Charlottesville for years as a better option for cleaning and washing our family vehicles. The types of services that Aqua will provide are not only safer for the finish of a vehicle, but are more environmentally conscious than other automatic options.

In summation, I hope the City Council and City Planning Commission will swiftly approve this particular application for a Special Use Permit.

Thank you for your time and consideration.

With regards,



Gary Bloxsom

--



May 7, 2016

Joe Koshansky
904 Haden Lane
Crozet, Virginia, 22932

Charlottesville City Council:

I would like to take an opportunity to speak to you about Aqua Car Wash which is seeking your approval of a Special Use Permit to open a location on Emmet Street near the 250 Bypass. I am extremely excited that Jeff and Ginger are bringing this environmentally and family friendly hand car wash to Charlottesville and I urge the City Council to swiftly approve their SUP.

Since arriving in Charlottesville in 2000 to attend the University of Virginia and play baseball, I have found that there is a great entrepreneurial spirit that thrives here. As the General Manager and Executive Board Member of the Charlottesville Tom Sox, I have had the opportunity to work with many business owners here in town and I know that Aqua Car Wash will uphold the high standards that are expected in this community and will be an asset to Charlottesville along with the surrounding area. Not only is there a need for their services in town, but the environmentally conscience method to their business speaks to the heart of the city and the mindset to protect the beauty of our area.

In closing, again, I urge the City Council to approve the SUP for Aqua Car Wash and allow Jeff and Ginger Kamrath the opportunity to bring another great small business to the City of Charlottesville. Thank you for the opportunity to speak to you and I look forward to having my vehicles cleaned at Aqua soon.

Best Regards,

A handwritten signature in blue ink, appearing to read "Joe Koshansky". The signature is stylized with large loops and a prominent "X" shape.

Joe Koshansky



1929 Arlington Blvd
Charlottesville, VA 22903
434-226-2520

To Whom It May Concern:

My name is Justin Goodman, co-owner of Zoom Indoor Cycling in Barracks Road Shopping Center. I am a lifelong resident of Charlottesville — born at Martha Jefferson Hospital, attended St. Anne's Belfield for 15 years and graduated from UVA. My wife and I just bought a house in the city, and we expect to live here for a long time. I write to support the Special Use Permit applied for by Jeff Kamrath and Aqua Car Wash.

As a future business neighbor, I know that Aqua will be a great benefit to the community and our neighborhood on multiple fronts. First and foremost is the ownership of both Jeff and Ginger Kamrath whom I have known for a decade. They both possess great character and community/family instincts that will serve both the City and the particular location well. I believe their business plan is very much in this image in that it is environmentally friendly, family-oriented, and high-end in nature. In particular, the last one is very relevant to us as a business neighbor who would very much like to see that corridor spruced up from the current fast food & title loan hub that it is, and a business like Aqua is exactly what could jumpstart that process.

On a more micro level, as a City resident, and again, working nearby, I would love a car wash option so conveniently located. Currently I don't get my car washed as often as I would like to because there's no hand wash option that is convenient.

Should any questions about my support arise, I remain at your service. Please feel free to contact me p.

Regards,

A handwritten signature in black ink that reads 'Justin Goodman' in a cursive, flowing script.

Justin Goodman

Introduction

Aqua VA car wash wishes to locate its new business on the property at 1300 Emmet, where Subway Restaurant was recently located. It proposes conducting a car wash business along a commercial corridor that totally departs from the previous business models, because the core business is automotive and operates entirely out-of-doors. This is totally unprecedented. Entrance Corridor Guidelines specifically exclude a car wash business in this location. Special Use Permits require a real and true benefit to the community in order to be granted. What is the benefit?

Traffic:

The narrow site comes with significant constraints, including the necessity of avoiding building any structure over the existing sewer line and box culvert. To address the problem, the developer has configured the site plan to funnel cars through the site and onto Meadowbrook Road. By discouraging customers from returning and exiting directly onto the business road of Emmet, cars on the site are directed across the natural buffer of Meadow Creek that separates Meadowbrook Hills from the commercial corridor. What is likely to happen, and there is nothing to prevent it, Aqua's customers are likely to choose to cut through, past our homes, to get to the 250 By-Pass, Rugby Road or Downtown. Because of the traffic congestion on Emmet, this is an attractive alternative.

Aqua VA argues that the traffic that they generate will choose instead, upon exiting, to proceed past neighborhood houses to Barracks Road or, to proceed past neighborhood houses to Morton Drive, thereby allowing their customers, finally, to exit onto Emmet. On their way along Morton, cars will cross the entrances and exits of three sites—One Morton Place, English Inn, and Bodo's Bagels (estimated at 1200 cars per weekend day). At the same time, Aqua VA conservatively estimates that their business would generate 300 cars per weekend day. That number of cars could be more, if the business took off.

Preserving Safety and Quality of Life:

As a residential neighborhood, people frequently walk, jog, and bike on our streets. Meadowbrook Hills has no sidewalks and most of the roads are narrow and winding. There is no good reason to impose cut-through traffic onto a quiet, historic neighborhood. We do not want it.

Ironically, Charlottesville, at the same time, is promoting bike/pedestrian friendly areas throughout the city where they do not currently exist. In fact, city staffers Amanda Poncy and Chris Gensic are actively working to accomplish this goal.



Neighbors on Meadowbrook Road at proposed car wash exit



Federal Executive Institute walkers on Spottswood Road

Economic Impact:

Ultimately this kind of business activity will depress property values and negatively impact our quality of life. Over the more than 100 years that Meadowbrook Hills has existed, over 200 homes have been built and renovated. Property values are high.

According to the City Assessor, the aggregate property value of Meadowbrook Hills/Rugby is \$165,373,500, with the average assessment for all households at \$806,700. The resulting tax dollars added to the city coffers is in excess of \$1,571,000 per year. By comparison, the Subway Restaurant was assessed at only \$1,500,000 generating relatively few tax dollars for the city.

Summary:

While the wish to start a business is laudable, situating this kind of business on the existing vacant property at 1300 Emmet , with all its constraints, calls for a denial of the SUP as inappropriate and against the intent of entrance corridor guidelines. This business would not benefit the community in general, and Meadowbrook Hills specifically, at this location. Aqua VA would be better suited in another site.

It is instructive to know the definition of R1 zoning, as outlined in the city code:

Single family, *established to provide and protect quiet, low-density residential areas.*

The City of Charlottesville is charged with preserving and protecting its residential neighborhoods through existing appropriate zoning and entrance corridor guidelines. Approving a new business that is required to channel all traffic into a historic residential neighborhood starts our city down the path of destroying our few remaining residential neighborhoods, the fabric of our community.

Respectfully submitted,

Dena Imlay

President, Meadowbrook Hills/Rugby Neighborhood Association

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 6, 2016
Action Required:	Consideration of a Special Use Permit
Presenter:	Matt Alfele, City Planner
Staff Contacts:	Matt Alfele, City Planner
Title:	SP16-00004 – 209 Maury Avenue - International School of Charlottesville

Background:

Bill Atwood, on behalf of The International School of Charlottesville (ISC); acting as representative for the property owner; is requesting a Special Use Permit (SUP) to allow daycare and elementary school uses on the subject properties. The current use of the site is a single family home and three (3) additional undeveloped lots. The property is located at 209 Maury Avenue with three (3) adjacent properties to the north with frontage on Stadium Road. The (ISC) plans to renovate and restore the existing home for use as educational and administrative space and build additional infrastructure as indicated on the preliminary site plan.

Discussion:

The Planning Commission discussed this matter at their May 10, 2016 meeting.

The topics of discussion that the Commission focused on were:

- Traffic concerns during drop-off and pick-up activities for the proposed uses and the overall traffic impact to the neighborhood.
- Parking for staff and special events.

- Preservation of the Eugene Bradbury designed home on the subject property.
- Furthering the goals of the City's Comprehensive Plan.

Alignment with City Council's Vision Areas and Strategic Plan:

The City Council Vision of **A Center for Lifetime Learning** states that "in Charlottesville, the strength of our education is measured not by the achievements of our best students, but by the successes of all our students. Here, an affordable, quality education is cherished as a fundamental right, and the community, City schools, Piedmont Virginia Community College and the University of Virginia work together to create an environment in which all students and indeed all citizens have the opportunity to reach their full potential."

The project contributes to Goal 1 of the Strategic Plan, **Enhance the self-sufficiency of our residents**, and objective 1.1, to promote education and training. The project contributes to Goal 2 of the Strategic Plan, **Be a safe, equitable, thriving and beautiful community**, and objective 2.6, to engage in robust and context sensitive urban planning. The project contributes to Goal 3, **Have a strong diversified economy**, and objective 3.3, grow and retain viable businesses.

Community Engagement:

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on May 10, 2016

One member of the public expressed concerns about cars stacking up on Maury Avenue waiting to drop-off and/or pick-up in the mornings and evenings

Staff attended a community meeting held by representatives of the International School of Charlottesville at the Subject Property on April 20, 2016. Property owners within 500 feet and the JPA Neighborhood Association were notified of the meeting per requirements in Section 34-41(c)(2). No noticed recipients attended the meeting.

Included within the application is a statement from Sallie and Jay Brown, neighborhood residents: *"We are writing in support of the issue of a special use permit for 209 Maury Ave. and the adjacent parcels. The International School of Charlottesville has proposed to build a new facility for their school at this address. The International School will eventually serve 140 children from ages 2 years through second grade.*

Living in the Maury Ave. neighborhood since 1972 we are well acquainted with this large city property. Remembering expansive lawns, unusual gardens and an historic main house built in 1910, we support a new and very appropriate use of this property. The parcel at 209 Maury is very well suited to the site which will include a school in the main house, a playground, future additional classroom space and ample parking facilities. Given that the surrounding properties

are primary rental for University of Virginia students, it seems especially appropriate that the Maury site be designated for the education of our youngest students.”

During the Planning Commission’s Public Hearing on May 10, 2016, the applicant read a letter of support from the JPA Neighborhood Association. A copy of the letter is attached to this memo (Attachment B).

Budgetary Impact:

This has no impact on the General Fund.

Recommendation:

The Commission took the following action:

Ms. Keller moved to recommend approval of this application for a Special Use Permit in the R-2U zone at 209 Maury Avenue and the three (3) adjacent parcels (Tax Map 17, Parcels 180, 184, 185, & 186) to permit Daycare and Elementary School uses with the list of conditions provided in Attachment A.

Mr. Lahendro seconded the motion. The Commission voted 7-0 to recommend approval of the Special Use Permit.

Alternatives:

City Council has several alternatives:

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

Attachment:

- A. Resolution
- B. Letter of support from the JPA Neighborhood Association.
- C. Link to the Staff Report for the May 10, 2016 Planning Commission meeting
<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/development-ordinances/city-planning-commission/agendas/2016>

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO ALLOW USE OF A BUILDING LOCATED AT
209 MAURY AVENUE AS A DAYCARE FACILITY AND AS AN
EDUCATIONAL (ELEMENTARY SCHOOL) FACILITY**

WHEREAS, Mr. William H. Atwood, contract purchaser (“Applicant”) has requested City Council to approve a special use permit pursuant to City Code §34-420, to authorize the building and land located at 209 Maury Avenue (City Tax Map Parcel No. (TMP #) 170018000), together with three lots fronting on Stadium Road (TMP #s 170018400, 170018500, and 170018600) (collectively, the “Subject Property”) to be used by the International School of Charlottesville as an elementary school and daycare facility, and related administrative functions (“special uses”); and

WHEREAS, the special uses requested by the Applicant are generally described within the Applicant’s application materials dated March 21, 2016, submitted in connection with SP16-00004 (collectively, the “Application Materials”), and such uses are allowed by special use permit within the R2U zoning district, pursuant to City Code 34-420; and

WHEREAS, the existing building at 209 Maury Avenue was constructed in 1910 and was designed by architect Eugene Bradbury, and within the Application materials the Applicant has stated that the exterior appearance and character of the existing building will be preserved, and that the proposed uses will be accommodated through renovations of the interior of the existing building and construction of one or more new buildings or addition(s) to the existing building. The Applicant has stated that, relative to elevation, future new construction will not exceed the roof eaves and pitch height of the existing building; and

WHEREAS, the Planning Commission has reviewed the Application Materials, and the City’s Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission on May 10, 2016, the Commission voted to recommend that Council approve the requested special use permit, and recommended certain conditions for Council’s consideration; and

WHEREAS, following the joint public hearing, and upon consideration of the Planning Commission’s recommendations 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 requested special use permit 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 §34-420, a special use permit is hereby approved and granted to authorize the Subject Property to be used as an educational facility (elementary school) and daycare facility, subject to the following conditions:

1. An approved final site plan, and related permits and approvals, must be obtained for the Subject Property, collectively, prior to commencement of any new construction, alteration of existing building(s), and prior to any land disturbing activities. A traffic impact study shall be completed and included with submission of the proposed final site plan, at a level of detail deemed adequate by the City's Traffic Engineer.
2. A maximum of 150 children, total (combined school and daycare uses) may be served at facilities located on the Subject Property; an amendment of this SUP shall be required in advance of serving more than 150 children.
3. A safety plan for the daycare and elementary school uses must be submitted annually to the City's Zoning Administrator. The safety plan, at minimum, must address the following:
 - a. Identify drop-off and pick-up locations and times; coordination activities on the site during peak traffic hours.
 - b. Trash and recycling storage and removal plan.
 - c. Times and dates for planned events that would fall outside normal operation hours of the daycare and elementary school facilities.
4. All on-site parking shall be used exclusively for the child care and educational purposes of the daycare and elementary school facilities, and related accessory uses. The final site plan shall specify measures, such as the use of gates or physical barriers, to prevent on-site parking for or in connection with any other purpose(s), use(s) or activities(s).
5. The existing trees buffering the Subject Property from Stadium Road and Maury Avenue shall be preserved, and shall be protected from on-site construction activities. An existing tree may be removed only if:
 - a. A certified arborist provides a report stating the subject tree needs to be removed due to disease, infestation, or is a danger to the public; or
 - b. The tree needs to be removed to accommodate a necessary curb cut onto Stadium Road or Maury Avenue (and establishment of a required sight distance for such entrance/exit), following a determination by the City's Traffic Engineer that such curb cut is necessary; or
 - c. The tree needs to be removed to accommodate new pedestrian circulation facilities required by the City's zoning regulations.
6. The final site plan shall demonstrate that S-3 Screening, as described in Section 34-871 of the City Code, will be installed and maintained along the western and southern boundaries of the Subject Property.
7. All outdoor lighting and light fixtures shall be full cut-off luminaires and equipped with devices for redirecting light (such as shields, visors, or hoods) to eliminate the luminaire glare and block direct light from on-site fixtures from spilling over onto neighboring properties. Fixtures shall be recessed and shall completely conceal the

- light source from all viewing positions other than those on-site positions intended to receive illumination from the fixture.
8. Playground equipment shall be installed per manufacturer's specifications. For so long as any playground equipment remains on the Subject Property, it shall be maintained in accordance with manufacturer's specifications.
 9. Special events, not part of the day-to-day operations of the educational or daycare facility, shall utilize off-site or valet parking to accommodate vehicles for which adequate parking is not available on-site.
 10. Alterations and modifications of the existing building, designed by Eugene Bradbury, shall preserve the exterior features and character of the existing building, and shall be designed and performed in accordance with the Secretary of Interior's Standards for Historic Preservation (Rehabilitation). Alterations or removal of architecturally significant interior features shall be photographically documented by the owner of the Subject Property in advance of such alteration or removal, those photographs be shall be offered to the University of Virginia Eugene Bradbury Special Collections library.

Attachment B

To the Charlottesville City Planning Commission

Jefferson Park Avenue Neighborhood Association (JPANA) Board members want to thank Heather Hill, from the Building Committee of the International School of Charlottesville, Bill Atwood, architect and Head of the School Eric Anderson for getting in touch with me so that we could inform Jefferson Park Avenue Neighborhood Association (JPANA) member residents the School's plans for relocating to 209 Maury Avenue, known as the McShane property.

Heather Hill gave Sallie Brown and me, JPANA Board members a guided tour a few weeks ago to see the grounds of the McShane property and to listen to ideas for the School's intended use. We went inside the large home to be renovated and preserved for use as the schoolhouse and heard general information about the International School which was very helpful. The Open House of the school held on April 20 gave another opportunity for visitors to ask questions of School administrators, and Bill Atwood Architect.

JPANA Board members agree and understand that the SUP the school is requesting is appropriate for what they need so we support it. We appreciate the fact that the school has plans in place to minimize any undesirable impacts on our area, and to protect existing trees and to plant around the perimeter of the property to minimize visual and auditory impact on the neighborhood.

Our JPA neighborhood understands that a traffic study will be done as part of the acceptance process and so we would ask to have input at such time.

So to conclude -- from our JPANA, we believe that the International School of Charlottesville could only enhance this section of our neighborhood while promoting their purpose of educating children ---.

Happy trails!

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

Agenda Date:	June 6, 2016
Action Required:	Consideration of a Special Use Permit
Presenter:	Brian Haluska, Principal Planner, Neighborhood Development Services
Staff Contact:	Brian Haluska, Principal Planner, Neighborhood Development Services
Title:	SP16-00003: Blue Moon Redevelopment (510, 512-514, 600 West Main Street)

Background:

Heirloom West Main Development LLC has submitted an application for a special use permit for increased residential density of up to 200 dwelling units per acre. Additionally, the applicant requested a modification of the applicable parking requirements to the building.

Discussion:

The Planning Commission considered this application at their meeting on May 10, 2016. The Commission discussed the parking modification request in detail, as well as the desire of the City to increase the intensity of development along West Main Street while preserving the character of the existing buildings and the surrounding neighborhoods.

The staff report and supporting documentation presented to the Planning Commission can be found at the following link:

<http://www.charlottesville.org/home/showdocument?id=40528>

Citizen Engagement:

The City held a preliminary site plan review conference on January 20, 2016. Several residents of the surrounding neighborhood attended the meeting to review the proposed building.

The applicant held a community meeting on April 26, 2016. Ten residents attended the meeting. The applicant identified the primary concern of the attendees as the parking requirement for the increased residential density.

The Planning Commission held a joint public hearing with City Council on the special use permit application at their meeting on May 10, 2016. Seven members of the public spoke on the matter, and all expressed opposition to the project. The commenters cited the impacts to parking in the area around the project and the accumulated impact to the surrounding residential areas from development on West Main Street.

Alignment with City Council's Vision and Priority Areas:

The City Council Vision of Economic Sustainability states that “The City has facilitated significant mixed and infill development within the City.”

The City Council Vision of Quality Housing Opportunities for All states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.”

Budgetary Impact:

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

Recommendation:

The Commission took the following action:

Ms. Keller moved to recommend approval of the proposed special use permit as requested in SP16-00003 subject to the conditions listed in the staff report with the following changes:

1. The parking required be modified to 0.5 parking spaces per residential unit.
 2. The maximum residential density on the property will be 180 dwelling units per acre.
 3. There shall be a mixture of units with in the building, with no more than 40% studio apartments of no less than 450 square feet in size. The remaining units shall be 1 and 2 bedroom units.
 4. There shall be an indoor lobby area and outdoor courtyard provided for the recreational use of the residents.
- (A list of all conditions is included in the proposed resolution.)

Mr. Keesecker seconded the motion. The Commission voted 4-3 to recommend approval of the special use permit. Ms. Dowell, Ms. Green and Mr. Clayborne voted against the motion.

On May 17, 2016, the Board of Architectural Review recommended that the proposed special use permit for additional residential density and a reduction in required number of parking spaces for the development of 600 West Main Street will not have an adverse impact on the West Main Street Architectural Design Control (ADC) District, provided the massing and siting as approved by the BAR on February 17, 2016 will not be altered by this special use permit. (Recommendation approved 7-1 with Miller opposed).

Alternatives:

City Council has several alternatives:

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

Attachment:

- (1) Proposed Special Use Permit, containing the conditions recommended for the approval of SP16-00003 by the Planning Commission on May 10, 2016.

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO ALLOW HIGH DENSITY RESIDENTIAL DEVELOPMENT
WITH MODIFIED RESIDENTIAL PARKING REQUIREMENTS
FOR PROPERTY LOCATED AT
510, 512-514 AND 600 WEST MAIN STREET**

WHEREAS, Heirloom West Main Development, LLC (“Applicant”) has represented that it is the current owner of three lots, identified on City Tax Map 29 as Parcels 6, 7 and 8 (City Tax Map Identification Nos. (290006000, 290007000 and 290008000) (collectively, the “Subject Property”), and the Applicant proposes to redevelop the Subject Property as and for a proposed mixed use development containing multifamily residential (at a density of more than 43 dwelling units per acre), containing studio, one-bedroom, and two-bedroom units, along with some commercial use(s), together with structured parking located underneath the building(s) (collectively, the “Proposed Development”); and

WHEREAS, the Proposed Development is described within the Applicant’s application materials dated March 21, 2016, submitted in connection with SP16-00003 (collectively, the “Application Materials”), in which the Applicant states that it expects to include within the Proposed Development a number of market-rate (non-student) studio dwelling units, in order to provide a housing option not presently available within the Downtown or West Main Street areas; and

WHEREAS, the Applicant’s request for additional residential density, and for modification (reduction) of the parking standards applicable to the Proposed Development, require approval of a special use permit, pursuant to City Code §§ 34-641 and 34-162(a); and

WHEREAS, the Planning Commission reviewed the Application Materials, and the City’s Staff Report, and following a joint public hearing, duly advertised and conducted by the Planning Commission on May 10, 2016, the Commission voted to recommend that the City Council should approve the requested special use permit, to allow residential density up to 180 dwelling units per acre (DUA) with parking to be provided for the proposed residential dwelling units at a rate of 0.5 space per unit, all subject to certain suitable conditions and safeguards recommended by the Commission; and

WHEREAS, following the joint public hearing, and upon consideration of the Planning Commission’s recommendations 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 requested special use permit subject to the Planning Commission’s recommended 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 §§ 34-641 and 34-162(a), a special use permit is hereby approved and granted to authorize the Proposed Development to be established on the Subject Property, with residential density up to 180 DUA, and with parking provided for the residential component of the Proposed

Development at a rate of 0.5 parking space per dwelling unit, all subject to the following conditions:

1. There shall be a balanced mixture of dwelling units within the Proposed Development. Studio units shall be provided, each to have a size of at least 450 square feet. The studio units may comprise up to 40% of the total dwelling units within the Proposed Development; the remaining units shall be one (1) and two (2) bedroom units.
2. The building proposed to be constructed within the Proposed Development shall contain an indoor lobby area, and an outdoor courtyard provided for the recreational use of the residents.
3. Prior to commencement of any land disturbing activity on the Property, the developer shall hold a meeting with notice to all adjoining property owners to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building or land disturbing permit for the Proposed Development.
4. The developer shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site) during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application for a building permit or other development permit applications.
5. The developer shall provide the city's director of neighborhood development services and all adjoining property owners with written notice of an individual who will serve as a liaison to the community throughout the duration of construction of the Proposed Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
6. The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for any building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of any construction of the first-floor above-grade framing.
7. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to obtain approval of an encroachment agreement, in a form suitable for recording in the City's land records, and subject to such terms and conditions as may be approved by City Council and the City Attorney. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

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



Agenda Date:	June 6, 2016
Action Required:	Vote on a request for a sidewalk waiver
Presenter:	Heather Newmyer, City Planner, Neighborhood Development Services
Staff Contact:	Heather Newmyer, City Planner, Neighborhood Development Services
Title:	Sidewalk Waiver Request for 1501 Rugby Rd

Background:

John Pfaltz has applied for a sidewalk waiver for property located at 1501 Rugby Road. The property contains a single-family home recently built, and is zoned for single-family residential development. The applicant is requesting a waiver of the City's requirement for the construction of sidewalk on a previously undeveloped lot.

Discussion:

The following ordinance pertains to the waiver of sidewalks, noted in *Section 34-1124 Vacant lot construction- Required sidewalks, curbs and gutters*.

Section 34-1124(b)

For the protection of pedestrians and to control drainage problems, when not more than two (2) dwelling units are to be constructed upon a previously unimproved lot or parcel, or when any single-family detached dwelling is converted to a two-family dwelling, sidewalk, curb and gutter (collectively, "sidewalk improvements") shall be constructed within public right-of-way dedicated along the adjacent public street frontage for that purpose. No certificate of occupancy shall be issued for the dwelling(s) until the sidewalk improvements have been accepted by the city for maintenance, or an adequate financial guaranty has been furnished to the city conditioned upon completion of the sidewalk improvements within a specific period of time. The requirements of this paragraph shall not apply, if (i) the owner of the lot or parcel obtains a waiver of the required sidewalk improvements from city council, or (ii) the owner of the lot or parcel, at the owner's sole option, elects to contribute funds to a sidewalk improvement fund in an amount equivalent to the cost of dedication of land for and construction of the required sidewalk, curb and gutter.

Please note that the applicant qualifies for both option i: to seek a waiver from Council and option ii: to contribute to the sidewalk improvement fund in lieu of building a sidewalk. The applicant has indicated to staff that he does not elect to contribute to the sidewalk improvement fund at this time.

The applicant includes the following justifications for a sidewalk waiver in the waiver request:

- Applicant wants to put the lot, wherever possible, back into its natural habitat which affords privacy. Sidewalks would require destruction and/or removal of the existing vegetation, including several mature trees, to the detriment of the streetscape
- There are no sidewalks in the vicinity of the parcel to which a constructed sidewalk could connect
- Sidewalks/curbs would inhibit current sheet flow of water off the intersection where it is now absorbed by the property and instead concentrate it into discharge on adjacent properties
- Grades are inhospitable and would require undesirable grading along a portion of the property

City staff evaluates sidewalk waiver requests based on factors which include whether any engineering challenges exist that would require an undue financial burden on the applicant as well as increase the cost of the City to maintain the sidewalk in the future (i.e. the need for retaining walls). In addition, the City's Bicycle and Pedestrian Coordinator comments on all requests for sidewalk waivers.

Residents of the Barracks/Rugby Neighborhood have expressed a strong desire for sidewalks on Rugby Road. There is a sidewalk connection included in the Bicycle and Pedestrian Master Plan (adopted September 2015) and evaluated as part of the ongoing CIP program for sidewalk construction. While the sidewalk did receive a high score in the evaluation process, it did not meet the threshold for inclusion in the current round of funding.

In 2015, EPR engineering staff evaluated the constructability of a sidewalk based on continued neighborhood interest. There are complications on both the west and east side of lower Rugby. On the west side, there was found to be significant drop-offs and, on the east side, sidewalk construction would require enclosing a drainage ditch and construction of a retaining wall on the southern section. It was concluded that the east side of the road was the only viable option, but would require significant investment for it to be built (enclose the drainage ditch, build retaining wall, relocate utilities, etc.). Planning level cost estimates were approximately \$450,000 not including right-of-way acquisition or utility relocation.

Citizen Engagement:

No input has been received specific to this waiver request.

There has been expressed interest from the Barracks/Rugby Neighborhood for construction of a sidewalk on Rugby Road.

Alignment with Council Vision Areas and Strategic Plan:

The City Council Vision of a Connected Community states that "bike and pedestrian trail systems, sidewalks, and crosswalks enhance our residential neighborhoods." The applicant contributing to the sidewalk fund, which is used to support sidewalk construction in the City, would support the

City Council’s vision of a Connected Community.

Strategic Plan Goal 2 is to be a safe, equitable, thriving and beautiful community. Specifically, Goal 2.3 specifies to provide reliable and high quality infrastructure. The applicant contributing to the sidewalk fund would support this goal.

Alignment with City Council’s Comprehensive Plan:

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

Budgetary Impact:

This item has a small impact on the budget as a contribution to the sidewalk fund would be used for construction of a new sidewalk, which requires City maintenance once completed.

Recommendation:

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

1. Current contours along the subject property show the flow moving parallel to the road surfaces. This, in conjunction with the property being on the high side of the roadways, will not impede the sheet flow of water more than it does currently.
2. The current grades along this property are not excessive when compared to conditions in Charlottesville. They would require that approximately a 7% grade be utilized along Hilltop Rd and 7.5% be utilized along Rugby Rd. This would require some grading on the 1501 Rugby Rd property to accommodate the sidewalk and tie it back to existing grades.
3. Based off the EPR study completed in 2015 that concluded the east side of Rugby Rd is the preferred side for future sidewalk construction, there would be no anticipated future connection to a sidewalk built on the subject parcel located on the west side of Rugby Rd.
4. Contributions made into the sidewalk fund assist in sidewalk construction city-wide, which helps improve connectivity throughout the City.
5. Engineering staff has reviewed the subject parcel and has provided a cost estimate for a sidewalk contribution based off of the subject parcel’s road frontage and unit pricing of the following:

Asphalt Demolition	\$1,595.24
Asphalt Patch	\$3,990.00
Sidewalk	\$9,963.80
Driveway Entrance	\$1,298.00
Water Meter Adjustment	\$238.40
Fill/Grading	\$257.75
Topsoil/Seeding	\$512.00
Total	\$17,855.19

Staff does not believe a waiver is appropriate given the items listed above and the option of contribution to a sidewalk improvement fund described in Section 34-1124(b). Staff recommends the waiver request be disapproved.

Alternatives:

Council could chose to approve this request and the applicant would not be required to install sidewalk in order to develop the lot.

Suggested Motions:

1. I move to deny this request for a waiver of sidewalk requirements at 1501 Rugby Road.
2. I move to approve this request for a waiver of sidewalk requirements at 1501 Rugby Road.

Attachments:

Application

Applicant's Narrative

Area Maps



WAIVER REQUEST FORM

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

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

Project Name/Description BN-14-0457 NEW RESIDENCE Parcel Number 410010100

Address/Location 1501 RUGBY ROAD

Owner Name JOHN PFALTZ, Margaret Jensen Applicant Name JOHN PFALTZ

Applicant Address: 1503 RUGBY ROAD, C'VILLE, VA 22903

Phone (H) 434 295-6700 (W) _____ (F) _____

Email: jlp@cs.virginia.edu

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Sidewalk
*Contact Staff for Supplemental Requirements | <input type="checkbox"/> Drainage/Storm Water Management |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Off-street Parking |
| <input type="checkbox"/> Landscape | <input type="checkbox"/> Lighting |
| <input type="checkbox"/> Setbacks | <input type="checkbox"/> Signs |
| <input type="checkbox"/> Communication Facilities | <input type="checkbox"/> Critical Slopes <i>*additional application form required</i> |
| <input type="checkbox"/> Stream Buffer Mitigation Plan | <input type="checkbox"/> Other |

Description of Waiver Requested: Request a waiver from having sidewalks along the roadways at 1501 Rugby Road

Reason for Waiver Request: See attached letter

Applicant Signature

John L. Pfaltz

Property Owner Signature (if not applicant)

Date

April 5, 2016

Date

For Office Use Only:

Date Received: _____

Review Required: Administrative _____ Planning Commission _____ City Council _____

Approved: _____ Denied: _____

Director of NDS

Comments: _____

P16-0006

John Pfaltz and Margaret Jensen
1503 Rugby Road
Charlottesville, VA 22901

April 6, 2016

City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, VA 22901

Re: Sidewalk waiver request at Parcel ID 410010100

To Whom It May Concern:

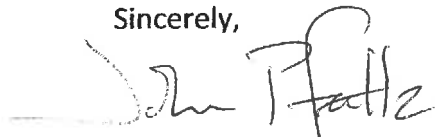
We are requesting a waiver for sidewalks along the roadways at property we own at 1501 Rugby Road.

There are several reasons for this request:

1. We want to put the lot, wherever possible, back into its natural habitat which affords us privacy. Sidewalks would require destruction and/or removal of the existing vegetation, including several mature trees, to the detriment of the streetscape.
2. There are no sidewalks in the vicinity (see attached photographs and site plan) to which they could possibly connect.
3. Sidewalks/curbs would inhibit the current sheet flow of water off the intersection where it is now absorbed by the property and instead concentrate it into discharge on adjacent properties.
4. The grades are inhospitable and would require undesirable grading along a portion of the property.

We request that this matter be given consideration as soon as possible.
Thank you for your help.

Sincerely,

A handwritten signature in dark ink, appearing to read 'John Pfaltz', with a horizontal line extending to the left.

John Pfaltz

Encl.

**PLAT SHOWING
PARCELS T, U, V AND Z
BEING A BOUNDARY ADJUSTMENT
BETWEEN TAX MAP 41
PARCELS 9, 9.1, 10 AND 10.1
MEADOWBROOK HILLS
CHARLOTTESVILLE, VIRGINIA**

SCALE: 1" = 60' FEBRUARY 25, 2011

LEGEND:

IF = IRON FOUND
MF = MONUMENT FOUND
PF = PIPE FOUND
— = IRON SET (UNLESS
OTHERWISE NOTED)

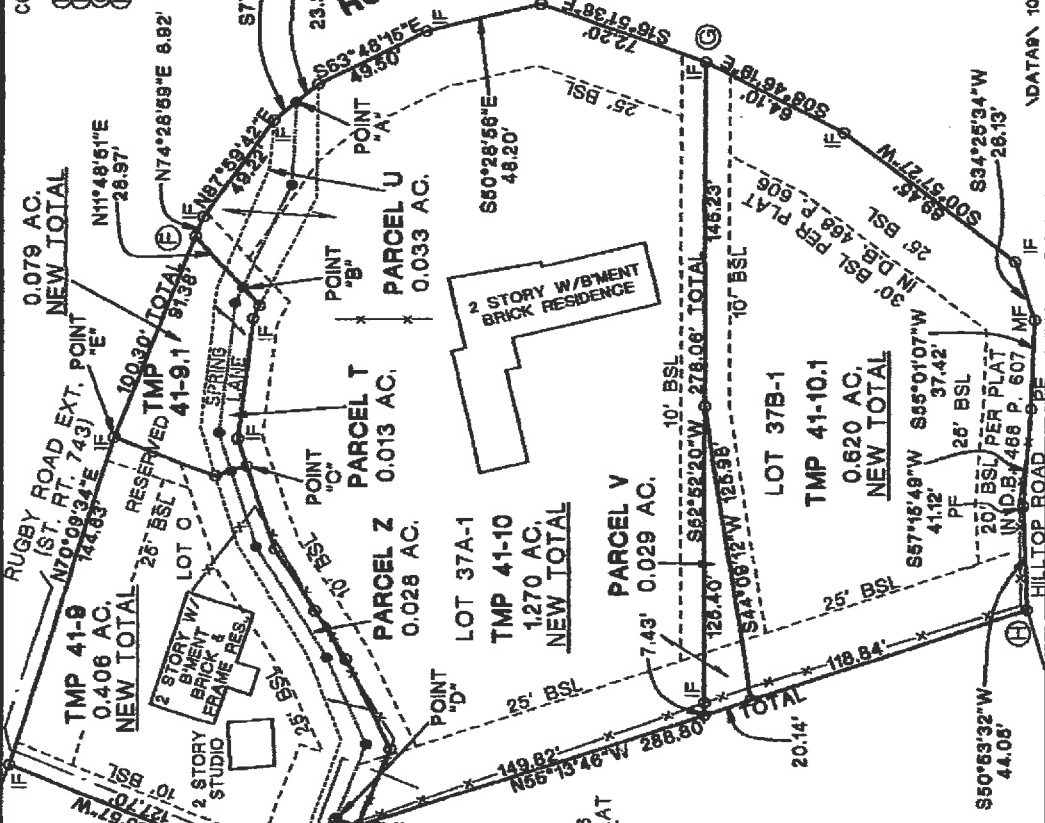
COURSE DATA FROM
POINT "A" TO POINT "B":
S55°39'11"W 34.79'
S77°31'10"W 47.47'

COURSE DATA FROM
POINT "B" TO "C":
(CLOCKWISE):
S11°48'61"W 10.50'
S79°42'34"W 6.19'
S59°40'05"W 50.92'
S34°44'00"W 11.98'

COURSE DATA FROM
POINT "D" TO "C":
(CLOCKWISE):
N73°25'41"E 34.07'
N29°15'26"E 39.98'
N21°47'39"E 55.18'
N35°25'19"E 33.91'
S55°16'00"E 6.61'

COURSE DATA FROM
POINT "C" TO "E":
(CLOCKWISE):
S34°44'00"W 37.38'
S21°26'55"W 30.91'
S21°49'36"W 23.86'
S27°10'05"W 42.12'
S74°46'56"W 35.71'
N16°34'19"W 9.15'

TMP 41-7
ALEXANDER B. AND
ANNA K. BAER
INST. NO. 20090021566
D.B. 846 P. 826B PLAT
D.B. 368 P. 32 PLAT



CONTROL POINTS

E	3,907,518.746	11,485,893.840
D	3,907,722.523	11,486,063.947
C	3,907,599.868	11,486,235.933
B	3,907,564.046	11,486,131.072

COMMONWEALTH OF VIRGINIA
THOMAS B. LINCOLN
LIC. NO. 1326
PROGRESS
PRINT
LAND SURVEYOR

LINCOLN
SURVEYING

Innovation. Integrity. Vision.
632 BERKMAR CIRCLE
CHARLOTTESVILLE, VIRGINIA 22901
OFFICE: 434-974-1417
DATA\9 109\ 106006200_SP_1056.PRO 109-0052-00

PLAT SHOWING
BOUNDARY ADJUSTMENT SURVEY OF
PARCEL S
A PORTION OF
LOT 37B-1 BEING ADDED TO LOT 37A-1
SECTION NO. 5
MEADOWBROOK HILLS
CHARLOTTESVILLE
VIRGINIA

FOR
JOHN L. PFALTZ, TR. & MARGARET H. JENSEN, TR.

SCALE : 1" = 30' DATE : OCT. 17, 2014



OLD ALBEMARLE SURVEYING, LLC
700 EAST HIGH STREET
CHARLOTTESVILLE, VIRGINIA 22902

OWNERS' APPROVAL :
THE SURVEY OF LAND DESCRIBED HEREON IS WITH THE FREE
CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE
UNDERSIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES.

JOHN L. PFALTZ, TR. _____

MARGARET H. JENSEN, TR. _____

NOTARY PUBLIC :
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE
ME THIS ____ DAY OF _____, 20____.

APPROVED FOR RECORDATION :

CHAIRMAN _____

SECRETARY _____

NOTES :

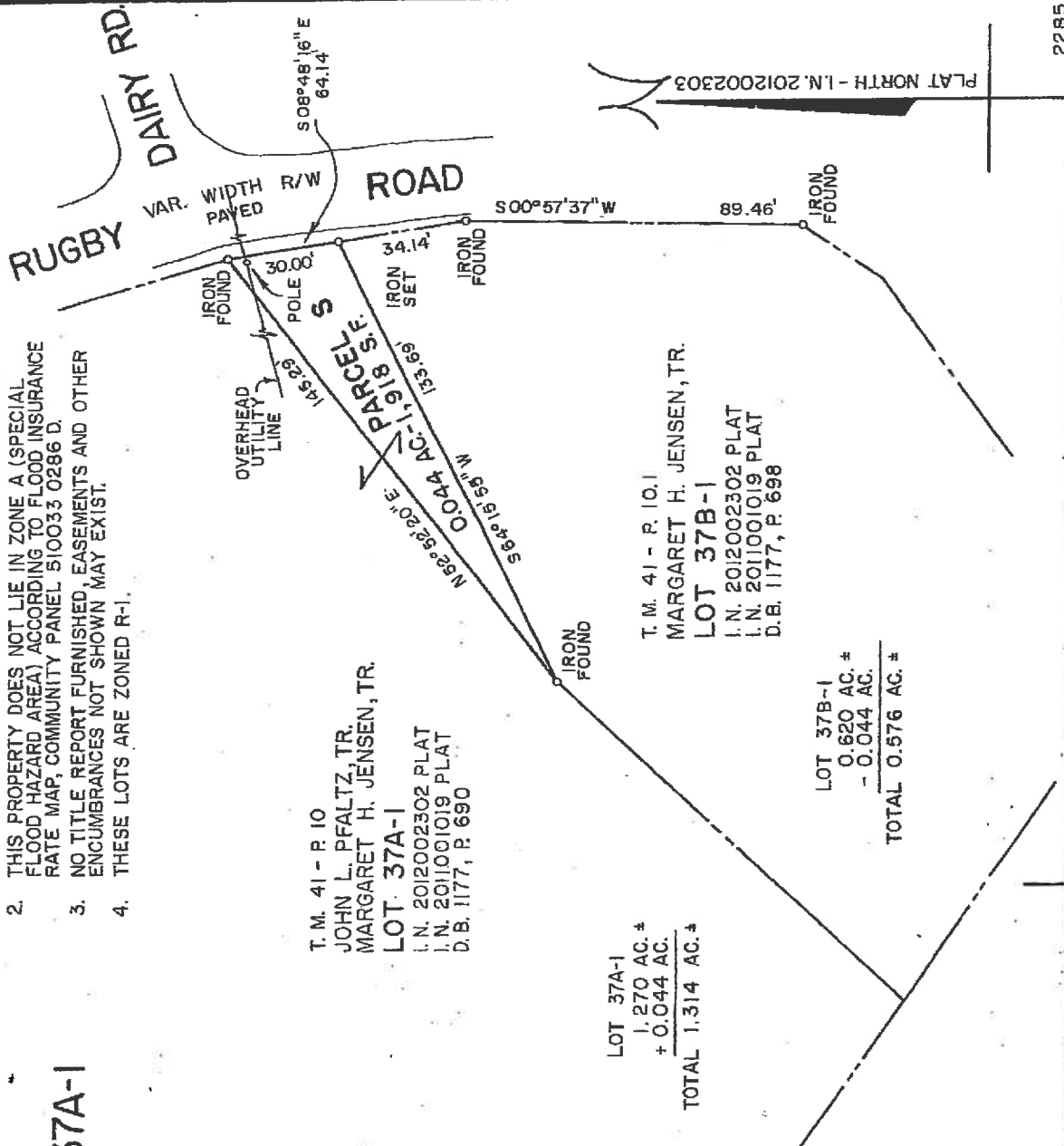
1. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.
2. THIS PROPERTY DOES NOT LIE IN ZONE A (SPECIAL FLOOD HAZARD AREA) ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 510033 0286 D.
3. NO TITLE REPORT FURNISHED, EASEMENTS AND OTHER ENCUMBRANCES NOT SHOWN MAY EXIST.
4. THESE LOTS ARE ZONED R-1.

T.M. 41 - P. 10
JOHN L. PFALTZ, TR.
MARGARET H. JENSEN, TR.
LOT 37A-1
I.N. 2012002302 PLAT
I.N. 2011001019 PLAT
D.B. 1177, P. 690

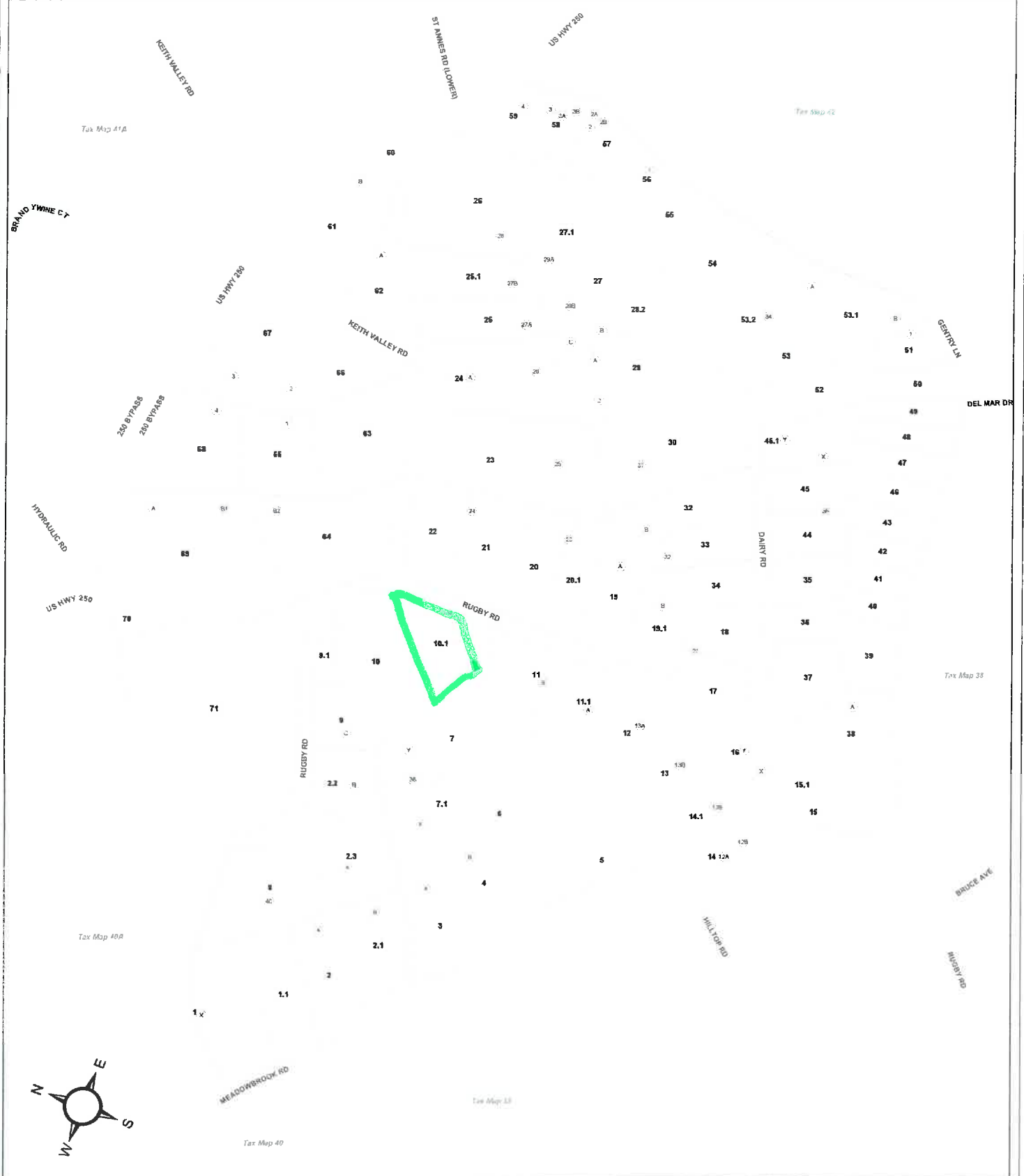
LOT 37A-1
1.270 AC. ±
+ 0.044 AC.
TOTAL 1.314 AC. ±

T.M. 41 - P. 10.1
MARGARET H. JENSEN, TR.
LOT 37B-1
I.N. 2012002302 PLAT
I.N. 2011001019 PLAT
D.B. 1177, P. 698

LOT 37B-1
0.620 AC. ±
- 0.044 AC.
TOTAL 0.576 AC. ±



CITY OF CHARLOTTESVILLE



This map is intended for display purposes only.
 Distances shown are from plats and may not measure accurately.
 These maps are current as of June 2005.





NOTICE OF ASSESSMENT CHANGE
City of Charlottesville | City Assessor's Office
City Hall | Room 320 | Charlottesville VA 22902
Phone: 434.970.3136 | 8:00 a.m. to 5:00 p.m.

January 31, 2016

THIS IS NOT A TAX BILL

OWNER INFORMATION:

JENSEN, MARGARET H, TR & JOHN L PFALTZ, TR

1503 RUGBY RD
CHARLOTTESVILLE VA 22903

PROPERTY INFORMATION:

PARCEL ID: 410010100
LOT 37B-1 MEADOWBROOK HILLS
1501 RUGBY RD CHARLOTTESVILLE VA 22903

In accordance with the Code of Virginia, Section 58.1-3330, you are hereby notified of your revised assessment on the above described parcel for the taxable year 2016. Additionally, the assessments, tax rates and tax amounts for the immediate prior two years are shown.

2016 Assessment

Land Value	Building Value	Total Assessment	Tax Rate ★	Tax Amount
\$158,300	\$1,049,400	\$1,207,700	\$.95 per \$100	\$11,473.15

2015 Assessment

Land Value	Building Value	Total Assessment	Tax Rate	Tax Amount
\$158,300	\$0	\$158,300	\$.95 per \$100	\$1,503.85

2014 Assessment

Land Value	Building Value	Total Assessment	Tax Rate	Tax Amount
\$156,700	\$0	\$156,700	\$.95 per \$100	\$1,488.65

The following states the percent change in total assessment value from the prior two years to the current 2016 total assessment value:

Percent change in value since 2015: 662.92%

Percent change in value since 2014: 670.71%

★ **Note: The tax rate for calendar year 2016 has not been set. A public hearing to discuss the tax rate is scheduled for March 21, 2016 at 7:00 p.m. in City Council Chambers located on the 2nd floor of City Hall.**

OFFICE INFORMATION

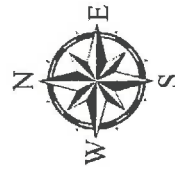
The City Assessor's Office is open Monday through Friday from 8:00 a.m. to 5:00 p.m. We can provide two-hour parking validation for the Market St. and Water St. garages. Questions concerning this notice and/or requests for appointments should be directed to the City Assessor's Office at 434.970.3136 or by written request to:
City Assessor's Office, City Hall, PO Box 911, Charlottesville, VA 22902.

IMPORTANT INFORMATION REGARDING THIS ASSESSMENT IS ON THE REVERSE SIDE

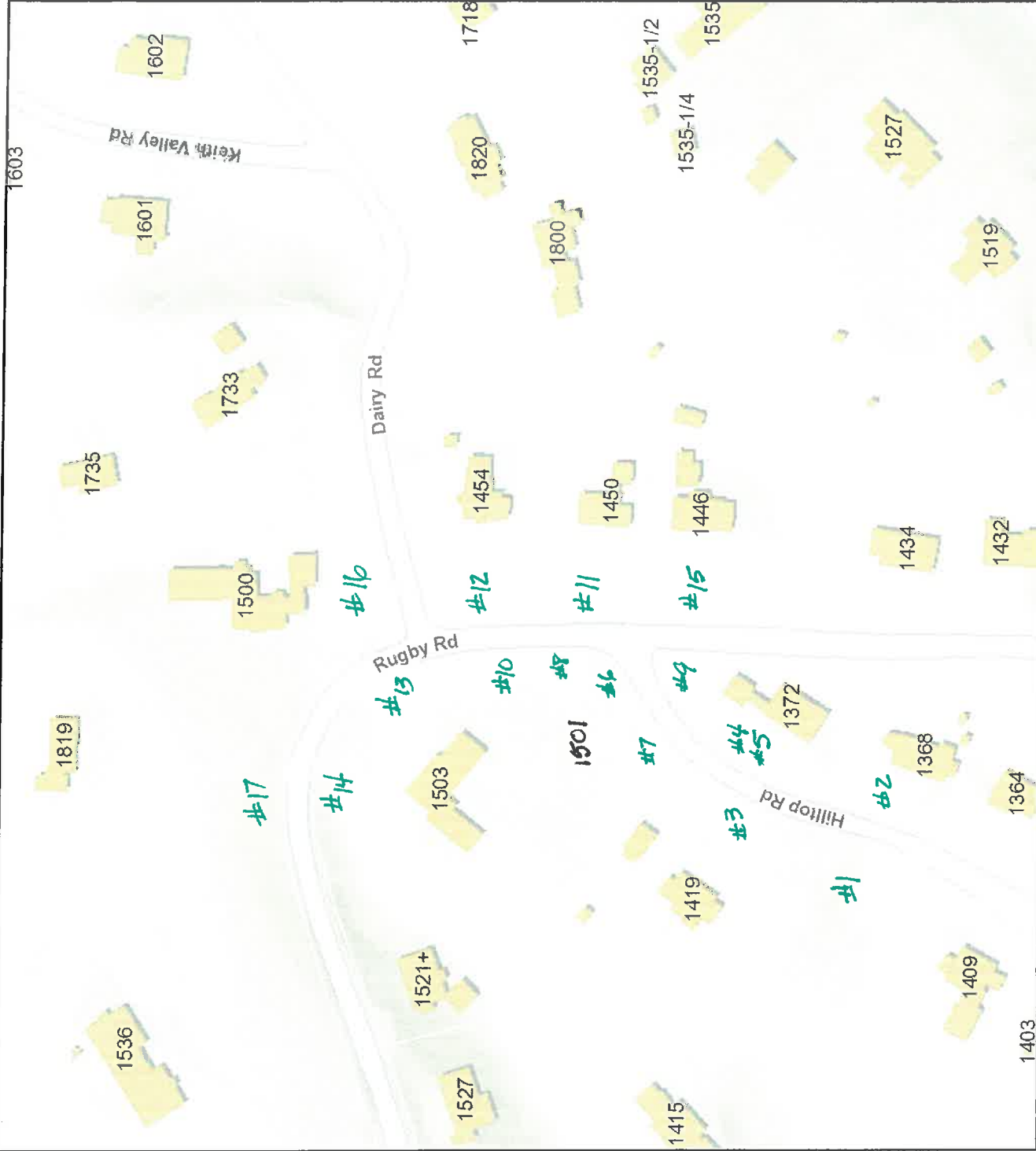
Legend

- Parcels
- Addresses
- Roads
- City Limits

INDICATES WHERE
PHOTOGRAPHS WERE
TAKEN.



Feet

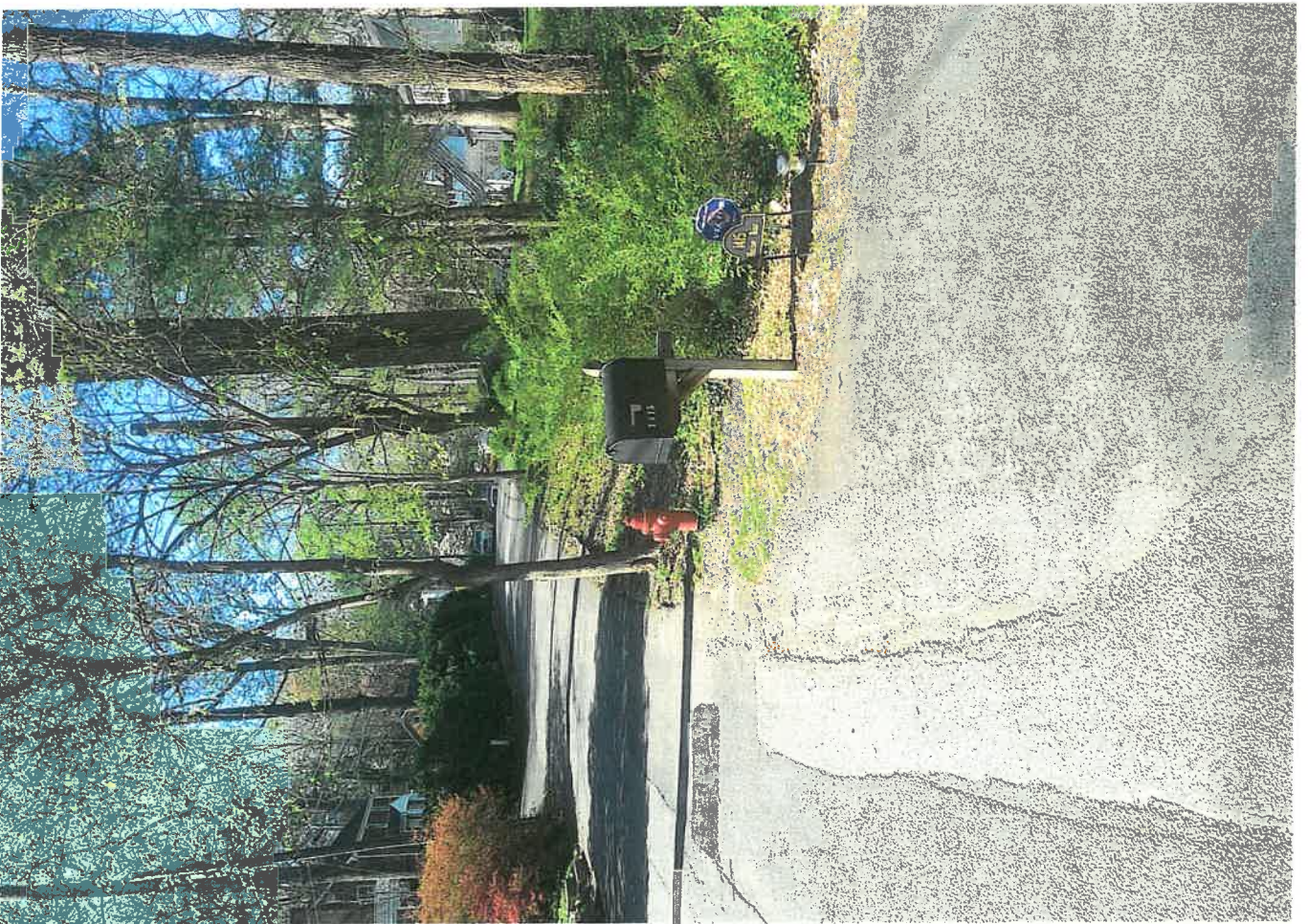


Title:

Date: 4/5/2016

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Charlottesville is not responsible for its accuracy or how current it may be.

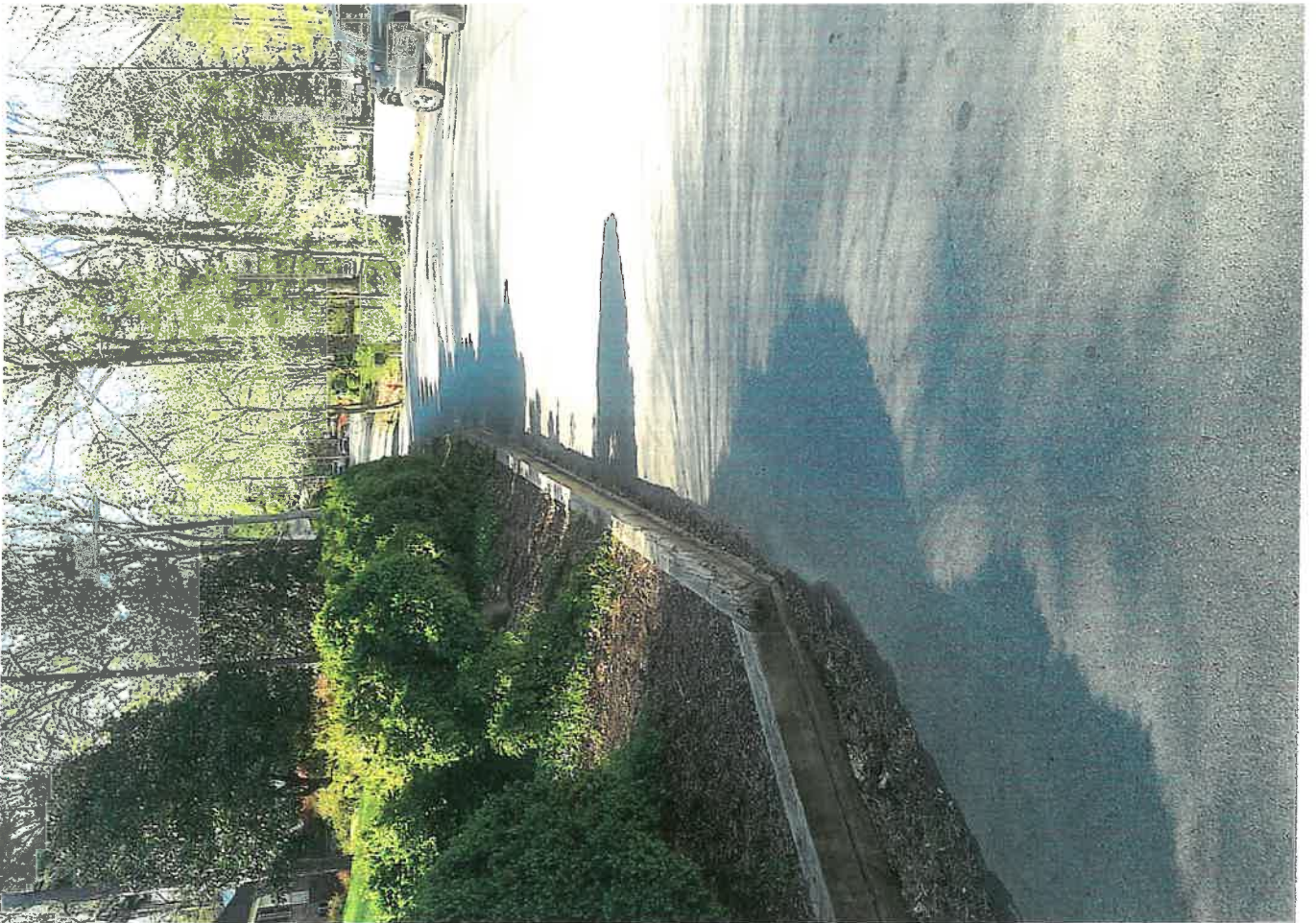






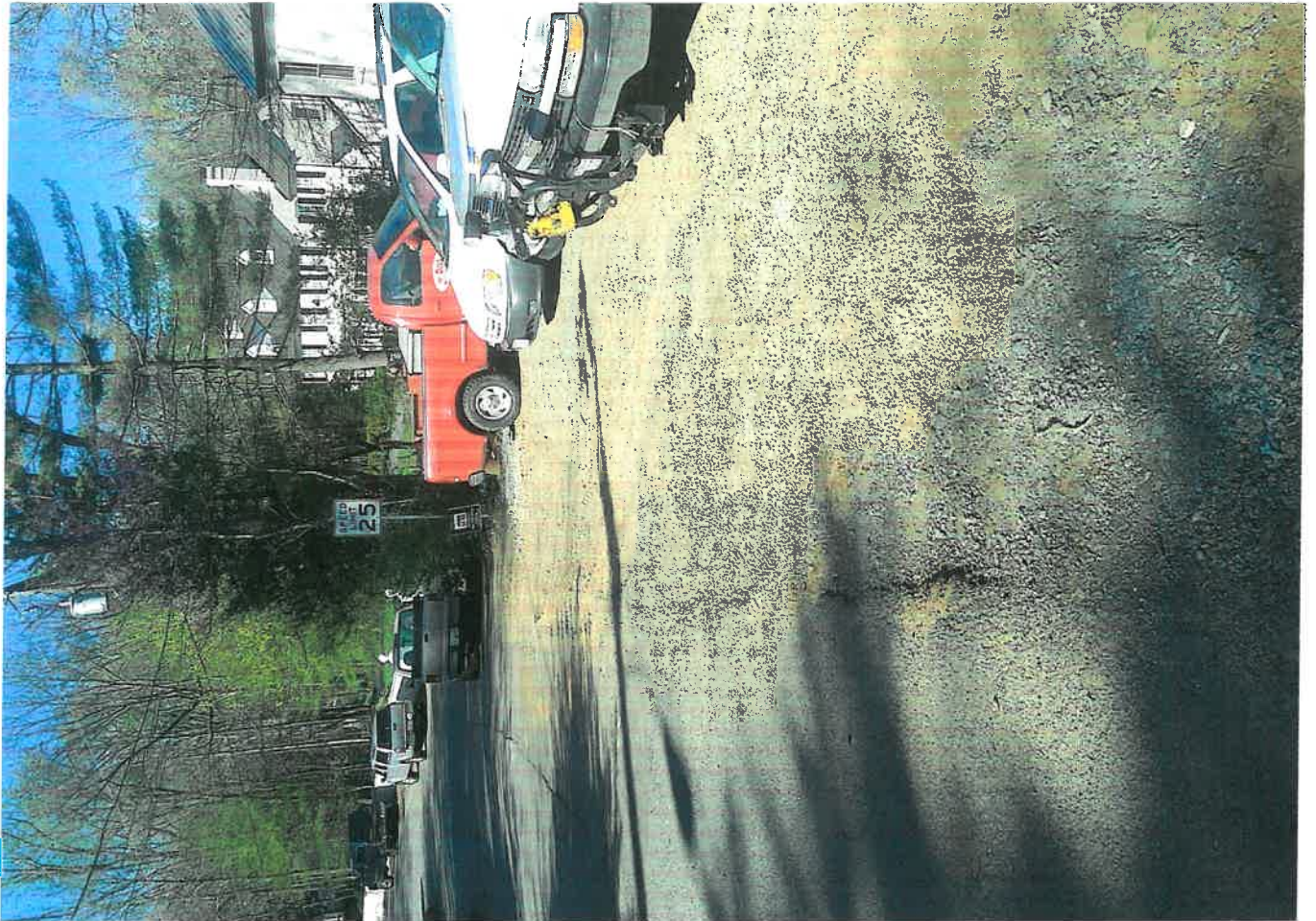


2#



#5



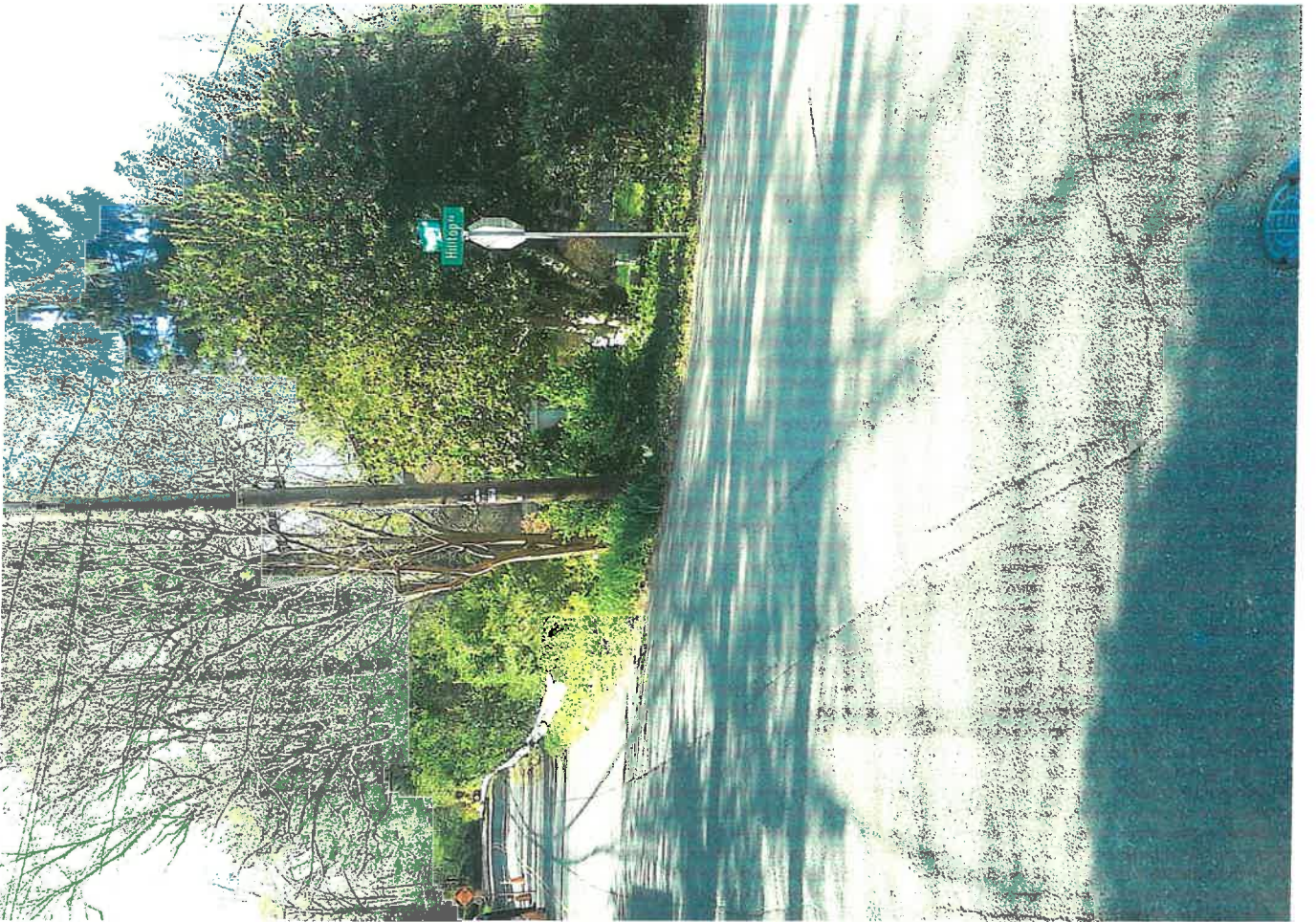


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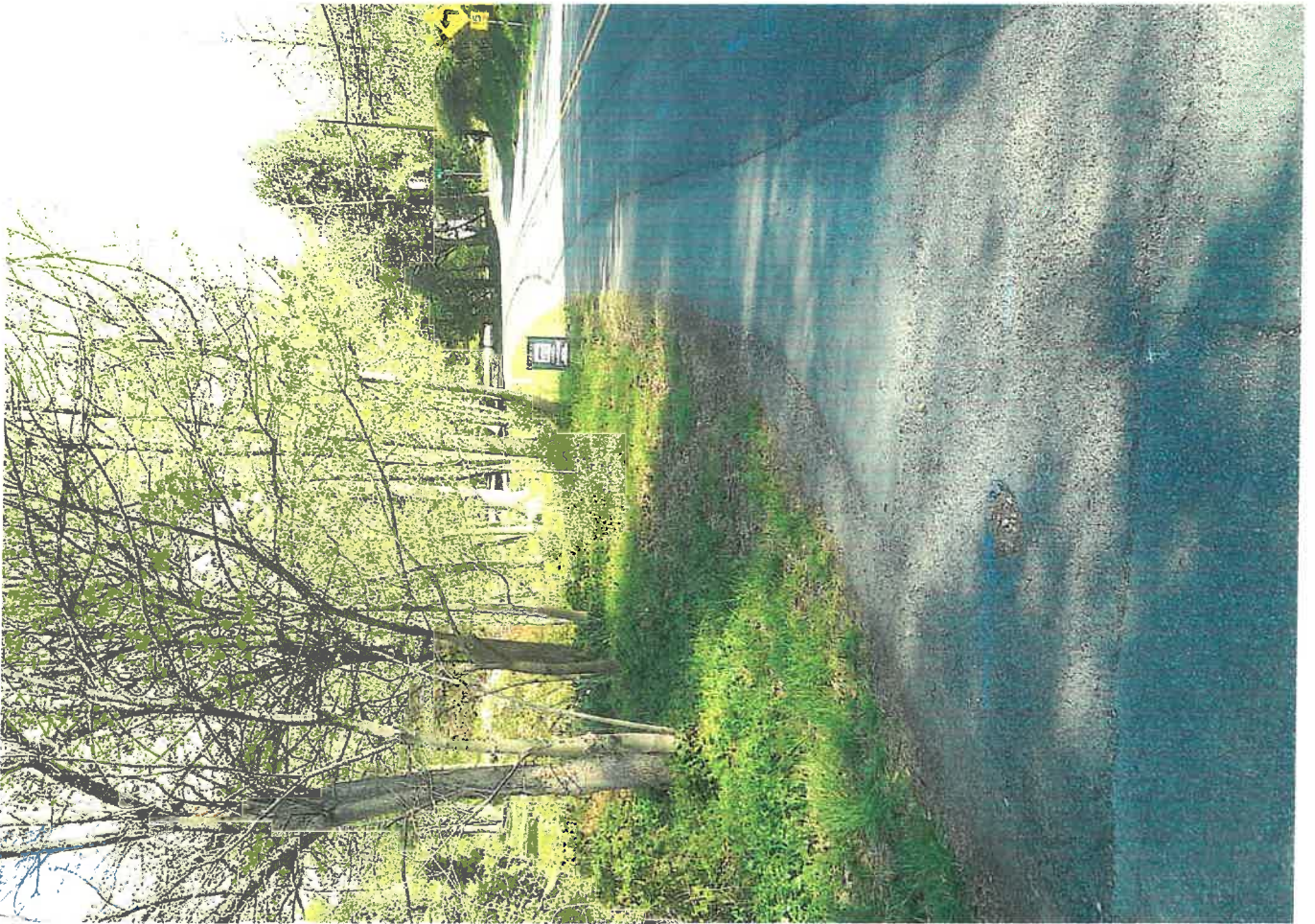


8#

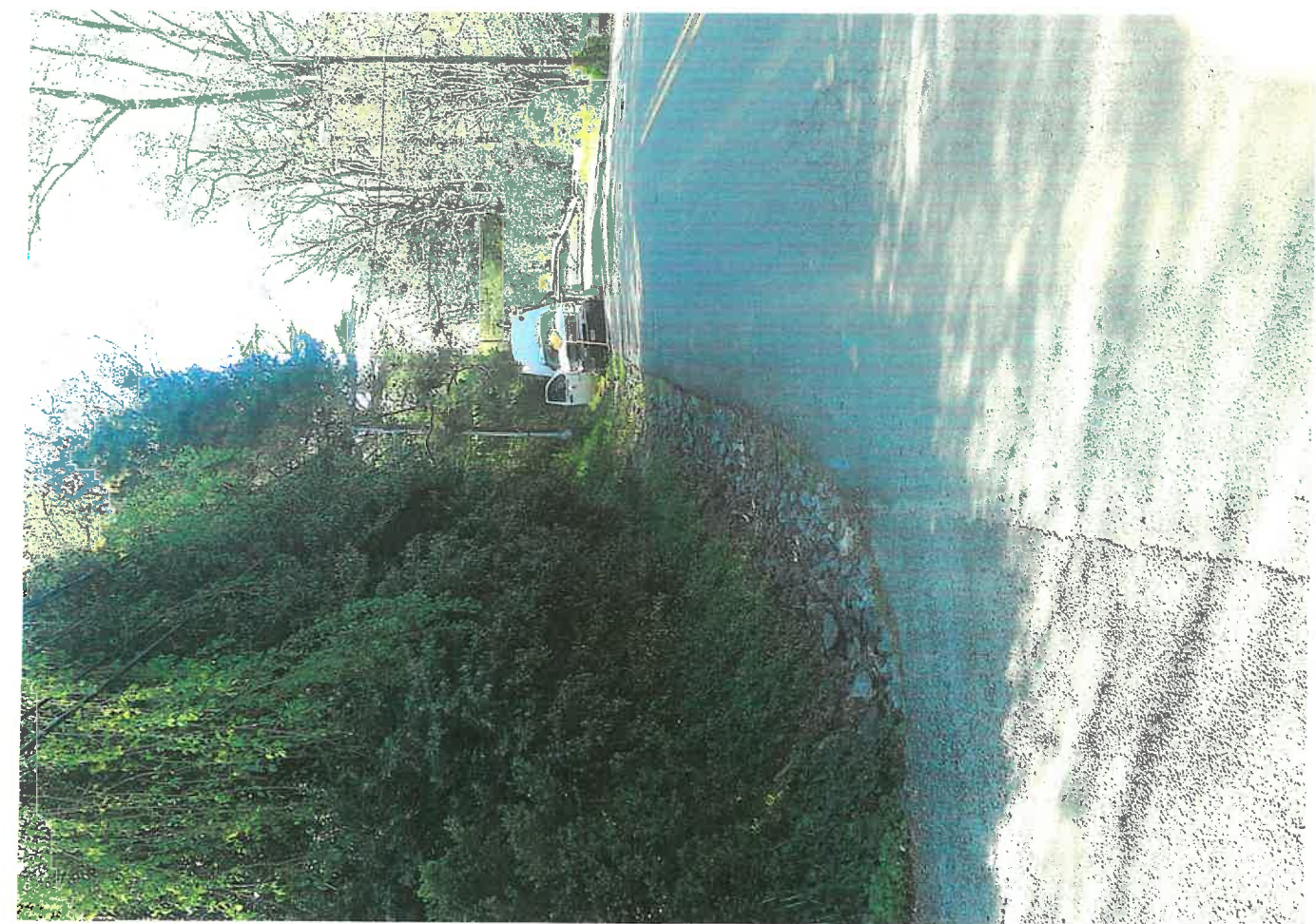




5#



0/10
#10



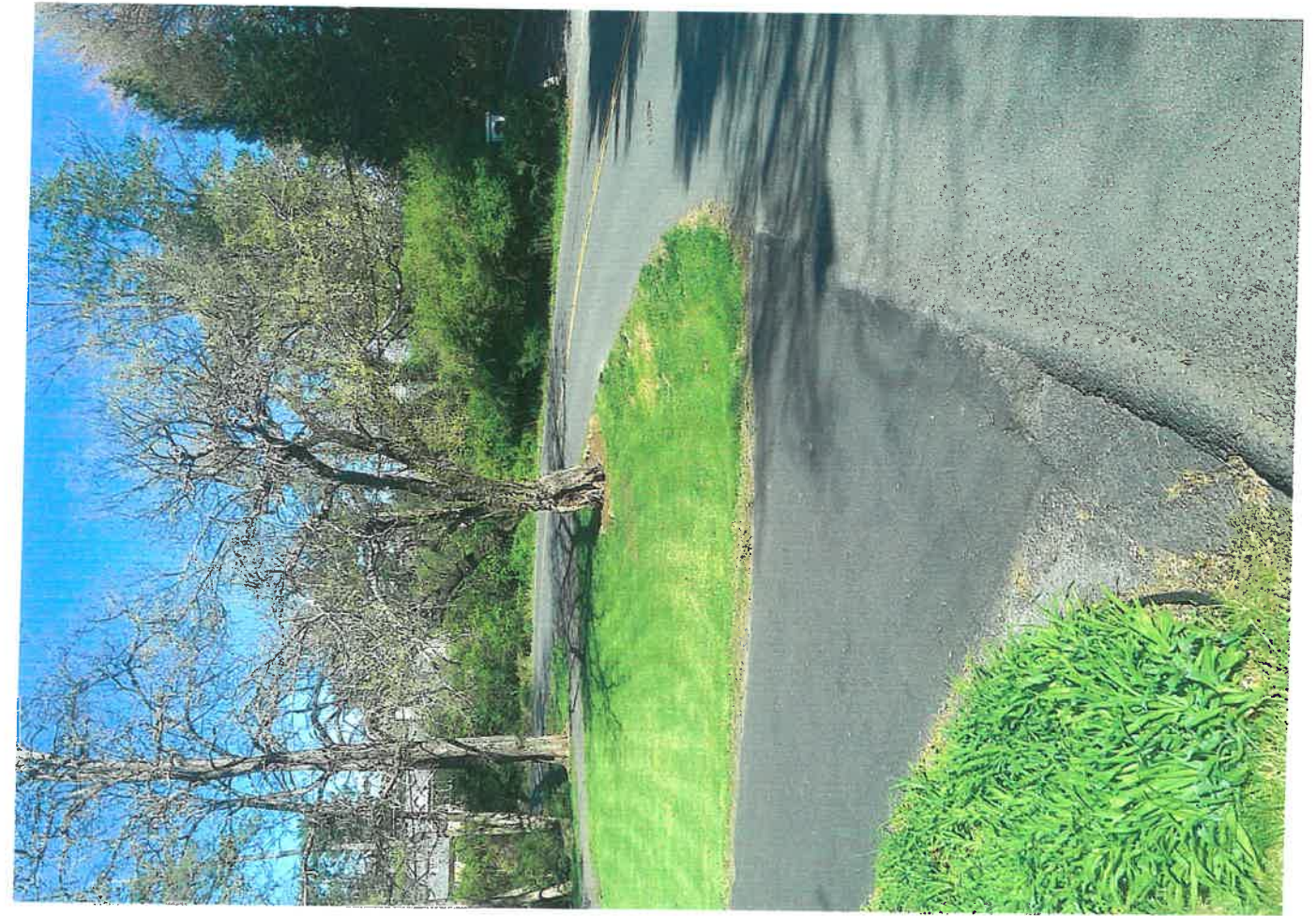
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#12



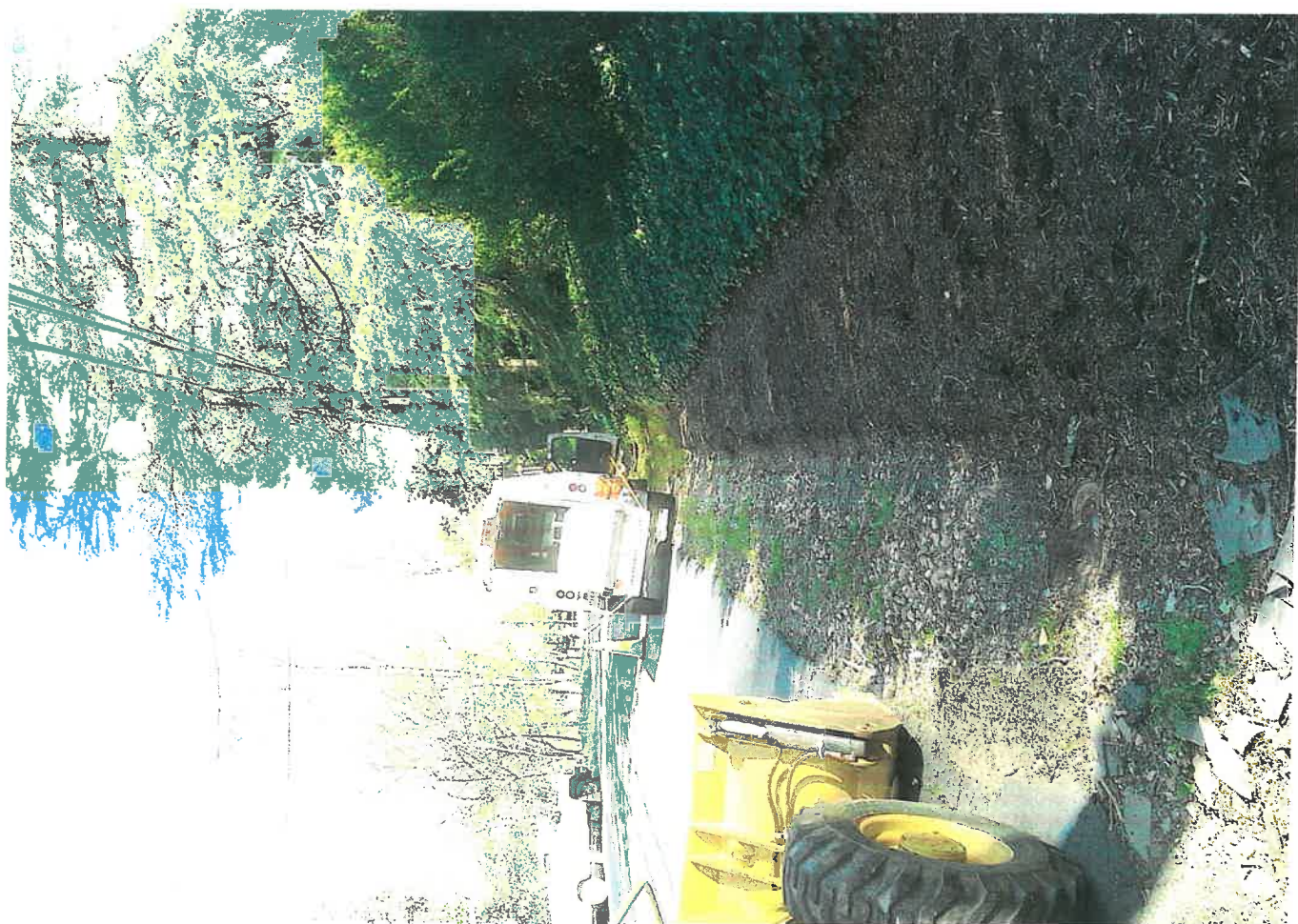
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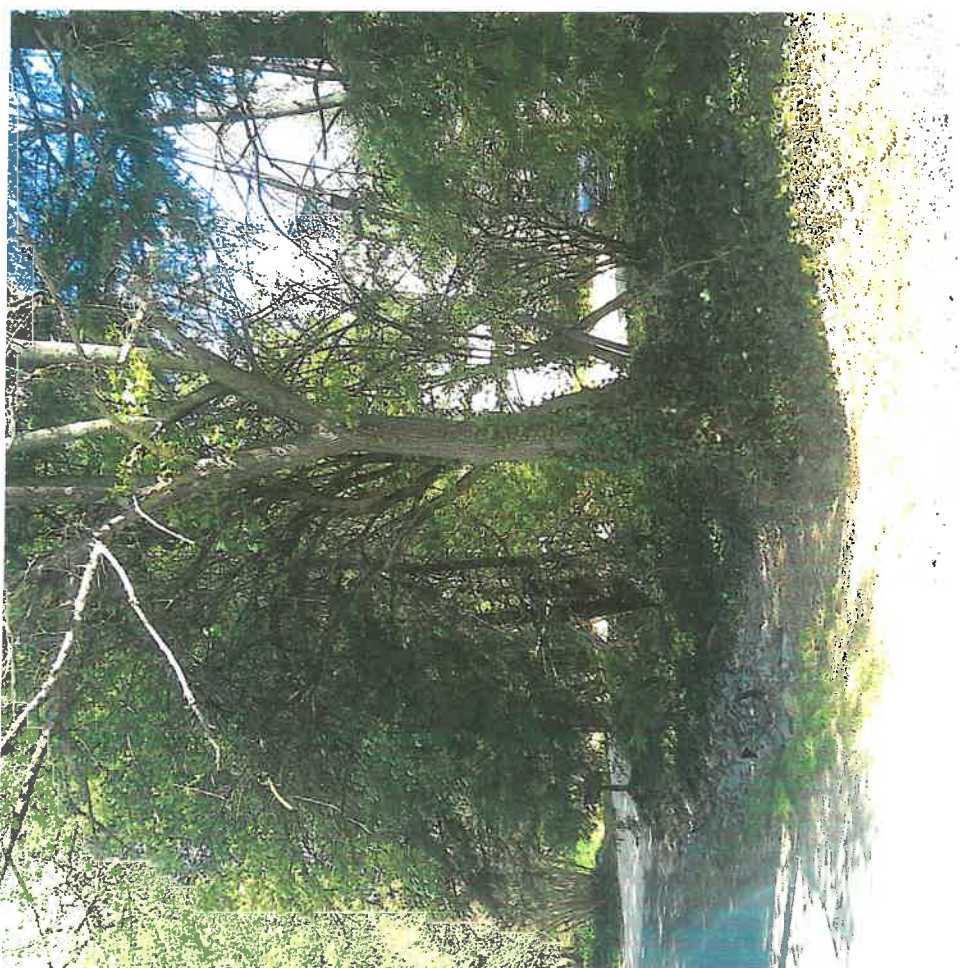




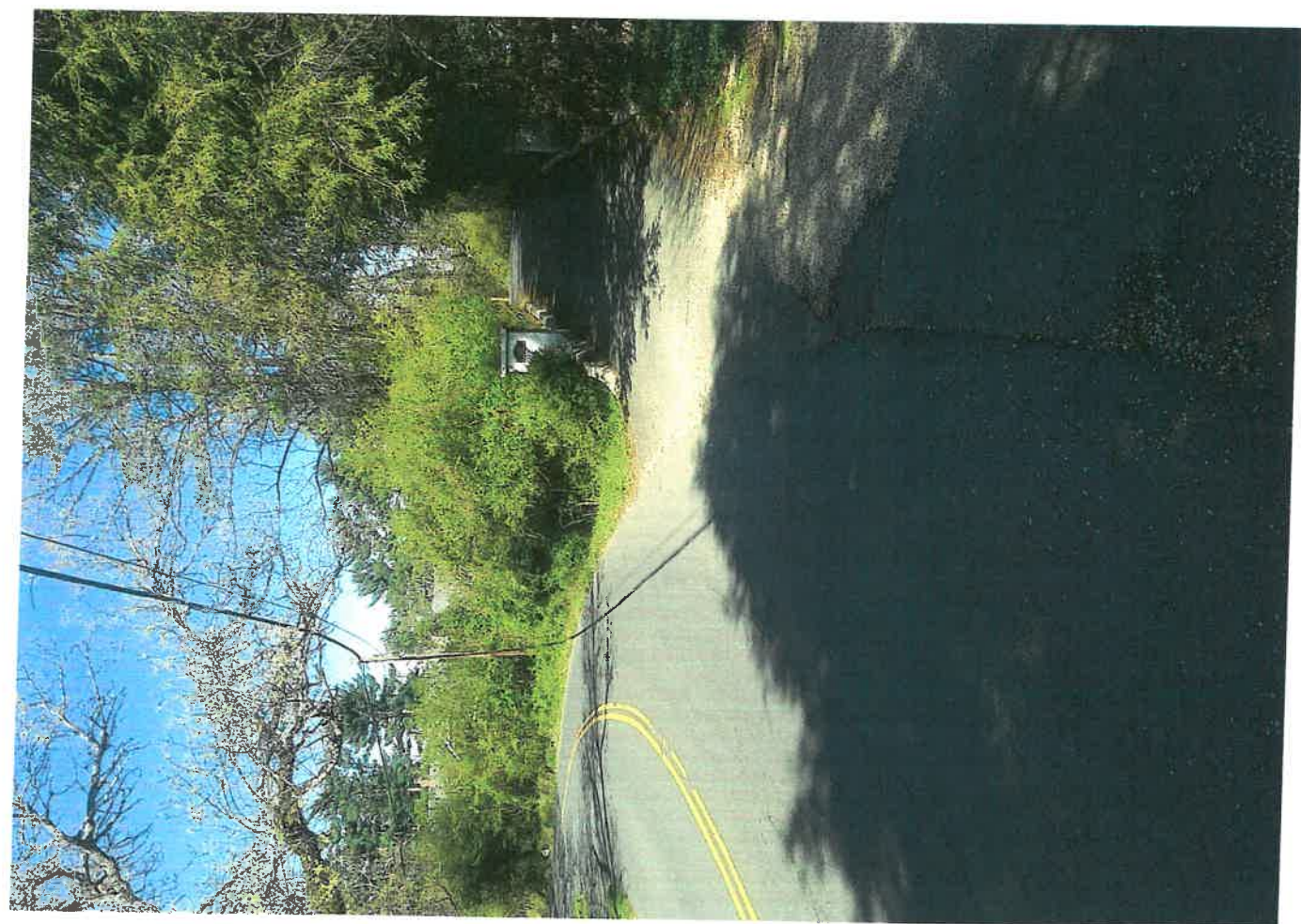
h/4

5/17

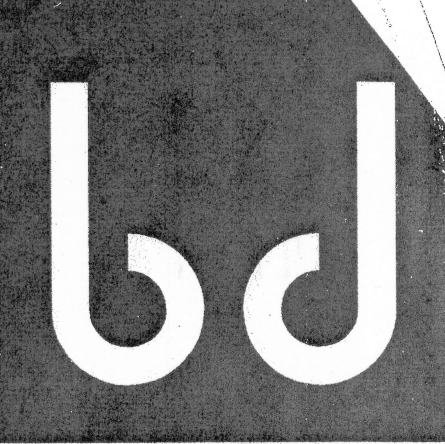




#16



2/8



**bosserman
design**
1628 mulberry ave
charlottesville, va
22903
434.952.2558
f 434.298.7878
bossermandesign@comcast.com

Contractor shall verify all dimensions and conditions of the jobsite and notify designer of any discrepancies, errors or omissions prior to ordering or beginning any work. Do not scale these documents. These documents and all design-work are protected by copyright. Do not copy or reproduce in any form without written permission from designer.
© BOSSERMAN design

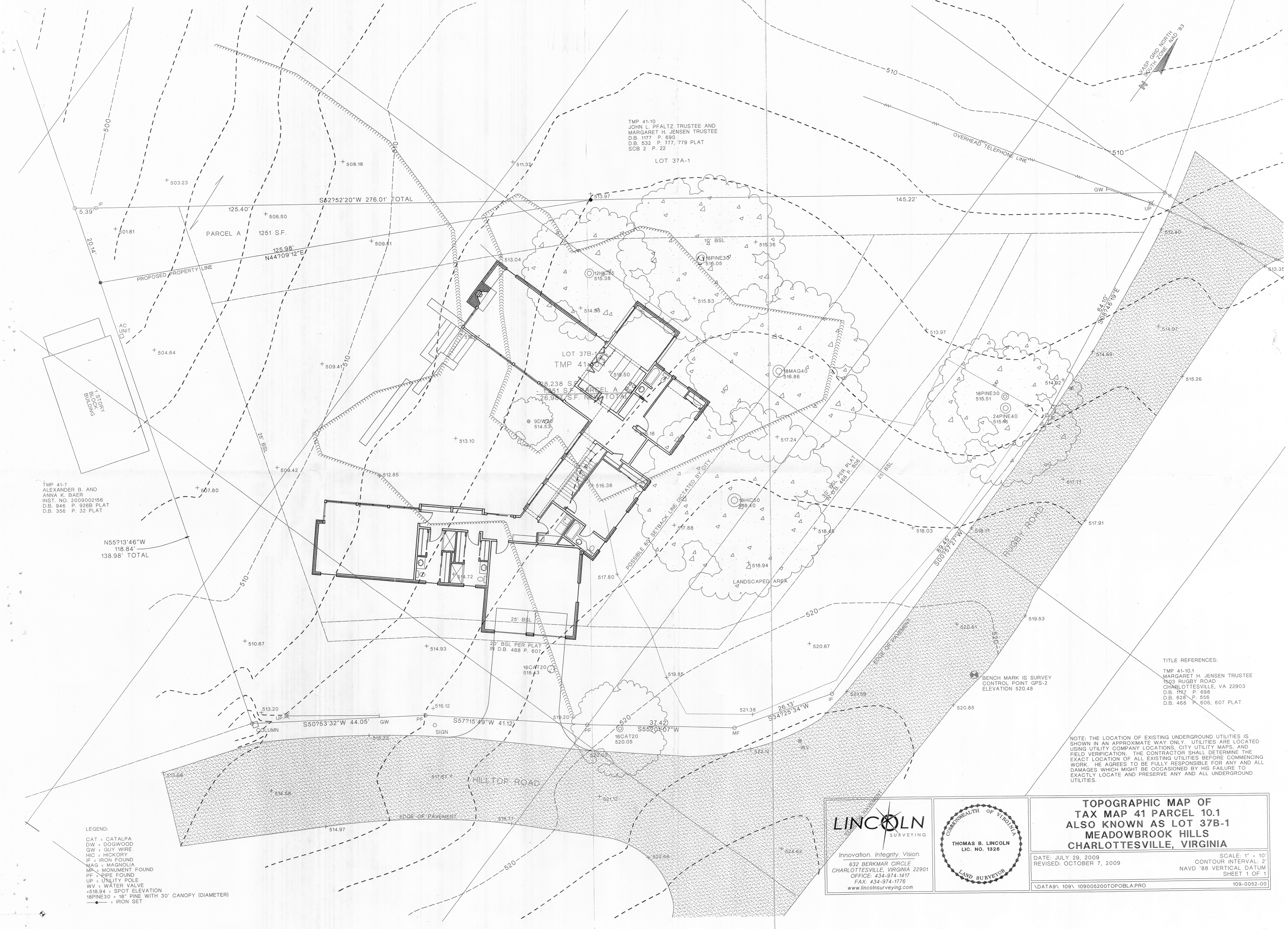
a new residence for
margaret jensen & john pfaltz
rugby road
charlottesville, virginia

site plan
scale:
1" = 10' - 0"

date 5.18.10
rev. 6.17.10

des. JFB
dft. JFB
apr'd.

sp-1



TMP 41-7
ALEXANDER B. AND
ANNA K. BAER
INST. NO. 2009002156
D.B. 946 P. 9285 PLAT
D.B. 356 P. 32 PLAT

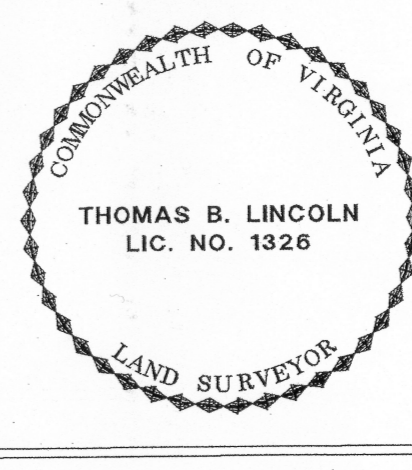
TMP 41-10
JOHN L. PFALTZ TRUSTEE AND
MARGARET H. JENSEN TRUSTEE
D.B. 1177 P. 690
D.B. 532 P. 777, 779 PLAT
SCB 2 P. 22

TITLE REFERENCES:
TMP 41-10.1
MARGARET H. JENSEN TRUSTEE
1503 RUGBY ROAD
CHARLOTTESVILLE, VA 22903
D.B. 147 P. 698
D.B. 628 P. 556
D.B. 468 P. 606, 607 PLAT

NOTE: THE LOCATION OF EXISTING UNDERGROUND UTILITIES IS SHOWN IN AN APPROXIMATE WAY ONLY. UTILITIES ARE LOCATED USING UTILITY COMPANY LOCATIONS, CITY UTILITY MAPS, AND FIELD VERIFICATION. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

LEGEND:
CAT = CATALPA
DW = DOGWOOD
GW = GUY WIRE
HIC = HICKORY
IF = IRON FOUND
MAG = MAGNOLIA
MF = MONUMENT FOUND
PF = PIPE FOUND
UP = UTILITY POLE
WV = WATER VALVE
+518.94 = SPOT ELEVATION
18PINE30 = 18" PINE WITH 30' CANOPY (DIAMETER)
● = IRON SET

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CHARLOTTESVILLE, VIRGINIA 22901
OFFICE: 434-974-1417
FAX: 434-974-1776
www.lincolnsurveying.com



**TOPOGRAPHIC MAP OF
TAX MAP 41 PARCEL 10.1
ALSO KNOWN AS LOT 37B-1
MEADOWBROOK HILLS
CHARLOTTESVILLE, VIRGINIA**
DATE: JULY 29, 2009
REVISED: OCTOBER 7, 2009
SCALE: 1" = 10'
CONTOUR INTERVAL: 2'
NAVD '88 VERTICAL DATUM
SHEET 1 OF 1
DATA9\ 109\ 109005200TOPOBLA.PRO 109-0052-00