



CITY COUNCIL AGENDA December 4, 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 view electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. Per Council action at the October 16, 2023 meeting, public comment will be in-person only. 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. 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. Presentation: Budget Presentations - Information Technology, Public Safety, PCOB

5:30 PM CLOSED MEETING (legal consultation)

6:30 PM BUSINESS SESSION

Please observe the following rules, which are designed to encourage orderly, respectful input during each portion of the meeting in which comments from the public are received. 1. State your name and address; 2. Do not interrupt a Councilor who is speaking; 3. Do not shout or speak in a way that interferes with the progress of the meeting; 4. Do not threaten violence, or engage in illegal conduct; 5. No campaigning for public office or promoting business ventures; 6. No using profanity, vulgarity or language constituting incitement; 7. During the comments on the consent agenda, speak only to the items on the agenda; 8. Refrain from personal attacks against Councilors, City staff or members of the public; 9. Refrain from intimidating behavior, as well as applause, cheers, jeers or boos; and 10. Stop speaking when your time has expired.

Moment of Silence

Announcements

Recognitions/Proclamations

Consent Agenda*

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

2. Minutes: September 5 Council meeting
3. Resolution: Resolution to appropriate Fire Department FY22 State Homeland Security Program Grant Award, \$51,764.00 (2nd reading)
4. Ordinance: Ordinance for renewal of Ting Franchise Agreement (2nd reading)
5. Resolution: Resolution to appropriate \$750 in State assistance and citizen donation for Spay and Neuter Program
6. Resolution: Resolution to appropriate funding from the U.S. Department of the Interior for the Chesapeake Bay Gateways Network Grant- \$49,976 (1 of 2 readings)
7. Resolution: Resolution appropriating the Bureau of Justice Assistance FY23 Edward Byrne Memorial Justice Assistance Grant - Local Solicitation \$27,486 (1 of 2 readings)
8. Resolution: Resolution to appropriate State Historic Resources Grant Funds to Jefferson School African American Heritage Center - \$200,000 (1 of 2 readings)

City Manager Report

- Report: Monthly Report

Community Matters

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

Action Items

9. Report: Annual Financial Audit for Fiscal Year 2023 from the City's Auditors
10. Resolution: Resolution to amend the Rivanna Water and Sewer Authority Ragged Mountain Dam Project Agreement
11. Resolution: Resolution to approve a Sublease Agreement Extension with Sentara Martha Jefferson Hospital (SMJH) for lease of space at 233 4th Street NW
12. Resolution: Resolution to amend a Lease Agreement with Omni Charlottesville Virginia Corporation for lease of city-owned public right-of-way
13. Ordinance: Ordinance to approve a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville for properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road - VERVE Charlottesville PUD – ZM23-00004
14. Ordinance: Ordinance amending and re-enacting Chapter 34 (Zoning) of the Code of the City of Charlottesville (1990), as amended, to remove 104 Stadium Road from the list of Individually Protected Properties - VERVE Charlottesville PUD – ZT23-09-02
15. Ordinance: Ordinance to amend the November 4, 1996 Right-of-Way Closure Ordinance for Woodrow Street - VERVE Charlottesville PUD
16. Ordinance: Ordinance to amend the May 2, 2011 ordinance for the sale of 409 Stadium Road - VERVE Charlottesville PUD
17. Resolution: Resolution to grant a Critical Slope Waiver for a residential development referred to as "VERVE Charlottesville PUD"
18. Resolution: Resolution to grant a Sidewalk Waiver for a residential development referred to as "VERVE Charlottesville PUD"
19. Ordinance: Ordinance to Rezone land fronting on Ivy Road and Copeley Road related to the "2117 Ivy Road Plan Unit Development Plan Submittal"

General Business

20. Report: Social Services Advisory Board Annual Report to City Council

Other Business

Community Matters (2)

Adjournment



DEPARTMENTAL BRIEFINGS

INFORMATION TECHNOLOGY - DIRECTOR STEVE HAWKES

The Department of Information Technology (IT) assists all City departments and divisions by centrally supporting the City's hardware, software, and telecommunications systems and providing technical support to City employees. IT is responsible for evaluating, recommending, and purchasing all the City's hardware systems and researches, evaluates, recommends, and helps implement software systems purchased by City departments. In addition to assisting with the selection of software systems, the IT Applications Team develops software systems for departments when there is no off-the-shelf system available to meet their needs. This budget is partially offset by revenues generated from user fees charged out to Non-General Fund departments and received from outside agencies, such as the Library.

City Link (SAP) – The total budget for City Link is funded from contributions by the Gas Fund (\$1.0M) and all Non General Fund departments that utilize City Link (\$200,000). This budget funds the salaries and benefits for two SAP Software Engineer positions, an operational budget, and capital funds for the City Link server replacement and potential enhancements.

Computer Replacement – This includes funds for the replacement of laptop and desktop computers. This budget is offset by contributions made by each City department into the fund.

Infrastructure Fund – This includes funds to maintain the City's IT infrastructure needs such as network switches, routers, and other Data Center needs.



DEPARTMENTAL BRIEFINGS

CHARLOTTESVILLE POLICE DEPARTMENT - CHIEF MICHAEL KOCHIS

The Charlottesville Police Department's mission is that “[i]n 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.” CPD focuses on three Strategic Priorities: (1) Treatment and Wellness of Staff; (2) Building Community Partnerships and Addressing Gun Violence; and (3) Recruitment and Retention.

The department consists of the Office of the Chief plus four Divisions; Field Operations, Criminal Investigations, Support Operations, and Professional Standards. It has three geo-patrol districts with more than 105 sworn officers who patrol the entire city. The department serves a daytime population of approximately 103,000 people; including 51,700 city residents, 30,000 commuters, and 22,000 University of Virginia students.

The Charlottesville Police Department has been a fully accredited agency by the Virginia Law Enforcement Professional Standards Commission (VLEPSC) since 2000. Accreditation is a voluntary program whereby an agency demonstrates compliance with best practice standards as determined by the accrediting body and it symbolizes the department's dedicated commitment to professionalism and excellence in the delivery of services to the community in all aspects of public safety by: maintaining comprehensive policies and procedures; enhancing service delivery; strengthening agency accountability and community relationships; and establishing fair and non-discriminatory recruitment and hiring practices.



DEPARTMENTAL BRIEFINGS

CHARLOTTESVILLE FIRE DEPARTMENT - CHIEF MICHAEL THOMAS

The mission of the Charlottesville Fire Department is to improve the quality of life in our community by consistently striving to provide superior fire and emergency services focused on prevention, preparedness, response, and recovery. CFD's four core values inspire our work: Family, Integrity, Respect, and Excellence. For more than 160 years, these values have strengthened our department and guided our service to this community. It is in the spirit of these values that we continue to serve and protect the people of Charlottesville - every hour, every day, every year. CFD provides fire and emergency services to residents and visitors to the City of Charlottesville and the University of Virginia. The department also provides contractual fire and emergency services support to the County of Albemarle. Further, the Charlottesville Fire Department is internationally accredited through the Commission on Fire Accreditation International.

Daily, the Charlottesville fire department operates out of three city fire stations staffing a combination of four fire engines, two aerial devices, two ALS transport ambulances, a fire marshal, and two chief officers in command vehicles. CFD staff suppression apparatus with a minimum of three, medics with two. Both the battalion chiefs and CRR captains ride as single resources. In addition to traditional firefighting services, the department provides hazardous materials response, emergency medical transport services, and response to incidents of collapsed structures, high-angle rope rescue, confined spaces, trench collapse, and vehicle entrapments. In the City, the fire department is responsible for the enforcement of the Fire Prevention Code, fire safety inspections, fire investigations, and community risk reduction. The department also reviews plans and inspects new building construction for fire suppression systems and alarm systems design and functionality.



DEPARTMENTAL BRIEFINGS

OFFICE OF POLICE CIVILIAN OVERSIGHT - EXEC. DIR. INEZ GONZALEZ

The Office of Police Civilian Oversight is an initiative of the City Manager that began through community activism in 2018. The Executive Director provides support for the council-established board, as well as guidance and advice for the City Manager.

The Council-established Police Civilian Oversight Board aims to provide objective and independent civilian-led oversight of the Charlottesville Police Department to enhance transparency and trust, promote fair and effective policing, and protect the civil and constitutional rights of the people of the City of Charlottesville.

The Board's functions, as outlined below, shall pursue the following principles and objectives:

1. Ensuring that police officers act with integrity and treat every person with equal dignity;
2. Empowering and inspiring self-governance and a culture of mutual respect;
3. Seeking social and racial justice;
4. Engaging in community outreach and amplifying the voices of the socially, politically, and economically disenfranchised;
5. Listening to and building cooperation between all stakeholders to find and develop common ground and public purpose;
6. Championing just, equitable, and legitimate policing policies and practices; and
7. Processing complaints, reviewing police practices and internal investigations, issuing findings, writing public reports, and making recommendations.



Police Civilian Oversight Board

Council Briefing | December 4, 2023

Police Civilian Oversight Board

The Police Civilian Oversight Board aims to provide objective and independent civilian-led oversight of the Charlottesville Police Department to enhance transparency and trust, to promote fair and effective policing, and to protect the civil and constitutional rights of the people of the City of Charlottesville.



Police Civilian Oversight Board
Members
Appointed by the City Council
Civilian Volunteers
Representative of the Charlottesville Community



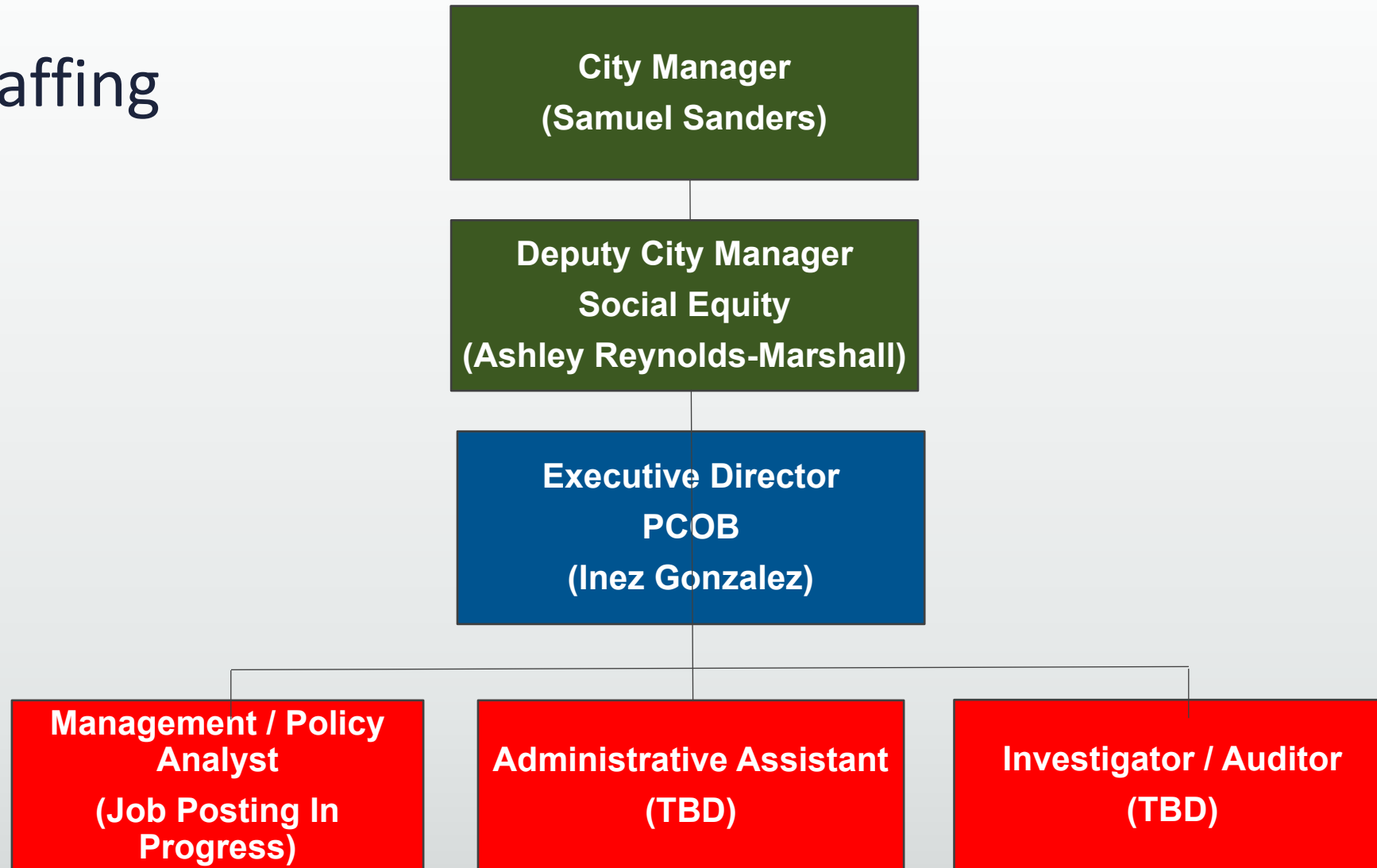
PCOB - Executive Director

Currently, the only employee of the City of Charlottesville performing the police oversight function





Staffing





BUDGET

Expenses	FY23 Budget	FY24 Budget
Salary/Benefit Expenses	\$163,890	\$277,464
Other Expenses	\$398,027	\$269,004

Note: FY 24 salary increase is the result of the addition of 1 FTE management analyst role.

The FY 24 (other expenses) decrease is the result of inactivity due to the resignation of the previous Executive Director.



Proposed Budget

Category	FY2023 Budget	FY2024 Budget	FY2025 Proposed Budget
Salary/Benefits	\$163,890	\$277,464	\$522,575
Operating	\$398,027	\$269,004	163,550
Total	\$561,917	546,468	686,125

FY2025 Adjustments

- *Salary/Benefits*
Includes funding for two additional FTEs (Administrative Assistant & Investigator / Auditor)
 - *Operating*
 - ✓ Proposed expenses are lower than FY2024 and FY2025
- ❖ Note: Lump Sump Appropriation (Seed Money \$198,787) not reflected in above figures.

FY2024 Work Plan (12/1/23 – 6/30/24)



Action Item	Notes	Target Measure	Target Completion Date
Revise the Police Civilian Oversight Board Ordinance	Propose the creation of the Office of Police Civilian Oversight to be placed under the Office of the City Manager	Council Adoption	FY24
Title Change from Executive Director to Director	Propose title change to be consistent with current leadership titles within city government.	Council Adoption	FY24
Revise current Standard Operating Procedures	Revise existing SOP's to align with ordinance and decrease obstacles preventing the Exec. Director from engaging in oversight activities.	PCOB (Board)	FY24
Increase staff capacity	Fill the role of Management Analyst, Request Investigator & Admin. Assistant roles to enhance oversight activities.	Approval of the City Manager	FY24 /25
Engage in meaningful / measurable oversight activities	Audit investigations to identify patterns of behavior and recommend corrective action. Audit BWC & Dash Cam footage to identify misconduct that went unreported. Review current policies, recommend revisions to make consistent with the city's commitment to JEDI	PCOB & Office of Police Civilian Oversight Staff	FY24 / 25



CHALLENGES & OPPORTUNITIES

Challenges	Opportunities
Specific provisions of the city ordinance were challenged that grant the PCOB & Executive Director Oversight Authority	The ability for the PCOB and the Executive Director to work collaboratively with the City Manager and Chief of Police toward a common vision of implementing equitable policies and practices that will ensure our commitment to JEDI.
Rebuild trust in the Police Civilian Oversight Board	Engage in transparent, measurable oversight activities and make public reports of PCOB activities, findings & recommendations. Include which recommendations resulted in changes implemented by the CPD.



Contact Information:

Police Civilian Oversight Board

Address: 106 5th Street NE

Email: pcob@charlottesville.gov

Web: Charlottesvilleva.siviltech.com

SAY THEIR NAMES

CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

**September 5, 2023 at 4:00 p.m.
Council Chamber, 605 E. Main Street**

The Charlottesville City Council met at 4:00 p.m. on Tuesday, September 5, 2023. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Brian Pinkston and Leah Puryear. Mayor Snook stated that Councilor Payne provided notice that he was in transit to the meeting.

On motion by Pinkston, seconded by Puryear, Council by a vote of 4-0 (Payne absent) approved the meeting agenda.

REPORTS

1. REPORT: City of Charlottesville Strategic Plan (Raftelis)

City Manager Sam Sanders introduced the presentation which precedes a vote later in the meeting to adopt the updated City of Charlottesville Strategic Plan Framework. Michelle Ferguson, Raftelis Financial Consultants, summarized steps that led to the current draft of the Strategic Outcome Areas, including work sessions held in May 2023 and engagement with staff, and she provided an overview of the overall framework.

Councilor Payne joined the meeting at 4:09 p.m.

Councilor Pinkston asked about next steps for making the Strategic Plan actionable, and Mr. Sanders explained that Council's first action item is adoption of the Strategic Plan later in the meeting, and that he and city departments will prioritize the Strategic Plan in their work plans.

Vice Mayor Wade requested adding Food Equity as a focus area. Mr. Sanders stated that the Justice, Equity, Diversity and Inclusion (JEDI) item includes food equity, and that JEDI is integrated into all areas of the Plan.

Councilor Puryear asked about measures for ensuring implementation of JEDI in the Strategic Plan. Mr. Sanders stated that each category will have a component of JEDI that will roll into the overall success measures for JEDI as a whole.

CLOSED MEETING

On motion by Pinkston, seconded by Puryear, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to meet in closed meeting as authorized by Virginia Code Section 2.2-3711(A)(8), consultation with the City Attorney regarding legal matters requiring the provision of legal advice, specifically, legal matters regarding notice and public hearing requirements for the adoption of the City's new zoning ordinance.

After it was brought to Council's attention that a provision of the closed meeting notice was missed, Mayor Snook called the meeting back to order.

On motion by Pinkston, seconded by Puryear, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to amend the closed meeting motion to add Section 2.2-3711 (A)(3), for discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Council, specifically discussion of prospective real estate transactions for the Sugar Hollow Reservoir and the proposed 0 East High Street development.

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 amended motion convening the closed session were heard, discussed or considered in the closed session.

BUSINESS SESSION

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

ANNOUNCEMENTS

Councilor Payne announced that the Charlottesville Community Media Center (CCMC) open house on Saturday, September 23rd from 12pm-2pm inside York Place on the Downtown Mall. The CCMC serves as the home of Charlottesville Public Access Television, and the mission is to encourage and inspire community expression by offering resources to create and distribute media that celebrates art, education, cultural exchange, achievement, and social awareness.

Councilor Puryear announced CYM (Close Your Mouth) Day, a day dedicated to active listening, organized by Mr. Alex-Zan.

Vice Mayor Wade encouraged people to participate in the sensory and meditative Water Appreciation Experience on 1326 East High Street; www.thewaterexperience.com.

RECOGNITIONS/PROCLAMATIONS

- **RECOGNITION: Award for Outstanding Achievement in Popular Annual Financial Reporting**

Mayor Snook read the award criteria and noted that this is the first year of receiving this award, making the City of Charlottesville a Government Finance Officers Association (GFOA) Triple Crown Winner. Philip Spence, Risk Manager, was given special recognition for submission of the materials to earn the award.

CONSENT AGENDA

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record and on motion by Wade, seconded by Puryear, Council unanimously adopted the Consent Agenda.

2. RESOLUTION: Resolution to appropriate Fiscal Year 2024 Fire Programs Aid to Localities Funding (Firefund) - \$209,603 (carried)

3. RESOLUTION: Resolution to appropriate funds from the Department of Housing and Community Development - Virginia Homeless Solutions Program Grant \$539,369 (2nd reading)

RESOLUTION

Appropriating Funding in the Amount of \$539,369 To Be Received from Virginia Homeless Solutions Program

WHEREAS, The City of Charlottesville, through the Office of Community Solutions, has been notified that it will be awarded an additional grant from the Virginia Housing Solutions Program (V.H.S.P.) Fund of the Virginia Department of Housing and Community Development, in the amount of \$539,369.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that upon receipt of the additional VHSP funding from the Commonwealth, said funding, anticipated in the sum of \$539,369, is hereby appropriated in the following manner:

Revenues

\$444,062	Fund 209	Order 1900475	GL 430100 State Grant
\$95,307	Fund 209	Order 1900475	GL 430120 State (Federal pass-thru)

Expenditures

\$539,369	Fund 209	Order 1900475	GL 530550 Contractual Services
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon receipt of from the Virginia Department of Housing and Community Development.

4. RESOLUTION: Resolution to appropriate funds from the Department of Criminal Justice Systems FREE GRANT School Security Officer: School Resource Officer Incentive Grant Program - \$150,000 (2nd reading)

RESOLUTION

Appropriating Funding in the Amount of \$150,000 To Be Received from the 2024-FREE-Grant, FY24 School Security Officer (SSO): School Resource Officer (SRO) Incentive Grant Program \$539,369

WHEREAS, The City of Charlottesville, through the Office of Community Solutions, has been notified that it will be awarded a School Security Officers grant from the Fund of the Virginia Department of Criminal Justice Services, in the amount of \$150,000.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the SSO funding from the Commonwealth,

said funding, anticipated in the sum of \$150,000 is hereby appropriated in the following manner:

Revenues

Fund 209	Order 1900531	GL 430110 State Grant	\$150 000
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Expenditures

Fund 209	Order 1900531	GL 530550 Contractual Services	\$150,000
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon receipt of \$45,720 in funds from the Virginia Department of Criminal Justice Services and \$104,280 from Charlottesville City Schools.

5. RESOLUTION: Resolution to appropriate funds from the Safe Routes to School Non-infrastructure Grant - \$33,150 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for
Safe Routes to School Program (SRTS) Non-infrastructure Grants
\$33,150**

WHEREAS, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for education, encouragement, evaluation and enforcement programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$183,842 that has already been appropriated;

WHEREAS, the two year SRTS award is a 80% reimbursement program requiring a 20% match of \$45,961. It will come from in kind donations and volunteer services from Charlottesville Area Mountain Bike Club and \$33,150 cash match from the City of Charlottesville in form of employee benefits;

NOW, THEREFORE, BE IT RESOLVED by the Council of the of Charlottesville, Virginia, that the funding is hereby appropriated in the following manner:

REVENUE

\$33,150	Fund:209	Cost Center: 3901008000	G/L:498010
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EXPENDITURES

\$33 ,150	Fund:209	Cost Center: 3901008000	G/L: 519999
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TRANSFER FROM

\$33,150	Fund:105	Cost Center: 390100100	G/L: 561209
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6. RESOLUTION: Resolutions to approve HOME-ARP FY 2023-2024 Action Plan and to appropriate funds of approximately \$347,404 (2nd reading)

6a. RESOLUTION: Resolution to Approve the FY 2023-2024 HOME-ARP Action Plan

Resolution Approving the City of Charlottesville FY 2023-2024 HOME-American Rescue Plan (HOME-ARP) Action Plan, in the Amount of Approximately \$347,404

WHEREAS the City of Charlottesville has been designated as an Entitlement Community by the United States Department of Housing and Urban Development (HUD), and as such is a recipient of federal funds through the HOME Investment Partnerships program, and

WHEREAS the City is a contributing member of the Thomas Jefferson 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, and

WHEREAS the City has recently been informed of a one-time allocation from HUD of approximately \$2,452,270 in HOME-ARP funds to be shared equally among the HOME Consortium members and through which the City anticipates receiving an allocation of approximately \$347,404 in HOME-ARP funds to support the development of affordable rental units within the city limits, and

WHEREAS Council has previously expressed its support of the Consortium's HOME-ARP Allocation Plan, as presented by TJPDC staff to Council at a public hearing on January 3, 2023, and

WHEREAS the members of the City's CDBG/HOME Taskforce have carefully evaluated funding requests made through an open and competitive application process and have made the funding recommendations put forth in the FY 2023-2024 HOME-ARP Action Plan reviewed and approved by the Planning Commission at their August 8, 2023, public hearing and presented before Council, now

THEREFORE, BE IT RESOLVED that the City Council of Charlottesville, Virginia, hereby approves the FY 2023-2024 HOME-ARP Action Plan, as presented at a public hearing on August 21, 2023.

6b. RESOLUTION: Resolution to Approve the appropriation of the HOME-ARP funding recommendations outlined in the FY 2023-2024 HOME-ARP Action Plan, in the amount of \$347,404.92

**Appropriation of HOME-American Rescue Plan (HOME-ARP) Funds
Anticipated from the U.S. Department of Housing and Urban
Development, in the Amount of Approximately \$347,404**

WHEREAS the City has recently been informed of a one-time allocation from HUD of approximately \$2,452,270 in HOME-ARP funds to be shared equally among the HOME Consortium members and through which the City anticipates receiving an allocation of

approximately \$347,404.92 in HOME-ARP funds to support the development of affordable rental units within the city limits, 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

BE IT RESOLVED by the City Council of Charlottesville, Virginia, that upon receipt of anticipated HOME-ARP 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 city’s 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-ARP American Rescue Plan

Fund	Account Code	Taskforce Funding Recommendation	Proposed Award
210	1900533	Continued Rehabilitation Repairs to Preserve CSH Affordable Rental Housing (<i>Community Services Housing, Inc.</i>)	\$67,361.00
210	1900534	1025 Park Street Redevelopment (<i>Piedmont Housing Alliance</i>)	\$280,043.92

Subtotal HOME-ARP Funding Recommendations \$347,404.92

HOME Local Match Funds

The customary local matching funds requirement for HOME programs has been waived by HUD for HOME-ARP.

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt by the City of not less than \$347,404.92 in HOME-ARP 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, and

BE IT FURTHER RESOLVED that in the event that HOME-ARP 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 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 subrecipients' execution of the funded programs.

CITY MANAGER REPORT

City Manager Sam Sanders announced a change to how City Manager reports will be presented at each meeting. He welcomed the new Director of Communications and Public Engagement, Afton Schneider, who will begin work on September 6. Regarding matters from the public, he addressed public concerns about the need for battery-electric buses. He stated that no decisions have been made, but that all options are being studied and operational priorities continue to be reliability, ridership, frequency and quality of service. He reported on his first 30 days as City Manager and stated that he is allowing opportunities for his team to provide feedback for settling into the position and areas for improvement.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Marta Keane, Jefferson Area Board on Aging CEO, provided the 2022 Annual Report on JABA programs, services, and stories of impact. The Mary Williams Community Center at Hillsdale will be expanding.
2. Katherine Slaughter, city resident, spoke in opposition to the proposed sale of property at 601 West Main Street. She suggested that the city retain ownership and plant shade trees.
3. Patricia Edwards, city resident, spoke in opposition to the proposed sale of property at 601 West Main Street. She suggested that the city retain ownership and plant shade trees. She suggested reconsidering the use of the term "gentrification" and gave historical context for the word "gentry".
4. Peter Gates, Cville 100 Environmental Alliance officer and city resident, spoke about the Alternative Fuels Study, and made suggestions for reduction of greenhouse gas emissions in transit.
5. Zyahna Bryant, city resident, spoke in opposition to the Dairy Market expansion plan. She suggested more neighborhood engagement and she spoke about an upcoming rally for affordable housing.
6. Syleethia Carr, city resident, spoke about Charlottesville Low Income Housing Coalition's goal of ensuring deeply affordable housing. She spoke about the benefits of the Public Housing Association of Residents internship program and showed a petition with 338 signatures from people who want deeply affordable housing.
7. Jay Hooper, city resident, spoke about displaced people in Charlottesville because of individual unmet needs. He pleaded for the community to come together to address the homelessness problems.

ACTION ITEMS

7. ORDINANCE: Ordinance to approve 601 West Main Street Land Sale (2nd reading) - MOVING TO A FUTURE MEETING if necessary

City Manager Sanders stated that he wanted to give staff additional time to reconsider actions that were taken to reach the conclusion to recommend the sale of the property and to discuss options with the requestor. He stated that if there is a reason to bring it back for Council action, staff will bring it back.

8. ORDINANCE: Ordinance to rezone the properties located at 501-507 Cherry Avenue, 0 5th Street SW, and 0 6th Street SW (carried)

Matt Alfele, City Planner, presented the request. After discussion, Council agreed by unanimous consent to move the item to the Consent Agenda on the September 18th meeting for second reading and vote.

9. BY MOTION: Adoption of the 5-Year City of Charlottesville Organizational Strategic Plan Framework

Mr. Sanders summarized the Strategic Planning process for City Council and the purpose for a Strategic Plan and framework. The nine Strategic Outcome Areas in no particular order of priority are Climate Action; Organizational Excellence; Housing; Public Safety; Economic Prosperity; Education; Partnerships; Transportation; and Recreation, Arts and Culture. An annual plan will roll into the five-year plan, and he plans to provide regular updates. Future agenda items will tie to the Strategic Plan. He stated a desire to extend the contract with Raftelis to implement the Plan.

On motion by Pinkston, seconded by Puryear, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) ADOPTED the 5-Year City of Charlottesville Organizational Strategic Plan Framework.

COMMUNITY MATTERS

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

The meeting adjourned at 7:24 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



Agenda Date:	December 4, 2023
Action Required:	Approval
Presenter:	Mike Rogers, Deputy Chief of Business Services
Staff Contacts:	Mike Rogers, Deputy Chief of Business Services
Title:	Resolution to appropriate Fire Department FY22 State Homeland Security Program Grant Award, \$51,764.00 (2nd reading)

Background

The FY 2022 State Homeland Security Grant Program administered by the Virginia Department of Emergency Management (VDEM) contained provisions for Local Competitive Grant Applicants and Special Operations Teams Grant Applicants (Non-Competitive) to apply for grants in several different categories. In May of 2022, the fire department applied for one of these available grants after submitting the city's required grant submission form. The grant request was related to special operations equipment, for the replacement of one complete set of extrication tools (\$51,764.00) specifically replacing existing older tools with one complete set of new electric/battery powered extrication tools. This replacement tool compliment is slated for Tower 10, which is housed at the Fontaine Avenue Fire Station.

Initially, the department was advised through an awardee release in the Fall of 2022 that we had not been selected for this grant award. The department then received notification on 10/18/2023 from VDEM that we had in fact been awarded funding through this grant and that the period of performance ends on 06/30/2024.

Discussion

The current hydraulic extrication tool set on Tower 10 is an older generation set of low pressure hydraulically powered tools run by a mounted pump on the apparatus. The manufacturer of these tools is beginning to phase out their low pressure line of tools and parts. Metals found in some of today's automobiles may also outperform some of the current Tower 10 tools cutting/spreading capabilities.

The tool compliment was purchased with the tower and that aerial apparatus isn't slated for replacement until approximately 2030. The current set of tools will need to be replaced ahead of this date.

Alignment with City Council's Vision and Strategic Plan

Public Safety: Charlottesville provides comprehensive, trusted public safety services and treats everyone with respect and dignity.

The tool replacements awarded through this grant will assist the department with providing trusted public safety services.

Community Engagement

N/A

Budgetary Impact

The 2022 Notice of Funding Opportunity for this grant states there is no match required. If the price quote on this tool compliment has increased over the last year, the department may need to make up the difference between the original award amount and a new/refreshed quote amount once received. If this is the case, the additional funds would be expended out of operational monies already allocated in FY24.

Recommendation

Staff recommends approval.

Alternatives

If the grant monies awarded/available are not utilized for this replacement need, operational funding from the departments' line items or other funding sources would need to be used in order to replace this aging tool set that may not be supported by the manufacturer in the near future.

Attachments

1. \$51,764 VDEM Homeland Security Grant

RESOLUTION
Appropriating funds from the Virginia Department of Emergency Management
(VDEM) FY22 State Homeland Security Program Grant Award
\$51,764

WHEREAS, the City of Charlottesville through the Department of Emergency Management, has received from the Virginia Department of Emergency Management (VDEM) Fiscal Year 2022 Homeland Security Program Grant award of \$51,764 to be utilized to special operations equipment, for the replacement of one complete set of extrication tools;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$51,764 received from the Virginia Department of Emergency Management is hereby appropriated in the following manner:

Revenues - \$51,764

\$51,764 Fund: 209 Internal Order: 1900542 G/L Code: 430110

Expenditures - \$51,764

\$51,764 Fund: 209 Internal Order: 1900542 G/L Code: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$51,764 from the Virginia Department of Emergency Management FY22 State Homeland Security Program Grant.

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



Agenda Date:	December 4, 2023
Action Required:	Adoption of Franchise Agreement (first reading)
Presenter:	Steven Hicks, Interim Deputy City Manager
Staff Contacts:	Ryan Franklin, Assistant City Attorney Jonathan Dean, Public Service Manager
Title:	Ordinance for renewal of Ting Franchise Agreement (2nd reading)

Background

To help provide for public safety and to ensure the integrity of its roads and streets and the appropriate use of the Public Rights-of-Way the City enacts ordinances to impose regulations on telecommunications and its associated equipment and facilities currently in place or to be placed at some time in the future. These ordinances must be reviewed and renewed according to the timelines set forth in the specific agreement between the City and associated user of the Public-Rights-of-Way, specifically Ting Internet LLC.

Discussion

Approval is needed for the renewal of this Franchise Agreement in order to continue associated operations and regulations of associated equipment, including posts, poles, cables, wires and all other necessary overhead or underground apparatus and associated equipment on, over, along, in, under and through the streets, alleys, highways and other public places of the City that may be required by Ting Internet LLC.

Alignment with City Council's Vision and Strategic Plan

To help ensure a Connected Community by regulating the use of the City's Public-Rights-of-Way.

Community Engagement

N/A

Budgetary Impact

There is no budgetary impact except for the prescribed measures granted by this agreement for the City to recover costs as appropriate for Ting Internet's use of the Public-Rights-of-Way.

Recommendation

Staff recommends approval of this agreement.

Alternatives

N/A

Attachments

1. Ting Internet LLC Charlottesville Franchise
2. Ting Franchise Agreement Exhibit A

Approved by City Council on _____

TING INTERNET LLC TELECOMMUNICATIONS FRANCHISE

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**AN ORDINANCE
GRANTING A RENEWED TELECOMMUNICATIONS FRANCHISE TO
TING INTERNET LLC, ITS SUCCESSORS AND ASSIGNS
TO USE THE STREETS AND OTHER PUBLIC PLACES
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
FOR ITS POLE, WIRES, CONDUITS, CABLES AND FIXTURES,
FOR A PERIOD OF FIVE (5) YEARS**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Ting Internet LLC (the “Company”), its successors and assigns, is hereby granted a telecommunications franchise for a period of five (5) years from the effective date of March 7, 2021, and is hereby authorized and empowered to erect, maintain and operate certain telephone lines and associated equipment, including posts, poles, cables, wires and all other necessary overhead or underground apparatus and associated equipment on, over, along, in, under and through the streets, alleys, highways and other public places of the City of Charlottesville, Virginia (the “City”) as its business may from time to time require; provided that:

ARTICLE I

SECTION 101 PURPOSE AND SCOPE

To provide for the health, safety and welfare of its citizens and to ensure the integrity of its roads and streets and the appropriate use of the Public Rights-of-Way, the City strives to keep the right-of-way under its jurisdiction in a state of good repair and free from unnecessary encumbrances.

Accordingly, the City hereby enacts this Ordinance relating to a telecommunications right-of-way franchise and administration. This Ordinance imposes regulation on the placement and maintenance of Facilities and equipment owned by the Company currently within the City’s Public Rights-of-Way or to be placed therein at some future time. The Ordinance is intended to complement, and not replace, the regulatory roles of both state and federal agencies. Under this Ordinance, when excavating and obstructing the Public Rights-of-Way, the Company will bear financial responsibility for their work to the extent provided herein. Finally, this Ordinance provides for recovery of the City’s reasonable out-of-pocket costs related to the Company’s use of the Public Rights-of-Way, subject to the terms and conditions herein.

SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY

This Ordinance granting a telecommunications franchise is created to manage and regulate the Company’s use of the City’s Public Rights-of-Way along city roads pursuant to the authority granted to the City under Sections 15.2-2015, 56-460, and 56-462(A) of the Virginia Code and other applicable state and federal statutory, administrative and common law.

This Ordinance and any right, privilege or obligation of the City or Company hereunder, shall be interpreted consistently with state and federal statutory, administrative and common law, and such statutory, administrative or common law shall govern in the case of conflict. This Ordinance shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce other general ordinances necessary to protect the health, safety, and welfare of the public.

SECTION 103 DEFINITIONS

103.1 CITY means the City of Charlottesville, Virginia, a municipal corporation.

103.2 COMPANY means Ting Internet LLC, including its successors and assigns.

103.3 DIRECTOR means the Director of Public Works for the City of Charlottesville.

103.4 FACILITY means any tangible asset in the Public Rights-of-Way required to provide utility service, which includes but is not limited to: cable television, electric, natural gas, telecommunications, water, sanitary sewer and storm sewer services.

103.5 PATCH means a method of pavement replacement that is temporary in nature.

103.6 PAVEMENT means any type of improved surface that is within the Public Rights-of-Way including but not limited to any improved surface constructed with bricks, pavers, bituminous, concrete, aggregate, or gravel or some combination thereof.

103.7 PUBLIC RIGHTS-OF-WAY or PROW means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and public sidewalk in which the City has an interest, included other dedicated rights-of-way for travel purposes and utility easements of the City, paved or otherwise. This definition does not include a state highway system regulated pursuant to the direction of the Commonwealth Transportation Board.

ARTICLE II

SECTION 201 INITIAL INSTALLATION

The initial installation of equipment, lines, cables or other Facilities by the Company shall be a mixture of overhead and underground in Public Rights-of-Way as depicted in Exhibit A, attached hereto, and as may have been or may hereafter be modified, and incorporated by reference.

SECTION 202 SUBSEQUENT INSTALLATION

202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:

Additional Facilities installed within the PROW may be placed overhead or underground

pursuant to an approved request by the Company made pursuant to Article III, and in accordance with such generally applicable ordinances or regulations governing such installations that have been adopted by the City from time to time.

202.2 GENERAL PREFERENCE FOR UNDERGROUND FACILITIES: As a matter of policy, the City prefers that the installation of any Facility within the PROW occur underground. Notwithstanding this preference, the City recognizes that in some circumstances the placement of Facilities underground may not be appropriate.

202.3 INSTALLATION OF OVERHEAD FACILITIES: Where a subsequent PROW plan is approved for overhead installation, the Company shall use its existing Facilities, or those of another utility where available. If the PROW plan calls for overhead installation and existing Facilities cannot accommodate the proposed installation, the Company will clearly indicate in the PROW plan its intended placement of new Facilities for the Director's review and consideration pursuant to Article III.

202.4 FUTURE ORDINANCES: Nothing herein shall be construed to limit the authority of the city to adopt an ordinance that will restrict the placement of overhead lines for all utilities using the PROW within a defined area of the City.

202.5 CONDITIONS FOR RELOCATING UNDERGROUND: The Company agrees that if, at some future time, the telephone and other utility lines on the posts, poles, and other overhead apparatus upon which the Company has placed some or all of its Facilities in the City's PROWs are relocated underground, the Company will also, at such time, relocate its Facilities on those posts, poles, and other overhead apparatus underground at its expense. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

SECTION 203 INSPECTION BY THE CITY

The Company shall make the work-site available to the City and to all others as authorized by law for inspection at all reasonable times, during the execution of, and upon completion of, all work conducted pursuant to this Ordinance.

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION

At the time of inspection, or any other time as necessary, the City may order the immediate cessation and correction of any work within the Public Rights-of-Way which poses a serious threat to the life, health, safety or well-being of the public.

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS

In general, all posts, poles, wires, cables and conduits which the Company places within the Public Rights-of-Way pursuant to this Ordinance shall in no way permanently obstruct or interfere with public travel or the ordinary use of, or the safety and convenience of persons traveling through, on, or over, the Public Rights-of-Way within the City of Charlottesville.

SECTION 206 OBSTRUCTION OF THE PROW

Generally, any obstruction of the PROW is limited to the manner clearly specified within an approved PROW plan.

206.1 REMOVAL OF OBSTRUCTIONS: Obstructions of the PROW not authorized by an approved PROW plan shall be promptly removed by the Company upon receipt of notice from the City. The City's notice of the Obstruction will include a specified reasonable amount of time determined by the Director for the Company's removal of the obstruction, given the location of the obstruction and its potential for an adverse effect on the public's safety and the public's use of the PROW. If the Company has not removed its obstruction from the PROW within the time designated within the notice, the City, at its election, will make such removal and the Company shall pay to the City its reasonable costs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within the thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the removal and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to administrative, overhead mobilization, material, labor, and equipment related to removing the obstruction.

206.2 NO OBSTRUCTION OF WATER: The Company shall not obstruct the PROW in a manner that interferes with the natural free and clear passage of water through the gutters, culverts, ditches tiles or other waterway.

206.3 PARKING, LOADING AND UNLOADING OF VEHICLES SHALL NOT OBSTRUCT THE PROW: Private vehicles of those doing work for the Company in the PROW must be parked in a manner that conforms to the City's applicable parking regulations. The loading or unloading of trucks must be done in a manner that will not obstruct normal traffic within the PROW, or jeopardize the safety of the public who use the PROW.

ARTICLE III

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY

The Director is the principal City official responsible for the administration of this Ordinance granting a renewed telecommunications franchise to the Company and any of its PROW Plans. The Director may delegate any or all of the duties hereunder to an authorized representative.

SECTION 302 SUBMISSION OF PROW PLAN

At least thirty (30) days before beginning any installation, removal or relocation of underground or overhead Facilities, the Company shall submit detailed plans of the proposed action to the Director for his or her review and approval, which approval shall not unreasonably be withheld, conditioned, or delayed.

SECTION 303 GOOD CAUSE EXCEPTION

303.1 WAIVER: The Director, in his or her sole judgment, is authorized to waive the thirty (30) day requirement in Section 302 for good cause shown.

303.2 EMERGENCY WORK: The Company shall immediately notify the Director of any event regarding its facilities that it considers to be an emergency. The Company will proceed to take whatever actions are necessary to respond to the emergency, or as directed by the Director.

If the City becomes aware of an emergency regarding the Company's facilities, the City will attempt to contact the Company's emergency representative as indicated in Section 1202. In any event, the City shall take whatever action it deemed necessary by the Director to make an appropriate and reasonable response to the emergency. The costs associated with the City's response shall be borne by the person whose facilities occasioned the emergency.

SECTION 304 DECISION ON PROW PLAN BY THE DIRECTOR

304.1 DECISION: The Director, or his or her authorized representative, shall, within thirty (30) days, either approve the Company's plans for proposed action as described in Section 302 or inform the Company of the reasons for disapproval. The Company shall designate a responsible contact person with whom officials of the Department of Public Works can communicate on all matters relating to equipment installation and maintenance.

304.2 APPEAL: Upon written request within thirty (30) days of the Director's decision, the Company may have the denial of a PROW Plan reviewed by the City Manager. The City Manager will schedule its review of the Director's decision within forty-five (45) days of receipt of such request. A decision by the City Manager will be in writing and supported by written findings establishing the reasonableness of its decision.

SECTION 305 MAPPING DATA

Upon completion of each project within the Public Rights-of-Way pursuant to this Ordinance, the Company shall provide to the City such information necessary to maintain its records, including but not limited to:

- (a) location and elevation of the mains, cables, conduits, switches, and related equipment and other Facilities owned by the Company located in the PROW, with the location based on (i)

offsets from property lines, distances from the centerline of the Public Rights-of-Way, and curb lines; (ii) coordinates derived from the coordinate system being used by the City; or (iii) any other system agreed upon by the Company and the City;

- (b) the outer dimensions of such Facilities; and
- (c) a description of above ground appurtenances.

ARTICLE IV

SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS

Obtaining this telecommunications franchise shall in no way relieve the Company of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any applicable state or federal rule, law or regulation. The Company shall comply with and fulfill all generally applicable laws and regulations, including ordinances, regulations and requirements of the City, regarding excavations and any other work in or affecting the Public Rights-of-Way. The Company shall perform all work in conformance with all applicable codes and established rules and regulations, and it is responsible for all work conducted by the Company, another entity or person acting on its behalf pursuant to this Ordinance in the Public Rights-of-Way.

ARTICLE V

SECTION 501 RELOCATION OF COMPANY FACILITIES WITHIN THE PUBLIC RIGHTS-OF WAY

Upon written notice from the Director of a planned and authorized improvement or alteration of City sidewalks, streets or other property, or of a proposed relocation of any City-owned utilities that necessitate relocation of some or all of the Facilities owned by the Company and lines to accommodate the same, the Company shall relocate at its own expense any such Facilities within one hundred eighty (180) days of receipt of the notice. At Company's request, the City may consent to a longer period, such consent not to be unreasonably or discriminatorily withheld, conditioned or delayed. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION

502.1 RESTORATION STANDARD: Where the Company disturbs or damages the Public Rights-of-Way, the Director shall have the authority to determine the manner and extent of the restoration of the Public Rights-of-Way, and may do so in written procedures of general application or on a case-by-case basis. In exercising this authority, the Director will consult with any state or

federal standards for rights-of-way restoration and shall be further guided by the following considerations:

- (a) the number, size, depth and duration of the excavations, disruptions or damage to the Public Rights-of-Way;
- (b) the traffic volume carried by the Public Rights-of-Way; the character of the neighborhood surrounding the right-of-way;
- (c) the pre-excavation condition of the Public Rights-of-Way and its remaining life expectancy;
- (d) the relative cost of the method of restoration to the Company balanced against the prevention of an accelerated deterioration of the right-of-way resulting from the excavation, disturbance or damage to the Public Rights-of-Way; and
- (e) the likelihood that the particular method of restoration would be effective in slowing the depreciation of the Public Rights-of-Way that would otherwise take place.

502.2TEMPORARY SURFACING: The Company shall perform temporary surfacing patching and restoration including, backfill, compaction, and landscaping according to standards determined by, and with the materials determined by, the Director.

502.3TIMING: After any excavation by the Company pursuant to this Ordinance, the patching and restoration of the Public Rights-of-Way must be completed promptly and in a manner determined by the Director.

502.4GUARANTEES: The Company guarantees its restoration work and shall maintain it for twenty-four (24) months following its completion. The previous statement notwithstanding, the Company will guarantee and maintain plantings and turf for twelve (12) months. During these maintenance periods, the Company shall, upon notification by the City, correct all restoration work to the extent necessary, using the method determined by the Director. Such work shall be completed after receipt of notice from the Director, within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure. Notwithstanding the foregoing, the Company's guarantees set forth hereunder concerning restoration and maintenance, shall not apply to the extent another company, franchisee, licensee, permittee, other entity or person, or the City disturbs or damages the same area, or a portion thereof, of the Public Rights-of-Way.

502.5DUTY TO CORRECT DEFECTS: The Company shall correct defects in patching, or restoration performed by it or its agents. Upon notification from the City, the Company shall correct all restoration work to the extent necessary, using the method determined by the Director. Such work shall be completed after receipt of the notice from the Director within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure.

502.6FAILURE TO RESTORE: If the Company fails to restore the Public Rights-of-Way in the manner and to the condition required by the Director pursuant to Section 502.5, or fails to satisfactorily and timely complete all restoration required by the Director pursuant to the foregoing, the City shall notify the Company in writing of the specific alleged failure or failures and shall allow the Company at least ten (10) days from receipt of the notice to cure the failure or failures, or to respond with a plan to cure. In the event that the Company fails to cure, or fails to respond to the City's notice as provided above, the City may, at its election, perform the necessary work and the Company shall pay to the City its reasonable costs for such restoration within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within the thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative, overhead mobilization, material, labor, and equipment related to such restoration.

502.7DAMAGE TO OTHER FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY: The Company shall be responsible for the cost of repairing any Facilities existing within the Public Rights-of-Way that it or the Facilities owned by the Company damage. If the Company damages the City's Facilities within the Public Rights-of-Way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, the Company shall correct the damage within a prompt period after receiving written notification from the City. If the Company does not correct the City's damaged Facilities pursuant to the foregoing, the City may make such repairs as necessary and charge all of the reasonable costs of such repairs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within such thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative, overhead mobilization, material, labor, and equipment related to such repair.

502.8DIRECTOR'S STANDARD: All determinations to be made by the Director with respect to the manner and extent of restoration, patching, repairing and similar activities under the franchise granted by this Ordinance, shall be reasonable and shall not be unreasonably conditioned, withheld, or delayed. The Company may request additional time to complete restoration, patching, repair, or other similar work as required under the franchise granted by this Ordinance, and the Director shall not unreasonably withhold, condition, or delay consent to such requests.

ARTICLE VI

SECTION 601 INDEMNIFICATION AND LIABILITY

601.1 SCOPE OF INDEMNIFICATION: Subject to the following, the Company agrees and binds itself to indemnify, keep and hold the City Council members, officials and its employees free and

harmless from liability on account of injury or damage to persons, firms or corporations or property growing out of or directly or indirectly resulting from:

- (a) the Company's use of the streets, alleys, highways, sidewalks, rights-of-way and other public places of the City pursuant to the franchise granted by this Ordinance;
- (b) the acquisition, erection, installation, maintenance, repair, operation and use of any poles, wires, cables, conduits, lines, manholes, facilities and equipment by the Company, its authorized agents, subagents, employees, contractors or subcontractors; or
- (c) the exercise of any right granted by or under the franchise granted by this Ordinance or the failure, refusal or neglect of the Company to perform any duty imposed upon or assumed by the Company by or under the renewed franchise granted by this Ordinance.

601.2 DUTY TO INDEMNIFY, DEFEND AND HOLD HARMLESS: If a suit arising out of subsection (a), (b), (c) of Section 601.1, claiming such injury, death, or damage shall be brought or threatened against the City, either independently or jointly with the Company, the Company will defend, indemnify and hold the City harmless in any such suit, at the cost of the Company, provided that the City promptly provides written notice of the commencement or threatened commencement of the action or proceeding involving a claim in respect of which the City will seek indemnification hereunder. The Company shall be entitled to have sole control over the defense through counsel of its own choosing and over settlement of such claim provided that the Company must obtain the prior written approval of City of any settlement of such claims against the City, which approval shall not be unreasonably withheld or delayed more than thirty (30) days. If, in such a suit, a final judgment is obtained against the City, either independently or jointly with the Company, the Company will pay the judgment, including all reasonable costs, and will hold the City harmless therefrom.

SECTION 602 WAIVER BY THE CITY

The City waives the applicability of these indemnification provisions in their entirety if it:

- (a) elects to conduct its own defense against such claim;
- (b) fails to give prompt notice to the Company of any such claim such that the Company's ability to defend against such claim is compromised;
- (c) denies approval of a settlement of such claim for which the Company seeks approval; or
- (d) fails to approve or deny a settlement of such claim within thirty (30) days of the Company seeking approval.

SECTION 603 INSURANCE

603.1 The Company shall also maintain in force a comprehensive general liability policy in a form satisfactory to the City Attorney, which at minimum must provide:

- (a) verification that an insurance policy has been issued to the Company by an insurance company licensed to do business in the Commonwealth of Virginia, or a form of self insurance acceptable to the City Attorney;
- (b) verification that the Company is insured against claims for personal injury, including death, as well as claims for property damage arising out of (i) the use and occupancy of the Public Rights-of-Way by the Company, its agents, employees and permittees, and (ii) placement and use of Facilities owned by the Company in the Public Rights-of-Way by the Company, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground Facilities and collapse of property;
- (c) verification that the City Attorney will be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;
- (d) verification that comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the City Attorney in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Ordinance; and
- (e) verification that the policy has a combined single limit coverage of not less than two million dollars (\$2,000,000).

The policy shall include the City as an additional insured party, and the Company shall provide the City Attorney with a certificate of such coverage before beginning installation of any lines, cable or equipment.

603.2 The Company shall also require similar indemnification and insurance coverage from any contractor working on its behalf in the public right-of-way.

SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS

Nothing herein contained shall be construed to render the Company liable for or obligated to indemnify the City, its agents, or employees, for the negligence or intentional acts of the City, its Council members, its agents or employees, or a permittee of the City.

ARTICLE VII

SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND

Prior to the Effective Date of this Ordinance, the Company has deposited with the City a Performance Bond made payable to the City in the amount of fifty thousand dollars (\$50,000).

The bond shall be written by a corporate surety acceptable to the City and authorized to do business in the Commonwealth of Virginia. The Performance Bond shall be maintained at this amount through the term of this Agreement.

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND

At any time during the Term, the City may, acting reasonably, require or permit the Company to change the amount of the Performance Bond if the City finds that new risk or other factors exist that reasonably necessitate or justify a change in the amount of the Performance Bond. Such new factors may include, but not be limited to, such matters as:

- (a) material changes in the net worth of the Company;
- (b) changes in the identity of the Company that would require the prior written consent of the City;
- (c) material changes in the amount and location of Facilities owned by the Company;
- (d) the Company's recent record of compliance with the terms and conditions of this Ordinance; and
- (e) material changes in the amount and nature of construction or other activities to be performed by the Company pursuant to this Ordinance.

SECTION 703 PURPOSE OF PERFORMANCE BOND

The Performance Bond shall serve as security for:

- (a) the faithful performance by the Company of all terms, conditions and obligations of this Ordinance;
- (b) any expenditure, damage or loss incurred by the City occasioned by the Company's failure to comply with all rules, regulations, orders, permits and other directives of the City issued pursuant to this Ordinance;
- (c) payment of compensation required by this Ordinance;
- (d) the payment of premiums for the liability insurance required pursuant to this Ordinance ;
- (e) the removal of Facilities owned by the Company from the Streets at the termination of the Ordinance, at the election of the City, pursuant to this Ordinance;
- (f) any loss or damage to the Streets or any property of the City during the installation, operation, upgrade, repair or removal of Facilities by the Company;
- (g) the payment of any other amounts that become due to the City pursuant to this Ordinance or law;

- (h) the timely renewal of any letter of credit that constitutes the Performance Bond;
and
- (i) any other costs, loss or damage incurred by the City as a result of the Company's failure to perform its obligations pursuant to this Ordinance.

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE

704.1 FEE OR PENALTY: The Company shall be subject to a fee or a penalty for violation of this Ordinance as provided for in applicable law.

704.2 APPEAL: The Company may, upon written request within thirty (30) days of the City's decision to assess a fee or penalty and for reasons of good cause, ask the City to reconsider its imposition of a fee or penalty pursuant to this Ordinance unless another period is provided for in applicable law. The City shall schedule its review of such request to be held within forty-five (45) days of receipt of such request from the Company. The City's decision on the Company's appeal shall be in writing and supported by written findings establishing the reasonableness of the City's decision. During the pendency of the appeal before the City or any subsequent appeal thereafter, the Company shall place any such fee or penalty in an interest-bearing escrow account. Nothing herein shall limit the Company's right to challenge such assessment or the City's decision on appeal, in a court of competent jurisdiction.

ARTICLE VIII

SECTION 801 COMPENSATION/PROW USE FEE.

The City reserves the right to impose at any time on the Company consistent with Section 253(c) of the Communications Act of 1934, as amended:

- (a) a PROW Use Fee in accordance with Section 56-468.1(G) of the Code of Virginia, and/or
- (b) any other fee or payment that the City may lawfully impose for the occupation and use of the Streets.

The Company shall be obligated to remit the PROW Use Fee and any other lawful fee enacted by the City, so long as the City provides the Company and all other affected certificated providers of local telecommunications service appropriate notice of the PROW Use Fee as required by Section 56-468.1(G) of the Code of Virginia. If the PROW Use Fee is eliminated, discontinued, preempted or otherwise is declared or becomes invalid, the Company and the City shall negotiate in good faith to determine fair and reasonable compensation to the City for use of the Streets by the Company for Telecommunications.

SECTION 802 RESERVED

SECTION 803 NO CREDITS OR DEDUCTIONS

The compensation and other payments to be made pursuant to Article VIII: (a) shall not be deemed to be in the nature of a tax, and (b) except as may be otherwise provided by Section 56-468.1 of the Code of Virginia, shall be in addition to any and all taxes or other fees or charges that the Company shall be required to pay to the City or to any state or federal agency or authority, all of which shall be separate and distinct obligations of the Company.

SECTION 804 REMITTANCE OF COMPENSATION/LATE PAYMENTS, INTEREST ON LATE PAYMENTS

(1) If any payment required by this Ordinance is not actually received by the City on or before the applicable date fixed in this Ordinance, or (2), in the event the City adopts an ordinance imposing a PROW Use Fee, if such Fee has been received by the Company from its customers, and has not been actually received by the City on or before the applicable date fixed in this Ordinance or thirty (30) days after receipt of the PROW Use Fee from its customers, whichever is later, then the Company shall pay interest thereon, to the extent permitted by law, from the due date to the date paid at a rate equal to the rate of interest then charged by the City for late payments of real estate taxes.

ARTICLE IX

SECTION 901 RESERVATION OF ALL RIGHTS AND POWERS

The City reserves the right by ordinance or resolution to establish any reasonable regulations for the convenience, safety, health and protection of its inhabitants under its police powers, consistent with state and federal law. The rights herein granted are subject to the exercise of such police powers as the same now are or may hereafter be conferred upon the City. Without limitation as to the generality of the foregoing the City reserves the full scope of its power to require by ordinance substitution of underground service for overhead service, or the transfer of overhead service from the front to the rear of property whenever reasonable in all areas in the City and with such contributions or at such rates as may be allowed by law.

Notwithstanding anything herein to the contrary, nothing herein shall be construed to extend, limit or otherwise modify the authority of the City preserved under Sections 253 (b) and (c) of the Communications Act of 1934, as amended. Nothing herein shall be construed to limit, modify, abridge or extend the rights of the Company under the Communications Act of 1934, as amended.

SECTION 902 SEVERABILITY

If any portion of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE X

SECTION 1001 MAINTENANCE OBLIGATION

The Company will maintain the poles, wires, cable, conduits, lines, manholes, equipment and other Facilities it owns within the City's PROW in good order and operating condition throughout the term of the franchise granted by this Ordinance.

SECTION 1002 TREE TRIMMING

Should the Company install any overhead lines, it shall have the authority to trim trees upon or overhanging the streets, alleys, walkways or Public Rights-of-Way to prevent the branches of such trees from interfering with its lines or other Facilities. However, all such trimmings shall be performed in a safe and orderly manner under the general direction of the Director of Public Works or his or her designee and in compliance with the pruning standards of the National Arborists Association as currently in effect.

ARTICLE XI

SECTION 1101 INITIAL TERM OF TELECOMMUNICATIONS FRANCHISE

The term of the franchise granted by this Ordinance shall be for a period of five (5) years from the effective date of this Ordinance.

SECTION 1102 APPLICATION FOR NEW TELECOMMUNICATIONS FRANCHISE

If the Company wishes to maintain its equipment within the City and to continue the operation of the system beyond the term of the franchise granted by this Ordinance, it shall give written notice to the City at least one hundred twenty (120) days before expiration of the franchise granted by this Ordinance, stating that it wishes to apply for a new franchise. Such application shall include a report of the location of the Facilities owned by the Company within the City's PROW, and a statement as to whether the Company has complied with the provisions of this Ordinance.

SECTION 1103 OPERATION OF FACILITIES OWNED BY THE COMPANY WHILE RENEWAL IS PENDING

Upon a timely request by the Company prior to the expiration of its initial franchise, the Company shall be permitted to continue operations of the Facilities owned by the Company within the City under the terms of the franchise granted by this Ordinance until the City acts. Nothing herein shall be construed to grant the Company a perpetual franchise interest.

ARTICLE XII

SECTION 1201 NOTICE

All notices, except for in cases of emergencies, required pursuant to the franchise granted by this Ordinance shall be in writing and shall be mailed or delivered to the following address:

To the Company:

Ting
Attn: Kara Chandeysson, Director, Community
Engagement and Public Policy
300 E Main St, Unit # 310
Charlottesville, VA 22902

To the City:

City of Charlottesville
Attn: City Manager
605 East Main Street
Charlottesville, VA 22902

With a copy to:

Jonathan B. Mirsky
HWF LLP
1919 M Street NW
Washington, D.C. 20036

With a copy to:

Jacob P. Stroman, City Attorney
City Attorney's Office
P.O. Box 911
Charlottesville, VA 22902

All correspondences shall be by registered mail, certified mail or regular mail with return receipt requested; and shall be deemed delivered when received or refused by the addressee. Each Party may change its address above by like notice.

SECTION 1202 EMERGENCY NOTIFICATION

Notices required pursuant to Section 303.2 shall be made orally and by facsimile to the following:

To the Company:

Brett Fausett
Chief Legal Officer
Tucows
(310) 985-1351

To the City:

Gas Dispatchers
(434) 970-3800 (office)
Emergency (434)293-9164 (leaks)
(434) 970-3817 (facsimile)

Director of Public Works
(434) 970-3301 (office)
(434) 970-3817 (facsimile)

With a copy to:

Jonathan B. Mirsky
HWG LLP
1919 M Street NW
Washington, D.C. 20036

SECTION 1203 REGISTRATION OF DATA

The Company, including any subleasee or assigns, must keep on record with the City the following information:

- (a) Name, address and e-mail address if applicable, and telephone and facsimile numbers;
- (b) Name, address and e-mail address if applicable, and telephone and facsimile numbers of a local representative that is available for consultation at all times. This information must include how to contact the local representative in an emergency; and
- (c) A certificate of insurance as required under Article VI, Section 603 of this telecommunications franchise, and a copy of the insurance policy.

The Company shall notify the City within fifteen (15) days upon knowledge of any change to the above information in this section.

ARTICLE XIII

SECTION 1301 TERMINATION OF TELECOMMUNICATIONS FRANCHISE

The renewed franchise granted by this Ordinance may be terminated:

(a) by the Company, at its election and without cause, by written notice to the City at least sixty (60) days prior to the effective date of such termination; or

(b) by either the Company or the City, after thirty (30) days written notice to the other party of the occurrence or existence of a default of the franchise granted by this Ordinance, if the defaulting party fails to cure or commence good faith efforts to cure, such default within sixty (60) days after delivery of such notice.

Notwithstanding the provisions of this Section, the terms and conditions of the franchise granted by this Ordinance pertaining to indemnification shall survive a termination under this Section.

ARTICLE XIV

SECTION 1401 REMOVAL OF FACILITIES FROM THE PUBLIC RIGHTS-OF-WAY

The Company shall remove all Facilities owned by the Company from the streets, alleys and public places of the City at the expense of the Company within six (6) months after the termination, abandonment, or expiration of this renewed franchise granted by this Ordinance, or by such reasonable time to be prescribed by the City Council, whichever is later. No such removal will be required while any renewal requests as provided for in Section 1102 and Section 1103, are pending before the City. If such renewal request is denied, the six (6) month period provided above shall commence on the date of denial or expiration, whichever is later. The City reserves the right to waive this requirement, as provided for in Section 1402 herein. The City shall grant the Company access to the Public Rights-of-Way in order to remove its telecommunications Facilities owned by the Company pursuant to this paragraph.

SECTION 1402 ABANDONMENT OF FACILITIES OWNED BY THE COMPANY IN THE PUBLIC RIGHTS-OF-WAY

The telecommunications Facilities owned by the Company may be abandoned without removal upon request by the Company and approval by the City. This Section survives the expiration or termination of this franchise granted by this Ordinance.

ARTICLE XV

SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT

The franchise granted by this Ordinance shall not be assigned or transferred without the expressed written approval of the City, which shall not be unreasonably or discriminatorily conditioned, withheld or delayed.

In addition, the City agrees that nothing in this Ordinance shall be construed to require Company to obtain approval from the City in order to lease any Facilities owned by the Company or any portion thereof in, on, or above the PROW, or grant an indefeasible right of use (“IRU”) in the Facilities owned by the Company, or any portion thereof, to any entity or person. The lease or grant of an IRU in such Facilities owned by the Company, or any portion or combination thereof, shall not be construed as the assignment or transfer of any franchise rights granted under this Ordinance.

SECTION 1502 SUCCESSORS AND ASSIGNS

Notwithstanding Section 1501, the Company may assign, transfer, or sublet its rights, without the consent of the City, to any person or entity that controls, is controlled by or is under common control with the Company, any company or entity with which or into which the Company may merge or consolidate, to any lender of the Company provided the City is advised of the action prior to enactment. Any successor(s) of the Company shall be entitled to all rights and privileges of this franchise granted by this Ordinance and shall be subject to all the provisions, obligations, stipulations and penalties herein prescribed.

ARTICLE XVI

SECTION 1601 NONEXCLUSIVE FRANCHISE

Nothing in the franchise granted by this Ordinance shall be construed to mean that this is an exclusive franchise, as the City Council reserves the right to grant additional telecommunications franchises to other parties.

ARTICLE XVII

SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES

Subject to the foregoing, any waiver of the franchise granted by this Ordinance or any of its provisions shall be effective and binding upon the Parties only if it is made in writing and duly signed by the Parties.

SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED

If either Party fails to enforce any right or remedy available under the franchise granted by this Ordinance, that failure shall not be construed as a waiver of any right or remedy with respect to any breach or failure by the other Party. Nothing herein shall be construed as a waiver of any

rights, privileges or obligations of the City or the Company, nor constitute a waiver of any remedies available at equity or at law.

ARTICLE XVIII

SECTION 1801 NO DISCRIMINATION

The Company's rights, privileges and obligations under the franchise granted by this Ordinance shall be no less favorable than those granted by the City to any other telecommunications provider and shall not be interpreted by the City in a less favorable manner with respect to any other similarly situated entity or person or user of the City's Public Rights-of-Way.

ARTICLE XIX

SECTION 1901 FORCE MAJEURE

Neither the Company nor the City shall be liable for any delay or failure in performance of any part of the franchise granted by this Ordinance from any cause beyond its control and without its fault or negligence including, without limitation, acts of nature, acts of civil or military authority, government regulations embargoes, epidemics, terrorist acts, riots insurrections, fires, explosions, earthquakes, nuclear accidents, floods, work stoppages, equipment failure, power blackouts, volcanic action, other major environmental disturbances, or unusually severe weather conditions.

ARTICLE XX

SECTION 2001 EFFECTIVE DATE

This Ordinance shall be effective on March 7, 2021.

Adopted by the Council of the City of Charlottesville on the ____ day of _____, 20____.

Kyna Thomas, Clerk of Council

[Signature Page Follows]

ACCEPTED: This Franchise is accepted, and we agree to be bound by its terms and conditions.

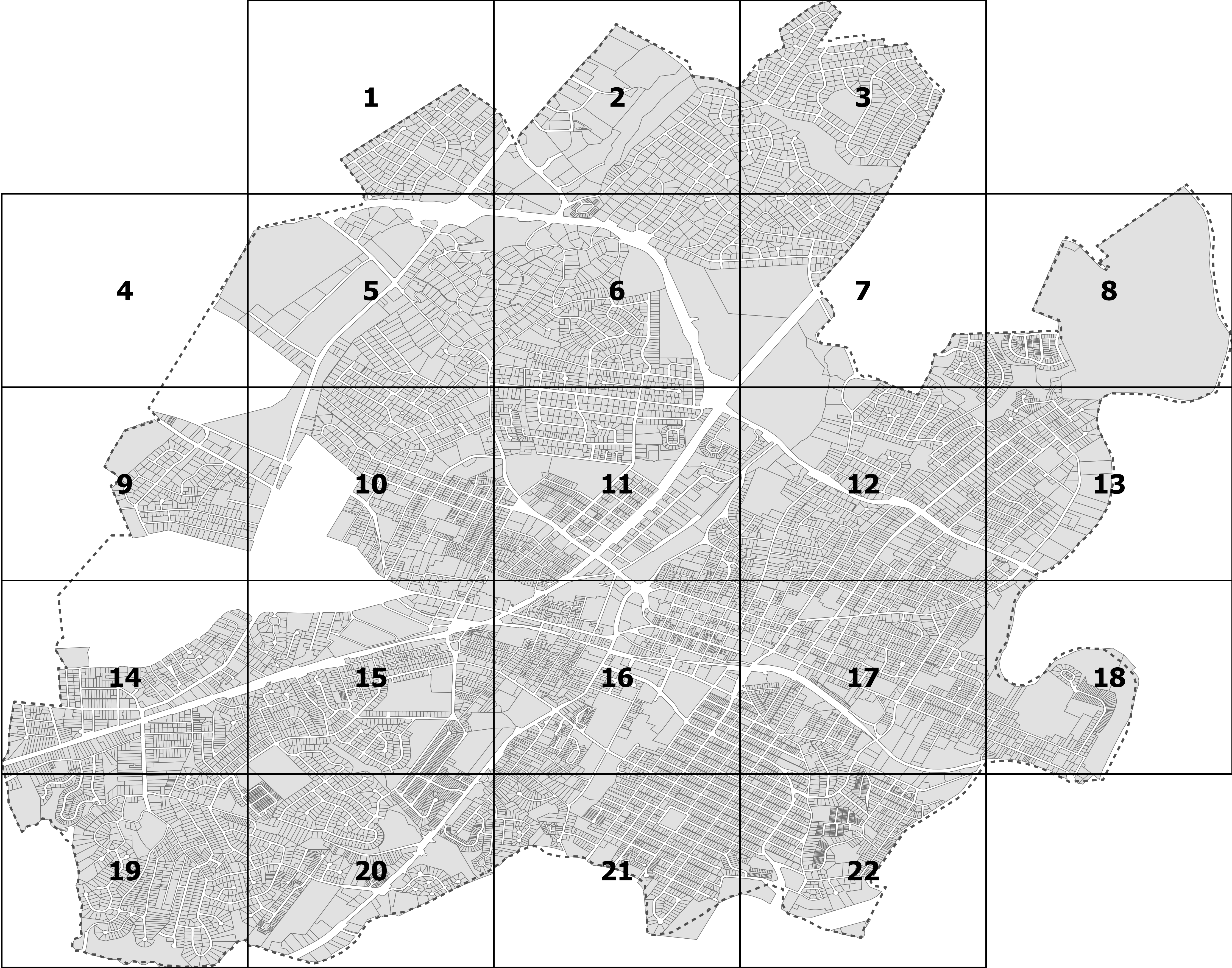
Ting Internet LLC

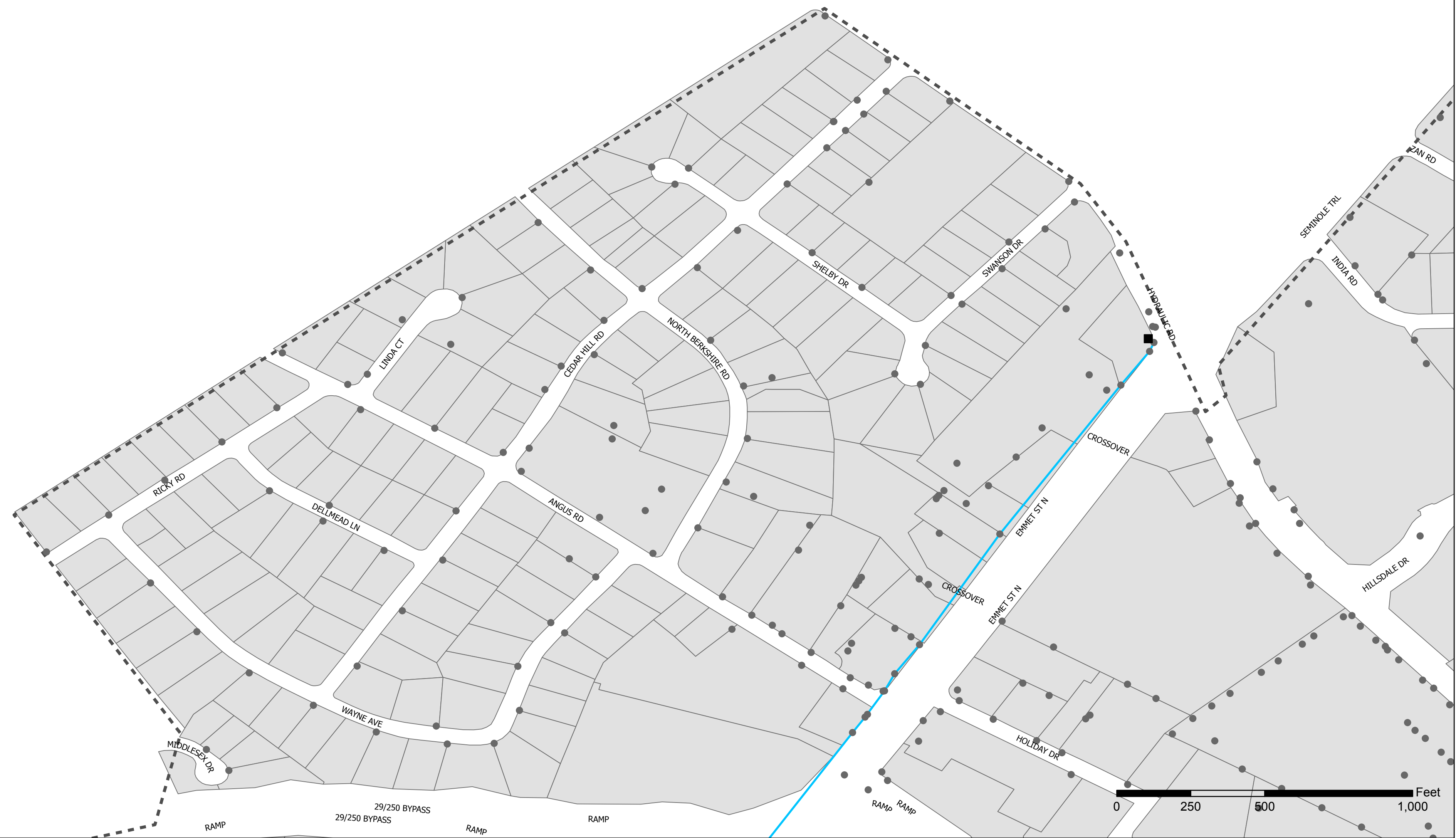
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By: 
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CFO and Manager

Its: _____

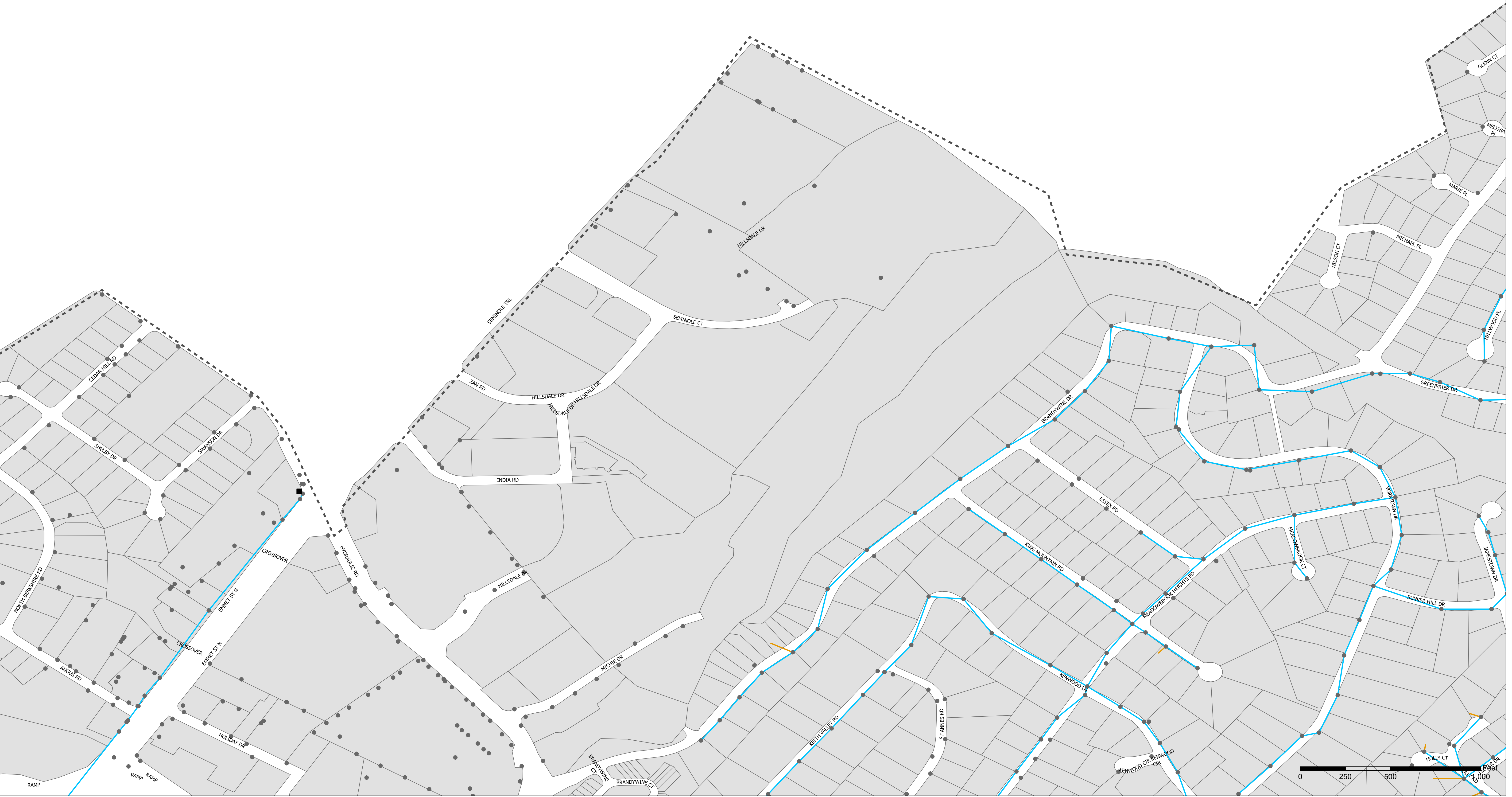
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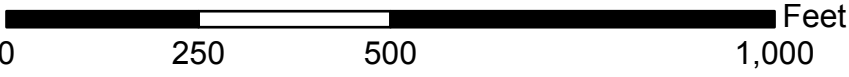
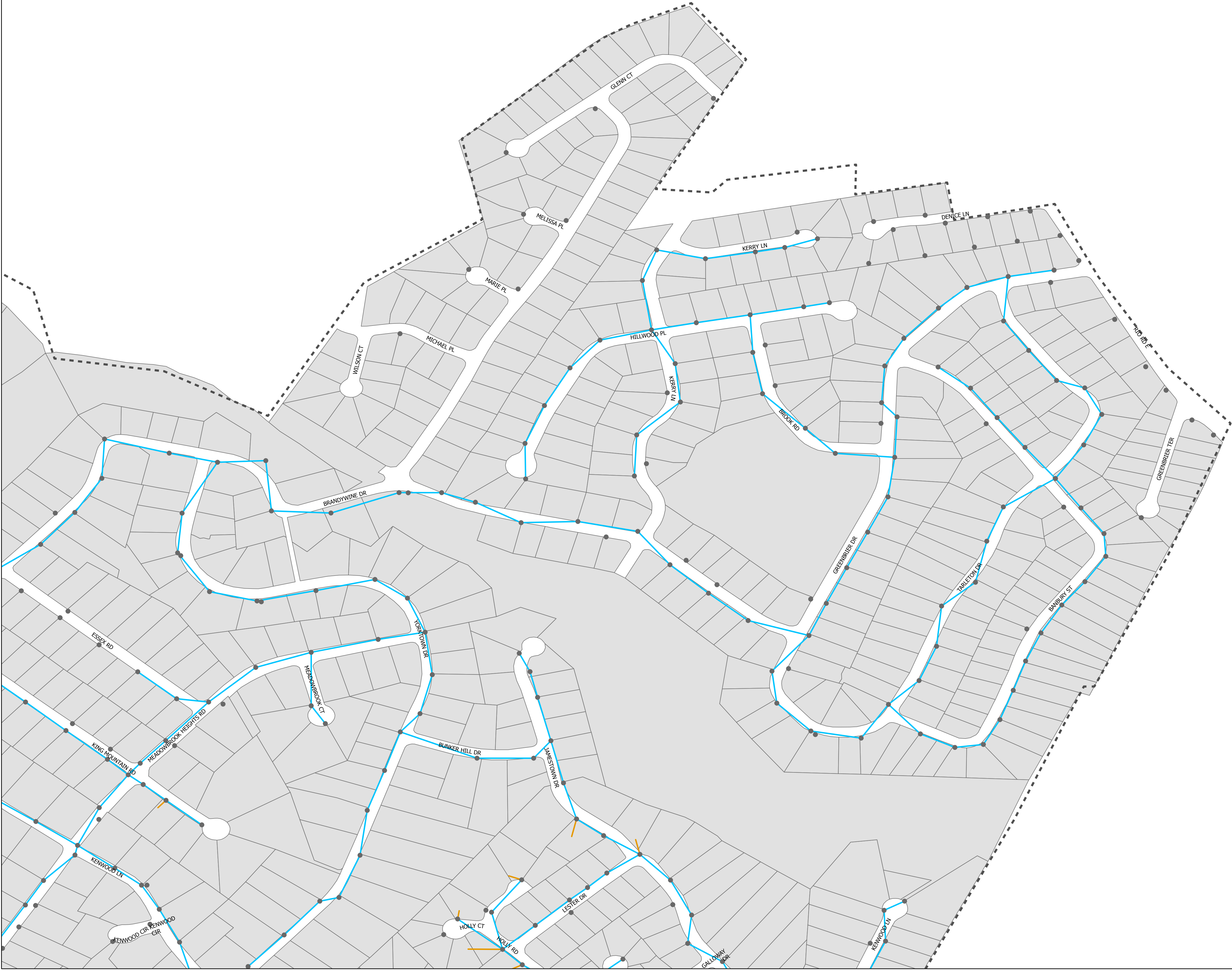




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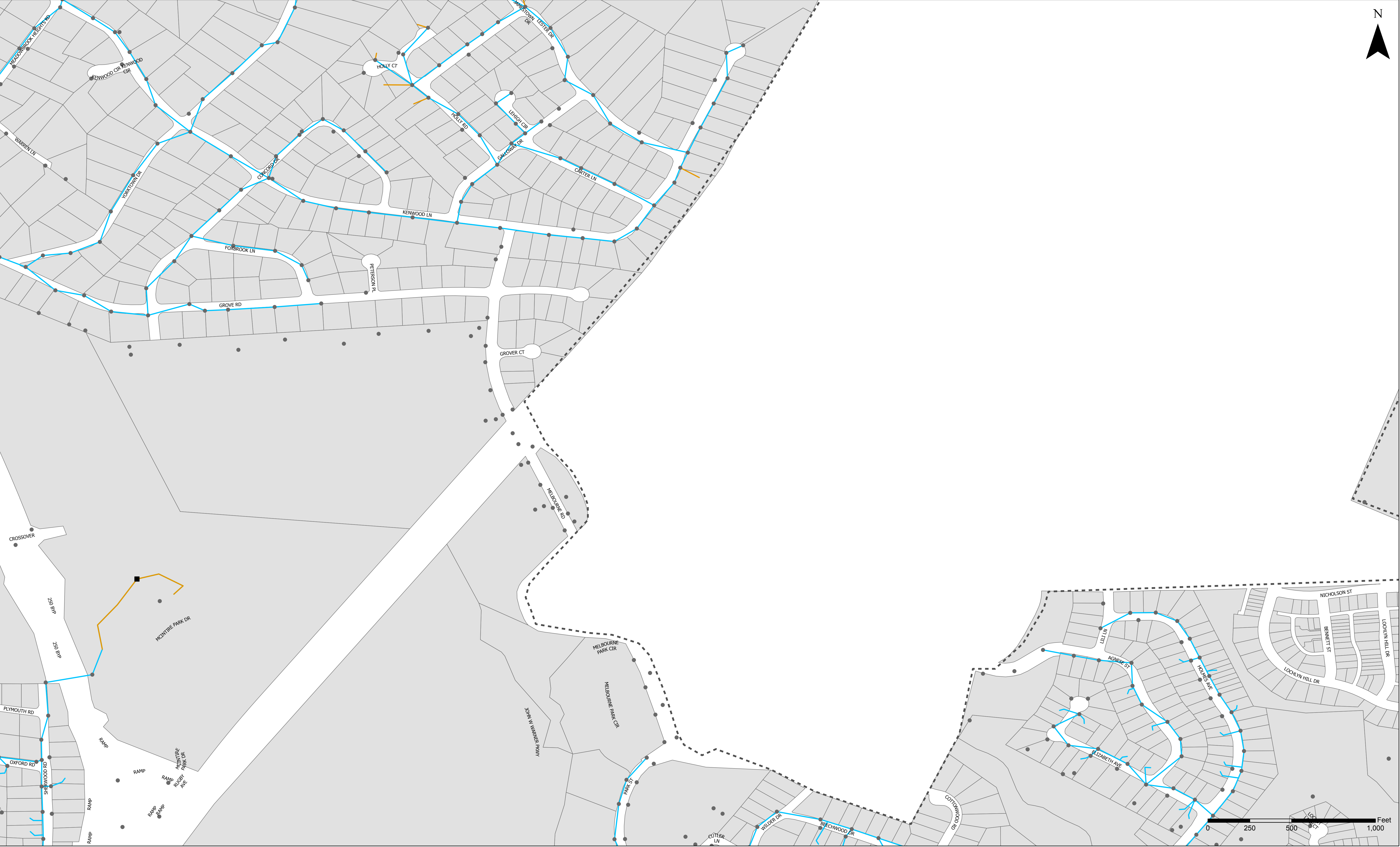
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| ● | Utility Pole | — | Conduit with Fiber | ⬡ | Cabinets |

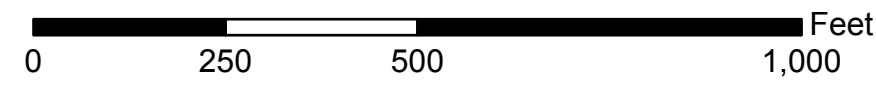








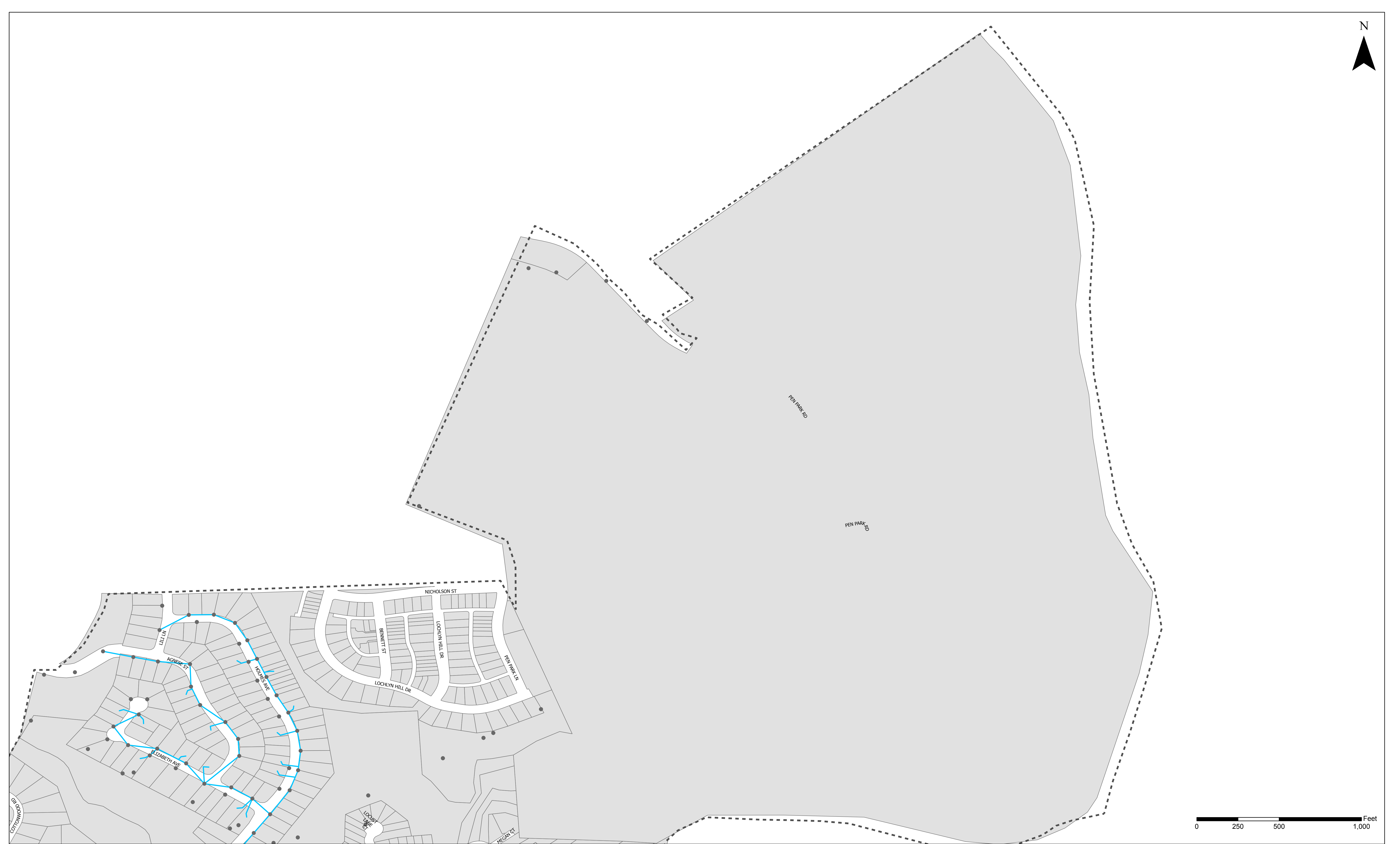


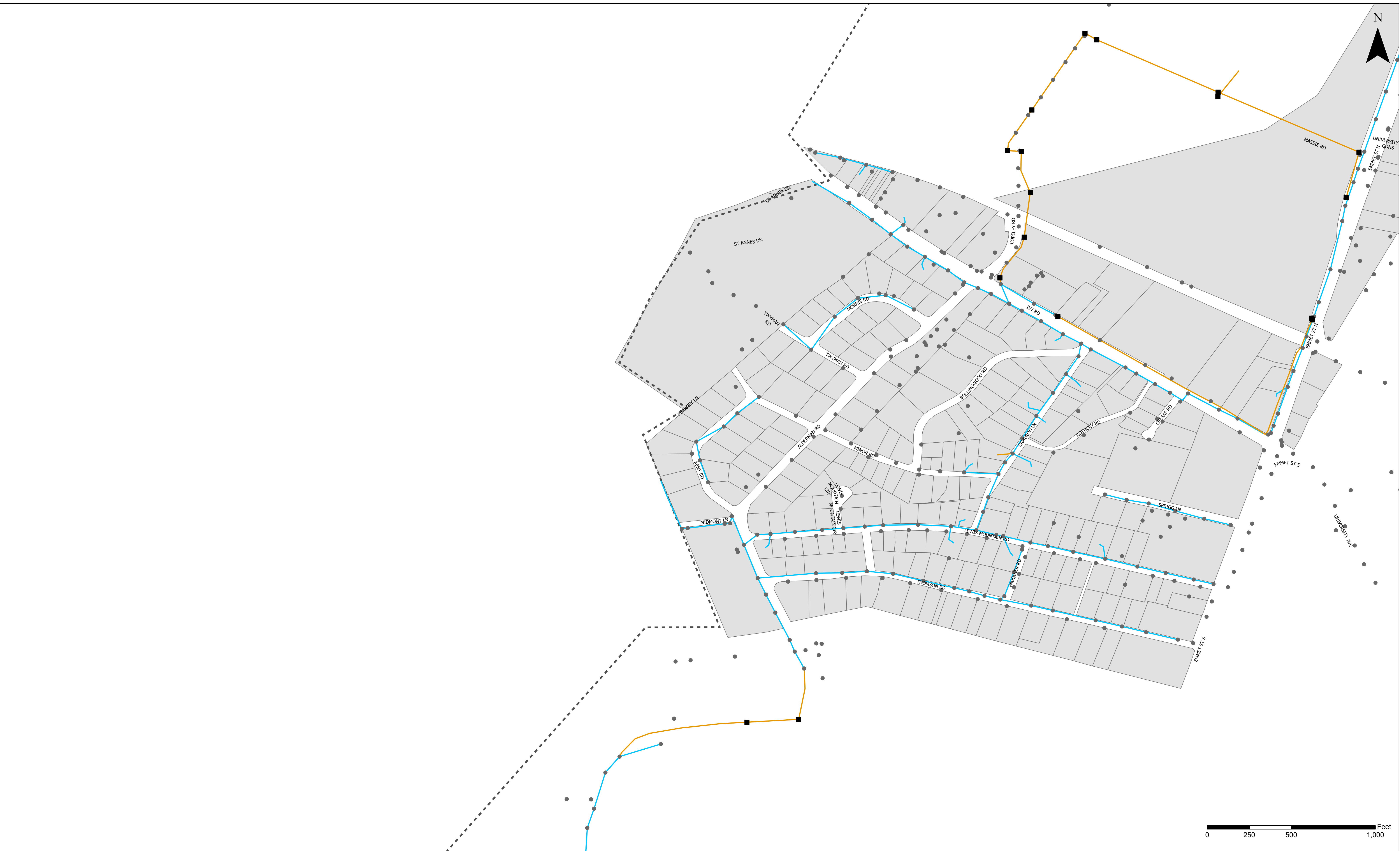


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- Underground Access Point
- Utility Pole
- Aerial Fiber Route
- Conduit with Fiber
- - - City Limits
- ⬡ Cabinets

Charlottesville Fiber Locations

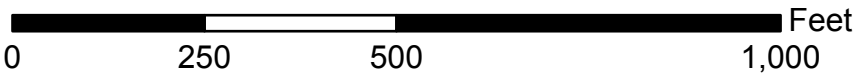






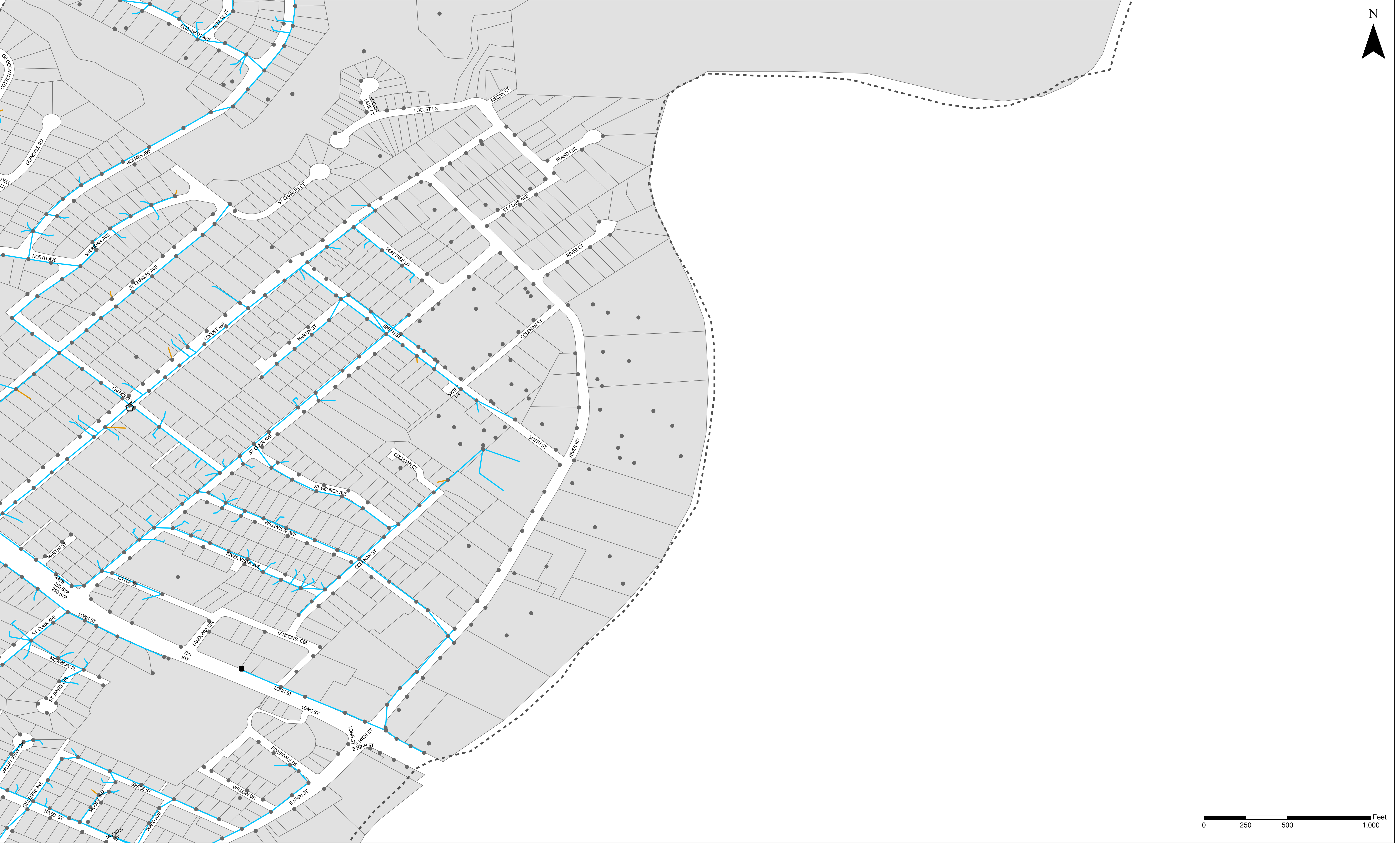


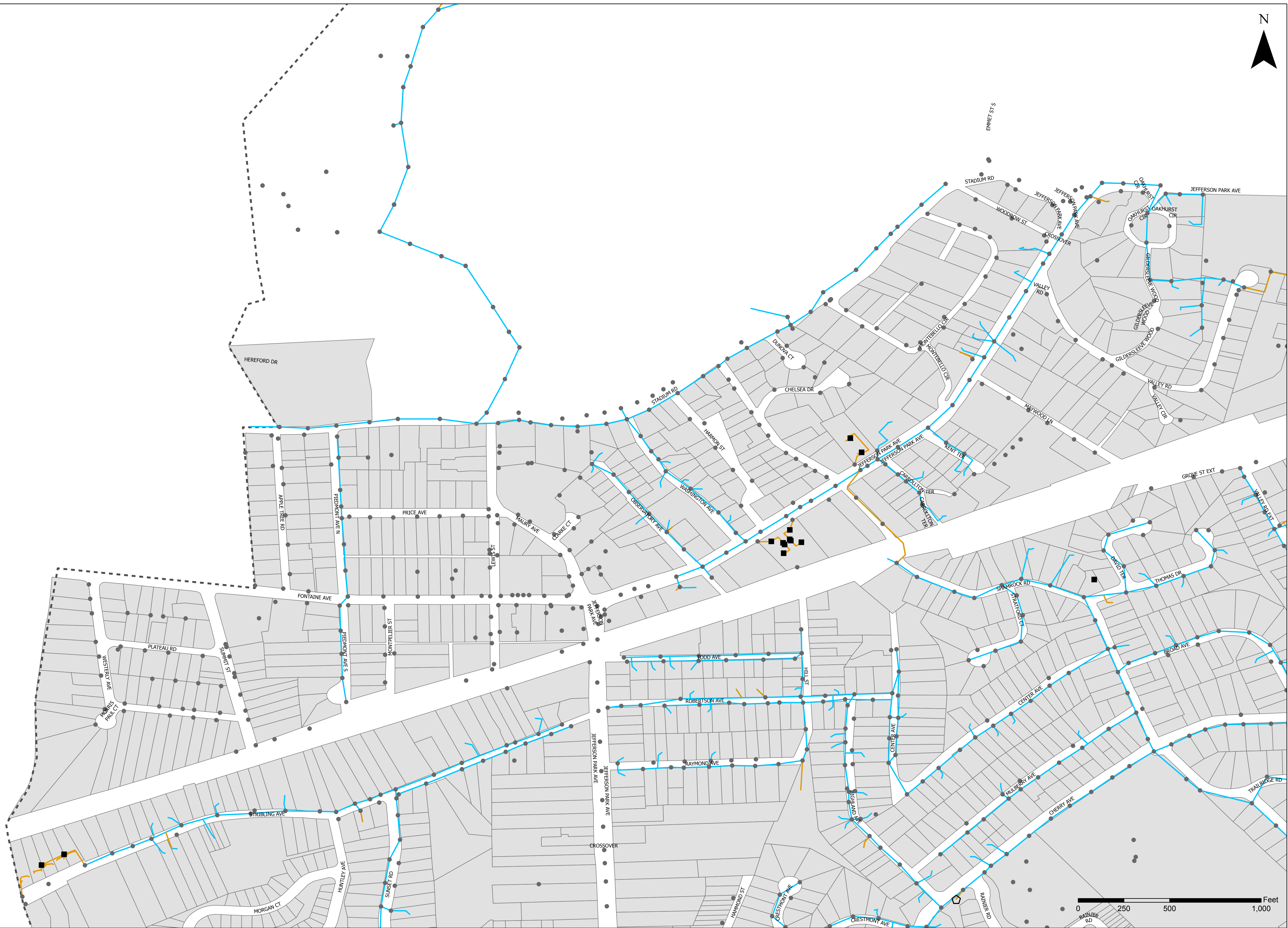




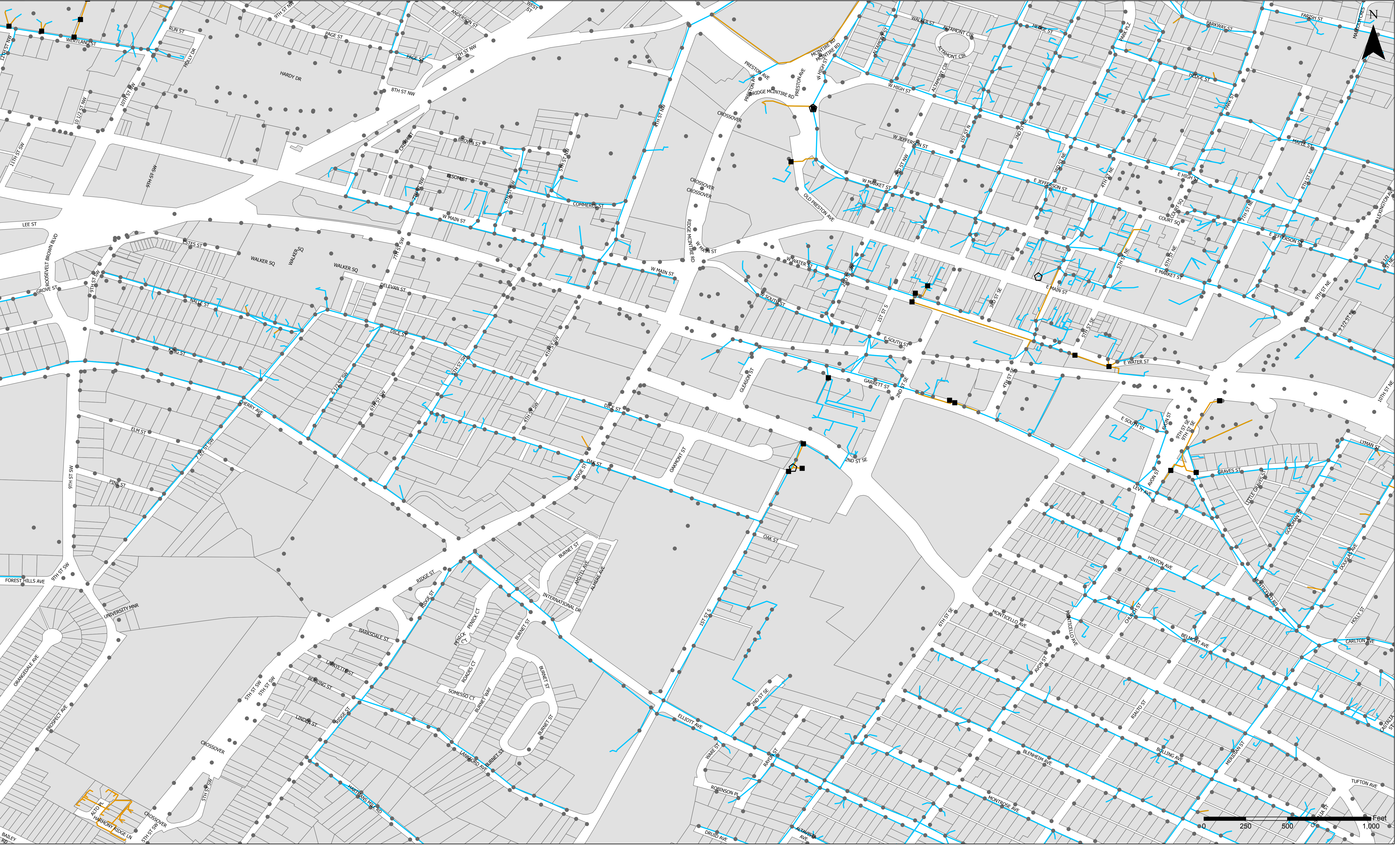
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- ◻ Cabinets

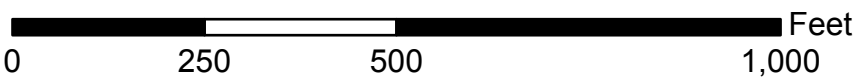






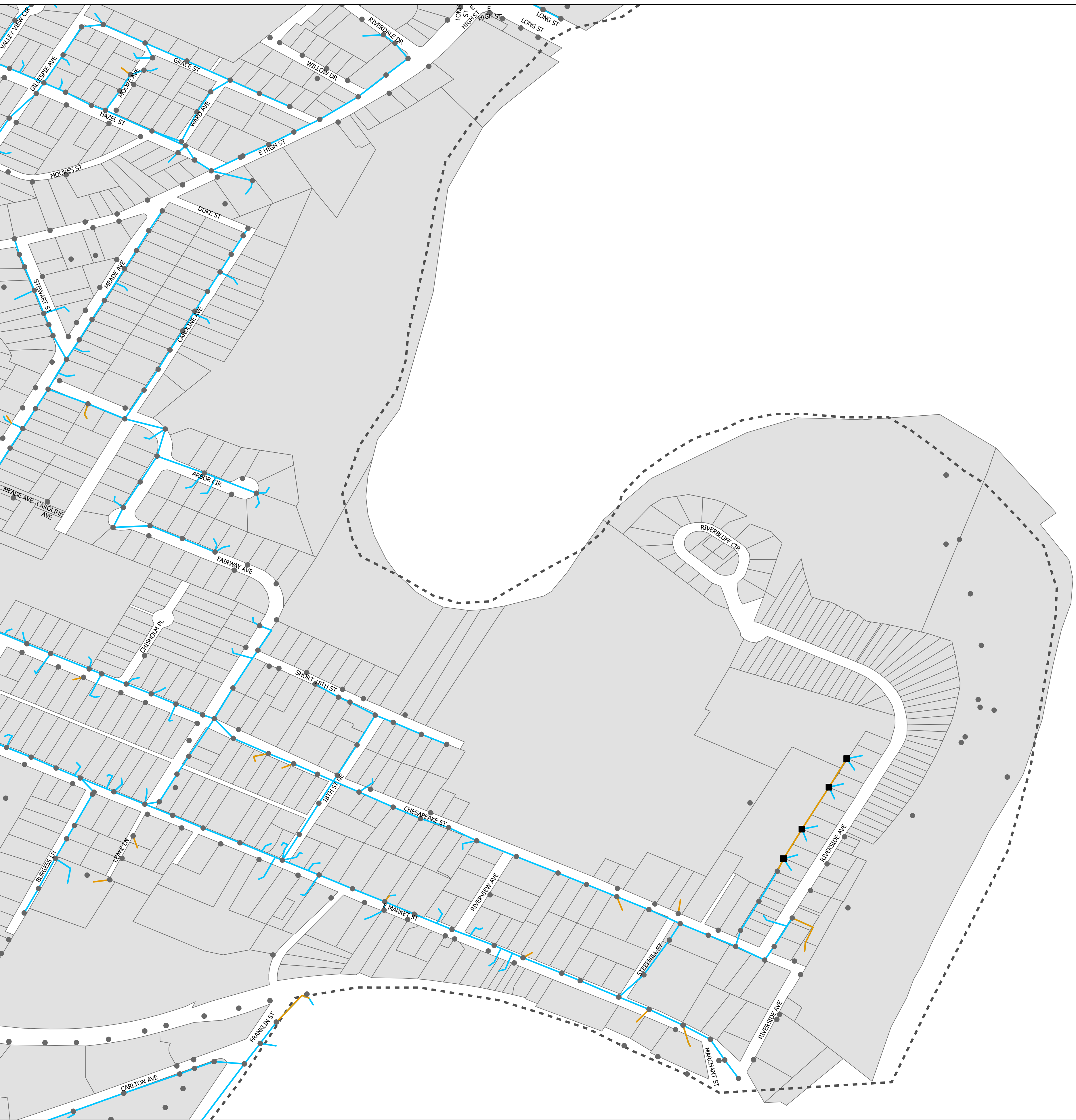


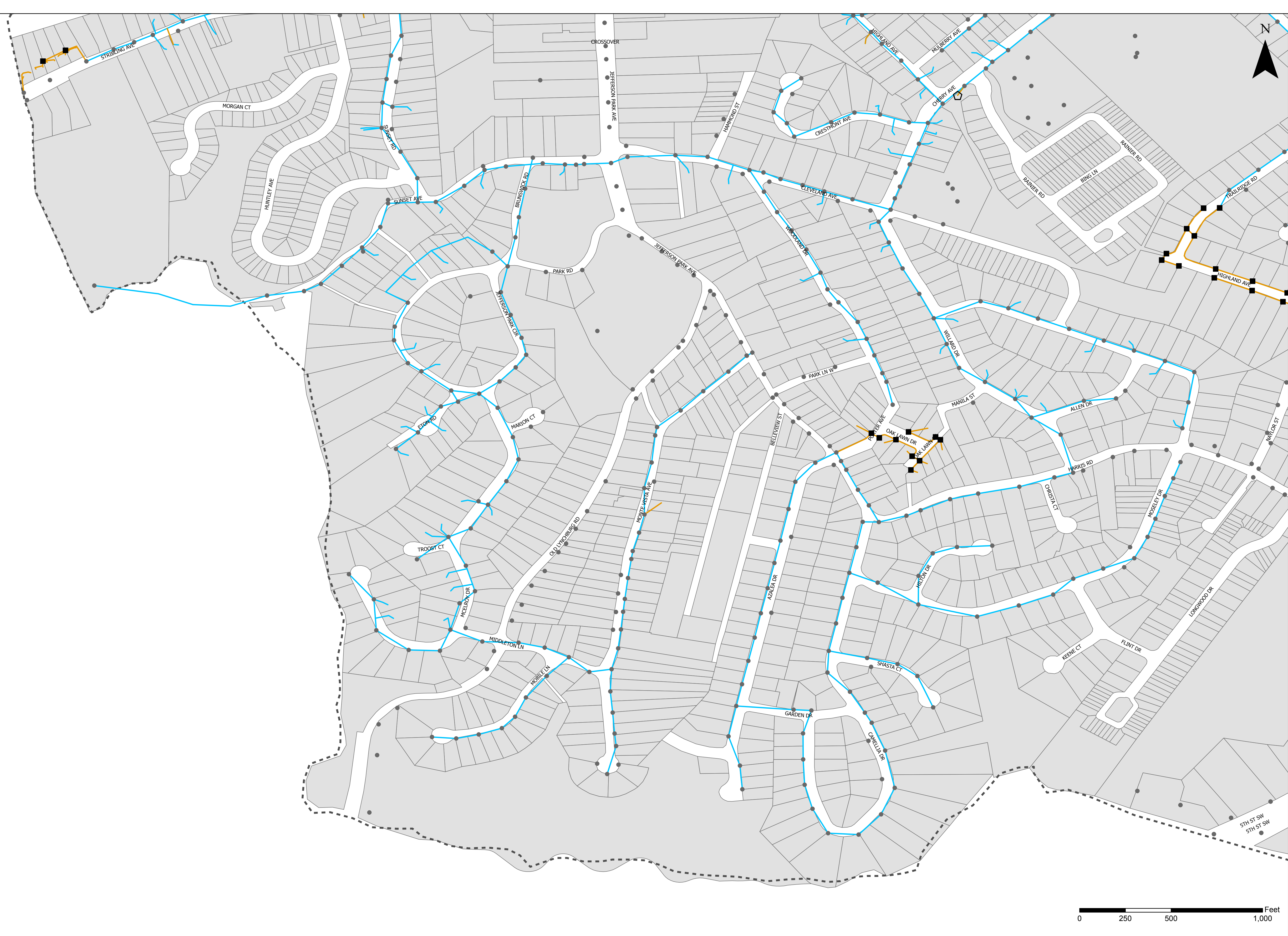


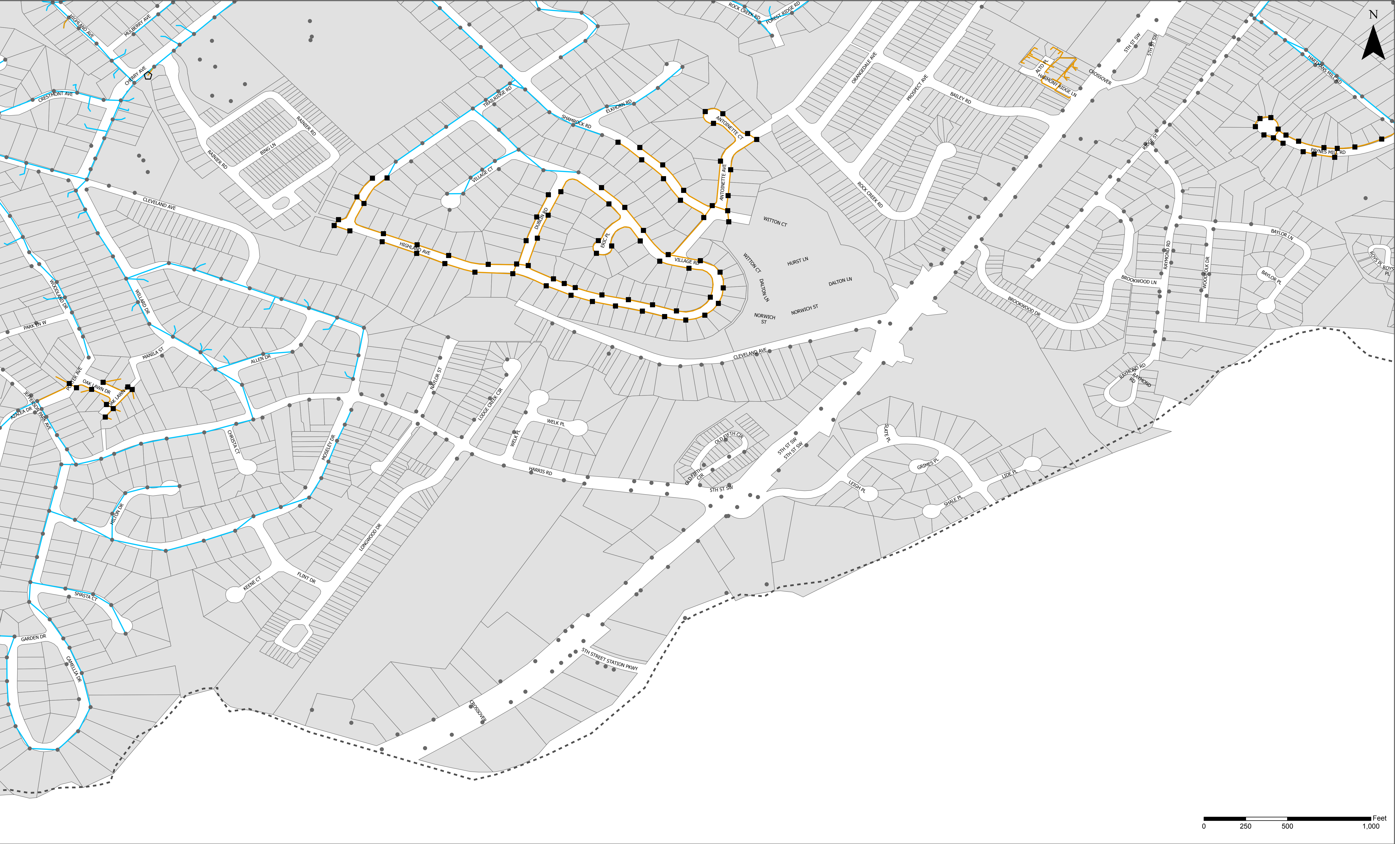


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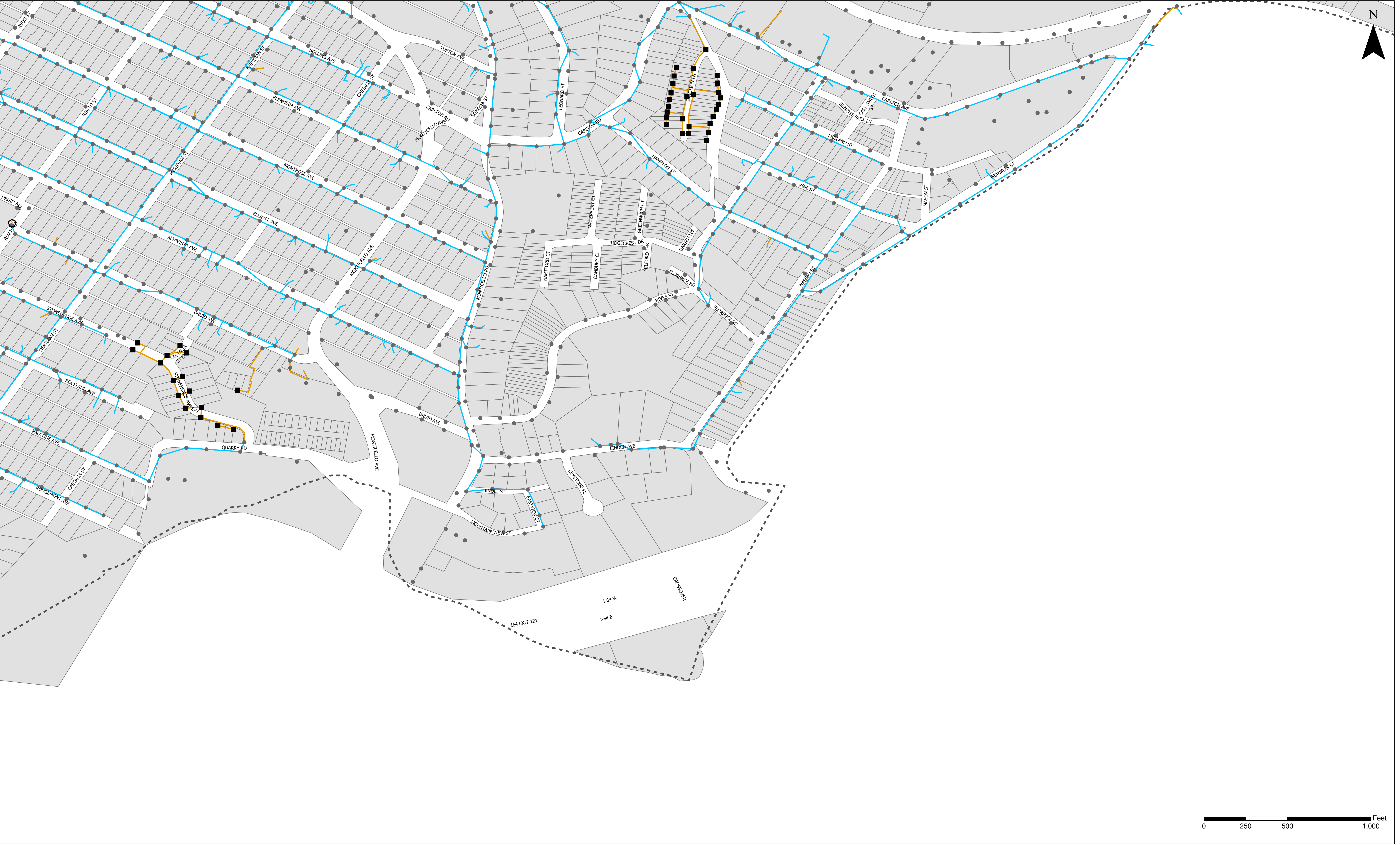
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- ◊ Cabinets



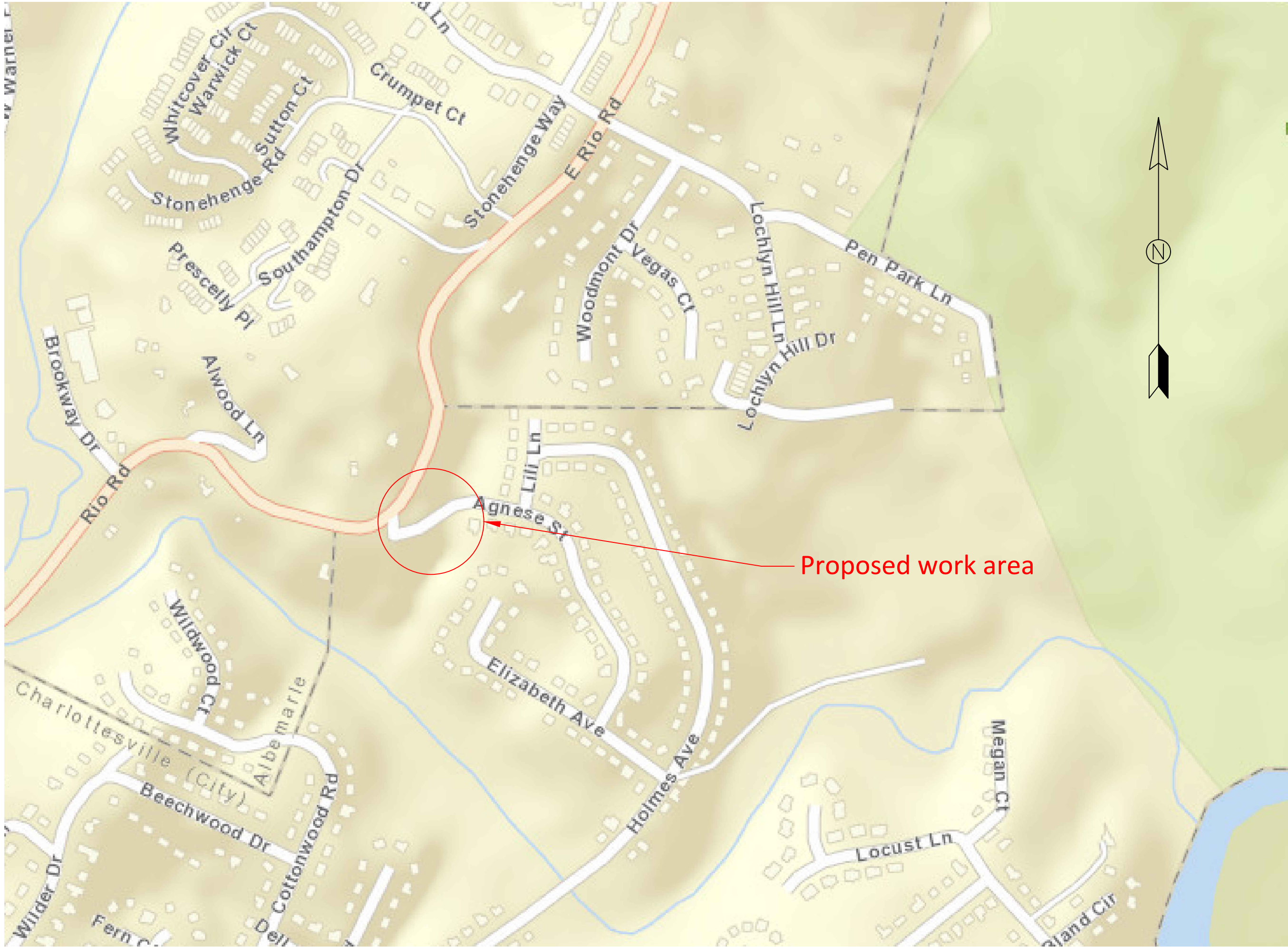








CITY OF CHARLOTTESVILLE, VIRGINIA
CONSTRUCTION DOCUMENTS FOR
FIBER INFRASTRUCTURE OUTSIDE PLANT DESIGN
FIBER TO THE HOME
TING FIBER AGNESE ST.



VICINITY MAP

CONTACT INFORMATION

TING FIBER INC.

DIRECTOR FIBER NETWORK DESIGN AND DEPLOYMENT:

OVI BIRIS
416-538-5474
OVI@TING.COM

PROJECT MANAGER:

KHAJA UDDIN
647-285-9590
KUDDIN@TING.COM

FIBER ENGINEER:

BIBIANA TORO
434-817-0707 (2406)
BIBIANA@TING.COM

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PROJECT SCOPE:

INSTALLATION OF CONDUIT ON THE NORTH SIDE OF AGNESE ST BETWEEN
E RIO RD AND POWER POLE AT AGNESE ST. (APPROX. 280 FT)



306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
(434)385-7548 - (434)385-6178 (FAX)



TING FIBER
1819 Broadway St.
Charlottesville,
VA 22902



Project:
TING FIBER AGNESE ST

Project number:
VA-CH-AS-008

Subcontractor:
TBD

Revisions

By	Date	REVISION COMMENTS
BT	6/18/19	Permit application

Drawn by BT

Approved:
Ovi Biris

Content:
COVER

Scale:
NONE

Date:
6/18/2019

Sheet:
1

GENERAL NOTES/ADDENDUM NOTES

1. THE CONTRACTOR IS REQUIRED TO CONTACT THE APPROPRIATE UTILITY COMPANIES INVOLVED AND MAKE SATISFACTORY ARRANGEMENTS TO ADJUST THE UTILITIES IN CONFLICT WITH THE PROPOSED WORK PRIOR TO BEGINNING CONSTRUCTION.

2. THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL ENVIRONMENTAL REGULATIONS.

3. TRENCHING, BORE PITS, AND/OR OTHER EXCAVATIONS SHALL NOT BE LEFT OPEN OR UNSAFE OVERNIGHT. THE CONTRACTOR SHALL COMPLY WITH ALL EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS AND PROVIDE A COMPETENT PERSON ON SITE TO SUPERVISE EXCAVATION AT ALL TIMES.

4. ALL FILL AREAS/BACKFILL SHALL BE COMPACTED TO 95% STANDARD PROCTOR. COMPACT SOIL EVERY 6 INCHES. ALL MATERIAL TO A DEPTH OF 8 INCHES BELOW THE FINISHED SURFACE OF THE SUBGRADE SHALL BE COMPACTED TO DENSITY EQUAL TO AT LEAST 100% OF THAT OBTAINED BY COMPACTING A SAMPLE OF THE MATERIAL IN ACCORDANCE WITH AASHTO T99.

5. VEGETATIVE COVER SHALL BE ESTABLISHED ON ALL DISTURBED AREAS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE ENVIRONMENTAL ENGINEER. RESEEDING MUST OCCUR WITHIN 10 DAYS.

6. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE CITY STANDARDS AND SPECIFICATIONS MANUALS.

7. ANY DRAINAGE STRUCTURE DISTURBED OR DAMAGED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AS DIRECTED BY THE ENGINEERING DIVISION. NOTIFICATION SHALL BE GIVEN TO THE ENGINEERING DIVISION PRIOR TO MAKING ANY REPAIR.

8. ALL DRIVEWAYS ALTERED DURING CONSTRUCTION SHALL BE RETURNED TO A STATE COMPARABLE WITH THE CONDITION OF THE DRIVEWAYS PRIOR TO CONSTRUCTION.

9. RIGHT OF WAY MONUMENTS DISTURBED DURING CONSTRUCTION SHALL BE REFERENCED BY A REGISTERED LAND SURVEYOR AND RESET AFTER CONSTRUCTION.

10. PROPER TRAFFIC CONTROL DEVICES, SIGNS, ETC., SHALL BE INSTALLED TO ENSURE PUBLIC SAFETY IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND ANY SUPPLEMENTS THERETO AND VDOT ROADWAY STANDARD DRAWINGS.

11. INGRESS AND EGRESS SHALL BE MAINTAINED TO ALL BUSINESSES AND DWELLINGS AFFECTED BY THE PROJECT.

12. NO PARKING OR MATERIAL STORAGE SHALL BE ALLOWED ALONG THE SHOULDERS OF ANY ROADWAY.

13. DURING NON-WORKING HOURS, EQUIPMENT SHALL BE REMOVED FROM THE RIGHT OF WAY.

14. ALL ROADWAY SIGNS THAT ARE REMOVED DUE TO CONSTRUCTION SHALL BE REINSTALLED AT THE END OF THE WORKING DAY.
15. EXCAVATION MATERIAL SHALL NOT BE PLACED ON THE PAVEMENT. DRAINAGE STRUCTURES SHALL NOT BE BLOCKED WITH EXCAVATION MATERIALS.

16. MANHOLES AND/OR VAULTS SHALL NOT BE PLACED IN THE DITCH LINE, SIDE SLOPES OF THE DITCHES OR IN THE PAVEMENT.

17. ALL MANHOLES, HAND HOLES, AND/OR VAULTS WITHIN RIGHT-OF-WAY SHALL BE OF A PRE-APPROVED DESIGN.

18. ALL WORK TO BE PERFORMED IN STRICT ACCORDANCE WITH THE APPLICABLE CODES OR REQUIREMENTS OF ANY REGULATING GOVERNMENTAL AGENCY AND THE RIGHT-OF-WAY GRANTOR.

19. LOCATIONS OF SOME OF THE PHYSICAL FEATURES WERE OBTAINED FROM DATED EVALUATION MAPS OR OTHER DRAWINGS AND MAY NOT BE SHOWN OR DEPICTED ON THESE DRAWINGS.

20. UTILITIES SHOWN ON THESE PLANS HAVE NOT BEEN FIELD VERIFIED AND ARE APPROXIMATE ONLY. UNDERGROUND UTILITY LOCATIONS WILL BE VERIFIED AT LEAST 100 FEET IN ADVANCE , SO THAT CHANGES PLACEMENT CAN BE APPROVED PRIOR TO RELOCATING IN THE EVENT OF CONFLICT.

21. ANY AND ALL IMPROVEMENTS, SUCH AS ASPHALT OR CONCRETE PAVEMENT, CURBS, GUTTERS, WALKS, DRAINAGE DITCHES, EMBANKMENTS, SHRUBS, TREES, GRASS SOD, ETC., IF DAMAGED, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND RESTORED TO ORIGINAL OR BETTER CONDITION.

22. SHORING OF BORE PITS AND TRENCHES IN ACCORDANCE WITH EROSION AND SEDIMENT CONTROL REGULATIONS SHALL BE MANDATORY. ANY SHORING NOT IN COMPLIANCE WITH THIS REGULATIONS WILL CAUSE AN AUTOMATIC AND IMMEDIATE WORK STOPPAGE.

23. UNDERGROUND CONDUIT WILL BE PLACED AT 30" MINIMUM COVER UNLESS SPECIFIED ON THE CONSTRUCTION DRAWINGS.



24. THE SUBCONTRACTOR SHALL BORE AT APPROXIMATE DEPTH WHERE NECESSARY TO MAINTAIN MINIMUM 18" CLEARANCE FROM OTHER UTILITIES.

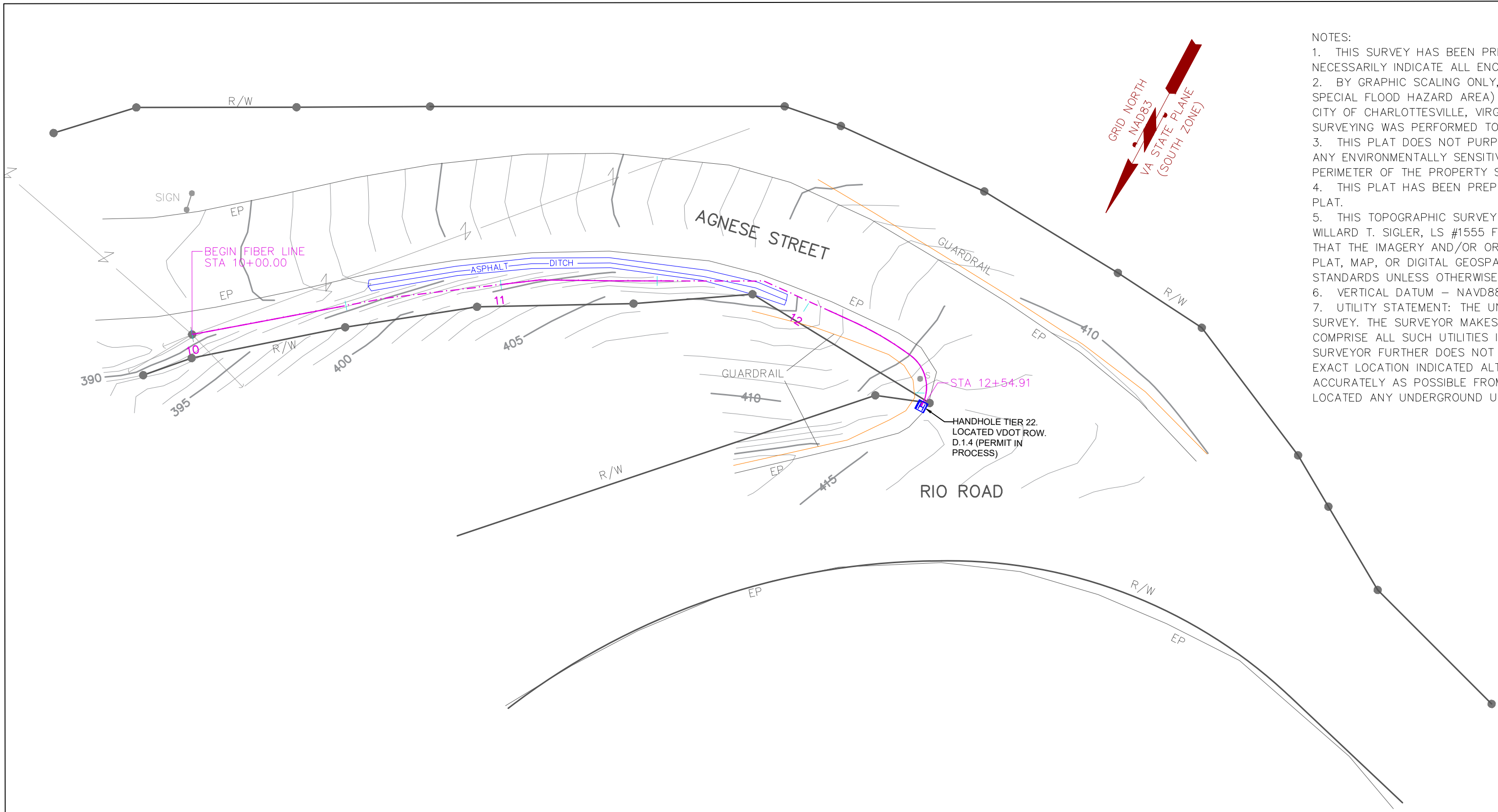
25. ALL HANDHOLE/MANHOLES SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

26. ALL TREES POTENTIALLY AFFECTED BY THE WORK, WHETHER IN THE RIGHT-OF-WAY OR NOT, SHALL BE BROUGHT TO THE ATTENTION OF THE CONSTRUCTION MANAGER WHO WILL REQUIRE THAT PRECAUTION SUCH AS DEEPENING THE CONDUIT LINE BORE OR MOVING THE RUNNING LINE OUT FROM THE DRIP LINE BE TAKEN TO AVOID DAMAGE TO THE TREE ROOT SYSTEM WITH DOT ENGINEER APPROVAL.

27. UTILITIES SHOWN ARE KNOWN TO BE IN AREA BUT HAVE NOT BEEN PHYSICALLY LOCATED AND DO NOT RELIEVE CONTRACTOR RESPONSIBILITY OF CALLING VA811 ONE CALL SERVICE PRIOR TO WORK START.

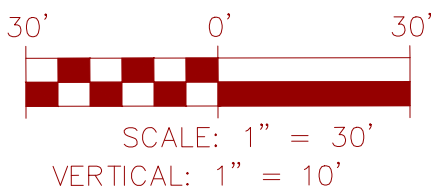
28. SIDEWALKS SHALL NOT BE BLOCKED DURING CONSTRUCTION OR REQUIRED TRAFFIC CONTROL DURING CONSTRUCTION AT SIDEWALKS SHALL BE PROVIDED.

	TING FIBER 1819 Broadway St. Charlottesville, VA 22902		Project: TING FIBER AGNESE ST	Revisions			Drawn by BT	Scale: NONE
			Project number: VA-CH-AS-008	By BT	Date 6/18/19	REVISION COMMENTS Permit application	Approved: Ovi Biris	Date: 6/18/2019
			Subcontractor: TBD				Content: GENERAL NOTES	Sheet: 2



NOTES:

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2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN UNSHADED ZONE "X" (NOT IN A SPECIAL FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF CHARLOTTESVILLE, VIRGINIA (#5100300287D) DATED FEBRUARY 4, 2005. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
4. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT.
5. THIS TOPOGRAPHIC SURVEY WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF WILLARD T. SIGLER, LS #1555 FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION; THAT THE IMAGERY AND/OR ORIGINAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.
6. VERTICAL DATUM - NAVD88; CONTOUR INTERVAL - ONE (1) FOOT
7. UTILITY STATEMENT: THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.



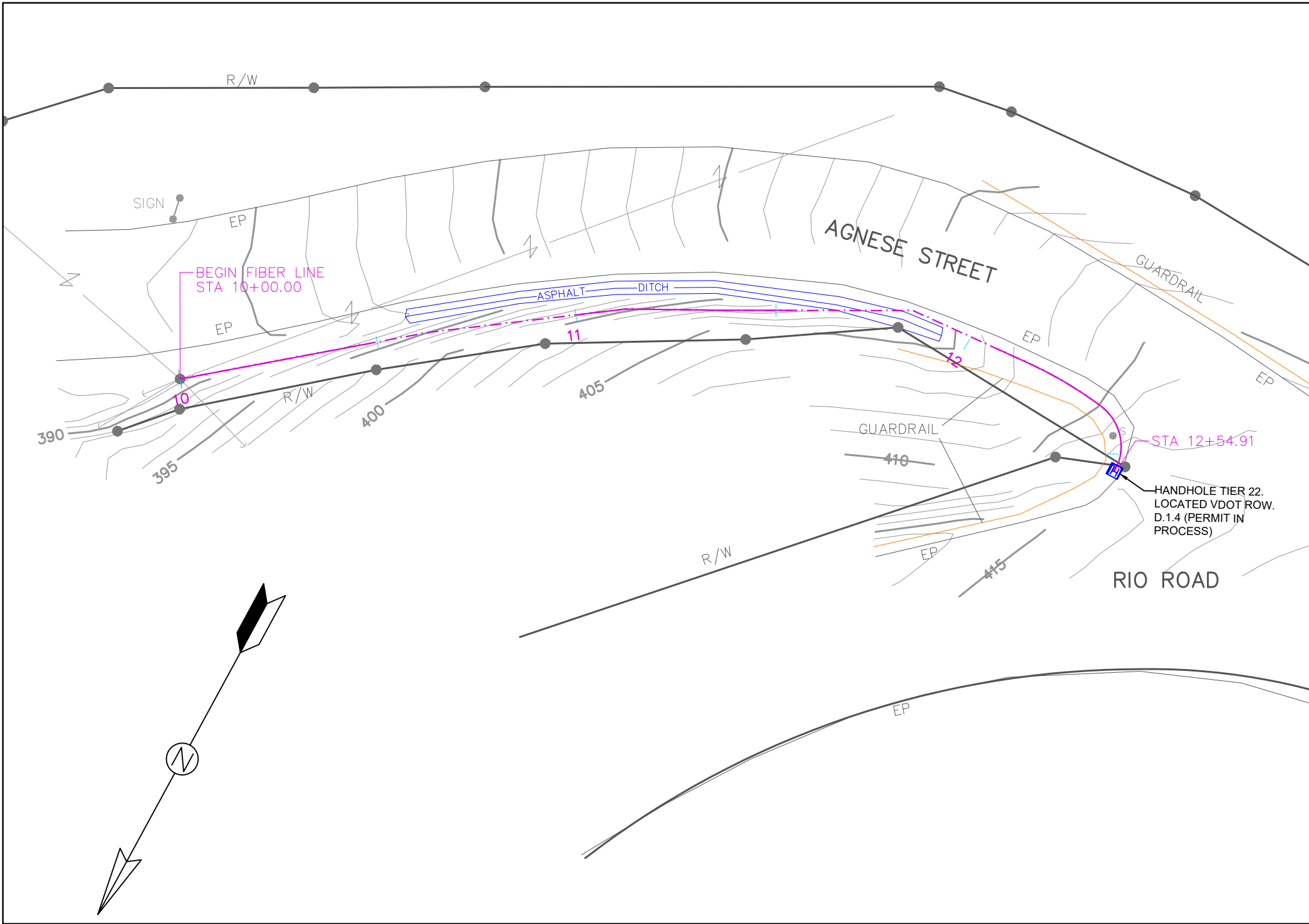
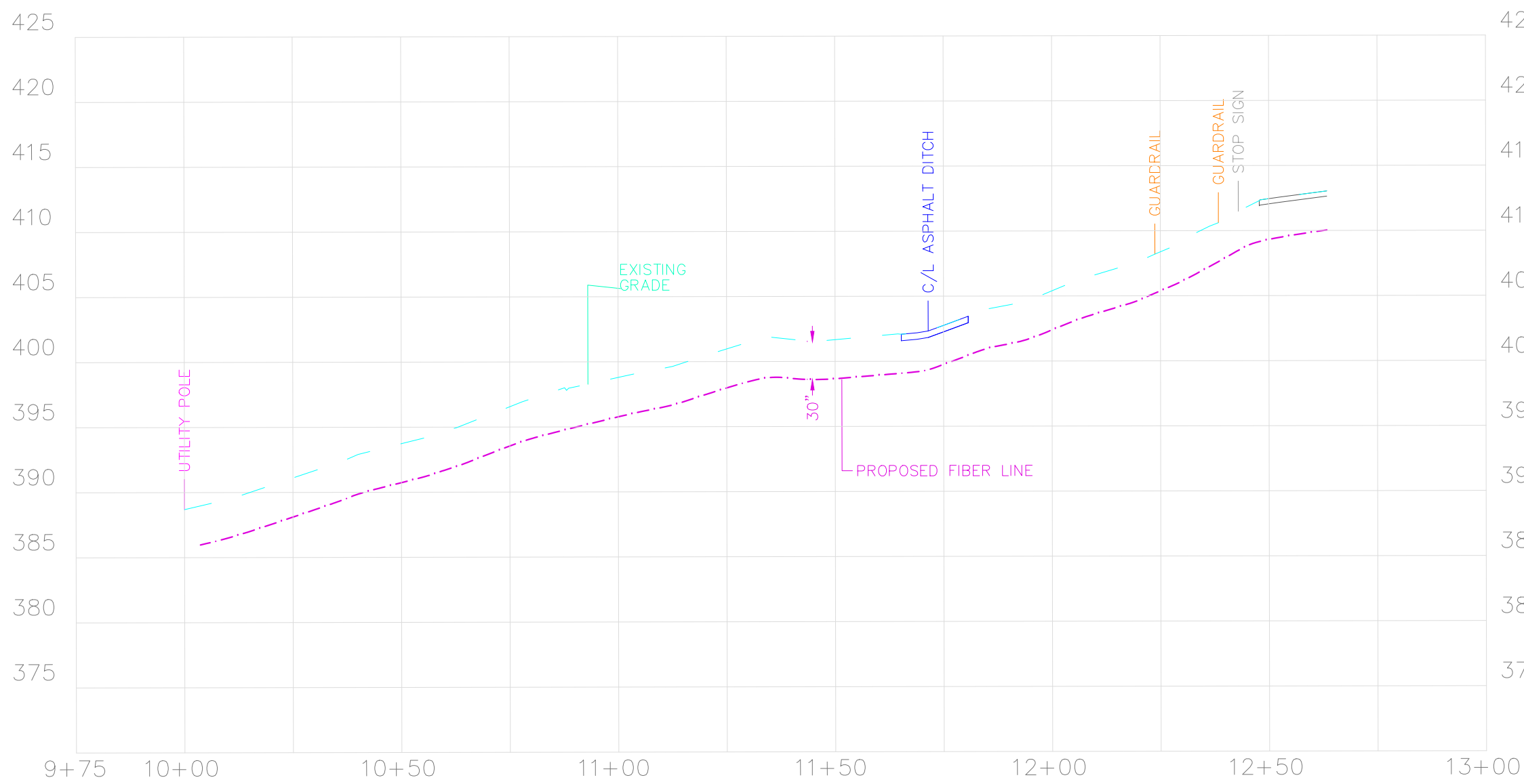
LEGEND

- PROPERTY CORNER
- R/W RIGHT-OF-WAY
- EP EDGE OF PAVEMENT
- UTILITY POLE
- OVERHEAD UTILITIES
- GUY WIRE
- PROPOSED FIBER LINE

PLAN & PROFILE OF
PROPOSED FIBER LINE
ALONG AGNESE STREET
FOR TING FIBER

CITY OF CHARLOTTESVILLE, VIRGINIA

DATE: 05-15-19 SCALE: 1" = 30'
PROJECT #19-061



NOTES:

1. VERIFY ALL EXISTING UTILITIES DEPTHS PRIOR TO PROCEEDING WITH PROPOSED CONDUIT INSTALLATION.
2. ALL DEPTHS ARE 30" MIN.
3. LIMITS OF RIGHT-OF-WAY MUST BE VERIFIED PRIOR TO INSTALLATION

VEGETATIVE COVER SHALL BE ESTABLISHED ON ALL DISTURBED AREAS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE DIVISION ROADSIDE ENVIRONMENTAL ENGINEER. RESEEDING MUST OCCUR WITHIN 10 DAYS.

MISS UTILITY TICKET: A915701320



306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
(434)385-7548 - (434)385-6178 (FAX)



TING FIBER
1819 Broadway St.
Charlottesville,
VA 22902



Project:
TING FIBER AGNESE ST

Project number:
VA-CH-AS-008

Subcontractor:
TBD

Revisions

By	Date	REVISION COMMENTS
BT	6/18/19	Permit application

Drawn by BT

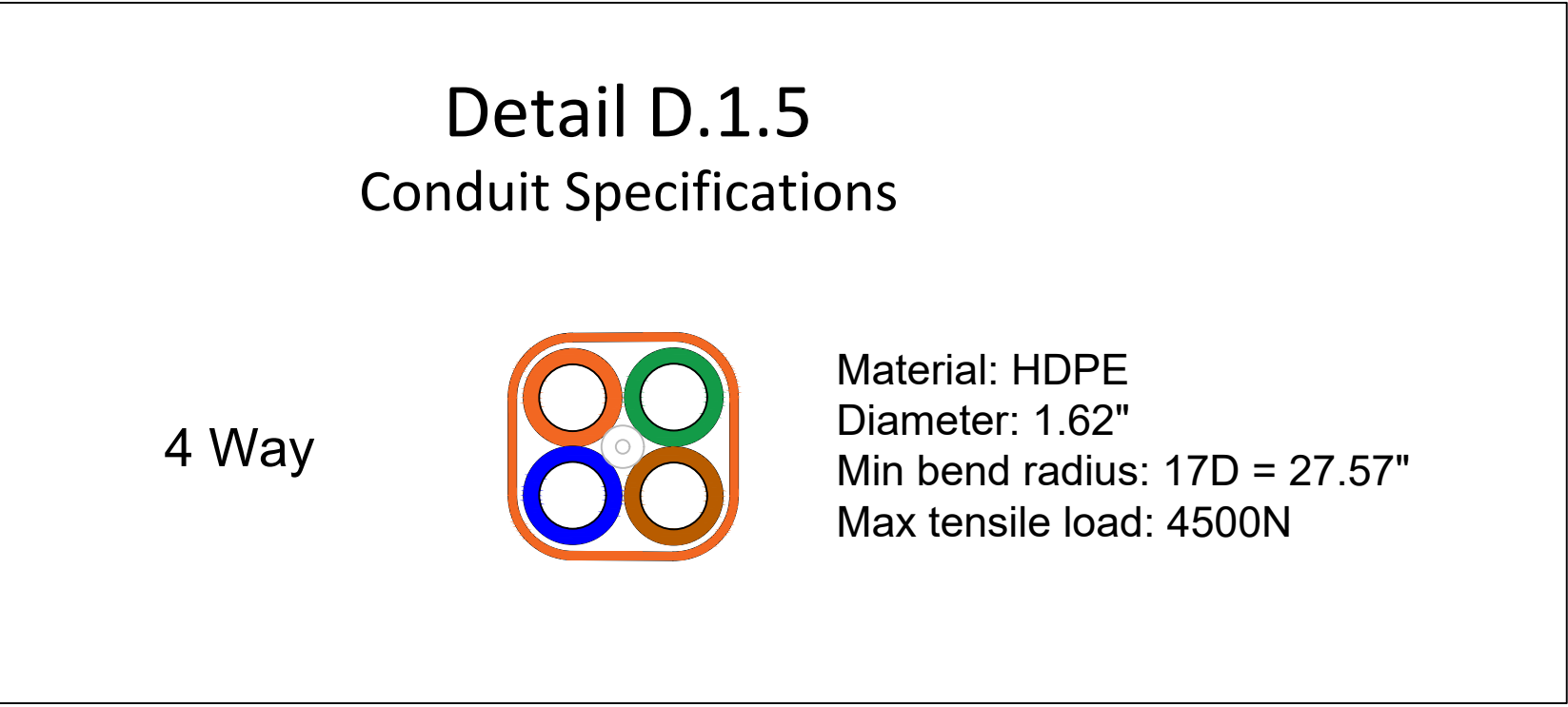
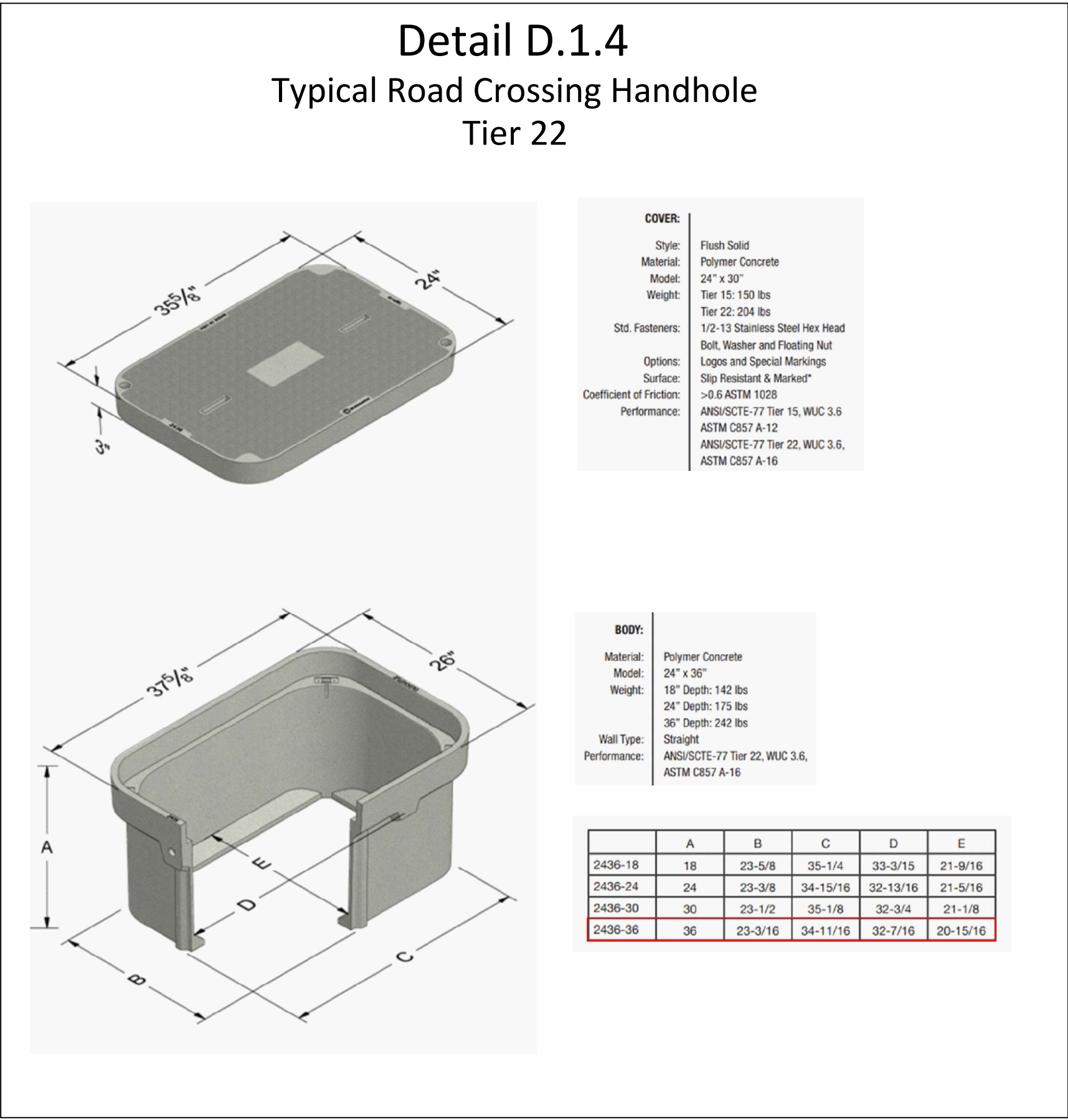
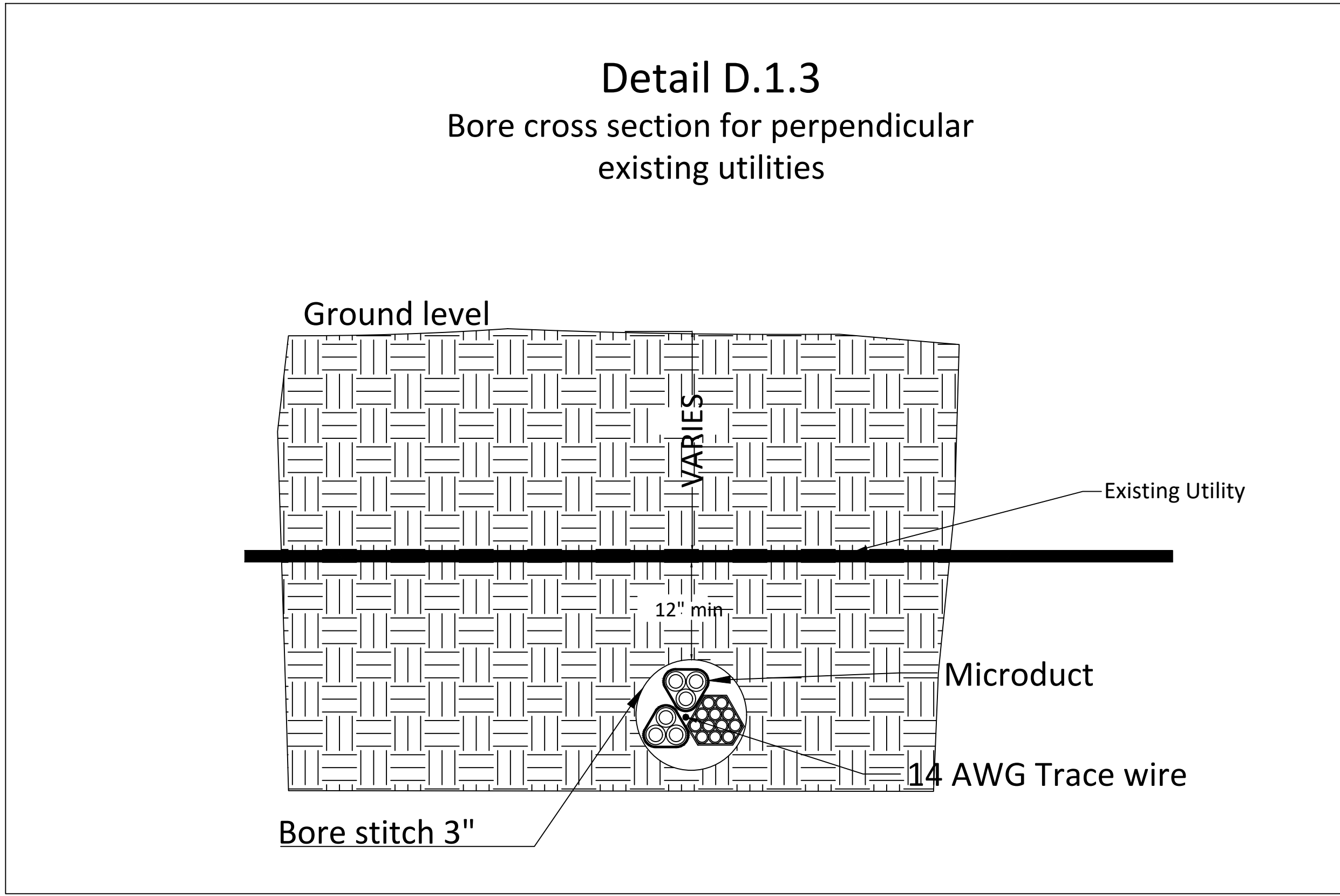
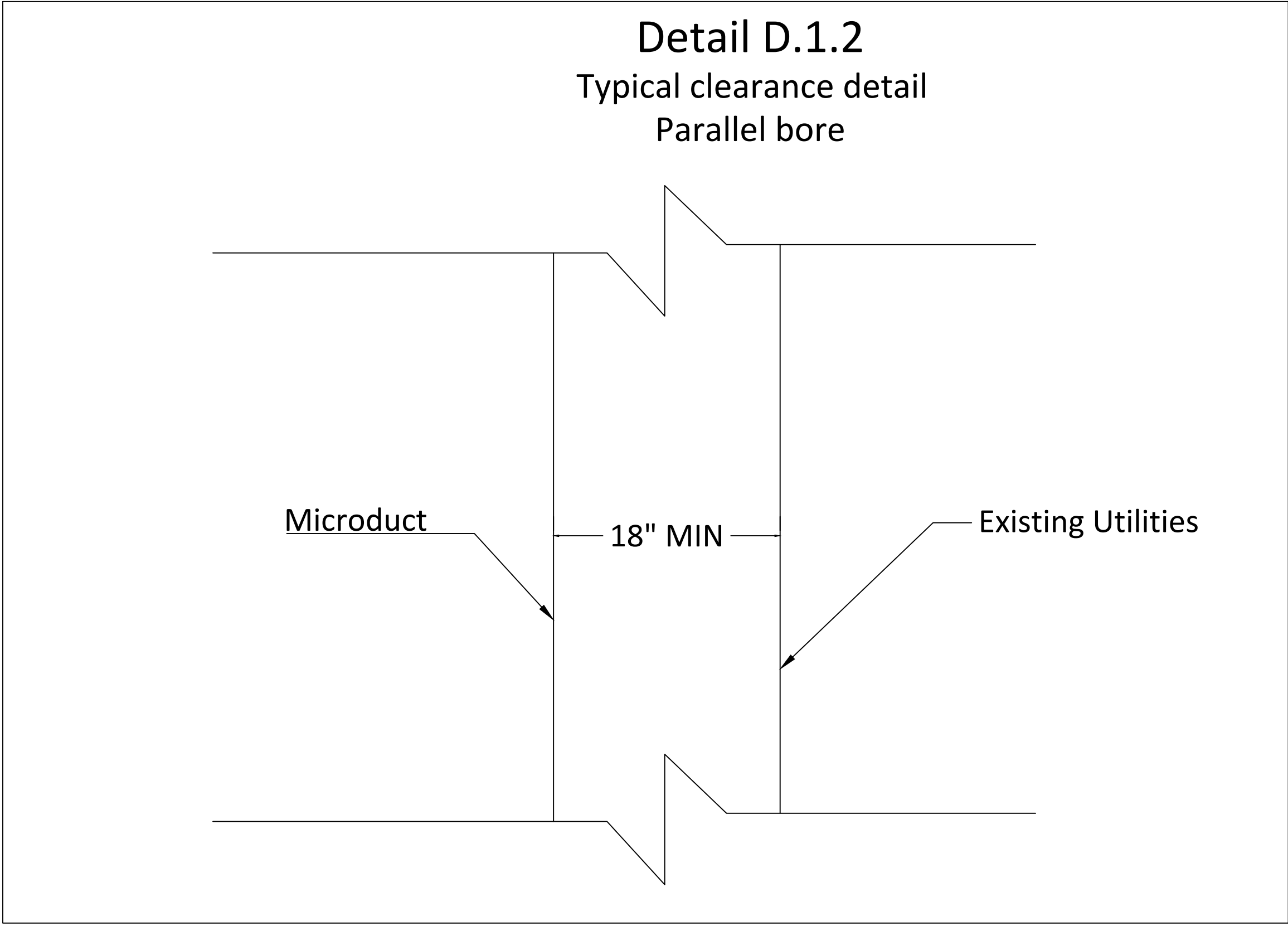
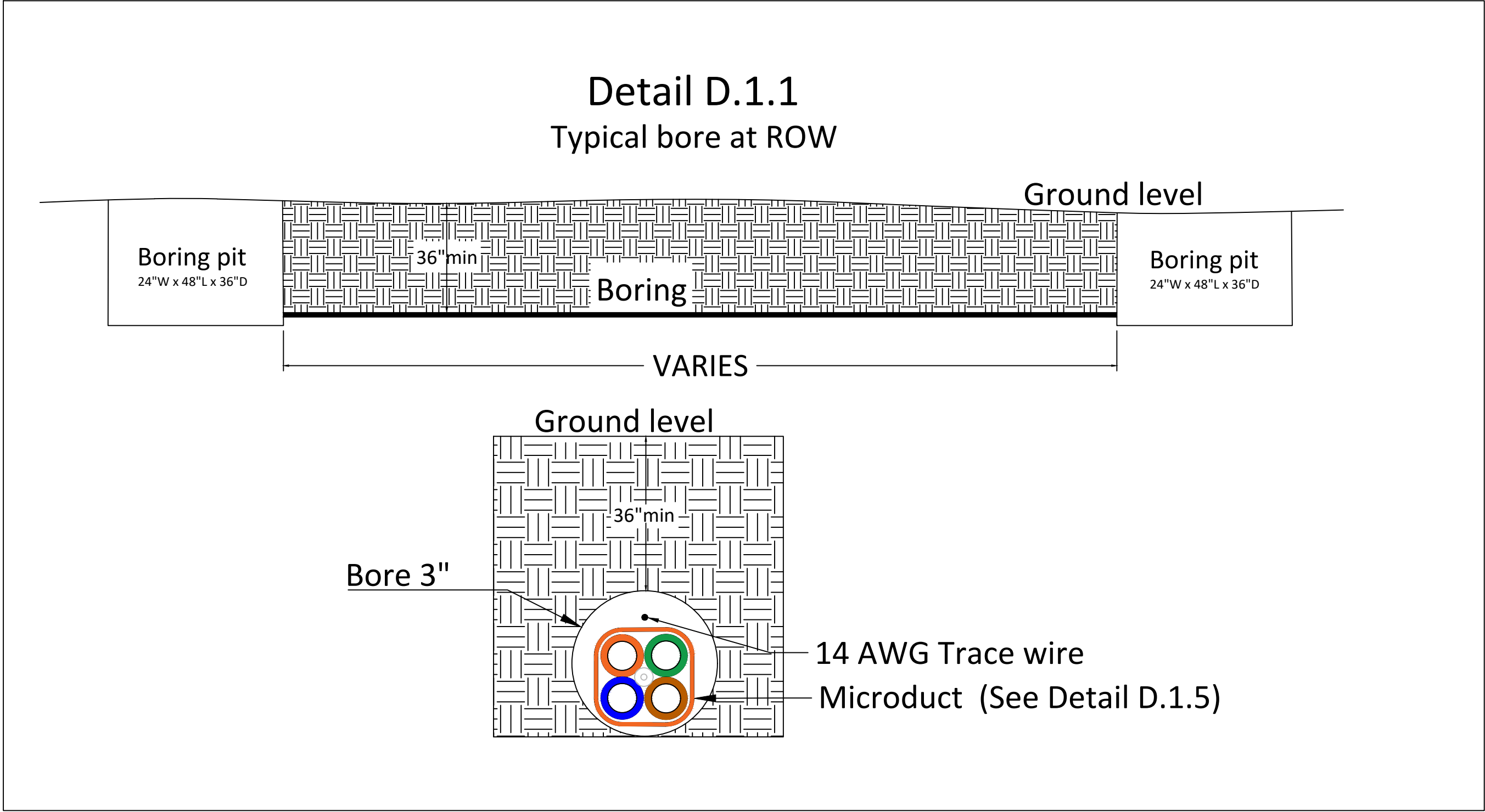
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Ovi Biris

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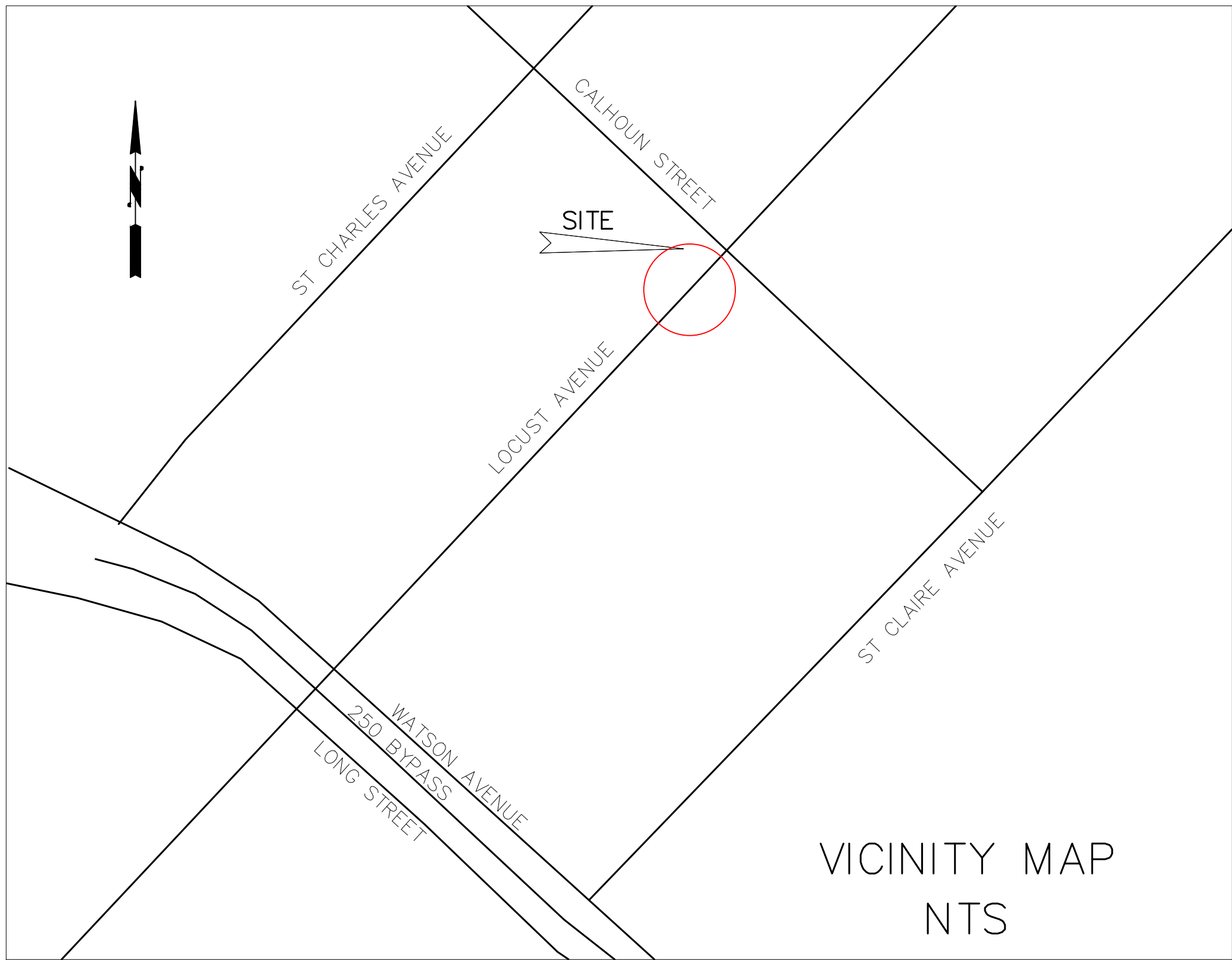
Date:
6/18/2019

Sheet:
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306 ENTERPRISE DRIVE, SUITE C
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CITY OF CHARLOTTESVILLE, VIRGINIA
CONSTRUCTION DOCUMENTS FOR
ACTIVE CABINET INSTALLATION
TING FIBER LOCUST CABINET



CONTACT INFORMATION

TING FIBER INC.

DIRECTOR FIBER NETWORK DESIGN AND DEPLOYMENT:
OVI BIRIS
416-538-5474
OVI@TING.COM

PROJECT MANAGER:
KHAJA UDDIN
647-285-9590
KUDDIN@TING.COM

FIBER ENGINEER:
BIBIANA TORO
434-817-0707 (2406)
BIBIANA@TING.COM

INDEX

GENERAL NOTES	2
CONSTRUCTION DRAWINGS	3
DETAILS	D

PROJECT SCOPE:

INSTALLATION OF A CONCRETE PAD 6'x8'x $\frac{1}{2}$ ' FOR OUR ACTIVE CABINET AT THE PROPOSED LOCATION. INCLUDING A TWO-INCH DIAMETER PVC CONDUIT WILL BE CONNECTED TO A METER THAT IS ATTACHED TO A METAL GRID FIXTURE WITH 4" X 4" POSTS



306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
(434)385-7548 - (434)385-6178 (FAX)



TING FIBER
1819 Broadway St.
Charlottesville,
VA 22902



Project:
TING FIBER LOCUST CABINET

Project number:
VA-CH-L-007

Subcontractor:
TBD

Revisions

By	Date	REVISION COMMENTS
BT	5/9/19	Permit application
BT	6/27/19	First revision
BT	7/3/19	Cabinet relocation

Drawn by BT

Approved:
Ovi Biris

Content:
COVER

Scale:

NONE

Date:
7/3/2019

Sheet:
1

GENERAL NOTES/ADDENDUM NOTES

1. THE CONTRACTOR IS REQUIRED TO CONTACT THE APPROPRIATE UTILITY COMPANIES INVOLVED AND MAKE SATISFACTORY ARRANGEMENTS TO ADJUST THE UTILITIES IN CONFLICT WITH THE PROPOSED WORK PRIOR TO BEGINNING CONSTRUCTION.

2. THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, AND LOCAL ENVIRONMENTAL REGULATIONS.

3. TRENCHING, BORE PITS, AND/OR OTHER EXCAVATIONS SHALL NOT BE LEFT OPEN OR UNSAFE OVERNIGHT. THE CONTRACTOR SHALL COMPLY WITH ALL EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS AND PROVIDE A COMPETENT PERSON ON SITE TO SUPERVISE EXCAVATION AT ALL TIMES.

4. ALL FILL AREAS/BACKFILL SHALL BE COMPACTED TO 95% STANDARD PROCTOR. COMPACT SOIL EVERY 6 INCHES. ALL MATERIAL TO A DEPTH OF 8 INCHES BELOW THE FINISHED SURFACE OF THE SUBGRADE SHALL BE COMPACTED TO DENSITY EQUAL TO AT LEAST 100% OF THAT OBTAINED BY COMPACTING A SAMPLE OF THE MATERIAL IN ACCORDANCE WITH AASHTO T99.

5. VEGETATIVE COVER SHALL BE ESTABLISHED ON ALL DISTURBED AREAS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE ENVIRONMENTAL ENGINEER. RESEEDING MUST OCCUR WITHIN 10 DAYS.

6. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE CITY STANDARDS AND SPECIFICATIONS MANUALS.

7. ANY DRAINAGE STRUCTURE DISTURBED OR DAMAGED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AS DIRECTED BY THE ENGINEERING DIVISION. NOTIFICATION SHALL BE GIVEN TO THE ENGINEERING DIVISION PRIOR TO MAKING ANY REPAIR.

8. ALL DRIVEWAYS ALTERED DURING CONSTRUCTION SHALL BE RETURNED TO A STATE COMPARABLE WITH THE CONDITION OF THE DRIVEWAYS PRIOR TO CONSTRUCTION.

9. RIGHT OF WAY MONUMENTS DISTURBED DURING CONSTRUCTION SHALL BE REFERENCED BY A REGISTERED LAND SURVEYOR AND RESET AFTER CONSTRUCTION.

10. PROPER TRAFFIC CONTROL DEVICES, SIGNS, ETC., SHALL BE INSTALLED TO ENSURE PUBLIC SAFETY IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND ANY SUPPLEMENTS THERETO AND VDOT ROADWAY STANDARD DRAWINGS.

11. INGRESS AND EGRESS SHALL BE MAINTAINED TO ALL BUSINESSES AND DWELLINGS AFFECTED BY THE PROJECT.

12. NO PARKING OR MATERIAL STORAGE SHALL BE ALLOWED ALONG THE SHOULDERS OF ANY ROADWAY.

13. DURING NON-WORKING HOURS, EQUIPMENT SHALL BE REMOVED FROM THE RIGHT OF WAY.

14. ALL ROADWAY SIGNS THAT ARE REMOVED DUE TO CONSTRUCTION SHALL BE REINSTALLED AT THE END OF THE WORKING DAY.
15. EXCAVATION MATERIAL SHALL NOT BE PLACED ON THE PAVEMENT. DRAINAGE STRUCTURES SHALL NOT BE BLOCKED WITH EXCAVATION MATERIALS.

16. MANHOLES AND/OR VAULTS SHALL NOT BE PLACED IN THE DITCH LINE, SIDE SLOPES OF THE DITCHES OR IN THE PAVEMENT.

17. ALL MANHOLES, HAND HOLES, AND/OR VAULTS WITHIN RIGHT-OF-WAY SHALL BE OF A PRE-APPROVED DESIGN.

18. ALL WORK TO BE PERFORMED IN STRICT ACCORDANCE WITH THE APPLICABLE CODES OR REQUIREMENTS OF ANY REGULATING GOVERNMENTAL AGENCY AND THE RIGHT-OF-WAY GRANTOR.

19. LOCATIONS OF SOME OF THE PHYSICAL FEATURES WERE OBTAINED FROM DATED EVALUATION MAPS OR OTHER DRAWINGS AND MAY NOT BE SHOWN OR DEPICTED ON THESE DRAWINGS.

20. UTILITIES SHOWN ON THESE PLANS HAVE NOT BEEN FIELD VERIFIED AND ARE APPROXIMATE ONLY. UNDERGROUND UTILITY LOCATIONS WILL BE VERIFIED AT LEAST 100 FEET IN ADVANCE , SO THAT CHANGES PLACEMENT CAN BE APPROVED PRIOR TO RELOCATING IN THE EVENT OF CONFLICT.

21. ANY AND ALL IMPROVEMENTS, SUCH AS ASPHALT OR CONCRETE PAVEMENT, CURBS, GUTTERS, WALKS, DRAINAGE DITCHES, EMBANKMENTS, SHRUBS, TREES, GRASS SOD, ETC., IF DAMAGED, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND RESTORED TO ORIGINAL OR BETTER CONDITION.

22. SHORING OF BORE PITS AND TRENCHES IN ACCORDANCE WITH EROSION AND SEDIMENT CONTROL REGULATIONS SHALL BE MANDATORY. ANY SHORING NOT IN COMPLIANCE WITH THIS REGULATIONS WILL CAUSE AN AUTOMATIC AND IMMEDIATE WORK STOPPAGE.

23. UNDERGROUND CONDUIT WILL BE PLACED AT 30" MINIMUM COVER UNLESS SPECIFIED ON THE CONSTRUCTION DRAWINGS.

24. THE SUBCONTRACTOR SHALL BORE AT APPROXIMATE DEPTH WHERE NECESSARY TO MAINTAIN MINIMUM 18" CLEARANCE FROM OTHER UTILITIES.

25. ALL HANDHOLE/MANHOLES SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

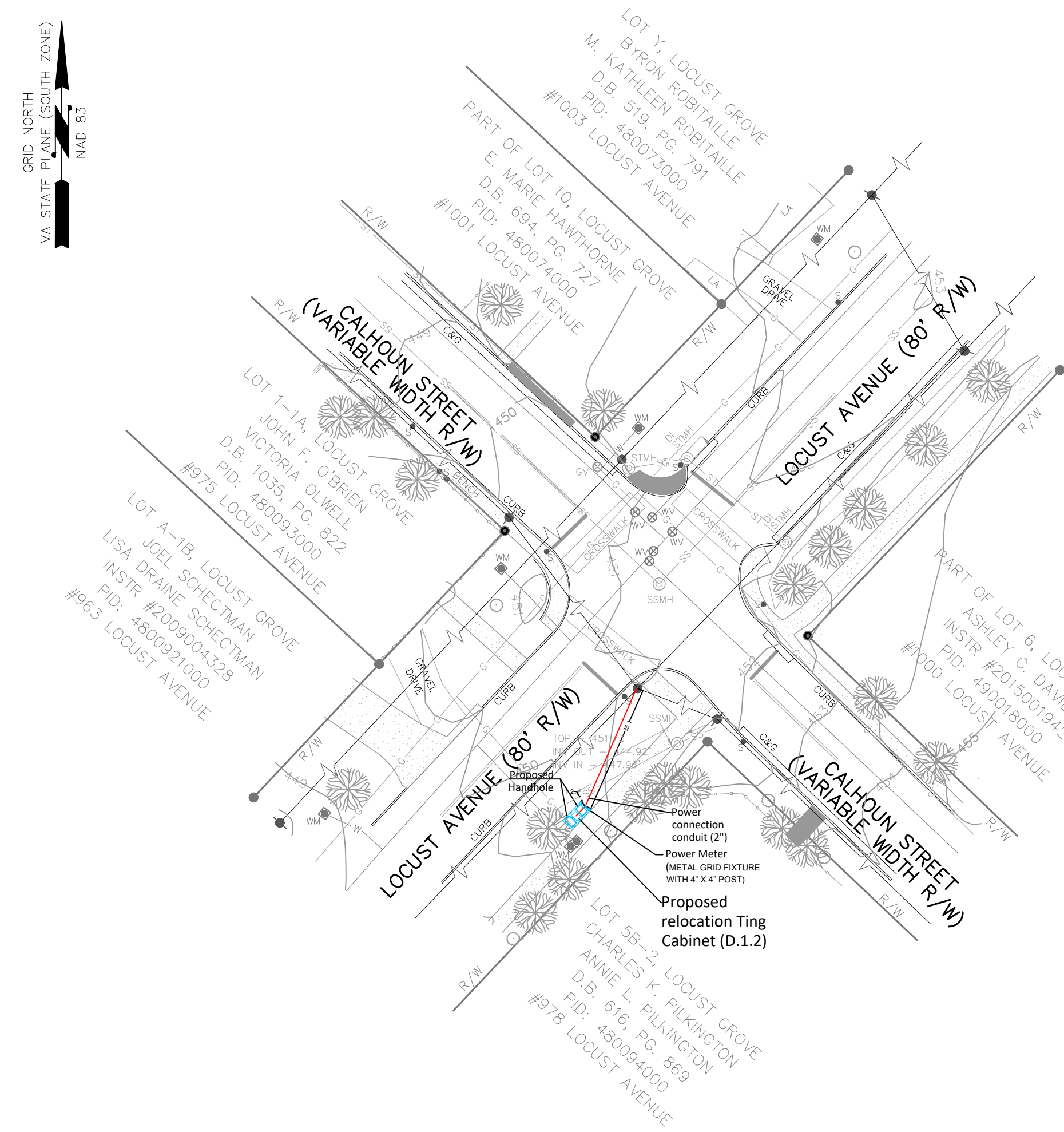
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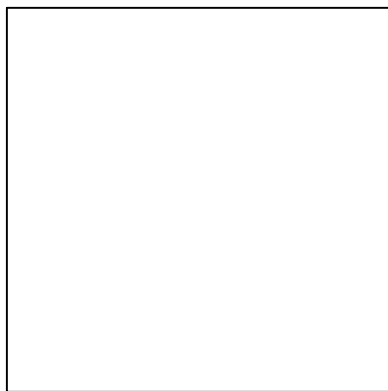
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			TING FIBER LOCUST CABINET	By	Date	REVISION COMMENTS		NONE
			Project number:	BT	5/9/19	Permit application	Approved:	Date:
			VA-CH-L-007	BT	6/27/19	First revision	Ovi Biris	7/3/2019
			Subcontractor:	BT	7/3/19	Cabinet relocation	Content:	Sheet:
			TBD				GENERAL NOTES	2



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3. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
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6. VERTICAL DATUM - NAVD83, CONTOUR INTERVAL - ONE (1) FOOT.
7. UTILITY STATEMENT: THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.

- LEGEND
- CORNER NEITHER SET NOR FOUND
 - IRON PIN FOUND
 - R/W RIGHT-OF-WAY
 - WV WATER VALVE
 - WM WATER METER
 - W— WATERLINE (BLUE PAINT)
 - STMH STORM SEWER MANHOLE
 - DI DROP INLET
 - ST— STORM SEWER
 - SSMH SANITARY SEWER MANHOLE
 - SS— SANITARY SEWER
 - UTILITY POLE
 - OVERHEAD UTILITIES
 - CONCRETE
 - S SIGN
 - GV GAS VALVE
 - G— GAS LINE (YELLOW PAINT)
 - F— FENCE
 - HEDGEROW
 - TREE
 - BUSH
 - LA LANDSCAPE AREA
 - C&G CURB & GUTTER
 - PROPOSED POWER CONDUIT
 - PROPOSED ACTIVE CABINET & METER CONNECTION



TOPOGRAPHIC SURVEY OF
PORTION OF LOCUST AVENUE
AND CALHOUN STREET
FOR TING FIBER

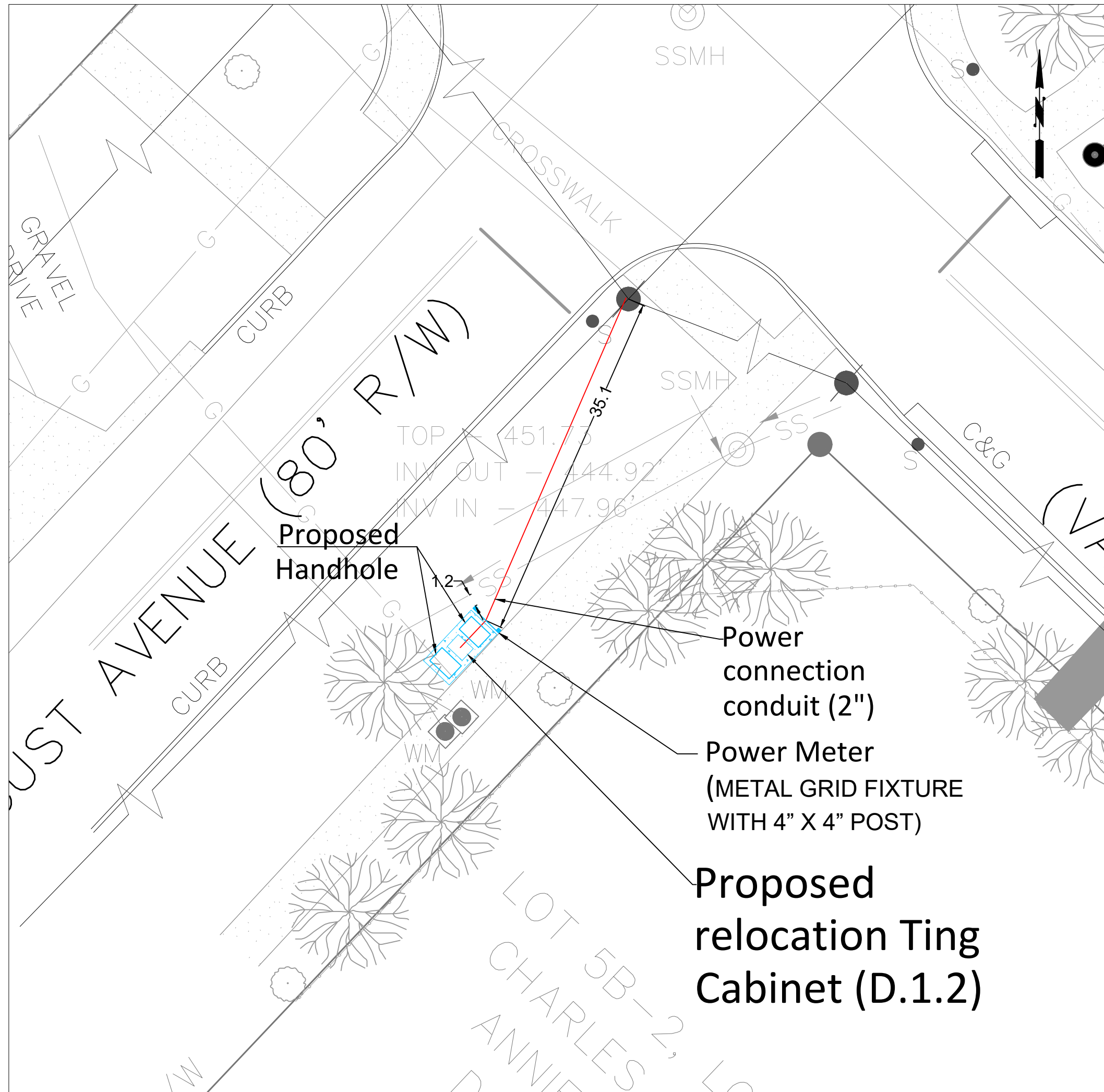
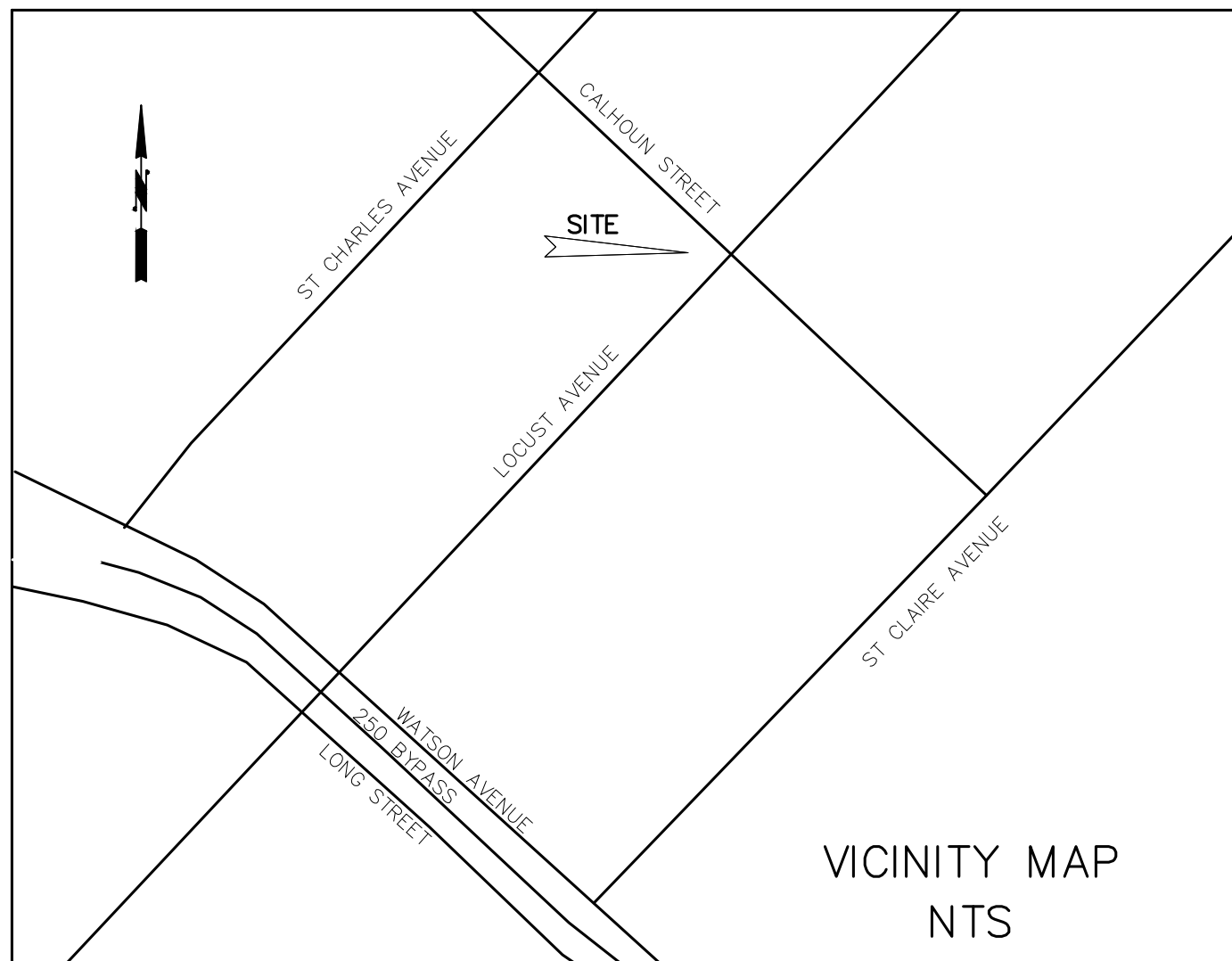
CITY OF CHARLOTTESVILLE, VIRGINIA
DATE: 05-06-19 SCALE: 1" = 30'



306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
(434) 385-7548 - (434) 385-6178 (FAX)

PROJECT #18-249

SHEET 1 OF 1

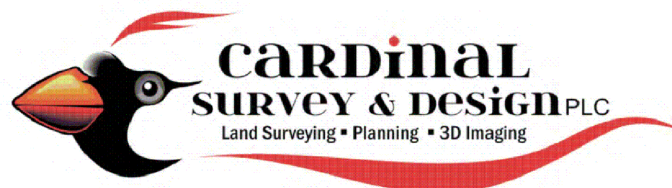


SCALE 1:10

- NOTES:
1. VERIFY ALL EXISTING UTILITIES DEPTHS PRIOR TO PROCEEDING WITH PROPOSED ACTIVE CABINET INSTALLATION.
 2. ALL DEPTHS ARE 30" MIN.
 3. LIMITS OF RIGHT-OF-WAY MUST BE VERIFIED PRIOR TO INSTALLATION

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MISS UTILITY TICKET: A911602323



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TING FIBER
1819 Broadway St.
Charlottesville,
VA 22902



Project:
TING FIBER LOCUST CABINET

Project number:
VA-CH-L-007

Subcontractor:
TBD

Revisions

By	Date	REVISION COMMENTS
BT	5/9/19	Permit application
BT	6/27/19	First revision
BT	7/3/19	Cabinet relocation

Drawn by BT

Approved:
Ovi Biris

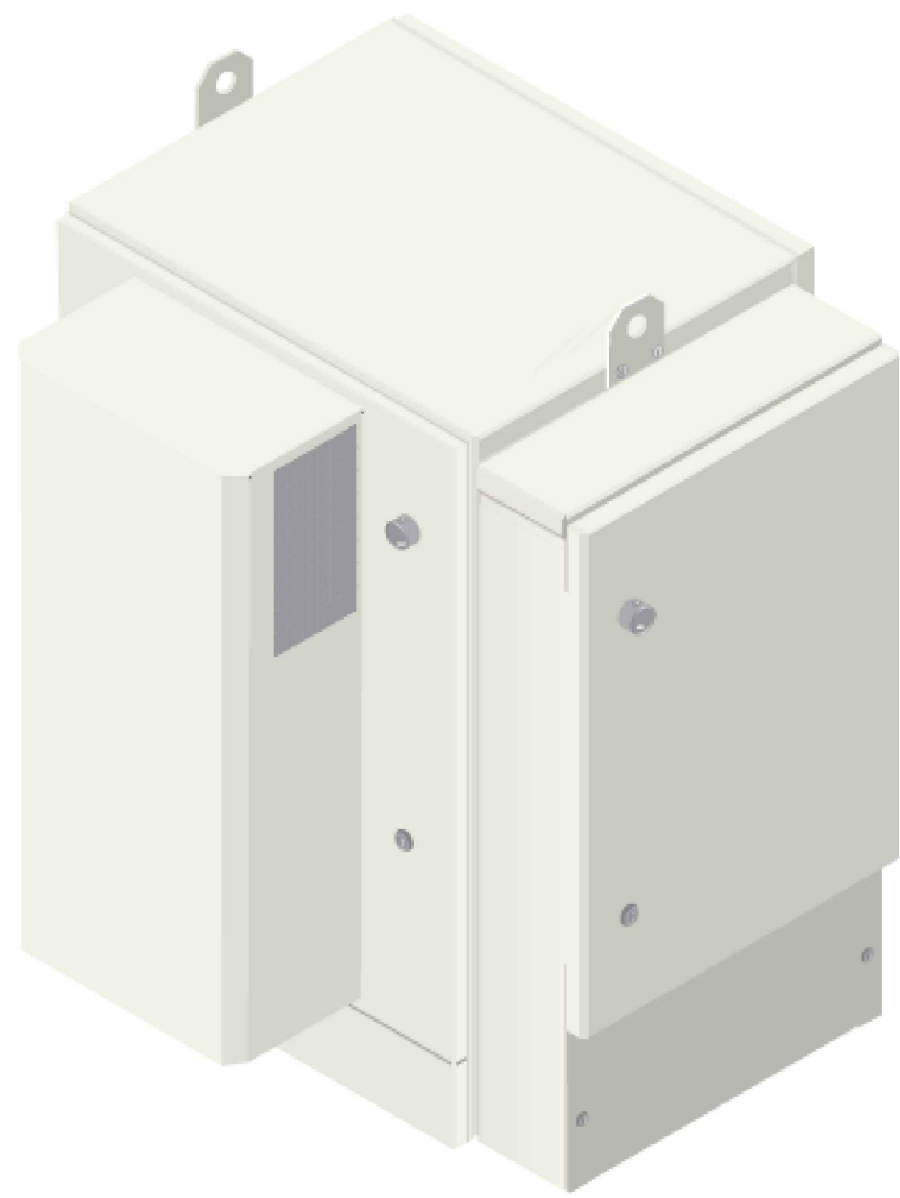
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DRAWINGS

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Date:
7/3/2019

Sheet:
3

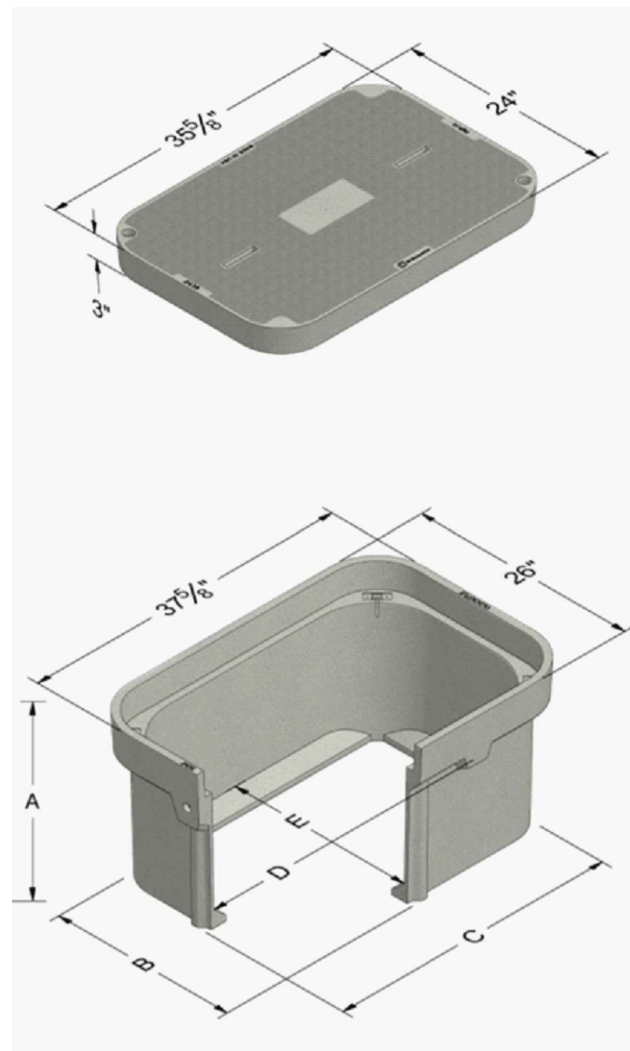
Detail D.1.1
Active Cabinet Detail



- NOTES
- A ground wire (minimum 2AWG solid copper) must be connected to the site ground ring and routed up through the template before the pad is poured. A 36" loop of ground wire should extend above the future pad for later connection to the cabinet master ground bar (MGB).
 - Concrete must be cast at least seven days before cabinet installation to allow for sufficient cure time.
 - Ready mixed concrete must meet ASTM C39 specifications.
 - Concrete slump shall be 2 to 4 inches as determined by ASTM test method C143.
 - See Detail D.1.2 for cabinet placement detail.

	Height	Width	Depth
Cabinet Dimensions	42"	28"	28"

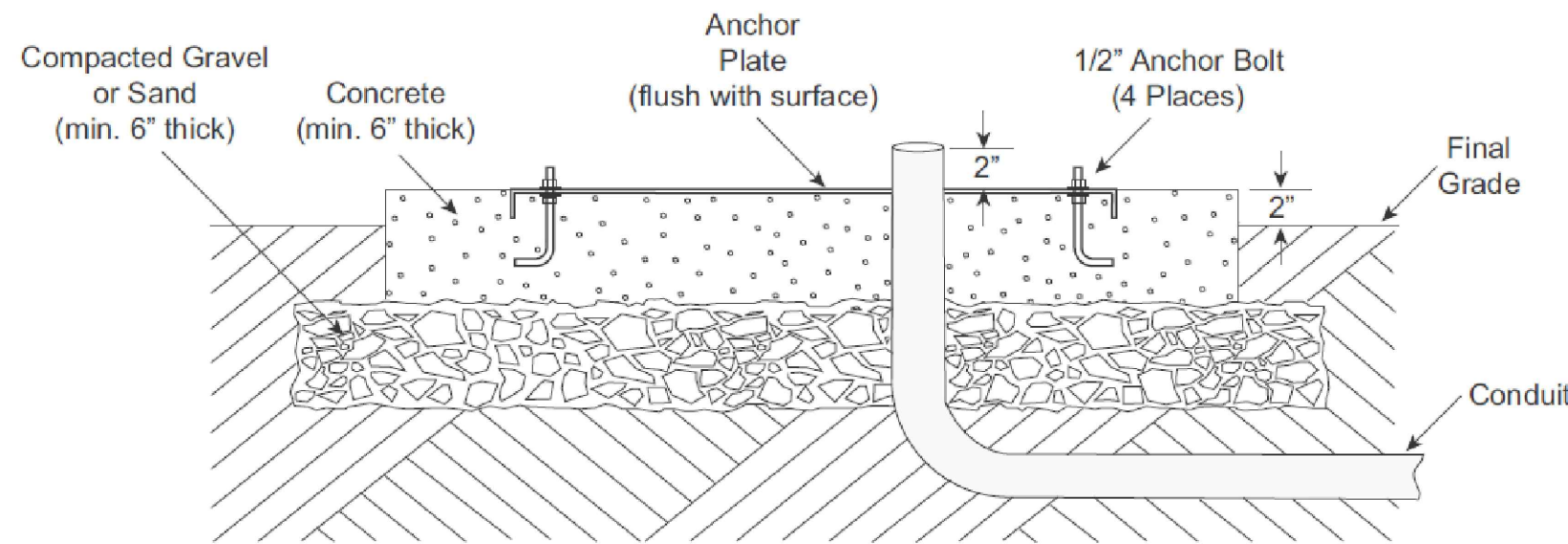
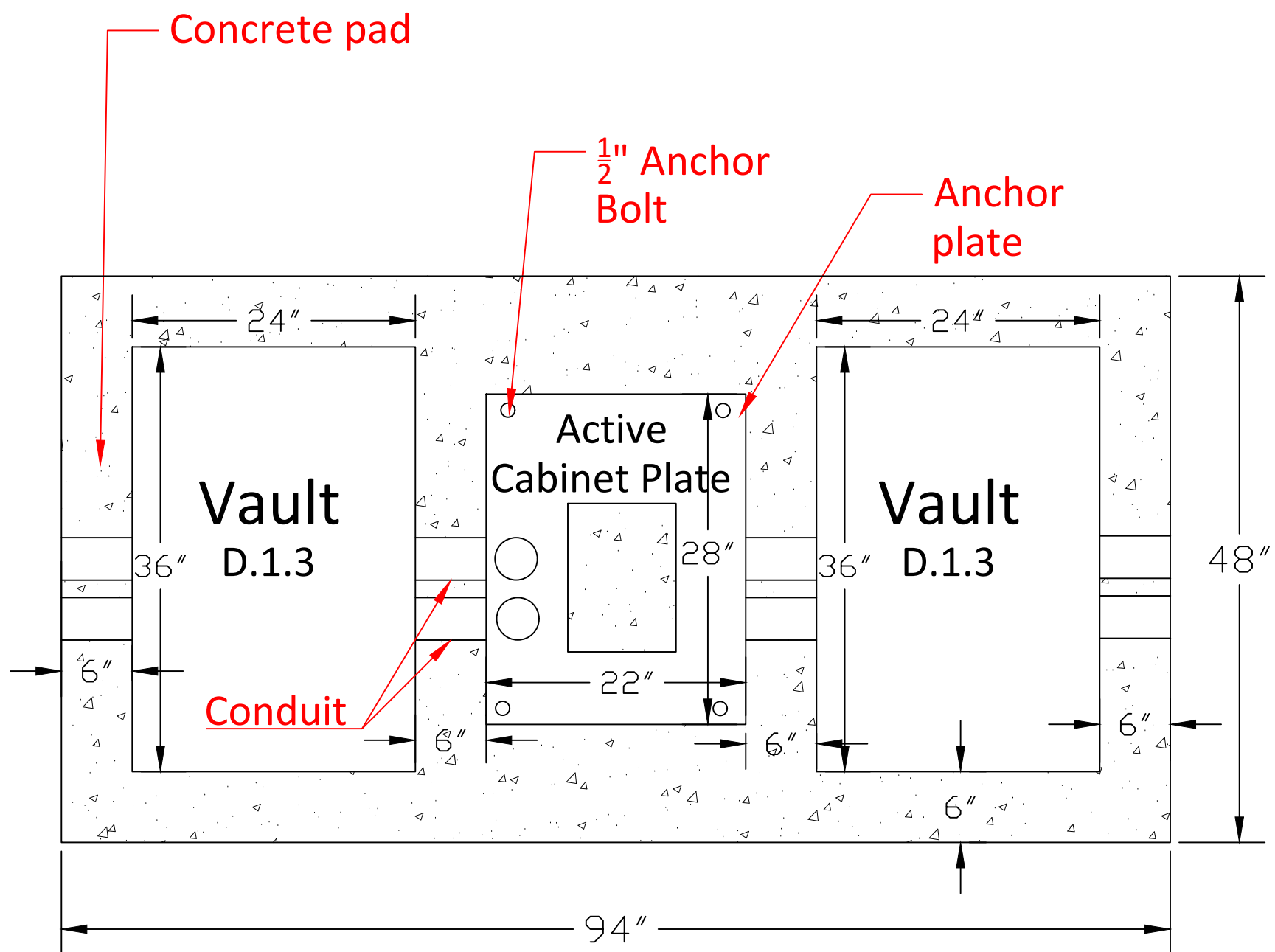
Detail D.1.3
Typical Handhole Tier 22



COVER:	
Style:	Flush Solid
Material:	Polymer Concrete
Model:	24" x 30"
Weight:	Tier 15: 150 lbs Tier 22: 204 lbs
Std. Fasteners:	1/2-13 Stainless Steel Hex Head Bolt, Washer and Floating Nut
Options:	Logos and Special Markings
Surface:	Slip Resistant & Marked*
Coefficient of Friction:	>0.6 ASTM 1028
Performance:	ANSI/SCTE-77 Tier 15, WUC 3.6 ASTM C857 A-12 ANSI/SCTE-77 Tier 22, WUC 3.6, ASTM C857 A-16

	A	B	C	D	E
2436-18	18	23-5/8	35-1/4	33-3/15	21-9/16
2436-24	24	23-3/8	34-15/16	32-13/16	21-5/16
2436-30	30	23-1/2	35-1/8	32-3/4	21-1/8
2436-36	36	23-3/16	34-11/16	32-7/16	20-15/16

Detail D.1.2
Active Cabinet Placement Detail



306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
(434)385-7548 - (434)385-6178 (FAX)



TING FIBER
1819 Broadway St.
Charlottesville,
VA 22902



Project:
TING FIBER LOCUST CABINET

Project number:
VA-CH-L-007

Subcontractor:
TBD

Revisions		
By	Date	REVISION COMMENTS
BT	5/9/19	Permit application
BT	6/27/19	First revision
BT	7/3/19	Cabinet relocation

Drawn by BT

Approved:
Ovi Biris

Content:
CONSTRUCTION
DRAWINGS

Scale:
NONE

Date:
7/3/2019

Sheet:
D

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



Agenda Date:	December 4, 2023
Action Required:	Approval by Council
Presenter:	Krisy Hammill, Director of Budget
Staff Contacts:	Krisy Hammill, Director of Budget
Title:	Resolution to appropriate \$750 in State assistance and citizen donation for Spay and Neuter Program

Background

The City has received state assistance funds in the amount of \$750.00 from the Department of Motor Vehicles for sales of license plates bought to support spay and neutering of pets. These funds are appropriated to the local agency that performs the local spay and neutering program, which in this case is the Charlottesville/Albemarle Society for the Prevention of Cruelty to Animals (CASPCA).

Discussion

The City currently has a contractual agreement with the CASPCA to provide a safe and nurturing environment for the lost, abandoned and homeless animals. The funds received by the City from the sales of license plates bought to support spay and neutering of pets, will be passed along to CASPCA to help supplement the cost of their spay and neuter program.

Alignment with City Council's Vision and Strategic Plan

This item aligns with the strategic outcome of Partnerships as it highlights the City's collaboration with CASPCA in helping to promote positive outcomes for the community.

Community Engagement

N/A

Budgetary Impact

These State funds are received by the City, and will be used as pass-thru funds to help supplement the amount of local dollars necessary to help support CASPCA operations.

Recommendation

Staff recommends that Council approve the resolution.

Alternatives

Funds could be returned to the State.

Attachments

1. \$750 DMV Funds to CASPCA

RESOLUTION

**Appropriating \$750 from the Virginia Department of Motor Vehicles (DMV)
to Charlottesville/Albemarle Society for Prevention of Cruelty to Animals (CASPCA)
for the Spay or Neuter Program**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that \$750.00 is hereby appropriated to the Charlottesville/Albemarle Society for Prevention of Cruelty to Animals in the following manner:

Revenues - \$750.00

Fund: 105 Cost Center: 9713006000 G/L Account: 430080

Expenditures - \$750.00

Fund: 105 Cost Center: 9713006000 G/L Account: 540100

Approved as to form:

Jacob P. Stroman
City Attorney

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 4, 2023
Action Required:	Appropriate funding in the amount of \$49,796 for the Discovering Diversity to Advance Inclusion, Accessibility, and Equity in Charlottesville project.
Presenter:	Denise Nelson, Launch! Consulting
Staff Contacts:	Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate funding from the U.S. Department of the Interior for the Chesapeake Bay Gateways Network Grant- \$49,976 (1 of 2 readings)

Background

The City of Charlottesville's Department of Emergency Management and Department of Public Works jointly applied for and were awarded funding under the U.S. Department of the Interior grant program, Chesapeake Bay Gateways Network Grant in the amount of \$49,796 to implement the *Discovering Diversity to Advance Inclusion, Accessibility, and Equity in Charlottesville* project. The period of performance is October 1, 2023 - August 31, 2024.

Discussion

The proposed project purpose is to develop locally specific (hyper-local or neighborhood-scaled), spatially accurate data on underrepresented and underserved populations to enable inclusive initiatives with an equity lens in alignment with Chesapeake Gateways Network Theme 1. Data on the demographics of the Charlottesville community, like data for many other communities, fall short of providing an accurate, detailed picture of today's City of Charlottesville population. High-level census tract information is often used by federal and state programs to identify communities for support and funding (including the Justice40 Initiative for infrastructure investments). This project provides a creative, collaborative process that encourages input from many community partners connected to marginalized populations to develop accurate data for Charlottesville. We will explore the locally specific data they have, data they would like to have, and how to use the data to support inclusivity in watershed and other programs. The process may then be transferable to other communities across the Chesapeake Bay watershed

to improve the understanding of local populations and promote inclusive engagement activities.

Goal 1: Identify, assess, and more fully understand local underrepresented, underserved, and vulnerable populations

- Objective 1.1: Identify local datasets that represent these populations
- Objective 1.2: Identify federal datasets required for use in funding programs
- Objective 1.3: Review and vet the datasets

Goal 2: Build geodatabase files identifying the locations of these populations

- Objective 2.1: Organize the data into appropriate categories with socially acceptable labels to allow

for examination of results across many categories

- Objective 2.2: Geocode the data for viewing in a GIS platform and printing in accessible formatsGoal 3: Share the data and/or methodology with City staff, partners, and others
- Objective 3.1: Seek City approval and endorsement for using data on City projects
- Objective 3.2: Share data with partners in a respectful, secure manner
- Objective 3.3: Share the project methodology and sources of data to enable other communities to develop locally specific, spatially accurate data to advance diversity, equity, inclusion, and accessibility in public engagement and planning activities.

Alignment with City Council's Vision and Strategic Plan

This grant advances the City of Charlottesville's 2023 City Council Strategic Plan Framework's Strategic Outcome Areas: Climate Action. This project will complement the on-going community engagement as a part of the City's Climate Protection program. This proposed project will allow the Water Resources Protection Program, and many other programs, to incorporate diversity, inclusion, and accessibility more successfully into community outreach, engagement, and planning activities for more equitable outcomes.

Community Engagement

The City's Municipal Separate Storm Sewer System (MS4) Program Plan includes Public Engagement and Outreach practices, including providing stormwater education, such as pet waste management, illicit discharge detection and elimination, car washing, landscaping and yard care practices for healthy waterways, proper use and disposal of automotive chemicals, and runoff reduction practices. The plan includes Public Involvement and Participation (practices, including scheduling volunteer stream cleanups, hosting an Adopt-A-Stream Program, organizing a tree Planting Program, and organizing and/or promoting a variety of other watershed and water quality activities. This project will allow us to engage underrepresented communities in environmental education and conservation with a focus on improving local quality of life and watershed-wide water quality.

Budgetary Impact

This grant is entirely federal grant funds. There is no match requirement. There is no budget impact for the City of Charlottesville. All funding will be conveyed as contractual services to be carried out by a consultant.

Recommendation

Staff recommend approval and appropriation of the grant funds.

Alternatives

Council may elect to not accept the funds and the City of Charlottesville will not have the capacity to implement the project.

Attachments

1. Chesapeake Bay Networks Grant Resolution

RESOLUTION
Appropriating Funding in the Amount of \$49,976 To Be Received from the U.S. Department of the Interior- Chesapeake Bay Gateways Network Grant \$49,976

WHEREAS, The City of Charlottesville, through the Office of Community Solutions, has been notified that it will be awarded a Chesapeake Bay Gateways Network Grant from the Fund of the U.S. Department of the Interior, in the amount of \$49,976.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the Chesapeake Bay Gateways Network Grant from the Fund of the U.S. Department of the Interior, that funding, anticipated in the sum of \$49,976 is hereby appropriated in the following manner:

Revenues			
\$49,976	Fund 211	Order 1900541	GL 431110 Federal Grants

Expenditures			
\$49,976	Fund 211	Order 1900541	GL 530550 Contractual Services

BE IT FURTHER RESOLVED that this appropriation is conditioned upon receipt of \$49,976 in funds from the U.S. Department of the Interior.

Approved as to form:

Jacob P. Stroman
City Attorney

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



Agenda Date:	December 4, 2023
Action Required:	Appropriation of Funding
Presenter:	Michael Kochis, Police Chief
Staff Contacts:	Holly Bittle, Budget and Management Analyst Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution appropriating the Bureau of Justice Assistance FY23 Edward Byrne Memorial Justice Assistance Grant - Local Solicitation \$27,486 (1 of 2 readings)

Background

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance' (BJA) Edward Byrne Memorial Justice Assistance Grant (JAG) Program furthers the Department's mission by assisting state, local, and tribal law enforcement efforts to prevent or reduce crime and violence. The DOJ is committed to advancing work that promotes civil rights, increases access to justice, supports crime victims, protects the public from crime and evolving threats, and builds trust between law enforcement and the community.

Discussion

To support its mission, the Charlottesville Police Department (CPD) is committed to recruiting, hiring, and training professional police officers to serve the community.

There are two periods each year when a large number of qualified candidates undergo pre-employment background investigations. This coincides with peak recruiting times in preparation for sending new police recruits to one of the bi-annual Regional Police Academies.

If appropriated, these grant funds will allow CPD to continue to employ a limited term Background Investigator to continue to assist with pre-employment background investigations of police officer candidates. This will free up additional time for the Hiring and Retention Bureau's full time staff to focus on connecting with prospective candidates and attending regional recruiting events to increase interest in the Charlottesville Police Department. The ultimate goal of these efforts is to increase the pool of qualified police officer candidates to fill the department's ranks.

Notification of award approval was received on September 25, 2023 for reimbursement up to \$27,486.

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.

Community Engagement

The ability to employ a limited term Background Investigator using these funds will allow CPD's Hiring and Recruitment Bureau to spend more time connecting with prospective candidates and attending regional recruiting events to increase interest in working for CPD.

Budgetary Impact

This has no impact on the General Fund. No local match is required. The funds will be expensed and reimbursed to a Grants Fund. Once the grant funds are expended this position will be eliminated unless additional grant funding for the same purpose is obtained.

Recommendation

Staff recommends approval and appropriation of these funds.

Alternatives

If these funds are not appropriated, the Charlottesville Police Department will be unable to continue to employ a limited term Background Investigator to support ongoing departmental recruitment efforts.

Attachments

1. DOJ Certification by Chief Executive - FY23 JAG Local Solicitation
2. Resolution Appropriating Funding - JAG Grant_15PBJA-23-GG-03875-JAGX

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Memorial Justice Assistance Grant Program FY 2023 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2023 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

Signature of Chief Executive of the Applicant Unit of
Local Government

Date of Certification

Printed Name of Chief Executive

Title of Chief Executive

Name of Applicant Unit of Local Government

**RESOLUTION APPROPRIATING FUNDS FOR
Edward Byrne Memorial Justice Assistance Grant (JAG) Grant
15PBJA-23-GG-03875-JAGX
\$27,486**

WHEREAS, the Office for Civil Rights, Office of Justice Programs, Department of Justice Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2023 Local Formula awarded a grant to the Police Department, through the City of Charlottesville, to hire a limited term position for a background investigator to support ongoing departmental recruitment efforts;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$27,486.00 be appropriated in the following manner:

Revenues – \$27,486

\$27,486	Fund: 211	Cost Center 3101006100	G/L Account: 431110
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Expenditures – \$27,486

\$25,533	Fund: 211	Cost Center 3101006100	G/L Account: 510020
\$1,953	Fund: 211	Cost Center 3101006100	G/L Account: 511010

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the reimbursement of funds or goods as supplied from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Justice Edward Byrne Memorial Justice Assistance Grant Program;

Approved as to form:

Jacob P. Stroman
City Attorney

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



Agenda Date:	December 4, 2023
Action Required:	Appropriate the funds for the Jefferson School African American Heritage Center
Presenter:	Samuel Sanders, Jr., City Manager, Dr. Andrea Douglas
Staff Contacts:	Krisy Hammill, Director of Budget Taylor Harvey-Ryan, Grants Program Manager
Title:	Resolution to appropriate State Historic Resources Grant Funds to Jefferson School African American Heritage Center - \$200,000 (1 of 2 readings)

Background

The Department of Historic Resources (DHR) is the State Historic Preservation Office of the Commonwealth. DHR fosters, encourages, and supports the stewardship and use of Virginia's significant architectural, archaeological, and historic resources as valuable assets for the economic, educational, social, and cultural benefit of citizens and communities. A significant responsibility is the administration and review of state and federal historic preservation grant programs for financial and programmatic compliance. DHR is authorized to administer state grants to non-state agencies under the Code of Virginia.

Located in the Jefferson School City Center, The Jefferson School African American Heritage Center's mission is to honor and preserve the rich heritage and legacy of the African-American community of Charlottesville-Albemarle, Virginia and to promote a greater appreciation for, and understanding of, the contributions of African Americans and peoples of the Diaspora locally, nationally and globally. The Center features a permanent historical exhibit, a rotating contemporary art gallery, and a robust calendar of events, all of which combine to highlight Charlottesville's African American history and culture of the African diaspora.

The Commonwealth of Virginia through the Department of Historic Resources will provide \$200,000 to the Jefferson School African American Heritage Center for the exclusive support of the Jefferson School African American Heritage Center Operations and Center for Local Knowledge project.

Discussion

Funds will be used to support operating cost and for staffing for the Center for Local Knowledge. The JSAAHC's programs acknowledge the reciprocal relationship that give rise to local public history while emphasizing the reality that our research into our community narrative must have an impact on social change. A core purpose of the Center for Local Knowledge is to give voice to local authority by uplifting and amplifying local custodians of the history, memory and lived experiences. We

understand that our past informs our present and our future. Thus, JSAAHC endeavors to make our research accessible and useful to improving the lives of local residents while enriching the sense of place in the region and our nation.

Alignment with City Council's Vision and Strategic Plan

This resolution aligns with the strategic outcome of Partnerships and helps to enhance the City's commitment to justice, equity, diversity and inclusion.

Community Engagement

These funds will be used to promote educational programming for the community.

Budgetary Impact

There is no budget impact to the City as these funds will be provided by the State as pass-thru funds to be distributed to JSAAHC.

Recommendation

Staff recommends approval of this resolution.

Alternatives

N/A

Attachments

1. DHR Grant for JSAAHC

RESOLUTION
Appropriating funds from the Virginia Department of Historic Resources
(DHR) for the Jefferson School African American Heritage Center
\$200,000

WHEREAS, the City of Charlottesville through the Department of Historic Resources has received a grant award of \$200,000 to be given to the Jefferson School African American Heritage Center (JSAAHC) to be used to support operating cost and for staffing for the Center for Local Knowledge.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$200,000 received from the Virginia Department of Historic Resources is hereby appropriated in the following manner:

Revenues - \$200,000

\$200,000 Fund: 105 Cost Center: 9753015000 G/L Code: 430120

Expenditures - \$200,000

\$200,000 Fund: 105 Cost Center: 9753015000 G/L Code: 540100

BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$200,000 from the Virginia Department of Historic Resources.

Approved by Council

Kyna Thomas, CMC
Clerk of Council

Approved as to form:

Jacob P. Stroman
City Attorney



City Manager's Report

*Offices of the City Manager
Elected & Appointed Officials*

12-4-2023

City Manager – Sam Sanders (he/him)

- **Recap of the 11/20 Work Session – City Manager’s Work Plan Update**
 - The 1st Quarter Update to the City Manager’s Work Plan is posted on the City Management page of the website under *Initiatives*.
 - There you will be able to see a progressive update of the ongoing efforts to meet the expectations established between Council and the City Manager for the current fiscal year.
 - Included in the presentation was the following announcements:
 - An Office of Sustainability is being formed as a standalone office and will continue to focus on climate action and sustainability; this change provides a designation of priority for climate action and elevates its focus to work across the entire city organization as an extension of the city manager; Kristel Riddervold will lead this office as an official member of the LEADTeam.
 - An Office of Emergency Management is being formed as a standalone office and will focus on emergency readiness and preparedness for all hazards the city may face at any given time; this is to serve as an extension of the city manager who by state code has the obligation serve as the Director of Emergency Management; the Emergency Management Coordinator. Jeremy Evans will lead this office as an official member of the LEADTeam and will serve as Incident Command on all city emergencies.
 - The Office of Equity and Inclusion is being retitled the Office of Social Equity in conjunction with the retitling of the Deputy City Manager for Racial Equity, Diversity and Inclusion who is now referred to as the Deputy City Manager for Social Equity.
 - Ashley Marshall continues in this capacity with the responsibility for implementing Council’s Commitment to Justice, Equity, Diversity, and Inclusion which is part of the new 5-year Strategic Plan.
 - The DCM Portfolio is now focused on Human Needs & Justice with DCM Marshall having oversight of the departments of Human Services, Social Services, and Parks and Recreation, the Office of Human Rights, the Office of Social Equity, the Police Civilian Oversight Board, and the Office of Sustainability.
 - Justice, Equity, Diversity, and Inclusion form the pillars of this operational framework which is intended to prioritize this work across the entire organization. There will be much more to come in the weeks ahead to further define the work.
- Deputy City Manager for Administration interviews scheduled for Friday, December 1st.

Deputy City Manager – Ashley Marshall (she/her)

- **HUMAN RIGHTS CAMPAIGN 2023 NATIONAL MUNICIPAL EQUITY INDEX**
 - The Office of Social Equity is delighted to announce that in the 2023 Human Rights Campaign national Municipal Equity Index the City increased its score 25% to a near perfect 99 of 100 points achieved. The MEI examines how inclusive municipal laws, policies, and services are of LGBTQ+ people who live and work there. Cities are rated based on non-discrimination laws, the municipality as an employer, municipal services, law enforcement and leadership on LGBTQ+ equality. More information on the index can be found at:
<https://www.hrc.org/resources/municipal-equality-index>
- **ELECTRIC VEHICLE INFRASTRUCTURE GRANT PROGRAM OPEN**
 - The Office of Sustainability would like to remind the community that they have refreshed and relaunched their Electric Vehicle (EV) Infrastructure Grant program. This program supports the installation of publicly accessible EV Charging Stations on private property near commercial, retail, or cultural activities. Learn more about the program here:
<https://www.charlottesville.gov/1717/EV-Charging-Infrastructure-Grant>
- **WELCOME OHR INVESTIGATOR-IN-TRAINING**
 - To continue the great social equity work that the Office of Human Rights is doing the City Manager's Office is delighted to also welcome Chyelle Pitts-Chatman as the OHR Investigator-in-Training.
- **SYSTEMIC RACISM DISCUSSION**
 - The DCM for Social Equity and the Executive Director of the Police Civilian Oversight Board participated in a virtual discussion held by the White Feather Historical and Educational Project of Trinity Episcopal Church focused on Systemic Inequality.

Interim Deputy City Manager – Steven Hicks (he/him)

- **Leaf Collection** - Leaf collection service continues and will be completed February 24, 2024. The second of three scheduled collection cycles will begin on December 4th for curbside loose leaf service zones. As a reminder a leaf drop-off location is available Saturdays, 10am-3pm during Leaf Season for City Residents to utilize as well. Location is 1505 Avon Street Extended. We appreciate your patience as our staff works through the heavy leaf fall volume. Schedule and additional information can be found at www.charlottesville.gov/leaves
- **Inclement Weather Planning** - Public Works and the Department of Utilities had a planning meeting November 21st and performed practice runs for staff to become familiar with the City streets and designated snow routes in preparation for inclement weather events as part of our annual "Dry-Run" event. They are testing/inspecting equipment, and restocking salt and chemical inventory as part of their preparation.

Office of Budget and Management – Director Krisy Hammill (she/her)

- A draft of the 5-year CIP plan has been released and was discussed with the Planning Commission on November 28th. A joint public hearing with both the Planning Commission and Council on the draft will be held on January 9th. The draft can be viewed using the online CIP Budget book can be found on the Budget Office webpage at www.charlottesville.gov/budget.

Office of Communications and Public Engagement – Director Afton Schneider (she/her)

- Last month (November) we celebrated David Dillehunt’s 25-year anniversary with Charlottesville Public Access television stations. Thank you for your service, David!
- Thank you to everyone who helped us make the Grand Illumination possible this year and to everyone who attended last Friday. Our team worked tirelessly for months to execute a successful, family friendly, and fun event. And a special thank you to our community sponsors: University of Virginia Community Credit Union, Ting, and Dominion Energy.
- Please join us for an interactive experience at the City Manager Budget Forum on Thursday, January 11th from 6 – 8 pm at Carver Recreation Center. There will be presentations from different departments, conversations, an opportunity for the community to provide feedback on prioritization of funds, light refreshments, and more.

Office of Sustainability – Director Kristel Riddervold (she/her)

- The Water Conservation Program, Albemarle County Service Authority, and Rivanna Water & Sewer Authority held their annual Imagine a Day without Art Contest, asking youth to tell us their action to save water. The window to submit artwork has closed but you can help select the fan favorite and vote by December 6th. All the winners will be announced next week on December 13th. Find out more at www.Charlottesville.gov/ArtContest.
- We have recently refreshed and relaunched the Electric Vehicle (EV) Infrastructure Grant program. This program supports the installation of publicly accessible EV Charging Stations on private property near commercial, retail, or cultural activities. Learn more about the program here: <https://www.charlottesville.gov/1717/EV-Charging-Infrastructure-Grant>
- The Resilient Together project team hosted a virtual Open House on Thursday, November 16. It was an interactive event designed to inform attendees about the climate vulnerabilities our area faces and gather feedback and ideas about how we can work together as a community to build resilience and adapt to the changing climate. Over 75 people registered for the event. More information about the project can be found here: <https://engage.albemarle.org/resilient-together>.
- Recently, Albemarle County was notified that it was selected for a \$460,459 award through the EPA’s Environmental Justice Government-to-Government Program. The City

is a key partner to the grant proposal which is intended to support a significant community engagement component of the Resilient Together project.

- A partnership project between Cultivate Charlottesville and the City has recently been notified of a \$180,000 Partners for Places grant to support work at the intersection of food and climate justice, funding a collaborative partnership that will increase sustainable urban agriculture space on public land in a way that enhances climate protections and prioritizes grassroots community leadership. Critical required 1:1 financial match is being provided by the Charlottesville Area Community Foundation and the Hartfield Foundation.

Office of Community Solutions – Director Alex Ikefuna (he/him)

- We hired a new Grants Analyst, Alan Peura, who began his position on November 1, 2023.
- All application periods for housing-related activities, including the Housing Operations Program Support (HOPS) and Charlottesville Affordable Housing Fund (CAHF), for the calendar year 2023 have been closed since November 16. A total of 16 HOPS and 6 CAHF applications were received by the authorities, requesting a total funding of \$3,894,552. Approximately \$1.4 million was advertised in the upcoming funding notice for FY2024-2025. The OCS staff will now prepare all received applications/packets for CAHF/HOPS committee review.

Office of Economic Development – Director Chris Engel (he/him)

- We launched the Ready To Work pilot in July 2023. It has since grown from 6 participating city businesses and 3 community workforce partners to 10 city businesses and 5 community workforce partners. Over 30 jobseekers, ranging from age 18 to 55, those working on their GED's to those having Bachelors' degrees and industry credentials, have reached out to learn more about the soft skills certification and guaranteed interview program. 80% of those enrolled have either completed the program or are in the process of finishing. Feedback from both jobseekers and employers has been favorable. The program includes career assessment, resume and cover letter assistance, and interview preparation to support jobseekers in their goal to secure not just a job, but a career with a city employer who offers a competitive salary, benefits and career advancement opportunities. As the pilot continues to be evaluated and data collected is analyzed, additional jobseeker supports such as Understanding Your Compensation Package, Salary Negotiation and other employment assistance and educational programs will be offered as elective supplemental services. The Office of Economic Development and the Charlottesville Regional Chamber of Commerce are partnering together to present a series of three events diving deep into the Future of Talent. The series kicks off with Chris Heinz, Carter Myers Automotive Director of People & Associate Experience, sharing "10 Engagement Strategies to Improve Your Workplace"

on January 16, 2024. Followed by “Recruitment Viewed from All Perspectives” on February 21 with panelists Allyn Sinderbrand & Lee Townsend with JW Townsend Landscape representing the HR and Business owner viewpoints, along with Frank Squillace with Civil Solutions, Brookes Sims with Virginia Career Works, and Roy Fitch with the Downtown Job Center sharing their viewpoints from the service provider and jobseeker perspectives. The series rounds out on March 20 with Lily Garcia Walton, Chief People Officer and General Counsel of Silverchair, discussing “The Future of Work.” Each event in the series will be held at City Space from 8am – 10am and will include light refreshments.

Emergency Management – Coordinator Jeremy Evans (he/him)

No update at this time.

Office of Human Rights – Director Todd Niemeier (he/him)

- We hired Chyelle Pitts-Chatman for the position of Investigator (in training). Chyelle will start work on December 11, 2023.
- The Human Rights Commission currently has one vacant unexpired term and three terms that will expire on February 28, 2024. When considering applicants, Councilors are encouraged to review the Human Rights Commissioner Service Description on the Human Rights webpage or contact Office staff for information regarding the scope expectations for Commissioner service.
- In November 2023, the Human Rights Commission and Office of Human Rights completed ten years of service to the Charlottesville community. Staff will draft a proclamation for Council’s consideration and potential reading at a future Council meeting.

Americans with Disability Act (ADA)– ADA Coordinator Paul Rudacille (he/him)

- Right of Way and Public Transit Stations Review (ADA Transition Plan): Completed a comprehensive review of Right of Way and all public transit stations in the city. Identified and prioritized accessibility improvements to enhance pedestrian pathways and public transportation facilities.
- Parks Accessibility Assessment (ADA Transition Plan): Our contractor is currently conducting assessments of all city parks to identify and address accessibility barriers. Prioritizing strategies for removal based on assessment outcomes to ensure inclusive park environments.
- Ongoing Review of Policies and Procedures (ADA Transition Plan): Continuing the review of all internal policies and procedures to align with ADA requirements. Initial focus on the police department; the review process is expanding to encompass all city departments.

- The City of Charlottesville’s ADA Coordinator can be reached by email at 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)

No update at this time.

- The Home to Hope program is free for community members reentering society after “time served.” For assistance, please email Home to Hope at 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)

No update at this time.

- The City of Charlottesville Downtown Job Center is 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 to 4:30 pm. Mondays and Wednesdays are by appointment.

Police Civilian Oversight Board – Executive Director Inez Gonzales (she/her)

- Accepted invitation to participate in a discussion (via Zoom) on Systemic Inequity and how it can be overcome, sponsored by the White Feather Historical and Educational Project of Trinity Episcopal Church.
- Collaborated with Tony Rice II of Sivilco.com to explore potential improvements to the citizen complaint portal and for the creation of an “investigator’s toolkit” that can be utilized by oversight investigators across the country.
- Conducted weekly meetings with the PCOB Chair and Vice-Chair to discuss oversight priorities, identify agenda topics for our monthly meetings, create a draft audit policy, and discuss proposed changes to our city ordinance (Police Civilian Oversight Board) and Standard Operating Procedures.
- Organized and attended monthly PCOB meeting, prepared and posted the agenda and minutes, coordinated with the Sam Heath of Equal Justice USA for his presentation to the Board. Participated in WIIFM Workshop (Microsoft Teams Pt. 2). Met with City Attorney’s Office staff to discuss the status of a draft Standard Operating Procedure that would specify how the Charlottesville Police Department shares information with the PCOB necessary to effectively perform its duties in compliance with Charlottesville City Ordinance, Chapter 2, Article XVI, Police Civilian Oversight Board. Discussed proposed

changes to current city ordinance (Chapter 2, Article XVI). Participated in Charlottesville Area Justice Coalition meetings. Discussions centered on the Albemarle County Jail Renovations and In-custody deaths. Attended the 29th Annual NACOLE Conference in Chicago, Illinois.

Circuit Court – Honorable Llezelle Dugger, Clerk of Circuit Court (she/her)

No update at this time.

Commissioner of the Revenue – Commissioner Todd Divers (he/him)

- With personal property taxes due on December 5th, this is a reminder that the Commissioner of the Revenue has staff available at CitySpace for walk-in service. Due to space limitations, we strongly encourage taxpayers with assessment issues to contact us by phone or email as a first resort. Phone is 434-970-3160. Email is citycor@charlottesville.gov

Finance Office – Director Chris Cullinan (he/him)

- Procurement - We have partnered with OpenGov and are excited to announce our transition from a solely paper-based competitive procurement process to a fully automated web-based electronic bidding system. We look forward to implementing the platform to streamline the process, strengthen communication, and provide easy access to information and status updates for end users.

Treasurer's Office - Treasurer Jason Vandever (he/him)

- The Treasurer's Office is diligently preparing for the real estate and personal property tax deadline on December 5th. We are also working with Facilities Development on the first floor construction project in City Hall.

Sheriff's Office – Sheriff James Brown (he/him)

No update at this time.

Office of Voter Registration and Elections – Registrar Taylor Yowell (she/her)

No update at this time.

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



Agenda Date:	December 4, 2023
Action Required:	None.
Presenter:	Chris Cullinan, Director of Finance, Auditors - Robinson, Farmer, Cox and Associates
Staff Contacts:	Chris Cullinan, Director of Finance Glen Pack
Title:	Annual Financial Audit for Fiscal Year 2023 from the City's Auditors

Background

The Code of Virginia requires that localities have their accounts and records audited annually as of June 30 by an independent certified public accountant in accordance with the specifications furnished by the Auditor of Public Accounts (APA).

Discussion

State Code requires the City's auditor to report to the governing body at a public session. Matthew McLearen, CPA, CFE and Michael Lupton, CPA, MBA from Robinson, Farmer, Cox and Associates will be presenting their report to City Council for Fiscal Year 2023 (July 1, 2022 - June 30, 2023).

Alignment with City Council's Vision and Strategic Plan

This agenda item aligns with the Strategic Outcome Area "Organizational Excellence".

Community Engagement

The Annual Comprehensive Financial Report (ACFR) is available on the City's website. Hard copies are available upon request.

Budgetary Impact

N/A

Recommendation

N/A

Alternatives

N/A

Attachments

None

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



Agenda Date:	December 4, 2023
Action Required:	Approval of Resolution
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Lauren Hildebrand, Director of Utilities
Title:	Resolution to amend the Rivanna Water and Sewer Authority Ragged Mountain Dam Project Agreement

Background

The City, Albemarle County Service Authority (ACSA), and Rivanna Water and Sewer Authority (RWSA) entered into the Ragged Mountain Dam Project Agreement on January 1, 2012 detailing the construction by RWSA of the New Ragged Mountain Dam, the expansion of the Ragged Mountain Reservoir, the South Rivanna Reservoir to Ragged Mountain Reservoir Pipeline (SRR-RMR Pipeline), and other improvements. Construction of the New Ragged Mountain Dam was completed in 2014, and, in 2016, the initial filling of the expanded reservoir was completed to the pool level of 671 feet above sea level. In the Agreement, the normal operating reservoir pool level of the expanded Ragged Mountain Reservoir was limited to 671 feet above sea level when construction was completed, and can only be increased to an additional pool level of 683 feet above sea level when water demand projections for the urban area demonstrate that the demand is ten years away from reaching 85% of the available water capacity of the RWSA system.

Discussion

Since the Agreement was executed in 2012, the City, RWSA and ACSA have determined that the capacity of the reservoir needs to be increased due to the current and projected future effects of a changing climate, including but not limited to more frequent and severe storms, more severe and longer periods of drought, as well as the need to improve the resiliency and reliability of the urban area water system in order to ensure that reliable infrastructure is in place to provide sufficient water storage and water treatment to meet the future water demand for the community. As a result, it is in the community's best interest to increase water storage capacity in the Ragged Mountain Reservoir, and to raise the pool level from 671 feet to 683 feet, even if the capacity threshold has not been met. While it is anticipated the SRR-RMR Pipeline will be constructed by the year 2030, the pool level should be increased even if construction of the SRR-RMR Pipeline has not commenced.

Therefore, it is proposed that the Agreement be amended to remove the sentence and references that stipulate the additional pool level of the Reservoir can be constructed only when the capacity threshold is met and also add that the modifications to the reservoir can begin upon the written request of either the City or ACSA. The amendment also reads that the once the modifications are complete, RWSA may increase the pool level using the existing pipeline from Sugar Hollow Reservoir

when water inflow to the Sugar Hollow Reservoir is at or greater than 30 million gallons per day or as required by the permit issued to RWSA by the Virginia Department of Environmental Quality. RWSA can also increase the pool level when the water level in the Ragged Mountain Reservoir falls below the initial pool level of 671 feet or during an emergency. Upon completion of the SRR-RMR Pipeline, the SRR-RMR Pipeline will be utilized to transfer water between the South Rivanna Reservoir and the Ragged Mountain Reservoir, and use of the Sugar Hollow Reservoir for purposes of filling the Ragged Mountain Reservoir will cease.

Alignment with City Council's Vision and Strategic Plan

The amendment to RWSA's agreement supports City Council's vision. It contributes to the Strategic Outcome Areas of Climate Action, Organizational Excellence and Partnerships.

Community Engagement

The amendment for the agreement to the RWSA Ragged Mountain Dam Project Agreement was discussed at the RWSA Board meeting on August 22, 2023 and October 24, 2023. It was also discussed at the ACSA Board meeting on October 19, 2023.

Budgetary Impact

The cost allocation to the City to construct the additional pool level for the Ragged Mountain Reservoir remains unchanged (City 20%, ACSA 80%) and will be allocated annually in RWSA's debt service charges for the capital improvement projects. These costs are then incorporated in the City's utility rates that are approved by City Council.

Recommendation

Staff recommends approval of the resolution authorizing the City Manager to execute the Amendment to RWSA Ragged Mountain Dam Project Agreement between the City, ACSA and RWSA.

Alternatives

Council could choose to modify or not execute the amendment to the RWSA Ragged Mountain Reservoir Project Agreement

Attachments

1. Resolution amendment RWSA Ragged Mountain
2. Amendment to Ragged Mountain Agreement
3. Ragged Mountain Dam Project Agreement 01_01_2012

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.

A first amendment to the agreement among the City of Charlottesville, the Albemarle County Service Authority, and the Rivanna Water and Sewer Authority regarding the Ragged Mountain Reservoir Project Agreement for the urban water system.

Albemarle County
TMP # 07500-00-00-00100

Prepared by:
Valerie W. Long, Esq., VSB # 42968
Williams Mullen
321 E. Main Street,
Suite 400
Charlottesville, VA 22902

**EXEMPTED FROM RECORDATION TAXES UNDER
SECTIONS 58.1-811.A.3 and 58.1-811E OF THE
CODE OF VIRGINIA, (1950), AS AMENDED**

FIRST AMENDMENT TO RAGGED MOUNTAIN DAM PROJECT AGREEMENT

This **FIRST AMENDMENT TO RAGGED MOUNTAIN DAM PROJECT AGREEMENT** (this “Amendment”) is made for purposes of identification on _____, 2023, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation (the “City”), Grantor and Grantee for indexing purposes; the **ALBEMARLE COUNTY SERVICE AUTHORITY**, a public body politic and corporate (“ACSA”), Grantor and Grantee for indexing purposes; and the **RIVANNA WATER AND SEWER AUTHORITY**, a public body politic and corporate (“RWSA”), Grantor and Grantee for indexing purposes.

WITNESSETH:

A. The City, ACSA, and RWSA (the “Parties”) entered into that certain Ragged Mountain Dam Project Agreement dated January 1, 2012, recorded in the Clerk’s Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 4124, page 697 (the “Project Agreement”) regarding the construction by RWSA of the New Ragged Mountain Dam, the expansion of the Ragged Mountain Reservoir, the South Rivanna Reservoir to Ragged Mountain Reservoir Pipeline (the “SRR-RMR Pipeline”), and other improvements necessary thereto, each as individually described in the Project Agreement and collectively referred to therein as the “Project,” for the purposes of replacing the existing dams at the Ragged Mountain Reservoir and increasing the pool elevation of the Ragged Mountain Reservoir to increase the safe yield of the Urban Water System (as the Urban Water System is defined in the Project

Agreement). The Urban Water System is sometimes also referred to as the “Urban Area Water System.” The Urban Area (the “Urban Area”) currently consists of all of the City and designated portions of the County that are served by public water that has been treated at one of the following three water treatment plants owned and operated by RWSA: the Observatory Water Treatment Plant, the South Rivanna Water Treatment Plant, or the North Rivanna Water Treatment Plant (collectively, the “Urban Area Water System Plants”). Other areas within the County that are served by public water that is not treated at one of the Urban Area Water System Plants (such as areas in Crozet, Red Hill, and Scottsville, each of which are served by other water treatment plants owned and operated by RWSA) are not part of the Urban Area as that term is referred to in Section 7.2 of the Four Party Agreement, and as that term is used in this First Amendment.

B. Construction of the New Ragged Mountain Dam was completed in 2014, and initial filling of the expanded Ragged Mountain Reservoir to the Initial Pool Level of Six Hundred Seventy-One (671) feet above mean sea level (the “Initial Pool Level”) was completed in 2016 (hereinafter such current operating pool level at the Initial Pool Level shall be referred to herein as the “Existing Reservoir Pool Level”). The route for the SRR-RMR Pipeline has been established, and acquisition of easements necessary for construction of the SRR-RMR Pipeline have been secured. Design and construction of the SRR-RMR Pipeline is scheduled to be completed between 2023 and 2030, or as funding permits.

C. Paragraph 3 of the Project Agreement provides that the normal operating reservoir pool level of the expanded Ragged Mountain Reservoir shall be limited to the Existing Reservoir Pool Level when initially constructed, and shall only be increased to the Additional Pool Level of Six Hundred Eighty-Three (683) feet above mean sea level (the “Additional Pool Level”) when water projections and surveys conducted pursuant to the methods described in paragraph 3 of the Project Agreement demonstrate that the Urban Area water demand is ten (10) years away from reaching Eighty-Five Percent (85%) of the available water capacity (the

“Capacity Threshold”). Paragraph 3 of the Project Agreement further provides that when the Capacity Threshold is reached, that RWSA, upon the written request of either ACSA or the City, shall modify the intake tower and remove trees and other vegetation necessary to allow the New Ragged Mountain Dam to impound and support a reservoir pool to the Additional Pool Level (the “Reservoir Modifications”), and RWSA shall raise the Existing Reservoir Pool Level by twelve (12) feet to the Additional Pool Level.

D. In the intervening years since the Project Agreement was executed in 2012, the Parties have determined that due to the current and projected future effects of a changing climate, including more frequent and severe storms, more severe and longer periods of drought, more frequent and severe heat waves, and the need to improve the resiliency and reliability of the Urban Area Water System to ensure that necessary infrastructure is in place to provide sufficient water storage and water treatment to increase the available safe water supply yield to meet the future demand for water in the Urban Area, that it is in the community’s best interest to have more water storage capacity in the Ragged Mountain Reservoir, and to raise the Existing Reservoir Pool Level to the Additional Pool Level even if the Capacity Threshold has not been met, and even if the SRR-RMR Pipeline has not been started or substantially completed.

E. As such, the Parties desire to amend the Project Agreement to remove the restriction on raising the Existing Reservoir Pool Level to the Additional Pool Level until the Capacity Threshold has been met, to permit RWSA to carry out the Reservoir Modifications at any time following full execution of this Amendment, and to commence raising the Existing Reservoir Pool Level to the Additional Pool Level.

F. Capitalized terms not expressly defined herein shall have the meanings set forth in the Project Agreement.

AGREEMENT

NOW THEREFORE, for and in consideration of the premises, the cost allocations and other expense reimbursements set forth in the Cost Allocation Agreement (as the Cost Allocation

Agreement is defined in the Project Agreement), and other good and valuable consideration, the receipt of all which is hereby expressly acknowledged, the Parties hereby agree as follows:

1. Paragraph 3 of the Project Agreement is hereby amended to delete the last sentence of Paragraph 3 in its entirety.

2. Notwithstanding any other provision in the Project Agreement to the contrary, any conditions limiting, or any references to limitations on raising the Existing Reservoir Pool Level to the Additional Pool Level (including such references in Paragraph 1(a), 1(c), and 1(f), and Paragraph 2) are hereby deleted and shall be disregarded.

3. Upon the written request of either ACSA or the City, and without further authorization or approval from the other party, RWSA may commence and carry out the Reservoir Modifications at any time.

4. Following substantial completion of the Reservoir Modifications, RWSA may commence increasing the Existing Reservoir Pool Level to the Additional Pool Level, even if the SRR-RMR Pipeline and related elements of the Project have not yet started or been substantially completed. RWSA estimates that the Reservoir Modifications will commence approximately one (1) year following full execution of this Amendment, and thereafter take approximately one (1) additional year to complete.

5. Prior to the completion and operation of the SRR-RMR Pipeline and related elements of the Project, RWSA will utilize the Sugar Hollow Reservoir and the existing pipeline connecting the Sugar Hollow Reservoir to the Ragged Mountain Reservoir to raise the Existing Reservoir Pool Level to the Additional Pool Level only (i) when water inflow to the Sugar Hollow Reservoir is measured at or greater than thirty (30) million gallons per day, or as otherwise required by any permit issued to RWSA by the Virginia Department of Environmental Quality ("DEQ"); (ii) when the water level in the Ragged Mountain Reservoir falls below the Existing Reservoir Pool Level; or (iii) during any emergency situation, such as, but not limited to, drought, or damage to or contamination of the South Rivanna Reservoir or the Ragged Mountain Reservoir. Upon

completion and operation of the SRR-RMR Pipeline and related elements of the Project, if the Existing Reservoir Pool Level has not yet been fully raised to the Additional Pool Level, further work to raise the Existing Reservoir Pool Level to the Additional Pool Level shall utilize the SRR-RMR Pipeline and related elements of the Project, and use of the Sugar Hollow Reservoir for purposes of filling the Ragged Mountain Reservoir shall cease.

6. This Amendment shall be binding upon, inure to the benefit of, and be enforceable by the Parties and their respective successors and assigns.

7. The Project Agreement is hereby amended to the extent necessary to give effect to this Amendment, and the terms of this Amendment shall supersede any contrary terms in the Project Agreement. All references in the Project Agreement to “this Agreement” shall be deemed to refer to the Project Agreement as amended hereby. In all other respects, the terms and conditions of the Project Agreement remain unmodified and are hereby ratified and confirmed by the Parties.

IN WITNESS WHEREOF, the duly authorized officers of the City of Charlottesville, Virginia, the Albemarle County Service Authority, and the Rivanna Water and Sewer Authority have executed this Amendment as of the date first above written.

[SIGNATURE PAGES IMMEDIATELY FOLLOW]

*[SIGNATURE PAGE 1 of 3 OF FIRST
AMENDMENT TO RAGGED MOUNTAIN DAM PROJECT AGREEMENT]*

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Samuel Sanders, Jr., City Manager

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE, to wit:

The foregoing instrument was acknowledged by me this _____ day of _____, 2023, by
Samuel Sanders, Jr., City Manager of the City of Charlottesville, Virginia.

Notary Public

Registration No.: _____

My Commission expires: _____

APPROVED AS TO FORM:

Jacob Stroman, City Attorney

*[SIGNATURE PAGE 2 OF 3 OF FIRST
AMENDMENT TO RAGGED MOUNTAIN DAM PROJECT AGREEMENT]*

ALBEMARLE COUNTY SERVICE AUTHORITY

By: _____
Gary B. O'Connell, Executive Director

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE, to wit:

The foregoing instrument was acknowledged by me this _____ day of _____, 2023, by
Gary B. O'Connell as Executive Director of the Albemarle County Service Authority.

Notary Public

Registration No.: _____

My Commission expires: _____

*[SIGNATURE PAGE 3 OF 3 OF FIRST
AMENDMENT TO RAGGED MOUNTAIN DAM PROJECT AGREEMENT]*

RIVANNA WATER AND SEWER AUTHORITY

By: _____
William I. Mawyer, Jr. P.E., Executive Director

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE, to wit:

The foregoing instrument was acknowledged by me this _____ day of _____, 2023, by William I. Mawyer, Jr. P.E. as Executive Director of the Rivanna Water and Sewer Authority.

Notary Public

Registration No.: _____

My Commission expires: _____

45346078_17

Albemarle County
TMP # 07500-00-00-00100
TMP # 04500-00-00-067A0
TMP # 04500-00-00-069A0

Prepared by:
McGuireWoods LLP

**EXEMPTED FROM RECORDATION TAXES UNDER
SECTION 58.1-811.A.3 OF THE
CODE OF VIRGINIA (1950), AS AMENDED**

RAGGED MOUNTAIN DAM PROJECT AGREEMENT

This **RAGGED MOUNTAIN DAM PROJECT AGREEMENT** (this "Agreement") made for purposes of identification this 1st day of January, 2012, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation (the "City"), Grantor for indexing purposes; the **ALBEMARLE COUNTY SERVICE AUTHORITY**, a public body politic and corporate ("ACSA"), Grantor and Grantee for indexing purposes; and the **RIVANNA WATER AND SEWER AUTHORITY**, a public body politic and corporate ("RWSA"), Grantee for indexing purposes.

WITNESSETH:

A. RWSA owns and/or operates facilities for the receipt and treatment of potable water pursuant to the terms of a Four-Party Agreement dated June 12, 1973, among the City, RWSA, ACSA and the Board of Supervisors of Albemarle County (the "Four-Party Agreement") and several supplementary agreements.

B. The facilities operated by RWSA include the Lower and Upper Ragged Mountain Reservoir Dams located on a parcel of land designated as Albemarle County Tax Map 75, Parcel 1, and the South Rivanna Reservoir Dam, located on a parcel of land designated as

Albemarle County Tax Map 45, Parcel 67A, as more particularly described in the Deed referenced in Recital E below.

C. Pursuant to Article IV of the Four-Party Agreement, the City and ACSA have agreed upon a project, not contemplated by their previous agreements, for the construction by RWSA of an earthen dam at the current site of the Ragged Mountain Reservoir to replace the existing dams at the Ragged Mountain Reservoir and increase the pool elevation of the existing Ragged Mountain Reservoir. The new earthen dam will increase the safe yield of the urban water system consisting of all water-related facilities within or serving the City of Charlottesville and the urban growth area of Albemarle County surrounding the City of Charlottesville and includes the areas served by public community water supply from the South Fork Rivanna Water Treatment Plant, the Observatory Water Treatment Plant, and the North Fork Rivanna Water Treatment Plant, as well as all reservoirs, dams, pipelines, pumping stations, storage tanks and other appurtenances connected to water plants and operated by RWSA (the “Urban Water System”).

D. ACSA and the City have reached an agreement concerning the sharing of costs for construction of the new earthen dam and related improvements and the amount of compensation for the increased area required to construct the dam and which will be inundated by the reservoir pool supported by the new dam, all as more particularly set forth in the Water Cost Allocation Agreement, dated January 1, 2012 (the “Cost Allocation Agreement”).

E. ACSA, the City and RWSA desire to set forth their understandings with respect to the construction of the dam and improvements in phases and the rights of RWSA to build the dam and related improvements upon the land where the existing Ragged Mountain Reservoir is located, which land is owned by the City subject to certain rights conveyed by the City to RWSA

pursuant to the Four-Party Agreement as set forth in the Deed and Bill of Sale dated June 13, 1983, recorded in the Clerk's Office of the City of Charlottesville in Deed Book 438 at page 854 and in the Clerk's Office of the County of Albemarle in Deed Book 768 at page 277 (the "Deed").

NOW, THEREFORE, for and in consideration of the premises, the cost allocations and other expense reimbursements set forth in the Cost Allocation Agreement, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the City, ACSA and RWSA agree as follows:

AGREEMENT

1. Specification of the Project. Pursuant to Article IV of the Four-Party Agreement, ACSA and the City agree to and direct RWSA, and RWSA agrees, to proceed to construct and perform the following (hereinafter referred to as the "Project"):

(a) New earthen dam on the site of and downstream of the existing Lower and Upper Ragged Mountain Dams sufficient to impound and raise the existing maximum normal operating reservoir pool level (641' above mean sea level) an additional forty-two feet (42') (683' above mean sea level) utilizing soil from certain borrow areas on the site to the extent feasible (the "New Ragged Mountain Dam"); provided, however, that until satisfaction of the conditions set forth in Paragraph 3 below, the normal operating reservoir pool level shall be limited to an additional thirty feet (30') (671' above mean sea level) above the existing normal operating reservoir pool level (the "Initial Pool Level"), and only upon satisfaction of such conditions shall the normal operating reservoir pool level be raised an additional twelve feet (12') above the Initial Pool Level (the "Additional Pool Level").

- (b) Separate rock-lined spillway for the New Ragged Mountain Dam.
- (c) Intake tower for the New Ragged Mountain Dam, with intake gates and a normal spillway at heights necessary to support the Initial Pool Level, constructed in such a manner as to allow the operation of an additional intake gate and spillway to support the Additional Pool Level upon satisfaction of the conditions set forth in Paragraph 3 of this Agreement.
- (d) A proposed pipeline, including tunnel, pumping facilities and related infrastructure, connecting the reservoir formed by the New Ragged Mountain Dam (such reservoir, including any expansion as provided in Paragraph 3 of this Agreement, hereinafter referred to as the “Ragged Mountain Reservoir”) to the existing South Rivanna Reservoir and connecting to an existing pipeline serving the Observatory Water Treatment Plant (such pipeline, tunnel, pumping facilities and related infrastructure hereinafter referred to as the “SRR-RMR Pipeline”).
- (e) A floating pedestrian trail bridge and spill boom across the Ragged Mountain Reservoir to be located north of Interstate 64 with truck access to construct and maintain such improvements, including periodic removal of debris from the spill boom (hereinafter referred to as the “Floating Bridge and Spill Boom”).
- (f) Removal of trees and other vegetation in the areas necessary to construct the improvements described in clauses (a) through (e) above and in the area which will be inundated by the Initial Pool Level and, upon satisfaction of the conditions set forth in Paragraph 3 of this Agreement, in the area which will be inundated by the Additional Pool Level.
- (g) Breach of the existing Lower and Upper Ragged Mountain Dams.

(h) Other construction and work necessary or desirable for the purposes set forth in this Agreement to construct and complete the improvements or to satisfy federal, state or local regulations applicable to the activities described in clauses (a) through (g) above, including all mitigation and restoration required by such permits.

The portion of the Project to be constructed on the Ragged Mountain Reservoir site shall be located substantially as shown on the "Land Use Map for the New Ragged Mountain Dam", prepared by Schnabel Engineering dated July 19, 2011, Sheets 1 – 7, a copy of which is attached hereto and recorded herewith, with the exception of the Floating Bridge and Spill Boom, which shall be constructed in coordination with the City's design and development of a trail system within the Ragged Mountain Reservoir site. RWSA shall be responsible for all aspects of the design, right-of-way and easement acquisition, and construction of the Project. RWSA shall require and verify that all individuals and entities under contract with RWSA to perform construction activities pursuant to this Agreement on any property owned by the City of Charlottesville agree to indemnify and hold harmless the City and its officers, officials and employees, and to include the City of Charlottesville as an additional insured on any applicable general liability insurance policies.

2. Confirmation and Grant of Water Rights, Leases, Easements and Rights of Access for the Project. Pursuant to Section 6.1 of the Four Party Agreement RWSA is the sole producer and seller of potable water to the City and ACSA. Further, pursuant to Section 3.2(c) of the Four-Party Agreement and Paragraph V of the Deed, the City leased to RWSA, for so long as the Four-Party Agreement remains in effect, "all water rights in and to....the two Ragged Mountain Reservoirs and the South Rivanna Reservoir, including the rights to maintain and operate all impoundment and pumping facilities, and to withdraw all water that may be available." To the

extent not already provided in the Four-Party Agreement, the City hereby leases to RWSA, for so long as the Four-Party Agreement remains in effect, but not to exceed forty (40) years from the date hereof, all water rights in and to the Ragged Mountain Reservoir, including the rights to maintain and operate all impoundment and pumping facilities, and to withdraw all water that may be available, all as provided in Article V of the Four Party Agreement. The City further grants to RWSA a temporary construction easement and right of access necessary to construct, and install the Project to inundate and support a reservoir pool to the Initial Pool Level and, subject to satisfaction of the conditions set forth in Paragraph 3 of this Agreement, to increase the normal operating reservoir pool to the Additional Pool Level and to construct that portion of the SRR-RMR Pipeline to be constructed on the Ragged Mountain Reservoir site and the South Rivanna Reservoir site.

The City further leases to RWSA, commencing upon the date RWSA begins construction of the SRR-RMR Pipeline and continuing for so long as the Four-Party Agreement remains in effect, but not to exceed a period of forty (40) years from the commencement date, the parcel of land adjacent to the South Rivanna Reservoir consisting of approximately 5.45 acres, more or less, designated in the Albemarle County land records as Tax Map 45, Parcel 69A, and more particularly described in Exhibit A attached hereto and recorded herewith to construct, install, operate, maintain, repair, replace, relocate and extend that portion of the SRR-RMR Pipeline to be located in and adjacent to the South Rivanna Reservoir.

3. Increase to Additional Pool Level. RWSA shall perform bathymetric surveys of the South Rivanna Reservoir and current water demand analyses and water demand projections in accordance with, and at intervals governed by, approved state and federal permits and the Commonwealth of Virginia's Local and Regional Water Supply Planning regulations (9VAC 25-

780), but at least every ten (10) years after the date of this Agreement, with the first such survey to be performed not later than the year 2020. RWSA shall update the analysis of safe yield of the Urban Water System following each new bathymetric survey of the South Rivanna Reservoir performed after the date of this Agreement using the latest available data on useable storage in the South Rivanna Reservoir, the Ragged Mountain Reservoir, and the Sugar Hollow Reservoir. All such bathymetric surveys, water demand projections and safe yield analyses will be performed by an outside consultant selected by RWSA. The method for determining safe yield shall be as set forth in the regulations of the Virginia Department of Health. At any such time that (i) the actual Urban Area water demand (measured as combined flow of treated water entering the Urban Water System from water treatment plants) as an average daily demand over a trailing twelve (12) consecutive month period or (ii) the average daily demand over a period of twelve (12) consecutive months projected out ten (10) years reaches eighty-five percent (85%) or more of the safe yield determined from the most recent safe yield analysis, RWSA, upon the written request of ACSA or the City and without further authorization or approval from the other party, shall modify the intake towers and remove trees and other vegetation necessary to allow the New Ragged Mountain Dam to impound and support a reservoir pool to the Additional Pool Level, and shall raise the reservoir pool to the Additional Pool Level.

4. Permits. The City, as the landowner of record of the parcels referenced in Recital B and Paragraph 2 above hereby authorize RWSA to apply for and secure all permits and approvals necessary for or mandated by the Project and the Project's expansion pursuant to Paragraph 3 of this Agreement.

5. Dredging. Pursuant to Article IV of the Four-Party Agreement, the City and ACSA agree to and direct RWSA, and RWSA agrees, to perform such dredging projects at the

South Rivanna Reservoir as may be specified jointly by the City and ACSA pursuant to the Water Cost Allocation Agreement.

6. Miscellaneous. In the event any one or more of the terms or provisions contained in this Agreement should be held invalid or unenforceable in any respect, the validity and enforceability of the remaining terms and provisions will not in any way be affected or impaired. Any invalid or unenforceable term or provision will be deemed to be void and of no force and effect only to the minimum extent necessary to cause such term or provision to become valid and enforceable, and the balance of this Agreement will be fully enforceable.

IN WITNESS WHEREOF, the duly authorized officers of the City of Charlottesville, Virginia, the Albemarle County Service Authority and the Rivanna Water and Sewer Authority have executed this Agreement as of the date first above written.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF CHARLOTTESVILLE, VIRGINIA

APPROVED AS TO FORM:

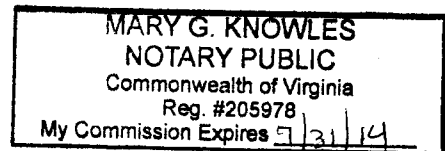
By: Maurice Jones (SEAL)
Maurice Jones, City Manager

Craig Brown
Craig Brown, City Attorney

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE, to wit:

The foregoing instrument was acknowledged before me this 24th day of
JANUARY, 2012, by Maurice Jones as City Manager of the City of Charlottesville,
Virginia.

Mary G. Knowles
Notary Public
Registration No.: 205978



My Commission Expires: JULY 31, 2014

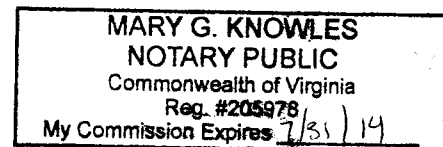
ALBEMARLE COUNTY SERVICE AUTHORITY

By: Gary B. O'Connell (SEAL)
Gary B. O'Connell, Executive Director

COMMONWEALTH OF VIRGINIA
COUNTY OF ALBEMARLE, to wit:

The foregoing instrument was acknowledged before me this 24th day of
JANUARY, 2012, by Gary B. O'Connell as Executive Director of the Albemarle
County Service Authority.

Mary G. Knowles
Notary Public
Registration No.: 205978



My Commission Expires: JULY 31, 2014

RIVANNA WATER AND SEWER AUTHORITY

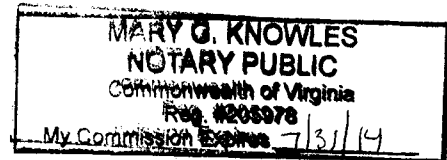
By: [Signature] (SEAL)
Thomas L. Frederick, Jr., Executive Director

COMMONWEALTH OF VIRGINIA
COUNTY OF ALBEMARLE, to wit:

The foregoing instrument was acknowledged before me this 24th day of
JANUARY, 2013, by Thomas L. Frederick, Jr. as Executive Director of the Rivanna
Water and Sewer Authority.

Mary G. Knowles
Notary Public
Registration No.: 205978

My Commission Expires: JULY 31, 2014



V29741428.13

Instrument Control Number

000970

Commonwealth of Virginia
Land Record Instruments
Cover Sheet - Form A

[ILS Cover Sheet Agent Online 1.1.6]

Doc ID: 006616480020 Type: DEE
 Recorded: 01/25/2012 at 03:21:04 PM
 Fee Amt: \$96.00 Page 1 of 20
 Albemarle County, VA
 Debra M. Shipp Clerk
 File# 2012-00000970

BK 4124 PG 697-716

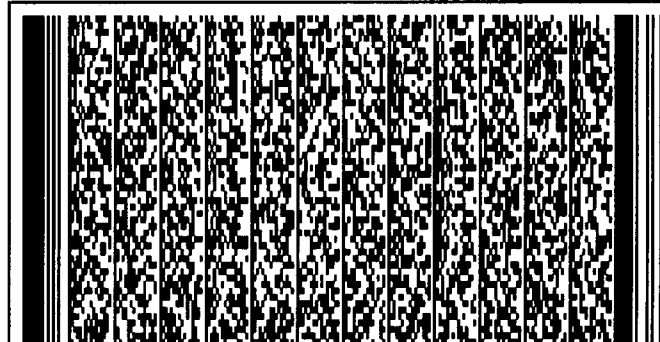
T A X P E X E M P T	C	Date of Instrument	[01/25/2012]
	O	Instrument Type	[AG]
	R	Number of Parcels	[1]
	P	Number of Pages	[17]
		City <input type="checkbox"/> County <input checked="" type="checkbox"/> [Albemarle County]	

(Box for Deed Stamp Only)

First and Second Grantors			
Last Name	First Name	Middle Name	Suffix
<input checked="" type="checkbox"/> [City of Charlottesville]			
<input type="checkbox"/> []			
First and Second Grantees			
Last Name	First Name	Middle Name	Suffix
<input checked="" type="checkbox"/> [Albemarle County Service Authority]			
<input checked="" type="checkbox"/> [Rivanna Water and Sewer Authority]			
Grantee Address (Name)	[City of Charlottesville]		
(Address 1)	[P. O. Box 911]		
(Address 2)			
(City, State, Zip)	[Charlottesville]	[VA]	[22902]
Consideration [0.00]	Existing Debt [0.00]	Assumption Balance [0.00]	

Prior Instr. Recorded at: City <input type="checkbox"/> County <input checked="" type="checkbox"/> [Albemarle County]	Percent. in this Juris.(%) [100]
Book [768] Page [277] Instr. No []	
Parcel Identification No (PIN)	[04500-069A0]
Tax Map Num. (if different than PIN)	[45]
Short Property Description	[New Ragged Mountain Dam]
Current Property Addr (Address 1)	[5.45 acres, more or less]
(Address 2)	
(City, State, Zip)	[Albemarle County] [VA] [none]

Instrument Prepared by	[McGuireWoods LLP]
Recording Paid for by	[McGuireWoods LLP]
Return Recording to (Name)	[Kurt J. Krueger]
(Address 1)	[P.O. Box 1288]
(Address 2)	
(City, State, Zip)	[Charlottesville] [VA] [22902]
Customer Case ID	[] [CS-506411]



RECORDED IN CLERKS OFFICE OF
ALBEMARLE COUNTY ON
January 25, 2012 AT 3:21:04 PM
\$0.00 GRANTOR TAX PD
AS REQUIRED BY VA CODE § 58.1-802
STATE: \$0.00 LOCAL: \$0.00
ALBEMARLE COUNTY, VA
DEBRA M. SHEP CLERK

Maureen Shep

Deed Book 4124 PS.708

G:\2009 Jobs\09170036.01 Ragged Mountain Dam Design\CAD Drawings\DWG-USE, FIGURES, SINGLE SHEETS, ETC\LAND DISTURBANCE PLAN FOR EASEMENTS FINAL.dwg

PREPARED FOR:

RIVANNA WATER AND SEWER AUTHORITY
ATTENTION: TOM L. FREDERICK, P.E.
695 MOORES CREEK LANE
CHARLOTTESVILLE, VA 22902
TELEPHONE: (434) 977-2970

LAND USE MAP FOR THE NEW RAGGED MOUNTAIN DAM

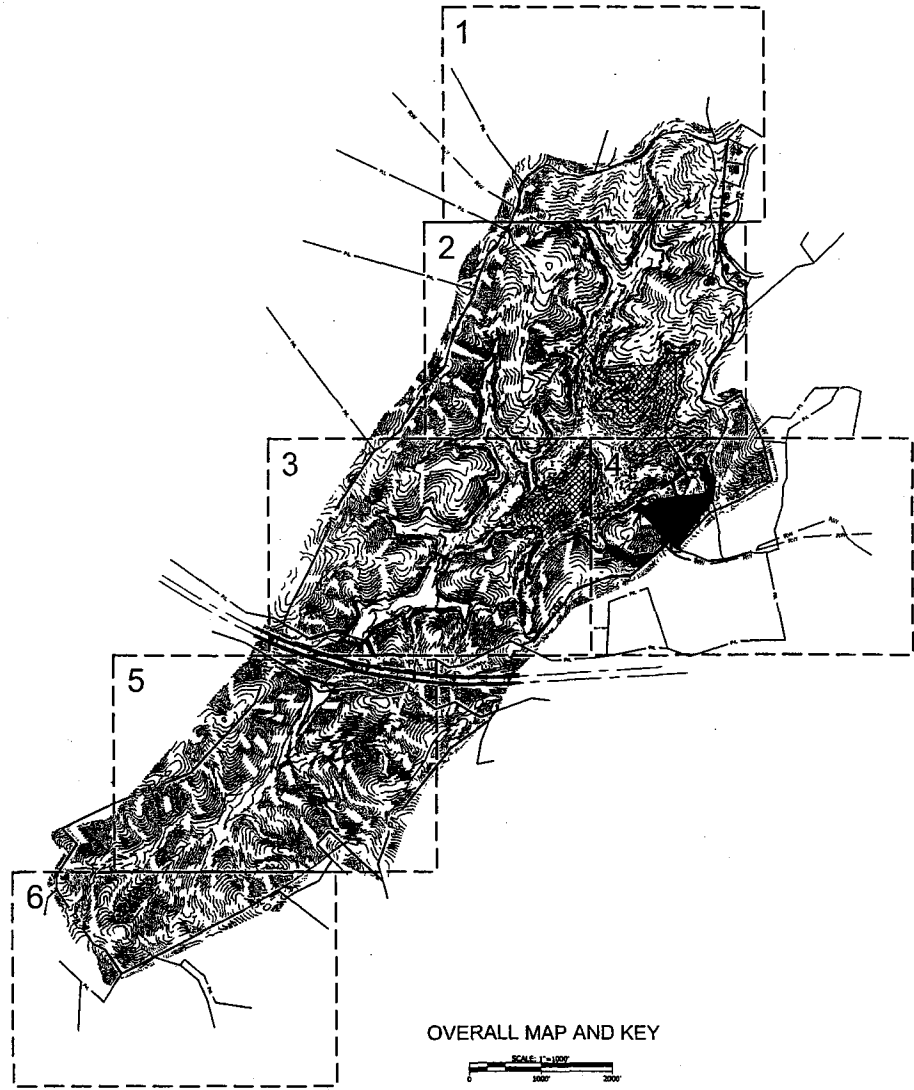
ALBEMARLE COUNTY, VIRGINIA

PREPARED BY:

SCHNABEL ENGINEERING, LLC
ATTENTION: RANDALL P. BASS, P.E.
6445 SHILOH ROAD
SUITE A
ALPHARETTA, GA 30005
TELEPHONE: (770) 781-8008

LEGEND

- EXISTING OR FUTURE ACCESS ROAD (GRAVEL OR DIRT) - RWSA MAY USE AND MAINTAIN FOR ACCESS TO RESERVOIR, DAM, SPILLWAY STRUCTURES, RAW WATER PIPELINES, OR I-64 EMBANKMENT.
- FUTURE NORMAL POOL ELEVATION = 863.00 FT. RWSA TO HAVE ACCESS AND USE OF ALL AREAS WITHIN RESERVOIR POOL.
- PROPOSED NORMAL POOL ELEVATION = 871.00 FT. RWSA TO HAVE ACCESS AND USE OF ALL AREAS WITHIN RESERVOIR POOL.
- EXISTING NORMAL POOL ELEVATION = 841.00 FT.
- PROPOSED BORROW AREA FOR CONSTRUCTION OF NEW EARTHEN DAM. RWSA TO HAVE COMPLETE ACCESS FOR CONSTRUCTION PURPOSES. BORROW AREAS ABOVE PROPOSED NORMAL POOL TO BE REPLANTED AFTER DAM CONSTRUCTION IS COMPLETE.
- CLEARING AND GRADING AUTHORIZED FOR NEW EARTHEN DAM CONSTRUCTION - TO BE REPLANTED AFTER DAM CONSTRUCTION IS COMPLETE.
- LIMITS OF NEW EARTHEN DAM, AUXILIARY SPILLWAY, INTAKE RISER TOWER AND RAW WATER INTAKE PIPELINE - FOR PERMANENT USE AND MAINTENANCE BY RWSA.
- RESERVED AREA FOR AUXILIARY SPILLWAY OVERFLOWS - TO BE MAINTAINED BY RWSA.
- AREA TO BE UTILIZED FOR ACCESS TO PERFORM I-64 IMPROVEMENTS.
- RAW WATER PIPELINE TO BE OPERATED, MAINTAINED, AND REPAIRED BY RWSA - FOR PERMANENT USE BY RWSA.
- RAW WATER PIPELINE TO BE ABANDONED IN PLACE OR REMOVED BY RWSA DURING CONSTRUCTION OF NEW EARTHEN DAM.
- EXISTING DITCH AND FLUME SYSTEM FOR RAW WATER FLOW TO BE OPERATED AND MAINTAINED BY RWSA FOR PERMANENT USE BY RWSA.
- EXISTING PROPERTY LINE.



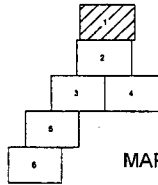
DESIGNED BY: SLS		DRAWN BY: J.C.		CHECKED BY: RPB		DATE: 07/18/2011	
RANDALL P. BASS				VIRGINIA PROFESSIONAL ENGINEER NUMBER: 048718			
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				Schnabel ENGINEERING 6445 Shiloh Road, Suite A / Alpharetta, GA 30005 / Phone: (770) 781-8008 / FAX: (770) 781-8007 / www.schnabel-eng.com			
NEW RAGGED MOUNTAIN DAM RIVANNA WATER & SEWER AUTHORITY ALBEMARLE COUNTY, VIRGINIA				LAND USE MAP			
PROJECT: 09170036.01							
DATE: 07-18-2011							
DRAWING							
SHEET 1 OF 7							

Deed Book 4124 PS.709

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1



MAP KEY

NOTE:

ALL AREAS THAT ARE BELOW PROPOSED NORMAL POOL ELEVATION 853.0 FT SHALL BE AVAILABLE FOR USE BY RWSA AND RWSA'S CONTRACTORS DURING NEW DAM CONSTRUCTION, FUTURE DAM RAISE CONSTRUCTION, AND FOR ALL DAM OPERATION AND MAINTENANCE PURPOSES.

CHERRY HILL FARM, L.L.C.
59-14C
D.B. 1424, PG 640

CHERRY HILL FARM, L.L.C.
59-14A1
D.B. 1424, PG 640

LINDA K FORD
PARCEL "A"
59-50C
D.B. 1612, PG 134

EXISTING SUGAR HOLLOW RAW
WATERLINE TO REMAIN IN SERVICE

LOT 38

LOT 37

LOT 36

LOT 35

LOT 34

LOT 33



PROJECT: 06170038.01

DATE: 07-19-2011

DRAWING

SHEET
2 OF 7

NEW RAGGED MOUNTAIN DAM
RIVANNA WATER & SEWER AUTHORITY
ALBEMARLE COUNTY, VIRGINIA

LAND USE MAP



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DESIGNED BY: R.B.	DRAWN BY: J.C.	CHECKED BY: P.B.
RANDALL P. BASS		
DATE: 06/17/10		
VIRGINIA PROFESSIONAL ENGINEER NUMBER: 061710		

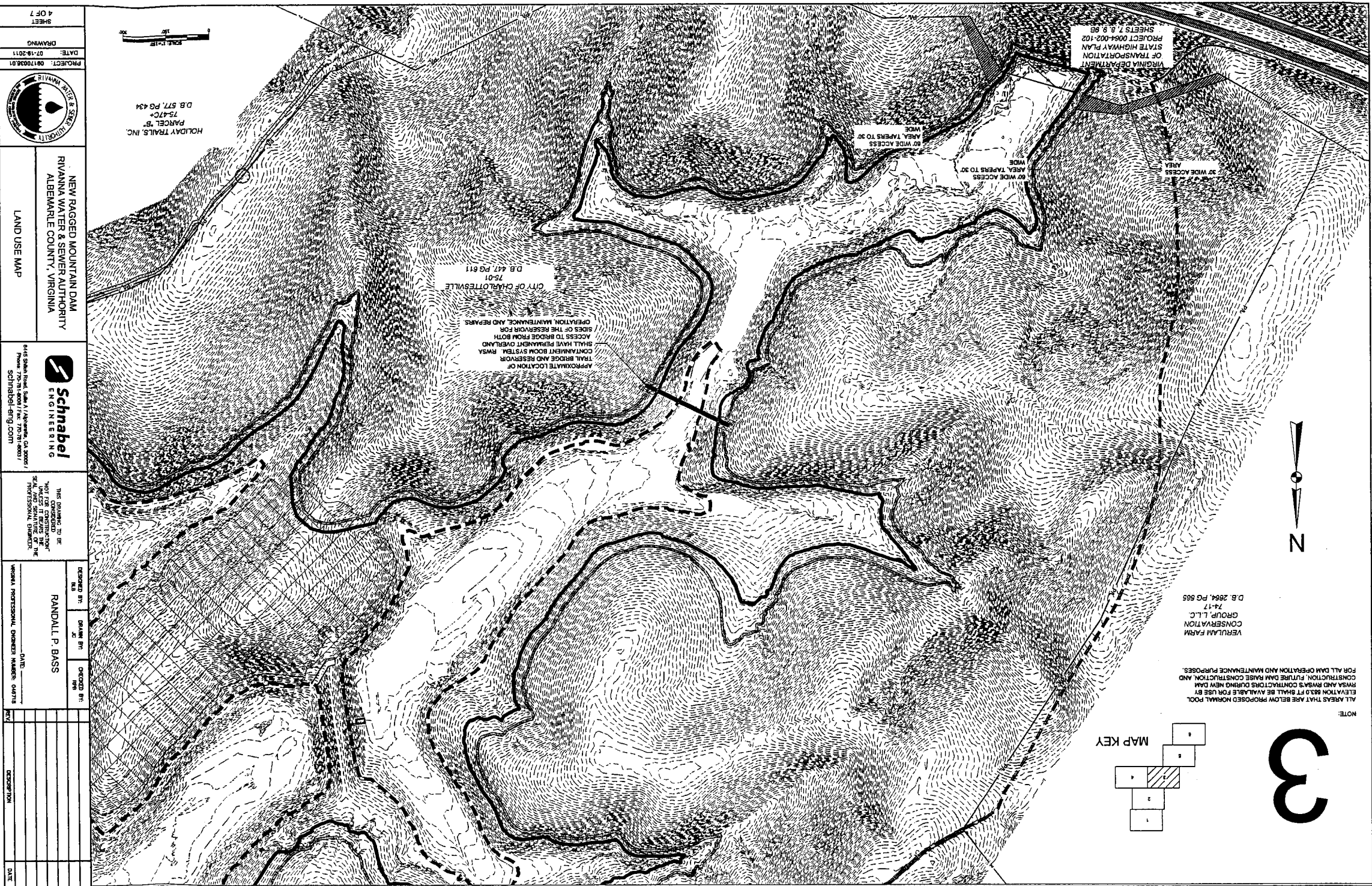
REV	DESCRIPTION	DATE

\\2009 Jobs\09170036.01 Ragged Mountain Final Design\CAD\DRAWINGS\06-MISC. FIGURES, SINGLE SHEETS, ETC\LAND DISTURBANCE PLAN FOR EASEMENTS FINAL.dwg

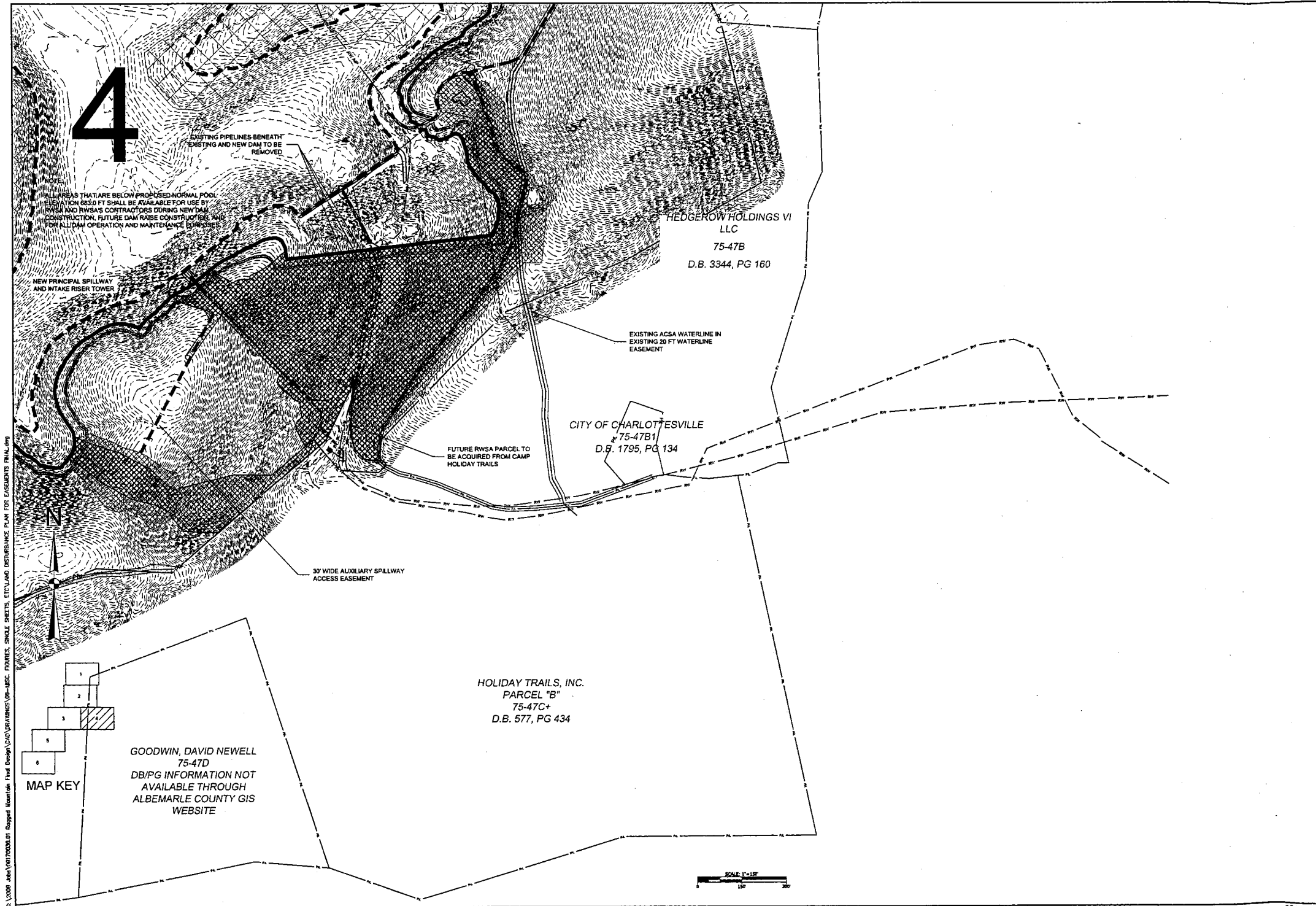


	<p>THIS DRAWING IS BE COMMITTED TO THE "NON-RECURRING USE" OF THE STATE OF VIRGINIA FOR PROFESSIONAL ENGINEERING</p>	DESIGNED BY: ALL	DRAWN BY: JC	CHECKED BY: RS	<p>DATE: _____</p> <p>VIRGINIA PROFESSIONAL ENGINEER NUMBER: 048718</p>
		<p>DESIGNED BY: _____</p> <p>DRAWN BY: _____</p> <p>CHECKED BY: _____</p>			
<p>NEW RAGED MOUNTAIN DAM RIVANNA WATER & SEWER AUTHORITY ALBEMARLE COUNTY, VIRGINIA</p>		 <p>Schnabel ENGINEERING</p> <p>6415 Shady Side, Suite A / Richmond, VA 23226 / Phone: 770-781-8000 / Fax: 770-781-8003 / schnabel-eng.com</p>		<p>LAND USE MAP</p>	
<p>PROJECT: 09170038.01</p> <p>DATE: 07-19-2011</p>		<p>DRAWING</p>			
<p>SHEET 3 OF 7</p>					

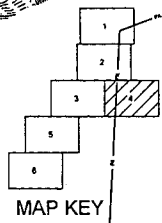
Deed Book 4124 p. 711



Deed Book 4124 PS-712



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GOODWIN, DAVID NEWELL
75-47D
DB/PG INFORMATION NOT
AVAILABLE THROUGH
ALBEMARLE COUNTY GIS
WEBSITE

HOLIDAY TRAILS, INC.
PARCEL "B"
75-47C+
D.B. 577, PG 434

SCALE: 1"=150'
150' 300'

DESIGNED BY: R.B.		DRAWN BY: J.C.		CHECKED BY: R.B.	
DATE:		DATE:		DATE:	
VIRGINIA PROFESSIONAL ENGINEER NUMBER: 048718		VIRGINIA PROFESSIONAL ENGINEER NUMBER: 048718		VIRGINIA PROFESSIONAL ENGINEER NUMBER: 048718	
REV.		REV.		REV.	
DESCRIPTION		DESCRIPTION		DESCRIPTION	
DATE		DATE		DATE	
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NEW RAGGED MOUNTAIN DAM RIVANNA WATER & SEWER AUTHORITY ALBEMARLE COUNTY, VIRGINIA					
LAND USE MAP					
PROJECT: 06170036.01					
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DRAWING					
SHEET 5 OF 7					

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6

NOTE:
ALL AREAS THAT ARE BELOW PROPOSED NORMAL POOL ELEVATION 683.0 FT SHALL BE AVAILABLE FOR USE BY RWSA AND RWSA'S CONTRACTORS DURING NEW DAM CONSTRUCTION, FUTURE DAM RAISE CONSTRUCTION, AND FOR ALL DAM OPERATION AND MAINTENANCE PURPOSES.

N/F
COLEMAN, EMMA C &
TAMMY H. BARBER
TAX MAP 074-00-00-032
(D.B. 130, PG. 38)

APPROXIMATE LOCATION
OF EXISTING LOGGING ROAD TO BE
REHABILITATED AND USED FOR CONSTRUCTION
AND PERMANENT ACCESS TO THE
EXPANDED RESERVOIR FACILITIES
ON THE SOUTH SIDE OF I-84

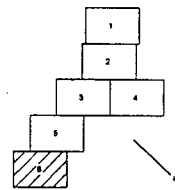
CITY OF CHARLOTTESVILLE
75-01
D.B. 447, PG. 811

N/F
THE NATURE
CONSERVANCY
TAX MAP 075-00-00-002D
TRACT B
(D.B. 3357, PG. 288)
(D.B. 3291, PG. 682 - PLAT)
(D.B. 535, PG. 368)

N/F
FRANCES R. JOSEPH
TAX MAP 075-00-00-002B
(D.B. 729, PG. 239)

N/F
HEDGEROW HOLDING II,
L.L.C.
TRACT A
TAX MAP 075-00-00-002
(D.B. 3357, PG. 2885)
(D.B. 3291, PG. 682 - PLAT)

N/F
THE NATURE
CONSERVANCY
TAX MAP 075-00-00-002C
(D.B. 3346, PG. 488)



PROJECT: 08170036.01
DATE: 07-19-2011
DRAWING
SHEET
7 OF 7

NEW RAGGED MOUNTAIN DAM
RIVANNA WATER & SEWER AUTHORITY
ALBEMARLE COUNTY, VIRGINIA

LAND USE MAP



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Fax: 770.241.8007 /
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AND APPROVALS.

DESIGNED BY:
RWS
DRAWN BY:
JC
CHECKED BY:
RWS
DATE:
04/17/11
VIRGINIA PROFESSIONAL ENGINEER NUMBER: 046718

RANDALL P. BASS

REV	DESCRIPTION	DATE

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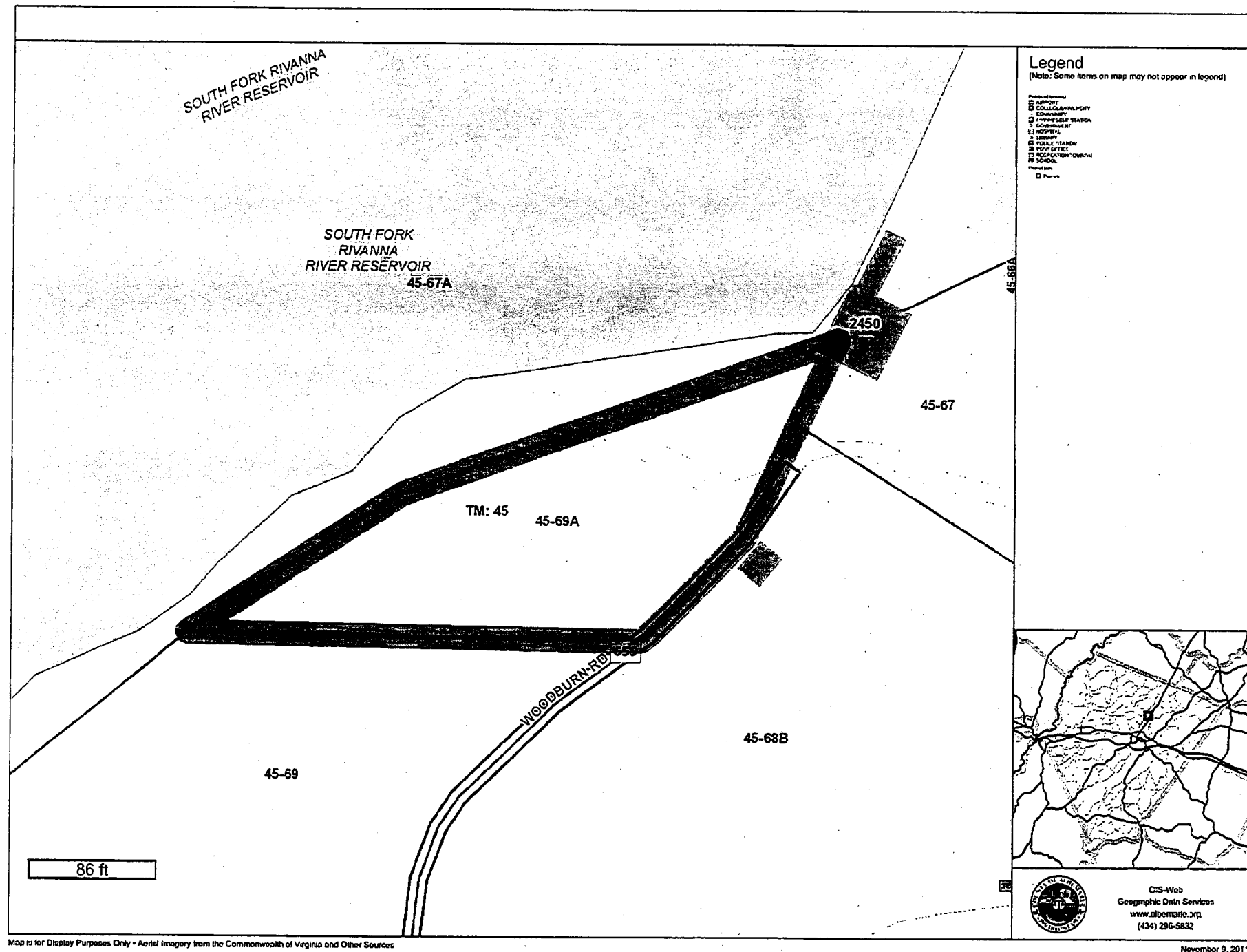


EXHIBIT A

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



Agenda Date:	December 4, 2023
Action Required:	Approve Resolution
Presenter:	Brenda Kelley, Redevelopment Manager
Staff Contacts:	Brenda Kelley, Redevelopment Manager Riaan Anthony, Interim Director
Title:	Resolution to approve a Sublease Agreement Extension with Sentara Martha Jefferson Hospital (SMJH) for lease of space at 233 4th Street NW

Background

The City is Tenant pursuant to a Lease Agreement with Jefferson School Community Partnership, LLLP at 233 4th Street NW, for the use of the space as Carver Rec Center (28,258 SF usable area). The City's lease of this space at the Jefferson School City Center expires in April 2032. The city subleases a portion of this leased space (approximately 1,771 square feet) to Sentara Martha Jefferson Hospital (SMJH) for use as a health clinic. The existing Sublease Agreement between the City and SMJH expires December 31, 2023.

SMJH has requested an extension of the current Sublease Agreement for one year, with the intention of relocating to an owned building within the next year. They would like to extend their current sublease with the ability to terminate with 60 day notice.

Discussion

The City entered into a Sublease Agreement with SMJH in January 2018. Earlier this year, City staff met with representatives of SMJH well in advance of the expiration of the existing Sublease Agreement. Following significant discussion on timing of use of the space, SMJH informed City staff that they intend to eventually move out of the subleased space following the build-out of a new location. Once the space is vacated by SMJH, the City's Parks and Recreation Department will utilize the entire leased space at the Jefferson School.

The general terms of the Sublease Agreement will not change, except for:

- the term of the agreement (now expires December 31, 2024)
- the right to terminate with 60 day notice
- the rent increase will be a straight 2.5%.

If approved, the term of the Sublease Agreement will be extended for one year, with the ability to terminate with 60 day notice.

Alignment with City Council's Vision and Strategic Plan

Approval of this sublease aligns with City Council's Strategic Outcome Areas of Organizational Excellence; Partnerships; and Recreation, Arts, Culture.

Community Engagement

This Lease Agreement has been reviewed by SMJH representative(s).

Budgetary Impact

This request does not require any funding from the City budget. SMJH will continue to pay rent to the City for their subleased space.

Recommendation

Staff recommends that City Council approve the attached Resolution.

Alternatives

City Council could choose to not approve this Resolution which will result in SMJH needing to find another location for the health clinic immediately.

Attachments

1. SMJH sublease extension draftAug2023
2. Resolution SMJH Sublease extension 120423

SUBLEASE AGREEMENT EXTENSION

THIS SUBLEASE EXTENSION is made this ____ day of _____, 2023, by and between THE CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation (hereinafter, "City") and MARTHA JEFFERSON HOSPITAL d/b/a Sentara Martha Jefferson Hospital (hereinafter, "Subtenant").

This addendum is to serve as a Sublease Extension of a prior lease dated 1st day of January, 2018 by and between City and Subtenant.

The current term of the Sublease Agreement expires on December 31, 2023 (the "Expiration").

This extension confirms the continued agreement to sublease the property for a period ending at 12:01AM December 31, 2024. These terms may not be renewed through additional addendum after this extension period expires. All the terms and conditions of the Sublease Agreement shall remain in effect during this extension, with the following exceptions:

- a. The premises shall be leased to the Subtenant in the annual amount of fifty thousand thirteen dollars and three cents (\$50,013.03). Beginning January 1, 2024, Subtenant shall pay City in advance, in twelve (12) equal monthly installments (\$4,167.75) on the fifteenth day of each calendar month for the duration of the extension.
- b. Subtenant shall have the right to terminate this extension with 60-day prior written notice to City.

WITNESS the following signatures and seals:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____ Date: _____
Samuel Sanders, Jr.
Title: City Manager

SUBTENANT: MARTHA JEFFERSON HOSPITAL d/b/a Sentara Martha Jefferson Hospital

By: _____ Date: _____

Print Name: _____

Title: _____

Suggested motion: “I move to approve the Resolution for the Extension of the Sublease Agreement with Sentara Martha Jefferson Hospital”

RESOLUTION

Approving a Sublease Agreement Extension with Sentara Martha Jefferson Hospital (SMJH), for sublease of space at 233 4th Street NW

WHEREAS, a Sublease Agreement by and between the City of Charlottesville and Martha Jefferson Hospital, was entered into in January 2018, for lease of 1,771 square feet of space located in the Jefferson School building at 233 4th Street, N.W., for a health clinic; and

WHEREAS, Martha Jefferson Hospital (d/b/a Sentara Martha Jefferson Hospital/SMJH) wishes to extend that Sublease Agreement for one year, with the ability of either party to terminate upon 60 days written notice; and

WHEREAS, City Council has considered the terms of the proposed extension to the Sublease Agreement; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the Sublease Agreement Extension presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the amended agreement on behalf of City Council.

Approved by Council
December 4, 2023

Kyna Thomas, CMC
Clerk of Council

Approved as to form:

Jacob P. Stroman
City Attorney

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



Agenda Date:	December 4, 2023
Action Required:	Approve Resolution
Presenter:	Brenda Kelley, Redevelopment Manager
Staff Contacts:	Brenda Kelley, Redevelopment Manager
Title:	Resolution to amend a Lease Agreement with Omni Charlottesville Virginia Corporation for lease of city-owned public right-of-way

Background

In February 2023, City Council approved a Lease Agreement with Omni Charlottesville Virginia Corporation for lease of city-owned right-of way. During that approval of the Lease Agreement in February, City Council was advised that the Omni Hotel was planning renovations to the interior and exterior of the property and that this item would be coming back to City Council for an amendment following completion of construction.

Since that time, the renovation of the outdoor patio area has been completed at Omni Hotel. These completed improvements reduced the square footage area of the city-owned right-of-way that the Omni Hotel was utilizing. Because of this, Omni Hotel has requested an amendment to the lease agreement to reflect the reduced area, which in turn reduces the total annual lease amount for the use of the public right-of-way.

Discussion

The general terms of the February 2023 Lease Agreement have not changed, except for:

The Leased Property: The Lessor hereby leases to the Lessee and the Lessee hereby leases from the Lessor approximately ~~five hundred and two (502)~~ four hundred and seventy-nine (479) square feet of real property located between the southern property line of the Omni Hotel and the Downtown Pedestrian Mall, as designated on the attached ~~survey drawing dated December 3, 2004~~ Omni Terrace Area Calculations drawing dated April 27, 2023 (the "Leased Property").

Alignment with City Council's Vision and Strategic Plan

This item supports the City's Strategic Plan Framework: Economic Prosperity, Organizational Excellence, and Partnerships.

This program also supports the 2021 Comprehensive Plan's:

Guiding Principle: Community Culture & Unity: Charlottesville's rich and diverse culture and form will be celebrated, and the entire community will feel welcomed, valued, and respected. The City will protect, celebrate, and enhance the people and places that have added to the uniqueness and

cultural diversity of the community.

Land Use, Urban Form, and Historic & Cultural Preservation; Goal 11. Historic Resource Protection: Provide effective protection of Charlottesville's historic resources, including through recognition and incentives.

Economic Prosperity & Opportunity; Goal 3. Innovation and Growth: Create an entrepreneurial environment that fosters the creation and success of businesses.

Community Engagement

This Agreement for Amendment of Lease has been reviewed by Omni Charlottesville Virginia Corporation representative(s).

Budgetary Impact

This request does not require any funding from the City budget.

Recommendation

Staff recommends that City Council approve the attached Resolution.

Alternatives

City Council could choose to not approve this Resolution which would cause a conflict with the current conditions of leased area and improvements approved by the City.

Attachments

1. Omni Terrace Cafe Lease amended Dec2023
2. Resolution OMNI Lease amendment 120423

**AGREEMENT
FOR AMENDMENT OF LEASE**

THIS AGREEMENT made and entered into this ____ day of _____, 2023, by and between the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation (hereinafter "City" or "Lessor") and the OMNI CHARLOTTESVILLE VIRGINIA CORPORATION, a Virginia corporation, (hereinafter "OMNI" or "Lessee").

The undersigned parties previously entered into a Lease Agreement, dated February 1, 2023, by which the City leased certain city-owned public right of way to the Lessee ("Lease"). The parties hereby mutually agree to amend the Lease, as follows:

1) Paragraph 1 (The Leased Property) of the Lease is amended as follows:

1. The Leased Property: The Lessor hereby leases to the Lessee and the Lessee hereby leases from the Lessor approximately four hundred and seventy-nine (479) square feet of real property located between the southern property line of the Omni Hotel and the Downtown Pedestrian Mall, as designated on the attached Omni Terrace Area Calculations drawing dated April 27, 2023 (the "Leased Property").

2) Further, the attached Exhibit will replace the previous Exhibit A in the Lease.

3) Except as provided in Paragraphs 1 and 2, all of the terms, conditions and covenants of the Lease shall be and remain as set forth with the Lease, and the Lease, as amended, shall continue in full force and effect.

4) The individual who signs this Agreement on behalf of Lessee represents and warrants that (s)he has legal authority to bind Lessee to the terms of this Agreement and amended Lease.

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Samuel Sanders, Jr., City Manager

Date: _____

TENANT: OMNI CHARLOTTESVILLE VIRGINIA CORPORATION

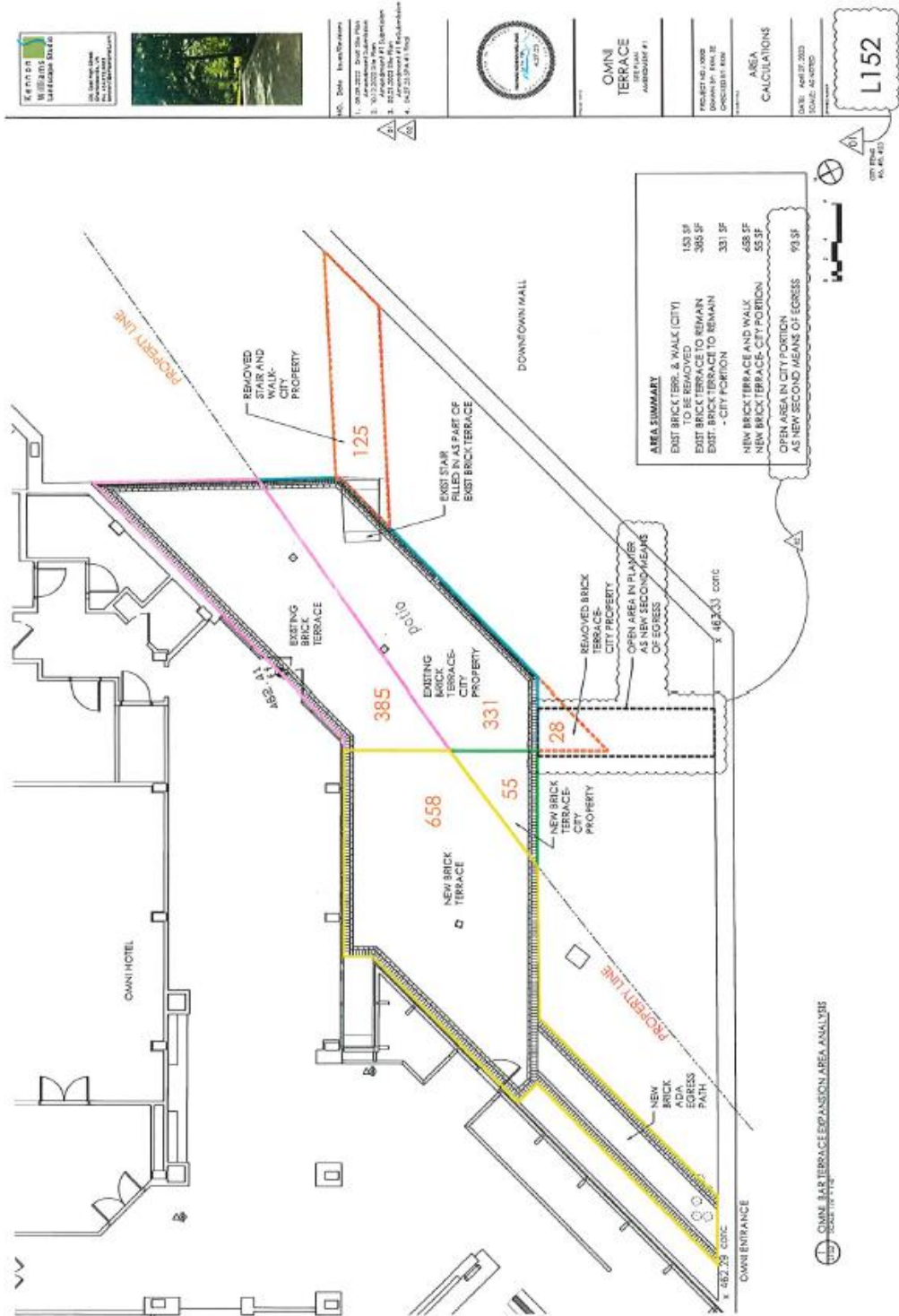
By: _____

Date: _____

Print Name: _____

Title: _____

Exhibit A



Suggested motion: “I move in favor of the Resolution approving the Amendment of the Lease Agreement with Omni Charlottesville Virginia Corporation”

RESOLUTION

Approving an Amendment of Lease Agreement to lease of public right-of-way at 212 Ridge-McIntire Road/235 West Main Street to Omni Charlottesville Virginia Corporation

WHEREAS, a Lease Agreement by and between the City of Charlottesville and Omni Charlottesville Virginia Corporation, was entered into in February 2023; and

WHEREAS, Omni Charlottesville Virginia Corporation wishes to amend that Lease Agreement pursuant to changes to the leased property area following renovations; and

WHEREAS, City Council has considered the terms of the proposed amendment to the lease; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the Agreement for Amendment of Lease presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the amended agreement on behalf of City Council.

Approved by Council
December 4, 2023

Kyna Thomas, CMC
Clerk of Council

Approved as to form:

Jacob P. Stroman
City Attorney

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



Agenda Date:	December 4, 2023
Action Required:	Consideration of a Rezoning Application
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	Ordinance to approve a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville for properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road - VERVE Charlottesville PUD – ZM23-00004

Background

Subtext Acquisitions, LLC (“Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (“Owner”) is requesting a Zoning Map Amendment pursuant to Sections 34-41 of the Code of the City of Charlottesville (“Code”) for properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road (“Subject Property”). The applicant is moving to rezone the Subject Property from Multifamily Residential (“R-3”) to Planned Unit Development (“PUD”) with a Development Plan and Proffer Statement. The application, proffer statement, and development plan include a commitment to affordable housing at two times the requirements of code Section 34-12; parking; a use matrix including a maximum dwelling units per acre (“DUA”); yard and height regulations; open space; and landscaping. The applicant is proposing to redevelop the Subject Property and replace the existing (62) residential units (spread between nine different buildings) with one building containing between (524) to (550) residential units. The proposed building will have a height range of (75) feet to (135) feet and stories that range from (5) to (12). In addition, the proposed PUD includes improved pedestrian and bicycle circulation along Stadium Road, Emmet Street, and Jefferson Park Avenue and road improvements to Montebello Circle. In order for the applicant to implement the PUD Development Plan, they will need additional approvals from City Council. These approvals include:

Application ZT23-09-02 – A zoning text amendment to remove the Individually Protected Property (IPP) designation from 104 Stadium Road.

Application CP23-00002 – The applicant is requesting an amendment to remove conditions from the November 4, 1996 ordinance vacating the Woodrow Street Right of Way (ROW) along with a request to zone the closed portion to Planned Unit Development (“PUD”) as described in application ZM23-00004. This review also includes a Code of Virginia, Section 15.2-2232 review from the Planning Commission.

An amendment to “An Ordinance Authorizing the Sale of Certain City-Owned Property Located at 409 Stadium Road” adopted May 2, 2011 – The applicant is proposing to amend the ordinance authorizing the sale of city-owned property located at 409 Stadium Road to remove conditions and allow for development.

Application P23-0055 - A Critical Slope Waiver per City Code Section 34-516(c). Critical Slopes exist on the Subject Property along the Montebello Circle frontage and will be impacted by the proposed development.

Application P23-0058 - A Sidewalk Waiver per City Code Section 29-182(j)(5) for a portion of Montebello Circle. The applicant’s development plan calls for fire access improvements to Montebello Circle, but due to site constraints they are requesting a waiver for a sidewalk along approximately 300 feet of frontage.

Discussion

Discussion:

The Planning Commission held an in-person and virtual joint Public Hearing with City Council on October 10, 2023 on this matter. The Planning Commission and City Council had the following comments on concerns:

- Concerned with the massing and scale of the development.
- Concerned that not enough parking is being provided.
- Concerned the project is not paying enough into the City’s affordable housing fund.

The Planning Commission believes this location is desirable for a denser development and will contribute to the goals of the City’s Comprehensive Plan. They believe many of the design elements such as the raised bike paths and street trees will be an overall improvement. Scale and massing were the main concerns but might be acceptable if the applicant made minor modifications to the massing along Stadium Road. Many of the Commissioners believed going to twelve (12) stories, while taller than what is stated in the Comprehensive Plan, is acceptable if other elements such as stepbacks and material changes are introduced along “the wall” of the building that fronts on Stadium Road. The applicant agreed to make minor changes to address these issues and they can be reviewed under attachment 1, 2, and 3 (The changes were provided to staff on November 20, 2023). There was some concern with the transition of the project along the Montebello Circle side, but these concerns were alleviated by the applicant during their presentation. Overall, the Planning Commission did not find the proposed development achieved the higher standards of a PUD but believes this is the right location and density for a project of this scale.

Link to the October 10, 2023 Planning Commission Public Hearing. Discussion starts at the 01:22:00 mark.

[Link](#)

Link to the full application and background materials. The Staff Report starts on page 47.

[Link](#)

During the October 10, 2023 Public Hearing there was a question regarding the enforceability of the affordable housing statement provided on the Cover Sheet of the PUD Development Plan. It has been determined that to ensure the statement is enforced as proposed by the applicant, it needs to be contained in a Proffer Statement. The applicant has provided the Proffer Statement containing the same language as the Planning Commission reviewed on October 10th with no additional changes to

the application (see attachment 5). On November 14, 2023, The Planning Commission held an in-person and virtual joint Public Hearing with City Council on the application with the addition of the proffer statement. The only discussion to come out of the Public Hearing was related to concerns from the University of Virginia that the building could be visible from the Lawn. UVA has provided City Council with a letter outlining these concerns.

Link to the November 14, 2023 Planning Commission Public Hearing. Discussion starts at the 0:1:15:42 mark.

[Link](#)

Link to the updated staff report, starting on page 161.

[Link](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the Rezoning, the project could contribute to the City Vision Statement of Housing: Charlottesville defines access to livable housing as a human right and works to ensure housing choices and mobility are provided for all who seek it through implementation of the Affordable Housing Plan.

Community Engagement

On June 12, 2023, the applicant held a community meeting in the Fellowship Hall of St. Mark Lutheran Church from 6pm to 8pm. The format of the meeting was an Open House with posters and the application team in attendance to answer questions and receive feedback. Approximately seven to eight members of the public attended the meeting and provided the following:

- Concern with the quantity of multifamily residential units proposed.
- Increase in vehicular traffic and distribution of vehicular traffic.
- Availability of parking within the development and potential parking spill-over onto neighborhood streets.
- Architectural quality of the built development.
- Concern about who will manage the building once it is finished.
- Concerns about how the development will impact longtime residents of the neighborhood.
- The building is too tall and will tower over the neighborhood.

On October 10, 2023, the Planning Commission held an in-person and virtual joint Public Hearing with City Council that was well attended by the public. Eleven (11) members of the public spoke and expressed the following:

- The scale is too large and will have an adverse impact on existing residents of the neighborhood.
- A large number of mature trees will be removed.
- Density is needed in this area and will create more housing options.
- The height and scale are not compatible with the existing neighborhood.
- The City needs this project to help address the housing shortage.

On October 10, 2023, the Planning Commission held an in-person and virtual joint Public Hearing with City Council that was well attended by the public. Two (2) members of the public spoke and expressed the following:

- The applicant is not contributing enough money to the City's Affordable Housing Fund.

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

Budgetary Impact

This has no impact on the General Fund.

Recommendation

The Planning Commission voted 5-1 to recommend the application be approved for the Rezoning.

Suggested:

"I move to approve the ORDINANCE for application ZM23-00004 rezoning the Properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road, City Tax Map Parcels 160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 from Multifamily Residential (R-3) to Planned Unit Development (PUD)."

Alternatives

City Council has several alternatives:

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

Attachments

- 1. Memo outlining the changes made to the PUD after the October 10th and November 14, 2023 Public Hearings.
- 2. VERVE Charlottesville PUD Development Plan Dated November 17, 2023. (1)
- 3. Updated ADU Worksheet.
- 4. Signed Proffer Statement dated October 23, 2023.
- 5. Rezoning Ordinance.

November 17, 2023

City of Charlottesville
Neighborhood Development Services
c/o Matt Alfele
P.O. Box 911
Charlottesville, VA 22902

RE: Revisions to PUD Application Package

Dear Mr. Alfele,

Enclosed you will find revised materials for the proposed VERVE Charlottesville PUD following the October 10, 2023 Planning Commission Joint Public Hearing. The revised massing focuses on reductions near the main entry at the northwestern corner of the property where the prior building design has been modified to express two separate buildings. The mass of the lower eastern building remains largely unchanged, although redesign of the exterior façade has occurred throughout. Another area of focus was stepping back the façade at the southwest corner of the property near the intersection of Montebello Circle and Stadium Road. We believe these changes along with other subtle revisions benefit the overall project and bring the project in line with the commentary at the October 10 Planning Commission Joint Public Hearing.

A. Summary of Revisions from the September 25, 2023 PUD Plan

1. The enclosed revisions resulted in a net reduction of approximately 70,000 gross square feet and approximately 175 bedrooms.
2. The 12-story building has been separated into 2 buildings at the northwestern corner of the property (Stadium Road and Emmet Street), with a 2-story connection at the primary corner containing active residential and non-residential uses. The 12-story building along Emmet Street has been extended to include the northeastern corner of the property (Emmet Street and Jefferson Park Avenue).
3. The building setback at the southwest corner of the property (Stadium Road and Montebello Circle) was increased by an additional 6'-8" to now be approximately 25' minimum from the property line at Montebello Circle for the first 3 levels. Additionally, levels 4-11 fronting Montebello Circle at the southwest corner have been stepped back by approximately 15' for an overall distance from the property line of approximately 40' minimum.
4. Residential units have been added through a 5-story volume spanning the interior courtyards, matching the height of the lower eastern and southern masses that front Jefferson Park Avenue and Montebello Circle.
5. A non-residential space has been added at the corner of Stadium Road and Emmet Street intended for a future neighborhood-scale retail use such as a market or coffee shop.
6. A secondary residential entrance has been located at the corner of Jefferson Park Avenue and Emmet Street in lieu of the bicycle entrance, and the bicycle entrance has been shifted south along Jefferson Park Avenue.
7. Approximately 17 parking spaces have been added to the drop-off area along Stadium Road to better accommodate ride-share services, food and package deliveries, prospective residents, etc.
8. Previously, the PUD Plan denoted a "potential curb cut for trash pickup" off Montebello Circle at the southwest corner of the building. This trash location has been formally included due to the separation of the buildings and the need for additional trash facilities to serve this portion of the building.

B. Affordable Housing


1. A separate Proffer Statement has been prepared and included.
2. The Applicant is now Proffering a cash contribution equal to four times that which would be required under City Code Section 34-12(d)(2) based on the approved final site plan, up to a maximum of Six Million Dollars (\$6,000,000.00).
3. An updated Affordable Dwelling Unit Ordinance Worksheet has been included.

C. PUD Development Plan

1. T1 – Title Sheet
 - a. Updated project cover image to reflect the revisions outlined in Section A.
 - b. Relocated Project Metrics to T3.
 - c. Added Land Use Plan Regulations for the PUD density, dimensional, and parking regulations.
 - d. Revised Implementation of Planned Unit Development Regulations statement to “The PUD shall be administered in accordance with Article V of the Charlottesville Code of Ordinances.”
 - e. Removed Affordable Housing statement in its entirety. A separate Proffer Statement has been included as outlined in Section B.
2. T2 – Zoning Information
 - a. Revised Use Matrix to address public health and service uses, houses of worship, amateur radio antennas, parking uses, and maximum residential density, etc.
 - b. Removed Use Matrix (Draft Zoning).
 - c. Removed Proposed Draft Zoning aerial.
3. T3 – Zoning Information & Metrics
 - a. Added Project Metrics.
 - b. Revised Project Metrics to reflect the revisions outlined in Section A.
 - c. Revised Dimensional Regulations to Comparison of Proposed Land Use Plan Regulations with Zoning Ordinance. The PUD Regulations are now outlined in the Land Use Plan Regulations on T1.
 - d. Updated Comparison of Proposed Land Use Plan Regulations with Zoning Ordinance to reflect the revisions outlined in Section A.
 - e. Removed Zoning Lot Regulations (Draft Zoning).
 - f. Removed Building Regulations (Draft Zoning).
4. T4 – Conceptual Site Diagrams
 - a. Updated Potential Option for Property Line Realignment Diagram to reflect the revisions outlined in Section A.
 - b. Updated Pedestrian and Bike Facility Diagram to reflect the revisions outlined in Section A.
 - c. Updated Open Space Diagram to reflect the revisions outlined in Section A.
5. C4 – Critical Slope – Site Overlay
 - a. Background revisions only.
6. C6 – Conceptual PUD Site Development Plan
 - a. Background revisions only.
7. C7 – Conceptual PUD Utility Plan
 - a. Background revisions only.
8. C8 – Conceptual PUD Grading and Stormwater Management Plan
 - a. Background revisions only.

9. C9 – Conceptual PUD Road Sections
 - a. Background revisions only.
10. L501 – Conceptual Landscape Plan
 - a. Background revisions only.
11. A0 – Conceptual Development Plan
 - a. Updated plan to reflect revisions outlined in Section A.
12. A1 – Conceptual Floor Plans
 - a. Updated plan to reflect revisions outlined in Section A
13. A2 – Conceptual Floor Plans
 - a. Updated plan to reflect revisions outlined in Section A
14. A3 – Conceptual Floor Plans
 - a. Added sheet.
 - b. Updated plan to reflect revisions outlined in Section A.
15. A4 – Conceptual Exterior Elevations
 - a. New Sheet number due to additional floor plan sheet.
 - b. Updated elevations to reflect the revisions outlined in Section A.
16. A5 – Conceptual Exterior Elevations
 - a. New Sheet number due to additional floor plan sheet.
 - b. Updated elevations to reflect the revisions outlined in Section A.
17. A6 – Conceptual Exterior Elevations
 - a. New Sheet number due to additional floor plan sheet.
 - b. Updated building sections to reflect the revisions outlined in Section A.
18. A7 – Conceptual Building Sections
 - a. New Sheet number due to additional floor plan sheet.
 - b. Revised building sections to reflect the revisions outlined in Section A.
19. A8 – Conceptual Building Sections
 - a. New Sheet number due to additional floor plan sheet.
 - b. Revised building sections to reflect the revisions outlined in Section A.
20. A9 – Conceptual Renderings
 - a. New Sheet number due to additional floor plan sheet.
 - b. Revised renderings to reflect the revisions outlined in Section A.

Sincerely,



Dylan Lambur
Development Manager
Subtext

VERVE CHARLOTTESVILLE | 100 Stadium Rd, Charlottesville VA

100 STADIUM ROAD
Charlottesville, VA



LAND USE PLAN REGULATIONS

Maximum Number of Dwelling Units:	550
Maximum Number of Dwelling Units/Acre:	167 DUA
Maximum Height:	135 feet 12 Stories
Minimum Square Feet of Non-Residential:	1000 sf
Minimum Setbacks:	
Front:	1'
Side:	1'
Rear:	15'
Minimum Open Space (Gross Area):	15%
Off-Street Parking Requirements:	
Multifamily Dwelling:	0.5 Spaces per unit
General Office Use:	1 space/500 sq. ft. of GFA
Convenience Store:	1 space/500 sq. ft. of GFA
General, Retail Sales:	1 space/500 sq. ft. of GFA
Restaurants, Generally:	1 space/500 sq. ft. of GFA
All Other Uses:	As Req'd by Ordinance Sec 34-984

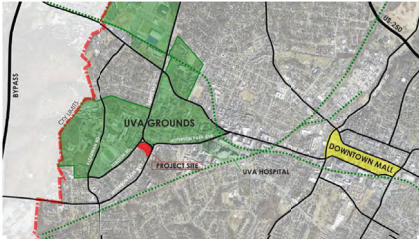
DRAWING INDEX

DRAWING INDEX - PUD			
DRAWING NUMBER	DRAWING NAME	PUD - 8/15/2023	PUD - 11/09/2023
		PUD - 11/17/2023	
GENERAL INFORMATION			
T1	TITLE SHEET	•	•
T2	ZONING INFORMATION	•	•
T3	ZONING INFORMATION & METRICS	•	•
T4	CONCEPTUAL SITE DIAGRAMS	•	•
CIVIL			
C1.1	ALTA SURVEY	•	•
C1.2	ALTA SURVEY	•	•
C1.3	ALTA SURVEY	•	•
C1.4	ALTA SURVEY	•	•
C2	PEDESTRIAN NETWORK PLAN	•	•
C3	NATURAL ENVIRONMENTAL & CULTURAL FEATURE MAP	•	•
C4	CRITICAL SLOPE SITE OVERLAY	•	•
C5	CONCEPTUAL PUD DEMOLITION PLAN	•	•
C6	CONCEPTUAL PUD SITE DEVELOPMENT PLAN	•	•
C7	CONCEPTUAL PUD UTILITY PLAN	•	•
C8	CONCEPTUAL PUD GRADING AND STORMWATER MANAGEMENT PLAN	•	•
C9	CONCEPTUAL PUD ROAD SECTIONS	•	•
LANDSCAPE			
L501	CONCEPTUAL LANDSCAPE PLAN	•	•
ARCHITECTURAL			
A0	CONCEPTUAL DEVELOPMENT PLAN	•	•
A1	CONCEPTUAL FLOOR PLANS	•	•
A2	CONCEPTUAL FLOOR PLANS	•	•
A3	CONCEPTUAL FLOOR PLANS	•	•
A4	CONCEPTUAL EXTERIOR ELEVATIONS	•	•
A5	CONCEPTUAL EXTERIOR ELEVATIONS	•	•
A6	CONCEPTUAL EXTERIOR ELEVATIONS	•	•
A7	CONCEPTUAL BUILDING SECTIONS	•	•
A8	CONCEPTUAL BUILDING SECTIONS	•	•
A9	CONCEPTUAL EXTERIOR RENDERINGS	•	•

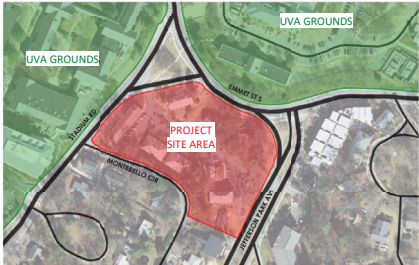
IMPLEMENTATION OF PLANNED UNIT DEVELOPMENT REGULATIONS

The PUD shall be administered in accordance with Chapter 34 Article 5 Divisions 1-3 of the City of Charlottesville Zoning Ordinance in effect on November 14, 2023

PROJECT LOCATION



Vicinity



Site Location

PROJECT TEAM

OWNER/DEVELOPER:	Subtext Acquisitions, LLC 3000 Locust Street St. Louis, MO 63101 Ph: 314-502-1709
ARCHITECT:	ESG Architecture & Design, Inc. 500 Washington Ave. South, Suite 1080 Minneapolis, MN 55415 Ph: 612-339-5508 Fx: 612-339-5382
CIVIL ENGINEER:	Timmons Group 608 Preston Avenue Suite 200 Charlottesville, VA 22903 Ph: 434-295-5624
LANDSCAPE ARCHITECT:	AIC Design Group, LLC 1991 Woodland Way Dunwoody, GA 30338 Ph: 770-330-0814

esg
ARCHITECTURE & DESIGN
500 Washington Avenue South, Suite 1080
Minneapolis, MN 55415
p 612.339.5508 f 612.339.5382
www.esgarch.com

NOT FOR CONSTRUCTION

PUD
11/17/2023

ORIGINAL ISSUE:
REVISIONS
No. Description Date

222534
PROJECT NUMBER
JH NR
DRAWN BY CHECKED BY

KEY PLAN

100 STADIUM ROAD

TITLE SHEET

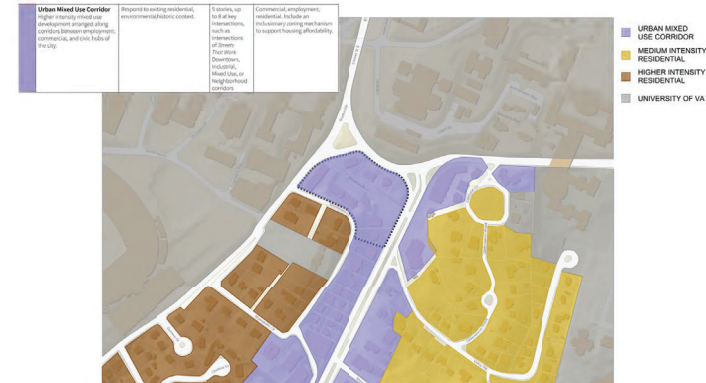
T1

USE MATRIX

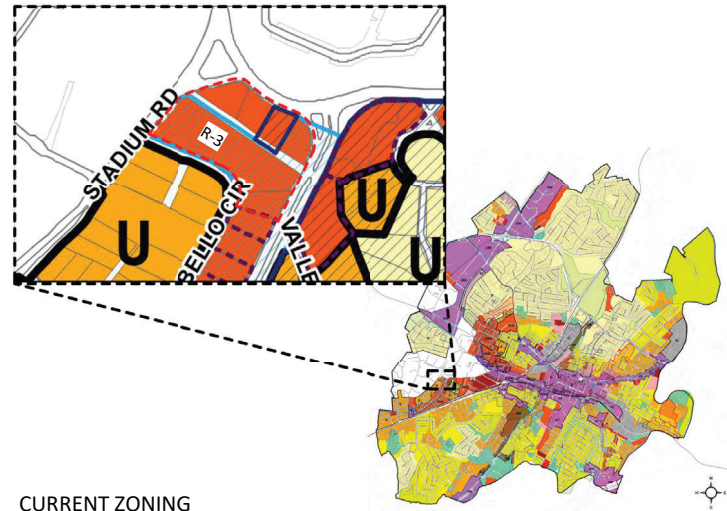
Use Matrix		
B = By-Right Use; () = Use Not Allowed; P = Provisional Use Permit; S = Special Use Permit; T = Temporary Use Permit; A = Ancillary Use; A/C = Ancillary or Special Use Permit		
	R-3	Proposed PUD
RESIDENTIAL AND RELATED USES		
Accessory apartment, internal	B	
Accessory apartment, external	P	
Accessory buildings, structures and uses	B	B
Adult assisted living		
1—8 residents	B	B
Greater than 8 residents	S	
Adult day care	S	
Amateur radio antennas, to a height of 75 ft.	B	B
Bed-and-breakfast:		
Homestay	B	B
B & B	B	B
Inn	S	
Boarding: fraternity and sorority house	S	
Boarding house (ooming house)	S	
Convent/monastery	S	
Dwellings:		
Multifamily	B	B
Single-family attached	B	
Single-family detached	B	
Townhouse	B	
Two-family	B	
Family day home		
1—5 children	B	
6—12 children	B	
Home occupation	P	B
Nursing homes	S	
Occupancy, residential		
3 unrelated persons	B	B
4 unrelated persons	B	B
Residential density (developments)		
1—21 DUA	B	B
22—43 DUA	S	B
44—64 DUA	S	B
65—87 DUA	S	B
88—167 DUA		B
Residential treatment facility		
1—8 residents	B	B
8+ residents	S	
Shelter care facility	S	
Single room occupancy facility	S	
Temporary family health care structure	T	
NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL		
Access to adjacent multifamily, commercial, industrial or mixed-use development or use	B	B
Accessory buildings, structures and uses	B	B
Houses of worship	B	B
Temporary (outdoor church services, etc.)	T	
Cemetery	S	
Clinics:		
Health clinic (up to 4,000 SF, GFA)	B	B
Public health clinic	B	B
Clubs, private	S	
Communication facilities:		
Attached facilities utilizing utility poles as the attachment structure	B	B
Attached facilities not visible from any adjacent street or property	B	B
Daycare facility	B	B
Educational facilities (non-residential)		
Elementary	B	B
High schools	B	B

Colleges and universities	B	B
Funeral home (without crematory)		
GFA 4,000 SF or less	S	
GFA up to 10,000 SF	S	
Funeral homes (with crematory)		
GFA 4,000 SF or less	S	
GFA up to 10,000 SF	S	
Laundromats	A	A
Libraries	B	B
Municipal/governmental offices, buildings, courts	S	-
Offices:		
Business and professional		B
Medical		B
Philanthropic institutions/agencies		B
Property management	A	B
Other offices (non-specified)		B
Parking:		
Parking garage	A/S	A
Surface parking lot	A	A
Surface parking lot (more than 20 spaces)	A	A
Temporary parking facilities		
Recreational facilities:		
Indoor: health/sports clubs tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on City-owned, City School Board-owned, or other public property)	B	
Indoor: health/sports clubs tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on private property)		
GFA 4,000 SF or less	A	B
GFA up to 10,000 SF		B
GFA more than 10,000 SF		B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. city owned), and related concession stands	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. private)	S	

Restaurants:		
Fast food		B
Full service		B
Utility facilities	S	
Utility lines	B	B
NON-RESIDENTIAL USES: RETAIL		
Consumer service businesses		
Up to 4,000 SF, GFA	A	B
Grocery stores:		
Convenience		B
General, up to 10,000 SF, GFA		B
Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.)		T
Other retail stores (non-specified):		
Up to 4,000 SF, GFA		B
Up to 20,000 SF GFA		B
NON-RESIDENTIAL: INDUSTRIAL		
Construction storage yard		T



LAND USE MAP



CURRENT ZONING

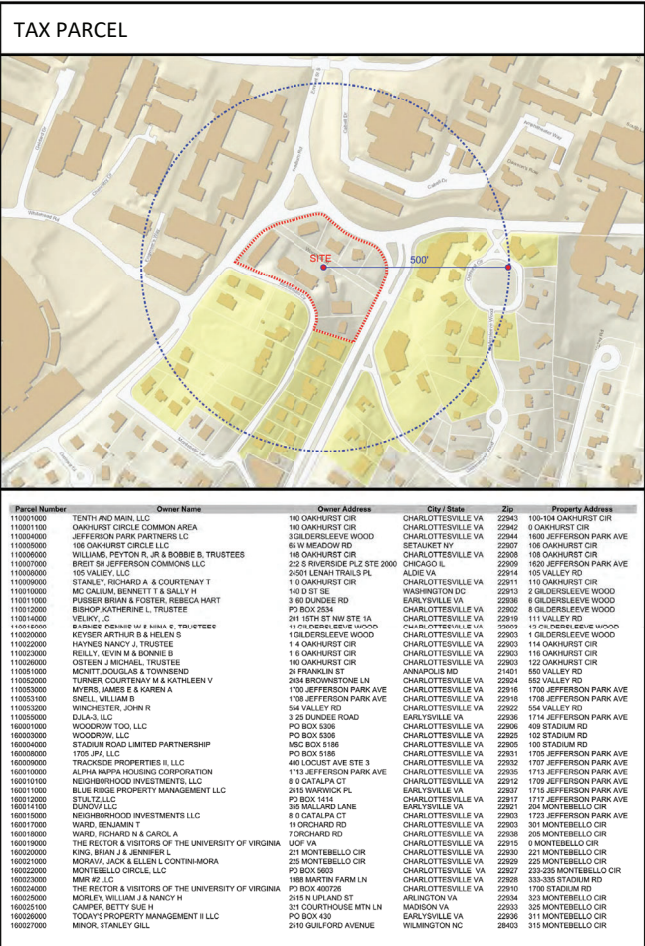
100 STADIUM ROAD
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PUD		
11/17/2023		
ORIGINAL ISSUE: 08/11/23		
REVISIONS	Description	Date
No.		
222534		
PROJECT NUMBER		
JH	NR	
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KEY PLAN		
100 STADIUM ROAD		
ZONING INFORMATION		
T2		

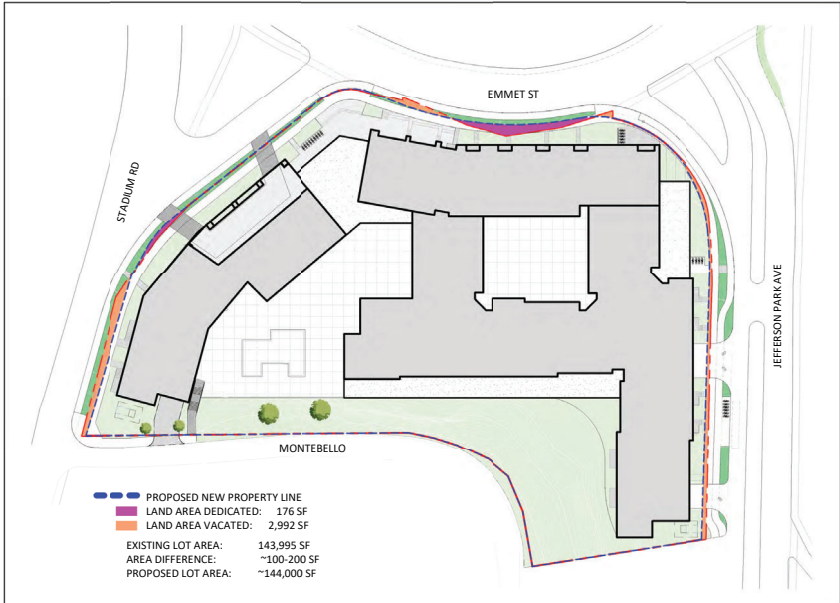
Comparison of Proposed Land Use Plan Regulations with Zoning Ordinance		
	Current R-3 Zoning: Consisting of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged.	PUD: To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern.
Physical Characteristics		
Height	45' Up to 101' by SUP	135'
Front Yard	25' min	1' min
Side Yard	1' per 2' height, 10' min.	1' min.
Rear Yard	25' min	15' min.
Land Coverage	75% max.	75% max.
Density	Up to 21 DUA Up to 87 DUA by SUP	Up to 167 DUA
Parking	722 spaces (1 space per Efficiency=3BR unit; 2 spaces per 3BR=4BR unit)	411 spaces



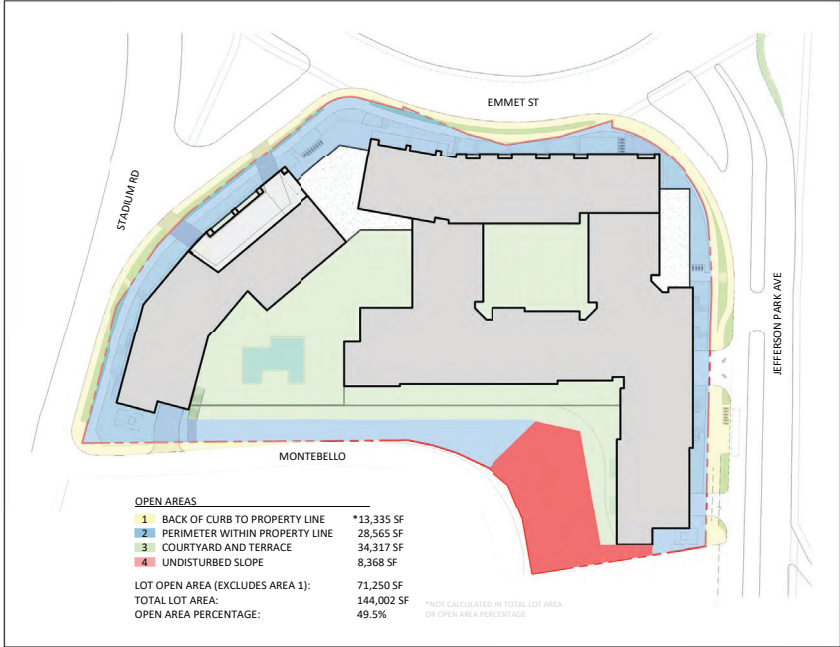
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PUD 11/17/2023		
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REVISIONS		
No.	Description	Date
222534		
PROJECT NUMBER		
JH	NR	
DRAWN BY	CHECKED BY	
KEY PLAN		
100 STADIUM ROAD		
CONCEPTUAL SITE DIAGRAMS		
T4		

POTENTIAL OPTION FOR PROPERTY LINE REALIGNMENT / SIMPLIFICATION

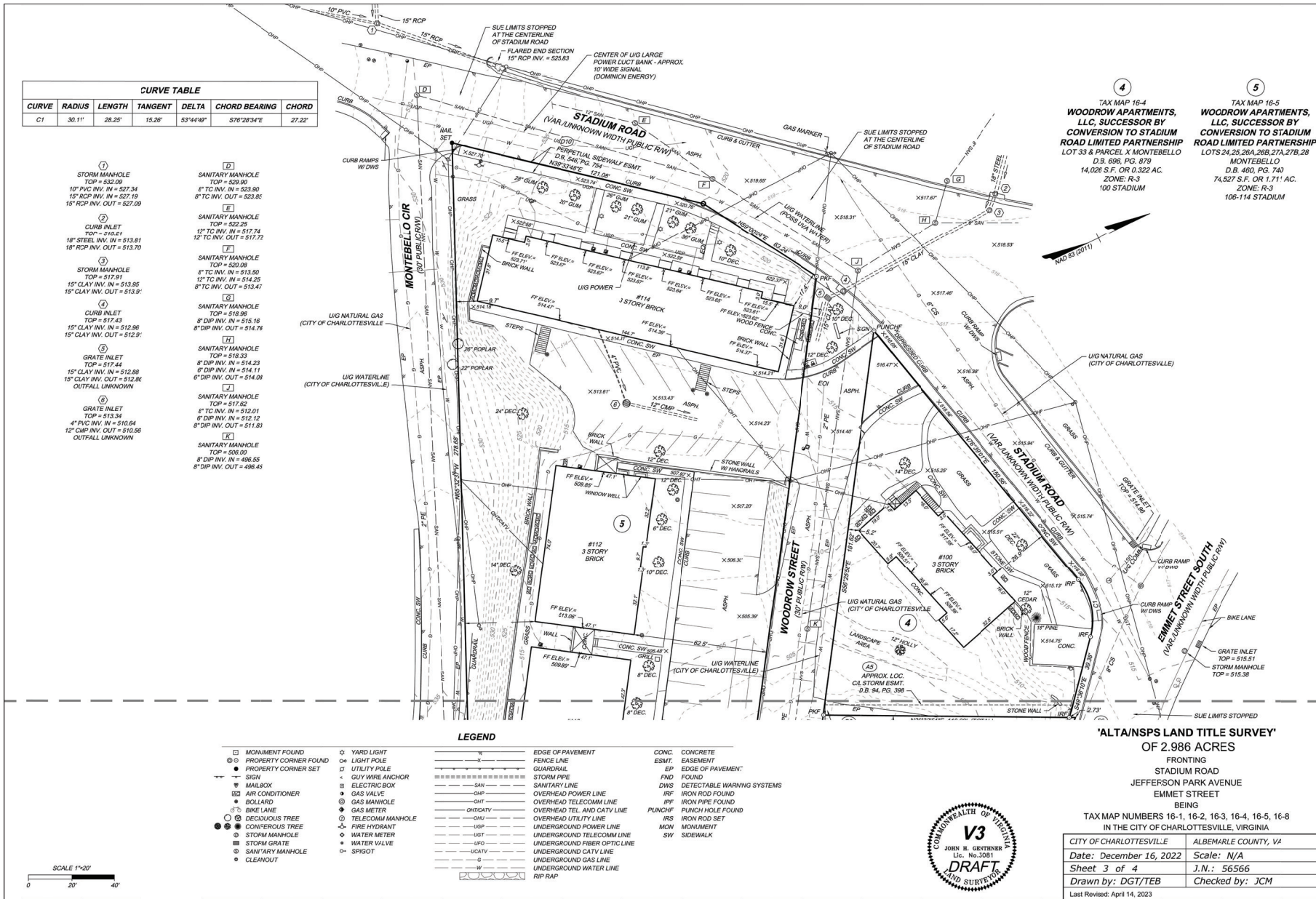


OPEN SPACE DIAGRAM



PEDESTRIAN AND BIKE FACILITY DIAGRAM





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CONSTRUCTION**

PUD
11/17/2023

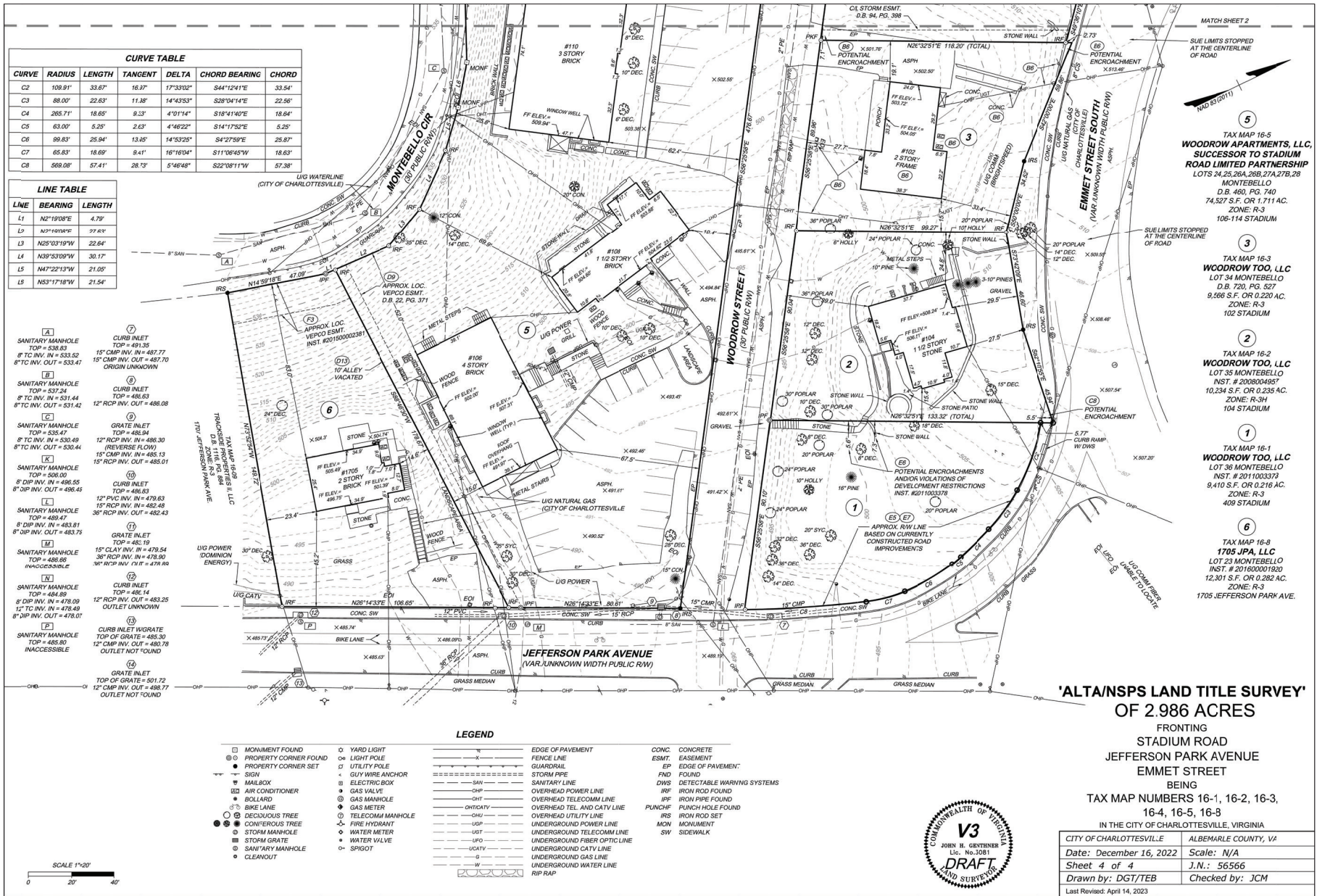
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No.	Description	Date

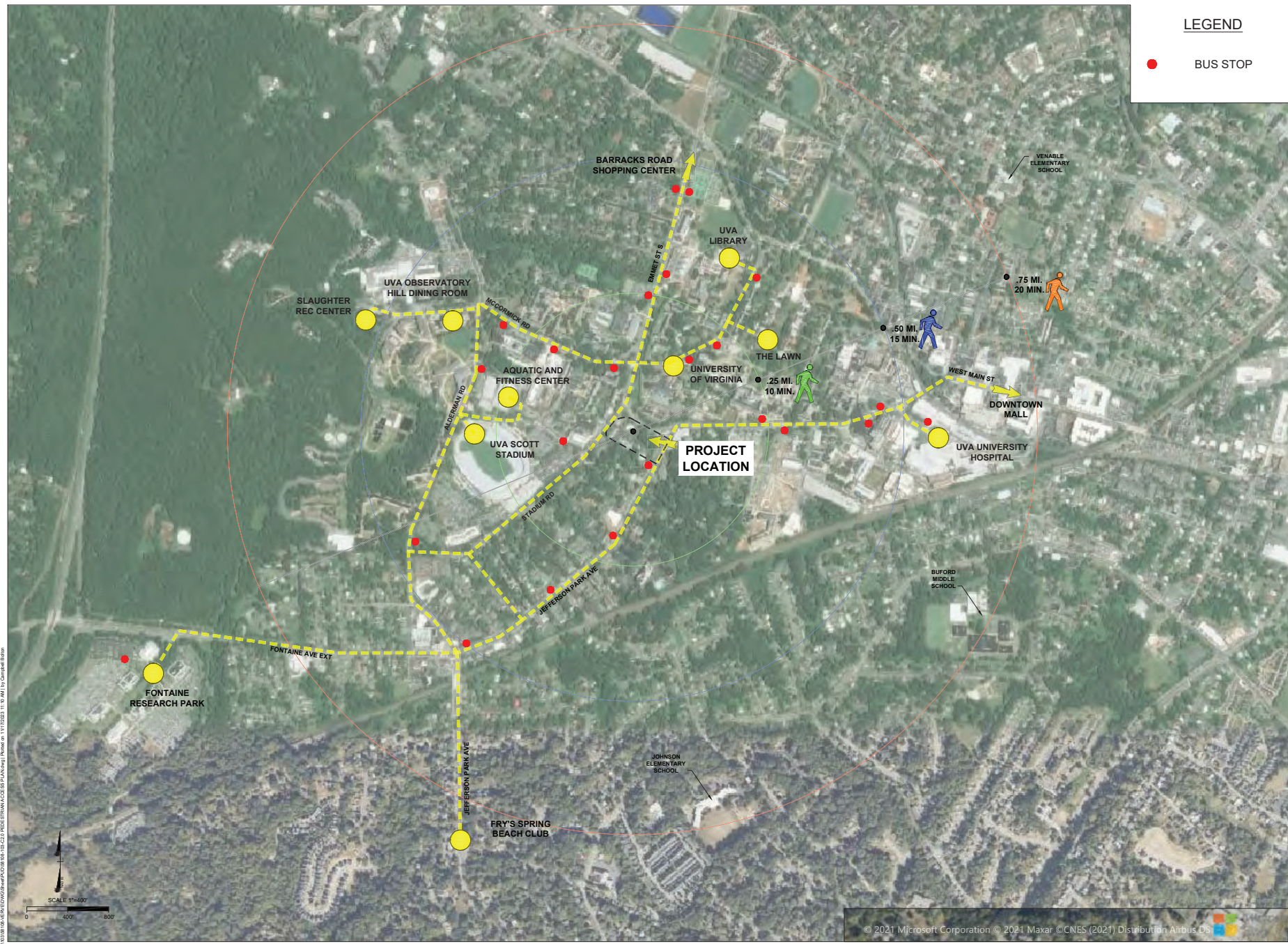
58108
TIMMONS JOB NUMBER
TIMM
DRAWN BY
TIMM
CHECKED BY
KEY PLAN

104 STADIUM ROAD

ALTA SURVEY (4 OF 4)

C1.4





LEGEND

- BUS STOP

104 STADIUM ROAD
Charlottesville, VA

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

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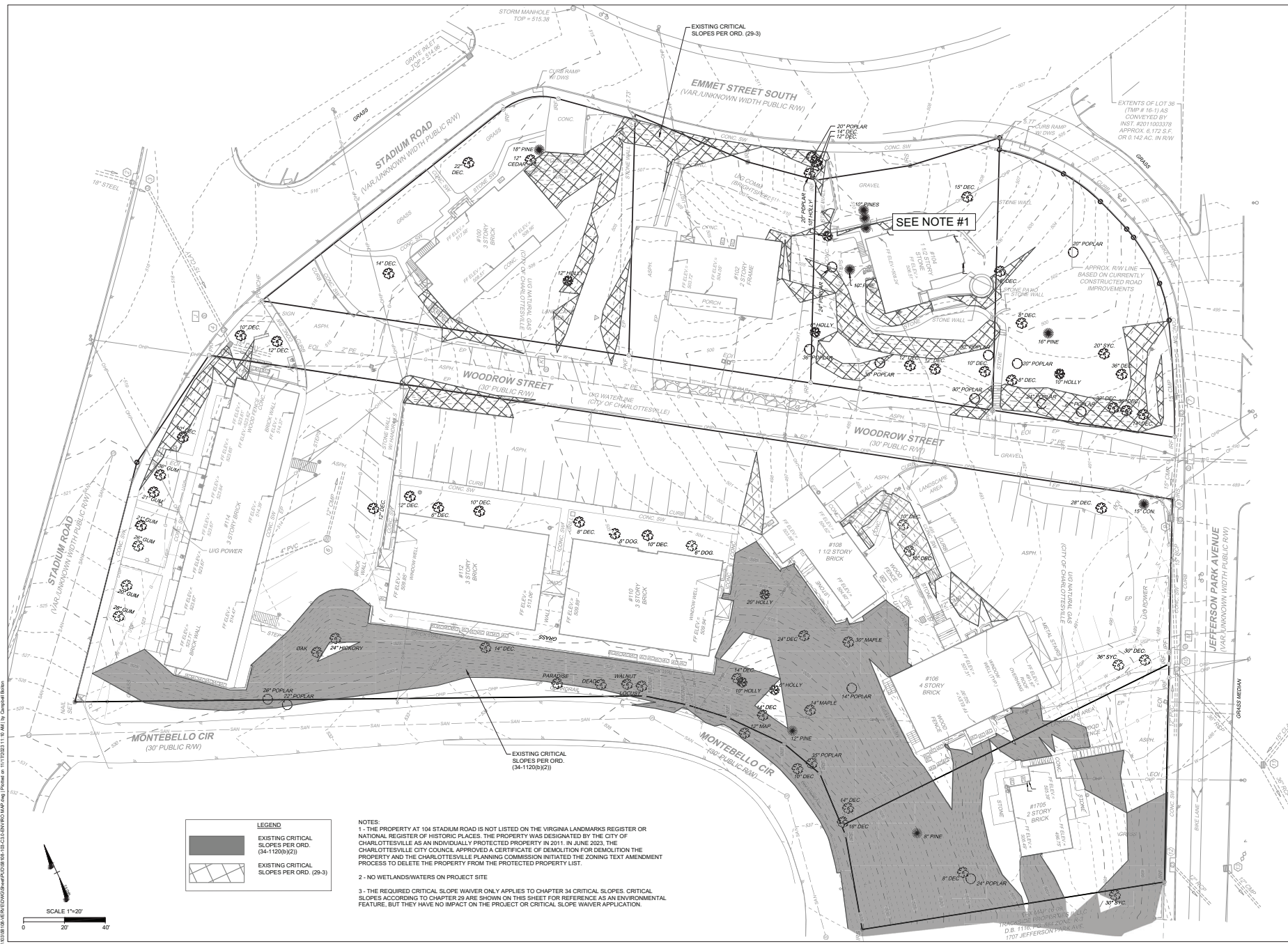
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ORIGINAL ISSUE: 08/25/23		
REVISIONS		
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58108		
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KEY PLAN		
104 STADIUM ROAD		
PEDESTRIAN NETWORK PLAN		
C2		

6/10/2023 10:45 AM REVISED FOR PUD 108-108-C2-02 PEDESTRIAN ACCESS (P.A. Notes) (Printed on 11/17/2023 11:10 AM) by Campbell Batten

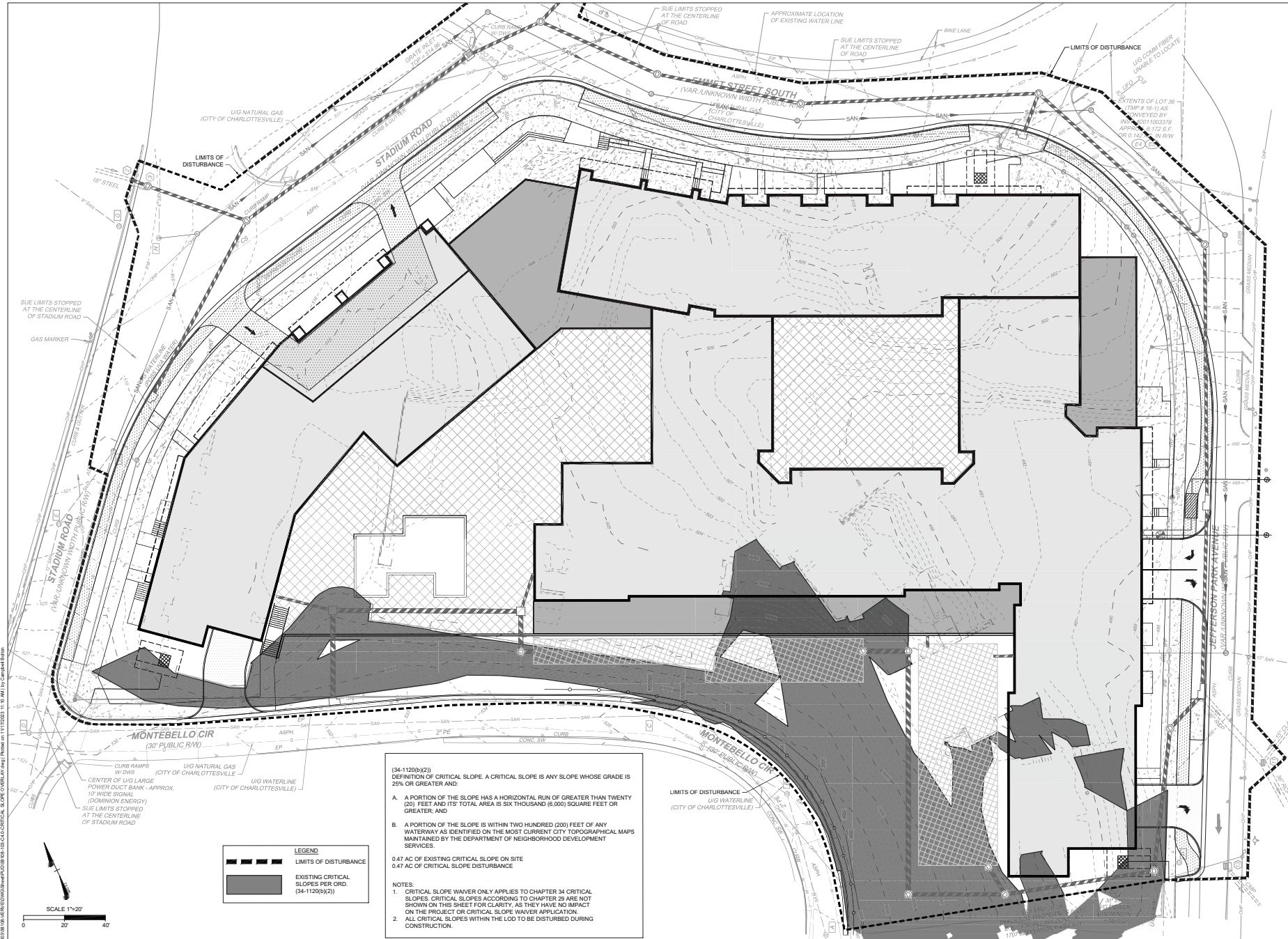
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PUD 11/17/2023		
ORIGINAL ISSUE: 08/15/23		
REVISIONS	No.	Description Date
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TIMMONS JOB NUMBER		
TIMM TIMM		
DRAWN BY CHECKED BY		
KEY PLAN		
104 STADIUM ROAD		
NATURAL, ENVIRONMENTAL, & CULTURAL FEATURE MAP		
C3		



6/10/2023 10:48:46 REVISED: 6/10/2023 10:48:46 C:\34-1120(b)(2) MAP.dwg [Plotted on 11/17/2023 11:10 AM] by: Campbell Blevins



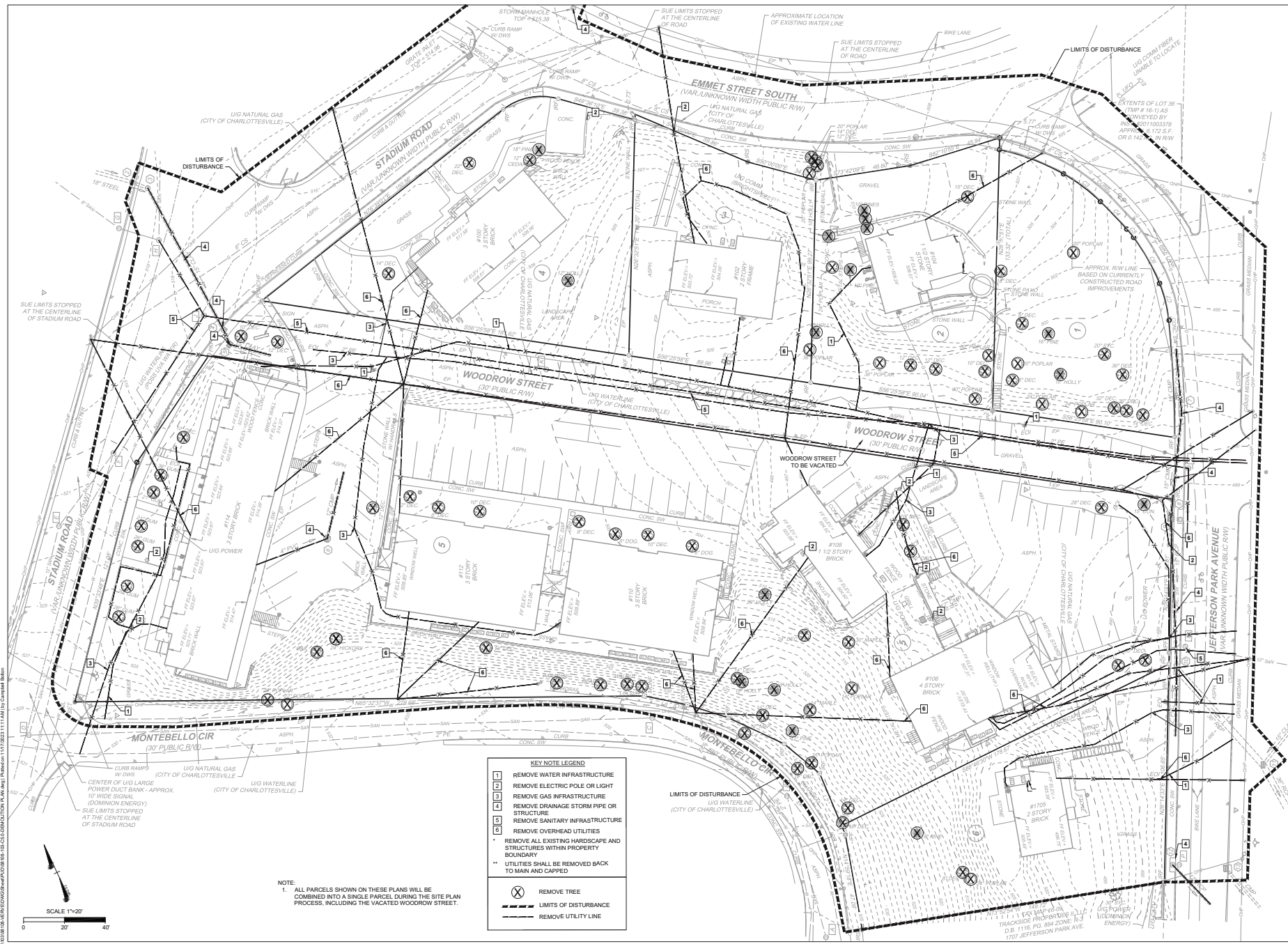
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PUD		
11/17/2023		
ORIGINAL ISSUE: 08/15/23		
REVISIONS		
No.	Description	Date
58108		
TIMMONS JOB NUMBER		
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DRAWN BY	CHECKED BY	
KEY PLAN		
104 STADIUM ROAD		
CRITICAL SLOPE - SITE OVERLAY		
C4		



6/10/2018 10:48:10 AM REVISED PUD 08-18-C5-DEMOLITION PLAN.dwg | Filename: 1117023.111.dwg | Plotted By: Campbell Babin

NOTE:
1. ALL PARCELS SHOWN ON THESE PLANS WILL BE COMBINED INTO A SINGLE PARCEL DURING THE SITE PLAN PROCESS, INCLUDING THE VACATED WOODROW STREET.

KEY NOTE LEGEND

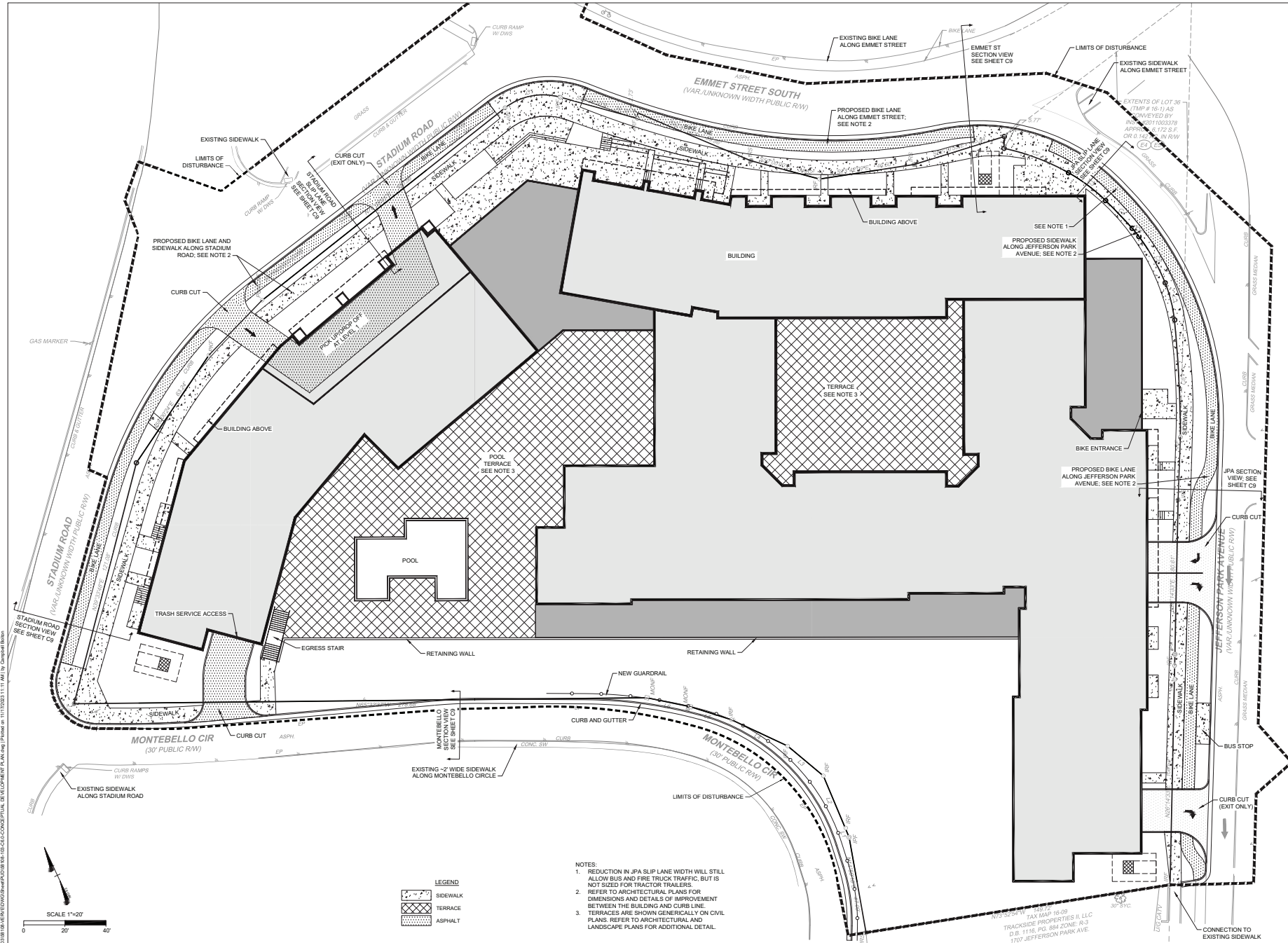
1	REMOVE WATER INFRASTRUCTURE
2	REMOVE ELECTRIC POLE OR LIGHT
3	REMOVE GAS INFRASTRUCTURE
4	REMOVE DRAINAGE STORM PIPE OR STRUCTURE
5	REMOVE SANITARY INFRASTRUCTURE
6	REMOVE OVERHEAD UTILITIES
7	REMOVE ALL EXISTING HARDSCAPE AND STRUCTURES WITHIN PROPERTY BOUNDARY
8	UTILITIES SHALL BE REMOVED BACK TO MAIN AND CAPPED
(X)	REMOVE TREE
---	LIMITS OF DISTURBANCE
---	REMOVE UTILITY LINE

104 STADIUM ROAD
Charlottesville, VA

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104 STADIUM ROAD		
CONCEPTUAL PUD DEMOLITION PLAN		
C5		



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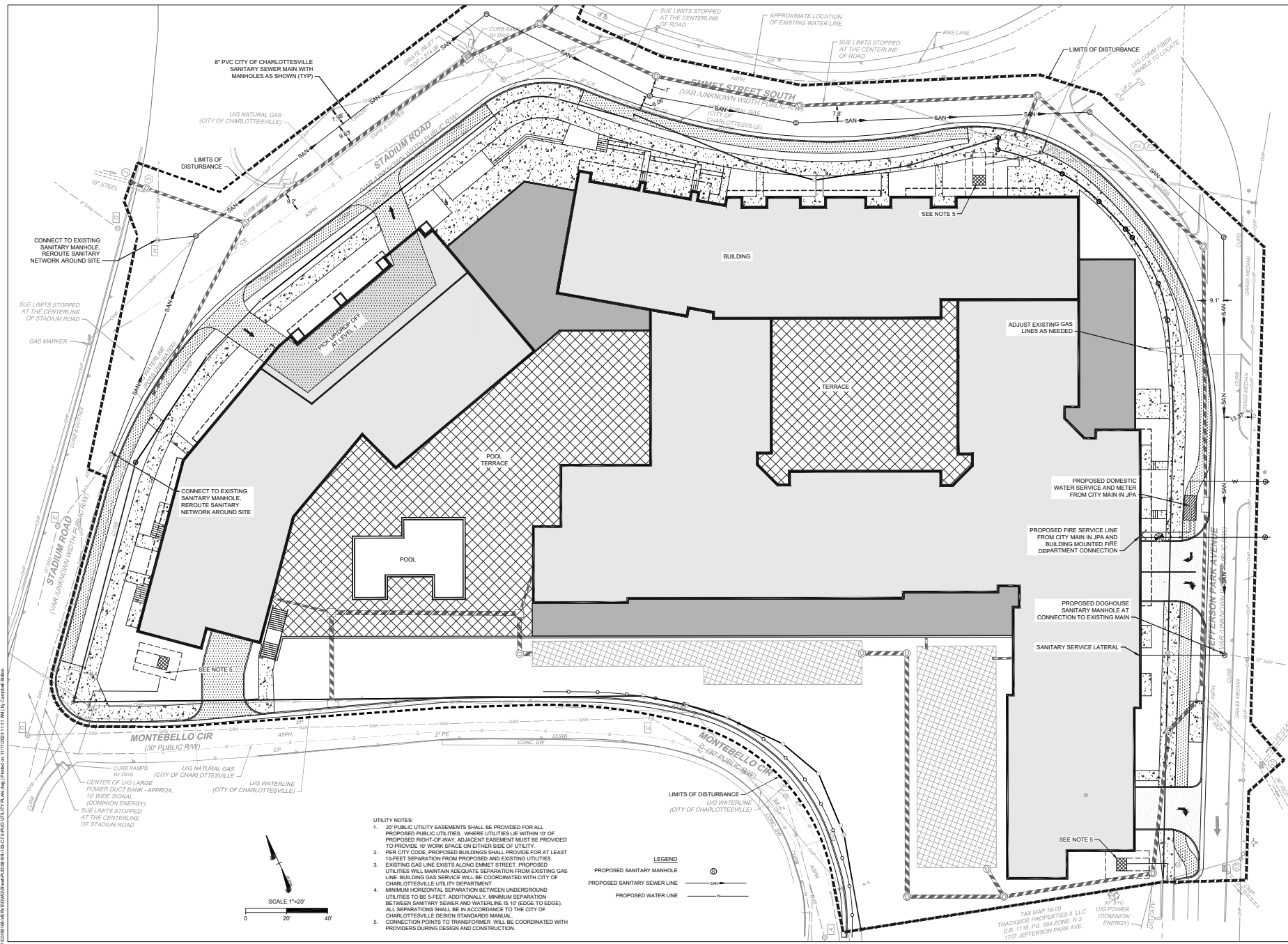
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104 STADIUM ROAD		
CONCEPTUAL PUD SITE DEVELOPMENT PLAN		
C6		



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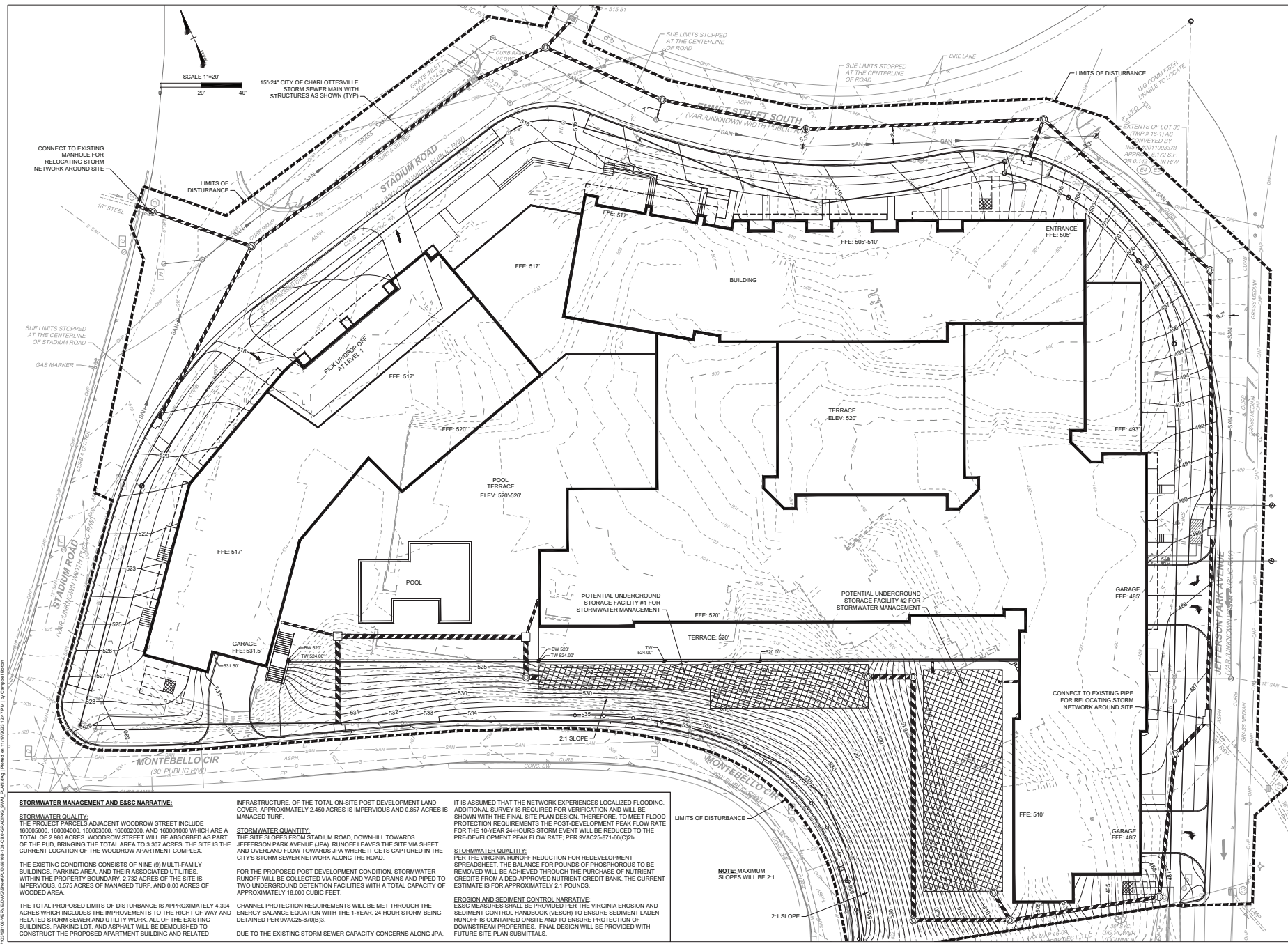
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CONCEPTUAL PUD UTILITY PLAN		
C7		



STORMWATER MANAGEMENT AND E&C NARRATIVE:

STORMWATER QUALITY:
THE PROJECT PARCELS ADJACENT WOODROW STREET INCLUDE 160005000, 160004000, 160003000, 160002000, AND 160001000 WHICH ARE A TOTAL OF 2.986 ACRES. WOODROW STREET WILL BE ABSORBED AS PART OF THE PUD, BRINGING THE TOTAL AREA TO 3.307 ACRES. THE SITE IS THE CURRENT LOCATION OF THE WOODROW APARTMENT COMPLEX.

THE EXISTING CONDITIONS CONSISTS OF NINE (9) MULTI-FAMILY BUILDINGS, PARKING AREA, AND THEIR ASSOCIATED UTILITIES WITHIN THE PROPERTY BOUNDARY. 2.732 ACRES OF THE SITE IS IMPERVIOUS, 0.075 ACRES OF MANAGED TURF, AND 0.00 ACRES OF WOODED AREA.

THE TOTAL PROPOSED LIMITS OF DISTURBANCE IS APPROXIMATELY 4.394 ACRES WHICH INCLUDES THE IMPROVEMENTS TO THE RIGHT OF WAY AND RELATED STORM SEWER AND UTILITY WORK. ALL OF THE EXISTING BUILDINGS, PARKING LOT, AND ASPHALT WILL BE DEMOLISHED TO CONSTRUCT THE PROPOSED APARTMENT BUILDING AND RELATED

INFRASTRUCTURE. OF THE TOTAL ON-SITE POST DEVELOPMENT LAND COVER, APPROXIMATELY 2.450 ACRES IS IMPERVIOUS AND 0.857 ACRES IS MANAGED TURF.

STORMWATER QUANTITY:
THE SITE SLOPES FROM STADIUM ROAD, DOWNHILL TOWARDS JEFFERSON PARK AVENUE (JPA). RUNOFF LEAVES THE SITE VIA SHEET AND OVERLAND FLOW TOWARDS JPA WHERE IT GETS CAPTURED IN THE CITY'S STORM SEWER NETWORK ALONG THE ROAD.

FOR THE PROPOSED POST DEVELOPMENT CONDITION, STORMWATER RUNOFF WILL BE COLLECTED VIA ROOF AND YARD DRAINS AND PIPED TO TWO UNDERGROUND DETENTION FACILITIES WITH A TOTAL CAPACITY OF APPROXIMATELY 18,000 CUBIC FEET.

CHANNEL PROTECTION REQUIREMENTS WILL BE MET THROUGH THE ENERGY BALANCE EQUATION WITH THE 1-YEAR, 24 HOUR STORM BEING DETAINED PER 9VAC25-870(B)(3).

DUE TO THE EXISTING STORM SEWER CAPACITY CONCERNS ALONG JPA,

IT IS ASSUMED THAT THE NETWORK EXPERIENCES LOCALIZED FLOODING. ADDITIONAL SURVEY IS REQUIRED FOR VERIFICATION AND WILL BE SHOWN WITH THE FINAL SITE PLAN DESIGN. THEREFORE, TO MEET FLOOD PROTECTION REQUIREMENTS THE POST-DEVELOPMENT PEAK FLOW RATE FOR THE 10-YEAR 24-HOURS STORM EVENT WILL BE REDUCED TO THE PRE-DEVELOPMENT PEAK FLOW RATE, PER 9VAC25-871-46(C)(3).

STORMWATER QUALITY:
PER THE VIRGINIA RUNOFF REDUCTION FOR REDEVELOPMENT SPREADSHEET, THE BALANCE FOR POUNDS OF PHOSPHOROUS TO BE REMOVED WILL BE ACHIEVED THROUGH THE PURCHASE OF NUTRIENT CREDITS FROM A DEQ-APPROVED NUTRIENT CREDIT BANK. THE CURRENT ESTIMATE IS FOR APPROXIMATELY 2.1 POUNDS.

EROSION AND SEDIMENT CONTROL NARRATIVE:
EASC MEASURES SHALL BE PROVIDED PER THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESH) TO ENSURE SEDIMENT LADEN RUNOFF IS CONTAINED ON-SITE AND TO ENSURE PROTECTION OF DOWNSTREAM PROPERTIES. FINAL DESIGN WILL BE PROVIDED WITH FUTURE SITE PLAN SUBMITTALS.

NOTE: MAXIMUM SLOPES WILL BE 2:1.

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104 STADIUM ROAD
CONCEPTUAL PUD
GRADING AND
STORMWATER
MANAGEMENT PLAN

C8

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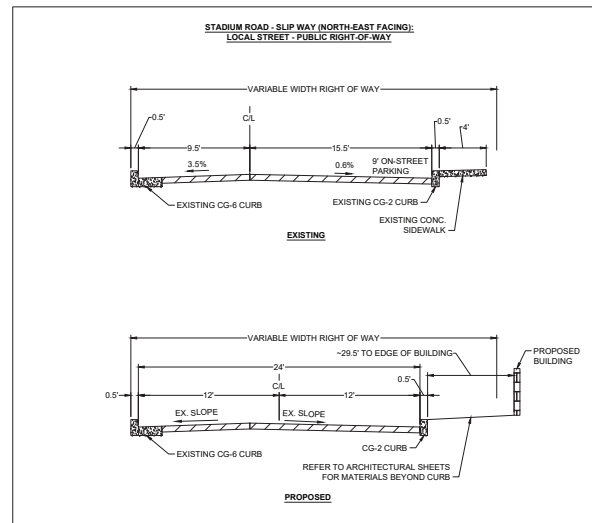
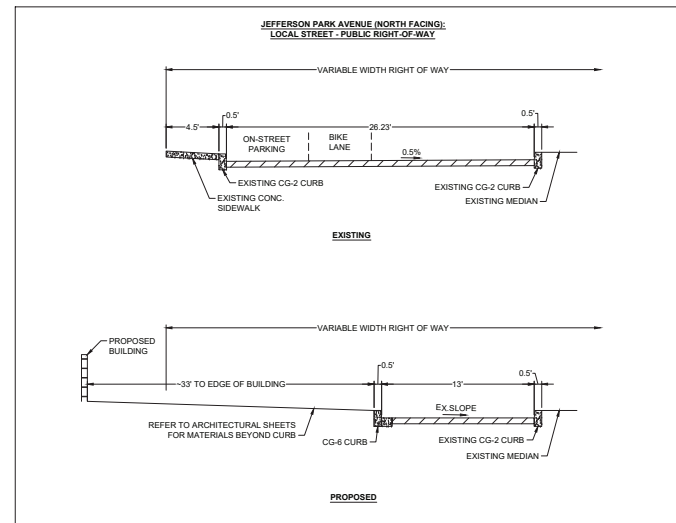
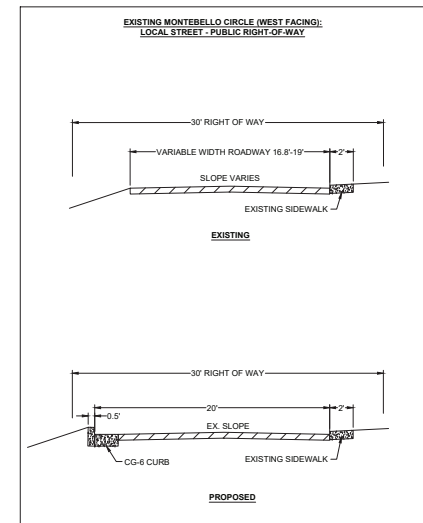
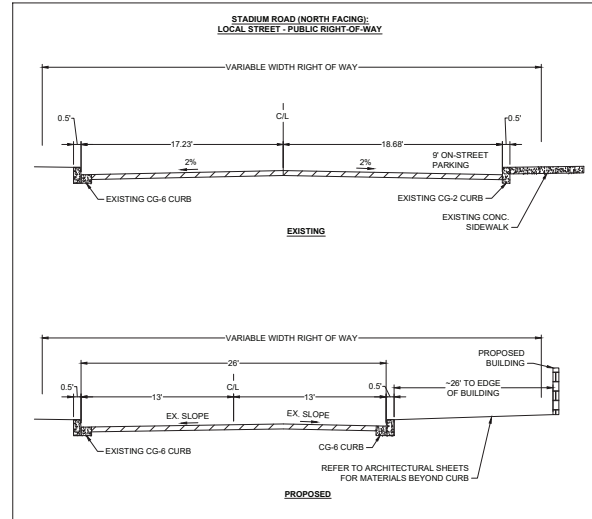
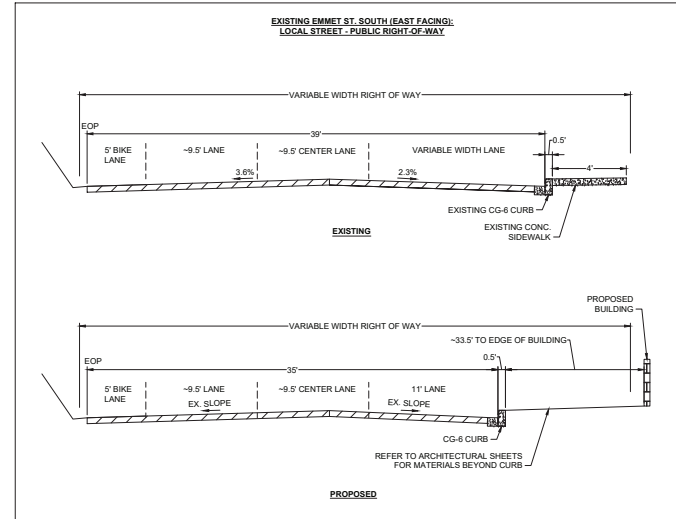
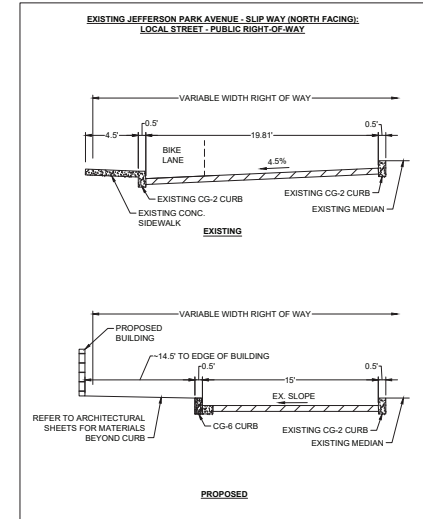
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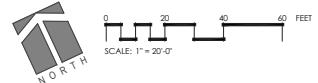
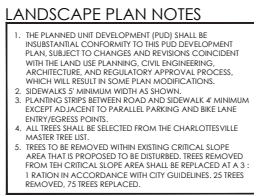
104 STADIUM ROAD

CONCEPTUAL PUD ROAD
 SECTIONS

C9

- NOTES:
1. PROPOSED ROAD SECTIONS SHOWN ARE CONCEPTUAL AND FINAL DETAILS SUCH AS SLOPES, PLANTING STRIP WIDTHS, AND TOTAL ROW WIDTH ARE SUBJECT TO CHANGE DURING FINAL SITE PLAN DESIGN.
 2. STADIUM ROAD, EMMET STREET, MONTEBELLO CIRCLE, AND JEFFERSON PARK AVENUE ARE EXISTING PUBLIC ROADS. ANY ADJUSTMENTS WILL BE DESIGNED IN ACCORDANCE WITH THE LOCAL STREET GUIDELINES IN THE CHARLOTTESVILLE CITY CODE, CHARLOTTESVILLE STANDARDS & DESIGN MANUAL, AND THE CHARLOTTESVILLE STREETS THAT WORK DESIGN GUIDELINES.





CONCEPTUAL
LANDSCAPE PLAN
L501

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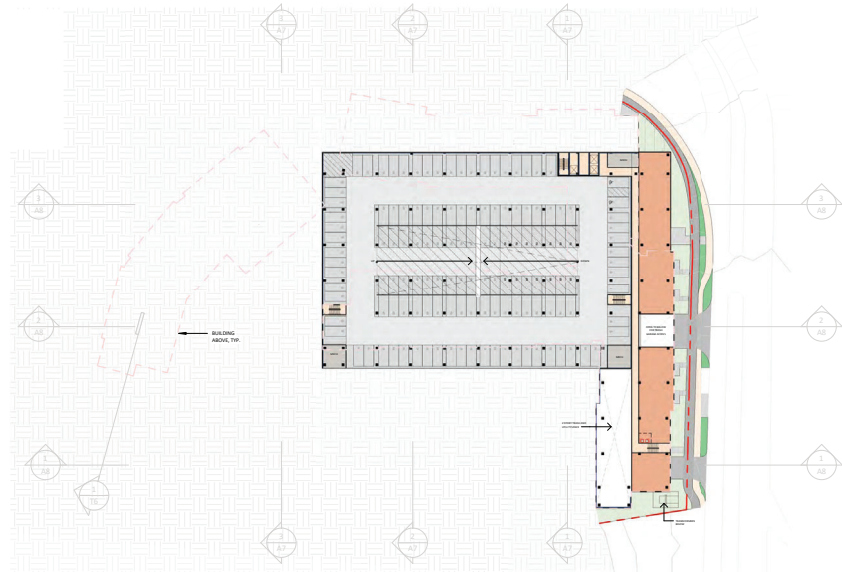
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KEY PLAN		
100 STADIUM ROAD		
CONCEPTUAL DEVELOPMENT PLAN		
A0		



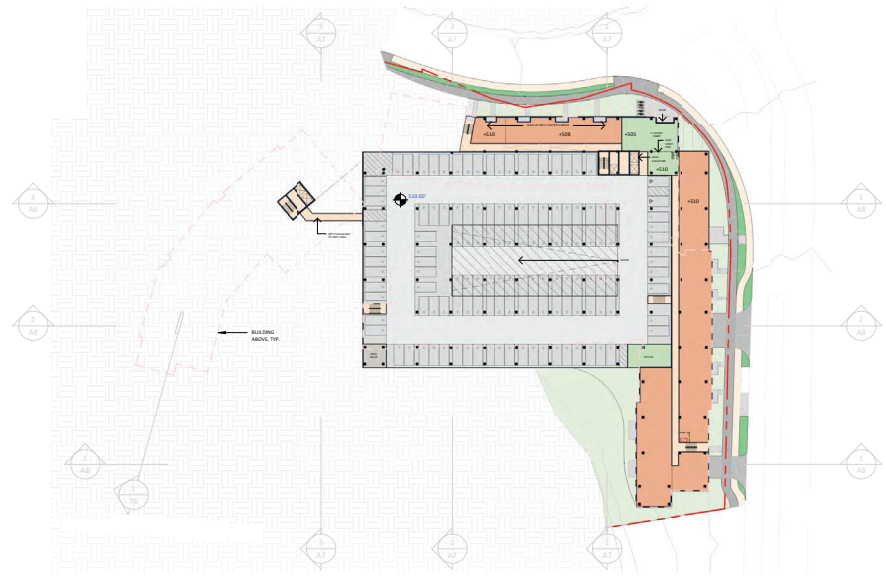
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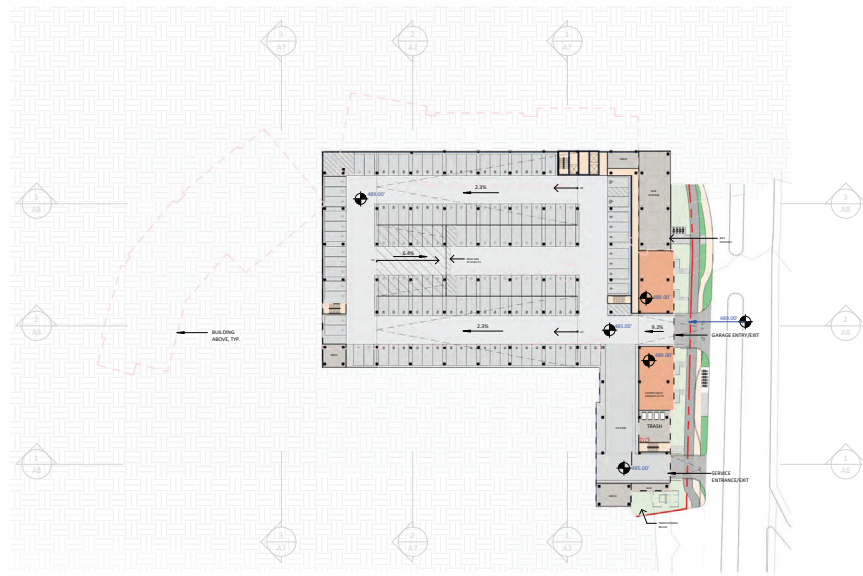
4 LEVEL 1 - PUD
A1 1" = 50'-0"



2 LEVEL P2 - PUD
A1 1" = 50'-0"



3 LEVEL P1 - PUD
A1 1" = 50'-0"



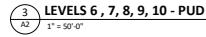
1 LEVEL P3 - PUD
A1 1" = 50'-0"

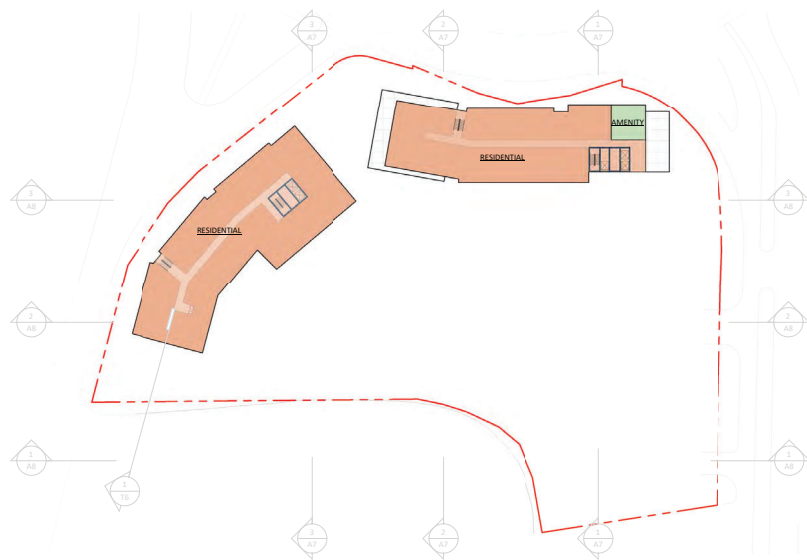
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100 STADIUM ROAD		
CONCEPTUAL FLOOR PLANS		
A1		

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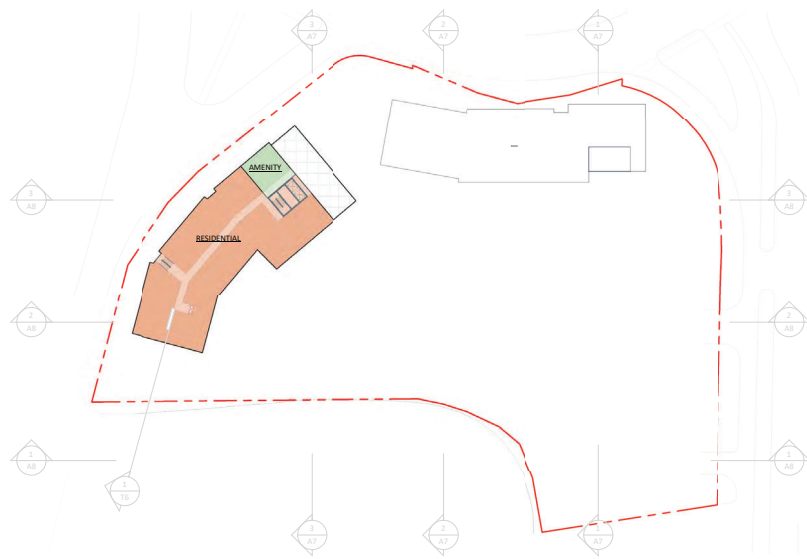
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100 STADIUM ROAD		
CONCEPTUAL FLOOR PLANS		
A2		





1 LEVEL 11 - PUD
A3 1" = 50'-0"

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2 LEVEL 12 - PUD
A3 1" = 50'-0"

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100 STADIUM ROAD		
CONCEPTUAL FLOOR PLANS		
A3		

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100 STADIUM ROAD

CONCEPTUAL EXTERIOR
ELEVATIONS

A4

EXTERIOR MATERIALS LEGEND

- 1A MASONRY - COLOR #1
- 6A METAL PANEL - COLOR #1
- 6B METAL PANEL - COLOR #2
- 6C METAL PANEL - COLOR #3
- 6D METAL PANEL - COLOR #4
- 8A STOREFRONT GLAZING
- 16A OVERHEAD GARAGE DOORS
- 17A MECHANICAL LOUVER



2 EAST ELEVATION
A4 3/64" = 1'-0"



1 NORTH ELEVATION
A4 3/64" = 1'-0"

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100 STADIUM ROAD

CONCEPTUAL EXTERIOR
ELEVATIONS

A5

EXTERIOR MATERIALS LEGEND

- 1A MASONRY - COLOR #1
- 6A METAL PANEL - COLOR #1
- 6B METAL PANEL - COLOR #2
- 6C METAL PANEL - COLOR #3
- 6D METAL PANEL - COLOR #4
- 8A STOREFRONT GLAZING
- 16A OVERHEAD GARAGE DOORS
- 17A MECHANICAL LOUVER



2 WEST ELEVATION
3/64" = 1'-0"

- ROOF LEVEL 649'-4"
- LEVEL 12 638'-8"
- LEVEL 11 628'-0"
- LEVEL 10 617'-4"
- LEVEL 9 606'-8"
- LEVEL 8 596'-0"
- LEVEL 7 585'-4"
- LEVEL 6 574'-8"
- LEVEL 5 564'-0"
- LEVEL 4 553'-4"
- LEVEL 3 542'-8"
- LEVEL 2 532'-0"
- LEVEL 1 520'-0"
- LEVEL P1 510'-0"
- LEVEL P2 500'-0"



- ROOF LEVEL 649'-4"
- LEVEL 12 638'-8"
- LEVEL 11 628'-0"
- LEVEL 10 617'-4"
- LEVEL 9 606'-8"
- LEVEL 8 596'-0"
- LEVEL 7 585'-4"
- LEVEL 6 574'-8"
- LEVEL 5 564'-0"
- LEVEL 4 553'-4"
- LEVEL 3 542'-8"
- LEVEL 2 532'-0"
- LEVEL 1 520'-0"
- LEVEL P1 510'-0"
- LEVEL P2 500'-0"
- LEVEL P3 489'-0"

1 NORTHWEST ELEVATION
3/64" = 1'-0"

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100 STADIUM ROAD

CONCEPTUAL EXTERIOR
ELEVATIONS

A6

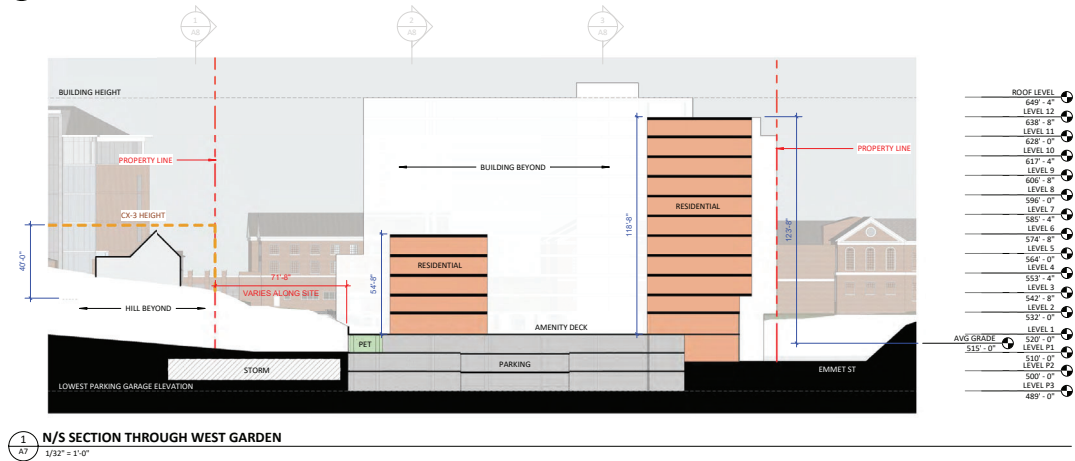
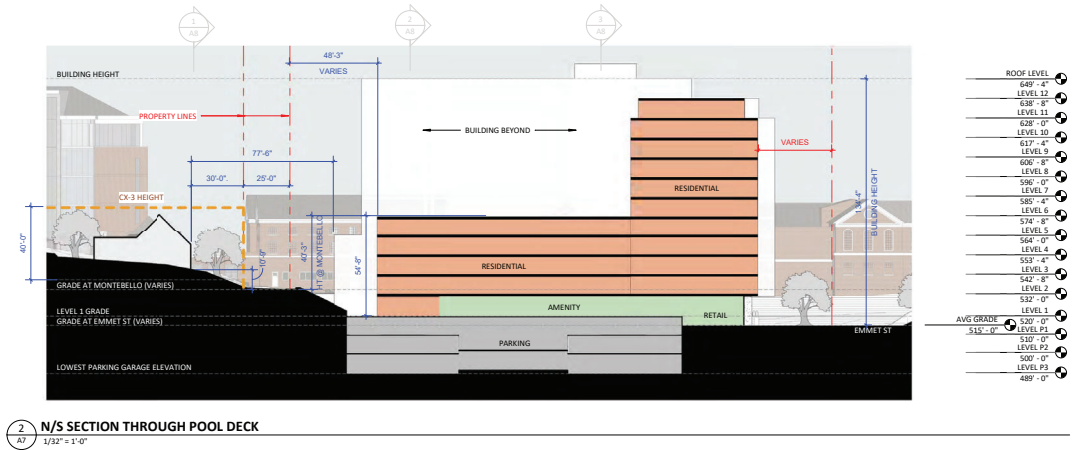
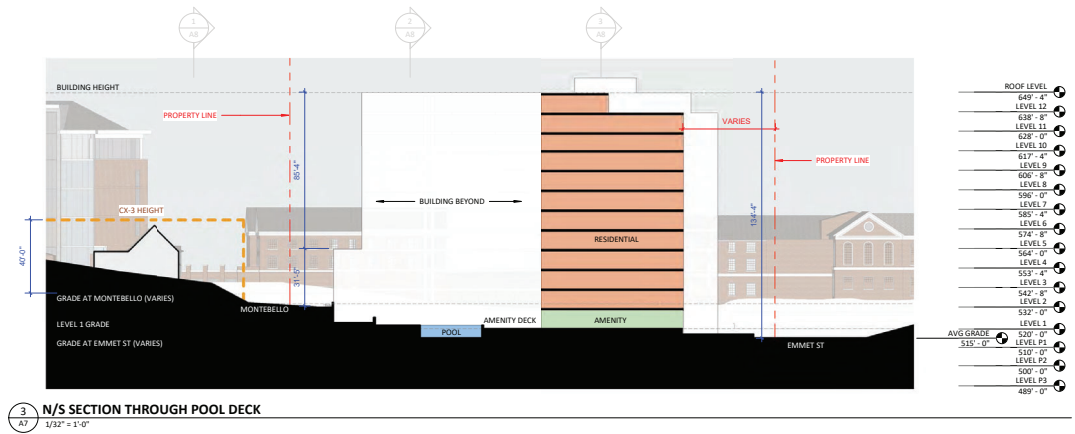
EXTERIOR MATERIALS LEGEND	
1A	MASONRY - COLOR #1
6A	METAL PANEL - COLOR #1
6B	METAL PANEL - COLOR #2
6C	METAL PANEL - COLOR #3
6D	METAL PANEL - COLOR #4
8A	STOREFRONT GLAZING
16A	OVERHEAD GARAGE DOORS
17A	MECHANICAL LOUVER



ROOF LEVEL	649' - 4"
LEVEL 12	638' - 0"
LEVEL 11	628' - 0"
LEVEL 10	617' - 4"
LEVEL 9	606' - 8"
LEVEL 8	596' - 0"
LEVEL 7	585' - 4"
LEVEL 6	574' - 8"
LEVEL 5	564' - 0"
LEVEL 4	553' - 4"
LEVEL 3	542' - 8"
LEVEL 2	532' - 0"
LEVEL 1	
AVG GRADE	
LEVEL P1	510' - 0"
LEVEL P2	500' - 0"
LEVEL P3	489' - 0"

SOUTH ELEVATION
3/64" = 1'-0"

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CONCEPTUAL BUILDING SECTIONS

A7

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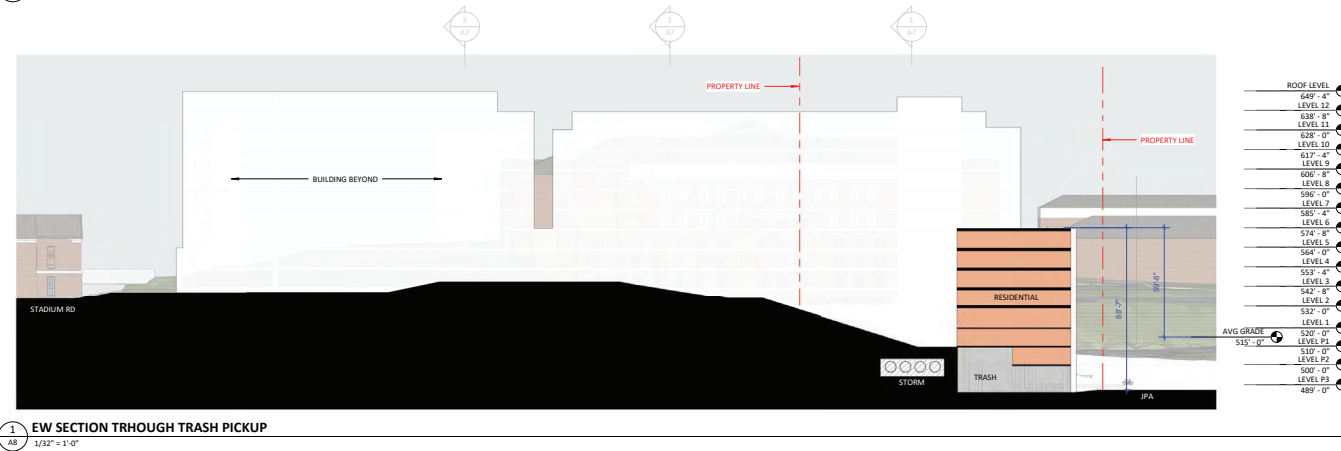
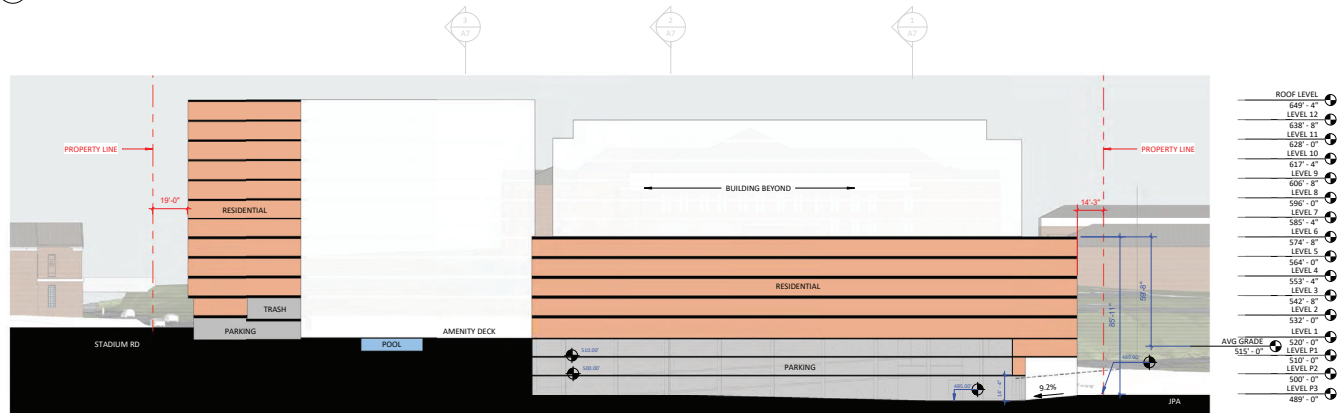
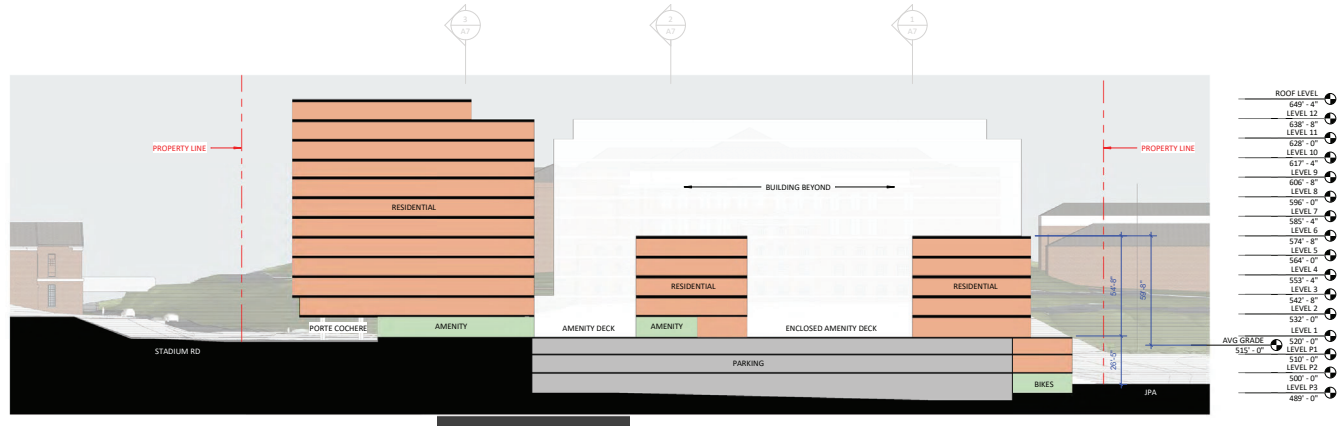
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CONCEPTUAL BUILDING
SECTIONS

A8





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100 STADIUM ROAD		
CONCEPTUAL EXTERIOR RENDERINGS		
A9		

Affordable Dwelling Unit Ordinance Worksheet

Step 1: Total Floor Area Ratio (FAR) of Site

- A. Total size of development site: 3.31 acres
- B. Total square footage of site:
$$\frac{3.31}{(\# \text{ of acres})} \times 43,560.00 = \underline{144,183.60} \text{ square feet (sf)}$$
- C. 1.0 Floor Area Ratio (FAR):
$$\underline{144,183.60} \text{ (total sf of site)}$$
- D. Gross Floor Area (GFA) of **ALL** buildings/uses: 562,400.00 sf
- E. Total site FAR:
$$\frac{562,400.00}{\text{(total GFA of site)}} \div \frac{144,183.60}{\text{(1.0 FAR)}} = \underline{3.90}$$
- F. Is E greater than or equal to 1.0 FAR? NO: Your proposed development does not trigger the ADU ordinance.
YES: Proceed to Step 2 or Step 3.

Step 2: Number of ADUs Required

- G. GFA in excess of 1.0 FAR:
$$\frac{562,400.00}{\text{(D: total site GFA)}} - \frac{144,183.60}{\text{(B: total SF of site)}} = \underline{418,216.40}$$
- H. Total GFA of ADUs required:
$$\frac{418,216.40}{\text{(G: GFA in excess of 1.0 FAR)}} \times 0.05 = \underline{20,910.82}$$
- I. Equivalent density based on Units Per Acre:
- i. Dwelling Units per Acre (DUA) approved by PUD: 167.00
- ii. SF needed for ADUs:
$$\frac{20,910.82}{\text{(H: Total GFA of ADUs)}} \div \frac{43,560.00}{\text{(B: total SF of site)}} = \underline{0.4800464} \text{ acres}$$
- iii. Total number of ADUs required:
$$\frac{0.4800464}{\text{(ii: ADU acreage)}} \times \frac{167.00}{\text{(i: DUA approved)}} = \underline{80.17}$$

Step 3: Cash-in-Lieu Payment

J. Cash-in-Lieu Amount Residential: 562,400.00 x \$2.685 = \$1,510,044.00

K. Cash-in-Lieu Amount Mixed-Use:

Total GFA of development site:	<u>581,200.00</u>			
GFA Occupied Commercial Space:	<u>1,000.00</u>			
GFA Occupied Residential Space:	<u>442,250.00</u>			
Total GFA Occupied Space:	<u>443,250.00</u>	% Residential:	<u>1.00</u>	
		Proportionate amount of non-occupied space GFA for residential		
GFA Non-Occupied Space*:	<u>137,950.00</u>	use:	<u>137,638.78</u>	
Amount of Payment:	<u>579,888.78</u>	x	<u>\$2.685</u>	= <u>\$1,557,001.36</u>

**GFA of non-occupied space shall include: (i) basements, elevator shafts and stairwells at each story, (ii) spaces used or occupied for mechanical equipment and having a structural head room of six (6) feet six (6) inches or more, (iii) penthouses, (iv) attic space, whether or not a floor has been laid, having a structural head room of six (6) feet six (6) inches or more, (v) interior balconies, and (vi) mezzanines. GFA shall not include outside balconies that do not exceed a projection of six (6) feet beyond the exterior walls of the building; parking structures below or above grade; or and rooftop mechanical structures.*

Source: U.S. Bureau of Labor Statistics, South Urban Region for Housing

Step 4: Minimum Term of Affordability

L. Residential Project

i. Households earning up to 80% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD Fair Market Rents	\$1,165.00	\$1,172.00	\$1,401.00	\$1,742.00	\$2,159.00	\$2,483.00	\$2,808.00
HUD Utility Allowance	\$60.00	\$81.00	\$104.00	\$128.00	\$162.00	\$0.00	\$0.00
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability*: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

***If answer is less than 5, then minimum term of affordability will be 5 years.**

M. Mixed-Use Project

i. Households earning up to 80% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units	13	13	26	7	22	0	0
Market Rent	\$1,600.00	\$1,825.00	\$2,000.00	\$3,900.00	\$4,500.00	\$0.00	\$0.00
HUD Fair Market Rents	\$1,165.00	\$1,172.00	\$1,401.00	\$1,742.00	\$2,159.00	\$2,483.00	\$2,808.00
HUD Utility Allowance	\$60.00	\$81.00	\$104.00	\$128.00	\$162.00	\$0.00	\$0.00
Difference per Month	\$495.00	\$734.00	\$703.00	\$2,286.00	\$2,503.00	\$0.00	\$0.00
Annual Cost of ADU	\$6,435.00	\$114,504.00	\$219,336.00	\$192,024.00	\$660,792.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 1,193,091.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability: 1.305014759 (Cash-in-lieu payment / Total annual cost of ADUs)

***If answer is less than 5, then minimum term of affordability will be 5 years.**

[Source: HUD FY2023 Fair Market Rents](#)

Version 5/17/23

PROFFER STATEMENT

Project Name: **Verve Charlottesville**

Date: October 23, 2023

Address: 100, 102, 104, 106-114, and 409 Stadium Road and 1705 Jefferson Park Avenue
Parcel Numbers: 160001000, 160002000, 160003000, 160004000, 160005000, 160008000

Owner of Record: **Woodrow Apartments, LLC; Woodrow Too, LLC; 1705 JPA LLC** (the "Owner")

Proposal:

- Rezone 100,102,104,106-114, and 409 Stadium Road and 1705 Jefferson Park Avenue, parcels 160001000, 160002000, 160003000, 160004000, 160005000, 160008000 (3.31 acres) (the "Property"), from R-3 district to Planned Unit Development (PUD) district with proffers (the "Project");

Total land area: Approximately 3.31 acres

The Owner hereby voluntarily proffers that if the City of Charlottesville City Council acts to rezone the property as requested, the Owner shall develop the Property in general accord with the following proffers pursuant to Sections 15.2-2303 and 15.2-2303.4 of the Code of Virginia, 1950, as amended, and pursuant to Section 34-41.d.8 of the City of Charlottesville Zoning Ordinance. The Owner specifically deems the following proffers reasonable and appropriate, as conclusively evidenced by the signatures below. This Proffer Statement shall run with the Property and each reference to the "Owner" within this Proffer Statement shall include within its meaning, and shall be binding upon, Owner's successor(s) in interest and/or the developer(s) of the Property or any portion of the Property.

1. **Affordable Housing:** The Owner shall make a cash contribution to the City's affordable housing fund in the amount equal to four times that which would be required under City Code Section 34-12(d)(2) based on the approved final site plan, up to a maximum of Six Million Dollars (\$6,000,000.00). Such cash contribution shall be delivered to the City prior to the issuance of the first Certificate of Occupancy for the Project.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

Signature Page for Proffer Statement for Verve Charlottesville

OWNER:

Woodrow Apartments, LLC
a Virginia limited liability company

By: 

Printed Name: RICHARD H. JONES

Title: MEMBER

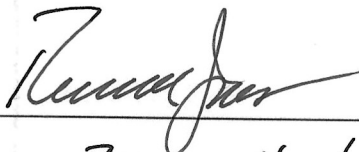
Woodrow Too, LLC
a Virginia limited liability company

By: 

Printed Name: RICHARD H. JONES

Title: MEMBER

1705 JPA, LLC
a Virginia limited liability company

By: 

Printed Name: RICHARD H. JONES

Title: MEMBER

**AN ORDINANCE
APPROVING A REQUEST TO REZONE LAND FRONTING ON JEFFERSON PARK AVENUE, STADIUM ROAD,
EMMET STREET, AND MONTEBELLO CIRCLE
FROM MULTIFAMILY RESIDENTIAL (R-3) TO PLANNED UNIT DEVELOPMENT (PUD)**

WHEREAS, Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC (collectively the “Landowners”) of certain land fronting on Jefferson Park Avenue, Stadium Road, Emmet Street, and Montebello Circle, designated on the City Tax Map and Parcel (TMP) as 160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 (collectively, hereinafter, the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from R-3 to PUD hereinafter referred to as the “Proposed Rezoning”; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by the Planning Commission and City Council on November 14, 2023, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, this City Council has considered the matters addressed within the Landowner’s application (ZM23-00004), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

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

Section 34-1. Zoning District Map. Rezoning the property designated on City Tax Map and Parcel (TMP) 2160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 (“Subject Property”), containing, in the aggregate approximately 3.3 acres (approximately 144,002 square feet), from R-3 (Multifamily Residential) to PUD (Planned Unit Development) as described in application ZM23-00004 and the VERVE Charlottesville PUD Development Plan Dated November 17, 2023, with the following Proffer:

1. **Affordable Housing:** The Owner shall make a cash contribution to the City’s affordable housing fund in the amount equal to double that which would be required under City Code Section 34-12(d)(2) based on the approved final site plan. Such cash contribution shall be delivered to the City prior to the issuance of the first Certificate of Occupancy for the Project.

and the City's Zoning Administrator shall update the Zoning District Map to reflect this reclassification of the Subject Property.

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



Agenda Date:	December 4, 2023
Action Required:	Consideration of a Zoning Text Amendment
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	Ordinance amending and re-enacting Chapter 34 (Zoning) of the Code of the City of Charlottesville (1990), as amended, to remove 104 Stadium Road from the list of Individually Protected Properties - VERVE Charlottesville PUD – ZT23-09-02

Background

Subtext Acquisitions, LLC (“Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (“Owner”) is pursuing a **Zoning Map Amendment under Application ZM23-00004**. The Applicant is also requesting a Zoning Text Amendment pursuant to Sections 34-41 and 34-490-519 of the Code of the City of Charlottesville (“Code”) for a Zoning Text Amendment for the property located at 104 Stadium Road and owned by Woodrow Too, LLC. As part of the rezoning process in ZM23-00004 and to implement the PUD Development Plan, the applicant is requesting the Individually Protected Property (IPP) designation from 104 Stadium Road be removed. The Planning Commission initiated the requested Zoning Text Amendment on June 13, 2023, and a Public Hearing was held on October 10, 2023.

The MacLeod house (or Stone House) at 104 Stadium Road was constructed in 1927 and designated as an IPP on September 19, 2011. The IPP designation was contingent on the sale of 409 Stadium Road from the City to Woodrow Too, LLC which transpired on May 2, 2011. Conditions related to the sale of 409 Stadium Road were codified by ordinance and contained the following conditions:

1. The Property shall be landscaped and maintained as a green space area;
2. The Purchaser shall consent to the adjoining property (Tax Map Parcel 160002000) being designated as an Individually Protected Property (IPP) under City Code Section 34-274; and
3. There shall be no further development or permanent structures placed upon the property, including parking facilities.

As part of the proposed PUD development, the applicant requested a COA from BAR to demolish the Stone House and gardens at 104 Stadium. BAR voted 6-0 to recommend denial of the requested COA. On June 5, 2023, City Council passed a resolution granting approval of the COA with conditions. These conditions include:

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, the applicant requests 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.

On September 19, 2023, BAR held a meeting related to the zoning map amendment (ZMA) and zoning text amendment (ZTA) request as it relates to 104 Stadium Road and the IPP. BAR voted 6-0 to recommend that City Council deny the request to remove the IPP designation of 104 Stadium Road. Furthermore, the BAR suggested two considerations, should City Council approve the request to remove the IPP designation. These conditions include:

1. A condition that within six (6) months or, if sooner, prior to application for a demolition permit, the property and building will be documented thoroughly through photographs and measured drawings according to the Historic American Building Standards, with that documentation submitted to staff for the BAR archive.
2. Council explore a mechanism to restore [if the building is not razed] or retain [until demolition is certain] the IPP status, should the proposed development not move forward as planned.

As part of the PUD rezoning request, the applicant is also petitioning City Council to amend the May 2, 2011, ordinance related to the sale of 409 Stadium Road. The requested amendment is to remove the three (3) conditions stated in the ordinance.

Discussion

The Planning Commission held an in-person and virtual joint Public Hearing with City Council on October 10, 2023 on this matter as part of the larger Zoning Map Amendment. The Planning Commission and City Council had the following comments on concerns:

- Concerned with the massing and scale of the development.
- Concerned that not enough parking is being provided.
- Concerned the project is not paying enough into the City's affordable housing fund.

The Planning Commission believes this location is desirable for a denser development and will contribute to the goals of the City's Comprehensive Plan. They believe many of the design elements such as the raised bike paths and street trees will be an overall improvement. Scale and massing were the main concerns but might be acceptable if the applicant made minor modifications to the massing along Stadium Road. Many of the Commissioners believed going to twelve (12) stories, while taller than what is stated in the Comprehensive Plan, is acceptable if other elements such as stepbacks and material changes are introduced along "the wall" of the building that fronts on Stadium Road. The applicant agreed to make minor changes to address these issues. There was some concern with the transition of the project along the Montebello Circle side, but these concerns were alleviated by the applicant during their presentation. Overall, the Planning Commission did not find the proposed development achieved the higher standards of a PUD but believes this is the right location and density for a project of this scale.

Link to the Planning Commission Public Hearing. Discussion starts at the 01:22:00 mark.

[Link](#)

Link to the full application and background materials. The Staff Report starts on page 47.

[Link](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the Zoning Text Amendment request, the project could contribute to the City Vision Statement of Housing: Charlottesville defines access to livable housing as a human right and works to ensure housing choices and mobility are provided for all who seek it through implementation of the Affordable Housing Plan.

Community Engagement

On June 12, 2023, the applicant held a community meeting in the Fellowship Hall of St. Mark Lutheran Church from 6pm to 8pm. The format of the meeting was an Open House with posters and the application team in attendance to answer questions and receive feedback. Approximately seven to eight members of the public attended the meeting and provided the following:

- Concern with the quantity of multifamily residential units proposed.
- Increase in vehicular traffic and distribution of vehicular traffic.
- Availability of parking within the development and potential parking spill-over onto neighborhood streets.
- Architectural quality of the built development.
- Concern about who will manage the building once it is finished.
- Concerns about how the development will impact longtime residents of the neighborhood.
- The building is too tall and will tower over the neighborhood.

On October 10, 2023, the Planning Commission held an in-person and virtual joint Public Hearing with City Council that was well attended by the public. Eleven (11) members of the public spoke and expressed the following:

- The scale is too large and will have an adverse impact on existing residents of the neighborhood.
- A large number of mature trees will be removed.
- Density is needed in this area and will create more housing options.
- The height and scale are not compatible with the existing neighborhood.
- The City needs this project to help address the housing shortage.

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

Budgetary Impact

This has no impact on the General Fund.

Recommendation

The Planning Commission voted 6-0 to recommend the application be approved for the Zoning Text Amendment to remove 104 Stadium Road from the list of Individually Protected Properties.

Suggested:

"I move to approve the ORDINANCE for application ZM23-09-02 ZT23-09-02 to remove 104 Stadium

Road, City Tax Map Parcel 160002000 from the list of Individually Protected Property within the City of Charlottesville's Zoning Code Article II, Division 2, Section 34-273(b)."

Alternatives

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance granting the Zoning Text Amendment as recommended by the Planning Commission;
- (2) by motion, request changes to the attached ordinance, and then approve the Zoning Text Amendment;
- (3) by motion, take action to deny the Zoning Text Amendment; or
- (4) by motion, defer action on the Zoning Text Amendment.

Attachments

- 1. Zoning Text Amendment Ordinance.

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO REMOVE 104 STADIUM ROAD FROM THE LIST OF INDIVIDUALLY PROTECTED PROPERTIES.

WHEREAS, upon the recommendation of City Staff, the Planning Commission initiated a Zoning text amendment proposing an amendment to the City's Zoning Ordinance, to remove 104 Stadium Road, designated on the City Tax Map and Parcel (TMP) as 160002000, from the list of Individually Protected Properties ("IPP"); and

WHEREAS, a Joint Public Hearing on the Proposed Zoning Text Amendment was held by the Planning Commission and City Council on October 10, 2023, after notice to the public and to adjacent property owners as required by law, and following conclusion of the Public Hearing the Planning Commission voted to recommend approval of the Proposed Zoning Text Amendment to Section 34-273(a)(b) of the City's Zoning Ordinance, to remove 104 Stadium Road from the list of Individually Protected Properties; and

WHEREAS, After consideration of the Planning Commission's recommendation, and the recommendations given by staff, this Council is of the opinion that the Proposed Zoning Text Amendment, as recommended by the Planning Commission, has been designed to give reasonable consideration to the purposes listed in Sec. 15.2-2283 of the Code of Virginia (1950), as amended, and this Council hereby finds and determines that: (i) the public necessity, convenience, general welfare and good zoning practice require the Proposed Zoning Text Amendment, as recommended by the Planning Commission, and (ii) the Proposed Zoning Text Amendment, as recommended by the Planning Commission, is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Chapter 34 of the Code of the City of Charlottesville (1990), as amended, is hereby amended and reenacted as follows:

1. Amend the list found in Sec. 34-2733(a)(b) to remove 104 Stadium Road.

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



Agenda Date:	December 4, 2023
Action Required:	Amending the November 4, 1996 Ordinance Vacating Woodrow Street Right of Way
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	Ordinance to amend the November 4, 1996 Right-of-Way Closure Ordinance for Woodrow Street - VERVE Charlottesville PUD

Background

Subtext Acquisitions, LLC (“Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (“Owner”) is requesting a Zoning Map Amendment and Zoning Text Amendment pursuant to Sections 34-41 and 34-490 – 519 of the Code of the City of Charlottesville (“Code”) (**See Applications ZM23-00004 and ZT23-09-02**). As part of the Planned Unit Development (“PUD”) being proposed, the applicant is requesting an amendment to the November 4, 1996, Ordinance vacating the Woodrow Street Right of Way (“ROW”) along with a request to zone the closed portion to PUD. Woodrow Street is an unimproved paper street that bisects the Subject Property and is used mainly for off-street parking for the existing residential units. Several public utility lines such as sanitary, water, and gas run through Woodrow Street and will need to be relocated as part of the proposed development. Pursuant to Virginia Code Section 15.2-2232 and City Code Section 34-28, the Planning Commission reviewed the proposed amendment to the vacation Ordinance, as it relates to impacts to public facilities, and determined that amending the November 4, 1996, ordinance vacating Woodrow Street ROW is substantially in accord with the City’s adopted Comprehensive Plan and amendments.

In 1937, the City of Charlottesville acquired an easement conveying to it the right to “lay, construct and maintain, together with the right of ingress and egress, a storm sewer line” through the Subject Property in what is labeled as “Woodrow Street”. This information can be found in Charlottesville Circuit Court land records in Deed Book 94 Page 398. On September 10, 1996, the Planning Commission held a joint Public Hearing related to a request from Stadium Road Limited Partnership to vacate Woodrow Street and the petition was granted by City Council, through an ordinance, on November 4, 1996. City Council directed that the Ordinance and plat vacating the street should not be recorded in the land records unless and until two conditions had been fulfilled. These conditions included:

1. The adjoining property owners, excluding the City of Charlottesville, shall provide for storm water connections to Jefferson Park Avenue from the east side of Woodrow Street as part of the Jefferson Park Avenue sidewalk construction.
2. All adjoining property owners, excluding the City, shall enter into a joint access and maintenance

agreement with respect to the vacated area. Such an agreement shall preclude the building of additional units on the vacated area.

To date, these conditions have not been fulfilled and the required plat has not been recorded. The applicant for the VERVE Charlottesville PUD project is requesting City Council amend the approved ordinance to remove the two conditions allowing Woodrow Street to be closed in accordance with the November 4, 1996 action.

Should City Council find the proposed PUD development plan, as proposed, would service the interests of the general public and is good zoning practice, the vacation of Woodrow Street approved in 1996 must be completed. Although condition #1 could be met as it relates to relocating utilities, the manner in which the applicant will achieve this relocation is dependent on current site plan requirements that differ from what is stated in the condition. Regardless of the conditions from the November 4, 1996 ordinance, any site plan related to the PUD submitted for review must account for relocating public infrastructure out of Woodrow Street; and do so in accordance with the City's Utilities Department and the City's Standards and Design Manual ("SAMD"). Condition #2 is more onerous in regard to allowing development within the vacated ROW. This condition would prevent the development from moving forward as the condition states the vacated area would need an overlaying easement to allow access and maintenance; and would prevent "units" (staff takes this to mean residential units) within the vacated area. Under the proposed PUD Development Plan, a majority of residential units and amenities would be located within the Woodrow Street ROW.

Discussion

The Planning Commission held an in-person and virtual joint Public Hearing with City Council on October 10, 2023 related to this matter, along with the rezoning and zoning text amendment requests. The Planning Commission also acted on the Comprehensive Plan review related to Virginia Code Section 15.2-2232 and City Code Section 34-28 on this matter. See the City Action memos related to applications ZM23-00004 and ZT23-09-02 for more detailed information on the rezoning requests. The Planning Commission did not go into details as it related to amending the November 4, 1996 Ordinance, but did find doing so would be in substantially in accord with the City's adopted Comprehensive Plan. On November 14, 2023, the Planning Commission reaffirmed this decision with written findings.

Link to the Planning Commission Public Hearing. Discussion starts at the 01:22:00 mark.

[Link](#)

Link to the full application and background materials. The Staff Report starts on page 47

[Link](#).

Alignment with City Council's Vision and Strategic Plan

If City Council approves the amendment to the November 4, 1996 Ordinance, the corresponding project could contribute to the City Vision Statement of Housing: Charlottesville defines access to livable housing as a human right and works to ensure housing choices and mobility are provided for all who seek it through implementation of the Affordable Housing Plan.

Community Engagement

As part of the rezoning application, the applicant held a community meeting on June 12, 2023, in the Fellowship Hall of St. Mark Lutheran Church from 6pm to 8pm. See the City Action memos related to

applications ZM23-00004 and ZT23-09-02 for more detailed information.

On October 10, 2023, the Planning Commission held an in-person and virtual joint Public Hearing with City Council on this matter that was well attended by the public. Although no members of the public spoke directly to amending the November 4, 1996 Ordinance, eleven (11) members of the public did speak about the overall development project and expressed the following:

- The scale is too large and will have an adverse impact on existing residents of the neighborhood.
- A large number of mature trees will be removed.
- Density is needed in this area and will create more housing options.
- The height and scale are not compatible with the existing neighborhood.
- The City needs this project to help address the housing shortage.

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

Budgetary Impact

This has no impact on the General Fund.

Recommendation

The Planning Commission voted 6-0 confirming that amending the November 4, 1996 ordinance vacating Woodrow Street ROW to permit the proposed Planned Unit Development (PUD) as described in ZMA application ZM23-00004 and ZTA application ZT23-09-02 **is substantially in accord with the City's Comprehensive Plan or parts thereof, as amended:**

Suggested:

"I move to approve amending the November 4, 1996 ORDINANCE vacating Woodrow Street Right of Way to remove the stated conditions and zoning the vacated portion Planned Unit Development ("PUD") as shown in the VERVE Charlottesville PUD Development Plan dated November 17, 2023."

Alternatives

City Council has several alternatives:

- (1) by motion, take action to approve the attached Ordinance amending the November 4, 1996 vacation;
- (2) by motion, request changes to the attached Ordinance, and then approve;
- (3) by motion, take action to deny the amending the November 4, 1996 vacation; or
- (4) by motion, defer action on amending the November 4, 1996 vacation.

Attachments

1. Resolution of the Charlottesville Planning Commission Communicating its Woodrow Street Vacation Comprehensive Plan Review Findings.
2. November 4, 1996 Ordinance vacating Woodrow Street.
3. Amended Ordinance vacating Woodrow Street

**RESOLUTION
OF THE CHARLOTTESVILLE PLANNING COMMISSION
COMMUNICATING ITS WOODROW STREET (CP23-00002) COMPREHENSIVE PLAN REVIEW
FINDINGS TO THE CHARLOTTESVILLE CITY COUNCIL IN ACCORDANCE WITH CODE OF VIRGINIA
15.2-2232**

WHEREAS, this Planning Commission held a public hearing on October 10, 2023, to conduct a Code of Virginia 15.2-2232 review of the applicant's request to amend the November 4, 1996 ordinance vacating Woodrow Street Right of Way (ROW) to remove all conditions, which was requested as part of a Zoning Map Amendment (ZMA) and Zoning Text Amendment (ZTA) applications (ZM23-00004 and ZT23-09-02), which were submitted to the Planning Commission for this specific 2232 review on September 26, 2023, proper notice of this 2232 review was published as required by law, including, but not limited to, Code of Virginia 15.2-2204.

NOW THEREFORE,

AND BE IT FURTHER RESOLVED that this Planning Commission confirms that amending the November 4, 1996 ordinance vacating Woodrow Street ROW to permit the proposed Planned Unit Development (PUD) as described in ZMA application ZM23-00004 and ZTA application ZT23-09-02 is **substantially in accord** with the City's Comprehensive Plan or parts thereof, as amended:

1. Amending the November 4, 1996 ordinance vacating Woodrow Street to allow residential units within the vacated area serves the Comprehensive Plan Land Use, Urban Form, and Historic & Cultural Preservation Objectives for Residential Areas by increasing opportunities to develop diverse housing options near schools, parks, shopping districts, and employment centers. Amending the 1996 ordinance will open up a portion of the Subject Property for development that is currently prohibited. This development would contribute to Chapter 5 (Housing), Goal 2 (Diverse Housing Throughout the City) of the City's Comprehensive Plan.

NOW, THEREFORE,

Upon adoption of this Resolution, the Planning Commission's findings with written reasons therefore on November 14, 2023, in accordance with Code of Virginia 15.2-2232(B), are hereby communicated to the Charlottesville City Council on November 14, 2023. The Secretary of this Planning Commission shall transmit this Resolution to the Charlottesville City Council.

Adopted by this Planning Commission, this 14th day of November 2023.

Attest: 
Secretary, Charlottesville Planning Commission

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING
WOODROW STREET**

WHEREAS, proper notice was duly posted and advertised that Stadium Road Limited Partnership would request the City Planning Commission to initiate street closing procedures to close Woodrow Street, 30 feet in width, between Stadium Road and Jefferson Park Avenue, shown on City Real Estate Tax Map 16, running a distance of approximately 478 feet;

WHEREAS, owners along the street proposed to be vacated have been duly notified;

WHEREAS, a joint public hearing by the Planning Commission and City Council was held on September 10, 1996, and comments from the City staff, the Planning Commission and the public were made and heard; and

WHEREAS, the Planning Commission recommended closure of said portion of Woodrow Street with certain conditions; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Woodrow Street, described as follows, is hereby closed, vacated and discontinued as a public thoroughfare of the City of Charlottesville, Virginia, said street not being needed for public use and travel:

All of the Woodrow Street right-of-way, approximately 30 feet in width, from its intersection with Stadium Road to its intersection with Jefferson Park Avenue, running a distance of approximately 478 feet, as shown on the attached sketch.

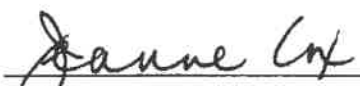
PROVIDED, that the City of Charlottesville hereby reserves unto itself a perpetual easement ten feet in width on either side of the center line of any water, gas, sanitary or storm sewer mains presently located in the area being vacated, including the perpetual right of ingress and egress over the vacated area for the purpose of installing, maintaining, repairing or replacing such utility lines or mains; and

PROVIDED FURTHER, that the following conditions are fulfilled:

- (1) The adjoining property owners, excluding the City of Charlottesville, shall provide for storm water connections to Jefferson Park Avenue from the east side of Woodrow Street as part of the Jefferson Park Avenue sidewalk construction.
- (2) All adjoining property owners, excluding the City, shall enter into a joint access and maintenance agreement with respect to the vacated area. Such agreement shall preclude the building of additional units on the vacated area.

BE IT FURTHER ORDAINED that the Clerk of the Council shall send a copy of this ordinance with plat attached to the Clerk of the Circuit Court for recordation in the current street closing book at such time that the City Attorney advises that the conditions have been fulfilled.

Approved by Council
November 4, 1996


CLERK OF CITY COUNCIL

Amended Ordinance

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING WOODROW STREET

WHEREAS, proper notice was duly posted and advertised that Stadium Road Limited Partnership would request the City Planning Commission to initiate street closing procedures to close Woodrow Street, 30 feet in width, between Stadium Road and Jefferson Park Avenue, shown on City Real Estate Tax Map 16, running a distance of approximately 478 feet;

WHEREAS, owners along the street proposed to be vacated have been duly notified;

WHEREAS, a joint public hearing by the Planning Commission and City Council was held on September 10, 1996, and comments from the City staff, the Planning Commission and the public were made and heard; and an additional joint public hearing by the Planning Commission and City Council to amend this ordinance was held October 10, 2023;

WHEREAS, the Planning Commission recommended closure of said portion of Woodrow Street with certain conditions; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Woodrow Street, described as follows, is hereby closed, vacated and discontinued as a public thoroughfare of the City of Charlottesville, Virginia, said street not being needed for public use and travel:

All of the Woodrow Street right-of-way, approximately 30 feet in width, from its intersection with Stadium Road to its intersection with Jefferson Park Avenue, running a distance of approximately 478 feet, as shown on the attached sketch.

PROVIDED, that the City of Charlottesville hereby reserves unto itself a perpetual easement ten feet in width on either side of the center line of any water, gas, sanitary or storm sewer mains presently located in the area being vacated, including the perpetual right of ingress and egress over the vacated area for the purpose of installing, maintaining, repairing or replacing such utility lines or mains; and

PROVIDED FURTHER, that the following conditions are fulfilled:

- (1) — ~~The adjoining property owners, excluding the City of Charlottesville, shall provide for storm water connections to Jefferson Park Avenue from the east side of Woodrow Street as part of the Jefferson Park Avenue sidewalk construction.~~
- (2) — ~~All adjoining property owners, excluding the City, shall enter into a joint access and maintenance agreement with respect to the vacated area. Such agreement shall preclude the building of additional units on the vacated area.~~

Amended Ordinance

BE IT FURTHER ORDAINED that the Clerk of the Council shall send a copy of this ordinance with plat attached to the Clerk of the Circuit Court for recordation in the current street closing book ~~at such time that the City Attorney advises that the conditions have been fulfilled.~~ once a new subdivision plat is reviewed and approved by the City.

Approved by Council
November 4, 1996 and Amended December 4, 2023

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



Agenda Date:	December 4, 2023
Action Required:	Amending the May 2, 2011 Ordinance for the sale of 409 Stadium Road
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	Ordinance to amend the May 2, 2011 ordinance for the sale of 409 Stadium Road - VERVE Charlottesville PUD

Background

Subtext Acquisitions, LLC (“Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (“Owner”) is requesting a Zoning Map Amendment and Zoning Text Amendment pursuant to Sections 34-41 and 34-490 – 519 of the Code of the City of Charlottesville (“Code”) (**See Applications ZM23-00004 and ZT23-09-02**). As part of the Planned Unit Development (“PUD”) being proposed, the applicant is requesting an amendment to the May 2, 2011, Ordinance authorizing the sale of 409 Stadium Road (City owned at the time) to Woodrow Too, LLC. The sale of 409 Stadium Road was intertwined with the Individually Protected Property (IPP) designation of 104 Stadium Road and transpired on May 2, 2011. Conditions related to the sale of 409 Stadium Road were codified in an ordinance with the following conditions:

1. The Property shall be landscaped and maintained as a green space area;
2. The Purchaser shall consent to the adjoining property (Tax Map Parcel 160002000) being designated as an Individually Protected Property (IPP) under City Code Section 34-274; and
3. There shall be no further development or permanent structures placed upon the property, including parking facilities.

The proposed PUD Development Plan calls for utilizing the areas within 409 Stadium Road and is requesting the May 2, 2011 Ordinance be amended to remove the three conditions.

Discussion

The Planning Commission held an in-person and virtual joint Public Hearing with City Council on October 10, 2023 related to this matter, along with the rezoning and zoning text amendment requests. See the City Action memos related to applications **ZM23-00004 and ZT23-09-02** for more detailed information on the rezoning requests.

Link to the Planning Commission Public Hearing. Discussion starts at the 01:22:00 mark.

[Link](#)

Link to the full application and background materials. The Staff Report starts on page 47.

[Link](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the amendment to the May 2, 2011 Ordinance, the corresponding project could contribute to the City Vision Statement of Housing: Charlottesville defines access to livable housing as a human right and works to ensure housing choices and mobility are provided for all who seek it through implementation of the Affordable Housing Plan.

Community Engagement

As part of the rezoning application, the applicant held a community meeting on June 12, 2023, in the Fellowship Hall of St. Mark Lutheran Church from 6pm to 8pm. See the City Action memos related to applications ZM23-00004 and ZT23-09-02 for more detailed information.

On October 10, 2023, the Planning Commission held an in-person and virtual joint Public Hearing with City Council on this matter that was well attended by the public. Although no members of the public spoke directly to amending the May 2, 2011 Ordinance, eleven (11) members of the public did speak about the overall development project and expressed the following:

- The scale is too large and will have an adverse impact on existing residents of the neighborhood.
- A large number of mature trees will be removed.
- Density is needed in this area and will create more housing options.
- The height and scale are not compatible with the existing neighborhood.
- The City needs this project to help address the housing shortage.

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

Budgetary Impact

This has no impact on the General Fund.

Recommendation

The Planning Commission voted 5-1 to recommend the rezoning application be approved. Amending the May 2, 2011 Ordinance to remove the three conditions is a required action needed to implement the PUD Development Plan as presented.

Suggested:

"I move to approve amending the May 2, 2011 ORDINANCE authorizing the sale of certain City-owned property located at 409 Stadium Road to remove the three stated conditions."

Alternatives

City Council has several alternatives:

- (1) by motion, take action to approve the attached Ordinance amending the May 2, 2011 sale of 409 Stadium Road;
- (2) by motion, request changes to the attached Ordinance, and then approve;
- (3) by motion, take action to deny the amending the May 2, 2011 sale of 409 Stadium Road; or
- (4) by motion, defer action on amending the May 2, 2011 sale of 409 Stadium Road.

Attachments

1. Original Ordinance for the sale of 409 Stadium Road dated May 2, 2011.
2. Deed of Sale for 409 Stadium Road
3. Amended Ordinance for the sale of 409 Stadium Road

**AN ORDINANCE
AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED
AT 409 STADIUM ROAD.**

WHEREAS, the City of Charlottesville issued a Request for Proposals (RFP) for development of a City-owned lot at 409 Stadium Road, identified as Parcel 1 on City Real Estate Tax Map 16, hereinafter the "Property"; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held on December 20, 2010, and an additional public hearing was held on February 7, 2011, to give the public an opportunity to comment on the proposed conveyance of the Property; and

WHEREAS, after the public hearing on December 20, 2010, Richard Jones and Douglas Caton, on behalf of Woodrow Too, LLC, submitted a response offering to pay \$250,000 for the Property, and agreeing to leave the subject Property a landscaped area; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City Manager is hereby authorized to execute a sales/purchase agreement, in form approved by the City Attorney, to convey the above-described Property to Woodrow Too, LLC for the purchase price of \$250,000 with restrictions on the development of the subject Property as follows:

- (1) The Property shall be landscaped and maintained as a green space area;
- (2) The Purchaser shall consent to the adjoining property (Tax Map Parcel 16-2) being designated as an Individually Protected Property (IPP) under City Code Sec. 34-274; and
- (3) There shall be no further development or permanent structures placed upon the Property, including parking facilities.

BE IT FURTHER ORDAINED that the Mayor is hereby authorized to execute a deed of conveyance, in form approved by the City Attorney, for the above-described transaction.

Approved by Council
May 2, 2011


Clerk of Council

Link 1

2011 3378

*Prepared by Charlottesville City Attorney's Office
Tax Map Parcel 160001000 (409 Stadium Road)*

**This deed is exempt from recordation taxes imposed by Va. Code Sec. 58.1-802
pursuant to Va. Code Sec. 58.1-811(C)(4)**

THIS DEED made this 20th day of September, 2011, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia, **GRANTOR**, and **WOODROW TOO, LLC**, a Virginia limited liability company, **GRANTEE**, whose address is P.O. Box 5306, Charlottesville, Virginia 22905.

WITNESSETH:

THAT for and in consideration of the sum of TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00), the receipt and sufficiency of which are hereby acknowledged, **GRANTOR** does hereby **GRANT, BARGAIN, SELL and CONVEY** with **SPECIAL WARRANTY OF TITLE** unto the **GRANTEE** the property described herein on Exhibit A, attached hereto and made a part hereof ("Property").

As a condition of the sale of the Property, the following restrictive covenants, which shall run with the land and shall not be subsequently modified or released without the written consent of the **GRANTOR**, are hereby placed on the Property:

There shall be no further development or structures placed upon the Property, meaning anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including parking facilities, and the Property shall be left and maintained as treed green space.

1

GRANTOR makes no guarantee, representation or warranty regarding the condition of the Property herein conveyed and expressly disclaims any and all obligation and liability to GRANTEE regarding any physical or environmental defects which may exist with respect to the property, including warranties, whether express or implied, concerning the absence of any "hazardous substances" (as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601 *et seq.*, as amended).

This conveyance is made expressly subject to all easements, conditions, restrictions, reservations, and other matters contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the chain of title to the property herein conveyed, which have not expired by a time limitation therein contained or otherwise become ineffective.

By ordinance adopted May 2, 2011, the Mayor of the City of Charlottesville was authorized to sign this deed on behalf of the City of Charlottesville.

WITNESS the following signatures and seals.

[This space intentionally left blank]

GRANTOR:

CITY OF CHARLOTTESVILLE, VIRGINIA

By:

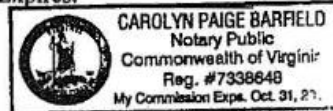
Dave Norris
Dave Norris, Mayor

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid City and Commonwealth, by Dave Norris, Mayor of the City of Charlottesville, Virginia, on this 20th day of September, 2011.

Carolyn Paige Barfield
Notary Public
Registration #: 7338648

My Commission Expires:

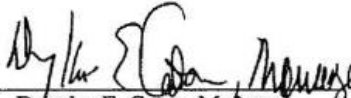


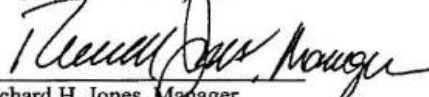
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GRANTEE:

WOODROW TOO, LLC

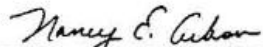
By: 
Douglas E. Caton, Manager

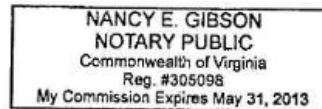
By: 
Richard H. Jones, Manager

COMMONWEALTH OF VIRGINIA

City/County of Charlottesville, to-wit:

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid City and Commonwealth, by Douglas E. Caton, Manager, on behalf of Woodrow Too, LLC, on this 16th day of September, 2011.

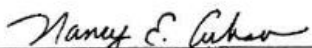

Notary Public
Registration #: 305098



COMMONWEALTH OF VIRGINIA

City/County of Charlottesville, to-wit:

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid City and Commonwealth, by Richard H. Jones, Manager, on behalf of Woodrow Too, LLC, on this 16th day of September, 2011.


Notary Public
Registration #: 305098

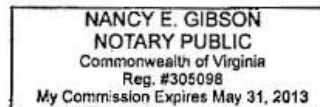


EXHIBIT A
Property Description

All that certain parcel of land situated in the City of Charlottesville, Virginia, known as 409 Stadium Road, and designated as Lot No. Thirty-Six (36) on the map of the subdivision of Montebello, of record in the Clerk's Office of the Circuit Court of Albemarle County in Deed Book 159, page 293; being the same property in all respects conveyed to the City of Charlottesville, Virginia by deed from Lewis Littlepage Holladay and Elizabeth D. Holladay, dated July 2, 1931, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 74, page 9.

STATE TAX	\$	(059)	Admitted to Record in the Clerk's Office of the
CITY TAX	\$	(214)	Circuit Court of the City of Charlottesville,
TRANS	\$	(212)	Virginia, on the <u>22nd</u> day of <u>SEPT</u> , 20 <u>11</u> .
TECH. FEE	\$	(108)	at <u>2:18</u> o'clock <u>P.</u> M., and recorded in
CLERK'S FEE	\$	(301)	Deed Book No. <u> </u> Page <u> </u>
VSLF	\$	(145)	The taxes imposed by §§53.1-301 and 53.1-
STATE FEE	\$	(035)	602 of the Virginia Code have been paid.
SEC 55.1-801	\$		
STATE TAX	\$	(039)	
LOCAL TAX	\$	(220)	
LOCAL TAX	\$	(223)	

TOTAL \$ 22.00

Paul C. Garrett Clerk

Amended Ordinance

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED AT 409 STADIUM ROAD.

WHEREAS, the City of Charlottesville issued a Request for Proposals (RFP) for development of a City-owned lot at 409 Stadium Road, identified as Parcel I on City Real Estate Tax Map 16, hereinafter the "Property"; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held on December 20, 2010, and an additional public hearing was held on February 7, 2011, to give the public an opportunity to comment on the proposed conveyance of the Property; and an additional joint public hearing by the Planning Commission and City Council to amend this ordinance was held October 10, 2023;

WHEREAS, after the public hearing on December 20, 2010, Richard Jones and Douglas Caton, on behalf Woodrow Too, LLC, submitted a response offering to pay \$250,000 for the Property, ~~and agreeing to leave the subject Property a landscaped area;~~ now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City Manager is hereby authorized to execute a sales/purchase agreement, in form approved by the City Attorney, to convey the above-described Property to Woodrow Too, LLC for the purchase price of \$250,000. ~~with restrictions on the development of the subject Property as follows:~~

- ~~(1) The Property shall be landscaped and maintained as a green space area;~~
- ~~(2) The Purchaser shall consent to the adjoining property (Tax Map Parcel 16-2) being designated as an Individually Protected Property (IPP) under City Code Sec. 34-274; and~~
- ~~(3) There shall be no further development or permanent structures placed upon the Property, including parking facilities.~~

BE IT FURTHER ORDAINED that the Mayor is hereby authorized to execute a deed of conveyance, in form approved by the City Attorney, for the above-described transaction.

Approved by Council
May 2, 2011 and Amended December 4, 2023

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



Agenda Date:	December 4, 2023
Action Required:	Consideration of an application for a Critical Slope Waiver
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	Resolution to grant a Critical Slope Waiver for a residential development referred to as "VERVE Charlottesville PUD"

Background

Subtext Acquisitions, LLC ("Contract Purchaser and Applicant"), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, ("Owner") is requesting a waiver from Section 34-112(b) of the City's Critical Slope Ordinance as part of a plan to redevelop 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, and 100 Stadium Road ("Subject Property"). The applicant is proposing to redevelop the Subject Property and replace the existing (62) residential units (spread between nine different buildings) with one building containing between (524) to (550) residential units. The proposed building will have a height range of (75) feet to (135) feet and stories that range from (5) to (12). In addition, the proposed PUD includes improved pedestrian and bicycle circulation along Stadium Road, Emmet Street, and Jefferson Park Avenue and road improvements to Montebello Circle. The majority of the Critical Slopes on the Subject Property run along the southern boundary of the property that fronts Montebello Circle. The proposed development's impact on Critical Slopes will include built structures (footprint of the building and structured parking), pedestrian circulation, and grading. In conjunction with a Critical Slope Waiver, the applicant is also pursuing a series of City Council approvals to permit the proposed development. These include rezoning application (**ZM23-00004**), zoning text amendment (**ZT23-09-02**), Woodrow Street closure comprehensive compliance (**CP23-00002**), sidewalk waiver (**P23-0058**), and an amendment to an ordinance authorizing the sale of City owned property 409 Stadium Road (from May 2, 2011).

Discussion

The Planning Commission held an in-person and virtual meeting on October 10, 2023 related to this matter, along with a joint Public Hearing related to the rezoning, zoning text amendment, and amendments to adopted ordinances. See the City Action memos related to applications ZM23-00004 and ZT23-09-02 for more detailed information on the rezoning requests. The Planning Commission did not deliberate on the requested Critical Slope Waiver directly, but it was incorporated into their larger discussion of the project in general.

Link to the Planning Commission Public Hearing. Discussion starts at the 01:22:00 mark.

[Link](#)

Link to the full application and background materials. The Staff Report starts on page 47.

[Link](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the Critical Slope Waiver Application, the project could contribute to the City Vision Statement of Housing: Charlottesville defines access to livable housing as a human right and works to ensure housing choices and mobility are provided for all who seek it through implementation of the Affordable Housing Plan.

Community Engagement

Under the City's Zoning Code, a Critical Slope Waiver Application does not require a Public Hearing or community engagement meeting, but public engagement for this project has been achieved through other methods such as the rezoning application. See the City Action memos related to applications **ZM23-00004** and **ZT23-09-02** for more detailed information.

Budgetary Impact

This has no impact on the General Fund.

Recommendation

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

Suggested:

"Suggested motion: "I move to approve the RESOLUTION granting a Critical Slope Waiver for Property located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road, City Tax Map Parcels 160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 with conditions."

Alternatives

City Council has several alternatives:

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

Attachments

1. VERVE Charlottesville PUD Critical Slope Waiver Resolution

RESOLUTION
GRANTING A CRITICAL SLOPE WAIVER FOR A RESIDENTIAL DEVELOPMENT REFERRED TO AS
“VERVE CHARLOTTESVILLE PUD”

WHEREAS Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC (“Landowner”) is the owner of certain land identified within the City of Charlottesville Real Estate Assessor’s records as Real Estate Parcel Identification Nos. Parcel Number: 160008000, 160005000, 160004000, 160003000, 160002000, 160001000, said parcels having current street addresses of 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, and 100 Stadium Road (collectively, the “Subject Property”); and

WHEREAS the Subject Property contains critical slopes, over and within an area of approximately 0.47 acre, which is approximately 14% of the combined area of the various parcels that constitute the Subject Property, and Landowner is requesting a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6)(b), in connection with the Owner’s plan to construct a residential development on the Subject Property (the “Project”); and

WHEREAS the Project is described in more specific detail within the application materials submitted in connection with waiver application no. P23-0055, as required by City Code Sec. 34-1120(b)(6) (collectively, the “Application Materials”); and

WHEREAS the Planning Commission considered and recommended approval of this application at their October 10, 2023 meeting, subject to conditions proposed within the Staff Report and modified as discussed in the meeting; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a waiver is hereby granted of the critical slopes requirements for the Project, to allow for the residential development as described within the Application Materials, subject to the following conditions:

1. The applicant shall work with the City’s Urban Forester to identify, remove, and mitigate invasive plant materials within the Critical Slopes.
2. The applicant will work with a local arborist to study and document trees within the Critical Slope area to determine if any can be preserved.
 - a. These documents shall be provided to the City’s Urban Forester and the Neighborhood Development Services’ Planner.
 - b. Should the study identify any tree(s) for preservation, the applicant shall work with the City’s Urban Forester during site plan review to create a tree protection/preservation plan. The applicant shall perform all protection/preservation measures as identified in this plan. The tree preservation/protection plan will include a monitoring program to ensure compliance throughout the construction period. The plan shall also include provisions, such as easements, deed restrictions, or other legally binding measures to ensure preservation of the trees in perpetuity.
3. Any tree with a six inch or greater caliper that is removed from the Critical Slope area shall be replaced at a 3:1 ratio. The replacement tree(s) shall:

- a. Have a two inch or greater caliper at planting.
- b. Be in the general area from where the original tree was removed. Allowances for alternative locations may be granted by the Site Plan Agent if:
 - i. The planting location will interfere with fire safety as identified by the Assistant Fire Marshal; or
 - ii. The planting location will restrict establishment of a healthy mature tree canopy as determined by the City's Urban Forester.

The applicant will provide a document, within the final site plan, illustrating how the requirements of condition #3 are fulfilled.

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



Agenda Date:	December 4, 2023
Action Required:	Consideration of a Sidewalk Waiver
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	Resolution to grant a Sidewalk Waiver for a residential development referred to as "VERVE Charlottesville PUD"

Background

Previously, it was the practice for the Planning Commission to approve sidewalk waiver requests, as referenced within Section 29-182(j) of the subdivision ordinance; however, in 2013 the Virginia Supreme Court decided that only City Council may grant this type of waiver. This is one of many updates that are necessary to the City's various development ordinances. The current practice for sidewalk waiver requests presented by developers pursuant to Section 29-182 is for the approval of the requested waivers to be presented to City Council for review and decision.

Subtext Acquisitions, LLC ("Applicant"), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, ("Owner") is requesting a rezoning to PUD per application ZM23-00004 for properties located at 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, 1705 Jefferson Park Avenue, and 100 Stadium Road ("Subject Property"). The applicant is moving to rezone the Subject Property from Multifamily Residential ("R-3") to Planned Unit Development ("PUD") with a Development Plan and a proffer statement. The application and development plan includes a commitment to affordable housing at two times the requirements of code Section 34-12; parking; a use matrix including a maximum dwelling units per acre ("DUA"); yard and height regulations; open space; and landscaping. The applicant is proposing to redevelop the Subject Property and replace the existing (62) residential units (spread between nine different buildings) with one building containing between (524) to (550) residential units. The proposed building will have a height range of (75) feet to (135) feet and stories that range from (5) to (12). In addition, the proposed PUD includes improved pedestrian and bicycle circulation along Stadium Road, Emmet Street, and Jefferson Park Avenue and road improvements to Montebello Circle. In addition to the rezoning, the applicant is requesting a waiver for a portion of requirements set out in Section 29-182(j)(3) of the City Code that calls for construction of a sidewalk to approved City standards when land being developed fronts on an existing street, and adjacent property on either side has an existing sidewalk. The applicant is proposing to provide a sidewalk on all four (4) frontages of the proposed development but is requesting a waiver for approximately three hundred (300) feet along Montebello Circle.

Discussion

Per Section 29-182(j)(5), the authority granting the waiver shall consider not only the factors set forth within Section 29-182(j)(4) but also Section 29-36. The applicant's analysis of these factors are included in the Application Materials, **Attachment 1**.

Staff Analysis

Public Works Engineering and the City's Fire Department have provided the following analysis:

The existing conditions for Montebello Circle include one-way vehicular travel entering from Stadium Road, a small variable width sidewalk on a portion of the north side of Montebello Circle starting approximately 400 feet from the intersection of Stadium Road, and on street parking (south side from Stadium Road for about 400 feet). As part of the PUD development, the applicant will be providing an 8 foot sidewalk from Stadium Road for approximately 100 feet with pedestrian access to the development. In addition, the applicant will be improving Montebello Circle to bring it up to the City's Fire Department standards. This includes widening the paved portion of Montebello Circle that fronts the development to a minimum of twenty (20) feet and relocating overhead utility lines.

As previously noted, per Section 29-182(j)(5), the authority granting the waiver shall consider the factors set forth within Section 29-36, which state that due to the unusual size, topography, shape of the property, location of the property or other unusual conditions (excluding the proprietary interests of the subdivider) the requirement that is proposed to be varied or excepted would result in substantial injustice or hardship and would not forward the purposes of this chapter or serve the public interest. Public Works Engineering has confirmed that although there are steep slopes along Montebello Circle that would make building a sidewalk more difficult, these conditions are not insurmountable. It would require impacts to Critical Slopes and substantial retention and fill.

Per Section 29-182(j)(5), the authority shall also consider the following factors:

Whether a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood. Alternative surfaces are not under consideration in this application.

Whether sidewalks on only one (1) side of the street may be appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, tree cover, or wetlands, or because lots are provided on only one (1) side of the street. There are Critical Slopes abutting Montebello Circle on the Subject Property side, but the applicant is also requesting a Critical Slope Waiver (P23-0055) as part of the development project. Staff does find that due to the low volume of vehicular traffic on Montebello Circle and the presence of a sidewalk on the opposite side of the Subject Property waving the sidewalk requirement, as presented, would not impact pedestrian activities in the area. Staff finds that even if a sidewalk was built along the full frontage of the Subject Property, it would not connect to the exiting sidewalk system on Montebello Circle due to a gap in the sidewalk and a retaining wall on the adjacent property to the south (1707 JPA).

Whether the sidewalks reasonably can connect into an existing or future pedestrian system in the area. The applicant plans on providing a robust sidewalk system for around 90% of the Subject Property that will connect to the existing sidewalk system along Jefferson Park Avenue. These improvements provided by the applicant include an 8 foot sidewalk, a 6 foot raised bike lane, a planted buffering between the sidewalk/bike lane and the street, and bicycle parking for the frontages along Stadium Road, Emmet Street, and Jefferson Park Avenue. The portion of sidewalk being

proposed off Montebello Circle includes a sidewalk that is 8 feet wide for approximately 100 feet that will provide direct access to the development.

Whether the length of the street is so short, and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit. The majority of pedestrian traffic around the development will be on Stadium Road, Emmet Street, and Jefferson Park Avenue. Although there will be some pedestrian traffic along Montebello Circle (from people cutting over to Grounds from Jefferson Park Avenue), the existing sidewalk system and low traffic generated by vehicles do not warrant a sidewalk running the full length of the Subject Property.

Whether an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider. No proposed alternative is under consideration.

Whether the sidewalks would be publicly or privately maintained. Nothing in the application materials indicates any sidewalk provided as part of the development would not be public and maintained by the City.

Whether the waiver promotes the goals of the comprehensive plan, including the applicable neighborhood plan; and (viii) whether waiving the requirement would enable a different principle of the neighborhood plan to be more fully achieved. Staff finds that the project as a whole would contribute to some goals within the City's Comprehensive Plan, such as providing increased residential density at an ideal location within the City, supporting a wide range of rental and homeownership housing choices that promote walkability, bikeability, ADA accessibility, public transit use, and creating a connected network of safe, convenient, and pleasant accommodations for pedestrians, bicyclists, and transit riders by providing upgraded pedestrian connectivity around the majority of the Subject Property.

Alignment with City Council's Vision and Strategic Plan

Public Sidewalks contribute to the City's Vision Statement of Transportation:

Charlottesville provides a regional transportation system that increases mobility options and is reliable and affordable for all.

Community Engagement

Under the City's Zoning Code, a Sidewalk Waiver Application does not require a Public Hearing or community engagement meeting, but public engagement for this project has been achieved through other methods such as the rezoning application. See the City Action memos related to applications **ZM23-00004** and **ZT23-09-02** for more detailed information.

Budgetary Impact

If City Council grants a sidewalk waiver to the applicant in connection with the proposed development, then if the City later wishes to establish a sidewalk adjacent to the development along Montebello Circle, the City will be required to pay for and complete that construction in accordance with its approved CIP. If City Council does not grant this waiver, and a new sidewalk is established, then the City's long-term maintenance costs will be slightly higher than if no sidewalk is constructed.

Recommendation

Although Public Works Engineering has confirmed there are no hardships per Section 29-36 preventing the installation of a new sidewalk for the location in question, staff finds other factors could warrant waving the construction of a sidewalk in this location and recommends approval.

Alternatives

City Council has several alternatives:

- (1) by motion, take action to deny the sidewalk waiver;
- (2) by motion, take action to approve the attached Resolution granting the requested sidewalk waiver;
- (3) by motion, defer action on the sidewalk waiver.

Attachments

1. VERVE Charlottesville PUD Sidewalk Waiver Application
2. VERVE Charlottesville PUD Sidewalk Resolution



Application for a Sidewalk Waiver

Department of Neighborhood Development Services

P. O. Box 911, City Hall

Charlottesville, VA 22902

Telephone: (434) 970-3182

Tax Map and Parcel Number(s) 160001000, 160002000, 160003000, 160004000,
160005000, 160008000

Address(es) 100, 102, 104, 106-114, and 409 Stadium Road and 1705 Jefferson Park
Avenue, Charlottesville, VA

Note: This application is only for a "waiver" to the City's sidewalks, curbs and gutters regulations. Applicants wishing to contribute funds to a sidewalk improvement fund in an amount equivalent to the cost of dedication of land for and construction of the required sidewalk, curb and gutter must use the Funds In Lieu of Sidewalk Application.

Applicant Contact Information

Name Dylan Lambur

Company Subtext Acquisitions, LLC

Phone 314-721-5559

Email dlambur@subtextliving.com

Owner Contact Information

Name Woodrow Apartments, LLC; Woodrow Too, LLC; 1705 JPA, LLC

Address PO Box 5306, Charlottesville, VA 22905

Phone 434-293-6069 ext. 405

Email tsteigman@msc-rents.com

Owner's Signature:

T. Steigman, Manager Member 8-7-2023
Owner Date

Required application materials and fee:

- All required materials. Contact City Planner for more information.
- Correct application fee. Checks payable to "City of Charlottesville".

Note: Incomplete applications will not be processed.

Date Received: _____	Received by: _____
Fee: _____	Cash/Check # _____

Revision Date: May 19, 2022

Sidewalk Waiver

The Project is requesting a Sidewalk Waiver for a portion of the south frontage along Montebello Circle. The Project includes construction of a new sidewalk on the north side of Montebello Circle, from Stadium Road to approximately where the existing sidewalk on the south side of Montebello Circle begins as depicted on **Exhibit A**. The waiver is being requested for the remaining frontage due to the narrow condition of Montebello Circle at approximately 18' which is already being served by an existing sidewalk.

Variations; exceptions (Zoning Ordinance Sec. 29-36)

(a) Whenever this chapter contains provisions for variation or exception to a requirement, the agent or commission in considering the request for a variation or exception, shall consider whether, because of unusual size, topography, shape of the property, location of the property or other unusual conditions (excluding the proprietary interests of the subdivider) the requirement that is proposed to the varied or excepted would result in substantial injustice or hardship and would not forward the purposes of this chapter or serve the public interest.

(1) In approving any such request, the agent or commission shall find that adherence to the requirements would result in substantial injustice or hardship, and that granting the waiver would not be detrimental to the public health, safety or welfare or to the orderly development of the area.

Constructing a sidewalk along the entirety of the Project's south frontage is not feasible due to environmental constraints.

(2) Prior to varying or granting an exception to a provision of this chapter, the agent or commission shall obtain a written opinion of the city's fire code official as to whether the requested waiver can be accommodated within the applicable requirements of the Virginia Statewide Fire Prevention Code (VSFPC).

The Project is subject to review by the Fire Department.

(3) Prior to varying or granting an exception to a provision of this chapter involving utilities, the agent or commission shall obtain a written opinion of the city's director of public works as to whether the requested waiver can be accommodated within applicable regulations, specifications and ordinances governing utilities.

The requested waiver does not involve utilities.

Standards for Streets and Alleys (Zoning Ordinance Sec. 29-182)

(i) Whether a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood;

The type of surface is not applicable to the requested waiver. The sidewalks that are proposed by the Project will meet all current regulations and guidelines and be compatible with the surrounding area.

(ii) Whether sidewalks on only one (1) side of the street may be appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, tree cover, or wetlands, or because lots are provided on only one (1) side of the street;

Currently, there is only a sidewalk on one (1) side of Montebello Circle due to a significant slope. The existing sidewalk does not connect to Stadium Road. The Project proposes a sidewalk from Stadium Road and along the portion of Montebello Circle that is not impacted by the slope.

- (iii)** *Whether the sidewalks reasonably can connect into an existing or future pedestrian system in the area;*

The requested waiver is in response to environmental constraints that limit existing and would limit future pedestrian systems at this location.

- (iv)** *Whether the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit;*

The Property includes frontage on Montebello Circle; however, the Project will not have pedestrian frontage on Montebello Circle due to the existing slope. The sidewalk proposed for a portion of Montebello Circle would benefit existing pedestrian traffic.

- (v)** *Whether an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider;*

The requested waiver is in response to environmental constraints limiting sidewalks and therefore alternate pedestrian systems were not considered.

- (vi)** *Whether the sidewalks would be publicly or privately maintained;*

This standard is not applicable as the requested waiver would waive the requirement for a sidewalk along a portion of the south frontage.

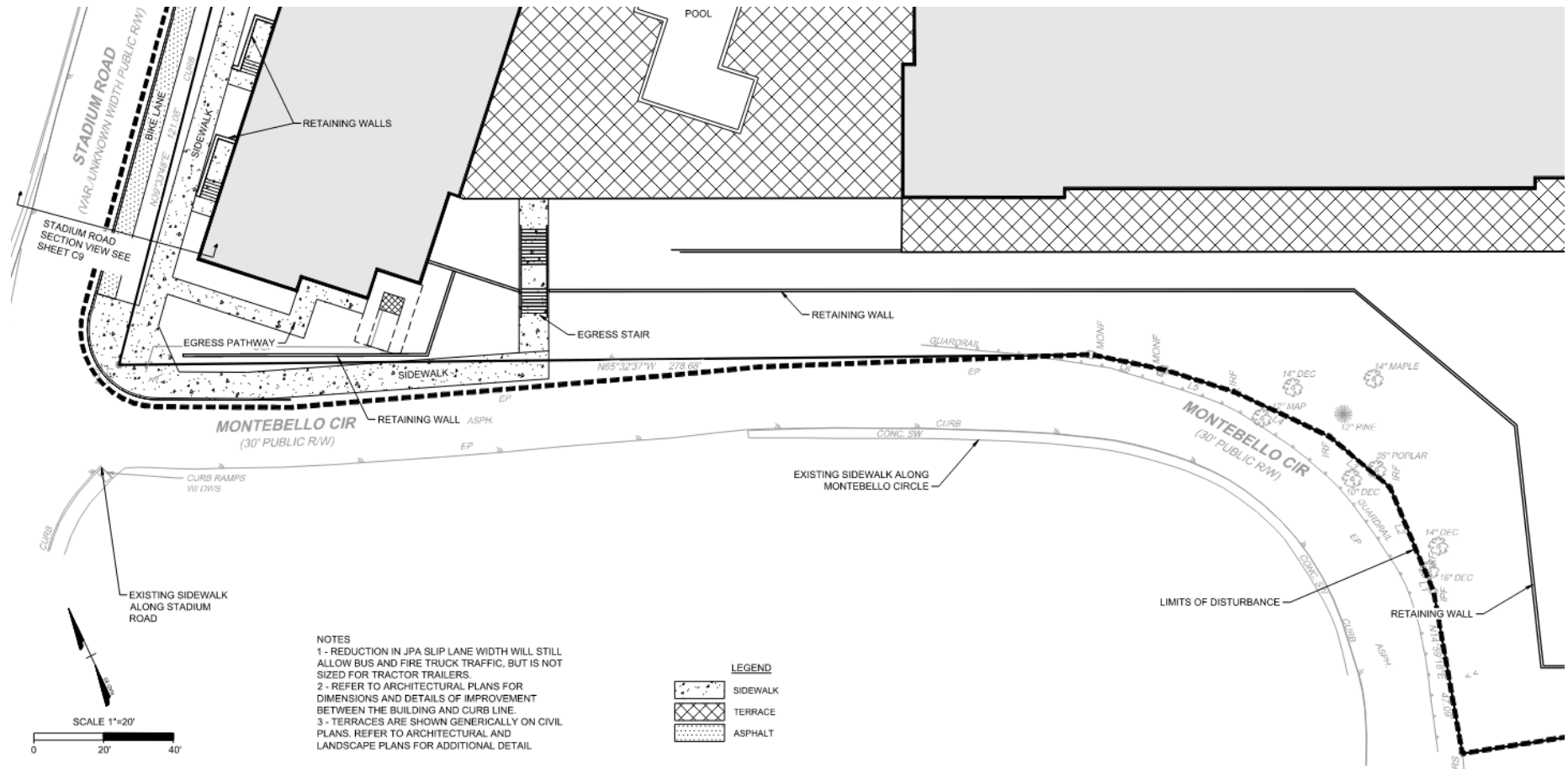
- (vii)** *Whether the waiver promotes the goals of the comprehensive plan, including the applicable neighborhood plan; and*

The requested waiver is in response to environmental constraints. The Project proposes a sidewalk where feasible in order to promote the goals of the Comprehensive Plan.

- (viii)** *Whether waiving the requirement would enable a different principle of the neighborhood plan to be more fully achieved.*

The requested waiver is in response to environmental constraints. The Project proposes a sidewalk where feasible in order to promote the goals of the Comprehensive Plan and Neighborhood Plan.

Exhibit A

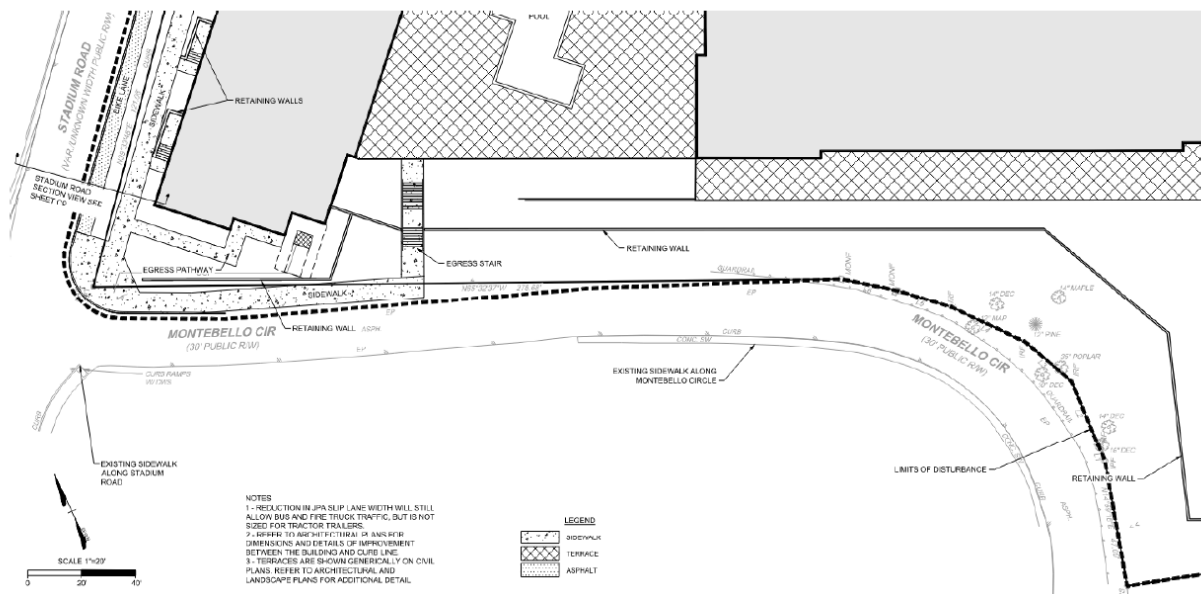


RESOLUTION
SIDEWALK WAIVER REQUEST FOR A RESIDENTIAL DEVELOPMENT REFERRED TO AS “VERVE
CHARLOTTESVILLE PUD”

WHEREAS, Subtext Acquisitions, LLC (“Contract Purchaser and Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (collectively the “Landowners”) of certain land fronting on Jefferson Park Avenue, Stadium Road, Emmet Street, and Montebello Circle, designated on the City Tax Map and Parcel (TMP) as 160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 (collectively, hereinafter, the “Subject Property”), has submitted an application seeking a waiver of the requirement of City Code Section 29-182(j)(3) where land being subdivided or developed fronts on an existing street, and adjacent property on either side has an existing sidewalk, the subdivider shall construct a sidewalk, and shall dedicate land to the public for such sidewalk, to connect to the existing sidewalk. This application is submitted in connection with the Applicant/Developer’s proposed development of ZM23-00004 (Planned Unit Development), and

WHEREAS, City staff has submitted to City Council a staff report providing information and staff's recommendation regarding the sidewalk waiver request, and City Council has reviewed the application and the staff report and has considered the factors set forth within the City's Subdivision Ordinance, Sections 29-36 and 29-182(j)(5); now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the sidewalk waiver request presented to this Council by the Applicant/Developer is hereby granted along approximately three hundred (300) feet along the north side of Montebello Circle abutting City Lots currently identified as Real Estate Parcel Identification Numbers 160005000 and 160008000 as depicted below.



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



Agenda Date:	December 4, 2023
Action Required:	Consideration of a Rezoning Application
Presenter:	Dannan OConnell, Planner
Staff Contacts:	Dannan OConnell, Planner
Title:	Ordinance to Rezone land fronting on Ivy Road and Copeley Road related to the "2117 Ivy Road Plan Unit Development Plan Submittal"

Background

Williams Mullen (Applicant), on behalf of RMD Properties, LLC (Owner), has submitted an application pursuant to City Code 34-490 seeking a zoning map amendment to change the zoning district classification for 2117 Ivy Road, City Tax Map Parcel 070001200. The application proposes to change the zoning classification of the Subject Property from "URB" (Urban Corridor) to "PUD" (Planned Unit Development) subject to proffered development conditions.

Discussion

The Planning Commission held an in-person and virtual joint Public Hearing with City Council on November 14, 2023 on this matter. The Planning Commission and City Council expressed the following:

- Additional higher-density student housing close to the University of Virginia campus is desirable.
- Bike parking and pedestrian improvements are desirable and would contribute positively to the Ivy Road corridor area.
- The proposed building height is above the maximum of eight stories noted in the Comprehensive Plan.
- Traffic congestion on the adjacent intersection is a problem, but development of the parcel would not make this traffic significantly worse.

Planning Commissioners and City Council members noted that the proposed proffered cash-in-lieu payment for affordable housing was below the amount currently being considered for the City's new affordable housing regulations. The Planning Commission discussed the merits of providing on-site affordable dwelling units versus a cash-in-lieu payment, but did not come to a consensus as to which option was preferred. Commissioners noted that the height of the proposed building was out of scale with existing planning documents. The Commission Chair mentioned the possibility of scaling the structure down to eight stories, although several other Commissioners stated that the proposed ten-story height was not a significant problem. Overall, the Planning Commission was supportive of the

rezoning request, and argued that the benefits of dense, walkable student housing outweighed the potential downsides of development. The Commission voted 6-0 to recommend approval of the rezoning.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 02:12:00 mark.

[Link to November 14, 2023 Public Hearing.](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 278.

[Link to application, background materials and staff report.](#)

Following the November 14, 2023 joint Public Hearing, the applicants submitted revised materials based on feedback they received from the Planning Commission and City Council. The applicant's revised PUD Development Plan, revised final proffer statement and a cover letter noting all changes are attached to this agenda item.

Alignment with City Council's Vision and Strategic Plan

If City Council approves this rezoning request, the project could contribute to the *Housing* goal of the City Vision Statement: "Charlottesville defines access to livable housing as a human right and works to ensure housing choices and mobility are provided for all who seek it through implementation of the Affordable Housing Plan."

Community Engagement

On May 18, 2023 the applicant held a community meeting in-person at St. Mark Lutheran Church. The applicant gave an overview of the project as it related to the need for a rezoning. Thirty-three members of the public attended the meeting and expressed the following:

- The proposed structure is significantly out of scale with the surrounding neighborhood.
- The Ivy/Alderman/Copeley Road intersection experiences significant traffic slowdowns during peak hours and special events. Redevelopment of the parcel would exacerbate this traffic.
- Insufficient off-street parking is proposed, which will cause parking problems for the adjacent residential neighborhood.
- No significant affordable housing contribution was initially proposed as part of this rezoning.

The Planning Commission held a joint public hearing with City Council on this matter on November 14, 2023. Eight members of the public spoke on the application, and expressed the following:

- The size of the proposed structure is out of scale with the surrounding neighborhood and the University of Virginia campus.
- Increases in traffic congestion along Copeley Road will result from the proposed development.
- The design of the structure is not in keeping with the City's Entrance Corridor design guidelines.
- The project will contribute to more affordable housing close to the University of Virginia campus.

- The project will create more walkable and bike-friendly housing to reduce reliance on personal automobiles and meet City climate adaptation goals.

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

Budgetary Impact

This has no impact on the General Fund.

Recommendation

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

Suggested:

“I move to approve the ORDINANCE for application ZM23-00003 rezoning the Property located at 2117 Ivy Road, City Tax Map Parcel 070001200 from Urban Corridor (URB) to Planned Unit Development (PUD).”

Alternatives

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

Attachments

1. Applicant memo outlining changes made to the PUD after the November 14, 2023 Public Hearing
2. 2117 Ivy Road PUD Development Plan revised November 21, 2023
3. Signed proffer statement dated November 20, 2023
4. Rezoning Ordinance

WILLIAMS MULLEN

Direct Dial: 434.951.5709
vlong@williamsmullen.com

November 20, 2023

Via email: oconnelld@charlottesville.gov

Dannan O'Connell
Senior Planner
City of Charlottesville
Neighborhood Development Services

Re: **2117 Ivy Road - Revisions to PUD Application Package**

Dear Mr. O'Connell,

Enclosed you will find updated materials for the proposed 2117 Ivy Road PUD rezoning application following the November 14, 2023 Planning Commission Joint Public Hearing. The following is a list of materials enclosed as well as a detailed list of revisions made to the plan set.

A. Revised and Signed Proffer Statement

1. The proffer statement now provides that the affordable housing fee in lieu option will be in the amount equal to four (4) times that which would be required under City Code Section 34-12(d)(2) based on the final site plan, up to a maximum of \$2.75 million.
2. The affordable unit option has been revised to increase the term limit from 25 years to 30 years. As noted on the affordable housing work sheet, under Section 34-12 of the existing ordinance, the affordable term would be just 5 years.

B. Revised PUD Plan set dated November 21, 2023 with the following updates:

1. Sheets A-003 through A-005: Revised Moe's BBQ building footprint to reflect its accurate location.
2. Sheet A-003:
 - i. Reduced the maximum building height from 142 feet to 124 feet within the Building Regulations chart. This reduction of 18 feet assists in addressing the concerns raised regarding the building height, and further supports that the project is in alignment with the current and future patterns of development along the Ivy corridor.
 - ii. Added a footnote to the Building Regulations chart related to the rooftop structures per the current Zoning Ordinance. Upon further analysis of Section 34-1100 of the Zoning Ordinance, as well as the building code, we now realize that the proposed

enclosed restrooms to support the rooftop amenity space do not constitute habitable residential space, and therefore do not count towards the height of the building pursuant to Section 34-1101(2).

- iii. On the Conceptual Architectural Site Plan image, we corrected the note that previously referenced a “penthouse” to reference the roof structure as mechanical-elevator-stair overrun and the restroom and stair access.
 - iv. Removed affordable housing notes now that the affordable housing commitment is now provided within the proffer statement.
- 3. Sheet A-004: On the Conceptual Outdoor Amenity Space image, we corrected the note that previously referenced a “penthouse” to reference the roof structure as mechanical-elevator-stair overrun and the restroom and stair access.
 - 4. Sheets A-005 and C-003 through C-005: Clarify the retaining wall label to note that the wall is optional. At this stage it is unknown whether the retaining wall will be necessary. This will be determined during the site plan stage.
 - 5. Sheets A-006 through A-008:
 - i. Clarify the building heights and add a notation related to the rooftop structures per the current Zoning Ordinance Section 34-1100. The total height of the building from Ivy Road is 114.5 feet, although it is 120’ from the average grade, which is lower than Ivy Road.
 - ii. Replace references to “penthouse” with “overrun.”
 - iii. Labeled the glass railing at the roof deck.
 - 6. Sheets A-013 and C-003 through C-005:
 - i. Add expanded crosswalks.
 - ii. Add proposed green bicycle boxes including two additional green boxes; one located along Copeley Road, and one in front of the loading/trash service entrance/exit.
 - 7. Sheet C-002: Add existing crosswalk on the north side of the intersection to reflect the now-existing conditions at the intersection of Ivy and Copeley Roads.
 - 8. Sheets C-003 through C-005: Revise the UVA sidewalk notation to accurately reflect UVA’s future plans “Proposed UVA sidewalk from the east 10’ +/-.”
 - 9. Sheet C-003.1: Revised intersection striping note to clarify that additional pavement markings will be subject to review and approval from the City. In addition, based upon prior discussions related to the affordable housing note, the note referencing cash for additional pavement markings has been removed.

10. Sheet C-003: Revised setback and building height notes to accurately reflect the setbacks and buildings in the Building Regulations chart on Sheet A-003.

11. Sheet C-005: Revised to include an additional street tree along Ivy Road as requested by the Planning Commission.

Please let us know if you have any questions or require anything further to schedule this application for the December 4th City Council meeting.

Thank you,

Valerie W. Long

Enclosures

cc: RMD Properties, LLC

(103994657.4)

2117 IVY ROAD

CHARLOTTESVILLE, VA 22903

PLANNED UNIT DEVELOPMENT PLAN SUBMITTAL
MAY 15, 2023 - REVISED AUGUST 02, 2023 - REVISION #2 OCTOBER 6, 2023
REVISION #3 NOVEMBER 21, 2023

SITE VICINITY MAP



NOTE: ALL DRAWINGS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PER FINAL ARCHITECTURAL, CIVIL, AND SITE DESIGN. PROPERTY IS LOCATED WITHIN A CITY DESIGNATED ENTRANCE CORRIDOR, AND FINAL DESIGN WILL BE SUBJECT TO REVIEW AND APPROVAL BY THE ENTRANCE CORRIDOR REVIEW BOARD.

DRAWING INDEX - CIVIL		DRAWING INDEX - ARCHITECTURE	
SHEET NUMBER	SHEET NAME	Sheet Number	Sheet Name
C-001	ALTA NSPS LAND TITLE SURVEY	A-001	COVER
C-002	EXISTING CONDITIONS PLAN	A-002	ZONING INFORMATION
C-003	LAYOUT & UTILITIES PLAN	A-003	ARCHITECTURAL SITE PLAN AND BUILDING INFORMATION
C-004	GRADING AND DRAINAGE PLAN	A-004	CONCEPTUAL OUTDOOR AMENITY SPACE DIAGRAM
C-005	LANDSCAPE PLAN	A-005	CONCEPTUAL FLOOR PLANS
		A-005A	ENLARGED FLOOR PLANS - LEVEL B1
		A-005B	ENLARGED FLOOR PLANS - LEVEL 1
		A-005C	ENLARGED FLOOR PLANS - LEVEL 2
		A-005D	ENLARGED FLOOR PLANS - LEVEL 3 (TYPICAL)
		A-005E	ENLARGED FLOOR PLANS - LEVEL ROOF
		A-006	CONCEPTUAL ELEVATIONS
		A-007	CONCEPTUAL ELEVATIONS
		A-008	CONCEPTUAL BUILDING SECTIONS
		A-009	CONCEPTUAL BUILDING SECTIONS
		A-010	CONCEPTUAL PERSPECTIVE IMAGES
		A-010A	CONCEPTUAL PERSPECTIVE IMAGES
		A-011	CONCEPTUAL SITE SECTION
		A-012	INTERIOR COURTYARD VIEWS
		A-013	SOLAR STUDY
		A-014	SOLAR STUDY

IMPLEMENTATION OF PLANNED UNIT DEVELOPMENT REGULATIONS:

THIS PUD SHALL BE REGULATED CONSISTENT WITH SECTION 34-518 AND 34-519 OF THE CITY ZONING ORDINANCE IN EFFECT AS OF OCTOBER 2023

WDG

WDG ARCHITECTURE, PLLC
1025 CONNECTICUT AVENUE NW
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WASHINGTON DC 20036
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CIVIL ENGINEER
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LAND USE COUNSEL
WILLIAMS MULLEN
323 2ND STREET SE, SUITE 900,
CHARLOTTESVILLE, VA 22902
TEL 434.951.5700

2117 IVY ROAD
CHARLOTTESVILLE, VA 22903

OWNER/APPLICANT
RMD PROPERTIES
211 E HIGH ST.
CHARLOTTESVILLE, VA 22902
TEL - 217.474.5904

PUD SUBMISSION 05/15/23
PUD RESPONSE 08/02/23
PUD RESPONSE #2 10/06/23
PUD RESPONSE #3 11/21/23

NOT TO SCALE

WDG PROJECT NO:
WAZ2014

COVER

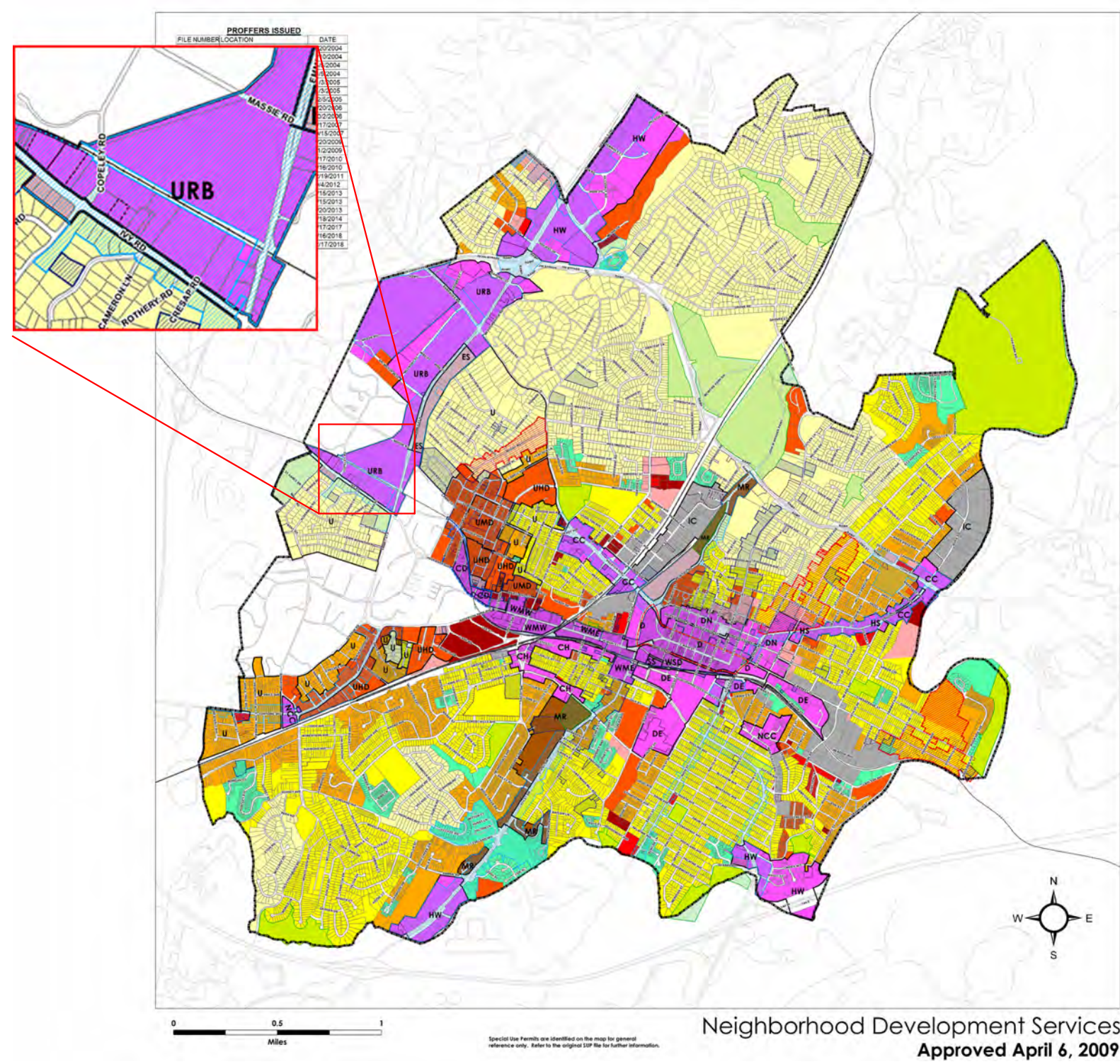
A-001

CURRENT URB ZONING

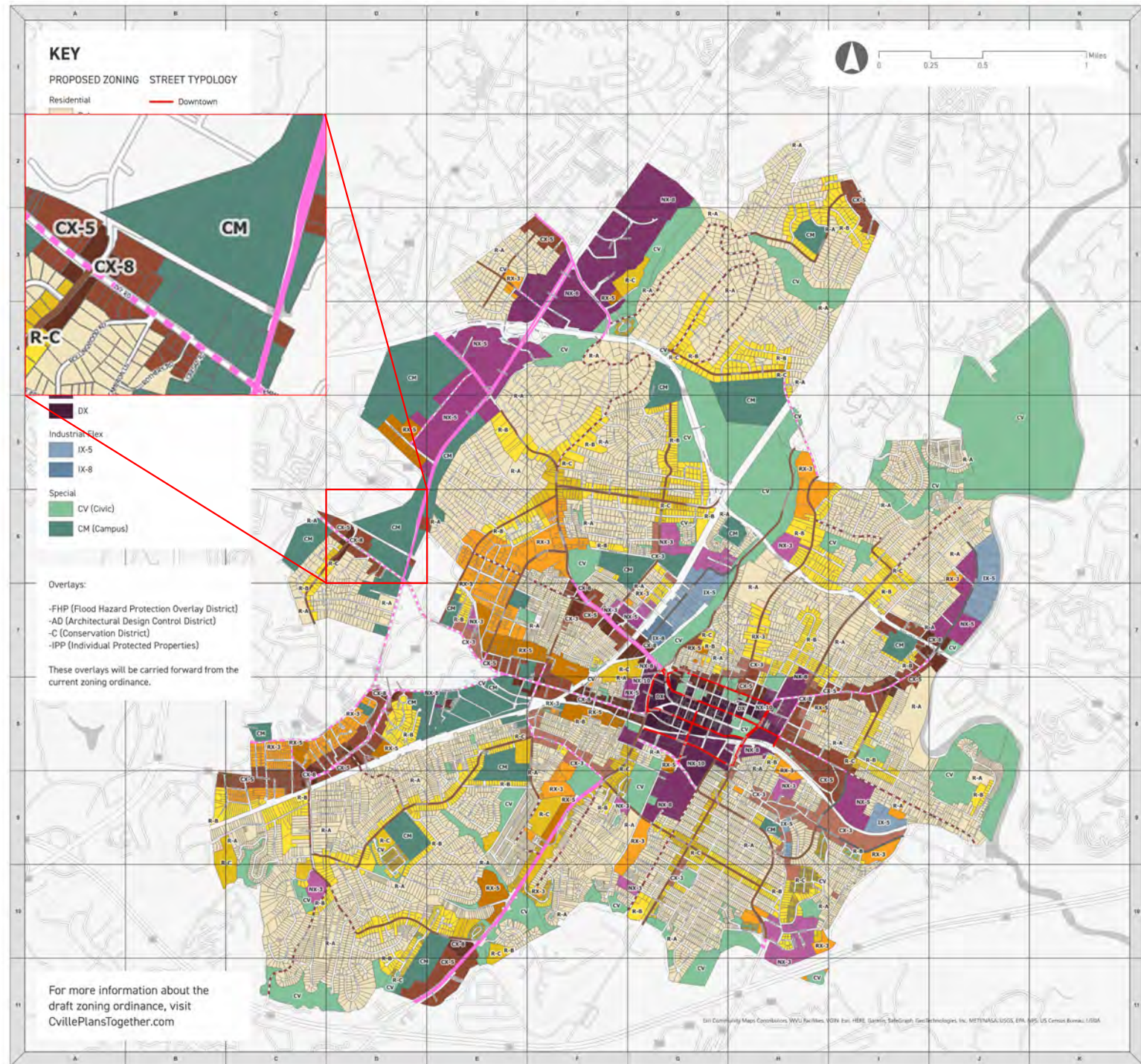
Use Types under Existing Zoning Ordinance		
B = Permitted; () = Use Not Allowed; P = Provisional Use Permit; S = Special Use Permit; T = Temporary Use Permit; A = Ancillary Use		
	Proposed PUD	Existing Zoning: URB (for Reference)
RESIDENTIAL AND RELATED USES		
Accessory apartment, internal		
Accessory apartment, external		
Accessory buildings, structures and uses (residential)	B	B
Adult assisted living		
1–8 residents		
Greater than 8 residents		
Adult day care		
Amateur radio antennas, to a height of 75 ft.		
Bed-and-breakfasts:		
Homestay	B	B
B & B	B	B
Inn	B	B
Boarding, fraternity and sorority house		
Boarding house (rooming house)		
Convent/monastery		B
Criminal justice facility		
Dwellings:		
Multi-family	B	B
Single-family attached		
Single-family detached		
Townhouse		
Two-family		
Family day home		
1–5 children		
6–12 children		
Home occupation	B	P
Manufactured home parks		
Night watchman's dwelling unit, accessory to industrial use		
Nursing homes		
Occupancy, residential		
3 unrelated persons	B	B
4 unrelated persons	B	B
Residential treatment facility		
1–6 residents		B
8+ residents		S
Shelter care facility		S
Single room occupancy facility		S
Temporary family health care structure	B	S
NON-RESIDENTIAL: GENERAL AND MISC. COMMERCIAL		
Access to adjacent multifamily, commercial, industrial or mixed-use development or use	B	B
Accessory buildings, structures and uses	B	B
Amusement center	B	P
Amusement enterprises (circuses, carnivals, etc.)		
Amusement park (putt-putt golf, skateboard parks, etc.)		
Animal boarding/grooming/kennels:	B	
With outside runs or pens	B	
Without outside runs or pens		
Animal shelter		
Art gallery:		
GFA 4,000 SF or less	B	B
GFA up to 10,000 SF	B	S
Art studio, GFA 4,000 SF or less	B	B
Art workshop	B	B
Assembly (indoor)		
Arena, stadium (enclosed)		
Auditoriums, theaters		
Maximum capacity less than 300 persons	B	
Maximum capacity greater than or equal to 300 persons	B	
Houses of worship	B	B
Assembly (outdoor)		
Amphitheater		S
Arena, stadium (open)		
Temporary (outdoor church services, etc.)	B	T
Assembly plant, handcraft		
Assembly plant		
Automobile uses:		
Auto parts and equipment sales		S
Gas station		S
Rental/leasing (such as Zipcar or similar car share only)	B	S
Repair/servicing business		S
Sales		
Tire sales and recapping		B
Bakery, wholesale		
GFA 4,000 SF or less	B	B
GFA up to 10,000 SF	B	
Banks/financial institutions	B	B
Bowling alleys		
Car wash		S
Catering business	B	B
Cemetery		
Clinics:		
Health clinic (no GFA limit)	B	
Health clinic (up to 10,000 SF, GFA)	B	B
Health clinic (up to 4,000 SF, GFA)	B	B
Public health clinic	B	B
Veterinary (with outside pens/runs)		
Veterinary (without outside pens/runs)		
Clubs, private	B	B
Communications facilities:		
Attached facilities utilizing utility poles as the attachment structure	B	B
Attached facilities not visible from any adjacent street or property	B	B
Attached facilities visible from an adjacent street or property (if painted to match attachment structure)	B	
Carrier on wheels (COW)	T	
Towers		
Monopole tower		
Guyed tower		
Lattice tower		
Self-supporting tower		
Contractor or tradesman's shop, general		
Crematorium (independent of funeral home)		
Data center >4,000		B
<4,000		B
Daycare facility	B	B
Dry cleaning establishments	B	B
Educational facilities (non-residential)		
Elementary	B	B
High schools	B	B
Colleges and universities	B	
Artistic instruction, up to 4,000 SF, GFA	B	B
Artistic instruction, up to 10,000 SF, GFA	B	
Vocational, up to 4,000 SF, GFA	B	
Vocational, up to 10,000 SF, GFA	B	

Use Types under Existing Zoning Ordinance		
B = Permitted; () = Use Not Allowed; P = Provisional Use Permit; S = Special Use Permit; T = Temporary Use Permit; A = Ancillary Use		
	Proposed PUD	Existing Zoning: URB (for Reference)
Electronic gaming café		
Funeral home (without crematory)		
GFA 4,000 SF or less		B
GFA up to 10,000 SF		S
Funeral homes (with crematory)		
GFA 4,000 SF or less		
GFA up to 10,000 SF		
Golf course		
Golf driving range		
Helipad		
Hospital		
Hotels/motels:		
Up to 100 guest rooms	B	B
100+ guest rooms	B	B
Laundromats	B	
Libraries	B	B
Manufactured home sales		
Micro-producers	B	B
Small Breweries	B	S
Mobile food units	B	P
Movie theaters, cineplexes	B	S
Municipal/governmental offices, buildings, courts	B	B
Museums:		
Up to 4,000 SF, GFA	B	B
Up to 10,000 SF, GFA	B	B
Music hall	B	B
Offices:		
Business and professional	B	B
Medical	B	B
Philanthropic institutions/agencies	B	B
Property management (ancillary to MFD)	B	A
Other offices (non-specified)	B	B
Outdoor storage, accessory		S
Parking:		
Parking garage	B	A/S
Surface parking lot (19 or less spaces)	B	B
Surface parking lot (more than 20 spaces)	B	A
Temporary parking facilities	T	
Photography studio	B	B
Photographic processing, blueprinting	B	
Radio/television broadcast stations	B	B
Recreational facilities:		
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on City-owned, City School Board-owned, or other public property)	B	B
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on private property)		
GFA 4,000 SF or less	B	B
GFA 4,001–10,000 SF	B	B
GFA more than 10,000 SF	B	S
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city-owned), and related concession stands	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private)		S
Restaurants:		
All right	B	S
Drive-through windows		S
Fast food	B	B
Full service	B	B
24-hour	B	
Towing service, automobile		
Technology-based businesses	B	B
Taxi stand	B	B
Transit facility	B	B
Utility facilities	B	S
Utility lines	B	B
NON-RESIDENTIAL USES: RETAIL		
Accessory buildings, structures and uses	B	B
Consumer service businesses:		
Up to 4,000 SF, GFA	B	B
Up to 10,000 SF, GFA	B	B
10,001+ GFA	B	B
Farmer's market	B	S
Greenhouse/nurseries	B	S
Grocery stores:		
Convenience	B	B
General, up to 10,000 SF, GFA	B	B
General, more than 10,000 SF, GFA	B	B
Home improvement center	B	
Pharmacies:		
1–1,700 SF, GFA	B	B
1,701–4,000 SF, GFA	B	B
4,001+ SF, GFA	B	B
Shopping centers	B	S
Shopping malls	B	S
Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.)	T	T
Other retail stores (non-specified):		
Up to 4,000 SF, GFA	B	B
4,001 SF to 20,000 SF, GFA	B	B
More than 20,000 SF, GFA	B	B
NON-RESIDENTIAL: INDUSTRIAL		
Accessory buildings, structures and uses		
Assembly, industrial		
Beverage or food processing, packaging and bottling plants		
Brewery and bottling facility		
Compounding of cosmetics, toiletries, drugs and pharmaceutical products		
Construction storage yard		
Temporary construction yard	T	T
Contractor or tradesman shop (HAZMAT)		
Frozen food lockers		
Greenhouse/nurseries (wholesale)		
Industrial equipment: service and repair		
Janitorial service company		
Kennels		
Laboratory, medical >4,000 sq. ft.	B	
<4,000 sq. ft.	B	B
Laboratory, pharmaceutical >4,000 sq. ft.	B	
<4,000 sq. ft.	B	B
Landscape service company		
Laundries		
Manufactured home sales		
Manufacturing, light		
Moving companies		
Printing/publishing facility		S
Open storage yard		
Outdoor storage, accessory to industrial use		
Research and testing laboratories	B	
Self-storage companies		
Warehouses		
Welding or machine shop		
Wholesale establishments		

CURRENT ZONING MAP



NEW DRAFT ZONING MAP



PROPOSED CX-8 ZONING

Use Types under Draft Zoning Code		
P = Use allowed; S= Special Use Permit required; (*) = Use standards apply; (-) = Use Not Allowed		
	Proposed PUD	Draft Zoning Code: CX-8
RESIDENTIAL USES		
Household Living		
General household living	P	P
Manufactured home park		-
Group Living		
General group living (up to 8 residents)	P	P
General group living (8+ residents)	P	P
Adult assisted living (up to 8 residents)	P	P
Adult assisted living (8+ residents)	P	P
Residential treatment facility (up to 8 residents)	P	P
Residential treatment facility (8+ residents)	P	P
PUBLIC AND INSTITUTIONAL USES		
Civic		
General Civic	P	P
Religious assembly	P	P
Shelter	P	-
Criminal justice facility		-
Day Care		
Day care center (1 to 12 persons)	P	P
Day care center (12+ persons)	P	P
Education		
General Education	P	P
College, university or vocational school	P	P
Parks & Open Space		
General parks and open space	P	P
Cemetery	-	-
Utilities		
Utility, major	S	S
Utility, minor	P	P
Communication facility, attached (utility pole or not visible)	P*	P*
Communication facility, attached (visible- painted to match attachment structure)	P*	-
Communication facility, tower	-	-
COMMERCIAL USES		
Entertainment & Recreation		
General indoor entertainment and recreation (up to 4,000 SF)	P	P
General indoor entertainment and recreation (4,000+ SF)	P	S
General outdoor entertainment and recreation	P	P
Club, private	P	P
Electronic gaming café	-	-
Golf course	-	-
Golf driving range	-	-
Food & Beverage		
General food and beverage (up to 4,000 SF)	P	P
General food and beverage (4,000+ SF)	P	P
Micro-producer	P	P
Small brewery	P	P
Lodging		
General lodging (up to 10 guest rooms)	P	P
General lodging (10+ guest rooms)	P	P
Medical		
General medical (up to 4,000 SF)	P	P
General medical (4,000+ SF)	P	S
Hospital	S	S
Medical laboratory (up to 4,000 SF)	P	P
Medical laboratory (4,000+ SF)	P	-
Office		
General Office (up to 4,000 SF)	P	P
General Office (4,000+ SF)	P	P
Parking		
Commercial surface parking	P*	P*
Commercial structured parking	P*	P*
Remote parking	P*	P*
Personal Service		
General personal service (up to 4,000 SF)	P	P
General personal service (4,000+ SF)	P	P
Animal Care, outdoor	P	P
Gym or studio	P	P
Retail		
General retail (up to 4,000 SF)	P	P
General retail (4,000+ SF)	P	P
Artisan workshop	P	P
Farmer's market	P	P
Greenhouse or nursery	-	-
Transportation		
Passenger terminal	P	P
Helipad	-	-
Vehicle Sale & Service		
Vehicle repair or service (up to 1 acre)	-	-
Vehicle repair or service (1+ acres)	-	-
Vehicle sale or rental (such as Zipcar or similar car share only)	P	-
Fueling station	-	-
INDUSTRIAL USES		
Industrial & Manufacturing		
Bakery, wholesale (up to 4000 SF)	P	P
Bakery, wholesale (4000+ SF)	P	-
Low-impact industrial and manufacturing (up to 4000 SF)	P	-
Low-impact industrial and manufacturing (4000+ SF)	-	-
High-impact industrial and manufacturing	-	-
Research and development	P	-
Warehouse & Distribution		
General warehouse and distribution (up to 25,000 SF)	-	-
General warehouse and distribution (25,000+ SF)	-	-
Data center	P*	P*
Distribution storage yard	-	-
Recycling drop-off center	-	-
Self-service storage	-	-
Vehicle storage yard	-	-
ACCESSORY USES		
Drive-through	P	P
Family day home	P	P
Home occupation	P*	P*
Homestay	P*	P*
Outdoor dining	P*	P*
Outdoor display	P*	P*
Outdoor entertainment	P*	P*
Outdoor storage	P*	P*
TEMPORARY USES		
Temporary outdoor assemblies	P*	P*
Temporary outdoor sales	P*	P*
Amusement enterprises	P*	P*
Mobile food unit	P*	P*
Temporary family health care structures	P*	P*
Temporary construction yard	P*	P*
Temporary surface parking lot	P*	P*
Carrier on wheels (COW)	P	-



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WDG PROJECT NO:
WAZ2014

ZONING
INFORMATION

A-002

BUILDING REGULATION COMPARISON				
Building Regulations				
	Proposed PUD	Draft Zoning Code: CX-8		
1. HEIGHT				
Overall height (max stories/feet)				
Stories (max)	10	Base	Bonus	
Height (max) *	124'	114'	156'	
2. MASSING				
Width (max)				
Primary street: Ivy Rd	275'	275'		
Side street: Copeley Rd	0'	0'		
Active Depth (min)				
Primary street: Ivy Rd	15'	15'		
Side street: Copeley Rd	0'	9'		
3. GROUND STORY				
Story height (min)				
Residential	10'	10'		
Nonresidential	14'	14'		
Finished floor elevation (min/max)				
Residential	2' / 5'	2' / 5'		
Nonresidential	-2' / 5'	-2' / 5'		
4. TRANSPARENCY				
	Primary St: Ivy Rd	Side St: Copeley Rd	Primary St: Ivy Rd	Side St: Copeley Rd
Ground story (min)				
Residential	35%	30%	35%	30%
Nonresidential	50%	30%	50%	30%
Upper story (min)				
Blank wall width (max)	25'	25'	15'	25'
5. ENTRANCES				
	Primary St: Ivy Rd	Side St: Copeley Rd	Primary St: Ivy Rd	Side St: Copeley Rd
Street-facing entry spacing (max)				
Entry Feature	Yes	Yes	Yes	Yes
6. WALLS & FENCES				
Front yard height (max): Ivy Rd				
	4'	4'		
Side street yard height (max): Copeley Rd				
	None	6'		

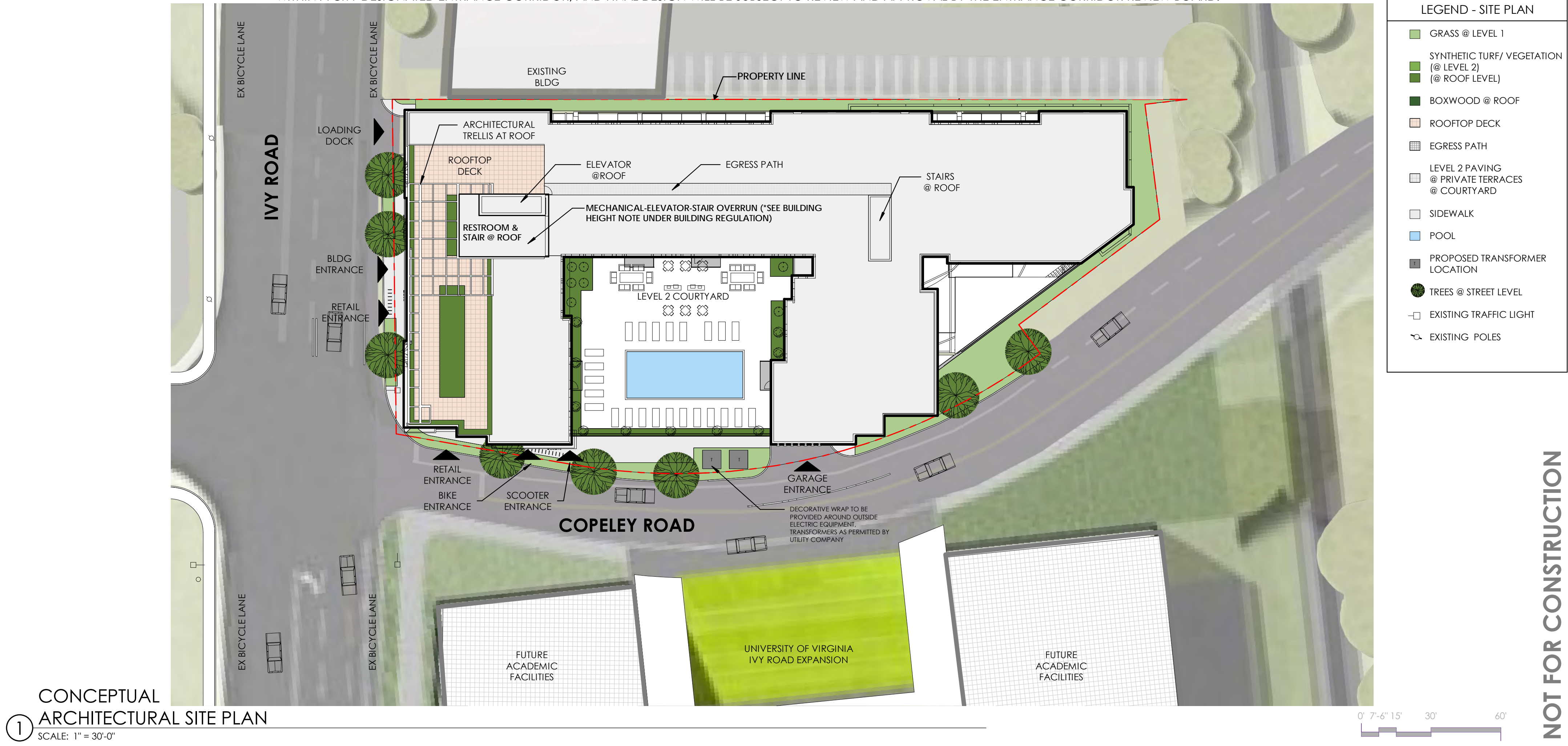
*Rooftop equipment and rooftop structures are exempt from the calculation of building height pursuant of Section 34-1100 of the Zoning Ordinance provided they comply with the height and area requirements set forth in Section 34-1101(2), and contain no enclosed space that is designed for or that can be used as any type of habitable residential space. The proposed restroom facilities do not constitute habitable residential space under the 2018 Virginia Building Code in effect in 2023.

Zoning Lot Regulations		
	Proposed PUD	Draft Zoning Code: CX-8
1. SIZE FOR SUBDIVISION		
Area (min)	None	None
Width (min)		
Front access	40'	40'
Side/rear access	15'	15'
2. DENSITY		
Dwellings per zoning lot (max)	Unlimited	Unlimited
3. COVERAGE		
Building coverage (max)	None	None
Outdoor amenity space	10%	10%
4. BUILDING SETBACKS		
Primary street lot line (min/max): Ivy Rd	0' / 20'	0' / 10'
Side street lot line (min/max): Copeley Rd	0' / 20'	0' / 10'
Side lot line (min)	0'	0'
Rear lot line (min)	0'	0'
5. BUILD TO		
Build-to-width (min)		
Primary street: Ivy Rd	75%	75%
Side street: Copeley Rd	45%	45%
6. TRANSITION		
Transition type	None	None
7. PARKING LOCATION		
Front yard	Not allowed	Not allowed
Side street yard	Not allowed	Not allowed
Side yard	Allowed	Allowed
Rear yard	Allowed	Allowed

PARKING SUMMARY				
PARKING INFORMATION				
	Factor	Spaces	Spaces/ Unit	Spaces/Bed
VEHICULAR PARKING				
Required Residential Parking (per Zoning Section 34-984 - Boarding House - 0.3 spaces /bedroom):	634	190	0.79	0.30
Required Retail Commercial Parking (per Zoning Section 34-984 - General - 3.5 spaces/ 1,000 sf):	1,757 SF	6		
Provided:				
Standard Parking Spaces:		100		
Compact Parking Spaces:		4		
Tandem - Standard Parking Spaces:		41		
Tandem - Compact Parking Spaces:		9		
Additional "Effective Parking" - Resident Car Share - (1 is equivalent to 30 standard spaces):	2	60		
Accessible Parking Spaces (Includes HC van and car spaces):		8		
Total Vehicular Parking Provided (including car share "Effective Spaces"):		222	0.92	0.35
BICYCLE AND SCOOTER PARKING				
Required:				
Long Term (per Zoning Section 4.3.3.C.1)				
Residential Household Living - 1 per unit:	242	242	1.00	0.38
Commercial - 1 per 2,500 SF, min. 2	1,757 SF	2		
Short Term (per Zoning Section 4.3.3.C.1)				
Residential Household Living - 1 per 10 units):	242	24	0.10	0.04
Commercial - 1 per 5,000 SF, min. 2	1,757 SF	2		
Scooter:				
Provided:				
Long Term:		264	1.09	0.42
Short Term:		28	0.12	0.04
Scooter:		32	0.13	0.05
ALL FIGURES ARE APPROXIMATE				
BUILDING PARKING STATEMENT: PROJECT SHALL INCLUDE AT ALL TIMES INCLUDE A MINIMUM OF 244 LONG TERM BICYCLE SPACES AND 26 SHORT TERM BICYCLE SPACES. ALL BICYCLE SPACES MAY BE USED FOR SCOOTERS AND THE TERM "BICYCLE SPACES" SHALL ALSO PERMIT PRIVATE SCOOTERS IN LIEU OF BICYCLES IN SUCH SPACES.				

BUILDING AREA AND UNIT SUMMARY								
AREA SUMMARY								
RESIDENTIAL	LOBBY, AMENITY	COMMERCIAL, OTHER	COMMON	SERVICE	PARKING	EXTERIOR AMENITY AREA	TOTAL GSF	
216,689 SF	15,640 SF	1,757 SF	29,426 SF	8,647 SF	54,892 SF	12,639 SF	327,051 SF	
PLANNING, ZONING STATISTICS:						BUILDING FOOTPRINT	34,043 SF	
						LOT AREA	44,736 SF	
						LOT COVERAGE	76.1%	
						FLOOR AREA RATIO (FAR)	6.08	
UNIT SUMMARY								
UNIT TYPE	Studio	1-Bed	2-Bed	3-Bed	4-Bed	PROPOSED UNIT COUNT	MAX. # UNITS	PROPOSED BEDROOM COUNT
TOTAL UNIT by TYPE	0	98	16	16	112	242	287	634
% of TOTAL	0.0%	40.5%	6.6%	6.6%	46.3%	100.0%		
ALL FIGURES ARE APPROXIMATE								

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WDG PROJECT NO: WA22014

ARCHITECTURAL SITE PLAN AND BUILDING INFORMATION

SCALE: As indicated

A-003

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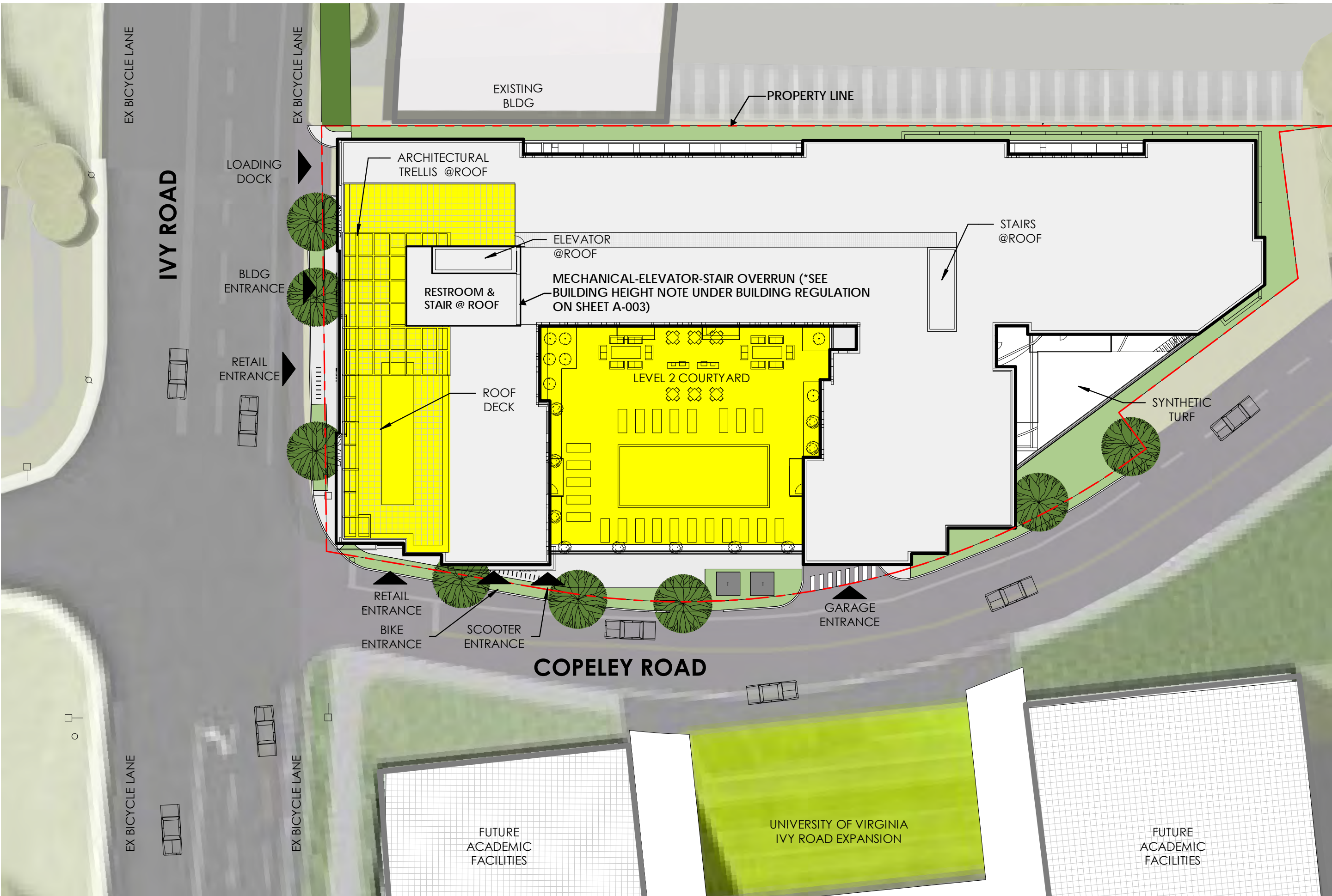
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CONCEPTUAL
OUTDOOR AMENITY
SPACE DIAGRAM
SCALE: As indicated

A-004

Open Space/Outdoor Amenity: Proposed PUD	
Required Open Space Square Footage	
15% of gross area of parcel	6,710
20% of gross floor of commercial uses	3,608
Total SF Required:	10,318
Conceptual Open Space Square Footage	
2nd Floor Courtyard	6,215
Roof Deck	4,350
Total SF Provided:	10,565

Open Space/Outdoor Amenity: Draft Zoning Code CX-8	
Required Open Space Square Footage	
10% of gross area of parcel	4,474
Total SF Required:	4,474
Conceptual Open Space Square Footage	
2nd Floor Courtyard (Common Outdoor Amenity)	6,215
Roof Deck (Common Outdoor Amenity)	4,350
Total SF Provided:	10,565



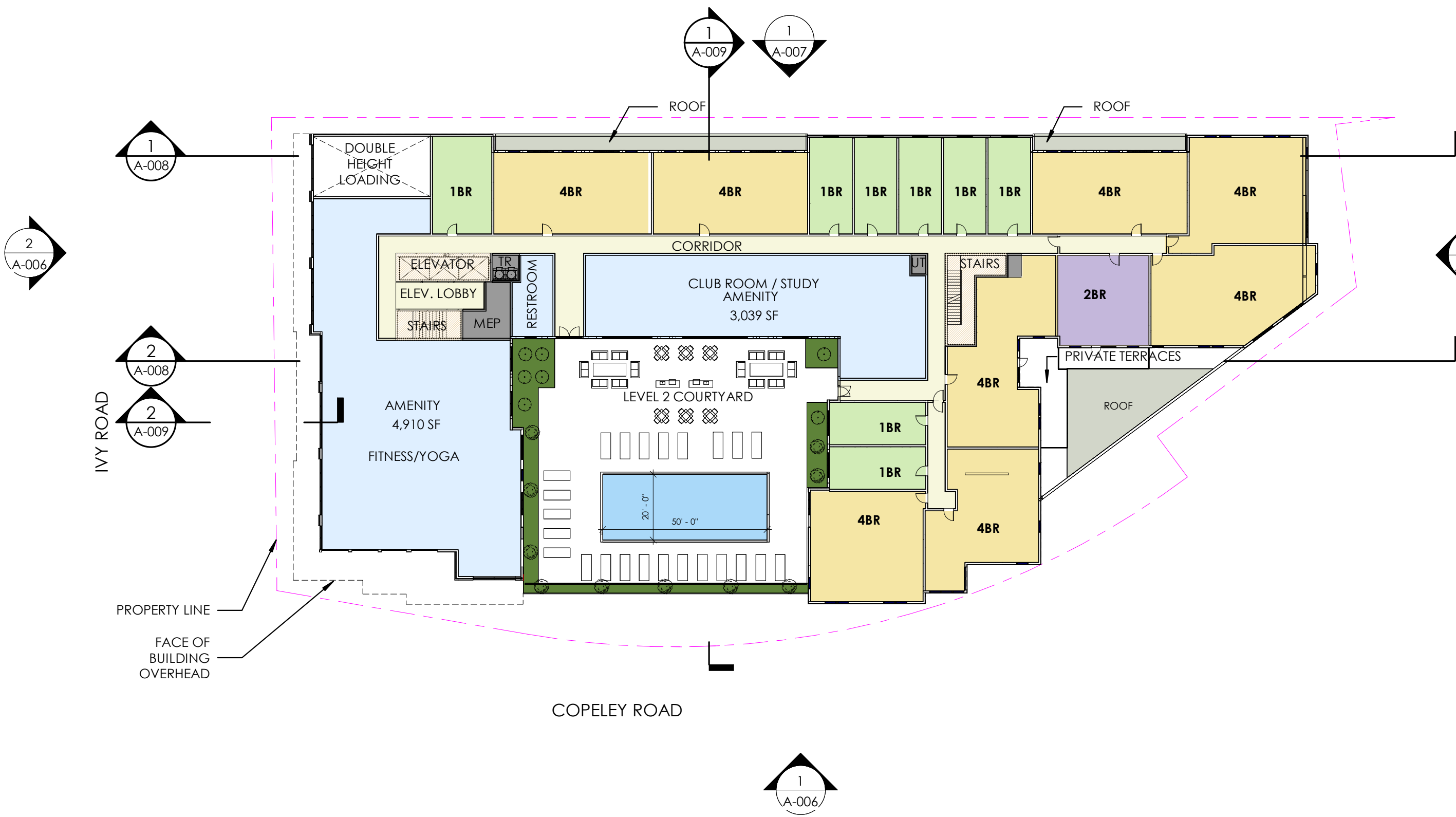
1 CONCEPTUAL OUTDOOR AMENITY SPACE - 2ND FLOOR & ROOF
SCALE: 1" = 30'-0"

0' 7'-6" 15' 30' 60'

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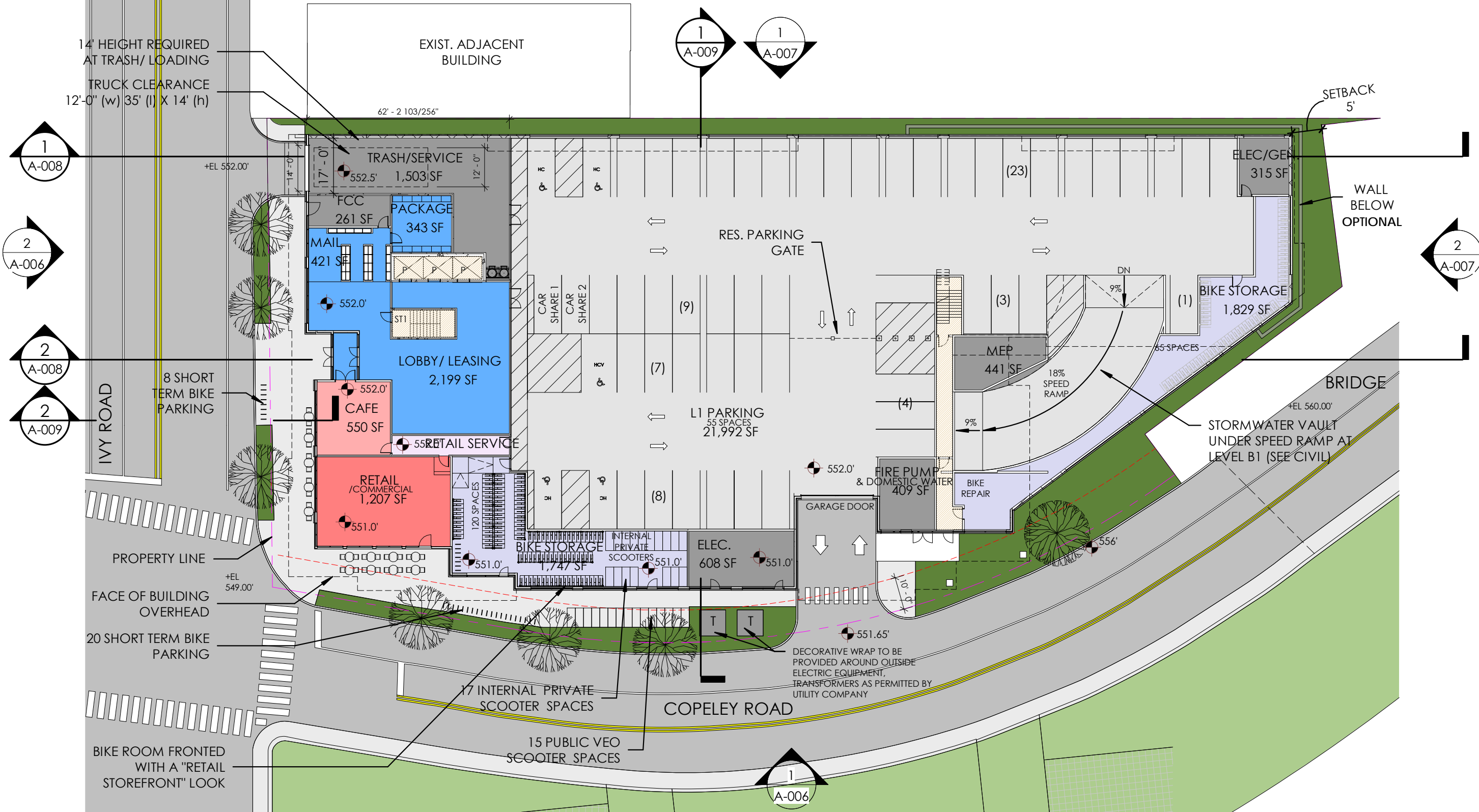


④ CONCEPTUAL TYPICAL FLOOR PLAN - LEVEL 3 - 10
SCALE: 1" = 30'-0"

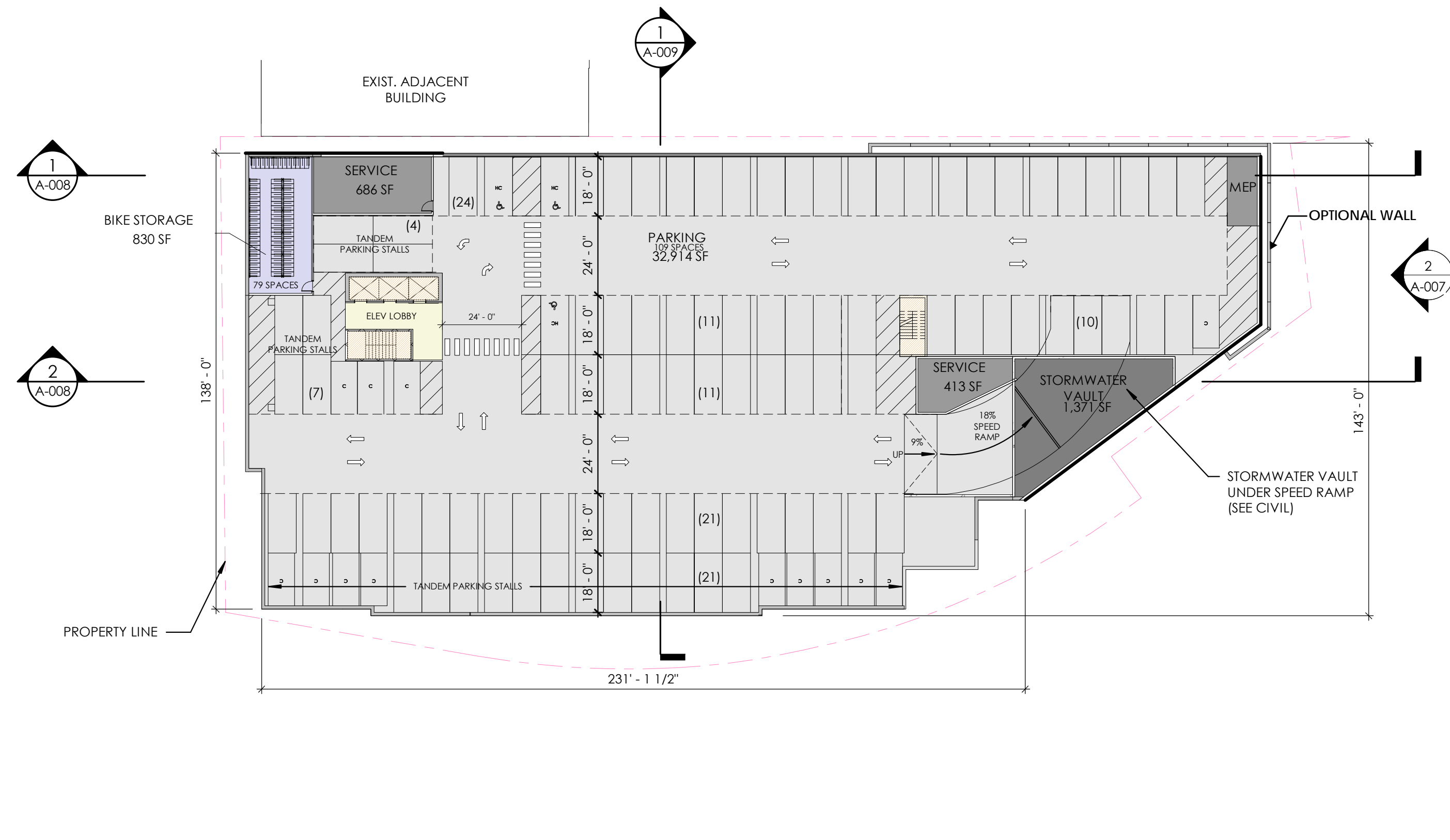


③ CONCEPTUAL FLOOR PLAN - LEVEL 2
SCALE: 1" = 30'-0"

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② CONCEPTUAL FLOOR PLAN - LEVEL 1
SCALE: 1" = 30'-0"



① CONCEPTUAL FLOOR PLAN - LEVEL B1
SCALE: 1" = 30'-0"

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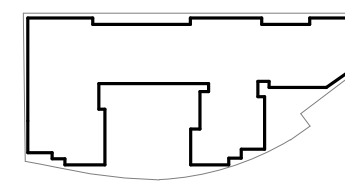
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CONCEPTUAL
FLOOR PLANS

SCALE: As indicated

A-005

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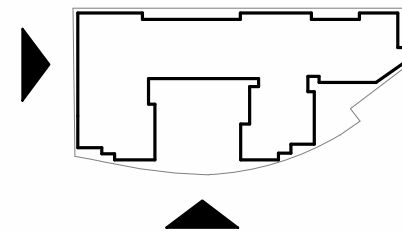
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WDG PROJECT NO:
WA22014

CONCEPTUAL
ELEVATIONS

SCALE: 1/16" = 1'-0"

A-006

LEGEND - EXTERIOR MATERIALS

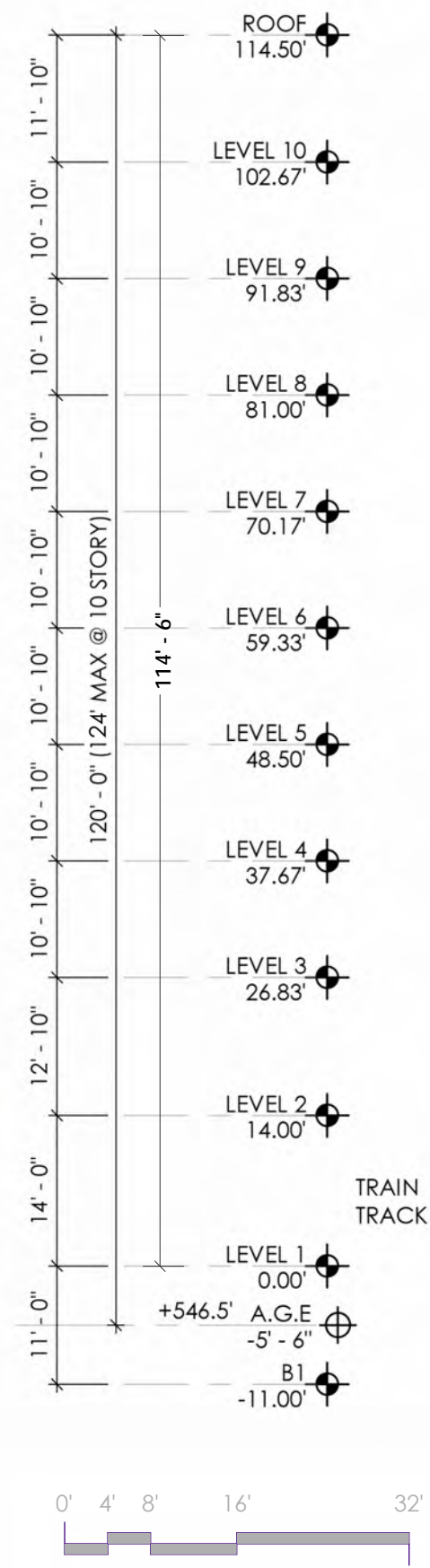
- WALL TYPE A - DARK BRICK
- WALL TYPE B - COMPOSITE PANEL B TERRACOTA, BRICK PATTERN
- WALL TYPE B - COMPOSITE PANEL B HORIZONTAL PATTERN
- WALL TYPE C - COMPOSITE PANEL C GRAY SMOOTH
- WALL TYPE C - COMPOSITE PANEL C GRAY, HORIZONTAL PATTERN
- VINYL WINDOWS
- ALUMINUM STOREFRONT
- DARK GRAY BLOCK
- METAL MESH SCREEN
- SECTIONAL LOADING DOCK DOOR W/METAL FRAME & TRANSLUCENT PANELS
- GLASS WINDSCREEN
- METAL RAILING SYSTEM
- MECHANICAL SCREEN
- CONCRETE WALL



2 SOUTH ELEVATION @ IVY ROAD
SCALE: 1/16" = 1'-0"



1 EAST ELEVATION @ COPELEY ROAD
SCALE: 1/16" = 1'-0"



NOT FOR CONSTRUCTION



2 NORTH ELEVATION @ RAILROAD
SCALE: 1/16" = 1'-0"



1 WEST ELEVATION
SCALE: 1/16" = 1'-0"

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LEGEND - EXTERIOR MATERIALS	
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	WALL TYPE B - COMPOSITE PANEL B TERRACOTA, BRICK PATTERN
	WALL TYPE B - COMPOSITE PANEL B HORIZONTAL PATTERN
	WALL TYPE C - COMPOSITE PANEL C GRAY SMOOTH
	WALL TYPE C - COMPOSITE PANEL C GRAY, HORIZONTAL PATTERN
	VINYL WINDOWS
	ALUMINUM STOREFRONT
	DARK GRAY BLOCK
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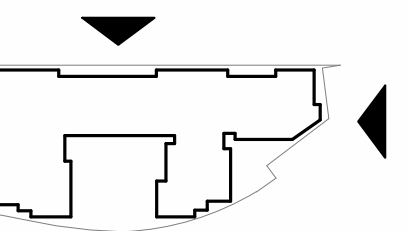
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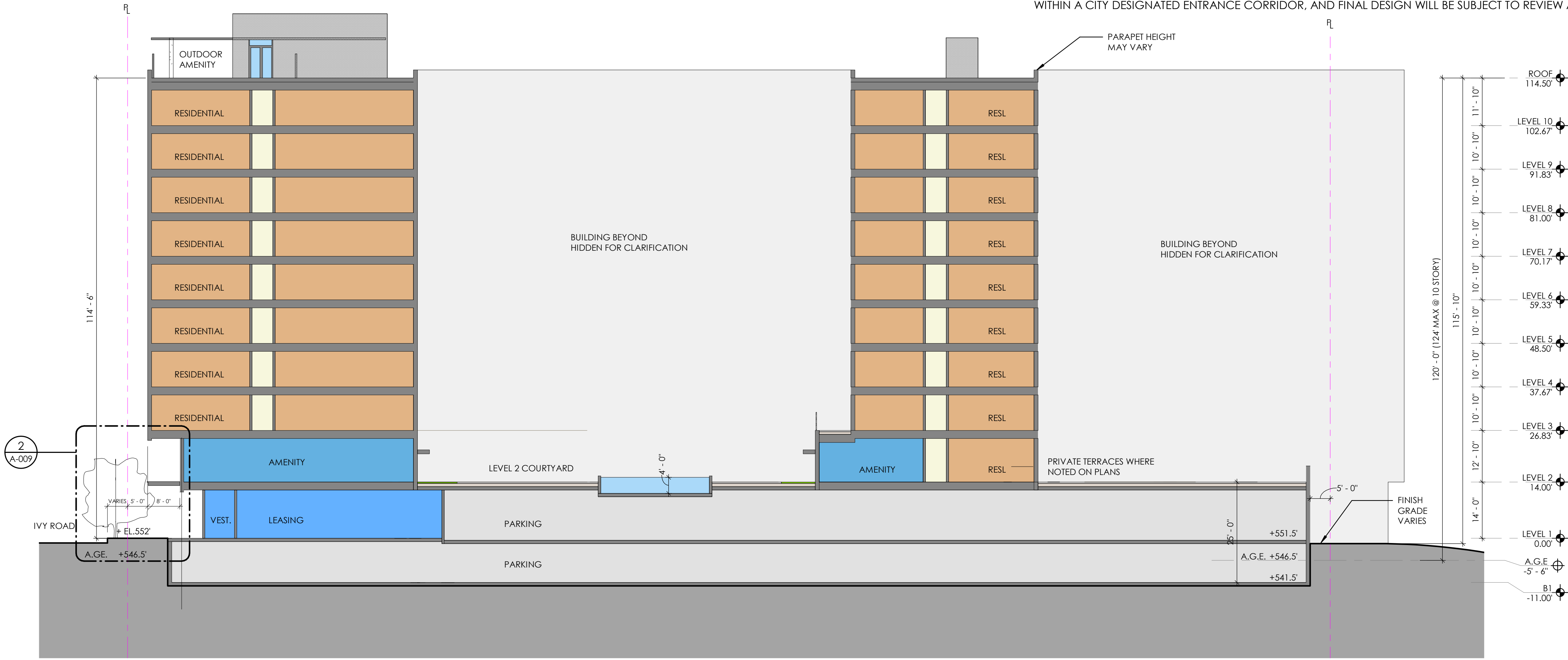
WDG PROJECT NO:
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CONCEPTUAL
ELEVATIONS

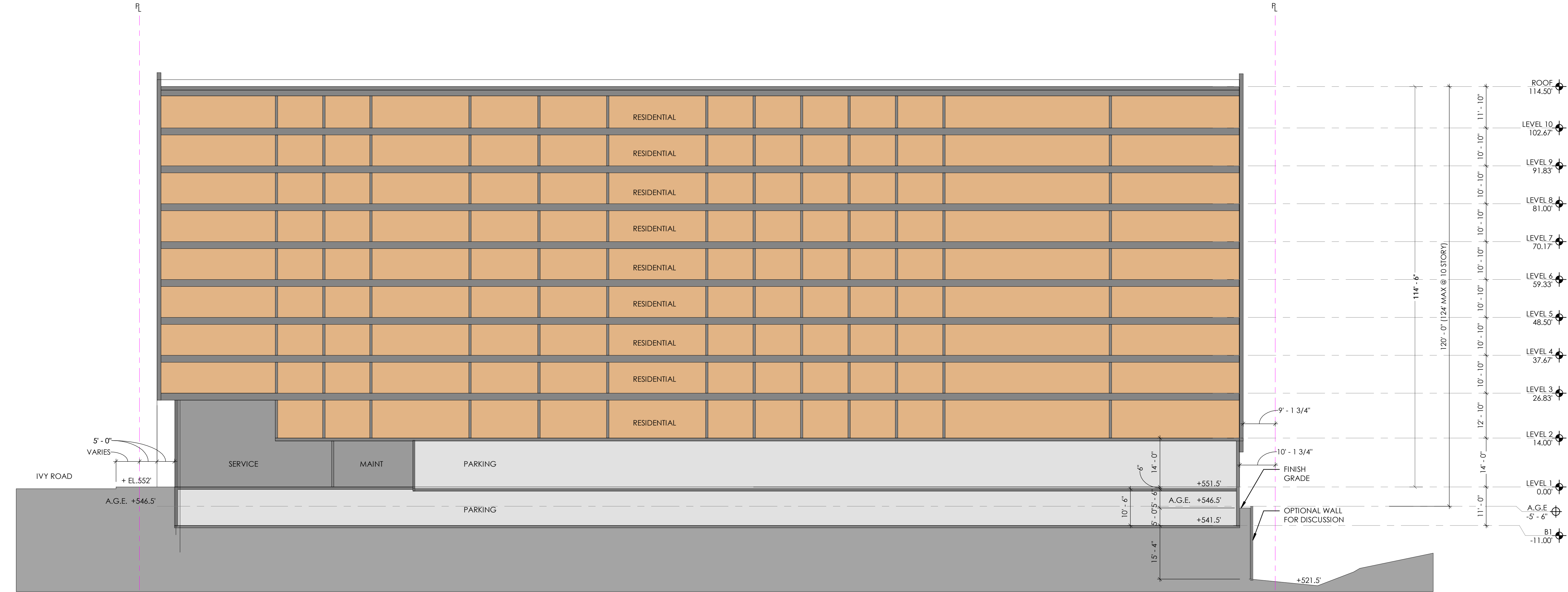
SCALE: 12" = 1'-0"

A-007

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2 BUILDING SECTION LOOKING WEST
SCALE: 1/16" = 1'-0"



1 BUILDING SECTION
SCALE: 1/16" = 1'-0"

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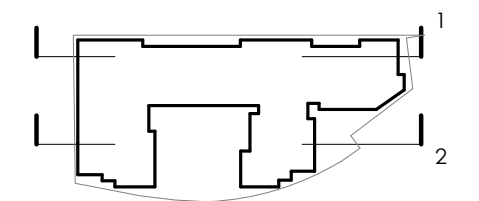
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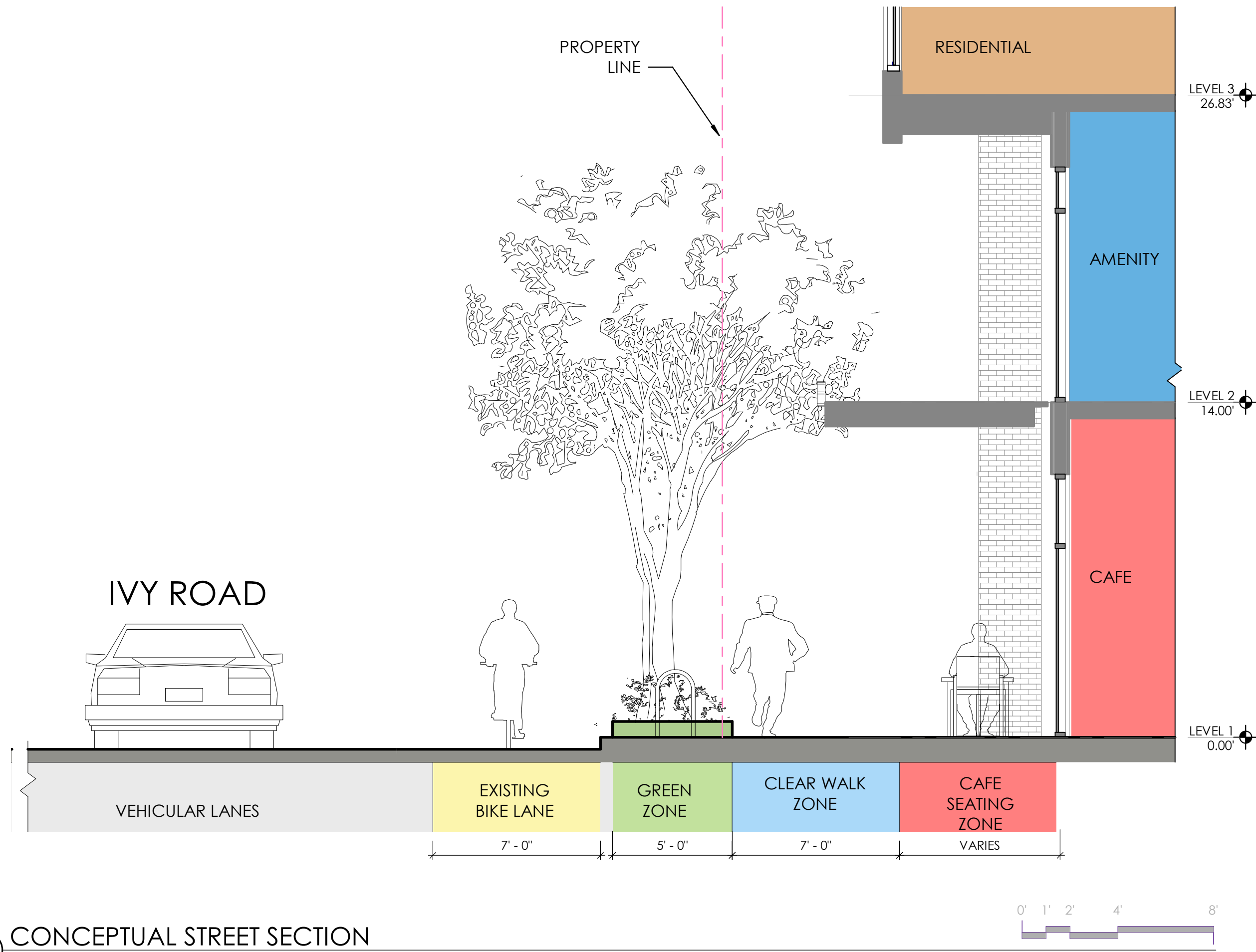
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CONCEPTUAL
BUILDING SECTIONS

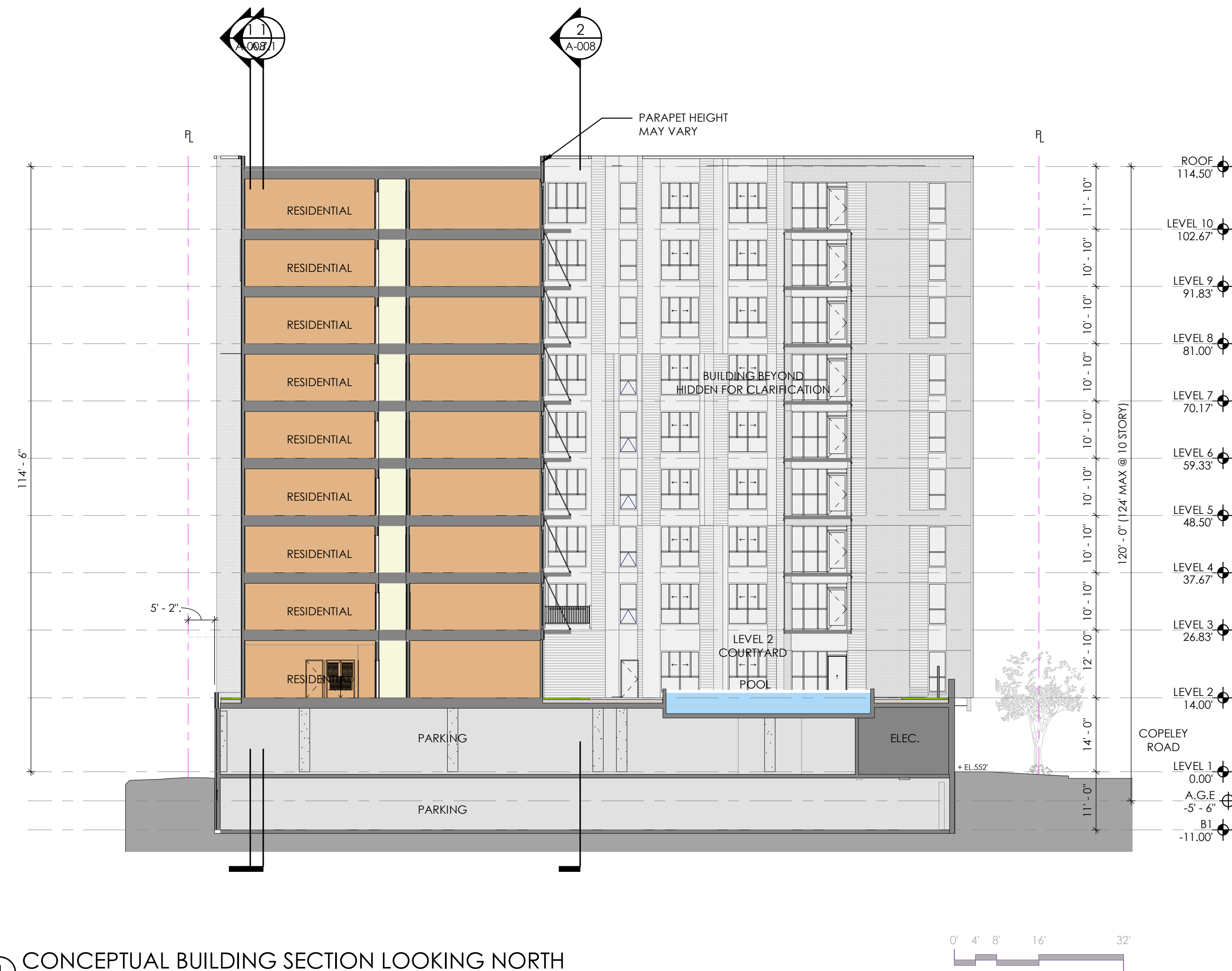
SCALE: As indicated

A-008

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2 CONCEPTUAL STREET SECTION
SCALE: 1/4" = 1'-0"



1 CONCEPTUAL BUILDING SECTION LOOKING NORTH
SCALE: 1/16" = 1'-0"

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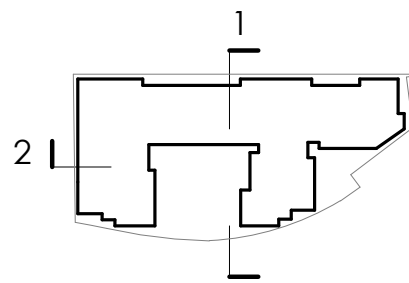
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LAND USE COUNSEL
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RMD PROPERTIES
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CHARLOTTESVILLE, VA 22902
TEL - 217.474.5904

PUD SUBMISSION	05/15/23
PUD RESPONSE	08/02/23
PUD RESPONSE #2	10/06/23
PUD RESPONSE #3	11/21/23



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WA22014

CONCEPTUAL
BUILDING SECTIONS

SCALE: As indicated

A-009

NOT FOR CONSTRUCTION

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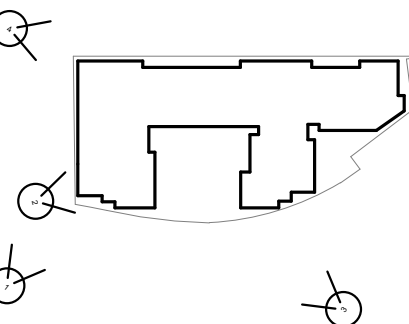
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WDG PROJECT NO:
WA22014

CONCEPTUAL
PERSPECTIVE IMAGES

SCALE: 1/2" = 1'-0"

A-010



4 - PERSPECTIVE - IVY RD



2 - DETAIL PERSPECTIVE - IVY & COPELEY



3 - PERSPECTIVE - COPELEY



1 - PERSPECTIVE - COPELEY & IVY

NOT TO SCALE

NOT FOR CONSTRUCTION

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2 - DETAIL PERSPECTIVE - IVY ROAD



3 - PERSPECTIVE - FROM ALDERMAN DRIVE



1 - PERSPECTIVE - IVY ROAD

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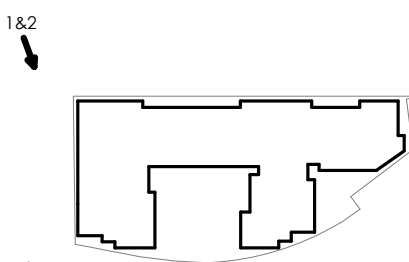
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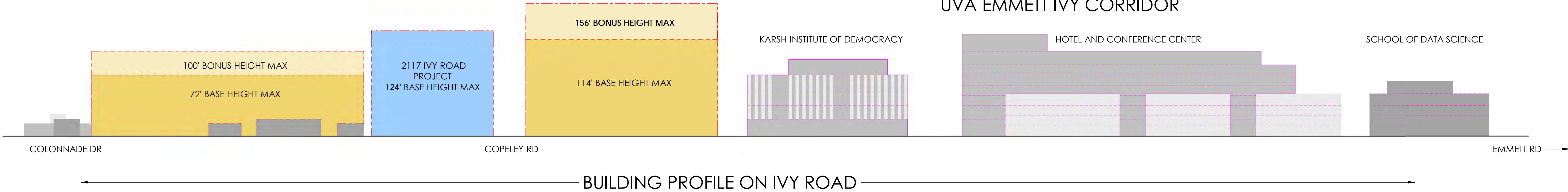
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CONCEPTUAL
PERSPECTIVE IMAGES

SCALE: 1/2" = 1'-0"

A-010A

UVA EMMETT IVY CORRIDOR



① Concept Site Section
SCALE: 1" = 60'-0"



NOTE: ALL DRAWINGS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PER FINAL ARCHITECTURAL, CIVIL, AND SITE DESIGN. PROPERTY IS LOCATED WITHIN A CITY DESIGNATED ENTRANCE CORRIDOR, AND FINAL DESIGN WILL BE SUBJECT TO REVIEW AND APPROVAL BY THE ENTRANCE CORRIDOR REVIEW BOARD.

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CONCEPTUAL SITE SECTION

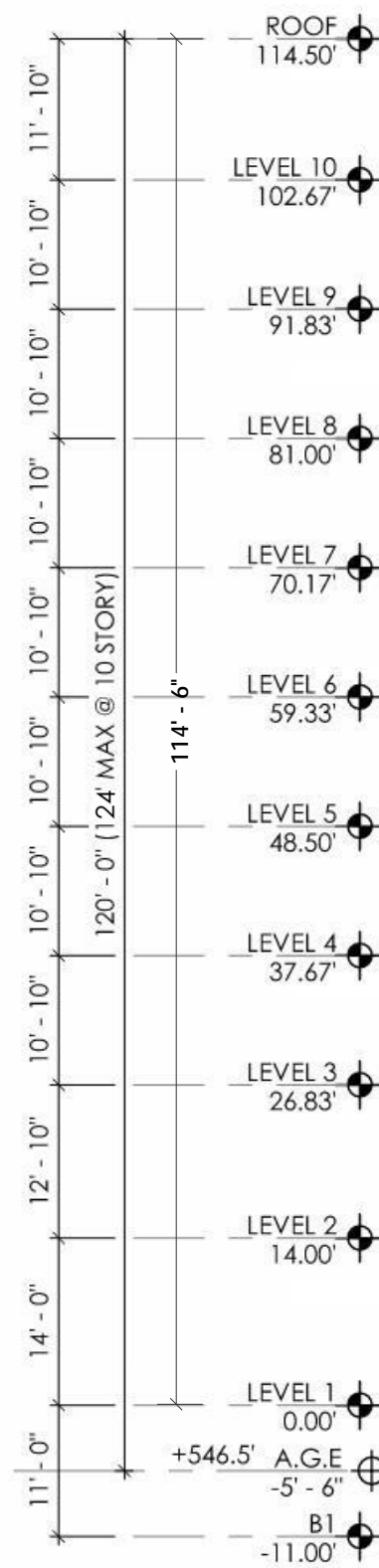
SCALE: 1" = 60'-0"

A-011

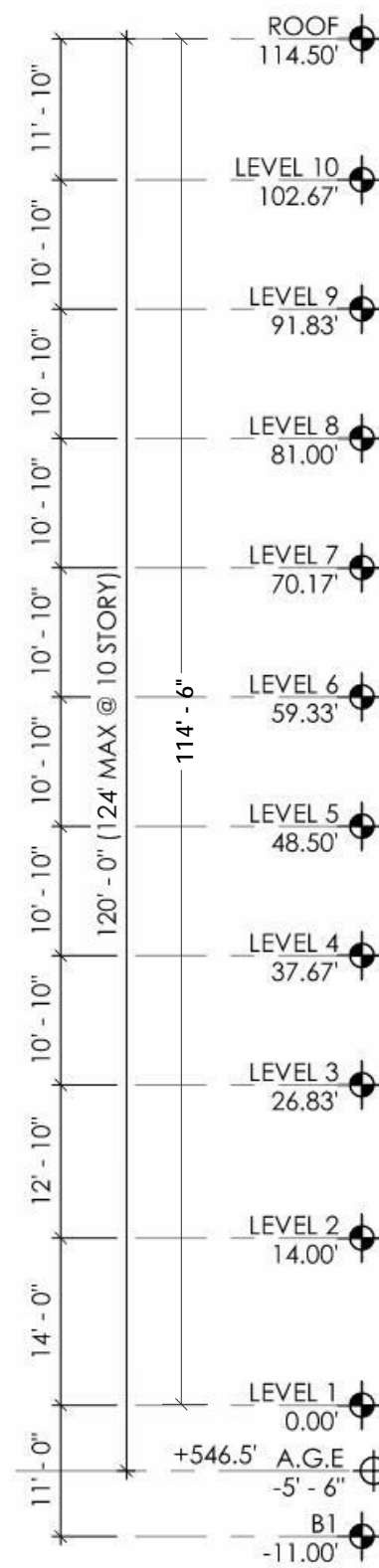
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2 CONCEPTUAL NORTH INTERIOR COURTYARD ELEVATION
SCALE 1/16" = 1'-0"



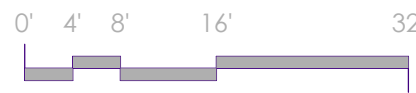
1 CONCEPTUAL SOUTH INTERIOR COURTYARD ELEVATION
SCALE 1/16" = 1'-0"



CONCEPTUAL LEGEND - EXTERIOR MATERIALS

- WALL TYPE A - DARK BRICK
- WALL TYPE B - COMPOSITE PANEL
- WALL TYPE C - COMPOSITE PANEL
- WALL TYPE D - COMPOSITE PANEL
- WALL TYPE E - COMPOSITE PANEL
- VINYL WINDOWS
- ALUMINUM STOREFRONT
- DARK GRAY BLOCK
- METAL MESH SCREEN
- SECTIONAL LOADING DOCK DOOR W/METAL FRAME & TRANSLUCENT PANELS
- GLASS WINDSCREEN
- METAL RAILING SYSTEM
- MECHANICAL SCREEN
- CONCRETE WALL

ALL MATERIALS SUBJECT TO ENTRANCE REVIEW BOARD APPROVAL



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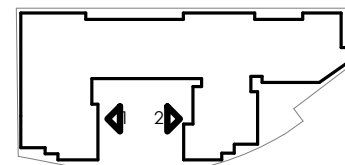
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INTERIOR
COURTYARD VIEWS

SCALE: As indicated

NEW A-012

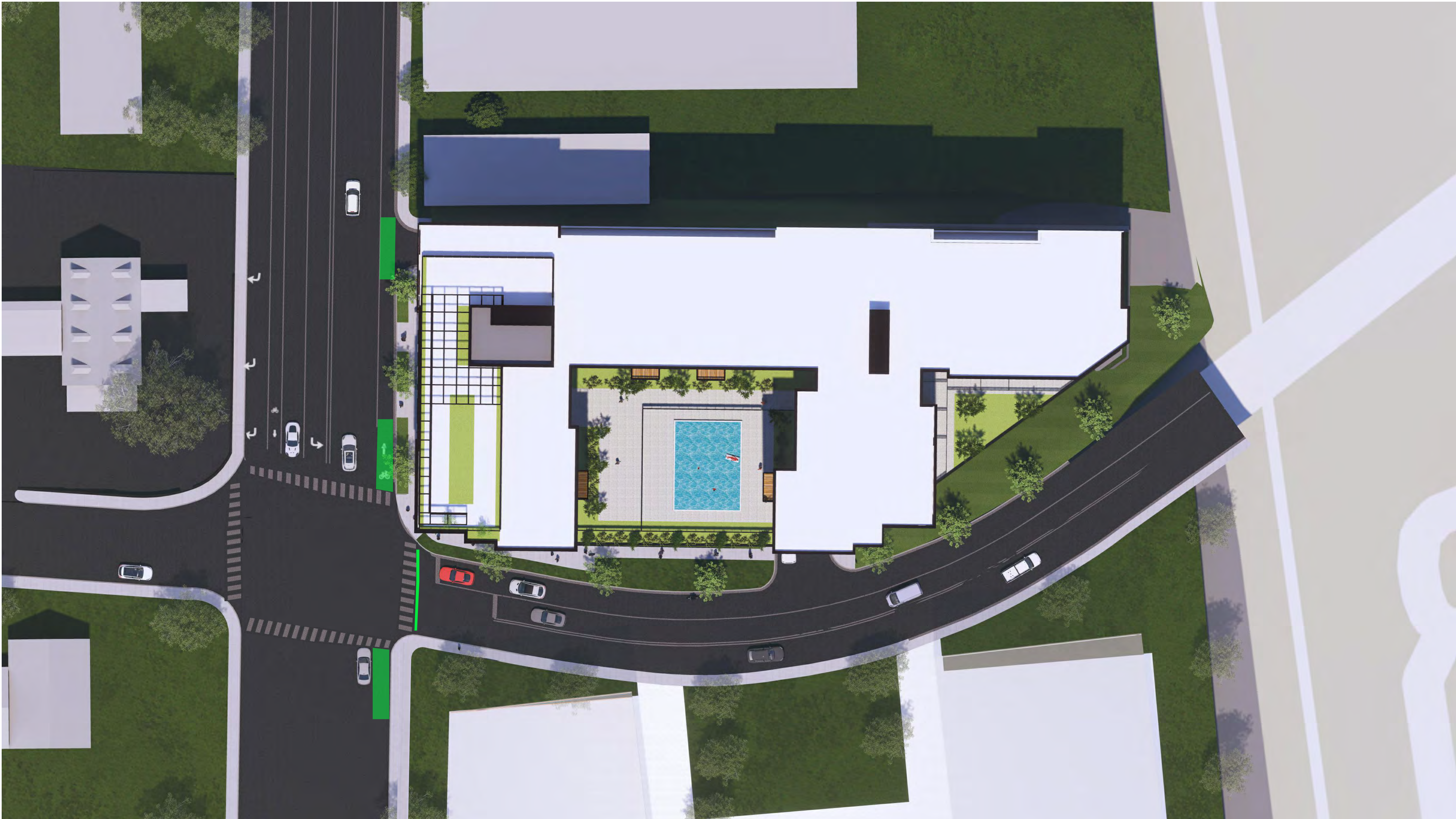
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① SOLAR STUDY JUN 21 12 PM
SCALE: 12" = 1'-0"

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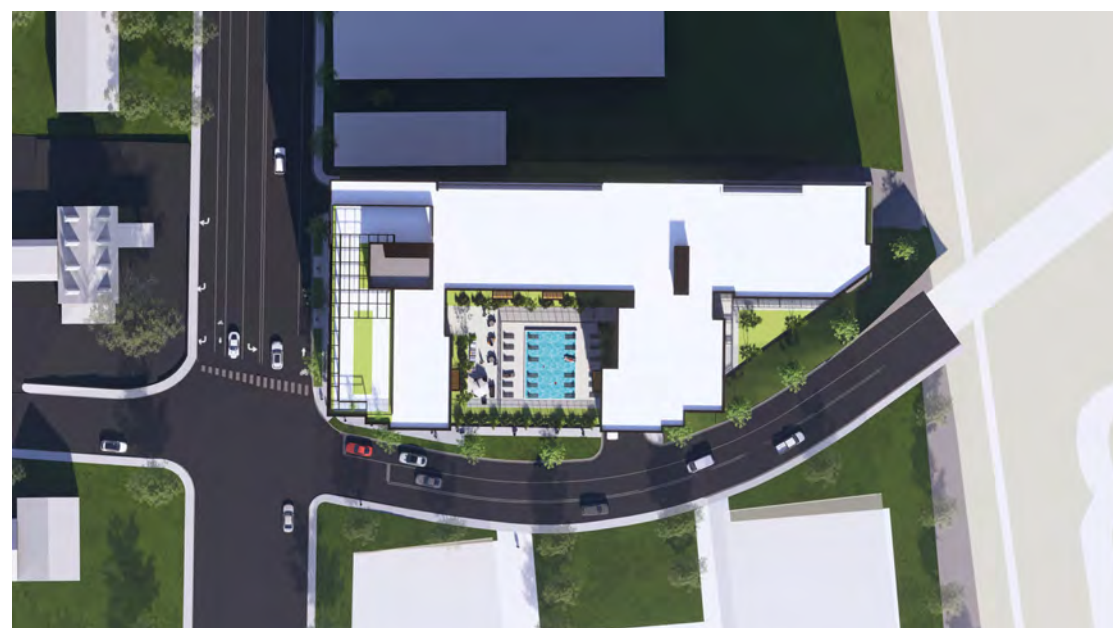
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SOLAR STUDY

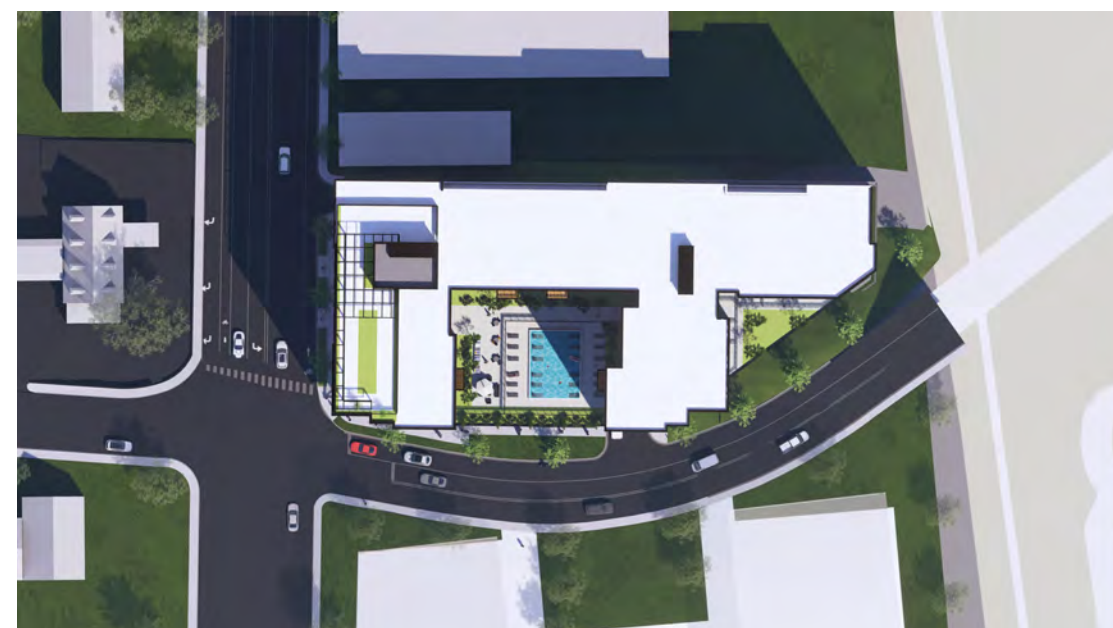
SCALE: 1/2" = 1'-0"

A-014

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SOLAR STUDY: MAR 21 - 10 AM



SOLAR STUDY: JUN 21 - 10 AM



SOLAR STUDY: SEP 23 - 10 AM



SOLAR STUDY: DEC 22 - 10 AM



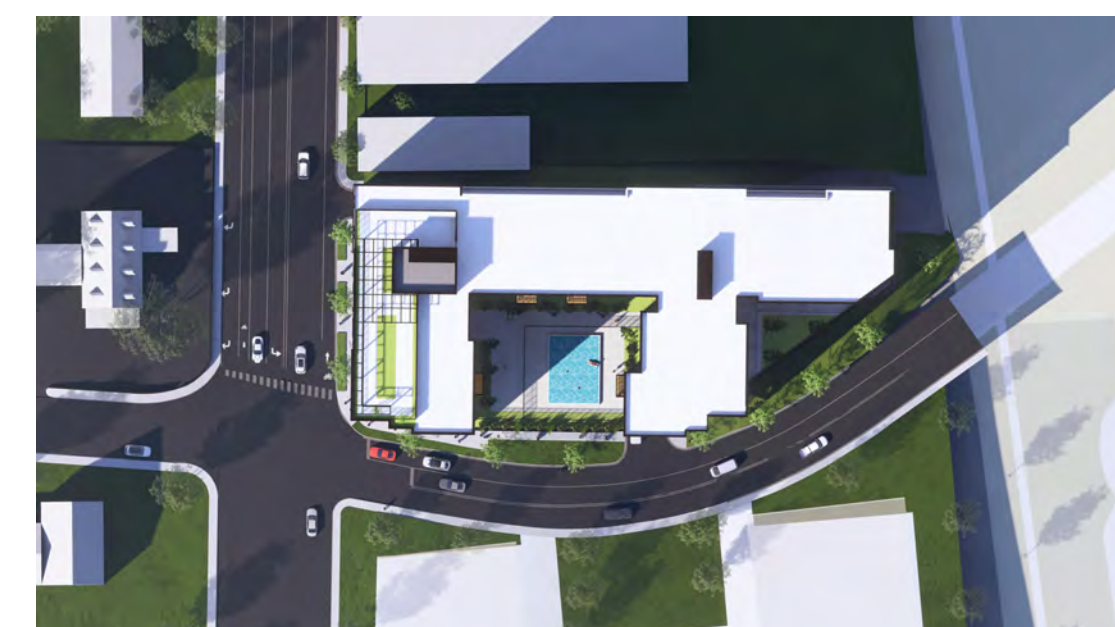
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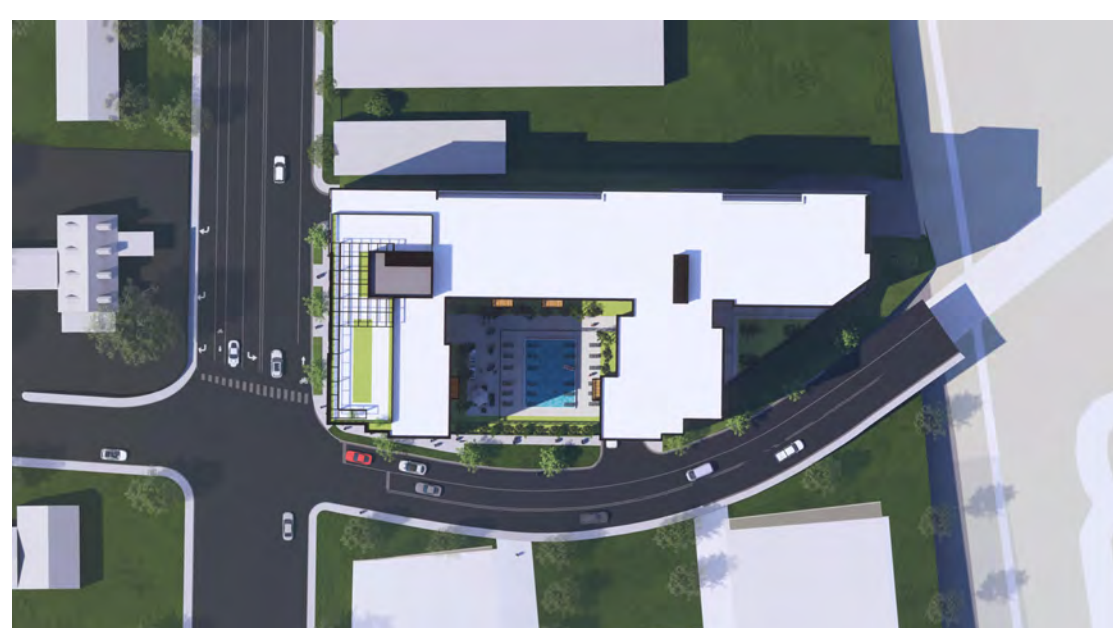
SOLAR STUDY: JUN 21 - 12 PM



SOLAR STUDY: SEP 23 - 12 PM



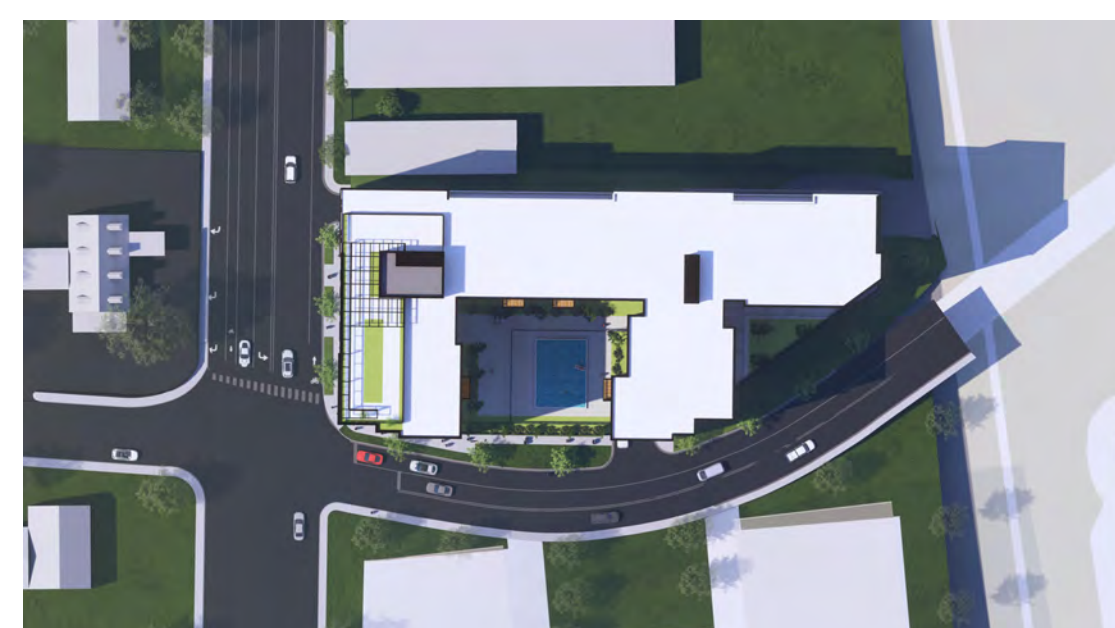
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SOLAR STUDY: MAR 21 - 2 PM



SOLAR STUDY: JUN 21 - 2 PM



SOLAR STUDY: SEP 23 - 2 PM



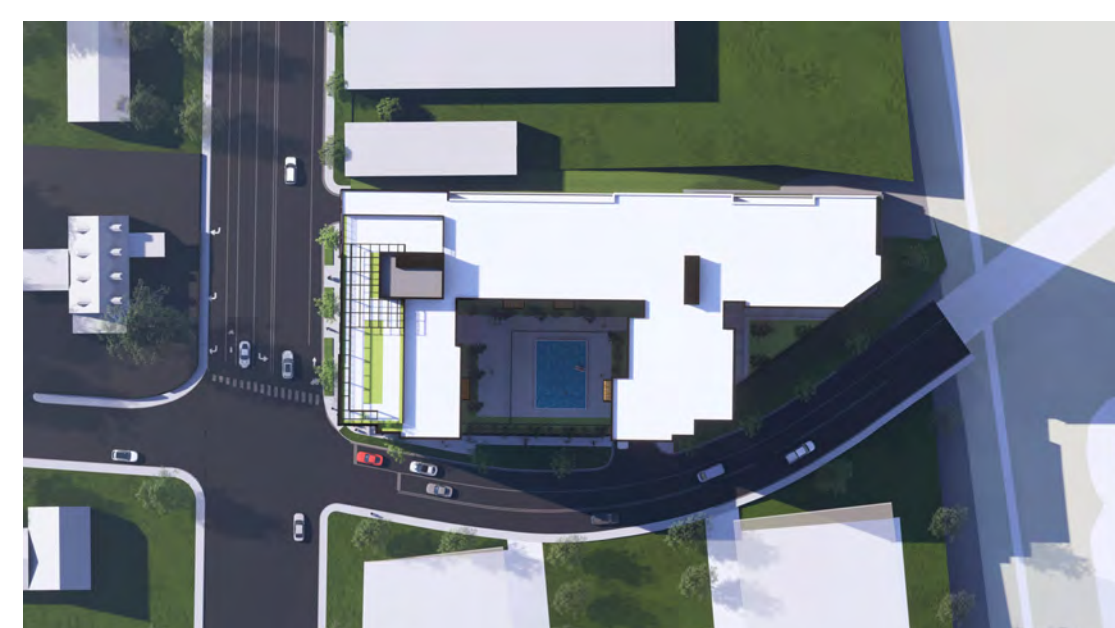
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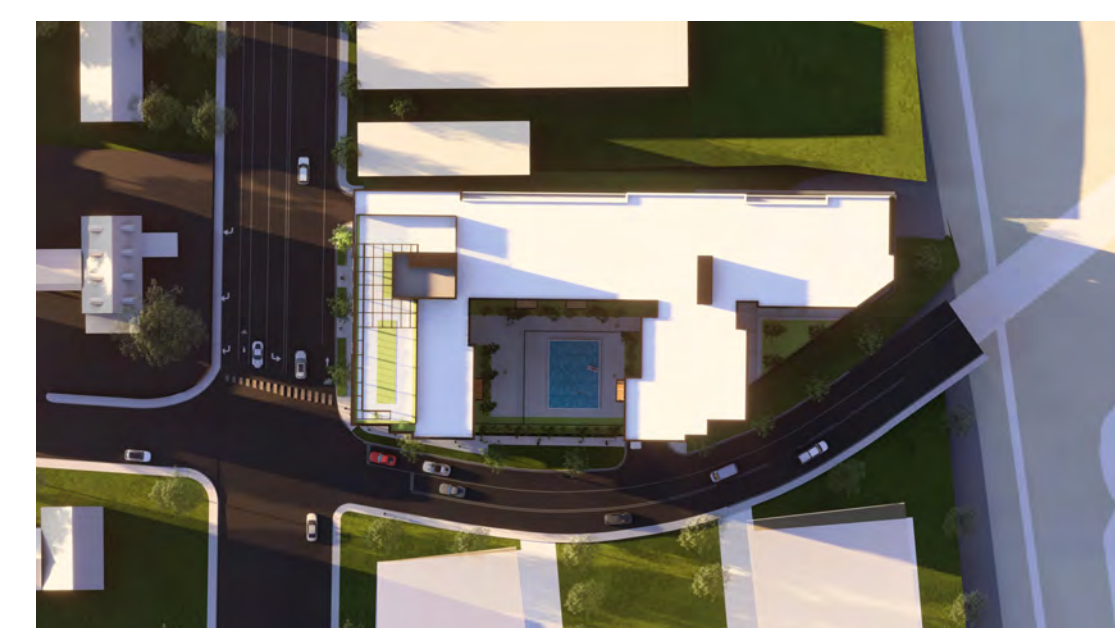
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SOLAR STUDY: JUN 21 - 4 PM



SOLAR STUDY: SEP 23 - 4 PM



SOLAR STUDY: DEC 22 - 4 PM

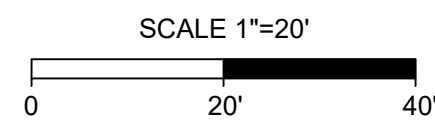
① SOLAR STUDY
SCALE: 1/2" = 1'-0"

1. 20' PUBLIC UTILITY EASEMENTS SHALL BE PROVIDED FOR ALL PROPOSED PUBLIC UTILITIES. WHERE UTILITIES LIE WITHIN 10' OF PROPOSED RIGHT-OF-WAY, ADJACENT EASEMENT MUST BE PROVIDED TO ALLOW FOR 10' OF WORK SPACE ON EITHER SIDE OF UTILITY
2. THE LOCATION OF PROPOSED STREET TREES SHALL BE COORDINATED WITH CITY UTILITIES DEPARTMENT TO ENSURE ADEQUATE SPACING FROM PROPOSED UTILITIES IS MAINTAINED.
3. PER CITY CODE, PROPOSED BUILDINGS SHALL PROVIDE AT LEAST 10' SEPARATION FROM PROPOSED AND EXISTING UTILITIES.

1. ALL CROSSWALK AND BIKE LANE STRIPING AT INTERSECTION TO BE COORDINATED WITH CITY TRANSPORTATION ENGINEER AND ADA COORDINATOR.
2. ADDITIONAL PAVEMENT MARKINGS SUBJECT TO CITY REVIEW AND APPROVAL.

1. SETBACK REGULATIONS
PRIMARY STREET LOT LINE (MIN/MAX): 0' / 20' ALONG IVY ROAD
SIDE STREET LOT LINE (MIN/MAX): 0' / 20' ALONG COPELEY ROAD
SIDE LOT LINE (MIN): 0'
REAR LOT LINE (MIN): 0'
2. MAXIMUM BUILDING HEIGHT: 10 STORIES/124 FEET

2. MAXIMUM BUILDING HEIGHT: 10 STORIES/124 FEET



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<u>PUD RESUBMISSION</u>	<u>10/06/23</u>
<u>PUD RESUBMISSION</u>	<u>11/21/23</u>

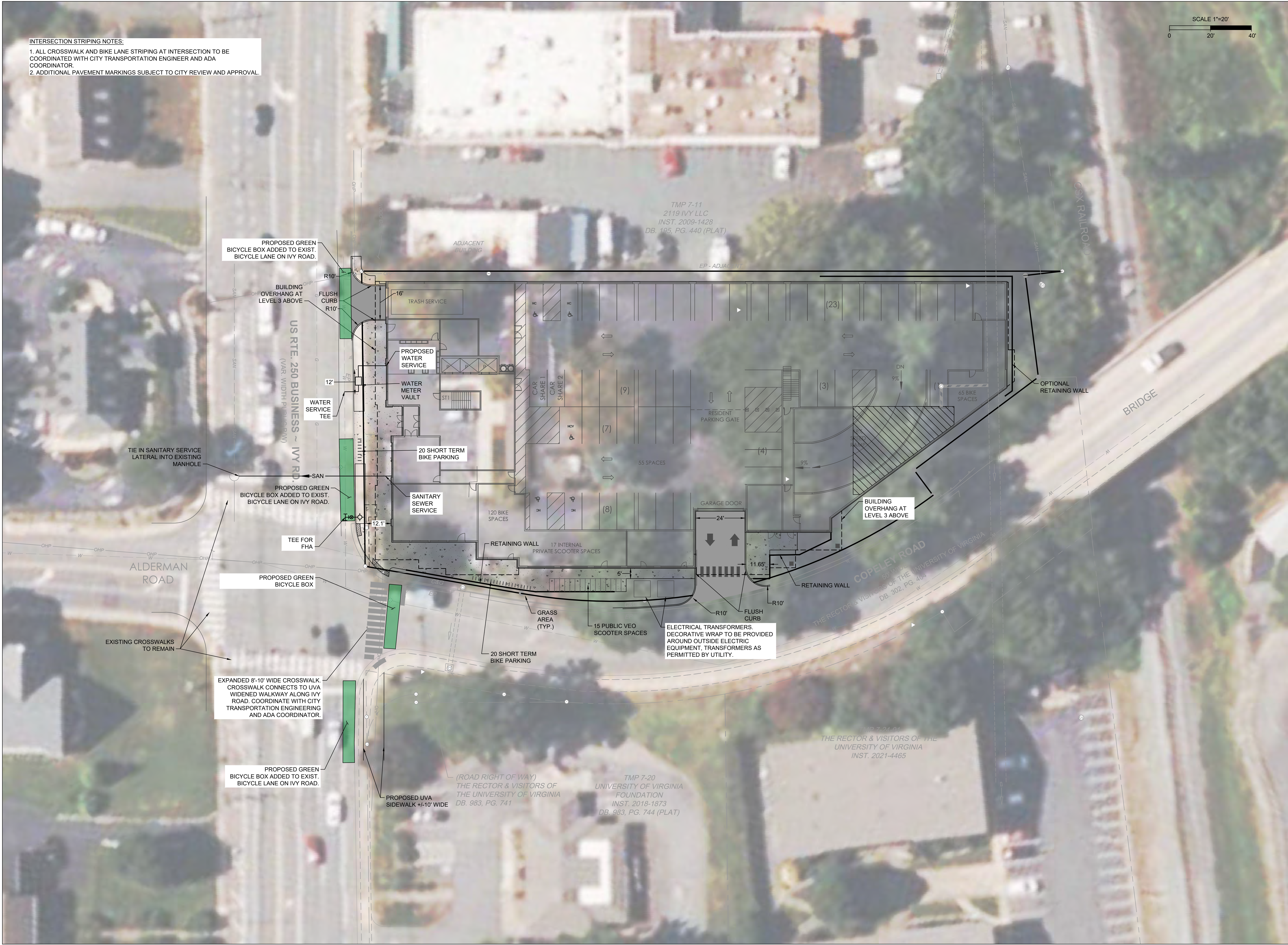
PROFESSIONAL SEAL

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PWA2022005

LAYOUT & UTILITIES PLAN

SCALE: 1" = 20'

C-003



INTERSECTION STRIPING NOTES:
1. ALL CROSSWALK AND BIKE LANE STRIPING AT INTERSECTION TO BE COORDINATED WITH CITY TRANSPORTATION ENGINEER AND ADA COORDINATOR
2. ADDITIONAL PAVEMENT MARKINGS SUBJECT TO CITY REVIEW AND APPROVAL.

SCALE 1"=20'
0 20' 40'

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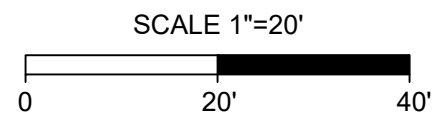
AERIAL ROAD & BIKE
LANE STRIPING EXHIBIT

SCALE: 1" = 20'

C-003.1

STORMWATER QUANTITY REQUIREMENTS AS DESCRIBED IN 9VAC25-870-66 FOR BOTH CHANNEL AND FLOOD PROTECTION WILL BE MET THROUGH ON-SITE STORMWATER STORAGE FACILITY.

STORMWATER QUALITY REQUIREMENTS AS DESCRIBED IN 9VAC25-870-64 & -65 WILL BE MET THROUGH EITHER OFFSITE NUTRIENT CREDIT PURCHASE, ON-SITE TREATMENT FACILITIES OR A COMBINATION OF THE TWO.



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UD RESUBMISSION	11/21/23

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© 2023  WDG PROJECT NO:
PWA2022005

GRADING AND DRAINAGE PLAN

SCALE: 1" = 20'

C-004

Original Proffers ____X____
Amendment _____

PROFFER STATEMENT

Project Name: **2117 Ivy Road**

Date: October 23, 2023

Revised: November 20, 2023

Address: 2117 Ivy Road

Parcel Number: 070001200

Owner of Record: **RMD Properties, LLC** (the “Owner” and “Applicant”)

Proposal:

- Rezone 2117 Ivy Road, parcel 070001200 (1.02 acres) (the “Property”), from Urban Corridor (URB) district to Planned Unit Development (PUD) district with proffers (the “Project”)

Total land area: Approximately 1.02 acres

The Applicant hereby voluntarily proffers that if the City of Charlottesville City Council acts to rezone the property as requested, the Applicant shall develop the Property in general accord with the following proffers pursuant to Sections 15.2-2303 and 15.2-2303.4 of the Code of Virginia, 1950, as amended, and pursuant to Section 34-41.d.8 of the City of Charlottesville Zoning Ordinance. The Applicant specifically deems the following proffers reasonable and appropriate, as conclusively evidenced by the signatures below.

1. Affordable Housing

The Project is proposed to be student housing rented by the bedroom. The Applicant shall at its option satisfy either (A) or (B) below:

- A. Provide affordable bedrooms (“Affordable Bedrooms”) in an amount that is equivalent to providing 10% of the total Units as affordable units, as provided herein.
- 1) The number of Affordable Bedrooms shall be roughly proportional to the number of bedrooms provided in each type of units within the Project, and shall be dispersed throughout the Project in a mix of units that is roughly proportionate to the overall unit mix within the Project, such that:
 - i. the number of Affordable Bedrooms located in Efficiency/Studio units shall be roughly proportionate to the number of Efficiency/Studio units within the Project;
 - ii. the number of Affordable Bedrooms located in one-bedroom units shall be roughly proportionate to the number of one-bedroom units within the Project;
 - iii. the number of Affordable Bedrooms located in two-bedroom units shall be roughly proportionate to the number of two-bedroom units within the Project;

- iv. the number of Affordable Bedrooms located in three-bedroom units shall be roughly proportionate to the number of three-bedroom units within the Project; and
 - v. the number of Affordable Bedrooms located in four-bedroom units shall be roughly proportionate to the number of four-bedroom units within the Project.
- 1) In this Project containing a total of 241 units with a mixture of one-bedroom, two-bedroom, three-bedroom, and four-bedroom units, Applicant would provide a total of 24 Affordable Units which may be allocated as follows:
- i. If the total number of one-bedroom units within the Project is 88, there shall be the equivalent of 9 one-bedroom Affordable Units, for a total of 9 Affordable Bedrooms located within one-bedroom units.
 - ii. If the total number of two-bedroom units within the Project is 25, there shall be the equivalent of 7 two-bedroom Affordable Units, for a total of 14 Affordable Bedrooms located in two-bedroom units.
 - iii. If the total number of three-bedroom units within the Project is 16, there shall be the equivalent of 4 three-bedroom Affordable Units, for a total of 12 Affordable Bedrooms located in three-bedroom units.
 - iv. If the total number of four-bedroom units within the Project is 112, there shall be the equivalent of 4 four-bedroom Affordable Units, for a total of 16 Affordable Bedrooms located in four-bedroom units.
 - v. These counts and allocations are subject to the final approved PUD and building permit and may be adjusted provided 10% of the total Units are provided as affordable units.
- 2) Fractional Affordable Units. If the calculation of the required number of affordable units that are required to provide 10% of the total units within the Project as affordable units results in a fraction of a unit less than 0.5, the Project shall provide a fractional in-lieu fee equal to the corresponding percent of the affordable unit as specified in the applicable formula in the adopted Affordable Dwelling Unit Monitoring and Procedures Manual. For example, in an example project containing 242 units, such example project must provide Affordable Bedrooms in an amount that is equivalent to providing 24 affordable units (10% of 242) as provided in paragraph 1(a) herein, and shall also provide a fractional fee in-lieu equal to two-tenths of the fee in-lieu established for a one-bedroom unit in the adopted Affordable Dwelling Unit Monitoring and Procedures Manual.
- 3) To provide tenants with the freedom of choice to lease an Affordable Bedroom in a particular unit type of their choosing (subject to availability), and to comply with Fair Housing Law and HUD regulations, the Applicant upon mutual agreement with Qualifying Tenants shall be allowed to float (locate) the Affordable Bedrooms throughout the Project subject to satisfying the requirements of section 1(a) herein.
- 4) Qualifying Tenants: Students who qualify for any level of federal Pell grants shall be Qualifying Tenants eligible to rent an Affordable Bedroom. For all other tenants, those persons and households who shall be certified from time to time by the Applicant to have combined adjusted annual income that does not exceed the applicable median family income (in this case, 60% of AMI) for the applicable calendar year shall be Qualified Tenants eligible to rent an Affordable Bedroom. The City may require

a certification of tenant eligibility on a form approved by or provided by the City, in which the prospective qualifying tenant certifies as to annual income (for non-students) or Pell grant eligibility, as applicable.

- 5) **Affordable Rents:** The rent rate for Affordable Bedrooms shall be calculated as described herein based on the current year Area Media Income (“AMI”) for the Charlottesville area, as provided by HUD. If utilities are separately metered, the maximum allowable rent will be reduced to reflect the Tenant’s payment of utilities.
 - i. Efficiency/Studio Rent: The rent for an Affordable Bedroom in an Efficiency/Studio unit shall be the HUD Adjusted Home Rent limit for 1 person at 60% AMI, multiplied by 30% of total income set aside for housing, divided by 12.
 - ii. One-bedroom Rent: The rent for an Affordable Bedroom in a one-bedroom unit shall be the average of the HUD Adjusted Home Rent limit for 1 person at 60% AMI and the HUD Adjusted Home Rent limit for 2 people at 60% AMI, multiplied by 30% of total income set aside for housing, divided by 12.
 - iii. Two-bedroom Rent: The rent for an Affordable Bedroom in a two-bedroom unit shall be 60% of the rent for an Affordable Bedroom in a one-bedroom unit.
 - iv. Three-bedroom and four-bedroom Rent: The rent for an Affordable Bedroom in a three-bedroom unit or in a four-bedroom unit shall be 60% of the rent for an Affordable Bedroom in an Efficiency/Studio unit.
- 6) **Term of affordability:** The requirements of this paragraph 1 shall remain in effect for thirty (30) years from the date of the issuance of the Certificate of Occupancy for the Project.
- 7) **Equivalency of Affordable Bedrooms.**
 - i. Affordable Bedrooms must reflect the composition of the over Project units in exterior appearance and overall quality of construction
 - ii. Affordable Bedrooms must include the same interior features as the other bedrooms in the same Project, but appliances and finishes need not be the same make, model, or style, so long as they are new and of good quality.
 - iii. Affordable Bedrooms must be evenly distributed throughout the Project and not concentrated on any particular floors, building sides, or locations, provided that the Affordable Bedrooms are not required to be located in the top two floors of the Project. The Applicant at time of applying for a building permit shall submit a compliance plan to the site plan agent that identifies the units within the Project that are designated for the Affordable Bedrooms consistent with paragraph 1(a) herein.
 - iv. Affordable Bedrooms must be comparable in size to other units within the Project with the same number of bedrooms. The average floor area of the Affordable Bedroom must not be less than 80% of the average floor area of the other bedrooms within in the same unit type.
- 8) **Affordable Bedrooms shall have the same access to property amenities and building access points provided to other bedrooms within the Project.**

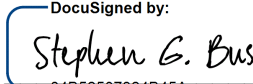
9) Housing Choice Vouchers. In the case of tenants using a Section 8 voucher or other rental assistance program, the Project may collect the fully allowed rental reimbursement amount even if the total rent for the Affordable Bedroom exceeds the maximum allowable rent for such Affordable Bedroom, so long as the household using the rental assistance is not paying more than 30% of the household's monthly income. In the event the fully allowed rental reimbursement amount is less than the total rent for the Affordable Bedroom, the Qualifying Tenant shall be responsible for the difference between the rental reimbursement and the applicable rent for the Affordable Bedroom.

B. Make a cash contribution to the City's affordable housing fund in the amount equal to four times that which would be required under City Code Section 34-12(d)(2) based on the approved final site plan, up to a maximum cash contribution of \$2,750,000.00. Such cash contribution shall be delivered to the City prior to the issuance of the first Certificate of Occupancy for the Project.

OWNER and APPLICANT:

RMD Properties, LLC

a Virginia limited liability company

By:  84B52507324B45A...

Printed Name: Stephen G. Bus

Title: Authorized Signatory

103233021.2

**AN ORDINANCE
APPROVING A REQUEST TO REZONE LAND FRONTING ON IVY ROAD
AND COPELEY ROAD
FROM URBAN CORRIDOR (URB) TO PLANNED UNIT DEVELOPMENT (PUD)**

WHEREAS, RMD Properties, LLC is the owner (“Landowner”) of certain land fronting on Ivy Road and Copeley Road, designated on the City Tax Map and Parcel (TMP) as 070001200 (the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from URB to PUD subject to proffered development conditions, hereinafter referred to as the “Proposed Rezoning”; and

WHEREAS, in connection with the Proposed Rezoning, the Applicants submitted: (i) a written PUD Development Plan, dated May 15, 2023 (Revision #3 dated November 21, 2023), titled “2117 Ivy Road Planned Unit Development Plan Submittal”, and (ii) proffered development conditions submitted in writing to the City; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted by the Planning Commission and City Council on November 14, 2023, following notice to the public and to adjacent property owners as required by Virginia Code §15.2-2204 and City Code §34-44, and following the public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, this City Council has considered the matters addressed within the Landowner’s application (ZM23-00003), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification and the proposed zoning classification are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

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

Section 34-1. Zoning District Map. Rezoning the property designated on City Tax Map and Parcel (TMP) 070001200 (“Subject Property”), containing, in the aggregate approximately 1.027 acres (approximately 44,736 square feet), from Urban Corridor (URB) to Planned Unit Development (PUD), subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowners in accordance with law and are hereby accepted by this City Council:

Approved Proffers

1. Affordable Housing

The Project is proposed to be student housing rented by the bedroom. The Applicant shall at its option satisfy either (A) or (B) below:

A. Provide affordable bedrooms (“Affordable Bedrooms”) in an amount that is equivalent to providing 10% of the total Units as affordable units, as provided herein.

- 1) The number of Affordable Bedrooms shall be roughly proportional to the number of bedrooms provided in each type of units within the Project, and shall be dispersed throughout the Project in a mix of units that is roughly proportionate to the overall unit mix within the Project, such that:
 - i. the number of Affordable Bedrooms located in Efficiency/Studio units shall be roughly proportionate to the number of Efficiency/Studio units within the Project;
 - ii. the number of Affordable Bedrooms located in one-bedroom units shall be roughly proportionate to the number of one-bedroom units within the Project;
 - iii. the number of Affordable Bedrooms located in two-bedroom units shall be roughly proportionate to the number of two-bedroom units within the Project;
 - iv. the number of Affordable Bedrooms located in three-bedroom units shall be roughly proportionate to the number of three-bedroom units within the Project; and
 - v. the number of Affordable Bedrooms located in four-bedroom units shall be roughly proportionate to the number of four-bedroom units within the Project.
- 1) In this Project containing a total of 241 units with a mixture of one-bedroom, two-bedroom, three-bedroom, and four-bedroom units, Applicant would provide a total of 24 Affordable Units which may be allocated as follows:
 - i. If the total number of one-bedroom units within the Project is 88, there shall be the equivalent of 9 one-bedroom Affordable Units, for a total of 9 Affordable Bedrooms located within one-bedroom units.
 - ii. If the total number of two-bedroom units within the Project is 25, there shall be the equivalent of 7 two-bedroom Affordable Units, for a total of 14 Affordable Bedrooms located in two-bedroom units.
 - iii. If the total number of three-bedroom units within the Project is 16, there shall be the equivalent of 4 three-bedroom Affordable Units, for a total of 12 Affordable Bedrooms located in three-bedroom units.
 - iv. If the total number of four-bedroom units within the Project is 112, there shall be the equivalent of 4 four-bedroom Affordable

Units, for a total of 16 Affordable Bedrooms located in four-bedroom units.

- v. These counts and allocations are subject to the final approved PUD and building permit and may be adjusted provided 10% of the total Units are provided as affordable units.
- 2) Fractional Affordable Units. If the calculation of the required number of affordable units that are required to provide 10% of the total units within the Project as affordable units results in a fraction of a unit less than 0.5, the Project shall provide a fractional in-lieu fee equal to the corresponding percent of the affordable unit as specified in the applicable formula in the adopted Affordable Dwelling Unit Monitoring and Procedures Manual. For example, in an example project containing 242 units, such example project must provide Affordable Bedrooms in an amount that is equivalent to providing 24 affordable units (10% of 242) as provided in paragraph 1(a) herein, and shall also provide a fractional fee in-lieu equal to two-tenths of the fee in-lieu established for a one-bedroom unit in the adopted Affordable Dwelling Unit Monitoring and Procedures Manual.
- 3) To provide tenants with the freedom of choice to lease an Affordable Bedroom in a particular unit type of their choosing (subject to availability), and to comply with Fair Housing Law and HUD regulations, the Applicant upon mutual agreement with Qualifying Tenants shall be allowed to float (locate) the Affordable Bedrooms throughout the Project subject to satisfying the requirements of section 1(a) herein.
- 4) Qualifying Tenants: Students who qualify for any level of federal Pell grants shall be Qualifying Tenants eligible to rent an Affordable Bedroom. For all other tenants, those persons and households who shall be certified from time to time by the Applicant to have combined adjusted annual income that does not exceed the applicable median family income (in this case, 60% of AMI) for the applicable calendar year shall be Qualified Tenants eligible to rent an Affordable Bedroom. The City may require a certification of tenant eligibility on a form approved by or provided by the City, in which the prospective qualifying tenant certifies as to annual income (for non-students) or Pell grant eligibility, as applicable.
- 5) Affordable Rents: The rent rate for Affordable Bedrooms shall be calculated as described herein based on the current year Area Media Income (“AMI”) for the Charlottesville area, as provided by HUD. If utilities are separately metered, the maximum allowable rent will be reduced to reflect the Tenant’s payment of utilities.
 - i. Efficiency/Studio Rent: The rent for an Affordable Bedroom in an Efficiency/Studio unit shall be the HUD Adjusted Home Rent limit for 1 person at 60% AMI, multiplied by 30% of total income set aside for housing, divided by 12.

- ii. One-bedroom Rent: The rent for an Affordable Bedroom in a one-bedroom unit shall be the average of the HUD Adjusted Home Rent limit for 1 person at 60% AMI and the HUD Adjusted Home Rent limit for 2 people at 60% AMI, multiplied by 30% of total income set aside for housing, divided by 12.
 - iii. Two-bedroom Rent: The rent for an Affordable Bedroom in a two-bedroom unit shall be 60% of the rent for an Affordable Bedroom in a one-bedroom unit.
 - iv. Three-bedroom and four-bedroom Rent: The rent for an Affordable Bedroom in a three-bedroom unit or in a four-bedroom unit shall be 60% of the rent for an Affordable Bedroom in an Efficiency/Studio unit.
- 6) Term of affordability: The requirements of this paragraph 1 shall remain in effect for thirty (30) years from the date of the issuance of the Certificate of Occupancy for the Project.
- 7) Equivalency of Affordable Bedrooms.
 - i. Affordable Bedrooms must reflect the composition of the over Project units in exterior appearance and overall quality of construction
 - ii. Affordable Bedrooms must include the same interior features as the other bedrooms in the same Project, but appliances and finishes need not be the same make, model, or style, so long as they are new and of good quality.
 - iii. Affordable Bedrooms must be evenly distributed throughout the Project and not concentrated on any particular floors, building sides, or locations, provided that the Affordable Bedrooms are not required to be located in the top two floors of the Project. The Applicant at time of applying for a building permit shall submit a compliance plan to the site plan agent that identifies the units within the Project that are designated for the Affordable Bedrooms consistent with paragraph 1(a) herein.
 - iv. Affordable Bedrooms must be comparable in size to other units within the Project with the same number of bedrooms. The average floor area of the Affordable Bedroom must not be less than 80% of the average floor area of the other bedrooms within in the same unit type.
- 8) Affordable Bedrooms shall have the same access to property amenities and building access points provided to other bedrooms within the Project.
- 9) Housing Choice Vouchers. In the case of tenants using a Section 8 voucher or other rental assistance program, the Project may collect the fully allowed rental reimbursement amount even if the total rent for the Affordable Bedroom exceeds the maximum allowable rent for such Affordable Bedroom, so long as the household using the rental assistance is not paying more than 30% of the household's monthly income. In the event the fully allowed rental reimbursement amount is less than the total

rent for the Affordable Bedroom, the Qualifying Tenant shall be responsible for the difference between the rental reimbursement and the applicable rent for the Affordable Bedroom.

- B. Make a cash contribution to the City's affordable housing fund in the amount equal to four times that which would be required under City Code Section 34-12(d)(2) based on the approved final site plan, up to a maximum cash contribution of \$2,750,000.00. Such cash contribution shall be delivered to the City prior to the issuance of the first Certificate of Occupancy for the Project.

BE IT FURTHER ORDAINED THAT the City's Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.

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



Agenda Date:	December 4, 2023
Action Required:	None - Informational Report
Presenter:	Cherry Stewart, Advisory Board Chair
Staff Contacts:	Sue Moffett, Director of Social Services
Title:	Social Services Advisory Board Annual Report to City Council

Background

The City of Charlottesville Code Section 25-1 (b) (4) requires that the Social Services Advisory Board make an annual report to City Council

Discussion

This report highlights the various programs administered by the Department of Social Services and also touches briefly on some upcoming challenges and opportunities

Alignment with City Council's Vision and Strategic Plan

The Department of Social Services shares the City's Vision to be a place where everyone thrives.

Community Engagement

The Department of Social Services' Advisory Board consists of one City Councilor and eight community members appointed by City Council. Meetings are open to the public.

Budgetary Impact

N/A - This is an informational report

Recommendation

N/A - This is an informational report

Alternatives

N/A - this is an informational report

Attachments

1. 2022 Social Services Advisory Board Annual Report to City Council
2. 2022 Advisory Board Annual Report Slides to City Council

Charlottesville Department of Social Services Advisory Board

ANNUAL REPORT TO CITY COUNCIL

The Social Services Advisory Board is pleased to present its 2022 Annual Report to City Council. We appreciate Council's support for the Charlottesville Department of Social Services' mission to join with the community in providing social services that meet essential needs, promote self-sufficiency, and enhance the quality of life for all residents.



The Department of Social Services administers Benefits Programs and Family Services for the citizens of Charlottesville.

Federal and state mandated **Benefits Programs** help low income families and individuals meet basic needs for food, shelter, and medical care.

Major programs include but are not limited to:

- Supplemental Nutrition Assistance Program (SNAP) and education and training program (SNAP-E&T)
- Medicaid (now known as Cardinal Care)
- Temporary Assistance for Needy Families (TANF)
- Virginia Initiative for Education and Work (VIEW)
- Child Care

Family Services Programs provide assessment, intervention, and case management services through federal and state mandated programs.

Major programs include but are not limited to:

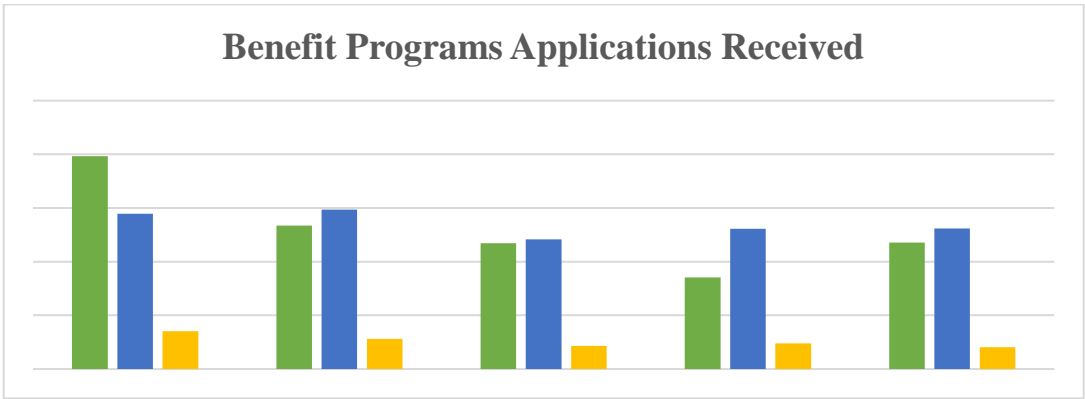
- Child Protective Services (CPS)
- Foster Care Prevention and In Home Services
- Foster Care
- Adoption
- Fostering Futures
- Adult Protective Services (APS)

Benefits Division

All persons walking in to the Department are greeted by members of the Client Entry Team (CET). This team is often able to meet the presenting need, and also reaches out to in office coverage staff for additional assistance.

Most staff continue to work remotely. Business processes to support remote work remain in place and have been enhanced to include a secured e-mail inbox for submission of all case-related documents from customers.

Workload trends: Our public assistance caseloads have remained steady as a result of community need and federal/state policy waivers enacted during the pandemic.



	Medicaid	SNAP	TANF
Jul - Oct 2019	793	579	141
Jul - Oct 2020	534	594	112
Jul - Oct 2021	469	483	86
Jul - Oct 2022	341	523	96
Jul - Oct 2023	471	524	81

*More Medicaid applications were received in 2019 because it was the 1st year of Medicaid expansion

Family Services Division

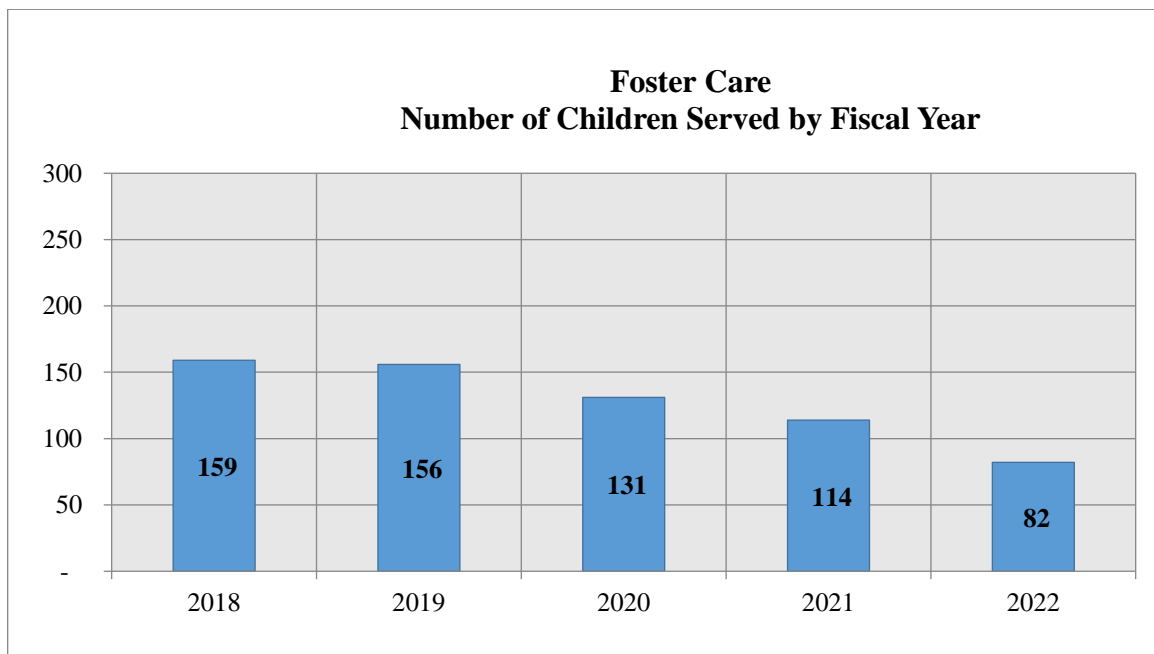
The Family Services Division continued to see clients in their homes and other agreed upon places. The Department purchased video equipment which increased our capacity and flexibility to hold family partnership meetings. Covid related restrictions on face to face contact in adult services cases were lifted and family services workers resumed in-person interviews, including investigations in nursing homes and assisted living facilities.

Workload Changes:

While the number of child protective services referrals has remained steady, our foster care caseload has continued to decrease. Staff begin at the initial CPS referral to partner with families to develop a plan to protect their children through connection with natural supports, assistance with basic needs, and purchase of services. The federal passage of the Families First Prevention Act enhanced our capacity to provide services to voluntary clients through our foster care prevention/ in home services team. We have two peer parent navigators on our team, and two full time staff dedicated to early prevention. We are beginning to collect data that illustrates how these practice changes have resulted in a decrease in our foster care caseload.

The COVID-19 pandemic caused minor disruption in overall service plans for children in foster care. Children continue to spend time with their family of origin and adoptions are being finalized. 11 adoptions were finalized in FY2022 with many being in relative placements.

Adult Protective Services have remained stable over the last year. There has been a slight increase in cases starting in September 2020. The increase does not seem to be COVID related



Finance Team

The finance team, consisting of 4 staff members, maintains the department’s accounting functions including: invoice & payment processing for administrative and client-related services, fund reconciliations, and financial reporting; budget development and management; procurement functions; and personnel administration.

Administrative Changes:

Due to the nature of the work, the finance team has needed to be in the office to complete most job tasks.

Workload Changes:

For the most part, the department’s financial and personnel deadlines have remained unchanged

Most of the finance tasks are paper-driven. With the majority of the department working from home though, adjustments have needed to be made to the administrative and client-related invoicing processes to allow for electronic submissions and approvals. However, the finance team continues to print all electronic submissions to comply with payment documentation rules.

The Department has purchased a new software system to manage payments for the Children Services Act (CSA) and Title IV-E (Foster Care). The finance team is working closely with the vendor on customizations to ensure the system is efficient and effective in managing the complex payment and documentation requirements for these two programs. The new system should be in place by the Spring of 2024.

Challenges and Highlights:

For Benefit Programs:

Pandemic related changes to benefit programs ended in calendar year 2023. Work requirements for TANF and SNAP participants resumed in January. Enhanced SNAP benefits provided to individuals and families throughout the pandemic ended in February. We are required to review eligibility for more than 3,500 Medicaid cases whose eligibility was not reviewed due to temporary policy changes in place during the public health emergency.

For Family Services Programs:

Housing, support with meeting basic household needs, rising community violence, and need for mental health and substance use treatment are the primary need in most of our service cases. Successful interventions only happen through strong community partnerships. A current list of these partnerships is below.

Virginia League of Social Services Executives	Program and policy coordination, legislative advocacy
Benefits Programs Organization	

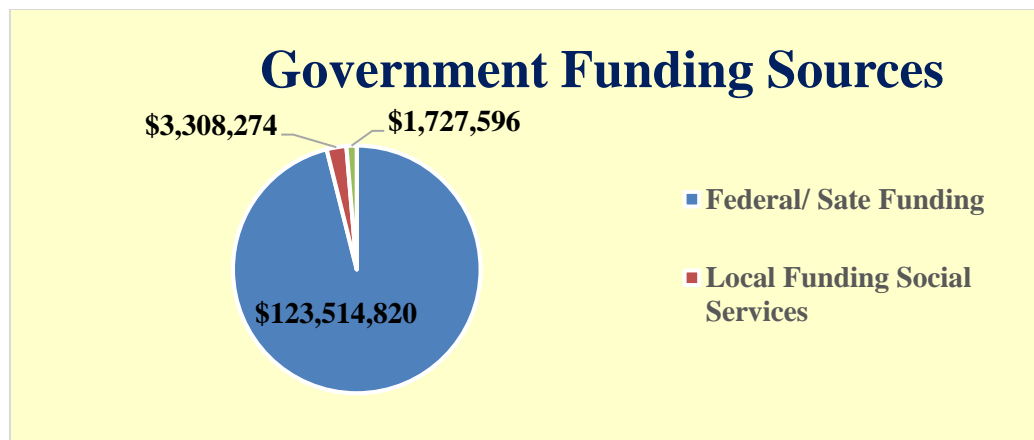
Virginia Alliance of Social Work Practitioners	
Virginia Association of Human Services Executives	
Blue Ridge Coalition for the Homeless Board of Directors Service Provider Council	Lead agency for the homelessness continuum of care. The City is the fiscal agent for the regional CoC.
Mental Health and Wellness Coalition Trauma Informed Community Network	Regional partnership for program and policy coordination, legislative advocacy and practice excellence
Local Emergency Planning Committee	Regional partnership for emergency preparedness, response and recovery. Development and operation of the regional Emergency Operation Plan
Charlottesville Area Alliance TRIAD	Regional alliance of agencies in support of Age Friendly city designation and best practices for aging in place Regional partnership in support of protection against adult abuse and exploitation
Charlottesville Frequent Utilizers group Crises Intervention Team	Care coordination of frequent 911 utilizers
Community Policy Management Team Family Assistance Planning Team	Coordination of child welfare related funding sources, policies, practice
Food Justice Network	Advocacy for access to affordable, quality, and culturally appropriate food
Community Reentry Council Steering Committee Provider Network Evidences Based Decision Making group	Program and policy coordination, legislative advocacy related to criminal justice and community reentry
Refugee Dialogue Group Charlottesville City Schools Title III Advisory Group	Collaboration, coordination and advocacy for refugees and immigrants
Employer Networking Group	Regional collaboration of employment service providers
Domestic Violence Fatality Review Team Child Abuse Fatality Review Team	Review and analysis of fatalities, advocacy for prevention efforts
Racial Awareness During Crises	Internal workgroup to develop best practices with public safety response agencies
Housing case staffing	Internal workgroup to strategize cases where housing instability/housing is a concern
Cultural Humility Workgroup	Internal workgroup to support professional development in the area of cultural humility and equity and inclusion in local policies and practices

Economic Impact

Economic Impact - \$128,550,690

Total Federal and State Funding for Fiscal Year 2022 = \$123,514,820. Many of these funds were spent on rent, utilities, payments to medical providers and hospitals, purchases at grocery stores and gas stations, and purchases of clothing and school supplies, thereby increasing the economic impact to the community as the funds recycled through the local economy. The matching local costs for fiscal year 2022 totaled **\$3,308,274** for Social Services and **\$1,727,596** for the Children's Services Act (CSA).

- **\$92,799,737** in Medicaid and Family Access to Medical Insurance Security (FAMIS) payments to providers
- **\$13,051,834** in the Supplemental Nutrition Assistance Program (SNAP)
- **\$4,567,282** in Children's Services Act (CSA) payments to providers¹
- **\$5,775,783** in Staff, Administrative, and Operations costs
- **\$3,154,964** in Adoption Assistance payments to adoptive parents
- **\$657,357** in Title IV-E Foster Care payments to providers
- **\$858,051** in Child Care payments to providers
- **\$1,261,759** in Temporary Assistance to Needy Families (TANF)
- **\$89,343** in Fostering Futures Foster Care Assistance
- **\$36,890** in Kinship Guardianship Assistance
- **\$525,348** in Low-Income Home Energy Assistance Program (LIHEAP)
- **\$194,838** in Auxiliary Grant payments to providers
- **\$130,607** Other Purchased Services for clients
- **\$180,288** in Central Service Cost Allocation²
- **\$175,984** in Virginia Initiative for Education and Work (VIEW)
- **\$39,466** in Independent Living Services
- **\$5,624** in Refugee Assistance
- **\$12,338** in General Relief



¹ The Children's Services Act (CSA) enacted in 1993 established a single State pool of funds to purchase services for at-risk youth and their families. Charlottesville Social Services coordinates administration and financial services for the CSA collaborative interagency team of Social Services, City Schools, Region Ten and the Court Services Unit.

² Federal reimbursement for services from other city departments including, but not limited to: City Manager, City Attorney, Human Resources, Facilities Management, City Finance, City Treasurer and Purchasing.

Respectfully submitted by Charlottesville Department of Social Services Advisory Board Members:

- Conner Brew, Vice Chair
- Brian Pinkston, City Council
- Zuhayr Shaikh
- Cherry Stewart, Chair
- Ashley Zhang

Charlottesville Department of Social Services Advisory Board

Annual Report to City Council
December 2023



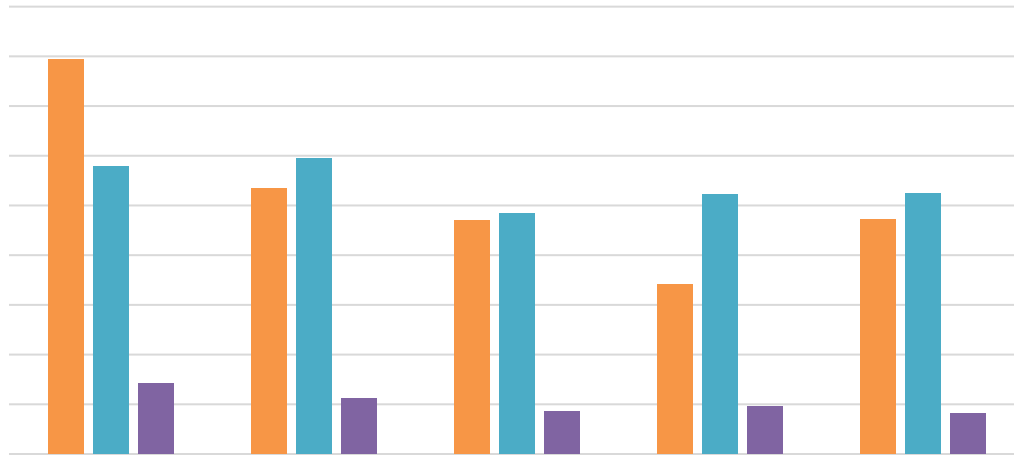
Programs



- Child Care Assistance
- Temporary Assistance to Needy Families (TANF)
- Medicaid
- Adult Protective Services (APS)
- Child Protective Services (CPS)
- Family Engagement
- Adoption
- Supplemental Nutrition Assistance Programs (SNAP)
- Virginia Initiative for Education and Work (VIEW)
- Family Access to Medical Insurance Security (FAMIS)
- Adult Services
- Foster Care Prevention
- Foster Care
- Fostering Futures

Benefits Division

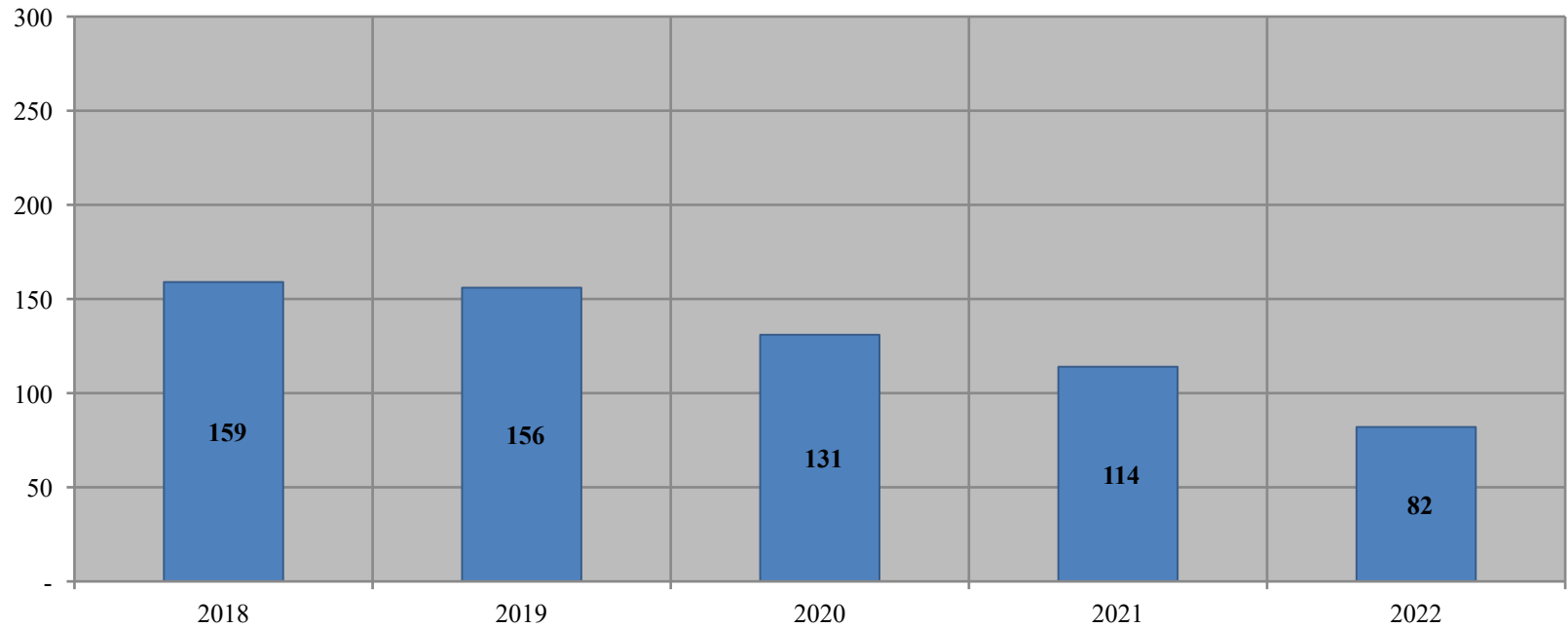
Benefit Programs Applications Received



	Medicaid	SNAP	TANF
Jul - Oct 2019	793	579	141
Jul - Oct 2020	534	594	112
Jul - Oct 2021	469	483	86
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Family Services Division

**Foster Care
Number of Children Served by Fiscal Year**

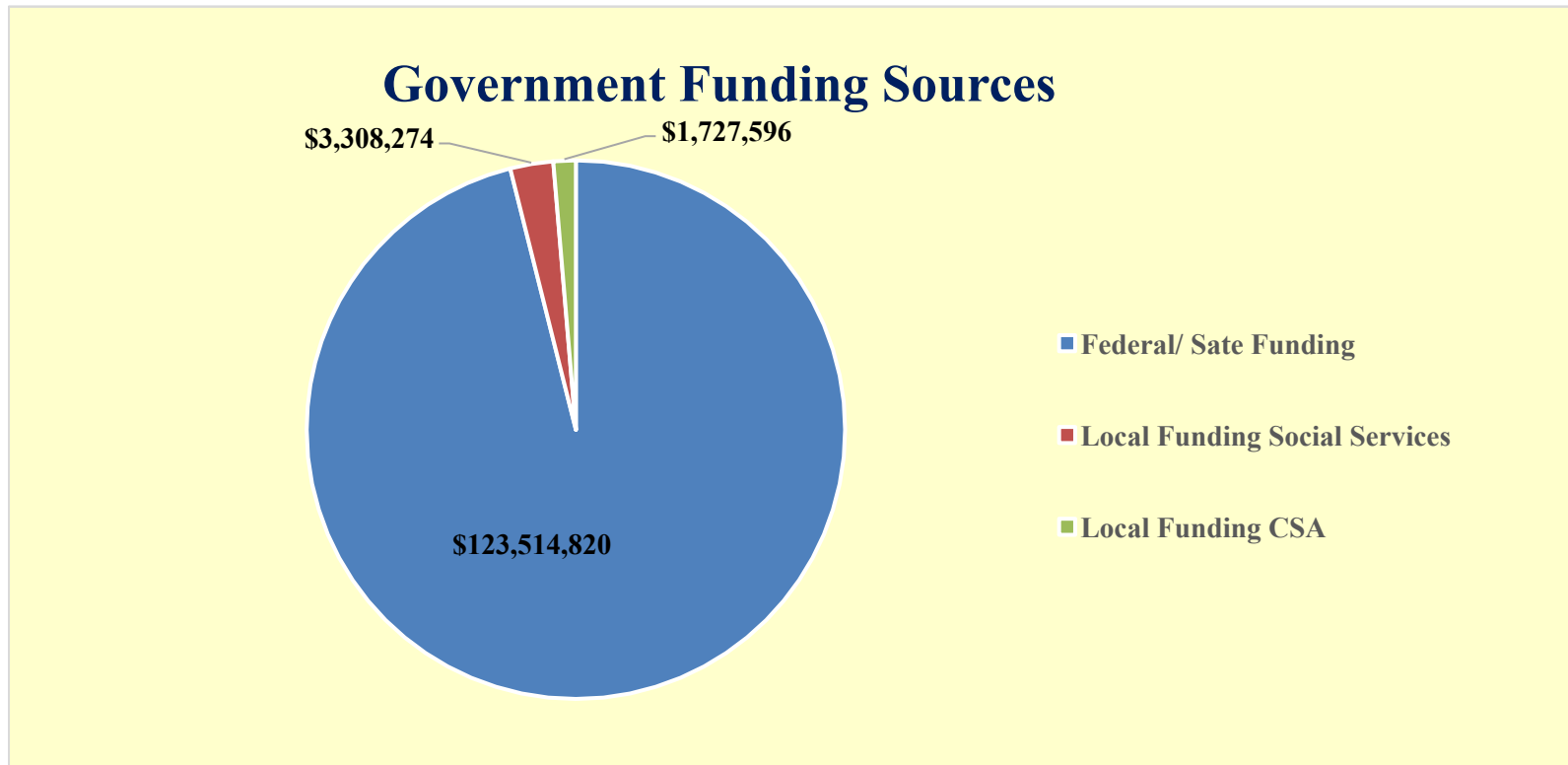


Community Partners

The Department works closely with community partners to put successful interventions in place for clients. Our current list of partnerships include; but is not limited to:

- The Virginia League of Social Services Executives (VLSSE)
- The Virginia Benefits Programs Organization (BPRO)
- The Virginia Alliance of Social Work Practitioners (VASWP)
- The Virginia Association of Local Human Services Executives (VALHSO)
- Blue Ridge Coalition for the Homeless
- Mental Health and Wellness Coalition
- Trauma Informed Community Network
- Local Emergency Planning Committee
- The Charlottesville Area Alliance
- Community Policy Management Team
- Family Assistance Planning Team
- Charlottesville - Albemarle TRIAD
- Charlottesville Frequent Utilizers Group
- Food Justice Network
- Community Re-entry Council
- Refugee Dialogue Group
- Charlottesville City Schools Title III Advisory Group
- Employer Networking Group

Economic Impact - Fiscal Year 2022



Total Economic Impact: \$128,550,690

Of this amount, \$5,956,071 went to staff & operations. \$122,594,619 was spent in the community on direct goods and services for clients.

Questions or Comments?

