

CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES
October 2, 2023 at 4:00 PM
Council Chamber

The Charlottesville City Council met on Monday, October 2, 2023. Mayor Lloyd Snook called the meeting to order, and Clerk of Council Kyna Thomas called the roll, noting all councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Michael Payne, Brian Pinkston and Leah Puryear.

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

REPORTS

1. PRESENTATION: Budget Kickoff

Krisy Hammill, Director of Budget and Performance Management, provided an overview of the budget development schedule.

2. PRESENTATION: Departmental Budget Presentations - Administration

Sam Sanders, City Manager, presented a department summary for the City Manager's Office.

Kyna Thomas, Chief of Staff/Clerk of Council, presented the department summary for the Council/Clerk of Council Office, including the Charlottesville Sister Cities Commission.

Jacob Stroman, City Attorney, presented the department summary for the City Attorney's Office.

Chris Engel, Director of Economic Development, presented the department summary for the Office of Economic Development.

CLOSED MEETING

On motion by Pinkston, seconded by Payne, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to meet in closed session as authorized by Virginia Code Section 2.2-3711(A)(8), for consultation with the City Attorney regarding legal matters requiring the provision of legal advice, specifically, legal matters regarding the proposed 0 East High Street development, including the appeal of the Planning Commission's review pursuant to Code of Virginia Section 15.2-2232; and as authorized by Virginia Code Section 2.2-3711(A)(1), for the discussion and consideration of an appointment to the Charlottesville Retirement Plan Commission.

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

BUSINESS SESSION

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

RECOGNITIONS/PROCLAMATIONS

- **Proclamation: Digital Inclusion Week**

Vice Mayor Wade presented the proclamation to Jason Ionfuentes, lead for the Albemarle County initiative, who thanked Council and shared additional information about the digital inclusion initiative, recognized nationally the week of October 2-6, 2023.

- **Proclamation: Fire Prevention Week**

Councilor Payne presented the Fire Prevention Week proclamation to Fire Chief Michael Thomas and Fire Marshal Joe Phillips. They noted upcoming public safety events in neighborhoods and at fire stations.

BOARD/COMMISSION APPOINTMENTS

On motion by Pinkston, seconded by Payne Council unanimously approved the appointment of Lindsey Ideson to the Retirement Plan Commission.

CONSENT AGENDA*

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

3. MINUTES: July 17 regular meeting, September 12 joint City Council-Planning Commission public hearing
4. RESOLUTION: Resolution to Appropriate funds from the Bureau of Justice Assistance FY 2022 Patrick Leahy Bulletproof Vest Partnership - \$16,942 (carried)
5. RESOLUTION: Resolution to Appropriate Virginia Department of Emergency Management (VDEM) Emergency Management Performance Grant - \$7,500 (carried)
6. RESOLUTION: Resolution to Appropriate VDOT TAP funding for Meadow Creek Trail and Bridges - \$800,000 (carried)
7. RESOLUTION: Resolution to Appropriate Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (carried)

Mayor Snook opened the floor for comments from the public regarding the Consent Agenda.

- Jim Conly, a caller, spoke in support of Item #4. During his comments he was cited by the City Attorney for using inciteful speech.

Responding to Councilor Pinkston, Chris Gensic, Parks and Trails Planner, provided an explanation for Item #6.

On motion by Pinkston, seconded by Puryear, Council by a vote of 5-0 Adopted the Consent Agenda.

CITY MANAGER REPORT

City Manager Sam Sanders made remarks about recent community activity related to houseless individuals, and presented his work plan for August 1, 2023, to July 30, 2024. Regarding the lifting of the curfew at Market Street Park, he stated that he wanted to give the Police Chief and officers, as well as unhoused individuals space and time so as not to subject either entity to any interactions that could go wrong, while seeking short-term, mid-term and ultimately long-term solutions. He acknowledged that addressing homelessness is a total community issue.

Councilors spoke in support of the work plan for the City Manager and efforts to address homelessness issues.

COMMUNITY MATTERS

Mayor Snook opened the floor for comments from the public.

1. Matthew Hall, city resident, spoke about deteriorating conditions in city spaces, including the Downtown Mall.
2. Cady de la Cruz, university student, spoke in support of the unhoused population. She requested divesting from the jail and police, reinvesting in more affordable housing units and permanently lifting the curfew in the park.
3. Rebecca Reilly, city resident, requested that City Council uphold the Planning Commission decision regarding the 0 East High Street proposal going against the Comprehensive Plan objectives.
4. Ana Mendez, Executive Director of the Haven, thanked City Manager Sanders for lifting the curfew in Market Street Park, stating that depending on the season the city can be short on shelter beds, and she requested exemption of property taxes for The Haven.
5. John Bedell ceded his time to Roscoe Boxley who spoke about property values divided amongst racial lines, and he shared ideas to support the unhoused population. He noted mental health issues and high cost of living as primary problems.
6. Sam Gulland, city resident, spoke about the 0 East High Street plan termination, and asked Council to uphold the Planning Commission's findings.
7. Jennifer King, city resident, spoke about the Special Use Permit application for 1709 Jefferson Park Avenue, and requested that Council take action to reduce the impact of high-intensity density on the single-family homeowners on the residential side of Montebello Circle with solutions recommended in the city staff report to the Planning Commission.
8. Shannon Ellis, city resident, spoke about conditions on the Downtown Mall, including personal negative experiences, and the need for welcoming and safe public spaces.
9. Elizabeth Stark, city resident, thanked the City Manager for sharing his work plan. She spoke about the need for deeply affordable housing, low barrier shelters, helping the Haven with plans for increasing service to the houseless population, and implementing a Marcus Alert

system.

10. Anna spoke about mental illness and the privilege of having housing. She spoke about the national growing housing problem and compounding negative economic factors in society.
11. Zyahna Bryant, city resident, spoke about a call earlier in the meeting that included racial slurs and hate speech. She requested “de-platforming hate speech” and not allowing a public platform for hate speech such as the public comment period. She spoke about Market Street Park and local historical narratives that have kept certain populations out of certain public spaces.
12. Andrew Shelton, Albemarle County resident, spoke in opposition of the first speaker's comments about the Downtown Mall. He thanked City Manager Sanders for lifting the Market Street Park curfew, and for the thoughtfulness that went into the decision.
13. Luis Oyola, a former Charlottesville resident living in Louisa County resident, spoke against fearmongering related to homeless individuals. He made suggestions for addressing housing of unhoused individuals.
14. A 73-year-old homeless female spoke about the needs of the homeless, and some of the shame and barriers associated with being homeless.
15. John Hossack, city resident, spoke in support of the August decision to support the expansion of the Salvation Army. He spoke in opposition to the Zoning Ordinance rewrite, stating that it is a “mass building permit issuance”.
16. Ang Conn, city resident, spoke about working with the houseless population and denounced fears expressed by some city residents.

ACTION ITEMS

8. RESOLUTION: Approve a Special Use Permit at 1709 Jefferson Park Avenue – SP23-00005

City Planner Matt Alfele summarized the request. The Planning Commission voted 6-0 to approve the Special Use Permit. Councilors asked clarifying questions.

Kevin Riddle, Mitchell Matthews Architects & Planners, on behalf of the applicant, commented about the longevity of proposed project materials, the density benefits of the project, project screening, proposed tree canopy, building accessibility, and parking.

Councilors expressed a desire to see more affordable housing in the project.

Richard Spurzem, Neighborhood Properties, spoke about being a local developer and his contributions to housing affordability through the years. He spoke about the goals for the 1709 Jefferson Park Avenue project to contribute its fair share toward affordable housing. He stated a desire to improve existing student housing close to the university, and to more effectively use the property. He asked Council to follow the Planning Commission's recommendation.

Council engaged in further discussion.

On motion by Pinkston, seconded by Wade, Council by a vote of 3-2 (Ayes: Pinkston, Snook, Wade; Noes: Payne, Puryear) APPROVED the resolution authorizing the Special Use Permit with conditions recommended by the Planning Commission.

RESOLUTION
Granting a Special Use Permit (SUP) for Property Located at
1709 Jefferson Park Avenue

WHEREAS Neighborhood Investments, LLC (“Landowner”) is the owner of certain land identified within City real estate assessment records by Parcel Identification number 160010100 respectively, currently addressed as “1709 Jefferson Park Avenue” (collectively referred to as the “Property”), and the Landowner, through its authorized representative, proposes to redevelop the Property to accommodate a 27-unit multifamily building with underground parking, and to facilitate this redevelopment the Landowner seeks this Special Use Permit to increase density to 87 DUA, increase height from a by-right 45 feet to 70 feet per Section 34-53(b)(3); modify front yard requirements from the average calculations under Section 34-353(b)(1) to a set 18 feet along Jefferson Park Avenue and 25 feet along Montebello Circle per Section 34-162; modify the side yard requirements of 17.5 feet under Section 34-353(a) to 5 feet per Section 34-162; reduce the minimum distance between the facade of the multifamily building and the boundary of any low- density residential district from 75 feet to 58 feet under Section 34-353(b)(4) per Section 34-162; modify the yard screening requirement from 25 feet width of S-3 screening along Montebello Circle to 17 feet S-1 screening for 50% of the frontage along Montebello Circle under Section 34- 353(b)(4) per Section 34-162; and reduction of on-site parking from 38 spaces under 34-986 to 19 spaces per Section 34-162.

WHEREAS the Applicant seeks a Special Use Permit under City Code Secs. 34-420, 34- 353(3), and 34-162(a) which allow the requested increased residential density, additional height, and modifications to parking and setbacks 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 Landowner’s application materials submitted in connection with SP23-00005, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on September 12, 2023; and

WHEREAS the Planning Commission considered and recommended approval of this application at their September 12, 2023 meeting; and

WHEREAS upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the public hearing, as well as the factors set

forth within Sec. 34-157 of the City's Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable 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) Per Section 34-420: Permitted Residential density up to 87 Dwelling Units per Acre (DUA) on the Subject Property.
- 2) Per Section 34-353(b)(3): Allow building height of seventy (70) feet on the Subject Property.
- 3) Per Section 34-162: Alter the Jefferson Park Avenue yard setback requirement to eighteen (18) feet.
- 4) Per Section 34-162: Alter the Montebello Circle yard setback requirement to twenty-five (25) feet.
- 5) Per Section 34-162: Alter the side yard setbacks to five (5) feet.
- 6) Per Section 34-162: Alter the landscape buffer within the Montebello Circle yard to eighteen (18) feet wide along fifty (50) percent of the liner frontage. Landscape buffer shall be S-1 as defined in Zoning Section 34-871.
- 7) Per Section 34-162: Reduce the minimum distance between the facade of the multifamily building and the boundary of any low-density residential district to fifty-eight (58) feet.
- 8) Per Section 34-162: Alter the on-site minimum parking requirement to nineteen (19) vehicular parking spaces. In addition, the applicant will work with the City's Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City's Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....
- 9) Per 34-157(b): On-site vehicular parking shall not be permitted within the Montebello Circle yard(s) or right-of-way. Nothing within this condition shall prevent loading and unloading within the Montebello Circle yard or designating a space for such activities so long as condition #6 is met.
- 10) Per 34-157(b): The applicant shall provide a minimum of 2,400 square feet of Tree Canopy as illustrated in the application materials (sheet 14).
- 11) Per 34-157(b): The applicant shall implement measures on the City's Low Impact Development (LID) worksheet to achieve a minimum of 10 points. The applicant's checklist (page 8 of the application and sheet 36 of the application materials) notes a combination of shared parking, bioretention, and/or green rooftop; however, other measures from the checklist may be substituted with approval from City Engineering if the measures indicated become impractical as the project develops.

12) 34-157(b): The applicant shall construct a continuous raised sidewalk along the frontage of Jefferson Park Avenue to ensure pedestrian safety crossing the vehicular entrance to the site. Nothing within this condition relieves the applicant from adhering to standards found within the City Standard and Design Manual (SADM).

13) 34-157(b): The applicant shall provide short term bicycle and/or micromobility parking within the Montebello Circle yard. These elements must be located on private property and not within the City right-of-way.

14) 34-157(b): The applicant shall provide setbacks that are substantially consistent with the application materials. Specifically, sheet 18 of the Mitchell Matthews drawings, *1709 JPA Progress Draft*, dated July 18, 2023.

9. RESOLUTION: to Approve a Critical Slope Waiver at 1709 Jefferson Park Avenue - P23- 0049

City Planner Matt Alfele summarized the request. The Planning Commission voted 6-0 to approve the Critical Slope Waiver.

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

Councilor Payne noted for the record that although he voted in opposition to the Special Use Permit, he visited the site and believes this action is purely procedural and has no environmental impact.

RESOLUTION

Granting a critical slope waiver for property located at 1709 Jefferson Park Avenue

WHEREAS Neighborhood Investments, LLC (“Landowner”) is the owner of certain land identified within the City of Charlottesville Real Estate Assessor’s records as Real Estate Parcel Identification No. 160010100, said parcels having current street addresses of 1709 Jefferson Park Avenue (the “Subject Property”); and

WHEREAS the Subject Property contains critical slopes, over and within an area of approximately 0.21 acre, which is approximately 70% of the area of the parcels that constitute the Subject Property, and Landowner is requesting a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6)(b), in connection with the Owner’s plan to construct a multifamily residential development on the Subject Property (the “Project”); and

WHEREAS the Project is described in more specific detail within the application materials submitted in connection with waiver application no. P23-0049, as required by City Code §34- 1120(b)(6) (collectively, the “Application Materials”); and

WHEREAS the Planning Commission considered and recommended approval of this application at their September 12, 2023, meeting, subject to conditions proposed within the Staff Report; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a waiver is hereby granted of the critical slopes requirements for the Project, to allow for the development of the multifamily residential development as described within the Application Materials, subject to the following conditions:

- 1) The applicant shall implement measures indicated within their Low Impact Development (LID) worksheet (page 8 of application SP23-00005 and sheet 36 of the application materials. These include:
 - a. Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be >/- 5% of impervious drainage area. 8 points or 1point for each 10% of site treated.
 - Or
 - b. Green rooftop to treat >/- 50% of roof area. 8 points.
- 2) The applicant shall provide a minimum of 2,400 square feet of Tree Canopy as illustrated in their application.

10. RESOLUTION: Disposition for Appeal of Planning Commission's 15.2-2232 Review Decision for 0 E. High Street

City Attorney Jacob Stroman introduced the appeal.

Valerie Long with Williams Mullens, representing the applicant, presented the appeal of the Planning Commission's 15.2-2232 Review Decision for the 0 East High Street project. She handed out a five-page compilation of applicable provisions of the City Comprehensive Plan.

Mr. Stroman noted that the statute for the basis of the appeal 15.2-2232 is clear, and he read the statute. He shared several observations from comments made by the petitioner, and he confirmed that the Planning Commission's deliberations were sound. He stated that the Appeal of the petitioner is not meritorious.

On motion by Wade, seconded by Payne, Council adopted Resolution A, as presented, by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none).

Mayor Snook negated the claim in the proposed plan that states it increases or improves access to an area that already has access, and he supported staff findings regarding roads and parking. Councilor Payne concurred with the mayor's findings and the staff report.

**RESOLUTION UPHOLDING THE PLANNING COMMISSION’S DECISION
THAT PURSUANT TO CODE OF VIRGINIA § 15.2-2232 PUBLIC
FACILITIES INCLUDED IN THE 0 EAST HIGH STREET DEVELOPMENT
ARE NOT SUBSTANTIALLY IN ACCORD WITH THE CITY’S
COMPREHENSIVE PLAN**

WHEREAS, less than sixty (60) days have elapsed between the submission of a Code of Virginia, § 15.2-2232 application to the Planning Commission and its recorded vote on August 8, 2023, and

WHEREAS, the Petitioner Seven Development LLC (“Petitioner”) argues that the Planning Commission is “deemed” to have approved all the public facilities as presented in such application on August 1, 2023 in accordance with Code of Virginia, § 15.2-2232(B), and Council does not believe this argument is well taken, it expressly overrules any such “deemed” approval by the Planning Commission on August 1, 2023; and

WHEREAS, on August 8, 2023, after notice given as required by law, the Planning Commission conducted a public hearing to determine whether the proposed public facilities in the 0 E. High St. application as submitted on August 1, 2023, were substantially in accord with the Charlottesville Comprehensive Plan or part thereof in accordance with Code of Virginia, § 15.2-2232; and

WHEREAS, on August 8, 2023, after the public hearing had concluded and the Planning Commission had deliberated a duly presented motion, the Planning Commission by recorded vote unanimously determined that the following proposed public facilities were in substantial accord with the Comprehensive Plan or part thereof: Widening of Caroline & Fairway Avenue, Lot A, and Lot B excluding the Parking Lot. The Planning Commission further determined that following proposed public facilities were not in substantial accord with the Comprehensive Plan or part thereof: Public Road A, Public Road B, and the Lot B Parking Lot; and

WHEREAS, on September 12, 2023, the Planning Commission adopted a resolution delineating its findings with written reasons therefor, which was transmitted to City Council; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that after considering the Petitioner’s Appeal, Council expressly overrules any “deemed approval” of the public facilities, and

BE IT FURTHER RESOLVED that City Council hereby upholds the decision of Planning Commission in accordance with Code of Virginia, § 15.2-2232(B), determining that the public facilities as presented in the submission to the Planning Commission on August 1, 2023, are not substantially in accord with the Charlottesville Comprehensive Plan.

OTHER BUSINESS

Mr. Sanders provided an update about Pupil Transit, stating that seven additional drivers were identified, and several are going through review processes and training. Students are being transitioned off the walking list, and efforts are being made to provide school transit for students.

Mayor Snook stated that he attended a meeting with the County to collaborate on solutions for school transit.

COMMUNITY MATTERS (2)

Mayor Snook opened the floor for comments from the public.

- Erin Wise, city resident, spoke about Market Street Park and suggested portable toilets and portable showers.
- Carole Thorpe, Albemarle County resident, spoke in support of comments made by Matthew Hall and Shannon Ellis earlier in the meeting regarding Downtown Mall conditions. She spoke about the previous Occupy Charlottesville encampment at what is now Market Street Park. She asked for a plan to evacuate Market Street Park.
- Gail McDermott, city resident, spoke about proposed rezoning at Orange Street, near High Street. She spoke about the need for truly affordable housing and expressed concerns about maintaining affordability with certain residential areas being impacted by nearby commercial zoning.
- Jessica Harris (she/her), Chair of the Charlottesville Human Rights Commission, shared the Commission's housing recommendations for the Legislative Program proposal to the General Assembly: 1) Affordable Housing Accessibility, 2) Equity for People Experiencing Homelessness, and 3) Mental Health Care Accessibility. She thanked the City Attorney for intervening during hate speech earlier in the meeting.
- Robin Hoffman, city resident, spoke about the homelessness situation in the city and conditions that could cause homelessness. She spoke about the need for involvement from all community partners.
- Kimber Hawkey, city resident, spoke against high density in the proposed Comprehensive Plan.
- Nancy Carpenter, former city resident, spoke in support of the City Manger's work plan to address homelessness. She suggested including individuals with lived experience on workgroups.
- Sadie Enward (she/her), spoke about the unhoused population and underlying issues that contribute to homelessness. She suggested that developing housing is not the solution. Her comments ended with racially inciteful speech.
- Andrew Zarro spoke about the homeless encampment at Market Street Park. His comments ended with racially inciteful speech.
- Jim Adkisson made racially inciteful comments.

With several sequential comments involving inciteful speech, Mayor Snook closed public comment and adjourned the meeting at 10:00 p.m.

BY Order of City Council

BY Clerk of Council Kyna Thomas

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