



CITY COUNCIL AGENDA March 21, 2022

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

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

4:00 PM OPENING SESSION

Call to Order/Roll Call

Agenda Approval

Reports

1. Report: HR&A Advisors report - Charlottesville Affordable Housing Fund (CAHF) Program review and redesign update

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

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

Board/Commission Appointments

Consent Agenda*

2. Minutes: February 3 Budget work session, February 7 and February 22 meetings
3. Resolution: Appropriating funds for the Cville Plans Together (Comp Plan) Project from the Small Area Plans Account within the City's Capital Projects Fund - \$188,810 (2nd reading)
4. Resolution: Appropriating funds from the Virginia Department of Rail and Public Transportation to Charlottesville Area Transit - \$980,599 (2nd reading)
5. Resolution: Approving appropriation of the Annie E. Casey Foundation Family Engagement Support Stipend Grant - \$15,000 (1st of 2 readings)
6. Resolution: Approving an appropriation for COVID Homelessness Emergency Response Program Funding (CHERP) - \$200,000 (1st of 2 readings)
7. Resolution: Appropriating funds from the Charlottesville Albemarle Technical Education Center for CATEC kitchen floor repair - \$75,000 (1st of 2 readings)
8. Resolution: Appropriating grant funding of \$94,276 from Virginia Department of Conservation and Recreation for development of a Flood Resilience Plan, and authorizing the City Manager to execute a Grant Agreement (1st of 2 readings)

City Manager Report

Community Matters

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

Action Items

9. Public Hearing: First FY2023 Budget and Tax Rate
 - a. Public Hearing: Real Estate Tax Rate
 - b. Public Comment: FY23 Budget (official public hearing April 4)
10. Resolution: Appropriating funding for American Rescue Plan eligible local activities - \$454,553.97 (1st of 2 readings)
11. Ordinance: 1613 Grove Street Extended – Consideration of requests from Landowner Lorven Investments, LLC, regarding approximately 0.652 acres of land, including multiple lots identified within 2021 City real estate records by Real Estate Parcel Identification Numbers 230133000, 230134000, and 230135000
 - a. Ordinance: 1613 Grove Street Extended rezoning request (1st of 2 readings)
 - b. Resolution: 1613 Grove Street Extended Special Use Permit (moves with rezoning request)
 - c. Resolution: 1613 Grove Street Extended Critical Slope Waiver (moves with rezoning request)
12. Action Item: 240 Stribling Avenue
 - a. Ordinance: Re-enacting the Zoning Map for the City of Charlottesville, Virginia, to reclassify certain property from R-1S and R-2 to Planned Unit Development (“240 Stribling PUD”) and granting a critical slope waiver for the 240 Stribling PUD (1st of 2 readings)
 - b. Ordinance: Consideration of a voluntary Infrastructure Funding Agreement in the amount of \$2.9 Million with Belmont Station, LLC, for construction of sidewalk along Stribling Avenue (1st of 2 readings)

General Business

Other Business

Community Matters

*Action Needed

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



Agenda Date:	March 21, 2022
Action Required:	Update
Presenter:	Alex Ikefuna, Interim Director, Office of Community Solutions Phillip Kash, HR&A Advisors, Inc.
Staff Contacts:	Sam Sanders, Deputy City Manager, Operations, Alex Ikefuna, Interim Director Brenda Kelley, Redevelopment Manager
Title:	Charlottesville Affordable Housing Fund (CAHF) Program Review/Redesign Report

Background:

On July 19, 2021, the City Council approved funding to Charlottesville Affordable Housing Fund (CAHF) Program Performance Review and Redesign, and Inclusionary Zoning Design. The CAHF program review would include evaluation of the past performance of the housing programs, past program agreements, selection and contracting processes, development of new approaches as needed, grant terms, program criteria, and evaluation metrics the City can use in the future.

Discussion:

The CAHF performance evaluation has two components: Task 1) Program Review; and Task 2) Program Redesign. On December 20, 2021, staff and HR&A representative presented Task 1 of the two parts to the City Council. This presentation includes Task 2) Program Redesign – Equitable and Affordable Development Standards and recommendations

Process and Analysis

In Task 1, Program Review, HR&A examined past performance of the City’s affordable housing programs. This work included collecting and reviewing available records from the City and funding recipients which focused on affordable housing units created and households served. HR&A created an up-to-date inventory of City-funding awards since 2010, interviewed funding recipients, and drafted findings from this review. The primary purpose was to compare the level of impact projected during the application period with the impact achieved by the program or project.

In Task 2, Program Redesign, HR&A formulated recommendations around the redesign of the City’s RFP and NOFA processes, with a focus on aligning the City’s funding with the priorities established in the housing plan. This redesign reflected learnings from the program review, by addressing and preempting issues that had surfaced through this review.

To do this analysis, HR&A worked with the City's Office of Community Solutions (OCS) to obtain available records of past Notice of Funding Availability (NOFA) responses, Request for Proposals (RFP) responses, funding agreements, and other records detailing funding allocations from the Charlottesville Affordable Housing Fund (CAHF, formerly referred to as the Charlottesville Housing Fund). HR&A closely reviewed the City's existing database of City-funded affordable housing projects since 2010 and verified details through interviews with nonprofit partners.

The key issues identified in Task 1, Program Review are each directly acknowledged and addressed through HR&A's recommended changes for Task 2, Program Redesign. The evaluation and recommendations focused on four areas:

- A. **Funding process:** What is the overarching process by which funding is allocated and monitored?
 - Governance
 - Annual Allocation Plan
 - NOFAs and RFPs
 - Project Evaluation and Selection
 - Grant Agreements
 - Reporting and Monitoring
- B. **Policy:** What public good does the funding achieve?
 - Program Types
 - Property and Unit Types
 - Racial Equity
 - Long-term affordability
- C. **Project viability and efficiency:** Are projects delivered on time and cost-effectively?
 - Project Readiness and Schedule
 - Project Budget
 - Cost per Unit
 - Leverage

Summary of the Recommendations

1. Implementation of substantial change to Housing Advisory Committee (HAC) as recommended in the Affordable Housing Plan.
2. Align the State of Virginia funding cycles – Low Income Housing Tax Credit (LIHTC) with the Charlottesville Affordable Housing Fund (CAHF) so it will drive consistency in the affordable housing pipeline production.
3. Create a CAHF Committee to oversee the use of the CAHFs. The newly created CAHF Committee and City should develop a process for budgeting amount of CAHF, and the process should include details on how much of CAHF funding is being counted toward the City's goals (tax abatement, vouchers, and awards to CRHA, LIHTC projects, and administrative costs). In years where there is funding for less than \$1 million available, a single Notice of Fund Availability (NOFA) and Request for Proposal (RFP) should be issued.
4. Evaluation of CAHF and Community Development Block Grant (VDBG)/HOME development applications should be combined, and at a minimum aligned through the use of a considered set of scoring criteria.
5. Clearly define the City's affordable housing policy goals at each step of the NOFA and procurement process, including the goal of Area Median Income (AMI) targeting of 50%

of funding to serve households with incomes up to 30% of AMI, 30% of funding for households earning up to 60% AMI, and 20% of funding for households earning up to 80% AMI ([Charlottesville Affordable Housing Plan \(see pages 55-56\)](#)).

6. The City should set annual production goals for housing development and affordability, as well as ensure that housing policies and programs, and decision-making processes are intentionally designed to overcome the past history of racial segregation and ongoing inequities.
7. Incorporate additional details into the grant agreement, (affordability period, etc.) and for Down Payment Assistance or owner-occupied rehab follow guidance in Housing Plan. ([Charlottesville Affordable Housing Plan \(see pages 56, 135-137\)](#)).
 - Non-discrimination of prospective tenants on the basis of race, creed, religion, color, sex, age, or national origin, or source of income
 - Reporting requirements including demographic data
 - For rental construction projects, include clear time requirements for construction to begin and/ or be completed, Certificates of Occupancy received, and project leased up
 - Requirements to give land back to City if an acquisition project does not go forward
8. Dedicate staff to oversee reporting and monitoring of CAHF expenditures.
9. Additional staff capacity should be added to support the quarterly review and monitoring of City-funded projects. Use online application portal for quarterly reporting that can feed the City's up to date inventory of projects.
10. **Continue emphasis on projects that can scale production of affordable housing units.** The City should prioritize projects that can deliver units at scale, meeting the City's aggressive 10-year unit targets: increase the number of subsidized affordable homes by 1,100 homes and preserve 600 existing subsidized homes.
11. **Deepen affordability levels served and enhance monitoring and longevity of affordability.** This evaluation of affordability should be done holistically, balancing the affordability levels served by CAHF-funded programs as well as additional City programs, such as property tax abatements, vouchers, etc. The City should require a minimum of 20 years affordability for all projects supported by CAHF, and at least 30 years for LIHTC projects.
12. Set a community representation standard for all organizations receiving funding: The leadership and board of organizations that receive City housing funding should be reflective of the communities they are serving and include residents who are participating in City-funded housing programs. ([Charlottesville Affordable Housing Plan see pages 56](#)).
13. Development projects supported by CAHF should be no more than 24 months from completion of construction at the time of CAHF funding. For LIHTC projects, a 18-22 month construction period should generally be expected, following project closing on credits and other funding sources.

Steepen requirements and scoring criteria around documentation of readiness to proceed, including requests for:

- Environmental review
- Site Control
- Permits / entitlements
- Historical resources approval
- Other funding commitments

14. Require full set of project sources, uses, and operating budget through standard application template. Funds may be awarded prior to a development identifying all sources but cannot

be drawn until a complete set of sources is in place for development and rehabilitation projects. Additional capacity will be required to review and perform due diligence on project financials, to determine appropriateness of funding requests and validate financial viability. This capacity may come from a new FTE or contractors.

15. Monitor cost efficiency by program type, and track drivers of higher or lower costs per unit. Set a clear per-unit cost target in the RFP, and scale scoring based on cost efficiency. Points should be allocated such that the application with the lowest cost per unit or per program receives the full points, and everyone else is scored relative to that highest mark.
16. As part of cost efficiency, the application that brings the greatest amount of leverage should be given the full amount of points dedicated to leverage, and everyone else should be scored relative to them.

Alignment with City Council's Vision and Strategic Plan:

Since this request is associated with the implementation of the 2021 Comprehensive Plan and Affordable Housing Plan, it supports all aspects of City Council Vision in one way or another. It contributes to the following 2018-2020 Strategic Plan Goals: Goal 1.3 to increase affordable housing options, Goal 1.5 to intentionally address issues of race and equity, Goal 2: a healthy and safe city, Goal 3: a beautiful and sustainable natural and built environment, Goal 5: a strong, creative and diversify economy, and Goal 5.4 to foster effective community engagement.

Community Engagement:

There have been several community engagement meetings and activities conducted as part of the comprehensive plan update and affordable housing planning process.

Budgetary Impact:

This is an update of already funded project.

Recommendation:

Next Steps for Program Redesign

Overview of Required Updates

1. Revise overall NOFA and RFP structure
2. Rewrite guidelines, evaluation criteria, and application forms to fit updated structure and reflect housing plan priorities
3. Enforce updated guidelines through review and selection process, contracting, and tracking and monitoring
4. HR&A has begun to draft sample NOFA, application, and scoring criteria documents for several major programs.
5. Implement change to the current Housing Advisory Committee (HAC) structure and create Charlottesville Affordable Housing Fund (CAHF) Committee to oversee the use of CAHF funds.

Alternatives:

Not applicable!

Attachments:

Task 1 report



Mr. Alex Ikefuna
Interim Director, Office of Community Solutions
City Manager's Office, City of Charlottesville
605 E. Main Street
Charlottesville, VA 22902

Dear Mr. Ikefuna:

HR&A Advisors, Inc. (HR&A) was selected by the **City of Charlottesville** (the City) to help implement some of the recommendations of the Charlottesville Affordable Housing Plan, including better understanding past performance of the City's affordable housing expenditures and aligning the City's selection process for affordable housing programs with policy goals. These goals include increasing the impacts of the City's policies and programs, remove barriers to access, maximize the City's public return on investments, improve relationships with funded community partners, and advance racial equity in housing in Charlottesville.

The following report summarizes the progress, as of March 7th 2022 toward the Program Performance Review and Redesign of the Charlottesville Affordable Housing Fund (CAHF). The CAHF performance evaluation is organized into two components:

Task 1 Program Review: HR&A examined past performance of the City's affordable housing programs. This work included collecting and reviewing available records from the City and funding recipients that focused on affordable housing units created and households served. HR&A created an up-to-date inventory of City-funding awards since 2010, interviewed funding recipients, and drafted findings from this review. The primary purpose was to compare the level of impact projected during the application period with the impact achieved by the program or project.

Task 2 Program Redesign: HR&A formulated recommendations around the redesign of the City's RFP and NOFA processes, with a focus on aligning the City's funding with the priorities established in the housing plan. This redesign reflected what was learned from the program review, by addressing and preempting issues that had surfaced through this review.

Progress to Date

On December 20, 2021, staff and HR&A representative presented interim findings to the City Council for Task 1. The following memo includes the final findings from Task 1, along with an interim report on Task 2, Program Redesign, including recommendations for improving past program agreements, selection and contracting processes, grant terms, program criteria, and evaluation metrics the City can use in the future as it seeks to increase the impacts of City housing policies and programs. Following City Council discussion and recommendations, this memo will be finalized.

Task 1 Final Findings

Task 1 Background:

HR&A began the review of past awards and current selection practices in October 2021. During Task 1, HR&A examined past performance of the City's affordable housing programs. This work included collecting and reviewing available records from the City and funding recipients which focused on affordable housing units created and households served. HR&A is in the process of creating an up-to-date inventory of City-funding awards since 2010, drafting findings and preparing recommendations. This will be completed by reviewing past funding agreements and performance for City-funded projects and programs over a 10-year period (2010-2021) and interviewing funding recipients who received City funding for operations, programming, and development of affordable housing units. The primary purpose is to compare the level of impact projected during the application period with the impact achieved by the program or project.

Task 1 Methodology and Interview Process:

HR&A worked with the City's Office of Community Solutions (OCS) to obtain available records of past Notice of Funding Availability (NOFA) responses, Request for Proposals (RFP) responses, funding agreements, and other records detailing funding allocations from the Charlottesville Affordable Housing Fund (CAHF, formerly referred to as the Charlottesville Housing Fund). Additionally, HR&A reviewed the City's existing database of City-funded affordable housing projects since 2010. For our internal review, HR&A identified the following grant types:

- **Operating grants** which include administration, compliance, and matching of federal grants such as the Department of Housing and Urban Development's (HUD) HOME Program. Operating grants are typically awarded annually to recipients in order to support staffing needs and overhead costs.
- **Program grants** which include rental subsidy programs, homeownership subsidy programs, rehabilitations & housing quality improvement programs for single family detached homes, and homelessness service programs. Program grants enable recipients to support down payment assistance programs, energy retrofit programs, and small-scale rehabilitations, among other programs.
- **Development grants** which include the construction of affordable single-family detached homes and multifamily units and significant rehabilitations for affordable multifamily developments. These grants were leveraged by recipients to support property acquisition costs, predevelopment expenses (i.e. master planning), and construction costs.

To evaluate the performance of the City's affordable housing programs, HR&A reviewed each award based on the following metrics:

- **Units Created/Households Served** which includes the number of new affordable units constructed, number of units preserved and/or rehabilitated, and number of households for which rental or homeownership subsidies were provided.
- **Affordability** which identified the proposed affordability levels, affordability requirements and/or covenants, and the expiration of affordability requirements.

Development grants, whose reporting summarized the number of units created or preserved, were identified as having the greatest impact on evaluating the performance of the City's affordable housing programs. Additionally, program grants which provided rental subsidies and down payment assistance were also identified as being impactful in evaluating the effectiveness of the City's affordable housing programs. Operating grants often had limited information detailing the uses of City funds and were not deemed to be very effective in evaluating the City's affordable housing programs.

Following this initial data review, HR&A contacted project sponsors, proposers, and recipients of CAHF funding to schedule interviews to discuss individual records of CAHF funding allocations from the City since 2010 and to solicit additional information for each CAHF funding allocation. As of November 30th, 2021, HR&A interviewed the following CAHF funding recipients:

- Albemarle Housing Improvement Program, Inc. (AHIP)
- Charlottesville Abundant Life Ministries (CALM)
- Charlottesville Redevelopment and Housing Authority (CRHA)
- Habitat for Humanity of Greater Charlottesville
- Jefferson Area Board for Aging (JABA)
- Local Energy Alliance Program (LEAP)
- Piedmont Community Land Trust (PCLT), formerly Thomas Jefferson Community Land Trust (TJCLT)
- Piedmont Housing Association (PHA)
- Thomas Jefferson Area Coalition for the Homeless (TJACH)

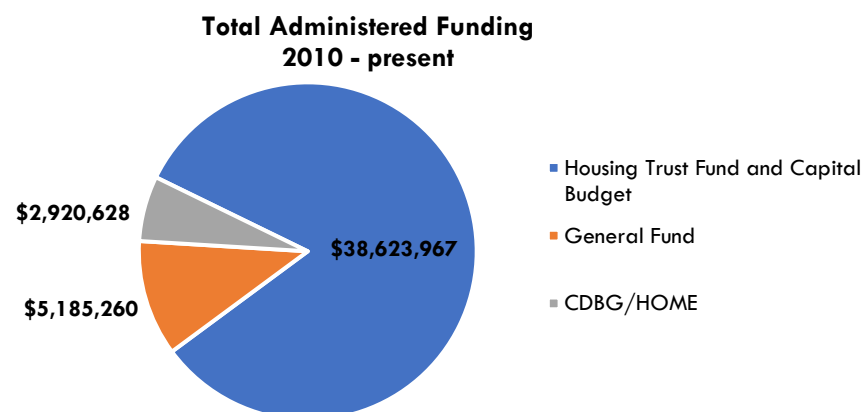
For each interviewee, HR&A developed a series of questions based on the specifics of the grant documentation that existed for the recipient and followed up on project-specific items. For cases where there was missing information on funding allocations or inconsistencies between City and recipient records of funding awards, HR&A requested additional documentation or explanations from recipients to confirm funding allocation amounts and address other follow-up questions. In many instances, recipients would confirm whether grants were used for operations or would provide additional explanation and/or documentation on grants which were used to support programs and/or development of affordable housing units.

Our findings on City-funded affordable housing expenditures since 2010 and preliminary recommendations for improving the City's solicitation, procurement, and contracting processes are detailed on the following pages.

Summary of City Expenditures Since 2010

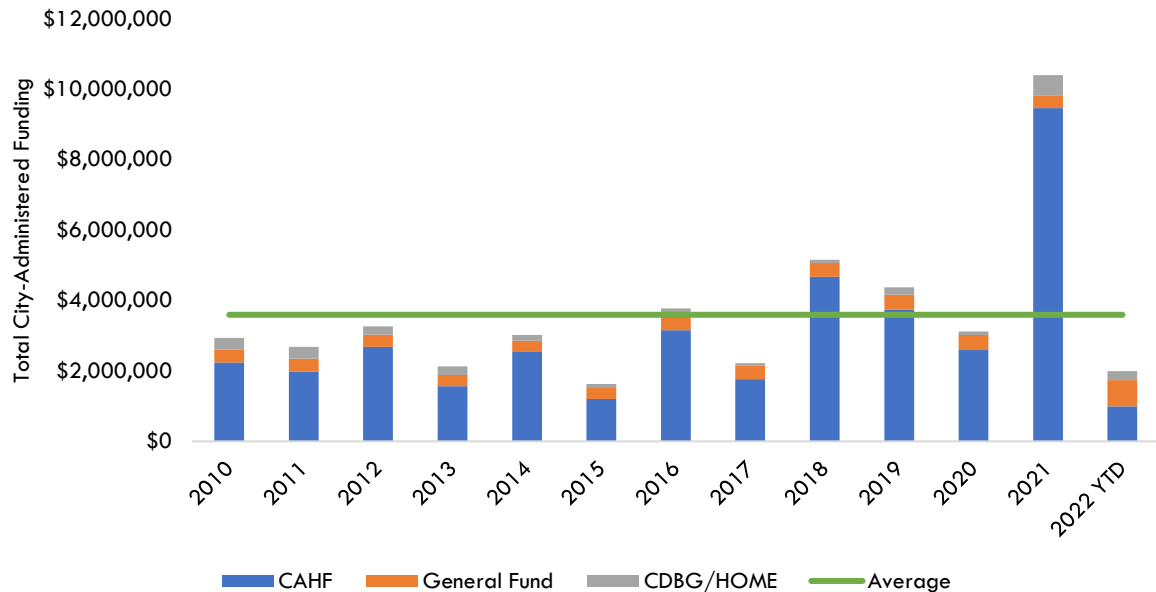
The figures below were created using a database of housing expenditures kept by the City, drawing from all available documentation of City Council funding approvals and grant agreements.

Since 2010, the City of Charlottesville has administered a total of **\$46.7 million** in funding to support a variety of affordable housing initiatives across the City, drawing from the City's General Fund, Capital Budget (CIP) and Housing Trust Fund (CAHF), and federal HOME and CDBG funds.



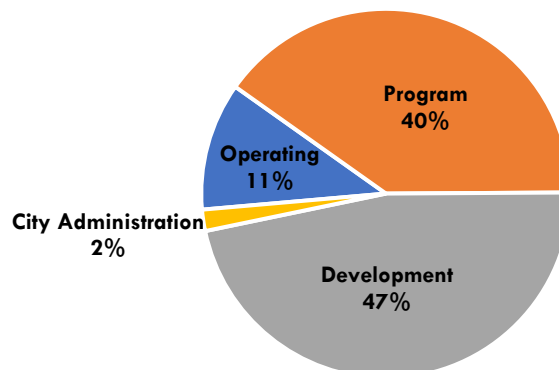
Funding levels have averaged \$3.6 million per year, with a large outlier in 2021 which totaled \$10.4 million. Federal HOME and CDBG funds differ significantly from local CAHF but are considered critical affordable housing resources. These funds come with separate procurement and monitoring processes, and a limited set of uses. The local funds (Housing Trust Fund, Capital Budget, and General Fund) are considered more flexible.

**Annual City Funding by Vehicle of Funds
2010 - present**

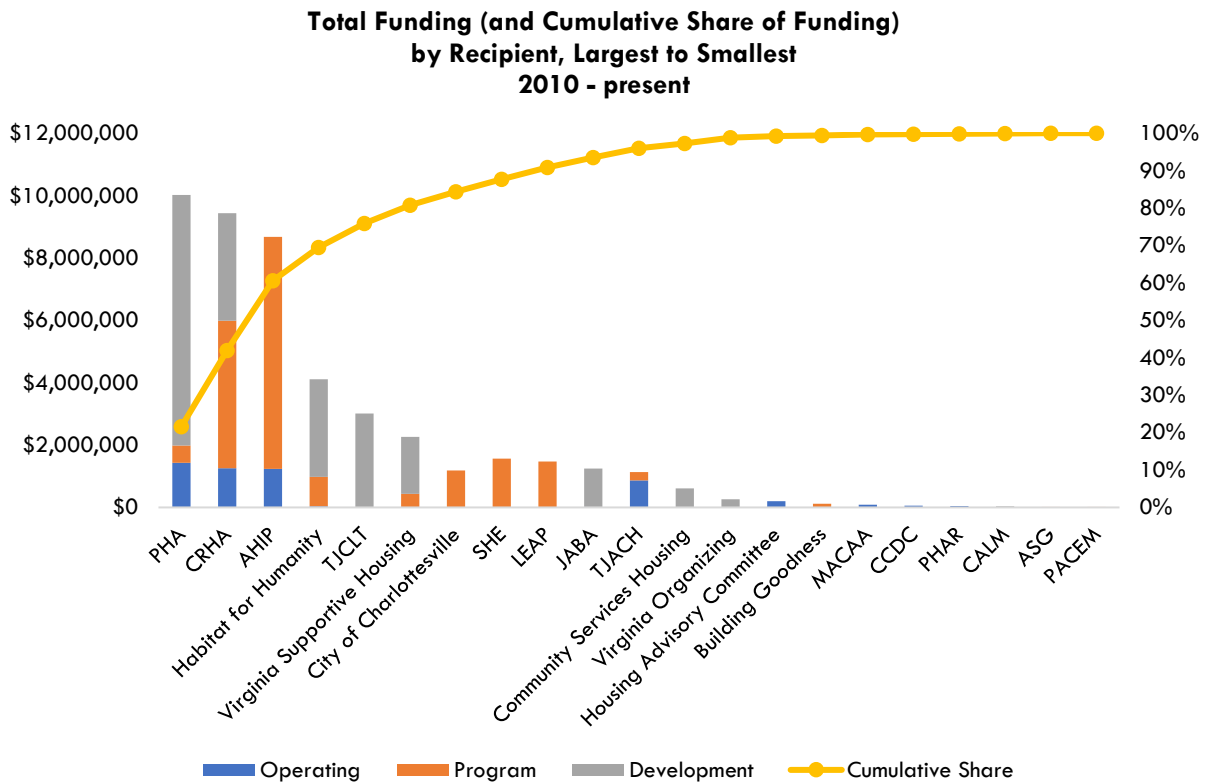


This funding is spread across a variety of uses. The largest share of funding (47 percent) went towards **development** (new construction of multifamily and single-family homes, and significant rehabilitation of multifamily buildings). **Program** (owner-occupied single-family rehabilitation and energy retrofits, homelessness services, rental subsidy, and homeownership subsidies) grants made up the next highest share, 40 percent of funding. **Operating** subsidies for nonprofits made up 11 percent of expenditures. The remaining 2 percent were used for internal City administration, such as housing-related staff and consulting fees.

**Total Spending by End Use
2010 - present**



This funding was allocated to a variety of recipients. The largest 11 recipients of funding account for 95 percent of all funding disbursements between 2010 and 2021.



This spending yielded a total of about 2,300 households served, and 1,600 units created or preserved.

End Use	Households & Units	Spending	Spending per HH or Unit
Rental Subsidy	839	\$7,980,187	\$9,512
Homeownership Subsidy	116	\$1,328,496	\$11,453
Homelessness Services	1,299	\$171,282	\$132
Single-Family New Construction	75	\$3,499,602	\$46,661
Single-Family Rehab	919	\$10,434,866	\$11,355
Multifamily New Construction	444	\$13,895,209	\$31,296
Multifamily Rehab	173	\$4,201,964	\$24,289
Total/Avg, Households	2,254	\$9,479,965	\$4,206
Total/Avg, Units	1,611	\$30,794,236	\$19,115

Note: For rental subsidies, the number of households served represents the total number of vouchers or rental assistance given and does not double-count the same vouchers that are provided over multiple years. It is also likely that not every household served by these programs is unique—the same household may have received multiple forms of assistance at different points.

Overview of Non-Profit Partners Receiving City Funding

A summary of the non-profit partners who received City funding since 2010 and were interviewed by HR&A to review past performance of the City's affordable housing programs is included below. Additional detail on each individual non-profit funding history is provided in Appendix 1.

- **Albemarle Housing Improvement Program, Inc. (AHIP):** AHIP conducts rehabilitation of owner-occupied single-family affordable homes in the City, but their efforts are primarily concentrated around the 10th & Page neighborhood through the Block by Block Cville (BXBC) initiative. These repairs range from \$10,000 to \$100,000 and primarily include energy retrofits, structural and foundational repairs, and replacements of plumbing, electrical, and septic systems. Past City funds have been used to support AHIP's BXBC initiative, site specific rehabilitations and repairs, and administrative costs.
- **Charlottesville Abundant Life Ministries (CALM):** CALM, in collaboration with PHA and Habitat for Humanity, supported the development of the Harmony Ridge subdivision (991 5th Street SW). City funding was used for property acquisitions and predevelopment costs, which yielded the development of 12 single family homes, of which 10 were priced at the 60% and 80% AMI ranges.
- **Charlottesville Redevelopment and Housing Authority (CRHA):** CRHA is the City and region's public housing authority. The agency is primarily involved with providing rental assistance through the Charlottesville Supplemental Rental Assistance Program (CSRAP). The CSRAP funding is for rental assistance and is separate from HUD voucher assistance. CRHA has also partnered with other agencies to support the renovation and development of affordable housing units throughout the region. Since 2010, City funds have been used to support CSRAP, support the development and preservation of 167 affordable housing units, and other administrative costs.
- **Habitat for Humanity of Greater Charlottesville:** Within the Charlottesville region, Habitat for Humanity is involved with affordable housing development and down payment assistance programs. City funds since 2010 have been used to support both programs, which has yielded approximately 68 new single-family units and subsidized down payments of 85 homes, along with other administrative costs.
- **Jefferson Area Board for Aging (JABA):** JABA is a non-profit advocacy agency whose focus is involved with serving senior citizens throughout central Virginia. City funds since 2010 have been

used to develop 59 affordable senior housing units in the Timberlake and Pace Housing developments, as well as preserving 20 affordable dwelling units in Morningside.

- **Local Energy Alliance Program (LEAP):** LEAP is involved with providing retrofits, HVAC replacements, energy efficiency improvements on existing single-family homes throughout Charlottesville and the region. City funds have been used to support LEAP's efforts for households earning between 60-80% AML. In all, approximately 177 homes have been supported by LEAP through City funds since 2010.
- **Piedmont Community Land Trust (PCLT):** PCLT is a community land trust which purchases land throughout the City and region and leases land to homeowners earning at or under 80% AML. Homeowners then contribute approximately \$20,000 for down payments for each home, while leasing land from PCLT at \$25 per month. City funds have been used to support the acquisition of 4 properties on Nassau Street, which were then sold to income qualified homeowners, as well as the partnering in the development of Carlton Views (Phases II and III), which serves households at the 40-60% AML level.
- **Piedmont Housing Association (PHA):** PHA is primarily involved with three affordable housing programs in the region; down payment assistance programs, property management, and affordable housing development. Since 2010, City funds have supported the development of 252 affordable multifamily units (Carlton Views and Friendship Court), as well as providing down payment assistance subsidies for approximately 51 homeowners.
- **Thomas Jefferson Area Coalition for the Homeless (TJACH):** TJACH serves as the regional advocacy agency to combat homelessness. Since 2010, City funds have primarily been used to support TJACH's coordinated entry system, as well as TJACH's Spring for Housing initiative to provide short term rental subsidies for 21 residents.

Summary of Findings from Review of City Expenditures

Our findings on the expenditure review indicated that overall record keeping was accurate. There were no widespread discrepancies or major issues found with the use of City funds for affordable housing development. The nine non-profit recipients interviewed during the process were responsive and had internal documentation which tracked the uses of City funds and were consistent with City records. Digitalization of records and internal capacity to track and manage funds have improved during the past ten years.

Overall, while documentation was generally robust and accurate when requested and gathered together, this documentation revealed several challenges with the actual use of funds:

Timely Deployment of Funds

There were several instances in which City funding was leveraged for site acquisition and predevelopment expenses for affordable housing projects, but the projects ultimately fell through and were not developed for a variety of reasons not solely attributable to the funding recipient. While City funds in these cases were eventually paid back to the City. These cases delay the impact of public dollars to further the City's affordable housing development goals.

Compliance Issues with Federal Funds

The expenditure review also found some instances of non-compliance with federal funding sources which required City funds to remedy. For example, one recipient was required to repay HUD due to a delay in using HOME funds. Though remedying the violation brought parties into compliance, these cases of unused funds dampen the efficacy of the City's affordable housing program in leveraging public dollars to support its goals.

Geographic Targeting

City funds were almost always used within the City of Charlottesville and non-profits were aware of the requirement. There were a handful of instances in which this was not the case; for example, HR&A's review

found that in one instance, City funds were used for down payment assistance on a single-family home outside of the City limits because the resident wanted to live elsewhere. In this instance, the City arrived at a case-specific agreement where property value appreciation would go to the City if the property were to transfer ownership.

Capacity

Overall, HR&A's findings suggest that there is currently insufficient staffing at the City level to monitor such a complex range of housing investments and programs. Among the other cities that HR&A advises, the City of Charlottesville staff is notably small.

Task 2 Methodology and Process:

To do this analysis, HR&A worked with the City's Office of Community Solutions (OCS) to obtain available records of past Notice of Funding Availability (NOFA) responses, Request for Proposals (RFP) responses, funding agreements, and other records detailing funding allocations from the Charlottesville Affordable Housing Fund (CAHF, formerly referred to as the Charlottesville Housing Fund). HR&A closely reviewed the City's existing database of City-funded affordable housing projects since 2010 and verified details through interviews with nonprofit partners.

The key issues identified in Task 1, Program Review are each directly acknowledged and addressed through HR&A's recommended changes for Task 2, Program Redesign. The evaluation and recommendations focuses on three areas:

- A. **Overall process:** What is the overarching process by which funding is allocated and monitored?
 - Governance
 - Annual Allocation Plan
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- C. **Project viability and efficiency:** Are projects delivered on time and cost-effectively?
 - Project Readiness and Schedule
 - Project Budget
 - Cost per Unit
 - Leverage

CHARLOTTESVILLE CITY COUNCIL
Budget Development Work Session
February 3, 2022 at 5:00 PM
Virtual/electronic meeting via Zoom

The Charlottesville City Council met in an electronic meeting on Thursday, February 3, 2022, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Sena Magill, Michael Payne and Brian Pinkston.

Interim City Manager Michael C. Rogers gave the purpose of the meeting, which was a budget development work session, and he introduced presenters.

Charlottesville 2022 Reassessment Overview (For Calendar year 2021)

Jeffrey Davis, City Assessor, provided an overview of city properties assessment. He noted that a strong housing market led to increased residential property assessments. Mr. Davis provided the following City of Charlottesville 2022 Reassessment Overview (For Calendar year 2021):

The Assessor's office is responsible for valuing 13,382 residential and 1782 commercial properties annually. Properties are divided among 55 residential neighborhoods and 21 commercial neighborhoods. The highlights of the 2022 reassessment are outlined below. The overall change in assessment value for 2022 is 10.77%. This includes all value changes throughout the year due to appeals, building permits, and reclassifications. Last year this number was 3.28%.

Existing construction Market totals:

The 7.94% increase is due strictly to the reassessment of existing properties both residential and commercial (does not include the value of new construction).

Residential market:

In the 2021 residential market many properties sold over asking prices, and bidding was not uncommon. This was due mainly to low inventories, high demand, and historically low interest rates. Numerous properties sold in less than 5 days on the market. The total residential increase for 2022 is 11.69%. The increase for the previous year was 4.2%.

Commercial market:

The commercial market contains several different sub-markets, including hospitality, office, retail, and apartments. Apartment rents have increased allowing the apartment market to remain strong, while other sub-markets have not fully recovered from the effects of the pandemic. The overall increase in commercial properties for 2022 is 2.79%. This is compared to a 0.19% decrease the previous year.

Regarding new construction, several large commercial office buildings were completed in 2021. Mr. Davis advised that the Board of Equalization is in the process of holding hearings.

FY 2023 Budget Development Overview and Discussion

Krisy Hammill, Senior Budget and Management Analyst, presented the FY2023 Budget Development Report for the General Fund, including revenue projections, expenditure drivers.

Commissioner of the Revenue Todd Divers provided supplemental information regarding the grocery tax, lodging taxes including homestays, and tax relief programs.

Ms. Hammill provided a Capital Budget Overview and addressed Capital Improvement Program affordability.

Councilors expressed their individual priorities and asked clarifying questions. Several councilors agreed on the importance of investment in schools and investment in city operations (including staffing) and organizational efficiency, collective bargaining, affordable housing, and mental health initiatives. Additional priorities mentioned were fire department medic funding, zoning ordinance, incoming City Manager budget, and personnel to address initiatives that have been on hold such as climate change.

Councilor Payne asked to see specific scenarios for decision points and how they might affect the next decade based on funding needs. He also mentioned engaging the university in a discussion about Payment in Lieu of Taxes (PILOT).

Mr. Rogers suggested using survey mechanisms to get feedback from Council.

Regarding the formula agreement with Schools, City Attorney Lisa Robertson did not find an ordinance or resolution that addresses the arrangement to pay 40% of new real estate and property taxes to Schools. She referenced the annual budget document voted on by City Council annually.

Public Comment

Mayor Snook opened the floor for public comment.

- Annie Suttle, city resident, spoke on behalf of the newly formed group Charlottesville United for Public Education, in support of school renovation and expansion.
- Leah Puryear, city resident, spoke in support of school reconfiguration.

With no additional speakers coming forward, Council further discussed guidance for a potential real estate tax increase and agreed to come to an agreement at the February 7 City Council Meeting so that the potential tax increase could be advertised by the 30-day required notice before the public hearing.

The meeting adjourned at 8:13 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MEETING

February 7, 2022 at 4:00 PM

Virtual/electronic meeting via ZOOM

Call to Order/Roll Call

The Charlottesville City Council met in an electronic meeting on Monday, February 7, 2022, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order at 4:01 p.m. and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Sena Magill, Michael Payne and Brian Pinkston.

On motion by Wade, seconded by Magill, Council voted 5-0 to ADOPT the meeting agenda (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

REPORTS

1. REPORT: Modernizing the Charlottesville Fire Department

Dr. Hezedeane Smith, Fire Chief, began the presentation with information about critical incidents which required Fire Department response from 2021-2022. He advised that as an all-hazards response provider, the Charlottesville Fire Department (CFD) is embracing the forces that are impacting 21st Century fire and emergency medical services. He reiterated the CFD Strategic Plan through 2023 and advised that the department is in the middle of re-accreditation. Chief Smith shared data about a variety of emergency calls, appropriate life safety resources, and response timeliness. He provided an explanation of Proximity Dispatch and the focus on equity and efficiency in the service model, working with community partners.

Following the presentation, Councilors asked questions related to proximity dispatch, response differences between ALS (Advanced Life Support) and BLS (Basic Life Support) ambulances, any changes in budget requests, and the Chief's sense of Charlottesville's status. Chief Smith advised that the FY2023 budget did not include equipment replacement, but staffing ambulances would be the focus. He advised that he perceives that the fire service is resource-rich and in a good position to support local partnerships. Deputy Chief Joe Powers spoke about Community Risk Reduction efforts in the city, establishing strategic community partnerships, and figuring the right public engagement.

Lucas Lyons, CFD Data Analyst, responding to a question from Councilor Payne shared that drug overdoses increased in 2020 and 2021, although the emergency department would have more data on the type of overdoses. He added that overdose increases seem to be seasonal. Chief Smith shared information about a program that he helped to implement in Orlando related to leave-behind kits for support of persons with incidents of overdose.

Regarding facilities and the Capital Improvement Budget, Chief Smith emphasized that the dilapidated Bypass station needs to come out of the ground and that the Ridge Street station is due for updates. He asked for support of salary increases to make pay equitable for Fire Department employees and indicated that six new firefighters are needed. Deputy Chief Michael Rogers added information about future budget funds needed for engine and other equipment replacement.

Krisy Hammill advised that some expenses have been treated as bondable expenses because of their large amount rather than included as annual expenses to prepare for recurring equipment replacements.

Mayor Snook mentioned that January 27, 2022 was proclaimed Stephen Walton Day for Mr. Walton's 50 years of service to the City of Charlottesville, currently as Assistant Fire Marshal.

CLOSED MEETING

On motion by Payne, seconded by Magill, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(1) and (A)(8), for consideration of prospective candidates for appointment by Council to City boards and commissions, and for consultation with legal counsel regarding a zoning application pending for Council's consideration.

On motion by Payne, seconded by Magill, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

EVENING MEETING

Having established quorum with all councilors present at 6:30 p.m., Council observed a moment of silence.

ANNOUNCEMENTS (and Update from Blue Ridge Health Department)

Councilor Magill announced:

- Teen Dating Violence Month and Shelter for Help in Emergency (SHE) upcoming virtual workshops: February 7, February 21 and March 7
- Alex-Zan in celebration of Black History Month presents A Tribute to The All Burley Reunion and its founder, Mary "Tater" Nightengale, a 1960 Burley graduate, on February 17, 2022

Dr. Denise Bonds provided an update on Covid-19 in the Blue Ridge Heath District. She advised that the transmission level in the District continues to be high, although trending downward. She emphasized the importance of vaccines in fighting the spread of disease. She also noted fewer deaths in areas where the population has a higher percentage of vaccinated people. She provided a chart to show health inequities with Covid, specifically with cases, hospitalizations and vaccinations. Regarding safety, Dr. Bonds emphasized the importance of getting vaccinated, including the booster, upgrading the mask type to a surgical or medical mask, keeping physical distance (six feet being best), and washing hands. She shared advice for people who are infected or exposed, and listed testing and vaccination locations.

Responding to a question regarding in-person meetings, Dr. Bonds advised that safety would depend on risk level in the area, whether the facility has installed air filters or upgraded ventilation systems, whether the meeting could take place outside, how many people are expected in the meeting, and community compliance with other mitigation strategies such as mask wearing and distancing. She mentioned that lower levels of spread in the community help to protect the hospitals from being overwhelmed.

RECOGNITIONS/PROCLAMATIONS

- **PROCLAMATION: Black History Month 2022**

Vice Mayor Wade read the proclamation recognizing Black History Month. The 2022 national Black History Month theme was “Black Health and Wellness”.

- **RECOGNITION: Benefit Programs Specialist (BPS) Appreciation Month**

Mayor Snook read the resolution of Appreciation from the Commonwealth of Virginia State Board of Social Services. Mary Jane Skidmore, Chief of Benefit Program Division, shared local data regarding Social Services efforts. Councilors thanked Benefit Programs staff.

BOARD/COMMISSION APPOINTMENTS

On motion by Magill, seconded by Wade, Council by a vote of 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) appointed members to the following boards and commissions:

- Charlottesville Albemarle Convention and Visitors Bureau (CACVB): Walter Burton and Angelic Jenkins
- Human Rights Commission: Jeanette Abi-Nader, Ernest Chambers, Kathryn Laughon and Erika Robinson
- Replacing Vice Mayor Wade with Councilor Pinkston on the Social Services Advisory Board due to a scheduling conflict

On motion by Magill, seconded by Wade, Council by a vote of 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) removed Dawn Pryor from the Region Ten Board for inactivity, as requested by Region Ten and as set forth in the board's Bylaws.

On motion by Magill, seconded by Wade, Council by a vote of 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) appointed Councilor Magill as city representative to the National Association of Counties Grant Workgroup for Evidence-based Decision Making (EBDM), one of five pilot localities in the country.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

2. MINUTES: December 20 closed and regular meetings; January 11 special meeting
3. ORDINANCE: Amending and re-enacting the provisions of Chapter 28 (Streets and Sidewalks), Article VI (Sidewalk Cafes) of the Code of the City of Charlottesville (1990) as amended, to establish the City Treasurer as the city official responsible for collecting rents from sidewalk cafe operators; and to waive rents due and owing to the City under the provisions of City Code Section 28-214(c)(2) for 2020 and 2021 (2nd reading)

ORDINANCE TO AMEND AND RE-ENACT THE PROVISIONS OF CHAPTER 28 (STREETS AND SIDEWALKS), ARTICLE VI (SIDEWALK CAFES) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990) AS AMENDED, TO ESTABLISH THE CITY TREASURER AS THE CITY OFFICIAL RESPONSIBLE FOR COLLECTING RENTS FROM SIDEWALK CAFÉ OPERATORS; AND TO WAIVE RENTS DUE AND OWING TO THE CITY UNDER THE PROVISIONS OF CITY CODE SECTION 28-214(c)(2) FOR 2020 AND 2021

4. RESOLUTION: Appropriating funding for American Rescue Plan for eligible local activities (2nd reading)

RESOLUTION APPROPRIATING FUNDING FOR American Rescue Plan for Eligible Local Activities - \$1,094,653

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$1,094,653 from American Rescue Plan funding is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

City funded portion of Sheriff bonuses.	\$12,918.
Café rental fee waiver/revenue replacement.	\$227,735.
Pathways Fund and Community Hotline Assistance.	\$776,000.
Juvenile and Domestic Court cleaning.	\$58,000.
Take home COVID tests for City employees.	\$20,000.

TOTAL.

\$1,094,653.

Revenues - \$1,094,653

Fund: 207 Cost Center: 9900000000

G/L Account: 430120

Expenditures - \$1,094,653

Fund: 207	I/O: 1900423	G/L Account: 599999	\$12,918
Fund: 207	I/O: 1900452	G/L Account: 599999	\$227,735
Fund: 207	I/O: 1900421	G/L Account: 599999	\$720,000
Fund: 207	I/O: 1900441	G/L Account: 599999	\$56,000
Fund: 207	I/O: 1900451	G/L Account: 599999	\$58,000
Fund: 207	I/O: 1900450	G/L Account: 599999	\$20,000

5. Item #5 was removed prior to the meeting.

Mayor Snook opened the floor for comments on the Consent Agenda. There were no speakers.

On motion by Magill, seconded by Wade, Council by the following vote Adopted the Consent Agenda: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

CITY MANAGER REPORT

Interim City Manager Michael Rogers began a follow-up discussion to the February 3 Budget Work Session. Senior Budget and Management Analyst Krisy Hammill and Deputy City Managers Ashley Marshall and Sam Sanders presented the following topics:

1. Revisit Budget Projections and New Requests
2. Tax Comparisons
3. Tax Implications
4. Tax Relief Programming
5. Key Decision Points
6. Possible Spend Scenario

Council guided staff to advertise a 10-cent real estate tax increase, with the understanding that the approved tax rate could not exceed 10 cents per every \$100 of assessed value.

Mr. Sanders advised that he put together an internal workgroup to address issues on 5th Street.

COMMUNITY MATTERS

1. Susan Sherman, Director of the Charlottesville Free Clinic, spoke about city funding for the Free Clinic, which has decreased in recent years and asked for continued funding.
2. Marcia Geyer, city resident, spoke about the rise in home assessments, and encouraged Council to keep future budget expenses manageable and sustainable.

3. Robin Hoffman, city resident, spoke about the city budget and about improvements needed for bus depots.
4. Drew Lambert, high school student and member of Snow Crew, spoke about City Code 28-25 Removal of Snow, Sleet and Ice, and the burden it places on certain residents. He suggested a waiver form for residents in need of snow removal help.
5. Jeff Fogel, city resident, spoke in support of increasing the real estate tax rate and expanding qualifications for CHAP (Charlottesville Housing Affordability Program).
6. Andrea Massey, speaking on behalf of CLIHC (Charlottesville Low-Income Housing Coalition), asked Council to strengthen the tax relief program for affordable housing. She encouraged increasing the real estate tax by 10 cents to raise funds for housing relief programs.
7. James Groves, city resident, spoke about flood risks related to the rezoning request for 0 Nassau Street, and asked Council to deny the request.
8. Andrew Shelton, city resident, spoke in support of the rezoning request at 0 Nassau Street to provide more housing.
9. Chris Meyer, city resident, said that he was encouraged by the announcement to publish up to a 10-cent real estate tax increase. He shared ideas about how funds could be used.
10. Tanesha Hudson spoke about financial restrictions in place for housing that was intended to be affordable.
11. Joan Albiston, resident of the Willoughby subdivision, thanked City Traffic Engineering for working to make 5th Street safer. She spoke in support of the speed limit reduction and requested a designated turn signal for the 5th Street-Harris intersection.
12. Dede Smith, city resident, spoke about the rise in housing assessments and asked for a public presentation and public hearing on the Rivanna Water pipeline project.
13. Josh Carp, city resident, encouraged Council to read through prior reports about affordable housing, reminding Council of its \$10 Million per year commitment.
14. Peter Krebs, city resident and member of the Piedmont Environmental Council, urged Council to approve the Urban Rivanna River Corridor Plan, and the speed reduction on 5th Street as well as other improvements.
15. Richard Allan spoke in support of installing a replica sign at the site of the Slave Auction Block near Court Square and removing two parking spaces in front of the site. He referenced a possible lawsuit.
16. Kimber Hawkey, city resident, asked Council to reconsider raising the real estate tax rate in the same year as a significant increase in assessments. She spoke in opposition to the rezoning request at 0 Nassau Street.

The meeting recessed at 9:24 p.m. and reconvened at 9:30 p.m.

ACTION ITEMS

6. **RESOLUTION: Consideration of a proposed amendment to the 2021 Comprehensive**

Plan to incorporate contents of the Urban Rivanna River Corridor Plan

Sandy Shackelford, Thomas Jefferson Planning District (TJPDC), made the presentation, summarizing action to date, and revisions since the last Planning Commission meeting.

On motion by Wade, seconded by Magill, Council by the following vote Approved the resolution with amendment as discussed: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION

Approving an Amendment to the City Comprehensive Plan by Incorporation – The Urban Rivanna River Corridor Plan

WHEREAS, on January 11, 2022, after notice was given as required by law, the Charlottesville Planning Commission and Charlottesville City Council conducted a public hearing on a proposed amendment to the 2021 Comprehensive Plan for the City of Charlottesville, to include the contents of the proposed Urban Rivanna River Corridor Plan; and

WHEREAS, on January 11, 2022, the Planning Commission adopted a resolution recommending approval by the City Council of the Comprehensive Plan Amendment, and certifying a copy of the Comprehensive Plan Amendment to Council for its consideration; now, therefore,

BE IT RESOLVED that, upon consideration of the Comprehensive Plan Amendment, the City Council hereby adopts the Urban Rivanna River Corridor Plan, dated December 2021, with amendments as recommended by the Planning Commission on January 11, 2022, as an amendment to the City's Comprehensive Plan. The Neighborhood Development Services staff shall post on the City's website notice of Council's adoption of this Update, along with a copy of the approval.

7. ORDINANCE: Amending and reordaining Section 15-99 of Chapter 15 (Motor Vehicles and Traffic) of the Code of the City of Charlottesville, 1990, as amended, to reduce the speed limit on 5th Street S.W. (carried)

Brennen Duncan, Traffic Engineer, summarized the request.

Council agreed to move the item to the February 22 meeting consent agenda.

8. ORDINANCE: Approving the rezoning of land at 0 Nassau Street from R-2 (Two-Family Residential,) to R-3 (Multifamily Residential) subject to proffered development conditions (3rd reading)

Jack Dawson, City Engineer, made a presentation regarding floodplain management and

answered questions for Council.

Mayor Snook noted that most concerns he has heard involve site plan concerns rather than zoning concerns.

Nicole Scro, representing the applicant, provided a brief presentation.

On motion by Pinkston, seconded by Wade, Council by the following vote Approved the ordinance: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

AN ORDINANCE APPROVING A REZONING OF LAND FRONTING ON NASSAU STREET FROM R-2 (TWO-FAMILY RESIDENTIAL) TO R-3 (MULTIFAMILY RESIDENTIAL) SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS

9. RESOLUTION: Amending the FY2018-2019 CDBG Substantial Action Plan to reprogram funds

Erin Atak, Grants Coordinator, summarized priorities adopted by City Council in September 2021, advising that the Action Plan would be submitted to the US Department of Housing and Urban Development on February 8 for review.

In response to questions from Mayor Snook regarding a request from Habitat for Humanity, Ms. Atak and Alex Ikefuna agreed that timeliness would be an issue in incorporating the Habitat request.

Councilor Payne expressed concern about the process for this request, with staff presenting only one option for Council consideration to meet the timeliness issue.

Deputy Chief Powers addressed several of the Fire Department uses for the CDBG funding, which would address fire safety in homes. Chief Smith spoke about the inclusion of chest compression devices for emergency service vehicles.

Councilors agreed to meet minimum requirements for timeliness and instructed staff to bring the remainder back for a competitive process.

On motion by Wade, seconded by Pinkston, Council by the following vote modified the proposed Substantial Action Plan Amendment to allocate \$140,585.49 to the activities outlined in the staff report: 4-1 (Ayes: Magill, Pinkston, Snook, Wade; Noes: Payne, noting dissatisfaction with the overall process).

On motion by Pinkston, seconded by Pinkston, Council by the following vote Approved the resolution adopting the FY2018-2019 Substantial Plan Amendment as modified: 4-1 (Ayes: Magill,

Pinkston, Snook, Wade; Noes: Payne, noting dissatisfaction with the overall process).

RESOLUTION

Approval of FY 2018-2019 Substantial Action Plan Amendment \$140,585.49

BE IT RESOLVED that the Charlottesville City Council hereby approves the FY 2018 – 2019 Substantial Action Plan Amendment of the 2018-2022 Consolidated Plan. The reprogrammed 2018 CDBG activities will be added into the 2018-2019 Annual Action Plan to meet HUD spending deadlines under 24 CFR 570.902(a).

GENERAL BUSINESS

There were no items for general business discussion.

OTHER BUSINESS

For City Manager follow-up, Councilor Payne requested a report on the Rivanna central pipeline for public benefit.

MATTERS BY THE PUBLIC

- Joy Johnson commented on the CDBG process, advising that the information about the prior presentation was known for some time. She stated that affordable housing and schools should not be pitted against each other. She asked that public comment at the end of the meeting not be eliminated.
- Tanesha Hudson spoke about the need to be intentional about what is defined as affordable housing. She spoke about the purpose of Matters by the Public.
- Mark Kavitt commented on 5th Street safety and correcting driver behavior. He spoke about resident rights in a floodplain area.
- Dee Gathers, city resident, spoke about difficulty in finding the calendar on the city website, about the desire for Council to provide feedback to speakers, and about real estate assessment increases especially in low income areas.
- Gloria Beard applauded the Snow Crew from Albemarle County High School and asked how the city plans to address the same issue with snow clearance. She spoke about the real estate assessment increase. She expressed concern about the elevator malfunction at Midway Manor.
- Ang Conn followed up on concerns about Covid in the regional jail and asked Council to visit the facility. She advised that the city may want to review the practices of housing entities to which the city provides funds. Regarding feedback, she advised that the community expects a response when asking questions during the meeting.
- Don Gathers asked about zoning as related to the Dairy Market in the 10th and Page Street neighborhood, asking whether anyone was made aware of redistricting. He suggested condemning the blighted Dewberry property downtown and repurposing it.

Mayor Snook made comments about assessments by neighborhoods as mentioned by Mr. Gathers, advising that there is no technical definition for neighborhoods to which real estate assessments would apply. He made comments about City limitations regarding the Dewberry structure downtown.

The meeting adjourned at 11:36 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT

CHARLOTTESVILLE CITY COUNCIL MEETING
February 22, 2022 at 4:00 PM
Virtual/electronic meeting via ZOOM

Call to Order/Roll Call

The Charlottesville City Council met in an electronic meeting on Tuesday, February 22, 2022, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Lloyd Snook called the meeting to order at 4:02 p.m. and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Sena Magill, Michael Payne and Brian Pinkston.

On motion by Wade, seconded by Magill, Council voted 5-0 to ADOPT the meeting agenda (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

REPORTS

1. REPORT: Charlottesville Area Alliance Overview and Preview of the 2021 Annual Report

Misty Graves introduced Marta Keane, Chair of the Charlottesville Area Alliance (CAA).

Ms. Keane presented the CAA annual report and shared information to show that Charlottesville is an elderly-friendly community.

Councilor Magill recommended that the CAA provide tutorials for people helping elderly parents, including help with veteran affairs. Vice Mayor Wade acknowledged the need to address equity in elderly services.

2. REPORT: "State of the Forest" - Tree Commission Annual Report

Chris Gensic, Parks and Trails Planner introduced Brian Menard and Peggy Van Yahres from the Tree Commission.

Mr. Menard gave an overview of the presentation and shared evidence that the tree canopy loss is accelerating. From 2004 - 2018, a total of 660 acres was lost, with a current loss estimate in 2022 of 990 acres. He advised that tree canopy has declined in all but two city neighborhoods.

Ms. Van Yahres shared information about Tree Commission activities of advising staff and Council, engaging with the public, collaborating with nonprofit groups and monitoring the effects of development on green infrastructure to prevent deforestation. She stated that this year the Tree Commission will participate in review of the Zoning Ordinance with the main objectives of: 1) increasing requirements for new trees, 2) strengthening and enforcing tree

protection, 3) establishing consequences for public tree damage, and 4) refining site plan application and review. The second major activity for the year is Releaf Cville to plant, preserve and educate.

The Tree Commission requested that Council enhance the charge of the Tree Commission to better advocate for urban forest and all natural resources by:

- Supporting the Commission's review of particular site plans
- Encouraging departments to work together by having a member of Public Works attend Tree Commission meetings, and
- Expanding the Tree Commission's charge to oversee all natural resources – a Natural Resource Commission.

Council discussed tree preservation requirements in the site plan approval process, City Code, and various ways to prioritize tree planting and preservation.

3. DISCUSSION: Virginia Institute of Government introduction

Deputy City Manager Ashley Marshall introduced Charles Hartgrove from the Virginia Institute of Government.

Mr. Hartgrove gave an introduction of the Weldon Cooper Center for Local Government and the Virginia Institute of Government (VIG). He advised that the VIG will work with City Council on strategic planning later in the Spring.

CLOSED MEETING

On motion by Magill, seconded by Wade, Council voted 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none) to convene in closed session as authorized by Virginia Code Section 2.2-3711(A)(1) and (A)(7) and (A)(8):

- for consideration of the performance of a member of a Council-appointed board or commission, and
- for discussion of litigation pending in U.S. District Court, Western District of Virginia, Case No. 3:21-cv-00045, because such consultation would adversely affect the negotiating or litigating posture of the City, and
- for legal advice and consultation as to both matters.

On motion by Magill, seconded by Pinkston, Council certified by the following vote: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

EVENING MEETING

Having established quorum with all councilors present at 6:30 p.m., Council observed a moment of silence.

ANNOUNCEMENTS

Councilor Magill read an announcement from the Commissioner of the Revenue about real estate tax relief for the elderly and disabled, with a deadline of March 1.

Vice Mayor Wade acknowledged a petition received from the unhoused sent to several organizations including City Council. He advised that Council will include their concerns in housing discussions.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

4. MINUTES: January 5 meeting, January 18 meeting
5. ORDINANCE: Amending and reordaining Section 15-99 of Chapter 15 (Motor Vehicles and Traffic) of the Code of the City of Charlottesville, 1990, as amended, to reduce the speed limit on 5th Street S.W. (2nd reading)

ORDINANCE AMENDING AND REORDAINING SECTION 15-99 OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO REDUCE THE SPEED LIMIT ON 5TH STREET S.W

6. RESOLUTION: Appropriating funds for the Runaway Emergency Shelter Program Grant - \$209,444 (2nd reading)

RESOLUTION APPROPRIATING FUNDS for Runaway Emergency Shelter Program - \$209,444

WHEREAS, the City of Charlottesville has been awarded \$200,000 from the Department of Health and Human Services Administration for Children and Families with cash match of \$9,444 provided by the Human Services Fund and in-kind match of \$12,778 provided by ReadyKids;

WHEREAS, the funds will be used to operate the Runaway Emergency Shelter Program through a partnership between the Human Services Department and ReadyKids. The grant award covers the period from September 30, 2021 through September 29, 2022;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$209,444 is hereby appropriated in the following manner:

Revenue – \$209,444

\$200,000	Fund: 211	Internal Order: 1900447	G/L Account: 431110
\$ 9,444	Fund: 211	Internal Order: 1900447	G/L Account: 498010

Expenditures - \$209,444

\$ 69,948	Fund: 211	Internal Order: 1900447	G/L Account: 519999
\$125,000	Fund: 211	Internal Order: 1900447	G/L Account: 530010
\$ 14,496	Fund: 211	Internal Order: 1900447	G/L Account: 599999

Transfer - \$9,444

\$ 9,444 Fund: 213 Cost Center: 3413003000 G/L Account: 561211

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$200,000 from the Department of Health and Human Services Administration for Children and Families.

7. RESOLUTION: Approving a Minor Action Plan Amendment to the FY2021-2022 Community Development Block Grant Action Plan to authorize the Community Investment Collaborative to implement a contingency plan for expenditure of CDBG funding on or before June 30, 2022

RESOLUTION

Approving a Minor Amendment to the FY2021-2022 CDBG Action Plan, to Authorize the Charlottesville Community Investment Collaborative to Implement a Contingency Plan for Expenditure of CDBG Funding on or Before June 30, 2022

WHEREAS on May 7, 2018 the Charlottesville City Council approved a Consolidated Plan for the City of Charlottesville and the Thomas Jefferson Planning District, covering the period from July 1, 2018 through June 30, 2023, which sets forth a plan to provide support for certain community development needs—including, but not limited to—housing needs, within those jurisdictions; and

WHEREAS the Consolidated Plan includes a citizen participation plan, and Sec. 2-419(10) specifies that, once City Council has approved and funded a program, any reprogramming and budgetary changes will be done consistent with the approved citizen participation plan;

WHEREAS the Consolidated Plan is implemented during the coverage period through certain “Action Plans”, the most recent of which is designated as the “FY 2021-2022 Action Plan” previously approved by resolution of City Council on May 3, 2021; and

WHEREAS within the FY2021-2022 Action Plan the Charlottesville Community Investment Collaborative was selected as a subrecipient of CDBG funding from the City, in the amount of \$32,056.28, to foster small and local business development through the

provision of financial management scholarships, with a target of June 30, 2022 for expenditure of the funding in accordance with the approved project; and

WHEREAS the Charlottesville Community Investment Collaborative is requesting a modification of their approved project, in order to provide subsidized interest for qualified borrowers from the City's Business Equity Fund and start the Microbusiness Startup and Growth Grant representing that the modifications are necessary to allow for the timely expenditure of all awarded funding by June 30, 2022 ("contingency plan"), and federal regulations specify that this type of modification must be approved by City Council as a minor amendment of the City's FY2021-2022 Action Plan ("Minor Amendment of the FY2021-2022 Action Plan"); and

WHEREAS the requested Minor Amendment of the FY2021-2022 Action Plan does not make any change to the amount of CDBG funding previously approved for the Charlottesville Community Investment Collaborative; and

WHEREAS this Council is satisfied on the basis of the information presented within the staff report, that the proposed Minor Amendment of the FY2021-2022 Action Plan has been brought forward in accordance with the approved citizen participation plan, as required by City Code §2-419(10);

NOW, THEREFORE, BE IT RESOLVED that the Charlottesville City Council hereby approves a Minor Amendment of the City's FY2021-2022 Action Plan, to authorize the Charlottesville Community Collaborative's Contingency Plan, which will assist the Charlottesville Community Investment Collaborative in meeting CDBG timeliness goals in accordance with federal regulations set forth at 24 CFR 570.902.

8. ~~REPORT: Historic Resources Committee status report on memorialization~~

This item was removed at request of the committee Chair 2/17/22.

Mayor Snook opened the floor for public comments on the consent agenda. There were no speakers.

On motion by Magill, seconded by Pinkston, Council by the following vote Adopted the Consent Agenda: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

CITY MANAGER REPORT

There were no items to report.

COMMUNITY MATTERS

1. John Ertl, representing the Amalgamated Transit Union asked that Council establish a Collective Bargaining ordinance expeditiously.
2. Richard Allan, III, asked Council to authorize reinstallation of a slave block sign.

3. Donna Shaunesey, representing the Cville 100 asked Council to move forward on Climate Action.
4. Bill Emory, city resident, encouraged tree planting and budget consideration for trees.
5. Nancy Carpenter, city resident, asked Council to continue funding the Charlottesville Housing Fund to continue the commitment to affordable housing.
6. Emily Little, city resident, spoke in support of a letter sent to City Council from eight environmental organizations requesting the city to move more quickly on climate action planning.
7. David Redding with the Eco Village spoke about the City's Climate Mitigation Plan and the Adaption Plan.
8. Matthew Ray, city bus driver, spoke about understaffing with CAT (Charlottesville Area Transit), requested the adoption of a collective bargaining ordinance, and asked for the ability to use city meeting space.
9. Mark Zollinhofer, liaison member of the Tree Commission, shared information about heat islands as compared to health issues.
10. Emily Yen, city resident, requested that Council move forward quickly to adopt a collective bargaining ordinance and hire pertinent personnel.
11. Ralph Brown asked for an annual resolution in support of his father C.H. Brown. He advised that he has several historical documents to share with the City.
12. Robin Hoffman congratulated C3 (Community Climate Collaborative) for being at the Jefferson School African American Heritage Center. She spoke about climate initiatives.
13. Caetano de Campos Lopes, city resident and representative of C3, spoke about the City's ambitious climate goals and the need to increase supportive actions. He spoke in support of collective bargaining for transit workers.
14. Robin Hanes, city resident and president of the Charlottesville Area Tree Stewards, requested full funding for the Tree Commission's recommendations presented earlier in the meeting.
15. Joy Johnson, city resident, asked Council to fund \$10 Million for affordable housing, and she asked Council to provide a clear definition of "affordable housing".

ACTION ITEMS

9. ACTION ITEM: 605 Preston Place - Appeal of BAR (Board of Architectural Review) approval of a Certificate of Appropriateness

Jeff Werner, Historic Preservation and Design Planner, presented the staff report and the BAR's decision. Staff recommended that Council reaffirm the BAR's approval of the certificate of appropriateness.

The appellant, Beth Turner who filed the appeal application ceded her time to Larry Goedde and Christine Colley (neighbors to the proposed building), who expressed that they were not given a satisfactory explanation from the BAR of how the structure met the architectural guidelines.

Breck Gastinger, BAR Chair, provided comments on behalf of the BAR. This item was not a public hearing.

Mayor Snook opened the floor for the project applicant to speak. Mr. Kevin Riddle spoke. Council asked several questions to which Mr. Gastinger, Mr. Goedde and Ms. Colley provided responses.

On motion by Magill, seconded by Wade, Council by the following vote reaffirmed the Board of Architectural Review decision to approve the Certificate of Appropriateness for the project at 605 Preston Place: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

10. RESOLUTION: Collective Bargaining

Interim City Manager Michael C. Rogers introduced the item and gave background on the lack of guidance from the State legislature or state associations with a model ordinance for collective bargaining. He noted that the State of Virginia did not establish a labor relations entity to help guide localities on how to proceed. He advised that taking time to study requirements and impacts as well as putting the infrastructure in place would be beneficial before implementation. He acknowledged organizations who stepped forward to represent groups of employees.

City Attorney Robertson described the actions necessary at this Council meeting.

a. BY MOTION: Action regarding proposed Collective Bargaining Ordinance received by City Council on October 29, 2021

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 decided NOT to adopt the proposed ordinance (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

Mr. Rogers advised that with the appropriate labor expertise, he would bring the topic back for Council review in 90 days.

a1. RESOLUTION: Affirming City Council intention to explore implementation of collective bargaining for City of Charlottesville employees

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

RESOLUTION

Affirming City Council's Intention to Explore Implementation of Collective Bargaining for City of Charlottesville Employees

WHEREAS the Virginia General Assembly, within Virginia Code Sec. 40.1-57.2, expressly authorizes local governing bodies to enact ordinances authorizing City officials to recognize

labor unions or employee associations as bargaining agents for certain public officers or employees; to collectively bargain with or enter into collective bargaining contracts with such unions or associations; and to provide for procedures for the certification and decertification of exclusive bargaining representatives; and

WHEREAS this City Council generally supports the development of a collective bargaining program for City employees, but does not yet have sufficient information upon which to base any decision about specific provisions that it might desire to set forth within an ordinance, or what the impact of adopting an ordinance and proceeding with implementation would have on its annual budgets for Fiscal Year 2023 and beyond; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

1. The City Council will include discussion of collective bargaining within its budget discussions of the level of funding needed for City operations during Fiscal Year 2023.

2. The City Manager shall compile information and analysis regarding pay, benefits, and working conditions for the groups of employees who are seeking a collective bargaining ordinance (fire, police and transit), and will provide analysis for potential solutions, including collective bargaining, with fiscal impact analysis of those solutions.

3. In considering collective bargaining, the City Manager shall give due consideration to the City firefighters' March 6, 2021 proposed ordinance, the Amalgamated Transit Union's October 29, 2021 proposed ordinance, and other sample ordinances deemed appropriate for the City of Charlottesville.

4. To the extent that contractual services are necessary or desirable to support the work that this Council is asking the City Manager to perform, the City Manager is hereby authorized to procure those services, subject to the availability and appropriation by City Council of funding to cover the expense of those services.

b. Appropriating funding of \$625,000 to a new Collective Bargaining Project account within the City's Capital Projects Fund (carried)

Mr. Rogers advised that the funds requested are the upper limit. These funds were previously allocated for the classification and compensation study. Council agreed to move resolution for \$625,000 to consent agenda for 3/7.

11. City Council calendar and procedures

City Attorney Robertson reviewed updates, primarily affirming Council's decision to begin Council meetings at 4:00 p.m. to hear reports on items that do not require a vote.

a. RESOLUTION: Amending the City Council regular meeting schedule for 2022

to reflect meeting time changes

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

RESOLUTION

Mending the Times at which Certain Regular Meetings of the Charlottesville City Council will Begin During Calendar Year 2022

WHEREAS at its annual meeting in January 2022, this Council enacted a Resolution establishing the days, times and places of regular meetings of the Charlottesville City council during Calendar Year 2022, pursuant to Va. Code §15.2-1416; and

WHEREAS City Council has determined that it would be desirable to include additional time to receive reports on various matters as to which City Council should be informed, and therefore Council has decided to begin its meetings on the first Monday of each month at 4:00 p.m. to accommodate additional time to receive reports; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA THAT, pursuant to Virginia Code Sec. 15.2-1416, the Resolution adopted by City Council on January 5, 2022 (#R-22-003), establishing regular meetings of the Charlottesville City Council for calendar year 2022, is hereby amended to modify the time at which Council's regular meetings will begin on the first Monday of each month, and hereafter, the regular meetings shall be conducted on the following days, times, and places during calendar year 2022, and in accordance with the following provisions of this Resolution:

Date	Time	Location
Wednesday, January 5, 2022 (Annual organizational meeting)	Begins at 4:00 p.m.	Electronic meeting, due to continuing state of emergency
Tuesday, January 18, 2022	Begins at 4:00 p.m.	Electronic meeting, due to continuing state of emergency
Monday, February 7, 2022	Begins at 4:00 p.m.	Electronic meeting, due to continuing state of emergency
Tuesday, February 22, 2022	Begins at 4:00 p.m.	Electronic meeting, due to continuing state of emergency
Monday, March 7, 2022	Begins at 4:00 p.m.	Electronic meeting, due to continuing state of emergency

Monday, March 21, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*Or: electronic meeting, if local state of emergency is continuing)
Monday, April 4, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, April 18, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, May 2, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, May 16, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, June 6, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Tuesday, June 21, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, July 18, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)

Monday, August 1, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, August 15, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Tuesday, September 6, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, September 19, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, October 3, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, October 17, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, November 7, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, November 21, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)

Monday, December 5, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)
Monday, December 19, 2022	Begins at 4:00 p.m.	City Hall, Council Chambers*, 605 East Main Street, 2 nd Floor, Charlottesville, Virginia (*By electronic meeting, if local state of emergency is continuing)

BE IT FURTHER RESOLVED THAT the agenda for each regular meeting may be divided into various sessions or segments, and the agenda may specify general times at which each session or segment is planned to begin.

BE IT FURTHER RESOLVED THAT any regular meeting may be adjourned from day to day, or from time to time, or from place to place, not beyond the day and time fixed by this resolution for the next regular meeting, until the business before this City Council is completed. Notice of any regular meeting continued in this manner shall be reasonable under the circumstances and shall be given as provided in subsection D of Virginia Code Section 2.2-3707.

BE IT FURTHER RESOLVED THAT, in the event that the Mayor, or the Vice Mayor if the Mayor is unavailable or otherwise unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regular meeting, that regular meeting shall be continued to the next business day on which the said hazardous conditions no longer exist. Such finding and declaration shall be communicated to all city councilors and to the press as promptly as possible, along with the date and time on which the continued meeting will commence. All public hearings and other agenda matters previously advertised shall be conducted at the continued meeting with no further advertisement.

b. RESOLUTION: Approving amendments to the City Council Rules and Procedures governing how meetings are conducted

Council continued discussion from the January 26 retreat about Community Matters. Councilor Payne advised of feedback that he heard from the public in favor of keeping the additional speaking period at the end of the meeting, including for those who have already spoken earlier in the meeting. Council also discussed the desire to end meetings by 11:00 p.m. and to conduct efficient meetings.

On motion by Payne, seconded by Pinkston, Council by the following vote APPROVED

the resolution approving amendments as presented to the City Council Rules and Procedures governing how meetings are conducted, noting that the second Community Matters would not be limited to those who have previously spoken during the meeting: 5-0 (Ayes: Magill, Payne, Pinkston, Snook, Wade; Noes: none).

RESOLUTION APPROVING AMENDMENTS TO THE CITY COUNCIL RULES AND PROCEDURES GOVERNING HOW MEETINGS ARE CONDUCTED

GENERAL BUSINESS

12. Presentation from the Commissioner of the Revenue on Rising Vehicle Valuations

Commissioner of the Revenue Todd Divers presented a report on drastic vehicle valuation increases in 2022. He listed a host of supply and demand issues. He shared a December 2021 Market Outlook Update report from J.D. Power (formerly NADA).

(The meeting paused at 9:33 p.m. and resumed at 9:36 p.m. because of a city software update.)

Mr. Divers listed options that could help with tax increases resulting from rising valuations:

- 1) Increase personal property tax relief - not recommended;
- 2) Change NADA valuation factor - not recommended;
- 3) implement assessment ratio - not recommended;
- 4) lower the tax rate - recommended (HB1239 and SB771)

OTHER BUSINESS

Council asked for follow-up from the City Manager on the following items:

- clarity around the status of the Climate Action Plan,
- clear processes for making sure the Affordable Housing plan moves forward, and
- Mayor Snook mentioned the desire to convene a citizen group of climate and sustainability experts.

MATTERS BY THE PUBLIC

- Joy Johnson, city resident, clarified her previous point, asking City Manager Rogers to reach out to the Charlottesville Redevelopment and Housing Authority and the resident workgroup. She stated that schools and affordable housing can be addressed at the same time.

The meeting adjourned at 9:57 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date:	March 7, 2022
Action Required:	Approve Resolution (1 st of 2 Readings)
Presenter:	James Freas, Director, Neighborhood Development Services
Staff Contacts:	James Freas, Director, Neighborhood Development Services
Title:	Resolution To Transfer and Appropriate \$188,000 within the Capital Projects Fund, from Small Area Plans to the Cville Plans Together Project

Background

Cville Plans Together has been an ambitious planning project, bringing together visioning, planning, and implementation in a multi-year effort with a prominent focus on addressing issues of equity in our community. The project has included a commitment to a high standard for community engagement that, while challenged by the pandemic, has included numerous avenues for engagement and led to the articulation of the City's community engagement vision and strategies in the first-ever community engagement chapter of the Comprehensive Plan. As we initiate the final part of this project, developing a new Charlottesville Zoning Ordinance, the Cville Plans Together Team (staff & consultants) is looking to the now adopted policies of the Comprehensive Plan to direct our engagement efforts.

Work on this three-part, multi-year project began in December of 2019. The project budget was \$926,682 for an anticipated 25-month project schedule. The project is currently in month 27 with an anticipated 12 to 14 months remaining. The project budget for community engagement activities and ongoing project management, originally budgeted for \$348,274 and \$56,816 respectively, is nearly completely expended. The portion of the budget reserved for drafting the zoning ordinance remains available and sufficient to complete that work.

Discussion

Staff is requesting that Council appropriate additional funding to support two aspects of the zoning rewrite project; 1) *continued community engagement*: and project management activities for the remaining 12 to 14 months; and 2) *project management*: modeling work demonstrating the housing market outcomes of the proposed zoning. The requested appropriation is for \$143,810 and \$45,000 for a total of \$188,810. Staff is proposing appropriating these funds from the Small Area Plan account in the Capital Projects Fund, which has a current balance of \$496,037.

- 1) Community Engagement: Zoning represents a significant aspect of implementing the Comprehensive Plan and Affordable Housing Plan and is a detailed and complicated topic on which most members of the community have limited experience. Our community engagement program will therefore need to be both highly explanatory/educational while at the same time giving community members the opportunity to express their preferences and priorities. Engagement in this part of the Cville Plans Together project will be in the form of community feedback on first the diagnostic & approach report and then the draft zoning document. The adopted comprehensive plan itself provides detailed direction to inform the initial development of the diagnostic and approach report. As has been described previously, the community engagement program will continue to provide multiple avenues of engagement. With improving conditions relative to the pandemic, staff will be engaging in a greater number of community-based meetings, offering the opportunity for dialogue. These will include pop-up engagement at events or high-pedestrian traffic locations and neighborhood based or group meetings. We will also continue to use public meetings/webinars as well as the steering committee.
- 2) Housing Market Outcome Modeling: A key aspect to understanding the outcomes of the new zoning ordinance is in understanding how the housing market will likely respond to the zoning changes. This modeling work will use existing conditions and data on the Charlottesville area housing market to estimate the potential rate, number, and types of new housing that might result from the change in zoning in the general and medium intensity areas of the Future Land Use Map. Zoning by itself does not lead to new housing development; development happens as a result of people pulling together the financing, resources, and available land in response to market demand. This modeling work will attempt to quantify the extent and likelihood of people being able to do that work under the proposed new zoning rules.

Alignment with City Council's Vision and Strategic Plan

Providing for funding to further support community engagement to help inform decision-making is consistent with **Goal 1: An Inclusive Community of Self-sufficient Residents** and **Goal 3: A Beautiful and Sustainable Natural and Built Environment** of the City's Strategic Plan. The specific initiatives being addressed are **Initiative 1.5 - Intentionally address issues of race and equity** and **Initiative 3.1 - Engage in robust and context sensitive urban planning and implementation.**

Community Engagement: N/A

Budgetary Impact

The resolution seeks to transfer money previously reserved within the Capital Projects Fund (Small Area Plans) to the Cville Plans Together (Comp Plan) Project, and to appropriate those transferred funds for expenditure to complete the Cville Plans Together Project.

Note: While the project is commonly referred to as the Cville Plans Together Project, the account in which the funds for this project reside is labeled as the Comp Plan Project. Therefore, staff has included Comp Plan in parens following each reference to the Cville Plans Together Project.

Recommendation

Staff recommends approval and appropriation of funds from the CIP.

Suggested Motion: ***“I move to approve the Resolution appropriating additional funding in the amount of \$188,810 to the Cville Plans Together Project (Comp Plan), from the Small Area Plans Account within the City’s Capital Projects Fund”***

Attachments (3)

- 1) Resolution
- 2) Community Engagement Tasks Memo from RHI, dated February 9, 2022
- 3) “Upzoning” analysis Letter from HR&A, dated January 31, 2022

RESOLUTION
Appropriating Additional Funding of \$188,810 to the Cville Plans Together (Comp Plan) Project, from the Small Area Plans Account within the City's Capital Projects Fund

WHEREAS the consulting contract for the Cville Plans Together (Comp Plan) Project (“Project”) encompassing updating both the Comprehensive Plan and the Zoning Ordinance, has included a commitment by the City of Charlottesville to a high standard for community engagement; and

WHEREAS the original budget allocated within the Project budget for community engagement activities and ongoing project management is insufficient to cover the consulting services necessary to complete the zoning rewrite portion of the Project;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$188,810 is hereby transferred within the Capital Projects Fund, from the Small Area Plans Account to the Cville Plans Together (Comp Plan) Project, and appropriated for expenditure to complete the Cville Plans Together (Comp Plan) Project, as follows:

Transfer From

\$188,810	Fund: 426	WBS: P-00819	G/L Account: 599999
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Transfer To

\$188,810	Fund: 426	WBS: P-00935	G/L Account: 599999
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PROJECT: Charlottesville Zoning Rewrite RHI # 51281
SUBJECT: Engagement Tasks PAGES: 2
DATE: February 9, 2022

In this memorandum, we outline the engagement tasks we plan to undertake to support the Charlottesville Zoning Rewrite. They are described under five phases, noted in bold below and on the following page.

1. Transition from Comprehensive Plan to Zoning Rewrite

In this phase, which we are currently in, we are or will be working to transition the community process to focus on the zoning rewrite. Tasks include:

- a. Regular coordination meetings with the Cville Plans Together consultant team and NDS.
- b. Regular social media and website updates.
- c. Creating an FAQ focused on the zoning rewrite.
- d. Updating the website with more information about the zoning process.
- e. Creating introductory materials, such as a “Zoning 101” overview presentation.
- f. Coordination with the Steering Committee and Peer Engagers.

2. Review of Diagnostic & Approach Report

In this phase, we will work to plan for, facilitate, and summarize community and stakeholder review of, and input related to, the Diagnostic and Approach report. Tasks will include:

- a. Regular coordination meetings with the Cville Plans Together consultant team and NDS, as well as potential meetings with the staff technical workgroup.
- b. Regular social media and website updates.
- c. Updating the FAQ.
- d. Creating summary material and a presentation to increase community understanding of the report.
- e. Creation of a survey, comment form, and/or other mechanisms for gathering community input.
- f. Planning for, creating outreach materials for, executing outreach/advertisement for, attending/facilitating, and summarizing input from in-person and virtual community events.
- g. Attending meetings with community groups.
- h. Facilitating a meeting with the Steering Committee.
- i. Facilitating a joint Council/Planning Commission work session.

3. Interim Updates

In this phase, we will provide periodic communications to update the community about the zoning process. Tasks will include:

- a. Regular coordination meetings with the Cville Plans Together consultant team and NDS.
- b. Regular social media and website updates.
- c. FAQ updates.
- d. Periodic updates at Planning Commission and/or Council meetings.

(Continued)

4. Review of Draft Zoning Modules and Map

In this phase, we will work to plan for, facilitate, and summarize community and stakeholder review of, and input related to, the draft zoning modules and map. Tasks will include:

- a. Regular coordination meetings with the Cville Plans Together consultant team and NDS, as well as meetings with the staff technical workgroup.
- b. Regular social media and website updates.
- c. Updating the FAQ.
- d. Creating summary material and a presentation to increase community understanding of the proposed zoning and changes from current zoning. This will include high level summaries of changes by neighborhood planning area, as well as an interactive map.
- e. Creation of a survey, comment form, and/or other mechanisms for gathering community input.
- f. Planning for, creating outreach materials for, executing outreach/advertisement for, attending/facilitating, and summarizing input from in-person and virtual community events.
- g. Attending meetings with community groups.
- h. Facilitating a meeting with the Steering Committee.
- i. Facilitating a joint Planning Commission work session.

5. Final Proposed Zoning and Support for the Adoption Process

In this phase, we will facilitate the adoption process. Tasks will include:

- a. Regular coordination meetings with the Cville Plans Together consultant team and NDS, as well as meetings with the staff technical workgroup.
- b. Regular social media and website updates.
- c. Updating the FAQ.
- d. Facilitating a meeting with the Steering Committee.
- e. Creating summary material to increase community understanding of the final proposed zoning and changes from current zoning.
- f. Creating materials (e.g., presentations) for Planning Commission and Council hearings.
- g. Working with NDS to advertise the public hearings.

Total Fee: \$143,810.00



Analyze. Advise. Act.

925 15th Street NW, 3rd Floor, Washington, DC 20005-2305

T: 202.903.0725 | F: 202.857.3976 | www.hraadvisors.com

January 31st, 2022

James Freas
Director, Neighborhood Development Services
City of Charlottesville
PO Box 911
Charlottesville, VA 22902

Dear James:

Following up on our conversations, I am pleased to propose the following addition to our current scope of work to assess the impacts of zoning reform in the City of Charlottesville. This “Upzoning” analysis comes at an important time as the Zoning Ordinance Project is beginning along with the Inclusionary Zoning Study. There is also an imperative in the City to confront the challenges of previously exclusionary zoning practices and to implement the goals of the Affordable Housing Plan adopted in 2021.

APPROACH

HR&A, in partnership with Code Studio and RHI, will provide an analysis of the impact of zoning changes (“upzoning”) in the City of Charlottesville for single family and medium density areas. As HR&A understands, the City wishes to understand the impacts of proposed zoning policy changes that allow for increased density and FAR on property owners and the housing market overall, and then translate those findings for the broader local constituency. Based on this understanding, HR&A proposes the following tasks, which we anticipate to be delivered within three months:

- **Task One – Review of Existing Conditions**
- **Task Two – Model Set-up and Data Gathering**
- **Task Three – Land Use and Financial Analyses**
- **Task Four – Presentation of Findings and Final Report**

Task One | Review of Existing Conditions

Using the parcel-based data collected as part of the recent Comprehensive Planning process, HR&A will work with Code Studio to develop a methodology that is appropriate to the available data including how we account for existing zoning, zoning changes, market factors, and owner behavior. HR&A will confirm any lot requirements for eligible properties to be able to accommodate additional housing units on site. For example, properties within the selected zones will require a minimum lot size, width, or depth to accommodate a higher density of housing. HR&A will work with Code Studio to screen for these characteristics when defining inventory to ensure alignment with any lot requirements set by City, such as parking or street access.

Task Two | Model Set-up and Data Gathering

Following confirmation of model approach and screening factors defined above, HR&A will set up the model framework, gather parcel data, develop market factor filters, and calibrate production estimates based on owner/developer risk and tolerance. We will develop a set of market and development assumptions for three to four prototypical new development typologies seen in the City of Charlottesville. These may be duplexes, four-plexes, denser infill development and townhomes. HR&A will assess the total housing capacity on properties which will position us to project the level of new housing production.

Task Three: Land Use and Financial Analyses

HR&A will conduct a real estate financial analysis to determine the impact of proposed changes on the real estate market, of single family and medium intensity areas of the City. This will position us to project the level of new housing production and how that production will impact key financial metrics for the housing market. As an initial step of quality control, we will ensure that these typologies have return metrics that are comparable across each project and commensurate with typical capital sources available for development in the Charlottesville market. To evaluate “financial returns” on potential development, we will utilize data from other work under the Inclusionary Zoning process and proprietary data available through Co-Star. We will follow-up with developers for specific inputs, as necessary.

Using market data from Task 1 and land use data and development assumptions from Task 2, the model will determine the financial feasibility of the redevelopment of certain types of properties and then estimate the likelihood that those properties will be redeveloped with additional units over time. Based on this likelihood, and in combination with existing development patterns and housing turnover rates, HR&A will estimate the number of properties that would add units and the total additional housing stock that could be created. This analysis will serve as a supply estimate for the additional production capacity: the number of additional units that could be produced under a set of assumed zoning changes.

HR&A will review the interim findings with NDS, discuss the methodology and potential adjustments, and how best to present the findings.

Task Four: Presentation of Findings and Final Report

HR&A will work with City staff, Code Studio, and RHI to coordinate this study with the broader zoning ordinance reform. We will work to translate the findings of Task One, Two, and Three for the larger audience of housing and development stakeholders, to help policy-makers evaluate the impacts of proposed zoning changes on property owners and on the housing market more broadly.

HR&A will prepare a memo that describes the findings and methodology, as well as a presentation that summarizes the impact of upzoning in Charlottesville over time.

BUDGET AND TIMELINE

HR&A will complete this scope of work for \$40,000, with an additional \$5,000 in data analysis and coordination with Code Studio (\$45,000 total). We will complete this scope of work and present a final report within 3 months.

We look forward to working with you on this exciting aspect of Charlottesville’s zoning ordinance reform. Should you have any questions or comments, please do not hesitate to contact me at 202-903-0749 or pkash@hraadvisors.com

Sincerely,



Phillip Kash
Partner
HR&A Advisors, Inc.

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



Agenda Date:	March 7, 2022
Action Required:	Approval of Resolution (Appropriation) (1 st of 2 Readings)
Presenter:	Garland Williams, Director of Transit, Charlottesville Area Transit
Staff Contacts:	Garland Williams, Director of Transit, Charlottesville Area Transit
Title:	Receipt and Appropriation of Funds from the Virginia Department of Rail and Public Transportation (VDRPT) to Charlottesville Area Transit (CAT) - \$980,599

Background

This Agenda Item seeks City Council's approval to accept grant funds in the amount of \$980,559 from the Virginia Department of Rail and Public Transportation (VDRPT) and appropriate the grant funding to Charlottesville Area Transit (CAT) budget for the fiscal year beginning July 1, 2021 and ending June 30, 2022. CAT is requesting to earmark \$300,000 to complete two studies: (1) an alternative fuel and facility Feasibility Study and (2) an Integration Plan. The remaining \$680,559 will be used to supplement CAT operating expenditures in accordance with the terms of the grant award. The grant requires that all funding be expended by June 30, 2022.

Discussion

Annually VDRPT allocates grant funding to CAT to assist with general operations. This fiscal year, VDRPT has additional grant funding to allocate to all public transportation providers in the Commonwealth, and CAT has received written verification that the City of Charlottesville will be allocated an additional \$980,559. CAT will be using the funding to supplement operating expenses as well as to commission an Alternative Fuel and Facility Feasibility Study and Integration Plan Study.

Alignment with City Council's Vision and Strategic Plan

Appropriating additional funding to CAT for FY2022 will support City Council's goal of "A Beautiful and Sustainable Natural and Built Environment" and will focus on (1) providing a variety of transportation and mobility options and (2) being responsible stewards of natural resources. The completion of the two transit studies will chart a path forward for CAT to introduce alternative fuel vehicles (e.g. Battery Electric Buses and/or Compressed Natural Gas Buses) into the fleet.

Community Engagement

CAT will follow the guidelines of the Federal Transit Administration (FTA) in completing the two studies. City Council and the public will receive two updates before the completion of each study. The public will have the ability to provide comments and suggestions after each update.

Budgetary Impact

This request seeks City Council's approval to increase CAT's FY22 Budget by \$980,559.

Alternatives

City Council may decline to take action on this request, which will return \$980,559 to the VDRPT to be redistributed to other transit agencies in the Commonwealth.

City Manager/ Staff Recommendation

Staff recommends the acceptance of \$980,559 in grant funding from VDRPT and recommends the appropriation the purpose of funding two transit focused studies and general CAT operating expenses.

Suggested Motion: I move to approve the Resolution appropriating funding in the amount of \$980,559 received from the Virginia Department of Rail and Public Transportation, to be expended for Charlottesville Area Transit operations

Attachment (1)

Proposed Resolution

RESOLUTION
APPROPRIATING STATE GRANT FUNDING IN THE AMOUNT OF \$980,559
RECEIVED FROM THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC
TRANSPORTATION (VDRPT) TO BE EXPENDED FOR CHARLOTTESVILLE AREA
TRANSIT (CAT) OPERATIONS

WHEREAS the City of Charlottesville has received notice that it has been awarded an additional \$980,559 in grant funding from the Virginia Department of Rail and Public Transportation (VDRPT); and City Manager proposes an increase in the budget for the CAT Department, in the amount of \$980,559, to allow the expenditure of this grant funding by the end of the current fiscal year, including an Alternative Fuel and Facility Feasibility Study and Integration Plan Study for the remainder of Fiscal Year 2022; and

WHEREAS in accordance with the grant, the funds must be expended by June 30, 2022, Charlottesville Area Transit CAT would like to use \$300,000 for an Alternative Fuel and Facility Feasibility Study, an Integration Plan Study and \$680,559 to supplement operational costs for the remainder of Fiscal Year 2022; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that grant funding in the amount of \$980,559 received from Virginia Department of Rail and Public Transportation (VDRPT) is hereby accepted by the City Council, and is appropriated for expenditure within CAT's FY2022 budget, as follows:

Revenues

\$980,559	Fund: 245	Cost Center: 2801003000	GL Code: 430080
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Expenditures

\$300,000	Fund: 245	Cost Center: 2801003000	GL Code: 530560
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\$680,559	Fund: 245	Cost Center: 2801004000	GL Code: 520100
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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	March 21,2022
Action Requested:	Approval of Resolution (Appropriation, 1st of 2 readings)
Presenter:	Hunter Smith, Human Services Department
Staff Contacts:	Hunter Smith, Human Services Planner Misty Graves, Interim Human Services Director
Title:	Annie Casey Foundation Family Engagement Support Stipend Grant (\$15,000)

Background:

The Human Services Department continues to work toward Probation Transformation with the Annie E. Casey Foundation, the 16th District Court Services Unit, the Commonwealth's Attorney's office, the Virginia Department of Juvenile Justice among other developing partnerships to improve outcomes for local youth impacted by probation through the juvenile justice system. Collaboration between these groups and other community organizations are working toward improving family engagement practices, minimizing the use of Child in Need of Services petitions in the court system, expanding diversion opportunities for youth and reducing the impact of technical violations that often result in more lengthy periods of probation and working to bring restorative justice practices into the community.

Discussion:

These funds have been awarded to provide stipends to youth and families that participate in activities and/or conversations around making these improvements, specifically around family engagement. These funds can also be used to provide any other material support that youth or families may need to conduct this work; food, child care, transportation, etc.

Alignment with City Council's Vision and Strategic Plan:

The **Annie Casey Foundation Family Engagement Support Stipend Grant** aligns with the City of Charlottesville's Strategic Plan – Goal 2: A Healthy and Safe City; Objective 2.3: Improve community health and safety outcomes by connecting residents with effective resources.

The Human Service Department's programs, including work toward Probation Transformation, provide residential and community based services that prevent delinquency and promote the healthy development of youth.

Community Engagement:

This grant provides stipends and material supports to community members engaged in probation transformation work through focus groups, ongoing policy and practice improvement meetings and by other means developed through community engagement. Citizens impacted by the juvenile justice system may be invited to participate.

Budgetary Impact:

There is no impact to the General Fund. This grant will be appropriated into a grants fund.

Alternatives:

If the funds are not appropriated, the grant would not be received and the Family Engagement work would not be provided.

Recommendation:

Staff recommends approval and appropriation of funds.

Attachment (1):

Resolution

Suggested motion: “I move the Resolution Appropriating \$15,000 Received from the Annie E. Casey Foundation for expenditure within the City’s Family Engagement Support Stipend Program”

RESOLUTION

Appropriating Grant Funding in the Amount of \$15,000, Received from the Annie E. Casey Foundation to the City’s Family Engagement Support Stipend Program

WHEREAS, the City of Charlottesville has been awarded \$15,000 from the Annie E. Casey Foundation;

WHEREAS, the funds will be expended to provide stipends and material supports for community members involved in Probation Transformation projects undertaken by the Human Services Department in collaboration with other local organizations. The grant award covers the period from November 1, 2021 through November 30, 2022;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that upon receipt of the funding from the Annie E. Casey Foundation, the grant funding in the amount of \$15,000 is hereby appropriated as follows:

Revenues

\$15,000	FUND 210	IO: 1900453	G/L: 451022
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Expenditures

\$15,000	FUND 210	IO: 1900453	G/L: 599999
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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	March 21, 2022
Action Required:	Approval of Resolution (Appropriation, 1 st of 2 Readings)
Presenter:	Misty Graves, Interim Director, Human Services
Staff Contacts:	Misty Graves, Interim Director, Human Services
Title:	COVID Homelessness Emergency Response Program (C.H.E.R.P.) – Community Development Block Grant Amendment (\$200,000)

Background:

A C.O.V.I.D. Homelessness Emergency Response Program amended grant of \$200,000 has been awarded to support non-congregate emergency shelter operations and administrative expenses from July 1, 2021 to March 31, 2022. The Thomas Jefferson Area Coalition for the Homeless plans, designs and coordinates the local homelessness continuum of care and is the provider of record for data collection.

Discussion:

The City of Charlottesville has staff from the departments of Human Services and Social Services taking leadership roles in the governance of T.J.A.C.H. This grant supports the additional costs associated with maintaining the required data associated with the C.O.V.I.D. global pandemic.

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 T.J.A.C.H. and the priority requests of the Interfaith Movement Promoting Action by Congregations Together (IMPACT).

Alignment with City Council's Vision and Strategic Plan:

This grant advances the City of Charlottesville's Strategic Plan Goal #1 of an inclusive community of self-sufficient residents. Specifically, it will facilitate the objective of increasing affordable housing options.

Budgetary Impact:

This grant will be entirely Federal pass-through 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.

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 a housing crisis: Emergency low-

barrier shelter, coordinated assessment, rapid rehousing, H.M.I.S., coalition coordination and administration.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Suggested motion: “I move the Resolution Appropriating CHERP CDBG Block Grant Funding in the Amount of \$200,000 to the City’s Department of Human Services for Expenditure

Attachment (1):

Resolution

Suggested motion: “I move the Resolution Appropriating CHERP CDBG Block Grant Funding in the Amount of \$200,000 to the City’s Department of Human Services for Expenditure

RESOLUTION

Appropriating COVID Homelessness Emergency Response Program (C.H.E.R.P.) Community Development Block Grant Funding Received from the Commonwealth in the Amount of \$200,000

WHEREAS, The City of Charlottesville’s Department of Human Services, has received C.H.E.R.P. Grant funding from the Virginia Department of Housing and Community Development, in the amount of **\$200,000**.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the CHERP Grant funding, the sum of **\$200,000** is hereby appropriated for expenditure by the City’s Department of Human Services in accordance with grant requirements, in the following manner:

Revenues			
\$200,000	Fund: 209	IO: 1900448	G/L: 430120 Federal Pass Thru

Expenditures			
\$200,000	Fund: 209	IO: 1900448	G/L: 530550 Contracted Services

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



Agenda Date:	March 21, 2022
Action Required:	Approve Resolution (1 st of 2 Readings)
Presenter:	Josh Bontrager, Project Manager, Public Works Facilities Development Division
Staff Contacts:	Kristel Riddervold, Environmental Sustainability and Facilities Development Manager Stacey Smalls, Public Works Department Director
Title:	Appropriation of Funds from CATEC to the CATEC Kitchen Floor Project - \$75,000

Background:

The City of Charlottesville received a check from the Charlottesville Albemarle Technical Education Center (CATEC) in the amount of \$75,000 to be used for the CATEC Kitchen Floor Project.

Last summer, CATEC hired a contractor to replace the teaching kitchen floor, but due to the complexity of the project and contractor quality issues, the contract was terminated before the project was complete. CATEC has since engaged the City of Charlottesville's Facilities Development Division, who typically oversees all Capital Improvement Projects at CATEC, to complete this project.

Discussion:

The City of Charlottesville Facilities Development Division will oversee the CATEC Kitchen Floor Project (P-01059-08), but it will be funded entirely by CATEC.

The estimated project cost to remove the partially installed floor and install a new flooring system is \$75,000.

Alignment with City Council's Vision and Strategic Plan:

This proposal contributes to Goal 3 and 5 of the Strategic Plan: a beautiful and sustainable natural and built environment; and a well-managed and responsive organization. Objectives 3.2 provide reliable and high-quality infrastructure while 5.1 integrates effective business practices and strong fiscal policies.

Community Engagement:

N/A

Budgetary Impact:

None. The funds will be appropriated into the CATEC Kitchen Floor Project (P-01059-08) and any funds remaining at the completion of the work will be returned to CATEC.

Alternatives:

City Council could decline this recommendation. There will be insufficient funds to address the corrective needs at CATEC and as a result the work would be left incomplete and inadequate for the culinary arts curriculum.

Recommendation:

Staff recommends approval and appropriation of the funds.

Suggested Motion: "I move to approve the Resolution Appropriating Funds in the amount of \$75,000 to the CATEC Kitchen Floor Project".

Attachments:

Resolution

RESOLUTION

Appropriating Funds in the amount of \$75,000 to the CATEC Kitchen Floor Project

WHEREAS, the Charlottesville Albemarle Technical Education Center (CATEC) has delivered a monetary contribution to the City, in the amount of \$75,000, to be expended for the CATEC Kitchen Floor Project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, THAT funding in the amount of **\$75,000** received by the City of Charlottesville from CATEC is to be appropriated in the following manner:

Revenues - \$75,000

Fund: 107 Funded Program: FR-001 (P-01059-08) G/L Account: 432030

Expenditures - \$75,000

Fund: 107 Funded Program: FR-001 (P-01059-08) G/L Account: 599999

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



Agenda Date:	March 21, 2022
Action Required:	Resolution (Appropriation, 1 st of 2 Readings)
Presenter:	Andrea Henry, Water Resources Protection Program Administrator
Staff Contacts:	Jack Dawson, Department of Public Works. Kristel Riddervold, Department of Public Works. Krisy Hammill, Office of Budget and Performance Management.
Title:	Appropriating Grant Funding in the Amount of \$94,276 Received from the Virginia Department of Conservation and Recreation

Background:

The City of Charlottesville has been awarded a second grant from the Virginia Community Flood Preparedness Fund (CFPF). The Governor and General Assembly established the fund in 2020 to assist communities in building resilience to the impacts of climate change, including floods. The CFPF is allocated 45 percent of the revenue Virginia generates through the Regional Greenhouse Gas Initiative, providing an estimated \$75 million per year for the matching grant program.

In December 2021, the City of Charlottesville received a Letter of Award for a CFPF grant totaling \$94,276 from the Virginia Department of Conservation and Recreation for the development of a flood resilience plan for the City of Charlottesville. The funds are intended to support the development of a report that can identify vulnerabilities throughout the community and the facilitation of staff workshops across City Departments to develop mitigation strategies. The development of a DCR-approved resilience plan is a requirement for future project-based grant applications. The current grant award includes:

CFPF Grant #21-02-32: Flood Protection and Prevention Study - \$94,276

City matching funds are required for the grant of at least 25% of the total study cost, totaling \$31,425, and have been identified from two funding sources. Staff hours, equivalent to \$12,640, will make up a portion of the City's match for the grant. The remaining portion of the City's match will be covered by funds previously appropriated in the Stormwater Utility Fund as part of the administrative budget for consulting services for drainage related studies and/or projects.

Discussion:

Authorized grant funds will result in a City-wide Resilience Plan for improving flood protection and prevention in a whole community approach to resilience. Success will be measured through SMART Goals at the beginning of the project and will include:

- The Resilience Plan aligns with relevant City, regional, and state plans for community-scale and watershed-wide benefits.

- The Plan includes an implementation strategy to connect funding to programmatic strategies and infrastructure projects in a consistent and responsible manner.
- The Plan identifies how to develop resilience in a strategic, sustainable, and community-wide manner.
- Development of the Plan includes a City-wide approach to reach as many stakeholders as possible.
- The Plan optimizes return on investment.

A consultant will co-create the plan at facilitated workshops with the City's Resilience Team staff to increase staff expertise and capabilities. The City's Team will involve staff from several departments to ensure stakeholders are invited to provide input and perspective on the Resilience Plan. Through invitation of participants from many departments, the project will also achieve widespread education of City staff regarding flood resilience.

The resulting plan will include an implementation strategy identifying funding opportunities, a schedule for implementing programmatic strategies and infrastructure projects, and potential public and private partnerships. Funding opportunities may include capital funds, stormwater utility fees, loans, and grants including the Community Flood Preparedness Flood Fund, FEMA grants, non-governmental organization options, and others.

The City will submit the plan to DCR for review and approval to be eligible to submit grant applications to fund design and construction of projects in future fund applications.

Alignment with City Council's Vision and Strategic Plan:

The development of a flood resilience plan directly supports several strategic initiatives in the 2013 City of Charlottesville Comprehensive Plan (Environment):

- 4.3: Assess infrastructure and prioritize solutions for the repair, upgrade, and improvement of the City's stormwater infrastructure, utilizing green infrastructure when advisable.
- 4.4: Identify and track stormwater hazards such as flooding and drainage problems that may threaten people and property and identify or establish funding to remedy or prevent safety hazards.

Community Engagement:

The resilience plan will be publicly available as an outreach tool to communicate the City's approach to stormwater management. Programmatic solutions, including targeted community outreach, will be explored as potential flood mitigation and resilience strategies.

Budgetary Impact:

Grant funds will be appropriated and expended from a grants fund account. The \$18,785 cash match for these grant awards will be allocated from previously appropriated funding in the City's stormwater utility fund.

Alternatives:

Council may decline the grant.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Attachments (3):

- Resolution
- DCR Letter of Award
- DCR Grant Agreement

“I move the Resolution Appropriating \$94,276 received from Virginia DCR for Flood Resiliency Planning, and Authorizing the City Manager to execute a Grant Agreement”

RESOLUTION

Appropriating Grant Funding in the Amount of \$94,276 Received from the Virginia Department of Conservation and Recreation for development of a Flood Resilience Plan, and Authorizing the City Manager to execute a Grant Agreement

WHEREAS, the City of Charlottesville has been awarded **\$94,276** from the Virginia Department of Conservation and Recreation for the development of a flood resilience plan; and

WHEREAS, the grant requires a local match in the amount of \$31,425, which will be satisfied as follows: cash/contractual contribution in the amount of \$18,855, to be contributed from funds previously appropriated for expenditure within the Public Works operational budget, and the value of in-kind staff hours (\$12,640);

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that upon receipt of the awarded grant funding from the Virginia Department of Conservation and Recreation, the sum of **\$94,276** is hereby appropriated for expenditure within the Department of Public Works, for the development of a flood resilience plan, as follows:

Revenues - \$113,131

\$94,276	Fund: 209	I/O: 1900454	G/L Account: 430110
\$18,855	Fund: 209	I/O: 1900454	G/L Account: 498010

Expenditures - \$113,131

\$94,276	Fund: 209	I/O: 1900454	G/L Account: 599999
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Transfers:

\$18,855	Fund: 641	I/O: 2000095	G/L Account: 530670
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BE IT FURTHER RESOLVED that City Council hereby approves the terms of the grant agreement between the Virginia Resources Authority and the City of Charlottesville (CFPF-21-02-32) and authorizes the City Manager to execute the grant agreement and other related documents, requisitions or agreements, on behalf of the City; provided that the City Manager may delegate signature authority to a Deputy City Manager. City Council hereby further approves the in-kind staff contribution and cash local match described above

Ann Jennings
Secretary of Natural and Historic
Resources and Chief Resilience Officer



Clyde E. Cristman
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

December 27, 2021

Antony Edwards, CFM
City of Charlottesville Department of Public Works
305 4th Street NW
Charlottesville, Virginia 22903
edwardst@charlottesville.gov

Re: **Community Flood Preparedness Fund (CFPF)**
CY2021 Round 2 Grant Application: Grant Number: CFPF-21-02-32
Application Category: Planning and Capacity Building
Community Name: CHARLOTTESVILLE, CITY OF, CID: 510033
Primary Contact: Andrea Henry PE
Primary Contact Email Address: henrya@charlottesville.gov
CFPF Award Amount: \$94,276.00
Match Amount Required: \$31,425.00
Total Approved Project Cost: \$125,701.00

Dear Antony Edwards:

Congratulations! DCR, in consultation with the Secretary of Natural and Historic Resources and the Special Assistant to the Governor for Coastal Adaptation and Protection, has reviewed your application for a Resilience Planning and Staff Training and your request for funding is approved as indicated above.

Special terms, condition(s) or adjustments that apply to your award or that must be satisfied prior to reimbursement are as follows:

- Project does not qualify as low-income and match percentages have changed from 90/10 to 75/25. Within 30 days of award provide updated match certification.

Please review the agreement documents emailed or enclosed with this communication as well as the grant manual used for application for important guidance information. Of particular note are the following requirements:

1. Virginia Resources Authority (VRA) will email Grant Agreements to recipients using the email address provided in the original application. If no email address is provided, the Grant Agreements will be sent via U.S. mail. Recipients shall return the signed Grant Agreement ***within 90 days of receipt*** to:

Address:

Virginia Resources Authority
1111 E. Main Street, Suite 1920
Richmond, VA 23219

VRA will return the executed signature page to you via email unless otherwise requested. Grant agreements not signed and returned within 90 days will have all funds rescinded without further notice.

2. Progress reports are due quarterly and on the schedule as indicated in the grant agreement and must be submitted to cfpf@dcv.virginia.gov or other depository as determined by DCR. No reimbursement request will be processed without a quarterly progress report.
3. Grant funds may be disbursed on a quarterly basis. For low-income geographic areas, one-quarter of the grant award may be advanced upfront to the grant recipient to be offset against actual expenditures at the end of the grant award. All requests for disbursement shall be delivered to DCR for approval according to the reimbursement terms of the grant manual, using the form provided, and as outlined in the Grant Agreement. DCR shall forward the approved request to VRA for payment to the applicant. VRA will not disburse funds prior to receipt of a fully executed Grant Agreement.
4. Final reimbursement requests must be submitted within 90 days following passage of the authorized project completion date; this request must include completed and signed Reimbursement Request Form, signed Form of Requisition along with the signed Certificate of Approval Floodplain Management, proof of payment (canceled checks, bank statements, accounting system reports, etc.) and invoices to cfpf@dcv.virginia.gov or other depository as determined by DCR.
5. Projects, capacity building and planning and studies will be required to be completed after the beginning of the application period and not later than 36 months following the issuance of a signed agreement between the applicant and VRA on behalf of the Department.
6. If a project, study, capacity building or planning activity does not commence in a timely fashion to allow completion within the agreement period, funding will be withdrawn and the applicant may reapply during the next grant round, should funds be available.
7. An extension may be granted at the discretion of the Department; however, all extension requests must be received no later than 90 days prior to the expiration of the original agreement, and the approved activity must have commenced within the first nine months of the original agreement period.

8. Final project deliverables defined in the approved Scope of Work are due to the Department within 30 days following the project end date, unless another date is approved by the Department.

Again, congratulations on your selection as a grantee of the CFPF. Should you have any questions, please feel free to contact me at (804) 786-5099 or Wendy.Howard-Cooper@dcv.virginia.gov.

Sincerely,

A handwritten signature in blue ink that reads "Wendy Howard Cooper". The signature is fluid and cursive, with the first name "Wendy" being the most prominent.

Wendy Howard Cooper
Director, Dam Safety and Floodplain Management

cc: Darryl M. Glover, Deputy Director, DCR
Kimberly S. Adams, Senior Program Manager, VRA
Tony Leone, Program Manager, VRA
Angela Davis, Flood Program Planner, DCR
Karen Thomas, Grant Manager, DCR

GRANT AGREEMENT

Between

VIRGINIA RESOURCES AUTHORITY,

**as Administrator of the
Virginia Community Flood Preparedness Fund**

And

CITY OF CHARLOTTESVILLE

Department of Conservation and Recreation

CFPF-21-02-32

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EXHIBITS

Exhibit A.	Grant Authorization
Exhibit B.	Project Description
Exhibit C.	Project Budget
Exhibit D.	Requisition Form
Exhibit E.	Financial Report Reimbursement Form
Exhibit F.	Quarterly Report Form and Instructions
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GRANT AGREEMENT

THIS GRANT AGREEMENT is made as of this **first day of March 2022** between the **VIRGINIA RESOURCES AUTHORITY**, a public body corporate and a political subdivision of the Commonwealth of Virginia (the “Authority”), as administrator of the **VIRGINIA COMMUNITY FLOOD PREPAREDNESS FUND**, and the **CITY OF CHARLOTTESVILLE**, a **LOCAL GOVERNMENT** (the “Grantee”).

Pursuant to Article 1.3, Chapter 6, Title 10.1 of the Code of Virginia of 1950, as amended (the “Act”), the General Assembly created a fund known as the “Virginia Community Flood Preparedness Fund” (the “Fund”). In conjunction with the Department of Conservation and Recreation (the “Department”), the Authority administers and manages the Fund. Following consultation with the Authority, the Secretary of Natural Resources and the Special Assistant to the Governor for Coastal Adaptation and Protection, the Department from time to time directs loans and grants from the Fund and authorizes the Authority to disburse monies to local governments in Virginia to fund the costs of flood prevention or protection projects and studies all within the meaning of the Act.

The Grantee has requested a grant from the Fund and such grant has been approved by the Department, as evidenced by **Exhibit A** to this Agreement. The Grantee will use the grant monies from the Fund to finance that portion of the Project Costs not being paid from other sources as set forth in the Project Budget.

ARTICLE I

DEFINITIONS

The capitalized terms contained in this Agreement shall have the meanings set forth below unless the context requires otherwise and any capitalized terms not otherwise defined herein shall have the meaning assigned to such terms in the Act:

“Act” means Article 1.3, Chapter 6, Title 10.1 of the Code of Virginia of 1950, as amended.

“Agreement” means this Grant Agreement between the Authority, as Administrator of the Fund, and the Grantee, together with any amendments or supplements hereto.

“Authority” means the Virginia Resources Authority, a public body corporate and a political subdivision of the Commonwealth of Virginia.

“Authorized Representative” means any member, official or employee of the Grantee authorized by resolution, ordinance or other official act of the governing body of the Grantee to perform the act or sign the document in question.

“Certified Floodplain Manager” means a Certified Floodplain Manager according to the Association of State Floodplain Managers (<https://www.floods.org/certification-program-cfm/>) who is in the employ of any county, city, town, municipal corporation, authority, district, commission, or

political subdivision created by the General Assembly or pursuant to the Constitution of Virginia or laws of the Commonwealth of Virginia, or any state or federally recognized Virginia Indian Tribe.

“Department” means the Department of Conservation and Recreation.

“Fund” means the Virginia Community Flood Preparedness Fund.

“Grant Manual” means the Department’s 2021 Grant Manual for the Virginia Community Flood Preparedness Fund.

“Grantee” means the **CITY OF CHARLOTTESVILLE**, a local government.

“Local Project” means the particular project described in **Exhibit B** to this Agreement, consistent in all respects with the Grant Manual, to be undertaken and completed by the Grantee with, among other monies, the grant funds, with such changes thereto as may be approved in writing by the Authority and the Department as set forth herein.

“Project Budget” means the budget for the Local Project, a copy of which is attached to this Agreement as **Exhibit C**, with such changes therein as may be approved in writing by the Authority and the Department.

“Project Costs” means the costs described in the Project Budget and such other costs permitted by the Act as may be approved in writing by the Department, provided such costs are included in the definition of “cost” set forth in Section 10.1-603.24 of the Act.

“Project Description” means the description of the Local Project to be undertaken using the grant funds made available by this Agreement, a copy of which is attached to this Agreement as **Exhibit B**, with such changes therein as may be approved in writing by the Authority and the Department.

“Resilience Plan” means a locally adopted plan that describes the Grantee’s approach to flooding and meets the following criteria: (i) it is project-based with projects focused on flood control and resilience; (ii) it incorporates nature-based infrastructure to the maximum extent possible; (iii) it includes considerations of all parts of a local government regardless of socioeconomics or race; (iv) it includes coordination with other local and inter-jurisdictional projects, plans, and activities and has a clearly articulated timeline or phasing for plan implementation; and (v) it is based on the best available science, and incorporates climate change, sea level rise, and storm surge (where appropriate), and current flood maps.

ARTICLE II

SCOPE OF SERVICES

The Grantee shall provide the services and work as set forth in the Project Description (**Exhibit B**) of this Agreement. All work performed under the “Project” and “Study” categories of the Grant Manual shall be in accordance with sound engineering, construction, and architectural principles, commonly accepted development and safety standards and shall be in compliance with all applicable

regulatory requirements, including the National Flood Insurance Program. Any work performed under the “Project” category of the Grant Manual shall be approved by a Certified Floodplain Manager as evidenced by a Certificate of Approval by Certified Floodplain Manager.

ARTICLE III

TIME OF PERFORMANCE

The Grantee’s work on the Local Project shall be completed, and evidence of completion presented to the Department, within thirty-six (36) months of the execution of this Agreement. Unless an extension is granted pursuant to Section 4.3 below, this Agreement shall terminate without notice and the Authority shall have no obligation to disburse funds hereunder if Grantee fails to complete the Local Project within the applicable timeframe and provide satisfactory evidence of same to the Authority and the Department. The Grantee shall make a request for reimbursement no later than ninety (90) days following the passage of the Local Project’s authorized completion date unless an extension is granted pursuant to Section 4.3 below.

ARTICLE IV

GRANT FUNDS

Section 4.1. Amount of Grant. The Grantee shall be reimbursed grant funds for the payment of Project Costs, in an amount not to exceed **75%** of the demonstrated total cost of the Local Project or **\$94,276**, whichever is lesser, for the purposes set forth in the Project Description. Disbursement of grant funds will be in accordance with payment provisions set forth in Section 4.2. Grantee acknowledges and agrees that while grant funds awarded from the Fund may be used as match for other sources of funding, grant funds awarded from the Fund may not be utilized as match funds for other monies from the Fund. Monies used to match grants from the Fund may not be used as match for other grants.

Section 4.2. Application of Grant Funds. The Grantee agrees to apply the grant funds solely and exclusively to the reimbursement of the Grantee for payment of Project Costs. The Authority, at the direction of the Department, shall disburse grant funds from the Fund to the Grantee upon receipt by the Authority and the Department of the following:

(a) A Requisition, along with a Certificate of Approval by Certified Floodplain Manager, in the form set forth in **Exhibit D** and Financial Report Reimbursement Form, in the form set forth in **Exhibit E**, approved by the Department (upon which the Authority shall rely), signed by the Authorized Representative and containing all receipts, vouchers, statements, invoices or other evidence of the actual payment of Project Costs to this Agreement, and all other information required by, and otherwise being in the form of, **Exhibit D** to this Agreement, including a Certificate of Approval by Certified Floodplain Manager where work is being performed under the “Project” category of the Grant Manual.

(b) A **Planning and Capacity Building** project developed by the Grantee and

approved by the Department as meeting all standards of applicable law;

(c) Evidence satisfactory to the Authority and the Department that all authorizations and approvals for the Local Project required to have been obtained as of the date of the delivery of this Agreement have been obtained, and, where the Local Project's completion is dependent on a variety of funding sources, in addition to the Fund, evidence satisfactory to the Authority and the Department that the Grantee has obtained satisfactory assurances of all necessary funds to fully finance the Local Project;

(d) If the Local Project will require future maintenance, a maintenance and management plan for the Local Project satisfactory to the Authority and the Department demonstrating how the Local Project will be maintained with funds secured by the Grantee independent of the Fund over the lifespan of the Local Project;

(e) If the Local Project will be carried out in concert with a federal agency, evidence satisfactory to the Authority and the Department that the Grantee has authorization to enter into any necessary written agreement with the federal agency, including any provisions for cost-sharing; and

(f) To the extent the Local Project encompasses activities that include the development of flood protection facilities, acquisition of land, restoration of natural features, or other activities that involve design (including such design necessary to ensure the Local Project meets its intended purpose), construction or installation of facilities, a completed Resilience Plan satisfactory to the Authority and the Department was obtained as of the date of the delivery of this Agreement.

Upon receipt of the forgoing, the Authority shall disburse the grant funds hereunder to the Grantee in accordance with the submitted Requisition to the extent approved by the Department. The Department shall have no obligation to approve any Requisition, and the Authority shall have no obligation to disburse any such grant funds, if the Grantee is not in compliance with any of the terms of this Agreement.

Section 4.3. Agreement to Accomplish Local Project. The Grantee agrees to cause the Local Project to be completed as described in **Exhibit B** and if applicable, in accordance with plans and specifications prepared by the Grantee's Certified Floodplain Manager and approved by the appropriate regulatory agencies. Grantee is solely responsible for ensuring funds allocated and certified as match during the application process are appropriated, if applicable, and spent according to the approved project. No funds will be reimbursed to the Grantee unless proof of expenditure by the Grantee organization is provided. The Grantee shall complete the Local Project by the date set forth in Article III unless approval for a later completion date is given by the Department and the Authority; however, all such Extension Requests, the form of which is attached hereto as **Exhibit G**, must be received by the Department no later than ninety (90) days prior to the date set forth in Article III, and the approved Local Project must have commenced within the first nine (9) months after the date of this Agreement. If the Local Project does not commence in a timely fashion to allow completion by the date set forth in Article III or such later completion date as approved by the Department and the Authority, funding will be withdrawn and may be redistributed to other qualifying projects at the discretion of the Department in

consultation with the Chief Resilience Office, and the Special Assistant to the Governor for Coastal Adaptation and Protection.

ARTICLE V

GENERAL PROVISIONS

Section 5.1. Indemnification. N/A

Section 5.2. Disclaimer. Nothing in this Agreement shall be construed as authority for either party to make commitments that will bind the other party beyond the covenants contained herein.

Section 5.3. Termination.

(a) The Authority may amend, modify or terminate this Agreement for any reason upon thirty (30) days' written notice to the Grantee. The Grantee shall not be paid for any services rendered or expenses incurred for which funding is not authorized by any action affecting the authority of the grant from the Fund.

(b) If any written or oral representation, warranty or other statement furnished or made by or on behalf of the Grantee to the Department or the Authority in connection with this Agreement or the Grantee's application for a grant from the Fund is false or misleading in any material respect, the Authority shall have the right immediately to terminate this Agreement.

(c) In the event of a breach by the Grantee of this Agreement, including the Department receiving notice that the Local Project is not proceeding in accordance with the Local Project Description, the Authority shall have the right to cease any further disbursements to the Grantee until such breach is cured. In addition, the Authority may give written notice to the Grantee specifying the manner in which this Agreement has been breached and providing the Grantee thirty (30) days within which to cure the breach. If such a notice of breach is given and the Grantee has not substantially corrected the breach within 30 days of receipt of such written notice, the Authority shall have the right forthwith to terminate this Agreement.

(d) In the event of a termination of this Agreement in accordance with paragraphs (b) or (c) of this Section 5.3, the Authority, at the direction of the Department, may require the Grantee to repay all grant proceeds disbursed hereunder.

Section 5.4. Integration and Modification. This Agreement constitutes the entire Agreement between the Grantee and the Authority with respect to the grant. No alteration, amendment or modification in the provisions of this Agreement shall be effective unless reduced to writing, signed by both the parties and attached hereto.

Section 5.5. Collateral Agreements. Where there exists any inconsistency between this Agreement and other provisions of collateral contractual agreements that are made a part of this Agreement by reference or otherwise, the provisions of this Agreement shall control.

Section 5.6. Non-Discrimination. In the performance of this Agreement, the Grantee warrants that it will not discriminate against any employee, or other person, on account of race, color, sex, religious creed, ancestry, age, national origin, other non-job related factors or any basis prohibited by law. To the extent required by law and upon request of the Department and the Authority, the Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

The Grantee shall, in all solicitations or advertisements for employees placed by or on behalf of the Grantee, state that such Grantee is an equal opportunity employer; however, notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this Agreement.

The Grantee shall include the provisions of the foregoing paragraphs of this section in every contract, subcontract or purchase order of over ten thousand dollars, so that such provisions will be binding upon each contractor, subcontractor or vendor.

Section 5.7. Applicable Laws. This Agreement shall be governed by the applicable laws of the Commonwealth of Virginia.

Section 5.8. Compliance. The Grantee shall comply with all laws, ordinances, rules, regulations, and lawful orders of any public authority bearing on the performance of the Local Project and shall give all Notices required thereby. The Grantee hereby consents to inspection by any state regulatory agency having jurisdiction over any part of the work performed with the assistance of the contract funds.

Section 5.9. Severability. Each paragraph and provision of this Agreement is severable from the entire Agreement; and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect, at the option of the Authority.

Section 5.10. Contingent Fee Warranty. The Grantee warrants that it has not paid or agreed to pay any company or person any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon the award or making of this Agreement. For breach of the foregoing warranty, the Authority shall have the right to terminate this Agreement without liability, or, in its discretion, to deduct from the agreed fee, payment or consideration, or otherwise recover the full amount of said prohibited fee, commission, percentage, brokerage fee, gift, or contingent fee.

Section 5.11. Conflict of Interest. The Grantee warrants that it has fully complied with the Virginia Conflict of Interests Act.

Section 5.12. Records Availability. The Grantee agrees to maintain complete and accurate books and records of the Project Costs, and further, to retain all books, records, and other documents relative to this Agreement for five (5) years after final disbursement of grant proceeds, or until completion of an audit commenced by the Commonwealth of Virginia within the five (5) years after final disbursement of funding of proceeds. The Authority, the Department, its authorized agents, and/or state auditors shall have full access to and the right to examine any of said materials during said period. Additionally, the Authority, the Department, and/or its representatives shall have the right of access to

worksites for the purpose of ensuring that the provisions of this Agreement are properly carried out and enforced. The Grantee agrees that the Authority, the Department and its authorized agents, reserve the right to make funding adjustments and implement fiscal corrective actions based on said examinations and reviews.

Section 5.13. Ownership of Documents. Upon the request of the Authority or the Department, the Grantee shall provide copies of any reports, studies, photographs, negatives, or other documents prepared by the Grantee in the performance of its obligations under this Agreement.

Section 5.14. Acknowledgments. The role of the Authority and the Department must be clearly stated in all press releases, news articles, and requests for proposals, bid solicitations and other documents describing the Local Project, whether funded in whole or in part. Acknowledgment of financial assistance, with the Department logo, must be printed on the cover of all reports, studies, web sites, map products or other products supported directly or indirectly by this Agreement. The Grantee is responsible for contacting Department staff in adequate time to obtain the Department logo in camera-ready or digital form. The acknowledgment should read as follows:

*This project received funding from the Virginia Community Flood Preparedness Fund Grant Program through the Virginia Department of Conservation and Recreation (DCR), via **CFPF-21-02-32.***

Section 5.15. Matching Funds. The required amount of matching funds to the cash contributions by the Grantee to the Local Project will be indicated on the Financial Report Reimbursement Form, **Exhibit E**, of these agreement documents. Matching contributions, if applicable, must reflect expenses directly related to the implementation of this project and incurred only during the time of performance listed in this Agreement. The decision of the Department with respect to approval of matching funds shall be final. Matching funds must be tracked and reported to the Department in the quarterly reports described below, both in narrative summary and on **Exhibit E**.

Section 5.16. Procurement and Subcontracts. The Grantee shall remain fully responsible for the work to be done by its subcontractor(s) and shall ensure compliance with all requirements of this Agreement. The Grantee shall comply with all applicable provisions of the Virginia Public Procurement Act, Section 2.2-4300 *et seq.* of the Code of Virginia of 1950, as amended, in making such awards.

Section 5.17. Reporting and Closeout. (a) The Grantee shall promptly provide the Department with Quarterly Reports, the form of which is attached hereto as **Exhibit F**, on performance and financial progress, detailing the progress of work with respect to the Local Project, and a final report upon completion of the Local Project. Incomplete or inaccurate reports may result in reimbursement delays. These reports shall be certified by an authorized agent of the Grantee as being true and accurate to the best of the Grantee's knowledge, as indicated by their signature on **Exhibit F**.

(b) Final deliverables defined in the approved Scope of Work for the Local Project are due to the Department within 30 days following the Local Project end date, unless another date is approved in writing by the Department, upon submission by Grantee of an Extension Request, the form of which is attached hereto as **Exhibit G**. The following shall apply to the submission of final deliverables:

1. All materials shall be provided digitally to the Department at cfpf@dc.virginia.gov.
2. All documents must be provided in PDF and/or a Microsoft Word compatible format, including any embedded maps or other figures/illustrations.
3. All engineering files (including hydrologic and hydraulic studies) and assumptions necessary to replicate various analyses or other calculations must be provided in a format compatible with the software used to perform those calculations; likewise, all output files are also required.
4. All tabular information not included in the engineering files above, whether contained within any report or appendix, which was used as the basis for any calculation, shall be provided in a Microsoft Excel compatible format or Microsoft Access compatible format.
5. All map data shall be delivered as a geodatabase or individual shapefiles. Additionally, maps shall be provided in a PDF format if not already included embedded within the report(s). If derived from CAD or another non-GIS workflow, data must be converted into a GIS format.
6. If digital submittal is not possible, printed materials, together with all attachments and supporting documentation, may be submitted to the Department at the address below:

Virginia Department of Conservation and Recreation
Attention: Virginia Community Flood Preparedness Fund
Division of Dam Safety and Floodplain Management
600 East Main Street, 24th Floor
Richmond, Virginia 23219

The final reimbursement request must be submitted with the final report and the Department will not reimburse any requests received more than ninety (90) days after the Local Project end date.

Section 5.18. Notices. Unless otherwise provided for herein, all notices, approvals, consents, correspondence and other communications under this Agreement shall be in writing and shall be deemed delivered to the following:

Fund: Virginia Resources Authority, as Administrator
of the Virginia Community Flood Preparedness Fund
1111 East Main Street, Suite 1920
Richmond, Virginia 23219
Attention: Executive Director

Authority: Virginia Resources Authority
1111 East Main Street, Suite 1920
Richmond, Virginia 23219
Attention: Executive Director

Department: Virginia Department of Conservation and Recreation
600 East Main Street, 24th Floor
Richmond, Virginia 23219
Attention: Division Director, Dam Safety and Floodplain Management

Grantee: CITY OF CHARLOTTESVILLE
305 4th Street NW
Charlottesville, Virginia 22903
Attention: Antony Edwards

A duplicate copy of each notice, approval, consent, correspondence or other communications shall be given to each of the other parties named.

ARTICLE VI

COUNTERPARTS

This Agreement may be executed in any number of Counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

[Remainder of this page intentionally left blank]

WITNESS the following signatures, all duly authorized.

**VIRGINIA RESOURCES AUTHORITY, AS
ADMINISTRATOR OF THE VIRGINIA
COMMUNITY FLOOD PREPAREDNESS FUND**

By: _____
Executive Director

CITY OF CHARLOTTESVILLE

By: _____

Name: _____

Title: _____

CFPF-21-02-32

Exhibit A

Virginia Department of Conservation and Recreation
Community Flood Preparedness Fund - Round 2 Application Recommendations
Community Flood Preparedness Fund - Round 1 Resubmitted Application Recommendations
December 9, 2021

	Budget	Award Recommendation (30 Projects)	Remaining Budget	
Budget LIG Activities (At Least 25% LIG) (Round 2 + Bal Round 1)	4,983,485.00	19,759,944.30	(14,776,459.30)	80%
Budget Non-LIG Activities (Round 2 + Bal Round 1)	22,220,475.00	4,791,979.00	17,428,496.00	20%
Total Funds Available	27,203,960.00	24,551,923.30	2,652,036.70	

Application Types and Amounts Requested Round 2				
Count	Activity Type As Selected by the Applicant (May be Adjusted)	Total Project	Total CFPF Requested	Total Match Committed
8	LI - Planning and Capacity Building - Low Income Geographic	1,266,546.00	1,193,393.00	73,153.00
2	LI - Projects that will result in hybrid solutions - Low Income Geographic	6,359,068.00	4,133,394.00	2,225,674.00
6	LI - Projects that will result in nature-based solutions - Low Income Geographic	7,982,261.00	6,385,809.00	1,596,452.00
1	LI - All other Projects - Low Income Geographic	4,545,455.00	2,500,000.00	2,045,455.00
4	LI - Flood Prevention and Protection Studies - Low Income Geographic	2,778,462.00	2,736,805.00	41,657.00
3	Flood Prevention and Protection Studies	712,718.00	356,359.00	356,359.00
8	Planning and Capacity Building	5,903,804.00	4,427,855.00	1,475,951.00
0	Projects that will result in nature-based solutions	-	-	-
2	Projects that will result in hybrid solutions	7,642,300.00	4,585,380.00	3,056,920.00
3	All other Projects	6,813,000.00	3,406,500.00	3,406,500.00
37	Grand Total	44,003,614.00	29,725,495.00	14,278,121.00

CFPF Funding	Difference*
Recommended	Req vs Recom.
6,239,099.30	5,045,706.30
3,841,544.00	(291,850.00)
5,322,493.00	(1,063,316.00)
1,925,000.00	(575,000.00)
2,431,808.00	(304,997.00)
34,050.00	(322,309.00)
302,729.00	(4,125,126.00)
336,000.00	336,000.00
3,241,200.00	(1,344,180.00)
516,500.00	(2,890,000.00)
24,190,423.30	(5,535,071.70)

Application Types and Amounts Requested Round 1 Resubmissions				
Count	Activity Type	Total Project	Total CFPF Requested	Total Match Committed
1	LI - Projects that will result in nature-based solutions - Low Income Geographic	482,000.00	433,800.00	48,200.00
4	Projects that will result in nature-based solutions - Low Income Geographic	585,833.00	410,083.00	175,750.00
5	Grand Total	1,067,833.00	843,883.00	223,950.00

CFPF Funding	Difference*
Recommended	Req vs Recom.
361,500.00	(72,300.00)
-	(410,083.00)
361,500.00	(482,383.00)

24,551,923.30	(6,017,454.70)
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*Note: Difference includes changes in match based on corrections to Activity Type not just denials

42	Grand Total Round 2 and Round 1 Resubmissions	45,071,447.00	30,569,378.00	14,502,071.00
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Exhibit A

Virginia Department of Conservation and Recreation
Community Flood Preparedness Fund - Round 2 Application Recommendations
Community Flood Preparedness Fund - Round 1 Resubmitted Application Recommendations
December 9, 2021

Low Income Geographic Applications Recommended for Funding								
Count	Low Income Demographic (LIG) Certified Applications	Reviewer Score	Community	Project Description	Total Project	CFPF	Match	
1	LI - Planning and Capacity Building - Low Income Geographic	93	COLONIAL BEACH, TOWN OF	Resilience Plan Development and Training	115,000.00	103,500.00	11,500.00	Added per SNHR discussion
2	LI - Planning and Capacity Building - Low Income Geographic		CHRISTIANSBURG, TOWN OF	Resilience Plan	49,467.00	44,520.30	4,946.70	
3	LI - Planning and Capacity Building - Low Income Geographic	153	ROANOKE, CITY OF	Resilience Plan Development	150,000.00	135,000.00	15,000.00	
4	LI - Planning and Capacity Building - Low Income Geographic	190	PETERSBURG, CITY OF	Resilience Plan Development and Staff	385,016.00	385,016.00	-	Match Waiver Granted
5	LI - Planning and Capacity Building - Low Income Geographic	210	Southside Planning District Comm	Capacity Building for Flood Resilience in Southern Virginia	150,000.00	135,000.00	15,000.00	Match Waiver Granted
6	LI - Planning and Capacity Building - Low Income Geographic		Lenowisco PDC	Capacity Building and Planning	150,000.00	150,000.00	-	
7	LI - Planning and Capacity Building - Low Income Geographic	268	Northern Neck PDC	Hazard Mitigation Plan Update	50,000.00	45,000.00	5,000.00	
8	LI - Planning and Capacity Building - Low Income Geographic	312	NEWPORT NEWS, CITY OF	City of Newport News Master Plan Development, Stormwater, Floodplain, Resilience and Climate Change Management	5,473,403.00	4,926,063.00	547,340.00	Added per SNHR discussion
9	LI - Planning and Capacity Building - Low Income Geographic	88	NORFOLK, CITY OF	Watershed Master Plan Study and Purchase of Flood Sensors	350,000.00	315,000.00	35,000.00	
10	LI -Flood Prevention and Protection Studies - Low Income Geographic	128	SCOTTSVILLE, TOWN OF	Town of Scottsville Study	123,346.00	123,346.00	-	
11	LI -Flood Prevention and Protection Studies - Low Income Geographic	190	PETERSBURG, CITY OF	Comprehensive Citywide Drainage Study and FP Ordinance Update	2,238,542.00	2,238,542.00	-	Match Waiver Granted
12	LI -Flood Prevention and Protection Studies - Low Income Geographic	53	TAPPAHANNOCK, TOWN OF	Hoskins Creek and Rappahannock River	87,400.00	69,920.00	17,480.00	New- Needs SNHR concurrence; stormwater project left off the report in error. Qualifies under Opportunity Zone
13	LI - Projects that will result in nature-based solutions - Low Income Geographic	78	HAMPTON, CITY OF	Big Bethel Blueway; Albany Drive at Big Bethel Road	3,760,625.00	3,008,500.00	752,125.00	
14	LI - Projects that will result in nature-based solutions - Low Income Geographic	80	HAMPTON, CITY OF	Sunset Creek Urban Channel Naturalization Project	2,527,679.00	2,022,143.00	505,536.00	
15	LI - Projects that will result in nature-based solutions - Low Income Geographic	70	HAMPTON, CITY OF	Billy Woods Canal	449,000.00	291,850.00	157,150.00	
16	LI - Projects that will result in hybrid solutions - Low Income Geographic	88	HAMPTON, CITY OF	Lake Hampton and North Armistead Avenue	5,910,068.00	3,841,544.00	2,068,524.00	
17	LI -All other Projects - Low Income Geographic	63	VIRGINIA BEACH, CITY OF	Stormwater Project -South Birdnect Road between Hughes Avenue and Sea Street	3,500,000.00	1,925,000.00	1,575,000.00	
					25,469,546.00	19,759,944.30	5,709,601.70	
					Total Project	CFPF	Match	
LI - Planning and Capacity Building - Low Income Geographic					6,872,886.00	6,239,099.30	633,786.70	
LI - Projects that will result in hybrid solutions - Low Income Geographic					5,910,068.00	3,841,544.00	2,068,524.00	
LI - Projects that will result in nature-based solutions - Low Income Geographic					6,737,304.00	5,322,493.00	1,414,811.00	
LI - All other Projects - Low Income Geographic					3,500,000.00	1,925,000.00	1,575,000.00	
LI -Flood Prevention and Protection Studies - Low Income Geographic					2,449,288.00	2,431,808.00	17,480.00	
					25,469,546.00	19,759,944.30	5,709,601.70	

Exhibit A

Virginia Department of Conservation and Recreation
Community Flood Preparedness Fund - Round 2 Application Recommendations
Community Flood Preparedness Fund - Round 1 Resubmitted Application Recommendations
December 9, 2021

Non-Low-Income Geographic Applications Recommended for Funding								
Count	Non-LIG Applications	Reviewer Score	Community	Project Description	Total Project	CFPF	Match	
1	Flood Prevention and Protection Studies	43	WEST POINT, TOWN OF	West Point Study	45,600.00	22,800.00	22,800.00	Please note I removed from OppZone
2	Flood Prevention and Protection Studies	105	Northern Virginia Regional Comm	Data collection of regional significance, creation of tools and applications, dashboard for real-time flooding risk data	22,500.00	11,250.00	11,250.00	
3	Planning and Capacity Building	57	RICHMOND, CITY OF	Planning and Capacity Building-Staff	30,871.00	23,153.00	7,718.00	Added per SNHR discussion
4	Planning and Capacity Building	73	ASHLAND, TOWN OF	Staff Training and Certification (CFM)	3,438.00	2,579.00	860.00	
5	Planning and Capacity Building	83	ASHLAND, TOWN OF	Resilience Plan	80,068.00	60,051.00	20,017.00	Added per SNHR discussion
6	Planning and Capacity Building	90	RICHMOND, CITY OF	Resilience Plan Development - Windsor Farms	25,858.00	19,394.00	6,464.00	Added per SNHR discussion
7	Planning and Capacity Building	123	Middle Peninsula PDC	MPPDC Capacity Building	47,000.00	35,250.00	11,750.00	
8	Planning and Capacity Building	153	ISLE OF WIGHT COUNTY	Resilience Plan Development and Training	90,701.00	68,026.00	22,675.00	Added per SNHR discussion
9	Planning and Capacity Building	218	CHARLOTTESVILLE, CITY OF	Resilience Planning and Staff Training	125,701.00	94,276.00	31,425.00	
10	Projects that will result in hybrid solutions	70	ALEXANDRIA, CITY OF	City of Alexandria Waterfront Improvement Project Design	5,402,000.00	3,241,200.00	2,160,800.00	New- Needs SNHR concurrence; stormwater project left off the report in error
11	All Other Projects	67	ALEXANDRIA, CITY OF	Arlandria Flood Mitigation – Edison Street and Dale Street Capacity Project Phase I	1,033,000.00	516,500.00	516,500.00	
12	Projects that will result in nature-based solutions	53	MIDDLESEX COUNTY	Dredging Project Only	480,000.00	336,000.00	144,000.00	
					7,386,737.00	4,430,479.00	2,956,259.00	
					Total Project	CFPF	Match	
Flood Prevention and Protection Studies					68,100.00	34,050.00	34,050.00	
Planning and Capacity Building					403,637.00	302,729.00	100,909.00	
Projects that will result in nature-based solutions					480,000.00	336,000.00	144,000.00	
Projects that will result in hybrid solutions					5,402,000.00	3,241,200.00	2,160,800.00	
All Other Projects					1,033,000.00	516,500.00	516,500.00	
					7,386,737.00	4,430,479.00	2,956,259.00	

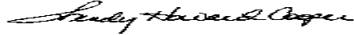
Round 1 Resubmission - Non Low-Income Geographic							
Count	Non-LIG Applications	Reviewer Score	Community	Project Description	Total Project	CFPF	Match
1	Planning and Capacity Building	100	HENRICO COUNTY	Pilot Project Development; Dashboard; Education and Outreach	482,000.00	361,500.00	120,500.00
					482,000.00	361,500.00	120,500.00
					Total Project	CFPF	Match
Flood Prevention and Protection Studies					-	-	-
Planning and Capacity Building					482,000.00	361,500.00	120,500.00
Projects that will result in hybrid solutions					-	-	-
					482,000.00	361,500.00	120,500.00

30 All Totals 33,338,283.00 24,551,923.30 8,786,360.70

Exhibit A

Virginia Department of Conservation and Recreation
Community Flood Preparedness Fund - Round 2 Application Recommendations
Community Flood Preparedness Fund - Round 1 Resubmitted Application Recommendations
December 9, 2021


Approval of Funding Recommendations				
Concurrence received from the Secretary of Natural Resources and the Special Assistant to the Governor for Coastal Adaptation and Protection on 12/9/2021 and upon Final Signature				
	Budget	Award Recommendation (30 Projects)	Remaining Budget	
Budget LIG Activities (At Least 25% LIG) (Round 2 + Bal Round 1)	4,983,485.00	19,759,944.30	(14,776,459.30)	80%
Budget Non-LIG Activities (Round 2 + Bal Round 1)	22,220,475.00	4,791,979.00	17,428,496.00	20%
Total Funds Available	27,203,960.00	24,551,923.30	2,652,036.70	



Signature: Wendy Howard Cooper, Division Director
 Dam Safety and Floodplain Management
 Department of Conservation and Recreation

12/9/2021


Date



Signature: Darryl M. Glover, Deputy Director
 Divisions of Dam Safety & Floodplain Management and Soil and Water Conservation
 Department of Conservation and Recreation


1/3/2022

Date



Signature: Clyde Cristman, Director
 Department of Conservation and Recreation

Date



Signature: Ann Jennings, Secretary of Natural and Historic Resources

1/12/2021

Date

Exhibit A

Virginia Department of Conservation and Recreation
Community Flood Preparedness Fund - Round 2 Application Recommendations
12/9/2021

Recommended Denials Round 1 Resubmissions

Count	Applications Needing Further Discussion	Reviewer Score	Community	Project Description	Reason for Denial	Total Project	CFPF
1	Projects that will result in nature-based solutions	68	MPPDC - KING AND QUEEN COUNTY	Shoreline Restoration - Private Property	Denied - Does not meet the intent of the fund and only supports shoreline property owners; any development must meet flooding issues on a community scale - Denial concurred with SNHR 12/9/2021	125,251.00	87,676.00
2	Projects that will result in nature-based solutions	88	MPPDC - MIDDLESEX COUNTY	Shoreline Restoration - Private Property	Denied - Does not meet the intent of the fund and only supports shoreline property owners; any development must meet flooding issues on a community scale - Denial concurred with SNHR 12/9/2021	44,000.00	30,800.00
3	Projects that will result in nature-based solutions	80	MPPDC - GLOUCESTER COUNTY	Shoreline Restoration - Private Property	Denied - Does not meet the intent of the fund and only supports shoreline property owners; any development must meet flooding issues on a community scale - Denial concurred with SNHR 12/9/2021	211,406.00	147,984.00
4	Projects that will result in nature-based solutions	80	MPPDC - MATHEWS COUNTY	Shoreline Restoration - Private Property	Denied - Does not meet the intent of the fund and only supports shoreline property owners; any development must meet flooding issues on a community scale - Denial concurred with SNHR 12/9/2021	97,400.00	68,180.00
						478,057.00	334,640.00

Recommended Denials Round 2

Count	Applications Needing Further Discussion	Reviewer Score	Community	Project Description	Reason for Denial	Total Project	CFPF
1	LI - Projects that will result in nature-based solutions - Low Income Geographic	57	MPPDC -GLOUCESTER COUNTY	Shoreline Restoration - Private Property	Denied - Does not meet the intent of the fund and only supports shoreline property owners; any development must meet flooding issues on a community scale - Denial concurred with SNHR 12/9/2021	168,618.00	134,894.00
2	LI - Projects that will result in nature-based solutions - Low Income Geographic	78	MPPDC -MATHEWS COUNTY	Shoreline Restoration - Private Property	Denied - Does not meet the intent of the fund and only supports shoreline property owners; any development must meet flooding issues on a community scale - Denial concurred with SNHR 12/9/2021	194,365.00	155,492.00
3	LI - Planning and Capacity Building - Low Income Geographic	203	CAROLINE COUNTY	Planning and Capacity Building	Application does not demonstrate funds will be utilized for an eligible category within the grant manual. Proposed contractor services are for inspections currently being conducted by local staff. Denial concurred with SNHR 12/9/2021	216,320.00	194,688.00
4	LI -All other Projects - Low Income Geographic	70	RICHMOND, CITY OF	Woodhaven Drive Drainage Improvements	Design phase 60% complete. Doesn't appear that project will be completed within required 3 year timeline - 18-24 month completion time and a 2023 start date. Denial concurred with SNHR 12/9/2021	4,545,455.00	2,500,000.00
5	Flood Prevention and Protection Studies	65	FAIRFAX COUNTY	Fairfax County Dogue Creek and Pimmit Run Watersheds	Project estimate is for Feb of 2021, prior to the CFPF grant funding opportunities getting underway. Denial concurred with SNHR 12/9/2021	479,000.00	239,500.00
6	Flood Prevention and Protection Studies	135	STAFFORD COUNTY	Brooke Road Corridor (SR608) and surrounding Accokeek Creek Watershed Flood Study	Project under contract and in progress- supplanting. Denial concurred with SNHR 12/9/2021	110,880.00	55,440.00
7	Projects that will result in hybrid solutions	118	HOPEWELL, CITY OF	Moultrie Avenue Roadway and Drainage Improvement Project	Resilience plan must be approved prior to application for a project. Denial concurred with SNHR 12/9/2021 - Will encourage to apply for capacity building and planning to develop a resilience plan	2,240,300.00	1,344,180.00
8	All other Projects	290	Hampton Roads Service District	Resilience Plan	Application is incomplete; application is for a project dashboard not a plan, project is well underway and ineligible; no resilience plan approval. Denied - Need SNHR concurrence; project left off the report in error	2,280,000.00	1,140,000.00
						9,871,955.00	5,473,808.00

Denied - Need SNHR concurrence; project left off the report in error

Exhibit A

Virginia Department of Conservation and Recreation
Community Flood Preparedness Fund - Round 2 Application Recommendations
Community Flood Preparedness Fund - Round 1 Resubmitted Application Recommendations
December 9, 2021

Approved/Denied	Reviewer	Community Name	Activity Type	Project Description	CFPF Requested	CFPF Approved	Diff Req vs Approved
Round 1 Approval	100	HENRICO COUNTY	Planning and Capacity Building	Pilot Project Development; Dashboard; Education and Outreach	433,800.00	361,500.00	(72,300.00)
Round 1 Denials	Various	Projects that will result in nature-based solutions	Projects that will result in nature-based solutions - Low Income Geographic	Shoreline Mitigation - Private Properties	410,083.00	-	(410,083.00)
				Round 1 Resubmissions Approvals and Denials	843,883.00	361,500.00	(482,383.00)
Approved/Denied	Reviewer	Community Name	Activity Type	Project Description	CFPF Requested	CFPF Approved	Diff Req vs Approved
Approved	93	CHRISTIANSBURG, TOWN OF	LI - Planning and Capacity Building - Low Income Geographic	Resilience Plan	37,100.00	44,520.30	7,420.30
Approved	93	COLONIAL BEACH, TOWN OF	LI - Planning and Capacity Building - Low Income Geographic	Resilience Plan Development and Training	112,500.00	103,500.00	(9,000.00)
Approved	153	ROANOKE, CITY OF	LI - Planning and Capacity Building - Low Income Geographic	The City of Roanoke is applying for funding to solicit a consultant who is familiar with the City, community needs, and riverine/floodplain challenges.	112,500.00	135,000.00	22,500.00
Approved	190	PETERSBURG, CITY OF	LI - Planning and Capacity Building - Low Income Geographic	Resilience Plan Development and Staff	385,016.00	385,016.00	-
				A whole community approach to assess what resources and elements of flood resilience plans this region has in hand already to identify gaps that need to be addressed and to develop initial roadmaps to fill those gaps a partnership between the University of Virginia and LENOWISCO Planning District Commission, on behalf of the Counties of Lee, Wise, and Scott, the City of Norton, and the Towns of Appalachia, Big Stone Gap, Dungannon, Gate City, and Pennington Gap, to conduct an initial scoping and benchmarking effort			
Approved	210	Lenowisco PDC	LI - Planning and Capacity Building - Low Income Geographic		150,000.00	150,000.00	-
				Comprehensively assess the available and foundational elements needed to develop an approvable resiliency plan for each locality. A partnership between the University of Virginia and Southside Norton, and the Towns of Appalachia, Big Stone Gap, Dungannon, Gate City, and Pennington Planning District Commission, on behalf of the affiliate City of Martinsville and the Towns of Halifax and South Boston, to conduct an initial scoping and benchmarking effort			
Approved	210	Southside Planning District Commission	LI - Planning and Capacity Building - Low Income Geographic		135,000.00	135,000.00	-
Approved	268	Northern Neck PDC	LI - Planning and Capacity Building - Low Income Geographic	Hazard Mitigation Plan Update	45,000.00	45,000.00	-
				Newport News seeks to develop three interdependent, complementary master plans that will constitute a framework for implementing coordinated, cost-effective projects and programs aimed at reducing the levels of flood damages its citizens have increasingly endured over recent decades.			
Approved	312	NEWPORT NEWS, CITY OF	LI - Planning and Capacity Building - Low Income Geographic		4,105,052.00	4,926,063.00	821,011.00
				Funding to support the design of one of the projects identified in the Newmarket Creek Water Plan: the Billy Woods Canal. The purpose of the Billy Woods Canal design is to increase upstream water storage in the canal, with the goal of both reducing downstream flooding and increasing the volume of stormwater that is treated to improve water quality following high intensity rain events. The project will also create public access to green and blue space and enhance native habitats.			
Approved	70	HAMPTON, CITY OF	LI - Projects that will result in hybrid solutions - Low Income Geographic		291,850.00	291,850.00	-
				Funding to support implementation of two of the pilot projects identified in the Newmarket Creek Water Plan: Lake Hampton and North Armistead Road Raising and Green Infrastructure.			
Approved	88	HAMPTON, CITY OF	LI - Projects that will result in hybrid solutions - Low Income Geographic		3,841,544.00	3,841,544.00	-
				Assist the Town of Tappahannock with the design and construction of a nature-based shoreline design solution and draft JPA permit application to reduce the impacts of storm events, flooding, and wetland loss for a publicly owned waterfront parcel providing access to Hoskins Creek and the Rappahannock River.			
Approved	53	TAPPAHANNOCK, TOWN OF	LI - Projects that will result in nature-based solutions - Low Income Geographic		115,338.00	69,920.00	(45,418.00)
				Funding to support implementation one of the pilot projects identified in the Newmarket Creek Water Plan: the Big Bethel Blueway. The Big Bethel Blueway will reduce flooding in its drainage shed while creating public access to green and blue space, enhancing native habitats, and improving water quality.			
Approved	78	HAMPTON, CITY OF	LI - Projects that will result in nature-based solutions - Low Income Geographic		3,008,500.00	3,008,500.00	-
				Funding to naturalize a portion of Sunset Creek to improve nutrient removal, restore the natural connectivity and floodway of the tidal channel, improve buffers, improve the safety of the channel, pilot different channel lining products, and provide additional storage within the watershed.			
Approved	80	HAMPTON, CITY OF	LI - Projects that will result in nature-based solutions - Low Income Geographic		2,022,143.00	2,022,143.00	-
				The project will provide additional capacity to the stormwater conveyance system along South Birdneck Road to mitigate existing flooding conditions in the Seatack neighborhood.			
Approved	63	VIRGINIA BEACH, CITY OF	LI -All other Projects - Low Income Geographic		1,750,000.00	1,925,000.00	175,000.00
				To update the City's Watershed Master Plan (Combined Coastal and Precipitation Flooding Master Plan) to incorporate the Federal Emergency Management Agency's National Flood Insurance Program Community Rating System (CRS) requirements from Activity 452.b. Purchase flood sensors.			
Approved	88	NORFOLK, CITY OF	LI -Flood Prevention and Protection Studies - Low Income Geographic		315,000.00	315,000.00	-
				The study proposed in this project is a survey and floodplain map amendment for two vulnerable areas of the Town of Scottsville, plus the related follow-up work on FEMA LOMR processes.			
Approved	128	SCOTTSVILLE, TOWN OF	LI -Flood Prevention and Protection Studies - Low Income Geographic		123,346.00	123,346.00	-

Exhibit A

Virginia Department of Conservation and Recreation
Community Flood Preparedness Fund - Round 2 Application Recommendations
Community Flood Preparedness Fund - Round 1 Resubmitted Application Recommendations
December 9, 2021

Approved/Denied	Reviewer	Community Name	Activity Type	Project Description	CFPF Requested	CFPF Approved	Diff Req vs Approved
Approved	190	PETERSBURG, CITY OF	LI -Flood Prevention and Protection Studies - Low Income Geographic	Comprehensive Citywide Drainage Study and FP Ordinance Update	2,238,542.00	2,238,542.00	-
Approved	67	ALEXANDRIA, CITY OF	All other Projects	Arlandria Flood Mitigation – Edison Street and Dale Street Capacity Project Phase I, is focused on implementing an early phase of the identified capacity project that can be further reduced to five project components across the area of Edison Street, Dale Street, and West Reed Avenue and Mount Vernon Avenue. Specifically, Phase I will help mitigate flooding by conveying surface runoff from larger storms	516,500.00	516,500.00	-
Approved	43	WEST POINT, TOWN OF	Flood Prevention and Protection Studies	This proposal requests funding to assist the Town of West Point with a combination Hydrologic and Hydraulic (H&H) Study and Structural Design and Level of Service study to address ongoing flooding for a publicly owned bridge that was originally built and maintained under a lease agreement where the lessor incurred 100% responsibility for the bridge.	59,917.00	22,800.00	(37,117.00)
Approved	105	Northern Virginia Regional Commission	Flood Prevention and Protection Studies	The study proposed includes Data Collection of Regional Significance. The proposed study also includes the Creation of tools or applications to identify, aggregate, or display information on flood risk that gathers data points about real-time flooding.	61,419.00	11,250.00	(50,169.00)
Approved	57	RICHMOND, CITY OF	Planning and Capacity Building	Funding to outsource the review of HHA and no rise certification to a third party consultant so the City's engineer can learn from the reviews and develop Water Resources Division's capacity in performing the H&HA and no rise certification reviews.	23,153.00	23,153.00	-
Approved	73	ASHLAND, TOWN OF	Planning and Capacity Building	Staff Training and Certification (CFM)	2,579.00	2,579.00	-
Approved	83	ASHLAND, TOWN OF	Planning and Capacity Building	To develop a Resilience Plan to assess the Town's current resources, assess flooding concerns, and evaluate options for addressing increasing local flooding issues due to climate change.	60,051.00	60,051.00	-
Approved	90	RICHMOND, CITY OF	Planning and Capacity Building	Levee surveying at the City of Richmond's water treatment plant, reporting, and engineering review by a third party consultant of the survey report.	19,394.00	19,394.00	-
Approved	123	Middle Peninsula PDC	Planning and Capacity Building	Capacity building and planning project that will achieve the needed capacity issues for the MPPDC's growing FTF program.	58,058.00	35,250.00	(22,808.00)
Approved	153	ISLE OF WIGHT COUNTY	Planning and Capacity Building	Resilience Plan Development and Training	68,026.00	68,026.00	-
Approved	218	CHARLOTTESVILLE, CITY OF	Planning and Capacity Building	Resilience Planning and Staff Training	113,131.00	94,276.00	(18,855.00)
Approved	70	ALEXANDRIA, CITY OF	Projects that will result in hybrid solutions	The WFI Project, one of largest projects funded by the City's capital improvements program, serves to mitigate riverine and stormwater flooding impacts, from a contributing drainage area of 54 acres, thereby protecting residents, visitors, businesses, historic buildings and cultural resources, and infrastructure. (Design phase)	3,241,200.00	3,241,200.00	-
Approved	53	MIDDLESEX COUNTY	Projects that will result in nature-based solutions	Multiple Shoreline Projects	605,951.00	336,000.00	(269,951.00)
Denied	290	Hampton Roads Service District	All other Projects	Climate Change Adaption Plan and Dynamic Dashboard	1,140,000.00	-	(1,140,000.00)
Denied	65	FAIRFAX COUNTY	Flood Prevention and Protection Studies	Fairfax County will complete modeling and mapping of the estimated 812 stream miles with County regulated floodplains in 30 designated watersheds. This study includes both updates to prior mapped floodplains and new floodplain models and mapping.	239,500.00	-	(239,500.00)
Denied	135	STAFFORD COUNTY	Flood Prevention and Protection Studies	Brooke Road Corridor (SR608) and surrounding Accokeek Creek Watershed Flood Study	55,440.00	-	(55,440.00)
Denied	203	CAROLINE COUNTY	LI - Planning and Capacity Building - Low Income Geographic	Planning and Capacity Building	194,688.00	-	(194,688.00)
Denied	57	GLOUCESTER COUNTY	LI - Projects that will result in nature-based solutions - Low Income Geographic	Multiple Shoreline Projects	358,425.00	-	(358,425.00)
Denied	78	MATHEWS COUNTY	LI - Projects that will result in nature-based solutions - Low Income Geographic	Multiple Shoreline Projects	275,452.00	-	(275,452.00)
Denied	70	RICHMOND, CITY OF	LI -All other Projects - Low Income Geographic	Woodhaven Drive Drainage Improvements Project. The Woodhaven Drive Drainage Improvements Project is an active DPU/SW capital project located in a Southside Richmond neighborhood, aimed at reducing localized repetitive flooding and improving connectivity and conveyance of stormwater throughout the Woodhaven Drive neighborhood.	2,500,000.00	-	(2,500,000.00)
Denied	118	HOPEWELL, CITY OF	Projects that will result in hybrid solutions	Funds to undertake the construction of roadway and drainage improvements to Moultrie Avenue and its surrounding blocks to address recurring inland flooding. These improvements will include installation of pavement, curb and gutter, drainage structures, grass swales, channel improvements, and stream bank stabilization.	1,344,180.00	-	(1,344,180.00)
Round 2 Approvals and Denials					29,725,495.00	24,190,423.30	(5,535,071.70)
Round 1 and Round 2 Approvals and Denials					30,569,378.00	24,551,923.30	(6,017,454.70)

Exhibit B

PROJECT DESCRIPTION

The Local Project shall consist of the development of a **Planning and Capacity Building** project for **Resilience Planning and Staff Training**, to be approved by the Department as meeting all standards of applicable law.

Exhibit C**PROJECT BUDGET**

ACTIVITY	ESTIMATED TOTAL COST	ESTIMATED FUNDING FROM GRANT	ESTIMATED FUNDING FROM OTHER SOURCES
Planning and Capacity Building	\$125,701	\$94,276	\$31,425 (to be paid in full by Grantee)
	Personnel	\$0	\$12,570
	Fringe Benefits	\$0	\$0
	Travel	\$0	\$0
	Supplies	\$0	\$0
	Other	\$0	\$0
	Contractual	\$94,276	\$18,855

Exhibit D

REQUISITION FORM

[Date]

Division Director, Dam Safety & Floodplain Management
Department of Conservation and Recreation
600 E. Main Street, 24th Floor
Richmond, Virginia 23219

Re: **Virginia Community Flood Preparedness Fund**
CITY OF CHARLOTTESVILLE
Grant Number: **CFPF-21-02-32**

Dear Division Director:

This requisition, Number ____, is submitted in connection with the Grant Agreement dated as of **March 1, 2022** (the “Grant Agreement”) between the Virginia Resources Authority, as Administrator of the Virginia Community Flood Preparedness Fund (the “Fund”), and the **CITY OF CHARLOTTESVILLE**, a local government (the “Grantee”). Unless otherwise defined in this requisition, all capitalized terms used herein shall have the meaning set forth in Article I of the Grant Agreement. The undersigned Authorized Representative of the Grantee hereby requests disbursement of grant proceeds under the Grant Agreement in the amount of \$_____, for the purposes of reimbursement of the Project Costs associated with **Planning and Capacity Building**, which is submitted herewith. Additionally, enclosed is the Financial Report Reimbursement Form set forth in **Exhibit E** of this Agreement, detailed invoices relating to the items for which payment is requested and proof of payment for each associated invoice.

The undersigned certifies that (a) the amounts requested by this requisition will be applied solely and exclusively to the reimbursement of the Grantee for the payment, of Project Costs, and (b) any materials, supplies or other costs covered by this requisition are not subject to any lien or security interest or such lien or security interest will be released upon payment of the requisition.

The undersigned certifies to the Virginia Resources Authority, as Administrator of the Virginia Community Flood Preparedness Fund, that insofar as the amounts covered by this Requisition include payments for labor, such work was actually performed and payment for such work has been paid in full.

Sincerely,

(Authorized Representative of the Grantee)

**CERTIFICATE OF APPROVAL BY CERTIFIED FLOODPLAIN MANAGER (CFM)
FORM TO ACCOMPANY REQUEST FOR DISBURSEMENT
CFPF-21-02-32**

Note: This certification does not apply to Capacity Building, Planning or Studies and is only required for Projects funded under the Community Flood Preparedness Fund as such terms are defined in the Grant Manual.

This Certificate is being executed and delivered in connection with Requisition dated _____, 20__, submitted by the **CITY OF CHARLOTTESVILLE**, a local government (the “Grantee”), pursuant to the Grant Agreement dated as of **March 1, 2022** (the “Grant Agreement”) between the Virginia Resources Authority, as Administrator of the Community Flood Preparedness Fund (“VRA”), and the Grantee. Capitalized terms used herein shall have the same meanings set forth in Article I of the Grant Agreement referred to in the Requisition. The undersigned Certified Floodplain Manager for the Grantee hereby certifies to VRA that insofar as the work performed and amounts covered by this Requisition is for work that is in compliance with NFIP standards and meets the requirements of the local floodplain ordinance of the community where work under this Agreement is being performed.

Project deliverable _____

Total amount billed for this Project deliverable _____

Signature of Certified Floodplain Manager

Date

Exhibit E

COMMONWEALTH OF VIRGINIA
Department of Conservation and Recreation

Financial Report Reimbursement Form
Virginia Community Flood Preparedness Fund
Agreement No: _____

CID #	_____	Phone #:	_____
Grantee:	_____	Email:	_____
Contact Person:	_____		
Mailing Address	_____		

Project Project Type:	_____		
Project Description	_____		

Reporting Period	January - March	_____	2021
(Select Qtr and Yr)	April - June	_____	2022
	July - September	_____	2023
	October - December	_____	2024

CFPF Funds

	Project Budget	Current Expenditures	Cumulative Expenditures	*Unexpended Project Balance
Personnel	_____	_____	_____	_____
Fringe	_____	_____	_____	_____
Travel	_____	_____	_____	_____
Supplies	_____	_____	_____	_____
Contractual	_____	_____	_____	_____
Other	_____	_____	_____	_____
*TOTAL	_____	_____	_____	_____

Total Reimbursement Request: \$ _____ -

MATCH Funds (N/A)

	Project Match Budget	Current Match Expenditures	Cumulative Match Expenditures	*Unexpended Match Balance
Personnel	_____	_____	_____	_____
Fringe	_____	_____	_____	_____
Travel	_____	_____	_____	_____
Supplies	_____	_____	_____	_____
Contractual	_____	_____	_____	_____
Other	_____	_____	_____	_____
*TOTAL	_____	_____	_____	_____

Authorized Signature: _____
Title: _____
Date: _____

Exhibit F
Quarterly Reporting Form

Virginia Department of Conservation and Recreation
Virginia Community Flood Preparedness Fund Grant Program

Quarterly reports must be submitted within 30 days following the end of each quarter. Final reports are due within 30 days following the project end date. Due dates are as follows:

- *Quarter ending September 30 – reports due October 30th*
- *Quarter ending December 31 – reports due January 30th*
- *Quarter ending March 31 – reports due April 30th*
- *Quarter ending June 30 – reports due July 30th*

Agreement Number: _____ Calendar Year: _____

Quarter Ended: 9/30 _____ 12/31 _____ 3/31 _____ 6/30 _____

Grantee: _____ CID #: _____

Contact Name and Title: _____

Contact Phone No: _____ Contact Email: _____

Project Type: _____

Project Description: _____

Brief Description of Activity	
Progress Achieved Toward Milestone During this Quarter	

Progress Anticipated During Next Quarter	
Anticipated Completion Date for this Activity and Remaining Steps	

Printed Name: _____ Date: _____

Signature: _____

Title: _____

DCR Signature Approval and Date: _____

Exhibit G
Extension Request Form

Virginia Department of Conservation and Recreation
Virginia Community Flood Preparedness Fund Grant Program

***Request to Amend Contract between Virginia Resources Authority and Grant Recipient of the YYYY
Virginia Community Flood Preparedness Fund Grant***

All projects are required to be completed no later than 36 months following the issuance of a signed agreement between the applicant and VRA on behalf of the Department. A one-year extension may be granted at the discretion of the Department provided the project commenced within nine (9) months of award and such request is **received not later than 90 days prior to the expiration of the original agreement**. Requests should be emailed to cfpf@dcr.virginia.gov. If email is not available, please mail to:

Virginia Department of Conservation and Recreation
Attention: Virginia Community Flood Preparedness Fund
Division of Dam Safety and Floodplain Management
600 East Main Street, 24th Floor
Richmond, Virginia 23219

Grant Recipient: _____

Contact Name: _____

Mailing Address (1): _____

Mailing Address (2): _____

City: _____ State: _____ Zip: _____

Is this a new address? ☐ Yes ☐ No ***Has the Contact Name changed?*** ☐ Yes ☐ No

Telephone Number: (____) _____ Cell Phone Number: (____) _____

Email Address: _____

Grant Number: _____

HE DEPARTMENT Use Only

Virginia Department of Conservation and Recreation	Date Approved	Date Denied
Printed Name	Title	

Reason for Denial

VRA Use Only

Virginia Resources Authority	Date Received	Date Grant Modified
Printed Name and Title		

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



Agenda Date:	March 21, 2022
Action Required:	Public Hearing
Presenter:	Michael C. Rogers, Interim City Manager Todd Divers, Commissioner of the Revenue
Staff Contacts:	Khristina Hammill, Sr. Budget and Management Analyst
Title:	Public Hearing on the FY 2023 Real Estate Tax Rate and Reduced Personal Property Tax Proposal

Background:

The Council meeting on March 21, 2022 marks the first of public hearing for the proposed real estate tax rate for the FY 2023 City Manager's Proposed Budget. The Interim City Manager will give a very quick overview of the budget prior to the public hearings.

A legal ad was published, as required, in the Daily Progress on February 18, 2022 (real estate tax levy). The ad was also posted on the **FY 2023 Budget Development** section of the following website: www.charlottesville.gov/budget.

Note: The public hearing on the proposed real estate tax rate must be opened/ conducted/ closed, BEFORE City Council opens/conducts a separate public hearing on the Proposed FY2023 Budget.

Discussion, Real Estate and other Tax Rates:

Real Estate Tax

The Equalized Tax Rate is \$0.8804/\$100 of assessed value. *(This rate is calculated as the rate of tax that would need to be applied to the current [increased] property assessments, in order to generate the same amount of tax revenues as in Tax Year 2021).* For purposes of the budget, the equalized rate of \$.8804/\$100 is the calculated rate that will keep the City's revenue from real estate taxes equal with last year. Although this is a lower rate, it is still possible that some individuals could see an increased tax bill solely on the basis of their individual reassessment. The proposed tax rate that has been advertised is \$1.05/ \$100, which is ten-cents-per-hundred (\$0.10/\$100) higher than the current tax rate of \$0.95/\$100 and \$0.1696 higher than the equalized rate of \$0.8804/\$100. A ten-cent rate increase would raise an additional \$9,207,167 in real estate tax revenue for FY2023 ("Additional RE Revenue").

Due to the property value increases that occurred as a result of the reassessment, the City Manager's Proposed Budget effectively is already raising an additional amount of "new" RE revenues for FY23 (an effective tax increase) even as it plans for the actual RE rate to remain the same.

The Additional RE Revenue is shown in the budget as an unallocated in the Citywide Non Departmental Reserve section of the budget. The purpose of “parking” this revenue in the reserve is to allow Council to work through the public hearing process and to determine whether there are any programs, positions, projects or undertakings that it wishes to fund for FY2023 that cannot be undertaken with the same amount of RE Revenue that would be generated by keeping the current tax rate of \$0.95/\$100. City Council is required to have this public hearing on the proposed RE tax rate separately from its Budget Public Hearing.

Meals Tax

Council also requested that staff advertise 0.5% meals tax increase which will also require a public hearing. The official public hearing for that increase will be held on April 4th and a notice will be placed in the Daily Progress no later than March 28, 2022 to notify the public.

Personal Property Tax

The City’s Commissioner of Revenue has advised Council of a significant increase to the assessment values of personal property for the 2022 tax year. During previous discussions, the Commissioner advised that a recommendation of a lower rate for cars, trucks, and motorcycles would be presented to Council for consideration in order to help lower the significant increases that are anticipated for personal property tax bills. As part of this presentation, the Commissioner will make the rate recommendation to Council for consider. Because this is a recommendation to lower the tax rate, no public hearing notice or hearing is required. The City Manager’s Proposed Budget includes personal property tax revenue that anticipated Council would accept the recommendation to lower the rate. Should Council decide to keep the rate at the current \$4.20/\$100 assessed value, a new projection of additional revenue will be provided and would be available for Council to allocate for additional expenditures in the FY 23 adopted budget. Currently, the estimate of additional revenue that may be available by keeping the rate the same is approximately \$2 million dollars.

Next Steps for Council Decision

After City Council holds its Budget Public Hearing on April 4, 2022, City Council “may insert new items of expenditures or may increase, decrease or strike out items of expenditures” shown in the City Manager’s Proposed Budget. *See* City Charter, Section 19. If City Council chooses to insert new items of expenditures, then City Council will also need to designate a source of revenue to cover those expenditures, either (i) by increasing the RE tax above \$0.95/\$100, and moving some of the money out of the Reserve referenced above into a specific budget department, line item, or project, or (ii) by increasing some other tax revenue (meals, for example). Council’s vote on the various Tax Rates will be finalized immediately following its vote to approve a Budget for FY23. Procedurally: Council will first make a decision on what it wishes to fund within a final FY23 Budget, and then Council will vote to establish the tax rates necessary to raise sufficient revenues to fund the approved budget.

Community Engagement:

There are several remaining opportunities for the community to provide input into the budget. In addition, a few minutes are reserved at the end of each Budget Work session for public comment and input. The proposed budget document and materials for the budget work sessions are posted at www.charlottesville.gov/budget.



FY 2023 Budget Calendar Public Meetings

<u>Topic</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
Council Work Session <i>FY 2023 Budget – Outside and Non Profit Agencies</i>	March 17, 2022	6:00 PM	Zoom Webinar
First Budget and Tax Rate Public Hearing	March 21, 2022	6:30 PM	Zoom Webinar
Community Budget Forum	March 23, 2022	6:00 PM	Zoom Webinar
Council Work Session <i>FY 2023 Budget – Capital Improvement Program</i>	March 31, 2022	6:00 PM	Zoom Webinar
Second Public Hearing Budget/ First Reading Approval of Ordinance Approving FY 23 Budget and Annual Appropriation/First Reading Ordinance Approving Tax Rate/Tax Levy	April 4, 2022	6:30 PM	TBD
Council Work Session (if necessary) <i>FY 2023 Budget – Budget Wrap Up</i>	April 7, 2022	6:00 PM	TBD
Second Reading and Approval: FY 23 Budget Ordinance and Annual Appropriation and Tax Rate/Tax Levy Ordinance	April 12, 2022	5:30 PM	TBD

Alignment with City Council's Vision and Strategic Plan:

The City Manager's Proposed Budget aligns with Council's Vision and FY 2018 – 2020 Strategic Plan which has been extended to 2023 and is detailed in the budget document.

Recommendation: Staff recommends that City Council, after completing the public hearing process, determine whether the proposed budget contains sufficient funds for the various operational needs and priority projects that City Council wishes the City government to undertake in FY2023. If not, see "Alternatives", below.

Alternatives:

To the extent that City Council is willing to raise the Real Estate Tax rate anywhere from \$0.01/ \$100 to \$0.10/ \$100, raise the meals tax or reduce the personal property tax rate, City Council may—following the 4/4/2022 Budget Public Hearing—insert new items of expenditures or may increase, decrease or strike out items of expenditures.

Attachments: None

CITY OF CHARLOTTESVILLE, VIRGINIA. CITY COUNCIL AGENDA.



Agenda Date:	March 21, 2022.
Actions Required:	Approval of Resolution to Appropriate Funds (1 st of 2 readings).
Presenter:	Chris Cullinan, Director of Finance.
Staff Contacts:	Chris Cullinan, Director of Finance. Ashley Reynolds Marshall, Deputy City Manager for REDI.
Title:	Resolution Appropriating Funds from the American Rescue Plan for Eligible Local Activities - \$536,553.97.

Background:

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (the Act) to provide additional relief for individuals and businesses affected by the coronavirus pandemic. The Act includes funding for state, local, and tribal governments as well as education and COVID-19-related testing, vaccination support, and research.

The City of Charlottesville will receive direct funding from the American Rescue Plan (ARP) in two tranches: \$9,804,854 already received in May 2021 and \$9,804,854 to be received in May 2022 for a total of \$19,609,708. These funds must be obligated by December 31, 2024 and spent by December 31, 2026.

To date, City Council has previously appropriated a total of \$4,273,589 of ARP funds to address urgent community and organizational needs arising from the impacts of COVID-19.

City staff continues the process of identifying needs resulting from the impacts of the COVID-19 virus. This appropriation request includes requests to “respond to the public health emergency”, “public sector capacity”, and “responding to negative economic impacts”.

Discussion:

This appropriation includes nine requests that are detailed below. These requests are eligible for ARP funds per the guidance provided by US Treasury in their May 17, 2021 *Interim Final Rule*.

Request #1: Operational costs for portable air sanitizing units.

Amount Requested: \$62,000.

ARP Eligibility: Responding to the public health emergency.

Description: These funds will be used for replacement filters for portable BPI units used for sanitizing the air, primarily at schools.

Request #2: Department of Social Services technology.

Amount Requested: \$6,000.

ARP Eligibility: Public sector capacity.

Description: Funds will be used to purchase various pieces of equipment (monitors, headsets, etc.) to support DSS staff working from home.

Request #3: Fire Department communications equipment.

Amount Requested: \$60,000.

ARP Eligibility: Responding to the public health emergency.

Description: Funds will be used to reprogram existing mobile and portable radios to be compatible with the new regional communications system coming on line. Note: new radios that are being purchased are compatible with the new radio system. Reprogramming some of the existing units avoids having to replace a large number all at once.

Request #4: City Manager's Office improvements.

Amount Requested: \$92,000.

ARP Eligibility: Responding to the public health emergency.

Description: This request will ensure that the City Manager's staff have increased safety protocols in their office space to welcome the public but ensure that transmission of the virus is limited. The updated physical plant will provide an ADA accessible and standard height countertop with sliding glass windows to abate transmission. Other alterations include providing walled-off workspaces for the front-line workers and a change in workflow to protect those frontline workers from other staff utilizing the equipment located in the office suite.

Request #5: City Council Chamber improvements.

Amount Requested: \$20,000.

ARP Eligibility: Responding to the public health emergency.

Description: The scope of these improvements include alterations and additions (e.g. changing of the speaker podium and adding an ADA compliant speaker podium that is further from the dias for social distancing) and technology updates to continue to foster hybrid meetings for public health.

Request #6: Hotline coordinator.

Amount Requested: \$138,000.

ARP Eligibility: Responding to negative economic impacts.

Description: Funds would be used to staff a coordinator for the Community Hotline for two years. This position is in response to increased call volume, technology responsibilities, reporting requirements, quality assurance and training, and supervision of five Hotline Navigators. Since the start of COVID, the volume and structure of the Hotline has increased from one part-time operator to five full time operators.

Request #7: City Hall Ambassadors.

Amount Requested: \$51,053.97.

ARP Eligibility: Responding to the public health emergency.

Description: This staffing request would continue for the provision of temporary staff to service customers through an appointment system for the lobby area of City Hall to maintain social distancing and capacity limits.

Request #8: City Hall Lobby/1st Floor Improvements.

Amount Requested: \$100,000.

ARP Eligibility: Responding to the public health emergency.

Description: The funds would be used to reconfigure the lobby of City Hall to create expanded work areas with sufficient space to facilitate safe in person interaction between staff and the public.

Improvements would be made to the Treasurer's Office, Commissioner of the Revenue's Office, and Utility Billing Office. This is a supplemental request to funds already appropriated in July 2021 as schematic drawings and cost estimates have been developed.

Request #9: Additional cleaning supplies and equipment for Fire Department.

Amount Requested: \$7,500.

ARP Eligibility: Responding to the public health emergency.

Description: \$7,500 would be used for additional cleaning supplies are needed due to increased frequency and usage coupled with price increases. \$6,000 would be used to purchase air scrubbers for engines. \$3,500 would be used to purchase a second steamer/extractor for cleaning apparatus.

Budgetary Impact:

This request in addition to the previous ARP appropriation totals \$536,553.97. If Council approves this fourth appropriation, the remaining balance of ARP funds from the first tranche totals \$4,994,710.70.

Alignment with Council Vision Areas and Strategic Plan:

This resolution contributes to Goal 1 of the Strategic Plan, to be an inclusive community of self-sufficient residents; Goal 2 to be a healthy and safe City; and Goal 5 to be a well-managed and responsive organization.

Recommendation:

Staff recommend that Council approve the attached resolution.

Alternatives:

City Council may elect not to appropriate funding for these purposes at this time or may elect other ARP eligible program expenditures.

Attachments:

- Appropriation Resolution

**RESOLUTION APPROPRIATING FUNDING FOR
American Rescue Plan for Eligible Local Activities
\$536,553.97**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$536,533.97 from American Rescue Plan funding is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

Operational costs for portable air sanitizing units.	\$62,000.
Department of Social Services Technology needs.	\$6,000.
Fire Department communications equipment.	\$60,000.
City Manager's Office improvements.	\$92,000.
City Council Chambers improvements.	\$20,000.
Hotline coordinator.	\$138,000.
City Hall Ambassadors.	\$51,053.97.
City Hall Lobby/1 st Floor improvements.	\$100,000.
Additional cleaning supplies/equipment Fire Department.	\$7,500.
TOTAL.	\$536,553.97.

Revenues - \$536,553.97

Fund: 207 Cost Center: 9900000000 G/L Account: 430120

Expenditures - \$536,553.97

Fund: 207	I/O: 1900455	G/L Account: 599999	\$62,000
Fund: 207	I/O: 1900456	G/L Account: 599999	\$6,000
Fund: 207	I/O: 1900457	G/L Account: 599999	\$60,000
Fund: 207	I/O: 1900458	G/L Account: 599999	\$92,000
Fund: 207	I/O: 1900459	G/L Account: 599999	\$20,000
Fund: 207	I/O: 1900421	G/L Account: 599999	\$138,000
Fund: 207	I/O: 1900442	G/L Account: 599999	\$51,053.97
Fund: 207	I/O: 1900460	G/L Account: 599999	\$100,000
Fund: 207	I/O: 1900461	G/L Account: 599999	\$7,500

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



Agenda Date:	March 21, 2022
Action Requested:	Consideration of a Rezoning Application, Special Use Permit, and a Critical Slope Waiver
Presenter:	Matt Alfele, AICP, City Planner
Staff Contacts:	Matt Alfele, AICP, City Planner
Title:	1613 Grove St. Ext. – ZM20-00003, SP21-00002, & P21-0023

Background:

Justin Shimp (Shimp Engineering, P.C., representing the owner, Lorven Investments, LLC) has submitted a Rezoning Application (ZM20-00003), a Special Use Permit Application (SP21-00002) and a Critical Slope Waiver request (P21-0023) to build a specific development at TMP 230133000, 230134000, and 230135000, together the Subject Properties. The applicant is proposing to change the existing zoning from R-2 (Residential Two-family) to R-3 (Residential Multifamily) with proffered conditions and a development plan. The applicant is also requesting to increase the density to forty-three (43) Dwelling Units per Acre (DUA) and disturb Critical Slopes on the site. All three request are need for the applicant to build four (4) apartment buildings with eight (8) one bedroom units and twenty (20) two bedroom units for a total of twenty-eight (28) units. The Subject Property has road frontage on Valley Road Extended and the unimproved section of Grove Street Extended. The Comprehensive Land Use Map for this area calls for Low Density Residential. Key elements of the development plan include: Four (4) low-rise apartment buildings with an allowable height of forty-five (45) feet, internal parking, and stabilization of Rock Creek. The applicant is also proposing the following proffers:

1. Prior to the issuance of certificate of occupancy from the City's building official for the seventh (7th) dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville's Capital Improvement Program (CIP) as a cash contribution for construction of pedestrian improvements within the Fifeville Neighborhood.
2. Eight (8) of the twenty-eight (28) units will be affordable for no less than ten (10) years. See the attached proffer statement and Covenant for more detail.

Discussion:

The Planning Commission held a virtual joint Public Hearing with City Council on May 11 2021 on this matter. Traffic, density, stream restoration, and impacts to the surrounding neighborhood were discussed. The Planning Commission was also concerned that only one

affordable unit was being provided. The applicant requested and was granted a deferral to address some of Planning Commission concerns. Planning Commission was concerned with the impacts to the surrounding community and if Valley Road Extended could accommodate a development of this size. Planning Commission was also concerned with how the funds provided by the proffer would be used and how the affordable units would be enforced. The applicant agreed to make changes to the proffers so that the \$48,000 would be used to make any type of pedestrian improvements to areas around Valley Road Extended. The applicant also agreed to work with City staff to ensure the covenants enforcing the affordable units was satisfactory.

Alignment with City Council's Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to **Goal 3: A Beautiful and Sustainable Natural and Built Environment**, **3.1 Engage in robust and context sensitive urban planning and implementation**, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

On March 4, 2021 the applicant held a community meeting on Zoom from 6:00pm to 7pm. This meeting was well attended by the neighborhood and the following concerns were raised. The meeting was recorded and is available to the public through the developer.

- Rezoning to R-3 and building an apartment complex is not in character with the neighborhood.
- The project has too much density.
- Parking will be an issue.
- Traffic on Valley Road Extended is already a problem due to the narrowness and an apartment building will make thing worse.
- It would be nice to see the kudzu gone and Rock Creek improved.

On May 11, 2021 the Planning Commission held a virtual joint Public Hearing with City Council. Five (5) members of the public spoke and expressed the following:

- The proposed development is too dense for this location.
- R-3 zoning is not appropriate in an R-2 neighborhood.
- The City needs more homes and these units will help with that.
- Traffic and parking is already a problem on Valley Rd. Ext. and this will make it much worse.

On October 21, 2021 the Planning Commission held a virtual joint Public Hearing with City Council. Two (2) members of the public spoke and expressed the following:

- Valley Rd. Ext. is too narrow and cannot handle this development.
- Any proffered money should be used to fix the road.
- Even under the proposed new Land Use Map this development would not be allowed.

On March 8, 2022, the Planning Commission held a virtual joint Public Hearing with City Council. One (1) members of the public spoke and expressed the following:

- Traffic on Valley Rd. Ext.

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

Budgetary Impact:

This has no impact on the General Fund, but the applicant has proffered (proffer #1) \$48,000.00 to the City's Capital Improvement Program for infrastructure improvements.

Recommendations:

The Planning Commission took the following action:

Rezoning Application (ZM20-00003)

Mr. Stolzenberg moved to recommend approval of this application to rezone the Subject Property from R-2, to R-3, on the basis that the proposal would service the interests of the general public and good zoning practice.

Mr. Habbab seconded the motion

Mr. Lahendro, Yes

Mr. Solla-Yates, Yes

Mr. Stolzenberg, Yes

Mr. Karim Habbab, Yes

Mr. Mitchell, No

Ms. Liz Russell, No

Ms. Dowell, No

The motion passed 4 – 3 to recommend approval of the rezoning application to City Council.

Special Use Permit Application (SP21-00002)

Mr. Stolzenberg moved to recommend approval of this application for a Special Use Permit for Tax Map & Parcels 230133000, 230134000, and 230135000 (1613 Grove Street Extended) to permit residential density up to forty-three (43) DUA and adjusted yard requirements as depicted on the site plan dated September 29, 2021 with the following listed conditions.

Conditions recommended by staff

1. Up to 43 dwelling units per acre (DUA) are permitted on the Subject Properties with a maximum of two bedrooms per unit.
2. The restoration of Rock Creek as presented in the applicant's narrative dated July 14, 2020 and revised September 29, 2021.
3. Modifications of yard requirements to:

- a. Front yard: Twenty-five (25) feet.
- b. North Side yard: Five (5) feet.
- c. South Side yard: Fourteen (14) feet.
- d. Rear yard: Twenty-five (25) feet.

Mr, Habbab seconded the motion

Mr. Lahendro, Yes
 Mr. Solla-Yates, Yes
 Mr. Stolzenberg, Yes
 Mr. Karim Habbab, Yes
 Mr. Mitchell, No
 Ms. Liz Russell, No
 Ms. Dowell, No

The motion passed 4 - 3 to recommend approval of the Special Use Permit application to City Council.

Critical Slope Waiver (SP21-00023)

Mr. Stolzenberg moved to recommend approval of the critical slope waiver for Tax Map and Parcel 230135000, 230134000, and 230133000 as requested, with the conditions outlined in the staff report, based on a finding that

- The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i)

Staff Conditions:

- 1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of ESC controls. The first phase shall include "Initial/Preliminary Controls" and also include special consideration and provisions for how the 'creek'/'channel' will be crossed throughout the project and how concentrated flows will outfall to the channel/culvert. Ideally outfall and site access (culvert work/tie in) would be established with rigorous independent ESC controls prior to the establishment of a sediment trap and associated conveyances. Any channels/diversions that convey 'clear' water to the channel shall be stabilized with sod on the 'clear water' side immediately after installation. The sequence shall dictate that no 'benching', or any disturbance of the slopes can occur until after the establishment of the trap and conveyances (Stage/Phase III).
- 2) "Super Silt Fence" (chain linked backing) shall be installed where perimeter silt fence is specified.
- 3) Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other "same day stabilization").

Mr, Habbab seconded the motion

Mr. Lahendro, Yes
 Mr. Solla-Yates, Yes

Mr. Stolzenberg, Yes
Mr. Karim Habbab, Yes
Mr. Mitchell, Yes
Ms. Liz Russell, No
Ms. Dowell, No

The motion passed 5 – 2 to recommend approval of the Critical Slope Waiver application to City Council.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance and resolutions granting the Rezoning, Special Use Permit and Critical Slope Waiver as recommended by Planning Commission;
- (2) by motion, request changes to the attached ordinance and resolutions, and then approve the Rezoning Special Use Permit, and Critical Slope Waiver;
- (3) by motion, take action to deny the Rezoning, Special Use Permit, and Critical Slope Waiver; or
- (4) by motion, defer action on the Rezoning, Special Use Permit, and Critical Slope Waiver.

Attachments:

- A. Rezoning Ordinance
- B. Special Use Resolution
- C. Critical Slope Waiver Resolution
- D. Signed Proffer Statement

Link to the Public Hearing materials.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1099&key=-1&mod=-1&mk=-1&nov=0>

May 11, 2021 materials start on page 4.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1236&key=-1&mod=-1&mk=-1&nov=0>

October 21, 2021 materials start on page 87.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1393&key=-1&mod=-1&mk=-1&nov=0>

March 8, 2022 materials start on page 6.

**AN ORDINANCE
APPROVING A REQUEST TO REZONE THE PARCEL OF LAND
LOCATED AT 1613, 1611, AND 0 GROVE STREET, FROM R-2 (TWO FAMILY
RESIDENTIAL) TO R-3 (MULTIFAMILY RESIDENTIAL)**

WHEREAS, in order to facilitate a specific development project, Lorven Investments, LLC (“Landowner”), by its representative, Justin Shimp, has submitted rezoning application ZM20-00003, proposing a change in the zoning classification (“rezoning”) of certain land known as 1613, 1611, and 0 Grove Street Extended, identified within City tax records as Tax Map 23 Parcels 133, 134, and 135 (collectively, the “Subject Property”), from “R-2” to “R-3”, with said rezoning to be subject to several development conditions proffered by Landowner; and

WHEREAS, in connection with the Proposed Rezoning, the Applicants submitted: a site plan to create a specific low-rise multifamily development project along with proffered development conditions and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the Planning Commission and City Council on March 8, 2022, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, on March 8, 2022, following the joint public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, City Council has considered the development proposal set forth within the Application, the Staff Report, comments received from the public, and the Planning Commission’s recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Rezoning; that both the existing zoning classification (R-2) and the proposed R-3 zoning classification (subject to proffered development conditions) are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

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

Section 34-1. Zoning District Map. Rezoning from R-2 to R-3 the parcels of land designated on City Tax Map 23 as Parcels 133, 134, and 135 (1613, 1611, and 0 Grove Street Ext.), subject to the following Proffers, which were tendered by the Applicant in accordance with law and are hereby accepted by this City Council:

Approved Proffers

1. VALLEY ROAD EXTENDED SIDEWALK IMPROVEMENTS:

- a. Prior to the issuance of certificate of occupancy from the City's building official for the seventh (i11) dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville's Capital Improvement Program (CIP) as a cash contribution for construction of infrastructure improvements that support public transit, cycling, walking, or ADA accessibility within the Fifeville Neighborhood. Infrastructure improvements may include, but are not limited to, bus stop improvements for public transit, construction of new sidewalks, or the installation of ADA accessible curb cuts at public street intersections.

2. AFFORDABLE HOUSING:

The Owner shall provide affordable housing within the Property, as follows:

- a. For the purposes of this Proffer, the term "For-Rent Workforce Affordable Dwelling Unit" means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Workforce Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 80 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
- b. For the purposes of this Proffer, the term "For-Rent Affordable Dwelling Unit" means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 65 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
- c. Fourteen percent (14%) of all dwelling units constructed within the area of the Property shall be For-Rent Workforce Affordable Dwelling Units and an additional fourteen percent (14%) of all dwelling units constructed within the area of the Property shall be For-Rent Affordable Dwelling Units (collectively, the "Required Affordable Dwelling Units") for a total of 28% of dwelling units constructed within the area of the Property provided as Required Affordable Dwelling Units. The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property ("Initial Designation"). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Workforce-Affordable Dwelling Units and For-Rent Affordable Dwelling Units, and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. The Required Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City's building official ("Rental Affordability Period"). All Rental Affordable Dwelling Units shall be administered in accordance with one or more written declarations of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.

- ii. On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant(s) of each Required Affordable Dwelling Unit.
- d. The land use obligations referenced in 2.c.i and 2.c.ii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.

**RESOLUTION GRANTING A SPECIAL USE PERMIT
FOR THE PROPERTY LOCATED AT 1613 GROVE STREET (TAX MAP 23,
PARCELS 133; 134; AND 135)**

WHEREAS Lorven Investments, LLC (“Landowner”) is the record owner of certain land identified on Tax Map 23 as Parcels 133, 134, and 135, collectively currently addressed as “1613, 1611, and 0 Grove Street Extended” (the “Property”), and, the Landowner, represented by Shimp Engineering, P.C. , is requesting a Re-Zoning of the property, a Special Use Permit, and a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with Landowner’s plan to construct four low-rise apartment buildings on the Property; and

WHEREAS; The Landowner seeks a Special Use Permit under City Code Sec. 34-420 to allow for residential density of up to forty-three (43) dwelling units per acre (“DUA”) and an amendment to the yard requirements of City Code Secs. 34-353(a) and 34-353(b)(4); and

WHEREAS the Planning Commission considered and recommended approval of this application at their March 8, 2022 meeting, subject to conditions set forth within the staff report prepared for that meeting;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, hereby approves a Special Use Permit for the Property, to allow construction of four low-rise apartment buildings by the Landowner, subject to the following conditions:

- (1) Up to 43 dwelling units per acre (DUA) are permitted on the Subject Properties with a maximum of two bedrooms per unit.
- (2) The restoration of Rock Creek as presented in the applicant’s narrative dated July 14, 2020 and revised September 29, 2021.
- (3) Modifications of yard requirements to:
 - Front yard: Twenty-five (25) feet.
 - North Side yard: Five (5) feet.
 - South Side yard: Fourteen (14) feet.
 - Rear yard: Twenty-five (25) feet.

**RESOLUTION GRANTING A CRITICAL SLOPE WAIVER
FOR THE PROPERTY LOCATED AT 1613, 1611, AND 0 GROVE STREET (TAX MAP
23, PARCELS 133; 134; AND 135)**

WHEREAS Lorven Investments, LLC (“Landowner”) is the record owner of certain land identified on Tax Map 23 as Parcels 133, 134, and 135, collectively currently addressed as “1613, 1611, and 0 Grove Street Extended” (the “Property”), and, the Landowner, represented by Shimp Engineering, P.C. , is requesting a Re-Zoning of the property, a Special Use Permit, and a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with Landowner’s plan to construct four low-rise apartment buildings on the Property; and

WHEREAS existing Critical Slopes located on the Property constitute 0.06 acres, or approximately 9 percent of the area of the parcels; and

WHEREAS the Planning Commission considered and recommended approval of this application at their March 8, 2022 meeting, subject to conditions set forth within the staff report prepared for that meeting;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, hereby approves a Waiver of the Critical Slopes requirements for the Property, to allow construction of four low-rise apartment buildings by the Landowner, subject to the following conditions:

(1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of Erosion and Sediment (“E&S”) controls. The first phase shall include “Initial/Preliminary Controls” and also include special consideration and provisions for how the ‘creek’/‘channel’ will be crossed throughout the project and how concentrated flows will outfall to the channel/culvert. Ideally outfall and site access (culvert work/tie in) would be established with rigorous independent E&S controls prior to the establishment of a sediment trap and associated conveyances. Any channels/diversions that convey ‘clear’ water to the channel shall be stabilized with sod on the ‘clear water’ side immediately after installation. The sequence shall dictate that no ‘benching’, or any disturbance of the slopes can occur until after the establishment of the trap and conveyances (Stage/Phase III).

(2) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.

(3) Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other “same day stabilization”).

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM20-00003)
STATEMENT OF **FINAL** PROFFER CONDITIONS
For 1613 Grove Street Ext.

City of Charlottesville Tax Map 23 Parcels 133, 134, 135

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE

Lorven Investments, LLC is the owner (the "Owner") of Tax Parcels 230133000, 230134000, 230135000 (collectively, the "Property") which is the subject of rezoning application ZM20-00003, a project known as "1613 Grove Street Ext." (the "Project"). The Owner seeks to amend the current zoning of the Property subject to certain voluntary conditions set forth below. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

In furtherance of the Project, the Owner hereby proffers for City Council's consideration voluntary development conditions, which the Owner agrees are reasonable. The Owner agrees that, if the Property is rezoned as requested, the use and development of the Property will be subject to and in accordance with the following conditions:

1. Valley Road Extended Sidewalk Improvements:

- a. Prior to the issuance of certificate of occupancy from the City's building official for the seventh (7th) dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville's Capital Improvement Program (CIP) as a cash contribution for construction of infrastructure improvements that support public transit, cycling, walking, or ADA accessibility within the Fifeville Neighborhood. Infrastructure improvements may include, but are not limited to, bus stop improvements for public transit, construction of new sidewalks, or the installation of ADA accessible curb cuts at public street intersections.

2. Affordable Housing:

The Owner shall provide affordable housing within the Property, as follows:

- a. For the purposes of this Proffer, the term "For-Rent Workforce Affordable Dwelling Unit" means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Workforce Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 80 percent of the Area Median Income. Area Median income means the median income for


Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.

- b. For the purposes of this Proffer, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 65 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
- c. Fourteen percent (14%) of all dwelling units constructed within the area of the Property shall be For-Rent Workforce Affordable Dwelling Units and an additional fourteen percent (14%) of all dwelling units constructed within the area of the Property shall be For-Rent Affordable Dwelling Units (collectively, the “Required Affordable Dwelling Units”) for a total of 28% of dwelling units constructed within the area of the Property provided as Required Affordable Dwelling Units. The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property (“Initial Designation”). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Workforce-Affordable Dwelling Units and For-Rent Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. The Required Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with one or more written declarations of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.
 - ii. On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location,

and verifying the Household Income of the occupant(s) of each Required Affordable Dwelling Unit.

- d. The land use obligations referenced in 2.c.i and 2.c.ii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.

WHEREFORE, the undersigned Owner stipulates and agrees that the use and development of the Property shall be in conformity with the conditions hereinabove stated, and request that the Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

By: 
Lorven Investments, LLC Manager/Member

Print Name: NARSIMHA SERI

Owner's Address: 4776 Walburn Ct., Chantilly, VA 20151

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



Agenda Date:	March 21, 2022
Action Required:	(1) Ordinance (Rezoning and Critical Slope Waiver) (1st of 2 readings) (2) Ordinance (Infrastructure Funding) (1st of 2 readings)
Presenter:	Michael C. Rogers, City Manager (Sidewalk Project) Matt Alfele, AICP, City Planner (Rezoning/CS Waiver)
Staff Contacts:	Sam Sanders, Deputy City Manager; James Freas, NDS Director; Krisy Hammill, Sr. Budget and Mgmt. Analyst; Lisa Robertson, City Attorney
Title:	Stribling Avenue Planned Unit Development (Rezoning and Related Matters)

Belmont Station, LLC (by Charlie Armstrong) has submitted an application seeking a rezoning of approximately twelve (12) acres of land, identified within City tax records as Tax Map and Parcel 18A025000 (“Subject Property”). The purpose of the rezoning is to subdivide and develop a 170-unit Planned Unit Development, in twenty (20) construction phases. The Subject Property has some frontage on Stribling Avenue, as shown following below:



The Planning Commission reviewed the rezoning application that is now before City Council and it recommended that City Council approve the rezoning only if a sidewalk for pedestrians will be constructed along Stribling Avenue. (The planning commission also expressed concern about tree removal associated with the development; however, a significant amount of tree removal will also be associated with any sidewalk project).

City Manager Office Recommendations

For the reasons set forth within this Agenda Memo, the City Manager's Office recommends that Council take the following action(s):

- (1) Approve the Rezoning, and
- (2) Decline the Infrastructure Funding Agreement for a Stribling Sidewalk Project, BUT proceed with a Capital Improvements Project for a Stribling Sidewalk, using revenues reallocated from projects recently removed from the CIP.

City Manager Recommendation (1): City Council should approve the rezoning and critical slope waiver, consistent with the Planning Commission's recommendation

The NDS Staff Report for the rezoning is Attachment 3 to this Agenda Memo (including the Final Proffer Statement and the proposed PUD Development Plan).

City Manager Recommendation (2): City Council should decline the proposed Infrastructure Funding Agreement, BUT Council should proceed with establishing a capital project ("Stribling Sidewalk Project", funded by Capital Fund revenues recently made available as a result of abandoned projects.

- a. The Stribling Sidewalk Project is advisable, to enhance pedestrian safety

The City should upgrade this existing public street, and add sidewalk improvements to Stribling Avenue. Existing conditions are already challenging for pedestrians/ residents along this existing City street. Topography and natural systems are dramatic: Moore's Creek and its tributaries interlace with a rolling topography. This existing topography may explain why no sidewalk construction was included when Stribling Avenue was originally improved. Further, there exists a floodplain where Stribling Road travels up to Fontaine Avenue; drainage challenges may further explain the lack of sidewalk improvements along this existing public street.

- b. The Funding Agreement is not in the City's best fiscal interests.

A copy of the voluntary Funding Agreement is attached to this Agenda Memo. The Funding Agreement proposes an advance of \$2.9 million by Belmont Station LLC to the City for Stribling sidewalk construction, repayable in future years (with interest) from the new real estate tax revenues generated by the PUD development. It has been estimated that the cost of establishing sidewalk along Stribling Avenue would be at least \$2.9 million. This ballpark estimate is based upon information shared by Belmont Station, LLC, and the City Engineer's familiarity with this general area. Future repayments by the City would be classified as "debt service". The City Manager does not recommend approval of the Funding Agreement, because:

1. ***The City would be double-committing the new real estate tax revenues to be received from the development.*** The premise of this arrangement is that the tax revenues realized by the City from the new construction, sale and occupancy of each new housing unit can be used to cover the debt service. One hundred percent (100%) of new real estate revenues received by the City would be earmarked for repayment of the debt to Belmont Station, LLC during the repayment period (which can be up to a total of 15 years). The discussions of this

proposed Funding Agreement assume that the real estate tax revenues realized from the development will exceed the City's costs of school and governmental services required by the new units.

To date, discussion of the proposed Funding Agreement has not taken into account the City's longstanding practice of committing the first forty percent (40%) of all new real estate tax revenues every year for the School's operational budget. If City Council approves this Funding Agreement, then for each year that a repayment is owed to Belmont Station LLC (a period of up to 15 years), the City would need to come up with additional revenues if it desires to continue the school funding formula. Furthermore, the incremental costs of various government services associated with new units in the development also would not be covered by the newly-generated real estate tax revenues during the repayment period. Those services, and any cost overruns for the Sidewalk Project itself, would need to be covered by general fund revenues other than the new real estate taxes generated by the PUD development. Staff strongly recommends that the City is much better off, in the long run, finding money in the current CIP and reprogramming it for a sidewalk project to be added to the City's FY2024-2029 CIP (as a funded project).¹

Example (see Exhibit C of the Funding Agreement). Assume that the first building permit is issued in 2026. In Tax Year 2027, if one (1) unit has been constructed and assessed at \$275,000, and the other 169 lots are assessed at \$65,000 each, Belmont Station estimates that the City would realize new real estate tax revenue in the amount of \$97,074. The City would be required to pay Belmont Station, LLC a payment of \$97,074, beginning in September 2027 (100% of the new real estate revenues). However, for many years the City Council has also promised the City Schools that they will receive 40% of all new real estate tax revenues every year ($40\% \times \$97,074 = \$38,830$); therefore, for the fiscal year ending June 30, 2028, the City will need to *add* other revenues if it wishes to cover the funding formula for the Schools and other services referenced in Paragraph 1, above.

2. **The timing for completion of the City's contractual obligation to construct the sidewalk is unclear.** The proposed funding agreement states that the City will be expected to "coordinate construction of the Sidewalk Improvements with the infrastructure construction schedule for the PUD Project". The agreement does not incorporate a specific infrastructure construction schedule for the PUD, and does not tie completion of the Sidewalk Project to the completion of construction of any particular number or percentage of new home construction. The timing of the City's obligation to complete the proposed sidewalk construction, relative to the 20 stages of development proposed for the PUD, is unclear. It is difficult for Staff to identify at this time the specific dollar amounts due to be repaid to Belmont Station, LLC in any given year over the 15-year repayment period.

3. **The number of debt service payments, and the amount of specific payments, cannot be determined with enough specificity at this time.** The City's repayment obligation would begin on September 30 of the first Tax Year following the date of the City's issuance of the first building permit for a residential dwelling within the PUD Project. Thereafter, the City's Fiscal

¹ Even if the proposed Funding Agreement is approved by City Council, the Stribling Sidewalk Project needs to be added to the City's "funded projects" list for the CIP. A Capital Improvements Plan must include "estimates of cost of the facilities and life cycle costs", as well as the "means of financing", of each capital project to be undertaken in the ensuing fiscal year and the next four years after that. Va. Code §15.2-2239. Life-cycle costs of a sidewalk in this area have not yet been estimated, but the means of financing is known: (i.e., either (i) reprogramming of revenues from abandoned CIP projects, such as West Main Street), or (ii) funds advanced via the Funding Agreement offered by Belmont Station, LLC, or

Year Budget for each year in which repayments are due would need to include debt service repayments due to the developer in each year.

Alignment with Council Vision Areas and Strategic Plan:

The proposed PUD itself, as represented within the Application Materials and Proffered Development Conditions, is consistent with the City's vision to provide housing that includes a mixture of incomes and housing types.

Community Engagement: community engagement has occurred via the public hearing process on the rezoning application.

Attachments (3):

- ACTION ITEM 1: Proposed Ordinance Approving the Stribling Planned Unit Rezoning

*Suggested motion: "I move the Ordinance **amending and re-enacting the Zoning Map for the City of Charlottesville, Virginia, to reclassify property from R-1S and R-2 to Planned Unit Development for the "240 Stribling PUD", and granting a critical slope waiver for the 240 Stribling PUD***

- ACTION ITEM 2: Proposed Ordinance for an Infrastructure Funding Agreement

Suggested motions:

Deny: *"I move to decline the Infrastructure Funding Agreement with Belmont Station, LLC, upon the condition that a Stribling Sidewalk Project shall be added to the City's CIP for FY2024 through FY2029, to be funded by money currently available within the Capital Projects Fund."*

Approve: *"I move the Ordinance approving a voluntary infrastructure funding agreement in the amount of \$2.9 million, upon terms offered by Belmont Station, LLC for construction of sidewalk along Stribling Avenue"*

- **NDS Staff Report for the Rezoning and Critical Slope Waiver**

ACTION ITEM 1: REZONING ORDINANCE (INCLUDING CRITICAL SLOPE WAIVER)

Recommended motion: “I move the Ordinance....[read the remainder of the ordinance title, following below]”

ORDINANCE

Amending and Re-enacting the Zoning Map for the City of Charlottesville, Virginia, to reclassify property from R-1S and R-2 to Planned Unit Development for the “240 Stribling PUD”, and granting a critical slope waiver for the 240 Stribling PUD

WHEREAS, Belmont Station, LLC (“Landowner”) submitted rezoning application ZM20-00002 (“Application”) seeking a change in the zoning district classification for approximately twelve (12) acres of land identified by City Real Estate Tax Parcel Identification No. 18A025000 (“Subject Property”), from R-1S (Residential Small Lot) and R-2 (Residential Two-Family) to Planned Unit Development (“240 Stribling PUD”), with such rezoning made subject to certain development conditions proffered by the Landowner (“Proffers”); and

WHEREAS, the purpose of the rezoning application is to allow a specific development project (“Project”) identified within a written PUD Development Plan, dated June 11, 2021, as revised through March 21, 2022, and the Statement of Final Proffer Conditions signed by the Landowner on November 11, 2021 for the “240 Stribling PUD”. The PUD Development Plan identifies the general or approximate location of the following housing types to be constructed: 20 rows of townhouses, two multifamily dwelling units, and two single-family attached dwellings. The PUD Development Plan also depicts two central greens, protection of a wooded area between the development and Moore’s Creek, a shared use path constructed to City Standard Detail TR-1, a public street connection to Morgan Court, and six (6) private streets intended for rear loading of the townhouses within the development. Structured parking will be provided within the multifamily dwelling units, and sidewalks will be constructed on both sides of all new public streets within the development, and along one side of each private street within the development. The development of the Subject Property will further be subject to the conditions of a critical slope waiver approved by City Council, as requested in Application P20-0079. (Collectively, all of the foregoing materials describe the specific “Project”); and

WHEREAS, a joint public hearing on the proposed rezoning of the Subject Property was held before the Planning Commission and City Council on September 14, 2021, after notice to the public and to adjacent property owners as required by law; and

WHEREAS, on November 9, 2021, following the joint public hearing, the Planning Commission voted to recommend that City Council should approve the proposed rezoning for the Project, subject to certain qualifications; and

WHEREAS, City Council has considered: the details of the specific Project, as represented within the Landowner’s various application materials, the Staff Reports relating to the application materials, the comments received from the public, and the Planning Commission’s recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the proposed rezoning; that both the existing zoning classification (R-1S) and the proposed PUD zoning classification (subject to the proffered development conditions) are reasonable; and that the proposed rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that, in order to allow the development of the Project described above within this Ordinance, the Zoning Map incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, shall be and hereby is amended and reenacted as follows:

Section 34-1.Zoning District Map. Rezoning from R-1S and R-2 to 240 Stribling PUD, all of that certain land identified within the City of Charlottesville's real estate tax records by Real Estate Parcel Identification Number 18A025000, consisting of approximately 12.07 acres (approx. 525,769 square feet), subject to the PUD Development Plan dated June 11, 2021, as revised through 3/21/2022, and also subject to the Proffers dated November 11, 2021, which were tendered by the Landowner in accordance with law and are hereby accepted by this City Council as set out below within this Ordinance.

Approved Proffers

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowner, which conditions shall apply in addition to the regulations otherwise provided within the City's zoning ordinance:

1. The Owner shall establish affordable housing within the Property, as follows:

- a. For the purposes of this Proffer, the term "Affordable Dwelling Unit" means a dwelling unit reserved for occupancy by a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is sixty percent (60%) or less of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).
- b. Fifteen percent (15%) of all dwelling units constructed within the area of the Subject Property shall be Affordable Dwelling Units. ("Required Affordable Dwelling Units") The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the PUD ("Initial Designation"). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as Affordable Dwelling Units, and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for rental to low- and moderate-income households ("Rental Affordable Dwelling Units"). Each of the Rental Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City's building official ("Rental Affordability Period"). All Rental Affordable Dwelling Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g) as such regulations are in effect on the date of Owner's signature, below. For the purposes of this section and section 1.b.ii., below, if City regulations adopted pursuant to the provisions of City Code 34-12(g) are amended by the City after the date of Owner's signature, below, the Owner may elect in writing to the Zoning Administrator to instead be bound by the amended regulations.
 - ii. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for ownership by low- and moderate-income households ("For-Sale Affordable Dwelling Units"), throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City's building official. The For-Sale Affordable Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City

Code 34-12(g), as such regulations are in effect on the date of Owner's signature, below. During construction the For-Sale Affordable Dwelling Units shall be constructed incrementally, such that at least five (5) Affordable Dwelling Units shall be either completed or under construction pursuant to a City-issued building permit, prior to the issuance of every 30th building permit for non-affordable for-sale dwelling units.

- c. The land use obligations referenced in 1.b.i, 1.b.ii, and 1.b.iii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of the obligations. In the event of re-sale of any of the Required Affordable Rental Units that reduces the number of Required Affordable Dwelling Units below the thresholds set forth in this proffer, the declaration of covenants shall provide a mechanism to ensure that an equivalent Affordable Dwelling Unit is created within the City of Charlottesville, either on or off of the Subject Property, that satisfies the requirements contained herein for the remainder of the Affordability Period.

Critical Slope Waiver

BE IT FURTHER ORDAINED by the Council of the City of Charlottesville, THAT a waiver of the critical slopes requirements for the Subject Property, to allow for construction of the specific 240 Stribling PUD Project that is the subject of this Ordinance, is hereby granted subject to the following conditions (each, a "CS Waiver" condition):

CS Waiver condition #1: site Plans (VESCP Plans) shall include, at a minimum, 4 stages/phases of erosion and sediment control measures: the first shall be "Initial/Preliminary Controls" and outfall construction, and the second shall include the establishment of sediment traps and conveyances. The sequence shall dictate that no disturbance of the slopes can occur, other than to facilitate trap/conveyance construction, until after the establishment of the trap, conveyances and permanent outfall (until Stage/Phase III)

CS Waiver condition #2: "Super Silt Fence" (chain linked backing) shall be installed where perimeter silt fence is specified.

CS Waiver condition #3: Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other "same day stabilization.

CS Waiver condition #4: The proposed trail shall be a non-erodible surface (asphalt/concrete or similar) and provisions shall be made in the stormwater management plan to ensure runoff from the trail is conveyed in a non-erosive manner, and concentrated flows shall not be discharged above slopes, or flow along the toe of slopes, on or offsite the property.

CS Waiver condition #5: Trees removed from areas of critical slope(s) shall be replaced within those areas, at a three-to-one ratio ("Habitat Replacement Trees"). The Habitat Replacement Trees shall be locally native tree species appropriate for the site conditions. The specific number and species of Habitat Replacement Trees will be determined by the applicant and the City based on available space and site conditions, and the size, location and species of all Habitat Replacement Trees shall be specified within the landscaping plan required by Sections §§34-861 et seq. of the Charlottesville City Code, as amended.

CS Waiver condition #6: No tree(s) planted in any area(s) that contain buildings, parking lots, sidewalks, or other built improvements shall be counted as any Habitat Replacement Tree(s).

ACTION ITEM 2: ORDINANCE FOR INFRASTRUCTURE FUNDING AGREEMENT

Suggested motion for denial: “I move to decline the Infrastructure Funding Agreement with Belmont Station, LLC, upon the condition that a Stribling Sidewalk Project shall be added to the City’s CIP for FY2024 through FY2029, to be funded by money currently available within the Capital Projects Fund.”

Suggested Motion for an approval: “I move the ORDINANCE...[read the remainder of the title of the ordinance, below]

ORDINANCE

APPROVING A VOLUNTARY INFRASTRUCTURE FUNDING AGREEMENT IN THE AMOUNT OF \$2.9 MILLION UPON TERMS OFFERED BY BELMONT STATION, LLC FOR CONSTRUCTION OF SIDEWALK ALONG STRIBLING AVENUE

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the following voluntary funding agreement offered to the City by Belmont Station, LLC, is hereby approved for a capital project to be undertaken by the City to construct public sidewalks on Stribling Avenue, and the Mayor is authorized to execute said agreement on behalf of the City:

THIS AGREEMENT is made this ____ day of _____, 2022, by and among the **City of Charlottesville, Virginia (the “City”)**, a municipal corporation and political subdivision of the Commonwealth of Virginia, and, **Belmont Station, LLC, a Virginia limited liability company (the “Developer”)**.

Recitals

R-1. The Developer’s purpose and intent is to invest a significant amount of money into real estate and improvements, described as: All that certain tract or parcel of land situated in the City of Charlottesville, Virginia (the “City”) on the south side of Stribling Avenue, containing 11.053 acres, more or less, according to the City land records, and currently shown as City Tax Map Parcel 18A025000, and as further **(the “Investment”)** described and depicted on **Exhibit A** hereto **(the “Property”)**, where Developer intends to design and develop a Planned Unit Development containing approximately 170 newly-constructed residential dwellings (the “PUD Project”), which will promote the safety, health, welfare, convenience or prosperity of the inhabitants of the City by promoting appropriate housing density and affordability within an area of the City, enhance the tax base in the City, create more housing opportunities, and promote other economic development in the City. The Developer’s Investment and the amounts and other requirements included in such Investment are set forth in part as **Exhibit B**.

R-2. The City has a documented need for pedestrian sidewalk improvements and related stormwater and utility infrastructure along Stribling Avenue in the City of Charlottesville, as noted in the City’s “Complete Sidewalks Projects List”, page 209 of the *Charlottesville Bicycle & Pedestrian Master Plan Update 2015*, as well as in the “Proposed Fiscal Year (YR) 2022 Capital Improvement Program (CIP) Revenue and Expenditure Description Summary”, page 8, and, the “Capital Improvement Program Final Request Form, 5-Year Program Span: Fiscal Year 20-24, Project Title: Stribling Sidewalk + Drainage Improvements” (“Sidewalk Improvements”). The Sidewalk Improvements will be made on both sides of Stribling Avenue from the intersection with JPA and ending in proximity to the City limits.

R-3. The Sidewalk Improvements are separate from the Developer's Property; however, Developer acknowledges and agrees that, although a need for the Sidewalk Improvements already exists, the PUD Development will increase use of Stribling Avenue by both vehicular and pedestrian traffic, and the Developer desires to make a financial contribution that will facilitate the City's commencement of the Sidewalk Improvements on an expedited basis.

R-4. The Developer has offered to enter into a funding agreement with the City, to provide certain monies to the City through cash escrow or letter of credit, which may be utilized by the City under the terms and conditions set forth within this Agreement to construct the Sidewalk Improvements.

WHEREAS, the Developer and the City desire to set forth their understanding and agreement as to these matters in this Agreement.

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

1. The recitals are incorporated as part of this Agreement.
2. The Developer:
 - a. Shall make and maintain the Investment described on Exhibits A and B;
 - b. Shall have **\$2,900,000 in Cash Escrow**, or Letter of Credit ("Funding") in place and available to the City: (i) prior to the date on which the City issues a land disturbing permit for the PUD Project, or (ii) by December 31, 2026, whichever first occurs. The Funding shall be made available for the City to draw upon to pay for the Sidewalk Improvements. In the event that the City's final budget for the Sidewalk Improvements, based on bid(s) received, is less than \$2,900,000 then the Funding under this Agreement shall be amended and reduced to the actual budgeted amount based on the accepted bid(s);
 - c. At the request of the City, the Developer shall request that its contractor for the PUD provide a bid to the City for the construction of the Sidewalk Improvements, to assist the City's efforts to achieve any efficiencies that may be possible if the Sidewalk Improvement can be worked on contemporaneously with the contractor's construction of sidewalks within the PUD Project. The Developer shall give the City at least 60 days advance written notice of the date on which the Developer's contractor will commence construction streets and sidewalks within the PUD Project;
 - d. Shall provide the City with the engineering and surveying work that the Developer has caused to be completed to date, and the City agrees to reimburse the Developer for the cost of that work;
 - e. Shall make its commercially reasonable efforts to obtain approvals of the Final Site Plan for the PUD from the City, and commence land disturbing activities, no later than **December 31, 2026 ("Commencement Date")**, which may be extended due to force majeure or other administrative reasons approved by the City;

f. Shall make its commercially reasonable efforts to complete construction and equipping of the PUD Project, in accordance with the Site Plan for the PUD approved by the City, no later than **December 31, 2036 (“Completion Date”)**, which may be extended due to force majeure or other administrative reasons approved by the City.

g. Shall comply with all applicable federal, state and local laws and secure all plans, approvals, bonds and permits as may be necessary or appropriate for the construction and completion of the PUD Project and the occupancy thereof.

3. **The City:**

a. Shall be responsible for its own final plans to be used for the City’s construction of the Sidewalk Improvements, and complete right-of-way acquisition, on or before the Commencement Date;

b. Shall use its best efforts to coordinate construction of the Sidewalk Improvements with the infrastructure construction schedule for the PUD Project, if that is possible with the same contractor(s) and if it will achieve any economies;

c. Shall prepare periodic drawdown requests from the Funding to pay for Sidewalk Improvements pursuant to the City’s contract with the contractor(s) for the Sidewalk Improvements. The City, or other designee, and the Developer shall complete all paperwork necessary to complete draw requests.

4. The City, subject to the availability of public funds and the annual appropriation of such funds by the Council, and subject further to the Developer’s fulfillment of all of its obligations under this Agreement, shall reimburse the Funding to the Developer, as described herein. Reimbursement of the Funding shall be paid in annual installments, beginning on September 30 of the first Tax Year following the date of the City’s issuance of the first building permit for a residential dwelling within the PUD Project (“Initial Reimbursement Installment”) and continuing annually thereafter, on or before September 30th of each successive Tax Year, but ending on the later of: December 31, 2036, or 15 years after the issuance of the first building permit, in either case regardless of whether the Funding has been full reimbursed to Developer.

a. Each annual reimbursement payment shall be equal to (and shall not exceed) one hundred percent (100%) of the total of the annual real property taxes actually received by the City attributable to the incremental increase in the assessed value of the Property (“**Incremental Increased Value**”) over the value of the Property on the City’s Land Book for Tax Year 2021 (\$1,041,700) (**the “Base Value”**). An example of the calculation of the annual Funding reimbursement payment required by Paragraph 4, above, is attached as **Exhibit C** to this Agreement.

b. For the purpose of this Agreement, **(i)** the Incremental Increased Value shall be the assessed value of the Property, inclusive of all lots resulting from any subdivision(s) thereof, as set forth within the City’s Land Book for each Tax Year subsequent to 2021, without regard to the ownership of the Property, **and (ii)** the Land Book is the official record of real estate assessments for a given Tax Year, as referenced in City Code Section 30-66.

c. Notwithstanding the foregoing, no reimbursement payment shall be due or owing by the City to the Developer within any Tax Year in which the value of the Property on the City's Land Book does not exceed the Base Value.

d. To the extent that the assessed value of the Property is decreased for any reason during the term of this Agreement, the amount of Funding shall be reduced by the tax decrease based on the decrease in Incremental Increased Value.

5. The City shall pay interest to the Developer on the Funding utilized by it to pay for construction of the Sidewalk Improvements, at an adjustable rate equal to 1.5% or the "true" interest cost (as defined by City Council resolution titled "\$18,000,000 Million [sic] Bond Issue" dated May 3, 2021) of Charlottesville's most recent General Obligation Bond issuance, whichever is higher. Interest shall begin on the Commencement Date and continue until the earlier of: (i) the entire amount of interest and Funding utilized by the City for the Sidewalk Improvements has been reimbursed to the Developer, or (ii) the latest date established in Paragraph 4, being December 31, 2036 or 15 years after the issuance of the first building permit.

6. Developer acknowledges and understands that the City is not empowered under Virginia law to make any binding contractual obligation committing payment of City funds beyond the current fiscal year of the City. However, so long as public funding is available to support the City's performance of this Agreement in subsequent fiscal years, it is the current intention of the Charlottesville City Council to make sufficient annual appropriations to fund the reimbursement obligations of the City hereunder. To that end, the Council has directed the City Manager or other officer charged with the responsibility of preparing the City's budget to include in the City Manager's proposed budget for each fiscal year subsequent to the date of this Agreement a request that the Council appropriate the amounts due under this Agreement during such fiscal year. If at any time the City or the Developer determines that the amount appropriated in any fiscal year budget is insufficient to support the City's performance under this Agreement, then, if sufficient public funding is available, then the City Manager shall submit to the Council at the next scheduled meeting of the Council or as promptly as practicable, a request for a supplemental appropriation sufficient to cover the deficit.

7. This Agreement shall not create any joint venture, any agency, or any employer-employee relationship between the parties hereto.

8. The City reserves the right to approve in advance any assignment of this Agreement by the Developer to any individual or entity while any of the Developer's obligations under this Agreement are outstanding. The ownership interests of such entity must be disclosed to the City. The consent to any such assignment shall not be unreasonably withheld. After the completion of the Developer's obligations under Section 2 of this Agreement, the repayment of the Funding obligations may be sold, assigned, or transferred by the Developer, with the approval of all parties, which consent shall not be unreasonably withheld. All parties to any assignment, sale or transfer under this Section 8. shall be bound by all the terms and conditions of this Agreement.

9. The City may terminate this Agreement at any time if funds have not been drawn from the Developer's Cash Escrow or Letter of Credit. The City may terminate this Agreement after funds have drawn, by repaying all outstanding Funding amounts plus applicable interest. There is no prepayment penalty if the City chooses to repay Funding in full sooner than otherwise called for under the Agreement. The City will provide written notice to the Developer of its decision to terminate the Agreement pursuant to this section, or if repayment funds sent from the

City to the Developer are intended as the prepayment in full of all outstanding amounts, along with the corresponding notice of Agreement termination.

10. This Agreement shall not be interpreted to establish any pledge, security interest, lien, or other encumbrance on property of the City or the Developer.

11. This Agreement shall be governed in all aspects by the laws of the Commonwealth of Virginia, without reference to conflict of laws provisions. In the event of litigation, jurisdiction and exclusive venue shall be in the Circuit Court of the City of Charlottesville, Virginia, and all legal actions involving this Agreement shall be brought only in such court. Each of the parties to this Agreement have standing to enforce the terms, conditions and obligations set forth herein.

12. This Agreement sets forth the entire agreement between the parties hereto. There are no promises, agreements, conditions, or understandings between the parties respecting the subject matter hereof, other than those expressly set forth herein, and the provisions of this Agreement supersede all prior and contemporaneous negotiations, conversations, discussions, correspondence, memoranda, and agreements between the parties concerning the subject matter of this Agreement.

13. This Agreement may be modified by mutual agreement of the parties. The City Manager is designated as the City's agent to approve and execute amendments to this Agreement involving procedural or administrative matters. By way of example and not limitation, such procedural or administrative changes can include: date changes relating to any force majeure, changes in the scope of work necessary for the Sidewalk Improvements, or, approvals required by Section 8 of this Agreement.

14. Notices and communications relating to this Agreement shall be given in writing, and shall be deemed to be received by a party hereto (i) five (5) business days after being mailed by U.S. mail, first class, postage prepaid, return receipt requested, or (ii) one (1) business day after being placed for next day delivery with a nationally recognized overnight courier service, or (iii) upon being delivered by hand to a party, addressed as follows:

if to the City, to:

The City of Charlottesville, Virginia
Attention: City Manager
605 East Main Street, City Hall, Second Floor (P.O. Box 911)
Charlottesville, VA 22092

if to the Developer, to:

Belmont Station, LLC
142 South Pantops Drive
Charlottesville, VA 22911
ATTN: Frank T. Ballif, Manager

with a copy to:

Lois A. Haverstrom, General Counsel
142 South Pantops Drive
Charlottesville, VA 22911

15. This Agreement may be executed, via facsimile or email and, in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument. This Agreement shall be binding upon and inure to the benefit of the parties hereto. If any provision of this Agreement is determined to be unenforceable, then the remaining provisions of this Agreement shall be interpreted as in effect as if such unenforceable provisions were not included therein. Each of the parties to this Agreement represents that it is fully authorized to enter into this Agreement, and that it will be bound by this Agreement in accordance with its terms.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date first written above.

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____

Title: _____

Date of Execution: _____

DEVELOPER

BELMONT STATION, LLC on its behalf and as Manager of Belmont Station LLC

By: _____
Frank T. Ballif, as Manager

Date of Execution: _____

EXHIBIT A TO VOLUNTARY INFRASTRUCTURE FUNDING AGREEMENT

(Description of Property)

All that certain tract or parcel of land situated in the City of Charlottesville, Virginia (the “City”) on the south side of Stribling Avenue, containing 11.053 acres, more or less, according to the City land records, and currently shown as City Tax Map Parcel 18A025000, and as further described within the Proposed Planned Unit Development (the “Investment”) described and depicted on Exhibit A below (the “Property”)

Property to be developed into a 170+/- Unit PUD



EXHIBIT B TO VOLUNTARY INFRASTRUCTURE FUNDING AGREEMENT

Investment

This Agreement only relates to the \$2,000,000 Cash Escrow or Letter of Credit posted by the Developer in favor of the City, and the reimbursement of amount(s) drawn by the City from of that Cash Escrow or Letter of Credit. Developer plans to construct 170+/- residential dwelling units within the PUD Project, with an estimated completed value after home construction averaging \$275,000, more or less.

EXHIBIT C VOLUNTARY INFRASTRUCTURE FUNDING AGREEMENT

Funding Calculation of Incremental Increased Value (Examples based on Estimated Assumptions below)

Sample Calculations are for Illustration Purposes Only: The Dates, Assessed Values, and Real Estate Tax Rates are not actual and are for Illustration Purposes Only. Calculations assume that the City has drawn funds that are to be repaid by real estate taxes received by the City and generated directly from the Developer's PUD after the issuance of the first Building Permit.

Example 1 - Issuance of First Building Permit

	1 Unit Averaging \$275,000 upon completion and 169 lots at \$65,000 each	Prior to Project (Based 2021 AV)	Estimated Annual Tax Increment Repayment w/ Issuance of First Building Permit
Assessed Value of Real Estate	\$11,260,000	\$1,041,700	
Real Estate Tax Collected	\$106,970	- (\$9,896)*	= \$97,074

Example 2 - Complete Project Build Out

	Estimated After Project Completion 170 Units Averaging \$275,000 upon completion	Prior to Project (Base 2021 AV)	Estimated Annual Tax Increment Repayment at the end of the Project
Assessed Value of Real Estate	\$46,750,000	\$1,041,700	
Real Estate Tax Collected	\$444,125.	- (\$9,896)*	= \$434,229

*Based on real estate tax rate \$0.95 per \$100.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL REZONING STAFF REPORT**



Agenda Date: March 21, 2022

Presenter and
Staff Contact: Matt Alfele, AICP, City Planner

Title: 240 Stribling PUD – ZM20-00002 & P20-0079

Summary of The Proposed Planned Unit Development:

Southern Development on behalf of the landowner, Belmont Station, LLC, has submitted an application seeking a rezoning of approximately twelve (12) acres of land, identified within City tax records as Tax Map and Parcel 18A025000 (“Subject Property”). The Subject Property has frontage on Stribling Avenue. The application proposes to change the zoning district classifications of the Subject Property from R-1S (Residential Small Lot) / R-2 (Residential Two-Family) to PUD (Planned Unit Development) subject to certain proffered development conditions (“Proffers”) and development plan. The rezoning would allow a PUD referred to as “240 Stribling PUD” containing no more than one-hundred and seventy (170) residential units divided between single-family attached, townhomes, and multifamily buildings at a density of fifteen (15) dwelling units per acre (DUA), with open space in the amount of 4.76 acres, and the following unique characteristics/amenities per the development plan: approximately two (2) single-family attached style units, approximately sixty-nine (69) townhome style units, three (3) multifamily buildings, central green space, nature trail, four (4) new City standard public roads, pedestrian and vehicular access to Morgan Court, and six (6) new private roads built to City private road standards. The proposed development is intended to be completed in approximately twenty (20) phases. In order for the Landowners to implement the PUD Plan, they will need to disturb areas within Critical Slopes; this application also presents a request for a Critical Slopes Waiver (P20-0079) per City Code Sec. 34-516(c). The Comprehensive Land Use Map for this area calls for Low Density Residential (15 DUA or less). See Attachment A for proffered conditions.

Discussion:

The Planning Commission held a virtual joint Public Hearing with City Council on September 14, 2021 on this matter. The Director of Economic Development (Mr. Chris Engle) gave an update on a proposed draft agreement between the City and the applicant to fund installation of sidewalks along Stribling Avenue. The City’s Engineer (Mr. Jack Dawson) provided insight into issues with calculating funding needed to provide improvements (such as sidewalks) to Stribling Avenue given limited project information. Increased density and the safety of Stribling Avenue were the

main discussion points. The Commission liked the innovation of the design, the affordable units, and the proposed density of the development, but did not believe the development should happen unless Stribling Avenue was improved, and sidewalks provided. The Commission was also concerned with the number of trees along Stribling that would be removed.

Due to the apprehension from Planning Commission as it related to the condition of Stribling Avenue, the applicant requested and was granted a deferral. The applicant made the following adjustments to the development and Planning Commission continued their discussion on November 9, 2021.

Critical Slope Waiver Application P20-0079

No Changes

Rezoning Application ZM20-00002

The applicant made the following two (2) changes to the PUD Development Plan:

Update the setback requirements on page 4:

The original plan stated:

Minimum Building setbacks:

Front: 0'

Side: 0'

Rear: 0'

Adjacent to outside properties: 5'

The new setbacks are:

Front: 0'

Side: 0'

Rear: 0'

Adjacent to outside properties: 5'

Maximum front setback: 10'

(Stribling Ave, Frontage Excluded)

Updates to Phasing and Open Space Requirements on page 5:

No information provided in the original plan

New information on page 5:

A minimum of 1.00 acre of Open Space shall be dedicated in Phase 1. At least 20% total Open Space area shall be provided with each phase thereafter.

During the November 9, 2021 meeting, Planning Commission focused on duration of construction, conditions on the Critical Slopes, and funding of the sidewalk improvements to Stribling Avenue.

Alignment with City Council's Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to **Goal 3: A Beautiful and Sustainable Natural and Built Environment**, **3.1 Engage in robust and context sensitive urban planning and implementation**, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

On August 3, 2020 the applicant held a virtual community meeting with the public. The meeting can be viewed at:

<https://protect-us.mimecast.com/s/1ZeKCL9YA0tR7ymYCBFkm5?domain=us02web.zoom.us>

The applicant gave an overview of the project as it related to the need for a rezoning. Seventy-two (72) members of the public attended the meeting and voiced the following concerns:

- PUDs is not appropriate and will not give the City what it needs.
- PUDs are only used to pack in more houses without taking into account infrastructure.
- The land should be developed by-right.
- The development should not be connected to Morgan Court. Morgan Court is too narrow and cannot handle the increased traffic.
- Traffic will be a problem.
- Stribling Avenue lacks sidewalks and will not be safe if the development is approved.
- FSNA could support the project only if Stribling Avenue is improved.
- Stribling Avenue will not be able to handle construction trucks for such a large and long-term development.
- The City's infrastructure will not support this development.
- Stribling Avenue lacks lighting.
- Stribling Avenue needs draining improvements.
- Stribling Avenue does not have enough right of way to accommodate all the improvements it needs.
- The development will double the units on Stribling.
- Critical Slopes on the site should not be disturbed.
- Stribling Avenue on the county side is not improved and cannot support the development.
- People that live in this development will have to drive cars and cannot walk to places.
- There is a playground near the proposed connection of Morgan Court to the development and the connection could impact it.
- Stribling Avenue is a shared street with a lot of bicycle, pedestrians, and cars sharing the road. This development would change that.

On September 14, 2021 the Planning Commission held a virtual joint Public Hearing with City Council. eighteen (18) members of the public spoke and expressed the following:

- The proposed development will make conditions for pedestrian and cyclists worse on Stribling Avenue and the intersection of JPA.
- Safety on Stribling Avenue is the biggest issue with the proposed development.
- The City needs more housing and this will provide much needed affordable housing.
- The trees on the site need better protection.
- Stribling Avenue needs to be improved.
- How will the section of Stribling in the county be impacted?
- The proposed development will have negative impacts to Sunset Avenue.

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

Planning Commission Recommendation:

The Planning Commission took the following action:

Rezoning Application (ZM20-00002)

Ms. Russell moved that subject to sidewalk improvements on Stribling Ave. being prioritized appropriately in City Capital Improvement Program (CIP), I move to recommend that City Council should approve ZM20-00002, on the basis that the streets proposed within the PUD Development are laid out in a manner substantially in accord with the Comprehensive Plan, and approval of the proposed PUD Development is consistent with the Comprehensive Plan and will serve the public necessity, convenience, general welfare and good zoning practice.

Mr. Mitchell seconded the motion

Mr. Lahendro, Yes

Mr. Solla-Yates, Yes

Mr. Stolzenberg, Yes

Mr. Habbab, Yes

Mr. Mitchell, Yes

Ms. Russell, Yes

Ms. Dowell, Yes

The motion passed 7 - 0 to recommend approval of the rezoning application to City Council.

Critical Slope Waiver (P20-0079)

Ms. Russell moved to recommend approval of the critical slope waiver for Tax Map and Parcel 18A025000, as requested, with conditions as recommended by staff.

Recommended Conditions:

1. Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of ESC controls, the first shall be “Initial/Preliminary Controls” and outfall construction, and the second shall include the establishment of sediment traps and conveyances. The sequence shall dictate that no disturbance of the slopes can occur, other than to facilitate trap/conveyance construction, until after the establishment of the trap, conveyances and permanent outfall (until Stage/Phase III).
2. “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
3. Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other “same day stabilization”).

4. The proposed trail shall be a non-erodible surface (asphalt/concrete or similar) and provisions shall be made in the stormwater management plan to ensure runoff from the trail is conveyed in a non-erosive manner, and concentrated flows shall not be discharged above slopes, or flow along the toe of slopes, on or offsite the property.
5. Trees removed from areas of critical slope(s) shall be replaced within those areas, at a three-to-one ratio (“Habitat Replacement Trees”).
6. The Habitat Replacement Trees shall be locally native tree species appropriate for the site conditions.
7. No tree(s) planted in any area(s) that contain buildings, parking lots, sidewalks, or other built improvements shall be counted as any Habitat Replacement Tree(s).
8. The specific number and species of Habitat Replacement Trees will be determined by the applicant and the City based on available space and site conditions, and the size, location and species of all Habitat Replacement Trees shall be specified within the landscaping plan required by Sections §§34-861 et seq. of the Charlottesville City Code, as amended.

Mr. Mitchell seconded the motion

Mr. Lahendro, Yes
Mr. Solla-Yates, Yes
Mr. Stolzenberg, Yes
Mr. Habbab, Yes
Mr. Mitchell, Yes
Ms. Russell, Yes
Ms. Dowell, Yes

The motion passed 7 – 0 to recommend approval of the Critical Slope Waiver application to City Council.

Attachments:

- A. Signed Proffer Statement
- B. PUD Development Plan

Link to the Public Hearing materials.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1221&key=-1&mod=-1&mk=-1&nov=0>

September 14, 2021 materials start on page 6.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1286&key=-1&mod=-1&mk=-1&nov=0>

November 9, 2021 materials start on page 54.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM20-00002)
STATEMENT OF FINAL PROFFER CONDITIONS
For the 240 Stribling PUD
Dated as of November 11, 2021

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned limited liability company is the owner of land (“Owner”) subject to the above-referenced rezoning petition (“Subject Property”). The Owner seeks to amend the current zoning of the Subject Property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner seeks approval of a PUD as set forth within a Development Plan for a planned unit development to be known as the “240 Stribling Avenue PUD”, said PUD Development Plan being dated April 28, 2020, Revised October 8, 2021, containing 17 pages, total, submitted with the Owner’s Rezoning Application.

The Owner hereby proffers and agrees that if the Subject Property is rezoned as requested, the Subject Property will be developed in general accordance with, and the Owner will abide by, the approved 240 Stribling Avenue PUD Development Plan, and that the Subject Property shall also be subject to the following conditions:

1. The Owner shall establish affordable housing within the Subject Property, as follows:

- a. For the purposes of this Proffer, the term “Affordable Dwelling Unit” means a dwelling unit reserved for occupancy by a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is sixty percent (60%) or less than of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).
- b. Fifteen percent (15%) of all dwelling units constructed within the area of the Subject Property shall be Affordable Dwelling Units (“Required Affordable Dwelling Units”). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the PUD (“Initial Designation”). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for rental to low- and moderate-income households (“Rental Affordable Dwelling Units”). Each of the Rental Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g) as such regulations are in effect on the date of Owner’s signature, below. For the purposes of this section and section 1.b.ii. below, if City regulations adopted pursuant to the provisions of City Code 34-12(g) are amended by the City after the date of Owner’s signature, below, the Owner may elect in writing to the Zoning Administrator to instead be bound by the amended regulations.
 - ii. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for ownership by low- and moderate-income households (“For-Sale Affordable Dwelling Units”), throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City’s building official. The For-Sale Affordable Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g), as such regulations are in effect on the date of Owner’s signature, below. During construction the For-Sale Affordable Dwelling Units shall be

constructed incrementally, such that at least 5 Affordable Dwelling Units shall be either completed or under construction pursuant to a City-issued building permit, prior to the issuance of every 30th Building Permit for non-affordable for-sale dwelling units.

- iii. On or before July 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant of each Required Affordable Dwelling Unit.
- c. The land use obligations referenced in 1.b.i, 1.b.ii, and 1.b.iii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Subject Property shall have notice of and be bound by the obligations. In the event of re-sale of any of the Required Affordable Dwelling Units that reduces the number of Required Affordable Dwelling Units below the thresholds set forth in this proffer, the declaration of covenants shall provide a mechanism to ensure that an equivalent Affordable Dwelling Unit is created within the City of Charlottesville, either on or off of the Subject Property, that satisfies the requirements contained herein for the remainder of the Affordability Period.

WHEREFORE, the undersigned Owner stipulates and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 11th day of November, 2021.

Applicant:

Belmont Station, LLC

By:


Its Member, Charles Armstrong

Address:

142 South Pantops Drive
Charlottesville, VA 22911

PUD DEVELOPMENT PLAN
240 STRIBLING AVENUE
CITY OF CHARLOTTESVILLE, VIRGINIA

TABLE OF CONTENTS
PUD DEVELOPMENT PLAN (SEC 34-517)

THIS PUD DEVELOPMENT PLAN MEETS THE REQUIREMENTS OF CHARLOTTESVILLE CITY CODE SECTION 34-517 (a). THE BELOW TABLE OF CONTENTS LISTS THE PUD REQUIREMENTS AND REFERENCES WHERE IN THE PUD DEVELOPMENT PLAN THE REQUIREMENTS ARE ILLUSTRATED OR DESCRIBED.

34-517 (1)a A SURVEY PLAT DESCRIBING AND DEPICTING THE ENTIRE LAND AREA TO BE INCLUDED WITHIN THE PUD DEVELOPMENT SITE, INCLUDING IDENTIFICATION OF PRESENT OWNERSHIP, EXISTING ZONING DISTRICT CLASSIFICATION(S) OF THE PARCEL(S) TO BE INCLUDED WITHIN THE PUD.
PAGE 2: EXISTING CONDITIONS

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PAGE 3: NARRATIVE

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- A. LOCATION AND SIZE OF EXISTING WATER AND SANITARY AND STORM SEWER FACILITIES AND EASEMENTS;
PAGE 2: EXISTING CONDITIONS
- B. LAYOUT FOR PROPOSED WATER AND SANITARY SEWER FACILITIES AND STORM DRAINAGE FACILITIES;
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- C. LOCATION OF OTHER PROPOSED UTILITIES;
PAGES 6-7: CONCEPTUAL DEVELOPMENT PLAN
PAGES 13-14: CONCEPTUAL DRY UTILITY PLAN
- D. LOCATION OF EXISTING AND PROPOSED INGRESS AND EGRESS FROM THE DEVELOPMENT; LOCATION AND SIZE OF EXISTING AND PROPOSED STREETS;
PAGES 6-7: CONCEPTUAL DEVELOPMENT PLAN
PAGES 8-9: PROPOSED ROAD SECTIONS
- E. LOCATION OF EXISTING AND PROPOSED PEDESTRIAN AND BICYCLE IMPROVEMENTS, INCLUDING CONNECTIONS TO NEARBY SCHOOLS;
PAGES 6-7: CONCEPTUAL DEVELOPMENT PLAN.
PAGES 8-9: PROPOSED ROAD SECTIONS
- F. AN INVENTORY, BY TAX MAP PARCEL NUMBER AND STREET ADDRESS, OF ALL ADJACENT PARCELS WITHIN A FIVE HUNDRED-FOOT RADIUS OF THE PERIMETER OF THE PUD, INDICATING THE EXISTING ZONING DISTRICT CLASSIFICATION OF EACH.
PAGE 1: COVER SHEET
- G. A SITE INVENTORY OF THE SIGNIFICANT NATURAL, ENVIRONMENTAL AND CULTURAL FEATURES OF A SITE, INCLUDING AT A MINIMUM: HISTORIC LANDMARKS CONTAINED ON ANY STATE OR FEDERAL REGISTER; VEGETATION; EXISTING TREES OF EIGHT-INCH CALIPER OR GREATER; WETLANDS; TOPOGRAPHY, SHOWN AT INTERVALS OF FIVE (5) FEET OR LESS; CRITICAL SLOPES; AND OTHER, SIMILAR CHARACTERISTICS OR FEATURES, AND A PLAN FOR PRESERVING, PROTECTING, UTILIZING AND/OR INCORPORATING SUCH FEATURES INTO THE DESIGN AND FUNCTION OF THE PROPOSED PUD.
PAGE 10: ENVIRONMENTAL FEATURES

34-517(4)a A PROPOSED LAND USE PLAN. SUCH PLAN WILL IDENTIFY:

- A. PROPOSED LAND USES AND THEIR GENERAL LOCATIONS, INCLUDING WITHOUT LIMITATION, BUILDING AND SETBACKS;
PAGE 4: LAND USE PLAN
- B. PROPOSED DENSITIES OF PROPOSED RESIDENTIAL DEVELOPMENT;
PAGES 15-16: MATRIX OF USE TYPES
- C. LOCATION AND ACREAGE OF REQUIRED OPEN SPACE;
PAGE 4: LAND USE PLAN
- D. SQUARE FOOTAGE FOR NON-RESIDENTIAL USES;
PAGE 4: LAND USE PLAN. NOTE, THERE ARE NO NON-RESIDENTIAL USES PROPOSED.
- E. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES IN AREA OF PUD.
PAGE 4: LAND USE PLAN

34-517 (5)a A GENERAL LANDSCAPE PLAN WHICH FOCUSES ON THE GENERAL LOCATION AND TYPE OF LANDSCAPING TO BE USED WITHIN THE PROJECT AS WELL AS THE SPECIAL BUFFERING TREATMENT PROPOSED BETWEEN PROJECT LAND USES AND ADJACENT ZONING DISTRICTS;
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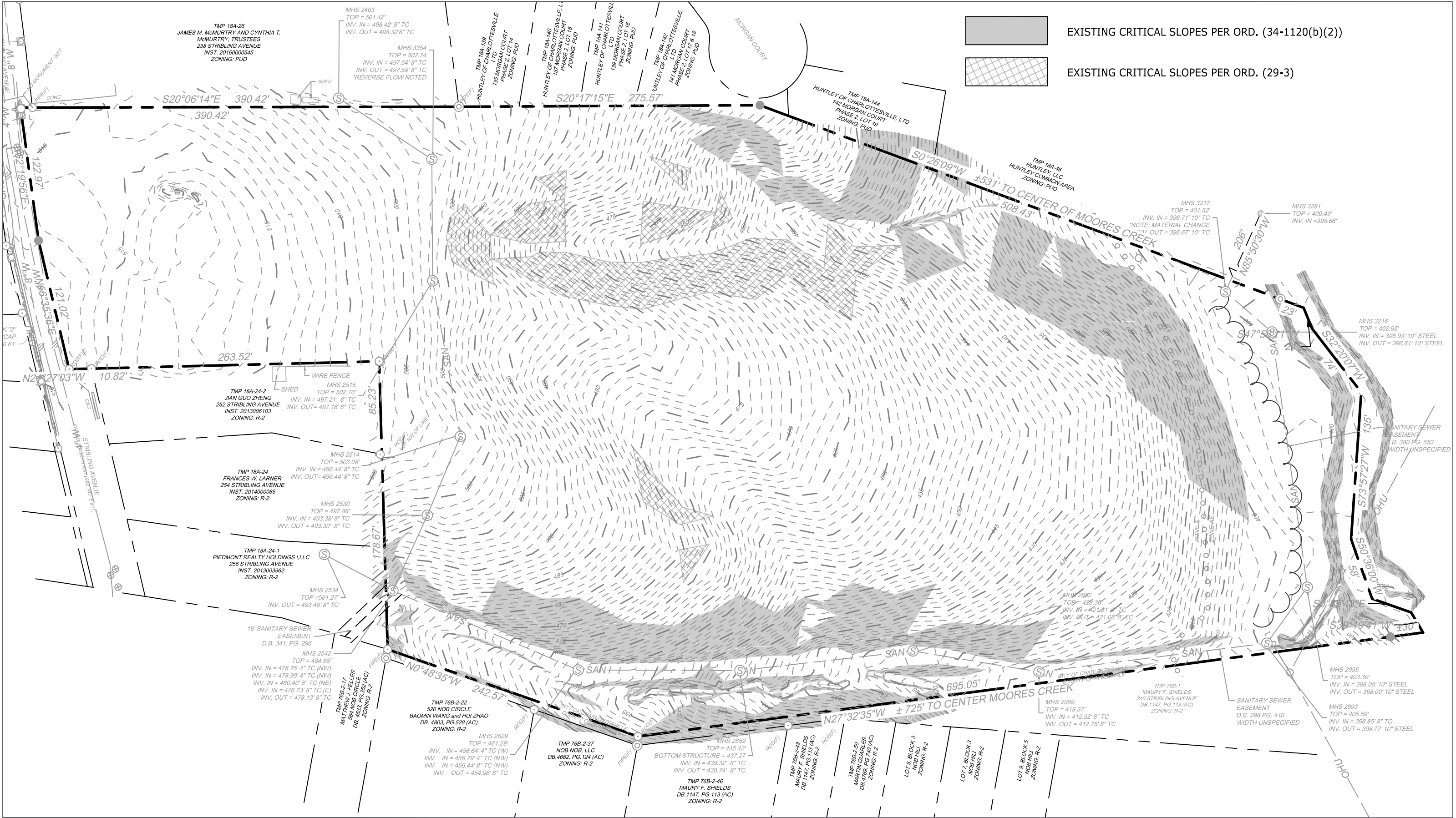
34-517(6)a A PHASING PLAN IF NEEDED. EACH PHASE SHALL INDIVIDUALLY MEET THE REQUIREMENTS OF THIS SECTION.
PAGE 5: PHASING PLAN

34-517(7)a A STATEMENT FROM THE CITY PUBLIC UTILITIES DEPARTMENT VERIFYING WHETHER WATER AND SEWER INFRASTRUCTURE CAPACITY DOES OR DOES NOT EXIST FOR THE PROPOSED LAND USE(S).
ESTIMATED WATER AND SEWER DEMANDS HAVE BEEN PROVIDED TO CITY PUBLIC UTILITIES DEPARTMENT AND ADEQUATE CAPACITY HAS BEEN VERIFIED.

34-517(8)a A STATEMENT FROM THE FIRE MARSHAL VERIFYING WHETHER ADEQUATE FIRE FLOW SERVICE DOES OR DOES NOT EXIST FOR THE PROPOSED LAND USE(S).
THE FIRE FLOW TEST RESULTS HAVE BEEN PROVIDED AND APPROVED BY THE FIRE MARSHAL.

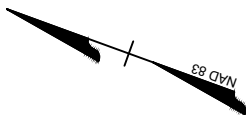
500' RAIDUS FOR ADJACENT PROPERTIES

OWNER	ADDRESS	CITY/STATE	ZIP	PROPERTY ADDRESS
TAPSCOTT TWANNA L	176 BAYLOR LANE	CHARLOTTEVILLE VA	22902	223 STRIBLING AVE A&B
STEGER CHARLES	227 STRIBLING AVE	CHARLOTTEVILLE VA	22903	227 STRIBLING AVE
PAUL GARY A	P O BOX 1396	LOUISA VA	23093	229 STRIBLING AVE
SPRINKIE MATT-FW & KRISTEN WINTERSON	4936 RICHMOND RD	KFSWCK VA	22947	231 STRIBLING AVE
WELLS FARGO BANK NA EX PHYLLIS STEGER ESTATE	1753 PINNACLE DRIVE TH F	MCLEAN VA	22102	233 STRIBLING AVE
CASTEEN BOBBY LEE II & KIM W	6080 BUCK RUXIE ROAD	EARLYSVILLE VA	22936	235 STRIBLING AVE
COWGILL THOMAS & MARGARET SMITH	237 STRIBLING AVENUE	CHARLOTTEVILLE VA	22903	237 STRIBLING AVE
MARSHALL JOHN C	1225 N UTAH ST	ARLINGTON VA	22201	237 STRIBLING AVE
MARSHALL JOHN C	1225 N UTAH ST	ARLINGTON VA	22201	239 STRIBLING AVE
GOCHENOUR GREGORY A & CAROLYN ANN	2115 VAUGHN SUMMIT	LURAY VA	22936	218 STRIBLING AVE
ANAND MANINDER & MONICA	23 S LITTLE CHURCH STREET	PETERSBURG VA	238034430	220 STRIBLING AVE
GOFFREY GREGORY II & SALLY M	2700 MILTON ROAD	CHARLOTTEVILLE VA	22902	222 STRIBLING AVE
SCHILLING ROBERT S & JOAN CARLIN	P O BOX 5471	CHARLOTTEVILLE VA	22905	224 STRIBLING AVE
PIEDMONT REALTY HOLDINGS I LLC	6535 WOODBOURNE LN	CROZET VA	22932	247 STRIBLING AVE
MARSHALL JOHN C	106 ROBERTSON AVE	CHARLOTTEVILLE VA	22903	226 STRIBLING AVE
PIEDMONT REALTY HOLDINGS I LLC	6535 WOODBOURNE LN	CROZET VA	22932	249 STRIBLING AVE
DEMALE MARGARET W TRUSTEE	657 E GHI WOODS LN	CHARLOTTEVILLE VA	22903	248 STRIBLING AVE
PIEDMONT REALTY HOLDINGS I LLC	6535 WOODBOURNE LN	CROZET VA	22932	251 STRIBLING AVE
MACKEY PETER M & LAUREN R	2315 TARLETON DR	CHARLOTTEVILLE VA	22901	230 STRIBLING AVE
PIEDMONT REALTY HOLDINGS I LLC	6535 WOODBOURNE LN	CROZET VA	22932	253 STRIBLING AVE
MUKACSY WILLIAM A III WILLIAM A JR & KARLA	15 KINGSWOOD RD	PALMYRA VA	22965	255 STRIBLING AVE
THIEDE BRIAN P & MICHAEL G	1627 STONEY CREEK DR	CHARLOTTEVILLE VA	22902	234 STRIBLING AVE
RAI S WALTER BROCKE	2655 SOUTHERN HILLS DR	NORTH GARDEN VA	22959	236 STRIBLING AVE
MCURTNEY JAMES M & CYNTHIA T TRUSTEES	13620 SOLTICE CLOSE	M DOTHIAN VA	23113	238 STRIBLING AVE
CARYSGROVE PROPERTIES LLC	503 SUMMIT AVENUE	MAPLEWOOD NJ	070401301	240 STRIBLING AVE
ZHENG JIAN GUO	118 LYONS LN	ROCKERSVILLE VA	22968	252 STRIBLING AVE
LARNER FRANCES W	3011 SLATE HILLS RD	SPERRYVILLE VA	22740	254 STRIBLING AVE
PIEDMONT REALTY HOLDINGS I LLC	6535 WOODBOURNE LN	CROZET VA	22932	256 STRIBLING AVE
RENSHAW ANDREW S	221 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	221 HUNTLEY AVE
VAN HOOK RICHARD & ELIZABETH	223 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22903	223 HUNTLEY AVE
HUFFMAN JOHN I	2515 LAFAYETTE XING	EARLYSVILLE VA	22936	225 HUNTLEY AVE
LATHER LEIGH ANN	227 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	227 HUNTLEY AVE
GOODMAN JUSTIN H &	259 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22903	259 HUNTLEY AVE
BARGER CYRUS PHILIP III	261 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	261 HUNTLEY AVE
HEINER KRISTEN C	249 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22903	249 HUNTLEY AVE
WARREN JESSE M & AMY L	620 RAINIER RD	CHARLOTTEVILLE VA	22903	247 HUNTLEY AVE
THOM CHRISTOPHER D	245 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	245 HUNTLEY AVE
MULLER SARAH E G & KEVIN P	251 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22903	251 HUNTLEY AVE
BENDER TIMOTHY M &	253 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	253 HUNTLEY AVE
CITY OF CHARLOTTESVILLE	P O BOX 911	CHARLOTTEVILLE VA	22902	2 SUNSET AVE
JOHNSON JESS A JR & AMBER A	254 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	254 HUNTLEY AVE
CROCKER ROBERT L JR & DIANE M	250 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22903	250 HUNTLEY AVE
CADY NICHOLAS E & TAYLOR K	246 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	246 HUNTLEY AVE
DUNN CATHERINE S & TYLER C	244 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	244 HUNTLEY AVE
GOODRICH KATHERINE A	242 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	242 HUNTLEY AVE
HUNTLEY JLC	960 HUNTERS PL STE 101	CHARLOTTEVILLE VA	22911	237 STRIBLING AVE
SUN WE & LIPING HUANG	119 MORGAN CT	CHARLOTTEVILLE VA	22903	119 MORGAN CT
CONDI JOHN J JR & GINA T	116 MORGAN CT	CHARLOTTEVILLE VA	22903	116 MORGAN CT
MEUSCH JACOB E & YOKO A	118 MORGAN CT	CHARLOTTEVILLE VA	22903	118 MORGAN CT
PARF TIMOTHY J & ARIKAIL	795 WINTERBERRY DR	FREDRICKSBURG VA	22405	120 MORGAN CT
SWANFORD MARLYN J	122 MORGAN COURT	CHARLOTTEVILLE VA	22903	122 MORGAN CT
WILLIAMS JOSEPH M & ERICA B	124 MORGAN CT	CHARLOTTEVILLE VA	22903	124 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTER'S PLACE STE 101	CHARLOTTEVILLE VA	22911	128 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTER'S PLACE STE 101	CHARLOTTEVILLE VA	22911	130 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTER'S PLACE STE 101	CHARLOTTEVILLE VA	22911	132 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTER'S PLACE STE 101	CHARLOTTEVILLE VA	22911	134 MORGAN CT
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HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTER'S PLACE STE 101	CHARLOTTEVILLE VA	22911	142 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTER'S PLACE STE 101	CHARLOTTEVILLE VA	22911	141 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTER'S PLACE STE 101	CHARLOTTEVILLE VA	22911	139 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTER'S PLACE STE 101	CHARLOTTEVILLE VA	22911	137 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTER'S PLACE STE 101	CHARLOTTEVILLE VA	22911	135 MORGAN CT
HUNTLEY OF CHARLOTTEVILLE LTD	960 HUNTER'S PLACE STE 101	CHARLOTTEVILLE VA	22911	133 MORGAN CT
KOH ELYTA II	123 MORGAN CT	CHARLOTTEVILLE VA	22903	123 MORGAN CT
SWANIK JEREMY W & MARY E	121 MORGAN CT	CHARLOTTEVILLE VA	22903	121 MORGAN CT
RAWLINS JONAS M & AMANDA R	238 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	238 HUNTLEY AVE
WATSON PETER W & KRISTEN S	240 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	240 HUNTLEY AVE
ALONSO CAYTON	257 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	257 HUNTLEY AVE
BREUNAUS ERIC J &	255 HUNTLEY AVENUE	CHARLOTTEVILLE VA	22903	255 HUNTLEY AVE
FRANEL ROHARD & LESLE ANN	241 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	241 HUNTLEY AVE
SPIELMAN MICHAEL J & AIDEN S GOULD	243 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	243 HUNTLEY AVE
GONCZ-SANCHEZ MIRIAM T	236 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	236 HUNTLEY AVE
KEDA KEITA	237 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	237 HUNTLEY AVE
ICE JEFFREY R	235 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	235 HUNTLEY AVE
HUNTER ANNE L CYC	9705 C D DR II TRCF	RICHMOND VA	23236	233 HUNTLEY AVE
EUBANKS WILLIAM A & SANDRA J	231 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	231 HUNTLEY AVE
BAKER RANOLPH M & KAREN A K	229 HUNTLEY AVE	CHARLOTTEVILLE VA	22903	229 HUNTLEY AVE

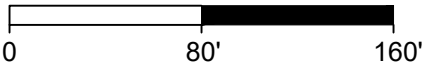


EXISTING CONDITIONS

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240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



SCALE 1"=80'



Objectives (Charlottesville Ordinance Sect. 34-490)

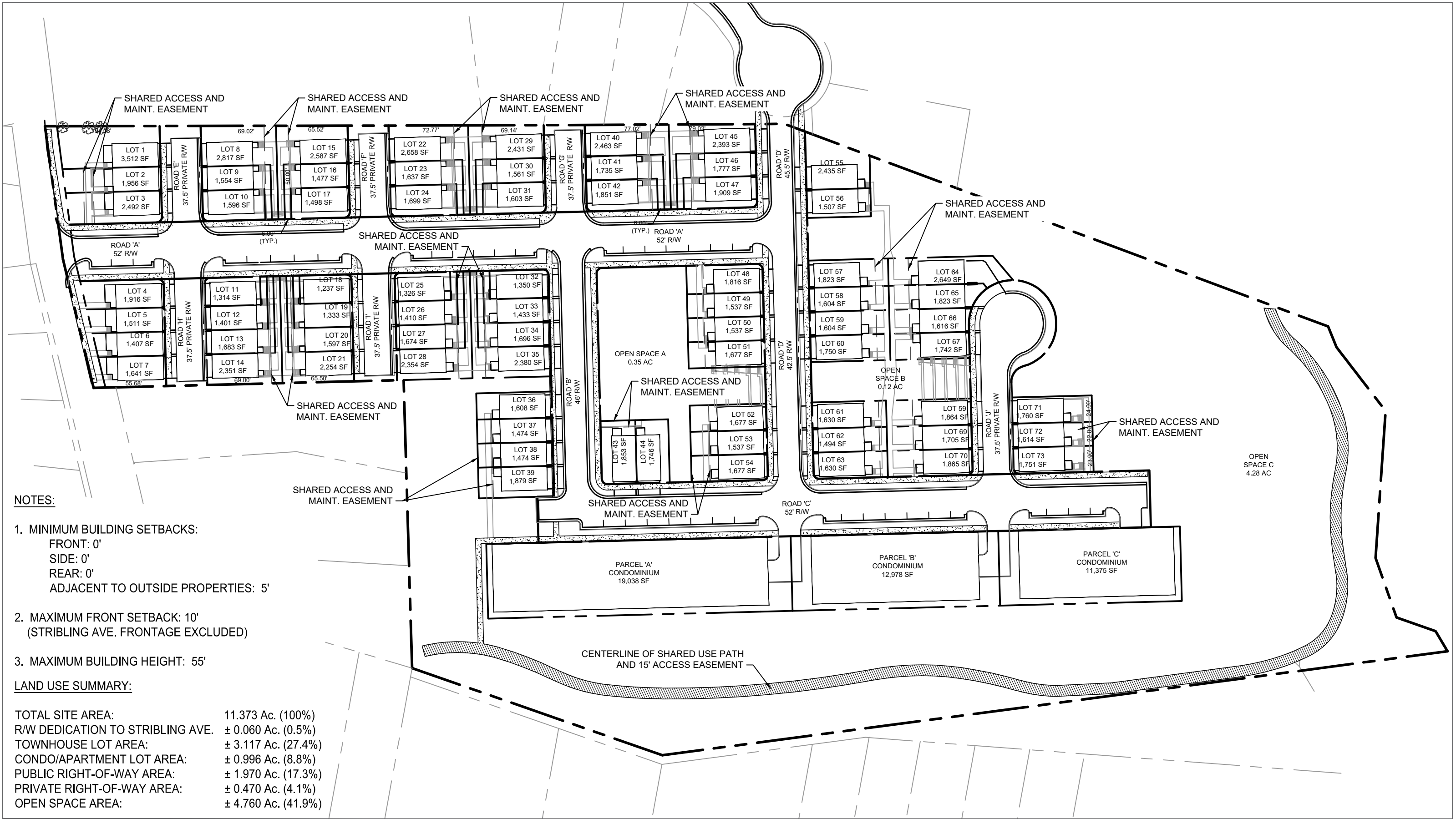
1	To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations than would otherwise govern;	This proposal includes more housing than would be allowed by right. It provides a mix of dwellings-- including affordable units—that encourage a heterogeneous community.
2	To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design;	The street layouts and building densities adopt an urban strategy without erasing the site’s existing sylvan character. In addition to preserving swaths of wooded land along creeks and ravines, this neighborhood proposes an interconnected band of smaller common spaces. These cascade from roughly the middle of the site down to the floodplain. They provide a recreational corridor that-- except for occasional alley crossings-- is free of traffic. They are terraced and allow a degree of partition: at the bottom green, kids can throw a football; at the green to its north, residents sit and talk; while at the top, families can set up a canopy and have a bar-b-que. Yet even with the separation provided by elevation level and alleyways, the greens are grouped together to enhance views. Shortly after entering the neighborhood on Carrsgrove Drive, a visual corridor opens all the way through the entire property down to the bottom land. The greens insinuate themselves in what would otherwise be a repetitious rank and file of townhomes. They contribute to a rich environment of outdoor space-- creating larger vistas and common ground that expand on the private porches and gardens of the smaller mews spaces.
3	To promote a variety of housing types, or, within a development containing only a single housing type, to promote inclusion of houses of various sizes;	Three housing types are proposed: duplexes, townhouses and apartments/condos.
4	To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;	The dwellings assume a compact arrangement. Apartment buildings are arrayed along the west half of the site, where they are not readily seen from Stribling Avenue. Townhomes are situated in areas closest to the existing PUD at Huntley, as well as the existing SFD, duplex and townhomes on Stribling Ave. By and large, the buildings are concentrated in the middle of the site, avoiding and preserving critical slopes, flood plains and stream buffers.
5	To provide for developments designed to function as cohesive, unified projects;	The dense weaving of shared green spaces, pathways and streets encourages connection and visibility among the residents. The abundance of porches and balconies provides subtle, comfortable transitions between private space and public.
6	To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;	At the front of the site townhomes 2 ½ to 3 stories tall line Stribling Avenue. They are not out of scale or character with their surroundings. While parallel parking spaces are provided along one side of the main thoroughfares, the bulk of parking is located under buildings, out of view. The townhomes assume a mews arrangement. Typically their front facades face one another across landscaped gardens, while at the rear, alleys provide vehicle access.
7	To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;	Mature hardwood trees, especially along the western slopes and floodplain, remain. The footpath that currently exists along the west and south boundary is retained. While grading will be necessary, the essential lay of the land remains intact. The floodplain is preserved. As much as possible, the boundary vegetation is preserved.
8	To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development;	The architecture is characterized by certain forms and materials consistent across the development, and familiar within the surrounding neighborhood. Subtle variations of massing, wall openings and colors reduce repetition, inviting heterogeneity while maintaining coherence.
9	To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;	Sidewalks follow both sides of the main streets within the site. Paths and entries into buildings connect directly to these sidewalks. Canopies, front doors and front porches give clear, visible indications of entry points to all buildings and domiciles.
10	To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.	Proposed widening of Stribling Avenue along the north side of the property adjacent to the primary street entry allows better access by public transit vehicles than would be the case without this development. Improvements to Stribling also provide safer conditions for pedestrians, cyclists and wheel-chair-users, allowing more space and greater visibility. Sidewalks and planting buffers within the site further enhance safety and ease of movement.

240 STRIBLING AVE

PUD Narrative

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ARCHITECTS AND URBAN PLANNERS
CHARLOTTESVILLE, VA 434-979-7550

NARRATIVE PER 34-517(2)



NOTES:

1. MINIMUM BUILDING SETBACKS:
FRONT: 0'
SIDE: 0'
REAR: 0'
ADJACENT TO OUTSIDE PROPERTIES: 5'
2. MAXIMUM FRONT SETBACK: 10'
(STRIBLING AVE. FRONTAGE EXCLUDED)
3. MAXIMUM BUILDING HEIGHT: 55'

LAND USE SUMMARY:

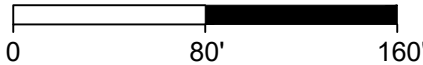
TOTAL SITE AREA:	11.373 Ac. (100%)
R/W DEDICATION TO STRIBLING AVE.	± 0.060 Ac. (0.5%)
TOWNHOUSE LOT AREA:	± 3.117 Ac. (27.4%)
CONDO/APARTMENT LOT AREA:	± 0.996 Ac. (8.8%)
PUBLIC RIGHT-OF-WAY AREA:	± 1.970 Ac. (17.3%)
PRIVATE RIGHT-OF-WAY AREA:	± 0.470 Ac. (4.1%)
OPEN SPACE AREA:	± 4.760 Ac. (41.9%)

LAND USE PLAN

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240 STRIBLING AVENUE - APRIL 28, 2020
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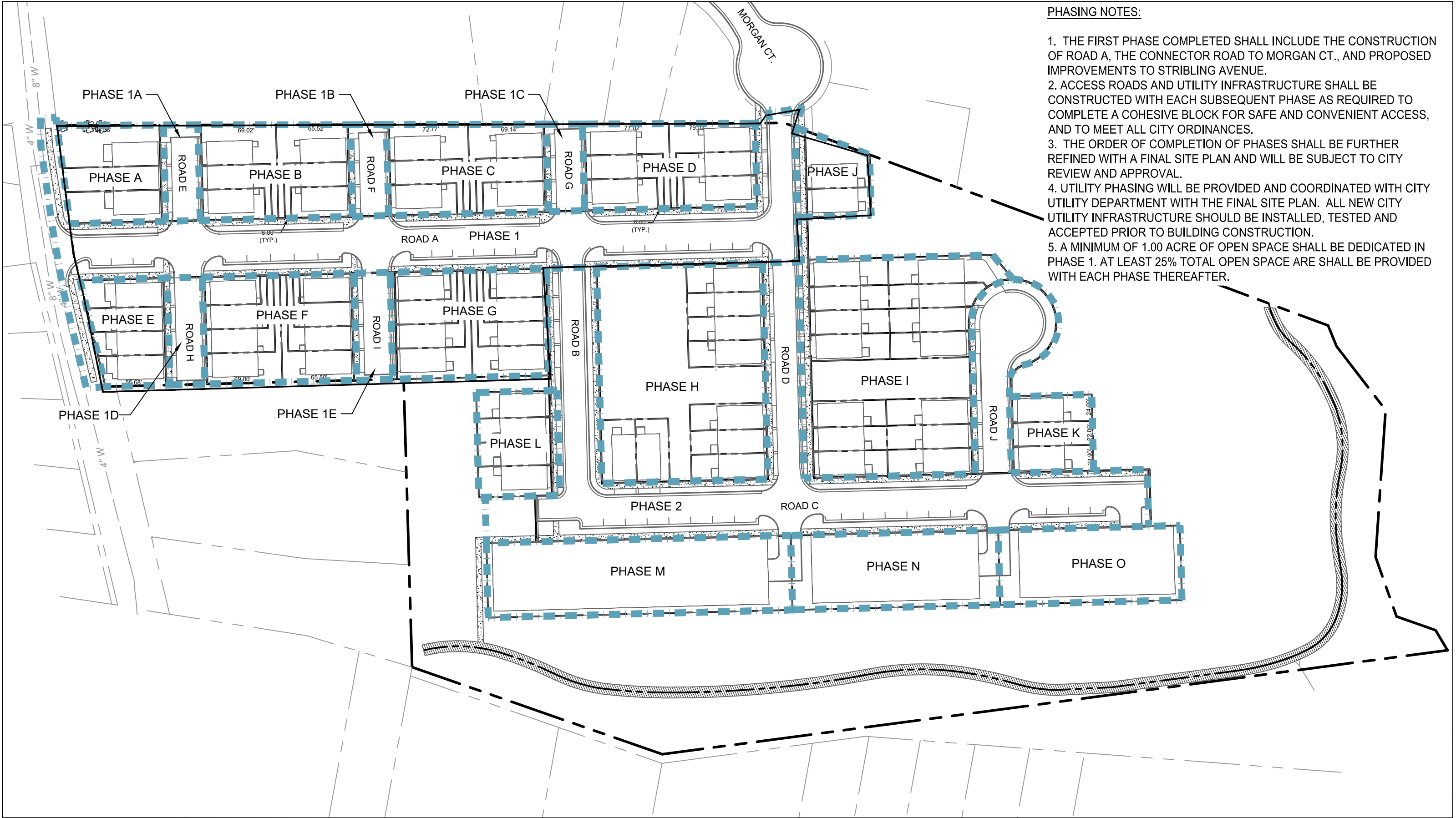


SCALE 1"=80'



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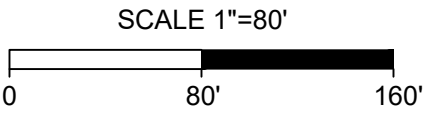
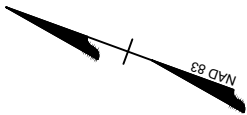


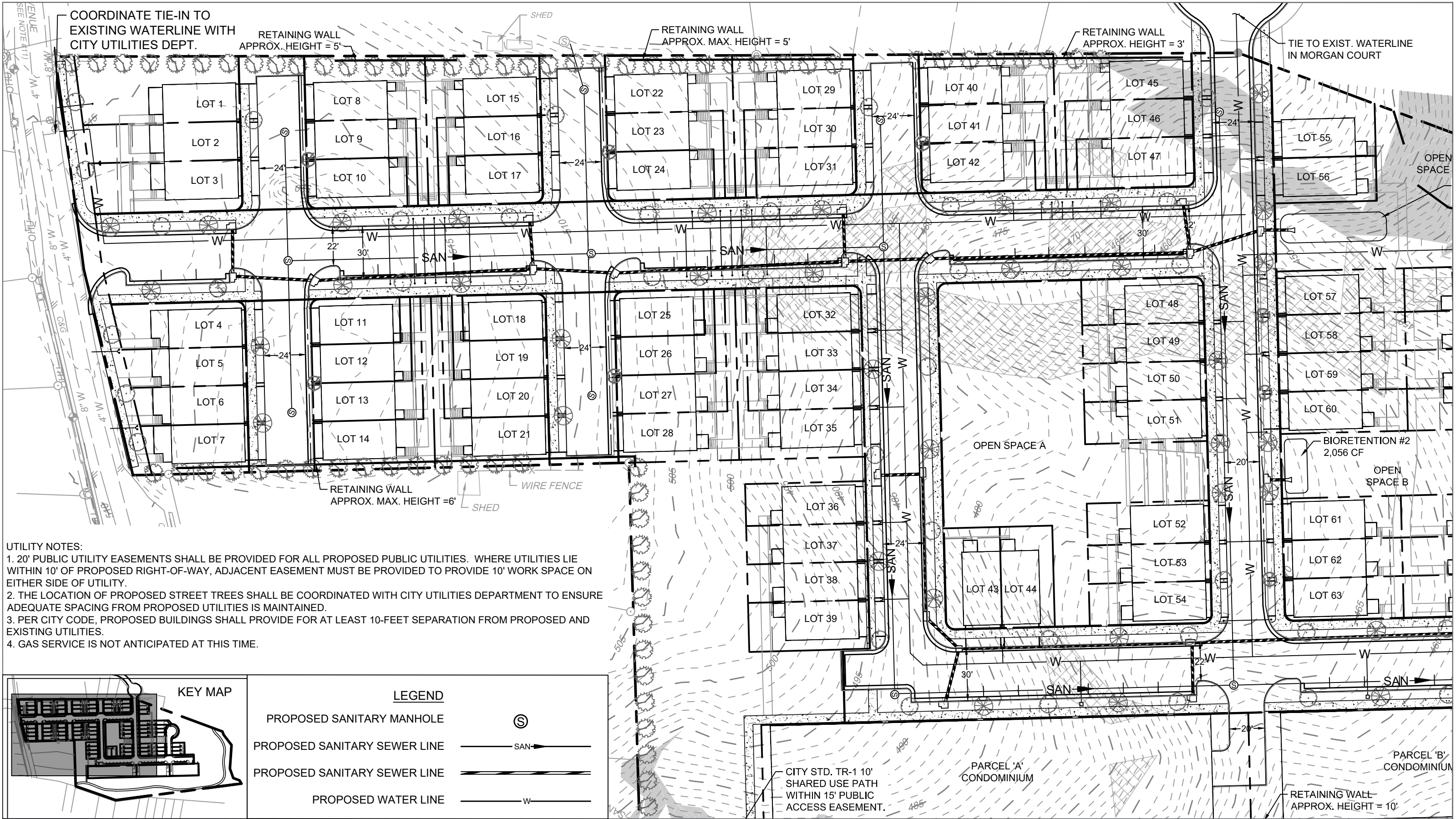


- PHASING NOTES:**
1. THE FIRST PHASE COMPLETED SHALL INCLUDE THE CONSTRUCTION OF ROAD A, THE CONNECTOR ROAD TO MORGAN CT., AND PROPOSED IMPROVEMENTS TO STRIBLING AVENUE.
 2. ACCESS ROADS AND UTILITY INFRASTRUCTURE SHALL BE CONSTRUCTED WITH EACH SUBSEQUENT PHASE AS REQUIRED TO COMPLETE A COHESIVE BLOCK FOR SAFE AND CONVENIENT ACCESS, AND TO MEET ALL CITY ORDINANCES.
 3. THE ORDER OF COMPLETION OF PHASES SHALL BE FURTHER REFINED WITH A FINAL SITE PLAN AND WILL BE SUBJECT TO CITY REVIEW AND APPROVAL.
 4. UTILITY PHASING WILL BE PROVIDED AND COORDINATED WITH CITY UTILITY DEPARTMENT WITH THE FINAL SITE PLAN. ALL NEW CITY UTILITY INFRASTRUCTURE SHOULD BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BUILDING CONSTRUCTION.
 5. A MINIMUM OF 1.00 ACRE OF OPEN SPACE SHALL BE DEDICATED IN PHASE 1. AT LEAST 25% TOTAL OPEN SPACE ARE SHALL BE PROVIDED WITH EACH PHASE THEREAFTER.

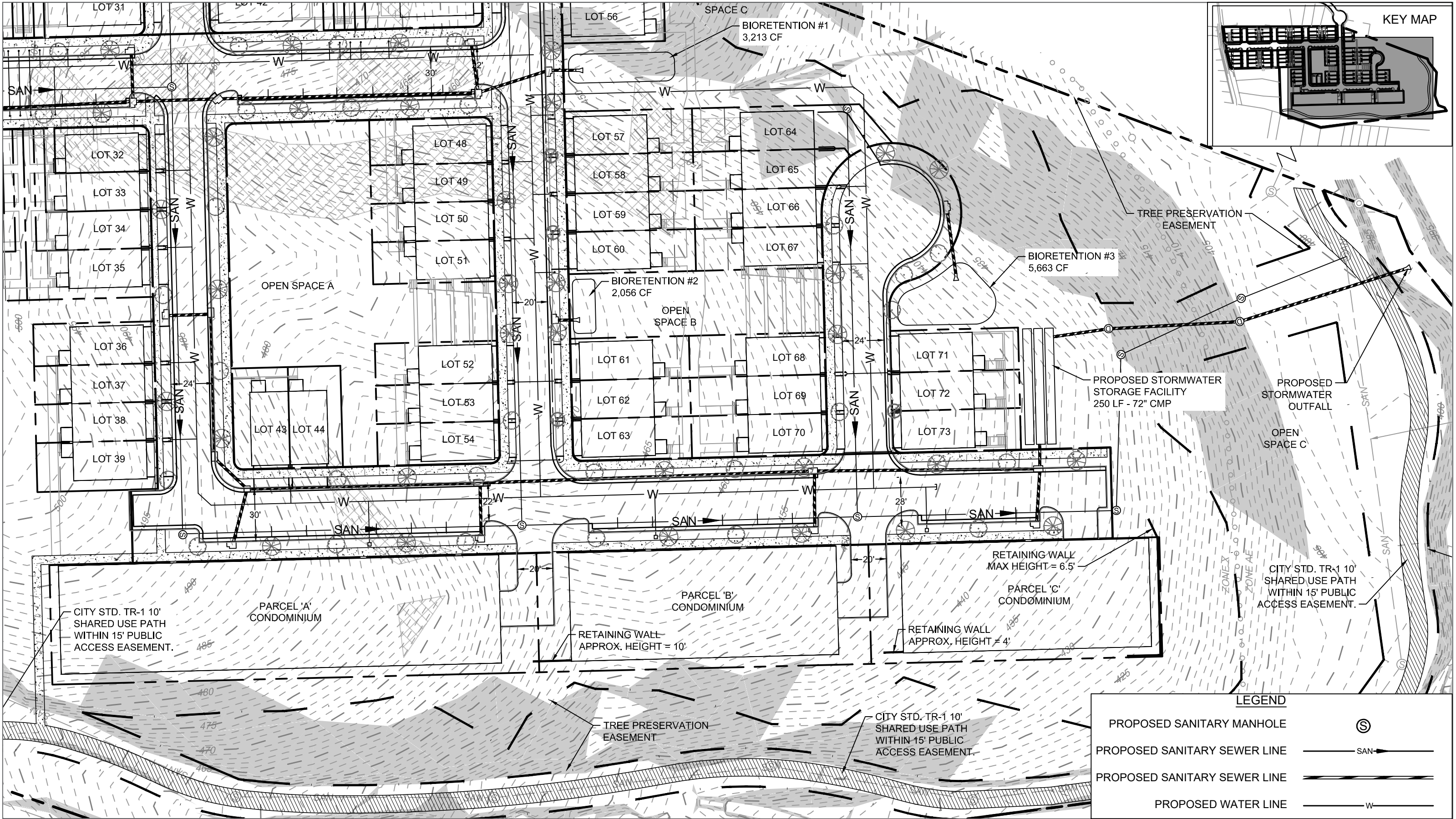
PHASING PLAN

PAGE 5 OF 17
240 STRIBLING AVENUE - APRIL 28, 2020
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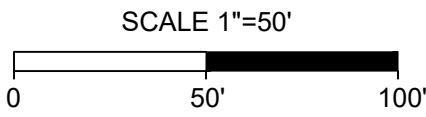
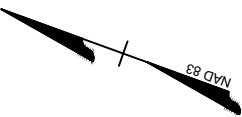


CONCEPTUAL DEVELOPMENT PLAN



CONCEPTUAL DEVELOPMENT PLAN

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240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021

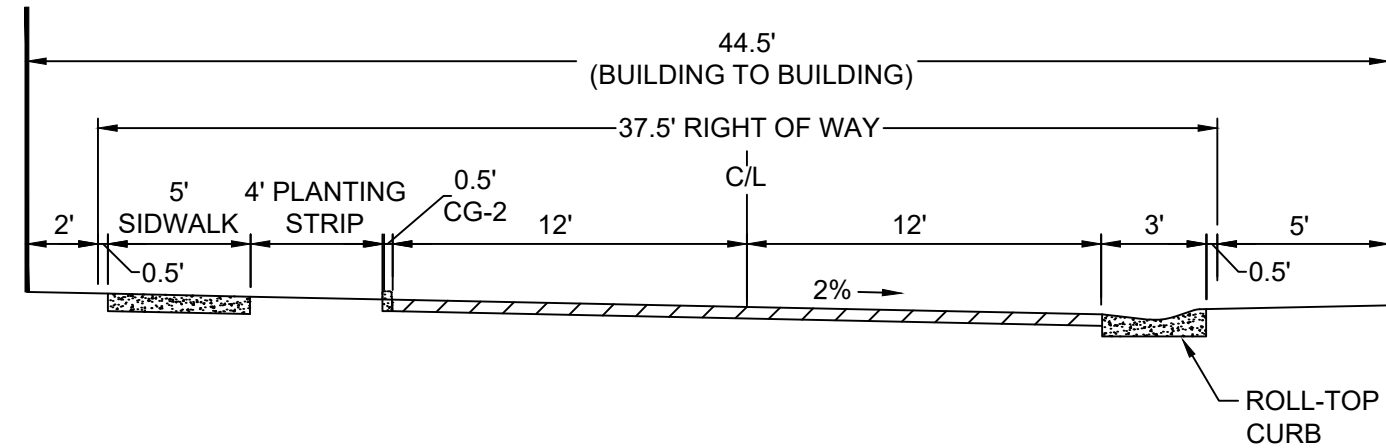


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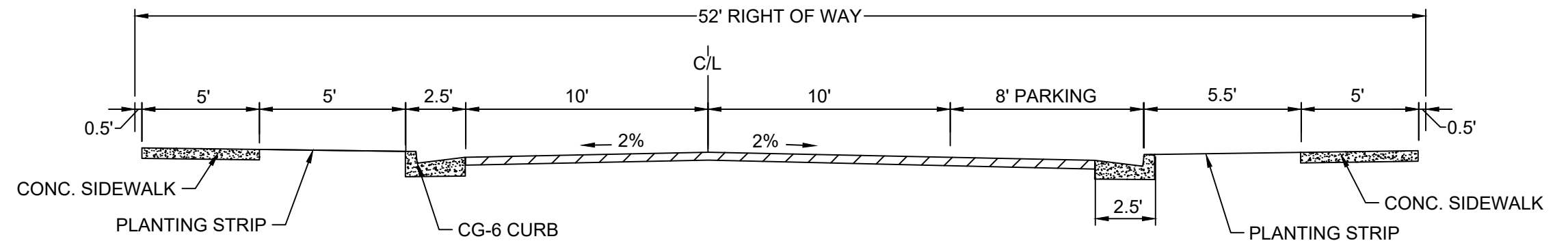


ROADS E, F, G, H, I, J PRIVATE STREET

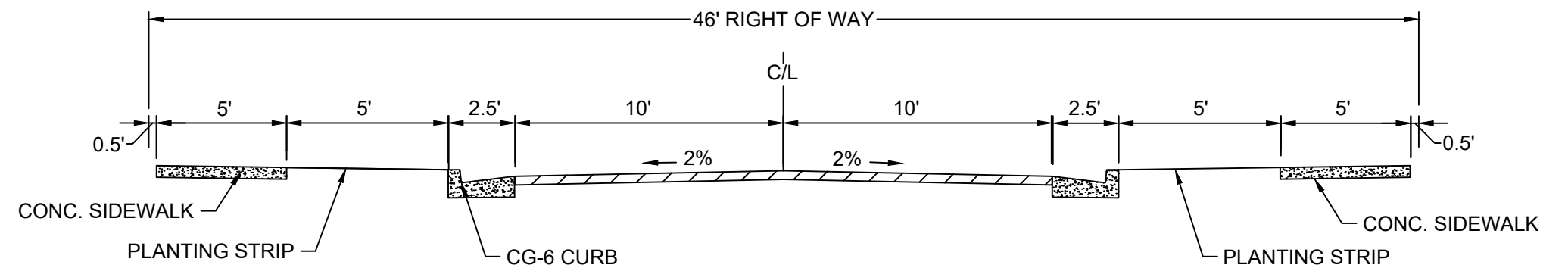
NOTE: STREETS E-J MEET ACCESS DESIGN
STANDARDS FOR TOWNHOMES PER CITY
ZONING ORDINANCE SEC. 34-390.



ROADS A, AND C LOCAL STREET - PUBLIC RIGHT-OF-WAY

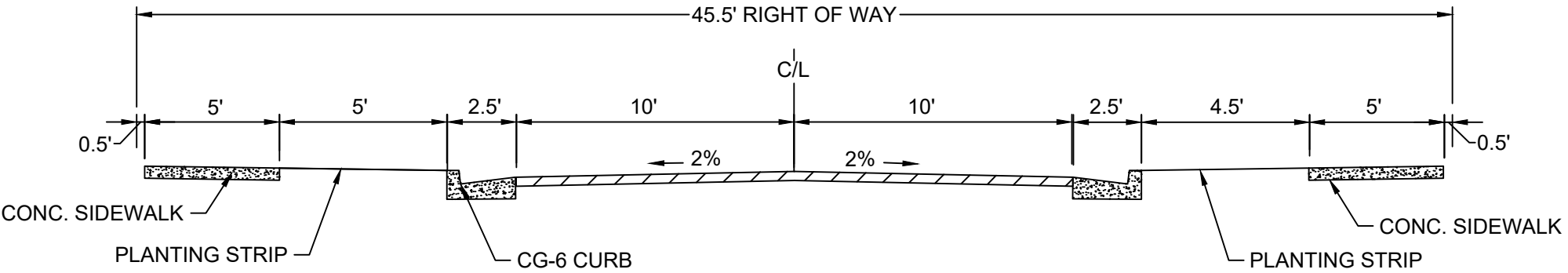


ROAD B LOCAL STREET - PUBLIC RIGHT-OF-WAY

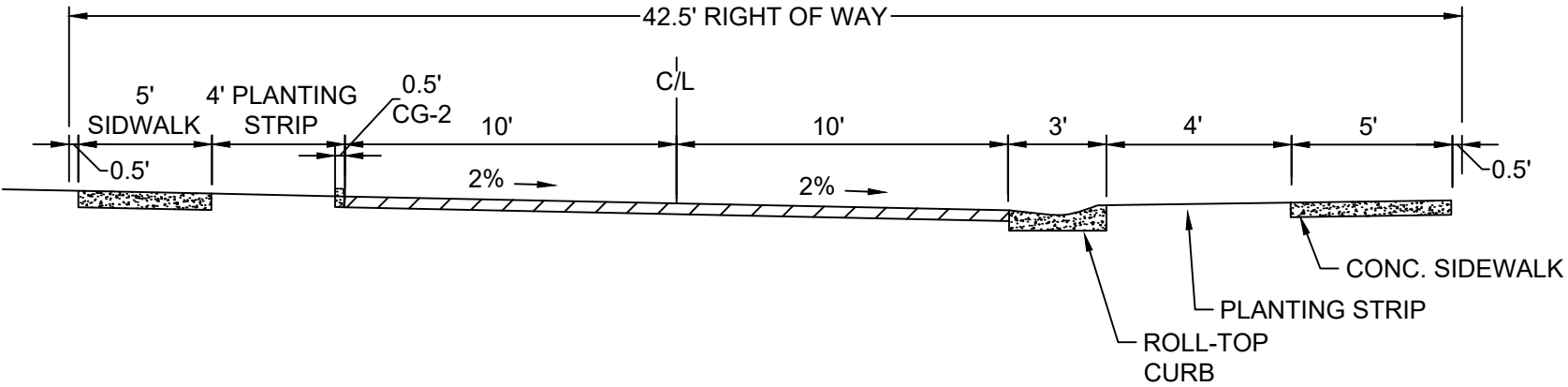


PROPOSED ROAD SECTIONS

ROAD D (NORTH OF ROAD A) LOCAL STREET - PUBLIC RIGHT-OF-WAY



ROAD D (SOUTH OF ROAD A) LOCAL STREET - PUBLIC RIGHT-OF-WAY



PROPOSED ROAD SECTIONS

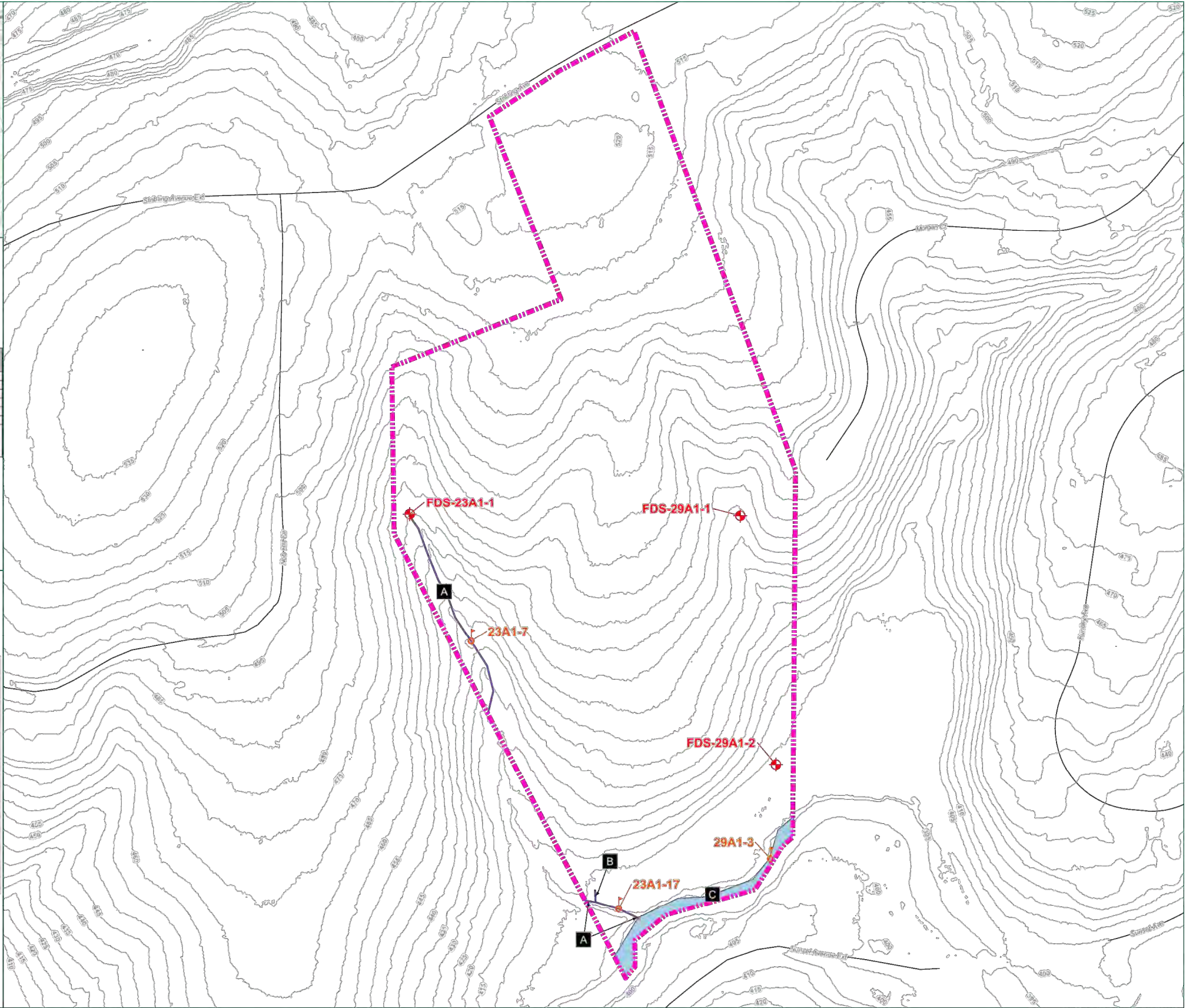


Wetland Classification	Confirmation								Observed Vegetation
	PFO (sq ft)	PSS (sq ft)	PEM (sq ft)	POW (sq ft)	R1 (ft)	R2 (ft)	R3 (ft)	R4 (ft)	
A								400	NTNV
B								17	NTNV
C						353			NTNV
Total	0	0	0	0		353	417	0	0
Total Wetland Area =					0 sq ft				
Total Stream Length =					770 ft				

* T=Tidal, N=Non-tidal, V=Vegetated, NV=Non-Vegetated, PFO=Palustrine Forested Wetland, PSS=Palustrine Scrub-Shrub Wetland, PEM=Palustrine Emergent Wetland, POW=Palustrine Open Water, E=Estuarine Intertidal Wetlands, R1=Upper Perennial Streams, R2=Intermittent Streams, R3=Perennial Streams, R4=Ephemeral Streams

Legend

- Project Study Limits - 11.4 Acres
- Stream Identifier
- Flag
- Field Data Station
- Perennial Stream (R3)
- Intermittent Stream (R4)
- Topographic Contours - 5 Feet



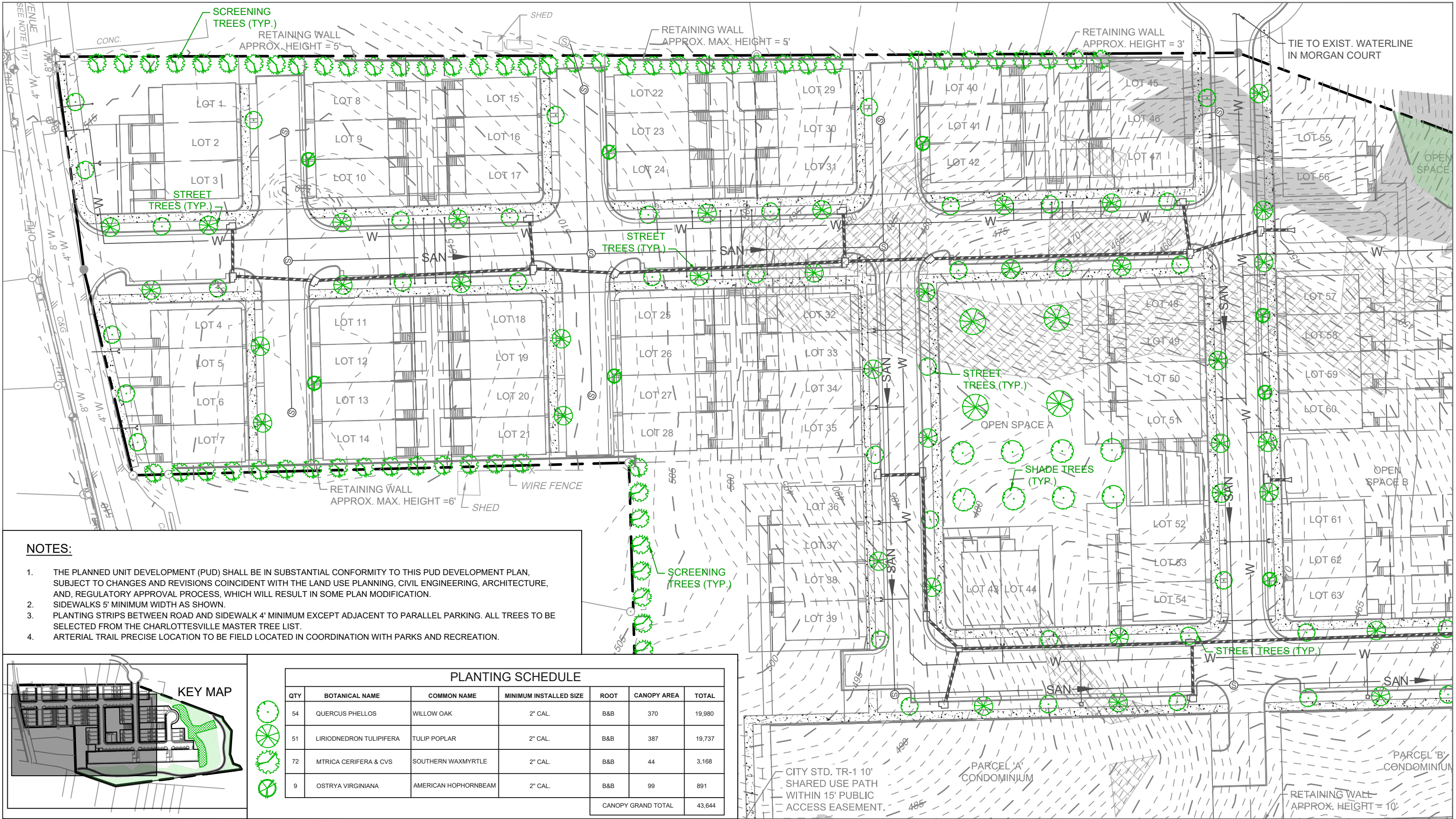
NOTE: NO CULTURAL FEATURES OR LANDMARKS WERE FOUND ON SITE.

ENVIRONMENTAL FEATURES

PAGE 10 OF 17
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021

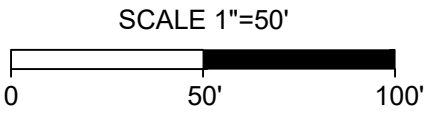
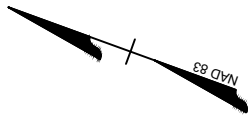
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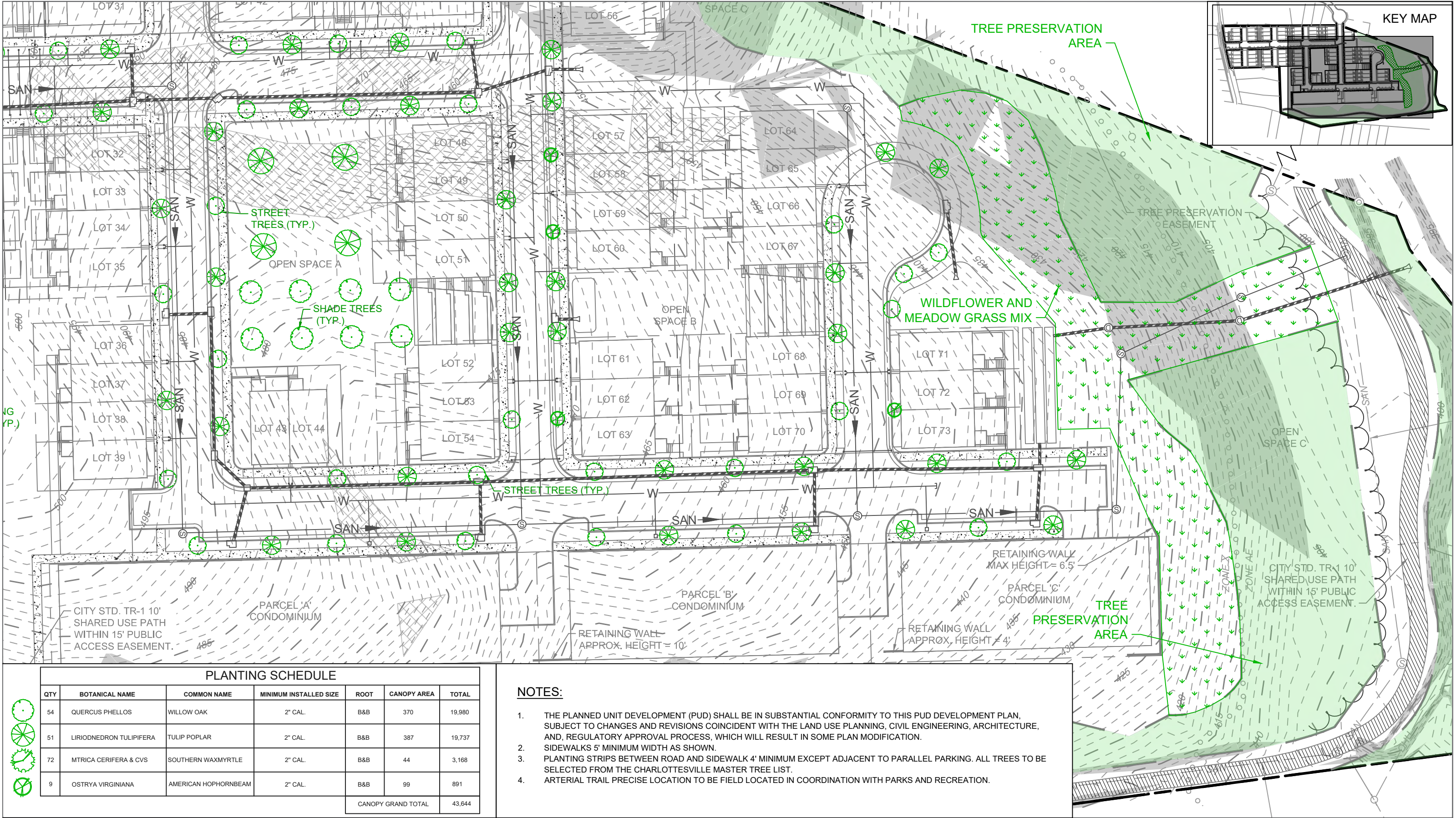
LANDSCAPE PLAN

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240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021; OCTOBER 8, 2021



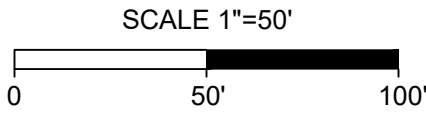
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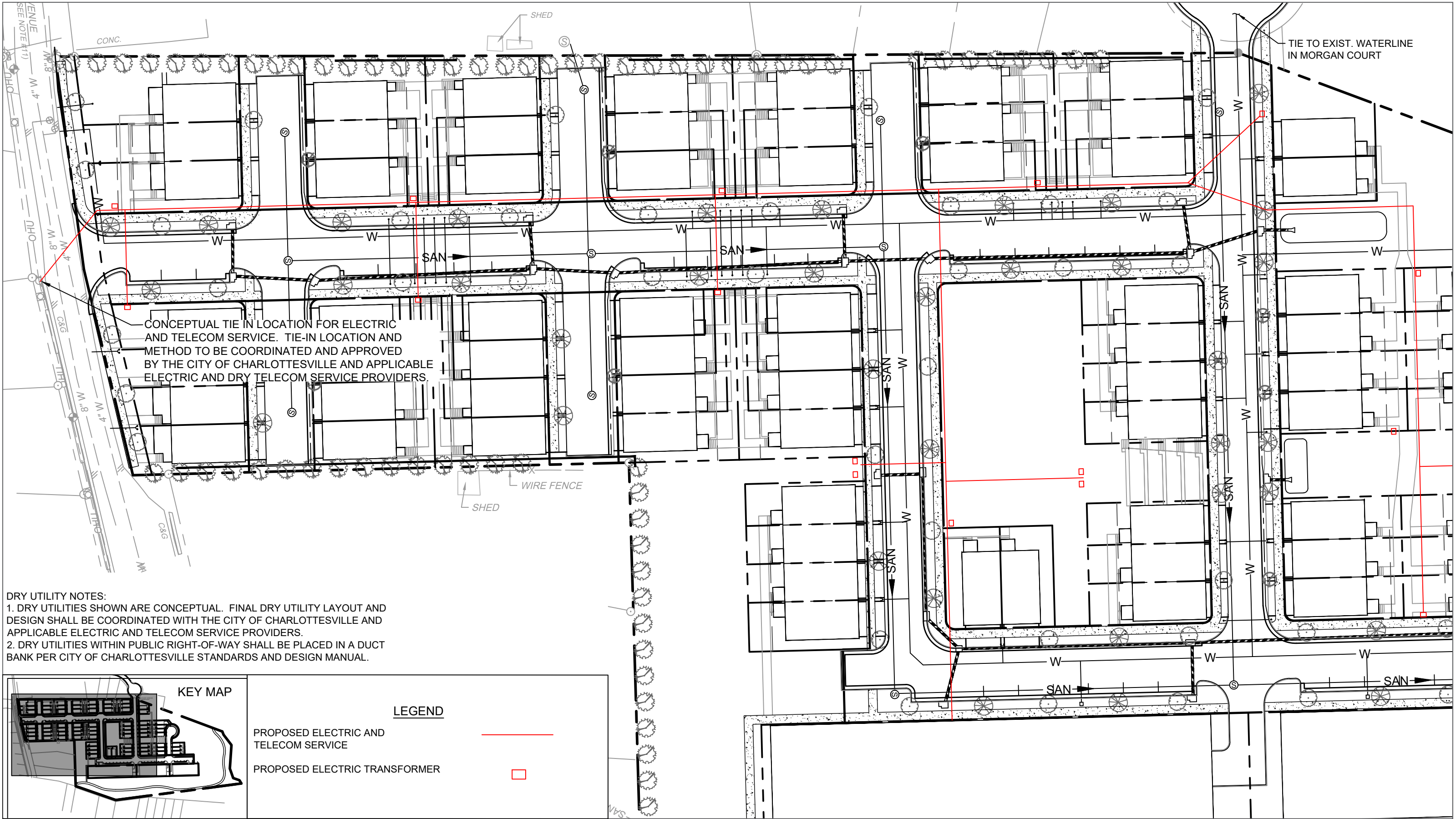
LANDSCAPE PLAN

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240 STRIBLING AVENUE - APRIL 28, 2020
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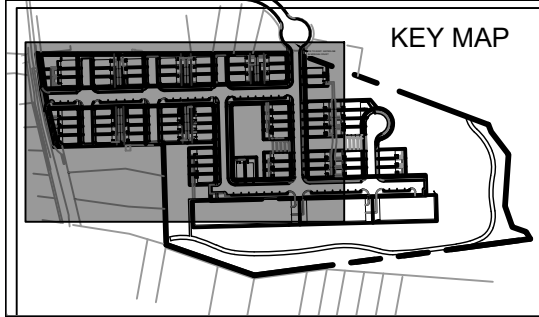


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TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.



DRY UTILITY NOTES:
1. DRY UTILITIES SHOWN ARE CONCEPTUAL. FINAL DRY UTILITY LAYOUT AND DESIGN SHALL BE COORDINATED WITH THE CITY OF CHARLOTTESVILLE AND APPLICABLE ELECTRIC AND TELECOM SERVICE PROVIDERS.
2. DRY UTILITIES WITHIN PUBLIC RIGHT-OF-WAY SHALL BE PLACED IN A DUCT BANK PER CITY OF CHARLOTTESVILLE STANDARDS AND DESIGN MANUAL.



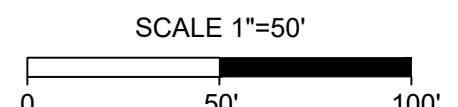
LEGEND

PROPOSED ELECTRIC AND TELECOM SERVICE

PROPOSED ELECTRIC TRANSFORMER

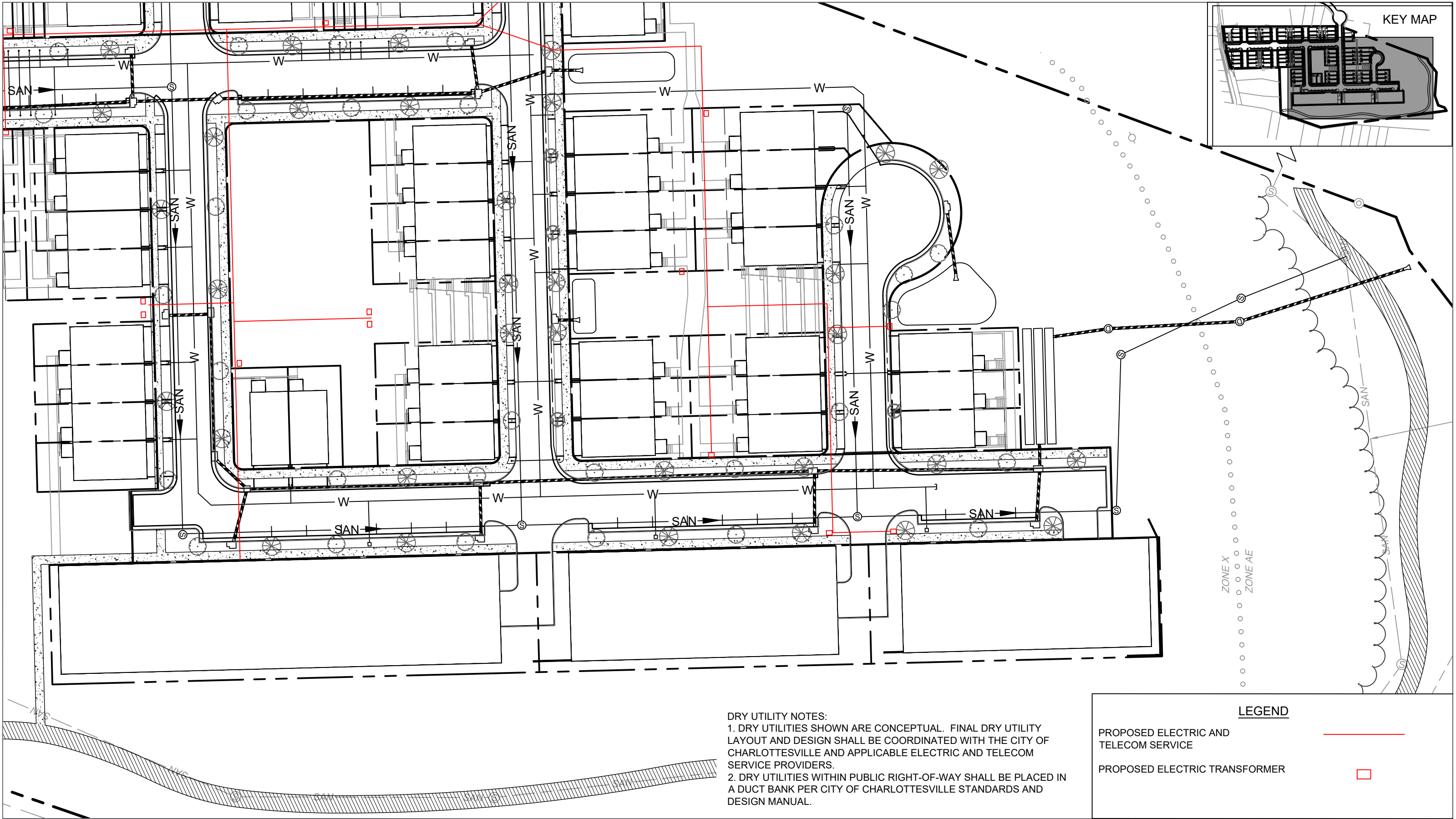
CONCEPTUAL DRY UTILITY PLAN

SHEET 13 OF 17
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



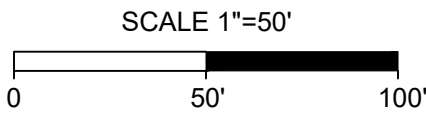
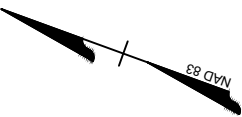
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CONCEPTUAL DRY UTILITY PLAN

SHEET 14 OF 17
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



Use Types			
	PUD	Existing Zoning - R-1S (for reference)	Existing Zoning - R-2 (for reference)
RESIDENTIAL AND RELATED USES			
Accessory apartment, internal	P	P	P
Accessory apartment, external	P	P	P
Accessory buildings, structures and uses	B	B	B
Adult assisted living			
1—8 residents	B	B	B
Greater than 8 residents			
Adult day care			
Amateur radio antennas, to a height of 75 ft.	B	B	B
Bed-and-breakfast:			
Homestay	B	B	B
B & B			
Inn			
Boarding: fraternity and sorority house			
Boarding house (rooming house)			
Convent/monastery	S	S	S
Criminal justice facility			
Dwellings:			
Multifamily	B		
Single-family attached	B		B
Single-family detached	B	B	B
Rowhouse/Townhouse	B		
Two-family	B		B
Family day home			
1—5 children	B	B	B
6—12 children	S	S	S
Home occupation	P	P	P
Manufactured home park			
Night watchman's dwelling unit, accessory to industrial use			
Nursing homes			
Occupancy, residential			
3 unrelated persons	B	B	B
4 unrelated persons	B	B	B
Residential density (developments)			
Maximum of 15 DUA	B		
22—43 DUA			
44—64 DUA			
65—87 DUA			
88—200 DUA			
Residential treatment facility			
1—8 residents	B	B	B
8+ residents			S
Shelter care facility			
Single room occupancy facility			
Temporary family health care structure	T	T	T
NON-RESIDENTIAL: GENERAL and MISC. COMMERCIAL			
Access to adjacent multifamily, commercial, industrial or mixed-use development or use			
Accessory buildings, structures and uses			
Amusement center			
Amusement enterprises (circuses, carnivals, etc.)			
Amusement park (putt-putt golf; skateboard parks, etc.)			
Animal boarding/grooming/kennels:			
With outside runs or pens			
Without outside runs or pens			
Animal shelter			
Art gallery:			
GFA 4,000 SF or less			
GFA up to 10,000 SF			

Use Types			
	PUD	Existing Zoning - R-1S (for reference)	Existing Zoning - R-2 (for reference)
Art studio, GFA 4,000 SF or less			
Art workshop			
Assembly (indoor)			
Arena, stadium (enclosed)			
Auditoriums, theaters			
Houses of worship	B	B	B
Assembly (outdoor)			
Amphitheater			
Stadium (open)			
Temporary (outdoor church services, etc.)	T	T	T
Assembly plant, handcraft			
Assembly plant			
Automobile uses:			
Gas station			
Parts and equipment sales			
Rental/leasing			
Repair/servicing business			
Sales			
Tire sales and recapping			
Bakery, wholesale			
GFA 4,000 SF or less			
GFA up to 10,000 SF			
Banks/ financial institutions			
Bowling alleys			
Car wash			
Catering business			
Cemetery	S	S	S
Clinics:			
Health clinic (no GFA limit)			
Health clinic (up to 10,000 SF, GFA)			
Health clinic (up to 4,000 SF, GFA)			
Public health clinic			
Veterinary (with outside pens/runs)			
Veterinary (without outside pens/runs)			
Clubs, private	S	S	S
Communications facilities and towers:			
Antennae or microcells mounted on existing towers established prior to 02/20/01	B	B	B
Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure	B	B	B
Attached facilities not visible from any adjacent street or property	B	B	B
Attached facilities visible from an adjacent street or property			
Alternative tower support structures			
Monopole tower support structures			
Guyed tower support structures			
Lattice tower support structures			
Self-supporting tower support structures			
Contractor or tradesman's shop, general			
Crematorium (independent of funeral home)			
Data center			
Daycare facility	S	S	S
Dry cleaning establishments			
Educational facilities (non-residential)			
Elementary	S	S	S
High schools	S	S	S
Colleges and universities	S	S	S
Artistic up to 4,000 SF, GFA			
Artistic up to 10,000 SF, GFA			
Vocational, up to 4,000 SF, GFA			
Vocational, up to 10,000 SF, GFA			

MATRIX OF USE TYPES

Use Types			
	PUD	Existing Zoning - R-1S (for reference)	Existing Zoning - R-2 (for reference)
Electronic gaming café			
Funeral home (without crematory)			
GFA 4,000 SF or less			
GFA up to 10,000 SF			
Funeral homes (with crematory)			
GFA 4,000 SF or less			
GFA up to 10,000 SF			
Golf course			
Golf driving range			
Helipad			
Hospital			
Hotels/motels:			
Up to 100 guest rooms			
100+ guest rooms			
Laundromats			
Libraries		B	B
Manufactured home sales			
Microbrewery			
Mobile food units			
Movie theaters, cineplexes			
Municipal/governmental offices, buildings, courts	S	S	S
Museums:			
Up to 4,000 SF, GFA			
Up to 10,000 SF, GFA			
Music halls			
Offices:			
Business and professional			
Medical			
Philanthropic institutions/agencies			
Property management			
Other offices (non-specified)			
Outdoor storage, accessory			
Parking:			
Parking garage	A		
Surface parking lot	A		
Surface parking lot (more than 20 spaces)	A		
Temporary parking facilities	A		
Photography studio			
Photographic processing; blueprinting			
Radio/television broadcast stations			
Recreational facilities:			
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc.	B	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc.	B	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private)	B	S	S
Restaurants:			
Dance hall/all night			
Drive-through windows			
Fast food			
Full service			
24-hour			
Taxi stand			
Towing service, automobile			
Technology-based businesses			
Transit facility			
Utility facilities	S	S	S
Utility lines	B	B	B
NON-RESIDENTIAL USES: RETAIL			
Accessory buildings, structures and uses			

Use Types			
	PUD	Existing Zoning - R-1S (for reference)	Existing Zoning - R-2 (for reference)
Consumer service businesses:			
Up to 4,000 SF, GFA			
Up to 10,000 SF, GFA			
10,001+ GFA			
Farmer's market			
Greenhouses/nurseries			
Grocery stores:			
Convenience			
General, up to 10,000 SF, GFA			
General, 10,001+ SF, GFA			
Home improvement center			
Pharmacies:			
1—1,700 SF, GFA			
1,701—4,000 SF, GFA			
4,001+ SF, GFA			
Shopping centers			
Shopping malls			
Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.)			
Other retail stores (non-specified):			
Up to 4,000 SF, GFA			
Up to 20,000 SF GFA			
20,000+ SF, GFA			
NON-RESIDENTIAL: INDUSTRIAL			
Accessory buildings, structures and uses			
Assembly, industrial			
Beverage or food processing, packaging and bottling plants			
Brewery and bottling facility			
Compounding of cosmetics, toiletries, drugs and pharmaceutical products			
Construction storage yard			
Contractor or tradesman shop (HAZMAT)			
Frozen food lockers			
Greenhouse/nursery (wholesale)			
Industrial equipment: service and repair			
Janitorial service company			
Kennels			
Laboratory, medical			
<4,000 sq. ft.			
Laboratory, pharmaceutical			
<4,000 sq. ft.			
Landscape service company			
Laundries			
Manufactured home sales			
Manufacturing, light			
Medical laboratories			
Moving companies			
Pharmaceutical laboratories			
Printing/publishing facility			
Open storage yard			
Outdoor storage, accessory to industrial use			
Research and testing laboratories			
Self-storage companies			
Warehouses			
Welding or machine shop			
Wholesale establishments			

A = ANCILLARY USE
B = BY RIGHT USE
CR = COMMERCIAL/RESIDENTIAL
A/S = ANCILLARY OR SPECIAL USE PERMIT
DUA = DWELLING UNITS PER ACRE
GFA = GROSS FLOOR AREA

MFD = MULTIFAMILY DEVELOPMENT
P = PROVISIONAL USE PERMIT
T = TEMPORARY USE PERMIT

MATRIX OF USE TYPES

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-20-)
STATEMENT OF FINAL PROFFER CONDITIONS
For the 240 Stribling PUD
Dated as of August 19, 2021

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned limited liability company is the owner of land ("Owner") subject to the above-referenced rezoning petition ("Subject Property"). The Owner seeks to amend the current zoning of the Subject Property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner seeks approval of a PUD as set forth within a Development Plan for a planned unit development to be known as the "240 Stribling Avenue PUD", said PUD Development Plan being dated April 28, 2020, Revised June 11, 2021, containing 17 pages, total, submitted with the Owner's Rezoning Application.

The Owner hereby proffers and agrees that if the Subject Property is rezoned as requested, the Subject Property will be developed in general accordance with, and the Owner will abide by, the approved 240 Stribling Avenue PUD Development Plan, and that the Subject Property shall also be subject to the following conditions:

1. The Owner shall establish affordable housing within the Subject Property, as follows:
 - a. For the purposes of this Proffer, the term "Affordable Dwelling Unit" means a dwelling unit reserved for occupancy by a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is sixty percent (60%) or less than of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD).
 - b. Fifteen percent (15%) of all dwelling units constructed within the area of the Subject Property shall be Affordable Dwelling Units ("Required Affordable Dwelling Units"). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the PUD ("Initial Designation"). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as Affordable Dwelling Units, and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for rental to low- and moderate-income households ("Rental Affordable Dwelling Units"). Each of the Rental Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City's building official ("Rental Affordability Period"). All Rental Affordable Dwelling Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g) as such regulations are in effect on the date of Owner's signature, below. For the purposes of this section and section 1.b.ii, below, if City regulations adopted pursuant to the provisions of City Code 34-12(g) are amended by the City after the date of Owner's signature, below, the Owner may elect in writing to the Zoning Administrator to instead be bound by the amended regulations.
 - ii. Thirty percent (30%) or more of the Required Affordable Dwelling Units shall be reserved for ownership by low- and moderate-income households ("For-Sale Affordable Dwelling Units"), throughout a period of thirty (30) years from the date on which the unit receives a certificate of occupancy from the City's building official. The For-Sale Affordable Units shall be administered in accordance with City regulations adopted pursuant to the provisions of City Code 34-12(g), as such regulations are in effect on the date of Owner's signature, below. During construction the For-Sale Affordable Dwelling Units shall be

constructed incrementally, such that at least 5 Affordable Dwelling Units shall be either completed or under construction pursuant to a City-issued building permit, prior to the issuance of every 30th Building Permit for non-affordable for-sale dwelling units.

- iii. On or before July 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant of each Required Affordable Dwelling Unit.
- c. The land use obligations referenced in 1.b.i, 1.b.ii, and 1.b.iii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Subject Property shall have notice of and be bound by the obligations. In the event of re-sale of any of the Required Affordable Dwelling Units that reduces the number of Required Affordable Dwelling Units below the thresholds set forth in this proffer, the declaration of covenants shall provide a mechanism to ensure that an equivalent Affordable Dwelling Unit is created within the City of Charlottesville, either on or off of the Subject Property, that satisfies the requirements contained herein for the remainder of the Affordability Period.

WHEREFORE, the undersigned Owner stipulates and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this _____ day of _____, 2021.

Applicant:

Belmont Station, LLC

Address:

142 South Pantops Drive
Charlottesville, VA 22911

By:

Its Member, Charles Armstrong

PROFFER CONDITIONS

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240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021

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SUPPLEMENTAL INFORMATION REQUESTED BY STAFF IN ADDITION TO PUD DEVELOPMENT PLAN CONTENTS

SITE DATA:

TAX MAP PARCEL:
18A025000

TOTAL PARCEL AREA:
11.373 ACRES

ZONING:
R1 AND R2

OWNER:
CARRSGROVE PROPERTIES, LLC

DEVELOPER:
SOUTHERN DEVELOPMENT

DESIGN:
TIMMONS GROUP

SOURCE OF BOUNDARY SURVEY:
PLAT OF RECORD

SOURCE OF TOPOGRAPHY:
EXISTING TOPOGRAPHY PROVIDED BY TIMMONS GROUP MAY, 2017

THE PROPERTY IS LOCATED IN ZONE AE AND X AS SHOWN ON FEDERAL EMERGENCY
MANAGEMENT AGENCY FLOOD INSURANCE MAP NUMBER 51003C0269D, DATED 2-4-2005

MAXIMUM BUILDING HEIGHT:
55', EXCEPT THAT FOR ANY PORTION OF A BUILDING LOCATED WITHIN 75' OF LOW DENSITY
RESIDENTIAL ZONING DISTRICT, WHERE THE HEIGHT REGULATIONS OF THE RESIDENTIAL
DISTRICT SHALL APPLY.

CURRENT USE:
VACANT LOT

PROPOSED USE:
PUD

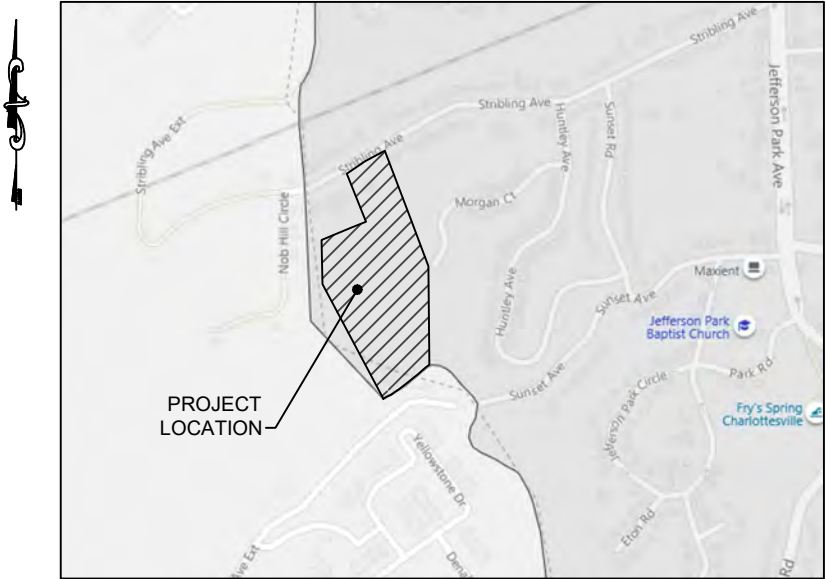
OPEN SPACE OWNERSHIP:
ALL OPEN SPACE TO BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION

LIGHTING:
LIGHTING FIXTURES SHALL NOT EXCEED 3000 LUMENS.

LAND USE SUMMARY:
TOTAL SITE AREA: 11.373 Ac. (100%)
RW DEDICATION TO STRIBLING AVE.: +/- 0.060 Ac. (0.5%)
TOWNHOUSE LOT AREA: ± 3.117 Ac. (27.4%)
CONDO/APARTMENT LOT AREA: ±0.996Ac. (8.8%)
PUBLIC RIGHT-OF-WAY AREA: ±1.970 Ac. (17.3%)
PRIVATE RIGHT-OF-WAY AREA: ±0.470 Ac. (4.1%)
OPEN SPACE AREA: ±4.760 Ac. (41.9%)

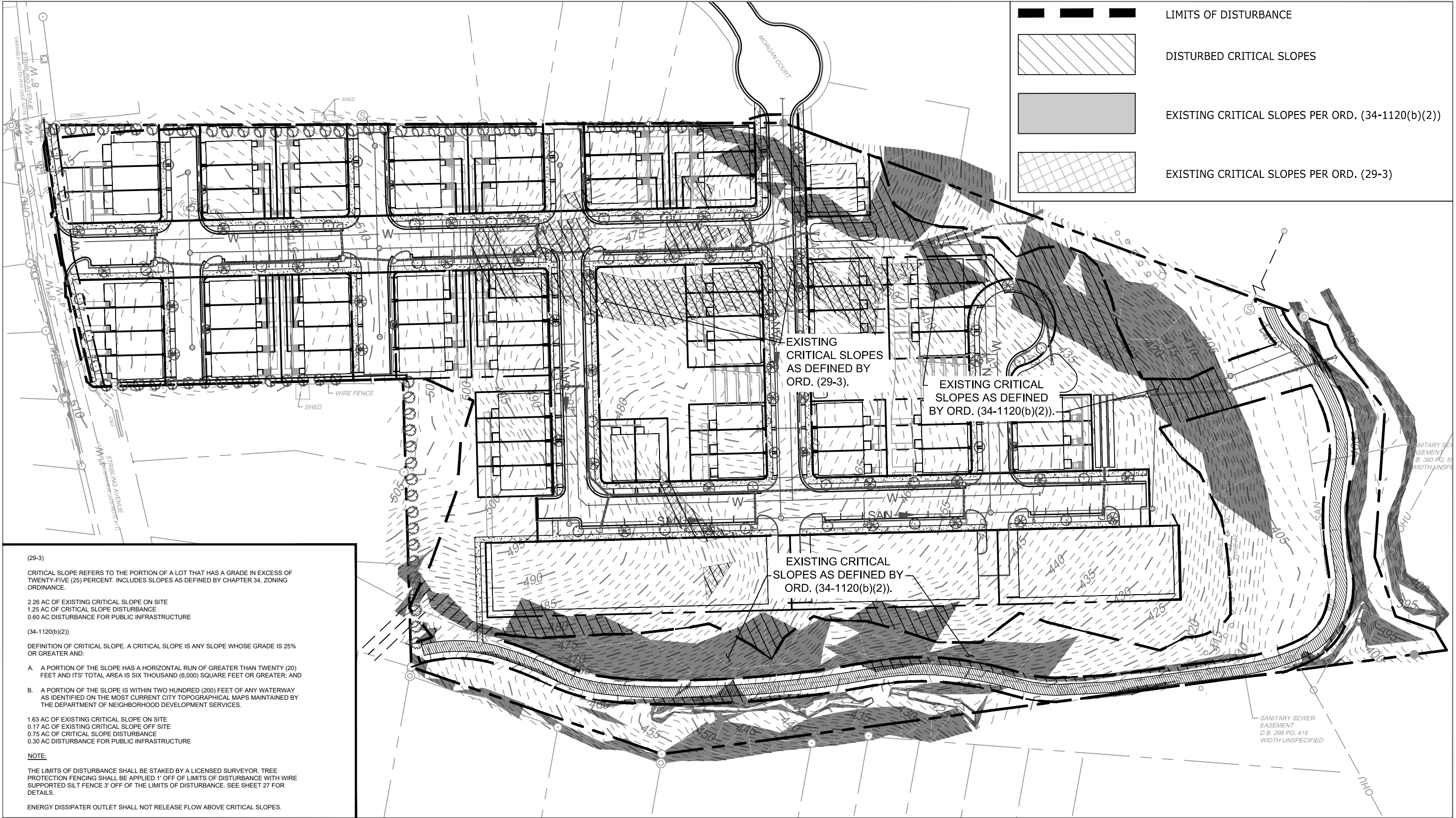
TRAFFIC STUDY:
ITE USE CODE 220; LOW RISE MULTIFAMILY
170 UNITS
AM PEAK HOUR - 79 (18 ENTER, 61 EXIT)
PM PEAK HOUR - 94 (59 ENTER, 35 EXIT)
AVERAGE DAILY TRIPS - 1,244 ADT

240 STRIBLING AVENUE CITY OF CHARLOTTESVILLE, VIRGINIA



VICINITY MAP
SCALE: 1" = 500'

Sheet List Table	
Sheet Number	Sheet Title
1	COVER
2	CRITICAL SLOPE EXHIBIT - ZONING AND SUBDIVISION ORDINACE
3	FIRETRUCK AUTOTURN 1A
4	FIRETRUCK AUTOTURN 1B
5	FIRETRUCK AUTOTURN 2A
6	FIRETRUCK AUTOTURN 2B
7	FIRETRUCK AUTOTURN 3A
8	FIRETRUCK AUTOTURN 3B
9	FIRETRUCK AUTOTURN 4A
10	FIRETRUCK AUTOTURN 4B
11	OPEN SPACE PLAN
12	PARKING PLAN
13	PEDESTRIAN ACCESS PLAN
14	PRELIMINARY BMP / STORMWATER MANAGEMENT PLAN
15	PRELIMINARY BMP / STORMWATER MANAGEMENT PLAN
16	CONCEPTUAL EROSION & SEDIMENT CONTROL PLAN
17	PRELIMINARY PLAT
18	TREE SURVEY
19	TREE SURVEY
20	EROSION CONTROL DETAILS



CRITICAL SLOPES EXHIBIT - ZONING & SUBDIVISION ORDINANCE

SHEET 2

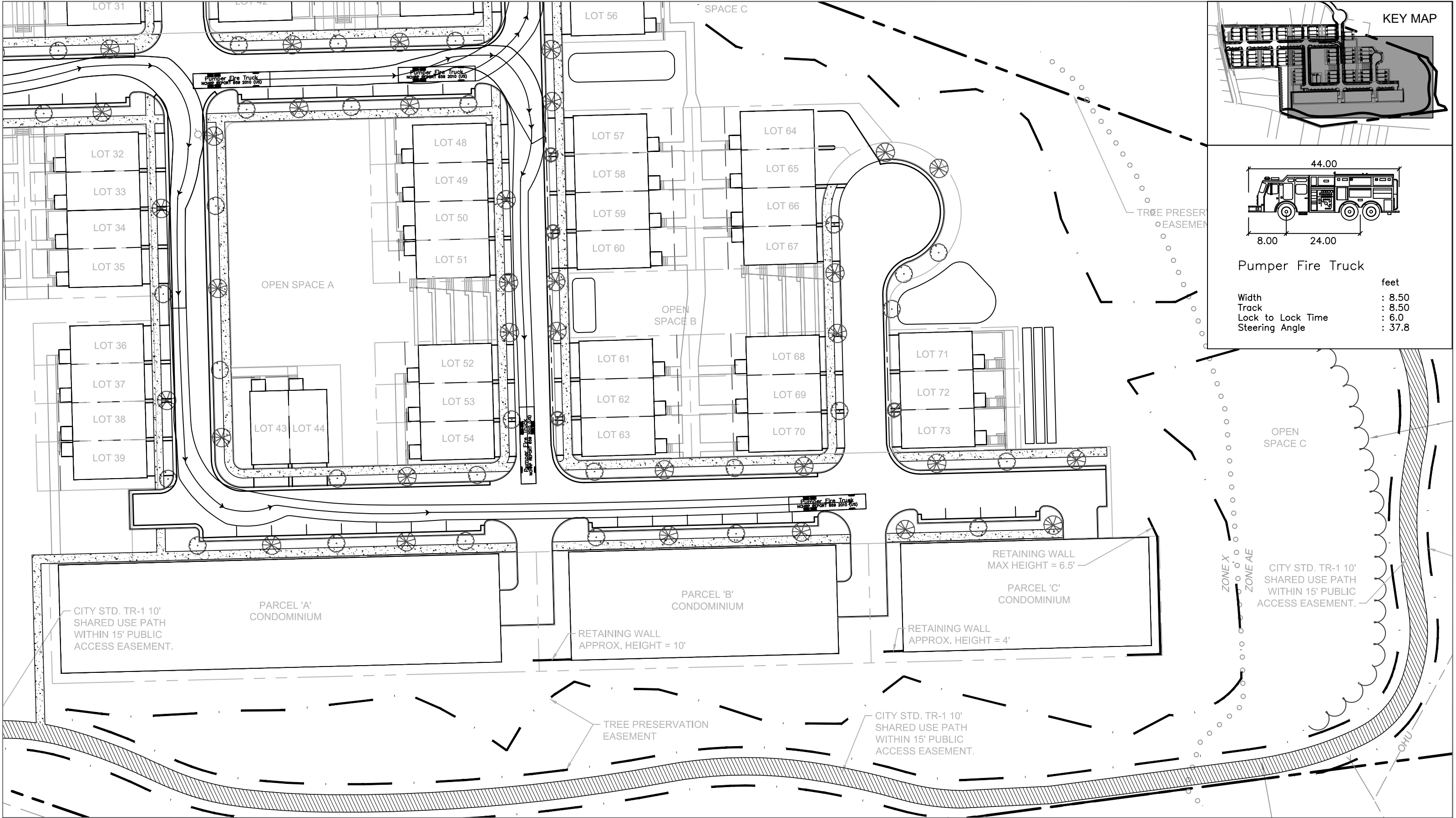
240 STRIBLING AVENUE - APRIL 28, 2020

REVISED: JUNE 11, 2021

SCALE 1"=80'

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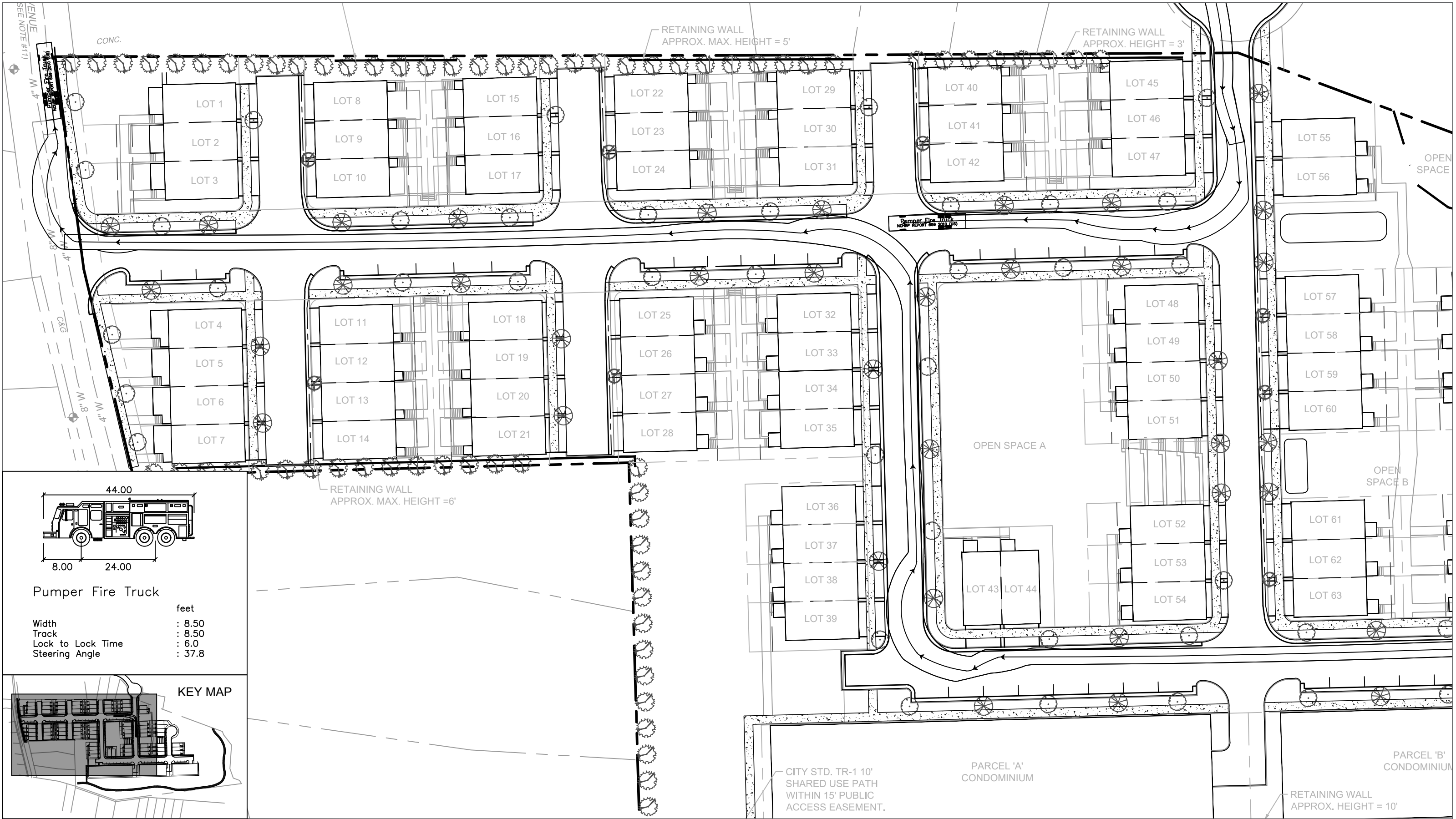


FIRETRUCK AUTOTURN 1B

SHEET 4
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REVISED: JUNE 11, 2021

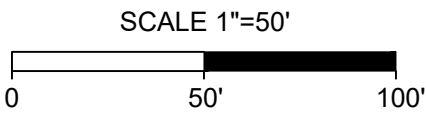
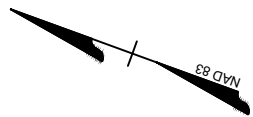
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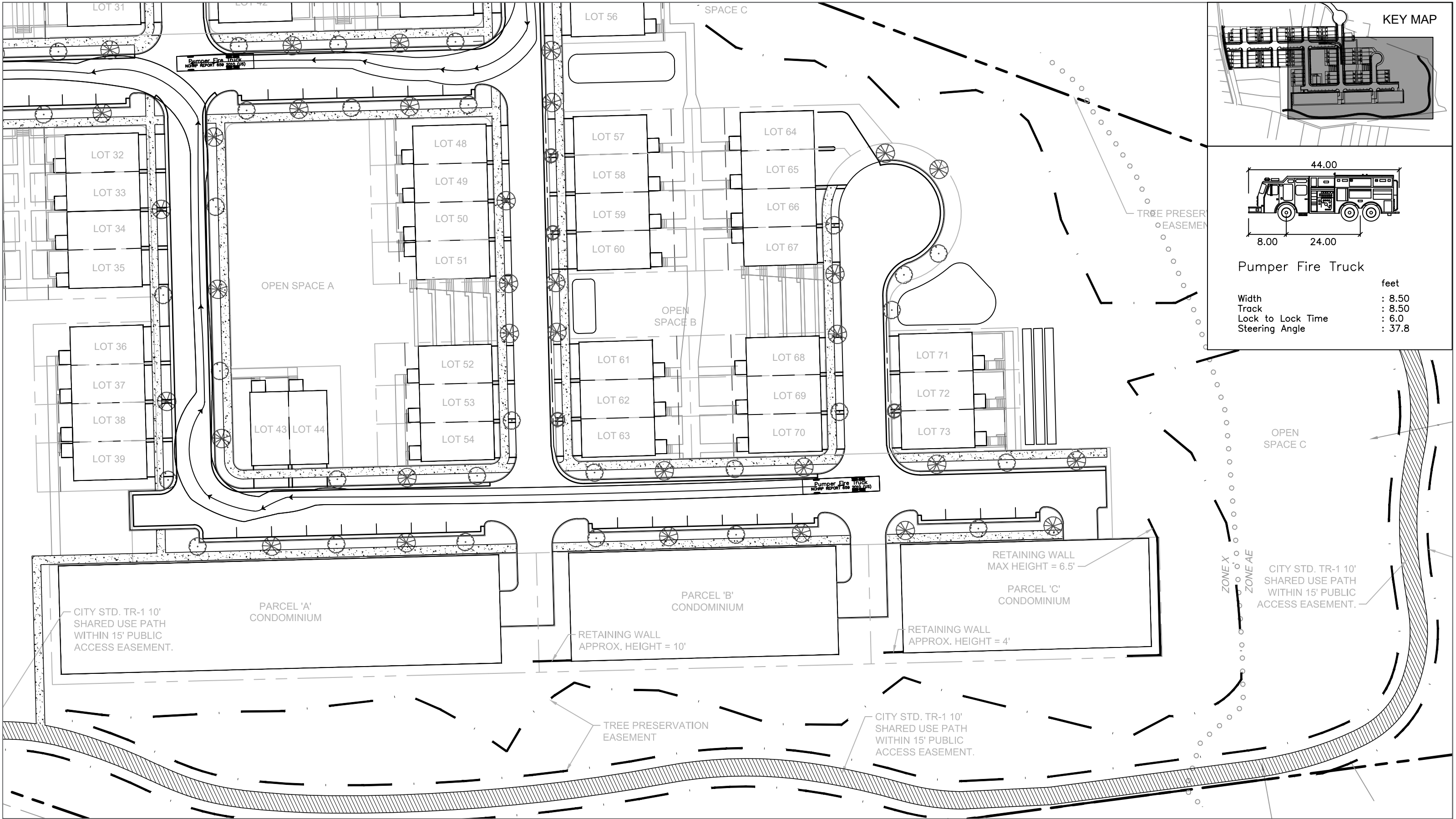
FIRETRUCK AUTOTURN 2A

SHEET 5
240 STRIBLING AVENUE - APRIL 28, 2020
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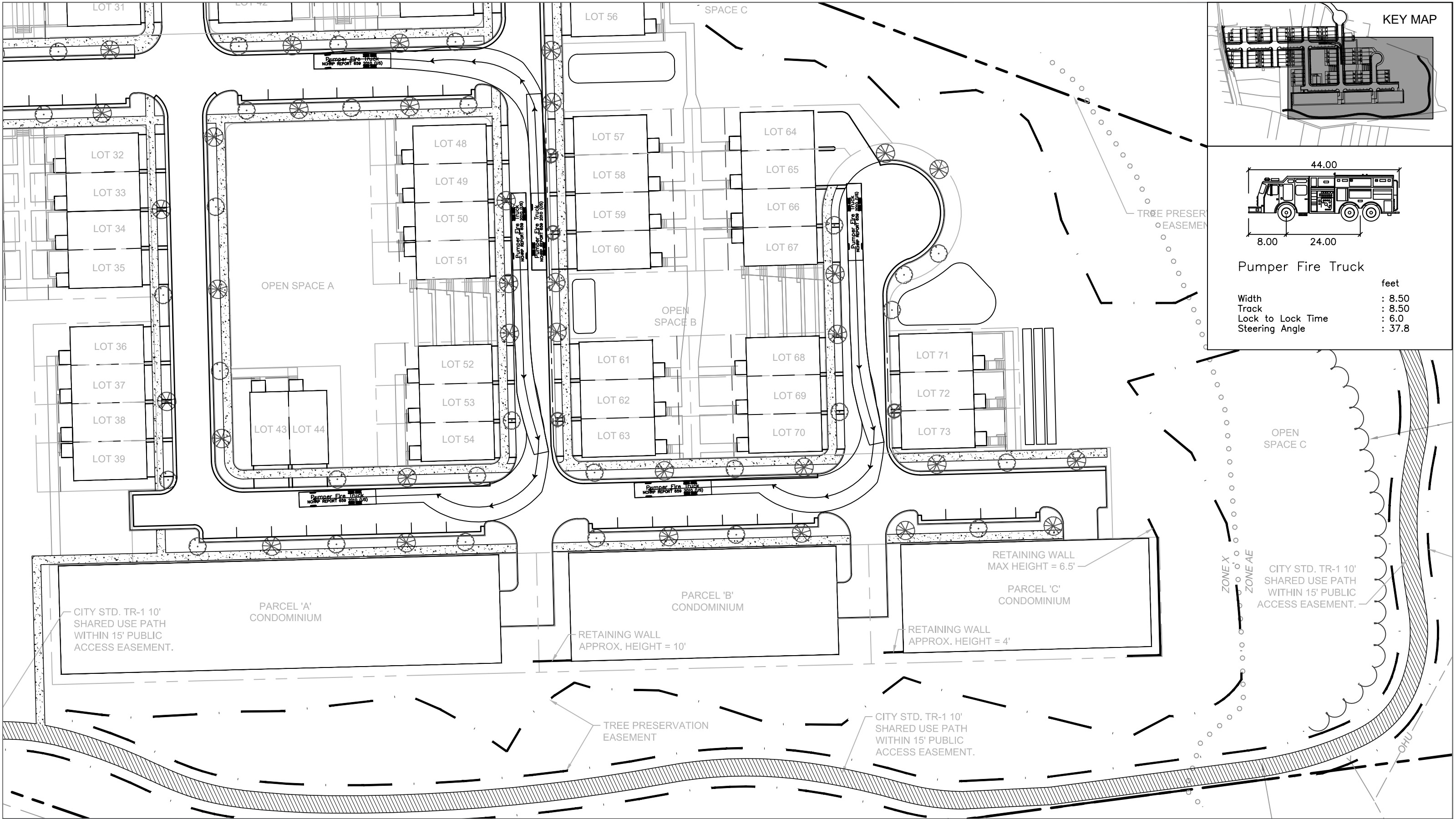
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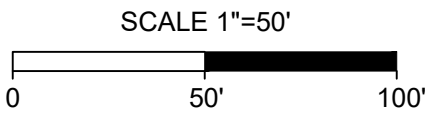
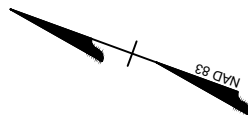
FIRETRUCK AUTOTURN 2B

SHEET 6
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



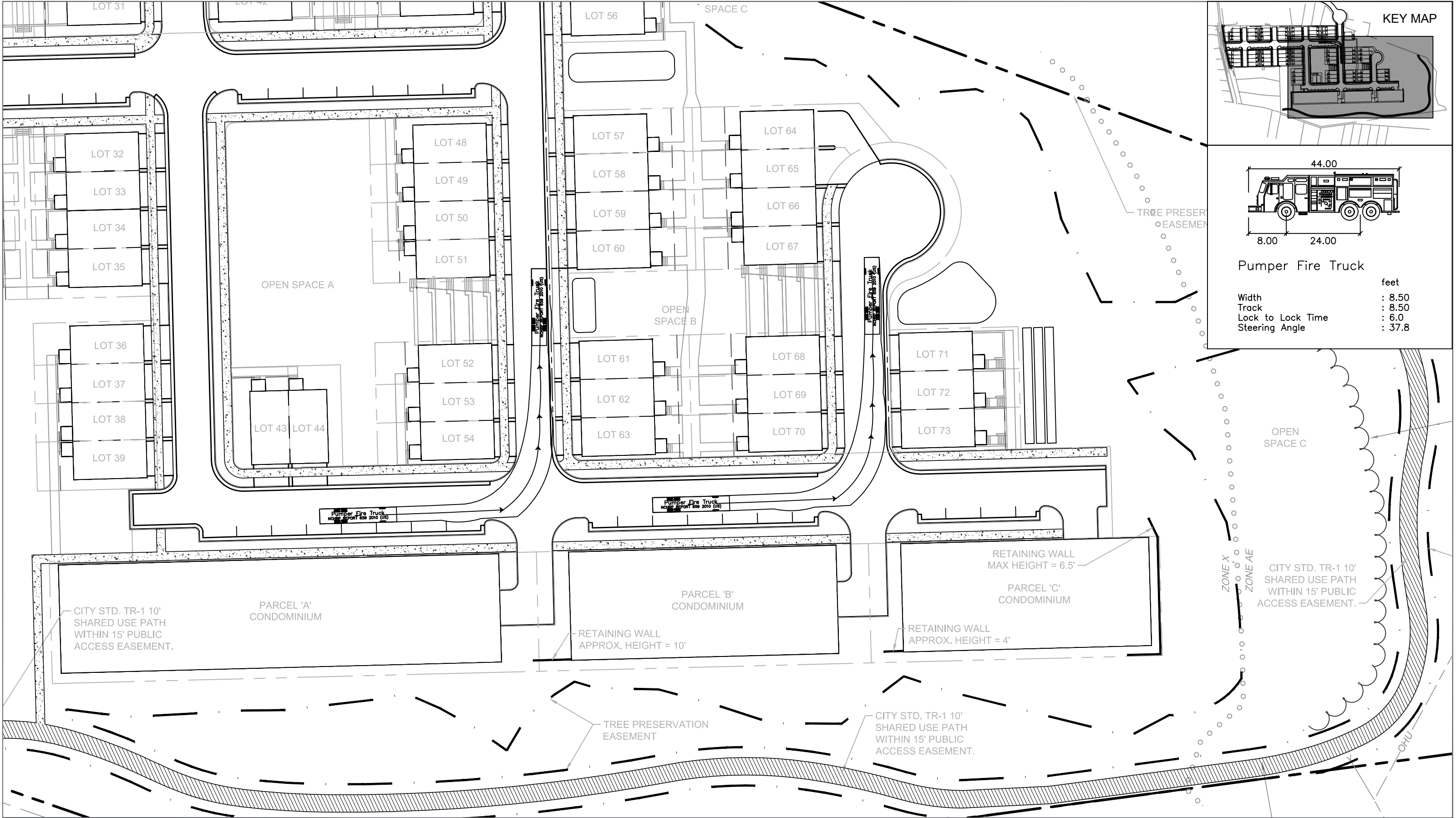
FIRETRUCK AUTOTURN 3B

SHEET 8
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



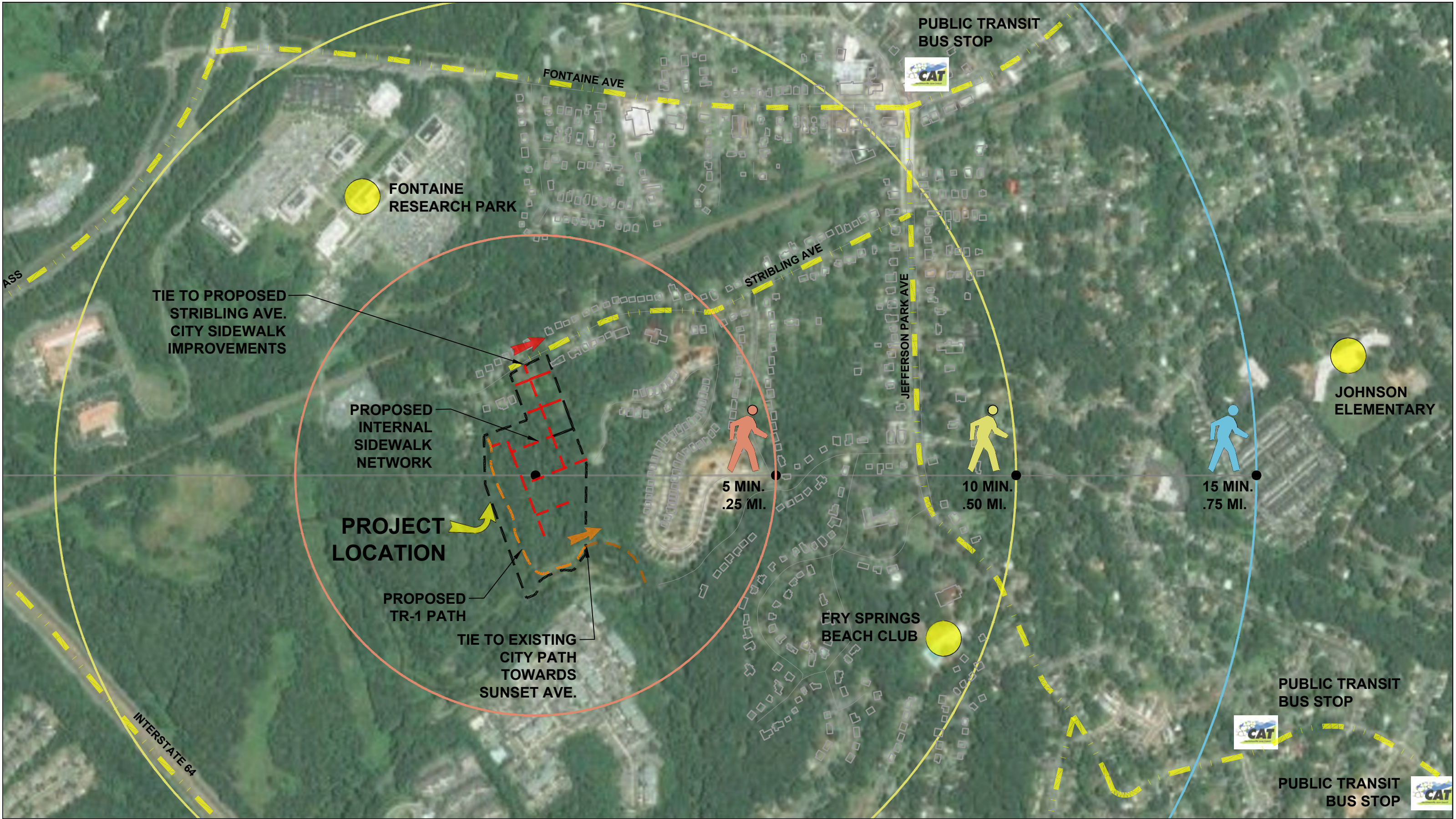
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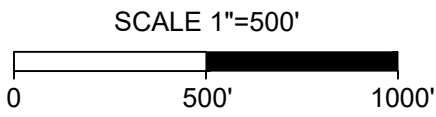
FIRETRUCK AUTOTURN 4B

SHEET 10
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



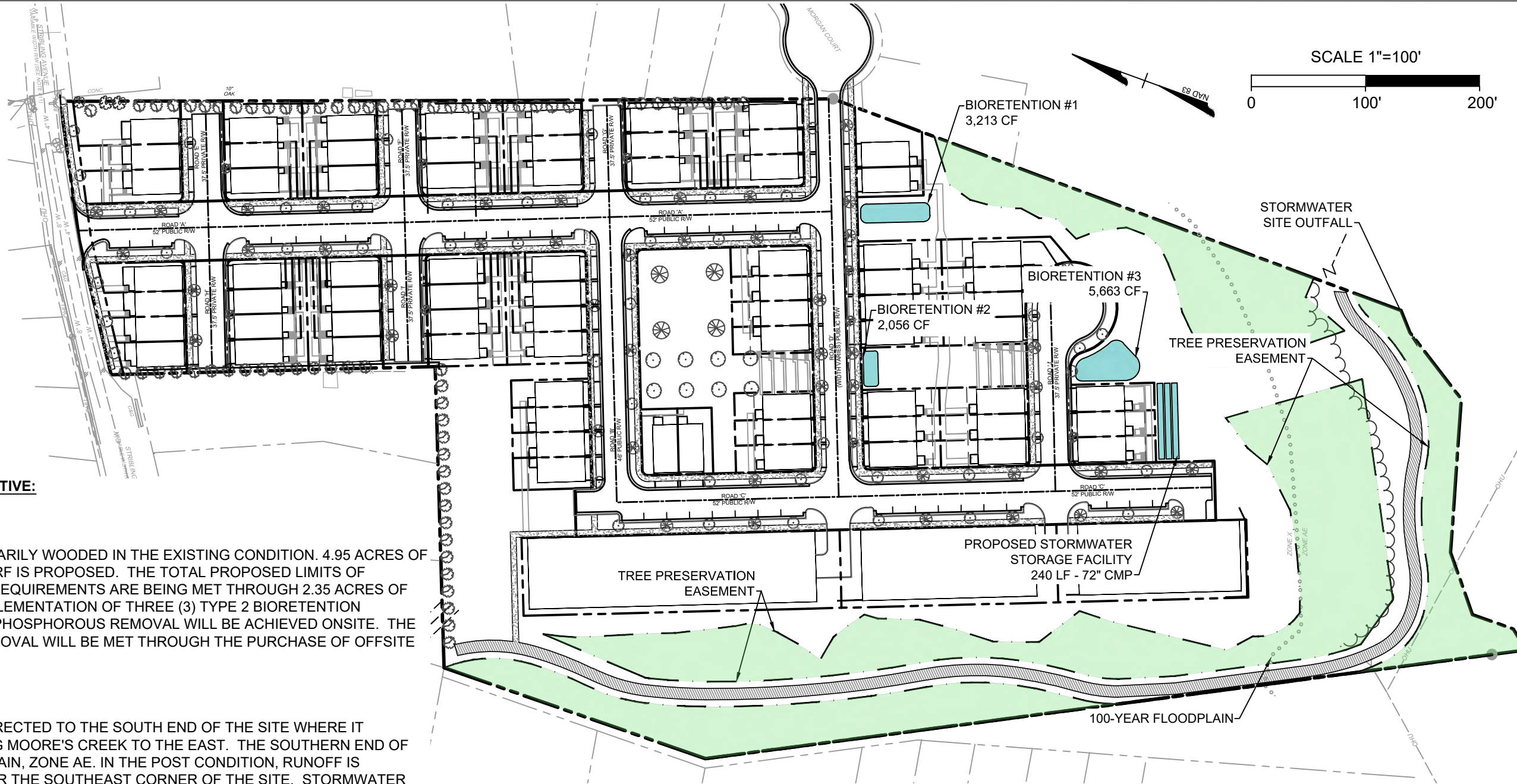
PEDESTRIAN ACCESS PLAN

SHEET 13
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



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STORMWATER MANAGEMENT AND E&SC NARRATIVE:

STORMWATER QUALITY:

PARCEL 18A025000 IS 11.373 ACRES AND IS PRIMARILY WOODED IN THE EXISTING CONDITION. 4.95 ACRES OF IMPERVIOUS AREA 1.65 ACRES OF MANAGED TURF IS PROPOSED. THE TOTAL PROPOSED LIMITS OF DISTURBANCE IS 9.23 ACRES. WATER QUALITY REQUIREMENTS ARE BEING MET THROUGH 2.35 ACRES OF TREE PRESERVATION DEDICATION AND THE IMPLEMENTATION OF THREE (3) TYPE 2 BIORETENTION FACILITIES. 6.17 LBS/YR. OF THE 8.46 LB/YR. OF PHOSPHOROUS REMOVAL WILL BE ACHIEVED ONSITE. THE REMAINING 2.29 LBS/YR. OF PHOSPHOROUS REMOVAL WILL BE MET THROUGH THE PURCHASE OF OFFSITE NUTRIENT CREDITS.

STORMWATER QUANTITY:

IN THE EXISTING CONDITION, SITE RUNOFF IS DIRECTED TO THE SOUTH END OF THE SITE WHERE IT OUTFALLS TO A STREAM, JUST BEFORE MEETING MOORE'S CREEK TO THE EAST. THE SOUTHERN END OF THE SITE LIES WITHIN FEMA 100-YEAR FLOOD PLAIN, ZONE AE. IN THE POST CONDITION, RUNOFF IS CAPTURED AND OUTFALLS TO THE STREAM NEAR THE SOUTHEAST CORNER OF THE SITE. STORMWATER DETENTION IS BEING PROVIDED THOUGH 4 PROPOSED BIORETENTION FACILITIES, AS WELL AS A PROPOSED UNDERGROUND STORAGE FACILITY ON THE SOUTH END OF THE SITE.

CHANNEL PROTECTION: THE ENERGY BALANCE EQUATION HAS BEEN MEET FOR THE 1-YEAR, 24 HOUR STORM PER 9VAC25-870-66(B)3, "NATURAL STORMWATER CONVEYANCE SYSTEMS." APPLICABLE APPROVALS FROM ACOE WILL BE OBTAINED TO OUTFALL TO THE STREAM.

FLOOD PROTECTION: PER 9VAC25-870-66(C)3, STORMWATER SHALL E ANALYZED FOR FLOOD PROTECTION COMPLIANCE TO THE POINT WHERE THE SYSTEM ENTERS A MAPPED FLOODPLAIN. ADEQUATE CONVEYANCE OF THE 10-YEAR STORM IS DEMONSTRATED UP TO THE SITE OUTFALL.

EROSION AND SEDIMENT CONTROL NARRATIVE:
E&SC MEASURES SHALL BE PROVIDED PER THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH) TO ENSURE SEDIMENT LADEN RUNOFF IS CONTAINED ONSITE AND TO ENSURE PROTECTION OF ADJACENT STREAM. FINAL DESIGN WILL BE PROVIDED WITH PRELIMINARY AND FINAL SITE PLAN SUBMITTALS.

PRELIMINARY BMP/STORMWATER MANAGEMENT PLAN

SHEET 14
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REVISED: JUNE 11, 2021; OCTOBER 8, 2021



Virginia Runoff Reduction Method Worksheet

DEQ Virginia Runoff Reduction Method New Development Compliance Spreadsheet - Version 3.0

BMP Design Specifications List: 2013 Draft Stds & Specs

Site Summary

Project Title: 240 Stribling Ave
Date: 43937

Total Rainfall = 43 inches

Site Land Cover Summary

	A soils	B Soils	C Soils	D Soils	Totals	% of Total
Forest/Open (acres)	0.00	2.35	0.00	0.00	2.35	25
Managed Turf (acres)	0.00	1.65	0.00	0.00	1.65	18
Impervious Cover (acres)	0.00	5.23	0.00	0.00	5.23	57
					9.23	100

Site Tv and Land Cover Nutrient Loads

Site Rv	0.58
Treatment Volume (ft³)	19,489
TP Load (lb/yr)	12.25
TN Load (lb/yr)	87.60

Total TP Load Reduction Required (lb/yr)	8.46
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Site Compliance Summary

Total Runoff Volume Reduction (ft³)	8,745
Total TP Load Reduction Achieved (lb/yr)	6.17
Total TN Load Reduction Achieved (lb/yr)	45.15
Remaining Post Development TP Load (lb/yr)	6.07
Remaining TP Load Reduction (lb/yr) Required	2.29

Virginia Runoff Reduction Method Worksheet

Drainage Area A Summary

Land Cover Summary

	A Soils	B Soils	C Soils	D Soils	Total	% of Total
Forest/Open (acres)	0.00	0.00	0.00	0.00	0.00	0
Managed Turf (acres)	0.00	0.15	0.00	0.00	0.15	14
Impervious Cover (acres)	0.00	0.90	0.00	0.00	0.90	86
					1.05	

BMP Selections

Practice	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	BMP Treatment Volume (ft³)	TP Load from Upstream Practices (lbs)	Untreated TP Load to Practice (lbs)	TP Removed (lb/yr)	TP Remaining (lb/yr)	Downstream Treatment to be Employed
6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	0.15	0.9	3,212.55	0.00	2.02	1.81	0.20	

Total Impervious Cover Treated (acres)	0.90
Total Turf Area Treated (acres)	0.15
Total TP Load Reduction Achieved in D.A. (lb/yr)	1.81
Total TN Load Reduction Achieved in D.A. (lb/yr)	13.27

Virginia Runoff Reduction Method Worksheet

Drainage Area B Summary

Land Cover Summary

	A Soils	B Soils	C Soils	D Soils	Total	% of Total
Forest/Open (acres)	0.00	0.00	0.00	0.00	0.00	0
Managed Turf (acres)	0.00	0.22	0.00	0.00	0.22	29
Impervious Cover (acres)	0.00	0.55	0.00	0.00	0.55	71
					0.77	

BMP Selections

Practice	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	BMP Treatment Volume (ft³)	TP Load from Upstream Practices (lbs)	Untreated TP Load to Practice (lbs)	TP Removed (lb/yr)	TP Remaining (lb/yr)	Downstream Treatment to be Employed
6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	0.22	0.55	2,056.40	0.00	1.29	1.16	0.13	

Total Impervious Cover Treated (acres)	0.55
Total Turf Area Treated (acres)	0.22
Total TP Load Reduction Achieved in D.A. (lb/yr)	1.16
Total TN Load Reduction Achieved in D.A. (lb/yr)	8.49

Virginia Runoff Reduction Method Worksheet

Drainage Area C Summary

Land Cover Summary

	A Soils	B Soils	C Soils	D Soils	Total	% of Total
Forest/Open (acres)	0.00	0.00	0.00	0.00	0.00	0
Managed Turf (acres)	0.00	0.20	0.00	0.00	0.20	11
Impervious Cover (acres)	0.00	1.60	0.00	0.00	1.60	89
					1.80	

BMP Selections

Practice	Managed Turf Credit Area (acres)	Impervious Cover Credit Area (acres)	BMP Treatment Volume (ft³)	TP Load from Upstream Practices (lbs)	Untreated TP Load to Practice (lbs)	TP Removed (lb/yr)	TP Remaining (lb/yr)	Downstream Treatment to be Employed
6.b. Bioretention #2 or Micro-Bioretention #2 (Spec #9)	0.2	1.6	5,662.80	0.00	3.55	3.20	0.36	

Total Impervious Cover Treated (acres)	1.60
Total Turf Area Treated (acres)	0.20
Total TP Load Reduction Achieved in D.A. (lb/yr)	3.20
Total TN Load Reduction Achieved in D.A. (lb/yr)	23.39

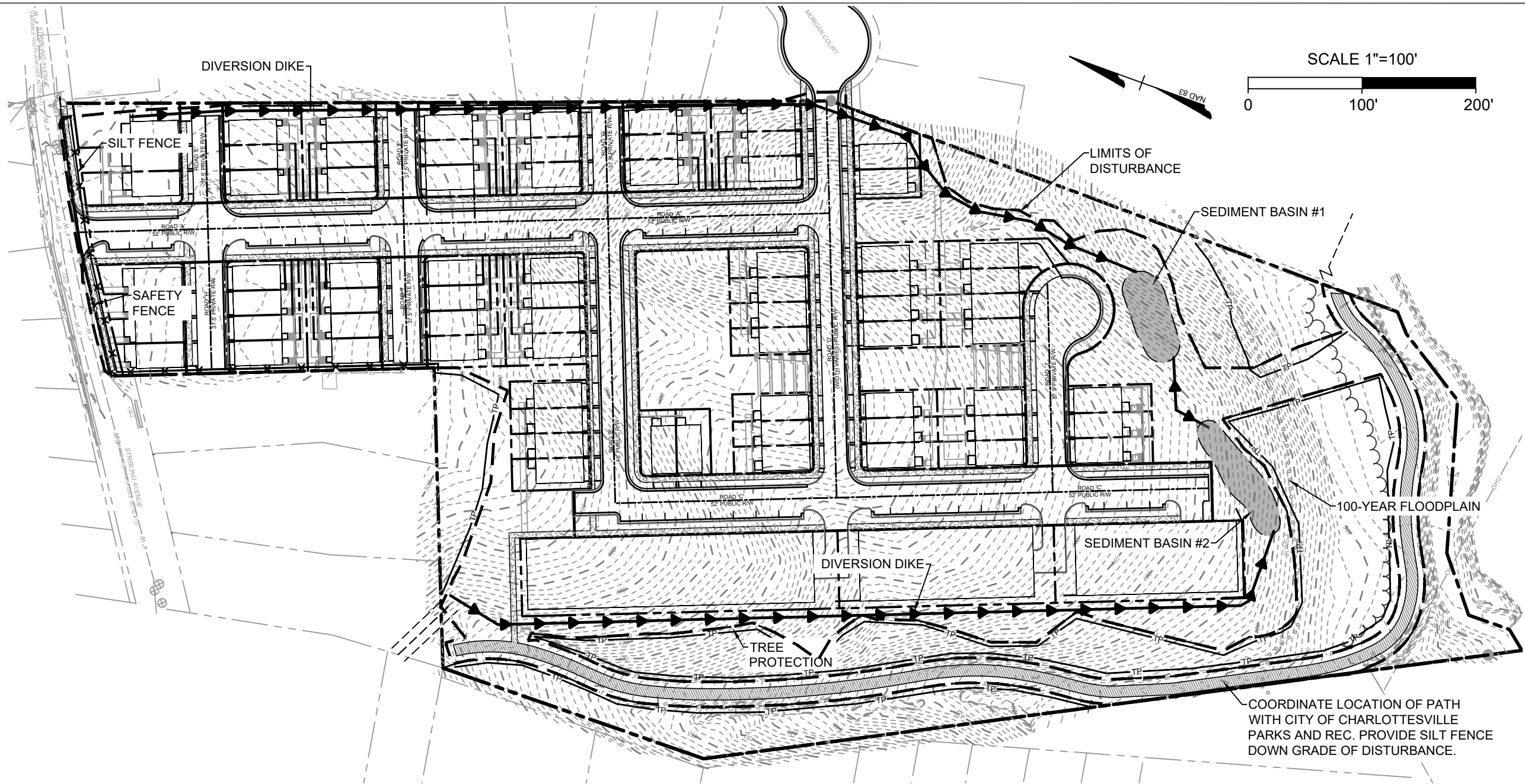
PRELIMINARY BMP/STORMWATER MANAGEMENT PLAN

SHEET 15

240 STRIBLING AVENUE - APRIL 28, 2020

REVISED: JUNE 11, 2021





EROSION AND SEDIMENT CONTROL NARRATIVE:
E&SC MEASURES SHALL BE PROVIDED PER THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH) TO ENSURE SEDIMENT LADEN RUNOFF IS CONTAINED ONSITE AND TO ENSURE PROTECTION OF ADJACENT STREAM. FINAL DESIGN WILL BE PROVIDED WITH PRELIMINARY AND FINAL SITE PLAN SUBMITTALS.

CONCEPTUAL EROSION AND SEDIMENT CONTROL PLAN

SHEET 16
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



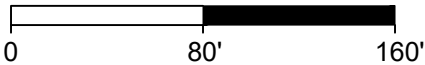


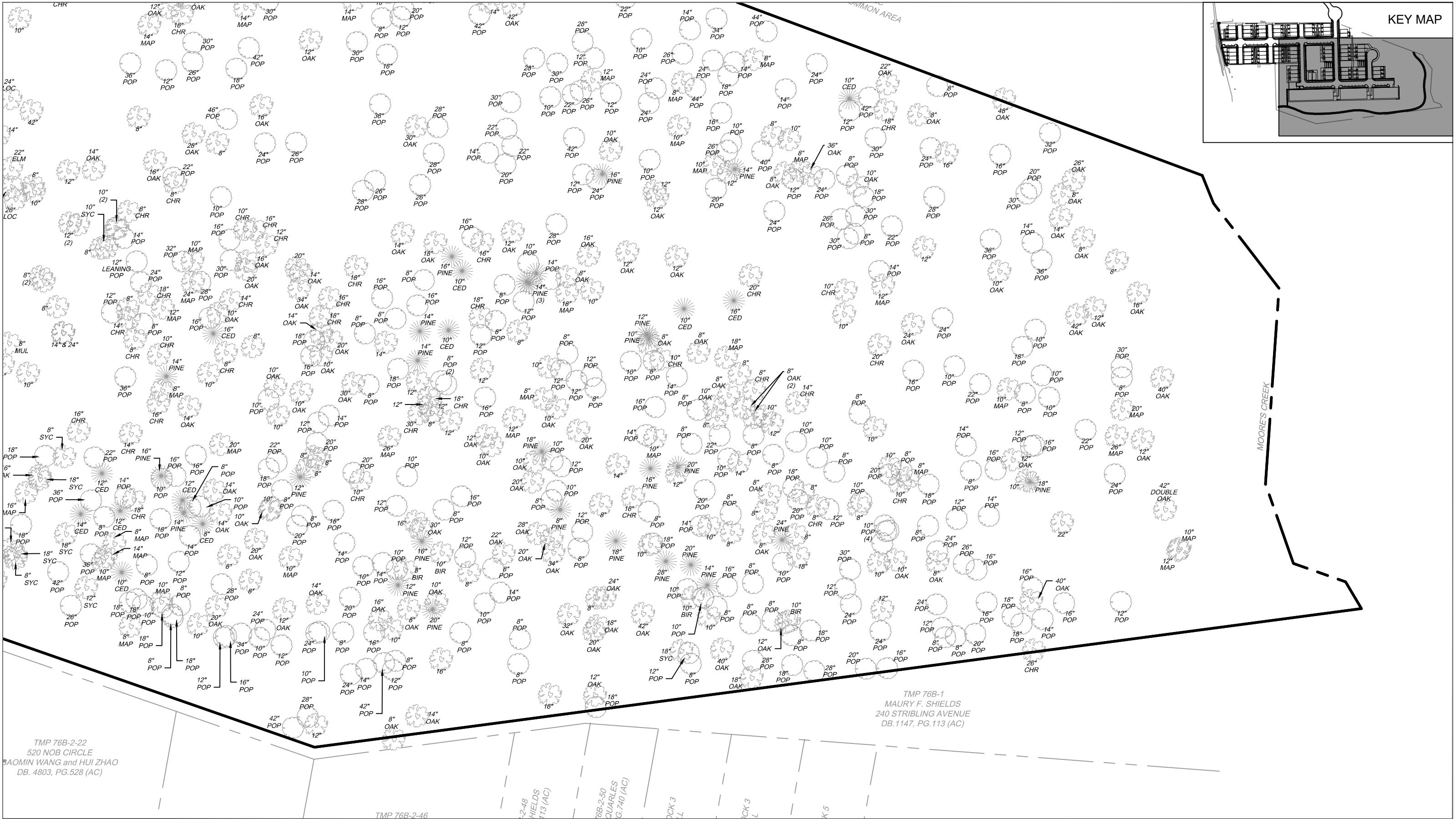
PRELIMINARY PLAT

SHEET 17
240 STRIBLING AVENUE - APRIL 28, 2020
REVISED: JUNE 11, 2021



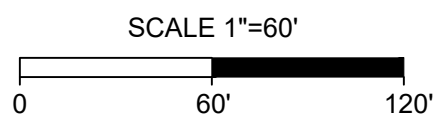
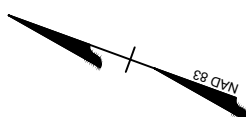
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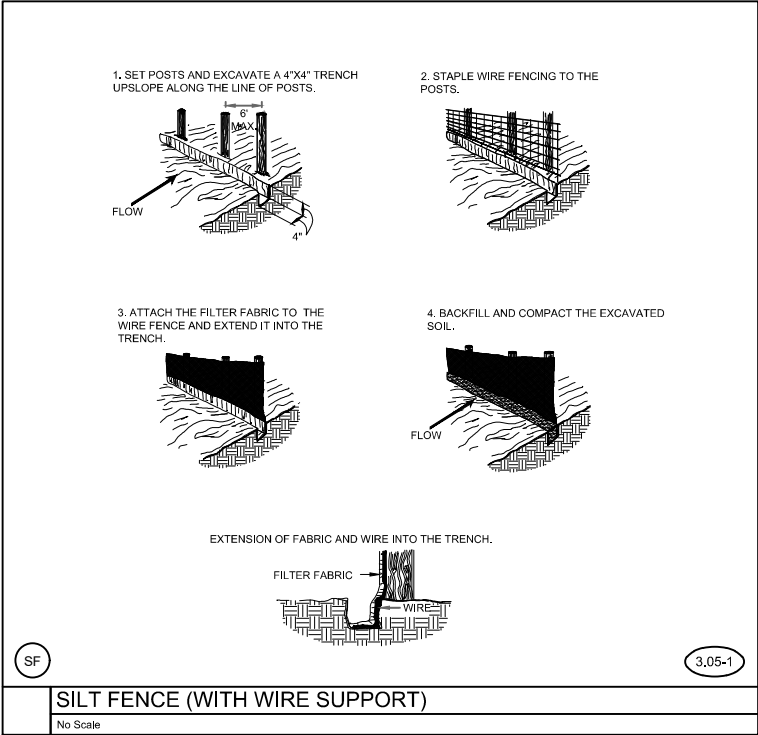
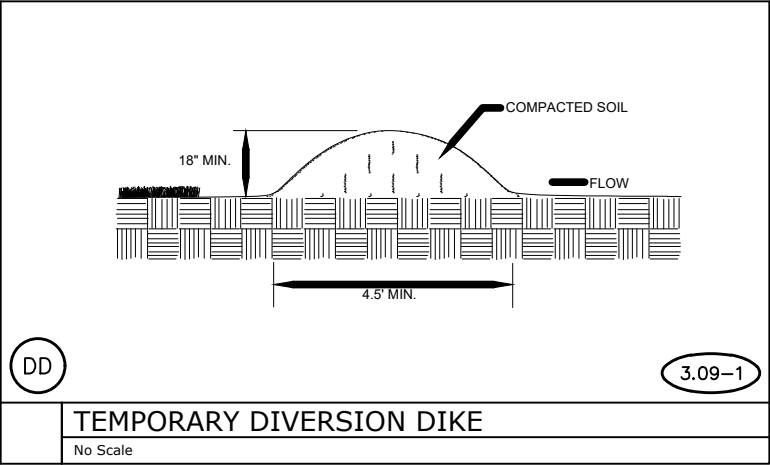
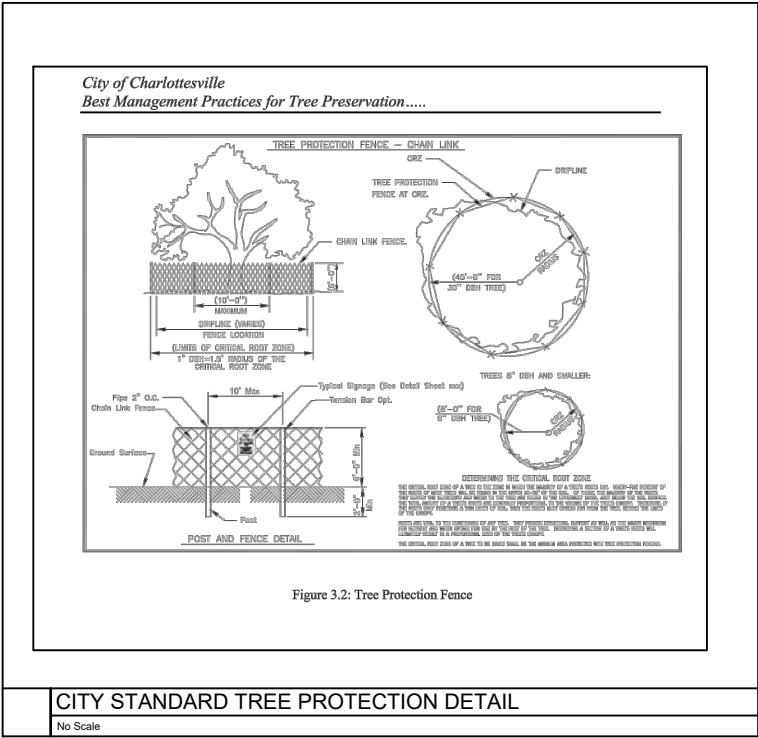
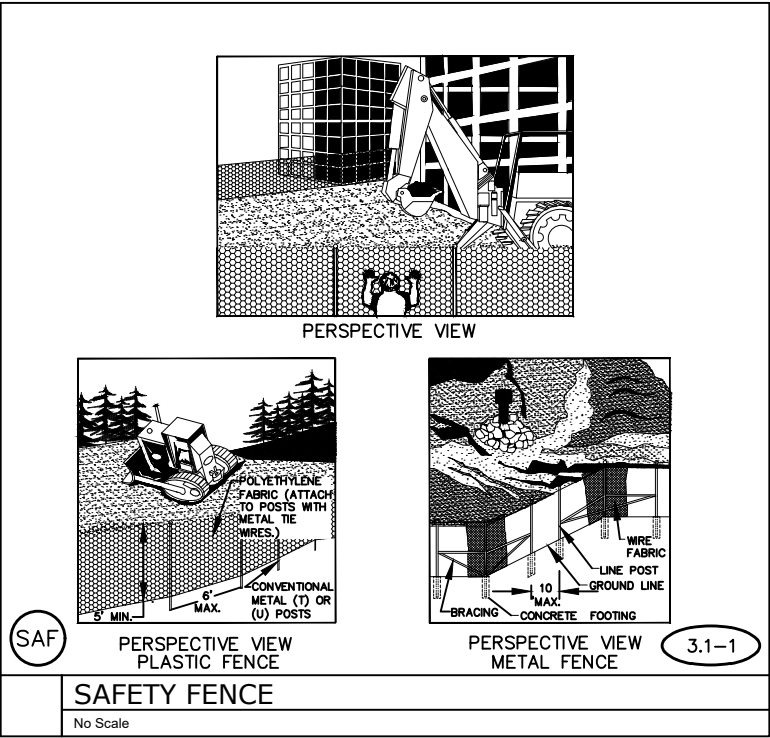
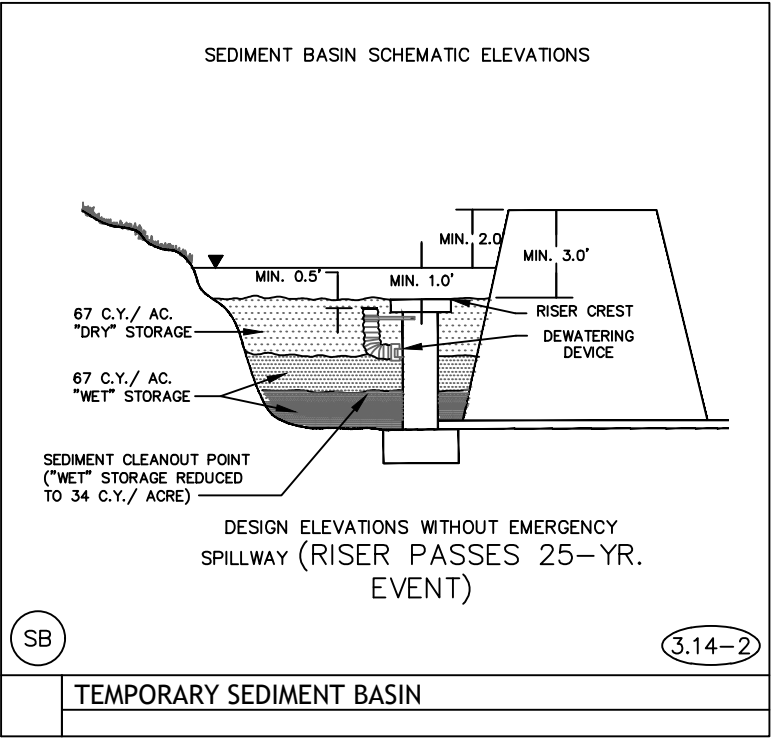




TREE SURVEY

SHEET 19
240 STRIBLING AVENUE - APRIL 28, 2020
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EROSION CONTROL DETAILS

SHEET 20
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MITCHELL
MATTHEWS
ARCHITECTS

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.