



## CITY COUNCIL AGENDA July 17, 2023

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

### 4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). The meeting may also be viewed on the City's streaming platforms and local government Channel 10. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

### Call to Order/Roll Call

### Agenda Approval

### Reports

1. Report: Sister Cities Commission Annual Report
2. Report: Presentation of Economic Development Strategic Plan

### 5:30 PM CLOSED SESSION pursuant to Sections 2.2-3711 and 2.2-3712 of the Virginia Code (boards and commissions)

### 6:30 PM BUSINESS SESSION

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

### Moment of Silence

### Announcements

### Recognitions/Proclamations

- Recognition: Designation of July as Parks and Recreation Month

### Consent Agenda\*

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

3. Minutes: May 1 Council meeting, May 15 Council meeting, June 5 council meeting, June 16 special meeting, June 23 special meeting
4. Resolution: Fontaine Avenue Fire Station Alerting System update (2nd reading)
5. Ordinance: Charlottesville Police Department Firearms Buyback Program and Destruction of Surrendered Firearms Ordinance (2nd reading)
6. Resolution: Appropriating City Traffic Assets Insurance Reimbursement – \$56,316.53 (1 of 2 readings)
7. Resolution: Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$100,000 (1 of 2 readings)
8. Resolution: Reallocating \$33,827.85 of American Rescue Plan (ARP) funds to the Department of Human Services from funds previously appropriated to City of Promise (1 of 2 readings)

9. Ordinance: Approving a Right-of-Way Encroachment Agreement for 1117 Preston Avenue (1 of 2 readings)

### **City Manager Report**

- Report: July City Manager Report
- Report: Quarterly financial update

### **Community Matters**

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

### **Action Items**

10. Resolution: Approval of City Manager Employment Agreement (1 reading)
11. Resolution: Appeal of ERB (Entrance Corridor Review Board) approval of a Certificate of Appropriateness for construction of an apartment building at 2005 Jefferson Park Avenue.
12. Resolution: Approving a Lease Agreement with Blue Ridge Area Coalition for the Homeless (BRACH) for a portion of 100 5th Street NE (CitySpace) (1 reading)
13. Resolution: Expressing Support for Friendship Court Redevelopment - Phase 2 (1 reading)
14. Resolution: Appropriating VDOT grant funds for Washington Park to Madison Avenue Trail - \$285,665 (1 of 2 readings)
15. Resolution: Approving a Special Use Permit at 218 West Market Street (1 of 2 readings)

### **General Business**

16. Report: Presentation of Results of Alternative Fuels Study for Charlottesville Area Transit

### **Other Business**

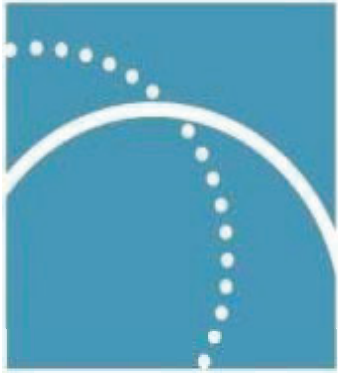
### **Community Matters (2)**

### **Adjournment**



CHARLOTTESVILLE

SISTER



CITIES

COMMISSION

REPORT TO THE MAYOR AND CITY  
COUNCIL

JULY 17, 2023

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ACTIVITIES OF THE CHARLOTTESVILLE  
SISTER CITIES COMMISSION

2022/ 2023

## OUR SISTER CITIES:

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- Poggio a Caino, Italy, Charlottesville's first sister city on 1976.
- Pleven, Bulgaria, Sister city since 2004, in non-active status
- Besançon, France, Sister Cities since 2006
- Winneba, Ghana, Sister cities since 2010
- Huehuetenango, Guatemala, Friendship city since 2021, in exploratory phase.

## COMMISSION MEMBERS:

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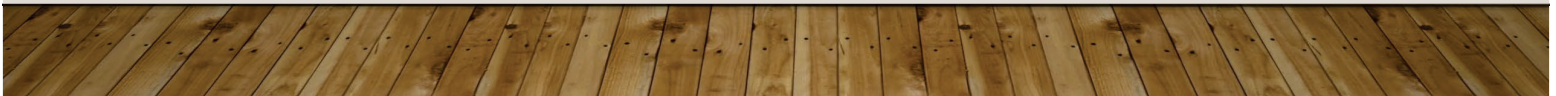
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|--|--|
| • Alicen Brown, K-12 Education                           | • Stella Mattioli, Poggio a Caino        |
| • Claire Denton-Spalding,                                | • Sylvia New Strawn,                     |
| • Nana Ghartey, Winneba                                  | • Elizabeth Smiley, Secretary / Besançon |
| • Michael Grinnell, Treasurer                            | • Vivien Wong, Youth                     |
| • Kimberly Hayes, Business                               | • Higher Education, Open                 |
| • Edward Herring, Chairman / New City<br>Committee Chair | • Maxicelia Robinson, Staff Liaison      |

## BESANÇON, FRANCE:

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This year saw the resumption of long awaited in-person exchanges. City Representative Elizabeth Smiley traveled to Besançon in early April to renew links with the Besançon city administration and school officials.

CSCC Business Representative Kimberly Hayes accompanied Ms. Smiley on the visit.

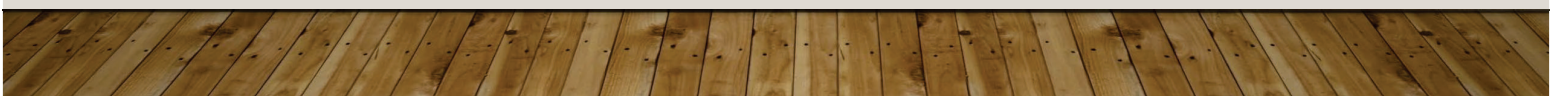


## BESANÇON, FRANCE:

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Her travel was timed to coincide with a Charlottesville High School student delegation visit, chaperoned by CSCC Commissioner Edward Herring.

One highlight was a dinner offered by CSCC to all our key Besançon contacts in the Mayor's office, School Administration and Partner Schools.





## BESANÇON, FRANCE:

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During the visit, a group comprised of Sister City Commissioners, Charlottesville teachers, and CHS students were warmly welcomed in Besançon and honored with a reception at the Victor Hugo Birthplace museum. Besançon Representative Elizabeth Smiley presented Deputy Mayor Sadia Gharet with letters from Mayor Snook.

## BESANÇON, FRANCE:

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## BESANÇON, FRANCE:

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Member-At-Large Edward Herring read the French version to the audience and translated the French/English presentations for the group. Edward also introduced the participants from CHS and offered greetings on behalf of the Charlottesville City Schools.

## POGGIO A CAIANO, ITALY:

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Poggio representative Stella Mattioli worked to organize and develop more Sister City activities through personal visits to the city and the furthering of programmatic engagement.

## POGGIO A CAIANO, ITALY:

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After the Poggio elections on May 15, Ms. Mattioli worked to establish new contacts with the elected mayor and city to assure the continuance of a strong relationship between the cities.

## POGGIO A CAIANO, ITALY:

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A music group from Poggio a Caiano participated in a local music contest and won the opportunity to perform a concert in Charlottesville.

The CSCC worked with Charlottesville partners to organize the event which took place on December 3rd at The Front Porch.



## POGGIO A CAIANO, ITALY:

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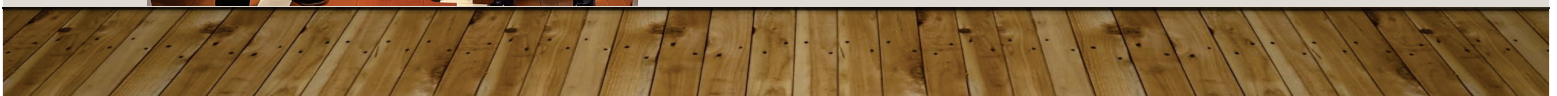
Members of the Charlottesville High School Choir led by Teacher Will Cooke performed in Poggio on June 15, 2023.

The CSCC assisted with travel funding.



## POGGIO A CAIANO, ITALY:

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## WINNEBA, GHANA:

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The Sister City relationship between Charlottesville and Winneba continued to grow and strengthen this fiscal year.

In January and May of 2023, the Charlottesville-Winneba Foundation organized two group trips to Winneba, allowing three dozen Charlottesville-area residents to experience the city.

## WINNEBA, GHANA:

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The CSCC provided Travel Scholarships to assist in enabling two Charlottesville residents to participate.

These were the 10th and 11th Sister City delegations from Charlottesville to Winneba since this Sister City relationship was initiated in 2010.



## OTHER COLLABORATIONS WITH WINNEBA:

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1. The UVa School of Architecture's ongoing environmental conservation partnership in Winneba.
2. The Helen Project International Entrepreneurship Program, along with other initiatives supported by the CSCC.

## OTHER COLLABORATIONS WITH WINNEBA:

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3. The Commission joined in the funding of a shipment of medical supplies, toys, and other donated items from Charlottesville to Winneba.
4. Charlottesville and Winneba maintain a close relationship due to the efforts of the commission members and a close relationship with the Charlottesville-Winneba Foundation.

## OTHER COLLABORATIONS WITH WINNEBA:

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## HUEHUETENANGO, GUATEMALA:

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The relationship between Charlottesville and Friendship City Huehuetenango continued to be in the exploratory phase.

The CSCC committee dedicated to this process worked closely with the Ixtatan Foundation to proceed with activities to further determine if the cities are ideal for becoming Sister Cities.



## HUEHUETENANGO, GUATEMALA:

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The exploratory process began when CSCC Commissioner Edward Herring, chairman of the New City Committee, visited Huehuetenango in February, 2023.

The trip was organized by the Mayor of Huehuetenango and their Sister City Commission.

## HUEHUETENANGO, GUATEMALA:

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## HUEHUETENANGO, GUATEMALA:



## HUEHUETENANGO, GUATEMALA:

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The results of the visit and the ongoing review of the initial assumptions that began the Friendship process is in progress.

It is anticipated that the CSCC will have a next-step recommendation ready for presentation to the Charlottesville City Council in August 2023.



## TRAVEL SCHOLARSHIPS PROVIDED PARTIAL FUNDING ENABLING SEVERAL OPPORTUNITIES:

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1. Six Charlottesville residents the opportunity to join in planned trips to Charlottesville Sister Cities.
2. A sponsorship for Charlottesville High School's CERN program expanded opportunities for the young citizens of Charlottesville to be directly involved in furthering the Besançon relationship.

## TRAVEL SCHOLARSHIPS PROVIDED PARTIAL FUNDING ENABLING SEVERAL OPPORTUNITIES:

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3. The CSCC's Outreach Committee has made strides this year in creating a more effective process for reaching citizens of Charlottesville to promote engagement with Sister Cities and CSCC activities.

## SUMMARY:

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The Commission's grant program experienced a significant rebound in activities, international travel and activity between the Sister/Friendship Cities.

Relationships between the citizens of Charlottesville and those of Besançon, Huehuetenango, Poggio a Caiano, and Winneba continued to develop.

## CONCLUSION:

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*With international travel now returned, the CSCC continues its vital role in connecting the citizens of the Charlottesville with those of the world, particularly those is Besançon, Huehuetenango, Poggio a Caiano, and Winneba.*

## NEXT STEPS:

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The Commission's wishes to return to the City Council in August to present an update on our review of Huehuetenango with our recommendation for the next step in the Friendship process.

## COMING UP: 2023 – 2026

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Visit by Delegation from Winneba on July 25, 2023

Creation of “Annual Sister Cities Week” in Charlottesville

Visit by Delegation from Huehuetenango (TBD)

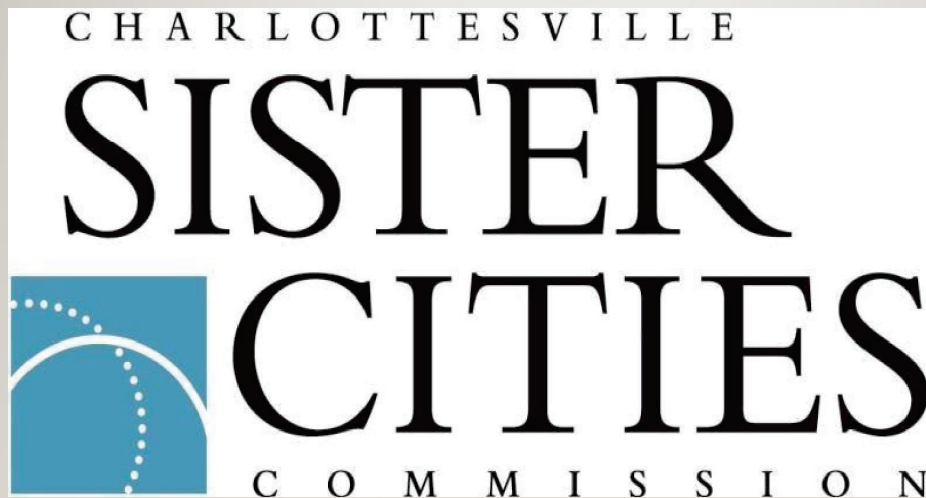
COMING UP: 2023 - 2026

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Visit by Delegation from Besançon to Charlottesville (2024)

Travel - Delegation to Huehuetenango (2024)

Travel - Delegation to Besançon - 20th anniversary of partnership (2026)





CITY OF CHARLOTTESVILLE

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# Economic Development Strategic Plan

2024-2028

# Overview

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01 Project Introduction

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02 Research Overview

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03 Strategy

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# Four phases of our engagement

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01

Development of Project Work Plan and Consultation Strategy

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02

Demographic, Economic, and Real Estate Assessment

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03

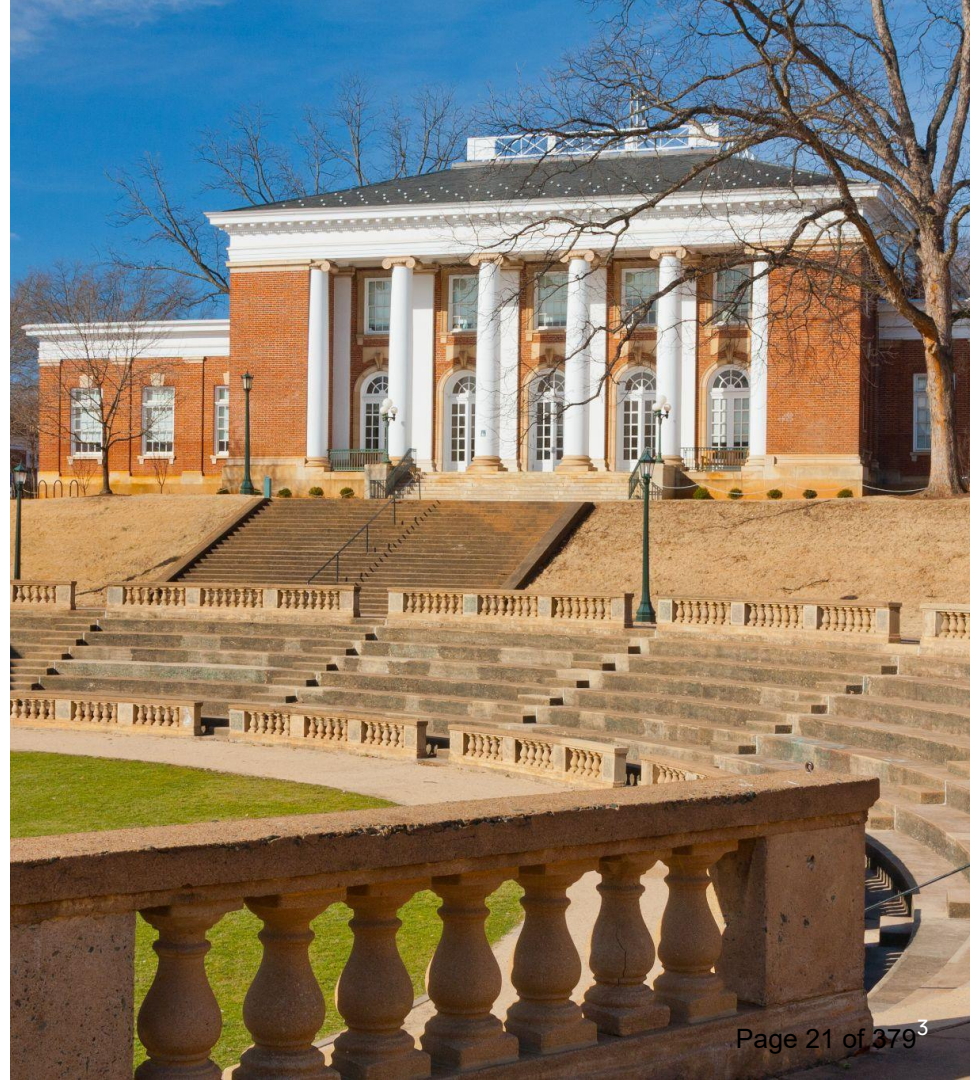
Stakeholder and Public Engagement

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04

Strategic Plan Development and Implementation

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# Discovery Recap



## Competitive Benchmarking Analysis

Comprehensive evaluation of Charlottesville and peer communities across 6 pillars (50 factors)



## Industry Cluster and Career Pathway Analysis

Assessment of Charlottesville's industry and workforce strengths and opportunities



## Real Estate and Land Use Review

Analysis of the development potential and the future of the built environment for the City



## Community and Business Survey

Survey for residents and business owners to gather input on community needs, assets, and economic development priorities



## Stakeholder Engagement

Roundtable discussions with more than 80 community members  
1-1 interviews with Council members

The detailed research conducted to support the development of this report is available as a technical appendix and includes the Community Competitive Assessment (Appendix A), the Target Cluster Analysis (Appendix B), the Career Pathway Analysis (Appendix C), the Real Estate Market Assessment (Appendix D), and the Stakeholder Engagement Summary (Appendix E).

# Research Overview



# What we learned

## 01

Charlottesville is a diverse and young community with authentic small-town charm.

Home to more than 51,000 residents, Charlottesville's population has increased by 3% in the last five years, a rate on par with the Commonwealth and national averages. Nearly 35% of residents are Black, Indigenous, and People of Color (BIPOC), and the median age is six years younger than the Commonwealth and national average. Residents and tourists celebrate the small-town feel while enjoying the big-city amenities.

# What we learned

## 02

Home to a highly skilled workforce in a variety of industries, Charlottesville has a healthy economy.

Six in 10 residents in Charlottesville have a Bachelor's Degree or higher — a share that is 72% higher than the national average. In addition, almost a third of the City's workforce is employed in knowledge-based occupations. As a result, Charlottesville has a healthy economy with an engaged and productive workforce, a low unemployment rate, and steady job growth.



# What we learned

## 03

Charlottesville has competitive export clusters, providing a foundation for a strong, diverse economic base.

Charlottesville is competitive in Defense, Life Sciences, Business Services, and Tourism. There is also an emerging IT industry and a growing Clean Technology cluster. These clusters collectively employ more than 13,000 employees. Ensuring the City maintains commercial spaces for flexible use and an environment open for business will support sustainable business growth in the future.



# What we learned

## 04

Charlottesville can grow its leadership  
in Life Sciences and Clean Technology.

Led by University of Virginia's innovative research facilities and the CvilleBiohub and CvilleREA collaborations, Charlottesville's Life Sciences and Clean Technology industries are a major part of its future in innovation. Together, these two clusters employ more than 6,000 employees and generate almost \$650 million in economic output. Ensuring these growing industries are supported will advance Charlottesville's economic portfolio.

# What we learned

## 05

Charlottesville has a strong asset in the University of Virginia; cultivating a stronger partnership is essential for economic development.

Together, the University of Virginia and the City of Charlottesville can cultivate a culture committed to inclusive innovation, attract world-class talent, address affordability challenges, and deliver cultural experiences that can be enjoyed by all.

# What we learned

## 06

Reimagining a more inclusive  
Charlottesville is an essential part  
of its economic development future.

Charlottesville has gaps in earnings, poverty, and educational attainment between White and BIPOC populations. The City has an opportunity to utilize its economic development plan to advance shared economic prosperity.

# What we learned

07

Charlottesville has a growing diverse entrepreneurial community.

Nearly seven in 10 Charlottesville businesses are small (having fewer than 10 employees), and more than a third of businesses are BIPOC-owned. By supporting diverse entrepreneurs, the City and its partners can generate opportunities for wealth creation in the community.

# What we learned

## 08

Charlottesville can bridge equity gaps through innovative workforce development.

BIPOC employment is concentrated in lower paying occupations; these occupations tend to have a high risk of automation, highlighting the need for upskilling. Strengthening the City's workforce development ecosystem to upskill homegrown talent for its growing sectors is essential for equitable economic growth.

# What we learned

09

Charlottesville's economic development story is largely untold.

Charlottesville needs communication assets and an economic development identity that highlight its business climate, industry strengths, and workforce capabilities.

# What we learned

## 10

Charlottesville has an array of quality-of-life assets that need to be complemented with creative placemaking strategies.

Charlottesville offers an easy-going atmosphere with an abundance of attractions that entertain visitors and locals alike — including more than 40 wineries along the historic Monticello wine trail; annual book, film, and arts festivals; and an assortment of local, family-owned eateries. Reimagined activation strategies will encourage consumers and entrepreneurs to return to the economic core.

# Target Clusters





	Bioscience and Life Sciences	Information Technology	Business and Financial Services	Defense and Security	Tourism	Clean Technology
Strengths	Highest GRP; High gender diversity; Low risk of automation	Fastest-growing; Highly-educated workforce; Competitive earnings	Fast-growing and forecasted for strong future growth; High racial diversity; Dependency on local supply chains	Strong competitive advantage; Highly-educated workforce; High productivity; Largest share of exports	Large employment base; High gender diversity; Skilled workforce; High share of exports	Large employment base; , Significant contributor to the economy
Assets	University of Virginia Medical Center; CvilleBioHub; North Fork Discovery Park; Fontaine Research Park; Virginia Biosciences Health Research Corporation	Virginia's only citywide Technology Zone; GovSmart	Finsemble; S&P Global Market Intelligence; and CFA Institute	Strategic location near Washington D.C.; major companies such as Northrop Grumman, General Dynamics, and Battelle	John Paul Jones Arena; Monticello Wine Trail; two UNESCO World Heritage Sites; Wineries, breweries, and cideries	Charlottesville Renewable Energy Alliance (CvilleREA); Climate Action Plan; AltEnergy, Apex Clean Energy; Sigora Solar; Hexagon Energy
Specialization	Research and Development; Device Manufacturing; Specialized Consulting	Software and App Development	Financial Services	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing	Wineries; Breweries; Arts and Cultural Facilities	Sustainable Energy
Challenges	C-suite level leadership, major entrepreneurs, and long-term investments	Capital investments	Cost of living; Workforce development opportunities	Space constraints; Talent pipeline	COVID-19 impact on jobs; Low earnings	Financing streams

# Strategy



# Elements of a Strategy

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01	Vision	A Preferred Future
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02	Goals	Desired Outcomes
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03	Strategies	How We Activate
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04	Actions	Steps, Resources, and Partners
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## VISION STATEMENT

A cultural and creative capital of Virginia, Charlottesville treasures its people and diversity - a leader in innovation and sustainability.



# Goals

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01	Equitable Entrepreneurship	We will invest in entrepreneurship to grow a more diverse, equitable, and vibrant Charlottesville.
02	Intentional and Innovative Growth	We will build an innovative economy: one that embraces intentional growth, value-added partnerships, and sustainability for tomorrow.
03	Pathways for Opportunity	We will create pathways of opportunity for all Charlottesville residents.
04	Creative Placemaking	We will invest in placemaking to celebrate Charlottesville's creativity and culture.
05	Storytelling for Investment	We will position Charlottesville as a community open for investment.

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# Goal 01

## Equitable Entrepreneurship

We will invest in entrepreneurship to grow a more diverse, equitable, and vibrant Charlottesville.

### Why it matters?

A vibrant and inclusive entrepreneurial ecosystem must include strategies that intentionally support a diverse group of entrepreneurs in both local and export sectors. Through entrepreneur-focused economic development for underrepresented businesses, Charlottesville can create wealth opportunities and greater shared prosperity.

# Goal 01

## Equitable Entrepreneurship

We will invest in entrepreneurship to grow a more diverse, equitable, and vibrant Charlottesville.

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### STRATEGY 1.1

Partner to grow Charlottesville's BIPOC and diverse businesses (LGBTQIA-, women-, and veteran-owned) through technical training, capital access, and networking.

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### STRATEGY 1.2

Establish a one-stop resource hub (website/app) for support services, culturally sensitive resources, and how to navigate City processes.

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### STRATEGY 1.3

Support home-based entrepreneurship and remote work.

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### STRATEGY 1.4

Continue the Business Equity Fund (BEF) Loan program.

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### STRATEGY 1.5

Explore the creation of a subsidized shared commercial space on or near the Downtown Mall.

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### STRATEGY 1.6

Continue to support key partner ESOs with program funding.

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### STRATEGY 1.7

Promote and tell the story of Charlottesville's diverse entrepreneurs.

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# Goal 01 – Actions

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## STRATEGY 1.1

- Convene a quarterly working group of small business support organizations to discuss best practices, explore collaborations, and set collective service goals.
  - Support and promote small business resources and training offered by the City and its small business support partners.
  - Develop, with partners, a community entrepreneurship dashboard to track impact and program participation.
  - Establish goals for reaching an array of underserved businesses (BIPOC-, LGBTQIA-, and women-owned, among others) representing diverse sectors and a pipeline strategy for reaching participants.
  - Celebrate the companies participating in the program.
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## STRATEGY 1.2

- Inventory – in collaboration with partners – all small business and entrepreneurship programs in Charlottesville.
  - Develop – in collaboration with partners – an online calendar of small business coaching (business plans, marketing plans, and succession plans) and networking opportunities for Charlottesville businesses.
  - Create a “How to Open a Business” guide; make it available in multiple languages and formats (print/electronic).
  - Collaborate to develop and maintain a community-wide entrepreneurship website and app for small business owners; make it available in multiple languages.
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# Goal 01 – Actions

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## STRATEGY 1.3

- Host – in partnership with small business partner organizations – quarterly small business webinars offering technical and capacity-building education for micro businesses (business planning, marketing, and more).
  - Support City-sponsored pop-up retail spaces and installations.
  - Convene a community advisory group to guide the City's efforts to support remote work.
  - Ensure that the needs of Charlottesville's remote workers, especially third spaces, are considered in future mixed-use developments.
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## STRATEGY 1.4

- Provide loan and capital funding to underserved businesses that meet eligibility requirements and qualify for the program.
  - Market the program to eligible Charlottesville companies, hosting informational sessions about the loan program.
  - Connect participating companies with the appropriate wrap-around services (mentorship, coaching, and more) needed to succeed.
  - Track and communicate the economic impact of the program.
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# Goal 01 – Actions

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## STRATEGY 1.5

- Cultivate leads and create inventory documents for downtown and other commercial neighborhood spaces to support pop-up retail.
  - Explore the feasibility of shared commercial space in Charlottesville, providing best practices in other cities, business models, and needed resources.
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## STRATEGY 1.6

- Support, through matching funds, ESOs that help advance the City's economic development efforts.
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## STRATEGY 1.7

- Develop – in collaboration with community partners – a systematic approach to identify diverse and innovative small businesses in Charlottesville.
  - Promote Charlottesville's successes across multiple communication platforms: website, blogs, social media, and direct emails.
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# Goal 01

## Equitable Entrepreneurship

We will invest in entrepreneurship to grow a more diverse, equitable, and vibrant Charlottesville.



## Recommended Metrics

- Business formation (by background)
- Small businesses and home-based businesses participating in programs
- Entrepreneurs receiving capital dollars
- Entrepreneurs promoted

# Goal 02

## Intentional and Innovative Growth

We will build an innovative economy: one that embraces intentional growth, value-added partnerships, and sustainability for tomorrow.

### Why it matters?

Thoughtful planning and collaboration are key to the success of any economic development initiative and ensure that resources are shared efficiently and effectively. This way, Charlottesville is able to fully capitalize on its innovative and technology strengths and tier-1 research institution in UVA.

# Goal 02

## Intentional and Innovative Growth

We will build an innovative economy:  
one that embraces intentional growth,  
value-added partnerships, and  
sustainability for tomorrow.

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### STRATEGY 2.1

Execute a business retention program to help existing businesses be successful.

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### STRATEGY 2.2

Activate — in partnership with Commonwealth and regional partners — a private investment strategy to reach decision-makers.

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### STRATEGY 2.3

Focus — in partnership with industry associations — on expansion efforts for scalable businesses in Charlottesville's traded sectors.

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### STRATEGY 2.4

Align policy, planning, and future (re)development to support innovative industries.

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### STRATEGY 2.5

Expand the CVille Match Program.

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### STRATEGY 2.6

Strengthen partnerships with Albemarle County, the University of Virginia, and others to advance the City's development interests.

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### STRATEGY 2.7

Utilize public-owned land and public-private partnerships to support quality jobs, investment, and housing options.

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# Goal 02 – Actions

## STRATEGY 2.1

- Host annual cluster working groups in Charlottesville's traded sectors – Life Sciences, Defense, Clean Tech, Professional Services, and Information Technology – to identify business needs and support cluster collaboration.
- Conduct a formal visitation plan for Charlottesville's businesses, interviewing at least 24 businesses annually.
- Use regularly scheduled business feedback surveys to gauge needs and track successes.

## STRATEGY 2.2

- Continue to work with Commonwealth and regional partners to respond to incoming RFPs.
- Build a target site selection and investor list and develop a bi-annual outreach plan.
- Collaborate with the Commonwealth, Central Virginia Partnership for Economic Development, Albemarle County, and others to host site visits.





# Goal 02 – Actions

## STRATEGY 2.3

- Align Charlottesville's cluster initiatives to support high-growth startups and scaleups; ensure they are represented in business retention and expansion activities.
- Support the business expansion and marketing efforts of industry partnership organizations and anchors such as CvilleBioHub, University of Virginia Health, CvilleREA, and others.
- Build relationships with venture capital organizations and investors (focus: Virginia, New York, Massachusetts, New Jersey).
- Catalog and promote resources – incubators, accelerators, meetup events, and more – in the region and throughout the Commonwealth that could support scalable enterprise development.

## STRATEGY 2.4

- Partner with various City departments and development stakeholders to maintain and evaluate development assets and needs: land, infrastructure, and utilities.
- Advise City Council on development policies to support economic growth and align with cluster needs.
- Serve as a trusted advisor to businesses and investors on new real estate/commercial development and redevelopment transactions that further the City's economic landscape.



# Goal 02 – Actions

## STRATEGY 2.5

- Continue to provide matching dollars to recipients of Small Business Innovation Research (SBIR), Small Business Technology Transfer (STTR), Commonwealth Research and Commercialization Fund (CRCF), and Virginia Jobs Investment Program (VJIP) grants.
- Market the program to eligible Charlottesville companies, hosting informational sessions about the initiative.
- Track and communicate the economic impact of the program, and showcase company participants.

## STRATEGY 2.6

- Maintain support and relationships with county and regional partners, the University of Virginia, community colleges, business support organizations, workforce developers, and Visit Charlottesville, which support the City's economic development and tourism efforts.

## STRATEGY 2.7

- Coordinate a strategy to evaluate the highest and best use (i.e., quality job creation and impactful development/redevelopment) of key City-owned land.
- Develop a mechanism for evaluating, measuring, and reporting impact over time.



# Goal 02

## Intentional and Innovative Growth

We will build an innovative economy: one that embraces intentional growth, value-added partnerships, and sustainability for tomorrow.



### Recommended Metrics

- Businesses visited
- New businesses (total and by cluster)
- Jobs (total and by cluster)
- Cville Match
- Site selectors engaged

# Goal 03

## Pathways for Opportunity

We will create pathways of opportunity, creating opportunity for all Charlottesville residents.

### Why it matters?

Creating pathways in Charlottesville will help to bridge community divides and create the skilled workforce for its innovative sectors, allowing the City and its partners to achieve its development goals.



# Goal 03

## Pathways for Opportunity

We will create pathways of opportunity, creating opportunity for all Charlottesville residents.

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### STRATEGY 3.1

Educate private-sector leaders about workforce development and talent attraction.

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### STRATEGY 3.2

Lead efforts with the private sector to pilot new “earn and learn” opportunities for Charlottesville’s tech sectors: Clean Technology, Information Technology, and Life Sciences.

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### STRATEGY 3.3

Develop, in collaboration with workforce partners, a GO Healthcare program.

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### STRATEGY 3.4

Continue the GO Cook program and other culinary supports, and provide linkage to each of the GO programs so that entrepreneurial pathways can be created.

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### STRATEGY 3.5

Partner with Charlottesville City Schools and others to evaluate industry-focused K-14 programming to ensure alignment with the City’s growth sectors.

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### STRATEGY 3.6

Expand the capacity of the GO Hire program, focusing on underserved enterprises.

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### STRATEGY 3.7

Advocate for leadership opportunities for BIPOC and underserved up-and-coming leaders.

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### STRATEGY 3.8

Support the priorities outlined in the Charlottesville Comprehensive Plan and the Affordable Housing Plan.

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# Goal 03 – Actions

## STRATEGY 3.1

- Provide ongoing workforce development and training updates via economic development communications (newsletters, social media, website, and more) during company visits and cluster roundtable discussions.
- Develop a guide and pitch for Charlottesville and its partners to support businesses in workforce and training efforts.
- Engage private-sector businesses and public-sector organizations to adopt internship programs for Charlottesville City Schools (K-12), community colleges, and UVA students.

## STRATEGY 3.2

- Engage Charlottesville's workforce development partners and traded-sector employers quarterly to discuss needed training programs.
- Develop a survey to identify training gaps for entry-level and middle-skill opportunities in Charlottesville's tech sector.
- Utilize survey findings to support the creation of a pilot to establish "earn and learn" for non-traditional students, including the recruitment of participating companies.
- Measure the impact of the pilot program and initiative, make appropriate adjustments, and scale.
- Replicate these actions for other sectors.



# Goal 03 – Actions

## STRATEGY 3.3

- Convene a working group of healthcare employers and workforce providers to understand healthcare training needs and gaps in Charlottesville.
- Evaluate previous GO training programs to understand best practices and challenges.
- Seek funding sources to support the program creation.
- Establish curriculum and pipeline recruitment strategy in partnership with healthcare companies and community-based organizations.
- Launch the program and evaluate annual success.

## STRATEGY 3.4

- Continue to offer the Go Cook program, extending its reach throughout the City with a targeted recruitment strategy.
- Ensure necessary wraparound services (mentorship, career coaching, business planning) are available for participants to identify a clear career pathway and progression.
- Promote the impact of the program, featuring the stories and successes of participants.





# Goal 03 – Actions

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## STRATEGY 3.5

- Host workshops for K-14 providers to highlight the drivers of the City's economy and spotlight future employment opportunities for students.
- Partner with educational partners to catalog K-14 programming and initiatives to better understand offerings and gaps.
- Evaluate the need for new programming or improved/increased promotion (to students, parents, and employers) of initiatives currently underway.
- Celebrate the success of students participating in current programming.

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## STRATEGY 3.6

- Continue to provide grant reimbursements (up to \$5,000) to companies (offering at least \$15/hour) for hiring Charlottesville residents.
  - Establish goals for reaching underserved businesses and a pipeline and marketing strategy for doing so.
  - Monitor and evaluate the impact of the program, including its long-term economic impact.
  - Celebrate the companies participating in the program.
- 



# Goal 03 – Actions

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## STRATEGY 3.7

- Partner with area communities and non-profit organizations and companies to identify open leadership opportunities.
- Encourage — in collaboration with the Charlottesville Greater Chamber and the other community partners — diverse residents and leaders to apply for the Leadership Charlottesville initiative.
- Evaluate the creation of a scholarship fund to support program participation.
- Explore, in concert with the community partners, a Charlottesville “Top 20 under 40” initiative to recognize diverse up-and-coming leaders in the community.

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## STRATEGY 3.8

- Support the advancement of the housing priorities outlined in the Charlottesville Affordable Housing Plan.
  - Reflect updates and investments in economic and destination development communication and marketing materials.
- 



# Goal 03

## Pathways for Opportunity

We will create pathways of opportunity, creating opportunity for all Charlottesville residents.



### Recommended Metrics

- GO program participants
- GO Hire participating enterprises
- New training programs created
- Population
- Share of residents ages 25-34
- Per capita income
- Share of BIPOC residents
- Educational attainment levels for BIPOC residents
- Poverty rates for BIPOC residents
- Median earnings for BIPOC residents
- Homeownership rate for BIPOC residents



# Goal 04

## Creative Placemaking

We will invest in placemaking to celebrate Charlottesville's creativity and culture.

### Why it matters?

Charlottesville's destination assets (wineries, arts and culture, Downtown Mall, and more) are essential for attracting and retaining talent.

# Goal 04

## Creative Placemaking

We will invest in placemaking to celebrate Charlottesville's creativity and culture.

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### STRATEGY 4.1

Collaboratively reimagine, with key stakeholders, the Historic Downtown Mall and a retail strategy to support it.

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### STRATEGY 4.2

Explore, with community partners, the creation of a welcoming initiative.

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### STRATEGY 4.3

Support the Rising Professional program.

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### STRATEGY 4.4

Support the efforts of Visit Charlottesville to grow destination assets.

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### STRATEGY 4.5

Provide, maintain, and promote innovative parking solutions.

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# Goal 04 - Actions

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## STRATEGY 4.1

- Participate in the ongoing planning committee and visioning engagement for the future Historic Downtown Mall.
  - Hire a consultant to advise the City on a retail strategy and assessment for downtown and its underserved corridors.
  - Support retail efforts with ongoing placemaking initiatives.
- 

## STRATEGY 4.2

- Utilize Charlottesville's marketing and communication platforms to promote various City-wide cultural programs and initiatives, featuring participating companies, businesses, and community leaders.
  - Assemble a diverse advisory committee, including City officials, residents, cultural representatives, business and community leaders, and philanthropic representatives to help guide the City's welcoming efforts.
  - Evaluate best practices from other Virginia and Mid-Atlantic communities.
- 



# Goal 04 - Actions

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## STRATEGY 4.3

- Support the Charlottesville Regional Chamber to grow the Rising Professional Program offerings: networking functions, award recognition, volunteer opportunities, and more.
  - Actively promote the successes of young professionals in Charlottesville.
- 

## STRATEGY 4.4

- Support the tourism, placemaking, and marketing priorities identified by Visit Charlottesville.
  - Provide business support and technical services to Charlottesville destination businesses: retail, restaurants, entertainment, and more.
  - Reflect updates and investments in economic and destination development communication and marketing materials.
- 

## STRATEGY 4.5

- Maintain daily parking services.
  - Identify and evaluate additional parking needs throughout the City.
- 





# Goal 04

## Creative Placemaking

We will invest in placemaking to celebrate Charlottesville's creativity and culture.



## Recommended Metrics

- Number of visitors
- Placemaking events
- Residents 24 to 34
- New entertainment and hospitality investments



# Goal 05

## Storytelling for Investment

We will position Charlottesville as a community open for investment.

### Why it matters?

Storytelling and marketing are essential elements for economic development today. Charlottesville can improve its investment value proposition with improved economic development marketing and promotion.

# Goal 05

## Storytelling for Investment

We will position Charlottesville as a community open for investment.

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### STRATEGY 5.1

Develop a competitive identity for economic development.

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### STRATEGY 5.2

Update promotional materials (website, investor pitch, and target profiles) to grow economic development brand and investment opportunities.

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### STRATEGY 5.3

Invest in technology and data infrastructure that supports business development and marketing.

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### STRATEGY 5.4

Develop a communication and marketing plan to share success and wins with Charlottesville policymakers, businesses, and residents.

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# Goal 05 - Actions

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## STRATEGY 5.1

- Evaluate Charlottesville's brand and positioning for economic development, talent attraction, and investment.
- 

## STRATEGY 5.2

- Refresh Charlottesville's identity and marketing materials (website, social media, and more) to reflect new positioning.
  - Prepare industry investment marketing portfolios (brochures and videos) for clusters, and ensure they are available in print and digital.
  - Develop a consistent "Why Charlottesville?" story and pitch to be used by all partners (updated annually).
- 

## STRATEGY 5.3

- Make the appropriate technology and database investments to support the City's economic development efforts.
- 

## STRATEGY 5.4

- Develop and execute quarterly communications to Charlottesville's business, economic development, and community partners.
  - Offer briefings and updates about the City's economic development efforts to elected officials.
- 



# Goal 05

## Storytelling for Investment

We will position Charlottesville as a community open for investment.



## Recommended Metrics

- Unique website visitors
- Social media engagement
- OED newsletter subscribers/engagement
- Earned media

To ensure ongoing implementation, progress, and governance, the following metrics should be tracked on an annual basis:

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#### POPULATION

Tracking interest in the attractiveness of Charlottesville as a place to live.

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#### NUMBER OF BUSINESSES

Tracking the health of Charlottesville's business ecosystem and the City's ability to retain businesses and assist entrepreneurs.

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#### EMPLOYMENT

Counting the number of residents engaged in the workforce.

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#### MEDIAN HOUSEHOLD INCOME

Tracking earning potential in Charlottesville.

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#### SHARE OF RESIDENTS AGES 25-34

Tracking the proportion of Charlottesville's young talent base.

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#### SHARE OF BIPOC RESIDENTS

Tracking the diversity of Charlottesville's population.

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#### EDUCATIONAL ATTAINMENT LEVELS FOR BIPOC RESIDENTS

Understanding the gap in education — an important aspect of workforce upskilling — between White and BIPOC residents.

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#### POVERTY RATE FOR BIPOC RESIDENTS

Tracking the progress of economic recovery by race.

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#### MEDIAN EARNINGS FOR BIPOC RESIDENTS

Tracking the distribution of wealth between White and BIPOC residents.

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#### HOMEOWNERSHIP RATE FOR BIPOC RESIDENTS

Tracking access to Charlottesville's home ownership opportunities by race.

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# Goals

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01	Equitable Entrepreneurship	We will invest in entrepreneurship to grow a more diverse, equitable, and vibrant Charlottesville.
02	Intentional and Innovative Growth	We will build an innovative economy: one that embraces intentional growth, value-added partnerships, and sustainability for tomorrow.
03	Pathways for Opportunity	We will create pathways of opportunity for all Charlottesville residents.
04	Creative Placemaking	We will invest in placemaking to celebrate Charlottesville's creativity and culture.
05	Storytelling for Investment	We will position Charlottesville as a community open for investment.

# Thank you

# Charlottesville's Target Clusters



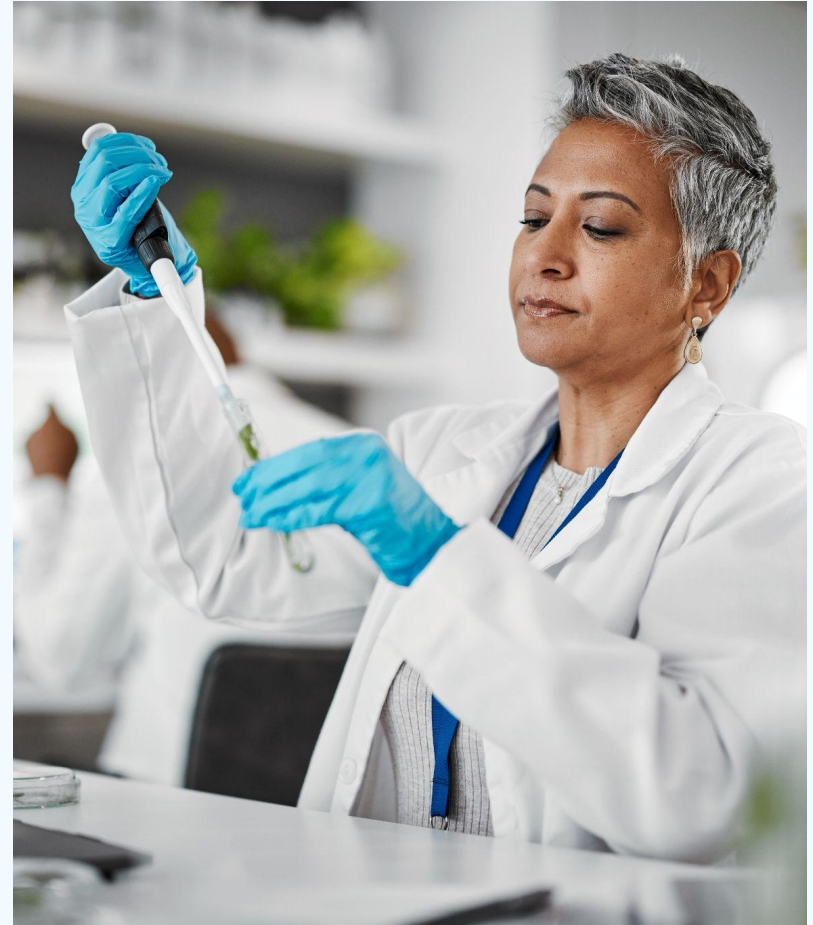
# Bioscience and Life Sciences

The Bioscience and Life Sciences cluster is a **significant contributor to the economy** (\$373m in 2022). The cluster is **competitive** where employment is 75% higher than the national average.

The cluster has a high share of **gender diversity** where 54% of employees are women and a **highly educated workforce**, where 59% of employees have a Bachelor's degree or above.

The cluster is forecasted to grow by 6% in the next five years. Growth in this cluster is largely sustainable, with a robust industry base, a low share of jobs at risk of automation (7%) and a low retirement risk (only 25% of the workforce is over 55 years of age).

**UVA** produces innovative **research discoveries** and offers access to world class faculty experts. UVA **School of Medicine** is ranked 19th for primary care and 31st for research by U.S. News and World Reports. Moreover, Greater Charlottesville has the highest concentration of life sciences organizations in Virginia and is home to more than 75 companies. Industry leaders have come together to form **CvilleBioHub**; a collaborative regional community.





# Information Technology

The Information Technology cluster is the **fastest growing** in Charlottesville, where it grew by 26% in the last five years (on par with the state average). The cluster is projected to grow by another 8% in the next five years.

The cluster benefits from a **young and highly educated workforce** (62% have a BA or higher), with a strong specialization in software development. Charlottesville also offers **high competitive earnings** for occupations in this cluster (average \$119,000).

**UVA Licensing & Ventures Group** provides support for entrepreneurs and partners with start-ups and businesses to commercialize breakthroughs in technology. Two research parks support the University's academic and research activities: **North Fork and the Fontaine Research Park**.

Technology companies in Charlottesville have access to generous incentives thanks to **Virginia's first city-wide technology zone**. They also benefit from **robust infrastructure** (robust, redundant fiber optics network; multiple telecommunications networks and electrical power providers).



# Business and Financial Services

The Business and Financial Services cluster employs more than 2,000 employees in Charlottesville. **Growth** in this cluster is double the state average and this cluster is **projected to grow the fastest** in the next five years (13% forecasted growth).

Growth in this cluster is quite sustainable, where 70% of **supply chain requirements** are satisfied in-region. From an **equity** standpoint, this cluster is important where 38% of employees are BIPOC residents.

The University of Virginia features the top ranked **McIntire School of Commerce**, offering concentrations in fields such as Accounting, Finance, Information Technology, and Management. Also, **Piedmont Virginia Community College and Germanna Community College** are actively engaged in workforce development, providing courses and training for in-demand career tracks and partnering with businesses to customize programs.





# Defense and Security

The Defense and Security cluster has the **highest competitive advantage** in Charlottesville, where employment is almost three times the national average.

The cluster benefits from a **highly educated and productive workforce**, and is the strongest cluster in Charlottesville in terms of **exports** where 95% of its sales are out-of-region.

Charlottesville builds on a **strategic accessible location** with its proximity to the national defense industry centered in Washington, DC and the presence of the the National Ground Intelligence Center (NGIC) and the Defense Intelligence Agency at **Rivanna Station**.

Moreover, The **UVA School of Engineering and Applied Science** has expertise in aerospace technologies, national security applications, information technology, advanced materials, and energy technologies.

Other regional efforts include the **Charlottesville Regional Chamber of Commerce's Defense Affairs Committee** which plays a leading role in advocating for and strengthening support for the region's defense industry.

# Tourism

With over 4,300 workers, Tourism has the **largest employment base** among all of Charlottesville's clusters. Charlottesville has a **unique competitive advantage** in Tourism where the City was able to withstand the effect of the COVID-19 pandemic and job losses were half those on the Commonwealth level.

The cluster is a major employer of women (54%). It is a strong cluster in Charlottesville in terms of **contribution to the economy** (\$346m GRP in 2022) and **exports** where 76% of its sales are out-of-region.

Charlottesville builds on a **strong destination assets** — from 40+ wineries along the historic Monticello wine trail, outdoor recreational activities, annual book, film, and arts festivals, and an assortment of local, family-owned eateries ranging from southern cuisine to Turkish döner kebab.







# Clean Technology

The Clean Technology cluster in Charlottesville employs more than **3,000 employees**.

Charlottesville is home to **eight major companies**: AltEnergy, Columbia Power, Coronal Energy, Apex Clean Energy, Sigora Solar, Sun Tribe Solar, Hexagon Energy, and Coulomb. Collectively, these eight companies generate more than **2,700 megawatts of clean energy**—enough to power a city 40 times the size of Charlottesville, or well over half a million American homes.

Across their portfolios, the companies have more than **\$6.5 billion worth of clean energy operating and in development**.

The cluster is supported by the **Charlottesville Renewable Energy Alliance (CvilleREA)**, an alliance of clean energy companies working to encourage other businesses to offer clean energy incentives, expand local accessibility to EV charging stations, scale up rideshare programs, and retool the downtown business district to welcome this movement.

# CITY OF CHARLOTTESVILLE



## PROCLAMATION

### **PARKS and RECREATION MONTH – JULY 2023**

**WHEREAS** parks and recreation programs are an integral part of communities throughout this country, including the City of Charlottesville; and

**WHEREAS** our parks and recreation experiences are vitally important to establishing and maintaining the quality of life in our communities, ensuring the healthy lifestyle for all citizens, and contributing to the economic and environmental well-being of community and region; and

**WHEREAS** parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and improve the mental and emotional health of all citizens; and

**WHEREAS** parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, families and retirees; and

**WHEREAS** parks and recreation is a leading provider of healthy meals, nutrition services and education; and

**WHEREAS** parks and recreation areas are fundamental to the environmental well-being of our community; our parks and natural recreation areas ensure the ecological beauty of our community and provide new learning opportunities and memorable experiences for children and adults by connecting with nature and the outdoors; and

**WHEREAS** the U. S. House of Representatives has designated July as Parks and Recreation Month; and

**WHEREAS** the City of Charlottesville recognizes the benefits derived from parks and recreation resources, offering over 200 programs such as swim lessons, dance, gymnastics, day camps, nature programs and athletics leagues, with over 4,000 registered participants for the summer of 2023; and

**WHEREAS** special events are held in parks such as the July 15 Sounds of Summer at Tonsler Park featuring The Tara Mills Band, including a free meal off the grill;

**NOW THEREFORE, BE IT RESOLVED BY** the Council of the City of Charlottesville that July is recognized as Parks and Recreation Month in the City of Charlottesville, and residents and visitors are encouraged to participate in the range of activities that help to make Charlottesville a vibrant community.

Signed and sealed this 17th day of July 2023.

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

**Attest:**

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**Kyna Thomas, Clerk of Council**



## CHARLOTTESVILLE CITY COUNCIL MEETING

May 1, 2023

Council Chamber 4:00 PM

The Charlottesville City Council met on Monday, May 1, 2023. Mayor Lloyd Snook called the meeting to order, and Clerk of Council Kyna Thomas called the roll, noting all councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne, Brian Pinkston and Leah Puryear.

On motion by Pinkston, seconded by Wade, Council unanimously approved the meeting agenda.

### REPORTS

#### 1. Discussion: Focus on Homelessness: The State of the Unhoused and Unhoused Services

Anthony Haro, BRACH (Blue Ridge Area Coalition for the Homeless), began the presentation by providing information about the homeless services continuum of care, coordination, quality program development, grants management, and leadership on ending homelessness. He reported the PIT (Point in Time) Count data from 2010 - 2023. The report indicated:

- 459 people were documented on the By-Name List (BNL) as having been without a home over the year between April 2022-2023; 200 total people at a given time;
- 77% of BNL reported having not experienced homelessness locally in the two prior years;
- 206 days was the average length of stay in emergency shelters from April 2022 to April 2023 compared to 48 days in 2019;
- Our community needs 60 to 70 additional low-barrier, year-round emergency shelter beds

Mr. Haro stated that rental assistance and permanent supportive housing programs have been successful. Because of rental assistance and the focus on target populations, the number of homeless veterans reduced from 20- 25 annually to a total of six, with the possibility of further reducing to four homeless veterans.

Misty Graves, Director of Human Services, shared information about the coordinated entry system, particularly the Homeless Information Line (HIL), which was created to assist people who are experiencing homelessness or at imminent risk of becoming homeless. She mentioned that operation of the HIL will transition to The Haven, and hours of operation will expand in FY24.

Anna Mendez, Executive Director, explained the role of The Haven, which provides a safe and welcoming space for people experiencing homelessness and poverty, supports individuals and families as they pursue stability through connections to resources, and performs creative housing interventions. The Haven provides day shelter services among other housing services.

Jayson Whitehead, Director of PACEM (People And Congregations Engaged in Ministry.),

stated that PACEM was established as a collaboration between the faith community and emergency responders to reduce/eliminate deaths of unhoused neighbors due to hypothermia; as a low-barrier overnight emergency shelter for adults during the coldest months plus specialized housing programs for women and seniors; and to mobilize 80+ faith congregations and hundreds of volunteers, in partnership with the broader community of organizations serving greater Charlottesville. He provided data to show the number of unique guests served during the coronavirus pandemic. The Premier Circle Project introduced a 24/7 shelter model as opposed to a seasonal operation. Mr. Whitehead recommended bringing The Salvation Army into the sheltering conversation. Councilors and presenters discussed the contents of the presentation, collaboration among agencies, and future needs.

## **BUSINESS SESSION**

City Council began the business session by observing a moment of silence.

## **ANNOUNCEMENTS**

Councilor Pinkston announced Mr. Alex-Zan's "My Help List" winners:

Mayor Snook announced the Charlottesville City Schools art display downtown, where artwork from over 500 students in grades K-12 was displayed in windows along the Downtown Mall. He also announced the All High Schools Art show at McGuffey Art Center starting May 2<sup>nd</sup>.

## **RECOGNITIONS/PROCLAMATIONS**

- **Proclamation: Older Americans Month**

Vice Mayor Wade presented the proclamation to Marta Keane, JABA (Jefferson Area Board on Aging) Executive Director.

- **Proclamation: Alpha Kappa Alpha Sorority, Inc. - Eta Phi Omega Chapter 60th Anniversary**

Councilor Puryear presented the proclamation to Pamela Brown, President of the Eta Phi Omega Chapter of Alpha Kappa Alpha Sorority, Inc.

- **Proclamation: The Links, Inc. - The Charlottesville Chapter 25th Anniversary**

Councilor Puryear, Charter member, presented the proclamation to President Deborah Bell Burks of the Links, Inc. Charlottesville Chapter.

- Mayor Snook recognized the 54th Municipal Clerks Week

## **CONSENT AGENDA**

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

2. Minutes: April 3 regular meeting
3. Resolution: 2023 City Climate Protection Program – Program Support Grant with LEAP - \$78,833 (2nd reading)

- a. Resolution: Appropriating \$78,833 from the 2023 Climate Protection Program Support Grant to the LEAP (Local Energy Alliance Program) (2nd reading)

#### **RESOLUTION**

##### **2023 Climate Protection Program Support Grant - \$78,833**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$78,833 is hereby paid to LEAP from previously appropriated funds in the Gas Fund, Environmental Sustainability Cost Center as follows:

\$78,833      Fund: 631                      Cost Center: 2711001000                      G/L Account: 599999

- b. Resolution: Authorizing the city manager to sign a Memorandum of Understanding between the City and the Local Energy Alliance Program (LEAP) for grant funds to support the Climate Protection Program and promote energy performance improvements (2nd reading)

#### **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City Manager is hereby authorized to sign the following document, attached hereto, in form approved by the City Attorney or his designee. Memorandum of Understanding (MOU) between the City and the Local Energy Alliance Program (LEAP) for grant funds to support the Climate Protection Program and promote energy performance improvements.

4. Resolution: Resolutions to award FY23 Charlottesville Affordable Housing Funds (CAHF) (2nd reading)
  - a. Resolution: \$187,500 to the Charlottesville Redevelopment and Housing Authority (CRHA) for a Public Housing HVAC Equity Project (2nd reading)

#### **RESOLUTION**

##### **Allocation of Charlottesville Affordable Housing Fund (CAHF) for Charlottesville Redevelopment and Housing Authority (CRHA) Public Housing HVAC Equity Project - \$187,500**

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$187,500 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Charlottesville Redevelopment and Housing Authority (CRHA) for the purpose of providing funds for the Public Housing HVAC Equity Project.

Fund: 426                      Project: CP-084                      G/L Account: 530670

Charlottesville Redevelopment and Housing Authority (CRHA)                      \$187,500

- b. Resolution: \$67,806 to Community Services Housing, Inc. for rehabilitation repairs to preserve Community Services Housing Properties (2nd reading)

**RESOLUTION**

**Allocation of Charlottesville Affordable Housing Fund (CAHF) for Community Services Housing, Inc. Rehabilitation Repairs to Preserve Community Services Housing Properties - \$67,806**

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$67,806 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Community Services Housing, Inc. for the purpose of providing funds for the Rehabilitation Repairs to Preserve Community Services Housing Properties program.

Fund: 426                      Project: CP-084                      G/L Account: 530670

Community Services Housing, Inc.                      \$67,806

- c. Resolution: \$225,000 for the Habitat for Humanity of Greater Charlottesville Transitions to Homeownership 2023 project (2nd reading)

**RESOLUTION**

**Allocation of Charlottesville Affordable Housing Fund (CAHF) for Habitat for Humanity of Greater Charlottesville Transitions to Homeownership 2023 - 225,000**

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$225,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Habitat for Humanity of Greater Charlottesville for the purpose of providing funds for the Transitions to Homeownership 2023 project.

Fund: 426                      Project: CP-084                      G/L Account: 530670

Habitat for Humanity of Greater Charlottesville                      \$225,000

- d. Resolution: \$167,972 for the Piedmont Housing Alliance Anti-displacement through Prospect Homeownership Project (2nd reading)

**RESOLUTION**

**Allocation of Charlottesville Affordable Housing Fund (CAHF) for Piedmont Housing Alliance Anti-displacement through Prospect Homeownership - \$167,972**

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$167,972 be allocated from previously

appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Piedmont Housing Alliance for the purpose of providing funds for the Anti-displacement through Prospect Homeownership program.

Fund: 426

Project: CP-084

G/L Account: 530670

Piedmont Housing Alliance

\$167,972

**e. Resolution: \$186,722 for the Virginia Supportive Housing Premier Circle PSH Project, with conditions (2nd reading)**

**RESOLUTION**

**Allocation of Charlottesville Affordable Housing Fund (CAHF) for Virginia Supportive Housing, Premier Circle PSH - \$186,722**

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$186,722 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Virginia Supportive Housing for the purpose of providing funds for the Premier Circle PSH project, with the condition that all funding be used for capital expenses only.

Fund: 426

Project: CP-084

G/L Account: 530670

Virginia Supportive Housing

\$186,722

5. Resolution: Appropriating Rescue Squad Assistance Fund (RSAF) grant funding for AEDs in the amount of \$14,550 (carried)
6. Resolution: Authorizing Participation in a Cooperative Partnership Application for State Opioid Abatement Authority Grant Funding

**RESOLUTION AUTHORIZING THE CITY OF CHARLOTTESVILLE, VIRGINIA'S PARTICIPATION IN A VIRGINIA OPIOID ABATEMENT AUTHORITY (OAA) COOPERATIVE PARTNERSHIP AGREEMENT WITH REGION 10 COMMUNITY SERVICE BOARD AND VARIOUS OTHER LOCALITIES**

**WHEREAS**, the mission of the Virginia Opioid Abatement Authority (OAA) is to abate and remediate the opioid epidemic in the Commonwealth through financial support in the form of grants, donations, or other assistance; and

**WHEREAS**, the OAA operates a financial assistance program to support certain cooperative partnerships of cities and/or counties in Virginia that implement regional efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids; and

**WHEREAS**, the cities and/or counties listed below, including the City of Charlottesville, have committed to work together to develop and jointly submit an application for regional cooperative partnership funding from the OAA; and



**WHEREAS**, at least two of the cities and/or counties listed below are located within the same region of the Department of Behavioral Health and Developmental Services; and

**WHEREAS**, the cities and/or counties and other organizations listed below agree they will execute a legally binding agreement formalizing the cooperating partnership if the application for financial assistance is approved; and

**WHEREAS**, the cities and/or counties and other organizations listed below agree that the signatory cities, counties and other organizations will designate the County of Albemarle as a fiscal agent for the cooperative partnership if it is awarded; and

**WHEREAS**, the cities and/or counties and other organizations listed below seek to mutually pursue grant funding collaboratively from the OAA for Fiscal Year 2024.

**NOW, THEREFORE, BE IT RESOLVED**, the cities and/or counties and other organizations listed below hereby authorize the County of Albemarle, Virginia, acting as fiscal agent to execute the cooperative partnership grant application to the Virginia Opioid Abatement Authority and to execute all documents in connection therewith.

Name of City, County, or Organization	Printed Name of Authorized Signor	Title of Authorized Signor Signature	Signature
Albemarle County	Jeffrey Richardson	Albemarle County Executive	
Nelson County	Candice McGarry	Nelson County Administrator	
City of Charlottesville	Michael C. Rogers	Interim City Manager	

7. Ordinance: Amending City Code Section 22-4. Methods of Procurement Authorized, to increase the bid bond limit from \$100,000 to \$200,000 (carried)

**Mayor Snook opened the floor for public comment on the consent agenda.**

- Teddy Durfee, 4th year student at UVA, spoke about climate protection and the need for investment to create a more bikeable and walkable city.

On motion by Pinkston, seconded by Wade, Council voted unanimously to adopt the consent agenda: 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

**CITY MANAGER REPORT**

Interim City Manager Michael Rogers congratulated Tom Byers and the organizers of the Tom Tom Festival. He commended Girls on the Run at Burnley-Moran. He stated that interviews for City Attorney will conclude this week. The national search for Fire Chief will open soon and he hopes to hire within 90 days. Inez Gonzalez, Executive Director of the Police Civilian Oversight Board and Antoine Williams, Housing Coordinator, began their roles today.

Deputy City Manager Ashley Marshall stated that the CAYIP (Community Attention Youth Internship Program) summer application process closed today, and business or organization sponsors are still welcome to sign up.

Deputy City Manager Sam Sanders announced that the new permitting process went online today, so customers can initiate building permits online and track progress. Other permits will go live in the Fall. The Public Works Fleet Division was recognized with Honorable Mention for the National Association of Fleet Administrators 100 Best Fleet Awards...

Councilor Pinkston asked for Mr. Byers to speak about this year's Tom Tom Festival. Mr. Byers thanked the many volunteers for their work to make the festival a success, and he thanked Council for attending events. He highlighted various activities that welcomed a wide variety of attendees, and stated an intention to provide diversity in activities to make as many people as possible feel welcome.

Mayor Snook commended the bike race held on May 13.

## **COMMUNITY MATTERS**

Mayor Snook opened the floor for comments from the public.

1. Jordan Perez, a first-year student at UVA, encouraged the city to follow through on the Climate Action Plan and to make the city more accessible for walkers and bikers.
2. Kate Fraleigh, city resident, encouraged Charlottesville taking a proactive approach to support a pipeline for people who want to work in the behavioral health field. She spoke about opportunities at CATEC and PVCC.
3. John Pfaltz, city resident, spoke in opposition to the city building a multi-use path along the south side of Barracks Road because the slope is too steep for bicycles, and he stated that going downhill on the slope would lead to people breaking the law because of speed. He encouraged spending funds to connect existing portions of the multi-use pathways, and avoid cutting down 53 mature trees.
4. Mila Ranocha, undergraduate student at UVA, spoke about the city's use of natural gas, and the need to transition to renewable energy.
5. Emily K. Johnson, local clinical social worker, spoke in support of efforts to help the homeless population. She noted a significant increase in evictions of people who have complex medical care needs, and about the subsequent expense to the community, as well as a decline in mental health for the homelessness individuals.
6. Maira Asmat, undergraduate student at UVA, urged Council to create a more walkable and bikeable city, prioritizing walkability. She also encouraged Council to revisit the recommendations in the 2015 Bicycle and Pedestrian Master Plan and to update it.
7. Taneesha Hudson voiced complaints from community members regarding the bus routes being altered during a bike race on May 13. She expressed a desire for the city to have city-sponsored events for Unity Days, and she stated a need for bus stop shelters.
8. Isabella Guituzo, first-year student at UVA, advocated for increased walkability in the city.

She spoke about construction risks and risks to walkers from increased reckless since the coronavirus pandemic. She requested consistency to ensure that construction standards are timely and meet safety requirements around pedestrian crossings.

9. Robin Hoffman, city resident, thanked David Dillehunt, Deputy Director of Communications, and encouraged the hiring of a Communications Director. She spoke in support of community safety, in support of Girls on the Run, and in support of solar energy.
10. Tom Gallagher, city resident, spoke against the city building a multi-use path along the south side of Barracks Road because of the slope of the hill, and the requirements to expand the sidewalk and remove the tree canopy.
11. Corinne Sweeney, undergraduate student at UVA, urged Council to establish a local green bank to fund incentives for transition to clean energy.
12. Kanaya Jones, undergraduate student at UVA, urged Council to establish a local green bank and a C-PACE to fund incentives for transition to clean energy and to impact equity and class divisions. He stated that lower income individuals are disproportionately impacted by energy costs.
13. AJ Farkas, undergraduate student at UVA, spoke about the city's use of natural gas, and the need to transition to renewable energy. He encouraged Council to change the City Code immediately to halt the subsidization of residential gas.
14. Charles Melvin, undergraduate student at UVA, encouraged the city to make the city more accessible to bikes, and to be more pedestrian-friendly, with sidewalk and crosswalk improvements, more and sturdier bike racks, and traffic calming measures.
15. Michelle Harnisch, undergraduate student at UVA, spoke about the need to preserve and increase the city's tree canopy. She spoke about the need to balance high density affordable housing with preserving tree canopy and she suggested using "green bracelets" to connect parks and natural resources to walkable and bikeable paths.
16. Dylan Jiron, undergraduate student at UVA, spoke about the city's natural gas utility, specifically decreased subsidies to natural gas and increased support for renewable energy.

## **ACTION ITEMS**

### **8. Public hearing/Resolution: TJPDC HOME Consortium Five-Year Consolidated Plan (Program Years 2023 - 2027) and the City of Charlottesville Annual Action Plan (FY 2023 - 2024)**

Alex Ikefuna, Office of Community Solutions Director, introduced Laurie Jean Talun with the Thomas Jefferson Planning District Commission, who reviewed the Five-Year Consolidated Plan, as required by the U.S. Department of Housing and Urban Development. The current Plan is set to expire June 30, 2023.

Ms. Talun described the HOME Investment Partnership Program and the activities that the HOME program has committed to for the next five years: homeowner rehabilitation, affordable homebuyer homes for purchase by low income buyers, down payment assistance, and rental assistance. The Community Development Block Grant funds will also be used toward these focus areas; however, the timeframe is for one year.

Anthony Warn, Grants Analyst with the Office of Community Solutions, presented the proposed resolutions.

Mayor Snook opened the public hearing. With no speakers coming forward, the mayor closed the public hearing.

On motion by Payne, seconded by Pinkston, Council unanimously APPROVED the following three resolutions with one vote: 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

#### **RESOLUTION**

#### **Appropriation of Community Development Block Grant Funds Anticipated from the U.S. Department of Housing and Urban Development as part of the City's FY 2023-2024 Annual Action Plan, in the Amount of Approximately \$410,468**

**WHEREAS** the City of Charlottesville has been advised by the U.S. Department of Housing and Urban Development of an anticipated Community Development Block Grant (CDBG) allocation for the 2023-2024 fiscal year in the approximated amount of \$410,468; and

**WHEREAS** City Council has received recommendations for the expenditure of funds from the city's CDBG/HOME Task Force, as reviewed and approved by the City Planning Commission, which conducted a public hearing thereon as provided by law; now, therefore

**BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that upon receipt of anticipated CDBG funding from the U.S. Department of Housing and Urban Development (HUD), said funds are hereby appropriated to the following individual expenditure accounts in the Community Development Block Grant Fund in accordance with the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations, as set forth below:

#### **Community Services**

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900514	Resident-Centered Redevelopment (Charlottesville Public Housing Association of Residents)	\$40,000.00

#### **Economic Development**

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900515	Microenterprise Entrepreneur Programs (Community Investment Collaborative)	\$25,000.00
218	1900516	Beginning Level Workforce Development (Literacy Volunteers of Charlottesville/Albemarle)	\$64,477.89

**CDBG Housing**

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900517	Charlottesville Critical Rehab Program (Albemarle Housing Improvement Program)	\$40,000.00
218	1900518	Coordinated Entry into Homelessness System of Care (The Haven at First & Market St.)	\$45,000.00

**Programmatic Funds**

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	3914001000	Planning & Admin	\$82,093.60
218	1900520	Council Priority: Public Facilities & Improvements	\$89,896.51

*Subtotal CDBG Funding Recommendations*      **\$410,468.00**

In the event that funding received from the U.S. Department of Housing and Urban Development for FY 2023-2024 differs from the amounts referenced above, all appropriated amounts may be administratively increased/reduced at the same prorated percentage of change to actual funding received. No sub-recipient's grant may be increased above their initial funding request without further consideration by Council.

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of not less than \$410,468 in CDBG funds from the Department of Housing and Urban Development for FY 2023-2024, and all sub-recipient awards are also conditioned upon receipt of such funds.

**BE IT FURTHER RESOLVED** that the amounts appropriated above within this resolution will be provided as grants to public agencies or private non-profit, charitable organizations (individually and collectively, "sub-recipients") and shall be utilized by the sub-recipients solely for the purpose stated within their grant applications. The City Manager is hereby authorized to enter into agreements with each sub-recipient as deemed advisable, to ensure that the grants are expended for their intended purposes and in accordance with applicable federal and state laws and regulations. To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and provide for guidance and assistance in the sub-recipients' execution of the funded programs.



## RESOLUTION

### **Appropriation of HOME Investment Partnership Program Funds Anticipated from the U.S. Department of Housing and Urban Development as part of the City's FY 2023-2024 Annual Action Plan, in the Amount of Approximately \$98,161**

**WHEREAS** the City of Charlottesville has been advised by the U.S. Department of Housing and Urban Development that the region served by the Thomas Jefferson Area HOME Consortium will be receiving an anticipated HOME Investment Partnerships (HOME) allocation for fiscal year 2023-2024, of which the City will receive approximately \$98,161 to support affordable housing initiatives; and

**WHEREAS** City Council has received recommendations for the expenditure of funds from the city's CDBG/HOME Task Force, as reviewed and approved by the City Planning Commission, which conducted a public hearing thereon as provided by law; and

**WHEREAS** it is a requirement of this grant that projects funded with HOME initiatives money must be matched with local funding in varying degrees; now, therefore,

**BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that upon receipt of anticipated HOME funding from the U.S. Department of Housing and Urban Development (HUD), said funds are hereby appropriated to the following individual expenditure accounts in the HOME Fund in accordance with the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations, as set forth below:

#### **HOME Investment Partnerships**

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
210	1900519	Permanent & Long-Term Affordable Homeownership Opportunities (Piedmont Housing Alliance)	\$98,161.00
Subtotal HOME Funding Recommendations			\$98,161.00

#### **HOME Local Match Funds**

Transfer from:			
<i>Fund</i>	<i>Cost Center</i>	<i>G/L Account</i>	<i>Amount to Transfer</i>
426	CP-084	561425	\$19,632.20
Transfer to:			
<i>Fund</i>	<i>Cost Center</i>	<i>G/L Account</i>	Receiving Amount
425	P-00507	498010	\$19,632.20
Subtotal HOME Local Match Funding			\$19,632.20

**BE IT FURTHER RESOLVED** by the Council of the City of Charlottesville, Virginia that the amount of \$19,632.20 is hereby appropriated from the Charlottesville Housing Fund for expenditure as the local match for HOME funding received from HUD (a transfer from Fund 426 to Fund 425; from Lump Sum: CP-084 to WBS: P-00507; from GL: 561425 to GL: 498010); and

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of not less than \$98,161 in HOME funds from the Department of Housing and Urban Development for FY 2023-2024, and all sub-recipient awards are also conditioned upon receipt of such funds, and

In the event that funding received from the U.S. Department of Housing and Urban Development for FY 2023-2024 differs from the amounts referenced above, all appropriated amounts may be administratively increased/reduced at the same prorated percentage of change to actual funding received. No sub-recipient's grant may be increased above their initial funding request without further consideration by Council.

**BE IT FURTHER RESOLVED** that the amounts appropriated above within this resolution will be provided as grants to public agencies or private non-profit, charitable organizations (individually and collectively, "sub-recipients") and shall be utilized by the sub-recipients solely for the purpose stated within their grant applications. The City Manager is hereby authorized to enter into agreements with each sub-recipient as deemed advisable, to ensure that the grants are expended for their intended purposes and in accordance with applicable federal and state laws and regulations. To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and provide for guidance and assistance in the sub-recipients' execution of the funded programs.

## **RESOLUTION**

### **Approving the Thomas Jefferson Area HOME Consortium Five-Year Consolidated Plan (FY 2023-2027) and the City of Charlottesville One-Year Annual Action Plan (FY 2023-2024)**

**WHEREAS** the City of Charlottesville is a designated Entitlement Community by the United States Department of Housing and Urban Development (HUD), and as such is a recipient of federal Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) funds, and

**WHEREAS** the City of Charlottesville is a contributing member of the Thomas Jefferson Planning District Commission Area HOME Consortium, in partnership with the counties of

Albemarle, Fluvanna, Greene, Louisa and Nelson, and through the Consortium shares in the benefits of participation in HUD's HOME program,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Charlottesville, Virginia, hereby approves the Thomas Jefferson Area HOME Consortium Five-Year Consolidated Plan (FY 2023-2027) and the City of Charlottesville One-Year Annual Action Plan (FY 2023-2024), as presented at the May 1, 2023, meeting of the City Council.

**9. Resolution: Resolution Transferring \$1,710,854 of Unallocated American Rescue Plan (ARP) funds**

Chris Cullinan, Director of Finance, presented the request.

Council and staff discussed the request to transfer funds to "Success Factors HRIS System and Implementation", and how it rose to the level of priority for use of these funds. Mr. Rogers stated that it is a city management priority to strengthen the Human Resources Department and procure a system that would be compatible with the upgraded SAP financial management system. He emphasized that it would take time to acquire, implement, and train staff on the new system, so it is imperative to move forward now rather than to wait.

Councilor Payne expressed a desire to see the range of options for funding in order to give input on priorities before being asked to vote on the allocation of funds.

On motion by Pinkston, seconded by Wade, Council by the following vote APPROVED the resolution transferring unallocated American Rescue Plan funds: 4-1 (Ayes: Pinkston, Puryear, Snook, Wade; Nays: Payne) Councilor Payne expressed opposition to the process. Staff indicated that unallocated funds will be presented in the future to Council for consideration.

**RESOLUTION TRANSFERRING FUNDS FOR  
American Rescue Plan for Eligible Local Activities - \$1,710,854**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$1,710,854 from previously appropriated, unallocated American Rescue Plan funds is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

Transfer from:

Unallocated Revenue Replacement Funds.	I/O 1900498	\$1,375,854.
ARP 1 Unallocated Funds.	I/O 1900480	\$335,000.
TOTAL.		\$1,710,854.

Transfer to:

Success Factors HRIS System and Implementation.	\$1,375,854.
ADA Transition Plan Update.	\$240,000.

Fire Department Uses:	
Public Safety Messaging Materials.	\$30,000.
“Stop the Bleed” kits, training, outreach.	\$5,000.
Ballistic vests.	\$60,000.

TOTAL.	\$1,710,854.
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Note: account codes will be established following the first reading and approval of these transfers.

**10. Resolution: Appropriating \$2,000,000 in FY23 Capital Improvement Program for Stribling Avenue Sidewalk and Buford School Reconfiguration Projects (carried)**

Deputy City Manager Sam Sanders presented the funding request, stating that 1) the Stribling Avenue Sidewalk Project is ready to move into the design phase and will require an additional \$500,000 to the amount that was previously appropriated, and 2) an advance allocation to make funds available for the July 2023 project start of the Buford project.

Council agreed to carry the two resolutions forward to the May 15 consent agenda for second reading and vote.

**11. Ordinance: Continuity of Government during the Covid-19 Pandemic disaster; supplemental changes and ratification (1 reading with four-fifths vote; or 2 readings)**

Interim City Attorney Andrew McRoberts with Sands Anderson PC presented the ordinance.

On motion by Payne, seconded by Pinkston, Council by a vote of 5-0 ADOPTED the following ordinance upon one reading.

ORDINANCE TO ASSURE CONTINUITY OF GOVERNMENT DURING THE COVID-19 PANDEMIC DISASTER BY ENACTING AND AUTHORIZING SUPPLEMENTAL TEMPORARY CHANGES IN CERTAIN DEADLINES, MODIFIED SUPPLEMENTAL AND REMEDIAL PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES, AND OTHER EMERGENCY ACTIONS NECESSARY TO ASSURE SAFE AND EFFICIENT AND EFFECTIVE GOVERNMENT OPERATIONS

**12. Resolution: Amending the FY 2024 Budget for the City's contribution to Jaunt**

Krisy Hammill, Budget Director, introduced the request as a housekeeping item for a budget item that was intended to come back for Council consideration during the FY2024 budget approval process.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 APPROVED the following resolution.

**RESOLUTION**  
**To Reallocate Funds in the FY 2024 for Jaunt - \$530,151**

**WHEREAS**, the FY 2024 City of Charlottesville, VA budget reflected a City Contribution in the amount of \$1,443,081;

**WHEREAS**, the Charlottesville City Council wishes to fully fund Jaunt's request in the amount of \$1,973,232;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$530,121 is hereby transferred in the following manner:

**Transfer from:**

\$530,151      Fund: 105      Cost Center: 1631001000      G/L Account: 599999

**Transfer to:**

\$530,151      Fund: 105      Cost Center: 972300100      G/L Account: 540100

**BE IT FURTHER RESOLVED**, that a payment from Jaunt is due to the City of Charlottesville as its share of an excess distribution in the amount of \$281,171 based on FY 22 results. Once received, those funds will be deposited in the Citywide Reserve account and remain available for spending in FY 24 accordingly.

**COMMUNITY MATTERS (2)**

- Kate Fraleigh, city resident, spoke in support of allocating American Rescue Plan funds to support a mental career ladder pipeline. She requested that the Department of Human Services get in contact with the Mental Health and Wellness Coalition.
- Robin Hoffman, city resident, spoke about being a healthcare worker during the Coronavirus pandemic. She stated that assisted living facilities still have insufficient staffing.

The meeting adjourned at 8:59 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council



## **CHARLOTTESVILLE CITY COUNCIL MEETING**

**May 15, 2023 at 4:00 p.m.**

**In-person: Council Chamber, 605 E. Main Street**

**Virtual/electronic: Zoom**

The Charlottesville City Council met on Monday, May 15, 2023. The meeting was held in hybrid format with Council members and public seating in Council Chamber, and electronic participation on the Zoom webinar platform. Mayor Lloyd Snook called the meeting to order, and Deputy Clerk of Council Maxicelia Robinson called the roll, noting the following councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Brian Pinkston and Leah Puryear. Councilor Michael Payne arrived after roll call.

On motion by Wade, seconded by Puryear, Council unanimously ADOPTED the meeting agenda.

### **REPORTS**

#### **1: REPORT: Youth Council Annual Report**

Daniel Fairley, Youth Opportunity Coordinator and a staff liaison for the Charlottesville Youth Council, introduced the report with a summary of the topics that the members of the Youth Council would cover in their presentation.

The members of the Youth Council reported on the activities and/or learning opportunities that the group participated in:

1. Ezhar Zahid, spoke about the Youth Council participation in the Community Climate Collaborative (C3) program.
2. Josie Fischman, presented the information that the council learned about the various Safe at Home Campaigns of the Albemarle Housing Improvement Program (AHIP)
3. Nava Khurgel, spoke about the council's Wellness Bag Distribution to the homelessness people who were on the Downtown Mall.
4. Jazmyn Carter-Page, presented the information that member of the council learned about the Shelter for Help and Emergency (SHE).
5. Christopher Procino, spoke about the council's participation in the Voter Registration Drive.
6. Gloria Gaye, reported that the council has created a Youth Street Sheet that will provide a list of resources for local youth. The sheet will be linked to a website through the UVA Equity Center for youth-focused programming.

Mayor Snook asked the members of the Youth Council for their suggestions for recreational opportunities that the city can provide for the local youth. Gloria suggested a recreational space. Josie suggested afterschool recreational activities along with transportation to enable participation, subsidized registration fees, and incentives such as snacks for the participants. Nava suggested a less-structured space for kids to hang out at no cost, similar to the local skate park.

Interim City Manager Rogers asked Mr. Fairley to follow-up with the City Manager's office for a meeting with the Youth Council.

## **2. REPORT: Presentation and Review of Draft Economic Development Strategic Plan**

Chris Engel, Director of Economic Development Authority, introduced the item and turned the presentation over to the representatives of the Resonance Consulting Firm.

Stephen Pedigo, and Omneya Fahmy of Resonance Consulting Firm, reviewed the phases of developing the draft plan and the strategy. The firm reported that they are now in the final phase of engagement for developing a strategy plan. The four phases of engagement are: 1. Development of Project Work Plan and Consultation Strategy, 2. Demographic, Economic, and Real Estate Assessment, 3. Stakeholder and Public Engagement, 4. Strategic Plan Development and Implementation. The research performed for the development of the plan included a Competitive Benchmarking Analysis, Industry Cluster and Career Pathway Analysis, Real Estate and Land Use Review, Community and Business Survey and Stakeholder Engagement. A research analysis was conducted, and it was concluded that the City of Charlottesville is:

1. Diverse and young community with authentic small-town charm.
2. Home to a highly-skilled workforce in a variety of industries, City has a healthy economy.
3. Competitive export clusters – a foundation for a strong, diverse economic base.
4. Can grow its leadership in Life Sciences and Clean Technology.
5. Has a strong asset in UVA
6. Reimagining a more inclusive Charlottesville is part of its economic development future.
7. Has a growing diverse entrepreneurial community.
8. Can bridge equity gaps through innovative workforce development.
9. Economic development story is largely untold.
10. Has an array of quality-of-life assets that need to be complemented with creative placemaking strategies.

Ms. Fahmy presented the six (6) industry sectors that form the economic portfolio of the City of Charlottesville as: Bioscience and Life Sciences; Information Technology; Business and Financial Services; Defense and Security; Tourism; Clean Technology. Mr. Pedigo gave an overview of the elements of an economic strategy for the City which specified a vision statement, five (5) economic goals, strategies, as well as metrics for economic impact. A draft of the Actions Plan for executing the economic strategy may be ready for a review within one

week. The Office of Economic Development and the consultants are currently exploring the options for tracking the progress and impact of the economic strategy.

Councilor Puryear expressed that the economic plan must address sustainability for small businesses. Chris Engel, Director of Economic Development, recognized the City's partnership with United Way on the Envision grant program, which provides assistance to small businesses that have been in existence for at least two (2) years. Councilor Payne expressed expounding the economic strategic plan to incorporate community wealth-building and that the metrics for the program incorporate the wealth and income gaps. He added that Housing and Urban Development (HUD) Section 3 also be included in the economic development plan.

Mayor Snook asked for feedback on the challenges of business expansion within the city given the limited space that is available. Mr. Engel stated that space is an ongoing challenge. Mr. Pedigo added that a Real Estate Assessment and growth sectors are included in the economic strategy plan.

### **3. REPORT: Overview of the Charlottesville Region Defense Industry Economic Impact Study**

Chris Engel, Director of Economic Development Authority, introduced the item and Lettie Bien, Defense Affairs Program Manager with the Regional Chamber of Commerce.

Ms. Bien presented the report on the Charlottesville Region Defense Industry Economic Impact Study.

Councilor Pinkston expressed an interest in learning more about supporting the defense industry for the Charlottesville region. Ms. Bien explained that a Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis will be conducted on all military installations that are located within the Commonwealth of Virginia. The analysis will be presented to the Virginia Governor to aid the improvement of the Defense Industry within the state. A non-attributional session will be held on May 31, 2023 at North Fork to discuss the SWOT Analysis.

### **CLOSED SESSION**

On motion by Pinkston, seconded by Wade, pursuant to section 2.2-3712 of the Virginia Code, City Council voted unanimously to convene in a closed session, as authorized by Virginia Code Section 2.2- 3711(A)(1), for:

1. Discussion and consideration of appointments to the Charlottesville Albemarle Convention and Visitors Bureau; and
2. Discussion and consideration of appointment of a City Attorney for the City of Charlottesville.

On motion by Pinkston, seconded by Wade, Council certified by a recorded vote of 5-0 that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed, or considered in the closed session.

## **BUSINESS SESSION**

City Council opened the business portion of the meeting by observing a moment of silence.

## **ANNOUNCEMENTS**

Vice Mayor Wade announced May 21 to May 27 as National Public Works week. The theme for 2023 is Connecting the World through Public Works. Vice Mayor Wade thanked the Public Works staff for their service.

Councilor Puryear announced the celebration of the 150<sup>th</sup> Anniversary of the Charlottesville Daughter's of Zion Cemetery. The event will be held on Saturday, May 27 at 1:00 p.m. at the Albert and Shirley Small Collections Library located at 160 McCormick Road, Charlottesville, Virginia 22901. Additionally, a Decorations Day Celebration will be held on May 28 at 2:00 p.m. at the Daughter's of Zion Cemetery located at 225 Oak Street, Charlottesville, Virginia.

Councilor Payne announced that applications are currently being accepted for boards and commissions.

## **RECOGNITIONS/PROCLAMATIONS**

- **Proclamation: Gun Violence Awareness Day – June 2, 2023**

Councilor Pinkston presented the proclamation to Gretchen Brown, Local Group Lead for the Charlottesville-Albemarle Mom's Demand Action for Gun Sense in America.

- **Proclamation: Jewish American Heritage Month – May 2023**

Mayor Snook presented the proclamation to Charlotte Crystal, Vice President of Congregation Beth Israel.

## **CONSENT AGENDA**

Deputy Clerk of Council Maxicelia Robinson read the following Consent Agenda items into the record.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 ADOPTED the consent agenda.

4. **MINUTES: April 25 Joint Work Session with Planning Commission**

5. RESOLUTION: Appropriating Rescue Squad Assistance Fund (RSAF) grant funding for AEDs in the amount of \$14,550

**RESOLUTION**  
**To Appropriate Funds from the Rescue Squad Assistance Fund**  
**\$14,550**

**WHEREAS**, the Office of Emergency Management Services has awarded the City of Charlottesville Fire Department a 50/50 grant for the purchase of 16 LIFEPAK CR2 DEFIBRILLATOR - AEDs;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$14,550 is hereby appropriated in the following manner:

**Revenues**

\$14,550      Fund: 209    Internal Order: 1900521      G/L Account: 430110

**Expenditures**

\$14,550      Fund: 209    Internal Order: 1900521      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt om the Supreme Court of Virginia.

6. ORDINANCE: Amending City Code Section 22-4. Methods of Procurement Authorized, to increase the bid bond limit from \$100,000 to \$200,000

**AN ORDINANCE**  
**AMENDING AND REORDAI NG SECTION 22-4 OF CHAPTER 22 OF THE**  
**CHARLOTTESVILLE CITY CODE, AS AMENDED, TO INCREASE THE SMALL**  
**PURCHASE THRESHOLD LIMIT FROM ONE HUNDRED THOUSAND DOLLARS**  
**(\$100,000) TO TWO HUNDRED THOUSAND DOLLARS (\$200,000)**

7. RESOLUTION: Appropriating \$2,000,000 in FY23 Capital Improvement Program for Stribling Avenue Sidewalk and Buford School Reconfiguration Projects
- a. Appropriating \$500,000 for the Stribling Avenue Sidewalk Project

**RESOLUTION**  
**Appropriating the amount of \$500,000 For the Stribling Avenue Sidewalk Project**

**WHEREAS** Council previously appropriated funding to design and construct a sidewalk on Stribling Avenue;



**AND WHEREAS** staff has advised Council that the amount of funds previously appropriated were not sufficient for the work required;

**AND WHEREAS** staff has requested additional funding be made available in the current fiscal year;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$500,000 is hereby appropriated as follows:

**Transfer From:**

\$500,000      Fund: 426      WBS: CP-080      G/L Account: 599999

**Transfer To**      Fund: 426      WBS: P-0XXXX      G/L Account: 599999  
\$500,000

- b. Appropriating \$1,500,000 for the Buford School Reconfiguration Project

**RESOLUTION**

**Appropriating the amount of \$1,500,000 For the Buford School Reconfiguration Project**

**WHEREAS** Council has appropriated a total project budget of \$91,813,410 for the Buford School Renovation and Reconfiguration project; and

**WHEREAS** the majority of the funding has been approved as part of the FY 2024 budget and therefore will not be available for spending until July 1, 2023, or after; and

**WHEREAS** as some funds are needed prior to July 1, 2023, to secure and encumber funds related to contracts associated with the project; and

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$1,500,000 is hereby appropriated as follows:

**Revenues:**

\$1,500,000      Fund: 426      WBS: CP-080      G/L Account: 599999

**Expenditures:**

\$1,500,000      Fund: 426      WBS: P-01012      G/L Account: 599999

**BE IT FURTHER RESOLVED** that this action does not result in an increase in the total amount of funds available for the project. The only result of this approval is one of timing to allow for the availability of funds prior to July 1, 2023. Upon Council approval, the FY 2024 CIP budget will also be amended to reduce the funding allocation in FY 2024 for this project by \$1,500,000 hereby being appropriated in FY 2023.

8. RESOLUTION: Appropriating Additional Funding Received from the Virginia Department Social Services for Adoption Assistance - \$450,000 (CARRIED)
9. RESOLUTION: Appropriating Funds for Virginia Department of State Police (VSP) - Help Eliminate Auto Theft (HEAT) Program - \$4,000 (CARRIED)
10. RESOLUTION: Appropriating additional funding received from the Virginia Department of Social Services for the VIEW Program - \$ 46,000 (CARRIED)
11. RESOLUTION: Appropriating Additional Funding Received from the Virginia Department of Social Services for Various Programs - \$56,634 (CARRIED)
12. RESOLUTION: Appropriating funding from the COVID Homelessness Emergency Response Program (CHERP) to the City's Department of Human Services for Expenditure - \$14,419.60 (CARRIED)
13. ORDINANCE: Amending and re-ordaining Section 30-254 (Exemptions), Section 14-19 (Class IV: Repair, Personal, Business and Other Services, and All Other Businesses and Occupations Not Specifically Listed, Excepted, Exempted in this Chapter), and Section 34-1200 (Definitions), to update language. (CARRIED)
14. RESOLUTION: Authorizing the Acceptance of Conveyance of Temporary Construction Easement and approving contract with Redland Club

**RESOLUTION OF THE CITY OF CHARLOTTEVILLE, VIRGINIA  
TO ACCEPT THE CONVEYANCE OF TEMPORARY CONSTRUCTION  
EASEMENTS JOINTLY WITH ALBEMARLE COUNTY FROM THE REDLAND  
CLUB, INC. FOR CONSTRUCTION OF THE JOINT COURTHOUSE PROJECT**

**WHEREAS**, the Redland Club, Inc. ("Redland") is the owner of certain real property located in the City of Charlottesville, Virginia, known as Tax Map Parcel # 53-107, and being the same property conveyed to Redland by Deed recorded at the Charlottesville City Circuit Court Clerk's Office in Deed Book 16 at Page 441 (the "Property"); and

**WHEREAS**, Redland desires and intends to convey a portion of the Property to the City of Charlottesville, Virginia (the "City") and Albemarle County, Virginia (the "County") as temporary construction easements, in the aggregate containing 1,828 square feet, more or less (the "Temporary Construction Easements"), and more specifically described in the Deed of Easement and the plat attached thereto, the form of which is attached hereto as Attachment A (the

“Deed of Easement”) in connection with construction and other work required related to the County and City joint courthouse project; and

**WHEREAS**, Redland, the City and the County have agreed to a price to be paid for the Temporary Construction Easements of \$15,974.58, plus additional payments in the event construction is not complete within twelve (12) months of settlement, all in accordance with the terms of the Sales Contract among Redland, the City and the County, the form of which is attached hereto as Attachment B; and

**WHEREAS**, Virginia Code Section 15.2-1803 requires that any deed making a conveyance to a locality be accepted by its governing body; and

**WHEREAS**, the City desires and intends to accept the Temporary Construction Easements as described in the Deed of Easement; and

**WHEREAS**, the Charlottesville City Council has determined that it is appropriate and in the best interests of the City and its inhabitants to accept the Temporary Construction Easements as described in the Deed of Easement and to acquire such Temporary Construction Easements in accordance with the Sales Contract, payment of which is to be undertaken by the County in accordance with the Memorandum of Understanding to Facilitate the Expansion, Renovation, and Efficient and Safe Operation of the Albemarle Circuit Court, the Albemarle General District Court, and the Charlottesville General District Court, between the City and the County (the “Courthouse MOU”), subject to the City’s requirement to contribute to such project in accordance with Section 5(C) of the Courthouse MOU;

**NOW, THEREFORE**, be it **RESOLVED** by the Council of the City of Charlottesville, as follows:

1. That the Temporary Construction Easements, as more specifically described in the Deed of Easement, are accepted by the City; and
2. That the Deed of Easement and the Sales Contract are approved, and the acceptance and execution of the Deed of Easement and the Sales Contract by the City Manager on behalf of the City is authorized, ratified, confirmed, and approved; and
3. That the City Manager is authorized to take such further actions as are necessary to accomplish the purposes of this Resolution.

Mayor Snook opened the floor for public comment on the Consent Agenda. No speakers came forward.

## **CITY MANAGER REPORT**

Interim City Manager Rogers announced that the Strategic Planning Retreat will be held on May 19-20 and that the meeting will be streamed online.

## COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Downing Smith, spoke about the alleged activities of the Charlottesville Albemarle Society for the Prevention of Cruelty to Animals (CASPCA) Board as well as that of the CEO of the organization. Mr. Smith made a recommendation to remove the current members of the CASPCA Board and to add a representative for the city and the county to the composition of the board. He also requested that the City Attorney and the Commonwealth Attorney do a review of the executive summary on the allegations against the CASPCA that was submitted by the McGuireWoods law firm for illegal behavior by the CASPCA representatives.
2. Tanesha Hudson, city resident, spoke about the Charlottesville Police Department and the alleged unlawful detainment of Black residents of the city. She expressed her support for appointing Interim Fire Chief Michael Thomas as the next fire chief.
3. Adam Stevenson, UVA graduate student, requested improved bike routes within the city.
4. Robin Hoffman, city resident, announced that a former guest on a Charlottesville Public Access TV show was offered an opportunity to participate in a pilot cooking show. She also referenced complaints that city staff are not conducting home inspections in a timely manner which is prolonging much needed upgrades to area homes.
5. Brandon Collins, city resident, expressed his concerns about the Economic Strategic Plan that was presented earlier in the meeting. Mr. Collins asked that the city consider who the plan will benefit, if the plan will contribute to gentrification, and how the plan will impact the housing situation within the city. He also expressed his concerns about the city's support of the defense industry.
6. Katrina Turner, city resident, shared her dissatisfaction with unresolved personal situations involving the Charlottesville Police Department.

Mayor Snook acknowledged that a staff member will follow-up with Ms. Turner.

## ACTION ITEMS

### **15. PUBLIC HEARING/RES.: Authorizing the issuance and sale of General Obligation Public Improvement Bonds in an aggregate principal amount not to exceed \$16,000,000 - New Debt**

Krisy Hammill, Director of Budget, presented the report.

Ms. Hammill advised Council that the financial advisors continue to monitor the debt ceiling and that the Budget Department aims to do a competitive sale at the beginning of the month of June. Budget will seek a competitive sale and will establish bond parameters for the Notice of Sale.

Mayor Snook opened the Public Hearing for the agenda item. No speakers came forward.  
Mayor Snook closed the Public Hearing.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the resolution authorizing the issuance and sale of General Obligation Public Improvement Bonds.

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,000,000, TO FINANCE THE COSTS OF CERTAIN PUBLIC IMPROVEMENT PROJECTS AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

**WHEREAS**, the City Council of the City of Charlottesville, Virginia (the “City”), desires to issue one or more series of general obligation public improvement bonds (the “Bonds”) to finance all or a portion of the costs to acquire, construct, renovate, rehabilitate, improve and equip certain capital improvement projects for various City purposes, including (without limitation)

(a) transportation and access projects, (b) public facility projects, (c) public school projects, and (d) affordable housing projects (collectively, the “Project”); and

**WHEREAS**, the City’s administration, in consultation with PFM Financial Advisors LLC, the City’s financial advisor (the “Financial Advisor”), has recommended to the City Council that the City issue and sell the Bonds, in one or more series, through one or more of the following methods: (a) a direct bank loan through a banking or other financial institution (a “Direct Bank Loan”), (b) a public offering through a competitive sale (a “Competitive Sale”), or (c) a public offering through a negotiated underwriting (a “Negotiated Sale”) (in any of such funding options, the purchaser(s) of the Bonds shall be referred to herein as the “Purchaser”);

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA:**

2. **Authorization and Issuance of Bonds.** The City Council finds and determines that it is in the best interest of the City to authorize the issuance and sale of one or more series of Bonds in an aggregate principal amount not to exceed \$16,000,000 and to use the proceeds thereof, together with other funds as may be available, to finance costs of the Project and to pay costs incurred in connection with issuing such Bonds (if not otherwise paid from other City funds).

3. **Election to Proceed under the Public Finance Act.** In accordance with the authority contained in Section 15.2-2601 of the Code of Virginia of 1950, as amended (the “Virginia Code”), the City Council hereby elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code (the “Public Finance Act”), without regard to the provisions of the City Charter.

4. **Bond Details.** The Bonds shall be designated “General Obligation Public Improvement Bonds, Series 2023,” or such other designation as may be determined by the City Manager (which term, for purposes of this Resolution, shall include any Acting, Interim or Deputy City Manager and the Director of Finance). The City Manager shall determine (x) the principal amount of any series of Bonds the interest on which is not included in gross income for federal income tax purposes (the “Tax-Exempt Bonds”), and (y) the principal amount of any series of Bonds the interest on which is included in gross income for federal income tax purposes (the “Taxable Bonds”); provided, however, that the sum of any such series of Tax-Exempt Bonds and Taxable Bonds shall not exceed \$16,000,000. The Bonds shall be in registered form, shall be dated such

date as may be determined by the City Manager, shall be in denominations of \$5,000 and integral multiples thereof and shall be numbered R-1 upward, or such other designation as appropriate. Subject to Section 10 of this Resolution, the issuance and sale of any series of Bonds are authorized on terms as shall be satisfactory to the City Manager; provided, however, that the Bonds (a) of a series of Tax-Exempt Bonds shall have a “true” or “Canadian” interest cost not to exceed 5.25% (taking into account any original issue discount or premium), (b) of a series of Taxable Bonds shall have a “true” or “Canadian” interest cost not to exceed 6.25% (taking into account any original issue discount or premium), (c) shall be sold to the Purchaser thereof at a price not less than 98.00% of the principal amount thereof (excluding any original issue discount) and (d) shall mature, or be subject to mandatory sinking fund redemption in annual installments, in years ending no later than December 31, 2043.

Principal of the Bonds shall be payable, or be subject to mandatory sinking fund installments, on dates determined by the City Manager. Each Bond shall bear interest from its date at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year of twelve 30-day months, and payable semiannually on dates determined by the City Manager. Principal installments and interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar on a date prior to each payment date that shall be determined by the City Manager (the “Record Date”); provided, however, that at the request of the registered owner of the Bonds, payment may be made by wire transfer pursuant to the most recent wire instructions received by the Registrar from such registered owner; and provided further that the final principal amount or installment payable upon redemption or maturity, together with the redemption premium, if any, shall be payable to the registered owners upon surrender of Bonds at the office of the Registrar. If any payment date is not a business day, such payment shall be made on the next succeeding business day with the same effect as if made on the stated payment date, and no additional interest shall accrue. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

4. **Securities Depository Provisions for Public Sale.** If the Bonds are sold through a Competitive Sale or a Negotiated Sale, the following provisions shall apply:

(a) Initially, one Bond certificate for each maturity of each series of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”), or its nominee. The City has heretofore entered into a Blanket Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the



Bonds. "Securities Depository" shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section 4.

(b) In the event that (i) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the City discharges the Securities Depository of its responsibilities with respect to the Bonds, or (ii) the City in its sole discretion determines (A) that beneficial owners of Bonds shall be able to obtain certificated Bonds or (B) to select a new Securities Depository, then the Director of Finance shall, at the direction of the City, attempt to locate another qualified securities depository to serve as Securities Depository and authenticate and deliver certificated Bonds to the new Securities Depository or its nominee or to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners substantially in the form provided for in Section 7 of this Resolution; provided, however, that such

form shall provide for interest on the Bonds to be payable (1) from the date of the Bonds if they are authenticated prior to the first interest payment date or (2) otherwise from the interest payment date that is or immediately precedes the date on which the Bonds are authenticated (unless payment of interest thereon is in default, in which case interest on such Bonds shall be payable from the last date to which interest has been paid). In delivering certificated Bonds, the Director of Finance shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 9 of this Resolution.

(c) So long as there is a Securities Depository for the Bonds, (i) it or its nominee shall be the registered owner of the Bonds; (ii) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository; (iii) the Registrar and the City shall not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants; (iv) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds; and (v) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Blanket Letter of Representations such provisions of the Blanket Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

**5. Redemption Provisions.** Subject to the limitations contained herein, the City Manager is hereby authorized to determine the redemption provisions of the Bonds, including provisions for optional and mandatory sinking fund redemption.

(a) The Bonds of each series may be subject to redemption prior to maturity at the option of the City upon such terms and on such dates, if any, as the City Manager determines to be in the best interests of the City based on financial market conditions. Such

redemption terms may include payment of a redemption premium not to exceed 1.00% of the principal amount to be redeemed as well as “make whole” redemption premium.

(b) Any Bonds sold as term bonds may be subject to mandatory sinking fund redemption upon terms determined by the City Manager.

(c) If less than all of the Bonds of a series are called for redemption, the maturities of the series of Bonds to be redeemed shall be selected by the Director of Finance in such manner as such officer may determine to be in the best interest of the City. In the case of a Competitive Sale or a Negotiated Sale, if less than all the Bonds of any maturity of a series are called for redemption, the Bonds within such series and maturity to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of

\$5,000 or some integral multiple thereof, and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal

amount of such Bond by \$5,000. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

(d) The City shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the date fixed for redemption, to the registered owner(s) of the Bonds. In all circumstances, the City shall be responsible for giving notice of redemption only to the registered owner(s) of the Bonds, which, in the case of a Competitive Sale or a Negotiated Sale, shall be DTC or another qualified securities depository then serving or its nominee (unless no qualified securities depository is then serving as the registered owner of the Bonds). In the case of an optional redemption, the notice may state that (i) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the date fixed for redemption or (ii) the City retains the right to rescind such notice on or prior to the date fixed for redemption (in either case, a “Conditional Redemption”), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described herein. Any Conditional Redemption may be rescinded at any time. The City shall give prompt notice of such rescission to the affected Bondholders. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a Conditional Redemption, the failure of the City to make funds available on or before the date fixed for redemption shall not constitute an event of default, and the City shall give immediate notice to all organizations registered with the Securities and Exchange Commission (“SEC”) as securities depositories or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

**6. Execution and Authentication.** The Bonds shall be signed by the manual or facsimile signature of the Mayor or Vice Mayor, the City's seal shall be affixed thereto or a facsimile thereof printed thereon and shall be attested by the manual or facsimile signature of the Clerk of the City Council (which term, for purposes of this Resolution, shall include any Acting, Interim or Deputy Clerk of the City Council); provided, however, that no Bond signed by facsimile signatures shall be valid until it has been authenticated by the manual signature of an authorized officer or employee of the Registrar and the date of authentication noted thereon.

**7. Bond Form.** The Bonds shall be in substantially the form of Exhibit A, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery of the Bonds.

**8. Pledge of Full Faith and Credit.** The full faith and credit of the City are irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the City Council shall levy and collect an annual ad valorem tax on all taxable property within the City, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on the Bonds.

**9. Registration, Transfer and Owners of Bonds.** The Director of Finance is hereby appointed paying agent and registrar for the Bonds (the "Registrar"). The City Manager is hereby authorized, on behalf of the City, to appoint a qualified bank or trust company as successor paying agent and registrar of the Bonds if at any time the City Manager determines such appointment to be in the best interests of the City. The Registrar shall maintain registration books for the registration of the Bonds and transfers thereof. Upon presentation and surrender of any Bonds to the Registrar, or its corporate trust office if the Registrar is a bank or trust company, together with an assignment duly executed by the registered owner or the owner's duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate, if required by Section 6 of this Resolution, and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in the name(s) as requested by the then registered owner or the owner's duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the Record Date.

**10. Sale of Bonds.** (a) The City Council authorizes the Bonds to be sold in one or more series, whether through a Direct Bank Loan, a Competitive Sale, a Negotiated Sale or any combination thereof, as determined by the City Manager to be in the best interest of the City, in a principal

amount or principal amounts to be determined by the City Manager, in collaboration with the Financial Advisor, and subject to the limitations set forth below and in Sections 1 and 3 of this Resolution.

(b) If the City Manager determines that the Bonds (or a portion thereof) shall be sold through a Direct Bank Loan, the City Manager is authorized, on behalf of the City and in collaboration with the Financial Advisor, to solicit bids from banking institutions and other financial firms, to determine which bid (or bids) offers the best terms to the City, and, subject to the limitations set forth in Section 3 of this Resolution, to arrange for the issuance and sale of the Bonds to the Purchaser. Following a Direct Bank Loan, the City Manager shall file with the records of the City Council a certificate setting forth the final terms of the Bonds. The actions of the City Manager in selling the Bonds by Direct Bank Loan shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the City Council.

(c) If the City Manager determines that the Bonds (or a portion thereof) shall be sold through a Competitive Sale, the City Manager is authorized, on behalf of the City and in collaboration with the Financial Advisor, to take all proper steps to advertise the Bonds for sale, to receive public bids and to award the Bonds to the bidder providing the lowest “true” or “Canadian” interest cost, subject to the limitations set forth in Section 3 of this Resolution. Following a Competitive Sale, the City Manager shall file with the records of the City Council a certificate setting forth the final terms of the Bonds. The actions of the City Manager in selling

the Bonds by Competitive Sale shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the City Council.

(d) If the City Manager determines that the Bonds (or a portion thereof) shall be sold through a Negotiated Sale, the City Manager is authorized, on behalf of the City and in collaboration with the Financial Advisor, to choose an investment banking firm to serve as underwriter for the Bonds and to execute and deliver to the underwriter, as Purchaser of the Bonds, a bond purchase agreement reflecting the final terms of the Bonds. The bond purchase agreement shall be in a form approved by the City Manager, in collaboration with the City Attorney, the Financial Advisor and the City’s bond counsel. The actions of the City Manager in selling the Bonds by Negotiated Sale shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the City Council.

(e) Following the determination of which method(s) of sale shall be used, the City Manager is hereby authorized to (i) determine the principal amount of the Bonds, subject to the limitations set forth in Section 1 of this Resolution, (ii) determine the interest rates of the Bonds, the maturity schedules of the Bonds, and the price to be paid for the Bonds by the Purchaser, subject to the limitations set forth in Section 3 of this Resolution, (iii) determine the redemption provisions of the Bonds, subject to the limitations set forth in Section 5 of this Resolution, and (iv) determine the dated date, the principal and interest payment dates and the Record Date of the Bonds, all as the City Manager determines to be in the best interest of the City.

**11. Official Statement.** The draft Preliminary Official Statement describing the Bonds, copies of which have been made available to the City Council prior to this meeting, is hereby approved as the Preliminary Official Statement by which the Bonds may be offered for sale to the public in a Competitive Sale or a Negotiated Sale; provided that the City Manager, in collaboration with the Financial Advisor, may make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as the City Manager may consider to be in the best interest of the City. If the Bonds have been sold in a Competitive Sale or a Negotiated Sale, the City Manager, in collaboration with the Financial Advisor, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement. In addition, the City shall arrange for the delivery to the Purchaser of the Bonds of a reasonable number of printed copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the Purchaser initially sells Bonds.

**12. Official Statement Deemed Final.** If the Bonds are sold in a Competitive Sale or a Negotiated Sale, the City Manager is authorized, on behalf of the City, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12 (the “Rule”) of the SEC, except for the omission in the Preliminary Official Statement of certain pricing and other information permitted to be omitted pursuant to the Rule. The distribution of the Preliminary Official Statement and the execution and delivery of the Official Statement in final form shall be conclusive evidence that each has been deemed final as of its date by the City, except for the omission in the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule.

**13. Preparation and Delivery of Bonds.** After the Bonds have been awarded, the officers of the City are authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the Purchaser thereof upon payment therefor.

**14. Arbitrage Covenants.** (a) The City represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Tax-Exempt Bonds within the meaning of Treasury Regulations Section 1.150-1(c).

(b) The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Tax-Exempt Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including the regulations issued pursuant thereto (collectively, the “Code”), or otherwise cause interest on the Tax-Exempt Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of existing law that may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Tax- Exempt Bonds, unless the City receives an opinion of

nationally recognized bond counsel that such compliance is not required to prevent interest on the Tax-Exempt Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

**15. Non-Arbitrage Certificate and Elections.** Such officers of the City as may be requested by the City's bond counsel are authorized and directed to execute an appropriate certificate setting forth (a) the expected use and investment of the proceeds of the Tax-Exempt Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with the City's bond counsel, and such elections shall be made after consultation with bond counsel.

**16. Limitation on Private Use.** The City covenants that it shall not permit the proceeds of the Tax-Exempt Bonds or the facilities financed therewith to be used in any manner that would result in (a) 5% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or facilities being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Tax-Exempt Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

**17. SNAP Investment Authorization.** The City Council has previously received and reviewed the Information Statement (the "Information Statement"), describing the State Non-

Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the City Council hereby authorizes the City Treasurer in his discretion to utilize SNAP in connection with the investment of the proceeds of the Bonds. The City Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the Contract.

**18. Continuing Disclosure Agreement.** If the Bonds are sold in a Competitive Sale or a Negotiated Sale, the Mayor and the City Manager, either of whom may act, are hereby authorized and directed to execute a continuing disclosure agreement (the "Continuing Disclosure Agreement") setting forth the reports and notices to be filed by the City and containing such covenants as may be necessary to assist the Purchaser of the Bonds in complying with the provisions of the Rule promulgated by the SEC. The Continuing Disclosure Agreement shall be substantially in the form of the City's prior Continuing Disclosure Agreements, which is hereby approved for purposes of the Bonds; provided that the City Manager, in collaboration with the Financial Advisor, may make such changes in the Continuing Disclosure Agreement not inconsistent with this Resolution as the City



Manager may consider to be in the best interest of the City. The execution thereof by such officers shall constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes.

**19. Provision of Financial Information.** If the Bonds are sold through a Direct Bank Loan, the Director of Finance is hereby authorized and directed to make available to the Purchaser, for so long as the Bonds remain outstanding, a copy of the City's comprehensive annual financial report and such other financial information as may be reasonably requested by the Purchaser, as soon as is practicable upon the release of such information.

**20. Other Actions.** All other actions of officers of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are hereby ratified, approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

**21. Repeal of Conflicting Resolutions.** All prior resolutions or parts of prior resolutions in conflict herewith are repealed.

**22. Filing With Circuit Court.** The Clerk of the City Council, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this resolution in the Circuit Court of the City.

**23. Effective Date.** This Resolution shall take effect immediately.

**16. APPEAL: Appeal of BAR (Board of Architectural Review) denial of Certificate of Appropriateness for Demolition of an Individually Protected Property at 104 Stadium Road. BAR # 22-02-03.**

Jeff Werner, Preservation Design Planner, summarized the request and the Board of Architectural Review's decision. Mr. Werner stated that staff recommends that Council uphold the BAR's decision. He added that if Council approves the appeal, the BAR has provided a list of recommendations for council to consider as conditions of an approval. The property owners may appeal to the Charlottesville Circuit Court if City Council denies the appeal.

Mr. Werner explained that a parcel adjacent to 104 Stadium Road was deemed an Individually Protected Properties (IPP) but that there is no documentation on what occurred to prompt the designation.

Valerie Long, with the William Mullens Firm and who is representing the appellant provided comments on the appeal. Ms. Long explained that based on the research of the property that her firm conducted, the city put out a Request for Purchase for the adjacent parcel located at 409 Stadium Road in 2011, two applications were considered of which one (1) was from the current owner of 104 Stadium Road who offered to leave the parcel vacant and to also designate 104 Stadium Road as an IPP. Ms. Long went on to say that there is no evidence of any historic features at 104 Stadium Road.

Various representatives with the William Mullens Firm also provided comments regarding the appeal and plans for project.

Breck Gastinger, Chair of the BAR, elaborated on the BAR's decision. Mr. Gastinger stated that the BAR has not reviewed a design proposal for the property nor has the board assessed if the proposal for the property will require demolition. Mr. Gastinger noted that the property will not be within the purview of the BAR if Council removes the IPP status of the property. He also requested that there be adequate documentation of the property if council approves the demolition and that the demolition be contingent upon an approved design.

Ms. Long added that a denial will significantly impact the quality of the planned project. An explanation of the renderings of the project was presented.

Councilor Payne noted that the property may still warrant preservation even if it is not listed on the preservation registry.

The councilors discussed the benefits that the proposed redevelopment of the site will have on the local housing crisis. Council continued to discuss the option to approve an appeal versus removing the IPP.

Council deferred a vote on the appeal to the June 5 Council meeting to update the resolution to reflect the conditions of the approval of the appeal.

#### **17. APPEAL: Appeal of ERB (Entrance Corridor Review Board) approval of a Certificate of Appropriateness for construction of an apartment building at 2005 Jefferson Park Avenue.**

Jeff Werner, Preservation Design Planner, summarized the request and the Entrance Corridor Review Board decision.

The appellants submitted a list of concerns for the basis for the appeal, the list included but was not limited to:

- The February 14<sup>th</sup> meeting was not noticed.
- Letters for the February 27<sup>th</sup> meeting was not postmarked fourteen (14) days prior to the meeting.

Mr. William Schaaf, an appellant, provided remarks in support of the appeal.

Ellen Contini-Morava, read a statement on behalf of an appellant, Mary Poling who was a Zoom participant but has complications with her computer audio. The statement referenced

parking spaces and sidewalks impacted by the project at the intersection of 2005 Jefferson Park Avenue.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) RE-REFFERED the appeal of a Certificate of Appropriateness to the ERB. Council noted that site plan issues are not appropriate for this appeal.

#### **18. RESOLUTION: Thomas Jefferson Planning District Commission 2023 Regional Natural Hazard Mitigation Plan update**

Ian Baxter, Thomas Jefferson Planning District Commission presented an update on the mitigation plan.

Councilors raised questions about the implementation of a Flood Resiliency Plan. Deputy City Manager Sanders recommended a work session dedicated to implementing a plan. Mayor Snook suggested that the City Manager's office submit a Flood Resiliency Plan for Council to review. Other items mentioned for follow-up: Community Emergency Response Team certification program; Mass Alert System.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the adoption of the 2023 Regional Natural Hazard Mitigation Plan.

### **RESOLUTION CITY OF CHARLOTTESVILLE ADOPTION OF THE REGIONAL NATURAL HAZARD MITIGATION PLAN**

**WHEREAS**, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop, adopt and update natural hazard mitigation plans in order to receive certain federal assistance; and,

**WHEREAS**, the Thomas Jefferson Planning District's Regional Natural Hazard Mitigation Plan has been prepared in accordance with Federal Emergency Management Agency ("FEMA") requirements at 44C.F.R. 201.6; and,

**WHEREAS**, VDEM and FEMA have approved the plan with no changes recommended; and,

**WHEREAS**, hazard mitigation is essential to protect life and property by reducing the potential for future damages and economic losses resulting from natural disasters;

**NOW THEREFORE BE IT RESOLVED**, that the City of Charlottesville City Council does hereby adopt the Regional Natural Hazard Mitigation Plan.

**19. RESOLUTION: Appropriating a grant of public funds for housing assistance to low- and moderate-income homeowners within the City of Charlottesville - \$1,360,000 (CARRIED)**

Todd Divers, Commissioner of Revenue, presented the report.

Council moved the item to the June 5 Consent Agenda.

**OTHER BUSINESS**

**BOARD/COMMISSION APPOINTMENTS**

On motion by Payne, seconded by Wade, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPOINTED members to the Charlottesville Albemarle Convention and Visitors Bureau Board: Shawn Jenkins and Sheldon Johnson.

**COMMUNITY MATTERS (2)**

Mayor Snook opened the floor for public comment. No speakers came forward.

The meeting adjourned at 9:22 p.m.

BY Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council

## **CHARLOTTESVILLE CITY COUNCIL MEETING**

**June 5, 2023 at 4:00 PM**

**Council Chamber, City Hall, 605 E. Main Street**

The Charlottesville City Council met in regular session on Monday, June 5, 2023. Mayor Lloyd Snook called the meeting to order with all councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne, Brian Pinkston and Leah Puryear.

On motion by Pinkston, seconded by Puryear, Council unanimously approved the meeting agenda.

### **REPORTS**

#### **1. REPORT: Charlottesville Albemarle Convention and Visitors Bureau Update**

Courtney Cacatian, Executive Director of the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) presented the annual report. The CACVB is a destination marketing organization committed to building a welcoming environment for visitors and believes in tourism for all. Ms. Cacatian noted that the CACVB is funded through a portion of Lodging Tax generated through overnight stays in a wide variety of accommodations.

The Bureau's Mission is "to welcome all visitors, improve the quality of life for residents, support a robust tourism ecosystem, and drive overnight visitation through innovation and collaboration." Their Vision is "to create a better quality of life for residents by being the most inclusive, diverse, welcoming, thriving destination for visitors in the Southeast." Strategic Imperatives listed in the annual report were Resiliency, Unity, Diversity, Creativity and Responsibility. The five brand pillars for CACVB are: 1) Award-winning farm-to-table food and beverage; 2) Dynamic culture and honest history; 3) World class amenities with small town charm; 4) Welcoming outdoor recreation; 5) Vibrant art, live entertainment, and festivals.

CACVB consists of eleven full-time staff members and the following fifteen Executive Board members, with Vice Mayor Juandiego Wade representing the Charlottesville City Council.

Ms. Cacatian reported that the Discover Black Cville initiative earned national advertising success, and Charlottesville-Albemarle advertising metrics exceeded national benchmarks. She stated that there has been a delay in the travel and tourism industry in marketing to diverse cultures, who would be more likely to travel to places where they see representation in advertising.

CACVB hired a social media content manager, and partnered with guest writers to create blog posts, with the most viewed blog in FY23 featuring outdoor recreation, wine and winter visitation ideas. A new CACVB Visitor Guide, completely managed in-house for the first time, was also created. A host of media and public relations activities reported positive results. Ms. Cacatian showed a video that was made in collaboration with Wheel the World featuring Miss Wheelchair California 2023, Candace Welch, who shared a positive experience visiting the Charlottesville-Albemarle area. Ms. Welch's visit helped to inform areas to address regarding accessibility.

The report concluded with sales efforts and revenue data, which showed trends related to lower hotel occupancy rates impacted by increases in average daily rates. Ms. Cacatian stated that costs are beginning to normalize since the Covid pandemic.

CACVB won the HSMAI Adrian Award for Discover Black Cville, and the US Travel Association Destiny Award for Discover Black Cville and was a US Travel Association Destiny Award Finalist for Monticello Wine Trail.

## **2. REPORT: Human Rights Commission 2022 Annual Report**

Todd Niemeier, Executive Director of the Human Rights Commission, presented the Calendar Year 2022 (CY22) Annual Report. He introduced other members of the Office of Human Rights team: Victoria, Saad, and part-time interns Ginny and Lily.

The Charlottesville Human Rights Ordinance (CRHO) was adopted in 2013: City Code Chapter 2, Article XV. The Human Rights Commission (HRC) consists of nine volunteer members who are charged with addressing systemic issues and advising City Council. In plain language, per Section 2-433 of the Charlottesville Human Rights Ordinance, it is the role of the HRC and OHR to: a) Assist individuals with complaints of discrimination; b) Provide awareness, education, and guidance; c) Review City policies; d) Seek federal work share agreements with the EEOC and HUD; e) Make legislative recommendations to City Council; and f) Prepare recommendations for City Council related to the function of the Commission.

HRC key takeaways included one community event, several public discussions, two public polls, recommendations to City Council (housing equity, transportation equity and access, health and food equity, and equity in law enforcement), two HRC resolutions, and no cases required the HRC to hold a public hearing in CY2022. The HRC adopted amendments to the CHRO for recommendation to Council, which were passed by Council on November 21, 2022.

OHR key takeaways for CY22:

- 3,253 incoming contacts
- 67 inquiries and complaints in Charlottesville (54% of total)
- Housing was the most often identified protected activity.
- 58% of all contacts were classified as navigation.
- 9 new complaints opened
- 160 community outreach activities
- Partnered with 57 collaborators to conduct outreach events, develop referral networks, and provide guidance on projects that support the community
- Provided data and administrative support to the HRC
- Drafted amendments to the CHRO to include language substantially equivalent to federal fair housing law.

Contacts:

- New complaints – 10
- New inquiries – 113
- Client follow-ups – 1,931



- General contacts – 181
- Third-party incoming – 1,018
- Total incoming contacts – 3,253

Total incoming contacts by Year:

- |               |               |
|---------------|---------------|
| • 2014: 107   | • 2019: 1,849 |
| • 2015: 752   | • 2020: 1,159 |
| • 2016: 1,302 | • 2021: 1,962 |
| • 2017: 1,316 | • 2022: 3,253 |
| • 2018: 696   |               |

Based on CY22 conclusions, the following updates were made for CY23:

- The HRC narrowed its focus to housing issues to inform its recommendations to Council. The HRC found that it struggled to achieve goals when the focus was too broad.
- Commissioners send liaisons to various housing-focused groups to inform their work.
- The HRC re-elected the Chair and Vice Chair and added one new Commissioner.
- The OHR hired an Intake & Administrative Specialist which has improved the OHR's ability to respond to incoming contacts.
- The OHR is in the process of hiring an Investigator which will improve the timeliness of investigations and shift case determinations back to the Director.
- The OHR will further refine its data collection around "Navigation and Advocacy" contacts to include the total time spent on these contacts and the types of services provided.

Councilor Pinkston suggested having the Board Chair take part in the presentation next year.

Councilor Payne asked for an update on the FHA (Fair Housing Assistance) Program. Mr. Niemeier stated that a presentation will likely be made to Council in the Fall.

Mr. Niemeier answered additional questions and asked Council to provide direction to the HRC if an issue arises that needs review and recommendations.

### **3. REPORT: ADA (Americans with Disabilities Act) Transition Plan Introduction**

Paul Rudacille, ADA Coordinator, introduced Charlie Szold, Managing Partner with Precision Infrastructure Management, who presented the ADA (Americans with Disabilities Act) Transition Plan.

Precision Infrastructure Management (PIM) is an industry leader in municipal asset management, with a specialty in right-of-way infrastructure, facilities, and parks. PIM works with local leaders - elected, professional and stakeholders from the greater community - to develop the scope of services for a conditional study. PIM will help to identify key project attributes along with a timeline, budget, and implementation plan. Once completed, the community will have the situational awareness needed to satisfy federal, state, and local requirements and develop budget-saving asset management implementation plans. PIM will continue to be an active partner during this stage and use their expertise in asset management to ensure the city is getting the most out of

its investment from PIM services.

Along with Charlie Szold, Aaron Hester from PMI will work on the ADA Transition Plan project.

#### ADA Transition Planning:

- Title II of the Americans with Disabilities Act (ADA) of 1990 prohibits discrimination against people with disabilities in state and local government (public) services.
- Where structural modifications are required to achieve program accessibility, a public entity with 50 or more employees must do a transition plan by July 26, 1992, that provides for the removal of these barriers. The Charlottesville plan from 2013 requires updating.
- Transition Plan requirements:
  - Public input
  - Assessment of public rights-of-way, facilities, parks, services and programs for accessibility barriers
  - Remediation planning
  - Implementation planning
  - Identify staff responsible
  - Grievance procedure/review of procedure

Mr. Rogers stated that Mr. Rudacille as ADA Coordinator has been given a directive to create a culture of compliance and will ensure follow-through with the Transition Plan. Mr. Szold emphasized that implementation of the Plan will require funding. The ADA Accessibility Guidelines (ADA-G) Report delivery goal is the end of 2023.

#### **CLOSED SESSION**

On motion by Payne, seconded by Puryear, pursuant to section 2.2-3712 of the Virginia Code, City Council voted unanimously to convene in a closed session, as authorized by Virginia Code Section 2.2- 3711(A)(1), for:

1. Discussion and consideration of candidates to be interviewed for upcoming vacancies on the Planning Commission; and
2. Discussion and consideration of candidates to be interviewed for upcoming vacancies on the Charlottesville Redevelopment and Housing Authority.

On motion by Payne, seconded by Wade, Council certified by a recorded vote of 5-0 that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

#### **BUSINESS SESSION**

City Council opened the business portion of the meeting by observing a moment of silence.

## ANNOUNCEMENTS

Councilor Payne announced that residents of the former Friendship Court voted to change the name to Kindewood and had a big event a few days ago which included a tour of new units. He stated that the first residents moved into the renovated Crescent Halls.

## CONSENT AGENDA\*

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

On motion by Pinkston, seconded by Payne, Council by a vote of 5-0 ADOPTED the consent agenda.

3. MINUTES: April 17 regular meeting; May 12 special meeting; May 19-20 Strategic Planning Work Session
4. RESOLUTION: Appropriating Additional Funding Received from the Virginia Department of Social Services for Adoption Assistance - \$450,000 (2nd reading)

### RESOLUTION

#### **Appropriating Additional Funding Received from the Virginia Department of Social Services for Adoption Assistance In the Amount of \$450,000**

**WHEREAS**, the Charlottesville Department of Social Services has received an allocation of \$450,000 in the Fiscal Year 2023 budget from the Virginia Department of Social Services (“VDSS”) to provide assistance to adoptive families.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the allocation of \$450,000, upon receipt by the City from VDSS, is hereby appropriated for expenditure within the FY23 budget in the following manner:

#### **Revenue-\$450,000**

Fund 212    Cost Center: 9900000000    G/L Account: 430080    \$450,000

#### **Expenditures-\$450,000**

Fund 212    Cost Center: 3311007000    G/L Account: 540060    \$450,000

5. RESOLUTION: Appropriating Funds for Virginia Department of State Police (VSP) - Help Eliminate Auto Theft (HEAT) Program - \$4,000 (2nd reading)

### RESOLUTION

#### **Help Eliminate Auto Theft (HEAT) Program - \$4,000**

**WHEREAS**, the City of Charlottesville, through the Police Department, has received the Virginia Department of State Police, Help Eliminate Auto Theft (HEAT) Program training grant in the amount of \$4,000 to be used to send auto theft investigators and/or officers who investigate

auto theft-related crimes to the 49<sup>th</sup> Annual Southeast Chapter of the International Association of Auto Theft Investigators (SEIAATI) Vehicle Crimes Conference in Virginia Beach, Virginia held June 4-8, 2023.

**WHEREAS**, the grant award covers the period from period June 4, 2023 through June 8, 2023.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$4,000, received from the Virginia Department of State Police, is hereby appropriated in the following manner:

**Revenues - \$4,000**

Fund: 209	IO: 1900513	CC:3101005000	\$4,000	GL: 430110	State Grant
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**Expenditures- \$4,000**

Fund: 209	IO: 1900513	CC: 3101005000	\$2,016	GL: 530102	Travel Lodging
Fund: 209	IO: 1900513	CC: 3101005000	\$709	GL: 530105	Meals
Fund: 209	IO: 1900513	CC: 3101005000	\$1,215	GL: 530140	Registration Fees
Fund: 209	IO: 1900513	CC: 3101005000	\$60	GL: 520270	Fuel

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$4,000 from the Virginia Department of State Police.

6. RESOLUTION: Appropriating additional funding received from the Virginia Department of Social Services for the VIEW Program - \$46,000 (2nd reading)

**RESOLUTION**

**Appropriating Additional Funding Received from the Virginia Department of Social Services for the VIEW Program in the Amount of \$46,000**

**WHEREAS**, the Charlottesville Department of Social Services (“CDSS”) has received an allocation of \$46,000 in the Fiscal Year 2023 budget from the Virginia Department of Social Services (“VDSS”) to provide assistance to clients participating in the Virginia Initiative for Education and Work (“VIEW”) program.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the allocation of \$46,000, upon receipt by the City from VDSS, is hereby appropriated for expenditure within the FY23 budget in the following manner:

**Revenue-\$46,000**

Fund 212	Cost Center: 9900000000	G/L Account: 451022	\$46,000
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**Expenditures-\$46,000**

Fund 212	Cost Center: 3333002000	G/L Account: 540060	\$46,000
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7. RESOLUTION: Appropriating Additional Funding Received from the Virginia Department of Social Services for Various Programs - \$56,634 (2nd reading)

**RESOLUTION**

**Appropriating Additional Funding Received from the Virginia Department of Social Services from ARPA & COVID Funding to be used for Adult Services, Independent Living, and PSSF Programs In the Amount of \$56,634**

**WHEREAS**, the Charlottesville Department of Social Services (“CDSS”) has received an allocation of \$56,634 from the American Rescue Plan Act (“ARPA”) & COVID Funding in the Fiscal Year 2023 budget from the Virginia Department of Social Services to provide assistance to clients participating in the Adult Services, Independent Living, and Promoting Safe and Stable Families (“PSSF”) Programs.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$56,634, upon receipt by the City from ARPA and COVID Funding, is hereby appropriated for expenditure within the FY23 budget in the following manner:

**Revenue-\$56,634**

Fund 212	Cost Center: 9900000000	G/L Account: 430080	\$33,481
Fund 212	Cost Center: 9900000000	G/L Account: 430110	\$23,153

**Expenditures-\$56,634**

Fund 212	Cost Center: 3333003000	G/L Account: 540060	\$10,142
Fund 212	Cost Center: 3333006000	G/L Account: 540060	\$23,339
Fund 212	Cost Center: 3343008000	G/L Account: 540060	\$23,153

8. RESOLUTION: Appropriating funding from the COVID Homelessness Emergency Response Program (CHERP) to the City’s Department of Human Services for Expenditure - \$14,419.60 (2nd reading)

**RESOLUTION**

**Appropriating COVID Homelessness Emergency Response Program (C.H.E.R.P.)  
\$14,419.60**

**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 **\$14,419.60**.

**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 **\$14,419.60** is hereby appropriated for expenditure by the City’s Department of Human Services in accordance with grant requirements, in the following manner:

**Revenues**

**\$14,419.60** Fund: 209 IO: 1900448 G/L: 430120 Federal Pass Thru

**Expenditures**

**\$14,419.60** Fund: 209 IO: 1900448 G/L: 530550 Contracted Services

9. RESOLUTION: Appropriating a grant of public funds for housing assistance to low- and moderate- income homeowners within the City of Charlottesville - \$1,360,000 (2nd reading)

**RESOLUTION**

**Appropriating a grant of public funds for housing assistance to low-and moderate-income homeowners within the City of Charlottesville**

**WHEREAS** pursuant to the provisions of Va. Code §63.2-314 this City Council may offer public grants to its local director of social services, serving in her capacity as the “local board” under the provisions of §63.2-304; and

**WHEREAS** this City Council desires to offer a grant of public funds during Fiscal Year 2023-2024, to aid low- and moderate-income homeowners within the City who are affected by the rising costs of homeownership (which include mortgage payments, fees and taxes, insurance, utilities, maintenance and repairs; and

**WHEREAS** the average assessment of a single-family residential property within the City has risen by approximately 11.5 percent over the past year, and with rising inflation, transportation costs, and utility costs, many individuals who have income significantly lower than the Charlottesville area median income will experience significant financial stress and may need financial assistance to remain in their homes; and

**WHEREAS** City Council hereby finds and determines that it is both necessary and desirable, to promote the general welfare of the City, and to promote the safety, health, comfort and convenience of City inhabitants, to support the affordability of continuing homeownership by low- and moderate-income individuals; and

**WHEREAS** public funding is available and has been appropriated within the City budget for the proposed public grant, in the amounts set forth within this resolution;

**NOW, THEREFORE BE IT RESOLVED BY THE** Council of the City of Charlottesville, Virginia, THAT effective July 1, 2023 and for calendar year 2023 a grant of public funds is hereby made to the Director of Social Services, in her capacity as the “local board of social services” pursuant to Va. Code §63.2-304, to be used to provide housing assistance to City homeowners in need of such, as follows:

**Expenditures**

**\$1,360,000** Fund: 105 Cost Center: 3343019000 G/L Account: 540065



**BE IT FURTHER RESOLVED THAT** the Director of Social Services (“Director”) is solely responsible for administration of this assistance fund, pursuant to the provisions of Va. Code §63.2-304 and §63.2-314, provided that the Director may enter into written agreements with the Commissioner of Revenue, Treasurer, and City Manager, as may be necessary to administer the fund. And

**BE IT FURTHER RESOLVED THAT** it is the desire of City Council that this grant of public funds, hereafter to be referred to as the “Charlottesville Homeownership Assistance Program”, shall be provided to City homeowners in need of assistance due to rising costs of homeownership, in accordance with the following parameters:

<b>2023 CHAP—(Public Grant for Homeownership Assistance)</b>				
Applicant Household Income	\$0 - \$35,000	\$35,001 - \$45,000	\$45,001 - \$55,000	\$55,001 - \$60,000
Grant	\$2,500	\$2,000	\$1,500	\$1,000

- 1) Applicant/ Grantee must be a human being, own a home within the City of Charlottesville, and must reside within the home. As of January 1, 2023 and as of the date an application is submitted, the applicant must occupy that real estate as his or her sole residence and must intend to occupy that real estate throughout the remainder of calendar year 2023. An applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration. “Ownership” may be any of the following: (i) individually, or in conjunction with a spouse holding life rights, (ii) individually, or in conjunction with a spouse holding the power of revocation in a revocable inter vivos trust of which the home is an asset, or (iii) alone or in conjunction with a spouse who possesses a life estate, or an estate for joint lives, or a continuing right of use or support under the terms of an irrevocable trust of which the property is an asset.
- 2) Maximum value of the home cannot exceed \$460,000 (this is the average assessed value in 2023 of taxable residential parcels).
- 3) Applicant, applicant’s spouse, or any other owner residing in the home cannot own any other interest in real estate, either within the City or at any other location. This includes any real estate interest owned (i) as an individual, (ii) as the beneficiary of a trust, (iii) as a member of an LLC, or (iv) by virtue of any other interest in a legal entity.
- 4) Applicant/ Grantee must demonstrate evidence of Household Income within the limits established for calendar year 2023, as set forth above within this Resolution. *Household Income* means (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, or (ii) for applicants/grantees for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year: of the applicant and of any other relatives who reside in the applicant’s home, and any other person(s) who (i) owns any interest in the home and (ii) resides in the applicant’s home. The

Director shall establish the Household Income of applicants/ grantees for whom no federal tax return is required through documentation satisfactory for audit purposes.

- 5) This public grant shall be used only to assist individuals who are not receiving the real estate tax exemption or deferral program provided under Chapter 30, Article IV of the Charlottesville City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) during 2023.
- 6) Not more than one grant shall be provided to any one (1) address.
10. ORDINANCE: Amending and re-ordaining Section 30-254 (Exemptions), Section 14-19 (Class IV: Repair, Personal, Business and Other Services, and All Other Businesses and Occupations Not Specifically Listed, Excepted, Exempted in this Chapter), and Section 34-1200 (Definitions), to update language. (2nd reading)  
  
**ORDINANCE AMENDING AND RE-ORDAINING SECTION 30-254 (EXEMPTIONS), SECTION 14-19 (CLASS IV: REPAIR, PERSONAL, BUSINESS AND OTHER SERVICES, AND ALL OTHER BUSINESSES AND OCCUPATIONS NOT SPECIFICALLY LISTED, EXCEPTED, EXEMPTED IN THIS CHAPTER), AND SECTION 34-1200 (DEFINITIONS), TO UPDATE LANGUAGE.**
11. RESOLUTION: Appropriating Insurance Claim Reimbursement for The Avon Fuel Station Replacement Project - \$40,000 (carried)
12. RESOLUTION: Appropriating Virginia Department of Criminal Justice Services (DCJS) American Rescue Plan Act (ARPA) for Law Enforcement Equipment Grant 2023 - \$447,000 (carried)
13. RESOLUTION: Appropriating grant funding from the Virginia Department of Emergency Management (VDEM) Emergency Shelter Upgrade Assistance Fund - \$445,307 (carried)
14. RESOLUTION: Accepting Oak Lawn Court, Oak Lawn Drive, and Porter Avenue into the City street system

**RESOLUTION**  
**Accepting Oak Lawn Court, Oak Lawn Drive and Porter Avenue into the**  
**City Street System for Maintenance**

**WHEREAS**, Dickerson Homes and Development LLC submitted to the City of Charlottesville (the “City”), Department of Public Works (the “Department”) a subdivision plan (“Woodland Drive”) for approval;

**WHEREAS**, Woodland Drive plans were originally approved by the Department on April 18, 2016, and;

**WHEREAS**, on June 9, 2021 the Department notified Atlantic Union Bank that the developer of Woodland Drive had not completed the work in accordance with the bonded development plans, within the time period specified by the City’s development code, and;

**WHEREAS**, the subdivision plan for Woodland Drive, the new portions of Oak Lawn Court, Oak Lawn Drive, and Porter Avenue (the “Street Sections”), have now been completed by the developer and/or remediated by the City, and;

**WHEREAS**, the Public Services Manager for the City requested the City accept the Street Sections into the City’s street system for maintenance, and;

**WHEREAS**, City staff has inspected the Street Sections of the Woodland Drive plan and recommend their acceptance into the City’s street system for maintenance;

**WHEREAS**, The Street Sections have been built to the specifications and standards required by the city approved plan.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Charlottesville, Virginia, on recommendation of the Department that the Street Sections of the Woodland Drive Subdivision, namely, the new portions of Oak Lawn Court, Oak Lawn Drive, and Porter Avenue as shown on the attached drawing, are hereby accepted into the City street system for maintenance.

15. RESOLUTION: Amending Resolution #R-23-063: Appropriation of Community Development Block Grant Funds Anticipated from the U.S. Department of Housing and Urban Development as part of the City’s FY 2023-2024 Annual Action Plan, approximately \$410,468

#### **RESOLUTION**

#### **Amended Appropriation of Community Development Block Grant Funds Anticipated from the U.S. Department of Housing and Urban Development as part of the City’s FY 2023-2024 Annual Action Plan, in the Amount of Approximately \$410,468**

**WHEREAS** the City of Charlottesville has been advised by the U.S. Department of Housing and Urban Development of an anticipated Community Development Block Grant (CDBG) allocation for the 2023-2024 fiscal year in the approximated amount of \$410,468; and

**WHEREAS** City Council has received recommendations for the expenditure of funds from the city’s CDBG/HOME Task Force, as reviewed and approved by the City Planning Commission, which conducted a public hearing thereon as provided by law; now, therefore

**BE IT RESOLVED** by the City Council of Charlottesville, Virginia, that upon receipt of anticipated CDBG funding from the U.S. Department of Housing and Urban Development (HUD), said funds are hereby appropriated to the following individual expenditure accounts in the Community Development Block Grant Fund in accordance with the respective purposes set forth; provided, however, that the City Manager is hereby authorized to transfer funds

between and among such individual accounts as circumstances may require, to the extent permitted by applicable federal grant regulations, as set forth below:

#### **Community Services**

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900514	Resident-Centered Redevelopment (Charlottesville Public Housing Association of Residents)	\$40,000.00

#### **Economic Development**

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900515	Microenterprise Entrepreneur Programs (Community Investment Collaborative)	\$25,000.00
218	1900516	Beginning Level Workforce Development (Literacy Volunteers of Charlottesville/Albemarle)	\$64,477.89

#### **CDBG Housing**

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	1900517	Charlottesville Critical Rehab Program (Albemarle Housing Improvement Program)	\$64,000.00
218	1900518	Coordinated Entry into Homelessness System of Care (The Haven at First & Market St.)	\$45,000.00

#### **Programmatic Funds**

<i>Fund</i>	<i>Account Code</i>	<i>Funding Recommendation</i>	<i>Proposed Award</i>
218	3914001000	Planning & Admin	\$82,093.60

218	1900520	Council Priority: Public Facilities & Improvements	\$89,896.51
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*Subtotal CDBG Funding Recommendations      \$410,468.00*

In the event that funding received from the U.S. Department of Housing and Urban Development for FY 2023-2024 differs from the amounts referenced above, all appropriated amounts may be administratively increased/reduced at the same prorated percentage of change to actual funding received. No subrecipient's grant may be increased above their initial funding request without further consideration by Council.

**BE IT FURTHER RESOLVED** that this appropriation is conditioned upon the receipt of not less than \$410,468 in CDBG funds from the Department of Housing and Urban Development for FY 2023-2024, and all subrecipient awards are also conditioned upon receipt of such funds.

**BE IT FURTHER RESOLVED** that the amounts appropriated above within this resolution will be provided as grants to public agencies or private non-profit, charitable organizations (individually and collectively, “subrecipients”) and shall be utilized by the subrecipients solely for the purpose stated within their grant applications. The City Manager is hereby authorized to enter into agreements with each subrecipient as deemed advisable, to ensure that the grants are expended for their intended purposes and in accordance with applicable federal and state laws and regulations. To this end, the City Manager, the Director of Finance, and public officers to whom any responsibility is delegated by the City Manager pursuant to City Code Section 2-147, are authorized to establish administrative procedures and provide for guidance and assistance in the subrecipients’ execution of the funded programs.

## **CITY MANAGER REPORT**

Interim City Manager Michael Rogers highlighted items from the written report submitted with agenda materials. He stated that the city was poised to sell \$16 Million in bonds to support capital improvement projects, acknowledging that Moody’s and S&P rating agencies visited the city weeks ago and the city retained its 40+ year AAA and Aaa bond ratings. He thanked the Finance, Budget and Economic Development directors, as well as the City Treasurer and Commissioner of the Revenue. He stated that the city is still working on the CATEC transition and that he appointed Director of Human Services Misty Graves and Police Chief Michael Kochis to lead a task force to address gun violence.

Deputy City Manager Ashley Marshall highlighted the Charlottesville Albemarle Youth Opportunities Center website resource for finding activities for youth ([cvillealbyouth.org](http://cvillealbyouth.org)).

Mr. Rogers stated that Melinda Crawford, CEO of the Charlottesville-Albemarle Airport (CHO) has announced her retirement. The Charlottesville-Albemarle Board will work in the next few months to select the next leader.

## **COMMUNITY MATTERS**

Mayor Snook opened the floor for comments from the public.

1. Greg Frank, city resident, spoke about emergency dispatch policies and what he perceives as a negative impact on the Charlottesville Albemarle Rescue Squad (CARS) volunteer organization. He lauded CARS leadership and Interim Fire Chief Michael Thomas for being open to work on issues.
2. Jock Yellotte, city resident, asked the city manager to task the incoming city attorney to review the city's noise ordinance. He asked if the city could lower the volume levels of audible crosswalk signals at 4<sup>th</sup> and Market Streets.
3. Terrece Smith, Executive Director of a new non-profit called The Village, spoke about the Charlottesville Black Knights youth football team, which used to be the feeder program for the Charlottesville High School football team. He stated that there was not a youth football team last year, causing athletes to split to other programs, and that he has been tasked with bringing youth back together for the program. He has re-established relationships with Buford Middle School and Charlottesville High School as the feeder program. Fifty-seven Charlottesville youth participated in a football camp on April 29. He requested a partnership

with the City to provide youth with resources year-round, and an investment of \$30,000 to purchase protective equipment and uniforms. He requested a meeting to further discuss and announced a camp July 21-23 at Charlottesville High School.

4. Bill Emory, city resident, spoke about a potential partnership with Dominion Power to manage streetlights. He asked the city to consider developing a plan to address the existing placement of light fixtures and the placement of new fixtures, while allowing residents a chance to weigh in.
5. Genevieve Keller, city resident, architectural historian, and preservation planner, spoke about Agenda Item 20 regarding 104 Stadium Road. She spoke in opposition to the process followed by the out-of-town consultant to determine whether the building could be preserved on-site or incorporated into a new development. She announced an event at the Richmond African American History Museum, where Preservation Piedmont will have a presentation from the first class of African American Preservation Fellows on June 13.
6. Robin Hoffman, city resident, spoke about the need for people to support the Wednesday farmer's market.
7. Louis Schultz, city resident, spoke about the contract for city manager services, and the applicability of the Virginia Conflict of Interests Act.

## **ACTION ITEMS**

### **16. PUBLIC HEARING/ORDINANCE: Authorizing the conveyance of city-owned sanitary sewerline easement on West Main Street and Water Street for CODE Building project (carried)**

Lauren Hildebrand, Director of Utilities, introduced the ordinance for public hearing. She noted an update to the Ordinance that will be corrected for the second reading, changing "Exhibit A" to "Deed of Vacation".

Mayor Snook opened the public hearing. With no speakers coming forward, the public hearing was closed. Council agreed to carry the item to the June 20 consent agenda for second reading and vote.

### **17. PUBLIC HEARING/ORDINANCE: Amending and reordaining Chapter 31 (Utilities) of the Code of the City of Charlottesville, 1990, as amended, to establish new utility rates and service fees for City gas, water and sanitary sewer (carried)**

Lauren Hildebrand, Director of Public Utilities, and Chris Cullinan, Director of Finance, presented the annual Utility Rate Report for the enterprise funds that include water, wastewater, stormwater and natural gas. Ms. Hildebrand provided an operations overview and Mr. Cullinan reviewed financial components.

The annual Consumer Confidence Report was published in May and concluded that the quality of drinking water meets and exceeds all regulatory requirements and expectations for safety and reliability.

A Lead Service Line Inventory was made available on the city website to receive input from



the community regarding the types of service line materials on private property. The Environmental Protection Agency requires all water providers to inventory all water service lines within their system and identify any lead service lines that may exist. No lead service lines exist in the City's system and about 35% of all privately owned lines have been verified to contain no lead and it is anticipated that there is no lead in the system. Ms. Hildebrand highlighted the three largest pipeline projects in progress with the Rivanna Water and Sewer Authority:

1. South Rivanna Reservoir to Ragged Mountain Reservoir Pipeline and Pump Station Project
2. Ragged Mountain Reservoir to Observatory Water Treatment Plant Pipeline and Pump Station Project
3. Central Water Line Project

Regarding the natural gas utility, most of the service lines have been replaced within the last twenty years. The city received a \$7.1 Million federal grant from the Natural Gas Distribution Infrastructure Safety and Modernization Program (Bipartisan Infrastructure Law) to replace the small portion of remaining mile of legacy cast iron located in the West Main Street corridor. Utilities has taken an environmental stewardship approach to operating a fossil fuel utility, focusing on carbon emission reduction initiatives, a Carbon Capture Program, and carbon offsets.

Mr. Cullinan stated that city utilities operate as an enterprise fund and are structured on a break-even basis. The proposed utility rates will impact the average customer with an increase of just under \$10 per month beginning July 1. While costs have increased in water and wastewater, the structure of financing has remained the same, divided among the Rivanna Water and Sewer Authority, City operations and maintenance, City debt service, and customer service and billing. No increase was recommended for stormwater rates, and the fund will be evaluated at the 10-year milestone next year. The gas utility is debt-free, and costs have been volatile depending on market conditions.

Utility Billing will work with individuals who reach out needing to establish sustainable payment plans once new rates take effect, and Mr. Cullinan mentioned avenues for helping to evaluate user systems and habits for efficiency. Needs-based assistance programs are also available. In response to a question about incorporating electrification, Ms. Hildebrand stated that electrification will be reviewed as part of the decarbonization study, along with the future of the gas utility.

Mayor Snook opened the public hearing.

- Martha Smythe, city resident, asked about capacity in the water and sewer systems to handle upzoning. Ms. Hildebrand answered that the systems in place are sufficient to handle the zoning. Mr. Cullinan stated that if development increases the need for capacity, developers pay a share of the cost.

With no additional speakers coming forward, Mayor Snook closed the public hearing.

Council agreed to carry the item to the June 20 consent agenda for second reading and vote.

**18. RESOLUTION: Consenting to City Manager's appointment of City Attorney**

Mr. Rogers presented the resolution to appoint Jacob Stroman to the position of City Attorney for the City of Charlottesville.

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

**RESOLUTION  
to Appoint City Attorney**

WHEREAS, the Code of the City of Charlottesville, Article V. Section 2-211 states that the City Manager is authorized to appoint a City Attorney with the advice and consent of the city council; and

WHEREAS, the Interim City Manager, conducted a search for candidates for the position of City Attorney and included the senior government attorneys in the interview of the candidates; and

WHEREAS, the Council participated in the interviews of the candidates and provided feedback to the Interim City Manager; and

WHEREAS, the Interim City Manager recommends the appointment of Jacob P. Stroman, an experienced city attorney who most recently served as city attorney of Chesapeake, Virginia, as well as county attorney for several counties in the State, and worked for the Office of the State Attorney General and the State Supreme Court;

NOW, THEREFORE, BE IT RESOLVED that the Charlottesville City Council approves the appointment of Jacob P. Stroman as Charlottesville City Attorney, as recommended by the Interim City Manager.

**19. APPEAL: Appeal of BAR (Board of Architectural Review) denial of Certificate of Appropriateness for Demolition of an Individually Protected Property at 104 Stadium Road. BAR # 22-02-03. (discussed and deferred on May 15)**

Jeff Werner, Historic Preservation and Design Planner, summarized direction given by City Council at the May 15, 2023, City Council meeting.

Andrew McRoberts with the Interim City Attorney firm of Sands Anderson confirmed that the resolution was amended as discussed on May 15.

Mayor Snook invited the attorney for the applicant to speak and she verified that the client is in agreement with the changes.

Councilor Payne stated that he was not convinced that enough evidence was presented to support that a substantial development could not be built on this property.

On motion by Pinkston, seconded by Wade, Council APPROVED the resolution by a vote of 4-1 (Ayes: Pinkston, Puryear, Snook, Wade; Noes: Payne), granting a Certificate of Appropriateness for demolition of the house.

**RESOLUTION OF APPROVAL OF A CERTIFICATE OF APPROPRIATENESS  
FOR DEMOLITION OF THE HOUSE AND GARDENS AT 104 STADIUM ROAD**

**WHEREAS**, on January 27, 2023, Subtext Acquisitions, LLC (Applicant) on behalf of Woodrow Two, LLC, the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 160002000 and currently addressed as 104 Stadium Road (Property), requested a Certificate of Appropriateness (CoA) for the demolition of the house and gardens on the Property (Requested CoA);

**WHEREAS**, per City Code §34-273 and §34-274, in 2011 the Property was designated by City Council an Individually Protected Property (IPP), therefore, per City Code §34-277, its demolition is subject to review by the City's Board of Architectural Review (BAR) and requires approval of a CoA; and

**WHEREAS**, on February 22, 2023, in a motion approved 6-0, the BAR denied the Requested CoA, stating it had "considered the standards set forth within the City Code, including the BAR's design guidelines and the standards for considering demolitions" and "the proposed demolition of the house and gardens at 104 Stadium Road does not satisfy the BAR's criteria and guidelines and is not compatible with this property" and, in its discussion, stating the reasons for denial, and;

**WHEREAS**, on March 9, 2023, as permitted by City Code §34-285(b), the Applicant appealed to City Council the BAR's denial of the Requested CoA (Appeal); and

**WHEREAS**, on May 15, 2023, per City Code §34-314(c), following a review of the Appeal, the Project, and the Application, and having considered relevant information and opinions, including the BAR's determination, the City Staff Report, and the City's ADC District design guidelines and the City's standards for considering demolitions (City Code §34-278), this Council determined the requested demolition at 104 Stadium Road satisfies the design guidelines and review criteria, and is compatible with this property.

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that, pursuant to the conditions below, a Certificate of Appropriateness is hereby approved for the requested demolition at 104 Stadium Road.

Approval of certificate of appropriateness is expressly conditioned upon the occurrence of the following before issuance of a demolition permit:

1. Building and gardens be documented thoroughly through photographs and measured drawings according to the Historic American Building Standards, information should be retained by City of Charlottesville's Department of Neighborhood Development Services and Virginia Department of Historic Resources;

2. Approval of a design-review CoA for new construction on the parcel as a contiguous element of the proposed multi-lot development to ensure that the building is not demolished without an appropriate and City-approved replacement, and issuance of site plan and building permit for construction of such replacement.

3. After the foregoing conditions are accomplished, if the IPP designation has not previously been removed by appropriate action of Council, whether before or after demolition, but no later than 30 days after demolition, applicant will request City Council initiate a zoning ordinance amendment per City Code § 34-274 to delete the property from the protected property list by zoning text and map amendment.

**20. RESOLUTION: Appropriating Charlottesville Supplemental Rental Assistance program (CSRAP) funding (FY23) for use in acquisition of property - \$137,500 (carried)**

Deputy City Manager Sanders referenced this item as continuation of an effort that started in Fall 2022 to appropriate surplus funding within the Charlottesville Supplemental Rental Assistance Program (CSRAP). The Charlottesville Redevelopment and Housing Authority (CRHA) approached the city and asked for a reallocation of surplus funds in order to allow for the acquisition of naturally occurring affordable housing that was in threat of being lost to the market, and risking displacement of current occupants.

CRHA would match the City's \$137,500 to purchase a single-family home at 100 Harris Road. The City would have a half interest in the proposed property as part of the CRHA-City affordable housing portfolio. Mr. Payne stated that he is in favor of pursuing land acquisition through all available avenues.

Mr. Snook stated concerns and objections about the trend of buying units through the CRHA CSRAP, being unsure of the criteria to determine whether a purchase is a good deal, and a plan or strategy for integrating the properties so that the city understands the opportunities and limits of this type of project. He expressed concern that the requests come with a short time requirement.

Council agreed to carry the resolution to the June 20 consent agenda for second reading and vote.

**21. RESOLUTION: Appropriating supplemental Federal Transit Administration and State Capital Funding - \$7,323,087 (carried)**

Garland Williams, Transit Director, presented the request and listed a number of uses for the funds. This resolution would allow Charlottesville Area Transit to accept Federal fiscal year 2022 funds and the current fiscal year 2023 funds. Appropriating the funds will allow CAT to,

when appropriate, move into the micro transit project with the County and begin the process of ordering new buses that will arrive in 18 to 24 months.

In response to questions about alternative fuels, Mr. Williams stated that the Federal government required all transit agencies to conduct an alternative fuel study and CAT is in the midst of the study. Some major decisions will need to be made once results are concluded, specifically in the areas of reliability, cost and space. CAT requested two battery electric vehicles to add to the fleet with the FY24 budget.

Council agreed to carry the resolution to the June 20 consent agenda for second reading and vote.

**22. RESOLUTION: Appropriating funding received from UVA donation to Emmet Street and Fontaine Avenue Streetscape Projects - \$5,000,000 (carried)**

Mr. Sanders presented the request, confirming UVA's commitment to contribute \$5,000,000 to city streetscape funding.

Councilor Pinkston disclosed his employment at UVA and stated that it would not pose a conflict with his ability to deliberate and vote on this item.

Councilor Payne expressed a desire for UVA to pay property tax.

Council agreed to carry the resolution to the June 20 consent agenda for second reading and vote.

**23. RESOLUTION: Appropriating \$5,300,000 to the Charlottesville City School Board for the Acquisition of CATEC (carried)**

Mr. Rogers introduced the request for appropriation and summarized the transaction initiated by Albemarle County Schools and the Charlottesville City Schools intention to acquire full rights to CATEC.

Superintendent Dr. Royal Gurley agreed with Mr. Rogers's summary, and he thanked all parties involved in the negotiation process. He explained that a cross-organization think tank has been formed to work toward the future of CATEC.

Council agreed to carry the resolution to the June 20 consent agenda for second reading and vote.

**OTHER BUSINESS**

Mayor Snook stated that Council would like to have a meeting on Thursday, June 8 at 3:00 p.m. to discuss the City Manager search. He stated that the meeting will convene in open session, go into closed session, and end in open session with no vote.

## **COMMUNITY MATTERS (2)**

Mayor Snook opened the floor for comments from the public.

With no speakers coming forward, the mayor adjourned the meeting at 8:39 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council



**CHARLOTTESVILLE CITY COUNCIL SPECIAL MEETING**

**June 16, 2023 at 3:30 p.m.**

**In-person: Council Chamber, 605 E. Main Street**

**Electronic: Boxcast livestream**

The Charlottesville City Council held a special meeting on Friday, June 16, 2023, to consider and discuss prospective candidates for the position of City Manager for the City of Charlottesville.

Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Michael Payne, Brian Pinkston and Leah Puryear.

On motion by Pinkston, seconded by Payne, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to convene in closed session as authorized by Virginia Code Section 2.2-3711(A)(1), for discussion and consideration of prospective candidates for employment and/or appointment to the position of City Manager for the City of Charlottesville.

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

The meeting adjourned at 4:27 p.m.

BY Order of the Mayor

BY Kyna Thomas, Clerk of Council

**CHARLOTTESVILLE CITY COUNCIL SPECIAL MEETING**

**June 23, 2023 at 3:00 p.m.**

**In-person: Council Chamber, 605 E. Main Street**

**Electronic: Boxcast livestream**

The Charlottesville City Council held a special meeting on Friday, June 23, 2023, to consider and discuss prospective candidates for the position of City Manager for the City of Charlottesville.

Notice of this special meeting was published in satisfaction of Virginia Code § 2.2-3707(D), § 2.2-3707(E), and City Code Sec. 2-42(a). Staff also posted an additional physical notice on the main entrance door to City Hall, and on the Council Chamber door.

Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Michael Payne, Brian Pinkston and Leah Puryear.

On motion by Pinkston, seconded by Payne, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to convene in closed session as authorized by Virginia Code Section 2.2-3711(A)(1), for discussion, consideration, and interviews of prospective candidates for employment to the position of City Manager for the City of Charlottesville.

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

The meeting adjourned at 4:45 p.m.

BY Order of the Mayor

BY Kyna Thomas, Clerk of Council

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



Agenda Date:	July 17, 2023
Action Required:	Approval of Resolution
Presenter:	Michael Thomas, Interim Fire Chief
Staff Contacts:	Mike Rogers, Deputy Chief of Business Services Krisy Hammill, Director of Budget
Title:	<b>Fontaine Avenue Fire Station Alerting System update (2nd reading)</b>

**Background**

The call alerting system currently in use at the Fontaine Avenue Fire Station was installed during the initial construction of the building. The system is now more than ten (10) years old, and the system components and accessories are all proprietary and beginning to fail. The City would have to incur the upgrade cost to update the failing system and commit to an annual maintenance agreement with the current vendor. Since the installation of the original system, any new call types and subsequent programming codes created through the Emergency Communication Center (ECC) are not part of the system configuration and aren't recognized as part of an alert. The current system only allows the fire department to make the necessary programming changes after working through the vendor. Also, unlike the requested system, the current system does not have any backup or redundancy to notify the fire units about incidents.

**Discussion**

Since the construction of the Fontaine Avenue Station, the Ridge Street Station has been equipped with a newer alerting system that allows the City to program the system in-house and aftermarket product interfaces/usages are available. Additionally, this newer system is used by Albemarle County and other regional partners and is fully compatible with all the newer CAD programming used by the ECC system. The City of Charlottesville Fontaine Avenue Station is the last local agency on the old alerting system server housed and maintained at the ECC. Replacement of this system is currently programmed for FY26 in the 5-year CIP plan at a cost of \$175,000 but the limitations of the old system are requiring the need to continuously find more inefficient operational work-arounds that can not be sustained.

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

This project supports Goal 2 of the Strategic Plan, to be a Healthy and Safe City and Goal 5, to be a Well-managed and Responsive Organization..

**Community Engagement**

N/A

**Budgetary Impact**

\$175,000 is currently programmed as a bondable expense in FY 26 for the replacement of this system. If this resolution is approved, the sale of the bonds will occur sooner but will not change the overall finances of the current 5-year plan.

### **Recommendation**

Staff recommends approval of this resolution.

### **Alternatives**

Approval could be denied and replacement of the alerting system would have to wait until the future funding programmed for the replacement becomes available.

### **Attachments**

1. Resolution\_Fontaine Avenue Fire Station Alerting System

**RESOLUTION**  
**Appropriating the amount of \$175,000**  
**For the Fontaine Avenue Fire Station Alerting System**

**WHEREAS** Council has planned for \$175,000 in FY 26 of the City's 5-Year Capital Improvement Plan for the replacement of the alerting system at the Fontaine Avenue Fire Station; and

**WHEREAS** additional investment is needed now to address on-going operational needs;

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$175,000 is hereby appropriated as follows:

**Revenues:**

\$175,000	Fund: 426	Cost Center: 9900000000	G/L Account: 499010
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**Expenditures:**

\$175,000	Fund: 426	Internal Order: 1000031	G/L Account: 599999
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**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	July 17, 2023
Action Required:	Adoption of Ordinance
Presenter:	Michael Kochis, Police Chief
Staff Contacts:	Eric Thomas
Title:	<b>Charlottesville Police Department Firearms Buyback Program and Destruction of Surrendered Firearms Ordinance (2nd reading)</b>

**Background**

Virginia law (15.2-915.5) authorizes localities to participate in firearm buyback programs where individuals may be given a thing of value in exchange for surrendering a firearm to the locality.

Although many localities in Virginia have not implemented an ordinance authorizing participation in a firearm buyback program, the Charlottesville Police Department (CPD) recognizes that reducing gun violence requires a multi-faceted approach.

As of March 20, 2023, the City of Charlottesville has seen a 150% increase in murder and nonnegligent manslaughter offenses in 2023 over the entire calendar year of 2022. Since 2019, annual violent crime offenses in the city have increased steadily year over year by a total of 59.3% from 2019 to the end of 2022.

**Discussion**

In general, voluntary firearm buyback programs allow gun owners to surrender their firearms to government entities for a thing of value. These programs have three main objectives.

1. Help to reduce the availability of firearms in a community.
  - a. Keeping firearms out of the hands of children and others who are prohibited from lawfully possessing a firearm.
2. Provide an opportunity for the safe disposal of firearms.
  - a. Option for responsible community members who wish to get rid of firearms in a safe manner
3. Community engagement.
  - a. Initiate conversations about responsible gun ownership
  - b. Relationship building amongst community partners working to reduce gun violence.

If authorized, CPD's firearm buyback program would partner with private and/or other governmental entities through memorandums of understanding to allow citizens to voluntarily surrender firearms to

CPD which may give the individual surrendering the firearm a thing of value. Through the firearm buyback program, the surrendered firearms shall be received and destroyed by the CPD, consistent with Virginia law.

Virginia localities such as Norfolk, Richmond, and Roanoke have all implemented successful Firearm Buyback Programs similar to the one proposed by CPD.

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

This project supports Goal 2 of the Strategic Plan, to be a Healthy and Safe City. Furthermore, this project supports the mission and vision of the Charlottesville Police Department, which states: In partnership with our community, we strive to improve the quality of life of those who live, work, and visit our city. We will do this by creating a safe and secure environment through professional, empathetic, relational, and accountable policing practices. With community policing as our foundation, we strive to maintain trust and legitimacy through respectful, transparent, and impartial public safety practices.

### **Community Engagement**

A firearm buyback program is an important community safety initiative that will help gun owners and their family members safely dispose of unwanted firearms to help reduce the risk of homicides, suicides, and unintentional shootings. Partnering with private and/or other governmental entities will help the Charlottesville Police Department keep guns from getting into the wrong hands - such as children and others who are prohibited from lawfully possessing a firearm.

### **Budgetary Impact**

Currently, there are no known budgetary impacts. The City of Charlottesville will enter into memorandums of understanding with private and/or other governmental entities to assist with funding.

### **Recommendation**

Adopt the proposed ordinance authorizing the Charlottesville Police Department to participate in firearms buyback programs.

### **Alternatives**

The City of Charlottesville may decide not to participate in the voluntary program but a proactive approach needs to be taken to reduce the increase in gun violence.

### **Attachments**

1. Firearm Buyback 2023 Ordinance



**AN ORDINANCE AUTHORIZING THE CITY OF CHARLOTTESVILLE  
TO PARTICIPATE IN FIREARM BUYBACK PROGRAM  
AND DESTROY SURRENDERED FIREARMS**

**WHEREAS**, the City of Charlottesville and the Charlottesville Police Department seek to utilize all available methods under the law to promote the health, welfare and safety of our community; and

**WHEREAS**, the Charlottesville Police Department seeks to establish a firearm buyback program within the City of Charlottesville to promote and enhance existing public safety efforts within the City of Charlottesville; and

**WHEREAS**, the City of Charlottesville is only authorized to participate in a program in which individuals are given a thing of value provided by another individual or other entity in exchange for surrendering a firearm to the locality upon the City Council's enactment of an ordinance, pursuant to Va. Code § 15.2-1425, authorizing the participation of the locality in such program as provided under Va. Code § 15.2-915.5; and

**WHEREAS**, consistent with Virginia law, Section 15.2-915.5 of the Code of Virginia (1950), as amended, localities are authorized to participate in firearm buyback programs where individuals may be given a thing of value in exchange for surrendering a firearm to the locality; and

**WHEREAS**, such surrendered firearms shall be received and destroyed by the Charlottesville Police Department consistent with Virginia law, removing unwanted guns off our streets and promoting a safer community;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Charlottesville, Virginia in accordance with their authority under Va. Code Ann. § 15.2-1425:

1. That the City is hereby authorized to participate in firearm buyback programs pursuant to Section 15.2-915.5 of the Code of Virginia, as amended.
2. That the Charlottesville Police Department is authorized to receive and destroy or provide for the destruction of such firearms pursuant to Section 15.2-915.5 of the Code of Virginia, as amended.
3. That the City Manager is authorized to enter into memoranda of understanding with private and/or other governmental entities that may organize and partner with the City on such buyback programs, if necessary, in a form approved by the City Attorney.
4. That this ordinance shall be effective on the date of adoption.

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



Agenda Date: July 17, 2023

Action Required: Appropriation

Presenter: Jonathan Dean, Public Service Manager

Staff Contacts: Krisy Hammill, Director of Budget

**Title: Appropriating City Traffic Assets Insurance Reimbursement – \$56,316.53  
(1 of 2 readings)**

**Background**

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

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

**Discussion**

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

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

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

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

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

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

**Community Engagement**

N/A

**Budgetary Impact**

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

**Recommendation**

Staff recommends approval and appropriation of insurance monies.

**Alternatives**

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

**Attachments**

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

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

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

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

**Revenues - \$**

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

**Expenditures - \$**

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

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

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



Agenda Date: July 17, 2023

Action Required: This is the action request for this item

Presenter: Riaan Anthony, Deputy Director - Parks Division

Staff Contacts: Riaan Anthony, Deputy Director - Parks Division

**Title: Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$100,000 (1 of 2 readings)**

**Background**

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

**Discussion**

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

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

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

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

**Community Engagement**

N/A

**Budgetary Impact**

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

**Recommendation**

Staff recommends approval and appropriation of funds.

**Alternatives**

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

**Attachments**

1. RESOLUTION\_SummerFoodServiceProgram \$100,000

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

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

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

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

**Revenue – \$100,000**

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

**Expenditures - \$100,000**

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

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



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



Agenda Date:	July 17, 2023
Action Required:	Approval
Presenter:	Chris Cullinan, Director of Finance
Staff Contacts:	Misty Graves, Director of Human Services
Title:	<b>Reallocating \$33,827.85 of American Rescue Plan (ARP) funds to the Department of Human Services from funds previously appropriated to City of Promise (1 of 2 readings)</b>

**Background**

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

**Discussion**

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

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

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

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

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

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

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

**Community Engagement**

N/A

**Budgetary Impact**

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

**Recommendation**

Approval.

**Alternatives**

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

**Attachments**

1. 7.17.23 Appropriation Reallocating ARP Funds for Community Resiliency Activities

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

**\$33,827.85**

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

**Revenue:**

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

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



Agenda Date:	July 17, 2023
Action Required:	Consideration of an Ordinance Authorizing Encroachment into the City Right-of-Way
Presenter:	Dannan OConnell, Planner
Staff Contacts:	Dannan OConnell, Planner Jacob Stroman, City Attorney
Title:	<b>Approving a Right-of-Way Encroachment Agreement for 1117 Preston Avenue (1 of 2 readings)</b>

**Background**

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

**Discussion**

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

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

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

**Community Engagement**

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

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

**Budgetary Impact**

This has no impact on the General Fund.

**Recommendation**

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

### **Alternatives**

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

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

### **Attachments**

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

A diagram showing a line with a break symbol (two parallel diagonal lines) and the text "NAD 83" written above it.



**TIMMONS GROUP**  
YOUR VISION ACHIEVED THROUGH OURS.

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

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

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

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



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

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

## **ENCROACHMENT AGREEMENT**

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

### **WITNESSETH**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[SIGNATURE PAGES FOLLOW]

**WITNESS** the following signatures.

GRANTOR:

**1117 PRESTON AVENUE, LLC**

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

TITLE: Manager

COMMONWEALTH OF VIRGINIA

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

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

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

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

GRANTEE: **CITY OF CHARLOTTESVILLE, VIRGINIA**

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

COMMONWEALTH OF VIRGINIA  
CITY OF CHARLOTTESVILLE

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

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

*Approved as to Form:*

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



# City Manager's Report

## July 2023



## UPDATES FROM INTERIM CITY MANAGER MICHAEL ROGERS

- **STRATEGIC PLANNING UPDATE**
  - The City continues to move briskly through its Strategic Planning process. Recently, members of staff leadership participated in a session to review City Council's identified goals in order to brainstorm adding strategies and measures to those strategic outcome areas. The City Manager will review that draft framework in the next few weeks, with a goal of a completed framework that will be presented to the City Council and the public.
- **ARPA COMMUNITY ARTS & FESTIVALS GRANT PROGRAM**
  - The City of Charlottesville Community Arts and Festival Grants Program is ready to launch. The program was created to respond to the lingering negative impacts of the pandemic on community events. The program is intended to promote citywide special events that will activate public spaces, enrich the lives of residents, encourage partnerships between organizations, foster a vibrant and diverse community, and stimulate economic activity. A total of \$580,000 was reserved by City Council in August 2022 for Arts and Festivals using American Rescue Plan Act funding, and \$560,000 will be used for this competitive grant process that will provide funding specifically for expenses associated with the costs of city services and event costs such as permits or protective barriers. The application is open now for any event to be held from July 1, 2023, to December 31, 2023 – and more information and the application can be found on our website at <https://www.charlottesville.gov/1659/ARPA-Community-Arts-Festival-Grants>
- **CITY SELECTED AS PARTICIPANT IN THE NATIONAL LEAGUE OF CITIES CAPSTONE PROGRAM**
  - The City of Charlottesville has been accepted to participate in the competitive National League of Cities (NLC) Capstone Challenge Program through an application submitted by Deputy City Manager Ashley Marshall. The Capstone Challenge program matches cities with strategic partners to work together on a project during an eight-month period. At the end of the period, each working group will share the outcomes of their project and will also produce a reference document for any city that will be shared through NLC nationally. In this cohort, there are seven (7) projects that feature seven (7) strategic partners. Thirteen (13) municipalities were selected across the country, and Charlottesville is the only city selected from the Commonwealth of Virginia. The City of Charlottesville will partner with City Health Dashboard (website: <https://www.cityhealthdashboard.com/>) to understand and address the impacts of redlining on health. In 2021, the City of Charlottesville was also selected by City Health Dashboard to be one of the first small cities to be added to their database through their competitive "Put Us on the Map" contest through an application submitted also by Ms. Marshall. The City of Rochester, NY, and the City of Houston, TX, will also work with City Health Dashboard in his area. There will be the creation of dynamic interacting mapping products, but also an action plan developed as the deliverable of our project.
- **CHARLOTTESVILLE FIRE DEPARTMENT CHIEF HIRING PROGRESS**
  - The search for Charlottesville Fire Chief is winding down. We received 30 applications from across the country. The in-house review committee, which included representatives of the Fire Fighters union, narrowed the field to eight who were invited to do online interviews. And after that review, four candidates are

invited for in-person interviews. The city manager is expected to appoint the Fire Chief in the next several weeks.

- **CHARLOTTESVILLE FIRE DEPARTMENT FIRE ACADEMY**
  - The city manager attended the Fire Academy Graduation service, where 12 academy graduates were pinned. CFD has no vacancies with the 11 recruits that are now entering the academy. It is an amazing accomplishment, given the market conditions it has faced in recruiting.
- **CITY ATTORNEY HIRING COMPLETED**
  - With the hiring of our new City Attorney, Jacob Stroman, and the hiring of April Wimberly and Ryan Franklin as Assistant City Attorneys, the office of City Attorney is now fully staffed. Both April and Ryan are graduates of William and Mary College of Law.
- **CHARLOTTESVILLE POLICE DEPARTMENT RECRUITMENT**
  - Chief Kochis, through his concentrated efforts, has hired 15 recruits in the police academy. This success cut CPD's vacancies from 30 to 15.
- **CHARLOTTESVILLE POLICE DEPARTMENT NATIONAL NIGHT OUT**
  - Charlottesville Police Department will hold a National Night Out Celebration at IX Art Park on August 1, 2023, from 5:30-8:00 pm. With free admission, this event will feature local vendors, entertainment, food, and activities for the entire family.
- **HUMAN RESOURCES CLASSIFICATION AND COMPENSATION WORK**
  - Human Resources Director Mary Ann Hardie has been meeting with department heads to identify where each employee fits on the proposed pay scale. There will be a final meeting with Department heads and a virtual public hearing for city employees in the next week. The new pay plan is expected to be presented to Council on August 7 for the first reading for approval at the August 21st Council Meeting.
- **CHARLOTTESVILLE ALBEMARLE AIRPORT AUTHORITY**
  - The City Manager, as a member of the Charlottesville Albemarle Airport Authority attend the annual employee cookout and luncheon and recognition of CEO Melinda Crawford who is retiring after ten years of service. During her tenure, the service to the airport has expanded with flights to more destinations more frequently. Avelo recently added service to Orlando, and service to Philadelphia and Chicago are returning to CHO. With Ms. Crawford's departure in August, the Board will interview internal candidates first at its next meeting this month.

#### UPDATES FROM DEPUTY CITY MANAGER ASHLEY MARSHALL

- **BECOME A FOSTER PARENT**
  - **BECOME A FOSTER PARENT:** Community Attention Foster Families (CAFF) is actively searching for a diverse pool of families in and around the city of Charlottesville, Albemarle County, and surrounding communities with a specific need for families and individuals willing to foster older youth and teens. If you have considered opening your heart and home to a child or adolescent in need, please contact us to discuss this exciting and rewarding opportunity. Come learn more about our program and the process of becoming a foster/adoptive parent with CAFF by attending one of our information sessions. Before participating in the foster parent training, you must attend an information session and create a profile on the Foster Families Highway Profile via CAFF. The next required information session will be held from 6-7 pm via Zoom on August 9, 2023.
- **SOUNDS OF SUMMER EVENT ON JULY 15TH**
  - Parks and Recreation would like to invite the community to attend its Sounds of Summer event that will be at Tonsler Park (located at 500 Cherry Avenue) on July 15, 2023, from 6-8 pm featuring the Tara Mills Band. The event will have live music, free food, and fun activities for the whole family.
    - Information on this event and more can be found on the Department's website (<https://www.charlottesville.gov/156/Parks-Recreation>) and their social media accounts.
- **CHARLOTTESVILLE HOMEOWNER AFFORDABILITY PROGRAM OPEN:**
  - The Commissioner of Revenue notes that the Charlottesville Homeowner Affordability Program is up and running for 2023. Applications can be submitted through September 1st by mail, in-person, or online. For more information, please call 434-970-3165.
- **COMMUNITY EMERGENCY ALERT SYSTEM**
  - The Charlottesville-UVA-Albemarle County Emergency Communication Center has updated its community emergency alert system from CodeRED to RAVE. Community members can sign up to receive free emergency alerts 24/7 when there is an immediate threat to life and/or property. You may also opt-in to receive severe weather alerts for local severe weather watches and warnings issued by the National Weather Service. To sign up for these alerts, please go to [www.CUA911.gov/alerts](http://www.CUA911.gov/alerts)

#### UPDATES FROM DEPUTY CITY MANAGER SAMUEL SANDERS

- **RECONNECTING COMMUNITIES AND NEIGHBORHOODS PROGRAM**
  - The City is considering pursuing a grant from the Local Infrastructure Hub to support the planning of a project that increases connectivity in disadvantaged or underserved communities.
  - The effort will help to elevate the Starr Hill Vision Plan to meet the merits of a Small Area Plan.
  - Focus areas: racial wealth equity, climate, and economic strength.
- **CHOICE NEIGHBORHOODS GRANT**
  - The City is engaged in CRHA's recent convening of stakeholders to support an application to

HUD's Choice Neighborhoods Grant Program.

- Westhaven and the 10<sup>th</sup> & Page neighborhoods will be the geographic footprint of a proposal submission.
- Multiple city departments will engage in this effort, including Community Solutions, NDS, CPD, CFD, CAT, Social Services, and Human Services.

- ACTIVATING NEW CITY OFFICE SPACE

- Two floors of the S&P Annex building, located at 700 East Jefferson Street, will be returning to city use.
- 15,870 square feet of space on the 1<sup>st</sup> and 2<sup>nd</sup> floors are being utilized by the city for various operational uses.
- The Office of Community Solutions and Public Works – Engineering Divisions will relocate the floor in the coming months.
- Charlottesville City Schools are currently occupying space on the first floor for temporary usage while improvements are made to their administrative offices this summer.
- The ECC will occupy most of the first floor as training and space for back-office operations to lighten the current pressure at the main office on Ivy Road.
- This building is owned by the city and remains under a Master Lease with S&P Global Market Intelligence, Inc. and the Economic Development Authority of Charlottesville.

## CITY MANAGER'S OFFICE UPDATES

- Office of the City Manager – Executive Assistant Terry Bentley (she/her)  
The Office of the City Manager would like to remind the public that they continue to provide support as the main information line for the community. To reach them, please call 434-970-3333, but also, the public should be aware that the phone tree system is active to ensure quick transfer to the proper departments.
- Office of Budget and Management – Director Krisy Hammill (she/her)  
*No update at this time*
- Office of Communications & Public Engagement – Deputy Director David Dillehunt (he/him)  
The Office of Communications & Public Engagement continues to support City departments and citizens with multimedia resources, social media distribution, and guidance. The search for a new Director of Communications & Public Engagement is ongoing, and Round 1 interviews are set to take place in July 2023.
- Office of Community Solutions –Director Alex Ikefuna (he/him)  
On June 20, City Council approved a minor amendment to reprogram FY 2017-2019 CDBG funds to enable ADA improvements at Booker T. Washington Park. The improvements are being completed.
- Office of Economic Development – Director Chris Engel (he/him)  
The Office of Economic Development (OED) is pleased to announce the Ready to Work Program launch. The Ready to Work (RTW) program is designed to help develop critical workplace skills and create a pipeline of work-ready applicants for Charlottesville City businesses. According to a recent survey conducted by Pew Research Center and cited by the Society for Human Resource Management (SHRM), the “most valuable work skills will be those that machines can’t yet perform, like soft skills.” Using online work readiness courses and individualized coaching, career navigators will train and prepare career-seekers for the essential skills employers require. RTW provides jobseekers with 20 hours of soft skills training, career assessment, and interview preparation assistance to prepare them for on-the-job success. Graduates will be connected to participating City businesses for a guaranteed job interview after completing the soft skills training certification. Ready to Work is a program of OED’s GO HIRE Workforce Initiative conducted in partnership with Rappahannock Goodwill Industries.
  - For more information, visit [www.charlottesvillecityreadytowork.gov](http://www.charlottesvillecityreadytowork.gov).
- Emergency Management – Coordinator Jeremy Evans (he/him)  
Mass Communications and Alerting update- On July 1, 2023, the successful implementation of RAVE Mobile Safety alerting and warning occurred. The region has replaced CodeRed as its primary mass notification and alerting software and has selected RAVE Mobile Safety as the replacement. RAVE was chosen for its user-friendly configuration and enhanced features. Users will receive information on

severe weather, traffic alerts, public safety messages, and emergency notifications. Users who sign up will also have the option to share emergency contacts, medical conditions, address details, and if help will be required during an evacuation. Data migration from the CodeRed platform is complete. A total of 10,746 opt-in records were moved to the RAVE platform. Landline imports are complete with 93,511 landlines added. The system has developed and configured templates for common alert event types. These are responsive to recent conversations with the regional partners and include placeholders for specific location information wherever appropriate. ECC Public Safety Communications Supervisors have received training on sending alerts in the new system and will be able to do so upon responder agency command staff request. The [www.CUA911.gov/alerts](http://www.CUA911.gov/alerts) page has been updated with the registration information for the new platform and community-facing FAQs about the alert system and the migration process.

- Office of Human Rights – Director Todd Niemeier (he/him)

OHR SERVICE PROVISION OVERVIEW: The total incoming and outgoing contacts entered from January 1, 2023, through July 6, 2023, was 1,918. Some contact data is still pending entry for June and July. The total incoming contacts alone for the above timeframe was 1,337. To date, the OHR has served 175 total unique individuals this year, accounting for some errors in count due to anonymous calls. To further break down the numbers: 1,460 (76%) of all incoming and outgoing contacts to date were classified as “Navigation & Advocacy.” Navigation & Advocacy refers to individual service involving tasks other than those related to addressing a complaint of discrimination. 920 of all incoming and outgoing Navigation & Advocacy contacts were classified as Housing Navigation, meaning the support provided was in some way related to housing.

CASES: The OHR currently has 10 open complaint cases and 2 new complaints pending assessment or authorization for action.

ADMINISTRATIVE UPDATES: Staff presented the HRC & OHR CY2022 Annual Report to Council on June 5, 2023. Staff also submitted via email to Council an amended version of the report with numerical corrections and updates on June 15, 2023. As the next step in our process of becoming a Fair Housing Assistance Program (FHAP), HUD has asked that the City make additional revisions to the Human Rights Ordinance before proceeding. OHR staff are currently in the process of drafting an updated version of the ordinance. The OHR is assessing the best moment at which to begin the hiring process for a Human Rights Investigator. While our current caseload would be well-supported by additional staff, we will evaluate the impacts of hiring an Intake and Administrative Specialist for a few months before hiring an Investigator. The OHR will also factor in the timing of the FHAP certification process when making hiring decisions.

OUTREACH UPDATES: Victoria continues to regularly represent the OHR at virtual outreach events, including Region Ten Community Based Recovery Support Advisory Board, the Blue Ridge Area Food Bank’s Hunger Action Coalition, and The Haven’s Coordinated Entry Services and will table in person at events including Healthy Streets/Healthy People, on 07/08, and other upcoming in-person events. In partnership with the Albemarle Office of Equity and Inclusion, the OHR was able to have materials displayed at the Jefferson School’s Juneteenth celebration on 06/17 this year as well. Significant time

is also being spent providing assistance with incoming inquiries and individual service follow-up, especially for contacts involving navigation and advocacy. Work is occurring to systematize our office's navigation work, and has been working in partnership with the OHR team to develop tools to limit avenues with no efficiency and refer individuals to the correct avenues for service. The Office is also working on creating new educational materials, including short videos on protected activities under the Human Rights Ordinance. The OHR successfully completed a short video giving an overview of our office and its scope, and the video premiered at our Open House on July 7 and will be released online on our social media shortly.

#### **HUMAN RIGHTS COMMISSION UPDATES**

The Commission met on June 15, 2023. Commissioners passed a resolution regarding their housing advocacy priorities. During their next meeting on July 20, 2023, Commissioners will focus on strategies for developing legislative recommendations to Council.

- Office of Equity and Inclusion – Deputy City Manager Ashley Reynolds Marshall (She/Her)
  - Americans with Disability Act (ADA)– ADA Coordinator Paul Rudacille (He/Him)

TRANSITION PLAN UPDATE: The ADA Coordinator is pleased to inform the community that the city has commenced a comprehensive self-evaluation process to enhance our services and better meet our community's needs. In line with this initiative, we are excited to announce the official kick-off event, scheduled to take place by the end of July/beginning of August 2023. This kick-off event will provide a valuable opportunity for all community members to actively contribute their input and play an instrumental role in shaping the future of our city. The City believes that our communities' perspectives are essential in driving positive change. The kick-off event will serve as an open forum for dialogue, where we encourage everyone to share their thoughts, suggestions, and ideas for improving various aspects of our city. By collaborating, we can cultivate an inclusive community that thrives on continuous progress. CALLS FOR SUPPORT: ADA Coordinator has diligently addressed and responded to over 183 requests this calendar year, ensuring that our city remains accessible and inclusive for all residents.

    - The City of Charlottesville's ADA Coordinator can be reached by email at [ada@charlottesville.gov](mailto:ada@charlottesville.gov) or by phone at 434-970-3182. In addition, information is on our website about the ADA grievance procedures and our ADA complaint procedures at <https://charlottesville.org/274/Americans-with-Disabilities-Act-ADA-Coor>.
  - Home to Hope Program – Employment & Financial Opportunity Manager Roy Fitch Jr. (he/him)

PARTNERSHIP: Home To Hope recently secured a program partnership with Charlottesville Community Bikes! The team is very excited about this opportunity and hope to utilize it to serve our clients we have in common, especially the children of our participants. EVENTS: Home to Hope will attend the July 13th One Stop Shop. This event will be held from 12 noon until 3 pm at the Carver Recreation Center. The Downtown Job Center and Home to Hope joined the Office of Human Rights to host an Open House for the community on Friday, July 7<sup>th</sup>, from 3pm

to 6pm. The event was at our office, 507 E. Main Street, right beside the Downtown US Post Office.

- The Home to Hope program is free of charge for community members who are reentering society after “time served.” For assistance, please email Home to Hope at [hometohope@charlottesville.org](mailto:hometohope@charlottesville.org), call them at 434-970-3601, visit their office on the Pedestrian Mall at 507 E. Main Street, or you can fill out an intake form online at: <https://www.surveymonkey.com/r/HometoHopeIntake>
- Downtown Job Center – Employment & Financial Opportunity Manager Roy Fitch Jr. (he/him)  
Both the Downtown Job Center and Home to Hope attended the City of Promise DreamBuilders Graduation Ceremony. The event was held Wednesday, June 21<sup>st</sup>, from 5:30 pm to 7:30 pm at the Carver Recreation Center. Additionally, both programs joined the Office of Human Rights to host an Open House for the community on Friday, July 7<sup>th</sup>, from 3 pm to 6 pm. The event was at our office, 507 E. Main Street, right beside the Downtown US Post Office.
  - The City of Charlottesville Downtown Job Center is now located on the Pedestrian Mall at 507 E. Main Street. Assistance is free of charge to anyone who visits the center. For more information, please call them at 434-970-3933 or visit Tuesday-Thursday from 9:30-4:30 pm. Mondays and Wednesdays are by appointment.



- Charlottesville Area Transit – Director Garland Williams (he/him)

CAT is pleased to expand its partnership with Network2Work@PVCC and support the effort of Piedmont Virginia Community College to secure a Road to Success in Virginia grant that will allow Network2Work@PVCC to continue recruiting, training and supporting job seekers interested in working for CAT, especially as school bus drivers.

CAT requests community input to develop its Transit Strategic Plan (TSP). The TSP is a replacement of the 2018 Transit Development Plan (TDP), (previously required by the Virginia Department of Rail and Public Transportation), the TSP will serve as the key strategic blueprint for service planning, operations, and capital needs (such as new bus purchases, technology upgrades, and customer amenities) for the next 10 years. To that end, CAT requests that the community complete our survey by July 31st, 2023. Please visit CAT online at [CatchTheCAT.org](https://CatchTheCAT.org) to complete the survey and enter a \$50 gift card drawing.
- Charlottesville Fire Department – Interim Chief Michael Thomas (he/him)

INCIDENTS: Over the last 30 days, CFD has actively responded to multiple critical incidents throughout the city. In addition, CFD members attended the city school's Safety Summit and trained approximately 100 administrators on stop-the-bleed techniques. CFD also participated in the healthy streets fair, where we taught the public on stop-the-bleed techniques and other safety initiatives, including CPR, Narcan usage, fire extinguishers, and general fire safety. These initiatives were a collaborative effort by CFD, Albemarle County, and CARS to offer training and safety information to the community. Approximately 500 people attended this event.

STAFFING: CFD made 11 conditional offers for employment with a recruit school projected to start July 24<sup>th</sup>.

MUTUAL AID UPDATE: The City/County mutual aid contract is in the final phases and being reviewed by the City and County Attorney's Offices.

GIRLS FIRE CAMP: The second annual girl's fire camp starts July 17 with 15 girls registered, an increase from the last participation.

MEDIA & COMMUNITY CONTACTS: It appears that the media messaging positively impacted July 4 and the fireworks. While we had fireworks going off in the city, the volume seemed less than in past years, and no fires were reported in trash cans, dumpsters, grass, or a structure from used fireworks.
- Charlottesville Police Department – Chief Michael Kochis (he/him)

STAFFING: The Police Department recently sent its largest and most diverse recruit class to the police academy on July 5, 2023. Additionally, the Department used the Virginia Association of Chiefs of Police to conduct its Assistant Chiefs process. Interviews were held on July 10, 2023.

STRATEGIC PLANNING: CPD has begun its Strategic Planning Process and is currently conducting several focus group meetings.

- Department of Human Resources – Director Mary Ann Hardie (she/her)  
 The Department of Human Resources continues to work on completing many hires in multiple departments. Please go to our website to see all openings and encourage eligible applicants to apply: <https://www.charlottesville.gov/695/Employment-with-the-City-of-Charlottesville>
- Department of Human Services – Director Misty Graves (she/her)  
CALL FOR FOSTER PARENTS: Community Attention Foster Families (CAFF) is actively searching for a diverse pool of families in and around the city of Charlottesville, Albemarle County, and surrounding communities with a specific need for families and individuals willing to foster older youth and teens. If you have considered opening your heart and home to a child or adolescent in need, please contact us to discuss this exciting and rewarding opportunity. Come learn more about our program and the process of becoming a foster/adoptive parent with CAFF by attending one of our information sessions. Before participating in the foster parent training, you must attend an information session and create a profile on the Foster Families Highway Profile via CAFF. Our Information Sessions are held every second Wednesday of the month via Zoom from 6:00-7:00 PM on August 9, 2023.  
NEW HIRE at DHS: We recently welcomed Reggie Allen to the team as the newest Human Services Planning Team member. He will collaborate on the Vibrant Community Fund and research, write, and acquire other grants for our department and community.  
Teens GIVE and CAYIP LAUNCH: Two of our premiere youth programs have launched in full swing this summer. Teens GIVE participants will be volunteering their time at various organizations this summer while exploring other recreational and positive activities in the afternoon. CAYIP participants finished their CAYIP Academy last week, the pre-internship training course that prepares youth for the workplace and success in the program. The CAYIP participants have started at their worksites this week!
- Department of Information Technology – Director Steve Hawkes (he/him)  
SOFTWARE AND PROGRAM UPDATES: There were a number of noteworthy project updates in June, including the beginning of the SAP SuccessFactors Human Resources system implementation. Phase one of the project will implement the performance management and learning and training modules. The project kicked off with two workshops during the month, and upon completion of the project, all city staff performance reviews and training will be administered through the system.  
HARDWARE REPLACEMENT: The City's PC replacement program is another significant project this summer. With a significant number of PCs needing to be replaced this summer, approximately 200, IT has been working very hard to purchase, configure and deploy the new machines. Usually, IT Helpdesk staff are responsible for provisioning new PCs, but we'll be all hands-on deck as additional IT staff will be helping out due to the high number of PCs that need to be replaced. For the project, the Apps team also designed a 'Ring the Bell' app, which is set up at the entrance to IT on a large screen display. Whenever a new PC is deployed, the staff member that deployed the PC gets to 'ring the bell' by pressing a large button. Once pressed, a loud gong-like sound is made, and the thermometer gauge

increases, showing the project's overall progress. It's been a fun and competitive way to measure the project's success.

DATA ANALYSIS: IT also facilitates the City's Data Analysis Group (DAG), which held a meeting in June. The topic was data visualization software and the City's standard, Tableau. A representative from Tableau gave a presentation to the group, and then a group discussion was held to discuss Tableau.

INFRASTRUCTURE UPDATE: The Operations staff spent a great deal of time in May and June configuring and deploying new IT infrastructure equipment for the opening of the old S&P building. Also, our Senior Network Engineer, Fred Felgenhauer, replaced network routers at two library branches in June. The routers were needed for improved performance and security.

CYBERSECURITY: On the cybersecurity front, the IT Security Team was provided demos regarding a possible software system for improving our cybersecurity posture. Depending on the budget, it is our hope we will be able to purchase such a system in the future. The monthly email phishing campaign continues, and we've seen tremendous improvement in the organization regarding recognizing phishing emails. Finally, a number of Security Team members are part of a regional cybersecurity group that includes UVA, the County, Schools, and other similar organizations. The group is facilitated by UVA and allows for collaboration and discussion regarding cybersecurity issues affecting our organizations. The group has been very helpful in learning from others how they handle the varied cybersecurity issues governmental organizations experience.

- Neighborhood Development Services – Director James Freas (he/him)

STAFFING UPDATE: NDS is pleased to share that Tommy Safranek has joined our Transportation Planning team as our new Bicycle Pedestrian coordinator. Under Ben Chambers leadership, this team is now fully staffed and working towards the goals outlined in our Comprehensive Plan and the projects he shared in his presentation to Council this past Spring.

- Parks & Recreation – Director Dana Kasler (he/him)

COMMUNITY EVENTS: The Parks and Recreation Department's first Sunday Sundowns was held on June 25th at Washington Park, and there was a great turnout! We look forward to more events at the Washington Park Pool soon. The Department would also like to announce its upcoming Sounds of Summer will be at Tonsler Park on July 15! We hope to see you there!

GOLF: City Amateur Men's Championship was held at Meadowcreek Golf Course on June 17-18 with 68 golfers and was very successful. By way of numbers, during Fiscal Year 2023, 48,591 rounds of golf were played at our municipal golf course – Meadowcreek.

- Police Civilian Oversight Board – Executive Director Inez Gonzalez (she/her)

COMPLAINTS: The PCOB Executive Director has been working on reconciling open complaints in the Outreach by Sivil Software Program. Complaints filed between October 2022 and April 2023, (during the absence of a PCOB Executive Director), have been reviewed. There was a total of five (5) complaints pending in the system. Complainants whose matters were forwarded to the Charlottesville Police Department's Office of Professional Standards were contacted, via telephone, and received a

follow-up email, with the PCOB Office contact information. Investigations handled by the Office of Professional Standards will be closed out with the appropriate closure letter generated by the Office of Professional Standards. Of the remaining two (2) complaints, one complaint will be reclassified. The complainant in this matter had no complaint against police department personnel. The complaint was about a crosswalk near the complainant's home and will be forwarded to Traffic Engineering. The remaining complaint is still pending and actively being investigated. The PCOB received one (1) complaint for May of 2023. This complaint will be closed without investigation as it involved a UVA Campus Police Officer. The PCOB has received no complaints for the month of June 2023.

COMPLEMENTS: There were six (6) compliments received regarding Charlottesville Police Department Personnel. 2 in August 2022, 3 in November 2022 and 1 in May 2023.

REVIEW REQUEST: The PCOB received a review request, (dated July 14, 2022), that requires the review of three (3) distinct investigations, involving one (1) complainant, and two (2) officers. The current Executive Director of the PCOB will contact the complainant's attorney before moving forward.

COMMUNITY OUTREACH: The PCOB Executive Director has been meeting with community outreach organizations and requesting that each organization send a representative to the PCOB's monthly meeting. Each representative has been asked to make a short presentation regarding their organization's services to the community. The PCOB has secured giveaway items (SWAG) in anticipation of participating in upcoming community events.

- Public Works – Director Stacey Smalls (he/him)

- Administration:

PW's Traffic Inspector in-Training is the City's first In-Training position, and it was developed in partnership with HR. Under this program, the incumbent will be provided a training plan with defined in-training periods, measurable competencies, and associated pay increases. Once all required competencies have been satisfactorily achieved and the designated timeframes have passed, including meeting the minimum criteria of a Traffic Inspector, the incumbent will be placed in and assume the duties of a regular Traffic Inspector.

PW is excited to share that we are welcoming 4 new employees this month:

- • Roy Heflin, Seasonal Maintenance Worker II, Public Service Division (Jul 5th)
- • Ricardo Vasquez, Traffic Inspector in-Training, Engineering Division (Jul 5th)
- • Leslie Burns, Project Manager, Facilities Development Division (Jul 10th)
- • Colin Porter, Project Manager – Transportation, Engineering Division (Jul 31st)

- Environmental Sustainability:

- In partnership with UVA's Environmental Institute, the Climate Program is hosting a summer decarbonization intern. We are pleased to have Yulin Wang, a rising 4th year at UVA with us for the summer.
- Charlottesville's Water Conservation Program has published its annual Water Conservation Highlight Report capturing some of the program's accomplishments and performance metrics

in 2022. You can check out the report on their website

(<https://www.charlottesville.gov/DocumentCenter/View/9935/2022-Water-Conservation-Highlight-Report-PDF> ).

- The Climate Program released a Heat Mitigation and Adaptation Guidebook that offers strategies and tips for dealing with extreme heat. It can be accessed through the website ([https://www.charlottesville.gov/DocumentCenter/View/9927/Charlottesville-Heat-Mitigation-and-Adaptation-Guidebook\\_FINAL?bidId=](https://www.charlottesville.gov/DocumentCenter/View/9927/Charlottesville-Heat-Mitigation-and-Adaptation-Guidebook_FINAL?bidId=) ).
- The City is partnering with LEAP on the 2023 Solarize campaign through the Climate Program. By bundling solar installations and streamlining the process, LEAP is able to reduce the cost of going solar for area homeowners. The campaign kicked off this week and will be open through the end of August. Visit [solarizecville.org](http://solarizecville.org) to learn more!

▪ Facilities Development:

- Venable Cooling Tower Project is on track and on schedule to be done by Mid-August before school starts.

• Utilities – Director Lauren Hildebrand (she/her)

UTILITIES RATE UPDATE: Fiscal Year 2024 Utility Rates have been approved, reflecting a thorough examination for opportunities to minimize costs without sacrificing service, and new rates went into effect on July 1, 2023. The average city customer can expect a combined rate increase of 7.4% for all utility services. An electronic version of the Summary of Rates was sent via the Utilities' E-Newsletter to customers who receive paperless billing. Both the Summary of Rates and the Utility Rate Report can be found on the city website at [www.charlottesville.gov/utilityrates](http://www.charlottesville.gov/utilityrates).

DECARBONIZATION STUDY UPDATE: The Decarbonization Study that an outside consultant is conducting will evaluate multiple pathways that include fee structures, energy efficiency programs, electrification, carbon offsets, renewable and certified natural and hydrogen. The Study will also complete a legal review of discontinuing natural gas operations and new connections. An update on the Study will be presented to Council in October 2023, and the report will be finalized in February 2024. This information was conveyed in the Utility Rate Report presentation on June 5th.

PUBLIC COMMENT RESPONSE: In response to public comment at the City Council meeting on June 20, 2023 regarding the Utility Rate Report, the following information is provided.

Per the Charlottesville Emissions Reports, the Charlottesville Gas Inventory was heavily impacted by the effects of the pandemic, where emissions dropped in 2020 due to stay-at-home orders and greenhouse gas-producing activities decreasing. Emissions levels in 2021 rose slightly but remained below 2019 pre-pandemic levels. Emissions associated with natural gas also dropped in 2020, with a slight increase in 2021, but still lower than 2019 levels. The data from 2020 is an outlier due to the pandemic.

In addition, from 2011 (baseline emissions data) to 2021, there has been a 35% greenhouse gas reduction associated with natural gas and, if 25% carbon offsets are utilized in the equation, the reduction is 51%, exceeding the City's 45% 2030 reduction goal.

- Department of Social Services – Director Sue Moffett (she/her)  
Should any member of the Charlottesville community need assistance, please contact the Department of Social Services at 434-970-3400 for additional information.
  - Comuníquese con el Departamento de Servicios Sociales al 434-970-3400 para obtener información adicional.

## APPOINTEES AND ELECTED OFFICIAL UPDATES

- Circuit Court – Honorable Lizelle Dugger, Clerk of Circuit Court (she/her)  
*No update at this time*
- Commissioner of the Revenue – Commissioner Todd Divers (he/him)  
HOMEOWNER AFFORDABILITY PROGRAM: The Charlottesville Homeowner Affordability Program is up and running for 2023. Applications can be submitted through September 1st by mail, in-person, or online. For more information, please call 434-970-3165.  
SUMMER STAFFING: The Commissioner of the Revenue's Office recently welcomed a new intern from the CAYIP Program (Community Attention Youth Internship Program). Anaya Davenport is a rising junior at Charlottesville High School, and we are very excited to have her!
- Finance Office – Director Chris Cullinan (he/him)  
FINANCE ADMINISTRATION: June 30 marked the end of Fiscal Year 2023. The Finance Administration Division is working to close the fiscal year over the next several weeks in preparation for the annual audit commencing later this summer.  
PAYROLL: The 6 percent cost-of-living-adjustment (COLA) approved by City Council in April went into effect July 1. Due to the timing of paydays, employees will see one week of pay at their new rates on their July 14 paycheck. Their July 28 paycheck will include their new rate for two weeks.  
UTILITY BILLING OFFICE: UBO continues to support the state's LIWAP program. To date, 114 customers have received approximately \$69,000 of assistance (an average of a little over \$600 per customer). We have received notification that the state's original allocation of \$16M in LIWAP funds has been exhausted, however, additional funds may become available. We have been advised to continue referring customers to the program if these additional funds are made available.  
RISK MANAGEMENT: The Risk Management division is pleased to announce the offering of monthly American Red Cross Adult and Pediatric First Aid/CPR/AED Courses for City Employees. The Course is designed to help participants recognize and respond appropriately to cardiac, breathing, and first-aid emergencies. Upon successfully completing all the related skills, participants will receive a certification valid for 2 years from the course date.
- Treasurer's Office - Treasurer Jason Vandever (he/him)  
*No update at this time*
- Sheriff's Office – Sheriff James Brown (he/him)  
*No update at this time*
- Voter Registrar – Registrar Taylor Yowell (she/her)  
*No update at this time*

City of Charlottesville  
City Manager's Office  
MEMO



**TO:** Council  
**FROM:** Michael C. Rogers, Interim City Manager  
**DATE:** July 17, 2023  
**SUBJECT:** Financial Report – FY 2023 through June 30, 2023

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The online Budget Explorer which can be found at on the Budget Office webpage at [www.charlottesville.gov/budget](http://www.charlottesville.gov/budget) includes a quarterly report tab for both revenues and expenditures. These quarterly tabs are automatically updated at the end of each quarter and are available for public viewing. The 4th quarter visualization contains a snapshot of financial information through June 30, 2023. The information presented in the visualization comes directly from the City's financial system and represents dollars that have been received and/or paid out as of the chosen date.

**Please note that Finance is just beginning the year-end close-out process and as result, all the figures and projections contained in this memo and the Budget Explorer tool are subject to change until the audit is complete and results are presented to Council in December.**

### **Revenue Budget Projections**

The Adopted Revenue budget for FY 23 totaled \$212,889,291. Beginning with the 2<sup>nd</sup> quarter report, staff began projecting a revenue surplus and as shown in the table below, we are projecting to finish the year with a revenue surplus of \$12.7 million or 5.96% of the original adopted budget. The largest drivers of the surplus were real estate, personal property, sales, meals, and lodging taxes. Despite best efforts to project these revenues, FY 23 continued to see revenue recovery and growth that surpassed pre-pandemic estimates. The revenue trends used for FY 24 took this growth into account but also anticipates a return to a more modest growth trend.

The following reflects the anticipated FY 23 revenue results:



### FY 2023 Revenue Projections

<u>Local Taxes</u>	<u>FY 2023 Budget</u>	<u>FY 2023 Revised*</u>	<u>Change</u>
Real Estate Tax	\$ 89,487,993	\$ 94,442,906	\$ 4,954,913
Personal Property Tax	12,000,000	14,175,000	2,175,000
Public Service Tax	1,589,086	1,630,567	41,481
Penalties and Interest	415,000	650,000	235,000
Utility Taxes	4,600,000	4,600,000	-
Virginia Communications Sales and Use Tax	2,125,000	2,200,000	75,000
Tax on Bank Stock	1,200,000	1,171,000	(29,000)
Tax on Wills & Deeds	725,000	728,000	3,000
Sales & Use Tax	13,900,000	14,300,000	400,000
Transient Room Tax	7,000,000	8,123,000	1,123,000
Meals Tax	14,075,026	15,785,363	1,710,337
Cigarette Tax	550,000	500,000	(50,000)
Vehicle Daily Rental	82,500	166,160	83,660
Plastic Bag Tax ( <i>*implementation currently underway</i> )	-	20,000	20,000
 <u>Licenses and Permits</u>			
Business & Professional Licenses	\$ 8,700,000	\$ 10,072,372	\$ 1,372,372
Vehicle Licenses	890,000	191,926	(698,074)
 <u>Intergovernmental Revenue</u>			
State Highway Assistance	\$ 4,263,654	\$ 5,034,812	\$ 771,158
State Aid for Police Protection	2,238,352	2,460,982	222,630
 <u>Miscellaneous Revenues</u>			
Interest Income	\$ 580,000	\$ 1,050,000	\$ 470,000
Transfer from Parking Fund	500,000	-	(500,000)
Miscellaneous Revenues			
 <u>Designated Revenues</u>			
Meals Tax Designated for the Debt Service Fund	\$ 2,564,974	\$ 2,870,065	\$ 305,091
<b>Total Revenue Budget Surplus</b>			<b>\$12,685,568</b>

*\*Projected as of July 10, 2023*

**Surplus as a % of Total Budget      5.96%**

### **Expenditure Budget Projections**

City departments have until mid-July to finish processing invoices for FY 23 expenditures. Additionally, Finance will be spending the next few months closing out the year which includes finalizing interfund transfers, which can represent large changes to expenditures in the General Fund before being finalized.

However, we do anticipate budgetary savings in expenditure as well. As we have discussed, the largest driver of expenditure savings relates to personnel vacancies that the City continues to experience. For FY 23, vacancy savings accounted for budgetary savings of approximately \$7M which will also contribute to the year-end surplus.

Once the books are officially closed and the audit is complete, the Finance Director will present the final surplus amount to Council. This is typically reported in December. Per City policy, the surplus will be transferred to the Capital Projects fund and available for Council to use for future capital expenditures unless Council directs otherwise.

*\*Please note all the information presented in this memo and the Budget Explorer visualization is collected as of a specific point in time. All amounts are subject to change until the City's annual audit is complete and the books are officially closed for any given fiscal year.*

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



Agenda Date:	July 17, 2023
Action Required:	Adoption of Resolution
Presenter:	Lloyd Snook, Mayor
Staff Contacts:	Jacob Stroman, City Attorney
Title:	<b>Approval of City Manager Employment Agreement (1 reading)</b>

**Background**

The Charlottesville City Council initiated a City Manager search process in this spring. The City engaged POLIHIRE, a D.C.-based consulting firm to assist in the recruitment process. The search process yielded a number of qualified candidates who met with City Council.

**Discussion**

After an extensive process, the Charlottesville City Council selected Samuel Sanders, Jr. to serve as the next Charlottesville City Manager. Mr. Sanders is currently the Deputy City Manager of Operations for the City. Prior to coming to Charlottesville, Mr. Sanders was Executive Director of the Mid City Redevelopment Alliance. Mr. Sanders holds a bachelor's degree from Christopher Newport University and a Master of Public Administration degree from Troy State University.

Section 5 of the Charlottesville City Charter authorizes the Charlottesville City Council to hire the City Manager. Mr. Sanders will assume his duties on August 1, 2023.

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

Mr. Sanders' appointment as City Manager supports Strategic Plan Objective 5.2: "Recruit and cultivate a high quality and diverse workforce."

**Community Engagement**

**Budgetary Impact**

**Recommendation**

Adoption of Resolution

**Alternatives**

**Attachments**

1. CM Employment Agrmt. (SS) 2023
2. Sanders Resume
3. RES - Approving CM Emp. Agrmt. 2023

## **CITY MANAGER EMPLOYMENT AGREEMENT**

### **CHARLOTTESVILLE CITY MANAGER EMPLOYMENT AGREEMENT**

**THIS AGREEMENT**, made and entered into this 17<sup>th</sup> day of July, 2023, by and between the Council of the City of Charlottesville, Virginia, a municipal corporation, hereinafter referred to as “City” and Samuel Sanders, Jr., hereinafter referred to as “Employee” (each may individually be referred to hereinafter as a “Party” and collectively may be referred to hereinafter as “Parties”) both of whom mutually understand and agree to the following terms:

#### **WITNESSETH:**

**WHEREAS**, the City desires to contract with and employ the Employee as the City Manager of Charlottesville, Virginia pursuant to Section 5(e) of the Charlottesville City Charter and Section 2-146, et seq. of the Charlottesville City Code (1990) and as both texts may be amended from time to time; and

**WHEREAS**, the City Council is enabled and authorized to hire a City Manager pursuant to Virginia Code Section 15.2-1540; and

**WHEREAS**, the Employee desires to serve as the City Manager of Charlottesville, Virginia.

**NOW, THEREFORE**, in consideration of the mutual covenants described in the following sections of this Agreement, the Parties agree as follows:

#### **SECTION 1. EMPLOYMENT**

Employee agrees to perform the duties of City Manager of Charlottesville, Virginia as those duties are detailed in the City’s current City Manager job description and in the Charter of the City of Charlottesville, the Code of the City of Charlottesville, and the Code of Virginia and as all of the aforementioned authorities may be amended from the date this Agreement is executed. Additionally, the Employee agrees to perform other duties and functions as the City may assign him in his capacity as City Manager of Charlottesville, Virginia.

The employment provided for by this Agreement shall be the Employee’s sole employment. Recognizing that certain outside consulting or teaching opportunities may provide indirect benefits to the City and the community, the Employee may elect to accept limited teaching, consulting, or other business opportunities with the understanding that such arrangements shall not constitute interference with, nor a conflict of interest with, his responsibilities under this Agreement, and that such outside employment shall be subject to the advice and consent of the Charlottesville City Council.

#### **SECTION 2. THE EMPLOYMENT RELATIONSHIP**

The Parties acknowledge that the employment relationship established by this Agreement is employment-at-will subject to the terms and conditions of this Agreement.

## **CITY MANAGER EMPLOYMENT AGREEMENT**

It is recognized that the Employee is exempt from the Fair Labor Standards Act minimum wage and overtime work requirements. The Employee acknowledges that the proper performance of the duties as City Manager will require the Employee to generally observe normal business hours but will also often require the performance of necessary services outside of normal business hours. The Employee agrees to devote such additional time as is necessary for the full and proper performance of the Employee's duties and that the compensation provided in this Agreement includes compensation for the performance of all such services.

The Employee shall be subject to and shall comply with the rules and standards of conduct specified within the City's Personnel Regulations which are not inconsistent with this Agreement, including, but not limited to, City policies regarding sexual harassment, non-discrimination, and fraud. The Employee shall read and familiarize himself with the Virginia State and Local Government Conflict of Interests Act, set forth within Virginia Code Section 2.2-3100 et seq. and the Virginia Freedom of Information Act, set forth within Virginia Code Section 2.2-3700 et seq.

### **SECTION 3. TERMINATION BY EMPLOYEE**

The Employee may terminate this Agreement at any time by voluntarily resigning. In the event that the Employee voluntarily resigns his position with City, the Employee shall provide a minimum written notice of sixty days (60) days of his intent to resign to the City unless the Parties agree otherwise.

### **SECTION 4. TERMINATION BY CITY COUNCIL**

Nothing contained in this Agreement shall impair the right of the City to terminate the Employee's employment relationship with the City at any time. The Charlottesville City Council retains the sole discretion to terminate this Agreement without any formal investigation or hearing and without stating any charges or complaints against the Employee.

The City may terminate this Agreement by a vote of the Charlottesville City Council. If the City terminates this Agreement, it shall be subject to the provisions of Section 6 of this Agreement.

### **SECTION 5. TERMINATION ON DISABILITY OR DEATH**

If the Employee becomes permanently disabled, or if he is unable to perform his duties because of sickness, accident, injury or mental incapacity for a period of four successive weeks beyond the expiration of any accrued sick leave, this Agreement may be terminated by the City. The City will have no obligation to pay the Employee any severance compensation or benefits pursuant to Section 6 of this Agreement.

If this Agreement is terminated by the death of the Employee, the City shall not incur any additional obligations, but shall remain obligated for the payment of any insurance or other benefits legally due and payable to the Employee's heirs, assigns, or estate.

## **CITY MANAGER EMPLOYMENT AGREEMENT**

### **SECTION 6. COMPENSATION AND BENEFITS UPON SEVERANCE**

If the City terminates the Employee for cause, the City will not be obligated to provide the Employee with any severance benefits except for payment of any unused annual leave balance. For purposes of this Agreement, "cause" is defined as (a.) willful neglect of duty; (b.) The Employee's breach of this Agreement with the City; (c.) conviction of a criminal offense other than a traffic law violation; (d.) incompetence, misfeasance, or malfeasance in the performance of Employee's duties for the City of Charlottesville; or (e) commission of an illegal act involving personal gain to Employee. As used herein, "incompetence" shall mean gross ignorance of the Employee's official duties or gross carelessness in the discharge of the Employee's official duties. As used herein, "misfeasance" shall mean the improper performance of an act that the Employee is legally authorized to execute. As used herein, "malfeasance" shall mean the Employee performs an act that the Employee is not legally authorized to execute or the Employee refuses to perform an act that the Employee is legally obligated to execute.

The City will provide the Employee severance benefits in a lump sum payment equal to one year of his annual salary if the City terminates his contract without cause. If the City terminates the Employee's contract without cause, the Employee will be paid for any unused annual leave pursuant to terms of this contract.

### **SECTION 7. COMPENSATION**

The City shall pay the Employee, and the Employee agrees to accept from the City, an annual base salary of \$240,000.00, payable in installments as provided for City employees generally.

The City will provide the Employee an annual motor vehicle allowance of \$6,600.00 (\$550.00 per month) for business use and parking expenses for a personal vehicle in lieu of the use of a city vehicle., payable in installments as provided for City employees' salaries.

### **SECTION 8. BENEFITS**

The City will provide the Employee 80 hours of discretionary leave on January 1 of each year which shall not accrue or carry over. Employee will accrue 4.62 hours of vacation leave per year that will be accrued on a bi-weekly basis (120.12 hours per year). The Employee may carry over a maximum of 200 hours of annual leave per year. The Employee shall accrue sick leave at the rate of 4.62 hours per pay period (120.12 hours per year). Neither sick leave nor annual leave may be used until it is accrued.

The City shall provide the Employee all other benefits that are provided to full-time permanent City employees pursuant to the City's Personnel Policies and Procedures.

## **CITY MANAGER EMPLOYMENT AGREEMENT**

### **SECTION 9. PERFORMANCE EVALUATION**

The Charlottesville City Council will conduct an annual performance evaluation of the Employee no later than June 1st of each year and this evaluation will be an opportunity for the Employee and the Charlottesville City Council to discuss the Employee's performance as well as the Employee's compensation and benefits. The Charlottesville City Council will conduct an initial performance evaluation of the Employee no later than June 1, 2024. If the Employee receives a satisfactory initial performance evaluation, his annual salary shall be increased by five percent (5%). Subsequent evaluations will be conducted no later than June 1st annually. Compensation increases after Employee's initial evaluation shall be in Council's discretion.

### **SECTION 10. RESIDENCY**

The Employee shall permanently reside within the City of Charlottesville's corporate limits within twelve months of execution of this Agreement. If the Employee fails to permanently reside within the City of Charlottesville's corporate limits within twelve months of execution of this Agreement, the City may terminate this Agreement for "cause" as a breach of this Agreement, and the City will not have any obligation to pay the severance compensation and benefits to the Employee pursuant to Section 6 of this Agreement.

For purposes of this Agreement, "permanently reside" shall mean the Employee's purchase or lease of a residential dwelling unit and the occupancy of that dwelling no less than 75% of the time during an average work week while in the employment of the City.

### **SECTION 11. PROFESSIONAL DEVELOPMENT**

The City shall provide a reasonable budget for, and will pay reasonable amounts of the Employee's reasonable costs for tuition or registration, travel, per diem and incidental expenses, in accordance with applicable City policies, for: (i) activities that will further develop his knowledge, skills and abilities as the City Manager, including annual professional training conferences each year; and (ii) professional dues and subscriptions for the Employee, reasonably required or necessary for full participation in relevant national, regional, state, and local professional associations and organizations related to the Employee's duties as the Charlottesville City Manager.

### **SECTION 12. INDEMNIFICATION**

The City will defend, save harmless and indemnify the Employee against any tort or professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Employee's duties, to the maximum extent provided for by law.

The City agrees to pay all reasonable litigation expenses of the Employee throughout the pendency of any litigation to which the Employee is a party in his official capacity as City Manager of Charlottesville, Virginia. Such expense payments shall continue beyond Employee's



## **CITY MANAGER EMPLOYMENT AGREEMENT**

service to the City of Charlottesville as long as any litigation is pending. The City agrees to pay the Employee's travel expenses when the Employee serves as a witness to the City of Charlottesville regarding pending litigation.

### **SECTION 13. BONDING**

The City will bear the full cost of any fidelity or other bonds required of the Employee pursuant to any law or ordinance.

### **SECTION 14. NO REDUCTION IN SALARY OR BENEFITS**

The City will not reduce the salary, compensation, or benefits of the Employee for the duration of this Agreement, except to the degree it imposes such a reduction across-the-board for all City employees.

### **SECTION 15. NOTICES**

Any notice required by this Agreement to be provided to the City shall be in writing and either hand delivered or delivered to the Clerk of the Charlottesville City Council, City Hall, 605 East Main Street, Charlottesville, Virginia, 22902. Any notice required by this Agreement to be provided to the Employee shall be in writing and either hand delivered or delivered to Employee at his permanent residence.

### **SECTION 16. BREACH**

In the event that one of the Parties deems that there has been a breach of this Agreement, that Party shall provide written notice to the other Party pursuant to Section 15 of this Agreement.

The failure of either Party to enforce, or to delay enforcing, any term or condition of this Agreement, shall not be deemed to be a waiver of that Party's right to enforce the term or condition.

### **SECTION 17. CHOICE OF LAW**

This Agreement shall be governed by, subject to, and interpreted in accordance with the laws of the Commonwealth of Virginia. Venue for any legal action pursuant to this Agreement shall lie in the Circuit Court of the City of Charlottesville, Virginia.

### **SECTION 18. AMENDMENTS**

Any amendment to this Agreement shall be mutually agreed upon, stated in writing, and executed by the City and the Employee.

## CITY MANAGER EMPLOYMENT AGREEMENT

### SECTION 19. NONAPPROPRIATION

The financial obligations of the City pursuant to this Agreement are subject to appropriations made by the Charlottesville City Council.

### SECTION 20. SEVERABILITY

The terms and conditions of this Agreement are severable. In the event any term or condition is held to be invalid by any competent court, this Agreement shall be interpreted as if the invalid term or condition was not part of the Agreement.

### SECTION 21. ENTIRE AGREEMENT

This Agreement sets forth the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein, and this Employment Agreement shall supersede all previous communications, representations, or agreements either verbal or written between the parties.

IN WITNESS WHEREOF, the Charlottesville City Council has caused this Agreement to be signed and executed on its behalf by its Mayor and the Employee has signed and executed this Agreement on this 17<sup>th</sup> day of July, 2023.

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Lloyd Snook  
Mayor of the City of Charlottesville

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Samuel Sanders, Jr.  
Employee

Approved as to Form:



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Jacob P. Stroman  
City Attorney

# Samuel O. Sanders, Jr

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## PERSONAL PROFILE

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A proven leader and public servant with diverse experience catalyzed by my ability to remain a focused, driven, and highly-motivated self-starter; desiring an opportunity to contribute at a high level where prior management and depth of experience with critical business functions include: public and media relations, advocacy, community outreach and education, training, fundraising, human resource management, strategy & planning, and budget development and management; highly committed to produce consistently and to exceed expectations. Willing to relocate.

## PROFESSIONAL EXPERIENCE

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2021 – Present City of Charlottesville Charlottesville, VA

*Deputy City Manager for Operations*

Responsible for an operations portfolio to include: Housing & Redevelopment, Transit, Public Works, and Planning & Zoning (Previously: Fire, Parks & Recreation, and Utilities Departments)

Serve as a trusted policy advisor and analyst to the City Manager as member of the Cabinet

Support the production of the annual city budget

Facilitate the implementation of the strategic plan

Manage cooperative engagement of Council for meetings, planning, and policy implementation

Plan, direct, control, and evaluate the operations and programs of the city government

Participate in the coordination of the City's operating and capital improvement budgets

Develop cross-sector collaborative priorities for departments in operations portfolio

Represent City Manager in the execution of leadership and city business matters

Maintain local and regional relationships to advance the priorities of the city and its residents

2011 – 2021 (Paused) Community Revitalization Strategies Baton Rouge, LA

*Principal (My Consulting Company)*

Responsible for professional consulting with nonprofits and municipal governments:

The Young Leaders' Academy: strategic planning, org management, and fund development

Tipton Associates: neighborhood assessment in collaboration with the City of Ruston, LA

Southern Community Development Corporation: organization startup, grants, and contracting

Capital Area United Way: program setup for Capital Area Asset Building Coalition

City of Monroe, LA: comprehensive homebuyer services and real estate development setup

2006 - 2021 Mid City Redevelopment Alliance Baton Rouge, LA

*Executive Director*

Responsible for the management and oversight of all daily operations and strategic initiatives for non-profit community revitalization organization employing 6-11 staff members, 200-800 volunteers annually, and a 15-person Board of Directors.

- Proactively advocated, planned, and facilitated quality of life improvements across a diverse inner city for 40,000 residents while relying on major local and state government engagement
- Secured and maintained NeighborWorks Exemplary organizational health rating (2019 - 2021)
- Eliminated \$4 million accumulated debt ensuring long-term organizational financial solvency
- Acquired 22,000sf office/warehouse building through donation for permanent operations
- Tripled the organization's operational budget and created revenue stratification
- Secured HUD Approval as a Housing Counseling Agency Designation
- Secured Community Housing Development Organization Designation (City & State)

- Established a real estate department with annual performance goals and production pipeline
- Expanded fundraising profile with initiation of system of donor management planning
- Manage relationships, partnerships, and collaborations at all levels
- Maintain a high public organization profile to be viewed as a respectable industry leader
- Collaborated integrally with City-Parish in securing new funding: HUD Lead Hazards Mitigation Grant (\$3.4 million) [2021] and ARP Emergency Rental Assistance Funding (\$29 million) [2020]

2003 - 2006      Mid City Redevelopment Alliance      Baton Rouge, LA

*Home Ownership Center Manager*

Responsible for daily management and operation of Home Ownership Center, including staff management and oversight, and providing financial counseling to low- and moderate-income individuals and families, managing partnerships including funding relationships.

- Developed a fundraising structure to generate annual program support
- Highest performing organization statewide collaborations led by Tulane & Southern universities
- Established internal real estate agency to broaden outcomes and generate new revenue
- Managed fee-for-service agreements to extend service delivery through peer collaborations

1997 - 2003      Consumer Credit Counseling of LA      Baton Rouge, LA

*Director of Education and Community Relations*

Responsible for leading a department where cultivating partnerships and managing relationships were the primary method of meeting goals and performance targets.

- Facilitated 100 credit education seminars annually (across 75% of the state)
- Wrote five newsletters on monthly, bi-monthly, and quarterly schedule
- Statewide Media Relations Officer: included writing and distributing press releases, performed all on-camera interviews, including three monthly morning show segments
- Wrote grants and solicited annually for *Partners in Credit Education* program
- Promoted multiple times - Support Counselor, High School Education Coordinator, Counselor, Branch Manager, Area Manager, and Customer Service Manager

## EDUCATION

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1990 – 1994	Christopher Newport University <b>Bachelor of Arts (Major: English/Minor: Speech)</b>	Newport News, VA
2004 – 2021	Louisiana Real Estate Commission <b>Licensed Real Estate Agent</b>	Baton Rouge, LA
2011 – 2013	Troy University <b>Masters in Public Administration</b>	Troy, AL
2018 – 2020	Harvard University John F. Kennedy School of Govt. <b>Achieving Excellence (NeighborWorks America)</b>	Boston, MA

## PROFESSIONAL ACCOMPLISHMENTS

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- 2023 Leaders Lab – Charlottesville Regional Chamber of Commerce
- 2022 ICMA Micro Certifications in Trust in Local Government, Building Emergency Services Teams for Today and the Future and Relational Intelligence
- 2019 Changemakers – New Schools for Baton Rouge
- 2016 Change Agent Award Honoree - Metromorphosis
- 2014 John W. Barton Excellence in Nonprofit Management – Baton Rouge Area Foundation
- 2009 Honoree – Baton Rouge Business Report's *Top 40 Under Forty*
- 2009 Graduate – Baton Rouge Area Chamber's *Leadership Baton Rouge*
- 2008 Secured Adoption of Mid City Urban Design Overlay District Ordinance
- 2003 - 2008 GBR Association of Realtors Columnist - REALTOR magazine
- 2002 Tips from the Top: Targeted Advice from America's Top Money Minds - Contributor

## MEMBERSHIPS/COMMITTEES/BOARDS

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- Greater BR Association of Realtors/LA Association of Realtors/ Nat'l Association of Realtors
- NeighborWorks America Community Initiatives Advisory Council (Co-Chair)
- Federal Home Loan Bank of Dallas Affordable Housing Advisory Council
- HancockWhitney Community Advisory Council
- Urban Leaders Roundtable
- NeighborWorks America Black Community Developers Group
- Partners for Progress Board of Directors [Past President]
- Achieve (LA Assn for Personal Financial Achievement) Board of Directors [Past President]
- Family Road of Greater Baton Rouge Board of Directors [Past Vice President]
- Leadership Baton Rouge Alumni Board of Directors
- TruFund Community Advisory Board
- Mayor-President's All Hazards Task Force - Housing Recovery Support Function Co-Chair
- New Schools for Baton Rouge Facilities Board of Directors
- HousingLA Board of Directors

## COMMUNITY LEADERSHIP

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- FuturEBR Implementation Team (Comprehensive Plan) *Mayoral Appointee* (2011)
- Government Street Master Action Plan (GoMAP!) (2006)/ Mid City Master Action Plan (2010)
- Mid City Arts & Cultural Designation – Lt. Governor's Office of Culture, Recreation & Tourism (2009)
- Capital Area Asset Building Coalition [Founding Member] (2009)
- Zoning Advisory Committee (2007-2010)
- BankOn Baton Rouge [Founding Member] (2012)
- Better Block: Government Street – Complete Streets Demonstration for Corridor Transformation (2013)
- Housing FIRST Alliance of the Capital Area (Founder) (2016-2021)
- AARP Sustainable Transportation Action Committee (2015-2019)
- Baton Rouge Area Chamber Education Initiatives Council (2016-2018)
- Mayor-President Sharon Weston Broome Transition Committee – Housing & Land Use (2017)
- Rail Station Master Plan Steering Committee (2018)
- East Baton Rouge Bike-Pedestrian Master Plan – Targeted Outreach Committee (2019)
- *National League of Cities*: Mayor's Institute on Affordable Housing and Health (2019-2020)
- *National League of Cities*: Healthy Housing City Leaders Forum (2019-2021)
- Imagine Plank Road Corridor Revitalization Plan (2020)
- Baton Rouge Area Chamber Quality of Place Council (2018-2021)
- City of Baton Rouge Commission on Race Equity and Inclusion – Institutional Partner (2021)

## PROFESSIONAL REFERENCES AVAILABLE UPON REQUEST

**RESOLUTION  
APPROVING AN EMPLOYMENT AGREEMENT  
BETWEEN SAMUEL SAUNDERS, JR.  
AND THE CITY OF CHARLOTTESVILLE, VIRGINIA**

**WHEREAS**, the Charlottesville City Council is authorized to hire a City Manager pursuant to Virginia Code Section 15.2-1540 and Section 4 of the Charlottesville City Charter; and;

**WHEREAS**, Mr. Samuel Saunders, Jr desires to serve as the Charlottesville City Manager.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the Employment Agreement between Mr. Samuel Saunders, Jr. and the City of Charlottesville, Virginia dated July 17, 2023, is hereby approved; and

**BE IT FURTHER RESOLVED** by the Council of the City of Charlottesville, Virginia that Mr. Saunders will begin his duties as the Charlottesville City Manager on August 1, 2023.

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



Agenda Date:	July 17, 2023
Action Required:	Motion to Approve a Certificate of Appropriateness, or Motion to Deny a Certificate of Appropriateness
Presenter:	Jeffrey Werner, Historic Preservation and Design Planner
Staff Contacts:	Jeffrey Werner, Historic Preservation and Design Planner
Title:	<b>Appeal of ERB (Entrance Corridor Review Board) approval of a Certificate of Appropriateness for construction of an apartment building at 2005 Jefferson Park Avenue.</b>

**Background**

- On December 20, 2022, an application was submitted for an Entrance Corridor Certificate of Appropriateness [design review] for the development of Tax Parcels 17-104 (2005 JPA), 17-103 (104 Observatory Avenue), and 17-103.1 (2007 JPA); collectively referred to as *2005 Jefferson Park Avenue* (or *JPA*). [Note: 104 Observatory Avenue is not within the EC Overlay; however, as a component of the project, its development was included in the design review.]
- On February 14, 2023 and on March 14, 2023, the City's Entrance Corridor Review Board (ERB) approved a certificate of appropriateness (CoA) for construction of an apartment building at 2005 JPA. [Note: Due to a public notice error for the February 14, 2023 meeting, the matter was readvertised and reviewed on March 14, 2023.]
- Following the February 14, 2023 and on March 14, 2023 ERB meetings, staff received nine letters from seven parties appealing to Council the approval of the CoA. Three from property owners who reside near the development (116, 123, and 128 Observatory Avenue) and four from owners of rental properties located near the development (107, 111, and 113 Washington Avenue and 119 Observatory Avenue).
- On May 15, 2023 City Council reviewed the appeals [of the February and March ERB actions]. Following a presentation by staff and comments from two the appellants, Council took no formal action on the appeal; however, to eliminate concern that notice letters postmarked

March 1 for the March 14 ERB meeting did not comply with the fourteen (14) days required by City Code, Council instructed staff to readvertise the CoA request for review by the ERB.

Link to the May 15, 2023 City Council staff report. See agenda item 17.

[City Council Meeting Packet May 15 2023](#)

Link to the May 15, 2023 City Council meeting video. Discussion re: 2005 JPA begins at

02:20:30.) [City Council Meeting Video May 15 2023](#)

- On June 13, 2023, at the readvertised review (per City Council's May 15 instruction), the ERB approved the requested CoA for construction of an apartment building at 2005 JPA. [Note: The applicant's submittal and staff recommendations presented to the ERB on June 13, 2023—and to City Council on May 15, 2023 and July 17, 2023—are identical to the material presented to the ERB on February 14, 2023 and March 14, 2023.]
- Following ERB's action on June 13, 2023, staff received five letters from five parties appealing to Council the ERB's approval of the CoA. (Appeal letters are in Attachment 1.) Three from property owners who reside near the proposed development (116, 123 and 128 Observatory Avenue) and two from owners of rental properties near the proposed development (111 Washington Avenue and 119 Observatory Avenue). Similar to the May 15, 2023 review, staff has prepared a collective response to the appeal letters.
- State enabling legislation allows localities to regulate the design of development along arterial streets or highways [*entrance corridors*] that are significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures or districts, to ensure that such development is architecturally compatible with the historic landmarks, buildings, and structures to which these routes lead and a requirement that no building or structure may be erected, reconstructed, altered or restored unless approved by the local review board (or, on appeal, by the governing body) as being architecturally compatible with the other properties within the district. (Va. Code §15.2-2306). Per City Code §34-307(a)(5), the project at 2005 JPA is within the *Fontaine Avenue/Jefferson Park Avenue Entrance Corridor* and therefore, per §34-309, is subject to ERB design review.
- State law requires the City, by enacting the above, include within its ordinance the right to appeal the decision of the local review board. (Va. Code §15.2-2306) This is implemented in the City's zoning ordinance by §34-314: Following approval of an application by the ERB, any aggrieved person, may note an appeal of that decision to the city council.



- The order of presentation for Council's review of this appeal is: (1) City Preservation and Design Planner will present the staff report (ten minutes), (2) Appellants will make their presentation (ten minutes), and (3) ERB chair may offer comment (five minutes). Then Council may ask questions of both parties and make its decision. This is similar to process used by the ERB and BAR to review a project and CoA request, where staff introduces the project/request, the applicant then makes its presentation, followed by discussion and a decision.

## **Discussion**

CoA request for the development of 1.7 acres (three parcels, existing structures to be razed) to construct a multi-story, brick and stucco apartment building with a footprint of approximately 312-ft x 155-ft. The building will feature two, five-story wings separated by a courtyard and atop a two-story, brick foundation/podium, which provides a street level, primary entrance and encloses an internal parking garage accessed off Washington Avenue. (See the applicant's submittal in Attachment 7.)

**City Council's role in this appeal is to make the final decision on the certificate of appropriateness (i.e., approve or deny the CoA).**

Per City Code §34-314(c), reviewing the appeal of an ERB decision, Council shall review the application as if the application had come before it in the first instance. Any aggrieved person, shall be given an opportunity to be heard on the appeal. Council may consider any information or opinions relevant to the application which is the subject of such decision, including, but not limited to, those provided by the ERB.

In evaluating this appeal—a request to deny a CoA for the proposed development at 2005 JPA-- Council should, as the ERB did on February 14, 2023, March 14, 2023, and June 13, 2023, apply the criteria for Entrance Corridor Design Guidelines (refer to the ERB staff reports) and standards for considering a CoA within City Code § 34-310 (below). To assist in that, Council should review the applicant's submittal and the recommendations in the February 14, 2023 ERB staff report, which includes links to the design guidelines. (See Attachments 3, 4, 5, and 6. These are also accessible at the following link, beginning at page 18 of the pdf: [PC-ERB Meeting - Feb 14 2023.](#))

From the City Code for Entrance Corridor Overlay Districts

### **Sec. 34-310. - Standards for considering certificates of appropriateness.**

1. The review board, the city council on review of an application, and the director in conducting an administrative review, shall consider the following features and factors in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to this article:
2. Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;
3. Exterior architectural details and features of the subject building or structure;
4. Texture, materials and color of materials proposed for use on the subject building or structure;
5. Design and arrangement of buildings and structures on the subject site;
6. The extent to which the features and characteristics described within paragraphs (1)—(4), above, are architecturally compatible (or incompatible) with similar features and characteristics

of other buildings and structures having frontage on the same EC street(s) as the subject property.

7. Provisions of the Entrance Corridor Design Guidelines.

Summary of ERB Actions

**February 14, 2023.** The ERB reviewed a CoA request to construct a new apartment building at 2005 JPA. A motion to approve the CoA with conditions passed 7-0. (Motion by Commissioner Russell, seconded by Commissioner Mitchell.)

Link to February 14, 2023 meeting video. (Public comments begin at approximately 00:20:00. 2005 JPA discussion.) [Plan Comm meeting video Feb-14-2023](#)

**March 14, 2023.** Due to a public notice error for the February 14 meeting, this matter was readvertised and on March 14, 2023 reviewed by the ERB. A motion to approve the CoA with conditions passed 5-0. (Motion by Commissioner Stoltzenberg. Seconded by Commissioner Schwarz.)

Link to March 14, 2023 meeting video. (2005 JPA discussion begins at approximately 00:22:00.) [Plan Comm meeting video Mar-14-2023](#)

**June 13, 2023.** Per City Council's instruction of May 15, 2023, this matter was readvertised and on June 13, 2023 reviewed by the ERB. A motion to approve the CoA with conditions passed 7-0. (Motion by Mitchell. Seconded by Schwarz.)

Note: Mr. Mitchell moved to "approve this [CoA] based on the previous approvals and use the motion and recommendations, the staff recommendation, outlined on page 2 of the staff report." (Below.)

Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- Glass will be clear, at the locations noted in the staff report.
- New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
- All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature not exceeding 3,000K, and has a Color Rendering Index not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: exterior lighting refers to all site and exterior lighting fixtures; interior lighting visible from the garage refers to all lighting fixtures within (inside) the garage.]
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
- If used for mechanical units, utility/service boxes, storage, trash containers, the Mech Equip area noted on sheet 44, at the west elevation, will be appropriately screened. That screening

will be subject to approval by design staff and must be memorialized as an amendment to the site plan. Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.

- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
- Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

Link to June 13, 2023 meeting video. (Public comments are offered at approximately 00:58:00 and the ERB's discussion begins at approximately 02:36:00.) [Plan Comm meeting video June 13 2023](#)

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

Upholding the ERB's decision contributes to Goal 3 - A Beautiful and Sustainable Natural and Built Environment, specifically objective 3.1: *Engage in robust and context sensitive urban planning and implementation.*

### **Community Engagement**

City Code §34-313 requires public notice prior to ERB review of a CoA request. For the February 14, 2023, March 14, 2023, and June 13, 2023 ERB meetings, the abutting landowners were notified by letter and notice posted on-site. [Note: §34-313 - *ERB review process* refers to the public notice provisions under §34-284. The ERB and BAR follow the same public notice requirements, which are within the ordinance division for the City's ADC Design Control Districts. After it was realized the on-site notice for the February 14 meeting was posted late, the matter was readvertised for March 14. Following Council's May 15, 2023 review of the appeal of the approved CoA, to eliminate a potential challenge that notice letters postmarked March 1 for the March 14 ERB meeting did not comply with the fourteen (14) days required by City Code, Council instructed staff to readvertise the CoA request for review by the ERB.]

During the February 14, 2023 PC/ERB meeting, five individuals offered comments: Kenneth Hill, owner of 111 Washington Avenue (00:19:18); William Schaaf, owner of 113 Washington Avenue (00:22:59); Lorna Martens, who owns/resides at 128 Observatory Avenue (00:25:49); Bonnie Williams, JPA neighborhood resident (29:03); and Anne Benham, who owns/resides at 116 Observatory Avenue (33:03). All expressed concerns about and opposition to the project. [Plan Comm meeting video Feb-14-2023](#)

During the March 14, 2023 PC/ERB meeting, there were no comments from the public. [Plan Comm meeting video Mar-14-2023](#)

During the June 13, 2023 PC/ERB meeting, two individuals expressed spoke: Ellen Contini-Mora, who read a statement on behalf of Lorna Martens, who owns/resides at 128 Observatory Avenue **(00:59:25)**; and Kenneth Hill, owner of 111 Washington Avenue, **(01:16:10)**. Both expressed concerns about and opposition to the project, which are reflected in their current appeal letters. [Plan Comm meeting video June 13 2023](#)

Meeting minutes for the February 14, 2023, March 14, 2023, and June 13, 2023 PC/ERB meetings are not available. Council can review the public comments and the ERB's discussions via the meeting video links noted in the *Discission*.

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

Upholding the ERB's decision contributes to Goal 3 - A Beautiful and Sustainable Natural and Built Environment, specifically objective 3.1: *Engage in robust and context sensitive urban planning and implementation*.

### **Community Engagement**

City Code §34-313 requires public notice prior to ERB review of a CoA request. For the February 14, 2023, March 14, 2023, and June 13, 2023 ERB meetings, the abutting landowners were notified by letter and notice posted on-site. [Note: §34-313 - *ERB review process* refers to the public notice provisions under §34-284. The ERB and BAR follow the same public notice requirements, which are within the ordinance division for the City's ADC Design Control Districts. After it was realized the on-site notice for the February 14 meeting was posted late, the matter was readvertised for March 14. Following Council's May 15, 2023 review of the appeal of the approved CoA, to eliminate a potential challenge that notice letters postmarked March 1 for the March 14 ERB meeting did not comply with the fourteen (14) days required by City Code, Council instructed staff to readvertise the CoA request for review by the ERB.]

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### **Budgetary Impact**

None.

### **Recommendation**

Based on the application materials, the information and standards set forth within City Code §34-310 [standards for considering a CoA] and for the reasons set forth within this memo, the staff response to the appeal (Attachment 2), and the February 14, 2023, ERB staff report (Attachment 3), staff's recommendation is that City Council approve the requested CoA--upholding the ERB's action--and not refer the matter back to the ERB.

Should Council approve this CoA, staff recommends the resolution include the ERB's conditions of approval; however, Council may amend or revise those conditions. (See Resolution 1 in Attachment 8.)

Should Council determine to deny this CoA, staff recommends the resolution include the reasons for denial. (See Resolution 2 in Attachment 9.)

### **Alternatives**

- *Approval of the CoA.* City Council can approve the requested CoA, including the conditions approved by the ERB. (See Resolution 1 in Attachment 8.)
- *Approval of the CoA with amended conditions.* City Council can approve the requested CoA, but amend or revise the conditions approved by the ERB. (See Resolution 1 in Attachment 8.)
- *Denial of the CoA.* City Council can deny the requested CoA. That motion should state the reasons for the denial. (See Resolution 2 in Attachment 9.)

### **Attachments**

1. Attachment 1 – 2005 JPA Appeal Letters June 2023 (For CC July 17 2023)
2. Attachment 2- 2005 JPA appeal - staff response for CC July 17 2023 - 710)
3. Attachment 3 2005 JPA - ERB staff report Feb 14 2023 (final 2-3)
4. Attachment 4 - 2005 JPA Review of EC guidelines (Attach 2 from Feb 14 2023 ERB staff report)
5. Attachment 5 - 2005 JPA applicant submittal (ERB Application)(PDF)
6. Attachment 6 - 2005 JPA - ERB staff report March 14 2023
7. Attachment 7 - 2005 JPA - ERB staff report June 13 2023)

8. Attachment 8 – 2005 JPA Appeal – Draft Resolution 1 (For CC July 17 2023)
9. Attachment 9 – 2005 JPA Appeal – Draft Resolution 2 - Denial (For CC July 17 2023)
10. Attachment 10 - City Code \_EC Overlay Districts

Letters submitted to the Clerk of Council appealing the ERB's June 13, 2023 approval of a CoA for the proposed development at 2005 Jefferson Park Avenue (JPA).

Letters submitted following the ERB's action on June 13, 2023

1. Marilyn Poling. June 18, 2023
2. James Wright. June 20, 2023
3. Kenneth L. Hill. June 26, 2023
4. Lorna Martens. June 26, 2023
5. Ann Benham. June 27, 2023

**Letter 1**

Marilyn Poling. June 18, 2023

Owner of 123 Observatory Avenue

Resides at 123 Observatory Avenue, Charlottesville, VA 22903

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Sunday, June 18, 2023 5:07:38 PM

To: Thomas, Kyna N <thomaskn@charlottesville.gov>

Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council

Contact Information

Marilyn Poling

434-295-5715

mg2mp5@gmail.com

This is an appeal to City Council to deny the ERB's CoA for 2005 JPA. The design of the west elevation (Observatory Ave.) will encourage illegal parking by delivery vehicles and guests of the tenants, blocking 2-way traffic and space for emergency vehicles to move on Observatory without hindrance. A better design would be balconies instead of porches. Balconies would allow the residents access to the outdoors without encouraging illegal parking with all its dangers.

Please let me know if you have received and forwarded this email.

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**Letter 2**

James Wright. June 20, 2023

Owner of 119 Observatory Avenue

Resides at 3065 Beau Mont Farm Road, Charlottesville, VA 22901

Dear Ms. Thomas:

I own property at 119 Observatory Avenue and write as an aggrieved person to appeal the recent ERB approval of a Certificate of Appropriateness for the property at 2005/2007 JPA made on June 13 ,2023. This project violates multiple Design Principles outlined in the Entrance Corridor

Design Guidelines. It is not compatible in massing and scale with the existing structures. It does not maintain human scale in buildings and spaces. It will not enhance the City's character.

The project relies on a special use permit that has granted the developer permission to build a monstrous edifice that will negatively impact the entire JPA neighborhood. It will have a particularly negative impact on the residents of Washington and Observatory Avenues. Of particular concern is the traffic congestion and the noise and light pollution this monstrosity will create.

Observatory Avenue is a very narrow street, so narrow in fact that to collect trash the truck has to back up the street from JPA. Presumably, due to the height of this project, cranes will be required for construction. Any crane set up on Observatory Avenue will make the street virtually impossible to navigate.

The neighbors have voiced their displeasure with the scope and scale of the project. They have expressed their concerns about massing and scale ever since they heard about the project to NDS, the ERB, the Planning Commission, and City Council in succession. They have opposed the issuance of the special use permit. The ERB has from the start interpreted massing and scale as if they were merely a matter of appearance, failing to address actual massing and scale and the problems these create. In the ERB Design Review, the ERB continued to address solely the appearance of massing and scale, not actual massing and scale. I respectfully request that the City Council overrule the ERB's issuance of a Certificate of Appropriateness.

James H. Wright

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### **Letter 3**

Kenneth Hill, June 26, 2023

Owner of 111 Washington Avenue

Resides at 3532 Barkley Dr., Fairfax, VA 22031

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Monday, June 26, 2023 11:12:36 AM

To: Thomas, Kyna N <thomaskn@charlottesville.gov>

Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council

#### Contact Information

Kenneth Hill

434-473-8395

micasabe@gmail.com

I wish as an aggrieved person to appeal the ERB's June 13, 2023 approval of a Certificate of Appropriateness for 2005 JPA.

During the review period of Aspen Topco II LLC's plan for JPA 2005, as put forward by its architect partner, citizens have heard of the overarching need for more student housing near



UVA. The 2005 project will not be affordable, does not fit with existing zoning, and even exceeds what would be allowed by-right in the rezoning proposed by the Future Land Use Map. As outlined by many residents in the neighborhood who have spoken up, there is strong opposition to this project for a variety of reasons, which, for the most part seems to have fallen on deaf ears. Therefore, I submit my appeal to the City Council to deny the Certificate of Appropriateness for JPA 2005.

Through local partners, parent Aspen Heights Partners develops multi-family, luxury student housing near campuses across the nation. For JPA 2005, the architect promoted it as positive for the community and from a business standpoint, highlighting the number of units it will offer close to the university. This is a large project in a residential area sandwiched in between established homeowners, investment properties and numerous student renters. They stand to lose the very essence of their long-established neighborhood if this project remains as is, which is why, I, as a duplex owner at 111 Washington Avenue, file an appeal to deny its Certificate of Appropriateness. The city council should carefully consider the appeals of these citizens to find solutions, or redesign this project, largely due to building parking, lighting, overhead cabling, traffic issues, noise, and a host of environmental factors.

Parking: My property with 8 tenants on Washington Avenue is directly across the street from the JPA parking garage. Like most students at UVA, seven of my tenants have cars, three of whom park on the property and four on the street with city permits. With parking on both sides of Washington Avenue, there is barely enough room for 2 cars to pass at the same time now. When you add in the design of an enclosed parking garage entryway for 122 parking slots for tenants, along with staff and service vehicles to the mix, it will result in major traffic bottlenecks at that location and in the general area. Parking on Washington Avenue is at a premium now. When you add in the traffic coming and going from the building onto Washington Avenue from 122 enclosed parking spaces, it will get much worse.

The design of 122 parking slots for 390 students is woefully inadequate for the scope of this project. When spaces on site are not available, tenants and others will look to park on Washington Avenue or nearby areas, which is already a problem on these streets. Parents, visitors and service staff will often be forced to do so as well, which is a safety concern for anyone in the area. Vehicles entering and exiting the property will be noisy; their headlights will beam across the street into properties -- a distraction for students, who will likely be studying or trying to sleep. As such, the city needs to pause the project until adequate on-site parking has been added, redesigned, and approved by city authorities. An alternative is for the city to require a parking redesign so that the building has 2 entryways, or to relocate the entryway to JPA, which can better handle traffic flows in and out, which is closer to the front entrance.

Trash: My property has little setback from Washington Avenue and is right across from where trash will be hauled off. The presenters said trash will be pushed to the street on pick-up day, presumably in large steel containers. Dumpsters make very loud noise when lifted and dropped back on the street during pickup and will disturb nearby tenants. During this process there will be debris that falls out or blows to the street and odor from the garbage. Trash pickup will further add to traffic snarls on Washington Avenue and the nearby area. The city needs to reevaluate this

plan, calling for trash to be picked up inside the enclosed parking garage or an alternate arrangement other than on Washington Avenue.

Enclosed garage electrical and mechanical equipment. The building will have high voltage electrical and mechanical equipment near the garage entryway. At the ERB review meeting the architect said that HVAC equipment will be on the roof and not bother neighbors. Facilities like JPA 2005 have mechanical rooms on the ground floor with heavy motorized equipment that are very noisy when they turn on and off, with high pitch frequency hum. There will be a generator on site in this area as well. The architect said it would be tested once a month. Well, what happens if there is a power outage? Generators need fuel so there will be a day tank and underground fuel storage in the parking area that will need to be filled and be smelly. Will the garage area generator and building mechanical equipment be enclosed, away from public sight, and for security and safety reasons?

Building height: With little setback from the street on Observatory and Washington Avenue, this structure will tower over 1 and 2-story houses abutting the property. On Washington Avenue, the parcel already stands 10-15 feet above the opposite side of the street. Being 6 stories on top of that, it will result in shadows throughout the day and the loss of seasonal natural light that renters are accustomed to. The loss of sunlight from the structure will have a concomitant effect on trees, foliage, gardens and other environmental factors in the nearby area. Moreover, contrary to the presenter's claim that the structure fits in nicely with existing structures on the JPA corridor, this edifice does not; it is much taller than other buildings on that side of JPA and does not have enough setback from the side streets.

Walk way between Observatory and Washington Avenues. This corridor will be utilized frequently by people coming and going to UVA and to nearby homes. It needs to be of sufficient width, exclusive of planned foliage, to allow for pedestrians, bikes and baby carriages, etc. to traverse without the hassle of having to climb a number of stairs. This seemed to be given only a cursory look by the ERB. The city should require a walk way that meets the needs of all its citizens before the project can move forward.

Adding 390 people, service personnel, visitors and vehicles in such a small footprint will invariably result in challenges in this neighborhood. There will more noise, scooters, and human activity that will need to be properly managed. Lights properly situated will help but be an inconvenience to others as well.

The proponents of this project have laid out their vision with a plan that overlooks many concerns of those most affected. Granted the architect has made some exterior and other changes in order to gain approval; however, the fact remains these will be luxury units that cater to the wealthy with all the amenities that Aspen Heights Partners is known for. As a result, rents will be much higher than a comparable sized unit in nearby housing as well as the clientele. So much for affordable housing!

PS: I submitted a list of 15 project related questions [inserted below] for the Feb 4 ERB meeting. None of them were addressed, however. I would appreciate replies as soon as possible.

Therefore, I submit my appeal to the City Council to deny the Certificate of Appropriateness for JPA 2005. I recommend design changes—underground electrical cabling, more parking space, rear passageway without stairs, low-strength outdoor lighting, and internal trash pickup--that citizens have painstakingly detailed, so that the structure is truly congruent with other student buildings along the JPA corridor.

Sincerely  
 Kenneth L. Hill  
 tel: 703-280-1742  
 111 Washington Ave, Charlottesville, VA 22903 - Owner

Questions

**From:** Kenneth Hill <micasabe@gmail.com>  
**Sent:** Monday, June 26, 2023 2:52 PM  
**To:** Werner, Jeffrey B <wernerjb@charlottesville.gov>  
**Cc:** Alfele, Matthew <alfelem@charlottesville.gov>  
**Subject:** Re: 2005 JPA

Jeffrey: I sent my JPA 2005 questions direct to Kyna before my original appeal of the ERB COA in early Feb. I didn't include Matt. The questions sent to the City Clerk electronically are listed below.

My property is a duplex right across the street from JPA 2005/7 on Washington Avenue. I have a number of questions for the Feb 14th ERB meeting that I request be addressed:

- When is the project expected to break ground?
- How long will construction last from start to finish?
- If the contractor takes longer than allowed in the contract, what are the financial or other penalties for not staying on schedule? Please explain the details.
- From the date construction starts, at what time in the morning will these activities and associated noise start? What will be the schedule on Saturdays or holidays, if any?
- When construction starts, will trucks and equipment be parked on Observatory or Washington avenues overnight? And, on weekends? Or, only during work hours? If so, at what location(s)?
- What decibel level of noise from generators, trucks and construction equipment will nearby residents experience? What steps and mechanisms will be taken to keep neighbors apprised on a regular basis?
- When underground pipes (for sewer, water, and gas) are installed, what street or sidewalk locations will be dug up - starting when and for how long?
- What size pipes will be installed? Will they connect to the existing city infrastructure? If so, at what interchange(s)? Please be as specific as possible?
- As electrical wiring and cabling (signal, etc.) are planned overhead (vice underground) will new poles be installed, or will existing ones be used? If new locations are planned, where will they exactly be?

- As construction equipment is put on the work site or streets adjacent to the project, will parking be restricted? If so, in what locations and for what duration?
- What are the dimensions of the trash dumpsters that will be pushed to Washington Avenue for pick-up each week? How will this be done? And how long will they remain out on the street?
- What steps will management take to keep trash or debris from refuse containers (e.g. that comes out during pick-up or movement) won't spread to adjoining properties by wind or otherwise? Please explain.
- What type of motorized/electrical equipment will be located in the parking entryway on Washington or Observatory are planned? How many decibels of noise will this equipment make when it is running? What steps in construction will be taken for noise mitigation for this equipment? Please explain. Will said equipment be behind a wall or a fence (to prevent shock or tampering, etc)?
- When existing buildings, trees and foliage are removed and the area is excavated, will the removal occur via Observatory or Washington Avenue(s) or both? Please explain what the plan is and an estimate of when it will occur?
- If parking will be restricted on Observatory or Washington Avenue(s) during construction, where will that likely be and for what duration? Will it be during working hours or at night? How far in advance will affected neighbors receive such notification?
- What steps are being taken to ensure traffic bottlenecks are minimized during daylight hours during construction?
- Given the dearth of parking available in the immediate area, where will construction workers and others with business at the site park? Please provide specifics about this overflow.
- What will be the total height of the building from the street on Observatory, Washington and JPA avenues at each corner of the building?
- During construction what kind of illumination will there be at night? Explain the types of security lighting, wattage(s) and estimated locations?
- Once the project is complete, explain the type of lights, locations and wattages on the building facade that will be facing down to the street? What distance from the parking garage and building will they illuminate out/downward?"

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#### **Letter 4**

Lorna Martens. June 18, 2023

Owner of 128 Observatory Avenue

Resides at 128 Observatory Avenue, Charlottesville, VA 22903

From: Martens, Lorna (lm2e) <lm2e@virginia.edu>

Sent: Monday, June 26, 2023 1:16:20 AM

Subject: Appeal of ERB June 13, 2023 approval of a Certificate of Appropriateness for 2005 JPA

Dear City Councilors,

I am sending this appeal directly to City Councilors in addition to the Clerk of City Council because I am not confident that City Councilors read my previous appeals. To all appearances, my two appeals and those of my neighbors were transmitted to City Council by ERB staff. They appeared on pp. 254-269 of a 421-page "agenda packet," of which pp. 248-398 were devoted to the 2005 JPA appeal.

#### Procedural objection

I object to this form of transmission of our appeals. The appeal process outlined in the ordinance (City Code 34-314) states that an aggrieved person may appeal an ERB decision to City Council. "In any review of an ERB decision the city council shall review the application as if the application had come before it in the first instance." It doesn't say that appeals are routed to ERB staff, who takes charge of the appeal procedure and serves the appeals up to City Council together with the ERB response and over a hundred pages of documentation about the history of the project, ERB review criteria, etc. Staff stated orally that this is the first time in history that anyone has ever appealed a Certificate of Appropriateness. Therefore, this procedure for handling the appeal is not based on precedent but was devised for this occasion. Because it is a flawed procedure, it should be changed.

ERB staff clearly went to a lot of effort to prepare this packet, but the mediation was prejudicial to appellants. ERB staff cannot play the role of an impartial civil servant in this affair, because the ERB is the appellee and ERB staff represents the ERB. As in any appeal, there are three distinct parties: the appellant (the aggrieved neighbors), the appellee (the ERB), and the body empowered to make decisions (City Council). ERB staff simultaneously assumed the role of a neutral party in deciding the procedure for the hearing and preparing the packet while also playing the role of respondent (i.e., appellee). In the hearing, likewise, ERB staff simultaneously played the role of master of ceremonies and the role of appellee/respondent. ERB staff has a conflict of interest.

If the appeals require a manager, that person should not be ERB staff. In the 2005 JPA case, ERB staff has long been a supporter of the project, assuring City Council that design review could "mitigate" the adverse impact of the project on the neighborhood. Appellants find precisely that Design Review has not adequately mitigated these adverse impacts. ERB staff is an interested party whose objective is to defend the ERB's award of the Certificate of appropriateness to the current architectural design. This is apparent in the fact that staff not only attempted to refute each of the appellants' complaints, but also solicited City Council's assessment of ERB's review before City Council had performed its assigned function, i.e., reviewing the application as if it had come before Council in the first instance. City Council focused on a missed postmark deadline rather than reviewing substantive issues, yet the staff report destined for the ERB's reconsideration of the Certificate of Appropriateness overstates City Council's response as follows: "Council determined the claims regarding the ERB's design review were without merit." ERB staff is not neutral but rather seems to want to shut down the appeal with dispatch. Due to this conflict of interest, ERB staff should not take on a managerial role in the appeal.

#### Appeal

Pursuant to Charlottesville City Code Sec. 34-314, I wish, as an aggrieved person, to appeal the 6/13/2023 ERB vote to award a Certificate of Appropriateness to 2005 JPA, for the following reasons:

1. The Entrance Corridor Design Guidelines state: “Maintain Human Scale in Buildings and Spaces.” The architect’s response in their application to this imperative is: “The building height is similar to multiple nearby structures along the corridor. Buildings at 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall.” What the architect writes is misleading. Aside from the fact that the other buildings cited do not define “human scale,” neither of the two on the same side of JPA exceed 6 stories. 1800 JPA, on the other side of JPA, is in an area that is zoned University High Density, whereas the section of JPA where 2005 would be located is zoned R-3. Also 1800 JPA is set far back from the street. Moreover, none of the other buildings, unlike 2005 JPA, are on a hill. Finally, 2005 JP has a depth that vastly exceeds that of any of the other cited buildings. It stretches deep back into the side streets, Observatory and Washington Avenues. Its front occupies the entire city block between Washington and Observatory. Its sides are more than twice as long than that, stretching halfway up the side streets. Its footprint is enormous. Something this large is not “human scale.”

In the packet prepared for the 5/15/2023 appeal hearing, staff did not deny that "massing and scale" were within the purview of Design Review, but responded: "The ERB reviewed the project and approved the CoA on February 14, 2023 by a vote of 7-0 and again on March 14, 2023 by a vote of 5-0. ... The motion for approval stated the ERB had 'considered the standards set forth within the City’s Entrance Corridor Design Guidelines' and 'found the project consistent with the Guidelines and compatible with the goals of this Entrance Corridor[.]'" This is not the wording that the ERB actually voted, according to the video of the 2/14/2023 Planning Commission meeting. But more important, the ERB did not discuss "human scale" at all--having been told by staff that they had to work within the "box" prescribed by City Council's SUP Resolution. Therefore, it is fitting that this design issue should come back to City Council for review. I assume that City Council can revise its own Resolution, if the Resolution is what stands in the way of achieving "human scale" in the 2005 JPA project.

2. The Entrance Corridor Design Guidelines state: “Reduce height near lower density areas.” The architects’ latest design made efforts in this direction, but the fact remains that reducing height to 5-6 stories abutting on and adjacent to 1 and 2-story houses does not do justice to the intention of the Design Guidelines. On account of its height, this building will significantly reduce morning sunlight on my property.

In the packet prepared for the 5/15/2023 appeal hearing, staff did not deny that height was in the purview of the Design Review, but responded: "The ERB reviewed the project and approved the CoA on February 14, 2023 by a vote of 7-0 and again on March 14, 2023 by a vote of 5-0." However, the ERB is supposed to follow, not ignore or overrule, Entrance Corridor Design Guidelines. Therefore, I appeal this design issue to City Council.

3. Entrances/exits to 2005 JPA units via porches onto Observatory Avenue. Because they provide ways into the building, these porches will lead to more traffic (deliveries, guests) on Observatory, a narrow and congested dead end. These porches were not part of the architect's original plan. They were added during Design Review. Therefore they certainly fall within the purview of Design Review. Since they have a serious disadvantageous consequence (which probably didn't occur to the architect), please get rid of them. They could perhaps be replaced by balconies.
4. The multipurpose path between Observatory and Washington at the rear of the property, a condition in the SUP resolution, is itself an excellent idea. But this path need not and should not have steps. The large parking lot currently located at the rear of the property slopes gently downward from Observatory to Washington. Steps on this slope are unnecessary. I walk there daily and know this. Steps on the proposed path would make this path inaccessible for pedestrians in wheelchairs or with baby carriages or strollers. The ERB imposed the condition of bike runnels, so the multipurpose path is apparently within the purview of Design Review. I request that City Council add to the CoA the condition that the multipurpose path be made fully ADA compliant.
5. Notice of the 6/13/2023 ERB meeting was not posted on the property per City Code Sec. 34-283. Please (see photo.)



Please deny the award of the Certificate of Appropriateness to the current design of 2005 JPA as the ERB approved it on 6/13/2023.

Lorna Martens

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### **Letter 5**

Ann Benham. June 27, 2023

Owner of 116 Observatory Avenue  
Resides at 116 Observatory Avenue Charlottesville, VA 22903

From: noreply@civicplus.com <noreply@civicplus.com>  
Sent: Monday, June 26, 2023 3:28 PM  
To: Council <Council@charlottesville.gov>  
Subject: Online Form Submittal: Email Contact Form for City Council

Contact Information  
Anne Benham  
4342932757  
apbe4n@gmail.com

Anne Benham  
Attachments  
Tue, Feb 21, 12:14 PM  
to Jack

As a resident of 116 Observatory Ave --which is located almost directly across the street from the 2005 JPA project -- I write as an aggrieved person to appeal the recent ERB vote on the 2005 JPA Certificate of Appropriateness.

This enormous scale of this project was not reduced by the modifications that were approved by the ERB. The massing and scale of 2005 JPA are just as overwhelming and inappropriate to the JPA neighborhood (especially to Washington and Observatory) now that the modified design has been approved, as they were before the approval.

Please see the attached pdf, which shows that 2005 JPA has a footprint that dwarfs the footprint of any other building in sight of it on JPA. It is not in the least harmonious with neighboring structures. [JW note: No attachments to email.]

Construction of this enormous project -- and the associated noise, traffic and parking issues - will destroy the peaceful quality of life on Observatory and Washington. The aesthetic and environmental benefits of existing mature tree canopy will also be destroyed to build 2005 JPA. The new plantings will not provide the same carbon take-up or shade and cooling for decades -- the time it takes trees to grow into maturity.

The brick porches/entrances that were added to supposedly break up the "illusion" of the building's massiveness do not succeed in this goal. 2005 JPA will take up an entire half block between two streets and, despite the brick porches, will look just like the monolith it is. The porches will encourage more illegal parking on our narrow dead-end street by delivery vehicles and guests of the 2005 JPA residents.

The public notice about the Feb.14 ERB meeting was not posted on time. According to signs are supposed to go up at least 10 days prior to the meeting, which would have been Feb.4. On



February 6, I walked around the 2005 JPA property and took photos -- there were no signs. Only two signs were finally posted -- and this was after the deadline had passed.

**Attachment 2**

**City staff response to the appeal of the ERB's June 13 2023  
decision approving a certificate of appropriateness for  
construction of a new apartment building at 2005 Jefferson Park Avenue.**

(Throughout this Response, references to “staff” represent the collective positions of the ERB, the City’s Preservation and Design Planner, and the City Attorney’s Office.)

**EXECUTIVE SUMMARY OF STAFF’S RESPONSE**

Five letters appealing to City Council the June 13, 2023 ERB action were received within the deadline proscribed by City Code. Three from property owners who reside near the proposed development (116, 123, and 128 Observatory Avenue) and two from owners of rental properties located near the proposed development (111 Washington Avenue and 119 Observatory Avenue).

For the reasons stated below, staff’s position is that the concerns expressed by the Appellants do not provide a basis for City Council to deny the requested Certificate of Appropriateness (CoA) for construction of a new apartment building at 2005 Jefferson Park Avenue. On June 13, 2023, the ERB approved the CoA with conditions. The approved motion for approval stated the review applied the “standards set forth within the City’s Entrance Corridor Design Guidelines” and the project was found to be “consistent with the Guidelines and compatible with the goals of this Entrance Corridor[.]”

**Note:** The applicant’s submittal and staff’s recommendations have not changed since initially presented to the ERB on February 14, 2023. The same drawings and the same staff report and recommendations were presented to the ERB on March 14, 2023 and again on June 13, 2023. On May 15, 2023, City Council reviewed appeals of the CoA approved in February and March, subsequently instructing staff to readvertise the ERB’s review the requested CoA, which was held on June 13, 2023, resulting in an approved CoA with conditions. The appeals presented to Council here (July 17, 2023) are only those received subsequent to and related to the ERB’s action on June 13, 2023.

**Staff Response to Appellants’ Contentions**

In preparing this response, staff organized the collective comments into 12 categories, in no particular order, see below. Those comments, as presented below, are paraphrased for clarity and brevity. Staff believes the response by categories fairly presents the germane, EC related issues expressed by the appellants; however, Council should read and review each of the five letters (Attachment 1).

1. Procedural objections
2. General Concerns
3. Massing and Scale
4. Height
5. Garage/Parking/Traffic
6. Enclosing/Screening [electrical/mechanical equipment]

7. Path between Observatory and Washington [at the rear of the property]
8. Landscaping
9. Construction activity
10. Trash/Recycling
11. Affordable Housing
12. Questions from Kenneth Hill

### **Item 1: Procedural objections**

Appellants: Notice for June 13, 2023 ERB meeting was not posted on the property per City Code.

Staff response: On May 30, 2023, 15 days prior to the June 13, 2023 ERB meeting, three (3) notice signs were posted by NDS staff. (See below.) City Code Sec 34-284(a) requires notice signs be posted at least ten days prior to the meeting. [Note: The ERB and BAR use the same public notice requirements stated in City Code Sec 34-284.]



108 Observatory Ave.



JPA median



100 Washington Ave.

Appellants: Notice for February 14, 2023 ERB meeting not posted on the property per City Code. (Ref. Letter #5.)

Staff response: Not relevant. Council is reviewing an appeal of the ERB's action on June 13, 2023.

Appellants: This is the first appeal of an Entrance Corridor CoA.

Staff response: Correct. To the best of staff's knowledge, the appeals of the ERB's February and March actions are the first appeal to Council of an ERB action.

Appellants: Appeal review process is flawed

- Not based on precedent, prejudicial to appellants.
- Presentation to Council should not be *managed by/prepared by/presented by* ERB staff, who cannot be impartial or serve as a neutral party.

Staff response: The process is not unprecedented. This review follows the same Council has used for BAR appeals (since at least 2008).

- Staff prepares a memo to Council summarizing the matter, including the appellant's written appeal and a staff response.
- At the Council meeting, staff makes a presentation, followed by the appellant's presentation, then comments from the BAR (typically from the chair).
- Council may then ask questions of both parties and make its decision.
- The staff memo and presentation typically recommend that Council uphold the BAR's decision. [Note: For some appeals, staff simply *referred to* the BAR's action.]

Re: 2005 JPA, on May 5, 2023, staff informed the appellants of the order and process for Council's May 15 review. (See e-mail below.) During the May 15, 2023 meeting, prior to hearing the ERB appeal for 2005 JPA, Council reviewed a BAR appeal for 104 Stadium Road. For both Council followed the same order and process. Prior to and during the May 15 Council review no appellant expressed concern for the process.

**From:** Werner, Jeffrey B

**Sent:** Friday, May 5, 2023 12:40 PM

**To:** reppertfamily@gmail.com; jimmy.wright@jeffersonscholars.org; lm2e@virginia.edu; apbe4n@gmail.com; billschaafsr@gmail.com; micasabe@gmail.com

**Cc:** Freas, James <freasj@charlottesville.gov>

**Subject:** Appeal of CoA approval for 2005 JPA

In response to your letters (see the list below) submitted the Clerk of Council, your appeal of the Entrance Corridor Review Board's approval of a Certificate of Appropriateness for the proposed development at 2005 JPA is currently scheduled for review by City Council on May 15, 2023, during their regular meeting, which begins at 6:30 pm in Council Chambers at City Hall. I will notify you if anything

changes. (Refer to meeting link below. All of the information related to this matter should be posted by early next week. I'll let you know when it is.)

Council will evaluate your collective statements as a single appeal. The order of presentation will be: (1) City Preservation and Design Planner's presentation of the staff report (ten minutes), (2) Appellants' presentation (ten minutes), and (3) ERB chair's presentation (five minutes). You can attend in-person or participate via Zoom, but let me know so we can include you as a meeting *participant*. All eight of the appeal letters will be available to Council, so you are not required to speak, or make a presentation, or even to attend the meeting; however, please note that ten minutes is the cumulative time allocated for your comments collectively, not ten minutes for each of you. You will have to decide how to use that time, who speaks, in what order, what is presented, etc. If you have a presentation for Council—PowerPoint slides, etc.—please get those to me no later than the end of next week so we or self-serving.

Appellants: City Council must review the application as if it had come in the first instance. (Ref to City Code §34-314(c).) On May 15, 2023, Council focused on the notice letter, not substantive issues.

Staff response: For the May 15, 2023 review, staff's memo and presentation to Council cited City Code §34-314(c), which instructs Council to review an appeal "as if the [CoA request] had come before it in the first instance." Additionally, Council was provided links to the applicant's submittal and to the February 14, 2023 ERB staff report, which included staff's recommendations and a review that applied the pertinent EC design guidelines. (See Attachments 3, 4, and 5.)

Appellants: The June 13, 2023 ERB staff report overstates City Council's May 15 response: "Council determined the claims regarding the ERB's design review were without merit."

Staff response: The following is from the May 15, 2023 Council meeting video. Should Council feel their comments were misrepresented, staff apologizes and welcomes any correction or clarification.

Mr. Snook: [...] I don't really have a problem with most of the, really, any of the substantive stuff [...]

[...]

Mr. Werner: Can I ask you [...] this will likely be appealed again, are there any issues related to the ERB 's review that you feel should be addressed, and forgive me for interrupting, but I'm just trying to cover the bases.

Mayor Snook: I will tell you my basic feeling is that issues that are site plan issues, are not really appropriate for this, and most of the issues that I saw, maybe all of them, except perhaps the notice question, strike me as site plan issues. Or, the issues,

frankly, that these same appellants had the Circuit Court rule against them on last week.

Councilor Pinkston: Most of these issues seem like they were litigated and discussed when we actually did the SUP. I would have voted to uphold the Planning Commission, the ERB's decision, except for the issue that we're facing tonight, it sounds like on a technicality or a factual technicality, it's got to go back. Let's get it right.

Councilor Payne: I'll largely agree, I think the fact that this had to go back through the ERB process resulting in something [that] does look substantially better than the original proposal. I think we should just think about that with large buildings: Is there something that can make it just feel a little bit better? I think that was largely accomplished [here] from the building materials, colors, and I concur that some of the major issues [are] really about massing and scale, which I guess are parts the ERB could review, but it really feels more like the SUP was the relevant time when that decision got made. Hopefully that is somewhat clear.

Appellants: The May 15, 2023 staff memo to Council noted: "The ERB reviewed the project and approved the CoA on February 14, 2023 by a vote of 7-0 and again on March 14, 2023 by a vote of 5-0. ... The motion for approval stated the ERB had 'considered the standards set forth within the City's Entrance Corridor Design Guidelines' and 'found the project consistent with the Guidelines and compatible with the goals of this Entrance Corridor[.]'" This is not the wording that the ERB actually voted, according to the video of the 2/14/2023 Planning Commission meeting.

Staff response: Not relevant. Refers to ERB actions on February 2023 and March 2023. Council is reviewing an appeal of the ERB's action on June 13, 2023.

## **Item 2: General Concerns**

Appellants: General concerns re: proposed building.

- Adding 390 people, service personnel, visitors and vehicles will result in noise, scooters, and human activity that will need to be managed.
- Of particular concern is the resulting traffic congestion, noise, and light pollution.

Staff response: The ERB does not have purview over traffic, parking, and pedestrian or tenant activities. Site lighting is evaluated during the site plan review and, as necessary, following submittal for a building permit. The CoA includes a condition of approval that addresses exterior lighting and interior lighting visible from the garage.

Appellants: General concerns re: zoning.

- Building conflicts with existing zoning.
- Relies on a SUP allowing the proposed height.

Staff response: The project, as presented, is permitted under current zoning and the Special Use Permit approved by City Council on September 19, 2022, which allows the increase in maximum building height from 45 feet to 75 feet, the reduction of the rear-yard setback from 75 feet to 36 feet, and reduces by 22% the amount of required on-site parking.

### **Item 3: Massing and Scale**

Appellants: General concerns re: massing and scale.

- ERB interpreted massing and scale as a matter of appearance; did not address problems.
- Proposed building is extremely large; nothing like the surrounding residences; overwhelming and inappropriate; and will not enhance the City's character.
- Building width (at JPA), depth (at side streets), setbacks and footprint not similar to other buildings on JPA.
- ERB did not follow Entrance Corridor Design Guidelines.

Staff response: The ERB reviewed the project and approved the requested CoA on June 13, 2023 (7-0). The adopted motion stated the ERB had "considered the standards set forth within the City's Entrance Corridor Design Guidelines" and "found the project consistent with the Guidelines and compatible with the goals of this Entrance Corridor[.]"

Appellants: ERB did not discuss human scale; told b staff they must work within the box prescribed by the SUP.

Staff response: This is correct. The ERB's action cannot conflict with what is permitted by the current zoning and the SUP approved by City Council on September 19, 2022, which permits a maximum building height of 75 feet and a rear-yard setback of 36 feet.

### **Item 4: Height**

Appellants:

- EC Design Guidelines state: "Reduce height near lower density areas." The proposed building will be five- to six-stories. Abutting/adjacent houses are one- and two-story.
- Building will reduce morning sunlight on [neighboring] properties.
- Height will result in daytime shadows and loss of seasonal natural light; will impact trees, foliage, gardens and other environmental factors nearby.

The ERB reviewed the project and approved the requested CoA on June 13, 2023 (7-0). The adopted motion stated the ERB had "considered the standards set forth within the City's Entrance Corridor Design Guidelines" and "found the project consistent with the Guidelines and compatible with the goals of this Entrance Corridor[.]"

The maximum height of 75-feet was established by City Council's approval of the SUP on September 19, 2022. The ERB cannot require building modification that would conflict with what is permitted by the SUP.

**Item 5: Garage/Parking/Traffic****Appellants:**

- 122 parking slots [on-site] for 390 students and guests is inadequate.
- Pause the project until adequate on-site parking has been added.
- Sight lines for traffic on side streets are currently limited, will be exacerbated by increased traffic.
- Increased traffic will create safety problems; illegal parking impacting exit in emergency and access for emergency vehicles.
- Traffic at the garage entry and on the street will create traffic bottlenecks on Washington Avenue.
- The porches [on west elevation, Observatory Avenue] will encourage illegal parking by delivery vehicles and guests, blocking two-way traffic. Replace porches with balconies.

**Staff response:** These are understandable concerns ahead of a development project. However, the ERB does not have purview over traffic management, parking violations, emergency vehicle accessibility, and/or restricting parking on City streets. A condition of the SUP requires the owner Develop a Master Parking Plan.

**Appellants:** Vehicles entering/exiting garage will be noisy, headlights will beam into properties.

**Staff response:** The ERB cannot regulate vehicles entering/exiting the garage.

**Appellants:** Require two garage entries. Add alternative closer to/onto JPA.

**Staff response:** The EC Design Guidelines for Sites (Chapter III), under Parking, recommend reducing the visibility of garages by not allowing them to become a primary feature, when viewed from the street, and locating them behind the building setback, preferably facing the side or rear. Therefore, moving the garage entrance to the primary façade facing JPA would conflict with the Design Guidelines.

**Item 6: Enclosing/Screening [electrical/mechanical equipment]**

**Appellants:** Electrical/mechanical equipment and generator will be noisy. Odors from generator fuel. Enclose/screen mechanical equipment.

**Staff response:** In the adopted CoA, several conditions of approval address the screening of electrical and mechanical equipment. Council may amend or revise the conditions. Per the EC Design Guidelines for Sites (Chapter III), under Utilities, Communication Equipment & Service Areas: *Site noise-generating features away from neighboring properties especially residences, or use noise barriers or other means of reducing the impact.*

**Item 7: Path between Observatory and Washington [at the rear of the property]****Appellants:**

- Must be sufficient width to allow for pedestrians, bikes and baby carriages, etc.



- Eliminate the stairs/steps. Require ADA compliance.
- Bike runnels help bikes; but do not make path accessible for wheelchairs, carriages, strollers.

Staff response: The ERB required bike runnels as a condition of the CoA. Council may amend or revise the conditions. Accessibility will be reviewed during site plan review, including a review by the City's ADA coordinator, who will determine if the site is ADA compliant. As a result of that review, it is possible compliance can be achieved by pedestrian routes on the site other than this rear pathway.

### **Item 8: Landscaping**

#### Appellants:

- Existing mature tree canopy will be destroyed. New plantings will not provide equivalent carbon take-up or shade and cooling for decades.

Staff response: The CoA includes a condition of approval that the number, size, type and character of all plantings (trees, shrubs etc.) shall be installed and maintained in substantial accordance with the drawings. Note: Approximately 25 existing trees will be removed during construction: 18 have diameters between 4" and 15"; seven have diameters between 20" and 40", which is considered mature. Approximately 70 new trees will be planted: 17 large canopy trees; 10 medium canopy trees; 25 small flowering trees; 18 evergreen trees.

Tree coverage must meet the requirements of City Code and will be evaluated during the site plan review.

### **Item 9: Construction activity**

Appellants: Concern regarding construction-related activities: noise, traffic, and parking, cranes making streets impassable.

Staff response: Construction activity is not within the ERB's purview

### **Item 10: Trash/Recycling**

#### Appellants:

- Dumpsters are loud when lifted/dropped, will disturb nearby tenants.
- Concern for debris and odors.
- Trash pickup will impact traffic.

Staff response: The timing and means of trash pick-up are not under ERB purview. The CoA includes a condition of approval that dumpsters and trash and/or recycling bins be located within the garage and pulled to the curb only on collection days.

### **Item 11: Affordable Housing**

Appellants:

- Project will not provide affordable housing. These will be luxury units with higher rents than nearby housing.

Staff response: Not relevant. The BAR has no purview over the use of a site or building, only whether a proposed design is appropriate per the review criteria.

**Item 11: Questions from Kenneth Hill**

Staff comment: Staff received Mr. Hill's questions on June 26, 2023. Of these, only two—re: building height\* and site lighting\*\*—relate to design elements within ERB purview. The remaining questions relate to construction activity, which is not part of the design review. Out of courtesy to Mr. Hill, this list was forwarded the list to the applicant, allowing them an opportunity to respond, if they wished. Their comments are included below.

Question \*: What will be the total height of the building from the street on Observatory, Washington and JPA avenues at each corner of the building?

Applicant response:

- At the upper corner on Observatory, at the nearest corner of the structure, the building height is approximately 35'-4" +/- above the street. At locations further removed, the tallest parapet is approximately 60' +/- above the street.
- At the JPA and Observatory corner, at the nearest corner of the structure, the building height is approximately 19'-0" +/- above the street to the roof terrace at the 3<sup>rd</sup> level.
- At the JPA and Washington corner, at the nearest corner of the structure, the building height is approximately 72'-4" +/- above the street.
- At the upper corner on Washington, at the nearest corner of the structure, the building height is approximately 62' +/- above the street.

Question \*\*: Once the project is complete, explain the type of lights, locations and wattages on the building facade that will be facing down to the street? What distance from the parking garage and building will they illuminate out/downward?"

Applicant response: Refer to the preliminary Site Photometrics plan, and associated cut sheets that are part of the site plan submission for types, locations, and wattages. Note the design is still in progress. Proposed exterior light fixtures include bollards, step lights, wall mounted fixtures, and down lights in exterior soffits. As part of the site plan approval process, this is reviewed for compliance with the city's ordinance, found here: [Municode excerpt City Outdoor Lighting site plan](#) and must also meet ERB's conditions for the Certificate of Appropriateness. The distance out / downward is variable depending on the fixture and its mounting height, but this is calculated at grade on the photometric plan.

Question: When is the project expected to break ground?

Applicant response: Summer 2024 +/-

Question: How long will construction last from start to finish?

Applicant response: 18 – 24 months +/-

Question: If the contractor takes longer than allowed in the contract, what are the financial or other penalties for not staying on schedule? Please explain the details.

Applicant response: This will be negotiated with the GC during the selection process and is between the GC and the Owner.

Question: From the date construction starts, at what time in the morning will these activities and associated noise start? What will be the schedule on Saturdays or holidays, if any?

Applicant response: The general contractor has not been selected. These aspects of the project have not yet been determined. Unlikely there will be work on public holidays. The contractor must abide by the city noise ordinance, found here: [Municepe City Noise Ordinance](#), which stipulates “No person shall permit, operate or cause any source of sound to create a sound level in a residential zone or within any residential building during the hours between 10:00 p.m. and 6:00 a.m. in excess of fifty-five (55) dB(A) when measured at or outside the property boundary.” A typical construction workday is 7am to 4pm +/-.

Question: When construction starts, will trucks and equipment be parked on Observatory or Washington avenues overnight? And, on weekends? Or, only during work hours? If so, at what location(s)?

Applicant response: This will be worked out in advance with the City once a general contractor is selected.

Question: What decibel level of noise from generators, trucks and construction equipment will nearby residents experience? What steps and mechanisms will be taken to keep neighbors apprised on a regular basis?

Applicant response: TBD. During the daytime hours of 6am to 10pm, construction noise is exempt from the noise ordinance.

Question: When underground pipes (for sewer, water, and gas) are installed, what street or sidewalk locations will be dug up - starting when and for how long?

Applicant response: Portions of Washington, Observatory, and Jefferson Park will be dug up in trenches for new utility connections and city required utility abandonments at the service mains. Trenching activities are short term durations typically less than one week and are often complete within days. Contractors don't like to work in roadways any longer than absolutely necessary as it is expensive work for them to manage so they are always self-motivated to expedite the necessary work. Certain work may be performed as

night work for connections such as water mains to minimize disruptions when making connections. Start date is TBD by the contractor (yet to be selected), but would be expected to be several months after the start of construction for these activities to take place.

Question: What size pipes will be installed? Will they connect to the existing city infrastructure? If so, at what interchange(s)? Please be as specific as possible?

Applicant response: Pipe sizes vary, however all currently proposed within the roadways are six inches and less for water and sanitary sewer connections. Yes, water and sewer will connect to city infrastructure as necessary/required for service. Water connections are expected in three locations; in front of 113 and 111, and 101 Washington Ave. The sewer connection along Jefferson Park will be made at an existing manhole located within the existing parking lane along the site's frontage.

Question: As electrical wiring and cabling (signal, etc.) are planned overhead (vice underground) will new poles be installed, or will existing ones be used? If new locations are planned, where will they exactly be?

Applicant Response: Electrical wiring/cabling is not yet fully designed. Dominion Energy is responsible for the design and determination for overhead or underground lines. At this time, the site plan anticipates underground lines fed from an existing pole in the project's vicinity, however this is subject to change. Exact locations are TBD at this time.

Question: As construction equipment is put on the work site or streets adjacent to the project, will parking be restricted? If so, in what locations and for what duration?

Applicant response: Yes, no parking is expected to occur along the length of the property's street frontages. The duration is potentially for the extents of the construction timeline, TBD. This is part of the site plan approval process and will be worked out in advance with City staff.

Question: What are the dimensions of the trash dumpsters that will be pushed to Washington Avenue for pick-up each week? How will this be done? And how long will they remain out on the street?

Applicant response: TBD. This depends to some degree on the trash servicer selected. Management will be required to comply with the city ordinance regarding trash collection, including removal of emptied receptacles from the street / sidewalk within 12 hours after collection. Trash is permitted to be placed at the street at 6pm on the day prior to collection. Refer to [Municode City Trash Ordinance](#)

Question: What steps will management take to keep trash or debris from refuse containers (e.g. that comes out during pick-up or movement) won't spread to adjoining properties by wind or otherwise? Please explain.

Applicant response: This property will be professionally managed including trash handling, clean up, building maintenance and site maintenance.

Question: What type of motorized/electrical equipment will be located in the parking entryway on Washington or Observatory are planned? How many decibels of noise will this equipment make when it is running? What steps in construction will be taken for noise mitigation for this equipment? Please explain. Will said equipment be behind a wall or a fence (to prevent shock or tampering, etc)?

Applicant response: No motorized equipment is currently planned at the parking entryway.

Question: When existing buildings, trees and foliage are removed and the area is excavated, will the removal occur via Observatory or Washington Avenue(s) or both? Please explain what the plan is and an estimate of when it will occur?

Applicant response: The construction entrance will be worked out with City staff via the site plan approval process. The project is currently showing phased entrances, both onto Washington Avenue. The duration and timing will be determined by a General contractor, which has not yet been selected.

Question: If parking will be restricted on Observatory or Washington Avenue(s) during construction, where will that likely be and for what duration? Will it be during working hours or at night? How far in advance will affected neighbors receive such notification?

Applicant response: This will be worked out in advance with City staff once a General contractor is selected.

Question: What steps are being taken to ensure traffic bottlenecks are minimized during daylight hours during construction?

Applicant response: This will be worked out in advance with City staff once a General contractor is selected.

Question: Given the dearth of parking available in the immediate area, where will construction workers and others with business at the site park? Please provide specifics about this overflow.

Applicant response: This will be worked out in advance with City staff once a General contractor is selected.

Question: During construction what kind of illumination will there be at night? Explain the types of security lighting, wattage(s) and estimated locations?

Applicant response: TBD. Note that construction lighting is exempt from the zoning ordinance. [Municode excerpt City Outdoor Lighting exempt](#)





**Entrance Corridor Review Board**  
**Review of Certificate of Appropriateness for 2005 Jefferson Park Avenue**

**Planning Commission Regular Meeting**

**Date of Planning Commission Meeting: February 14, 2023**

Project Planner: Matt Alfele

Date of Hearing: February 14, 2023

Application Number: P22-0133

Zoning: R-3 Residential with Entrance Corridor Overlay (Fontaine Ave/JPA; Sub-area C.)

Tax Parcels: 17-104, 17-103, 17-103.1 (Note: 17-104 is not within the EC Overlay.)

Site Acreage: 1.7 acres (74,531 sq ft)

ERB Staff report prepared by: Jeff Werner, AICP, Preservation and Design Planner

Submittal: Mitchel/Matthews Architects & Planners drawings for *2005 Jefferson Park Avenue*

*Entrance Corridor Review Application*, dated December 20, 2022: Sheets 1 (cover) through 76.

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**Relevant Code Section**

The Planning Commission serves as the Entrance Corridor Review Board (*ERB*), responsible for administering the design review process in entrance corridor overlay districts (*EC*). This development project requires a site plan, and therefore also requires a Certificate of Appropriateness (*CoA*), pursuant to the provisions of Section 34-309(a)(3) of the City's Zoning Ordinance. The ERB shall act on an application within 60 days of the submittal date, and shall either approve, approve with conditions, or deny the application. Appeal would be to City Council.

**Standards for considering certificates of appropriateness**

Per Section 34-310, in reviewing a CoA application the ERB must consider certain features and factors in determining the appropriateness of proposed construction, alteration, etc. of buildings or structures located within an EC. The five primary criteria in Section 34-310 are:

- 1) Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;
- 2) Exterior architectural details and features of the subject building or structure;
- 3) Texture, materials and color of materials proposed for use on the subject building or structure;
- 4) Design and arrangement of buildings and structures on the subject site; and
- 5) The extent to which the features and characteristics described within paragraphs (1)-(4), above, are architecturally compatible (or incompatible) with similar features and

characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.

### **Links to EC Design Guidelines**

[EC Design Guidelines Chapter I - Introduction](#)

[EC Design Guidelines Chapter II - Streetscape](#)

[EC Design Guidelines Chapter III - Site](#)

[EC Design Guidelines Chapter IV - Buildings](#)

[EC Design Guidelines Chapter V - Corridors](#)

### **Summary of CoA Request**

Applicant requests a CoA to construct a brick and stucco building composed of a five-story, U-shaped, two-wing building surrounding a central courtyard and set atop a two-story brick foundation [or podium] of approximately 150-ft (at JPA) and 312-ft (at the sides). Each wing is approximately 62-feet wide separated by a roughly 30-ft wide courtyard.

The site slopes downhill, approximately 30-feet, from the NW corner on Observatory Avenue to the SE corner at JPA and Washington Avenue. As such, the seven-story primary façade (at JPA) is reduced to a five-story elevation at the NW corner and a six-story elevation at the NE corner.

Viewed from JPA, the primary facade is composed of a two-story, brick foundation with punched windows. (Set behind sidewalk-level, walled patios, this elevation forms the primary entrance.) At the east corner, the foundation continues along Washington Avenue, receding into the grade to a single story. At the west corner, the foundation continues along Observatory Avenue, receding into the grade completely. Above the foundation, the primary facade of the east wing features a three-story, brick tower extending from the foundation below. Setback from this façade, the wing rises to five-stories, featuring brick and stucco sections with punched windows. The primary façade of the east wing also features a three-story, brick tower, but setback from the foundation wall, behind an elevated terrace and pool area. The side elevation mimics the east wing, but being lower into the grade than the east wing allows for a series of first-floor entrances with low-walled porches.

The two wings enclose an inner courtyard, which, elevated two stories above JPA, conceals the interior parking area below it. At the rear wall (north), the two wings join, completing the U. (The rear wall continues the same design; however, it is not visible from the EC.)

[Staff note: Plan view shown on sheets 44 and 49 are for context only re: landscaping and site lighting. The plan view on sheet 13 is the *formal* plan relative to the footprint and architectural elements. If, during site plan and/or building permit review, there are minor variations re: wall locations and architectural elements, staff will defer to the elevations on sheets 15, 18, 21 and 24.]



#### Building materials:

- Foundation/Podium: Red brick (Sheet 42)
- Walls:
  - Red brick (Sheet 42)
  - Stucco, painted (Sheet 42)
- Windows: PlyGem PVC, single hung, 1/1, insulated glass. Color: Black units and white units; varies per wall section. (Sheet 43)
- Panels and mullions between windows: Cement board, painted.
- Large windows and entry doors: Commercial, metal-framed storefront with clear glass. [Staff note: Recommend condition that the glass will be *clear* for all glazed entries and windows on: the podium (front and side elevations); the three-story brick towers on each wing (front, east, and west elevations); and the four porch-level entrances on the west elevation. Re: *clear* glass, refer to the attached August 2018 memo.]
- Railings, entry canopies, entry door surround: Metal, painted (Sheet 42) [Staff note: Recommend condition that any new railings—i.e., at low walls, if required during code review, etc.—will match railings at podium terrace.]
- Parapet coping: Metal cap

#### Landscaping:

- Plantings: (all on City tree list)
  - Willow Oak
  - London Plane Tree
  - Witch Hazel
  - Sweetbay Magnolia
  - Kentucky Coffeetree (alt Honey Locust)
  - Black Gum
- Landscape/terrace walls: Red brick with bluestone cap. Fieldstone with bluestone cap. (Sheets 42-45)
- Paving:
  - Entry plaza, porches on Observatory Ave., path at rear: Scored concrete, buff colored.
  - On-site walks/terraces at Observatory Ave. and Washington Ave.: Brick
- Micro-bio-filters along Observatory Avenue. (Sheet 45)

#### Site Lighting:

- Illuminated bollards, planting accent lights, inset wall lights and surface mounted wall lights. Per sheet 50, the noted fixtures and locations are conceptual and may vary during construction. [Staff note: Recommend a condition that the lamping for exterior lighting be dimmable, have a Color Temperature not exceeding 3,000K, and a Color Rendering Index not less than 80, preferably not less than 90. Additionally, should there be concerns expressed later related to glare, the owner will work with NDS to find a reasonable solution. Also, to prevent bright light and glare emanating from the garage, specifically at/near the Washington Avenue entrance, lamping for the garage lights will comply with the above.]

#### Screening:

- Mechanical equipment: Rooftop units will be screened behind the parapet.
- Sheet 44 indicates an area near the garage entrance designated for Mech Equip. [Staff note: It is unclear what might be placed here or the precise location and dimensions of the brick wall; however, if used for mechanical units, utility/service boxes, storage, trash containers, etc., it will be appropriately screened. If not by the wall, then appropriate fencing or plantings.]
- Dumpsters/trash: It is understood these will be located within the garage and pulled to the curb on collection days. (Near the garage entrance, a low wall will enclose the area noted on sheet 13, so this not intended to serve as a screened enclosure.) [Staff note: Recommend a condition establishing that dumpsters and trash and/or recycling bins will be located within the garage and pulled to the curb only on collection days.]

#### **Public Comments Received**

No public comments regarding this CoA request have been received to-date.

#### **Staff Recommendation**

Staff finds the proposed improvements are appropriate and recommends approval of the CoA with the conditions noted in the motion below.

Per the approved Special Use Permit—approved September 19, 2022, link below—the proposed building height is permitted on this site and within the modified rear setback, therefore the maximum height and footprint have been established.

[CC memo - Sept 19 2022 SUP for 2005 JPA](#)

Staff concurs with the applicant's comments:

- *Exterior material selections are predominantly brick and stucco, consistent with other buildings along the JPA corridor. The color palette falls in a compatible range. Building massing is varied, not monolithic. The scale evident in fenestration, entrances, site stairs, canopies and porches is appropriate for this district. The landscape design along JPA--consisting of multiple terraces and plantings-- has the potential to enhance the corridor's character, creating opportunities for pedestrian comfort and interaction in a shaded environment that is a marked improvement over other student housing that fronts this corridor.*
- *Material, textures and colors are varied. Brick veneer is used both to establish a building base and to emphasize smaller scale building faces within the longer facades, an effort to differentiate volumes within the mass.*

Attached is a comprehensive review of the design guidelines, reflecting both the applicant's and staff's comments. Also attached are staff's comments from the SUP request (2021), which addressed many of the issues related to height, massing, and scale, and also clarified how staff approached the apparent conflict between the vision for this EC adopted in 2011 and the

Comprehensive Plan updated in 2021. Attached SUP memo also includes the section from the design guidelines, Chapter V, re: the Jefferson Park Avenue Entrance Corridor.

### **Suggested Motion**

*Approval:* Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- Glass will be clear, at the locations noted in the staff report.
- New railings, if required, will match the metal rail at the podium terrace.
- All exterior lighting and interior lighting visible at the garage entrance will have lamping that is dimmable, has a Color Temperature not exceeding 3,000K, and has a Color Rendering Index not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures.
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days. If they cannot be located within the garage, they will be contained within an area near the garage entrance and will be appropriately screened. That location and screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.

### **Alternate Motions**

*Deferral:* I move to defer [or, to accept the applicant's request to defer] the Entrance Corridor Certificate of Appropriateness application for 2005 Jefferson Park Avenue.

*Denial:* Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is not consistent with the Guidelines and is not compatible with the goals of this Entrance Corridor, and that for the following reason(s) the ERB denies the Certificate of Appropriateness application as submitted...

**Attachments**

1. Applicant's submittal. Mitchel/Matthews Architects & Planners drawings for 2005 Jefferson Park Avenue Entrance Corridor Review Application, dated December 20, 2022.
2. Review of the EC design guidelines re: CoA request for 2005 2005 Jefferson Park Avenue.
3. May 10, 2022 Staff report ERB Review of Special Use Permit Request for 2005 Jefferson Park Avenue.
4. July 17, 2018 Summary of BAR Discussion re: Clear Glass.

2005 JPA - ERB Review - Entrance Corridor Design Guidelines (Feb 3, 2023)		
Chapter I: Design Principles	Applicant's Comment	Staff Comment
<b>Design for a Corridor Vision: New building design should be compatible (in massing, scale, materials, colors)</b> with other neighboring structures that contribute to the overall quality of the corridor. Existing developments should be encouraged to make upgrades consistent with the corridor vision. Site designs should contain some common elements to provide continuity along the corridor. New development, including franchise development, should complement the City's character and respect those qualities that distinguish the City's built environment.	Exterior material selections are predominantly brick and stucco, consistent with other buildings along the JPA corridor. The color palette falls in a compatible range. Building massing is varied, not monolithic. The scale evident in fenestration, entrances, site stairs, canopies and porches is appropriate for this district. The landscape design along JPA-- consisting of multiple terraces and plantings-- has the potential to enhance the corridor's character, creating opportunities for pedestrian comfort and interaction in a shaded environment that is a marked improvement over other student housing that fronts this corridor.	Staff concurs.
<b>Preserve History:</b> Preserve historic buildings and distinctive architecture from earlier periods. Encourage new contemporary design that is respectful of historic building design.	There are no historically designated buildings on this site. The property is in an Entrance Corridor, but it does not fall within any of the city's Historic Districts	Staff concurs.
<b>Facilitate Pedestrian Access:</b> Encourage compact, walkable developments. Design pedestrian connections from sidewalk and car to buildings, between buildings, and between corridor properties and adjacent residential areas.	The potential pedestrian experience along JPA represents a significant improvement over streetscapes found elsewhere on the corridor. The existing sidewalk will be rebuilt to current city standards with a narrow planted buffer between parked cars and pedestrians. On site, easily accessible plaza spaces adjacent to the sidewalk will give pedestrians a kind of wayside where they can relax and socialize in the shade and beauty of new plantings. At the rear of the property, a paved walk is proposed, available for public use, allowing nearby residents a second, alternative connection between Washington and Observatory Avenues	Staff concurs.
<b>Maintain Human Scale in Buildings and Spaces:</b> Consider the impact of building design, especially height, mass, complexity of form, and architectural details, and the impact of spaces created, on the people who will pass by, live, work, or shop there. The size, placement and number of doors, windows, portals and openings define human scale.	The building height is similar to multiple nearby structures along the corridor. Buildings at 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall. Mass and form of the proposed building is varied. Multiple walks and terraces provide usable spaces, traversable by visitors and passers-by. Street trees will provide screening, shade and beauty. The dimensions and arrangements	Staff concurs.

	of windows, openings and entries are consistent with neighboring apartment buildings.	
<b>Preserve and Enhance Natural Character:</b> Daylight streams, and retain mature trees and natural buffers. Work with topography to minimize grading and limit the introduction of impervious surfaces. Encourage plantings of diverse native species.	The landscape plan proposes a variety of native plantings in a variety of sizes-- from smaller shrubs to large trees.	Staff concurs.
<b>Create a Sense of Place:</b> In corridors where substantial pedestrian activity occurs or is encouraged, or where mixed use and multi-building projects are proposed, one goal will be creating a sense of place. Building arrangements, uses, natural features, and landscaping should contribute, where feasible, to create exterior space where people can interact.	In addition to the multiple terraced areas along JPA, several of the apartments fronting Observatory Avenue have porches and walks connected to the sidewalk. Not only will these benefit the scale of the project, they provide outside spaces from which tenants can easily see and communicate with other students and city residents as they move to and fro. In its current state the site makes little contribution to the street wall. It lacks architectural presence on the corridor. Very few buildings front the street to contribute to a sense of place. The proposed development will engage the street corners and contribute to the existing street wall-- one defined by variation more than uniformity.	Staff concurs.
<b>Create an Inviting Public Realm:</b> Design inviting streetscapes and public spaces. Redevelopment of properties should enhance the existing streetscapes and create an engaging public realm.	A generous array of plaza spaces and planting beds will create a comfortable, shaded environment along the public realm, creating a kind of expanded sidewalk with places to sit, rest, eat and talk. At the corner of Jefferson Park and Observatory Avenues, a corner space is proposed with the potential to serve future commercial use, connected to an outside terrace convenient to passers-by	Staff concurs.
<b>Create Restrained Communications:</b> Private signage and advertising should be harmonious and in scale with building elements and landscaping features.		n/a. No signage proposed. Signage will require separate signage permits

<b>Mask the Utilitarian:</b> Provide screening from adjacent properties and public view of: parking lots, outdoor storage and loading areas, refuse areas, mechanical and communication equipment, and other uses that have adverse impacts. Where feasible, relegate parking behind buildings.	All on-site parking is concealed under the building. Access to the basement parking is located on Washington Avenue, over 200 feet away from JPA. Storage areas, refuse areas and mechanical equipment will all be concealed within the building or on rooftops behind parapets	Not specified
<b>Respect and Enhance Charlottesville's Character:</b> Architectural transplants from other locales, and shallow or artificial imitations of the Jeffersonian architectural style are examples of building designs that are neither appropriate nor desirable. Objectionable or incompatible aspects of franchise design or corporate signature buildings must be modified or customized to fit the character of this community.	By and large, traditional materials are proposed, but the building's architecture does not rely on historic references deployed superficially or romantically. It does not indulge vernacular details associated with places outside Charlottesville	Staff concurs.
<b>Chapter II: Streetscapes, B. Plantings &amp; Open Space</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Use street trees to provide shade, a sense of enclosure and to define edges.	Many street trees are proposed along Jefferson Park, Observatory and Washington Avenues. In the site's current condition, street trees are uncommon.	Staff concurs.
2. Include appropriately scaled trees, shrubs and other plantings to provide beauty as well as shade, within a pedestrian gathering place, and as screening for parking, utilities, and service areas.	A varied selection of plantings-- from large trees to medium trees to shrubs-- will benefit the environment around the building, encouraging people to gather and socialize within the color, comfort and shelter of the landscape. In addition to street trees, multiple planting beds-- as buffers along JPA, in transitional spaces between sidewalks and entrance terraces/porches, and along the building edge-- will host smaller plantings. The combination of plantings will enhance a sense of scale around the building, emphasizing the edges of and enclosing outdoor space.	Staff concurs.
3. Maintain existing plantings in all public areas.		
4. Use hardy native species that require minimal maintenance.	Most planting selections come from the Charlottesville Tree Packet of recommended species. Over-used species-- Bradford Pear and Crepe Myrtle, for example-- are not proposed.	Staff concurs.

5. Replace damaged or missing street trees with appropriate species.		
6. Avoid over-used species such as Bradford pear.	n/a	
7. Use larger tree species where appropriate to space and function.	Certain species-- London Planetree, Honeylocust and Kentucky Coffeetree, among them-- will attain significant height when mature. They are proposed along the streets, where in time they will provide abundant shade and an ever-changing screen of the upper stories of the new building	Staff concurs.
8. Expand use of seasonal color in plantings.	Multiple species-- black gum, ? and ? among them-- will provide potentially great colors in fall and spring	
9. Use landscaping to create an identity within a particular corridor or sub-area by selecting specific species, sizes, colors or shape of plants and trees.		
10. Use plantings to promote visual order and help integrate buildings into the corridor.	In time, the varied scale of plantings will create a layered environment from which the building emerges, avoiding abrupt or stark transitions.	Staff concurs.
11. Refer to the Tree Planting and Preservation BMP Manual in the Charlottesville Standards and Design Manual.	Acknowledged	
12. Encourage day lighting of streams where appropriate.	n/a	
<b>Chapter II: Streetscapes, C. Pedestrian Routes</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>



1. Provide, where feasible, unbroken pedestrian routes between developments. Place paths in a logical pattern where people will want to walk. Place sidewalks on both sides of streets where feasible and separate them from the curb by a minimum five (5) feet wide landscape zone if possible.	The continuity of sidewalks will be significantly improved with this project. Currently sidewalks along both Observatory and Washington Avenues are discontinuous on both sides, with stretches of more than 200 feet without sidewalks at all. Where there are sidewalks currently, they are frequently crossed by parking drives and aprons. After this project is complete, the sidewalks will continue, without break, along all three street edges. Only one vehicular drive-- at the Washington Ave. entry to the parking deck-- will cross the new sidewalks. At JPA, a landscape buffer is proposed. Because of utility limitations it will be three feet wide, sufficient for smaller plantings. To compensate, we propose a sufficiently wide planting bed for larger street trees to be located on the building side of the sidewalk.	Staff concurs.
2. Within developments, identify a complete internal pedestrian pathway system linking all buildings, parking and green spaces. Ensure that this network connects to public pedestrian pathways that link schools, recreation areas, and other major destinations.	All building entries, porches and plazas are connected to public pathways, often in multiple locations. At the rear of the property, there is currently a surface parking lot with few trees. For years this lot has served an informal, but illicit, function as a pedestrian connection between Washington and Observatory Avenues. With this project, a new pedestrian path behind the building-- and open to public use-- will replace the parking lot. The new path will enjoy screening and shade from a wide planted buffer along the north property boundary	Staff concurs.
3. Add designated pedestrian pathways through larger parking lots.	No visible surface parking lots are proposed in this project.	
4. Provide crosswalks at intersections, between major pedestrian destinations and in front of building entrances that link to parking.	A crosswalk will be provided where the Washington Ave. sidewalk intersects with the vehicular drive accessing the parking levels.	
5. Design crosswalks to highlight their visibility by slightly raising them, by making them wider, by constructing them of materials other than asphalt and by using bulb-out corners that reduce their length.	At the entrance to the under-building parking, the crosswalk will not be paved in asphalt, and it will be wider than the sidewalk.	

6. Provide breaks in large building masses to allow pedestrians to pass through, particularly through shopping centers.	The concealed parking levels do not permit accessible passage across the full site within the building's perimeter. However, at the rear of the property, not far from JPA, a public pathway is proposed that crosses the entire property. Currently, it's unusual for people to walk between Observatory and Washington Avenues except at the rear parking lot and at JPA. Connections at these locations will be retained and improved	
7. Place sidewalks throughout residential areas.		
8. Avoid excessive curb cuts for vehicular access across pedestrian ways. Where curb cuts are necessary, mark them with a change in materials, color, texture or grade.	The project requires only a single curb cut, marked with a change in material, at the entry to the under-building parking on Washington Ave. This is a significant reduction to existing curb cut conditions. Currently, there are at least eight curb cuts or driveway crossings located along Observatory and Washington Avenues accessing this site.	Staff concurs.
9. Design sidewalks appropriately for the site and the expected amount of foot traffic. In commercial areas where foot traffic is expected, sidewalks should be a minimum of (10) ten feet. Sidewalks in residential areas can be five (5) feet, depending on the type of street and size of road.	In this largely residential district, a seven foot wide sidewalk is proposed along Jefferson Park Ave.	
10. Use brick or patterned concrete, or a combination of these materials, that relates to the existing architectural vocabulary of the corridor or sub-area.	Currently, there is little precedent in this corridor for brick or patterned concrete walks... however, we propose brick and stone for numerous low site walls contiguous to walks and plazas	Staff concurs.
11. Avoid concrete curbing poured in continuous strips.	Acknowledged	
12. Avoid excessive variation in sidewalk and curb materials.	Acknowledged	
<b>Chapter II: Streetscapes, D. Bicycle Routes</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Provide for bicycle traffic along major corridors and between major destinations, with particular emphasis on connecting residential areas to schools, recreation areas, and commercial centers.	Currently there is a dedicated bike lane along JPA adjacent to the site. This will remain.	

2. Provide new bike paths to connect to planned or existing municipal paths or paths of adjoining developments.		n/a
3. Provide facilities to store or lock bicycles at appropriate sites, including schools, major recreation areas, office parks, public institutions, and large commercial centers.	Indoor, secure storage for bicycles will be provided on site	
4. Develop an easily identifiable graphic system of signs and road markings to designate bicycle routes and crossings.		n/a
<b>Chapter II: Streetscapes, E. Lighting</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Use full cutoff luminaires in accordance with City lighting requirements to provide better lighting and prevent unwanted glare.	Full cutoff luminaries will be used	See recontended conditions in staff report
2. Where appropriate, replace modern cobra-head type lamps and poles with painted metal, traditionally designed fixtures that have a base, shaft and luminaire.		n/a
3. Consider using a different but compatible style of fixture for each of the corridors.		n/a
4. Light pedestrian areas with appropriately scaled poles.		n/a
5. Provide pedestrian lighting at transit stops and along paths to parking lots and other destinations.		n/a
6. Provide lighting of intersections in high traffic areas.		n/a
7. Include any lighting upgrades as a part of an overall streetscape plan for each corridor.		n/a
<b>Chapter II: Streetscapes, F. Street Furniture</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Develop and use a common palette of colors, materials and design.	The furniture materials, colors and design will be coherent	

2. Coordinate furniture along corridors. While they need not match, they should be compatible and not clash.	There is little presence or continuity of street furniture along JPA now. We do not anticipate furniture choices for this project to clash.	
3. Place benches at key locations such as transit stops. Use traditional designs constructed of wood and/or painted metal.	No transit stops are currently located along the site’s JPA boundary, but built-in benches and tables are planned to be included on the front entry plaza. These are very close and convenient to the sidewalk. They will allow a place to wait, rest and meet with friends. If a transit stop is placed here in the future, the project’s benches have the potential to create alternative waiting areas close-by and within sight of it	
4. Avoid placing too many elements on narrow sidewalks.		n/a
<b>Chapter II: Streetscapes, G. Public Signs</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Develop a system of public wayfinding and informational signs to reflect the character of Charlottesville to be used on all corridors.		Signage not reviewed under this CoA. Signage requires a separate sign permit; must comply with EC design guidelines.
2. Coordinate the colors and design of signs within a corridor.	The color scheme and design of signs will be consistent and coherent.	
3. Keep signs to the minimum number and size necessary for the use.	The number of signs will not be excessive	
4. Scale and place signs for both automobile traffic and pedestrians.		
5. Avoid placing signposts in locations where they can interfere with the opening of vehicle doors.		
6. Consider using decorative color banners within a specific corridor		
<b>Chapter II: Streetscapes, H. Public Art &amp; Monuments</b>	n/a	

Chapter II: Streetscapes, I. Utilities & Communication Equipment	Applicant's Comment	Staff Comment
1. Locate and screen utilities to limit their visibility from the street and from nearby development.	Power and communication cables will remain above ground and suspended from utility poles. but transformers and meters will be located out of view from JPA.	
2. Place existing and proposed utilities underground.	Utilities will not be buried, as is typical of almost all other buildings along this corridor.	
Chapter III: Sites, B. Connectivity Between Entrance Corridor Areas & Neighborhoods	Applicant's Comment	Staff Comment
1. Maintain or provide a strong sense of community, by providing pedestrian and vehicular links from a corridor site to nearby neighborhoods, parks, schools and other public destinations.	Pedestrian connections to the neighborhoods on Observatory and Washington Avenues are enhanced by improved continuous sidewalks that are minimally interrupted by vehicular crossings	Staff concurs.
2. Use common streetscape elements, materials and designs to visually link the corridor areas and neighborhoods.	Materials typical of the surrounding neighborhoods-- brick, stone, concrete-- will be used in walks and site walls	Staff concurs. See precedent images.
3. Provide continuous pedestrian routes along corridors where feasible.	Pedestrians routes along the corridor will be enhanced and expanded.	Staff concurs.
4. Site grading should promote connectivity with adjacent sites.	Site grading will not affect adjacent sites.	Staff concurs.
Chapter III: Sites, C. Connectivity Between & Within Sites	Applicant's Comment	Staff Comment
1. Create a complete pedestrian pathway system within a site and between adjacent sites, linking all buildings, parking areas and green spaces. Ensure that this network connects to any nearby public pedestrian pathway.	All building entries, porches and plazas are connected to public pathways, often in multiple locations. At the rear of the property, there is currently a surface parking lot with few trees. For years this lot has served an informal, but illicit, function as a pedestrian connection between Washington and Observatory Avenues. With this project, a new pedestrian path behind the building-- and open to public use-- will replace the parking lot. The new path will enjoy screening and shade from a wide planted buffer along the north property boundary.	Staff concurs.

2. Design pedestrian and vehicular circulation to maximize the quality and safety of pedestrian experience through:	At the entrance to the under-building parking, the crosswalk will not be paved in asphalt, and it will be wider than the sidewalk. The change in materials and wider dimension will call attention to pedestrians where the garage entry/exit crosses the sidewalk at Washington Ave.	Staff concurs.
a. Design approaches such as “shared space” that slow vehicle speeds and enhance pedestrian experience.		n/a
b. Designated, separate sidewalks with planted areas through large parking lots.		n/a
c. Crosswalks at points of vehicular access routes and in front of building entrances.		n/a
d. Crosswalks designs that highlight their visibility by slightly raising them, by making them wider, by constructing them of materials other than asphalt and by using bulb-out corners that reduce their length.		n/a
3. Ensure that new paving materials are compatible with the character of the area. Scored concrete with broom finishes, colored, exposed aggregate concrete, and brick or unit pavers are examples of appropriate applications. Avoid large expanses of bright white or gray concrete surfaces.	At the entry plaza, associated walks and the corner terrace at the intersection of Jefferson Park and Washington Avenues, paving materials will be scored concrete in a buff stain. The walks leading to the Observatory Ave. porches will be paved in brick.	Materials are appropriate
4. Provide passageways within large building masses to allow pedestrians to pass through, particularly through shopping centers	The concealed parking levels do not permit accessible passage across the full site within the building’s perimeter. However, at the rear of the property, not far from JPA, a public pathway is proposed that crosses the entire property. Currently, it’s unusual for people to walk between Observatory and Washington Avenues except at the rear parking lot and at JPA. Connections at these locations will be retained and improved.	Staff concurs.
<b>Chapter III: Sites, D. Building Placement</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>

1. Orient the facade of new buildings to front on the corridor.	The main building entry and entry plaza front Jefferson Park Avenue.	Staff concurs.
2. Limit setback of new buildings according to the zoning of the particular corridor.	The front yard is between 20 and 30' deep, which is consistent with multiple other similar buildings along the corridor.	Staff concurs.
3. Limit setbacks at major intersections so that the architecture can help define the area.	While the intersections may not be regarded as major, they are not insignificant. The architecture-- both in the street-level terracing and prominent entry areas-- serves to define the corners	Staff concurs.
4. Use compact building arrangements to reduce the feeling of seas of parking, encourage pedestrian activity and define space.	No exposed, surface parking is proposed. The building is not sited too far from rights-of-way, but enough to allow expanded pedestrian spaces and ample plantings.	Staff concurs.
5. Strive for contiguous building arrangement along the street face, and avoid large breaks between buildings in identified development sites.	We seek a balance in the building arrangement. While the base of the building is contiguous along JPA, the residential wings above step back independently of one another-- one offset from the other-- to introduce varied massing and temper the impression of formality that a more symmetrical form might impose	Staff concurs.
6. Ensure that larger developments orient their design to any adjoining neighborhoods and to side streets.	The introduction of brick facades along Washington and Observatory Avenues creates the impression of independent attached dwellings-- not unlike townhouses-- fronting on the side streets and their associated neighborhoods. Porches at multiple ground level apartments along Observatory reinforce this perception	Staff concurs.
7. Provide breaks in large developments and building masses to allow pedestrian connections between developments.		
8. Orient service areas to limit their impact on the development and any neighboring areas.	The building will be serviced largely at the entrance to the under-building parking on Washington Ave. This will help minimize the presence of service vehicles like trash trucks along the JPA corridor	Staff concurs.
9. Each side of a corner building that faces a street should be considered a facade of the building for design purposes.	Building corners, especially at Washington Ave., turn to face side streets with prominent entry points and fenestration	Staff concurs.

Chapter III: Sites, E. Parking		
Chapter III: Sites, E. Parking	Applicant's Comment	Staff Comment
1. Reduce the scale of parking lots by:		n/a
2. Where existing parking lots are located on the street, screen such lots from the street and from adjoining development, using low fences or walls, or year-round plantings.		n/a
3. Reduce the visibility of residential garages by:		
a. Not allowing a garage to become the primary architectural feature when a development is viewed from the street, especially for attached housing.	The garage entry is on the project's east side yard, over 200 feet from the JPA corridor	Staff concurs.
b. Placing garages behind the building setback, preferably facing to the side or rear of attached housing.	The entry drive to the garage is not in the front yard	Staff concurs.
c. Placing garages and parking in the rear with alley access	Because of grading concerns and to prevent vehicle access from conflicting with rear yard pedestrian use and planted screening, we elected not to access the garage from the rear yard.	Staff concurs.
4. Accommodate pedestrian needs within parking areas by:		
a. Providing clear pedestrian paths and crossings from parking spaces to main entrances and to the street.	Ways from parking spaces to building entrances will be clearly marked	N/A. Parking is within the building and not visible from the EC.
b. Planning parking so that it least interferes with appropriate pedestrian access and connections to adjoining developments.	Primary building entrances are connected directly to public sidewalks, away from subterranean parking.	Staff concurs.
5. Construct parking lots that reinforce the existing street wall of buildings and the grid system of rectangular blocks.		n/a
6. The number and width of curb cuts should be the minimum necessary for effective on- and off-site traffic circulation. Whenever possible, curb cuts shall be combined with adjacent entrances.	Only one curb cut for vehicular access is proposed. This will be on Washington Avenue, over 200 feet up from the corridor.	Staff concurs.



7. Design any detached parking structures to be architecturally compatible with its setting or to be screened by other buildings or by landscaping. If it fronts on a street or pedestrian path, design the street level facade with storefronts, display windows, bay divisions, and other pedestrian oriented features.		n/a
8. Bicycle parking facilities should be provided within areas where significant bicycle traffic is anticipated. They should be located in designated areas close to buildings and pedestrian paths. The design, materials, and color of the bicycle racks should coordinate with other site elements and should be well-lit for night time uses.	Bike storage will be located securely inside the building, convenient to an exterior entry along Washington Avenue with continuous sidewalk access to JPA	
<b>Chapter III: Sites, F. Plantings &amp; Open Spaces</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Provide landscaping within parking areas by:		n/a
a. Separating parking aisles with medians planted with shade trees along the length of the islands.		n/a
b. Including pedestrian walkways with planted medians to reinforce connectivity and separate pedestrians from vehicular traffic.		n/a
c. Avoiding isolated islands of single trees and instead providing landscaped tree aisles between every other row of cars.		n/a
d. Using shade trees of sufficient number and size at maturity to shade a substantial portion of the lot. Consider orientations that would provide the greatest shade during summer months. Smaller, more decorative trees can be used closest to buildings.		n/a

2. The majority of the open space should be located at the perimeter of the site where it is visible and it should be of sufficient width and depth to provide adequate contrast to any adjoining site parking. Planting zones should be consolidated into areas large enough to give a natural character to a site rather than randomly distributed in small and narrow open spaces that do not match the context and scale of the project.	Most open space is located along the perimeter. Planting zones vary. Some are linear and narrow, creating an edge along walks. Others are more spacious, allowing generous green areas suitable for larger tree species. Planting zones are designed deliberately to help define and shade public sidewalks. At the rear of the site, a broad swath of mixed plantings will provide a buffer between this project and smaller scaled neighboring houses to its north.	Staff concurs.
3. Planted areas should also be located along the public boundaries of the site, within parking areas, along drainage or stormwater management areas, around buildings, and at building entries.	Plantings are proposed in all of these locations (with the exception of parking areas, because all parking is under the building).	Staff concurs.
4. The existing topography should be preserved intact as much as possible to minimize disruptions in drainage.	Outside the building perimeter, significant regrading is not proposed	Staff concurs.
5. Different scales of plantings (trees, shrubs, flowers) should be incorporated into site design to the extent possible and such features as mature woods and riparian areas should be retained.	A variety of plantings of different sizes and colors are proposed	Staff concurs.
6. Use species appropriate for site conditions including available sunlight, water and root and canopy space.	Selected species are appropriate for site conditions.	Selected trees are on the City tree list
7. Use trees, shrubs and other landscaping features to provide screens for service areas, parking and utilities.	Plantings will be used to screen utilities where necessary	Staff concurs. Will confirm via site plan review.
8. Use large specimen street trees along pedestrian routes to provide shade and to define edges.	Large trees, selected from Charlottesville's Tree Packet of recommended species, are proposed along all sidewalks.	Staff concurs.
9. In the core of larger commercial and office centers, street trees and more formal urban plantings organized around public open spaces are recommended.		n/a
10. Consider using landscaping areas that also provide storm water treatment, such as rain gardens.	Planted Bioretention is planned along parts of Observatory and Jefferson Park Avenues.	Staff concurs.
11. Refer to the Tree Planting and Preservation BMP Manual in the Charlottesville Standards and Design Manual	Acknowledged	

12. Encourage day lighting of streams where appropriate.		n/a
<b>Chapter III: Sites, G. Lighting</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Use full cutoff luminaires in accordance with City lighting requirements to provide better lighting and prevent unwanted glare. Lighting should at all times be designed to prevent light pollution in the form of light transmission laterally beyond site boundaries or upward to the sky.	All relevant lighting will follow the city's cutoff luminary requirements	See recommended conditions in the staff report.
2. Coordinate the lighting plan with the landscape plan to ensure pedestrian areas are well-lit and that any conflict between trees and light fixtures is avoided.	Lighting is being coordinated with the landscape design	
3. Lighting should provide for appropriate and desirable nighttime illumination for all uses on and related to the site to promote a safe environment.	LED lighting at levels and temperatures recommended by BAR guidelines will be specified. Most exterior lighting will be motion-activated	
4. Light pedestrian areas with appropriately scaled poles and luminaires. Their heights are typically ten to fourteen feet.	Most lighting of pedestrian areas will not be mounted on poles. Those lights that are will not be mounted above appropriate heights	
5. Avoid using building accent lighting that is too bright and draws too much attention to the building. Reasonable levels of accent lighting to accentuate architectural character may be appropriate in individual instances when it is shielded and is not aimed towards neighboring properties, sidewalks, pathways, driveways, or public right-of-ways in such a manner as to distract travel.	Accent lighting will be subtle and used only around building signs	
6. Gasoline station/convenience store aprons and canopies should utilize fully shielded lighting fixtures. 7. Provide pedestrian lighting at transit stops and along paths to parking lots and other destinations.		n/a
<b>Chapter III: Sites, H. Walls &amp; Fences</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>

1. Choose high-quality materials and designs using materials such as brick, stone, metal, and wood. Avoid untreated wood, vinyl, chain-link, or wire fences or concrete block walls. Consider selecting materials used elsewhere on the property or the structures within the site.	Site walls will be built out of quality, durable materials.	Staff concurs.
2. Use a scale and level of ornateness of the design of any new walls and fences that relate to the scale and ornateness of the building within the site. Use simpler designs on small lots.	In detailing and scale, the site walls will be compatible with the building.	Staff concurs.
3. Avoid exceeding the average height of other fences and walls of surrounding properties.	Site walls will typically be low-- in many cases, seat wall height-- especially along the JPA corridor.	Staff concurs.
4. Fences should be set back from the street right-of-way to allow a clear area for utilities and landscaping.		n/a
5. When walls or fences stretch longer than 50 feet, use designs with texture and modulation to provide a regular rhythm without being monotonous. For example, use vertical piers (generally spaced no more than 25 feet apart) of a different material or width or height. Plantings and street trees should be used in conjunction with a wall or fence to break up a long expanse.	The brick wall around the upper terrace at Jefferson Park and Observatory Avenues is punctuated by recesses that keep the wall face from being too monotonous. Where other site walls stretch more than fifty feet without interruption, these are typically low, seat-height walls where modulation is of negligible value.	Staff concurs.
6. Use paint or opaque stains on pressure treated or unpainted wooden fences.		n/a
7. Fence stringers (the structural framing of the fence) should be located facing the interior of the subject lot, with the finished side facing out away from the subject property.		n/a
8. Fences at intersections and driveways should comply with City requirements for site distance. (See Article IX, Division 7 of the Zoning Ordinance for detailed site triangle requirements.)		n/a
9. Transitional screening should consist of a densely planted buffer strip to provide an adequate visual screen. The screen should be of appropriate plant materials to form an effective buffer for all seasons. Mature vegetation should be retained in		

such areas and supplemented as necessary by new vegetation to screen sight lines.		
Chapter III: Sites, I. Signs	Applicant's Comment	Staff Comment
1. Place signs so that they do not obstruct architectural elements and details that define the design of the building.	Signs will not obscure architecture. They will be well integrated.	Signage is not being reviewed under this CoA. All signage will require a separate sign permit and must comply with EC design guidelines.
2. Respect the design and visibility of signs for adjacent businesses.	Signs on the subject property will not obscure or clash with signs on properties elsewhere.	
3. Use colors and appropriate materials that complement the materials and color scheme of the building, including accent and trim colors.	Sign materials and design will enhance building materials and design.	
4. Use a minimal number of colors per sign where possible. Avoid jarring overly bright color schemes.	Signs will not have a busy color palette. Bold colors may be selected in special cases, but we believe these are potentially interesting choices.	
5. Exterior illumination of signs shall comply with the City’s outdoor lighting requirements. Exterior neon is discouraged.	Sign lighting will adopt the city’s BAR’s recommendations for exterior lighting.	
6. Illumination of any sign shall not be directed toward any residential area or adjacent street.	Sign lighting will be discreet and indirect, not shining outward toward the property edges	
7. Consider using a comprehensive signage plan for larger developments.	Signs will be compatible with one another.	
8. Encourage the use of monument signs with accent landscaping at the base along corridors.	Large signs may be used along the corridor with or without associated landscaping.	
9. Internally lit signs should use an opaque background so only letters are lit.	Sign lighting will be indirect, illuminating only the text/numbers.	
10. Flashing lights are prohibited.	None proposed.	

Chapter III: Sites, J. Utilities, Communication Equipment & Service Areas	Applicant's Comment	Staff Comment
1. Locate utilities to minimize their visual impact from the street and adjoining developments.	Utilities will be away from or screened from the JPA Corridor	Staff concurs.
2. Screen and landscape dumpsters with wood board or solid barrier wall when multiple sides of a building are highly visible.	Trash dumpsters/bins will be stored in the building, out of sight.	Clarify location
3. Place utilities underground if at all possible or locate behind buildings.		See comments in staff report.
4. Screen service areas and loading docks that are visible from streets or adjoining development with berms, landscaping, structures or fences.		To be located near garage entrance.
5. Site noise-generating features away from neighboring properties especially residences, or use noise barriers or other means of reducing the impact.	The pool deck-- the only potential generator of noise-- is located at the already busy and active JPA thoroughfare rather than facing the houses on the quieter side avenues.	
6. Screen roof-top communications and mechanical equipment.	Rooftop equipment will typically be screened behind parapet walls.	See comments in staff report.
Chapter IV: Buildings, B. Architectural Compatibility	Applicant's Comment	Staff Comment
1. Charlottesville seeks new construction that reflects the unique character, history, and cultural diversity of this place. Architectural transplants from other locales or shallow imitations of historic architectural styles, for example, are neither appropriate nor desirable.	The building's architecture does not rely on historic references deployed superficially or romantically. It does not indulge vernacular details associated with places outside Charlottesville.	Does not replicate <i>historic Charlottesville</i> , but that is not the goal. Does it reflect "anywhere" architecture or architecture not consistent with Cville? Staff suggests it does not.

2. A distinctive identity for each corridor should be created through a combination of materials, forms and features that create a coordinated and inviting mix of buildings and spaces.	Exterior material selections are predominantly brick and stucco, consistent with other buildings along the JPA corridor. The color palette falls in a compatible range. Building massing is varied, not monolithic. The scale evident in fenestration, entrances, site stairs, canopies and porches is appropriate for this district. The landscape design along JPA-- consisting of multiple terraces and plantings-- has the potential to enhance the corridor's character, creating opportunities for pedestrian comfort and interaction in a shaded environment that is a marked improvement over other student housing that fronts this corridor.	Look at precedents and photos. Not unlike other contemporary buildings in City and at UVA. Proposal is consistent with Com Plan goals to transform this corridor.
3. Encourage a diversity of architectural materials, forms and styles that respect the traditions of architecture in the Charlottesville area including gable or hipped roof forms, standing seam metal roofing, brick, and wood siding.	Exterior material selections are predominantly brick and stucco, consistent with area traditions. The flat roof with parapets is common among the city's larger apartment buildings, including older ones (see 300 Fourth St SE, the Altamont Circle Apts, 39 University Circle, the Preston Court Apts, etc...)	Contemporary design featuring brick and stucco, which are typical for Charlottesville.
4. <b><u>New development should strive to implement the intended vision</u></b> rather than repeat existing inappropriate development patterns.	Multiple examples of buildings along JPA that do not present engaging facades along the corridor (ex. 1909, 1905, 1801, 1721, 1719, 1715, 1713, 1709 and 1712 JPA). On these properties, surface parking is prominent and visible in the front yards. Pedestrian walks are negligible and typically connect front doors not to public sidewalks but to asphalt parking. Street trees are uncommon, in many cases nonexistent. Trash cans are visible throughout the week. These properties do little to contribute to a sense of a street edge. Architectural character is often indistinct. The proposed project will not perpetuate any of these patterns. It represents a design that aspires to a better vision for this Corridor.	Consistent with revised Comp Plan re: density
5. New development should respect existing historic buildings and excellent examples from the recent past.	No buildings on the property are historically designated.	PC established that historic context was compromised. Property is not locally designated

6. Existing development should be upgraded as opportunities arise.		n/a
<b>Chapter IV: Buildings, C. Building Mass, Scale &amp; Height</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Break up the front of a large building by dividing it into individual bays of 25 to 40 feet wide.	Along the side avenues, brick facades at three stories above the base stories are less than 30 feet wide and are intended to create the impression of individual dwellings attached to one another, not unlike townhouses.	Staff concurs
2. Use variation in materials, textures, patterns, colors and details to break down the mass and scale of the building.	Material, textures and colors are varied. Brick veneer is used both to establish a building base and to emphasize smaller scale building faces within the longer facades, an effort to differentiate volumes within the mass.	Staff concurs
Avoid an unmodulated mass	Perspective views reveal modulated massing.	Staff concurs
Use stepped-back height	Stepbacks occur frequently at upper stories.	Staff concurs
Use varied wall surfaces	Wall surfaces do not extend for long stretches in the same plane. Facades are distinguished by projections and interrupted by recesses at regular intervals	Staff concurs
Use varied heights with regular width	Parapet walls are taller over some locations, creating both variation in wall heights and places to screen mechanical equipment.	Staff concurs
3. Use building mass appropriate to the site. Place buildings of the greatest footprint, massing, and height in the core of commercial or office developments where the impact on adjacent uses is the least. Follow setback requirements for upper story according to zoning classification of the corridor.	not an office or commercial development	n/a



4. When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings. Heights can be greater if the mass is modulated and other scale techniques are adopted. Reduce height near lower density uses.	Because the grade rises from JPA to the rear of the site, the lower parking levels of the building can be submerged. This results in fewer stories above grade at the rear half of the site, where the proposed building is closer to the smaller scale houses along Observatory Avenue. The foremost brick faces here are limited to three stories. The two stories above are faced in darker, desaturated, muted colors, ones intended to help these upper levels withdraw into the background	Guidance of Comp Plan conflicts with 2011 Corridor Plan. (See May 10, 2022 staff memo re: SUP request.)
5. Use massing reduction techniques of articulated base, watertables, string courses, cornices, material changes and patterns, and fenestration to reduce the apparent height of a large building. Fake windows and similar details are not appropriate articulation. Floor-to-floor heights of a building can have an impact on the mass of a building. For instance, typical ceiling heights in a residence are 8-9 feet. First floors of office buildings or retail shops can range from 10-15 feet. Upper floors that include residential or office are generally 8-12 feet in height. When actual or implied floor-to-floor heights exceed 15-20 feet on the exterior, then a building may begin to read as more massive than human-scaled. When articulating large buildings, keep these dimensions in mind.	Multiple massing reduction techniques are employed. Floor-to-floor heights are typically 11', appropriate for a multi-family building	Staff concurs
<b>Space:</b> Creating human-scaled spaces that are defined by either buildings or landscape features provide more friendly, inviting places.	Spaces along the streets, those pedestrians are most likely to encounter, benefit from plantings, site walls, terraces and porches that support human scaled environments. On the building, windows, doors and canopies will further enhance this sense of scale.	Staff concurs. Project features terraces, bench's, walls, landscaping.
<b>Chapter IV: Buildings, E. Facade Organization &amp; Storefronts</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Orient primary entrances on a building facade to the street or corridor.	The primary entrance faces on the corridor, close to the corner of JPA and Washington Ave	Staff concurs

2. Use a hierarchy of entry design on any complex, if the building has more than one orientation, and focus main entry on street/corridor facade.	The inclusion of an entry plaza + site stair aligned with the main entrance creates a visible arrival sequence, complimented by beautiful native plantings.	Staff concurs
3. Secondary entries may be created to allow convenient access from adjacent buildings, sidewalks, parking, bicycle paths and transit stops.	Secondary entrances are located at both side avenues, close to their intersections with JPA, promoting convenience and helpful redundancy	Staff concurs
4. Orient at least part of public elevations of shopping complexes to any adjoining neighborhoods.		Project incorporates existing grade
5. Provide attractive facade treatments on any elevation that is visible from streets/corridors or from any primary elevations of adjoining developments and avoid use of unadorned blank walls.	Primary elevation facades utilize materials, fenestration and masonry detailing that create a robust level of relief and adornment.	Staff concurs. Project has no blank walls
6. Consider using the traditional three-part facade of cornice, pattern of upper story windows and a storefront with articulated base when designing a new building or when renovating an existing structure.	While it has a masonry base, the proposed building does not present a three-part hierarchy in the most obvious, traditional form. This building does not prioritize the historical horizontal subdivisions that were more common in previous eras. Instead, we intend the use of material and facade transitions to create a richer juxtaposition, emphasizing both vertical and horizontal proportions, often overlapping the two.	Staff concurs. Achieved through contemporary design. (NYT Feb 2014: <i>Like coats and ties at a ballgame, cornices have pretty much disappeared from contemporary architecture.</i> <a href="https://www.nytimes.com/2014/03/02/realestate/the-crowning-glory.html">https://www.nytimes.com/2014/03/02/realestate/the-crowning-glory.html</a> )
7. Use a regular pattern of solids and voids for openings that relate to more traditional building design in the corridor.		Staff concurs.
8. Use a proportion of openings (vertical or horizontal) that generally is consistent with the context of the building. More traditional designed openings are typically vertically proportioned.	The windows, doors and storefront typically adopt vertical proportions in keeping with traditional buildings	Staff concurs.
9. Strive for designs and materials that reflect the architectural traditions of the region.	Typically, material choices are appropriate for the region	Staff concurs.

10. Storefronts or large display windows should be used at the street level.	Storefronts are used at the two main street-level entries at the corner of Washington Ave and JPA. At the corner of Observatory Ave. and JPA, we also call for storefronts that offer visibility into amenity space (that may be converted to commercial space at a future time).	Staff concurs.
<b>Chapter IV: Buildings, F. Materials &amp; Textures</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Use material changes to help reduce mass and provide visual interest.	Materials changes are used deliberately to reduce the impression of massiveness.	Staff concurs.
2. Choose materials that offer texture and avoid monotonous surfaces. For example, use wood or brick or stone, or new synthetic materials that approximate the look and dimension of these materials.	The proposed brick and synthetic stucco will provide a range of textures and avoid monotony.	Staff concurs.
3. Use quality materials consistently on all visible sides of commercial, office and multi-family residential buildings.	Materials will be durable	Staff concurs.
4. In Charlottesville, common building materials are brick, wood or stucco siding, and standing-seam metal roofs. Stone is more commonly used for site walls than building walls.	Building walls will be faced in stucco or brick. Some stone is proposed on site walls only.	Staff concurs.
5. Avoid the use of building materials with long-term maintenance problems, such as EIFS (exterior insulation and finishing systems), or vinyl siding. Sustainable, utilitarian building materials such as concrete block, metal siding or cementitious panels may be appropriately used for a contemporary design.	Synthetic stucco is proposed as an exterior finish on some walls. Synthetic stucco problems on past projects typically resulted from poor application practices that allowed moisture to get trapped in the wall envelope. Modern application standards using a proven drainage system, such as the inclusion of a full mesh layer-- one that does not have to be conscientiously oriented to be functional-- under the insulated stucco panels, will be adopted for this project.	Staff concurs.
6. Clear glass windows are preferred.		See staff report for recommendations re: clear glass.

Chapter IV: Buildings, G. Color	Applicant's Comment	Staff Comment
1. A coordinated palette of colors should be created for each development. This palette should be compatible with adjacent developments.	The colors will be complimentary. Red brick is common along the Corridor. Dark stucco colors are intended to make upper story walls visually recede into the background, leaving the brick facades more prominent. Other than the brick color, the palette is muted and modern. White windows, storefront and trim is proposed only in the brick facade along the JPA base and at the corner entry, setting these locations apart. Dark windows are used elsewhere. We think the dark window and stucco colors will also create a nice backdrop to the brighter color range seasonally present on the perimeter site plantings. On the courtyard at the third level, vivid color is proposed on courtyard facing pavilions. These are remote enough, they are only partially visible from the Corridor and only from certain angles. They add an unexpected lining-- only occasionally glimpsed-- to an otherwise staid exterior.	Done
2. Set the color theme by choosing the color for the material with the most area. If there is more roof than wall area in a development, roof color will be the most important color choice and will set the tone for the rest of the colors.	The brick facades cover the most exterior area. The stucco colors are coordinated to look good with the brick.	Done
3. Limit the number of color choices. Generally there is a wall color, trim color, accent color, and roof color.	While there are several wall colors, the proposed massing warrants it. The variation in colors and materials are intended to mitigate the building massing.	brick, to wall, accent colors
4. Use natural tints of materials such as reds, browns, tans, grays, and greens as primary colors. Save bright accent colors for awnings and signs on commercial buildings.	Primary colors will have natural tints. Vivid color is proposed only on facades within the courtyard, turned inward. Rarely visible from the street, they will create a distinctive and vibrant interior environment	Staff concurs.
5. Use color variation to break up the mass of a building and provide visual interest.	See perspective drawings	Yes
6. Do not use strong color that has the effect of turning the entire building into a sign.	We do not	Staff concurs.

<b>Chapter IV: Buildings, H. Details</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Use articulated elements such as cornices, belt courses, water tables, bay divisions, variations in wall plane and roof features to create designs of interest.	A building base, bay divisions, variations in wall plane, masonry detailing and coping projections at tops of walls are among the elements used to create architectural articulation	Staff concurs.
2. Include human-scaled elements such as columns, pilasters and cornices, particularly at street level and on facades with a pedestrian focus.	Canopies and fenestration contribute to human scale	Simple, minimal. Walls and terraces. Entry features
3. Avoid large expanses of blank walls that are visible from the public right of way or neighboring developments.	Typically vertical planes, materials and colors vary often enough that large blank expanses do not result	Avoided
4. Avoid oversized decorative elements.	No big decorative elements are proposed.	Achieved
5. Avoid decorative elements that do not relate to the architecture but serve to turn the whole building into a sign.	No such elements are proposed	Achieved
<b>Chapter IV: Buildings, I. Roof Form &amp; Materials</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Use roof forms that complement the building design and contribute to a human scale. Avoid tall roof areas that overwhelm the height of the building's wall. Common Charlottesville roof forms include hipped, gable, flat and gambrel.	Roofs and their materials are not visible from the ground. They are flat roofs, common for and appropriate to multi-family buildings in Charlottesville.	Flat roof
2. If a shed roof or flat roof design is used, add a parapet wall to screen the roof.	Some roofs have parapets.	
3. Avoid a visible monolithic expanse of roof on large-scale buildings. Break the roof mass with elements such as gables, dormers, or parapets. Scale these features to the scale of the building.	Roof surfaces are not visible from the Corridor	variation in the wall planes and in heights of vertical elements
4. Consider using a special roof feature on buildings located at a gateway, a prominent corner or highlight entry bays on larger structures.	Canopies are used to help distinguish prominent corners and their entries	Staff concurs.

5. Steeper forms are associated with more traditional design and can be appropriate when the development adjoins nearby neighborhoods.		n/a
6. On roofs that are visible such as gable, hipped or shed designs, use quality materials such as metal or textured asphalt shingles.		n/a
7. Any equipment located on a roof should be screened from public view.	It will be	See comments in staff report.
<b>Chapter IV: Buildings, J. Awnings.</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Encourage the use of awnings at the storefront level to shield displays and entry and to add visual interest.	Canopies are proposed for these purposes	
2. Coordinate the choice of colors, as part of an overall color scheme. Solid colors, wide stripes and narrow stripes should be considered as appropriate.	Canopy colors are coordinated with associated storefronts	
3. Awning forms may be angled or curved.		n/a
4. Use of a canopy as an illuminated sign is not appropriate.		n/a
5. Awning materials should be appropriate to the overall design of the building. Traditional cloth fabric, as well as standing-seam metal or newer rigid materials may be considered.	Canopies are painted or powder coated metal	
<b>Chapter IV: Buildings, I. Appurtenances</b>	<b>Applicant's Comment</b>	<b>Staff Comment</b>
1. Building service, loading, and utility areas should not be visible from public streets, adjacent developments or from access drives within large developments. Such service areas should be located behind the main structure in the least visible location possible.	Service, loading and utility areas will be located out of sight in the parking deck or screened by a wall near the entry drive into the parking level.	See comments in staff report.
2. Mechanical equipment on roofs or sides of buildings should not be visible from streets.	Rooftop equipment will be screened behind parapet walls	

3. When the mechanical equipment vents, meters, satellite dishes and similar equipment is ground mounted, screening should include either an opaque fence or wall made of the same material as the building or an evergreen hedge that screens objectionable views.	n/a	
4. Items such as roof ladders, railings, roll-up doors and service doors should be located on building elevations that are the least visible from public streets/corridors, adjacent developments or from access drives within large developments. Their colors should be coordinated among all these elements and with the rest of the building.	None of these are located in visible locations	
5. In some cases, appurtenances may be integrated into the building design if such integration enhances the compatibility of the overall design with the corridor vision.	n/a	
Chapter IV: Buildings, J. Additions & Corridor Conversions	n/a	
Chapter IV: Buildings, K. Franchise Design	n/a	
Chapter IV: Buildings, L. Gas Station Canopies	n/a	
Chapter IV: Buildings, M. Civic & Institutional Buildings	n/a	
Chapter IV: Buildings, N. Multi-Family Buildings	Applicant's Comment	Staff Comment
1. Follow the other guidelines within this chapter as applicable for the overall design of such buildings in such issues as massing and building footprint, scale, complexity of form, height and width, materials, textures and colors, roof forms and materials, etc.	Other applicable chapter guidelines are addressed in previous pages	See above
2. Give consideration to placing first floor retail storefronts in multi-family buildings if they face along a commercial corridor or face a pedestrian-oriented street within the downtown.		See above

3. Avoid creating street front facades that are dominated by garage doors.	No garage doors are proposed on the front facade	Garage entrance not visible from JPA
4. Ensure that the designs of such buildings are consistent with any adjoining neighborhoods and the zoning ordinance.	They are consistent	See precedents. Comp Plan goals intend for this corridor to change/be developed
Sub-Area C: Maury Avenue to Emmet Street		
Recommended General Guidelines	Staff Comment	
Put utilities underground that are now located within median	N/A. Project area does not include the median.	
Ensure that off street parking areas are well defined and screened as needed	Parking is within the building and not visible from the EC	
Design new apartment buildings to break up their large scale and use traditional materials	Design is contemporary. Typical building materials: Brick, stucco, metal, stone.	
Vision statement for Fontaine Avenue/Jefferson Park Avenue Entrance Corridor:		
Transitions quickly from accommodating highway speed autos to more congested auto, transit, pedestrian and bicycle traffic.		
Foremost considerations are traffic calming, provisions for pedestrian safety, and pedestrian amenities such as sidewalks, landscaping and transit stops		
The neighborhood center, Maury Avenue intersection, is currently a bustling, mixed use pedestrian activity area that newer developments strive to emulate.		
Pedestrian and mixed use characteristics of this neighborhood intersection should not be lost as redevelopment occurs		
New mixed use and apartment project design should reflect the character and importance of this major entrance to the City and the University		
Historic assets to be protected include the JPA median that formerly accommodated a trolley line, the Fry Spring’s Service Station, and the Oakhurst-Gildersleeve Neighborhood.		
This corridor is a potential location for public way-finding signage.		



# 2005 JEFFERSON PARK AVENUE

CHARLOTTESVILLE, VA

## ENTRANCE CORRIDOR REVIEW APPLICATION

MITCHELL / MATTHEWS ARCHITECTS

DECEMBER 20, 2022

### REQUEST FOR ENTRANCE CORRIDOR CERTIFICATE OF APPROPRIATENESS

**INTRODUCTION:** 2005 JPA is a proposed multi-family residential development on Jefferson Park Avenue. The project consists of residential units over parking and is situated in close proximity (walking distance) to the University of Virginia's central grounds. The project is within an entrance corridor.

**LOCATION:** 2005, 2007 Jefferson Park Avenue and 104 Observatory Avenue, an assemblage of 3 lots, with frontage on Jefferson Park Avenue between Observatory Avenue and Washington Avenue.

**ZONING:** The property is currently zoned R-3 in the City of Charlottesville.

**PROPOSED USE:** Multi-Family Residential

#### RESOLUTION

Granting a Special Use Permit (SUP) for Property Located at  
2005/2007 Jefferson Park Avenue and 104 Observatory Avenue

#R-22-117

**WHEREAS** Norman Lamson, as Trustee for the Gadget JPA Land Trust ("Landowner") is the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, currently addressed as "2005/2007 Jefferson Park Avenue" and "104 Observatory Avenue" (collectively referred to as the "Property"), and the Landowner, proposes to redevelop the Property to accommodate a 119-unit multifamily building with underground parking; and

**WHEREAS** to facilitate this redevelopment, the Landowner seeks City Council's approval of a Special Use Permit to increase allowable residential density to 70 DUA, to increase building height from 45 feet to 75 feet, to reduce the rear-yard setback from 75 feet to 36 feet, and to reduce (lower by 22%) the amount of on-site parking required by City Code Sec. 34-984 (the "Project"); and

**WHEREAS** the Applicant seeks a Special Use Permit under City Code Secs. 34-420, 34-353(3), and 34-162(a), which collectively allow the increased residential density, additional building height, and modified (reduced) setbacks and onsite parking requirements for the Project; and

**WHEREAS** the Property is located within the R-3 zoning district, a district in which, according to the Use Matrix set forth within City Code §34-420, the Project as proposed may be authorized by City Council by means of a special use permit; and

**WHEREAS** the Project is described in more detail within the application materials submitted by the Landowner in connection with SP22-00001 ("Application Materials"); and

**WHEREAS**, the Planning Commission and City Council conducted a joint public hearing on May 10, 2022, after notice and advertisement as required by law; and

**WHEREAS** following the joint public hearing, the Planning Commission considered and recommended approval of this application at their May 10, 2022 meeting; and

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

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

- (1) Not more than seventy (70) dwelling units per acre (DUA) shall be permitted within the area of the Property.
- (2) The rear-yard setback applicable within the Property shall be thirty-six (36) feet, and a

twenty-five (25) foot buffer shall be provided within the rear yard, to include mature trees and shrubs at the time of planting consistent with the plant materials prescribed for an "S-3" buffer (as listed in City Code §34-871, as in effect on the date of approval of this SUP). The S-3 buffer, and plant materials, shall be detailed within the final Site Plan. Within the rear setback Landowner shall consider construction of a multipurpose path (for bicycles and pedestrians) linking Washington Avenue and Observatory Avenue within the rear setback, in order to establish the block-level scale of the Project as represented within the Application Materials.

- (3) The Landowner shall construct within the Project, along Jefferson Park Avenue, a new seven (7) foot sidewalk with a three (3) foot curbside buffer in accordance with the standards set forth within the City's Streets that Work Plan.
- (4) The Landowner, in consultation with the City's Traffic Engineer, shall develop a Master Parking Plan for the site related to the reduction of onsite parking by 22% from what is required by Sec. 34-984 (in effect on the date of Council's approval of this Special Use Permit). The Master Parking Plan shall indicate how available parking spaces will be distributed within the Project, how residents of the Project are informed of their parking opportunities, any offsite parking options for residents, and other potential issues associated with parking. The Master Parking Plan shall be provided as a component of the final approved site plan for the Project, and any subsequent amendments approved to the Master Parking Plan shall be made in consultation with the City's Traffic Engineer and a copy maintained along with the final approved site plan, within the zoning file for the Property.
- (5) The Landowner shall upgrade the pedestrian crossing of Jefferson Park Avenue at Harmon Street during construction of the Project, to provide residents within the Project safe access to public transit options. The Landowner shall work with the City's Traffic Engineer to determine the scope of improvements.
- (6) The arrangement of the buildings within the Property shall be generally consistent with the layout and design presented within the Application Materials for SP22-00001.

	Ass	No
Magill	absent	—
Payne	x	—
Pinkston	x	—
Snook	x	—
Wade	x	—

Approved by Council  
September 19, 2022

*Kyna Thomas*  
Kyna Thomas, MMC  
Clerk of Council

## Contents

(1)	Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;	<b>pages 16 - 44</b>
(2)	Exterior architectural details and features of the subject building or structure;	<b>pages 12 - 41</b>
(3)	Texture, materials and color of materials proposed for use on the subject building or structure; See accompanying graphic materials.	<b>page 42 -43</b> (additionally 12 - 41)
(4)	Design and arrangement of buildings and structures on the subject site;	<i>see all site plans, landscape plans, sections and elevations distributed within</i>
(5)	The extent to which the features and characteristics described within paragraphs (1)-(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.	<b>pages 4 - 11</b> (additionally appendix a)
(6)	Provisions of the Entrance Corridor Design Guidelines.	<b>appendix a</b>
(7)	A complete application shall include all plans, maps, studies, reports, photographs, drawings, and other informational materials which may be reasonably required in order make the determinations called for in an particular case.	<i>distributed throughout</i>
(8)	Building elevations shall be provided, unless waived by the director.	<b>pages 14 - 25</b>
(9)	Each application shall include a landscaping plan as outlined in the ordinance.	<b>pages 44 - 51</b>
(10)	Each application shall include information about proposed lighting as outlined in the provisions of Article IX, Division 3, Sec. 34-100, et seq.	<b>page 49 - 50</b>

## SECTION 1

# ERB GUIDELINES

Highlights of the proposal's response to the city's Entrance Corridor Review Guidelines

Exterior materials are brick and stucco, consistent with other buildings along the corridor. Building massing is varied, not monolithic. The scale-- evident in fenestration, entrances, site stairs, canopies and porches-- is appropriate for this district.



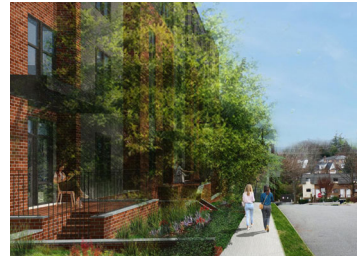
Design for a Corridor Vision

Multiple terraced spaces along JPA have the potential to enhance the public realm. The entry plaza-- planted throughout with a rich diversity of native species-- results in a kind of expanded sidewalk with places to sit, rest, eat and talk. The opportunities here for pedestrian comfort and interaction in a shaded environment represent a distinct improvement over most of the student housing that fronts this corridor.



Create an Inviting Public Realm

In its current state, the site's presence along the corridor is undetermined. With only a modest, unremarkable building at the corner of JPA and Observatory Ave and few street trees-- none of these deliberately arranged-- passersby have little to identify as a street wall or street edge. The proposed architecture and landscape will engage the street corners and create a legible street edge.



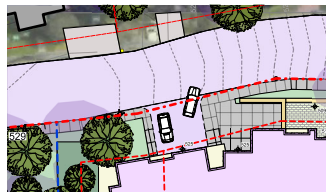
Create a Sense of Place

## Street Trees + Native Species

A varied selection of plantings-- from large trees to medium trees to shrubs-- will benefit the environment around the building, encouraging people to gather and socialize within the color, comfort and shelter of the landscape. In addition to street trees, multiple planting beds-- as buffers along JPA, in transitional spaces between sidewalks and entrance terraces/porches, and along the building edge-- will host smaller plantings. The combination of plantings will enhance a sense of scale around the building, both emphasizing edges and enclosing outdoor space. Plant selections prioritize native species, most recommended by Charlottesville's Tree Packet.



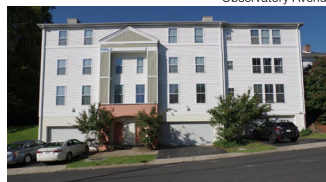
## Avoid Excessive Curb Cuts



The proposed project requires only one curb cut on Washington Avenue, zero on Observatory Ave. Currently, there are seven curb cuts on both side avenues, typically including cars parked at all hours in front yards.



Observatory Avenue



Washington Avenue

## Design Sidewalks appropriate for the Site

Following city guidelines, the sidewalk along JPA will be 7' wide with a planted buffer. Along the side avenues, continuous sidewalks will be installed. This will be a big improvement over present conditions, in which sidewalks along both Washington and Observatory Avenues are missing for significant stretches adjacent to this site.



Corner of JPA and Observatory Avenue



Washington Avenue

**Orient Building Facades to Front on the Corridor**



The JPA facade includes not only a prominent entry portal but an entry plaza. The brick base and brick volume that extend up at the entry are prominent along the Corridor frontage.

**Prioritize Building Facades that Face Street Corners**

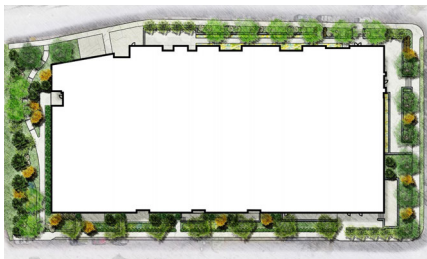


A secondary-- but still visually significant-- entry is around the corner on Washington Avenue. The two entries-- combined with site stairs and the brick-face corner volume-- help mark this important intersection, the one which pedestrians and cyclists traveling from UVA westward will encounter first.

**Locate most open space at the Perimeter**



Open space is purposefully designed along the site's edges. New sidewalks, an array of plantings and bioretention will all liven the perimeter and improve the environment. On Observatory Avenue, open space is punctuated by neighborhood scaled porches, where tenants can see and be seen.



**Plant Along Site Boundaries**

Boundaries will be extensively planted with native species.



**Use Different Scales of Plantings**

Plantings in a range of sizes are proposed



**Stormwater Treatment as an Element of Landscape**

Biofilters are designed into the landscape along portions of the rear of the site and along Observatory Avenue.



## Reduce the Visibility of Garages

Parking is concealed beneath the building, accessed by a single point of entry on Washington Avenue, over 200 feet from its intersection with JPA.



This allows a heavily planted pedestrian environment along the Corridor. Contrast this with present conditions, in which multiple nearby properties prioritize asphalt and parked cars abutting the Corridor.



## Lighting to Provide Appropriate Illumination

ULE-40601  
Legend 2 Recessed



Lighting choices-- locations and provisional selections of which are described on pages 49-50-- will enhance safety without creating unnecessary illumination. Following BAR guidelines, the color temperature will not exceed 3000K and the color rendering index will not be lower than 80.

## Choose High Quality Materials for Site Walls

Brick and stone-- durable materials not uncommon in this district-- are proposed for site walls.



2005 JPA  
Charlottesville VA  
12.20.2022

## ERB GUIDELINES SITE

All grades, counts and quantities are approximate and will change as design proceeds.

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## Use Step Backs at Upper Stories

Step backs are used in prominent locations, including the JPA facing corners of each building wing. At the rear corner on Observatory, the volumes step back to mitigate massing where the building is closest to the smaller scale neighborhood.



corner of JPA and Washington Ave.



rear corner along Observatory Ave.

## Use Varied Wall Surfaces

### Avoid Large Expanse of Blank Walls



Wall surfaces do not extend for long stretches in the same plane. Facades are distinguished by projections and interrupted by recesses at regular intervals. Brick facades are typically less than 40' wide, and windows occur at regular intervals-- even in stair towers-- avoiding blank, undifferentiated vertical surfaces.

## Use Massing Reduction Techniques

A variety of massing reduction techniques are employed, among them step backs, variations in color and changes of materials. Along the side avenues-- where existing houses tend to be smaller than they are along JPA-- brick facades, limited to three stories tall above the rear and middle-rear ground level are intended to draw attention away from the building's upper stories, which are finished in darker, subdued materials. These brick faces do not extend continuously and monotonously, but are spaced apart, typically vertically proportioned, creating an impression not unlike a series of rowhouses.

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## ERB GUIDELINES BUILDING

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Opening with Traditional Vertical Proportions Preferred



Windows and doors are all vertically proportioned

Use Storefronts or Large Display Windows at Street Level



At the plaza along JPA and Washington Avenue storefront is used at the two points of entry. At the opposite corner, it's also used at a commons space with visibility on the Corridor.

Use Material Changes to Improve Massing



Material and color changes are used on all building facades to improve massing.

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## ERB GUIDELINES BUILDING

*All grades, counts and quantities are approximate and will change as design proceeds.*

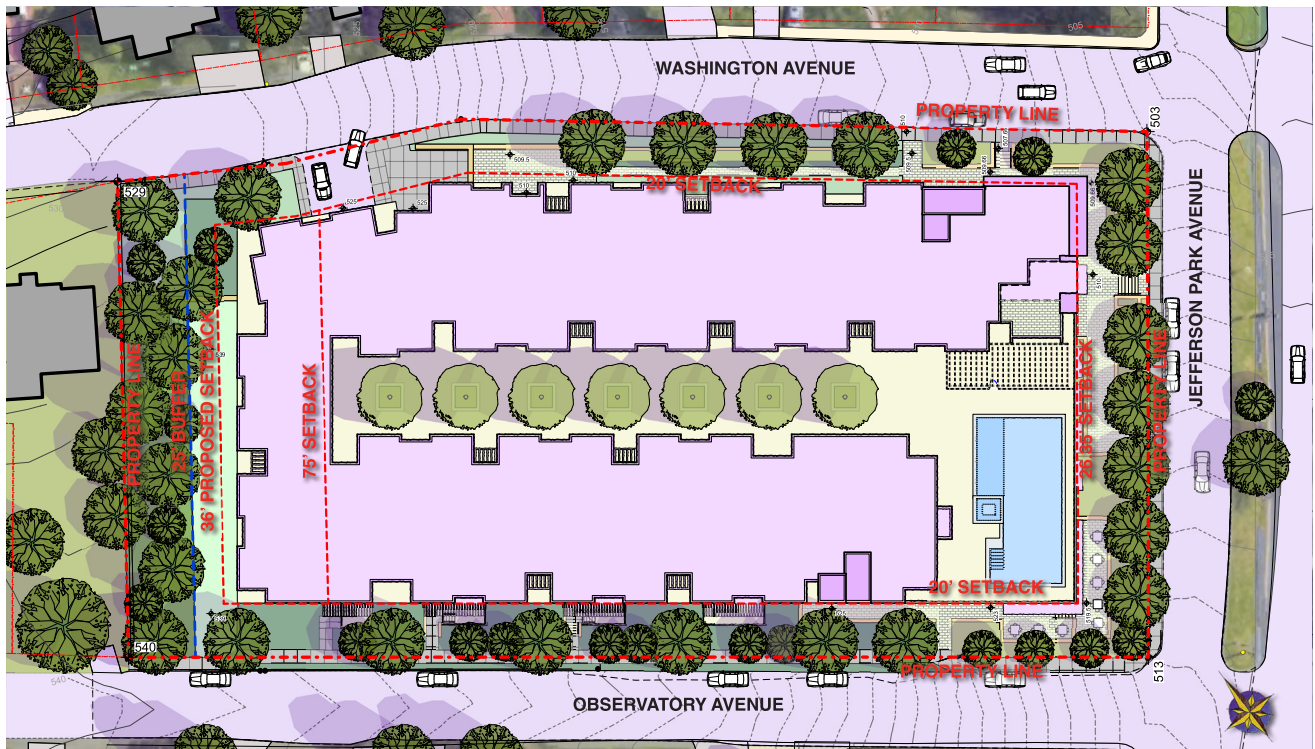
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# SECTION 2 PROPOSED DESIGN

Illustrations of the previous design + the current proposal





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# SITE PLAN, refer to page 44 for updated landscape plan

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# ELEVATION JEFFERSON PARK AVENUE PREVIOUS DESIGN

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# ELEVATION JEFFERSON PARK AVENUE

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# ELEVATION JEFFERSON PARK AVENUE

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# ELEVATION OBSERVATORY AVENUE PREVIOUS DESIGN

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# ELEVATION OBSERVATORY AVENUE

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# ELEVATION OBSERVATORY AVENUE

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# ELEVATION WASHINGTON AVENUE PREVIOUS DESIGN

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# ELEVATION WASHINGTON AVENUE

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# ELEVATION WASHINGTON AVENUE

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ELEVATION REAR FACADE PREVIOUS DESIGN

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ELEVATION REAR FACADE

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# ELEVATION REAR FACADE

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# PERSPECTIVE JPA & OBSERVATORY AVE CORNER PREVIOUS DESIGN

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PERSPECTIVE JPA & OBSERVATORY AVE CORNER PREVIOUS DESIGN

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PERSPECTIVE JPA & OBSERVATORY AVE CORNER CURRENT DESIGN + PREVIOUS OUTLINE

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# PERSPECTIVE JPA & OBSERVATORY AVE CORNER

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# PERSPECTIVE JPA FACADE PREVIOUS DESIGN

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# PERSPECTIVE JPA FACADE PREVIOUS DESIGN

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# PERSPECTIVE JPA FACADE CURRENT DESIGN + PREVIOUS OUTLINE

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# PERSPECTIVE JPA FACADE

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12.20.2022

# PERSPECTIVE JPA & WASHINGTON AVE CORNER PREVIOUS DESIGN

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PERSPECTIVE JPA & WASHINGTON AVE CORNER PREVIOUS DESIGN

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Previous massing in red

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PERSPECTIVE JPA & WASHINGTON AVE CORNER CURRENT DESIGN + PREVIOUS OUTLINE

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# PERSPECTIVE JPA & WASHINGTON AVE CORNER

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# PARTIAL STREETSCAPE WASHINGTON AVENUE

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## PARTIAL STREETScape OBSERVATORY AVENUE

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## PARTIAL STREETScape JEFFERSON PARK AVENUE

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## PARTIAL STREETSCAPE JPA ENTRY TERRACE

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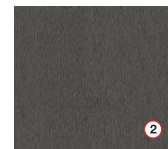


Triangle Cape Cod (or similar)

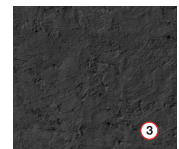


Meridian Brick - mix of Red Wire-cut Flashed & Flat Set (or similar)

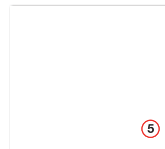
4  
**Metal Railings & Canopies**  
(dark gray color similar to Pantone 4287C)



2  
**Stucco Color**  
(Pantone 417C or sim.)  
sand or float finish -- vertical scoring aligned at window edges + horizontal scoring at window headers and sills



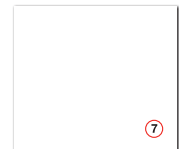
3  
**Stucco Color**  
(Pantone 447C or sim.)  
roughcast or montalvo finish, minimal scoring



5  
**White Window Color**  
(based on Ply Gem standard color)



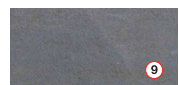
6  
**Black Window Color**  
(based on Ply Gem standard color)



7  
**White Metal**  
at entry portal & podium level canopies



8  
**Fieldstone Wall**  
(Western Maryland Thin or similar)



9  
**Bluestone wall caps**

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12.20.2022

## BUILDING MATERIALS

All grades, counts and quantities are approximate and will change as design proceeds.

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[illegible]



**STORMWATER CONCEPT:**  
MICRO-BIOFILTERS ALONG OBSERVATORY AVE.; NATIVE PLANTING AND WEIR WALLS/ TIERS TO SLOW THE MOVEMENT OF WATER



**BRICK SITE WALLS:**  
ALONG OBSERVATORY + WASHINGTON AVE, ARCHITECTURAL FACADE AND TERRACES



**STONE SITE WALLS:**  
ALONG JPA STREET FRONTAGE AND LANDSCAPE TERRACES



**2005 JPA**  
Charlottesville VA  
12.20.2022

## LANDSCAPE JPA SECTION + HARDSCAPE MATERIALS

All grades, counts and quantities are approximate and will change as design proceeds.

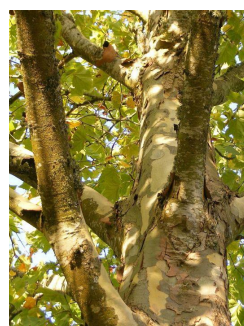
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Willow Oak  
*Quercus phellos*



London Plane Tree  
*Platanus x acerfolia*

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Charlottesville VA  
12.20.2022

## LANDSCAPE PALETTE

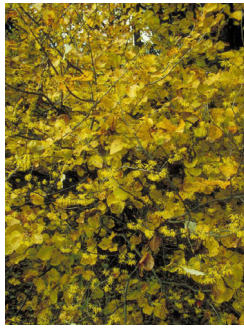
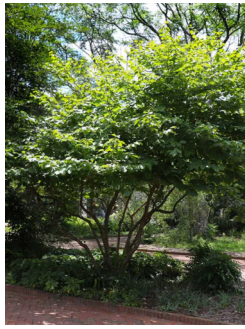
All grades, counts and quantities are approximate and will change as design proceeds.

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Witch Hazel  
*Hamamelis virginiana*



Sweetbay Magnolia  
*Magnolia virginiana*

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Charlottesville VA  
12.20.2022

## LANDSCAPE PALETTE

All grades, counts and quantities are approximate and will change as design proceeds.

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Kentucky Coffeetree  
*Gymnocladus dioica* 'Espresso'

alternative: Honey Locust  
(Thornless)

WASHINGTON AVE STREET TREES



Black gum  
*Nyssa sylvatica*

OBSERVATORY AVE. STREET TREES (STORMWATER)

2005 JPA  
Charlottesville VA  
12.20.2022

## LANDSCAPE PALETTE

All grades, counts and quantities are approximate and will change as design proceeds.

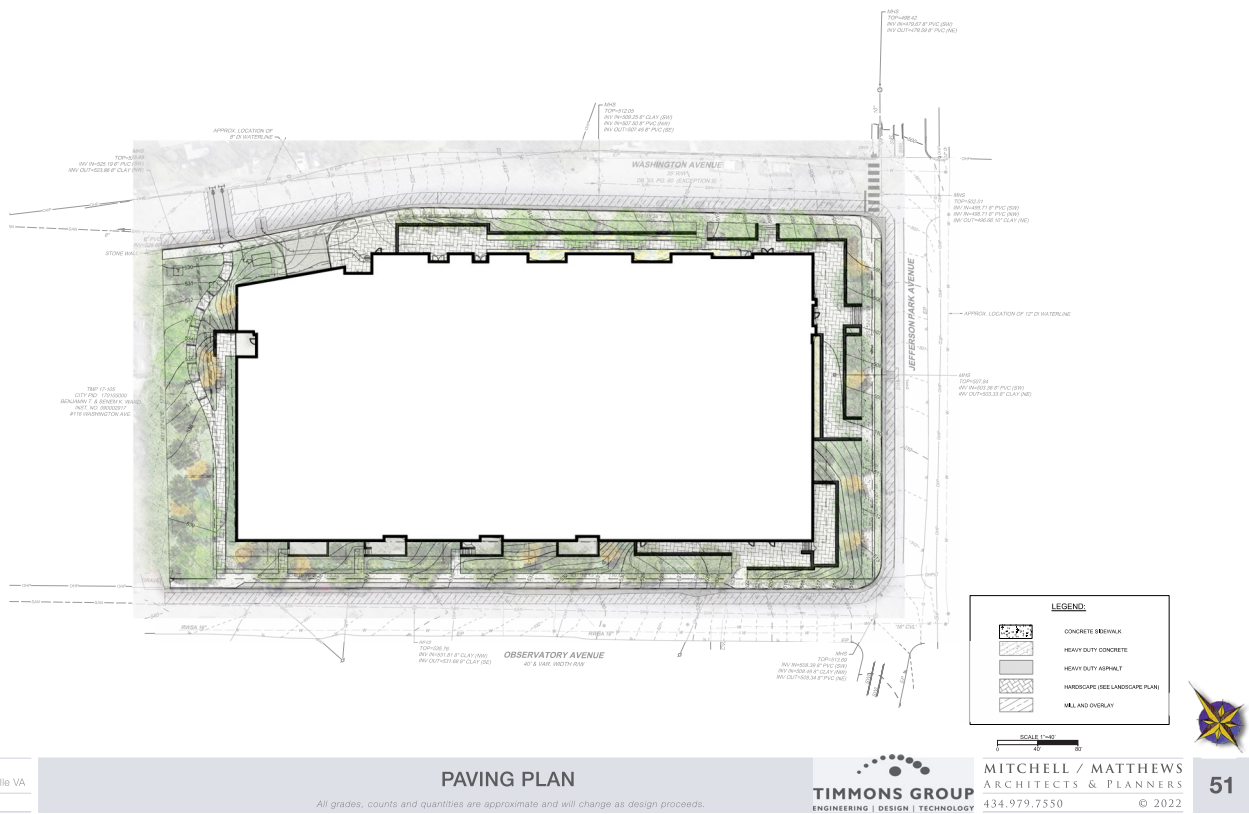
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## APPENDIX a **ERB GUIDELINES (DETAILED)**

Full response to all published guidelines

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

**Design for a Corridor Vision:** New building design should be compatible-- in massing, scale, materials and colors-- with neighboring structures that contribute to the overall quality of the corridor. Site designs should contain some common elements to provide continuity along the corridor. New development should compliment the city's character and respect those qualities that distinguish the city's built environment.

**Preserve History:** Preserve historic buildings and distinctive architecture from earlier periods. Encourage contemporary design that is respectful of historic building design.

**Facilitate Pedestrian Access:** Encourage compact, walkable developments. Design pedestrian connections from sidewalk and car to buildings, between buildings and between corridor properties and adjacent residential areas.

**Maintain Human Scale in Buildings and Spaces:** Consider the impact of building design--especially height, mass, complexity of form, architectural details and exterior spaces-- on the people who will pass by, live, work or shop here. The size, placement of doors, windows, portals and openings define human scale.

**Preserve and Enhance Natural Character:** Encourage plantings of diverse native species.

**Create a Sense of Place:** In corridors with substantial pedestrian activity, one goal is to create a sense of place. Building arrangements, uses, natural features and landscaping should contribute, where feasible, to create exterior space where people can interact.

**Create an Inviting Public Realm:** Design inviting streetscapes and public spaces. Redevelopment of properties should enhance the existing streetscapes and create an engaging public realm.

**Mask the Utilitarian:** Provide screening from adjacent properties and public view of: parking lots, outdoor storage and loading areas, refuse areas, mechanical and communication equipment and other uses that have adverse impacts. Relegate parking behind buildings.

**Respect and Enhance Charlottesville's Character:** Architectural transplants from other locales or shallow imitations of Jeffersonian architecture are examples of building designs that are not appropriate.

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**Response**

Exterior material selections are predominantly brick and stucco, consistent with other buildings along the JPA corridor. The color palette falls in a compatible range. Building massing is varied, not monolithic. The scale evident in fenestration, entrances, site stairs, canopies and porches is appropriate for this district. The landscape design along JPA-- consisting of multiple terraces and plantings-- has the potential to enhance the corridor's character, creating opportunities for pedestrian comfort and interaction in a shaded environment that is a marked improvement over other student housing that fronts this corridor.

There are no historically designated buildings on this site. The property is in an Entrance Corridor, but it does not fall within any of the city's Historic Districts.

The potential pedestrian experience along JPA represents a significant improvement over streetscapes found elsewhere on the corridor. The existing sidewalk will be rebuilt to current city standards with a narrow planted buffer between parked cars and pedestrians. On site, easily accessible plaza spaces adjacent to the sidewalk will give pedestrians a kind of wayside where they can relax and socialize in the shade and beauty of new plantings. At the rear of the property, a paved walk is proposed, available for public use, allowing nearby residents a second, alternative connection between Washington and Observatory Avenues.

The building height is similar to multiple nearby structures along the corridor. Buildings at 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall. Mass and form of the proposed building is varied. Multiple walks and terraces provide usable spaces, traversable by visitors and passers-by. Street trees will provide screening, shade and beauty. The dimensions and arrangements of windows, openings and entries are consistent with neighboring apartment buildings.

The landscape plan proposes a variety of native plantings in a variety of sizes-- from smaller shrubs to large trees.

In addition to the multiple terraced areas along JPA, several of the apartments fronting Observatory Avenue have porches and walks connected to the sidewalk. Not only will these benefit the scale of the project, they provide outside spaces from which tenants can easily see and communicate with other students and city residents as they move to and fro. In its current state the site makes little contribution to the street wall. It lacks architectural presence on the corridor. Very few buildings front the street to contribute to a sense of place. The proposed development will engage the street corners and contribute to the existing street wall-- one defined by variation more than uniformity.

A generous array of plaza spaces and planting beds will create a comfortable, shaded environment along the public realm, creating a kind of expanded sidewalk with places to sit, rest, eat and talk. At the corner of Jefferson Park and Observatory Avenues, a corner space is proposed with the potential to serve future commercial use, connected to an outside terrace convenient to passers-by.

All on-site parking is concealed under the building. Access to the basement parking is located on Washington Avenue, over 200 feet away from JPA. Storage areas, refuse areas and mechanical equipment will all be concealed within the building or on rooftops behind parapets.

By and large, traditional materials are proposed, but the building's architecture does not rely on historic references deployed superficially or romantically. It does not indulge vernacular details associated with places outside Charlottesville.

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**II. Streetscape Guidelines      Plantings & Open Space**

**Use street trees** to provide shade, a sense of enclosure and to define edges.

**Include appropriately scaled trees, shrubs and other plantings** to provide beauty as well as shade within a pedestrian gathering place and as screening for parking, utilities and service areas.

**Use hardy native species** that require minimal maintenance. Avoid over-used species.

**Use larger species** where appropriate to space and function.

Expand use of **seasonal color** in plantings.

Use plantings to promote **visual order** and help integrate buildings into the corridor.

Refer to the **Tree Planting and Preservation BMP Manual** in the Charlottesville Standards and Design Manual.

**II. Streetscape Guidelines      Pedestrian Routes**

Where feasible, **provide unbroken pedestrian routes** between developments. Place paths in a logical pattern where people will want to walk. Separate sidewalks from the curb by a five feet wide landscape buffer if possible.

Within developments, **identify a complete pedestrian pathway system** linking all buildings, parking and green spaces. Ensure this network connects to public pedestrian pathways.

**Response**

Many street trees are proposed along Jefferson Park, Observatory and Washington Avenues. In the site's current condition, street trees are uncommon.

A varied selection of plantings-- from large trees to medium trees to shrubs-- will benefit the environment around the building, encouraging people to gather and socialize within the color, comfort and shelter of the landscape. In addition to street trees, multiple planting beds-- as buffers along JPA, in transitional spaces between sidewalks and entrance terraces/porches, and along the building edge-- will host smaller plantings. The combination of plantings will enhance a sense of scale around the building, emphasizing the edges of and enclosing outdoor space.

Most planting selections come from the Charlottesville Tree Packet of recommended species. Over-used species-- Bradford Pear and Crepe Myrtle, for example-- are not proposed.

Certain species-- London Planetree, Honeylocust and Kentucky Coffeetree, among them-- will attain significant height when mature. They are proposed along the streets, where in time they will provide abundant shade and an ever-changing screen of the upper stories of the new building.

Multiple species-- blackgum, ? and ? among them-- will provide potentially great colors in fall and spring.

In time, the varied scale of plantings will create a layered environment from which the building emerges, avoiding abrupt or stark transitions.

Yes.

The continuity of sidewalks will be significantly improved with this project. Currently sidewalks along both Observatory and Washington Avenues are discontinuous on both sides, with stretches of more than 200 feet without sidewalks at all. Where there are sidewalks currently, they are frequently crossed by parking drives and aprons. After this project is complete, the sidewalks will continue, without break, along all three street edges. Only one vehicular drive-- at the Washington Ave. entry to the parking deck-- will cross the new sidewalks. At JPA, a landscape buffer is proposed. Because of utility limitations it will be three feet wide, sufficient for smaller plantings. To compensate, we propose a sufficiently wide planting bed for larger street trees to be located on the building side of the sidewalk.

All building entries, porches and plazas are connected to public pathways, often in multiple locations. At the rear of the property, there is currently a surface parking lot with few trees. For years this lot has served an informal, but illicit, function as a pedestrian connection between Washington and Observatory Avenues. With this project, a new pedestrian path behind the building-- and open to public use-- will replace the parking lot. The new path will enjoy screening and shade from a wide planted buffer along the north property boundary.

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## II. Streetscape Guidelines **Pedestrian Routes, cont.**

Add designated pedestrian pathways through larger parking lots.

Provide crosswalks at intersections, between major pedestrian destinations and in front of building entrances that link to parking.

**Design crosswalks to highlight their visibility** by slightly raising them, making them wider, constructing them of materials other than asphalt and using bulb-out corners than reduce their length.

**Provide breaks in large building masses** to allow pedestrians to pass through, particularly through shopping centers.

**Avoid excessive curb cuts for vehicular access** across pedestrian ways. Where curb cuts are necessary, mark them with a change in materials, color, texture or grade.

**Design sidewalks appropriately for the site** and the expected amount of foot travel.

**Use brick or patterned concrete** or a combination of these materials that relates to the existing architectural vocabulary of the corridor.

Avoid concrete curbing poured in continuous strips.

Avoid excessive variation in sidewalk and curb material.

### Response

No visible surface parking lots are proposed in this project.

A crosswalk will be provided where the Washington Ave. sidewalk intersects with the vehicular drive accessing the parking levels.

At the entrance to the under-building parking, the crosswalk will not be paved in asphalt, and it will be wider than the sidewalk.

The concealed parking levels do not permit accessible passage across the full site within the building's perimeter. However, at the rear of the property, not far from JPA, a public pathway is proposed that crosses the entire property. Currently, it's unusual for people to walk between Observatory and Washington Avenues except at the rear parking lot and at JPA. Connections at these locations will be retained and improved.

The project requires only a single curb cut, marked with a change in material, at the entry to the under-building parking on Washington Ave. This is a significant reduction to existing curb cut conditions. Currently, there are at least eight curb cuts or driveway crossings located along Observatory and Washington Avenues accessing this site.

In this largely residential district, a seven foot wide sidewalk is proposed along Jefferson Park Ave.

Currently, there is little precedent in this corridor for brick or patterned concrete walks... however, we propose brick and stone for numerous low site walls contiguous to walks and plazas.

We will.

We will.

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## II. Streetscape Guidelines **Bicycle Routes**

**Provide for bicycle traffic along major corridors** and between major destinations, with particular emphasis on connecting residential areas to schools, recreation areas and commercial centers.

Provide new bike paths to connect to planned or existing municipal paths or paths of adjoining developments.

**Provide facilities to store or lock bicycles** at appropriate sites.

Develop an easily identifiable graphic system of signs and road markings to designate bicycle routes and crossings.

## II. Streetscape Guidelines **Lighting**

**Use full cutoff luminaires** in accordance with city lighting requirements to provide better lighting and prevent unwanted glare.

Where appropriate, **replace modern cobra-head type lamps and poles** with painted metal, traditionally designed fixtures that have a base, shaft and luminaire.

Consider using a different but compatible style of fixture for each of the corridors.

Light pedestrian areas with appropriately scaled poles.

Provide pedestrian lighting at transit stops and along paths to parking lots and other destinations.

Provide lighting of intersections in high traffic areas.

Include any lighting upgrades as a part of an overall streetscape plan for each corridor.

### Response

Currently there is a dedicated bike lane along JPA adjacent to the site. This will remain.

NA

Indoor, secure storage for up to XX bicycles will be provided on site.

NA

Full cutoff luminaires will be used.

NA

NA

NA

NA

NA

NA

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## II. Streetscape Guidelines

### Street Furniture

**Develop and use a common palette of colors, materials and design.**

**Coordinate street furniture along corridors.** While they need not match, they should be compatible and not clash.

**Place benches at key locations** such as transit stops. Use traditional designs constructed of wood and/or painted metal.

Avoid placing too many elements on narrow sidewalks.

## II. Streetscape Guidelines

### Public Signs

**Develop a system of public way finding** and informational signs to reflect the character of Charlottesville to be used on all corridors.

**Coordinate the colors and design of signs** within a corridor.

**Keep signs to the minimum number and size** necessary for the use.

**Scale and place signs** for both automobile traffic and pedestrians.

Avoid placing signposts in locations where they can interfere with the opening of vehicle doors.

Consider using decorative color banners within a specific corridor.

## II. Streetscape Guidelines

### Public Art & Monuments

#### Response

The furniture materials, colors and design will be coherent.

There is little presence or continuity of street furniture along JPA now. We do not anticipate furniture choices for this project to clash.

No transit stops are currently located along the site's JPA boundary, but built-in benches and tables are planned to be included on the front entry plaza. These are very close and convenient to the sidewalk. They will allow a place to wait, rest and meet with friends. If a transit stop is placed here in the future, the project's benches have the potential to create alternative waiting areas close-by and within sight of it.

NA

NA

The color scheme and design of signs will be consistent and coherent.

The number of signs will not be excessive.

NA

NA

NA

No public art or sculpture is being replaced by or proposed within this development, so none of the criteria in this section is applicable.

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## II. Streetscape Guidelines

### Utilities & Comm. Equip.

**Locate and screen utilities to limit their visibility** from the street and from nearby development.

**Place existing and proposed utilities underground.**

**Consider integrating cellular communication towers** into building design so as to appear visually unobtrusive.

## III. Site Guidelines

### Connectivity Between Entrance Corridor area & neighborhoods

**Maintain or provide a strong sense of community** by providing pedestrian and vehicular links from a corridor site to nearby neighborhoods, parks, schools and other public destinations.

**Use common streetscape elements**, materials and designs to visually link the corridor areas and neighborhoods.

**Provide continuous pedestrian routes** along corridors where feasible.

**Site grading should promote connectivity** with adjacent sites.

#### Response

Power and communication cables will remain above ground and suspended from utility poles, but transformers and meters will be located out of view from JPA.

Utilities will not be buried, as is typical of almost all other buildings along this corridor.

NA

Pedestrian connections to the neighborhoods on Observatory and Washington Avenues are enhanced by improved continuous sidewalks that are minimally interrupted by vehicular crossings.

Materials typical of the surrounding neighborhoods-- brick, stone, concrete-- will be used in walks and site walls.

Pedestrians routes along the corridor will be enhanced and expanded.

Site grading will not affect adjacent sites.

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**III. Site Guidelines** **Connectivity Between & Within Sites**

**Create a complete pedestrian pathway system** within a site and between adjacent sites, linking all buildings, parking areas and green spaces. Ensure that this network connects to any nearby public pedestrian pathway.

**Design pedestrian and vehicular circulation to maximize the quality and safety of the pedestrian experience through:**

- "shared space" approaches that slow vehicle speeds and enhance pedestrian experience;
- designated, separate sidewalks with planted areas through large parking lots;
- crosswalks at points of vehicular access routes and in front of building entrances;
- crosswalk designs that highlight their visibility by slightly raising them, making them wider, by constructing them of materials other than asphalt and by using bulb-out corners that reduce their length.

**Ensure the new paving materials are compatible with area character.** Scored concrete with broom finishes, colored, exposed aggregate concrete and brick or unit pavers are examples of appropriate applications. Avoid large expanses of bright white or gray concrete surfaces.

**Provide passageways within large building masses** to allow pedestrians to pass through, particularly through shopping centers.

**Response**

All building entries, porches and plazas are connected to public pathways, often in multiple locations. At the rear of the property, there is currently a surface parking lot with few trees. For years this lot has served an informal, but illicit, function as a pedestrian connection between Washington and Observatory Avenues. With this project, a new pedestrian path behind the building-- and open to public use-- will replace the parking lot. The new path will enjoy screening and shade from a wide planted buffer along the north property boundary.

At the entrance to the under-building parking, the crosswalk will not be paved in asphalt, and it will be wider than the sidewalk. The change in materials and wider dimension will call attention to pedestrians where the garage entry/exit crosses the sidewalk at Washington Ave.

At the entry plaza, associated walks and the corner terrace at the intersection of Jefferson Park and Washington Avenues, paving materials will be scored concrete in a buff stain. The walks leading to the Observatory Ave. porches will be paved in brick.

The concealed parking levels do not permit accessible passage across the full site within the building's perimeter. However, at the rear of the property, not far from JPA, a public pathway is proposed that crosses the entire property. Currently, it's unusual for people to walk between Observatory and Washington Avenues except at the rear parking lot and at JPA. Connections at these locations will be retained and improved.

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**III. Site Guidelines** **Building Placement**

**Orient the facade of new buildings to front on the corridor.**

**Limit setbacks of new buildings** according to the zoning of the particular corridor.

**Limit setbacks at major intersections** so that the architecture can help define the area.

**Use compact building arrangements** to reduce the feeling of seas of parking, encourage pedestrian activity and define space.

**Strive for contiguous building arrangement along the street face** and avoid large breaks between buildings in identified development sites.

**Ensure that larger developments orient their design** to any adjoining neighborhoods and side streets.

**Orient service areas to limit their impact** on the development and any neighboring areas.

**Each side of a corner building** that faces a street should be considered a facade for design purposes.

**Response**

The main building entry and entry plaza front Jefferson Park Avenue.

The front yard is between 20 and 30' deep, which is consistent with multiple other similar buildings along the corridor.

While the intersections may not be regarded as major, they are not insignificant. The architecture-- both in the street-level terracing and prominent entry areas-- serves to define the corners.

No exposed, surface parking is proposed. The building is not sited too far from rights-of-way, but enough to allow expanded pedestrian spaces and ample plantings.

We seek a balance in the building arrangement. While the base of the building is contiguous along JPA, the residential wings above step back independently of one another-- one offset from the other-- to introduce varied massing and temper the impression of formality that a more symmetrical form might impose.

The introduction of brick facades along Washington and Observatory Avenues creates the impression of independent attached dwellings-- not unlike townhouses-- fronting on the side streets and their associated neighborhoods. Porches at multiple ground level apartments along Observatory reinforce this perception.

The building will be serviced largely at the entrance to the under-building parking on Washington Ave. This will help minimize the presence of service vehicles like trash trucks along the JPA corridor.

Building corners, especially at Washington Ave., turn to face side streets with prominent entry points and fenestration.

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### III. Site Guidelines

#### Parking

##### **Reduce the scale of parking lots...**

##### **Reduce the visibility of residential garages by:**

*Not allowing a garage to become the primary architectural feature when a development is viewed from the street;*

*Placing garages behind the building setback, preferably facing to the side or rear of attached housing;*

*Placing garages and parking in the rear with alley access.*

##### **Accommodate pedestrian needs within parking areas by:**

*Providing clear pedestrian paths and crossings from parking spaces to main entrances and to the street;*

*Planning parking so that it least interferes with appropriate pedestrian access and connections to adjoining developments;*

##### **Construct parking lots that reinforce the existing street wall of buildings and the grid system of rectangular blocks.**

##### **The number and width of curb cuts should be the minimum necessary for effective on- and off-site traffic circulation.**

*Design any detached parking structure to be architecturally compatible with its setting...*

*Bicycle parking facilities should be provided within areas where significant bicycle traffic is anticipated. They should be located in designated areas close to buildings and pedestrian paths.*

#### Response

NA (This project does not include surface parking lots.)

The garage entry is on the project's east side yard, over 200 feet from the JPA corridor.

The entry drive to the garage is not in the front yard.

Because of grading concerns and to prevent vehicle access from conflicting with rear yard pedestrian use and planted screening, we elected not to access the garage from the rear yard.

Ways from parking spaces to building entrances will be clearly marked.

Primary building entrances are connected directly to public sidewalks, away from subterranean parking.

NA

Only one curb cut for vehicular access is proposed. This will be on Washington Avenue, over 200 feet up from the corridor.

NA (No detached parking structure is proposed.)

Bike storage will be located securely inside the building, convenient to an exterior entry along Washington Avenue with continuous sidewalk access to JPA.

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### III. Site Guidelines

#### Plantings & Open Spaces

##### **Provide landscaping within parking areas by...**

**The majority of open space should be located at the perimeter of the site** where it is visible, and it should be of sufficient width and depth to provide adequate contrast to any adjoining site parking. Planting zones should be consolidated into areas large enough to give natural character to a site rather than randomly distributed in small and narrow open spaces that do not match the context and scale of the project.

**Planted areas should be located along the site boundaries,** within parking areas, along drainage or stormwater management areas, around buildings and at building entries.

**The existing topography should be preserved intact as much as possible** to minimize disruptions in drainage.

**Different scales of plantings** (trees, shrubs, flowers) should be incorporated into site design to the extent possible and such features as mature woods and riparian areas should be retained.

**Use species appropriate for site conditions** including available sunlight, water and root and canopy space.

*Use trees, shrubs and other landscaping features to provide screens for service areas, parking and utilities.*

**Use large specimen street trees along pedestrian routes** to provide shade and to define edges.

*In the core of larger commercial and office centers, street trees and more formal urban plantings organized around public open spaces are recommended.*

**Consider using landscaping areas that also provide storm water treatment** such as rain gardens.

#### Response

NA (This project does not include parking lots outside of the building under open sky.)

Most open space is located along the perimeter. Planting zones vary. Some are linear and narrow, creating an edge along walks. Others are more spacious, allowing generous green areas suitable for larger tree species. Planting zones are designed deliberately to help define and shade public sidewalks. At the rear of the site, a broad swath of mixed plantings will provide a buffer between this project and smaller scaled neighboring houses to its north.

Plantings are proposed in all of these locations (with the exception of parking areas, because all parking is under the building).

Outside the building perimeter, significant regrading is not proposed.

A variety of plantings of different sizes and colors are proposed.

Selected species are appropriate for site conditions.

Plantings will be used to screen utilities where necessary.

Large trees, selected from Charlottesville's Tree Packet of recommended species, are proposed along all sidewalks.

NA

Planted Bioretention is planned along parts of Observatory and Jefferson Park Avenues.

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### III. Site Guidelines      Plantings & Open Spaces, cont.

Refer to the **Tree Planting and Preservation BMP Manual** in the Charlottesville Standards and Design Manual

Encourage **day lighting of streams** where appropriate.

### III. Site Guidelines      Lighting

**Use cutoff luminaries in accordance with city lighting requirements** to provide better lighting and prevent unwanted glare. Lighting should at all times be designed to prevent light pollution in the form of light transmission laterally beyond site boundaries or upward to the sky.

**Coordinate the lighting plan with the landscape plan** to ensure pedestrian areas are well-lit and that any conflict between trees and light fixtures is avoided.

**Lighting should provide for appropriate and desirable nighttime illumination** for all uses on and related to the site to promote a safe environment.

**Light pedestrian areas with appropriately scaled poles and luminaries.** Their heights are typically ten to fourteen feet.

**Avoid using building accent lighting that is too bright and draws too much attention to the building.** Reasonable levels of accent lighting to accentuate architectural character may be appropriate in individual instances when it is shielded and is not aimed towards neighboring properties, sidewalks, pathways, driveways or public right-of-ways in such a manner as to distract travel.

**Gasoline station/convenience store aprons and canopies should utilize full shielded lighting fixtures...**

#### Response

We have.

NA

All relevant lighting will follow the city's cutoff luminary requirements.

Lighting is being coordinated with the landscape design.

LED lighting at levels and temperatures recommended by BAR guidelines will be specified. Most exterior lighting will be motion-activated.

Most lighting of pedestrian areas will not be mounted on poles. Those lights that are will not be mounted above appropriate heights.

Accent lighting will be subtle and used only around building signs.

NA

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#### ERB REVIEW CRITERIA *continued*

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### III. Site Guidelines      Walls and Fences

**Choose high quality materials** and designs using materials such as brick, stone, metal and wood. Avoid untreated wood, vinyl, chain-link fences, wire fences or concrete block walls. Consider materials used elsewhere on the property or structures within the site.

**Use a scale and level of ornateness of the design of any new walls and fences that relate to the scale and ornateness of the building within the site.** Use simpler designs on smaller lots.

**Avoid exceeding the average height of other fences and walls of surrounding properties.**

**Fences should be set back from the street right-of-way** to allow a clear area for utilities and landscaping.

**When walls or fences stretch longer than 50 feet, use designs with texture and modulation** to provide a regular rhythm without being monotonous.

Use paint or opaque stains on pressure treated or unpainted wood fences.

**Fence stringers (the structural framing of the fence) should be located facing the interior** of the subject lot, with the finished side facing out away from the subject property.

**Fence at intersections or driveways should comply with city requirements for site distance** (see Article IX, Division 7 of the Zoning Ordinance for detailed site triangle requirements.)

#### Response

Site walls will be built out of quality, durable materials.

In detailing and scale, the site walls will be compatible with the building.

Site walls will typically be low-- in many cases, seat wall height-- especially along the JPA corridor.

NA -- no fences proposed

The brick wall around the upper terrace at Jefferson Park and Observatory Avenues is punctuated by recesses that keep the wall face from being too monotonous. Where other site walls stretch more than fifty feet without interruption, these are typically low, seat-height walls where modulation is of negligible value.

NA

NA

NA

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### III. Site Guidelines

### Signs

**Place signs so that they do not obstruct architectural elements and details** that define the design of the building.

Respect the design and visibility of signs for adjacent businesses.

**Use colors and appropriate materials that complement the materials and color scheme of the building,** including accent and trim colors.

**Use a minimal number of colors per sign where possible.** Avoid jarring or overly bright color schemes.

**Exterior illumination of signs shall comply with the city's outdoor lighting requirements.** Exterior neon is discouraged.

**Illumination of any sign shall not be directed toward any residential area or adjacent street.**

**Consider using a comprehensive signage plan** for larger developments.

**Encourage the use of monument signs** with accent landscaping at the base along corridors.

**Internally lit signs should use an opaque background** so only letters are lit.

**Flashing lights are prohibited.**

#### Response

Signs will not obscure architecture. They will be well integrated.

Signs on the subject property will not obscure or clash with signs on properties elsewhere.

Sign materials and design will enhance building materials and design.

Signs will not have a busy color palette. Bold colors may be selected in special cases, but we believe these are potentially interesting choices.

Sign lighting will adopt the city's BAR's recommendations for exterior lighting.

Sign lighting will be discreet and indirect, not shining outward toward the property edges.

Signs will be compatible with one another.

Large signs may be used along the corridor with or without associated landscaping.

Sign lighting will be indirect, illuminating only the text/numbers.

None proposed.

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#### ERB REVIEW CRITERIA *continued*

*All grades, counts and quantities are approximate and will change as design proceeds.*

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(reference Charlottesville's **Entrance Corridor Design Guidelines**)

### III. Site Guidelines

### Utilities, Comm. Equip. & Service Areas

**Locate utilities to minimize their visual impact** from the street and adjoining developments.

**Screen and landscape dumpsters** with wood board or solid barrier wall when multiple sides of the a building are highly visible.

**Place utilities underground** if possible or located behind buildings.

**Screen service areas and loading docks** that are visible from streets or adjoining development with berms, landscaping, structures or fences.

**Site noise generating features away from neighboring properties,** especially residences.

**Screen rooftop communications and mechanical equipment.**

#### Response

Utilities will be away from or screened from the JPA Corridor.

NA. (Trash dumpsters/bins will be stored in the building, out of sight.)

NA

NA

The pool deck-- the only potential generator of noise-- is located at the already busy and active JPA thoroughfare rather than facing the houses on the quieter side avenues.

Rooftop equipment will typically be screened behind parapet walls.

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#### ERB REVIEW CRITERIA *continued*

*All grades, counts and quantities are approximate and will change as design proceeds.*

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(reference Charlottesville's **Entrance Corridor Design Guidelines**)

**IV. Building Guidelines      Architectural Compatibility**

**Charlottesville seeks new construction that reflects its unique character, history and cultural diversity.** Architectural transplants from other locales or shallow imitations of historic architectural styles, for example, are neither appropriate nor desirable.

**A distinctive identity for each corridor should be created** through a combination of materials, forms and features that create a coordinated and inviting mix of buildings and spaces.

**Encourage a diversity of architectural materials,** forms and styles that respect the traditions of architecture in the Charlottesville area, including gable or hipped roof forms, standing seam metal roofing, brick and wood siding.

**New developments should strive to implement the intended vision** rather than repeat existing inappropriate development patterns.

**New development should respect existing historic buildings** and excellent examples from the recent past.

Existing development should be upgraded as opportunities arise.

**Response**

The building's architecture does not rely on historic references deployed superficially or romantically. It does not indulge vernacular details associated with places outside Charlottesville.

Exterior material selections are predominantly brick and stucco, consistent with other buildings along the JPA corridor. The color palette falls in a compatible range. Building massing is varied, not monolithic. The scale evident in fenestration, entrances, site stairs, canopies and porches is appropriate for this district. The landscape design along JPA-- consisting of multiple terraces and plantings-- has the potential to enhance the corridor's character, creating opportunities for pedestrian comfort and interaction in a shaded environment that is a marked improvement over other student housing that fronts this corridor.

Exterior material selections are predominantly brick and stucco, consistent with area traditions. The flat roof with parapets is common among the city's larger apartment buildings, including older ones (see 300 Fourth St SE, the Altamont Circle Apts, 39 University Circle, the Preston Court Apts, etc...)

Currently there are multiple examples of buildings along JPA that do not present engaging facades along the corridor (1909, 1905, 1801, 1721, 1719, 1715, 1713, 1709 and 1712 JPA, among them). On these properties, surface parking is prominent and visible in the front yards. Pedestrian walks are negligible and typically connect front doors not to public sidewalks but to asphalt parking. Street trees are uncommon, in many cases nonexistent. Trash cans are visible throughout the week. These properties do little to contribute to a sense of a street edge. Architectural character is often indistinct. The proposed project will not perpetuate any of these patterns. It represents a design that aspires to a better vision for this Corridor.

No buildings on the property are historically designated.

NA

**2005 JPA**  
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**ERB REVIEW CRITERIA** *continued*

*All grades, counts and quantities are approximate and will change as design proceeds.*

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(reference Charlottesville's **Entrance Corridor Design Guidelines**)

**IV. Building Guidelines      Building Mass, Scale & Height**

**Break up the front of a large building** by dividing it into individual bays, 25 - 40 feet wide.

**Use variation in materials, textures, patterns, colors and details** to break down mass and scale of the building.

**Avoid an unmodulated mass.**

**Use stepped-back height.**

**Use varied wall surfaces.**

**Use varied heights with regular width.**

**Use building mass appropriate to the site.** Place buildings of greatest footprint, massing and height in the core of commercial or office developments where the impact on adjacent uses is the least. Follow setback requirements for upper story according to zoning classification of the corridor.

**When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings.** Heights can be greater if the mass is modulated and other scale techniques are adopted. Reduce height near lower density areas.

**Use massing reduction techniques of articulated base, watertables, string courses, material changes, patterns and fenestration to reduce the apparent height of the building.** Floor-to-floor heights of a building can have an impact on the mass of a building. For instance... when actual or implied floor-to-floor heights exceed 15-20 feet on the exterior, a building may begin to read as more massive than human-scaled.

**Create human-scaled spaces** defined by either buildings or landscape features that provide more friendly, inviting spaces.

**Response**

Along the side avenues, brick facades at three stories above the base stories are less than 30 feet wide and are intended to create the impression of individual dwellings attached to one another, not unlike townhouses.

Material, textures and colors are varied. Brick veneer is used both to establish a building base and to emphasize smaller scale building faces within the longer facades, an effort to differentiate volumes within the mass.

Perspective views reveal modulated massing.

Stepbacks occur frequently at upper stories.

Wall surfaces do not extend for long stretches in the same plane. Facades are distinguished by projections and interrupted by recesses at regular intervals.

Parapet walls are taller over some locations, creating both variation in wall heights and places to screen mechanical equipment.

NA (This is not an office or commercial development.)

Because the grade rises from JPA to the rear of the site, the lower parking levels of the building can be submerged. This results in fewer stories above grade at the rear half of the site, where the proposed building is closer to the smaller scale houses along Observatory Avenue. The foremost brick faces here are limited to three stories. The two stories above are faced in darker, desaturated, muted colors, ones intended to help these upper levels withdraw into the background.

Multiple massing reduction techniques are employed. Floor-to-floor heights are typically 11', appropriate for a multi-family building.

Spaces along the streets, those pedestrians are most likely to encounter, benefit from plantings, site walls, terraces and porches that support human-scaled environments. On the building, windows, doors and canopies will further enhance this sense of scale.

**2005 JPA**  
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**ERB REVIEW CRITERIA** *continued*

*All grades, counts and quantities are approximate and will change as design proceeds.*

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(reference Charlottesville's **Entrance Corridor Design Guidelines**)

#### IV. Building Guidelines

#### Facade Organization & Storefronts

**Orient primary entrances on a building facade to the street or corridor.**

**Use a hierarchy of entry design** on any complex, if the building has more than one orientation and focus on the main entry on the street/corner facade.

**Secondary entrances** may be created to allow convenient access from adjacent buildings, sidewalks, parking, bicycle paths and transit stops..

Orient at least part of public elevations of shopping complexes to any adjoining neighborhoods.

**Provide attractive facade treatments** on any elevation that is visible from streets/corridors or from any primary elevations of adjoining developments and avoid use of unadorned blank walls.

**Consider using the traditional three-part facade** of a cornice, a pattern of upper story windows and a storefront with articulated base when designing a new building or renovating an existing structure.

**Use a regular pattern of solids and voids** for openings that relate to more traditional building design in the corridor.

**Use a proportion of openings** (vertical or horizontal) that is generally consistent with the context of the building. Traditional design openings are typically vertically proportioned.

**Strive for designs and materials** that reflect the architectural traditions of the region.

**Storefronts or large display windows** should be used at street level.

#### Response

The primary entrance faces on the corridor, close to the corner of JPA and Washington Ave.

The inclusion of an entry plaza + site stair aligned with the main entrance creates a visible arrival sequence, complimented by beautiful native plantings.

Secondary entrances are located at both side avenues, close to their intersections with JPA, promoting convenience and helpful redundancy.

NA

Primary elevation facades utilize materials, fenestration and masonry detailing that create a robust level of relief and adornment.

While it has a masonry base, the proposed building does not present a three-part hierarchy in the most obvious, traditional form. This building does not prioritize the historical horizontal subdivisions that were more common in previous eras. Instead, we intend the use of material and facade transitions to create a richer juxtaposition, emphasizing both vertical and horizontal proportions, often overlapping the two.

NA

The windows, doors and storefront typically adopt vertical proportions in keeping with traditional buildings.

Typically, material choices are appropriate for the region.

Storefronts are used at the two main street-level entries at the corner of Washington Ave and JPA. At the corner of Observatory Ave. and JPA, we also call for storefronts that offer visibility into amenity space (that may be converted to commercial space at a future time).

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#### ERB REVIEW CRITERIA *continued*

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(reference Charlottesville's **Entrance Corridor Design Guidelines**)

#### IV. Building Guidelines

#### Materials and Textures

**Use material changes** to help reduce mass and provide visual interest.

**Choose materials that offer texture** and avoid monotonous surfaces. For example, use wood or brick or stone or new synthetic materials that approximate the look and dimension of these materials.

**Use quality materials** consistently on all visible sides of commercial, office and multi-family residential buildings.

In Charlottesville **common building materials are brick, wood or stucco walls and standing-seam metal roofs.** Stone is more commonly used for site walls than building walls.

**Avoid the use of building materials with long-term maintenance problems** such as EIFS (Exterior Insulation and Finish System) or vinyl siding. Sustainable, utilitarian building materials such as concrete block, metal siding or cementitious panels may be appropriate in contemporary designs.

#### IV. Building Guidelines

#### Colors

**A coordinated palette of colors** should be created for each development. This palette should be compatible with adjacent developments.

**Set the color theme** by choosing the color for the material with the most area. If there is more roof than wall area, roof color will be the most important color choice and will set the tone for the rest of the colors.

**Limit the number of color choices.** Generally there is a wall color, trim color, accent color and roof color.

**Use natural tints of materials such as reds, browns, tans, grays and greens as primary colors.** Save bright accent colors for awnings and signs on commercial buildings.

#### Response

Materials changes are used deliberately to reduce the impression of massiveness.

The proposed brick and synthetic stucco will provide a range of textures and avoid monotony.

Materials will be durable.

Building walls will be faced in stucco or brick. Some stone is proposed on site walls only.

Synthetic stucco is proposed as an exterior finish on some walls. Synthetic stucco problems on past projects typically resulted from poor application practices that allowed moisture to get trapped in the wall envelope. Modern application standards using a proven drainage system, such as the inclusion of a full mesh layer-- one that does not have to be conscientiously oriented to be functional-- under the insulated stucco panels, will be adopted for this project.

The colors will be complimentary. Red brick is common along the Corridor. Dark stucco colors are intended to make upper story walls visually recede into the background, leaving the brick facades more prominent. Other than the brick color, the palette is muted and modern. White windows, storefront and trim is proposed only in the brick facade along the JPA base and at the corner entry, setting these locations apart. Dark windows are used elsewhere. We think the dark window and stucco colors will also create a nice backdrop to the brighter color range seasonally present on the perimeter site plantings. On the courtyard at the third level, vivid color is proposed on courtyard facing pavilions. These are remote enough, they are only partially visible from the Corridor and only from certain angles. They add an unexpected lining-- only occasionally glimpsed-- to an otherwise staid exterior.

The brick facades cover the most exterior area. The stucco colors are coordinated to look good with the brick.

While there are several wall colors, the proposed massing warrants it. The variation in colors and materials are intended to mitigate the building massing.

Primary colors will have natural tints. Vivid color is proposed only on facades within the courtyard, turned inward. Rarely visible from the street, they will create a distinctive and vibrant interior environment.

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#### ERB REVIEW CRITERIA *continued*

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(reference Charlottesville's **Entrance Corridor Design Guidelines**)

#### IV. Building Guidelines

#### Colors

**Use natural tints of materials such as reds, browns, tans, grays and greens as primary colors.** Save bright accent colors for awnings and signs on commercial buildings.

**Use color variation** to break up the mass of the building and provide visual interest.

**Do not use strong color** that has the effect of turning the entire building into a sign.

#### IV. Building Guidelines

#### Details

**Use articulated elements** such as cornices, belt courses, water tables, bay divisions, variations in wall plane and roof features to create designs of interest.

**Include human-scaled elements** such as columns, pilasters and cornice, in particular at street level and on facades with a pedestrian focus.

**Avoid large expanses of blank walls** that are visible from the public right of way or neighboring developments.

**Avoid oversized decorative elements.**

**Avoid decorative elements that do not relate to the architecture** but serve to turn the whole building into a sign.

#### Response

Primary colors will have natural tints. Vivid color is proposed only on facades within the courtyard, turned inward. Rarely visible from the street, they will create a distinctive and vibrant interior environment.

See perspective drawings.

We do not.

A building base, bay divisions, variations in wall plane, masonry detailing and coping projections at tops of walls are among the elements used to create architectural articulation.

Canopies and fenestration contribute to human scale.

Typically vertical planes, materials and colors vary often enough that large blank expanses do not result.

No big decorative elements are proposed.

No such elements are proposed

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#### ERB REVIEW CRITERIA *continued*

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#### IV. Building Guidelines

#### Roof Forms & Materials

**Use roof forms that complement the building design** and contribute to human scale. Avoid tall roof areas that overwhelm the height of the building's wall. Common Charlottesville roof forms include hipped, gable, flat and gambrel.

**If a shed roof or flat roof design is used, add a parapet wall to screen the roof.**

**Avoid a visible monolithic expanse of roof on large-scale buildings.** Break the roof mass with elements such as gables, dormers or parapets. Scale these features to the scale of the building.

**Consider using a special roof feature on buildings located at a gateway,** a prominent corner, or highlight entry bays on larger structures.

**Steeper forms are associated with more traditional design** and can be appropriate when the development adjoins nearby neighborhoods.

**On roofs that visible such as gable, hipped or shed design,** use quality materials such as metal or textured asphalt shingles

**Any equipment located on a roof should be screened from public view.**

#### IV. Building Guidelines

#### Awnings

**Encourage the use of awnings at the storefront level** to shield displays and entry and to add visual interest.

**Coordinate the choice of colors** as a part of the overall color scheme. Solid colors, wide stripes and narrow stripes should be considered as appropriate.

**Awning forms may be angled or curved.**

#### Response

Roofs and their materials are not visible from the ground. They are flat roofs, common for and appropriate to multi-family buildings in Charlottesville.

Some roofs have parapets.

Roof surfaces are not visible from the Corridor.

Canopies are used to help distinguish prominent corners and their entries.

NA

NA

It will be.

Canopies are proposed for these purposes.

Canopy colors are coordinated with associated storefronts.

NA

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#### ERB REVIEW CRITERIA *continued*

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(reference Charlottesville's **Entrance Corridor Design Guidelines**)

#### IV. Building Guidelines

#### Awnings

**Use of a canopy as an illuminated sign is not appropriate**

**Awning materials should be appropriate to the overall design of the building.** Traditional cloth fabric, standing seam metal or newer rigid materials may be considered.

#### IV. Building Guidelines

#### Appurtenances

**Building service, loading and utility areas should not be visible from public streets, adjacent developments or from access drives within large developments.** Such service areas should be located behind the main structure in the least visible location possible.

**Mechanical equipment on roofs or sides of buildings should not be visible from the street.**

**When mechanical equipment vents, meters, satellite dishes and similar equipment is ground mounted,** screening should include either an opaque fence or wall made of the same material as the building or an evergreen hedge that screens objectionable views.

**Items such as roof ladders, railings, roll-up doors and service doors,** should be located on building elevations that are the least visible from public streets/corridors, adjacent developments or from access drives within large developments. Their colors should be coordinated among all of these elements and with the rest of the building.

**In some cases appurtenances may be integrated into the building design** if such integration enhances the compatibility of the overall design with the corridor vision.

#### IV. Building Guidelines

#### Additions & Corridor Conversions

#### Response

NA

Canopies would be painted or powder coated metal.

Service, loading and utility areas will be located out of sight in the parking deck or screened by a wall near the entry drive into the parking level.

Rooftop equipment will be screened behind parapet walls.

NA

None of these are located in visible locations.

NA

NA

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#### ERB REVIEW CRITERIA *continued*

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#### IV. Building Guidelines

#### Franchise Designs

#### Response

NA

#### IV. Building Guidelines

#### Gas Station Canopies

NA

#### IV. Building Guidelines

#### Civic & Institutional Buildings

NA

#### IV. Building Guidelines

#### Multi-Family Buildings

**Follow other guidelines in this chapter** as applicable to the overall design of such buildings in such issues as massing and building footprint, scale, complexity of form, height and width, materials, textures and colors, roof forms and materials, etc...

**Give consideration to placing the first floor retail storefronts in multi-family buildings** if they face along a commercial corridor or face a pedestrian-oriented street within the downtown.

**Avoid creating street front facades that are dominated by garage doors.**

**Ensure that the designs of such buildings are consistent with any adjoining neighborhoods and the zoning ordinance.**

Other applicable chapter guidelines are addressed in previous pages.

NA

No garage doors are proposed on the front facade.

They are consistent.

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#### ERB REVIEW CRITERIA *continued*

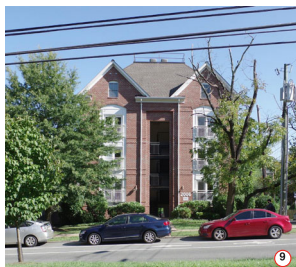
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# APPENDIX b CORRIDOR CONTEXT



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## JPA CORRIDOR CONTEXT PHOTOS

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**Entrance Corridor Review Board (ERB)**  
**Review of Certificate of Appropriateness for 2005 Jefferson Park Avenue\***

**Planning Commission Regular Meeting**

**Date of Planning Commission Meeting: March 14, 2023**

Project Planner: Matt Alfele

Date of ERB review: March 14, 2023

Application Number: P22-0133

Zoning: R-3 Residential with Entrance Corridor Overlay (Fontaine Ave/JPA; Sub-area C.)

Tax Parcels: 17-104, 17-103, 17-103.1 (Note: 17-104 is not within the EC Overlay.)

Site Acreage: 1.7 acres (74,531 sq ft)

ERB Staff report prepared by: Jeff Werner, AICP, Preservation and Design Planner

Submittal: Mitchel/Matthews Architects & Planners drawings for *2005 Jefferson Park Avenue Entrance Corridor Review Application*, dated December 20, 2022: Sheets 1 (cover) through 76.

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**Summary of CoA Request**

Development of 1.7 acres (three parcels, existing structures to be razed) to construct a multi-story, brick and stucco apartment building with a footprint of approximately 312-ft x 155-ft. The building will feature two, five-story wings separated by a courtyard and atop a two-story, brick foundation/podium, which provides a street level, primary entrance and encloses an internal parking garage accessed off Washington Avenue.

\* **NOTE:** The ERB reviewed this request on February 14, 2023, resulting in approval of the CoA via a 7-0 vote approving the motion noted below; however, due to an error regarding the public notice posted at the site this request has been readvertised. The submittal and the February 14, 2023 staff report are unchanged and can be accessed via the following (pdf page 18):

[PC-ERB Meeting - Feb 14 2023.](#)

Staff recommends approval by reference to the motion for approval noted below.

**Suggested Motion**

*Approval (motion as approved with conditions on February 14, 2023.):* Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- Glass will be clear, at the locations noted in the staff report.



- New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
- All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
- If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
- Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

### **Alternate Motions**

*Deferral:* I move to defer [or, to accept the applicant's request to defer] the Entrance Corridor Certificate of Appropriateness application for 2005 Jefferson Park Avenue.

*Denial:* Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is not consistent with the Guidelines and is not compatible with the goals of this Entrance Corridor, and that for the following reason(s) the ERB denies the Certificate of Appropriateness application as submitted...



**Entrance Corridor Review Board (ERB)**  
**Review of Certificate of Appropriateness for 2005 Jefferson Park Avenue\***

**Planning Commission Regular Meeting**

**Date of Planning Commission Meeting: June 13, 2023**

Project Planner: Matt Alfele

Date of ERB review: March 14, 2023

Application Number: P22-0133

Zoning: R-3 Residential with Entrance Corridor Overlay (Fontaine Ave/JPA; Sub-area C.)

Tax Parcels: 17-104, 17-103, 17-103.1 (Note: 17-104 is not within the EC Overlay.)

Site Acreage: 1.7 acres (74,531 sq ft)

ERB Staff report prepared by: Jeff Werner, AICP, Preservation and Design Planner

Submittal: Mitchel/Matthews Architects & Planners drawings for *2005 Jefferson Park Avenue Entrance Corridor Review Application*, dated December 20, 2022: Sheets 1 (cover) through 76.

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**Summary of CoA Request**

Development of 1.7 acres (three parcels, existing structures to be razed) to construct a multi-story, brick and stucco apartment building with a footprint of approximately 312-ft x 155-ft. The building will feature two, five-story wings separated by a courtyard and atop a two-story, brick foundation/podium, which provides a street level, primary entrance and encloses an internal parking garage accessed off Washington Avenue.

**\* NOTE:** The ERB reviewed this request on February 14, 2023, resulting in approval of the CoA via a 7-0 vote; however, due to an error regarding the public notice posted at the site, the request was readvertised and reviewed by the ERB on March 14, 2023, resulting in approval of the CoA via a 6-0 vote approving the motion noted below. The ERB's action on February 14 and on March 14 were subsequently appealed to City Council, who heard the appeal on May 15, 2023. (See Appendix for links to the Council memo, the letters appealing the ERB's actions, and staff's response to the appellants' claims.) Council determined the claims regarding the ERB's design review were without merit; however, to resolve a discrepancy regarding the March 14, 2023 ERB notice letter, staff was instructed to readvertise this matter for ERB review.

The submittal and the February 14, 2023 staff report are unchanged and can be accessed via the following (pdf page 18): [PC-ERB Meeting - Feb 14 2023](#).

Staff recommends approval by reference to the motion for approval noted below.

## **Suggested Motion**

*Approval (motion as approved with conditions on February 14, 2023 and on March 14, 2023):*

Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- Glass will be clear, at the locations noted in the staff report.
- New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
- All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
- If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
- Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

### **Alternate Motions**

*Deferral:* I move to defer [or, to accept the applicant's request to defer] the Entrance Corridor Certificate of Appropriateness application for 2005 Jefferson Park Avenue.

*Denial:* Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is not consistent with the Guidelines and is not compatible with the goals of this Entrance Corridor, and that for the following reason(s) the ERB denies the Certificate of Appropriateness application as submitted...

### **Appendix**

City Council review of appeal, May 15, 2023

- [City Council memo May 15 2023 - 2005 JPA CoA Appeal](#)
- [Attachment 1 – 2005 JPA Appeal Letters](#)
- [Attachment 1 Addendum - 2005 JPA appeal](#)
- [Attachment 2 - 2005 JPA CoA- ERB appeal - Staff Response](#)

**RESOLUTION 1 (CoA approval)****Approval of Entrance Corridor Certificate of Appropriateness for proposed development of 2005 Jefferson Park Avenue (or 2005 JPA).**

WHEREAS Aspen Topco II Acquisitions, LLC (Applicant) on behalf of Gadiant Enterprise, Inc., the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, and currently addressed as 2005 and 2007 Jefferson Park Avenue and 104 Observatory Avenue (collectively referred to as “2005 JPA”), proposes at 2005 JPA a multi-unit residential building with underground parking (Project), and;

WHEREAS, per City Code §34-307(a)(5), 2005 JPA is within the *Fontaine Avenue/Jefferson Park Avenue Entrance Corridor* and, per City Code §34-309, is therefore subject to design review and a Certificate of Appropriateness (CoA) is required for the Project, and;

WHEREAS on December 20, 2022 the Applicant submitted to the City an application for a CoA for the Project (Application), and;

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on February 14, 2023 and on March 14, 2023 reviewed the Project and Application, approving with conditions the requested CoA, and;

WHEREAS, as permitted by City Code §34-314(a), following the February 14, 2023 and March 14, 2023 ERB meetings, six parties appealed to City Council the ERB’s approval of the CoA (March Appeal), and;

WHEREAS, per City Code §34-314(c), on May 15, 2023, following a review of the March Appeal by Council, no decision was made or formal action taken on the March Appeal; however, to eliminate a potential challenge that notice letters postmarked March 1 for the March 14 ERB meeting did not comply with the fourteen (14) days required by City Code, Council instructed staff to readvertise the CoA request for review by the ERB, and;

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on June 13, 2023 reviewed the Project and Application, approving with conditions the requested CoA, and;

WHEREAS, as permitted by City Code §34-314(a), following the June 13, 2023 ERB meeting, four parties appealed to City Council the ERB’s approval of the CoA (June Appeal), and;

WHEREAS, per City Code §34-314(c), on July 17, 2023 following a review of the June Appeal, the Project, and the Application, and having considered relevant information and opinions, including the ERB’s determination and the City Staff Report, this Council determined the Project is consistent with the City’s Entrance Corridor Design Guidelines and compatible with the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Certificate of Appropriateness is hereby approved for the development of 2005 JPA, subject to the following conditions:

[NOTE: Council may incorporate the following conditions, approved by the ERB on June 13, 2023, or Council may amend or revise the conditions.]

- Glass will be clear, at the locations noted in the staff report.
- New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
- All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
- If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
- Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

[Note: The conditions of approval are those approved by the ERB on February 14, 2023, March 14, 2023, and June 13, 2023.]

Approved by Council  
July 17, 2023

**RESOLUTION 2 (CoA Denial)****Denial of Entrance Corridor Certificate of Appropriateness for proposed development of 2005 Jefferson Park Avenue (or 2005 JPA).**

WHEREAS Aspen Topco II Acquisitions, LLC (Applicant) on behalf of Gadiant Enterprise, Inc., the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, and currently addressed as 2005 and 2007 Jefferson Park Avenue and 104 Observatory Avenue (collectively referred to as “2005 JPA”), proposes at 2005 JPA a multi-unit residential building with underground parking (Project), and;

WHEREAS, per City Code §34-307(a)(5), 2005 JPA is within the *Fontaine Avenue/Jefferson Park Avenue Entrance Corridor* and, per City Code §34-309, is therefore subject to design review and a Certificate of Appropriateness (CoA) is required for the Project, and;  
WHEREAS on December 20, 2022 the Applicant submitted to the City an application for a CoA for the Project (Application), and;

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on February 14, 2023 and on March 14, 2023 reviewed the Project and Application, approving with conditions the requested CoA, and;

WHEREAS following the February 14, 2023 and March 14, 2023 ERB meetings, as permitted by City Code §34-314(a), six parties appealed to City Council the ERB’s approval of the CoA (March Appeal), and;

WHEREAS, per City Code §34-314(c), on May 15, 2023, following a review of the March Appeal by Council, no decision was made or formal action taken on the March Appeal; however, to eliminate a potential challenge that notice letters postmarked March 1 for the March 14 ERB meeting did not comply with the fourteen (14) days required by City Code, Council instructed staff to readvertise the CoA request for review by the ERB, and;

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on June 13, 2023 reviewed the Project and Application, approving with conditions the requested CoA, and;

WHEREAS, as permitted by City Code §34-314(a), following the June 13, 2023 ERB meeting, four parties appealed to City Council the ERB’s approval of the CoA (June Appeal), and;

WHEREAS, per City Code §34-314(c), on July 17, 2023, following a review of the June Appeal, the Project, and the Application, and having considered relevant information and opinions, including the ERB’s determination and the City Staff Report, this Council determined the Project is not consistent with the City’s Entrance Corridor Design Guidelines and not compatible with the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor; now, therefore,



BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that for the reasons stated below, a Certificate of Appropriateness is hereby denied for the development of 2005 JPA:

- ... [reasons for denial of CoA].

Approved by Council  
July 17, 2023

**Chapter 34 - ZONING****Article II. - Overlay Districts****Division 3. Entrance Corridor Overlay Districts****Sec. 34-306. - Purpose.**

The entrance corridor overlay district is intended to implement the comprehensive plan goal of protecting the city's historic, architectural and cultural resources, by ensuring a quality of development compatible with those resources through design control measures. The purposes of this article are to stabilize and improve property values; to protect and enhance the city's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the city from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.

(9-15-03(3))

**Sec. 34-307. - Applicability.**

- (a) Subject to subsection (b), below, entrance corridor overlay districts are hereby established upon and along the following arterial streets or highways, which are deemed by the city council to be significant routes of tourist access to the city, or to designated historic landmarks, buildings, structures or districts within the city ("EC streets"):
- (1) Route 29 North from the corporate limits to Ivy Road;
  - (2) Hydraulic Road from the corporate limits to the 250 Bypass;
  - (3) Barracks Road from the corporate limits to Meadowbrook Road;
  - (4) Ivy Road from the corporate limits to Emmet Street;
  - (5) Fontaine Avenue/Jefferson Park Avenue from the corporate limits to Emmet Street;
  - (6) Fifth Street, SW from the corporate limits to the beginning of the Ridge Street Architectural Design Control District;
  - (7) Avon Street from the corporate limits to the CSX Railroad tracks;
  - (8) Monticello Avenue/Route 20 from the corporate limits to Avon Street;
  - (9) Long Street from the corporate limits to St. Clair Avenue;
  - (10) East High Street/9th Street from Long Street to East Market Street;
  - (11) Preston Avenue from McIntire Road to Rosser Avenue; and
  - (12) McIntire Road, from Preston Avenue to Route 250.
- (b) Entrance corridor overlay districts are hereby established upon the lots and parcels of land contiguous to the streets and highways enumerated within subsection (a), above, from the edge of the right-of-way to the full depth of the lot or parcel, as the lot or parcel existed on the date the adjacent EC street was designated.
- (c) The entrance corridor overlay districts are hereby established over the existing zoning district classifications of the land contiguous to the streets and highways enumerated within subsection (a), above. The regulations set forth within this article shall apply to all such land, in addition to the regulations of the underlying zoning district and in addition to other generally applicable zoning ordinance provisions (e.g., generally applicable standards governing parking, lighting, landscaping, signs, etc.). In the event of a conflict between the regulations set forth within this article and those set

forth within the regulations of the underlying zoning district classification, or elsewhere within this zoning ordinance, the more restrictive regulation shall govern.

(9-15-03(3))

**Sec. 34-308. - Review board.**

- (a) The provisions of this article shall be administered by an entrance corridor review board ("review board" or "ERB") hereby created by the city council. The city's planning commission shall serve as the review board.
- (1) The meetings of the ERB shall be held at the call of its chairman or at such times as a quorum of the board may determine.
  - (2) The ERB shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact.
  - (3) All records of official actions shall become part of the permanent records of the ERB.
  - (4) The ERB shall choose annually its own chairman and vice-chairman, who shall act in the absence of the chairman.
  - (5) The ERB may, from time to time, adopt and amend bylaws for the regulation of its affairs and the conduct of its business.
  - (6) The ERB may, from time to time, recommend areas for designation as entrance corridor overlay districts and may also recommend removal of any such designation.
  - (7) The ERB shall serve in an advisory capacity to city council and the board of zoning appeals in rezonings, special use permits, site plans, subdivisions, variances and other matters within entrance corridor overlay districts.
  - (8) The ERB shall be responsible for issuance of certificates of appropriateness required by this article.
- (b) The ERB shall develop and recommend to the city council for its approval design guidelines for the entrance corridor overlay districts ("Entrance Corridor Design Guidelines"), consistent with the purposes and standards set forth within this article. The ERB shall develop such guidelines in consultation with the city's director of neighborhood development services and after seeking input from business and property owners in the various overlay districts. Guidelines developed by the ERB shall become effective upon approval by city council and thereafter shall have the status of interpretive regulations. The ERB shall undertake a comprehensive review and update its design guidelines at least once every five (5) years. Until the initial guidelines have been completed and approved, the ERB shall apply the design guidelines developed by the city's BAR for the entrance corridor districts.

(9-15-03(3))

**Sec. 34-309. - Certificates of appropriateness.**

- (a) The following shall require a certificate of appropriateness issued in accordance with this division:
- (1) All improvements requiring a building permit (but for which no site plan is required), other than single- or two-family dwellings where the work requiring the building permit (i) is new construction, or (ii) represents an addition or modification of 25% or more of the gross area of an existing building or structure.
  - (2) Regardless of whether a building permit is required: (i) signs; and (ii) installations or replacements of roof coverings, windows, doors or siding on any building or structure, any part

of which, once installed, will be visible from an EC street referenced in section 34-307(a) above, other than those installed on a single- or two-family dwelling.

- (3) All development requiring a site plan.
- (b) All applications for the certificates required by subparagraphs (a)(1) or (a)(2) above, shall be reviewed and approved administratively by the director. If administrative approval is granted the applicant shall post a notice of such approval on the subject property. If the application is denied the director shall mail or hand-deliver notice of his decision to the applicant. In either case, the applicant or any other aggrieved party shall have ten (10) working days from the date of the director's decision to appeal the decision to the ERB; no certificate shall be issued prior to expiration of the ten-day period.
- (c) All applications for the certificates required by subparagraph (a)(3) above shall be reviewed and approved by the ERB following the process set forth within sections 34-310 through 34-313.
  - (1) The ERB shall approve or disapprove an application and, if approved, shall issue a certificate of appropriateness with any reasonable conditions as it may deem necessary to ensure compliance with this division. Failure of the ERB to act upon an application within sixty (60) days from the date of its original submission shall be deemed to constitute approval of the application.
  - (2) Nothing contained in this subsection shall be deemed to compromise, limit, or otherwise impair the planning commission in its exercise of preliminary or final site plan review as set forth within Article VII, section 34-800, et seq. of this zoning ordinance.
  - (3) It is the express intent of the city council in enacting the provisions of this subsection that matters related to public health and safety, as may be defined by the planning commission, shall prevail over issues within the purview of the ERB.
- (d) Notwithstanding the foregoing provisions of this section, no certificate of appropriateness shall be required for the following activities:
  - (1) Interior alterations to a building or structure.
  - (2) Construction of ramps and other modifications to serve the handicapped.
  - (3) Repair and maintenance of buildings or structures which are non-conforming for failure to comply with the provisions of this article.
  - (4) General maintenance of buildings or structures, where no substantial change in design or materials is proposed.
  - (5) Additions or modifications to a building or structure, where no substantial change in design or materials is proposed, as determined by the director of neighborhood development services or his designee.
- (e) Once issued, a certificate of appropriateness shall be binding upon the proposed development, as to any conditions of issuance specified therein. The certificate shall certify that the proposed development (subject to any conditions stated within the certificate) is consistent with the design guidelines applicable to the specific EC street. Signature by the zoning administrator upon a final site plan or building permit, as the case may be, shall constitute such certification.
- (f) The validity period of a certificate of appropriateness shall be as follows:
  - (1) A certificate of appropriateness associated with a project for which a valid site plan is not required shall expire and become void eighteen (18) months from the date of approval by the entrance corridor review board, unless a building permit to construct the authorized improvements or activities has been issued; or, if no building permit is required, unless construction of the authorized improvements or activities has substantially commenced.

- (2) The validity period of a certificate of appropriateness associated with a project for which a valid site plan is required shall be consistent with that of the approved preliminary and final site plan pursuant to sections 34-822 and 34-825, except a certificate of appropriateness shall expire and become void eighteen (18) months from the date of approval by the entrance corridor review board if preliminary site plan approval has not been granted, or upon revocation of an approved preliminary site plan or expiration of an approved final site plan.
- (3) Prior to the expiration of a certificate of appropriateness, upon written request and for reasonable cause, the director of neighborhood development services or the entrance corridor review board may extend the validity of any such certificate for a period not to exceed one (1) year.

(9-15-03(3); 6-6-05(2); 7-18-11; 7-16-12)

**Sec. 34-310. - Standards for considering certificates of appropriateness.**

The review board, the city council on review of an application, and the director in conducting an administrative review, shall consider the following features and factors in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to this article:

- (1) Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;
- (2) Exterior architectural details and features of the subject building or structure;
- (3) Texture, materials and color of materials proposed for use on the subject building or structure;
- (4) Design and arrangement of buildings and structures on the subject site;
- (5) The extent to which the features and characteristics described within paragraphs (1)—(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.
- (6) Provisions of the Entrance Corridor Design Guidelines.

(9-15-03(3))

**Sec. 34-311. - Sign standards.**

Signs within any entrance corridor overlay district shall comply with the standards set forth within Article IX, section 34-1020, et seq.

(9-15-03(3))

**Sec. 34-312. - Application requirements.**

- (a) Application for a certificate of appropriateness pursuant to this division shall be filed with the director of neighborhood development services by the owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person, of the subject property.
  - (1) A complete application shall include all plans, maps, studies, reports, photographs, drawings, building elevations, and other informational materials which may be reasonably required in order to make the determinations called for in a particular case.
  - (2) [ *Reserved.* ]
  - (3) Each application for a certificate of appropriateness shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.

- (b) The director shall establish submission deadlines for applications. For purposes of this division a complete application shall be deemed to be "officially submitted" on the date of the next submission deadline following the date on which the application was received by the director.
- (c) Each application shall include a landscaping plan, for the uses described following below.
  - (1) For development subject to site plan review, such plan shall meet the requirements set forth below as well as those required within Article VII, section 34-867.
  - (2) For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the director to determine whether the following requirements are satisfied:
    - a. *Uses to be screened:* Parking lots, loading areas, refuse areas, storage areas, detention ponds and mechanical equipment shall be screened from view from the adjacent EC street.
    - b. *Standards for screening:* When required, screening shall consist of the following:
      - (i) A planting strip of vegetation or trees, an opaque wall, an opaque fence or a combination of these.
      - (ii) Where only vegetative screening is provided, such screening strip shall not be less than twenty (20) feet in depth and shall consist of a double staggered row of evergreen trees on fifteen-foot centers, a minimum of five (5) feet in height when planted, or a double staggered row of evergreen shrubs on five-foot centers, a minimum of twenty-four (24) inches in height when planted. Alternative methods of vegetative screening may be approved by the ERB or the director in connection with approval of a certificate of appropriateness.
      - (iii) Where a fence or wall is provided for screening, it shall be a minimum of six (6) feet in height with planting required at ten-foot intervals along such structure.
  - (3) *Landscaping.* All nonresidential uses, including parking lots and vehicular display areas, shall have all of the street frontage, exclusive of driveways and walkway connections, landscaped with trees and other varieties of plant material at least eighteen (18) inches in height at maturity. The tree varieties shall conform to those recommended in the city's list of approved plantings. All uses shall have the side and rear property edges defined with a fence, wall or curbed planting strip of trees and other plantings a minimum of twenty-four (24) inches in height at maturity.
- (d) Each application shall include information about proposed lighting. Lighting fixtures shall be harmonious with the character of existing and proposed structures fronting along the EC street, and shall not exceed the height of any buildings on the site. Further, lighting shall comply with the provisions of Article IX, Division 3, section 34-100, et seq.

(9-15-03(3); 6-6-05(2); 7-16-12)

#### **Sec. 34-313. - ERB review process.**

Following receipt of a complete application requiring review by the ERB, the director shall forward the application, together with all accompanying informational materials, to the ERB. Upon receipt of an application, the review board shall schedule a hearing on the application.

- (1) Notice of the hearing shall be provided to the applicant and to other persons in the same manner as set forth within section 34-284(a).
- (2) Written notice of the hearing shall also be provided to each member of the city council, at least (10) days in advance of the hearing. Such notice may be hand-delivered, mailed or transmitted via electronic communication.

- (3) The notices required by this subsection shall state the type of use or development proposed, the specific location of such use or development, and a general description of the appearance and materials proposed for the development which is the subject of the application.

(9-15-03(3))

**Sec. 34-314. - Appeals.**

- (a) Following approval of an application by the ERB, the director of neighborhood development services, or any aggrieved person, may note an appeal of that decision to the city council, by filing a written notice of appeal with the clerk of city council within ten (10) working days of the date of the decision. If no such appeal is noted, then upon the expiration of the ten-day appeal period the director of neighborhood development services shall issue the approved certificate of appropriateness.
- (b) Upon denial of an application (approval of an application with conditions, over the objections of the applicant, shall be deemed a denial) the applicant shall be provided written notice of the decision, including a statement of the reasons for the denial or for the conditions to which the applicant objects. Following a denial, the applicant, the director of neighborhood development services, or any aggrieved person may appeal the decision to the city council, by filing a written notice of appeal with the clerk of city council within ten (10) working days of the date of the decision.
- (c) In any review of an ERB decision the city council shall review the application as if the application had come before it in the first instance. Any aggrieved person, shall be given an opportunity to be heard on the appeal. City council may consider any information or opinions relevant to the application which is the subject of such decision, including, but not limited to, those provided by the ERB.

(9-15-03(3); 6-6-05(2))

**Secs. 34-315—34-325. - Reserved.**



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



Agenda Date:	July 17, 2023
Action Required:	Approve Resolution
Presenter:	Brenda Kelley, Redevelopment Manager, Misty Graves, Director of Human Services
Staff Contacts:	Ashley Marshall, Deputy City Manager Samuel Sanders, Jr., Deputy City Manager Misty Graves, Director of Human Services Brenda Kelley, Redevelopment Manager
Title:	<b>Approving a Lease Agreement with Blue Ridge Area Coalition for the Homeless (BRACH) for a portion of 100 5th Street NE (CitySpace) (1 reading)</b>

**Background**

A portion of open work area in the City-owned CitySpace, located at 100 5<sup>th</sup> Street NE, currently serves as the offices for various city staff. Because of the distracting nature of this open, minimally secure working space, city staff will be, or are in the process of, moving to other locations. This frees up these open, minimally secure working areas within the CitySpace facility.

During budget discussions for FY24 with the Blue Ridge Area Coalition for the Homeless (BRACH) Board, the Executive Director shared expenses related to working and meeting space. To balance the budget the BRACH Board brainstormed other locations that may be available which included the transitional CitySpace facility. Given the history of the City providing shared working spaces with Charlottesville Tomorrow, it was worthy of exploration to reduce expenditures which will increase funding available for existing programs and services.

Additionally, BRACH is in a state of transition with the Executive Director resigning in September. As per the City's Housing Operational Programs (HOPS) grant, the organization was recently awarded funds to support two additional team members to be hired in FY24. It is important to support this transition as BRACH serves our communities most vulnerable unhoused residents. Having a stable workspace that is centrally located to the Haven and the Downtown Mall would provide accessibility for the growing team members and partners.

**Discussion**

BRACH currently has one full-time Executive Director and plans to hire two additional full time employees in FY24, an Administrative Coordinator and a System Improvement Coordinator. BRACH has been in existence since 1998. Their mission is to make homelessness rare, brief, and non-reoccurring. Their strategy is to collaborate with service providers to alleviate homelessness.

According to their website, BRACH is the HUD-designated coordinator of the Continuum of Care for the Charlottesville community. BRACH supports system improvement and collaboration to ensure a secure safety net for the homeless and very poor. The Service Provider Council, a committee of BRACH's Board of Directors, provides a forum in which providers share information and address concerns. Information about BRACH can be found at: <https://blueridgehomeless.org/>.

City staff provides the following information relative to this lease approval request:

Building space (square footage):	approximately 366 square feet
Assessed Value:	n/a
Current Lease Rate:	n/a
Current Lease Rate per square foot:	n/a
Potential Annual Lease Value:	+/- \$3 - \$12 / SF
Comparable Fair Market Rent Value:	\$1,098.00 - \$4,392.00

The general terms of the Lease Agreement are:

Lease period:	2 years; with option to renew one time for one year
Lease rate:	\$0
Security Deposit:	\$0
Tenant Responsibilities:	janitorial services; cost of utilities, insurance; Tenant accepts Premises "as-is"
City Responsibilities:	maintenance of structural elements and systems

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

This aligns with Goal 2: A Healthy and Safe City, specifically 2.3, Improve community health and safety outcomes by connecting residents with effective resources.

### **Community Engagement**

This Lease Agreement has been reviewed by BRACH representative(s). Several city staff members are Board Members of BRACH.

### **Budgetary Impact**

This request does not require any funding from the City budget. Generally any maintenance or repair requests would be required for the entire CitySpace facility.

### **Recommendation**

Staff recommends that City Council approve the attached Resolution.

### **Alternatives**

City Council could choose not to approve this Resolution which will result in the BRACH office needing to find another location to reside, including possibly required rent payments, which will reduce funding available for existing programs and services.

### **Attachments**

1. Resolution BRACH lease 071723
2. BRACH lease draft June 2023 (2) (2)

*Suggested motion: "I move the Resolution approving the Lease Agreement with the Blue Ridge Area Coalition for the Homeless"*

## **RESOLUTION**

### **Approving a lease of property at 100 5<sup>th</sup> Street NE to the Blue Ridge Area Coalition for the Homeless (BRACH)**

WHEREAS, BRACH desires to lease a portion of City-owned property for a term of two (2) years, and City Council has considered the terms of the proposed lease; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the lease of a portion of City-owned property located at 100 5th Street NE, Charlottesville, Virginia, to BRACH, presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the approved lease on behalf of City Council.

Approved by Council  
July 17, 2023

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Kyna Thomas, CMC  
Clerk of Council

**STANDARD FORM LEASE AGREEMENT FOR COMMERCIAL SPACE  
WITHIN A CITY-OWNED BUILDING OR STRUCTURE**

**THIS LEASE** is made this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between THE CITY OF CHARLOTTESVILLE, VIRGINIA (herein, "Landlord") and BLUE RIDGE AREA COALITION FOR THE HOMELESS, a charitable non-profit organization authorized to do business in the Commonwealth of Virginia (herein, "Tenant" or "BRACH").

For in consideration of the mutual covenants and premises herein set forth, the parties hereto agree as follows:

Section 1. Leased Premises. Landlord hereby leases and demises to Tenant, and Tenant hereby leases and demises from Landlord, certain premises within the building or structure located 100 5<sup>th</sup> Street NE, Charlottesville, Virginia ("Building"), such premises consisting of approximately 366 square feet of net usable floor space in CitySpace, as designated on the floor plan attached and incorporated herein as **Exhibit A** ("Leased Premises"). The Leased Premises are demised to the Tenant together with a nonexclusive right to the use of all hallways, stairs, sidewalks, restrooms, kitchen and other areas designated by the Landlord for common use of tenants within and using the Building ("Common Areas").

Section 2. Term of Lease. This Lease shall be for a term of two years ("Initial Lease Term"), commencing \_\_\_\_\_, 2023 ("Commencement Date") and expiring at midnight on \_\_\_\_\_, 2025 ("Expiration Date"), unless sooner terminated as provided herein. ("Initial Lease Term").

Section 3. Option to Renew. Provided that Tenant is not in default in the performance of this Lease, Tenant shall have the option to renew the Lease one time for one year ("Renewal Term"). Tenant's Renewal Term option must be exercised by written notice given to the Landlord at least ninety (90) days prior to the expiration of the Initial Lease Term. Any Renewal Term shall commence on the date following the date of expiration of the Initial Lease term. All of the terms and conditions of this Lease shall apply throughout any Renewal Term.

Section 4. Rent. Tenant shall pay to the Landlord the annual rental of \$ 1.00 dollar ("Annual Rent").

The Fair Market Rent for the Demised Premises is \$4,392.00. The difference between the basic annual rent and the Fair Market Rent is \$4,391.00 annually, which shall be deemed an in-kind financial donation and contribution by Landlord to Tenant in accordance with Virginia Code Sec. 15.2-953.

Section 5. Rent Increase. The Annual Rent shall increase each year, by an amount equal to zero percent ( 0 %) of the Rent payable during the preceding Lease Year.

Section 6. Security Deposit. Concurrently with Tenant's execution of this Lease,

Tenant shall deposit with Landlord an amount equal to \$ 0 as security for damage due to Tenant's failure to pay sums due hereunder, misuse of the Leased Premises, etc. (hereinafter, the "Security Deposit"). Landlord shall not be required to pay interest on the Security Deposit or to maintain it in a separate account. Within three (3) days after written notice of Landlord's use of the Security Deposit, Tenant shall deposit with Landlord cash in an amount sufficient to restore the Security Deposit to its prior amount. Within ninety (90) days after (a) the expiration or earlier termination of the Lease Term, or (b) Tenant's vacating the Demised Premises, Landlord shall return the Security Deposit less such portion thereof as Landlord may have used to satisfy Tenant's obligations.

Section 7. Use of Premises.

(A) Tenant represents and warrants that it will use and occupy the Leased Premises for the following commercial purpose(s): office space for a maximum of three employees of Tenant; and provide services to the public. Tenant shall not use the Leased Premises for any other purpose(s), unless with the advance written permission of the Landlord.

(B) Tenant will have access to the meeting room(s) in CitySpace (Main Conference Room and Small Conference Room). Tenant acknowledges nonexclusive right and acknowledges that these meeting room(s) must be reserved in advance for use. Landlord shall provide Tenant with contact information to assist with reservation of meeting room(s).

Section 8. Nonprofit status. If Tenant is required by this Lease to pay only a nominal rent for the Leased Premises, Tenant represents and warrants that it is a charitable organization, institution or corporation authorized to receive appropriations, gifts or donations of money or property, real or personal, from the City, under the provisions of Virginia Code Sec. 15.2-953. Records which document Tenant's nonprofit status are attached as **Exhibit B**.

Section 9. Care and Maintenance of Premises.

(A) Tenant acknowledges that it has had an opportunity to inspect the Leased Premises, and that the Leased Premises are in good order and repair, unless otherwise indicated within a written Inspection Report attached to this Lease Agreement and signed by both Landlord and Tenant. Tenant accepts the Leased Premises "as-is". Tenant acknowledges that based on its own inspection of the Leased Premises, the Leased Premises are suitable for its intended purposes. Landlord makes no warranties or representations as to the suitability of the Leased Premises for Tenant's intended purposes.

Tenant further acknowledges that the Leased Premises operates as a shared meeting space for use by City-related business, including but not limited to public meetings and events. The Leased Premises are located in an accessible space that, at times, may be an unsecured open area. Tenant will be responsible for securing all Tenant's equipment and belongings. Landlord will not be liable for Tenant's equipment and belongings.

(B) Landlord shall, at its expense, provide the following:

- (i) janitorial services for the entry to the Building, stairways, corridors and other common areas within the Building,
  - (ii) removal of ice and snow from sidewalks and entryways
  - (iii) security keycard(s) for access to the Leased Premises. Tenant will be responsible for one security keycard, provided upon request, for each employee of BRACH. Tenant acknowledges that security keycard(s) will need to be carried at all times for access to the Leased Premises. Additional costs may be assessed for lost, stolen, or replaced security keycard(s). If a security keycard is lost or stolen, Tenant must notify Landlord immediately. Tenant acknowledges that Leased Premises is located in CitySpace, a minimally secured workspace and meeting rooms, and will exercise care in allowing access to individuals or groups accessing the space.
  - (iv) Furniture. All furniture and fixtures provided by Landlord to Tenant shall remain the property of Landlord at all times and shall remain in the Leased Premises upon vacancy by Tenant. Tenant shall be solely responsible to keep and maintain all provided furniture and equipment in substantially the same condition and repair in which the furniture and equipment were delivered to the Tenant on the Commencement Date, reasonable and ordinary wear and tear excepted. Tenant acknowledges that the following furniture and equipment is provided for Tenant's use, and remains property of Landlord, during the term of the Lease:
    - 2 desks
    - 2 chairs
    - 1 small file cabinet (w/keys)
    - 2 small file cabinets (without keys)
    - 1 small round office table with 3 chairs
- (C) Landlord shall also, at its expense, maintain and keep in good repair:
- (i) The roof of the Building, exterior walls of the Building, structural foundations and other structural components of the Building,
  - (ii) the plumbing and permanent electrical wiring that serve the Leased Premises
  - (iii) common heating, cooling and air handling equipment within the Building, and the ductwork that runs from such common equipment to the Leased Premises; provided however, that Tenant shall be responsible for the cost and expense of any such maintenance, repair or replacement that is required as a result of any negligence or willful act of Tenant, its principals, employees, agents or invitees. Landlord shall not be responsible for maintenance, repair, or replacement of any heating, cooling or air conditioning equipment or systems installed by Tenant within the Leased Premises for which Tenant shall be solely responsible.

- (iv) Landlord shall have a right of access to the Leased Premises, upon reasonable notice to the Tenant, at times necessary for performance of work for which Landlord is responsible pursuant to the provisions of this section.

(D) Tenant shall, at its expense, provide janitorial services within the Leased Premises, and shall at all times keep and maintain the Leased Premises in a clean, sanitary and orderly condition. In addition, Tenant shall be solely responsible for all costs and expense required to keep and maintain the Leased Premises in substantially the same condition and repair in which the Leased Premises were delivered to the Tenant on the Commencement Date, reasonable and ordinary wear and tear excepted. Tenant shall also, at its expense:

- (i) maintain, repair and replace the furnishings, fixtures and equipment that are delivered with possession of the Leased Premises, including, without limitation: sinks, toilets, lighting fixtures, appliances, built-in cabinetry or furnishings, etc. ("Standard FF&E");
- (ii) maintain, repair and replace any broken plate glass;
- (iii) keep and maintain the Leased Premises, and any alterations or improvements made by Tenant therein, in compliance with the requirements of all statutes, ordinances, regulations, covenants, conditions or requirements of all municipal, state and federal authorities, whether now in force or which may hereafter be in force, pertaining to the Leased Premises, occasioned by or affecting Tenant's use thereof;
- (iv) maintain the condition of the Leased Premises, and its use of the Leased Premises and common areas therein, in accordance with rules which may be established from time to time by Landlord and communicated by Landlord or its agent to the Tenant.
- (v) keep and maintain the Leased Premises free of all nuisances, including, without limitation: vermin, insects, hazardous materials and hazardous substances.

Section 10. Requests for Maintenance and Repair. Requests for maintenance and repair of the Leased Premises that are the responsibility of Landlord shall be submitted promptly in writing. Landlord shall provide Tenant with contact information to assist with requests for maintenance and repair.

Section 11. Alterations. Tenant may, with advance written consent of the Landlord, make alterations or improvements to the Leased Premises. At the Landlord's sole option, alterations or improvements shall become the sole property of the Landlord upon the expiration or earlier termination of this Lease Agreement; provided, however, that Landlord, at its sole option, shall also have the right to require the Tenant to remove any alteration or improvement on or prior to the expiration or earlier termination of this Lease: If Landlord elects to require tenant to remove any alterations or improvements, then Landlord shall give



written notice to the Tenant at least thirty (30) days prior to the expiration or termination date, and then Tenant shall at Tenant's sole expense, remove the alterations or improvements and restore the Leased Premises to the condition in which they existed on the Commencement Date of this Lease (reasonable wear and tear excepted).

(A) Retrofits to be Subsidized by Landlord. *[not applicable]*

Section 12. Tenant's Furnishings and Fixtures. Tenant shall obtain the advance written permission of the Landlord to install its own furnishings, fixtures and equipment ("Tenant's FF&E") within the Leased Premises. Landlord's permission shall not unreasonably be withheld; however, all costs and expenses for the installation, maintenance, repair or replacement of Tenant's FF&E shall be the responsibility of the Tenant. Upon the expiration or earlier termination of this Lease, Tenant shall, at its sole expense, remove the Tenant's FF&E, shall repair any damage(s) caused by such removal, and shall restore the Leased Premises to the condition in which they were delivered to Tenant on the Commencement Date (reasonable wear and tear excepted). Notwithstanding the foregoing, Landlord and Tenant may, by mutual written agreement executed at least thirty (30) days prior to the expiration or termination date, agree upon the terms and conditions under which any of Tenant's FF&E may remain within the Leased Premises and become the sole property of the Landlord.

Section 13. Casualty. Neither the Landlord nor its authorized agent shall be liable for any damage or personal injury to Tenant, or to any other persons, or with respect to any personal property, caused by: fire, explosion, water, busted or leaking pipes, malfunctioning sprinklers, steam, plumbing, gas, oil, electricity, electrical wiring, rain, ice, snow or any leak or flow from or into any part of the Leased Premises or any improvements thereon, or due to any other cause whatsoever, unless such damage or injury is caused by a negligent act or omission of the Landlord or agent for which the Landlord or agent may be held responsible under the laws of the Commonwealth of Virginia.

Section 14. Signs. Tenant shall not display or erect any lettering, sign, advertisement, sales apparatus or other projection on the exterior of the Leased Premises (including interior window and door glass) without prior written consent of Landlord and permits as may be required by the City's zoning ordinance.

Section 15. Taxes. During the term of this lease, the Tenant shall be solely responsible for, and shall pay directly to the City of Charlottesville, any real estate taxes and assessments imposed on its leasehold interest, and its proportionate share of any stormwater utility fees. Tenant shall pay all personal property and business license taxes imposed by the Commonwealth of Virginia or the City of Charlottesville.

Section 16. Utilities.

(A) Tenant shall be responsible for all deposits, costs and expenses for communications services used by Tenant at the Leased Premises, including, without

limitation: telephone, cable, internet, wifi, security monitoring, and other communications service charges provided to or utilized by Tenant at the Leased Premises.

(B) All applications and connections for communications services shall be made in the name of the Tenant only, and Tenant shall be solely liable for charges as they become due.

(C) Landlord shall be responsible for other utility services consumed by Tenant at the Leased Premises, including, without limitation: water, sewer, gas, and electricity.

Section 17. Insurance. Tenant shall provide Landlord with proof of insurance for the organization upon signing of the lease agreement, any renewal period, and upon Landlord's request.

Section 18. Assignments and subleases. Tenant shall not assign its rights or obligations under this Lease Agreement, and shall not enter into any sublease of the Leased Premises, without the prior written consent of Landlord.

Section 19. Landlord's Right of Entry. Landlord or its agent(s) shall have a right to enter upon the Leased Premises at reasonable times and upon reasonable notice given to Tenant, for the purpose of inspecting the leased premises, or for performing any action Landlord has a right to perform.

Section 20. Indemnification. Tenant shall indemnify Landlord against all liabilities, costs, expenses (including reasonable attorney's fees) and losses incurred by Landlord as a result of: (A) failure by Tenant to perform any covenant required to be performed by Tenant hereunder; (B) any accident, injury or damage caused by Tenant's negligence; (C) Tenant's failure to comply with requirements of any governmental authority; (D) any mechanics' lien or security agreement or other lien filed against the Building or the Leased Premises; or (E) any negligent act or omission of Tenant, its officers, employees, and agents.

Section 21. Damage by Fire or other Casualty.

(A) If the leased premise shall be rendered untenable by fire or other casualty, Landlord may at its sole option terminate this lease as of the date of such fire or other casualty, upon 30 days written notice to Tenant. In the event that this lease shall be terminated, rent shall be equitably adjusted.

(B) If this lease shall not be terminated under the provisions of subparagraph (A) above, rent shall be equitably apportioned according to the space rendered untenable, and Landlord shall at its own cost restore the Leased Premises to substantially its same condition immediately preceding such loss, provided that the cost of such work shall not exceed the insurance proceeds received by Landlord on account of such loss.

(C) If Landlord elects to restore the Leased Premises and shall fail to substantially

complete the same within 90 days after such fire or other casualty, due allowance being made for delay due to practical impossibility either Landlord or Tenant, by written notice to the other given within 15 days following the last day of said 90 day period, may terminate this lease as of the date of such fire or other casualty.

Section 22. Lessor's Remedies Upon Default.

(A) If Tenant defaults in the payment of rent, or any additional rent, or defaults in the performance of any of the other covenants, terms or conditions hereof, Landlord may give Tenant notice of such default, and if Tenant does not cure any such default within thirty (30) days after the giving of such notice (or, the default is of such nature that it cannot be completely cured within such 15-day period, if Tenant does not commence such curing within such 15 days and thereafter proceed with reasonable diligence and good faith to cure such default) then Landlord shall have the right to terminate this Lease and all rights of Tenant under this Lease by giving written notice to the Tenant.

If the Landlord gives written notice of termination, then this Lease shall terminate on the date specified in such notice. On or before the termination date, Tenant shall quit the Leased Premises and surrender the Leased Premises to Lessor, but Tenant shall remain liable as hereinafter provided. Upon the effective date of termination, the Landlord may at any time thereafter resume possession of the Leased Premises by any lawful means and remove Tenant or other occupants and their effects. No failure of the Landlord to enforce any term or condition of this Lease shall be deemed a waiver. In the event Landlord elects to terminate this Lease, Landlord may recover from Tenant: (a) any unpaid rent due and owing to the Landlord at the time of termination of the Lease; (b) the amount by which the unpaid rent that would have been earned after termination of the Lease until the time of award exceeds the amount of rental loss that Tenant proves could have been reasonably avoided; (c) the amount by which the unpaid rent for the balance of the term of this Lease after the time of award exceeds the amount of rental loss that Tenant proves could be reasonably avoided; and (d) any other amount necessary to compensate Landlord for full damages proximately caused by Tenant's failure to perform its obligations under this Lease. No act of Landlord shall be construed as terminating this Lease except written notice given by Landlord to Tenant advising Tenant that Landlord elects to terminate the Lease. As used in this paragraph, the term "rent" means the Rent and any other costs, expenses or sums required to be paid by Tenant pursuant to the terms of this Lease Agreement.

(B) Upon the expiration or earlier termination of this Lease, or any renewals or extensions hereof, Tenant shall quit and surrender the Leased Premises to Landlord clean and in good order and condition, ordinary wear and tear excepted. Tenant shall, on or prior to the date of expiration or earlier termination, remove all its property and repair all damage to the Leased Premises caused by such removal and make reasonable restoration of the Leased Premises to the condition in which they existed prior to the installation of the property so removed. Any property of the Tenant that remains on the Premises after the expiration or termination of this Lease may be treated by the Landlord as abandoned property. Any item of property which is left on the Leased Premises that is worth less

than \$1,000.00 (one thousand dollars) shall be deemed abandoned and may be immediately removed by the Landlord and disposed of as trash.

Section 23. Rules and Regulations of Landlord: Stipulations. Tenant covenants that the following rules and regulations shall be faithfully observed and performed by Tenant, its principals, employees and agents, and its invitees:

(A) Tenant shall not do or permit anything to be done in the Leased Premises, or bring or keep anything therein, which will or may increase the Landlord's fire insurance premium(s) for the Building or Leased Premises; which will obstruct or interfere with the rights of the Landlord or any other tenant(s) in the Building; or which will violate any requirement of the Virginia State Fire Prevention Code.

(B) The sidewalks, entries, passages, elevators, public corridors and staircases and other parts of the Building which are not occupied by the Tenant shall not be obstructed or used for any other purpose other than ingress and egress.

(C) The Tenant shall not install or permit the installation of any awnings, shades, and the like other than those approved by the Landlord in writing.

(D) No additional locks shall be placed upon any doors in the Leased Premises unless keys therefor are given to the Landlord for use in emergencies; and the doors leading to corridors or main halls shall be kept closed during business hours except as they may be used for ingress and egress.

(E) Tenant shall not construct, maintain, use or operate within the Leased Premises (or elsewhere in the Property of which said Leased Premises form a part, or on the outside of the Leased Premises) any equipment or machinery which produces music, sound or noise which is audible beyond the Building or property.

(F) Electric, cable and telephone floor distribution boxes must remain accessible at all times.

(G) No animals shall be kept by Tenant in or about the Leased Premises and the Tenant shall not suffer any animal(s) to be kept in or about the Leased Premises. Service animals shall be permitted.

(H) No bicycles or vehicles of any kind, including but not limited to electric scooters, shall be brought into the lobby or elevators of the Building or into the Leased Premises.

(I) Tenant shall not utilize in the Leased Premises equipment requiring electrical energy other than ordinary office equipment (including desktop computers, telephones, fax machines, copying, printing and scanning equipment).

(J) Tenant shall keep all windows and exterior doors closed in the Leased Premises in order to assure proper functioning of heating and air conditioning systems and to prevent damage to the leased premises. Tenant shall be responsible for damage to the Leased Premises caused by

its failure to comply with this paragraph.

(K) Tenant shall comply with any other rule(s) or regulation(s) of Landlord of which Tenant has been given notice, and which are, in Landlord's judgment, necessary or appropriate for the safety, care and cleanliness of the Building, the common areas within the Building, or the Leased Premises.

Section 24. Quiet Enjoyment. Upon payment of the Rent herein provided for and upon performance of the terms of this Lease Agreement, Tenant shall have a right of quiet enjoyment of the Leased Premises, to the extent that Tenant acknowledges that Leased Premises is an open work area within a larger meeting space.

Section 25. Notices. Notices required to be given under this Lease Agreement shall be given in writing and signed by the party giving the notice. The notice shall either be delivered or sent by certified U.S. mail, return receipt requested, and shall be addressed to the receiving party's address appearing below. A notice shall be deemed to have been given as of the date on which said notice is either delivered to the recipient, as evidenced by a signed receipt, or if sent by mail, on the date such notice is deposited in the United States Mail. The parties' designated representatives for purposes of receiving notices and communications pertaining to this Lease are as follows:

Tenant:           Mailing Address:  
                          Blue Ridge Area Coalition for the Homeless  
                          P.O. Box 34  
                          Charlottesville, VA 22902

                          Delivery Address:  
                          Blue Ridge Area Coalition for the Homeless  
                          100 5<sup>th</sup> Street NE  
                          Charlottesville, VA 22902

Landlord:        Mailing Address:  
                          Office of the City Manager  
                          City of Charlottesville  
                          P.O. Box 911  
                          Charlottesville, VA 22902  
                          Attn: City Lease

                          Delivery Address:  
                          Office of the City Manager  
                          City of Charlottesville  
                          605 E. Main Street, 2<sup>nd</sup> Floor  
                          Charlottesville, VA 22902  
                          Attn: City Lease

Section 26. Governing Law. This Lease Agreement shall be construed under and governed by the laws of the Commonwealth of Virginia. Any action to enforce this Lease Agreement, and any other litigation arising out of this Lease Agreement, shall be brought within

the Circuit Court for the City of Charlottesville, Virginia and such court shall be the exclusive venue.

Section 27. Successors in interest. This Lease shall be binding upon and shall inure to the benefit of the parties and their successors in interest.

Section 28. No Waivers. No failure of the Landlord to enforce any term or condition of this Lease Agreement, or any of its rights hereunder, shall be deemed a waiver.

IN WITNESS WHEREOF, the parties have caused this Lease to be executed by their duly authorized representatives, following below:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: Interim City Manager

TENANT: BLUE RIDGE AREA COALITION FOR THE HOMELESS

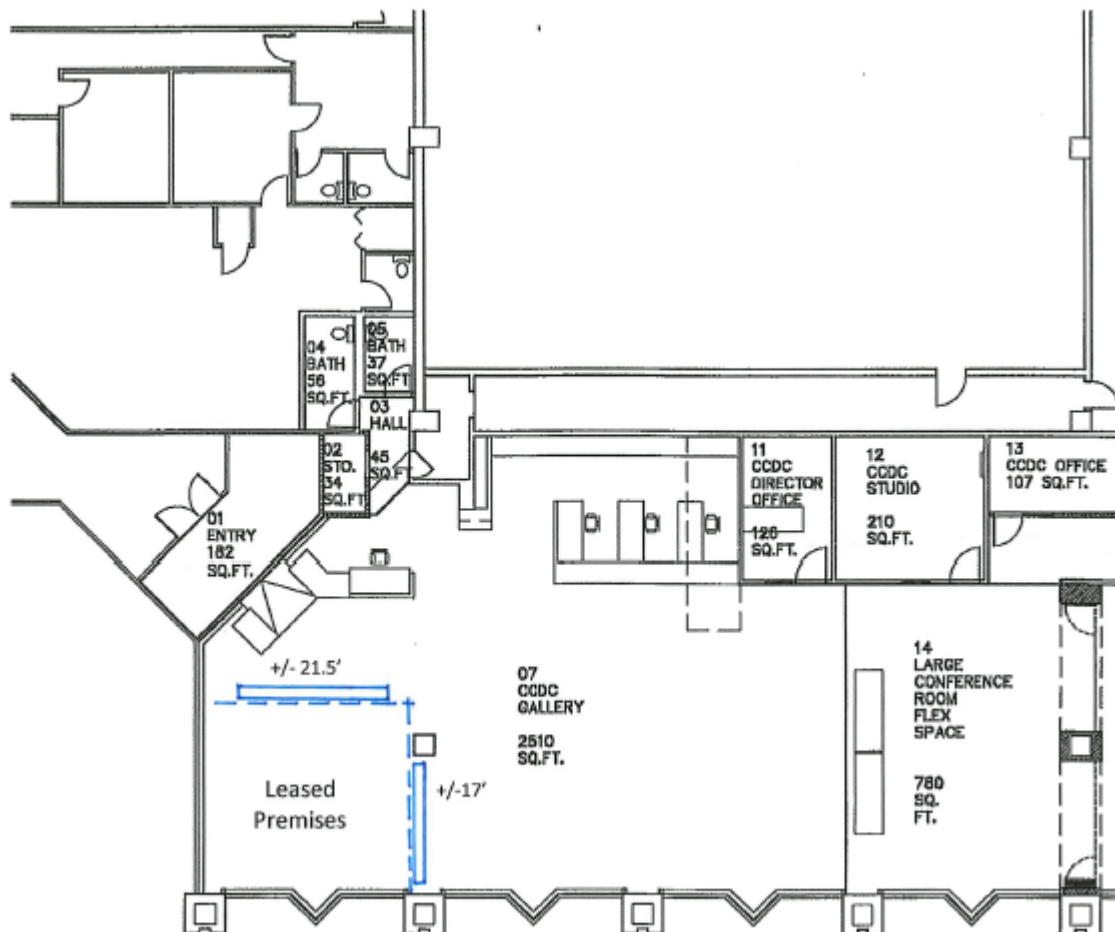
By: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

## EXHIBIT A

### Leased Premises





**EXHIBIT B**

**Nonprofit Status**

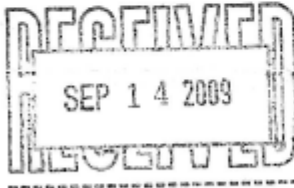
INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: SEP 04 2009

THOMAS JEFFERSON AREA COALITION FOR  
THE HOMELESS  
401 E WATER ST  
CHARLOTTESVILLE, VA 22902

Employer Identification Number:  
26-4577927  
DLN:  
17053202328049  
Contact Person: SHERRY Q WAN ID# 31052  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
June 30  
Public Charity Status:  
170(b)(1)(A)(vi)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
March 19, 2009  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No



Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)

-2-

THOMAS JEFFERSON AREA COALITION FOR

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Choi".

Robert Choi  
Director, Exempt Organizations  
Rulings and Agreements

Enclosures: Publication 4221-PC

Letter 947 (DO/CG)

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



Agenda Date:	July 17, 2023
Action Required:	Approve Resolution
Presenter:	Brenda Kelley, Redevelopment Manager
Staff Contacts:	Brenda Kelley, Redevelopment Manager Alexander Ikefuna, Director of Community Solutions
Title:	<b>Expressing Support for Friendship Court Redevelopment - Phase 2 (1 reading)</b>

**Background**

In February 2021, City Council approved a Resolution (#R-21-018 attached) titled "Financial Resolution Supporting Friendship Court Phase 2". This Resolution documented the financial support approved by City Council for the Friendship Court Phase 2 project. At the time of approval, City Council had approved a total of \$3,250,000 in funding for infrastructure and affordable housing development. Since that approval, City Council has approved an additional \$2,500,000 in funding support for Phase 2 (FY23 funding). Approval of this Resolution will document the additional \$2,500,000 in funding support. This updated Resolution will be used by Piedmont Housing Alliance to provide documentation of the city funding commitment for their lenders, Low Income Housing Tax Credits applications and other needed supports.

Friendship Court is a mixed-use, mixed-income, phased redevelopment comprised of four phases, all of which will take place on the existing site. Each phase is an independent phase. A fundamental goal of the redevelopment is no displacement of current residents, hence the need for a phased development. The total duration of all phases is not expected to exceed ten years. This redevelopment approach is the direct result of the current Friendship Courts residents' vision for the redeveloped Friendship Court and its future. The completed redevelopment will result in 425-475 residential units and a variety of commercial, educational, and retail space, as well as a proposed park. The redevelopment is intended to further incorporate Friendship Court and its residents into the fabric of the City of Charlottesville.

**Discussion**

Piedmont Housing Alliance has requested an updated Resolution of funding support for Phase 2 of Friendship Court. This Resolution will help with the competitiveness of their late July application for state housing tax credits, as well as other needed support documentation.

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

The overall redevelopment of Friendship Court supports City Council's visions of Quality Housing Opportunities for All; A Green City; Community of Mutual Respect; and Smart, Citizen-Focused

Government.

#### Strategic Plan Goals:

- Goal 1.3: Increase affordable housing options
- Goal 2.3: Improve community health and safety outcomes by connecting residents with effective resources (aligning health care with provision of housing for the elderly and disabled)

#### Comprehensive Plan Goals:

- Goal 3: Grow the City's housing stock for residents of all income levels
- Goal 3.1: Continue to work toward the City's goal of 15% supported affordable housing by 2025.
- Goal 3.6: Promote housing options to accommodate both renters and owners at all price points, including workforce housing.
- Goal 4.1: Continue to support the use of appropriate tax credit proposals submitted by private and non-profit developers within the locality to create affordable rental units, as consistent with Housing Advisory Committee policy.
- Goal 5: Support projects and public/private partnerships (i.e., private, non-profits, private developers and governmental agencies) for affordable housing, including workforce housing and mixed-use, and mixed-income developments.
- Goal 5.7: Support housing programs at the local and regional level that encourage mixed-income neighborhoods and discourage the isolation of very low and low income households.
- Goal 7: Offer a range of housing options to meet the needs of Charlottesville's residents, including those presently underserved, in order to create vibrant residential areas or reinvigorate existing ones.
- Goal 7.1: To the greatest extent feasible ensure affordable housing is aesthetically similar to market rate.
- Goal 8.1: Encourage mixed-use and mixed-income housing developments.
- Goal 8.3: Encourage housing development where increased density is desirable and strive to coordinate those areas with stronger access to employment opportunities, transit routes and commercial services.
- Goal 8.7: Encourage the incorporation of green sustainable principles (e.g. LEED, EarthCraft Virginia, Energy Star, etc.) in all housing development to the maximum extent feasible both as a way to be more sustainable and to lower housing costs.

#### **Community Engagement**

In February 2016, at the outset of considering [redevelopment](#), a critical choice was made to establish a formal [Advisory Committee](#), a cohort of nine Friendship Court residents elected by their neighbors to represent them through the process, plus six members from the at-large Charlottesville community. Led by the resident members, they have become genuine partners in planning their community's future, co-designing every aspect of the site, with all major decisions passing through their hands. The resident members, like any other consultants, are paid for their time and expertise.

In addition to the resident-led redevelopment, there have been door to door efforts to garner

feedback and a number of Community events have been held intended to educate all Friendship Court residents on the redevelopment efforts. There is also an on-site Community Organizer, who works daily to keep residents informed about the redevelopment plans. All of these efforts are ongoing.

### **Budgetary Impact**

This request does not encumber any additional funding from the City budget. It provides acknowledgement that up to \$5,250,000 in already approved funding may be provided.

### **Recommendation**

Staff recommends City Council approve the attached updated Resolution supporting redevelopment of Friendship Court Phase 2.

### **Alternatives**

City Council could choose to not approve the supporting Resolution for Friendship Court Phase 2, which could have a negative impact on their application for state housing tax credits.

### **Attachments**


1. certified Resolution funding support Phase 2 020121
2. Resolution Friendship Ct Phase 2 funding support 071723 (2)

**RESOLUTION**

**Financial Resolution Supporting Friendship Court Phase 2  
Parcel Number: 280112000**

**NOW, THEREFORE BE IT RESOLVED** that the Council of the City of Charlottesville, Virginia hereby commits up to \$3,250,000 in the form of loans for the redevelopment of Friendship Court Phase 2. The commitment of up to \$3,250,000 will help to subsidize Phase 2 which in turn will create approximately 106 newly constructed affordable housing units and some commercial space in the City of Charlottesville. This commitment will be made to Piedmont Housing Alliance and NHT Communities.

Approved by Council  
February 1, 2021



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Kyna Thomas, CMC  
Clerk of Council



## **RESOLUTION**

### **Financial Resolution Supporting Friendship Court Phase 2 Parcel Number: 280112000**

**NOW, THEREFORE BE IT RESOLVED** that the Council of the City of Charlottesville, Virginia hereby commits up to \$5,250,000 in the form of loans to a local non-profit and their partner for the redevelopment of Friendship Court Phase 2. The commitment of up to \$5,250,000 will help to subsidize Phase 2 which in turn will create approximately 106 newly constructed affordable housing units, some commercial space and a park in the City of Charlottesville. This commitment will be made to Piedmont Housing Alliance and NHT Communities.

Approved by Council  
July 17, 2023

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Kyna Thomas, CMC  
Clerk of Council

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



Agenda Date:	July 17, 2023
Action Required:	Move to second reading in August
Presenter:	Chris Gensic, Park and Trail Planner
Staff Contacts:	Chris Gensic, Park and Trail Planner Krisy Hammill, Director of Budget
Title:	<b>Appropriating VDOT grant funds for Washington Park to Madison Avenue Trail - \$285,665 (1 of 2 readings)</b>

**Background**

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

**Discussion**

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

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

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

**Community Engagement**

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

**Budgetary Impact**

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

**Recommendation**

Staff recommends appropriation of grant funds.

**Alternatives**

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

**Attachments**

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

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

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

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

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

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

**Revenues**

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

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

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



Agenda Date:	July 17, 2023
Action Required:	Resolution Approval
Presenter:	James Freas, Director of NDS
Staff Contacts:	Carrie Rainey, Urban Designer/City Planner
Title:	<b>Approving a Special Use Permit at 218 West Market Street (1 of 2 readings)</b>

**Background**

Valerie Long, Williams Mullen, acting as agent for Heirloom Downtown Mall Development, LLC, requests a modification to an existing Special Use Permit (SUP), SP19-00006, pursuant to City Code Section 34-162(a) which permits modification to yard regulations including required setbacks. The existing SUP permits a mixed use building with up to 240 dwelling units per acre (DUA) and up to 101-feet in building height with conditions. The current application requests modification of the required 25-foot minimum setback at 45-feet in height per Section 34-558(a) to a 10-foot minimum setback for the West Market Street streetwall and a 5-foot minimum setback for the Old Preston Avenue streetwall. The Subject Property is currently zoned D Downtown Mixed Use Corridor with Downtown Architectural Design Control District (District A) and Urban Core Parking Zone overlays.

**Discussion**

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

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

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

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

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

### **Community Engagement**

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

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

### **Budgetary Impact**

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

### **Recommendation**

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

### **Alternatives**

City Council has several alternatives:

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

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

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

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

Or

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

### **Attachments**

1. 218 W Market Resolution (3)

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



Agenda Date:	July 17, 2023
Action Required:	No action required as this is a report of the findings achieved during the study of alternative fuels in the operations of Charlottesville Area Transit.
Presenter:	Garland Williams, Director of Transit, Ben Chambers, Transportation Planning Manager, Mike Shindledecker (Kimley-Horn)
Staff Contacts:	Garland Williams, Director of Transit Ben Chambers, Transportation Planning Manager
Title:	<b>Presentation of Results of Alternative Fuels Study for Charlottesville Area Transit</b>

**Background**

Charlottesville Area Transit is evaluating the feasibility of switching the type of fuel it relies on from diesel to a zero-emission (or low-emission) fuel. The transition to a new fuel type would support the City's goal of reaching carbon neutrality by 2050. However, to make this transition successfully, CAT will need to ensure that its vehicles are able to serve the work requirements of its routes in a reliable fashion. This study reviews the technical viability and risks related with switching fuel types and demonstrates the level of investment and timeline required for the transition to a zero-emission bus fleet.

**Discussion**

A presentation will be provided to council on the current state of the Alternative Fuel Feasibility Study. This presentation will review the technical analysis portion of the study and serves as an interim milestone for the study, which will be followed by additional engagement with external stakeholders and internal City staff.

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

The Alternative Fuels Feasibility Study is intended to support the adopted climate goals of the City, which seeks to reduce carbon emissions by 45% by 2030 and achieve carbon neutrality by 2050.

The study also supports the Comprehensive Plan Transportation Strategy 7.4: "Reduce vehicle-related emissions through reduced vehicle miles traveled citywide, anti-idling efforts, increased use of electric and other alternative fuel vehicles, and increased fuel efficiency through fleet updates."

**Community Engagement**

Initial findings have been shared with the Regional Transit Partnership and across City departments. Following the update to City Council, an external stakeholder group, including regional partners in the

public sector and local advocacy groups, will be convened to evaluate the fuel option types and develop draft recommendations.

**Budgetary Impact**

There is no impact to the General Fund.

**Recommendation**

None at this time.

**Alternatives**

None at this time.

**Attachments**

1. CAT Alt Fuel Feasibility Study\_20230712
2. CAT ZEB July City Council Presentation

## MEMORANDUM

To: City Council, Charlottesville Area Transit  
*City of Charlottesville*

From: Mike Shindledecker, P.E.  
Marco Viola  
*Kimley-Horn and Associates, Inc.*

Date: July 12, 2023

Subject: CAT Feasibility of Alternative-Fuel Buses Study  
Executive Summary of Analysis

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## Introduction

This memo documents the background and preliminary findings of the Charlottesville Area Transit (CAT) Alternative-Fuel Buses Study. This study, initiated in mid-2022, is intended to support the adopted climate goals of the City of Charlottesville, which seeks to reduce carbon emissions 45% by 2030 and achieve carbon neutrality by 2050.

The complete report discusses the short and long-term goal of transitioning the CAT's fleet to alternative fueled vehicles with the goal to reach zero carbon emissions by 2050 without sacrificing quality of service. This is discussed in the context of current and future technology advancements with a focus on technical viability and risk related to continuity of operations. Factors that were considered are range and current/planned system needs, size and ridership capacity, emissions reduction (both greenhouse and other health-related emissions), capital and life cycle costs, fuel costs per mile, infrastructure costs associated with depot and on-route charging, and maintenance costs per mile and over the life of the vehicle.

A complimenting memorandum describing the climate and health impacts of the alternative fuel scenarios was completed concurrently with the feasibility study and its findings are summarized below and incorporated by reference.

## Alternative Scenarios

Six fleet transition scenarios were developed for this study:

0. Diesel ("business as usual" as a comparative baseline)
1. Battery Electric Buses (BEB)
2. Battery Electric Buses with Fast Charging Locations On-Route
3. Battery Electric Buses with Low Vehicle Replacement Ratio Estimate
4. Fuel Cell Electric Buses (FCEB, also known as Hydrogen or Hydrogen Fuel Cell)
5. Natural Gas (Compressed Natural Gas, CNG, and Renewable Natural Gas, RNG)



All transition scenarios were based on the range requirements from CAT's system optimization plan and CAT's planned expansion of its fleet. All scenarios consider some baseline assumptions regarding feasibility such as fuel availability and ability to purchase sufficient quantities of vehicles in needed replacement years. These are considered in the comparison of findings.

## **Findings**

This section summarizes potential applications and considerations for the alternatives described in this study. Long-term considerations/opportunities for further study are described in the full report.

### **Compressed Natural Gas**

A transition to natural gas vehicles (either compressed natural gas, CNG or renewable natural gas, RNG) would be the simplest scenario for CAT in terms of feasibility. Natural gas buses are a mature technology for transit applications; natural gas buses are highly reliable, fuel sourcing is abundant and dependable, and natural gas buses have been used by multiple transit agencies such as Greater Richmond Transit Company (142 buses, planned to be 85% natural gas), Arlington County Transit (78 busses, currently 100% natural gas), and Metrobus (1,578 buses, 28% natural gas). A full-scale deployment of natural gas buses would also be the cheapest option among the alternative fuel scenarios.

While a switch to natural gas would provide a reduction in CAT's carbon emissions and emittance of other harmful pollutants (except for carbon monoxide which would increase significantly), switching purely to natural gas would not be congruent with the City of Charlottesville's carbon emissions reduction goal of becoming carbon neutral by 2050. The purchase of renewable natural gas provides a further reduction in carbon emissions, though establishing a reliable and direct RNG source is likely to be challenging. There is a potential to purchase carbon offset credits through Charlottesville Gas utility, however any combustion-based technology will continue to emit greenhouse gases and particulate matter into the community.

### **Battery Electric**

The operational analysis results show that the commercially available Battery Electric Buses (BEBs) are capable of reliably serving only 38% of CAT's operational blocks under the system optimization plan. On-route charging could help to mitigate range challenges, but on-route charging can occur at high expenses due to peak rate electrical costs and maintenance. Additionally, operations may suffer considering additional layover time required for the vehicle to recharge. Alternatively, a 100% BEB system could require CAT to increase the size of its fleet by deploying more than one BEB per block to meet range requirements (therefore requiring additional storage/facility space) or require changes to CAT scheduling and operations.

### **Hydrogen Fuel Cell**

Hydrogen fueling infrastructure is similar to natural gas infrastructure and the range of fuel cell vehicles are greater than BEBs. Additionally, refueling a fuel cell vehicle takes only six to ten minutes meaning fleet operations can be performed similarly to existing operations with diesel buses. Hydrogen deployment also becomes more cost effective with larger fleets since fueling infrastructure remains nearly the same with an increase in fleet size. If CAT were to adopt hydrogen fuel as the

preferred fuel type, CAT would not be required to change their service structure and could perform a 1:1 fleet transition.

Challenges to hydrogen fuel include the cost and availability of Fuel Cell Electric Buses (FCEBs) less than 40'. Hydrogen fuel is still maturing and not widely used for municipal purposes outside of California, thus few manufacturers currently produce FCEBs. CAT would likely have hydrogen fuel delivered by truck or construct a hydrogen production facility. Further funding and research through initiatives including the Department of Energy's "Hydrogen Energy Earthshot" will help to reduce the cost of hydrogen in the future, targeting a cost of \$1 per 1 kg hydrogen compared to approximately \$9 per 1 kg of hydrogen in today's market.

### Comparison of Scenarios

Based on the information above, **Table 1** summarizes the numerical comparison of each alternative scenario for greenhouse gas emissions, capital costs, and operational costs.

*Table 1: Summary Comparison of Scenarios*

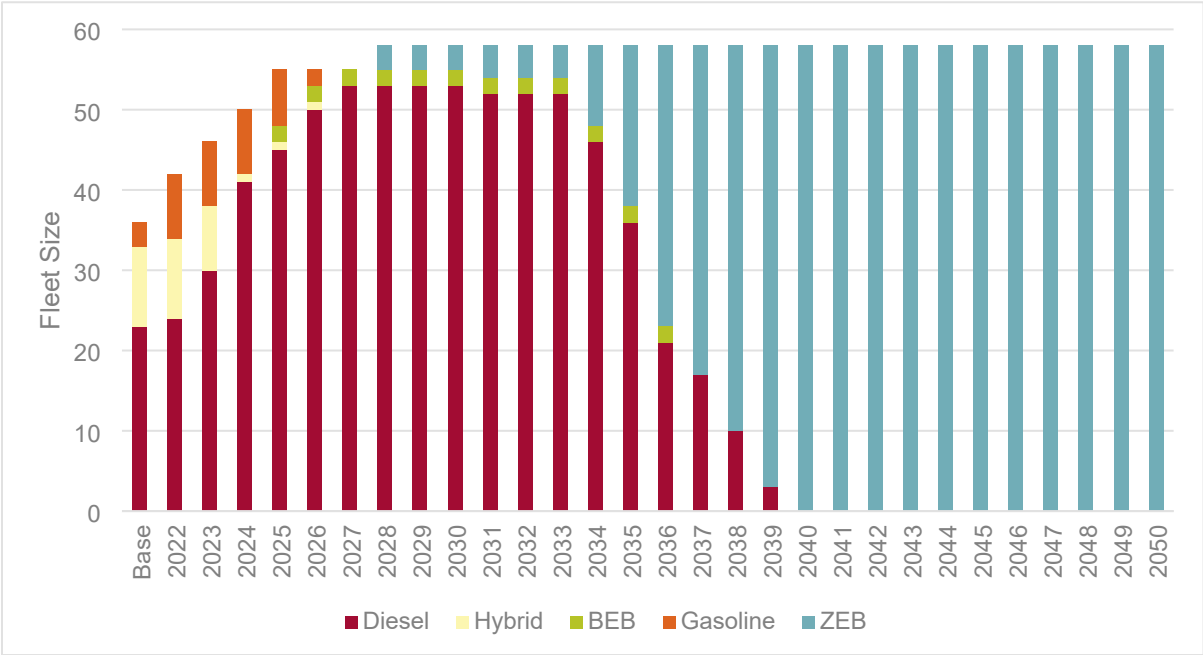
Scenario	Number of Vehicles	Emissions Reduction		Vehicle Costs	Facility Costs	Operational Costs (Fuel + Maintenance)
		Long-Term	Near-Term			
Diesel	58	-	-	\$29 M	-	\$2.2 M
Battery Electric	94	99.4%	6.8%	\$102 M	\$7.6 M	\$1.4 M
Battery Electric (Fast Charging)	63	99.6%	6.8%	\$68.5 M	\$6.0 M	\$1.45 M
Battery Electric (Low Estimate)	58	99.6%	6.8%	\$60 M	\$4.7 M	\$1.3 M
Hydrogen	58	99.0%	5.1%	\$78.5 M	\$5.7 M	\$1.8 M
CNG/RNG	58	7.3%	3.1%	\$39 M	\$2.3 M	\$1.7 M

### Transition Timeline

The following three charts indicate potential fleet transition scenarios based on the above technical analysis and the planned replacement of CAT buses considering federal useful life requirements.

**Figure 1** shows alternatives that assume 1 alternative-fuel bus replaces each diesel bus that reaches useful life balance. **Figure 2** accounts for a higher replacement ratio for BEBs due to range limitations (1:1.62 based on modeling results). **Figure 3** accounts for the installation of fast chargers at the downtown transit station and minor expansion to accommodate longer routes with midday vehicle swap-out for routes which do not access the downtown transit station.

Figure 1: 1:1 Fleet Transition Scenario



Note "ZEB" refers to Low OR Zero-Emissions fuels as a generic term, BEB, FCEB, CNG, or RNG.

Figure 2: 100% BEB Transition Scenario

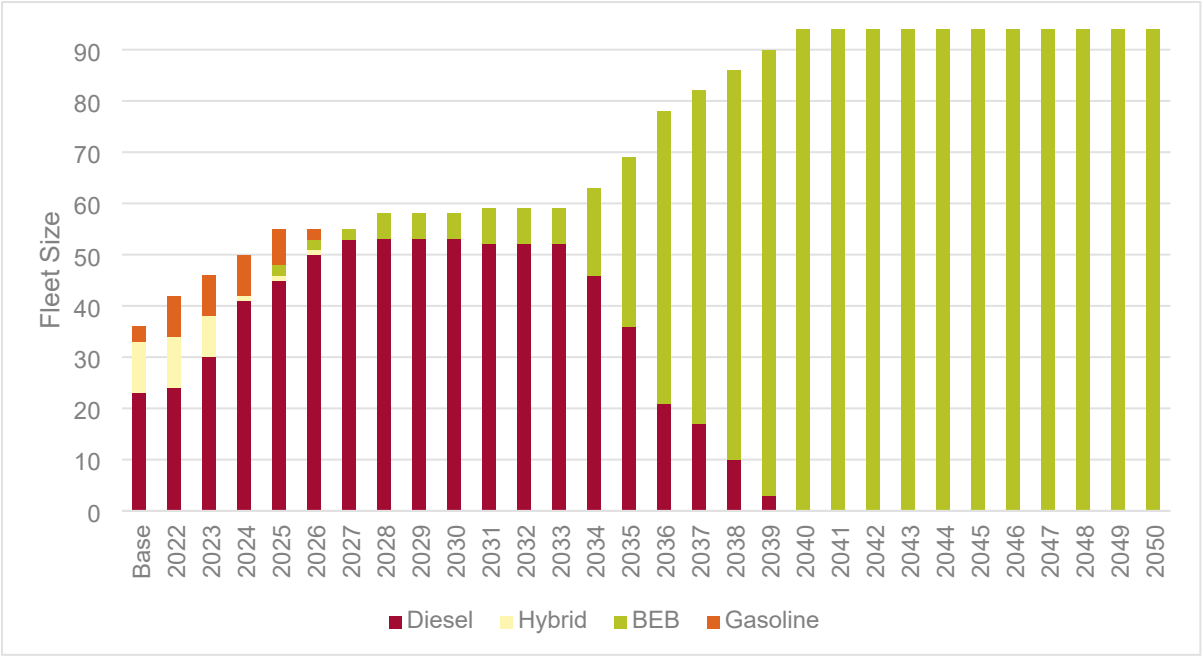
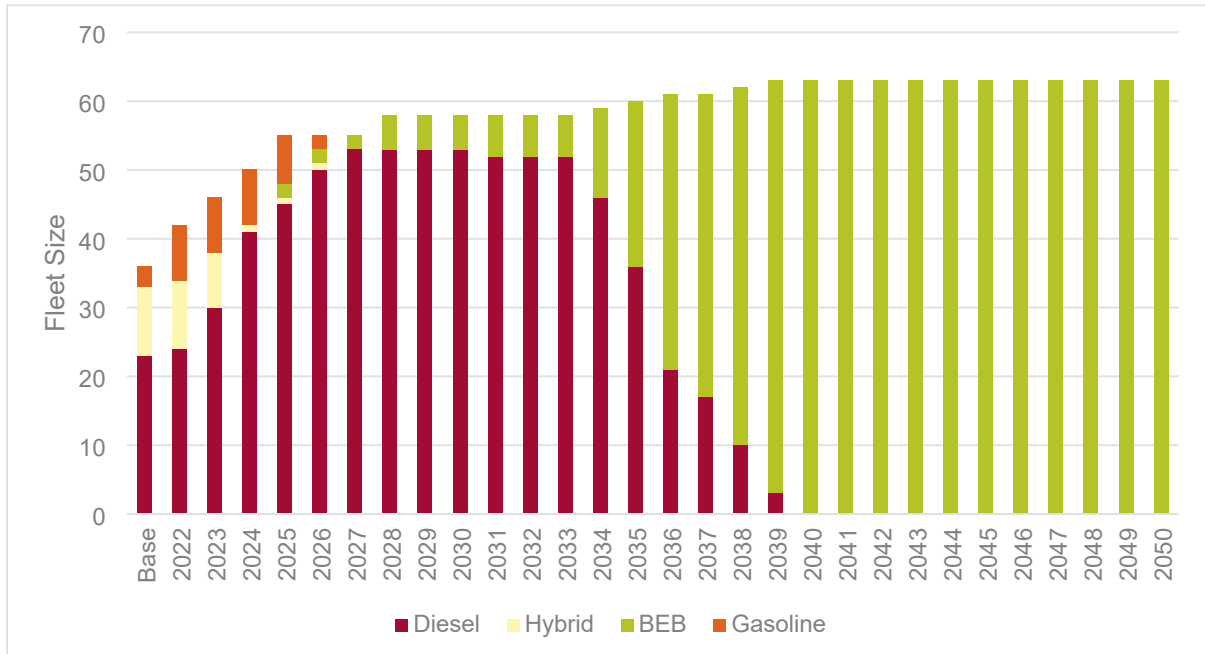


Figure 3: BEB with Fast Charger Fleet Transition Scenario



## Recommendations

Prior to the development of study recommendations, the project team will work with City Council and public representatives to prepare a priority order for the aforementioned alternative fuel scenarios. The scenario(s) determined viable following public engagement will be advanced to the next phase of study to move from theoretical assessment into conceptual design of facilities and implementation. This study will culminate in a alternative fuel transition plan for CAT in Fall 2023 for use in grant applications 2024 and beyond.



**Kimley»»Horn**  
Expect More. Experience Better.

## Charlottesville Area Transit Facility Design and Zero Emissions Vehicles

# City Council Update

July 2023

# Today's Purpose

- Update Council at the current project milestone
- Provide an opportunity for Council to ask questions
- Solicit perspective from Council members



# Schedule

- Feasibility Study and Environmental Assessment
  - May 2023 for Staff
  - July 2023 for City Council
- Space Program
  - Summer 2023
  - On-site visit: August 2023
- Site Master Plan
  - Fall 2023
- Zero Emissions Bus Transition Plan
  - Fall 2023





# Background Information





# Going Low- or Zero-Emission

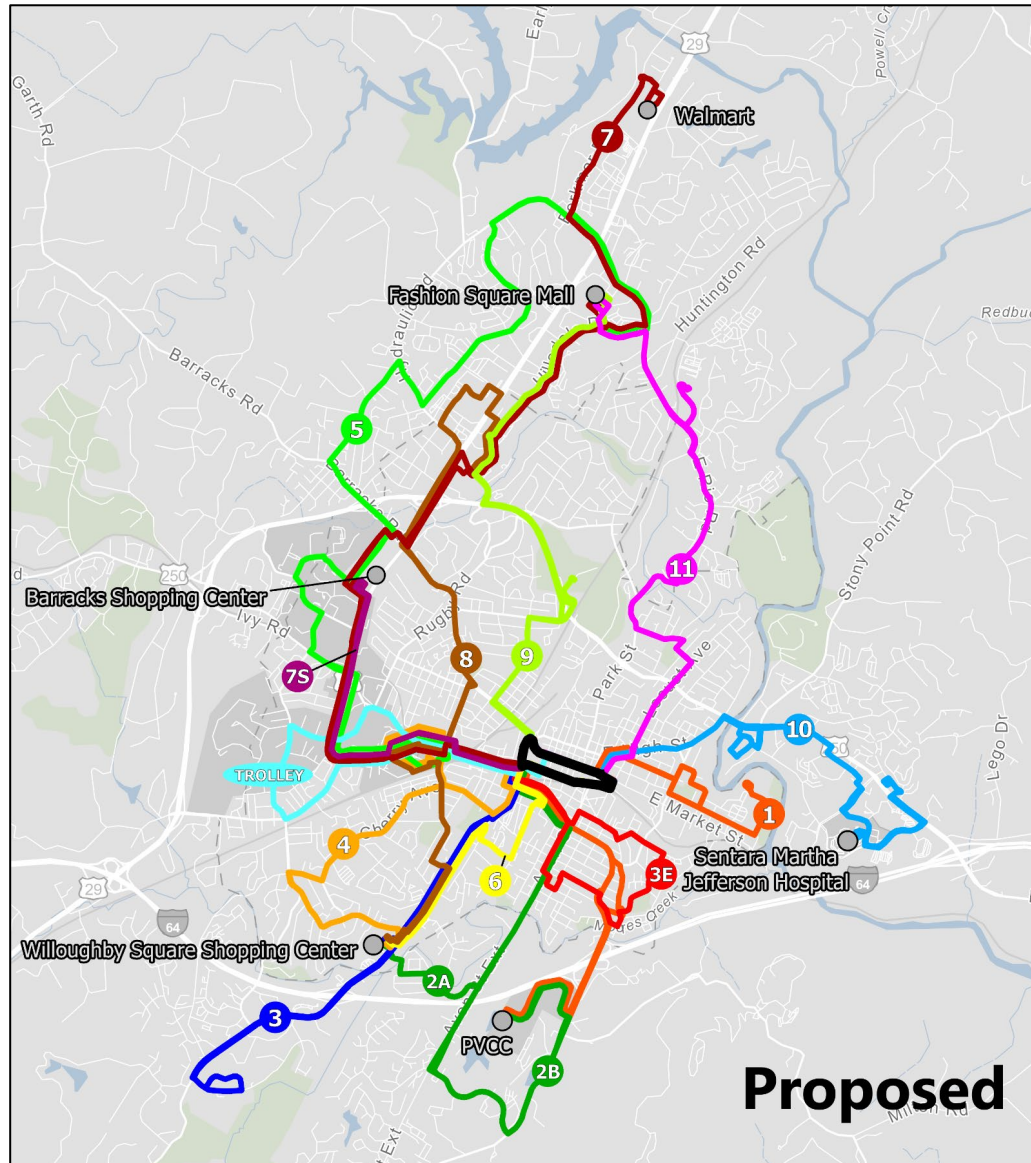
- Charlottesville and Albemarle County implemented a climate action plan
  - Decrease GHG emissions 45% by 2030
  - Reach carbon neutrality by 2050
- There's substantial funding available for transit agencies in transitioning to ZEBs from Federal Sources
- Market and industry trends are moving towards low- and zero-emission vehicles



# CAT's System Optimization

- 15 Routes
  - 26 operating blocks\*
- Serves Charlottesville and urban areas in Albemarle County
- Operating hours typically 6:30am – 11:00pm

\* Blocks are equivalent to a vehicle's work cycle



# Factors for Consideration

A black and white icon of a three-dimensional box or cube, representing resources or materials.

**Resources**

- Fuel Sourcing
- Vehicle Costs
- Training
- Funding

A black and white icon of a person wearing a hard hat and holding a plug, representing operations or maintenance.

**Operations**

- Ease and Reliability
- Infrastructure Requirements
- Risks
- Flexibility and Scalability
- Administration
- Maintenance

A black and white icon of a single leaf, representing sustainability or environmental impact.

**Sustainability**

- Environmental Impact (Local)
- Environmental Impact (Global)
- Resiliency
- Alignment with Local/Regional Policy

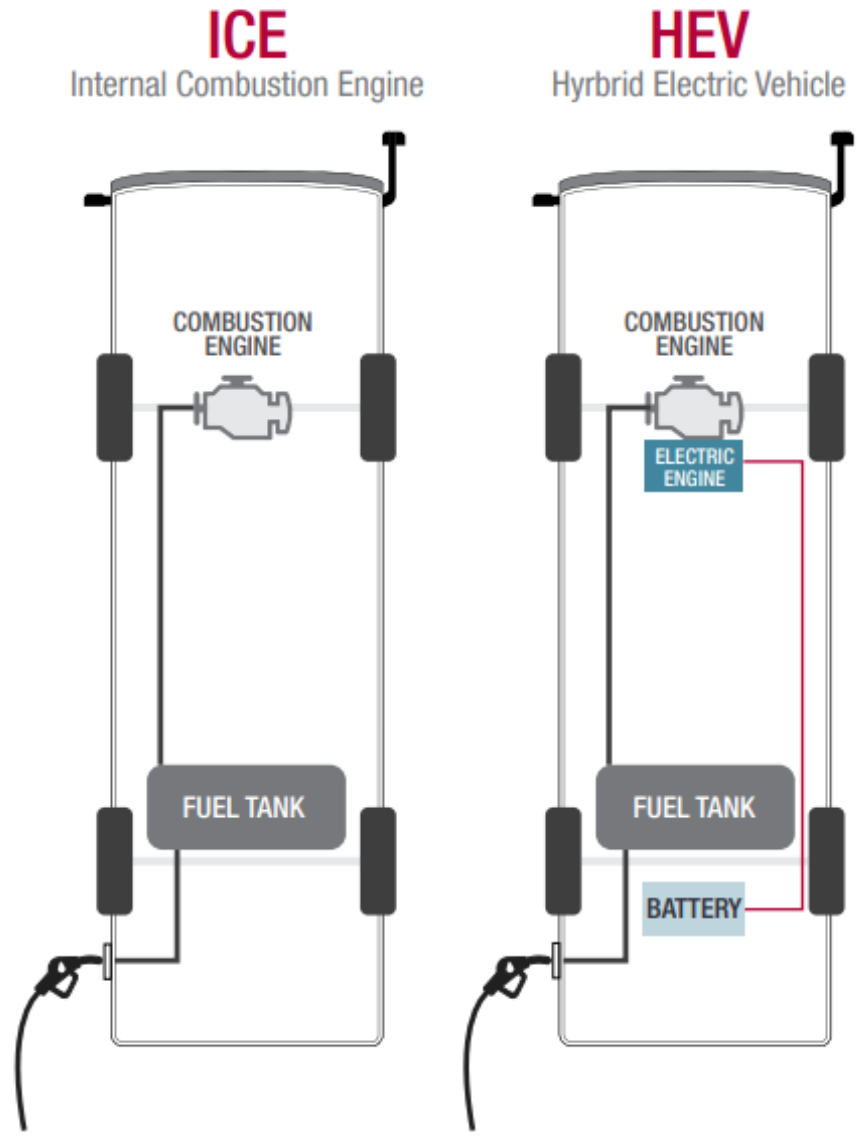




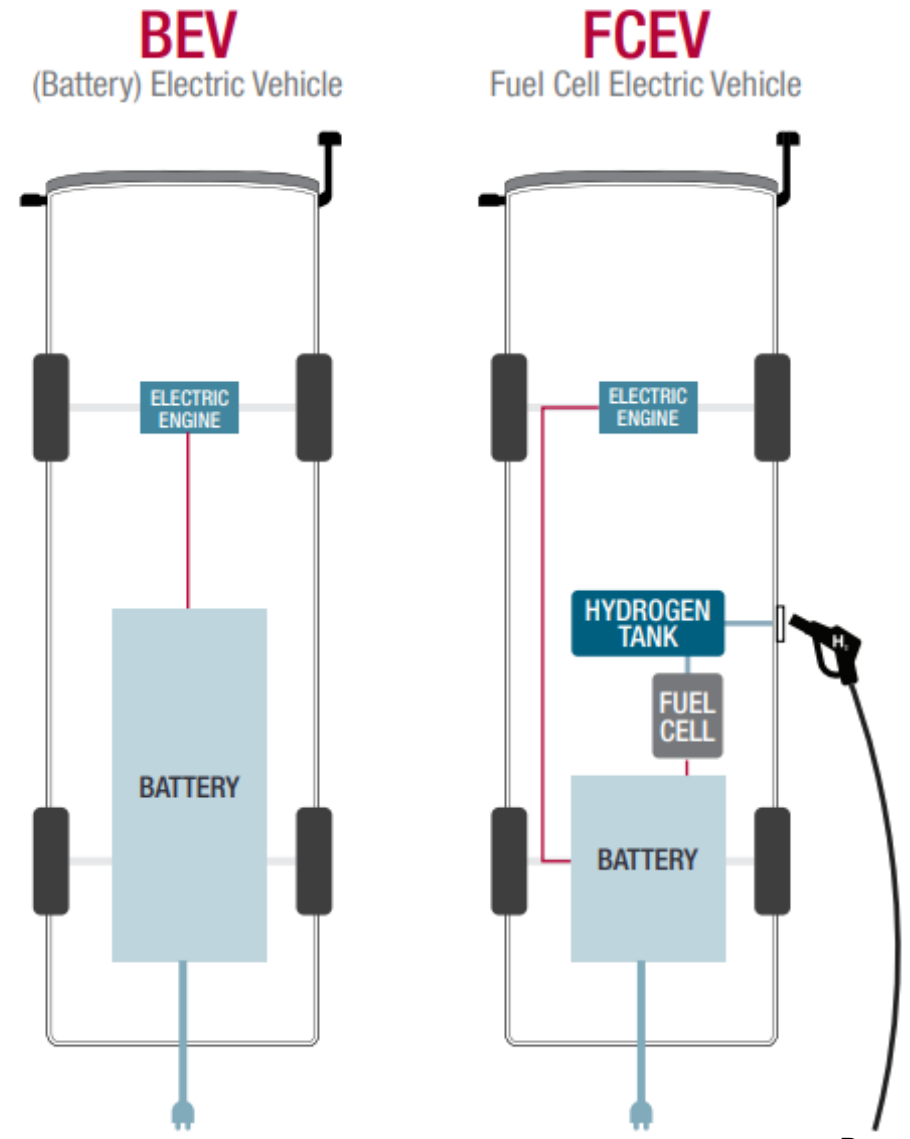
# Technology Feasibility



# Produces Emissions



# Zero Emissions

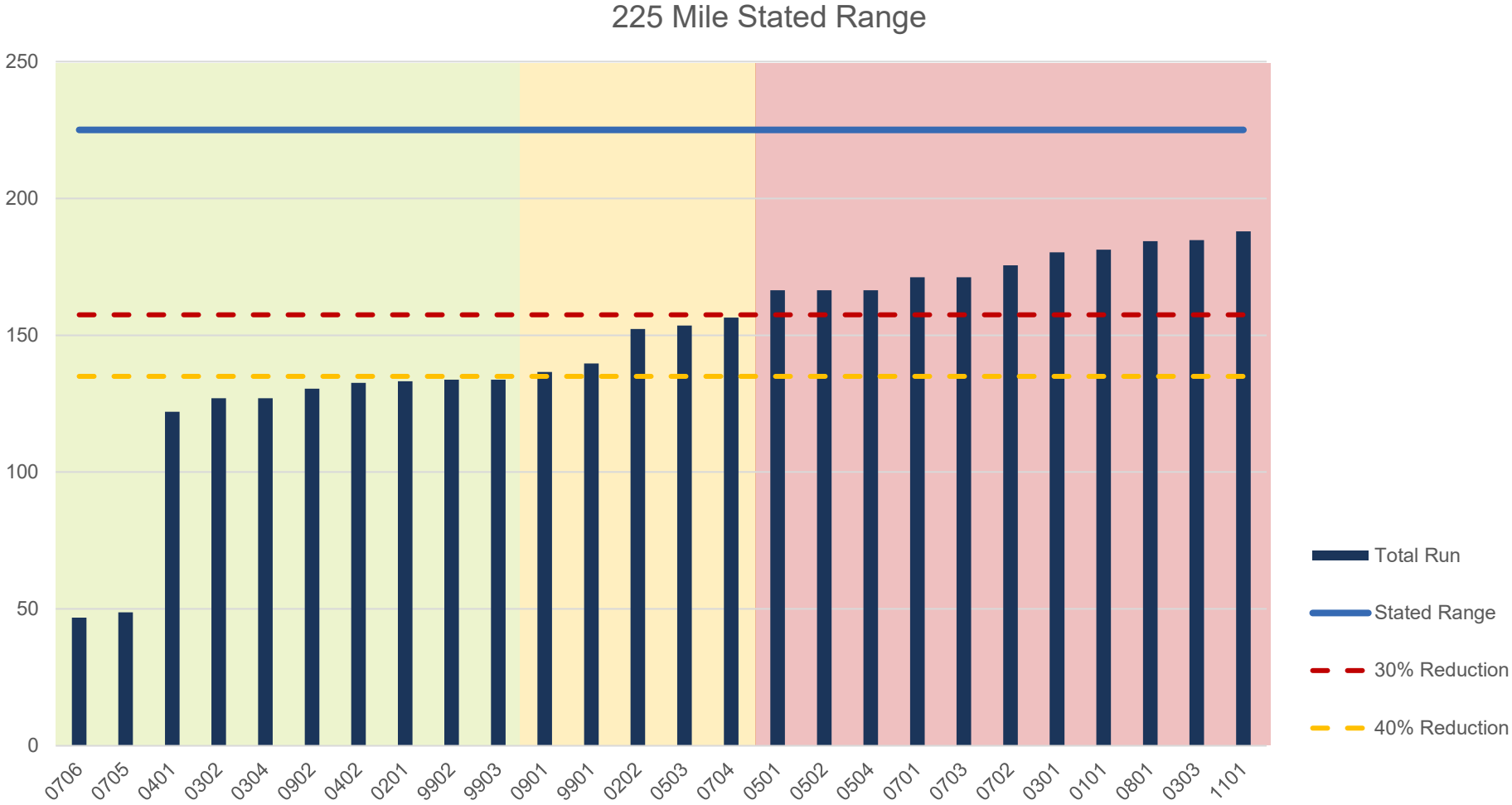


# Scenarios

- Current: Diesel-only fleet (hybrid transitioning to clean diesel)
- Battery Electric:
  - 1.62:1 replacement ratio, assuming 40% reduction on range
  - Fast Charging, assuming 1 location with multiple bays at Downtown Transit Hub
  - 1:1 replacement ratio, assuming future technology advancements
- Hydrogen
  - Assumes construction of new cryogenic storage and fueling facility
- CNG/RNG
  - Assumes construction of new fueling facility



# BEB Range Analysis





# BEB Transition Potential



Routes	BEB Transition Potential	Description
7s	✓✓	Has the greatest potential of successful operations under a BEB transition
2A, 3E, 4, 6, 9	✓	Routes can be completed under strenuous conditions
2B, 3, 10, Trolley	⚡⚡	Not all operation blocks could be transitioned <b>OR</b> routes could not be completed under strenuous conditions
1, 5, 7, 8, 11	✗	Cannot be transitioned to BEBs with current technology and blocking







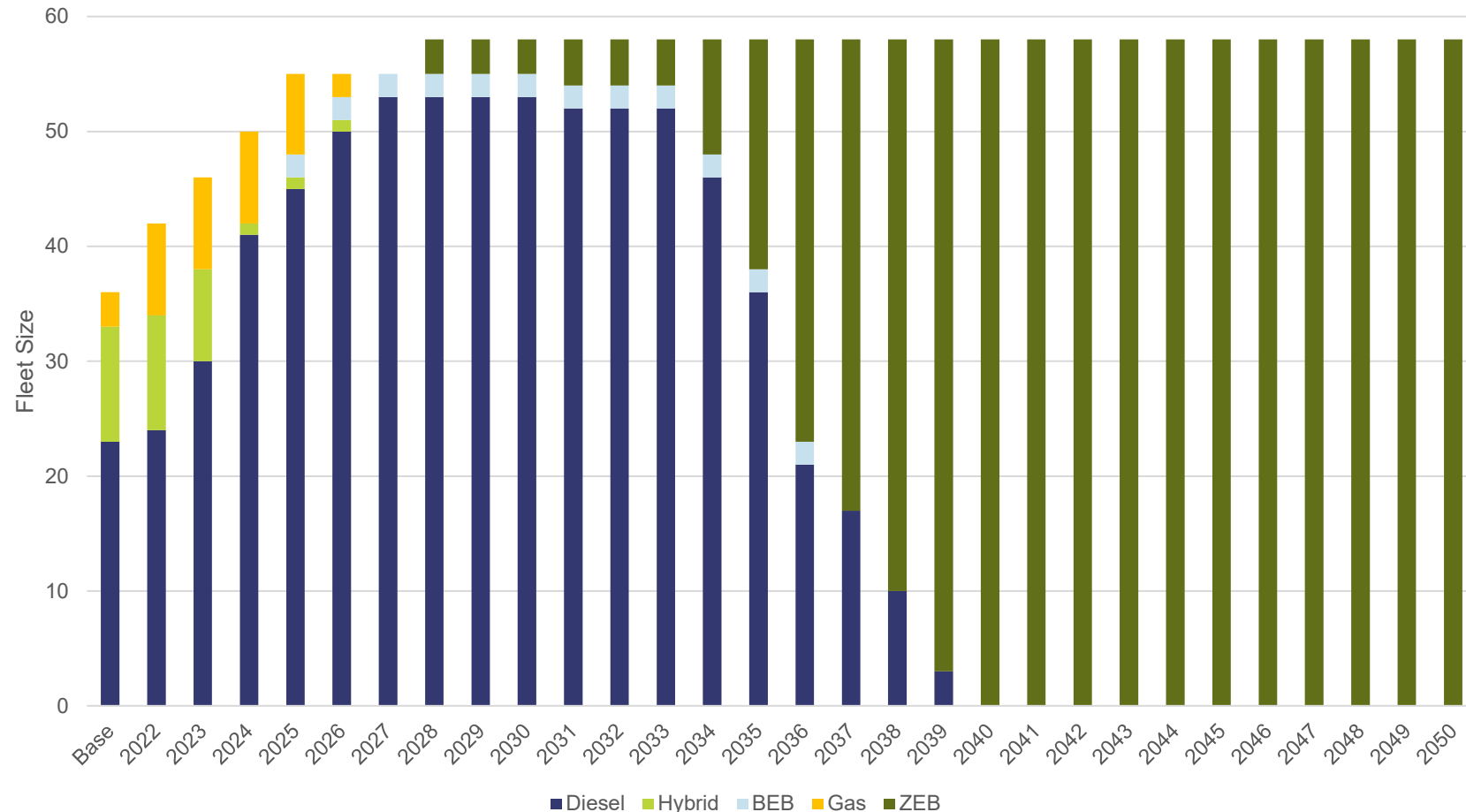
# Transition Plan Scenarios



# Transition Plan Scenarios: Hydrogen, CNG, BEB (*with* fast charging)



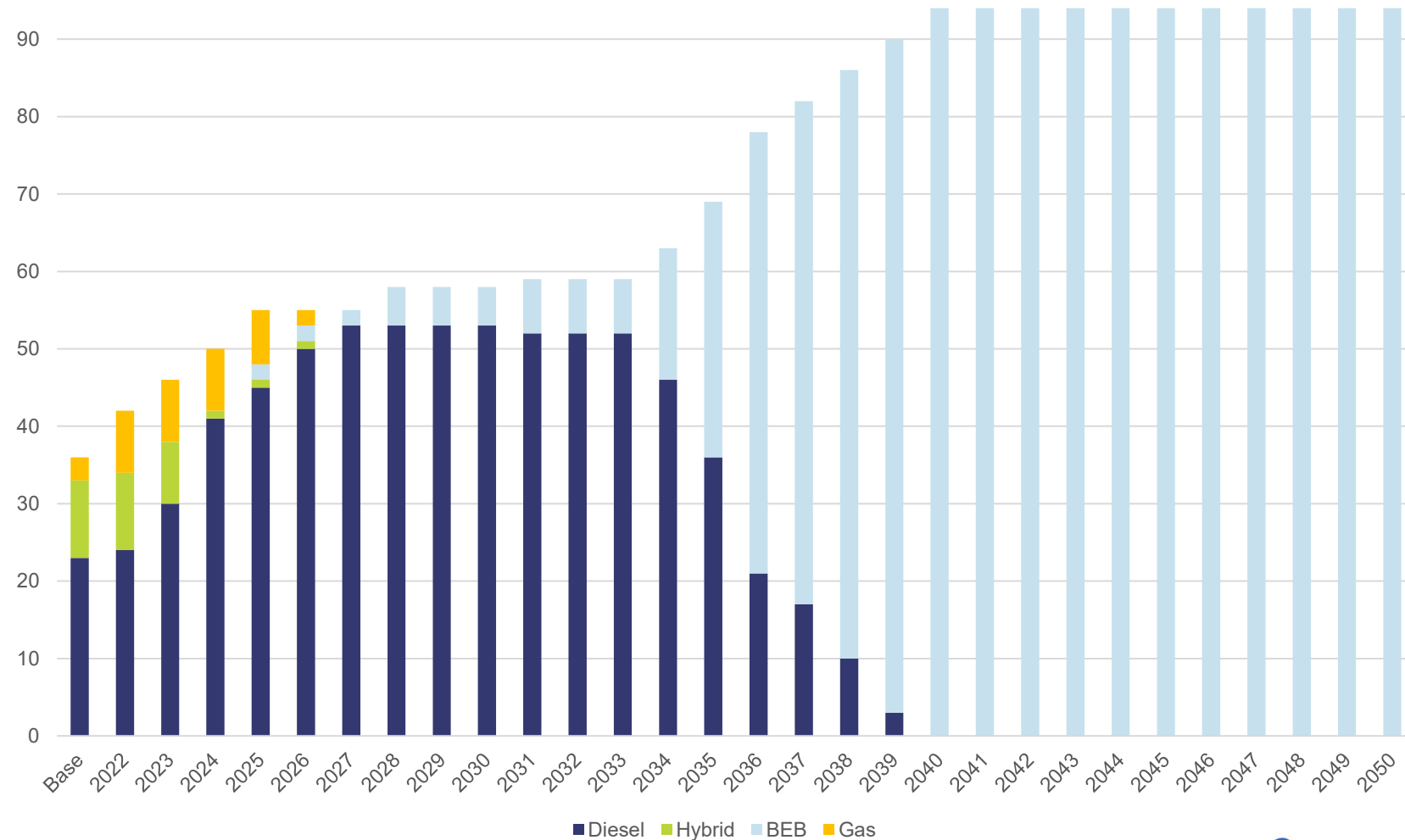
- “ZEB” generic term
- 2025 – Two BEBs added to the fleet as expansion vehicles
  - 2028 – Dependent on BEB performance, three planned diesel expansion buses could be swapped for ZEBs
- 2040 – First year for a potential 100% ZEB fleet
  - Assumes 12-year lifespan for buses



# Transition Plan Scenarios (continued): BEB (*without* fast charging)



- Total fleet size of 94 vehicles
  - 1:1.62 Diesel to BEB replacement ratio
  - Replacement ratio based on current block completion analysis
- Total fleet size is dependent on future range improvements for BEBs

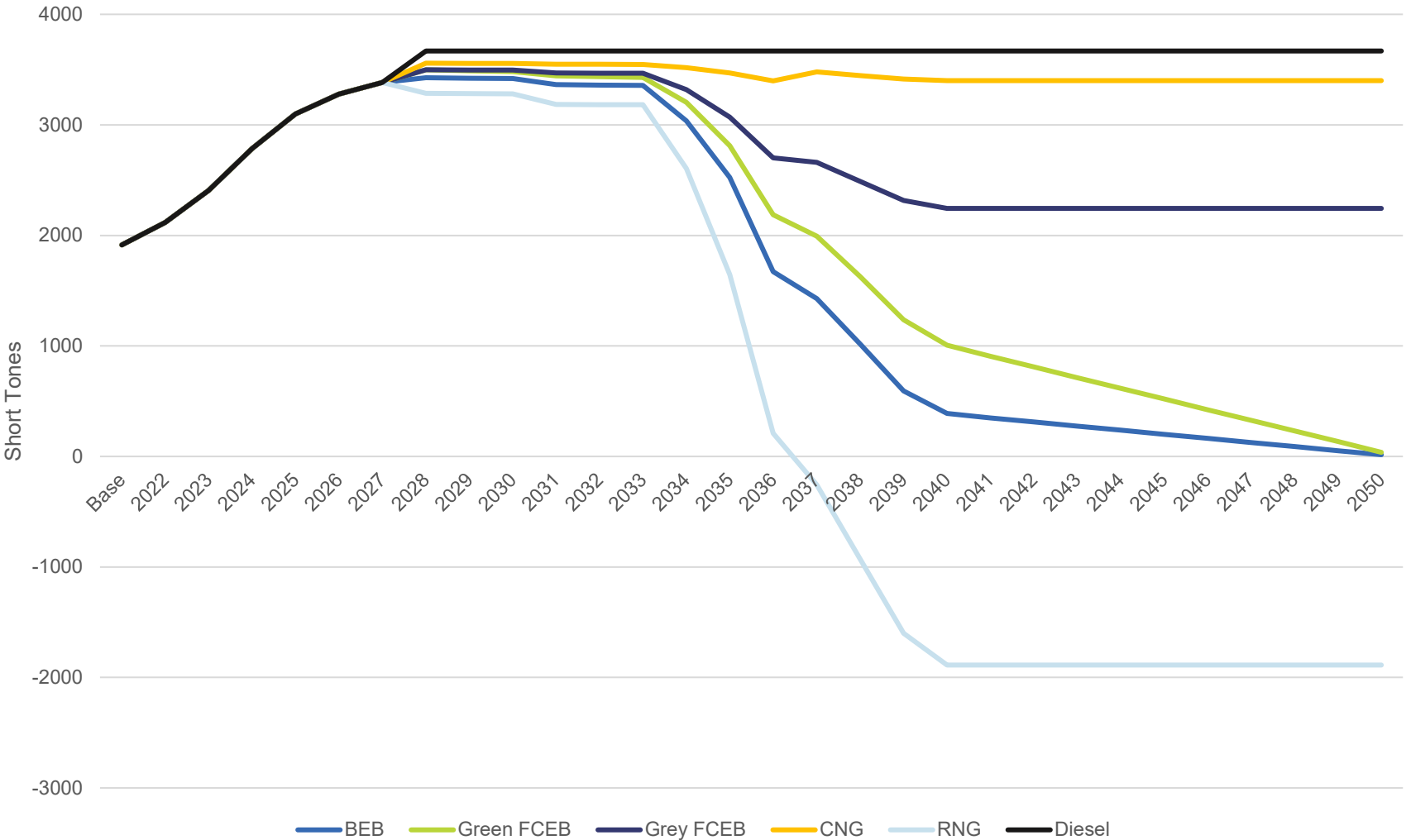




# Climate and Health Assessment



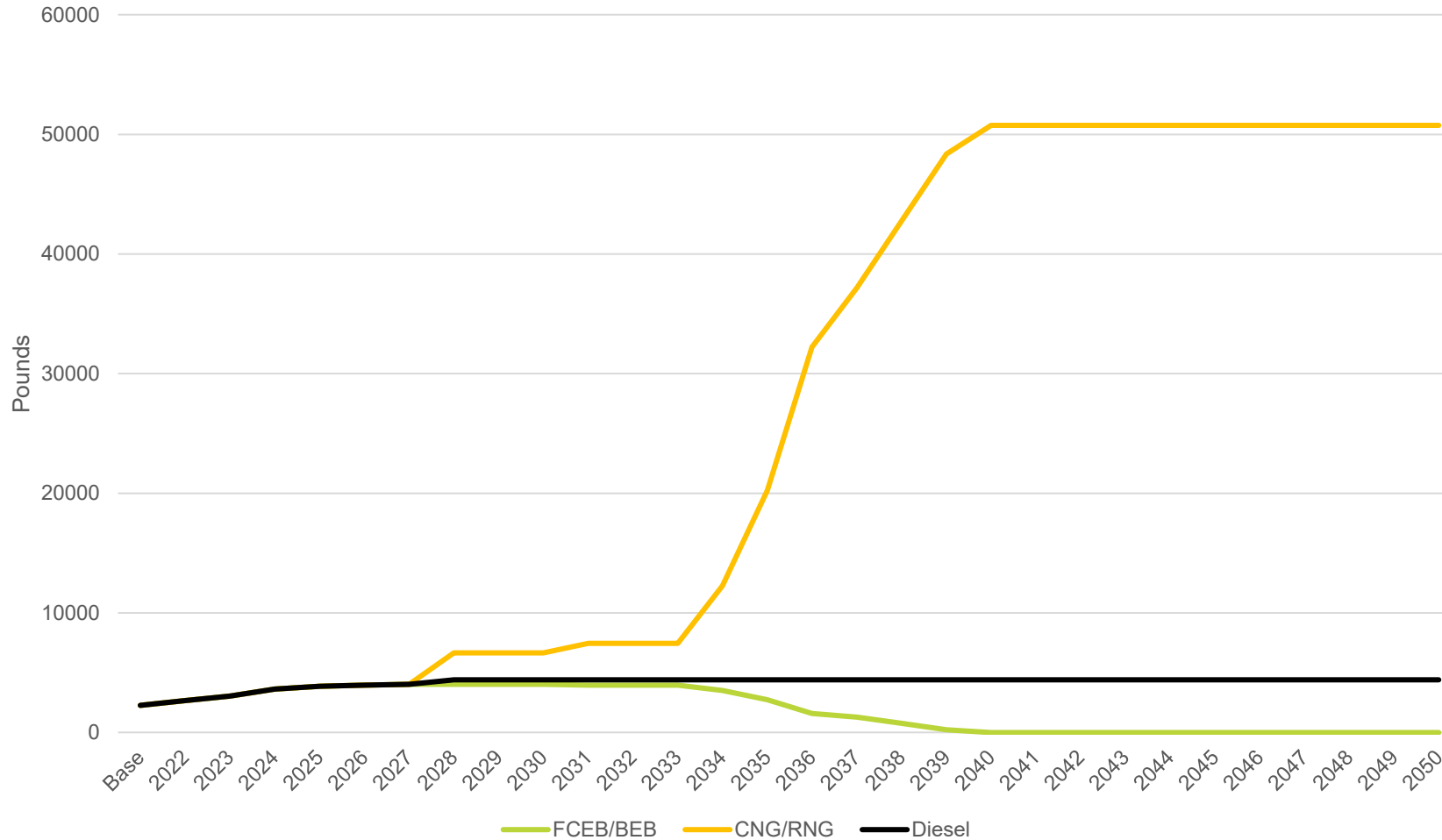
# GHG Emissions



- The initial rise in emissions is due to fleet expansion
  - Peak fleet (58) is achieved in 2028
- 2050 reduction in GHG emissions compared to diesel fleet
  - RNG: 151.4%\*
  - BEB: 99.4%
  - Green FCEB: 99.0%
  - Grey FCEB: 38.9%
  - CNG: 7.3%



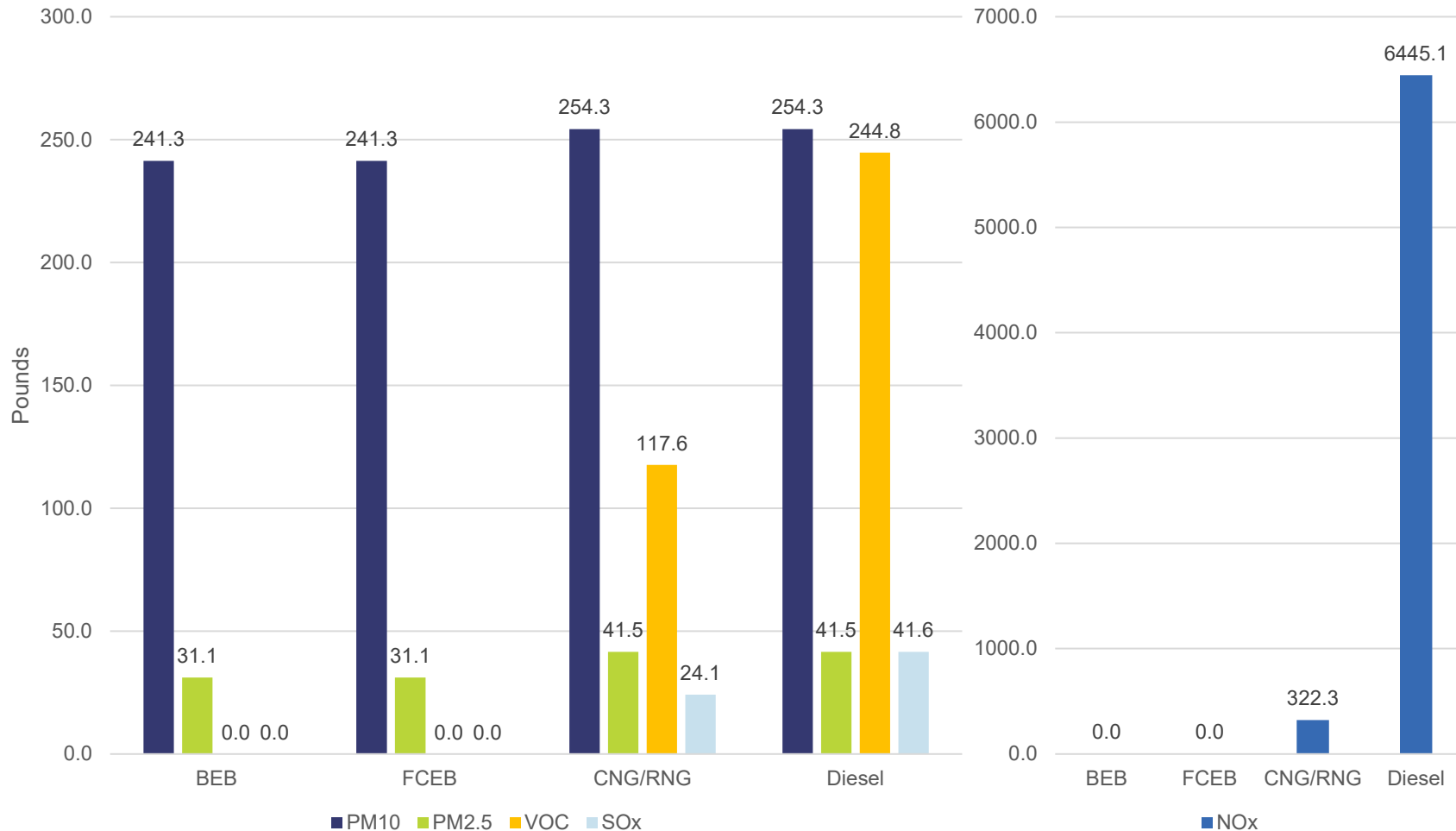
# Carbon Monoxide Emissions



- BEB and FCEB transitions eliminate carbon monoxide emissions
- CNG and RNG transitions increase carbon monoxide emissions by 1050% from diesel fleet



# Other Emissions (2050)



- Emissions based on complete transition and 2050 electrical grid
- FCEB and BEB transitions eliminate local NOx, VOC, and SOx emissions
- CNG and RNG transitions produce the same levels of local pollutants





# Comparison of Scenarios





Scenario	Number of Vehicles	Emissions Reductions		Vehicle Costs	Facility Costs	Operational Costs (Fuel + Maintenance)
		Long-Term	Near-Term			
Current	58 (36 Current)	-		\$29 M	N/A	\$2.2 M
Battery Electric	94	99.4%	6.8%	\$83.5 M	\$6.3 M	\$1.1 M
Battery Electric w/ Fast Charging	63	99.6%	6.8%	\$56 M	\$6.3 M	\$1.2 M
Battery Electric (Low-Estimate)	58	99.6%	6.8%	\$49 M	\$3.7 M	\$1.1 M
Hydrogen	58	99.0%	5.1%	\$64 M	\$5.7 M	\$1.9 M
CNG (RNG)	58	7.3% (151.4%)	3.1% (10.6%)	\$32 M	\$2.3 M	\$1.2 M



# Next Steps

- The project will consolidate this discussion into a draft staff-recommended action
- We will document this in our feasibility study for your review and comment
- The project team will present the final revised action to City Council for approval
- The project team will proceed on to conceptual facility design



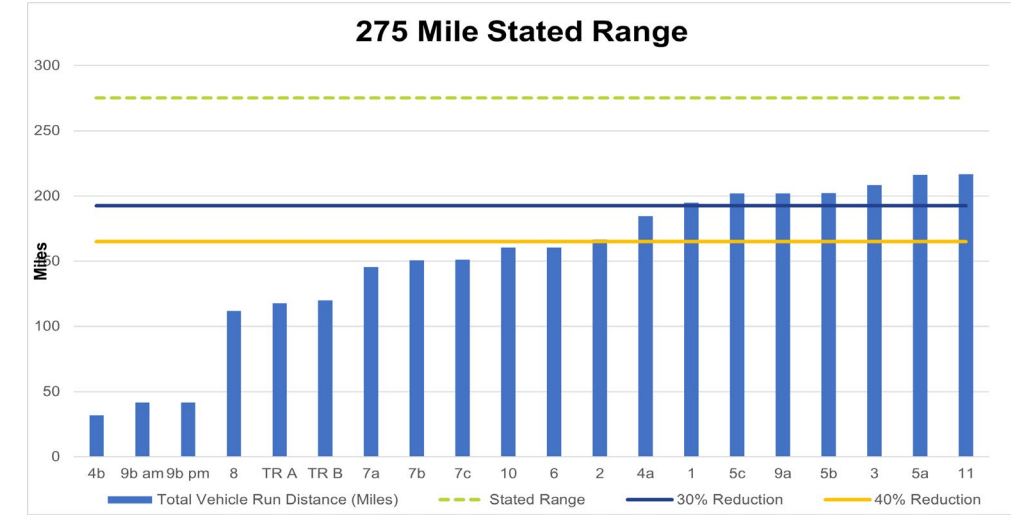
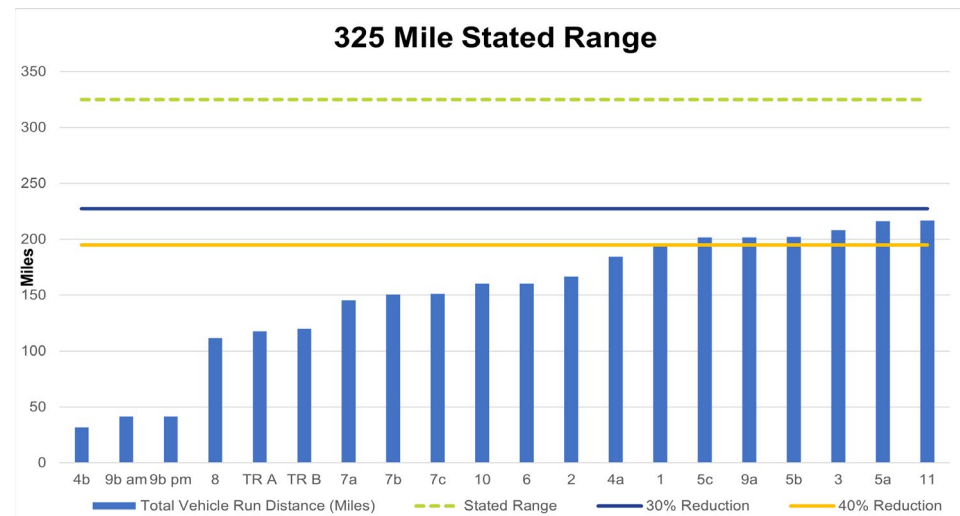
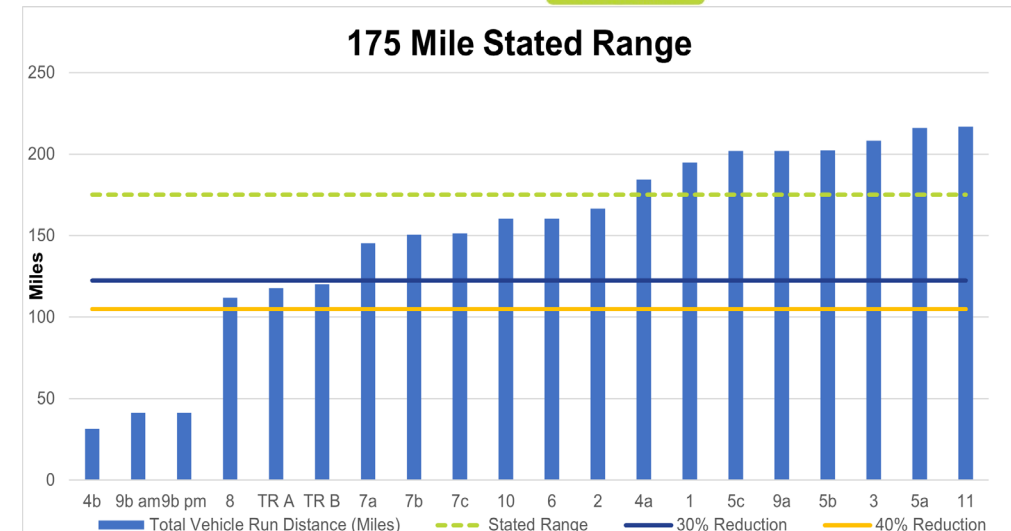
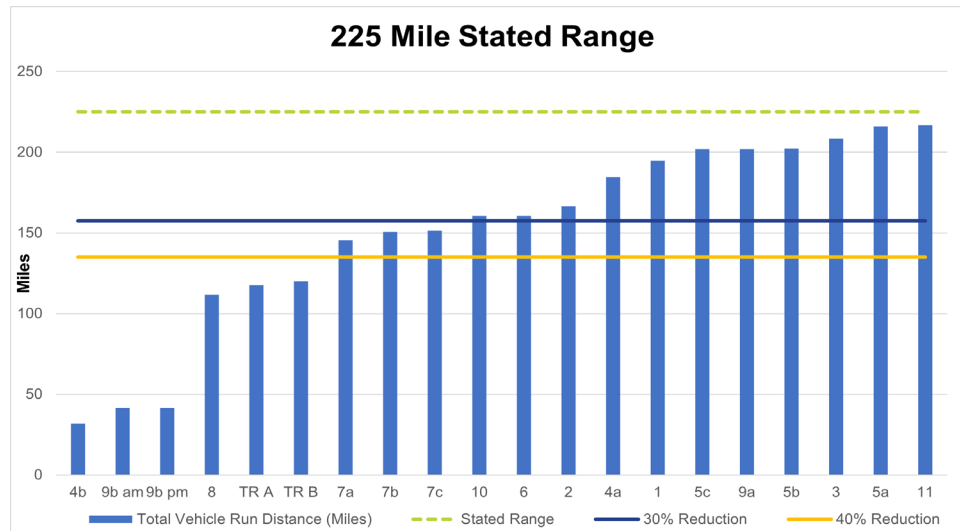


# Questions



# Data Backup





# Natural Gas Buses



- Range of 400 miles
  - Would complete all of CAT's current blocks
- CAT could perform a 1:1 transition
- Comparable purchase price to diesel buses
  - Average purchase price is \$500,000
- Cheaper to operate and maintain than diesel buses
- No public fueling stations in the area
  - CAT would have to construct an on-site facility
- Natural gas buses are considered low emission



# Battery Electric Buses



- Range of 150-350 miles
  - Range significantly affected by external factors - weather, elevation gain, battery degradation, driver aggression, and bus occupancy can all decrease bus range
- Higher purchase price than diesel and natural gas buses
  - Average purchase price of a BEB is \$860,000\*
  - Costs are likely to increase significantly in 2022 and beyond
- Options include depot charging, on-route charging, or a hybrid
  - Depot charging typically takes 5-8 hours for a full charge
    - One charger can service 1 to 4 vehicles
  - On-route charging can extend vehicle range indefinitely



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# Hydrogen – Fuel Cell Buses

- Range of 260-350 miles
  - Less susceptible to range decreases than BEBs
  - Some models may experience weather related degradation
- Refueling takes around 10 minutes
- CAT would likely be able to perform a 1:1 transition
- Higher purchase price compared to BEBs, natural gas, and diesel buses
  - Average cost for a FCEB is \$1,150,000
- Closest commercial providers are 300 miles away
  - New Kent DE, Kingsport TN, and Charleston WV
  - On-site hydrogen generation and constructing a hydrogen fueling station is a significant capital expenditure
- FCEBs are still in their infancy, especially for buses under 40'

