



CITY COUNCIL AGENDA May 15, 2023

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

4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. 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: Youth Council Annual Report
2. Report: Presentation and Review of Draft Economic Development Strategic Plan
3. Report: Overview of the Charlottesville Region Defense Industry Economic Impact Study

5:30 PM CLOSED SESSION pursuant to Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and Commissions; Personnel)

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements

Recognitions/Proclamations

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

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: April 25 Joint Work Session with Planning Commission
5. Resolution: Appropriating Rescue Squad Assistance Fund (RSAF) grant funding for AEDs in the amount of \$14,550 (2nd reading)
6. Ordinance: Amending City Code Section 22-4. Methods of Procurement Authorized, to increase the bid bond limit from \$100,000 to \$200,000 (2nd reading)
7. Resolution: Appropriating \$2,000,000 in FY23 Capital Improvement Program for Stribling Avenue Sidewalk and Buford School Reconfiguration Projects (2nd reading)
 - a. Resolution: Appropriating \$500,000 for the Stribling Avenue Sidewalk Project
 - b. Resolution: Appropriating \$1,500,000 for the Buford School Reconfiguration Project
8. Resolution: Appropriating Additional Funding Received from the Virginia Department of Social Services for Adoption Assistance - \$450,000 (1 of 2 readings)

- 9. Resolution: Appropriating Funds for Virginia Department of State Police (VSP) - Help Eliminate Auto Theft (HEAT) Program - \$4,000 (1 of 2 readings)
- 10. Resolution: Appropriating additional funding received from the Virginia Department of Social Services for the VIEW Program - \$ 46,000 (1 of 2 readings)
- 11. Resolution: Appropriating Additional Funding Received from the Virginia Department of Social Services for Various Programs - \$56,634 (1 of 2 readings)
- 12. Resolution: Appropriating funding from the COVID Homelessness Emergency Response Program (CHERP) to the City's Department of Human Services for Expenditure - \$14,419.60(1 of 2 readings)
- 13. Ordinance: Amending and re-ordaining Section 30-254 (Exemptions), Section 14-19 (Class IV: Repair, Personal, Business and Other Services, and All Other Businesses and Occupations Not Specifically Listed, Excepted, Exempted in this Chapter), and Section 34-1200 (Definitions), to update language. (1 of 2 readings)
- 14. Resolution: Authorizing the Acceptance of Conveyance of Temporary Construction Easement and approving contract with Redland Club (1 reading)

City Manager 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

- 15. Public Hearing/Res.: Authorizing the issuance and sale of General Obligation Public Improvement Bonds in an aggregate principal amount not to exceed \$16,000,000 - New Debt
- 16. Appeal: Appeal of BAR (Board of Architectural Review) denial of Certificate of Appropriateness for Demolition of an Individually Protected Property at 104 Stadium Road. BAR # 22-02-03.
- 17. Appeal: Appeal of ERB (Entrance Corridor Review Board) approval of a Certificate of Appropriateness for construction of an apartment building at 2005 Jefferson Park Avenue.
- 18. Resolution: Thomas Jefferson Planning District Commission 2023 Regional Natural Hazard Mitigation Plan update (1 reading; deferred from April 3)
- 19. Resolution: Appropriating a grant of public funds for housing assistance to low- and moderate-income homeowners within the City of Charlottesville - \$1,360,000 (1 of 2 readings)

General Business

Other Business

Community Matters (2)

Adjournment

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	None required
Presenter:	Daniel Fairley, Youth Opportunity Coordinator
Staff Contacts:	Daniel Fairley, Youth Opportunity Coordinator Misty Graves, Director of Human Services
Title:	Youth Council Annual Report

Background

Youth Council is a public body and is supported by staff at the Department of Human Services. This group of young people advises the Council, informs the community about issues that affect youth, and makes recommendations on how they feel Charlottesville can be a better city. Youth who serve on the Council meet monthly, receive leadership training, and have the chance to make a real difference in our community. Charlottesville City residents between the ages of 13 and 17 are among the Youth Council cohort this year.

Discussion

This year, the Youth Council is proud to share their accomplishments throughout this past year! They will present a summary of their meetings with multiple youth service providers in the area, including: Community Climate Collaborative (C3), Shelter for Help and Emergency, and H.E.R. Sports. Out of these meetings, they have decided to compile a list of youth service providers and resources for youth into a google site to share with their friends and keep updated. They will preview this list at the meeting. Lastly, they will present on their day of service in the community to help those experiencing homelessness.

Alignment with City Council's Vision and Strategic Plan

The Youth Council supports City Council's "Community of Mutual Respect" vision. It contributes to Goal 1: an inclusive community of self-sufficient residents specifically objective 1.1 prepare students for academic and vocational success and 1.5 intentionally address issues of race and equity. It also contributes to Goal 5: A well-managed and responsive organization, specifically 5.4 foster effective community engagement.

Community Engagement

Youth Council researched and coordinated sessions with providers in the local community as well as completed an outreach project to serve people experiencing homelessness.

There is ongoing outreach every year to fill vacancies left by graduating seniors.

Budgetary Impact

This report has no budgetary impact.

Recommendation

Staff recommends continued support of Youth Council's initiatives.

Alternatives

N/A

Attachments

None

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	No Council action required.
Presenter:	Steven Pedigo, Resonance Consultancy
Staff Contacts:	Chris Engel, Director of Economic Development
Title:	Presentation and Review of Draft Economic Development Strategic Plan

Background

Coming out of COVID-19, the City Manager and Office of Economic Development agreed the timing was good to pursue the development of a new economic development strategic plan. Following a selection process, Resonance Consultancy was selected to develop a comprehensive economic development strategic plan to help guide the City's development activities for the next five years. The Resonance team has advised organizations around the world and has deep experience with university communities, including several in Virginia. The plan is expected to leverage existing assets and envision a future that builds a more inclusive, resilient business and entrepreneurial community. The project kicked off in January and is expected to conclude by July 2023.

Discussion

The plan development is being guided by a 16-member steering committee comprised of business and community leaders involved in the economic development space. The steering committee has met multiple times to provide local insight and guidance to the project. In addition, a community business survey was distributed widely and had 280 participants. A series of nine industry focused stakeholder meetings were held in March.

Steven Pedigo, vice-president of economic development strategy, who is leading the engagement on behalf of Resonance will present the research findings, draft goals and strategies to the council.

Alignment with City Council's Vision and Strategic Plan

This action aligns with the Council's Vision for economic sustainability. This action aligns with the City Council's Strategic Plan Goal Four: A Strong Diversified Economy.

Community Engagement

As noted above, significant community engagement has occurred in the development of the plan.

Budgetary Impact

There is no budgetary impact to this presentation.

Recommendation

There are no recommendations at this point and the presentation is intended to provide an update to City Council and to solicit feedback on the overall draft goals and strategies.

Alternatives

Attachments

1. 22238.4-COC-EcDev Strategy_Council Presentation_v2

XXX RESONANCE

CITY OF CHARLOTTESVILLE

Economic Development Strategic Plan - Draft

City Council
Presentation

May 15th, 2023



Overview

PART 1

Project Introduction

PART 2

Research Overview

PART 3

Strategy

Four phases of our engagement

01.

Development of
Project Work Plan
and Consultation
Strategy

02.

Demographic,
Economic, and
Real Estate
Assessment

03.

Stakeholder
and Public
Engagement

04.

Strategic Plan
Development and
Implementation

Discovery Recap



Competitive Benchmarking Analysis

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



Industry Cluster and Career Pathway Analysis

Assessment of Charlottesville's industry and workforce strengths and opportunities



Real Estate and Land Use Review

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



Community and Business Survey

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



Stakeholder Engagement

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





Research Overview

WHAT WE LEARNED:

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



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

WHAT WE LEARNED:

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



Educational attainment in Charlottesville is 72% higher than the national average, and almost a third of the City's workforce is employed in knowledge-based occupations. As a result, Charlottesville has a healthy economy with an engaged and productive workforce, a low unemployment rate, and steady job growth.

WHAT WE LEARNED:

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



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

WHAT WE LEARNED:

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



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

WHAT WE LEARNED:

05. Charlottesville has a strong asset in UVA;
cultivating a stronger partnership is essential for
economic development.

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

WHAT WE LEARNED:

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



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

WHAT WE LEARNED:

07. Charlottesville has a growing diverse entrepreneurial community.



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

WHAT WE LEARNED:

08. Charlottesville can bridge equity gaps through innovative workforce development.



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

WHAT WE LEARNED:

09. Charlottesville's economic development story is largely untold.



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

WHAT WE LEARNED:

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

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



Target Clusters

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



Strategy

Elements of a Strategy

WHAT WE WILL DISCUSS TODAY:

01. Vision

A Preferred
Future

02. Goals

Desired
Outcomes

03. Strategies

How We
Activate

04. Actions

Steps,
Resources, and
Partners

VISION STATEMENT

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

Goals

Goal 1

EQUITABLE ENTREPRENEURSHIP

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

Goal 2

INTENTIONAL AND INNOVATIVE GROWTH

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

Goal 3

PATHWAYS FOR OPPORTUNITY

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

Goal 4

CREATIVE PLACEMAKING

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

Goal 5

STORYTELLING FOR INVESTMENT

We will position Charlottesville as a community open for investment.

Goal 01

EQUITABLE ENTREPRENEURSHIP

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

WHY IT MATTERS?

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

GOAL 1: EQUITABLE ENTREPRENEURSHIP

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

STRATEGY 1.1

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

STRATEGY 1.2

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

STRATEGY 1.3

Support home-based entrepreneurship and remote work.

STRATEGY 1.4

Grow the GO Start-Up initiative, setting goals for diverse participants.

STRATEGY 1.5

Continue the Business Equity Fund (BEF) Loan program.

STRATEGY 1.6

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

STRATEGY 1.7

Continue to support key partner ESOs with program funding.

STRATEGY 1.8

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



GOAL 1: EQUITABLE ENTREPRENEURSHIP

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

Possible Metrics:

- Business Formation (by Background)
- Small Businesses and Home-based Businesses Participating in Programs
- Entrepreneurs Receiving Capital Dollars
- Entrepreneurs Promoted

Goal 02

INTENTIONAL AND INNOVATIVE GROWTH

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

|

WHY IT MATTERS?

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

GOAL 2: INTENTIONAL AND INNOVATIVE GROWTH

We will build an inclusive economy – one that values intentional growth, value-added partnerships, and innovation for tomorrow.

STRATEGY 2.1

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

STRATEGY 2.2

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

STRATEGY 2.3

Focus - in partnership with industry associations - on expansion efforts for scalable businesses in Charlottesville's traded sectors (Life Sciences, Clean Tech, etc..)

STRATEGY 2.4

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

STRATEGY 2.5

Expand the Cville Match Program.

STRATEGY 2.6

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

STRATEGY 2.7

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



GOAL 2: INTENTIONAL AND INNOVATIVE GROWTH

We will build an inclusive economy –one that values intentional growth, value-added partnerships, and innovation for tomorrow.

Possible Metrics:

- Businesses Visited
- New Businesses (Total and by Cluster)
- Jobs (Total and by Cluster)
- Cville Match
- Site Selectors Engaged

Goal 03

PATHWAYS FOR OPPORTUNITY

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



WHY IT MATTERS?

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

GOAL 3: PATHWAYS FOR OPPORTUNITY

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

STRATEGY 3.1

Educating private sector leaders about workforce development and talent attraction.

STRATEGY 3.2

Lead efforts with the private-sector to pilot new “earn and learn” opportunities for Charlottesville’s tech sectors: clean tech, software and life sciences.

STRATEGY 3.3

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

STRATEGY 3.4

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

STRATEGY 3.5

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

STRATEGY 3.6

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

STRATEGY 3.7

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

STRATEGY 3.8

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



GOAL 3: PATHWAYS FOR OPPORTUNITY

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

Possible Metrics:

- GO program participants
- GO Hire participating enterprises
- New training programs created
- Share of BIPOC residents
- Per Capita income

Goal 04

CREATIVE PLACEMAKING

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



WHY IT MATTERS?

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



GOAL 4: CREATIVE PLACEMAKING

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

STRATEGY 4.1

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

STRATEGY 4.2

Explore, with community partners, creating a welcoming initiative.

STRATEGY 4.3

Support the Rising Professional program.

STRATEGY 4.4

Support the efforts of Visit Charlottesville to grow destination assets.

STRATEGY 4.5

Provide, maintain, and promote innovative parking solutions.



GOAL 4: CREATIVE PLACEMAKING

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

Possible Metrics:

- Number of Visitors
- Placemaking Events
- Residents 24 to 34
- New Entertainment and Hospitality Investments

Goal 05

STORYTELLING FOR INVESTMENT

We will position Charlottesville as a community open for investment.



WHY IT MATTERS?

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



GOAL 5: STORYTELLING FOR INVESTMENT

We will position Charlottesville as a community open for investment.

STRATEGY 5.1

Develop a competitive identity for economic development.

STRATEGY 5.2

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

STRATEGY 5.3

Invest in the technology and data infrastructure to support business development and marketing.

STRATEGY 5.4

Develop a communication and marketing plan to share success and wins with Cville policy makers, businesses, and residents.



GOAL 5: STORYTELLING FOR INVESTMENT

We will position Charlottesville as a community open for investment.

Possible Metrics:

- Unique Website Visitors;
- Social Media Engagement
- OED Newsletter Subscribers/Engagement
- Earned Media

Goals

Goal 1

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Goal 5

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We will position Charlottesville as a community open for investment.

RESONANCE



Thank you.

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Appendix

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Charlottesville's Target Clusters

Bioscience and Life Sciences

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

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

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

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



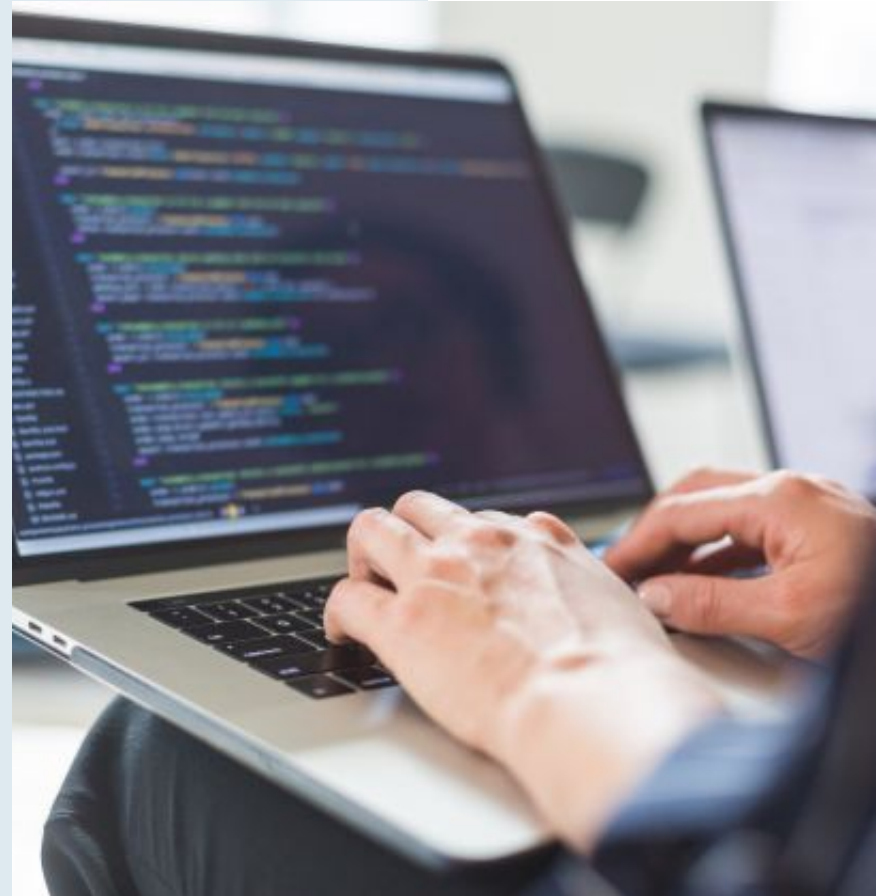
Information Technology

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

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

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

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



Business and Financial Services

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

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

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



Defense and Security

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

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

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

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

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

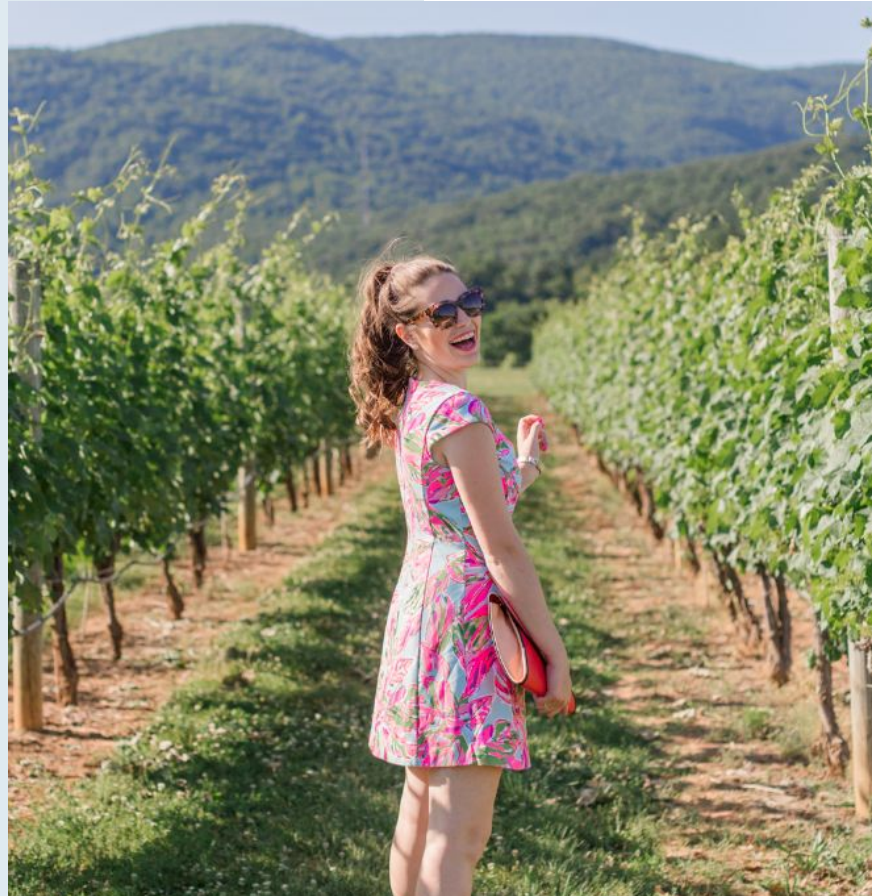


Tourism

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

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

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



Clean Technology

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

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

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

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



CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	No Council Action Required
Presenter:	Lettie Bien, Defense Affairs Program Manager, Charlottesville Regional Chamber
Staff Contacts:	Chris Engel, Director of Economic Development
Title:	Overview of the Charlottesville Region Defense Industry Economic Impact Study

Background

The study examines the size, growth, features, and economic impacts of the defense industry for the Charlottesville region. The defense industry has had a presence in the Charlottesville area for over 50 years and recently has grown to include more than 100 entities involved in defense intelligence research, military education, and defense contracting. It was commissioned by the Defense Affairs Committee of the Charlottesville Regional Chamber of Commerce.

Discussion

This is an information report for Council.

Alignment with City Council's Vision and Strategic Plan

This action aligns with the Council's Vision for economic sustainability. This action aligns with the City Council's Strategic Plan Goal Four: A Strong Diversified Economy.

Community Engagement

This presentation provides an opportunity for Council to gain an understanding of this industry and the ongoing economic impact the sector has on the community.

Budgetary Impact

There is no budgetary impact to this presentation.

Recommendation

There are no recommendations and the presentation is intended to provide information to the City Council.

Alternatives

Attachments

1. DAC Overview Cville_Council_May15



Economic Impact Study Results

Charlottesville City Council

15 May 2023



UNIVERSITY
of VIRGINIA

Weldon Cooper Center
for Public Service
Center for Economic and Policy Studies



What was the Motivation?

- ❖ Quantify missing elements from *Virginia Military Factbook*
- ❖ Determine Rivanna Station impact to inform BRAC
- ❖ Identify and estimate contributions of other major industry components
- ❖ Ferret out hidden aspects of defense industry ecosystem (e.g., non- Rivanna Station contractors; university startups; other small, innovative defense-related businesses)
- ❖ Provide objective information for education, outreach and support from community



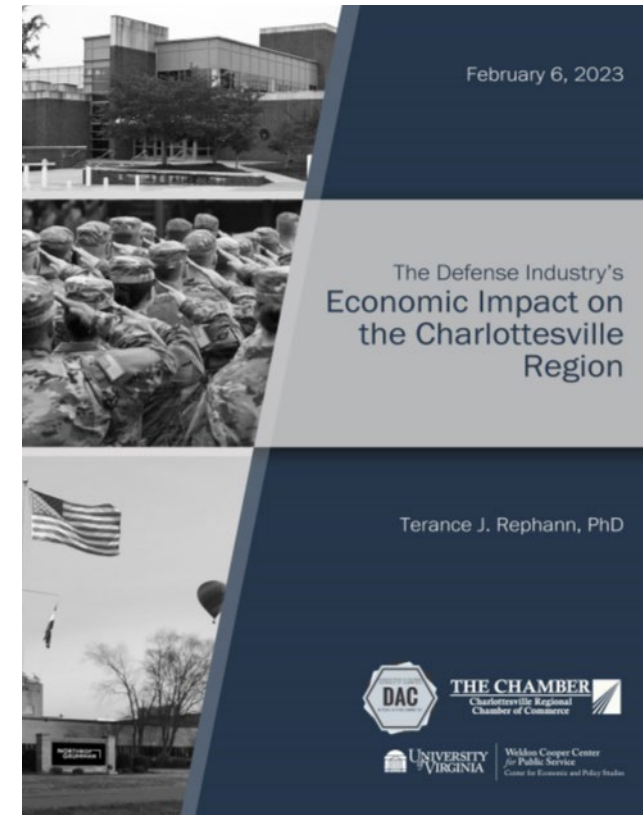


Thank you to the Sponsors



About the Study

- ❖ Description of Albemarle-Charlottesville Region Defense Industry (history, size, growth and features)
- ❖ Economic impact of industry in 2021
- ❖ Community benefits in terms of quality of life, safety, volunteerism, and innovation



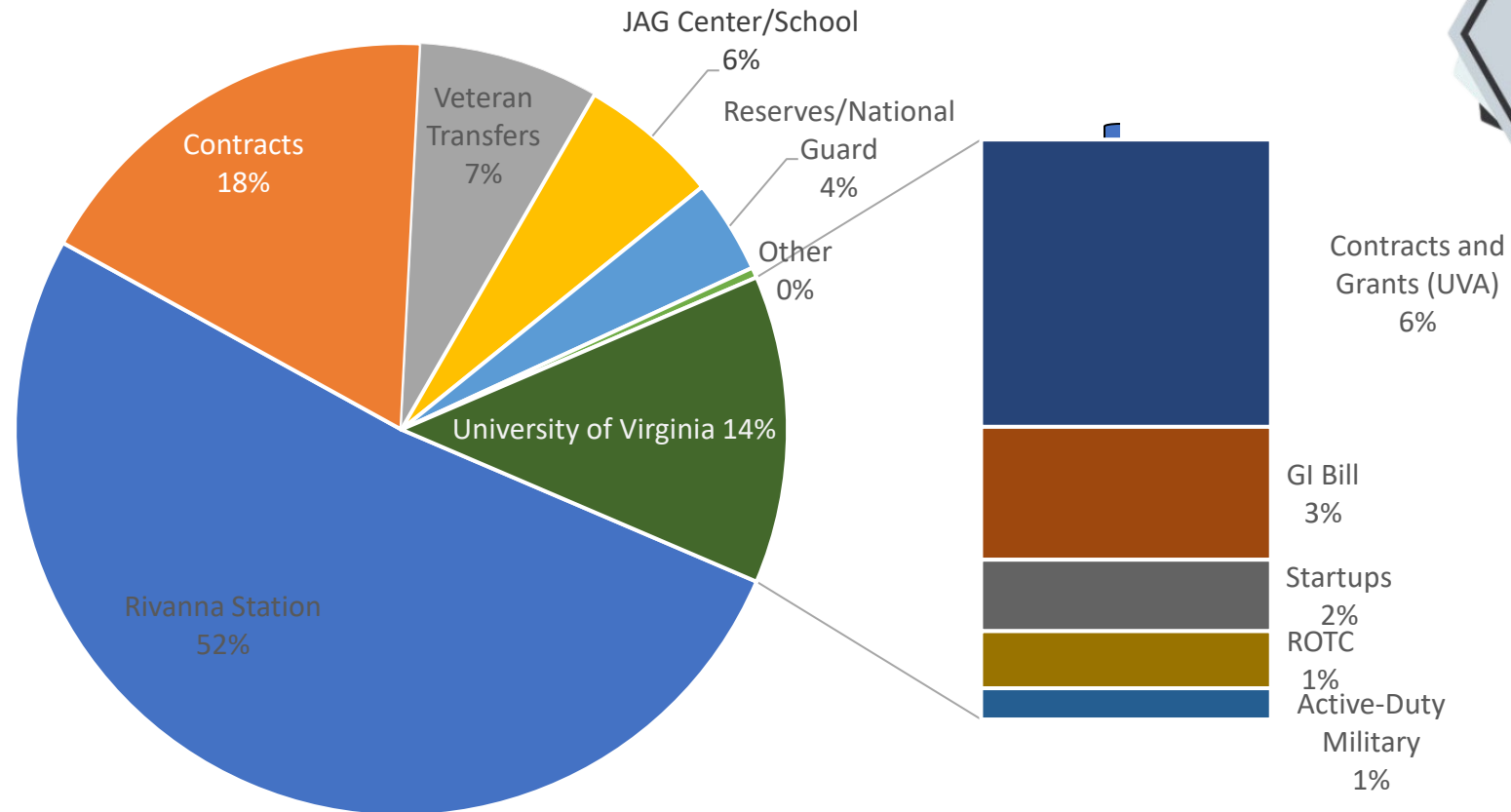
What was Considered the Defense Industry for Purposes of the Study?



- ❖ Rivanna Station
- ❖ DoD Contracts in region
- ❖ The Judge Advocate General's Legal Center & School
- ❖ University of Virginia
 - Contracts & Grants
 - GI Bill Students
 - ROTC
 - Active-Duty Military
 - University Start-ups
- ❖ Veterans
- ❖ Reserve & National Guard
- ❖ Other (i.e.. PVCC, Grants to non-UVA entities, recruitment)

Defense Industry Employment Impacts

Largest percentage in Albemarle County



Snapshot of Local Engagement

- ❖ Approximately 100 local companies with DoD Contracts of \$50K or more (FY 2012-2021).
 - ❖ About 70 firms received DoD contracts of any value in FY2021.
- ❖ 18 local companies with 71 SBIR/STTR Grants (FY2012-2021)
 - ❖ Small Business Innovation Research (SBIR)
 - ❖ Small Business Technology Transfer (STTR)
 - ❖ SBIR/STTR are highly competitive programs that encourages domestic small business to engage in Federal Research/Research & Development (R&D) with the potential for commercialization. (<https://www.sbir.gov/about>)
- ❖ 11 UVA Start-Ups that got its funding from Department of Defense
 - ❖ 57 DoD sponsored patents since 2000



\$1,200,000,000

Total Economic Impact

Defense Sector, 2021

TOTAL REGIONAL ECONOMIC IMPACT

Direct, Indirect & Induced Impact

7,347 Jobs

\$618 million in labor income

\$831 in value added

Total: \$1.2 Billion Output

What does this all mean?

After the University of Virginia and all its components-

The DEFENSE Sector

A Stealthy Presence

Is the 2nd highest economic engine in our region.



The Motivation

- ❖ Quantify missing elements from *Virginia Military Factbook*
- ❖ Determine Rivanna Station impact to inform BRAC
- ❖ Identify and estimate contributions of other major industry components
- ❖ Ferret out hidden aspects of defense industry ecosystem (e.g., non- Rivanna Station contractors; university startups; other small, innovative defense-related businesses)
- ❖ Provide objective information for education, outreach and support from community

...Now what?

- What do we do with this information?
- Is the goal to maintain, grow, expand this sector?
- What would the economic picture look like if we lost it?
- What steps should Charlottesville City Council take, if any?



Questions?



Charlottesville City Council and Planning Commission
Joint Work Session – City Council Minutes
Tuesday, April 25, 2023, at 5:00 p.m.
CitySpace Main Conference Room (100 5th Street NE)

The Charlottesville Planning Commission held a joint work session with the Charlottesville City Council to review Module Two of the Zoning Ordinance Update. Chair Lyle Solla-Yates called the work session to order with a quorum of Planning Commissioners. Mayor Lloyd Snook stated that all City Council members were present. Missy Creasy, Deputy Director of Neighborhood Development Services stated that public comment was being accepted in writing at the meeting or by emailing comments to her during the meeting.

James Freas, Director of Neighborhood Development Services, began the presentation by reviewing the remaining schedule for developing a Draft Zoning Ordinance to present to City Council.

Commissioner Hosea Mitchell encouraged moving the draft Zoning Ordinance forward before potential turnover in Planning Commission seats in August, and City Council seats in January, in order to avoid the need to educate new members.

The meeting agenda followed the outline below:

1. Topics of Review in Association with Zoning Ordinance Update
 - a. Module Two (discussion)

Module 1 of the draft Zoning Ordinance covers the proposed zoning district rules, the use table, and the zoning map.

Module 2 of the draft Zoning Ordinance covers Development Standards, including landscaping, parking, signs, lighting, etc.

Module 3 of the draft Zoning Ordinance covers Zoning Administration (review processes).

Mr. Freas led discussion about:

- Preservation of existing housing
- Affordable Dwelling Units – The “Inclusionary Zoning Section”
- Affordable Dwelling Units – The “Double-Density Section”
- Sensitive Community Areas
- Block provisions to promote connectivity
- Transportation and parking
- Transitions and screening

- Fences and walls
- Landscaping and trees
- Environmental sustainability (critical slopes)
- Signs
- Lighting

Councilor Puryear left the meeting at 6:30 p.m. and Vice Mayor Wade left at 7:39 p.m.

Public comments were received in writing during the meeting from the following individuals:

- Benjamin Heller
- Maddie Nell Jane
- John Hossack
- Riley Hannan
- Bill Emory
- Mark Schuyler
- Penny Keiter
- Gail Barber

The meeting adjourned at 8:36 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	Resolution approval
Presenter:	Michael Thomas, Interim Fire Chief
Staff Contacts:	Paula Woods, Administrative Assistant
Title:	Appropriating Rescue Squad Assistance Fund (RSAF) grant funding for AEDs in the amount of \$14,550 (2nd reading)

Background

The Rescue Squad Assistance Fund (RSAF) is a grant program for a nonprofit licensed EMS agency or other Virginia medical service organizations operating on a nonprofit basis exclusively for the benefit of the general public. Items eligible for funding include EMS equipment and vehicles, computers, EMS management programs, courses/ classes and projects benefiting the recruitment and retention of EMS members.

Discussion

The Charlottesville Fire Department (CFD) applied for a 50/50 grant through the Office of Emergency Medical Services (OEMS) to purchase 16 LIFEPAK CR2 defibrillator-AEDs (AEDs) and was awarded funding in the amount of \$14,550.00 through RSAF.

The new AEDs are to replace the department's ten (10) current AEDs which are thirteen (13) years old. The additional AEDs help cover the department's increased need to add AEDs to our Bike Team, the Incident Support Unit (ISU), as the department's two (2) ERVs (Gators), and an increased number of vehicles.

Alignment with City Council's Vision and Strategic Plan

These funds align with the City's strategic plan under goal 2.1 Reduce adverse impact from sudden injury and illness and the effects of chronic disease and goal 5.1 Integrate effective business practices and strong fiscal policies.

Community Engagement

N/A

Budgetary Impact

The grant requires a 50/50 match which will be covered from existing funds within the Fire Department budget.

Recommendation

Recommend appropriation of grant funds.

Alternatives

None. Without the appropriation, the replacement for these devices would need to fall within the operating budget or need to be requested as an additional expenditure. The existing devices are at the end of their recommended service life and the pads are not able to be acquired.

Attachments

1. RSAF Grant - AEDs
2. Resolution - OEMS Grant for AEDs



COMMONWEALTH of VIRGINIA

Department of Health

PO BOX 2468
RICHMOND, VA 23218

TTY 7-1-1 OR
1 800 878 1128

January 01, 2023

Linda Johnson
Charlottesville Fire Department
2420 Fontaine Ave
Charlottesville, VA 22903

Dear Grant Administrator:

The Office of Emergency Medical Services (OEMS) is pleased to announce that your agency has been awarded funding from the Financial Assistance for Emergency Medical Services Grant Program, known as the Rescue Squad Assistance Fund (RSAF). The attached Award Page itemizes the actual dollar value, quantity, funding level and item(s) your agency has been awarded under this program. The following documents can be completed and submitted via E-Gift:

Memorandum of Agreement: Must be submitted by February 28, 2023.

Instructions for Grant Reimbursement: All items must be submitted in order to process your reimbursement.

Equipment Status/Final Report Form: This form must be submitted sixty (60) days after the grant cycle deadline.

If your agency has had special conditions placed on your grant award, any and all conditions must be met in order to receive reimbursement. Items awarded may be available by state contract, www.eva.virginia.gov, OEMS recommends your agency purchase under state contract if applicable.

Any funding your agency receives through Return to Localities funding cannot be used as the matching share of Rescue Squad Assistance Fund grants or any grants offered using Four-For-Life funds. "Any funds received from Section 16.2-694 by a non-state agency cannot be used to match any other funds derived from Section 46.2-691 by that same non-state agency".

All items awarded funding must be ordered from the vendor by **February 28, 2023** invoices for all items awarded funding must be submitted to OEMS by **July 31, 2023**. You must contact OEMS prior to the February 28, 2023 deadline if your agency has encountered difficulties in meeting these deadlines.

If you have any questions, please contact Michael Berg, OEMS Grant Program Manager at (804) 888-9106, Michael.Berg@vdh.virginia.gov or Linwood P. Pulling, Grant Specialist at (804) 888-9105, Linwood.Pulling@vdh.virginia.gov or 1-800-523-6019 for additional grant information.

Congratulations,

Gary R. Brown, Director



**Office of Emergency Medical Services
Consolidated Grant Program
AWARD PAGE**

January 1, 2023 - December 31, 2023 Grant Period

Agency Name: Charlottesville Fire Department

Grant Number: TJ-C02/12-22

Item Type (Item)	Status	Quantity Funded	Funding % Level	Amount Funded
LIF:EPAK CR2 Defibrillator-AED	FUNDED	16	50 / 50	\$14,550.00
<p>113-Acknowledgment must be provided on any printed material, equipment or vehicle as follows: "Funding was made possible by a grant from the Virginia Office of Emergency Medical Services, Virginia Department of Health."</p>				
<p>228-Agencies must remain compliant with EMS data submissions (Code of Virginia Section 32.1-116.1). This includes documenting "No Runs to Submit" as applicable. The monthly Data Quality Report will be used to monitor compliance.</p>				
<p>336-All agencies using an ePCR systems will submit in real-time unless approved in writing by the OEMS. EMS data quality will be assessed 7 days after the last day of the previous month</p>				
Total:				\$14,550.00

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

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

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

Revenues

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

Expenditures

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

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$14,550 from the Supreme Court of Virginia.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: May 15, 2023

Action Required:

Presenter:

Staff Contacts: Allyson Davies, Senior Deputy City Attorney
Vernice Grooms

Title: Amending City Code Section 22-4. Methods of Procurement Authorized, to increase the bid bond limit from \$100,000 to \$200,000 (2nd reading)

Background

The City of Charlottesville's current bonding limit is lower than the limit permitted under the Virginia Code and under Federal law for bonding. This lower limit meets the minimum requirement of both the Virginia Code and Federal requirements, but recently, the City's small purchase limits were updated and the City's small purchase threshold increased to \$200,000.

The following language is currently included in the City's Invitation for Bids (IFB) for Construction Greater than 100K template (attached):

B. Each bid in excess of \$100,000 submitted in response to this IFB shall be accompanied by a bid bond in an amount equal to five percent (5%) of the total monetary amount of the bid (total base bid plus all additive bid items). The bid guarantee may be either (i) a certified or cashier's check made payable to "The City of Charlottesville, Virginia," or (ii) a bid bond made payable to "The City of Charlottesville, Virginia." The bid guarantee shall be for the purpose of promising and guaranteeing that the bidder will not withdraw its bid for a period of 30 days following bid opening. The proceeds of the bid guarantee shall be and remain the sole property of the City, as liquidated damages, should the successful bidder fail to execute a contract, proof of all required insurance and endorsements and all required payment and performance bonds within five days of the City's issuance of notice of award of the contract. In lieu of a bid bond, a bidder may furnish a certified check or cash escrow in the face amount required for the bond, or, if approved in advance by the city attorney, a bidder may furnish a personal bond, property bond, or a bank or savings institution's letter of credit on certain designated funds in the face amount required for the bid bond.

E. In lieu of a bid bond, a bidder may furnish a cashier's check or cash escrow in the face amount required for the bid bond. If approved by the city attorney, a bidder may furnish a personal bond, property bond or bank or savings and loan association's letter of credit on certain designated funds in the face amount required for the bid bond. Approval shall be granted only upon a determination by the city attorney that the alternative form of security proffered affords protection to the city equivalent to a corporate surety's bond.

The following is what is stated in the Code of Virginia:

§ 2.2-4336. Bid bonds; construction contracts.

A. Except in cases of emergency, all bids or proposals for nontransportation-related construction contracts in excess of \$500,000 or transportation-related projects authorized under Article 2 (§ [33.2-208](#) et seq.) of Chapter 2 of Title 33.2 that are in excess of \$350,000 and partially or wholly funded by the Commonwealth shall be accompanied by a bid bond from a surety company selected by the bidder that is authorized to do business in Virginia, as a guarantee that if the contract is awarded to the bidder, he will enter into the contract for the work mentioned in the bid. The amount of the bid bond shall not exceed five percent of the amount bid.

B. No forfeiture under a bid bond shall exceed the lesser of (i) the difference between the bid for which the bond was written and the next low bid, or (ii) the face amount of the bid bond.

C. Nothing in this section shall preclude a public body from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than \$500,000 for nontransportation-related projects or \$350,000 for transportation-related projects authorized under Article 2 (§ [33.2-208](#) et seq.) of Chapter 2 of Title 33.2 and partially or wholly funded by the Commonwealth.

Issue:

The \$100,000 bonding requirement now falls within the City's small purchase threshold. Small purchases are handled by decentralized buyers and others throughout the City. The \$100,000 bonding limit was okay when the City's Small Purchase threshold was \$10,000 to \$100,000 because bonding was only required for formal solicitations handled by select individuals with delegated authority to make those purchases.

Discussion

This request seeks City Council's approval for the City of Charlottesville's bid bond threshold to be increased to \$200,000, which would only require bid bonds for formal solicitations, which is consistent with what the City has required in the past. As stated earlier, the City currently has a bonding limit at a lower amount than the Virginia Code limit and the Federal limit. A \$200,000 limit would still be lower than the Virginia Code and the Federal bonding limits.

Alignment with City Council's Vision and Strategic Plan

The change to Chapter 22 of the City of Charlottesville Code of Ordinances aligns with the Council's vision for Charlottesville to be a Smart, Citizen-Focused Government. It contributes to Goal 4 of the Strategic Plan, be a well-managed and successful organization, and objective 4.2, maintain strong fiscal policies.

Community Engagement

This is a required administrative change to reconcile the City Code to the City's purchasing procedures and therefore public comment is not applicable to this administrative change.

Budgetary Impact

There is no anticipated impact on the General Fund.

Recommendation

Staff recommends approval of this ordinance change.

Alternatives

If the ordinance is not approved, contractors will still be required to submit bid bonds for projects in excess of \$100,000, which again is lower than state and federal requirements. The City's informal solicitation templates for construction will need to be revised to include the \$100,000 bonding requirement and all staff having purchasing authority will need to be trained on the collection and handling of bid bonds.

Additional Thoughts:

The City does need to be careful not to implement excessive bonding, which can negatively impact the City's Disadvantaged Business Enterprise program.

Attachments

1. Bid bond limit increase amended ordinance 4858-0014-1663 v.1

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

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

Section 22-4 of Article I of Chapter 22 (City Procurement of Goods and Services from Non-Governmental Sources) is hereby amended and reordained, as follows:

**CHAPTER 22. CITY PROCUREMENT OF GOODS AND SERVICES FROM NON-
GOVERNMENTAL SOURCES**

ARTICLE I. IN GENERAL

Sec. 22-4. Methods of procurement authorized.

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...

(f) The purchasing manager may establish written procedures ("small purchase procedures"), approved by the city manager, for single- or term-contracts for:

- (1) Goods and services (other than professional services) and non-transportation related construction, if the aggregate or the sum of all amounts to be paid to the contractor is not expected to exceed ~~one hundred thousand dollars (\$100,000);~~ **two hundred thousand dollars (\$200,000);** and
- (2) Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed twenty-five thousand dollars (\$25,000); and
- (3) Professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed eighty thousand dollars (\$80,000).

Such small purchase procedures shall provide for competition wherever practicable.

- (g) ...
- (h) ...
- (i) ...
- (j) ...
- (k) ...

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: May 15, 2023

Action Required: Approval of each resolution

Presenter: Samuel Sanders, Jr., Deputy City Manager

Staff Contacts: Samuel Sanders, Jr., Deputy City Manager
Jack Dawson, City Engineer
Michael Goddard, Facilities Development Manager
Krisy Hammill, Director of Budget

Title: Appropriating \$2,000,000 in FY23 Capital Improvement Program for Stribling Avenue Sidewalk and Buford School Reconfiguration Projects (2nd reading)

Background

Council has approved a multi-year funding plan for the Stribling Avenue Sidewalk and Buford School Reconfiguration projects. The majority of the funding for each project was approved as part of the FY 2024 5-year CIP, however some funds are needed in the current year to help pay for project design costs.

Discussion

Stribling Avenue Project

On April 6, 2023, the City Council held its final budget work session on the FY 24 budget. At that time, proposed made decisions and requests for several changes to the City Manager's Proposed budget. Part of that conversation related to a request from staff to increase the funding that would be needed for the design phase of the Stribling Avenue sidewalk. At that time, staff requested \$500,000 be made available in FY 23 and \$750,000 in additional funds be programmed in FY 24. The total project cost is now projected to be \$5,467,000. The purpose of this resolution is to seek approval from the Council for the additional funds (\$500,000) that are needed in this current fiscal year (FY 23). If approved, the additional budget will be funded using an existing balance in the CIP Contingency fund.

Buford School Reconfiguration Project

Construction bids for the Buford School Renovation project were received in early March and an update was provided by staff to Council as part of the March 30, 2023 budget work session on the 5-year CIP plan. As part of the FY 24 budget, the Council approved several bid additives and approved funding for a total project cost of \$91,813,410. A total of \$5.5 million was previously appropriated for the project (\$3M in FY 20 and \$2.5M in FY 23) to be used for the design phase of the project. Now that the full project budget has been approved, work is continuing toward a construction start date of July 2023. Part of that work includes securing a contract for construction management services at a total cost of \$1.2M which has been encumbered. When funds are encumbered, they are no longer available to be used for payment of other expenses. This action has

consumed the majority of the funds that were currently available. Staff is requesting that City Council appropriate \$1,500,000 to be available for spending now in the current year in order to be able to pay remaining invoices that are due for the design work. If approved, the FY 24 CIP budget amount for the project will be reduced by the same \$1,500,000. The net effect of this change is only a timing change for when the funding is available and can be spent. There is no change to the total project budget, which will remain at \$91,813,410.

Alignment with City Council's Vision and Strategic Plan

The actions being requested of City Council align with Goal 3 to be a Beautiful and sustainable Natural and Built Environment and Goal 5 to be a Well-managed and Responsive Organization of the City's Strategic Plan.

Community Engagement

Both of these projects were discussed at the March 30, 2023 FY 2024 CIP Budget Work Session as well as several other public meetings and work sessions.

Budgetary Impact

The only budgetary impact of the Buford School resolution is the timing of when the funds will be available. The budgetary impact of the Stribling Resolution adds \$500,000 to the project costs, which will be covered by using existing funds in the CIP contingency account.

Recommendation

Staff recommends approval of both resolutions.

Alternatives

If the funds are not appropriated, outstanding invoices for the Buford School project will become delinquent as they will remain unpaid until after July 1, 2023. If additional funds are not approved for the Stribling Avenue sidewalk, there will be inadequate funding for the necessary design work that must be done before the project can begin.

Attachments

1. Stribling Avenue Sidewalk Resolution
2. Buford School Reconfiguration Resolution (2AMD)

RESOLUTION

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

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

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

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

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

Transfer From;

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

Transfer To

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

RESOLUTION

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

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

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

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

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

Revenues:

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

Expenditures:

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

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

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	Approve Resolution
Presenter:	Sue Moffett, Director of Social Services
Staff Contacts:	Laura Morris, Chief of Administration
Title:	Appropriating Additional Funding Received from the Virginia Department of Social Services for Adoption Assistance - \$450,000 (1 of 2 readings)

Background

The Charlottesville Department of Social Services (CDSS) has received \$450,000 in additional funding from the Virginia Department of Social Services to provide assistance to adoptive families.

Discussion

The purpose of adoption assistance is to facilitate adoptive placements and ensure permanency for children. Maintenance payments provide support and services for the child and to strengthen the adoptive family.

The department has seen a steady increase in adoptive placements. In Fiscal year 2021, the department served 183 adoptive children. In FY2021, the department served 194 children. 181 adoptive children have received assistance in FY23 through April 26th..

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns with the City's mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with Strategic Plan Goal 2: A Healthy and Safe City, Objective 2.2, Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization.

Community Engagement

Adoption staff work directly with families and providers to provide needed services and serve as resources to other department staff and community partners.

Budgetary Impact

All funding is being provided by the Virginia Department of Social Services. No local, general funds are required.

Recommendation

Staff recommends approval and appropriation of these funds.

Alternatives

If the appropriation is not approved, CDSS will require general funds to cover the May and June maintenance payments to adoptive families. These payments are negotiated as part of the adoption agreement and are legally binding.

Attachments

1. Resolution Appropriating Additional Adoption Assistance Funding for FY2023

Resolution

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

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

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

Revenue-\$450,000

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

Expenditures-\$450,000

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

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	Appropriation of Funding
Presenter:	Michael Kochis, Police Chief
Staff Contacts:	Holly Bittle, Budget and Management Analyst Taylor Harvey-Ryan, Grants Program Manager
Title:	Appropriating Funds for Virginia Department of State Police (VSP) - Help Eliminate Auto Theft (HEAT) Program - \$4,000 (1 of 2 readings)

Background

The Virginia Department of State Police's (VSP) Help Eliminate Auto Theft (HEAT) program is co-sponsoring the 49th Annual Southeast Chapter of the International Association of Auto Theft Investigators (SEIAATI) Vehicle Crimes Conference in Virginia Beach, held in June 2023. The Virginia State Police HEAT program was established in 1992 to educate citizens and law enforcement about the theft of vehicles and vehicle parts. The Southeast Regional Chapter of the International Association of Auto Theft Investigators' objectives are to provide for the exchange of technical information and new developments and to cooperate with all law enforcement agencies and associations who are engaged in the prevention and suppression of automobile theft and related offenses.

Discussion

These grant funds will reimburse expenses up to \$4,000 for three detectives of the Charlottesville Police Department to attend the 49th Annual Southeast Chapter of the International Association of Auto Theft Investigators (SEIAATI) Vehicle Crimes Conference. These detectives will learn new skills and techniques for the criminal investigation of motor vehicle thefts. Case study seminars and hands-on demonstrations at the conference will highlight current and emerging trends and prevention strategies.

There were 71 reported incidents of motor vehicle theft in 2020. However, reported motor vehicle thefts doubled to 149 in 2021, and rose again to 168 in 2022.

Notification of award approval was received on March 23, 2023, for reimbursement up to \$4,000.

Alignment with City Council's Vision and Strategic Plan

This project supports Goal 2 of the Strategic Plan, to be a Healthy and Safe City.

Community Engagement

Not applicable

Budgetary Impact

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

Recommendation

Staff recommends approval and appropriation of grant funds.

Alternatives

If these grants funds are not appropriated, the Police Department will need to use departmental funds to send three officers to the Southeast Chapter of the International Association of Auto Theft Investigators Conference.

Attachments

1. VPS HEAT Grant Appropriation Resolution

APPROPRIATION

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

WHEREAS, the City of Charlottesville, through the Police Department, has received the Virginia Department of State Police, Help Eliminate Auto Theft (HEAT) Program training grant in the amount of \$4,000 to be used to send auto theft investigators and/or officers who investigate auto theft-related crimes to the 49th Annual Southeast Chapter of the International Association of Auto Theft Investigators (SEIAATI) Vehicle Crimes Conference in Virginia Beach, Virginia held June 4-8, 2023.

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

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

Revenues - \$4,000

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

Expenditures- \$4,000

Fund: 209 IO: 1900513 CC: 3101005000 \$2,016 GL: 530102 Travel Lodging

Fund: 209 IO: 1900513 CC: 3101005000 \$709 GL: 530105 Meals

Fund: 209 IO: 1900513 CC: 3101005000 \$1,215 GL: 530140 Registration Fees

Fund: 209 IO: 1900513 CC: 3101005000 \$60 GL: 520270 Fuel

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

Approved by Council

Kyna Thomas, CMC

Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	Approve Resolution
Presenter:	Sue Moffett, Director of Social Services
Staff Contacts:	Laura Morris, Chief of Administration
Title:	Appropriating additional funding received from the Virginia Department of Social Services for the VIEW Program - \$ 46,000 (1 of 2 readings)

Background

The Virginia Department of Social Services (VDSS) has provided the Charlottesville Department of Social Services with \$46,000 in additional funding to be used by the Virginia Initiative for Education and Work (VIEW) program in Fiscal Year 2023.

Discussion

The VIEW program promotes economic independence by providing employment, education, and training opportunities as well as needed supportive services such as rental assistance, child care assistance, and transportation assistance to Temporary Assistance to Needy Families (TANF) recipients.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns with the City's mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with Strategic Plan Goal1: An inclusive community of self-sufficient residents and Objective 1.2, Prepare residents for the workforce; and Strategic Plan Goal 4: A strong, creative, and diversified economy and objective 4.1, Develop a quality workforce.

Community Engagement

VIEW staff will work directly with program participants to provide supportive services that can help them overcome job-related challenges, as well as personal and family challenges that affect employment.

Budgetary Impact

The Virginia Department of Social Services is providing the additional funding. No local general funds are being requested.

Recommendation

Staff recommends approval and appropriation of these funds.

Suggested Motion: I move to approve the Resolution Appropriating the Additional Funding Received from the Virginia Department of Social Services for the VIEW Program in the amount of \$46,000

Alternatives

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

Attachments

1. Resolution Appropriating Additional VIEW Program Funding for FY2023 (1)

Resolution

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

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

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

Revenue-\$46,000

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

Expenditures-\$46,000

Fund 212 Cost Center: 3333002000 G/L Account: 540060 \$46,000

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	Approve Resolution
Presenter:	Sue Moffett, Director of Social Services
Staff Contacts:	Laura Morris, Chief of Administration
Title:	Appropriating Additional Funding Received from the Virginia Department of Social Services for Various Programs - \$56,634 (1 of 2 readings)

Background

The Virginia Department of Social Services has provided additional funding to localities in fiscal year 2023 to use for their Adult Services, Independent Living, and Promoting Safe and Stable Families (PSSF) Programs in response to the COVID-19 pandemic and public health emergency. The Charlottesville Department of Social Services has received \$56,634 from this additional funding.

Discussion

The Virginia Department of Social Services has provided funding from the American Rescue Plan Act (ARPA) to enhance and improve Adult Services programs provided by local agencies. The funding can be used to expand the ability of Adult Services Staff to investigate allegations of abuse, neglect, and exploitation.

The Pandemic Act of the Consolidated Appropriations Act of 2021 provides additional funding and programming flexibilities to address the critical financial needs of youth/young adults who are or were formerly in foster care during the COVID-19 pandemic. The funding may be used to provide services and assistance to any otherwise eligible youth or young adult who experienced foster care at age 14 or older and has not yet attained age 27.

The Consolidated Appropriations Act of 2021 also provides additional funding for the Promoting Safe and Stable Families (PSSF) Program in response to COVID-19. This funding can be used to meet the needs of children and families in the community.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns with the City's mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with Strategic Plan Goal 2: A Healthy and Safe City and Objective 2.2, Meet the safety needs of victims and reduce the risk of re-occurrence/re-victimization and Object 2.3, Improve community health and safety outcomes by connecting residents with effective resources.

Community Engagement

Family Services Staff work directly with eligible clients and families to match them with needed resources and services.

Budgetary Impact

The Virginia Department of Social Services is providing the additional funding. No local general funds are being requested.

Recommendation

Staff recommends approval and appropriation of these funds.

Suggested Motion: I move to approve the Resolution Appropriating the Additional Funding Received from the Virginia Department of Social Services for the Adult Services, Independent Living, and PSSF Programs in the amount of \$56,634

Alternatives

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

Attachments

1. Resolution Appropriating Additional ARPA and COVID Funding for FY2023

Resolution

Appropriating Additional Funding Received from the Virginia Department of Social Services from ARPA & COVID Funding to be used for Adult Services, Independent Living, and PSSF Programs

In the Amount of \$56,634

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

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

Revenue-\$56,634

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

Expenditures-\$56,634

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

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	Approval of Resolution (Appropriation, 1st of 2 Readings)
Presenter:	Misty Graves, Director of Human Services
Staff Contacts:	Misty Graves, Director of Human Services
Title:	Appropriating funding from the COVID Homelessness Emergency Response Program (CHERP) to the City's Department of Human Services for Expenditure - \$14,419.60(1 of 2 readings)

Background

A C.O.V.I.D. Homelessness Emergency Response Program amended grant of an additional \$14,419.60 has been awarded to support non-congregate emergency shelter operations and administrative expenses from July 1, 2021 to June 31, 2023, through reallocation of unused funding from other parts of the state. The Thomas Jefferson Area Coalition for the Homeless plans, designs and coordinates the local homelessness continuum of care and is the provider of record for data collection.

Discussion

The City of Charlottesville has staff from the departments of Human Services and Social Services taking leadership roles in the governance of T.J.A.C.H. This grant supports non-congregate shelter operations for people experiencing homelessness.

Alignment with City Council's Vision and Strategic Plan

This grant advances the City of Charlottesville's Strategic Plan Goal #1 of an inclusive community of self-sufficient residents.

Community Engagement

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness and are often discussed at reoccurring meetings throughout the month and year.

Budgetary Impact

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

Recommendation

Staff recommends approval and appropriation of grant funds.

Alternatives

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing a housing crisis: Emergency low-barrier shelter, coordinated assessment, rapid rehousing, H.M.I.S., coalition coordination and administration.

Attachments

1. CHERP Resolution 5.15.23

Suggested motion: "I move the Resolution Appropriating CHERP funding in the amount of \$14,419.60 to the City's Department of Human Services for Expenditure

RESOLUTION

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

WHEREAS, The City of Charlottesville's Department of Human Services, has received C.H.E.R.P. Grant funding from the Virginia Department of Housing and Community Development, in the amount of **\$14,419.60**.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the CHERP Grant funding, the sum of **\$14,419.60** is hereby appropriated for expenditure by the City's Department of Human Services in accordance with grant requirements, in the following manner:

Revenues

\$14,419.60

Fund: 209

IO: 1900448

G/L: 430120 Federal Pass Thru

Expenditures

\$14,419.60

Fund: 209

IO: 1900448

G/L: 530550 Contracted Services

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	Ordinance Enactment
Presenter:	Todd Divers, Commissioner of the Revenue, Paul Rudacille, ADA Coordinator
Staff Contacts:	Katrina Callsen, Attorney James Freas, Director of NDS
Title:	Amending and re-ordaining Section 30-254 (Exemptions), Section 14-19 (Class IV: Repair, Personal, Business and Other Services, and All Other Businesses and Occupations Not Specifically Listed, Excepted, Exempted in this Chapter), and Section 34-1200 (Definitions), to update language. (1 of 2 readings)

Background

On March 31, 2023, the Planning Commission received a request to update their terminology to use more inclusive and respectful language in regards to people with intellectual disabilities.

There has been a state movement over the past two decades to move towards more respectful language in laws. In 2009, Virginia changed the name of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Behavioral Health and Developmental Services. City Code has not been updated to reflect that change.

Discussion

The City Code currently uses an outdated title of a state department and should be amended to reflect the current name.

The City Code has 3 additional uses of the word “retarded”; none of the instances are required legal language and all can be eliminated without substantive change to the purpose or intent of the code sections.

Alignment with City Council's Vision and Strategic Plan

An Inclusive and Self-Sufficient Community

Community Engagement

The review was initiated due to community concern.

Budgetary Impact

N/A

Recommendation

Staff recommends that Council approve the ordinance changes to reflect more inclusive terminology.

Alternatives

Council may reject the amendment.

Attachments

1. Resolution_Ordinance_ Language Update

ORDINANCE
AMENDING AND RE-ORDAINING
SECTION 30-254 (EXEMPTIONS), SECTION 14-19 (CLASS IV: REPAIR, PERSONAL,
BUSINESS AND OTHER SERVICES, AND ALL OTHER BUSINESSES AND
OCCUPATIONS NOT SPECIFICALLY LISTED, EXCEPTED, EXEMPTED IN THIS
CHAPTER), AND SECTION 34-1200 (DEFINITIONS),
TO UPDATE LANGUAGE.

Sec. 30-254. - Exemptions

No tax shall be payable under this article on any charge for lodging in, and during care or treatment in, any hospital, medical clinic, nursing or convalescent home, extended health care facility, sanatorium or sanitorium, home for the aged, infirmed, orphaned, disabled, or ~~mentally retarded~~ or other like facility; or in any dormitory, as that term is defined in chapter 34, section 34-1200 of this Code.

(Code 1976, § 10-67; 6-16-14; Ord. No. O-21-138 , 10-4-21; Ord. No. O-22-136 , § 1, 10-27-22)

Sec. 14-19. - Class IV: Repair, personal, business and other services, and all other businesses and occupations not specifically listed, excepted, exempted in this chapter.

...

(d) Subclassification C. Persons engaged in the following types of business shall obtain a city business license and shall pay an annual license tax of thirty cents (\$0.30) per hundred dollars (\$100.00) of gross receipts:

- (13) Hospitals, nursing homes, rest homes, homes for the aged, mentally ill or ~~retarded~~ disabled and similar facilities, if operated for profit.

...

Sec. 34-1200. – Definitions.

...

Adult assisted living means a residential facility in which aged, infirm or disabled adults reside, and for which the licensing authority is the Virginia Department of Social Services, or for which no state license is required. The term shall not include the home or residence of an individual who cares only for persons related to them by blood or marriage. The term shall also not include any facility licensed by the State Board of Health or the ~~State Department of Mental Health, Mental Retardation and Substance Abuse Services~~ Behavioral Health and Developmental Services, or any other facility excluded from the definition of "assisted living facility," set forth within Code of Virginia, § 63.2-100.

Adult day care means a facility that provides care and protection to four (4) or more aged, infirm or disabled adults who reside elsewhere, during only a part of the day (a period of less than twenty-four (24) hours). The term shall not include any facility, or portion thereof, that is licensed by the State Board of Health, the State Department of ~~Mental Health, Mental Retardation and Substance Abuse Services~~ Behavioral Health and Developmental Services; or the home or residence of an individual who cares only for persons related to them by blood or marriage.

...

Occupancy, residential for purposes of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling unit, as a single housekeeping unit. Each of the following shall be deemed a single housekeeping unit: (i) one (1) person; (ii) two (2) or more persons related by blood or marriage, together with any number of their children (including biological children, stepchildren, foster children, or adopted children); (iii) two (2) persons unrelated by blood or marriage, together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children); (iv) within certain designated university residential zoning districts: up to three (3) persons unrelated by blood or marriage; (v) within all other residential zoning districts: up to four (4) persons unrelated by blood or marriage; (vi) group homes, residential facilities and assisted living facilities, as defined in the Code of Virginia, § 15.2-2291, which are licensed by the department of social services or the department of behavioral health and developmental services and which are occupied by no more than eight (8) mentally ill, ~~mentally retarded~~, developmentally disabled, aged, infirm, or disabled persons together with one (1) or more resident counselors; or (vii) a group of persons required by law to be treated as a single housekeeping unit, in accordance with the Federal Fair Housing Act, or a similar state law.

...

Residential treatment facility means a residential facility in which no more than eight (8) persons reside, together with one (1) or more resident counselors or other resident staff person(s), and for which either (i) the State Department of ~~Mental Health, Mental Retardation and~~

~~Substance Abuse Services~~Behavioral Health and Developmental Services, or (ii) in the case of a children's residential facility, as defined with Code of Virginia § 63.2-100, the Department of Social Services is the state licensing authority.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	City Council is to accept the Temporary Construction Easements as described in the Deed of Easement by adoption of the attached resolution.
Presenter:	Samuel Sanders, Jr., Deputy City Manager
Staff Contacts:	Samuel Sanders, Jr., Deputy City Manager Michael Goddard, Facilities Development Manager Allyson Davies, Senior Deputy City Attorney
Title:	Authorizing the Acceptance of Conveyance of Temporary Construction Easement and approving contract with Redland Club (1 reading)

Background

The City of Charlottesville previously approved an MOU with the County of Albemarle in December of 2018 to, in part, facilitate the development of a new general district court complex. The “General District Court Project” is the County’s relocation and expansion of its General District Court and other offices from Court Square to the property located at 350 Park Street, as well as the relocation of the City of Charlottesville General District Court. The project is part of the property identified as City Parcel Identification Numbers 530109000 and 530108000, and which is jointly owned by the City and the County (the “Project Property”).

The General District Court Project will also renovate the Levy Opera House building. In order to move forward with this project, the City and County require a temporary construction easement. City Council will need to accept the Temporary Construction Easements as described in the Deed of Easement included in this agenda item. The City and County are to acquire the Temporary Construction Easements in accordance with the Sales Contract, payment of which is to be undertaken by the County in accordance with the Memorandum of Understanding to Facilitate the Expansion, Renovation, and Efficient and Safe Operation of the Albemarle Circuit Court, the Albemarle General District Court, and the Charlottesville General District Court..

Redland desires and intends to convey a portion of their property to the City of Charlottesville and Albemarle County as a temporary construction easement. The easement is approximately 1,828 square feet, more or less, and is required to continue the project.

Discussion

The City and County require a temporary construction easement to continue work on the new General District Court Complex. Redland requests that the conveyance of a portion of the property be in the form of a temporary construction easement of approximately 1,828 square feet.

Redland, the City and the County have agreed to a price to be paid for the Temporary Construction Easements of

\$15,974.58, plus additional payments in the event construction is not complete within twelve (12) months. A sales agreement with the specific terms and conditions of the Temporary Construction Easement is below under Attachment B.

Virginia Code Section 15.2-1803 requires that any deed making a conveyance to a locality be accepted by its governing body. This section states in relevant part: "Every deed purporting to convey real estate to a locality shall be in a form approved by the attorney for the locality,...No such deed shall be valid unless accepted by the locality, which acceptance shall appear on the face thereof or on a separately recorded instrument and shall be executed by a person authorized to act on behalf of the locality."

Staff recommend that the City Council accept the Temporary Construction Easements as described in the Deed of Easement and to acquire the easement in accordance with the attached Sales Contract. The County will be making the payment in accordance with the 2018 Memorandum of Understanding to Facilitate the Expansion, Renovation, and Efficient and Safe Operation of the Albemarle Circuit Court, the Albemarle General District Court, and the Charlottesville General District Court, between the City and the County (the "Courthouse MOU").

Alignment with City Council's Vision and Strategic Plan

The new General District Court House project aligns with the vision to be flexible and progressive in anticipating and responding to the needs of our citizens.

Community Engagement

N/A

Budgetary Impact

The budgetary impact is \$15,974.58 payable to the property holder providing the temporary easement for use during construction of the General District Court building. Such an impact is added to the total cost of the project.

Recommendation

Adopt the Resolution

Alternatives

Do not adopt the Resolution and require additional negotiation as to how to move forward with construction of the General District Court complex.

Attachments

1. Resolution - Redland Club easement 4888-5254-5378 v.1

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

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

WHEREAS, Redland desires and intends to convey a portion of the Property to the City of Charlottesville, Virginia (the “City”) and Albemarle County, Virginia (the “County”) as temporary construction easements, in the aggregate containing 1,828 square feet, more or less (the “Temporary Construction Easements”), and more specifically described in the Deed of Easement and the plat attached thereto, the form of which is attached hereto as Attachment A (the “Deed of Easement”) in connection with construction and other work required related to the County and City joint courthouse project; and

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

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

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

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

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

1. That the Temporary Construction Easements, as more specifically described in the Deed of Easement, are accepted by the City; and

Ord. No. _____

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

Date of Adoption: _____

Recorded Roll Call Votes:

_____	:	_____
_____	:	_____
_____	:	_____
_____	:	_____
_____	:	_____
_____	:	_____

ATTEST:

Kyna Thomas, MMC, Clerk of Council

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



Agenda Date:	May 15, 2023
Action Required:	Approval of Resolution
Presenter:	Krisy Hammill, Director of Budget
Staff Contacts:	Krisy Hammill, Director of Budget Chris Cullinan, Director of Finance
Title:	Authorizing the issuance and sale of General Obligation Public Improvement Bonds in an aggregate principal amount not to exceed \$16,000,000 - New Debt

Background

The City regularly issues bonds as part of its on-going Capital Improvements Program. Capital spending and the related financing is projected for a 5-year period and updated annually. This bond issue represents part of the funding plan approved by City Council for the on-going Capital Improvements Plan. All projects to be funded by this bond issue have been previously approved and appropriated by City Council. The proceeds are proposed, but not limited, to fund portions of the following projects:

<u>Projects</u>	<u>Amount*</u>
Transportation and Access	\$ 800,000
Public Facilities	1,728,491
Public Schools	7,700,000
Affordable Housing	5,000,000
Total to Be Issued	\$ 15,228,491

**Amounts are estimates and subject to change based on actual project expenses and completion. Funds can be reallocated between categories as needed.*

Discussion

These bonds will be repaid over the next 20 years with level annual principal payments. A more detailed discussion of the specific projects to be funded is attached.

PFM Financial Advisors LLC (PFM), the City's financial advisor, along with City staff, continue to monitor the bond market and interest rate environment and we are anticipating a sale in early June. It is anticipated that the bonds will be sold by a public offering through a competitive bid. The

resolution authorizes the City Manager to accept the lowest interest rate bid on the bonds.

In addition, as with each new bond issue, City Staff along with its financial advisors, will take the opportunity to evaluate and refund bonds previously issued at a higher interest rate with new refunding bonds issued at a lower interest rate. The resolution approves the issuance of refunding bonds to refund certain outstanding debt of the City. Market conditions will continue to be monitored until the time of sale. If suitable savings opportunities do not materialize, then only the bonds for the new money will be issued.

City management has met with Moody's and Standard & Poor's to discuss the City's financial condition and to obtain ratings on these bonds. City staff anticipates that the City will retain its Aaa bond ratings, the highest rating given by both ratings agencies.

Alignment with City Council's Vision and Strategic Plan

Approval of this agenda item aligns directly with Council's vision for a **Smart Citizen Focused Government and Economic Sustainability**.

Community Engagement

As per the law, this public hearing has been advertised in the newspaper and the sale information will be advertised in other media outlets prior to the bond sale date.

Budgetary Impact

The City continues to manage its debt and plan its bond issuances in a manner to:

1. Provide a stream of funding as it is needed,
2. Keep annual debt service costs at a fairly level amount, (i.e., to avoid large spikes in debt service) and
3. To maintain and finance its physical facilities and infrastructure in such a manner that future users/beneficiaries will help to pay for them.

This bond issue is part of the City's on-going capital financing plan. The debt service on this issue will be paid from annual transfers from the General Fund for debt service and/or previously appropriated funds in the City's Debt Service Fund. No new appropriation of funds is required at this time.

Recommendation

Staff recommends that Council approve the resolution authorizing the general obligation bond sale.

Alternatives

The alternatives to not issuing new debt would be to either use funds on hand (cash) to fund projects or not construct projects.

Attachments

1. Charlottesville - 2023 GO - Bond Resolution
2. Project Descriptions
3. CDP Advertisement - April 24

4. CDP Advertisement - May 1

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

WHEREAS, the City Council of the City of Charlottesville, Virginia (the “City”), desires to issue one or more series of general obligation public improvement bonds (the “Bonds”) to finance all or a portion of the costs to acquire, construct, renovate, rehabilitate, improve and equip certain capital improvement projects for various City purposes, including (without limitation) (a) transportation and access projects, (b) public facility projects, (c) public school projects, and (d) affordable housing projects (collectively, the “Project”); and

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

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

- 1. Authorization and Issuance of Bonds.** The City Council finds and determines that it is in the best interest of the City to authorize the issuance and sale of one or more series of Bonds in an aggregate principal amount not to exceed \$16,000,000 and to use the proceeds thereof, together with other funds as may be available, to finance costs of the Project and to pay costs incurred in connection with issuing such Bonds (if not otherwise paid from other City funds).
- 2. Election to Proceed under the Public Finance Act.** In accordance with the authority contained in Section 15.2-2601 of the Code of Virginia of 1950, as amended (the “Virginia Code”), the City Council hereby elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code (the “Public Finance Act”), without regard to the provisions of the City Charter.
- 3. Bond Details.** The Bonds shall be designated “General Obligation Public Improvement Bonds, Series 2023,” or such other designation as may be determined by the City Manager (which term, for purposes of this Resolution, shall include any Acting, Interim or Deputy City Manager and the Director of Finance). The City Manager shall determine (x) the principal amount of any series of Bonds the interest on which is not included in gross income for federal income tax purposes (the “Tax-Exempt Bonds”), and (y) the principal amount of any series of Bonds the interest on which is included in gross income for federal income tax purposes (the “Taxable Bonds”); provided, however, that the sum of any such series of Tax-Exempt Bonds and Taxable Bonds shall not exceed \$16,000,000. The Bonds shall be in registered form, shall be dated such

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

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

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

(a) Initially, one Bond certificate for each maturity of each series of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”), or its nominee. The City has heretofore entered into a Blanket Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the Bonds. “Securities Depository” shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section 4.

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

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

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

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

(a) The Bonds of each series may be subject to redemption prior to maturity at the option of the City upon such terms and on such dates, if any, as the City Manager determines to be in the best interests of the City based on financial market conditions. Such redemption terms may include payment of a redemption premium not to exceed 1.00% of the principal amount to be redeemed as well as “make whole” redemption premium.

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

(c) If less than all of the Bonds of a series are called for redemption, the maturities of the series of Bonds to be redeemed shall be selected by the Director of Finance in such manner as such officer may determine to be in the best interest of the City. In the case of a Competitive Sale or a Negotiated Sale, if less than all the Bonds of any maturity of a series are called for redemption, the Bonds within such series and maturity to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof, and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal

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

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

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

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

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

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

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

10. Sale of Bonds. (a) The City Council authorizes the Bonds to be sold in one or more series, whether through a Direct Bank Loan, a Competitive Sale, a Negotiated Sale or any combination thereof, as determined by the City Manager to be in the best interest of the City, in a principal amount or principal amounts to be determined by the City Manager, in collaboration with the Financial Advisor, and subject to the limitations set forth below and in Sections 1 and 3 of this Resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. Continuing Disclosure Agreement. If the Bonds are sold in a Competitive Sale or a Negotiated Sale, the Mayor and the City Manager, either of whom may act, are hereby authorized and directed to execute a continuing disclosure agreement (the “Continuing Disclosure Agreement”) setting forth the reports and notices to be filed by the City and containing such covenants as may be necessary to assist the Purchaser of the Bonds in complying with the provisions of the Rule promulgated by the SEC. The Continuing Disclosure Agreement shall be substantially in the form of the City’s prior Continuing Disclosure Agreements, which is hereby approved for purposes of the Bonds; provided that the City Manager, in collaboration with the Financial Advisor, may make such changes in the Continuing Disclosure Agreement not inconsistent with this Resolution as the City Manager may consider to be in the best interest of the City. The execution thereof by such officers shall constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes.

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

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

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

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

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

[FORM OF BOND]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate is registered in the name of Cede & Co., or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

REGISTERED

REGISTERED

No. R-_____

\$_____

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

CITY OF CHARLOTTESVILLE

General Obligation Public Improvement Bond

Series 2023[A][B]

[(Tax-Exempt)(Federally Taxable)]

INTEREST RATE

MATURITY DATE

DATED DATE

CUSIP

_____ %

_____, ____

_____, 2023

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

DOLLARS

The City of Charlottesville, Virginia (the “City”), for value received, promises to pay, upon surrender hereof to the registered owner hereof, or registered assigns or legal representative, the principal sum stated above on the maturity date stated above, subject to prior redemption as hereinafter provided, and to pay interest hereon from its date semiannually on each _____ and _____, beginning _____, at the annual rate stated above, calculated on the basis of a 360-day year of twelve 30-day months. Principal, premium, if any, and interest are payable in lawful money of the United States of America by the City’s Director of Finance, who has been appointed paying agent and registrar for the bonds, or by such bank or trust company as may be appointed as successor paying agent and registrar by the City Manager (the “Registrar”). If any payment date is not a business day, such payment shall be made on the next succeeding business day with the same effect as if made on the stated payment date, and no additional interest shall accrue.

Notwithstanding any other provision hereof, this bond is subject to a book-entry system maintained by The Depository Trust Company (“DTC”), and the payment of principal, premium, if any, and interest, the providing of notices and other matters shall be made as described in the City’s Blanket Letter of Representations to DTC.

This bond is one of an issue of \$_____ General Obligation Public Improvement Bonds, Series 2023[A][B], of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, without regard to the provisions of the City Charter. The bonds are being issued pursuant to a resolution adopted by the City Council of the City (the “City Council”) on _____, 2023 (the “Resolution”), to finance certain capital improvement projects for the City and to pay costs incurred in connection with issuing such bonds (if not otherwise paid from other City funds).

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

Optional Redemption. Bonds maturing on or before _____, 20__, are not subject to redemption prior to maturity. Bonds maturing on or after _____, 20__, are subject to redemption prior to maturity at the option of the City on or after _____, 20__, in whole or in part (in any multiple of \$5,000) at any time, upon payment of the following redemption prices (expressed as a percentage of principal amount of bonds to be redeemed) plus interest accrued and unpaid to the date fixed for redemption:

Period During Which Redeemed (Both Dates Inclusive)	Redemption Price
--	-----------------------------

Mandatory Sinking Fund Redemption. [Bonds maturing on _____, 20__, are required to be redeemed in part before maturity by the City on _____ in the years and amounts set forth below, at a redemption price equal to the principal amount of the bonds to be redeemed, plus accrued interest to the date fixed for redemption:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
--------------------	----------------------	--------------------	----------------------

Manner of Redemption. If less than all of the bonds are called for redemption, the bonds to be redeemed shall be selected by the Director of Finance of the City in such manner as such

officer may determine to be in the best interest of the City. If less than all of the bonds of any maturity are called for redemption, the bonds within such maturity to be redeemed shall be selected by DTC or any successor securities depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting bonds for redemption, each bond shall be considered as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000. If a portion of this bond is called for redemption, a new bond in the principal amount of the unredeemed portion hereof will be issued to the registered owner upon surrender hereof.

Notice of Redemption. The City shall cause notice of the call for redemption identifying the bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the date fixed for redemption, to the registered owner hereof. Consistent with the terms of the Resolution, the City may give notice of redemption prior to a deposit of redemption moneys if such notice states that the redemption is to be funded with the proceeds of a refunding bond issue and is conditioned on the deposit of such proceeds. Provided that moneys are deposited on or before the date fixed for redemption, such notice shall be effective when given. If such proceeds are not available on the date fixed for redemption, no default will be deemed to have occurred and such bonds will continue to bear interest until paid at the same rate they would have borne had they not been called for redemption. On presentation and surrender of the bonds called for redemption at the place or places of payment, such bonds shall be paid and redeemed.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal of and premium, if any, and interest on this bond and the exercise of all others rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the ___ day of the month [preceding] [in which] each interest payment [is due].

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in connection with the issuance of this bond have happened, exist and have been performed, and the issue of bonds of which this bond is one, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the City of Charlottesville, Virginia, has caused this bond to be signed by the Mayor or Vice Mayor, its seal to be affixed hereto and attested by the Clerk of the City Council, and this bond to be dated the date first above written.

(SEAL)

[Vice] Mayor, City of Charlottesville, Virginia

(ATTEST)

Clerk of Council,
City of Charlottesville, Virginia

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sell(s), assign(s) and transfer(s) unto

(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF TRANSFEREE:

: :
: :
: :

the within bond and all rights thereunder, hereby irrevocably constituting and appointing
_____,
Attorney, to transfer said bond on the books kept for the registration thereof, with full power of
substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed
by an Eligible Guarantor Institution such
as a Commercial Bank, Trust Company,
Securities Broker/Dealer, Credit Union
or Savings Association who is a member
of a medallion program approved by The
Securities Transfer Association, Inc.

(Signature of Registered Owner)

NOTICE: The signature above must
correspond with the name of the
registered owner as it appears on the
front of this bond in every particular,
without alteration or enlargement or any
change whatsoever.

PLANNED BOND FUNDED PROJECTS

The following projects are all part of the City's on-going Capital Improvements Program. All the projects included here have been previously appropriated.

1. Public Schools - \$7,700,000 – Funds will be used to begin construction for the Buford Reconfiguration Project and for other projects related to school buildings.
2. Transportation and Access - \$800,000 – funds will be used for traffic signal replacements (\$550k) and to fund the City's match funds for the Belmont Bridge Replacement project.
3. Public Facilities - \$1,728,491 – These funds will be used to continue to address ongoing repairs and maintenance of existing infrastructure.
4. Affordable Housing - \$5,000,000 – Funds will be used to partner with the Charlottesville Redevelopment and Housing Authority to acquire the Dogwood Property.

CLASSIFIEDS

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LEGAL NOTICES

Notice of Public Hearing
Town of Scottsville, Virginia

Notice is hereby given that the Planning Commission of the Town of Scottsville will hold a public hearing at their regular meeting on Monday, May 1, 2023 at 7pm at the town office, 401 Valley Street.

The public hearing concerns a special use permit for tourist lodgings at 190 Poplar Spring Road, tax map number 36A-A-30 in Fluvanna County. The legal owner is EKM Properties LLC. The owner proposes tourist lodgings on the property, being up to three new cabin-type structures for short-term rental. Because of the property's location in a Village Residential district, the lodgings use requires a special use permit.

Any person wishing to address the Planning Commission is welcome to attend the public hearing. The meeting will also have options to participate online or by phone. Upon request, the Town will make reasonable accommodation for persons with disabilities. Detailed documents are posted at [Scottsville.org](https://www.scottsville.org) and are also available at the town office during business hours and by calling the town office at 434-286-9267.

Javier Raudales, town clerk

Legals

LEGAL NOTICES

Legals

TRUSTEE SALES

NOTICE OF SUBSTITUTE TRUSTEE SALE
7783 Blenheim Road, Scottsville, VA 24590

By virtue of the power and authority contained in a Deed of Trust dated August 13, 2012 and recorded at Book 4218 Page 693 in the Clerk's Office for the Albemarle County Virginia Circuit Court, Virginia, securing a loan which was originally \$35,000.00. The appointed SUBSTITUTE TRUSTEE, Commonwealth Trustees, LLC will offer for sale at public auction at the main entrance of the Circuit Court for Albemarle County located at 501 E Jefferson Street, Charlottesville, VA.

May 22, 2023 at 1:15 PM

improved real property, with an abbreviated legal description of the following described property, to wit:

THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN ALBEMARLE COUNTY, VIRGINIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN PARCEL OF LAND SITUATED IN THE SCOTTSVILLE MAGISTERIAL DISTRICT OF ALBEMARLE COUNTY, VIRGINIA, ON THE EAST SIDE OF STATE ROUTE 795, CONTAINING THE CURRENT RESIDENCE AND CURTILEGE OF FIVE ACRES.

AND as more fully described in the aforesaid Deed of Trust.

TERMS OF SALE: The property will be sold "AS IS," WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND AND SUBJECT TO conditions, restrictions, reservations, easements, rights of way, and all other matters of record taking priority over the Deed of Trust to be announced at the time of sale. A deposit of \$20,000 or 10% of the sale price, whichever is lower, will be required at the time of sale, in the form of certified check, cashier's check or money order by the purchaser. The balance of the purchase price, with interest at the rate contained in the Deed of Trust Note from the date of sale to the date said funds are received in the office of the SUBSTITUTE TRUSTEE, will be due within fifteen (15) days of sale. In the event of default by the successful bidder, the entire deposit shall be forfeited and applied to the costs and expenses of sale and Substitute Trustee's fee. All other public charges or assessments, including water/sewer charges, whether incurred prior to or after the sale, and all other costs incident to settlement to be paid by the purchaser. In the event taxes, any other public charges have been advanced, a credit will be due to the seller, to be adjusted from the date of sale at the time of settlement. Purchaser agrees to pay the seller's attorneys at settlement, a fee of \$470.00 for review of the settlement documents.

Additional terms will be announced at the time of sale and the successful bidder will be required to execute and deliver to the Substitute Trustees a memorandum or contract of the sale at the conclusion of bidding.

FOR INFORMATION CONTACT Rosenberg & Associates, LLC
(Attorney for the Secured Party)
4340 East West Highway, Suite 600
Bethesda, MD 20814
301-907-8000
www.rosenberg-assoc.com

Legals

TRUSTEE SALES

Legals

LEGAL NOTICES

Legals

LEGAL NOTICES

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Section 15.2-2606.A of the Code of Virginia, 1950, by the City Council (the "City Council") of the City of Charlottesville, Virginia (the "City"), on Monday, May 15, 2023, at 6:30 P.M., local time, with respect to the proposed adoption by the City Council of a resolution to authorize the City to contract a debt and issue its general obligation bonds in the estimated maximum principal amount of \$16,000,000.

Proceeds of such bonds are proposed to be used to finance all or a portion of (1) the costs to acquire, construct, renovate, rehabilitate, improve and equip certain capital improvement projects for various City purposes, including (without limitation) (a) transportation and access projects, (b) public facility projects, (c) public school projects, and (d) affordable housing projects (collectively, the "Project"), and (2) to pay related issuance costs (if not otherwise paid from other City funds).

The meeting will be conducted in Council Chamber with participation in person or electronically via a Zoom webinar. Members of the public are invited to watch the public hearing on Comcast Channel 10 and on all the City's streaming platforms, and to present their views on the proposed resolution as an in-person attendee or via the Zoom webinar, which requires advanced registration at www.charlottesville.gov/zoom. A telephone option is also available, and a number is provided with the Zoom registration or by asking the Clerk for the dial-in phone number for the meeting.

The full text of such resolution is on file in the office of the Clerk of Council, City Hall, 605 East Main Street, Charlottesville, Virginia 22902.

Kyna Thomas
Clerk of Council
City of Charlottesville, Virginia

LEGAL NOTICES

LEGAL NOTICES

PUBLIC NOTICE

Albemarle County Board of Supervisors

May 3, 2023

Notice is hereby given that the Board of County Supervisors of Albemarle County, Virginia, will conduct a public hearing on **May 3, 2023, at 6:00 p.m.**, Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia, to consider the following:

SP202200012 City Church Amendment. PROJECT: SP202200012 City Church Multi-use Space Addition MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL(S): 06100-00-00-153A1 LOCATION: 1010 and 1012 Rio Road E, Charlottesville, VA 22901. PROPOSAL: Amend existing special use permit, SP201700010, to allow a 10, 600 square foot multi-use building, with additional office space, towards the rear of the parcel, along with a parking lot expansion of 43 spaces. PETITION: Religious assembly in the R4 Zoning District on a 4.23 acre parcel under Section 15.2-2.12 of the Zoning Ordinance. No dwellings proposed. ZONING: R4 Residential (4.0 units/acre) OVERLAY DISTRICT(S): Airport Impact Area, Steep Slopes - Managed COMPREHENSIVE PLAN: Urban Density Residential which allows residential uses (6.01 - 34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 2 of the Places29 Master Plan.

ZMA202200006 999 Rio Road. PROJECT: ZMA202200006 999 Rio Road ZMA MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL: 061000000154B0 LOCATION: 999 Rio Road East, Charlottesville, VA 22901. Parcel is located at the intersection of Rio Road East and Belvidere Boulevard. PROPOSAL: Request to amend a previously approved NMD Neighborhood Model District (ZMA201900001), which allows a mixed-use development with between 11-28 residential units, at a density between 6 units/acre and 15 units/acre and small-scale professional offices up to a maximum of 6,000 square feet. The amendment proposes to eliminate the non-residential use and proposes between 10-38 residential units at a density range between 5.1 units/acre and 20 units/acre. The proposal also includes changes to the application plan, including building envelopes, parking, and greenspace areas. Associated request for a special exception to waive the requirement that a Neighborhood Model District must have at least two different general use classifications. PETITION: Rezone 1.947 acres from NMD Neighborhood Model District - residential (minimum of two housing types) mixed with commercial, service, and industrial uses, to NMD to amend the previously approved application plan and code of development associated with ZMA201900001. ZONING: NMD Neighborhood Model District - residential (minimum of two housing types) mixed with commercial, service, and industrial uses OVERLAY DISTRICTS: Entrance Corridor, Airport Impact Area PROFERS: No COMPREHENSIVE PLAN: Urban Density Residential - residential (6.01 - 34 units/acre), supporting uses such as religious institutions, schools, commercial, office and service uses such as religious institutions, schools and other small-scale non-residential uses. Privately Owned Open Space and Environmental Features - privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features. In Neighborhood 2 of the Development Area of the Places29 Master Plan.

Copies of the proposed plans, ordinances, amendments, and/or applications are on file in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. To review the application, contact the office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or telephone 434-296-5832.

The public hearing is also being conducted through electronic communication means, and the opportunities for the public to access and participate in the public hearing are posted on the Albemarle County website at <https://www.albemarle.org/government/board-of-supervisors/public-meeting-participation-guide>, including access by telephone at 888-788-0099 (Toll Free), Webinar ID: 895 2955 6286.

Public comments are invited at this time. Reasonable accommodations will be provided to persons with disabilities if requested. Please call 434-296-5832.

Claudette K. Borgersen, Clerk

LEGAL NOTICES

LEGAL NOTICES

PUBLIC NOTICE

Albemarle County Board of Supervisors

May 3, 2023

Notice is hereby given that the Board of County Supervisors of Albemarle County, Virginia, will conduct a public hearing on **May 3, 2023, at 6:00 p.m.**, Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia, to solicit public input on local community development and housing needs in relation to potential applications for Community Development Block Grant (CDBG). Information on the amount of funding available, the requirements on benefits to low- and moderate-income persons, and eligible activities will be available. Citizens will also be given the opportunity to comment on the County's past use of CDBG funds. All interested citizens are urged to attend.

For additional information, contact, Stacy Pethia at (434) 296-5832. Written comments may be addressed to Stacy Pethia at the County's Office of Housing, 1600 5th Street Ext., Suite A, Charlottesville, VA 22902, no later than May 2, 2023.

The public hearing is also being conducted through electronic communication means, and the opportunities for the public to access and participate in the public hearing are posted on the Albemarle County website at <https://www.albemarle.org/government/board-of-supervisors/public-meeting-participation-guide>, including access by telephone at 888-788-0099 (Toll Free), Webinar ID: 895 2955 6286

Reasonable accommodations will be provided to persons with disabilities, if requested. Please call 296-5843.

Claudette K. Borgersen, Clerk

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To place an ad, visit: <https://ads.dailyprogress.com/charlottesville-adportal/classified/index.html> 24 hours a day, 7 days a week.

Legals

LEGAL NOTICES

City of Charlottesville conducts public sales of unclaimed personal property via:
 Online Auction: www.publicsurplus.com
 Each auction will state date/time auction will close.
 Fixed-Priced Sale:
 Sale Date: 1st working Friday each month.
 Sale Location: City Warehouse, 325 4th Street NW
 Sale Hours: Noon - 3:00 p.m.
 Types of Items Being Sold:
 Bicycles, Various Equipment, Electronics and Other Misc. Items.

PUBLIC NOTICE

Albemarle County Board of Supervisors

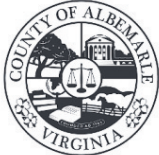
May 17, 2023

Notice is hereby given that the Board of County Supervisors of Albemarle County, Virginia, will conduct a public hearing on **May 17, 2023, at 6:00 p.m.**, Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia, to review the County's intention to apply for Federal funds from the Virginia Community Development Block Grant (CDBG) program. Albemarle County proposes to utilize the requested funds to carry out the following activities for the CDBG program: Approximately \$1.075 million dollars to support the construction of new water and sewer infrastructure in Village 3 in the Southwood Redevelopment Project Phase 2. All interested citizens are urged to attend.

For additional information, contact Stacy Pethia at (434) 296-5832. Written comments may be addressed to Stacy Pethia in the County's Office of Housing, 1600 5th Street Ext., Suite A, Charlottesville, VA 22902 no later than May 16, 2023.

The public hearing is also being conducted through electronic communication means, and the opportunities for the public to access and participate in the public hearing are posted on the Albemarle County website at <https://www.albemarle.org/government/board-of-supervisors/public-meeting-participation-guide>, including access by telephone at 888-788-0099 (Toll Free), Webinar ID: 895 2955 6286.

Reasonable accommodations will be provided to persons with disabilities, if requested. Please call 296-5843.
 Claudette K. Borgersen, Clerk



The Virginia Department of Transportation and the Board of County Supervisors of Albemarle County, Virginia, in accordance with Section 33.2-331 of the Code of Virginia, will conduct a joint public hearing on **May 17, 2023, at 6:00 p.m.**, Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia, to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2024 through 2029 in Albemarle County, and on the Secondary System Construction Budget for Fiscal Year 2024. Copies of the proposed Plan and Budget may be viewed online at this link <https://www.albemarle.org/home/showpublisheddocument/8704/637865866739000000> under Albemarle County's Department of Community Development Transportation Planning page.

All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds.

The public hearing is also being conducted through electronic communication means, and the opportunities for the public to access and participate in the public hearing are posted on the Albemarle County website at <https://www.albemarle.org/government/board-of-supervisors/public-meeting-participation-guide>, including access by telephone at 888-788-0099 (Toll Free), Webinar ID: 895 2955 6286.

More information is available in the Office of the Clerk of the Board of Supervisors, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia, and will be provided for inspection and copying by calling the Office of Clerk at 434-296-5843 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Reasonable accommodations will be provided to persons with disabilities, if requested. Please call 434-296-5843.
 Claudette K. Borgersen, Clerk

PUBLIC NOTICE

Albemarle County Board of Supervisors

May 17, 2023

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Copies of the proposed plans, ordinances, amendments, and/or applications are on file in the Department of Community Development, County Office Building, 401 McIntire Road, Charlottesville, Virginia. To review the application, contact the office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or telephone 434-296-5832.

The public hearing is also being conducted through electronic communication means, and the opportunities for the public to access and participate in the public hearing are posted on the Albemarle County website at <https://www.albemarle.org/government/board-of-supervisors/public-meeting-participation-guide>, including access by telephone at 888-788-0099 (Toll Free), Webinar ID: 895 2955 6286.

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 Claudette K. Borgersen, Clerk

LEGAL NOTICES

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Section 15.2-2606.A of the Code of Virginia, 1950, by the City Council (the "City Council") of the City of Charlottesville, Virginia (the "City"), on Monday, May 15, 2023, at 6:30 P.M., local time, with respect to the proposed adoption by the City Council of a resolution to authorize the City to contract a debt and issue its general obligation bonds in the estimated maximum principal amount of \$16,000,000.

Proceeds of such bonds are proposed to be used to finance all or a portion of (1) the costs to acquire, construct, renovate, rehabilitate, improve and equip certain capital improvement projects for various City purposes, including (without limitation) (a) transportation and access projects, (b) public facility projects, (c) public school projects, and (d) affordable housing projects (collectively, the "Project"), and (2) to pay related issuance costs (if not otherwise paid from other City funds).

The meeting will be conducted in Council Chamber with participation in person or electronically via a Zoom webinar. Members of the public are invited to watch the public hearing on Comcast Channel 10 and on all the City's streaming platforms, and to present their views on the proposed resolution as an in-person attendee or via the Zoom webinar, which requires advanced registration at www.charlottesville.gov/zoom. A telephone option is also available, and a number is provided with the Zoom registration or by asking the Clerk for the dial-in phone number for the meeting.

The full text of such resolution is on file in the office of the Clerk of Council, City Hall, 605 East Main Street, Charlottesville, Virginia 22902.
 Kyna Thomas
 Clerk of Council
 City of Charlottesville, Virginia

TRUSTEE SALES

NOTICE OF SUBSTITUTE TRUSTEE SALE

7783 Blenheim Road, Scottsville, VA 24590

By virtue of the power and authority contained in a Deed of Trust dated August 13, 2012 and recorded at Book 4218 Page 693 in the Clerk's Office for the Albemarle County Virginia Circuit Court, Virginia, securing a loan which was originally \$35,000.00. The appointed SUBSTITUTE TRUSTEE, Commonwealth Trustees, LLC will offer for sale at public auction at the main entrance of the Circuit Court for Albemarle County located at 501 E Jefferson Street, Charlottesville, VA.

May 22, 2023 at 1:15 PM

improved real property, with an abbreviated legal description of the following described property, to wit:

THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN ALBEMARLE COUNTY, VIRGINIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN PARCEL OF LAND SITUATED IN THE SCOTTSVILLE MAGISTERIAL DISTRICT OF ALBEMARLE COUNTY, VIRGINIA, ON THE EAST SIDE OF STATE ROUTE 795, CONTAINING THE CURRENT RESIDENCE AND CURTILEGE OF FIVE ACRES.

AND as more fully described in the aforesaid Deed of Trust.

TERMS OF SALE: The property will be sold "AS IS," WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND AND SUBJECT TO conditions, restrictions, reservations, easements, rights of way, and all other matters of record taking priority over the Deed of Trust to be announced at the time of sale. A deposit of \$20,000 or 10% of the sale price, whichever is lower, will be required at the time of sale, in the form of certified check, cashier's check or money order by the purchaser. The balance of the purchase price, with interest at the rate contained in the Deed of Trust Note from the date of sale to the date said funds are received in the office of the SUBSTITUTE TRUSTEE, will be due within fifteen (15) days of sale. In the event of default by the successful bidder, the entire deposit shall be forfeited and applied to the costs and expenses of sale and Substitute Trustee's fee. All other public charges or assessments, including water/sewer charges, whether incurred prior to or after the sale, and all other costs incident to settlement to be paid by the purchaser. In the event taxes, any other public charges have been advanced, a credit will be due to the seller, to be adjusted from the date of sale at the time of settlement. Purchaser agrees to pay the seller's attorneys at settlement, a fee of \$470.00 for review of the settlement documents.

Additional terms will be announced at the time of sale and the successful bidder will be required to execute and deliver to the Substitute Trustees a memorandum or contract of the sale at the conclusion of bidding.

FOR INFORMATION CONTACT Rosenberg & Associates, LLC
 (Attorney for the Secured Party)
 4340 East West Highway, Suite 600
 Bethesda, MD 20814
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www.rosenberg-assoc.com

TRUSTEE'S SALE OF

1967 MOUNTAIN HILL ROAD, PALMYRA, VIRGINIA 22963

COUNTY OF FLUVANNA

In execution of a certain deed of trust dated 10/31/06, in the original principal amount of 162,000.00 recorded in the County of Fluvanna, Virginia, as in Deed Book 706, Page 378, instrument No. 6622 as amended by an instrument appointing the undersigned as Substitute Trustee, default having occurred in the payment of the Note thereby secured and at the request of the holder, the undersigned Substitute Trustee will offer for sale at public auction in the front of the building housing the Circuit Court of the COUNTY OF FLUVANNA, VA located at 72 Main Street, Palmyra, Virginia, 22963 on **June 6, 2023, at 10:00 AM**, the property described in said deed of trust, located at the above address, with improvements thereon and more particularly described as follows: PARCEL ONE: ALL THAT CERTAIN TRACT OR PARCEL OF LAND, WITH IMPROVEMENTS THEREON AND APPURTENANCES THERETO, SITUATED IN FLUVANNA COUNTY, VIRGINIA, ON THE NORTH SIDE OF STATE ROUTE 650, CONTAINING 2.432 ACRES, MORE OR LESS, SHOWN AS PARCEL (8)-2B, ON A PLAT BY ROBERT L. LUM, LAND PLANNING & SURVEYING, DATED JANUARY 19, 1995, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF FLUVANNA COUNTY, VIRGINIA, IN DEED BOOK 278, PAGE 649, AND BEING THE SAME PROPERTY CONVEYED TO PHILLIP L. BOOKER, JR. BY DEED FROM HATTIE BOOKER AND PHILLIP L. BOOKER, SR., HER HUSBAND, DATED OCTOBER 9, 1991, RECORDED IN THE CLERK'S OFFICE AFORESAID IN DEED BOOK 229, PAGE 180. PARCEL TWO: ALL THAT CERTAIN TRACT OR PARCEL OF LAND, WITH IMPROVEMENTS THEREON AND APPURTENANCES THERETO, SITUATED IN FLUVANNA COUNTY, VIRGINIA, ON THE NORTH SIDE OF STATE ROUTE 650, CONTAINING 0.145 ACRE, MORE OR LESS, SHOWN AS PARCEL F, ON A PLAT BY ROBERT L. LUM, LAND PLANNING & SURVEYING, DATED APRIL 14, 1994, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF FLUVANNA COUNTY, VIRGINIA, IN PLAT BOOK 1, PAGE 180, AND BEING THE SAME PROPERTY CONVEYED TO PHILLIP L. BOOKER, JR. BY DEED FROM VONZELL BRUCE AND BARBARA BRUCE, HUSBAND AND WIFE, DATED JULY 5, 1994, RECORDED IN THE CLERK'S OFFICE AFORESAID IN DEED BOOK 279, PAGE 49. TERMS OF SALE: Neither the Substitute Trustee nor the holder of the note secured by the deed of trust will deliver possession of the property to the successful bidder. The purchaser at the sale will be required to pay all closing costs. Real estate taxes, water/sewer fees and other public charges will be prorated as of the date of sale. The risk of loss or damage to the property passes to the purchaser immediately upon the conclusion of the Substitute Trustee's sale. Terms: A bidder's deposit of ten percent (10%) of the sale price or ten percent price (10%) of the original principal balance of the subject deed of trust, whichever is lower, in the form of cash or certified funds payable to the Substitute Trustee must be present at the time of sale. The balance of the purchase price will be due within 20 days at the office of the Substitute Trustee. The Substitute Trustee reserves the right to suspend bidding prior to completion of the sale. Time is of the essence as to the closing date and the payment of the purchase price. If payment of the balance does not occur within twenty days of the sale date, the deposit will be forfeited. Seller shall not be responsible for any costs incurred by the purchaser in connection with their purchase or settlement, including, without limitation, state and local recording fees, title insurance or research, or any other costs of purchaser's acquisition. Trustee shall have no duty to obtain possession for purchaser. All risks of casualty pass to successful bidder at conclusion of bidding. The property and the improvements thereon will be sold "AS IS" and without representation or warranties of any kind. The sale is subject to all liens, encumbrances, conditions, easements and restrictions, if any, superior to the mentioned deed of trust and lawfully affecting the property. Sale is subject to post-sale confirmation that the borrower did not file for protection under the U.S. Bankruptcy Code prior to the sale, as well as to post-sale confirmation and audit of the status of the loan with the loan servicer including, but not limited to, determination of whether the borrower(s) entered into any repayment agreement, reinstated or paid off the loan prior to the sale. In any such event, the sale shall be null and void, and the Purchaser's sole remedy, in law or equity, shall be the return of the Purchaser's deposit without interest. Additional terms to be announced at the sale. For more information contact: Michael T. Cantrell, Esq., member of Surety Trustees, at 301-490-3361 or www.mwc-law.com.

TRUSTEE SALES

TRUSTEE'S SALE OF

330 MONTREAL LN, SHIPMAN, VA 22971

In execution of a Deed of Trust in the original principal amount of \$175,484.00, with an annual interest rate of 4.125000% dated March 7, 2013, recorded among the land records of the Circuit Court for the County of Nelson as Deed Instrument Number 130001003, the undersigned appointed Substitute Trustee will offer for sale at public auction all that property located in the County of Nelson, at the Circuit Court building for the County of Nelson at the new main entrance located at 84 Court House Square, Court Street, Lovingsston, Virginia on June 5, 2023 at 2:00 PM, the property with improvements to wit:

DAVIS
 Tax Map No. 68-A-123

THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

TERMS OF SALE: ALL CASH. A bidder's deposit of 10% of the sale price, will be required in cash, certified or cashier's check. Settlement within fifteen (15) days of sale, otherwise Trustee may forfeit deposit. Additional terms to be announced at sale. Loan type: Conventional. Reference Number 22-292264.

PROFESSIONAL FORECLOSURE CORPORATION OF VIRGINIA, Substitute Trustee, C/O LOGS LEGAL GROUP LLP, 10021 Balls Ford Road, Suite 200, Manassas, Virginia 20109 (703) 449-5800.

Publishing Dates: March 24, 2023, May 1, 2023, and May 8, 2023

Announcements

GENERAL & SPECIAL NOTICES

Annual Shenandoah Valley Model Train & Railroad Show
 Augusta Expo, 277 Expo Rd, Fishersville, Sunday, May 7, 10am-4pm. Admission \$8. Children under 12 free w/ Adult. Model Train Sales, Railroad Memorabilia & Operating Model Train Layouts. More information www.acrrm.org.

Merchandise

MEDICAL EQUIPMENT

WHEELCHAIR RAMPS, STAIR LIFTS, LIFT CHAIRS NEW AND USED
(540) 932-7300

MISCELLANEOUS FOR SALE

2 plots in Garden of Peace in Holly Memorial Gardens. Set back from road, under a shade tree. Retail \$9400, asking \$8000. 434-465-1583



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 | Reputable local business purchases vinyl records & turntables. Fair, negotiable cash offers. Fast appraisals. For LARGE COLLECTIONS we can come to you. CLASSIC ROCK, JAZZ, BLUES, SOUL... LPs (33rpm), 45rpm. Please call for an appointment or bring records to 115 4th St SE in Charlottesville. www.CVILLEMELODYSUPREME.com (434) 760 - 3618

Transportation

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 32 Units in Stock starting at \$7k
 MITS OF VA #12069
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WANTED AUTOS

LOOKING TO BUY AN OLD FOREIGN PROJECT
 Car - Any condition, running or not. Porsche, Jaguar, Mercedes, Rolls Royce, Ferrari, and much more. Fast & easy transaction. Cash on the spot. If you have any of these or any other old foreign cars just sitting, please call me at 703-864-2531.

Recruitment

GENERAL

Looking for a personal caregiver for my daughter. The Job is full time and the pay is \$20/hr. The caregiver's work is 5 hours daily, 5 days per week, from 11:00 AM to 4:00 PM, Monday - Friday. Interested people can send an email to me at (rexfordjackson3575@gmail.com) for an interview.

Commercial Real Estate for Rent

RETAIL PLACES FOR RENT

Hopeman Food Lion Shopping Center
 Waynesboro, VA
SPACE FOR LEASE
 1200 - 4800 sq. ft starting at \$995/mo.
 Ask about our **FREE RENT Plan!**
 Call 540-886-2021

Residential for Rent

FARMS, LAND, TIMBER

WANTED TO RENT:
 Pasture for cows & calves. Will Rent Large and Small Acres. Will Rent By Year or Growing Season. Can repair fences. Carry Liability Insurance. References Available
 Call 540-560-5132

Homes for Sale

REAL ESTATE WANTED

Houses Wanted
 Paid CASH Any Condition
 Quick Closing. No Fees.
 540-623-8447

Farmers' Markets

FARM & DAIRY EQUIPMENT



2020 John Deere 4066R 479 hrs., 66hp, 485A backhoe with 50 hrs, heat and AC, R4 tires, asking \$25,000 more info at vryjd29@rnetcloud.com 434-730-2019

Find it Fast

Recruitment

GENERAL

Buy it... Sell it...
It's all here in
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Find it Fast

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	Motion to Approve a Certificate of Appropriateness, or Motion to Deny a Certificate of Appropriateness
Presenter:	Jeffrey Werner, Historic Preservation and Design Planner
Staff Contacts:	Jeffrey Werner, Historic Preservation and Design Planner
Title:	Appeal of BAR (Board of Architectural Review) denial of Certificate of Appropriateness for Demolition of an Individually Protected Property at 104 Stadium Road. BAR # 22-02-03.

Background

Certificate of Appropriateness Application - Demolition

BAR # 23-02-03

104 Stadium Road, TMP 160002000

Individually Protected Property

Owner: Woodrow Too, LLC

Applicant: Subtext Acquisitions, LLC

Project: Demolition of structure

- On January 27, 2023, an application was submitted for an ADC District/IPP Certificate of Appropriateness [design review] for the demolition of the house and gardens at 104 Stadium Road.
- On February 22, 2023, the City's Board of Architectural Review denied a CoA for demolition of the house and gardens at 104 Stadium Road, pursuant to the details set forth within City application BAR 22-02-03.
- The CoA applicant (Subtext Acquisitions, LLC) on March 9, 2023 appealed to City Council the BAR's decision, pursuant to City Code §34-285(b) ("any aggrieved person may note an appeal of the BAR decision to the city council"). [Attachment 1.]
- State enabling legislation authorizes the City to establish historic districts within its zoning ordinance, and to designate specific buildings or structures within the zoning ordinance as having important historic, architectural, archaeological or cultural interest. Va. Code §15.2-2306(A)(1). Per City Code §34-273(b), 104 Stadium Road is designated an *Individually Protected Property*.
- State law also authorizes the City to include within its ordinance a requirement that no historic landmark, building or structure within any district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board. Va. Code §15.2-2306(A)(2). This has been implemented in the City's zoning ordinance by City Code Chapter 34 – Zoning, Article II - Overlay Districts, Division 2 - Historical Preservation and Architectural Design Control Overlay Districts.

- State law also requires the City, by enacting the above, include within its ordinance the right of the owner of a historic landmark, building or structure to appeal to the circuit court for such locality from any final decision of the governing body. Va. Code §15.2-2306(A)(3). This is implemented in the City’s zoning ordinance by §34-285 and §34-286.

Note: The order of presentation for Council’s review of an appeal from a BAR decision is: (1) City Preservation and Design Planner presentation of the staff report (ten minutes), (2) Appellants’ presentation (ten minutes), and (3) BAR chair presentation (five minutes).

Discussion

CoA request for the proposed demolition of the MacLeod house at 104 Stadium Road, which was constructed in 1927. In 2011, following the public process required for a Zoning Text Amendment and a Zoning Map Amendment and applying the criteria under City Code §34-273, City Council designated this property an *Individually Protected Property*. In that action, Council deemed the property to be *of special historic, cultural, or architectural value* to the City. The IPP’s description and historical context are presented in the February 22, 2023 BAR staff report (Attachment 3).

City Council’s role in this appeal is to make the final decision on the certificate of appropriateness (i.e., to approve the demolition or to deny the demolition.)

Per City Code §34-286(b), in reviewing an appeal of a BAR decision, Council shall consult with the BAR and consider the written appeal, the criteria [*standards for review*] set forth within section 34-276 or 34-278, as applicable, and any other information, factors, or opinions it deems relevant to the application. [Staff note: §34-278, applicable here, proscribes the *standards for considering demolitions*. §34-276 proscribes the *standards for review of construction and alterations*.]

In evaluating this appeal—this request for a CoA to allow demolition--Council should, as the BAR did, consider the criteria for demolitions (noted below) and the related provisions from the ADC District Design Guidelines (Attachment 7). In that deliberation, Council should also refer to the February 22, 2023 BAR staff report (Attachment 3), specifically pages 3 through 8, staff’s review of the criteria and recommendations to the BAR.

In its discussion on February 22, 2023, the BAR clearly expressed the challenge of this application: a) only City Council can remove the IPP designation; b) approving demolition would eliminate the resource that established this IPP, a defacto elimination of the IPP; and c) the BAR approving the demolition would be assuming legislative authority reserved only for City Council.

Additionally, the appellant notes, correctly, that this property is not listed on the National Register of Historic Places. Based on their consultant’s recommendation, they do not believe it is even eligible for federal designation. However, per City Code §34-273, a landmark, building, or structure may be designated an IPP *if deemed by city council to be of special historic, cultural, or architectural value*. That is, the Code does not refer to eligibility for or listing on the state or national registers has a pre-requisite for designation by City Council of locally significant historic properties and districts. In fact, **of the 77 IPPs in the City, 31—including 104 Stadium Road--are not listed on the Virginia Landmarks Register or the National Register of Historic Places.**

From the City Code: Historical Preservation and Architectural Design Control Overlay Districts
Sec. 34-278. - Standards for considering demolitions.

The following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation or demolition, in whole or in part, of a contributing structure or protected property:

1. The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation:

1. The age of the structure or property;
 2. Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;
 3. Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;
 4. Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;
 5. Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and
 6. The degree to which distinguishing characteristics, qualities, features or materials remain;
2. Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one (1) of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings and structures.
 3. The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board;
 4. Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural or cultural value; and
 5. (e) Any applicable provisions of the city's design guidelines (see [section 34-288\(6\)](#)).

BAR Action

February 22, 2023. BAR reviewed CoA request to demolish the structure and landscape was presented (BAR #22-02-03). A motion to deny the CoA passed 6-0. (Motion to deny CoA by Mr. Whitney. Second by Mr. Zehmer.)

Having considered the standards set forth within the City Code, including the BAR's design guidelines and the standards for considering demolitions, I move to find that the proposed demolition of the house and gardens at 104 Stadium Road does not satisfy the BAR's criteria and guidelines and is not compatible with this property and other properties, and for the following reasons the BAR denies the application as submitted:

[Paraphrased by staff. For the specific discussion re: the motion to deny, refer to the meeting video, link below, beginning at approx. 01:14:00.]

- The house is almost 100 years and, while not being the only stone house in Charlottesville, it is a fairly rare example of this house type in Charlottesville. It is from the time [associated with the growth of the University]
- [The house] creates character of space where it exists.
- It is a unique remnant of a historic landscape.
- The [house/property] is in good condition there's no reason for demolition [as related to] its condition
- [Reference to] Review Criteria for Demolition, #3: The public purpose or interest in land or buildings to be protected.* The last record that we have that would speak to [this criteria] is the designation of the property itself by City Council in 2011; it was clearly a desire for this building and the adjacent property to be protected, and the wording in that resolution is also that the adjacent parcel not be developed
- IPP & BAR have never voted to [approve demolition of] an IPP
- [The property's] historic landscape contributes to the context of JPA, could influence the buffer of JPA and built lots.
- [Reference] Design Guidelines #6 & #7: alternatives to demolition, rehabilitation and reuse of structure is possible.*

* Reference ADC District Design Guidelines, Chapter VII – Demolitions and Moving. Link: [Chapter 7 Demolition and Moving](#)

BAR Recommendations to Council:

- Building be documented thoroughly through photographs and measured drawings according to the Historic American Building standards, information should be retained by City of Charlottesville’s Department of Neighborhood Development Services and Virginia Department of Historic Resources;
- CoA for demolition be contingent on BAR approval of building’s replacement if it remains an IPP or approval of the building by the Planning Commission if it’s an Entrance Corridor project [or a mechanism Council deems appropriate] to ensure that the building is not unnecessarily demolished if the project does not move forward.

Link to February 22, 2023 BAR meeting video (discussion re: 104 Stadium Road begins at approx. 00:10:00): [BAR mtg video Feb 22 2023](#)

[[Note: BAR discussion re: the motion for denial begins at 01:14:20 of the meeting video.](#)]

(For a more detailed summary, see Attachment 2: Staff response to appeal.)

[Links to the City of Charlottesville’s ADC District Design Guidelines](#)

- [Chapter 1 Introduction \(Part 1\)](#)
- [Chapter 1 Introduction \(Part 2\)](#)
- [Chapter 2 Site Design and Elements](#)
- [Chapter 3 New Construction and Additions](#)
- [Chapter 4 Rehabilitation](#)
- [Chapter 5 Signs, Awnings, Vending, and Cafes](#)
- [VII: Public Improvements](#)
[Chapter 7 Moving and Demolition](#)
- [Index](#)

Alignment with City Council’s Vision and Strategic Plan

Upholding the BAR’s decision contributes to Goal 3 - A Beautiful and Sustainable Natural and Built Environment, specifically objective 3.5: *Protect historic and cultural resources.*

Community Engagement

City Code Sec. 34-284 requires public notice prior to the BAR’s formal review of a CoA request. For the February 22, 2023 BAR meeting, the abutting landowners were notified by letter and the meeting was publicly posted.

Except for the applicant and individuals with the project team, there were no public comments offered during the February 22, 2023 meeting. [See minutes in Attachment 5.] Note: Minutes for the February 22, 2023 meeting have not been approved by the BAR. The draft minutes reflect only the BAR’s discussion and comments prior to action taken.

Budgetary Impact

None.

Recommendation

Based on the application materials, the information and standards set forth within City Code §34-278 [*standards for considering demolitions*] and for the reasons set forth within this memo, the applicant’s appeal (Attachment 1),

the staff response to that appeal (Attachment 2), and the February 22, 2023, BAR staff report (Attachment 3), staff's recommendation is that Council uphold the BAR's denial, and not refer the matter back to the BAR. (See Resolution 1 in Attachment 6.)

Should Council decide to approve the requested demolition, the BAR included in its motion recommendations for Council to consider as conditions for that approval. (See Resolution 2 in Attachment 6.)

If the owner of 104 Stadium Road is aggrieved by City Council's final decision, the owner may appeal the decision to the Charlottesville Circuit Court. The City's ordinance does not allow appeals to Circuit Court by anyone other than the landowner. (Ref. City Code §34-286(c).)

Alternatives

1. If City Council agrees with the BAR, Council should vote to deny the demolition CoA (uphold the BAR decision). The applicant would then have the option to make further appeal to the Circuit Court.

2. If City Council agrees with the appellant, then Council should vote to approve the demolition CoA (overturn the BAR decision).

In addition to the right of further appeal, following a denial by City Council, the owner may make a bona fide offer to sell the property to a person willing to preserve and restore it per state code and local ordinance, Sec. 34-286 (d). The sale price must be reasonably related to the fair market value of the building, which amount must be confirmed by City Council before the property is offered for sale. If no bona fide offers are received within *twelve (12) months*, the owner may renew his demolition request to City Council, and is entitled to demolish if all conditions have been met. [Refer to §34-286(e)(1). The required time period is based on the value of the structure.]

Council may also consider suggesting the City Planning Commission consider initiating the Zoning Text Amendment and Zoning Map Amendment necessary, per City Code § 34-274, to evaluate removing the IPP designation for 104 Stadium Road.

Attachments

1. Attachment 1 - 104 Stadium Road appeal letter - BAR # 23-02-03 - 20230309
2. Attachment 2 - 104 Stadium Rd BAR appeal - staff response (5-5-2023)
3. Attachment 3 - 104 Stadium Road BAR Staff Report Feb 2023
4. Attachment 4 - 104 Stadium Road - BAR submittal Feb 2023
5. Attachment 5 - 104 Stadium Road - Draft BAR Mtg Minutes Feb 22 2023
6. Attachment 6 - 104 Stadium Road CoA Appeal - Draft resolutions (rev 5-5)
7. Attachment 7 - City Code ADC District Ordinance
8. Attachment 8 - ADC District Design Guidelines Chp 7 - Moving and Demolition

March 9, 2023

City of Charlottesville
City Council
c/o Ms. Kyna Thomas
P.O. Box 911
Charlottesville, VA 22902

RE: Notice of Appeal – BAR # 23-02-03

Dear City Councilors,

In accordance with Section 34-286 of the City of Charlottesville Code of Ordinances, enclosed please find a written notice of appeal of the Board of Architectural Review's (BAR) decision issued on February 22, 2023 regarding the following application:

Certificate of Appropriateness – Demolition
BAR # 23-02-03
104 Stadium Road, TMP 160002000
Individually Protected Property
Owner: Woodrow Too, LLC
Applicant: Subtext Acquisitions, LLC
Project: Demolition of structure

The structure, commonly referred to as the MacLeod house or Stone House, was built in 1927 for Malcom M. MacLeod, an English literature professor at the University of Virginia. The property has had numerous different owners since Mr. MacLeod, and it has been used as a rental property since as early as 1963. When the City was establishing the Oakhurst-Gildersleeve neighborhood as a historic district in 2009, the property was notably not included in the historic district, even though it is located directly across Jefferson Park Avenue from the historic neighborhood. In 2011, in connection with the current owner's acquisition of the adjacent parcel at 409 Stadium Road from the City, the current owner volunteered to have the 104 Stadium Road property designated as an Individually Protected Property (IPP), and the City Council agreed to that offer.

Given the property's designation as an IPP, and that it was a condition of a separate matter, Subtext felt it prudent to investigate the history of the property. In working with its team of local and national consultants, as well as an independent historic preservation consultant, Subtext's findings indicated that the house at 104 Stadium does not meet the criteria of Section 34-278 – Standards for considering demolitions and which are identical to the criteria of Section 34-274 – Additions to and deletions from districts or protected property list. To ensure that the property was professionally and accurately assessed, Subtext engaged the services of Mark McConnel of Summit Studio, a licensed Architect who has consulted on historic properties for 46 years, who provided a written assessment of the property, a copy of which is enclosed. Specifically, Mr. McConnel reviewed the property to determine its quality and the impact on the community should it be removed, and provided the following assessment of the property:

This house did not then, and does not now, meet criteria for inclusion in the adjoining [Oakhurst-Gildersleeve neighborhood historic] district... Given the lack of singularity of the house, the urbanized setting, lack of nomination to state or federal registers, and lack of associations with historic events or persons, this resource can be documented per the requirements of the BAR and removed without causing the loss of significant historic fabric of the city.

Supporting Mr. McConnell's conclusions were his findings that:

- The property is not qualified for designation on the Virginia Landmarks Register, the National Register of Historic Places, or the adjacent Oakhurst-Gildersleeve National Register District.
- The house is no longer in a neighborhood setting – “the context for 104 Stadium has changed to the point of being unrecognizable from the original or early condition and the house has lost its value as a contributing resource to a neighborhood of similar structures.”
- The Property is not associated with the lives of persons significant in our past. “In this case, professor MacLeod was not distinguished in the sub-field of English literature or held no office bringing notoriety to his life and career. It is likely that he had a significant influence on individual students but that alone is not enough to qualify his career as a pivotal association with the house.”
- The property is not associated with events that have made a significant contribution to the broad patterns of our history.
- The property does not embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction. “104 Stadium Road is a nice example of Tudor revival architecture but it is not unique even in its own neighborhood, it does not represent the work of a master, possesses no high artistic value, and is not a significant and distinguishable entity.” [emphasis added]

Based on Mr. McConnell's conclusion that the property can be documented and then removed without causing the loss of significant historic fabric in the City, a Certificate of Appropriateness application outlining these findings was subsequently filed on January 27, 2023 and heard at the BAR's February 22, 2023 Hybrid Meeting. There were no questions or comments from the public. The BAR comment and discussion period lasted for approximately 40 minutes. Over half of this discussion centered on the procedural processes for an IPP and the BAR's purview versus the City Council's purview as it relates to an IPP. Whether the structure met the criteria contained in Section 34-278 was not materially discussed, and only a few minutes were spent discussing the review criteria for demolition outlined in the Charlottesville Architectural Design Control Districts Design Guidelines and in the City Code. In fact, the BAR members even struggled to identify and state the reasons why the application did not meet the applicable criteria. While it is not explicitly listed in the BAR's reasons for denial, what was discussed at multiple points during the meeting and ultimately seems to have driven the decision is the BAR's determination that its responsibility is to protect the properties that have been designated for protection, not to debate whether protection is appropriate. As such, we contend that the BAR did not accurately assess the application against the applicable criteria, and thus that further review and consideration by the Council is appropriate.

Subtext is planning to redevelop the property and several other adjacent parcels under common ownership to a vibrant, pedestrian-friendly community at the block bound by Stadium Road, Emmet Street, and Jefferson Park Avenue, which will increase the supply of housing, housing options and promote affordability. This is a Mixed Use B intersection as identified by the Streets that Work Design Guidelines and an ideal location for high density residential development immediately adjacent to UVA grounds, and has the potential to be a prominent part of the Entrance Corridor, while also furthering the goals of the Citywide Comprehensive Plan as well as the Draft Zoning Ordinance.

While the building's design is still in the preliminary stages, our project architects have spent a considerable amount of time on design visioning, precedent imagery, and conceptual site planning. These exercises have focused on design excellence and built form, enhancing the streetscape, walkability, people-focused amenities and programming, biking infrastructure, pedestrian safety, and promoting alternative transportation by improving the CAT transit stop at Jefferson Park Avenue.

Enclosed you will find supplementary materials including a copy of the ordinance initiating the IPP, review of the BAR action and demolition criteria, a historic resource analysis, and conceptual project materials. We respectfully request your review of these materials and your consideration of our request to remove the structure at 104 Stadium Road since we have demonstrated that such removal can be supported by the applicable criteria and will not cause the loss of significant historic fabric of the City. In addition, the removal of the structure will permit the redevelopment of the property and surrounding parcels for a vibrant residential community in a location where it is particularly well-suited. Such redevelopment provides an opportunity for an early successful implementation of the goals of the new Comprehensive Plan and the draft zoning ordinance, which far outweighs any benefits of retaining a structure that a professional and eminently qualified historic resources consultant has determined does not qualify for, or warrant protection.

Thank you in advance for your consideration.

Sincerely,



Dylan Lambur
Development Manager
Subtext

subtext

Ordinance Initiating IPP Designation

**AN ORDINANCE
AUTHORIZING THE SALE OF CERTAIN CITY-OWNED PROPERTY LOCATED
AT 409 STADIUM ROAD.**

WHEREAS, the City of Charlottesville issued a Request for Proposals (RFP) for development of a City-owned lot at 409 Stadium Road, identified as Parcel 1 on City Real Estate Tax Map 16, hereinafter the "Property"; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held on December 20, 2010, and an additional public hearing was held on February 7, 2011, to give the public an opportunity to comment on the proposed conveyance of the Property; and

WHEREAS, after the public hearing on December 20, 2010, Richard Jones and Douglas Caton, on behalf of Woodrow Too, LLC, submitted a response offering to pay \$250,000 for the Property, and agreeing to leave the subject Property a landscaped area; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City Manager is hereby authorized to execute a sales/purchase agreement, in form approved by the City Attorney, to convey the above-described Property to Woodrow Too, LLC for the purchase price of \$250,000 with restrictions on the development of the subject Property as follows:

- (1) The Property shall be landscaped and maintained as a green space area;
- (2) The Purchaser shall consent to the adjoining property (Tax Map Parcel 16-2) being designated as an Individually Protected Property (IPP) under City Code Sec. 34-274; and
- (3) There shall be no further development or permanent structures placed upon the Property, including parking facilities.

BE IT FURTHER ORDAINED that the Mayor is hereby authorized to execute a deed of conveyance, in form approved by the City Attorney, for the above-described transaction.

Approved by Council
May 2, 2011



Clerk of Council

BAR Action and Demolition Criteria

The following is a review of the BAR action and the standards and guidelines for considering demolitions. Additional discussion has been included in bold italics.

Action: Motion to deny CoA by Mr. Whitney. Second by Mr. Zehmer. Vote 6-0, motion passed:

Denial: Having considered the standards set forth within the City Code, including the BAR's design guidelines and the standards for considering demolitions, I move to find that the proposed demolition of the house and gardens at 104 Stadium Road does not satisfy the BAR's criteria and guidelines and is not compatible with this property and other properties, and for the following reasons the BAR denies the application as submitted:

Preliminary from staff notes

- The house is almost 100 years and, while not being the only stone house in Charlottesville, it is a fairly rare example of this house type in Charlottesville. It is from the time [associated with the growth of the University].

As Mr. McConnel notes in his assessment of the property:

The house is not a singular example of the Tudor revival style, in fact, there are nine Tudor revival houses in the neighborhood just to the east...The house is no longer in a neighborhood setting. With one exception, the residential, single family, housing stock among which a resource like this should find a home has disappeared and been replaced by large structures. Major secondary roads border the house site on two sides contributing to the loss of its appropriate context...104 Stadium Road is a nice example of Tudor revival architecture but it is not unique even in its own neighborhood...In short, the context for 104 Stadium has changed to the point of being unrecognizable from the original or early condition and the house has lost its value as a contributing resource to a neighborhood of similar structures.

- [The house] creates character of space where it exists.

Whether the house "creates character where it exists" is not a criteria for consideration under the City Code or Design Guidelines.

- It is a unique remnant of a historic landscape.

The applicable criteria is "Whether the building or structure or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature" and which has not been met as demonstrated via a professional consultant and further research.

- The [house/property] is in good condition there's no reason for demolition [as related to] its condition.

Permitting the removal of the structure that has been demonstrated to lack qualifications for historic listing or designation, or inclusion in the neighborhood – thus there is no historic benefit in preserving it – allows the redevelopment plan to further the City's housing and comprehensive plan goals at a key intersection. Should the redevelopment required to design around the existing structure, it would be extremely challenging to provide the quality of

development envisions and warranted by this key intersection. The development envisions a large public gathering space along Emmet Street that would activate the space.

- [Reference to] Review Criteria for Demolition, #3: The public purpose or interest in land or buildings to be protected.* The last record that we have that would speak to [this criteria] is the designation of the property itself by City Council in 2011; it was clearly a desire for this building and the adjacent property to be protected, and the wording in that [2011] resolution is also that the adjacent parcel not be developed.

The City's goals and priorities have changed significantly since 2011, as evidenced by its enactment of the new Comprehensive Plan, Housing Policy, and progress on its draft zoning ordinance. Permitting the removal of this structure, which our professional consultant has determined would not qualify for historic designation or inclusion in the adjacent historic district, and was not included in such district, will further the City's important goal for housing, including affordable housing. Redevelopment as planned will also significantly improve the pedestrian infrastructure and safety and walkability around the property, in accord with the City's recently adopted Streets that Work plan.

- IPP & BAR have never voted to [approve demolition of] an IPP.

Even if this is accurate, and there is no documentation that it is, this finding is not relevant to this application. Each application should be considered on its own merits. As such, this is not a valid justification to deny the application.

- [The property's] historic landscape contributes to the context of JPA, could influence the buffer of JPA and built lots.

The applicable criteria is "Whether the building or structure or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature" and which has not been met as demonstrated via a professional consultant and further research.

- [Reference] Design Guidelines #6 & #7: alternatives to demolition, rehabilitation and reuse of structure is possible.

Subtext has investigated relocating the structure and determined that it is not economically feasible, and whether it is physically feasible without damage to the structure is in question. A feasibility report is currently being prepared by a professional structural mover.

Subtext has experience with and would seek out opportunities to re-purpose and re-use select existing materials in the future project in a meaningful way. The property would be fully documented, including a HABS Report, prior to demolition.

Pertinent Standards for Review of Demolitions:

City Code Section 34-278. - Standards for considering demolitions. The following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation or demolition, in whole or in part, of a contributing structure or protected property:

- (a) The historic, architectural, or cultural significance, if any, of the specific structure or property, including, without limitation:
 - (1) The age of the structure or property.

The structure was built in 1927. While this is an old structure, the age alone does not merit a protected status.

- (2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places or listed on the Virginia Landmarks Register;

Neither the structure or property are listed on the VLR or NRHP, and our historic resources consultant Mark McConnel has determined that the property is not qualified for listing on the VLR or NRHP, nor would the structure meet the criteria for being listed on a Historic Register. Additionally, the structure was excluded from the nomination and establishment of the adjacent Oakhurst-Gildersleeve National Register Historic District. Mr. McConnel specifically addresses this issue and states as follows: “This house did not then, and does not now, meet criteria for inclusion in the adjoining [Oakhurst-Gildersleeve neighborhood historic] district.”

From the materials in the City’s archives from the 2009 nomination for the Oakhurst-Gildersleeve neighborhood as a National Register Historic District:

“Boundary Justification:

The Oakhurst-Gildersleeve Neighborhood Historic District boundaries were drawn to include the largest concentration of historic buildings that tell the story of the growth and development of that area of Charlottesville. Noncontributing resources, whenever possible, particularly when on the edge of the boundary, were excluded. The district boundaries coincide with the property lines and natural landscape features whenever possible.”

The district includes structures along Jefferson Park Avenue, across the street from 104 Stadium Road. If the property was considered to be a significant contributing resource at the time the district was being established, it would have been included in the District. The fact that it was not included is further evidence that it did not meet the criteria for inclusion then, and does not warrant protection now.



- (3) Whether, and to what extent, the building or structure is associated with a historic person, architect or master craftsmen, or with a historic event;

There is no known association with a historic event, person, architect or master craftsman.

The house was built for Malcom M. MacLeod, an English literature professor at the University of Virginia. MacCleod resided there until its sale in 1954. It is said that Edward R. Stettinius, Jr., former U.S Secretary of State and United Nations delegate, was an acquaintance and frequent visitor, however there is no information regarding when he visited, how long he stayed, or what historic events or activities, if any, might have occurred during those visits.

As Mr. McConnel notes in his assessment of the property:

The persons associated with the property must be individually significant within a historic context. A property is not eligible if its only justification for significance is that it was owned or used by a person who is a member of an identifiable profession, class, or social or ethnic group. It must be shown that the person gained importance within his or her profession or group. The residence of a doctor, a mayor, or a merchant is eligible under Criterion B if the person was significant in the field of medicine, politics, or commerce, respectively.

A property is not eligible under Criterion B if it is associated with an individual about whom no scholarly judgement can be made because either research has not revealed specific information about the person's activities and their impact, or there is insufficient perspective to determine whether those activities or contributions were historically important.

In this case, professor MacLeod was not distinguished in the sub-field of English literature or held no office bringing notoriety to his life and career. It is likely that he had a significant influence on individual students but that alone is not enough to qualify his career as a pivotal association with the house under Criterion B.

- (4) Whether the building or structure or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;

The architectural style of the structure is not infrequent and none of its features are known to represent an infrequent or the first or last remaining example within the city.

In addition to the following examples, there are approximately 70 other single-family homes in the City of Charlottesville that are documented as having stone exterior walls and built between 1898 – 1960. Examples of similar period, stone homes within the Oakhurst-Gildersleeve ADC District include:

- *1 Gildersleeve Wood (1925, Dutch Colonia Revival)*
- *3 Gildersleeve Wood (1928, Tudor Revival)*
- *12 Gildersleeve Wood (1935, Colonial Revival)*
- *700 Jefferson Park Avenue (1935, Colonial Revival)*
- *117 Maywood (1938, Vernacular Craftsman)*
- *130 Maywood Lane (1940, Vernacular)*
- *550 Valley Road (1935, Tudor Revival)*
- *552 Valley Road (1937, Tudor Revival)*
- *1700 Jefferson Park Avenue (1928)*

The information above demonstrates that neither the building or structure or any of its features, represent an infrequent or the first or last remaining example within even the adjacent neighborhood, much less within the city as a whole, of a particular architectural style or feature. And as Mr. McConnel stated in his professional assessment of the property: “104 Stadium Road is a nice example of Tudor revival architecture but it is not unique even in its own neighborhood, it does not represent the work of a master, possesses no high artistic value, and is not a significant and distinguishable entity.” [emphasis added]



1 Gildersleeve Wood (1925)



3 Gildersleeve Wood (1928)



12 Gildersleeve Wood (1935)



130 Maywood Lane (1940)



550 Valley Road (1935)



552 Valley Road (1937)



1700 Jefferson Park Avenue (1928)

Further examples of stone homes within the City of Charlottesville:



123 Stribling Avenue (1915)



1840 Fendall Avenue (1925)



2642 Jefferson Park Circle (1925)



1701 Burnley Avenue (1926)



1852 Wayside Place (1926)



2027 Minor Road (1927)



2619 Jefferson Park Circle (1929)



1339 Hilltop Road (1930)



1838 Fendall Avenue (1930)



1853 Fendall Avenue (1930)

- (5) Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and

Neither the structure or any of the property elements, to include landscaping, are of such old or distinctive design, texture, or material that they could not be reproduced. Additionally, although Mr. Werner's staff report notes that the terraces with rock steps and low walls are an example of historic landscape, that is not evidence that "the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty" as required by the criteria. No information has been identified or provided that indicates that the building is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty.

- (6) The degree to which distinguishing characteristics, qualities, features, or materials remain.

Many of the original characteristics, features, and materials remain, however they are not distinguishing from other structures of the same style in the immediately adjacent area, as demonstrated by the images above that are examples of similar designs in the adjacent neighborhood.

- (b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings.

The structure is not located in an existing major design control district, nor does it have a direct link to any structures within an existing major design control district. The age of the structure places it during a period of growth at the University of Virginia, however there are over 2,000 structures within a 2-mile radius of UVa that were built between 1900 – 1920.

Although the staff report notes that the property is linked historically to a period of growth at the University, Mr. McConnel concluded that the house is no longer in a neighborhood setting – "the context for 104 Stadium has changed to the point of being unrecognizable from the original or early condition and the house has lost its value as a contributing resource to a neighborhood of similar structures."

- (c) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board.

The structure is in good structural condition to the best of our knowledge, but there is deferred maintenance that would need to be addressed in the future.

- (d) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing, or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural, or cultural value.

Subtext has investigated relocating the structure and determined that it is not economically feasible, and whether it is physically feasible without damage to the structure is in question. A feasibility report is currently being prepared by a professional structural mover.

Subtext has experience with and would seek out opportunities to repurpose and reuse select existing materials in the future project in a meaningful way. The property would be fully documented, including a HABS Report, prior to demolition.

Subtext agrees that a demolition permit should be contingent upon an approved building permit for construction of any new building on this parcel, and agrees to such a condition of approval.

Chapter VII – Demolitions and Moving (Charlottesville Architectural Design Control Districts Design Guidelines)

B. Demolition of Historic Structures

Review Criteria for Demolition

- 1) The standards established by the City Code, Section 34-278.

See above, as the standards in Section 34-278 are the same standards evaluated in the prior section.

- 2) The public necessity of the proposed demolition.

The public necessity lies in providing much-needed additional housing and concentrating density to take pressure off residential neighborhoods, promote alternative transportation, promote more energy efficient forms of development, and improve the pedestrian environment for public enjoyment.

The removal of the structure will permit the redevelopment of the property and surrounding parcels for high density housing in a location where it is particularly well-suited. Such redevelopment provides an opportunity for an early successful implementation of the goals of the new Comprehensive Plan and the draft zoning ordinance. This public benefit far outweighs any benefits of retaining a structure that a professional and eminently qualified historic resources consultant has determined does not qualify for, or warrant protection.

- 3) The public purpose or interest in land or buildings to be protected.

We contend that there is no public purpose or interest in prohibiting the removal of the structure. The property has not been found to provide any historical resources of significance. As Mr. McConnell noted:

This house did not then, and does not now, meet criteria for inclusion in the adjoining [Oakhurst-Gildersleeve neighborhood historic] district.

Given the lack of singularity of the house, the urbanized setting, lack of nomination to state or federal registers, and lack of associations with historic events or persons, this resource can be documented per the requirements of the BAR and removed without causing the loss of significant historic fabric of the city.

- 4) Whether or not a relocation of the structure would be a practical and preferable alternative to demolition.

Relocation has not been found to be practical.

- 5) Whether or not the proposed demolition would adversely or positively affect other historic buildings or the character of the historic district.

The property is not located in a historic district, nor does it border a historic district or any historic structures. As such, the proposed demolition would not adversely affect other historic buildings or districts. In fact, as Mr. McConnell determined, the structure can be documented and removed “without causing the loss of significant historic fabric of the city.”

- 6) The reason for demolishing the structure and whether or not alternatives exist.

The property has not been found to meet the criteria for designation as an IPP and demolition is requested to allow for a new project which will achieve the goals of the Citywide Comprehensive Plan. Relocation of the structure or incorporating it into a future project have not been found to be practical. Permitting the removal of the structure to facilitate the redevelopment of the property and surrounding parcels for critically-needed high density housing in a location where it is particularly well-suited far outweighs any perceived benefit of prohibiting its removal, since the structure has not been found to qualify for historic designation or inclusion in the adjacent historic district.

- 7) Whether or not there has been a professional economic and structural feasibility study for rehabilitating or reusing the structure and whether or not its findings support the proposed demolition.

A formal relocation feasibility report is currently being prepared. Based on numerous consultations with design professionals, general contractors, and structural movers, it has been found to be financially prohibitive. There are also significant concerns with the physical feasibility of relocation.

Historic Resource Analysis

Mr. Dylan Lambur
Subtext
3000 Locust Street
St. Louis, MO 63103

Re: 104 Stadium Road
Historic resource analysis

Dear Mr. Lambur:

In the following pages, please find a review of the house located at 104 Stadium Road in Charlottesville VA. This review was conducted solely to determine the qualities of this resource and the impact on the community should this resource be removed.

The age and components of the structure

Its status on national or state registers of historic places
The historical and architectural significance of the structure
Singularity of the property or its components
The pattern of development associates with this building (type)
Its current environment and its contribution thereto

While this house is old and an identifiable example of Tudor Revival residential construction, it is not a master-work of the genre or precious because of its rare type or associations. What you have here is a nice old house.

Please review the attached and let us know if you have any questions.

Regards,



Mark McConnel, AIA, LEED AP

EXECUTIVE SUMMARY

The house located at 104 is a 1 ½ story, English Tudor style cottage built in 1927 in a cross-gable plan with stone exterior walls, stucco, false half-timbering, and some wood siding. Materials on the exterior include asbestos shingles, new aluminum gutters and downspouts, new entry doors, steel lower and replacement upper windows, and a steel fire escape. Interior finishes include plaster walls and ceilings with wood floors.

The house is not a singular example of the Tudor revival style, in fact, there are nine Tudor revival houses in the neighborhood just to the east that were included in a National Register Historic District while this house (adjacent to the district) was omitted. This house did not then, and does not now, meet criteria for inclusion in the adjoining district. This property is not listed on the National or State registers of historic places.

The house is no longer in a neighborhood setting. With one exception, the residential, single family, housing stock among which a resource like this should find a home has disappeared and been replaced by large structures. Major secondary roads border the house site on two sides contributing to the loss of its appropriate context.

While the MacLeod family constructed the house, Mr. MacLeod was a professor like many others and occupied the house for 26 years; in the subsequent 70 years the house has been converted into a duplex and had no fewer than 8 owners. The MacLeods entertained a former secretary of state at the residence, however, this visitation would not satisfy the National Register requirement for association; thus, no significant historical figure or event has occurred at 104 Stadium Road insofar as the NRHP is concerned.

Given the lack of singularity of the house, the urbanized setting, lack of nomination to state or federal registers, and lack of associations with historic events or persons, this resource can be documented per the requirements of the BAR and removed without causing the loss of significant historic fabric in the city.

PROPERTY CONDITION

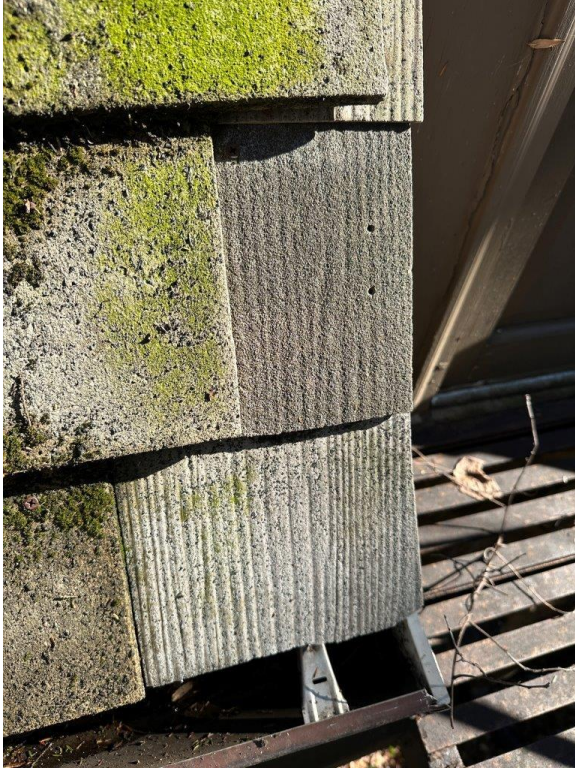
The house contains many of the trademark examples of Tudor Revival styling including, stone walls, rough stucco infill between false half-timbers, steel windows, steep pitched roofs, painted wood siding, bracketed overhangs, and stone (type) roofing. The roofing is, in fact, asbestos in deteriorated condition. The windows openings vary in size and have fixed metal frame panes or replacement aluminum.

The interior has hardwood floors, softwood framed partitions with plaster walls and ceilings. The interior of the one-story section of the house has cathedral ceilings and full cement basement, while the rest of the home has no basement under it. Changes over time include metal stoop with steps that was added on the west end of the house, which resembles a fire escape, two bathrooms a CMU enclosure near the fire escape, and the windows on the northwest side of the house replaced.

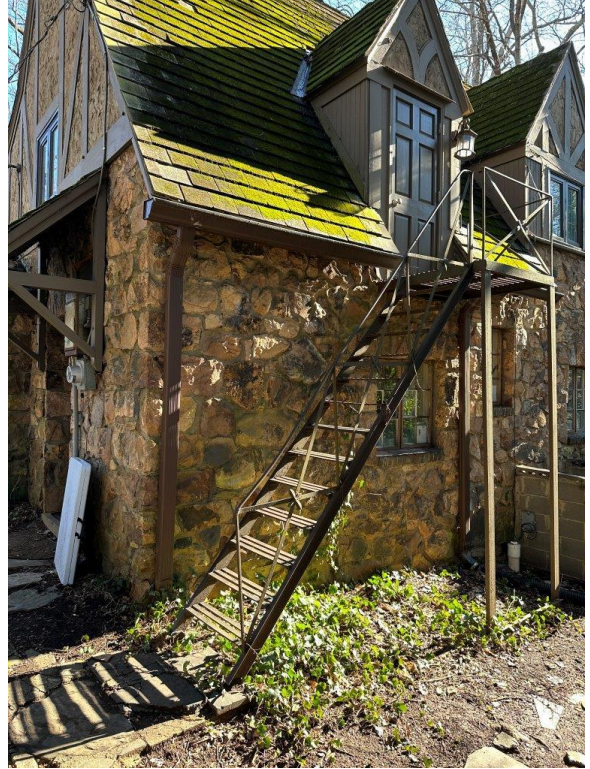
The general building materials are common of the period and in fair condition. The conversion of the property into a duplex has not had a significant impact on the overall interpretation of the original building although some loss of plan clarity is evident. The site is overgrown leaving the building almost invisible on three of the four sides.



General views of house



Asbestos shingles



Fire escape



New front door w/ bracketed roof



Dormer showing all materials present

REGISTER LISTINGS

The property is not listed on the Virginia Landmarks Register, the National Register of Historic Places, is not included in the adjacent National Register District, and is not qualified for any of these designations.

To qualify for nomination to one of the historic registers, a resource must meet one of four criteria:

Criteria A

Properties associated with events that have made a significant contribution to the broad patterns of our history.

To be considered for listing under Criterion A, a property must be associated with one or more events important in the defined historic context. Criterion A recognizes properties associated with single events, such as the founding of a town, or with a pattern of events, repeated activities, or historic trends, such as the gradual rise of a port city's prominence in trade and commerce.

The event or trends, however, must clearly be important within the associated context: settlement, in the case of the town, or development of a maritime economy, in the case of the port city. Moreover, the property must have an important association with the event or historic trends, and it must retain historic integrity.

Mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A: the property's specific association must be considered important as well. For example, a building historically in commercial use must be shown to have been significant in commercial history.

Here are a few examples of properties associated with a pattern of events:

- A trail associated with western migration.

- A railroad station that served as the focus of a community's transportation system and commerce.

- A mill district reflecting the importance of textile manufacturing during a given period.

- A building used by an important local social organization.

- A site where prehistoric Native Americans annually gathered for seasonally available resources and for social interaction.

Criteria B

Properties associated with the lives of persons significant in our past.

The persons associated with the property must be individually significant within a historic context. A property is not eligible if its only justification for significance is that it was owned or used by a person who is a member of an identifiable profession, class, or social

or ethnic group. It must be shown that the person gained importance within his or her profession or group.

The residence of a doctor, a mayor, or a merchant is eligible under Criterion B if the person was significant in the field of medicine, politics, or commerce, respectively.

A property is not eligible under Criterion B if it is associated with an individual about whom no scholarly judgement can be made because either research has not revealed specific information about the person's activities and their impact, or there is insufficient perspective to determine whether those activities or contributions were historically important.

In this case, professor MacLeod was not distinguished in the sub-field of English literature or held no office bringing notoriety to his life and career. It is likely that he had a significant influence on individual students but that alone is not enough to qualify his career as an pivotal association with the house under Criteria B

Criteria C

Properties that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

This criterion applies to properties significant for their physical design or construction, including such elements as architecture, landscape architecture, engineering, and artwork. To be eligible under Criterion C, a property must meet at least one of the following requirements:

- Embody distinctive characteristics of a type, period, or method of construction.
- Represent the work of a master.
- Possess high artistic value.
- Represent a significant and distinguishable entity whose components may lack individual distinction.

Characteristics can be expressed in terms such as form, proportion, structure, plan, style, or materials. They can be general, referring to ideas of design and construction such as basic plan or form, or they can be specific, referring to precise ways of combining particular kinds of materials.

104 Stadium Road is a nice example of Tudor revival architecture but it is not unique even in its own neighborhood, it does not represent the work of a master, possesses no high artistic value, and is not a significant and distinguishable entity.

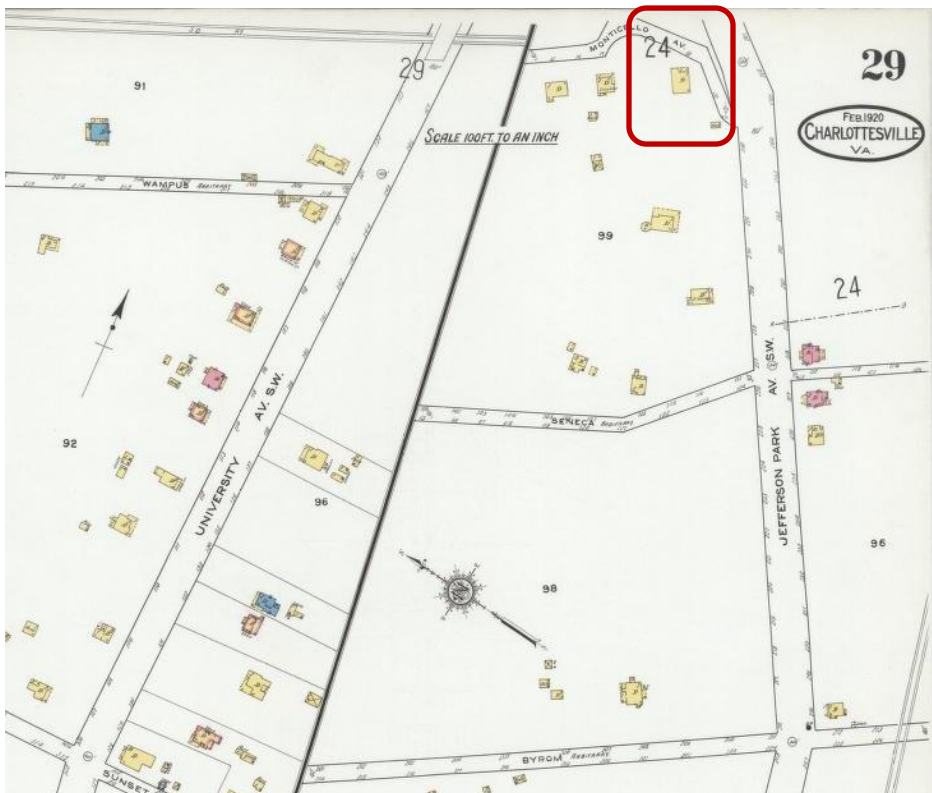
Criteria D

That have yielded, or may be likely to yield, information important in prehistory or history.

HISTORICAL NEIGHBORHOOD CONTEXT

Any property being evaluated for historical significance is viewed in relation to its site, both historic and contemporary. The National Register of Historic Places requires several forms of documentation related to the situation of the building within its context including a narrative description, mapping data, and representative photographs.

At the time 104 Stadium Road was constructed in 1927, the house was situated in a very loosely organized neighborhood of similarly-sized, single-family homes adjacent to the much larger university buildings. Over time, the neighborhood on the west side of Jefferson Park Avenue evolved to include much larger multi-family buildings with the larger structures closest to the University. This natural progression left the house and its one neighbor marooned between the larger structures around them. Contributing to the isolation of these two houses was the predictable improvements to Jefferson Park Avenue and Emmet Street (US 29 Business) as they changed into major secondary conduits for traffic to and from the University. In short, the context for 104 Stadium has changed to the point of being unrecognizable from the original or early condition and the house has lost its value as a contributing resource to a neighborhood of similar structures.



1920 Sanborn Map



Current site imagery

MARK MCCONNEL, AIA, LEED AP

Licensed Architect –

Virginia – License No. 008800

North Carolina – License No. 16413

Tennessee – License No. 1541774

Licensed General Contractor – Virginia Class “A” – License No. 2705158022

Mark McConnel has been actively engaged in historic architecture since started work for Stuart Turner (Colonial Williamsburg) in late 1976. Now, 46 years later, he consults nationally on historic properties assuring compliance with the Secretary of the Interior Standards, providing condition assessments, documenting existing conditions, designing renovations, and filing National Register, district, and tax credit applications for historic property owners on projects as large as \$40 million.

EDUCATION

Massachusetts Institute of Technology (MIT)

Master of Architecture, 1989. Center for Real Estate Development 1989. Minor in Architectural History.

University of Virginia (UVA)

Bachelor of Science in Architecture, 1987. Minor in Architectural History.

LECTURER

- Virginia Tech
- Roanoke College
- University of Utah
- University of Virginia
- The Athenian Society
- American Institute of Architects
- Preservation Alliance of Virginia
- Virginia Association of Museums
- National Railway Heritage Society
- Society of College and University Planners
- Virginia Downtown Development Association
- Virginia Society of the American Institute of Architects
- Southeast Regional Association of Physical Plant Administrators

PUBLIC SERVICE / HONORS

- Roanoke Foundation for Downtown – Golden Trowel Award
- Virginia Society AIA – Excellent in Design Award
- Virginia School Boards Association (twice) – Best elementary school
- Virginia Education Facility Planners – Preservation award
- Preservation Alliance of Virginia – Leadership in Preservation Award
- United Way - Distinguished Service Award
- Past President – Virginia Society of the American Institute of Architects

REPRESENTATIVE PROJECTS

CURRENT

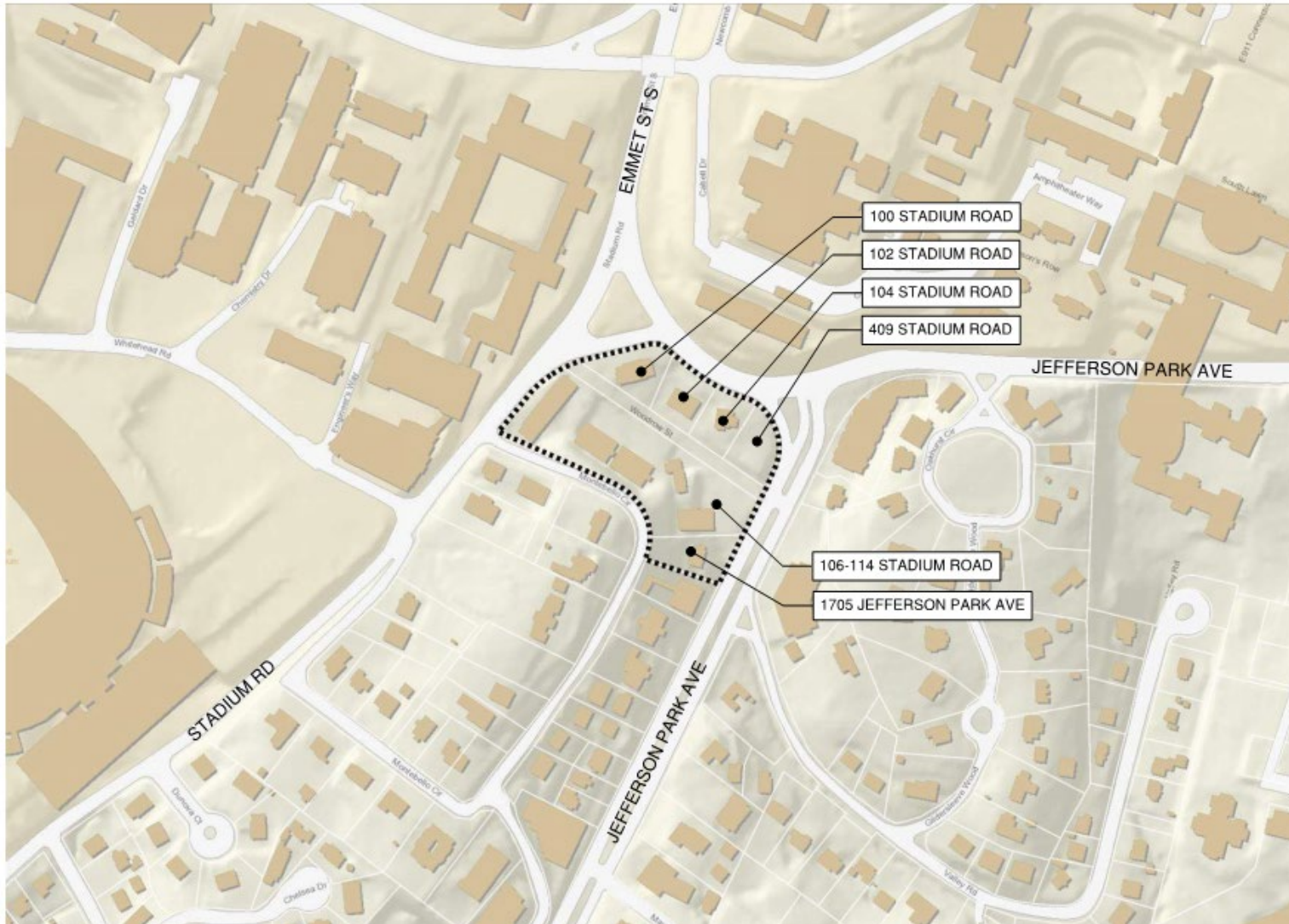
- Centralia Fox Theatre, Centralia WA
- First National Bank Building, Rock Springs, WY
- Clarks Landing, Clarksville, IN
- Masonic Temple, Newburgh, NY
- Historic YMCA, Newburgh, NY
- Berlin Building, Bridgewater, VA
- Scott-Griffin Hotel, Franklin, NC
- St. Francis Barracks, St. Augustine, FL
- Lightner Museum, St. Augustine, FL
- 1030 Quarrier St. Charleston, WV
- Twin City Motors, Winston-Salem, NC
- Calvary Baptist Church, Roanoke, VA
- Lakeside Mill, Burlington NC
- Calhoun County High School, Grantsville, NC

PAST (sample)

- The Ironfronts. Danville, VA
- Camino Real Hotel, El Paso, TX
- Jackson Park Inn, Pulaski, VA
- Food Bank of the RGV, Pharr, Tx
- Oklahoma Heritage Society, Oklahoma City, OK
- Athens Theatre, Deland, FL
- New Market Mills, New Market, NH
- Imperial Center for the Arts and Sciences, Rocky Mount, NC
- Dusable Museum of African American History, Chicago, IL
- The Dunnivant Building, Pulaski, VA
- Melrose Caverns lodge and station, Harrisonburg, VA
- Roanoke Higher Education Center, Roanoke, VA
- White Columns Inn, Lexington, VA
- Taylor Hotel, Winchester, VA
- Pace Building, Danville, VA
- 401 Bridge Street, Danville, VA
- Colgate Palmolive historic district nomination, Clarksburg IN
- St. Albans Sanatorium National Register nomination, Radford, VA
- Staunton Historic Train Station, Staunton, VA
- Stonewall Jackson Hotel, Staunton, VA
- Our Health Phase II, Winchester, VA
- 204 Jefferson Street, Roanoke, VA
- Warehouse Row Business Center, Roanoke, VA
- Harrison County Courthouse, Marshall Tx

Conceptual Project Materials

PROJECT SITE





JEFFERSON PARK AVENUE - LOOKING NORTH



WOODROW STREET - LOOKING SOUTH



MONTEBELLO CIRCLE - LOOKING NORTH



WOODROW APARTMENTS





JEFFERSON PARK AVENUE - LOOKING NORTH



WOODROW STREET - LOOKING SOUTH



MONTEBELLO CIRCLE - LOOKING NORTH



WOODROW APARTMENTS





STADIUM ROAD - LOOKING DOWN EMMET STREET S



STADIUM ROAD - LOOKING NORTH



SOUTH RANGE APARTMENTS

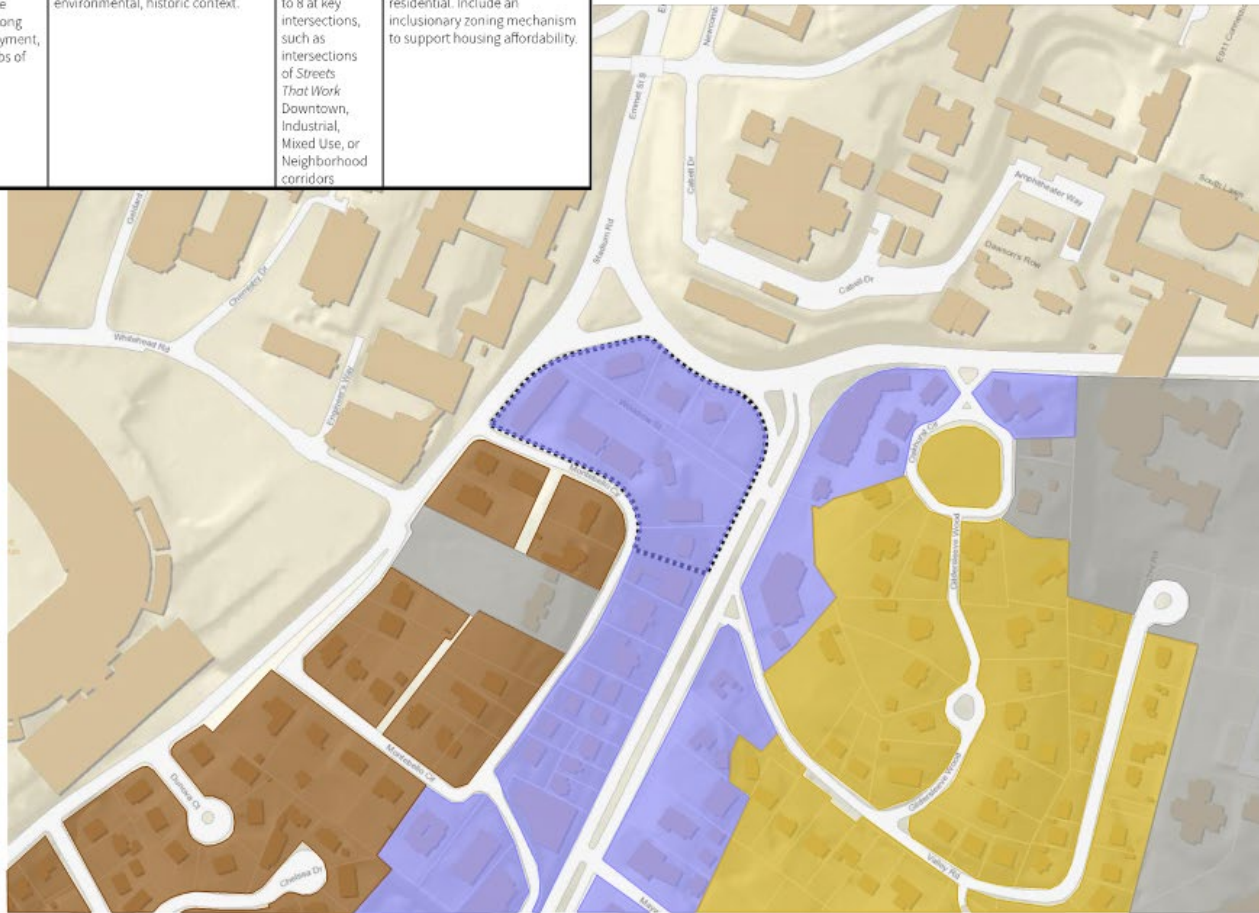


JEFFERSON PARK AVENUE - LOOKING WEST



FUTURE LAND USE

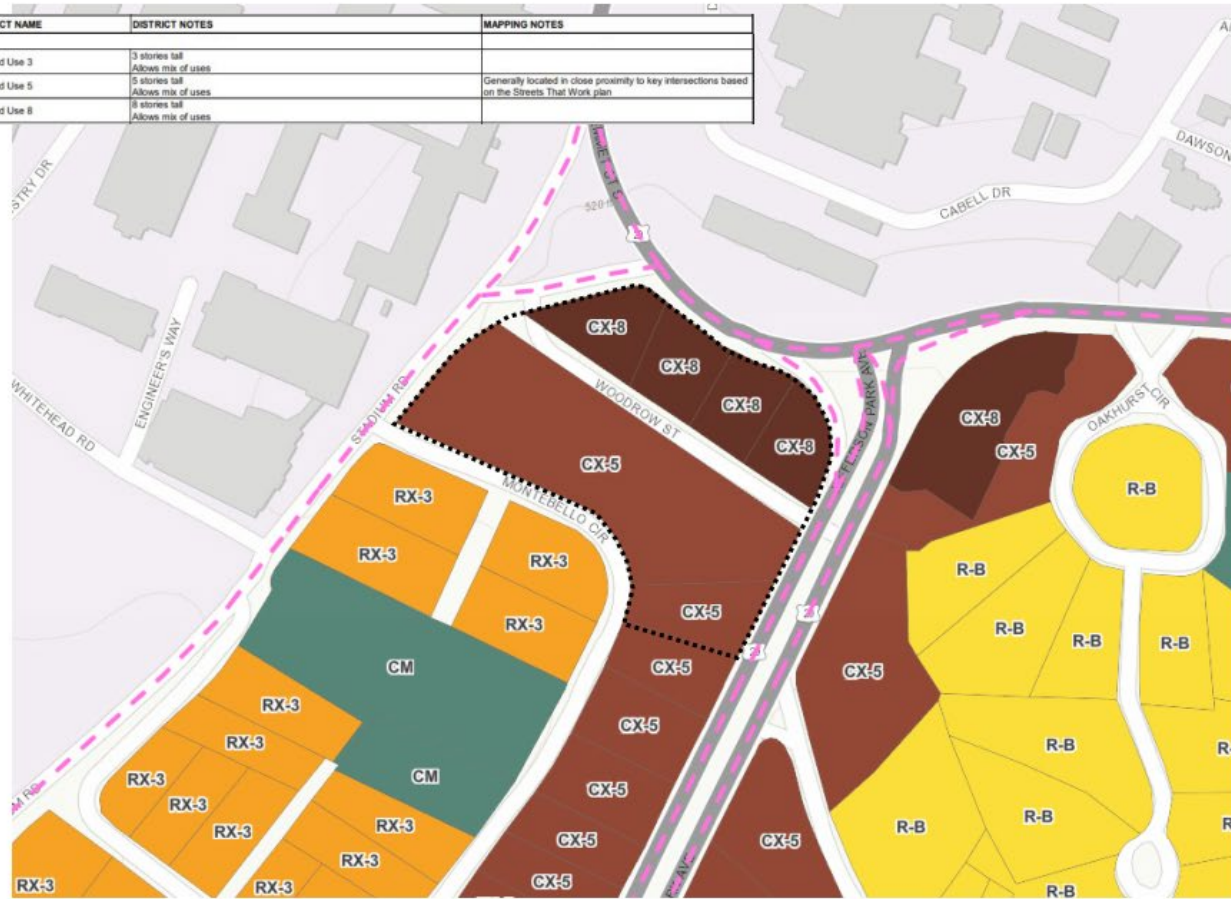
<p>Urban Mixed Use Corridor Higher intensity mixed use development arranged along corridors between employment, commercial, and civic hubs of the city.</p>	<p>Respond to existing residential, environmental, historic context.</p>	<p>5 stories, up to 8 at key intersections, such as intersections of Streets That Work Downtown, Industrial, Mixed Use, or Neighborhood corridors</p>	<p>Commercial, employment, residential. Include an inclusionary zoning mechanism to support housing affordability.</p>
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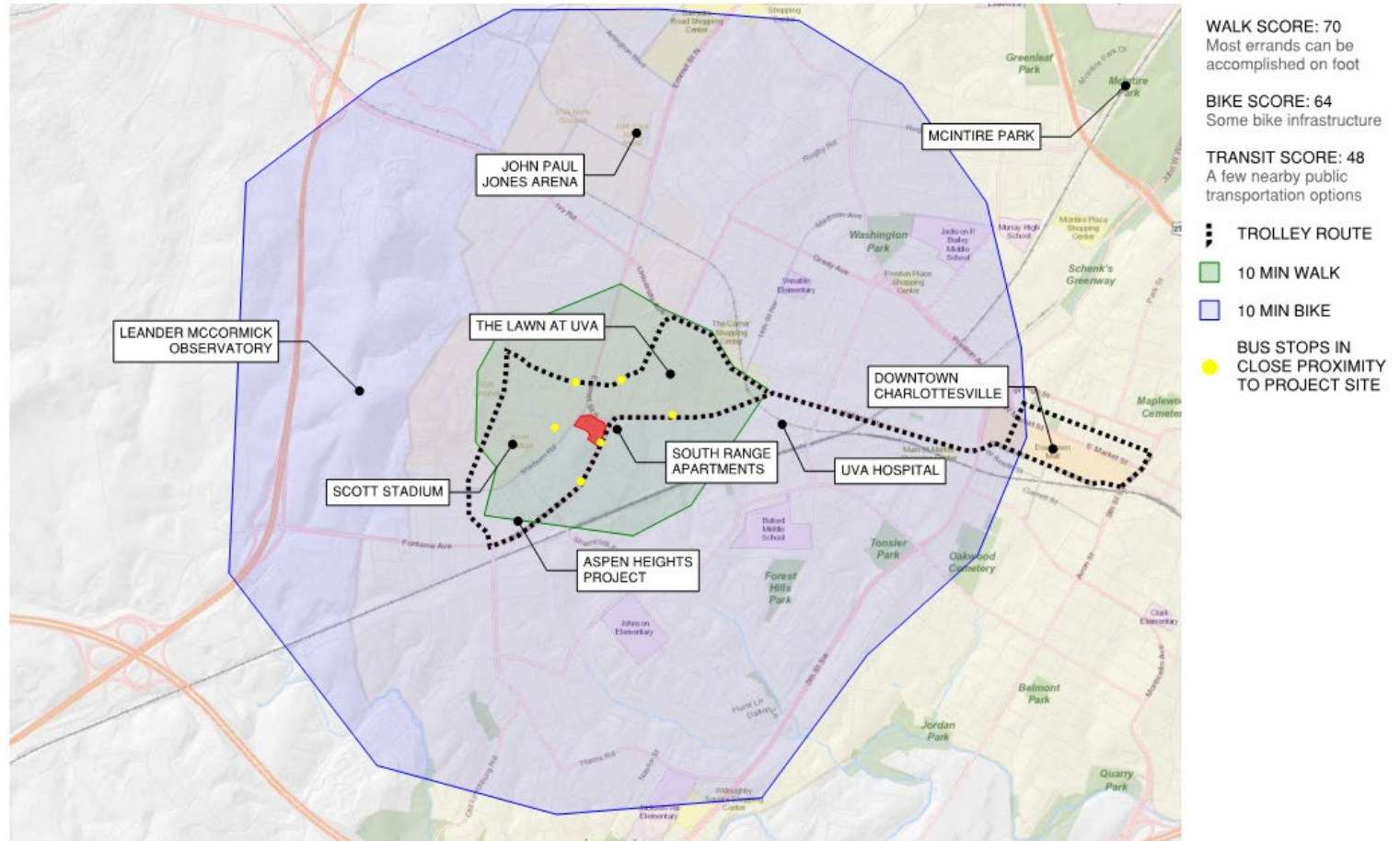
- URBAN MIXED USE CORRIDOR
- MEDIUM INTENSITY RESIDENTIAL
- HIGHER INTENSITY RESIDENTIAL
- UNIVERSITY OF VA

DRAFT ZONING

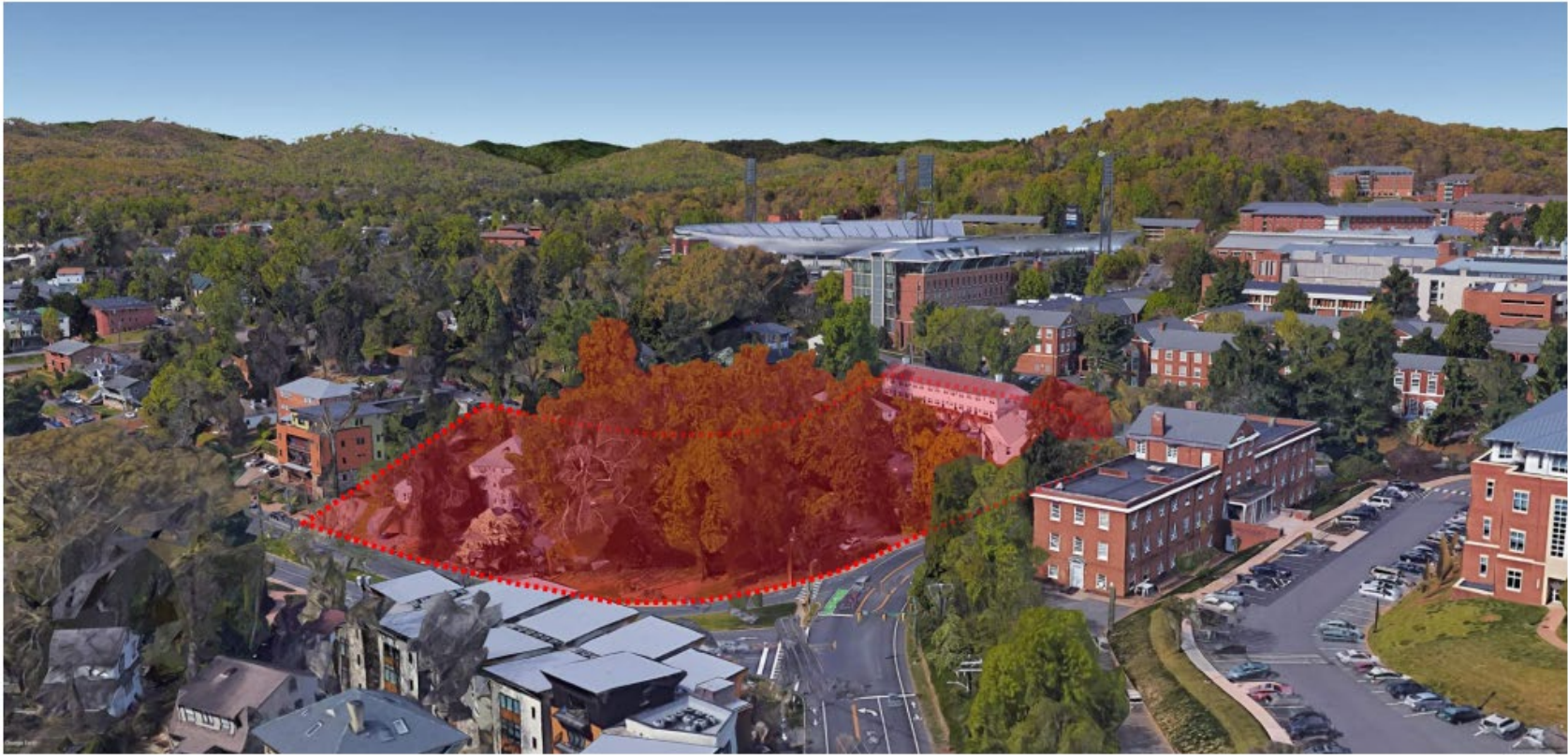
LAND USE	NEW DISTRICT	NEW DISTRICT NAME	DISTRICT NOTES	MAPPING NOTES
MIXED USE				
Neighborhood Mixed Use Corridor	CX-3	Corridor Mixed Use 3	3 stories tall Allows mix of uses	Generally located in close proximity to key intersections based on the Streets That Work plan
	CX-5	Corridor Mixed Use 5	5 stories tall Allows mix of uses	
Urban Mixed Use Corridor	CX-8	Corridor Mixed Use 8	8 stories tall Allows mix of uses	



SITE CONNECTIVITY



SITE CONTEXT



CONCEPTUAL RENDERINGS



Looking west from Emmet Street and Jefferson Park Avenue



Looking south from Emmet Street and Jefferson Park Avenue



Looking east from Emmet Street

CONCEPTUAL SITE PLAN



Attachment 2

City staff response to the appeal of the BAR’s February 22, 2023 decision denying a certificate of appropriateness for demolition of the house and gardens at 104 Stadium Road, (BAR 22-03-02).

(Throughout this Response, references to “Staff” represent the collective positions of the BAR, the City’s Preservation and Design Planner, and the City Attorney’s Office.)

EXECUTIVE SUMMARY OF STAFF’S RESPONSE

This appeal has been taken by the development company working with the owner of 104 Stadium Road, the property that is the subject of this appeal. For the reasons stated below (within specific responses to each of the Appellants’ separate contentions), Staff’s position is that the concerns expressed by the Appellant do not provide a basis for the BAR to approve a Certificate of Appropriateness (CoA) for demolition under the standards set forth within Chapter 34 (Zoning) Article II (Overlay Districts), Division 2 (Historical Preservation and Architectural Design Control Overlay Districts).

Council’s Role on Appeal: Reference §34-286(b) and (c) of the City Code. Council’s role on appeal is to serve as the final decision-maker. Council must consider the appeal, consider the BAR’s position (communicated in this Response as the “Staff Response”), and Council may consider any other information, factors or opinions it deems relevant to the application. Council should make a final decision on the application and not refer the matter back to the BAR.

Staff Response to Appellant’s Contentions

Item 1

Appellant: The structure, commonly referred to as the MacLeod house or Stone House, was built in 1927 for Malcom M. MacLeod, an English literature professor at the University of Virginia. The property has had numerous different owners since Mr. MacLeod, and it has been used as a rental property since as early as 1963.

Staff response: This is correct.

Item 2

Appellant: When the City was establishing the Oakhurst-Gildersleeve neighborhood as a historic district in 2009, the property was notably not included in the historic district, even though it is located directly across Jefferson Park Avenue from the historic neighborhood.

Staff response: Appellant refers to *Oakhurst-Gildersleeve Historic District* listed on the Virginia Landmarks Register (VLR, 2008) and the National Register of Historic Places (NRHP, 2009). (See <https://www.dhr.virginia.gov/historic-registers/104-5092/>) However, eligibility for or listing on the state or federal registers are not requisites for local designation, nor does state or federal listing result in a property or district being subject to BAR review.

The City-designated *Oakhurst-Gildersleeve Neighborhood ADC District* was established in 2005 and it is only due to this designation that the BAR has purview. [For the entire City, the BAR’s purview is singularly due to local designation of historic districts and sites. For example, while there is a VLR/NRHP-listed *Oakhurst-Gildersleeve Historic District*, it is only because the City designated the Oakhurst-Gildersleeve ADC District that this area falls under the BAR’s purview. Correspondingly, there are three VLR/NRHP districts—North Belmont, Fiveville/Tonsler, and Fry’s Spring--that are not locally City-designated districts; therefore, the BAR does not have purview.]

From the February 22, 2023 BAR staff report: It is possible 104 Stadium Road was considered as part of the [VLR and NRHP] district, but staff found no evidence it was intentionally excluded from it. The draft PIF for the proposed district, completed in 2004, recommends JPA as the district’s west boundary. (A Preliminary Information Form, or *PIF*, is the initial survey/documentation prepared to evaluate a district’s eligibility for state and federal designation.)

Item 3

Appellant: In 2011, in connection with the current owner’s acquisition of the adjacent parcel at 409 Stadium Road from the City, the current owner volunteered to have the 104 Stadium Road property designated [an IPP], and the City Council agreed to that offer. [...] the property’s designation [was] a condition of a separate matter [...].

Staff response: On July 19, 2011, BAR recommended City Council designate 104 Stadium Road an IPP and on September 19, 2011, City Council approved that designation. The circumstances related to the sale of 409 Stadium Road are not germane to the BAR’s review of the requested CoA for demolition. Additionally, 409 Stadium Road was not mentioned in the survey and recommendation submitted for designating 104 Stadium Road an IPP.

Item 4

Appellant: [...] the house at 104 Stadium does not meet the criteria of §34-278 – *Standards for considering demolitions* and which are identical to the criteria of §34-274 – *Additions to and deletions from districts or protected property list*.

Staff response: In the motion approved 6-0 denying the requested CoA, the BAR stated it had “**considered the standards set forth within the City Code, including the BAR’s design guidelines and the standards for considering demolitions**” and “the proposed demolition of the house and gardens at 104 Stadium Road does not satisfy the BAR’s criteria and guidelines and is not compatible with this property and other properties...” [emphasis added]

The *standards for considering demolitions* and the criteria for *additions to and deletions from districts or protected property list* are similar, but not identical. Again, after applying the *standards for considering demolitions* the BAR voted to deny the demolition CoA. In its discussions, the BAR expressed that, if proposed, they would not endorse removal of the IPP designation for 104 Stadium Road.

The following from BAR's discussion is illustrative. (See page 4 of the draft meeting minutes.)

Mr. Schwarz – I find this confusing. I did meet with Fred Wolf (the applicant) beforehand. I feel like I was encouraging this application. Now, I don't feel as encouraged. If this were part of a historic district—if it was a contributing structure in a historic district—it would not be such an easy decision to say that it is not worth it, demolish it. It would have a low likelihood of being [...] demolished, if it was just existing as part of a historic district as opposed to being an IPP. It is almost like we are being asked to decide: *Is this worthy of being an Individually Protected Property?*

Whether we allow the demolition or not, by zoning it stays as an IPP. That is also a little confusing. If we allow the demolition and the house comes down, the applicant can make an easy, legal argument in saying that there is nothing there protectable. Why is this still a protected property? The history of this site [the IPP designation] seems like a very deliberate decision by Council. It was part of a deal/an agreement between the owners and Council to purchase an adjacent property [referring to 409 Stadium Road]. It took two meetings, with a little haggling, to come up with this. An equal offer was turned down before this one. It was an offer to put a little apartment building on that corner lot that is now supposed to be left undeveloped. It feels like to vote for [demolition] would be to overturn something that was deliberately done by City Council. That City Council was from 12 years ago. [Staff note 5/2/2023: Mr. Schwarz's comment was not audibly clear; however, he confirmed the intent of his statement was that *approving demolition would conflict with Council's 2012 decision to designate 104 Stadium Road an IPP.*] [Staff note: Council designated the IPP in 2011.]

Mr. Gastinger – In our review criteria for demolition (#3): *[What is] the public purpose or interest in land or buildings to be protected?* What you're (Carl) saying, to me, says that if there is any record of what the public interest is in this land or this building is, that City Council decision is pretty strong. They are an elected body that chose to make that designation. We're not here to debate whether it should or should not be an IPP. That's the last record we have that there was an actual public body that felt strongly that it should be standing and the land next to it should not be developed. In the terms of our purview of our work, that would be for City Council to decide if they no longer agree with that.

I do thank [Mr. Wolf] for the report about the criteria for the historic designation. I will note that there are some slight differences between our guidelines for considering demolition. They are not necessarily one-to-one with the eligibility for the National Register.

Item 5

Appellant: To ensure that the property was professionally and accurately assessed, Subtext engaged the services of Mark McConnel of Summit Studio, a licensed Architect who ...reviewed the

property to determine its quality and the impact on the community should it be removed, and provided the following assessment of the property:

McConnel: This house (a) did not then, and (b) does not now, meet criteria for inclusion in the adjoining [Oakhurst-Gildersleeve neighborhood historic] district... Given the lack of singularity of the house, the urbanized setting, lack of nomination to state or federal registers, and lack of associations with historic events or persons, this resource can be documented per the requirements of the BAR and removed without causing the loss of significant historic fabric of the city.

Staff response: Being eligible for or having state or federal designation is not a requirement for City designation as a historic district or as an IPP. Per City Code §34-273, a landmark, building, or structure may be designated an IPP if deemed by city council to be of special historic, cultural, or architectural value. The Code does not refer to eligibility for or listing on the state or national registers has a pre-requisite for designation by City Council of locally significant historic properties and districts. In fact, of the 77 IPPs in the City, 31—including 104 Stadium Road—are not listed on the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP).

Listing on the VLR requires review by and a recommendation from the Virginia Department of Historic Resources staff and approval by the Virginia State Review Board and the [Virginia] Board of Historic Resources. Only if approved for the VLR can a nomination be then forwarded to the National Park Service for consideration for listing on the NRHP. See www.dhr.virginia.gov/historic-register/

McConnel: The property is not qualified for designation on the Virginia Landmarks Register, the National Register of Historic Places, or the adjacent Oakhurst-Gildersleeve National Register District.

Staff response: (See above)

McConnel: The house is no longer in a neighborhood setting – “the context for 104 Stadium has changed to the point of being unrecognizable from the original or early condition and the house has lost its value as a contributing resource to a neighborhood of similar structures.”

Staff response: The current context and setting for the house are essentially unchanged from 2011, when the property was designated an IPP. (See images in the Appendix.)

McConnel: The Property is not associated with the lives of persons significant in our past.

Staff response: From the February 22, 2023 BAR staff report: Staff concurs there is no known association with a historic event, architect or master craftsman. It has not been determined if the associations with the original owner, Malcolm M. MacLeod, and/or the frequent visitor, Edward R. Stettinius, Jr., meet the Criteria B of the NRHP (association with persons significant in our past), nor is staff qualified to make that judgement.

This house was built for Malcolm M. MacLeod, an English literature professor at the University of Virginia. MacCleod resided there until its sale in 1954. The house is also associated with Edward R. Stettinius, Jr., who attended UVA in the early 1920s. Becoming acquainted with MacCleod, Stettinius was a frequent visitor to the Stone House. He later served as the U.S. Secretary of State [1944-1945] under President Franklin Roosevelt and in 1946 was named the country's first delegate to the United Nations. From 1946 through 1949, Stettinius served on the UVa Board of Visitors as UVa's rector. That said, while Secretary Stettinius is the most historically significant individual associated with this property, there is no information regarding when he was here, how long he stayed, or what historic events or activities, if any, might have occurred here during those visits.

McConnel: The property is not associated with events that have made a significant contribution to the broad patterns of our history.

Staff response: From the February 22, 2023 BAR staff report: 104 Stadium Road is linked historically to a period of growth at the University of Virginia in the early twentieth century, which spurred the growth of residential neighborhoods near its campus to house professors and students, such as Oakhurst-Gildersleeve neighborhood.

McConnel: The property does not embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction. "104 Stadium Road is a nice example of Tudor revival architecture but it is not unique even in its own neighborhood, it does not represent the work of a master, possesses no high artistic value, and is not a significant and distinguishable entity."

Staff response: On September 19, 2011, City Council designated 104 Stadium Road an IPP. Per City Code Sec. 34-273 - *Individually protected properties, the designation is intended for landmarks, buildings and structures outside the city's major design control districts, which are deemed by city council to be of special historic, cultural, or architectural value.*

McConnel: [The] property can be documented and then removed without causing the loss of significant historic fabric in the City, a [CoA] application outlining these findings was subsequently filed on January 27, 2023 and heard at the BAR's February 22, 2023 Hybrid Meeting.

Staff response: Staff does not dispute that the property can be documented. Relative to the *loss of significant historic fabric in the City*, the BAR reviewed the information submitted and presented. In the motion approved 6-0 denying the requested CoA, the BAR stated it had "considered the standards set forth within the City Code, including the BAR's design guidelines and the standards for considering demolitions" and "the proposed demolition of the house and gardens at 104 Stadium Road does not satisfy the BAR's criteria and guidelines and is not compatible with this property and other properties..." [emphasis added]

Item 6.

Appellant: There were no questions or comments from the public.

Staff response: That is correct.

Item 7.

Appellant: The BAR comment and discussion period lasted for approximately 40 minutes.

Staff response: No comment.

Item 8.

Appellant: Over half of [the BAR's] discussion centered on the procedural processes for an IPP and the BAR's purview versus the City Council's purview as it relates to an IPP. Whether the structure met the criteria contained in Section 34-278 [*Standards for considering demolitions*] was not materially discussed, and only a few minutes were spent discussing the review criteria for demolition [...]. In fact, the BAR members even struggled to identify and state the reasons why the application did not meet the applicable criteria.

While it is not explicitly listed in the BAR's reasons for denial, what was discussed at multiple points during the meeting and ultimately seems to have driven the decision is the BAR's determination that its responsibility is to protect the properties that have been designated for protection, not to debate whether protection is appropriate. [The] BAR did not accurately assess the application against the applicable criteria, and thus that further review and consideration by the Council is appropriate.

Staff response: In evaluating a demolition request, the BAR considered the standards set forth within the City Code, including the BAR's design guidelines and the standards for considering demolitions. The BAR was not asked to make a recommendation to Council regarding retaining or removing the IPP designation, for which the BAR would evaluate the request as proscribed under Sec. 34-274 - *Additions to and deletions from districts or protected property* list.

Item 9.

Appellant: Subtext is planning to redevelop the property and several other adjacent parcels under common ownership to a vibrant, pedestrian-friendly community at the block bound by Stadium Road, Emmet Street, and Jefferson Park Avenue, which will increase the supply of housing, housing options and promote affordability. This is a Mixed Use B intersection as identified by the Streets that Work Design Guidelines and an ideal location for high density residential development immediately adjacent to UVA grounds, and has the potential to be a prominent part of the Entrance Corridor, while also furthering the goals of the Citywide Comprehensive Plan as well as the Draft Zoning Ordinance.

While the building's design is still in the preliminary stages, our project architects have spent a considerable amount of time on design visioning, precedent imagery, and conceptual site planning. These exercises have focused on design excellence and built form, enhancing the streetscape, walkability, people-focused amenities and programming, biking infrastructure, pedestrian safety, and promoting alternative transportation by improving the CAT transit stop at Jefferson Park Avenue.

Staff response: In evaluating a demolition request, the BAR considers the criteria under Sec. 34-278 - *Standards for considering demolitions*. The criteria proscribed by Sec. 34-278 do not include the consideration and/or design review of proposed development or construction.

Item 10.

Appellant: Enclosed you will find supplementary materials including a copy of the ordinance initiating the IPP, review of the BAR action and demolition criteria, a historic resource analysis, and conceptual project materials. We respectfully request your review of these materials and your consideration of our request to remove the structure at 104 Stadium Road since we have demonstrated that such removal can be supported by the applicable criteria and will not cause the loss of significant historic fabric of the City.

Staff response: In the motion approved 6-0 denying the requested CoA, the BAR stated it had “considered the standards set forth within the City Code, including the BAR’s design guidelines and the standards for considering demolitions” and “the proposed demolition of the house and gardens at 104 Stadium Road does not satisfy the BAR’s criteria and guidelines and is not compatible with this property and other properties...”

Item 11.

Appellant: In addition, the removal of the structure will permit the redevelopment of the property and surrounding parcels for a vibrant residential community in a location where it is particularly well-suited. Such redevelopment provides an opportunity for an early successful implementation of the goals of the new Comprehensive Plan and the draft zoning ordinance, which far outweighs any benefits of retaining a structure that a professional and eminently qualified historic resources consultant has determined does not qualify for, or warrant protection.

Staff response: In evaluating a demolition request, the BAR considers the criteria under Sec. 34-278 - *Standards for considering demolitions*. That review does not include an evaluation of any proposed new construction. In applying *standards for considering demolitions*, the BAR determined that preservation of the house and gardens at 104 Stadium Road is valid and therefore denied the demolition request. (Refer to the approved motion for denial.)

Additionally, 104 Stadium Road is a 0.2-acre parcel, representing only 7% of the proposed project area, which incorporates Woodrow Street. The applicant did not demonstrate how razing this IPP is necessary to *permit the redevelopment* of the surrounding 3.1-acres.

TMP	Address	Acres		% of Project Area	
160002000	104 Stadium Rd (IPP)	0.2	0.2	7%	7%
160004000	100 Stadium Rd	0.3	3.1	10%	93%
160003000	102 Stadium Rd	0.2		7%	
160005000	106 - 114 Stadium Rd	1.7		52%	
160008000	1705 Jefferson Park Ave	0.3		8%	
160001000	409 Stadium Rd	0.3		8%	
	Woodrow Street	0.3		9%	
	Total Project Area	3.3	3.3	100%	100%



Appendix

Photos related to Item 5 re: context and setting when IPP was designated.







Referenced City Code Sections

Section Sec. 34-284. - BAR review and hearing.

[...]

- b) In considering a particular application the BAR shall approve the application unless it finds:
 1. That the proposal does not meet specific standards set forth within this division or applicable provisions of the design guidelines established by the board pursuant to section 34-288(6); and
 2. The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application

Sec. 34-273. - Individually protected properties.

- a) The City of Charlottesville seeks, through the creation of a protected property list, to protect community health and safety and to promote the education, prosperity and general welfare of the public, through identification, preservation, protection and enhancement of certain buildings, structures, and landmarks, together with their landscapes and settings, which are of special historic, cultural, or architectural significance, and which are located outside the city's major design control districts. To achieve these general purposes, the city seeks to pursue the following goals and objectives:
 1. To enrich the quality of life for city residents, by protecting familiar landmarks and other treasured elements of the city;
 2. To protect historic and cultural resources, and thereby to promote tourism and to enhance business and industry;
 3. To maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of historically and culturally significant structures;
 4. To promote local historic preservation efforts through identification and protection of historic resources throughout the city;
 5. To encourage nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register; and
 6. To assure that additions, alterations, restorations, landscaping and related elements be in harmony with a building or structure and its setting.
- b) Following is a list of landmarks, buildings and structures outside the city's major design control districts, which are deemed by city council to be of special historic, cultural, or architectural value (each, individually, a "Protected Property"). Each parcel containing a protected property is hereby designated a minor design control district.

[...]

104	Stadium Road	Tax Map 16	Parcel 2
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Sec. 34-274. - Additions to and deletions from districts or protected property list.

- a) City council may, by ordinance, from time to time, designate additional properties and areas for inclusion within a major design control district; remove properties from a major design control district; designate individual buildings, structures or landmarks as protected properties; or remove individual buildings, structure or landmarks from the city's list of protected properties. Any such action shall be undertaken following the rules and procedures applicable to the adoption of amendments to the city's zoning ordinance and zoning map.

- b) Prior to the adoption of any such ordinance, the city council shall consider the recommendations of the planning commission and the board of architectural review ("BAR") as to the proposed addition, removal or designation. The commission and BAR shall address the following criteria in making their recommendations:
1. The historic, architectural or cultural significance, if any, of a building, structure or site and whether it has been listed on the National Register of Historic Places or the Virginia Landmarks Register;
 2. The association of the building, structure or site with an historic person or event or with a renowned architect or master craftsman;
 3. The overall aesthetic quality of the building, structure or site and whether it is or would be an integral part of an existing design control district;
 4. The age and condition of a building or structure;
 5. Whether a building or structure is of old or distinctive design, texture and material;
 6. The degree to which the distinguishing character, qualities or materials of a building, structure or site have been retained;
 7. Whether a building or structure, or any of its features, represents an infrequent or the first or last remaining example of a particular detail or type of architecture in the city;
 8. Whether a building or structure is part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exist a number of buildings or structures separated geographically but linked by association or history.

Sec. 34-277. - Certificates of appropriateness; demolitions and removals.

- a) No contributing structure located within a major design control district, and no protected property, shall be moved, removed, encapsulated or demolished (in whole or in part) unless and until an application for a certificate of appropriateness has been approved by the BAR, or the city council on appeal, except that:
1. The moving, removing, encapsulating or demolition, in whole or in part, of any contributing structure or protected property shall be allowed pursuant to an order of the city's building code official, without the permission of the BAR or city council on appeal, upon the determination of the building code official that the building or structure is in such a dangerous, hazardous or unsafe condition that it could reasonably be expected to cause death or serious injury before review under the provisions of this article. Upon such a determination, the building code official shall deliver a copy of his order to the director of neighborhood development services and to the chairman of the BAR; and
 2. Where the moving, removing, encapsulation or demolition of any contributing structure or protected property will disturb or affect fewer than twenty-five (25) square feet, total, of exterior wall, roof or other exterior surfaces, such activity shall be deemed an alteration subject to the review process set forth within section 34-275, above.
- b) Review of the proposed moving, removing, encapsulation or demolition of any contributing structure or protected property shall be limited to the factors specified in section 34-278, below.
- c) The BAR, or council on appeal, may make such requirements for, and conditions of approval as are necessary or desirable to protect the safety of adjacent buildings, structures, or properties, and of any persons present thereon; and, in the case of a partial removal, encapsulation or demolition:
1. To protect the structural integrity of the portion(s) of a building or structure which are to remain following the activity that is the subject of a permit, or

2. To protect historic or architecturally significant features on the portion(s) of a building or structure which are to remain following the activity that is the subject of a permit.
- d) Failure to obtain the permit required by this section shall subject the property owner to the civil penalty described within Article I, section 34-86(b) (i.e., not to exceed twice the fair market value of the building or structure).

Sec. 34-278. - Standards for considering demolitions.

The following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation or demolition, in whole or in part, of a contributing structure or protected property:

- a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation:
 1. The age of the structure or property;
 2. Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;
 3. Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;
 4. Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;
 5. Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and
 6. The degree to which distinguishing characteristics, qualities, features or materials remain;
- b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one (1) of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings and structures.
- c) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board;
- d) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural or cultural value; and
- e) Any applicable provisions of the city's design guidelines (see section 34-288(6)).

Sec. 34-288. - Responsibilities of BAR.

The function of the board of architectural review ("BAR") shall be to administer the provisions of this division. In carrying out this responsibility the BAR shall:

- 1) Approve, deny, or approve with conditions applications for certificates of appropriateness in accordance with the provisions of this division.
- 2) [...]
- 3) [...]
- 4) [...]
- 5) [...]
- 6) Develop and recommend to the city council for its approval design guidelines for the city's architectural design control districts ("design guidelines"), consistent with the purposes and standards set forth within this division. The BAR shall develop the design guidelines in consultation with the city's urban design committee and after seeking input from business and property owners in the various districts. Guidelines developed by the board shall become

effective upon approval by city council and thereafter shall have the status of interpretive regulations. The BAR shall undertake a comprehensive review and update the design guidelines at least once every five (5) years.

**City of Charlottesville
Board of Architectural Review
Staff Report
February 22, 2023**



Certificate of Appropriateness Application - Demolition

BAR # 23-02-03

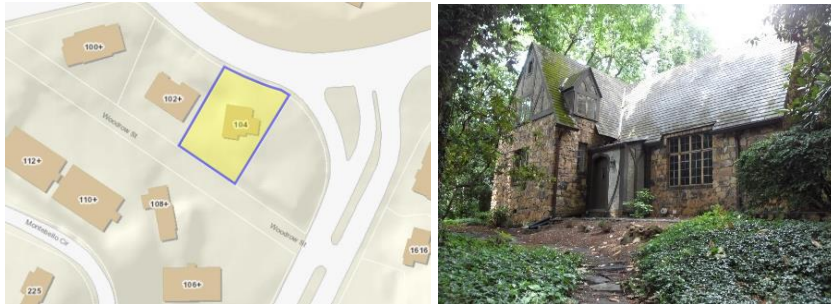
104 Stadium Road, TMP 160002000

Individually Protected Property

Owner: Woodrow Too, LLC

Applicant: Subtext Acquisitions, LLC

Project: Demolition of structure



Background

Year Built: 1927

District: Individually Protected Property (designated by City Council in 2011)

The MacLeod house (or *Stone House*, as it is referred to by prior owners) is an Individually Protected Property (IPP). The property is not listed on the VLR or NRHP.

From the City’s 2011 survey: 104 Stadium Road is an exceptionally well-preserved example of an English Tudor Revival style residence. The growth of the University of Virginia in the early twentieth century spurred the growth of residential neighborhoods near its campus to house professors and students, such as Oakhurst-Gildersleeve neighborhood. [The property] could have been included in the Oakhurst-Gildersleeve Neighborhood ADC District, as the house is part of the same period of development in the city’s history and is located just across Jefferson Park Avenue. The terraces with the rock steps and low garden walls are in good condition, though overgrown, offering a rare example of historic landscape. Additionally, the prominent location of the house on Emmet Street makes 104 Stadium Road a landmark of the street. (The historical survey and the June 2011 BAR staff report are attached.)

Prior BAR Actions

July 19, 2011: BAR recommended City Council designate 104 Stadium Road an Individually Protected Property. (TMP 160002000; 0.22-acres)

Application

- Submittal: Subtext Acquisitions, LLC, Demolition of existing structure, dated January 31, 2023: Narrative, photos, and product specs (21 pages).

Request CoA for demolition of existing structure constructed in 1927.

Discussion:

The request is to approve a CoA allowing demolition the existing structure and landscaping elements. The BAR review should apply City Code Section 34-278 (*Standards for considering demolitions*) and the *Review Criteria for Demolition* in the City’s ADC District Design Guidelines (Chapter 7). Below, under the *Criteria, Standards, and Guidelines* section, are the applicant’s comments and staff’s comments.

Should the BAR approve the demolition request, staff recommends the conditions noted below under *Pertinent Standards for Review of Demolitions, City Code Section 34-278*, item d.

Charlottesville currently has 77 IPP’s. The ADC Districts and IPPs are within the same section of the City Code and reviewed using the same design guidelines. (76 of the IPPs have structures. At 1328 Riverdale Drive the structures were razed, but the IPP designation remained.) The process for designating an IPP or removing the designation are proscribed under City Code Sec. 34-274. For both, the BAR will make a recommendation to City Council; however, only Council can approve or deny a request for designation or removal, which requires a zoning map amendment and a zoning text amendment.

The IPP designation is an overlay zoning and does not impact the underlying zoning. It must be emphasized that approval to raze structures on an IPP and/or any subsequent demolition—whether approval by the BAR or by way of appeal or completed without approvals, in violation of the City Code--does not remove the IPP designation. Removal requires City Council approval of a zoning map amendment and a zoning text amendment, see above.

Note: Staff refers to the following provisions of the City Code only as a matter of full disclosure and for information only, not to suggest a possible a path or outcome, nor to provide an enforceable interpretation of the Code.

Per Sec. 34-277 (*Certificates of appropriateness; demolitions and removals*), the BAR must approve the razing or moving of a contributing structure, except *upon the determination of the building code official that the building or structure is in such a dangerous, hazardous or unsafe condition that it could reasonably be expected to cause death or serious injury*. Having no such determination by the City, that exception does not apply. Additionally, per Sec. 34-86(b) failure to obtain the necessary approval for demolitions, the owner is subject to a civil penalty *not to exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition, razing or moving*.

Per Sec. 34-281 (*Maintenance and repair required*), the owner of a contributing structure shall not shall allow it to *fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce a detrimental effect upon the character of a major architectural design district or the life and character of a contributing structure or protected property*. Per Sec. 34-86(a)(10) a violation of this requirement, the owner is subject to a civil penalty of \$200 for the first violation, and a civil penalty of \$500 for each subsequent violation.

Per Sec. 34-285 (*Approval or denial of applications by BAR*) and should the BAR deny the CoA, the applicant may appeal to Council and seek further remedy per **Sec. 34-286** (*City council appeals*). (See Appendix of this staff report.)

Suggested Motions

Approval: Having considered the standards set forth within the City Code, including the BAR’s design guidelines and the standards for considering demolitions, I move to find that the proposed demolition of the house and gardens at 104 Stadium Road satisfies the BAR’s criteria and guidelines and is compatible with this property and other properties, and that the BAR [approves the application as submitted].

Or [...approves the application as submitted with the following conditions:] ...

Denial: Having considered the standards set forth within the City Code, including the BAR’s design guidelines and the standards for considering demolitions, I move to find that the proposed demolition of the house and gardens at 104 Stadium Road does not satisfy or the BAR’s criteria and guidelines and is not compatible with this property and other properties, and for the following reasons the BAR denies the application as submitted:...

Criteria, Standards, and Guidelines

Review Criteria Generally

Sec. 34-284(b) of the City Code states that,

In considering a particular application the BAR shall approve the application unless it finds:

- (1) That the proposal does not meet specific standards set forth within this division or applicable provisions of the Design Guidelines established by the board pursuant to Sec.34-288(6); and
- (2) The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application.

Pertinent Standards for Review of Demolitions:

City Code Section 34-278. - Standards for considering demolitions. The following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation or demolition, in whole or in part, of a contributing structure or protected property:

- (a) The historic, architectural, or cultural significance, if any, of the specific structure or property, including, without limitation:
 - (1) The age of the structure or property.

Applicant comment: The structure was built in 1927.

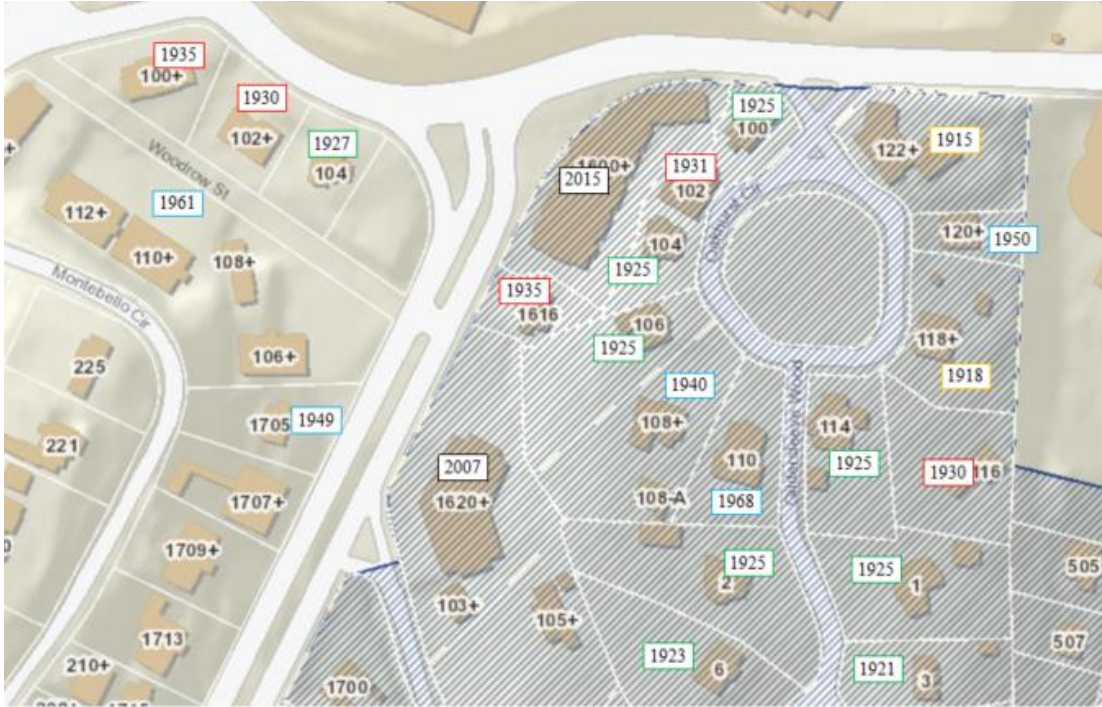
Staff comment: 1927 is correct.

- (2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places or listed on the Virginia Landmarks Register;

Applicant comment: No, the structure has not been designated a National Historic Landmark nor listed on the National Register of Historic Places or Virginia Landmarks Register. Additionally, the structure was excluded from the nomination and establishment of the adjacent Oakhurst-Gildersleeve National Register Historic District, and it was later volunteered as a protected property by the owner.

Staff comment: Neither the structure or property are listed on the VLR or NRHP.

104 Stadium Road was built in the same period as many of the houses in the Oakhurst-Gildersleeve Historic District (1920s-1930s). It is possible 104 Stadium Road was considered as part of the district, but staff found no evidence it was intentionally excluded from it. (The draft PIF for the proposed district, completed in 2004, recommends JPA as the district's west boundary. The formal NHRP nomination was completed in 2009.)



(3) Whether, and to what extent, the building or structure is associated with a historic person, architect or master craftsmen, or with a historic event;

Applicant comment: There is no known association with a historic event, person, architect or master craftsman that would qualify for nomination to a historic register or warrant protection.

Staff comment: Staff concurs there is no known association with a historic event, architect or master craftsman. It has not been determined if the associations with the original owner, Malcolm M. MacLeod, and/or the *frequent visitor*, Edward R. Stettinius, Jr., meet the Criteria B of the NRHP (association with *persons significant in our past*), nor is staff qualified to make that judgement.

This house was built for Malcolm M. MacLeod, an English literature professor at the University of Virginia. MacCleod resided there until its sale in 1954. The house is also associated with Edward R. Stettinius, Jr., who attended UVA in the early 1920s. Becoming acquainted with MacCleod, Stettinius was a frequent visitor to the *Stone House*. He later served as the U.S. Secretary of State [1944-1945] under President Franklin Roosevelt and in 1946 was named the country's first delegate to the United Nations. From 1946 through 1949, Stettinius served on the UVa Board of Visitors as UVa's rector. That said, while Secretary Stettinius is the *most historically significant* individual associated with this property, there is

no information regarding when he was here, how long he stayed, or what historic events or activities, if any, might have occurred here during those visits.

(4) Whether the building or structure or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;

Applicant comment: No, the architectural style of the structure is not infrequent and none of its features are known to represent an infrequent or the first or last remaining example within the city.

Staff comment: Stone buildings are not unusual in Charlottesville, but they are not frequent; stone site walls are more commonly found. Examples of similar period, stone homes within the Oakhurst-Gildersleeve ADC District include:

- 1 Gildersleeve Wood (1925, Dutch Colonia Revival)
- 3 Gildersleeve Wood (1928, Tudor Revival)
- 12 Gildersleeve Wood (1935, Colonial Revival)
- 700 JPA (1935, Colonial Revival)]
- 117 Maywood (1938, Vernacular Craftsman)
- 130 Maywood Lane (1940, Vernacular)
- 550 Valley Road (1935, Tudor Revival)
- 552 Valley Road (1937, Tudor Revival)

(5) Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and

Applicant comment: No, the structure is not of such old or distinctive design, texture, or material that it could not be reproduced.

Staff comment: From the 2011 City survey: *The property at 104 Stadium Road is an example of a 1927 English Tudor Revival style. The terraces with rock steps and low walls are a rare example of historic landscape.*

(6) The degree to which distinguishing characteristics, qualities, features, or materials remain.

Applicant comment: The extent of changes since the structure was built is not known, but appear to include the addition of a metal fire escape and replacement of a number of windows.

Staff comment: Staff has not examined the site or structure. However, the 2011 BAR staff report noted the following: *The character-defining features of the main structure and site are intact. In addition to the main dwelling, the stone foundation of a one-story garage in place by 1929 remains today. The garage was removed by 1950. Surrounding the property are numerous trees. Two sloping terraces on the back of the property are marked with low stone walls. A stone planter sits at the head of a series of stone steps leading from the Woodrow Street entrance down the terraces. This terraced garden and stone steps are likely original as the stone matches the house.*

(b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one of a group of

properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings.

Applicant comment: The structure is not located in an ADC [District], and generally is no longer located in a neighborhood setting. There is no known historic or aesthetic link to other buildings in structures within an ADC [District]elsewhere.

Staff comment: 104 Stadium Road is linked historically to a period of growth at the University of Virginia in the early twentieth century, which spurred the growth of residential neighborhoods near its campus to house professors and students, such as Oakhurst-Gildersleeve neighborhood.

(c) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board.

Applicant comment: The structure is in good structural condition to the best of our knowledge, but there is deferred maintenance that would need to be addressed in the future.

Staff comment: Staff has not examined the site or structure.

(d) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing, or demolishing the structure or property that preserves portions, features or materials that are significant to the property’s historic, architectural, or cultural value.

Applicant comment: The applicant will seek out opportunities to re-purpose and re-use select existing materials in the future project in a meaningful way.

Staff comment: The scale, scope and design of a future development project here has not been presented. It should be noted that, to the extent staff is aware of the planned development, it is speculative in nature, will likely require actions and approvals by City Council, and is in no way certain. Therefore, neither the necessity to raze this structure or how it or elements of it might be incorporated into the new project have been determined. If demolition is approved, the BAR should consider conditions that preclude demolition until the planned development is approved and underway.

For example, from the conditions applied to the demo CoA for 218 West Market Street: BAR staff sign off on the demolition permit is contingent upon:

- Applicant will submit for the record documentation and photographs of the existing building, including dimensioned floor plans and exterior elevations.
- BAR approval of a COA for this building’s replacement (if it remains an IPP).
- An approved building permit for construction of any new building on this parcel

Chapter VII – Demolitions and Moving

Link: [Chapter 7 Demolition and Moving](#)

A. Introduction

Historic buildings are irreplaceable community assets; and once they are gone, they are gone forever. With each successive demolition or removal, the integrity of a historic district is further

eroded. Therefore, the demolition or moving of any contributing building in a historic district should be considered carefully.

Charlottesville's Zoning Ordinance contains provisions that require the property owner to obtain approval prior to demolishing a contributing property in a historic district or an Individually Protected Property (IPP).

The following review criteria should be used for IPP's and (contributing) buildings that are proposed for demolition or relocation.

Plans to demolish or remove a protected property must be approved by the BAR or, on appeal, by the City Council after consultation with the BAR. Upon receipt of an application for demolition or removal of a structure, the BAR has 45 days to either approve or deny the request. If the request is denied and the owner appeals to the City Council, the Council can either approve or deny the request. If Council denies the request, the owner may appeal to the City Circuit Court.

In addition to the right to appeal to City Council or the Circuit Court, there is a process that enables the owner to demolish the building or structure if certain conditions have been met. After the owner has appealed to City Council and has been denied, the owner may choose to make a bona fide offer to sell the building or structure and land.

The property must be offered at a price reasonably related to the fair market value of the structure and land and must be made to the city or to any person or firm or agency that gives reasonable assurance that it is willing to preserve and restore the property. City Council must first confirm that the offering price is reasonably related to the fair market value.

The time during which the offer to sell must remain open varies according to the price, as set out in the State Code and the Zoning Ordinance.

If such a bona fide offer to sell is not accepted within the designated time period, the owner may renew the demolition request to City Council and will be entitled [to a CoA that permits demolition].

B. Demolition of Historic Structures

Review Criteria for Demolition

1) The standards established by the City Code, Section 34-278.

Staff comment: See comments above: *Standards for considering demolitions.*

2) The public necessity of the proposed demolition.

Staff comment: Demolition is not a public necessity; the building has not been condemned or deemed unsafe.

3) The public purpose or interest in land or buildings to be protected.

Staff comment: See comments above: *Standards for considering demolitions*, item a.

- 4) Whether or not a relocation of the structure would be a practical and preferable alternative to demolition.

Staff comment: See comments above: *Standards for considering demolitions*, item d.

- 5) Whether or not the proposed demolition would adversely or positively affect other historic buildings or the character of the historic district.

Staff comment: See comments above: *Standards for considering demolitions*, item d.

- 6) The reason for demolishing the structure and whether or not alternatives exist.

Staff comment: See comments above: *Standards for considering demolitions*, item d.

- 7) Whether or not there has been a professional economic and structural feasibility study for rehabilitating or reusing the structure and whether or not its findings support the proposed demolition.

Staff comment: See comments above: *Standards for considering demolitions*, item c

Guidelines for Demolition

- 1) Demolish a historic structure only after all preferable alternatives have been exhausted.
- 2) Document the building thoroughly through photographs and, for especially significant buildings, measured drawings according to Historic American Buildings Survey (HABS) Standards. This information should be retained by the City of Charlottesville Department of Neighborhood Development Services and the Virginia Department of Historic Resources.
- 3) If the site is to remain vacant for any length of time, maintain the empty lot in a manner consistent with other open spaces in the districts.

Appendix: Related City Code Sections

Sec. 34-285. - Approval or denial of applications by BAR.

- c) Upon denial of an application (approval of an application with conditions over the objections of the applicant shall be deemed a denial), the applicant shall be provided written notice of the decision, including a statement of the reasons for the denial or for the conditions to which the applicant objects. Following a denial the applicant, the director of neighborhood development services, or any aggrieved person may appeal the decision to the city council, by filing a written notice of appeal within ten (10) working days of the date of the decision.

Sec. 34-286. - City council appeals.

- a) An applicant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions he or she deems relevant to the application. The applicant, or his agent, and any aggrieved person, shall be given an opportunity to be heard on the appeal.
- b) In any appeal the city council shall consult with the BAR and consider the written appeal, the criteria set forth within section 34-276 or 34-278, as applicable, and any other information, factors, or opinions it deems relevant to the application.
- c) A final decision of the city council may be appealed by the owner of the subject property to the Circuit Court for the City of Charlottesville, by filing with the court a petition at law, setting forth the alleged illegality of the action taken. such petition must be filed with the circuit court within thirty (30) days after council's final decision. The filing of the petition shall stay the council's decision pending the outcome of the appeal; except that the filing of the petition shall not stay a decision of city council denying permission to demolish a building or structure. Any appeal which may be taken to the circuit court from a decision of the city council to deny a permit for the demolition of a building or structure shall not affect the right of the property owner to make the bona fide offer to sell referred to in subparagraphs (d) and (e), below.
- d) In addition to the right of appeal set forth above, the owner of a building or structure, the demolition of which has been the subject of an application appealed to the city council, shall, as a matter of right, be entitled to demolish such building or structure if all of the following conditions have been met:
- (1) The owner has appealed to city council for permission to demolish the building or structure, and city council has denied such permission;
 - (2) The owner has, for the applicable sale period set forth herein below, and at a price reasonably related to the fair market value of the subject property, made a bona fide offer to sell the building or structure, and the land pertaining thereto, to a person or legal entity that gives reasonable assurance that the building or structure will be preserved and restored; and
 - (3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable sale period.
 - (4) If all of the foregoing conditions are not met within the applicable sale period, then the city council's decision denying a permit shall stand, unless and until that decision is overturned by the circuit court. However, following expiration of the applicable sale period, a property owner may renew his request to the city council to approve the demolition of the historic landmark, building or structure.
- e) The time in which a property owner may take advantage of the rights afforded by subparagraph (d), above (the applicable "sale period") shall be as follows:
- (6) Twelve (12) months when the offering price is equal to or greater than ninety thousand dollars (\$90,000.00). [...]
- [Note: The 2023 assessment for 104 Stadium Road was \$541,900.]



**Board of Architectural Review (BAR)
Certificate of Appropriateness**

Please Return To: City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, Virginia 22902
Telephone (434) 970-3130

Please submit ten (10) hard copies and one (1) digital copy of application form and all attachments.
Please include application fee as follows: New construction project \$375; Demolition of a contributing structure \$375;
Appeal of BAR decision \$125; Additions and other projects requiring BAR approval \$125; Administrative approval \$100.
Make checks payable to the City of Charlottesville.
The BAR meets the third Tuesday of the month.
Deadline for submittals is Tuesday 3 weeks prior to next BAR meeting by 3:30 p.m.

Owner Name Woodrow Two, LLC Applicant Name Subtext Acquisitions, LLC
Project Name/Description 104 Stadium Road Parcel Number 160002000
Project Property Address 104 Stadium Road, Charlottesville, VA 22903

Applicant Information

Address: 3000 Locust Street
St. Louis, MO 63103
Email: dlambur@subtextliving.com
Phone: (W) (314) 721-5555 (C) _____

Property Owner Information (if not applicant)

Address: PO Box 5306
Charlottesville, VA 22905
Email: tsteigman@msc-rents.com
Phone: (W) (434) 293-6069 ext. 405 (C) _____

Do you intend to apply for Federal or State Tax Credits for this project? No

Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct.

[Signature] 1/27/23
Signature Date
TIMOTHY VANMATEE 1/27/23
Print Name Date

Property Owner Permission (if not applicant)

I have read this application and hereby give my consent to its submission.

[Signature] 1-20-2023
Signature Date
Richard H. Jones 1-20-2023
Print Name Date

Description of Proposed Work (attach separate narrative if necessary): Demolition of existing structure.

List All Attachments (see reverse side for submittal requirements):

Property location; Photos and floor plans of subject property; Photos of contiguous properties; Demolition criteria; Historic resource analysis

For Office Use Only	Approved/Disapproved by: _____
Received by: _____	Date: _____
Fee paid: _____ Cash/Ck. # _____	Conditions of approval: _____
Date Received: _____	_____
<i>Revised 2016</i>	

HISTORIC DISTRICT ORDINANCE: You can review the *Historical Preservation and Architectural Design Control Overlay Districts* regulations in the City of Charlottesville Zoning Ordinance starting with Section 34-271 online at www.charlottesville.org or at Municode.com for the City of Charlottesville.

DESIGN REVIEW GUIDELINES: Please refer to the current *ADC Districts Design Guidelines* online at www.charlottesville.org.

SUBMITTAL REQUIREMENTS: The following information and exhibits shall be submitted along with each application for Certificate of Appropriateness, per *Sec. 34-282 (d)* in the City of Charlottesville Zoning Ordinance:

- (1) Detailed and clear depictions of any proposed changes in the exterior features of the subject property;
- (2) Photographs of the subject property and photographs of the buildings on contiguous properties;
- (3) One set of samples to show the nature, texture and color of materials proposed;
- (4) The history of an existing building or structure, if requested;
- (5) For new construction and projects proposing expansion of the footprint of an existing building: a three-dimensional model (in physical or digital form);
- (6) 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, unless waived by the BAR.

APPEALS: Following a denial the applicant, the director of neighborhood development services, or any aggrieved person may appeal the decision to the city council, by filing a written notice of appeal within ten (10) working days of the date of the decision. Per *Sec. 34-286*. - City council appeals, an applicant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions he or she deems relevant to the application.

January 31, 2023

Jeffrey Werner
City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, VA 22902

RE: Certificate of Appropriateness Application – 104 Stadium Road

Dear Mr. Werner and Board of Architectural Review Members,

Enclosed please find the certificate of appropriateness application associated with 104 Stadium Road. The application requests demolition of the existing structure located at 104 Stadium Road, a 1 ½ story, English Tudor style cottage built in 1927. The structure is currently a rental property and has not been owner-occupied since as early as 1963.

Subtext is an integrated real estate development company that creates better ways for students and young professionals to live and connect. Our firm is currently engaged with the owner of the subject property and surrounding properties to develop a residential project, albeit merely a concept until the future of the structure located at 104 Stadium Road is determined.

This signature block bounded by Stadium Road, Emmet Street, and Jefferson Park Avenue has the ability to serve many of Charlottesville's goals for smart growth. A project of which we can all be proud of and focuses on addressing housing supply needs and promoting affordable housing, improving and expanding the pedestrian environment, promoting multimodal transportation, and focusing density in appropriate locations to take pressure off of the residential and historic neighborhoods of Charlottesville.

In addition to working with our experienced team of local and national consultants, we felt it imperative to engage a historic preservation consultant to provide an objective review of the structure. Mr. Mark McConnel of Summit Studio was identified to consult on this matter based on his long track-record as a preservationist. Mr. McConnel has 46 years of experience in historic architecture and preservation and is familiar with the structure from his time in Charlottesville and with the University of Virginia. Attached to the enclosed application you will find his analysis of the qualities and merits of the structure.

Thank you in advance for your consideration.

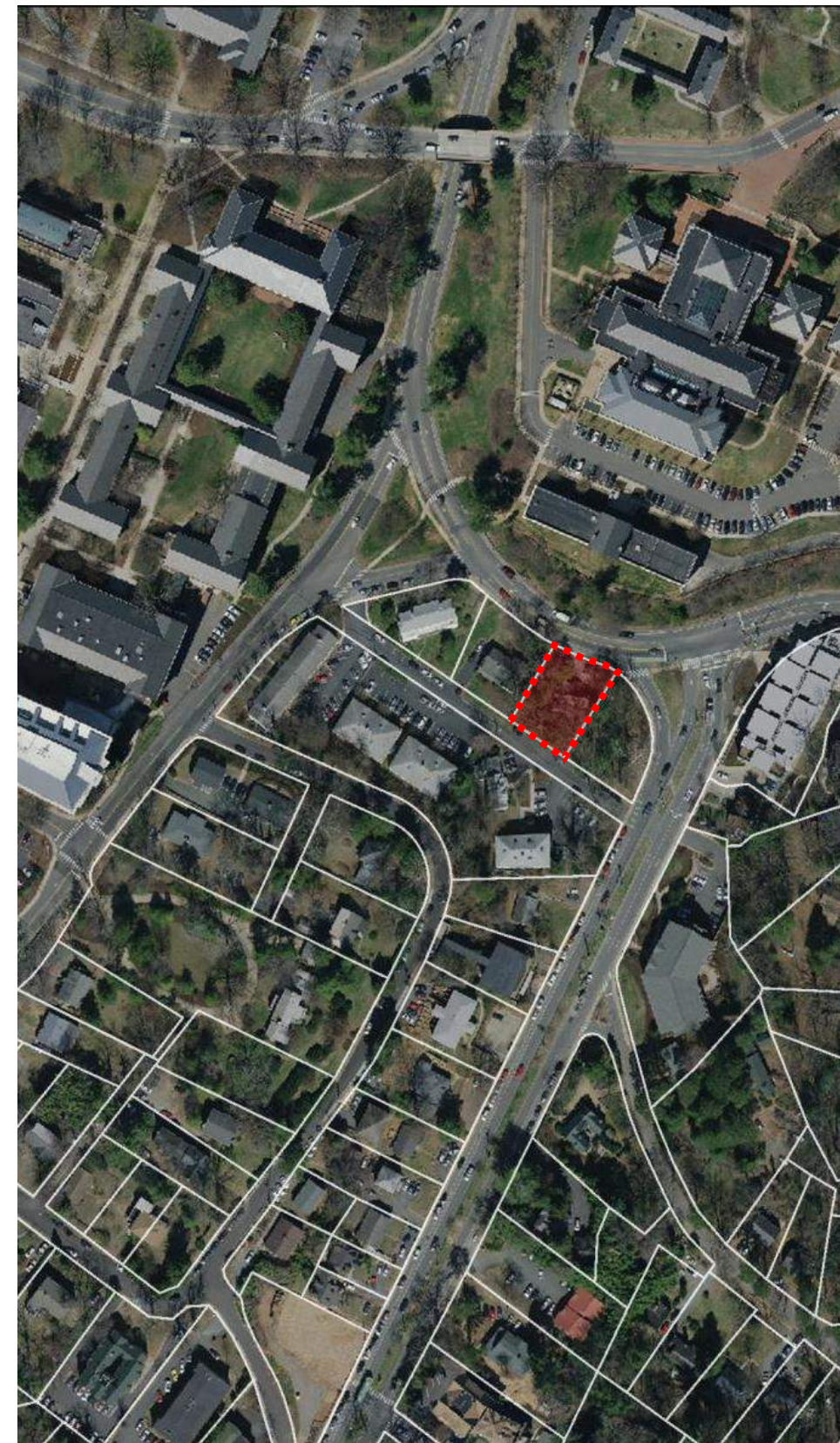
Sincerely,



Dylan Lambur
Development Manager
Subtext

104 STADIUM ROAD

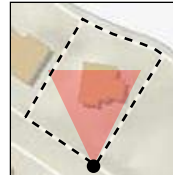
104 STADIUM ROAD



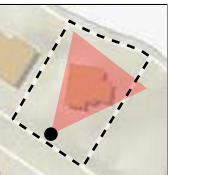
104 STADIUM ROAD - EXISTING PHOTOS



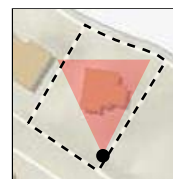
VIEW FROM WOODROW STREET



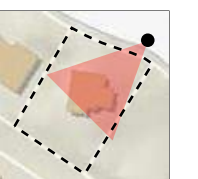
VIEW FROM SOUTHWEST



SOUTH FACADE FROM WOODROW ST



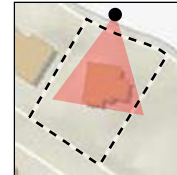
VIEW FROM EMMET STREET S



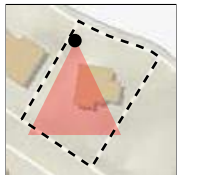
104 STADIUM ROAD - EXISTING PHOTOS



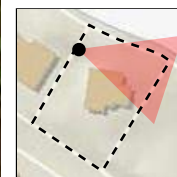
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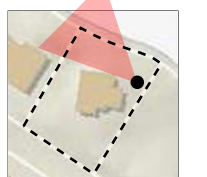
METAL FIRE ESCAPE



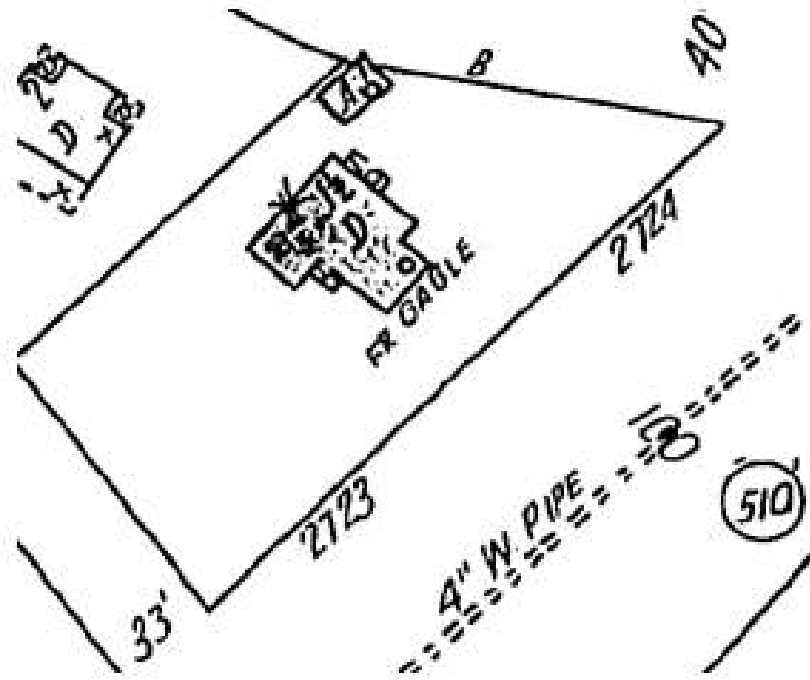
GRAVEL DRIVE FACING EMMET STREET S



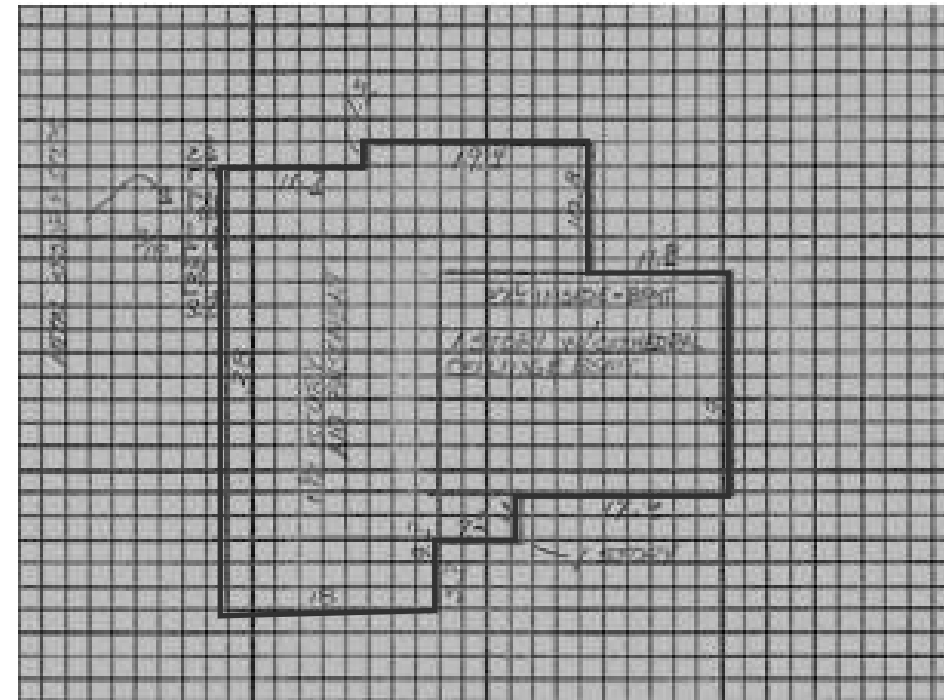
VIEW OF GARAGE FOUNDATION



104 STADIUM ROAD - PLANS



1929 SANBORN MAP



1955 FLOOR PLAN FROM TAX ASSESSOR

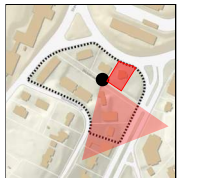
SURROUNDING SITE PHOTOS



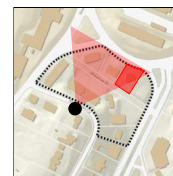
JEFFERSON PARK AVENUE - LOOKING NORTH



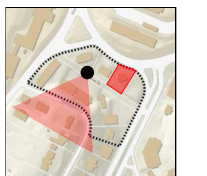
WOODROW STREET - LOOKING SOUTH



MONTEBELLO CIRCLE - LOOKING NORTH



WOODROW APARTMENTS



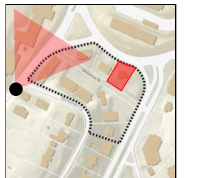
SURROUNDING SITE PHOTOS



STADIUM ROAD - LOOKING DOWN EMMET STREET S



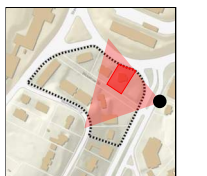
STADIUM ROAD - LOOKING NORTH



SOUTH RANGE APARTMENTS



JEFFERSON PARK AVENUE - LOOKING WEST



DEMOLITION CRITERIA

The following is an evaluation of the building based on the criteria for demolition as outlined in City Code Section 34-278:

(a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation:

(1) The age of the structure or property;

The structure was built in 1927.

(2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;

No, the structure has not been designated a National Historic Landmark nor listed on the National Register of Historic Places or Virginia Landmarks Register. Additionally, the structure was excluded from the nomination and establishment of the adjacent Oakhurst-Gildersleeve National Register Historic District, and it was later volunteered as a protected property by the owner.

(3) Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;

There is no known association with a historic event, person, architect or master craftsman that would qualify for nomination to a historic register or warrant protection.

(4) Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;

No, the architectural style of the structure is not infrequent and none of its features are known to represent an infrequent or the first or last remaining example within the city.

(5) Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty;

No, the structure is not of such old or distinctive design, texture, or material that it could not be reproduced.

(6) The degree to which distinguishing characteristics, qualities, features or materials remain;

The extent of changes since the structure was built is not known, but appear to include the addition of a metal fire escape and replacement of a number of windows.

(b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one (1) of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings and structures.

The structure is not located in an ADC, and generally is no longer located in a neighborhood setting. There is no known historic or aesthetic link to other buildings in structures within an ADC elsewhere.

(c) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board;

The structure is in good structural condition to the best of our knowledge, but there is deferred maintenance that would need to be addressed in the future.

(d) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural or cultural value; and

The applicant will seek out opportunities to re-purpose and re-use select existing materials in the future project in a meaningful way.

Mr. Dylan Lambur
Subtext
3000 Locust Street
St. Louis, MO 63103

Re: 104 Stadium Road
Historic resource analysis

Dear Mr. Lambur:

In the following pages, please find a review of the house located at 104 Stadium Road in Charlottesville VA. This review was conducted solely to determine the qualities of this resource and the impact on the community should this resource be removed.

The age and components of the structure

Its status on national or state registers of historic places
The historical and architectural significance of the structure
Singularity of the property or its components
The pattern of development associates with this building (type)
Its current environment and its contribution thereto

While this house is old and an identifiable example of Tudor Revival residential construction, it is not a master-work of the genre or precious because of its rare type or associations. What you have here is a nice old house.

Please review the attached and let us know if you have any questions.

Regards,



Mark McConnel, AIA, LEED AP

EXECUTIVE SUMMARY

The house located at 104 is a 1 ½ story, English Tudor style cottage built in 1927 in a cross-gable plan with stone exterior walls, stucco, false half-timbering, and some wood siding. Materials on the exterior include asbestos shingles, new aluminum gutters and downspouts, new entry doors, steel lower and replacement upper windows, and a steel fire escape. Interior finishes include plaster walls and ceilings with wood floors.

The house is not a singular example of the Tudor revival style, in fact, there are nine Tudor revival houses in the neighborhood just to the east that were included in a National Register Historic District while this house (adjacent to the district) was omitted. This house did not then, and does not now, meet criteria for inclusion in the adjoining district. This property is not listed on the National or State registers of historic places.

The house is no longer in a neighborhood setting. With one exception, the residential, single family, housing stock among which a resource like this should find a home has disappeared and been replaced by large structures. Major secondary roads border the house site on two sides contributing to the loss of its appropriate context.

While the MacLeod family constructed the house, Mr. MacLeod was a professor like many others and occupied the house for 26 years; in the subsequent 70 years the house has been converted into a duplex and had no fewer than 8 owners. The MacLeods entertained a former secretary of state at the residence, however, this visitation would not satisfy the National Register requirement for association; thus, no significant historical figure or event has occurred at 104 Stadium Road insofar as the NRHP is concerned.

Given the lack of singularity of the house, the urbanized setting, lack of nomination to state or federal registers, and lack of associations with historic events or persons, this resource can be documented per the requirements of the BAR and removed without causing the loss of significant historic fabric in the city.

PROPERTY CONDITION

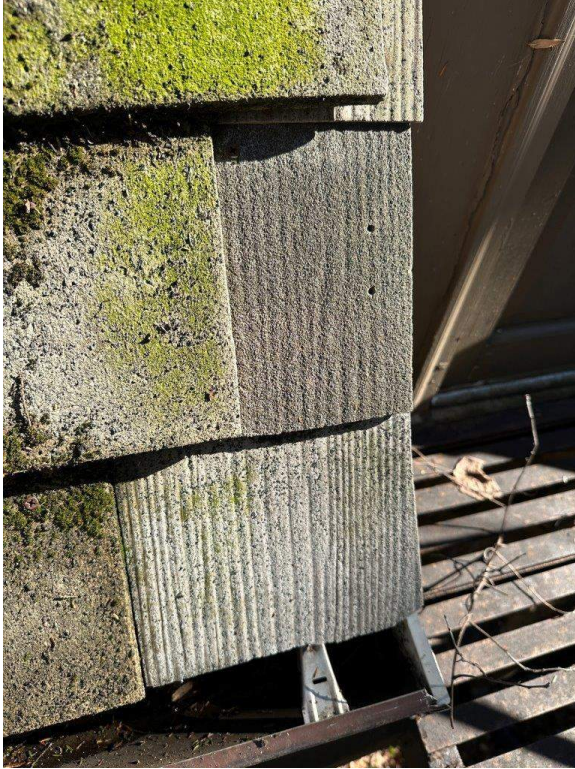
The house contains many of the trademark examples of Tudor Revival styling including, stone walls, rough stucco infill between false half-timbers, steel windows, steep pitched roofs, painted wood siding, bracketed overhangs, and stone (type) roofing. The roofing is, in fact, asbestos in deteriorated condition. The windows openings vary in size and have fixed metal frame panes or replacement aluminum.

The interior has hardwood floors, softwood framed partitions with plaster walls and ceilings. The interior of the one-story section of the house has cathedral ceilings and full cement basement, while the rest of the home has no basement under it. Changes over time include metal stoop with steps that was added on the west end of the house, which resembles a fire escape, two bathrooms a CMU enclosure near the fire escape, and the windows on the northwest side of the house replaced.

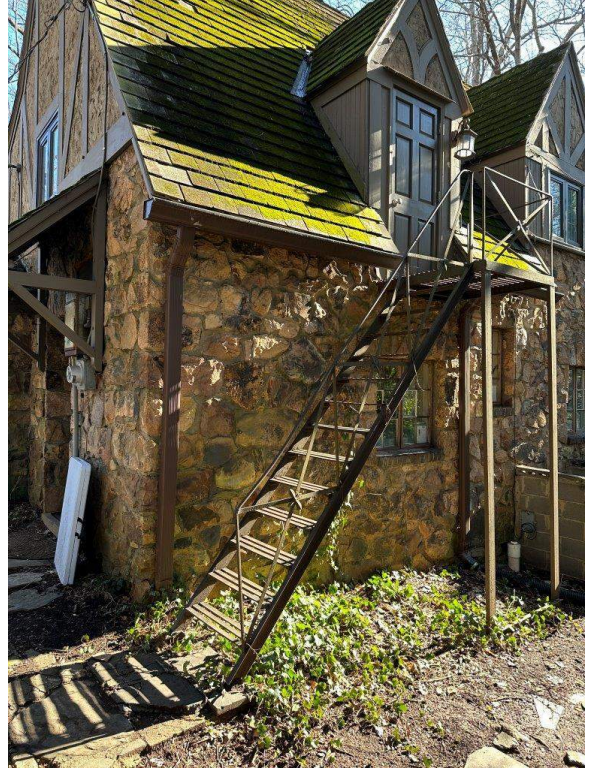
The general building materials are common of the period and in fair condition. The conversion of the property into a duplex has not had a significant impact on the overall interpretation of the original building although some loss of plan clarity is evident. The site is overgrown leaving the building almost invisible on three of the four sides.



General views of house



Asbestos shingles



Fire escape



New front door w/ bracketed roof



Dormer showing all materials present

REGISTER LISTINGS

The property is not listed on the Virginia Landmarks Register, the National Register of Historic Places, is not included in the adjacent National Register District, and is not qualified for any of these designations.

To qualify for nomination to one of the historic registers, a resource must meet one of four criteria:

Criteria A

Properties associated with events that have made a significant contribution to the broad patterns of our history.

To be considered for listing under Criterion A, a property must be associated with one or more events important in the defined historic context. Criterion A recognizes properties associated with single events, such as the founding of a town, or with a pattern of events, repeated activities, or historic trends, such as the gradual rise of a port city's prominence in trade and commerce.

The event or trends, however, must clearly be important within the associated context: settlement, in the case of the town, or development of a maritime economy, in the case of the port city. Moreover, the property must have an important association with the event or historic trends, and it must retain historic integrity.

Mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A: the property's specific association must be considered important as well. For example, a building historically in commercial use must be shown to have been significant in commercial history.

Here are a few examples of properties associated with a pattern of events:

- A trail associated with western migration.

- A railroad station that served as the focus of a community's transportation system and commerce.

- A mill district reflecting the importance of textile manufacturing during a given period.

- A building used by an important local social organization.

- A site where prehistoric Native Americans annually gathered for seasonally available resources and for social interaction.

Criteria B

Properties associated with the lives of persons significant in our past.

The persons associated with the property must be individually significant within a historic context. A property is not eligible if its only justification for significance is that it was owned or used by a person who is a member of an identifiable profession, class, or social

or ethnic group. It must be shown that the person gained importance within his or her profession or group.

The residence of a doctor, a mayor, or a merchant is eligible under Criterion B if the person was significant in the field of medicine, politics, or commerce, respectively.

A property is not eligible under Criterion B if it is associated with an individual about whom no scholarly judgement can be made because either research has not revealed specific information about the person's activities and their impact, or there is insufficient perspective to determine whether those activities or contributions were historically important.

In this case, professor MacLeod was not distinguished in the sub-field of English literature or held no office bringing notoriety to his life and career. It is likely that he had a significant influence on individual students but that alone is not enough to qualify his career as an pivotal association with the house under Criteria B

Criteria C

Properties that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

This criterion applies to properties significant for their physical design or construction, including such elements as architecture, landscape architecture, engineering, and artwork. To be eligible under Criterion C, a property must meet at least one of the following requirements:

- Embody distinctive characteristics of a type, period, or method of construction.
- Represent the work of a master.
- Possess high artistic value.
- Represent a significant and distinguishable entity whose components may lack individual distinction.

Characteristics can be expressed in terms such as form, proportion, structure, plan, style, or materials. They can be general, referring to ideas of design and construction such as basic plan or form, or they can be specific, referring to precise ways of combining particular kinds of materials.

104 Stadium Road is a nice example of Tudor revival architecture but it is not unique even in its own neighborhood, it does not represent the work of a master, possesses no high artistic value, and is not a significant and distinguishable entity.

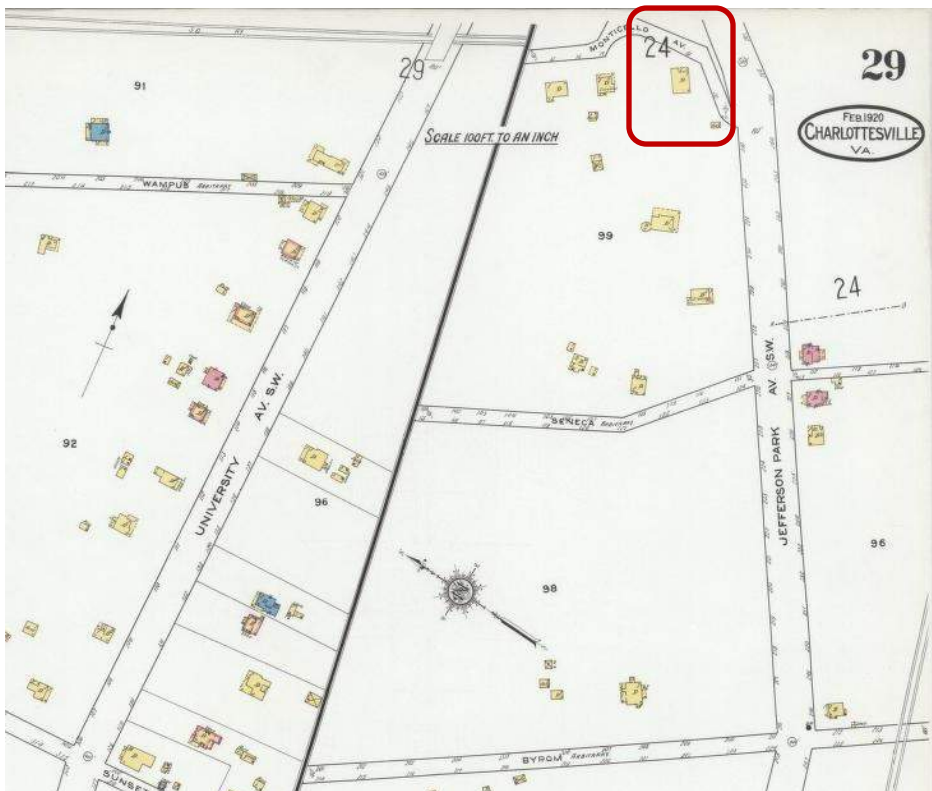
Criteria D

That have yielded, or may be likely to yield, information important in prehistory or history.

HISTORICAL NEIGHBORHOOD CONTEXT

Any property being evaluated for historical significance is viewed in relation to its site, both historic and contemporary. The National Register of Historic Places requires several forms of documentation related to the situation of the building within its context including a narrative description, mapping data, and representative photographs.

At the time 104 Stadium Road was constructed in 1927, the house was situated in a very loosely organized neighborhood of similarly-sized, single-family homes adjacent to the much larger university buildings. Over time, the neighborhood on the west side of Jefferson Park Avenue evolved to include much larger multi-family buildings with the larger structures closest to the University. This natural progression left the house and its one neighbor marooned between the larger structures around them. Contributing to the isolation of these two houses was the predictable improvements to Jefferson Park Avenue and Emmet Street (US 29 Business) as they changed into major secondary conduits for traffic to and from the University. In short, the context for 104 Stadium has changed to the point of being unrecognizable from the original or early condition and the house has lost its value as a contributing resource to a neighborhood of similar structures.



1920 Sanborn Map



Current site imagery

MARK MCCONNEL, AIA, LEED AP

Licensed Architect –

Virginia – License No. 008800

North Carolina – License No. 16413

Tennessee – License No. 1541774

Licensed General Contractor – Virginia Class “A” – License No. 2705158022

Mark McConnel has been actively engaged in historic architecture since started work for Stuart Turner (Colonial Williamsburg) in late 1976. Now, 46 years later, he consults nationally on historic properties assuring compliance with the Secretary of the Interior Standards, providing condition assessments, documenting existing conditions, designing renovations, and filing National Register, district, and tax credit applications for historic property owners on projects as large as \$40 million.

EDUCATION

Massachusetts Institute of Technology (MIT)

Master of Architecture, 1989. Center for Real Estate Development 1989. Minor in Architectural History.

University of Virginia (UVA)

Bachelor of Science in Architecture, 1987. Minor in Architectural History.

LECTURER

- Virginia Tech
- Roanoke College
- University of Utah
- University of Virginia
- The Athenian Society
- American Institute of Architects
- Preservation Alliance of Virginia
- Virginia Association of Museums
- National Railway Heritage Society
- Society of College and University Planners
- Virginia Downtown Development Association
- Virginia Society of the American Institute of Architects
- Southeast Regional Association of Physical Plant Administrators

PUBLIC SERVICE / HONORS

- Roanoke Foundation for Downtown – Golden Trowel Award
- Virginia Society AIA – Excellent in Design Award
- Virginia School Boards Association (twice) – Best elementary school
- Virginia Education Facility Planners – Preservation award
- Preservation Alliance of Virginia – Leadership in Preservation Award
- United Way - Distinguished Service Award
- Past President – Virginia Society of the American Institute of Architects

REPRESENTATIVE PROJECTS

CURRENT

- Centralia Fox Theatre, Centralia WA
- First National Bank Building, Rock Springs, WY
- Clarks Landing, Clarksville, IN
- Masonic Temple, Newburgh, NY
- Historic YMCA, Newburgh, NY
- Berlin Building, Bridgewater, VA
- Scott-Griffin Hotel, Franklin, NC
- St. Francis Barracks, St. Augustine, FL
- Lightner Museum, St. Augustine, FL
- 1030 Quarrier St. Charleston, WV
- Twin City Motors, Winston-Salem, NC
- Calvary Baptist Church, Roanoke, VA
- Lakeside Mill, Burlington NC
- Calhoun County High School, Grantsville, NC

PAST (sample)

- The Ironfronts. Danville, VA
- Camino Real Hotel, El Paso, TX
- Jackson Park Inn, Pulaski, VA
- Food Bank of the RGV, Pharr, Tx
- Oklahoma Heritage Society, Oklahoma City, OK
- Athens Theatre, Deland, FL
- New Market Mills, New Market, NH
- Imperial Center for the Arts and Sciences, Rocky Mount, NC
- Dusable Museum of African American History, Chicago, IL
- The Dunnivant Building, Pulaski, VA
- Melrose Caverns lodge and station, Harrisonburg, VA
- Roanoke Higher Education Center, Roanoke, VA
- White Columns Inn, Lexington, VA
- Taylor Hotel, Winchester, VA
- Pace Building, Danville, VA
- 401 Bridge Street, Danville, VA
- Colgate Palmolive historic district nomination, Clarksburg IN
- St. Albans Sanatorium National Register nomination, Radford, VA
- Staunton Historic Train Station, Staunton, VA
- Stonewall Jackson Hotel, Staunton, VA
- Our Health Phase II, Winchester, VA
- 204 Jefferson Street, Roanoke, VA
- Warehouse Row Business Center, Roanoke, VA
- Harrison County Courthouse, Marshall Tx

BAR Meeting minutes: February 22, 2023

Excerpts re: 104 Stadium Road, Demolition CoA Request
Draft meeting minutes. Not approved by BAR

BAR Members Present: Tyler Whitney, James Zehmer, Carl Schwarz, David Timmerman, Cheri Lewis, Breck Gastinger (chair)

Staff Present: Patrick Cory, Jeff Werner, Mollie Murphy, Remy Trail

Certificate of Appropriateness – Demolition

BAR # 23-02-03

104 Stadium Road, TMP 160002000

Individually Protected Property

Owner: Woodrow Too, LLC

Applicant: Subtext Acquisitions, LLC

Project: Demolition of structure

Jeff Werner – [Introduction and background from the BAR staff report. Year Built: 1927 District: Individually Protected Property (designated by City Council in 2011). The property is not listed on the VLR or NRHP. Request if for a CoA for demolition of existing structure and gardens.]

Discussion [from the BAR staff report] - The request is to approve a CoA allowing demolition the existing structure and landscaping elements. The BAR review should apply City Code Section 34-278 (*Standards for considering demolitions*) and the *Review Criteria for Demolition* in the City’s ADC District Design Guidelines (Chapter 7). Below, under the *Criteria, Standards, and Guidelines* section, are the applicant’s comments and staff’s comments.

Should the BAR approve the demolition request, staff recommends the conditions noted below under *Pertinent Standards for Review of Demolitions, City Code Section 34-278*, item d. Charlottesville currently has 77 IPP’s. The ADC Districts and IPPs are within the same section of the City Code and reviewed using the same design guidelines. (76 of the IPPs have structures. At 1328 Riverdale Drive the structures were razed, but the IPP designation remained.) The process for designating an IPP or removing the designation are proscribed under City Code Sec. 34-274. For both, the BAR will make a recommendation to City Council; however, only Council can approve or deny a request for designation or removal, which requires a zoning map amendment and a zoning text amendment.

The IPP designation is an overlay zoning and does not impact the underlying zoning. It must be emphasized that approval to raze structures on an IPP and/or any subsequent demolition—whether approval by the BAR or by way of appeal or completed without approvals, in violation of the City Code—does not remove the IPP designation. Removal requires City Council approval of a zoning map amendment and a zoning text amendment.

[See staff report.]

Draft meeting minutes - Not approved by BAR

Mr. Gastinger – Is there any information about this land, how it was used, prior to the stone house?

Mr. Werner (Staff) – Probably. I don't have it.

Mr. Zehmer – More than likely, it was part of the Montebello property, which was owned by John Perry. He was one of the contractors, who actually helped build the University. It was a plantation site. That would be my guess without doing the research.

Mr. Timmerman – You (Mr. Werner) were saying that there was another site (IPP) that was razed. Is that the only one that has been razed? Do we know how many of those have been taken down?

Mr. Werner (Staff) – To my knowledge that is the only one; just below Burnley-Moran [Elementary School]. That was in 2014. [Staff note: 202 Riverside Avenue. BAR denied demolition, but it was later permitted by provisions under Sec. Sec. 34-286(d); however, owner did not request removal of the parcel's IPP designation.]

Fred Wolf, Applicant – Our firm is the associate architect working with [the developer] out of Minneapolis. When we went through this, one of the things that struck me was that [IPP designation of] this property was volunteered to the city. That is an unusual event to have somebody volunteer property to be designated. Two years earlier, the district was formed. There was an exhaustive survey done with the district. It cataloged many buildings throughout Oakhurst and Gildersleeve including several on JPA and some on Maywood and Valley Road. There are actually two structures directly across the street from this site that are a part of that district. There was a 39-page report that excludes any mention of this building when it was establishing that. That is curious in they were very specific in their nomination report describing how they set up the district and defined what properties they captured and included. That is one of those fundamental things that I think is interesting. The fact that this, two years later, became an asset that rose to the level to be included. It is curious that this was omitted the first time and was included subsequently. Having been on the BAR and having nominated buildings for IPPs, it seems to me that an Individually Protected Property is usually something that is reserved for a building or a property that is 'special' or rare and different than defining a boundary for a district that captures lots of things. When we went through the criteria, our determination was we have a really nice, old building. There is no aspect about it that is really particularly unique or exceptional or rare or could not be replaced. We found no evidence of anything that is exceptional in terms of the people who have been associated with designing or constructing it or anybody who has lived there that had a historic association. Staff mentioned one individual who had an association with somebody who lived there at one point. This house is an island onto itself. The structure has been severed from whatever original context/urban fabric it might have been a part of when it was originally constructed. It sits in a position where it is surrounded by midcentury buildings that are multifamily student housing, not a particular architectural value. The back of this house actually faces the front of what will be the site for this future development. In the preservation of this, you would have the back of the house facing the front door or the front of what could potentially be the development that comes later. The group sees an opportunity here. When you look at the growth and density desired to take this series of

parcels, to be able to develop an urban campus/precinct at the point where the city could absorb some growth and density and use that growth and density for student housing to take pressure off adjacent neighborhoods, where you want to try to preserve single family dwellings.

Mark McConnell, Preservation Architect for Applicant – I found myself in an unusual position being asked to evaluate a building for potential removal. When they first called me, I called John Burns (chief appeals officer for the National Park Service) on the eve of his retirement. I asked him for advice. I asked him if there was a precedent for this. Is there criteria? Is there some way to do it? He said that the National Park Service takes no position with regard to demolition of historic buildings unless they are in the tax credit program and Section 106. There are no precedents in the National Park Service and the state Preservation Office. What happens on one historic property has zero bearing on what happens on the next historic property that comes along. They all have to be considered individually. That’s how Mr. Burns advised me to consider this building. It is a nice English Tudor style cottage. It has been marooned in its environment. There is no context for it. Myself and my colleagues probably have created two dozen national historic districts. When I say this building was excluded, I really do mean it was excluded. In times past, we have reached out well beyond the borders of what is a well-defined district to include buildings we thought were worthy. There are nine buildings of the Tudor Revival Style in the [Oakhurst-Gildersleeve Historic District] across [JPA]. There are eight stone buildings in [that] district. [104 Stadium Road is not on the National Register]; there is nothing particularly unique about it. The McCloud family built the house and had a visitor. There is a pretty stringent standard for association at the National Park Service when considering a historic building. We don’t have that strong association here. As I looked at the criteria for inclusion in the National Register, this one did not meet any of the four [criteria]. To the questions of what was here before, I included the 1920 Sanborn Map. The map has the lot as empty space. It was anticipated to be part of a neighborhood of residential houses. It is a nice building. It is not unique. It is a marooned example of a nice old house. I advised the owner that it could be documented and removed without a significant impact to the historic community here in Charlottesville.

Dylan Lambert, Applicant/Owner – We believe that this is a phenomenal location. It has potential to be a prominent part of the entrance corridor, while furthering the goals of the city Comprehensive Plan and the new zoning ordinance. We haven’t started the formal design. We have spent a considerable amount of time working on visioning and imagery. We do agree with some of the conditions staff had mentioned if the demolition is approved, such as fully documenting the structure prior to demolition and it being contingent on an approved permit for a future project. Our intent is not to tear this down unless that moves forward.

Questions from the Public

None

Questions From The Board

Mr. Zehmer – Looking at this map and the staff report, staff had included the 1954 Sanborn Map, which only shows a minimum amount of growth; particularly one house on the other side

of Woodrow Street. I am curious if that neighborhood was ever really built out. We have talked that it was marooned. It seems like it has always been one of a handful as opposed to there was a neighborhood there and they tore a bunch down to build the Woodrow Apartments. It seems that the Woodrow Apartments are the first things there.

Mr. McConnell (Pres. Arch. for Applicant) – You are absolutely right. It has been marooned by the speed of the traffic, by the predictable improvement of those roads that make it hazardous to come out of the back door, which we think is the front of the house right now. The sense of isolation that the house has, has a little more to do with the size of the roads around it than the fact there might have been a bunch of little houses. As opposed to JPA, there was a real identifiable neighborhood.

Comments from the Public

None

Comments from the Board

Mr. Schwarz – I find this confusing. I did meet with Fred Wolf (the applicant) beforehand. I feel like I was encouraging this application. Now, I don't feel as encouraged. If this were part of a historic district—if it was a contributing structure in a historic district--it would not be such an easy decision to say that it is not worth it, demolish it. It would have a low likelihood of being [...] demolished, if it was just existing as part of a historic district as opposed to being an IPP. It is almost like we are being asked to decide: *Is this worthy of being an Individually Protected Property?*

Whether we allow the demolition or not, by zoning it stays as an IPP. That is also a little confusing. If we allow the demolition and the house comes down, the applicant can make an easy, legal argument in saying that there is nothing there protectable. Why is this still a protected property? The history of this site [the IPP designation] seems like a very deliberate decision by Council. It was part of a deal/an agreement between the owners and Council to purchase an adjacent property [referring to 409 Stadium Road]. It took two meetings, with a little haggling, to come up with this. An equal offer was turned down before this one. It was an offer to put a little apartment building on that corner lot that is now supposed to be left undeveloped. It feels like to vote for [demolition] would be to overturn something that was deliberately done by City Council. That City Council was from 12 years ago. [Staff note 5/2/2023: Mr. Schwarz's comment was not audibly clear; however, he confirmed the intent of his statement was that *approving demolition would conflict with* Council's 2012 decision to designate 104 Stadium Road an IPP.] [Staff note: Council designated the IPP in 2011.]

Mr. Gastinger – In our review criteria for demolition (#3): *[What is] the public purpose or interest in land or buildings to be protected?* What you're (Carl) saying, to me, says that if there is any record of what the public interest is in this land or this building is, that City Council decision is pretty strong. They are an elected body that chose to make that designation. We're not here to debate whether it should or should not be an IPP. That's the last record we have that there was an actual public body that felt strongly that it should be standing and the land next to it

should not be developed. In the terms of our purview of our work, that would be for City Council to decide if they no longer agree with that.

I do thank [Mr. Wolf] for the report about the criteria for the historic designation. I will note that there are some slight differences between our guidelines for considering demolition. They are not necessarily one-to-one with the eligibility for the National Register

Mr. Timmerman – For me, it is a pretty basic at a pretty basic level. For whatever reason, something has become an IPP. If it is that, then it is that. There should be some power behind that. We're not saying that we're knocking everything down. There is a precedent for having to knock something down in the past. For me, it is the precedent of the matter. How does this alter things moving forward? Whether it is the processes with City Council, why something came to be, or whether it is a historic purpose or context. That is my struggle with this.

Ms. Lewis – When we talk about the precedent, are we talking about [202] Riverview? I was actually involved in that. The BAR did not vote to demolish it. To make clear, it was not approved. I represented them in a legal capacity, appealed to Council, and they ended up putting it up for sale. They were able to demolish it through the statute. Are we saying that the BAR has never approved to demolish of an IPP in the city as far as we know?

Mr. Werner (Staff) – To my knowledge, no.

Ms. Lewis – This is a significant application for us. Adding to the quandary is that it was recently made an IPP through a legislative action by Council, which delegates their power to us. It is confusing. If we deferred or passed it onto Council, couldn't Council by action, un-designate it, which would allow the applicant to do anything they want? I am not unafraid to act. What is troublesome is that Council, so recently, decided that this was an IPP. The BAR does not decide what IPPs are. It is done by legislative action of the highest body in the city. If we deferred on this, you might have a clearer path with City Council.

Mr. Werner (Staff) – There are a lot of steps.

Ms. Lewis – If it is Council's desire to see this developer do this kind of project in this location because we want density and that is where the new zoning ordinance is going, I would almost rather have them un-designate it.

Mr. Werner (Staff) – Some of that is the sequence of things that have to happen. There are a lot of things associated with this project that would go into those next steps for zoning and things like that. My understanding is that this clears a hurdle that allows that comfort moving forward. There will be more involved in what has to go to Council than just the removal of the overlay.

In the map that we just got, I couldn't figure out why that was there. These are the 1950 and 1951 annotated maps for 1929. Clearly JPA was aligned over here. This house that you see right there is what is shaded.

Mr. Schwarz – There are four parcels on this map. There are four parcels on that map. Something is not adding up.

Mr. Werner (Staff) – All I can discern is that the right of way was changed. That is how it became a city parcel.

Mr. McConnell (Pres Arch for Applicant) – These are Sanborn fire insurance maps. They were done by a fire insurance company. From what we could tell, the 20 and 29 maps re-aligned JPA.

Mr. Zehmer – Do we think it got narrowed when they removed the trolley car?

Mr. Werner (Staff) – I don't know. I can't say that.

Mr. Zehmer – This is not a surveyed map.

Mr. Werner (Staff) – With the Sanborn maps, you know something was there. We don't know if it was exactly there and exactly that size.

As far as this application procedurally goes, the best way to approach it is as you have done with other requests, evaluate this on its face. As to its historic nature, character, I agree. From the National Register criteria, there is a reasonable argument about its eligibility. It was designated an IPP by the City of Charlottesville for a reason. There are a lot of structures designated as IPPs for reasons that are of importance to the community. That is the question before you. What the City Council does next in this is a series of steps for the applicant to decide. If you approve this, those steps are still there for them. This is also within an entrance corridor. If you deny this request, that can be appealed to Council. As far as deferring, we can further research this site of this building. We can certainly do that. If you are going to defer it, be very clear on what the objective is in that deferral.

Mr. Zehmer – I am not very confused. It is an Individually Protected Property. We are charged by City Council to protect this property. It is pretty clear that we should vote to deny this application. The applicant has made a good case. It is a well put together presentation, which I really appreciate. Our purview is to protect Individually Protected Properties. There are processes that can be followed to go through the course of actions to get to where they want to be. We have done our job and they are doing their job.

Ms. Lewis – I would like to read through the review criteria for demolition in our guidelines. Our criteria for demolition in the guidelines are section 34-278. Our criteria for demolition in the guidelines are in our staff report: the applicant addressed, and staff did a response to. Number 2 is the public necessity of the proposed demolition. I am not going to debate it. Is there a public necessity? Not purpose, but necessity of the demolition. Number 3 is the public purpose or interest in land or buildings to be protected. Number 4: Whether or not a relocation of the structure would be a practical or preferable alternative to demolition. I haven't heard that discussed. Whether or not the proposed demolition would adversely or consequentially affect other historic buildings or the character of the historic district, that is [not applicable]. The reason

for demolishing the structure and whether or not all alternatives exist. Whether or not there has been a professional, economic, or structural feasibility study for rehabilitating or reusing the structure or whether or not its findings support the proposed demolition. I don't if that is [in Mr. Mr. McConnell's report] or whether that would constitute that seventh point. I don't know about the professional, economic, structural, or feasibility study. I don't think that is quite your report. It probably went halfway there. I would encourage all of us to focus on these criteria. Public necessity of a proposed demolition has always been a big one.

Mr. Werner (Staff) – You are correct in that they are not state or federally listed. A state or federal action, such as a road. On page 3 of the staff report, there are the City Code provisions 34-278. Those are the provisions of the code, the standards of review for demolition. On page 7, within the guideline are the review criteria. They are almost identical. I included them both here. I think it answers the question particularly about the public necessity. Staff's response was that it was not a public necessity--the building has not been condemned nor deemed unsafe. As far as the condition of the building, staff did not go in it. When you put up a sign on a property, those living in the house did not call me. As far as [Mr. McConnell's report] and the applicant's submittal, that is addressing it. To the historic character on the National Register guidelines and a structural report, I can't report on that. If demolition [is proposed for] a contributing structure, the BAR must approve it. [That demolition] requires BAR approval. However, there is a condition in [the Code]: If the building inspector deems it unsafe, that elevates it out of your purview. We're not dealing with that here.

Ms. Lewis – I didn't find that the applicant addressed those. The whole discussion about all alternatives, is it feasible to move those, is it not feasible to incorporate it. When there are criteria, it is incumbent on the applicant to address all of them. The code ones were addressed, but not our guideline ones. I still have not heard any discussion about them.

Mr. Gastinger – My reading of our guidelines and the project is this is property we are asked to protect. It is worthy of protection. You would be surprised how many people know of this house because of its distinctive character and its location. It is an 'oddball.' Our city would be less if it was gone tomorrow. The city might have other thoughts about the usefulness of this land and how it fits into larger planning goals. That is not for us to debate. If we do deny this evening, I do think we should identify a number of different things about the preservation of this structure. If it is allowed to be demolished by [Council] an overturning a [BAR] denial, it should be contingent on a future COA approval [of the new construction, when proposed]. It should also include the other conditions that were mentioned in the staff report. It needs to be very clear, if that is the direction, that there are other steps that City Council might want to take if they were to overturn a denial from our board.

Mr. Whitney – To your point about it being contingent on an approval of a future COA, if Council approved demolition after denial from the BAR, wouldn't that be contingent on whether the IPP would still exist? Can we put that contingency on?

Mr. Gastinger – If we can put that contingency on a COA, then Council could. They would essentially be approving the COA of the demolition.

Mr. Whitney – That would just matter on whether the IPP is still in place, not whether the structure is in place?

Mr. Gastinger – I don't think it matters either way. We have had that issue on other properties within a district. We still put a contingency that [any new] building be approved before [the existing] is demolished.

Mr. Zehmer – This is different because it is an individual standalone property. If Council were to approve demolition of this, I don't see why it needs to continue to be a protected property. The house is what makes it special. I think it is a 'jewel in the rough.' If they decide to allow demolition, I think they should remove the protected status of the property and let the landowner do what they want.

Mr. Whitney – I think we are in agreement that if demolition of the structure happens in the future, it would not happen until a building permit is approved. We have stated that. I was taking what you were saying to be that if demolition of the structure happens, whatever gets built comes back to us for BAR approval. That would only happen [if 104 Stadium Road remains an IPP].

Mr. Gastinger – That is why I feel we need to give Council the recommendations they need to protect the structure accordingly until another project is approved.

Mr. Werner (Staff) – You don't want to prematurely demolish [104 Stadium Road] and a project doesn't occur. That's one for Council and for the City Attorney. Should the IPP be removed, does any BAR action become moot? I don't know that. The best advice I would give you is to state in either direction what you would like the result to be. If it goes to Council, allow them the opportunity to phrase it correctly.

Mr. Gastinger – Is anybody on the Board leaning towards approval of the demolition as submitted?

Mr. Wolf (Applicant) – We can see the tenor of this. I appreciate the challenge. It is not a clean cut, clear decision. In terms of moving or relocating it, it was looked at. It was determined to be cost prohibitive to move the structure like this, particularly with the materiality of the stone walls. Even the notion of trying to disassemble and reconstruct it was cost prohibitive. That option was looked at and taken away. With respect to the public necessity, I meant to imply that the notion of being able to consolidate growth in development and density in this one area would take pressure off adjacent neighborhoods, to me, is a public necessity. The growth and the development of the University and the subsequent need to house students, faculty, and staff is critical. If you can consolidate it by designing a new precinct instead of scattering it and allowing it to leak out and impact multiple neighborhoods, there is an enormous benefit there. I think that is what is driving the new zoning that is being looked at. In our minds, that would be an aspect of the public necessity and public good of this project. It does not give you a peek at what happens after this. I think you can easily imagine that this is housing for tenants. You can somehow gain so four individuals can live in this space/parcel. That number can go up if you can gain 60 that would be a big gain in terms of being able to increase density. You have it right at the threshold

between the neighborhood and the University where it can really affect the University in a positive way and keep its impact low in terms of the surrounding neighborhood.

Mr. Timmerman – That makes really good sense. I get that as a public necessity. That is a good point. Is 60 the number you are looking at?

Mr. Wolf (Applicant) – Not knowing what the design is, it is just looking at the square footage, the acreage, versus what we could put on that amount of land. I think it was roughly 60 units.

Mr. Timmerman – I do wonder looking at it in an alternative way, the hybrid version of figuring out a clever way of integrating it into the development. That gives a much denser corner zone but also having that green space/that link to the past and having that integrated; how that might enhance the property.

Mr. Werner (Staff) – I am trying to be fair to both sides here, with how you all discuss this. This will not be the last time you have a discussion like this. This is a map of the IPPs. This large, historic one is soon going on the market. [Reference to 501 9th Street, SW.] There are some IPP parcels that are substantial. We know from the discussion about Wyndhurst, it is more than just the four walls of the building. I don't want to squelch the conversation. I want to be aware that, with whatever happens with the Comp Plan and the revised rezoning, this discussion is going to become more common. This is to be equating historic preservation with density. That is a troubling ledge to go on.

Mr. Gastinger – We also need to hold up to City Council and to our community that we are now building some really good examples of dense development in close proximity to historic homes. There are some really good, successful examples. We are better served for those efforts, even though they do make projects trickier.

Ms. Lewis – If they wanted to get zoning text amendment and get the IPP designation lifted, what does that process look like before Council?

Mr. Werner (Staff) – It is identical to a rezoning.

Ms. Lewis – Do they go through the Planning Commission?

Mr. Werner (Staff) – It goes to the BAR. 415 10th Street, NW was designated an IPP last summer. [BAR review of a proposed IPP] requires only the recommendation of the BAR and of the Planning Commission. [Formal designation] is entirely a decision by Council. They are only required to seek [BAR] input.

Ms. Lewis – To undo an IPP designation?

Mr. Werner (Staff) – It is the same process in reverse.

Ms. Lewis – With a new zoning ordinance calling for a lot of density, what happens with these 77 individually designated historic properties? If anybody wants to knock them down, we have

the density. What does an IPP/history/preserving a historic fabric mean? We're hesitating over this because we have other ones here. I am just proposing another way it could happen. You could send a proposal to rezone this, you would go through the Planning Commission, you would go before Council, and the IPP designation is lifted. You don't have to argue about any of the criteria for demolition in front of us. You have heard several people vocalize that they would deny the demolition and you appeal to Council. It seems like it would be a better idea because of our confusion over why this was designated a decade ago.

Mr. Wolf (Applicant) – If we pursue having the designation removed by rezoning, wouldn't that have to come back in front of you for approval or recommendation?

Mr. Werner (Staff) – No [BAR does not *approve or deny IPP designation*]. It is simply a recommendation [to City Council] that is not binding.

Ms. Lewis – None of our powers originate with us as a Board. They are all delegated from Council. You always have an appeal to Council. My suggestion goes to the core of what is wrong and why people are having some concern over this.

Mr. McConnell (Pres Arch for Applicant) – I have been in this position a lot and in your position a lot. The reason I think we're here is because not all buildings are created equal. Not all IPPs have the same character, quality, or historic importance as another. It is your judgement. Take any of these other IPPs. It is the public's trust in you to evaluate each of these criteria on each of these buildings on their own merit. That's why the National Park Service does not accept precedent. Each building has its own set of qualities. You're going to be running into this again and again. Not all buildings are created equal.

Mr. Werner (Staff) – The guidelines give you the criteria. We have the criteria to make that evaluation. It is the same as saying whether it should be an IPP or not. Stay within these. My only caution about bringing in what might happen here is that strays from this list you all have. Whether the COA for demolition is approved or not, the IPP is still out there. There is merit to what you're saying. This process is here. They're looking for a decision. If you're uncomfortable with the demolition, follow your criteria and make a vote on that.

Mr. Gastinger – [To Mr. Wolf.] Would you like us to proceed with a vote for this, or would you like to request a deferral?

Mr. Wolf (Applicant) – We'd like to have an action taken. A big part of this is not necessarily that we believe [IPPs] should all be at risk. What we're questioning here is whether this property really warranted that designation. We have not made the argument that this is not a sound and stable building. It is not structurally falling down. It is about the quality and character of the architecture and whether or not it is valuable on that level.

[Motion made at 01:14:20 on the meeting video: [BAR mtg video Feb 22 2023](#)]

Motion – Mr. Whitney - Having considered the standards set forth within the City Code, including the BAR's design guidelines and the standards for considering demolitions, I move to find that the proposed demolition of the house and gardens at 104 Stadium Road

does not satisfy the BAR’s criteria and guidelines and is not compatible with this property and other properties, and for the following reasons the BAR denies the application as submitted:

- **House is almost 100 years old.**
- **Rare example of a housing type in Charlottesville that is part of the time period when built.**
- **Creates character of space where it exists.**
- **BAR have never voted to demolish an IPP.**
- **Remnants of a historic landscape.**
- **Good condition with no reason for demolition.**
- **Review Criteria of #3: designation of property by City Council in 2011 to be protected and the neighboring property to not be developed.**
- **Historic landscape contributes to the context of JPA, could influence the buffer of JPA and built lots**
- **Design Guidelines #6 & #7: alternatives to demolition, rehabilitation and reuse of structure is possible.**

Recommendations for Council to consider, should they overturn the BAR denial

- **Building should be documented thoroughly through photographs and measured drawings according to the Historic Building Survey Standards.**
- **Information should be retained by the City of Charlottesville Neighborhood Development Services and Virginia Department of Historic Resources.**
- **COA for Demolition is contingent on an approved building permit.**

Second by Mr. Zehmer. Motion passes 6-0.

RESOLUTION 1

Denial of a Certificate of Appropriateness for Demolition of the House and Gardens at 104 Stadium Road.

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

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

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

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

WHEREAS, on May 15, 2023, per City Code §34-314(c), following a review of the Appeal, the Project, and the Application, and having considered relevant information and opinions, including the BAR’s determination, the City Staff Report, and the City’s ADC District design guidelines and the City’s standards for considering demolitions (City Code §34-278), this Council determined the requested demolition at 104 Stadium Road does not satisfy the design guidelines and review criteria, and is not compatible with this property.

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that, for the reasons stated below, a Certificate of Appropriateness is hereby denied for the requested demolition at 104 Stadium Road:

- ...

Approved by Council
May 15, 2023

RESOLUTION 2

Approval of a Certificate of Appropriateness for Demolition of the House and Gardens at 104 Stadium Road.

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

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

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

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

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

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that, [Council may consider incorporating the BAR recommendations stated below *], a Certificate of Appropriateness is hereby approved for the requested demolition at 104 Stadium Road.

[Council may also consider including: *Additionally, Council suggests the City Planning Commission consider initiating the Zoning Text Amendment and Zoning Map Amendment necessary, per City Code § 34-274, to evaluate removing the IPP designation for 104 Stadium Road.*]

* BAR Recommendations to Council:

- Building be documented thoroughly through photographs and measured drawings according to the Historic American Building Standards, information should be retained by City of Charlottesville’s Department of Neighborhood Development Services and Virginia Department of Historic Resources;
- CoA for demolition be contingent on BAR approval of building’s replacement if it remains an IPP or approval of the building by the Planning Commission if it is an

Entrance Corridor project--or a mechanism Council deems appropriate--to ensure that the building is not unnecessarily demolished if the project does not move forward.]

Approved by Council
May 15, 2023

City of Charlottesville Zoning Ordinance

Article II. Overlay Districts

Division 2. - Historical Preservation and Architectural Design Control Overlay Districts

Sec. 34-271. - Purposes.

The City of Charlottesville seeks, through the establishment of its several historic districts and through the protection of individually significant properties, to protect community health and safety, to promote the education, prosperity and general welfare of the public through the identification, preservation and enhancement of buildings, structures, landscapes, settings, neighborhoods, places and features with special historical, cultural and architectural significance. To achieve these general purposes, the City of Charlottesville seeks to pursue the following specific purposes:

- 1) To preserve and protect buildings, structures and properties which serve as important visible reminders of the historic, cultural, and architectural or archaeological heritage of this city, the Commonwealth of Virginia, or this nation;
- 2) To assure that, within the city's historic districts, new structures, additions, landscaping and related elements will be in harmony with their setting and environs;
- 3) To promote local historic preservation efforts through the identification and protection of historic resources throughout the city;
- 4) To maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of older structures in a safe and healthful manner, and by encouraging desirable uses and forms of development that will lead to the continuance, conservation and improvement of the city's historic, cultural and architectural resources and institutions within their settings;
- 5) To promote tourism and enhance business and industry, and to promote an enhanced quality of life within the city, through protection of historic, cultural and archaeological resources.

(9-15-03(3))

Sec. 34-272. - Major design control districts.

The following areas have been determined by city council to be of unique architectural and/or historic value, and are hereby designated as major architectural design control districts, the limits of which are shown on the city's zoning map:

- A. District A (the **Downtown** Architectural Design Control District, "DADC"): All buildings within this overlay district are deemed by city council to be "contributing structures," except that, with respect to certain properties added to this district on or after January 17, 2006, city council has designated only certain buildings as "contributing structures," as specifically identified on a map included within the design guidelines for this district, a copy of which is available within the department of neighborhood development services."
- B. District B (the **North Downtown** Architectural Design Control District, ("ADC"): All buildings within this overlay district are deemed by city council to be "contributing structures," except that, with respect to certain properties added to this district on or after January 17, 2006, city council has designated only certain buildings as "contributing structures," as specifically identified on a map included within the design guidelines for this district, a copy of which is available within the department of neighborhood development services.
- C. District C (the **Ridge Street** Architectural Design Control District): All buildings within this overlay district are deemed by city council to be "contributing structures."
- D. District D (the **West Main Street** Architectural Design Control District): City Council has designated only certain buildings within this overlay district as "contributing structures." Those contributing structures are identified on a map included within the Design Guidelines, a copy of which is available within the department of neighborhood development services.

- E. District E (the **Wertland Street** Architectural Design Control District): All buildings within this overlay district are deemed to be "contributing structures."
- F. District F (**the Corner** Architectural Design Control District): City council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines, a copy of which is available within the department of neighborhood development services.
- G. District G (the **Oakhurst-Gildersleeve Neighborhood** Architectural Design Control District): City council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines, a copy of which is available within the department of neighborhood development services.
- H. District H (**Rugby Road—University Circle—Venable Neighborhood** Architectural Design Control District): City council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines, a copy of which is available within the department of neighborhood development services. [Staff note 10/2022: This is different from the *Rugby Road Historic Conservation District.*] (9-15-03(3); 11-17-03, § 1; 2-7-05, § 1; 1-17-06(4), § 1; 1-17-06(5), § 1)

Sec. 34-273. - Individually protected properties.

- a) The City of Charlottesville seeks, through the creation of a protected property list, to protect community health and safety and to promote the education, prosperity and general welfare of the public, through identification, preservation, protection and enhancement of certain buildings, structures, and landmarks, together with their landscapes and settings, which are of special historic, cultural, or architectural significance, and which are located outside the city's major design control districts. To achieve these general purposes, the city seeks to pursue the following goals and objectives:
 - 1. To enrich the quality of life for city residents, by protecting familiar landmarks and other treasured elements of the city;
 - 2. To protect historic and cultural resources, and thereby to promote tourism and to enhance business and industry;
 - 3. To maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of historically and culturally significant structures;
 - 4. To promote local historic preservation efforts through identification and protection of historic resources throughout the city;
 - 5. To encourage nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register; and
 - 6. To assure that additions, alterations, restorations, landscaping and related elements be in harmony with a building or structure and its setting.
- b) Following is a list of landmarks, buildings and structures outside the city's major design control districts, which are deemed by city council to be of special historic, cultural, or architectural value (each, individually, a "Protected Property"). Each parcel containing a protected property is hereby designated a minor design control district.

1.	759	Belmont Avenue	Tax Map 58	Parcel 172
2.	123	Bollingwood Road	Tax Map 7	Parcel 22
3.	1102	Carlton Avenue	Tax Map 56	Parcel 86, Lots 1, 2, 3
4.	133—155	Carlton Road	Tax Map 57	Parcel 157 (portion)
5.	907	Cottage Lane	Tax Map 2	Parcel 54.3

6.	908	Cottage Lane	Tax Map 2	Parcel 25
7.	909	Cottage Lane	Tax Map 2	Parcel 54.4
8.	513	Dice Street	Tax Map 29	Parcel 63.1
9.	402	Dice Street	Tax Map 29	Parcel 124
10.	406	Dice Street	Tax Map 29	Parcel 122
11.	410	Dice Street	Tax Map 29	Parcel 119
12.	412	Dice Street	Tax Map 29	Parcel 118
13.	210	Eighth Street, NE	Tax Map 53	Parcel 173.23
14.	901	Emmet Street	Tax Map 1	Parcel 1 (portion)
15.	200	Fifteenth Street, N.W.	Tax Map 9	Parcel 71
16.	205	Fifth Street, S.W.	Tax Map 29	Parcel 69
17.	217	Fifth Street, S.W.	Tax Map 29	Parcel 66
18.	301	Fifth Street, S.W.	Tax Map 29	Parcel 104
19.	418	Fifth Street, S.W.	Tax Map 29	Parcel 161
20.	201	Fourteenth Street, N.W.	Tax Map 9	Parcel 73
21.	233	Fourth Street, N.W.	Tax Map 32	Parcel 89
22.	223	Fourth Street, SW	Tax Map 29	Parcel 42
23.	1602	Gordon Avenue	Tax Map 9	Parcel 13
24.	946	Grady Avenue	Tax Map 31	Parcel 60 (portion)
25.	1022	Grove Street (formerly 1212)	Tax Map 23	Parcel 38
26.	700	Harris Street	Tax Map 35	Parcel 132
27.	204	Hartman's Mill Road	Tax Map 26	Parcel 38
28.	208	Hartman's Mill Road	Tax Map 36	Parcel 36
29.	801	High Street, East	Tax Map 53	Parcel 194
30.	1404	Jefferson Park Avenue	Tax Map 11	Parcel 112
31.	2115	Jefferson Park Avenue	Tax Map 17	Parcel 88
32.	1201	Jefferson Street, East	Tax Map 54	Parcel 212
33.	800	Jefferson Street, East	Tax Map 53	Parcel 173.22
34.	901	Jefferson Street, East	Tax Map 53	Parcel 261
35	1615	Keith Valley Road	Tax Map 41A	Parcel 46
36	114	Lankford Avenue	Tax Map 26	Parcel 10
37	214	Lankford Avenue	Tax Map 26	Parcel 1
38	459	Locust Avenue	Tax Map 53	Parcel 234 (portion)
39	810	Locust Avenue	Tax Map 51	Parcel 74
40	700	Lyons Avenue	Tax Map 52	Parcel 26
41	610	Lyons Court	Tax Map 52	Parcel 78
42	706	Lyons Court Lane	Tax Map 52	Parcel 77
43	1118	Market Street, East	Tax Map 54	Parcel 150
44	1512	Market Street, East	Tax Map 56	Parcel 40.4
45	1819	Market Street East	Tax Map 55A	Parcel 146

<u>46</u>	1901	Market Street, East	Tax Map 55A	Parcel 149
<u>47</u>	224	Ninth Street, SW	Tax Map 30	Parcel 65
<u>48</u>	501	Ninth Street, SW	Tax Map 30	Parcel 169
<u>49</u>	1105	Park Street	Tax Map 47	Parcel 7
<u>50</u>	1108	Park Street	Tax Map 47	Parcel <u>49</u>
<u>51</u>	1112	Park Street	Tax Map 47	Parcel 50
52.	608	Preston Avenue	Tax Map 32	Parcel 14
53.	722	Preston Avenue	Tax Map 31	Parcel 38 (portion)
54.	1010	Preston Avenue	Tax Map 4	Parcel 41
55.	605	Preston Place	Tax Map 5	Parcel 111
56.	611	Preston Place	Tax Map 5	Parcel 112
57.	620	Prospect Avenue (formerly 620 7½ Street)	Tax Map 25	Parcel 2
58.	752	Ridge Street	Tax Map 25	Parcel 79
59.	212	Rosser Avenue	Tax Map 3	Parcel 107
60.	818	Ridge Street	Tax Map 25	Parcel 102
61.	1328	Riverdale Drive [Staff note 10/2022: House razed 2014]	Tax Map 50	Parcel 5
62.	202	Riverside Avenue	Tax Map 55A	Parcel 148
63.	1204	Rugby Road (now 1719 Mason Lane)	Tax Map 38	Parcel 134
64.	1314	Rugby Road	Tax Map 38	Parcel 92
65.	204	Seventh Street, SW	Tax Map 29	Parcel 73
66.	208	Seventh Street, SW	Tax Map 29	Parcel 74
67.	201	Sixth Street, NW	Tax Map 32	Parcel 124
68.	327	Sixth Street, SW	Tax Map 29	Parcel 188
69.	209—211	Sprigg Lane	Tax Map 8	Parcel 28
69.1.	104	Stadium Road	Tax Map 16	Parcel 2
70.	214	Stribling Avenue	Tax Map 18A	Parcel 33
71.	134	Tenth Street, N.W.	Tax Map 31	Parcel 56
71.1	414/415-B	Tenth [10 th] Street, NW (added 8/15/2022)	Tax Map 4	Parcel 46
72.	309	Twelfth Street, NE	Tax Map 54	Parcel 211
73.	1	University Court	Tax Map 9	Parcel <u>44</u>
74.	603	Watson Avenue	Tax Map 47	Parcel 43
75.	212	Wine Street	Tax Map 33	Parcel 32

(6-6-05(2); 12-18-06(2), § 2; 9-15-08(3); 11-3-08(3), § 2; 4-18-11(1), § 2; 9-19-11(1), § 2)

Sec. 34-274. - Additions to and deletions from districts or protected property list.

- a) City council may, by ordinance, from time to time, designate additional properties and areas for inclusion within a major design control district; remove properties from a major design control district; designate individual buildings, structures or landmarks as protected properties; or remove individual buildings, structure or landmarks from the city's list of protected properties. Any such action shall be undertaken following the rules and procedures applicable to the adoption of amendments to the city's zoning ordinance and zoning map.

b) Prior to the adoption of any such ordinance, the city council shall consider the recommendations of the planning commission and the board of architectural review ("BAR") as to the proposed addition, removal or designation. The commission and BAR shall address the following criteria in making their recommendations:

- (1) The historic, architectural or cultural significance, if any, of a building, structure or site and whether it has been listed on the National Register of Historic Places or the Virginia Landmarks Register;
- (2) The association of the building, structure or site with an historic person or event or with a renowned architect or master craftsman;
- (3) The overall aesthetic quality of the building, structure or site and whether it is or would be an integral part of an existing design control district;
- (4) The age and condition of a building or structure;
- (5) Whether a building or structure is of old or distinctive design, texture and material;
- (6) The degree to which the distinguishing character, qualities or materials of a building, structure or site have been retained;
- (7) Whether a building or structure, or any of its features, represents an infrequent or the first or last remaining example of a particular detail or type of architecture in the city;
- (8) Whether a building or structure is part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exist a number of buildings or structures separated geographically but linked by association or history.

(9-15-03(3))

Sec. 34-275. - Certificates of appropriateness; construction and alterations.

- a) No building or structure within any major design control district, and no protected property, shall be constructed, reconstructed, altered or restored unless and until an application for a certificate of appropriateness is approved. No vendor stand shall be located or operated within a major architectural design control district unless and until a certificate of appropriateness is issued pursuant to [section 28-119](#) of the City Code. All certificates of appropriateness shall be conditioned upon compliance with the requirements set forth within [Chapter 28](#), Article IV of the City Code (Street Vendors, Generally).
- b) Review of the proposed construction, reconstruction, alteration or restoration of a building or structure shall be limited to: (i) exterior architectural features, including signs, and (ii) the factors specified in [section 34-276](#). The BAR or council on appeal may make such requirements for, and conditions of approval as are necessary or desirable to prevent any construction, reconstruction, alteration or restoration which would be architecturally incompatible with the character of the major design control district or protected property, as may be applicable. Prior to attaching conditions to an approval, due consideration shall be given to the cost of compliance with the proposed conditions.
- c) The following shall be exempt from the requirement of a certificate of appropriateness:
 - 1) Interior features, details, alterations and improvements;
 - 2) Ordinary maintenance or repair of exterior elements or features; and
 - 3) Construction, reconstruction, alteration, repair or other improvements to a building or structure made pursuant to an order of correction issued by the city's building code official, upon a determination by the city's building code official that a building or structure is an "unsafe

structure," as that term is defined by the state's building code and regulations. In the event any such order or determination is issued with respect to a building or structure subject to BAR review pursuant to this division, the director of neighborhood development services shall notify the BAR of any alterations or repairs ordered by the building code official.

(9-15-03(3); 12-1-03(2))

Sec. 34-276. - Standards for review of construction and alterations.

The following features and factors shall be considered in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to [section 34-275](#) above:

- 1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;
- 2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;
- 3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;
- 4) The effect of the proposed change on the historic district neighborhood;
- 5) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;
- 6) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;
- 7) When reviewing any proposed sign as part of an application under consideration, the standards set forth within Article IX, sections [34-1020](#), et seq. shall be applied; and
- 8) Any applicable provisions of the city's design guidelines (see [section 34-288\(6\)](#)).

(9-15-03(3))

Sec. 34-277. - Certificates of appropriateness; demolitions and removals.

- a) No contributing structure located within a major design control district, and no protected property, shall be moved, removed, encapsulated or demolished (in whole or in part) unless and until an application for a certificate of appropriateness has been approved by the BAR, or the city council on appeal, except that:
 - 1) The moving, removing, encapsulating or demolition, in whole or in part, of any contributing structure or protected property shall be allowed pursuant to an order of the city's building code official, without the permission of the BAR or city council on appeal, upon the determination of the building code official that the building or structure is in such a dangerous, hazardous or unsafe condition that it could reasonably be expected to cause death or serious injury before review under the provisions of this article. Upon such a determination, the building code official shall deliver a copy of his order to the director of neighborhood development services and to the chairman of the BAR; and
 - 2) Where the moving, removing, encapsulation or demolition of any contributing structure or protected property will disturb or affect fewer than twenty-five (25) square feet, total, of exterior wall, roof or other exterior surfaces, such activity shall be deemed an alteration subject to the review process set forth within [section 34-275](#), above.
- b) Review of the proposed moving, removing, encapsulation or demolition of any contributing structure or protected property shall be limited to the factors specified in [section 34-278](#), below.

- c) The BAR, or council on appeal, may make such requirements for, and conditions of approval as are necessary or desirable to protect the safety of adjacent buildings, structures, or properties, and of any persons present thereon; and, in the case of a partial removal, encapsulation or demolition:
 - 1) To protect the structural integrity of the portion(s) of a building or structure which are to remain following the activity that is the subject of a permit, or
 - 2) To protect historic or architecturally significant features on the portion(s) of a building or structure which are to remain following the activity that is the subject of a permit.
 - d) Failure to obtain the permit required by this section shall subject the property owner to the civil penalty described within Article I, [section 34-86\(c\)](#) (i.e., twice the fair market value of the building or structure).
- (9-15-03(3))

Sec. 34-278. - Standards for considering demolitions.

The following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation or demolition, in whole or in part, of a contributing structure or protected property:

- a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation:
 - 1. The age of the structure or property;
 - 2. Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;
 - 3. Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;
 - 4. Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;
 - 5. Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and
 - 6. The degree to which distinguishing characteristics, qualities, features or materials remain;
- b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one (1) of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings and structures.
- c) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board;
- d) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural or cultural value; and
- e) (e)Any applicable provisions of the city's design guidelines (see [section 34-288\(6\)](#)).

(9-15-03(3))

Sec. 34-279. - Sign standards.

Signs within any architectural design control district shall comply with the standards set forth in Article IX, [section 34-1020](#), et seq.

(9-15-03(3))

Sec. 34-280. - Validity of certificates of appropriateness.

- a) The validity period of a certificate of appropriateness shall be as follows:
 - 1. A certificate of appropriateness associated with a project for which a valid site plan is not required shall expire and become void eighteen (18) months from the date of approval by the board of architectural review, unless a building permit to construct the authorized improvements or activities has been issued; or, if no building permit is required, unless construction of the authorized improvements or activities has substantially commenced.
 - 2. The validity period of a certificate of appropriateness associated with a project for which a valid site plan is required shall be consistent with that of the approved preliminary and final site plan pursuant to sections 34-822 and 34-825, except a certificate of appropriateness shall expire and become void eighteen (18) months from the date of approval by the board of architectural review if preliminary site plan approval has not been granted, or upon revocation of an approved preliminary site plan or expiration of an approved final site plan.
 - 3. Prior to the expiration of a certificate of appropriateness, upon written request and for reasonable cause, the director of neighborhood development services or the BAR may extend the validity of any such certificate for a period not to exceed one (1) year.
- b) The issuance of a certificate of appropriateness shall not, in and of itself, authorize any construction, reconstruction, alteration, repair, demolition, or other improvements or activities requiring a building permit. Where a building permit is required, no activity authorized by a certificate of appropriateness shall be lawful unless conducted in accordance with the required building permit and all applicable building code requirements.

(9-15-03(3); 6-6-05(2); 7-18-11)

Sec. 34-281. - Maintenance and repair required.

- a) Neither the owner of nor the person in charge of a contributing structure or protected property shall allow such property to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce a detrimental effect upon the character of a major architectural design district or the life and character of a contributing structure or protected property. Examples of the type of disrepair prohibited include, but are not limited to:
 - 1. The deterioration of exterior walls or other vertical supports;
 - 2. The deterioration of roofs or other horizontal members;
 - 3. The deterioration of exterior chimneys;
 - 4. The deterioration or crumbling of exterior plasters or mortar;
 - 5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
 - 6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- b) The zoning administrator shall give notice by certified or registered mail of specific instances of failure to maintain or repair. The owner or person in charge of such structure or property shall have sixty (60) days to remedy such violation; provided that the zoning administrator, upon request, may allow an extension of up to sixty (60) days to remedy such violations. Thereafter, each day during which there exists any violation of this section shall constitute a separate violation and shall be punishable as provided in this zoning ordinance.

(9-15-03(3))

Sec. 34-282. - Application procedures.

- a. Applications shall be submitted to the director of neighborhood development services, by a property owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person.

Each application shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.

- b. Prior to submission of an application for a certificate of appropriateness, a property owner or his agent may request a conference with the full BAR, the chairman of the BAR or the director of neighborhood development services ("pre-application conference") to discuss and review a proposal for activities that require such certificate. The principal objective of the conference shall be to simplify and expedite the formal review process.
- c. A pre-application conference with the entire BAR is mandatory for the following activities proposed within a major design control district:
 1. Development by the City of Charlottesville, or on land owned by the city;
 2. Development on property owned by the city that is being sold for private development;
 3. Development being financed in whole or in part by the city, or by a related governmental authority (such as the economic development authority or the redevelopment and housing authority);
 4. Development having a projected construction cost of three hundred fifty thousand dollars (\$350,000.00) or more; and,
 5. Any other development deemed significant by the director of neighborhood development services or the chair of the BAR, due to its size, location or potential impact on surrounding properties.
- d. The required pre-application conference shall take place prior to an applicant's submission of a completed application.
- e. After the pre-application review, if any, has been completed, and at least twenty-one (21) days prior to the meeting at which an application will be considered by the BAR, a property owner or his agent may apply for a certificate of appropriateness. The following information and exhibits shall be submitted along with each application:
 1. Detailed and clear descriptions of any proposed changes in the exterior features of the subject property, including but not limited to the following: the general design, arrangement, texture, materials, plantings and colors to be used, the type of windows, exterior doors, lights, landscaping, parking, signs, and other exterior fixtures and appurtenances. The relationship of the proposed change to surrounding properties will also be shown.
 2. Photographs of the subject property and photographs of the buildings on contiguous properties.
 3. Samples to show the nature, texture and color of materials proposed.
 4. The history of an existing building or structure, if requested by the BAR or staff.
 5. For new construction and projects proposing expansion of the footprint of an existing building: a three-dimensional model (in physical or digital form) 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.
 6. 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.
- f. The director shall establish submission deadlines for applications. For purposes this division, a complete application shall be deemed to be "officially submitted" on the date of the next submission deadline following the date on which the application was received by the director.

(9-15-03(3); 4-13-04(2), § 1; 6-6-05(2); 9-4-07; 7-16-12)

Sec. 34-283. - Administrative review.

- a) Notwithstanding any contrary provision of this article, the director of neighborhood development services may review, and may approve or deny, applications for certificates of appropriateness, in the following situations:
 1. Exterior alterations which are shown, through adequate documentation, to have been approved for a tax credit under either the federal rehabilitation tax credit program or the similar Virginia state tax credit program;
 2. The repainting of an existing building or structure in a different color;
 3. The addition or deletion of awnings, canopies, storm windows, storm doors, gutters, and similar appurtenances;
 4. The addition, alteration or removal of any sign(s) where such sign(s) are the sole subject of the application, or where all other improvements comprising part of the application are subject to administrative review under this section or sections 34-1041 through 34-1043; and
 5. Structural changes to a building or structure which do not require issuance of a building permit under the Uniform Statewide Building Code except for the following, which must be reviewed by the BAR: replacement of roof coverings and installation or replacement of siding on any buildings or structures, and replacement of windows and doors on any buildings or structures.
- b) In reviewing an application for a certificate of appropriateness, the director of neighborhood development services shall apply the same criteria and design guidelines that the BAR must use in its review process.
- c) Failure of the director of neighborhood development services to approve or disapprove an application within ten (10) working days from the date the application was submitted shall be deemed approval of the application.
- d) Upon approval of an application by the director of neighborhood development services, the director shall issue the approved certificate. If the application is denied, the director shall mail or hand-deliver written notice of this decision to the applicant, which notice shall set forth the specific reasons for the denial, with reference to specific ordinances, laws or regulations. The director shall inform the BAR of his administrative decisions at the next regular meeting following the date of such decisions.
- e) Following a decision of the director upon an application, the applicant, or any other aggrieved party, shall have ten (10) working days from the date of the decision to appeal that decision to the BAR.
- f) In considering an appeal of a decision of the director, the BAR shall review the application as if the application had come before it in the first instance. In an appeal the BAR may consider any information or opinions relevant to the application, including, but not limited to, those provided by the director.

(9-15-03(3); 7-16-12)

Sec. 34-284. - BAR review and hearing.

- a) The BAR shall afford each applicant, and any other interested party, an opportunity to be heard, prior to rendering its decision on any application. No published notice of a particular application is required; however, the director of neighborhood development services shall send written notice of the time, date, place and subject of a meeting to the applicant, or his agent, and to each property owner, or his agent, abutting or immediately across a street or road from the property that is the subject of the application, and to all properties having frontage along the same city street block. Notice sent by first class mail to the last known address of such owner or agent, as shown on the city's current real estate assessment books, postmarked not less than fourteen (14) days before the meeting, shall be deemed adequate. A representative of the department of neighborhood development services shall make affidavit that such mailing has been made and file the affidavit with the papers related to the application. Additionally, a sign shall be posted at the property which

is the subject of the application, at least ten (10) days prior to the board's meeting, identifying the time, date, place and nature of the application which has been scheduled for a hearing.

- b) In considering a particular application the BAR shall approve the application unless it finds:
 - 1. That the proposal does not meet specific standards set forth within this division or applicable provisions of the design guidelines established by the board pursuant to [section 34-288\(6\)](#); and
 - 2. The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application.
- c) An applicant may appear in person at the BAR hearing, or may be represented by an agent or attorney.

(9-15-03(3))

Sec. 34-285. - Approval or denial of applications by BAR.

- a) Failure of the BAR to act on an application within forty-five (45) days after receipt thereof shall be deemed approval. With the consent of the applicant this time may be extended to eighty-five (85) days.
- b) Following approval of an application by the BAR, the director of neighborhood development services, or any aggrieved person, may note an appeal of the BAR decision to the city council, by filing a written notice of appeal within ten (10) working days of the date of the decision. If no such appeal is noted, then upon the expiration of the ten-day appeal period, the director of neighborhood development services shall issue the approved certificate of appropriateness.
- c) Upon denial of an application (approval of an application with conditions over the objections of the applicant shall be deemed a denial), the applicant shall be provided written notice of the decision, including a statement of the reasons for the denial or for the conditions to which the applicant objects. Following a denial the applicant, the director of neighborhood development services, or any aggrieved person may appeal the decision to the city council, by filing a written notice of appeal within ten (10) working days of the date of the decision.

(9-15-03(3))

Sec. 34-286. - City council appeals.

- a) An applicant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions he or she deems relevant to the application. The applicant, or his agent, and any aggrieved person, shall be given an opportunity to be heard on the appeal.
- b) In any appeal the city council shall consult with the BAR and consider the written appeal, the criteria set forth within [section 34-276](#) or [34-278](#), as applicable, and any other information, factors, or opinions it deems relevant to the application.
- c) A final decision of the city council may be appealed by the owner of the subject property to the Circuit Court for the City of Charlottesville, by filing with the court a petition at law, setting forth the alleged illegality of the action taken. such petition must be filed with the circuit court within thirty (30) days after council's final decision. The filing of the petition shall stay the council's decision pending the outcome of the appeal; except that the filing of the petition shall not stay a decision of city council denying permission to demolish a building or structure. Any appeal which may be taken to the circuit court from a decision of the city council to deny a permit for the demolition of a building or structure shall not affect the right of the property owner to make the bona fide offer to sell referred to in subparagraphs (d) and (e), below.
- d) In addition to the right of appeal set forth above, the owner of a building or structure, the demolition of which has been the subject of an application appealed to the city council, shall, as a matter of

right, be entitled to demolish such building or structure if all of the following conditions have been met:

1. The owner has appealed to city council for permission to demolish the building or structure, and city council has denied such permission;
 2. The owner has, for the applicable sale period set forth herein below, and at a price reasonably related to the fair market value of the subject property, made a bona fide offer to sell the building or structure, and the land pertaining thereto, to a person or legal entity that gives reasonable assurance that the building or structure will be preserved and restored; and
 3. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable sale period.
 4. If all of the foregoing conditions are not met within the applicable sale period, then the city council's decision denying a permit shall stand, unless and until that decision is overturned by the circuit court. However, following expiration of the applicable sale period, a property owner may renew his request to the city council to approve the demolition of the historic landmark, building or structure.
- e) The time in which a property owner may take advantage of the rights afforded by subparagraph (d), above (the applicable "sale period") shall be as follows:
1. Three (3) months, when the offering price is less than twenty-five thousand dollars (\$25,000.00).
 2. Four (4) months when the offering price is equal to or greater than twenty-five thousand dollars (\$25,000.00) but less than forty thousand dollars (\$40,000.00).
 3. Five (5) months when the offering price is equal to or is greater than forty thousand dollars (\$40,000.00) but less than fifty-five thousand dollars (\$55,000.00).
 4. Six (6) months when the offering price is equal to or greater than fifty-five thousand dollars (\$55,000.00) but less than seventy-five thousand dollars (\$75,000.00).
 5. Seven (7) months when the offering price is equal to or is greater than seventy-five thousand dollars (\$75,000.00) but less than ninety thousand dollars (\$90,000.00).
 6. Twelve (12) months when the offering price is equal to or greater than ninety thousand dollars (\$90,000.00).

(9-15-03(3); 5-4-09(2))

Sec. 34-287. - Board of architectural review; composition.

- a) The board of architectural review ("BAR") shall be composed of nine (9) members.
- b) Appointments to the BAR shall be made by city council, in the council's discretion, for terms of four (4) years, except that appointments to fill vacancies shall be for the unexpired remainder of the vacant term.
 1. No member shall serve for more than two (2) consecutive four-year terms, except for the members initially appointed to fill vacancies, who may serve for two (2) full terms in addition to the vacant term to which they were originally appointed.
 2. All appointees shall be residents of the city; except that a person who resides outside the city, but who owns a business, or who owns commercial or residential property in a design control district, may be appointed to serve on the board.
 3. At least two (2) members of the BAR shall be licensed architects; one (1), a member of the city's planning commission; two (2), owners of a business or commercial property in a design control district; one (1), an owner of residential property or a resident in a design control district; one(1), either a landscape architect or a licensed professional contractor; and two (2) shall be historians or have substantial background in history or historic preservation.

(9-15-03(3))

Sec. 34-288. - Responsibilities of BAR.

The function of the board of architectural review ("BAR") shall be to administer the provisions of this division. In carrying out this responsibility the BAR shall:

- 1) Approve, deny, or approve with conditions applications for certificates of appropriateness in accordance with the provisions of this division.
- 2) Recommend additional surveys of potential districts or properties, and recommend properties for inclusion in or deletion from major design control districts or the city's list of protected properties.
- 3) Act in an advisory role to city council and city departments, boards and commissions.
- 4) Disseminate information within the city on historic preservation issues and concerns.
- 5) Develop a preservation plan with goals and recommendations for consideration by the planning commission, and from time to time the board shall update such plan.
- 6) Develop and recommend to the city council for its approval design guidelines for the city's architectural design control districts ("design guidelines"), consistent with the purposes and standards set forth within this division. The BAR shall develop the design guidelines in consultation with the city's urban design committee and after seeking input from business and property owners in the various districts. Guidelines developed by the board shall become effective upon approval by city council and thereafter shall have the status of interpretive regulations. The BAR shall undertake a comprehensive review and update the design guidelines at least once every five (5) years.

(9-15-03(3))

Sec. 34-289. - Quorum.

A majority of the entire membership of the BAR shall constitute a quorum.

(9-15-03(3))

Sec. 34-290. - Chairman; vice-chairman; secretary.

The BAR shall annually elect from its membership a chairman and vice-chairman, at the first meeting held on or after July first each calendar year. Similarly, the members shall elect a secretary, who may or may not be a member of the BAR.

(9-15-03(3))

Sec. 34-291. - Removal of members.

Any member of the BAR may be removed from office by the city council for inefficiency, neglect of duty, malfeasance, or the habitual absence from meetings.

(9-15-03(3))

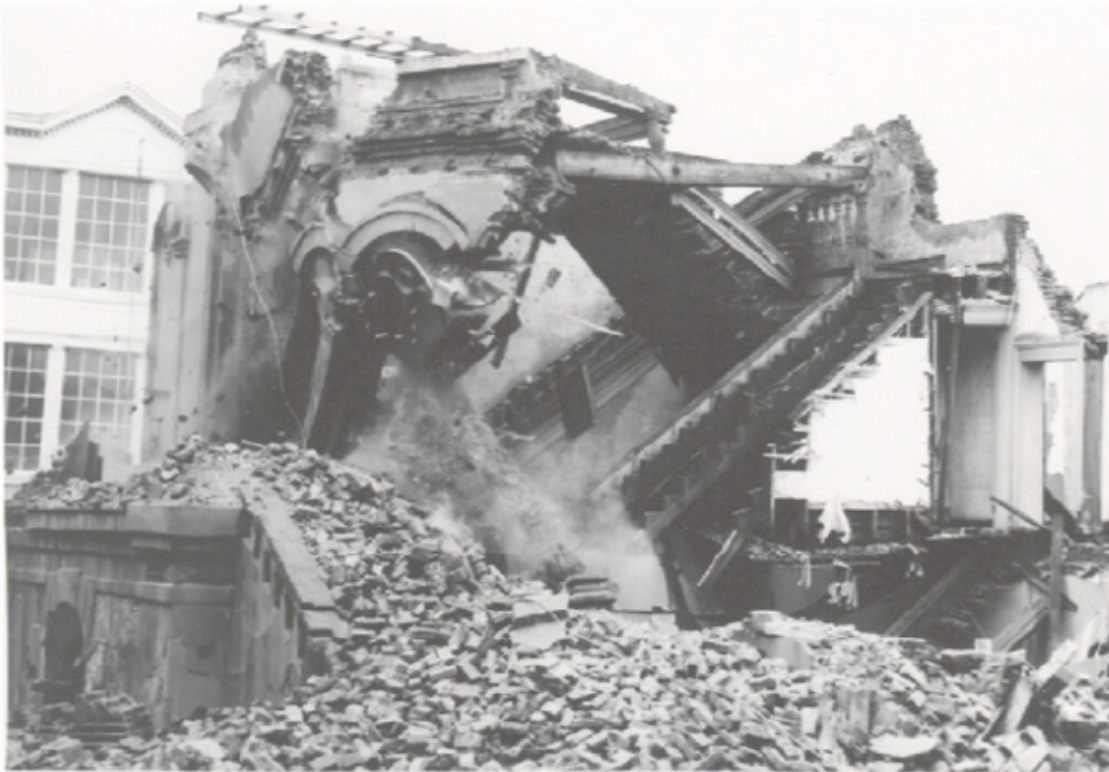
Secs. 34-292—34-305. - Reserved.

CHARLOTTESVILLE

ARCHITECTURAL DESIGN CONTROL DISTRICTS

DESIGN GUIDELINES

Approved by City Council, September 17, 2012



VII

DEMOLITION & MOVING

- A. INTRODUCTION.....5
- B. DEMOLITION OF HISTORIC STRUCTURES.....6
- C. MOVING HISTORIC STRUCTURES.....7

CHARLOTTESVILLE

ARCHITECTURAL DESIGN CONTROL DISTRICTS

DESIGN GUIDELINES

Approved by City Council, September 17, 2012

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VII DEMOLITION & MOVING

A. INTRODUCTION

Historic buildings are irreplaceable community assets; and once they are gone, they are gone forever. With each successive demolition or removal, the integrity of a historic district is further eroded. Therefore, the demolition or moving of any contributing building in a historic district should be considered carefully.

Charlottesville's Zoning Ordinance contains provisions that require the property owner to obtain approval prior to demolishing a contributing property in a historic district or an Individually Protected Property (IPP).

The following review criteria should be used for IPP's and contributing buildings that are proposed for demolition or relocation.

Plans to demolish or remove a protected property must be approved by the BAR or, on appeal, by the City Council after consultation with the BAR. Upon receipt of an application for demolition or removal of a structure, the BAR has 45 days to either approve or deny the request. If the request is denied and the owner appeals to the City Council, the Council can either approve or deny the request. If Council denies the request, the owner may appeal to the City Circuit Court.

In addition to the right to appeal to City Council or the Circuit Court, there is a process that enables the owner to demolish the building or structure if certain conditions have been met. After the owner has appealed to City Council and has been denied, the owner may choose to make a bona fide offer to sell the building or structure and land.

The property must be offered at a price reasonably related to the fair market value of the structure and land and must be made to the city or to any person or firm or agency that gives reasonable assurance that it is willing to preserve and restore the property. City Council must first confirm that the offering price is reasonably related to the fair market value.

The time during which the offer to sell must remain open varies according to the price, as set out in the State Code and the Zoning Ordinance.

If such a bona fide offer to sell is not accepted within the designated time period, the owner may renew the demolition request to City Council and will be entitled to a Certificate of Appropriateness that permits the demolition of the structure.

PARTIAL DEMOLITION

According to Section 34-277(a)(2) of Charlottesville's Zoning Ordinance:

Where the moving, removing, encapsulation or demolition of any contributing structure or property will disturb or affect fewer than twenty-five (25) square feet total, of exterior wall, roof or other exterior surfaces, such activity shall be deemed an alteration subject to the review processes set forth within Section 34-275.

Cover photos of the former Monticello Bank at the northwest corner of Main and 4th streets courtesy of the Albemarle Charlottesville Historical Society.

B. DEMOLITION OF HISTORIC STRUCTURES

Review Criteria for Demolition

1. The standards established by the City Code, Section 34-278.
2. The public necessity of the proposed demolition
3. The public purpose or interest in land or buildings to be protected.
4. Whether or not a relocation of the structure would be a practical and preferable alternative to demolition.
5. Whether or not the proposed demolition would adversely or positively affect other historic buildings or the character of the historic district.
6. The reason for demolishing the structure and whether or not alternatives exist.
7. Whether or not there has been a professional economic and structural feasibility study for rehabilitating or reusing the structure and whether or not its findings support the proposed demolition.

Guidelines for Demolition

1. Demolish a historic structure only after all preferable alternatives have been exhausted.
2. Document the building thoroughly through photographs and, for especially significant buildings, measured drawings according to Historic American Buildings Survey (HABS) Standards. This information should be retained by the City of Charlottesville Department of Neighborhood Development Services and the Virginia Department of Historic Resources.
3. If the site is to remain vacant for any length of time, maintain the empty lot in a manner consistent with other open spaces in the districts.

STANDARDS FOR CONSIDERING DEMOLITIONS AND MOVINGS

According to City Code Section 34-278 the following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation or demolition, in whole or in part, of a contributing structure of protected property:

- (a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation:
 - (1) The age of the structure of property;
 - (2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places or listed on the Virginia Landmarks Register;
 - (3) Whether, and to what extent, the building or structure is associated with a historic person, architect or master craftsmen, or with a historic event;
 - (4) Whether the building or structure or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;
 - (5) Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and
 - (6) The degree to which distinguishing characteristics, qualities, features, or materials remain.
- (b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings.
- (c) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board.
- (d) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing, or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural, or cultural value; and
- (e) Any applicable provisions of the city's Design Guidelines.

VII DEMOLITION & MOVING

C. MOVING HISTORIC STRUCTURES

Review Criteria for Moving Historic Buildings

1. The standards established by City Code, Section 34-278.
2. The public necessity of the proposed move.
3. The public purpose of interest in land or buildings to be protected.
4. The effect upon the existing character of the setting of the structure or area and its surroundings.
5. Whether or not the proposed relocation site would have a detrimental effect on the structural soundness of the building.
6. Whether or not the proposed relocation would have a negative or positive effect on other sites or structures within the historic district.
7. Whether or not the proposed relocation site would be compatible with the architectural aspects of the structure.
8. Whether or not the proposed relocation is the only practical means of saving the structure from demolition.
9. Whether or not the structure would remain protected.

Guidelines for Moving Historic Buildings

1. Move buildings only after all alternatives to retention have been exhausted.
2. Contact the Virginia Department of Historic Resources first if the building is to remain listed on the Virginia Landmarks Register and the National Register of Historic Places.
3. Seek assistance in documenting the building in its original site before undertaking the move.
 - a. Photograph the building and the site thoroughly.
 - b. Measure and document the existing conditions and building if the move will require substantial reconstruction.
4. Thoroughly assess the building's structural condition in order to minimize any damage that might occur during the move.
5. Select a contractor who has experience in moving buildings and check references.
6. Secure the structure from vandalism and potential weather damage before and after its move.
7. If the site is to remain vacant for any length of time, maintain the empty lot in a manner consistent with other open space in the district.
8. Whenever possible, move buildings intact.

AVAILABLE GUIDELINES SECTIONS

These entrance corridor design guidelines have been divided into the following sections so that you need only read those pertinent to your project.

- I. Introduction
- II. Site Design & Elements
- III. New Construction & Additions
- IV. Rehabilitation
- V. Signs, Awnings, Vending & Cafes
- VI. Public Improvements
- VII. Demolition & Moving

Guideline sections are available from the Charlottesville Department of Neighborhood Services. Online they may be accessed through <http://www.charlottesville.org> at the Board of Architectural Review home page.

ACKNOWLEDGEMENTS

This publication was developed for the City of Charlottesville Board of Architectural Review by Frazier Associates of Staunton, Virginia.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	May 15, 2023
Action Required:	Motion to Approve a Certificate of Appropriateness, or Motion to Deny a Certificate of Appropriateness
Presenter:	Jeffrey Werner, Historic Preservation and Design Planner
Staff Contacts:	Jeffrey Werner, Historic Preservation and Design Planner
Title:	Appeal of ERB (Entrance Corridor Review Board) approval of a Certificate of Appropriateness for construction of an apartment building at 2005 Jefferson Park Avenue.

Background

- On December 20, 2022, an application was submitted for an Entrance Corridor Certificate of Appropriateness [design review] for the development of Tax Parcels 17-104 (2005 JPA), 17-103 (104 Observatory Avenue), and 17-103.1 (2007 JPA); collectively referred to as *2005 Jefferson Park Avenue* (or *JPA*). [Note: 104 Observatory Avenue is not within the EC Overlay; however, as a component of the project, its development was included in the design review.]
- On February 14, 2023 and on March 14, 2023, the City’s Entrance Corridor Review Board (ERB) approved a certificate of appropriateness (CoA) for construction of an apartment building at 2005 JPA. [Note: Due to a public notice error for the February 14, 2023 meeting, the matter was readvertised and reviewed on March 14, 2023.]
- Following the February 14, 2023 and on March 14, 2023 ERB meetings, staff received from six individual parties eight letters appealing to Council the approval of the CoA. (Attachment 1.) Two from property owners who reside near the development (116 and 128 Observatory Avenue) and four from owners of rental properties located near the development (107, 111, and 123 Washington Avenue and 119 Observatory Avenue). All six parties filed appeals following the February 14, 2023 meeting. Two of the six filed appeals following the readvertised meeting on March 14, 2023. It was decided to respond to all eight letters collectively.
- State enabling legislation allows localities to regulate the design of development along arterial streets or highways [*entrance corridors*] that are significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures or districts, to ensure that such development is architecturally compatible with the historic landmarks, buildings, and structures to which these routes lead and a requirement that no building or structure may be erected, reconstructed, altered or restored unless approved by the local review board (or, on appeal, by the governing body) as being architecturally compatible with the other properties within the district. (Va. Code §15.2-2306). Per City Code §34-307(a)(5), the project at 2005 JPA is within the *Fontaine Avenue/Jefferson Park Avenue Entrance Corridor* and therefore, per §34-309, is subject to ERB design review.

- State law also requires the City, by enacting the above, include within its ordinance the right to appeal the decision of the local review board. (Va. Code §15.2-2306) This is implemented in the City’s zoning ordinance by §34-314: Following approval of an application by the ERB, any aggrieved person, may note an appeal of that decision to the city council.

Note: The order of presentation for Council’s review of an appeal from a ERB decision is: (1) City Preservation and Design Planner presentation of the staff report (ten minutes), (2) Appellants’ presentation (ten minutes), and (3) ERB chair presentation (five minutes).

Discussion

CoA request for the development of 1.7 acres (three parcels, existing structures to be razed) to construct a multi-story, brick and stucco apartment building with a footprint of approximately 312-ft x 155-ft. The building will feature two, five-story wings separated by a courtyard and atop a two-story, brick foundation/podium, which provides a street level, primary entrance and encloses an internal parking garage accessed off Washington Avenue. (See Attachment 4.)

City Council’s role in this appeal is to make the final decision on the certificate of appropriateness (i.e., approve or deny the CoA).

According to City Code §34-314(c): reviewing an appeal of an ERB decision, Council shall review the application as if the application had come before it in the first instance. Any aggrieved person, shall be given an opportunity to be heard on the appeal. (See the appellant’s letters in Attachment 2.) Council may consider any information or opinions relevant to the application which is the subject of such decision, including, but not limited to, those provided by the ERB.

In evaluating this appeal—this request that Council deny a CoA for the proposed development-- Council should, as the ERB did on February 14, 2023 and March 14, 2023, apply the criteria for Entrance Corridor Design Guidelines (refer to the ERB staff reports) and standards for considering certificates of appropriateness within City Code § 34-310 (below). To assist in that, Council should review the summary and recommendations in the February 14, 2023 ERB staff report. (See Attachments 4, 5, and 6. These are also accessible at the following link, beginning at page 18 of the pdf: [PC-ERB Meeting - Feb 14 2023](#). Note: the material presented to the ERB on March 14, 2023 was identical to the material presented at the meeting on February 14, 2023.)

Additionally, it should be noted that at the March 14, 2023 meeting, staff summarized for the ERB and offered comment on the issues raised in the six appeal letters that were submitted following the February 14, 2023 meeting. (See letters 1 through 6 in Attachment 1.) Staff’s response begins at 00:23:45 of the meeting video for March 14, 2023: [Plan Comm meeting video Mar-14-2023](#)

From the City Code for Entrance Corridor Overlay Districts

Sec. 34-310. - Standards for considering certificates of appropriateness.

1. The review board, the city council on review of an application, and the director in conducting an administrative review, shall consider the following features and factors in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to this article:
2. Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;
3. Exterior architectural details and features of the subject building or structure;
4. Texture, materials and color of materials proposed for use on the subject building or structure;
5. Design and arrangement of buildings and structures on the subject site;

6. The extent to which the features and characteristics described within paragraphs (1)–(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.
7. Provisions of the Entrance Corridor Design Guidelines.

ERB Actions

February 14, 2023. The ERB reviewed a CoA request to construct a new apartment building at 2005 JPA. motion to approve the CoA passed 7-0. (Motion by Commissioner Russell, seconded by Commissioner Mitchell.)

Having considered the standards set forth within the City’s Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- Glass will be clear, at the locations noted in the staff report.
- New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
- All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature not exceeding 3,000K, and has a Color Rendering Index not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
- If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
- Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

Link to February 14, 2023 meeting video. (Public comments begin at approximately 00:20:00. ERB discussion begins at approximately 00:40:00.): [Plan Comm meeting video Feb-14-2023](#)

March 14, 2023. Due to a public notice error for the February 14 meeting, this matter was readvertised and on March 14, 2023 reviewed again by the ERB. A motion to approve the CoA passed 5-0. (Motion by Commissioner Stoltzenberg. Seconded by Commissioner Schwarz.)

[Note: This is the same motion and conditions approved by the ERB on February 14, 2023.]

Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- Glass will be clear, at the locations noted in the staff report.
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- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
- Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

Link to March 14, 2023 meeting video. (ERB discussion begins at approximately 00:22:00.)

[Plan Comm meeting video_Mar-14-2023](#)

Alignment with City Council's Vision and Strategic Plan

Upholding the ERB's decision contributes to Goal 3 - A Beautiful and Sustainable Natural and Built Environment, specifically objective 3.1: *Engage in robust and context sensitive urban planning and implementation.*

Community Engagement

City Code §34-313 requires public notice prior to the ERB's formal review of a CoA request. For the February 14, 2023* and March 14, 2023 ERB meetings, the abutting landowners were notified by letter and the meeting was publicly posted. [Note: §34-313 - *ERB review process* refers to the public notice provisions under §34-284. This is within the ordinance division addressing the City's ADC Design Control Districts. The ERB and BAR follow the same public notice requirements.] (* After it was realized the on-site notice for February 14 was posted late, the matter was readvertised for March 14.)

During the February 14, 2023 meeting, five individuals offered comments from the public. All expressed concern for and/or opposition to the project. (Kenneth Hill, owner of 111 Washington Avenue; William Schaaf, owner of 113 Washington Avenue; Lorna Martens, owner of 128 Observatory Avenue; Bonnie Williams, JPA neighborhood resident; and Anne Benham, owner of 116 Observatory Avenue.)

During the March 14, 2023 meeting, there were no comments from the public.

Meeting minutes for the February 14 and March 14 ERB meetings are not available. Council can review the public comments and the ERB's discussions via the meeting video links noted above, under the *Discussion*.

Budgetary Impact

None.

Recommendation

Based on the application materials, the information and standards set forth within City Code §34-310 [standards for considering a CoA] and for the reasons set forth within this memo, the staff response to the appeal (Attachment 2), and the February 14, 2023, ERB staff report (Attachment 3), staff's recommendation is that City Council approve the requested CoA--upholding the ERB's action--and not refer the matter back to the ERB. Additionally, should Council approve the CoA, staff recommends the CoA incorporate the ERB's conditions of approval. (See Resolution 1 in Attachment 4.)

However, should Council determine to deny the requested CoA, it should state in the resolution the reasons for that denial. (See Resolution 2 in Attachment 4.)

Alternatives

- *Approval of the CoA.* If City Council agrees with the ERB decision, Council should vote to uphold the ERB's decision, resulting in approval of the CoA.
- *Denial of the CoA.* If City Council agrees with the appellant(s), Council should vote to overturn the ERB decision, resulting in a denial of the CoA. That motion should include a statement of the reasons for the denial.

Attachments

1. Attachment 1 - 2005 JPA Appeal - appeal letters Feb and March 2023

2. Attachment 1 Addendum - 2005 JPA appeal (letters from M.Poling)
3. Attachment 2- 2005 JPA appeal - staff response (Draft April 2023)
4. Attachment 3 - 2005 JPA - ERB staff report March 14 2023
5. Attachment 4 2005 JPA - ERB staff report Feb 14 2023 (final 2-3)
6. Attachment 5 - 2005 JPA Review of EC guidelines (Attach 2 from Feb 14 2023 ERB staff report)
7. Attachment 6 - 2005 JPA applicant submittal
8. Attachment 7 - 2005 JPA - Draft resolutions
9. Attachment 8 - City Code _EC Overlay Districts

Letters submitted to the Clerk of Council appealing the ERB's approval of a CoA for 2005 JPA.

Letters submitted following the ERB's action on February 14, 2023

1. James Wright. February 17, 2023.
2. Anne Benham. February 21, 2023
3. William Schaaf. February 22, 2023
4. Lorna Martens. February 22, 2023
5. Kenneth Hill. February 23, 2023
6. Scott and Lisa Reppert. February 25, 2023

Letters submitted following the ERB's action on March 14, 2023

7. James Wright. March 16, 2023
8. Lorna Martens. March 22, 2023

Letter 1

James Wright. February 17, 2023.

Owner: 119 Observatory Avenue

Residence: 3065 Beau Mont Farm Rd. Charlottesville, VA 22901

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Friday, February 17, 2023 4:56 PM

To: Thomas, Kyna N <thomaskn@charlottesville.gov>

Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council

Email Contact Form for Kyna Thomas, Clerk of Council

Please complete the online form below to submit your message.

Contact Information

First Name James

Last Name Wright

Contact Phone Number: 434-962-9351

Email Address: jimmy.wright@jeffersonscholars.org

Enter your message here: I own property at 119 Observatory Avenue and write as an aggrieved person to appeal the recent ERB approval for the property at 2005/2007 JPA.

This project violates multiple Design Principles outlined in the Entrance Corridor Design Guidelines. It is not compatible in massing and scale with the existing structures. It does not maintain human scale in buildings and spaces. It will not enhance the City's character.

The project relies on a special use permit that has granted the developer permission to build a monstrous edifice that will negatively impact the entire JPA neighborhood. It will have a particularly negative impact on the residents of Washington and Observatory Avenues. Of particular concern is the traffic congestion and the noise and light pollution this monstrosity will create.

Observatory Avenue is a very narrow street, so narrow in fact that to collect trash the truck has to back up the street from JPA. Presumably, due to the height of this project, cranes will be required for construction. Any crane set up on Observatory Avenue will make the street virtually impossible to navigate.

The neighbors have voiced their displeasure with the scope and scale of the project. They have expressed their concerns about massing and scale ever since they heard about the project to NDS, the ERB, the Planning Commission, and City Council in succession. They have opposed the issuance of the special use permit. The ERB has from the start interpreted massing and scale as if they were merely a matter of appearance, failing to address actual massing and scale and the problems these create. In the ERB Design Review, the ERB continued to address solely the appearance of massing and scale, not actual massing and scale. I respectfully request that the City Council overrule the ERB's issuance of a Certificate of Appropriateness.

Letter 2

Anne Benham. February 21, 2023

Owner of 116 Observatory Avenue

Address: 116 Observatory Avenue Charlottesville, VA 22903

From: Anne Benham <apbe4n@gmail.com>

Sent: Tuesday, February 21, 2023 10:08 PM

To: Thomas, Kyna N <thomaskn@charlottesville.gov>; Anne Benham <apbe4n@gmail.com>

Subject: Appeal of ERB vote on 2005 JPA Certificate of Appropriateness

Dear Ms. Thomas, I'm sending this via email because of the attachment, which I could not include on the City form.

As a resident of 116 Observatory Ave --which is located almost directly across the street from the 2005 JPA project -- I write as an aggrieved person to appeal the recent ERB vote on the 2005 JPA Certificate of Appropriateness.

- This enormous scale of this project was not reduced by the modifications that were approved by the ERB. The massing and scale of 2005 JPA are just as overwhelming and inappropriate to the JPA neighborhood (especially to Washington and Observatory) now that the modified design has been approved, as they were before the approval.

Please see the attached pdf ("JPA Development") which shows that 2005 JPA has a footprint that dwarfs the footprint of any other building in sight of it on JPA. It is not in the least harmonious with neighboring structures.

Construction of this enormous project -- and the associated noise, traffic and parking issues - will destroy the peaceful quality of life Observatory and Washington residents have long enjoyed. The aesthetic and environmental benefits of existing mature tree canopy will also be

destroyed to build 2005 JPA. The new plantings will not provide the same carbon takeup or shade and cooling for decades -- the time it takes trees to grow into maturity.

- The brick porches/entrances that were added to supposedly break up the "illusion" of the building's massiveness do not succeed in this goal. 2005 JPA will take up an entire half block between two streets and, despite the brick porches, will look just like the monolith it is. The porches will encourage more illegal parking on our narrow dead-end street by delivery vehicles and guests of the 2005 JPA residents.

The public notice about the Feb.14 ERB meeting was not posted on time. According to City Code, Section 34-284(a): signs were supposed to go up at least 10 days prior to the meeting - - this would have been Feb.4 -- "*identifying the time, date, place and nature of the application which has been scheduled for a hearing.*"

On February 6 -- two days after the deadline --I walked around the 2005 JPA property and saw no notices posted. *See attached photo "Img_0197.jpeg" of the gradhousing.com sign on JPA minus the ERB notice.*

It wasn't until a few days later after the 6th that I finally did see two signs posted.

Thank you,
Anne Benham
116 Observatory Ave

Letter 3

William Schaaf. February 22, 2023
Owner of 113 Washington Avenue.
Address: 5017 Westbury Farms Dr. Erie, PA 16506

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, February 22, 2023 9:27 PM
To: Thomas, Kyna N <thomaskn@charlottesville.gov>
Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council

Email Contact Form for Kyna Thomas, Clerk of Council
Please complete the online form below to submit your message.

Contact Information

First Name WILLIAM
Last Name E SCHAAF
Contact Phone Number: 8148827696
Email Address: billschaafs@gmail.com

Enter your message here: Good Morning, This letter is to serve notice that I disagree with and I am appealing the results of the recent ERB approval for the property at 2005/2007 JPA. I respectfully request that City Council overrule the ERB's issuance of a Certificate of

Appropriateness or at least modify it in several areas. I own the property at 113 Washington Avenue. My name is William Schaaf and I am concerned with the approval on multiple issues and I believe Council has the obligation to correct them.

My property will be most directly affected by the design as the exit from the parking garage will align very closely with the driveway on my property at 113 Washington Ave. The 120 plus car garage will shine headlights into my tenants' bedrooms 7/24 as students come and go. I believe that sight lines for oncoming traffic in both directions as a vehicle leaves the garage is very restrictive and creates significant potential for safety concerns and will be exacerbated by the increase in vehicle volume.

The garbage pickup needs to be restricted to an inside the garage pick up (not by the street as proposed). I have experienced commercial trash haulers pick up a dumpster and slam it back down early in the morning accompanied by the noise of a large diesel truck. My tenants deserve to get a peaceful sleep. I suggest that pick up be no sooner than 7:00 AM. Any odor it might create needs to be contained to their property, not the neighborhood.

The concept of exterior lighting needs to be far more specific. Sleep study experts are crystal clear that excessive lighting is detrimental to successful, restful sleep. Anything more than basic street lights should be considered excessive and therefore limited in their design.

The sidewalk and related green space across the rear of the building creates the potential for crowd gathering, nefarious activities and does not appear to be ADA (wheelchair) compliant as it has multiple steps to transgress. Perhaps limited lighting triggered by motion could be helpful. The back story is that parking for 1 out of approximately 3 residents is grossly inadequate. Residents of 2005 JPA, who can afford its rents will also, most likely, come to the area with mechanical transportation. If they don't, their friends and family who visit will challenge the capacity of Washington and Observatory Avenues. If that design is set in concrete, council should be clear that construction employees and future residents with an address of 2005 JPA should not be allowed to park on the narrow, residential Washington Ave and Observatory streets.

The overall design is very incongruous with the residential character of the neighborhood. The ERB hearing was concerned with the color of the stucco and the quality of the "Drivitt". Note that neither of those issues were answered by the representatives of the owners at their hearing. As members of City Council I believe you have an obligation to all the citizens of Charlottesville and residents of the properties surrounding the proposed project. They, and I, do not have a big financial backer, architects with pretty power point presentations or powerful attorneys. As a landlord I have tried to provide decent affordable housing. These tenants do not want to have congestion, lack of sunshine, traffic, noise and light from the big city, "high rise" environment. The traffic and safety concerns it will create are real problems that will not go away and have the potential to create multiple issues for Charlottesville. Allowing it today is perhaps "kicking the can down the road".

Please take a step back and consider the impact to all citizens and not just the color of the walls or the trees that will take 20 years to reach the proportion illustrated by the owners and their

architects. Make it meet a standard that will be mindful of the lives of all of Charlottesville property owners and residents of the area.

I will be glad to have a conversation with any of you to discuss this matter.

Sincerely,
William E. Schaaf
814-882-7696

Letter 4

Lorna Martens. February 22, 2023
Owner of 128 Observatory Avenue
Address: 128 Observatory Avenue Charlottesville, VA 22903

From: Martens, Lorna (lm2e) <lm2e@virginia.edu>
Sent: Wednesday, February 22, 2023 2:46 PM
To: Thomas, Kyna N <thomaskn@charlottesville.gov>; Thomas, Kyna N <thomaskn@charlottesville.gov>; CLERK OF COUNCIL, x3113 <ClerkofCouncil@charlottesville.gov>
Subject: Appeal of ERB award of COA to 2005 JPA

Pursuant to Charlottesville City Code Sec. 34-314, I wish, as an aggrieved person, to appeal the ERB vote to award a Certificate of Appropriateness to 2005 JPA, for the following reasons:

1. The Entrance Corridor Design Guidelines state: “Maintain Human Scale in Buildings and Spaces.” The architect’s response in their application to this imperative is: “The building height is similar to multiple nearby structures along the corridor. Buildings at 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall.” I am unconvinced. What the architect writes is misleading. Aside from the fact that the other buildings cited do not define “human scale,” neither of the two on the same side of JPA exceed 6 stories. 1800 JPA, on the other side of JPA, is in an area that is zoned University High Density, whereas the section of JPA where 2005 would be located is zoned R-3. Also 1800 JPA is set far back from the street. Moreover, none of the other buildings, unlike 2005 JPA, are on a hill. Finally, 2005 JP has a depth that vastly exceeds that of any of the other cited buildings. It stretches deep back into the side streets, Observatory and Washington Avenues. Its front occupies the entire city block between Washington and Observatory. Its sides are more than twice as long than that, stretching halfway up the side streets. Its footprint is enormous. Something this large is not “human scale.” I asked about the actual height and density of the redesign in the ERB meeting; my queries were not answered.

2. The Entrance Corridor Design Guidelines state: “Reduce height near lower density areas.” The architects’ latest design made efforts in this direction, but the fact remains that reducing height to 5-6 stories abutting on and adjacent to 1 and 2-story houses does not do justice to the intention of

the Design Guidelines. On account of its height, this building will significantly reduce morning sunlight on my property.

3. Entrances/exits via porches onto Observatory. These will lead to more deliveries and more illegal parking on Observatory. Because of the increase in traffic and parked vehicles—sloppily parked vehicles blocking two-way traffic is usual on Observatory--I am apprehensive about not being able to exit my cul-de-sac in an emergency. Observatory Avenue is very narrow (28' at its narrowest point). I live farther up the dead end street from that narrowest point. I am also apprehensive that emergency vehicles will not be able to drive up the street on account of the inevitable illegal parking. I suggest that the porches be replaced by balconies.

4. The multipurpose path between Observatory and Washington at the rear of the property, a condition in the SUP resolution, is itself an excellent idea. But this path need not and should not have steps. The large parking lot currently located at the rear of the property slopes gently downward from Observatory to Washington. Steps on this slope are unnecessary. I walk there daily and know this. Steps on the proposed path would make this path inaccessible for pedestrians in wheelchairs or with baby carriages or strollers. The ERB imposed the condition of a bike runnel. The bike runnel would help bikes but not make the path accessible for wheelchairs and baby carriages or strollers.

5. Timely notice of the ERB meeting was not posted. City Code mandates the posting of signage about an ERB review at least 10 days before the review. City Code Sec. 34-313: “ERB review process. Notice of the hearing shall be provided to the applicant and to other persons in the same manner as set forth within section 34-284(a).” Section 34-284(a): “A sign shall be posted at the property which is the subject of the application, at least ten (10) days prior to the board's meeting, identifying the time, date, place and nature of the application which has been scheduled for a hearing.” Photos taken 8 days prior to the meeting show that no signs were posted.

Please deny the 2005 JPA Certificate of Appropriateness.

Lorna Martens
 Professor of German and Comparative Literature
 Department of Germanic
 Languages and Literatures
 P.O. Box 400125
 University of Virginia
 Charlottesville, VA 22904-4125

From: Martens, Lorna (lm2e) <lm2e@virginia.edu>
Sent: Thursday, February 23, 2023 12:23 PM
To: Thomas, Kyna N <thomaskn@charlottesville.gov>; Thomas, Kyna N
 <thomaskn@charlottesville.gov>
Subject: FW: Appeal of ERB award of COA to 2005 JPA

Please find attached a time-stamped photo to accompany my Appeal of ERB award of COA to 2005 JPA, which I submitted yesterday.

Sincerely,
Lorna Martens
Professor of German and Comparative Literature
Department of Germanic
Languages and Literatures
P.O. Box 400125
University of Virginia
Charlottesville, VA 22904-4125



Letter 5

Kenneth Hill. February 23, 2023
Owner of 111 Washington Avenue
Address: 3532 Barkley Dr. Fairfax, VA 22031

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, February 23, 2023 11:22 PM
To: Thomas, Kyna N <thomaskn@charlottesville.gov>
Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council

Email Contact Form for Kyna Thomas, Clerk of Council
Please complete the online form below to submit your message.

Contact Information

First Name Kenneth
Last Name Hill
Contact Phone Number: 703-280-1742
Email Address: micasabe@gmail.com

Enter your message here: Subject JPA 2005 - appeal of Feb 14, 2023 certificate of appropriateness.

I am submitting subject appeal below.
Please confirm receipt.

This is an appeal of the Feb 14 ERB Certificate of Appropriateness approval for JPA 2005.
2/22/2023

During the review period of Aspen Topco II LLC's plan for JPA 2005, as put forward by its architect partner, citizens have heard of the overarching need for more student housing near UVA. The 2005 project will not be affordable, does not fit with existing zoning, and even exceeds what would be allowed by-right in the rezoning proposed by the Future Land Use Map. As outlined by many residents in the neighborhood who have spoken up, there is strong opposition to this project for a variety of reasons, which, for the most part seems to have fallen on deaf ears. Therefore, I submit my appeal to the City Council to deny the Certificate of Appropriateness for JPA 2005.

Through local partners, parent Aspen Heights Partners develops multi-family, luxury student housing near campuses across the nation. For JPA 2005, the architect promoted it as positive for the community and from a business standpoint, highlighting the number of units it will offer close to the university. This is a large project in a residential area sandwiched in between established homeowners, investment properties and numerous student renters. They stand to lose the very essence of their long-established neighborhood if this project remains as is, which is why, I, as a duplex owner at 111 Washington Avenue, file an appeal to deny its Certificate of Appropriateness. The city council should carefully consider the appeals of these citizens to find solutions, or redesign this project, largely due to building parking, lighting, overhead cabling, traffic issues, noise, and a host of environmental factors.

Parking: My property with 8 tenants on Washington Avenue is directly across the street from the JPA parking garage. Like most students at UVA, seven of my tenants have cars, three of whom park on the property and four on the street with city permits. With parking on both sides of Washington Avenue, there is barely enough room for 2 cars to pass at the same time now. When you add in the design of an enclosed parking garage entryway for 122 parking slots for tenants, along with staff and service vehicles to the mix, it will result in major traffic bottlenecks at that location and in the general area. Parking on Washington Avenue is at a premium now. When you add in the traffic coming and going from the building onto Washington Avenue from 122 enclosed parking spaces, it will get much worse.

The design of 122 parking slots for 390 students is woefully inadequate for the scope of this project. When spaces on site are not available, tenants and others will look to park on Washington Avenue or nearby areas, which is already a problem on these streets. Parents, visitors and service staff will often be forced to do so as well, which is a safety concern for anyone in the area. Vehicles entering and exiting the property will be noisy; their headlights will beam across the street into properties -- a distraction for students, who will likely be studying or trying to sleep. As such, the city needs to pause the project until adequate on-site parking has

been added, redesigned, and approved by city authorities. An alternative is for the city to require a parking redesign so that the building has 2 entryways, or to relocate the entryway to JPA, which can better handle traffic flows in and out, which is closer to the front entrance.

Trash: My property has little setback from Washington Avenue and is right across from where trash will be hauled off. The presenters said trash will be pushed to the street on pick-up day, presumably in large steel containers. Dumpsters make very loud noise when lifted and dropped back on the street during pickup and will disturb nearby tenants. During this process there will be debris that falls out or blows to the street and odor from the garbage. Trash pickup will further add to traffic snarls on Washington Avenue and the nearby area. The city needs to reevaluate this plan, calling for trash to be picked up inside the enclosed parking garage or an alternate arrangement other than on Washington Avenue.

Enclosed garage electrical and mechanical equipment. The building will have high voltage electrical and mechanical equipment near the garage entryway. At the ERB review meeting the architect said that HVAC equipment will be on the roof and not bother neighbors. Facilities like JPA 2005 have mechanical rooms on the ground floor with heavy motorized equipment that are very noisy when they turn on and off, with high pitch frequency hum. There will be a generator on site in this area as well. The architect said it would be tested once a month. Well, what happens if there is a power outage? Generators need fuel so there will be a day tank and underground fuel storage in the parking area that will need to be filled and be smelly. Will the garage area generator and building mechanical equipment be enclosed, away from public sight, and for security and safety reasons?

Building height: With little setback from the street on Observatory and Washington Avenue, this structure will tower over 1 and 2-story houses abutting the property. On Washington Avenue, the parcel already stands 10-15 feet above the opposite side of the street. Being 6 stories on top of that, it will result in shadows throughout the day and the loss of seasonal natural light that renters are accustomed to. The loss of sunlight from the structure will have a concomitant effect on trees, foliage, gardens and other environmental factors in the nearby area. Moreover, contrary to the presenter's claim that the structure fits in nicely with existing structures on the JPA corridor, this edifice does not; it is much taller than other buildings on that side of JPA and does not have enough setback from the side streets.

Walk way between Observatory and Washington Avenues. This corridor will be utilized frequently by people coming and going to UVA and to nearby homes. It needs to be of sufficient width, exclusive of planned foliage, to allow for pedestrians, bikes and baby carriages, etc. to traverse without the hassle of having to climb a number of stairs. This seemed to be given only a cursory look by the ERB. The city should require a walk way that meets the needs of all its citizens before the project can move forward.

Adding 390 people, service personnel, visitors and vehicles in such a small footprint will invariably result in challenges in this neighborhood. There will more noise, scooters, and human activity that will need to be properly managed. Lights properly situated will help but be an inconvenience to others as well.

The proponents of this project have laid out their vision with a plan that overlooks many concerns of those most affected. Granted the architect has made some exterior and other changes in order to gain approval; however, the fact remains these will be luxury units that cater to the wealthy with all the amenities that Aspen Heights Partners is known for. As a result, rents will be much higher than a comparable sized unit in nearby housing as well as the clientele. So much for affordable housing!

PS: I submitted a list of 15 project related questions for the Feb 4 ERB meeting. None of them were addressed, however. I would appreciate replies as soon as possible.

Therefore, I submit my appeal to the City Council to deny the Certificate of Appropriateness for JPA 2005. I recommend design changes—underground electrical cabling, more parking space, rear passageway without stairs, low-strength outdoor lighting, and internal trash pickup--that citizens have painstakingly detailed, so that the structure is truly congruent with other student buildings along the JPA corridor.

Sincerely / Kenneth L. Hill, tel: 703-280-1742 - 111 Washington Ave, Charlottesville, VA 22903
- Owner

Letter 6

Scott and Lisa Reppert. February 25, 2023
Owners of 107 Washington Avenue
Address: 2333 S. Nash Street Arlington, VA 22202

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Saturday, February 25, 2023 8:13:11 PM

To: Thomas, Kyna N <thomaskn@charlottesville.gov>

Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council

Email Contact Form for Kyna Thomas, Clerk of Council

Contact Information

First Name Lisa and Scott

Last Name Reppert

Contact Phone Number: 703-402-3032

Email Address: reppertfamily@gmail.com

Enter your message here: We own the duplex located at 107 Washington Avenue and rent it to students. We have attended (virtually) the Commission meetings and have voiced our concerns, which have not been addressed. Pursuant to City Code Sec. 34-314, we wish, as an aggrieved person, to appeal the ERB vote to award a CoA to 2005 JPA, for the following reasons:

1. The Entrance Corridor Design Guidelines state: “Maintain Human Scale in Buildings and Spaces.” The architect’s response in their application to this imperative is: “The building height

is similar to multiple nearby structures along the corridor. Buildings at 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall.”

The front of this building not only occupies the entire block between Washington and Observatory, the sides of it are more than twice as long as that. This proposed building is extremely large and nothing like the surrounding residences. It will stick out like a sore thumb and look completely out of place. We do not consider this project to be in accordance with a maintenance of “human scale.” As owners, we expect to be properly represented when massive changes to our neighborhood are being considered. We have not been.

2. The Entrance Corridor Design Guidelines state: “Reduce height near lower density areas.” The current 5+ story design of this building is completely out of character for the surrounding neighborhood streets. Part of the charm of a university setting is the unique variety in the architectural styles of the nearby homes. For decades, prospective UVA students and their families have admired the charm of Charlottesville, to include the nearby surrounding neighborhoods. A building as tall and gargantuan as the one proposed does not fit within the charm of a Charlottesville residential neighborhood. It may fit in nicely in other parts of Charlottesville where there are other tall or commercial buildings, but not across the street from single family homes, small duplexes or garden-style apartments. People who find quiet streets such as Washington and Observatory appealing, are NOT the same people who are seeking a large residential apartment complex. It is distressing that the Commission has seemingly disregarded the impact that this building will have on the neighborhood feel of Washington and Observatory Avenues.

3. The garage has inadequate parking for the number of tenants and their associated guests. The logic that if the parking spots are not offered, tenants will not bring cars is unreasonable, unrealistic and wrong. The cars will be in Charlottesville and they will be parked somewhere, most likely clogging up all side streets surrounding this project. Again, this is another decision related to this project that completely disregards the current neighborhood.

4. It is unacceptable for a building of this size, on these two narrow and small side streets to offer a single entrance/exit. The entire design of the building should be changed to accommodate the vehicles to enter and exit via JPA. If the Commission has concerns about adding to the traffic on JPA with this solution, there should be dramatically MORE cause for concern on the impact on the single small side street, Washington Avenue.

5. The garbage pickup needs to occur inside the garage. The current street location will result in excessive noise, odors, and accidental debris being left on the street.

Please deny the 2005 JPA Certificate of Appropriateness. We are willing to discuss these concerns with anyone who has the capacity to make decisions or influence this process. We are not interested in continuing to lodge complaints about this project to people who are designated note-takers without any ability to respond with action. Merely allowing us to file a complaint, with no resultant change or action, is unacceptable.

Sincerely,

Scott and Lisa Reppert
reppertfamily@gmail.com

Letter 7

James Wright. March 16, 2023
Owner of 119 Observatory Avenue
Address: 3065 Beau Mont Farm Road Charlottesville, VA 22901

Thursday, March 16, 2023 9:13 AM

I own property at 119 Observatory Avenue and write as an aggrieved person to appeal the recent ERB approval for the property at 2005/2007 JPA made on March 14,2023.

This project violates multiple Design Principles outlined in the Entrance Corridor Design Guidelines. It is not compatible in massing and scale with the existing structures. It does not maintain human scale in buildings and spaces. It will not enhance the City's character. The project relies on a special use permit that has granted the developer permission to build a monstrous edifice that will negatively impact the entire JPA neighborhood. It will have a particularly negative impact on the residents of Washington and Observatory Avenues. Of particular concern is the traffic congestion and the noise and light pollution this monstrosity will create.

Observatory Avenue is a very narrow street, so narrow in fact that to collect trash the truck has to back up the street from JPA. Presumably, due to the height of this project, cranes will be required for construction. Any crane set up on Observatory Avenue will make the street virtually impossible to navigate.

The neighbors have voiced their displeasure with the scope and scale of the project. They have expressed their concerns about massing and scale ever since they heard about the project to NDS, the ERB, the Planning Commission, and City Council in succession. They have opposed the issuance of the special use permit. The ERB has from the start interpreted massing and scale as if they were merely a matter of appearance, failing to address actual massing and scale and the problems these create. In the ERB Design Review, the ERB continued to address solely the appearance of massing and scale, not actual massing and scale. I respectfully request that the City Council overrule the ERB's issuance of a Certificate of Appropriateness

Additionally notice of the ERB meeting was not mailed to me, as a nearby property owner, on time. City Code mandates that notice be sent by first class mail and postmarked not less than fourteen days before the meeting to each property owner, or their agent, abutting or immediately across a street or road from the property that is the subject of the application, and to all properties having frontage along the same city street block. City Code Sec.34-313: "ERB review process. Notice of the hearing shall be provided the applicant and to other persons in the same manner as set forth within section 34-284(a). Section 34-284(a): Notice sent by first class mail to the last known address of such owner or agent, as shown on the city's current real estate assessment

books, postmarked not less than fourteen days before the meeting shall be deemed adequate." My notice is postmarked on March 1, less than 14 days before the meeting..

James Wright
434-962-9351
jimmy.wright@jeffersonscholars.org

Letter 8

Lorna Martens. March 22, 2023
Owner of 128 Observatory Avenue
Address: 128 Observatory Avenue Charlottesville, VA 22903

From: Martens, Lorna (lm2e) <lm2e@virginia.edu>
Sent: Wednesday, March 22, 2023 9:38 AM
To: Thomas, Kyna N <thomaskn@charlottesville.gov>; Thomas, Kyna N <thomaskn@charlottesville.gov>
Subject: Appeal of the 3/14/2023 ERB award of CoA to 2005 JPA

City Council: Pursuant to Charlottesville City Code Sec. 34-314, I wish, as an aggrieved person, to appeal the 3/14/2023 ERB vote to award a Certificate of Appropriateness to 2005 JPA, for the following reasons:

1. The Entrance Corridor Design Guidelines state: "Maintain Human Scale in Buildings and Spaces." The architect's response in their application to this imperative is: "The building height is similar to multiple nearby structures along the corridor. Buildings at 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall." I am unconvinced. What the architect writes is misleading. Aside from the fact that the other buildings cited do not define "human scale," neither of the two on the same side of JPA exceed 6 stories. 1800 JPA, on the other side of JPA, is in an area that is zoned University High Density, whereas the section of JPA where 2005 would be located is zoned R-3. Also 1800 JPA is set far back from the street. Moreover, none of the other buildings, unlike 2005 JPA, are on a hill. Finally, 2005 JP has a depth that vastly exceeds that of any of the other cited buildings. It stretches deep back into the side streets, Observatory and Washington Avenues. Its front occupies the entire city block between Washington and Observatory. Its sides are more than twice as long than that, stretching halfway up the side streets. Its footprint is enormous. Something this large is not "human scale." I asked about the actual height and density of the redesign in the 2/14/2023 ERB meeting; my queries were not answered.

2. The Entrance Corridor Design Guidelines state: "Reduce height near lower density areas." The architects' latest design made efforts in this direction, but the fact remains that reducing height to 5-6 stories abutting on and adjacent to 1 and 2-story houses does not do justice to the intention of the Design Guidelines. On account of its height, this building will significantly reduce morning sunlight on my property.

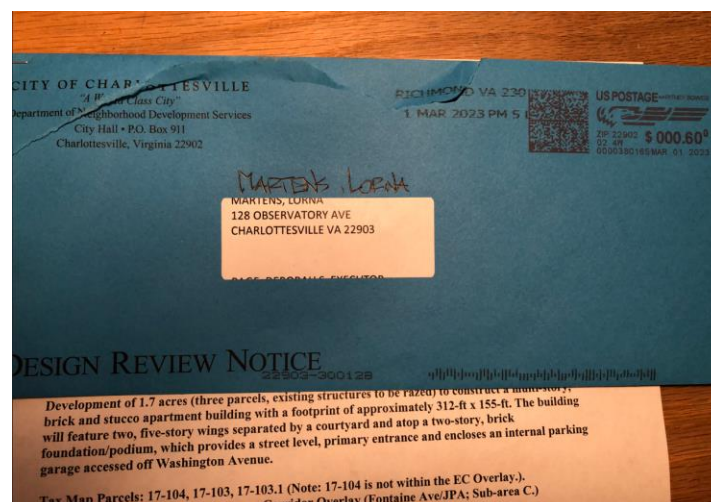
3. Entrances/exits via porches onto Observatory. These will lead to more deliveries and more illegal parking on Observatory. Because of the increase in traffic and parked vehicles—sloppily parked vehicles blocking two-way traffic is usual on Observatory--I am apprehensive about not being able to exit my cul-de-sac in an emergency. Observatory Avenue is very narrow (21.5' at its narrowest point). I live farther up the dead end street from that narrowest point. I am also apprehensive that emergency vehicles will not be able to drive up the street on account of the inevitable illegal parking. I suggest that the porches be replaced by balconies.

4. The multipurpose path between Observatory and Washington at the rear of the property, a condition in the SUP resolution, is itself an excellent idea. But this path need not and should not have steps. The large parking lot currently located at the rear of the property slopes gently downward from Observatory to Washington. Steps on this slope are unnecessary. I walk there daily and know this. Steps on the proposed path would make this path inaccessible for pedestrians in wheelchairs or with baby carriages or strollers. The ERB imposed the condition of a bike runnel. The bike runnel would help bikes but not make the path accessible for wheelchairs and baby carriages or strollers.

5. Notice of the ERB meeting was not mailed to me, as a property owner having frontage on the same city block, on time. City Code mandates that notice be sent by first class mail and postmarked not less than fourteen (14) days before the meeting. City Code Sec. 34-313: "ERB review process. Notice of the hearing shall be provided to the applicant and to other persons in the same manner as set forth within section 34-284(a)." Section 34-284(a): "Notice sent by first class mail to the last known address of such owner or agent, as shown on the city's current real estate assessment books, postmarked not less than fourteen (14) days before the meeting, shall be deemed adequate." My notice is postmarked on March 1, less than 14 days before the meeting. Photo attached.

Please deny the 2005 JPA Certificate of Appropriateness.

Lorna Martens
Professor of German and Comparative Literature
University of Virginia



Note: The following letters from Ms. Marilyn Poling were submitted to the Clerk of Council, but inadvertently omitted from the eight letters included as Attachment 1 and are not referenced in the staff memo. However, the concerns expressed about traffic and parking related to the development at 2005 JPA are addressed in Item 5 of the staff response (Attachment 2). Ms. Poling owns and resides at 123 Observatory Avenue.

Letter A

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Sunday, February 19, 2023 8:34:06 PM

To: Thomas, Kyna N <thomaskn@charlottesville.gov>

Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council

Email Contact Form for Kyna Thomas, Clerk of Council

Please complete the online form below to submit your message.

Contact Information

First Name Marilyn

Last Name Poling

Contact Phone Number: 434-295-5715

Email Address: mg2mp5@gmail.com

Enter your message here Ms. Thomas: This is an appeal to City Council of the ECRB decision of 2/14/2023 concerning the 2005 JPA project. My main concerns have always been parking and traffic. Both Washington Ave. and Observatory Ave. are narrow. I live on Observatory Ave., a dead end, and the narrower of the two.

Parking: Aspen-Topco has said their tenants won't be allowed parking permits/parking stickers for Observatory and Washington. This is very good. But 390 tenants are bound to have quite a few guests, many of whom will need to park. I worry that the porches that are planned for the Observatory Ave. side of the building will encourage guests to park on Observatory for the convenience of going directly into the apartments they want to visit by way of the porches, since enforcing parking regulations at all times is impossible. Trucks/vans making deliveries from Observatory into the units with porches might also try to make their deliveries into the units directly from Observatory Ave. instead of from the JPA entrances. Would another way of breaking up the facade, such as balconies, be possible?

Traffic: My traffic concern is about the corner of JPA and Observatory. When cars are parked on JPA on the side of the street directly in front of the 2005 JPA project site, all along the street to the corner, it is impossible to see if a car is coming up JPA. With 125 parking spaces under the new building, a bad situation will get worse. Is it possible for the builders (or the city) to configure the sidewalk to prevent cars from parking in the 2-3 parking spaces on JPA closest to the corner, with a "No Parking" sign, or by jutting the sidewalk out into the street, to make parking close to the corner impossible? Or by some other means?

Thank you for considering these concerns.

Sincerely,

Marilyn Poling

Letter B

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Sunday, March 19, 2023 9:29 AM

To: Thomas, Kyna N <thomaskn@charlottesville.gov>

Subject: Online Form Submittal: Email Contact Form for Kyna Thomas, Clerk of Council
Email Contact Form for Kyna Thomas, Clerk of Council

Please complete the online form below to submit your message.

Contact Information

First Name Marilyn

Last Name Poling

Contact Phone Number: 434-295-5715

Email Address: mg2mp5@gmail.com

Enter your message here: This is an appeal to City Council about the ERB decision made during the 3/14/2023 meeting concerning the 2005 JPA project. My main concerns have always been parking and traffic. Both Washington Ave. and Observatory Ave. are narrow. I live on Observatory, the narrower of the two, and a dead end. Parking: Aspen-Topco has said their tenants won't be allowed parking permits/parking stickers for Observatory or Washington. This is very good. But 390 tenants are bound to have quite a few guests, many of whom will need to park. I worry that the porches which are planned for the Observatory Ave. side of the building will encourage guests to park on Observatory for the convenience of going directly into the apartments they want to visit by way of the porches, and delivery trucks will park on Observatory when making deliveries to those apartments. Enforcing parking regulation at all times is impossible. would another way of breaking up the facade, such as balconies, be possible?

Traffic: My traffic concern is about the corner of JPA and Observatory. When cars are parked on JPA on the side of the street directly in front of the 2005 building, all along the street to the corner, it is impossible to see if a car is coming up JPA. With 125 parking spaces under the new building, a bad situation will be made worse. Is it possible for the builders (or the city) to configure the sidewalk to prevent cars from parking in the 2-3 parking spaces on JPA closest to the corner, with a "No Parking" sign, or by jutting the sidewalk out into the street to make parking that close to the corner impossible? Or by some other means?

Thank you for considering these concerns.
Marilyn Poling

Attachment 2

City staff response to the appeal of the ERB's February 14, 2023 and March 14, 2023 decisions approving a certificate of appropriateness for construction of a new apartment building at 2005 Jefferson Park Avenue.

(Throughout this Response, references to "Staff" represent the collective positions of the ERB, the City's Preservation and Design Planner, and the City Attorney's Office.)

EXECUTIVE SUMMARY OF STAFF'S RESPONSE

Eight appeal letters have been submitted representing six individual parties. Two are property owners who reside near the proposed development (116 and 128 Observatory Avenue) and four are owners of rental properties located near the proposed development (107, 111, and 123 Washington Avenue and 119 Observatory Avenue). All six parties filed appeals following the ERB's February 14, 2023 approval of the requested CoA. Two of the six filed appeals following the readvertised meeting on March 14, 2023. Following internal discussions, it was decided to respond to all eight letters collectively.

For the reasons stated below, Staff's position is that the concerns expressed by the Appellants do not provide a basis for City Council to deny—that is, to overturn the ERB's approval of--a Certificate of Appropriateness (CoA) for construction of a new apartment building at 2005 Jefferson Park Avenue. On February 14, 2023 and again on March 14, 2023, the ERB approved the CoA citing its application of the "standards set forth within the City's Entrance Corridor Design Guidelines" and a finding that the project is "consistent with the Guidelines and compatible with the goals of this Entrance Corridor[.]"

Council's Role on Appeal: Reference City Code §34-314. Council's role on appeal is to serve as the final decision-maker and to "review the application as if the application had come before it in the first instance." Additionally, Council "may consider any information or opinions relevant to the application which is the subject of such decision, including, but not limited to, those provided by the ERB [communicated here as the "Staff Response"]." Council should make a final decision on the application and not refer the matter back to the ERB.

Staff Response to Appellants' Contentions

In preparing the response to the eight letters submitted, staff organized the appellants' collective comments into 14 categories, in no particular order, see below. Those comments, as presented below, are paraphrased for clarity and brevity. Staff believes the response by categories fairly presents the germane points expressed by the appellants; however, Council should review each of eight letters.

1. Public Notice
2. Questions
3. General Concerns
4. Massing and Scale
5. Height

6. Design/Materials
7. Garage/Parking/Traffic
8. Enclosing/Screening [electrical/mechanical equipment]
9. Site Lighting
10. Landscaping
11. Trash/Recycling
12. Path between Observatory and Washington [at the rear of the property]
13. Construction activity
14. Affordable Housing

Item 1: Public Notice

Appellants: For the February 14, 2023 ERB meeting, a notice sign was not posted on-site ten (10) days ahead of the meeting.

Staff response: That is correct. Due to an oversight, staff erred by posting the sign eight (8) days prior to the meeting, not the required ten (10) days. When this was reported to staff on February 22 a decision was made to re-advertise the ERB review. For the March 14, 2023 meeting, on February 27, 2023, 15 days prior to the meeting, a notice sign was posted on the property, facing JPA. On March 1, 2023, 13 days prior to the meeting, two additional signs were posted at the property, one on the side facing Observatory Avenue and one on the side facing Washington Avenue.

Appellants: For the March 14, 2023 ERB meeting, notice letters were postmarked March 1, 2023. City Code mandates that notice be sent by first class mail and postmarked not less than fourteen days before the meeting.

Staff response: Notice letters were printed and provided for mailing on Monday, February 27, 2023. Letters were processed and placed in USPS box on March 1, 2023, see image below. When the matter was raised by an appellant, staff consulted with legal counsel [on March 23, 2023] and it was determined “there was sufficient notice based on the postmark date.” Had the mailing for the March 14, 2023 meeting not met the notice requirements, staff would have recommended the matter be readvertised and reviewed, again, by the ERB for a third consecutive month.



Item 2: Questions

Appellants: What are actual height and density?

Staff response: The maximum height of 75-feet was established by City Council's approval of the Special Use Permit. Density does not fall under ERB purview.

Item 3: General Concerns

Appellants: General concerns raised.

- Project will result in increased traffic congestion and noise and light pollution.
- Adding 390 people, service personnel, visitors and vehicles will result in noise, scooters, and human activity that will need to be managed.
- Owners and tenants of existing, adjacent rental units do not want congestion, lack of sunshine, traffic, noise, and light [from site lighting and vehicles].
- Project is sandwiched between established homeowners, investment properties and numerous student renters. The essence of this long-established neighborhood will be lost.

Staff response: These are understandable concerns ahead of a development project. However, the ERB does not have purview over traffic control, uses allowed by zoning, and/or policing of the City. The ERB reviewed the project on February 14, 2023 and on March 14, 2023. After applying the EC standards of review, the ERB approved the CoA on February 14, 2023 by a vote of 7-0 and again on March 14, 2023 by a vote of 5-0. For both dates, the same motion and conditions of approval were applied.

Appellants: Project does not fit with existing zoning; exceeds what would be allowed by-right in the rezoning proposed by the Future Land Use Map.

Staff response: The project, as presented on February 14 and March 14 (the submittal package was identical), is permitted under current zoning with the Special Use Permit approved by City Council on September 19, 2022, which allows the increase in building height from 45 feet to 75 feet, the reduction of the rear-yard setback from 75 feet to 36 feet, and reduces by 22% the amount of required on-site parking.

Item 4: Massing and Scale

Appellants:

- ERB interpreted massing and scale as a matter of appearance; did not address problems.
- The project's massing and scale is not compatible with existing [nearby] structures.
- Proposed building is extremely large; nothing like the surrounding residences; overwhelming and inappropriate; and will not enhance the City's character.
- Proposed building looks like a monolith; its footprint is enormous and does not maintain a human scale.
- Building depth [from JPA] exceeds buildings cited by applicant.
- Building wall occupies entire block [width] between Washington and Observatory.
- Depth (side) of the building is more than twice the width.
- Building does not have enough setback from side streets.
- Project was not reduced by the modifications approved by the ERB.

Staff response: The ERB reviewed the project and approved the CoA on February 14, 2023 by a vote of 7-0 and again on March 14, 2023 by a vote of 5-0. For both dates, the same motion and conditions of approval were applied. The motion for approval stated the ERB had “considered the standards set forth within the City’s Entrance Corridor Design Guidelines” and “found the project consistent with the Guidelines and compatible with the goals of this Entrance Corridor[.]”

Item 5: Height

Appellants:

- [Citing the applicant’s submittal.] “*Height is similar to nearby structures. 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall.*” These do not define “human scale.” Two on same side of JPA [are under] 6 stories. Other side of JPA is zoned University High Density; 205 JPA zoned R-3. 1800 JPA is set back from the street. Referenced buildings are not on hills [like 2005 JPA].
- Five-plus stories out of character with neighborhood, impacting a unique variety in architectural styles of nearby homes.
- Building will dwarf any other building in sight of it on JPA; not harmonious with neighboring structures.
- Building is tall and gargantuan; does not fit within a Charlottesville residential neighborhood.
- EC Design Guidelines state: “Reduce height near lower density areas.” The proposed building will be five- to six-stories, where the abutting/adjacent houses are one- and two-story.
- Building will reduce morning sunlight on [neighboring] properties.
- Height will result in daytime shadows and loss of seasonal natural light; will impact trees, foliage, gardens and other environmental factors nearby.
- Building will be taller than other buildings on north side of JPA;

Staff response: (See Item 4 above.) The ERB reviewed the project and approved the CoA on February 14, 2023 by a vote of 7-0 and again on March 14, 2023 by a vote of 5-0.

Item 6: Design/Materials

Appellants:

- Design conflicts with the character of neighborhood.
- ERB was concerned with color and quality of the stucco. Those concerns were not addressed.

Staff response: (See Item 4 above.) The ERB reviewed the project and approved the CoA on February 14, 2023 by a vote of 7-0 and again on March 14, 2023 by a vote of 5-0. The CoA includes a condition of approval that requires the stucco “be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.”

Item 7: Garage/Parking/Traffic

Appellants:

- 122 parking slots [on-site] for 390 students and guests is inadequate. When spaces are not available, cars will likely clog side streets nearby.
- Sight line for traffic [on Washington Avenue] is restrictive [limited]; will be exacerbated by [increased traffic related to the new building].
- Increased traffic will create safety problems.
- Traffic at the garage entry and on the street will create traffic bottlenecks on Washington Avenue.
- Residents of 2005 JPA should not be allowed to park on side streets.
- The porches [on west elevation, Observatory Avenue] will encourage illegal parking by delivery vehicles and guests, blocking two-way traffic. Replace porches with balconies.
- Side streets are narrow. Concern Apprehensive about illegal parking impacting exit in emergency and access for emergency vehicles.

Staff response: These are understandable concerns ahead of a development project. However, the ERB does not have purview over traffic management, parking violations, emergency vehicle accessibility, and/or restricting parking on City streets. A condition of the Special Use Permit requires the owner Develop a Master Parking Plan.]

Appellants: Vehicles entering/exiting garage will be noisy, headlights will beam into properties.

Staff response: For vehicles exiting the site not a public street, the ERB cannot prevent or regulate headlight beams.

Appellants: Require two garage entries. Add alternative closer to/onto JPA.

Staff response: (See Item 4 above.) The ERB reviewed the project and approved the CoA on February 14, 2023 by a vote of 7-0 and again on March 14, 2023 by a vote of 5-0. The EC Design Guidelines for Sites--under Parking--recommend reducing the visibility of garages by not allowing them to become a primary feature, when viewed from the street, and locating them behind the building setback, preferably facing the side or rear. Therefore, moving the garage entrance to the primary façade facing JPA would conflict with the Design Guidelines.

Item 8: Enclosing/Screening [electrical/mechanical equipment]

Appellants: Electrical/mechanical equipment near garage. Noise. Generator on site: Noise, fuel storage, smell. Enclose/screen mechanical equipment from sight and for security/safety reasons. Recommend underground electrical cabling.

Staff response: In the adopted CoA, several conditions of approval address the screening of electrical and mechanical equipment.

- If used for mechanical units, utility/service boxes, storage, trash containers, the Mech Equip area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.

- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.

Item 9: Site Lighting

Appellants:

- Properly situated [lighting] will help, an inconvenience to others as well.
- Recommend low-strength outdoor lighting
- Exterior lighting needs to be more specific. Excessive lighting is detrimental to sleep.

Staff response: Specific lighting is evaluated during the site plan review and, as necessary, following submittal for a building permit. The CoA includes a condition of approval that all exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. Note: This condition addresses two light sources: exterior lighting refers to all site and exterior lighting fixtures; interior lighting visible from the garage refers to all lighting fixtures within (inside) the garage.

Item 10: Landscaping

Appellants:

- Existing mature tree canopy will be destroyed. New plantings will not provide equivalent carbon take-up or shade and cooling for decades.
- Trees will take 20 years to reach proportions illustrated.

Staff response: The CoA includes a condition of approval that the number, size, type and character of all plantings (trees, shrubs etc.) shall be installed and maintained in substantial accordance with the drawings. Note: Approximately 25 existing trees will be removed during construction: 18 have diameters between 4” and 15”; seven have diameters between 20” and 40”, which is considered mature. Approximately 70 new trees will be planted: 17 large canopy trees; 10 medium canopy trees; 25 small flowering trees; 18 evergreen trees.

Item 11: Trash/Recycling

Appellants:

- Dumpsters are loud when lifted/dropped, will disturb nearby tenants.

- Concern for debris and odors.
- Trash pickup will impact traffic.
- Require trash pick-up be inside the garage or establish alternate other than Washington Ave.
- Require trash pick-up be no sooner than 7:00 AM.
- Observatory Avenue is a very narrow street. The trash truck must back up the street from JPA.

Staff response: The timing and means of trash pick-up are not under ERB purview. The CoA includes a condition of approval that dumpsters and trash and/or recycling bins be located within the garage and pulled to the curb only on collection days.

Item 12: Path between Observatory and Washington [at the rear of the property]

Appellants:

- Must be sufficient width to allow for pedestrians, bikes and baby carriages, etc.
- Eliminate the stairs/steps. ADA compliance. Walkway must meet everyone's needs.
- Steps on the proposed path would make this path inaccessible for pedestrians in wheelchairs or with baby carriages or strollers.
- Bike runnels help bikes; but do not make path accessible for wheelchairs, carriages, strollers.
- Space creates the potential for crowd gathering and nefarious activities.
- Consider lighting triggered by motion.

Staff response: Accessibility will be reviewed during site plan review. Pathway is not visible from the EC; therefore, it is not formally within the ERB's purview.]

Item 13: Construction activity

Appellants:

- Noise, traffic, parking will destroy peaceful quality of life.
- Construction crane(s) will make streets impassable.
- Construction employees should not be allowed to

Staff response: Construction activity is not within the ERB's purview

Item 14: Affordable Housing

Appellants:

- Project will not provide affordable housing.
- Project will have luxury units that cater to the wealthy; rents will be much higher than a comparable sized unit in nearby housing.

Staff response: The use of a site or building is not within the ERB's purview. Additionally, at no point during the ERB's design review was there any discussion or presentation regarding potential tenants or rental rates.



**Entrance Corridor Review Board (ERB)
Review of Certificate of Appropriateness for 2005 Jefferson Park Avenue***

Planning Commission Regular Meeting

Date of Planning Commission Meeting: March 14, 2023

Project Planner: Matt Alfele

Date of ERB review: March 14, 2023

Application Number: P22-0133

Zoning: R-3 Residential with Entrance Corridor Overlay (Fontaine Ave/JPA; Sub-area C.)

Tax Parcels: 17-104, 17-103, 17-103.1 (Note: 17-104 is not within the EC Overlay.)

Site Acreage: 1.7 acres (74,531 sq ft)

ERB Staff report prepared by: Jeff Werner, AICP, Preservation and Design Planner

Submittal: Mitchel/Matthews Architects & Planners drawings for *2005 Jefferson Park Avenue Entrance Corridor Review Application*, dated December 20, 2022: Sheets 1 (cover) through 76.

Summary of CoA Request

Development of 1.7 acres (three parcels, existing structures to be razed) to construct a multi-story, brick and stucco apartment building with a footprint of approximately 312-ft x 155-ft. The building will feature two, five-story wings separated by a courtyard and atop a two-story, brick foundation/podium, which provides a street level, primary entrance and encloses an internal parking garage accessed off Washington Avenue.

* **NOTE:** The ERB reviewed this request on February 14, 2023, resulting in approval of the CoA via a 7-0 vote approving the motion noted below; however, due to an error regarding the public notice posted at the site this request has been readvertised. The submittal and the February 14, 2023 staff report are unchanged and can be accessed via the following (pdf page 18):

[PC-ERB Meeting - Feb 14 2023.](#)

Staff recommends approval by reference to the motion for approval noted below.

Suggested Motion

Approval (motion as approved with conditions on February 14, 2023.): Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- Glass will be clear, at the locations noted in the staff report.

- New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
- All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
- If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
- Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

Alternate Motions

Deferral: I move to defer [or, to accept the applicant's request to defer] the Entrance Corridor Certificate of Appropriateness application for 2005 Jefferson Park Avenue.

Denial: Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is not consistent with the Guidelines and is not compatible with the goals of this Entrance Corridor, and that for the following reason(s) the ERB denies the Certificate of Appropriateness application as submitted...



Entrance Corridor Review Board
Review of Certificate of Appropriateness for 2005 Jefferson Park Avenue

Planning Commission Regular Meeting

Date of Planning Commission Meeting: February 14, 2023

Project Planner: Matt Alfele

Date of Hearing: February 14, 2023

Application Number: P22-0133

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Submittal: Mitchel/Matthews Architects & Planners drawings for *2005 Jefferson Park Avenue Entrance Corridor Review Application*, dated December 20, 2022: Sheets 1 (cover) through 76.

Relevant Code Section

The Planning Commission serves as the Entrance Corridor Review Board (*ERB*), responsible for administering the design review process in entrance corridor overlay districts (*EC*). This development project requires a site plan, and therefore also requires a Certificate of Appropriateness (*CoA*), pursuant to the provisions of Section 34-309(a)(3) of the City's Zoning Ordinance. The ERB shall act on an application within 60 days of the submittal date, and shall either approve, approve with conditions, or deny the application. Appeal would be to City Council.

Standards for considering certificates of appropriateness

Per Section 34-310, in reviewing a CoA application the ERB must consider certain features and factors in determining the appropriateness of proposed construction, alteration, etc. of buildings or structures located within an EC. The five primary criteria in Section 34-310 are:

- 1) Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;
- 2) Exterior architectural details and features of the subject building or structure;
- 3) Texture, materials and color of materials proposed for use on the subject building or structure;
- 4) Design and arrangement of buildings and structures on the subject site; and
- 5) The extent to which the features and characteristics described within paragraphs (1)-(4), above, are architecturally compatible (or incompatible) with similar features and

characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.

Links to EC Design Guidelines

[EC Design Guidelines Chapter I - Introduction](#)

[EC Design Guidelines Chapter II - Streetscape](#)

[EC Design Guidelines Chapter III - Site](#)

[EC Design Guidelines Chapter IV - Buildings](#)

[EC Design Guidelines Chapter V - Corridors](#)

Summary of CoA Request

Applicant requests a CoA to construct a brick and stucco building composed of a five-story, U-shaped, two-wing building surrounding a central courtyard and set atop a two-story brick foundation [or podium] of approximately 150-ft (at JPA) and 312-ft (at the sides). Each wing is approximately 62-feet wide separated by a roughly 30-ft wide courtyard.

The site slopes downhill, approximately 30-feet, from the NW corner on Observatory Avenue to the SE corner at JPA and Washington Avenue. As such, the seven-story primary façade (at JPA) is reduced to a five-story elevation at the NW corner and a six-story elevation at the NE corner.

Viewed from JPA, the primary facade is composed of a two-story, brick foundation with punched windows. (Set behind sidewalk-level, walled patios, this elevation forms the primary entrance.) At the east corner, the foundation continues along Washington Avenue, receding into the grade to a single story. At the west corner, the foundation continues along Observatory Avenue, receding into the grade completely. Above the foundation, the primary facade of the east wing features a three-story, brick tower extending from the foundation below. Setback from this façade, the wing rises to five-stories, featuring brick and stucco sections with punched windows. The primary façade of the east wing also features a three-story, brick tower, but setback from the foundation wall, behind an elevated terrace and pool area. The side elevation mimics the east wing, but being lower into the grade than the east wing allows for a series of first-floor entrances with low-walled porches.

The two wings enclose an inner courtyard, which, elevated two stories above JPA, conceals the interior parking area below it. At the rear wall (north), the two wings join, completing the U. (The rear wall continues the same design; however, it is not visible from the EC.)

[Staff note: Plan view shown on sheets 44 and 49 are for context only re: landscaping and site lighting. The plan view on sheet 13 is the *formal* plan relative to the footprint and architectural elements. If, during site plan and/or building permit review, there are minor variations re: wall locations and architectural elements, staff will defer to the elevations on sheets 15, 18, 21 and 24.]

Building materials:

- Foundation/Podium: Red brick (Sheet 42)
- Walls:
 - Red brick (Sheet 42)
 - Stucco, painted (Sheet 42)
- Windows: PlyGem PVC, single hung, 1/1, insulated glass. Color: Black units and white units; varies per wall section. (Sheet 43)
- Panels and mullions between windows: Cement board, painted.
- Large windows and entry doors: Commercial, metal-framed storefront with clear glass. [Staff note: Recommend condition that the glass will be *clear* for all glazed entries and windows on: the podium (front and side elevations); the three-story brick towers on each wing (front, east, and west elevations); and the four porch-level entrances on the west elevation. Re: *clear* glass, refer to the attached August 2018 memo.]
- Railings, entry canopies, entry door surround: Metal, painted (Sheet 42) [Staff note: Recommend condition that any new railings—i.e., at low walls, if required during code review, etc.—will match railings at podium terrace.]
- Parapet coping: Metal cap

Landscaping:

- Plantings: (all on City tree list)
 - Willow Oak
 - London Plane Tree
 - Witch Hazel
 - Sweetbay Magnolia
 - Kentucky Coffeetree (alt Honey Locust)
 - Black Gum
- Landscape/terrace walls: Red brick with bluestone cap. Fieldstone with bluestone cap. (Sheets 42-45)
- Paving:
 - Entry plaza, porches on Observatory Ave., path at rear: Scored concrete, buff colored.
 - On-site walks/terraces at Observatory Ave. and Washington Ave.: Brick
- Micro-bio-filters along Observatory Avenue. (Sheet 45)

Site Lighting:

- Illuminated bollards, planting accent lights, inset wall lights and surface mounted wall lights. Per sheet 50, the noted fixtures and locations are conceptual and may vary during construction. [Staff note: Recommend a condition that the lamping for exterior lighting be dimmable, have a Color Temperature not exceeding 3,000K, and a Color Rendering Index not less than 80, preferably not less than 90. Additionally, should there be concerns expressed later related to glare, the owner will work with NDS to find a reasonable solution. Also, to prevent bright light and glare emanating from the garage, specifically at/near the Washington Avenue entrance, lamping for the garage lights will comply with the above.]

Screening:

- Mechanical equipment: Rooftop units will be screened behind the parapet.
- Sheet 44 indicates an area near the garage entrance designated for Mech Equip. [Staff note: It is unclear what might be placed here or the precise location and dimensions of the brick wall; however, if used for mechanical units, utility/service boxes, storage, trash containers, etc., it will be appropriately screened. If not by the wall, then appropriate fencing or plantings.]
- Dumpsters/trash: It is understood these will be located within the garage and pulled to the curb on collection days. (Near the garage entrance, a low wall will enclose the area noted on sheet 13, so this not intended to serve as a screened enclosure.) [Staff note: Recommend a condition establishing that dumpsters and trash and/or recycling bins will be located within the garage and pulled to the curb only on collection days.]

Public Comments Received

No public comments regarding this CoA request have been received to-date.

Staff Recommendation

Staff finds the proposed improvements are appropriate and recommends approval of the CoA with the conditions noted in the motion below.

Per the approved Special Use Permit—approved September 19, 2022, link below—the proposed building height is permitted on this site and within the modified rear setback, therefore the maximum height and footprint have been established.

[CC memo - Sept 19 2022 SUP for 2005 JPA](#)

Staff concurs with the applicant’s comments:

- *Exterior material selections are predominantly brick and stucco, consistent with other buildings along the JPA corridor. The color palette falls in a compatible range. Building massing is varied, not monolithic. The scale evident in fenestration, entrances, site stairs, canopies and porches is appropriate for this district. The landscape design along JPA-- consisting of multiple terraces and plantings-- has the potential to enhance the corridor’s character, creating opportunities for pedestrian comfort and interaction in a shaded environment that is a marked improvement over other student housing that fronts this corridor.*
- *Material, textures and colors are varied. Brick veneer is used both to establish a building base and to emphasize smaller scale building faces within the longer facades, an effort to differentiate volumes within the mass.*

Attached is a comprehensive review of the design guidelines, reflecting both the applicant’s and staff’s comments. Also attached are staff’s comments from the SUP request (2021), which addressed many of the issues related to height, massing, and scale, and also clarified how staff approached the apparent conflict between the vision for this EC adopted in 2011 and the

Comprehensive Plan updated in 2021. Attached SUP memo also includes the section from the design guidelines, Chapter V, re: the Jefferson Park Avenue Entrance Corridor.

Suggested Motion

Approval: Having considered the standards set forth within the City’s Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- Glass will be clear, at the locations noted in the staff report.
- New railings, if required, will match the metal rail at the podium terrace.
- All exterior lighting and interior lighting visible at the garage entrance will have lamping that is dimmable, has a Color Temperature not exceeding 3,000K, and has a Color Rendering Index not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures.
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days. If they cannot be located within the garage, they will be contained within an area near the garage entrance and will be appropriately screened. That location and screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.

Alternate Motions

Deferral: I move to defer [or, to accept the applicant’s request to defer] the Entrance Corridor Certificate of Appropriateness application for 2005 Jefferson Park Avenue.

Denial: Having considered the standards set forth within the City’s Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is not consistent with the Guidelines and is not compatible with the goals of this Entrance Corridor, and that for the following reason(s) the ERB denies the Certificate of Appropriateness application as submitted...

Attachments

1. Applicant's submittal. Mitchel/Matthews Architects & Planners drawings for 2005 Jefferson Park Avenue Entrance Corridor Review Application, dated December 20, 2022.
2. Review of the EC design guidelines re: CoA request for 2005 2005 Jefferson Park Avenue.
3. May 10, 2022 Staff report ERB Review of Special Use Permit Request for 2005 Jefferson Park Avenue.
4. July 17, 2018 Summary of BAR Discussion re: Clear Glass.

2005 JPA - ERB Review - Entrance Corridor Design Guidelines (Feb 3, 2023)		
Chapter I: Design Principles	Applicant's Comment	Staff Comment
<p>Design for a Corridor Vision: New building design should be compatible (in massing, scale, materials, colors) with other neighboring structures that contribute to the overall quality of the corridor. Existing developments should be encouraged to make upgrades consistent with the corridor vision. Site designs should contain some common elements to provide continuity along the corridor. New development, including franchise development, should complement the City's character and respect those qualities that distinguish the City's built environment.</p>	<p>Exterior material selections are predominantly brick and stucco, consistent with other buildings along the JPA corridor. The color palette falls in a compatible range. Building massing is varied, not monolithic. The scale evident in fenestration, entrances, site stairs, canopies and porches is appropriate for this district. The landscape design along JPA-- consisting of multiple terraces and plantings-- has the potential to enhance the corridor's character, creating opportunities for pedestrian comfort and interaction in a shaded environment that is a marked improvement over other student housing that fronts this corridor.</p>	<p>Staff concurs.</p>
<p>Preserve History: Preserve historic buildings and distinctive architecture from earlier periods. Encourage new contemporary design that is respectful of historic building design.</p>	<p>There are no historically designated buildings on this site. The property is in an Entrance Corridor, but it does not fall within any of the city's Historic Districts</p>	<p>Staff concurs.</p>
<p>Facilitate Pedestrian Access: Encourage compact, walkable developments. Design pedestrian connections from sidewalk and car to buildings, between buildings, and between corridor properties and adjacent residential areas.</p>	<p>The potential pedestrian experience along JPA represents a significant improvement over streetscapes found elsewhere on the corridor. The existing sidewalk will be rebuilt to current city standards with a narrow planted buffer between parked cars and pedestrians. On site, easily accessible plaza spaces adjacent to the sidewalk will give pedestrians a kind of wayside where they can relax and socialize in the shade and beauty of new plantings. At the rear of the property, a paved walk is proposed, available for public use, allowing nearby residents a second, alternative connection between Washington and Observatory Avenues</p>	<p>Staff concurs.</p>
<p>Maintain Human Scale in Buildings and Spaces: Consider the impact of building design, especially height, mass, complexity of form, and architectural details, and the impact of spaces created, on the people who will pass by, live, work, or shop there. The size, placement and number of doors, windows, portals and openings define human scale.</p>	<p>The building height is similar to multiple nearby structures along the corridor. Buildings at 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall. Mass and form of the proposed building is varied. Multiple walks and terraces provide usable spaces, traversable by visitors and passers-by. Street trees will provide screening, shade and beauty. The dimensions and arrangements</p>	<p>Staff concurs.</p>

	<p>of windows, openings and entries are consistent with neighboring apartment buildings.</p>	
<p>Preserve and Enhance Natural Character: Daylight streams, and retain mature trees and natural buffers. Work with topography to minimize grading and limit the introduction of impervious surfaces. Encourage plantings of diverse native species.</p>	<p>The landscape plan proposes a variety of native plantings in a variety of sizes-- from smaller shrubs to large trees.</p>	<p>Staff concurs.</p>
<p>Create a Sense of Place: In corridors where substantial pedestrian activity occurs or is encouraged, or where mixed use and multi-building projects are proposed, one goal will be creating a sense of place. Building arrangements, uses, natural features, and landscaping should contribute, where feasible, to create exterior space where people can interact.</p>	<p>In addition to the multiple terraced areas along JPA, several of the apartments fronting Observatory Avenue have porches and walks connected to the sidewalk. Not only will these benefit the scale of the project, they provide outside spaces from which tenants can easily see and communicate with other students and city residents as they move to and fro. In its current state the site makes little contribution to the street wall. It lacks architectural presence on the corridor. Very few buildings front the street to contribute to a sense of place. The proposed development will engage the street corners and contribute to the existing street wall-- one defined by variation more than uniformity.</p>	<p>Staff concurs.</p>
<p>Create an Inviting Public Realm: Design inviting streetscapes and public spaces. Redevelopment of properties should enhance the existing streetscapes and create an engaging public realm.</p>	<p>A generous array of plaza spaces and planting beds will create a comfortable, shaded environment along the public realm, creating a kind of expanded sidewalk with places to sit, rest, eat and talk. At the corner of Jefferson Park and Observatory Avenues, a corner space is proposed with the potential to serve future commercial use, connected to an outside terrace convenient to passers-by</p>	<p>Staff concurs.</p>
<p>Create Restrained Communications: Private signage and advertising should be harmonious and in scale with building elements and landscaping features.</p>		<p>n/a. No signage proposed. Signage will require separate signage permits</p>

Mask the Utilitarian: Provide screening from adjacent properties and public view of: parking lots, outdoor storage and loading areas, refuse areas, mechanical and communication equipment, and other uses that have adverse impacts. Where feasible, relegate parking behind buildings.	All on-site parking is concealed under the building. Access to the basement parking is located on Washington Avenue, over 200 feet away from JPA. Storage areas, refuse areas and mechanical equipment will all be concealed within the building or on rooftops behind parapets	Not specified
Respect and Enhance Charlottesville's Character: Architectural transplants from other locales, and shallow or artificial imitations of the Jeffersonian architectural style are examples of building designs that are neither appropriate nor desirable. Objectionable or incompatible aspects of franchise design or corporate signature buildings must be modified or customized to fit the character of this community.	By and large, traditional materials are proposed, but the building's architecture does not rely on historic references deployed superficially or romantically. It does not indulge vernacular details associated with places outside Charlottesville	Staff concurs.
Chapter II: Streetscapes, B. Plantings & Open Space	Applicant's Comment	Staff Comment
1. Use street trees to provide shade, a sense of enclosure and to define edges.	Many street trees are proposed along Jefferson Park, Observatory and Washington Avenues. In the site's current condition, street trees are uncommon.	Staff concurs.
2. Include appropriately scaled trees, shrubs and other plantings to provide beauty as well as shade, within a pedestrian gathering place, and as screening for parking, utilities, and service areas.	A varied selection of plantings-- from large trees to medium trees to shrubs-- will benefit the environment around the building, encouraging people to gather and socialize within the color, comfort and shelter of the landscape. In addition to street trees, multiple planting beds-- as buffers along JPA, in transitional spaces between sidewalks and entrance terraces/porches, and along the building edge-- will host smaller plantings. The combination of plantings will enhance a sense of scale around the building, emphasizing the edges of and enclosing outdoor space.	Staff concurs.
3. Maintain existing plantings in all public areas.		
4. Use hardy native species that require minimal maintenance.	Most planting selections come from the Charlottesville Tree Packet of recommended species. Over-used species-- Bradford Pear and Crepe Myrtle, for example-- are not proposed.	Staff concurs.

5. Replace damaged or missing street trees with appropriate species.		
6. Avoid over-used species such as Bradford pear.	n/a	
7. Use larger tree species where appropriate to space and function.	Certain species-- London Planetree, Honeylocust and Kentucky Coffeetree, among them-- will attain significant height when mature. They are proposed along the streets, where in time they will provide abundant shade and an ever-changing screen of the upper stories of the new building	Staff concurs.
8. Expand use of seasonal color in plantings.	Multiple species-- black gum, ? and ? among them-- will provide potentially great colors in fall and spring	
9. Use landscaping to create an identity within a particular corridor or sub-area by selecting specific species, sizes, colors or shape of plants and trees.		
10. Use plantings to promote visual order and help integrate buildings into the corridor.	In time, the varied scale of plantings will create a layered environment from which the building emerges, avoiding abrupt or stark transitions.	Staff concurs.
11. Refer to the Tree Planting and Preservation BMP Manual in the Charlottesville Standards and Design Manual.	Acknowledged	
12. Encourage day lighting of streams where appropriate.	n/a	
Chapter II: Streetscapes, C. Pedestrian Routes	Applicant's Comment	Staff Comment

<p>1. Provide, where feasible, unbroken pedestrian routes between developments. Place paths in a logical pattern where people will want to walk. Place sidewalks on both sides of streets where feasible and separate them from the curb by a minimum five (5) feet wide landscape zone if possible.</p>	<p>The continuity of sidewalks will be significantly improved with this project. Currently sidewalks along both Observatory and Washington Avenues are discontinuous on both sides, with stretches of more than 200 feet without sidewalks at all. Where there are sidewalks currently, they are frequently crossed by parking drives and aprons. After this project is complete, the sidewalks will continue, without break, along all three street edges. Only one vehicular drive-- at the Washington Ave. entry to the parking deck-- will cross the new sidewalks. At JPA, a landscape buffer is proposed. Because of utility limitations it will be three feet wide, sufficient for smaller plantings. To compensate, we propose a sufficiently wide planting bed for larger street trees to be located on the building side of the sidewalk.</p>	<p>Staff concurs.</p>
<p>2. Within developments, identify a complete internal pedestrian pathway system linking all buildings, parking and green spaces. Ensure that this network connects to public pedestrian pathways that link schools, recreation areas, and other major destinations.</p>	<p>All building entries, porches and plazas are connected to public pathways, often in multiple locations. At the rear of the property, there is currently a surface parking lot with few trees. For years this lot has served an informal, but illicit, function as a pedestrian connection between Washington and Observatory Avenues. With this project, a new pedestrian path behind the building-- and open to public use-- will replace the parking lot. The new path will enjoy screening and shade from a wide planted buffer along the north property boundary</p>	<p>Staff concurs.</p>
<p>3. Add designated pedestrian pathways through larger parking lots.</p>	<p>No visible surface parking lots are proposed in this project.</p>	
<p>4. Provide crosswalks at intersections, between major pedestrian destinations and in front of building entrances that link to parking.</p>	<p>A crosswalk will be provided where the Washington Ave. sidewalk intersects with the vehicular drive accessing the parking levels.</p>	
<p>5. Design crosswalks to highlight their visibility by slightly raising them, by making them wider, by constructing them of materials other than asphalt and by using bulb-out corners that reduce their length.</p>	<p>At the entrance to the under-building parking, the crosswalk will not be paved in asphalt, and it will be wider than the sidewalk.</p>	

<p>6. Provide breaks in large building masses to allow pedestrians to pass through, particularly through shopping centers.</p>	<p>The concealed parking levels do not permit accessible passage across the full site within the building’s perimeter. However, at the rear of the property, not far from JPA, a public pathway is proposed that crosses the entire property. Currently, it’s unusual for people to walk between Observatory and Washington Avenues except at the rear parking lot and at JPA. Connections at these locations will be retained and improved</p>	
<p>7. Place sidewalks throughout residential areas.</p>		
<p>8. Avoid excessive curb cuts for vehicular access across pedestrian ways. Where curb cuts are necessary, mark them with a change in materials, color, texture or grade.</p>	<p>The project requires only a single curb cut, marked with a change in material, at the entry to the under-building parking on Washington Ave. This is a significant reduction to existing curb cut conditions. Currently, there are at least eight curb cuts or driveway crossings located along Observatory and Washington Avenues accessing this site.</p>	<p>Staff concurs.</p>
<p>9. Design sidewalks appropriately for the site and the expected amount of foot traffic. In commercial areas where foot traffic is expected, sidewalks should be a minimum of (10) ten feet. Sidewalks in residential areas can be five (5) feet, depending on the type of street and size of road.</p>	<p>In this largely residential district, a seven foot wide sidewalk is proposed along Jefferson Park Ave.</p>	
<p>10. Use brick or patterned concrete, or a combination of these materials, that relates to the existing architectural vocabulary of the corridor or sub-area.</p>	<p>Currently, there is little precedent in this corridor for brick or patterned concrete walks... however, we propose brick and stone for numerous low site walls contiguous to walks and plazas</p>	<p>Staff concurs.</p>
<p>11. Avoid concrete curbing poured in continuous strips.</p>	<p>Acknowledged</p>	
<p>12. Avoid excessive variation in sidewalk and curb materials.</p>	<p>Acknowledged</p>	
<p>Chapter II: Streetscapes, D. Bicycle Routes</p>	<p>Applicant's Comment</p>	<p>Staff Comment</p>
<p>1. Provide for bicycle traffic along major corridors and between major destinations, with particular emphasis on connecting residential areas to schools, recreation areas, and commercial centers.</p>	<p>Currently there is a dedicated bike lane along JPA adjacent to the site. This will remain.</p>	

2. Provide new bike paths to connect to planned or existing municipal paths or paths of adjoining developments.		n/a
3. Provide facilities to store or lock bicycles at appropriate sites, including schools, major recreation areas, office parks, public institutions, and large commercial centers.	Indoor, secure storage for bicycles will be provided on site	
4. Develop an easily identifiable graphic system of signs and road markings to designate bicycle routes and crossings.		n/a
Chapter II: Streetscapes, E. Lighting	Applicant's Comment	Staff Comment
1. Use full cutoff luminaires in accordance with City lighting requirements to provide better lighting and prevent unwanted glare.	Full cutoff luminaries will be used	See recontended conditions in staff report
2. Where appropriate, replace modern cobra-head type lamps and poles with painted metal, traditionally designed fixtures that have a base, shaft and luminaire.		n/a
3. Consider using a different but compatible style of fixture for each of the corridors.		n/a
4. Light pedestrian areas with appropriately scaled poles.		n/a
5. Provide pedestrian lighting at transit stops and along paths to parking lots and other destinations.		n/a
6. Provide lighting of intersections in high traffic areas.		n/a
7. Include any lighting upgrades as a part of an overall streetscape plan for each corridor.		n/a
Chapter II: Streetscapes, F. Street Furniture	Applicant's Comment	Staff Comment
1. Develop and use a common palette of colors, materials and design.	The furniture materials, colors and design will be coherent	

<p>2. Coordinate furniture along corridors. While they need not match, they should be compatible and not clash.</p>	<p>There is little presence or continuity of street furniture along JPA now. We do not anticipate furniture choices for this project to clash.</p>	
<p>3. Place benches at key locations such as transit stops. Use traditional designs constructed of wood and/or painted metal.</p>	<p>No transit stops are currently located along the site’s JPA boundary, but built-in benches and tables are planned to be included on the front entry plaza. These are very close and convenient to the sidewalk. They will allow a place to wait, rest and meet with friends. If a transit stop is placed here in the future, the project’s benches have the potential to create alternative waiting areas close-by and within sight of it</p>	
<p>4. Avoid placing too many elements on narrow sidewalks.</p>		<p>n/a</p>
<p>Chapter II: Streetscapes, G. Public Signs</p>	<p>Applicant's Comment</p>	<p>Staff Comment</p>
<p>1. Develop a system of public wayfinding and informational signs to reflect the character of Charlottesville to be used on all corridors.</p>		<p>Signage not reviewed under this CoA. Signage requires a separate sign permit; must comply with EC design guidelines.</p>
<p>2. Coordinate the colors and design of signs within a corridor.</p>	<p>The color scheme and design of signs will be consistent and coherent.</p>	
<p>3. Keep signs to the minimum number and size necessary for the use.</p>	<p>The number of signs will not be excessive</p>	
<p>4. Scale and place signs for both automobile traffic and pedestrians.</p>		
<p>5. Avoid placing signposts in locations where they can interfere with the opening of vehicle doors.</p>		
<p>6. Consider using decorative color banners within a specific corridor</p>		
<p>Chapter II: Streetscapes, H. Public Art & Monuments</p>	<p>n/a</p>	

Chapter II: Streetscapes, I. Utilities & Communication Equipment	Applicant's Comment	Staff Comment
1. Locate and screen utilities to limit their visibility from the street and from nearby development.	Power and communication cables will remain above ground and suspended from utility poles. but transformers and meters will be located out of view from JPA.	
2. Place existing and proposed utilities underground.	Utilities will not be buried, as is typical of almost all other buildings along this corridor.	
Chapter III: Sites, B. Connectivity Between Entrance Corridor Areas & Neighborhoods	Applicant's Comment	Staff Comment
1. Maintain or provide a strong sense of community, by providing pedestrian and vehicular links from a corridor site to nearby neighborhoods, parks, schools and other public destinations.	Pedestrian connections to the neighborhoods on Observatory and Washington Avenues are enhanced by improved continuous sidewalks that are minimally interrupted by vehicular crossings	Staff concurs.
2. Use common streetscape elements, materials and designs to visually link the corridor areas and neighborhoods.	Materials typical of the surrounding neighborhoods-- brick, stone, concrete-- will be used in walks and site walls	Staff concurs. See precedent images.
3. Provide continuous pedestrian routes along corridors where feasible.	Pedestrians routes along the corridor will be enhanced and expanded.	Staff concurs.
4. Site grading should promote connectivity with adjacent sites.	Site grading will not affect adjacent sites.	Staff concurs.
Chapter III: Sites, C. Connectivity Between & Within Sites	Applicant's Comment	Staff Comment
1. Create a complete pedestrian pathway system within a site and between adjacent sites, linking all buildings, parking areas and green spaces. Ensure that this network connects to any nearby public pedestrian pathway.	All building entries, porches and plazas are connected to public pathways, often in multiple locations. At the rear of the property, there is currently a surface parking lot with few trees. For years this lot has served an informal, but illicit, function as a pedestrian connection between Washington and Observatory Avenues. With this project, a new pedestrian path behind the building-- and open to public use-- will replace the parking lot. The new path will enjoy screening and shade from a wide planted buffer along the north property boundary.	Staff concurs.

<p>2. Design pedestrian and vehicular circulation to maximize the quality and safety of pedestrian experience through:</p>	<p>At the entrance to the under-building parking, the crosswalk will not be paved in asphalt, and it will be wider than the sidewalk. The change in materials and wider dimension will call attention to pedestrians where the garage entry/exit crosses the sidewalk at Washington Ave.</p>	<p>Staff concurs.</p>
<p>a. Design approaches such as “shared space” that slow vehicle speeds and enhance pedestrian experience.</p>		<p>n/a</p>
<p>b. Designated, separate sidewalks with planted areas through large parking lots.</p>		<p>n/a</p>
<p>c. Crosswalks at points of vehicular access routes and in front of building entrances.</p>		<p>n/a</p>
<p>d. Crosswalks designs that highlight their visibility by slightly raising them, by making them wider, by constructing them of materials other than asphalt and by using bulb-out corners that reduce their length.</p>		<p>n/a</p>
<p>3. Ensure that new paving materials are compatible with the character of the area. Scored concrete with broom finishes, colored, exposed aggregate concrete, and brick or unit pavers are examples of appropriate applications. Avoid large expanses of bright white or gray concrete surfaces.</p>	<p>At the entry plaza, associated walks and the corner terrace at the intersection of Jefferson Park and Washington Avenues, paving materials will be scored concrete in a buff stain. The walks leading to the Observatory Ave. porches will be paved in brick.</p>	<p>Materials are appropriate</p>
<p>4. Provide passageways within large building masses to allow pedestrians to pass through, particularly through shopping centers</p>	<p>The concealed parking levels do not permit accessible passage across the full site within the building’s perimeter. However, at the rear of the property, not far from JPA, a public pathway is proposed that crosses the entire property. Currently, it’s unusual for people to walk between Observatory and Washington Avenues except at the rear parking lot and at JPA. Connections at these locations will be retained and improved.</p>	<p>Staff concurs.</p>
<p>Chapter III: Sites, D. Building Placement</p>	<p>Applicant's Comment</p>	<p>Staff Comment</p>

1. Orient the facade of new buildings to front on the corridor.	The main building entry and entry plaza front Jefferson Park Avenue.	Staff concurs.
2. Limit setback of new buildings according to the zoning of the particular corridor.	The front yard is between 20 and 30' deep, which is consistent with multiple other similar buildings along the corridor.	Staff concurs.
3. Limit setbacks at major intersections so that the architecture can help define the area.	While the intersections may not be regarded as major, they are not insignificant. The architecture-- both in the street-level terracing and prominent entry areas-- serves to define the corners	Staff concurs.
4. Use compact building arrangements to reduce the feeling of seas of parking, encourage pedestrian activity and define space.	No exposed, surface parking is proposed. The building is not sited too far from rights-of-way, but enough to allow expanded pedestrian spaces and ample plantings.	Staff concurs.
5. Strive for contiguous building arrangement along the street face, and avoid large breaks between buildings in identified development sites.	We seek a balance in the building arrangement. While the base of the building is contiguous along JPA, the residential wings above step back independently of one another-- one offset from the other-- to introduce varied massing and temper the impression of formality that a more symmetrical form might impose	Staff concurs.
6. Ensure that larger developments orient their design to any adjoining neighborhoods and to side streets.	The introduction of brick facades along Washington and Observatory Avenues creates the impression of independent attached dwellings-- not unlike townhouses-- fronting on the side streets and their associated neighborhoods. Porches at multiple ground level apartments along Observatory reinforce this perception	Staff concurs.
7. Provide breaks in large developments and building masses to allow pedestrian connections between developments.		
8. Orient service areas to limit their impact on the development and any neighboring areas.	The building will be serviced largely at the entrance to the under-building parking on Washington Ave. This will help minimize the presence of service vehicles like trash trucks along the JPA corridor	Staff concurs.
9. Each side of a corner building that faces a street should be considered a facade of the building for design purposes.	Building corners, especially at Washington Ave., turn to face side streets with prominent entry points and fenestration	Staff concurs.

Chapter III: Sites, E. Parking	Applicant's Comment	Staff Comment
1. Reduce the scale of parking lots by:		n/a
2. Where existing parking lots are located on the street, screen such lots from the street and from adjoining development, using low fences or walls, or year-round plantings.		n/a
3. Reduce the visibility of residential garages by:		
a. Not allowing a garage to become the primary architectural feature when a development is viewed from the street, especially for attached housing.	The garage entry is on the project's east side yard, over 200 feet from the JPA corridor	Staff concurs.
b. Placing garages behind the building setback, preferably facing to the side or rear of attached housing.	The entry drive to the garage is not in the front yard	Staff concurs.
c. Placing garages and parking in the rear with alley access	Because of grading concerns and to prevent vehicle access from conflicting with rear yard pedestrian use and planted screening, we elected not to access the garage from the rear yard.	Staff concurs.
4. Accommodate pedestrian needs within parking areas by:		
a. Providing clear pedestrian paths and crossings from parking spaces to main entrances and to the street.	Ways from parking spaces to building entrances will be clearly marked	N/A. Parking is within the building and not visible from the EC.
b. Planning parking so that it least interferes with appropriate pedestrian access and connections to adjoining developments.	Primary building entrances are connected directly to public sidewalks, away from subterranean parking.	Staff concurs.
5. Construct parking lots that reinforce the existing street wall of buildings and the grid system of rectangular blocks.		n/a
6. The number and width of curb cuts should be the minimum necessary for effective on- and off-site traffic circulation. Whenever possible, curb cuts shall be combined with adjacent entrances.	Only one curb cut for vehicular access is proposed. This will be on Washington Avenue, over 200 feet up from the corridor.	Staff concurs.

<p>7. Design any detached parking structures to be architecturally compatible with its setting or to be screened by other buildings or by landscaping. If it fronts on a street or pedestrian path, design the street level facade with storefronts, display windows, bay divisions, and other pedestrian oriented features.</p>		<p>n/a</p>
<p>8. Bicycle parking facilities should be provided within areas where significant bicycle traffic is anticipated. They should be located in designated areas close to buildings and pedestrian paths. The design, materials, and color of the bicycle racks should coordinate with other site elements and should be well-lit for night time uses.</p>	<p>Bike storage will be located securely inside the building, convenient to an exterior entry along Washington Avenue with continuous sidewalk access to JPA</p>	
<p>Chapter III: Sites, F. Plantings & Open Spaces</p>	<p>Applicant's Comment</p>	<p>Staff Comment</p>
<p>1. Provide landscaping within parking areas by:</p>		<p>n/a</p>
<p>a. Separating parking aisles with medians planted with shade trees along the length of the islands.</p>		<p>n/a</p>
<p>b. Including pedestrian walkways with planted medians to reinforce connectivity and separate pedestrians from vehicular traffic.</p>		<p>n/a</p>
<p>c. Avoiding isolated islands of single trees and instead providing landscaped tree aisles between every other row of cars.</p>		<p>n/a</p>
<p>d. Using shade trees of sufficient number and size at maturity to shade a substantial portion of the lot. Consider orientations that would provide the greatest shade during summer months. Smaller, more decorative trees can be used closest to buildings.</p>		<p>n/a</p>

2. The majority of the open space should be located at the perimeter of the site where it is visible and it should be of sufficient width and depth to provide adequate contrast to any adjoining site parking. Planting zones should be consolidated into areas large enough to give a natural character to a site rather than randomly distributed in small and narrow open spaces that do not match the context and scale of the project.	Most open space is located along the perimeter. Planting zones vary. Some are linear and narrow, creating an edge along walks. Others are more spacious, allowing generous green areas suitable for larger tree species. Planting zones are designed deliberately to help define and shade public sidewalks. At the rear of the site, a broad swath of mixed plantings will provide a buffer between this project and smaller scaled neighboring houses to its north.	Staff concurs.
3. Planted areas should also be located along the public boundaries of the site, within parking areas, along drainage or stormwater management areas, around buildings, and at building entries.	Plantings are proposed in all of these locations (with the exception of parking areas, because all parking is under the building).	Staff concurs.
4. The existing topography should be preserved intact as much as possible to minimize disruptions in drainage.	Outside the building perimeter, significant regrading is not proposed	Staff concurs.
5. Different scales of plantings (trees, shrubs, flowers) should be incorporated into site design to the extent possible and such features as mature woods and riparian areas should be retained.	A variety of plantings of different sizes and colors are proposed	Staff concurs.
6. Use species appropriate for site conditions including available sunlight, water and root and canopy space.	Selected species are appropriate for site conditions.	Selected trees are on the City tree list
7. Use trees, shrubs and other landscaping features to provide screens for service areas, parking and utilities.	Plantings will be used to screen utilities where necessary	Staff concurs. Will confirm via site plan review.
8. Use large specimen street trees along pedestrian routes to provide shade and to define edges.	Large trees, selected from Charlottesville's Tree Packet of recommended species, are proposed along all sidewalks.	Staff concurs.
9. In the core of larger commercial and office centers, street trees and more formal urban plantings organized around public open spaces are recommended.		n/a
10. Consider using landscaping areas that also provide storm water treatment, such as rain gardens.	Planted Bioretention is planned along parts of Observatory and Jefferson Park Avenues.	Staff concurs.
11. Refer to the Tree Planting and Preservation BMP Manual in the Charlottesville Standards and Design Manual	Acknowledged	

12. Encourage day lighting of streams where appropriate.		n/a
Chapter III: Sites, G. Lighting	Applicant's Comment	Staff Comment
1. Use full cutoff luminaires in accordance with City lighting requirements to provide better lighting and prevent unwanted glare. Lighting should at all times be designed to prevent light pollution in the form of light transmission laterally beyond site boundaries or upward to the sky.	All relevant lighting will follow the city’s cutoff luminary requirements	See recommended conditions in the staff report.
2. Coordinate the lighting plan with the landscape plan to ensure pedestrian areas are well-lit and that any conflict between trees and light fixtures is avoided.	Lighting is being coordinated with the landscape design	
3. Lighting should provide for appropriate and desirable nighttime illumination for all uses on and related to the site to promote a safe environment.	LED lighting at levels and temperatures recommended by BAR guidelines will be specified. Most exterior lighting will be motion-activated	
4. Light pedestrian areas with appropriately scaled poles and luminaires. Their heights are typically ten to fourteen feet.	Most lighting of pedestrian areas will not be mounted on poles. Those lights that are will not be mounted above appropriate heights	
5. Avoid using building accent lighting that is too bright and draws too much attention to the building. Reasonable levels of accent lighting to accentuate architectural character may be appropriate in individual instances when it is shielded and is not aimed towards neighboring properties, sidewalks, pathways, driveways, or public right-of-ways in such a manner as to distract travel.	Accent lighting will be subtle and used only around building signs	
6. Gasoline station/convenience store aprons and canopies should utilize fully shielded lighting fixtures. 7. Provide pedestrian lighting at transit stops and along paths to parking lots and other destinations.		n/a
Chapter III: Sites, H. Walls & Fences	Applicant's Comment	Staff Comment

1. Choose high-quality materials and designs using materials such as brick, stone, metal, and wood. Avoid untreated wood, vinyl, chain-link, or wire fences or concrete block walls. Consider selecting materials used elsewhere on the property or the structures within the site.	Site walls will be built out of quality, durable materials.	Staff concurs.
2. Use a scale and level of ornateness of the design of any new walls and fences that relate to the scale and ornateness of the building within the site. Use simpler designs on small lots.	In detailing and scale, the site walls will be compatible with the building.	Staff concurs.
3. Avoid exceeding the average height of other fences and walls of surrounding properties.	Site walls will typically be low-- in many cases, seat wall height-- especially along the JPA corridor.	Staff concurs.
4. Fences should be set back from the street right-of-way to allow a clear area for utilities and landscaping.		n/a
5. When walls or fences stretch longer than 50 feet, use designs with texture and modulation to provide a regular rhythm without being monotonous. For example, use vertical piers (generally spaced no more than 25 feet apart) of a different material or width or height. Plantings and street trees should be used in conjunction with a wall or fence to break up a long expanse.	The brick wall around the upper terrace at Jefferson Park and Observatory Avenues is punctuated by recesses that keep the wall face from being too monotonous. Where other site walls stretch more than fifty feet without interruption, these are typically low, seat-height walls where modulation is of negligible value.	Staff concurs.
6. Use paint or opaque stains on pressure treated or unpainted wooden fences.		n/a
7. Fence stringers (the structural framing of the fence) should be located facing the interior of the subject lot, with the finished side facing out away from the subject property.		n/a
8. Fences at intersections and driveways should comply with City requirements for site distance. (See Article IX, Division 7 of the Zoning Ordinance for detailed site triangle requirements.)		n/a
9. Transitional screening should consist of a densely planted buffer strip to provide an adequate visual screen. The screen should be of appropriate plant materials to form an effective buffer for all seasons. Mature vegetation should be retained in		

<p>such areas and supplemented as necessary by new vegetation to screen sight lines.</p>		
<p>Chapter III: Sites, I. Signs</p>	<p>Applicant's Comment</p>	<p>Staff Comment</p>
<p>1. Place signs so that they do not obstruct architectural elements and details that define the design of the building.</p>	<p>Signs will not obscure architecture. They will be well integrated.</p>	<p>Signage is not being reviewed under this CoA. All signage will require a separate sign permit and must comply with EC design guidelines.</p>
<p>2. Respect the design and visibility of signs for adjacent businesses.</p>	<p>Signs on the subject property will not obscure or clash with signs on properties elsewhere.</p>	
<p>3. Use colors and appropriate materials that complement the materials and color scheme of the building, including accent and trim colors.</p>	<p>Sign materials and design will enhance building materials and design.</p>	
<p>4. Use a minimal number of colors per sign where possible. Avoid jarring overly bright color schemes.</p>	<p>Signs will not have a busy color palette. Bold colors may be selected in special cases, but we believe these are potentially interesting choices.</p>	
<p>5. Exterior illumination of signs shall comply with the City's outdoor lighting requirements. Exterior neon is discouraged.</p>	<p>Sign lighting will adopt the city's BAR's recommendations for exterior lighting.</p>	
<p>6. Illumination of any sign shall not be directed toward any residential area or adjacent street.</p>	<p>Sign lighting will be discreet and indirect, not shining outward toward the property edges</p>	
<p>7. Consider using a comprehensive signage plan for larger developments.</p>	<p>Signs will be compatible with one another.</p>	
<p>8. Encourage the use of monument signs with accent landscaping at the base along corridors.</p>	<p>Large signs may be used along the corridor with or without associated landscaping.</p>	
<p>9. Internally lit signs should use an opaque background so only letters are lit.</p>	<p>Sign lighting will be indirect, illuminating only the text/numbers.</p>	
<p>10. Flashing lights are prohibited.</p>	<p>None proposed.</p>	

Chapter III: Sites, J. Utilities, Communication Equipment & Service Areas	Applicant's Comment	Staff Comment
1. Locate utilities to minimize their visual impact from the street and adjoining developments.	Utilities will be away from or screened from the JPA Corridor	Staff concurs.
2. Screen and landscape dumpsters with wood board or solid barrier wall when multiple sides of a building are highly visible.	Trash dumpsters/bins will be stored in the building, out of sight.	Clarify location
3. Place utilities underground if at all possible or locate behind buildings.		See comments in staff report.
4. Screen service areas and loading docks that are visible from streets or adjoining development with berms, landscaping, structures or fences.		To be located near garage entrance.
5. Site noise-generating features away from neighboring properties especially residences, or use noise barriers or other means of reducing the impact.	The pool deck-- the only potential generator of noise-- is located at the already busy and active JPA thoroughfare rather than facing the houses on the quieter side avenues.	
6. Screen roof-top communications and mechanical equipment.	Rooftop equipment will typically be screened behind parapet walls.	See comments in staff report.
Chapter IV: Buildings, B. Architectural Compatibility	Applicant's Comment	Staff Comment
1. Charlottesville seeks new construction that reflects the unique character, history, and cultural diversity of this place. Architectural transplants from other locales or shallow imitations of historic architectural styles, for example, are neither appropriate nor desirable.	The building's architecture does not rely on historic references deployed superficially or romantically. It does not indulge vernacular details associated with places outside Charlottesville.	Does not replicate <i>historic Charlottesville</i> , but that is not the goal. Does it reflect "anywhere" architecture or architecture not consistent with Cville? Staff suggests it does not.

<p>2. A distinctive identity for each corridor should be created through a combination of materials, forms and features that create a coordinated and inviting mix of buildings and spaces.</p>	<p>Exterior material selections are predominantly brick and stucco, consistent with other buildings along the JPA corridor. The color palette falls in a compatible range. Building massing is varied, not monolithic. The scale evident in fenestration, entrances, site stairs, canopies and porches is appropriate for this district. The landscape design along JPA-- consisting of multiple terraces and plantings-- has the potential to enhance the corridor's character, creating opportunities for pedestrian comfort and interaction in a shaded environment that is a marked improvement over other student housing that fronts this corridor.</p>	<p>Look at precedents and photos. Not unlike other contemporary buildings in City and at UVA. Proposal is consistent with Com Plan goals to transform this corridor.</p>
<p>3. Encourage a diversity of architectural materials, forms and styles that respect the traditions of architecture in the Charlottesville area including gable or hipped roof forms, standing seam metal roofing, brick, and wood siding.</p>	<p>Exterior material selections are predominantly brick and stucco, consistent with area traditions. The flat roof with parapets is common among the city's larger apartment buildings, including older ones (see 300 Fourth St SE, the Altamont Circle Apts, 39 University Circle, the Preston Court Apts, etc...)</p>	<p>Contemporary design featuring brick and stucco, which are typical for Charlottesville.</p>
<p>4. <u>New development should strive to implement the intended vision</u> rather than repeat existing inappropriate development patterns.</p>	<p>Multiple examples of buildings along JPA that do not present engaging facades along the corridor (ex. 1909, 1905, 1801, 1721, 1719, 1715, 1713, 1709 and 1712 JPA). On these properties, surface parking is prominent and visible in the front yards. Pedestrian walks are negligible and typically connect front doors not to public sidewalks but to asphalt parking. Street trees are uncommon, in many cases nonexistent. Trash cans are visible throughout the week. These properties do little to contribute to a sense of a street edge. Architectural character is often indistinct. The proposed project will not perpetuate any of these patterns. It represents a design that aspires to a better vision for this Corridor.</p>	<p>Consistent with revised Comp Plan re: density</p>
<p>5. New development should respect existing historic buildings and excellent examples from the recent past.</p>	<p>No buildings on the property are historically designated.</p>	<p>PC established that historic context was compromised. Property is not locally designated</p>

6. Existing development should be upgraded as opportunities arise.		n/a
Chapter IV: Buildings, C. Building Mass, Scale & Height	Applicant's Comment	Staff Comment
1. Break up the front of a large building by dividing it into individual bays of 25 to 40 feet wide.	Along the side avenues, brick facades at three stories above the base stories are less than 30 feet wide and are intended to create the impression of individual dwellings attached to one another, not unlike townhouses.	Staff concurs
2. Use variation in materials, textures, patterns, colors and details to break down the mass and scale of the building.	Material, textures and colors are varied. Brick veneer is used both to establish a building base and to emphasize smaller scale building faces within the longer facades, an effort to differentiate volumes within the mass.	Staff concurs
Avoid an unmodulated mass	Perspective views reveal modulated massing.	Staff concurs
Use stepped-back height	Stepbacks occur frequently at upper stories.	Staff concurs
Use varied wall surfaces	Wall surfaces do not extend for long stretches in the same plane. Facades are distinguished by projections and interrupted by recesses at regular intervals	Staff concurs
Use varied heights with regular width	Parapet walls are taller over some locations, creating both variation in wall heights and places to screen mechanical equipment.	Staff concurs
3. Use building mass appropriate to the site. Place buildings of the greatest footprint, massing, and height in the core of commercial or office developments where the impact on adjacent uses is the least. Follow setback requirements for upper story according to zoning classification of the corridor.	not an office or commercial development	n/a

<p>4. When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings. Heights can be greater if the mass is modulated and other scale techniques are adopted. Reduce height near lower density uses.</p>	<p>Because the grade rises from JPA to the rear of the site, the lower parking levels of the building can be submerged. This results in fewer stories above grade at the rear half of the site, where the proposed building is closer to the smaller scale houses along Observatory Avenue. The foremost brick faces here are limited to three stories. The two stories above are faced in darker, desaturated, muted colors, ones intended to help these upper levels withdraw into the background</p>	<p>Guidance of Comp Plan conflicts with 2011 Corridor Plan. (See May 10, 2022 staff memo re: SUP request.)</p>
<p>5. Use massing reduction techniques of articulated base, watertables, string courses, cornices, material changes and patterns, and fenestration to reduce the apparent height of a large building. Fake windows and similar details are not appropriate articulation. Floor-to-floor heights of a building can have an impact on the mass of a building. For instance, typical ceiling heights in a residence are 8-9 feet. First floors of office buildings or retail shops can range from 10-15 feet. Upper floors that include residential or office are generally 8-12 feet in height. When actual or implied floor-to-floor heights exceed 15-20 feet on the exterior, then a building may begin to read as more massive than human-scaled. When articulating large buildings, keep these dimensions in mind.</p>	<p>Multiple massing reduction techniques are employed. Floor-to-floor heights are typically 11', appropriate for a multi-family building</p>	<p>Staff concurs</p>
<p>Space: Creating human-scaled spaces that are defined by either buildings or landscape features provide more friendly, inviting places.</p>	<p>Spaces along the streets, those pedestrians are most likely to encounter, benefit from plantings, site walls, terraces and porches that support human scaled environments. On the building, windows, doors and canopies will further enhance this sense of scale.</p>	<p>Staff concurs. Project features terraces, bench's, walls, landscaping.</p>
<p>Chapter IV: Buildings, E. Facade Organization & Storefronts</p>	<p>Applicant's Comment</p>	<p>Staff Comment</p>
<p>1. Orient primary entrances on a building facade to the street or corridor.</p>	<p>The primary entrance faces on the corridor, close to the corner of JPA and Washington Ave</p>	<p>Staff concurs</p>

2. Use a hierarchy of entry design on any complex, if the building has more than one orientation, and focus main entry on street/corridor facade.	The inclusion of an entry plaza + site stair aligned with the main entrance creates a visible arrival sequence, complimented by beautiful native plantings.	Staff concurs
3. Secondary entries may be created to allow convenient access from adjacent buildings, sidewalks, parking, bicycle paths and transit stops.	Secondary entrances are located at both side avenues, close to their intersections with JPA, promoting convenience and helpful redundancy	Staff concurs
4. Orient at least part of public elevations of shopping complexes to any adjoining neighborhoods.		Project incorporates existing grade
5. Provide attractive facade treatments on any elevation that is visible from streets/corridors or from any primary elevations of adjoining developments and avoid use of unadorned blank walls.	Primary elevation facades utilize materials, fenestration and masonry detailing that create a robust level of relief and adornment.	Staff concurs. Project has no blank walls
6. Consider using the traditional three-part facade of cornice, pattern of upper story windows and a storefront with articulated base when designing a new building or when renovating an existing structure.	While it has a masonry base, the proposed building does not present a three-part hierarchy in the most obvious, traditional form. This building does not prioritize the historical horizontal subdivisions that were more common in previous eras. Instead, we intend the use of material and facade transitions to create a richer juxtaposition, emphasizing both vertical and horizontal proportions, often overlapping the two.	Staff concurs. Achieved through contemporary design. (NYT Feb 2014: <i>Like coats and ties at a ballgame, cornices have pretty much disappeared from contemporary architecture.</i> https://www.nytimes.com/2014/03/02/realestate/the-crowning-glory.html)
7. Use a regular pattern of solids and voids for openings that relate to more traditional building design in the corridor.		Staff concurs.
8. Use a proportion of openings (vertical or horizontal) that generally is consistent with the context of the building. More traditional designed openings are typically vertically proportioned.	The windows, doors and storefront typically adopt vertical proportions in keeping with traditional buildings	Staff concurs.
9. Strive for designs and materials that reflect the architectural traditions of the region.	Typically, material choices are appropriate for the region	Staff concurs.

10. Storefronts or large display windows should be used at the street level.	Storefronts are used at the two main street-level entries at the corner of Washington Ave and JPA. At the corner of Observatory Ave. and JPA, we also call for storefronts that offer visibility into amenity space (that may be converted to commercial space at a future time).	Staff concurs.
Chapter IV: Buildings, F. Materials & Textures	Applicant's Comment	Staff Comment
1. Use material changes to help reduce mass and provide visual interest.	Materials changes are used deliberately to reduce the impression of massiveness.	Staff concurs.
2. Choose materials that offer texture and avoid monotonous surfaces. For example, use wood or brick or stone, or new synthetic materials that approximate the look and dimension of these materials.	The proposed brick and synthetic stucco will provide a range of textures and avoid monotony.	Staff concurs.
3. Use quality materials consistently on all visible sides of commercial, office and multi-family residential buildings.	Materials will be durable	Staff concurs.
4. In Charlottesville, common building materials are brick, wood or stucco siding, and standing-seam metal roofs. Stone is more commonly used for site walls than building walls.	Building walls will be faced in stucco or brick. Some stone is proposed on site walls only.	Staff concurs.
5. Avoid the use of building materials with long-term maintenance problems, such as EIFS (exterior insulation and finishing systems), or vinyl siding. Sustainable, utilitarian building materials such as concrete block, metal siding or cementitious panels may be appropriately used for a contemporary design.	Synthetic stucco is proposed as an exterior finish on some walls. Synthetic stucco problems on past projects typically resulted from poor application practices that allowed moisture to get trapped in the wall envelope. Modern application standards using a proven drainage system, such as the inclusion of a full mesh layer-- one that does not have to be conscientiously oriented to be functional-- under the insulated stucco panels, will be adopted for this project.	Staff concurs.
6. Clear glass windows are preferred.		See staff report for recommendations re: clear glass.

Chapter IV: Buildings, G. Color	Applicant's Comment	Staff Comment
1. A coordinated palette of colors should be created for each development. This palette should be compatible with adjacent developments.	The colors will be complimentary. Red brick is common along the Corridor. Dark stucco colors are intended to make upper story walls visually recede into the background, leaving the brick facades more prominent. Other than the brick color, the palette is muted and modern. White windows, storefront and trim is proposed only in the brick facade along the JPA base and at the corner entry, setting these locations apart. Dark windows are used elsewhere. We think the dark window and stucco colors will also create a nice backdrop to the brighter color range seasonally present on the perimeter site plantings. On the courtyard at the third level, vivid color is proposed on courtyard facing pavilions. These are remote enough, they are only partially visible from the Corridor and only from certain angles. They add an unexpected lining-- only occasionally glimpsed-- to an otherwise staid exterior.	Done
2. Set the color theme by choosing the color for the material with the most area. If there is more roof than wall area in a development, roof color will be the most important color choice and will set the tone for the rest of the colors.	The brick facades cover the most exterior area. The stucco colors are coordinated to look good with the brick.	Done
3. Limit the number of color choices. Generally there is a wall color, trim color, accent color, and roof color.	While there are several wall colors, the proposed massing warrants it. The variation in colors and materials are intended to mitigate the building massing.	brick, to wall, accent colors
4. Use natural tints of materials such as reds, browns, tans, grays, and greens as primary colors. Save bright accent colors for awnings and signs on commercial buildings.	Primary colors will have natural tints. Vivid color is proposed only on facades within the courtyard, turned inward. Rarely visible from the street, they will create a distinctive and vibrant interior environment	Staff concurs.
5. Use color variation to break up the mass of a building and provide visual interest.	See perspective drawings	Yes
6. Do not use strong color that has the effect of turning the entire building into a sign.	We do not	Staff concurs.

Chapter IV: Buildings, H. Details	Applicant's Comment	Staff Comment
1. Use articulated elements such as cornices, belt courses, water tables, bay divisions, variations in wall plane and roof features to create designs of interest.	A building base, bay divisions, variations in wall plane, masonry detailing and coping projections at tops of walls are among the elements used to create architectural articulation	Staff concurs.
2. Include human-scaled elements such as columns, pilasters and cornices, particularly at street level and on facades with a pedestrian focus.	Canopies and fenestration contribute to human scale	Simple, minimal. Walls and terraces. Entry features
3. Avoid large expanses of blank walls that are visible from the public right of way or neighboring developments.	Typically vertical planes, materials and colors vary often enough that large blank expanses do not result	Avoided
4. Avoid oversized decorative elements.	No big decorative elements are proposed.	Achieved
5. Avoid decorative elements that do not relate to the architecture but serve to turn the whole building into a sign.	No such elements are proposed	Achieved
Chapter IV: Buildings, I. Roof Form & Materials	Applicant's Comment	Staff Comment
1. Use roof forms that complement the building design and contribute to a human scale. Avoid tall roof areas that overwhelm the height of the building's wall. Common Charlottesville roof forms include hipped, gable, flat and gambrel.	Roofs and their materials are not visible from the ground. They are flat roofs, common for and appropriate to multi-family buildings in Charlottesville.	Flat roof
2. If a shed roof or flat roof design is used, add a parapet wall to screen the roof.	Some roofs have parapets.	
3. Avoid a visible monolithic expanse of roof on large-scale buildings. Break the roof mass with elements such as gables, dormers, or parapets. Scale these features to the scale of the building.	Roof surfaces are not visible from the Corridor	variation in the wall planes and in heights of vertical elements
4. Consider using a special roof feature on buildings located at a gateway, a prominent corner or highlight entry bays on larger structures.	Canopies are used to help distinguish prominent corners and their entries	Staff concurs.

5. Steeper forms are associated with more traditional design and can be appropriate when the development adjoins nearby neighborhoods.		n/a
6. On roofs that are visible such as gable, hipped or shed designs, use quality materials such as metal or textured asphalt shingles.		n/a
7. Any equipment located on a roof should be screened from public view.	It will be	See comments in staff report.
Chapter IV: Buildings, J. Awnings.		
	Applicant's Comment	Staff Comment
1. Encourage the use of awnings at the storefront level to shield displays and entry and to add visual interest.	Canopies are proposed for these purposes	
2. Coordinate the choice of colors, as part of an overall color scheme. Solid colors, wide stripes and narrow stripes should be considered as appropriate.	Canopy colors are coordinated with associated storefronts	
3. Awning forms may be angled or curved.		n/a
4. Use of a canopy as an illuminated sign is not appropriate.		n/a
5. Awning materials should be appropriate to the overall design of the building. Traditional cloth fabric, as well as standing-seam metal or newer rigid materials may be considered.	Canopies are painted or powder coated metal	
Chapter IV: Buildings, I. Appurtenances		
	Applicant's Comment	Staff Comment
1. Building service, loading, and utility areas should not be visible from public streets, adjacent developments or from access drives within large developments. Such service areas should be located behind the main structure in the least visible location possible.	Service, loading and utility areas will be located out of sight in the parking deck or screened by a wall near the entry drive into the parking level.	See comments in staff report.
2. Mechanical equipment on roofs or sides of buildings should not be visible from streets.	Rooftop equipment will be screened behind parapet walls	

3. When the mechanical equipment vents, meters, satellite dishes and similar equipment is ground mounted, screening should include either an opaque fence or wall made of the same material as the building or an evergreen hedge that screens objectionable views.	n/a	
4. Items such as roof ladders, railings, roll-up doors and service doors should be located on building elevations that are the least visible from public streets/corridors, adjacent developments or from access drives within large developments. Their colors should be coordinated among all these elements and with the rest of the building.	None of these are located in visible locations	
5. In some cases, appurtenances may be integrated into the building design if such integration enhances the compatibility of the overall design with the corridor vision.	n/a	
Chapter IV: Buildings, J. Additions & Corridor Conversions		
	n/a	
Chapter IV: Buildings, K. Franchise Design		
	n/a	
Chapter IV: Buildings, L. Gas Station Canopies		
	n/a	
Chapter IV: Buildings, M. Civic & Institutional Buildings		
	n/a	
Chapter IV: Buildings, N. Multi-Family Buildings		
	Applicant's Comment	Staff Comment
1. Follow the other guidelines within this chapter as applicable for the overall design of such buildings in such issues as massing and building footprint, scale, complexity of form, height and width, materials, textures and colors, roof forms and materials, etc.	Other applicable chapter guidelines are addressed in previous pages	See above
2. Give consideration to placing first floor retail storefronts in multi-family buildings if they face along a commercial corridor or face a pedestrian-oriented street within the downtown.		See above

3. Avoid creating street front facades that are dominated by garage doors.	No garage doors are proposed on the front facade	Garage entrance not visible from JPA
4. Ensure that the designs of such buildings are consistent with any adjoining neighborhoods and the zoning ordinance.	They are consistent	See precedents. Comp Plan goals intend for this corridor to change/be developed
Sub-Area C: Maury Avenue to Emmet Street		
Recommended General Guidelines	Staff Comment	
Put utilities underground that are now located within median	N/A. Project area does not include the median.	
Ensure that off street parking areas are well defined and screened as needed	Parking is within the building and not visible from the EC	
Design new apartment buildings to break up their large scale and use traditional materials	Design is contemporary. Typical building materials: Brick, stucco, metal, stone.	
Vision statement for Fontaine Avenue/Jefferson Park Avenue Entrance Corridor:		
Transitions quickly from accommodating highway speed autos to more congested auto, transit, pedestrian and bicycle traffic.		
Foremost considerations are traffic calming, provisions for pedestrian safety, and pedestrian amenities such as sidewalks, landscaping and transit stops		
The neighborhood center, Maury Avenue intersection, is currently a bustling, mixed use pedestrian activity area that newer developments strive to emulate.		
Pedestrian and mixed use characteristics of this neighborhood intersection should not be lost as redevelopment occurs		
New mixed use and apartment project design should reflect the character and importance of this major entrance to the City and the University		
Historic assets to be protected include the JPA median that formerly accommodated a trolley line, the Fry Spring's Service Station, and the Oakhurst-Gildersleeve Neighborhood.		
This corridor is a potential location for public way-finding signage.		

2005 JEFFERSON PARK AVENUE

CHARLOTTESVILLE, VA

ENTRANCE CORRIDOR REVIEW APPLICATION

MITCHELL / MATTHEWS ARCHITECTS

DECEMBER 20, 2022

REQUEST FOR ENTRANCE CORRIDOR CERTIFICATE OF APPROPRIATENESS

INTRODUCTION: 2005 JPA is a proposed multi-family residential development on Jefferson Park Avenue. The project consists of residential units over parking and is situated in close proximity (walking distance) to the University of Virginia’s central grounds. The project is within an entrance corridor.

LOCATION: 2005, 2007 Jefferson Park Avenue and 104 Observatory Avenue, an assemblage of 3 lots, with frontage on Jefferson Park Avenue between Observatory Avenue and Washington Avenue.

ZONING: The property is currently zoned R-3 in the City of Charlottesville.

PROPOSED USE: Multi-Family Residential

RESOLUTION
Granting a Special Use Permit (SUP) for Property Located at
2005/2007 Jefferson Park Avenue and 104 Observatory Avenue

#R-22-117

WHEREAS Norman Lamson, as Trustee for the Gadiant JPA Land Trust (“Landowner”) is the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, currently addressed as “2005/2007 Jefferson Park Avenue” and “104 Observatory Avenue” (collectively referred to as the “Property”), and the Landowner, proposes to redevelop the Property to accommodate a 119-unit multifamily building with underground parking, and

WHEREAS to facilitate this redevelopment, the Landowner seeks City Council’s approval of a Special Use Permit to increase allowable residential density to 70 DUA, to increase building height from 45 feet to 75 feet, to reduce the rear-yard setback from 75 feet to 36 feet, and to reduce (lower by 22%) the amount of on-site parking required by City Code Sec. 34-984 (the “Project”); and

WHEREAS the Applicant seeks a Special Use Permit under City Code Secs. 34-420, 34-353(3), and 34-162(a), which collectively allow the increased residential density, additional building height, and modified [reduced] setbacks and onsite parking requirements for the Project; and

WHEREAS the Property is located within the R-3 zoning district, a district in which, according to the Use Matrix set forth within City Code §34-420, the Project as proposed may be authorized by City Council by means of a special use permit; and

WHEREAS the Project is described in more detail within the application materials submitted by the Landowner in connection with SP22-00001 (“Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing on May 10, 2022, after notice and advertisement as required by law; and

WHEREAS following the joint public hearing, the Planning Commission considered and recommended approval of this application at their May 10, 2022 meeting; and

WHEREAS upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the joint public hearing, and the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable regulations and safeguards would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, THAT a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

- (1) Not more than seventy (70) dwelling units per acre (DUA) shall be permitted within the area of the Property.
- (2) The rear-yard setback applicable within the Property shall be thirty-six (36) feet, and a

twenty-five (25) foot buffer shall be provided within the rear yard, to include mature trees and shrubs at the time of planting consistent with the plant materials prescribed for an “S-3” buffer (as listed in City Code §34-871, as in effect on the date of approval of this SUP). The S-3 buffer, and plant materials, shall be detailed within the final Site Plan. Within the rear setback Landowner shall consider construction of a multipurpose path (for bicycles and pedestrians) linking Washington Avenue and Observatory Avenue within the rear setback, in order to establish the block-level scale of the Project as represented within the Application Materials.

- (3) The Landowner shall construct within the Project, along Jefferson Park Avenue, a new seven (7) foot sidewalk with a three (3) foot curbside buffer in accordance with the standards set forth within the City’s Streets that Work Plan.
- (4) The Landowner, in consultation with the City’s Traffic Engineer, shall develop a Master Parking Plan for the site related to the reduction of onsite parking by 22% from what is required by Sec. 34-984 (in effect on the date of Council’s approval of this Special Use Permit). The Master Parking Plan shall indicate how available parking spaces will be distributed within the Project, how residents of the Project are informed of their parking opportunities, any offsite parking options for residents, and other potential issues associated with parking. The Master Parking Plan shall be provided as a component of the final approved site plan for the Project, and any subsequent amendments approved to the Master Parking Plan shall be made in consultation with the City’s Traffic Engineer and a copy maintained along with the final approved site plan, within the zoning file for the Property.
- (5) The Landowner shall upgrade the pedestrian crossing of Jefferson Park Avenue at Harmon Street during construction of the Project, to provide residents within the Project safe access to public transit options. The Landowner shall work with the City’s Traffic Engineer to determine the scope of improvements.
- (6) The arrangement of the buildings within the Property shall be generally consistent with the layout and design presented within the Application Materials for SP22-00001.

	<u>Ave</u>	<u>No</u>
Magill	_absent_	_
Payne	_x_	_
Pinkston	_x_	_
Snook	_x_	_
Wade	_x_	_

Approved by Council
September 19, 2022

Kyna Thomas

 Kyna Thomas, MMC
 Clerk of Council

Contents

(1) Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;	pages 16 - 44
(2) Exterior architectural details and features of the subject building or structure;	pages 12 - 41
(3) Texture, materials and color of materials proposed for use on the subject building or structure; See accompanying graphic materials.	page 42 -43 (additionally 12 - 41)
(4) Design and arrangement of buildings and structures on the subject site;	<i>see all site plans, landscape plans, sections and elevations distributed within</i>
(5) The extent to which the features and characteristics described within paragraphs (1)-(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.	pages 4 - 11 (additionally appendix a)
(6) Provisions of the Entrance Corridor Design Guidelines.	appendix a
(7) A complete application shall include all plans, maps, studies, reports, photographs, drawings, and other informational materials which may be reasonably required in order make the determinations called for in an particular case.	<i>distributed throughout</i>
(8) Building elevations shall be provided, unless waived by the director.	pages 14 - 25
(9) Each application shall include a landscaping plan as outlined in the ordinance.	pages 44 - 51
(10) Each application shall include information about proposed lighting as outlined in the provisions of Article IX, Division 3, Sec. 34-100, et seq.	page 49 - 50

SECTION 1

ERB GUIDELINES

Highlights of the proposal's response to the city's Entrance Corridor Review Guidelines

Exterior materials are brick and stucco, consistent with other buildings along the corridor. Building massing is varied, not monolithic. The scale-- evident in fenestration, entrances, site stairs, canopies and porches-- is appropriate for this district.

Multiple terraced spaces along JPA have the potential to enhance the public realm. The entry plaza-- planted throughout with a rich diversity of native species-- results in a kind of expanded sidewalk with places to sit, rest, eat and talk. The opportunities here for pedestrian comfort and interaction in a shaded environment represent a distinct improvement over most of the student housing that fronts this corridor.

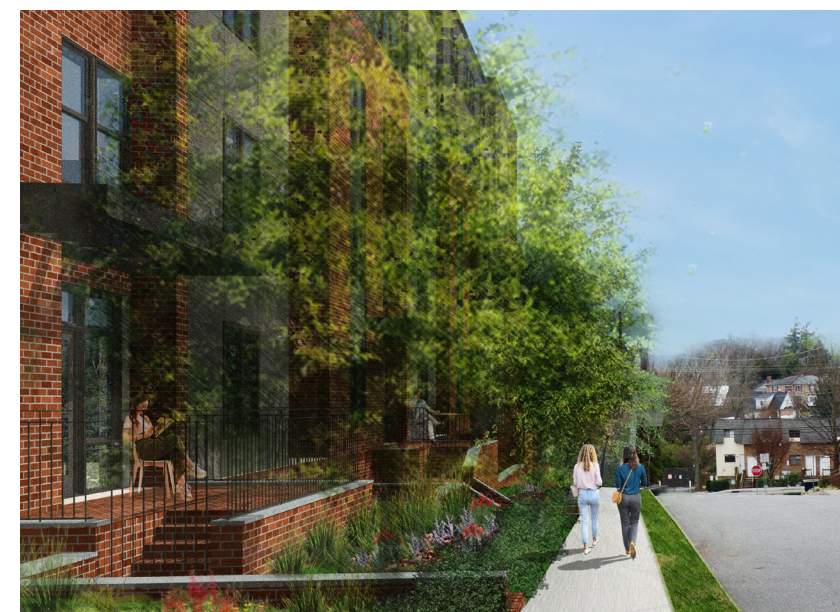
In its current state, the site's presence along the corridor is undetermined. With only a modest, unremarkable building at the corner of JPA and Observatory Ave and few street trees-- none of these deliberately arranged-- passersby have little to identify as a street wall or street edge. The proposed architecture and landscape will engage the street corners and create a legible street edge.



Design for a Corridor Vision



Create an Inviting Public Realm



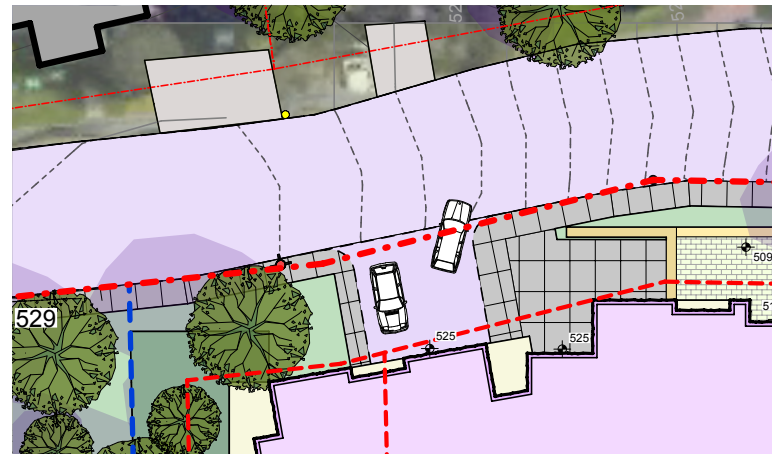
Create a Sense of Place

Street Trees + Native Species

A varied selection of plantings-- from large trees to medium trees to shrubs-- will benefit the environment around the building, encouraging people to gather and socialize within the color, comfort and shelter of the landscape. In addition to street trees, multiple planting beds-- as buffers along JPA, in transitional spaces between sidewalks and entrance terraces/porches, and along the building edge-- will host smaller plantings. The combination of plantings will enhance a sense of scale around the building, both emphasizing edges and enclosing outdoor space. Plant selections prioritize native species, most recommended by Charlottesville's Tree Packet.



Avoid Excessive Curb Cuts



The proposed project requires only one curb cut on Washington Avenue, zero on Observatory Ave. Currently, there are seven curb cuts on both side avenues, typically including cars parked at all hours in front yards.



Observatory Avenue



Washington Avenue

Design Sidewalks appropriate for the Site

Following city guidelines, the sidewalk along JPA will be 7' wide with a planted buffer. Along the side avenues, continuous sidewalks will be installed. This will be a big improvement over present conditions, in which sidewalks along both Washington and Observatory Avenues are missing for significant stretches adjacent to this site.



Corner of JPA and Observatory Avenue



Washington Avenue

Orient Building Facades to Front on the Corridor



The JPA facade includes not only a prominent entry portal but an entry plaza. The brick base and brick volume that extend up at the entry are prominent along the Corridor frontage.

Prioritize Building Facades that Face Street Corners

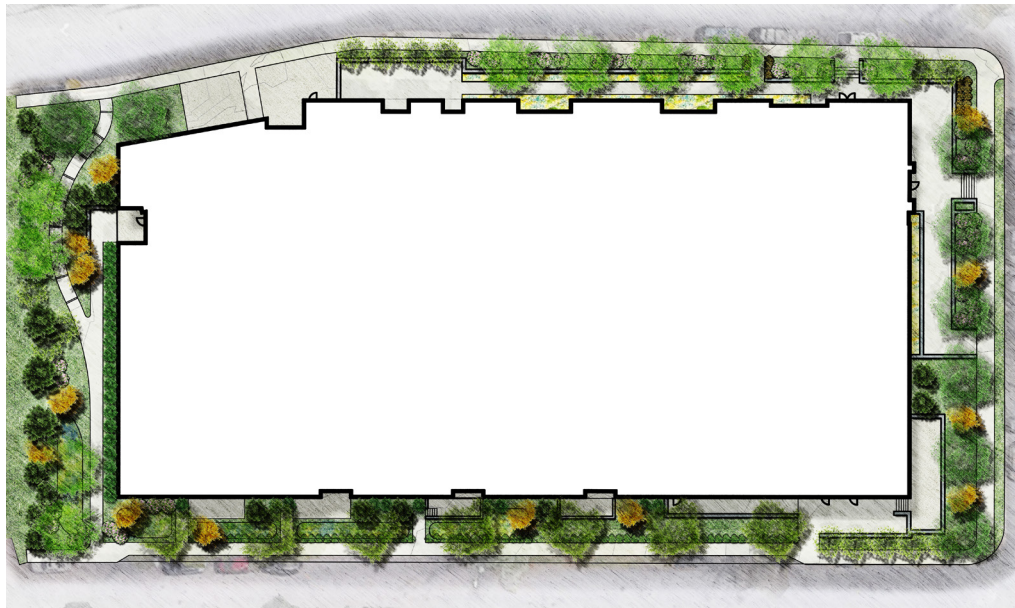


A secondary-- but still visually significant-- entry is around the corner on Washington Avenue. The two entries-- combined with site stairs and the brick-face corner volume-- help mark this important intersection, the one which pedestrians and cyclists traveling from UVA westward will encounter first.

Locate most open space at the Perimeter



Open space is purposefully designed along the site's edges. New sidewalks, an array of plantings and bioretention will all liven the perimeter and improve the environment. On Observatory Avenue, open space is punctuated by neighborhood scaled porches, where tenants can see and be seen.



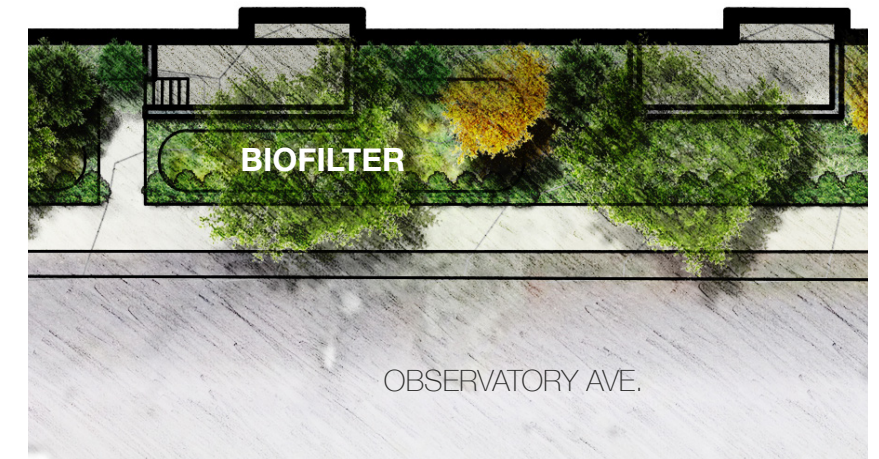
Plant Along Site Boundaries

Boundaries will be extensively planted with native species.



Use Different Scales of Plantings

Plantings in a range of sizes are proposed



Stormwater Treatment as an Element of Landscape

Biofilters are designed into the landscape along portions of the rear of the site and along Observatory Avenue.

Reduce the Visibility of Garages

Parking is concealed beneath the building, accessed by a single point of entry on Washington Avenue, over 200 feet from its intersection with JPA.

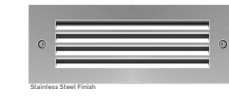
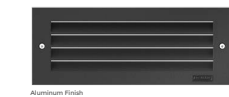


This allows a heavily planted pedestrian environment along the Corridor. Contrast this with present conditions, in which multiple nearby properties prioritize asphalt and parked cars abutting the Corridor.

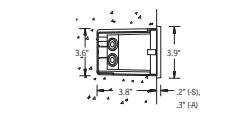
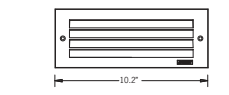


Lighting to Provide Appropriate Illumination

ULE-40601
Legend 2 Recessed



11w COB 155 Lumens
IP65 • Suitable For Wet Locations
IK07 • Impact Resistant (Vandal Resistant)
Weight 4.1 lbs



Construction
Aluminum Castings
Built with 100% recycled content - Marine Grade 6063 extruded & LM6 Aluminum High Pressure die casting provides excellent mechanical strength, clear detailed product lines and excellent heat dissipation.
Finish
A triple stage and phosphate process that includes descaling and etching as well as a zinc and nickel phosphate process before product painting.
Memory Retentive - Silicon Gasket
Provided with special injection molded "fit for purpose" long life high temperature memory retentive silicon gaskets. Maintains the gaskets exact profile and seal over years of use and compression.
Thermal Management
LM6 Aluminum used for its excellent mechanical strength and thermal dissipation properties in low and high ambient temperatures. The superior thermal link design by Ligman used in conjunction with the driver, controls thermal below critical temperature range to ensure maximum luminous flux output, as well as providing long LED service life and ensuring less than 10% lumen depreciation at 50,000 hours.
Anti-Salt
RS-131 - GS
Surge Suppression
Standard 10k surge suppressor provided with all fixtures.
Finishes
All Ligman products go through an extensive finishing process that includes testing to improve paint adherence.
Paint
UV Stabilized 4.6mil thick powder coat paint and baked at 200 °C. This process ensures that the finish is durable and resistant to fading. Rated for use in natatoriums.
Resistant to Surface Abrasion
The Superior Future Finishing is a unique system of electrocoat powder coating. Our metal decoration process can easily transform the appearance of metal or aluminum product into a wood grain finish.
This patented technology enables the simulation of wood grain, and even marble or granite finish through the use of decorative powder coating.
The wood grain finish is so realistic that it's almost indistinguishable from real wood, even from a close visual inspection. The system of coating permeates the entire thickness of the clear and, as a result, the coating cannot be removed by normal rubbing, chipping, or scratching.
The Coating Process
After the component is prepared parts are powder coated with a UV resistant decorative powder. This powder provides protection against wear, abrasion, impact and corrosion. The powder is then cured in a oven to create a durable finish.
The component is then wrapped with a sheet of non-porous film with the selected decorative pattern printed on it using special high temperature ink.
This printed film transfer is vacuum-cast to the surface for a complete thermo print and then transferred into a customized die. The user transfers the ink into different forms within the plate layer before it becomes solid. Finally, the film is removed, and a wood-grain look on aluminum remains.
Wood grain coating can create beautiful wood-looking products of any sort. There are over 300 combinations of design currently in use. Wood grain can be made with different colors and finishes.
Our powder coatings are certified for indoor and outdoor applications and are backed by a comprehensive warranty. These coatings rise to the highest conceivable standard of performance excellence and design innovation.
Added Benefits
• Resistant to salt-acid rain, accelerated aging
• Resists water, fire and corrosion-related issues
• Anti-Graffiti, Anti-Slip, Anti-Microbial, Anti-Scratch
• Super Durable UV Resistant
• TSC Free (non-toxic)
Hardware
Provided Hardware is Marine grade 316 Stainless steel.
Anti-Salt Screw Holes
Tapped holes are infused with a special anti salt compound designed to prevent seizure of threaded connections, due to electrolysis from heat, corrosive atmosphere and moisture.
Highly Resistant Acrylic Lens
Manufactured with Ultra High Impact, Naturally UV Stabilized Injection Moulded Acrylic.
Quality & LED
Precision optic design provides exceptional light control and precise distribution of light.
LED CRI - 80
Lumen Maintenance Life
L70-B0 at 50,000 hours (L70 means that at least 90% of the LED still achieve 80% of their original flux)

Rectangular time-honoured wall recessed accent range. Efficient, flexible and tough family in the classic brick-light proportions.

A range of vandal resistant rectangular wall recessed luminaires. Suitable for indoor or outdoor applications in residential, shopping and pedestrian areas as a decorative guide light. Available in a variety of frame and LED light source options, including turtle friendly amber LED.

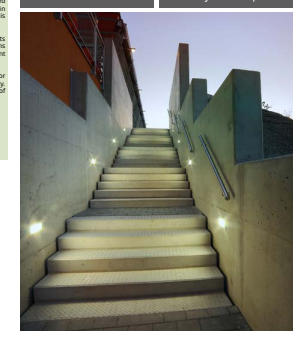
The Legend 1 and 2 is available with powdercoated aluminum or stainless steel frames. This luminaire is provided with a powdercoated high pressure die-cast aluminum back box and can be pre shipped to the jobsite for concrete pour or masonry applications.

As an option, this luminaire can be provided with a special wall clamp bracket that provides a clamping option when installing in drywall or wood panel walls.

Available in amber and white 2700K, 3000K, 3500K and 4000K. Consult factory for additional colors. The Legend slight range can be provided with colored lenses to provide a decorative architectural touch to the building, please see options.

All Ligman fixtures can be manufactured using a special pre-treatment and coating process that ensures the fixture can be installed in natatoriums as well as environments with high concentrations of chlorine or salt and still maintain the 5 year warranty. For this natatorium rated process please specify NAT in options. Fixture can be installed in natatoriums as well as environments with high concentrations of chlorine or salt and still maintain the 5 year warranty. For this natatorium rated process please specify NAT in options.

Additional Options (Consult Factory For Pricing)



Lighting choices-- locations and provisional selections of which are described on pages 49-50-- will enhance safety without creating unnecessary illumination. Following BAR guidelines, the color temperature will not exceed 3000K and the color rendering index will not be lower than 80.

Choose High Quality Materials for Site Walls

Brick and stone-- durable materials not uncommon in this district-- are proposed for site walls.



Use Step Backs at Upper Stories

Step backs are used in prominent locations, including the JPA facing corners of each building wing. At the rear corner on Observatory, the volumes step back to mitigate massing where the building is closest to the smaller scale neighborhood.



corner of JPA and Washington Ave.



rear corner along Observatory Ave.

Use Varied Wall Surfaces

Avoid Large Expanses of Blank Walls



Wall surfaces do not extend for long stretches in the same plane. Facades are distinguished by projections and interrupted by recesses at regular intervals. Brick facades are typically less than 40' wide, and windows occur at regular intervals-- even in stair towers-- avoiding blank, undifferentiated vertical surfaces.

Use Massing Reduction Techniques

A variety of massing reduction techniques are employed, among them step backs, variations in color and changes of materials. Along the side avenues-- where existing houses tend to be smaller than they are along JPA-- brick facades, limited to three stories tall above the rear and middle-rear ground level are intended to draw attention away from the building's upper stories, which are finished in darker, subdued materials. These brick faces do not extend continuously and monotonously, but are spaced apart, typically vertically proportioned, creating an impression not unlike a series of rowhouses.

Opening with Traditional Vertical Proportions Preferred



Windows and doors are all vertically proportioned

Use Storefronts or Large Display Windows at Street Level



At the plaza along JPA and Washington Avenue storefront is used at the two points of entry. At the opposite corner, it's also used at a commons space with visibility on the Corridor.

Use Material Changes to Improve Massing

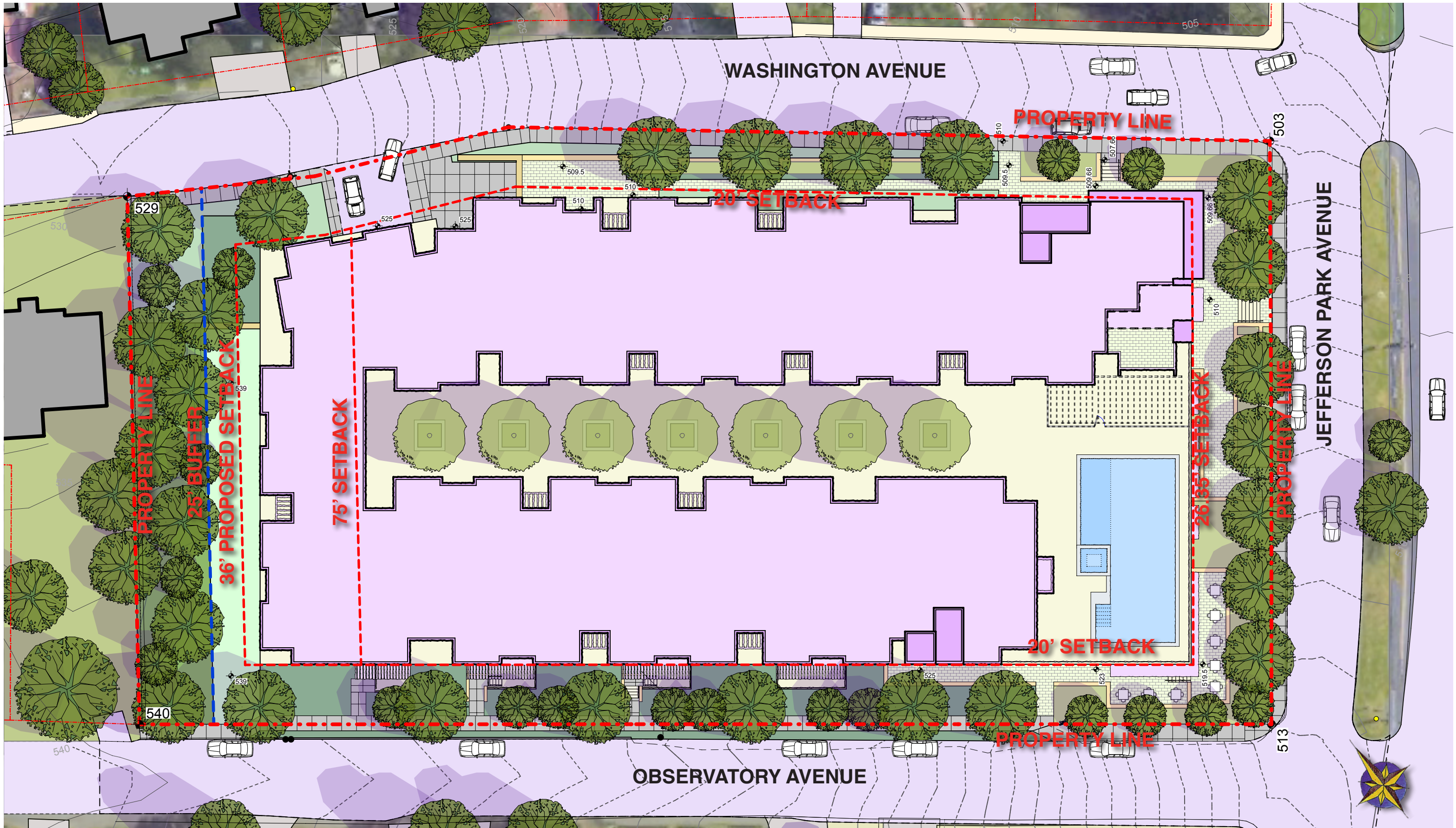


Material and color changes are used on all building facades to improve massing.

SECTION 2

PROPOSED DESIGN

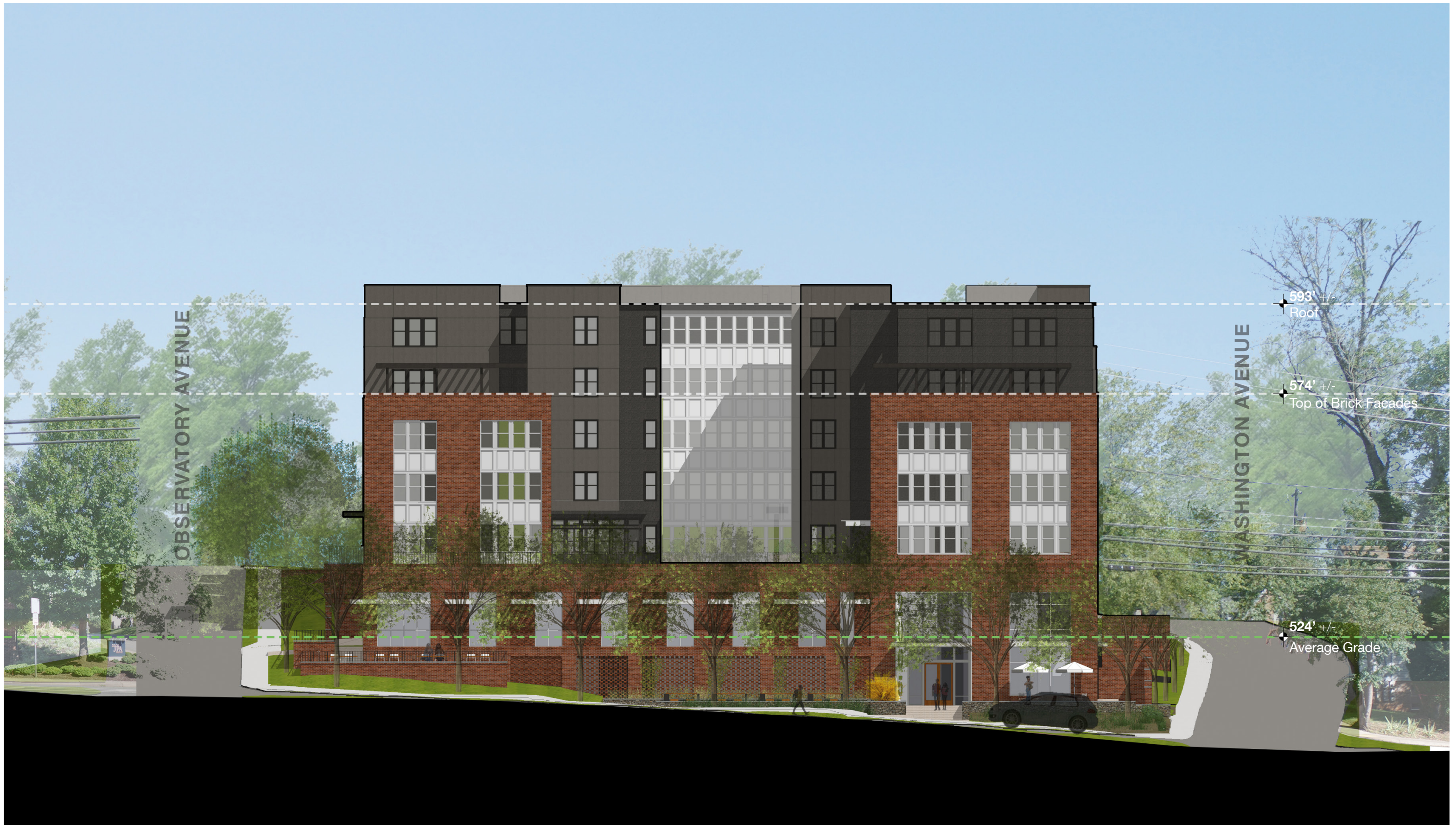
Illustrations of the previous design + the current proposal





OBSERVATORY AVENUE

WASHINGTON AVENUE



ELEVATION JEFFERSON PARK AVENUE

All grades, counts and quantities are approximate and will change as design proceeds.



OBSERVATORY AVENUE

WASHINGTON AVENUE

Brick facades limited to three stories above podium to reduce perceived massing

ELEVATION JEFFERSON PARK AVENUE

All grades, counts and quantities are approximate and will change as design proceeds.



JEFFERSON PARK AVENUE

ELEVATION OBSERVATORY AVENUE PREVIOUS DESIGN

All grades, counts and quantities are approximate and will change as design proceeds.



ELEVATION OBSERVATORY AVENUE

All grades, counts and quantities are approximate and will change as design proceeds.



JEFFERSON PARK AVENUE

ELEVATION OBSERVATORY AVENUE

All grades, counts and quantities are approximate and will change as design proceeds.

JEFFERSON PARK AVENUE





JEFFERSON PARK AVENUE

593' +/-
Roof

574' +/-
Top of Brick
Facades

524' +/-
Average Grade

ELEVATION WASHINGTON AVENUE

All grades, counts and quantities are approximate and will change as design proceeds.

JEFFERSON PARK AVENUE



Brick facades limited to three stories above podium to reduce perceived massing



ELEVATION REAR FACADE PREVIOUS DESIGN

All grades, counts and quantities are approximate and will change as design proceeds.



WASHINGTON AVENUE

OBSERVATORY AVENUE

ELEVATION REAR FACADE

All grades, counts and quantities are approximate and will change as design proceeds.



Brick facades limited to three stories above podium to reduce perceived massing

WASHINGTON AVENUE

OBSERVATORY AVENUE

ELEVATION REAR FACADE

All grades, counts and quantities are approximate and will change as design proceeds.







Previous massing in red



2005 JPA
Charlottesville VA

12.20.2022

PERSPECTIVE JPA & OBSERVATORY AVE CORNER

All grades, counts and quantities are approximate and will change as design proceeds.

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29



2005 JPA
Charlottesville VA
12.20.2022

PERSPECTIVE **JPA FACADE** PREVIOUS DESIGN

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2005 JPA
Charlottesville VA

12.20.2022

PERSPECTIVE JPA FACADE

All grades, counts and quantities are approximate and will change as design proceeds.

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PERSPECTIVE JPA & WASHINGTON AVE CORNER PREVIOUS DESIGN

All grades, counts and quantities are approximate and will change as design proceeds.





Previous massing in red →



2005 JPA
Charlottesville VA
12.20.2022

PERSPECTIVE JPA & WASHINGTON AVE CORNER

All grades, counts and quantities are approximate and will change as design proceeds.

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2005 JPA
Charlottesville VA
12.20.2022

PARTIAL STREETSCAPE WASHINGTON AVENUE

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PARTIAL STREETScape OBSERVATORY AVENUE

All grades, counts and quantities are approximate and will change as design proceeds.



2005 JPA
 Charlottesville VA
 12.20.2022

PARTIAL STREETScape **JEFFERSON PARK AVENUE**

All grades, counts and quantities are approximate and will change as design proceeds.



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2005 JPA
Charlottesville VA

12.20.2022

PARTIAL STREETScape JPA ENTRY TERRACE

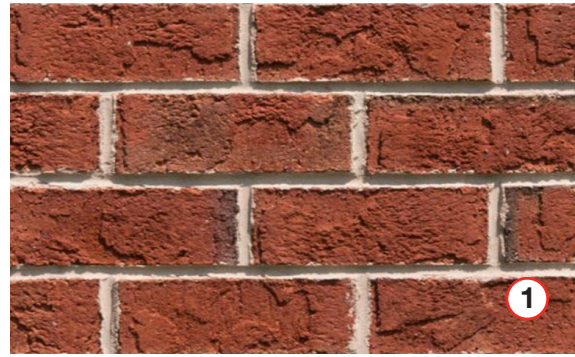
All grades, counts and quantities are approximate and will change as design proceeds.

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41

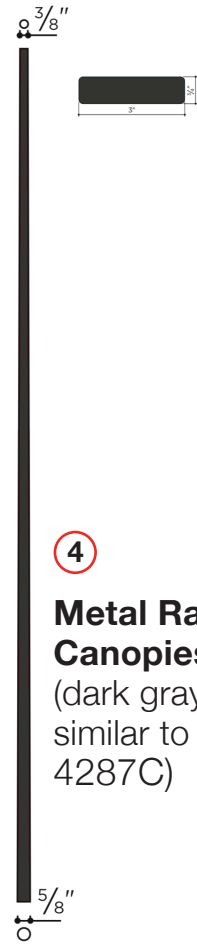


Triangle Cape Cod (or similar)

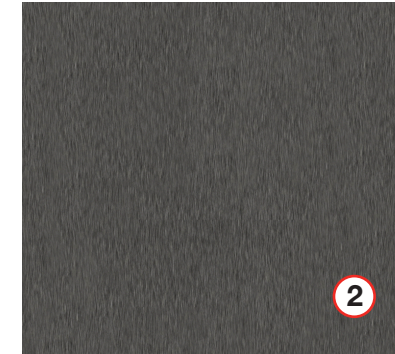


Meridian Brick - mix of Red Wire-cut Flashed & Flat Set (or similar)

OR

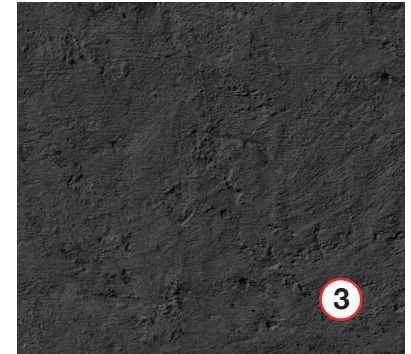


4
Metal Railings & Canopies
(dark gray color similar to Pantone 4287C)



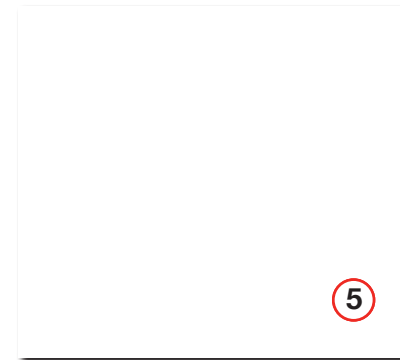
2
Stucco Color
(Pantone 417C or sim.)

sand or float finish -- vertical scoring aligned at window edges + horizontal scoring at window headers and sills



3
Stucco Color
(Pantone 447C or sim.)

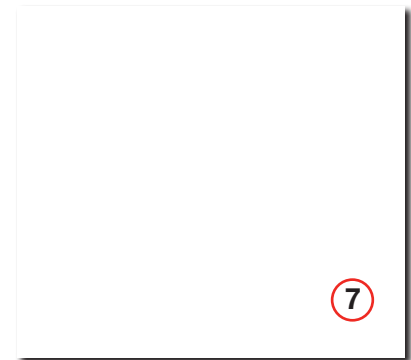
roughcast or montalvo finish, minimal scoring



5
White Window Color
(based on Ply Gem standard color)



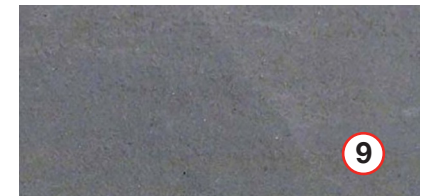
6
Black Window Color
(based on Ply Gem standard color)



7
White Metal
at entry portal & podium level canopies



8
Fieldstone Wall
(Western Maryland Thin or similar)



9
Bluestone wall caps

< back

RED WIRECUT FLASHED

Columbia, SC Architectural Series [PREV](#) [NEXT](#)



Available Sizes (WxHxL):

- Thin Brick:** Available Made to Order
- Modular:** 3.5 x 2.25 x 7.625
- Utility:** 3.5 x 3.625 x 11.625
- Closure:** 3.5 x 3.625 x 7.625
- Engineer:** 3.5 x 2.75 x 7.625
- Norman:** 3.5 x 2.25 x 11.625
- 8x8 Wall Unit:** 3.5 x 7.625 x 7.625

< back

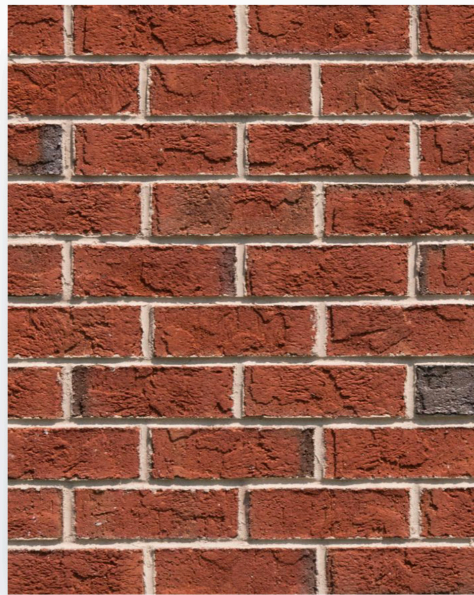
FLAT SET RED BROWN FLASHED WIRECUT

Columbia, SC Architectural Series [PREV](#) [NEXT](#)



Available Sizes (WxHxL):

- Thin Brick:** Available Made to Order
- Modular:** 3.5 x 2.25 x 7.625
- Utility:** 3.5 x 3.625 x 11.625
- Closure:** 3.5 x 3.625 x 7.625
- Engineer:** 3.5 x 2.75 x 7.625
- Norman:** 3.5 x 2.25 x 11.625
- 8x8 Wall Unit:** 3.5 x 7.625 x 7.625



Cape Cod

RED

Classic, all-American style.

Inspired by the all-American style of a quaint, New England village, our Cape Cod brick offers a bold, red brick option with slight charcoal accents for a look that's classically elegant and down-to-earth. This sand-faced brick is perfectly suited for most building projects.

Brick Image: Engineer Size | Gray Mortar | Merry Oaks

[WHERE TO BUY](#)

[VIEW BRICK IN PERSON](#)

1110 SERIES SINGLE HUNG

STANDARD FEATURES

- Energy-efficient Warm Edge insulating glass
- Maintenance-free multi-chamber PVC construction
- Fully fusion-welded corners on sash and frame for superior structural strength
- Dual lift rails on bottom sash for easy operation
- Integral nail fin (shown) for simple installation
- Bottom sash tilts in and is removable for easy cleaning
- Flush mounted tilt latches
- Traditional brick mould profile with 2-3/4" frame depth
- Interior glazed top sash, exterior glazed bottom sash
- Aluminum reinforced meeting rail with cam locks that engage keepers for your security
- Block and tackle balances

PERFORMANCE GRADE

Overall Rating	Test Unit Size
LC - PG30	48" x 96"
R - PG40	36" x 96", 48" x 74"
R - PG45	36" x 74"
R - PG40	(Twin-2) 79.5" x 65.5"
R - PG35	(Triple-3) 107.5" x 71.5"

OPTIONS

GLASS OPTIONS:
Low-E, Low-E^{HC}, Low-E2+, Low-E2+^{HC}, HP, HP^{HC}, HP2+, HP2+^{HC}, Warm Edge+ spacer, obscure and tempered

GRILLE OPTIONS:
Color-coordinated grilles-between-the-glass (GBG) in 1/4" and 3/8" flat

FRAME OPTIONS:
4-3/4" or 6-3/4" primed jamb extensions

PRODUCT CONFIGURATIONS:
Singles, twins, triples, fixed, combinations and a wide variety of architectural shapes

HARDWARE OPTIONS:
Safety vent latch to meet ASTM F2090 requirements

SOUND CONTROL OPTIONS:
STC 24, 31, or 34

COLOR OPTIONS:

1110/1111 THERMAL PERFORMANCE

3MM GLASS	NFRC CERTIFIED*			
	R Value	U Factor	SHGC	VT
WITH WARM EDGE				
1/4" Low-E	2.86	0.35	0.30	0.55
1/4" Low-E ^{HC}	2.86	0.35	0.23	0.43
1/4" Low-E2+	3.33	0.30	0.29	0.53
1/4" Low-E2+ ^{HC}	3.33	0.30	0.22	0.42
WITH WARM EDGE+				
1/4" HP Glass	3.23	0.31	0.29	0.55
1/4" HP ^{HC} Glass	3.33	0.30	0.22	0.43
1/4" HP2+ Glass	3.70	0.27	0.28	0.53
1/4" HP2+ ^{HC} Glass	3.70	0.27	0.22	0.42

*All units are NAMI certified and rated in accordance with NFRC 100/200 standards by an AAMA accredited lab. Performance values reflect the performance of units tested with the following configuration: 3/4" IGU, 3mm glass and no grilles.
R VALUE: Restrictive ambient air flow; U FACTOR: Rate of heat loss; SHGC: Solar Heat Gain Coefficient; VT: Visible Transmittance

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Ply Gem PART OF THE CORNERSTONE BUILDING BRANDS FAMILY | SIDING • ACCESSORIES | WINDOWS • DOORS | STONE VENEER | TRIM • MOULDINGS | FENCE • RAILING

2005 JPA
Charlottesville VA
12.20.2022

BRICK & WINDOW SERIES Basis of Design

All grades, counts and quantities are approximate and will change as design proceeds.

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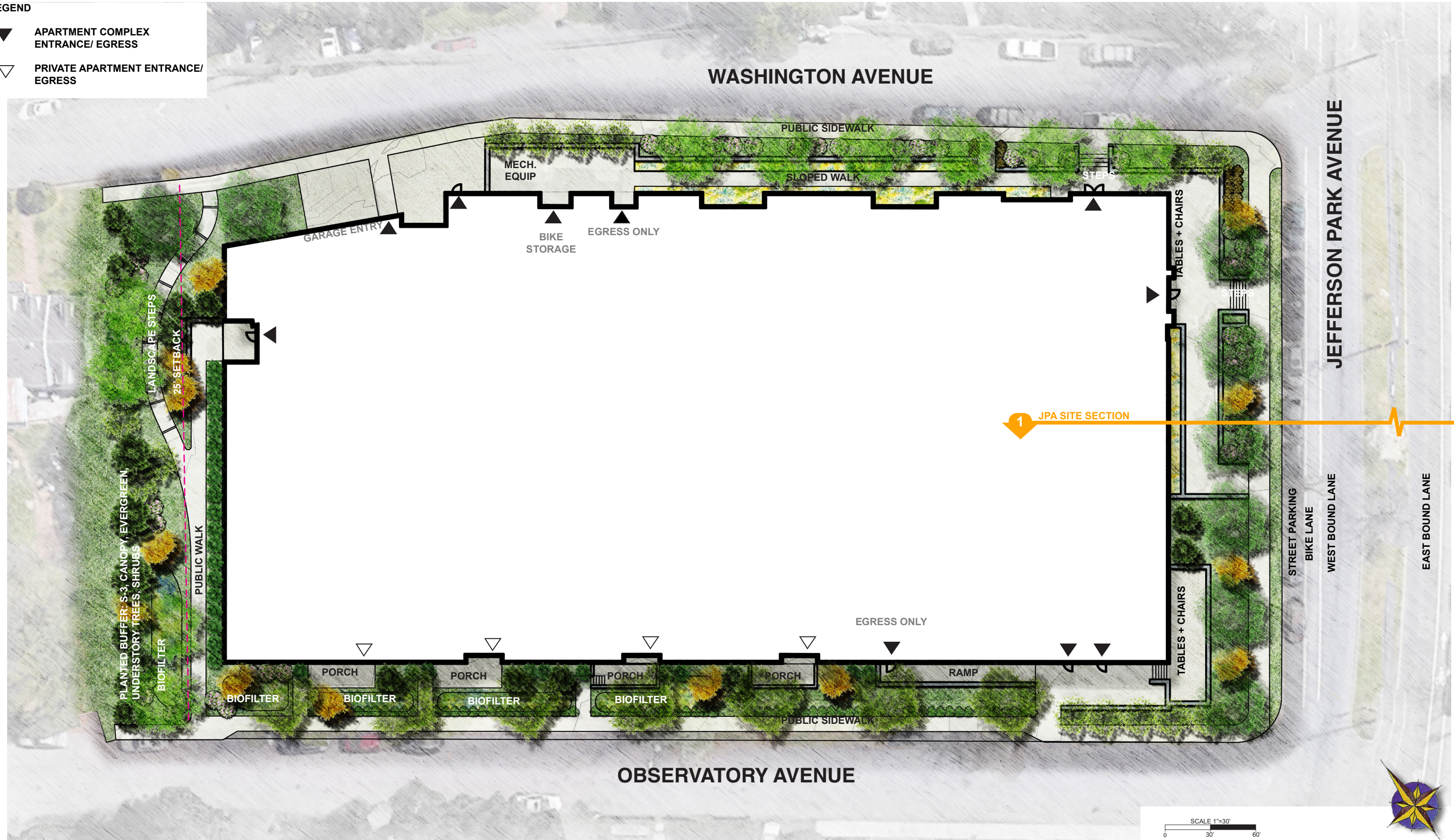
43

Page 355 of 421

LEGEND

▼ APARTMENT COMPLEX ENTRANCE/ EGRESS

▽ PRIVATE APARTMENT ENTRANCE/ EGRESS



LANDSCAPE PLAN

All grades, counts and quantities are approximate and will change as design proceeds.



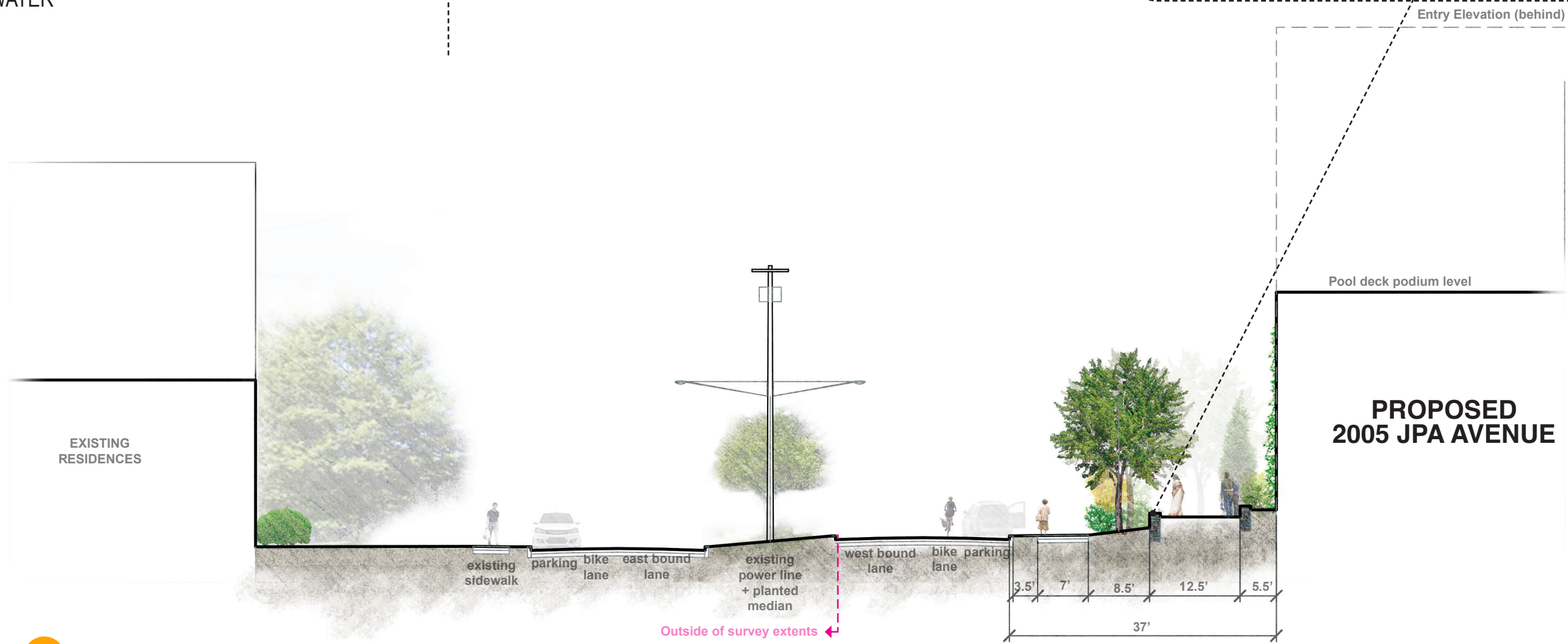
STORMWATER CONCEPT:
MICRO-BIOFILTERS ALONG OBSERVATORY AVE.; NATIVE PLANTING AND WEIR WALLS/ TIERS TO SLOW THE MOVEMENT OF WATER



BRICK SITE WALLS:
ALONG OBSERVATORY + WASHINGTON AVE, ARCHITECTURAL FACADE AND TERRACES



STONE SITE WALLS:
ALONG JPA STREET FRONTAGE AND LANDSCAPE TERRACES



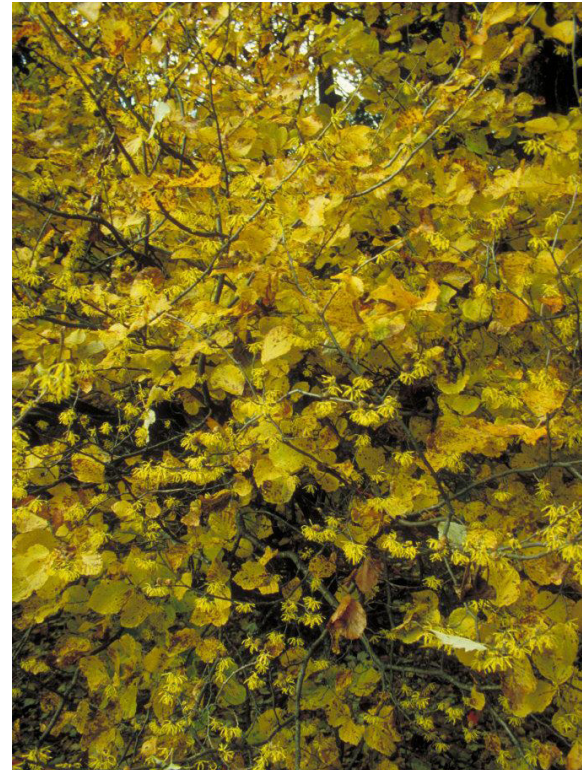
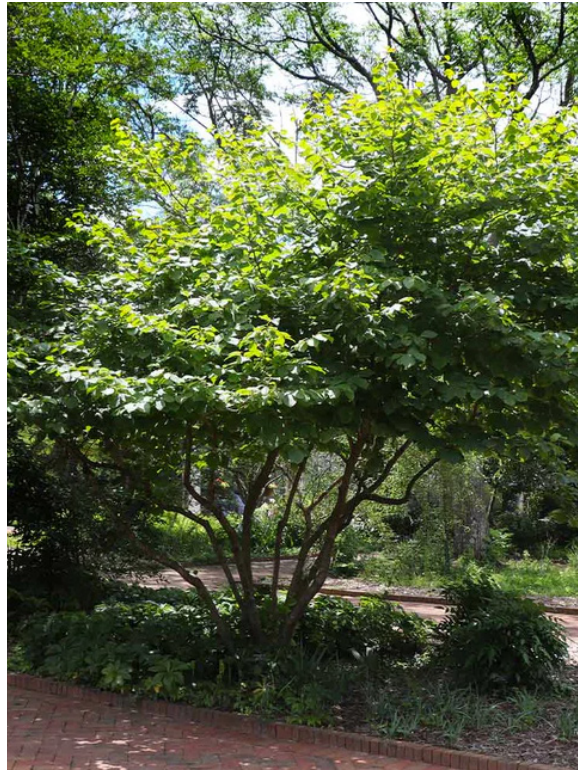
1



Willow Oak
Quercus phellos



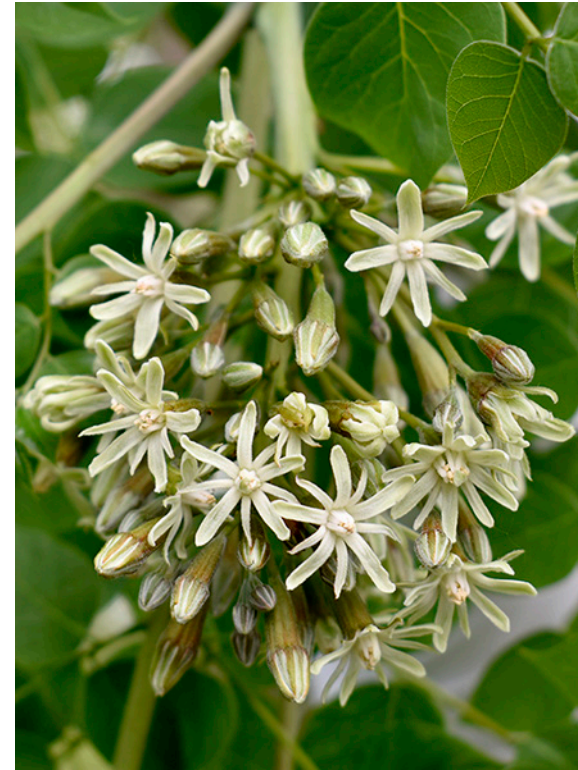
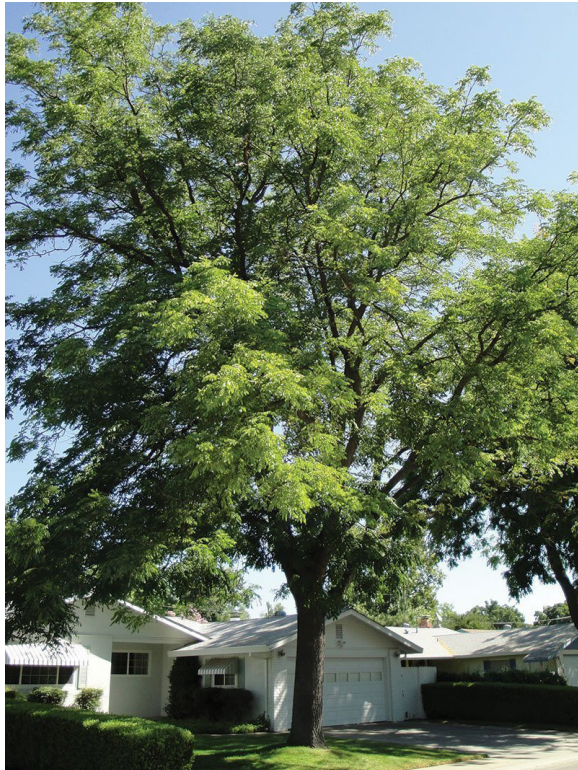
London Plane Tree
Platanus x acerfolia



Witch Hazel
Hamamelis virginiana

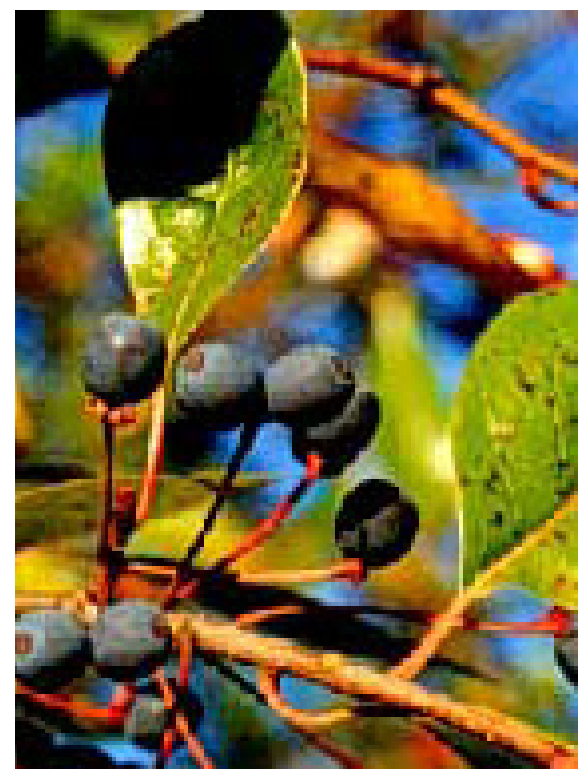


Sweetbay Magnolia
Magnolia virginiana



Kentucky Coffeetree
Gymnocladus dioicus 'Espresso'
alternative: Honey Locust
(Thornless)




WASHINGTON AVE STREET TREES

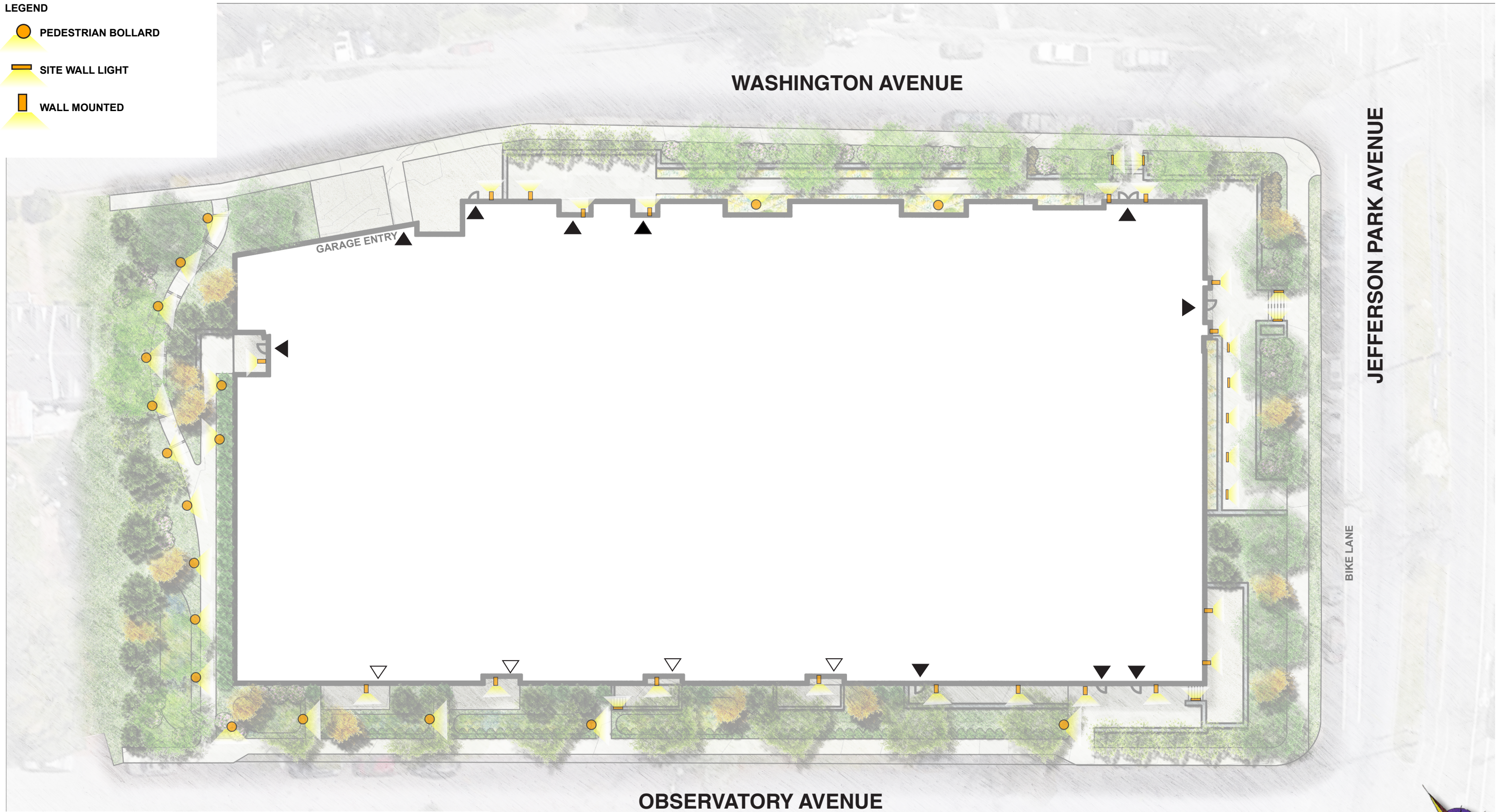


Black gum
Nyssa sylvatica

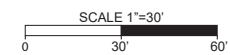
OBSERVATORY AVE. STREET TREES (STORMWATER)

LEGEND

-  PEDESTRIAN BOLLARD
-  SITE WALL LIGHT
-  WALL MOUNTED



1. See notes on cut sheet page for additional information



SITE LIGHTING PLAN

All grades, counts and quantities are approximate and will change as design proceeds.

APPENDIX a

ERB GUIDELINES (DETAILED)

Full response to all published guidelines

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

Design for a Corridor Vision: *New building design should be compatible-- in massing, scale, materials and colors-- with neighboring structures that contribute to the overall quality of the corridor. Site designs should contain some common elements to provide continuity along the corridor. New development should compliment the city's character and respect those qualities that distinguish the city's built environment.*

Preserve History: *Preserve historic buildings and distinctive architecture from earlier periods. Encourage contemporary design that is respectful of historic building design.*

Facilitate Pedestrian Access: *Encourage compact, walkable developments. Design pedestrian connections from sidewalk and car to buildings, between buildings and between corridor properties and adjacent residential areas.*

Maintain Human Scale in Buildings and Spaces: *Consider the impact of building design-- especially height, mass, complexity of form, architectural details and exterior spaces-- on the people who will pass by, live, work or shop here. The size, placement of doors, windows, portals and openings define human scale.*

Preserve and Enhance Natural Character: *Encourage plantings of diverse native species.*

Create a Sense of Place: *In corridors with substantial pedestrian activity, one goal is to create a sense of place. Building arrangements, uses, natural features and landscaping should contribute, where feasible, to create exterior space where people can interact.*

Create an Inviting Public Realm: *Design inviting streetscapes and public spaces. Redevelopment of properties should enhance the existing streetscapes and create an engaging public realm.*

Mask the Utilitarian: *Provide screening from adjacent properties and public view of: parking lots, outdoor storage and loading areas, refuse areas, mechanical and communication equipment and other uses that have adverse impacts. Relegate parking behind buildings.*

Respect and Enhance Charlottesville's Character: *Architectural transplants from other locales or shallow imitations of Jeffersonian architecture are examples of building designs that are not appropriate.*

Response

Exterior material selections are predominantly brick and stucco, consistent with other buildings along the JPA corridor. The color palette falls in a compatible range. Building massing is varied, not monolithic. The scale evident in fenestration, entrances, site stairs, canopies and porches is appropriate for this district. The landscape design along JPA-- consisting of multiple terraces and plantings-- has the potential to enhance the corridor's character, creating opportunities for pedestrian comfort and interaction in a shaded environment that is a marked improvement over other student housing that fronts this corridor.

There are no historically designated buildings on this site. The property is in an Entrance Corridor, but it does not fall within any of the city's Historic Districts.

The potential pedestrian experience along JPA represents a significant improvement over streetscapes found elsewhere on the corridor. The existing sidewalk will be rebuilt to current city standards with a narrow planted buffer between parked cars and pedestrians. On site, easily accessible plaza spaces adjacent to the sidewalk will give pedestrians a kind of wayside where they can relax and socialize in the shade and beauty of new plantings. At the rear of the property, a paved walk is proposed, available for public use, allowing nearby residents a second, alternative connection between Washington and Observatory Avenues.

The building height is similar to multiple nearby structures along the corridor. Buildings at 1725 JPA, 1815 JPA and 1800 JPA are five to nine stories tall. Mass and form of the proposed building is varied. Multiple walks and terraces provide usable spaces, traversable by visitors and passers-by. Street trees will provide screening, shade and beauty. The dimensions and arrangements of windows, openings and entries are consistent with neighboring apartment buildings.

The landscape plan proposes a variety of native plantings in a variety of sizes-- from smaller shrubs to large trees.

In addition to the multiple terraced areas along JPA, several of the apartments fronting Observatory Avenue have porches and walks connected to the sidewalk. Not only will these benefit the scale of the project, they provide outside spaces from which tenants can easily see and communicate with other students and city residents as they move to and fro. In its current state the site makes little contribution to the street wall. It lacks architectural presence on the corridor. Very few buildings front the street to contribute to a sense of place. The proposed development will engage the street corners and contribute to the existing street wall-- one defined by variation more than uniformity.

A generous array of plaza spaces and planting beds will create a comfortable, shaded environment along the public realm, creating a kind of expanded sidewalk with places to sit, rest, eat and talk. At the corner of Jefferson Park and Observatory Avenues, a corner space is proposed with the potential to serve future commercial use, connected to an outside terrace convenient to passers-by.

All on-site parking is concealed under the building. Access to the basement parking is located on Washington Avenue, over 200 feet away from JPA. Storage areas, refuse areas and mechanical equipment will all be concealed within the building or on rooftops behind parapets.

By and large, traditional materials are proposed, but the building's architecture does not rely on historic references deployed superficially or romantically. It does not indulge vernacular details associated with places outside Charlottesville.

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

II. Streetscape Guidelines Plantings & Open Space

Use street trees to provide shade, a sense of enclosure and to define edges.

Include appropriately scaled trees, shrubs and other plantings to provide beauty as well as shade within a pedestrian gathering place and as screening for parking, utilities and service areas.

Use hardy native species that require minimal maintenance. Avoid over-used species.

Use larger species where appropriate to space and function.

Expand use of **seasonal color** in plantings.

Use plantings to promote **visual order** and help integrate buildings into the corridor.

Refer to the **Tree Planting and Preservation BMP Manual** in the Charlottesville Standards and Design Manual.

II. Streetscape Guidelines Pedestrian Routes

Where feasible, **provide unbroken pedestrian routes** between developments. Place paths in a logical pattern where people will want to walk. Separate sidewalks from the curb by a five feet wide landscape buffer if possible.

Within developments, **identify a complete pedestrian pathway system** linking all buildings, parking and green spaces. Ensure this network connects to public pedestrian pathways.

Response

Many street trees are proposed along Jefferson Park, Observatory and Washington Avenues. In the site's current condition, street trees are uncommon.

A varied selection of plantings-- from large trees to medium trees to shrubs-- will benefit the environment around the building, encouraging people to gather and socialize within the color, comfort and shelter of the landscape. In addition to street trees, multiple planting beds-- as buffers along JPA, in transitional spaces between sidewalks and entrance terraces/porches, and along the building edge-- will host smaller plantings. The combination of plantings will enhance a sense of scale around the building, emphasizing the edges of and enclosing outdoor space.

Most planting selections come from the Charlottesville Tree Packet of recommended species. Over-used species-- Bradford Pear and Crepe Myrtle, for example-- are not proposed.

Certain species-- London Planetree, Honeylocust and Kentucky Coffeetree, among them-- will attain significant height when mature. They are proposed along the streets, where in time they will provide abundant shade and an ever-changing screen of the upper stories of the new building.

Multiple species-- blackgum, ? and ? among them-- will provide potentially great colors in fall and spring.

In time, the varied scale of plantings will create a layered environment from which the building emerges, avoiding abrupt or stark transitions.

Yes.

The continuity of sidewalks will be significantly improved with this project. Currently sidewalks along both Observatory and Washington Avenues are discontinuous on both sides, with stretches of more than 200 feet without sidewalks at all. Where there are sidewalks currently, they are frequently crossed by parking drives and aprons. After this project is complete, the sidewalks will continue, without break, along all three street edges. Only one vehicular drive-- at the Washington Ave. entry to the parking deck-- will cross the new sidewalks. At JPA, a landscape buffer is proposed. Because of utility limitations it will be three feet wide, sufficient for smaller plantings. To compensate, we propose a sufficiently wide planting bed for larger street trees to be located on the building side of the sidewalk.

All building entries, porches and plazas are connected to public pathways, often in multiple locations. At the rear of the property, there is currently a surface parking lot with few trees. For years this lot has served an informal, but illicit, function as a pedestrian connection between Washington and Observatory Avenues. With this project, a new pedestrian path behind the building-- and open to public use-- will replace the parking lot. The new path will enjoy screening and shade from a wide planted buffer along the north property boundary.

II. Streetscape Guidelines Pedestrian Routes, cont.

Add designated pedestrian pathways through larger parking lots.

Provide crosswalks at intersections, between major pedestrian destinations and in front of building entrances that link to parking.

Design crosswalks to highlight their visibility by slightly raising them, making them wider, constructing them of materials other than asphalt and using bulb-out corners than reduce their length.

Provide breaks in large building masses to allow pedestrians to pass through, particularly through shopping centers.

Avoid excessive curb cuts for vehicular access across pedestrian ways. Where curb cuts are necessary, mark them with a change in materials, color, texture or grade.

Design sidewalks appropriately for the site and the expected amount of foot travel.

Use brick or patterned concrete or a combination of these materials that relates to the existing architectural vocabulary of the corridor.

Avoid concrete curbing poured in continuous strips.

Avoid excessive variation in sidewalk and curb material.

Response

No visible surface parking lots are proposed in this project.

A crosswalk will be provided where the Washington Ave. sidewalk intersects with the vehicular drive accessing the parking levels.

At the entrance to the under-building parking, the crosswalk will not be paved in asphalt, and it will be wider than the sidewalk.

The concealed parking levels do not permit accessible passage across the full site within the building's perimeter. However, at the rear of the property, not far from JPA, a public pathway is proposed that crosses the entire property. Currently, it's unusual for people to walk between Observatory and Washington Avenues except at the rear parking lot and at JPA. Connections at these locations will be retained and improved.

The project requires only a single curb cut, marked with a change in material, at the entry to the under-building parking on Washington Ave. This is a significant reduction to existing curb cut conditions. Currently, there are at least eight curb cuts or driveway crossings located along Observatory and Washington Avenues accessing this site.

In this largely residential district, a seven foot wide sidewalk is proposed along Jefferson Park Ave.

Currently, there is little precedent in this corridor for brick or patterned concrete walks... however, we propose brick and stone for numerous low site walls contiguous to walks and plazas.

We will.

We will.

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

II. Streetscape Guidelines

Bicycle Routes

Provide for bicycle traffic along major corridors and between major destinations, with particular emphasis on connecting residential areas to schools, recreation areas and commercial centers.

Provide new bike paths to connect to planned or existing municipal paths or paths of adjoining developments.

Provide facilities to store or lock bicycles at appropriate sites.

Develop an easily identifiable graphic system of signs and road markings to designate bicycle routes and crossings.

II. Streetscape Guidelines

Lighting

Use full cutoff luminaires in accordance with city lighting requirements to provide better lighting and prevent unwanted glare.

Where appropriate, **replace modern cobra-head type lamps and poles** with painted metal, traditionally designed fixtures that have a base, shaft and luminaire.

Consider using a different but compatible style of fixture for each of the corridors.

Light pedestrian areas with appropriately scaled poles.

Provide pedestrian lighting at transit stops and along paths to parking lots and other destinations.

Provide lighting of intersections in high traffic areas.

Include any lighting upgrades as a part of an overall streetscape plan for each corridor.

Response

Currently there is a dedicated bike lane along JPA adjacent to the site. This will remain.

NA

Indoor, secure storage for up to XX bicycles will be provided on site.

NA

Full cutoff luminaires will be used.

NA

NA

NA

NA

NA

NA

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

II. Streetscape Guidelines

Street Furniture

Develop and use a common palette of colors, materials and design.

Coordinate street furniture along corridors. While they need not match, they should be compatible and not clash.

Place benches at key locations such as transit stops. Use traditional designs constructed of wood and/or painted metal.

Avoid placing too many elements on narrow sidewalks.

II. Streetscape Guidelines

Public Signs

Develop a system of public way finding and informational signs to reflect the character of Charlottesville to be used on all corridors.

Coordinate the colors and design of signs within a corridor.

Keep signs to the minimum number and size necessary for the use.

Scale and place signs for both automobile traffic and pedestrians.

Avoid placing signposts in locations where they can interfere with the opening of vehicle doors.

Consider using decorative color banners within a specific corridor.

II. Streetscape Guidelines

Public Art & Monuments

Response

The furniture materials, colors and design will be coherent.

There is little presence or continuity of street furniture along JPA now. We do not anticipate furniture choices for this project to clash.

No transit stops are currently located along the site's JPA boundary, but built-in benches and tables are planned to be included on the front entry plaza. These are very close and convenient to the sidewalk. They will allow a place to wait, rest and meet with friends. If a transit stop is placed here in the future, the project's benches have the potential to create alternative waiting areas close-by and within sight of it.

NA

NA

The color scheme and design of signs will be consistent and coherent.

The number of signs will not be excessive.

NA

NA

NA

No public art or sculpture is being replaced by or proposed within this development, so none of the criteria in this section is applicable.

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

II. Streetscape Guidelines Utilities & Comm. Equip.

Locate and screen utilities to limit their visibility from the street and from nearby development.

Place existing and proposed utilities underground.

Consider integrating cellular communication towers into building design so as to appear visually unobtrusive.

III. Site Guidelines Connectivity Between Entrance Corridor area & neighborhoods

Maintain or provide a strong sense of community by providing pedestrian and vehicular links from a corridor site to nearby neighborhoods, parks, schools and other public destinations.

Use common streetscape elements, materials and designs to visually link the corridor areas and neighborhoods.

Provide continuous pedestrian routes along corridors where feasible.

Site grading should promote connectivity with adjacent sites.

Response

Power and communication cables will remain above ground and suspended from utility poles. but transformers and meters will be located out of view from JPA.

Utilities will not be buried, as is typical of almost all other buildings along this corridor.

NA

Pedestrian connections to the neighborhoods on Observatory and Washington Avenues are enhanced by improved continuous sidewalks that are minimally interrupted by vehicular crossings.

Materials typical of the surrounding neighborhoods-- brick, stone, concrete-- will be used in walks and site walls.

Pedestrians routes along the corridor will be enhanced and expanded.

Site grading will not affect adjacent sites.

III. Site Guidelines

Connectivity Between & Within Sites

Create a complete pedestrian pathway system within a site and between adjacent sites, linking all buildings, parking areas and green spaces. Ensure that this network connects to any nearby public pedestrian pathway.

Design pedestrian and vehicular circulation to maximize the quality and safety of the pedestrian experience through:

“shared space” approaches that slow vehicle speeds and enhance pedestrian experience;

designated, separate sidewalks with planted areas through large parking lots;

crosswalks at points of vehicular access routes and in front of building entrances;

crosswalk designs that highlight their visibility by slightly raising them, making them wider, by constructing them of materials other than asphalt and by using bulb-out corners that reduce their length.

Ensure the new paving materials are compatible with area character. Scored concrete with broom finishes, colored, exposed aggregate concrete and brick or unit pavers are examples of appropriate applications. Avoid large expanses of bright white or gray concrete surfaces.

Provide passageways within large building masses to allow pedestrians to pass through, particularly through shopping centers.

Response

All building entries, porches and plazas are connected to public pathways, often in multiple locations. At the rear of the property, there is currently a surface parking lot with few trees. For years this lot has served an informal, but illicit, function as a pedestrian connection between Washington and Observatory Avenues. With this project, a new pedestrian path behind the building-- and open to public use-- will replace the parking lot. The new path will enjoy screening and shade from a wide planted buffer along the north property boundary.

At the entrance to the under-building parking, the crosswalk will not be paved in asphalt, and it will be wider than the sidewalk. The change in materials and wider dimension will call attention to pedestrians where the garage entry/exit crosses the sidewalk at Washington Ave.

At the entry plaza, associated walks and the corner terrace at the intersection of Jefferson Park and Washington Avenues, paving materials will be scored concrete in a buff stain. The walks leading to the Observatory Ave. porches will be paved in brick.

The concealed parking levels do not permit accessible passage across the full site within the building's perimeter. However, at the rear of the property, not far from JPA, a public pathway is proposed that crosses the entire property. Currently, it's unusual for people to walk between Observatory and Washington Avenues except at the rear parking lot and at JPA. Connections at these locations will be retained and improved.

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

III. Site Guidelines

Building Placement

Orient the facade of new buildings to front on the corridor.

Limit setbacks of new buildings according to the zoning of the particular corridor.

Limit setbacks at major intersections so that the architecture can help define the area.

Use compact building arrangements to reduce the feeling of seas of parking, encourage pedestrian activity and define space.

Strive for contiguous building arrangement along the street face and avoid large breaks between buildings in identified development sites.

Ensure that larger developments orient their design to any adjoining neighborhoods and side streets.

Orient service areas to limit their impact on the development and any neighboring areas.

Each side of a corner building that faces a street should be considered a facade for design purposes.

Response

The main building entry and entry plaza front Jefferson Park Avenue.

The front yard is between 20 and 30' deep, which is consistent with multiple other similar buildings along the corridor.

While the intersections may not be regarded as major, they are not insignificant. The architecture-- both in the street-level terracing and prominent entry areas-- serves to define the corners.

No exposed, surface parking is proposed. The building is not sited too far from rights-of-way, but enough to allow expanded pedestrian spaces and ample plantings.

We seek a balance in the building arrangement. While the base of the building is contiguous along JPA, the residential wings above step back independently of one another-- one offset from the other-- to introduce varied massing and temper the impression of formality that a more symmetrical form might impose.

The introduction of brick facades along Washington and Observatory Avenues creates the impression of independent attached dwellings-- not unlike townhouses-- fronting on the side streets and their associated neighborhoods. Porches at multiple ground level apartments along Observatory reinforce this perception.

The building will be serviced largely at the entrance to the under-building parking on Washington Ave. This will help minimize the presence of service vehicles like trash trucks along the JPA corridor.

Building corners, especially at Washington Ave., turn to face side streets with prominent entry points and fenestration.

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

III. Site Guidelines

Parking

Reduce the scale of parking lots...

Reduce the visibility of residential garages by:

Not allowing a garage to become the primary architectural feature when a development is viewed from the street;

Placing garages behind the building setback, preferably facing to the side or rear of attached housing;

Placing garages and parking in the rear with alley access.

Accommodate pedestrian needs within parking areas by:

Providing clear pedestrian paths and crossings from parking spaces to main entrances and to the street;

Planning parking so that it least interferes with appropriate pedestrian access and connections to adjoining developments;

Construct parking lots that reinforce the existing street wall of buildings and the grid system of rectangular blocks.

The number and width of curb cuts should be the minimum necessary for effective on- and off-site traffic circulation.

Design any detached parking structure to be architecturally compatible with its setting...

Bicycle parking facilities should be provided within areas where significant bicycle traffic is anticipated. They should be located in designated areas close to buildings and pedestrian paths.

Response

NA (This project does not include surface parking lots.)

The garage entry is on the project's east side yard, over 200 feet from the JPA corridor.

The entry drive to the garage is not in the front yard.

Because of grading concerns and to prevent vehicle access from conflicting with rear yard pedestrian use and planted screening, we elected not to access the garage from the rear yard.

Ways from parking spaces to building entrances will be clearly marked.

Primary building entrances are connected directly to public sidewalks, away from subterranean parking.

NA

Only one curb cut for vehicular access is proposed. This will be on Washington Avenue, over 200 feet up from the corridor.

NA (No detached parking structure is proposed.)

Bike storage will be located securely inside the building, convenient to an exterior entry along Washington Avenue with continuous sidewalk access to JPA.

III. Site Guidelines

Plantings & Open Spaces

Provide landscaping within parking areas by...

The majority of open space should be located at the perimeter of the site where it is visible, and it should be of sufficient width and depth to provide adequate contrast to any adjoining site parking. Planting zones should be consolidated into areas large enough to give natural character to a site rather than randomly distributed in small and narrow open spaces that do not match the context and scale of the project.

Planted areas should be located along the site boundaries, within parking areas, along drainage or stormwater management areas, around buildings and at building entries.

The existing topography should be preserved intact as much as possible to minimize disruptions in drainage.

Different scales of plantings (trees, shrubs, flowers) should be incorporated into site design to the extent possible and such features as mature woods and riparian areas should be retained.

Use species appropriate for site conditions including available sunlight, water and root and canopy space.

Use trees, shrubs and other landscaping features to provide screens for service areas, parking and utilities.

Use large specimen street trees along pedestrian routes to provide shade and to define edges.

In the core of larger commercial and office centers, street trees and more formal urban plantings organized around public open spaces are recommended.

Consider using **landscaping areas that also provide storm water treatment** such as rain gardens.

Response

NA (This project does not include parking lots outside of the building under open sky.)

Most open space is located along the perimeter. Planting zones vary. Some are linear and narrow, creating an edge along walks. Others are more spacious, allowing generous green areas suitable for larger tree species. Planting zones are designed deliberately to help define and shade public sidewalks. At the rear of the site, a broad swath of mixed plantings will provide a buffer between this project and smaller scaled neighboring houses to its north.

Plantings are proposed in all of these locations (with the exception of parking areas, because all parking is under the building).

Outside the building perimeter, significant regrading is not proposed.

A variety of plantings of different sizes and colors are proposed.

Selected species are appropriate for site conditions.

Plantings will be used to screen utilities where necessary.

Large trees, selected from Charlottesville's Tree Packet of recommended species, are proposed along all sidewalks.

NA

Planted Bioretention is planned along parts of Observatory and Jefferson Park Avenues.

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

III. Site Guidelines **Plantings & Open Spaces, cont.**

Refer to the **Tree Planting and Preservation BMP Manual** in the *Charlottesville Standards and Design Manual*

Encourage **day lighting of streams** where appropriate.

III. Site Guidelines **Lighting**

Use cutoff luminaries in accordance with city lighting requirements to provide better lighting and prevent unwanted glare. Lighting should at all times be designed to prevent light pollution in the form of light transmission laterally beyond site boundaries or upward to the sky.

Coordinate the lighting plan with the landscape plan to ensure pedestrian areas are well-lit and that any conflict between trees and light fixtures is avoided.

Lighting should provide for appropriate and desirable nighttime illumination for all uses on and related to the site to promote a safe environment.

Light pedestrian areas with appropriately scaled poles and luminaries. Their heights are typically ten to fourteen feet.

Avoid using building accent lighting that is too bright and draws too much attention to the building. Reasonable levels of accent lighting to accentuate architectural character may be appropriate in individual instances when it is shielded and is not aimed towards neighboring properties, sidewalks, pathways, driveways or public right-of-ways in such a manner as to distract travel.

Gasoline station/convenience store aprons and canopies should utilize full shielded lighting fixtures...

Response

We have.

NA

All relevant lighting will follow the city's cutoff luminary requirements.

Lighting is being coordinated with the landscape design.

LED lighting at levels and temperatures recommended by BAR guidelines will be specified. Most exterior lighting will be motion-activated.

Most lighting of pedestrian areas will not be mounted on poles. Those lights that are will not be mounted above appropriate heights.

Accent lighting will be subtle and used only around building signs.

NA

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

III. Site Guidelines

Walls and Fences

Choose high quality materials and designs using materials such as brick, stone, metal and wood. Avoid untreated wood, vinyl, chain-link fences, wire fences or concrete block walls. Consider materials used elsewhere on the property or structures within the site.

Use a scale and level of ornateness of the design of any new walls and fences that relate to the scale and ornateness of the building within the site. Use simpler designs on smaller lots.

Avoid exceeding the average height of other fences and walls of surrounding properties.

Fences should be set back form the street right-of-way to allow a clear area for utilities and landscaping.

When walls or fences stretch longer than 50 feet, use designs with texture and modulation to provide a regular rhythm without being monotonous.

Use paint or opaque stains on pressure treated or unpainted wood fences.

Fence stringers (the structural framing of the fence) should be located facing the interior of the subject lot, with the finished side facing out away from the subject property.

Fence at intersections or driveways should comply with city requirements for site distance (see Article IX, Division 7 of the Zoning Ordinance for detailed site triangle requirements.)

Response

Site walls will be built out of quality, durable materials.

In detailing and scale, the site walls will be compatible with the building.

Site walls will typically be low-- in many cases, seat wall height-- especially along the JPA corridor.

NA -- no fences proposed

The brick wall around the upper terrace at Jefferson Park and Observatory Avenues is punctuated by recesses that keep the wall face from being too monotonous. Where other site walls stretch more than fifty feet without interruption, these are typically low, seat-height walls where modulation is of negligible value.

NA

NA

NA

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

III. Site Guidelines

Signs

Place signs so that they do not obstruct architectural elements and details that define the design of the building.

Respect the design and visibility of signs for adjacent businesses.

Use colors and appropriate materials that complement the materials and color scheme of the building, including accent and trim colors.

Use a minimal number of colors per sign where possible. Avoid jarring or overly bright color schemes.

Exterior illumination of signs shall comply with the city's outdoor lighting requirements. Exterior neon is discouraged.

Illumination of any sign shall not be directed toward any residential area or adjacent street.

Consider using a comprehensive signage plan for larger developments.

Encourage the use of monument signs with accent landscaping at the base along corridors.

Internally lit signs should use an opaque background so only letters are lit.

Flashing lights are prohibited.

Response

Signs will not obscure architecture. They will be well integrated.

Signs on the subject property will not obscure or clash with signs on properties elsewhere.

Sign materials and design will enhance building materials and design.

Signs will not have a busy color palette. Bold colors may be selected in special cases, but we believe these are potentially interesting choices.

Sign lighting will adopt the city's BAR's recommendations for exterior lighting.

Sign lighting will be discreet and indirect, not shining outward toward the property edges.

Signs will be compatible with one another.

Large signs may be used along the corridor with or without associated landscaping.

Sign lighting will be indirect, illuminating only the text/numbers.

None proposed.

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

III. Site Guidelines

Utilities, Comm. Equip. & Service Areas

Locate utilities to minimize their visual impact from the street and adjoining developments.

Screen and landscape dumpsters with wood board or solid barrier wall when multiple sides of the a building are highly visible.

Place utilities underground if possible or located behind buildings.

Screen service areas and loading docks that are visible from streets or adjoining development with berms, landscaping, structures or fences.

Site noise generating features away from neighboring properties, especially residences.

Screen rooftop communications and mechanical equipment.

Response

Utilities will be away from or screened from the JPA Corridor.

NA. (Trash dumpsters/bins will be stored in the building, out of sight.)

NA

NA

The pool deck-- the only potential generator of noise-- is located at the already busy and active JPA thoroughfare rather than facing the houses on the quieter side avenues.

Rooftop equipment will typically be screened behind parapet walls.

IV. Building Guidelines **Architectural Compatibility**

Charlottesville seeks new construction that reflects its unique character, history and cultural diversity. *Architectural transplants from other locales or shallow imitations of historic architectural styles, for example, are neither appropriate nor desirable.*

A distinctive identity for each corridor should be created through a combination of materials, forms and features that create a coordinated and inviting mix of buildings and spaces.

Encourage a diversity of architectural materials, forms and styles that respect the traditions of architecture in the Charlottesville area, including gable or hipped roof forms, standing seam metal roofing, brick and wood siding.

New developments should strive to implement the intended vision rather than repeat existing inappropriate development patterns.

New development should respect existing historic buildings and excellent examples from the recent past.

Existing development should be upgraded as opportunities arise.

Response

The building's architecture does not rely on historic references deployed superficially or romantically. It does not indulge vernacular details associated with places outside Charlottesville.

Exterior material selections are predominantly brick and stucco, consistent with other buildings along the JPA corridor. The color palette falls in a compatible range. Building massing is varied, not monolithic. The scale evident in fenestration, entrances, site stairs, canopies and porches is appropriate for this district. The landscape design along JPA-- consisting of multiple terraces and plantings-- has the potential to enhance the corridor's character, creating opportunities for pedestrian comfort and interaction in a shaded environment that is a marked improvement over other student housing that fronts this corridor.

Exterior material selections are predominantly brick and stucco, consistent with area traditions. The flat roof with parapets is common among the city's larger apartment buildings, including older ones (see 300 Fourth St SE, the Altamont Circle Apts, 39 University Circle, the Preston Court Apts, etc...)

Currently there are multiple examples of buildings along JPA that do not present engaging facades along the corridor (1909, 1905, 1801, 1721, 1719, 1715, 1713, 1709 and 1712 JPA, among them). On these properties, surface parking is prominent and visible in the front yards. Pedestrian walks are negligible and typically connect front doors not to public sidewalks but to asphalt parking. Street trees are uncommon, in many cases nonexistent. Trash cans are visible throughout the week. These properties do little to contribute to a sense of a street edge. Architectural character is often indistinct. The proposed project will not perpetuate any of these patterns. It represents a design that aspires to a better vision for this Corridor.

No buildings on the property are historically designated.

NA

IV. Building Guidelines **Building Mass, Scale & Height**

Break up the front of a large building by dividing it into individual bays, 25 - 40 feet wide.

Use variation in materials, textures, patterns, colors and details to break down mass and scale of the building.

Avoid an unmodulated mass.

Use stepped-back height.

Use varied wall surfaces.

Use varied heights with regular width.

Use building mass appropriate to the site. Place buildings of greatest footprint, massing and height in the core of commercial or office developments where the impact on adjacent uses is the least. Follow setback requirements for upper story according to zoning classification of the corridor.

When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings. Heights can be greater if the mass is modulated and other scale techniques are adopted. Reduce height near lower density areas.

Use massing reduction techniques of articulated base, watertables, string courses, material changes, patterns and fenestration to reduce the apparent height of the building. Floor-to-floor heights of a building can have an impact on the mass of a building. For instance... when actual or implied floor-to-floor heights exceed 15-20 feet on the exterior, a building may begin to read as more massive than human-scaled.

Create human-scaled spaces defined by either buildings or landscape features that provide more friendly, inviting spaces.

Response

Along the side avenues, brick facades at three stories above the base stories are less than 30 feet wide and are intended to create the impression of individual dwellings attached to one another, not unlike townhouses.

Material, textures and colors are varied. Brick veneer is used both to establish a building base and to emphasize smaller scale building faces within the longer facades, an effort to differentiate volumes within the mass.

Perspective views reveal modulated massing.

Stepbacks occur frequently at upper stories.

Wall surfaces do not extend for long stretches in the same plane. Facades are distinguished by projections and interrupted by recesses at regular intervals.

Parapet walls are taller over some locations, creating both variation in wall heights and places to screen mechanical equipment.

NA (This is not an office or commercial development.)

Because the grade rises from JPA to the rear of the site, the lower parking levels of the building can be submerged. This results in fewer stories above grade at the rear half of the site, where the proposed building is closer to the smaller scale houses along Observatory Avenue. The foremost brick faces here are limited to three stories. The two stories above are faced in darker, desaturated, muted colors, ones intended to help these upper levels withdraw into the background.

Multiple massing reduction techniques are employed. Floor-to-floor heights are typically 11', appropriate for a multi-family building.

Spaces along the streets, those pedestrians are most likely to encounter, benefit from plantings, site walls, terraces and porches that support human-scaled environments. On the building, windows, doors and canopies will further enhance this sense of scale.

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

IV. Building Guidelines

Facade Organization & Storefronts

Orient primary entrances on a building facade to the street or corridor.

Use a hierarchy of entry design on any complex, if the building has more than one orientation and focus on the main entry on the street/corner facade.

Secondary entrances may be created to allow convenient access from adjacent buildings, sidewalks, parking, bicycle paths and transit stops..

Orient at least part of public elevations of shopping complexes to any adjoining neighborhoods.

Provide attractive facade treatments on any elevation that is visible from streets/corridors or from any primary elevations of adjoining developments and avoid use of unadorned blank walls.

Consider using the traditional three-part facade of a cornice, a pattern of upper story windows and a storefront with articulated base when designing a new building or renovating an existing structure.

Use a regular pattern of solids and voids for openings that relate to more traditional building design in the corridor.

Use a proportion of openings (vertical or horizontal) that is generally consistent with the context of the building. Traditional design openings are typically vertically proportioned.

Strive for designs and materials that reflect the architectural traditions of the region.

Storefronts or large display windows should be used at street level.

Response

The primary entrance faces on the corridor, close to the corner of JPA and Washington Ave.

The inclusion of an entry plaza + site stair aligned with the main entrance creates a visible arrival sequence, complimented by beautiful native plantings.

Secondary entrances are located at both side avenues, close to their intersections with JPA, promoting convenience and helpful redundancy.

NA

Primary elevation facades utilize materials, fenestration and masonry detailing that create a robust level of relief and adornment.

While it has a masonry base, the proposed building does not present a three-part hierarchy in the most obvious, traditional form. This building does not prioritize the historical horizontal subdivisions that were more common in previous eras. Instead, we intend the use of material and facade transitions to create a richer juxtaposition, emphasizing both vertical and horizontal proportions, often overlapping the two.

NA

The windows, doors and storefront typically adopt vertical proportions in keeping with traditional buildings.

Typically, material choices are appropriate for the region.

Storefronts are used at the two main street-level entries at the corner of Washington Ave and JPA. At the corner of Observatory Ave. and JPA, we also call for storefronts that offer visibility into amenity space (that may be converted to commercial space at a future time).

IV. Building Guidelines

Materials and Textures

Use material changes to help reduce mass and provide visual interest.

Choose materials that offer texture and avoid monotonous surfaces. For example, use wood or brick or stone or new synthetic materials that approximate the look and dimension of these materials.

Use quality materials consistently on all visible sides of commercial, office and multi-family residential buildings.

In Charlottesville **common building materials are brick, wood or stucco walls and standing-seam metal roofs.** Stone is more commonly used for site walls than building walls.

Avoid the use of building materials with long-term maintenance problems such as EIFS (Exterior Insulation and Finish System) or vinyl siding. Sustainable, utilitarian building materials such as concrete block, metal siding or cementitious panels may be appropriate in contemporary designs.

IV. Building Guidelines

Colors

A coordinated palette of colors should be created for each development. This palette should be compatible with adjacent developments.

Set the color theme by choosing the color for the material with the most area. If there is more roof than wall area, roof color will be the most important color choice and will set the tone for the rest of the colors.

Limit the number of color choices. Generally there is a wall color, trim color, accent color and roof color.

Use natural tints of materials such as reds, browns, tans, grays and greens as primary colors. Save bright accent colors for awnings and signs on commercial buildings.

Response

Materials changes are used deliberately to reduce the impression of massiveness.

The proposed brick and synthetic stucco will provide a range of textures and avoid monotony.

Materials will be durable.

Building walls will be faced in stucco or brick. Some stone is proposed on site walls only.

Synthetic stucco is proposed as an exterior finish on some walls. Synthetic stucco problems on past projects typically resulted from poor application practices that allowed moisture to get trapped in the wall envelope. Modern application standards using a proven drainage system, such as the inclusion of a full mesh layer-- one that does not have to be conscientiously oriented to be functional-- under the insulated stucco panels, will be adopted for this project.

The colors will be complimentary. Red brick is common along the Corridor. Dark stucco colors are intended to make upper story walls visually recede into the background, leaving the brick facades more prominent. Other than the brick color, the palette is muted and modern. White windows, storefront and trim is proposed only in the brick facade along the JPA base and at the corner entry, setting these locations apart. Dark windows are used elsewhere. We think the dark window and stucco colors will also create a nice backdrop to the brighter color range seasonally present on the perimeter site plantings. On the courtyard at the third level, vivid color is proposed on courtyard facing pavilions. These are remote enough, they are only partially visible from the Corridor and only from certain angles. They add an unexpected lining-- only occasionally glimpsed-- to an otherwise staid exterior.

The brick facades cover the most exterior area. The stucco colors are coordinated to look good with the brick.

While there are several wall colors, the proposed massing warrants it. The variation in colors and materials are intended to mitigate the building massing.

Primary colors will have natural tints. Vivid color is proposed only on facades within the courtyard, turned inward. Rarely visible from the street, they will create a distinctive and vibrant interior environment.

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

IV. Building Guidelines

Colors

Use natural tints of materials such as reds, browns, tans, grays and greens as primary colors. Save bright accent colors for awnings and signs on commercial buildings.

Use color variation to break up the mass of the building and provide visual interest.

Do not use strong color that has the effect of turning the entire building into a sign.

IV. Building Guidelines

Details

Use articulated elements such as cornices, belt courses, water tables, bay divisions, variations in wall plane and roof features to create designs of interest.

Include human-scaled elements such as columns, pilasters and cornice, in particular at street level and on facades with a pedestrian focus.

Avoid large expanses of blank walls that are visible from the public right of way or neighboring developments.

Avoid oversized decorative elements.

Avoid decorative elements that do not relate to the architecture but serve to turn the whole building into a sign.

Response

Primary colors will have natural tints. Vivid color is proposed only on facades within the courtyard, turned inward. Rarely visible from the street, they will create a distinctive and vibrant interior environment.

See perspective drawings.

We do not.

A building base, bay divisions, variations in wall plane, masonry detailing and coping projections at tops of walls are among the elements used to create architectural articulation.

Canopies and fenestration contribute to human scale.

Typically vertical planes, materials and colors vary often enough that large blank expanses do not result.

No big decorative elements are proposed.

No such elements are proposed

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

IV. Building Guidelines

Roof Forms & Materials

Use roof forms that complement the building design and contribute to human scale. Avoid tall roof areas that overwhelm the height of the building's wall. Common Charlottesville roof forms include hipped, gable, flat and gambrel.

If a shed roof or flat roof design is used, add a parapet wall to screen the roof.

Avoid a visible monolithic expanse of roof on large-scale buildings. Break the roof mass with elements such as gables, dormers or parapets. Scale these features to the scale of the building.

Consider using a special roof feature on buildings located at a gateway, a prominent corner, or highlight entry bays on larger structures.

Steeper forms are associated with more traditional design and can be appropriate when the development adjoins nearby neighborhoods.

On roofs that visible such as gable, hipped or shed design, use quality materials such as metal or textured asphalt shingles

Any equipment located on a roof should be screened from public view.

IV. Building Guidelines

Awnings

Encourage the use of awnings at the storefront level to shield displays and entry and to add visual interest.

Coordinate the choice of colors as a part of the overall color scheme. Solid colors, wide stripes and narrow stripes should be considered as appropriate.

Awning forms may be angled or curved.

Response

Roofs and their materials are not visible from the ground. They are flat roofs, common for and appropriate to multi-family buildings in Charlottesville.

Some roofs have parapets.

Roof surfaces are not visible from the Corridor.

Canopies are used to help distinguish prominent corners and their entries.

NA

NA

It will be.

Canopies are proposed for these purposes.

Canopy colors are coordinated with associated storefronts.

NA

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

IV. Building Guidelines

Awnings

Use of a canopy as an illuminated sign is not appropriate

Awning materials should be appropriate to the overall design of the building. Traditional cloth fabric, standing seam metal or newer rigid materials may be considered.

Response

NA

Canopies would be painted or powder coated metal.

IV. Building Guidelines

Appurtenances

Building service, loading and utility areas should not be visible from public streets, adjacent developments or from access drives within large developments. Such service areas should be located behind the main structure in the least visible location possible.

Service, loading and utility areas will be located out of sight in the parking deck or screened by a wall near the entry drive into the parking level.

Mechanical equipment on roofs or sides of buildings should not be visible from the street.

Rooftop equipment will be screened behind parapet walls.

When mechanical equipment vents, meters, satellite dishes and similar equipment is ground mounted, screening should include either an opaque fence or wall made of the same material as the building or an evergreen hedge that screens objectionable views.

NA

Items such as roof ladders, railings, roll-up doors and service doors, should be located on building elevations that are the least visible from public streets/corridors, adjacent developments or from access drives within large developments. Their colors should be coordinated among all of these elements and with the rest of the building.

None of these are located in visible locations.

In some cases appurtenances may be integrated into the building design if such integration enhances the compatibility of the overall design with the corridor vision.

NA

IV. Building Guidelines

Additions & Corridor Conversions

NA

(reference Charlottesville's **Entrance Corridor Design Guidelines**)

IV. Building Guidelines Franchise Designs

Response

NA

IV. Building Guidelines Gas Station Canopies

NA

IV. Building Guidelines Civic & Institutional Buildings

NA

IV. Building Guidelines Multi-Family Buildings

Follow other guidelines in this chapter as applicable to the overall design of such buildings in such issues as massing and building footprint, scale, complexity of form, height and width, materials, textures and colors, roof forms and materials, etc...

Other applicable chapter guidelines are addressed in previous pages.

Give consideration to placing the first floor retail storefronts in multi-family buildings if they face along a commercial corridor or face a pedestrian-oriented street within the downtown.

NA

Avoid creating street front facades that are dominated by garage doors.

No garage doors are proposed on the front facade.

Ensure that the designs of such buildings are consistent with any adjoining neighborhoods and the zoning ordinance.

They are consistent.

APPENDIX b

CORRIDOR CONTEXT



JPA CORRIDOR CONTEXT PHOTOS

All grades, counts and quantities are approximate and will change as design proceeds.

RESOLUTION 1

Approval of Entrance Corridor Certificate of Appropriateness for proposed development of 2005 Jefferson Park Avenue (or 2005 JPA).

WHEREAS Aspen Topco II Acquisitions, LLC (Applicant) on behalf of Gadiant Enterprise, Inc., the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, and currently addressed as 2005 and 2007 Jefferson Park Avenue and 104 Observatory Avenue (collectively referred to as “2005 JPA”), proposes at 2005 JPA a multi-unit residential building with underground parking (Project), and;

WHEREAS, per City Code §34-307(a)(5), 2005 JPA is within the *Fontaine Avenue/Jefferson Park Avenue Entrance Corridor* and, per City Code §34-309, is therefore subject to design review and a Certificate of Appropriateness (CoA) is required for the Project, and;

WHEREAS on December 20, 2022 the Applicant submitted to the City an application for a CoA for the Project (Application), and;

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on February 14, 2023 and on March 14, 2023 reviewed the Project and Application, approving with conditions the requested CoA, and;

WHEREAS following the February 14, 2023 and March 14, 2023 ERB meetings, as permitted by City Code §34-314(a), six parties appealed to City Council the ERB’s approval of the CoA (Appeal), and;

WHEREAS, per City Code §34-314(c), on May 15, 2023, following a review of the Appeal, the Project, and the Application, and having considered relevant information and opinions, including the ERB’s determination and the City Staff Report, this Council determined the Project is consistent with the City’s Entrance Corridor Design Guidelines and compatible with the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Certificate of Appropriateness is hereby approved for the development of 2005 JPA, subject to the following conditions:

- Glass will be clear, at the locations noted in the staff report.
- New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
- All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light

sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]

- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
- If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings. [Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
- Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

[Note: The conditions of approval are those approved by the ERB on February 14, 2023 and March 14, 2023.]

Approved by Council
May 15, 2023

RESOLUTION 2

Denial of Entrance Corridor Certificate of Appropriateness for proposed development of 2005 Jefferson Park Avenue (or 2005 JPA).

WHEREAS Aspen Topco II Acquisitions, LLC (Applicant) on behalf of Gadiant Enterprise, Inc., the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, and currently addressed as 2005 and 2007 Jefferson Park Avenue and 104 Observatory Avenue (collectively referred to as “2005 JPA”), proposes at 2005 JPA a multi-unit residential building with underground parking (Project), and;

WHEREAS, per City Code §34-307(a)(5), 2005 JPA is within the *Fontaine Avenue/Jefferson Park Avenue Entrance Corridor* and, per City Code §34-309, is therefore subject to design review and a Certificate of Appropriateness (CoA) is required for the Project, and;

WHEREAS on December 20, 2022 the Applicant submitted to the City an application for a CoA for the Project (Application), and;

WHEREAS, per City Code §34-308, the Planning Commission serving as the Entrance Corridor Review Board (ERB), responsible for administering the design review process in Entrance Corridor overlay districts (EC), at public meetings on February 14, 2023 and on March 14, 2023 reviewed the Project and Application, approving with conditions the requested CoA, and;

WHEREAS following the February 14, 2023 and March 14, 2023 ERB meetings, as permitted by City Code §34-314(a), six parties appealed to City Council the ERB’s approval of the CoA (Appeal), and;

WHEREAS, per City Code §34-314(c), on May 15, 2023, following a review of the Appeal, the Project, and the Application, and having considered relevant information and opinions, including the ERB’s determination and the City Staff Report, this Council determined the Project is not consistent with the City’s Entrance Corridor Design Guidelines and not compatible with the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that for the reasons stated below, a Certificate of Appropriateness is hereby denied for the development of 2005 JPA:

- ...

Approved by Council
May 15, 2023

Chapter 34 - ZONING**Article II. - Overlay Districts****Division 3. Entrance Corridor Overlay Districts****Sec. 34-306. - Purpose.**

The entrance corridor overlay district is intended to implement the comprehensive plan goal of protecting the city's historic, architectural and cultural resources, by ensuring a quality of development compatible with those resources through design control measures. The purposes of this article are to stabilize and improve property values; to protect and enhance the city's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the city from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.

(9-15-03(3))

Sec. 34-307. - Applicability.

- (a) Subject to subsection (b), below, entrance corridor overlay districts are hereby established upon and along the following arterial streets or highways, which are deemed by the city council to be significant routes of tourist access to the city, or to designated historic landmarks, buildings, structures or districts within the city ("EC streets"):
- (1) Route 29 North from the corporate limits to Ivy Road;
 - (2) Hydraulic Road from the corporate limits to the 250 Bypass;
 - (3) Barracks Road from the corporate limits to Meadowbrook Road;
 - (4) Ivy Road from the corporate limits to Emmet Street;
 - (5) Fontaine Avenue/Jefferson Park Avenue from the corporate limits to Emmet Street;
 - (6) Fifth Street, SW from the corporate limits to the beginning of the Ridge Street Architectural Design Control District;
 - (7) Avon Street from the corporate limits to the CSX Railroad tracks;
 - (8) Monticello Avenue/Route 20 from the corporate limits to Avon Street;
 - (9) Long Street from the corporate limits to St. Clair Avenue;
 - (10) East High Street/9th Street from Long Street to East Market Street;
 - (11) Preston Avenue from McIntire Road to Rosser Avenue; and
 - (12) McIntire Road, from Preston Avenue to Route 250.
- (b) Entrance corridor overlay districts are hereby established upon the lots and parcels of land contiguous to the streets and highways enumerated within subsection (a), above, from the edge of the right-of-way to the full depth of the lot or parcel, as the lot or parcel existed on the date the adjacent EC street was designated.
- (c) The entrance corridor overlay districts are hereby established over the existing zoning district classifications of the land contiguous to the streets and highways enumerated within subsection (a), above. The regulations set forth within this article shall apply to all such land, in addition to the regulations of the underlying zoning district and in addition to other generally applicable zoning ordinance provisions (e.g., generally applicable standards governing parking, lighting, landscaping, signs, etc.). In the event of a conflict between the regulations set forth within this article and those set

forth within the regulations of the underlying zoning district classification, or elsewhere within this zoning ordinance, the more restrictive regulation shall govern.

(9-15-03(3))

Sec. 34-308. - Review board.

- (a) The provisions of this article shall be administered by an entrance corridor review board ("review board" or "ERB") hereby created by the city council. The city's planning commission shall serve as the review board.
- (1) The meetings of the ERB shall be held at the call of its chairman or at such times as a quorum of the board may determine.
 - (2) The ERB shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact.
 - (3) All records of official actions shall become part of the permanent records of the ERB.
 - (4) The ERB shall choose annually its own chairman and vice-chairman, who shall act in the absence of the chairman.
 - (5) The ERB may, from time to time, adopt and amend bylaws for the regulation of its affairs and the conduct of its business.
 - (6) The ERB may, from time to time, recommend areas for designation as entrance corridor overlay districts and may also recommend removal of any such designation.
 - (7) The ERB shall serve in an advisory capacity to city council and the board of zoning appeals in rezonings, special use permits, site plans, subdivisions, variances and other matters within entrance corridor overlay districts.
 - (8) The ERB shall be responsible for issuance of certificates of appropriateness required by this article.
- (b) The ERB shall develop and recommend to the city council for its approval design guidelines for the entrance corridor overlay districts ("Entrance Corridor Design Guidelines"), consistent with the purposes and standards set forth within this article. The ERB shall develop such guidelines in consultation with the city's director of neighborhood development services and after seeking input from business and property owners in the various overlay districts. Guidelines developed by the ERB shall become effective upon approval by city council and thereafter shall have the status of interpretive regulations. The ERB shall undertake a comprehensive review and update its design guidelines at least once every five (5) years. Until the initial guidelines have been completed and approved, the ERB shall apply the design guidelines developed by the city's BAR for the entrance corridor districts.

(9-15-03(3))

Sec. 34-309. - Certificates of appropriateness.

- (a) The following shall require a certificate of appropriateness issued in accordance with this division:
- (1) All improvements requiring a building permit (but for which no site plan is required), other than single- or two-family dwellings where the work requiring the building permit (i) is new construction, or (ii) represents an addition or modification of 25% or more of the gross area of an existing building or structure.
 - (2) Regardless of whether a building permit is required: (i) signs; and (ii) installations or replacements of roof coverings, windows, doors or siding on any building or structure, any part

of which, once installed, will be visible from an EC street referenced in section 34-307(a) above, other than those installed on a single- or two-family dwelling.

- (3) All development requiring a site plan.
- (b) All applications for the certificates required by subparagraphs (a)(1) or (a)(2) above, shall be reviewed and approved administratively by the director. If administrative approval is granted the applicant shall post a notice of such approval on the subject property. If the application is denied the director shall mail or hand-deliver notice of his decision to the applicant. In either case, the applicant or any other aggrieved party shall have ten (10) working days from the date of the director's decision to appeal the decision to the ERB; no certificate shall be issued prior to expiration of the ten-day period.
- (c) All applications for the certificates required by subparagraph (a)(3) above shall be reviewed and approved by the ERB following the process set forth within sections 34-310 through 34-313.
 - (1) The ERB shall approve or disapprove an application and, if approved, shall issue a certificate of appropriateness with any reasonable conditions as it may deem necessary to ensure compliance with this division. Failure of the ERB to act upon an application within sixty (60) days from the date of its original submission shall be deemed to constitute approval of the application.
 - (2) Nothing contained in this subsection shall be deemed to compromise, limit, or otherwise impair the planning commission in its exercise of preliminary or final site plan review as set forth within Article VII, section 34-800, et seq. of this zoning ordinance.
 - (3) It is the express intent of the city council in enacting the provisions of this subsection that matters related to public health and safety, as may be defined by the planning commission, shall prevail over issues within the purview of the ERB.
- (d) Notwithstanding the foregoing provisions of this section, no certificate of appropriateness shall be required for the following activities:
 - (1) Interior alterations to a building or structure.
 - (2) Construction of ramps and other modifications to serve the handicapped.
 - (3) Repair and maintenance of buildings or structures which are non-conforming for failure to comply with the provisions of this article.
 - (4) General maintenance of buildings or structures, where no substantial change in design or materials is proposed.
 - (5) Additions or modifications to a building or structure, where no substantial change in design or materials is proposed, as determined by the director of neighborhood development services or his designee.
- (e) Once issued, a certificate of appropriateness shall be binding upon the proposed development, as to any conditions of issuance specified therein. The certificate shall certify that the proposed development (subject to any conditions stated within the certificate) is consistent with the design guidelines applicable to the specific EC street. Signature by the zoning administrator upon a final site plan or building permit, as the case may be, shall constitute such certification.
- (f) The validity period of a certificate of appropriateness shall be as follows:
 - (1) A certificate of appropriateness associated with a project for which a valid site plan is not required shall expire and become void eighteen (18) months from the date of approval by the entrance corridor review board, unless a building permit to construct the authorized improvements or activities has been issued; or, if no building permit is required, unless construction of the authorized improvements or activities has substantially commenced.

- (2) The validity period of a certificate of appropriateness associated with a project for which a valid site plan is required shall be consistent with that of the approved preliminary and final site plan pursuant to sections 34-822 and 34-825, except a certificate of appropriateness shall expire and become void eighteen (18) months from the date of approval by the entrance corridor review board if preliminary site plan approval has not been granted, or upon revocation of an approved preliminary site plan or expiration of an approved final site plan.
- (3) Prior to the expiration of a certificate of appropriateness, upon written request and for reasonable cause, the director of neighborhood development services or the entrance corridor review board may extend the validity of any such certificate for a period not to exceed one (1) year.

(9-15-03(3); 6-6-05(2); 7-18-11; 7-16-12)

Sec. 34-310. - Standards for considering certificates of appropriateness.

The review board, the city council on review of an application, and the director in conducting an administrative review, shall consider the following features and factors in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to this article:

- (1) Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;
- (2) Exterior architectural details and features of the subject building or structure;
- (3) Texture, materials and color of materials proposed for use on the subject building or structure;
- (4) Design and arrangement of buildings and structures on the subject site;
- (5) The extent to which the features and characteristics described within paragraphs (1)—(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.
- (6) Provisions of the Entrance Corridor Design Guidelines.

(9-15-03(3))

Sec. 34-311. - Sign standards.

Signs within any entrance corridor overlay district shall comply with the standards set forth within Article IX, section 34-1020, et seq.

(9-15-03(3))

Sec. 34-312. - Application requirements.

- (a) Application for a certificate of appropriateness pursuant to this division shall be filed with the director of neighborhood development services by the owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person, of the subject property.
 - (1) A complete application shall include all plans, maps, studies, reports, photographs, drawings, building elevations, and other informational materials which may be reasonably required in order to make the determinations called for in a particular case.
 - (2) [*Reserved.*]
 - (3) Each application for a certificate of appropriateness shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.

- (b) The director shall establish submission deadlines for applications. For purposes of this division a complete application shall be deemed to be "officially submitted" on the date of the next submission deadline following the date on which the application was received by the director.
- (c) Each application shall include a landscaping plan, for the uses described following below.
 - (1) For development subject to site plan review, such plan shall meet the requirements set forth below as well as those required within Article VII, section 34-867.
 - (2) For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the director to determine whether the following requirements are satisfied:
 - a. *Uses to be screened:* Parking lots, loading areas, refuse areas, storage areas, detention ponds and mechanical equipment shall be screened from view from the adjacent EC street.
 - b. *Standards for screening:* When required, screening shall consist of the following:
 - (i) A planting strip of vegetation or trees, an opaque wall, an opaque fence or a combination of these.
 - (ii) Where only vegetative screening is provided, such screening strip shall not be less than twenty (20) feet in depth and shall consist of a double staggered row of evergreen trees on fifteen-foot centers, a minimum of five (5) feet in height when planted, or a double staggered row of evergreen shrubs on five-foot centers, a minimum of twenty-four (24) inches in height when planted. Alternative methods of vegetative screening may be approved by the ERB or the director in connection with approval of a certificate of appropriateness.
 - (iii) Where a fence or wall is provided for screening, it shall be a minimum of six (6) feet in height with planting required at ten-foot intervals along such structure.
 - (3) *Landscaping.* All nonresidential uses, including parking lots and vehicular display areas, shall have all of the street frontage, exclusive of driveways and walkway connections, landscaped with trees and other varieties of plant material at least eighteen (18) inches in height at maturity. The tree varieties shall conform to those recommended in the city's list of approved plantings. All uses shall have the side and rear property edges defined with a fence, wall or curbed planting strip of trees and other plantings a minimum of twenty-four (24) inches in height at maturity.
- (d) Each application shall include information about proposed lighting. Lighting fixtures shall be harmonious with the character of existing and proposed structures fronting along the EC street, and shall not exceed the height of any buildings on the site. Further, lighting shall comply with the provisions of Article IX, Division 3, section 34-100, et seq.

(9-15-03(3); 6-6-05(2); 7-16-12)

Sec. 34-313. - ERB review process.

Following receipt of a complete application requiring review by the ERB, the director shall forward the application, together with all accompanying informational materials, to the ERB. Upon receipt of an application, the review board shall schedule a hearing on the application.

- (1) Notice of the hearing shall be provided to the applicant and to other persons in the same manner as set forth within section 34-284(a).
- (2) Written notice of the hearing shall also be provided to each member of the city council, at least (10) days in advance of the hearing. Such notice may be hand-delivered, mailed or transmitted via electronic communication.

- (3) The notices required by this subsection shall state the type of use or development proposed, the specific location of such use or development, and a general description of the appearance and materials proposed for the development which is the subject of the application.

(9-15-03(3))

Sec. 34-314. - Appeals.

- (a) Following approval of an application by the ERB, the director of neighborhood development services, or any aggrieved person, may note an appeal of that decision to the city council, by filing a written notice of appeal with the clerk of city council within ten (10) working days of the date of the decision. If no such appeal is noted, then upon the expiration of the ten-day appeal period the director of neighborhood development services shall issue the approved certificate of appropriateness.
- (b) Upon denial of an application (approval of an application with conditions, over the objections of the applicant, shall be deemed a denial) the applicant shall be provided written notice of the decision, including a statement of the reasons for the denial or for the conditions to which the applicant objects. Following a denial, the applicant, the director of neighborhood development services, or any aggrieved person may appeal the decision to the city council, by filing a written notice of appeal with the clerk of city council within ten (10) working days of the date of the decision.
- (c) In any review of an ERB decision the city council shall review the application as if the application had come before it in the first instance. Any aggrieved person, shall be given an opportunity to be heard on the appeal. City council may consider any information or opinions relevant to the application which is the subject of such decision, including, but not limited to, those provided by the ERB.

(9-15-03(3); 6-6-05(2))

Secs. 34-315—34-325. - Reserved.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: May 15, 2023

Action Required: Approve resolution

Presenter: Ian Baxter - TJPDC

Staff Contacts:

Title: Thomas Jefferson Planning District Commission 2023 Regional Natural Hazard Mitigation Plan update (1 reading; deferred from April 3)

Background

TJPDC works with officials from the Federal Emergency Management Agency (FEMA), the Virginia Department of Emergency Management (VDEM), and local emergency managers to develop and maintain a regional Natural Hazard Mitigation Plan. These plans are updated every 5 years and provide details on how our communities can take action to prepare for natural disasters before they strike, thus reducing the potential for loss of life and property damage when disasters do occur. The hazard mitigation efforts are supported by the Hazard Mitigation Working Group, which consists of representatives from each locality in the planning district and other state and community stakeholders.

Hazard mitigation is any action taken to reduce or eliminate long-term risk to people and property from natural hazards. Mitigation planning is a key process used to break the cycle of disaster damage, reconstruction, and repeated damage.

Discussion

The 5-year update of the Natural Hazard Mitigation Plan was adopted by FEMA in January 2023 and subsequently must be adopted by each governing body in the region. The official adoption date is February 1, 2023, the date of the first Resolution of Adoption (Fluvanna County). The full 222-page PDF document and other planning information can be viewed online at: <https://tjpd.org/our-work/hazard-mitigation/>.

Alignment with City Council's Vision and Strategic Plan

Community Engagement

n/a

Budgetary Impact

n/a

Recommendation

n/a

Alternatives

Attachments

1. TJPDC-City of Charlottesville HMP Resolution

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

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

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

WHEREAS, The City of Charlottesville has been involved in the preparation of the Regional Natural Hazard Mitigation Plan, with City staff representing the City on the Working Group and working with Thomas Jefferson Planning District Commission (“TJPDC”) staff to identify mitigation actions for inclusion in the plan, and,

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

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

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

ADOPTED by the City of Charlottesville City Council on this ____ day of _____, 2023.

APPROVED

Lloyd Snook, Mayor

ATTEST

Kyna Thomas, Clerk of Council

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



Agenda Date:	May 15, 2023
Action Required:	Approval of Homeowner Assistance Grant Program
Presenter:	Todd Divers, Commissioner of the Revenue
Staff Contacts:	Sue Moffett, Director of Social Services
Title:	Appropriating a grant of public funds for housing assistance to low- and moderate-income homeowners within the City of Charlottesville - \$1,360,000 (1 of 2 readings)

Background

Attached is an appropriation resolution for Council’s consideration, to provide a public grant to the City’s local board of social services, to assist needy persons with ongoing costs of home ownership.

Discussion

For some time, City Council has sought to assist low- and moderate-income persons whose ownership of a home may be in jeopardy due to financial distress associated with the costs of homeownership. In the face of a continuing affordable housing crisis, there are a significant number of persons whose status as homeowners is tenuous due to rising transportation, utility and food costs, rising real estate and personal property taxes, and other circumstances that result in costs of homeownership exceeding reasonable portions of a family’s income.

Pursuant to the provisions of Va. Code §63.2-314, the City Council may make a grant of public funds to the City’s Director of Social Services, in her capacity as the “local board”, for the purpose of aiding needy persons within the City. Eligibility of homeowners to receive disbursements from this grant fund need not be limited to the requirements for any state public assistance programs, or any VHDA program. Upon City Council’s appropriation of funds to the Director of DSS, the public funds would be deposited in the local treasury to the credit of the local board. The Director of DSS, in her capacity as the “local board”, will be responsible for dispensing the funds in accordance with specific eligibility requirements. The Director will utilize existing staff in the Commissioner of Revenue’s office, to assist with processing of applications and determinations of eligibility, using a cooperative agreement.

For 2023, the following income parameters are proposed, with relief calculated as flat amounts:

2023 CHAP - (Public Grant for Housing Assistance)

2023 Grantee Household Income Limits	\$0 - \$35,000	\$35,001 - \$45,000	\$45,000 - \$55,000	\$55,001 - \$60,000
Grant	\$2,500	\$2,000	\$1,500	\$1,000

Proposed Eligibility Criteria for this Public Grant:

1. Grantee must be an individual. No applications will be accepted from any company, corporation, partnership, or other form of legal entity (other than a trust, as referenced below) or awarded to any legal entity.
2. Grantee must be the owner of a home within the City. "Ownership" may be any of the following: (i) individually, or in conjunction with a spouse holding life rights, (ii) individually, or in conjunction with a spouse holding the power of revocation in a revocable inter vivos trust of which the home is an asset, or (iii) alone or in conjunction with a spouse who possesses a life estate, or an estate for joint lives, or a continuing right of use or support under the terms of an irrevocable trust of which the property is an asset.
3. Grantee must reside within the home.
4. Maximum value of the home cannot exceed \$460,000 (this is the average assessed value in 2023 of taxable residential parcels, rounded to the nearest five thousand dollars).
5. Grantee, grantee's spouse, or any other owner residing in the home cannot own any other interest in real estate, within the City or at any other location. This includes any real estate interest as (i) an individual, (ii) as the beneficiary of a trust, (iii) as a member of an LLC, or (iv) by virtue of any other interest in a trust or legal entity.
6. Grantee must demonstrate evidence of household income within the limits established for calendar year 2023.

Alignment with City Council's Vision and Strategic Plan

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

Community Engagement

NA

Budgetary Impact

The cost of this program is funded with the annual budget appropriation for Fiscal Year 2024 approved by Council.

Recommendation

Approval. *Suggested Motion: "I move the RESOLUTION appropriating a grant of public funds for housing assistance to low- and moderate-income homeowners within the City of Charlottesville."*

Alternatives

Reject the resolution, and allow the program to lapse.

Attachments

1. FY24 CHAP Resolution
2. 2023 Real Estate Assessment Memo

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

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

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

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

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

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

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

Expenditures

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

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

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

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

- 1) Applicant/ Grantee must be a human being, own a home within the City of Charlottesville, and must reside within the home. As of January 1, 2023 and as of the date an application is submitted, the applicant must occupy that real estate as his or her sole residence and must intend to occupy that real estate throughout the remainder of calendar year 2023. An applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration. “Ownership” may be any of the following: (i) individually, or in conjunction with a spouse holding life rights, (ii) individually, or in conjunction with a spouse holding the power of revocation in a revocable inter vivos trust of which the home is an asset, or (iii) alone or in conjunction with a spouse who possesses a life estate, or an estate for joint lives, or a continuing right of use or support under the terms of an irrevocable trust of which the property is an asset.
- 2) Maximum value of the home cannot exceed \$460,000 (this is the average assessed value in 2023 of taxable residential parcels).
- 3) Applicant, applicant’s spouse, or any other owner residing in the home cannot own any other interest in real estate, either within the City or at any other location. This includes any real estate interest owned (i) as an individual, (ii) as the beneficiary of a trust, (iii) as a member of an LLC, or (iv) by virtue of any other interest in a legal entity.
- 4) Applicant/ Grantee must demonstrate evidence of Household Income within the limits established for calendar year 2023, as set forth above within this Resolution. *Household Income* means (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, or (ii) for applicants/grantees for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year: of the applicant and of any other relatives who reside in the applicant’s home, and any other person(s) who (i) owns any interest in the home and (ii) resides in the applicant’s home. The Director shall establish the Household Income of applicants/ grantees for whom no federal tax return is required through documentation satisfactory for audit purposes.
- 5) This public grant shall be used only to assist individuals who are not receiving the real estate tax exemption or deferral program provided under Chapter 30, Article IV of the Charlottesville City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) during 2023.
- 6) Not more than one grant shall be provided to any one (1) address.



City of Charlottesville

MEMO

TO: Michael C. Rogers, Interim City Manager

Cc: Chris Cullinan, Director of Finance
Chris Engel, Director of Economic Development

FROM: Jeffrey S. Davis, City Assessor
RE: 2023 Real Estate Assessment
DATE: January 25, 2023

The Office of Real Estate Assessment is pleased to submit information for the 2023 reassessment.

The goal of the Assessor's Office is to fairly and equitably assess the City's real property. We review property assessments annually, utilizing recent sales data in order to provide current valuations.

All real property owners will receive a notice of their property value regardless of whether the value changed. The notices are to be mailed on January 27, 2023. Our office will be available to meet with property owners to discuss their assessment on or before February 28, 2023. Property owners may also request a hearing with the Board of Equalization following an Administrative Appeal.

Total taxable property increased from \$9,314,220,200 to \$10,460,742,200 which represents a total assessed value increase of \$1,146,522,000 or 12.33%. The reassessment of existing property increased by \$1,097,011,600 or 11.78%.

Exhibit 1 details the changes between residential and commercial property. The exhibit shows that existing residential property increased by a total of 11.52%. Existing commercial property increased by 12.16%

The average assessed value for taxable residential property is \$459,100

I am also enclosing the following exhibits for your review.

REAL ESTATE ASSESSMENT

INFORMATION FOR

2023

I. NEWS RELEASE

II. FREQUENTLY ASKED QUESTIONS

III. EXHIBIT NOTES

IV. ASSESSMENT INFORMATION FROM ASSESSOR



Press Release
January 27, 2023

The City Assessor's Office has completed the 2023 reassessment. Of the 15,148 taxable properties, residential parcels increased by an average of 11.52%. Commercial properties (including apartments, retail, office, industrial, vacant land) increased by an average of 12.16%.

When residential, commercial, new construction are averaged together taxable properties in the City increased by 12.33% in 2023.

Additional details of this year's figures include:

- Residential properties
 - Assessments for existing residential property increased in value by 11.52%
 - 97.97% of residential assessments increased in value, 1.12% decreased, and 0.90% did not change
- Commercial properties
 - Assessments for existing commercial property increased in value by 12.16%
 - 83.62% of commercial assessments increased in value, 3.22% decreased, and 13.16% did not change
- Combined existing residential and commercial property increased in value by 11.78%
- New construction value included for 2023 is 0.56%
- When new construction and reclassifications are added to the value of the existing property, the total value of property in the city increased by 12.33%

General FAQ's about the City Assessor's Office and assessment process can be found under the "City Assessor" homepage link at www.charlottesville.gov. The City Assessor's Office can be contacted via telephone at 434-970-3136, Monday-Friday, 8 a.m. to 5 p.m.

Frequently Asked Questions—2023 Assessments

What if a property owner has not received their notice?

Property owners who have not received a notice by February 9th, or have questions, are encouraged to call the Assessor's Office. Property owners wishing to discuss their assessments for 2023 must do so on or before **February 28, 2023**, to be eligible for a review for 2023. The Assessor's office business hours are from 8 AM to 5 PM. The telephone number is **(434) 970-3136**. The assessments are accessible on the City's website at <http://realestate.Charlottesville.gov> . Appeal forms are online at www.charlottesville.gov/AssessmentAppealProcess

How does a property owner appeal an assessment?

Once the assessments are mailed, you, as a property owner, have 30 days to appeal the assessment. You may speak to an appraiser, review the data used in computing the assessment and, if necessary, schedule an inspection of the property. After this, should a dispute still exist, you may appeal to the Board of Equalization. The three-person board, appointed by the Circuit Court, is composed of City property owners. The board may affirm, reduce or raise the assessment, if in their opinion such adjustments are necessary to equalize the tax burden upon all citizens in the City. Appeal forms are online at www.charlottesville.gov/AssessmentAppealProcess and the Assessor's Office.

If you are dissatisfied with the Board's decision, you may appeal to the Circuit Court.

If you have assessment questions please call the City Assessor's Office at 434-970-3136.

Does the city offer any programs for financial assistance?

Charlottesville residents are encouraged to apply for the Real Estate Tax Relief for the Elderly or Disabled Persons. Anyone 65 years of age and older with an annual income of \$60,000 or less may qualify. Persons under 65 years of age who are permanently and totally disabled may also qualify.

Elderly or disabled renters are encouraged to apply for Rent Relief for the Elderly or Disabled. Renters who are 65 years of age or older or permanently and totally disabled, with an annual income of \$55,000 or less and a net worth of \$125,000 or less, may qualify.

Applicants have until March 1, 2023 to apply for the Real Estate Tax Relief program, and until May 1, 2023 to apply for the Rent Relief program.

Applications for the Charlottesville Housing Affordability Program (CHAP)* are mailed in early July, and applicants have until September 1st to apply. Please contact the Charlottesville Commissioner of Revenue's Office at 434-970-3160 for assistance or visit www.charlottesville.gov/COR.

*CHAP requires yearly reauthorization by City Council.

<u>Elderly and Disabled Tax Relief (RETR)</u>		<u>Chap Program (CHAP)</u>	
(Accepted Applications)		Applicants qualified	Grant Amount
Average property value	304,599	47	1000
Average tax	\$2,912.89	113	1500
Average amount of relief	\$2,309.22	95	2000
Households qualified	279	<u>360</u>	<u>2500</u>
TOTAL		615	

Exhibit Notes:

Exhibit I: Indicates the reassessment change for **TAXABLE** residential and commercial properties.

Exhibit II: Indicates the percentage change in value by neighborhood for **TAXABLE** and **EXEMPT** properties for the current and four preceding years.

Exhibit III: Reflects the parcel count, percentage change, and average assessed value by neighborhood, of **TAXABLE** and **EXEMPT** properties.

Exhibit IV: Reflects assessments and new construction trends over a ten year period.

Exhibit V: Indicates the total assessed value after building permits and appeals of **TAXABLE** properties, by year for ten years.

Exhibit VI: Reflects residential, commercial and exempt properties stratified by value ranges.

EXHIBIT I
Assessment Changes
Tax Year 2023

	Residential	Commercial	Total
Assessment Values 2022	\$5,486,229,100	\$3,827,991,100	\$9,314,220,200
Adjustments (appeals, corrections, etc.)	(\$29,900)	(\$2,008,300)	(\$2,038,200)
Revised Values 2022	\$5,486,199,200	\$3,825,982,800	\$9,312,182,000
Increases (Decreases) for 2023			
General Reassessment % Change from Reassessment	\$631,834,000 11.52%	\$465,177,600 12.16%	\$1,097,011,600 11.78%
New Construction % Change from New Construction	\$23,588,500 0.43%	\$28,434,900 0.74%	\$52,023,400 0.56%
Total Increase (Decrease) % Change Before Reclassification	\$655,422,500 11.95%	\$493,612,500 12.91%	\$1,149,035,000 12.34%
New Total 2023	\$6,141,621,700	\$4,319,595,300	\$10,461,217,000
Reclassification (Taxable to Non-Taxable) % Change from Reclassification	(\$138,800) 0.00%	(\$336,000) -0.01%	(\$474,800) 0.00%
Total Assessed Values 2023	\$6,141,482,900	\$4,319,259,300	\$10,460,742,200
General Reassessment	11.94%	12.89%	12.33%

Reported percentage change compares taxable 2023 values to revised taxable 2022 values.

EXHIBIT II
Five-Year Assessment History by Neighborhood
Due to General Reassessment
Tax Years 2019-2023

RESIDENTIAL NEIGHBORHOOD	2023 % Change	2022 % Change	2021 % Change	2020 % Change	2019 % Change
1 Angus Road Area	12.01	5.26	8.29	3.30	2.26
2 Birdwood/Hillcrest Road	11.83	28.50	0.24	5.66	1.79
3 Towles/Merryden/Ivy Terrace	14.71	15.72	9.34	0.24	5.19
4 University/Maury Hills	12.67	17.75	3.16	4.14	9.45
5 Fry's Spring	12.83	10.45	4.49	0.74	13.66
6 Azalea Gardens/Green Valley	10.39	9.79	5.37	3.09	13.92
7 JPA/Shamrock Road	17.38	11.48	5.01	1.44	9.87
7H Huntley	8.75	9.25	4.29	1.92	-
8 Johnson Village	14.70	11.05	0.72	1.23	6.03
9 Ridge Street	11.41	10.08	4.88	12.40	14.41
9B Burnet Commons	5.56	13.20	0.32	1.87	8.61
9C Brookwood Carter View	6.60	14.08	3.77	4.08	7.47
10 Fifeville	18.74	9.98	3.42	2.75	10.98
11 Venable/Page/10th Street	13.29	12.64	5.78	0.87	17.80
12 Rugby	13.41	6.39	2.07	4.60	8.98
13 Venable	6.75	7.24	3.62	1.03	4.86
14 Meadowbrook Hills	11.79	5.91	0.89	1.45	3.30
15 Rutledge	15.19	8.40	0.61	12.50	3.67
16 Greenbrier	8.98	16.11	1.95	7.16	5.33
17 Greenleaf Terrace/Rose Hill/Rugby Hills	14.25	14.88	3.12	2.14	13.23
18 Rose Hill/Forrest Street	20.67	18.49	6.93	0.43	-0.35
19 North Downtown	6.56	6.22	7.25	2.45	9.14
20 IX/Belmont	16.19	11.47	2.67	0.74	11.47
21 Carlton/Belmont	20.49	13.58	9.11	2.42	6.17
22 Belmont	4.57	14.53	2.90	4.50	7.02
22S Stonehenge Extended	16.99	1.68	51.94	-	-
23 Little High Street/East Jefferson Street	13.55	4.37	4.17	5.50	7.04
23CT Coal Tower	2.86	2.26	14.06	15.33	4.74
24 Woolen Mills	8.08	12.99	4.46	6.03	2.26
25 Locust Grove	14.92	15.63	2.04	2.06	9.11
26 Locust Grove Extended	13.90	15.35	4.05	5.07	8.07
26C St Charles Place	6.31	5.89	-	-	-
27 Woodhayven	10.23	19.30	3.15	6.84	3.37
28 Holmes/North Avenue Area	8.46	17.16	4.54	2.56	8.74
28AW Ashby Place/Wilder	4.18	7.02	1.23	-	-

EXHIBIT II
Five-Year Assessment History by Neighborhood
Due to General Reassessment
Tax Years 2019-2023

RESIDENTIAL NEIGHBORHOOD CONTINUED	2023 % Change	2022 % Change	2021 % Change	2020 % Change	2019 % Change
29 Orangedale	6.93	24.63	0.18	15.59	4.10
30 Willoughby	4.27	7.83	2.23	2.94	1.84
40 Davis Avenue/Marshall Street Area	10.07	4.96	5.58	-0.04	11.06
43 Forest Hills	13.23	11.88	5.35	4.94	9.86
53 North Belmont	10.20	11.67	0.65	-1.01	11.76
54 North Belmont Condos	11.68	31.21	6.15	3.01	3.66
55 Melbourne Condos	9.06	15.16	0.56	0.36	1.70
56 Old 5th Circle	17.70	11.36	0.94	0.99	5.65
57 Overlook Condos	9.58	7.26	9.98	8.72	12.57
61 Walker Square Condos	15.59	0.00	6.91	6.95	3.76
62 JPA Condos	8.85	9.93	-2.56	7.12	10.67
63 Holsinger Condos	6.25	13.24	4.17	0.04	12.62
64 Cherry Hill	6.72	9.63	1.08	5.52	1.66
65 Downtown Condos	7.20	10.68	4.55	6.82	8.85
66 Johnson Village New Addition	13.66	6.35	0.80	17.95	7.37
70 Rockcreek Condos	5.91	10.69	3.98	-1.58	20.03
71 Lewis & Clark Condos ¹	6.17	11.11	10.39	-0.08	21.20
72 Lochlyn Hills	8.54	4.42	4.45	11.99	3.01
73 Belmont Station	7.99	16.29	0.00	3.07	61.18
74 Druid Avenue Condos	8.83	10.06	9.44	-	-
RESIDENTIAL AVERAGE	10.87	11.50	4.90	4.31	9.00

EXHIBIT II
Five-Year Assessment History by Neighborhood
 Due to General Reassessment
 Tax Years 2019-2023

COMMERCIAL NEIGHBORHOOD	2023 % Change	2022 % Change	2021 % Change	2020 % Change	2019 % Change
32 Preston Avenue	16.20	0.72	1.96	5.22	2.07
33 Court Square & Central Business District	15.58	2.18	-0.57	10.87	5.24
34A UVA Area Apartments	9.81	3.35	4.85	8.29	1.61
34B West Side Apartments	9.04	8.71	2.67	9.99	2.22
34C East Side Apartments	11.73	8.83	1.36	10.96	1.50
34D Downtown Apartments	18.38	3.44	2.85	8.70	2.10
36 West Main	25.55	4.96	17.45	16.71	3.77
37 29 North & Ivy Road	9.42	2.78	-1.44	7.17	6.92
38 Light Industry & Harris Steet	12.14	0.75	0.65	10.21	8.88
39 UVA Commercial/Residential	17.99	0.62	0.78	0.53	7.02
41 Fraternities	0.00	-1.05	1.08	-1.03	-1.79
44 Cherry Avenue	30.81	1.28	-1.53	13.28	13.10
45 5th Street Extended	8.96	6.46	-4.45	7.37	2.77
46 Belmont Commercial	28.20	7.03	0.94	3.92	3.31
47 River Road	14.93	0.27	0.75	1.32	1.83
48 High Street	15.59	2.43	1.51	15.76	4.11
49 Market Street	10.91	1.92	0.41	12.40	1.46
50 Carlton Commercial	20.52	0.85	0.88	10.92	7.39
51 Rose Hill Commercial	19.55	0.75	0.75	3.04	2.60
52 Fry's Spring Commercial	29.57	3.21	2.18	2.80	4.48
67 Office Condos	26.26	-0.19	1.13	1.80	49.51
COMMERCIAL AVERAGE	16.72	2.82	1.63	7.63	6.19
CITYWIDE AVERAGE	12.48	9.10	3.98	5.21	8.29

Note: Exhibit II includes both taxable and exempt properties.

¹ Neighborhood has both residential and commercial assessment values.

EXHIBIT III - 2023 ASSESSMENT CHANGES

Due to General Reassessment
with Parcel Counts by Neighborhood

RESIDENTIAL NEIGHBORHOOD	PARCEL COUNT	PERCENT CHANGE GENERAL REASSESSMENT	2023 AVERAGE ASSESSED VALUE
1 Angus Road Area	203	12.01	\$314,400
2 Birdwood/Hillcrest Road	57	11.83	\$439,400
3 Towles/Merryden/Ivy Terrace	262	14.71	\$836,000
4 University/Maury Hills	451	12.67	\$456,700
5 Fry's Spring	390	12.83	\$437,500
6 Azalea Gardens/Green Valley	502	10.39	\$393,600
7 JPA/Shamrock Road	540	17.38	\$460,300
7H Huntley	115	8.75	\$494,300
8 Johnson Village	207	14.70	\$444,100
9 Ridge Street	306	11.41	\$284,600
9B Burnet Commons	131	5.56	\$458,500
9C Brookwood Carter View	203	6.60	\$445,700
10 Fifeville	541	18.74	\$350,500
11 Venable/Page/10th Street	493	13.29	\$351,800
12 Rugby	339	13.41	\$1,077,000
13 Venable	244	6.75	\$351,400
14 Meadowbrook Hills	210	11.79	\$1,284,300
15 Rutledge	584	15.19	\$696,800
16 Greenbrier	349	8.98	\$480,400
17 Greenleaf Terrace/Rose Hill/Rugby Hills	737	14.25	\$561,500
18 Rose Hill/Forrest Street	154	20.67	\$246,800
19 North Downtown	724	6.56	\$674,600
20 IX/Belmont	284	16.19	\$353,500
21 Carlton/Belmont	687	20.49	\$288,100
22 Belmont	759	4.57	\$338,800
22S Stonehenge Extended	26	16.99	\$549,600
23 Little High Street/East Jefferson Street	155	13.55	\$434,600
23CT Coal Tower	26	2.86	\$1,353,300
24 Woolen Mills	511	8.08	\$370,100
25 Locust Grove	315	14.92	\$606,000
26 Locust Grove Extended	422	13.90	\$449,200
26C St Charles Place	24	6.31	\$465,600
27 Woodhayven	119	10.23	\$345,200
28 Holmes/North Avenue Area	197	8.46	\$427,300
28AW Ashby Place/Wilder	28	4.18	\$483,000

EXHIBIT III - 2023 ASSESSMENT CHANGES

Due to General Reassessment
with Parcel Counts by Neighborhood

RESIDENTIAL NEIGHBORHOOD CONTINUED	PARCEL COUNT	PERCENT CHANGE GENERAL REASSESSMENT	2023 AVERAGE ASSESSED VALUE
29 Orangedale	298	6.93	\$194,700
30 Willoughby	53	4.27	\$333,600
40 Davis Avenue/Marshall Street Area	106	10.07	\$556,800
43 Forest Hills	324	13.23	\$454,400
53 North Belmont	309	10.20	\$536,800
54 North Belmont Condos	46	11.68	\$605,200
55 Melbourne Condos	53	9.06	\$347,100
56 Old 5th Circle	47	17.70	\$337,800
57 Overlook Condos	48	9.58	\$190,600
61 Walker Square Condos	226	15.59	\$304,500
62 JPA Condos	233	8.85	\$206,100
63 Holsinger Condos	17	6.25	\$1,042,300
64 Cherry Hill	118	6.72	\$447,600
65 Downtown Condos	150	7.20	\$772,400
66 Johnson Village New Addition	37	13.66	\$719,300
70 Rockcreek Condos	25	5.91	\$337,000
71 Lewis & Clark Condos ¹	24	6.17	\$687,000
72 Lochlyn Hills	116	8.54	\$846,500
73 Belmont Station	41	7.99	\$465,800
74 Druid Avenue Condos	19	8.83	\$304,100
TOTAL RESIDENTIAL PARCEL COUNT	13,585		
TOTAL RESIDENTIAL AVERAGE ASSESSED VALUE			\$503,500

EXHIBIT III - 2023 ASSESSMENT CHANGES

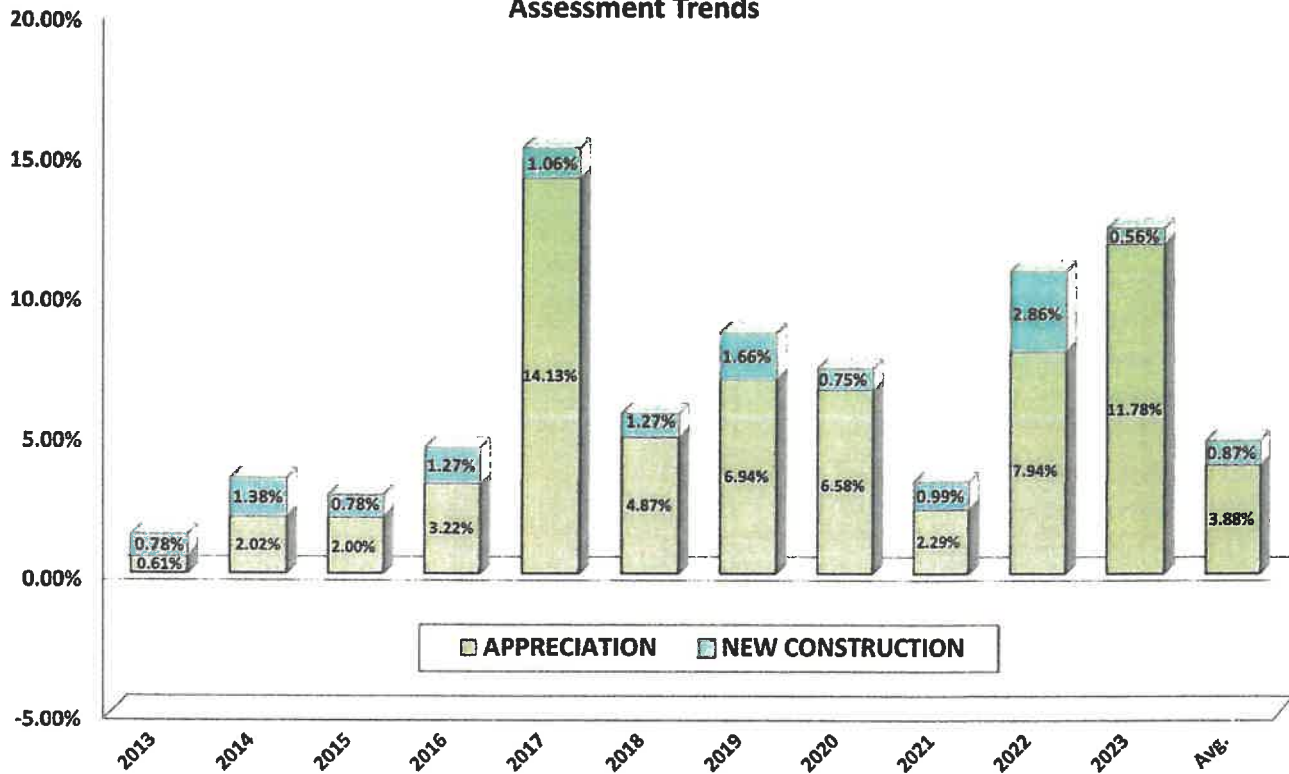
Due to General Reassessment
with Parcel Counts by Neighborhood

COMMERCIAL NEIGHBORHOOD	PARCEL COUNT	PERCENT CHANGE GENERAL REASSESSMENT	2023 AVERAGE ASSESSED VALUE
32 Preston Avenue	107	16.20	\$2,205,800
33 Court Square & Central Business District	426	15.58	\$2,584,700
34A UVA Area Apartments	190	9.81	\$5,308,600
34B West Side Apartments	26	9.04	\$2,227,200
34C East Side Apartments	44	11.73	\$3,107,500
34D Downtown Apartments	23	18.38	\$3,042,500
36 West Main	193	25.55	\$11,391,700
37 29 North & Ivy Road	177	9.42	\$6,253,400
38 Light Industry & Harris Steet	72	12.14	\$1,073,100
39 UVA Commercial/Residential	23	17.99	\$4,674,400
41 Fraternities	49	0.00	\$1,124,900
44 Cherry Avenue	54	30.81	\$2,095,400
45 5th Street Extended	22	8.96	\$1,805,800
46 Belmont Commercial	168	28.20	\$1,115,800
47 River Road	32	14.93	\$1,924,300
48 High Street	222	15.59	\$1,301,800
49 Market Street	88	10.91	\$1,821,600
50 Carlton Commercial	30	20.52	\$1,843,700
51 Rose Hill Commercial	31	19.55	\$1,677,300
52 Fry's Spring Commercial	21	29.57	\$5,115,700
67 Office Condos	19	26.26	\$1,101,900
TOTAL COMMERCIAL PARCEL COUNT	2,017		
TOTAL COMMERCIAL AVERAGE ASSESSED VALUE			\$2,990,300

Note: Exhibit III includes both taxable and exempt properties.

¹ Neighborhood has both residential and commercial assessment values.

EXHIBIT IV Assessment Trends



TOTALS 1.39% 3.40% 2.78% 4.49% 15.19% 5.72% 8.60% 7.33% 3.28% 10.80% 12.34% 4.74%

Note: Exhibit IV includes only taxable properties.

Exhibit V
Assessed Real Estate Values
Residential/Commercial
 Tax Years 2013 - 2023

Total Assessments

Tax Year	Residential	Commercial	Total	\$ Increase (Decrease)	% Increase
2013 ¹	\$3,319,604,800	\$1,984,149,200	\$5,303,754,000	\$70,596,400	1.35%
2013 ²	\$3,326,069,200	\$2,002,952,800	\$5,329,022,000	\$25,268,000	0.48%
2014 ¹	\$3,420,419,600	\$2,089,648,600	\$5,510,068,200	\$181,046,200	3.40%
2014 ²	\$3,423,812,600	\$2,146,740,800	\$5,570,553,400	\$60,485,200	1.10%
2015 ¹	\$3,484,305,200	\$2,225,470,600	\$5,709,775,800	\$139,222,400	2.50%
2015 ²	\$3,499,915,000	\$2,225,470,600	\$5,725,385,600	\$15,609,800	0.27%
2016 ¹	\$3,622,619,200	\$2,359,873,700	\$5,982,492,900	\$257,107,300	4.49%
2016 ²	\$3,623,090,200	\$2,360,183,100	\$5,983,273,300	\$780,400	0.01%
2017 ¹	\$3,791,491,920	\$3,097,905,000	\$6,889,396,920	\$906,123,620	15.14%
2017 ²	\$3,791,443,320	\$2,927,665,400	\$6,719,108,720	(\$170,288,200)	-2.47%
2018 ¹	\$4,063,363,224	\$3,027,226,000	\$7,090,589,224	\$371,480,504	5.53%
2018 ²	\$4,051,878,124	\$3,015,090,600	\$7,066,968,724	(\$23,620,500)	-0.33%
2019 ¹	\$4,443,561,700	\$3,222,482,700	\$7,666,044,400	\$599,075,676	8.48%
2019 ²	\$4,438,803,300	\$3,211,832,000	\$7,650,635,300	(\$15,409,100)	-0.20%
2020 ¹	\$4,640,040,000	\$3,563,084,000	\$8,203,124,000	\$552,488,700	7.22%
2020 ²	\$4,634,523,500	\$3,550,706,100	\$8,185,229,600	(\$17,894,400)	-0.22%
2021 ¹	\$4,867,058,200	\$3,586,348,400	\$8,453,406,600	\$268,177,000	3.28%
2021 ²	\$4,861,214,400	\$3,547,689,600	\$8,408,904,000	(\$44,502,600)	-0.53%
2022 ¹	\$5,486,229,100	\$3,827,991,100	\$9,314,220,200	\$905,316,200	10.77%
2022 ²	\$5,486,199,200	\$3,825,982,800	\$9,312,182,000	(\$2,038,200)	-0.02%
2023 ¹	\$6,141,482,900	\$4,319,259,300	\$10,460,742,200	\$1,148,560,200	12.33%

Note: Exhibit V includes only taxable properties.

¹ Figures shown reflect values due to general reassessment, new construction and building permits.

² Value changes prior to 2017 include changes in value due to substantially complete building permits, appeals, adjustments, and corrections. Value changes 2017 to present only include changes due to appeals, adjustments, and corrections.

New Construction Only

Tax Year	Residential	Commercial	Total
2013	\$6,985,300	\$33,937,300	\$40,922,600
2014	\$10,923,500	\$62,559,200	\$73,482,700
2015	\$14,874,800	\$28,793,600	\$43,668,400
2016	\$18,120,000	\$54,350,900	\$72,470,900
2017	\$17,950,200	\$45,689,100	\$63,639,300
2018	\$19,974,854	\$36,809,266	\$56,784,120
2019	\$41,209,900	\$76,218,800	\$117,428,700
2020	\$36,088,700	\$21,358,100	\$57,446,800
2021	\$38,235,000	\$42,553,400	\$80,788,400
2022	\$56,562,200	\$183,697,700	\$240,259,900
2023	\$23,588,500	\$28,434,900	\$52,023,400

**EXHIBIT VI - 2023
ASSESSMENT INFORMATION
by Value Range
01/31/2023**

	RESIDENTIAL						COMMERCIAL						EXEMPT					
	TOTAL ¹		VACANT		IMPROVED		TOTAL ¹		VACANT		IMPROVED		EDUCATIONAL ¹		OTHER ¹		TOTAL ¹	
	#	ASSESSED VALUES	#	ASSESSED VALUES	#	ASSESSED VALUES	#	ASSESSED VALUES	#	ASSESSED VALUES	#	ASSESSED VALUES	#	ASSESSED VALUES	#	ASSESSED VALUES	#	ASSESSED VALUES
< 50K	184	\$3,093,800	181	\$3,004,200	3	\$89,600	17	\$194,500	16	\$160,300	1	\$34,200	0	\$0	34	\$740,100	34	\$740,100
50-99K	149	\$11,871,300	116	\$8,927,900	33	\$2,943,400	14	\$1,058,700	7	\$528,300	7	\$530,400	2	\$195,600	36	\$2,574,300	38	\$2,769,900
100-149K	343	\$42,769,100	177	\$21,809,400	166	\$20,959,700	53	\$6,666,000	35	\$4,350,300	18	\$2,315,700	3	\$401,600	24	\$2,869,400	27	\$3,271,000
150-199K	646	\$117,022,500	45	\$7,489,800	601	\$109,532,700	63	\$10,816,100	26	\$4,375,400	37	\$6,440,700	1	\$172,500	14	\$2,426,000	15	\$2,598,500
200-249K	903	\$204,220,600	16	\$3,537,000	887	\$200,683,600	71	\$16,025,100	22	\$4,997,700	49	\$11,027,400	2	\$460,000	11	\$2,482,000	13	\$2,942,000
250-299K	1189	\$327,471,500	20	\$5,536,800	1,169	\$321,934,700	63	\$17,319,800	8	\$2,158,000	55	\$15,161,800	1	\$296,100	21	\$5,963,700	22	\$6,259,800
300-349K	1476	\$483,234,300	9	\$2,939,400	1,467	\$480,294,900	67	\$21,880,800	4	\$1,278,900	63	\$20,601,900	2	\$636,900	13	\$4,190,200	15	\$4,827,100
350-399K	1867	\$698,556,400	7	\$2,583,300	1,860	\$695,973,100	80	\$29,903,900	8	\$3,031,400	72	\$26,872,500	2	\$730,000	10	\$3,667,800	12	\$4,397,800
400-449K	1495	\$633,916,700	3	\$1,264,800	1,492	\$632,651,900	62	\$26,361,600	2	\$834,800	60	\$25,526,800	0	\$0	9	\$3,815,900	9	\$3,815,900
450-499K	1125	\$533,889,700	1	\$450,800	1,124	\$533,438,900	57	\$27,077,900	5	\$2,329,700	52	\$24,748,200	2	\$955,300	8	\$3,808,200	10	\$4,763,500
500-549K	856	\$448,686,400	0	\$0	856	\$448,686,400	50	\$26,138,900	3	\$1,559,200	47	\$24,579,700	2	\$1,013,200	3	\$1,538,900	5	\$2,552,100
550-599K	654	\$375,408,500	2	\$1,133,000	652	\$374,275,500	39	\$22,491,900	1	\$598,800	38	\$21,893,100	1	\$575,400	4	\$2,264,400	5	\$2,839,800
600-649K	474	\$295,650,400	0	\$0	474	\$295,650,400	58	\$36,177,700	3	\$1,874,200	55	\$34,303,500	1	\$641,900	2	\$1,247,200	3	\$1,889,100
650-699K	349	\$235,077,500	0	\$0	349	\$235,077,500	38	\$25,735,900	1	\$676,900	37	\$25,059,000	2	\$1,329,900	7	\$4,727,400	9	\$6,057,300
700-749K	297	\$215,329,300	0	\$0	297	\$215,329,300	47	\$34,027,000	1	\$732,100	46	\$33,294,900	2	\$1,428,200	0	\$0	2	\$1,428,200
750-799K	209	\$161,881,800	0	\$0	209	\$161,881,800	57	\$43,982,800	2	\$1,562,500	55	\$42,420,300	3	\$2,312,500	4	\$3,044,400	7	\$5,356,900
800-849K	181	\$149,347,500	0	\$0	181	\$149,347,500	44	\$36,376,300	3	\$2,441,800	41	\$33,934,500	3	\$2,428,000	1	\$804,800	4	\$3,232,800
850-899K	129	\$112,882,000	1	\$862,500	128	\$112,019,500	41	\$35,809,100	1	\$895,800	40	\$34,913,300	1	\$867,700	0	\$0	1	\$867,700
900-949K	115	\$106,344,500	1	\$934,600	114	\$105,409,900	44	\$40,734,500	0	\$0	44	\$40,734,500	2	\$1,865,300	1	\$914,200	3	\$2,779,500
950-999K	106	\$103,306,800	0	\$0	106	\$103,306,800	35	\$34,255,700	0	\$0	35	\$34,255,700	1	\$972,200	6	\$5,781,100	7	\$6,753,300
1 Million +	631	\$881,522,300	1	\$1,967,200	630	\$879,555,100	770	\$3,826,225,100	18	\$36,014,900	752	\$3,790,210,200	85	\$1,364,941,300	128	\$1,850,929,800	213	\$3,215,871,100
13,378	\$6,141,482,900	580	\$62,440,700	12,798	\$6,079,042,200	1,770	\$4,319,259,300	166	\$70,401,000	1,604	\$4,248,858,300	118	\$1,382,223,600	336	\$1,903,789,800	454	\$3,286,013,400	

¹ Includes vacant and improved parcels

Taxable Parcels	
Average Assessed Value	
Residential:	\$459,073.32
Commercial:	\$2,440,259.49
Assessed Values	
Residential:	\$6,141,482,900
Commercial:	\$4,319,259,300
Total:	\$10,460,742,200
Parcel Count	
Residential:	13,378
Commercial:	1,770
Total:	15,148

Exempt Parcels	
Average Assessed Value	
Exempt Educational:	\$11,713,759.32
Exempt Other:	\$5,666,041.07
Assessed Values	
Exempt Educational:	\$1,382,223,600
Exempt Other:	\$1,903,789,800
Total:	\$3,286,013,400
Parcel Count	
Exempt Educational:	118
Exempt Other:	336
Total:	454