

CITY COUNCIL AGENDA February 5, 2024

Juandiego R. Wade, Mayor Brian R. Pinkston, Vice Mayor Natalie Oschrin Michael K. Payne J. Lloyd Snook, III Kyna Thomas, Clerk

4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. 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. Report: Development Review Procedures Manual

2. Report: Affordable Dwelling Unit Monitoring and Procedures Manual

3. Presentation: Housing Equity and Anti-Displacement Toolkit (HEAT) Project | FY2024 -

2025 Strategic Outcome: Housing Work Plan

5:30 PM CLOSED MEETING (if called)

6:30 PM BUSINESS SESSION

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.

4. Minutes: September 18 meeting, October 25 special meeting, December 4 meeting

5. Resolution: Resolution to Appropriate Opioid Abatement Funding Dollars (1 of 2

readings)

6. Resolution: Resolution of Appropriation to Amend the FY24 Budget (2nd reading)

7. Resolution: Resolution to appropriate ARPA funding and authorize the City Manager to

acquire Avon/Levy Property for future redevelopment - \$4,181,000 (2nd

reading)

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

8. Public

Release Natural Gas Easement – Hyland Park Subdivision

9. Public Pologge Natural Cas Es

Hearing/Ord.: Release Natural Gas Easement - Dunlora Park Subdivision

10. Ordinance: Consideration of a request to rezone the property at 108 Lankford Avenue

from R-1S (Single Family Small Lot Residential) to R-3 (Multifamily

Residential)

11. Resolution: Consideration of a Special Use Permit Application for 108 Lankford

Avenue, designated on the City Tax Map and Parcel (TMP) as 260012000

12. Resolution: Development Review Procedures Manual Adoption

13. Resolution: Resolution to adopt the Affordable Dwelling Unit (ADU) Monitoring and

Procedures Manual

General Business
Other Business
Community Matters (2)
Adjournment

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required: None

Presenter: James Freas, Director of NDS

Staff Contacts: James Freas, Director of NDS

Title: Development Review Procedures Manual

Background

The Development Review Procedures Manual describes the technical details of how an application for development is made and processed in the City of Charlottesville under the Charlottesville Development Code adopted by City Council on December 18, 2023. This document covers the submission requirements and schedules for all development application types in the Code as well as specifying community engagement requirements and fees.

Discussion

The manual has three major parts:

- 1. Submission requirements for each application or review process, this section describes what an applicant must submit.
- 2. Notice Requirements Describes the notice requirements associated with the various public processes defined in the ordinance. These requirements largely match requirements as defined in state code.
- 3. Community Engagement Indicates the requirements for community meetings for certain types of applications.

In addition, the manual includes the fee schedule for permit applications.

The following highlights some of the key attributes of the manual:

- One overall objective is to strike a balance between requiring what is needed in order to conduct a complete and accurate review while not creating a burden on development projects, particularly smaller projects.
- A central component of the new development review process is the Development Plan. In short, the Development Plan is a zoning compliance document. The Development Plan is a conceptual level plan, meaning it is fully to scale but not fully engineered. Required for everything from an addition onto a house to a major mixed-use development, it allows staff to confirm compliance with zoning requirements and provides an opportunity for staff to discuss with an applicant opportunities for alternative pathways to compliance that could help a project better meet the City's adopted objectives from the Comprehensive Plan. A minor Development

Plan is for residential projects of less than 2 units or residential additions, everything else is a major Development Plan.

- The new zoning ordinance and procedures manual separates out the required engineering plans (stormwater and public improvement plans). The Development Plan, the engineering plans, and any required discretionary permits together make up a Final Site Plan.
 - A minor Development Plan can be submitted simultaneously with the Final Site Plan and the Building Permit Application. While there are more parts to this application, it is effectively the same as a by-right building permit application under the current zoning ordinance.
 - 2. An applicant that first receives approval for a Major Development Plan and then any required engineering plans, may submit the final site plan simultaneously with their Building Permit application.
- State law requires that the City provide the option of an applicant skipping straight to the Final Site Plan submission. An applicant requiring a major Development Plan would not be able to simultaneously submit a Building Permit application in this scenario.
- The procedures manual requires applicants for rezonings or any form of special permit to do a community meeting. Projects that require submission of a Transportation Demand Management Plan must also hold a community meeting.

Alignment with City Council's Vision and Strategic Plan

Aligns with Organizational Excellance

Community Engagement

Sent out to development community for comment and held a work session with the Planning Commission.

Budgetary Impact

None

Recommendation

Alternatives

Attachments

1. Final Charlottesville NDS Admin Manual -1-29-2024 update

Development Review Procedures Manual City of Charlottesville, Virginia



Neighborhood Development Services
605 E. Main Street
Charlottesville, VA 22902
(434) 970-3182

Effective Date: XX



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1. Introduction

This manual is a companion document to the Charlotteville Development Code, serving as a reference for project developers and the public seeking to understand and navigate the required development review processes. The manual includes details for application submittal requirements and required public notice and engagement consistent with the Code of Virginia state statutes associated with certain development review processes and community expectations.

2. Application Requirements

General

Submission through the City Portal https://permits.charlottesville.gov/portal is required unless alternate instructions are denoted in a section below.

2.1 Comprehensive Plan Review

2.1.1 Comprehensive Plan Adoption

The Planning Commission and City Council initiate the process of reviewing and updating the Comprehensive Plan. Reference 5.2.2. and 5.2.3.

2.1.2 Comprehensive Plan Amendment

The Planning Commission and City Council initiate the process of reviewing and updating the Comprehensive Plan. Reference 5.2.1. and 5.2.3.

2.1.3 Review of Public Facilities

Reference 5.2.1 and 5.2.4.

2.2 Zoning Amendment

2.2.1 Zoning Text Amendment

A Zoning Text Amendment must be initiated by City Council or the Planning Commission. An applicant may submit a request to either of these groups for consideration for initiation of an amendment to the zoning text. Reference Sec. 5.2.5. Zoning Amendments.

2.2.2 Zoning Map Amendment

An application for a Zoning Map Amendment must be filed per the requirements in Sec. 5.2.1 Common Review Procedures and Sec. 5.2.5. Zoning Amendments.

General Requirements

Applications for Zoning Map Amendments must be filed in the Department of Neighborhood Development Services. Each application must be composed of a completed application and supplemental information required in order for the City to review and act on the application. At a minimum, a complete application must include:

 Verification of the applicant's attendance at a pre-application meeting with the Administrator, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;



- 2. A City-provided application, signed by the owner of the property. Alternatively, the application form may be signed by the owner's authorized representative, if the application form is accompanied by the owner's written authorization (digital options for this are available in most cases);
- 3. Certification of evidence that any delinquent real estate taxes owed to the locality have been paid;
- The required application fee, as set forth within the most recent fee schedule adopted by City Council;
- 5. All information required by any provision of the Development Code and any other applicable city ordinances, or state law, including the following:
 - a. A Development Plan when required by Sec. 5.2.9. Development Review.
 - b. A written disclosure of the information required by Sec. 5.2.1.C.2. Disclosure of Real Parties in Interest of the Development Code and, if the applicant is not the owner of the property, written evidence of their status as either the authorized agent of the property owner, or a contract purchaser of the property whose application is with the permission of the property owner;
 - c. Information and data identifying how many, if any, existing dwelling units on the development site meet the city's definition of an "affordable dwelling unit" and whether any such existing units, or equivalent affordable units, will remain following the development; and
 - d. Other supporting data sufficient to demonstrate compliance with the purposes and standards of the Development Code, including, without limitation, graphic materials that illustrate the context of the project as well as information and data addressing the criteria for review and decision set forth within Sec. 5.2.5. Zoning Amendments.
- 6. Project proposal narrative: Consisting of a detailed written statement of the proposal, its public need or benefit, and of how the project satisfies the purpose, intent, or objectives of the applicable zoning district classification.
- 7. Comprehensive plan analysis: Consisting of a detailed written statement of the project's consistency with the comprehensive plan, including the land use map and any small area, strategic investment area or other plan for the applicable development area.
- 8. Impacts on public facilities and infrastructure: A detailed narrative statement describing the project's impacts on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the City for maintenance, etc.
- 9. Context Maps: One (1) or more maps showing the proposed project's neighborhood context, existing natural and human caused conditions, and existing topography.
- 10. Impacts on environmental features: A narrative of environmental features of the property that would be affected by the project, including, without limitation: trees, existing pervious surfaces, critical slopes, streams, etc. Photographs must be provided of features described in the narrative.
- 11. All required supplemental information.



Supplemental Information

For each application for a Zoning Map Amendment, the Administrator may require supplemental information to be submitted along with the application. In determining what supplemental information must be submitted, the Administrator will consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the Administrator determines to be relevant according to sound zoning practices. Required supplemental information may consist of any or all of the following:

- 1. **Project concept plan.** For any Zoning Map Amendment to implement a project not requiring a Development Plan, a Conceptual Plan may be required showing, as applicable:
 - a. Street network, including circulation within the project and connections to existing and planned streets within and outside the project;
 - b. General location of pedestrian and bicycle facilities;
 - c. Building envelopes;
 - d. Parking envelopes;
 - e. Public spaces and amenities;
 - f. Conceptual stormwater management facility locations and types;
 - g. Conceptual grading;
 - h. Conceptual landscape plan;
 - Topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; and
 - j. General location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities.
 - k. For applications proposing the alteration of the footprint or height of an existing building, or the construction of 1 or more new buildings:
 - i. Building massing diagram
 - ii. Elevations
- Other information. Including, without limitation, special studies or documentation, identified by the Administrator as being necessary for a full and complete review of the proposed Zoning Map Amendment consistent with good zoning practices.

Conditional Zoning Requirements

All proffered conditions must be submitted in a written format per the requirements of Sec. 5.2.5. Zoning Map Amendments, and must include the following, as applicable:

- 1. Written statements;
- 2. Development plans;



- 3. Profiles;
- 4. Elevations; and
- 5. Other demonstrative documents depicting, describing, or otherwise pertaining to a proposed development.

The Administrator may establish specific forms for use by persons who wish to submit proffered conditions. Each submission must be accompanied by the required fee, as set forth within the most recent fee schedule adopted by City Council.

2.3 Historic Preservation and Design Review

2.3.1 Minor Historic Review and Major Historic Review

<u>General Requirements</u>. The following information and exhibits may be required for each application for a Certificate of Appropriateness (COA) for any project in an Architectural Design Control (-ADC) or Historic Conservation (-HC) overlay district or an Individually Protected Property (-IPP), requiring a Minor or Major Historic Review. Not everything listed is necessary for a specific project; applicants should coordinate with <u>historic preservation</u> staff to determine what is needed.

- 1. Detailed and clear descriptions of proposed construction and/or proposed changes in the exterior features of the subject property, including but not limited to the following, as applicable: the general design, architectural style, form, and details, building location and arrangement, materials (including textures and color palette), windows and exterior doors (including glass specifications), lighting (including Color Temperature and Color Rendering Index), landscaping (including removal of existing trees and site elements), parking, signs, locations of utility boxes/meters and mechanical equipment (including planned screening), and other exterior fixtures and appurtenances.
- 2. At the discretion of the Administrator, for new construction and projects proposing expansion of the footprint of an existing building: a 2D representation of a three-dimensional model, in digital form (i.e. renderings, illustrative drawings) depicting the site, and all buildings and structures to be located thereon, as it will appear upon completion of the work that is the subject of the application.
- 3. Photographs of the subject property and contiguous properties, indicating the relationship of the proposed change to surrounding properties and/or buildings.
- 4. Photographs and/or catalog cutsheets showing the nature, texture and color of materials proposed. Staff may request physical samples.
- 5. The history of an existing building or structure.
- 6. For applications also requiring the review of a Development Plan, that must be submitted. For applications that include landscaping, include a landscape plan as follows:
 - a. For a project requiring the review of a Development Plan, the Landscape Plan must meet the requirements set forth in that Section.
 - b. For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the Administrator to determine whether the applicable design standards are met.
- 7. In the case of a demolition request where structural integrity is at issue, the applicant shall provide a structural evaluation and cost estimates for rehabilitation, prepared by a professional engineer.



- 8. For sign permit Certificate of Appropriateness (CoA), see requirements under 2.5.3. Similarly, the fee will be calculated on a per sign basis, not a single CoA application.
- 9. If significant and substantive modifications to the approved design are necessary due to the Development Plan or final site plan, staff, following consultation with the Administrator, may void the CoA and require a new application, including the associated fee.

Minor Historic Review.

Reference 5.2.6.

In the event of a party appealing an administrative review (ref 5.2.6.D.), the matter will be referred to the BAR and treated as a Major Review, applying the timelines stated to complete such reviews.

Major Historic Review

Reference 5.2.7

<u>For a property in an ADC District or IPP</u>: Following submittal of a complete application, the BAR will have 60 days from the application deadline to take an action--within the first two consecutive BAR meetings following the deadline. Following the first meeting, the BAR may approve or deny the CoA, or defer action to the next BAR meeting, at which time the BAR must approve or deny the CoA. An applicant may request a deferral, after which they will have 18-months from the original submittal deadline to return under the same application. If that period exceeds 18-month, the deferred request will expire and a new application, including fee, is required. Under unusual circumstances, and at the request of the applicant, the BAR may consider extending that period by no more than 12-months.

In the event of a party appealing a BAR action (ref 5.2.7.E.), the validity period of an approval will start on the date of the final action taken as available under 5.2.7.E.

<u>For a property in a HC District</u>: Following submittal of a complete application, the BAR will have thirty (30) days from the application deadline to take an action. Following the first BAR meeting, only the applicant may request a deferral, the BAR must either approve or deny the CoA. Staff will consider a failure to act as consent for an administrative approval. Following an applicant's request for a deferral, they will have 18-months from the original submittal deadline to return under the same application. If that period exceeds 18-month, the deferred request will expire and a new application, including fee, if applicable, is required. Under unusual circumstances, and at the request of the applicant, the BAR may consider extending that period by no more than 12-months.

2.3.2 Corridor Review

The following information and exhibits must be submitted along with each application for a Certificate of Appropriateness for any project in the Entrance Corridor (-EC) overlay district, requiring Corridor Review. Not everything listed is necessary for a specific project; applicants should coordinate with historic preservation staff to determine what is needed.:

 Detailed and clear descriptions of proposed construction and/or proposed changes in the exterior features of the subject property, including but not limited to the following, as applicable: the general design, architectural style, form, and details, building location and arrangement, materials (including textures and color palette), windows and exterior doors (including glass specifications), lighting (including Color Temperature and Color Rendering Index), landscaping (including removal



- of existing trees and site elements), parking, signs, locations of utility boxes/meters and mechanical equipment (including planned screening), and other exterior fixtures and appurtenances.
- 2. At the discretion of the Administrator, for new construction and projects proposing expansion of the footprint of an existing building: a 2D representation of a three-dimensional model, in digital form (i.e. renderings, illustrative drawings) depicting the site, and all buildings and structures to be located thereon, as it will appear upon completion of the work that is the subject of the application.
- 3. Photographs of the subject property and contiguous properties, indicating the relationship of the proposed change to surrounding properties and/or buildings.
- 4. Photographs and/or catalog cutsheets showing the nature, texture and color of materials proposed. Staff may request physical samples, if warranted.
- 5. For applications that include landscaping, include a landscape plan as follows:
 - a. For a project requiring the review of a Development Plan, the Landscape Plan must meet the requirements set forth in that Section.
 - b. For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the director to determine whether the applicable design standards are met.
- 6. For sign permit CoA, see requirements under code section 2.5.3. Similarly, the fee will be calculated on a per sign basis, not as a single CoA application.

For an Entrance Corridor application referred to the ERB: Following submittal of a complete application, the ERB will have 60 days from the application deadline to take an action--within the first two consecutive ERB meetings following the deadline. Following the first meeting, the ERB may approve or deny the CoA, or defer action to the next ERB meeting, at which time the ERB must approve or deny the CoA. An applicant may request a deferral, after which they will have 18-months from the original submittal deadline to return under the same application. If that period exceeds 18-month, the deferred request will expire and a new application, including fee, is required. Under unusual circumstances, and at the request of the applicant, the ERB may consider extending that period by no more than 12-months.

If significant and substantive modifications to the approved design are necessary due to the Development Plan or final site plan, staff, following consultation with the Administrator, may void the CoA and require a new application, including the associated fee.

2.4 Development and Subdivision Review

Development Review

Development Review applies to all Projects (see Div.7.2 Definitions); including, but not limited to: New Construction, Additions, Site Modifications, and Changes of Use. Development Review is not required for a change of use/site modification provided that no additional site access, or alteration of existing site access is recommended by the City based on intensification of use; and no additional site access, or alteration of existing site access is proposed. Projects not requiring Development Review may require a Building Permit.

Projects subject to Development Review require approval of a Final Site Plan prior to any site activity or issuance of a Land Disturbance Permit and/or Building Permit.

Final Site Plan

A Final Site Plan is a collection of approved subplans that meet all requirements set forth within the Code of Virginia § 15.2-2240 et seq and may include:

Development Plan (Major or Minor)



- Stormwater Management Plan
- Public Improvement Plan
- Certificate of Appropriateness (coordinate with Historic or Entrance Corridor Review)
- Traffic Demand Management Plan (if required)
- All applicable:
 - Special Use Permits
 - Administrative Modifications and Exceptions
 - Special Exceptions
 - Waivers
 - Permits
 - Variances

Note: not all subplans may be required for every Project.

Projects with over 50,000 square feet of gross floor area must submit a Traffic Demand Management Plan. Reference Section 4.5.4.C.1

<u>Development Plan - Minor</u>

Minor Development Plans include Projects consisting of residential construction of up to two dwelling units on one lot; residential additions; site modifications; and change of use; and are subject to the discretion of the Administrator. Minor Development Plans do not need to be prepared by an architect, professional engineer, land surveyor or certified landscape architect licensed to practice within the Commonwealth of Virginia; and may be prepared as a dimensioned sketch provided enough information is included for staff to complete their review. All plans must be submitted electronically to the City for review.

Requirements for a Minor Development Plan may include (and must be shown on the plan documents):

- a. The name of the development; names of the owners, developers and individuals who prepared the plan; tax map(s) and parcel number(s) (unabbreviated and expressed in full); address(es); zoning district classification(s); descriptions of all variances, zoning proffers and bonus factors applicable to the project; north point; scale (in engineering or architectural units); sheet number(s) and total number of sheets; date of drawing; date and description of revisions; property lot lines.
- b. All applications for waivers, variations, permits, special exceptions, special use permits, design review, and administrative modifications and exceptions may be submitted with the Minor Development Plan or individually. Approval of a Final Site Plan will not be granted until all outstanding requests are addressed by the appropriate body.
- c. A legend showing all symbols and abbreviations used on the plan.
- d. Existing Use(s) and Proposed Use(s).
- Lot size; density (or maximum number of dwelling units); coverage; building setbacks and build-to
 dimensions; transition; entrances; parking location; fences and walls; building separation; vehicular
 circulation; and elevations.



- f. Indicate if residential units are sale or rental units; number of bedrooms per unit; description of any affordable dwelling unit requirements applicable to the subject property or project and reference to the specific deeds, agreements, or other evidence of the property owner's binding obligation to provide affordable dwelling units applicable to the subject property. Reference the Affordable Dwelling Unit Manual.
- g. Critical slopes, as defined in Sec. 4.10.1. Critical Slopes.
- h. Existing landscape features as described in Sec. 4.9.1. Tree Preservation and Replacement, including all individual trees of 8-inch caliper or greater.
- i. One hundred-year flood plain limits, as shown on the official flood insurance maps for the City of Charlottesville, as well as the limits of all floodway areas and base flood elevation data required by Sec. 2.9.1. Flood Hazard Protection District.
- j. Existing and proposed access easements and alley easements.
- k. Existing and proposed drainage easements.
- Location and size of existing water, sanitary and storm sewer facilities, and easements, and proposed conceptual layout for water and sanitary sewer facilities and public storm sewer facilities.
- m. Location of other existing and proposed utilities and utility easements.
- n. Location of existing and proposed ingress to and egress from the property, showing the distance to the centerline of the nearest existing street intersection.
- o. Location and dimensions of all existing and proposed improvements.
- p. The location, character, size, height, and orientation of proposed signs, as proposed to be installed or erected in accordance with *Div. 4.11. Signs*; and elevations of buildings showing signs to be placed on exterior walls. Signs which are approved in accordance with this Section will be considered a part of the approved Development Plan and Final Site Plan. Thereafter, signs will not be installed, erected, painted, constructed, structurally altered, hung, rehung, or replaced except in conformity with the approved Development Plan and Final Site Plan. Any changes in signs from the approved Development Plan and Final Site Plan or any additions to the number of signs as shown on the Development Plan and Final Site Plan will be allowed only after amendment of the Development Plan and Final Site Plan by the Administrator or the Planning Commission.
- q. Specific written schedules or notes as necessary to demonstrate that the requirements of the Development Code are being satisfied.
- r. For all parking and loading areas, indicate: size, angle of stalls; width of aisles, specific number of spaces, and type of surfacing.
- s. Landscape Plan.
- t. Traffic Demand Management Plan (if required)
- u. Acknowledgement of adherence to the building façade Transparency, Height; Massing; and ground story requirements. Requirements must be outlined on the development plan with notation that the requirements will be shown for design review and/or building permit applications.



- v. The Administrator may require additional information to be shown on the Development Plan as deemed necessary in order to provide sufficient information for the Administrator to adequately review the Development Plan.
- w. Signature panels for:
 - o The Administrator
 - o Code Official

<u>Development Plan - Major</u>

Major Development Plans include Projects consisting of residential construction of three or more dwelling units on one lot; nonresidential construction; and change of use; and are subject to the discretion of the Administrator. Applicants may provide a written request for consideration to be processed as a Minor Development Plan prior to application submission.

Major Development Plans shall be submitted electronically and shall be prepared, sealed, signed, and dated by an architect, professional engineer, land surveyor or certified landscape architect licensed to practice within the Commonwealth of Virginia.

Requirements for a Major Development Plan may include:

- a. All applications for waivers, variations, permits, special exceptions, special use permits, design review, and administrative modifications and exceptions may be submitted with the Major Development Plan or individually. Approval of a Final Site Plan will not be granted until all outstanding requests are addressed by the appropriate body.
- b. Major Development Plan must be prepared to a standard engineering scale and submitted electronically. Paper plans will not be accepted for review.
- c. The name of the development; names of the owner, developer and individual who prepared the plan; tax map(s) and parcel number(s) (unabbreviated and expressed in full); address(es); zoning district classification(s); descriptions of all variances, zoning proffers and bonus factors applicable to the site; description of affordable dwelling unit requirements applicable to the subject property; city and state; north point; scale; 1 datum reference for elevation (where a flood hazard overlay district is involved, U.S. Geological Survey vertical datum shall be shown or correlated to plan topography); source of the topography; source of the survey; sheet number and total number of sheets; date of drawing; date and description of latest revision; property lines; minimum setback lines, yard and building separation requirements.
- d. A legend showing all symbols and abbreviations used on the plan.
- e. Existing Use(s) and Proposed Use(s).
- f. Lot size; density (or maximum number of dwelling units); coverage; building setbacks and build-to dimensions; transition; parking location; height; massing; ground story; transparency; entrances; fences and walls; building separation; vehicular circulation; outdoor lighting; and elevations.
- g. Indicate if residential units are sale or rental units; number of bedrooms per unit; description of any affordable dwelling unit requirements applicable to the subject property or project and reference to the specific deeds, agreements, or other evidence of the property owner's binding obligation to provide affordable dwelling units applicable to the subject property.
- h. If phasing is planned, phase lines and proposed timing of development.



- i. Topographic information submitted with a Development Plan must be in the form of a topographic survey, which shall identify areas of critical slopes, as defined in Sec. 4.10.1. Critical Slopes, natural streams, natural drainage areas, and other topographic features of the site.
- j. Proposed grading: maximum two-foot contours.
- k. Existing landscape features as described in Sec. 4.9.1. Tree Preservation and Replacement (requirements of landscape plans), including all individual trees of 8-inch caliper or greater. The landscape plan shall depict existing landscape features, including, without limitation: wooded areas (indicated by general type, e.g., evergreen or deciduous) and location of tree line; small groupings of trees; individual trees of eight (8) inch caliper or greater; ornamental trees of any size (indicated by common name), approximate caliper, and location; distinctive natural features, such as rock formations or water features; and human caused features of local or historic significance.)
- I. The name and location of all watercourses, waterways, wetlands and other bodies of water adjacent to or on the site.
- m. One hundred-year flood plain limits, as shown on the official flood insurance maps for the City of Charlottesville, as well as the limits of all floodway areas and base flood elevation data required by Sec. 2.9.1. Flood Hazard Protection District.
- n. Existing and proposed streets, access easements, alley easements, paper streets, and rights-of-way, and other vehicular travel-ways, together with street names, highway route numbers, right-of-way lines and widths.
- j. Location and size of drainage channels, and existing and proposed drainage easements; and a conceptual stormwater management plan showing how the applicant will achieve adequate drainage post-development, including a description of the specific design concept the applicant plans to apply.
- k. Location and size of existing water, sanitary and storm sewer facilities and easements, and proposed conceptual layout for water and sanitary sewer facilities and public storm sewer facilities.
- I. Location of other existing and proposed utilities and utility easements.
- m. Location of existing and proposed ingress to and egress from the property, showing the distance to the centerline of the nearest existing street intersection.
- n. All areas intended to be dedicated or reserved for public use.
- o. The location, character, size, height and orientation of proposed signs, as proposed to be installed or erected in accordance with Div. 4.11. Signs; and elevations of buildings showing signs to be placed on exterior walls. Signs which are approved in accordance with this Section will be considered a part of the approved Development Plan and Final Site Plan. Thereafter, signs will not be installed, erected, painted, constructed, structurally altered, hung, rehung or replaced except in conformity with the approved Development Plan and Final Site Plan. Any changes in signs from the approved Development Plan and Final Site Plan or any additions to the number of signs as shown on the Development Plan and Final Site Plan will be allowed only after amendment of the Development Plan and Final Site Plan by the Director of Neighborhood Development Services or the Planning Commission.
- p. Specific written schedules or notes as necessary to demonstrate that the requirements of the Development Code are being satisfied.



- q. For all parking and loading areas, indicate: size, angle of stall; width of aisles, specific number of spaces, and type of surfacing.
- r. Traffic Demand Management Plan (if required)
- s. A final landscape plan including Transitions and Screening, Retaining Walls, Landscaping, and Streetscape Standards. The location, size and shape of all proposed plant materials, and verification that minimum landscaping and screening requirements have been satisfied. A schedule of proposed plantings, including number, height, caliper or gallon size, and botanical name, and tables calculating the amount of any open space and tree cover required and provided. With respect to street trees, the plan should be marked to indicate the classification of the street on which such trees front and if the street is within one (1) of the city's corridor districts.)
- x. Acknowledgement of adherence to the building façade Transparency, Height; Massing; and ground story requirements. Requirements must be outlined on the development plan with notation that the requirements will be shown for design review and/or building permit applications.
- t. Signature panel for the preparer.
- u. Signature panels for:
 - A. The Administrator
 - B. Code Official

The Administrator or the Planning Commission may require additional information to be shown on the Development Plan as deemed necessary in order to provide sufficient information for the Administrator or Planning Commission to adequately review the Development Plan.

Development Review

Development Review follows the process outlined in Div. 5.2.1 Common Review Procedures and 5.2.9 Development Review.

Development Review consists of two separate approvals, a Development Plan and Final Site Plan. A Development Plan and Final Site Plan are required for all projects that require Development Review.

Development Plans and Final Site Plans may be reviewed simultaneously or may be phased. An applicant may choose to apply for Development Plan approval and engineering approval, and then apply for Final Site Plan approval and building approval in order to start building construction. Development Plan and Final Site Plan reviews include the requirements of this Development Code, and engineering and building reviews include requirements of separate Chapters of the City of Charlottesville Code and the Standards and Design Manual.

If an applicant pursues Final Site Plan approval prior to receiving approval of a Development Plan, no Building Permits required by the City Code of Ordinances Chapter 5, Building Regulations; Property Maintenance shall be accepted for review until the Final Site Plan is approved by the appropriate bodies.

If an applicant receives approval of a Development Plan prior to applying for a Final Site Plan, Building Permits required by the City Code of Ordinances Chapter 5, Building Regulations; Property Maintenance may be reviewed at the same time the Final Site Plan is under review. Building Permits may not be issued prior to Final Site Plan approval.

Anything regulated by this Development Code will be reviewed for compliance by the Administrator, with additional review by other City Departments.



Fees:

Application and review fees (Div.5.2.C.3. Fee Schedule) must be received, processed, and accepted by the City prior to the commencement of any review.

Completeness:

Prior to the acceptance of any application for review, completeness must be determined as outlined in Div.5.2.C.4 Completeness Determination.

Application Deadline:

Complete applications shall be submitted in accordance with the City's published schedule as outlined in Div.5.2.C.5 Application Deadline. If an application is deemed completed per Div.5.2.C.4 prior to the next submission deadline date, the application will be given that date as its "Official Submission Date". All review deadlines and milestones will be based off the "Official Submission date".

- Except as otherwise provided herein, the Administrator or Planning Commission shall approve or disapprove a Development Plan within sixty (60) days after the date such application was officially submitted. In cases where a Development Plan/Final Site Plan is referred to the Planning Commission or other body, the submission date shall be updated to the date the application was referred.
- 2) Neither the Administrator nor the Planning Commission shall be required to approve a Development Plan in fewer than sixty (60) days after the date it was officially submitted, or forty-five (45) days after it has been officially resubmitted after a previous disapproval.
- 3) Any state agency making such review is required to complete its review within forty-five (45) days after receipt of the application. Upon receipt of approval from a state agency, the Administrator shall act upon the application within thirty-five (35) days. If the Planning Commission conducts a public review, it shall act on the application within forty-five (45) days after receipt of approval from the state agency. All actions on a application shall be completed by the agent or the commission, and, if necessary, state agencies, within a total of ninety (90) days after the date the plan was officially submitted.

Revised Application Materials:

Within ninety (90) days after receiving a notice of denial ("grace period"), a developer may resubmit the Development Plan/Final Site Plan, without application fees, and request reinstatement of review of the plan ("resubmittal"). The date of the next submission deadline following such re-submittal shall be deemed to be the original date on which the application was "officially submitted".

 Except as otherwise provided herein, the Administrator or Planning Commission shall approve or disapprove a resubmitted Development Plan/Final Site Plan within forty-five (45) days after the date such application was officially submitted. In cases where a Development Plan/Final Site Plan is referred to the Planning Commission or other body, the submission date shall be updated to the date the application was referred.

Revised application materials can be submitted up to 3 times before a new application fee will be required for further application review. The Administrator may allow for additional revisions to be submitted without requiring a new application fee in circumstances that are beyond the control of the applicant.

1) Initial submission with application fees and an official submission date set by Application Deadline.



- a) 60 days for staff to approve or disapprove the application.
- 2) Resubmission #1. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.
- 3) Resubmission #2. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.
- 4) Resubmission #3. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.

In the event the developer fails to resubmit an updated plan within the ninety (90)-day grace period, a new application and fee shall be required for a subsequent submission. The Administrator shall notify the applicant in writing within fifteen (15) days after the revision deadline that if such revisions are not made, the plan will be denied approval. Within fifteen (15) days after mailing the notice of denial, the developer may resubmit the Development Plan/Final Site Plan, together with any required reinstatement fee. The date of the next submission deadline following such re-submittal of the Development Plan/Final Site Plan shall be deemed to be the date on which the application was "officially submitted"

At any time during the review process, an applicant may request that further processing or formal action on their application for approval of a Development Plan be indefinitely deferred. Thereafter, the application shall be deemed to have been voluntarily withdrawn by the applicant if the applicant fails to initiate, in writing, a reinstatement of review so that final action on the plan can be taken within six (6) months after the date the deferral was requested. Upon written request received by the Administrator before the date on which the application will be deemed to be withdrawn, the director may grant a onetime extension of the deferral for a period determined to be reasonable, taking into consideration the size or nature of the proposed development, the complexity of the review, and the laws in effect at the time the request for extension is made.

If an application does not receive approval on the third (3^{rd}) resubmission, a new application and fees will be required to continue the review process. In a detailed letter to the Administrator, the applicant may request an additional review without a new application fee for circumstances that are beyond the control of the applicant. Each additional review will require this request. If is up to the discretion of the Administrator to approve or deny the request and may be granted with conditions.

Withdrawal of an Application:

Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Administrator.

No portion of a required application fee will be refunded on any withdrawn application.

For applications requiring a public meeting or hearing, when a meeting or hearing has been advertised, the withdrawn application will be announced at the meeting or hearing.

Revisions to an Approved Development Plan or Final Site Plan, as described in Div. 5.2.9.F.2.C, shall follow the same process as outlined in Div. 5.2.1 and 5.2.9.

2.5 Subdivision Review

Subdivision Review applies to any division of land for the purpose of sale, lease, or development, boundary line adjustments, creation of sublots and easement plats and follows the process as described in Div. 5.2.1 Common Review Procedures and 6.7.3 Subdivision Review. The Administrator may grant



variations or exceptions to particular submission requirements articulated within this section, however, the Administrator may not grant variations or exceptions to (i) any requirements of <u>Chapter 10</u>, or any requirements or standards set forth within this chapter relating to drainage or flood control, or (ii) any requirements applicable to the layout, design and construction of public streets or other public facilities.

General Plat Requirements

All plats required for Subdivision Review must comply with the following requirements:

- 1. State standards. Every plat must meet the standard for plats promulgated by the Virginia Library Board pursuant to Va. Code § 42.1-82 of the Virginia Public Records Act, as such standards are set forth within the Virginia Administrative Code. A copy of these standards will be kept on file within the Department of Neighborhood Development Services. Document size must be between 8.5 inches by 11 inches and 18 inches by 24 inches, or 8.5 inches by 14 inches, the maximum size accepted by the Charlottesville Circuit Court Clerk's Office.
- 2. State professional standards. Every plat must meet the minimum standards and procedures for land boundary surveying practice, including minimum field procedures and office procedures, as set forth within the Virginia Administrative Code. A copy of such standards and procedures will be kept on file within the Department of Neighborhood Development Services.
- 3. **Name of plat preparer.** Every plat must contain the name and signature of the person who prepared the plat, who must be either a certified professional engineer or land surveyor.
- 4. General information. Every plat must contain the following information:
 - a. Date of drawing, including the date of the last revision;
 - b. Number of sheets;
 - c. North point;
 - d. Signature panels for the Secretary and Chair of the Planning Commission (if applicable);
 - e. Scale; and
 - f. If true north is used, the method of determination must be shown.
- 5. **Name of subdivision.** Every plat must contain the name or title under which the subdivision is proposed to be recorded in the City's land records. The title must not duplicate or be a homonym of an existing or reserved subdivision name within the City or the County of Albemarle, except if the subdivision is an extension of an existing subdivision.
- 6. Instrument creating property proposed for subdivision. The engineer or land surveyor who prepared the plat must endorse upon the plat a certificate signed by them setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts must be indicated upon the plat. The plat must also identify the deed book and page number of any previously recorded subdivision plat applicable to the subject property, or any portion thereof.
- 7. **Identification of all owners and certain interest holders; statement of consent.** Each plat must contain the names and addresses of each owner of record of any land that is the subject of the proposed plat, and of the holders of any easements affecting the land that is the subject of the



plat. Every plat, or deed of dedication to which a plat is attached, must contain a statement as follows: "The platting or dedication of the following described land [insert a correct description of the land subdivided] is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The statement must be signed and duly acknowledged before an officer authorized to take acknowledgment of deeds.

- 8. **Vicinity map.** Each plat must contain a vicinity map showing the property and its relationship with adjoining land and streets, its relationship with landmarks in the area and, if the subdivision is a phased subdivision, all other phases of the subdivision for which a final plat has been approved, in detail adequate to describe the location of the property without field review.
- 9. **Existing or platted streets.** Each plat must specifically identify the location, width, grades and drainage of all existing streets and the location and widths of previously-platted rights-of-way.
- 10. Alleys, shared driveways, and private streets. Each plat must identify the location and dimensions of all easements for alleys, shared driveways and private streets. Easements shown for private streets, alleys and shared driveways must be labeled as "private street easement," "alley easement" or "shared driveway easement," as may be applicable.
- 11. Land to be dedicated in fee or reserved. Each plat must identify the location, acreage, and current owners of all land intended to be dedicated for public use, and the location, acreage and current owners of all land to be reserved in a deed for the common use of lot owners in the subdivision. All land intended to be dedicated for public use must be identified and set forth on the plat as required by *Div. 6.6. Fees and Dedication*.
- 12. **Public easements.** Each plat must identify the specific location and dimensions of all existing and proposed public easements and improvements situated outside of a public street right-of-way, including, without limitation, easements for water, sewer and gas lines and related improvements, sidewalk and other pedestrian easements; sight distance easements; and easements for drainage and stormwater management facilities. All previously recorded easements must be labeled with the deed book and page number of the recorded instrument by which such easements were created. Proposed dedications of public easements must be labeled as to the type of easement, and must be identified and set forth on the plat.
- 13. Proposed private easements and facilities. Each plat must identify the specific location and dimensions of existing and proposed non-public easements, including, without limitation: stormwater management facilities and related improvements; drainage easements; privately owned and maintained sidewalks; common or shared easements to public service corporations furnishing cable television, gas utilities, telephone and electric service to the proposed subdivision and to franchised cable television operators furnishing cable television services; and other private easements. Where easements are not parallel to lot lines, bearing and distance measurements are required. An existing easement must be labeled with the deed book and page number of the recorded instrument by which such easement was created. Proposed easements must be labeled as to the nature and type of easement. All final plats containing any proposed common or shared easements must expressly reference a declaration of the terms and conditions of such easements recorded with the subdivision plat in the City's land records.
- 14. **Existing and departing lot lines.** Each plat proposing a subdivision of more than one existing lot must show existing lots and their outlines, which must be indicated by dashed lines, and the location of departing lot lines of abutting lots.
- 15. **Proposed lots.** Each plat must show the number, approximate dimensions, and area of each proposed lot.



- 16. Building sites on proposed lots. Each plat must show the location, area and dimensions of a building site on each proposed lot, complying with the requirements of the Subdivision Code as well as the regulations of the zoning district in which such lot is situated. The plat must also contain the preparer's certification that "Each parcel [letter or number] created by this subdivision plat contain a building site that complies with the requirements of the City of Charlottesville's Zoning, Water Protection and Subdivision Ordinances."
- 17. **Floodplain and floodway limits.** Each plat must provide floodplain limits, elevations, and flood plain profiles and cross-sections, and shall provide the same information for the floodway.
- 18. **Drainage district.** When any part of the land proposed for subdivision lies within a drainage district such fact must be set forth on the plat.
- 19. **Places of burial.** When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, such grave, object or structure must be identified on the plat.
- 20. Control points. At least 4 control points, evenly distributed across the property and located at survey property corners, must be shown on each sheet depicting the property. These points must be sub-centimeter accurate and meet the definition of control point. One of the four points must be a bench mark showing elevation and horizontal coordinates related to the city's GPS base station. The point must be located in the field in concrete with a brass disk provided by the Engineering Department.
- 21. **Public areas, facilities or uses.** The location of all areas shown in the Comprehensive Plan as proposed sites for public areas, facilities or uses, as described in Va. Code § 15.2-2232, which are located wholly or in part within the boundaries of the property that is the subject of the proposed plat.
- 22. **Zoning classification.** The zoning classification of the property, including all applicable zoning overlay districts, proffers, special use permits and variances.
- 23. **Tax map and parcel number; street address.** The current city tax map and parcel number of the property, and the street address.
- 24. **Stream buffers.** The location of stream buffers required by the city's water protection ordinance, with the following note: "The stream buffer(s) shown hereon shall be maintained in accordance with Chapter 10 of the City Code, the City of Charlottesville's Water Protection Ordinance."
- 25. **Boundary lines.** The exterior boundary lines of the property must be shown with bearings in degrees, minutes and seconds.
- 26. Monuments. The location and material of all permanent reference monuments shall be identified. Acceptable material for monuments is specified in the Standards and Design Manual. Monuments found or installed prior to plat recordation may be referred to if they are permanent and undisturbed. If any monument required by this chapter will be installed after recordation of the final plat, the certification of the professional engineer or land surveyor shall so note.
- 27. Bearing and distance ties. A definite bearing and distance tie between not less than 2 permanent monuments on the exterior boundary of the property and further tie to existing street intersection or nearby benchmark, at the discretion of the agent.
- 28. **Identification of sections, blocks and lots.** Sections (phases) shall be identified by numbers; blocks must be identified by letters; lots must be identified by numbers, assigned in numerical or alphabetical order, as appropriate.



- 29. Acreage and square footage of lots. The total acreage and square footage of each existing lot and each proposed lot.
- 30. **Ownership of common areas.** The intended ownership of all common areas with reference to a declaration of the rights and responsibilities of such owner with respect to the common areas, to be recorded along with the final plat.
- 31. Street names. The name of each proposed street.
- 32. **Temporary turnarounds.** The location of temporary turnarounds, if needed, with the following accompanying note: "The area on this plat designated as a temporary turnaround will be constructed and used as other streets in the subdivision until (street name) is/are extended to (street name), at which time the land in the temporary turnaround area will be abandoned for street purposes and will revert to adjoining property owners in accordance with specific provisions in their respective deeds."
- 33. Statement pertaining to private alleys, driveways and streets. If alleys or shared driveways are shown, a note must be added to the plat stating that maintenance shall be by the owners of the lots benefited by the alley or shared driveway, not by the city. If the subdivision will contain one or more private streets, the following statement is required: "The streets in this subdivision are not accepted into the city's street system and will not be maintained by the City of Charlottesville."

 Grantors of any subdivision lots to which this statement applies must include the statement on each deed of conveyance.
- 34. **Restrictions**. Restrictions imposed in conjunction with the approval of the preliminary plat, and their period of existence, must be noted on the plat, including, without limitation: sidewalk maintenance agreements; stormwater/BMP facilities maintenance agreements, affordable dwelling unit, etc. If the length of the wording necessary to describe a particular restriction makes its inclusion on the final plat impractical, and if the nature of the restriction does not necessitate the preparation of a separate instrument for recordation with the plat, then a summary reference must be made to the restriction on the final plat.
- 35. **Terms of public easements.** All plats containing easements dedicated to the public must expressly reference a declaration of the terms and conditions of such public easements to be recorded with the subdivision plat in the city's land records.
- 36. **Topography.** A topographic map derived from aerial topographic surveys or, where required by the director of public works, from actual field surveys, with a contour interval of 5 feet referred to city data, showing the boundary lines of the tract to be subdivided.
- 37. Building setback lines. Building setback lines must be referenced on the plat.
- 38. **Critical slopes.** Critical slopes as defined under Sec. 4.10.1. Critical Slopes must be referenced on the plat.

Sublot Requirements

Contact City staff for assistance.

<u>Preliminary Plat Requirements</u>

The following documents and information must be submitted along with each preliminary plat, or, if none, with each final plat:



- Request for critical slopes waiver. If the need for a waiver is known at the time of submission, the subdivider must submit a written request and justification for any requested waiver authorizing the disturbance of critical slopes. The applicant must provide information, drawings and narrative details, addressing how the layout and location of proposed streets, utilities, stormwater management facilities, etc. will minimize the disturbance of critical slopes and natural drainage areas.
- 2. Stormwater management information. Topographic information submitted with a preliminary plat must be in the form of a topographic survey, which shall identify areas of critical slopes, natural streams, natural drainage areas, and other topographic features of the site. The applicant must provide a stormwater management concept detailing how the applicant will achieve adequate drainage post-development, including a description of the specific design concept the applicant plans to apply. References to specific types of stormwater management facilities, specific treatments, BMPs, LID techniques, etc. must be provided. The stormwater management concept must be prepared by a professional engineer or landscape architect, as those terms are defined in Code of Virginia § 54.1-400, and must describe the manner in which stormwater runoff from the subdivision will be controlled in order to minimize the damage to neighboring properties and receiving streams, and prevent the discharge of pollutants into surface waters, in accordance with the requirements of City Code Chapter 10.
- 3. Mitigation plan. If applicable, a mitigation plan as provided in the water protection ordinance.

Final Plat Requirements

In addition to any information required by Preliminary Plat, the following documents or information must be submitted with each final plat:

- 1. Infrastructure plans and computations in accordance with the Standards and Design Manual. Detailed plans, computations and necessary supporting documents for physical improvements including, but not limited to, traffic studies, street plans and cross sections, soil testing results, gas utilities, sewer and water plans and computations, landscape plans, parking calculations and other requirements of applicable zoning regulations, flooding computations and plans (if applicable), and any other plans, calculations and details deemed necessary by the city engineer in consultation with the director of public works, in order to determine compliance with the development standards set forth within the Subdivision Code. Information, details, calculations, construction plans and other documents or data required by Chapter 10 for a final stormwater management plan and a final erosion and sediment control plan must be included.
- Construction plans, public facilities. Construction plans must be submitted to and approved by
 the city engineer in consultation with the director of public works for all proposed streets, and for
 all water, gas, storm and sanitary sewer and other city-owned public utilities or facilities.
- 3. Construction plans, utility fixtures and systems. If the owner of any subdivision desires to construct in, on or under any public streets or alleys located in the subdivision, any gas, electric, cable or other non-city-owned utility works, pipes, wires, fixtures or systems, the owner must present plans and specifications to the city engineer for approval in consultation with the director of public works.
- 4. **Location of existing buildings.** A survey showing the location of all existing buildings within 50 feet of a proposed lot line or a proposed street.
- 5. **Building envelope.** A depiction of the building envelope for each lot, in accordance with the requirements of applicable zoning district regulations.



- 6. **Interests to be vacated in city property.** A plan which shows all rights and interests of the city that would be terminated and extinguished by recordation of the final plat, with reference to the deed book and page number at which the instruments creating such interests are recorded.
- 7. Instrument evidencing maintenance of certain improvements. If the subdivision will contain one or more improvements or facilities serving more than one lot within the subdivision, and that are not to be maintained by the city or any other governmental authority or other public agency, the subdivider must submit with the final plat an instrument assuring the perpetual maintenance of the improvement or facilities, as such instrument will be recorded with the final plat. For each such improvement or facility, the plat must contain the following notation: "No public agency, including the City of Charlottesville, Virginia, will be responsible for maintaining this improvement [or facility]."
- 8. Required bonds and surety.
- 9. Environmental disclosures. Subdividers must disclose and remediate contamination and other adverse environmental conditions of the property prior to final plat approval. Along with a final subdivision plat, the subdivider must submit a Phase I environmental site assessment based on the anticipated use of the property proposed for the subdivision or development, and if the agent deems it to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with EPA regulations and American Society for Testing and Materials (ASTM) standards, the subdivider must submit a Phase II environmental site assessment. Required assessments must meet generally accepted national standards, such as those established by ASTM. The subdivider must also submit a written plan for remediation of any contamination or conditions noted in the required assessments, and confirmation that such plan has been submitted to state or federal authorities for review and approval. The agent, in its sole discretion, may waive this requirement for minor subdivisions, but this waiver does not exempt the subdivider from any applicable state and federal law requirements.
- 10. Instruments evidencing affordable housing requirements. If the subdivision includes land that is subject to an affordable housing obligation, the subdivider must submit with the final plat the instruments assuring the reservation of land for such obligation, in such format as may be required by the regulations enacted.

Fees:

Application and review fees (Div.5.2.C.3. Fee Schedule) must be received, processed, and accepted by the City prior to the commencement of any review.

Completeness:

Prior to the acceptance of any application for review, completeness must be determined as outlined in Div.5.2.C.4 Completeness Determination.

Application Deadline:

Complete applications shall be submitted in accordance with the City's published schedule as outlined in Div.5.2.C.5 Application Deadline. If an application is deemed completed per Div.5.2.C.4 prior to the next submission deadline date, the application will be given that date as its "Official Submission Date". All review deadlines and milestones will be based off the "Official Submission date".

1. Except as otherwise provided herein, the Administrator or Planning Commission shall approve or disapprove a subdivision/plat within sixty (60) days after the date such application was



- officially submitted. In cases where a subdivision/plat is referred to the Planning Commission or other body, the submission date shall be updated to the date the plan was referred.
- 2. Neither the Administrator nor the Planning Commission shall be required to approve a subdivision/plat in fewer than sixty (60) days after the date it was officially submitted, or forty-five (45) days after it has been officially resubmitted after a previous disapproval.
- 3. Any state agency making such review is required to complete its review within forty-five (45) days after receipt of the application. Upon receipt of approval from a state agency, the Administrator shall act upon the application within thirty-five (35) days. If the Planning Commission conducts a public review, it shall act on the application within forty-five (45) days after receipt of approval from the state agency. All actions on an application shall be completed by the agent or the commission, and, if necessary, state agencies, within a total of ninety (90) days after the date the application was officially submitted.

Revised Application Materials:

Within ninety (90) days after receiving a notice of denial ("grace period"), a developer may resubmit the subdivision/plat, without application fees, and request reinstatement of review of the application("resubmittal"). The date of the next submission deadline following such re-submittal shall be deemed to be the original date on which the application was "officially submitted".

Except as otherwise provided herein, the Administrator or Planning Commission shall approve
or disapprove a resubmitted subdivision/plat within forty-five (45) days after the date such
application was officially submitted. In cases where a subdivision/plat is referred to the
Planning Commission or other body, the submission date shall be updated to the date the
application was referred.

Revised application materials can be submitted up to three (3) times before a new application fee will be required for further application review. The Administrator may allow for additional revisions to be submitted without requiring a new application fee in circumstances that are beyond the control of the applicant.

- 5) Initial submission with application fees and an official submission date set by Application Deadline.
 - a) 60 days for staff to approve or disapprove the application.
- Resubmission #1. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.
- 7) Resubmission #2. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.
- 8) Resubmission #3. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.

In the event the developer fails to resubmit an updated application within the ninety (90)-day grace period, a new application and fee shall be required for a subsequent submission. The Administrator shall notify the applicant in writing within fifteen (15) days after the revision deadline that if such revisions are not made, the plan will be denied approval. Within fifteen (15) days after mailing the notice of denial, the developer may resubmit the subdivision/plat, together with any required reinstatement fee. The date of the next submission deadline following such re-submittal of the subdivision/plat shall be deemed to be the date on which the application was "officially submitted"



At any time during the review process, an applicant may request that further processing or formal action on their application for approval of a subdivision/plat be indefinitely deferred. Thereafter, the application shall be deemed to have been voluntarily withdrawn by the applicant if the applicant fails to initiate, in writing, a reinstatement of review so that final action on the application can be taken within six (6) months after the date the deferral was requested. Upon written request received by the Administrator before the date on which the application will be deemed to be withdrawn, the director may grant a onetime extension of the deferral for a period determined to be reasonable, taking into consideration the size or nature of the proposed development, the complexity of the review, and the laws in effect at the time the request for extension is made.

If an application does not receive approval on the third (3rd) resubmission, a new application and fees shall be required to continue the review process. In a detailed letter to the Administrator, the applicant may request an additional review without a new application fee for circumstances that are beyond the control of the applicant. Each additional review will require this request. If is up to the discretion of the Administrator to approve or deny the request and may be granted with conditions.

Withdrawal of an Application:

Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Administrator.

No portion of a required application fee will be refunded on any withdrawn application.

For applications requiring a public meeting or hearing, when a meeting or hearing has been advertised, the withdrawn application will be announced at the meeting or hearing.

2.6 Permit Review

As referenced in 5.2.10

2.6.1 Tree Removal Permit

Reference 4.9.1 and 5.2.10

The following information and exhibits must be submitted along with each application requiring a Tree Removal Permit

General Requirements

For tree removals associated with the review/approval of a Development Plan, the necessary fee and permit application will be finalized following completion of the Development Plan. Any item not included in the development plan for the site must be submitted with the tree removal permit.

As part of the application for a tree removal permit for which the tree removal is not associated with the review/approval of a Development Plan, an applicant shall provide a written plan containing the following information:

- 1. Site diagram(s) showing the following:
 - a. Boundaries of the subject site;
 - b. Tax map and parcel numbers for the subject site and adjacent property owners;
 - c. Zoning district classifications of the subject site and each adjacent property;



- d. Layout of the structures, parking and other pertinent features of the site;
- e. Diagram showing the tree(s) to be removed on the lot with specifications of the tree(s);
- f. Exhibit indicating the total tree coverage of the lot (existing and proposed) with tree type(s) and percentage lot coverage. Required lot coverage must be maintained per Section 4.9.1.D Existing tree canopy may be measured by surveying the canopy for each tree located on a site and summing the canopy area of each tree to calculate the total existing canopy. Alternatively, for heavily forested sites, canopy area can be estimated using a recent aerial photo; and
- g. Tree replacement plan (type of tree (from the City tree list only, location etc.)

An applicant may find some of the above information here: https://gisweb.charlottesville.org/GisViewer/

- 2. Narrative outlining work requested to occur, other alternatives to removal explored, estimated timeframe for proposed removal and, if required by staff, a letter from a licensed arborist verifying the necessity of the proposed removal.
- 3. Written permission of the owner of the subject property (if different than the applicant) authorizing the applicant to request removal of the tree(s)
- 4. Proof that the applicant or owner of the subject property have obtained, or will obtain, all licenses, permits and other governmental approvals required by any federal, state or local laws or regulations, required for or in connection with tree removal
- 5. Other information deemed necessary by the Administrator in order to evaluate the application.
- 6. If the tree removal is proposed/necessary for construction or alteration on a parcel within an ADC District or an IPP, an approved CoA is required prior to requesting a Permit.

Submission through the City Portal https://permits.charlottesville.gov/portal is required. Application is reviewed by the administrator as well as other City staff (including Parks and Recreation)

2.6.2 Floodplain Permit

Applications for Floodplain Permits shall contain all information referenced in Div. 5.2.10.B, Floodplain Permit. Applications which include a FEMA Letter of Map Change (LOMC) shall provide copies of all forms and supplemental data required by FEMA for submission.

2.6.3 Sign Permit/Certificate of Appropriateness for Signs

As referenced in 4.11 and 5.2.6 - 5.2.10

General Requirements

As part of the application for a Sign Permit, an applicant shall provide at a minimum, the following information:

- 1. Site diagram showing the following:
 - a. boundaries of the subject site
 - b. location and number of existing signage for entire subject site



- c. location of proposed signage
- 2. Visual representation of each proposed sign showing the following:
 - a. proposed sign dimensions
 - b. proposed sign lighting
 - c. proposed sign material
 - d. proposed method of installation

Submission through the City Portal https://permits.charlottesville.gov/portal is required.

Alternate Sign Plans

For projects subject to Development Review (5.2.9. Development Review) or Subdivision Review (Div. 6.7. Administration), City Council may modify requirements of this Division by approving an Alternate Sign Plan for a development or project.

Contact staff prior to submission.

2.6.4 Temporary Use Permit

As referenced in 3.6.1 and 5.2.10

General Requirements

As part of the application for a temporary use permit, an applicant shall provide a written plan containing, at a minimum, the following information:

- 1. Site diagram showing the following:
 - a. Boundaries of the subject site;
 - b. Tax map and parcel numbers for the subject site and adjacent property owners;
 - c. Name of the owner of the subject property, and the name(s) of all adjacent property owners;
 - d. Zoning district classifications of the subject site and each adjacent property; and
 - e. The location of all signs, structures, outdoor furniture, parking, equipment and lighting to be utilized on the lot or parcel.
- 2. Written permission of the owner of the subject property (if different than the applicant) authorizing the applicant to use the subject property for the temporary use.
- 3. Proof that the applicant or owner of the subject property have obtained, or will obtain, all licenses, permits and other governmental approvals required by any federal, state or local laws or regulations, required for or in connection with the proposed temporary use.
- 4. Other information may be deemed necessary by the zoning administrator in order to evaluate the application.

2.7 Relief

2.7.1 Administrative Modification

As references in 5.2.11



The Administrator may grant a modification of 15% or less of any physical dimensional standard from the Development Code except for those outlined in 5.2.11.A.2.

- An Application and all associated fees must be submitted to the Zoning Administrator to be considered for a modification to the Zoning Ordinance. The applicant shall include any pertinent materials with the applicant that help to prove that there is a hardship. Submission through the City Portal https://permits.charlottesville.gov/portal is required.
- 2. Prior to the granting of the Administrative Modification, all adjoining property owners shall receive written notice of the request for modification and be given an opportunity to respond to the request within 21 days of the date of the notice.
- A written decision must be provided to both the Applicant and any adjacent property owner that responded to the initial written notice.
- 4. A determination must be made within 90 days of the request.
- 5. The Applicant or other aggrieved party may appeal the Zoning Administrator's decision to the Board of Zoning Appeals.

2.7.2 Variance

As referenced in 5.2.12

- A. Application Process:
- 1 Application Initiation: Contact zoning staff to schedule pre-application meeting
- 2. Pre-Application Conference: Schedule meeting with Zoning Staff to speak about the hardship. This will also ensure that a complete application is submitted for the request.
- 3.Application Submittal: Submission of all materials and fee(s) through the City Portal https://permits.charlottesville.gov/portal is required.
 - B. Review and Decision Process:
- 1. A variance request will be advertised in accordance with Code of Virginia \S 15.2-2204 and placed on the agenda for the next regularly scheduled meeting.
- 2. The Administrator will organize all submitted materials and any other pertinent information from staff members and create a staff report. The Board of Zoning Appeals will be provided with the staff report prior to the meeting, and it will also be available to be viewed by the public.
- 3. The BZA has the power to grant a Variance if the criteria set forth below are met; provided that the burden of proof will be on the applicant to provide by a preponderance of the evidence that the application meets the standard for a Variance in the Code of Virginia § 15.2-2201 and 15.2-2309 and as set forth in the criteria below. If the criteria are not met, the BZA will deny the Variance. The BZA will make findings in its Order granting or denying the Variance.
- 4. Any person aggrieved by a ruling of the BZA may appeal to the Charlottesville Circuit Court. Such petition must be made within thirty (30) days after the Board rendered its decision.

2.7.3 Floodplain Variance

Applications for Floodplain Variances must be made in writing, must be addressed to the Administrator, and must be submitted to the Department of Neighborhood Development Services. At a minimum, a complete application shall include:



- Verification of the applicant's attendance at a pre-application meeting with the Administrator, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;
- A petition narrative, consisting of a detailed written description of the variance request, as well as a narrative explaining why a failure to grant a variance would result in an exceptional hardship on the property;
- 3. A surveyed plat of the property, including floodplain limits, elevations, and the footprints of any existing or proposed structures.

The Administrator may require supplemental information to be submitted along with the application, which may include building massing diagrams, hydrologic and hydraulic analyses, or a Development Plan. A list of required supplemental materials shall be provided to the applicant at their pre-application meeting.

2.7.4 Special Use Permit

The procedure for filing and consideration of an application for a special use permit is the same as that required for an owner-initiated petition for a Zoning Map Amendment, except that a complete application for a Special Use Permit must also include:

- 1. A Development Plan or Final Site Plan when required by Sec. 5.2.9. Development Review.
- 2. A written disclosure of the information required by Sec. 5.2.1.C.2. Disclosure of Real Parties in Interest of the Development Code and, if the applicant is not the owner of the property, written evidence of their status as either the authorized agent of the property owner, or a contract purchaser of the property whose application is with the permission of the property owner;
- 3. For developments including any non-residential uses, and developments proposing the construction of 3 or more single- or two-family dwellings, the applicant must provide a completed low-impact development ("LID") methods worksheet;
- 4. Information and data identifying how many, if any, existing dwelling units on the development site meet the city's definition of an "affordable dwelling unit" and whether any such existing units, or equivalent affordable units, will remain following the development; and
- 5. Other supporting data sufficient to demonstrate compliance with the purposes and standards of the Development Code, including, without limitation, graphic materials that illustrate the context of the project as well as information and data addressing the criteria for review and decision set forth within Sec. 5.2.14. Special Use Permits.
- 6. Project proposal narrative: Consisting of a detailed written statement of the proposal, its public need or benefit, and of how the project satisfies the purpose, intent or objectives of the applicable zoning district classification.
- 7. Comprehensive plan analysis: Consisting of a detailed written statement of the project's consistency with the comprehensive plan, including the land use map and any small area, strategic investment area or other plan for the applicable development area.
- 8. Impacts on public facilities and infrastructure: A detailed narrative statement detailing the project's impacts on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the City for maintenance, etc.



- 9. Context Maps: One (1) or more maps showing the proposed project's neighborhood context, existing natural and human caused conditions, and existing topography.
- 10. Impacts on environmental features: A narrative of environmental features of the property that would be affected by the project, including, without limitation: trees, existing pervious surfaces, critical slopes, streams, etc. Photographs must be provided of features described in the narrative.
- 11. All required supplemental information.

Supplemental Information

For each application for a Special Use Permit, the Administrator may require supplemental information to be submitted along with the application. In determining what supplemental information must be submitted, the Administrator will consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the director determines to be relevant according to sound zoning practices. Required supplemental information may consist of the following Project concept plan. For any Special Use Permit to implement a project not requiring a Development Plan, a Conceptual Plan may be required showing, as applicable:

- a. Street network, including circulation within the project and connections to existing and planned streets within and outside the project;
- b. General location of pedestrian and bicycle facilities;
- c. Building envelopes;
- d. Parking envelopes;
- e. Public spaces and amenities;
- f. Conceptual stormwater management facility locations and types;
- g. Conceptual grading;
- h. Conceptual landscape plan;
- Topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; and
- j. For applications proposing the alteration of the footprint or height of an existing building, or the construction of 1 or more new buildings:
 - i. Building massing diagram
 - ii. Elevations
- k. General location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities.

City Council's "reasonable conditions" must be directly related to use. Site related changes would be referred to the special exception process.



2.7.5. Special Exception Permit

Reference development rules 5.2.9. and Special Exception Use Section 5.2.15.

This application requires public notice, but no public hearing.

2.7.6 Critical Slopes Special Exception

Reference Critical Slope Code Section 5.2.16. and Environmental Sustainability Code Section 4.10.1.

This application requires public notice, but no public hearing.

2.7.7 Bond Requirements

- 1. The Administrator may require a bond or other suitable guarantee sufficient to ensure the following:
 - a. That signs, trash, temporary structures and debris will be removed from the site and from the immediate vicinity of the site;
 - b. That the activity will not remain for longer than a temporary period; and
 - c. Compliance with applicable provisions of City Ordinances.
- 2. The bond or other guarantee will be forfeited to the City if the site is not adequately cleared of all trash, debris, signs and temporary structures.
- 3. The bond or guarantee will be forfeited to the City if the activity remains on the site after expiration of the permit.
- 4. The bond will be forfeited to the City if violations of any applicable city ordinances are established.
- 5. Bonds shall be required when outlined by the Temporary Use Permit section, the Landscape Plan section, and Standards and Design Manual.

3. Public Notice Requirements

3.1 General Notice Requirements

- 1. Public notice is required for certain procedures by the Code of Virginia § 15.2-2200 et seq. and must follow the requirements for public notice according to the Code of Virginia § 15.2-2204.
- 2. The City may choose to provide additional notice as a courtesy, but is not required to do so. The fact that a notice is not received due to an error that was not the fault of the City does not prevent the public meeting or hearing from happening, change any decision made at the public meeting or hearing, or prevent the application from continuing to move forward through the review process.
- This Section outlines the general requirements for public notice and specific requirements for public notice required by some processes. For public notice, meeting, and hearing requirements applicable to each procedure, see Sec. 5.1.1, Summary of Review Authority.



- 4. A certification of notice and a listing of those to whom notice has been sent must be supplied by the applicant to the City at least 5 days prior to the first public hearing.
- 5. Cost of any notice required by this Section can be taxed to the applicant.
- 6. For any process that requires review and decision by both the Planning Commission and City Council, a joint public meeting or hearing may be held. If a joint meeting or hearing is held, then public notice needs only to be given by the City Council.

3.2 Written Notice

General Requirements

- 1. Where a written notice is required, written notice must be given by the Planning Commission, or the Administrator, at least 5 days before the hearing to the owner(s) of each parcel involved in the application and to the owners of all abutting property and property immediately across the street or road from the subject property.
- 2. In the case of a condominium or a cooperative, written notice may be mailed to the unit owners' association or proprietary lessees' association in lieu of each individual unit owner.
- 3. Notice sent by registered or certified mail to the last known address of the property owners as shown on the current real estate tax assessment books or tax assessment records is deemed adequate compliance with the written notice requirement.
- 4. Notice sent by first class mail to the last known address of the property owner as shown on the current real estate tax assessment books or tax assessment records is deemed adequate compliance with the written notice requirement, provided that the Administrator makes an affidavit that the mailings have been made and files the affidavit with the papers in the application.
- 5. A party's actual notice of, or active participation in, the proceedings for which the written notice is required will waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this Code.
- 6. Nothing in this Section can be construed to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the Administrator or Planning Commission to give written notice to the owner of any parcel involved in the application.

Zoning Map Amendments with 25 Parcels or Less

- 1. In addition to the parties listed in general written notice requirements, written notice must also be given to properties that lie in other localities of the Commonwealth.
- 2. When a proposed amendment involves a tract of land 500 acres or more owned by the Commonwealth of Virginia or the federal government, and the proposed change only affects a portion of the larger tract, notice can only be given to the owners of the property adjacent to the affected area of the larger tract.

Zoning Map Amendments with More Than 25 Parcels

Written notice must be provided according to the general written notice requirements, except no written notice is required to owners of approved and recorded lots that are less than 11,500 square feet.

Other Processes

1. When a comprehensive plan adoption or amendment, zoning map amendment, or special use permit application involves a parcel of land located within a 1/2 mile boundary of an adjoining



- locality of the Commonwealth, then written notice must also be given by the Administrator, at least 10 days before the hearing to the chief administrative officer, or their designee.
- 2. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice must also be given by the Administrator, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.
- 3. When any applicant requests a written order, requirement, decision, or determination from the Administrator, and the applicant is not the owner of the subject property, written notice will be given to the owner of the property within 10 days of the receipt of such request. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or tax assessment records is deemed adequate compliance with this requirement.

3.3 Published Notice

General Requirements

- 1. Where a published notice is required, the Administrator must publish a notice of the public meeting or hearing in the newspaper of general circulation once a week for two successive weeks, with the first notice appearing no more than 14 days before the intended adoption. "Two successive weeks" means that the notice must be published at least twice in such newspaper, with not less than six days between the first and second publication.
- 2. The notice for the Planning Commission and City Council public meeting or hearing may be published concurrently.
- 3. The notice must specify the time and place of hearing at which a person may appear and present their views.
- 4. In any instance in which the City has submitted a correct and timely notice request to a newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, the City will be deemed to have met the notice requirements of the Code of Virginia § 15.2-2204 so long as the notice was published in the next available edition of a newspaper having general circulation. After enactment of any plan, ordinance or amendment, further publication is not required.

Zoning Map Amendments with 25 Parcels or Less

When a proposed amendment involves a change in the zoning map classification of 25 or fewer parcels of land, then in addition to the general published notice requirements, the advertisement must also include the street address or tax map parcel number of the each parcel involved in the application.

Zoning Text Amendments and Zoning Map Amendments with More Than 25 Parcels

When a proposed amendment involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the general published notice requirements, the advertisement must include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. For more than 100 parcels of land, the advertisement may instead include a description of the boundaries of the area subject to the changes and a link to a map of the subject area.



3.4 Posted Notice

Where a posted notice is required, a sign must be posted on the property within 10 feet of the edge of the nearest street right-of-way. In the case of multiple parcels, sufficient signs must be posted to provide reasonable notice to interested persons. Signs must be posted at least 7 days prior to the date of the public meeting or hearing.

3.5 Website Notice

Where website notice is required, the application will be posted on a website accessible to the public.

4. Community Engagement Requirements

The City of Charlottesville strongly values the voice and perspective of its community. To that end, the following standards direct the use of public meetings to inform and receive feedback from community members on applications for development.

4.1 Zoning Map Amendment and Special Permits

Applicants seeking rezonings and special use permits must hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. No application for a Zoning Map Amendment, or special use permit, will be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.

The applicant is responsible for the following, in connection to the community meeting required for a given project:

- 1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
- 2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
- 3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting must be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant must be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
- 4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
- 5. On the date of the meeting, the applicant must make records of attendance and also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to



check off their name(s)) and may include a supplemental attendance sheet. The City can provide a format acceptable for use as the supplemental attendance sheet.

4.2 Site Plan Applications

Applicants beginning the site plan review process are strongly encouraged to conduct a community meeting. Where a project triggers the requirement to development a Transportation Demand Management (TDM) plan (Section 4.5.4.C), a community meeting is required according to the standards outlined above.

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required: Presentation and discussion

Presenter: Antoine Williams, Housing Program Manager, Alexander Ikefuna, Director of

Community Solutions

Staff Contacts: Antoine Williams, Housing Program Manager

Alexander Ikefuna, Director of Community Solutions

Title: Affordable Dwelling Unit Monitoring and Procedures Manual

Background

Please refer to the memo and draft manual in the related Action Items agenda later in the meeting packet.

Discussion

This is a presentation of the Manual that will be considered for approval during the Action Items portion of the meeting.

Alignment with City Council's Vision and Strategic Plan

Community Engagement

Budgetary Impact

Recommendation

Alternatives

Attachments

1. ADU Manual Presentation_City Manager's Office of Community Solutions



City Manager's Office of Community Solutions

Intro: Charlottesville Affordable
Dwelling Unit (ADU) Monitoring and
Procedures Manual

Date: February 5, 2024

Please note this presentation is for informational purposes only. Information within may change or become updated after the date of this presentation without notice.





The City of Charlottesville defines access to livable housing as a human right and works to ensure housing choice and mobility are provided for all who seek it through implementation of the Affordable Housing Plan

Presentation and Staff Report Outline

- Background
- Discussion
 - O What is the ADU Manual?
 - O What is its Purpose and Significance?
 - O What are the next steps for staff?
- 1-Minute Rewind: Anti-Displacement Measures
- Alignment with City Council's Vision and Strategic Plan
- Community Engagement
- Budgetary Impact
- Recommendation



Background

- On December 18, 2023, the Charlottesville City Council unanimously enacted a series of transformative measures.
- These measures included the repeal and re-ordination of a new Chapter 34 and the repeal of Chapter 29 within the Charlottesville City Code.
- The Council also deferred the required adoption of the Affordable Dwelling Unit (ADU) Monitoring and Procedure Manual (the "ADU Manual") in conjunction with this comprehensive zoning reform.
- The deferral was an administrative progression to allow adequate time to harmonize the manual with the newly established Chapter 34 Section 4.2.2.2 as drafted and adopted on December 18, 2023.
- The ADU Manual was created in January with inputs from the City Housing Advisory Committee. On Jan 17th, the committee unanimously voted in support of the draft.



Discussion (A): What is the ADU Manual?

• "The ADU Manual serves as a user-friendly guide aimed at ensuring alignment with the new ordinances."

• "It clarifies requirements and processes related to affordable dwelling units."

• "Offers guidance to internal staff and external stakeholders."



Discussion (B): What is the ADU Manual's Purpose and Significance?

- Facilitating Compliance
- As an Internal Resource
- As an External Resource
- Alignment with New Ordinance



Discussion (C): What are the next steps for staff?

- Publication of Manual
- User Education
- Community Engagement
- Monitoring and Evaluation
- Continuous Evaluation and Elevation of Staff Capacity
- Implementation of (HEAT) Program of Service

H.E.A.T is the Housing Equity and Anti-Displacement Toolkit work actions undertaken by OCS staff that will be concentrated in specific zones of our community.



1-Minute REWIND: October 3, 2023, Council Work Session

"Anti-displacement...

is generally referred to as strategies and policies to prevent involuntary displacement of long-standing, often lower-income residents from their neighborhoods due to gentrification or other development pressures."...

"An anti-displacement measure aims to create inclusive, stable communities where residents can afford to live and thrive." – *Williams, A*



1-Minute REWIND: October 3, 2023, Council Work Session

"Does [the new] zoning interact with [these] measures] in any way?"..."In other words, do you see situations where, depending on what the zoning is, it makes it more or less feasible to implement some of these strategies?"

- Councilperson Payne, M

How can the city effectively incorporate measures to prevent displacement in its housing strategy? ✓ Inclusionary Zoning **Downpayment Assistance Programs**

- Community Land Trusts
- Tenant Protections
- Preservation of Existing Affordable Housing
- Rent Subsidies and Vouchers
- Small Business, MBE/DBE Support
- **Housing Advisory Council**
- **Legal Aid and Tenant Support Services**
- Property Tax Relief Programs
- ✓ = Actively Supported By CAHF

- ✓ Tenant Opportunity to Purchase Programs or
- ► Land Banks
- ➤ Affordable Housing / Fee Waivers
- ☐ Consolidate Strategic Investment Area Funding to support Small Area Planning
- ☐ Affordable Housing Trust Funds
- Talent Retention Campaigns
- **Regular Community Forums**
- **Housing Cooperatives**
- □ To be determined...
- > = Measures being discussed collaboratively by members of our staff and the Housing Advisory Committee (HAC).



MOVING FORWARD: Development and Implementation HEAT Programs of Service / Workplan FY2024 - 2025

- 1. Land Bank Program
- 2. Charlottesville Affordable Housing Fund (CAHF) Grants Program
- 3. Charlottesville Supplemental Rental Assistance Program (CSRAP)
- 4. Real Estate Tax Relief Program for Affordable Housing
- 5. Tax Increment Rebate Program for Affordable Housing
- 6. Fee Waiver Programs
- 7. Consolidate Strategic Investment Area (SIA) Implementation Fund with Small Area Plan



• Implementation of (HEAT) Program of Service

H.E.A.T is the Housing Equity and Anti-Displacement Toolkit work actions undertaken by OCS staff that will be concentrated in specific zones of our community.

HEAT Program Area 1, i.e., Census Tract 2.01, 2.02, 7, and 10

- Rose Hill Neighborhood
- 10th /Page Neighborhood

HEAT Program Area 2, i.e., Census Tract 8

• The Meadows Neighborhood

HEAT Program Area 3, i.e., Census Tracts 10,5.01 and parts of 4.01

- Fifeville Neighborhood
- Ridge St. Neighborhood
- Star Hill Neighborhood





Public Engagement

Cost

There are NO immediate budgetary impacts at this time. However, as programs of service are developed and deployed, staff capacity needs may result in budgetary impacts.



YES, the ADU manual and prescribed work actions align with the City Council's Vision and Strategic Plan.

Alignment



YES, and ongoing!
Civic engagement is
fundamental to the work of
OCS staff.

- Involvement of the Housing Advisory Committee (HAC)
- Community Leader Feedback
- Past and Future Meetings with neighborhood leaders and members



Recommendation

- The ADU Manual is a critical tool that promotes transparency and understanding of the ADU program.
- It simplifies the complexities of the new ordinances and helps both internal and external users navigate the requirements effectively.
- Staff recommends adopting the ADU manual as drafted.
- The approval of the ADU manual, along with the proposed work actions outlined in Section C and Community Engagement of this staff report, will work towards the goal of promoting housing equity, combating negative development trends, and reducing the risk of displacement in areas with potential implications.



Questions

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required: Presentation and discussion.

Presenter: Antoine Williams, Housing Program Manager

Staff Contacts: Antoine Williams, Housing Program Manager

Alexander Ikefuna, Director of Community Solutions

Title: Housing Equity and Anti-Displacement Toolkit (HEAT) Project | FY2024 -

2025 Strategic Outcome: Housing Work Plan

Background

In March 2021, the City of Charlottesville endorsed its Affordable Housing Plan, which aims to maintain its affordable housing efforts. One of the significant tools proposed in this plan is the adoption of progressive and inclusive zoning reforms.

To complete this goal, in December 2023, the City Council took significant steps by repealing and reordinating Chapter 34 and Chapter 29 in the Charlottesville City Code. Section 4.2.2.2 establishes the city's new Affordable Dwelling Unit (ADU) or "Inclusionary Zoning" Ordinance/Program as part of this action.

Before this significant milestone, during a Council work session in October, the Office of Community Solutions (OCS) staff presented housing strategies in context with the implications of zoning reforms, anti-displacement measures, and socially vulnerable communities. The strategy focused on how the city can effectively incorporate measures to prevent displacement in core neighborhoods and mentioned approximately 25 measures at the time.

During a work session, the OCS staff defined the term 'anti-displacement' as strategies and policies to prevent the involuntary displacement of long-standing, often lower-income residents from their neighborhoods due to gentrification or other development pressures. They further explained that an anti-displacement measure aims to create inclusive, stable communities where residents can afford to live and thrive.

Councilperson Payne asked a follow-up question regarding the information presented by the staff. Specifically, staff was asked "if the new zoning regulations would impact the measures discussed earlier." In simpler terms, Councilperson Payne wanted to know if the zoning regulations could make it easier or harder to implement the strategies discussed.

The staff has put together a set of strategic target measures and programs of service to work towards maximizing benefits and promoting equitable outcomes in the core neighborhoods of Charlottesville.

These actions are crucial in implementing the City's Affordable Housing Plan.

The city's Department of Neighborhood Development Services procured the professional services of RKG Associates Inc. to complete a comprehensive analysis (see attachment). The analysis deeply considered the potential for displacement through various scenarios, focusing on how these zoning changes might affect the rate at which single-family parcels are converted into multi-unit dwellings. The report provided insights and suggestions for understanding anti-displacement because it highlights areas and conditions under which residents might be pushed out due to redevelopment pressures.

Discussion

A. Project Overview

1. Introduction

The HEAT Project represents a proactive and action-oriented comprehensive initiative designed to leverage Housing Equity & Anti-Displacement Tools for the betterment and protection of our core communities, particularly those facing high social vulnerability, barriers to affordable housing development, and displacement risks.

The HEAT Project commences with adopting the city's new ADU ordinance in February. It encompasses a collaborative approach to maximize the following seven key measures, ensuring equitable outcomes and benefits in line with the city's affordable housing plan and inclusive zoning reforms.

2. Key Project Goals

- a. Short-Term Goals: By April 30, 2024
 - i. Finalize and distribute educational materials.
 - ii. Establish a robust monitoring and evaluation framework.
 - iii. Initiate community engagement in targeted HEAT areas.
- b. Mid-Term Goals: By July 31, 2024
 - i. Complete the first phase of new/revamp program implementations (e.g., Tax Abatement/Performance Agreement for Affordable Housing).
 - ii. Conduct a midterm evaluation of program impacts.
 - iii. Implement new anti-displacement measures (e.g., Land Bank Program with expected completion in Summer 2024).
- c. Long-Term Goals: 5-year outlook (2021 2025)
 - i. Achieve the target of 1,100 subsidized homes, preserve 600 homes, and stabilize 1,800-2,200 households.
 - ii. Achieve full integration and effectiveness of all seven housing equity and antidisplacement measures.
 - iii. Conduct a comprehensive review and adjustment of the HEAT project based on outcomes and community feedback.

B. Target Program Areas for Housing Equity and Anti-Displacement Efforts

The Housing Equity and Anti-Displacement Toolkit (HEAT) project/ work actions for FY2024-2025 will start up specific core neighborhoods to address pressing housing challenges in our community.

These areas were thoughtfully chosen based on extensive community engagement and comprehensive data analysis. Each target area reflects a concentrated need for affordable housing solutions due to high-cost burdens on renters and homeowners, often exceeding 40% of the city's median income.

Additionally, these neighborhoods exhibit medium to high levels of social vulnerability. Focus on these target areas ensures that HEAT's associated service programs are directed where needed most, ultimately contributing to a more equitable housing landscape for socially vulnerableresidents.

HEAT Program Area 1:

Census Tracts: 2.01, 2.02, 7, and 10
Neighborhoods: Rose Hill and 10th/Page

HEAT Program Area 2:

• Census Tract: 8

Neighborhood: The Meadows

HEAT Program Area 3:

Census Tracts: 10, 5.01, and parts of 4.01

Neighborhoods: Fifeville, Ridge St., and Starr Hill

C. Implementation Plans and Considerations

1. Land Bank Program

A. Next Steps:

- Establish a clear timeline for the launch of the Land Bank Program, aiming for Summer 2024.
- Collaborate with the Land Bank Working Group, consisting of HAC members, Planning Commission members, the City Attorney's Office, the City Manager, and the Housing Program Manager.
- Identify available vacant properties for acquisition and refurbishment.

B. Key Considerations:

- Determine the governance structure of the Land Bank and its authority.
- Explore funding sources and mechanisms for property acquisition and refurbishment.

 Address potential challenges related to property acquisition, rehabilitation, regionalized approaches/ collaboration, and community impact.

2. Charlottesville Affordable Housing Fund:

A. Next Steps:

- Continue ongoing evaluations of the fund's impact and effectiveness.
- Explore opportunities for expanding the fund's funding sources.

B. Key Considerations:

- Assess the fund's financial sustainability, identify potential funding sources, and optimize funding performance to align with the Affordable Housing Plan and Council Focuses on Strategic Outcome Area: Housing.
- Ensure that funds are allocated in alignment with affordable housing goals; monitor development program/project tracking and compliance.
- Establish connections and engage in meaningful conversations with experienced developers and reputable organizations committed to supporting initiatives to provide affordable housing solutions to those in need.

3. Charlottesville Supplemental Rental Assistance Program (CSRAP):

A. Next Steps:

- Evaluate the program for optimization and rescaling as needed.
- Identify eligible households and improve outreach efforts.

B. Key Considerations:

- Assess the program's budgetary requirements for optimization and rescaling as needed.
- Review program criteria and eligibility to ensure it reaches those most at risk of instability.
- Collaborate with community organizations to increase program awareness.

4. Real Estate Tax Relief Program:

A. Next Steps:

- Promote the effective opening of the application period for eligible homeowners on February 1, 2024.
- Engage homeowner associations from target program areas.

B. Key Considerations:

- Ensure program outreach reaches eligible homeowners, particularly seniors and disabled individuals.
- Monitor the program's budget and allocation to accommodate growing demand.

5. Revamp Use of Tax Increment Rebate/Performance Agreement for Affordable Housing:

A. Next Steps:

- Continue feasibility evaluation of the program.
- Define the program's parameters and incentives for developers.

B. Key Considerations:

- Assess the potential impact of the program on affordable housing development.
- Engage with stakeholders to understand their needs and preferences for incentives.
- Align the program with zoning and land use policies.

6. Water and Wastewater Fee Waiver Programs:

A. Next Steps:

- Explore options to expand existing fee waiver programs.
- Promote the availability of fee waivers to eligible households.

B. Key Considerations:

- Review the budget allocation for fee waiver programs and identify any necessary adjustments.
- Collaborate with utility providers to streamline the process of accessing fee waivers.

7. Consolidation of Strategic Investment Area and Small Area Plan Funds:

A. Next Steps:

- Streamline resources for targeted neighborhood revitalization, including affordable housing components.
- Identify specific neighborhood projects and initiatives.

B. Key Considerations:

 Ensure that the consolidation of funds does not hinder the progress of individual revitalization projects. • Collaborate with community stakeholders to prioritize projects that align with neighborhood needs and aspirations.

As cited, CDC/ATSDR Social Vulnerability Index (SVI) as of 2024. **Social vulnerability** refers to the potential negative effects on communities caused by external stresses on human health. Reducing social vulnerability can decrease both human suffering and economic loss.

Source: https://www.atsdr.cdc.gov/placeandhealth/svi/interactive_map.html

Alignment with City Council's Vision and Strategic Plan

This request aligns with the City Council's Strategic Plan Framework Outcome Areas for Housing and Partnerships and the 2021 Affordable Housing Plan.

Comprehensive Plan Guiding Principles

- Equity & Opportunity All people will be able to thrive in Charlottesville.
- Community Culture and Unity Charlottesville's rich and diverse culture and form will be celebrated, and the entire community will feel welcomed, valued, and respected.

Community Engagement

To foster community-driven housing initiatives, staff has closely collaborated with diverse stakeholder groups and community leaders. This collaborative effort has been instrumental in shaping the HEAT project and its associated service programs, including the development of a new ADU Manual. As part of our commitment to ongoing community engagement, we actively seek input from internal and external stakeholders. Our staff is dedicated to conducting annual reviews of the manual to ensure its continued effectiveness. Staff plans to maintain an open dialogue with community leaders in core neighborhoods like 10th/Page and Fifeville, and we are committed to expanding our outreach efforts to specific census tracts within the city. This continuous engagement allows us to shape our housing policies effectively and better serve our residents.

Budgetary Impact

Currently, there is no budget impact. However, as the implementation process begins, there may be a need for increased staff capacity. In the future, additional program components such as Land Bank, Tax Rebate/Performance Program, and others may require council authorization. They could have a budgetary impact, depending on their fiscal implications.

Recommendation

The City Manager and Staff recommend that the City Council endorse the proposed updated project/work plan for FY2024-2025 Strategic Outcome: Housing.

Alternatives

The council has the option to choose whether to support the work plan. If they decide not to endorse it, they can direct the City Manager to make necessary changes and have the relevant staff

implement the revised plan. The council may also authorize the City Manager to approve the revised plan without returning it to the council.

Attachments

- 1. HEAT Project Presentation
- 2. FY2024-2025 Strategic Outcome Area-Housing Workplan Details (Table)
- 3. Inclusionary Zoning Feasibility Analysis_Zoning Rate of Change Analysis



HEAT Project 2024

Housing Equity & Anti-Displacement Toolkit Project

Strategic Outcome: Housing Staff Work Actions Update



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February 5, 2024



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WHAT IS THE HEAT PROJECT? WHY IT MATTERS

It is acknowledged that not all neighborhoods are equally affordable. Still, with the further implementation of the City's Affordable Housing Plan and other measures, the city advances on a course to change that. Core Neighborhoods are our collective vision for what's possible. These are places where historic significance, affordability, and diversity converge. We aim to make them walkable havens where everyone can access various housing options, from single-unit homes to cozy apartments.

The Housing Equity and Anti-Displacement Toolkit (HEAT) project isn't just a work action plan; it's a commitment. Over the next five years, we're dedicated to increasing affordable housing options and partnering with our core neighborhoods to help plan, protect, preserve and produce livable vibrant, affordable, and inclusive spaces where every resident can thrive.

The Housing Equity and Anti-Displacement Toolkit (HEAT) project is our catalyst for change. Inspired by best practices and community feedback, it's a blueprint for preserving affordable housing opportunities and protecting long-term residents from rising costs. We're determined to align with zoning regulations favorably to make Core Neighborhoods a reality.



The Office of Community Solutions (OCS)

OCS oversees the implementation of affordable housing programs, commercial revitalization and development, neighborhood and constituent services, Federal Entitlement Administration, and grant program management.

Strategic Outcome Area: Housing

The City of Charlottesville defines access to livable housing as a human right. It works to ensure housing choice and mobility are provided for all who seek it through the implementation of the <u>Affordable Housing Plan</u>.







AFFORDABLE HOUSING PLAN

The (3) Core Initiatives of the Affordable Housing Plan and Where We Are Today

10 Million Dollar Commitment Per Year	Governance	Zoning Reform
 Since 2021over \$28 million in funding has been allocated or committed for Affordable Housing; and 	 Since 2021, the city has worked to build Inclusive Governance at all Levels (Capacity, Policies, Technology) 	 On Monday December 18, 2023, the Charlottesville City Council unanimously passed a set of transformative measures.
 Has supported an array of housing- related partners and housing and homelessness service programs, e.g., FY2022/2023: 	 In 2023, the city's Housing Advisory Committee reconvened under its new structure; the city hired a 	 The ordinance will come into effect on February 19, 2024, and is not self- effectuating and requires adoption of the applicable manuals.
 Charlottesville Affordable Housing Fund (CAHF) Grants: \$2,152,046 in awards; and Housing Operations & Program Support (HOPS) Grants: 	Housing Program Manager and Compliance Coordinator; and a Grants Analysts • IN PROGRESS: NEW Standard	 TODAY's PENDING ACTION: Adopting the Affordable Dwelling Unit (ADU) Monitoring and Procedures Manual as a crucial tool in promoting transparency and understanding
\$899,475 in awards for community partners servicing approximately 60+ households/year and housho800/year individuals.	Order of Procedures for CAHF / NOFA- Housing Related Activates, CAHF/HOPS committee processes.	of Chapter 34, Section 4.2.2. of the City's Development Code.



WHAT IS THE HEAT PROJECT? WHY IT MATTERS

Project Overview

The Housing Equity and Anti-Displacement Toolkit (HEAT) project and associated programs of service represents a strategic initiative to combat affordable housing challenges and displacement risks and promote housing equity in Charlottesville. Incorporating seven targeted measures, it aims to serve diverse groups within the community, from low-income families to developers, ensuring equitable access to housing solutions.

The planned work activities for the HEAT project and associated programs of service were and will continue to be formulated and informed by community-leader feedback and activities and are being modeled from best-in-practice approaches of "Local Housing Solutions," a joint project of the NYU Furman Center and Abt Associates.

Plan

... to identify the neighborhoods (or other areas) where action may be needed to preserve affordable housing opportunities for low- and moderate-income households with high <u>social</u> <u>vulnerability</u> and cost burden.

Protect

... long-term residents from the adverse effects of rising rents and home prices. RKG's 2023 IZ feasibility analysis implicated various zones of core neighborhoods as at risk of negative trends like gentrifying pressures and unintended effects.

Preserve

... exiting housing while identifying mitigating measures that protect and produce livable, dedicated affordable housing for low- and moderate-income households; the toolkit is meant to interact with zoning favorably.

Produce

Consistent with the critical goal of the Affordable Housing Plan, HEAT's programs of service aim to increase affordable housing and strengthen the community by successfully meeting the intent and goal of the Affordable Housing Plan in the next five years.



TARGET AREAS FOR HOUSING EQUITY AND ANTI-DISPLACEMENT EFFORTS

HEAT Program Area 1

• ·Census Tracts: 2.01, 2.02, 7, and 10

Neighborhoods: Rose Hill and 10th/Page

HEAT Program Area 2

• ·Census Tract: 8

Neighborhood: The Meadows

HEAT Program Area 3

• Census Tracts: 10, 5.01, and parts of 4.01

• Neighborhoods: Fifeville, Ridge St., and Starr Hill



LAND BANK PROGRAM

The Land Bank Program is a specific measure enumerated in the Affordable Housing Plan as a recommendation for the City of Charlottesville to implement. Accordingly, this measure has the potential to acquire and refurbish vacant properties, which may increase housing options for low-to-moderate-income households. Developers could explore partnerships to access properties for affordable housing projects.

- Determine the governance structure of the Land Bank and its authority.
- Explore funding sources and mechanisms for property acquisition and refurbishment.
- Address potential challenges related to property acquisition, rehabilitation, regionalized approaches/ collaboration, and community impact.



CHARLOTTESVILLE AFFORDABLE HOUSING FUND (CAHF)

This fund supports developers and projects committed to affordable housing, providing opportunities for low-to-moderate-income households to access affordable homes. It also benefits community partners and service providers by increasing the availability of affordable housing units for their clients, ultimately reducing homelessness and housing insecurity in Charlottesville's Core Neighborhoods.

- Assess the fund's financial sustainability, identify potential funding sources, and optimize funding performance to align with goals and objectives of the Affordable Housing Plan and Council Focuses on Strategic Outcome Area: Housing.
- Ensure that funds are allocated in alignment with affordable housing goals; monitor development program/project tracking and compliance monitoring.
- Engage in meaningful conversations with experienced developers and reputable organizations committed to supporting initiatives to provide affordable housing solutions to those in need.

3

CHARLOTTESVILLE SUPPLEMENTAL RENTAL ASSISTANCE PROGRAM (CSRAP)

CSRAP directly aids households at risk of instability by providing rental assistance, which helps low-income residents maintain housing stability. This measure eases the burden on service providers who can refer clients to CSRAP for assistance, reducing homelessness and displacement risks.

- Assess the program's budgetary requirements for optimization and rescaling as needed.
- Review program criteria and eligibility to ensure it reaches those most at risk of instability.
- Collaborate with community organizations to increase program awareness.



REAL ESTATE TAX RELIEF PROGRAM

The Real Estate Tax Relief Program aids low-to-moderate-income homeowners in managing housing-related expenses, reducing the risk of displacement due to rising property taxes. It benefits individuals experiencing housing insecurity by providing financial relief. This program also supports community partners and service providers by assisting their clients in maintaining homeownership and stability.

- Promote the effective opening of the application period for eligible homeowners on February 1, 2024.
- Ensure program outreach reaches eligible homeowners, particularly seniors and disabled individuals.
- Monitor the program's budget and allocation to accommodate growing demand.



TAX INCREMENT REBATE/ PERFORMANCE AGREEMENT PROGRAM FOR AFFORDABLE HOUSING

Upon its revamping and July 1, 2024 relaunch, this program incentivizes developers to create affordable housing units, expanding housing options for low-to-moderate-income households. It benefits individuals experiencing homelessness by increasing the supply of affordable homes. Community partners and service providers can collaborate with developers to ensure these units serve those in need of stable housing.

- Assess the potential impact of the program on affordable housing development.
- Engage with stakeholders to understand their needs and preferences for incentives.
- Align the program with zoning and land use policies.

FEE WAIVER PROGRAMS

Fee waiver programs alleviate the financial strain on low-to-moderate-income households by subsidizing utility and service fees. This measure helps prevent housing instability by reducing financial burdens. Community partners and service providers can refer eligible clients to these programs, ensuring they receive necessary fee relief.

KEY CONSIDERATIONS

- Promote the availability of the City's Water and Wastewater Utilities fee waivers to eligible households.
- Review the budget allocation for fee waiver programs and identify any necessary adjustments.
- Collaborate with applicable city staff/ departments to streamline the process of accessing fee waivers.

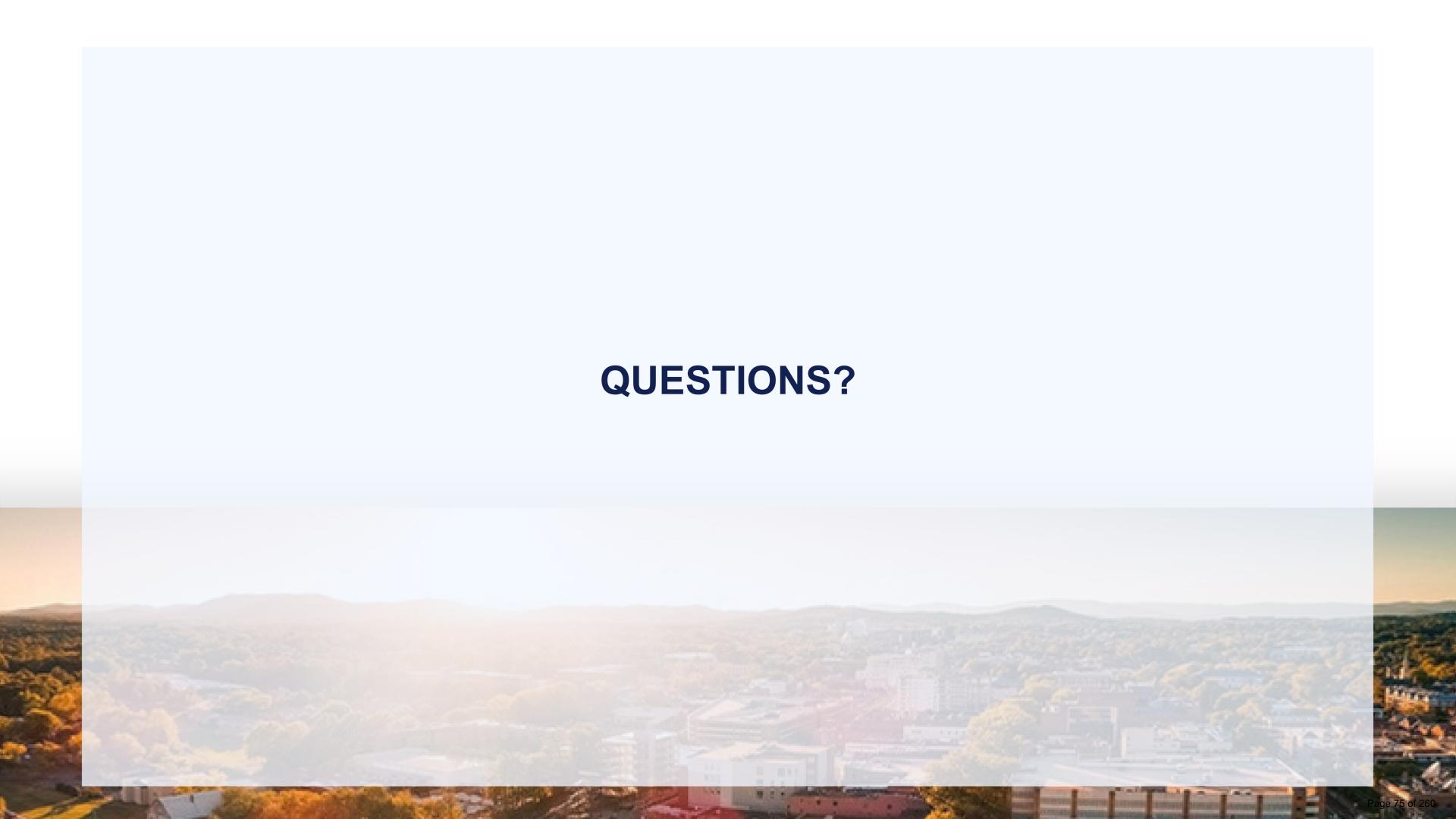
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CONSOLIDATION OF STRATEGIC INVESTMENT AREA AND SMALL AREA PLAN FUNDS:

The consolidation of funds streamlines resources for targeted neighborhood revitalization, including affordable housing components. This revitalization benefits Core Neighborhoods by preserving their unique characteristics and affordability. Developers, community partners, and service providers can engage in neighborhood projects, supporting housing equity and anti-displacement efforts while addressing

KEY CONSIDERATIONS

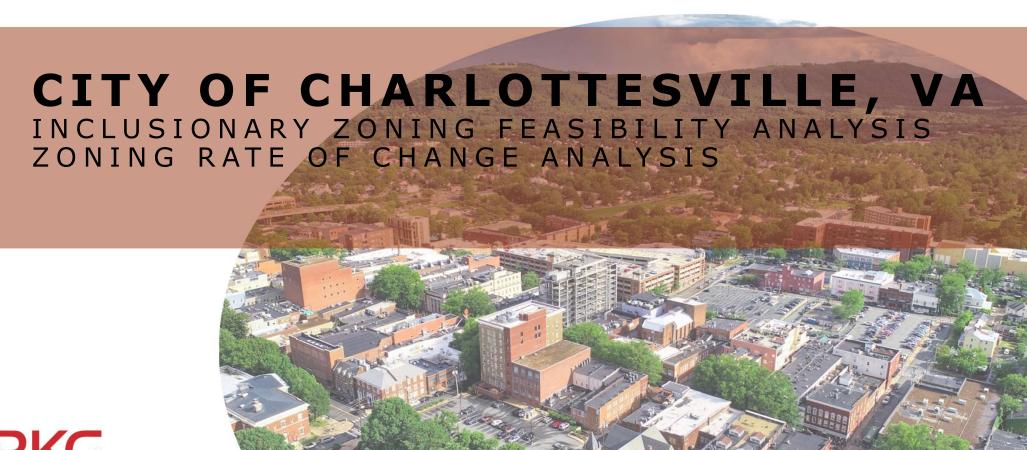
- Streamline resources for targeted core neighborhood revitalization, including affordable housing and other anti-displacement programmatic components.
- Ensure that the consolidation of funds does not hinder the progress of individual revitalization projects.
- Collaborate with community stakeholders and leaders to prioritize projects that align with neighborhood needs and aspirations.





ACTION ITEM	TARGET MEASURE	DATES	STATUS	RESOURCE ALLOCATION	NOTES
Establish Land Bank Working Group	Working Group Formation	Jan 2024	Completed	City Manager, City Attorney Office, Housing Program Manager, (1) HAC Member, (1) Planning Commission Member	Formulated a working group for Land Bank
Present FY2024-2025 housing strategy toolkit to the City Council	Toolkit presentation	Feb 5, 2024	Ready	Housing Program Manager, Community Solutions Director, City Council	Ongoing work action will be added to this workplan following council presentation.
Publish the ADU Ordinance Monitoring and Procedures Manual	Manual publication	Feb 19, 2024	Ongoing	Housing Program Manager, Publication Team	
Engage with the Housing Advisory Committee	Committee engagement	Feb 21, 2024	Ongoing	Housing Program Manager, Committee Members	Gather critical insights
Provide program development updates for City Manager remarks	Development updates	Mar 6, 2024	Ongoing	Housing Program Manager, City Manager	Review work actions and recommendations
Housing Advisory Committee Meeting	Committee meeting	Mar 20, 2024	Ongoing	Housing Program Manager, Committee Members	Agenda TBD
Define Land Bank Feasibility	Feasibility Study	Mar 2024	Planning	City Manager, Housing Program Manager	Conduct feasibility study for the Land Bank
Develop a Land Bank Governance Structure	Governance Structure	Apr (TBD)	Planning	Land Bank Working Group, City Attorney Office	Define the governance structure for the Land Bank
Conduct a work session with city staff and stakeholders.	Work session	Apr (TBD)	Planning	Housing Program Manager, Relevant Staff	Discuss toolkit components and program details
Engage with the Housing Advisory Committee	Committee engagement	Apr 17, 2024	Planning	Housing Program Manager, Committee Members	Gather ongoing feedback
Finalize all program components based on feedback.	Program finalization	May 2024	Planning	Housing Program Manager, Publication Team	Prepare for City Council consideration
Prepare Land Bank Launch Strategy	Launch Strategy	Jun 2024	Planning	Land Bank Working Group, Housing Program Manager	Develop strategy for Land Bank launch in the summer of 2024
Begin marketing and outreach efforts.	Marketing and outreach	Jun 2024	Planning	Housing Program Manager, Outreach Team	Inform the community about the program
Officially Launch the Land Bank	Land Bank Launch	Summer 2024	Implementation	City Manager, Housing Program Manager, Land Bank Working Group	Launch the Land Bank in accordance with the strategy

Officially launch the tax abatement/performance agreement program.	Program launch	Jul 1, 2024	Planning	Housing Program Manager, Implementation Team	Ensure all necessary resources are ready
Provide program development updates for City Manager remarks.	Development updates	Mar 6, 2024	Ongoing	Housing Program Manager, City Manager	Review work actions and recommendations
Housing Advisory Committee Meeting	Committee meeting	Mar 20, 2024	Ongoing	Housing Program Manager, Committee Members	Agenda TBD
Establish a clear timeline for the Land Bank Program.		Summer 2024	Planned	Land Bank Working Group (HAC members, Planning Commission members, City Attorney's Office, City Manager, Housing Program Manager)	
Identify available vacant properties for acquisition and refurbishment.		Summer 2024	Planned	Land Bank Working Group (HAC members, Planning Commission members, City Attorney's Office, City Manager, Housing Program Manager)	
Evaluate the Charlottesville Supplemental Rental Assistance Program for optimization and rescaling based on performance and capacity.		Ongoing	In Progress	Community Solutions Director, Housing Program Manager, CRHA Executive Director	Review program criteria and eligibility to ensure it reaches those most at risk of instability





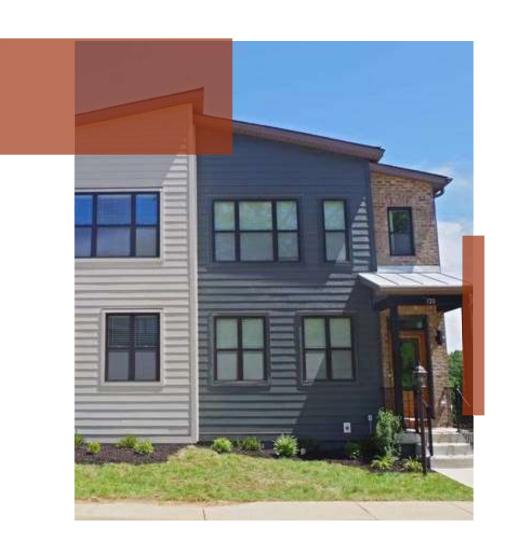


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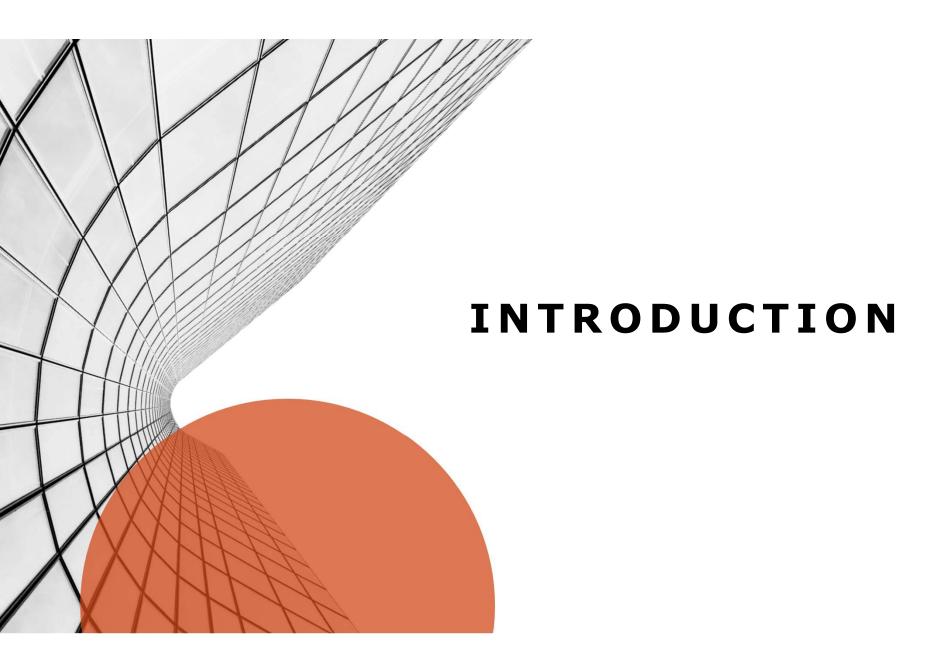
METHODOLOGY

MODELING INPUTS

INCLUSIONARY ZONING ANALYSIS

RATE OF CHANGE ANALYSIS

OTHER POLICY CONSIDERATIONS



BACKGROUND



The City of Charlottesville is seeking to better understand the market and financial realities of its proposed zoning changes. Specifically, the City seeks to understand [1] the financial realities of its proposed inclusionary zoning (IZ) recommendation¹ to require projects with ten or more units to provide 10% of those units at a price point affordable to households earning 60% of the Area Median Income (AMI) and [2] the potential rate of change that may occur with the proposed R-A, R-B, and R-C zoning districts encouraged by the potential change in value due to the new zoning policies and allowances.

¹ Under Virginia law, and in Charlottesville's proposed zoning ordinance, an IZ program/ordinance is referred to as an Affordable Dwelling Unit (ADU) program/ordinance. This report will use the term IZ.

PROCESS - ANALYSIS

The model enables the City to test a series of prototypical developments to understand the financial implications of the proposed zoning ordinance changes.

For the IZ policy analysis, RKG tested specific scenarios and development typologies to determine the relative financial feasibility impact in relation to current market conditions, the proposed IZ policy, and the proposed bonus density recommendation (an additional two floors of housing in exchange for a 10% unit set-aside at 50% of AMI). RKG modeled projects in five distinct subareas of the City, defined through empirical and market analysis, to test potential changes across the city's unique housing submarkets.

For the rate of change analysis, RKG modeled different development programs across four unique subareas for each zoning category (R-A, R-B, and R-C) including an assessment of the proposed bonus density recommendation (additional units in exchange for making 100% of the units price controlled to a maximum of 60% AMI).

The importance of this analysis cannot be understated, as setting the appropriate parameters for any residential zoning ordinance is key to ensuring housing development accommodates various income levels across the city while minimizing impact on future development activity.



PROPOSED IZ POLICY

SET ASIDE

Projects including more than 10 units are required to designate 10% of the total number of units on-site as income controlled. Any fractional units (e.g., an 11-unit development would require 1.1 incomecontrolled units) is required to round up to the next whole unit (2 units in this case).

AMI

All income-controlled units are required to be priced affordably (pay less than 30% of gross income less utility allowances) for households earning 60% of Area Median Income (AMI).

BONUS DENSITY

Projects willing to commit to a 10% set aside at 50% of AMI would be entitled to two additional floors of residential development. This is contingent on meeting the other site requirements (e.g., setbacks).

PAYMENT IN LIEU

Developers have an option to provide a financial contribution to the City's Housing Trust Fund in lieu of providing on-site units. The current proposed payment in lieu (PIL) values are:

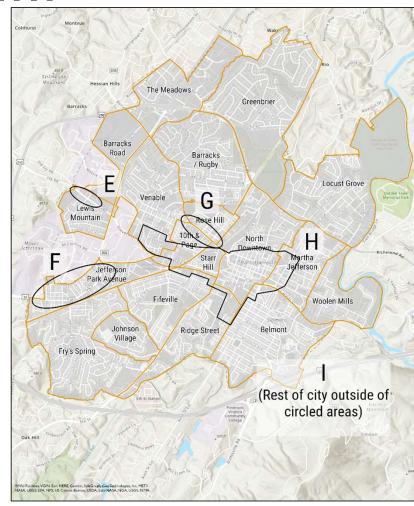
Unit Type	Rental Units	Owner Units
Studio Units	\$195,000	N/A
1-Bedroom Units	\$260,000	\$165,000
2-Bedroom Units	\$360,000	\$230,000
3-Bedroom Units	\$405,000	\$435,000

SUBAREA BOUNDARY MAP

INCLUSIONARY ZONING

RKG Associates research indicates that multifamily rental income performance varies within the City. Most notably, zoning districts located closest to downtown Charlottesville achieve the greatest rental incomes (on a per square foot basis) than other areas of the City. Areas denoted as "E" and "F", proximate to the University of Virginia, have the next highest rent capture. Area "I", effectively rental zones in the rest of the City, have the lowest rent capture in the City.

To this end, the analysis separated these areas to better understand the financial feasibility calculations for rental properties. In effect, the assessment measures whether the proposed zoning changes vary based on location in Charlottesville.



PROPOSED RESIDENTIAL POLICY

ZONING DISTRICTS

The proposed zoning allocates former single-family districts into three distinct districts called R-A, R-B, and R-C. Each district has its own regulations regarding building mass, setbacks, etc.

R-A

Properties located in the R-A district are allowed to have up to three dwelling units if the lot is vacant or the existing structure is removed. As a bonus, R-A parcels can accommodate four units if the existing dwelling is preserved and the new structure can abide by development requirements. A different bonus of six units is being considered, with all six units being required to be priced for households earning at 60% AMI.

R-B AND R-C

Like R-A, the rules for maximum number of units are determined by whether development is new, infill, or redevelopment. A similar bonus density for affordability also is available.

The following table details the maximum for each zoning district.

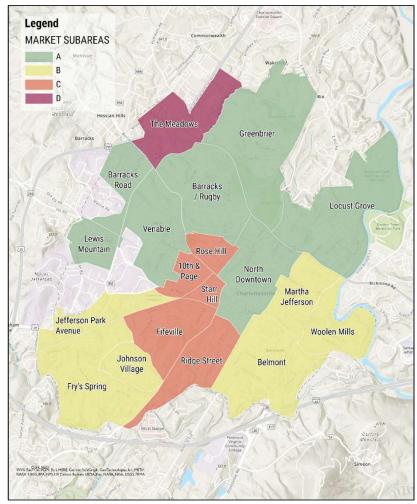
Zoning District	Maximum Units Demolition	Maximum Units Infill	Maximum Units 100% Affordable
R-A District	3	4	6
R-B District	6	8	12
R-C District	8	8	12

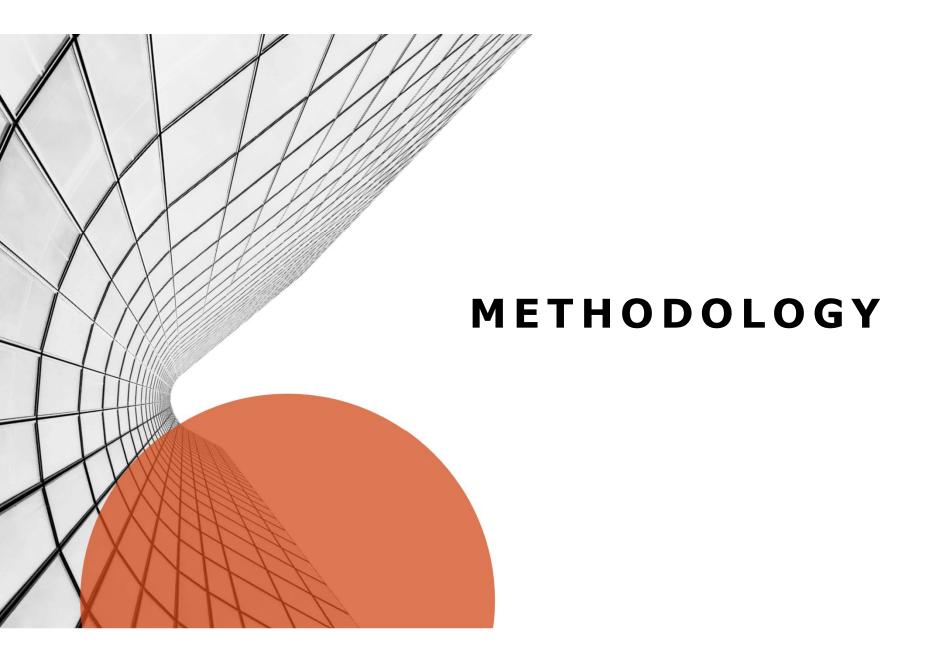
SUBAREA BOUNDARY MAP

RATE OF CHANGE

Like the rental analysis, RKG Associates research indicates that homeownership values vary within Charlottesville. RKG used the City's established neighborhood boundaries to create four distinct subareas for assessment. Area "A", locates in the northern part of the City, has the highest housing values (per square foot) for new construction units. Area "B" follows area "A". The historically African-American neighborhoods near downtown and The Meadows have the lowest home values, on average.

These differences are important to analyze separately for the Rate of Change analysis, as the value created by allowing 3-unit (R-A), 6-unit (R-B) and 8-unit (R-C) structures on previously single-family lots will impact the potential for speculation much differently based on potential value creation and existing home values.





METHODOLOGICAL OVERVIEW

THE FINANCIAL FEASIBILITY MODEL IS A PROFORMA-BASED EXCEL MODEL THAT IS DESIGNED TO TEST THE FINANCIAL IMPACT OF POTENTIAL POLICY CHANGES AGAINST THE FINANCIAL RISK/REWARD OF A POTENTIAL INVESTMENT.

RKG's financial feasibility model uses locally-sourced data to determine how changes to Charlottesville's zoning code (both the Inclusionary Zoning component and the transition from traditional single-family designations) could impact the financial performance of a potential project. At its most basic level, the model is designed to capture construction and operational costs and compare those to potential revenues to determine if the project will meet or exceed local return expectations.

The model has the capability to test variations across nearly all data points to test the sensitivity of dozens of variables on financial feasibility. This includes variability in construction costs, land costs, operational costs, development type and size, location within the City, and more. The model is also set up to test changes in affordability metrics such as the percentage of affordable units, target AMIs, unit thresholds, and more.

While the model is a powerful tool to understand the impacts of changes to the zoning code and the sensitivity of modifying assumptions, it is not intended to be the only analytic or policy tool the City of Charlottesville should consider as it weighs changes to its zoning policies.



METHODOLOGY MODELING INPUTS

All financial feasibility modeling is based upon three principal components: construction costs, operational revenues, and operational costs. Each component relies upon several marketbased and financial inputs for the model to be effective

RKG Associates' approach to model building focuses on using locally-derived inputs so that findings are relevant to the community/study area being considered. To this point, RKG conducted a comprehensive analysis of all facets of financial feasibility of residential development in the City of Charlottesville.

The primary inputs for which local data was derived include, but is not limited to:

Construction Costs

Soft costs – design and preparation

Hard costs - materials and construction

Land costs – physical location

Operation Costs

Financing costs – debt and equity to pay for the project

Marketing, management, repairs, property taxes

Operational Revenues

Rental rates and sale prices

Parking revenue



METHODOLOGY CONSTRUCTION COSTS

To determine hard costs for construction and parking, RKG interviewed several for-profit and nonprofit developers, as well as referencing Marshall & Swift Valuation Services data to build out customized per square foot construction costs for stick, stick over podium, and steel frame construction typologies.

Similarly, RKG collected information on construction costs for two types of parking costs: surface lots and structured podium parking.

Lastly, a land cost analysis was conducted by RKG on recently completed residential projects to understand the land price per unit developers have paid. RKG used interview data from for-profit and non-profit developers to verify the research.



METHODOLOGY OPERATIONAL COSTS

Development financing is possibly the most important element of any real estate deal. Different types of financing are available depending upon the scale of the project.

Through interviews with for-profit and non-profit developers, RKG gained an understanding around debt, operational costs, and vacancy assumptions used in developer proformas.

Additionally, information on financial return expectations was obtained and used as a benchmark for the financial feasibility model to understand the impact policy changes may have on a projects financial return metrics.



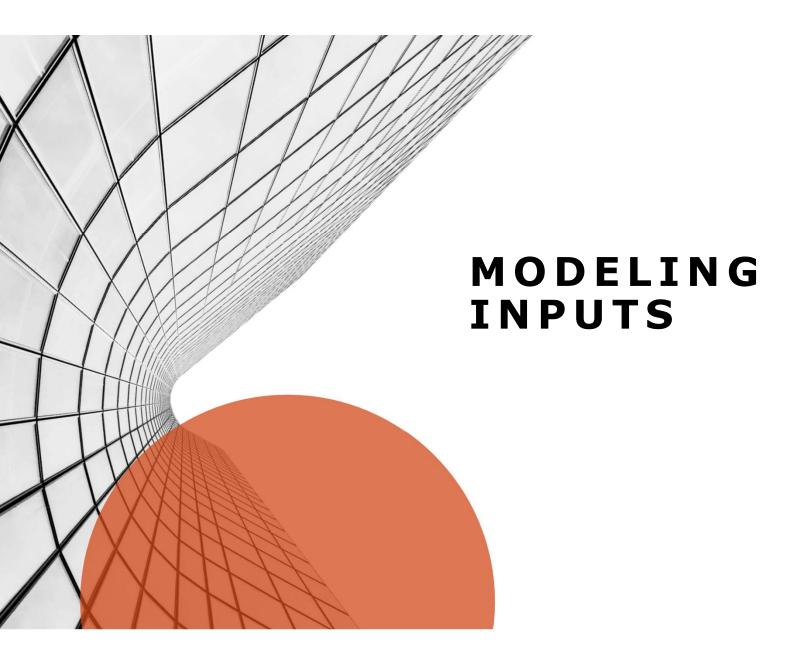
METHODOLOGY REVENUES

RKG collected rental rate data for residential projects completed since 2018, which included pricing for efficiency (studio), one-bedroom, two-bedroom, and three-bedroom apartments.

The market rental rates were used as a baseline for the analysis and compared to information obtained from developer interviews. The sales values of housing units were determined through a combination of market research and utilizing the City's property sales database to parse the most recent sales values by bedroom count.

The results were used to set baseline assumptions around sale prices in the model.





DEVELOPMENT ASSUMPTIONS HARD AND SOFT COSTS

Hard construction costs vary by building construction type:

- Stick
- Stick over podium
- Steel
- Ownership (Condo and TH)

Soft costs average around 15% of hard costs.

Parking is expensive, ranging from an average of \$22,000 per space for surface parking to \$50,000 per space for structured parking

Construction Assumptions

Hard Construction Costs (PSF)	Apartment	Condo/Townhouse
Stick	\$230	\$175
Stick Over Podium	\$300	N/A
Steel Frame	\$400	N/A
Soft Costs (% of Hard Cost) Soft Costs		15.00%
Parking Costs (Per Space)		
Surface		\$22,000
Structured Aboveground		\$50,000
Structured Belowground		\$100,000

Note: Values are based on data collected from stakeholders.

OPERATING EXPENSES

Operating expenses are the cost of a property owner to market, maintenance and manage a rental property.

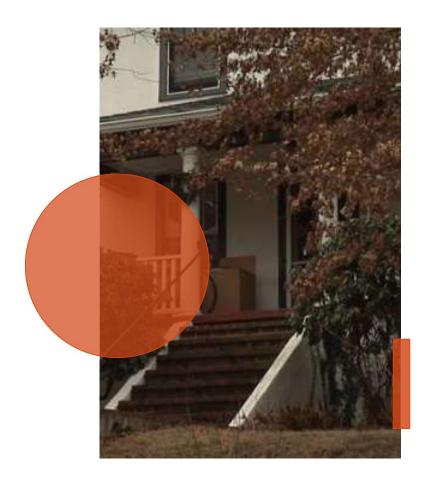
Operating costs do not vary for market rate or incomecontrolled units, as costs do not change dramatically based on a tenant.

Vacancy and collection loss for new construction projects are consistent throughout Charlottesville, with most impacts reflecting turnover (time between tenant occupation).

Operating Expenses (As a % of Rental Revenue)				
Operating Expenses (Market Rate)	25%			
Vacancy & Collection Loss	5%			

Note: Values are based on data collected from stakeholder interviews.

Source: Developer Interviews, RKG Associates, 2022



DEVELOPMENT ASSUMPTIONS FINANCIAL

Changing interest rate environment makes financing a project more difficult. Recent increases in interest rates have adversely impacted new development

Larger developers can attain better rates than smaller developers.

Equity requirements average around 20%

Developer returns vary depending on the type of metrics they use, with owner development and renter development having different metrics.

Financial Assumptions

Financing Costs	
Interest Rate	6.00%
Equity Required	20%

Expected Financial Return	Average
Internal Rate of Return (Rental)	12.00%
Internal Rate of Return (Ownership)	20.00%
Return on Cost	5.50%

Note: Values are based on data collected from stakeholder interviews.

REVENUE ASSUMPTIONS OWNERSHIP SALE PRICES PER SF

RKG used the City's property assessment database and Multiple Listing Service (MLS) data to analyze sales prices by neighborhood for new construction product built in the last five years.

Sales prices varied substantially, with the more traditional suburban area of the City (Area A) commanding the highest prices per square foot.

Price differential between new construction and existing stock is substantial.

Neighborhood	Condominiums	Townhomes
Area A	\$570	\$325
Area B	\$370	\$285
Area C	\$300	\$255
Area D	\$300	\$255

Note: In cases where data points were unavailable, RKG is showing the average price of the City adjusted to the study area **Source:** RKG Associates, 2023

REVENUE ASSUMPTIONS MARKET RATE RENTS PER SF

RKG conducted a market survey using online databases and information provided by multifamily developers/operators to analyze rents by neighborhood for new construction product built in the last five years.

Based on interviews with developers, rent on new product is generally priced at a premium between 10% and 15% above the market. The financial feasibility analysis accounts for this.

Neighborhood	Studio	1BR	2BR	3BR
Area E	\$2.75	\$2.90	\$2.50	\$2.10
Area F	\$2.75	\$2.90	\$2.50	\$2.10
Area G	\$3.00	\$3.10	\$2.90	\$2.40
Area H	\$3.00	\$3.10	\$2.90	\$2.40
Area I	\$2.40	\$2.45	\$2.35	\$2.00

Note: In cases where data points were unavailable, RKG used the average price for the City adjusted to the that study area Source: RKG Associates. 2023

MODEL OUTPUTS

THE CORE FUNCTION OF THE IDP MODEL IS TO UNDERSTAND HOW CHANGES IN POLICY IMPACT FINANCIAL RETURNS COMPARED TO MARKET EXPECATATIONS.

FINANCIAL ANALYSES

The model measures three financial outcomes using three different metrics; Return on Cost (ROC), Internal Rate of Return (IRR), and Land Values. Each measure represents a decision point for those involved in the transactions that make residential development financially feasible:

- ROC Investors/Developers
- IRR Developers/Operators
- Land Values Property Owners

For a project to move forward, each group must have confidence that their investment requirements and return expectations can be met. Each group is measuring the risk/reward of a given project compared to other opportunities that may be in Charlottesville, elsewhere in Virginia, or in other markets across the United States.

It is important to recognize that for a project to move forward, it requires support from all three groups.

PROJECT EXAMPLES

To test the financial implications of the Inclusionary Zoning policy, the model was constructed with data local to different subareas across the City recognizing that revenue assumptions vary depending on where a project is located.

To highlight these differences, this report provides examples of how different development and location assumptions can impact financial feasibility including:

- Selected neighborhoods that have varying development typologies and market factors (e.g., price points)
- Impacts of smaller (25 units) and larger (200 units) projects in each study area
- Using different development assumptions based on project size and location

IMPLICATIONS

THE FINANCIAL FEASIBILITY MODEL IS LIMITED BY ITS INPUTS.

Given the complexity of development projects in diverse communities like Charlottesville, it is difficult to model every possible nuance or special situation that may create unique outcomes for a project. This particularly true for legacy-owned parcels and student-targeted development. To this point, this model uses averages and typical development scenarios based on recent development trends. The model is sensitive to changes in these underlying assumptions, so in the future if costs and revenues deviate from normal averages, we may anticipate outcomes in the model to change as well.

FINANCIAL PERFORMANCE IS JUST ONE FACTOR IN THE DECISION-MAKING PROCESS OF DEVELOPERS.

It is important to acknowledge that the financial performance of a project is one of many factors developers and investors consider when looking at a deal. Developers also assess project risk and feasibility based on ease of process and permitting, flexibility in zoning, location and amenities, strength of the market, and strategic value. Given the variability and difficulty of assessing all these additional factors, the model focuses primarily on the financial aspects of the project.





INCLUSIONARY ZONING ANALYSIS

The financial feasibility analysis conducted by RKG provides key insights regarding the relative impact on financial feasibility resulting from the proposed Inclusionary Zoning (IZ) policy.

To that end, RKG modeled multiple prototypical development scenarios by calibrating the model with market-tested assumptions and tested the findings against real world examples.

The financial model calculates the basic go/ no-go decision a developer must make about a potential project. The decision to pursue a project comes down to overall financial return and risk exposure.

The model tests Internal Rate of Return (IRR) and Return on Cost (ROC) metrics. The rental analysis focuses on the IRR metric, as it was proven to be the most difficult to reach market return expectations (noted through feedback to currently be 15% preferred, 12% minimum).

The market scenario analysis provides an assessment of how a project would perform (financially) based on market averages for acquisition, construction, operation, and reversion.

The analysis presents the performance of projects when using the proposed set aside rate (10%) at the proposed Area Median Income (AMI) target rate of 60%.

RKG tested the development feasibility across several scenarios testing project size (number of units), construction typology (wood frame, podium), and proposed policy conditions (bonus density).

While the following pages detail the results, the universal implication is that the greater the set-aside requirement and lower target AMI, the greater the financial strain on a development project.

WOOD FRAME CONSTRUCTION

Multifamily rental development in areas E, F, G, and H are financially feasible under the proposed IZ policy guidelines (10% unit set aside at 60% of AMI) for projects that can be built using wood-frame construction (less than 5 floors total). While the IZ policy reduces the IRR, the project remains above the 12% minimum threshold.

Areas G and H perform better given their higher rent rates than Areas E and F. To this point, these areas could support up to a 15% set aside at 60% AMI and remain financially feasible.

The proposed bonus density strategy also works if the development can remain below 5 stories (e.g., in MX-3).

For Area I, multifamily development is not feasible due to the much lower rental rates captured in this area. The data indicate a development would require a lower price point for land (identified as \$40,000 per unit) to reach the target threshold.

IRR		Market Rate	Development	
IKK	10 Units	25 Units	50 Units	100 Units
Area E/F	14.7%	14.5%	14.7%	14.7%
Area G/H	18.8%	18.7%	18.8%	18.8%
Area I	11.0%	10.9%	11.0%	11.0%

IRR	Proposed IZ Policy (10% at 60% AMI)			
IKK	10 Units	25 Units	50 Units	100 Units
Area E/F	14.0%	12.4%	12.8%	12.5%
Area G/H	18.3%	16.2%	16.7%	16.3%
Area I	10.8%	9.1%	9.4%	9.0%

IRR	Bonus Density (10% at 50% AMI with 2 Floors)			
	10 Units	25 Units	50 Units	100 Units
Area E/F	12.5%	11.8%	12.3%	12.1%
Area G/H	16.4%	15.7%	16.3%	16.0%
Area I	9.4%	8.4%	8.9%	8.7%

PODIUM CONSTRUCTION

Transitioning from wood frame construction (\$230 PSF) to podium construction (\$300 PSF) without any appreciable increase in revenue creates substantial financial hardship for new multifamily development in Charlottesville.

This also holds true for projects that want to use the bonus density feature that will require them to switch from wood frame construction (5 stories) to podium construction (7 stories). Effectively, the cost of construction increase will render the taller development infeasible.

The analysis for steel-frame construction (\$400 PSF) has similar, albeit worse, results for development feasibility.

Anecdotally, the cost of construction for buildings over 5 stories has reached a point where even student-targeted rental housing—which generates substantially higher PSF rent levels than more traditional rental developments—currently is not financially feasible without some mitigating cost offset (e.g., lower land prices).

IRR	Market Rate Development			
	10 Units	25 Units	50 Units	100 Units
Area E/F	5.3%	5.1%	5.3%	5.3%
Area G/H	9.9%	9.7%	9.9%	9.9%
Area I	0.8%	0.6%	0.8%	0.8%

IRR	Proposed IZ Policy (10% at 60% AMI)			
	10 Units	25 Units	50 Units	100 Units
Area E/F	4.6%	2.7%	3.0%	2.6%
Area G/H	9.1%	7.2%	7.5%	7.1%
Area I	0.4%	-1.6%	-1.4%	-1.9%

IRR	Bonus Density (10% at 50% AMI with 2 Floors)			
	10 Units	25 Units	50 Units	100 Units
Area E/F	3.0%	1.8%	2.5%	2.2%
Area G/H	7.6%	6.5%	7.1%	6.9%
Area I	-1.1%	-2.8%	-2.0%	-2.3%

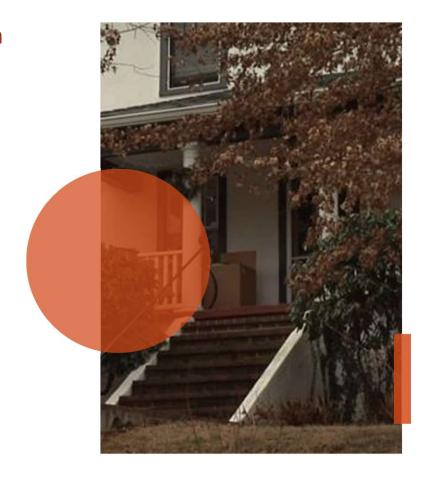
IMPLICATIONS

The proposed Inclusionary Zoning policy is appropriate in the City's traditional rental development areas.

The modeling indicates that requiring 10% of units at 60% of AMI is financially feasible in the areas surrounding Downtown, UVA, and along Route 29 (Area E). While the policy does have a slight negative financial impact on projects, the analysis indicates wood frame projects within Areas E, F, G, and H remain financially feasible.

The Downtown area could support greater affordability requirements.

Due to the higher rent thresholds achieved in Areas G and H, the analysis indicates these areas could support a set aside rate of 15% and maintain financial feasibility (based on current conditions). Effectively, the higher rent capture can support a larger affordability requirement (either higher set aside or a lower AMI at 10% set aside). This would require the City to establish a tiered IZ policy based on location within Charlottesville.



IMPLICATIONS

Concrete and steel construction is not supportable.

As noted, the cost differential for concrete and steel construction is prohibitively high in Charlottesville based on the likely revenue capture. In effect, the cost of buildings has exceeded the rent capacity for most projects. While RKG recognizes that specialty projects (e.g., senior care) that command much higher rent levels than a 'traditional' rental project could succeed, the average multifamily project is infeasible under current market conditions without some cost or revenue intervention.





RATE OF CHANGE ANALYSIS

The City is considering revamping its single-family (SF) zoning designations to allow for small, multi-unit structures. The proposed policy realigns the code into the zones R-A, R-B, and R-C. The introduction section details the maximum unit allowances in these areas if the parcel can accommodate the other policy requirements (e.g., property setbacks).

As part of this assessment, the City leadership requested that an updated analysis be done to determine the potential rate of change—or likelihood that an owner/investor will want to convert a single-family dwelling parcel into a multi-unit dwelling parcel—within these differing zones.

The rate of change analysis was performed in two phases

The first effort was to determine the value of a parcel to an investor/owner interested in executing on the multi-unit option. This effort uses the financial feasibility model to determine feasibility through isolating the land value. In short, the financial feasibility model provides a likely value that the typical parcel within R-A, R-B, and R-C would attract from a multi-unit investor.

The second effort is identifying how many parcels within R-A, R-B, and R-C that are valued below these new value thresholds and therefore would potentially be sold for infill (maintaining the existing unit) or redevelopment (demolishing the existing unit).

Like the IZ analysis, the rate of change analysis separated Charlottesville into four submarkets due to the value differential of the typical SF house.

DEMOLITION SCENARIO

The first scenario follows the base zoning where the existing structure is demolished and replaced with the maximum number of units (R-A is 3, R-B is 6, R-C is 8).

For Area A, the land value is strongest for an ownership development, consistent with the valuation and rent threshold data presented earlier in the document. Effectively, Area A has a much stronger ownership market than it does a rental market.

For Area B, valuation is higher as a rental development than if it was sold for an ownership development.

For Areas C and D, rental income thresholds are much higher than ownership unit values, making a redevelopment that includes rental units as more valuable to a potential investor.

These projected values are then compared against existing property values within each subarea within each of the proposed zoning district boundaries.

LAND VALUE	Rental Replacement Units				
LAND VALUE	R-A	R-B	R-C		
Area A	\$271,826	\$525,322	\$702,228		
Area B	\$338,341	\$658,351	\$885,434		
Area C/D	\$446,298	\$874,266	\$1,160,294		

LAND VALUE	Condominium Replacement Units				
LAND VALUE	R-A	R-B	R-C		
Area A	\$848,698	\$1,276,735	\$1,702,313		
Area B	\$170,013	\$362,995	\$483,993		
Area C/D	\$56,300	\$121,744	\$162,324		

INFILL SCENARIO

The second scenario follows the base zoning where the existing structure is retained, and additional units are built in an adjacent/adjoining structure. The maximum number of units for these scenarios are one higher for R-A and R-B. R-C is not proposed to offer an additional unit for retaining the existing structure.

Land values increase in zoning districts R-A and R-B accordingly due to having an additional revenue unit and eliminating the demolition costs (however, rehabilitation costs are considered).

This scenario would create greater value for an investor/developer.

LAND VALUE	Rental Replacement Units				
LAND VALUE	R-A	R-B	R-C		
Area A	\$506,069	\$702,228	\$702,228		
Area B	\$588,921	\$885,434	\$885,434		
Area C/D	\$745,891	\$1,160,294	\$1,160,294		

	LAND VALUE	Condominium Replacement Units				
	LAND VALUE	R-A	R-B	R-C		
	Area A	\$851,157	\$1,702,313	\$1,702,313		
ı	Area B	\$241,997	\$483,993	\$483,993		
ı	Area C/D	\$81,183	\$162,325	\$162,325		

AFFORDABLE BONUS SCENARIO

The current zoning allows for an affordable housing bonus density that increases the maximum number of units of 100% of the units are income-controlled at 60% of AMI. The analysis shows that requiring 100% affordability at 60% of AMI renders all land valueless and would even require additional subsidy above getting the land for free.

RKG ran the analysis assuming only 50% of the units would have to be income controlled. It produced the following land values for a rental project (Areas E and F). Area G and H are slightly higher, while Area I is lower. Ownership projects still would create a negative land value

- R-A = \$256,152
- R-B = \$259,681
- R-C = \$512,304

LAND VALUE	Rental Replacement Units				
LAND VALUE	R-A	R-B	R-C		
Area A	(\$25,497)	(\$349,004)	(\$349,004)		
Area B	(\$25,497)	(\$349,004)	(\$349,004)		
Area C/D	(\$25,497)	(\$349,004)	(\$349,004)		

LAND VALUE	Condominium Replacement Units				
LAND VALUE	R-A	R-B	R-C		
Area A	(\$512,824)	(\$1,016,413)	(\$1,016,413)		
Area B	(\$512,824)	(\$1,016,413)	(\$1,016,413)		
Area C/D	(\$512,824)	(\$1,016,413)	(\$1,016,413)		

UNIT VALUATION

The second step is to identify those parcels with a current value below the likely market valuation for each property based on the new zoning allowances in R-A, R-B, and R-C.

Based on the proposed boundaries for R-A, R-B, and R-C, there are 11,763 parcels located within these proposed designations.

	R-A	R-B	R-C	Total
Area A	3,236	774	129	4,139
Area B	3,697	842	544	5,083
Area C/D	2,082	210	249	2,541
Total	9,015	1,826	922	11,763

RKG Associates then parsed these parcels based on their current market value in comparison to the maximum value created by the rezoning for each subarea and each zoning group. The allocation was as followed

- Those valued at or above the created value
- Those 0% to 25% less than the created value
- Those 25% to 50% less than the created value
- Those more than 50% less than the created value

UNIT VALUATION

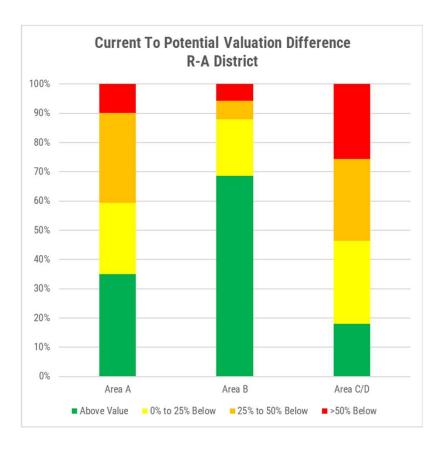
Parcels within Areas C and D (the sensitive neighborhoods within Charlottesville) have a much lower existing value compared to the potential value, on average. This means these parcels are more likely to be purchased for infill/redevelopment into market rate rental/ownership housing than Area A and Area B.

Based on the data analyzed for this effort, Areas C and D are 1.5x as likely to change than Area A and more than 4-times more likely to change than Area B. Based on consumption patterns, the rate of change in zoning district R-A for each Area is:

Area A - 2.22% annually

Area B - 0.79% annually

Areas C/D - 3.36% annually



IMPLICATIONS

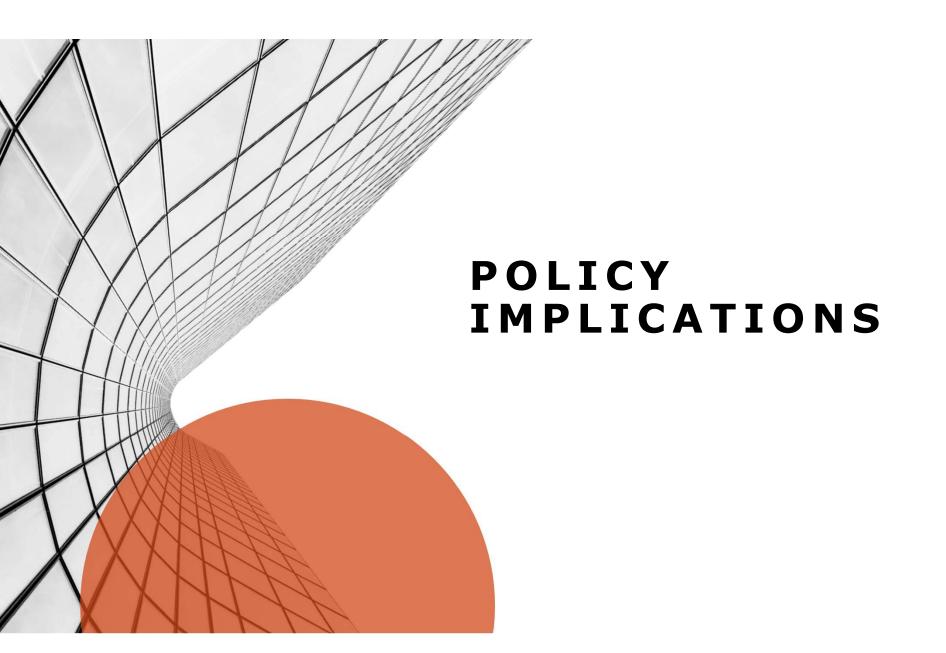
The new zoning classifications will have an impact on the current development patterns.

The data indicate that the new zoning groups will create value for several parcels within Charlottesville above their current value as single-family homes. The value creation varies substantially, with R-A having the least impact on value and R-C having the greatest. This is consistent with the development allowances, as R-C allows eight units by right compared to three units for R-A.

Rate of change analysis does not consider physical capacity of parcels.

It is important to note that the rate of change analysis currently assumes that no subdivision of the lot will occur. Based on the proposed zoning, a lot with an existing structure is considered to be developable. However, it is likely that some lots are not large enough to accommodate a 'full-sized' unit, or unit that meets the average size of recent construction. While micro units are popular, and continue to increase in popularity, having to develop smaller-than-average units would impact revenue, and therefore price. To this point, the existing analysis should be considered aggressive, with actual rates of change likely being lower.





Partial Unit Rule – How to address partial unit calculations

The current zoning policy requires that any partial unit calculation be rounded up to the next unit. Under this formula a 10-unit development would be required to provide 1 income-controlled unit, but an 11-unit development would be required to provide 2 income-controlled units. This will create a financial disincentive for developers to build projects that require 'additional' income-controlled units above the ratio of 1 unit out of every 10 built.

To this point, RKG Associates recommends the City consider changing the policy recommendation from 'round up' to calculating the partial unit as a payment into the City's Housing Trust Fund. In these cases, the partial unit (0.1 units in the 11-unit example above) would be calculated as 10%, requiring a 10% payment of the calculated value provided to the developer by allowing that unit to be market rate instead of affordable.

In this instance, RKG Associates recommends using a value gap analysis approach to determine the partial unit value (described later in this section). This fairly reduces the financial burden of the 'round up' approach by collecting the pro rata share of a unit that the development would be required under the 10% set aside rule.

Payment In Lieu – How to address developers who want to opt out of delivering units on-site

There may be instances where developers will request to provide a cash payment instead of delivering the income-controlled units within their development. Reasons for this vary, but ultimately work against delivering new income-controlled units given the City's lack of remaining undeveloped land.

In these instances, RKG Associates recommends the City use a total construction cost approach (described later in this section) to determine what the financial contribution to the City's Housing Trust Fund must be for each income-controlled unit not delivered on-site.

The total construction cost approach provide the City with sufficient funds for land acquisition and development of a new unit, which will be required to deliver an income-controlled unit elsewhere within Charlottesville.

Value Gap Calculation Approach

The value gap is the difference between the value of a market rate unit and that of an affordable unit. The value of a rental unit is determined by the net operating income and the capitalization rate; for an ownership unit it is determined by the sales value of the unit. In the case of affordable units, the amount of rent or sale price is limited to the target income threshold of the inclusionary zoning policy. This results in lower revenue for a developer. This loss of revenue translates into a loss of value (hence, the value gap) and negatively impacts the overall financials of a developer because the cost of construction and land to build either an affordable or market rate unit are essentially the same. As part of the modeling process, an option was created to utilize the difference in value due to the loss of revenue in determining the fee amount to charge for fractional units. A table showing current gap calculations is included at the end of this narrative.

RENTAL

 $NOI_{MR} - NOI_{IC}$

CAP RATE

MR – Market Rate IC – Income-Controlled

OWNER

PRICE_{MR} - PRICE_{IC}

Construction Cost Approach

The construction cost approach focuses on the costs to build a housing unit. This includes land acquisition, land development and soft costs (e.g., design and engineering), approval process, and the hard construction costs for development. A table showing construction cost calculations is included at the end of this narrative.

Housing Voucher Considerations – Blending the IZ with voucher units

Communities (e.g., Boston, MA) have been incorporating housing choice voucher requirements into their inclusionary zoning policies. Creating a dedicated set aside for housing vouchers benefits both the community (creates more diverse, lower-cost housing) and the development community (voucher payments often match or exceed target AMI rent thresholds). The following table compares Charlottesville's FMR thresholds for vouchers with the 60% of AMI calculations.

	50% AMI	Voucher	60% AMI
Studio	\$1,055	\$1,223	\$1,271
1 Bedroom	\$1,123	\$1,231	\$1,354
2 Bedroom	\$1,269	\$1,471	\$1,531
3 Bedroom	\$1,413	\$1,829	\$1,706

As seen, using vouchers exceeds 50% AMI threshold revenues and is consistent with 60% AMI thresholds. This means including vouchers could serve much lower income households while having no, or even positive (using bonus density), financial feasibility impacts.

Financial Incentives – Maximizing the City' leverage with the new zoning requirements.

The use of financial incentives already exist in Virginia and the City of Charlottesville. Both the city and state provide financial support for certain housing projects (e.g., LIHTC projects), and are making direct and indirect contributions (e.g., reduced cost of publiclyowned land) to increase the production of price-diverse housing.

However, the City's financial tools have been exclusively used to augment other state and federal grant funds. With the new IZ requirements, the City can choose to invest in into private-sector projects. Most notably, the feasibility analysis reveals that achieving lower income thresholds (than 60% AMI) are more financially obtainable than higher set asides. Using City resources to 'buy down' the 60% AMI IZ units to something lower may more cost beneficial than investing in new construction LIHTC projects. The City can use existing programs, or even consider tax abatements, to increase the reach of the IZ without greater risk of market disruption.

Approval Processes – The cost of gaining approvals from the City

Based on feedback from local real estate professionals, the development approval and permitting process in the City can be long and expensive depending on where a project is located, the size and complexity of the project, and if there is any neighborhood opposition to the project. It was noted that soft costs for construction can constitute as much as 20% of hard costs (between \$46 to \$80 PSF) for a project. This is a sizable percentage of total construction costs on a per square foot basis and is one of the few cost metrics the City can influence.

Finding ways to reduce those costs through these zoning changes, streamlining approval processes, and more proactive neighborhood planning that sets expectations for residents about future development can have a substantial impact on development costs, and therefore financial feasibility.

Maintaining the IZ Policy – Impacts of time on the feasibility findings

The results of this analysis vary (in some cases greatly) from the analysis performed in 2021. Development costs, operational expectations, interest rates, market pricing all change frequently. For example, the Median Income for a family of 4 in the Charlottesville region increased approximately 25% since 2021, going from \$93,700 in 2021 to \$123,300 in 2023. In this instance, a household (of 4 persons) earning 60% of AMI could afford a monthly rent (and utilities) payment of \$1,405.50 in 2021. In 2023, the monthly rent payment would be \$1,849.50.

This change in income thresholds impacts maximum rent levels for income-controlled units, which impacts financial feasibility and other calculations like value gap.

To this point, the City needs to update its IZ policy requirements and guidelines no more than every two (2) years to ensure the policy [1] does not create financial infeasibility over time, [2] promote outcomes undesirable to the city (e.g., making payments in lieu financially beneficial over delivering units on-site), and [3] ensures the goals and objectives of the policy still reflect the City's priorities and shifting opportunities.

RENTAL HOUSING VALUE GAP CALCULATIONS COMPARED TO MARKET RATE RENTS

Ctudio	30% Affordable NOI	40% Affordable NOI	50% Affordable NOI	60% Affordable NOI	70% Affordable NOI	80% Affordable NOI	90% Affordable NOI	100% Affordable NOI	110% Affordable NOI	120% Affordable NOI
Studio	(\$133,871)	(\$103,931)	(\$73,991)	(\$44,051)	(\$14,111)	\$15,828	\$45,768	\$75,708	\$105,648	\$135,588
1BR	(\$204,696)	(\$174,756)	(\$144,816)	(\$114,876)	(\$84,936)	(\$54,996)	(\$25,056)	\$4,884	\$34,824	\$64,763
2BR	(\$266,720)	(\$236,780)	(\$206,840)	(\$176,900)	(\$146,960)	(\$117,020)	(\$87,081)	(\$57,141)	(\$27,201)	\$2,739
3BR	(\$340,033)	(\$310,093)	(\$280,153)	(\$250,213)	(\$220,273)	(\$190,333)	(\$160,393)	(\$130,454)	(\$100,514)	(\$70,574)
Average	(\$236,330)	(\$206,390)	(\$176,450)	(\$146,510)	(\$116,570)	(\$86,630)	(\$56,690)	(\$26,751)	\$3,189	\$33,129
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REAS G/H	30% Affordable NOI	40% Affordable NOI	50% Affordable NOI	60% Affordable NOI	70% Affordable NOI	80% Affordable NOI	90% Affordable NOI	100% Affordable NOI	110% Affordable NOI	120% Affordable NOI
044! -								\$55,675	\$85,615	
Studio	(\$153,904)	(\$123,964)	(\$94,024)	(\$64,084)	(\$34,144)	(\$4,204)	\$25,736	···		\$115,555 \$43,409
1BR	(\$226,050)	(\$196,110)	(\$166,170)	(\$136,230)	(\$106,290)	(\$76,350)	(\$46,410)	(\$16,471)	\$13,469	
2BR	(\$319,227)	(\$289,287)	(\$259,347)	(\$229,407)	(\$199,467)	(\$169,527)	(\$139,587)	(\$109,648)	(\$79,708)	(\$49,768)
3BR	(\$397,952)	(\$368,012)	(\$338,072)	(\$308,132)	(\$278,193)	(\$248,253)	(\$218,313)	(\$188,373)	(\$158,433)	(\$128,493)
Average	(\$274,283)	(\$244,343)	(\$214,403)	(\$184,463)	(\$154,524)	(\$124,584)	(\$94,644)	(\$64,704)	(\$34,764)	(\$4,824)
AREA I										
	30% Affordable NOI	40% Affordable NOI	50% Affordable NOI	60% Affordable NOI	70% Affordable NOI	80% Affordable NOI	90% Affordable NOI	100% Affordable NOI	110% Affordable NOI	120% Affordable NOI
Studio	(\$105,825)	(\$75,885)	(\$45,945)	(\$16,005)	\$13,934	\$43,874	\$73,814	\$103,754	\$133,694	\$163,634
1BR	(\$161,130)	(\$131,190)	(\$101,250)	(\$71,310)	(\$41,370)	(\$11,430)	\$18,510	\$48,450	\$78,390	\$108,329
2BR	(\$241,626)	(\$211,686)	(\$181,746)	(\$151,806)	(\$121,867)	(\$91,927)	(\$61,987)	(\$32,047)	(\$2,107)	\$27,833
3BR	(\$315,103)	(\$285,163)	(\$255,223)	(\$225,283)	(\$195,344)	(\$165,404)	(\$135,464)	(\$105,524)	(\$75,584)	(\$45,644)
Average	(\$205,921)	(\$175,981)	(\$146,041)	(\$116,101)	(\$86,161)	(\$56,222)	(\$26,282)	\$3,658	\$33,598	\$63,538
	HIP CONDOMINIU	IM HOUSING VALU	E GAP CALCULATIO	ONS COMPARED TO	O MARKET RATE V	ALUES				
							90% Affordable NOI	100% Affordable NOI	110% Affordable NOI	120% Affordable NOI
AREA A	30% Affordable NOI	40% Affordable NOI	50% Affordable NOI	60% Affordable NOI	70% Affordable NOI	80% Affordable NOI	90% Affordable NOI (\$324 957)	100% Affordable NOI (\$288.968)	110% Affordable NOI (\$252.978)	
AREA A	30% Affordable NOI (\$540,894)	40% Affordable NOI (\$504,905)	50% Affordable NOI (\$468,915)	60% Affordable NOI (\$432,926)	70% Affordable NOI (\$396,936)	80% Affordable NOI (\$360,947)	(\$324,957)	(\$288,968)	(\$252,978)	(\$216,989)
AREA A Studio 1BR	30% Affordable NOI (\$540,894) (\$705,425)	40% Affordable NOI (\$504,905) (\$666,865)	50% Affordable NOI (\$468,915) (\$628,305)	60% Affordable NOI (\$432,926) (\$589,745)	70% Affordable NOI (\$396,936) (\$551,184)	80% Affordable NOI (\$360,947) (\$512,624)	(\$324,957) (\$474,064)	(\$288,968) (\$435,504)	(\$252,978) (\$396,944)	(\$216,989) (\$358,383)
Studio 1BR 2BR	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604)	(\$324,957) (\$474,064) (\$433,902)	(\$288,968) (\$435,504) (\$390,201)	(\$252,978) (\$396,944) (\$346,499)	(\$216,989) (\$358,383) (\$302,798)
Studio 1BR 2BR 3BR	30% Affordable NOI (\$540,894) (\$705,425)	40% Affordable NOI (\$504,905) (\$666,865)	50% Affordable NOI (\$468,915) (\$628,305)	60% Affordable NOI (\$432,926) (\$589,745)	70% Affordable NOI (\$396,936) (\$551,184)	80% Affordable NOI (\$360,947) (\$512,624)	(\$324,957) (\$474,064)	(\$288,968) (\$435,504)	(\$252,978) (\$396,944)	(\$216,989) (\$358,383)
Studio 1BR 2BR 3BR Average	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112) (\$819,511)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410) (\$770,668)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709) (\$721,825)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007) (\$672,982)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306) (\$624,139)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604) (\$575,296)	(\$324,957) (\$474,064) (\$433,902) (\$526,453)	(\$288,968) (\$435,504) (\$390,201) (\$477,611)	(\$252,978) (\$396,944) (\$346,499) (\$428,768)	(\$216,989) (\$358,383) (\$302,798) (\$379,925)
Studio 1BR 2BR 3BR Average	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112) (\$819,511)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410) (\$770,668)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709) (\$721,825)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007) (\$672,982)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306) (\$624,139)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604) (\$575,296)	(\$324,957) (\$474,064) (\$433,902) (\$526,453)	(\$288,968) (\$435,504) (\$390,201) (\$477,611)	(\$252,978) (\$396,944) (\$346,499) (\$428,768)	(\$216,989) (\$358,383) (\$302,798) (\$379,925) (\$314,524)
Studio 1BR 2BR 3BR Average	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112) (\$819,511) (\$690,486)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410) (\$770,668) (\$648,712)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709) (\$721,825) (\$606,938)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007) (\$672,982) (\$565,165)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306) (\$624,139) (\$523,391)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604) (\$575,296) (\$481,618)	(\$324,957) (\$474,064) (\$433,902) (\$526,453) (\$439,844)	(\$288,968) (\$435,504) (\$390,201) (\$477,611) (\$398,071)	(\$252,978) (\$396,944) (\$346,499) (\$428,768) (\$356,297)	(\$216,989) (\$358,383) (\$302,798) (\$379,925) (\$314,524)
Studio 1BR 2BR 3BR Average	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112) (\$819,511) (\$690,486)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410) (\$770,668) (\$648,712)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709) (\$721,825) (\$606,938)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007) (\$672,982) (\$565,165)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306) (\$624,139) (\$523,391)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604) (\$575,296) (\$481,618)	(\$324,957) (\$474,064) (\$433,902) (\$526,453) (\$439,844)	(\$288,968) (\$435,504) (\$390,201) (\$477,611) (\$398,071)	(\$252,978) (\$396,944) (\$346,499) (\$428,768) (\$356,297)	(\$216,989) (\$358,383) (\$302,798) (\$379,925) (\$314,524)
Studio 1BR 2BR 3BR Average AREA B Studio	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112) (\$819,511) (\$690,486) 30% Affordable NOI (\$346,235) (\$391,164)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410) (\$770,668) (\$648,712) 40% Affordable NOI (\$310,246) (\$352,604)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709) (\$721,825) (\$606,938) 50% Affordable NOI (\$274,256) (\$314,044)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007) (\$672,982) (\$565,165) 60% Affordable NOI (\$238,267) (\$275,483)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306) (\$624,139) (\$523,391) 70% Affordable NOI (\$202,278) (\$236,923)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604) (\$575,296) (\$481,618) 80% Affordable NOI (\$166,288) (\$198,363)	(\$324,957) (\$474,064) (\$433,902) (\$526,453) (\$439,844) 90% Affordable NOI (\$130,299) (\$159,803)	(\$288,968) (\$435,504) (\$390,201) (\$477,611) (\$398,071) 100% Affordable NOI (\$94,309) (\$121,243)	(\$252,978) (\$396,944) (\$346,499) (\$428,768) (\$356,297) 110% Affordable NOI (\$58,320) (\$82,682)	(\$216,989) (\$358,383) (\$302,798) (\$379,925) (\$314,524) 120% Affordable NOI (\$22,330) (\$44,122)
Studio 1BR 2BR 3BR Average AREA B Studio 1BR	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112) (\$819,511) (\$690,486) 30% Affordable NOI (\$346,235)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410) (\$770,668) (\$648,712) 40% Affordable NOI (\$310,246)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709) (\$721,825) (\$606,938) 50% Affordable NOI (\$274,256)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007) (\$672,982) (\$565,165) 60% Affordable NOI (\$238,267)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306) (\$624,139) (\$523,391) 70% Affordable NOI (\$202,278)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604) (\$575,296) (\$481,618) 80% Affordable NOI (\$166,288)	(\$324,957) (\$474,064) (\$433,902) (\$526,453) (\$439,844) 90% Affordable NOI (\$130,299)	(\$288,968) (\$435,504) (\$390,201) (\$477,611) (\$398,071) 100% Affordable NOI (\$94,309)	(\$252,978) (\$396,944) (\$346,499) (\$428,768) (\$356,297) 110% Affordable NOI (\$58,320)	(\$216,989) (\$358,383) (\$302,798) (\$379,925) (\$314,524) 120% Affordable NOI (\$22,330)
Studio 1BR 2BR 3BR Average AREA B Studio 1BR 2BR 3BR 3BR	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112) (\$819,511) (\$690,486) 30% Affordable NOI (\$346,235) (\$391,164) (\$419,869)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410) (\$770,668) (\$648,712) 40% Affordable NOI (\$310,246) (\$352,604) (\$376,167)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709) (\$721,825) (\$606,938) 50% Affordable NOI (\$274,256) (\$314,044) (\$332,466)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007) (\$672,982) (\$565,165) 60% Affordable NOI (\$238,267) (\$275,483) (\$288,764)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306) (\$624,139) (\$523,391) 70% Affordable NOI (\$202,278) (\$236,923) (\$245,063)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604) (\$575,296) (\$481,618) 80% Affordable NOI (\$166,288) (\$198,363) (\$201,361)	(\$324,957) (\$474,064) (\$433,902) (\$526,453) (\$439,844) 90% Affordable NOI (\$130,299) (\$159,803) (\$157,659)	(\$288,968) (\$435,504) (\$390,201) (\$477,611) (\$398,071) 100% Affordable NOI (\$94,309) (\$121,243) (\$113,958)	(\$252,978) (\$396,944) (\$346,499) (\$428,768) (\$356,297) 110% Affordable NOI (\$58,320) (\$82,682) (\$70,256)	(\$216,989) (\$358,383) (\$302,798) (\$379,925) (\$314,524) 120% Affordable NOI (\$22,330) (\$44,122) (\$26,555)
Studio 1BR 2BR 3BR Average AREA B Studio 1BR 2BR 3BR Average AREA B AVERAGE 3BR AVERAGE 3BR AVERAGE	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112) (\$819,511) (\$690,486) 30% Affordable NOI (\$346,235) (\$391,164) (\$419,869) (\$450,897)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410) (\$770,668) (\$648,712) 40% Affordable NOI (\$310,246) (\$352,604) (\$376,167) (\$402,054)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709) (\$721,825) (\$606,938) 50% Affordable NOI (\$274,256) (\$314,044) (\$332,466) (\$353,211)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007) (\$672,982) (\$565,165) 60% Affordable NOI (\$238,267) (\$275,483) (\$288,764) (\$304,368)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306) (\$624,139) (\$523,391) 70% Affordable NOI (\$202,278) (\$236,923) (\$245,063) (\$255,525)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604) (\$575,296) (\$481,618) 80% Affordable NOI (\$166,288) (\$198,363) (\$201,361) (\$206,682)	(\$324,957) (\$474,064) (\$433,902) (\$526,453) (\$439,844) 90% Affordable NOI (\$130,299) (\$159,803) (\$157,659) (\$157,839)	(\$288,968) (\$435,504) (\$390,201) (\$477,611) (\$398,071) 100% Affordable NOI (\$94,309) (\$121,243) (\$113,958) (\$108,996)	(\$252,978) (\$396,944) (\$346,499) (\$428,768) (\$356,297) 110% Affordable NOI (\$58,320) (\$82,682) (\$70,256) (\$60,153)	(\$216,989) (\$358,383) (\$302,798) (\$379,925) (\$314,524) 120% Affordable NOI (\$22,330) (\$44,122) (\$26,555) (\$11,310)
Studio 1BR 2BR 3BR Average AREA B Studio 1BR 2BR 3BR Average 4AREA B	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112) (\$819,511) (\$690,486) 30% Affordable NOI (\$346,235) (\$391,164) (\$419,869) (\$450,897)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410) (\$770,668) (\$648,712) 40% Affordable NOI (\$310,246) (\$352,604) (\$376,167) (\$402,054)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709) (\$721,825) (\$606,938) 50% Affordable NOI (\$274,256) (\$314,044) (\$332,466) (\$353,211)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007) (\$672,982) (\$565,165) 60% Affordable NOI (\$238,267) (\$275,483) (\$288,764) (\$304,368)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306) (\$624,139) (\$523,391) 70% Affordable NOI (\$202,278) (\$236,923) (\$245,063) (\$255,525)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604) (\$575,296) (\$481,618) 80% Affordable NOI (\$166,288) (\$198,363) (\$201,361) (\$206,682)	(\$324,957) (\$474,064) (\$433,902) (\$526,453) (\$439,844) 90% Affordable NOI (\$130,299) (\$159,803) (\$157,659) (\$157,839)	(\$288,968) (\$435,504) (\$390,201) (\$477,611) (\$398,071) 100% Affordable NOI (\$94,309) (\$121,243) (\$113,958) (\$108,996)	(\$252,978) (\$396,944) (\$346,499) (\$428,768) (\$356,297) 110% Affordable NOI (\$58,320) (\$82,682) (\$70,256) (\$60,153)	(\$216,989) (\$358,383) (\$302,798) (\$379,925) (\$314,524) 120% Affordable NOI (\$22,330) (\$44,122) (\$26,555) (\$11,310) (\$26,079)
Studio 1BR 2BR 3BR Average AREA B Studio 1BR 2BR 3BR Average 4AREA B	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112) (\$819,511) (\$690,486) 30% Affordable NOI (\$346,235) (\$391,164) (\$419,869) (\$450,897) (\$402,041)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410) (\$770,668) (\$648,712) 40% Affordable NOI (\$310,246) (\$352,604) (\$376,167) (\$402,054) (\$360,268)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709) (\$721,825) (\$606,938) 50% Affordable NOI (\$274,256) (\$314,044) (\$332,466) (\$353,211) (\$318,494)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007) (\$672,982) (\$565,165) 60% Affordable NOI (\$238,267) (\$275,483) (\$288,764) (\$304,368) (\$276,721)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306) (\$624,139) (\$523,391) 70% Affordable NOI (\$202,278) (\$236,923) (\$245,063) (\$255,525) (\$234,947)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604) (\$575,296) (\$481,618) 80% Affordable NOI (\$166,288) (\$198,363) (\$201,361) (\$206,682) (\$193,174)	(\$324,957) (\$474,064) (\$433,902) (\$526,453) (\$439,844) 90% Affordable NOI (\$130,299) (\$159,803) (\$157,659) (\$157,839) (\$151,400)	(\$288,968) (\$435,504) (\$390,201) (\$477,611) (\$398,071) 100% Affordable NOI (\$94,309) (\$121,243) (\$113,958) (\$108,996) (\$109,626)	(\$252,978) (\$396,944) (\$346,499) (\$428,768) (\$356,297) 110% Affordable NOI (\$58,320) (\$58,320) (\$58,682) (\$70,256) (\$60,153) (\$67,853)	(\$216,989) (\$358,383) (\$302,798) (\$379,925) (\$314,524) 120% Affordable NOI (\$22,330) (\$44,122) (\$26,555) (\$11,310) (\$26,079)
Studio 1BR 2BR 3BR Average AREA B Studio 1BR 2BR 3BR Average AREA B Studio 1BR 2BR 3BR Average AREA SC/D	30% Affordable NOI (\$540,894) (\$705,425) (\$696,112) (\$819,511) (\$690,486) 30% Affordable NOI (\$346,235) (\$391,164) (\$419,869) (\$450,897) (\$402,041)	40% Affordable NOI (\$504,905) (\$666,865) (\$652,410) (\$770,668) (\$648,712) 40% Affordable NOI (\$310,246) (\$352,604) (\$376,167) (\$402,054) (\$360,268)	50% Affordable NOI (\$468,915) (\$628,305) (\$608,709) (\$721,825) (\$606,938) 50% Affordable NOI (\$274,256) (\$314,044) (\$332,466) (\$353,211) (\$318,494)	60% Affordable NOI (\$432,926) (\$589,745) (\$565,007) (\$672,982) (\$565,165) 60% Affordable NOI (\$238,267) (\$275,483) (\$288,764) (\$304,368) (\$276,721)	70% Affordable NOI (\$396,936) (\$551,184) (\$521,306) (\$624,139) (\$523,391) 70% Affordable NOI (\$202,278) (\$236,923) (\$245,063) (\$255,525) (\$234,947)	80% Affordable NOI (\$360,947) (\$512,624) (\$477,604) (\$575,296) (\$481,618) 80% Affordable NOI (\$166,288) (\$198,363) (\$201,361) (\$206,682) (\$193,174)	(\$324,957) (\$474,064) (\$433,902) (\$526,453) (\$439,844) 90% Affordable NOI (\$130,299) (\$159,803) (\$157,659) (\$157,839) (\$151,400)	(\$288,968) (\$435,504) (\$390,201) (\$477,611) (\$398,071) 100% Affordable NOI (\$94,309) (\$121,243) (\$113,958) (\$108,996) (\$109,626)	(\$252,978) (\$396,944) (\$346,499) (\$428,768) (\$356,297) 110% Affordable NOI (\$58,320) (\$82,682) (\$70,256) (\$60,153) (\$67,853)	(\$216,989) (\$358,383) (\$302,798) (\$379,925) (\$314,524) 120% Affordable NOI (\$22,330) (\$44,122) (\$26,555) (\$11,310) (\$26,079)
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CONSTRUCTION COST CALCULATIONS

RENTAL CONSTRUCTION COSTS

	Average Square Footage	Construction Cost Per Foot	Total Cost Per Unit
Studio	525	\$350.76	\$184,152
1BR	715	\$350.76	\$250,797
2BR	1,050	\$350.76	\$368,303
3BR	1,560	\$350.76	\$547,339
Average	963	\$350.76	\$337,648

OWNERSHIP CONDOMINIUM CONSTRUCTION COSTS

	Average Square Footage	Construction Cost Per Foot	Total Cost Per Unit
Studio	975	\$332.83	\$324,510
1BR	1,088	\$332.83	\$362,120
2BR	1,243	\$332.83	\$413,709
3BR	1,452	\$332.83	\$483,138
Average	1,189	\$332.83	\$395,869





Charlottesville Zoning Impact Analysis July 2023

CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES September 18, 2023 at 4:00 PM Council Chamber

The Charlottesville City Council met on Monday, September 18, 2023. Mayor Lloyd Snook called the meeting to order, and Deputy Clerk of Council Maxicelia Robinson called the roll, noting all councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne, Brian Pinkston and Leah Puryear.

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

REPORTS

1. Report from Cultivate Charlottesville on City Food Equity Initiative

Jeanette Abi-Nader, Cultivate Charlottesville Co-Executive Director, gave an overview of the Food Equity Initiative (FEI) program along with a review of the program activities and accomplishments over the previous 12+ months. Cultivate Charlottesville is engaged in an active partnership with City Departments that have an individual focus in food equity. Ms. Abi-Nader shared the Food Equity profiles of each of the City Departments, noting that implementation, funding, and transportation to food access areas are an ongoing challenge for departments. She also reviewed the 2023 Food Equity Initiative Policy Platform which, in part, serves as a mechanism for tracking the organization's goals and progress. Ms. Abi-Nader introduced the FY24 Food Equity Initiative Goals as well. The organization's current partnership with City Council is scheduled to expire in June 2025.

Quentia Taylor, Program Director, and Aleen Carey, Co- Executive Director of Cultivate Charlottesville, presented background information about the Food Equity Initiative's, Power to Grow Campaign. The Power to Grow Campaign aligns with Plank #3 of the Food Equity Initiative Policy Platform by the advancement of affordable housing and urban agriculture. The presenters reported the history of land ownership in the City of Charlottesville and the disparate impact on African American residents within the community. The FEI led a community engagement campaign between 2019 and 2023 to help Charlottesville residents decide if they would like an Urban Agriculture Collective Farm Site at Booker T. Washington Park. Survey results indicate that 95% of residents of public and affordable housing support free and fresh produce and 94% of residents believe that an Urban Agriculture Collective farm at Washington Park will benefit their community. The Food Equity Initiative submitted the following Community Asks:

- 1) Charlottesville City Council recommends dedicating land in Booker T. Washington Park for an Urban Agriculture Collective farm.
- 2) Charlottesville City Council asks Parks and Recreation to prioritize a community design for this farm site in the upcoming Parks and Recreation Strategic Plan.
- 3) Charlottesville City Council recommends explicitly including food equity goals in the City's Strategic Plan in a way that aligns with the City's Comprehensive Plan Chapter 7 (Goal 4) and the Food Equity Initiative Policy Platform.

FEI next steps:

- 1) December 31, 2023 Compile and analyze community engagement data.
- 2) March 1, 2024 Work with Parks & Rec Strategic Planning Committee on site design for Washington Park with an UAC Farm included.
- 3) April 1, 2024 Launch History of Booker T. Washington Park Documentary.
- 4) June 30, 2024 Vote and approval of the Urban Agriculture Collective Farm at Washington Park by Council.
- 5) July 1, 2024 Launch Phase II Community Engagement for Park Design and by 2025 Launch Capital Campaign.

The proposed UAC Farm at Washington Park will model the same program as existing UAC Farm's in neighborhoods within the City of Charlottesville. The produce that is harvested from the Farm will be available at the weekly Community Market Days at no cost to residents.

Councilor Puryear suggested the possibility of expanding the project to include a Farmer's Market and nutrition classes at Washington Park. Riaan Anthony, Deputy Director of Parks, confirmed that the planning process for the Parks & Recreation Comprehensive Master Plan will take 12 to 14 months to complete. The planning process will start within the month of October, and Mr. Anthony anticipates that the comprehensive plan will be submitted to Council for adoption in January 2025. Ms. Abi-Nader added that the FEI previously made a recommendation to City Council to divert 2% of city meals tax to a City Food Equity Fund that will aid the City in developing its own infrastructure to address food equity as a governing body. Following a discussion about food equity as it relates to community wealth-building as part of the City's Comprehensive Plan, Cultivate Charlottesville will review the comprehensive plan for the purpose of recommending changes to the language that will make food equity an explicit goal for community wealth-building.

2. Charlottesville Redevelopment and Housing Authority Sustainability Plan

John Sales, Executive Director of the Charlottesville Redevelopment and Housing Authority (CRHA) introduced the item, after which Dr. Gina Merritt, Northern Real Estate Urban Ventures (NREUV), presented an update of the CRHA Sustainability Plan. NREUV performed a sustainability study on the CRHA to determine the ability of the agency to be a viable organization over the long term and to prove that the agency's plan for redevelopment helps to elevate and stabilize the agency's overall long-term financial position. The study included: a physical assessment of CRHA properties, market analysis, best practice research, development of a road map that outlines the goals for the study, development of conceptual designs for (2) CRHA sites, and a redevelopment strategy for the balance of the CRHA portfolio. Through this process NREUV developed the CRHA Sustainability Plan that focuses on redevelopment,

positioning assets, renovations, and increasing revenue. The results of the study conclude that a \$40M investment is required to extend the useful life of the CRHA portfolio. Dr. Merritt advised Council that the result of the study demonstrates that the CRHA should leverage public financing options to redevelop more substantial assets and utilize capital improvement program dollars to renovate smaller communities.

CRHA's Redevelopment Strategy:

- Redeveloping existing property
- Repositioning specific assets
- Performing capital improvements
- Adding environmental sustainability as a core tenet of the redevelopment activities
- Including resident participation as a key factor of the strategy
- Increasing density where possible
- Increasing the number of units at 30% of AMI & the number that qualify for housing subsidies

Redevelopment Strategy Forecast:

- The capital improvement program completed by the end of 2026
- Higher-density development completed by 2032 (e.g., Westhaven)
- Total units to be developed 896, an increase of 218% (Currently 376 units)
- Subsidized units increase by 12.5%
- This strategy yields \$23M in developer fees over the life of the redevelopment process, \$11M in sales proceeds, and \$21M in cash flows

Long term sustainability of the Charlottesville Redevelopment and Housing Authority:

- Depends on HUD Payments, Developer Fees, and ongoing cash flows
- Each property to be redeveloped would be self-sustaining and generate cash flows to support Agency expenses
- Existing properties to be redeveloped under Capital Improvement programs would be supported by programs for the long-term
- The few units remaining would rely on a small investment from HUD or could be repaired utilizing the significant reserves created by developer fees
- Developer fees should be invested in stable fixed-income assets to be drawn upon when required, reserves are vital to the long-term sustainability of the agency

John Sales, CRHA Executive Director, clarified that the ask of Council for the Westhaven Redevelopment Project is \$15M, 10% of the budget for the project, not \$17M as stated in a past

presentation. The overall budget is projected to render 354 new units; however, the total units may change as the result of the design of the project. Residents who reside in Westhaven will be temporarily relocated to 6th Street, new units at South 1st Street, and possibly Wertland Street during the construction phase.

Mr. Sales explained that CRHA is exploring additional opportunities to promote long term financial sustainability by creating a non-profit entity to qualify for grant funding and pursue opportunities in the tax bonds market. Housing Authorities can collect an annual fee for providing tax bonds. Mr. Sales projects that \$15M from the City will enable CRHA to leverage an additional subsidy of \$150M. The CRHA Phase II Plan will include a homeownership program for low-income families for CRHA property on 6th Street. The program will allow CRHA to issue (5) housing vouchers per year that may be utilized by the recipient to subsidize rent or mortgage costs for a 15-year period.

The \$15M payout from the city for the Westhaven Redevelopment Project is \$3M per year, beginning in 2026.

CRHA will submit the financial data for CRHA housing developments to Council at a later date.

CLOSED MEETING

On motion by Pinkston, seconded by Wade, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to meet in closed session pursuant to section 2.2-3712 of the Virginia Code, I hereby move that City Council convene a closed meeting, as authorized by Virginia Code Section 2.2-3711(A)(1) for the discussion and consideration of prospective candidates for appointment to the following boards, commissions and authorities: Charlottesville Albemarle Airport Commission, Charlottesville Economic Development Authority, Housing Advisory Committee, Jefferson Area Community Criminal Justice Board, Piedmont Family YMCA Board of Directors, and Sister Cities Commission.

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

BUSINESS SESSION

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

RECOGNITIONS/PROCLAMATIONS

• Proclamation: Energy Efficiency Day – October 4, 2023

Mayor Snook presented the proclamation to Emily Irvin, Climate Protection Program Manager.

BOARD/COMMISSION APPOINTMENTS

On motion by Pinkston, seconded by Wade, Council unanimously approved the appointment of Brian Johnson and Roy Van Doorn to the Airport Commission; Quinton Harrell to the Economic Development Authority; Shaneice Bradford to the YMCA Board; Casey Erickson and Murray Susen to the Sister Cities Commission; Dashad Cooper to the Community Criminal Justice Board.

CONSENT AGENDA*

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

- 3. Minutes: August 8 joint City Council-Planning Commission public hearing
- 4. Resolution: Resolution to appropriate Fiscal Year 2024 Fire Programs Aid to Localities Funding (Firefund) \$209,603 (2nd reading)

APPROPRIATION RESOLUTION Fiscal Year 2024 Fire Programs Aid to Locality Funding (Firefund) \$209,603.00

WHEREAS, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$209,603.00 be appropriated in the following manner:

Revenues - \$209,603

\$209,603 Fund: 209 I/O: 1900010 G/L Account: 430110

Expenditures - \$209,603

\$209,603 Fund: 209 I/O: 1900010 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$209,603.00 from the Virginia Department of Fire Programs.

5. Ordinance: Ordinance to rezone the properties located at 501-507 Cherry Avenue, 0 5th Street SW, and 0 6th Street SW (2nd reading)

AN ORDINANCE APPROVING A REQUEST TO REZONE LAND FRONTING ON CHERRY AVENUE, 5TH STREET SOUTHWEST, AND 6TH STREET SOUTHWEST FROM CHERRY AVENUE MIXED USE CORRIDOR (CH) AND RESIDENTIAL SMALL LOT (R-1S) TO B-3 (COMMERCIAL) WITH PROFFERS

6. Resolution: Resolution to approve a Special Use Permit for properties located at 501-507 Cherry Avenue, 0 5th Street SW, and 0 6th Street SW (1 reading)

RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 501, 507 CHERRY AVENUE, 0 5TH STREET SOUTHWEST, AND 0 6TH STREET SOUTHWEST (TAX MAP PARCELS 290179000, 290178200, 290177000, 290178100, and 290178000)

WHEREAS WP-501 Cherry LLC is the owner of certain land identified within the City of Charlottesville real estate records as Parcels No. 290179000, 290178200, 290177000, 290178100, and 290178000 (the "Subject Property"), which has frontage on Cherry Avenue, 5th ST SW, and 6th ST SW; and

WHEREAS the Subject Property is located within B-3 (Commercial) zoning district, a district in which, according to the Use Matrix set forth within City Code 34-480, use of Residential Density up to 87 Dwelling Units per Acre (DUA) may be authorized by City Council by means of a Special Use Permit; and

WHEREAS the Project is described in more detail within the application materials submitted in connection with SP23-00001, as required by City Code §34-158 (collectively, the "Application Materials"); and

WHEREAS the City Council and the Planning Commission conducted a joint public hearing on August 8, 2023, following public notice given in accordance with applicable law; and

WHEREAS the Planning Commission considered and recommended approval of this application at their August 8, 2023 meeting, subject to conditions recommended within the Staff Report, and modified as discussed in the meeting; now, therefore,

- **BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that a Special Use Permit is hereby granted, to allow the Project as a permissible use of the Subject Property subject to the following conditions:
- 1. Per Section 34-480: Permitted Residential density up to 87 Dwellings Units per Acre (DUA) on the Subject Property.
- 2. Per Section 34-162: Alter the 5th ST SW side yard setback requirements to zero (0) feet minimum and nine (9) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.
- 3. Per Section 34-162: Alter the 6th ST SW side yard setback requirements to zero (0) feet minimum and nine (9) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.

- 4. Per Section 34-162: Alter the Cherry Avenue side yard setback requirements to zero (0) feet minimum and twenty-five (25) feet maximum, and at minimum fifty (50) percent of the building façade width must be in the build-to zone.
- 5. Per Section 34-162: Alter the yard setback abutting any Low Density Residential zoned district to ten (10) feet minimum.
- 6. Per Section 34-157(b): Any yard abutting a Low Density Residential zoned district shall provide S-3 Screening as defined in Section 34-871.
- 7. Per Section 34-162: Off-Street Parking shall be required at the following ratios:
 - a. Multifamily Dwelling Units:
 - i. For efficiencies, 1-bedrrom units, and 2-bedroom units = one-half (1/2) parking space per unit.
 - ii. For 3-bedroom units and 4-bedroom units = one (1) parking space per unit.
 - b. General Retail and Sales:
 - i. Two point five (2.5) spaces per 1,000 square feet of gross floor area. Storage space may be deducted from the square footage requirement.
 - c. Grocery Stores and Pharmacies:
 - i. One (1) space per 500 square feet of gross floor area.

Any off-street parking not listed above may adhere to the parking requirements found in Section 34-984. Notwithstanding the off-street parking standards listed in conditions 7 and 8, the applicant will work with the City's Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City's Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents and commercial tenants are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....

- 8. Per Section 34-162: Up to forty (40) percent of the off-street parking spaces may be designated to the dimensions for compact cars as defined in Section 34-977.
- 9. Per Section 34-157(b): The exterior of any parking garage (structured parking, parking deck...) shall be screened such that automobiles and the interior of the garage are not visible from Cherry Avenue, 5th ST SW, 6th ST SW, or abutting Low Density Residential zoned districts.
- 10. Per Section 34-157(b): The applicant will provide a five (5) feet by fifteen (15) feet concrete pad that is ADA accessible behind the sidewalk near the intersection of Cherry Avenue and 6th ST SW for a future transit stop.

7. Resolution: Resolution authorizing revenue bond financing on behalf of St. Anne's Belfield School (1 reading)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA REGARDING THE APPROVAL OF ISSUANCE OF BONDS BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF CHARLOTTES VILLE, VIRGINIA FOR THE BENEFIT OF ST. ANNE'S-BELFIELD, INC.

WHEREAS, the Economic Development Authority of the City of Charlottesville, Virginia (the "Authority") is empowered by the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the "Act") to issue its revenue bonds for the purposes of, among other things, financing or refinancing the construction and equipping of facilities for private, accredited and nonprofit institutions of elementary, or secondary education that are exempt from taxation pursuant to Section 50I (c)(3) of the Internal Revenue Code of 1986, as amended (the "Code), thereby promoting the safety, health, welfare, convenience, and prosperity of the residents of the Commonwealth of Virginia (the "Commonwealth"); and

WHEREAS, the Authority has approved the application of St. Anne's-Belfield, Inc., a Virginia nonstock corporation (the "Organization"), whose primary business address is 2132 Ivy Road, Charlottesville, Virginia 22903, requesting that the Authority issue up to \$3,000,000 of its revenue bonds in one or more series at one time or from time to time (the "Bonds"); and

WHEREAS, the Organization owns and operates St. Anne's-Belfield School, which consists of, among other things, a lower school and an upper school. The upper school is located on a campus (the "Campus") in and around 2132 Ivy Road, Charlottesville, Virginia 22903; and

WHEREAS, the Authority will loan the proceeds of the Bonds to the Organization to finance and refinance all or a portion of the costs associated with the projects described below:

- (I) The acquisition, construction, developing and equipping of a portion of the renovation and expansion of Randolph Hall, which is located on the Campus; and
- (2) The financing, if and as needed, of capitalized interest on the Bonds, costs of issuance related to the issuance of the Bonds, working capital, other capital expenditures at the Campus and other related costs (collectively (I) and (2), the Plan of Finance"); and

WHEREAS, following notice given as required by Section 147(1) of the Code and Section 15.2-4906 of the Act, the Authority held a public hearing on August 17, 2023, regarding the Plan of Finance and issuance of the Bonds as required by Section 147(1) of the Code and Section 15.2-4906 of the Act; and

WHEREAS Section 147(1) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Act sets forth the procedure for such approval; and

WHEREAS the Authority issues its bonds on behalf of the City of Charlottsville, Virginia (the City"), and the facilities to be financed and refinanced with the proceeds of the Bonds are located in the City and the City Council of the City (the "City Council"), constitutes the highest elected governmental unit of the City; and

WHEREAS, in accordance with Section 15.2-4906 of the Act, the Authority has recommended that the City Council approve the Plan of Finance and the issuance of the Bonds, solely to the extent required by Section 147(t) of the Code and Section 15.2-4906 of the Act; and WHEREAS, a copy of the Authority s inducement resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, and a certificate of the public hearing have been filed with the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA AS FOLLOWS:

- l. Subject to paragraph (2) below, the City Council hereby approves the issuance of the Bonds, in an aggregate principal amount up to \$3,000,000, by the Authority for the benefit of the Organization, solely to the extent required by Section 147(t) of the Code and Section 15.2-4906 of the Act, to permit the Authority to assist in accomplishing the Plan of Finance.
- 2. The approval of the issuance of the Bonds by the City Council does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Organization, the economic viability of the facilities to be financed as part of the Plan of Finance, or any other matters relating to the Bonds, the facilities to be financed or refinanced with the proceeds of the Bonds, or the Plan of Finance. The Bonds shall not constitute a debt, liability or obligation of the City. In accordance with the Act, the Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit or taxing power of the Commonwealth or any political subdivision thereof, including the Authority and the City. The Bonds shall provide that neither the Commonwealth, nor any political subdivision thereof, including the City and the Authority, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and moneys pledged therefor by the Organization.
 - 3. This resolution shall take effect immediately upon its adoption.

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

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

CITY MANAGER REPORT

Ashley Marshall, Deputy City Manager, reported that the Department of Parks & Recreation is engaged in efforts to ensure the utilization of city recreational facilities and park facilities are repaired as needed. The Parks Department began accepting requests for pool lane rentals in June

and is actively working with community members and numerous community partners to rent pool lanes. Parks has secured signed agreements with Saint Annes-Belfield School, Fitter and Faster Swim Tour, and Albemarle County Schools.

DCM Marshall announced that the Herman-Key Jr. Recreation Center will be closed through the end of the year for roof replacement. Members of Key Recreation Center may use Carver Recreation Center at no extra cost while Key is closed for repairs,

The Parks Department is working on creating several benefits-eligible full and part-time positions within the department. Openings will be advertised soon.

Parks' Fall Recreation activities are underway. Staff will monitor class enrollment and may offer, another section of classes with high volume enrollment, if possible.

Steven Hicks, Deputy City Manager, reported that Neighborhood Development Services (NDS) has begun accepting online payments for building permit applications via a permit software. The final phase of implementation of the software is scheduled to begin in November.

DCM Hicks announced the hiring of a new City Planner.

The City of Charlottesville has agreed to support Albemarle County's application for the Reconnecting Community and Neighborhood grant to the Federal Department of Transportation. The study will cover areas North of the 250 Bypass along either side of Route 29, including the Meadows Neighborhood and Michie Drive.

The City of Charlottesville has been accepted as an affiliate member of the National Association of Transportation Officials.

City Manager Sam Sanders gave a recap of his participation in recent activities held by local and regional organizations. City Manager Sanders noted that the City of Charlottesville is not currently participating in the FLOCK, license plate reader, program. Charlottesville Police Chief, Michael Kochis, presented the program to City Council as a recommendation as part of the City's Gun Violence Task Force. At the request of Council, Chief Kochis is leading additional community engagement on the program for a follow up report to Council.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

- 1. C.L. Bohannon, Associate Dean for Justice, Equity, Diversity and Inclusion, UVA Professor of Landscape Architecture, and Cultivate Charlottesville Board Member, spoke about the advantages of community-led urban agriculture.
- 2. Donna Gasapo, asked Council to extend the public comment period to allow everyone who desires to speak an opportunity to do so. Ms. Gasapo ceded the remainder of her time to Deirdre Gilmore. Ms. Gilmore, city resident, spoke about her concerns regarding the

- treatment of the homeless population in the city and an incident that took place at Market Stret Park involving a police officer who kicked a homeless person to wake them.
- 3. Karen Waters, Co-Director of the Board of Directors of Cultivate Charlottesville, spoke in support of the Power to Grow campaign, an Urban Agricultural Collective Farm at Booker T. Washington Park, and including food equity goals in the City's Strategic Plan.
- 4. K.J. Howard, Food Justice Network (FJN) Associate, spoke about his experience as a youth participating in the FJN gardening program.
- 5. Maria Geyer, city resident, spoke in favor of the Charlottesville Area Transit's transition to battery-electric buses.
- 6. Michele Gibson, city resident and FJN Food Advocate Lead, spoke about residents need to access healthy food and asked Council to support an Urban Agriculture Collective (UAC) Farm at Washington Park.
- 7. Anna Mendez, Executive Director of The Haven, asked Council to approve the Haven's request for property tax exemption for the Haven building. The building is privately owned, and the owner has agreed to sell the building to The Haven if Council will agree to the property tax exemption. The Haven is currently ineligible for capital improvement funds because the building is privately owned.
- 8. Katie Ebinger, city resident and C3 Climate Justice Policy Manager, spoke in support of an UAC Farm at Washington Park and zero emission buses for the Charlottesville Area Transit.
- 9. Elizabeth Stark, city resident, spoke in opposition of the recommendation for the city to implement the FLOCK program. She asked Council to prioritize resources to support unhoused community members and expressed her concern about a police incident involving an unhoused person at Market Street Park that was referenced by speakers earlier during the meeting.
- 10. Donna, Gasapo, spoke in opposition of the FLOCK program, and asked members of the community to support unhoused community members and resident-led initiatives to build deeply affordable housing, and to oppose the proposed expansion of Albemarle-Charlottesville Regional Jail (ACRJ). She expressed support for UAC Farms at city parks and announced that the Fluvanna Historical Society will be building a Monacan dwelling.
- 11. Robin Hoffman, city resident, announced a Charlottesville Community Media Center Open House event on Saturday, September 23.
- 12. Ang Conn, Director of Housing Programs, The Haven, asked members of Council to go check on a homeless individual on oxygen who was sitting outside of City Hall when she

- entered the building for the council meeting. She also spoke about police harassment of unhoused persons who are camping at Market Street Park.
- 13. Zyahna Bryant, city resident, spoke in support of a UAC Farm at Washington Park, Council's obligation to address homelessness in the Charlottesville community and her desire for council members to be more engaged with unhoused residents. She also voiced her support for the denial of the recommendation for the city to participate in the FLOCK program.
- 14. Harold Folley, city resident, spoke in opposition of the expansion of the Albemarle-Charlottesville Regional Jail Authority. Mr. Folley ceded the remainder of his time to Gloria Beard. Ms. Beard also spoke in opposition of the ACRJ expansion and asked Council to prioritize housing for unhoused individuals.
- 15. Rosia Parker, city resident, spoke about disparities in the community and the significance of Booker T. Washington Park to the black community. She showed Council a picture of her design of a UAC Farm at Washington Park.
- 16. Darryl Jones, city resident, asked Council to be proactive about gun violence prevention in the community. He asked Council to address the homelessness problem in the city and always consider the needs of the Charlottesville community at-large.

Council agreed to accept additional speakers because there were no items on the business agenda.

- 17. Tasia Courts, UVA student, spoke against the treatment of homeless individuals camping at Market Street Park by CPD officers. She spoke about the lack of affordable housing in Charlottesville and the negative impact that the FLOCK program will have on the most vulnerable members of the community.
- 18. S. Pitt-Ali, non-resident, expressed her concerns about the state of the city pertaining to housing and other issues.
- 19. Imani, 6-year-old city resident (escorted by Rosia Parker, city resident), spoke about gun violence in her neighborhood.
- 20. Kati, UVA student, spoke about disparities in the city and urged Council to deny funding the expansion of ACRJ.
- 21. Luis Oyola, Fluvanna County resident, Legal Aid Justice Center, stated that in his experience the FLOCK program does not provide the expected results. He spoke in opposition of the city contributing funds to the jail expansion project and expressed the need for additional shelter housing in the city.

22. Le Leon(?), Albemarle County resident, emphasized the need to help the most vulnerable population in the city.

OTHER BUSINESS

Council discussed the request from The Haven for property tax exemption for their building. City Manager Sanders explained that there was a past decision by Council to discontinue property tax exemptions in exchange for the city offering community investment grants. The City Manager will research the matter and provide an update to Council.

Council scheduled six (6) Draft Zoning Ordinance Work Sessions, as needed:

Wednesday, September 27 at 5:00 p.m.

Tuesday, October 3 at 6:00 p.m.

Wednesday, October 11 at 6:00 p.m.

Wednesday, October 25 at 6:00 p.m.

Wednesday, November 1 at 6:00 p.m.

Thursday, November 9 at 6:00 p.m.

Councilor Payne commented that homelessness will be prioritized in the FY25 budget process and is also a part of the City's Strategic Plan, adding that the Housing Advisory Committee is currently accepting membership applications.

Mayor Snook noted that a Homelessness Intervention Strategy has already been added to the City Manager's work plan at his request.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- Robin Hoffman, city resident, made a recommendation to promote food equity resources on the Cville Public Access Station.
- Katrina Turner, city resident, spoke about her: support of a UAC Farm at Washington Park, concerns about the city's response to its homelessness issue, opposition to the ACRJ expansion, and she asked Council to investigate the incident at Market Street Park involving a CPD Officer and a homeless individual who was camping at the park.

The meeting adjourned at 8:28 p.m.

By Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council

Charlottesville City Council Special Meeting Work Session – City Council Minutes Wednesday, October 25, 2023, at 6:00 p.m. CitySpace, Large Conference Room 100 Fifth Street NE

The Charlottesville City Council held a special meeting on Wednesday, October 25, 2023, to decide on the Charlottesville Development Code text and Map that Council will advertise for a public hearing and to select the date of the public hearing. Mayor Snook called the meeting to order, with the following members present: Mayor Lloyd Snook and Councilors Michael Payne, Brian Pinkston, and Leah Puryear. Vice Mayor Juandiego Wade arrived after the start of the meeting.

Mr. James Freas, Director of Neighborhood Development Services, led Council in a discussion of the proposed Zoning Ordinance, after which Council agreed to the following changes to the Ordinance:

- 1. Include text-only description of the RN-A Core Neighborhood District; and the Core Neighborhoods Corridor Overlay with added language to enable the broadest bonus density. The text shall not specify district areas,
- 2. Correction of the sequential order of the Code sections,
- 3. Addition of a concept for a floodplain special exception process, to be built out following the advertisement of the Draft Zoning Ordinance

Council had a discussion on various topics relating to city zoning and will plan to hold a series of work sessions in the future that will be dedicated to additional deliberation on the topics. A Council Work Session was tentatively scheduled for December 5.

On motion by Wade, seconded by Pinkston, Council by the following vote authorized the Director of Neighborhood Development Services to advertise a public hearing for Council to consider the adoption of the new zoning ordinance with the suggestions made by Council during the work session: 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

The meeting adjourned at 8:10 p.m.

BY Order of City Council

BY Maxicelia Robinson, Deputy Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MEETING

December 4, 2023 at 4:00 PM Council Chamber, 605 E. Main Street

The Charlottesville City Council met in a regular meeting on Monday, December 4, 2023. Mayor Lloyd Snook called the meeting to order, and Clerk of Council Kyna Thomas called the roll, noting all councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne, Brian Pinkston, and Leah Puryear.

On motion by Pinkston, seconded by Puryear, Council voted unanimously to adopt the meeting agenda.

REPORTS

1. PRESENTATION: Budget Presentations - Information Technology, Public Safety, PCOB

City Manager Sam Sanders stated that the following reports are a continuation of department budget briefings to City Council.

Director Steve Hawkes presented the overview for the Information Technology Department.

Chief Michael Kochis presented the overview for the Police Department.

Chief Michael Thomas and Deputy Chief Mike Rogers presented the overview for the Fire Department.

Executive Director Inez Gonzalez presented the overview for the Office of the Police Civilian Oversight Board.

CLOSED MEETING

On motion by Pinkston, seconded by Puryear, Council voted unanimously to convene a closed meeting as authorized by the Code of Virginia Section 2.2-3711(A) (8) for consultation with the City Attorney regarding legal matters requiring the provision of legal advice, specifically, legal matters related to the proposed zoning ordinance.

Council suspended the closed meeting and returned to conduct the business portion of the regular meeting, stating a need to reconvene the closed meeting following the second Community Matters.

BUSINESS SESSION

The business portion of the meeting began with a moment of silence.

ANNOUNCEMENTS

Councilor Puryear announced the deadline to file personal property taxes.

RECOGNITIONS/PROCLAMATIONS

Mayor Snook recognized the Charlottesville High School Varsity Girls Basketball State Champion team of 2001, who will receive their championship rings and recognition on December 8. He recognized the retirement of Sandy McAdams after 49 years of contribution to the Charlottesville community as restaurateur and founder of Daedalus Book Shop in 1974.

CONSENT AGENDA

Deputy Clerk Maxicelia Robinson read the following items into the record. On motion by Pinkston, seconded by Puryear, Council by a vote of 5-0 adopted the consent agenda (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

- 2. MINUTES: September 5 Council meeting
- 3. RESOLUTION: A resolution to appropriate a Fire Department FY22 State Homeland Security Program Grant Award in the amount of \$51,764.00, previously introduced, was approved.

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.

4. ORDINANCE: An ordinance for renewal of the Ting Franchise Agreement, previously introduced, was adopted.

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

5. RESOLUTION: A resolution to appropriate \$750 in State assistance and citizen donation for the Spay and Neuter Program was approved.

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

- 6. RESOLUTION: A resolution to appropriate funding from the U.S. Department of the Interior for the Chesapeake Bay Gateways Network Grant in the amount of \$49,976 was carried over to next meeting for second reading and vote.
- 7. RESOLUTION: A resolution appropriating the Bureau of Justice Assistance FY23 Edward Byrne Memorial Justice Assistance Grant Local Solicitation in the amount of \$27,486 was carried over to next meeting for second reading and vote.
- 8. RESOLUTION: A resolution to appropriate State Historic Resources Grant Funds of \$200,000 to the Jefferson School African American Heritage Center was carried over to next meeting for second reading and vote.

CITY MANAGER REPORT

City Manager Sanders announced that the City Hall lobby is under renovation until April 2024 and will not be available for use by employees or the public. He stated a potential date of January 5 for a trip to Montgomery, Maryland, to examine their transit system. This trip would include City Council, key staff, and would be open to members of the media and public. Once details for the trip have been finalized, a determination will be made for the presentation date of the Charlottesville Area Transit Alternative Fuels Study. He announced that the set of properties commonly referenced as 0 East High is now officially owned by the City of Charlottesville and

will be maintained as a passive recreation area until another determination is made. He encouraged children to participate in the Holly Trolley, and he thanked all who participated and supported the Grand Illumination event on the Downtown Mall.

COMMUNITY MATTERS

Mayor Snook opened the floor for speakers from the public.

- 1. Nina Barnes, Jefferson Park Neighborhood resident, expressed concerns about the proposed VERVE project.
- 2. Peggy Van Yahres, Chair of ReLeaf Cville, shared ways that the organization protects the health of low canopy neighborhoods from the rising heat of climate change. She spoke in support of provisions in the zoning ordinance that protect existing trees and require developers to plant trees.
- 3. Anna Askounis, Lewis Mountain Neighborhood resident, expressed concerns about roadway safety and location of the proposed building at 2117 Ivy Road.
- 4. Scott Williams, Albemarle County resident, recognized Charlottesville Police Department's work in the community and asked council to fully fund their FY25 budget request.
- 5. Jennifer King, city resident, asked Council to vote against the VERVE project.
- 6. Mark Kavit, representing the North Downtown Residents Association, provided feedback on the proposed zoning plan, requesting avoidance of tear-down of older buildings on the Downtown Mall, High Street and in-between.
- 7. Jessica Harris, Human Rights Commission Chair, encouraged the public to apply for upcoming vacancies on the Human Rights Commission.
- 8. John Hossack, city resident, provided feedback about infrastructure concerns related to the proposed zoning ordinance.
- 9. Hillary Murray, Lewis Mountain Neighborhood Association Chair, spoke in opposition to a luxury student housing development project at 2117 Ivy Road.
- 10. Ellen Contini-Morava, Jefferson Park Neighborhood resident, asked Council to vote against the VERVE planned unit development project.
- 11. Bonnie Reilly, Jefferson Park Neighborhood resident, spoke in opposition to the VERVE planned unit development project.
- 12. Alice Raucher, UVA Architect, shared the university's perspectives on the VERVE and 2117 Ivy Road planned unit developments, with the understanding that the final decision rests with City Council: consider the scale of the project, its place in the community, and its potential effect on those in its immediate surroundings.
- 13. Roy Van Doorn, city resident, expressed safety concerns about the access point to the 2217 Ivy Road planned unit development project.
- 14. Matthew Gillikin, Livable Cville, spoke about the benefits of the VERVE and 2117 Ivy Road projects.

- 15. Kimber Hawkey, city resident, spoke about the impacts of increased development such as tax increases for homeowners, insufficiencies in neighborhood utility infrastructure and the consequential burdens to affected neighborhoods.
- 16. James Kelley, Belmont Neighborhood resident, spoke about negative impacts that high density development will have on utilities, infrastructure and cost to homeowners.

ACTION ITEMS

9. REPORT: Annual Financial Audit for Fiscal Year 2023 from the City's Auditors

Finance Director Chris Cullinan introduced the item and stated that 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), and he specified the requirement for auditors to present their report to the governing body during a public meeting.

Michael Lumpton of Robinson, Farmer, Cox and Associates presented the report for Fiscal Year 2023 (July 1, 2022 - June 30, 2023), announcing that it was a clean audit.

Mr. Cullinan thanked Finance staff and other city staff who provided documentation for the audit. He then provided a preview of the year-end appropriation matters that will be presented to City Council in January, noting factors that have contributed to a projected surplus. Mr. Sanders announced that while staff vacancies are down and efforts continue to fill remaining vacancies, these vacancies have contributed to the surplus.

10. RESOLUTION: Resolution to amend the Rivanna Water and Sewer Authority Ragged Mountain Dam Project Agreement

Utilities Director Lauren Hildebrand made a presentation, and was joined by Bill Mawyer, Executive Director of the Rivanna Water and Sewer Authority. She reviewed the following proposed amendment to the Agreement:

- Remove the requirements in the Agreement that stipulate the additional pool level of the Ragged Mountain Reservoir can be constructed only when the capacity threshold is met.
- Request RWSA to raise the pool level in the Ragged Mountain Reservoir from 671 feet to 683 feet to provide an additional 700 million gallons of water storage.
- Allow RWSA to 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
 - o the water level in the Ragged Mountain Reservoir falls below the initial pool level of 671 feet, or
 - o required by the Virginia Department of Environmental Quality or other emergencies.

Mr. Mawyer stated that amending the agreement will permit RWSA to begin making changes to

the reservoir, including modernizing the intake tower, and adding the gallons of water to the reservoir as referenced in the report. Approving the amendment would expedite planned changes to the reservoir by at least ten years and save the city money in the long-term. The request to increase the water level sooner will mitigate effects of climate change and the likelihood of long-term droughts.

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

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.

11. RESOLUTION: Resolution to approve a Sublease Agreement Extension with Sentara Martha Jefferson Hospital (SMJH) for lease of space at 233 4th Street NW

Brenda Kelley, Redevelopment Manager, presented the request from Sentara Martha Jefferson Hospital for a sublease extension of one year with the intention of relocating to an owned building within the next year, and the ability to terminate their current sublease with 60 days' notice.

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

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.

12. RESOLUTION: Resolution to amend a Lease Agreement with Omni Charlottesville Virginia Corporation for lease of city-owned public right-of-way

Brenda Kelley, Redevelopment Manager, presented the request to amend a lease agreement with Omni Charlottesville Virginia Corporation to include an increase of square footage gained by right-of-way.

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

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 Ma ager is hereby authorized to execute the amended agreement on behalf of City Council.

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

Matt Alfele, City Planner, introduced the item and stated that Council will focus on the rezoning decision before deciding on the subsequent related items. The applicant requested to rezone the Subject Property from Multifamily Residential-R3 to Planned Unit Development (PUD) with a development plan and proffer statement.

Valerie Long with Williams Mullen, representing the applicant Subtext Acquisitions, LLC, made a presentation. She explained that the housing development may potentially be occupied by both

UVA students as well as families. The development will have a full property management staff, and the design of the property was adjusted to address public safety concerns. There was discussion about the elements of PUD zoning and the specific reasons the development was recommended for PUD zoning, including responding to original design feedback from staff and members of the public. The designation will primarily impact the bedroom size of the units (maximum 500 units) and the concept of the building design.

Several councilors voiced concerns about the project's financial contribution to the Affordable Housing Fund in comparison to the amount of revenue that the project will generate, as well as keeping with the City's Comprehensive Plan and imminent changes to the zoning ordinance, and data involving "captured demand" for student housing.

Ms. Long requested deferral for a couple of weeks to give the applicant some time to review the proposal and consider the feedback provided.

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

No action was taken on this item since the applicant requested deferral of the rezoning request.

15. ORDINANCE: Ordinance to amend the November 4, 1996 Right-of-Way Closure Ordinance for Woodrow Street - VERVE Charlottesville PUD

No action was taken on this item since the applicant requested deferral of the rezoning request.

16. ORDINANCE: Ordinance to amend the May 2, 2011 ordinance for the sale of 409 Stadium Road - VERVE Charlottesville PUD

No action was taken on this item since the applicant requested deferral of the rezoning request.

17. RESOLUTION: Resolution to grant a Critical Slope Waiver for a residential development referred to as "VERVE Charlottesville PUD"

No action was taken on this item since the applicant requested deferral of the rezoning request.

18. RESOLUTION: Resolution to grant a Sidewalk Waiver for a residential development referred to as "VERVE Charlottesville PUD"

No action was taken on this item since the applicant requested deferral of the rezoning request.

Mayor Snook recessed the meeting from 9:51 p.m. to 9:57 p.m.

19. ORDINANCE: Ordinance to Rezone land fronting on Ivy Road and Copeley Road related to the "2117 Ivy Road Plan Unit Development Plan Submittal"

Dannan O'Connell, City Planner, introduced the item. Williams Mullen (Applicant), on behalf of RMD Properties, LLC (Owner), 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 from "URB" (Urban Corridor) to "PUD" (Planned Unit Development) subject to proffered development conditions.

Valerie Long, representing the Applicant, made a presentation and answered questions from Council. She clarified the building maximum height of 114.5 feet from grade, as a follow-up from a previous presentation on the development. The presentation included an update to the site plan distance and roadway changes. Options for adjusting the set-back of the project on the Copeley Road side were discussed.

Councilor Pinkston disclosed his employment with the University of Virginia and stated that he was confident that he could vote with a clear conscience.

Steve Busk, RMD Properties, provided information from a meeting with UVA architects earlier in the day. Julie Filgus, architect, presented the conceptual building design elements and areas of potential change. Thomas Ruff, Timmons Group Engineering, summarized the traffic study that was conducted on the area and the projected impact that the project will have on traffic in the adjacent area. There was a discussion about how the developers arrived at the dollar amount that was proffered for contributed to the city's Affordable Housing Fund. Primary concerns expressed about development were building height, setback distance, building design, and the affordable housing fund contribution.

Council by unanimous consent deferred the item for two weeks to give the Applicant an opportunity to make revisions to project design based upon feedback provided during the meeting, and allow time to engage the University of Virginia on design of the project.

GENERAL BUSINESS

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

Cherry Stewart, Board Chair, presented the Social Services Advisory Board Annual Report.

COMMUNITY MATTERS (2)

- Mo Van de Sompel, UVA graduate student, spoke in support of additional student housing to solve a housing crisis, stating the criticality of UVA involvement in the student housing plan.
- Jay Oschrin, city resident, spoke about the need for additional sidewalks for walkability, and in support of the VERVE and 2117 Ivy planned unit development proposals to address housing needs for students and non-students.
- Natalie Oschrin, city resident, spoke in support of the VERVE project and in support for increased supply for student housing.

CLOSED MEETING reconvening

Council reconvened their closed session at 12:03 a.m., then certified the closed meeting with the following action:

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

The meeting adjourned at 12:32 a.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required:

Presenter: Ashley Marshall, Deputy City Manager, Michael Thomas, Fire Chief

Staff Contacts: Ashley Marshall, Deputy City Manager

Krisy Hammill, Director of Budget Chris Cullinan, Director of Finance

Title: Resolution to Appropriate Opioid Abatement Funding Dollars (1 of 2

readings)

Background

Due to the impact of the opioid epidemic, multiple legal suits were filed on behalf of various states and localities. The City of Charlottesville joined with the Commonwealth of Virginia in a multi-state class action lawsuit that accused OxyContin maker Purdue Pharma and other nationwide distributors of misleading doctors and catalyzing America's nationwide opioid epidemic. A Memorandum of Understanding for the Virginia Opioid Abatement Fund and Settlement Allocation was drafted in August 2021 that outlined the distribution process for the Commonwealth. All 122 counties and cities in the Commonwealth, including the City of Charlottesville, signed this MOU. The memorandum can be found in full at: https://nationalopioidsettlement.com/wpcontent/uploads/2021/10/VA-Opioid-Abatement-Fund-and-Settlement-Allocation-MOU1.pdf.

As of January 19, 2023, three national-level opioid settlements have been approved by Virginia state courts that result in payments to Virginia. Those settlements include McKinsey (roughly \$13 million); McKesson, Cardinal Health, and AmerisourceBergen (referred to as "distributors" by the OAA; roughly \$21 million); and Jansen Pharmaceutical (roughly \$64.7 million). Additionally, settlements with Mallinckrodt is expected to provide a possible \$17 million to the Commonwealth in full, and settlements with Walmart will provide roughly \$60 million to the Commonwealth in full. The above-referenced MOU includes a formula for distributing the proceeds of opioid settlements based on a measure of harm per capita to communities across Virginia. The City of Charlottesville will receive roughly 0.0463% of the funding submitted to the Commonwealth per memorandum, and it may use the funds it receives to enter into agreements with service providers focused on the abatement of Opioid Use Disorder (OUD) or prevention of OUD. Estimated Opioid Fund information can be found on the OAA's website at:

https://www.oaa.virginia.gov/media/governorvirginiagov/oaa/grants/Summary-of-Opioid-Funds-to-Virginia-Localities.xlsx

Discussion

The City of Charlottesville has received direct distributions from the distributors for \$170,114.40 for Fiscal Years 2023 and 2024 as of December 15, 2023. The City has not yet requested distribution from the Virginia Opioid Abatement Fund. As of this Council Meeting, the City has not spent any opioid funding.

The Charlottesville Fire Department has been approved by the Virginia Department of Health's Office of Epidemiology's Division of Pharmacy Services to administer and prove naloxone nasal spray according to the statewide naloxone standing order issued by the Commissioner of Health. CFD is now able to provide naloxone nasal spray for the intent to be used by first responders following established policies and procedures to be dispensed or administered to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Naloxone is a medication that is FDA-approved and works to rapidly reverse an opioid overdose as an opioid antagonist. The program requires safe and secure storage and administration of the medication, and that is done through dispensing machines. The supply dispensers provide a centralized point of access for the entire CFD team, making it easy to keep inventory organized and secure. Further, the integrated trackers and security modules ensure that there are accurate stock counts, reduce errors, and eliminate the need for manual entry of items, location bins, pick orders, and inventory receiving. Further, it ensures that only authorized staff members may access the medications.

To secure these machines, the City would like to allocate opioid abatement funding for this harm-reduction effort. The efforts abide by the desires of the settlement proper to engage in activities that may be seen as prevention, treatment, or harm reduction. Further, the activity matches the Virginia Opioid Abatement Authority's "gold standard" usage that requires participating cities and counties to only utilize OAA distributions and direct distributions to fund efforts designed to treat, prevent, or reduce opioid use disorder or the misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies and funding may not supplant funding of an existing program nor collect indirect costs. [See: https://www.oaa.virginia.gov/media/governorvirginiagov/oaa/pdf/Policy-for-Gold-Standard-Incentive-to-Cities-and-Counties---Adopted-Oct-24,-2022.pdf]

Therefore, staff requests the ability to use \$45,073 to purchase three (3) U-Cap It Series 5 Vending Machines with card readers and fingerprint readers, one (1) biometric registration station, five hundred (500) medication safety dispenser bags, and two hundred (200) IV Fluid safety dispenser bags along with one (1) year of annul software costs and warranties/maintenance costs on the three machines. This purchase will also include in-person and online training for Charlottesville Fire Department (CFD) staff and the set-up and installation of the machines.

Alignment with City Council's Vision and Strategic Plan

This program aligns with the Public Safety Strategic Outcome Area, where Charlottesville provides comprehensive, trusted public safety services and treats everyone with respect and dignity.

Community Engagement

N/A

Budgetary Impact

There is no budgetary impact on the City's General Fund as these expenses would be funded using the Opioid Abatement grant funds.

Recommendation

Staff recommends that the Council approve this appropriation from the opioid abatement fund to purchase the three medication dispensing machines for the Charlottesville Fire Department.

Alternatives

If the funding is not appropriated, CFD would need to seek general fund support for the required purchase.

Attachments

1. CFD Opioid Appropriation Resolution

RESOLUTION Appropriating funds from the National Opioid Settlement Program \$45,073

WHEREAS, the City of Charlottesville through the Virginia Opioid Abatement Fund, has received funds from the National Opioid Settlement Program to be used for eligible costs under the Memorandum of Understanding;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$45,073 is hereby appropriated in the following manner for use by the Charlottesville Fire Department to purchase medication dispensing machines:

Revenues - \$45,073

Fund: 214 CC: 3531001000 G/L Code: 440040

Expenditures - \$45,073

Fund: 214 Internal Order: 2000185 G/L Code: 520900

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required: Approval

Presenter: Chris Cullinan, Director of Finance

Staff Contacts: Chris Cullinan, Director of Finance

Krisy Hammill, Director of Budget

Title: Resolution of Appropriation to Amend the FY24 Budget (2nd reading)

Background

The audit for Fiscal Year (FY) 2023 has been completed. To close the City's financial records for the year, several year-end adjustments to various accounts require City Council action. These adjustments are to carry over unspent funds from the last fiscal year to the current fiscal year. These carry overs are the result of either previous City Council policy direction or requirements associated with the funds.

Discussion

For FY23, the General Fund ended \$21,739,731 in excess of its 17% fund balance policy.

The economic rebound from COVID 19 that began in FY22 continued in FY23. Despite record high interest rates and inflation, the City's largest revenues performed above projected budget amounts. Real Estate Taxes performed above projection as real estate prices continued to increase. Continued increases in consumer spending coupled with higher prices resulted in better performance for Lodging Taxes, Meals Taxes, Personal Property Taxes, and Business Licenses. Interest Income from the City's investment of its idle cash also performed significantly above budget projections as a result of higher interest rates.

Overall, General Fund revenues performed \$13.9M above budget. Top performing revenues compared to budget include (amounts shown above budget):

- Real Estate Taxes = \$5.5M
- Meals Taxes = \$2.0M
- Lodging Taxes = \$1.1M
- Personal Property Taxes = \$2.4M
- Business Licenses = \$1.3M
- Interest = \$1.5M

The majority of City departments spent less than budgeted resulting in significant budget

savings. Similar to FY22, the majority of savings were in salaries and benefits from vacant positions. Citywide salary and benefit savings totaled approximately \$6.7M with the largest savings coming from Police, Parks and Recreation, and Public Works.

It should be noted that halfway through FY23, the then Interim City Manager publicly noted these vacancies and directed departments to make filling these positions a priority. A notable example of this renewed emphasis is the City's Police Department recently graduated its largest and most diverse class of 14 new police officers from the training academy.

In addition to salary and benefit savings, vacant positions also result in additional savings from fewer purchases of related supplies, equipment, tools, etc used by employees in those positions.

The total combined General Fund fund balance increased from \$66.3 million at the end of FY22 to \$72.1 million at the end of FY23. When restricted uses of fund balance are netted out (including the City's 17% fund balance policy), the General Fund finished with \$21.7 million of unrestricted funds in fund balance.

Recommendation/Carryover Request:

The FY23 year end appropriation totals approximately \$26.3M, grouped in to four categories:

\$21,739,731.00
\$24,965.88
\$14,596.91
\$91,064.00
\$4,422,395.00

TOTAL \$26,292,752.79

Details for each of these categories are listed below.

<u>1. General Fund = \$21,739,731.00</u> Staff recommend the following uses of these funds for previous commitments and one-time uses:

a. Unfunded 2% Retiree COLA granted in FY24	\$2,600,000
b. Finance/IT - SAP (financial management system) upgrade	\$1,500,000
c. Citywide Reserve	\$500,000
d. City refuse contract - contractual CPI increase	\$400,000
e. Parks and Recreation - Riverview Park restrooms	\$300,000
f. Maintenance fund for City leased properties	\$200,000
g. City Attorney's Office capacity	\$92,500
h. Police Department - sign on bonuses for new officers	\$68,000
i. Parks and Recreation - staff reorganization	\$50,000
j. CAT - radios	\$49,300
k. City Attorney's Office - office improvements	\$47,000
Police Department - upfit of new substation in Transit Station	\$47,000
m. Fire Department - vehicle for new Battalion Chief	\$45,000
n. Police Department - Guardian Score pilot program	\$20,000

SUBTOTAL \$5,918,800

BALANCE TO BE TRANSFERRED TO CIP CONTINGENCY (per Financial Management Policy)

\$15,820,931

In addition to these recommendations for the General Fund, several carry over appropriations listed below are needed to close the books for the fiscal year.

2. Facilities Repair Fund = \$24,965.88.

Unspent restricted courts fees for Courthouse maintenance and construction will be carried over in the Facilities Repair Fund.

3. Grants Fund = \$14,596.91.

Unspent State Fire Grant funds to be used for qualifying expenditures.

4. Capital Projects Fund = \$91,064.00

Funds pursuant to memorandum of understanding with CARS.

5. Schools Gainsharing = \$4,422,395.00

For the year ending June 30, 2022, the Schools had an operating surplus of \$4,422,395.00. The Schools, with staff concurrence, recommend the full amount be transfer to the FY24 Capital Improvements Program to offset costs for school capital projects.

Alignment with City Council's Vision and Strategic Plan

This resolution aligns with the Strategic Outcome Area of Organizational Excellence.

Community Engagement

This agenda item includes a public hearing and is the first reading of this appropriation.

Budgetary Impact

Funds from the year-end surplus are considered to be a one-time revenue and should be used for one-time uses or projects. The recommended uses are either one-time in nature or are to be used to facilitate the incorporation of future cost increases into the annual budget.

Recommendation

Staff recommend that Council approve the first reading of the attached resolution amending the FY24 budget.

Alternatives

Amend the recommendations and/or amounts.

Attachments

1. FY23 Year End Appropriation

RESOLUTION

To Amend the City Budget Adopted for Fiscal Year 2024 ("Year End" Appropriation)

WHEREAS the Charlottesville City Council has received and reviewed the results of the year-end audit for Fiscal Year 2023, which identified a surplus of appropriations over expenditures; and

WHEREAS the City Council desires to amend the budget previously adopted for Fiscal Year 2023, to increase the amount of authorized expenditures by a total of \$26,292,752.79 and, since this Budget Amendment exceeds one percent (1%) of the total expenditures shown in the currently-adopted budget, City Council conducted a public hearing on the proposed amendment following public notice given in accordance with Virginia Code §15.2-2507(A); now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the expenditures hereinafter set forth are hereby authorized and appropriated within the accounts of the City for the uses listed below, for the Fiscal Year ending June 30, 2023. The details explaining the purposes for which the following expenditure amounts are authorized, shall be as set forth within the City Council agenda memo dated January 16, 2024, which agenda memo is incorporated into this Resolution by reference.

I. GENERAL FUND.

The following amounts shall be permitted to be carried over and expended in the General Fund's respective cost centers or internal orders in the following fiscal year and shall remain as continuing appropriations unless further altered by Council:

\$2,600,000
\$1,500,000
\$500,000
\$400,000
\$300,000
\$200,000
\$92,500
\$68,000
\$50,000
\$49,300
\$47,000
\$47,000
\$45,000
\$20,000
\$15,820,931

Total Section I. \$21,739,731

II. FACILITIES REPAIR FUND.

Courthouse Maintenance (P-00099) - \$10,368.97 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.

Courthouse Construction (P-00783) - \$14,596.91—These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

Total Section II. \$24,965.88

III. GRANTS FUND.

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

\$14,596.91 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).

Total Section III. \$14,596.91

IV. CAPITAL PROJECTS FUND.

Funds pursuant to memorandum of understanding with CARS.

Total Section IV. \$91,064

V. SCHOOLS GAINSHARING.

In 1998, the School Board and City Council entered into a gainsharing agreement. This agreement mandates that the first \$100,000 to go to facilities for School Capital Improvement Projects, the next \$100,000 is retained by the Schools in the General Fund and then any amount over \$200,000 will be shared equally (50/50) between the School Board and the City.

For the year ending June 30, 2023, the Schools had an operating surplus of \$4,422,395. The Schools, with staff concurrence, recommend the full amount be transfer to the FY24 Capital Improvements Program for school capital projects.

Total Section V. \$4,422,395

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required:

Presenter: Samuel Sanders, Jr., City Manager

Staff Contacts: Samuel Sanders, Jr., City Manager

Alexander Ikefuna, Director of Community Solutions

Brenda Kelley, Redevelopment Manager

Title: Resolution to appropriate ARPA funding and authorize the City Manager

to acquire Avon/Levy Property for future redevelopment - \$4,181,000 (2nd

reading)

Background

The city is proposing to acquire 405 Avon Street/405 Levy Avenue for future use for permanent affordable housing. The two properties are contiguous and currently vacant. 405 Avon Street is a vacant parcel that is being used as a shared use arrangement for city employee parking and Charlottesville Redevelopment and Housing Authority (CRHA). This is a good opportunity to acquire such naturally occurring prime parcels for affordable housing development.

Discussion

This proposal would potentially pre-empt the tendency for the property to slip to another buyer, resulting in a rent increase. The City and CRHA have an opportunity at this point to acquire and indefinitely preserve this property as an affordable unit.

Property information:

405 Avon Street

Assessed Value: \$967,100

Acres: 0.2490 AC. 405 Levy Avenue

Assessed Value: \$1,682,300

Acres: 0.8400

Council would need to approve acquisition of these properties and a reallocation of funds and appropriate them for this designated purpose. The property has been studied by CRHA as a part of its Sustainability Plan with a value that exceeds current assessment. An appraisal has been ordered and the request is to provide up to \$4.2M to acquire the property. This acquisition supports the City Manager's commitment to homelessness intervention as it could become the site of a facility that serves to meet that need among others. The intention is to hold the property until a comprehensive

assessment of homeless service needs - including shelter beds -is completed, along with a feasibility study to operate 24/7, 365 days a year.

Alignment with City Council's Vision and Strategic Plan

This request aligns with the following: the City Council's Strategic Plan Framework Outcome Areas for Housing and Partnerships; the 2021 Affordable housing Plan.

Comprehensive Plan Guiding Principles

- Equity & Opportunity All people will be able to thrive in Charlottesville.
- Community Culture and Unity Charlottesville's rich and diverse culture and form will be celebrated, and the entire community will feel welcomed, valued and respected.

Community Engagement

There have been several community engagement meetings and activities conducted as part of the 2023 Comprehensive Plan update and 2021 Affordable Housing Plan process. City staff has also been engaged with CRHA on a regular basis regarding redevelopment activities, including exploring proactive ways to spur affordable housing; one of which is this proposal to acquire 405 Levy Avenue and 405 Avon Street and re-purpose them for sustainable and permanent affordable housing.

Budgetary Impact

The cost for this request is \$4.18 million.

Recommendation

The City Manager and Staff recommend that the City Council approve the proposed request.

Alternatives

Council may elect not to approve the recommendations, which would have a negative effect on the City's goal of increasing permanent affordable housing and addressing homelessness.

Attachments

1. Resolutuion Levy Avon Property January 2024 (2)

RESOLUTION

Allocation of previously appropriated American Rescue Plan Act (ARPA) revenue replacement funds for purchase of Levy/Avon Property \$4,181,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$4,181,000 is hereby authorized to be allocated from currently appropriated funds in the below accounts to be used for the purchase of the Levy/Avon property.

Source	Internal Order	<u>Funds</u>
Affordable Housing and Services	1900497	\$1,630,000
Agency Investment Fund	1900496	\$1,000,000
Arts and Festival Fund	1900492	\$539,000
CFD Accreditation	1900482	\$544,000
Human Resources Support	1900493	\$270,000
Human Rights Commission Support	1900495	\$176,000
CFD Bonus	1900483	\$19,400
Sheriff Bonus	1900484	\$2,600
TOTAL		\$4,181,000



City Manager's Report

Offices of the City Manager Elected & Appointed Officials

2-5-2024

City Manager – Sam Sanders (he/him)

- Attended first meeting of the Land Bank Working Group on January 12th.
- Participated in regional gathering of my peer municipal leaders from Albemarle County,
 Orange County, Louisa County. Fluvanna County on January 19th.
- Met with the PHAR Resident Interns in Council Chambers on Tuesday, January 23rd what a fun time we had!
- I extend my congratulations to the members of the Charlottesville Police Department and Charlottesville Fire Department who were recognized for recent promotions. It is great to see the growth in our staff as they demonstrate leadership by achieving higher ranks. I also welcome aboard the large class of new fire recruits who were also recognized during their graduation on January 26th.
- Thank you to everyone who joined me at the City Manager Budget Forum on January 23rd; I really appreciate the interest and participation in crafting the city budget.
- I met with the team at TJPDC to review the long list of transportation and housing projects currently in varying stages of pursuit for the city and the region.
- I am reviewing initial recommendations on employee engagement strategies from an internal working group assembled to highlight options for improving morale and recognizing staff achievements.
- My 2nd Quarter Work Plan Update will be posted on the City Manager's Webpage on Monday, February 5^{th.}
- Events/Meetings Attended:
 - o CHO Board Meeting January 9th
 - TJPDC Regional Safety Summit January 10th
 - Rivanna Solid Waste Authority Board of Directors January 23rd
 - Rivanna Water Service Authority Board of Directors January 23rd
 - o Retirement Commission Meeting January 24th

Deputy City Manager – Ashley Marshall (she/her)

• AMERICANS WITH DISABILITIES ACT TRANSTION PLAN

The Office of Social Equity and the City of Charlottesville ADA Coordinator would like to thank the Human Rights Commission and the Office of Human Rights for partnering to provide additional community education and engagement at their January 2024 public meeting. PIM Consultants were able to present information about the ADA and the process of updating a Federal Transition Plan to the Commissioners and public and received many wonderful questions. The presentation documents are available to the public online, and the Human Rights Commission meeting recording is also viable to review.

 PIM Consultants continue to complete the ADA Transition Plan Self-Evaluation process and currently are focused on City owned and rented facilities. The Self-Evaluation information will be used to create implementation plans that form the ADA Transition Plan update. While no plans have been drafted at this time, the plan information will be made public when ready and presented to the City Council during a public meeting as well.

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

• The City Leaf Collection Service is scheduled to resume beginning on Monday, February 5th and will conclude on Thursday, February 29th. All collection zones will receive one loose leaf pickup service with this service restart cycle.

Revised collection dates for your zone can be found by Zone below:

Zone A: February 5th - February 9th Zone B: February 12th - February 16th Zone C: February 19th - February 23rd Zone D: February 26th - February 29th

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

Be on the lookout for our new monthly public affairs show, *Inside Charlottesville*, which
will premiere in March on Charlottesville TV10, Comcast Cable in the City and
surrounding counties. It will air every Monday and Wednesday at 7:00 pm and every
Tuesday and Thursday at 9:00 am. It will include a brief update from our City Manager
as well as roundtable discussions with City employees. Our goal is to keep you informed!

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

Our second Climate Program Specialist, Gabriel Sherzada, starts on February 5th!

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

OCS has partnered with Parks and Recreation Department to construct Pollocks Branch
Trail Bridge at Jordon Park. The bid to select a contractor for the project is expected to
be published no later than January 31, and will close on February 29. The benefits of the
project include the construction of a bicycle and pedestrian ADA accessible bridge to
connect Jordon Park to the developing Moores Creek trail between Avon Street and 5th
Street. This project is funded with \$171,655.34 in Community Development Block Grant
(CDBG) fund.

- The Charlottesville Affordable Housing Fund (CAHF) Advisory Committee has initiated the review of all the submitted Housing Operations & Program HOPS and CAHF. Once completed, the Committee will make recommendations for consideration by the City Council.
- OCS has finalized the Affordable Dwelling Unit (ADU) Manual for consideration by the
 City Council on February 5, 2024. The Manual is designed to align with the ADU
 provisions in the Zoning Ordinance that was adopted by the City Council in December
 2023. The Manual sets forth the guidance, operational procedures, and implementation
 protocol that will guide the administration of the Affordable Dwelling Unit Ordinance.

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

- Twice a year the Office of Economic Development visits properties in the city's six main shopping districts – Barracks Road, the Downtown Mall, McIntire Plaza, Preston Plaza, Seminole Square, and the Corner, to create an updated list of vacant retail spaces in these areas. The January 2024 Retail Property Vacancy Report has just been released and is available for viewing here. With the exception of slight increases at McIntire Plaza, Barracks Road, and the Corner, studied retail areas saw a decrease in their respective vacancy rates.
- Overall the City of Charlottesville's shopping districts have a 4.22% vacancy rate, which is down from July 2023's rate of 7.21%. Leading the way was Preston Plaza, which maintained the same 0.00% vacancy rate it has held since January 2021. Seminole Square saw the largest drop-in vacancy rate of the retail centers from a rate of 15.55% in July 2023 to a rate of 4.44% in this report. The three areas which saw increases in their vacancy rate each experienced a single new vacancy over the past six months. After an increase in its vacancy rate during the last survey, the Downtown Mall's vacancy rate dropped to its lowest level since July 2021.
- Following a successful inaugural edition in 2023, Piedmont Pitch is back for 2024! A collaboration among the City of Charlottesville Office of Economic Development, Albemarle County Economic Development, and the Central Virginia Small Business Development Center, Piedmont Pitch provides entrepreneurs and emerging businesses in Charlottesville and Albemarle County with an opportunity to participate in an 8-week business training program and apply to pitch their concept in a final competition with a chance to win up to \$15,000 in prize money. The Business Essential Training course covers a variety of topics including concept development, building a business plan, marketing your idea, and much more. Individuals participating in Piedmont Pitch also have access to one-on-one business advising services offered through the Central Virginia Small Business Development Center. For more information about Piedmont Pitch contact events@cvsbdc.org or 434-295-8198, or contact the Charlottesville Office of Economic Development at ecodev@charlottesville.org or 434-970-3717.

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

- All full-time staff of the Office of Human Rights team completed a 32-hour investigator training course in January 2024. The goal of training all staff is to ensure continuity of service and skill redundancy within the office, as pertains to the essential function of addressing individual complaints of discrimination.
- The Office currently has five open individual discrimination investigations in the protected areas of employment, housing, and public accommodation.
- The Human Rights Commission and Office staff are preparing for the Commission's Annual Planning Meeting in March, during which the Commission will select a focus area and develop its workplan for March 2024 through February 2025.

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

• The Treasurer's Office is busy with past due notices for real estate and personal property taxes, assisting taxpayers who missed the December 5th deadline by bringing as many accounts current as possible. We are also in the very beginning stages of preparing the 1st half 2024 tax billing, preparing the system for testing. Our office is also assisting the budget office with revenue projections and estimates for the general fund, health care fund, and retirement fund in preparation for the FY25 budget.



City Manager's Summary of Council Retreat January 26, 2024 9:00 – 4:00pm CitySpace

Due to technical difficulties experienced throughout the day of the Council Retreat, the public was not sufficiently able to stay connected and to clearly hear the full discussions. While we planned for access through live streaming, we regret the interruption of access and the inability for the interested public to be able to follow along the entire time. We apologize and I provide this summary for your review of the day's events.

Pre-Meeting Matters

- Action consisted of all participants enjoying breakfast from 8:30 9:00am.
- Final seating orientation was determined.
- Audio/Visual setup to support the room and online connection established through Zoom.

Welcome & Order of the Day

 Mayor Wade opened the meeting and thanked everyone for participating in what would be a full day of detailed information aimed at supporting council and staff in the determination of priorities and setting plans for implementation.

• Introduction of the Facilitator

- City Manager Sanders expressed the following remarks:
 - Charles Hartgrove has been a friend and a counselor to me.
 - He serves as the Managing Director of Virginia Institute of Government.
 - Charles has been a local administrator, so he knows my job, and how it interacts with yours.
 - Charles does this kind of work when needed, so today he will give us best practices to use in doing our work to serve the public.
- As I thought about this moment on the agenda in search of why are we doing this? I came up with:
 - The Mayor and Vice Mayor are 25 days in their role
 - Councilor Oschrin is also 25 days on the job
 - The City Manager is 5 months on the job
 - The City Attorney is 6 months on the job
 - The Communications Director is 4 months on the job
 - And a number of key roles have people in rough tenures of 24 months or so
 - That is a lot of NEWNESS
 - While we still have some long tenured members of our team, there are a number of shorter tenures across the leadership of this organization.

- That means we need to figure out some things:
 - About one another
 - About each other's priorities
 - How we think
 - How to agree to disagree
 - How to learn and deliver together
- So, Charles, that's your assignment today. Help us figure all of that out in less than 8 hours my friend.

Strategic Highlights of Local Governance

- Charles Hartgrove presented to Council an overview of local governance that included the following:
 - Charles provided an introduction of the Virginia Institute of Government to Council as a resource to them as is available to all municipalities across the state and beyond.
 - Provide countless engagements to support best practice deployment of local government management – in support of city managers/county administrators and governing bodies.
 - Dillon Rule vs Home Rule + Unique Features to Virginia Government
 - In Municipal Corporations (1872), Dillon explained that in contrast to the powers
 of states, which are unlimited but for express restrictions under the state or
 federal constitution, municipalities only have the powers that are expressly
 granted to them.
 - Home rule involves the authority of a local government to prevent state government intervention with its operations. The extent of its power, however, is subject to limitations prescribed by state constitutions and statutes.
 - VA has a statewide pattern of city-county separation.
 - There is also annexation moratorium that restricts the size to what it is today.
 - Fewer units of local government
 - Fewer cities & less use of special districts
 - No independent school divisions
 - Fewer elected officials per capita
 - Broader use of the council-manager plan, or variation, in cities, counties, & larger towns.
 - Greater reluctance to extend taxing powers to special-purpose governments.
 - ICMA: International City/County Management Association
 - Entity that supports county board and council-manager forms of governments across the country.
 - Required duties of a manager/administrator are supported through professional development and the maintenance of ethical standards of performance.
 - ICMA Code of Ethics is an expectation of all members as this is the standard bearer of local government management.
 - Referenced that the City Manager, Deputy City Managers, and other staff are members who have agreed to adhere to these standards.
 - Review of Council-Manager Form of Government
 - Council-manager form of government combines the strong political leadership of elected officials with the professional managerial experience of an appointed manager.

- All power and authority to set policy rests with an elected governing body, which includes a mayor or chairperson and members of the council, commission, or board. The governing body in turn hires a nonpartisan professional manager who has very broad authority to supervise the daily operations of the organization.
- City manager/chief administrative officer (CAO) works at the pleasure of the elected body.
- When Council members seek answers from City staff, they should generally attempt to do so through the City Manager. City Manager should be advised at all times.

Ask, not task.

Council's Purview:

- Set the vision and strategy.
- Appropriate the funding to execute the strategies.
- Bridge the gap between what is politically acceptable and administratively sustainable.
- Understand choices among conflicting values.
- Understand the difference between politics and administration.

• City Manager's Purview:

- CAO is a facilitator of policy and ideas.
- CAO implements and communicates an elected body's vision.
- Faithfully executes laws, ordinances, resolutions, and bylaws of the elected body.
- Attend all meetings of the elected body and recommend adoption of measures as the manager/administrator deems expedient.
- Make reports to the elected body regarding the affairs of the locality.
- Keep the elected body fully advised of the locality's financial condition and its future financial needs.
- Prepare and submit to the elected body a proposed budget for the fiscal year.
- Execute the budget as finally adopted by the elected body.

Challenges for Today's Local Government

- Local governments are increasingly being asked to do more with less.
- Outside of pandemic one-time funding, federal and state support is declining.
- Citizens are demanding a more caring, responsive government.
- New technology continues to revolutionize communication and service delivery.
- Evolving expectations for local government services due to COVID-19 learnings.

• Review of Council Procedures

- Council Meeting Procedures
- Agenda Order of Business
- Boards & Commissions Report Out
 - Membership lists
 - Meeting Minutes
 - Which meetings should be added to Calendar (ones with Council seats)
- Council Work Session Schedule

- Procedure for Public Hearings
 - Council has opted to resume holding Public Hearings during their meetings so
 the public has that distinct opportunity to speak to them about high interest
 matters; Council will still be able to attend Public Hearings held by the Planning
 Commission, but they will discontinue participating, including commenting or
 reacting during the meeting
 - Council will also add Public Hearings to its agenda for matters that do not require a public hearing if the subject is such that there is high interest in the public communicating with Council.
 - The City Manager and Mayor will attempt to pre-determine when to schedule additional public hearings, but Council will also be able to add a public hearing when they consider adoption of their agenda at the start of each Council Meeting.
- Management of First Council Meeting of New Year Following Elections
 - Addition of a provision that the City Manager will preside over meetings where there is no Mayor or Vice Mayor continuing their service from the prior year and before the installation of new officers; this would be appropriate for the first meeting of the new year following an election, inclement weather, civil unrest, etc.
- Public Comment
 - The first Community Matters opportunity will be moved in front of the Consent Agenda to permit comments before business begins and to clear up the confusion on comments only for the Consent Agenda versus other Agenda Items or General Comments
- Review of Credit Card Policy
 - Available for any councilor interested
 - Otherwise purchases are coordinated through the Clerk or submitted for reimbursement
- AM Break 10 Minutes
- Councilors participated in a FOIA Training session facilitated by City Attorney Jay Stroman & Assistant City Attorney April Wimberley.
- Participants took a break to collect their lunch and resumed with a Discussion with Afton Schneider, Director of the Communications and Public Engagement Office (CAPE). The comments included reminders about the availability of the CAPE Team to assist with media relations, speaker engagements, and overall communication strategies to remain aligned with management and staff.
- City Budget Highlights
 - Kevin Rotty, a principal with the city's financial advisor, Public Financial Management (PFM) provided the following comments:
 - o Charlottesville remains a highly rated client in PFM's portfolio.
 - PFM is recommending a conservative approach to budgeting for FY 2025 given economic slowdown that most economist are predicting.
 - We applaud the City for smart uses of prior surpluses on one-time capital needs
 vs. spending on recurring expenditures.

- We have reflected on the accuracy in the City's budget as an average is a surplus of just a few million dollars in most years.
- And please note smart local governments are conservative by nature because if you are wrong the other way (absent some sort of emergency) it can be a real problem.
- We usually focus on CIP, debt ratios and the rating agencies views, but this year, we should review collective bargaining.
- The City has a debt policy whereby our total annual debt service shall not exceed 10% of general fund expenditure budget with a goal of below 9%.
- With collective bargaining of wages and benefits, it is important to note that wages today represent 33% of the City's General Fund Expenditures.
- Staff estimates that the 3 bargaining units are about 1/3 of that number so you
 can see that this category is an even bigger piece of the pie than all of the City's
 debt service.
- Virginia issuers have been getting asked the following questions by the rating agencies:
 - What is the status of the negotiations?
 - How many certified units?
 - What is the flexibility of the contracts and the terms?
 - What is management's ability to control wages, benefits, and work rules?
 - Do the employees have the right to strike?
 - And perhaps most importantly, what is the budgetary impact and how does the locality anticipate covering the increased cost?
- These are fair questions that can impact the overall credit ratings of a jurisdiction.
- Reminder that there are many highly rated entities where a long history of strong bargaining units exists.
- Kevin's recommendation: make sure you understand what you are agreeing to and the future budgetary impacts.
- Krisy Hammill, Budget Director, gave an FY25 Budget Overview that included:
 - Budget Season is in full swing with 1st work session on February 1st.
 - Council's joint meeting with School Board February 7th.
 - Schools have big needs this year.
 - State LCI changes equal a significant funding cut.
 - Reminder that the City Manager's proposed budget will be presented March 5^{th.}
 - Consideration of tax rate advertising is looming and will need to be discussed.
 - Revenue trends are still trending up, but at a much more moderate rate.
 - Our willingness to be thoughtful and disciplined with revenue estimates has served the City's finances well during these historic and uncharted times.
 - Leaving us with year-end surpluses that have allowed Council to as City Manager recently noted - "remain nimble" to proactively address community priorities as they arise.
 - Examples:
 - Purchase of 0 East High Street
 - Address City Hall Flooding emergency
 - Close the Premier Circle funding gap

- Purchase CATEC
- And we have "weathered the storms" during times of economic slowdown pandemic, 2008, etc.
- Large amounts of federal dollars are dwindling as we continue to spend those down.
- A recent 10-year look back, as a % of budget, our surpluses have averaged about 2%.
- FY 22 trended a little higher at 3.5% and FY 23 was at 6.9%.
- Those budgets were developed during uncertain times with the pandemic and many economists projected a national recession.
- For FY 25, collective bargaining, class and compensation, schools, climate action specifically as it relates to CAT, and homelessness all represent big investments and are the expenditure drivers.
- The question is how we get them all to fit and at what levels.
- City Manager Sanders previewed his budget priorities as follows:
 - Collective Bargaining
 - It is impossible to conduct collective bargaining negotiations where everyone will be in agreement throughout the process. The intention is to reach a compromise that is deemed workable for both sides. It ends with a contract for a period of time. In advance of that contract expiring, negotiations begin anew, and the process repeats itself as long as this is the manner for managing labor relations. The only reply to comments made during the last meeting of council is this:
 - I want three contracts that I can bring to Council with a recommendation to approve.
 - Council has expressed a desire for three contracts to identify a recognition of progress in the implementation of a fair system of compensating members of the bargaining unit and ensuring reasonable working conditions.
 - The manner in how we arrive at these results is the purview of the City Manager. I have the difficult task of deliberating on the most appropriate action to support our employees while maintaining the health of this organization, both financially and operationally.
 - We have engaged PFM to perform the costing function and to participate in the fact-finding portion of the recess. PFM knows our budget better than anyone, so it was important to have them use that knowledge to help provide the real financial impact of all offers: ours and theirs.
 - Reminder of our need to demonstrate affordability of collective bargaining contracts
 - Again, I want three contracts that I can recommend and Council can authorize me to sign.
 - Compensation & Class Implementation
 - I would absolutely love to implement the proposal 100% at one time.
 - I cannot commit to that right now because we are still making determinations on core matters before we even finish some of the elective items.
 - I have to balance the desires of all staff in these two important matters that multiple Councilors have identified as a high priority.
 - Council's Pressure Points
 - School's Priorities: Operating Increase (Walker is separate as that is CIP)
 - CAT Alternative Fuels + Infrastructure

- o CAT optimization to meet frequency, reliability, safety
- o Sustaining major Affordable Housing investment
- Crafting a permanent intervention into the impacts of Homelessness
- Management of CIP (Walker, JMRL, ACRJ, etc.)
- Charles Hartgrove offered a series of reflections on the financial review & highlights given as normal for what has been discussed across the state.
- He added that it is a challenge that most municipalities are struggling with the volume of need and the distance the funding will take them.

• PM Break - 10 Minutes

Strategic Planning

- Charles Hartgrove facilitated a review discussion of Council's Strategic Plan Framework.
- He started with reminding them of the 9 Strategic Outcome Areas and the Commitment to Justice, Equity, Diversity, and Inclusion.
- Reminder: we refer to there being 10 Strategic Outcome Areas since the commitment to JEDI is significant and demonstrated throughout the other priorities.
- The discussion produced identification of the following areas of interest by Council to be reflected in the proposed budget.

1. Organizational Excellence

- Collective Bargaining
- Class & Compensation
- IT Investments

2. Climate Action

- Bike Lanes
- CIP commitment
- What have we done since the adoption of the CAP?

3. Education

- CATEC
- Walker
- Operating Increase

4. Transportation

- Alternative Fuels
- Overall Performance
- Advance the establishment of a Regional Transit Authority

5. Recreation, Arts, Culture

- Registration support
- Continued support for scholarships (access)
- Service reductions due to COVID (what elements can return)
- Staff capacity for more services that are in high demand
- Ensuring the services match the critical periods where childcare challenges persist

6. Public Safety

- ACRJ debt service begins in FY26 \$1M (growing to \$1.5M for an extended period) expensed to the General Fund
- How do we address drug enforcement issues?

- 7. Affordable Housing
 - Continued Investments to Produce & Preserve
 - Land Banks/Land Trusts
 - Cherry Avenue
 - Westhaven
 - Homelessness Intervention
- 8. Partnerships
 - UVA Relations
 - PILOT vs Commonwealth Contribution
- 9. Economic Prosperity
 - What are the examples from other communities?
 - How does Economic Development embrace this strategic outcome area
 - Desire for clarity and consideration on what makes sense for Charlottesville
 - Request for Reports regarding the following:
 - o Home to Hope
 - o Job Center
 - Office of Economic Development specifically the economic prosperity strategies

10. JEDI

- What are the empirical measures?
- We need external assessments, not just internal
- Justice analysis of policing (ex: drugs)
- Discussion about the vacancy that persists on the Planning Commission as Council desires to fill the seat with someone who brings diversity to the existing group
- The numbered items and the subjects below each are going to be used by the City Manager to
 confirm inclusion of budgetary allocations to address these priorities as identified by Council.
 Where there is not active engagement on a matter, the discussion will be leveraged into
 discussions about the budget that commence after the March 5th presentation of the city budget.
- Some questions that arose during the discussion, but labeled: Not Immediate, But Worthy
 - Acquiring large portfolios to preserve affordability (Ex: Maclin)
 - What are some low-cost implementation items that could make a difference?
 - o Drewary Brown Bridge installation of honorary signage and improvements
 - CAT App (interoperability among CAT, Jaunt, UTS?)
 - What kinds of community events are you interested in?
 - Arts Council
 - Not sure who would make this happen
 - Art in Place
 - Not sure who would make this happen
 - Fireworks
 - We should make this happen
 - First Night
 - Multiple expressions of supporting the return

- City Manager Sanders indicated the reason for posing these questions is because they have come up and different times, but there has been no time or attention to paid to them. He added that these are not things that will get immediate attention, but as he gets out again to meeting with people and groups, it becomes something that we can explore and determine any role for the city to engage.
- City Manager Sanders briefly reviewed the Strategic Plan next steps with the following notes:
 - Our new Deputy City Manager for Administration Eden Ratliff will be the lead on Strategic Planning.
 - We will re-engage Raftelis to support the expansion of the Framework adopted in September.
 - Full engagement of staff to buildout the strategies, actions, and measurements for the 5-year period.
 - Production of full plan with progress & success reports will be something to look for later this year and into the next fiscal year.
- City Attorney Stroman took Council through a discussion of 1st & 2nd Reading reconsiderations. After much discussion, the decision was made to only revise with the inclusion of the reminder that Council can move to suspend a second reading during a meeting and they increased the threshold to \$5,000 for items required to come to Council for approval because it is understood that those items are already accounted for in department and office budgets that have been approved. The full set of revisions will be completed by the City Attorney and brought to Council for adoption at a future Council Meeting.
- There was a request that the matter of the City Code identifying a 3-member Finance Committee of Council is a conflict with quorum obligations and should be resolved. The request was to: Edit for the ability to exist or pursue the removal of the provision.

The meeting adjourned at the conclusion of this discussion with a thank you to Charles Hartgrove for facilitating the day's discussion.

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required: Public Hearing and Approval of Ordinance (First Reading)

Presenter: Lauren Hildebrand, Director of Utilities

Staff Contacts: Lauren Hildebrand, Director of Utilities

Title: Release Natural Gas Easement – Hyland Park Subdivision

Background

In 2019 the City acquired a natural gas line easement from Highland Park Investments, LLC. The easement is located within Belluno Lane and Belluno Court in the Hyland Park Subdivision in Albemarle County. The Virginia Department of Transportation is now prepared to accept these roads into the state highway system.

Discussion

The attached ordinance proposes to quitclaim the existing natural gas easement in order for the Virginia Department of Transportation to formally accept these roads into the highway maintenance system. The natural gas facilities will continue to be owned and maintained by the City even after the easement is quitclaimed to the state. The City of Charlottesville's natural gas facilities are required o remain in their present locations, and if any of the streets cease to be part of the Virginia Department of Transportation highway system, the gas line easement in that street will revert back to the City.

Alignment with City Council's Vision and Strategic Plan

This supports City Council's vision and contributes to the Strategic Outcome Area of Organizational Excellence.

Community Engagement

In accordance with Va. Code Sec. 15.2-1800, a public hearing is required to give the public an opportunity to comment on the propose conveyance of a property interest. Notice of the public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

Budgetary Impact

None.

Recommendation

Staff recommends the approval of the attached ordinance and quitclaim deed. .

Alternatives

If the ordinance is not approved, the Virginia Department of Transportation will not accept the roadways into its road maintenance system.

Attachments

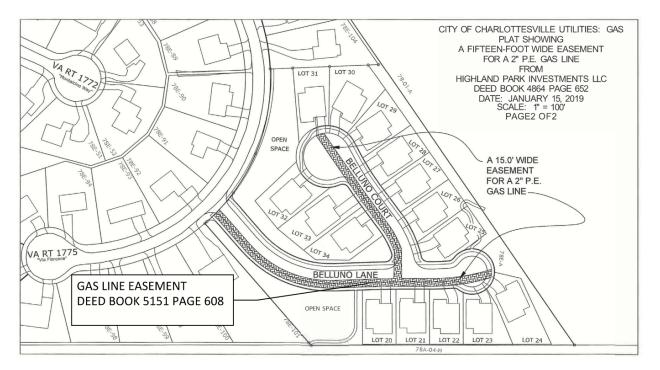
- 1. ORD Gas Line Easements Hyland Park Subdivision
- 2. Deed of Quitclaim Hyland Park Subdivision
- 3. Hyland Park Subdivison Plat

ORDINANCE OUITCLAIMING

CERTAIN UTILITY EASEMENTS

WITHIN THE PUBLIC RIGHTS OF WAY FOR BELLUNO LANE, BELLUNO COURT, WITHIN THE HYLAND PARK SUBDIVISION LOCATED IN ALBEMARLE COUNTY, VIRGINIA

WHEREAS, the developers of the Hyland Park Subdivision ("Developers") previously granted a gas line easement to the City, over and across land within the public rights of way for Belluno Lane and Belluno Court, in the location(s) depicted as follows:



WHEREAS, the public rights of way in which the City's gas line easement is located will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

WHEREAS, the Commonwealth of Virginia has requested the City to quitclaim the easement previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

WHEREAS, the City's Director of Utilities has recommended that the Commonwealth's request can be accommodated, so long as the City's gas line will be allowed to remain;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the easement is hereby quitclaimed, **PROVIDED**, **HOWEVER**, that the quitclaim of the foregoing easement is hereby made conditionally, subject to the following conditions:

- 1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for the City's natural gas line, and related facilities, located within the rights of way that are the subject of this Ordinance; however, the gas line shall remain within its current location, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas line for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Belluno Lane and Belluno Court as state-owned and maintained public streets or highways;
- 2. In the event that the rights-of-way for Belluno Lane or Belluno Court cease to be used or maintained as public streets or highways of the Commonwealth, the easement, and the City's rights, title and interests thereunder shall revert back to the City.
- 3. The City Attorney has prepared a Deed of Quitclaim referencing the easement to be quitclaimed by this ordinance, and for recordation within the land records, consistent with this ordinance. Once signed, the City Attorney will cause the Deed of Quitclaim and this Ordinance to be recorded within the land records of the jurisdiction in which the easement quitclaimed by this Ordinance was previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City's exercise of rights or privileges to operate its gas line within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.

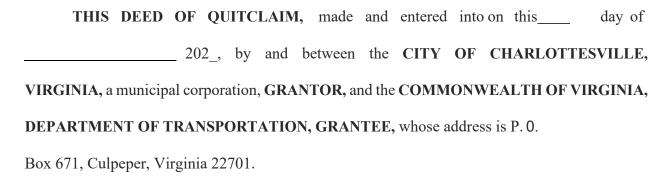
Approved by Coun	cil
, 20)24
	
Clerk of Council	

Prepared by Jacob P. Stroman (VSB #31506) Charlottesville City Attorney's Office P.O. Box 911, Charlottesville, VA 22902

Albemarle County Tax Map 078E0-00-00-000A4 (Hyland Park Subdivision)

This deed is exempt from state recordation taxes pursuant to Va. Code Secs. 58.l-811(A)(3) and 58.1-811(C)(4) and is exempt from the fees imposed by Va. Code Sec. 17-275 pursuant to Va. Code Sec. 17-266

DEED OF OUITCLAIM



WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, easements and rights of way ("Property"), as shown on the attached plat made by the City of Charlottesville Gas Division dated January 15, 2019, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace a gas line and certain related facilities and improvements (collectively, "gas line") which have been constructed and are being operated by the GRANTOR within the public right- of-way for Belluno Court and Belluno Lane, in the Hyland Park Subdivision in Albemarle County, Virginia, which public right-of-way is owned, operated and maintained by the GRANTEE as a public street or highway. The GRANTOR acquired its rights and interest in the Property by deed of easement dated February 5, 2019, from Highland Park Investments,

LLC, said deed being of record in the Clerk's Office for the Circuit Court for the County of Albemarle, within Instrument Number 201900003014.

The Grantor reserves unto itself, its successors, and assigns all of the rights and privileges under the aforesaid deed of easement until such time as the Virginia Department of Transportation has issued a permit to the GRANTOR authorizing the gas line to be and remain in place, and this conveyance is further expressly made subject to the following two conditions, which shall be covenants running with the land:

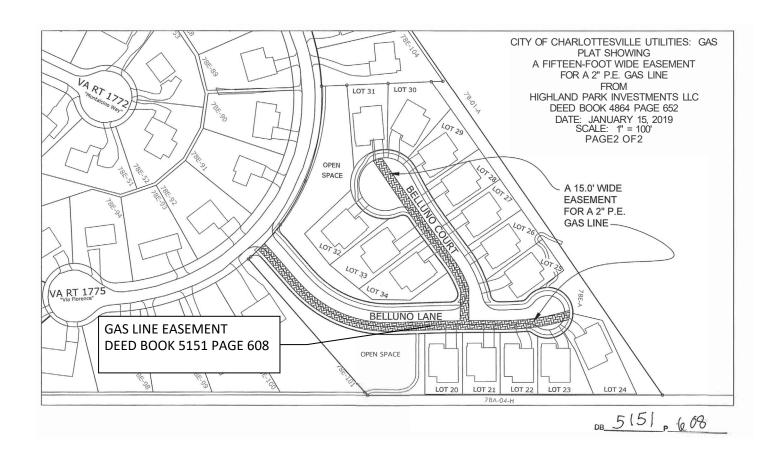
- 1. that the above-described gas line may continue to occupy such streets or highways in the existing condition and location, operated and maintained by the GRANTOR, and
- 2. the GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE shall have and shall hold GRANTOR'S interests in the above-described Property, for so long as said Property is used as part of its public street or highway owned and maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said Property's use for such purposes, all rights, privileges, interests and easements in the Property herein described under the aforesaid easements shall revert to the GRANTOR, its successors and assigns.

Notwithstanding other language contained herein which might appear to the contrary, the parties agree that GRANTOR shall continue to own in fee simple the gas line improvements located within the above described public roadway.

IN WITNESS WHEREOF, the GRANTOR has caused its name to be assigned hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

	CITY OF CHARLOTTESVILLE, VIRGINIA
	BY: Juandiego Wade, Mayor
ATTEST:	
Clerk of Council	
STATE OF VIRGINIA CITY OF CHARLOTTESVILLE	
within the State aforesaid, do hereby Charlottesville, Virginia, and Kyna Tho	, a Notary Public in and for the City of Charlottesville y certify that Juandiego Wade, Mayor of the City of omas, its Clerk of Council, whose names are signed to the, 202, have each duly acknowledged State aforesaid.
	day of, 202
Notary Public Registration # Approved as to Form: Jaco P. Stroman, City Attorney	



CITY OF CHARLOTTESVILLE **DEPARTMENT OF UTILITIES: GAS** PLAT SHOWING EXISTING GAS LINE EASEMENT(S) LOCATED WITHIN THE RIGHTS OF WAY OF "BELLUNO LANE" AND "BELLUNO COURT" "HIGHLAND PARK INVESTMENTS LLC" TO BE QUIT CLAIMED TO THE **COMMONWEALTH OF VIRGINIA DEPARTMENT OF** TRANSPORTATION GAS LINE EASEMENT RECORDED IN: DEED BOOK 5151 PAGE 608 DATED: JANUARY 15, 2019 SCALE 1" =100'

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required: Public Hearing and Approval of Ordinance (First Reading)

Presenter: Lauren Hildebrand, Director of Utilities

Staff Contacts: Lauren Hildebrand, Director of Utilities

Title: Release Natural Gas Easement - Dunlora Park Subdivision

Background

In 2017 the City acquired a natural gas line easement from Dunlora Investments, LLC. The easement is located within Marin Court and Varick Street in the Dunlora Park Subdivision in Albemarle County. The Virginia Department of Transportation is now prepared to accept these roads into the state highway system.

Discussion

The attached ordinance proposes to quitclaim the existing natural gas easement in order for the Virginia Department of Transportation to formally accept these roads into the highway maintenance system. The natural gas facilities will continue to be owned and maintained by the City even after the easement is quitclaimed to the state. The City of Charlottesville's natural gas facilities are required to remain in their present locations, and if any of the streets cease to be part of the Virginia Department of Transportation highway system, the gas line easement in that street will revert back to the City.

Alignment with City Council's Vision and Strategic Plan

This supports City Council's vision and contributes to the Strategic Outcome Area of Organizational Excellence.

Community Engagement

In accordance with Va. Code Sec. 15.2-1800, a public hearing is required to give the public an opportunity to comment on the proposed conveyance of a property interest. Notice of the public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

Budgetary Impact

None.

Recommendation

Staff recommends the approval of the attached ordinance and quitclaim deed. .

Alternatives

If the ordinance is not approved, the Virginia Department of Transportation will not accept the roadways into its road maintenance system.

Attachments

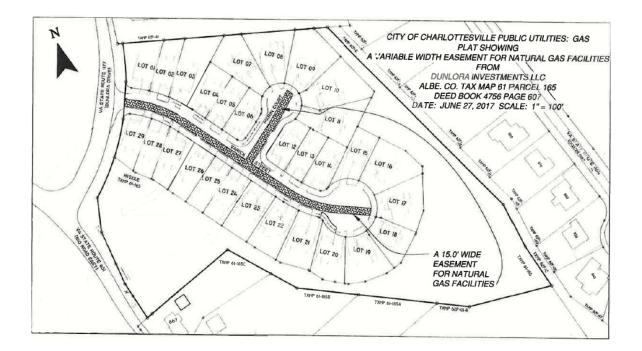
- 1. ORD Gas Line Easements Dunlora Park Subdivision
- 2. Deed of Quitclaim Dunlora Park
- 3. Plat Dunlora Park

ORDINANCE OUITCLAIMING

CERTAIN UTILITY EASEMENTS

WITHIN THE PUBLIC RIGHTS OF WAY FOR MARIN COURT, VARICK STREET, WITHIN THE DUNLORA PARK SUBDIVISION LOCATED IN ALBEMARLE COUNTY, VIRGINIA

WHEREAS, the developers of the Dunlora Park Subdivision ("Developers") previously granted a gas line easement to the City, over and across land within the public rights of way for Marin Court and Varick Street, in the location(s) depicted as follows:



WHEREAS, the public rights of way in which the City's gas line easement is located will be transferred to the Commonwealth of Virginia, Department of Transportation, which will own and maintain the public streets constructed within the public rights of way; and

WHEREAS, the Commonwealth of Virginia has requested the City to quitclaim the easement previously granted, so that upon transfer of the public streets for use and maintenance by the Commonwealth, the title to the land will be clear; and

WHEREAS, the City's Director of Utilities has recommended that the Commonwealth's request can be accommodated, so long as the City's gas line will be allowed to remain;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that the easement is hereby quitclaimed, **PROVIDED**, **HOWEVER**, that the quitclaim of the foregoing easement is hereby made conditionally, subject to the following conditions:

- 1. The Virginia Department of Transportation (VDOT) may require the City to obtain a permit for the City's natural gas line, and related facilities, located within the rights of way that are the subject of this Ordinance; however, the gas line shall remain within its current location, and the City shall have the right to continue to operate, maintain, alter, repair, inspect, protect, remove or replace the gas line for so long as the Commonwealth of Virginia, Department of Transportation uses the rights of way for Marin Court and Varick Street as state-owned and maintained public streets or highways;
- 2. In the event that the rights-of-way for Marin Court or Varick Street cease to be used or maintained as public streets or highways of the Commonwealth, the easement, and the City's rights, title and interests thereunder shall revert back to the City.
- 3. The City Attorney has prepared a Deed of Quitclaim referencing the easement to be quitclaimed by this ordinance, and for recordation within the land records, consistent with this ordinance. Once signed, the City Attorney will cause the Deed of Quitclaim and this Ordinance to be recorded within the land records of the jurisdiction in which the easement quitclaimed by this Ordinance was previously recorded. Within any such Deed of Quitclaim, the City will indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from claims arising from the City's exercise of rights or privileges to operate its gas line within the public rights of way, to the extent such indemnification is authorized or available under the laws of the Commonwealth of Virginia.

In the event that a Deed of Quitclaim has not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.

AND BE IT FURTHER ORDAINED BY CITY COUNCIL THAT the requirement within City Code Section 2-97 (for a two readings of an ordinance) is hereby WAIVED and this Ordinance shall be effective upon its adoption by Council without any requirement for a second reading.

Approved by Council	
, 2024	
Clerk of Council	

Prepared by Jacob P. Stroman (VSB #31506) Charlottesville City Attorney's Office P.O. Box 911, Charlottesville, VA 22902

Albemarle County Tax Map 06100-00-00-16500 (Dunlora Park Subdivision)

This deed is exempt from state recordation taxes pursuant to Va. Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4) and is exempt from the fees imposed by Va. Code Sec. 17-275 pursuant to Va. CodeSec. 17-266

DEED OF OUITCLAIM

THIS DEED OF QUITCLAIM, made and entered into on this ____ day of _____ 2024, by and between the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation, GRANTOR, and the COMMONWEAL TH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE, whose address is P. O. Box 671, Culpeper, Virginia 22701.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, easements and rights of way ("Property"), as shown on the attached plat made by the City of Charlottesville Gas Division dated June 27, 2017, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace a gas line and certain related facilities and improvements (collectively, "gas line") which have been constructed and are being operated by the GRANTOR within the public right-of-way for Marin Court and Varick Street, in the Dunlora Park Subdivision in Albemarle County, Virginia, which public right-of-way is owned, operated and maintained by the GRANTEE as a public street or highway. The GRANTOR acquired its rights and interest in the Property by deed of easement dated July 6, 2017, from Dunlora Investments, LLC, said deed being of record

in the Clerk's Office for the Circuit Court for the County of Albemarle, within Deed Book 4936, at Page 102.

The Grantor reserves unto itself, its successors, and assigns all of the rights and privileges under the aforesaid deed of easement until such time as the Virginia Department of Transportation has issued a permit to the **GRANTOR** authorizing the gas line to be and remain in place, and this conveyance is further expressly made subject to the following two conditions, which shall be covenants running with the land:

- 1. that the above-described gas line may continue to occupy such streets or highways in the existing condition and location, operated and maintained by the GRANTOR, and
- 2. the GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE shall have and shall hold GRANTOR'S interests in the above-described Property, for so long as said Property is used as part of its public street or highway owned and maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said Property's use for such purposes, all rights, privileges, interests and easements in the Property herein described under the aforesaid easements shall revert to the GRANTOR, its successors and assigns.

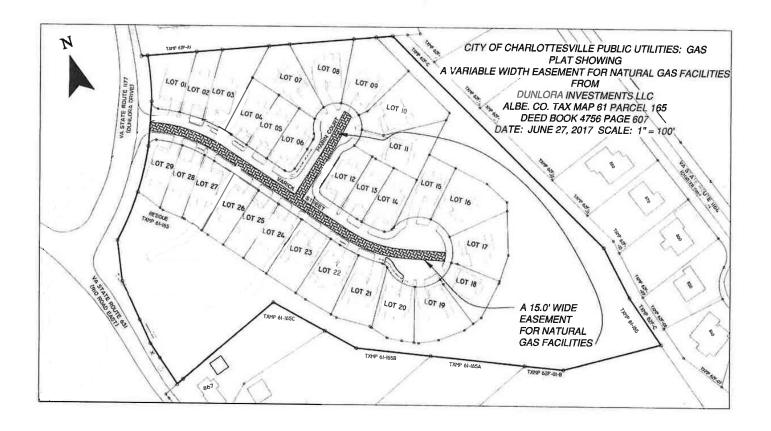
Notwithstanding other language contained herein which might appear to the contrary, the parties agree that GRANTOR shall continue to own in fee simple the gas line improvements located within the above described public roadway.

IN WITNESS WHEREOF, the GRANTOR has caused its name to be assigned h reto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

CITY OF	CHARLO	TESVILI	E, VIRG	INIA

	BY:		
	Juandie	ego Wade, Mayor	
ATTEST:			
Clerk of Council			
STATE OF VIRGINIA CITY OF CHARLOTTESVILLE			
I, within the State aforesaid, do here Charlottesville, Virginia, and Kyna T the foregoing writing, bearing date acknowledged the same before me wi	by certify that Juano Thomas, its Clerk of Coof thin my City and State	liego Wade, Mayor of Council, whose names, 202, have	of the City of are signed to
Given under my hand this	day of	, 202	
Notary Public Registration # Approved as to Form:			
graff thina			

CITY OF CHARLOTTESVILLE DEPARTMENT OF UTILITIES: GAS PLAT SHOWING EXISTING GAS LINE EASEMENT(S) LOCATED WITHIN THE RIGHTS OF WAY OF "VARICK STREET" AND "MARIN COURT" DUNLORA INVESTMENTS LLC TO BE QUIT CLAIMED TO THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION GAS LINE EASEMENT RECORDED IN: DEED BOOK 4756 PAGE 607 DATED: JNUE 27, 2017



CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required: Consideration of a Rezoning Application

Presenter: Carrie Rainey, Urban Designer/City Planner

Staff Contacts: Carrie Rainey, Urban Designer/City Planner

Title: Consideration of a request to rezone the property at 108 Lankford Avenue

from R-1S (Single Family Small Lot Residential) to R-3 (Multifamily

Residential)

Background

Green Retro Salvage II Holdings, LLC (applicant and owner) has submitted a Rezoning application per Code Section 34-41 for property located at 108, 110, and 112 Lankford Avenue and identified in the City's land records as Tax Map and Parcel (TMP) 260012000 (Subject Property). The applicant is pursuing a rezoning to change the existing zoning of the Subject Property from R-1S (Single Family Small Lot Residential) to R-3 (Multifamily Residential) with proffers. In order to implement the project as presented, the applicant has also applied for a Special Use Permit (SUP) (SP23-00003) to increase residential density from 21 dwelling units per acre (DUA) to 49 DUA and modify required setbacks and screening buffers. Please see the following report for more information on the Special Use Permit application.

Discussion

The Planning Commission and City Council held a joint public hearing on this matter on November 14, 2023. The staff report and application materials are available starting on page 167 of the packet: https://charlottesvilleva.portal.civicclerk.com/event/1836/files/4422 After the hearing, the Planning Commission granted the applicant's request to defer the application in order to make revisions.

The Planning Commission considered the revised application at their January 9, 2024 meeting. The staff report and application materials are available starting on page 104 of the packet: https://charlottesvilleva.portal.civicclerk.com/event/1956/files/4528 The Planning Commission discussed the modified preliminary proffer statement, which now requires 10% of residential units to be affordable for 99 years beginning with the first certificate of occupancy. The Planning Commission discussed the proposed preservation of two (2) of the three (3) existing buildings fronting on Lankford Avenue, which the Planning Commission found maintains the existing character and scale of the neighborhood. The Planning Commission discussed the impact of the property's grade on the placement of the proposed buildings, which the Planning Commission found reduces the apparent massing of the buildings. The Planning Commission discussed concerns with motorist behavior on Lankford Avenue and determined potential improvements would be most appropriately undertaken by the City through the Traffic Calming program.

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 August 2, 2023, the applicant held a Community Meeting at CitySpace (100 5th Street NE) beginning at 5:00pm. The meeting was attended by four (4) members of the public. Concern was expressed for impacts to traffic and on-street parking (as many existing homes do not have on-site parking), impacts to land values, impacts to the cemetery on the adjacent property (106 Lankford Avenue), and the proposed multifamily building style and heights. Attendees expressed a desire to see single family homes or tiny homes at this location. At the meeting, the applicant team confirmed underground and sonar survey work had been completed in respect to the cemetery on adjacent 106 Lankford Avenue.

At the November 6, 2023 City Council meeting, several members of the public spoke during Community Matters on Lankford Avenue. Comments are available in the meeting minutes starting on page 6 of the minutes: https://charlottesvilleva.portal.civicclerk.com/event/1669/files/4531

On November 14, 2023, the Planning Commission held a joint public hearing with City Council. No members of the public spoke at the hearing.

As of the date of this report, staff has received comments from two (2) community members. One community member indicated they are not supportive of the proposed Rezoning and SUP applications due to impacts from other developments in the neighborhood including on-street parking availability and difficulty traveling Lankford Avenue due the narrow width. The other community member noted concerns with increased traffic on Lankford Avenue including the narrow width of Lankford Avenue, lack of complete sidewalks, street grades increasing vehicular speeds, and the residential nature of the street which includes many homes with children or older adults. Should any comments come in after the report is posted, those comments will be forwarded to City Council.

Budgetary Impact

There is no impact to the General Fund.

Recommendation

The Planning Commission voted 5-0 to recommend approval of the Rezoning application.

Suggested motion: I move to approve the ordinance for application ZM23-00002 rezoning the property located at 108, 110, and 112 Lankford Avenue, City Tax Map Parcel 260012000 from R-1S (Residential Single Family Small Lot) to R-3 (Multifamily Residential) with Proffers.

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. Signed Proffer Statement dated January 11, 2024
- 2. 108 Lankford Rezoning Ordinance

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA IN RE: PETITION FOR REZONING (City Application No. ZM23-00002) STATEMENT OF FINAL PROFFER CONDITIONS

For 108 Lankford Avenue

City of Charlottesville Tax Map 26 Parcel 12

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

Green Retro Salvage II Holdings, LLC is the owner (the "Owner") of Tax Parcel 260012000 (the "Property") and seeks to rezone the Property which is the subject parcel of rezoning application ZM23-00002, a project known as 108 Lankford Avenue (the "Project"). The Owner seeks to amend the current zoning of the Property subject to certain voluntary conditions set forth below.

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

1. Affordable Housing:

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

- a. For the purposes of this Proffer, the term "For-Rent Affordable Dwelling Unit" means a dwelling unit where the monthly cost of rent is affordable to households at 60 percent of the Area Median Income (AMI) for the Charlottesville, Virginia Metro Area as published annually by the Federal Department of Housing and Urban Development (HUD). For the purposes of this Proffer, the term "affordable" means that the cost of rent, including tenant paid utilities does not exceed 30% of the monthly income of a 60 percent AMI household.
 - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than or equal to 60 percent of the AMI.
- b. The Owner shall cause 10% of the dwelling units constructed within the Project to be For-Rent Affordable Dwelling Units (the "Required Affordable Dwelling Units"). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property ("Initial Designation"). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Affordable Dwelling Units, and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number or make-up of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. The Required Affordable Dwelling Units shall be reserved as such throughout a period of ninety-nine (99) years, beginning from the date on which the first unit of the project receives a certificate of occupancy from the City's building official ("Rental Affordability Period"). All Required Affordable Dwelling Units shall be

- administered in accordance with one or more written declarations of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.
- ii. The Required Affordable Dwelling Units shall be comprised proportional to the unit types constructed.
- iii. On or before January 10 of each calendar year, or an alternate date mutually agreed upon by the Owners and the City, the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City on a template provided by the City's Office of Community Solutions, identifying each Required Affordable Dwelling Unit by address and location, and verifying the household income of the occupant(s) of each Required Affordable Dwelling Unit.
- iv. The Required Affordable Dwelling Units shall be constructed proportionally to the number of market rate units at a rate of 10 percent, so that for every ten (10) units constructed a minimum of one (1) is designated as a Required Affordable Dwelling Unit. Notwithstanding the foregoing, the Required Affordable Dwelling Units may be constructed at a rate that exceeds 10 percent of the total number of dwelling units. All Required Affordable Dwelling Units shall be constructed prior to the issuance of certificate of occupancy of the 44th dwelling unit.
- v. Section 8 Housing Choice Vouchers or similar housing vouchers will be accepted as a form of payment for the Required Affordable Dwelling Units.
- vi. The Owner shall provide a marketing plan to the Office of Community Solutions six months prior to the triggered date for affordable housing to be provided as outlined in 1.b.i for a residential unit within the Project. The marketing plan shall demonstrate how the affordable units will be advertised and will be prepared in a form acceptable to the Office of Community Solutions.
- c. The land use obligations referenced in 1.a.i and 1.b.i through 1.b.vi shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as forrent units throughout the Rental Affordability Period.

WHEREFORE, the undersigned Owner stipulates and agrees that the use and development of

AN ORDINANCE

APPROVING A REQUEST TO REZONE LAND FRONTING ON LANKFORD AVENUE FROM SINGLE FAMILY SMALL LOT RESIDENTIAL (R-1S) TO MULTIFAMILY RESIDENTIAL (R-3)

WHEREAS, Green Retro Salvage II Holdings, LLC (the "Landowner") is the current landowner of certain land fronting on Lankford Avenue, designated on the City Tax Map and Parcel (TMP) as 260012000 (hereinafter, the "Subject Property"), and the Landowner is seeking to change the zoning classifications of the Subject Property from R-1S to R-3 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 (ZM23-00002), 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) 260012000 ("Subject Property"), containing, in the aggregate approximately 0.948 acres (approximately 41,303.59 square feet) from R-1S Single Family Small Lot Residential to R-3 (Multifamily Residential) as described in application ZM23-00002 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 Owner shall provide affordable housing within the Project, as follows:

- a. For the purposes of this Proffer, the term "For-Rent Affordable Dwelling Unit" means a dwelling unit where the monthly cost of rent is affordable to households at 60 percent of the Area Median Income (AMI) for the Charlottesville, Virginia Metro Area as published annually by the Federal Department of Housing and Urban Development (HUD). For the purposes of this Proffer, the term "affordable" means that the cost of rent, including tenant paid utilities does not exceed 30% of the monthly income of a 60 percent AMI household.
 - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate income households having income less than or equal to 60 percent of the AMI.
- b. The Owner shall cause 10% of the dwelling units constructed within the Project to be For- Rent Affordable Dwelling Units (the "Required Affordable Dwelling Units"). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property ("Initial Designation"). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Affordable Dwelling Units, and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number or make-up of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. The Required Affordable Dwelling Units shall be reserved as such throughout a period of ninety-nine (99) years, beginning from the date on which the first unit of the project receives a certificate of occupancy from the City's building official ("Rental Affordability Period"). All Required Affordable Dwelling Units shall be administered in accordance with one or more written declarations of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.
 - ii. The Required Affordable Dwelling Units shall be comprised proportional to the unit types constructed.

iii. On or before January 1 0 of each calendar year, or an alternate date mutually agreed upon by the Owners and the City, the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City on a template provided by the City's Office of Community Solutions, identifying each Required Affordable Dwelling Unit by address and location, and verifying the household income of the occupant(s) of each Required Affordable Dwelling Unit.

- iv. The Required Affordable Dwelling Units shall be constructed proportionally to the number of market rate units at a rate of 10 percent, so that for every ten (10) units constructed a minimum of one (1) is designated as a Required Affordable Dwelling Unit. Notwithstanding the foregoing, the Required Affordable Dwelling Units may be constructed at a rate that exceeds 10 percent of the total number of dwelling units. All Required Affordable Dwelling Units shall be constructed prior to the issuance of certificate of occupancy of the 44th dwelling unit.
- v. Section 8 Housing Choice Vouchers or similar housing vouchers will be accepted as a form of payment for the Required Affordable Dwelling Units.
- vi. The Owner shall provide a marketing plan to the Office of Community Solutions six months prior to the triggered date for affordable housing to be provided as outlined in 1 .b.i for a residential unit within the Project. The marketing plan shall demonstrate how the affordable units will be advertised and will be prepared in a form acceptable to the Office of Community Solutions.
- c. The land use obligations referenced in 1.a.i and 1.b.i through 1.b.vi shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for rent units throughout the Rental Affordability Period.

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required: Consideration of a Special Use Permit

Presenter: Carrie Rainey, Urban Designer/City Planner

Staff Contacts: Carrie Rainey, Urban Designer/City Planner

Title: Consideration of a Special Use Permit Application for 108 Lankford

Avenue, designated on the City Tax Map and Parcel (TMP) as 260012000

Background

Green Retro Salvage II Holdings, LLC (applicant and owner) has submitted a Special Use Permit (SUP) application per Code Section 34-420 for property located at 108, 110, and 112 Lankford Avenue and identified in the City's land records as Tax Map and Parcel (TMP) 260012000 (Subject Property). The applicant is also pursuing a Rezoning application (ZM23-00002) to change the existing zoning of the Subject Property from Residential Small Lot (R-1S) to R-3 (Multifamily Residential) with proffers. Should the Rezoning application be approved, approval of the SUP application would permit additional residential density up to 49 dwelling units per acre (DUA) per Section 34-420 and the changes to setback and buffer requirements per Section 34-162:

Front yard setback (Section 34-353(a)): Modified from a 25-foot minimum to 10-feet. Setback adjacent to low-density residential districts (Section 34-353(b)(4)): Modified from a 75-foot minimum to 10-foot side setback and 25-foot rear setback.

Screening adjacent to low-density residential districts (Section 34-872(a)(1)(a)): Modified from a 20-foot minimum S-2 screen landscape buffer to 6-foot opaque screening fence.

Please see the previous report for more information on the Rezoning application.

Discussion

The Planning Commission and City Council held a joint public hearing on this matter on November 14, 2023. The staff report and application materials are available starting on page 212 of the packet: https://charlottesvilleva.portal.civicclerk.com/event/1836/files/4422 After the hearing, the Planning Commission granted the applicant's request to defer the application in order to make revisions.

The Planning Commission considered the revised application at their January 9, 2024 meeting. The staff report and application materials are available starting on page 150 of the packet: https://charlottesvilleva.portal.civicclerk.com/event/1956/files/4528 The Planning Commission discussed the modified preliminary proffer statement, which now requires 10% of residential units to be affordable for 99 years beginning with the first certificate of occupancy. The Planning Commission discussed the proposed preservation of two (2) of the three (3) existing buildings fronting on Lankford

Avenue, which the Planning Commission found maintains the existing character and scale of the neighborhood. The Planning Commission discussed the impact of the property's grade on the placement of the proposed buildings, which the Planning Commission found reduces the apparent massing of the buildings. The Planning Commission discussed concerns with motorist behavior on Lankford Avenue and determined potential improvements would be most appropriately undertaken by the City through the Traffic Calming program.

Alignment with City Council's Vision and Strategic Plan

If City Council approves the Special Use Permit, 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 August 2, 2023, the applicant held a Community Meeting at CitySpace (100 5th Street NE) beginning at 5:00pm. The meeting was attended by four (4) members of the public. Concern was expressed for impacts to traffic and on-street parking (as many existing homes do not have on-site parking), impacts to land values, impacts to the cemetery on the adjacent property (106 Lankford Avenue), and the proposed multifamily building style and heights. Attendees expressed a desire to see single family homes or tiny homes at this location. At the meeting, the applicant team confirmed underground and sonar survey work had been completed in respect to the cemetery on adjacent 106 Lankford Avenue.

At the November 6, 2023 City Council meeting, several members of the public spoke during Community Matters on Lankford Avenue. Comments are available in the meeting minutes starting on page 6 of the minutes: https://charlottesvilleva.portal.civicclerk.com/event/1669/files/4531

On November 14, 2023, the Planning Commission held a joint public hearing with City Council. No members of the public spoke at the hearing.

As of the date of this report, staff has received comments from two (2) community members. One community member indicated they are not supportive of the proposed Rezoning and SUP applications due to impacts from other developments in the neighborhood including on-street parking availability and difficulty traveling Lankford Avenue due the narrow width. The other community member noted concerns with increased traffic on Lankford Avenue including the narrow width of Lankford Avenue, lack of complete sidewalks, street grades increasing vehicular speeds, and the residential nature of the street which includes many homes with children or older adults. Should any comments come in after the report is posted, those comments will be forwarded to City Council.

Budgetary Impact

There is no impact to the General Fund.

Recommendation

The Planning Commission voted 5-0 to recommend approval of the Special Use Permit application with conditions.

Suggested motion: I move to approve the resolution for application SP23-00003 granting a Special

Use Permit for the property located at 108, 110, and 112 Lankford Avenue, City Tax Map Parcel 260012000, to allow residential density up to 49 dwelling units per acre and modified setbacks and screening requirements with the conditions stated in the resolution.

Alternatives

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolution granting the Special Use Permit with conditions as recommended by the Planning Commission;
- (2) by motion, request changes to the attached resolution, and then approve the Special Use Permit;
- (3) by motion, take action to deny the Special Use Permit; or
- (4) by motion, defer action on the Special Use Permit.

Attachments

1. 108 Lankford Avenue SUP Resolution

A RESOLUTION APPROVING A SPECIAL USE PERMIT FOR PROPERTY FRONTING ON LANKFORD AVENUE

WHEREAS, Green Retro Salvage II Holdings, LLC (the "Landowner") is the current owner of certain land fronting on Lankford Avenue, designated on the City Tax Map and Parcel (TMP) as 260012000, having an area of approximately 0.948 acres (approximately 41,303.59 square feet) (hereinafter, the "Subject Property"),

WHEREAS, the Landowner proposes to redevelop the Subject Property by constructing multi-family buildings on the Subject Property, with residential dwelling units at a density of up to 49 dwelling units per acre ("Project"); and

WHEREAS, the Project is described in more detail within the Applicant's application materials dated December 4, 2023 submitted in connection with SP23-00003, as required by City Code §34-158 (collectively, the "Application Materials"); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on November 14, 2023; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the information provided by the landowner within its Application Materials, and the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed Special Use Permit for the Project; and

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

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-420 and 34-162, a Special Use Permit is hereby approved and granted to authorize residential density of up to 49 dwelling units per acre, and reduced setback and screening requirements for the Project, subject to the following conditions:

1. The development being approved by this special use permit ("Project") will generally conform to the layout in the Concept Plan dated December 4, 2023 provided in the Application Materials:



- 2. Per Section 34-162, the Lankford Avenue front yard setback requirement is altered to be ten (10) feet.
- 3. Per Section 34-162, the side yard setback requirement is altered to be ten (10) feet.
- 4. Per Section 34-162, the rear setback requirement is altered to be twenty-five (25) feet.
- 5. Per Section 34-162, a six (6) foot tall opaque fence is required in the side and rear yards.
- 6. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall hire a qualified archeologist to determine:
 - a. If any human graves are present on the Subject Property and, if found, no construction shall proceed until notice is provided to the City Preservation Planner and upon consultation with the City Attorney; he will provide guidance on the next steps required before development resumes.
 - b. If construction activity will disturb the adjacent property at 106 Lankford Avenue, determine if any known or unknown graves will be impacted and assure they are treated appropriately including, if necessary, consulting with the Virginia Department of Historic Resources and securing any required state permit(s).

7. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall provide a minimum of one (1) tree for every four (4) parking spaces provided on-site.

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required: Approve Resolution

Presenter: James Freas, Director of NDS

Staff Contacts: James Freas, Director of NDS

Title: Development Review Procedures Manual Adoption

Background

The Development Review Procedures Manual describes the technical details of how an application for development is made and processed in the City of Charlottesville under the Charlottesville Development Code adopted by City Council on December 18, 2023. This document covers the submission requirements and schedules for all development application types in the Code as well as specifying community engagement requirements and fees.

Discussion

The intent of the procedures manual is two-part. First, it brings all development review processes and requirements together into one document, readily reviewable by applicants. Second, by separating these administrative procedures into a manual outside of the ordinance, staff can more easily update the manual as processes are improved.

The manual has three major parts:

- 1. Submission requirements for each application or review process, this section describes what an applicant must submit.
- 2. Notice Requirements Describes the notice requirements associated with the various public processes defined in the ordinance. These requirements largely match requirements as defined in state code.
- 3. Community Engagement Indicates the requirements for community meetings for certain types of applications.

In addition, the manual includes the fee schedule for permit applications.

The following highlights some of the key attributes of the manual:

- One overall objective is to strike a balance between requiring what is needed in order to conduct a complete and accurate review while not creating a burden on development projects, particularly smaller projects.
- A central component of the new development review process is the Development Plan. In short, the Development Plan is a zoning compliance document. The Development Plan is a conceptual level plan, meaning it is fully to scale but not fully engineered. Required for

everything from an addition onto a house to a major mixed-use development, it allows staff to confirm compliance with zoning requirements and provides an opportunity for staff to discuss with an applicant opportunities for alternative pathways to compliance that could help a project better meet the City's adopted objectives from the Comprehensive Plan. A minor Development Plan is for residential projects of less than 2 units or residential additions, everything else is a major Development Plan.

- The new zoning ordinance and procedures manual separates out the required engineering plans (stormwater and public improvement plans). The Development Plan, the engineering plans, and any required discretionary permits together make up a Final Site Plan.
 - 1. A minor Development Plan can be submitted simultaneously with the Final Site Plan and the Building Permit Application. While there are more parts to this application, it is effectively the same as a by-right building permit application under the current zoning ordinance.
 - 2. An applicant that first receives approval for a Major Development Plan and then any required engineering plans, may submit the final site plan simultaneously with their Building Permit application.
- State law requires that the City provide the option of an applicant skipping straight to the Final Site Plan submission. An applicant requiring a major Development Plan would not be able to simultaneously submit a Building Permit application in this scenario.
- The procedures manual requires applicants for rezonings or any form of special permit to do a community meeting. Projects that require submission of a Transportation Demand Management Plan must also hold a community meeting.

Alignment with City Council's Vision and Strategic Plan

Organizational Excellance

Community Engagement

Sent out to development community for comment and held a work session with the Planning Commission.

Budgetary Impact

N/A

Recommendation

Approve Resolution

Alternatives

<u>Attachments</u>

- 1. Final Charlottesville NDS Admin Manual -1-29-2024 update
- 2. Resolution Overruling the Planning Commission's Code of Virginia 15.2-2232 Determination on August 8 2023

Development Review Procedures Manual City of Charlottesville, Virginia



Neighborhood Development Services
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Effective Date: XX



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1. Introduction

This manual is a companion document to the Charlotteville Development Code, serving as a reference for project developers and the public seeking to understand and navigate the required development review processes. The manual includes details for application submittal requirements and required public notice and engagement consistent with the Code of Virginia state statutes associated with certain development review processes and community expectations.

2. Application Requirements

General

Submission through the City Portal https://permits.charlottesville.gov/portal is required unless alternate instructions are denoted in a section below.

2.1 Comprehensive Plan Review

2.1.1 Comprehensive Plan Adoption

The Planning Commission and City Council initiate the process of reviewing and updating the Comprehensive Plan. Reference 5.2.2. and 5.2.3.

2.1.2 Comprehensive Plan Amendment

The Planning Commission and City Council initiate the process of reviewing and updating the Comprehensive Plan. Reference 5.2.1. and 5.2.3.

2.1.3 Review of Public Facilities

Reference 5.2.1 and 5.2.4.

2.2 Zoning Amendment

2.2.1 Zoning Text Amendment

A Zoning Text Amendment must be initiated by City Council or the Planning Commission. An applicant may submit a request to either of these groups for consideration for initiation of an amendment to the zoning text. Reference Sec. 5.2.5. Zoning Amendments.

2.2.2 Zoning Map Amendment

An application for a Zoning Map Amendment must be filed per the requirements in Sec. 5.2.1 Common Review Procedures and Sec. 5.2.5. Zoning Amendments.

General Requirements

Applications for Zoning Map Amendments must be filed in the Department of Neighborhood Development Services. Each application must be composed of a completed application and supplemental information required in order for the City to review and act on the application. At a minimum, a complete application must include:

 Verification of the applicant's attendance at a pre-application meeting with the Administrator, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;



- 2. A City-provided application, signed by the owner of the property. Alternatively, the application form may be signed by the owner's authorized representative, if the application form is accompanied by the owner's written authorization (digital options for this are available in most cases);
- 3. Certification of evidence that any delinquent real estate taxes owed to the locality have been paid;
- 4. The required application fee, as set forth within the most recent fee schedule adopted by City Council:
- 5. All information required by any provision of the Development Code and any other applicable city ordinances, or state law, including the following:
 - a. A Development Plan when required by Sec. 5.2.9. Development Review.
 - b. A written disclosure of the information required by Sec. 5.2.1.C.2. Disclosure of Real Parties in Interest of the Development Code and, if the applicant is not the owner of the property, written evidence of their status as either the authorized agent of the property owner, or a contract purchaser of the property whose application is with the permission of the property owner;
 - c. Information and data identifying how many, if any, existing dwelling units on the development site meet the city's definition of an "affordable dwelling unit" and whether any such existing units, or equivalent affordable units, will remain following the development; and
 - d. Other supporting data sufficient to demonstrate compliance with the purposes and standards of the Development Code, including, without limitation, graphic materials that illustrate the context of the project as well as information and data addressing the criteria for review and decision set forth within Sec. 5.2.5. Zoning Amendments.
- 6. Project proposal narrative: Consisting of a detailed written statement of the proposal, its public need or benefit, and of how the project satisfies the purpose, intent, or objectives of the applicable zoning district classification.
- 7. Comprehensive plan analysis: Consisting of a detailed written statement of the project's consistency with the comprehensive plan, including the land use map and any small area, strategic investment area or other plan for the applicable development area.
- 8. Impacts on public facilities and infrastructure: A detailed narrative statement describing the project's impacts on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the City for maintenance, etc.
- 9. Context Maps: One (1) or more maps showing the proposed project's neighborhood context, existing natural and human caused conditions, and existing topography.
- 10. Impacts on environmental features: A narrative of environmental features of the property that would be affected by the project, including, without limitation: trees, existing pervious surfaces, critical slopes, streams, etc. Photographs must be provided of features described in the narrative.
- 11. All required supplemental information.



Supplemental Information

For each application for a Zoning Map Amendment, the Administrator may require supplemental information to be submitted along with the application. In determining what supplemental information must be submitted, the Administrator will consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the Administrator determines to be relevant according to sound zoning practices. Required supplemental information may consist of any or all of the following:

- 1. **Project concept plan.** For any Zoning Map Amendment to implement a project not requiring a Development Plan, a Conceptual Plan may be required showing, as applicable:
 - a. Street network, including circulation within the project and connections to existing and planned streets within and outside the project;
 - b. General location of pedestrian and bicycle facilities;
 - c. Building envelopes;
 - d. Parking envelopes;
 - e. Public spaces and amenities;
 - f. Conceptual stormwater management facility locations and types;
 - g. Conceptual grading;
 - h. Conceptual landscape plan;
 - Topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; and
 - j. General location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities.
 - k. For applications proposing the alteration of the footprint or height of an existing building, or the construction of 1 or more new buildings:
 - i. Building massing diagram
 - ii. Elevations
- Other information. Including, without limitation, special studies or documentation, identified by the Administrator as being necessary for a full and complete review of the proposed Zoning Map Amendment consistent with good zoning practices.

Conditional Zoning Requirements

All proffered conditions must be submitted in a written format per the requirements of Sec. 5.2.5. Zoning Map Amendments, and must include the following, as applicable:

- 1. Written statements;
- 2. Development plans;



- 3. Profiles;
- 4. Elevations; and
- 5. Other demonstrative documents depicting, describing, or otherwise pertaining to a proposed development.

The Administrator may establish specific forms for use by persons who wish to submit proffered conditions. Each submission must be accompanied by the required fee, as set forth within the most recent fee schedule adopted by City Council.

2.3 Historic Preservation and Design Review

2.3.1 Minor Historic Review and Major Historic Review

<u>General Requirements</u>. The following information and exhibits may be required for each application for a Certificate of Appropriateness (COA) for any project in an Architectural Design Control (-ADC) or Historic Conservation (-HC) overlay district or an Individually Protected Property (-IPP), requiring a Minor or Major Historic Review. Not everything listed is necessary for a specific project; applicants should coordinate with <u>historic preservation</u> staff to determine what is needed.

- 1. Detailed and clear descriptions of proposed construction and/or proposed changes in the exterior features of the subject property, including but not limited to the following, as applicable: the general design, architectural style, form, and details, building location and arrangement, materials (including textures and color palette), windows and exterior doors (including glass specifications), lighting (including Color Temperature and Color Rendering Index), landscaping (including removal of existing trees and site elements), parking, signs, locations of utility boxes/meters and mechanical equipment (including planned screening), and other exterior fixtures and appurtenances.
- 2. At the discretion of the Administrator, for new construction and projects proposing expansion of the footprint of an existing building: a 2D representation of a three-dimensional model, in digital form (i.e. renderings, illustrative drawings) depicting the site, and all buildings and structures to be located thereon, as it will appear upon completion of the work that is the subject of the application.
- 3. Photographs of the subject property and contiguous properties, indicating the relationship of the proposed change to surrounding properties and/or buildings.
- 4. Photographs and/or catalog cutsheets showing the nature, texture and color of materials proposed. Staff may request physical samples.
- 5. The history of an existing building or structure.
- 6. For applications also requiring the review of a Development Plan, that must be submitted. For applications that include landscaping, include a landscape plan as follows:
 - a. For a project requiring the review of a Development Plan, the Landscape Plan must meet the requirements set forth in that Section.
 - b. For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the Administrator to determine whether the applicable design standards are met.
- 7. In the case of a demolition request where structural integrity is at issue, the applicant shall provide a structural evaluation and cost estimates for rehabilitation, prepared by a professional engineer.



- 8. For sign permit Certificate of Appropriateness (CoA), see requirements under 2.5.3. Similarly, the fee will be calculated on a per sign basis, not a single CoA application.
- 9. If significant and substantive modifications to the approved design are necessary due to the Development Plan or final site plan, staff, following consultation with the Administrator, may void the CoA and require a new application, including the associated fee.

Minor Historic Review.

Reference 5.2.6.

In the event of a party appealing an administrative review (ref 5.2.6.D.), the matter will be referred to the BAR and treated as a Major Review, applying the timelines stated to complete such reviews.

Major Historic Review

Reference 5.2.7

<u>For a property in an ADC District or IPP</u>: Following submittal of a complete application, the BAR will have 60 days from the application deadline to take an action--within the first two consecutive BAR meetings following the deadline. Following the first meeting, the BAR may approve or deny the CoA, or defer action to the next BAR meeting, at which time the BAR must approve or deny the CoA. An applicant may request a deferral, after which they will have 18-months from the original submittal deadline to return under the same application. If that period exceeds 18-month, the deferred request will expire and a new application, including fee, is required. Under unusual circumstances, and at the request of the applicant, the BAR may consider extending that period by no more than 12-months.

In the event of a party appealing a BAR action (ref 5.2.7.E.), the validity period of an approval will start on the date of the final action taken as available under 5.2.7.E.

<u>For a property in a HC District</u>: Following submittal of a complete application, the BAR will have thirty (30) days from the application deadline to take an action. Following the first BAR meeting, only the applicant may request a deferral, the BAR must either approve or deny the CoA. Staff will consider a failure to act as consent for an administrative approval. Following an applicant's request for a deferral, they will have 18-months from the original submittal deadline to return under the same application. If that period exceeds 18-month, the deferred request will expire and a new application, including fee, if applicable, is required. Under unusual circumstances, and at the request of the applicant, the BAR may consider extending that period by no more than 12-months.

2.3.2 Corridor Review

The following information and exhibits must be submitted along with each application for a Certificate of Appropriateness for any project in the Entrance Corridor (-EC) overlay district, requiring Corridor Review. Not everything listed is necessary for a specific project; applicants should coordinate with historic preservation staff to determine what is needed.:

 Detailed and clear descriptions of proposed construction and/or proposed changes in the exterior features of the subject property, including but not limited to the following, as applicable: the general design, architectural style, form, and details, building location and arrangement, materials (including textures and color palette), windows and exterior doors (including glass specifications), lighting (including Color Temperature and Color Rendering Index), landscaping (including removal



- of existing trees and site elements), parking, signs, locations of utility boxes/meters and mechanical equipment (including planned screening), and other exterior fixtures and appurtenances.
- 2. At the discretion of the Administrator, for new construction and projects proposing expansion of the footprint of an existing building: a 2D representation of a three-dimensional model, in digital form (i.e. renderings, illustrative drawings) depicting the site, and all buildings and structures to be located thereon, as it will appear upon completion of the work that is the subject of the application.
- 3. Photographs of the subject property and contiguous properties, indicating the relationship of the proposed change to surrounding properties and/or buildings.
- 4. Photographs and/or catalog cutsheets showing the nature, texture and color of materials proposed. Staff may request physical samples, if warranted.
- 5. For applications that include landscaping, include a landscape plan as follows:
 - a. For a project requiring the review of a Development Plan, the Landscape Plan must meet the requirements set forth in that Section.
 - b. For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the director to determine whether the applicable design standards are met.
- 6. For sign permit CoA, see requirements under code section 2.5.3. Similarly, the fee will be calculated on a per sign basis, not as a single CoA application.

For an Entrance Corridor application referred to the ERB: Following submittal of a complete application, the ERB will have 60 days from the application deadline to take an action--within the first two consecutive ERB meetings following the deadline. Following the first meeting, the ERB may approve or deny the CoA, or defer action to the next ERB meeting, at which time the ERB must approve or deny the CoA. An applicant may request a deferral, after which they will have 18-months from the original submittal deadline to return under the same application. If that period exceeds 18-month, the deferred request will expire and a new application, including fee, is required. Under unusual circumstances, and at the request of the applicant, the ERB may consider extending that period by no more than 12-months.

If significant and substantive modifications to the approved design are necessary due to the Development Plan or final site plan, staff, following consultation with the Administrator, may void the CoA and require a new application, including the associated fee.

2.4 Development and Subdivision Review

Development Review

Development Review applies to all Projects (see Div.7.2 Definitions); including, but not limited to: New Construction, Additions, Site Modifications, and Changes of Use. Development Review is not required for a change of use/site modification provided that no additional site access, or alteration of existing site access is recommended by the City based on intensification of use; and no additional site access, or alteration of existing site access is proposed. Projects not requiring Development Review may require a Building Permit.

Projects subject to Development Review require approval of a Final Site Plan prior to any site activity or issuance of a Land Disturbance Permit and/or Building Permit.

Final Site Plan

A Final Site Plan is a collection of approved subplans that meet all requirements set forth within the Code of Virginia § 15.2-2240 et seq and may include:

Development Plan (Major or Minor)



- Stormwater Management Plan
- Public Improvement Plan
- Certificate of Appropriateness (coordinate with Historic or Entrance Corridor Review)
- Traffic Demand Management Plan (if required)
- All applicable:
 - Special Use Permits
 - Administrative Modifications and Exceptions
 - Special Exceptions
 - Waivers
 - Permits
 - Variances

Note: not all subplans may be required for every Project.

Projects with over 50,000 square feet of gross floor area must submit a Traffic Demand Management Plan. Reference Section 4.5.4.C.1

<u>Development Plan - Minor</u>

Minor Development Plans include Projects consisting of residential construction of up to two dwelling units on one lot; residential additions; site modifications; and change of use; and are subject to the discretion of the Administrator. Minor Development Plans do not need to be prepared by an architect, professional engineer, land surveyor or certified landscape architect licensed to practice within the Commonwealth of Virginia; and may be prepared as a dimensioned sketch provided enough information is included for staff to complete their review. All plans must be submitted electronically to the City for review.

Requirements for a Minor Development Plan may include (and must be shown on the plan documents):

- a. The name of the development; names of the owners, developers and individuals who prepared the plan; tax map(s) and parcel number(s) (unabbreviated and expressed in full); address(es); zoning district classification(s); descriptions of all variances, zoning proffers and bonus factors applicable to the project; north point; scale (in engineering or architectural units); sheet number(s) and total number of sheets; date of drawing; date and description of revisions; property lot lines.
- b. All applications for waivers, variations, permits, special exceptions, special use permits, design review, and administrative modifications and exceptions may be submitted with the Minor Development Plan or individually. Approval of a Final Site Plan will not be granted until all outstanding requests are addressed by the appropriate body.
- c. A legend showing all symbols and abbreviations used on the plan.
- d. Existing Use(s) and Proposed Use(s).
- Lot size; density (or maximum number of dwelling units); coverage; building setbacks and build-to
 dimensions; transition; entrances; parking location; fences and walls; building separation; vehicular
 circulation; and elevations.



- f. Indicate if residential units are sale or rental units; number of bedrooms per unit; description of any affordable dwelling unit requirements applicable to the subject property or project and reference to the specific deeds, agreements, or other evidence of the property owner's binding obligation to provide affordable dwelling units applicable to the subject property. Reference the Affordable Dwelling Unit Manual.
- g. Critical slopes, as defined in Sec. 4.10.1. Critical Slopes.
- h. Existing landscape features as described in Sec. 4.9.1. Tree Preservation and Replacement, including all individual trees of 8-inch caliper or greater.
- i. One hundred-year flood plain limits, as shown on the official flood insurance maps for the City of Charlottesville, as well as the limits of all floodway areas and base flood elevation data required by Sec. 2.9.1. Flood Hazard Protection District.
- j. Existing and proposed access easements and alley easements.
- k. Existing and proposed drainage easements.
- Location and size of existing water, sanitary and storm sewer facilities, and easements, and proposed conceptual layout for water and sanitary sewer facilities and public storm sewer facilities.
- m. Location of other existing and proposed utilities and utility easements.
- n. Location of existing and proposed ingress to and egress from the property, showing the distance to the centerline of the nearest existing street intersection.
- o. Location and dimensions of all existing and proposed improvements.
- p. The location, character, size, height, and orientation of proposed signs, as proposed to be installed or erected in accordance with Div. 4.11. Signs; and elevations of buildings showing signs to be placed on exterior walls. Signs which are approved in accordance with this Section will be considered a part of the approved Development Plan and Final Site Plan. Thereafter, signs will not be installed, erected, painted, constructed, structurally altered, hung, rehung, or replaced except in conformity with the approved Development Plan and Final Site Plan. Any changes in signs from the approved Development Plan and Final Site Plan or any additions to the number of signs as shown on the Development Plan and Final Site Plan will be allowed only after amendment of the Development Plan and Final Site Plan by the Administrator or the Planning Commission.
- q. Specific written schedules or notes as necessary to demonstrate that the requirements of the Development Code are being satisfied.
- r. For all parking and loading areas, indicate: size, angle of stalls; width of aisles, specific number of spaces, and type of surfacing.
- s. Landscape Plan.
- t. Traffic Demand Management Plan (if required)
- u. Acknowledgement of adherence to the building façade Transparency, Height; Massing; and ground story requirements. Requirements must be outlined on the development plan with notation that the requirements will be shown for design review and/or building permit applications.



- v. The Administrator may require additional information to be shown on the Development Plan as deemed necessary in order to provide sufficient information for the Administrator to adequately review the Development Plan.
- w. Signature panels for:
 - The Administrator
 - o Code Official

<u>Development Plan - Major</u>

Major Development Plans include Projects consisting of residential construction of three or more dwelling units on one lot; nonresidential construction; and change of use; and are subject to the discretion of the Administrator. Applicants may provide a written request for consideration to be processed as a Minor Development Plan prior to application submission.

Major Development Plans shall be submitted electronically and shall be prepared, sealed, signed, and dated by an architect, professional engineer, land surveyor or certified landscape architect licensed to practice within the Commonwealth of Virginia.

Requirements for a Major Development Plan may include:

- a. All applications for waivers, variations, permits, special exceptions, special use permits, design review, and administrative modifications and exceptions may be submitted with the Major Development Plan or individually. Approval of a Final Site Plan will not be granted until all outstanding requests are addressed by the appropriate body.
- b. Major Development Plan must be prepared to a standard engineering scale and submitted electronically. Paper plans will not be accepted for review.
- c. The name of the development; names of the owner, developer and individual who prepared the plan; tax map(s) and parcel number(s) (unabbreviated and expressed in full); address(es); zoning district classification(s); descriptions of all variances, zoning proffers and bonus factors applicable to the site; description of affordable dwelling unit requirements applicable to the subject property; city and state; north point; scale; 1 datum reference for elevation (where a flood hazard overlay district is involved, U.S. Geological Survey vertical datum shall be shown or correlated to plan topography); source of the topography; source of the survey; sheet number and total number of sheets; date of drawing; date and description of latest revision; property lines; minimum setback lines, yard and building separation requirements.
- d. A legend showing all symbols and abbreviations used on the plan.
- e. Existing Use(s) and Proposed Use(s).
- f. Lot size; density (or maximum number of dwelling units); coverage; building setbacks and build-to dimensions; transition; parking location; height; massing; ground story; transparency; entrances; fences and walls; building separation; vehicular circulation; outdoor lighting; and elevations.
- g. Indicate if residential units are sale or rental units; number of bedrooms per unit; description of any affordable dwelling unit requirements applicable to the subject property or project and reference to the specific deeds, agreements, or other evidence of the property owner's binding obligation to provide affordable dwelling units applicable to the subject property.
- h. If phasing is planned, phase lines and proposed timing of development.



- i. Topographic information submitted with a Development Plan must be in the form of a topographic survey, which shall identify areas of critical slopes, as defined in Sec. 4.10.1. Critical Slopes, natural streams, natural drainage areas, and other topographic features of the site.
- j. Proposed grading: maximum two-foot contours.
- k. Existing landscape features as described in Sec. 4.9.1. Tree Preservation and Replacement (requirements of landscape plans), including all individual trees of 8-inch caliper or greater The landscape plan shall depict existing landscape features, including, without limitation: wooded areas (indicated by general type, e.g., evergreen or deciduous) and location of tree line; small groupings of trees; individual trees of eight (8) inch caliper or greater; ornamental trees of any size (indicated by common name), approximate caliper, and location; distinctive natural features, such as rock formations or water features; and human caused features of local or historic significance.)
- I. The name and location of all watercourses, waterways, wetlands and other bodies of water adjacent to or on the site.
- m. One hundred-year flood plain limits, as shown on the official flood insurance maps for the City of Charlottesville, as well as the limits of all floodway areas and base flood elevation data required by Sec. 2.9.1. Flood Hazard Protection District.
- n. Existing and proposed streets, access easements, alley easements, paper streets, and rights-of-way, and other vehicular travel-ways, together with street names, highway route numbers, right-of-way lines and widths.
- j. Location and size of drainage channels, and existing and proposed drainage easements; and a conceptual stormwater management plan showing how the applicant will achieve adequate drainage post-development, including a description of the specific design concept the applicant plans to apply.
- k. Location and size of existing water, sanitary and storm sewer facilities and easements, and proposed conceptual layout for water and sanitary sewer facilities and public storm sewer facilities.
- I. Location of other existing and proposed utilities and utility easements.
- m. Location of existing and proposed ingress to and egress from the property, showing the distance to the centerline of the nearest existing street intersection.
- n. All areas intended to be dedicated or reserved for public use.
- o. The location, character, size, height and orientation of proposed signs, as proposed to be installed or erected in accordance with Div. 4.11. Signs; and elevations of buildings showing signs to be placed on exterior walls. Signs which are approved in accordance with this Section will be considered a part of the approved Development Plan and Final Site Plan. Thereafter, signs will not be installed, erected, painted, constructed, structurally altered, hung, rehung or replaced except in conformity with the approved Development Plan and Final Site Plan. Any changes in signs from the approved Development Plan and Final Site Plan or any additions to the number of signs as shown on the Development Plan and Final Site Plan will be allowed only after amendment of the Development Plan and Final Site Plan by the Director of Neighborhood Development Services or the Planning Commission.
- p. Specific written schedules or notes as necessary to demonstrate that the requirements of the Development Code are being satisfied.



- q. For all parking and loading areas, indicate: size, angle of stall; width of aisles, specific number of spaces, and type of surfacing.
- r. Traffic Demand Management Plan (if required)
- s. A final landscape plan including Transitions and Screening, Retaining Walls, Landscaping, and Streetscape Standards. The location, size and shape of all proposed plant materials, and verification that minimum landscaping and screening requirements have been satisfied. A schedule of proposed plantings, including number, height, caliper or gallon size, and botanical name, and tables calculating the amount of any open space and tree cover required and provided. With respect to street trees, the plan should be marked to indicate the classification of the street on which such trees front and if the street is within one (1) of the city's corridor districts.)
- x. Acknowledgement of adherence to the building façade Transparency, Height; Massing; and ground story requirements. Requirements must be outlined on the development plan with notation that the requirements will be shown for design review and/or building permit applications.
- t. Signature panel for the preparer.
- u. Signature panels for:
 - A. The Administrator
 - B. Code Official

The Administrator or the Planning Commission may require additional information to be shown on the Development Plan as deemed necessary in order to provide sufficient information for the Administrator or Planning Commission to adequately review the Development Plan.

Development Review

Development Review follows the process outlined in Div. 5.2.1 Common Review Procedures and 5.2.9 Development Review.

Development Review consists of two separate approvals, a Development Plan and Final Site Plan. A Development Plan and Final Site Plan are required for all projects that require Development Review.

Development Plans and Final Site Plans may be reviewed simultaneously or may be phased. An applicant may choose to apply for Development Plan approval and engineering approval, and then apply for Final Site Plan approval and building approval in order to start building construction. Development Plan and Final Site Plan reviews include the requirements of this Development Code, and engineering and building reviews include requirements of separate Chapters of the City of Charlottesville Code and the Standards and Design Manual.

If an applicant pursues Final Site Plan approval prior to receiving approval of a Development Plan, no Building Permits required by the City Code of Ordinances Chapter 5, Building Regulations; Property Maintenance shall be accepted for review until the Final Site Plan is approved by the appropriate bodies.

If an applicant receives approval of a Development Plan prior to applying for a Final Site Plan, Building Permits required by the City Code of Ordinances Chapter 5, Building Regulations; Property Maintenance may be reviewed at the same time the Final Site Plan is under review. Building Permits may not be issued prior to Final Site Plan approval.

Anything regulated by this Development Code will be reviewed for compliance by the Administrator, with additional review by other City Departments.



Fees:

Application and review fees (Div.5.2.C.3. Fee Schedule) must be received, processed, and accepted by the City prior to the commencement of any review.

Completeness:

Prior to the acceptance of any application for review, completeness must be determined as outlined in Div.5.2.C.4 Completeness Determination.

Application Deadline:

Complete applications shall be submitted in accordance with the City's published schedule as outlined in Div.5.2.C.5 Application Deadline. If an application is deemed completed per Div.5.2.C.4 prior to the next submission deadline date, the application will be given that date as its "Official Submission Date". All review deadlines and milestones will be based off the "Official Submission date".

- Except as otherwise provided herein, the Administrator or Planning Commission shall approve or disapprove a Development Plan within sixty (60) days after the date such application was officially submitted. In cases where a Development Plan/Final Site Plan is referred to the Planning Commission or other body, the submission date shall be updated to the date the application was referred.
- 2) Neither the Administrator nor the Planning Commission shall be required to approve a Development Plan in fewer than sixty (60) days after the date it was officially submitted, or forty-five (45) days after it has been officially resubmitted after a previous disapproval.
- 3) Any state agency making such review is required to complete its review within forty-five (45) days after receipt of the application. Upon receipt of approval from a state agency, the Administrator shall act upon the application within thirty-five (35) days. If the Planning Commission conducts a public review, it shall act on the application within forty-five (45) days after receipt of approval from the state agency. All actions on a application shall be completed by the agent or the commission, and, if necessary, state agencies, within a total of ninety (90) days after the date the plan was officially submitted.

Revised Application Materials:

Within ninety (90) days after receiving a notice of denial ("grace period"), a developer may resubmit the Development Plan/Final Site Plan, without application fees, and request reinstatement of review of the plan ("resubmittal"). The date of the next submission deadline following such re-submittal shall be deemed to be the original date on which the application was "officially submitted".

 Except as otherwise provided herein, the Administrator or Planning Commission shall approve or disapprove a resubmitted Development Plan/Final Site Plan within forty-five (45) days after the date such application was officially submitted. In cases where a Development Plan/Final Site Plan is referred to the Planning Commission or other body, the submission date shall be updated to the date the application was referred.

Revised application materials can be submitted up to 3 times before a new application fee will be required for further application review. The Administrator may allow for additional revisions to be submitted without requiring a new application fee in circumstances that are beyond the control of the applicant.

1) Initial submission with application fees and an official submission date set by Application Deadline.



- a) 60 days for staff to approve or disapprove the application.
- 2) Resubmission #1. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.
- 3) Resubmission #2. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.
- 4) Resubmission #3. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.

In the event the developer fails to resubmit an updated plan within the ninety (90)-day grace period, a new application and fee shall be required for a subsequent submission. The Administrator shall notify the applicant in writing within fifteen (15) days after the revision deadline that if such revisions are not made, the plan will be denied approval. Within fifteen (15) days after mailing the notice of denial, the developer may resubmit the Development Plan/Final Site Plan, together with any required reinstatement fee. The date of the next submission deadline following such re-submittal of the Development Plan/Final Site Plan shall be deemed to be the date on which the application was "officially submitted"

At any time during the review process, an applicant may request that further processing or formal action on their application for approval of a Development Plan be indefinitely deferred. Thereafter, the application shall be deemed to have been voluntarily withdrawn by the applicant if the applicant fails to initiate, in writing, a reinstatement of review so that final action on the plan can be taken within six (6) months after the date the deferral was requested. Upon written request received by the Administrator before the date on which the application will be deemed to be withdrawn, the director may grant a onetime extension of the deferral for a period determined to be reasonable, taking into consideration the size or nature of the proposed development, the complexity of the review, and the laws in effect at the time the request for extension is made.

If an application does not receive approval on the third (3^{rd}) resubmission, a new application and fees will be required to continue the review process. In a detailed letter to the Administrator, the applicant may request an additional review without a new application fee for circumstances that are beyond the control of the applicant. Each additional review will require this request. If is up to the discretion of the Administrator to approve or deny the request and may be granted with conditions.

Withdrawal of an Application:

Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Administrator.

No portion of a required application fee will be refunded on any withdrawn application.

For applications requiring a public meeting or hearing, when a meeting or hearing has been advertised, the withdrawn application will be announced at the meeting or hearing.

Revisions to an Approved Development Plan or Final Site Plan, as described in Div. 5.2.9.F.2.C, shall follow the same process as outlined in Div. 5.2.1 and 5.2.9.

2.5 Subdivision Review

Subdivision Review applies to any division of land for the purpose of sale, lease, or development, boundary line adjustments, creation of sublots and easement plats and follows the process as described in Div. 5.2.1 Common Review Procedures and 6.7.3 Subdivision Review. The Administrator may grant



variations or exceptions to particular submission requirements articulated within this section, however, the Administrator may not grant variations or exceptions to (i) any requirements of <u>Chapter 10</u>, or any requirements or standards set forth within this chapter relating to drainage or flood control, or (ii) any requirements applicable to the layout, design and construction of public streets or other public facilities.

General Plat Requirements

All plats required for Subdivision Review must comply with the following requirements:

- 1. State standards. Every plat must meet the standard for plats promulgated by the Virginia Library Board pursuant to Va. Code § 42.1-82 of the Virginia Public Records Act, as such standards are set forth within the Virginia Administrative Code. A copy of these standards will be kept on file within the Department of Neighborhood Development Services. Document size must be between 8.5 inches by 11 inches and 18 inches by 24 inches, or 8.5 inches by 14 inches, the maximum size accepted by the Charlottesville Circuit Court Clerk's Office.
- 2. State professional standards. Every plat must meet the minimum standards and procedures for land boundary surveying practice, including minimum field procedures and office procedures, as set forth within the Virginia Administrative Code. A copy of such standards and procedures will be kept on file within the Department of Neighborhood Development Services.
- 3. **Name of plat preparer.** Every plat must contain the name and signature of the person who prepared the plat, who must be either a certified professional engineer or land surveyor.
- 4. General information. Every plat must contain the following information:
 - a. Date of drawing, including the date of the last revision;
 - b. Number of sheets;
 - c. North point;
 - d. Signature panels for the Secretary and Chair of the Planning Commission (if applicable);
 - e. Scale; and
 - f. If true north is used, the method of determination must be shown.
- 5. **Name of subdivision.** Every plat must contain the name or title under which the subdivision is proposed to be recorded in the City's land records. The title must not duplicate or be a homonym of an existing or reserved subdivision name within the City or the County of Albemarle, except if the subdivision is an extension of an existing subdivision.
- 6. Instrument creating property proposed for subdivision. The engineer or land surveyor who prepared the plat must endorse upon the plat a certificate signed by them setting forth the source of title of the owner of the land subdivided and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts must be indicated upon the plat. The plat must also identify the deed book and page number of any previously recorded subdivision plat applicable to the subject property, or any portion thereof.
- 7. **Identification of all owners and certain interest holders; statement of consent.** Each plat must contain the names and addresses of each owner of record of any land that is the subject of the proposed plat, and of the holders of any easements affecting the land that is the subject of the



plat. Every plat, or deed of dedication to which a plat is attached, must contain a statement as follows: "The platting or dedication of the following described land [insert a correct description of the land subdivided] is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any." The statement must be signed and duly acknowledged before an officer authorized to take acknowledgment of deeds.

- 8. **Vicinity map.** Each plat must contain a vicinity map showing the property and its relationship with adjoining land and streets, its relationship with landmarks in the area and, if the subdivision is a phased subdivision, all other phases of the subdivision for which a final plat has been approved, in detail adequate to describe the location of the property without field review.
- 9. **Existing or platted streets.** Each plat must specifically identify the location, width, grades and drainage of all existing streets and the location and widths of previously-platted rights-of-way.
- 10. Alleys, shared driveways, and private streets. Each plat must identify the location and dimensions of all easements for alleys, shared driveways and private streets. Easements shown for private streets, alleys and shared driveways must be labeled as "private street easement," "alley easement" or "shared driveway easement," as may be applicable.
- 11. Land to be dedicated in fee or reserved. Each plat must identify the location, acreage, and current owners of all land intended to be dedicated for public use, and the location, acreage and current owners of all land to be reserved in a deed for the common use of lot owners in the subdivision. All land intended to be dedicated for public use must be identified and set forth on the plat as required by *Div. 6.6. Fees and Dedication*.
- 12. **Public easements.** Each plat must identify the specific location and dimensions of all existing and proposed public easements and improvements situated outside of a public street right-of-way, including, without limitation, easements for water, sewer and gas lines and related improvements, sidewalk and other pedestrian easements; sight distance easements; and easements for drainage and stormwater management facilities. All previously recorded easements must be labeled with the deed book and page number of the recorded instrument by which such easements were created. Proposed dedications of public easements must be labeled as to the type of easement, and must be identified and set forth on the plat.
- 13. Proposed private easements and facilities. Each plat must identify the specific location and dimensions of existing and proposed non-public easements, including, without limitation: stormwater management facilities and related improvements; drainage easements; privately owned and maintained sidewalks; common or shared easements to public service corporations furnishing cable television, gas utilities, telephone and electric service to the proposed subdivision and to franchised cable television operators furnishing cable television services; and other private easements. Where easements are not parallel to lot lines, bearing and distance measurements are required. An existing easement must be labeled with the deed book and page number of the recorded instrument by which such easement was created. Proposed easements must be labeled as to the nature and type of easement. All final plats containing any proposed common or shared easements must expressly reference a declaration of the terms and conditions of such easements recorded with the subdivision plat in the City's land records.
- 14. **Existing and departing lot lines.** Each plat proposing a subdivision of more than one existing lot must show existing lots and their outlines, which must be indicated by dashed lines, and the location of departing lot lines of abutting lots.
- 15. **Proposed lots.** Each plat must show the number, approximate dimensions, and area of each proposed lot.



- 16. Building sites on proposed lots. Each plat must show the location, area and dimensions of a building site on each proposed lot, complying with the requirements of the Subdivision Code as well as the regulations of the zoning district in which such lot is situated. The plat must also contain the preparer's certification that "Each parcel [letter or number] created by this subdivision plat contain a building site that complies with the requirements of the City of Charlottesville's Zoning, Water Protection and Subdivision Ordinances."
- 17. **Floodplain and floodway limits.** Each plat must provide floodplain limits, elevations, and flood plain profiles and cross-sections, and shall provide the same information for the floodway.
- 18. **Drainage district.** When any part of the land proposed for subdivision lies within a drainage district such fact must be set forth on the plat.
- 19. **Places of burial.** When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, such grave, object or structure must be identified on the plat.
- 20. Control points. At least 4 control points, evenly distributed across the property and located at survey property corners, must be shown on each sheet depicting the property. These points must be sub-centimeter accurate and meet the definition of control point. One of the four points must be a bench mark showing elevation and horizontal coordinates related to the city's GPS base station. The point must be located in the field in concrete with a brass disk provided by the Engineering Department.
- 21. **Public areas, facilities or uses.** The location of all areas shown in the Comprehensive Plan as proposed sites for public areas, facilities or uses, as described in Va. Code § 15.2-2232, which are located wholly or in part within the boundaries of the property that is the subject of the proposed plat.
- 22. **Zoning classification.** The zoning classification of the property, including all applicable zoning overlay districts, proffers, special use permits and variances.
- 23. **Tax map and parcel number; street address.** The current city tax map and parcel number of the property, and the street address.
- 24. **Stream buffers.** The location of stream buffers required by the city's water protection ordinance, with the following note: "The stream buffer(s) shown hereon shall be maintained in accordance with Chapter 10 of the City Code, the City of Charlottesville's Water Protection Ordinance."
- 25. **Boundary lines.** The exterior boundary lines of the property must be shown with bearings in degrees, minutes and seconds.
- 26. Monuments. The location and material of all permanent reference monuments shall be identified. Acceptable material for monuments is specified in the Standards and Design Manual. Monuments found or installed prior to plat recordation may be referred to if they are permanent and undisturbed. If any monument required by this chapter will be installed after recordation of the final plat, the certification of the professional engineer or land surveyor shall so note.
- 27. Bearing and distance ties. A definite bearing and distance tie between not less than 2 permanent monuments on the exterior boundary of the property and further tie to existing street intersection or nearby benchmark, at the discretion of the agent.
- 28. **Identification of sections, blocks and lots.** Sections (phases) shall be identified by numbers; blocks must be identified by letters; lots must be identified by numbers, assigned in numerical or alphabetical order, as appropriate.



- 29. Acreage and square footage of lots. The total acreage and square footage of each existing lot and each proposed lot.
- 30. **Ownership of common areas.** The intended ownership of all common areas with reference to a declaration of the rights and responsibilities of such owner with respect to the common areas, to be recorded along with the final plat.
- 31. Street names. The name of each proposed street.
- 32. **Temporary turnarounds.** The location of temporary turnarounds, if needed, with the following accompanying note: "The area on this plat designated as a temporary turnaround will be constructed and used as other streets in the subdivision until (street name) is/are extended to (street name), at which time the land in the temporary turnaround area will be abandoned for street purposes and will revert to adjoining property owners in accordance with specific provisions in their respective deeds."
- 33. Statement pertaining to private alleys, driveways and streets. If alleys or shared driveways are shown, a note must be added to the plat stating that maintenance shall be by the owners of the lots benefited by the alley or shared driveway, not by the city. If the subdivision will contain one or more private streets, the following statement is required: "The streets in this subdivision are not accepted into the city's street system and will not be maintained by the City of Charlottesville."

 Grantors of any subdivision lots to which this statement applies must include the statement on each deed of conveyance.
- 34. **Restrictions**. Restrictions imposed in conjunction with the approval of the preliminary plat, and their period of existence, must be noted on the plat, including, without limitation: sidewalk maintenance agreements; stormwater/BMP facilities maintenance agreements, affordable dwelling unit, etc. If the length of the wording necessary to describe a particular restriction makes its inclusion on the final plat impractical, and if the nature of the restriction does not necessitate the preparation of a separate instrument for recordation with the plat, then a summary reference must be made to the restriction on the final plat.
- 35. **Terms of public easements.** All plats containing easements dedicated to the public must expressly reference a declaration of the terms and conditions of such public easements to be recorded with the subdivision plat in the city's land records.
- 36. **Topography.** A topographic map derived from aerial topographic surveys or, where required by the director of public works, from actual field surveys, with a contour interval of 5 feet referred to city data, showing the boundary lines of the tract to be subdivided.
- 37. Building setback lines. Building setback lines must be referenced on the plat.
- 38. **Critical slopes.** Critical slopes as defined under Sec. 4.10.1. Critical Slopes must be referenced on the plat.

Sublot Requirements

Contact City staff for assistance.

<u>Preliminary Plat Requirements</u>

The following documents and information must be submitted along with each preliminary plat, or, if none, with each final plat:



- Request for critical slopes waiver. If the need for a waiver is known at the time of submission, the subdivider must submit a written request and justification for any requested waiver authorizing the disturbance of critical slopes. The applicant must provide information, drawings and narrative details, addressing how the layout and location of proposed streets, utilities, stormwater management facilities, etc. will minimize the disturbance of critical slopes and natural drainage areas.
- 2. Stormwater management information. Topographic information submitted with a preliminary plat must be in the form of a topographic survey, which shall identify areas of critical slopes, natural streams, natural drainage areas, and other topographic features of the site. The applicant must provide a stormwater management concept detailing how the applicant will achieve adequate drainage post-development, including a description of the specific design concept the applicant plans to apply. References to specific types of stormwater management facilities, specific treatments, BMPs, LID techniques, etc. must be provided. The stormwater management concept must be prepared by a professional engineer or landscape architect, as those terms are defined in Code of Virginia § 54.1-400, and must describe the manner in which stormwater runoff from the subdivision will be controlled in order to minimize the damage to neighboring properties and receiving streams, and prevent the discharge of pollutants into surface waters, in accordance with the requirements of City Code Chapter 10.
- 3. Mitigation plan. If applicable, a mitigation plan as provided in the water protection ordinance.

Final Plat Requirements

In addition to any information required by Preliminary Plat, the following documents or information must be submitted with each final plat:

- 1. Infrastructure plans and computations in accordance with the Standards and Design Manual. Detailed plans, computations and necessary supporting documents for physical improvements including, but not limited to, traffic studies, street plans and cross sections, soil testing results, gas utilities, sewer and water plans and computations, landscape plans, parking calculations and other requirements of applicable zoning regulations, flooding computations and plans (if applicable), and any other plans, calculations and details deemed necessary by the city engineer in consultation with the director of public works, in order to determine compliance with the development standards set forth within the Subdivision Code. Information, details, calculations, construction plans and other documents or data required by Chapter 10 for a final stormwater management plan and a final erosion and sediment control plan must be included.
- Construction plans, public facilities. Construction plans must be submitted to and approved by
 the city engineer in consultation with the director of public works for all proposed streets, and for
 all water, gas, storm and sanitary sewer and other city-owned public utilities or facilities.
- 3. Construction plans, utility fixtures and systems. If the owner of any subdivision desires to construct in, on or under any public streets or alleys located in the subdivision, any gas, electric, cable or other non-city-owned utility works, pipes, wires, fixtures or systems, the owner must present plans and specifications to the city engineer for approval in consultation with the director of public works.
- 4. **Location of existing buildings.** A survey showing the location of all existing buildings within 50 feet of a proposed lot line or a proposed street.
- 5. **Building envelope.** A depiction of the building envelope for each lot, in accordance with the requirements of applicable zoning district regulations.



- 6. **Interests to be vacated in city property.** A plan which shows all rights and interests of the city that would be terminated and extinguished by recordation of the final plat, with reference to the deed book and page number at which the instruments creating such interests are recorded.
- 7. Instrument evidencing maintenance of certain improvements. If the subdivision will contain one or more improvements or facilities serving more than one lot within the subdivision, and that are not to be maintained by the city or any other governmental authority or other public agency, the subdivider must submit with the final plat an instrument assuring the perpetual maintenance of the improvement or facilities, as such instrument will be recorded with the final plat. For each such improvement or facility, the plat must contain the following notation: "No public agency, including the City of Charlottesville, Virginia, will be responsible for maintaining this improvement [or facility]."
- 8. Required bonds and surety.
- 9. Environmental disclosures. Subdividers must disclose and remediate contamination and other adverse environmental conditions of the property prior to final plat approval. Along with a final subdivision plat, the subdivider must submit a Phase I environmental site assessment based on the anticipated use of the property proposed for the subdivision or development, and if the agent deems it to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with EPA regulations and American Society for Testing and Materials (ASTM) standards, the subdivider must submit a Phase II environmental site assessment. Required assessments must meet generally accepted national standards, such as those established by ASTM. The subdivider must also submit a written plan for remediation of any contamination or conditions noted in the required assessments, and confirmation that such plan has been submitted to state or federal authorities for review and approval. The agent, in its sole discretion, may waive this requirement for minor subdivisions, but this waiver does not exempt the subdivider from any applicable state and federal law requirements.
- 10. Instruments evidencing affordable housing requirements. If the subdivision includes land that is subject to an affordable housing obligation, the subdivider must submit with the final plat the instruments assuring the reservation of land for such obligation, in such format as may be required by the regulations enacted.

Fees:

Application and review fees (Div.5.2.C.3. Fee Schedule) must be received, processed, and accepted by the City prior to the commencement of any review.

Completeness:

Prior to the acceptance of any application for review, completeness must be determined as outlined in Div.5.2.C.4 Completeness Determination.

Application Deadline:

Complete applications shall be submitted in accordance with the City's published schedule as outlined in Div.5.2.C.5 Application Deadline. If an application is deemed completed per Div.5.2.C.4 prior to the next submission deadline date, the application will be given that date as its "Official Submission Date". All review deadlines and milestones will be based off the "Official Submission date".

1. Except as otherwise provided herein, the Administrator or Planning Commission shall approve or disapprove a subdivision/plat within sixty (60) days after the date such application was



- officially submitted. In cases where a subdivision/plat is referred to the Planning Commission or other body, the submission date shall be updated to the date the plan was referred.
- 2. Neither the Administrator nor the Planning Commission shall be required to approve a subdivision/plat in fewer than sixty (60) days after the date it was officially submitted, or forty-five (45) days after it has been officially resubmitted after a previous disapproval.
- 3. Any state agency making such review is required to complete its review within forty-five (45) days after receipt of the application. Upon receipt of approval from a state agency, the Administrator shall act upon the application within thirty-five (35) days. If the Planning Commission conducts a public review, it shall act on the application within forty-five (45) days after receipt of approval from the state agency. All actions on an application shall be completed by the agent or the commission, and, if necessary, state agencies, within a total of ninety (90) days after the date the application was officially submitted.

Revised Application Materials:

Within ninety (90) days after receiving a notice of denial ("grace period"), a developer may resubmit the subdivision/plat, without application fees, and request reinstatement of review of the application("resubmittal"). The date of the next submission deadline following such re-submittal shall be deemed to be the original date on which the application was "officially submitted".

Except as otherwise provided herein, the Administrator or Planning Commission shall approve
or disapprove a resubmitted subdivision/plat within forty-five (45) days after the date such
application was officially submitted. In cases where a subdivision/plat is referred to the
Planning Commission or other body, the submission date shall be updated to the date the
application was referred.

Revised application materials can be submitted up to three (3) times before a new application fee will be required for further application review. The Administrator may allow for additional revisions to be submitted without requiring a new application fee in circumstances that are beyond the control of the applicant.

- 5) Initial submission with application fees and an official submission date set by Application Deadline.
 - a) 60 days for staff to approve or disapprove the application.
- Resubmission #1. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.
- 7) Resubmission #2. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.
- 8) Resubmission #3. The applicant has 90 days to resubmit per Revised Application Materials.
 - a) 45 days for staff to approve or disapprove the application.

In the event the developer fails to resubmit an updated application within the ninety (90)-day grace period, a new application and fee shall be required for a subsequent submission. The Administrator shall notify the applicant in writing within fifteen (15) days after the revision deadline that if such revisions are not made, the plan will be denied approval. Within fifteen (15) days after mailing the notice of denial, the developer may resubmit the subdivision/plat, together with any required reinstatement fee. The date of the next submission deadline following such re-submittal of the subdivision/plat shall be deemed to be the date on which the application was "officially submitted"



At any time during the review process, an applicant may request that further processing or formal action on their application for approval of a subdivision/plat be indefinitely deferred. Thereafter, the application shall be deemed to have been voluntarily withdrawn by the applicant if the applicant fails to initiate, in writing, a reinstatement of review so that final action on the application can be taken within six (6) months after the date the deferral was requested. Upon written request received by the Administrator before the date on which the application will be deemed to be withdrawn, the director may grant a onetime extension of the deferral for a period determined to be reasonable, taking into consideration the size or nature of the proposed development, the complexity of the review, and the laws in effect at the time the request for extension is made.

If an application does not receive approval on the third (3rd) resubmission, a new application and fees shall be required to continue the review process. In a detailed letter to the Administrator, the applicant may request an additional review without a new application fee for circumstances that are beyond the control of the applicant. Each additional review will require this request. If is up to the discretion of the Administrator to approve or deny the request and may be granted with conditions.

Withdrawal of an Application:

Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Administrator.

No portion of a required application fee will be refunded on any withdrawn application.

For applications requiring a public meeting or hearing, when a meeting or hearing has been advertised, the withdrawn application will be announced at the meeting or hearing.

2.6 Permit Review

As referenced in 5.2.10

2.6.1 Tree Removal Permit

Reference 4.9.1 and 5.2.10

The following information and exhibits must be submitted along with each application requiring a Tree Removal Permit

General Requirements

For tree removals associated with the review/approval of a Development Plan, the necessary fee and permit application will be finalized following completion of the Development Plan. Any item not included in the development plan for the site must be submitted with the tree removal permit.

As part of the application for a tree removal permit for which the tree removal is not associated with the review/approval of a Development Plan, an applicant shall provide a written plan containing the following information:

- 1. Site diagram(s) showing the following:
 - a. Boundaries of the subject site;
 - b. Tax map and parcel numbers for the subject site and adjacent property owners;
 - c. Zoning district classifications of the subject site and each adjacent property;



- d. Layout of the structures, parking and other pertinent features of the site;
- e. Diagram showing the tree(s) to be removed on the lot with specifications of the tree(s);
- f. Exhibit indicating the total tree coverage of the lot (existing and proposed) with tree type(s) and percentage lot coverage. Required lot coverage must be maintained per Section 4.9.1.D Existing tree canopy may be measured by surveying the canopy for each tree located on a site and summing the canopy area of each tree to calculate the total existing canopy. Alternatively, for heavily forested sites, canopy area can be estimated using a recent aerial photo; and
- g. Tree replacement plan (type of tree (from the City tree list only, location etc.)

An applicant may find some of the above information here: https://gisweb.charlottesville.org/GisViewer/

- 2. Narrative outlining work requested to occur, other alternatives to removal explored, estimated timeframe for proposed removal and, if required by staff, a letter from a licensed arborist verifying the necessity of the proposed removal.
- 3. Written permission of the owner of the subject property (if different than the applicant) authorizing the applicant to request removal of the tree(s)
- 4. Proof that the applicant or owner of the subject property have obtained, or will obtain, all licenses, permits and other governmental approvals required by any federal, state or local laws or regulations, required for or in connection with tree removal
- 5. Other information deemed necessary by the Administrator in order to evaluate the application.
- 6. If the tree removal is proposed/necessary for construction or alteration on a parcel within an ADC District or an IPP, an approved CoA is required prior to requesting a Permit.

Submission through the City Portal https://permits.charlottesville.gov/portal is required. Application is reviewed by the administrator as well as other City staff (including Parks and Recreation)

2.6.2 Floodplain Permit

Applications for Floodplain Permits shall contain all information referenced in Div. 5.2.10.B, Floodplain Permit. Applications which include a FEMA Letter of Map Change (LOMC) shall provide copies of all forms and supplemental data required by FEMA for submission.

2.6.3 Sign Permit/Certificate of Appropriateness for Signs

As referenced in 4.11 and 5.2.6 - 5.2.10

General Requirements

As part of the application for a Sign Permit, an applicant shall provide at a minimum, the following information:

- 1. Site diagram showing the following:
 - a. boundaries of the subject site
 - b. location and number of existing signage for entire subject site



- c. location of proposed signage
- 2. Visual representation of each proposed sign showing the following:
 - a. proposed sign dimensions
 - b. proposed sign lighting
 - c. proposed sign material
 - d. proposed method of installation

Submission through the City Portal https://permits.charlottesville.gov/portal is required.

Alternate Sign Plans

For projects subject to Development Review (5.2.9. Development Review) or Subdivision Review (Div. 6.7. Administration), City Council may modify requirements of this Division by approving an Alternate Sign Plan for a development or project.

Contact staff prior to submission.

2.6.4 Temporary Use Permit

As referenced in 3.6.1 and 5.2.10

General Requirements

As part of the application for a temporary use permit, an applicant shall provide a written plan containing, at a minimum, the following information:

- 1. Site diagram showing the following:
 - a. Boundaries of the subject site;
 - b. Tax map and parcel numbers for the subject site and adjacent property owners;
 - c. Name of the owner of the subject property, and the name(s) of all adjacent property owners;
 - d. Zoning district classifications of the subject site and each adjacent property; and
 - e. The location of all signs, structures, outdoor furniture, parking, equipment and lighting to be utilized on the lot or parcel.
- 2. Written permission of the owner of the subject property (if different than the applicant) authorizing the applicant to use the subject property for the temporary use.
- 3. Proof that the applicant or owner of the subject property have obtained, or will obtain, all licenses, permits and other governmental approvals required by any federal, state or local laws or regulations, required for or in connection with the proposed temporary use.
- 4. Other information may be deemed necessary by the zoning administrator in order to evaluate the application.

2.7 Relief

2.7.1 Administrative Modification

As references in 5.2.11



The Administrator may grant a modification of 15% or less of any physical dimensional standard from the Development Code except for those outlined in 5.2.11.A.2.

- An Application and all associated fees must be submitted to the Zoning Administrator to be considered for a modification to the Zoning Ordinance. The applicant shall include any pertinent materials with the applicant that help to prove that there is a hardship. Submission through the City Portal https://permits.charlottesville.gov/portal is required.
- 2. Prior to the granting of the Administrative Modification, all adjoining property owners shall receive written notice of the request for modification and be given an opportunity to respond to the request within 21 days of the date of the notice.
- A written decision must be provided to both the Applicant and any adjacent property owner that responded to the initial written notice.
- 4. A determination must be made within 90 days of the request.
- 5. The Applicant or other aggrieved party may appeal the Zoning Administrator's decision to the Board of Zoning Appeals.

2.7.2 Variance

As referenced in 5.2.12

- A. Application Process:
- 1 Application Initiation: Contact zoning staff to schedule pre-application meeting
- 2. Pre-Application Conference: Schedule meeting with Zoning Staff to speak about the hardship. This will also ensure that a complete application is submitted for the request.
- 3.Application Submittal: Submission of all materials and fee(s) through the City Portal https://permits.charlottesville.gov/portal is required.
 - B. Review and Decision Process:
- 1. A variance request will be advertised in accordance with Code of Virginia \S 15.2-2204 and placed on the agenda for the next regularly scheduled meeting.
- 2. The Administrator will organize all submitted materials and any other pertinent information from staff members and create a staff report. The Board of Zoning Appeals will be provided with the staff report prior to the meeting, and it will also be available to be viewed by the public.
- 3. The BZA has the power to grant a Variance if the criteria set forth below are met; provided that the burden of proof will be on the applicant to provide by a preponderance of the evidence that the application meets the standard for a Variance in the Code of Virginia § 15.2-2201 and 15.2-2309 and as set forth in the criteria below. If the criteria are not met, the BZA will deny the Variance. The BZA will make findings in its Order granting or denying the Variance.
- 4. Any person aggrieved by a ruling of the BZA may appeal to the Charlottesville Circuit Court. Such petition must be made within thirty (30) days after the Board rendered its decision.

2.7.3 Floodplain Variance

Applications for Floodplain Variances must be made in writing, must be addressed to the Administrator, and must be submitted to the Department of Neighborhood Development Services. At a minimum, a complete application shall include:



- Verification of the applicant's attendance at a pre-application meeting with the Administrator, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;
- A petition narrative, consisting of a detailed written description of the variance request, as well as a narrative explaining why a failure to grant a variance would result in an exceptional hardship on the property;
- 3. A surveyed plat of the property, including floodplain limits, elevations, and the footprints of any existing or proposed structures.

The Administrator may require supplemental information to be submitted along with the application, which may include building massing diagrams, hydrologic and hydraulic analyses, or a Development Plan. A list of required supplemental materials shall be provided to the applicant at their pre-application meeting.

2.7.4 Special Use Permit

The procedure for filing and consideration of an application for a special use permit is the same as that required for an owner-initiated petition for a Zoning Map Amendment, except that a complete application for a Special Use Permit must also include:

- 1. A Development Plan or Final Site Plan when required by Sec. 5.2.9. Development Review.
- 2. A written disclosure of the information required by Sec. 5.2.1.C.2. Disclosure of Real Parties in Interest of the Development Code and, if the applicant is not the owner of the property, written evidence of their status as either the authorized agent of the property owner, or a contract purchaser of the property whose application is with the permission of the property owner;
- 3. For developments including any non-residential uses, and developments proposing the construction of 3 or more single- or two-family dwellings, the applicant must provide a completed low-impact development ("LID") methods worksheet;
- 4. Information and data identifying how many, if any, existing dwelling units on the development site meet the city's definition of an "affordable dwelling unit" and whether any such existing units, or equivalent affordable units, will remain following the development; and
- 5. Other supporting data sufficient to demonstrate compliance with the purposes and standards of the Development Code, including, without limitation, graphic materials that illustrate the context of the project as well as information and data addressing the criteria for review and decision set forth within Sec. 5.2.14. Special Use Permits.
- 6. Project proposal narrative: Consisting of a detailed written statement of the proposal, its public need or benefit, and of how the project satisfies the purpose, intent or objectives of the applicable zoning district classification.
- 7. Comprehensive plan analysis: Consisting of a detailed written statement of the project's consistency with the comprehensive plan, including the land use map and any small area, strategic investment area or other plan for the applicable development area.
- 8. Impacts on public facilities and infrastructure: A detailed narrative statement detailing the project's impacts on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the City for maintenance, etc.



- 9. Context Maps: One (1) or more maps showing the proposed project's neighborhood context, existing natural and human caused conditions, and existing topography.
- 10. Impacts on environmental features: A narrative of environmental features of the property that would be affected by the project, including, without limitation: trees, existing pervious surfaces, critical slopes, streams, etc. Photographs must be provided of features described in the narrative.
- 11. All required supplemental information.

Supplemental Information

For each application for a Special Use Permit, the Administrator may require supplemental information to be submitted along with the application. In determining what supplemental information must be submitted, the Administrator will consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the director determines to be relevant according to sound zoning practices. Required supplemental information may consist of the following Project concept plan. For any Special Use Permit to implement a project not requiring a Development Plan, a Conceptual Plan may be required showing, as applicable:

- a. Street network, including circulation within the project and connections to existing and planned streets within and outside the project;
- b. General location of pedestrian and bicycle facilities;
- c. Building envelopes;
- d. Parking envelopes;
- e. Public spaces and amenities;
- f. Conceptual stormwater management facility locations and types;
- g. Conceptual grading;
- h. Conceptual landscape plan;
- Topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; and
- j. For applications proposing the alteration of the footprint or height of an existing building, or the construction of 1 or more new buildings:
 - i. Building massing diagram
 - ii. Elevations
- k. General location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities.

City Council's "reasonable conditions" must be directly related to use. Site related changes would be referred to the special exception process.



2.7.5. Special Exception Permit

Reference development rules 5.2.9. and Special Exception Use Section 5.2.15.

This application requires public notice, but no public hearing.

2.7.6 Critical Slopes Special Exception

Reference Critical Slope Code Section 5.2.16. and Environmental Sustainability Code Section 4.10.1.

This application requires public notice, but no public hearing.

2.7.7 Bond Requirements

- 1. The Administrator may require a bond or other suitable guarantee sufficient to ensure the following:
 - a. That signs, trash, temporary structures and debris will be removed from the site and from the immediate vicinity of the site;
 - b. That the activity will not remain for longer than a temporary period; and
 - c. Compliance with applicable provisions of City Ordinances.
- 2. The bond or other guarantee will be forfeited to the City if the site is not adequately cleared of all trash, debris, signs and temporary structures.
- 3. The bond or guarantee will be forfeited to the City if the activity remains on the site after expiration of the permit.
- 4. The bond will be forfeited to the City if violations of any applicable city ordinances are established.
- 5. Bonds shall be required when outlined by the Temporary Use Permit section, the Landscape Plan section, and Standards and Design Manual.

3. Public Notice Requirements

3.1 General Notice Requirements

- 1. Public notice is required for certain procedures by the Code of Virginia § 15.2-2200 et seq. and must follow the requirements for public notice according to the Code of Virginia § 15.2-2204.
- 2. The City may choose to provide additional notice as a courtesy, but is not required to do so. The fact that a notice is not received due to an error that was not the fault of the City does not prevent the public meeting or hearing from happening, change any decision made at the public meeting or hearing, or prevent the application from continuing to move forward through the review process.
- This Section outlines the general requirements for public notice and specific requirements for public notice required by some processes. For public notice, meeting, and hearing requirements applicable to each procedure, see Sec. 5.1.1, Summary of Review Authority.



- 4. A certification of notice and a listing of those to whom notice has been sent must be supplied by the applicant to the City at least 5 days prior to the first public hearing.
- 5. Cost of any notice required by this Section can be taxed to the applicant.
- 6. For any process that requires review and decision by both the Planning Commission and City Council, a joint public meeting or hearing may be held. If a joint meeting or hearing is held, then public notice needs only to be given by the City Council.

3.2 Written Notice

General Requirements

- 1. Where a written notice is required, written notice must be given by the Planning Commission, or the Administrator, at least 5 days before the hearing to the owner(s) of each parcel involved in the application and to the owners of all abutting property and property immediately across the street or road from the subject property.
- 2. In the case of a condominium or a cooperative, written notice may be mailed to the unit owners' association or proprietary lessees' association in lieu of each individual unit owner.
- 3. Notice sent by registered or certified mail to the last known address of the property owners as shown on the current real estate tax assessment books or tax assessment records is deemed adequate compliance with the written notice requirement.
- 4. Notice sent by first class mail to the last known address of the property owner as shown on the current real estate tax assessment books or tax assessment records is deemed adequate compliance with the written notice requirement, provided that the Administrator makes an affidavit that the mailings have been made and files the affidavit with the papers in the application.
- 5. A party's actual notice of, or active participation in, the proceedings for which the written notice is required will waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this Code.
- 6. Nothing in this Section can be construed to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the Administrator or Planning Commission to give written notice to the owner of any parcel involved in the application.

Zoning Map Amendments with 25 Parcels or Less

- 1. In addition to the parties listed in general written notice requirements, written notice must also be given to properties that lie in other localities of the Commonwealth.
- 2. When a proposed amendment involves a tract of land 500 acres or more owned by the Commonwealth of Virginia or the federal government, and the proposed change only affects a portion of the larger tract, notice can only be given to the owners of the property adjacent to the affected area of the larger tract.

Zoning Map Amendments with More Than 25 Parcels

Written notice must be provided according to the general written notice requirements, except no written notice is required to owners of approved and recorded lots that are less than 11,500 square feet.

Other Processes

1. When a comprehensive plan adoption or amendment, zoning map amendment, or special use permit application involves a parcel of land located within a 1/2 mile boundary of an adjoining



- locality of the Commonwealth, then written notice must also be given by the Administrator, at least 10 days before the hearing to the chief administrative officer, or their designee.
- 2. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice must also be given by the Administrator, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.
- 3. When any applicant requests a written order, requirement, decision, or determination from the Administrator, and the applicant is not the owner of the subject property, written notice will be given to the owner of the property within 10 days of the receipt of such request. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or tax assessment records is deemed adequate compliance with this requirement.

3.3 Published Notice

General Requirements

- 1. Where a published notice is required, the Administrator must publish a notice of the public meeting or hearing in the newspaper of general circulation once a week for two successive weeks, with the first notice appearing no more than 14 days before the intended adoption. "Two successive weeks" means that the notice must be published at least twice in such newspaper, with not less than six days between the first and second publication.
- 2. The notice for the Planning Commission and City Council public meeting or hearing may be published concurrently.
- 3. The notice must specify the time and place of hearing at which a person may appear and present their views.
- 4. In any instance in which the City has submitted a correct and timely notice request to a newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, the City will be deemed to have met the notice requirements of the Code of Virginia § 15.2-2204 so long as the notice was published in the next available edition of a newspaper having general circulation. After enactment of any plan, ordinance or amendment, further publication is not required.

Zoning Map Amendments with 25 Parcels or Less

When a proposed amendment involves a change in the zoning map classification of 25 or fewer parcels of land, then in addition to the general published notice requirements, the advertisement must also include the street address or tax map parcel number of the each parcel involved in the application.

Zoning Text Amendments and Zoning Map Amendments with More Than 25 Parcels

When a proposed amendment involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the general published notice requirements, the advertisement must include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. For more than 100 parcels of land, the advertisement may instead include a description of the boundaries of the area subject to the changes and a link to a map of the subject area.



3.4 Posted Notice

Where a posted notice is required, a sign must be posted on the property within 10 feet of the edge of the nearest street right-of-way. In the case of multiple parcels, sufficient signs must be posted to provide reasonable notice to interested persons. Signs must be posted at least 7 days prior to the date of the public meeting or hearing.

3.5 Website Notice

Where website notice is required, the application will be posted on a website accessible to the public.

4. Community Engagement Requirements

The City of Charlottesville strongly values the voice and perspective of its community. To that end, the following standards direct the use of public meetings to inform and receive feedback from community members on applications for development.

4.1 Zoning Map Amendment and Special Permits

Applicants seeking rezonings and special use permits must hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. No application for a Zoning Map Amendment, or special use permit, will be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.

The applicant is responsible for the following, in connection to the community meeting required for a given project:

- 1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
- 2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
- 3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting must be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant must be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
- 4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
- 5. On the date of the meeting, the applicant must make records of attendance and also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to



check off their name(s)) and may include a supplemental attendance sheet. The City can provide a format acceptable for use as the supplemental attendance sheet.

4.2 Site Plan Applications

Applicants beginning the site plan review process are strongly encouraged to conduct a community meeting. Where a project triggers the requirement to development a Transportation Demand Management (TDM) plan (Section 4.5.4.C), a community meeting is required according to the standards outlined above.

RESOLUTION APPROVING DEVELOPMENT REVIEW PROCEDURES MANUAL

WHEREAS, the City Council adopted a new City of Charlottesville Development Code as new Chapter 34 and new Zoning Map on December 18, 2023 with an effective date of February 19, 2024; and

WHEREAS, the Development Review Procedures Manual sets forth the submission requirements, review procedures, and notice and community engagement requirements for the administration of the Development Code; and

WHEREAS, City Council finds that public necessity, convenience, general welfare, and good zoning practice require adoption of the proposed Development Review Procedures Manual; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the proposed Development Review Procedures Manual is hereby approved by City Council as the City's official "Development Review Procedures Manual", effective February 19, 2024. In the event of any inconsistency between this Manual and the Charlottesville Development Code, the Development Code prevails and shall be the controlling provision; and

BE IT FURTHER RESOLVED THAT, this Manual is subject to amendment as determined necessary by the Zoning Administrator; the Zoning Administrator, with the approval of the City Manager and the concurrence of the City Attorney, may amend and update the Development Review Procedures Manual, or any appendices thereto. Any proposed amendment to the Manual or its appendices shall include a specific revision effective date and shall be posted on the City's website for public information for at least 10 business days prior to being approved by the City Manager; and

BE IT FURTHER RESOLVED THAT the Zoning Administrator has the authority to administer and interpret the provisions of the Development Review Procedures Manual. This administrative authority shall be carried out subject to oversight by the City Manager or their designee, and in consultation with the City Attorney or their designee.

	Approved by Council
	February 5, 2024
-	Kyna Thomas, CMC
	Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date: February 5, 2024

Action Required: Adopt the Affordable Dwelling Unit (ADU) Monitoring and Procedures Manual

as it serves as a crucial tool in promoting transparency and understanding of Chapter 34, Section 4.2.2. of the City's Development Code and its Affordable

Dwelling Unit Ordinance Program.

Presenter: Alexander Ikefuna, Director of Community Solutions, Antoine Williams, Housing

Program Manager

Staff Contacts: Alexander Ikefuna, Director of Community Solutions

Antoine Williams, Housing Program Manager

Title: Resolution to adopt the Affordable Dwelling Unit (ADU) Monitoring and

Procedures Manual

Background

On December 18, 2023, the Charlottesville City Council took unanimous action to enact a series of transformative measures. These included the repeal and re-ordination of a new Chapter 34 and the repeal of Chapter 29 within the Charlottesville City Code. In conjunction with this comprehensive zoning reform, the Council concurrently deferred the required adoption of the Affordable Dwelling Unit (ADU) Monitoring and Procedure Manual (the "ADU Manual"). Note this deferral was an administrative progression to allow adequate time to harmonize the manual with the newly established ordinance, which is slated to come into effect on February 19, 2024.

Discussion

A. What is the ADU Manual?

The ADU Manual serves as a user-friendly guide aimed at ensuring alignment with the new ordinances by providing essential information for internal and external users regarding the City's ADU and Affordable Housing Plan and complementary procedures and programs of service. The ADU Manual is a comprehensive document designed to:

- 1. <u>Clarify the requirements and processes</u> related to affordable dwelling units in compliance with the new ordinances to help ensure effective performance and compliance.
- 2. <u>Offer guidance and instructions to internal staff members involved in administering the ADU programs of service, standard order of procedures, and monitoring and tracking requirements.</u>
- 3. <u>Assist external stakeholders</u>, including developers and applicants, in understanding the ADU program's key aspects.

B. What is the Purpose and Significance of the ADU Manual?

The ADU Manual plays a crucial role in:

- <u>Facilitating Compliance</u>: It simplifies the complex requirements of the new ordinances, ensuring that all stakeholders can easily understand and adhere to the regulations related to affordable dwelling units.
- 2. <u>As an Internal Resource</u>: For city staff, the manual serves as a valuable internal resource, offering step-by-step procedures, checklists, and templates for efficient program administration.
- 3. <u>As an External Resource</u>: External users, such as developers and applicants, benefit from a clear and comprehensive resource that guides them through the process of incorporating affordable dwelling units into their projects.

The ADU Manual must align seamlessly with the new ordinance, and it achieves this by:

- 1. Providing detailed explanations of how the manual complements the ordinances.
- 2. <u>Ensuring that all information within the manual reflects the current regulations</u>, making it a reliable reference for users.

C. What are the next steps for staff?

- 1. <u>Publication of the ADU Manual</u>: Finalize the ADU Manual to include essential appendices.
- 2. <u>Implementation of the Housing Equity Affordable Toolkit (HEAT) Project</u>: Inclusive of establishing a clear timeline for the implementation of the Housing Equity and Anti-Displacement Toolkit (HEAT) Project and its associated program of services.
 - a. **User Education:** Develop educational materials and training sessions for both internal staff and external stakeholders to utilize the ADU Manual effectively.
 - b. **Community Engagement:** Initiate community engagement efforts to gather feedback and address concerns related to the HEAT program and its implementation.
 - c. Monitoring and Evaluation: Develop a robust monitoring and evaluation framework to assess the impact of the toolkit over time and make necessary adjustments based on market conditions.
 - d. **Continuous Evaluation and Elevation of Staff Capacity:** Identify the staffing and resource requirements for the effective implementation of the (HEAT) program of service and allocate the necessary resources accordingly.
 - e. **Implementation of HEAT Program of Service:** HEAT's program of services aims to increase affordable housing and strengthen the community by adding 1,100 subsidized homes, preserving 600 homes, and stabilizing living conditions for 1,800-2,200 households by 2025. For FY2024-2025, the HEAT program will include at least seven measures that are essential for deployment or development:
 - Land Bank Program: Currently under evaluation, this program has the potential to create a pipeline of affordable housing units, thereby contributing to an increase in subsidized homes.

- 2. **Charlottesville Affordable Housing Fund:** Already in effect, this fund actively supports affordable housing initiatives, adding to the stock of subsidized homes.

 <u>Ongoing evaluations explore opportunities for funding expansion</u> to amplify its impact further.
- 3. Charlottesville Supplemental Rental Assistance Program (CSRAP): Currently in effect and <u>under evaluation for funding and program expansion</u>, CSRAP directly assists households with rental affordability, thereby stabilizing the living situations of those most vulnerable to housing instability.
- 4. **Real Estate Tax Relief Program:** An active program of the City and is set to open its application period for homeowners effectively on February 1, 2024; this program aids eligible residents in reducing their housing-related financial burden, contributing to household stability.
- Tax Increment Rebate Program for Affordable Housing: Currently under feasibility evaluation, this program has the potential to incentivize affordable housing development, directly aligning with the goal of adding subsidized homes.
- 6. **Fee Waiver Programs:** Initiatives such as the City of Charlottesville Water & Wastewater Assistance Programs contribute to alleviating the financial strain on households, indirectly supporting housing stability.
- 7. Consolidate Strategic Investment Area (SIA) Implementation Fund with Small Area Plan Implementation Fund: This consolidation streamlines resources for targeted neighborhood revitalization, including affordable housing components, thereby contributing to the addition and preservation of affordable homes.

Alignment with City Council's Vision and Strategic Plan

This request aligns with the following: the 2023 City Council's Strategic Plan Framework Outcome Areas for Housing and Partnerships, the 2021 Affordable Housing Plan, and the 2023 Development Code.

Comprehensive Plan Guiding Principles

- Equity & Opportunity All people will be able to thrive in Charlottesville.
- Community Culture and Unity Charlottesville's rich and diverse culture and form will be celebrated, and the entire community will feel welcomed, valued, and respected.

Affordable Housing Plan

- **Zoning and Land Use** The Land Bank Program and Tax Increment Rebate Program for Affordable Housing aim to address zoning constraints and promote housing development.
- **Rental Affordability** CSRAP and the Real Estate Tax Relief Program directly address rental affordability issues.
- **Displacement** These measures work to counteract the displacement of low-income residents by adding and preserving affordable homes.
- **Housing Instability and Homelessness** Programs like CSRAP and the Real Estate Tax Relief Program help stabilize living situations and reduce the risk of homelessness.
- Racial Inequity These initiatives aim to benefit marginalized communities facing housing affordability disparities.

• Low and Stagnant Wages – By providing financial relief and affordable housing options, these measures could help alleviate the burden on low-wage earners.

Community Engagement

The draft of the ADU Manual presented herein was created based on the suggestions and feedback received from the City Housing Advisory Committee (HAC). The HAC held a meeting on January 17th, during which they voted unanimously in support of the draft. The HAC also requested that the ADU Manual be reviewed annually to assess its performance and to make any necessary updates.

Additionally, there have been several community engagement processes conducted during the planning and development of the Affordable Housing Plan, Comprehensive Plan Update, and Development Code. Prior to adoption, the City Manager's Office of Community Solutions (OCS) met with various community leaders from prospective communities within targeted program areas of the HEAT project, e.g., 10th/ Page, Fifeville, and others, to gather feedback and address concerns related to the housing and anti-displacement efforts. OCS intends to continue this outreach within the following census tracts within the city:

- HEAT Program Area 1, i.e., Census Tract 2.01, 2.02, 7, and 10
 - o Rose Hill Neighborhood
 - o 10th /Page Neighborhood
- HEAT Program Area 2, i.e., Census Tract 8
 - o The Meadows Neighborhood
- HEAT Program Area 3, i.e., Census Tracts 10,5.01 and parts of 4.01
 - o Fifeville Neighborhood
 - o Ridge St. Neighborhood
 - Star Hill Neighborhood

Note that each of the HEAT Program Areas has concentrated areas where the average cost burden for renters and cost of homeownership rates are from 40% to as high as 69% of the city area's Median Income. Additionally, within these census tracts, the City of Charlottesville, in general, has a medium to high level of social vulnerability.

As cited, CDC/ATSDR Social Vulnerability Index (SVI) as of 2024. **Social vulnerability** refers to the potential negative effects on communities caused by external stresses on human health. Reducing social vulnerability can decrease both human suffering and economic loss.

Source: https://www.atsdr.cdc.gov/placeandhealth/svi/interactive_map.html

Budgetary Impact

There is no budget impact at this time; however, as implementation begins, there may be a need for increased staff capacity.

Recommendation

The ADU Manual is a critical tool that promotes transparency and understanding of the ADU program. It simplifies the complexities of the new ordinances and helps both internal and external users navigate the requirements effectively. Staff recommends adopting the ADU manual as drafted.

The approval of the ADU manual, along with the proposed work actions outlined in Section C and Community Engagement of this staff report, will work towards the goal of promoting housing equity, combating negative development trends, and reducing the risk of displacement in areas with potential implications.

Alternatives

The council may elect not to adopt the ADU manual, which would have a negative effect on the City's goal of increasing permanent affordable housing and addressing homelessness, as the ordinance as a stand-alone regulation does not self-effectuate an actual Housing Program without operation procedures.

Attachments

- 1. Charlottesville Affordable Dwelling Unit (ADU) Monitoring and Procedures Manual
- 2. Affordable Dwelling Unit (ADU) Monitoring and Procedures Manual Council Resolution (2)

Affordable Dwelling Unit Monitoring and Procedures Manual

City of Charlottesville, Virginia



DRAFT

Neighborhood Development Services
605 E. Main Street
Charlottesville, VA 22902

Office of Community Solutions
700 E. Jefferson Street
Charlottesville, VA 22902

Effective Date: February 19, 2024



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PART I - Introduction

The creation of an Affordable Dwelling Unit (ADU) ordinance was a recommendation of the Affordable Housing Plan, completed in 2021, which recommended new zoning tools to support Charlottesville's affordable housing needs through the creation and preservation of affordable housing units, i.e., moderately priced, that the market would not otherwise build.

The specific tools of the Affordable Dwelling Unit ordinance, as incorporated in the Charlottesville Development Code, include:

- Affordable Dwelling Unit Requirement: Requiring residential development that exercises the
 option to build 10 or more residential units to set-aside new Affordable Dwelling Units built to be
 priced affordably for households at designated Area Median Income (AMI) levels; and
- Affordable Dwelling Unit Bonus: Offering incentives to residential development that includes
 affordable housing to set-aside new Affordable Dwelling Units built to be priced affordably for
 households at designated AMI levels, supported by a density bonus.

The Affordable Dwelling Unit ordinance is included in Section 4.2.2 of the Charlottesville Development Code and is linked here [hyperlink to be added].

This Manual sets forth the guidance, operational procedures, and implementation protocol governing the administration of the Affordable Dwelling Unit ordinance. In the event of any inconsistency between this Manual and the Charlottesville Development Code, the Development Code prevails.

To reflect evolving housing market conditions over time, the ADU ordinance and this Manual will be evaluated and updated by the City of Charlottesville Office of Community Solutions (OCS) annually, at a minimum. The Charlottesville City Council will be provided an update on the program at this time and, as necessary, will consider changes to the manual and ordinance for adoption.

Capitalized terms used in this Manual are defined in the Appendix of this Manual.

PART II – Affordable Dwelling Unit Guidelines

2.1 Affordable Dwelling Unit Requirement

The City recognizes that increasing the number of ADUs and achieving deeper affordability in a housing development reduces the rental income of the project and changes the financing of the project. The development and operating costs for the project remain constant while the project receives less in revenue to cover those costs. To ensure that projects that include ADUs are financially feasible and get built, ordinance requirements are calibrated to market conditions. The feasible level of affordability for the ADU ordinance was determined based on locally-sourced data, including construction costs, land costs, operational costs, development type and size, location within the City, etc.

The applicability and requirements of the ADU ordinance are outlined in the Charlottesville Development Code. When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, such as through reinvestment of resources in ongoing affordable housing, the Administrator may accept modifications for bonus units in residential districts to the equivalency of units, term of affordability, concurrency, and other standards set forth in the Charlottesville Development Code. In all other districts, the Zoning Administrator may accept modifications to the equivalency of units and concurrency set forth in the Charlottesville Development Code. Such discretionary decision shall be made in consultation with the Housing Program Manager and will be documented in the form of a zoning determination letter. Modified terms found to be compliant will be maintained in Appendix A.



The set-aside ADUs must be priced using the AMI levels, as defined by the U.S. Department of Housing and Urban Development (HUD), and applied based on the requirements set forth by the City of Charlottesville and detailed in the Calculating Affordable Rents section of this Manual.

2.2 Affordable Dwelling Unit Bonus

All projects providing residential units may choose to provide ADUs beyond what is required by the ADU ordinance. These projects are eligible for bonus incentives that further offset the cost burden of constructing and maintaining ADUs.

The requirements that must be met for projects to receive bonuses are outlined in the Charlottesville Development Code.

2.3 In-Lieu Fees

The option to pay in-lieu fees, as referenced in Section 4.2.2 of the Charlottesville Development Code, provides applicants with an alternative to on-site construction of affordable dwelling units. An in-lieu fee is a payment equal to the cost of complying with the ADU ordinance, or the difference in projected revenue due to charging affordable versus market rate rent on ADUs. Applicants may satisfy the ADU ordinance requirements by paying an in-lieu fee to the Charlottesville Affordable Housing Fund (CAHF).

An applicant may build a portion of the required ADUs and provide a payment in lieu of the remainder of the required ADUs. The payment must be made before the issuance of a building permit. If a project is phased, then the in lieu payment(s) associated with affordable units required in each phase may be made before the issuance of a building permit for the given phase.

ADU In-Lieu Fees

The in-lieu fee for ADUs is equal to the average total cost per unit of developing a residential unit in the Charlottesville market.

The in-lieu fee per ADU that would otherwise be required is detailed in the Figure 1 below, which outlines the cost of a rental unit and a for-sale unit, respectively, based on number of bedrooms in the unit. Reassessment of in-lieu fees will be included in the update to the ADU ordinance and this Manual, scheduled to occur annually, at a minimum.

Figure	1. Constr	uction Cos	Par Unit and	Average T	otal Cost Pa	r Unit In-lieu Fee
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Number of Bedrooms	Cost Per Rental Unit	Cost Per Ownership Condominium Unit
Studio	\$184,152	\$324,510
1	\$250,797	\$362,120
2	\$368,303	\$413,709
3	\$547,339	\$483,138
Average Total Cost Per Unit In-lieu Fee	\$337,648	\$395,869

Fractional Unit In-Lieu Fees

If the calculation of the required number of ADUs to be provided results in a fraction of a unit less than 0.5, the applicant may opt to pay an in-lieu fee rather than construct an additional ADU. In-lieu fees for fractional units will be calculated based on the value gap between net operating incomes of market rate units and ADUs. The value gap costs detailed in Figure 2 below will be multiplied by fraction of a unit to determine the applicable fractional unit in-lieu fee.

Figure 2: Value Gap Cost Per Unit and Average Total Cost Per Unit In-lieu Fee

Number of Bedrooms	Cost Per Rental Unit	Cost Per Ownership Condominium Unit
Studio	\$41,380	\$269,727
1	\$107,472	\$342,937
2	\$186,038	\$284,653
3	\$261,209	\$403,741
Average Total Cost Per Unit In-lieu Fee	\$149,025	\$325,265

Student Housing In-Lieu Fees

The in-lieu fee for student housing is equal to the difference between the value of a market rate unit and that of an affordable unit, also known as the value gap. The in-lieu fee amounts for student housing projects are detailed in Figure 2. The allowance for determining the in-lieu fee for student housing projects is only available for projects that rent by the bedroom and are located within proximity of the University of Virginia. The Zoning Administrator has final authority to determine if a project is within proximity, that is, $\frac{1}{2}$ mile, of the University with measurement being in a direct line from the edge of the main campus areas (central grounds and north grounds) to the edge of the subject parcel. Outlying University-owned parcels are not considered part of the campus for the purposes of this ordinance.

2.4 Standards

Term of Affordability

ADUs developed as a requirement of the Charlottesville Development Code must have a term of affordability of 99 years and be recorded as a deed restriction. ADUs developed as bonus units in residential districts must have a term of affordability of a minimum of 30 years and be recorded as a deed restriction. When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan, the Administrator may accept modifications to the term of affordability set forth in the Charlottesville Development Code for projects located in residential districts. Such discretionary decision shall be made in consultation with the Housing Program Manager and will be documented in the form of a zoning determination letter. Deed restrictions for ADUs must be recorded in the Charlottesville Land Records. Draft deed language must be provided to the City prior to building permit issuance.

Determining the Affordable Rent or For Sale Unit Cost

The City bases its determination of maximum monthly rent for ADUs using the most recent US HUD guidance as published annually for Charlottesville based on bedroom count. If any discrepancies arise, the rent limits indicated by HUD will take precedence over other guidance and limits.

Figure 3: Maximum Monthly Rent Considered Affordable

Number of Bedrooms	30% AMI	50% AMI	60% AMI	80% AMI	Fair Market Rent
Studio	\$584	\$971	\$1,166	\$1,555	\$1,165
1	\$625	\$1,041	\$1,249	\$1,666	\$1,172
2	\$708	\$1,1 <i>7</i> 9	\$1,416	\$1,888	\$1,401
3	\$791	\$1,318	\$1,582	\$2,109	\$1,742
4	\$866	\$1,443	\$1,732	\$2,309	\$2,034

^[1] Effective June 15, 2023.

Source: U.S. Department of Housing and Urban Development (HUD)

^[2] Assumes tenants pay no more than 30% of income in housing costs and utilities.



The OCS will update maximum pricing for ADUs within one month of the release of updated income limits by HUD. The above table can be updated to reflect the new income limits set by HUD without City Council review or adoption.

If the tenant is responsible for the cost of utilities, the monthly utility allowance is deducted from the maximum monthly rent summarized above. Other mandatory fees charged for use of the property, such as for parking or other amenities, must also be deducted from the maximum monthly rent. Utility allowances for ADUs will be based on the Utility Allowance Schedule published by Virginia Housing. If any discrepancies arise between **Figure 4** and the utility allowance schedule published by HUD, the rent limits indicated by Virginia Housing will take precedence.

Current utility allowances through July 1, 2024, are provided below. The OCS will update utility pricing within one month of the release of the updated utility allowance schedule by Virginia Housing. The table below can be updated to reflect the new utility pricing set by Virginia Housing without City Council review or adoption. Property Owners will be required to update utility data pricing within one month of the release of updated information published by Virginia Housing in the same calendar year.

In the case of renters 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 unit exceeds the maximum allowable rent, so long as the household using the rental assistance is not paying more than 30% of the household's monthly income.

Figure 4: Utility Allowance Schedule

				Bedroom Cou	nt	
Utility	Usage	O-BR	1-BR	2-BR	3-BR	4-BR
A	Range/Microwave	\$2	\$2	\$2	\$2	\$2
Appliance	Refrigerator	\$3	\$3	\$3	\$3	\$3
	Cooking	\$11	\$15	\$20	\$24	\$31
Bottled Gas	Home Heating	\$61	\$85	\$109	\$133	\$169
	Water Heating	\$27	\$37	\$48	\$58	\$74
	Cooking	\$4	\$5	\$6	\$8	\$10
	Cooling (A/C)	\$7	\$10	\$13	\$15	\$20
Electricity	Home Heating	\$25	\$34	\$44	\$54	\$69
	Other Electric	\$14	\$20	\$25	\$31	\$39
	Water Heating	\$13	\$18	\$23	\$28	\$35
	Cooking	\$2	\$2	\$3	\$3	\$4
Natural Gas	Home Heating	\$8	\$13	\$16	\$20	\$25
	Water Heating	\$4	\$6	\$7	\$9	\$11
0:1	Home Heating	\$55	\$77	\$99	\$121	\$154
Oil	Water Heating	\$24	\$33	\$42	\$52	\$66
Sewer		\$21	\$29	\$38	\$46	\$59
Trash Collection		\$15	\$15	\$15	\$15	\$15
Water		\$18	\$25	\$32	\$40	\$50

[1] Effective July 1, 2023 to June 30, 2024

Source: Virginia Housing



A for-sale ADU must limit the maximum monthly payment for a household having a gross annual income at the required percent of AMI limit to be no more than 30% of their income at the time of sale.. The maximum monthly payment must be inclusive of mortgage principal and interest, private mortgage insurance (if applicable), property taxes, condominium or homeowner's association fees (if applicable), hazard insurance, and 1 parking space (if applicable).

PART III - Permitting and Approvals

3.1 Affordable Dwelling Unit Certification

Projects are required to receive Affordable Dwelling Unit Certification to ensure compliance with the ADU ordinance throughout the development process. The certification process will be integrated with three existing steps in the development review process to streamline review:

- Site Plan Approval
 - Applicant applies for and receives Affordable Dwelling Unit Certification, Future
 updates made to the Affordable Dwelling Unit Certification must be submitted to OCS
 and do not necessitate an additional Site Plan Approval.
- Building Permit Issuance
 - Applicant reconfirms information included in previously approved Affordable Dwelling Unit Certification, including any proposed changes to location of affordable dwelling units.
 - **Draft Deed restriction** for affordability submitted to OCS for approval.
 - Applicant submits any ADU in-lieu payments
 - Applicant submits Marketing Plan for ADUs included in project
- Certificate of Occupancy Issuance
 - Applicant reconfirms information included in previously approved Affordable Dwelling
 Unit Certification. ADU Certification allows for transfer of ADUs provided that the total
 number of ADUs to be built plus the number of ADUs already provided are not less than
 the minimum number of ADUs required and that units meet equivalency of units standards
 set forth in Section 4.2.2 of the Charlottesville Development Code

The project will be required to comply with the ADU ordinance at each step of the approvals process in order to receive the corresponding approval or permit. Each step of the approvals process is set forth in the remainder of this section.

3.2 Development Application and Site Plan Review

Any project with residential units is required to complete an Affordable Dwelling Unit Certification Application (Application), whether or not the project is subject to an Affordable Dwelling Unit requirement. The Affordable Dwelling Unit Certification Application is to be submitted in conjunction with development plans for Site Plan Review.

In the Application, the applicant must provide information on planned ADUs for the project or planned inlieu fee payment, based on the ADU ordinance requirements in the Charlottesville Development Code and this Manual. City OCS will review the Application to confirm all requirements are met, including the number of ADUs, level of affordability, and relevant unit characteristics. If the applicant plans to provide an in-lieu fee payment, OCS will confirm that the total in-lieu fee amount meets the requirements of the Charlottesville Development Code and this Manual.

An applicant must have an Affordable Dwelling Unit Certification from OCS prior to receiving Site Plan Approval.



3.3 Building Permit

When an applicant applies for a building permit with the City, they will resubmit the project's Affordable Dwelling Unit Certification Application and note any changes from the Site Plan Approval. If changes are made, applicants will provide details about the change. OCS will confirm that the project plans meet the ADU ordinance requirements prior to a building permit being issued.

Draft deed restrictions must be submitted to OCS for approval.

Applicants who choose to make an in-lieu fee payment instead of providing ADUs on-site, must submit at least 50% of the payment, or an equivalent bond, to the Charlottesville Affordable Housing Fund (CAHF) prior to obtaining a building permit.

An applicant must submit a Marketing Plan [hyperlink to be added] to City of Charlottesville OCS at least 3 months, for projects with 5 or more units, or 1 month, for projects with 4 or fewer units, prior to construction completion to gain approval to begin leasing prior to building completion. The Marketing Plan should include the applicant's strategy for connecting prospective tenants to the project's ADUs and processes for screening prospective tenants. The Marketing Plan must state clearly that the applicant will not discriminate on the basis of income source, and that any resident with a Housing Choice Voucher or other type of voucher is welcome to apply. If a project has already been exempted from providing ADUs during the Site Plan Approval stage, the applicant is not required to resubmit an Affordable Dwelling Unit Certification Application unless the project has changed so that it is now required it to meet ADU requirements.

3.4 Certificate of Occupancy

Before the final Certificate of Occupancy is issued, OCS must conduct an onsite review to confirm that the ADUs are consistent with the requirements of the ordinance. Applicants who choose to make an in-lieu fee payment instead of providing ADUs on-site, must submit the outstanding payment amount to the Charlottesville Affordable Housing Fund (CAHF) prior to obtaining a certificate of occupancy.

PART IV - Tenant Selection & Protections

The requirements of Part IV do not apply to for-sale ADUs.

4.1 Administration of Tenant Selection

Applicants will be responsible for administering the tenant selection process for ADUs, including the marketing, screening, and recertification of tenants. An applicant may choose to contract marketing, tenant screening, and tenant approval of ADUs to a third-party company. All fees incurred from third-party support will be the responsibility of the applicant. Applicants must identify any planned third-party support within their Marketing Plan submitted as part of Affordable Dwelling Unit Certification during the development approvals process.

Regardless of status, applicants and property owners remain liable for non-compliance and subject to remedial actions.

4.2 Tenant Qualification Criteria

Income Limits

To determine income-eligible households, the City will use the most recent household income limits as published annually by HUD based on household size. Income limit area definitions are typically updated annually by HUD each April. City OCS will update income limits for tenants eligible for ADUs within one month of the release of updated income limit and utility allowances by HUD (typically June).



Income Limits for ADUs will be based on the <u>income limits published by HUD</u>. If any discrepancies arise between **Figure 5** and the income limits published by HUD, the rent limits indicated by HUD will take precedence. Figures 5 and 6 below can be updated to reflect the new Charlottesville area median income limits and Charlottesville housing choice voucher payment standards set by HUD without City Council review or adoption.

Figure 5: City of Charlottesville Area Median Income Limits (2023)

	Household Size					
Income Level	1	2	3	4		
30% AMI	\$23,350	\$26,650	\$30,000	\$33,300		
50% AMI	\$38,850	\$44,400	\$49,950	\$55,500		
60% AMI	\$46,650	\$53,300	\$59,950	\$66,600		
80% AMI	\$62,200	\$71,050	\$79,950	\$88,800		
100% AMI	\$86,310	\$98,640	\$110,970	\$123,300		

Source: HUD

For rental projects, one in every 3 ADUs must be reserved for a household receiving a Housing Choice Voucher or other rental assistance program for at least 30 days. Property Owners may not refuse to accept rental subsidies from prospective tenants. Rental subsidies include, but are not limited to, Housing Choice Vouchers, Tenant Protection Vouchers, or locally administered vouchers.

For ADUs occupied by a Housing Choice Voucher Holder, Property Owners will be entitled to current Fair Market Rent, though the tenant will be responsible only for the determined share of rent based on their income. Property Owners must provide OCS with a copy of the executed Tenant Eligibility Certification form within 7 days of lease signing.

Determining Household Income

Household incomes for ADU applicants must be determined in accordance with the *Internal Revenue Code Section 42, Low-Income Housing Credit Guide* and <u>24 CFR 5.609</u>.

Annual compliance documentation will be based on the applicant's income from the past year. Assumptions about bonuses, overtime, or other speculative projections of income will be based on what was earned in the previous year, unless clear documentation is presented to confirm a variation.

The Property Owner is permitted to deduct projected losses in income from the previous year when major changes in "Life Circumstances" occur since the applicant's last year of employment. Life circumstance changes include retirement, job loss, or disability or death of a wage earner. Supporting documentation must be submitted to City OCS.

4.3 Tenant Requirements

Upon the execution of the lease between the tenant and Property Owner, tenants must comply with the following terms, in addition to terms highlighted in the agreed-upon lease. Tenants who fail to comply with the provisions may be subjected to termination of the ADU lease and eviction.

- Occupancy: All members of the household that applied must move into the ADU within 60 days of
 the start of the lease and occupy the ADU as their Primary Residence for at least 10 out of 12
 months of each calendar year.
- **Subletting:** Renters may not sublet any part of the ADU to anyone who is not a part of the household at any time. ADUs cannot be subleased for long-term or short-term vacation rentals at



any time. There is also no renting or subletting of a parking space or any other space (if provided with the unit).

- Household Changes: A Property Owner must not allow any changes to a lease for an ADU within the first 12 months of the lease, except in following situations:
 - Death of lessee
 - Dissolution of marriage or domestic partnership within the household
- **Unit Maintenance:** Renters are responsible for making sure that their ADU is not damaged and maintaining the ADU in compliance with the terms of their lease. Property Owners are responsible for maintaining the ADU in the same manner that they maintain their market-rate units.
- Annual Recertification: Each year, renters must provide household income documentation and
 other applicable household information to the Property Owner. Renters who fail to timely provide
 the required documentation are in violation of the ADU ordinance and will not have their lease
 renewed. Additional requirements for recertification are set forth in the Annual Recertification of
 Tenant Qualification section of this Manual.

Each new household must submit a new application for an ADU and meet the current qualification standards. If a household adds or removes anyone within the first 12 months, the new household income must be at or below the limit that was applicable at the time the continuing members of the household initially applied. After the first 12 months, if the household composition changes, the new household income must remain at or below the allowable recertification limits.

4.4 Annual Recertification of Tenant Qualification

Prior to the lease renewal of an ADU, the Property Owner must recertify with the tenant that their household meets the eligibility and household size requirements. The same verification process and documentation will occur as with the initial lease of the ADU. Unless the Property Owner can substantiate to City OCS its claims that the tenant has violated terms of the lease or is refusing to adequately comply with the recertification process, no other households may be considered to lease the ADU unless the current tenant chooses not to renew their lease.

After the first 12 months of occupying an ADU, the gross household income may increase up to a maximum 120% of AMI, adjusted for household size. If upon recertification the household's income exceeds 120% of AMI, the household must choose to either vacate the ADU within 90 calendar days or remain in the unit and pay full market rent. If the tenant remains in the unit, the next vacant unit of the same bedroom count must be certified as an ADU within 90 calendar days.

The Property Owner must collect and compile the necessary recertification documentation. The Property Owner must maintain records of the recertification process and submit documentation to the City of Charlottesville OCS as set forth in the *Annual Monitoring* section of this Manual.

Housing Choice Voucher holders must be recertified by the third-party contractors managing tenant selection for voucher priority units. All rules applying to Voucher holders as part of the HCV program will still apply to Voucher holders occupying ADUs, including any alternate recertification timelines.

4.5 Rent Increases

Property Owners are allowed to increase rents for ADUs no more than once in a 12-month period up to the Maximum Allowable Rent, as identified in **Figure 3**. Property Owners must not increase rent for an ADU more than that allowable by the annual change in the AMI, as identified by HUD and published by the City NDS and OCS. Property Owners must follow all applicable federal, state, and local laws when increasing rent.



4.6 Tenant Protections

The marketing and applicant screening of ADUs must comply with all applicable federal, state, and local laws related to Fair Housing and must not exclude or discriminate against any persons on the basis of religion, race, national origin, sex or gender identity, sexual orientation, health or disability status, familial status, English proficiency, and lawful sources of income. Additionally, the marketing and applicant screening of ADUs must not exclude or discriminate against any person on the basis of citizenship.

Property Owners are required to use good faith efforts in marketing, tenant selection, recertification, and other administrative processes to engage income-qualified households including Black, Indigenous, and People of Color, as well as other community members, to benefit from affordable housing assistance. This includes, but is not limited to, engagement and outreach members of underserved groups identified by the Charlottesville Affordable Housing Plan.

Part V – Monitoring and Enforcement

5.1 Annual Monitoring

To determine compliance with the ADU ordinance, Property Owners are required to provide information and documentation deemed necessary by OCS annually by July 1st of each calendar year including the Charlottesville Affordable Dwelling Unit Compliance Form [hyperlink to be added].

OCS will oversee the monitoring of compliance and review all documentation submitted for ADUs. At its discretion, OCS and other City departments may require additional documentation related to ADU compliance. The City will not consider requests for subordination, capital improvements, title change, or other requests if a Property Owner is noncompliant with any ADU ordinance provision.

The City reserves the right to inspect ADUs to ensure that the maintenance of ADUs meets acceptable standards of health and safety, and that the ADUs remain comparable with market-rate units in the same project.

5.2 Noncompliance / Violations

Without limitation on any other rights of the City, in the event there is a violation of any conditions contained within the ADU ordinance or this Manual, the City may take any one or combination of the steps identified below to ensure compliance.

Development Approvals

During planning and construction of a project, applicants found to be noncompliant with the terms of the ADU ordinance or this Manual may be subjected to the revocation of the Project's Affordable Dwelling Unit Certification, or withholding of Site Plan Approval, Building Permit, Certificate of Occupancy, or other development approvals required to allow construction or occupation of a project.

In any instance of non-compliance, the applicant will have 15 days to comply and provide documentation to the City before penalties are applied. No additional permits, certifications, or approvals will be provided until OCS has determined that the project complies the ADU ordinance or this Manual. In addition to other remedies, the City can enforce these requirements in the Courts of the City of Charlottesville.

Operations

Upon the completion of a new project and issuance of a Certificate of Occupancy, for-rent ADUs must be leased to qualified tenants within 90 calendar days. If a unit becomes vacant at any time, the Property Owner will have 90 calendar days to lease the unit. Failure to lease for-rent ADUs within 90 calendar days will result in OCS referring the property owner to the Housing Choice Voucher office. Property Owners may be found noncompliant with the ADU ordinance or this Manual under the following conditions:



- Renting an ADU to an ineligible tenant, or renting a Housing Choice Voucher priority unit to an
 ineligible tenant without approval from OCS;
- Charging an incorrect rental amount, including utility allowances;
- Failure to maintain an ADU or Housing Choice Voucher priority unit to acceptable levels of health and safety and comparable with market-rate units in the same project.

Noncompliance will result in the imposition of fines and penalties on the Property Owner as described in Section 6.4 Enforcement in the Charlottesville Development Code.

APPPENDIX: Definitions

AFFORDABLE DWELLING UNIT — Residential unit which is restricted for occupancy by households that have a combined total annual income for all members that does not exceed a designated Area Median Income (AMI) as defined by HUD. Occupant(s) must pay no more than 30 percent of their income for gross housing costs, inclusive of utilities. This term refers to the broad classification of moderately priced housing and should not be confused with more specific terms that define different income divisions.

AFFORDABLE DWELLING UNIT CERTIFICATION – An Affordable Dwelling Unit Certification ("Certification") is required for all projects with residential development to ensure they include Affordable Dwelling Units as required by the Charlottesville Development Code. Applications for Certification must be submitted to City OCS as part of their initial development application to the City and no development approvals will be provided or granted without Certification.

AREA MEDIAN INCOME (AMI) – Median income, by household size, for the City of Charlottesville, as adopted by the U.S. Department of Housing and Urban Development (HUD) and defined in the Charlottesville HUD Metro Fair-Market Rent Area (HMFA).

AVERAGE GROSS FLOOR AREA PER DWELLING UNIT –The gross floor area of the principal building or buildings divided by the total number of housing units in the building(s).

CHARLOTTESVILLE AFFORDABLE HOUSING FUND (CAHF) – A locally-designated and controlled fund to pay for affordable housing development and programs.

COST BURDEN – Under a standard set by HUD, a household is considered cost-burdened when it spends 30% or more of its income on gross housing costs, whether for rental or ownership housing.

DEED RESTRICTION – Legal conditions attached to the ownership of land which dictate requirements imposed on the land; with regard to Affordable Dwelling Unit requirements, these requirements pertain to developing and maintaining Affordable Dwelling Units.

APPLICANT - Owner or person managing the development of a Project.

EXEMPTIONS – An agreement allowing a Project to opt out of providing Affordable Dwelling Units due to defined proper characteristics (e.g., Project size, location, or grandfathering status).

HOUSING CHOICE VOUCHER (SECTION 8 VOUCHER) PROGRAM – Federal government housing assistance program which allows for low-income families, the elderly, and the disabled to afford decent and safe rental housing. Participants in the tenant-based voucher program are issued a rental voucher, which can be used in the private market for rental assistance.

IN-LIEU FEE – Fee paid by applicants in place of providing Affordable Dwelling Units on-site as part of a project. Funds generated by the in-lieu fee are put into the Charlottesville Affordable Housing Fund to support affordable housing programs and development throughout the City. The price of in-lieu fees



charged to a applicant are based on the number of bedrooms in required units and if the unit is to be rented or sold.

INCOME LIMITS – The maximum amount of income a household can earn to qualify for an Affordable Dwelling Unit.

MARKETING PLAN – Document detailing a applicant's strategy for attracting and screening prospective tenants to the Project's Affordable Dwelling Units.

NEIGHBORHOOD DEVELOPMENT SERVICES (NDS) – City department which oversees planning and zoning in Charlottesville, including the Charlottesville Development Code requirements.

OFFICE OF COMMUNITY SOLUTIONS (OCS) – City agency overseeing the design and implementation of housing programs and enforcement of the City's housing code. Office of Community Solutions oversees the administration and compliance with the Affordable Dwelling Unit ordinance, including reviewing proposed Projects, issuing Affordable Dwelling Unit Certifications, and ensuring operational compliance with the Affordable Dwelling Unit ordinance and Manual, among other tasks.

PROJECT – Multifamily building or development which may be subject to providing ADUs, based on requirements and guidelines established in the Charlottesville Development Code and in this Manual.

PROPERTY OWNER – Person or entity who holds the legal title (ex: deed) for the building or land containing a Project.

RENT LIMIT - The maximum monthly rent that can be charged for an Affordable Dwelling Unit.

SUBSIDIZED HOUSING – Affordable rental and ownership housing developed or operated by non-profit and for-profit applicants using public subsidies.

UTILITY ALLOWANCE – A monthly allowance for utilities and services (excluding telephone services) if tenants are responsible for paying utilities. For properties in which tenants are responsible for paying utilities, the utility allowance will be deducted from the maximum rent to determine the monthly rent limit.

RESOLUTION APPROVING AFFORDABLE DWELLING UNIT MONITORING AND PROCEDURES MANUAL (ADU MANUAL)

WHEREAS, on October 12, 2021, the Planning Commission unanimously recommended approval of the 2021 Comprehensive Plan and directed that the 2021 Comprehensive Plan be transmitted to City Council for consideration; and

WHEREAS, the Charlottesville City Council endorsed the Affordable Housing Plan on March 1, 2021, which informed the development of the 2021 Comprehensive Plan, as well as recommended new zoning tools to support Charlottesville's affordable housing needs through the creation and preservation of affordable housing units; and

WHEREAS, on December 18, 2023, the Charlottesville City Council voted unanimously to repeal and re-ordain a new Chapter 34 and the repeal of Chapter 29 of the Charlottesville City Code, marking a transformative moment in the City's land use planning and housing policies; and

WHEREAS, the Affordable Housing Plan and Affordable Dwelling Unit (ADU) Ordinance are major components of the adopted Development Code; and

WHEREAS, the Affordable Dwelling Unit ordinance is included in Chapter 34 Section 4.2.2 of the Charlottesville Development Code, and this Manual is designed to align with the provisions in the Development Code; and

WHEREAS, the City Council adopted a new City of Charlottesville Development Code as new Chapter 34 and new Zoning Map; and

WHEREAS, the Affordable Dwelling Unit Monitoring and Procedures Manual (ADU Manual) sets forth the guidance, operational procedures, and implementation protocol governing the administration of the Affordable Dwelling Unit Ordinance; and

WHEREAS, the City Council finds that public necessity, convenience, general welfare, and good zoning practice require the adoption of the proposed Affordable Dwelling Unit Monitoring and Procedures Manual; and

WHEREAS, the Affordable Dwelling Unit Monitoring (ADU Manual) plays a crucial role by:

- Facilitating Compliance: It simplifies the complex requirements of the new ordinances, ensuring that all stakeholders can easily understand and adhere to the regulations related to affordable dwelling units.
- As an Internal Resource: For city staff, the manual serves as a valuable internal resource, offering step-by-step procedures, checklists, and templates for efficient program administration.
- As an External Resource: External users, such as developers and applicants, benefit from a clear and comprehensive resource that guides them through the process of incorporating affordable dwelling units into their projects.

WHEREAS, the focus of the ADU Manual is to align seamlessly with the new ordinances by:

• Providing detailed explanations of how the manual complements the ordinances.

• Ensuring that all information within the manual reflects the current regulations, making it a reliable reference for users; and

WHEREAS, the ADU Manual serves as a user-friendly guide aimed at ensuring alignment with the new ordinances, providing vital information for internal and external users regarding the City's ADU and Affordable Housing Plan and complementary procedures and programs of service; and

WHEREAS, the ADU Manual clarifies the requirements and processes related to affordable dwelling units in compliance with the new ordinances to help ensure effective performance and compliance, offers guidance and instructions to internal staff members involved in administering the ADU programs of service, the standard order of procedures, and monitoring and tracking requirements, and assists external stakeholders, including developers and applicants, in understanding the ADU program's key aspects; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the proposed Affordable Dwelling Unit Monitoring and Procedures Manual is hereby approved as the City's official "Affordable Dwelling Unit Monitoring and Procedures Manual," effective February 19, 2024; and

BE IT FURTHER RESOLVED that in the event of any inconsistency between this Manual and the Charlottesville Development Code, the Development Code shall prevail; and

BE IT FURTHER RESOLVED that this Manual shall be subject to amendment every two years. The Zoning Administrator, with the approval of the City Manager and the concurrence of the City Attorney's Office, may amend and update the ADU Manual or any appendices thereto. Any proposed amendments shall be posted on the City's website for public information for at least ten (10) business days prior to being approved by the City Manager; and

BE IT FURTHER RESOLVED that the Zoning Administrator and the Housing Program Manager shall have the authority to administer and interpret the provisions of the ADU Manual, including the issuance of technical bulletins or written interpretations, subject to oversight by the City Manager or their designee, and with the concurrence of the City Attorney or their designee. Upon issuance of a technical bulletin or written interpretation with the concurrence of the City Attorney, the content of that document shall have the same weight of authority as the text within the ADU Manual.

Approved by Counci February 5, 2024
 Kyna Thomas, CMC Clerk of Counci