CITY COUNCIL
AGENDA
TUESDAY, AUGUST 23, 2016

Work Session Agenda

5:00 PM – City Hall - 10th Floor Conference Room

Council Interests

Documents:

08-23-16 COUNCIL INTERESTS.PDF

Break For Dinner

Agenda Overview

Presenter: *Marcus D. Jones, City Manager*

External Auditors

Presenter: *Cheryl Xystros, KPMG*

Documents:

01 08-23-16 KPMG - AUDIT PRESENTATION.PDF

Sustainable Water Recycling

Presenter: *Ted Henifin, General Manager Hampton Roads Sanitation District*

Documents:

03 08-23-16 SUSTAINABLE WATER RECYCLING.PDF

Stormwater Fee Credit Program

Presenter: *David Ricks, Director of PublicWorks*

Additional Documents

Documents:

08-23-16 MINUTES OF CITY COUNCIL MEETINGS OF JULY 12, JULY 14 AND JULY 19.PDF
08-23-16 NONSTANDARD LOT CERTIFICATE - 202 PATRICK ST.PDF
08-23-16 NORFOLK CHRISTIAN SCHOOLS - 255 THOLE ST ADN 260

FILBERT ST.PDF
08-23-16 PENDING LAND USE ACTIONS.PDF
08-23-16 RESULTS OF CITY PLANNING COMMISSION PUBLIC HEARING OF JULY 28.PDF

Announcement Of Meeting

Documents:

ANNOUNCEMENT OF MEETING.PDF

Formal Session

7:00 PM - Council Chambers, City Hall, 11th Floor

Prayer

Prayer to be offered by Reverend Father Jim Curran, The Basilica of Saint Mary of the Immaculate Conception Church, followed by the Pledge of Allegiance.

Public Hearings

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Brock Ventures, Inc.**, for an amendment to the future land use designation in the General Plan, plaNorfolk2030, from Institutional to Multifamily and for a change of zoning from IN-1 (Institutional) District to R-13 (Moderately High Density Multi-Family) District on property located at **435 Virginia Avenue**.

(Passed by at the June 28, 2016 meeting) (The applicant has requested this matter be continued to October 25, 2016)

Documents:

PH-01 PLAN AMENDMENT AND REZONING AT 435 VIRGINIA AVE - BROCK VENTURES, INC..PDF

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the relocation of a **Virginia Electric and Power Company** easement located over city-owned property known as Lake Whitehurst in accordance with the Easement Relocation Agreement.

Documents:

PH-02 RELOCATION OF DOMINION VIRGINIA POWER EASEMENT.PDF

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Timothy M. Massey**, for the closing, vacating and discontinuing a portion ofWilloughby Bay Avenue having a 40-foot width right-of-way and lying south of **775 W. Ocean View Avenue**.

Documents:

PH-03 CLOSURE OF A PORTION OF WILLOUGHBY BAY AVE - TIMOTHY MASSEY.PDF

Regular Agenda

R-1

Matter of a letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Pedestrian Commercial Overlay District Development Certificate** to permit the renovation of an existing, nonconforming sign on property located at **222 West 21st Street**," will be introduced in writing and read by its title.

(The applicant has requested this matter be withdrawn)

Documents:

R-01 PCO 21ST STREET DEVELOPMENT CERTIFICATE WAIVER.PDF

R-2

Matter of a letter from the City Manager and a Public Hearing scheduled this day pursuant to action of the Council on July 19, 2016, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Christian Schools**, to amend the Future Land Use Designation in the **General Plan**, *plaNorfolk2030*, from Single-Family Traditional to Institutional at **260 Filbert Street** and for a change of zoning from IN-1 (Institutional), Conditional IN-1, and R-8 (Single-Family) to Conditional IN-1 at **255 Thole Street and 260 Filbert Street**.

(Public Hearing Closed on July 19, 2016)

Documents:

R-02 GENERAL PLAN AMENDMENT AND CHANGE OF ZONING - NORFOLK CHRISTIAN SCHOOL.PDF

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Carmen's Café' on property located at **9610 1st View Street**," will be introduced in writing and read by its title.

Documents:

R-03 SPECIAL EXCEPTION - 9610 1ST VIEW ST - CARMENS CAFE.PDF

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Chipotle' on property located at **1087 North Military Highway**," will be introduced in writing and read by its title.

Documents:

R-04 SPECIAL EXCEPTION - 1087 N MILITARY HWY - CHIPOTLE.PDF

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit mixed uses on property located at **4914 Colley Avenue**," will be introduced in writing and read by its title.

Documents:

R-05 SPECIAL EXCEPTION - 4914 COLLEY AVE - CLF CREATIONS.PDF

R-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit mixed uses on properties located at **4009 to 4013 Colley Avenue and 801 and 809 West 41st Street**," will be introduced in writing and read by its title.

Documents:

R-06 SPECIAL EXCEPTION - 4013 COLLEY AVE AND 801, 809 41ST ST - HOWERIN CONSTRUCTION.PDF

R-7

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a religious institution named 'New Horizon Outreach Ministries' on properties located at **1555 to 1575 Kerrey Avenue**," will be introduced in writing and read by its title.

Documents:

R-07 SPECIAL EXCEPTION - 1555-1575 KERREY AVE - NEW HORIZONS OUTREACH MINISTRIES.PDF

R-7A

An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a Day Care Center by "New Horizon Outreach Ministries" on property located at **1555 to 1575 Kerrey Avenue**," will be introduced in writing and read by its title.

R-8

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a commercial drive-through for 'Wendy's' on property located at **1380 East Little Creek Road**," will be introduced in writing and read by its title.

Documents:

R-08 SPECIAL EXCEPTION - 1380 E LITTLE CREEK RD - WENDYS.PDF

R-9

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Bardo' on property located at **434 West 21st Street**," will be introduced in writing and read by its title.

Documents:

R-09 SPECIAL EXCEPTION - 434 W 21ST ST - GREG BOSCH.PDF

R-10

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **Caroll and Caroline Ballard** to encroach into the right-of-way of **Commonwealth Avenue** with a fence and landscaping hedges," will be introduced in writing and read by its title.

Documents:

R-10 ENCROACHMENT AT 1546 BLANFORD CIR - CARROLL AND CAROLINE BALLARD.PDF

R-11

Letter from the City Manager and an Ordinance entitled, "An Ordinance requesting the **Virginia Department of Transportation** to establish projects for the surface treatment of six pave segments in accordance with the Programmatic Project Administration Agreement between the City of Norfolk and the Virginia Department of Transportation; and appropriating and authorizing the expenditure of the total sum of $1,000,000.00 for these projects, subject to and in accordance with the terms of the aforesaid Agreement," will be introduced in writing and read by its title.

Documents:

R-11 VDOT FY2017 PRIMARY EXTENSION PROGRAM.PDF

R-12

Letter from the City Manager and an Ordinance entitled, "An Ordinance requesting the **Virginia Department of Transportation** to establish projects for the West Ocean View Flyover, the Citywide ADA Ramp Construction, phase 3, and the Granby Street/Bayview Boulevard Intersection Improvements in accordance with the Programmatic Project Administration Agreement between the City of Norfolk and the Virginia Department of Transportation; and appropriating and authorizing the expenditure of the total sum of $3,540,000.00 for these projects, subject to and in accordance with the terms of the aforesaid Agreement," will be introduced in writing and read by its title.

Documents:

R-12 VDOT FY2017 REVENUE SHARING PROGRAM - 3 PROJECTS.PDF

R-13

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving an Agreement with the **Commonwealth of Virginia**, **Department of Transportation**, for the adjustment of water and sanitary sewer facilities," will be introduced in writing and read by its title.

Documents:

R-13 AGREEMENT WITH VDOT FOR RELOCATION OF WATER AND SEWER FACILITIES.PDF

R-14

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a **Lease Agreement between 741 Monticello Avenue, as Lessor, and the City of Norfolk, as Lessee**, for the lease of property owned by 741 Monticello, LLC located at **741 Monticello Avenue**; authorizing the City Manager to execute the Lease Agreement on behalf of the City of Norfolk; and authorizing the expenditure of a sum of up to $814,400.00 from funds heretofore appropriated to cover the lease payments for the remainder of fiscal year 2016-2017," will be introduced in writing and read by its title.

Documents:

R-14 LEASE AGREEMENT WITH 741 MONTICELLO LLC - 741 MONTICELLO AVE.PDF

R-15

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend the Lease Agreement between James E. Baylor Holding Corporation and the City of Norfolk for the property located at **3755 Virginia Beach Boulevard**," will be introduced in writing and read by its title.

Documents:

R-15 LEASE AMENDMENT WITH JAMES E. BAYLOR HOLDING CORP - 3755 VIRGINIA BEACH BLVD.PDF

R-16

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend the Lease Agreement between 7460 Tidewater Drive Associates, LLC and the City of Norfolk for the property located at **7460 Tidewater Drive**," will be introduced in writing and read by its title.

Documents:

R-16 LEASE AMENDMENT WITH TIDEWATER DRIVE ASSOCIATES LLC - 7460 TIDEWATER DR.PDF

R-17

Letter from the City Manager and an Ordinance entitled, "An Ordinance appropriating grant funds totaling $56,549,805.00 to the **School Board of the City of Norfolk** for Title I Programs, other Special Programs and the School Nutrition Services Program and authorizing the expenditure of the funds in **Fiscal Year 2017 for Norfolk Public Schools**," will be introduced in writing and read by its title.

Documents:

R-17 SPECIAL REVENUE APPROPRIATIONS - NORFOLK PUBLIC SCHOOLS NON-OPERATING FUNDS.PDF

R-18

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a grant in the amount of $1,187,800 from the **Virginia Department of Criminal Justice Services for the Norfolk Criminal Justice Services Agency**, appropriating and authorizing the expenditure of the grant funds in the amount of $1,187,800, authorizing and expenditure of $158,932 in local funding for the NCJS

Agency, authorizing the employment of twenty (20) persons for the agency and providing funds for their salaries and benefits," will be introduced in writing and read by its title.

Documents:

R-18 ACCEPTANCE OF GRANT AWARD FROM VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES - 1,187,800.PDF

R-19

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a $165,000.00 Grant Award from the Federal Emergency Management Agency to provide funds to elevate one (1) flood-prone private property and appropriating and authorizing expenditure of the grant funds for the **Elevation Project**," will be introduced in writing and read by its title.

Documents:

R-19 ACCEPTANCE OF FEMA HAZARD MITIGATION GRANT FUNDING.PDF

R-20

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting $8,000 in grant funds from the Virginia Department of Criminal Justice Services for the **Byrne/Jag Grant Program**, appropriating and authorizing the expenditure of the funds and authorizing the expenditure of $8,000 in local cash matching funds for the program and total program funding in the amount of $16,000," will be introduced in writing and read by its title.

Documents:

R-20 ACCEPTANCE OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AWARD - 8,000.PDF

R-21

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a Grant Award of $260,000.00 from the **Virginia Department of Behavioral Health and Development Services to the Norfolk Community Services Board** for the development and promotion of an affordable, safe and supportive housing Program for persons with serious mental illness," will be introduced in writing and read by its title.

Documents:

R-21 ACCEPTANCE OF GRANT AWARD FROM VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH - 260,000.PDF

R-22

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting from the **Virginia Department of Behavioral Health and Development Services to the Norfolk Community Services Board** of a Grant Award of $15,529 for the Project for Assistance in Transition from Homelessness, a Grant Award of $32,266 for Substance Abuse Medication Assisted Treatment and a Grant Award of $2,451 for the Program of Assertive Community Treatment and appropriating and authorizing the expenditure of the Grant Funds for the

Programs," will be introduced in writing and read by its title.

Documents:

R-22 ACCEPTANCE OF GRANT AWARD FROM VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH - 50,246.PDF

R-23

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a Grant Award of $52,777.78 from the **Virginia Department of Behavioral Health and Development Services to the Norfolk Community Services Board** to reduce bed utilization at Eastern State Hospital," will be introduced in writing and read by its title.

Documents:

R-23 EASTERN STATE HOSPITAL BED UTILIZATION REDUCTION GRANT FROM VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH - 52,777.78.PDF

R-24

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting $178,738.56 in grant funds from the Virginia Department of Health, Office of Emergency Medical Services, for the "Four for Life" Program and appropriating and authorizing the expenditure of the $178,738.56 in grant funds for the **"Four for Life" Program,"** will be introduced in writing and read by its title.

Documents:

R-24 FOUR-FOR-LIFE AID TO LOCALITY FUNDING - 178,738.56.PDF

R-25

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **Atlas Holdings Two, LLC** to encroach into the right-of-way at **243 W. Bute Street** with a door awning and sign," will be introduced in writing and read by its title.

Documents:

R-25 ENCROACHMENT AT 243 W BUTE ST - ATLAS HOLDINGS TWO LLC.PDF

R-26

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a grant to **Virginia Supportive Housing**, from the Capital Improvement Program Fund, in the amount of $707,000.00 for the construction of apartments for previously homeless single adults on the property known as **2000 Church Street** in the City of Norfolk," will be introduced in writing and read by its title.

Documents:

R-26 GRANT TO VIRGINIA SUPPORTIVE HOUSING.PDF

R-27

Letter from the City Manager and an Ordinance entitled, "An Ordinance to change

the starting time of the **regular weekly city council meeting scheduled** for Tuesday, September 20, 2016, at 7:00 p.m. to September 19, 2016 at 8:00 a.m. and to move the location of said meeting," will be introduced in writing and read by its title.

Documents:

R-27 CHANGE STARTING TIME OF COUNCIL MEETING 9-19-16.PDF

R-28

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain Subsections (A) and (G) of Sections 24- 203 and 24-203.1, subsection (C) of Section 24-203.1 and add a Subsection (H) to Section 24-203 of the *Norfolk City Code* **SO AS TO** require preservation of at least fifty-one percent (51%) of the building, limit eligible expansion, reduce the minimum age requirement of commercial and multifamily renovation properties from fifty (50) to forty (40) years, to permit change in use and to provide for an adjusted assessment in order to more accurately assess the increased value," will be introduced in writing and read by its title.

Documents:

R-28 AMENDMENTS TO CITY CODE SECTIONS 24-203 AND 24-203.1.PDF

THE CITY OF NORFOLK

August 19, 2016

City Council;

Today's memo provides you with information from the July 19th Council meeting. Highlights include:

- Norfolk Connect
- Pavement Plan
- Storm Water Fee Reduction Program

Also included in this memo is information on an ordinance that will come before you Tuesday. The ordinance is a grant for the construction of Church Street Station studio apartments for previously homeless single adults.

Today, we celebrated the 5th Anniversary of the Tide! MacArthur Square was packed with people marking the occasion. A group from Virginia Beach accompanied Virginia Beach Mayor Will Sessoms to the event.

Throughout the weekend, the public can ride the Tide for free as a special thank you gift for 5 years of support.

THE CITY OF NORFOLK

MEMORANDUM

TO:	City Council
FROM:	Lori A. Crouch, Corporate Communications Director
COPIES TO:	City Clerk, City Attorney
SUBJECT:	Council Interests
DATE:	August 19, 2016

I hope you enjoyed your break. Today's memo includes information from the previous Council meeting and upcoming Church Street Station ordinance.

Pavement Plan: Attached to the memo is a copy of the two year pavement plan map from Public Works. This information is also posted on the City's website.

Connect Norfolk: Under the leadership of Steven DeBerry, Chief Information Officer, the city has been working diligently in several areas such as: renegotiating the COX Franchise agreement, increasing access to public Wi-Fi, expanding city-wide broadband capacity, ensuring city facilities are equipped with high-speed internet, replacing the current institutional network and installing fiber throughout the city.

In addition, Steven and his team developed a technology work group called ConnectNorfolk. This group will help create a vision and develop recommendations regarding the next generation of technology infrastructure and high-speed internet services for the City of Norfolk.

ConnectNorfolk includes stakeholders from the business industry and the community. Representatives include the military, GNC, Sentara, NRHA, Port of Virginia, Dominion Enterprises, Grow, DIA, TCC, ODU, NSU, and Norfolk Public Schools. The first team meeting was held earlier this month at Slover Library.

Free Public WiFi: As part of Connect Norfolk, Steven DeBerry and his IT team have expanded the city's free public WiFi. The public can log on for free on the 1st floor of City Hall by logging onto CON-Public (CON=City of Norfolk). This offer is in addition to the Dominion Enterprises partnership providing free WiFi in MacArthur Square.

Church Street Station: On Tuesday, an ordinance will come before you to approve a grant from the City of Norfolk to Virginia Supportive Housing from the Capital Improvement Program ("CIP") Fund, in the amount of $707,000 for the construction of the Church Street Station Studio Apartments for previously homeless single adults on property located at 2000 Church Street.

THE CITY OF NORFOLK

The Church Street Station Studio Apartments will provide 40 additional units of permanent supportive housing for persons experiencing homelessness and 40 units of housing for single adults entering the work force. It will be the latest tool developed to carry out the Council's policy to end homelessness in Norfolk. The city, in cooperation with its neighboring communities and in partnership with Virginia Supportive Housing hosted the first of six such projects when the Gosnold Apartments opened in 2006. This nationally recognized regional approach to creating housing has provided additional units for Norfolk's vulnerable citizens in Chesapeake, Portsmouth and Virginia Beach. In total, the support of the City Council over the years has added 320 units of housing in the region and has created a pathway back home for many of our single adult citizens experiencing homelessness.

Tree Pruning: Residents are encouraged to remove tree suckers and small limbs/branches (1 inch diameter and smaller) on city trees in the right of ways adjacent to their property when they mow the grass. This will provide a more manicured streetscape and enhance the beauty of Norfolk's neighborhoods year round. All pruning must be done from the ground with non-powered hand tools. Small suckers can easily be removed by rubbing them off while they are just emerging and supple.

Topping of trees is not an approved pruning practice and is never allowed. "Topping" is the removal of the upper portion/canopy of the tree. Topping leads to a shorter lifespan, can increase decay, and decreases structural integrity.

To help residents, community groups, and other volunteers who wish to prune the crape myrtles in their neighborhoods, Parks & Urban Forestry has teamed up with the Norfolk Master Gardeners. The City Forester trains the Master Gardeners on basic pruning principles, and the Master Gardeners lead volunteer tree pruning groups. The hand tools and safety equipment are provided by the City.

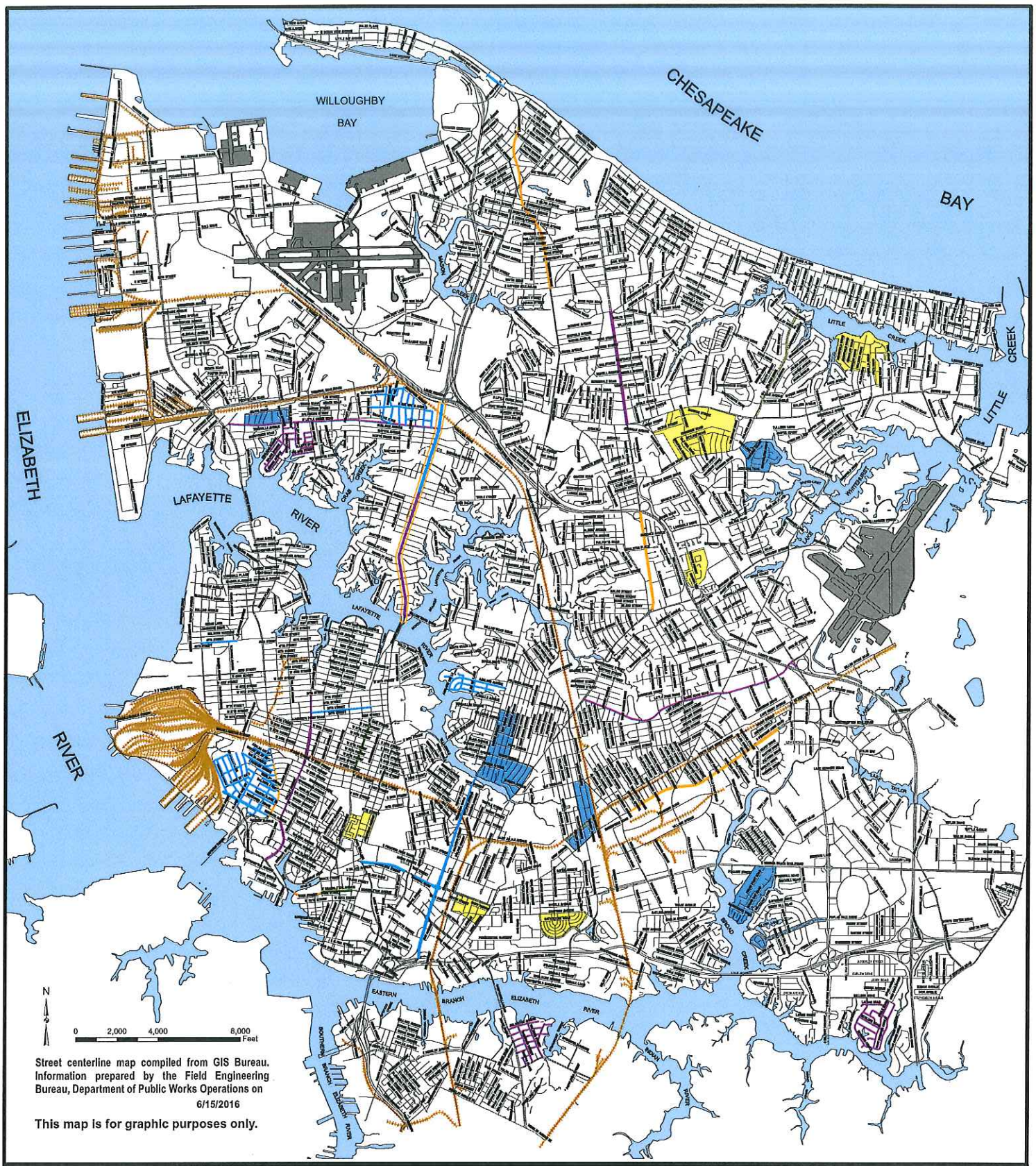
The Landscape & Urban Forestry webpage has information on pruning and the City's tree maintenance schedule.

Unauthorized pruning can result in fines and the assessment of the tree value which would be billed to the resident.

Bayne Ave. Lighting – Both Public Works and Urban Forestry crews reviewed the lighting on the street. All but one of the street lights are operational. Dominion Power is aware of the inoperable light. Urban Forestry crews will prune tree limbs away from the lights within the next two weeks.

Stormwater Fee Reduction Program - The state law that authorizes the storm water utility fee was modified in 2009 to require each municipality to implement a utility waiver and reduction program. To comply with state law, staff has coordinated with the City Attorney's office to (1) modify the City code, 41.1, that authorizes the waiver and reduction program and (2) develop a policy on implementation of this program. David Ricks, Director of Public Works will provide you an overview and recommendations for a Storm Water Fee reduction program at the upcoming Council meeting.

Have a good weekend.



Street centerline map compiled from GIS Bureau. Information prepared by the Field Engineering Bureau, Department of Public Works Operations on 6/15/2016

This map is for graphic purposes only.

Legend	Lane Miles
FY16 Concrete	(2.5)
FY17 Concrete	(30.5)
FY16 Resurface	(40.5)
FY17 Resurface	(45)
Highway + Privates	
Railroads	
FY16 Micro Surface	(25)
FY17 Micro Surface	(21.5)
Water	

2 Year Pavement Management Plan

THE CITY OF NORFOLK

City of Norfolk, Virginia

Presentation of required audit planning communications
Fiscal Year 2016

August 23, 2016

Planning meeting agenda

- KPMG client service team
- Summary of professional services
- Audit emphasis areas
- Fraud risks
- New GASB standards
- Single audit
- Audit calendar

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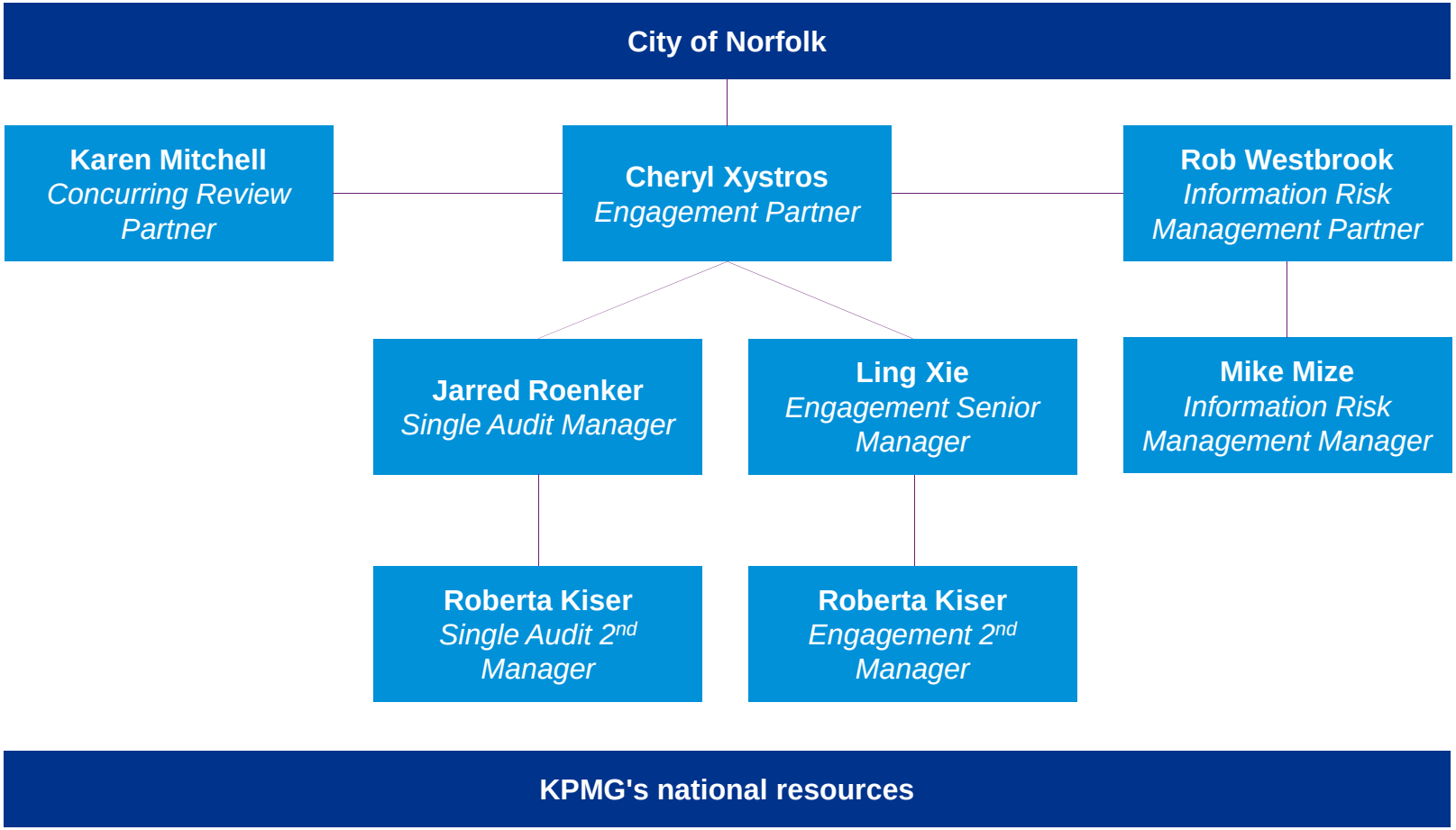
KPMG client service team



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Summary of professional services

- Audit of the basic financial statements (Comprehensive Annual Financial Report - CAFR) for the year ended June 30, 2016
- Audit of the City's compliance with federal grant requirements and other requirements under Uniform Guidance
- Report of the City's compliance with State Auditor of Public Accounts' Specifications
  - Sheriff agreed-upon procedures (AUP) report
  - Comparative report transmittal form AUP report
  - VRS census examination report
- Landfill AUP report
- Audit of the separate financial statements of water and wastewater funds
- Letters on internal control and compliance under government auditing standards
- Discussions of performance improvement opportunities
- Consultation on various accounting and financial reporting matters, as requested

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Areas of audit emphasis

Priority areas

Significant accounting estimates and other items:

- Valuation of pension liabilities
- Valuation of other post-employment benefits
- Valuation and presentation of the self insurance fund

Significant business risks:

- Economic conditions
- Loss or reduction of federal, state or local funding
- Compliance with federal and state regulations
- Managing fraud risks

Other significant areas

Significant classes of transactions:

- Budget and encumbrances
- Revenue generation and collection
- Compensation of employees
- Service delivery and procurement
- Capital assets
- Debt management
- Treasury management

Control environment:

- General control environment “tone at the top”
- Information technology and security
- Financial reporting
- Disbursement process and payroll

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Audit plan - Fraud risks

Management responsibilities related to fraud:

— Establish proper tone/culture/ethics

— Establish and maintain internal control, including controls to prevent, deter and detect fraud

— Oversight of financial reporting process

— Adopt sound accounting and financial policies

— Disclose to the audit committee and the auditors any significant deficiencies in internal control and fraud involving those with significant roles in internal controls

Identification of fraud risks:

— Perform risk assessment procedures to identify fraud risks, both at the financial statement level and at the assertion level

— Discuss among the engagement team the susceptibility of the entity to fraud

— Perform fraud inquiries of management, the audit committee and others

— Evaluate the City's broad programs/controls that prevent, deter and detect fraud

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Audit plan – Fraud risks (continued)

Response to identified fraud risks:

- Evaluate design and implementation of anti-fraud controls
- Test effectiveness of anti-fraud controls
- Address revenue recognition and risk of management override of controls
- Perform specific substantive audit procedures (incorporate elements of unpredictability)
- Evaluate audit evidence
- Communicate to management and the Audit Committee

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Effective dates – Issued GASB statements

June 30, 2016	— *No. 72, Fair Value Measurement and Application* — *No. 73, Accounting and Financial Reporting for Pensions and Related Assets That Are Not Within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB 67 and 68* — *No. 76, The Hierarchy of Generally Accepted Accounting Principals for State and Local Governments* — *No. 79, Certain External Investment Pools and Pool Participants*
December 31, 2016	— *No. 77, Tax Abatement Disclosures* — *No. 78, Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*

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Effective dates – Issued GASB statements (continued)

June 30, 2017	— *No. 74, Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans* — *No. 80, Blending Requirements for Certain Component Units – an amendment of GASB Statement No. 14* — *No. 81, Irrevocable Split-Interest Agreements* — *No. 82, Pension Issues – an amendment of GASB Statements No. 67, No. 68 and No. 73*
June 30, 2018	— *No. 75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*

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Single audit

- 2016 major programs for the City:
  - Temporary Assistance to Needy Families (TANF)
  - Medical Assistance Program (Medicaid)
  - Supplemental Nutrition Assistance Program (SNAP)
  - Clean Water Revolving Fund
  - Social Services Block
- Uniform guidance places more focus on management's responsibility for internal control and reduces required audit effort by external auditors
- Approach is to maximize dual purpose testing (i.e., joint tests of internal control and compliance) with the financial statement audit
- Norfolk Public Schools has one major program in addition to the above, which is Impact Aid Program
- Additional programs may need to be selected once we receive June 30 results

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Engagement timetable

- Audit calendar:

June, July and August 2016	— Planning
June–October 2016	— Single audit fieldwork
July–August 2016	— Student activity funds fieldwork
Completion by September 30, 2016	— IT fieldwork
October–November 2016	— Financial statement fieldwork
November 30, 2016	— Financial statements issued
December 2016	— Presentation to City Council

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Engagement timetable (continued)

— Communications timetable overview:

- KPMG will hold weekly meetings with management during fieldwork to keep them apprised of the status of testwork and issues encountered, if any
- All communications with respect to potential management letter comments, single audit findings and audit adjustments will be reviewed with the appropriate level of management as they arise
- KPMG will meet with management and the City Council upon completion of the audit to review the audit reports and results

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HRSD

Cleaning wastewater every day for a better Bay.

swift

Sustainable
Water Initiative
for Tomorrow

Our History

1607 Capt John Smith arrives

Shellfish beds condemned

Clean Water Act passed

Bay TMDL

1600 | 1700 | 1800 | 1900 | 2000

People pollute Chesapeake Bay

HRSD created

Bay partnership formed

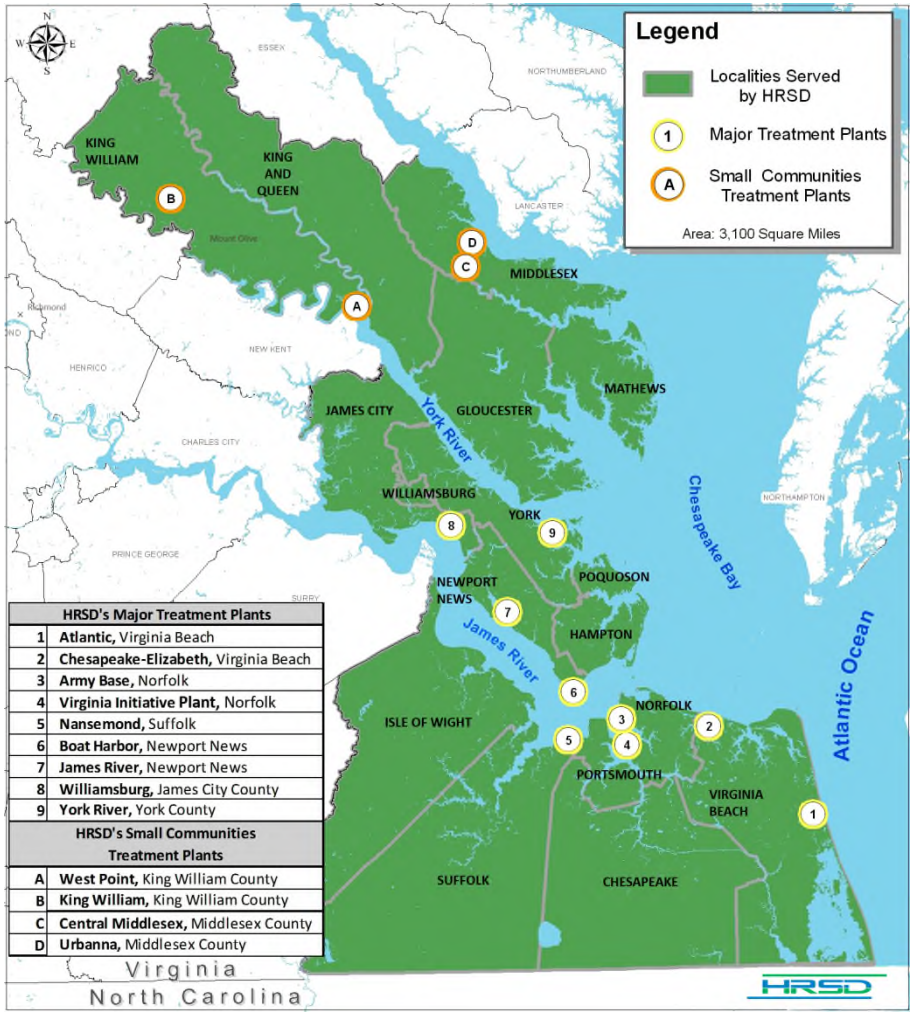
Who/What is HRSD?

- A political subdivision of the Commonwealth
- Truly a regional entity
- Governed by an 8 member Commission appointed by the Governor with residency requirements – Norfolk resident – Mike Glenn
- Independent rate setting authority with appeal rights through State Corporation Commission
- Very focused mission – ***We protect public health and the waters of Hampton Roads by treating wastewater effectively.***

HRSD by the Numbers

• Population served:	1.6 million
• Accounts	460,000
• Average daily flow (FY 15)	151 MGD
• Aggregate plant capacity	250 MGD
• FY 16 operating budget	$141 M
• FY 16 cash funded capital	$40 M
• FY 16 debt service/reserve	$60 M
• FY 16 Cap Ex	$155M
• 10 year CIP	$1.4 B
• 20 year CIP forecast	$4.2 B
• Rate per CCF	$4.53

HRSD Treatment Plants



HRSD's Major Treatment Plants	
1	**Atlantic,** Virginia Beach
2	**Chesapeake-Elizabeth,** Virginia Beach
3	**Army Base,** Norfolk
4	**Virginia Initiative Plant,** Norfolk
5	**Nansemond,** Suffolk
6	**Boat Harbor,** Newport News
7	**James River,** Newport News
8	**Williamsburg,** James City County
9	**York River,** York County
HRSD's Small Communities Treatment Plants	
A	**West Point,** King William County
B	**King William,** King William County
C	**Central Middlesex,** Middlesex County
D	**Urbanna,** Middlesex County

Atlantic (54 mgd)

Virginia Initiative Plant (40 mgd)

Nansemond (30 mgd)

Boat Harbor (25 mgd)

Army Base (18 mgd)

Chesapeake Elizabeth (24 mgd)

Williamsburg (22.5 mgd)

James River (20 mgd)

York River (15 mgd)

West Point (.6 mgd)

Central Middlesex (.025 mgd)

Urbanna (.1 mgd)

King William (.05 mgd)

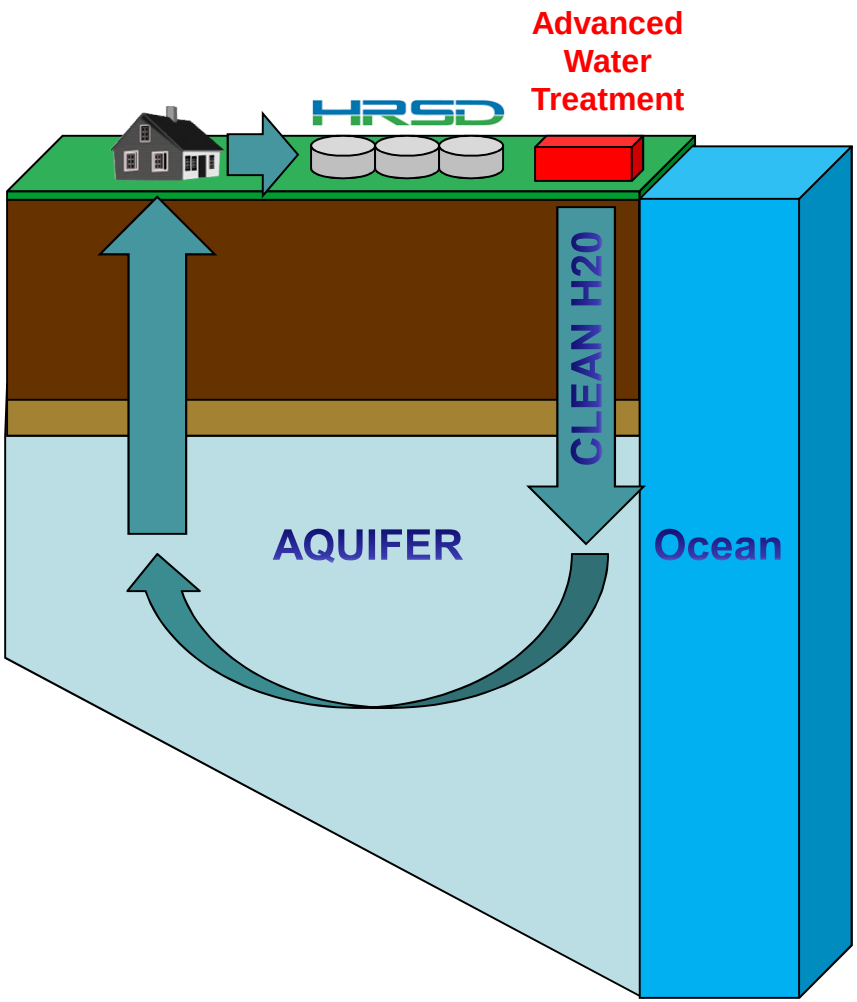
Water issues challenging Virginia and Hampton Roads

- Restoration of the Chesapeake Bay
  - Harmful Algal Blooms
  - Localized bacteria impairments
  - Urban stormwater retrofits (cost and complexity)
- Adaptation to sea level rise
  - Recurrent flooding
- Depletion of groundwater resources
  - Including protection from saltwater contamination
- Wet weather sewer overflows
  - Compliance with Federal enforcement action

HRSD

SWIFT – Sustainable Water Initiative for Tomorrow

- Treat water to meet drinking water standards and replenish the aquifer with clean water to:
  - Provide regulatory stability for wastewater treatment
  - Reduce nutrient discharges to the Bay
  - Reduce the rate of land subsidence
  - Provide a sustainable supply of groundwater
  - Protect the groundwater from saltwater contamination



Advanced water treatment – to drinking water standards

- Advanced treatment used throughout world, many locations in USA and even in Virginia to produce water that exceeds drinking water standards
  - Upper Occoquan Service Authority/Fairfax Water
  - Loudoun Water
  - Montebello Forebay, CA 1962
  - El Paso, TX 1985
  - Scottsdale, AZ 1999
  - Orange County, CA 2008
  - Arapahoe, CO 2009
  - ***San Diego, CA 2020***

Membrane based

Carbon based

Groundwater replenishment

- Aquifer replenishment also done in many places including Virginia
  - City of Chesapeake Aquifer Storage and Recovery system – over 2.8 billion gallons pumped to date

Water must meet human health criteria and match existing groundwater geochemistry.

Water Issues Challenging Virginia and Hampton Roads

- **Restoration of the Chesapeake Bay**
  - **Harmful Algal Blooms**
  - **Localized bacteria impairments**
  - **Urban stormwater retrofits (cost and complexity)**
- Adaptation to sea level rise
  - Recurrent flooding
- Depletion of groundwater resources
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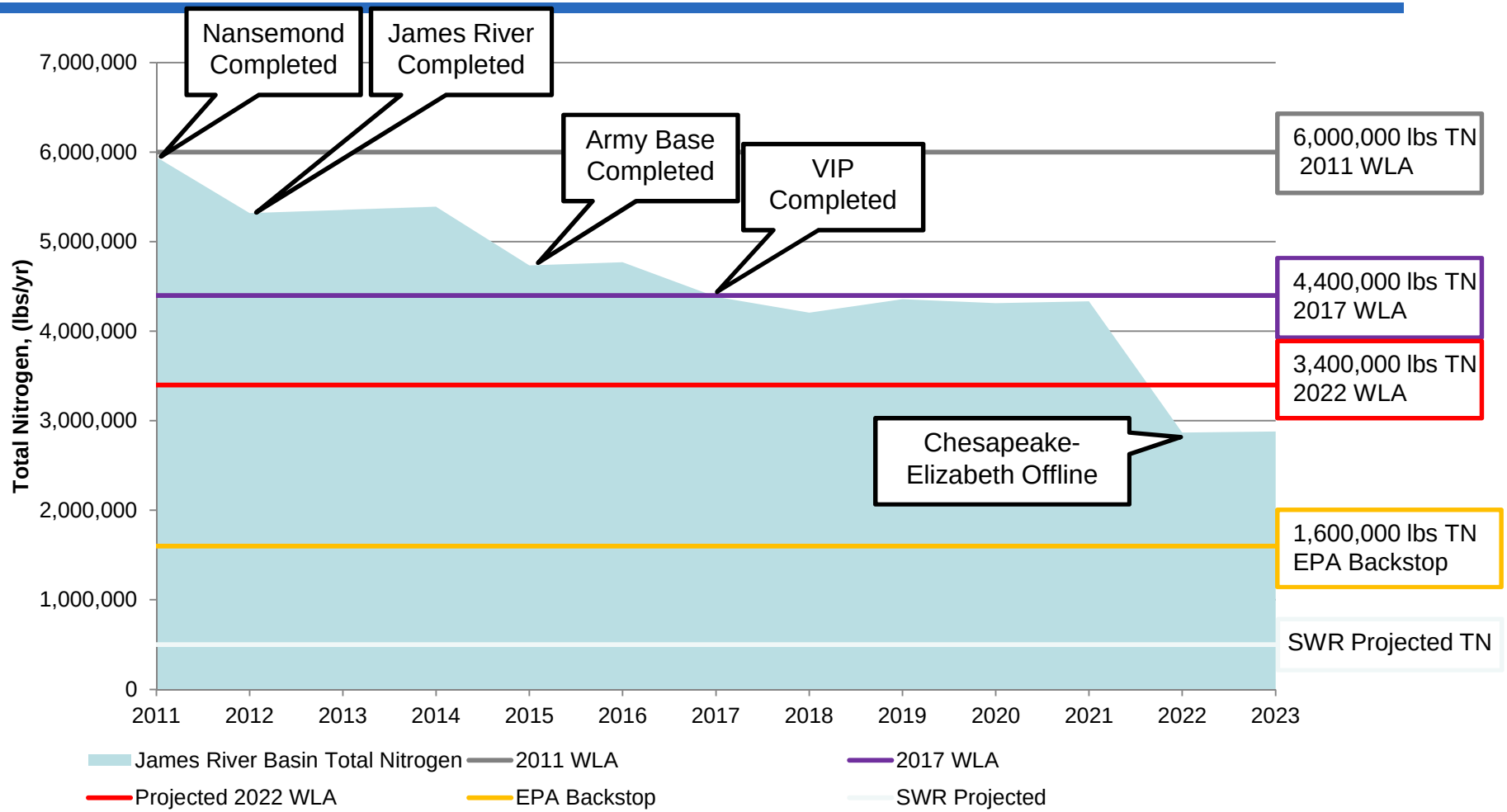
HRSD

Impact on nutrient reductions



James River Basin – TN Similar results with TP and TSS and in other river basins.

WLA – Nutrient Waste Load Allocation in lbs/yr

Potential to offset stormwater reductions

	HRSD Bay TMDL Allocations	HRSD Post SWRI Loads (2030)	Available for other needs	Stormwater Reduction Needs*
Nitrogen				
James	3,400,000	500,000	2,900,000	63,039
York	275,927	25,000	250,927	19,114
Phosphorus				
James	300,009	50,000	250,009	13,088
York	18,395	2,000	16,395	3,887
Sediment				
James	14,000,000	700,000	13,300,000	5,269,142
York	1,400,000	98,000	1,302,000	1,413,762

* DEQ Regulated Stormwater w/o federal lands

Water Issues Challenging Virginia and Hampton Roads

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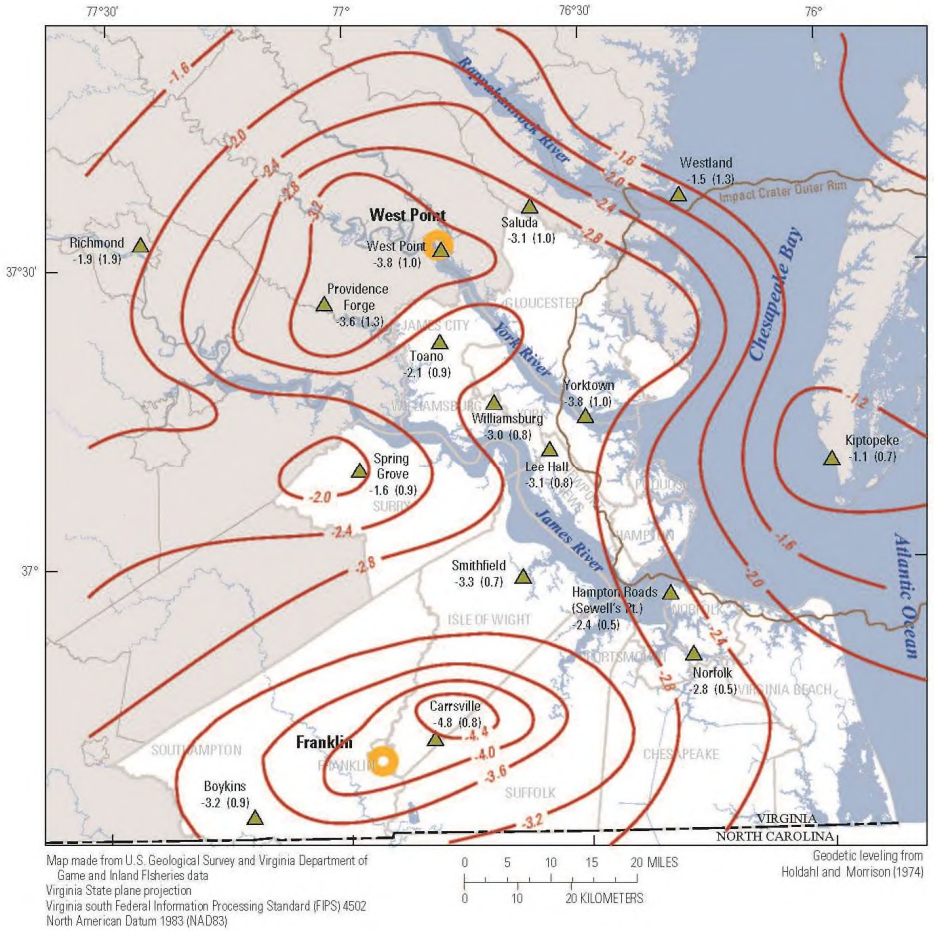
Land subsidence – *we are sinking*

- According to USGS
  - Up to 50% of sea-level rise may be due to land subsidence
  - **Up to 50% of land subsidence may be due to aquifer compaction**



Map made from U.S. Geological Survey and Virginia Department of Game and Inland Fisheries data
Virginia State plane projection
Virginia south Federal Information Processing Standard (FIPS) 4502
North American Datum 1983 (NAD83)

0 5 10 15 20 MILES
0 10 20 KILOMETERS

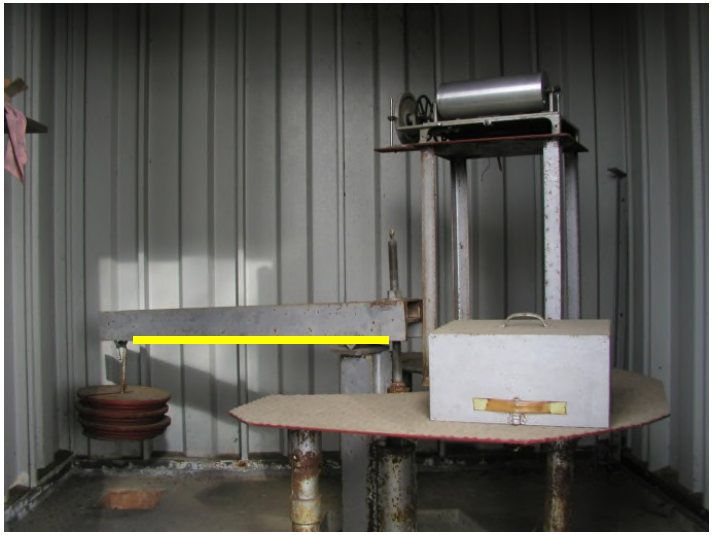
Geodetic leveling from Holdahl and Morrison (1974)

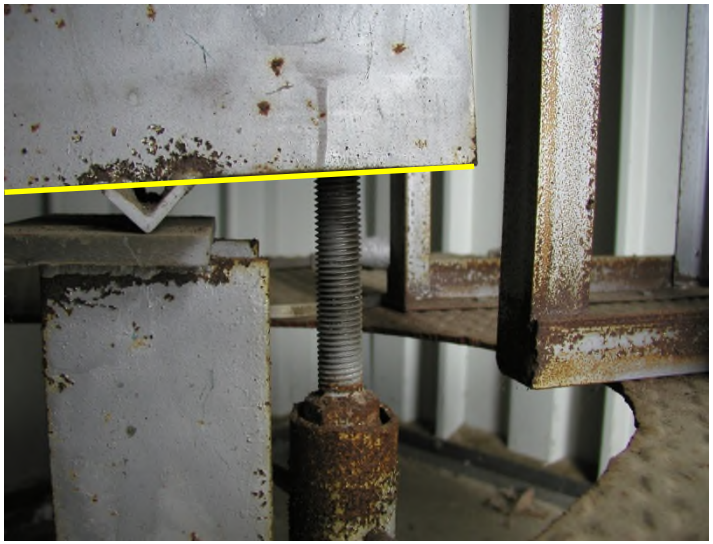
HAMPTON ROADS IS THE #2 LARGEST POPULATION CENTER AT RISK

HRSD

Evidence of groundwater impacts on subsidence

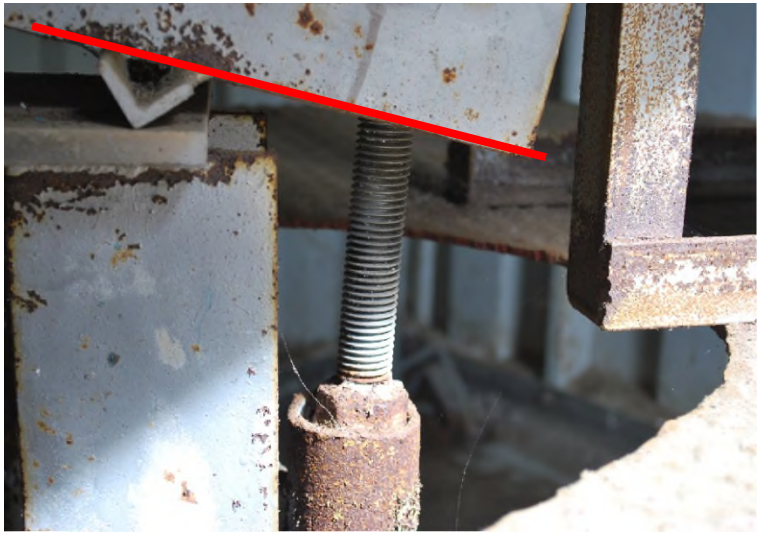
2002





USGS found ground level rose 32 mm between 2002 and 2015 coinciding with reduced groundwater withdrawal by Franklin paper mill.

2015



Water Issues Challenging Virginia and Hampton Roads

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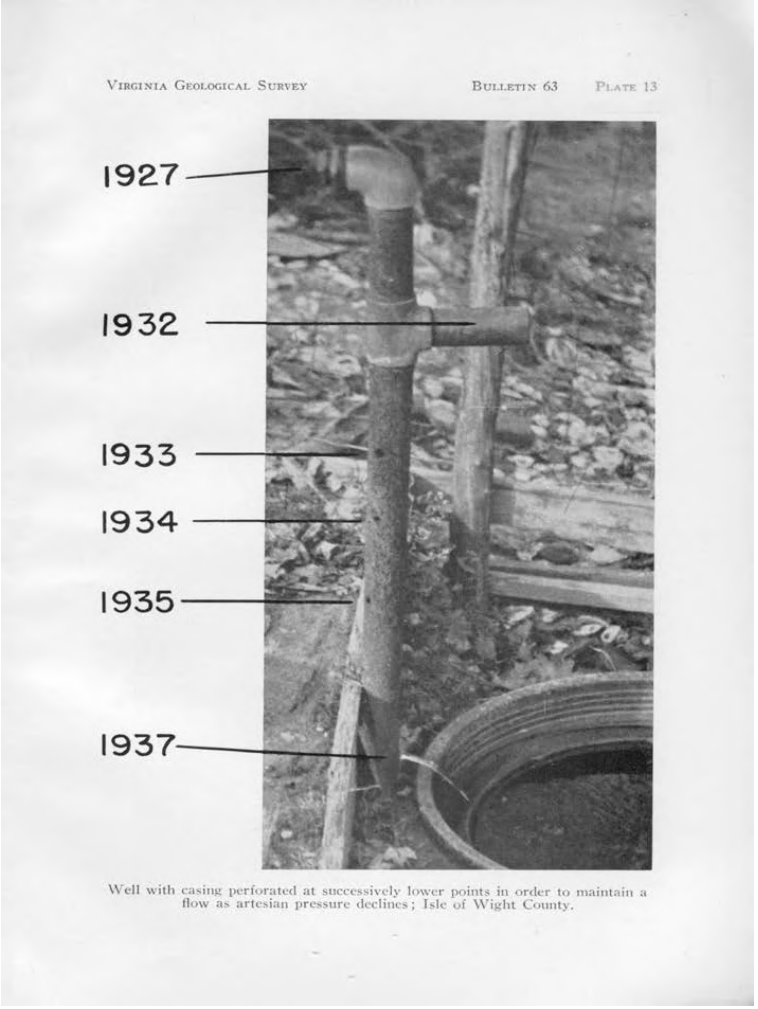
HRSD

Groundwater depletion has been rapid

A, Overflow from artesian well in Isle of Wight County is wasted.

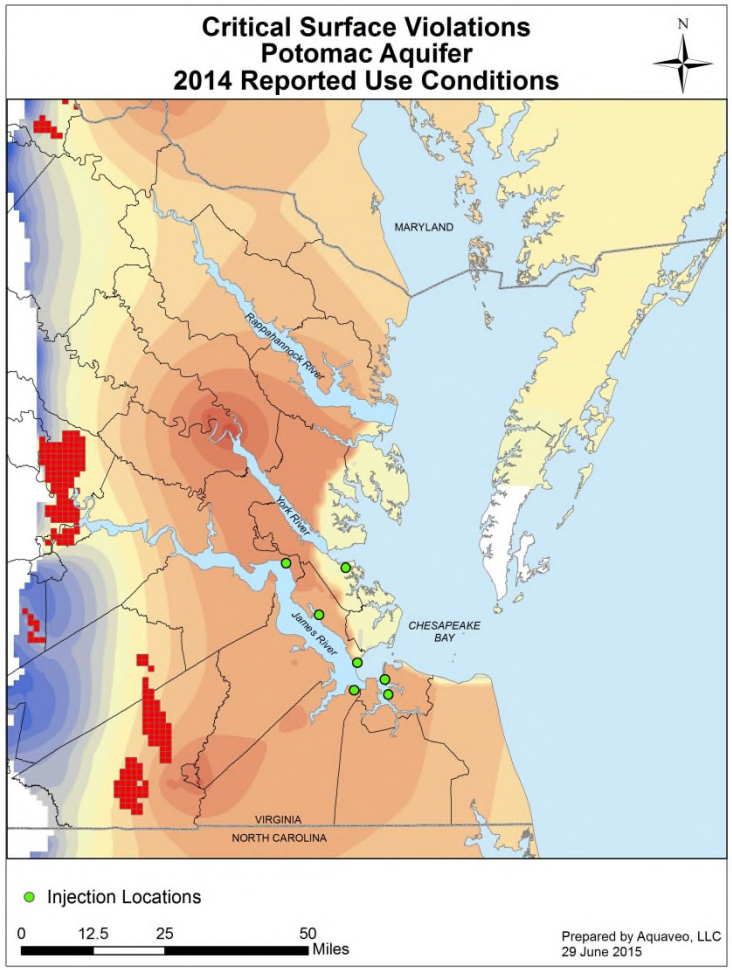


Well with casing perforated at successively lower points in order to maintain a flow as artesian pressure declines; Isle of Wight County.

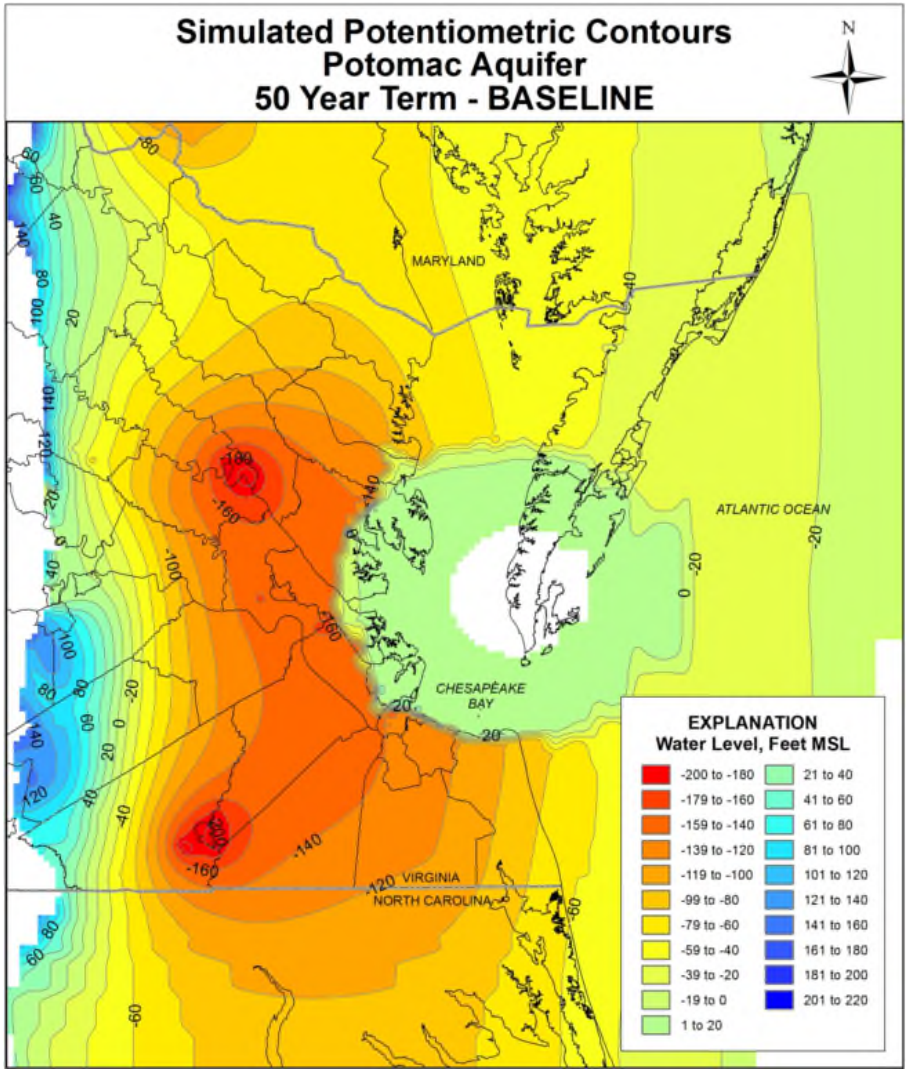
- Artesian wells in early 1900s – groundwater wells required valves not pumps!
- In about 100 years have gone from water levels at 31 feet above sea level to 200± feet below.

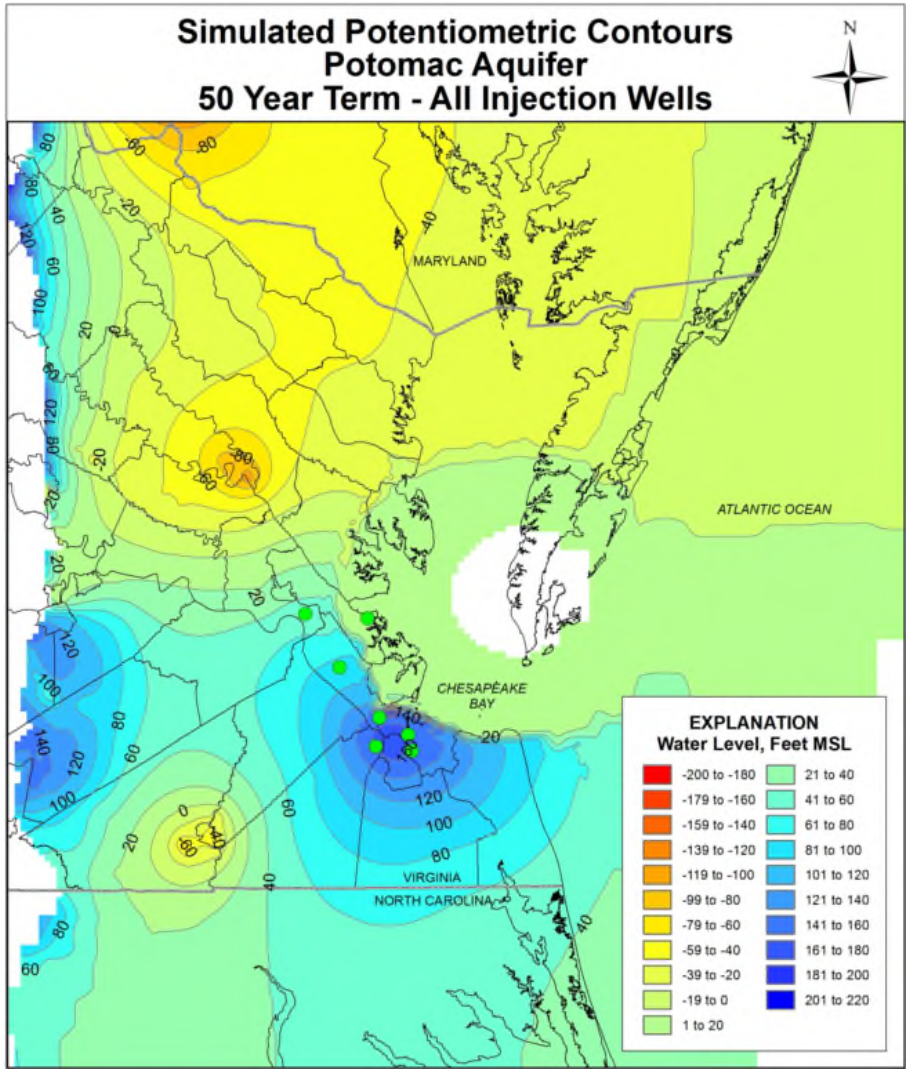
Unsustainable Aquifer Withdrawals

- Over-allocated permitted withdrawal
  - Water levels falling several feet/yr
- 177 permits = 147.3 MGD
  - Currently withdrawing approximately 115 mgd
- 200,000 unpermitted "domestic" wells
  - Estimated to be withdrawing approx. 40 mgd growing at 1 mgd per year



Potomac Aquifer water levels before and after SWRI





Water Issues Challenging Virginia and Hampton Roads

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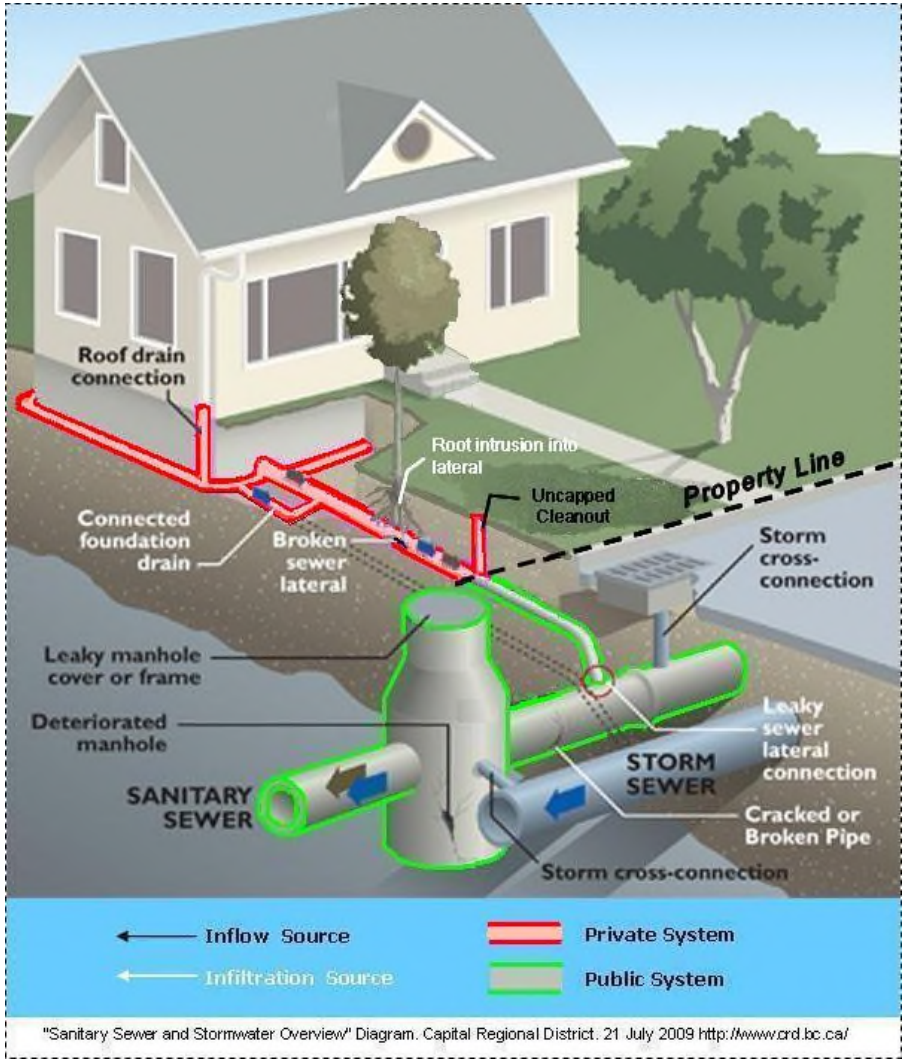
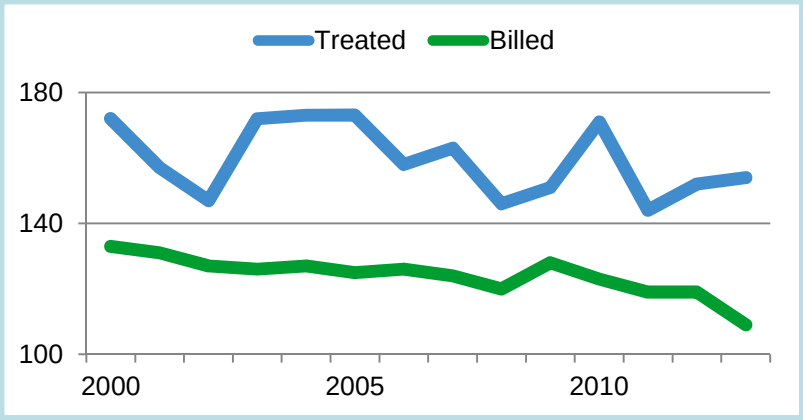
HRSD

Sewer Overflows



"Sanitary Sewer and Stormwater Overview" Diagram. Capital Regional District. 21 July 2009 http://www.crd.bc.ca/



- Consent Decree
- **HRSD responsible for regional wet weather flows**
- Region loses less than 0.015% in a bad year

Sewer Overflows

- No chronic locations
- No data to support episodic SSOs contribute to local water bacteria impairment
- Recent success with more focused efforts
  - Wet weather and dry weather monitoring
  - Source tracking “hot spots”
  - Coordinating field work with locality
- Overflows not eliminated with Regional Wet Weather Plan when weather event generates flows above designed service level

Conclusion – SWRI Summary of Benefits

- Regulatory stability for treatment processes
- Significantly reduced discharge into the Chesapeake Bay (only during wet weather)
  - 90% reduction of HRSD discharges into James, York and Elizabeth Rivers
  - Creates source of nutrient allocation to support other needs **(STORMWATER)**
- Potential reduction in the rate of land subsidence
- Sustainable source for groundwater replenishment
- Protection of groundwater from saltwater contamination

Cost Summary

- Total project in the $1 billion range (120 mgd)
  - For 7 plants (not Ches-Liz or Atlantic)
- Annual operating costs $21 - $43 M
- Can only be achieved if EPA allows enough flexibility to integrate into wet weather work
  - Cannot afford to add SWRI into existing plan without significant rate increases and potential downgrade
  - Approximately 50% of HRSD $4.4B CIP will be dedicated to wet weather
    - Not most important water quality issue
    - Plan would be to accomplish critical wet weather issues and SWRI in early years and delay remaining wet weather work

Why now?

- Consent Decree requires plan submittal with schedule to EPA October 2017
  - Lose financial ability to pursue water recycling project until 2037 at earliest
- Bay TMDL deadline is 2025
  - Will require more significant investments in nutrient and sediment removal without water recycling project
  - HRSD is backstop if Agriculture and Stormwater come up short
- Groundwater scarcity will continue to get worse
  - Will force development of additional water supplies by local governments
  - Chills development in eastern Virginia
  - Potential loss of water dependent industries
- Next regulation (viruses, emerging contaminants, ???) will require plant upgrades

Timeline

- Complete next phase of study with consultant by end of 2016
- Room scale pilot projects – operating since June 2016
- 2018
  - Demonstration pilot (2 year study)
- 2020
  - EPA/DEQ/VDH formally approves Certificate to Construct for SWR
- 2020 to 2030
  - Construction through phased implementation
- 2030 Fully operational
  - 120 MGD of clean water put into the aquifer

In the news

The Virginian-Pilot

Our 151st year | SUNDAY | 01.31.16 | PILOTONLINE.COM | $2.50 in Hampton Roads

UP TO $148 IN COUPONS TODAY

Ted Henifin, general manager of the Hampton Roads Sanitation District, was tired of watching treated water flow uselessly into rivers and the bay. Then the idea hit him.

Can your sinks and toilets fight sea-level rise?

SINKING LAND is part of the problem, as society guzzles groundwater. One solution is to pump treated wastewater back in.

By Dave Mayfield
The Virginian-Pilot

IN A clear Decem- saying, 'Can we figure out how to do this?'" said Henifin, HRSD's general manager.

recycling water

A Hampton Roads Sanitation District plan to pump treated wastewater more than a thousand feet below into the region's aquifer could slow the sinking of land – known as subsidence – and help meet a federal mandate to clean up the Chesapeake Bay.

obstacles

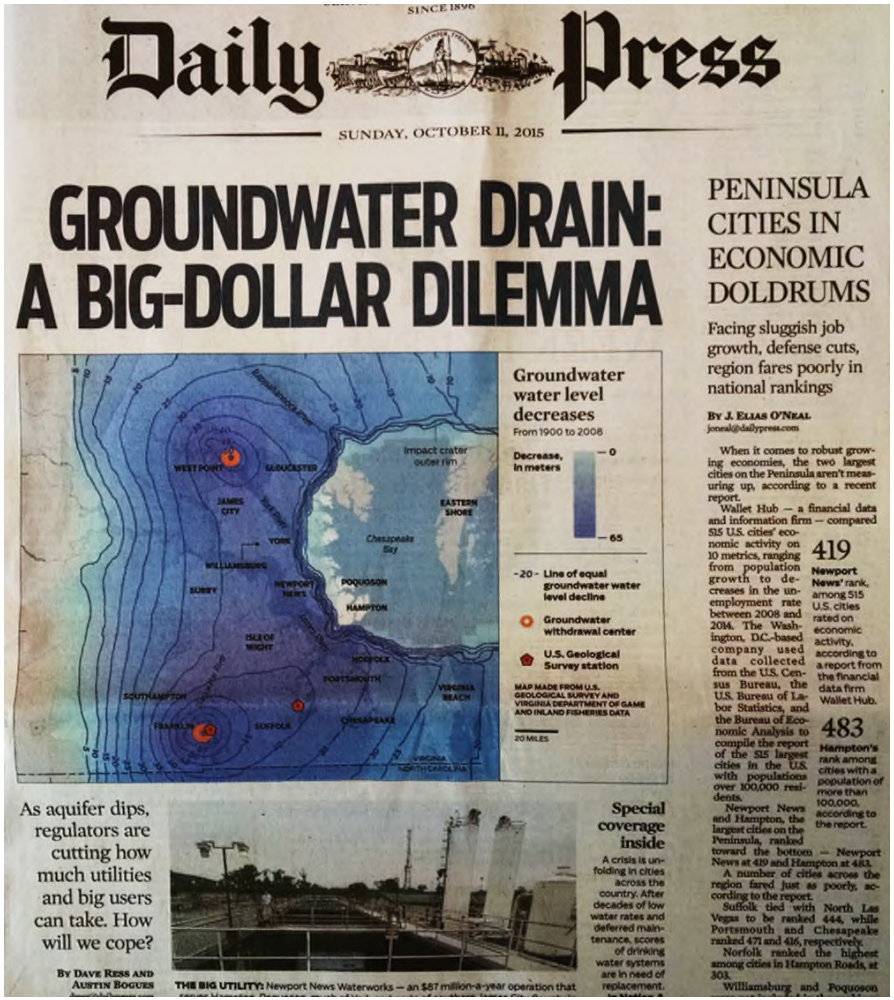
Besides convincing residents that water going into the ground is clean enough to drink, there's the cost. Including design and construction, it is projected to be $1 billion over 15 years.

Virginia GOP asks state to cancel "loyalty oath"

Republican party cites "bad publicity" as cause for reversal

By Bill Bartel
The Virginian-Pilot

State Republican Party leaders voted in Richmond on Saturday to ask the state to cancel a required party loyalty pledge in the March 1 GOP presidential primary.



SINCE 1896

Daily Press

SUNDAY, OCTOBER 11, 2015

GROUNDWATER DRAIN: A BIG-DOLLAR DILEMMA

Groundwater water level decreases
From 1900 to 2008

Decrease, in meters — 0 — 65

-20- Line of equal groundwater water level decline

Groundwater withdrawal center

U.S. Geological Survey station

MAP MADE FROM U.S. GEOLOGICAL SURVEY AND VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES DATA

20 MILES

WEST POINT, GLOUCESTER, JAMES CITY, YORK, WILLIAMSBURG, SURRY, NEWPORT NEWS, POQUOSON, HAMPTON, ISLE OF WIGHT, NORFOLK, PORTSMOUTH, VIRGINIA BEACH, SOUTHAMPTON, FRANKLIN, SUFFOLK, CHESAPEAKE, EASTERN SHORE, Chesapeake Bay, Impact crater outer rim

As aquifer dips, regulators are cutting how much utilities and big users can take. How will we cope?

By Dave Ress and Austin Bogues

THE BIG UTILITY: Newport News Waterworks — an $87 million-a-year operation that

Special coverage inside

A crisis is unfolding in cities across the country. After decades of low water rates and deferred maintenance, scores of drinking water systems are in need of replacement.

PENINSULA CITIES IN ECONOMIC DOLDRUMS

Facing sluggish job growth, defense cuts, region fares poorly in national rankings

By J. Elias O'Neal
joneal@dailypress.com

When it comes to robust growing economies, the two largest cities on the Peninsula aren't measuring up, according to a recent report.

Wallet Hub — a financial data and information firm — compared 515 U.S. cities' economic activity on 10 metrics, ranging from population growth to decreases in the unemployment rate between 2008 and 2014. The Washington, D.C.-based company used data collected from the U.S. Census Bureau, the U.S. Bureau of Labor Statistics, and the Bureau of Economic Analysis to compile the report of the 515 largest cities in the U.S. with populations over 100,000 residents.

Newport News and Hampton, the largest cities on the Peninsula, ranked toward the bottom — Newport News at 419 and Hampton at 483.

A number of cities across the region fared just as poorly, according to the report.

Suffolk tied with North Las Vegas to be ranked 444, while Portsmouth and Chesapeake ranked 471 and 416, respectively.

Norfolk ranked the highest among cities in Hampton Roads, at 303.

Williamsburg and Poquoson

419 Newport News' rank, among 515 U.S. cities rated on economic activity, according to a report from the financial data firm Wallet Hub.

483 Hampton's rank among cities with a population of more than 100,000, according to the report.

HRSD

Questions?

Sustainable
Water Initiative
for Tomorrow

Future generations will inherit clean waterways and ***be able to keep them clean****.*

thenifin@hrsd.com
http://www.hrsd.com/SWR.shtml

City of Norfolk

Inter Department Correspondence Sheet

TO: Members of City Council

FROM: Breck Daughtrey, City Clerk

COPIES TO:

SUBJECT: Minutes of City Council Meeting

August 19, 2016

Attached are the minutes of the City Council meetings held on July 12th, July 14th and July 19th, 2016.

Breck

Breck

NORFOLK, VIRGINIA

BUSINESS MEETING OF COUNCIL

TUESDAY, JULY 12, 2016

Mayor Alexander called the meeting to order at 4:05 p.m. with the following members present: Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Smigiel, Mr. Riddick and Dr. Whibley. After previously notifying the Mayor that he was recovering from a medical procedure and he was unable to attend the city council meeting, Councilman Riddick participated in the meeting by amplified telephone from Lake Taylor Transitional Care Hospital, 1309 Kempsville Road, Norfolk, Virginia.

Mayor Alexander next announced this is the time for council to make appointments to regional boards, council committees, council task forces.

The following appointments were made:

A. APPOINTMENTS

REGIONAL BOARD APPOINTMENTS

First addressed were appointments to regional boards with the following assigments made:

Hampton Roads Planning District Commission
Mayor Kenneth C. Alexander
Councilman Tommy Smigiel
Councilwoman Angelia Graves
Councilwoman Andria P. McClellan
City Manager Marcus Jones

Southeastern Tidewater Opportunity Project
Councilman Paul Riddick

Transportation District Commission of Hampton Roads
Councilman Paul Riddick

COUNCIL COMMITTEE APPOINTMENTS

Mayor Alexander recommended that council operate as a committee of the whole when addressing education, housing and public safety. Council concurred with this recommendation. Given this adjustment to committee policy areas, he recommended merging the Communities and Public Safety and Health, Education and Families Committees into a Communities, Health and Families Committee. Council concurred with this recommendation. Thereupon, committee assignments were made as follows:

Education, Housing and Public Safety
Kenneth Alexander, Mayor
Mamie Johnson, Councilmember
Angelia Graves, Councilmember
Andria McClellan, Councilmember
Paul R. Riddick, Councilmember
Thomas R. Smigiel Jr., Councilmember
Theresa W. Whibley, M.D., Councilmember
Ward 1 Councilmember

Finance, Administration & Economic Development
Terry Whibley, co-chair
Mamie Johnson, co-chair
Paul Riddick
Andria McClellan
Mayor Alexander (ex officio)

Communities, Health & Families
Tommy Smigiel, co-chair
Angelia Graves, co-chair
Terry Whibley
Mamie Johnson
Ward 1
Mayor Alexander (ex officio)

Transportation & Infrastructure
Paul Riddick, co-chair
Andria McClellan, co-chair
Angelia Graves
Tommy Smigiel
Ward 1
Mayor Alexander (ex officio)

CITY COUNCIL TASK FORCES

The following task force assignments were made:

Task Force	Council Member	Meets
Huntersville/Lindenwood/ Church Street/Barraud Park/ Cottage Heights	Riddick/Graves/Johnson	Quarterly
E. Little Creek Rd.	Smigiel/McClellan	Quarterly
Fairmount Park	Graves/Johnson	Quarterly
Ghent	Whibley/McClellan	Quarterly
Greater Norview	Graves/Johnson	TBD
Greater Wards Corner	Graves/Whibley/ McClellan/Ward 1	Quarterly
Park Place/Lamberts Point/ Kensington/Villa Heights	Whibley/Graves	Quarterly
Ocean View	Smigiel/McClellan/Ward 1	Quarterly
Southside	Riddick/Graves	Monthly

Council scheduled Task Forces to meet quarterly with the exception of the Southside Task Force which will continue to meet monthly.

He then called for discussion of the Ward 1 vacancy. Discussion revolved around setting a date for holding a special election. Following a review of the law provided by the City Attorney and a report on the process by the Registrar, council agreed to petition circuit court for an August 23 special election.

Council next met in a closed meeting to discuss candidates for appointment to the Ward 1 seat until the special election.

B. CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause 1of subsection (A) of Section 2.2-3711** of **the Virginia Freedom of Information Act**, as amended:

(1) Discussion of candidates for appointment to city boards, commissions and authorities.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

Following the closed meeting, Mayor Alexander announced council will interview all seven applicants on July 14 beginning at 4:00 p.m.

C. COUNCIL INTERESTS

1. Councilwoman Graves:
   - Requested Council be briefed on City Planning Commission items a few weeks before they have to vote on them especially when there is a denial or dissention.

2. Councilwoman Johnson:
   - Expressed concern with tall grass on school grounds and asked that the grass be kept cut at all schools across the city even during the summer when school is out.
   - Referencing the new school opening on Princess Anne Road, she asked where they are with the Virginia Beach Boulevard and Princess Anne Road study and also expressed concern with traffic going extremely fast on Princess Anne Road near the school.

3. Councilwoman McClellan:
   - Expressed concern about the traffic signal on Hampton Boulevard at ODU about whether or not the countdown signals are working properly.
   - Received a lot of calls about code enforcement and stated that there is an opportunity here for citizens to report code concerns using their mobile apps by taking a picture and sending it straight to the impact call center.

D. 21st STREET PAVILION SHOPS

George Homewood, Director of Planning, reported as follows:

- This is a request for a Pedestrian Commercial Overlay (PCO) Development Certificate sign waiver to allow the partial reconstruction of an existing monument style sign.
- The proposal is to replace the existing sign cabinet with a different shaped sign cabinet that would be exactly the same height (13.5 feet) and exactly the same square footage (58 square feet) with a slightly different shape.
- Allowed signage in the 21st Street PCO is a monument-style sign, six feet in height with a maximum size of 32 square feet.

The sign requirement calls for a monument sign, not elevated on a pole and can be no more than six feet in height with a maximum size of 32 square feet. This is what the Ghent Business Association asked to be placed in the PCO rules and regulations when the PCO was established. The existing sign is 13.5 feet tall, which is twice as tall as the six feet. It is not a monument sign, but is more of a pole sign with a square footage of 58 as opposed to 32.

The Planning Commission recommended denial of the request on a 5 to 1 vote, noting that the existing sign is nonconforming because it is twice as tall and twice as big and will be replaced with a nonconforming sign twice as tall and twice as big. The applicant has made no effort to make the sign more conforming to the rules that are in play, so the Planning Commission recommended denial. Staff suggested that by removing some of the brick from the pedestal the sign can be lowered. The idea of the PCO is to have signage that is not necessarily aimed at automobiles traveling on the road, but aimed at drawing pedestrians into the area. This item will be on the July 19th City Council public hearing agenda.

E. PROMOTING HOUSING CHOICE

John Kownack, Executive Director, Norfolk Redevelopment and Housing Authority, reports on this item as follows:

- HUD considers housing affordable if a household is spending no more than 30% of its income on housing.
- 19,000 Norfolk households cannot afford affordable housing.
- Norfolk has 8,035 units of assisted housing – 29% of the region's total.
- Housing Choice goals include: 1) redevelop 1,200 units over the next decade; 2) no involuntary displacement of residents; 3) facilitate development of 3,600 affordable, quality rental housing units; and 4) work with human services agencies to ensure current and future residents have capacity to succeed with housing choice.
- Plan for renovation and redevelopment were reviewed for Young, Diggs, Grandy, Oakleaf, Tidewater and Calvert public housing communities with a reduction of units in Young and Diggs.
- It is proposed that city council establish a consensus building group to oversee efforts to improve assisted rental housing communities and improve housing choice with members coming from city council, NRHA, school board, planning commission, the judiciary, private developers, community stakeholders and philanthropic leaders.

F. SMART PROCESSING UPDATE

George Homewood, Director of City Planning, reported on this matter as follows:

- Improvements in the city's development process were reviewed.
- Smart permitting, went live on July 5, 2016. This is an electronic permitting system that automated buildings permits and inspections, and allows for scheduling inspection online.
- Next steps include transitioning code enforcement in August, online applications and payment in August and tracking planning applications in the fall.
- Planning process improvements include no longer requiring special exception renewals when adding or changing managers, no longer requiring floor plans for new eating and drinking establishments and no longer requiring development certificates for change of use.
- The Zoning Ordinance is being rewritten with completion expected in mid-2017.

G. COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT

- Sarah Paige Fuller, Director of Community Services Board, reported on the annual performance contract that provides $12 million in funding. Council has a Resolution on the agenda to approve the contract.

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

CITY COUNCIL MEETING

TUESDAY, JULY 12, 2016 – 7:00 P.M.

Mayor Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Imam Vernon M. Fareed, Masjid William Salaam, followed by the Pledge of Allegiance.

After previously notifying the Mayor that he was recovering from a medical procedure and he was unable to attend the city council meeting, Councilman Riddick participated in the meeting by amplified telephone from Lake Taylor Transitional Care Hospital, 1309 Kempsville Road, Norfolk, Virginia

The following members were present: Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, Dr. Whibley, and Mr. Alexander.

President Alexander moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

INVITATION TO BID

IB-1 **INVITATION TO BID** scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for a long term Garage Parking Agreement, with a term of approximately twenty (20) years, for four hundred (400) parking spaces in the Fountain Park Garage located at 130 Bank.

Thereupon, an Ordinance entitled, "An Ordinance accepting the bid submitted by City Walk One, LLC for a Long Term Garage Parking Agreement with a term of approximately twenty (20) years, with the option to extend the term for up to two (2) additional periods of five (5) years each, for the lease of 400 parking spaces in the Fountain Park Garage located at 130 Bank Street in the City of Norfolk ," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

PUBLIC HEARING

PH-1 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments authorizing the sale to Virginia Natural Gas of a certain parcel of property measuring approximately 3,000 square feet in area, owned by the City of Norfolk and located south of **3488 Godwin Boulevard** in the City of Suffolk, for the sum of $2,400.00.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the sale to Virginia Natural Gas of a certain parcel of property measuring approximately 3,000 square feet in area, owned by the City of Norfolk and located south of **3488 Godwin Boulevard** in the City of Suffolk, for the sum of $2,400.00, and approving the Purchase and Sale Agreement," was introduced in writing and read by its title.

Neil Kessler, 1001 Haxall Point Road, Richmond, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective August 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

REGULAR AGENDA

R-1 Matter of a letter from the City Manager and a Resolution entitled, "A Resolution approving the formation of legal entities by the Norfolk Redevelopment and Housing Authority to facilitate the renovation of the **Young Terrace and Diggs Town Communities**," was introduced in writing and read by its title.

(NRHA has requested that this matter be continued to July 19, 2016)

ACTION: Continued to July 19, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-2 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of automobile storage yard known as 'Aristocrat Towing' on properties located at **1132 to 1138 Harmony Road,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-3 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Ya Ya Asian Gourmet House' on property located at **109 College Place, Suite A,**" was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-4 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Shiptown Seafood Company' on property located at **4314 Colley Avenue,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-5 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Wing Stop' on property located at **7750 Tidewater Drive, Building 3, Unit 305**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of an automobile and truck rental facility known as 'Hertz' on property located at **700 Monticello Avenue**," was introduced in writing and read by its title.

Jeff Spivey, 920 Forest Lake Drive, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-7 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Orapax Inn' on property located at **1300 Redgate Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-7A An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit mixed uses on property located at **911 Orapax Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-8 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as 'Corks and Caps' on property located at **240 East Main Street**," was introduced in writing and read by its title.

Melanie Nusbaum, 340 Bay Dunes Drive, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-9 Letter from the City Manager and an Ordinance entitled, "An Ordinance to revoke the permission granted to **Monticello Arcade Limited Partnership and Christopher Corrie D/B/A Chartreuse Bistro** to encroach into the right of way at **205 E. City Hall Avenue** for the purpose of outdoor dining and to terminate the Encroachment Agreement," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-10 Letter from the City Manager and an Ordinance entitled, "An Ordinance amending Section 1 of Ordinance No. 46,336, entitled 'An Ordinance approving a Lease Agreement with **Grace's Tailor Shop, Inc.** for the lease of city owned property located at **130 Bank Street** SO AS TO correct the name of the Lessee on the said Lease," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-11 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a Grant Award of $275,000.00 from the **Virginia Department of Behavioral Health and Development Services** for the Norfolk Community Services Board to assist individuals with developmental disabilities in gaining access to and maintaining tenancy in their own housing and appropriating and authorizing the expenditure of the grant funds to provide the assistance" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-12 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting $6,237,603 in funding from the Commonwealth of Virginia for the Fiscal Year 2017 **Children's Services Act for At-Risk Youth and Families Funds Pool ("CSA") Services Program** and $639,899 from the Virginia Department of Juvenile Justice in Support of the Fiscal Year 2017 Virginia Juvenile Community Crime Control Act ("VJCCCA") Program, appropriating and authorizing the expenditure of the funds and appropriating and authorizing the expenditure of $2,232,397 in local matching funds for CSA from the City through its Department of Human Services, and $300,000 from the School Board of the City of Norfolk and $639,899 of local matching funds for VJCCCA from the City," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-13 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting and appropriating the donation from the **Ghent Dog Park Association** of certain improvements to the Stockley Garden Dog Park, and authorizing the City Manager to enter into a Right of Entry and License Agreement with the Ghent Dog Park Association and its members, material suppliers and contracted service providers for work related to the dog park improvements," was introduced in writing and read by its title.

Traci Lovelace, President of Dog Park Association, 250 Webster Avenue, Portsmouth, spoke in favor of this matter.

Adryan Clapp, 1300 Stockely Gardens, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-14 Letter from the City Manager and a Resolution entitled, "A Resolution approving the **Norfolk Community Services Board's Performance Contract** with the Commonwealth for Fiscal Year 2017 renewable by mutual agreement for Fiscal Year 2018," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-15 Letter from the City Manager and a Resolution entitled, "A Resolution approving the exercise by the **Economic Development Authority of the City of Norfolk of Powers conferred by the Industrial Development and Revenue Bond Act** in connection with the authority's issuance of a revenue and refunding bond in a principal amount not to exceed $32,000,000, the proceeds of which will be loaned to Norfolk Academy (the 'School') to be used in financing a program of capital improvements at the School's Campus at 1585 Wesleyan Drive, Norfolk, Virginia refunding certain prior bonds and paying certain costs" was introduced in writing and read by its title.

Kevin White, 1201 43rd Street, Richmond, was present to answer questions.

ACTION: The Resolution as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-16 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $16,784.09, plus interest to **Influence Hair Care, LLC** based upon the overpayment of its **Business Personal Property Tax for the years 2013 through 2015**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-17 Letter from the City Attorney requesting confirmation of the appointment of Michael A. Beverly to the position as a Deputy City Attorney I, effective August 9, 2016.

ACTION: Confirm appointment.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-18 Letter from the City Clerk requesting confirmation of the appointment of Adisa C. Muse to the position of Deputy City Clerk/Executive Assistant to the Mayor, effective July 1, 2016.

ACTION: Confirm appointment.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-19 A Resolution entitled, "A Resolution appointing or reappointing 6 persons to 1 Board, 2 Commissions for certain terms," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-20 An Ordinance entitled, "An Ordinance to schedule a City Council meeting on **Thursday, July 14, 2016, at 4:00 p.m.**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

R-21 An Ordinance entitled, "An Ordinance requesting the City Attorney to petition the Circuit Court to schedule a **Special Election on August 23, 2016** for the purpose of electing a council member from Ward 1 to fill the vacancy and serve the remaining term," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 12, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

NEW BUSINESS

1. Charlene Christopher, 200 Maryland Avenue, commented that the Southside Head Start Program is being evicted from its classroom at Oakmont North because of the rent increase and is in need of a new location.

2. Michael Wilson, 7731 Armfield Avenue, commented that the violence in our neighborhoods is like it was in the 1990's and that we need to improve on educating our police officers who interact with the citizens.

3. Ford Mason, 6612 Stoney Point North, President of Newtown South Civic League, stated that the neighborhood was not notified of the new apartment complex being developed.

4. Renee Losapio, 1013 Brandon Avenue, Bicycle and Pedestrian Trail Commission Chair, spoke about the commission's work and the need for adequate bike infrastructure throughout the city.

5. Daniele Anderson, 957 Duck Pond Drive, Virginia Beach, relayed questions she heard while at a Black Lives Matter Rally: all police officers need to have body cameras (when will that happen) and police officers' body camera videos should be released to the public.

6. Joseph George, 1447 Westover Avenue, commented about a cost-of-living adjustment for retirees in the next budget and stated the city was in a downward trend regarding race relations.

7. Thomas Calhoun, 3620 Tidewater Drive, commented that we need to unify as a City and he would like to start a Diverse Caucus.

8. Danny Lee Ginn, 3844 Dare Circle, stated that the council needs to have transparency and called for a no confidence vote for Councilman Riddick, saying when that occurs he will stop attending council meetings.

NORFOLK, VIRGINIA

MEETING OF COUNCIL

WARD 1 INTERVIEWS

THURSDAY, JULY 14, 2016

Mayor Alexander called the meeting to order at 4:00 p.m. with the following members present: Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, and Dr. Whibley. After previously notifying the Mayor that he was recovering from a medical procedure and he was unable to attend the city council meeting, Councilman Riddick participated in the meeting by amplified telephone from Lake Taylor Transitional Care Hospital, 1309 Kempsville Road, Norfolk, Virginia.

The Mayor announced the purpose of today's meeting is to interview candidates for appointment to the vacant Ward 1 seat until the August 23, 2016 special election.

The first candidate was Nicole Carry. Ms. Carry reviewed her background and experience stating her areas of interest include creation of an IT Advisory Committee, Education and LGBT issues as well as the City of Norfolk.

The second candidate was Stewart Hopewell. Mr. Hopewell noted he was a Navy and commercial pilot. He stated he was seeking the appointment because he felt he could help the city, commenting the city's overall direction was positive but the school system needs work and teacher pay needs increasing. He believed the government could benefit from great transparency.

The third candidate was Michael Merritt. He stated he moved to Norfolk in 2003 with the Navy. He lives in East Ocean View, volunteers with the Boy Scouts, is retired from the Navy and works at the Joint Forces Staff College. He said Norfolk needs to be more bike and pedestrian friendly and more green. In response to a question about ideas to improve education, he said he and his wife are pleased with the school system and suggested additional funding and better training for teachers.

The fourth candidate was Charles Nusbaum. He stated he is a native of Norfolk, works in the family insurance business and that he serves on the Real Estate Assessment Board of Review. He applied because he wanted to help the city in addition to his work with Crime Line and Red Cross. He believes there is good synergy occurring in attracting millennials and attracting people to the city. More

work needs to be done in community building particularly better police-community relations. In response to a question about flooding, he offered thoughts on such remediation measurers as raising homes and roadways, bulkheading and encouraging residents who live on the water to make the investments necessary to protect their homes from flooding.

The fifth candidate was Caswell Richardson. Mr. Richardson stated he is a criminal defense attorney with the public defender's office. He is vice-chairman of the City Democratic Committee and serves on the board of Wetlands Watch. He said he likes the direction the city is headed in, and though the appointment is brief, he would seek to be a contributor and listen to citizens. He likes the NEON district and that IKEA is coming. He is an advocate for more park space. In response to a question about how council can help improve education, he noted year round schools, more magnet schools and develop more mentors. In response to a questions about how Norfolk could be more innovative, he suggested a city-wide composting operation.

The sixth candidate was Bob West. Mr. West stated he's live in Norfolk for about one year and was employed by Florida's State Legislature where he was a staff director and policy director. He wants every 4th grader to leave the grade able to read, that more reading and math specialists are needed and that more volunteer tutors and mentors are needed. He said good things are happening in Norfolk, but itemized issues such as the Ocean View flyover and funding needs for the school system. In response, to a question on innovation, he cited Ohio's example of all paid invoices being on-line.

The seventh candidate was Donald Williams. Mr. Williams stated he has lived in Willoughby for 50 years, and has served on the House of Delegates for four years and on city council for eight years. He said he is seeking the appointment because he continues to be involved in the community and believes he can contribute. He believes the city is going in the right direction, and the school system seems to be moving along.

CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause 1 of subsection (A) of Section 2.2-3711** of **the Virginia Freedom of Information Act**, as amended:

(1) Discussion of candidates for appointment to the vacant Ward 1 council seat.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 14, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander

No: None.

Mayor Alexander announced the council had selected Ms. Nichole Carry as the interim Ward 1 councilmember.

REGULAR AGENDA

R-1 Thereupon, a Resolution entitled, "A Resolution appointing Nicole Carry to the Norfolk City Council representing Ward 1 until the person elected on August 23, 2016 qualifies," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 14, 2016.

Yes: Graves, Johnson, McClellan, Riddick, Smigiel, Whibley, and Alexander.

No: None.

With no further business to be heard, the council was adjourned.

NORFOLK, VIRGINIA

BUSINESS MEETING OF COUNCIL

TUESDAY, JULY 19, 2016

Mayor Alexander called the meeting to order at 5:00 p.m. with the following members present: Ms. Carry, Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, and Dr. Whibley.

He thereupon called for Council interests.

A. COUNCIL INTERESTS

1. Councilwoman Carry:
   - Requested that Council consider steps toward an IT commission or advisory board by establishing a focus group to include representatives from different areas of the city.
2. Councilwoman McClellan:
   - Asked that Council continue working with the School Board on wrap-around services and other opportunities for children. She also asked to explore the Communities in Schools and Lighthouse Programs.
   - With regard to Councilwoman Carry's request, reiterated that there is an opportunity here for citizens to report code concerns using a mobile app by taking a picture and sending it straight to the impact call center.
3. Mayor Alexander:
   - With regard to Councilwoman McClellan's request, he cited another initiative entitled Ready to Learn that helps with wrap-around services.
4. Councilman Smigiel:
   - With regard to programs that address wrap-around services, he emphasized that one reason that Communities in Schools has been so successful at Granby High School is due in large part to their providing someone to coordinate the program.

5. Vice-Mayor Whibley:

   - Asked that when developers remove trees that they be required to replant them in another location or provide other mitigating features such as green roofs and pervious pavers. She suggested looking at a share back or trade program and asked that these issues be addressed in the updated Zoning Ordinance.

   - Commented on a recent meeting with the Army Corps of Engineers concerning flooding initiatives. She suggested looking at establishing a program similar to Richmond where homeowners are given credits for utilizing rain gardens, vegetative filter strips, pervious pavement and on-site storm water storage.

   - Asked that the Public Arts Commission study alternatives for the love locks on the Hague footbridge and bring forth a recommendation to Council.

6. Councilwoman Johnson:

   - Relayed to Council that the youth group that won an award in Denver went on to Washington, D.C. and competed against 500 other youth groups and won Second Place.

   - Asked what can be done to prevent citizens cutting down trees and painting the base that is left.

   - Reported on the By Water tour through the Broad Creek and the Elizabeth River and also the By Land tour. She commented on environmental projects that could be implemented in the Lindenwood and Villa Heights communities.

7. Councilwoman Graves:

   - Asked the Manager to notify Dominion Power about a number of streetlights along Bayne Avenue that are either very dim or out completely.

   - Asked the Manager to find out how Norfolk State University arrived at the cost estimate for operating the facility that was used as a community center.

   - Asked to explore through economic development efforts if companies locating in Norfolk would consider hiring former convicted felons.

8. Councilman Smigiel:

   - With regard to the street paving resurfacing program and other projects, he asked that maps be made available online to keep our citizens updated on when these projects will begin and end. He also asked if some expenditures can be posted online so citizens can see how their tax money is being spent and he suggested updating the information periodically.

9. Councilman Riddick:

   - Asked to settle the matter regarding a police incident on Hampton Boulevard that resulted in a fatality due to negligence. He also expressed concern about the incident in Tidewater Park and stated that Chief Goldsmith has not been as forthcoming as police chiefs around the country with releasing video evidence. Mr. Pishko responded that the city's policy regarding video release will be reviewed and a recommendation will be presented to Council at the retreat.

   - With regard to Docket item R-1, asked that two members of Council serve on that Board.

B. CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause __7__ of subsection (A) of Section 2.2-3711** of **the Virginia Freedom of Information Act**, as amended:

(7) Consultation with legal counsel regarding one legal matter, a lawsuit against a police officer.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

C. REGIONAL OPPORTUNITIES-HRPDC AND HRTPO

Robert Crum, executive director, Hampton Roads Planning District Commission, reported on this item as follows:

The HRPDC and HRTPO serve 17 localities and approximately 1.7 million people. There are 21 planning regions that are served by planning district commissions in the Commonwealth of Virginia. They have a broad range of program areas which includes: economics, education/information, housing/human services, emergency management, regional planning, water resources, legislative affairs and transportation.

The annual benchmarking report was presented last month where the Hampton Roads region is compared to other similarly-sized metropolitan regions across the country. A copy of the report was distributed to Council.

They are helping to advance other projects with coastal resiliency and legislative affairs. A joint land use study is planned, working collaboratively with Virginia Beach. A study will be conducted next with the cities of Chesapeake and Portsmouth. Assistance with legislative affairs includes public education funding, passenger rail service, I-64 improvements and Urban Areas Security Initiative (UASI) designation/funding.

The HRPDC is going to take the lead on preparing for the first time a regional economic development strategy for Hampton Roads called Comprehensive Economic Development Strategies (CEDS). This examines our strengths and weaknesses and identifies regional economic development opportunity areas.

Regional priority projects include:

- I-64 peninsula widening
- I-64/I-264 interchange
- I-64 southside widening/high-rise bridge – phase 1
- Hampton Roads crossing: locally preferred alternative – phase 1
- I-64 southside widening/high-rise bridge – phase 2
- I-64/Fort Eustis Boulevard interchange
- US Route 460/58/13 connector

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

CITY COUNCIL MEETING

TUESDAY, JULY 19, 2016 – 7:00 P.M.

Mayor Alexander called the meeting to order at 7:00 p.m.

The opening prayer was offered by Rabbi Michael Panitz of Temple Israel, followed by the Pledge of Allegiance.

The following members were present: Ms. Carry, Ms. Graves, Ms. Johnson, Ms. McClellan, Mr. Riddick, Mr. Smigiel, Dr. Whibley, and Mr. Alexander.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PUBLIC HEARINGS

PH-1 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a zoning text amendment to **Section 2-3, "Definitions,"** and **Table 4-A, "Residential Districts Table of Land Uses,"** within the City's ***Zoning Ordinance*** to amend definitions and regulations pertaining to "Family" and "Group Home" to maintain consistency with the requirement that state-licensed group homes be treated the same as single-family.

Thereupon, an Ordinance entitled, "An Ordinance to amend the **Zoning Ordinance** of the **City of Norfolk, 1992, SO AS TO** adjust definitions and references to maintain consistency with the requirement that a licensed **group home** shall be treated the same as a single-family residence," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-2 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, to amend the **General Plan**, *plaNorfolk2030*, to add new action items to the **Wards Corner Area Plan**.

Thereupon, an Ordinance entitled, "An Ordinance to amend the City's **General Plan** *plaNorfolk2030*, **SO AS TO** add new action items for the **Wards Corner** area plan to support identified community goals," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-3 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a zoning text amendment to **Section 24-6, "Standards for conditional zoning map amendments"** of the ***Zoning Ordinance*** to modify language applicable to conditional zoning map amendments for residential development as a result of changes to State Law.

Thereupon, an Ordinance entitled, "An Ordinance to amend **Section 24-6 of the Zoning Ordinance** of the **City of Norfolk, 1992 SO AS TO** conform to new restrictions imposed by State Law related to any Conditional Rezoning for a residential use in a Residential District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-4 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Christian Schools**, to amend the Future Land Use Designation in the **General Plan**, *plaNorfolk2030*, from Single-Family Traditional to Institutional at **260 Filbert Street** and for a change of zoning from IN-1 (Institutional), Conditional IN-1, and R-8 (Single-Family) to Conditional IN-1 at **255 Thole Street and 260 Filbert Street**.

The following proponents spoke regarding this matter:

Tim Daffron, Norfolk Christian Holding Corporation, 255 Thole Street, stated that the school tried to address the concerns of the community. Fuel tanks have been removed, alternatives have been developed for the overflow traffic from the parking lot and lights, work continues on a compromise plan.

Frank Batten Jr., 7438 Flicker Street, stated he understands the concerns of the community, and that he supports the application. The school provides scholarships to those who cannot afford to attend and that the school has served the City of Norfolk well.

Bob Miller, 5033 Rouse Drive, Virginia Beach, was present to support the application, but did not speak.

The following opponents spoke concerning this matter.

Ada Blair, 119 Filbert Street, a longtime resident of Filbert Street stated that the letter that was sent to them from the school was misleading, it only talks about 260 Filbert Street. If the rezoning is allowed, they can come back with other phases. She said when they agree to one thing, the school comes back with something else. They were told there would never be a field, stadium or lights. She also stated that there are three Council members who were on the Council in 2011 when Norfolk Christian made this commitment.

Eva Yelity, 217 Filbert Street, a new resident, stated that she was unaware of all the changes that were going on, that if she had known about them she would never have purchased her house. She also stated that the officials from the school were rude and disrespectful.

James Holmes, 214 Filbert Street, stated that he lives adjacent to the area under consideration and that the school needs to come up with a compromise plan and get approval from the community.

Daphne Perminter-Russell, 233 Filbert Street, educator, stated the school's plans keep changing. She also said if you was living in that neighborhood, you would not want this to happen to you.

Fernando Russell Sr., 233 Filbert Street, stated that the community does not agree with what the school is doing. Dust and dirt trails on the street are a constant problem. It seems as if the school is trying to force residents out.

ACTION: Close Public Hearing and continue generally.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No. None:

PH-5 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Premium Outlets**, for a zoning text amendment to repeal **Section 11-54, "Norfolk Premium Outlets Localized Alternative Sign Overlay District** (NPO-LASO)," of the *Zoning Ordinance* on property located at **6282 Northampton Boulevard**.

Randy Royal, 4500 Main Street, Virginia Beach, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to repeal **Section 11-54 of the Zoning Ordinance of the City of Norfolk, 1992**, entitled **"Norfolk Premium Outlets Localized Alternative Sign Overlay District** (NPO-LASO")," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-5A An Ordinance entitled, An Ordinance granting a **Special Exception** to permit alternative signage for **"Norfolk Premium Outlets"** on property located at **6282 Northampton Boulevard**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-6 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Henriette Quenza**, for a change of zoning from I-1 (Limited Industrial) District to C-2 (Corridor Commercial) District and Pedestrian Commercial Overlay District – **21st Street** (PCO-21st) on property located at **925 W. 21st Street**.

Mike Ziegenfuss, and Henriette Quenza, 925 West 21st Street, were present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **925 West 21st Street** from I-1 (Limited Industrial) to C-2 (Corridor Commercial) District and PCO-21st Street (Pedestrian Commercial Overlay – 21st Street) Overlay District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-6A An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit mixed uses on property located at **925 West 21st Street**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-7 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Claus Ihlemann**, for a change of zoning from I-1 (Limited Industrial) District to C-2 (Corridor Commercial) District and Pedestrian Commercial Overlay District – **21st Street** (PCO-21st) on property located at **2202 Llewellyn Avenue**.

Claus Ihlemann, 201 West 21st Street, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **2202 Llewellyn Avenue** from I-1 (Limited Industrial) to C-2 (Corridor Commercial) District and PCO-21st Street (Pedestrian Commercial Overlay – 21st Street) Overlay District)," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-7A An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit mixed uses on property located at **2202 Llewellyn Avenue**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-8 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **DSF Development, LLC**, for a change of zoning from R-6 (Single-Family) District to Conditional R-8 (Single-Family) District at **421 Brockwell Avenue**.

Sarah Williams, 175 West Seaview Avenue, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **421 Brockwell Avenue** from R-6 (Single-Family Residential) to Conditional R-8 (Single-Family Residential) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-9 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **TCS Leasing and Building**, for a change of zoning from C-2 (Corridor Commercial) District to Conditional R-7 (Single-Family) District at **3649 Sewells Point Road**.

Sarah Williams, 175 West Seaview Avenue, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **3649 Sewells Point Road** from C-2 (Corridor Commercial) District to Conditional R-7 (Single-Family Residential) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-10 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance to **Balance Builders, Inc.** on property located at **1426 W. 41st Street.**

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **Balance Builders, Inc.** of a certain parcel of property located at **1426 W. 41st Street** for the total sum of $17,000.00 in accordance with the terms and conditions of the **Purchase and Sale Agreement,**" was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-11 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on granting an exemption from real estate taxes for real property of **St. James Holiness Church of Christ** retroactive to September 1, 2013.

Thereupon, an Ordinance entitled, "An Ordinance granting an exemption from real estate taxes for real property of **St. James Holiness Church of Christ** retroactive to September 1, 2013," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-12 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** with **Verizon Virginia, LLC** for the Lease of city owned property located in the City of Virginia Beach near Shell Road.

Thereupon, an Ordinance entitled, "An Ordinance approving a Lease Agreement with **Verizon Virginia, LLC** for the lease of city owned property located in the **City of Virginia Beach near Shell Road**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-13 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on granting an exemption from real estate taxes for three parcels of real property of **First Baptist Church of Campostella Trust** retroactive to September 1, 2014 and one parcel of real estate retroactive to January 1, 2015.

Thereupon, an Ordinance entitled, "An Ordinance granting an exemption from real estate taxes for three parcels of real property of **First Baptist Church of Campostella Trust** retroactive to September 1, 2014 and one parcel of real estate retroactive to January 1, 2015," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

PH-14 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** with **Garden of Hope, Inc**. as Lessee, for the Mezzanine Floor of **City Hall at 810 Union Street** in the City of Norfolk.

Thereupon, an Ordinance entitled, "An Ordinance approving a **Lease Agreement** with **Garden of Hope, Inc.** as Lessee, for the mezzanine floor of **City Hall at 810 Union Street** in the City of Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective August 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

REGULAR AGENDA

R-1 Matter of a letter from the City Manager and a Resolution entitled, "A Resolution approving the formation of legal entities by the Norfolk Redevelopment and Housing Authority to facilitate the renovation of the **Young Terrace and Diggs Town Communities**," was introduced in writing and read by its title.

(This matter was continued to July 19, 2016)

ACTION: The Resolution as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-2 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Pedestrian Commercial Overlay District Development Certificate** to permit the renovation of an existing, nonconforming sign on property located at **222 West 21st Street**," was introduced in writing and read by its title

ACTION: Continued to August 23, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-3 Letter from the City Manager and a Resolution entitled, "A Resolution requesting the **Virginia Department of Transportation** to accept certain additional city streets for municipal assistance payments pursuant to **Section 33.1-41.1 of the Code of Virginia, 1950**, as amended," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-4 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting the dedication of a small piece of land owned by **200 E. 22nd Street, LLC**, measuring 21.45 square feet in area, for the purpose of widening the public right of way at that corner of **East 22nd Street** and **Monticello Avenue**, and authorizing the City Manager to accept the **Deed of Dedication** on behalf of the City of Norfolk," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-5 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting **131 Granby LLC** permission to encroach into the right-of-way at **131 Granby Street** approximately 27 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**," was introduced in writing and read by its title.

ACTION: WITHDRAWN.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting **Liberty Street, LLC** permission to encroach into the right-of-way at **765 Granby Street** approximately 115 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-7 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the conveyance by **Quitclaim Deed** of the underlying fee of a portion of **Powhatan Avenue** from **Norfolk Southern Railway Company** to the City of Norfolk, and authorizing the City Manager to accept the **Quitclaim Deed** on behalf of the City," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, Riddick, Smigiel, Whibley and Alexander.

No: None.

Abstained: McClellan.

R-8 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting grant funds in the amount of $46,392 from the **Commonwealth of Virginia Department of Criminal Justice Services** to support the continuation of the **Violence Against Women V-Stop Program** and appropriating and authorizing the expenditure of $46,392 in grant funds and $15,464 in a local cash match for total grant funding of $61,856 for the program," was introduced in writing and read by its title.

Betsy Powell, 312 Northshore Road, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-9 Letter from the City Manager and an Ordinance entitled, "An Ordinance appropriating **One Hundred Seventy Eight Thousand Six Hundred Dollars** ($178,600) if and when received from the Sheriff and authorizing the expenditure thereof towards salaries and benefits for three Sheriff Employees," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R- 10 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the acceptance of receipts from a **Special Revenue Project**, the **Sheriff's Community Corrections Program**, appropriating **Four Hundred Ninety Thousand Dollars** ($490,000.00) for Fiscal Year 2017, authorizing the expenditure thereof by the Sheriff, authorizing the Sheriff's continued employment of twelve (12) persons for the program and providing funds for their salaries and benefits," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-11 Letter from the City Manager and an Ordinance entitled, "An Ordinance appropriating **Thirty Five Thousand Dollars** ($35,000.00) and authorizing the expenditure thereof by the Sheriff, if and when received from the **Deputy Fund Service Special Revenue Account**, to pay for holding functions for his employees, extending condolences and congratulations to his employees and similar incentive-related benefits for his employees," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-12 Letter from the City Manager and an Ordinance entitled, "An Ordinance appropriating **Two Hundred Thousand Dollars** ($200,000.00) from the **U.S. Marshal Service Special Revenue Account**, if and when received, and authorizing the expenditure thereof at the direction of the Sheriff to pay for various employee benefits, equipment purchases and maintenance costs related to programs designed to improve the efficiency of the jail," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-13 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $19,210.16, plus interest to **Alion Science & Technology Corporation** based upon the overpayment of its Business Personal Property Tax for the Tax Year 2016," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-14 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $13,442.53, plus interest to **Archer Western Contractors, LLC** based upon the overpayment of its Business Personal Property Tax for the Tax Year 2016," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-15 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $7,361.07, plus interest to **Campostella Builders & Supply Corporation** based upon the overpayment of its Business Personal Property Tax for the Tax Year 2016," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-16 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $11,659.57, plus interest to **Titan Virginia Ready-Mix LLC** based upon the overpayment of its Business Personal Property Tax for the Tax Year 2016," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-17 Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of $31,361.65, plus interest to **First Team Auto Norfolk, LLC** based upon the overpayment of its Business License Tax for the Tax Year 2015," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R- 18 Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the City Manager to enter into a **Right of Entry Agreement** with the **Commonwealth of Virginia, Department of Transportation and Corman-E.V. Williams**, a joint venture for work related to **Virginia Department of Transportation Military Highway Continuous Flow Intersection Project**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-19 Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing **Section 108 Economic Development Loans** not to exceed $19,000,000, appropriating the loan funds, authorizing their expenditure and the execution of the documents required by **HUD**, and authorizing the **Subrecipient Agreement** with the **Economic Development Authority** for the administration of the loan fund," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-20 A Resolution entitled, "A Resolution appointing **Kenneth Cooper Alexander** as the representative voting member on the **Hampton Roads Transportation Planning Organization Board**, and designating **Vice Mayor Theresa W. Whibley, M.D.** as an alternate," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

R-21 A Resolution entitled, "A Resolution appointing **LT. A.J. Karpovich** to the **Towing Advisory Board** for a certain term," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective July 19, 2016.

Yes: Carry, Graves, Johnson, McClellan, Riddick, Smigiel, Whibley and Alexander.

No: None.

NEW BUSINESS

1. Carl LaMondue, 500 East Plume Street, Ste. 400, on behalf of Southeastern Virginia Arts Association (SEVAA), spoke with reference to endorsing an Agreement with Festevents and the City of Norfolk to bring back Afr'am Fest in May 2017. He also introduced the new board members who would be working closely with the event.

2. The following persons asked that the love locks be removed from the railing of the Hague pedestrian bridge, stating they defaced the property:
   - J. R. Montalvo, 726 Redgate Avenue
   - Ray Gregory, 532 Mowbray Arch
   - Georgette Constant, 532 Mowbray

   A petition was presented seeking the removal of the locks.

3. George Keller, 924 Harrington Avenue, observed that perhaps an alternate site could be found for the locks.

4. Bernard Hartwig, 432 Mowbray Arch, stated that city trees, curbs, and streets are not being maintained. The grass around The Hague is high at times and he also asked that the love locks be removed.

5. Danny Lee Ginn, 3844 Dare Circle, congratulated the new Council, and stated that this would have never happen with the old administration. He stated his rights were being violated because his remarks are not reported verbatim.

THE CITY OF NORFOLK
CITY PLANNING

Inter Departmental Memorandum

TO:	City Council
THROUGH:	Marcus D. Jones, City Manager
FROM:	George Homewood, FAICP, Director of City Planning
COPIES TO:	Ronald G. Moore, Sr. Design & Rehabilitation Consultant
SUBJECT:	Non Standard Lot Certificate – 202 Patrick Street
DATE:	August 12, 2016

Attached is a Certificate for a Nonstandard Lot authorizing development of a nonstandard lot consistent with the process authorized by Council in 2009. The approved design has been determined to be consistent with the character of the neighborhood in which it will be located.

Council requested this information be provided whenever development of a nonstandard lot has been authorized at the time the new ordinance was adopted.

Property Information

Location:	202 Patrick Street	**Neighborhood:**	Berkley
Zoning:	R-8	**Standard Lot Size:**	50 Ft. x 100 Ft.
House Type:	2 Story Single Family	**Proposed Lot Size:**	30 Ft. x 100 Ft.
House Size: (Width x Depth)	23.33 Ft. x 28 Ft.	**Square Footage:**	1169 Sq. Ft.

An existing curb cut will be removed to restore an on-street parking space. Due to the narrowness of the lot and the average set-back it is impossible to provide an off-street parking space.

A copy of the Survey and the Front Elevation is included for your review.

For more information, please contact George Homewood, Planning Director at 664-4747 or Ronald Moore, Sr. Design & Rehabilitation Consultant at 664-6778.

1 A2.1 FRONT ELEVATION

1/4" = 1'-0"

NOTES:

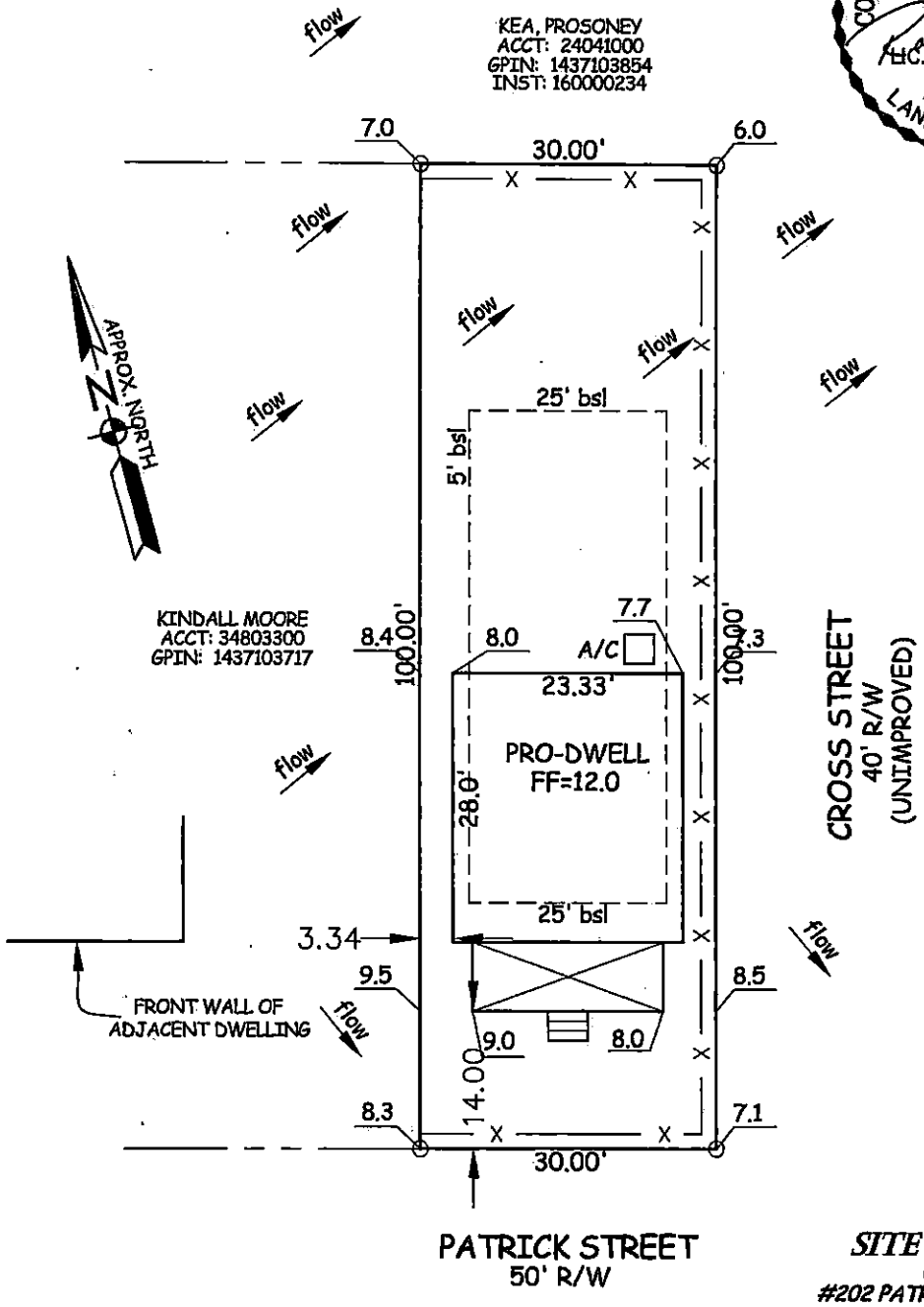
1.) HOUSE DIMENSIONS SHOWN HEREON WERE PROVIDED BY THE BUILDER. R. L. GALLOWAY SURVEYING ASSUMES THE DIMENSIONS AND LOCATION ARE BOTH APPROVED BY THE BUILDER, ONCE THE BUILDING PERMIT IS OBTAINED.

2.) A TITLE REPORT WAS NOT PROVIDED, THEREFORE ALL EASEMENTS AND RESTRICTIONS WHICH PERTAIN TO THIS LOT MAY NOT BE DEPICTED BY THIS PLAN.

3.) THIS MAP IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY. PROPERTY SHOWN HEREON WAS TAKEN FROM MAP OF RECORD.

4.) THIS LOT APPEARS TO BE LOCATED IN FLOOD ZONE 'AE', AS SHOWN ON HUD FLOOD INSURANCE MAP NO. 510104-0160F EFFECTIVE DATE: 09/02/2009.

COMMONWEALTH OF VIRGINIA
ROB D'ANGIOLILLO
LIC. NO. 003220
7-31-16
LAND SURVEYOR



SITE PLAN
OF
#202 PATRICK STREET
NORFOLK, VIRGINIA
FOR
DANIELS CONSTRUCTION

SCALE: 1"=15 JULY 31, 2016

PRO-ELEV
EXIST. ELEV

PLACE STD. CONST ENT
AT PROP. DRIVEWAY

CONCRETE IN R/W
TO MEET CITY STANDARDS — PRO-SF

15' 0' 7.5' 15' 30'

SCALE IN FEET
1" = 15'

IMPERVIOUS CALCS
LOT AREA=3,000.00 SF
DWELLING=773.00 SF
IMPERVIOUS=773.00/25.77%

R. L. GALLOWAY
SURVEYING/PLANNING
4908 FENNELL LANE
SUFFOLK, VIRGINIA 23435
PH: (757) 394-1995
www.rlgallowaysurveying.com

job no	drawn	chk'd
09-06-83	rmd	rmd

THE CITY OF NORFOLK

MEMORANDUM

TO: The Honorable City Council

REVIEWED: Ronald H. Williams, Jr. Deputy City Manager

CC TO: Leonard M. Newcomb III, CFM, Assistant Director, City Planning
Susan Pollock Hart, CFM, Principal Planner, City Planning

FROM: George M. Homewood, FAICP, CFM, Director, City Planning

SUBJECT: General Plan Amendment from Single-Family Traditional to Institutional at 260 Filbert Street and change of zoning from IN-1 (Institutional), conditional IN-1, and R-8 (Single-Family) to conditional IN-1 at 255 Thole Street and 260 Filbert Street – Norfolk Christian Schools

DATE: August 19, 2016

On the August 23, 2016 docket, City Council will be reviewing two requests by Norfolk Christian Schools: a general plan amendment from Single-Family Traditional to Institutional at 260 Filbert Street and a change of zoning from IN-1 (Institutional), conditional IN-1, and R-8 (Single-Family) to conditional IN-1 at 255 Thole Street and 260 Filbert Street.

Norfolk Christian Schools was established in 1952 and offers pre-K through grade 12 programs at various locations throughout the area. The school site located at 255 Thole Street houses the Middle and High School grades, as well as the Administrative Offices. In 2011, the school sought a rezoning from residential to institutional in order to develop multi-purpose fields (western portion of the school site along Midfield Street) and an athletic building, as well as codify their site/campus plan. Norfolk Christian had recently acquired the properties where the proposed fields were to be located and the rezoning was needed to move forward with the construction of the facilities. The rezoning ordinance also prohibited lighting of the multi-purpose fields to ensure that all athletic activities would cease by sunset or 8:00 p.m., whichever was earlier. Norfolk Christian proposes to keep the area at the corner of Midfield and Filbert Streets as a multi-purpose field and retain this proffer. In 2013, Norfolk Christian obtained a street closure of a portion of Seekel Street east of Midfield Street, which ran through the school property. The purpose of this street closure was to transfer ownership of the land from the City of Norfolk to Norfolk Christian in order to allow for the development of a regulation size field for football, lacrosse, soccer, and field hockey. Norfolk Christian proposes to modify the original site plan from 2011 to show this athletic field and to allow for a reconfiguration of proposed facilities, including a bus parking area along Thole Street and a new parking lot next to this athletic field on the Thole Street side of the campus. The property at 260 Filbert Street is owned by Norfolk Christian and will be combined with the school property. In order to construct an academic building at this site, it must be rezoned to IN-1 to match the zoning for the rest of the school property (see attached conceptual site plan for the detailed proposal and site conditions).

Since portions of this property are designated Single-Family Traditional by the City's general plan, *plaNorfolk2030*, a plan amendment to Institutional is necessary. The proposed amendment will create a cleaner line of demarcation, therefore staff recommended approval. The property has multiple zoning designations, and staff suggested changing the zoning to create a single, unified district for the campus. Cleaning up those inconsistencies, along with the fact that the new campus plan includes site improvements such as improved accessibility, landscaping, etc., led staff to recommend approval of the request.

Due to perceived communication issues, along with a general lack of trust, between Norfolk Christian and the Bolling Brook Civic League directly to the south of this site, the Planning Commission continued this application from the April 28, 2016 Planning Commission public hearing to the June 23, 2016 public hearing. The Planning Commission directed Norfolk Christian to attempt to work out their differences with the Civic League, particularly regarding the location of the bus parking lot, removing the bus fueling tank from the site, and additional landscaping along Filbert Street to further screen the development from the houses to the south. The Planning Commission was also concerned about the vacant house at 260 Filbert Street and its detrimental aesthetic impact on the neighborhood.

At a meeting scheduled by Norfolk Christian with members of the Bolling Brook Civic League on May 16, 2016, many comments were heard. This meeting provided more clarity on the neighborhood's desires regarding specific site modifications. Following the meeting, Norfolk Christian modified the original site plan to include a complete removal of the bus fueling tank from the site, relocation of the bus parking area from the Filbert Street side to the Thole Street side, and additional landscaping along Thole, Midfield, and Filbert Streets to screen the proposed athletic field at the corner of Thole and Midfield Streets and the parking lot that was originally proposed at the corner of Midfield and Filbert Streets. Norfolk Christian has also proffered the demolition of the vacant house at 260 Filbert Street once the fully satisfied deed of ownership has been recorded.

After conducting a duly advertised public hearing on June 23, 2016, at which the applicant and members of the Bolling Brook Civic League provided comments, the City Planning Commission voted **4 to 2** (Mr. Houchins was absent for this vote) to recommend **approval** of the application. The dissenting votes were based on concerns raised by residents of the neighborhood. The residents felt that Norfolk Christian had not communicated with them enough about the development plans and that the conversion of the area at the corner of Midfield and Filbert Streets to a parking lot is not the best use for that site. They were also concerned about the use of lighting within this parking lot and the potential effects on the residences to the south along Filbert Street.

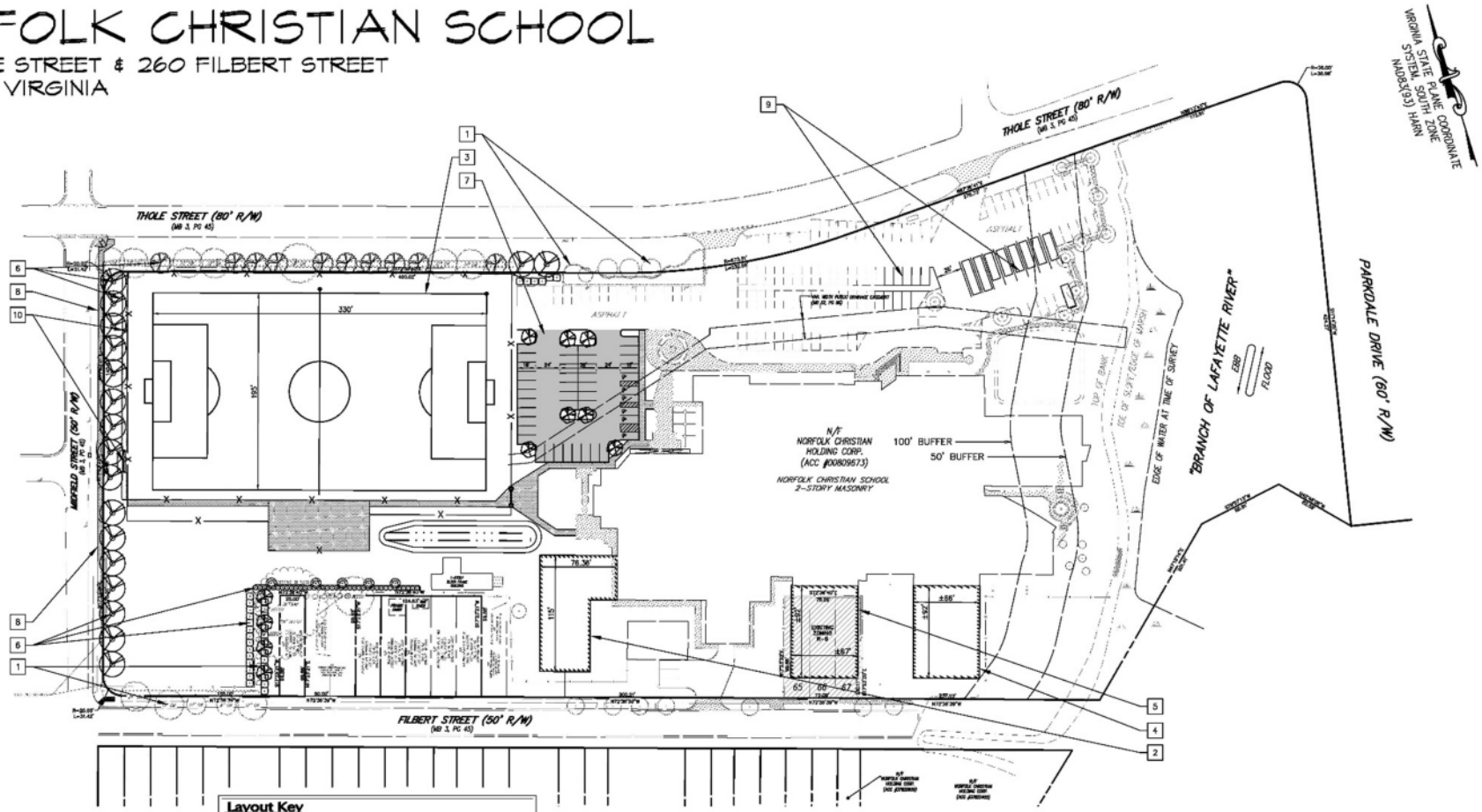
The Norfolk City Council held a public hearing on July 19, 2016 to review this application. At the hearing, the applicant and members of the Bolling Brook Civic League again provided comments. The City Council continued the application for many of the same reasons as the Planning Commission, citing concerns about communication with the neighborhood. Since the hearing, Norfolk Christian has modified the proposal, reverting the plan for the corner of Midfield and Filbert Streets back to a multi-purpose field, as shown in the 2011 site plan. This relocates the proposed parking lot from that site to the Thole Street side of campus next to the athletic field. In addition, the new site plan includes a community meeting room within the proposed educational building addition.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

CONCEPTUAL SITE LAYOUT OF

NORFOLK CHRISTIAN SCHOOL

255 THOLE STREET & 260 FILBERT STREET
NORFOLK, VIRGINIA



Site Data

Site Area:	±11.87 Ac
GPIN:	1439-46-4524
	1439-46-4303
	1439-46-4332
	1439-46-4351
Existing Zoning:	IN-1 & R-8
Proposed Zoning:	IN-1
Existing Use:	Academic/Single Family Res.
Proposed Use:	Academic
Existing Building Size:	±83,978 Sf
Proposed Building Size:	±102,952 Sf

Layout Key

1. EXISTING LANDSCAPE TO REMAIN
2. ATHLETIC BUILDING ADDITION (±6,910 SF)
3. ATHLETIC FIELD
4. EDUCATIONAL BUILDING ADDITION TO INCLUDE COMMUNITY MEETING ROOM (±6,020 SF)
5. FINE ARTS BUILDING ADDITION (±6,050 SF)
6. NEW LANDSCAPE PLANTINGS
7. NEW PARKING LOT
8. NEW SIDEWALK
9. SCHOOL BUS PARKING & PARKING LOT RESTRIPING
10. SCOREBOARD & FLAGPOLE

DENOTES AREA TO BE REZONED

DATE: 05/19/16
(REVISED: 07/25/16)
EXHIBIT FOR REZONING

THIS DRAWING IS CONCEPTUAL AND HAS BEEN PREPARED WITHOUT BENEFIT OF A SITE SURVEY, THEREFORE, PROPERTY LINES, WETLAND BOUNDARIES, AND OTHER SITE SPECIFIC DATA ARE APPROXIMATE. CONCEPT DRAWINGS ARE GENERAL IN NATURE AND ARE INTENDED ONLY TO ILLUSTRATE THE DEVELOPMENT POTENTIAL FOR A PROPERTY; THEY SHOULD NOT BE RELIED UPON AS THE SOLE BASIS FOR ANY FINANCIAL OR LEGALLY BINDING TRANSACTION.

50 0 50 100
1 INCH = 50 FT

MSA, P.C.
Environmental Sciences • Planning • Surveying
Civil & Environmental Engineering • Landscape Architecture
5033 Rouse Drive, Virginia Beach, VA 23462
757-490-9264 (Ofc) 757-490-0634 (Fax)
www.msaonline.com
MSA PRO. #15081

THE CITY OF NORFOLK
CITY PLANNING

MEMORANDUM

TO:	City Council
THROUGH:	Marcus D. Jones, City Manager
FROM:	George M. Homewood, FAICP, CFM, Planning Director
COPIES TO:	City Attorney, City Clerk
SUBJECT:	Pending Land Use Actions
DATE:	August 19, 2016

Attached for your review is the Pending Land Use Report, identifying applications received and site plans approved from July 13, 2016 through August 16, 2016. The report reflects items that are tentatively scheduled to be heard at the August 22, 2016 Architectural Review Board and the September 22, and October 27, 2016 City Planning Commission meetings. In an effort to provide advance notice, this report is prepared prior to City Council meetings. No action is required on this report.

If you have any questions about these items, please contact me.

Architectural Review Board – August 22, 2016

Number	Applicant	Location	Request	Ward	SW	Neighborhood
1	Sarah McInerney	601-09 36th Street	New construction multi-family	2	7	Park Place
2	Randy Appel	539 W 21st Street	Business sign encroachment	2	6	n/a
3	Tymoff + Moss	151 Granby Street	Exterior renovations	2	6	Downtown
4	Tymoff + Moss	161 Granby Street	Exterior renovations	2	6	Downtown
5	Tymoff + Moss	1425 Norchester Avenue	New construction library	3	7	Roberts Village

City Planning Commission – September 22, 2016

Number	Applicant	Location	Request	Ward	SW	Neighborhood
6	New York Deli and Smoke Shop	4214 E Little Creek Road	Special exception for the sale of alcohol for off-premises consumption	5	6	East Ocean View
7	Wing Stop	520 W 21st Street, Unit D1	Special exception to operate an eating and drinking establishment	2	6	Ghent
8	DRAIS VA	200 E Plume Street	Special exception to operate an entertainment establishment with alcoholic beverages	2	6	Downtown
9	Luce	245 Granby Street, Suites A & B	Special exception to operate an eating and drinking establishment	2	6	Downtown
10	Applebee's Neighborhood Grill and Bar	725 E Little Creek Road, Building 3, Unit 501	Special exception to operate an eating and drinking establishment	3	7	N/A

11	The Monument Companies	204-222 W 22nd Street	Special exception for the adaptive reuse of structures located within the Williamson/Woodland and Norfolk & Western Railroad historic districts to accommodate a multi-family reuse at 204-222 W. 22nd Street and 201 W. 23rd Street.	2	6	Ghent
12	F. Sullivan Callahan	Portion of 45th Street	Closure of that portion of 45th Street being the southern 10.5 feet from the east line of Colley Avenue eastwardly 150 feet	2	7	Highland Park
13	Viola Building Corp.	4110 E Ocean View Avenue	Special exception for mixed uses	5	6	East Ocean View
14	Royal Farms	5516 Raby Road	• Amendment to the Future Land Use Designation in the general plan, *plaNorfolk2030*, from Institutional to Commercial. • Change of zoning from IN-1 (Institutional) district to conditional C-2 (Corridor Commercial) district. • Special exception to operate a convenience store, 24-hours (with fuel sales). • Special exception to operate a car wash. • Special exception for the sale of alcoholic beverages for off-premises consumption.	4	7	Crown Point

15	East Beach Company, LLC	9500 30th Bay Street	• Amendment to the Future Land Use Designation in the general plan, *plaNorfolk2030*, from Commercial to Residential Mixed. • Change of zoning from C-2 (Corridor Commercial) district to PD-MUEB (East Beach Planned Development Mixed Use) district.	5	6	East Ocean View
16	Cook Out Restaurant	720 E Little Creek Road & 7918 Orchid Avenue	• Change of zoning from R-8 (Single-Family) district to conditional C-2 (Corridor Commercial) district at 7918 Orchid Avenue. • Special exception to operate a commercial drive-through at 720 E. Little Creek Road and 7918 Orchid Avenue.	5	6	Crossroads
17	Andre Riddick	5139 E Virginia Beach Boulevard	Special exception to operate an automobile sales and service facility	4	7	Poplar Hall

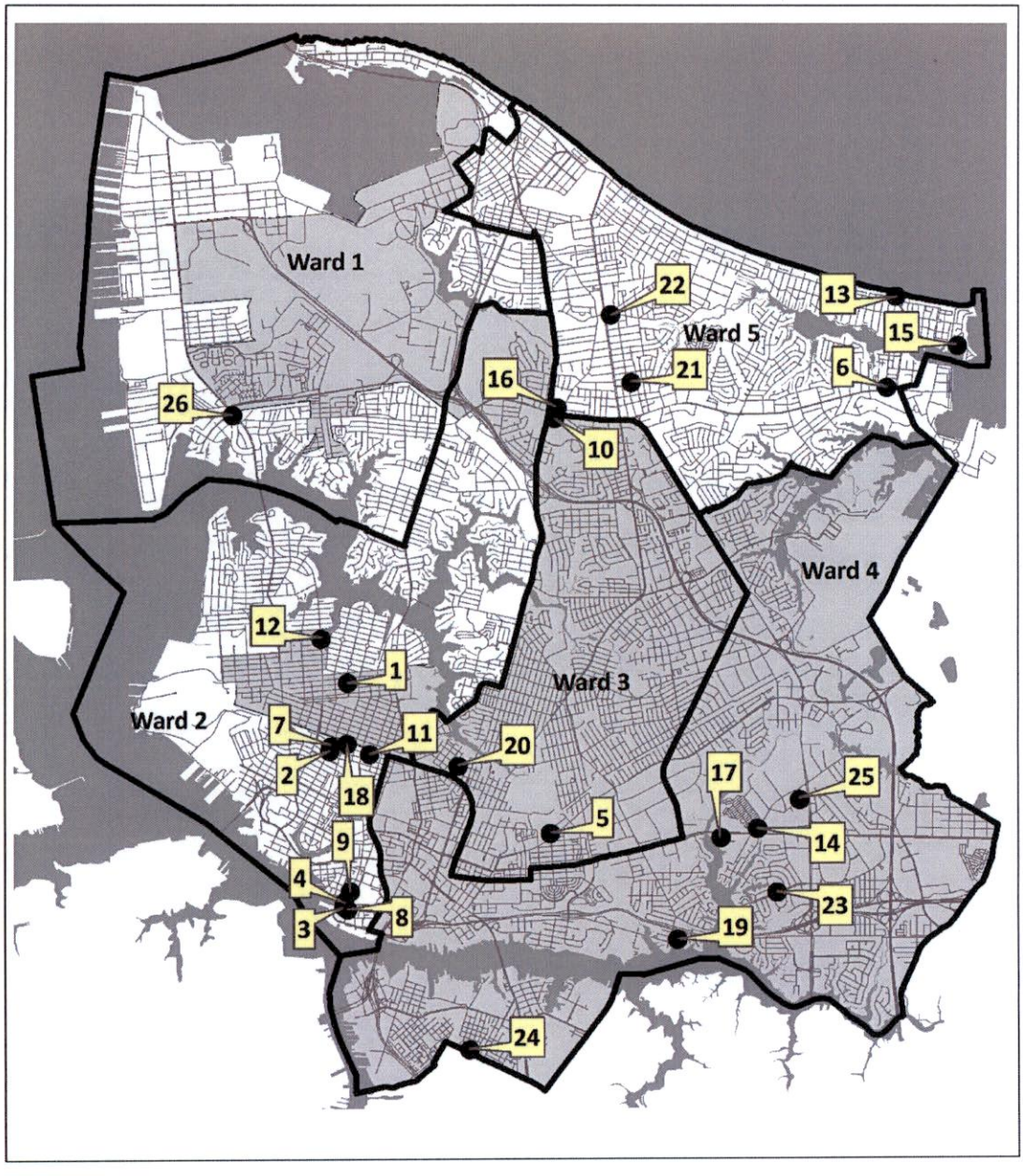
City Planning Commission – October 27, 2016

Number	Applicant	Location	Request	Ward	SW	Neighborhood
18	A.W. Shucks	2200 Colonial Avenue, Suites 12 and 14	Special exception to expand an eating and drinking establishment	2	6	Ghent

Approved Site Plans

Number	Site Plan #	Project	Ward	SW	Neighborhood
19	16-0043	3625 Utah St. - Residential Public Sewer Connection	4	7	Ingleside
20	16-0045	Lindenwood Water & Sewer - Huntersville PS 8, Ph. 7	3	7	Lindenwood / Barraud Park / Cottage Heights

21	16-0046	Templar Blvd. Ditch Restoration	5	6	South Bayview
22	16-0048	Sunset Dr. & Chesapeake Blvd. Drainage Project	5	6	Bayview
23	16-0049	Poplar Hall Trail - Pedestrian Access Improvements	4	7	Poplar Hall
24	16-0058	Revisions to 14-0068,1050 Berkley Avenue Ex - Clairmont PD	4	7	Beacon Light
25	16-0030	5671 Raby Rd. - East Coast Appliances	4	7	N/A
26	16-0021	7721 Hampton Blvd. - Commercial	1	6	Lochaven



Pending Land Use Actions
JULY 13 - AUGUST 16

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Superwards
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This map is for graphic purposes only.

Map compiled, designed and produced by the Department of City Planning.

THE CITY OF NORFOLK

MEMORANDUM

TO: City Council

THROUGH: Marcus D. Jones, City Manager

CC TO: City Attorney, City Clerk

FROM: George M. Homewood, FAICP, CFM, Director, City Planning

SUBJECT: July 28, 2016 City Planning Commission Public Hearing Results

DATE: August 19, 2016

Attached are the results from the July 28, 2016 Norfolk City Planning Commission public hearing. This report will be prepared on a monthly basis, following each Planning Commission public hearing, to ensure you are informed of Planning Commission actions. No action is required on this report.

If you have any questions about these items, please contact me.

NORFOLK CITY PLANNING COMMISSION PUBLIC HEARING AGENDA
JULY 28, 2016
RESULTS

The Norfolk City Planning Commission will hold a public hearing on July 28, 2016 at 2:30 p.m. in the City Council Chamber, 11th Floor, City Hall Building, Civic Center, Norfolk, Virginia to consider the following applications:

REGULAR AGENDA

CONTINUED TO THE AUGUST 25th, 2016 PUBLIC HEARING

~~1.~~ **CITY PLANNING COMMISSION,** for a text amendment to sections 15-1.2 and 15-3.1 of the *Zoning Ordinance* in order to modify the method used to calculate minimum required motor vehicle parking and to limit the availability of reduced parking for uses associated with existing buildings in the Suburban Character District.

Staff contact: Sarah Richards at (757) 664-7470, sarah.richards@norfolk.gov

CONTINUED TO THE AUGUST 25th, 2016 PUBLIC HEARING

2. **NRHA,** for a change of zoning from R-12 (Medium Density Multi-Family) and BFRPO (Bay Front Residential Parking Overlay) to C-3 (Retail Center) district on a portion of properties at 9558-9574 21st Bay Street.

   The purpose of this request is to allow for an expansion of a loading dock in the rear of the East Beach Shoppes.

   Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

APPROVAL RECOMMENDED, 6-0

3. **HOWERIN CONSTRUCTION CORP.,** for a special exception for mixed uses at 4009-4013 Colley Avenue and 801-809 W. 41st Street.

   The purpose of this request is to construct a building with five residential units over top of 2,000 square feet of commercial space.

   Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

APPROVAL RECOMMENDED, 6-0

4. **C.L.F. CREATIONS, LLC,** for a special exception for mixed uses at 4914 Colley Avenue.

   The purpose of this request is to convert the rear portion of the building into a single residential unit, and maintaining the commercial storefront located towards the front of the building.

   Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

APPROVAL RECOMMENDED, 6-0

5. **NEW HORIZONS OUTREACH MINISTRIES,** for the following special exceptions at 1555-1575 Kerrey Avenue:
   a. Religious Institution.
   b. Day Care Center.

   Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

APPROVAL RECOMMENDED, 6-0

6. **WENDY'S,** for a special exception to operate a commercial drive-through at 1380 E. Little Creek Road.

   Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

APPROVAL RECOMMENDED, 6-0

7. **CARMEN'S CAFÉ,** for a special exception to operate an eating and drinking establishment at 9610 1st View Street.

   Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

APPROVAL RECOMMENDED, 5-0

8. **CHIPOTLE,** for a special exception to operate an eating and drinking establishment at 1087 N. Military Highway.

   Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

APPROVAL RECOMMENDED, 6-0

9. **BARDO,** for a special exception to operate an eating and drinking establishment at 434 W. 21st Street.

   Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

WITHDRAWN

10. **CASA LUNA MEXICAN RESTAURANT,** for a special exception to operate an entertainment establishment with alcoholic beverages at 411 Granby Street, Suite 10.

    Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

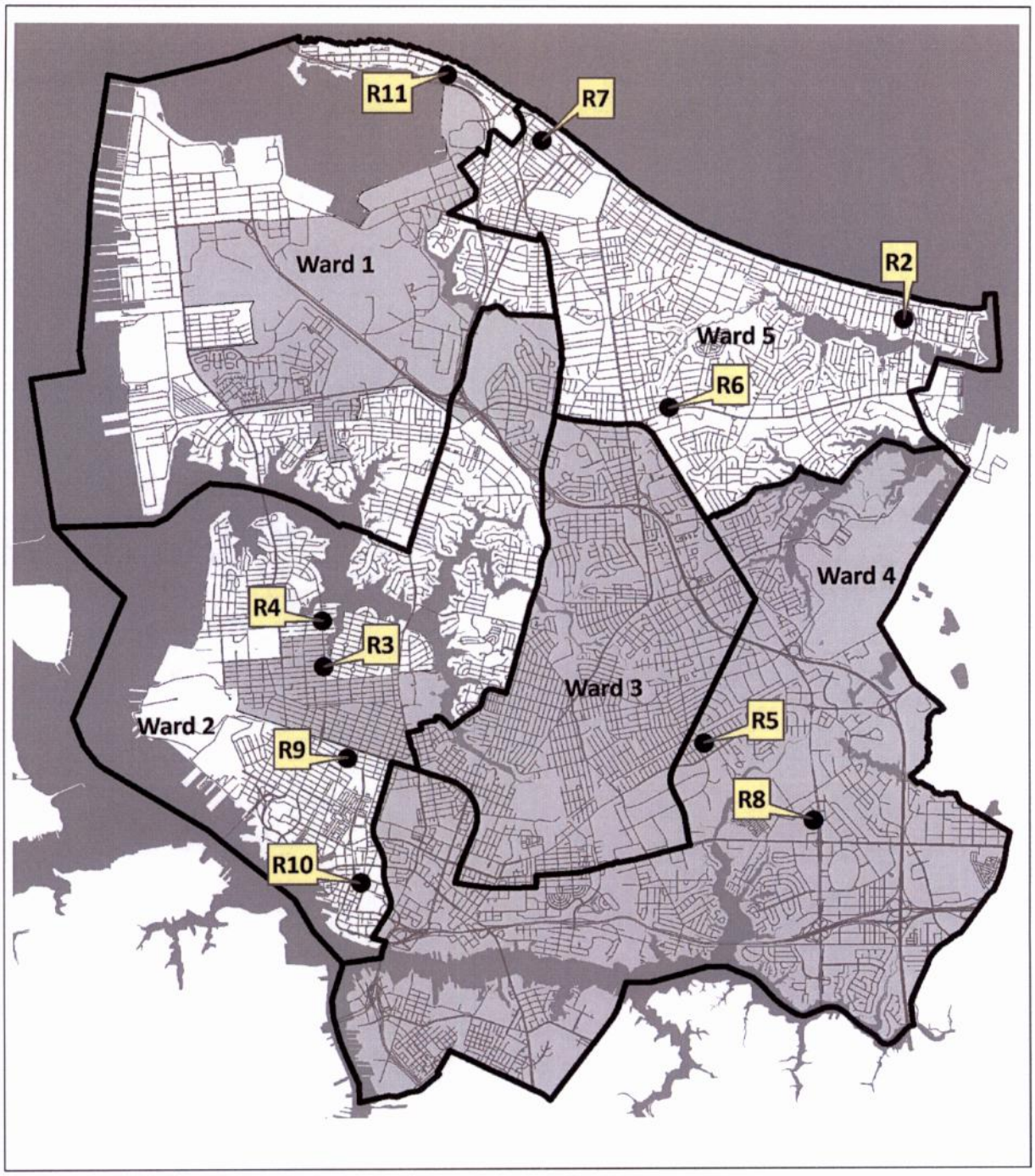
APPROVAL RECOMMENDED, 6-0

11. **TIMOTHY M. MASSEY,** for a closure of a portion of Willoughby Bay Avenue having a 40-foot width right-of-way and lying south of 775 W. Ocean View Avenue.

    Staff contact: Jeff Raliski at (757) 664-4766, jeffrey.raliski@norfolk.gov

Maps, plats, and other information concerning the above proposals may be seen at the office of the Department of City Planning, Room 508, City Hall Building, Norfolk, Virginia 23510 or you may telephone (757) 664-4752. All interested parties are invited to be present at the time and place noted above. Additional information may be obtained online at: http://www.norfolk.gov/planning/city_planning_commission.asp

George M. Homewood, FAICP, CFM
Executive Secretary



Planning Commission Items
JULY

0 4,000 8,000 16,000 Feet

Superwards
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This map is for graphic purposes only.

Map compiled, designed and produced by the Department of City Planning.

CITY OF NORFOLK
OFFICE OF THE MAYOR

KENNETH COOPER ALEXANDER
MAYOR

August 19, 2016

The Honorable Nicole Carry
The Honorable Angelia Williams Graves
The Honorable Mamie B. Johnson
The Honorable Andria P. McClellan
The Honorable Paul R. Riddick
The Honorable Thomas R. Smigiel, Jr.
The Honorable Theresa W. Whibley

Ladies and Gentlemen:

Pursuant to Section 12 of the City Charter, I hereby call a special meeting of the Council to meet at 5:00 P.M., August 23, 2016, in the 10th floor conference room at City Hall for a Business Meeting.

Thank you,

Kenneth C. Alexander
Mayor

cc: Mr. Marcus Jones, City Manager
Mr. Bernard A. Pishko, City Attorney
Mr. R. Breckenridge Daughtrey, City Clerk

810 Union Street • Suite 1001 • Norfolk, Virginia 23510 • (757) 664-4679 • (757) 441-2909 • kenneth.alexander@norfolk.gov

CITY OF NORFOLK
OFFICE OF THE MAYOR

Paul D. Fraim
Mayor

August 19, 2016

The following meetings will take place on Tuesday, August 23, 2016:

1. 5:00 P.M. Council to assemble in the 10th floor conference room at City Hall for a Business Meeting.

2. 7:00 P.M. Regular Council Meeting.

810 Union Street • Suite 1001 • Norfolk, Virginia 23510 • (757) 664-4679 • (757) 441-2909 • kenneth.alexander@norfolk.gov

NORFOLK, VIRGINIA

DOCKET FOR THE COUNCIL

TUESDAY, AUGUST 23, 2016 – 7:00 P.M.

Prayer to be offered by Reverend Father Jim Curran, The Basilica of Saint Mary of the Immaculate Conception Church, followed by the Pledge of Allegiance.

PUBLIC HEARINGS

PH-1 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Brock Ventures, Inc.**, for an amendment to the future land use designation in the General Plan, *plaNorfolk2030*, from Institutional to Multifamily and for a change of zoning from IN-1 (Institutional) District to R-13 (Moderately High Density Multi-Family) District on property located at **435 Virginia Avenue**.

(Passed by at the June 28, 2016 meeting)

(The applicant has requested this matter be continued to October 25, 2016)

PH-2 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the relocation of a **Virginia Electric and Power Company** easement located over city-owned property known as Lake Whitehurst in accordance with the Easement Relocation Agreement.

PH-3 **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Timothy M. Massey,** for the closing, vacating and discontinuing a portion of Willoughby Bay Avenue having a 40-foot width right-of-way and lying south of **775 W. Ocean View Avenue.**

REGULAR AGENDA

R-1 Matter of a letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Pedestrian Commercial Overlay District Development Certificate** to permit the renovation of an existing, nonconforming sign on property located at **222 West 21st Street,**" will be introduced in writing and read by its title.

(The applicant has requested this matter be withdrawn)

R-2 Matter of a letter from the City Manager and a Public Hearing scheduled this day pursuant to action of the Council on July 19, 2016, under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Norfolk Christian Schools**, to amend the Future Land Use Designation in the **General Plan**, *plaNorfolk2030*, from Single-Family Traditional to Institutional at **260 Filbert Street** and for a change of zoning from IN-1 (Institutional), Conditional IN-1, and R-8 (Single-Family) to Conditional IN-1 at **255 Thole Street and 260 Filbert Street.**

(Public Hearing Closed on July 19, 2016)

R- 3 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Carmen's Café' on property located at **9610 1st View Street,**" will be introduced in writing and read by its title.

R-4 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Chipotle' on property located at **1087 North Military Highway,**" will be introduced in writing and read by its title.

R-5 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit mixed uses on property located at **4914 Colley Avenue,**" will be introduced in writing and read by its title.

R-6 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit mixed uses on properties located at **4009 to 4013 Colley Avenue and 801 and 809 West 41st Street,**" will be introduced in writing and read by its title.

R-7 Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a religious institution named 'New Horizon Outreach Ministries' on properties located at **1555 to 1575 Kerrey Avenue**," will be introduced in writing and read by its title.

R-7A An Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a Day Care Center by "New Horizon Outreach Ministries" on property located at **1555 to 1575 Kerrey Avenue**," will be introduced in writing and read by its title.

R-8 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the operation of a commercial drive-through for 'Wendy's' on property located at **1380 East Little Creek Road**," will be introduced in writing and read by its title.

R-9 Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Bardo' on property located at **434 West 21st Street**," will be introduced in writing and read by its title.

R-10 Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **Caroll and Caroline Ballard** to encroach into the right-of-way of **Commonwealth Avenue** with a fence and landscaping hedges," will be introduced in writing and read by its title.

R-11 Letter from the City Manager and an Ordinance entitled, "An Ordinance requesting the **Virginia Department of Transportation** to establish projects for the surface treatment of six pave segments in accordance with the Programmatic Project Administration Agreement between the City of Norfolk and the Virginia Department of Transportation; and appropriating and authorizing the expenditure of the total sum of $1,000,000.00 for these projects, subject to and in accordance with the terms of the aforesaid Agreement," will be introduced in writing and read by its title.

R-12 Letter from the City Manager and an Ordinance entitled, "An Ordinance requesting the **Virginia Department of Transportation** to establish projects for the West Ocean View Flyover, the Citywide ADA Ramp Construction, phase 3, and the Granby Street/Bayview Boulevard Intersection Improvements in accordance with the Programmatic Project Administration Agreement between the City of Norfolk and the Virginia Department of Transportation; and appropriating and authorizing the expenditure of the total sum of $3,540,000.00 for these projects, subject to and in accordance with the terms of the aforesaid Agreement," will be introduced in writing and read by its title.

R-13 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving an Agreement with the **Commonwealth of Virginia, Department of Transportation**, for the adjustment of water and sanitary sewer facilities," will be introduced in writing and read by its title.

R-14 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a **Lease Agreement between 741 Monticello Avenue, as Lessor, and the City of Norfolk, as Lessee**, for the lease of property owned by 741 Monticello, LLC located at **741 Monticello Avenue**; authorizing the City Manager to execute the Lease Agreement on behalf of the City of Norfolk; and authorizing the expenditure of a sum of up to $814,400.00 from funds heretofore appropriated to cover the lease payments for the remainder of fiscal year 2016-2017," will be introduced in writing and read by its title.

R-15 Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend the Lease Agreement between James E. Baylor Holding Corporation and the City of Norfolk for the property located at **3755 Virginia Beach Boulevard**," will be introduced in writing and read by its title.

R-16 Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend the Lease Agreement between 7460 Tidewater Drive Associates, LLC and the City of Norfolk for the property located at **7460 Tidewater Drive**," will be introduced in writing and read by its title.

R-17 Letter from the City Manager and an Ordinance entitled, "An Ordinance appropriating grant funds totaling $56,549,805.00 to the **School Board of the City of Norfolk** for Title I Programs, other Special Programs and the School Nutrition Services Program and authorizing the expenditure of the funds in **Fiscal Year 2017 for Norfolk Public Schools**," will be introduced in writing and read by its title.

R-18 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a grant in the amount of $1,187,800 from the **Virginia Department of Criminal Justice Services for the Norfolk Criminal Justice Services Agency**, appropriating and authorizing the expenditure of the grant funds in the amount of $1,187,800, authorizing and expenditure of $158,932 in local funding for the NCJS Agency, authorizing the employment of twenty (20) persons for the agency and providing funds for their salaries and benefits," will be introduced in writing and read by its title.

R-19 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a $165,000.00 Grant Award from the Federal Emergency Management Agency to provide funds to elevate one (1) flood-prone private property and appropriating and authorizing expenditure of the grant funds for the **Elevation Project**," will be introduced in writing and read by its title.

R-20 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting $8,000 in grant funds from the Virginia Department of Criminal Justice Services for the **Byrne/Jag Grant Program**, appropriating and authorizing the expenditure of the funds and authorizing the expenditure of $8,000 in local cash matching funds for the program and total program funding in the amount of $16,000," will be introduced in writing and read by its title.

R-21 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a Grant Award of $260,000.00 from the **Virginia Department of Behavioral Health and Development Services to the Norfolk Community Services Board** for the development and promotion of an affordable, safe and supportive housing Program for persons with serious mental illness," will be introduced in writing and read by its title.

R-22 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting from the **Virginia Department of Behavioral Health and Development Services to the Norfolk Community Services Board** of a Grant Award of $15,529 for the Project for Assistance in Transition from Homelessness, a Grant Award of $32,266 for Substance Abuse Medication Assisted Treatment and a Grant Award of $2,451 for the Program of Assertive Community Treatment and appropriating and authorizing the expenditure of the Grant Funds for the Programs," will be introduced in writing and read by its title.

R-23 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting a Grant Award of $52,777.78 from **the Virginia Department of Behavioral Health and Development Services to the Norfolk Community Services Board** to reduce bed utilization at Eastern State Hospital," will be introduced in writing and read by its title.

R-24 Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting $178,738.56 in grant funds from the Virginia Department of Health, Office of Emergency Medical Services, for the **"Four for Life" Program** and appropriating and authorizing the expenditure of the $178,738.56 in grant funds for the "Four for Life" Program," will be introduced in writing and read by its title.

R-25 Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting **Atlas Holdings Two, LLC** to encroach into the right-of-way at **243 W. Bute Street** with a door awning and sign," will be introduced in writing and read by its title.

R-26 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving a grant to **Virginia Supportive Housing**, from the Capital Improvement Program Fund, in the amount of $707,000.00 for the construction of apartments for previously homeless single adults on the property known as **2000 Church Street** in the City of Norfolk," will be introduced in writing and read by its title.

R-27 Letter from the City Manager and an Ordinance entitled, "An Ordinance to change the starting time of the **regular weekly city council meeting scheduled** for Tuesday, September 20, 2016, at 7:00 p.m. to September 19, 2016 at 8:00 a.m. and to move the location of said meeting," will be introduced in writing and read by its title.

R-28 Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain Subsections (A) and (G) of Sections 24-203 and 24-203.1, subsection (C) of Section 24-203.1 and add a Subsection (H) to Section 24-203 of the *Norfolk City Code* **SO AS TO** require preservation of at least fifty-one percent (51%) of the building, limit eligible expansion, reduce the minimum age requirement of commercial and multifamily renovation properties from fifty (50) to forty (40) years, to permit change in use and to provide for an adjusted assessment in order to more accurately assess the increased value," will be introduced in writing and read by its title.

Brock Ventures, Inc.
116 Colonial Dr.
Wilmington, NC 28403
stephen@brockvi.com
336.813.3697

August 17, 2016

PH-1

City of Norfolk

RE: PH-1 Plan Amendment and Rezoning at 435 Virginia Avenue – Brock Ventures, Inc.

Dear Officer:

Please continue the rezoning application to the Oct 25, 2016 meeting as we continue to work with the City on the Land Disposition and Development Contract.

Thank you for your consideration.

Regards,

Stephen Brock

01/25/2016 tsv

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved: RM

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

PH-1

AN ORDINANCE TO AMEND THE CITY'S GENERAL PLAN, PLANORFOLK2030, SO AS TO CHANGE THE LAND USE DESIGNATION FOR PROPERTY LOCATED AT 435 VIRGINIA AVENUE FROM INSTITUTIONAL TO MULTIFAMILY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the land use designation set forth in the City's general plan, plaNorfolk2030, for the property located at 435 Virginia Avenue is hereby changed from Institutional to Multifamily. The properties which are the subject of this change in land use designation are more fully described as follow:

Property fronts 560 feet, more or less, along the southern line of Virginia Avenue beginning 110 feet, more or less, from the eastern line of Colonial Avenue and extending eastwardly; property also fronts 560 feet, more or less, along the northern line of Carolina Avenue; premises numbered 435 Virginia Avenue.

Section 2:- The Council hereby finds that this general plan amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

01/25/2016 lds

Form and Correctness Approved:

By
Office of the City Attorney

Contents Approved: RM

By
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTY LOCATED AT 435 VIRGINIA AVENUE FROM IN-1 (INSTITUTIONAL) DISTRICT TO R-13 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the property located at 435 Virginia Avenue is hereby rezoned from IN-1 (Institutional) District to R-13 (Multi-Family Residential) District. The property which is the subject of this rezoning is more fully described as follows:

Property fronts 560 feet, more or less, along the southern line of Virginia Avenue beginning 110 feet, more or less, from the eastern line of Colonial Avenue and extending eastwardly; property also fronts 560 feet, more or less, along the northern line of Carolina Avenue; premises numbered 435 Virginia Avenue.

Section 2:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 3:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

C: Dir., Public Works

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: David L. Ricks, Director of Public Works

Subject: Relocation of Dominion Virginia Power Easement at Lake Whitehurst

Reviewed: Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4,5/6

Approved: Marcus D. Jones, City Manager

Item Number: **PH-2**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk, Department of Public Works

III. **Description:**
This agenda item is an ordinance approving the relocation of an existing Dominion Virginia Power ("Dominion") easement on property owned by the City of Norfolk (the "City"), and known as Lake Whitehurst, in accordance with the terms of the Easement Relocation Agreement.

IV. **Analysis:**
As part of Dominion's Oakmont and Burton Station transmission line replacement project it is necessary to relocate Dominion's existing City easement over Lake Whitehurst to accommodate the construction and installation of a subaqueous transmission line in the same general location. The purpose of the transmission line replacement project is to improve the reliability of these facilities that serve the Cities of Norfolk and Virginia Beach and the Joint Expeditionary Base at Little Creek.

V. **Financial Impact:**
There are no costs associated with the relocation of this easement.

VI. **Environmental:**
There are no known environmental issues associated with relocation of this easement.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action:

N/A

IX. Coordination/Outreach

This letter has been coordinated with Department of Public Works, Department of Utilities, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (1954 Easement Agreement)
- Exhibit B (Plat showing the relocated easement)
- Exhibit C (Easement Relocation Agreement)

7/28/2016 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING THE RELOCATION OF A VIRGINIA ELECTRIC AND POWER COMPANY EASEMENT LOCATED OVER CITY-OWNED PROPERTY KNOWN AS LAKE WHITEHURST IN ACCORDANCE WITH THE EASEMENT RELOCATION AGREEMENT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT RELOCATION AGREEMENT ON BEHALF OF THE CITY.

- - -

WHEREAS, the City of Norfolk ("Norfolk") owns certain property located in what was formerly the Kempsville Magisterial District of Princess Anne County, including a body of water known as Lake Whitehurst, in the City of Norfolk ("Property"); and

WHEREAS, by Agreement dated January 7, 1954, the City granted to Virginia Electric and Power Company ("Virginia Power") the perpetual right, privilege and easement of right of way ("1954 Easement") to construct, operate and maintain poles for the purpose of transmitting electric power and telephone services over the Property, said Agreement having been recorded in the Clerk's Office of Princess Anne County (now the City of Virginia Beach) on February 18, 1954, in Deed Book 351, Page 495, a copy of which is attached hereto as Exhibit A; and

WHEREAS, Virginia Power has requested that the City agree to relocate a portion of the 1954 Easement that extends over

the Property and that it permit the installation of its electric utility facilities under Lake Whitehurst in the areas shown on Exhibit B attached hereto; and

WHEREAS, the City is agreeable to the relocation of the 1954 Easement as requested by Virginia Power; now, therefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the relocation of Virginia Power's 1954 Easement in accordance with the terms and conditions of the Easement Relocation Agreement, a copy of which is attached as Exhibit C, are hereby approved.

Section 2:- That the City Manager and other proper officers of the City are hereby authorized to execute the Agreement on behalf of the City and to do all things necessary and proper, including the recordation of the Agreement and any other necessary documents, to effect the relocation of Virginia Power's 1954 Easement.

Section 3:- That the City Manager is further authorized to correct, amend or revise the Agreement as he may deem necessary, consistent with the intent of the Council as expressed herein.

Section 4:- That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.

EXHIBIT A TO ORDINANCE

114 A & B

CITY OF NORFOLK
TO (AGREEMENT
VIRGINIA ELECTRIC & POWER CO. TAX $.15 995

THIS AGREEMENT, Made this 7th day of January, 1954, by and between CITY OF NORFOLK, a municipal corporation of the State of Virginia, party of the first part, hereinafter sometimes called the "City," and VIRGINIA ELECTRIC AND POWER COMPANY, a corporation duly organized and doing business under the laws of the State of Virginia, party of the second part, hereinafter sometimes called the "Company."

W I T N E S S E T H :

That, for and in consideration of the sum of One Dollar ($1.00), cash in hand paid unto the City, the receipt whereof is hereby acknowledged, and for other good and valuable considerations, the City grants unto the Company, its successors and assigns, subject to the conditions hereinafter set forth, the perpetual right, privilege and easement of right of way, as hereinafter described, to construct, operate and maintain one or more pole and/or tower lines, as the Company may from time to time deem expedient or advisable, for the purpose of transmitting power by electricity and supporting telephone wires, including all wires, poles, towers, attachments, ground connections, equipment and accessories desirable in connection therewith, over, upon and across the lands and property of the City, situated in Kempsville Magisterial District, in Princess Anne County, Virginia, as shown on plats marked "Virginia Electric and Power Co., No. 96A, No. 99 A,B&C, No. 103 and No. 114 A&B", hereto attached and made a part of this agreement; the location of said right of way being shown on said plats and being described as follows:

Parcel No. 96-A

An irregular-shaped parcel of land, the location of the boundaries of said parcel of land being shown on said plat and being described as follows: Beginning at a corner common to property of Lee W. Crouch and Ethel M. Crouch and that of the New York, Philadelphia

and Norfolk Railroad Company on property of the City, which point is marked by a pipe and is S. 76° 34' E. 51.7 feet along the property line dividing property of said Lee W. Crouch and Ethel M. Crouch and that of said New York, Philadelphia and Norfolk Railroad Company from Station 798 plus 71.6 in the center line of a certain 150-foot right of way of Company; thence northeastwardly 145 feet, more or less, along the property line dividing property of the City and that of said New York, Philadelphia and Norfolk Railroad Company to a point in the easterly boundary line of said 150-foot right of way, which point is eastwardly 75 feet, measured at right angles, from Station 800 plus 21.6 in the center line of said 150-foot right of way; thence S. 19° 10' W. 470.0 feet along the easterly boundary line of said 150-foot right of way to a point in the property line dividing property of the City and that of said Lee W. Crouch and Ethel M. Crouch, which point is eastwardly 75 feet, measured at right angles, from Station 795 plus 51.6 in the center line of said 150-foot right of way; thence northwardly 330 feet, more or less, along the property line dividing property of the City and that of said Lee W. Crouch and Ethel M. Crouch to the point of beginning.

Parcel No. 99-A

A strip of land 150 feet in width, the location of the center line of said strip of land being shown on said plat and being described as follows: Beginning at Station 805 plus 88.5 in the property line dividing property of the City and that of the New York, Philadelphia and Norfolk Railroad Company, which point is northwardly and southwestwardly 800 feet, more or less, along said property line from a property corner, marked by a pipe; thence N. 19° 10' E. 375.0 feet to Station 809 plus 63.5 in the property line dividing property of the City and that of C. G. Thomas and Chris G. Christopoulos, which point is in a general southerly direction 220 feet, more or less, along said property line from a property line corner in the southwesterly line of a canal.

Parcel No. 99-B

A strip of land 150 feet in width, the location of the center line of said strip of land being shown on said plat and being described as follows: Beginning at Station 811 plus 50.4 in the property line dividing property of the City and that of C. G. Thomas and Chris G. Christopoulos, which point is in the southwesterly

line of a canal and is S. 74° 34' E. 98 feet, more or less, along said property line (being the southwesterly line of said canal) from a property line corner; thence N. 19° 10' E. 100.2 feet to Station 812 plus 50.6 in the property line dividing property of the City and that of Chris G. Christopoulos, which point is in the northeasterly line of said canal and is S. 74° 34' E. 100.3 feet along said property line (being the northeasterly line of said canal) from a property line corner.

Parcel No. 99-C

A strip of land 150 feet in width, the location of the center line of said strip of land being shown on said plat and being described as follows: Beginning at Station 816 plus 27.3 in the property line dividing property of the City and that of Chris G. Christopoulos, which point is in the southeasterly line of a canal and is S. 40° 38' W. 153.1 feet along said property line (being the southeasterly line of said canal) from a property line corner; thence N. 38° 16' W. 152.9 feet to Station 817 plus 80.2 in the property line dividing property of the City and that of the New York, Philadelphia and Norfolk Railroad Company, which point is in the northwesterly line of said canal and is N. 40° 38' E. 398 feet, more or less, along said property line (being the northwesterly line of said canal) from a property corner.

Parcel No. 103

A strip of land 150 feet in width, the location of the center line of said strip of land being shown on said plat and being described as follows: Beginning at Station 821 plus 36.8 in the property line dividing property of the City and that of the New York, Philadelphia and Norfolk Railroad Company, which point is N. 40° 38' E. 284 feet, more or less, along said property line from a property line corner; thence N. 38° 16' W. 1453.2 feet to Station 835 plus 90.0; thence N. 5° 29' W. 549.5 feet to Station 841 plus 39.5; thence N. 42° 28' W. 1065.6 feet to Station 852 plus 05.1 in the property line dividing property of the City and that of T. Justin Moore, Trustee, which point is westwardly 47 feet, more or less, along said property line from a corner common to property of the City and that of said T. Justin Moore, Trustee, in the southwestern right of way line of U. S. Highway Route No. 60, marked by an iron pin.

It being understood and agreed between the parties hereto that any portion of the above described right of way which may be located on property of the U. S. Government is specifically excepted from this agreement.

Parcel No. 114-A

A strip of land 150 feet in width, the location of the center line of said strip of land being shown on said plat and being described as follows: Beginning at Station 948 plus 56.5 in the property line dividing property of the City and that of Emory L. Oliver, which point is southwardly 1040 feet, more or less, along said property line from a property corner; thence N. 89° 27' W. 235.2 feet to Station 950 plus 91.7 in the property line dividing property of the City and that of Hilda L. Winn, which point is in a general northerly direction 1920 feet, more or less, along said property line from a property corner.

Parcel No. 114-B

A strip of land 150 feet in width, the location of the center line of said strip of land being shown on said plat and being described as follows: Beginning at Station 958 plus 88.8 in the property line dividing property of the City and that of Hilda L. Winn, which point is in the southeasterly line of a canal and is N. 35° 38' E. 640 feet, more or less, along said property line and along the property line dividing property of the Meadowbrook Corporation and that of said Hilda L. Winn from a property line corner; thence N. 89° 27' W. 126.6 feet to Station 960 plus 15.4 in the property line dividing property of the City and that of the Board of Trustees of the James Barry Robinson Home for Boys, which point is in the northwesterly line of said canal and is N. 35° 25' E. 530 feet, more or less, along said property line from a corner common to property of Owner and that of the said Board of Trustees of the James Barry Robinson Home for Boys on property of the said Meadowbrook Corporation.

It being the intention of the City to convey to the Company, by the foregoing descriptions, an easement over all property of the City lying within the outer boundaries of a right of way 150 feet in width, as shown on said attached plats.

Before constructing any poles or towers and appurtenances on the easements of right of way hereinbefore described, the Company shall obtain the approval of the Director of Public Works of the City.

It is agreed between the parties hereto that the poles, towers, wires, attachments, equipment and accessories erected hereunder shall be and remain the property of the Company; that

no other charge shall at any time be made for the use of the property occupied by the Company, or for the privilege of constructing, maintaining and operating said towers, poles and lines; that the Company, its agents and employees shall at all times have full and free ingress to and egress from said right of way over such roads as may exist on property of the City, and if there are no roads reasonably convenient to said right of way the Company, its agents and employees shall have such right of ingress and egress over land of the City as may be reasonably convenient to and from said right of way, in order to construct and efficiently maintain said towers, pole lines and appurtenances, with the right to inspect, rebuild, repair, improve, relocate along the route above described, remove, make extensions or additions thereto, and make such changes, alterations and substitutions in said lines, wires, poles and/or towers, attachments, equipment and accessories, as the Company may from time to time deem advisable or expedient, including the right to increase or decrease the number of wires; with the further right to trim, cut and keep clear all trees, limbs and undergrowth and other obstructions for the entire width of the right of way herein conveyed and hereinbefore described; with the further right to cut and keep clear of said structures, wires and lines all trees, limbs and other obstructions outside of the designated width of said right of way that may in the opinion of the Company endanger or interfere with the proper and efficient operation of the same; provided, however, that no such trees, limbs and undergrowth shall be trimmed or cut by the Company without first obtaining the approval of said Director of Public Works.

The cash consideration hereinbefore mentioned is paid by the Company and accepted by the City as full and total payment for the right of way, damages, and all trees, limbs, undergrowth

and other obstructions cut or removed inside and outside of said designated width of the right of way during construction of the Company's lines and such as may be cut or removed within a period of six months after Company's lines on said right of way have been put into operation. All trees thereafter cut or removed by Company from property of the City outside of said right of way will be paid for by Company at the local market value. The amount to be so paid shall be determined by measurement of said timber according to Doyle's scale. The Company shall remove from the property of the City, in a manner satisfactory to said Director of Public Works, all trees and stumps, limbs, brush and other debris cut on property of the City within and adjacent to the easements of right of way.

The Company shall replant, or reimburse the City the cost of replanting, the cut-over areas with low shrubs, vines or other ground cover in order to maintain a reasonably good appearance and to prevent excessive erosion.

The City further reserves the right to use the land hereinbefore described upon which the said trahsmission line or lines may be erected, for any purpose not inconsistent with the rights hereby granted, provided such use shall not injure, endanger or interfere with the proper operation, maintenance, or repair of, or extension or addition to, the said line or lines, and no roads or streets shall be constructed or maintained thereon except such as shall cross said right of way at approximately right angles in such a manner as not to interfere with or endanger the towers, poles, wires, guy wires, braces and appurtenances of Company; and, provided further, that no buildings or structures other than fences may be erected upon the said land by the City, its successors and assigns.

The City covenants that it has the right to convey the said easement; that the Company shall have quiet and peaceable

possession, use and enjoyment of the said easement, and that the City will execute such further assurances of the said easement as may be requisite.

IN WITNESS WHEREOF, the said City of Norfolk has caused this agreement to be executed in its name and on its behalf by W. F. Duckworth, President of the Council, H. H. George, 3rd, City Manager, and Alex H. Bell, City Treasurer, and its corporate seal to be hereunto affixed and attested by Jno. D. Corbell, City Clerk, pursuant to ordinance adopted by its Council on the 8th day of December, 1953.

BOOK 351 PAGE 501

CITY OF NORFOLK

By W. F. Duckworth
President of the Council

H. H. George 3d
City Manager

Alex H. Bell
City Treasurer

ATTEST: Jno. D. Corbell
City Clerk

APPROVED: [signature] REAL ESTATE DEPT.

Form Approved: [signature] ASSISTANT COUNSEL

STATE OF VIRGINIA }
CITY OF NORFOLK } To-wit:

I, Mary M. Randolph, a Notary Public in and for the City of Norfolk, in the State of Virginia, whose commission expires the 7th day of January, 1956, do hereby certify that W. F. Duckworth, President of the Council, H. H. George, 3rd, City Manager, Alex H. Bell, City Treasurer, and Jno. D. Corbell, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing writing bearing date the 7th day of January, 1954, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this 8th day of January, 1954.

Mary M. Randolph
Notary Public

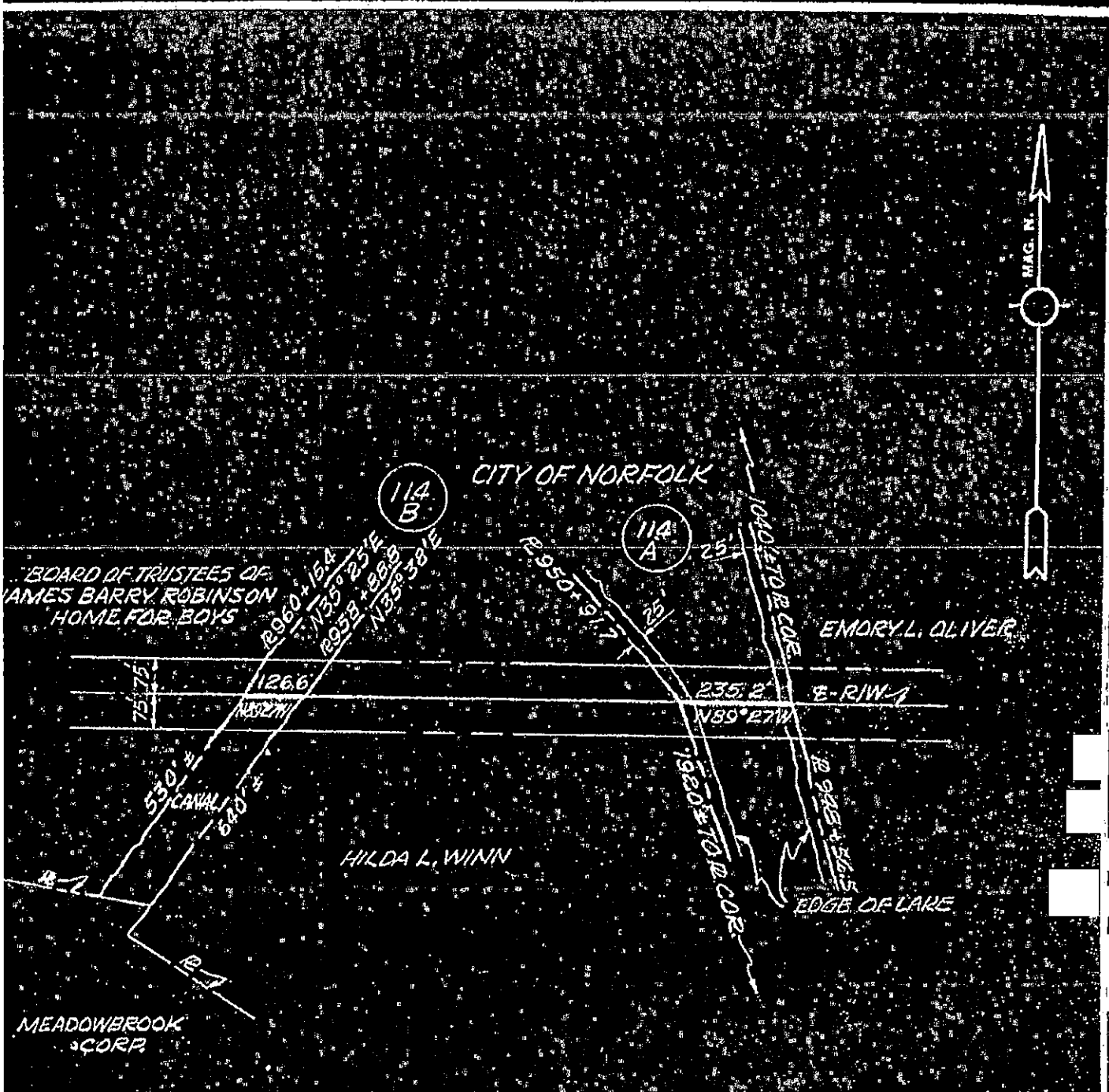
Approved as to Form:

City Attorney

VIRGINIA: In the Clerk's Office of the Circuit Court of Princess Anne County, on the 18 day of February 1954 at 11:36 A.M., this Deed was received and upon the certificate of acknowledgment thereto annexed, admitted to record.

TESTE: JOHN V. FENTRESS, Clerk

By Mary E. Cooper D.C.



VIRGINIA ELECTRIC AND POWER CO.

PORTSMOUTH-OAKWOO

TRANSMISSION LINE

PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT WITH

CITY OF NORFOLK

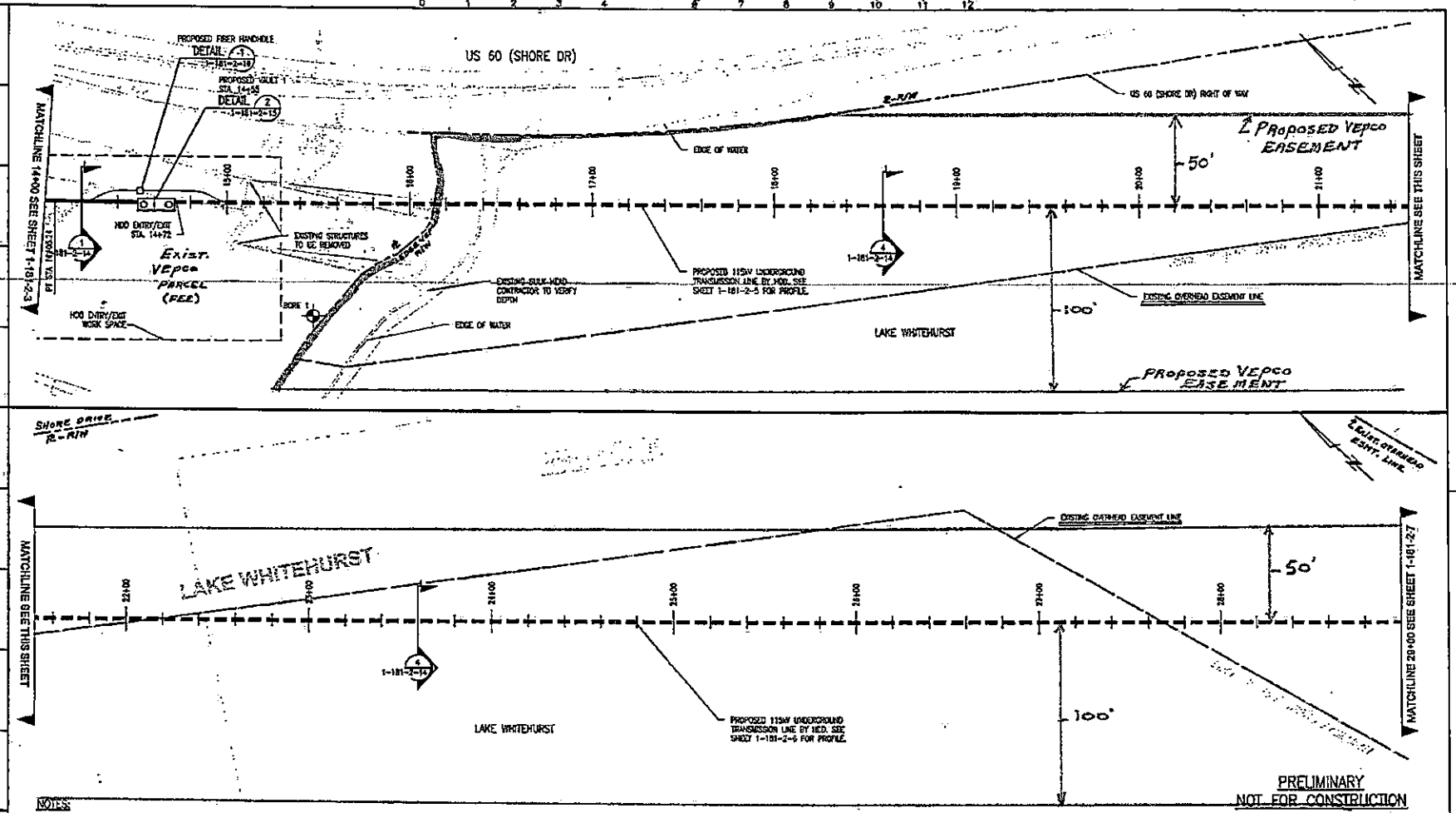
DISTRICT	COUNTY	STATE
KEMPSVILLE	PRINCESS ANNE	VA.

SCALE: 1 INCH = 300 FT. | NO. 114 A & B

DATE: AUG. 11, 1952 | SURVEYED BY STONE & WEBSTER ENG. CORP.

A = .81
B = .44

EXHIBIT B TO ORDINANCE



PRELIMINARY
NOT FOR CONSTRUCTION

NOTES:

1. THE UTILITIES SHOWN HEREON ARE BASED ON FIELD SURVEYS, AERIAL PHOTOGRAPHY AND RECORD DOCUMENTS. OTHER FACILITIES MAY EXIST NOT DISCOVERED THROUGH THE RECORD CHECK. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION, BOTH HORIZONTAL AND VERTICAL, OF ALL UTILITIES THROUGH THE APPROPRIATE UTILITY COMPANIES. CALL BEFORE YOU DIG – 811-800-552-7001.
2. ALL VERTICAL RADII ARE 400' UNLESS OTHERWISE NOTED.
3. DUCT BANK SHALL MAINTAIN MINIMUM COVER DEPTH OF 3'-6", AND 1'-0" VERTICAL CLEARANCE OVER OR UNDER EXISTING UTILITIES UNLESS OTHERWISE SHOWN ON DRAWINGS.
4. CONTRACTOR TO COIL 50' OF EACH COMMUNICATION FIBER IN HANDHOLE
5. CITY OF NORFOLK 11+76 TO 44+86

TWO BUSINESS DAYS BEFORE YOU DO CALL
MISS UTILITY OF VIRGINIA
TOLL FREE
811 or 1-800-552-7001

POWER ENGINEERS

Dominion
701 E Cary Street
Richmond, VA 23219
DOMINION

LITTLE CREEK TO BURTON
115kV UG TRANSMISSION LINE
PLAN VIEW

DRAWN	BMP	09/03/13	PROJECT NO. 13-0112
CHECKED	TPK	09/03/13	SHEET NO. 2 of 10
ENGINEER			SCALE 1"=50' / 1"=10'
CONTRACT			REVISIONS
APPROVED			

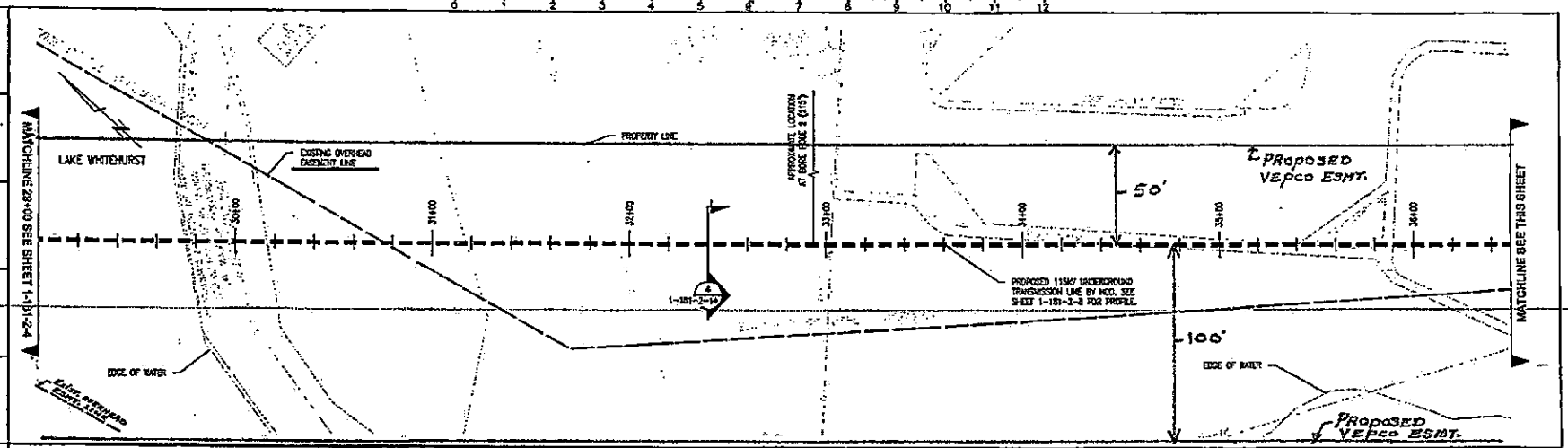
DRAWING NO. 1-181-2-4

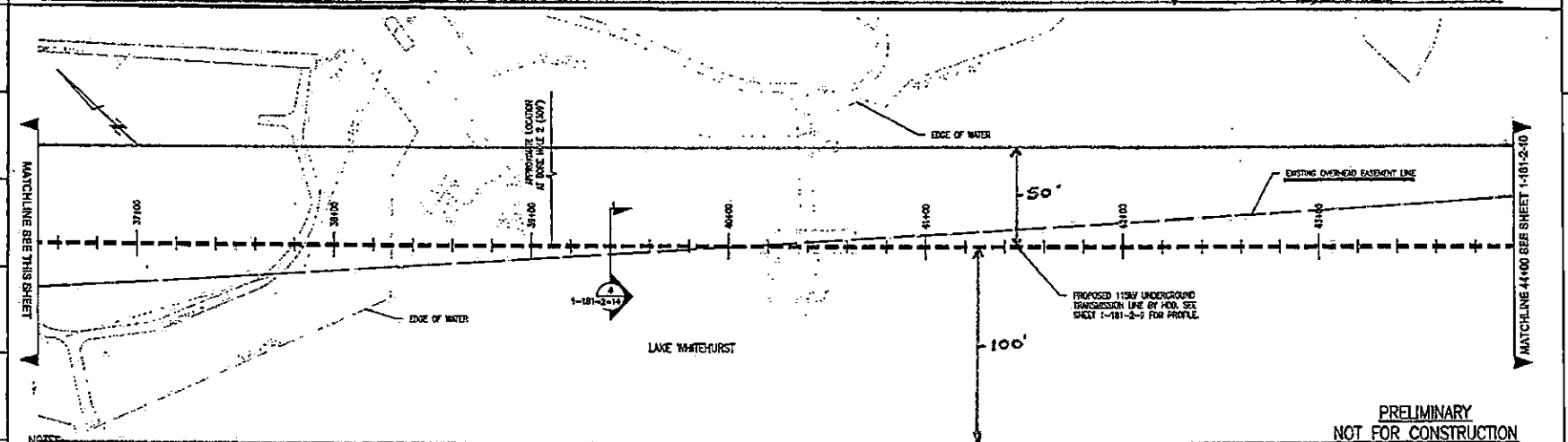
REVISIONS

NO.	DATE	DESCRIPTION	APPROVED
3	09/03/13	FOR CONSTRUCTION	
2	08/23/13	ESTIMATE REVIEW	
1	07/26/13	ESTIMATE REVIEW	

DRAWING REFERENCE

TITLE / NUMBER	ELECTRICAL	ELECTRICAL	STEEL ASSEMBLY	STEEL MEDIALS	PROFILE(S)	CONCRETE & GROUND	LIGHTING PLAN	LOT PLAN	TOPOGRAPHY			BOM CHECK	BILL OF MATERIAL





PRELIMINARY
NOT FOR CONSTRUCTION

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4. CITY OF NORFOLK 11+76 TO 44+86

TWO BUSINESS DAYS BEFORE YOU DIG CALL
MISS UTILITY OF VIRGINIA
TOLL FREE
811 or 1-800-552-7001

POWER ENGINEERS

Dominion
701 E Cary Street
Richmond, VA 23219

LITTLE CREEK TO BURTON
115kV UG TRANSMISSION LINE
PLAN VIEW

	NAME	DATE	PROJECT NO.	SHEET NO.
DRAWN	JMT	09/03/13	138162	5 of 10
CHECKED	RDI / MPJ	09/03/13	90464	
REVIEWED			1"=20' / 1"=5'	
CORRECT			REVISIONS	
APPROVED				

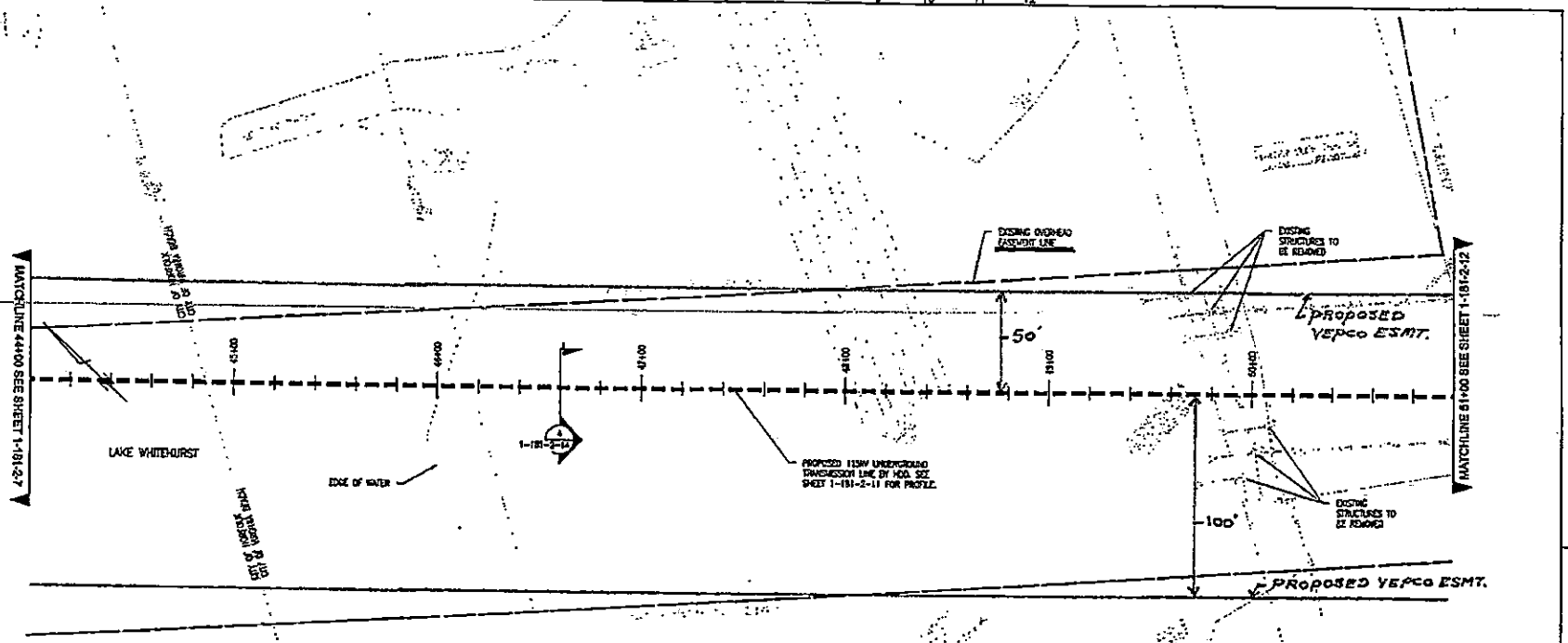
1-181-2-7

DRAWING REFERENCE

TITLE	ELECTRICAL	ELECTRICAL	STEEL ASSEMBLY	STEEL DETAILS	FOUNDATIONS	CONDUIT & GROUNDS	LOCATION PLAN	MAT PLAN	TOPOGRAPHY	WORK ORDER	BILL OF MATERIAL
NUMBER											

REVISIONS

NO.	DATE	DESCRIPTION
A	10/18/13	ISSUED FOR CONSTRUCTION
B	10/11/13	ISSUED FOR CONSTRUCTION
C	09/03/13	ISSUED FOR REVIEW



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1. THE UTILITIES SHOWN HEREON ARE BASED ON FIELD SURVEYS, AERIAL PHOTOGRAPHY AND RECORD DOCUMENTS. OTHER FACILITIES MAY EXIST NOT DISCOVERED THROUGH THE RECORD CHECK. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION, BOTH HORIZONTAL AND VERTICAL, OF ALL UTILITIES THROUGH THE APPROPRIATE UTILITY COMPANIES. CALL BEFORE YOU DIG - 811-800-552-7001.
2. ALL VERTICAL RADII ARE 400' UNLESS OTHERWISE NOTED.
3. DUCT BANK SHALL MAINTAIN MINIMUM COVER DEPTH OF 3'-6" AND 1'-0" VERTICAL CLEARANCE OVER OR UNDER EXISTING UTILITIES UNLESS OTHERWISE SHOWN ON DRAWINGS.
4. CITY OF NORFOLK 11+78 TO 44+85
5. CITY OF VIRGINIA BEACH 44+85 TO 54+52

PRELIMINARY
NOT FOR CONSTRUCTION

TWO BUSINESS DAYS BEFORE YOU DIG CALL
MISS UTILITY OF VIRGINIA
TOLL FREE
811 or 1-800-552-7001

POWER ENGINEERS

Dominion
701 E Cary Street
Richmond, VA 23219

LITTLE CREEK TO BURTON
115kV UG TRANSMISSION LINE
PLAN VIEW

1-181-2-10

8 of 10

REVISIONS

DRAWING REFERENCE

EXHIBIT C TO ORDINANCE

Prepared by: Office of the Norfolk City Attorney
Nathaniel Beaman IV, Deputy City Attorney (VSB #18486)
Return to: Office of the Norfolk City Attorney
Tax Map Reference No.:
Consideration: $0.00

THIS EASEMENT RELOCATION AGREEMENT, made this ____ day of August, 2016, by and between the **CITY OF NORFOLK**, a municipal corporation of the Commonwealth of Virginia ("City"), as **Grantor** and **Grantee**, whose address is 810 Union Street, Norfolk, Virginia 23510, and **VIRGINIA ELECTRIC AND POWER COMPANY** ("Virginia Power"), a Virginia public service corporation doing business in Virginia as Dominion Virginia Power, **Grantor** and **Grantee**, with its principal office at 120 Tredegar Street, Richmond, Virginia 23219.

WITNESSETH:

WHEREAS, the City owns certain property in what was formerly the Kempsville Magisterial District of Princess Anne County, Virginia, including a body of water known as Lake Whitehurst; and

WHEREAS, by Agreement dated January 7, 1954 ("1954 Easement"), recorded in the Clerk's Office of Princess Anne County (now the City of Virginia Beach) on February 18, 1954, in Deed Book 351, at page 495, a copy of which is attached as Exhibit A, the City granted to Virginia Power the perpetual right, privilege and easement of right of way to construct, operate and maintain one or more pole and/or tower lines for the purpose of transmitting power by electricity and supporting telephone wires over the lands and property of the City described in the plats attached to the Agreement; and

WHEREAS, a portion of the 1954 Easement extends over Lake Whitehurst as shown on Exhibit B attached hereto; and

WHEREAS, Virginia Power has requested that the City agree to relocate that portion of the 1954 Easement that extends over Lake Whitehurst and permit the installation of its electric utility facilities under the lake in the areas shown on Exhibit B; and

WHEREAS, the City is agreeable to the relocation of the 1954 Easement and the inclusion of the underground rights as requested by Virginia Power;

NOW, THEREFORE, in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City and Virginia Power hereby agree to relocate the 1954 Easement and include the underground rights as follows:

1. Virginia Power's 1954 Easement is hereby relocated as shown on Exhibit B, attached to this Agreement ("Relocated Easement").

2. The rights and obligations of the parties to this Easement Relocation Agreement shall be fully consistent with the rights and obligations set forth in the 1954 Easement, it being the intention of the parties to relocate Virginia Power's existing easement rights upon the same terms and conditions as those set forth in the 1954 Easement and, other than the release of easement rights in Paragraph 9, without prejudice to either party's existing rights and privileges. Notwithstanding the foregoing, Virginia Power shall have the right to install one or more lines of cables and conduits, together with all wires, manholes, handholes, meters, attachments, equipment, accessories and appurtenances now or hereafter desirable in connection therewith (all of the aforesaid lines, cables, conduits, wires, manholes, handholes, meters, attachments, equipment, accessories and appurtenances are hereinafter collectively called the "Facilities").

3. The Facilities shall remain the property of Virginia Power. Virginia Power shall have the right to inspect, repair, improve, and make such changes and alterations to the Facilities as are consistent with the purposes expressed in the 1954 Easement. All operation, construction, maintenance, repair and replacement of the Facilities shall comply with all applicable laws, ordinances, codes and regulations.

4. Upon completion of any activity by Virginia Power within the Relocated Easement, Virginia Power shall restore the area as nearly to its original condition as practicable. Virginia Power shall maintain the Facilities in accordance with prudent utility practices, so as not to endanger or otherwise limit the enjoyment or use of the City's property, including Lake Whitehurst, and adjacent properties.

5. Virginia Power shall repair any injury to any of City's land, structures, roads, and other improvements caused by Virginia Power, its employees, agents or

contractors. In the event Virginia Power fails to make such repairs within a reasonable period of time after receiving written notice from the City, the City may elect to make the repairs in which event Virginia Power shall be obligate to reimburse the City for the reasonable costs associated therewith.

6. City, its successors and assigns, may use or cross the Relocated Easement for any purpose as long as such use or crossing is not inconsistent with the rights granted to Virginia Power herein. City agrees to provide reasonable prior notice of any material changes to its use of the property within the Relocated Easement in order for Virginia Power to confirm any such change in use will not interfere with its ability to safely and reliably operate and maintain its facilities located within the Relocated Easement.

7. Virginia Power shall be responsible for any personal injury or property damage resulting from the negligence of its employees and agents in the use of the Relocated Easement.

8. The rights granted by this Easement Relocation Agreement are intended to be solely for the benefit of Virginia Power, its successors and assigns. No other use shall be permitted without the express written consent of the City, which consent the City shall be under no obligation to give. Consent shall be evidenced by an amendment to this Easement Relocation Agreement, approved and executed with the same formality as this Easement Relocation Agreement, and shall be subject to all conditions therein set out.

9. All portions of the 1954 Easement not included within the area of the Relocated Easement are hereby vacated by Virginia Power and released to the City.

(SIGNATURE PAGES TO FOLLOW)

CITY OF NORFOLK

By: _____
City Manager

Attest:

_____
City Clerk

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in the State of Virginia, whose term of office expires on the _____ day of _____, 20__, do hereby certify that Marcus D. Jones, City Manager, and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing Deed of Easement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this ___ day of _____, 2016.

_____
Notary Public
Registration No. _____

Approved as to Contents:

_____
Director of Public Works

Approved as to Form and Correctness

_____
Deputy City Attorney

VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power

By: _____
Name (Printed): _____
Title: _____

COMMONWEALTH OF VIRGINIA
CITY OF _____, to-wit:

I, _____, a Notary Public in and for the City of _____, in the Commonwealth of Virginia, whose term of office expires on _____, do hereby certify that _____, _____ (title), on behalf of Virginia Electric and Power Company, whose name is signed to the foregoing Easement Relocation Agreement, has acknowledged the same before me in my City and State aforesaid. He/She is personally known to me or has produced a driver's license as identification.

Given under my hand this ____ day of _____, 2016.

_____
Notary Public
Registration No._____

Legend
- Existing Transmission Line
- Proposed Underground Transmission Line
- Existing Substation
- Proposed Substation
- Retiring Substation

Oakwood – Burton 115 kV Transmission Upgrade Project

As of : June 2012

Dominion

C: Dir., Department of City Planning

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: George M. Homewood, FAICP CFM, Planning Director

Subject: **The closing, vacating and discontinuing of a portion of Willoughby Bay Avenue.**

Reviewed: Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 1/6

Approved: Marcus D. Jones, City Manager

Item Number: **PH-3**

I. **Staff Recommendation:** **Approval**

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Street closure for a portion of Willoughby Bay Avenue, having a 40' width and lying south of 775 W. Ocean View Avenue.

IV. **Applicant:** Timothy M. Massey

V. **Description:**

- The right-of-way to be closed is located in the Willoughby neighborhood which is developed with a mixture of residential uses.
- The property owner needs to close the right-of-way in order to resolve the existing encroachments on the site and create marketable title to the property.
- The agreed upon purchase price of the right-of-way to be closed, $5,800, is due to the City at time of property closing and transfer.

VI. Staff point of contact: Jeffrey Raliski at 664-4766, jeffrey.raliski@norfolk.gov

Attachments:

- Ordinance
- Staff Report to CPC dated July 28, 2016 with attachments
- Proponents and Opponents

Proponents

None

Opponents

None

5/4/2016 lds

Form and Correctness Approved

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. ~~Finance~~ Planning

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE VACATING A PORTION OF WILLOUGHBY BAY AVENUE SOUTH OF THE PROPERTY KNOWN AS 775 WEST OCEAN VIEW AVENUE.

- - -

WHEREAS, application to close, vacate and discontinue the hereinafter described portion of Willoughby Bay Avenue in the City of Norfolk has been made and the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended which relate to the vacation of streets and alleys, have been met; and

WHEREAS, it is the judgment of the council that said portion of street is not needed for public use and travel and should be closed, vacated and discontinued; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the following described portion of Willoughby Bay Avenue is hereby vacated and discontinued as a public street of the City of Norfolk:

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a portion of Willoughby Bay Avenue having a 40' width right-of-way closed and said parcel being further described as follows: BEGINNING at a point that is the southwestern corner of Lot 27, Block 17 as shown on that certain plat entitled, "Corrected Map of Willoughby Beach," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 5 at Page 80 and 81; thence, from the

point of beginning thus described, S 25°-07'-00" W, 51.22 feet, more or less, along the southerly extension of the western line of said Lot 27, Block 17 to the centerline of Willoughby Bay Avenue; thence, S 26°-13'-25" E, 32.02 feet, more or less, along the centerline of said Willoughby Bay Avenue to a point; thence, N 63°-46'-35" E, 40.00 feet, more or less, to a point on the northern right-of-way line of said Willoughby Bay Avenue and the southeastern corner of said Lot 27, Block 17; thence, N 26°-13'-25" W, 64.01 feet, more or less, along said northern right-of-way line of said Willoughby Bay Avenue, to the point of beginning.

The above described parcel contains 0.044 acre of land, more or less.

Section 2:- That the acceptance of the sum of $5,800.00, in consideration for the portion of street to be vacated is hereby authorized.

Section 3:- That this ordinance shall be in effect from and after its adoption.

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: July 28, 2016

Executive Secretary: George M. Homewood, FAICP, CFM

Staff: Jeffrey K. Raliski, AICP

Staff Report	**Item No. 11**	
Applicant	**Timothy M. Massey**	
Request	**Street Closure of a Portion of Willoughby Bay Avenue**	
Site Characteristics	Zoning	R-12 (Medium Density Multi-Family)
	Neighborhood	Willoughby
	Character District	Coastal
Surrounding Area	North	R-12: Mixed Residential Community
	East	R-12: Mixed Residential Community
	South	Willoughby Bay
	West	R-12: Mixed Residential Community

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

A. Summary of Request

- The applicant proposes to close a portion of Willoughby Bay Avenue, having a 40' width and lying south of 775 W. Ocean View Avenue.
- The right-of-way to be closed is located in the Willoughby neighborhood which is developed with a mixture of residential uses.
- The property owner needs to close the right-of-way in order to resolve the existing encroachments on the site and create marketable title to the property.

B. Financial Impact

The agreed upon purchase price of the right-of-way to be closed, $5,800, is due to the City Attorney's Office at time of property closing and transfer.

C. Impact on Surrounding Area/Site

- The right-of-way proposed for closure is not an identified existing or planned pedestrian or bicycle route in Norfolk plans.
- Closure of these rights-of-way will not create additional traffic in the Willoughby community.

D. Historic Context and Impacts

The site is currently vacant and not located in any local, state or federal historic district.

E. Public School Impacts

This sites is located in the Ocean View Elementary School, Northside Middle School, and Granby High School Attendance Zones.

F. Civic League

Letter was sent to the Willoughby Civic League President on June 17.

G. Community Outreach/Notification

- Legal notice on the property was posted on June 21.
- Letters were mailed to all property owners within 300 feet of the property on July 12.
- Legal notification was placed in *The Virginian-Pilot* on July 13 and July 20.

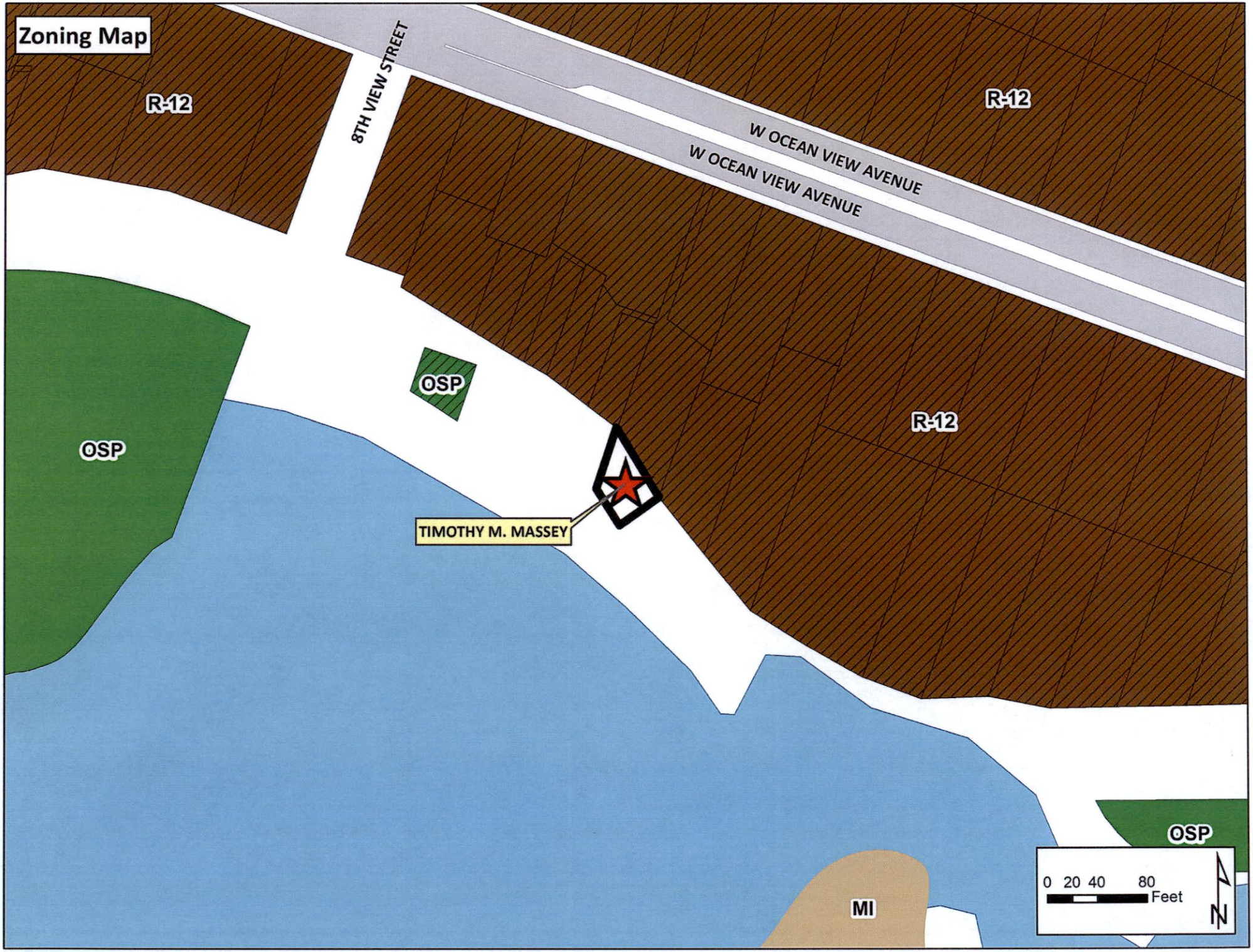
H. Recommendation

Staff recommends that the proposed closure of a portion of Willoughby Bay Avenue be **approved**.

Attachments

- Location Map
- Zoning Map
- Application
- Notice to the Willoughby Civic League
- Willoughby Civic League – February 2016 Letter of Support

Location Map
TIMOTHY M. MASSEY
0 5 10 20
Feet
N


Zoning Map
R-12
8TH VIEW STREET
W OCEAN VIEW AVENUE
W OCEAN VIEW AVENUE
R-12
OSP
OSP
R-12
TIMOTHY M. MASSEY
OSP
MI
0 20 40 80
Feet
N

Checklist – Street Closure Application

Item	Yes	No	Not Applicable	Comments
Required application fee, **$105.00**	✓			
Complete and signed application, including signatures from all property owners adjoining the proposed right-of-way segment to be closed	✓			
Two 8½ x 14 inch copies of survey showing portion of right of way requested to be closed.	✓			
Title Search of right-of-way to be closed.	✓			
Appraisal of right-of-way to be closed, *conducted by MAI appraiser*, if necessary.	✓			

Notes:

Applicant Signature: _____ Date: 1/13/16

Staff Signature: _____ Date: 1/13/16

Application for City Planning Commission Public Hearing

STREET CLOSURE

Street Closure Fee..... $105 made payable to the City of Norfolk

Date of application: _____

Name of Applicant or Adjacent Property Owner:

(Last) Massey (MI) M. (First) Timothy

Mailing address (Street/P.O. Box): 775 W. Ocean View Ave

(City) Norfolk (State) VA (Zip Code) 23503

Daytime telephone ( ) _____ Fax ( ) _____ Email _____

Email address of applicant: tmarkmassey@gmail.com

Name of Representative (if different from Applicant):

(Last) Buckwalter (MI) A (First) Denise

Mailing address (Street/P.O. Box): 809 E. Ocean View Ave

(City) Norfolk (State) VA (Zip Code) 23503

Daytime telephone (757) 717-2663 Fax (757) 587-9226 Email denisebuckwalter@judybeonerealty.com
(757) 587-2800 (office)

Description of Property (List street name and location of closure request):

(Street Name) Willoughby Bay Ave

(Location of closure request) See attached survey and appraisal

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015

Street Closure Application
Page 2

(Zoning) R-12 (Land Area in acres or square feet) 1,921 ☐

Please describe the reason for requesting the closure:
Portion of structure sits over property line on Willoughby Bay Ave.

List each **adjacent property owner** (print owner name and address) with signature of consent for the closure request. Use additional paper if needed:

Property Owner: _____ / _____
Print Name Signature
Address:

Property Owner: _____ / _____
Print Name Signature
Address:

Property Owner: _____ / _____
Print Name Signature
Address:

Property Owner: _____ / _____
Print Name Signature
Address:

Property Owner: _____ / _____
Print Name Signature
Address:

CIVIC LEAGUE INFORMATION

Civic League contact: Don Musacchio (757) 588-2731

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- ✓ Check for $105.00 made payable to: City of Norfolk.
- ✓ Two 8½ x14 inch copies of house plat or survey showing portion of right of way requested to be closed.
- ✓ Title Search of right-of-way to be closed.
- ✓ Appraisal of right-of-way to be closed, *conducted by MAI appraiser*, if necessary.

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Timothy M. Massey **Sign:** [signature] 11 13 12016
(Adjacent Property Owner or Authorized Agent of Signature) (Date)

Print name:_____ **Sign:**_____ / / ____
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Denise A. Budwalter **Sign:** [signature] 11-13-16
(Authorized Agent Signature) (Date)

Raliski, Jeffrey

From: Straley, Matthew
Sent: Friday, June 17, 2016 8:28 AM
To: Raliski, Jeffrey
Subject: FW: new Planning Commission application - Willoughby Bay Avenue

FYI

Matthew Straley
GIS Technician II

THE CITY OF NORFOLK
City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

From: donmusacchio@aol.com [mailto:donmusacchio@aol.com]
Sent: Thursday, June 16, 2016 4:31 PM
To: Straley, Matthew
Subject: Re: new Planning Commission application - Willoughby Bay Avenue

Thanks. The Civic League membership voted on Feb. 11 2016 in favor of the request. Let me know if you need anything else from us.

-----Original Message-----
From: Straley, Matthew <Matthew.Straley@norfolk.gov>
To: donmusacchio <donmusacchio@aol.com>
Cc: Protogyrou, Andrew <Andrew.Protogyrou@norfolk.gov>; Winn, Barclay <barclay.winn@norfolk.gov>; McClellan, Andria <Andria.McClellan@norfolk.gov>; Ransom, Carlton <Carlton.Ransom@norfolk.gov>; Raliski, Jeffrey <jeffrey.raliski@norfolk.gov>
Sent: Thu, Jun 16, 2016 2:04 pm
Subject: new Planning Commission application - Willoughby Bay Avenue

Mr. Musacchio,

Attached please find the application for a closure of a portion of Willoughby Bay Avenue having a 40-foot width right-of-way and lying south of 775 W. Ocean View Avenue.

The item is tentatively scheduled for the July 28, 2016 Planning Commission public hearing.

Staff contact: Jeff Raliski at (757) 664-4766, jeffrey.raliski@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II

THE CITY OF NORFOLK
City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

THE SPIT

Denise Buckwalter
Judy Boone Realty
800 E. Ocean View Avenue
Norfolk, VA 23503

February 12, 2016

RE: Request for Paper Street Closure at 775 W. Ocean View Avenue

Dear Ms. Buckwalter,

This letter is to confirm the actions of the Willoughby Civic League at their regular February 11, 2016 meeting at the Mary Pretlow Library. At that meeting a presentation was given regarding the above request and after some discussion and opportunities for questions from the league members, a vote was taken. League members in attendance were asked to vote regarding the street closure either for or against by a show of hands and verbal approval. The League voted in favor of the project.

Thank you.

Don Musacchio
President, Willoughby Civic League
757-201-0452

LEVIN FAMILY PROPERTIES

7/25/16

To whom it may concern,

R-1

21st Street Development LLC wishes to withdraw its application for a development certificate pertaining to the monument sign at 222 W 21st. This matter is currently scheduled to be considered by City Council at the August 23rd session. Should you have any questions or concerns please contact Allan Sullivan at 757-434-3316.

Respectfully,

Richard Levin
Manager
21st Street Development LLC

2106 Llewellyn Avenue, Norfolk 23517 • (757) 630-2342 • (757) 625-5411 *fax*

05/25/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

R-1

AN ORDINANCE GRANTING A PEDESTRIAN COMMERCIAL OVERLAY DISTRICT DEVELOPMENT CERTIFICATE TO PERMIT THE RENOVATION OF AN EXISTING, NONCONFORMING SIGN ON PROPERTY LOCATED AT 222 WEST 21 STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1: - That a Pedestrian Commercial Overlay District (PCO) Development Certificate is hereby granted to permit the renovation of an existing, nonconforming sign on property located at 222 West 21st Street. The property to which this PCO Development Certificate applies is more fully described as follows:

> Property fronts 300 feet, more or less, along the northern line of East 21st Street beginning 125 feet, more or less, from the western line of Omohundro Avenue and extending westwardly; property also fronts 335 feet, more or less, along the southern line of West 22nd Street; premises now or formally known as the "21st Street Pavilion Shops" and numbered 222 West 21st Street.

Section 2:- That the PCO Development Certificate granted hereby shall be subject to the following condition:

(a) Any subsequent changes made to the project, as described in the staff report and as approved through this development certificate process, shall be reviewed as an amendment to the development certificate.

Section 3:- That the Council expressly finds that waivers from the requirements of § 11-21.3(h) of the Zoning Ordinance of the City of Norfolk, 1992, (as amended) regarding development standards for signs are appropriate because the application submitted, while not strictly in accord with certain general regulations, meets public purposes, is not contrary to planning principals contained in the adopted Downtown Norfolk Plan or general plan and provides public protection to an equivalent or

greater degree, and because, in the particular circumstances of the case, strict application of these regulations is not necessary for the accomplishment of public purposes or the provision of public protection at this time or in the future; wherefore such waivers are hereby granted.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **General Plan Amendment from Single-Family Traditional to Institutional at 260 Filbert Street and change of zoning from IN-1 (Institutional), conditional IN-1, and R-8 (Single-Family) to conditional IN-1 at 255 Thole Street and 260 Filbert Street – Norfolk Christian Schools**

Approved: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Item Number: R-02

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:** By a vote of **4 to 2**, the Planning Commission recommends **Approval**.

III. **Requests:**
- General Plan Amendment from Single-Family Traditional to Institutional – 260 Filbert Street.
- Change of zoning from IN-1 (Institutional), conditional IN-1, and R-8 (Single-Family) to conditional IN-1 – 255 Thole Street and 260 Filbert Street.

IV. **Applicant:** **Norfolk Christian Schools**

V. **Description:**
- These applications were continued from the previous City Council public hearing on July 19 to allow more time for Norfolk Christian to consider revisions to their development plans to accommodate the neighborhood's concerns.
- The new plan relocates the parking lot from the corner of Midfield and Filbert Streets to the Thole Street side of the campus next to the athletic field.
- This request would allow Norfolk Christian to:
  - Relocate the bus parking area, expanding the existing front parking lot adjacent to Thole Street.
  - Construct a new parking lot next to the athletic field on the Thole Street side of the campus.
  - Combine the property at 260 Filbert Street with the school property at 255 Thole Street.
  - Depict future expansions of the principal building for academic, athletic, and fine arts purposes.

- The proposed additions and site modifications will undergo the Site Plan Review process, which will require all site development to adhere to the regulations of the *Zoning Ordinance*, including landscaping, vehicular circulation, and stormwater improvements.
- The conceptual site plan includes new landscape plantings along Filbert Street, buffering the parking lot, and along Thole Street to buffer the proposed athletic field.
- The proffered conditions require the following:
    - The existing bus fueling tank at 255 Thole Street shall be removed and no bus fueling tanks shall be located on site in the future.
    - The smaller multi-purpose field at the corner of Filbert Street and Midfield Street shall be restricted to practice fields and physical education classes and will not be lighted to ensure that all athletic use is ceased by sunset or 8:00 p.m., whichever is earlier.
    - The proposed athletic, academic, and fine arts buildings shall maintain a twenty-five (25) foot setback from the property line on Filbert Street.
    - The landscape buffers shown on conceptual site plan shall consist of plants determined by the Department of Recreation, Parks, and Open Space to be sufficient to provide a sound and sight barrier along the fence line.
- A multi-purpose field was approved at the corner of Midfield Street and Thole Street in 2011. This is where the athletic field is located under the proposed proffers.
- Since the proposal will create a cleaner line demarcating the boundary between the school and the neighborhood, for a section of Filbert Street, and the site improvements will be made to improve accessibility to the school and to improve the characteristic of its southern boundary, the proposed amendment can be supported by *plaNorfolk2030*.

VI. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

VII. Public Schools Impacts

N/A

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated June 23, 2016 with attachments
- Proponents and Opponents
- Ordinance

Proponents and Opponents

Proponents
Tim Daffron – Representative
255 Thole Street
Norfolk, VA 23505

Nathan Lahy
5033 Rouse Drive
Virginia Beach, VA 23462

Opponents
Ada Blair
119 Filbert Street
Norfolk, VA 23505

James Holmes
214 Filbert Street
Norfolk, VA 23505

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: June 23, 2016

Executive Secretary: George M. Homewood, FAICP, CFM

Planner: Chris Whitney, CFM

Staff Report	**Item No. C-1**	
Addresses	**255 Thole Street and 260 Filbert Street**	
Applicant	**Norfolk Christian Schools**	
Requests	**Plan Amendment**	**From Single-Family Traditional to Institutional at 260 Filbert Street**
	Conditional Rezoning	**From IN-1 (Institutional), conditional IN-1, and R-8 (Single-Family) to conditional IN-1 at 255 Thole Street and 260 Filbert Street**
Property Owner	Norfolk Christian Holding Corp.	
Site Characteristics	Site/Building Area	11.87 acres/103,000 sq. ft.
	Future Land Use Map	• Institutional (255 Thole Street) • Single-Family Traditional (260 Filbert Street)
	Zoning	IN-1, conditional IN-1, and R-8
	Neighborhood	Bolling Brook
	Character District	Suburban
Surrounding Area	North	R-7 (Single-Family): Single-family homes
	East	R-3 (Single-Family): Single-family homes
	South	R-8: Single-family homes
	West	R-8, IN-1: Single-family homes, Fire Station #9

A. Summary of Request

- The property is bounded by Thole Street to the north, Filbert Street to the south, Midfield Street to the west, and the Lafayette River wetlands to the east.
- This request would allow Norfolk Christian School to:
  - Modify the original site plan for the school (255 Thole Street) to allow for a reconfiguration of proposed facilities, including a bus parking area along Thole Street, a new parking lot at the corner of Filbert and Midfield Streets, a new sidewalk along Midfield Street, and an athletic field with a scoreboard and flagpole.
  - Rezone property at 260 Filbert Street in order to demolish the existing, vacant house and construct an academic building in its place.
- The property at 260 Filbert Street includes parcels that will be vacated and combined with the school property at 255 Thole Street.

B. Plan Consistency

Analysis

Plan Amendment

- *plaNorfolk2030* designates this site as Single-Family Traditional, making the proposed use inconsistent with *plaNorfolk2030*.
  - An amendment to institutional is necessary for the proposed rezoning to be consistent with *plaNorfolk2030*.
- The Identifying Land Use Strategies chapter of *plaNorfolk2030* identifies the Institutional land use category as a location for a wide range of institutional users, including public and private schools and their surrounding recreational fields.
  - It further calls for recognizing the importance of accessibility, infrastructure capacity, and the relationship of non-residential uses with the surrounding neighborhood.
- Since the proposal will create a cleaner line demarcating the boundary between the school and the neighborhood, for a section of Filbert Street, and the site improvements will be made to improve accessibility to the school and to improve the characteristic of its southern boundary, the proposed amendment can be supported by *plaNorfolk2030*.

Change of Zoning

If the plan amendment is approved, the rezoning request would be consistent with *plaNorfolk2030*.

C. Zoning Analysis

i. General

- The site located at 255 Thole Street is currently zoned IN-1 and conditional IN-1 and is being operated as a private school. The existing, principal building is approximately 84,000 square feet and houses the Middle and High School grades, as well as the Administrative Offices.

- The site located at 260 Filbert Street is currently zoned R-8 and includes the vacant house (approx. 2,000 sq. ft.).
    - In order to construct an academic building at this site, it must be rezoned to IN-1.
- The proposed project consists of the following:
    - At 255 Thole Street:
        - Change the uses of portions of the site from the multi-purpose fields previously shown on the rezoning exhibit approved in 2011 to an athletic field and parking lot.
            - The multi-purpose field at the corner of Midfield Street and Filbert Street would change to a parking lot with one ingress and egress driveway on Midfield Street and additional landscaping between the parking lot and the adjacent residential property at 214 Filbert Street.
            - The multi-purpose field at the corner of Midfield Street and Thole Street would change to an athletic field with a scoreboard and flagpole. There will also be additional landscaping along Thole Street.
        - A new bus parking area and parking lot restriping at the northeastern corner of the school site along Thole Street.
        - Educational Building addition (approx. 6,020 sq. ft.) to the southern side of the school facing Filbert Street.
        - Athletic Building addition (approx. 6,910 sq. ft.) also to the southern side of the building facing Filbert Street. This was previously shown on the rezoning exhibit from 2011.
        - New sidewalk along Midfield Street.
    - At 260 Filbert Street:
        - Fine Arts Building addition (approx. 6,050 sq. ft.).

ii. Parking

- The site is located in the Suburban Character District. The parking requirement for educational facilities is determined by the Zoning Administrator.
    - There is sufficient parking on-site. No reductions in parking on-site are proposed.

iii. Flood Zone

- The property is located in the AE (7.6 Base Flood Elevation), X (Shaded), and X (Low to Moderate) Flood Zones.
    - The finished floors of the three proposed additions are required to be elevated three feet above the Base Flood Elevation (BFE), which is 10.6 feet, or flood-proofed to the BFE.

D. Proffered Conditions

- The applicant has voluntarily proffered the following conditions:
    - The site shall be designed generally in accordance with the conceptual site plan prepared by MSA, P.C., dated May 19, 2016, revised June 7, 2016, entitled, "Exhibit for Rezoning," attached hereto and marked as "Exhibit A," subject to any

revisions required by the city to be made during the Site Plan Review and building permit plan review processes.

- The existing bus fueling tank at 255 Thole Street shall be removed and no bus fueling tanks shall be located on site in the future.
- The proposed parking lot to be located at the corner of Filbert Street and Midfield Street as shown on the attached "Exhibit A" shall not be used for overnight bus parking. It may be lit with dark sky, low profile, security lighting. On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.
- The proposed athletic, academic, and fine arts buildings shall maintain a twenty-five (25) foot setback from the property line on Filbert Street.
- The landscape buffers shown on the attached "Exhibit A" shall consist of plants determined by the Department of Recreation, Parks, and Open Space to be sufficient to provide a sound and sight barrier along the fence line.
- The structure located at 260 Filbert Street shall be demolished. A demolition permit shall be applied for once the fully satisfied deed of ownership has been recorded.

E. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that that the proposed school expansion will generate 283 new vehicle trips per day.
- Based upon ITE data, the single family home on this site would be expected to generate 10 weekday trips while the proposed school additions would be expected to generate 293 trips on weekdays.
- Thole Street adjacent to the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- Thole Street adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

F. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

G. Public Schools Impacts

N/A

H. Environmental Impacts

- The proposed additions and site modifications will undergo the Site Plan Review process, which will require all site development to adhere to the regulations of the *Zoning Ordinance*, including landscaping, vehicular circulation, and stormwater improvements.
- The conceptual site plan includes new landscape plantings along Filbert Street, buffering the parking lot, and along Thole Street to buffer the proposed athletic field.

- The proffered conditions require the following:
  - The existing bus fueling tank at 255 Thole Street shall be removed and no bus fueling tanks shall be located on site in the future.
  - The proposed parking lot to be located at the corner of Filbert Street and Midfield Street as shown on the attached "Exhibit A" shall not be used for overnight bus parking. It may be lit with dark sky, low profile, security lighting. On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.
  - The proposed athletic, academic, and fine arts buildings shall maintain a twenty-five (25) foot setback from the property line on Filbert Street.
  - The landscape buffers shown on conceptual site plan shall consist of plants determined by the Department of Recreation, Parks, and Open Space to be sufficient to provide a sound and sight barrier along the fence line.
- A multi-purpose field was approved at the corner of Midfield Street and Thole Street in 2011. This is where the athletic field is proposed under the proposed proffers.

I. AICUZ Impacts

N/A

J. Surrounding Area/Site Impacts

Over the past year there have been two calls for police service at this site with no arrests made.

K. Payment of Taxes

The owner of the property is current on all real estate taxes.

L. Civic League

- Notice was sent to the Bolling Brook, Suburban Acres, and Cromwell Farm/Ellsworth Civic Leagues on March 16.
- An email of no objection was received from the Cromwell Farm/Ellsworth Civic League on April 28.
- A meeting was held between representatives of Norfolk Christian and the Bolling Brook Civic League on May 16.

M. Communication Outreach/Notification

- Legal notice was posted on the property on March 22.
- Letters were mailed to all property owners within 300 feet of the property on April 15 and June 9.
- Legal notification was placed in *The Virginian-Pilot* on April 14 and April 21.

N. Recommendation

Staff recommends **approval** of the Future Land Use Map amendment and the conditional rezoning request, subject to the proffered conditions.

Attachments

- Location Map
- Future Land Use Map
- Zoning Map
- Application
- Notice to the Civic Leagues
- Email of no objection from the Cromwell Farm/Ellsworth Civic League

Proponents and Opponents

Proponents
Tim Daffron – Representative
255 Thole Street
Norfolk, VA 23505

Nathan Lahy
5033 Rouse Drive
Virginia Beach, VA 23462

Opponents
Ada Blair
119 Filbert Street
Norfolk, VA 23505

James Holmes
214 Filbert Street
Norfolk, VA 23505

04/22/2016 lds

Form and Correctness Approved:

By
Office of the City Attorney

Contents Approved: CW

By
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

PH-4

AN ORDINANCE TO AMEND THE CITY'S GENERAL PLAN, PLANORFOLK2030, SO AS TO CHANGE THE LAND USE DESIGNATION FOR PROPERTY LOCATED AT 260 FILBERT STREET FROM SINGLE-FAMILY TRADITIONAL TO INSTITUTIONAL.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the land use designation set forth in the City's general plan, plaNorfolk2030, for the property located at 260 Filbert Street is hereby changed from Single-Family Traditional to Institutional. The property which is the subject of this change in land use designation are more fully described as follow:

Property fronting 75 feet, more or less, along the northern line of Filbert Street, beginning 680 feet, more or less, from the eastern line of Midfield Street and extending eastwardly; premises numbered 260 Filbert Street.

Section 2:- The Council hereby finds that this general plan amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

08/11/2016 lds

Form and Correctness Approved: ADM

By _____
Office of the City Attorney

Contents Approved: CW

By _____
DEPT. Planning

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTIES LOCATED AT 255 THOLE STREET AND 260 FILBERT STREET FROM IN-1 (INSTITUTIONAL), CONDITIONAL IN-1 (INSTITUTIONAL), AND R-8 (SINGLE-FAMILY RESIDENTIAL) TO CONDITIONAL IN-1 (INSTITUTIONAL) DISTRICT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the properties located at 255 Thole Street and 260 Filbert Street are hereby rezoned from IN-1 (Institutional), conditional IN-1 (Institutional), and R-8 (Single-Family Residential) Districts to conditional IN-1 (Institutional) District. The properties which are the subject of this rezoning are more fully described as follows:

Properties front 1,174 feet, more or less, along the southern line of Thole Street, 424 feet, more or less, along the western line of Parkdale Drive, 380 feet, more or less, along the eastern line of Midfield Street, and 992 feet, more or less, along the northern line of Filbert Street; but excluding those properties fronting 225 feet, more or less, along the northern line of Filbert Street beginning 155 feet, more or less, from the eastern line of Midfield Street and extending eastwardly. The rezoned properties are numbered 255 Thole Street and 260 Filbert Street.

Section 2:- That the properties rezoned by this ordinance shall be subject to the following conditions:

(a) The site shall be designed generally in accordance with the conceptual site plan prepared by MSA, P.C., dated May 19, 2016, revised July 25, 2016, entitled "Conceptual Site Layout of Norfolk Christian School," attached hereto and marked as "Exhibit A," subject to any revisions required by the city to be made during the Site Plan Review and

building permit plan review processes.

(b) The existing bus fueling tank at 255 Thole Street shall be removed and no bus fueling tanks shall be located on site in the future.

(c) The smaller multi-purpose field at the corner of Filbert Street and Midfield Street shall be restricted to practice fields and physical education classes and will not be lighted to ensure that all athletic use is ceased by sunset or 8:00 p.m., whichever is earlier.

(d) The proposed athletic, academic, and fine arts buildings shall maintain a 25-foot setback from the property line on Filbert Street.

(e) The landscape buffers shown on the attached "Exhibit A" shall consist of plants determined by the Department of Recreation, Parks, and Open Space to be sufficient to provide a sound and sight barrier along the fence line.

(f) The structure located at 260 Filbert Street shall be demolished. A demolition permit shall be applied for once the fully satisfied deed of ownership has been recorded.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

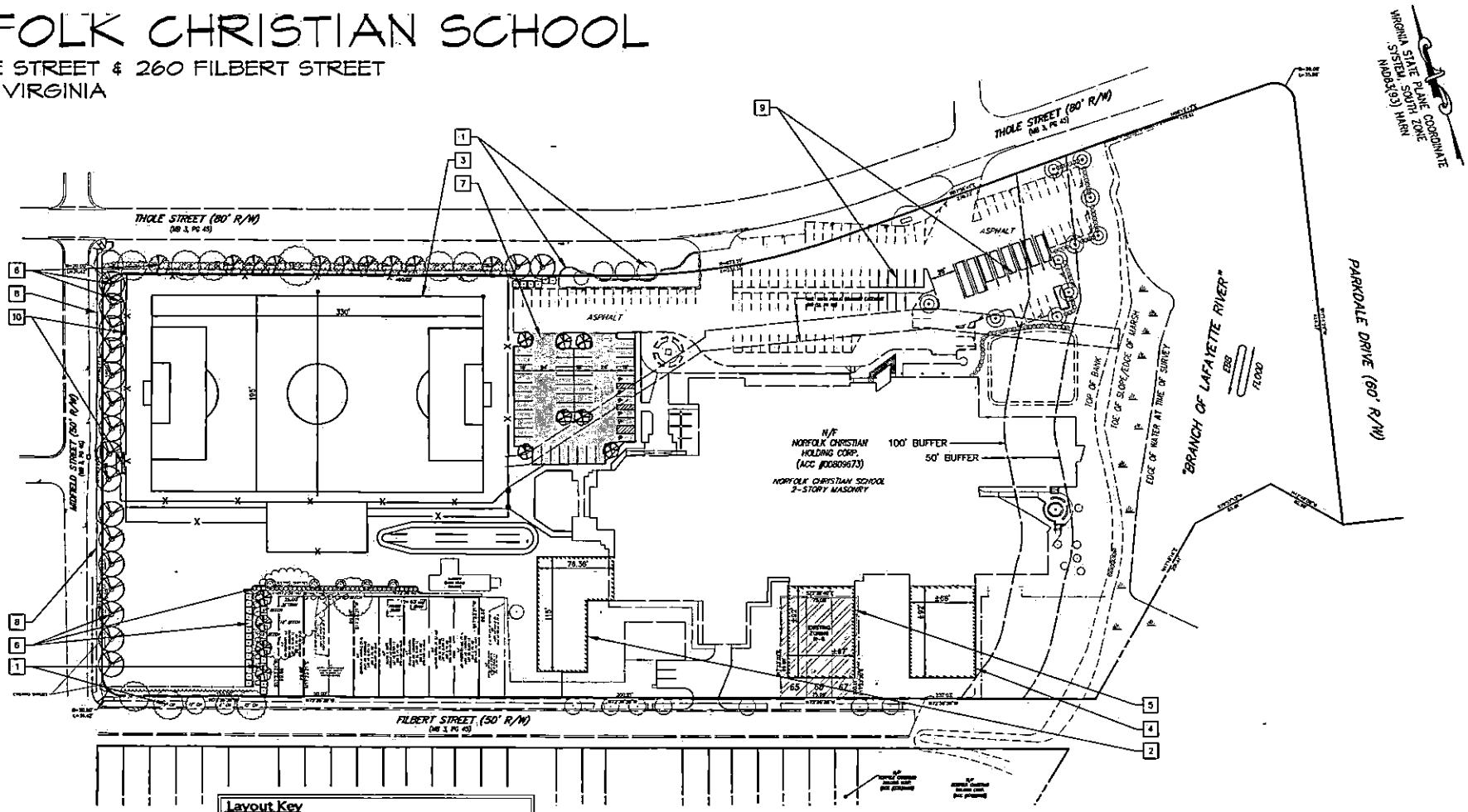
ATTACHMENT:
Exhibit A (1 page)

CONCEPTUAL SITE LAYOUT OF

NORFOLK CHRISTIAN SCHOOL

255 THOLE STREET & 260 FILBERT STREET
NORFOLK, VIRGINIA

Exhibit A



Site Data

Site Area:	±11.87 Ac
GPIN:	1439-46-4524 1439-46-4303 1439-46-4332 1439-46-4351
Existing Zoning:	IN-1 & R-8
Proposed Zoning:	IN-1
Existing Use:	Academic/Single Family Res.
Proposed Use:	Academic
Existing Building Size:	±83,978 Sf
Proposed Building Size:	±102,952 Sf

Layout Key

1. EXISTING LANDSCAPE TO REMAIN
2. ATHLETIC BUILDING ADDITION (±6,910 SF)
3. ATHLETIC FIELD
4. EDUCATIONAL BUILDING ADDITION TO INCLUDE COMMUNITY MEETING ROOM (±6,020 SF)
5. FINE ARTS BUILDING ADDITION (±6,050 SF)
6. NEW LANDSCAPE PLANTINGS
7. NEW PARKING LOT
8. NEW SIDEWALK
9. SCHOOL BUS PARKING & PARKING LOT RESTRIPING
10. SCOREBOARD & FLAGPOLE

DENOTES AREA TO BE REZONED

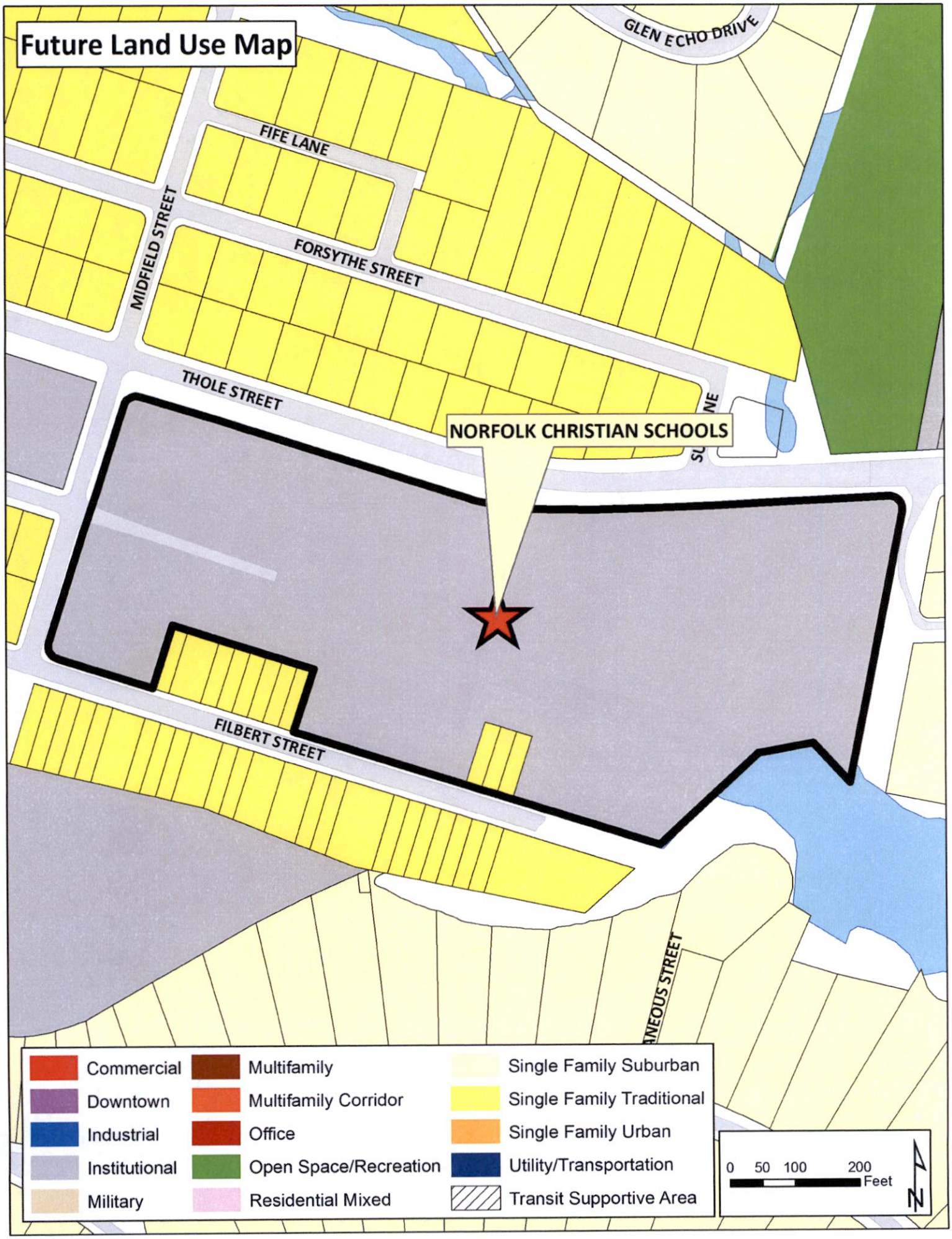
DATE: 05/19/16
(REVISED: 07/25/16)
EXHIBIT FOR REZONING

THIS DRAWING IS CONCEPTUAL AND HAS BEEN PREPARED WITHOUT BENEFIT OF A SITE SURVEY, THEREFORE, PROPERTY LINES, WETLAND BOUNDARIES, AND OTHER SITE SPECIFIC DATA ARE APPROXIMATE. CONCEPT DRAWINGS ARE GENERAL IN NATURE AND ARE INTENDED ONLY TO ILLUSTRATE THE DEVELOPMENT POTENTIAL FOR A PROPERTY; THEY SHOULD NOT BE RELIED UPON AS THE SOLE BASIS FOR ANY FINANCIAL OR LEGALLY BINDING TRANSACTION.

50 0 50 100
1 INCH = 50 FT

MSA, P.C.
Environmental Sciences • Planning • Surveying
Civil & Environmental Engineering • Landscape Architecture
5033 Rouse Drive, Virginia Beach, VA 23462
757-490-9264 (Ofc) 757-490-0634 (Fax)
www.msaonline.com
MSA PROJ. #15087

Location Map
FIFE LANE
MIDFIELD STREET
FORSYTHE STREET
THOLE STREET
NORFOLK CHRISTIAN SCHOOLS
FILBERT STREET
MISCELLANEOUS STREET
NORTH BLAKE ROAD
0 55 110 220
Feet
N


Future Land Use Map
GLEN ECHO DRIVE
FIFE LANE
MIDFIELD STREET
FORSYTHE STREET
THOLE STREET
NORFOLK CHRISTIAN SCHOOLS
FILBERT STREET
Commercial
Downtown
Industrial
Institutional
Military
Multifamily
Multifamily Corridor
Office
Open Space/Recreation
Residential Mixed
Single Family Suburban
Single Family Traditional
Single Family Urban
Utility/Transportation
Transit Supportive Area
0 50 100 200
Feet
N

Zoning Map
R-7
R-7
R-11
R-11
FIFE LANE
R-7
R-7
OSP
R-7
MIDFIELD STREET
FORSYTHE STREET
R-7
THOLE STREET
IN-1
IN-1
R-3
NORFOLK CHRISTIAN SCHOOLS
IN-1
R-8
R-3
R-8
IN-1
IN-1
R-8
FILBERT STREET
R-3
R-8
R-8
IN-2
R-6
MISCELLANEOUS STREET
NORTH BLAKE ROAD
R-6
0 55 110 220
Feet
N

APPLICATION
CHANGE OF ZONING

Date of application: 03-08-2016

Change of Zoning IN-1 + Cond. IN-1 cond. IN-1 (modify proffers)

From: R-8 **Zoning** **To:** IN-1 cond* **Zoning** (260 Filbert St.)

DESCRIPTION OF PROPERTY

Property location: (Street Number) 255 (Street Name) Thole Street
260 Filbert Street

Existing Use of Property: Private School (Thole), Single Family Detached (Filbert)

Current Building Square Footage 84,000

Proposed Use Academic Building Additions (Educational, Fine Arts, Athletic)

Proposed Building Square Footage 19,000

Trade Name of Business (If applicable) Norfolk Christian Schools

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Daffron (First) Timothy (MI) P

Mailing address of applicant (Street/P.O. Box): 255 Thole Street

(City) Norfolk (State) VA (Zip Code) 23505

Daytime telephone number of applicant ( ) 757.423.5770 Fax ( ) 757.440.5388

E-mail address of applicant: TDaffron@coastalequipment.net

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Lahy (First) Nathan (MI) A

Mailing address of applicant (Street/P.O. Box): 5033 Rouse Drive

(City) Virginia Beach (State) VA (Zip Code) 23462

Daytime telephone number of applicant ( ) 757.490.9264 Fax ( )

E-mail address of applicant: nathan.lahy@msaonline.com

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)
Norfolk Christian Holdings Corp.

3. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box): 255 Thole St.

(City) Norfolk (State) VA (Zip Code) 23505

Daytime telephone number of owner (757) 423-5770 email: Tdaffron@coastalequipment.net

CIVIC LEAGUE INFORMATION

Civic League contact: Bolling Brook Civic League - Adia Blair (contact)

Date(s) contacted: 3-1-2016 , 3-14-16

Ward/Super Ward information: Ward 2; Super Ward 6

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Timothy P. Daffron **Sign:** _____ 3, 14, 16
(Property Owner or Authorized Agent of Signature) President (Date)

Print name: Timothy P. Daffron **Sign:** _____ 3, 14, 16
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** NATHAN LAHY 3, 14, 16
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

PROFFERS FOR CONDITIONAL REZONING
Norfolk Christian Schools
255 Thole Street
260 Filbert Street

(a) The site shall be designed generally in accordance with the conceptual site plan prepared by MSA, P.C., dated May 19, 2016, revised July 25, 2016, entitled "Conceptual Site Layout of Norfolk Christian School," attached hereto and marked as "Exhibit A," subject to any revisions required by the city to be made during the Site Plan Review and building permit plan review processes.

(b) The existing bus fueling tank at 255 Thole Street shall be removed and no bus fueling tanks shall be located on site in the future.

(c) The smaller multi-purpose field at the corner of Filbert Street and Midfield Street shall be restricted to practice fields and physical education classes and will not be lighted to ensure that all athletic use is ceased by sunset or 8:00 p.m., whichever is earlier.

(d) The proposed athletic, academic, and fine arts buildings shall maintain a twenty-five (25) foot setback from the property line on Filbert Street.

(e) The landscape buffers shown on the attached "Exhibit A" shall consist of plants determined by the Department of Recreation, Parks, and Open Space to be sufficient to provide a sound and sight barrier along the fence line.

(f) The structure located at 260 Filbert Street shall be demolished. A demolition permit shall be applied for once the fully satisfied deed of ownership has been recorded.

Current Property Owner

Print Name: Timothy P. Daffron President NCHC

Sign: _____ Date: 8.11.16

Proposed Property Owner (if different than current owner)

Print Name: _____

Sign: _____ Date: _____

Applicant/Authorized Agent

Print Name: Timothy P. Daffron President NCHC

Sign: _____ Date: 8.11.16

Whitney, Chris

From: Straley, Matthew
Sent: Wednesday, March 16, 2016 12:32 PM
To: 'AgBlair@verizon.net'; 'wspeid@cox.net'; 'saclpresident@gmail.com'
Cc: Whibley, Terry; Winn, Barclay; Ransom, Carlton; Whitney, Chris
Subject: new Planning Commission application
Attachments: NorfolkChristian.pdf

Ms. Blair, Mr. Speidel, Mr. Janney:

Attached please find the following applications

a. Property at 255 Thole Street:
   i. Change of zoning from IN-1 (Institutional) and conditional IN-1 to conditional IN-1 in order to modify conditions pertaining to the entire school campus.
b. Property at 260 Filbert Street:
   i. Amendment to the Future Land Use Designation in the general plan, *plaNorfolk2030*, from Single-Family Traditional to Institutional.
   ii. Change of zoning from R-8 (Single-Family) to conditional IN-1.

The purpose of the requests is to modify the site layout of the school campus.

The item is tentatively scheduled for the April 28, 2016 Planning Commission public hearing.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II

THE CITY OF NORFOLK
City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

Whitney, Chris

From: wspeid@cox.net
Sent: Thursday, April 28, 2016 4:39 PM
To: Whitney, Chris
Cc: tdaffron@coastalequipment.net
Subject: Norfolk Christian Schools expansion - No objections

Follow Up Flag: Flag for follow up
Flag Status: Flagged

The Cromwell Farm/Elsworth Civic League has no objections to the proposed changes to at Norfolk Christian Schools and Midfield Avenue and does not need to be included in any community outreach regarding this project.

Regards.

Bill Speidel
President, Cromwell Farm/Elsworth Civic League

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception to operate an Eating and Drinking Establishment – 9610 1st View Street – Carmen's Café**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 5/6

Approved: _____
Marcus D. Jones, City Manager

Item Number:
R-03

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception to operate an Eating and Drinking Establishment

IV. **Applicant:** **Carmen's Café**

V. **Description:**
- The applicant proposes to sell alcohol at the existing specialty food market and restaurant for on-premises consumption.
  - The food market does not sell alcohol for off-premises consumption and there is no request to do so at this time.
- An eating establishment has been in operation at this facility since the 1990s.

VI. **Historic Resources Impacts**
- The site is not located within a federal, state, or local historic district.
  - Since the building on the site are at least 50 years old, the structures could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

VII. **AICUZ Impacts**
- The site is located within a Noise Zone with a Day-Night Average Sound Level of 60-65 Decibels (DNL 60) as identified within the Hampton Roads Regional Joint Land Use Study (JLUS), Air Installations Compatibility Use Zones (AICUZ) planning map.
  - The DNL 60 Noise Zone is a low impact noise zone and the proposed use is compatible within the zone.

VIII. Public Schools Impacts

This site is located within the Ocean View Elementary School, Northside Middle School and Granby High School Attendance Zones.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated July 28, 2016 with attachments
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

City Planning Commission: July 28, 2016

Executive Secretary: George M. Homewood, FAICP, CFM GS

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	**Item No. 7**	
Address	**9610 1st View Street**	
Applicant	**Carmen's Café**	
Request	**Special Exception**	**Eating and Drinking Establishment**
Property Owner	A.J. & Lynda Moore	
Site Characteristics	Site/Building Area	10,349 sq. ft./3,006 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-1 (Limited Commercial)
	Neighborhood	Ocean View
	Character District	Coastal
Surrounding Area	North	C-3 (Retail Center): Ocean View Shopping Center
	East	R-12 (Medium Density Multi-Family): Single-family homes
	South	R-12: Individual apartment buildings
	West	C-1: Ocean View Club 60 membership organization

A. Summary of Request

- The site is located at the southeast corner of 1st View Street and A View Avenue within the Ocean View neighborhood.
- The applicant proposes to sell alcohol at the existing specialty food market and restaurant for on-premises consumption.
  - The food market does not sell alcohol for off-premises consumption and there is no request to do so at this time.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

C. Zoning Analysis

i. General

- An eating establishment has been in operation at this facility since the 1990s.
- The applicant proposes to provide alcoholic beverages to their patrons.
- The site is zoned C-1 (Limited Commercial) district which permits the use by special exception.
- The site is surrounded by a mix of residential, commercial, recreational and institutional uses.

	Previous (no alcohol sales)	Proposed
Hours of Operation and Hours for the Sale of Alcohol	10:00 a.m. until 10:00 p.m., Sunday through Thursday 10:00 a.m. until 11:00 p.m., Friday and Saturday	Same
Capacity	• 40 seats indoors • 0 seats outdoors • 49 total capacity	Same

ii. Parking

- The site is located within the Coastal Character District.
- Adding the sale of alcoholic beverages to an existing eating establishment does not require additional parking.
- No increase in occupancy or building floor area is proposed; thus no additional parking impacts are anticipated.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- No new trips are forecast related to the proposed addition of on-premises alcohol sales at this existing restaurant.
- The site is near transit service with Hampton Roads Transit bus route 3 (Chesapeake) operating near the site.
- 1st View Street adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

- The buildings are not located within a federal, state, or local historic district.
  - Since the buildings on the site are at least 50 years old, the structures could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

F. Public Schools Impacts

The site is located in the Ocean View Elementary School, Northside Middle School and Granby High School Attendance Zones.

G. Environmental Impacts

- Landscaping will be installed and maintained along the eastern edge of the site, adjacent to the residential along A View Avenue, as well as within the grass verge along First View Street, between the sidewalk and the parking lot.
- A trash enclosure will be required to be provided adjacent to the eastern side of the building and will be required to be screened and properly maintained.

H. AICUZ Impacts

- The site is located within a Noise Zone with a Day-Night Average Sound Level of 60-65 Decibels (DNL 60) as identified within the Hampton Roads regional Joint Land Use Study (JLUS), Air Installations Compatibility Use Zones (AICUZ) planning map.
  - The DNL 60 Noise Zone is a low impact noise zone and the proposed use is compatible within the zone.

I. Surrounding Area/Site Impacts

By requiring this use to conform to the conditions listed below, granting the special exception should not have a negative effect on the surrounding area.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

Notice was sent to the Ocean View Civic League on June 16.

L. Recommendation

Staff recommends **approval** of the special exception request, considering compliance with *Zoning Ordinance* requirements, subject to the conditions below:

(a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 10:00 a.m. until 10:00 p.m., Sunday through Thursday, and from 10:00 a.m. until 11:00 p.m., Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 40 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people.

(c) The site shall be improved generally in accordance with the conceptual site plan, attached hereto and marked as "Exhibit B," subject to all landscape species and specifications to be approved by the City's Department of Recreation, Parks and Open Space.

(d) The trash containers shall be kept in a secure location to be located directly adjacent to the eastern exterior wall of the structure as shown on Exhibit B, attached, and screened from view from the adjacent residential properties.

(e) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(f) The establishment shall maintain a current, active business license at all times while in operation.

(g) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.

(h) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(i) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(j) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(k) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(l) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(m) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(n) In addition to the ABC manager or supervisor, the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(o) There shall be no entertainment, no dancing, and no dance floor provided.

(p) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(q) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a

visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Physical Survey
Conceptual Site Plan
Notice to the Ocean View Civic League

Proponents and Opponents

Proponents

Maria Carmen Carcamo – Applicant
238 Portview Avenue, unit 1
Norfolk, VA 23503

John J. Willis
2240 Tarrallton Drive
Norfolk, VA 23518

Opponents

None

07/27/2016 lds

Form and Correctness Approved: APR

By _____
Office of the City Attorney

Contents Approved: M.S

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "CARMEN'S CAFÉ" ON PROPERTY LOCATED AT 9610 1ST VIEW STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Maria C. Carcamo authorizing the operation of an eating and drinking establishment named "Carmen's Café" on property located at 9610 1st View Street. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 100 feet, more or less, along the eastern line of 1st View Street and 100 feet, more or less, along the southern line of A View Avenue; premises numbered 9610 1st View Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 10:00 a.m. until 10:00 p.m., Sunday through Thursday, and from 10:00 a.m. until 11:00 p.m. on Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 40 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people.

(c) The site shall be improved generally in accordance with the conceptual site plan, attached hereto and marked as "Exhibit B," subject to any modifications to landscaping species and specifications that may

be required by the City's Department of Recreation, Parks and Open Space upon its review of the plan.

(d) The trash containers shall be kept in a secure location directly adjacent to the eastern exterior wall of the structure as shown the conceptual site plan, attached hereto and marked as "Exhibit B," and shall screened from view from the adjacent residential properties.

(e) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(f) The establishment shall maintain a current, active business license at all times while in operation.

(g) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.

(h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(j) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners,

operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(l) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.

(m) In addition to the ABC manager or supervisor, the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.

(n) There shall be no entertainment, no dancing, and no dance floor provided.

(o) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(p) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:
Exhibit A (3 pages)
Exhibit B (1 page)

EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 5/2/16

Trade name of business Carmen's Café

Address of business 9610 First View Street

Name(s) of business owner(s)* Maria Carmen Cárcamo

Name(s) of property owner(s)* A. J. and Lynda Moore

Daytime telephone number (703) 987-4281

*If business or property owner is partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 10am	To 10pm	Weekday	From 10 am	To 10pm
Friday	From 10am	To 11pm	Friday	From 10 am	To 11pm
Saturday	From 10 am	To 11 pm	Saturday	From 10 am	To 11pm
Sunday	From 10 am	To 10 pm	Sunday	From 10 am	To 10pm

2. Type of ABC license applied for (check all applicable boxes)
   ☑ On-Premises ☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for
   ☑ Beer ☑ Wine ☑ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?
   (Entertainment consists of anything more than one, unamplified musician)
   ☐ Yes (Different application required) ☑ No

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(Revised January, 2015)

5. Will video games, pool tables, game boards or other types of games be provided?
   ☐ Yes (If more than 4, additional application required) ☑ No

   5a. If yes, please describe type and number of each game to be provided

   _____

   _____

6. Will patrons ever be charged to enter the establishment?
   ☐ Yes ☑ No

   6a. If yes, why

   _____

   _____

   6b. Which days of the week will there be a cover charge (circle all applicable days)? N/A

   Monday Tuesday Wednesday Thursday Friday

   Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
   ☑ Yes ☐ No

   7a. If yes, explain wedding/baby showers, etc.

   _____

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
   ☐ Yes ☑ No

   8a. If yes, explain

   _____

   _____

9. Will there ever be a minimum age limit?
   ☐ Yes ☑ No

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Exhibit A – Page 3
Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

_____

_____

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility N/A

Signature of Applicant

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

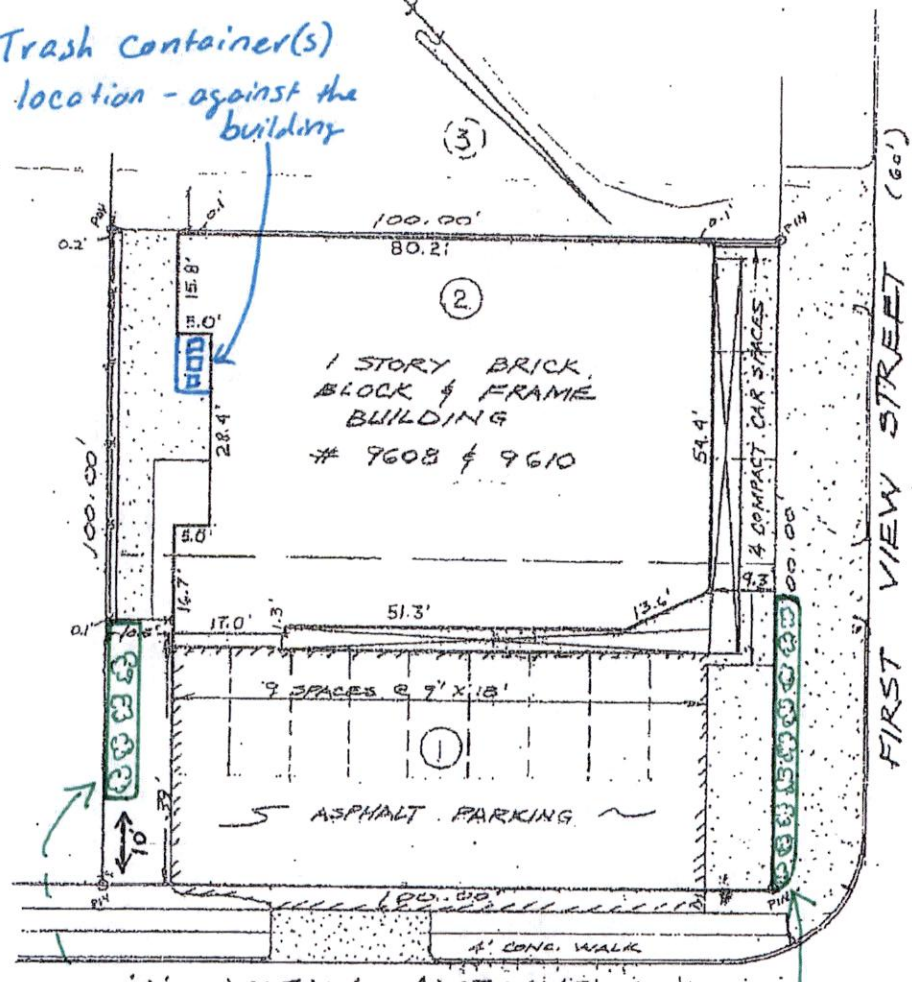
Exhibit B

THIS IS TO CERTIFY THAT I, ON JANUARY 4, 1989 SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

COMMONWEALTH OF VIRGINIA
JAMES C. HICKMAN
No. 522
LAND SURVEYOR

SIGNED: James C. Hickman

THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE C AS SHOWN ON F.E.M.A. FLOOD HAZARD MAP COMMUNITY PANEL NUMBER 510104 0009 D REVISED APRIL 17, 1984



Landscape shrubs to be maintained 18"-36" height range

PHYSICAL SURVEY
OF
LOT 1 & 2, BLOCK 14
DULWICH PLACE
NORFOLK VIRGINIA
FOR
A. J. & LYNDA MOORE

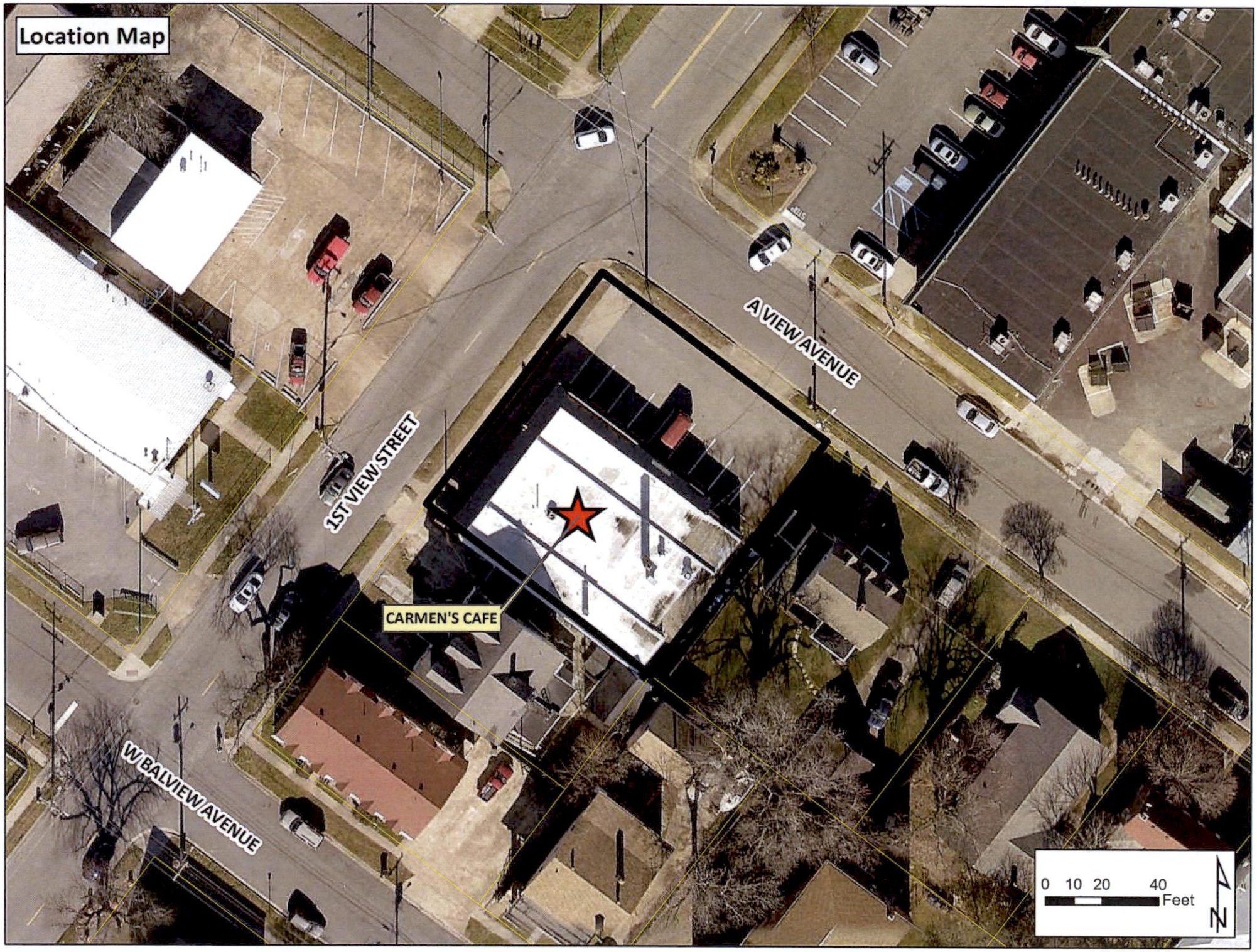
JAMES C. HICKMAN, P.C.
LAND SURVEYOR
5625 PROVIDENCE ROAD
VIRGINIA BEACH, VIRGINIA 23464
(804) 420-4462

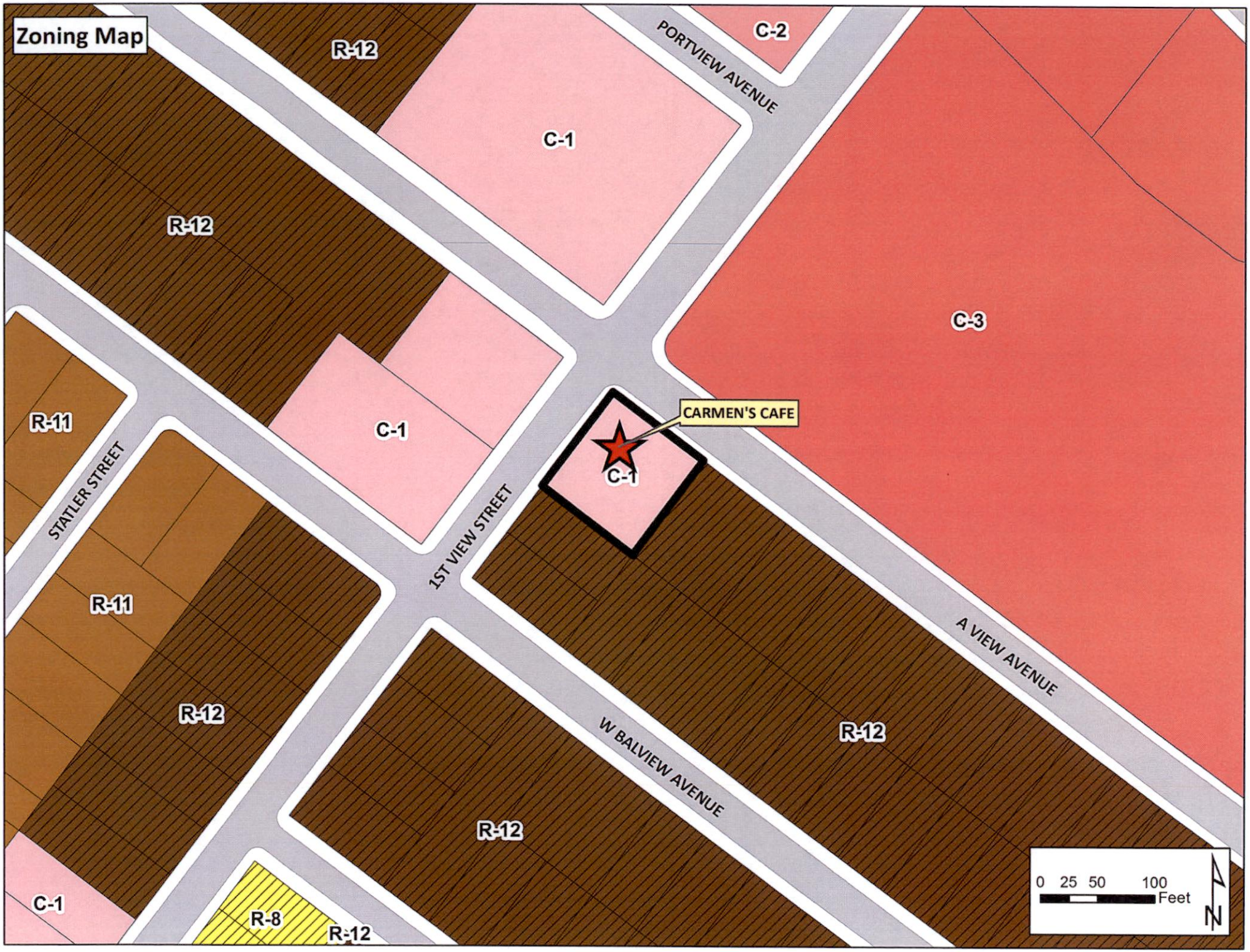
SCALE: 1" = 20'

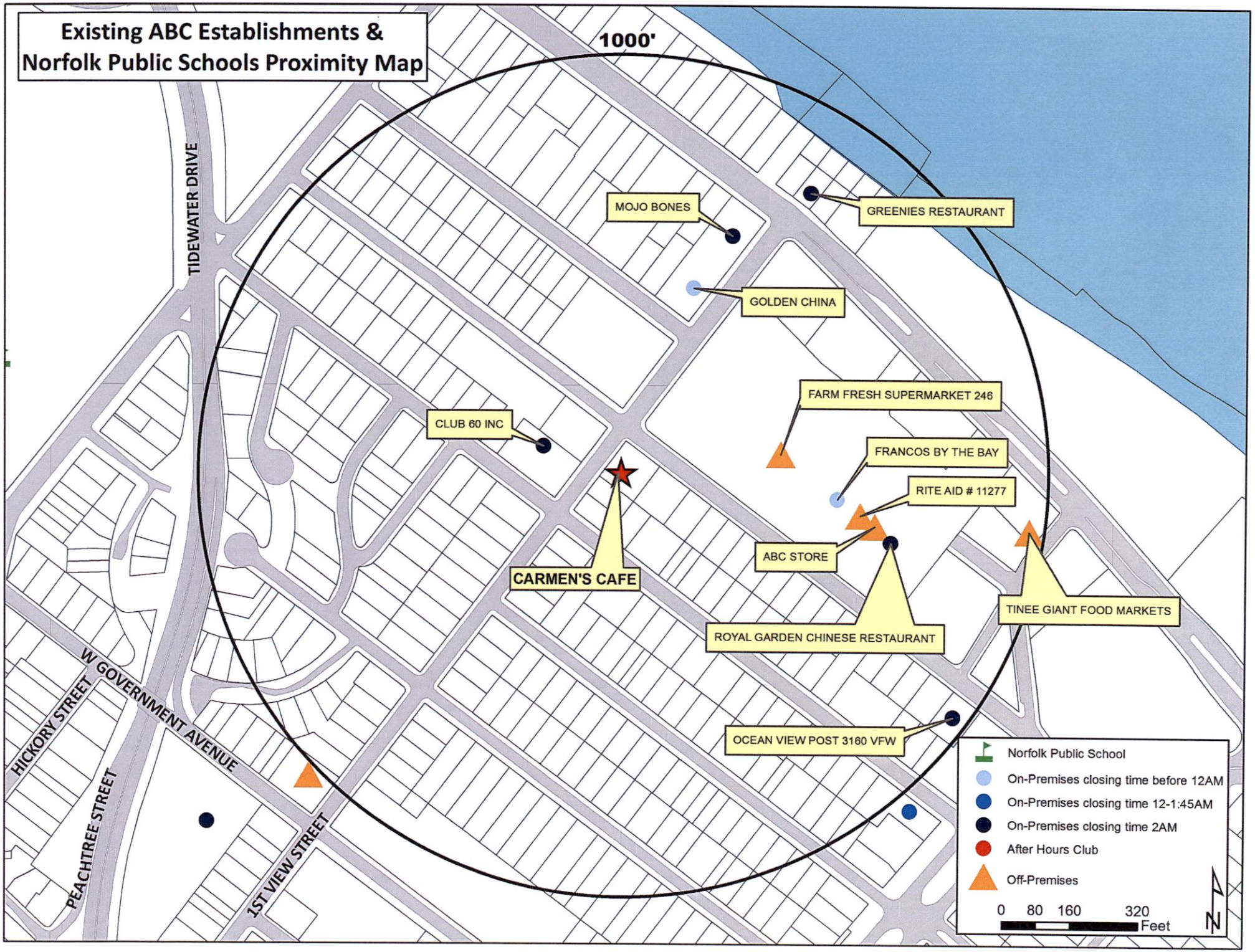
DATE: JANUARY 5, 1989

F.B. 195 PG. 137 JOB NO. 89-004

PLAT RECORDED IN CHESAPEAKE, VA
M.B. 6 PG. 89
D.B. PG.


Location Map
A VIEW AVENUE
1ST VIEW STREET
CARMEN'S CAFE
W BALVIEW AVENUE
0 10 20 40
Feet
N


Zoning Map
R-12
C-2
PORTVIEW AVENUE
C-1
R-12
C-3
CARMEN'S CAFE
R-11
C-1
C-1
STATLER STREET
1ST VIEW STREET
R-11
A VIEW AVENUE
R-12
W BALVIEW AVENUE
R-12
R-12
C-1
R-8
R-12
0 25 50 100
Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
TIDEWATER DRIVE
MOJO BONES
GREENIES RESTAURANT
GOLDEN CHINA
FARM FRESH SUPERMARKET 246
CLUB 60 INC
FRANCOS BY THE BAY
RITE AID # 11277
ABC STORE
CARMEN'S CAFE
TINEE GIANT FOOD MARKETS
ROYAL GARDEN CHINESE RESTAURANT
W GOVERNMENT AVENUE
HICKORY STREET
OCEAN VIEW POST 3160 VFW
PEACHTREE STREET
1ST VIEW STREET
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)

Date 5/2/16

DESCRIPTION OF PROPERTY

Address 9610 First View Street | Norfolk, VA 23503

Existing Use of Property Café

Proposed Use Restaurant | Café

Current ~~Building~~ Space Square Footage 3006

Proposed Building Square Footage _____

Trade Name of Business (if applicable) Carmen's Café

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Cárcamo (Cárcamo) (First) Maria (MI) C.

Mailing address of applicant (Street/P.O. Box): 238 Portview Ave. #1

(City) Norfolk (State) VA (Zip Code) 23503

Daytime telephone number of applicant (703) 987-4281 Fax ( )

E-mail address of applicant: Rodriguez.CE8@Gmail.com

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810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) ____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant ( ) _____ Fax ( ) _____

E-mail address of applicant: _____

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Moore (First) Lynda (MI) ____

Mailing address of property owner (Street/P.O. box): 2128 Mt. Pleasant Rd.

(City) Chesapeake (State) VA (Zip Code) 23322

Daytime telephone number of owner (757) 639-9406 email: _____
757 482-3961

CIVIC LEAGUE INFORMATION

Civic League contact: West Ocean View - Al Saunders

Date(s) contacted: _____

Ward/Super Ward information: Ward 5 / Superward 6

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Carcamo, Maria Carmen **Sign:** _____ / 5 / 2016
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Moore, Lynda **Sign:** _____ / 5 / 1 / 2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name:_____ **Sign:**_____ / ____ / ____
(Authorized Agent Signature) (Date)

Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	40
Number of bar seats	
Standing room	31

b. Outdoor

Number of seats	0

c. Number of employees 6

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 49

DEPARTMENT OF CITY PLANNING
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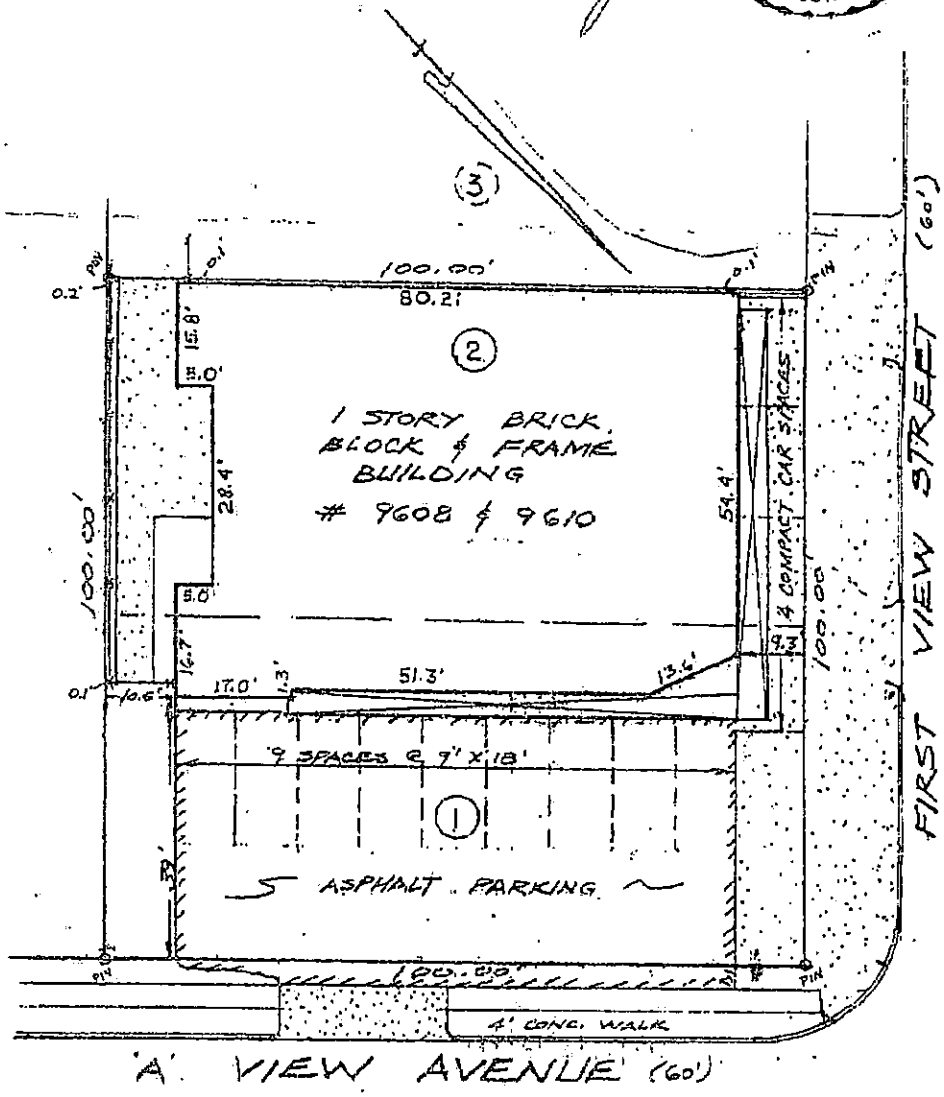
COMMONWEALTH OF VIRGINIA
JAMES C. HICKMAN
No. 322
LAND SURVEYOR

SIGNED: James C. Hickman

THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE C AS SHOWN ON F.E.M.A. FLOOD HAZARD MAP COMMUNITY PANEL NUMBER 510104 0007 D REVISED APRIL 17, 1984



PHYSICAL SURVEY OF
LOT 1 & 2, BLOCK 14
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NORFOLK, VIRGINIA
FOR
A. J. & LYNDA MOORE

JAMES C. HICKMAN, P.C.
LAND SURVEYOR
5625 PROVIDENCE ROAD
VIRGINIA BEACH, VIRGINIA 23464
(804) 420-4462

SCALE: 1" = 20'
DATE: JANUARY 5, 1989

P.B. 195 PG. 137 JOB NO. 89-004

PLAT RECORDED IN CHESAPEAKE, VA
M.B. 6 PG. 89
D.B. PG.

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COMMONWEALTH OF VIRGINIA
JAMES C. HICKMAN
No. 322
LAND SURVEYOR

SIGNED: James C. Hickman

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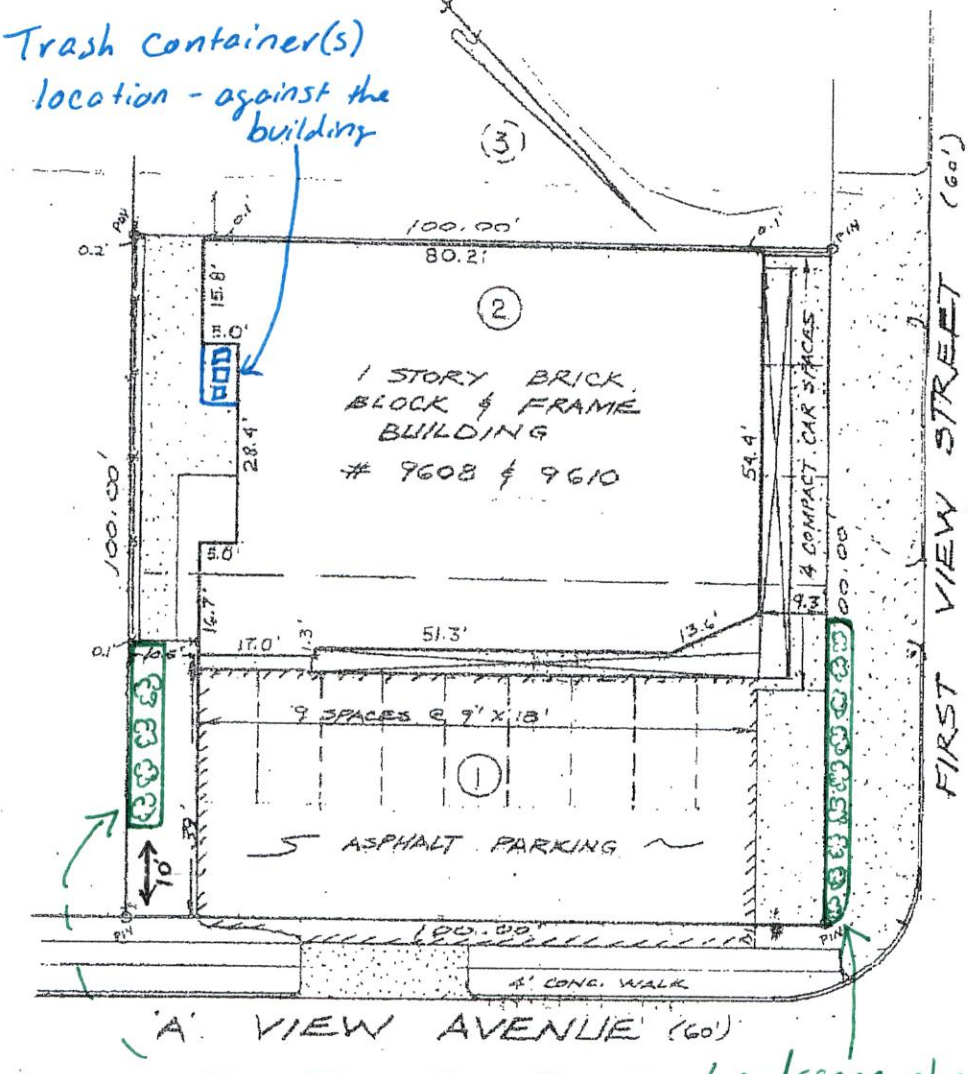

PHYSICAL SURVEY OF
LOT 1 & 2, BLOCK 14
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NORFOLK VIRGINIA
FOR
A. J. & LYNDA MOORE

JCH

JAMES C. HICKMAN, P.C.
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5625 PROVIDENCE ROAD
VIRGINIA BEACH, VIRGINIA 23464
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SCALE: 1" = 20'
DATE: JANUARY 5, 1989

F.B. 195 PG. 137 JOB NO. 89-004

PLAT RECORDED IN CHESAPEAKE, VA
M.B. 6 PG. 89
D.B. PG.

Simons, Matthew

From: Straley, Matthew
Sent: Thursday, June 16, 2016 3:07 PM
To: 'erm626@cox.net'
Cc: Smigiel, Thomas; Winn, Barclay; McClellan, Andria; Ransom, Carlton; Simons, Matthew
Subject: new Planning Commission application - 9610 1st View St
Attachments: CarmensCafe.pdf

Ms. Miller,

Attached please find the application for a special exception to operate an eating and drinking establishment at 9610 1st View Street.

The item is tentatively scheduled for the July 28, 2016 Planning Commission public hearing.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II

THE CITY OF NORFOLK
City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception to operate an eating and drinking establishment at 1087 N. Military Highway – Chipotle**

Reviewed: _____ **Ward/Superward: 4/7**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number: R-04**
Marcus D. Jones, City Manager

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:** By a vote of **5 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception to operate an eating and drinking establishment.

IV. **Applicant:** **Montgomery F. Moran and Matthew S. Ells**

V. **Description:**

- The applicant for this special exception request is the future tenant (Chipotle) of an end suite (suite number not yet established) in a three-suite commercial building proposed for the Lowe's site outparcel.
- This special exception would allow the establishment to serve beer for on-premises consumption.

	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages	11:00 a.m. until 10:00 p.m., Seven days a week
Seating Capacity	48 seats indoors 14 seats outdoors 72 total capacity

VI. **Historic Resources Impacts**

The site is not located within a federal, state, or local historic district.

VII. Public Schools Impacts

The site is located in the Ingleside Elementary School, Lake Taylor Middle School, and Lake Taylor High School Attendance Zones.

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated July 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: July 28, 2016
Executive Secretary: George M. Homewood, FAICP, CFM
Planner: Chris Whitney, CFM

Staff Report	**Item No. 8**	
Address	**1087 N. Military Highway**	
Applicant	**Chipotle**	
Request	**Special Exception**	**Eating and Drinking Establishment**
Property Owner	1081 Military Highway Holdings, LLC	
Site Characteristics	Building/Suite Area	7,770 sq. ft./2,220 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Poplar Halls
	Character District	Suburban
Surrounding Area	North	C-2: Sonic Drive-in
	East	C-3 (Retail Center): JANAF Shopping Center
	South	C-2: USCIS Norfolk Field Office; strip commercial
	West	I-2: Lowe's Home Improvement

A. Summary of Request

- The applicant for this special exception request is the future tenant (Chipotle) of an end suite (suite number not yet established) in a three-suite commercial building proposed for the Lowe's site outparcel.
- This special exception would allow the establishment to serve beer for on-premises consumption.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

The site is located in the C-2 district, which permits the proposed use by special exception.

	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages	11:00 a.m. until 10:00 p.m., Seven days a week
Seating Capacity	48 seats indoors 14 seats outdoors 72 total capacity

ii. Parking

- The proposed eating and drinking establishment requires 15 parking spaces and one bicycle space.
- 53 parking spaces, including three handicap-accessible spaces and four bike racks, will be provided by the proposed development to accommodate the new three-suite commercial building.
    - Proposed parking is sufficient to accommodate the proposed use.

iii. Flood Zone

The property is located in the X (Low to Moderate) Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that that this proposed restaurant will generate 232 new vehicle trips per day.
- Military Highway near the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit service with Hampton Roads Transit bus routes 15 (Military) and 23 (Princess Anne) operating near the site.

- Military Highway adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

F. Public Schools Impacts

The site is located in the Ingleside Elementary School, Lake Taylor Middle School, and Lake Taylor High School Attendance Zones.

G. Environmental Impacts

The building has recently undergone the Site Plan Review process, which requires all site development to adhere to the regulations of the *Zoning Ordinance*, including landscaping, vehicular circulation, and stormwater improvements.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

Over the past year, there have been no calls for police service at this site.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

Notice was sent to the Poplar Halls Civic League on June 16.

L. Communication Outreach/Notification

- Legal notice was posted on the property on June 21.
- Letters were mailed to all property owners within 300 feet of the property on July 14.
- Legal notification was placed in The Virginian-Pilot on July 14 and July 21.

M. Recommendation

Staff recommends **approval** of the special exception request subject to the conditions below:

(a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 10:00 p.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 48 seats indoors, 14 seats outdoors, and the total occupant capacity, including employees, shall not exceed 72 people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the

Department of Planning.

(c) No smoking shall be permitted anywhere in the outdoor dining area. Signage notifying patrons of this restriction shall be conspicuously posted.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(e) The establishment shall maintain a current, active business license at all times while in operation.

(f) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.

(g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(j) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(l) There shall be no entertainment, no dancing, and no dance floor provided.

(m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Poplar Halls Civic League

Proponents and Opponents

Proponents

Ann Crenshaw – Representative
2101 Parks Avenue
Virginia Beach, VA 23451

Opponents

None

07/27/2016 lds

Form and Correctness Approved: ADM

By _____
Office of the City Attorney

Contents Approved: CW

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "CHIPOTLE" ON PROPERTY LOCATED AT 1087 NORTH MILITARY HIGHWAY.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Chipotle Mexican Grill of Colorado, LLC authorizing the operation of an eating and drinking establishment named "Chipotle" on property located at 1087 North Military Highway. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 114 feet, more or less, along the western line of North Military Highway beginning 375 feet, more or less, from the northern line of Meridian Lane and extending northwardly; premises numbered 1087 North Military Highway.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 10:00 p.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The seating for the establishment shall not exceed 48 seats indoors, 14 seats outdoors, and the total occupant capacity, including employees, shall not exceed 72 people. The use authorized by this Special Exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.

(c) No smoking shall be permitted anywhere in the outdoor dining area, and signage notifying patrons of this restriction shall be conspicuously posted.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(e) The establishment shall maintain a current, active business license at all times while in operation.

(f) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.

(g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(i) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception

must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(k) There shall be no entertainment, no dancing, and no dance floor provided.

(l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(m) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the

district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all

additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (3 pages)

EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 5/31/16

Trade name of business Chipotle Mexican Grill #2823

Address of business 1081 North Military Hwy, Norfolk, VA 23502

Name(s) of business owner(s)* Chipotle Mexican Grill of Colorado, LLC- Chipotle Mexican Grill, INC (Full Member)

Name(s) of property owner(s)* 1081 Military Highway Holdings, LLC - Massimo Musa, Greg Lyon and Michael Bishop

Daytime telephone number (303) 222-2524

*If business or property owner is partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 11 AM	To 10 PM	Weekday	From 11 AM	To 10 PM
Friday	From 11 AM	To 10 PM	Friday	From 11 AM	To 10 PM
Saturday	From 11 AM	To 10 PM	Saturday	From 11 AM	To 10 PM
Sunday	From 11 AM	To 10 PM	Sunday	From 11 AM	To 10 PM

2. Type of ABC license applied for (check all applicable boxes)
   ☑ On-Premises ☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for
   ☑ Beer ☐ Wine ☐ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?
   (Entertainment consists of anything more than one, unamplified musician)
   ☐ Yes (Different application required) ☑ No

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☑ No

5a. If yes, please describe type and number of each game to be provided

_____

_____

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☑ No

6a. If yes, why

_____

_____

6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☑ No

7a. If yes, explain

_____

_____

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☑ No

8a. If yes, explain

_____

_____

9. Will there ever be a minimum age limit?
☐ Yes ☑ No

10. Additional comments/ description/operational characteristics or prior experience:

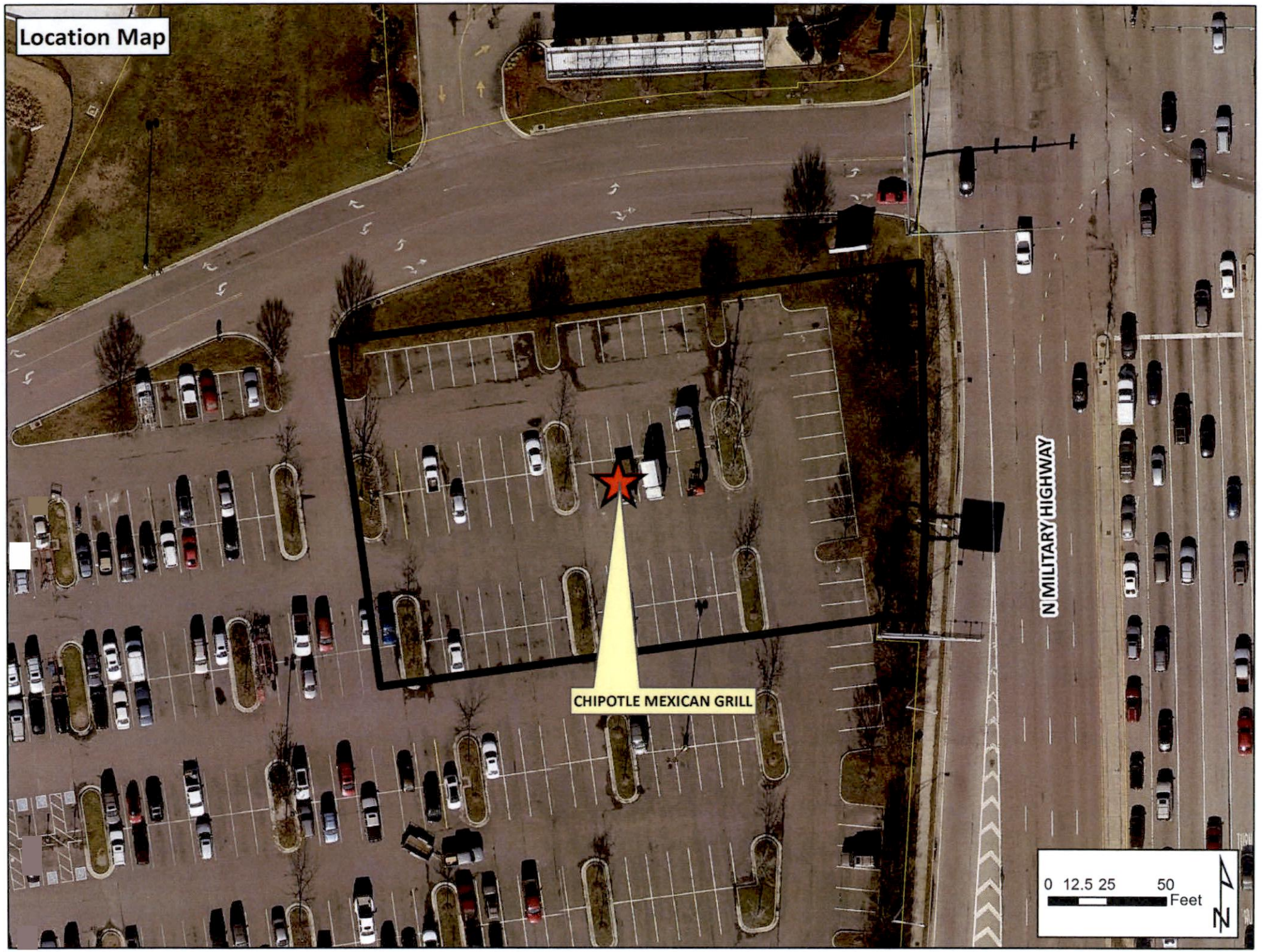
_____

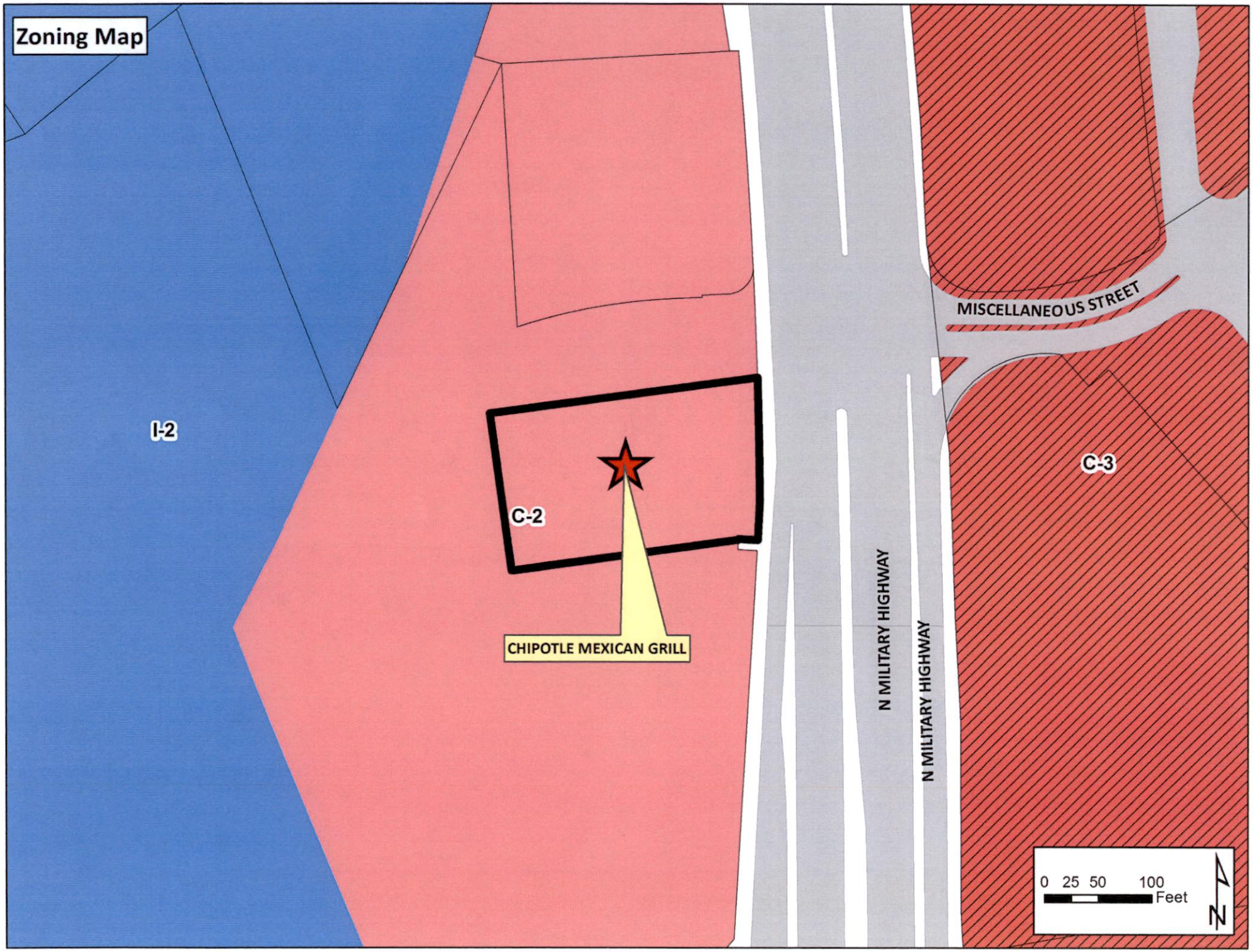
_____

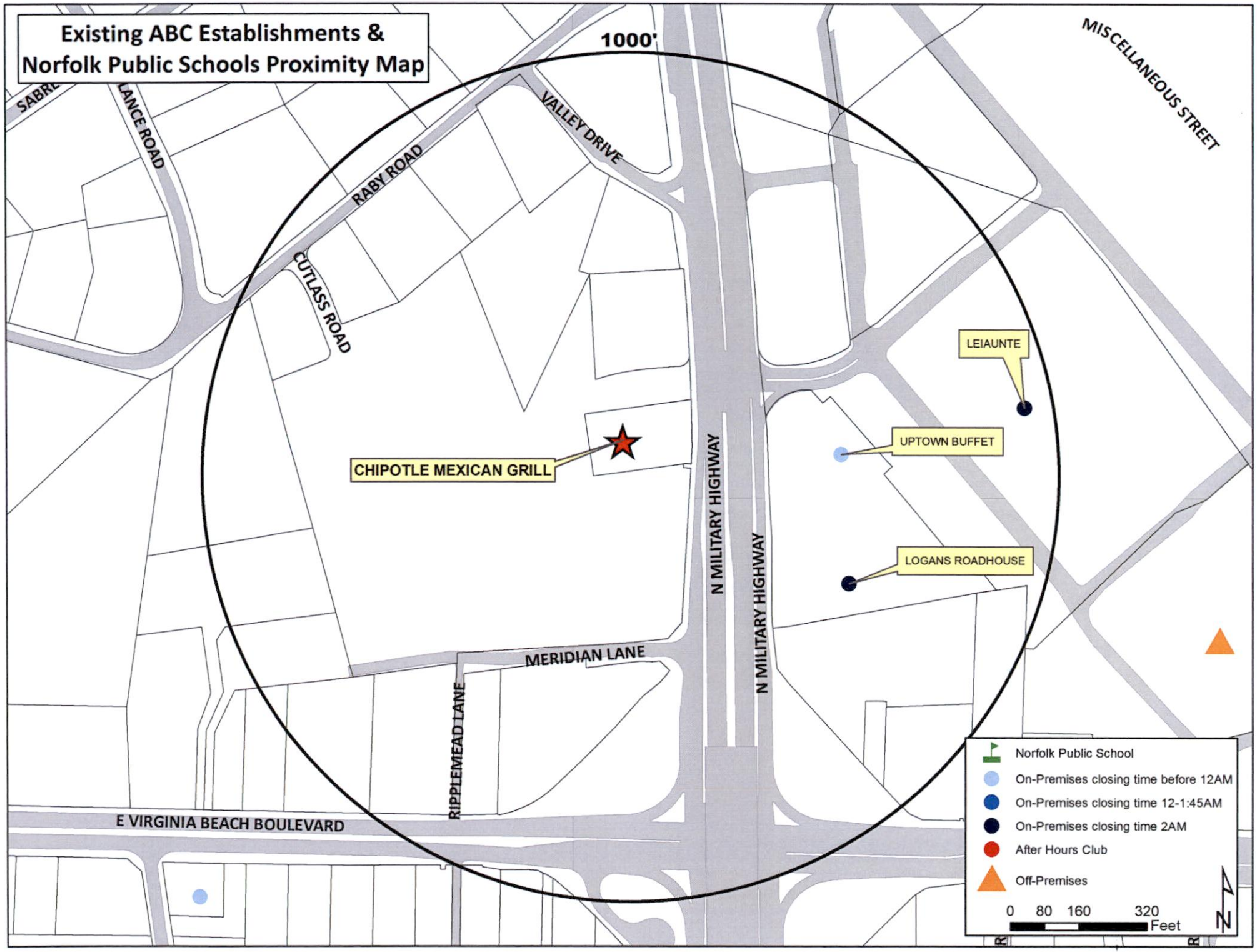
Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Montgomery F. Moran

Signature of Applicant


Location Map
CHIPOTLE MEXICAN GRILL
N MILITARY HIGHWAY
0 12.5 25 50
Feet
N


Zoning Map
I-2
C-2
C-3
CHIPOTLE MEXICAN GRILL
N MILITARY HIGHWAY
N MILITARY HIGHWAY
MISCELLANEOUS STREET
0 25 50 100
Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
SABRE
LANCE ROAD
RABY ROAD
VALLEY DRIVE
MISCELLANEOUS STREET
CUTLASS ROAD
LEIAUNTE
UPTOWN BUFFET
CHIPOTLE MEXICAN GRILL
N MILITARY HIGHWAY
N MILITARY HIGHWAY
LOGANS ROADHOUSE
MERIDIAN LANE
RIPPLEMEAD LANE
E VIRGINIA BEACH BOULEVARD
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)

Date 5/31/16

DESCRIPTION OF PROPERTY

Address 1081 North Military Highway, Norfolk, VA 23502 - Suite pending

Existing Use of Property New multi-tenant building

Proposed Use Fast Casual Mexican Restaurant

Current Building Square Footage New Building

Proposed Building Square Footage 2,220

Trade Name of Business (if applicable) Chipotle Mexican Grill # 2823

APPLICANT Chipotle Mexican Grill of Colorado, LLC
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

LLC Managers (2) Ells Matthew S

1. Name of applicant: (Last) Moran (First) Montgomery (MI) F

Mailing address of applicant (Street/P.O. Box): 1401 Wynkoop Street, Suite 500

(City) Denver (State) CO (Zip Code) 80207

Daytime telephone number of applicant (303) 222-2524 Fax (303) 390-5620

E-mail address of applicant: licensing@chipotle.com

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) ____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant ( ) _____ Fax ( ) _____

E-mail address of applicant: _____

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)
1081 Military Highway Holdings, LLC

3. Name of property owner: (Last) Lyon (First) Greg (MI) ____

Mailing address of property owner (Street/P.O. box): 4300 S. US Hwy One, Suite 203

(City) Jupiter (State) FL (Zip Code) 33477

Daytime telephone number of owner (561)624-4089 email: glyon@indexrealestate.com

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Greg Lyon **Sign:** _____ / ____ / 5/31/2016
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Montgomery F. Moran **Sign:** _____ / 5 / 31 / 2016
(Applicant)

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** _____ / ____ / ____
(Authorized Agent Signature) (Date)

Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.

- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	48
Number of bar seats	0
Standing room	0

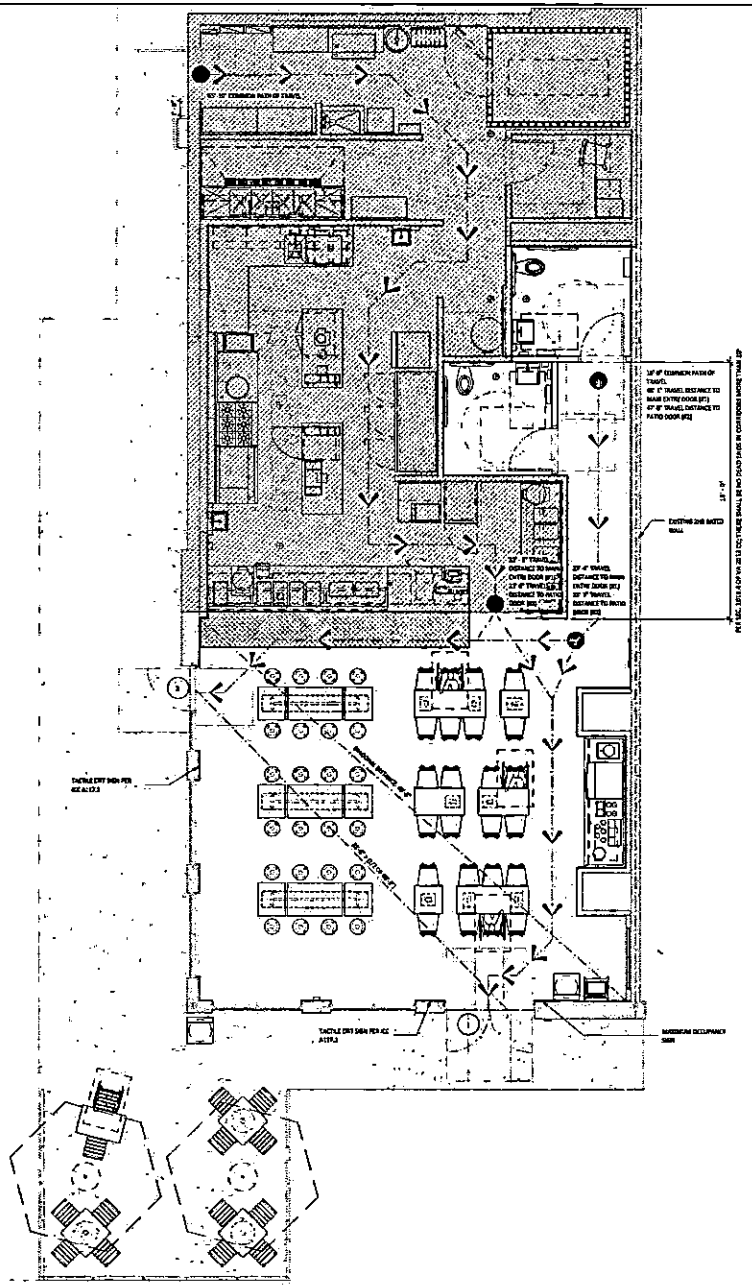
b. Outdoor

Number of seats	14

c. Number of employees 10

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 72

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)



LIFE SAFETY PLAN

APPLICABLE BUILDING CODE

BUILDING CODE	2012 VIRGINIA CONSTRUCTION CODE
MECHANICAL CODE	2012 VIRGINIA MECHANICAL CODE
PLUMBING CODE	2012 VIRGINIA PLUMBING CODE
FIRE CODE	2012 VIRGINIA FIRE CODE
ELECTRICAL CODE	2011 NATIONAL ELECTRICAL CODE, VIRGINIA AMENDMENTS
ENERGY CODE	2012 VA ENERGY CONSERVATION CODE
ACCESSIBILITY CODE	2009 ICC/ANSI A117.1 ACCESSIBILITY CODE 2012 INTERNATIONAL BUILDING CODE CHAPTER 11 ACCESSIBILITY CODE

CONSTRUCTION TYPE AND USE CLASSIFICATION

OCCUPANCY GROUP	A-2 (ASSEMBLY)
TYPE OF CONSTRUCTION	V-B
AREA	2,226 SF
NUMBER OF STORIES	1
FIRE SPRINKLER	NOT SPRINKLED

FIRE RESISTANCE RATING REQUIREMENTS

2012 VIRGINIA BUILDING CODE (2012 TABLE 601 AND TABLE 602)

CONSTRUCTION ELEMENT:		REQUIRED	PROPOSED
PRIMARY STRUCTURAL FRAME:		0	EXISTING TO REMAIN
BEARING WALLS	EXTERIOR	0	EXISTING TO REMAIN
	INTERIOR	0	EXISTING TO REMAIN
NON BEARING WALLS AND PARTITIONS - INTERIOR	FIRE SEPARATION DISTANCE < 5'	1 HR	NOT APPLICABLE
	FIRE SEPARATION DISTANCE ≥ 5', < 10'	1 HR	NOT APPLICABLE
	FIRE SEPARATION DISTANCE ≥ 10', < 30'	0	NOT APPLICABLE
	FIRE SEPARATION DISTANCE ≥ 30'	0	EXISTING TO REMAIN
NON BEARING WALLS AND PARTITIONS - INTERIOR		0	0
FLOOR CONSTRUCTION		0	NOT APPLICABLE
ROOF CONSTRUCTION		0	EXISTING TO REMAIN
SEPARATION OF DWELLING UNIT TENANCIES (508.4)	A USE TO N USE	1	EXISTING TO REMAIN

1. ELEMENTS NOTED AS EXISTING TO REMAIN ARE NOT PROPOSED TO BE ALTERED AS PART OF THE SCOPE OF WORK.

OCCUPANT LOAD CALCULATIONS

PER TABLE 1004.1.1

SPACE	GROSS	NET/GROSS	SF/OCCUPANT	AREA	OCCUPANT LOAD
KITCHEN		KITCHEN	1/ 200 (GROSS)	1,100 SF	5 ACTUAL (CALCULATED)
DINING		ASSEMBLY (STANDING)	1/ 5 (NET)	67 SF	13
		FIXED SEATS	BY ACTUAL COUNT	738 SF	48
PATIO			BY ACTUAL COUNT		14
TOTAL OCCUPANCY					81 ACTUAL (TO CALCULATE)
NON OCCUPIABLE (1)				997 SF	
TOTAL AREA				2,226 SF	

1. NON OCCUPIABLE AREA INCLUDES WALLS, PARTITIONS, COLUMNS, BURIED IN SPACES, FIXED CABINETS, EQUIPMENT, AND ACCESSORY SPACES SUCH AS CLOSETS, MACHINE AND EQUIPMENT ROOMS, TOILETS, STAIRS, HALLS, CORRIDORS, ELEVATORS AND SIMILAR UNOCCUPIED SPACES.

SEATING CALCULATIONS

TOTAL INTERIOR SEATING COUNT :	48 (1)	TOTAL PATIO SEATING COUNT :	14 (2)
ACCESSIBLE SEATING REQUIRED :	3	ACCESSIBLE SEATING REQUIRED :	1
ACCESSIBLE SEATING PROVIDED :	3	ACCESSIBLE SEATING PROVIDED :	1

1. AS PER ANSI A117.1 2009: 5% OF SEATING IS REQUIRED TO BE ACCESSIBLE (48 X 0.05 = 2.4 =3). AS SUCH, OF THE 48 SEATS, 3 ACCESSIBLE SEATS ARE PROVIDED.
2. PER ANSI A117.1-2009: 5% OF SEATING IS REQUIRED TO BE ACCESSIBLE (14 X 0.05 = 0.7 = 1). AS SUCH, OF THE 14 SEATS, 1 ACCESSIBLE SEATS ARE PROVIDED.

EXIT REQUIREMENTS

PER TABLE 1005.3 AND SECTION 1005.3 (WITHOUT SPRINKLER SYSTEM)

OCCUPANCY	DESIGNATION	MAX. TRAVEL DISTANCE	INCHES PER OCCUPANT	WIDTH REQUIRED	WIDTH PROVIDED
ASSEMBLY	A-2	250	0.2	17 INCHES	60 AND 36 INCHES

1. AS PER SECTION 1014.3 COMMON PATH OF EGRESS TRAVEL SHALL NOT EXCEED 75'.
2. AS PER SECTION 1014.2 EXCEPTION 4, MAXIMUM OF 1 EXIT ACCESS IS PERMITTED TO PASS THROUGH KITCHENS, PROVIDED SUCH A SPACE IS NOT THE ONLY MEANS OF EXIT ACCESS.
3. AS PER SECTION 1015.1.1, WHEN 3 EXIT ACCESS DOORWAYS ARE REQUIRED, THE EXIT DOORS SHALL BE PLACED A DISTANCE APART EQUAL TO NO LESS THAN 1/3 THE MAXIMUM DIAGONAL LENGTH OF THE BUILDING AREA TO BE SERVED, MEASURED IN A STRAIGHT LINE BETWEEN EXIT ACCESS DOORWAYS.

PLUMBING FIXTURES

2012 VIRGINIA PLUMBING CODE TABLE P-601.1

TOTAL OCCUPANTS = 81	URINAL	WATER CLOSETS		LAVATORIES	
	MALE	MALE	FEMALE	MALE	FEMALE
TYPE OF OCCUPANCE = RESTAURANT (A-1)	1/75	1/75	1/75	1/200	1/200
REQUIRED	0	1	1	1	1
PROVIDED	0	1	1	1	1

AS PER TABLE 403.1 TO DETERMINE THE OCCUPANT LOAD OF EACH SEX, THE TOTAL OCCUPANT LOAD SHALL BE DIVIDED IN HALF.

GreenbergFarrow

GREENBERGFARROW
3 EXECUTIVE DRIVE SUITE 150
SOMERSET, NJ 08873
t: 732 537 0811

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THE INFORMATION AND DESIGN CONTENT OF THIS DRAWING, WHICH INCLUDES BUT IS NOT LIMITED TO THE EXPRESSION OF THE ARCHITECTURAL DESIGN, DESIGN DEVELOPMENT, DIMENSIONS, CONCEPTS, OR OTHER INFORMATION MADE PUBLIC BY THIS DOCUMENT, HAS BEEN PREPARED BY OR FOR CHIPOTLE MEXICAN GRILL, INC. ANY USE OR DISCLOSURE OF THIS DOCUMENT OTHER THAN THOSE WHICH SHALL BE AUTHORIZED BY CHIPOTLE MEXICAN GRILL, INC.

CHIPOTLE MEXICAN GRILL

CHIPOTLE MEXICAN GRILL, INC.
1 EAST WYNKOOP STREET, SUITE 500
DENVER, COLORADO 80202
TELEPHONE: (303) 773-7940
FAX: (303) 595-4001
INTERNET: WWW.CHIPOTLE.COM

STORE NO.: 2823
Military Hwy
1081 NORTH Military Hwy
Norfolk, VA 23502

DATE	DESCRIPTION
02.28.2013	LANDLORD SET
03.04.2013	PERMIT SET

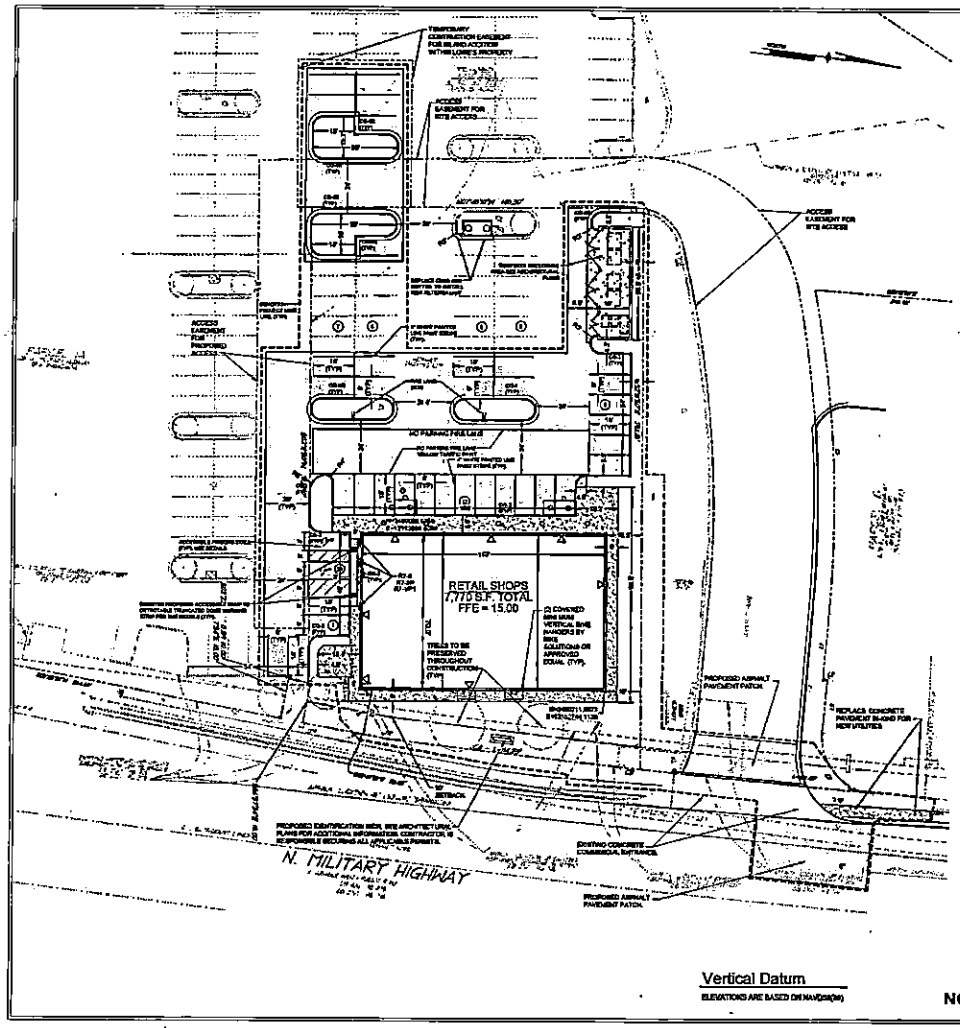
PROPRIETARY & CONFIDENTIAL

DRAWN BY: Chris Carter
DESIGNED BY: Ahmad El-Zahery
CHECKED BY: Chris Carter

PROJECT NUMBER:
2011-0000

SHEET TITLE:
Project Data/ Life Safety Plan

SHEET NUMBER:
A001



Sign Summary

CODE MATCH	SPECIFICATION WIDTH	HEIGHT	QTY.	DESCRIPTION
R7-8	12"	18"	8	RESERVED PARKING
R7-8P	12"	6"	8	VAN ACCESSIBLE
R7-8P1	12"	6"	8	PENALTY $100-$500 TOW-AWAY ZONE

HANDICAPPED STALLS AND SIGNAGE ARE TO BE MOUNTED ON THE BUILDING

NOTE:
MECHANICAL UNITS TO BE MOUNTED ON THE BUILDING ROOF. SEE ARCHITECTURAL PLANS.

Zoning Summary Chart

Existing Zoning District: C-2- Commercial Corridor District
Proposed Uses Allowed Use - 9 Story 7,000 Commercial Retail Building

Zoning Regulations	Existing	Required	Provided
Site Requirements -			
LOT AREA	8.798 ac.	-	-
MAX. BUILDING HEIGHT	-	60'	27'
FRONT YARD SETBACK	10'	10'	10'
SIDE YARD SETBACK	6	0	6'
REAR YARD SETBACK	N/A	N/A	N/A
ADJACENT LOT ZONING			
NORTH - C-2			
SOUTH - C-2			
EAST - C-2 (across Military Highway)			
WEST - C-2			

Parking Summary Chart

DESCRIPTION	SPACES REQUIRED	SPACES PROVIDED
TOTAL SPACES	44	53
STANDARD SPACES	42	50
ACCESSIBLE SPACES	2	3

PROPOSED APPLICABLE PARKING REQUIREMENTS

Parking requirements:
City Parking requirements determined from Table 15-4, Table of Minimum Parking Requirements (Industrial), from the Zoning Design of Norfolk's Municipal Code

Commercial area: 1 per 200 SQ. FT. = 3,000 S.F. / 200 = 15 Stalls

Retail/Entertainment Establishment Use: 1 per 150 SQ. FT. = 4,770 S.F. / 150 = 32 Stalls

Total Required Parking = 47 Stalls
Parking provided: 53* (including 3 spaces for handicap accessible)
Accessible Parking required: 3 spaces - 3 spaces for 51-75 parking spaces
Temporary parking = 12.5% of the minimum requirement

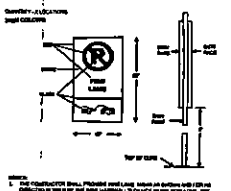
Bicycle Parking Requirements
Required: Commercial Use = 1 Bicycle Parking / 2,000 G.S.F. = 7,770 S.F. / 2,000 = 4 Bicycle Parking. 10% bike, to be long term.
Provided: 4 Bicycle Parking racks (to be covered with parking canopy for long term use - one phase)

(*) # OF STANDARD VEHICLE PARKING COUNT
(**) ACCESSIBLE VEHICLE PARKING COUNT

Pavement Legend

CONCRETE - VEHICULAR PAVEMENT	
CONCRETE - PEDESTRIAN SIDEWALK	
HEAVY DUTY ASPHALT PAVEMENT	
STANDARD ASPHALT PAVEMENT	

Fire Lane Pavement Markings



Fire Lane Sign Detail

Graphic Scale

Vertical Datum
ELEVATIONS ARE BASED ON NAVD88(M)

NOT APPROVED FOR CONSTRUCTION

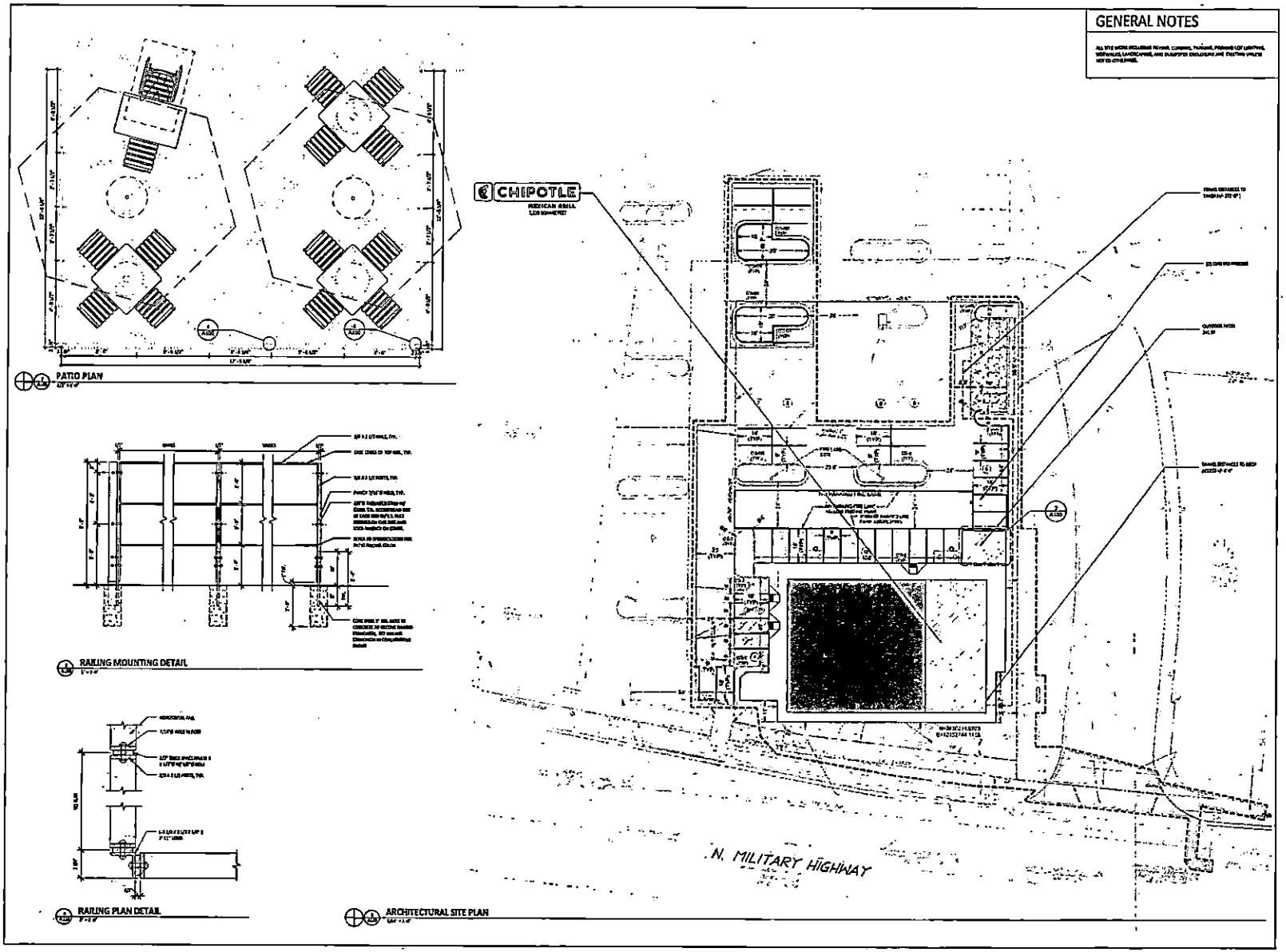
Pennoni
PENNONI ASSOCIATES INC.
344 Boulevard Circle, Suite 102
Virginia Beach, VA 23452
T 757.497.7672 F 757.497.5259

Ionic DeZign Studios
ARCHITECTURE o INTERIORS o GRAPHICS
2828 INDEPENDENCE BOULEVARD
VIRGINIA BEACH, VA 23453
757.490.0700 o fax: 757.490.0800 o www.ionicdesigns.com

Project #
Scale
Designed by
Drawn by
Checked by
Issued

1081 MILITARY HIGHWAY
RETAIL SHOPS
LAYOUT AND MATERIALS PLAN

Sheet Number
CS1001


GENERAL NOTES
PATIO PLAN
RAILING MOUNTING DETAIL
RAILING PLAN DETAIL
CHIPOTLE
MEXICAN GRILL
N. MILITARY HIGHWAY
ARCHITECTURAL SITE PLAN
GreenbergFarrow
GREENBERGFARROW
3 EXECUTIVE DRIVE SUITE 150
SOMERSET, NJ 08873
T: 732 537 0511
CHIPOTLE
MEXICAN GRILL
STORE NO.: 2823
Military Hwy
1081 NORTH Military Hwy
Norfolk, VA 23502
Architectural Site Plan
A100

SCHEDULE B – SECTION II

REFERENCE FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NUMBER 831200187, EFFECTIVE DATE: FEBRUARY 25, 2016 @ 8:00am, REVISED MARCH 3, 2016 AT 5:00pm.

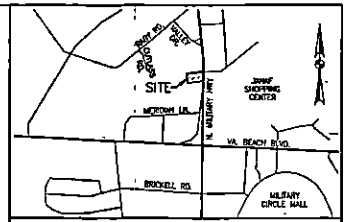
GENERAL EXCEPTIONS

1. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS. [NONE DISCOVERED]
2. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. [NONE DISCOVERED]
3. EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS. [NONE DISCOVERED]
4. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW, AND NOT SHOWN BY THE PUBLIC RECORDS. [NOT SURVEY RELATED]
5. TAX OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS. [NOT SURVEY RELATED]

SPECIAL EXCEPTIONS

SPECIAL EXCEPTIONS ARE INDICATED BY "△" WITH THE CORRESPONDING NUMBER.

1. TAXES FOR THE THIRD QUARTER TAXES FOR THE FISCAL YEAR 2015/2016, AND SUBSEQUENT YEARS, A LIEN BUT NOT YET DUE AND PAYABLE. [NOT SURVEY RELATED]
2. MONTHLY STORMWATER FEES, A LIEN, NONE NOW DUE AND PAYABLE. [NOT SURVEY RELATED]
3. THE EXACT ACREAGE OR VOLUME OF LAND STATED IN SCHEDULE A HEREOF IS NOT INSURED. [NOT SURVEY RELATED]
4. TERMS, PROVISIONS, RESTRICTIONS, CONDITIONS, EASEMENTS, LIENS, ASSESSMENTS, DEVELOPER RIGHTS, OPTIONS, RIGHTS OF FIRST REFUSAL AND RESERVATIONS CONTAINED IN INSTRUMENT RECORDED IN DECLARATION OF RESTRICTIVE EASEMENT, COVENANTS AND RESTRICTIONS AGREEMENT RECORDED AS INSTRUMENT NO. 020026811 AS CORRECTED IN INSTRUMENT NO. 030016540... [DOES NOT AFFECT SUBJECT PARCEL]
5. TERMS, PROVISIONS, RESTRICTIONS, CONDITIONS, EASEMENTS, LIENS, ASSESSMENTS, DEVELOPER RIGHTS, OPTIONS, RIGHTS OF FIRST REFUSAL AND RESERVATIONS CONTAINED IN INSTRUMENT RECORDED IN DECLARATION OF RESTRICTIVE EASEMENT, COVENANTS AND RESTRICTIONS AGREEMENT RECORDED AS INSTRUMENT NO. 040011792 AND IN INSTRUMENT NO. 040023578... [DOES NOT AFFECT SUBJECT PARCEL]
6. ACCESS EASEMENT GRANTED TO BABY ROAD ASSOCIATES, LLC ACROSS PARCEL 1A AS GRANTED IN DEED DATED APRIL 1, 2004, RECORDED AS INSTRUMENT NO. 040011791. [DOES NOT AFFECT SUBJECT PARCEL]
7. EASEMENT GRANTED VIRGINIA ELECTRIC AND POWER COMPANY DATED MAY 18, 1995, RECORDED IN DEED BOOK 2712, PAGE 323. [DOES NOT AFFECT SUBJECT PARCEL]
8. EASEMENT GRANTED VIRGINIA ELECTRIC AND POWER COMPANY DATED NOVEMBER 18, 1954, RECORDED IN DEED BOOK 325, PAGE 379. [NOT PLOTTABLE] [POLES AND LINES NO LONGER EXIST FOR UTILITIES]
9. EASEMENT GRANTED VIRGINIA ELECTRIC AND POWER COMPANY DATED JULY 2, 1953, RECORDED IN DEED BOOK 343, PAGE 827. [NOT PLOTTABLE] [POLES AND LINES NO LONGER EXIST FOR UTILITIES]
10. EASEMENT GRANTED VIRGINIA ELECTRIC AND POWER COMPANY DATED MAY 7, 1965, RECORDED IN DEED BOOK 1021, PAGE 93. [DOES NOT AFFECT SUBJECT PARCEL]
11. EASEMENT GRANTED COMMONWEALTH OF VIRGINIA FOR MAINTENANCE DATED APRIL 29, 1955, RECORDED IN DEED BOOK 404, PAGE 278. [AS SHOWN ON SURVEY]
12. EASEMENT GRANTED CHESAPEAKE AND POTOMAC TELEPHONE COMPANY DATED MAY 18, 1975, RECORDED IN DEED BOOK 2831, PAGE 875. [AS SHOWN ON SURVEY]
13. SANITARY SEWER EASEMENT GRANTED CITY OF NORFOLK DATED SEPTEMBER 14, 1960, RECORDED IN DEED BOOK 845, PAGE 548. [BLANKET IN NATURE – NOT PLOTTABLE]
14. SANITARY SEWER EASEMENT GRANTED CITY OF NORFOLK DATED AUGUST 2, 1965, RECORDED IN DEED BOOK 1023, PAGE 557. [DOES NOT AFFECT SUBJECT PARCEL]
15. THE FOLLOWING MATTERS AS SHOWN ON PLAT RECORDED IN MAP BOOK 32, PAGE 19 AND MAP BOOK 54, PAGE 112:
    A. 10' DRAINAGE EASEMENTS [DOES NOT AFFECT SUBJECT PARCEL]
    B. 25' PRIVATE EASEMENT FOR UTILITIES AND INGRESS/EGRESS (ALSO SHOWN ON MAP BOOK 21, P. 24) [DOES NOT AFFECT SUBJECT PARCEL]
    C. 10' EASEMENT GRANTED TO THE CITY OF NORFOLK (ALSO SHOWN ON MAP BOOK 21, P. 24) [DOES NOT AFFECT SUBJECT PARCEL]
16. EASEMENT GRANTED VIRGINIA ELECTRIC AND POWER COMPANY DATED DECEMBER 24, 1947, RECORDED IN DEED BOOK 252, PAGE 58. [NOT PLOTTABLE, DOES NOT APPEAR TO AFFECT SUBJECT PARCEL]
17. EASEMENT GRANTED VIRGINIA ELECTRIC AND POWER COMPANY DATED SEPTEMBER 18, 1946, RECORDED IN DEED BOOK 241, PAGE 252. [NOT PLOTTABLE, DOES NOT APPEAR TO AFFECT SUBJECT PARCEL]
18. DRAINAGE EASEMENT GRANTED CITY OF NORFOLK DATED JULY 27, 1977, RECORDED IN DEED BOOK 1440, PAGE 87. [DOES NOT AFFECT SUBJECT PARCEL]
19. EASEMENT GRANTED VIRGINIA ELECTRIC AND POWER COMPANY DATED MAY 17, 1965, RECORDED IN DEED BOOK 1020, PAGE 534. [DOES NOT AFFECT SUBJECT PARCEL]
20. EASEMENT GRANTED VIRGINIA ELECTRIC AND POWER COMPANY DATED FEBRUARY 15, 1978, RECORDED IN DEED BOOK 1435, PAGE 260. [DOES NOT AFFECT SUBJECT PARCEL]
21. EASEMENT GRANTED VIRGINIA ELECTRIC AND POWER COMPANY DATED FEBRUARY 15, 1978, RECORDED IN DEED BOOK 1435, PAGE 256. [DOES NOT AFFECT SUBJECT PARCEL]
22. EASEMENTS GRANTED AND CONTAINED IN CERTIFICATE OF DEPOSIT DATED DECEMBER 12, 1995, RECORDED IN DEED BOOK 2767, PAGE 745, AS CONFIRMED BY ORDER RECORDED IN DEED BOOK 2843, PAGE 606. [AS SHOWN ON SURVEY]
23. EASEMENT GRANTED VIRGINIA ELECTRIC AND POWER COMPANY DATED JUNE 5, 2000, RECORDED IN INSTRUMENT NO. 000014318. [DOES NOT AFFECT SUBJECT PARCEL]
24. TERMS, PROVISIONS, RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS, LIENS, ASSESSMENTS, DEVELOPER RIGHTS, OPTIONS, RIGHTS OF FIRST REFUSAL AND RESERVATIONS CONTAINED IN DECLARATION OF RESTRICTIVE EASEMENT, COVENANTS AND RESTRICTIONS AGREEMENT RECORDED IN INSTRUMENT NO.____________, REQUIRED AND TO BE RECORDED.
    - LANDSCAPING EASEMENT. [AS SHOWN ON SURVEY]
    - ACCESS EASEMENT. [AS SHOWN ON SURVEY]
    - TEMPORARY CONSTRUCTION EASEMENT. [AS SHOWN ON SURVEY]
    - 10' PRIVATE SANITARY SEWER EASEMENT, 8' PRIVATE SANITARY SEWER EASEMENT, AND 10' PRIVATE WATER EASEMENT. [AS SHOWN ON SURVEY]
    - PRIVATE STORM DRAIN EASEMENT. [AS SHOWN ON SURVEY]
25. APPLICABLE TO THE LENDER'S POLICY: IN THE EVENT A LENDER'S REQUEST FOR AFFIRMATIVE MECHANIC'S LIEN COVERAGE IS APPROVED BY THE COMPANY, GENERAL EXCEPTION NUMBER 4 WILL BE AMENDED IN THE FINAL LOAN POLICY, AT TIME OF ISSUANCE, TO READ AS FOLLOWS:
    POSSIBLE UNFILED MECHANIC'S AND MATERIALMEN'S LIENS, BUT THIS POLICY PROVIDES AFFIRMATIVE LIEN INSURANCE AS SET FORTH IN THE ATTACHED ENDORSEMENT. [NOT SURVEY RELATED]



VICINITY MAP SCALE: 1"=1000'

LEGAL DESCRIPTION

ALL OF THAT PARCEL OF LAND CONTAINING 0.825 ACRES, MORE OR LESS, IN THE CITY OF NORFOLK, STATE OF VIRGINIA AND BEING SHOWN AS PARCEL 1A-2 ON THAT CERTAIN PLAT ENTITLED "PLAT OF SUBDIVISION TO CREATE PARCEL 1A-2 (M.B. 54, PG 112) LOWE'S HOME CENTERS, LLC FORMERLY KNOWN AS LOWE'S HOME CENTERS, INC., 1081 N. MILITARY HIGHWAY NORFOLK, VIRGINIA" A COPY OF WHICH PLAT IS RECORDED IN MAP BOOK 74, PAGES 120–121, IN THE CLERK'S OFFICE, CIRCUIT COURT, CITY OF NORFOLK, VIRGINIA.

TOGETHER WITH THE BENEFICIAL APPURTENANT EASEMENTS CONTAINED IN THE DECLARATION OF RESTRICTIVE EASEMENT, COVENANTS AND RESTRICTIONS AGREEMENT DATED ____________, 2016, RECORDED ____________ 2016, AS INSTRUMENT NO. ____________. (TO BE RECORDED)

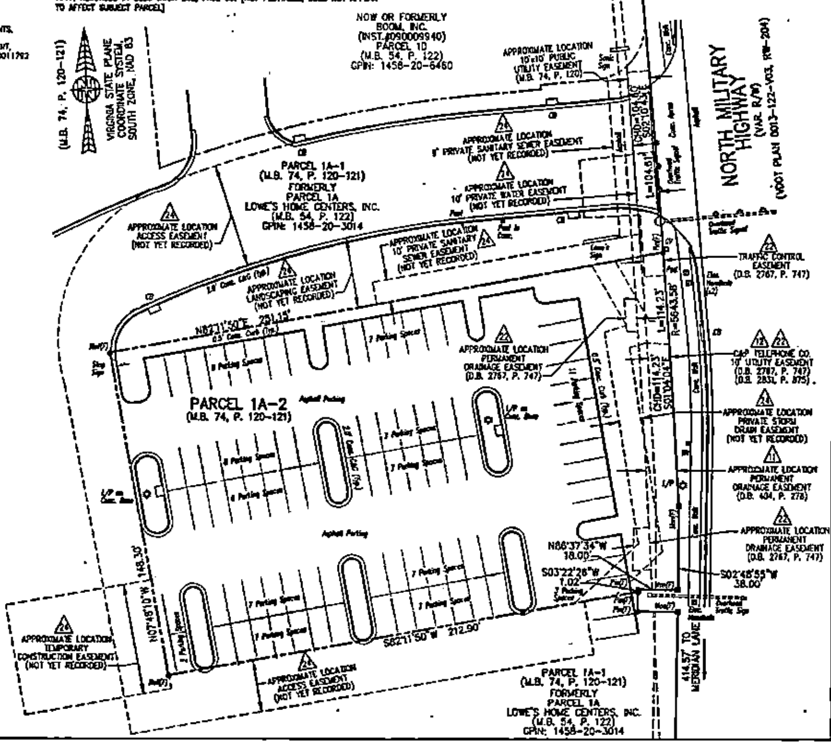
BEING A PORTION OF THE SAME PROPERTY CONVEYED TO LOWE'S HOME CENTERS, INC. BY THE FOLLOWING DEEDS:

1) DEED FROM BANK OF AMERICA, N.A. DATED JANUARY 28, 2000, RECORDED IN THE AFORESAID CLERK'S OFFICE IN INSTRUMENT NO. 000002380;
2) DEED FROM BEL AIRE MOTEL, INC. DATED FEBRUARY 4, 2000, RECORDED IN THE AFORESAID CLERK'S OFFICE IN INSTRUMENT NO. 000003377; AND
3) DEED FROM BELL ATLANTIC–VIRGINIA, INC. DATED JUNE 22, 1999 RECORDED IN THE AFORESAID CLERK'S OFFICE AS INSTRUMENT NO. 000003378, AS CORRECTED AND RE-RECORDED IN INSTRUMENT NO. 000006132.

NOTES:

1. ZONING DATA: C-2 PER CITY GIS
   MINIMUM LOT WIDTH: 50'
   MINIMUM LOT AREA: 5,000 SQ.FT.
   FRONT YARD SETBACK : 10 FT.
   SIDE YARD SETBACK : 0 FT. INTERIOR, 8 FT. ADJACENT TO STREET
   REAR YARD SETBACK : 0 FT.

   DATA NOT PROVIDED BY CLIENT, DATA PROVIDED BY CITY OF NORFOLK ZONING ADMINISTRATOR ON 02/29/16 – REFERENCE CITY OF NORFOLK, VIRGINIA ZONING ORDINANCE.
2. UTILITIES SHOWN ARE BASED ON OBSERVED ABOVE GROUND STRUCTURES.
3. ADDRESS OF THE PROPERTY SHOWN HEREON IS 1087 N. MILITARY HWY. GPIN: 1458-20-6154
4. THE PROPERTY SHOWN HEREON CONTAINS 35,941 SQ.FT. OR 0.825 AC.
5. THE PROPERTY SHOWN HEREON CONTAINS 89 REGULAR PARKING SPACES.
6. THE PROPERTY SHOWN HEREON APPEARS TO FALL INSIDE THE ZONE(S) AND ON THE MAP PAGE SHOWN BELOW. REFERENCE: NATIONAL FLOOD INSURANCE PROGRAM (NFIP), FLOOD INSURANCE RATE MAP (FIRM) FOR THE CITY OF NORFOLK, VIRGINIA (COMMUNITY #510104) MAP REVISED SEPTEMBER 2, 2009, ZONE: X MAP PANEL 145 SUFFIX F OF 185.



0 30 60 90 FEET

GRAPHIC SCALE: 1" = 30'

SURVEYOR'S CERTIFICATE

TO: 1081 MILITARY HIGHWAY HOLDINGS LLC, A FLORIDA LIMITED LIABILITY COMPANY; TRIPP SCOTT, P.A.; NEWBRIDGE BANK AND FIDELITY NATIONAL TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a)(b), 8, 9, 11(a), 13, 14, AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 18, 2016.

DATE OF PLAT: MARCH 8, 2016.

(SIGNED)

REGISTRATION NO: 0403002332

(SEAL)

COMMONWEALTH OF VIRGINIA
03-09-16
HAYDEN N. FRYE
No. 2332
LAND SURVEYOR

ALTA/ASCM LAND TITLE SURVEY
PARCEL 1A-2
AS SHOWN ON PLAT OF SUBDIVISION
TO CREATE PARCEL 1A-2
(M.B. 54, P. 112)
LOWE'S HOME CENTERS, LLC
FORMERLY KNOWN AS LOWE'S HOME CENTERS, INC.
1081 N. MILITARY HIGHWAY
NORFOLK, VIRGINIA

(M.B. 74, P. 120–121)

Hayden Frye and Associates, Inc.
Land Surveyors
333 KELLAM ROAD, SUITE
VIRGINIA BEACH, VA, 23462
PH: (757) 493-7229 FX: (757) 493-7228
EMAIL: hfrye@haydenfrye.com

PROJ. NO.	151105.00
SHEET NAME:	1 OF 1
ACAD:	1081 N. MILITARY ALTA.dwg
SCALE:	1" = 30'
DATE:	March 9, 2016
COMMENTS:	

Whitney, Chris

From: Straley, Matthew
Sent: Thursday, June 16, 2016 2:05 PM
To: 'Poplarhallcivicleague@yahoo.com'
Cc: Riddick, Paul; Williams, Angelia M.; Howard, Oneiceia; Whitney, Chris
Subject: new Planning Commission application - 1081 N Military Hwy
Attachments: Chipotle.pdf

Mr. Rawls,

Attached please find the application for a special exception to operate an eating and drinking establishment at 1081 N. Military Highway.

The item is tentatively scheduled for the July 28, 2016 Planning Commission public hearing.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II

THE CITY OF NORFOLK
City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception for a mixed use development at 4914 Colley Avenue – C.L.F. Creations**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-05**

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception to operate a mixed use development

IV. **Applicant:** **C.L.F. Creations**

V. **Description:**
- The site is located on the east side of Colley Avenue south of 50th Street.
- The applicant proposes to convert this existing commercial building to allow half of it to be used as a residential unit.

VI. **Historic Resources Impacts**
- The building is not located in any local, state or federal historic district.

VII. **AICUZ Impacts**
N/A

VIII. **Public Schools Impacts**
- School attendance zones include Larchmont Elementary School (95% utilization), Blair Middle School (77% utilization) and Maury High School (95% utilization).
- Approximately 1 school aged child could be generated by the proposed development (0.1 school aged children per unit).
- Given the low number of potential students and the existing school capacity, no significant school impacts are anticipated.

Staff point of contact: Susan Pollock at 664-4765, susan.pollock@norfolk.gov

Attachments:
- Proponents and Opponents
- Staff Report to CPC dated July 28, 2016 with attachments
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: July 28, 2016

Executive Secretary: George M. Homewood, FAICP, CFM

Planner: Susan Pollock Hart, CFM

Staff Report	**Item No. 4**	
Address	**4914 Colley Avenue**	
Applicant	**C.L.F. Creations**	
Request	**Special Exception**	**Mixed Uses**
Property Owner	C.L.F. Creations	
Site Characteristics	Site Area/Building	3,000 sq. ft./1,846 sq. ft.
	Future Land Use	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Highland Park
	Character District	Traditional
Surrounding Area	North	C-2: Office building
	East	R-8: Single-family homes
	South	C-2: Landscaping company
	West	C-2: Vacant office building

A. Summary of Request

- The site is located on the east side of Colley Avenue south of 50th Street.
- The applicant proposes to convert this existing commercial building to allow half of it to be used as a residential unit.

B. Plan Consistency

- The proposed rezoning is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The *Central Hampton Boulevard Area Plan* identifies this site as a location for office, research, retail, and/or multiunit residential.
- The *Central Hampton Plan* includes recommendations as to the form of new development on this site, including:
  - Defining the street edge along public streets by aligning building facades to the setback line.
  - Locating active uses with 60% transparent glazing on the ground floors of commercial buildings and 40% transparent glazing for residential uses.
  - Providing ground-level entrances at least every 100 feet along the sidewalk.
  - Treating façades to differentiate the ground-level commercial use from upper stories and to sensitively transition to adjacent single-family uses.
  - Installation of trees and other similar landscaping between the building edge and the sidewalk.
- In order to be fully consistent with *plaNorfolk2030* the recommendations of the *Central Hampton* plan must be incorporated into the proposed development.

C. Zoning Analysis

i. General

- The site is currently zoned C-2 which allows mixed use development by special exception.
  - The *Zoning Ordinance* also requires that 50% of the first floor of a mixed use development must be a commercial use.
- The applicant proposes to convert half of the existing commercial building into a residential unit.
  - Both the residential unit and the commercial unit will be 865 square feet.

ii. Parking

- The applicant has a lease for parking for the residential unit at 5008 Colley Avenue which is located directly to the north.

iii. Flood Zone

- The property is in an X (Low to Moderate) and an X (Shaded) Flood Zones which are low risk flood zones.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that that the proposed addition of one dwelling unit to this existing office location will generate 7 new vehicle trips per day.
- Colley Avenue near the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- Colley Avenue adjacent to the site is an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Context and Impacts

The building is not located in any local, state or federal historic district.

F. Public School Impacts

- School attendance zones include Larchmont Elementary School (95% utilization), Blair Middle School (77% utilization) and Maury High School (95% utilization).
- Approximately 1 school aged child could be generated by the proposed development (0.1 school aged children per unit).
- Given the low number of potential students and the existing school capacity, no significant school impacts are anticipated.

G. Environment Impacts

- For the building to be utilized for both residential and commercial, a new Certificate of Occupancy will be required.

H. Surrounding Area/Site Impacts

- The site is surrounded by single-family and commercial uses.
- The addition of a mixed use development would not have a negative impact on the surrounding land uses.

I. AICUZ

N/A

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

A letter was sent to the Highland Park and Colonial Place/Riverview Civic Leagues on June 16.

L. Communication Outreach/Notification

- Legal notice was posted on the property on June 21.
- Letters were mailed to all property owners within 300 feet of the property on July 14.
- Legal notification was placed in The Virginian-Pilot on July 14 and July 21.

M. Recommendation

Staff recommends that the special exception be **approved** subject to the following conditions:

1. The property shall be developed in conformance with the Architectural Floor Plan, dated 7/25/16, and prepared by Robyn Thomas Architecture.

2. The residential unit shall occupy no more than 50% of the building.

3. The commercial unit shall occupy at least 50% of the building.

4. No occupancy of the residential unit shall occur until all necessary building permits have been obtained and approved and a final Certificate of Occupancy has been issued.

Attachments

Zoning Map
Location Map
Application
Letter to the Highland Park and Colonial Place/Riverview Civic Leagues

Proponents and Opponents

Proponents
Faith Conlon
4914 Colley Avenue
Norfolk, VA 23508

Opponents
Kenneth and Rebecca Blankenship
4916 Colley Avenue
Norfolk, VA 23508

Douglas Ransone
243 Sir Oliver Road
Norfolk, VA 23505

07/28/2016 lds

Form and Correctness Approved: APM

By _____
Office of the City Attorney

Contents Approved: AP

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT MIXED USES ON PROPERTY LOCATED AT 4914 COLLEY AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit mixed uses on property located 4914 Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 30 feet, more or less, along the eastern line of Colley Avenue beginning 29 feet, more or less, from the southern line of 50th Street and extending southwardly; premises numbered 4914 Colley Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The property shall be developed substantially in conformance with the architectural site plan prepared by Robyn Thomas Architecture, dated July 28, 2016, attached hereto and marked as "Exhibit A."

(b) The residential unit shall not occupy more than 50% of the area inside the building.

(c) The commercial area shall not occupy less than 50% of the area inside the building.

(d) No occupancy of the residential unit shall be permitted until all necessary building permits have been obtained and approved and until a final certificate of occupancy has been issued by the City's building official to verify compliance with all applicable provisions of the Uniform Statewide Building Code.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or

other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

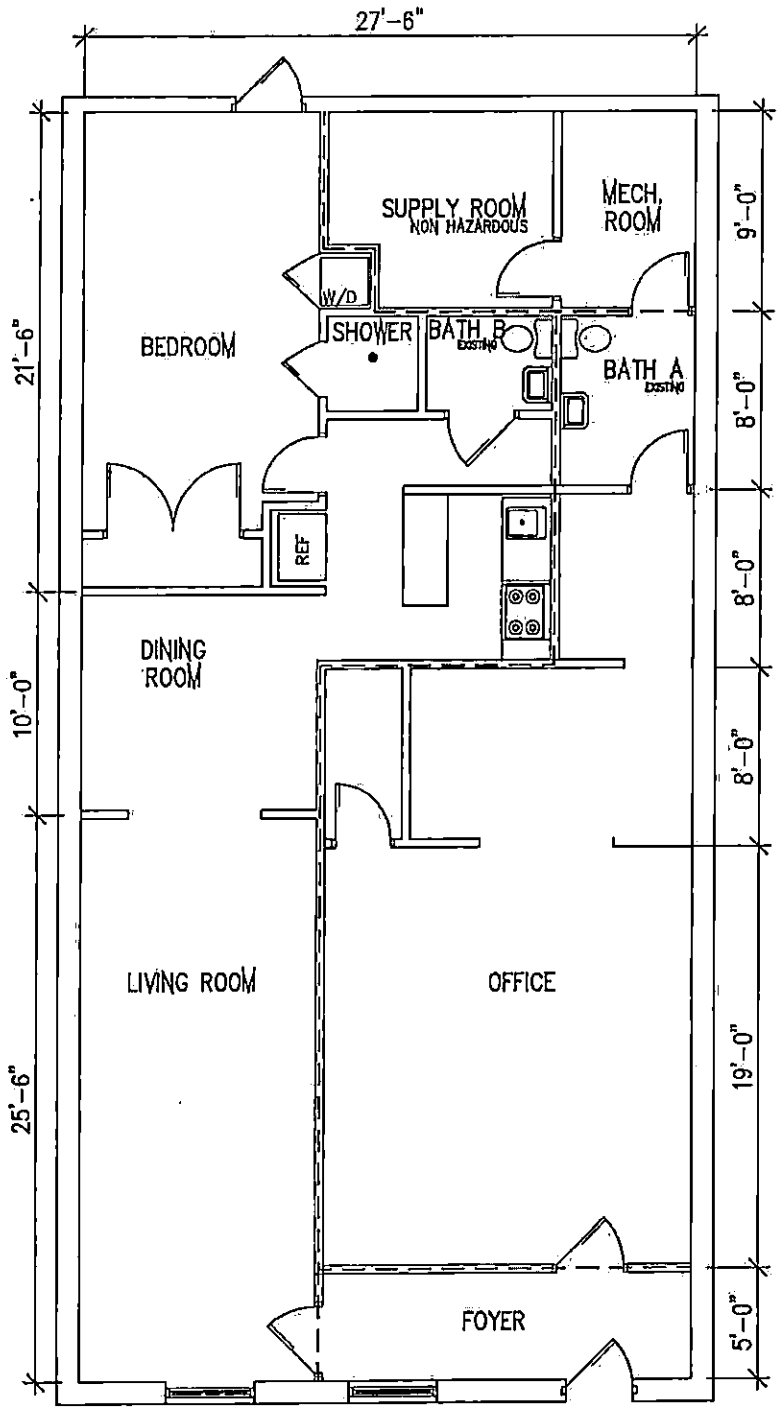
(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)

Exhibit A



865 S.F.
(RESIDENTIAL)

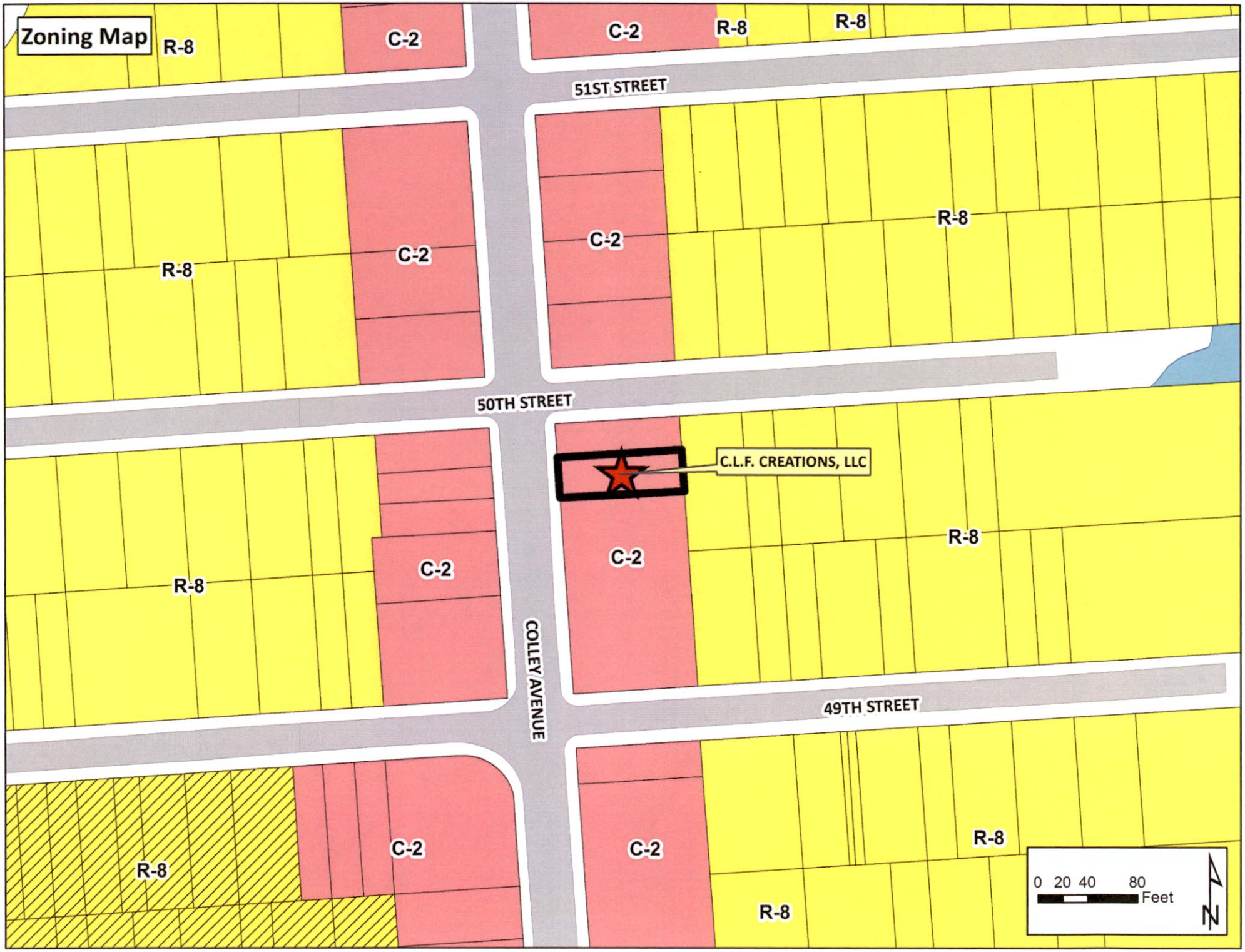
865 S.F.
(BUSINESS)

4914 COLLEY AVE.

SCALE : 1/8" = 1'-0"

ROBYN THOMAS
ARCHITECTURE
913 W. 21st Street, Suite C
Norfolk, VA 23517
Ofc: 757.622.7100
Fax: 757.640.1014

1 OF	A1
7-28-2016 DATE	
16-049 COMM NO.	
DRAWN NL	
CHECKED RT	


Zoning Map
R-8
C-2
C-2
R-8
R-8
51ST STREET
R-8
C-2
C-2
R-8
50TH STREET
C.L.F. CREATIONS, LLC
R-8
C-2
C-2
R-8
COLLEY AVENUE
49TH STREET
R-8
C-2
C-2
R-8
R-8
0 20 40 80
Feet
N

Location Map
50TH STREET
C.L.F. CREATIONS, LLC
COLLEY AVENUE
0 5 10 20
Feet
N

APPLICATION
SPECIAL EXCEPTION

Special Exception for: Mixed use of C-2 building

Date of application: 6/10/16

DESCRIPTION OF PROPERTY

Property location: (Street Number) 4914 (Street Name) Colley Avenue

Existing Use of Property Business Offices

Current Building Square Footage 1864

Proposed Use I would like to have my residence as well as my business offices located at 4914 Colley Avenue

Proposed Square Footage same as above

Proposed Hours of Operation:

Weekday	From 8 am	To 4pm
Friday	From closed	To
Saturday	From closed	To
Sunday	From closed	To

operating hours for Wescott Company

Trade Name of Business (If applicable) Wescott Company & C.L.F Creations, LLC.

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) C.L.F. Creations, LLC (First) Conlon (MI) Faith H

Mailing address of applicant (Street/P.O. Box): 4914 Colley Avenue

(City) Norfolk (State) VA (Zip Code) 23508

Daytime telephone number of applicant (757) 6529502 Fax (757) 489 2403

E-mail address of applicant: faith@wescottcompany.com

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Conlon (First) Charles (MI) M

Mailing address of applicant (Street/P.O. Box): 479 Baynes Rd.

(City) Waynesboro (State) VA (Zip Code) 22980

Daytime telephone number of applicant (757) 2350587 Fax ( )

E-mail address of applicant: cconlon@intelos.net

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Conlon (First) Faith (MI) H

Mailing address of property owner (Street/P.O. box): 4914 Colley Ave.

(City) Norfolk (State) VA (Zip Code) 23508

Daytime telephone number of owner (757) 6529502 email: faith@wescottcompany.com

CIVIC LEAGUE INFORMATION

Civic League contact: Highland Park Civic League / Dale Ryder

Date(s) contacted: 09 JUN 16

Ward/Super Ward information: _____

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Faith H. Conlon **Sign:** Faith H Conlon, 06/10/2016
(Property Owner or Authorized Agent of Signature) (Date)

Print name:_____ **Sign:**_____/_____/_____
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

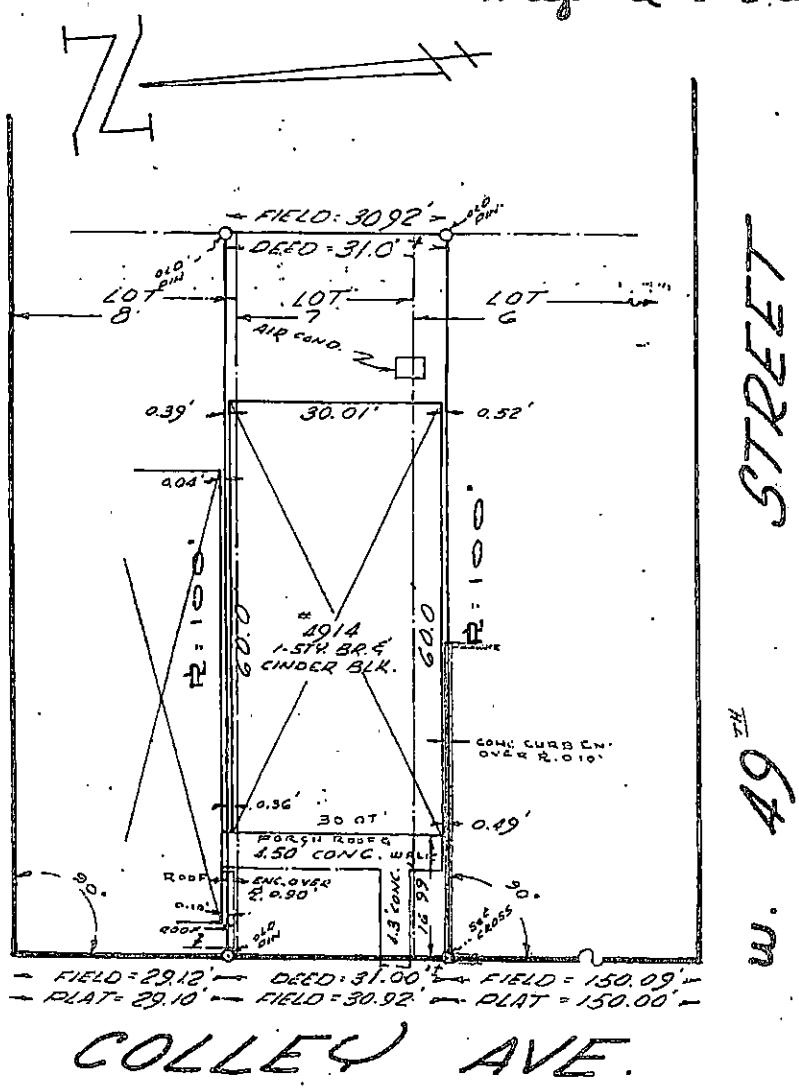
Print name:_____ **Sign:**_____/_____/_____
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

THIS IS TO CERTIFY THAT I, ON JUNE 7, 1968 SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE SHOWN ON THIS PLAT.

THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

SIGNED Wilfred P. Large



I HEREBY CERTIFY THAT THE LOTS SHOWN ON THIS PLAT IS IDENTICAL WITH N. 5' OF LOT 6, ALL OF LOT 7, S. 0.9' OF LOT 8, BLK. 519, ON PLAT OF HIGHLAND PARK, AS SHOWN IN MAP BOOK 1, P. 69, CLERK'S OFFICE OF THE CORP. COURT OF THE CITY OF NORFOLK, VIRGINIA.

W. P. Large C.L.S.

PHYSICAL SURVEY OF

N. 5' OF LOT 6, ALL OF LOT 7, S. 0.9' OF LOT 8, BLK 519

HIGHLAND PARK

RECORDED IN M.B. 1, P. 69, CLERK'S OFFICE OF THE CORP. COURT NORFOLK, VA.

NORFOLK, VIRGINIA

FOR

RALPH G. & CHRISTINE C. BOSHER

SCALE: 1" = 20' JUNE 7, 1968

WILFRED P. LARGE
Certified Land Surveyor
Norfolk, Virginia

6601 F.B. 107, P. 13 & 14

H-66

23485 P.S. 5506

PARKING SPACE LEASE AGREEMENT

Bryant Vickery, as Lessor, does hereby agree to let to Faith Hope Conlon, as Lessee, a parking space located at 5008 Colley Avenue Norfolk, Virginia, such parking space being further described Parking Space No. 15 at the aforementioned location. The following terms and conditions shall apply to this Parking Space Lease Agreement ("Agreement"):

Terms and Conditions:

1. **Items Left in Vehicle.** Lessor shall not be responsible for damage or loss to possessions or items left in Lessee's vehicle.

2. **Damage to Vehicle.** Lessor shall not be responsible for damage to Lessee's vehicle, whether or not such damage is caused by other vehicle(s) or person(s) in the parking lot and surrounding area.

3. **Parking Lot Attendants.** Lessor (__) shall (__) shall not (__) may provide parking lot attendants. In the event that Lessor provides such attendants, any use of such attendant by Lessee to park or drive Lessee's vehicle shall be at Lessee's request, direction and sole risk of any resulting loss and Lessee shall indemnify Lessor for any loss resulting from such use.

4. **Payments by Lessee.** Lessee agrees to pay $ 10.00 per month for the lease of the aforementioned parking space. Lessee is to make such leasehold payment Bryant Vickery in person (or by mail) at University Pizza. Payments shall be made in advance by Lessee on or before the 10th of each month

5. **Receipts by Lessor.** Lessor agrees to provide a receipt to Lessee for each payment received. Such receipt shall show the amount paid and number of the leased parking space.

6. **Termination.** Either party may terminate this Agreement by providing 30 days written notice to the other party. Any such notice shall be directed to a party at the party's address as listed below in this Agreement.

EXECUTED AND AGREED by the parties hereto, this the 8th day of June, 2016.

Lessor	Lessee
Bryant Vickery	Ms. F.H. Conlon F.H. Conlon
5008 Colley Ave.	4914 Colley Avenue
Norfolk, Virginia 23508	Norfolk, Virginia 23508

Whitney, Chris

From: Straley, Matthew
Sent: Thursday, June 16, 2016 2:56 PM
To: 'ryderd@verizon.net'; 'highlandpark_cl@yahoo.com'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Pollock, Susan
Subject: new Planning Commission application - 4914 Colley Ave
Attachments: CLF Creations.pdf

Mr. Ryder,

Attached please find the application for a special exception for mixed uses at 4914 Colley Avenue.

The item is tentatively scheduled for the July 28, 2016 Planning Commission public hearing.

Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II

THE CITY OF NORFOLK
City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception for a mixed use development at 4013 Colley Avenue and 801 and 809 W. 41st Street – Howerin Construction**

Reviewed: Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: Marcus D. Jones, City Manager

Item Number: **R-06**

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception to permit a mixed use development

IV. **Applicant:** **Howerin Construction**

V. **Description:**
- The site is located on the southwest corner of W. 41st Street and Colley Avenue.
- The applicant proposes to develop this vacant land with a mixed use development.

VI. **Historic Resources Impacts**
N/A

VII. **AICUZ Impacts**
N/A

VIII. **Public Schools Impacts**
- School attendance zones include Larchmont Elementary School (95% utilization), Blair Middle School (77% utilization) and Maury High School (95% utilization).
- Approximately 1 school aged child could be generated by the proposed development (0.1 school aged children per unit).
- Given the low number of potential students and the existing school capacity, no significant school impacts are anticipated.

Staff point of contact: Susan Pollock at 664-4765, susan.pollock@norfolk.gov

Attachments:
- Proponents and Opponents
- Staff Report to CPC dated July 28, 2016 with attachments
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: July 28, 2016

Executive Secretary: George M. Homewood, FAICP, CFM

Planner: Susan Pollock Hart, CFM

Staff Report	**Item No. 3**	
Address	**4013 Colley Avenue**	
Applicant	**Howerin Construction Corp.**	
Request	**Special Exception**	**Mixed Uses**
Property Owner	Allan Zeno	
Site Characteristics	Site Area	12,500 square feet
	Future Land Use	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Highland Park
	Character District	Traditional
Surrounding Area	North	C-2: The Wave
	East	C-2: Dirty Buffalo
	South	C-2: DW Boyd Wholesale
	West	R-8 (Single-Family): Single-family homes

A. Summary of Request

- The site is located on the southwest corner of W. 41st Street and Colley Avenue.
- The applicant proposes to develop this vacant land with a mixed use development.

B. Plan Consistency

- The proposed rezoning is consistent with *plaNorfolk2030*, which designates this site as commercial.
- The *Central Hampton Boulevard Area Plan* identifies this site as a location for office, research, retail, and/or multiunit residential.
- The *Central Hampton Plan* includes recommendations as to the form of new development on this site, including:
  - Defining the street edge along public streets by aligning building facades to the setback line.
  - Locating active uses with 60% transparent glazing on the ground floors of commercial buildings and 40% transparent glazing for residential uses.
  - Providing ground-level entrances at least every 100 feet along the sidewalk.
  - Treating façades to differentiate the ground-level commercial use from upper stories and to sensitively transition to adjacent single-family uses.
  - Installation of trees and other similar landscaping between the building edge and the sidewalk.
- In order to be fully consistent with *plaNorfolk2030* the recommendations of the *Central Hampton* plan must be incorporated into the proposed development.

C. Zoning Analysis

i. General

- The site is currently zoned C-2 which allows mixed use development by special exception.
  - The *Zoning Ordinance* also requires that 50% of the first floor of a mixed use development must be a commercial use.
- The applicant proposes to construct a three story mixed use building:
  - 2,000 square feet of commercial on the first floor
  - 5 residential units on the 1st, 2nd and 3rd floors
  - The site will be accessed from one entrance on West 41st Street

ii. Parking

- Parking will be located to the rear of the building.
- The site is located in the Traditional Character District which requires:
  - 1.6 parking spaces per residential dwelling unit (8 parking spaces)
  - 1 parking space per 300 square feet for retail sales/service (7 parking spaces)
  - 16 spaces are provided.

iii. Flood Zone

- The property is in an X (Low to Moderate) and an X (Shaded) Flood Zones which are low risk flood zones.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that that this proposed mixed use development of office space and 5 apartments will generate 56 new vehicle trips per day.
- Colley Avenue near the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- Colley Avenue adjacent to the site is an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan and is currently marked with sharrows.

E. Historic Context and Impacts

The site is currently vacant and is not located in any local, state or federal historic district.

F. Public School Impacts

- School attendance zones include Larchmont Elementary School (95% utilization), Blair Middle School (77% utilization) and Maury High School (95% utilization).
- Approximately 1 school aged child could be generated by the proposed development (0.1 school aged children per unit).
- Given the low number of potential students and the existing school capacity, no significant school impacts are anticipated.

G. Environment Impacts

- As a new development, it will have to complete the Site Plan Review Process with all the standards set forth in the *Zoning Ordinance*.
- The proposed project will be required to fully comply with the city's stormwater management provisions.

H. Surrounding Area/Site Impacts

- The site is surrounded by single-family and commercial uses.
- The addition of a mixed use development would not have a negative impact on the surrounding land uses.

I. AICUZ

N/A

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

A letter was sent to the Highland Park and Colonial Place/Riverview Civic Leagues on June 16.

L. Communication Outreach/Notification

- Legal notice was posted on the property on June 21.
- Letters were mailed to all property owners within 300 feet of the property on July 14.
- Legal notification was placed in The Virginian-Pilot on July 14 and July 21.

M. Recommendation

Staff recommends that the special exception be **approved** subject to the following conditions:

1. The property shall be developed substantially in conformance with the Architectural Site Plan, dated 6/13/16, and prepared by Robyn Thomas Architecture.

2. The residential unit on the first floor shall not front on Colley Avenue.

3. The façade along Colley Avenue shall be 50% transparent.

4. All sidewalks to comply with Department of Public Works standards.

Attachments

Zoning Map
Location Map
Application
Letter to the Highland Park and Colonial Place/Riverview Civic Leagues

Proponents and Opponents

Proponents

Bobby Howerin
111 Hanover Avenue
Norfolk, VA 23508

Opponents

None

07/26/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT MIXED USES ON PROPERTIES LOCATED AT 4009 TO 4013 COLLEY AVENUE AND 801 AND 809 WEST 41ST STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit mixed uses on the properties located at 4009 to 4013 Colley Avenue and 801 and 809 West 41st Street. The properties which are the subject of this Special Exception are more fully described as follows:

Properties fronting 100 feet, more or less, along the western line of Colley Avenue and 131 feet, more or less, along the southern line of West 41st Street; premises now or formally numbered 4009 to 4013 Colley Avenue and 801 and 809 West 41st Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The properties shall be developed substantially in conformance with the architectural site plan prepared by Robyn Thomas Architecture, dated June 13, 2016, attached hereto and marked as "Exhibit A."

(b) The residential unit on the ground floor shall not front on Colley Avenue.

(c) No less than 50% of the glass areas of the ground floor façade fronting on Colley Avenue shall be transparent as defined in the Zoning Ordinance.

(d) All sidewalks on the properties shall conform to the construction standards of the City's Department of Public Works.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or

other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

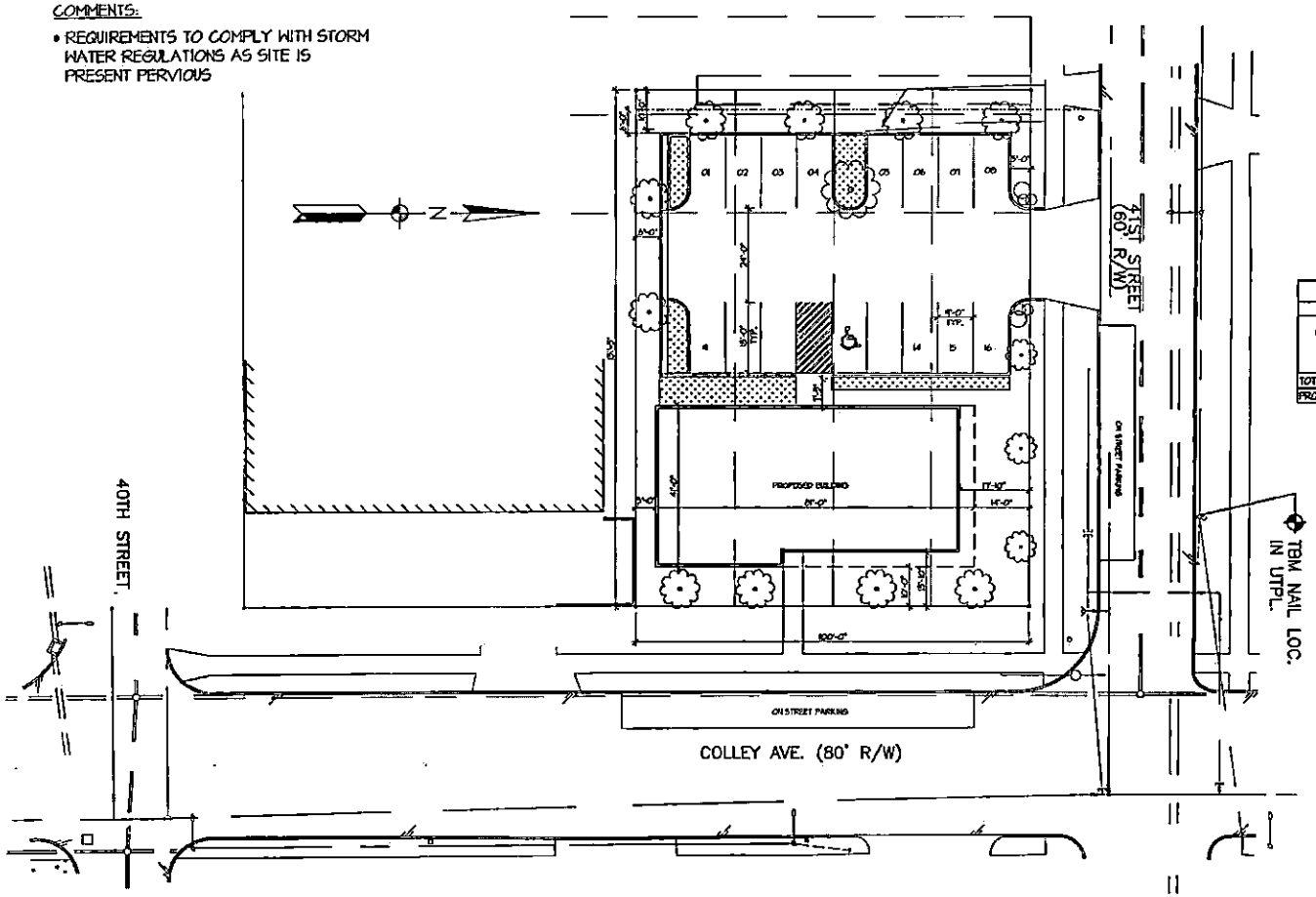
(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)

COMMENTS:

- REQUIREMENTS TO COMPLY WITH STORM WATER REGULATIONS AS SITE IS PRESENT PERVIOUS



PARKING ANALYSIS					
	AREA	TENANT	DWELLING UNITS	PARKING CALC.	REQ'D PARKING
PARKING DEMAND	2000 SF	COMMERCIAL 1ST	-	1 SPACE/ 300 SF	7 SPACES
	-	RESIDENTIAL 1ST	5	1.6 SPACE/DWELLING UNIT	8 SPACES
	-	RESIDENTIAL 2ND			
	-	RESIDENTIAL 3RD			
TOTAL REQUIRED PARKING:					15 SPACES
PROVIDED PARKING:					16 SPACES

ARCHITECTURAL SITE PLAN - 4013 COLLEY AVE.

1"=30'-0"

Exhibit A

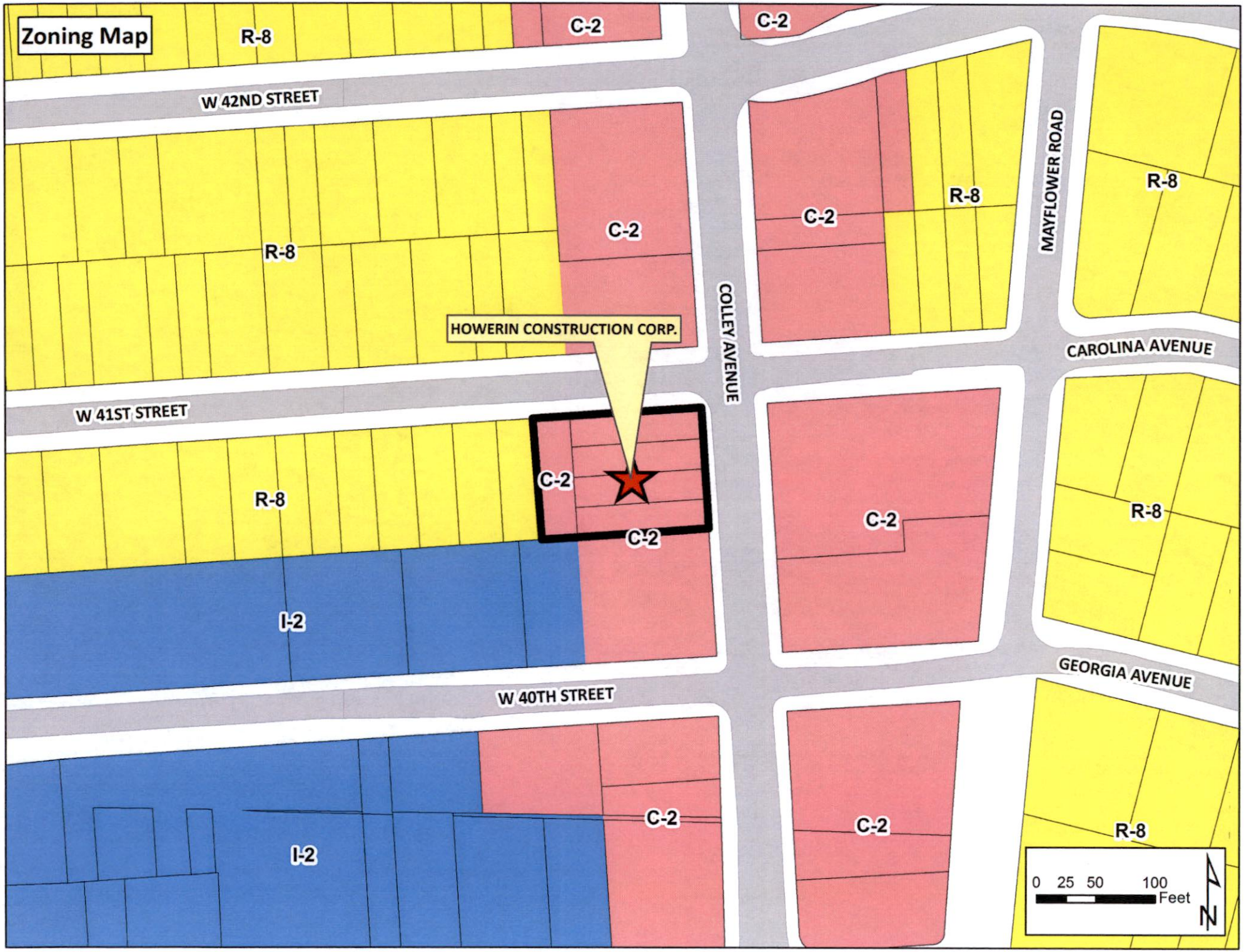
ROBYN THOMAS ARCHITECTURE

913 W. 21st Street, Suite C
Norfolk, VA 23517

Ofc: 757.622.7100
Fax: 757.640.9014

1 OF 1	A
DATE 6-13-2016	
COMM NO 16-044	
DRAWN NL	
CHECKED RJT	

Location Map
W 41ST STREET
HOWERIN CONSTRUCTION CORP.
COLLEY AVENUE
0 5 10 20
Feet
N


Zoning Map
R-8
C-2
C-2
W 42ND STREET
R-8
C-2
C-2
R-8
MAYFLOWER ROAD
R-8
COLLEY AVENUE
HOWERIN CONSTRUCTION CORP.
CAROLINA AVENUE
W 41ST STREET
R-8
C-2
C-2
C-2
R-8
I-2
GEORGIA AVENUE
W 40TH STREET
C-2
C-2
I-2
R-8
0 25 50 100
Feet
N

APPLICATION
SPECIAL EXCEPTION

Special Exception for: To ALLOW R2(5UNITS) iN A C2 ZONING

Date of application: _____

DESCRIPTION OF PROPERTY

Property location: (Street Number) 4013 (Street Name) Colley Ave.

Existing Use of Property Vacant lot

Current Building Square Footage NA

Proposed Use mixed use 5-unit apartment
2000 s.f. of office space.

Proposed Square Footage 3000

Proposed Hours of Operation:

Weekday	From _____	To _____
Friday	From _____	To _____
Saturday	From _____	To _____
Sunday	From _____	To _____

N/A

Trade Name of Business (If applicable) _____

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Howerin Construction Corp.

1. Name of applicant: (Last) Howerin (First) Robert (MI) E.

Mailing address of applicant (Street/P.O. Box): 1111 Hanover Ave.

(City) Norfolk (State) VA (Zip Code) 23508

Daytime telephone number of applicant (757) 477-6536 Fax ( ) _____

E-mail address of applicant: bob@howerinconstruction.com

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) _____ (First) _____ (MI) ____

Mailing address of applicant (Street/P.O. Box): _____

(City) _____ (State) _____ (Zip Code) _____

Daytime telephone number of applicant ( ) _____ Fax ( ) _____

E-mail address of applicant: _____

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Zam Properties, Inc.

3. Name of property owner: (Last) Zeno (First) Allan (MI) S.

Mailing address of property owner (Street/P.O. box): 512 Oak Grove Rd

(City) Norfolk (State) VA (Zip Code) 23505

Daytime telephone number of owner (757) 583-5579 email: [illegible]@live.com

CIVIC LEAGUE INFORMATION

Civic League contact: Dale Ryder.

Date(s) contacted: 5/25/16, 6/2/16 6/9/16 (attended meeting)

Ward/Super Ward information: _____

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: [illegible] **Sign:** [illegible] 6/9/16
(Property Owner or Authorized Agent of Signature) (Date)

Print name: [illegible], agent **Sign:** [illegible] 6/9/16
(Applicant) (Date)
[illegible]

ONLY NEEDED IF APPLICABLE:

Print name: _____ **Sign:** _____ / _____ / _____
(Authorized Agent Signature) (Date)

EXHIBIT "A"

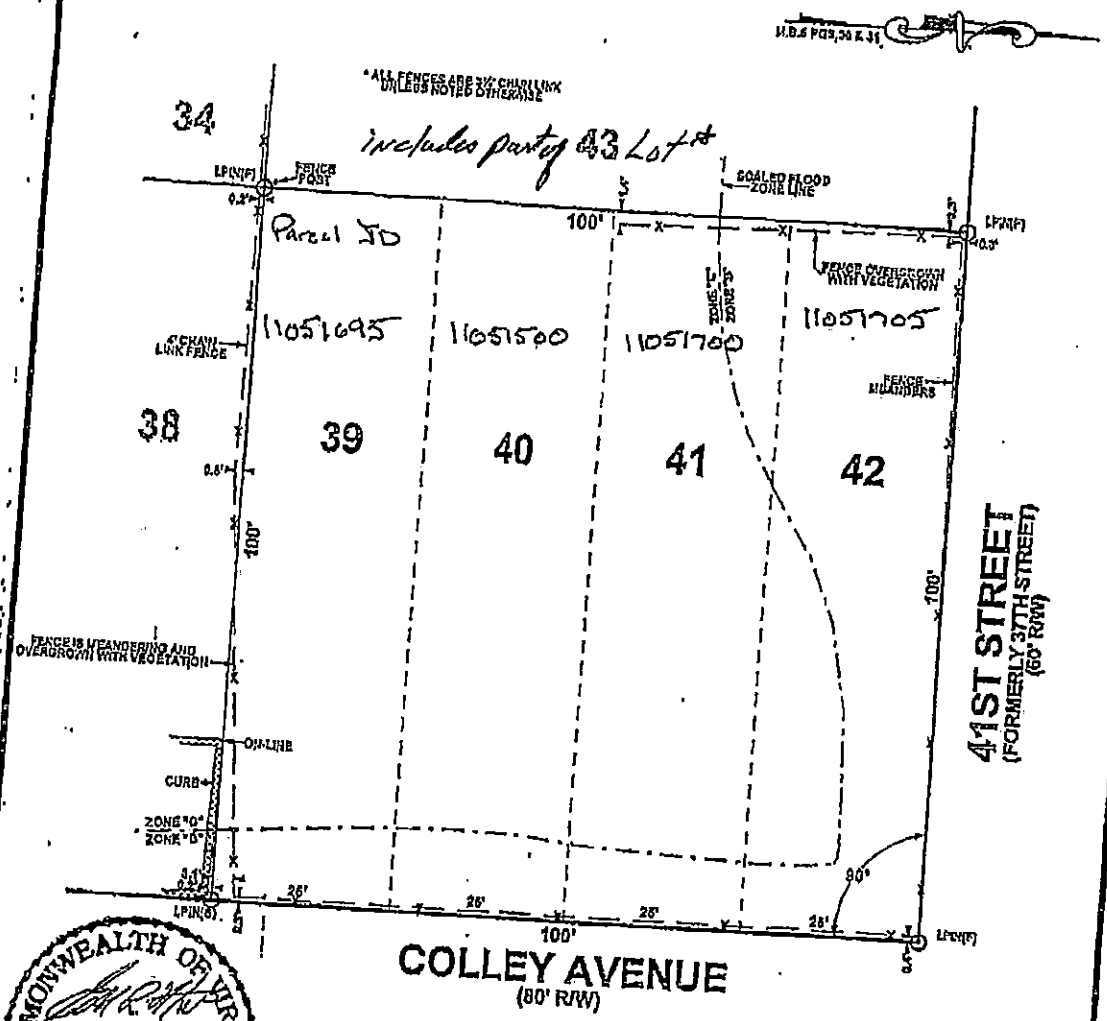
THIS SURVEY IS BASED ON A PLAT RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF NORFOLK, VIRGINIA, IN MAP BOOK 6, AT PAGES 30 AND 31.

THIS IS TO DECLARE THAT WE, ON APRIL 04, 2002, SURVEYED THE PROPERTY SHOWN HEREON, AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SURVEY APPEARS TO LIE WITHIN FLOOD ZONES "C" AND "B" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY- NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY NUMBER 510104-0017 D, DATED APRIL 17, 1984. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL TO CONFIRM THE ABOVE INFORMATION. FLOOD ZONE INFORMATION WAS SCALED FROM F.E.M.A. FLOOD MAPS. CAUSEWAY CONSULTANTS P.C., IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON.

THIS SURVEY PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND CONSEQUENTLY MAY NOT DEPICT ALL TITLE MATTERS AFFECTING THE PROPERTY SHOWN HEREON.

THE EXISTENCE OF: HAZARDOUS WASTES, VEGETATED WETLANDS, OR TIDAL WETLANDS, WAS NEITHER INVESTIGATED, NOR CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.



COMMONWEALTH OF VIRGINIA
EDDIE R. WHITE
No. 001946
04.09.02
LAND SURVEYOR

PHYSICAL SURVEY
OF
LOTS 39, 40, 41 AND 42, BLOCK 268
REVISED PLAT OF
LAMBERTS POINT INVESTMENT CO.
LAMBERTS POINT
NORFOLK, VIRGINIA
FOR
THOMAS W. PRUITT AND PATRICIA L. PRUITT

Causeway Consultants, P.C.
Land Surveyors
1005 S. BATTLEFIELD BLVD.
SUITE B
CHESAPEAKE, VA 23322-4214
PHONE: 757-482-0474

Graphic Scale
20' 0 10' 20' 40'
1" = 20'

©CAUSEWAY CONSULTANTS, P.C., 2002

PROJECT NUMBER: 220271 FIELD BOOK: 160 PAGES: 8, 9, 10 & 11 KAG LOCATION: 198 OS N

Pollock, Susan

From: Straley, Matthew
Sent: Thursday, June 16, 2016 3:07 PM
To: 'ryderd@verizon.net'; 'highlandpark_cl@yahoo.com'; 'jrobert@jwrobertson.com'; 'vicepresident@cprv.net'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Pollock, Susan
Subject: new Planning Commission application - 4013 Colley Ave
Attachments: HowerinConstruction.pdf

Mr. Ryder and Mr. Robertson,

Attached please find the application for a special exception for mixed uses at 4013 Colley Avenue.

The item is tentatively scheduled for the July 28, 2016 Planning Commission public hearing.

Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II

THE CITY OF NORFOLK
City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exceptions for a Religious Institution and Day Care Center, Child – 1555-1575 Kerrey Avenue – New Horizons Outreach Ministries**

Reviewed: _____ **Ward/Superward: 4/7**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number: R-07**
Marcus D. Jones, City Manager

I. **Staff Recommendation: Approval**.

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Requests:** Special Exceptions to operate a Religious Institution and Day Care Center, Child

IV. **Applicant: New Horizons Outreach Ministries**

V. **Description:**

- The applicant proposes to reuse the home at 1555 Kerrey Avenue to accommodate a Day Care Center operated by the church.
- The existing structures located at 1565 and 1575 Kerrey Avenue will continue to function as a church, with new off-street parking being added to the site.
- The applicant proposes to construct two parking lots on the site, to be located between the three structures on the site and located behind the 25-foot front setback to maintain the residential continuity along the Kerrey Avenue street frontage.

VI. **Historic Resources Impacts**

- The site is not located within a federal, state, or local historic district.
  - Since the buildings on the site are at least 50 years old, the structures could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

VII. Public Schools Impacts

This site is located within the Coleman Place Elementary School, Lake Taylor Middle School and Booker T. Washington High School Attendance Zones.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated July 28, 2016 with attachments
- Ordinances

THE CITY OF NORFOLK
CITY PLANNING

City Planning Commission: July 28, 2016

Executive Secretary: George M. Homewood, FAICP, CFM 98

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	**Item No. 5**	
Address	**1555-1575 Kerrey Avenue**	
Applicant	**New Horizon Outreach Ministries**	
Request	**Special Exceptions**	**a. Religious Institution** **b. Day Care Center, Child (only as accessory uses to nonresidential uses)**
Property Owner	New Horizon Outreach Ministries and New Horizon Outreach COGIC	
Site Characteristics	Site/Building Area	29,700 sq. ft./3,185 sq. ft. church (546 sq. ft. assembly hall) and 1,095 sq. ft. day care
	Future Land Use Map	Single-Family Traditional
	Zoning	R-6 (Single-Family)
	Neighborhood	Fox Hall
	Character District	Suburban
Surrounding Area	North	C-2 (Corridor Commercial): Norfolk Southern railroad right-of-way
	East	R-8 (Single-Family): Single-family homes
	South	R-6: Single-family homes
	West	R-6: Single-family homes

A. Summary of Request

- The site is located at the southwest corner of Kerrey Avenue and South Cape Henry Avenue, within the Fox Hall neighborhood.
- The applicant proposes to reuse the home at 1555 Kerrey Avenue to accommodate a Day Care Center operated by the church.
- The existing structures located at 1565 and 1575 Kerrey Avenue will continue to function as a church, with new off-street parking being added to the site.

B. Plan Consistency

- *plaNorfolk2030* designates this site as Single-Family Traditional, meaning the proposed special exception is inconsistent with the plan.
  - However, since small-scale religious institutions, such as this one, are generally compatible with residential uses, the proposed special exception can be recommended despite the inconsistency.

C. Zoning Analysis

i. General

- The applicant proposes to construct two parking lots on the site, to be located between the three structures on the site and located behind the 25-foot front setback to maintain the residential continuity along the Kerrey Avenue street frontage.
- In the 1960s the structure at the corner of South Cape Henry Avenue and Kerrey Avenue was utilized as a church.
  - This predates the current requirement for a special exception to operate a religious institution in a residential district.
  - The use of this building as a religious institution is legally nonconforming (grandfathered).
- In the 1990s the current church purchased the two adjacent homes and now proposes to use them for classrooms and a day care center.
- The expansion of the religious institution (classrooms) requires a special exception as does the uses of the last building as a day care center.
- Religious institutions and accessory child day care centers are permitted within the R-6 (Single-Family) zoning district with special exceptions.
- The site is surrounded primarily by single-family homes.
- The conceptual site plan submitted by the applicant and the attached conditions ensure compliance with the adopted general plan and all *Zoning Ordinance* requirements for the proposed uses.

ii. Parking

- For a religious institution of this size located within the Suburban Character District, the *Zoning Ordinance* requires that the 546 square-foot assembly hall provide a minimum of 11 parking spaces.

- The 1,095 square foot day care center requires four parking spaces.
  - In total, the applicant is proposing 16 off-street parking spaces on the site, bringing the site into full compliance with *Zoning Ordinance* requirements.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that that the proposed addition of day care center to this existing church will generate 87 new vehicle trips per day.
- Kerrey Avenue adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

- The building is not located within a federal, state, or local historic district.
  - Since the buildings on the site are at least 50 years old, the structures could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

F. Public Schools Impacts

The site is located in the Coleman Place Elementary School, Lake Taylor Middle School and Booker T. Washington High School Attendance Zones.

G. Environmental Impacts

- The continued use of the site as a religious institution, and the proposed day care center, should not adversely impact the surrounding uses.
- The proposed parking lots will undergo the Site Plan Review process, which will require all site development to adhere to the regulations of the *Zoning Ordinance*, including landscaping and buffering, vehicular circulation, and stormwater improvements.

H. AICUZ Impacts

- The site is located within a Noise Zone with a Day-Night Average Sound Level of 65-70 Decibels (DNL 65) as identified within the Hampton Roads regional Joint Land Use Study (JLUS), Air Installations Compatibility Use Zones (AICUZ) planning map.
  - The DNL 65 Noise Zone is a low impact noise zone and the proposed uses are compatible within the zone.

I. Surrounding Area/Site Impacts

- The applicant will be required to install a sidewalk around the perimeter along the public rights-of-way.
- By requiring the proposed uses to conform to the conditions listed below, granting the special exceptions should not have a negative effect on the surrounding area.

J. Payment of Taxes
The owner of the property is current on all real estate taxes.

K. Civic League
Notices were sent to the Fox Hall and Coleman Place Civic Leagues on June 16.

L. Recommendation
Staff recommends **approval** of the special exception requests, considering compliance with *Zoning Ordinance* requirements, subject to the conditions below:

Special Exception Conditions – Religious Institution

(a) The site shall be generally designed in accordance with the conceptual site plan prepared by Blakeway, dated June 6, 2016, attached hereto and marked as "Exhibit A," and all existing driveways and parking areas on the site shall be removed and replaced with the driveways and parking areas as shown on the conceptual site plan, subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.

(b) Prior to the operation of the Day Care Center, a resubdivision plat to combine the three parcels and vacate all interior lot lines shall be approved and recorded.

(c) A sidewalk shall be installed along the Kerrey Avenue and South Cape Henry Avenue public rights-of-way.

(d) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-6 of the *Zoning Ordinance of the City of Norfolk*, 1992 (as amended). The landscaping shall be maintained at all times.

(e) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(f) There shall be no parking of vehicles on unimproved surfaces.

(g) The use of temporary signs shall comply with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The use of feather flags, pennants, and streamers is prohibited.

(h) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.

(i) The property shall be kept in a clean and sanitary condition at all times.

Special Exception Conditions – Day Care Center

(a) The site shall be generally designed in accordance with the conceptual site plan prepared by Blakeway, dated June 6, 2016, attached hereto and marked as "Exhibit A," and all existing driveways and parking areas on the site shall be removed and replaced with the driveways and parking areas as shown on the conceptual site plan, subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.

(b) Prior to the operation of the Day Care Center, a resubdivision plat to combine the three parcels and vacate all interior lot lines shall be approved and recorded.

(c) A sidewalk shall be installed along the Kerrey Avenue and South Cape Henry Avenue public rights-of-way.

(d) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-6 of the *Zoning Ordinance of the City of Norfolk*, 1992 (as amended). The landscaping shall be maintained at all times.

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(h) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.

(i) The property shall be kept in a clean and sanitary condition at all times.

Attachments

Location Map
Zoning Map
Application
Physical Survey
Conceptual Site Plan
Notice to the Fox Hall and Coleman Place Civic Leagues

Proponents and Opponents

Proponents

Rev. James C. Faulks – Applicant
719 Red Mill Road
Norfolk, VA 23502

Evelyn Faulks
719 Red Mill Road
Norfolk, VA 23502

Elmer Tolle – Consulting Engineer
Blakeway Corporation
770 Independence Circle
Virginia Beach, VA 23455

Sean E. Matthews
2704 Pendragon Court
Chesapeake, VA 23323

Ronald Anthony
Portsmouth, VA

Sylvia A. Freeman
1864 Blue Knob
Virginia Beach, VA 23464

Lula Robinson
2500 E. Princess Anne Road
Norfolk, VA 23504

Corenia Webber and Toinyette Williams
5804 W. Norfolk Road
Portsmouth, VA 23703

Frederick Valentina Williams, Jr.
Christina Williams
Jaelin Williams
Isaiah Williams
4807 Bayshire Court
Virginia Beach, VA 23462

Opponents

None

07/26/2016 lds

Form and Correctness Approved: ADM

By _____
Office of the City Attorney

Contents Approved: MLS

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A RELIGIOUS INSTITUTION NAMED "NEW HORIZON OUTREACH MINISTRIES" ON PROPERTIES LOCATED AT 1555 TO 1575 KERREY AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to authorizing the operation of a religious institution named "New Horizon Outreach Ministries" on properties located 1555 to 1575 Kerrey Avenue. The properties which are the subject of this Special Exception are more fully described as follow:

Properties fronting 325 feet, more or less, along the western line of Kerrey Avenue and 72 feet, more or less, along the southern line of South Cape Henry Avenue; premises numbered 1555 to 1575 Kerrey Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The site shall be designed substantially in accordance with the conceptual site plan prepared by Blakeway, dated June 6, 2016, attached hereto and marked as "Exhibit A," and all existing driveways and parking areas on the site shall be removed and replaced with the driveways and parking areas as shown on said conceptual site plan, subject to any revisions required by the City to be made during the site plan review and building permit review processes.

(b) No use of any Day Care Center that may be located on the property shall commence until after a subdivision plat combining all of the parcels the currently comprise these properties and vacating all interior lot lines on these properties is

approved and recorded.

(c) A sidewalk conforming to the construction standards of the City's Department of Public Works shall be installed along the Kerrey Avenue and South Cape Henry Avenue public rights-of-way abutting these properties.

(d) Landscaping shall be installed at the base of any freestanding sign located on the properties in accordance with the provisions of section 16-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall be both maintained at all times in a healthy growing condition and replaced when necessary.

(e) There shall be no parking of vehicles on any unimproved surface.

(f) The use of any temporary signs shall comply with the applicable provisions of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and the all feather signs, pennants, and streamers are prohibited.

(g) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.

(h) The property shall be kept in a clean and sanitary condition at all times.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is

located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be

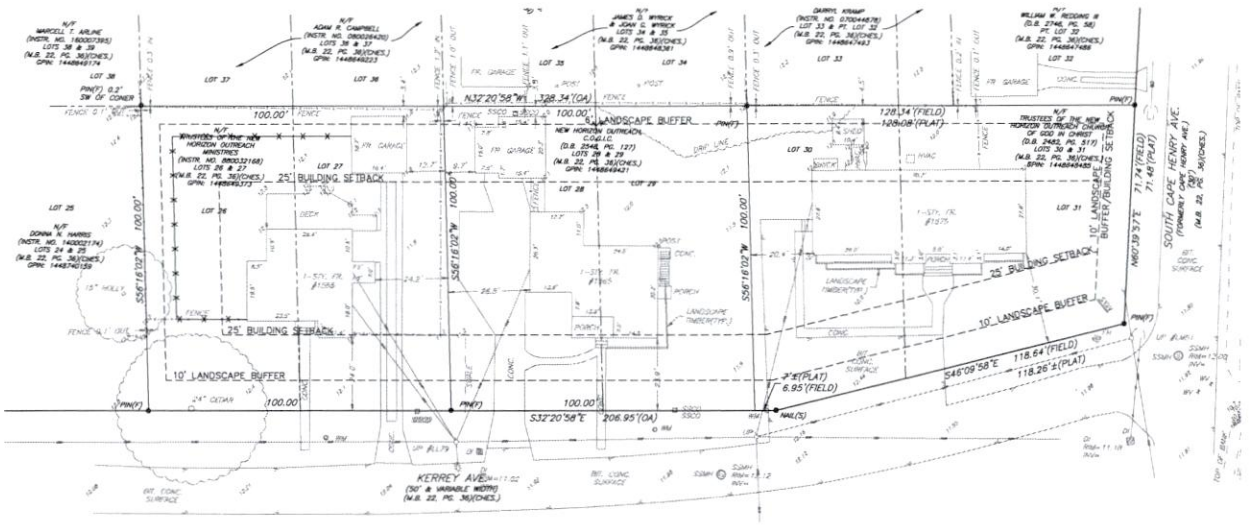
recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)

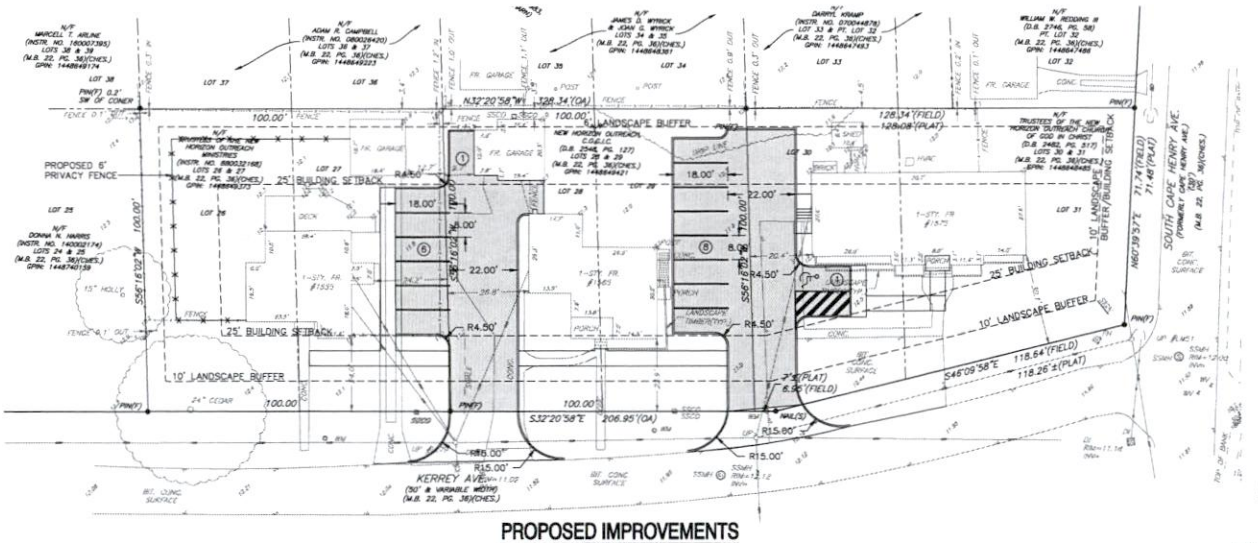
Exhibit A

KERREY AVE



EXISTING CONDITIONS

SCALE: 1" = 20'



PROPOSED IMPROVEMENTS

SCALE: 1" = 20'

SITE ANALYSIS

EXISTING PARCEL AREA:	10,821± sf 0.24± ac.
PROPOSED ZONING:	R-6
SETBACKS:	REQUIRED
FRONT:	25'
SIDE:	10'
SIDE(R/W):	15'
REAR:	25'
PARKING:	
RELIGIOUS INSTITUTION REQUIRED:	11 SPACES (1 PER 50 SQFT OF ASSEMBLY AREA) (546 SQFT / 50SQFT =10.9)
DAY CARE REQUIRED:	5 SPACES (1 PER 250 SQFT OF GROSS AREA) (1,095 SQFT / 250SQFT =4.3)
TOTAL REQUIRED:	16 SPACES
TOTAL PROVIDED:	16 SPACES

DUE TO THE HOURS OF OPERATION, THE DAY CARE WILL SHARE PARKING WITH THE OVERALL DEVELOPMENT.

GENERAL NOTES

1. THE SITE IS DESIGNED IN ACCORDANCE WITH R-6 ZONING REQUIREMENTS OF THE CITY OF NORFOLK ZONING ORDINANCE.
2. BLAKEWAY ASSUMES BUT DOES NOT GUARANTEE THAT REQUIRED STORMWATER QUANTITY AND QUALITY IMPROVEMENTS WILL BE ACHIEVED WITH THE USE OF ONSITE STORMWATER DETENTION OR MANUFACTURED STORMWATER BMPS, AND THAT ADEQUATE STORMWATER INFRASTRUCTURE IS AVAILABLE WITHIN THE PUBLIC RIGHT OF WAY.
3. THIS CONCEPT WAS PREPARED WITHOUT A TITLE REPORT.
4. A RE-SUBDIVISION PLAT SHALL BE REQUIRED TO VACATE THE INTERIOR PROPERTY LINES AS SHOWN.
5. THE DAY CARE AT 1555 KERREY AVENUE WILL USE SHARED PARKING WITH THE OVERALL DEVELOPMENT TO MEET THE PARKING REQUIREMENTS.
6. ALL EXISTING DRIVEWAYS AND PARKING AREAS SHALL BE REMOVED. ALL PROPOSED PARKING AREAS ARE AS SHOWN UNDER "PROPOSED IMPROVEMENTS".

GRAPHIC SCALE

SCALE: 1" = 20'

KERREY AVE

KERREY AVE

BLAKEWAY
surveying + engineering + environmental
770 INDEPENDENCE CIR - VA BEACH, VIRGINIA 23455
P757.226.0081 - F757.226.9765
www.blakewaycorp.com

REV	DATE	DESCRIPTION
1		
2		
3		
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DATE ISSUED 6-6-16
DRAWN BY EFT
REVIEWED BY SMB
DESIGNED BY EFT

SHEET NO. D

LOCATION 1555, 1565, & 1575 KERREY AVE

SHEET TITLE CONCEPT PLAN

SITE ID

SITE ADDRESS 1575 Kerrey Ave Norfolk, VA

KERREY AVE

FILE NAME: P:\5185-New Horizon Outreach\5185.01-1575 Kerrey Ave\Civil\Concept\Preliminary Site Plan.dwg LAYOUT NAME: Layout1 PLOTTED: Thursday, June 23, 2016 - 1:04pm

07/26/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A DAY CARE CENTER BY "NEW HORIZON OUTREACH MINISTRIES" ON PROPERTIES LOCATED AT 1555 TO 1575 KERREY AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a day care center by "New Horizon Outreach Ministries" on properties located at 1555 to 1575 Kerrey Avenue. The properties which are the subject of this Special Exception are more fully described as follow:

Properties fronting 325 feet, more or less, along the western line of Kerrey Avenue and 72 feet, more or less, along the southern line of South Cape Henry Avenue; premises numbered 1555 to 1575 Kerrey Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The site shall be designed substantially in accordance with the conceptual site plan prepared by Blakeway, dated June 6, 2016, attached hereto and marked as "Exhibit A," and all existing driveways and parking areas on the site shall be removed and replaced with the driveways and parking areas as shown on said conceptual site plan, subject to any revisions required by the City to be made during the site plan review and building permit review processes.

(b) No use of any Day Care Center that may be located on the property shall commence until after a subdivision plat combining all of the parcels the currently comprise these properties and vacating all interior lot lines on these properties is

approved and recorded.

(c) A sidewalk conforming to the construction standards of the City's Department of Public Works shall be installed along the Kerrey Avenue and South Cape Henry Avenue public rights-of-way abutting these properties.

(d) Landscaping shall be installed at the base of any freestanding sign located on the properties in accordance with the provisions of section 16-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall be both maintained at all times in a healthy growing condition and replaced when necessary.

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(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be

recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

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Exhibit A (1 page)

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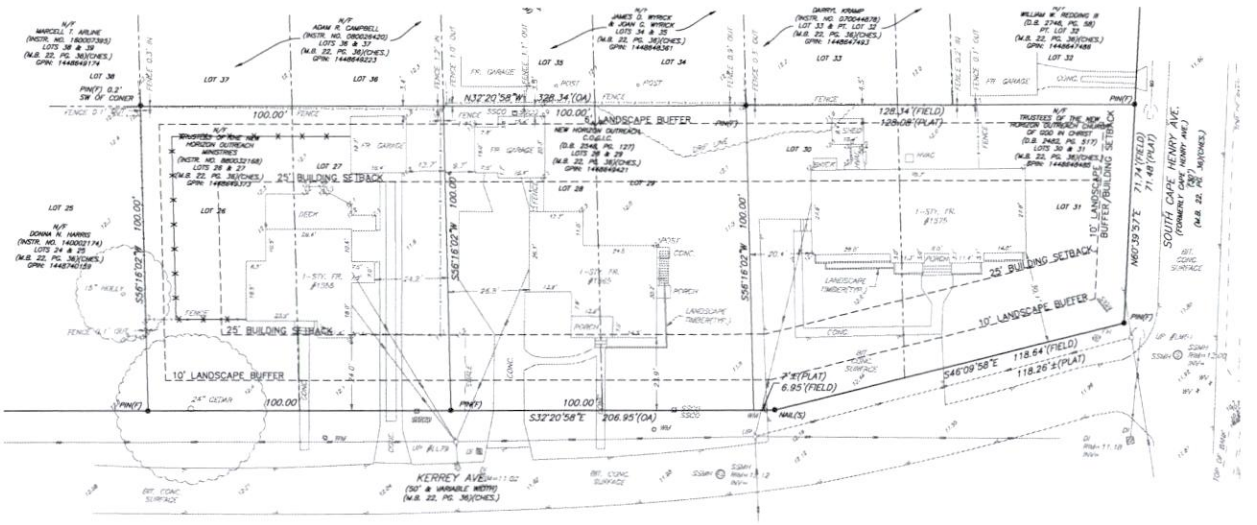
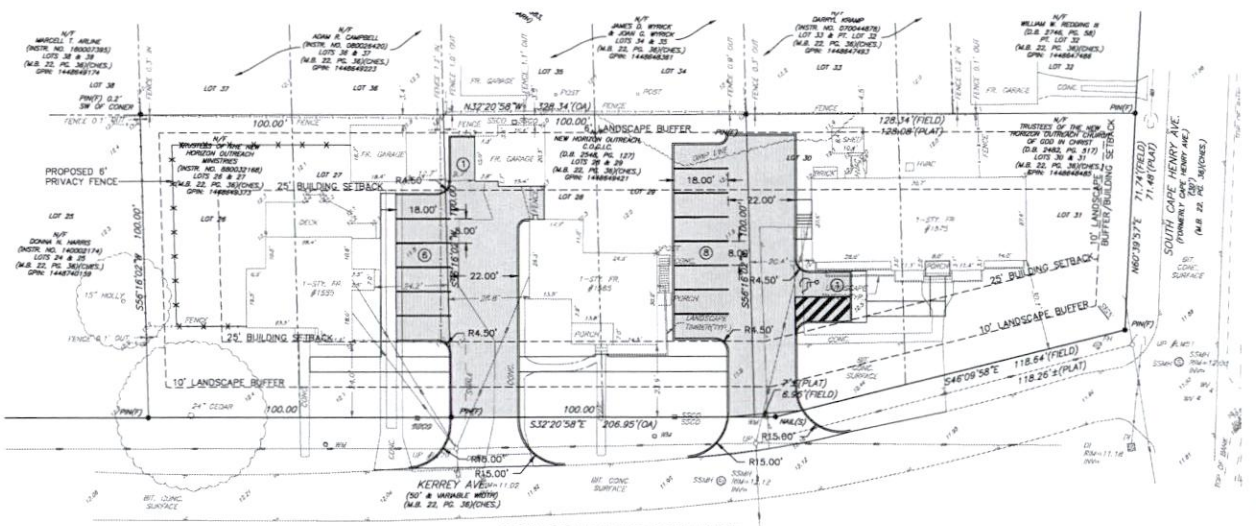
KERREY AVE



EXISTING CONDITIONS

SCALE: 1" = 20'



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DUE TO THE HOURS OF OPERATION, THE DAY CARE WILL SHARE PARKING WITH THE OVERALL DEVELOPMENT.

GENERAL NOTES

1. THE SITE IS DESIGNED IN ACCORDANCE WITH R-6 ZONING REQUIREMENTS OF THE CITY OF NORFOLK ZONING ORDINANCE.
2. BLAKEWAY ASSUMES BUT DOES NOT GUARANTEE THAT REQUIRED STORMWATER QUANTITY AND QUALITY IMPROVEMENTS WILL BE ACHIEVED WITH THE USE OF ONSITE STORMWATER DETENTION OR MANUFACTURED STORMWATER BMPS, AND THAT ADEQUATE STORMWATER INFRASTRUCTURE IS AVAILABLE WITHIN THE PUBLIC RIGHT OF WAY.
3. THIS CONCEPT WAS PREPARED WITHOUT A TITLE REPORT.
4. A RE-SUBDIVISION PLAT SHALL BE REQUIRED TO VACATE THE INTERIOR PROPERTY LINES AS SHOWN.
5. THE DAY CARE AT 1555 KERREY AVENUE WILL USE SHARED PARKING WITH THE OVERALL DEVELOPMENT TO MEET THE PARKING REQUIREMENTS.
6. ALL EXISTING DRIVEWAYS AND PARKING AREAS SHALL BE REMOVED. ALL PROPOSED PARKING AREAS ARE AS SHOWN UNDER "PROPOSED IMPROVEMENTS".

GRAPHIC SCALE

SCALE: 1" = 20'

REV	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

BLAKEWAY
surveying + engineering + environmental
770 INDEPENDENCE CIR. VA BEACH, VIRGINIA 23455
P:757.226.0081 F:757.226.8165
www.blakewayworld.com

DATE ISSUED	6-6-16
DRAWN BY	EFT
REVIEWED BY	
CHECKED BY	
DESIGNED BY	EFT

LOCATION: 1555, 1565, & 1575 KERREY AVE

SHEET TITLE: CONCEPT PLAN

SHEET NO: D

SITE ADDRESS: 1575 Kerrey Ave Norfolk, VA

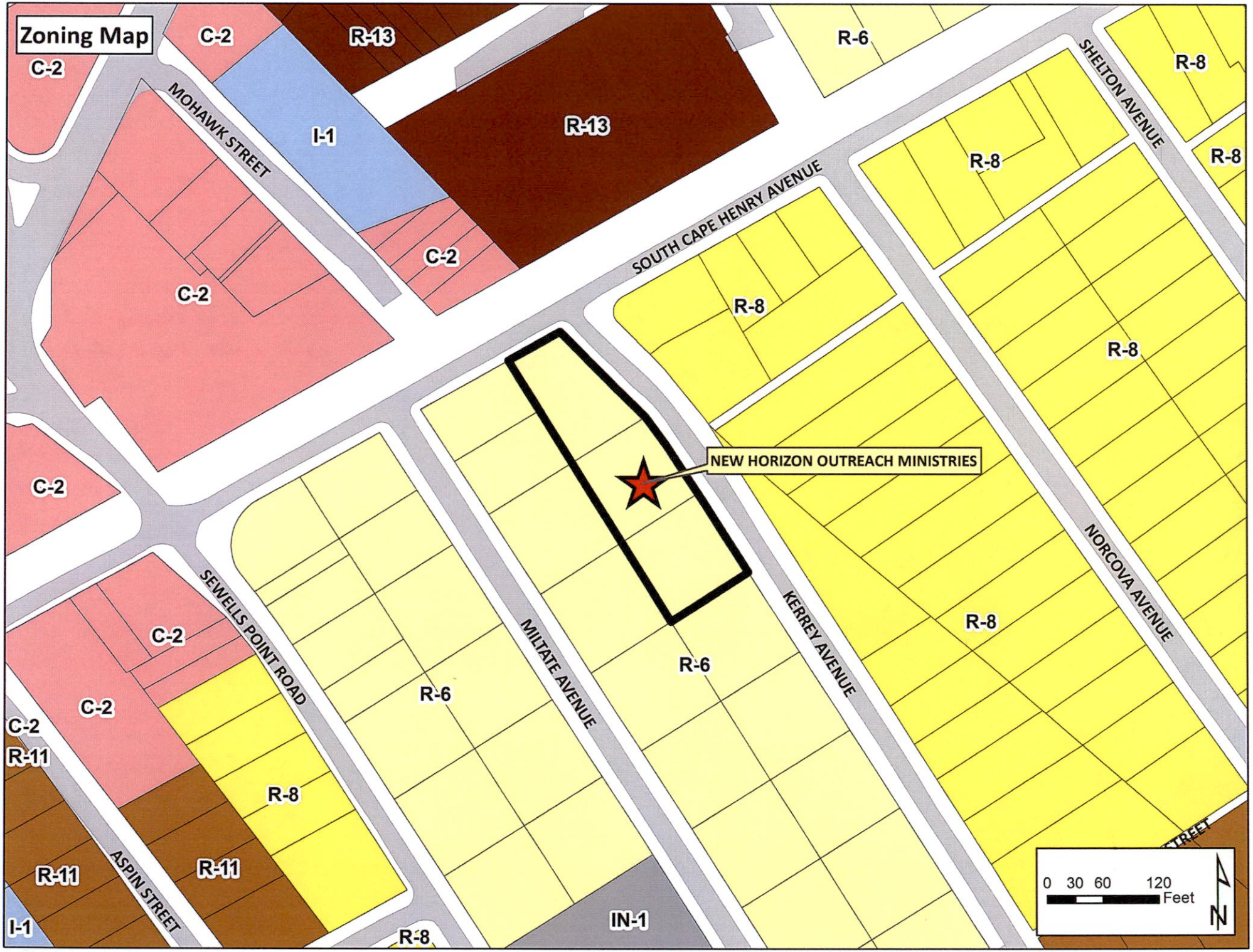
KERREY AVE

KERREY AVE

KERREY AVE

FILE NAME: P:\6169-New Horizon Outreach\6169.01-1575 Kerrey Ave\Civil\Concept\Preliminary Site Plan.dwg LAYOUT NAME: Layout1 PLOTTED: Thursday, June 23, 2016 - 1:04pm

Location Map
NORCOVA AVENUE
SOUTH CAPE HENRY AVENUE
NEW HORIZON
OUTREACH MINISTRIES
MILTATE AVENUE
KERREY AVENUE
0 15 30 60
Feet
N


Zoning Map
C-2
R-13
R-6
MOHAWK STREET
I-1
SHELTON AVENUE
R-8
SOUTH CAPE HENRY AVENUE
NEW HORIZON OUTREACH MINISTRIES
SEWELLS POINT ROAD
MILTATE AVENUE
KERREY AVENUE
NORCOVA AVENUE
R-11
ASPIN STREET
IN-1
0 30 60 120
Feet
N

APPLICATION
SPECIAL EXCEPTION

Special Exception for: Religious Institution and Day Care Home

Date of application: _____

DESCRIPTION OF PROPERTY

Property location: (Street Number) 1555,1585,1575 (Street Name) Kerrey Avenue

Existing Use of Property Religious Institution

Current Building Square Footage 4,230

Proposed Use

Religious Institution and Day Care Home

Proposed Square Footage 4230

Proposed Hours of Operation:

Weekday	From	6:00am	To	10:00pm
Friday	From	6:00am	To	10:00pm
Saturday	From	7:00am	To	8:00pm
Sunday	From	7:00am	To	9:00pm

Trade Name of Business (If applicable) New Horizon Outreach Ministries

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

New Horizon Outreach Ministries

1. Name of applicant: (Last) Faulks (First) James (MI)

Mailing address of applicant (Street/P.O. Box): 1575 Kerrey Avenue

(City) Norfolk (State) Virginia (Zip Code) 23502

Daytime telephone number of applicant (757) 858-1995 Fax ( )

E-mail address of applicant: jcfaulks@me.com

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant ( ) Fax ( )

E-mail address of applicant:

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

New Horizon Outreach Ministries

3. Name of property owner: (Last) Faulks (First) James (MI)

Mailing address of property owner (Street/P.O. box): 1575 Kerrey Avenue

(City) Norfolk (State) Virginia (Zip Code) 23502

Daytime telephone number of owner (757) 858-1995 email: jcfaulks@me.com

APPLICATION
SPECIAL EXCEPTION

Special Exception for: Day Care Center

Date of application: 6-8-16

DESCRIPTION OF PROPERTY

Property location: (Street Number) 1555,1565,1575 (Street Name) Kerrey Avenue

Existing Use of Property Religious Institution

Current Building Square Footage 4,230 Total of all 3 1555 Kerrey Avenue consists of 1,095+/- sq.ft.

Proposed Use

Day Care Center

Proposed Square Footage 1,095

Proposed Hours of Operation:

Weekday	From	6:30am	To	7:00pm
Friday	From	6:30am	To	7:00pm
Saturday	From		To	
Sunday	From		To	

Trade Name of Business (If applicable) New Horizon Outreach Ministries

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

New Horizon Outreach Ministries

1. Name of applicant: (Last) Faulks (First) James (MI)

Mailing address of applicant (Street/P.O. Box): 1575 Kerrey Avenue

(City) Norfolk (State) Virginia (Zip Code) 23502

Daytime telephone number of applicant (757) 858-1995 Fax ( )

E-mail address of applicant: jcfaulks@me.com

AUTHORIZED AGENT (If applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

BlaKeway Corporation

2. Name of applicant: (Last) Tolle (First) Elmer (MI) F

Mailing address of applicant (Street/P.O. Box): 770 Independence Circle

(City) Virginia Beach (State) VA (Zip Code) 23455

Daytime telephone number of applicant (757) 226-0081 Fax (757) 226-8765

E-mail address of applicant: elmer-tolle@blakewaycorp.com

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

New Horizon Outreach Ministries

3. Name of property owner: (Last) Faulks (First) James (MI)

Mailing address of property owner (Street/P.O. box): 1575 Kerrey Avenue

(City) Norfolk (State) Virginia (Zip Code) 23502

Daytime telephone number of owner (757) 858-1995 email: jcfaulks@me.com

CIVIC LEAGUE INFORMATION

Civic League contact: Fox Hall

Date(s) contacted:

Ward/Super Ward information: Ward - 4/Super Ward - 7

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: JAMES C. FAULKS **Sign:** James C. Faulks 6/ 7 / 2016
(Property Owner or Authorized Agent of Signature) (Date)
PRESIDENT

Print name: JAMES C. FAULKS **Sign:** James C. Faulks 6 7 / 2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name:_____ **Sign:**_____ / ____ / ____
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

CIVIC LEAGUE INFORMATION

Civic League contact: Fox Hall

Date(s) contacted:

Ward/Super Ward information: Ward - 4/Super Ward - 7

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Evelyn B. Faulks **Sign:** Evelyn B Faulks 6 / 7 / 2016
(Property Owner or Authorized Agent of Signature) (Date)
Secretary

Print name: Evelyn B. Faulks **Sign:** Evelyn B Faulks 6 / 7 / 2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name:_____ **Sign:**_____ / ____ / ____
(Authorized Agent Signature) (Date)

CIVIC LEAGUE INFORMATION

Civic League contact: Fox Hall

Date(s) contacted:

Ward/Super Ward information: Ward - 4/Super Ward - 7

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Sylvia A. Freeman **Sign:** Sylvia A Freeman 6/05 / 2016
(Property Owner or Authorized Agent of Signature) (Date)
TREASURER

Print name: Sylvia A. Freeman **Sign:** Sylvia A Freeman 6/05 / 2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name:_____ **Sign:**_____/_____/_____
(Authorized Agent Signature) (Date)

CIVIC LEAGUE INFORMATION

Civic League contact: Fox Hall

Date(s) contacted:

Ward/Super Ward information: Ward - 4/Super Ward - 7

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Rosa Hasty **Sign:** Rosa Hasty / 6/7 / 2016
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Rosa Hasty **Sign:** Rosa Hasty / 6/7 / 2016
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name:_____ **Sign:**_____/_____/_____
(Authorized Agent Signature) (Date)

Simons, Matthew

From:	Straley, Matthew
Sent:	Thursday, June 16, 2016 2:06 PM
To:	'foxhall23502@gmail.com'; 'prezutu@gmail.com'
Cc:	Riddick, Paul; Williams, Angelia M.; Howard, Oneiceia; Simons, Matthew
Subject:	new Planning Commission application - 1555-1575 Kerrey Ave
Attachments:	New Horizons.pdf

Ms. LeRoy and Mr. Gallup,

Attached please find the application for the following special exceptions at 1555-1575 Kerrey Avenue:

a. Religious Institution.
b. Day Care Center.

The item is tentatively scheduled for the July 28, 2016 Planning Commission public hearing.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II

THE CITY OF NORFOLK
City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception to operate a Commercial Drive-Through – 1380 East Little Creek Road – Wendy's**

Reviewed: _____ **Ward/Superward: 5/6**
Ronald H. Williams, Jr., Deputy City Manager

Approved: _____ **Item Number: R-08**
Marcus D. Jones, City Manager

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception to operate Commercial Drive-Through

IV. **Applicant:** **Wendy's**

V. **Description:**
- The applicant proposes to demolish the existing nonconforming structure on the site and construct a new Wendy's restaurant building with a commercial drive-through.
- A commercial drive-through is permitted in the C-2 district by special exception.
- A special exception is required for the drive-through, because the existing nonconforming site improvements are being removed.

VI. **Historic Resources Impacts**
The site is not located within a federal, state, or local historic district.

VII. **Public Schools Impacts**
This site is located within the Larrymore Elementary School, Azalea Middle School, and Norview High School Attendance Zones.

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:
- Proponents and Opponents
- Staff Report to CPC dated July 28, 2016 with attachments
- Ordinance

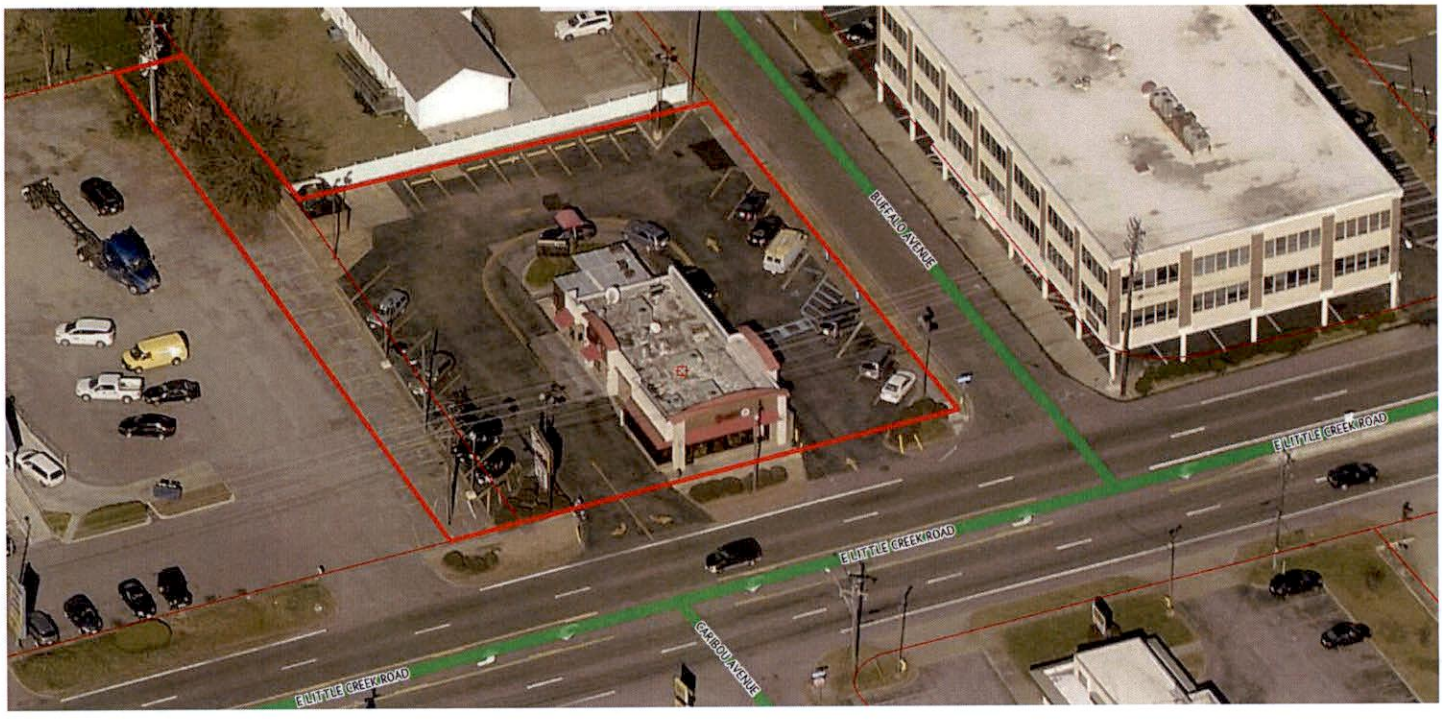
THE CITY OF NORFOLK
CITY PLANNING

City Planning Commission: July 28, 2016

Executive Secretary: George M. Homewood, FAICP, CFM

Planner: Matthew Simons, AICP, CZA, CFM

Staff Report	**Item No. 6**	
Address	**1380 E. Little Creek Road**	
Applicant	**Wendy's**	
Request	**Special Exception**	**Commercial Drive-Through**
Property Owners	Wendy's Properties, LLC and Wendy's International, Inc.	
Site Characteristics	Site/Building Area	27,466 sq. ft./2,612 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	South Bayview
	Character District	Suburban
Surrounding Area	North	C-2: Christ Apostolic Church
	East	C-2: Offices
	South	C-2: 7-Eleven store, Checksmart payday loans, Money Mart payday loans, Super Grinders subs
	West	C-2: Long John Silver's drive-thru restaurant



A. Summary of Request

- The site is located at the northwest corner of E. Little Creek Road and Buffalo Avenue, on the southern edge of the South Bayview neighborhood.
- The proposal is to redevelop the site with a new building and a commercial drive-through.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

C. Zoning Analysis

i. General

- The applicant proposes to demolish the existing nonconforming structure on the site and construct a new Wendy's restaurant building with a commercial drive-through.
- A commercial drive-through is permitted in the C-2 district by special exception.
- A special exception is required for the drive-through, because the existing nonconforming site improvements are being removed.
- The site is surrounded by a mix of commercial and institutional uses.
- The conceptual site plan submitted by the applicant and the attached conditions ensure compliance with the adopted general plan and all *Zoning Ordinance* requirements for a commercial drive-through.

ii. Parking

- For an eating establishment of this size located within the Suburban Character District, the *Zoning Ordinance* requires that the 2,612 square foot establishment provide a minimum of 17 parking spaces and sufficient room to accommodate two bicycles.
  - The applicant proposes to provide 26 parking spaces and a bike rack to accommodate at least two bicycles.
  - The proposed number of parking spaces, based on the proposed square footage of the building, exceeds the parking maximum for commercial uses established in the *Zoning Ordinance*.
    - As part of Site Plan approval, the applicant will have the choice to either reduce the number of parking spaces provided, or to provide additional landscaping and stormwater improvements to offset the additional impervious parking proposed on the site.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that reconstruction of this existing restaurant with drive through will generate 163 fewer vehicle trips per day by decreasing total square footage slightly.
- Little Creek Road adjacent to the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit services with Hampton Roads Transit bus route 21 (Little Creek) operating near the site.
- Little Creek Road adjacent to the site is not identified as a priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

F. Public Schools Impacts

The site is located in the Larrymore Elementary School, Azalea Middle School, and Norview High School Attendance Zones.

G. Environmental Impacts

- The construction of an eating establishment with a drive-through lane should not adversely impact the surrounding uses.
- The proposed redevelopment will undergo the Site Plan Review process, which will require all site development to adhere to the regulations of the *Zoning Ordinance*, including landscaping and buffering, vehicular circulation, and stormwater improvements.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

By requiring this use to conform to the conditions listed below, granting the special exception should not have a negative effect on the surrounding area.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

- Notices were sent to the South Bayview, Bel-Aire, and Larrymore Lawns Civic Leagues on June 16.
- A letter of support was received from the South Bayview Civic League.

L. Recommendation

Staff recommends **approval** of the special exception request, considering compliance with *Zoning Ordinance* requirements, subject to the conditions below:

(a) The site shall be generally designed in accordance with the conceptual site plan prepared by MSA, P.C., dated June 13, 2016, revised June 22, 2016, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the Site Plan Review and building permit plan review processes.

(b) Landscaping shall be installed and maintained at the base of any freestanding sign in accordance with the provisions of section 16-6 of the *Zoning Ordinance of the City of Norfolk,* 1992 (as amended).

(c) All landscaping installed on the site shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

(d) The existing easternmost curb cut located along the northern line of East Little Creek Road shall be closed and landscaped, as depicted on the site plan.

(e) Notwithstanding any other regulations pertaining to temporary window signage within Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

(f) The use of temporary signs shall comply with Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended). The use of feather flags, pennants, and streamers is prohibited.

(g) No smoking shall be permitted anywhere in the outdoor dining area and signage stating the prohibition shall be conspicuously posted.

(h) All bollards on the site shall be painted and maintained free of visible corrosion.

(i) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.

(j) Dumpsters shall be gated and not visible from any public right-of-way, and will be screened with masonry walls that complement the proposed building.

(k) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.

(l) The property shall be kept in a clean and sanitary condition at all times.

(m) The establishment shall maintain a current, active business license at all times while in operation.

Attachments

Location Map
Zoning Map
Application
Physical Survey
Conceptual Site Plan
Notice to the South Bayview, Bel-Aire, and Larrymore Lawns Civic Leagues
Letter of support – South Bayview

Proponents and Opponents

Proponents

Lisa Murphy – Representative, legal counsel
LeClair Ryan
999 Waterside Drive, Suite 2100
Norfolk, VA 23510

Greg Hayes – Consulting Engineer
MSA, P.C.
5033 Rouse Drive
Virginia Beach, VA 23562

Scott Jones – Applicant
Wendy's
438 Telegraph Road
Alloway, NJ 08001

Opponents

None

07/27/2016 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A COMMERCIAL DRIVE-THROUGH FOR "WENDY'S" ON PROPERTY LOCATED AT 1380 EAST LITTLE CREEK ROAD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of a Commercial Drive-Through for "Wendy's" on property located at 1380 East Little Creek Road. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 155 feet, more or less, along the northern line of East Little Creek Road and 175 feet, more or less, along the western line of Buffalo Avenue; premises numbered 1380 East Little Creek Road.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The site shall be designed generally in accordance with the conceptual site plan prepared by MSA, P.C., dated June 13, 2016, updated June 22, 2016, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the site plan review and building permit review processes.

(b) Landscaping shall be installed at the base of any freestanding sign located on the properties in accordance with the provisions of section 16-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall be both maintained at all times in a healthy growing condition and replaced when necessary.

(c) The existing, easternmost curb cut located along the northern line of East Little Creek Road shall

be closed and landscaped.

(d) Notwithstanding any other regulations pertaining to temporary window signage in Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), no less than 85% of the glass areas of the ground floor of the building shall be transparent as defined in the Zoning Ordinance.

(e) The use of any temporary signs shall comply with the applicable provisions of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and the all feather signs, pennants, and streamers are prohibited.

(f) No smoking shall be permitted anywhere in the outdoor dining area.

(g) All bollards on the site shall be painted and maintained free of visible corrosion.

(h) On-site lighting shall be directed and shielded so as not to cast glare onto any adjacent residential properties.

(i) Dumpsters shall be gated, not visible from any public right-of-way, and screened with masonry walls that complement the proposed building.

(j) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(k) The property shall be kept in a clean and sanitary condition at all times.

(l) The establishment shall maintain a current, active business license at all times while in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative

effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (1 page)

Exhibit A

CONCEPTUAL SITE LAYOUT PLAN FOR

WENDY'S #471

1380 E. LITTLE CREEK ROAD

NORFOLK, VIRGINIA

NORTH MERIDIAN BASED ON MAP BOOK 32 AT PAGE 144

PARKING REQUIRED:	
REGULAR (1 SP/150 SF):	18 SPACES MIN 23 SPACES MAX
HANDICAP:	1 SPACE
PARKING PROVIDED:	
REGULAR:	24 SPACES
HANDICAP:	2 SPACES
	TOTAL: 26 SPACES

1 INCH = 20 FT

DATE: 6/13/16

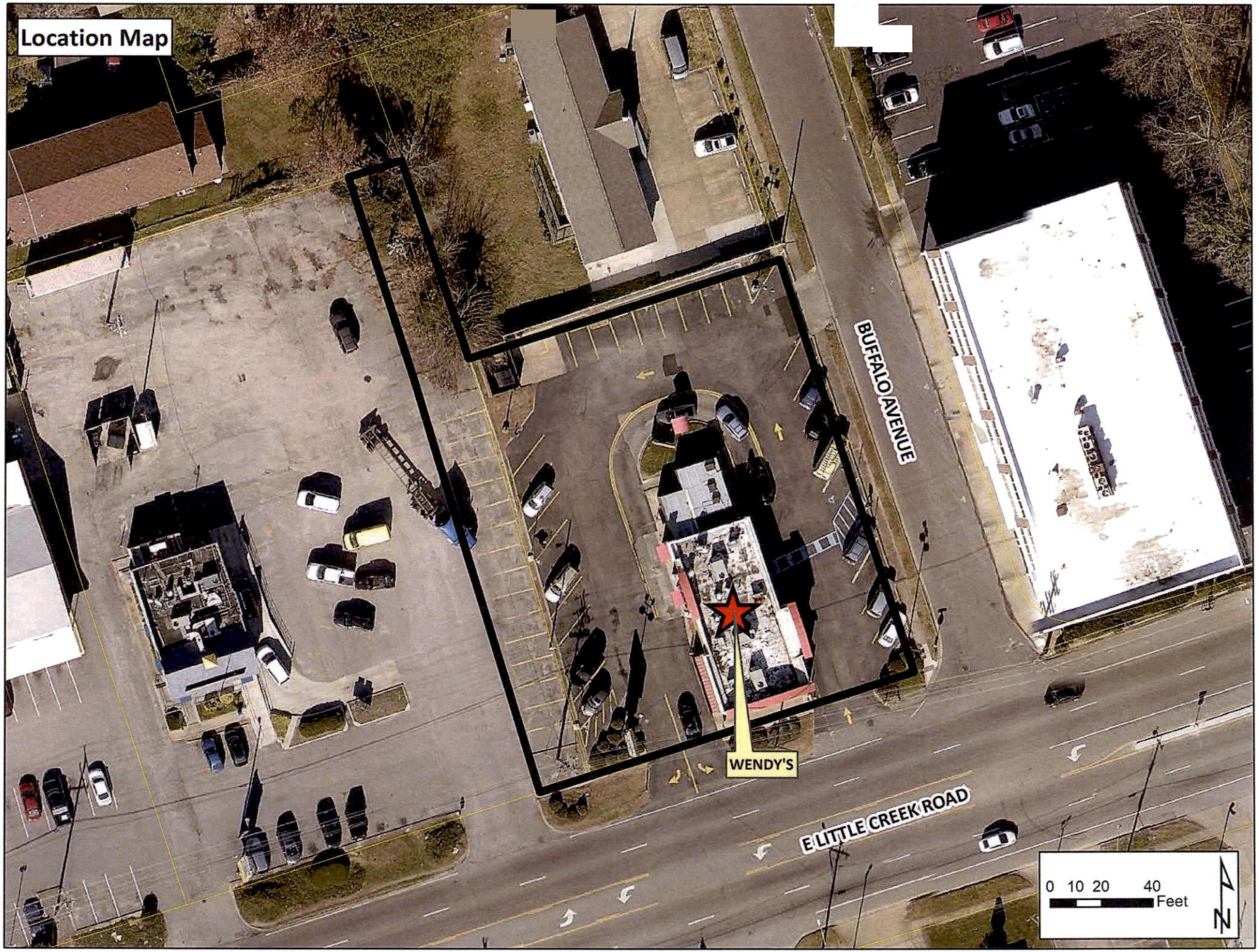
UPDATED 6/22/16

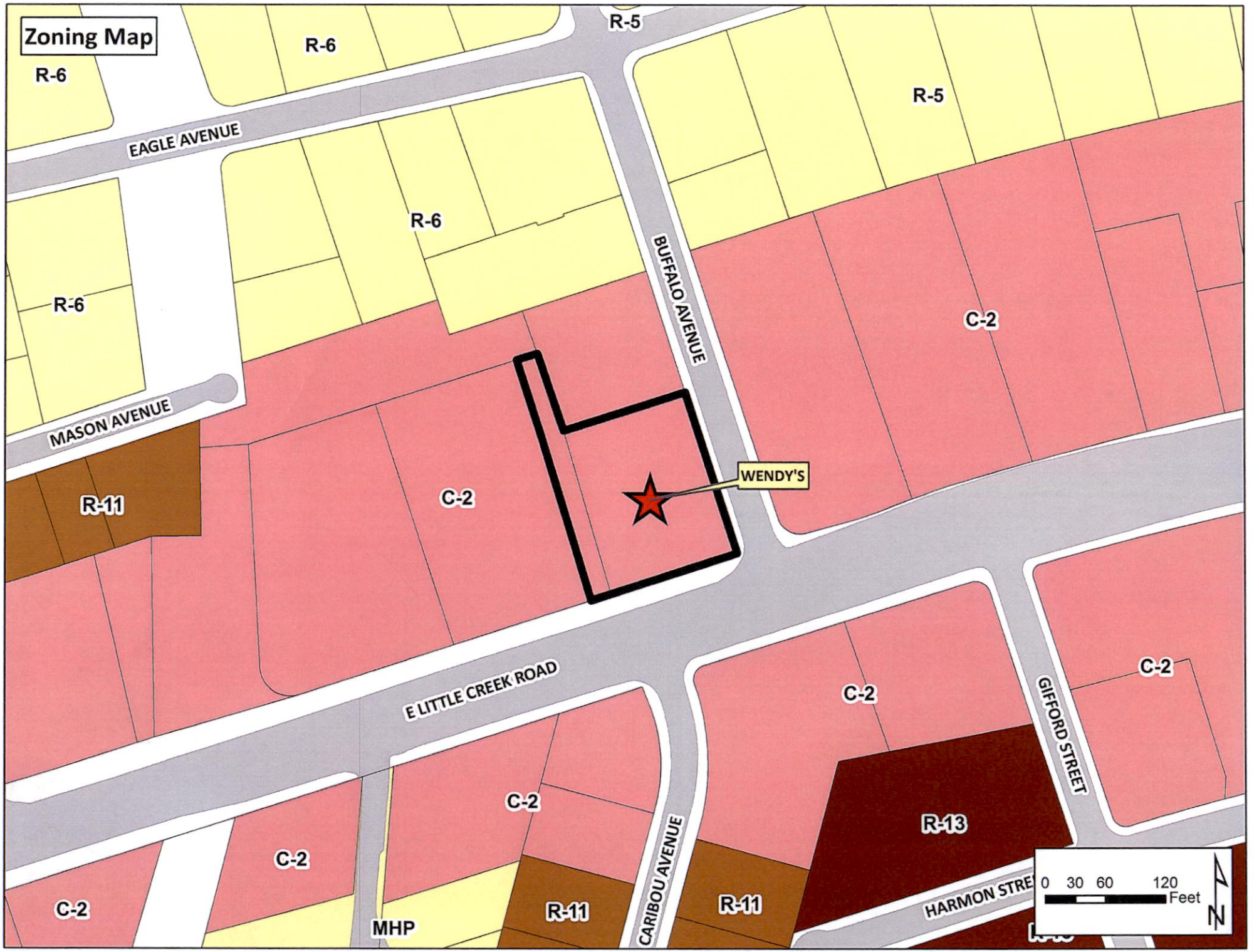
MSA, P.C.

Environmental Sciences • Planning • Surveying
Civil & Environmental Engineering • Landscape Architecture

5033 Rouse Drive, Virginia Beach, VA 23462
757-490-9264 (Ofc) 757-490-0634 (Fax)
www.msaonline.com

MSA PROJ. #151104F


Location Map
BUFFALO AVENUE
WENDY'S
E LITTLE CREEK ROAD
0 10 20 40
Feet
N


Zoning Map
R-6
R-6
R-5
R-5
EAGLE AVENUE
R-6
R-6
BUFFALO AVENUE
C-2
MASON AVENUE
WENDY'S
R-11
C-2
E LITTLE CREEK ROAD
C-2
C-2
GIFFORD STREET
C-2
C-2
R-13
C-2
CARIBOU AVENUE
R-11
R-11
HARMON STRE
MHP
0 30 60 120
Feet
N

APPLICATION
SPECIAL EXCEPTION

Special Exception for: RESTAURANT WITH DRIVE-THROUGH

Date of application: JUNE 10, 2016

DESCRIPTION OF PROPERTY

Property location: (Street Number) 1380 (Street Name) E. LITTLE CREEK RD.

Existing Use of Property WENDY'S RESTAURANT

Current Building Square Footage 2,94 SQ.FT

Proposed Use WENDY'S COMPANY IS PROPOSING TO REPLACE THE EXISTING 2,940 SQ.FT RESTAURANT WITH DRIVE-THROUGH TO A NEW 2,612 SQ.FT RESTAURANT WITH DRIVE-THROUGH

Proposed Square Footage 2,612 SQ.FT

Proposed Hours of Operation:

Weekday From _____ To _____

Friday From _____ To _____

Saturday From _____ To _____

Sunday From _____ To _____

Trade Name of Business (If applicable) WENDY'S RESTAURANT

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) WENDY'S COMPANY (First) _____ (MI) ____

Mailing address of applicant (Street/P.O. Box): 40 GENERAL WARREN BLVD, SUITE 260

(City) MALVERN (State) PA (Zip Code) 19355

Daytime telephone number of applicant ( ) 610-232-2194 Fax ( ) 610-993-9707

E-mail address of applicant: SCOTT.JONES@WENDYS.COM

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) MURPHY (First) LISA (MI) M

Mailing address of applicant (Street/P.O. Box): 999 WATERSIDE DRIVE, SUITE 2100

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant ( ) 757-217-4537 Fax ( ) 757-624-3773

E-mail address of applicant: LISA.MURPHY@LeCLairRyan.com

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: Wendy's Properties, LLC & Wendy's International, Inc.

Mailing address of property owner (Street/P.O. box): 40 GENERAL WARREN BLVD, SUITE 260

(City) MALVERN (State) PA (Zip Code) 19355

Daytime telephone number of owner ( ) 610-232-2194 email: Scott.Jones@wendys.com

CIVIC LEAGUE INFORMATION (NOT APPLICABLE)

Civic League contact: BEL-AIRE, Michael Shahan, LARRYMORE LAWNS, Tasos Christ
SOUTH BAYVIEW, Peggy Russell

Date(s) contacted: _____

Ward/Super Ward information: WARD 5 / SUPER WARD 6

CERTIFICATION:
I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:
FOR: WENDY'S PROPERTIES, LLC AND WENDY'S INTERNATIONAL INC.

Print name: SCOTT H. JONES **Sign:** _____ 6 / 10 / 16
(Property Owner or Authorized Agent of Signature) (Date)

Print name: ~~SCOTT~~ SEAN H. JONES **Sign:** _____ 6 / 10 / 16
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

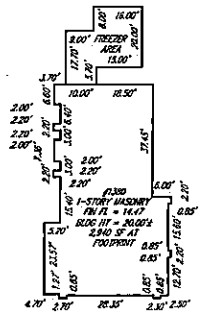
Print name: Lisa M. Murphy **Sign:** _____ 6 / 10 / 16
(Authorized Agent Signature) (Date)

LEGEND

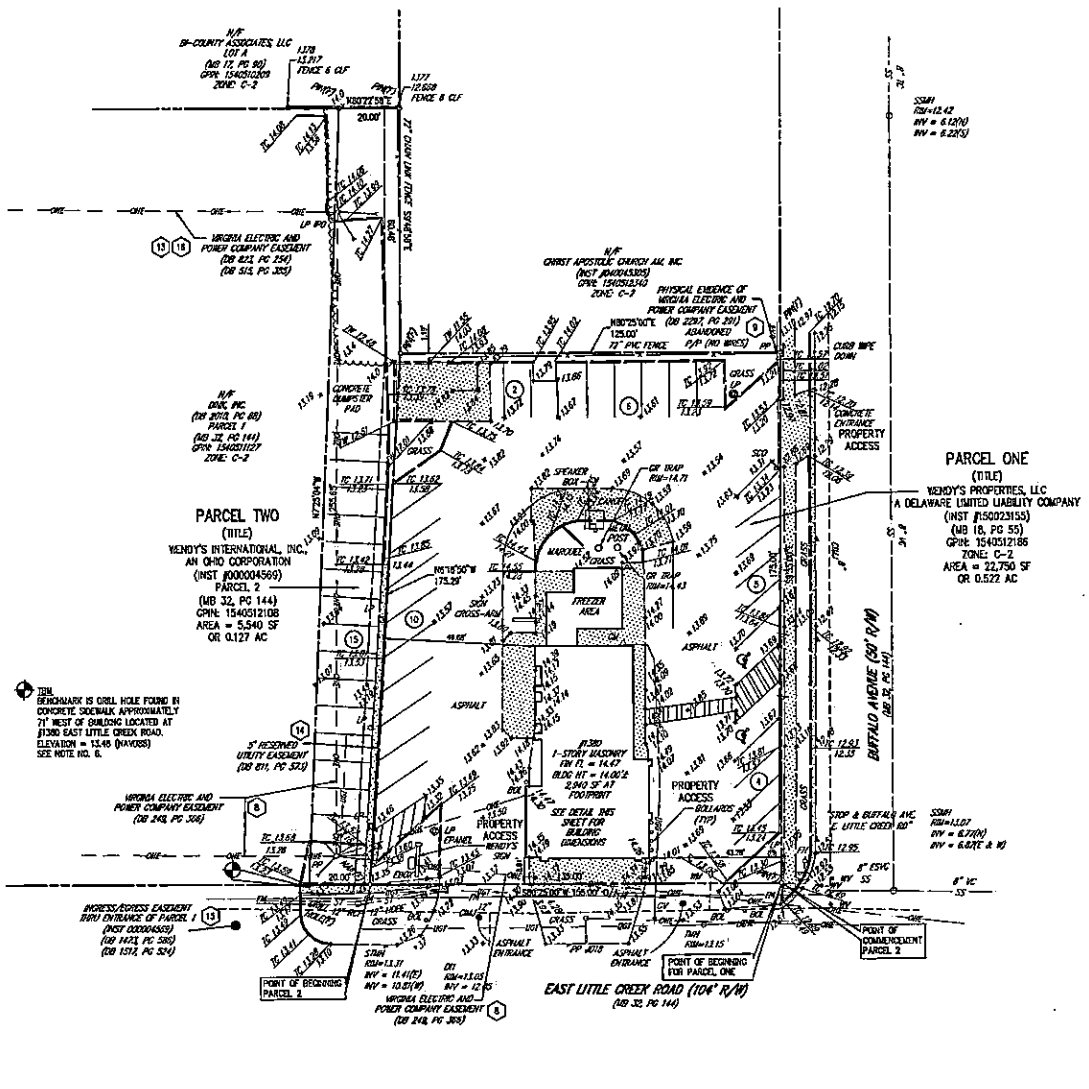
SYMBOL/ABBREVIATION	DESCRIPTION
	MANHOLE
	SANITARY CLEANOUT
	VALVE
	WATER METER
	FIRE HYDRANT
	WELL
	MONITOR WELL
	DEEP INLET
	CATCH BASIN
	ROOF DRAIN
	GAS METER
	POWER POLE
	LIGHT POLE
	LIGHT POLE /CONCRETE BASE
	PEDESTAL
	CURB AND GUTTER
	FENCE
	PROPERTY LINE
	RIGHT-OF-WAY LINE
	BUILDINGS
	STORM SEWER
	SANITARY SEWER
	WATER
	ELECTRIC & TELEPHONE LINE
	TRAFFIC BOX
	SIGN
	MAIL BOX
	TREE
	BUSH/HEDGE
	PAVEMENT
	CONCRETE
	TEMPORARY BENCHMARK(TBM)
	ELEVATIONS
	TOP OF CURB ELEVATIONS
	TOP OF WALL ELEVATIONS
	IRON PIN FOUND = PIN(F)
	IRON PIN SET = PIN(S)
	MONUMENT FOUND = MON(F)
	MONUMENT SET = MON(S)
	NUMBER OF PARKING SPACES
	SCHEDULE B, EXCEPTION
	STORM SEWER STRUCTURE ID
	SANITARY SEWER STRUCTURE ID

LEGEND

- IRON PIN FOUND = PIN(F)
- IRON PIN SET = PIN(S)
- CONC. STEEL PIN FOUND = PIN(F)
- CONC. STEEL PIN SET = PIN(S)



BUILDING DETAIL
SCALE: 1" = 20'



GENERAL NOTES

NOTES:

1. THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A TITLE REPORT PROVIDED BY STEWART TITLE GUARANTY COMPANY, FILE NO. 1-4200846259, ISSUE DATE APRIL 29, 2016 AND EFFECTIVE DATE APRIL 26, 2016 AT 8:00 AM.
2. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM F.E.M.A. FLOOD MAPS. MSA, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

   THIS PROPERTY APPEARS TO FALL IN
   FLOOD ZONE: X
   COMMUNITY NO.: 510104
   PANEL: 0005F DATED: SEPTEMBER 2, 2009

   FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.
3. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE OR NONEXISTENCE OF WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES OR ANY UNDERGROUND STRUCTURE NOT OBSERVED DURING THE COURSE OF THE SURVEY.
4. AS PER CITY OF NORFOLK ZONING DEPARTMENT, THIS SITE IS ZONED C2 (CORRIDOR COMMERCIAL DISTRICT). SETBACK REQUIREMENTS AS PER ZONING ORDINANCE:

   FRONT 10 FEET
   REAR 9 FEET
   SIDE 3 FEET
   SIDE (ALONG STREET) 3 FEET
   MAXIMUM BUILDING HEIGHT IS 60 FEET
5. EXISTING PARKING:

EXISTING PARKED SPACES	=	42 SPACES
EXISTING HC SPACES	=	2 SPACES
TOTAL SPACES	=	44 SPACES
6. ELEVATIONS SHOWN HEREON BASED ON NAVD88 AND WERE ESTABLISHED FROM CITY OF NORFOLK, VIRGINIA VERTICAL CONTROL STATION GPS072 (FAST). ELEVATION = 12.87.
7. NORTH MERIDIAN IS BASED ON PLAT BOOK 32 AT PAGE 144.
8. LOCATION OF UNDERGROUND NON-GRAVITY UTILITIES SHOWN ON THIS SURVEY ARE BASED ON SURFACE INDICATIONS OF SUBTERRANEAN USE AND PAINT MARKINGS FIELD LOCATED BY MSA, P.C. THIS SURVEY DOES NOT GUARANTEE THE EXISTENCE OR NONEXISTENCE OF UNDERGROUND UTILITIES.
9. AS PER LINE ITEM 16, TABLE A, THERE WAS NO EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED AT TIME OF SURVEY.
10. AS PER LINE ITEM 17, TABLE A, THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED AT TIME OF SURVEY.
11. AS PER LINE ITEM 18, TABLE A, NO WETLAND DELINEATION WAS CONTRACTED FOR THIS SITE. THEREFORE THERE WAS NO DETERMINATION WHETHER THERE WERE WETLANDS OR NOT. HOWEVER THE SITE IS FULLY DEVELOPED.
12. AS PER LINE ITEM 19, TABLE A, THERE IS AN EXISTING EASEMENT ALLOWING PARCEL 2 TO INGRESS AND EGRESS THROUGH THE ADJOINING ENTRANCE OF PARCEL 1 AS NOTED ON SURVEY.

GRAPHIC SCALE
1" = 20'

MSA, P.C.
Environmental Sciences • Planning • Surveying
Civil & Environmental Engineering • Landscape Architecture
5613 Kaufman Drive, Virginia Beach, VA 23462
757-490-0204, 757-490-0213 (Fax)
www.msaonline.com

COMMONWEALTH OF VIRGINIA
JEFFREY A. WEIDEMEIER
Lic. No. 2306
6-28-2016
LAND SURVEYOR

DESIGNED	
DRAWN	MSA
CHECKED	
APPROVED	
DATE	JUNE 6, 2016

REVISION	DATE	BY

ALTA/ACSM LAND TITLE SURVEY
FOR
PARCEL 2 (MAP BOOK 32, PAGE 144)
AND
PORTION OF PROPERTY SHOWN ON MAP BOOK 18, PAGE 55 AS DESCRIBED IN INSTRUMENT 000004569

NORFOLK VIRGINIA

SHEET 2
2 of 2 Sheets

SCALE: 1" = 20'

PROJ. NO.: 13110AF

Project Narrative
City of Norfolk Special Exception Application for a Commercial Drive-Thru Wendy's Restaurant #471 1380 E. Little Creek Road

Norfolk, VA
MSA Project No. 13110AF

The applicant, Wendy's Properties, LLC ("Applicant") currently operates a 2,940 square foot Wendy's Restaurant store #471 with a commercial drive-through on the subject parcel located at 1380 East Little Creek Road. The restaurant is permitted by right; however, the drive-through is a legal non-conforming use. As part of a national campaign the Applicant wishes to renovate and upgrade its existing restaurant. Due to the demolition and removal of the existing restaurant City staff advised that any redevelopment of the site would trigger the requirement to obtain a Special Exception for a commercial drive-through.

The existing eating establishment has been in operation with a commercial drive-through for over 30 years. The proposed renovation will include a new smaller state of the art facility approximately 2,612 square feet. The proposed parking spaces have been reduced by 18 spaces and additional pervious surface has been added to the site to provide landscape buffers around the perimeter. Per the City Transportation Division comments the easternmost curb cut access on East Little Creek Road near Buffalo Avenue will be eliminated. A new concrete entrance and sidewalk with handicap accessible ramps per City standards will be provided on East Little Creek Road. The curb cut access on Buffalo Ave will also be replaced with a new concrete entrance per City standards. The new facility will have a pedestrian friendly patio, bike rack and enhanced green space. If approved, the replacement of the existing Wendy's Restaurant with a commercial drive-through will result in the investment of over $1,750,000 in this property.

Simons, Matthew

From:	Straley, Matthew
Sent:	Thursday, June 16, 2016 2:56 PM
To:	'seapiping@verizon.net'; 'garland.russell@verizon.net'; 'paul_harrison@verizon.net'; 'tasoschrist@yahoo.com'
Cc:	Smigiel, Thomas; Winn, Barclay; McClellan, Andria; Ransom, Carlton; Simons, Matthew
Subject:	new Planning Commission application - 1380 E Little Creek Rd
Attachments:	Wendy's.pdf

Mr. Shahan, Ms. Russell, and Mr. Christ,

Attached please find the application for a special exception to operate a commercial drive-through at 1380 E. Little Creek Road.

The item is tentatively scheduled for the July 28, 2016 Planning Commission public hearing.

Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II

THE CITY OF NORFOLK
City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

Simons, Matthew

From: Straley, Matthew
Sent: Friday, June 17, 2016 3:31 PM
To: Simons, Matthew
Subject: FW: Wendy's

FYI

Matthew Straley
GIS Technician II

City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

-----Original Message-----
From: Peggy & Garland Russell [mailto:garland.russell@verizon.net]
Sent: Friday, June 17, 2016 3:28 PM
To: Straley, Matthew
Subject: Wendy's

Matt,

I'm sure there will be no objection from our civic league members to the Wendy's plan for updating their restaurant. However, when we meet July 14th I will bring it up and send you another note the very next day just to verify this and make it official.

Peggy Russell

South Bayview Civic League

Whitney, Chris

From: Peggy & Garland Russell <garland.russell@verizon.net>
Sent: Friday, July 15, 2016 12:28 PM
To: Straley, Matthew
Subject: Re: new Planning Commission application - 1380 E Little Creek Rd

Matt,

The South Bayiew Civic League met last evening and I presented the information regarding the application from Wendy's. There were no objections to their plans; actually, everyone is very pleased and excited about what they intend to do.

Peggy Russell, President

South Bayview Civic League

On 6/16/2016 2:56 PM, Straley, Matthew wrote:

> Mr. Shahan, Ms. Russell, and Mr. Christ,
>
> Attached please find the application for a special exception to operate a commercial drive-through at 1380 E. Little Creek Road.
>
> The item is tentatively scheduled for the July 28, 2016 Planning Commission public hearing.
>
> *Staff contact: Matt Simons at (757) 664-4750, matthew.simons@norfolk.gov*
>
> Thank you.
>
> Matthew Straley
> GIS Technician II
>
> THE CITY OF NORFOLK
> City Planning
> 810 Union Street, Suite 508
> Norfolk, VA 23510
> 757-664-4769
>
> Connect with us:
> www.norfolk.gov

City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception to operate an eating and drinking establishment at 434 W. 21st Street – Bardo**

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: _____
Marcus D. Jones, City Manager

Item Number: R-9

I. **Staff Recommendation:** **Approval**.

II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval.**

III. **Request:** Special Exception to operate an eating and drinking establishment.

IV. **Applicant:** **Greg Bosch**

V. **Description:**

- The site is located on West 21st Street, within the Ghent Business District.
- This application is for a change in ownership of Bardo, an existing restaurant serving alcoholic beverages to its customers.
- The applicant proposed to operate this establishment in the same manner as the previous owner with expanded hours of operation.

	Previous	Proposed
Hours of Operation	11:00 a.m. until 2:00 a.m., Monday through Friday 5:00 p.m. until 2:00 a.m., Saturday and Sunday	7:00 a.m. until 2:00 a.m., Seven days a week
Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., Monday through Friday 5:00 p.m. until 2:00 a.m., Saturday and Sunday	11:00 a.m. until 2:00 a.m., Seven days a week
Seating Capacity	No more than 50 seats	50 seats indoors 0 seats outdoors 80 total capacity

VI. Historic Resources Impacts

- The site is not located within a federal, state, or local historic district.
  - Since some or all of the structures on the site are at least 50 years old, the site could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

VII. Public Schools Impacts

The site is located in the Taylor Elementary School, Blair Middle School and Maury High School Attendance Zones.

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated July 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

THE CITY OF NORFOLK
CITY PLANNING

Planning Commission Public Hearing: July 28, 2016

Executive Secretary: George M. Homewood, FAICP, CFM

Planner: Chris Whitney, CFM

Staff Report	**Item No. 9**	
Address	**434 W. 21st Street**	
Applicant	**Bardo**	
Request	**Special Exception**	**Eating and Drinking Establishment**
Property Owner	The Rosemyr Corporation	
Site Characteristics	Building Area/Space	5,132 sq. ft./2,926 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial) and PCO-21st (Pedestrian Commercial Overlay District – 21st Street)
	Neighborhood	Ghent Business District
	Character District	Traditional
Surrounding Area	North	C-2, PCO-21st: BB&T drive-through, Skinnie's Records
	East	C-2, PCO-21st: Mediation Center of Hampton Roads, Coastal Import Auto Repair
	South	C-2, PCO-21st: Benjamin Moore
	West	C-2, PCO-21st: BB&T

A. Summary of Request

- The site is located on West 21st Street, within the Ghent Business District.
- This application is for a change in ownership of Bardo, an existing restaurant serving alcoholic beverages to its customers.
- The applicant proposed to operate this establishment in the same manner as the previous owner with expanded hours of operation.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

The site is located in the C-2 and PCO-21st districts, which permit the proposed use by special exception.

	Previous	Proposed
Hours of Operation	11:00 a.m. until 2:00 a.m., Monday through Friday 5:00 p.m. until 2:00 a.m., Saturday and Sunday	7:00 a.m. until 2:00 a.m., Seven days a week
Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., Monday through Friday 5:00 p.m. until 2:00 a.m., Saturday and Sunday	11:00 a.m. until 2:00 a.m., Seven days a week
Seating Capacity	No more than 50 seats	50 seats indoors 0 seats outdoors 80 total capacity

- Special exception history:

City Council Approval	Applicant	Request
2002	Karl Dornemann	Eating and Drinking Establishment
Pending	Bardo (Greg Bosch)	New owner/operator – Eating and Drinking Establishment

ii. Parking

This eating and drinking establishment is replacing an existing eating and drinking establishment with the same number of seats.

iii. Flood Zone

The property is located in the X (Low to Moderate) Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that that this proposed restaurant will generate 5 new vehicle trips per day by increasing total indoor seating by one over currently approved levels.
- W. 21st Street near the site is identified as a severely congested corridor in the PM peak in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit service with Hampton Roads Transit bus routes 4 (Church) and 11 (Colonial) operating near the site.
- W. 21st Street adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

E. Historic Resources Impacts

- The site is not located within a federal, state, or local historic district.
  - Since some or all of the structures on the site are at least 50 years old, the site could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

F. Public Schools Impacts

The site is located in the Taylor Elementary School, Blair Middle School and Maury High School Attendance Zones.

G. Environmental Impacts

The area around this establishment is well landscaped, has a limited number of accesses from the right-of-way, and should not negatively impact the surrounding environment.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

Over the past year, there have been no calls for police service at this site.

J. Payment of Taxes

The owner of the property is current on all real estate taxes.

K. Civic League

- Notice was sent to the Ghent Neighborhood League and Ghent Business Association on June 16.
- A letter of support was received from the Ghent Business Association on July 25.

L. Communication Outreach/Notification

- Legal notice was posted on the property on June 21.
- Letters were mailed to all property owners within 300 feet of the property on July 14.
- Legal notification was placed in The Virginian-Pilot on July 14 and July 21.

M. Recommendation

Staff recommends **approval** of the special exception request subject to the conditions below:

(a) The hours of operation for the establishment shall be from 7:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours of operation for the sale of alcoholic beverages shall be from 11:00 a.m. until 2:00 a.m., seven days a week.

(c) The seating for the establishment shall not exceed 50 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 80 people.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(e) The establishment shall maintain a current, active business license at all times while in operation.

(f) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.

(g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

(h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(j) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(l) There shall be no entertainment, no dancing, and no dance floor provided.

(m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(n) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Ghent Neighborhood League and Ghent Business Association
Letter of support from the Ghent Business Association

Proponents and Opponents

Proponents
Rick Henn – Representative
1400 Granby Street, Unit 407
Norfolk, VA 23510

Opponents
None

07/28/2016 lds

Form and Correctness Approved: APM

By _____
Office of the City Attorney

Contents Approved: CW

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "BARDO" ON PROPERTY LOCATED AT 434 WEST 21ST STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to EbbnFlo Productions, Inc. authorizing the operation of an eating and drinking establishment named "Bardo" on property located at 434 West 21st Street. The property which is the subject of this Special Exception is more fully described as follows:

> Property fronts 188 feet, more or less, along the northern line of West 21st Street and 159 feet, more or less, along the eastern line of Colonial Avenue, premises numbered 434 West 21st Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

(a) The hours of operation for the establishment shall be limited to 7:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

(b) The hours of operation for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week.

(c) The seating for the establishment shall not exceed 50 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 80 people.

(d) This special exception shall terminate in the event of a change in ownership of the establishment and

may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

(e) The establishment shall maintain a current, active business license at all times while in operation.

(f) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.

(g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so at to keep such areas free of litter, refuse, and both solid and liquid waste.

(h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

(i) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

(j) The violation of any requirement, limitation, or

restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

(k) There shall be no entertainment, no dancing, and no dance floor provided.

(l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

(m) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

(b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

(c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

(d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

(e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

(g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

(h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

(i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on

the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an eating and drinking establishment on this property, adopted on October 8, 2002 (Ordinance No. 40,855). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (3 pages)

EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 5/4/16

Trade name of business BARDO

Address of business 434 W. 21st St. Norfolk, VA

Name(s) of business owner(s)* EbbnFlo Productions, Inc.

Name(s) of property owner(s)* Rosemyr Corporation

Greg Bosch

Daytime telephone number (540) 442-9870

*If business or property owner is partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility			Alcoholic Beverage Sales		
Weekday	From 7:00 AM	To 2:00 AM	Weekday	From 11:00 AM	To 2:00 AM
Friday	From 7:00 AM	To 2:00 AM	Friday	From 11:00 AM	To 2:00 AM
Saturday	From 7:00 AM	To 2:00 AM	Saturday	From 11:00 AM	To 2:00 AM
Sunday	From 7:00 AM	To 2:00 AM	Sunday	From 11:00 AM	To 2:00 AM

2. Type of ABC license applied for (check all applicable boxes)
   ☒ On-Premises ☒ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for
   ☒ Beer ☒ Wine ☒ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?
   (Entertainment consists of anything more than one, unamplified musician)
   ☐ Yes (Different application required) ☒ No

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(Revised January 2015)

5. Will video games, pool tables, game boards or other types of games be provided?
   ☐ Yes (If more than 4, additional application required) ☒ No

   5a. If yes, please describe type and number of each game to be provided

   _____

   _____

6. Will patrons ever be charged to enter the establishment?
   ☐ Yes ☒ No

   6a. If yes, why

   _____

   _____

   6b. Which days of the week will there be a cover charge (circle all applicable days)?

   Monday Tuesday Wednesday Thursday Friday

   Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
   ☒ Yes ☐ No

   7a. If yes, explain

   _____

   _____

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
   ☐ Yes ☒ No

   8a. If yes, explain

   _____

   _____

9. Will there ever be a minimum age limit?
   ☐ Yes ☒ No

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(Revised January 2016)

Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

Previous experience in Restaurant(s) (staff)

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant

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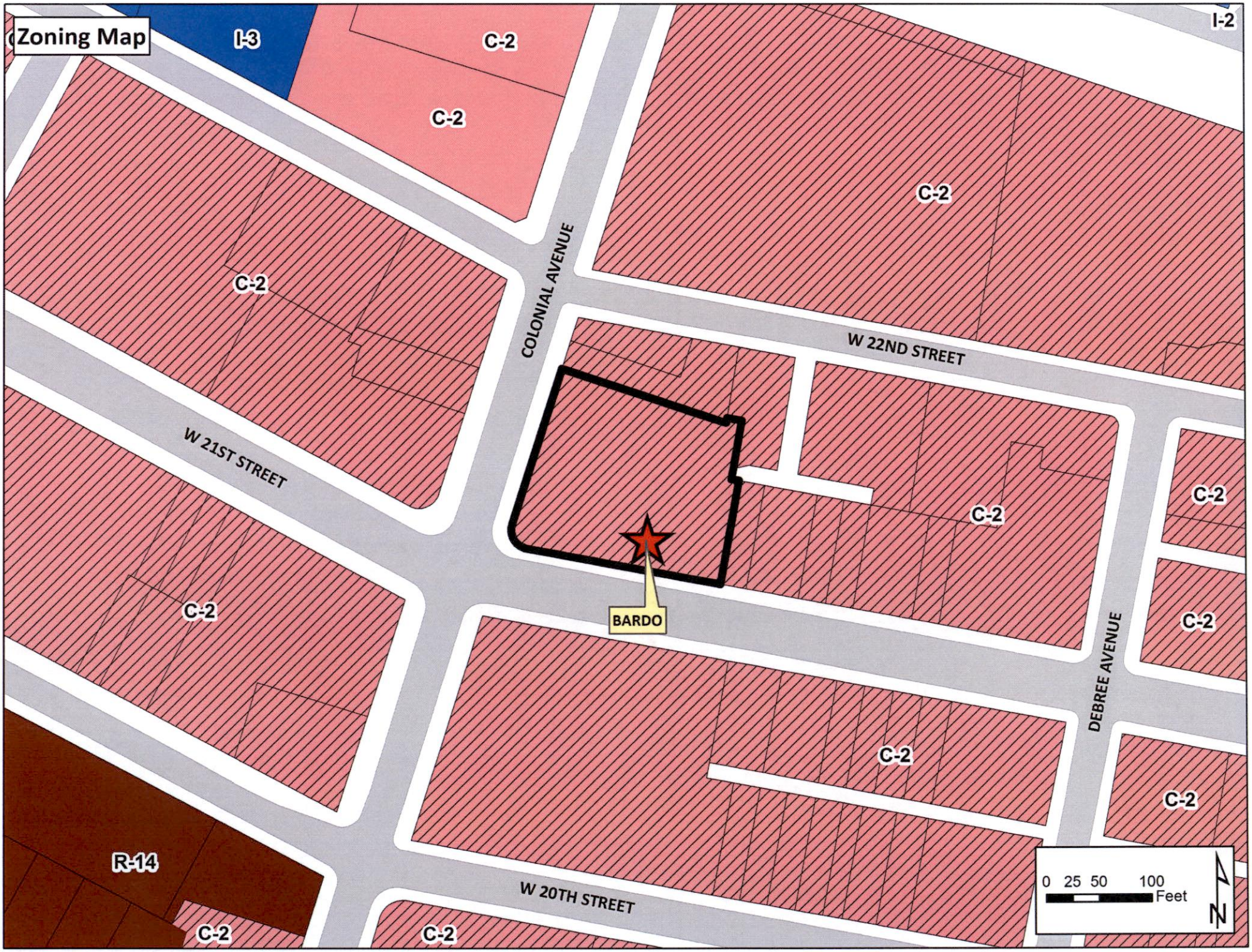
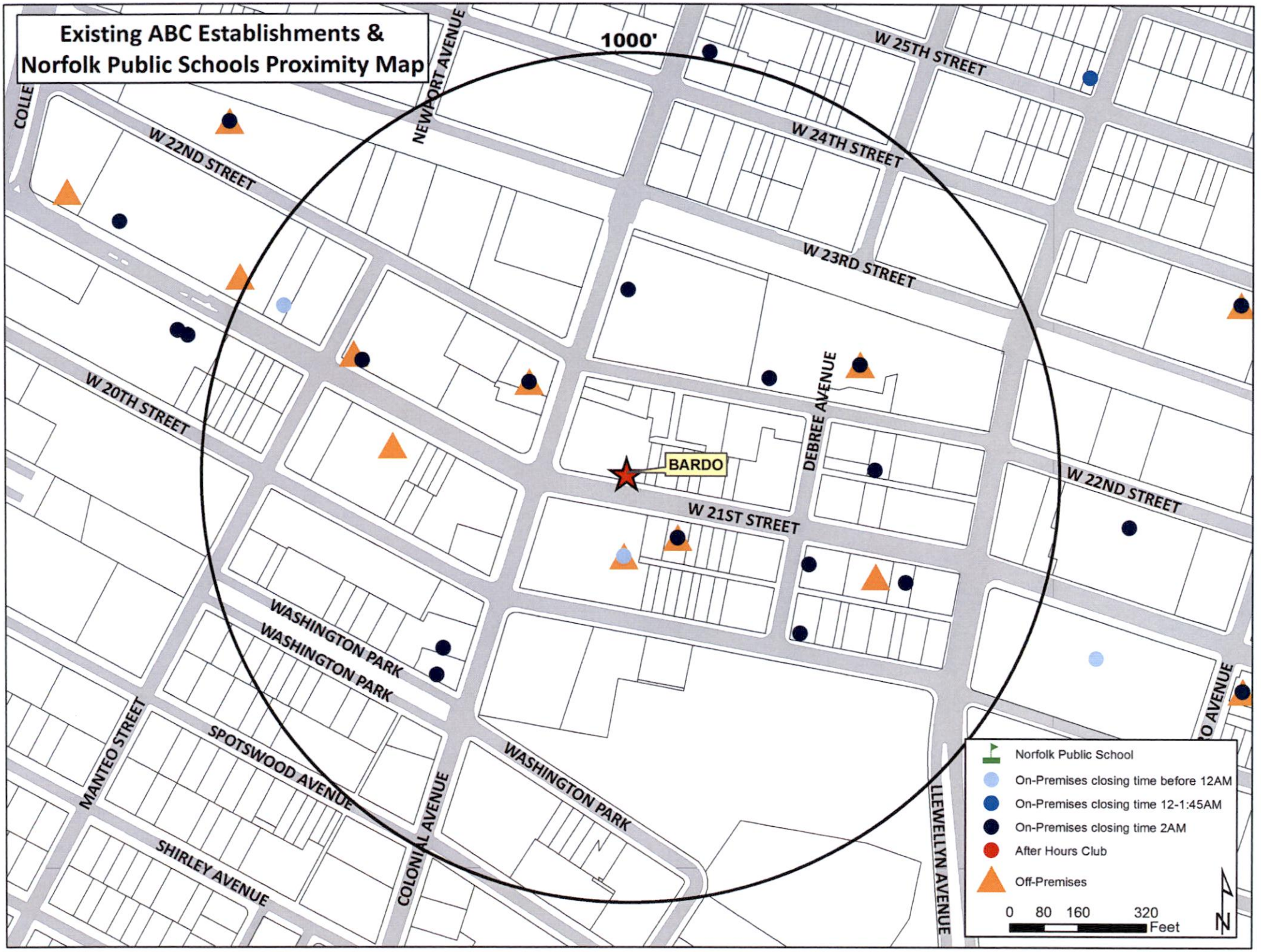
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January 2015)

Location Map
W 22ND STREET
COLONIAL AVENUE
BARDO
W 21ST STREET
0 10 20 40
Feet
N


Zoning Map
I-3
C-2
C-2
I-2
C-2
C-2
COLONIAL AVENUE
W 22ND STREET
W 21ST STREET
C-2
C-2
C-2
BARDO
C-2
DEBREE AVENUE
C-2
C-2
R-14
W 20TH STREET
C-2
C-2
0 25 50 100
Feet
N


Existing ABC Establishments &
Norfolk Public Schools Proximity Map
1000'
W 25TH STREET
W 24TH STREET
W 23RD STREET
W 22ND STREET
W 20TH STREET
W 21ST STREET
NEWPORT AVENUE
DEBREE AVENUE
BARDO
WASHINGTON PARK
WASHINGTON PARK
WASHINGTON PARK
SPOTSWOOD AVENUE
SHIRLEY AVENUE
MANTEO STREET
COLONIAL AVENUE
LLEWELLYN AVENUE
Norfolk Public School
On-Premises closing time before 12AM
On-Premises closing time 12-1:45AM
On-Premises closing time 2AM
After Hours Club
Off-Premises
0 80 160 320
Feet
N

APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)

Date 5/4/16

DESCRIPTION OF PROPERTY

Address 434 West 21st Street

Existing Use of Property Restaurant

Proposed Use Restaurant

Current Building Square Footage 2926

Proposed Building Square Footage 2926

Trade Name of Business (if applicable) BARDO

APPLICANT
(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

~~Dogsbottoms Corp.~~

1. Name of applicant: (Last) Bosch (First) Greg (MI) ____

Mailing address of applicant (Street/P.O. Box): 1400 Granby St Unit #409

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant (540) 442 9870 Fax ( )

E-mail address of applicant: gbosch2570@yahoo.com

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Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

AUTHORIZED AGENT (if applicable)
(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) HENN (First) Rick (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 Granby

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant ( ) _____ Fax ( ) _____

E-mail address of applicant: RickHENNconsulting@Gmail.com

PROPERTY OWNER
(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

~~Dogsballocks, Corp~~ Rosemyr Corporation

3. Name of property owner: (Last) ~~Bosch~~ (First) ~~GREG~~ (MI) _____

Mailing address of property owner (Street/P.O. box): ~~1400 GRANBY ST UNIT 409~~ PO Box 108

(City) ~~Norfolk~~ Henderson (State) ~~VA~~ NC (Zip Code) ~~23510~~ 27536

Daytime telephone number of owner (~~54~~) ~~442 9870~~ 252-430-6161 email: ~~gbosch2570@yahoo.com~~ mokeefe@morganregroup.com

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

- Required application fee, **$355.00** (if check, make payable to the City of Norfolk).
    - Application fee includes a non-refundable $5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
    - Existing and proposed building structures
    - Driveways
    - Parking
    - Landscaping
    - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: GREGORY BOSCH **Sign:** _____ / 5/4/2016
(Property Owner) (Date)

Print name: Michelle O'Keefe **Sign:** _____ 6 / 13 / 16
~~(Applicant)~~ Owner Agent (Date)

ONLY NEEDED IF APPLICABLE:

Print name: RICK HEEK **Sign:** _____ / 5/4/16
(Authorized Agent Signature) (Date)

Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.

- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)	44
Number of bar seats	6
Standing room	21

b. Outdoor

Number of seats	0

c. Number of employees 9

Total Occupancy
(Indoor/Outdoor seats, standing room and employees) = 80

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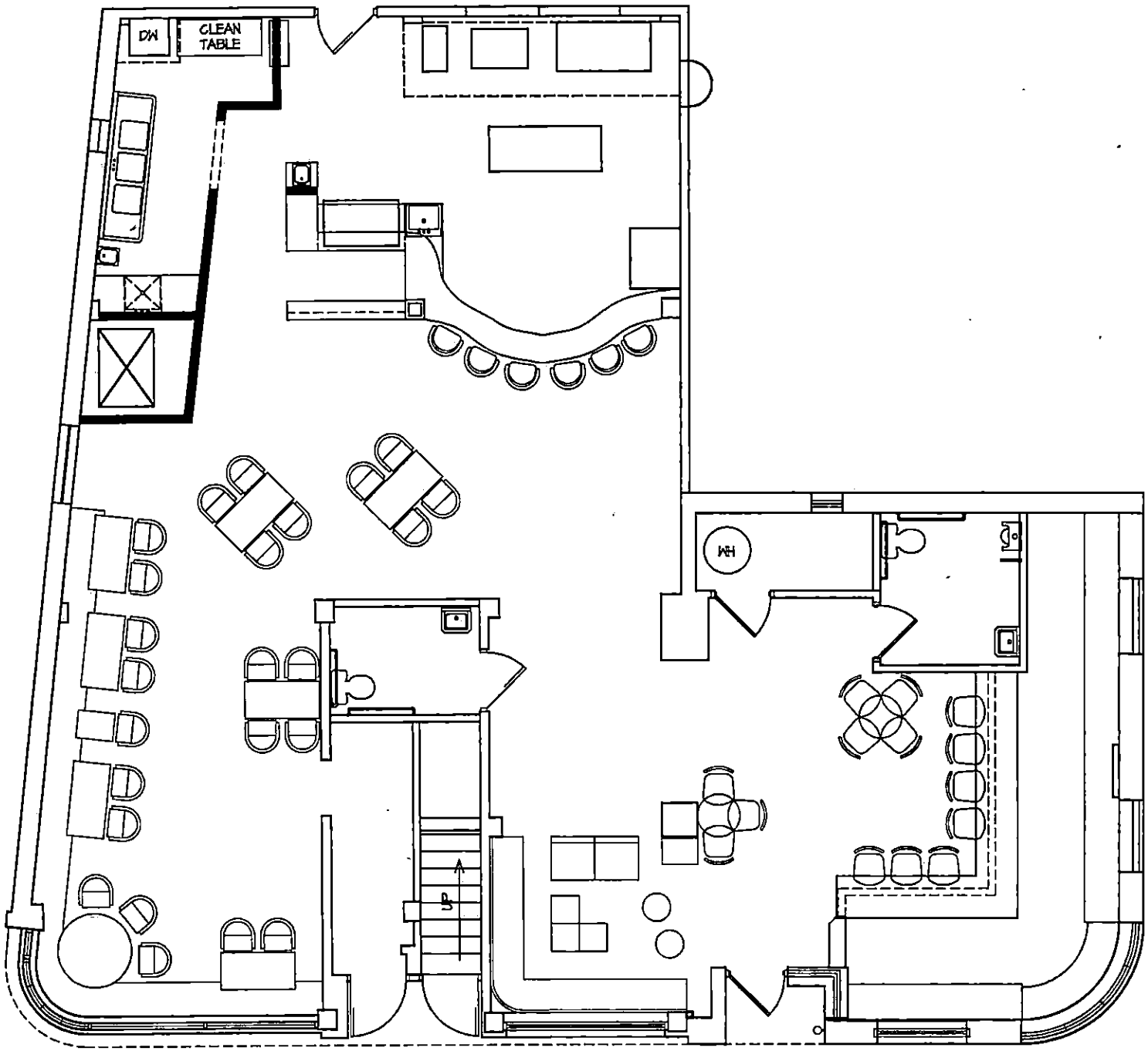

DW
CLEAN TABLE
HM

Whitney, Chris

From: Straley, Matthew
Sent: Thursday, June 16, 2016 2:56 PM
To: 'info@ghentva.org'; 'Emily Birknes'; 'ted@nusbauminsurance.com'
Cc: Whibley, Terry; Winn, Barclay; McClellan, Andria; Wilson, Denise; Whitney, Chris
Subject: new Planning Commission application - 434 W 21st St
Attachments: Bardo.pdf

Ms. Birkness and Mr. Enright,

Attached please find the application for a special exception to operate an eating and drinking establishment at 434 W. 21st Street.

The item is tentatively scheduled for the July 28, 2016 Planning Commission public hearing.

Staff contact: Chris Whitney at (757) 823-1253, chris.whitney@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II

THE CITY OF NORFOLK
City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

Ghent Business Association

July 25, 2016

City Council
City of Norfolk
City Hall
Norfolk, VA 23510

To whom it may concern,

The GBA would like to express its support for the request for special exceptions by Bardo. We look forward to supporting the new ownership of this fine establishment.

Sincerely,

Ted Enright
Corresponding Secretary
Development Committee Chairman
Ghent Business Association

P.O. Box 11571 • Norfolk, VA 23517

C: Dir., Public Works

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: David Ricks, Director of Public Works

Subject: Encroach into the right-of-way of Commonwealth Avenue with a fence and landscaping hedges

Reviewed: Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 1/6

Approved: Marcus D. Jones, City Manager

Item Number: **R-10**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Carroll C. Ballard, III & Caroline C. Ballard
1546 Blanford Circle
Norfolk, Virginia 23505

III. **Description:**
This agenda item is an ordinance granting permission to Caroll and Caroline Ballard (the "Ballards") to encroach into the City of Norfolk's (the "City's") right-of-way of Commonwealth Avenue at 1546 Blanford Circle with a fence and landscaping hedges.

IV. **Analysis:**
An encroachment is an object or structure that infringes into the City's rights-of-way or property. Norfolk City Code, Section 42-10, requires all encroachments into the rights-of-way to be approved by City Council. The encroachment in this location will allow the Ballards to replace an existing wood fence with a 4' black aluminum fence and enhance it with landscaping hedges.

V. **Financial Impact:**
Liability insurance has been provided naming the City as additional insured in the amount of $250,000; therefore, there should be no financial risk to the City. The City did not charge a fee for this encroachment.

VI. **Environmental:**
N/A

VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action:

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. The encroachment was reviewed and recommended by the Norfolk Design Review Committee and the City Planning Commission.

IX. Coordination/Outreach:

This letter has been coordinated with Department of Public Works, the Department of Planning, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A

7/27/2016 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING CAROLL AND CAROLINE BALLARD TO ENCROACH INTO THE RIGHT-OF-WAY OF COMMONWEALTH AVENUE WITH A FENCE AND LANDSCAPING HEDGES.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Caroll and Caroline Ballard (the "Ballards") to encroach into the right-of-way of Commonwealth Avenue at 1546 Blanford Circle with an existing aluminum fence and landscaping hedges, as shown on Exhibit A attached hereto, such permission being further subject to the following conditions:

(1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, the Ballards, or their successors and assigns, shall immediately remove the encroaching structures.

(2) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.

(3) That the Ballards, or their successors and assigns, at their own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least $250,000.00 each occurrence and $500,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City and/or the Ballards, and their successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation,

maintenance, or existence of said encroaching structures, with evidence of such insurance being provided to the City.

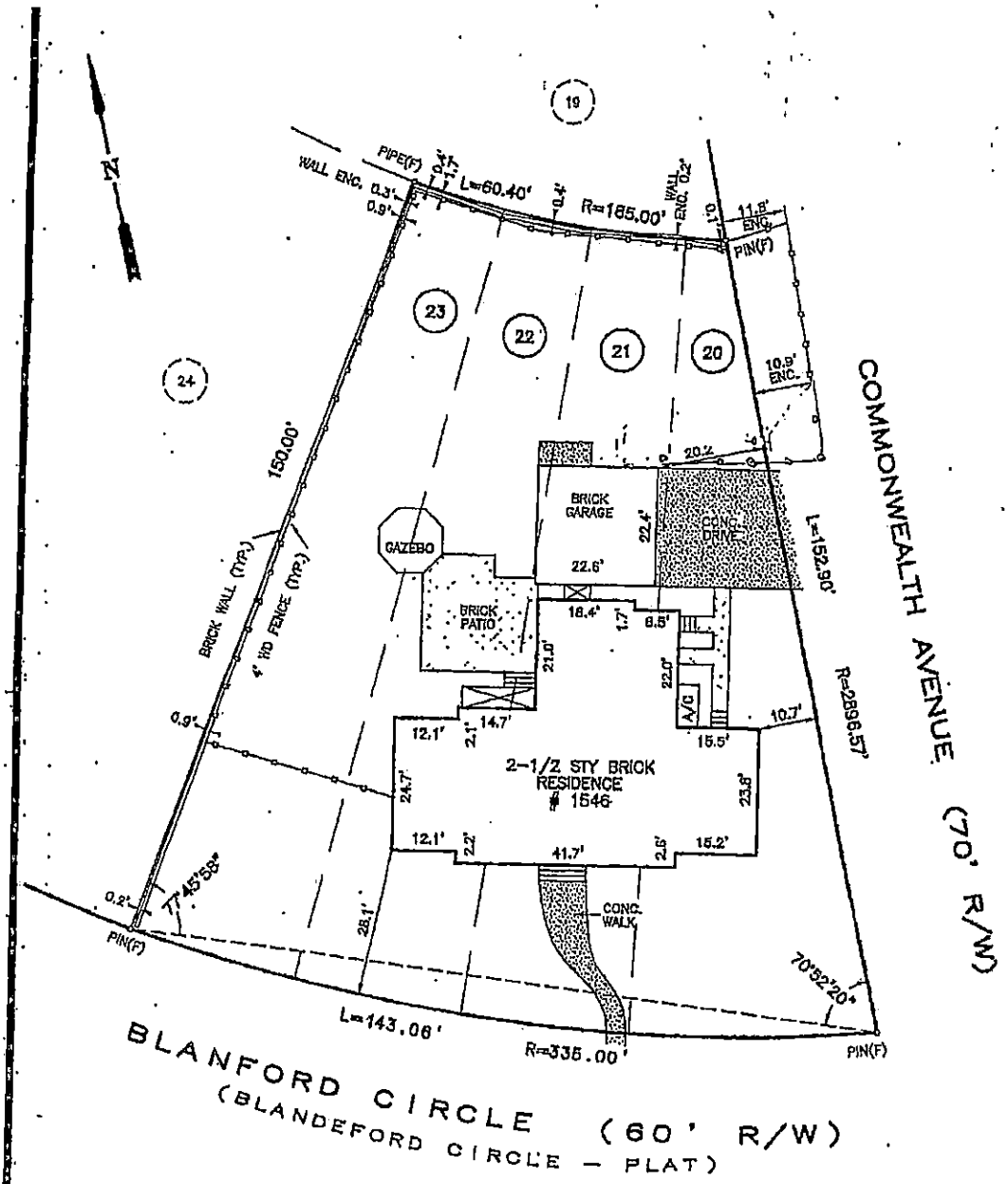
(4) That the City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way of Commonwealth Avenue, the location being shown on Exhibit A.

Section 2:- That the failure of the Ballards, or their successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by the Ballards, and their successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A TO ORDINANCE



PHYSICAL SURVEY
OF
1546 BLANFORD CIRCLE, NORFOLK, VIRGINIA
LOTS 20, 21, 22 & 23, BLOCK 26
LOCHHAVEN
M.B. 10, PGS., 47, 49 & 51 (CHESAPEAKE)
PAUL D. MAHONEY

C: Dir., Public Works

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: David Ricks, Director of Public Works

Subject: VDOT FY2017 Primary Extension Program – Six Roadway Segments to be Repaved

Reviewed: Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: Citywide

Approved: Marcus D. Jones, City Manager

Item Number: **R-11**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** N/A

III. **Description:**

This agenda item is an ordinance to establish six FY2017 Primary Extension projects along the following roadway segments: Lower Hampton Boulevard, Upper Hampton Boulevard, Tidewater Drive, Eastbound Virginia Beach Boulevard, Westbound Virginia Beach Boulevard, and Monticello Avenue; and to accept the Programmatic Project Administrative Agreement between the Virginia Department of Transportation ("VDOT") and the City of Norfolk (the "City") for these projects.

IV. **Analysis:**

- Through the Primary Extension Funding category, the City was allowed to apply for funding for six of its worst condition pavements, as measured by VDOT's statewide FY2017 Pavement Condition Data.
- All six segments are also among VDOT's highest density corridors, as measured by the 2012 Annual Average Daily Traffic data.
- All six segments are also located on Primary Extension Routes on the National Highways System.
- These funds will be used to supplement planned expenditures for pavement maintenance, and will not reduce the City's current and future maintenance of effort to ensure adequate pavement conditions in the City.
- The six pavement projects will aid in vehicular and pedestrian safety and access. The construction of these projects will improve the City's infrastructure and improve quality of life, with the potential for encouraging economic development within the city.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

V. **Financial Impact:**

- VDOT funding of $1,000,000 will come from state maintenance funds.
- These projects are 100% reimbursable by VDOT; no locality match is required.

Cost Breakdown

Project	UPC	VDOT Funding
Lower Hampton Boulevard – from 39th Street to 21st Street	109402	$ 182,000
Upper Hampton Boulevard – from Porter Street to the Hampton Boulevard Bridge	109403	$ 261,000
Tidewater Drive – from Rugby Street to the Lafayette River Bridge	109405	$ 83,000
Virginia Beach Boulevard – from Newtown Road to Kempsville Road	109407	$ 152,000
Virginia Beach Boulevard – from Kempsville Road to Newtown Road	109404	$ 167,000
Monticello Avenue – from 13th Street to 21st Street	109406	$ 155,000
Total Project Costs		$1,000,000

VI. **Environmental:**

N/A

VII. **Community Outreach/Notification:**

Coordination with Civic Leagues and nearby businesses will be made prior to construction of these improvements. Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. **Board/Commission Action:**

N/A

IX. **Coordination/Outreach:**

This letter has been coordinated with the Department of Public Works and the City Attorney's office.

Supporting Material from the Department of Public Works:

- Ordinance
- Project Summaries
- Programmatic Project Administrative Agreement with appendices.

8/3/16 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____ for DR
DEPT. Public Works

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ 1,000,000.00 — 2275 10 FY17 VARIOUS
Account

_____ — 8/5/16
Director of Finance — Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ESTABLISH PROJECTS FOR THE SURFACE TREATMENT OF SIX PAVED SEGMENTS IN ACCORDANCE WITH THE PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT BETWEEN THE CITY OF NORFOLK AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION; AND APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE TOTAL SUM OF $1,000,000.00 FOR THESE PROJECTS, SUBJECT TO AND IN ACCORDANCE WITH THE TERMS OF THE AFORESAID AGREEMENT.

- - -

WHEREAS, the City of Norfolk ("City") desires that the Virginia Department of Transportation ("VDOT") establish the following projects: (1) Lower Hampton Boulevard Re-pavement; (2) Upper Hampton Boulevard Re-pavement; (3) Tidewater Drive Re-pavement; (4) Eastbound Virginia Beach Boulevard Re-pavement; (5) Westbound Virginia Beach Boulevard Re-pavement; and (6) Monticello Avenue Re-pavement ("Projects"), in accordance with the Programmatic Project Administration Agreement ("Agreement") to be executed between the City and VDOT, a copy of which, with appendices, is attached hereto as Exhibit A; and

WHEREAS, in accordance with VDOT procedures, in order for VDOT to program Primary Extension projects in the City of

Norfolk, it is necessary that a request for the establishment of such projects be made by the City; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1: - That the Council hereby requests that VDOT establish the Projects in accordance with the terms and conditions of the Agreement attached as Exhibit A.

Section 2: - That the sum of $1,000,000.00 is hereby appropriated and authorized to be expended for the Projects, subject to and in accordance with the terms and conditions of the Agreement.

Section 3: - That the City Manager and the other proper officers of the City are authorized to execute any and all documents related to the Projects and to do all things necessary and proper to carry out the terms of the Agreement.

Section 4: - That the City Manager, with the advice and counsel of the City Attorney, is further authorized to correct, amend or revise the Agreement as may be necessary to carry out the intent of the Council as expressed herein.

Section 5: - That this ordinance shall be in effect from and after its adoption.

EXHIBIT A TO ORDINANCE

STANDARD PROJECT ADMINISTRATION AGREEMENT
State-aid Projects

Project Number	UPC	Local Government
0337-122-373	109402	City of Norfolk
0337-122-374	109403	
0058-122-375	109404	
0168-122-376	109405	
0460-122-377	109406	
0058-122-378	109407	

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20__, by and between the City of Norfolk, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance the Project(s) and the funding currently allocated or proposed for the project(s) does not include Federal-aid Highway funds; and

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state and local laws and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:

   a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.

   b. Receive prior written authorization from the DEPARTMENT to proceed with the project.

   c. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.

   d. Provide certification by a LOCALITY official of compliance with applicable laws and regulations on the **State Certification Form for State Funded Projects** or in another manner as prescribed by the DEPARTMENT.

e. Maintain accurate and complete records of each Project's development of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for not less than three (3) years following acceptance of the final voucher on each Project.

f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and also include an up-to-date project summary and schedule tracking payment requests and adjustments.

g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if due to action or inaction solely by the LOCALITY the project becomes ineligible for state reimbursement, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of state law or regulations require such reimbursement.

h. On Projects that the LOCALITY is providing the required match to state funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.

i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of state-aid reimbursements

j. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.

k. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.

2. The DEPARTMENT shall:

a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.

b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.

c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.

d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with applicable laws and regulations.

e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.

3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.

5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its cost exceeds the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.

6. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.

7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.

8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder,

or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

9. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination and unless otherwise agreed to, the DEPARTMENT shall retain ownership of plans, specifications, and right of way for which state funds have been provided, unless all state funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THE LOCALITY and the DEPARTMENT further agree that should Federal-aid Highway funds be added to the project, this agreement is no longer applicable and shall be terminated. The LOCALITY and the DEPARTMENT mutually agree that they shall then enter into a Standard Project Administration Agreement for Federal-aid Projects.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

Locality City of Norfolk
Project (s) 0337-122-373 UPC 109402
0337-122-374 UPC 109403
0058-122-375 UPC 109404
0168-122-376 UPC 109405
0460-122-377 UPC 109406
0058-122-378 UPC 109407

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Locality City of Norfolk
Project (s) 0337-122-373 UPC 109402
0337-122-374 UPC 109403
0058-122-375 UPC 109404
0168-122-376 UPC 109405
0460-122-377 UPC 109406
0058-122-378 UPC 109407

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

NORFOLK, VIRGINIA:

_____

_____
Typed or printed name of signatory

_____ _____
Title Date

_____ _____
Signature of Witness Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

_____ _____
Chief of Policy Date
Commonwealth of Virginia
Department of Transportation

_____ _____
Signature of Witness Date

Attachment
Appendix A's UPCs 109402, 109403, 109404, 109405 109406, 109407

Appendix A

Project Number: 0337-122-374 UPC: 109403 CFDA # N/A Locality: City of Norfolk

Project Location ZIP+4: 23505-1203	Locality DUNS# N/A	Locality Address (Incl ZIP+4): 810 Union Street Norfolk, VA. 23510-2717

Project Narrative

Scope:	Primary Extension Pavement Improvement - Hampton Boulevard - 2
From:	Porter Street
To:	Hampton Boulevard Bridge

Locally Project Manager Contact Info: Robert Brown, P.E., Phone: 757-664-7805 email: robert.brown@norfolk.gov

Department Project Coordinator Contact Info: Derrick Williams, Phone: 757-925-2582 email: derrick.williams@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	$0	$0	$259,500	$259,500
Estimated VDOT Project Expenses	$0		$1,500	$1,500
Estimated Total Project Costs	$0	$0	$261,000	$261,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	$0	State Funds	0%	$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total PE	$0			$0	$0	$0
Right of Way & Utilities						
Total RW						$0
Construction	$261,000	State Funds	0%	$0	$261,000	
				$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total CN	$261,000			$0	$261,000	$259,500
Total Estimated Cost	$261,000			$0	$261,000	$259,500

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$261,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$259,500

Project Financing

State of Good Repair State Funds						Aggregate Allocations
$261,000						$261,000

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Urban Manual
- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- This project shall meet all applicable ADA requirements
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- Funds for this project are not available until July 1, 2016
- This project must be advertised within six months of award funding or be subject to deallocation
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $261,000 (if applicable)
- Total project allocations: $261,000

Authorized Locally Official and date

Authorized VDOT Official Recommendation and Date

Typed or printed name of person signing

Typed or printed name of person signing

Version 8/19/11

Appendix A

Project Number: 0168-122-376 UPC: 109405 CFDA # N/A Locality: City of Norfolk

Project Location ZIP+4: 23504-2122	Locality DUNS# N/A	Locality Address (Incl ZIP+4): 810 Union Street Norfolk, VA. 23510-2717

Project Narrative

Scope:	Primary Extension Pavement Improvement - Tidewater Drive
From:	Rugby Street
To:	Lafayette River Bridge

Locality Project Manager Contact Info: Robert Brown, P.E., Phone: 757-664-7305 email: robert.brown@norfolk.gov

Department Project Coordinator Contact Info: Derrick Williams, Phone: 757-925-2582 email: derrick.williams@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	$0	$0	$81,500	$81,500
Estimated VDOT Project Expenses	$0		$1,500	$1,500
Estimated Total Project Costs	$0	$0	$83,000	$83,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	$0	State Funds	0%	$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total PE	$0			$0	$0	$0
Right of Way & Utilities						
Total RW						$0
Construction	$83,000	State Funds	0%	$0	$83,000	
				$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total CN	$83,000			$0	$83,000	$81,500
Total Estimated Cost	$83,000			$0	$83,000	$81,500

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$83,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$81,500

Project Financing

State of Good Repair State Funds						Aggregate Allocations
$83,000						$83,000

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Urban Manual
- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- This project shall meet all applicable ADA requirements
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- Funds for this project are not available until July 1, 2018
- This project must be advertised within six months of award funding or be subject to deallocation
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $83,000 (if applicable)
- Total project allocations: $83,000

Authorized Locality Official and date

Typed or printed name of person signing

Authorized VDOT Official Recommendation and Date

Typed or printed name of person signing

Version 8/19/11

Appendix A

Project Number: 0058-122-378 UPC: 109407 CFDA # N/A Locality: City of Norfolk

Project Location ZIP+4: 23502-2528	Locality DUNS# N/A	Locality Address (incl ZIP+4): 810 Union Street Norfolk, VA. 23510-2717

Project Narrative

Scope:	Primary Extension Pavement Improvement - Virginia Beach - 2
From:	Newtown Road
To:	Kempsville Road

Locality Project Manager Contact Info: Robert Brown, P.E., Phone: 757-664-7305 email: robert.brown@norfolk.gov

Department Project Coordinator Contact Info: Derrick Williams, Phone: 757-926-2592 email: derrick.williams@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	$0	$0	$150,500	$150,500
Estimated VDOT Project Expenses	$0		$1,500	$1,500
Estimated Total Project Costs	$0	$0	$152,000	$152,000

Project Cost and Reimbursements

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	$0	State Funds	0%	$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total PE	$0			$0	$0	$0
Right of Way & Utilities						
Total RW						$0
Construction	$152,000	State Funds	0%	$0	$152,000	
				$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total CN	$152,000			$0	$152,000	$150,500
Total Estimated Cost	$152,000			$0	$152,000	$150,500

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$152,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$150,500

Project Financing

State of Good Repair State Funds						Aggregate Allocations
$152,000						$152,000

Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Urban Manual
- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- This project shall meet all applicable ADA requirements
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- Funds for this project are not available until July 1, 2016
- This project must be advertised within six months of award funding or be subject to deallocation
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $152,000 (if applicable)
- Total project allocations: $152,000

Authorized Locality Official and date

Typed or printed name of person signing

Authorized VDOT Official Recommendation and Date

Typed or printed name of person signing

Version 8/19/11

Appendix A

Project Number: 0337-122-873 UPC: 109402 CFDA # N/A Locality: City of Norfolk

Project Location ZIP+4: 23508-2434	Locality DUNS# N/A	Locality Address (Incl ZIP+4): 810 Union Street Norfolk, VA. 23510-2717

Project Narrative

Scope:	Primary Extension Pavement Improvement - Hampton Boulevard - 1
From:	39th Street
To:	21st Street

Locality Project Manager Contact Info: Robert Brown, P.E., Phone: 757-664-7305 email: robert.brown@norfolk.gov

Department Project Coordinator Contact Info: Derick Williams, Phone: 757-925-2582 email: derick.williams@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	$0	$0	$180,500	$180,500
Estimated VDOT Project Expenses	$0		$1,500	$1,500
Estimated Total Project Costs	$0	$0	$182,000	$182,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	$0	State Funds	0%	$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total PE	$0			$0	$0	$0
Right of Way & Utilities						
Total RW						$0
Construction	$182,000	State Funds	0%	$0	$182,000	
				$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total CN	$182,000			$0	$182,000	$180,500
Total Estimated Cost	$182,000			$0	$182,000	$180,500

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$182,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$180,500

Project Financing

State of Good Repair State Funds						Aggregate Allocations
$182,000						$182,000

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Urban Manual
- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- This project shall meet all applicable ADA requirements
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- Funds for this project are not available until July 1, 2016
- This project must be advertised within six months of award funding or be subject to deallocation
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $182,000 (if applicable)
- Total project allocations: $182,000

Authorized Locality Official and date

Typed or printed name of person signing

Authorized VDOT Official Recommendation and Date

Typed or printed name of person signing

Version 8/19/11

Appendix A

Project Number: 0058-122-975 UPC: 109404 CFDA # N/A Locality: City of Norfolk

Project Location ZIP+4: 23502-2526	Locality DUNS# N/A	Locality Address (incl ZIP+4): 810 Union Street Norfolk, VA. 23510-2717

Project Narrative

Scope:	Primary Extension Pavement Improvement - Virginia Beach Boulevard - 1
From:	Kempsville Road
To:	Newtown Road

Locality Project Manager Contact Info: Robert Brown, P.E., Phone: 757-664-7305 email: robert.brown@norfolk.gov

Department Project Coordinator Contact Info: Derrick Williams, Phone: 757-925-2582 email: derrick.williams@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	$0	$0	$165,500	$165,500
Estimated VDOT Project Expenses	$0		$1,500	$1,500
Estimated Total Project Costs	$0	$0	$167,000	$167,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	$0	State Funds	0%	$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total PE	$0			$0	$0	$0
Right of Way & Utilities						
Total RW						$0
Construction	$167,000	State Funds	0%	$0	$167,000	
				$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total CN	$167,000			$0	$167,000	$165,500
Total Estimated Cost	$167,000			$0	$167,000	$165,500

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$167,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$165,500

Project Financing

State of Good Repair State Funds						Aggregate Allocations
$167,000						$167,000

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Urban Manual
- This project shall be administered in accordance with VDOT's Locally Adminsitered Projects Manual
- This project shall meet all applicable ADA requirements
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- Funds for this project are not available until July 1, 2016
- This project must be advertised within six months of award funding or be subject to deallocation
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $167,000 (if applicable)
- Total project allocation: $167,000

Authorized Locality Official and date

Authorized VDOT Official Recommendation and Date

Typed or printed name of person signing

Typed or printed name of person signing

Appendix A

Project Number: 0460-122-377 UPC: 109466 CFDA #: N/A Locality: City of Norfolk

Project Location ZIP+4: 23510-N/A	Locality DUNS# N/A	Locality Address (Incl ZIP+4): 810 Union Street Norfolk, VA. 23510-2717

Project Narrative

Scope:	Primary Extension Pavement Improvement - Monticello Avenue
From:	13th Street
To:	21st Street

Locality Project Manager Contact Info: Robert Brown, P.E., Phone: 757-664-7305 email: robert.brown@norfolk.gov

Department Project Coordinator Contact Info: Derrick Williams, Phone: 757-925-2562 email: derrick.williams@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	$0	$0	$153,500	$153,500
Estimated VDOT Project Expenses	$0		$1,500	$1,500
Estimated Total Project Costs	$0	$0	$155,000	$155,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	$0	State Funds	0%	$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total PE	$0			$0	$0	$0
Right of Way & Utilities						
Total RW						$0
Construction	$155,000	State Funds	0%	$0	$155,000	
				$0	$0	
				$0	$0	
				$0	$0	
				$0	$0	
Total CN	$155,000			$0	$155,000	$153,500
Total Estimated Cost	$155,000			$0	$155,000	$153,500

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$155,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$153,500

Project Financing

State of Good Repair State Funds						Aggregate Allocations
$155,000						$155,000

Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Urban Manual
- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- This project shall meet all applicable ADA requirements
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- Funds for this project are not available until July 1, 2016
- This project must be advertised within six months of award funding or be subject to deallocation
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $155,000 (if applicable)
- Total project allocations: $155,000

Authorized Locality Official and date

Typed or printed name of person signing

Authorized VDOT Official Recommendation and Date

Typed or printed name of person signing

VIRGINIA DEPARTMENT OF TRANSPORTATION
PROJECT ADMINISTRATION AGREEMENT
FY17 Primary Extension Projects

I hereby certify that the money required for this agreement has been allocated by VDOT. Funds shall not appropriated for any other purpose.

SR Account:	*Amount:*	*Contract:*
2275 10 9180 (FY17)-Lower Hampton Blvd.	$182,000	N/A
2275 10 9181 (FY17)-Upper Hampton Blvd.	$261,000	N/A
2275 10 9182 (FY17)-Tidewater Dr.	$ 83,000	N/A
2275 10 9183 (FY17)-EB VA Beach Blvd.	$167,000	N/A
2275 10 9184 (FY17)-WB VA Beach Blvd.	$152,000	N/A
2275 10 9185 (FY17)-Monticello/13th-21st St.	$155,000	N/A

Total SR Accounts (VDOT to reimburse City) $1,000,000

Vender Code VDOTTR0100

Director of Finance 8/5/16
Date

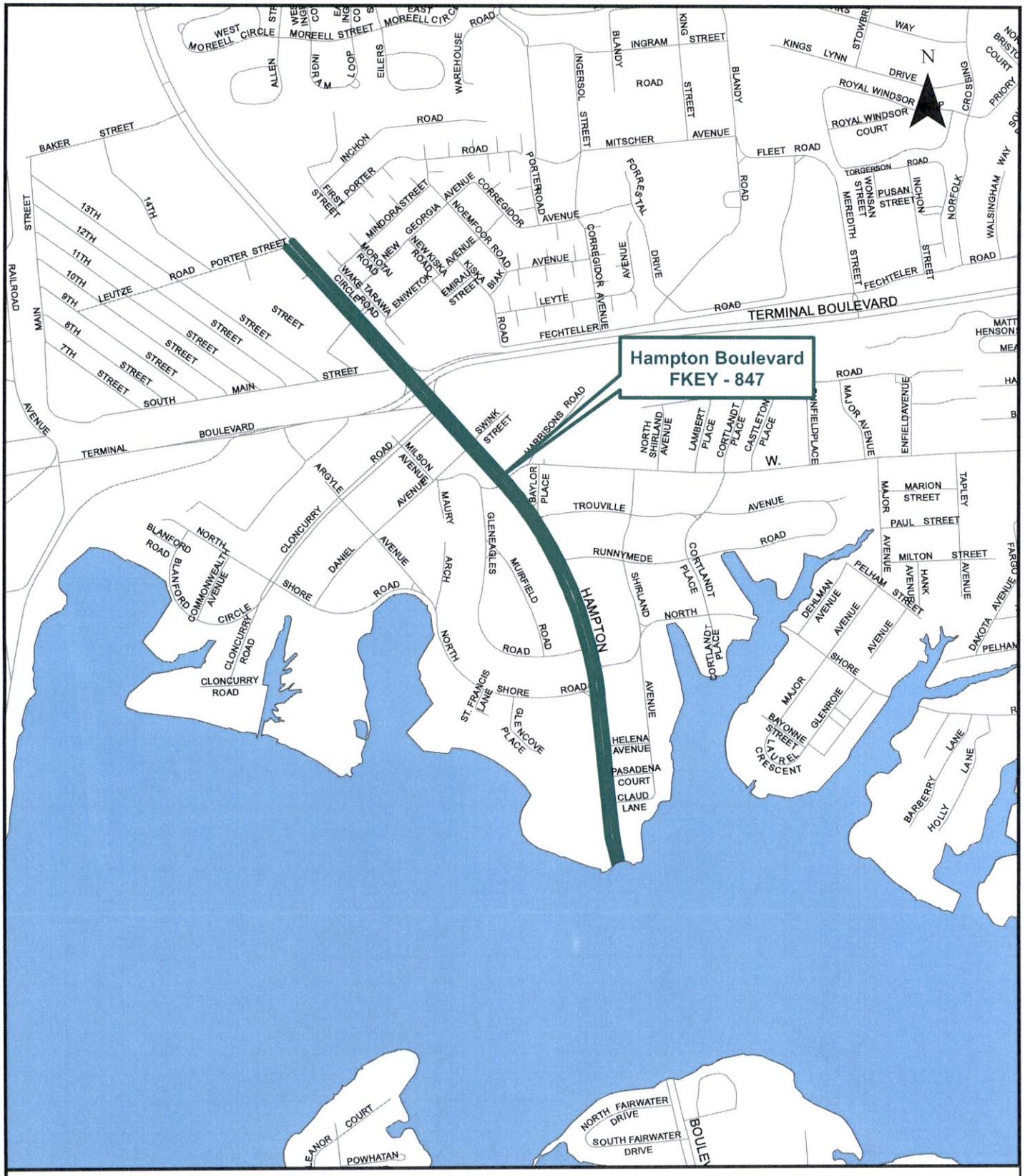
VDOT Primary Extensions Application for Funding - Asphalt Concrete Pavement (ACP)

City of Norfolk

0 1,000 2,000 Feet

1 inch = 1,000 feet

Street centerline map compiled from GIS Bureau. Map produced by the Department of Public Works Surveys Division March 15, 2016



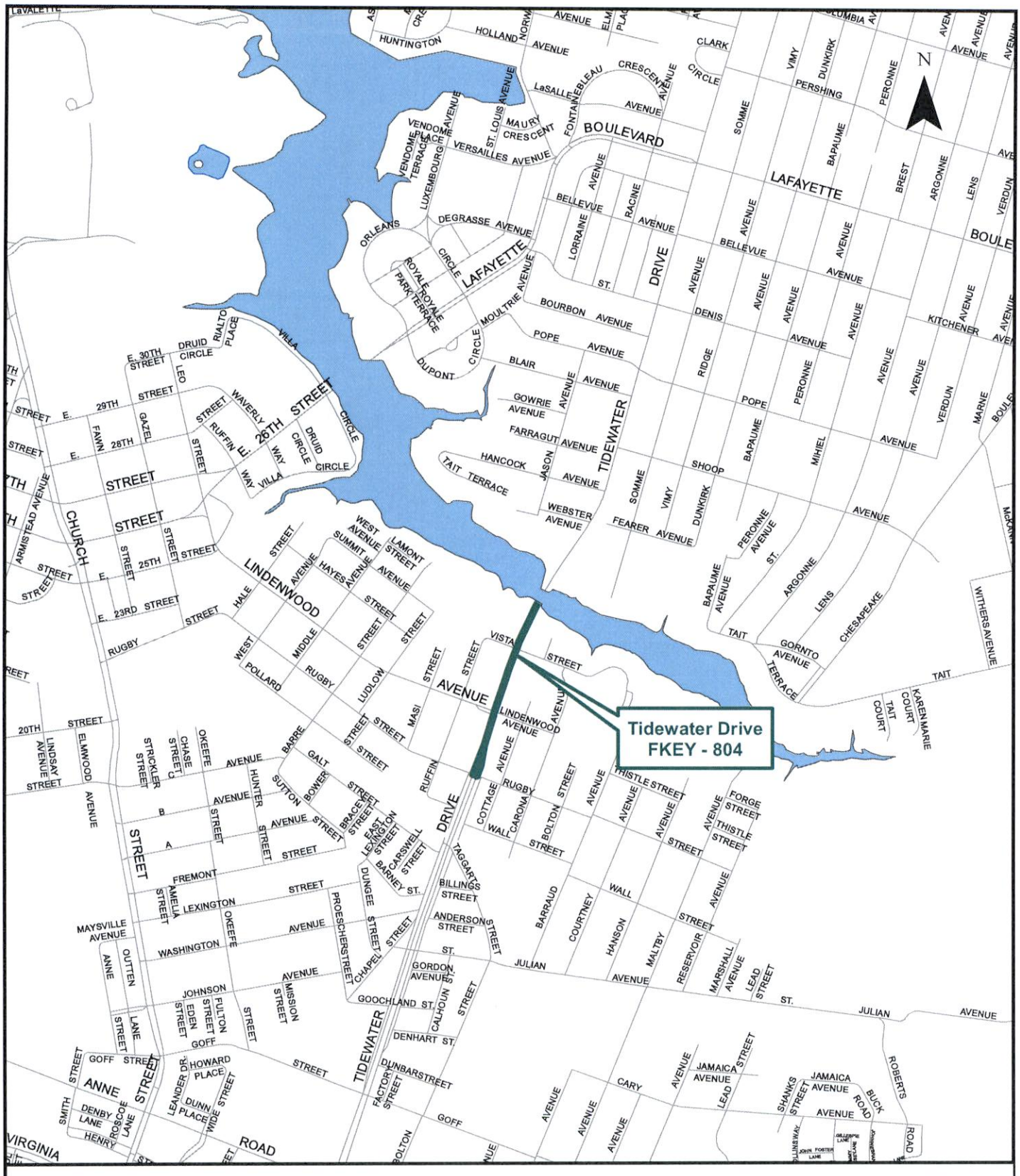
VDOT Primary Extensions Application for Funding - Asphalt Concrete Pavement (ACP)

City of Norfolk

0 1,000 2,000 Feet

1 inch = 1,000 feet

Street centerline map compiled from GIS Bureau. Map produced by the Department of Public Works Surveys Division March 15, 2016



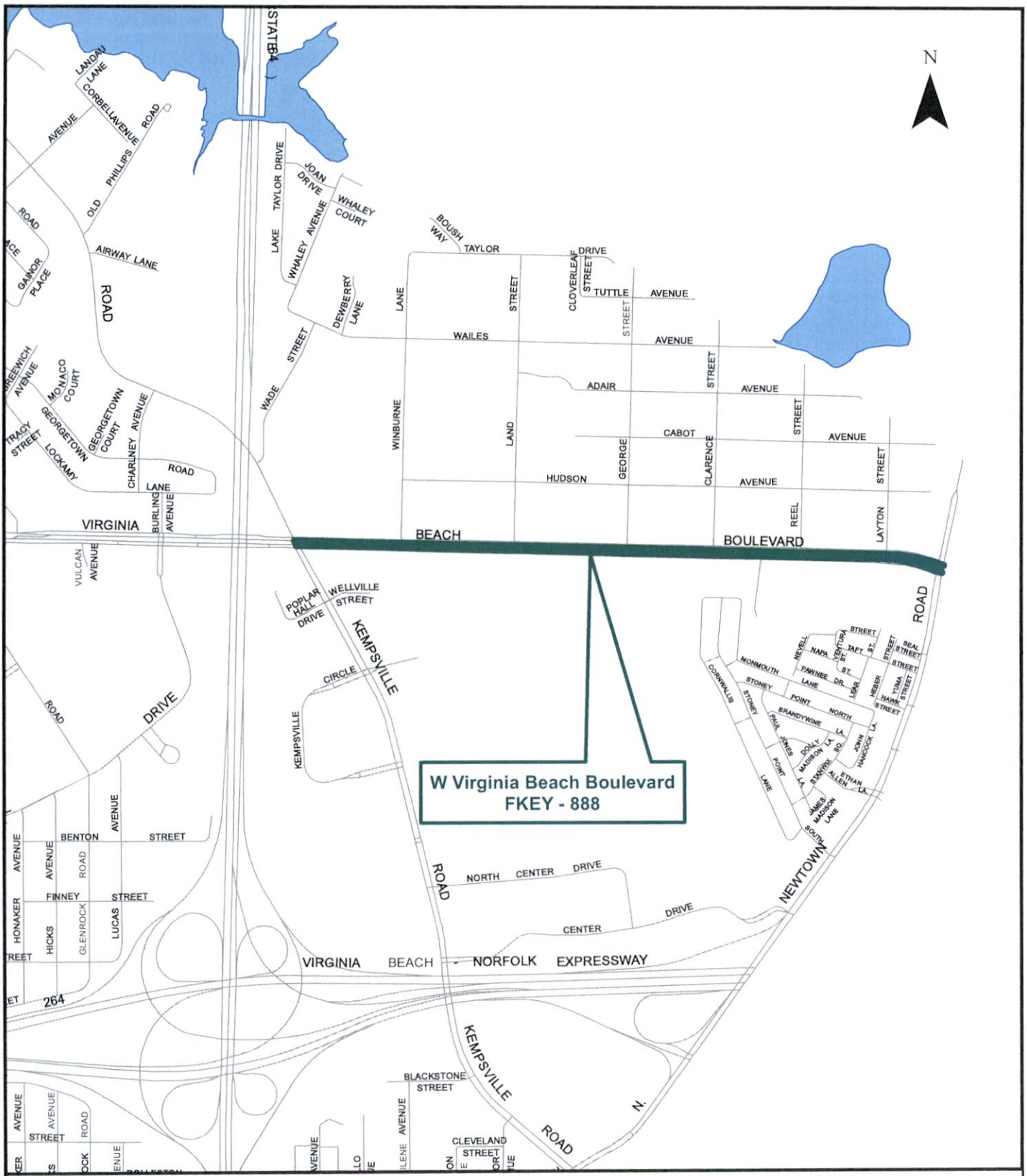
VDOT Primary Extensions Application for Funding - Asphalt Concrete Pavement (ACP)

City of Norfolk

0 1,000 2,000 Feet

1 inch = 1,000 feet

Street centerline map compiled from GIS Bureau. Map produced by the Department of Public Works Surveys Division March 15, 2016



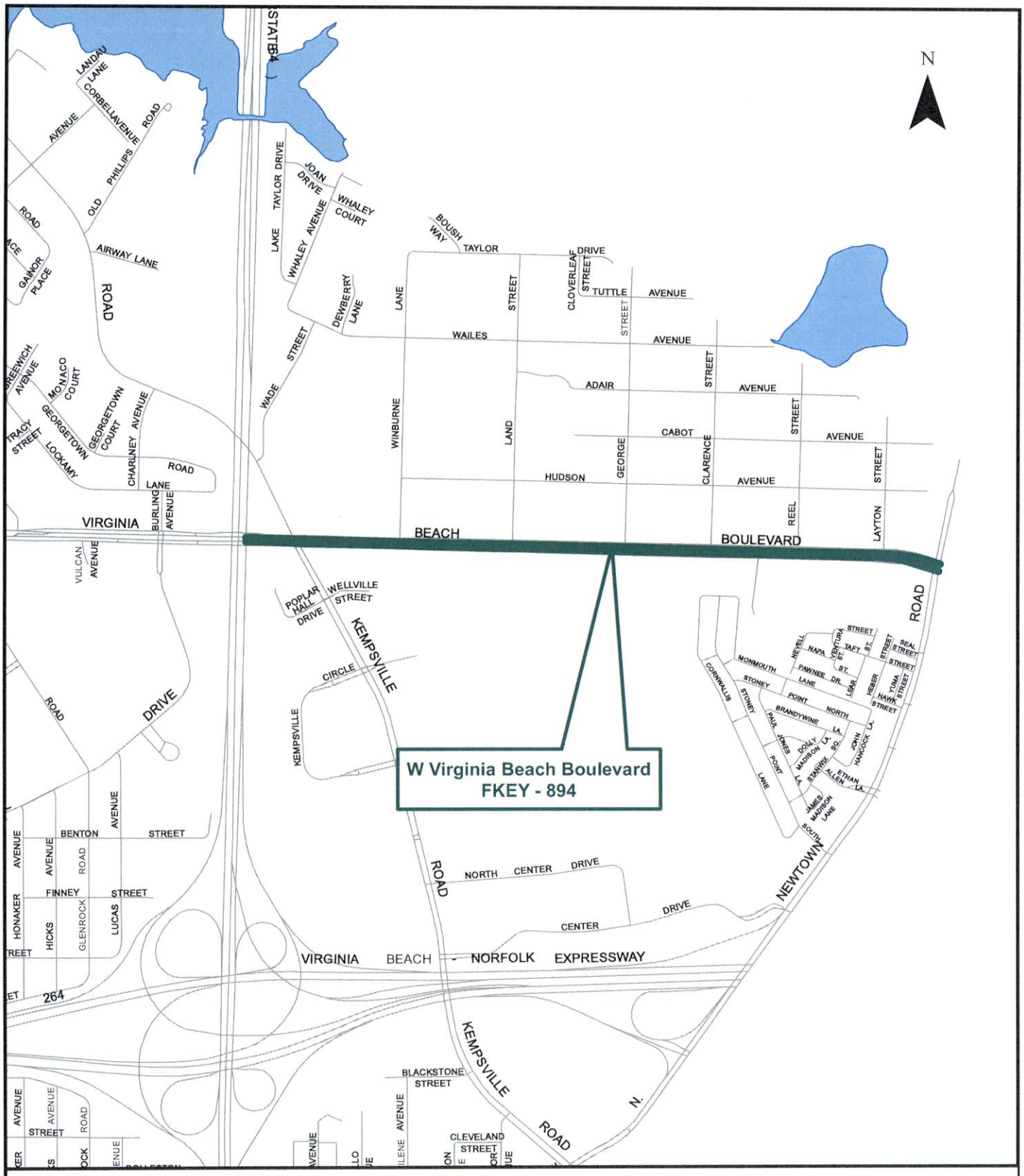
VDOT Primary Extensions Application for Funding - Asphalt Concrete Pavement (ACP)

City of Norfolk

0 1,000 2,000 Feet

1 inch = 1,000 feet

Street centerline map compiled from GIS Bureau. Map produced by the Department of Public Works Surveys Division March 15, 2016



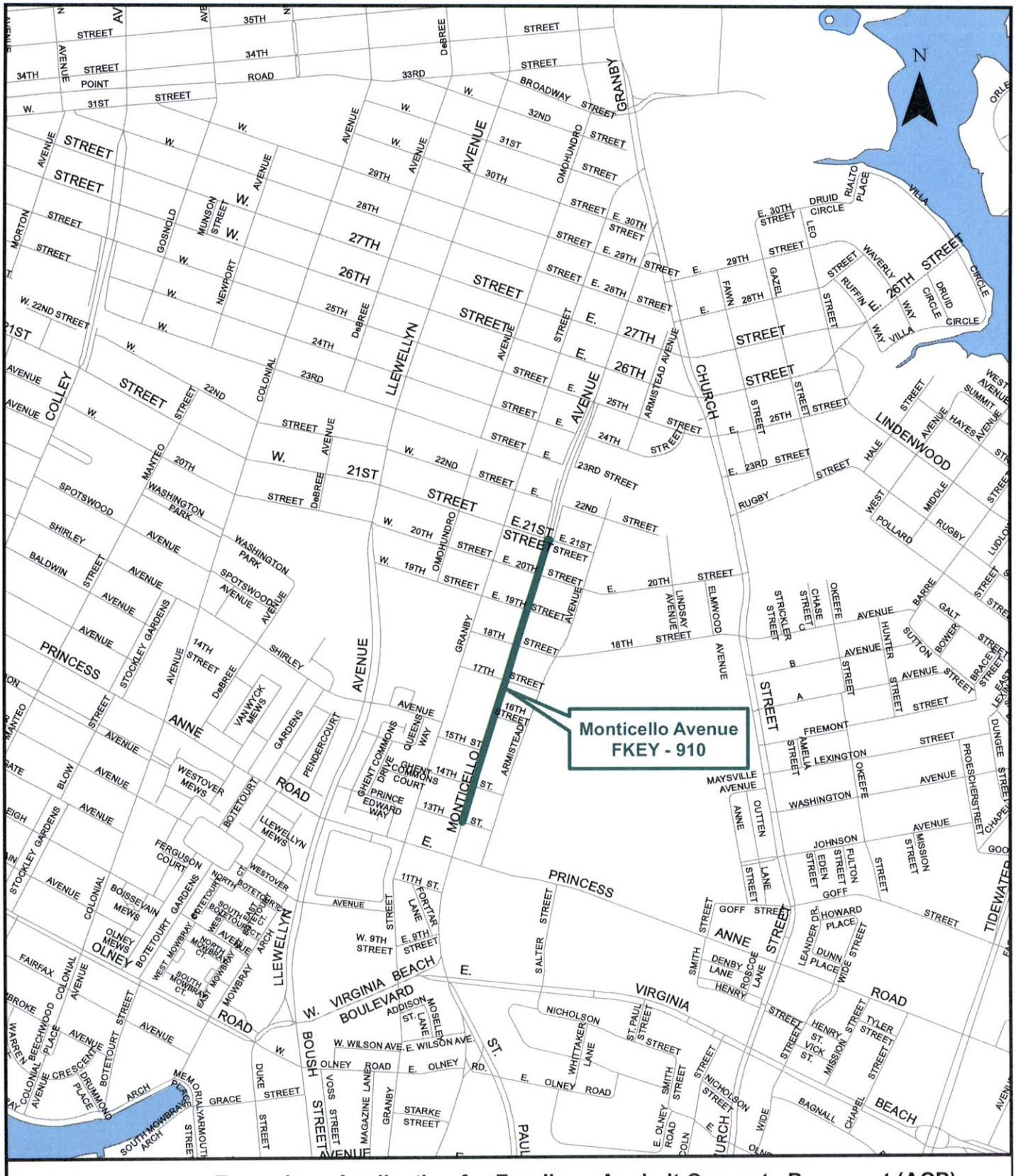
VDOT Primary Extensions Application for Funding - Asphalt Concrete Pavement (ACP)

City of Norfolk

0 1,000 2,000 Feet

1 inch = 1,000 feet

Street centerline map compiled from GIS Bureau. Map produced by the Department of Public Works Surveys Division March 15, 2016



VDOT Primary Extensions Application for Funding - Asphalt Concrete Pavement (ACP)

City of Norfolk

0 1,000 2,000 Feet

1 inch = 1,000 feet

Street centerline map compiled from GIS Bureau. Map produced by the Department of Public Works Surveys Division March 15, 2016

C: Dir., Public Works

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: David Ricks, Director of Public Works

Subject: VDOT FY 2017 Revenue Sharing Program – West Ocean View Flyover, Granby Street/Bayview Boulevard Intersection Improvements, and ADA Ramp Construction

Reviewed: Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 1,2,4,5 / 6,7

Approved: Marcus D. Jones, City Manager

Item Number: **R-12**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** N/A

III. **Description:**

On December 8, 2015, Norfolk City Council adopted Resolution 1,630 in support of FY 2017 Revenue Sharing projects. This agenda item is an ordinance to accept Virginia Department of Transportation ("VDOT") funds for three FY 2017 Revenue Sharing projects: the *West Ocean View Flyover Project*, the *Citywide ADA Ramp Construction, Phase 3 Project,* and the *Granby Street/Bayview Boulevard Intersection Improvements Project*; and to accept the amended Programmatic Project Administrative Agreement between VDOT and the City of Norfolk (the "City") for inclusion of these projects.

IV. **Analysis:**

- *West Ocean View Flyover Project*
  The project will replace a functionally obsolete bridge with an at-grade intersection alternative.
- *Citywide ADA Ramp Construction, Phase 3 Project*
  The project will include the addition or replacement of ADA ramps and new sidewalk to connect ramps at the Eastern Virginia Medical Center and in Larchmont, locations that are ineligible to receive Community Development Block Grants (CDBG).
- *Granby Street/Bayview Boulevard Intersection Improvements Project*
  The project will aid in pedestrian safety and access. The construction of this project will improve the City's infrastructure and improve quality of life, with the potential for encouraging economic development within the City.

V. **Financial Impact:**

- VDOT funding of $1,770,000 will come from state revenue sharing funds.
- Funding participation of the City's fifty percent share of these projects, in the amount of $1,770,000, will come from funds appropriated in the City's Capital Improvement Program.

Cost Breakdown

Project	VDOT Funding	Required Total City Match	Total Funding
West Ocean View Flyover	$1,270,000	$1,270,000	$2,540,000
Citywide ADA Ramps, Phase 3	$ 250,000	$ 250,000	$500,000
Granby Street/ Bayview Boulevard Intersection Improvements	$ 250,000	$ 250,000	$500,000
Total Project Costs	$1,770,000	$1,770,000	$3,540,000

VI. **Environmental:**

N/A

VII. **Community Outreach/Notification:**

Coordination with Civic Leagues and nearby businesses will be made prior to construction of these improvements.

VIII. **Board/Commission Action:**

N/A

IX. **Coordination/Outreach:**

This letter has been coordinated with the Department of Public Works and the City Attorney's office.

Supporting Material from the Department of Public Works:

- Ordinance
- Project Executive Summaries
- Programmatic Project Administrative Agreement with addendum and appendices.

8/3/16 - wld

Form and Correctness Approved: APM

By Nathaniel Beaman

Office of the City Attorney

Contents Approved:

By Richard Broad for DR

DEPT. Public Works

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ 3,540,000.00

4000 - 10 city share
2275 - 10 VDOT share
Various

Account

Christine Garczynski

Director of Finance

8/5/16

Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ESTABLISH PROJECTS FOR THE WEST OCEAN VIEW FLYOVER, THE CITYWIDE ADA RAMP CONSTRUCTION, PHASE 3, AND THE GRANBY STREET/BAYVIEW BOULEVARD INTERSECTION IMPROVEMENTS IN ACCORDANCE WITH THE PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT BETWEEN THE CITY OF NORFOLK AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION; AND APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE TOTAL SUM OF $3,540,000.00 FOR THESE PROJECTS, SUBJECT TO AND IN ACCORDANCE WITH THE TERMS OF THE AFORESAID AGREEMENT.

- - -

WHEREAS, the City of Norfolk ("City") desires that the Virginia Department of Transportation ("VDOT") establish the following projects: (1) West Ocean View Flyover; (2) Citywide ADA Ramp Construction, Phase 3; and (3) Granby Street/Bayview Boulevard Intersection Improvements ("Projects"), in accordance with the Programmatic Project Administration Agreement ("Agreement") dated November 15, 2013, between the City and VDOT, a copy of which, with appendices, is attached hereto as Exhibit A; and

WHEREAS, in accordance with VDOT procedures, in order for VDOT to program Revenue Sharing projects in the City of

Norfolk, it is necessary that a request for the establishment of such projects be made by the City; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1: - That the Council hereby requests that VDOT establish the Projects in accordance with the terms and conditions of the Agreement attached as Exhibit A.

Section 2: - That the sum of $3,540,000.00 is hereby appropriated and authorized to be expended for the Projects, subject to and in accordance with the terms and conditions of the Agreement.

Section 3: - That the City Manager and the other proper officers of the City are authorized to execute any and all documents related to the Projects and to do all things necessary and proper to carry out the terms of the Agreement.

Section 4: - That the City Manager, with the advice and counsel of the City Attorney, is further authorized to correct, amend or revise the Agreement as may be necessary to carry out the intent of the Council as expressed herein.

Section 5: - That this ordinance shall be in effect from and after its adoption.

EXHIBIT A TO ORDINANCE

PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT
Revenue Sharing Projects

THIS AGREEMENT, made and executed in triplicate this 15 day of November, 2013, by and between the City Norfolk, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY may, in accordance with §33.1-23.05 of the *Code of Virginia* (1950), as amended (the *Code*), and Commonwealth Transportation Board (CTB) policy, submit application(s) for Revenue Sharing funding and may also administer projects approved for Revenue Sharing funding by the CTB; and

WHEREAS, Appendix A documents the funding allocated to each Project and shall be developed and included as an attachment to this agreement. Such attachment may be amended, revised or removed or an additional Appendix A may be added as additional projects or funding is approved by the CTB and allocated to the LOCALITY to finance the Project(s) within the term of this Agreement without the need to execute an additional project administration agreement; and

WHEREAS, current and future projects approved for Revenue Sharing funding by the CTB within the term of this agreement and subject to the terms and conditions specified herein shall be identified on a list which will be included as an attachment to this Agreement as Appendix B. Such attachment may be amended as additional projects are approved by the CTB and shall be signed by an authorized LOCALITY and VDOT official, without the need to execute an additional project administration agreement. If any active project with an existing agreement is incorporated herein, the original project agreement shall automatically terminate upon inclusion in this programmatic agreement of an updated Appendix A and an amended Appendix B to reflect that project; and

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in the attachments in accordance with applicable federal, state and local laws and regulations and that the locality will certify compliance with those laws and regulations as prescribed by the Department.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. This agreement shall be effective for an initial period of THREE fiscal years and may be extended by an addendum signed by each party for one additional term of THREE fiscal years unless a change in policy or the *Code* necessitates a change in terms and conditions before the term of this agreement shall have passed. This Agreement shall NOT extend beyond SIX fiscal years. In the event that a new agreement becomes necessary during the life of this Agreement, Appendix A and Appendix B may be incorporated within the new approved agreement upon mutual agreement by both parties.

2. The LOCALITY shall:

a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown on the Appendix B and on the respective Project's Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.

b. Receive individual prior written authorization from the DEPARTMENT to proceed with each project.

c. Administer the Project(s) in accordance with guidelines applicable to state funded Locally Administered Projects as published by the DEPARTMENT.

d. Provide certification by a LOCALITY official of compliance with applicable laws and regulations on the State Certification Form for State aid projects or in another manner as prescribed by the DEPARTMENT for each project included in Appendix B.

e. Maintain accurate and complete records of each Project's development of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for not less than three (3) years following acceptance of the final voucher on each Project.

f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and also include an up-to-date Project summary and schedule tracking payment requests and adjustments.

g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, the project becomes ineligible for state reimbursement, or in the event the reimbursement provisions of Section 33.1-44 or Section 33.1-70.01 of the *Code*, or other applicable provisions of state law or regulations require such reimbursement.

h. Pay the DEPARTMENT the LOCALITY's matching funds for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 3.a.

i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill these obligations may result in the forfeiture of state-aid reimbursements. DEPARTMENT and LOCALITY staffs will work together to cooperatively resolve any issues that are identified so as to avoid any forfeiture of state-aid funds.

j. If legal services other than those provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.

k. For projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.

3. The DEPARTMENT shall:

a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.

b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 2.f, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.

c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible Project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.

d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with applicable laws and regulations.

e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.

4. Appendix A identifies the specific funding sources for each Project under this Agreement, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

5. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.1-94 of the *Code*.

6. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project under this agreement is anticipated to exceed the allocation shown for such Project on the respective Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its cost exceeds the allocated amount, however

the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.

7. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.

8. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.

9. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

10. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 2.f, 2.g, and 3.b, subject to the limitations established in this Agreement and Appendix A. Should the LOCALITY unilaterally cancel a project agreement, the LOCALITY shall reimburse the DEPARTMENT all state funds reimbursed and expended in support of the project, unless otherwise mutually agreed-upon prior to termination.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THE LOCALITY and the DEPARTMENT further agree that should Federal-aid Highway funds be added to any project, this agreement is no longer applicable to that project and the applicable Appendix A shall be removed from this agreement and the Standard Project Administration Agreement for Federal-aid Projects executed for that project.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

CITY OF NORFOLK, VIRGINIA:

ATTEST:

City Clerk
City of Norfolk

Assistant City Manager
City of Norfolk

CONTENTS APPROVED:

By: _____ Date 10/10/13
Director of Public Works
City of Norfolk

APPROVED AS TO FORM AND CORRECTNESS:

By: _____ Date 10/21/13
Deputy City Attorney
City of Norfolk

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

_____ Date 11/15/13
for Commissioner of Highways
Commonwealth of Virginia
Department of Transportation

_____ Date 11/15/13
Signature of Witness

Attachments

Attachments Appendix A (for each project covered under this Agreement)
Appendix B (listing Project(s) covered under this Agreement)

PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT
EXTENSION ADDENDUM
Revenue Sharing Projects

THIS ADDENDUM is made and executed in triplicate this 19th day of May, 2016, by and between the City of Norfolk Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY and the DEPARTMENT, entered into a Programmatic Project Administration Agreement for Revenue Sharing Projects on November 15, 2013; and

WHEREAS, said agreement has an initial term of three fiscal years (each year beginning July 1st - June 30th), and will expire on June 30, 2016, and may be extended for one additional term of three fiscal years; and

WHEREAS, the parties to the agreement hereby declare their intent to extend said agreement as provided in Paragraph 1 of said agreement and further declare that such terms and provisions provided therein shall remain unchanged.

NOW THEREFORE, in consideration of the mutual premises contained therein and in this Addendum, the parties agree to extend said agreement for one additional term of three fiscal years with a new expiration date of June 30, 2019.

IN WITNESS WHEREOF, each party hereto has caused this Addendum to be executed as of the day, month, and year first herein written.

CITY OF NORFOLK, VIRGINIA:

Marcus D. Jones

Marcus D. Jones
Typed or printed name of signatory

City Manager — 4/20/2016
Title — Date

4/20/16
Signature of Witness — Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this addendum.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

5/19/16
Chief of Policy — Date
Commonwealth of Virginia
Department of Transportation

Brenda Crouch — 5/19/2016
Signature of Witness — Date

Appendix A

Project Number: U000-122-R98	UPC: 104379	Locality: City of Norfolk
Project Location ZIP+4: 23517-1347	Locality DUNS# N/A	Locality Address (incl ZIP+4): 810 Union Street Norfolk, VA. 23510-2717

Project Narrative

Scope:	Intersection Improvements
From:	Interesection of 21st and Llewellyn Avenue
To:	

Locality Project Manager Contact Info: Heather Robinson, PE Phone: 757-664-7459, email: Heather.robinson@norfolk.gov

Department Project Coordinator Contact Info: Angela Rico, EIT, Phone 757-925-2227, email: Angela.rico@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses		$0	$395,000	$395,000
Estimated VDOT Project Expenses	$2,000		$3,000	$5,000
Estimated Total Project Costs	$2,000		$398,000	$400,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	$2,000	Revenue Sharing	50%	$1,000	$1,000	
				$0	$0	
				$0	$0	
				$0	$0	
Total PE	$2,000			$1,000	$1,000	
Right of Way & Utilities	$0		0%	$0	$0	
				$0	$0	
Total RW	$0			$0	$0	
Construction	$398,000	Revenue Sharing	50%	$199,000	$199,000	
			0%	$0	$0	
Total CN	$398,000			$199,000	$199,000	
Total Estimated Cost	$400,000			$200,000	$200,000	$195,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$200,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$195,000

Project Financing

Revenue Sharing State Match	Revenue Sharing Local Match					Aggregate Allocations (A+B+C+D+E+F)
$200,000	$200,000					$400,000

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- The project will be constructed and maintained in accordance with VDOT's: Urban Manual (List Appropriate Guide or Manual)
- This project is a Revenue Sharing project and must follow the procedures set forth in the Guide to the Revenue Sharing Program.
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $200,000 (if applicable)
- Estimated eligible VDOT expenses are based on VDOT processing SERP (if applicable) and inspection. Any additional assistance may result in additional VDOT charges.
- In accordance with §33.1-23.05 of the *Code of Virginia*, this project must be initiated and at least a portion of the funds expended within one year of allocation. If not initiated by (6/10/14) the project may be subject to deallocation.
- Revenue Sharing Funds above consist of the following Fiscal Years:
  - FY 14 - $400,000 ($200,000 City, $200,000 VDOT)
- Total project allocations: $400,000

Heather Stanton 10/10/13
Authorized Locality Official and date

Heather Stanton, VDOT Program mgr.
Typed or printed name of person signing

Bryant Porter 11/7/13
Authorized VDOT Official Recommendation and Date

Bryant Porter
Typed or printed name of person signing

Appendix A

Project Number: 0407-122-R99	UPC: 104381	Locality: City of Norfolk
Project Location ZIP+4: 23523-1100	Locality DUNS# N/A	Locality Address (incl ZIP+4): 810 Union Street Norfolk, VA 23510-2717

Project Narrative

Scope:	Add roadway width for installation multi-use path
From:	East Indian River Road, Approx. 500 ft east of Pescara Creek
To:	Approx. 500 ft west of Pescara Creek
Locality Project Manager Contact Info:	Heather Robinson, PE Phone: 757-664-7459, email: Heather.robinson@norfolk.gov
Department Project Coordinator Contact Info:	Angela Rico, EIT, Phone 757-925-2227, email: Angela.rico@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses		$0	$395,000	$395,000
Estimated VDOT Project Expenses	$2,000		$3,000	$5,000
Estimated Total Project Costs	$2,000		$398,000	$400,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	$2,000	Revenue Sharing	50%	$1,000	$1,000	
				$0	$0	
				$0	$0	
				$0	$0	
Total PE	$2,000			$1,000	$1,000	
Right of Way & Utilities	$0		0%	$0	$0	
				$0	$0	
Total RW	$0			$0	$0	
Construction	$398,000	Revenue Sharing	50%	$199,000	$199,000	
			0%	$0	$0	
Total CN	$398,000			$199,000	$199,000	
Total Estimated Cost	$400,000			$200,000	$200,000	$195,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$200,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$195,000

Project Financing

Revenue Sharing State Match	Revenue Sharing Local Match					Aggregate Allocations (A+B+C+D+E+F)
$200,000	$200,000					$400,000

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- The project will be constructed and maintained in accordance with VDOT's: Urban Manual (List Appropriate Guide or Manual)
- This project is a Revenue Sharing project and must follow the procedures set forth in the Guide to the Revenue Sharing Program.
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $200,000 (if applicable)
- Estimated eligible VDOT expenses are based on VDOT processing SERP (if applicable) and inspection. Any additional assistance may result in additional VDOT charges.
- In accordance with §33.1-23.05 of the *Code of Virginia*, this project must be initiated and at least a portion of the funds expended within one year of allocation. If not initiated by (6/19/14) the project may be subject to deallocation.
- Revenue Sharing Funds above consist of the following Fiscal Years:
  - FY 14 - $400,000 ($200,000 City, $200,000 VDOT)
- Total project allocations: $400,000

Cole Stanton 10/10/13
Authorized Locality Official and date

Heather Stanton, VDOT Program Mgr.
Typed or printed name of person signing

Bryant Porter 11/7/13
Authorized VDOT Official
Recommendation and Date

Bryant Porter
Typed or printed name of person signing

Appendix A

Project Number:	0407-122-R00	UPC:	104382	Locality:	City of Norfolk

Project Location ZIP+4: 23523-1020	Locality DUNS# N/A	Locality Address (Incl ZIP+4): 810 Union Street Norfolk, VA. 23510-2717

Project Narrative

Scope:	Add roadway width for installation of multi-use path
From:	West Indian River Road Approx. 500 ft east of Spotico Creek
To:	Approx. 500 ft west of Spotico Creek

Locality Project Manager Contact Info: Heather Robinson, PE Phone: 757-664-7459, email: Heather.robinson@norfolk.gov

Department Project Coordinator Contact Info: Angela Rico, EIT, Phone 757-925-2227, email: Angela.rico@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses		$0	$395,000	$395,000
Estimated VDOT Project Expenses	$2,000		$3,000	$5,000
Estimated Total Project Costs	$2,000		$398,000	$400,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	$2,000	Revenue Sharing	50%	$1,000	$1,000	
				$0	$0	
				$0	$0	
				$0	$0	
Total PE	$2,000			$1,000	$1,000	
Right of Way & Utilities	$0		0%	$0	$0	
				$0	$0	
Total RW	$0			$0	$0	
Construction	$398,000	Revenue Sharing	50%	$199,000	$199,000	
			0%	$0	$0	
Total CN	$398,000			$199,000	$199,000	
Total Estimated Cost	$400,000			$200,000	$200,000	$195,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$200,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$195,000

Project Financing

Revenue Sharing State Match	Revenue Sharing Local Match					Aggregate Allocations (A+B+C+D+E+F)
$200,000	$200,000					$400,000

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- The project will be constructed and maintained in accordance with VDOT's: Urban Manual (List Appropriate Guide or Manual)
- This project is a Revenue Sharing project and must follow the procedures set forth in the Guide to the Revenue Sharing Program.
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $200,000 (if applicable)
- Estimated eligible VDOT expenses are based on VDOT processing SERP (if applicable) and inspection. Any additional assistance may result in additional VDOT charges.
- In accordance with §33.1-23.05 of the *Code of Virginia*, this project must be initiated and at least a portion of the funds expended within one year of allocation. If not initiated by (6/19/14) the project may be subject to deallocation.
- Revenue Sharing Funds above consist of the following Fiscal Years:
  - FY 14 - $400,000 ($200,000 City, $200,000 VDOT)
- Total project allocations: $400,000

Heather Stanton 10/10/13
Authorized Locality Official and date

Heather Stanton, VDOT Program Mgr.
Typed or printed name of person signing

Bryant Porter 11/7/13
Authorized VDOT Official
Recommendation and Date

Bryant Porter
Typed or printed name of person signing

APPENDIX A

9/11/2015

Project Number: U000-122-R28 UPC: 106609 Locality: City of Norfolk

Project Location ZIP+4: 23510-2717	Locality DUNS#: N/A	Locality Address (incl ZIP+4): 810 Union Street Norfolk, VA. 23510-2717

Project Narrative

Scope:	Provide new ADA ramps on arterial roadways within City
From:	Various
To:	Various

Locality Project Manager Contact Info: John M. White (757) 823-4100 email: john.white2@norfolk.gov

Department Project Coordinator Contact Info: Derrick Williams (757) 925-2582 email: derrick.williams@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	$147,000	$0	$1,847,000	$1,994,000
Estimated VDOT Project Expenses	$3,000	$0	$3,000	$6,000
Estimated Total Project Costs	$150,000	$0	$1,850,000	$2,000,000

Project Costs and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	$150,000	Revenue Sharing	50%	$75,000	$75,000	
				$0	$0	
				$0	$0	
				$0	$0	
Total PE	$150,000			$75,000	$75,000	
Right of Way & Utilities			0%	$0	$0	
				$0	$0	
Total RW	$0			$0	$0	
Construction	$1,850,000	Revenue Sharing	50%	$925,000	$925,000	
				$0	$0	
Total CN	$1,850,000			$925,000	$925,000	
Total Estimated Cost	$2,000,000			$1,000,000	$1,000,000	$994,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$1,000,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$994,000

Project Funding

Revenue Sharing State Match	Revenue Sharing Local Match					Aggregate Allocations (A+B+C+D+E+F)
$1,000,000	$1,000,000					$2,000,000

Program and project specific funding requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- The project will be constructed and maintained in accordance with VDOT's: Urban Manual (List Appropriate Guide or Manual)
- This project is a Revenue Sharing project and must follow the procedures set forth in the Guide to the Revenue Sharing Program.
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $1,000,000 (if applicable)
- Estimated eligible VDOT expenses are based on VDOT processing SERP (if applicable) and inspection. Any additional assistance may result in additional VDOT charges.
- In accordance with §33.1-23.05 of the *Code of Virginia*, this project must be initiated and at least a portion of the funds expended within one year of allocation. If not initiated by July 1, 2016 the project may be subject to deallocation.
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects. Any revision to this Appendix A will also require a revision to the Appendix B that is part of the agreement.
- Revenue Sharing Funds above consist of the following Fiscal Years:
  - FY 15 - $1,000,000 ($500,000 VDOT, $500,000 City)
  - FY 16 - $1,000,000 ($500,000 VDOT, $500,000 City)
- Funds are not available until July 1 of the fiscal year in which they are allocated.
- Total project allocations: $2,000,000

Appendix A Revised for CN award

Melinda Hunter 9/18/15

Authorized Locality Official and date

Authorized VDOT Official Recommendation and Date

MELINDA HUNTER

Typed or printed name of person signing

Typed or printed name of person signing

APPENDIX A 7/1/2015

Project Number: 0337-122-R48 UPC: 107286 Locality: City of Norfolk

Project Location ZIP+4: 23501-2018	Locality DUNS# N/A	Locality Address (incl ZIP+4): 810 Union Street, Suite 800 Norfolk, Virginia 23510-2717

Project Narrative

Scope:	Pedestrian Safety Improvements to include Crosswalk enhancement, signal upgrades, lighting and resurfacing at the Intersection
From:	Brambleton Ave/ Granby St.
To:	Brambleton Ave/ Monticello Ave

Locality Project Manager Contact Info: Robert Brown, P.E., Phone: 757-664-7305 email:rob.brown@norfolk.gov

Department Project Coordinator Contact Info: Derrick Williams, Phone: 825-2682 email:derrick.williams@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	$246,000	$0	$992,000	$1,237,000
Estimated VDOT Project Expenses	$5,000	$0	$8,000	$13,000
Estimated Total Project Costs	$250,000	$0	$1,000,000	$1,250,000

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	$250,000	Revenue Sharing	50%	$125,000	$125,000	
				$0	$0	
				$0	$0	
				$0	$0	
Total PE	$250,000			$125,000	$125,000	
Right of Way & Utilities			0%	$0	$0	
				$0	$0	
Total RW	$0			$0	$0	
Construction	$1,000,000	Revenue Sharing	50%	$500,000	$500,000	
			0%	$0	$0	
Total CN	$1,000,000			$500,000	$500,000	
Total Estimated Cost	$1,250,000			$625,000	$625,000	$612,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	$625,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	$612,000

Project Financing

Revenue Sharing State Match	Revenue Sharing Local Match					Aggregate Allocations (A+B+C+D+E+F)
$625,000	$625,000					$1,250,000

Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- The project will be constructed and maintained in accordance with VDOT's: Urban Manual (List Appropriate Guide or Manual)
- This project is a Revenue Sharing project and must follow the procedures set forth in the Guide to the Revenue Sharing Program.
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of $625,000 (if applicable)
- Estimated eligible VDOT expenses are based on VDOT processing SERF (if applicable) and inspection. Any additional assistance may result in additional VDOT charges.
- In accordance with §33.2-357 of the *Code of Virginia*, this project must be initiated and at least a portion of the funds expended within one year of allocation. If not initiated by July 1, 2016 the project may be subject to deallocation.
- This project is part of a Programmatic Project Administrative Agreement for Revenue Sharing Projects. Any revision to this Appendix A will also require a revision to the Appendix B that is part of the agreement.
- Revenue Sharing Funds above consist of the following Fiscal Years:
  - FY 16 - $1,250,000 ($625,000 VDOT, $625,000 City)
- Funds are not available until July 1 of the fiscal year in which they are allocated.
- Total project allocations: $1,250,000

11/12/15

Authorized Locality Official and date

Robert D. Brown

Typed or printed name of person signing

Authorized VDOT Official Recommendation and Date

Typed or printed name of person signing

APPENDIX B 2

Locality City of Norfolk

Original Agreement Date 11/15/2013
Date Appendix B Modified

Locality Program Coordinator: Robert Brown, P. E.
Department Program Coordinator: Bryant Porter, PMP

CONSTRUCTION PROJECTS (Include all existing and new projects that are part of the Programmatic Project Administrative Agreement for Revenue Sharing)

UPC		Project #	ORIGINAL State Match Approved Amount	Date of CTB Approval	Date ORIGINAL Appendix A Signed by District	Date REVISED Appendix A Signed by District*	Appendix A Version #	Modified State Match
104379		U000-122-R98	$200,000	6/19/2013	11/7/2013	4/5/2015		$221,841
104381		0407-122-R99	$200,000	6/19/2013	11/7/2013			Cancelled
104382		0407-122-R00	$200,000	6/19/2013	11/1/2013	3/15/2015		$608,550
105589		U000-122-R23	$500,000	6/18/2014	11/12/2014			$500,000
107284		U000-122-R47	$500,000	6/16/2015				$500,000
107285		U000-122-R48	$625,000	6/16/2015				$625,000

MAINTENANCE PROJECTS (Include all existing and new projects that are part of the Programmatic Project Administrative Agreement for Revenue Sharing)

UPC		Project #	State Match Approved Amount	Date of CTB Approval	A Signed by District	Date Appendix A Revised	Appendix A Version #	Modified State Match
104383		9999-122-R03	$108,333	6/19/2013	11/7/2013	4/15/2015	1	$122,419

NOTE: Transfers between construction and maintenance projects should not be assumed but will be evaluated on a case-by-case basis.

3/30/16
Authorized Locality Official Date

Bryant Porter 4/6/16
Authorized VDOT Official Date

Revised 6/2015

VIRGINIA DEPARTMENT OF TRANSPORTATION
PROJECT ADMINISTRATION AGREEMENT:

FY17 Revenue Sharing Projects

I hereby certify that the money required for this Agreement is in the City Treasury to the Credit of the fund from which it is to be drawn, and not appropriated for any other purpose.

West Ocean View Flyover, Project No. 0060-122-R66, UPC 108729

CP Account (City Share):	Amount:	Contract:
4000-10-3021 (FY17)	$ 125,000	N/A
4000-10-3020 (FY17)	$ 500,000	N/A
4000-10-4101 (FY17)	$ 645,000	N/A
Total CIP Account	**$1,270,000**	

SR Account (VDOT Share):	Amount:	Contract:
2275-10-9171-5303 (FY17)	$ 120,000	N/A
2275-10-9171-5580 (FY17)	$1,150,000	N/A
Total SR Account (VDOT to reimburse City)	**$1,270,000**	

Granby St./Bayview Blvd. Intersection, Project No. 0460-122-R67, UPC 108730

CP Account (City Share):	Amount:	Contract:
4000-10-3041-5303 (FY17)	$ 100,000	N/A
4000-10-4194-5580 (FY17)	$ 150,000	N/A
Total CIP Account	**$ 250,000**	

SR Account (VDOT Share):	Amount:	Contract:
2275-10-9172-5303 (FY17)	$ 100,000	N/A
2275-10-9172-5580 (FY17)	$ 150,000	N/A
Total SR Account (VDOT to reimburse City)	**$ 250,000**	

ADA Ramp Improvements, Phase 3, Project No. U000-122-R65, UPC 108728 – CN Only

CP Account (City Share):	Amount:	Contract:
4000-10-3030-5580 (FY17)	$ 125,000	N/A
4000-10-3031-5580 (FY17)	$ 125,000	N/A
Total CIP Account	**$ 250,000**	

SR Account (VDOT Share):	Amount:	Contract:
2275-10-8942-5580 (FY17)	$250,000	N/A
Total SR Account (VDOT to reimburse City)	**$250,000**	

Vender Code VDOTTR0100

Cynthia Davenport 8/15/16

Director of Finance Date

Revenue Sharing Project: West Ocean View Flyover
Executive Summary

Project Location: Construction will take place at the intersection of Tidewater Drive and West Ocean View Avenue.

Project Overview: The proposed project will replace a Functionally Obsolete bridge with an at-grade intersection alternative. The project will divert the northbound leg of Tidewater Drive to meet West Ocean View Avenue to the east of where it connects today, forming an at-grade signalized intersection, and constructing a 2-lane eastbound cross section on West Ocean View Avenue. This would provide additional access for drivers traveling north on Tidewater Drive to reach westbound West Ocean View Avenue to Willoughby Spit.

Total Project Costs: $2,540,000

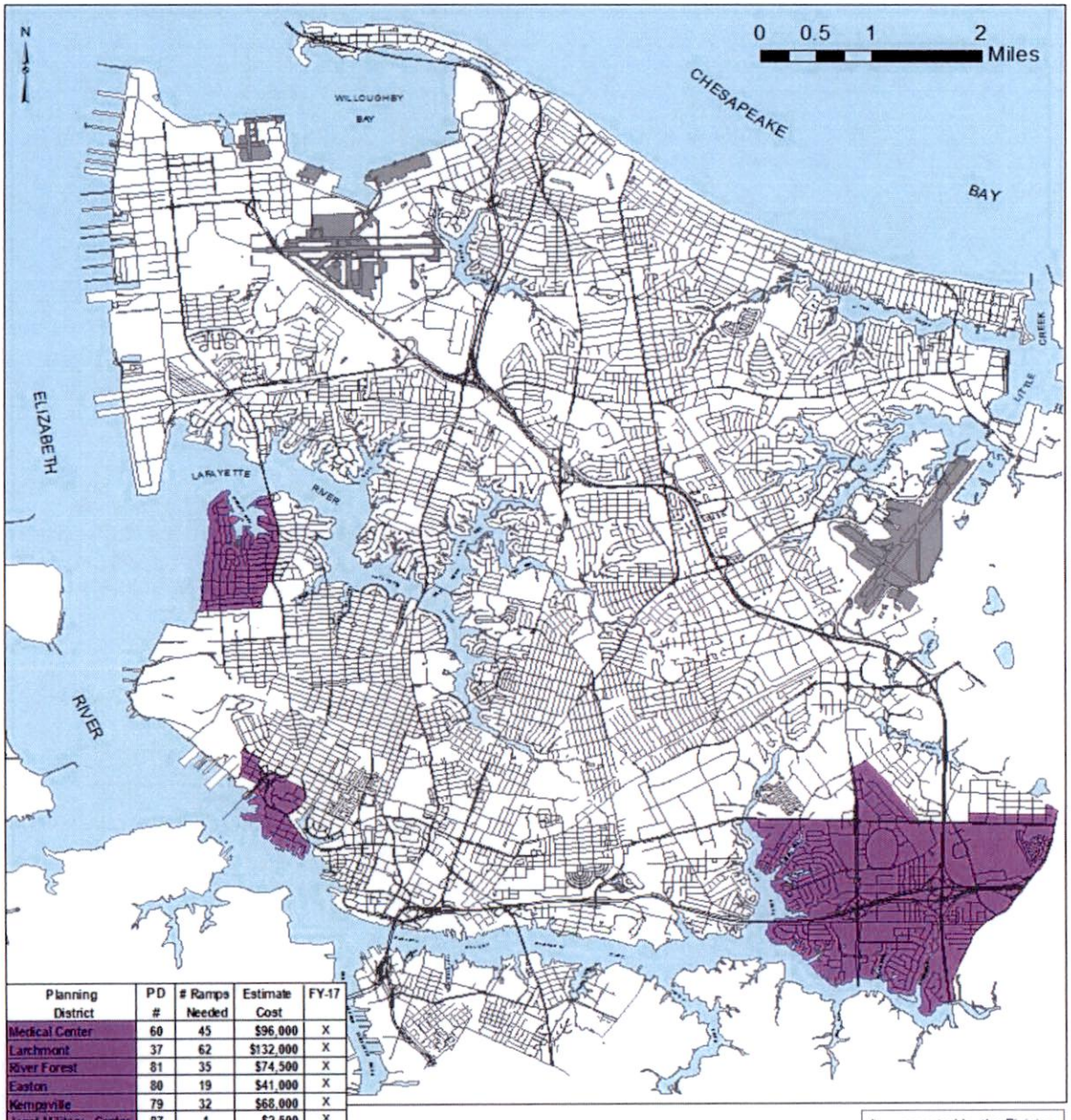
Plan of Proposed At-Grade Intersection

Revenue Sharing Project: FY2017 ADA Ramps
Executive Summary

Project Location: Construction of ADA ramps will take place in Wards 2 and 4 - (Super Wards 6 and 7 respectively). Within Ward 2, construction will take place at the Eastern Virginia Medical Center and Larchmont. Within Ward 4, construction will take place in River Forest, Easton, Kempsville, Janaf-Military Center, Glenrock, and Poplar Hall.

Project Overview: This proposed project will include the addition or replacement of ADA-compliant ramps, and new sidewalk to connect ramps.

Total Project Costs: $500,000



Planning District	PD #	# Ramps Needed	Estimate Cost	FY-17
Medical Center	60	45	$96,000	X
Larchmont	37	62	$132,000	X
River Forest	81	35	$74,500	X
Easton	80	19	$41,000	X
Kempsville	79	32	$68,000	X
Janaf-Military Center	87	1	$2,500	X
Glenrock	85	22	$47,000	X
Poplar Hall	84	18	$39,000	X
Total		234	$500,000	

Department of Public Works City of Norfolk

THIS MAP IS FOR GRAPHIC PURPOSES ONLY

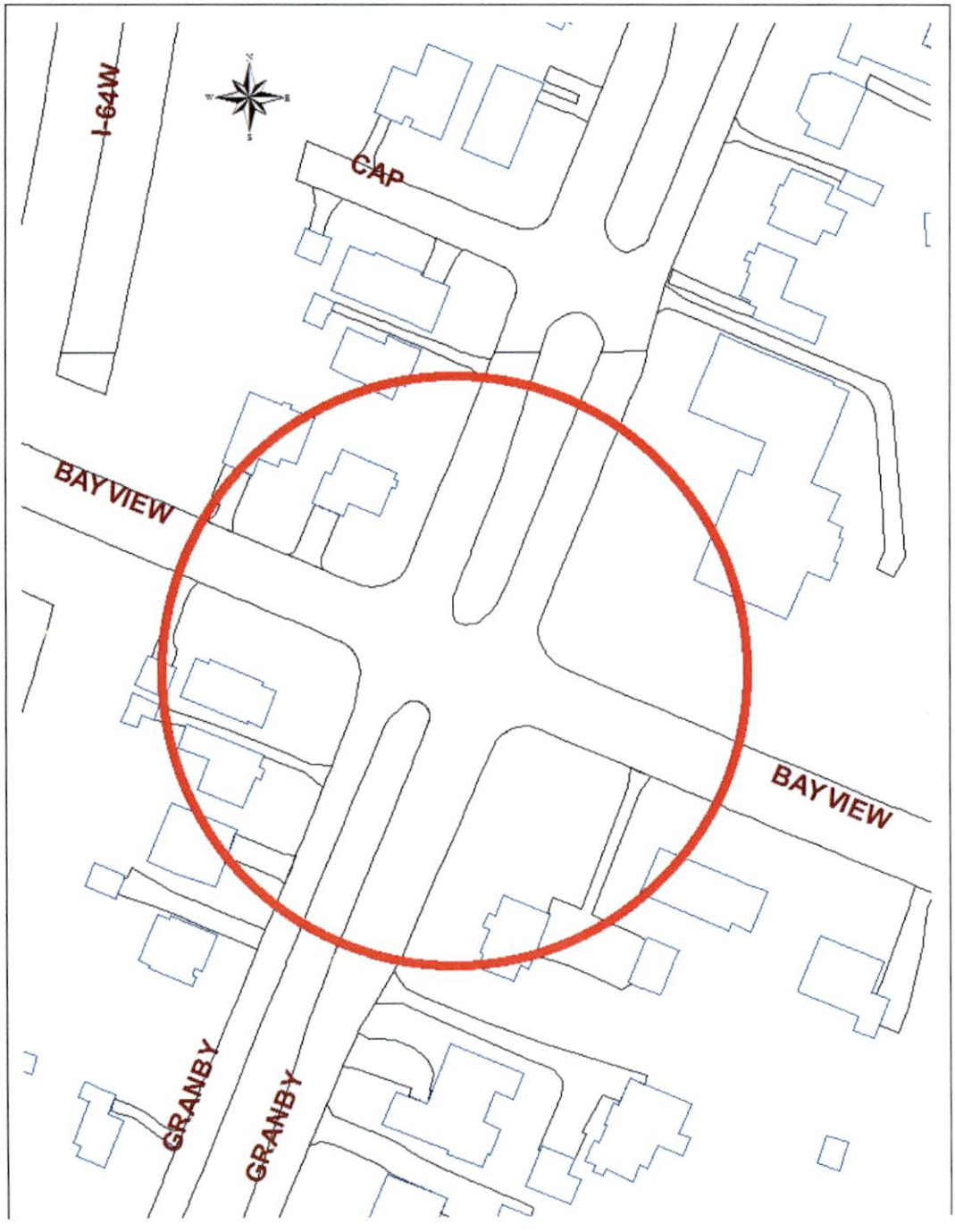
It was created by the Division of Operation-Engineering and Environmental Management
Date: 7/5/2016

Revenue Sharing Project: Granby Street/Bayview Boulevard Intersection Improvements Executive Summary

Project Location: Construction will take place at the intersection of Granby Street and Bayview Boulevard.

Project Overview: The proposed project will improve safety at this intersection by making traffic signal upgrades, including signal poles and installing new street lighting. Also added will be signalized pedestrian and ADA-compliant features. Finally, improvements will be made to signage and pavement markings.

Total Project Costs: $500,000



C: Dir., Department of Utilities

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: Kristen M. Lentz, P.E., Director of Utilities

Subject: Ordinance approving an Agreement with the Commonwealth of Virginia, Department of Transportation, for the relocation of water and sewer facilities

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-13**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk, Department of Utilities

III. **Description:**
This agenda item is an ordinance to approve an agreement between the City of Norfolk (the "City") and the Commonwealth of Virginia, Department of Transportation ("VDOT") for relocation of water and sewer pipes.

IV. **Analysis**
- VDOT is planning a construction project to improve the I-64/I-264 Interchange.
- Interchange improvements include the construction of storm water drainage modifications that require the relocation of water and sanitary sewer pipes owned by the City.
- VDOT will relocate sections of the water and sewer pipes along Curlew Drive, South Newtown Road, and Kempsville Road as part of the Interchange Improvement project.

V. **Financial Impact**
VDOT will bear 100% of the pipe relocation costs which are estimated to be $87,600.

VI. **Environmental**
- Water and sewer pipe adjustments will allow the construction of a storm water management system to meet federal and state guidelines.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VII. Community Outreach/Notification

Public outreach efforts are being coordinated by VDOT. Also, public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of Utilities and the City Attorney's Office.

Supporting Material from the Department of Utilities:

- Ordinance
- Agreement

1/13/2016 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Utilities

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING AN AGREEMENT WITH THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, FOR THE ADJUSTMENT OF WATER AND SANITARY SEWER FACILITIES.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the terms and provisions of that certain Agreement, attached hereto as Exhibit A, between the Commonwealth of Virginia, Department of Transportation, and the City of Norfolk, for the adjustment of water and sanitary sewer facilities is hereby approved.

Section 2:- That the City Manager and the other proper officers of the City are authorized to execute the Agreement on behalf of the City and to do all things necessary and proper to carry out its terms and provisions.

Section 3:- That the City Manager, with the advice and counsel of the City Attorney, is further authorized to correct, amend, or revise the Agreement as may be necessary to carry out the intent of the Council as expressed in this ordinance.

Section 4:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT
A

AGREEMENT
between
CITY OF NORFOLK
and
COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION
for
ADJUSTMENT OF WATER AND SANITARY SEWER FACILITIES

THIS AGREEMENT, made and entered into as of the _____ day of _____, 20____, by and between the CITY OF NORFOLK (hereinafter called MUNICIPALITY), and the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, (hereinafter called the STATE), acting by its Commissioner:

WITNESSETH

WHEREAS, the STATE is proposing to construct a section of highway designated as, I-64/I-264/Witchduck Interchange, Project: 0264-122-108. C-508 (UPC#57048), which will necessitate changes in the MUNICIPALITY'S water and sanitary sewer facilities: and,

WHEREAS, the STATE and MUNICIPALITY wish to agree upon the terms and conditions under which the necessary changes will be made as hereinafter set forth:

NOW THEREFORE, for and in consideration of the premises and of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION I

(a) It will be to the best interest of the STATE and the MUNICIPALITY to have the adjustment of these water and sanitary sewer facilities included in the highway contract to be adjusted by the highway contractor.

(b) The STATE through its highway contractor, will relocate and adjust the MUNICIPALITY'S water and sanitary sewer facilities in accordance with attached plans and the STATE'S Road and Bridge Specifications; said plans being identified as Ten (10) one-half size plans sheets numbered 17(1) through 17(10) of the STATE'S construction plans for Project: 0264-122-108, C-508, as attached.

SECTION II

(a) It has been determined that the project is responsible for bearing 100% of the cost of the water adjustments indicated in SECTION I (b).

(b) It has been determined that the MUNICIPALITY is responsible for bearing 0% of the project cost of the water adjustments.

(c) It has been determined that the project is responsible for bearing 100% of the cost of the sanitary sewer adjustments indicated in SECTION I (b).

(d) It has been determined that the MUNICIPALITY is responsible for bearing 0% of the project cost of the sanitary sewer adjustments.

SECTION III

In the event, at any time hereafter that the water and sanitary sewer facilities indicated in SECTION I (b) be altered, rebuilt or relocated due to highway construction, the applicable cost incurred by the MUNICIPALITY in connection with such alteration, rebuilding or relocation of its facilities will be paid in accordance with the prevailing laws or rules and regulations in effect at the time the work is performed.

SECTION IV

The MUNICIPALITY agrees that the existing facilities, which are to be abandoned, will become the property of the STATE's highway contractor with exceptions as noted in the attached plans. Any salvage value derived therefrom will accrue to the STATE'S highway contractor.

In WITNESS WHEREOF, each party has caused this agreement to be executed in duplicate in its name and on its behalf by its duly authorized officer as of the day and year first written.

In the presence of:

CITY OF NORFOLK

_____
As to the City of Norfolk

By: _____
Title:

In the presence of:

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

_____
As to the Commonwealth

By: _____
State Right of Way & Utilities Director

VDOT- I-64/I-264 Interchange
PROJECT: 0264-122-108, RW-204, C-508
City of Norfolk
VDOT UPC # 57048
Baker File No. 145893

Michael Baker
INTERNATIONAL
FINAL COST ESTIMATE
12/3/15

ITEM CODE COST SUMMARY:

ITEM:	Item Number	Total Quantity	Unit	Unit Cost	Total Cost	Project Quantity	Project Cost	Betterment Quantity	Betterment Cost
Water Facilities									
8" OFFSET EXIST. PIPE	40908	75		$250.00	$18,750.00	75	$18,750.00	0	$0.00
12" OFFSET EXIST. PIPE	40912	63		$350.00	$22,050.00	63	$22,050.00	0	$0.00
Sewer Facilities									
8" DI SANITARY SEWER FORCE MAIN	42087	226		$150.00	$33,900.00	226	$33,900.00	0	$0.00
6" OFFSET EXIST. PIPE FORCE MAIN	44206	43		$300.00	$12,900.00	43	$12,900.00	0	$0.00
Water & Sewer Facilities									
TOTAL WATER					***$40,800.00***		***$40,800.00***		***$0.00***
TOTAL SEWER					***$46,800.00***		***$46,800.00***		
TOTAL					***$87,600.00***		***$87,600.00***		***$0.00***

Cost Summary

	PROJECT	***CITY***
WATER	***$40,800.00***	***$0.00***
	100.00%	***0.00%***
SEWER	***$46,800.00***	***$0.00***
	100.00%	***0.00%***
TOTAL	***$87,600.00***	***$0.00***
	100.00%	***0.00%***

C: Dir., Department of General Services

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: David S. Freeman, AICP
Director of General Services

Subject: Lease Agreement between 741 Monticello, LLC, as Lessor, and the City of Norfolk, as Lessee, for the property located at 741 Monticello Avenue, Norfolk, VA

Reviewed: Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: 2/6

Approved: Marcus D. Jones, City Manager

Item Number: **R-14**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance and lease agreement to permit the City of Norfolk ("City") to continue to lease the property owned by 741 Monticello, LLC ("741 Monticello") located at 741 Monticello Avenue for general office and administrative purposes on behalf of the City.

IV. **Analysis**
This lease agreement will permit the City to continue to lease and use the space owned by 741 Monticello for general office and administrative purposes. The City will lease approximately 60,000 sq. ft. of office space, consisting of four (4) floors. The term of the proposed lease is six (6) years, commencing on September 1, 2016 and terminating on August 31, 2022. The funds for the first year, $814,000.00, have been appropriated to cover the lease payments for the remainder of the fiscal year 2016-2017.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

V. Financial Impact

The rent will be subject to an annual escalation as noted in the accompanying rent table.

Term	Monthly Rent	Annual Rent	Price Per Sq. Ft.
09/01/2016 – 08/31/2017	$81,400.00	$976,800.00	$16.28
09/01/2017 – 08/31/2018	$83,450.00	$1,001,400.00	$16.69
09/01/2018 – 08/31/2019	$85,550.00	$1,026,600.00	$17.11
09/01/2019 – 08/31/2020	$87,700.00	$1,052,400.00	$17.54
09/01/2020 – 08/31/2021	$89,900.00	$1,078,800.00	$17.98
09/01/2021 – 08/31/2022	$92,150.00	$1,105,800.00	$18.43

VI. Environmental

There are no known environmental issues associated with this property.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of General Services – Office of Real Estate and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Proposed Lease Agreement

8/5/16 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. General Services

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ Up to 814,000 — 1000-8-030-5380-252, 1000-8-063-5380-260
Account

_____ 8/12/16
Director of Finance — Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING A LEASE AGREEMENT BETWEEN 741 MONTICELLO, LLC, AS LESSOR, AND THE CITY OF NORFOLK, AS LESSEE, FOR THE LEASE OF PROPERTY OWNED BY 741 MONTICELLO, LLC LOCATED AT 741 MONTICELLO AVENUE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY OF NORFOLK; AND AUTHORIZING THE EXPENDITURE OF A SUM OF UP TO $814,000.00 FROM FUNDS HERETOFORE APPROPRIATED TO COVER THE LEASE PAYMENTS FOR THE REMAINDER OF FISCAL YEAR 2016-2017.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the Lease Agreement between 741 Monticello, LLC, as Lessor, and the City of Norfolk, as Lessee, a copy of which is attached hereto as Exhibit A, by which the City of Norfolk leases from 741 Monticello, LLC that certain property located at 741 Monticello Avenue in the City of Norfolk, is hereby approved.

Section 2:- That the City Manager, and other proper officers of the City, are authorized to execute the Lease Agreement on behalf of the City, and to do all things necessary and proper to carry out the terms of the Lease Agreement.

Section 3:- That a sum of up to $814,000.00 is hereby authorized to be expended from funds heretofore appropriated to cover the lease payments for the remainder of the fiscal year 2016-2017.

Section 4:- That the City Manager is authorized to make any necessary corrections, revisions, or amendments to the Lease Agreement, with the advice and counsel of the City Attorney, as he may deem advisable in order to carry out the intent of the Council as expressed in this ordinance.

Section 5:- That this ordinance shall be in effect from and after the date of its adoption.

EXHIBIT A TO ORDINANCE

Prepared by: Office of the Norfolk City Attorney
Nathaniel Beaman, IV, Deputy City Attorney
Return to: Office of the Norfolk City Attorney
Tax Map Reference No.: 1317-1500

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease"), made this _____ day of _____, 2016, by and between **741 MONTICELLO, LLC**, a Virginia limited liability company ("741 Monticello"), Lessor, and the **CITY OF NORFOLK**, a municipal corporation of the Commonwealth of Virginia ("City"), Lessee, whose address is 810 Union Street, Norfolk, Virginia 23510.

WITNESSETH:

That for and in consideration of the rents, covenants, and agreements herein respectively made and assumed by 741 Monticello and City, 741 Monticello hereby leases to City and City hereby leases from 741 Monticello that portion of the property located at 741 Monticello Avenue, more specifically the first, second, third, and fourth floors, consisting of 60,000 sq/ft ("Premises").

1. **TERM OF LEASE**. City agrees to lease the Premises for a term of six (6) years ("Term"), such term to commence as of September 1, 2016 and to end on August 31, 2022, subject to the annual appropriation of funds by Norfolk City Council.

2. **USE**. City covenants and agrees to use the Premises for general office and administrative purposes and, upon obtaining 741 Monticello's consent, the Premises may be used for any other lawful purpose.

3. **ACCEPTANCE OF PREMISES**. City acknowledges that it is familiar with the Premises and hereby agrees to accept the Premises in its present condition. City acknowledges that neither 741 Monticello nor anyone on 741 Monticello's behalf has made any representations or warranties with respect to the condition of the Premises.

4. **RENT**. Subject to the annual appropriation of funds by Norfolk City Council, City covenants and agrees to pay to 741 Monticello as rent for the Premises during each year of the term granted hereunder the sums as are set forth in the table below ("Rent"). The Rent will increase annually in each successive year of the lease.

• **09/01/2016 – 08/31/2017** - $81,400.00 per month ($976,800.00 per year) ($16.28 psf)
• **09/01/2017 – 08/31/2018** - $83,450.00 per month ($1,001,400.00 per year) ($16.69 psf)
• **09/01/2018 – 08/31/2019** - $85,550.00 per month ($1,026,600.00 per year) ($17.11 psf)
• **09/01/2019 – 08/31/2020** - $87,700.00 per month ($1,052,400.00 per year) ($17.54 psf)
• **09/01/2020 – 08/31/2021** - $89,900.00 per month ($1,078,800.00 per year) ($17.98 psf)
• **09/01/2021 – 08/31/2022** - $92,150.00 per month ($1,105,800 per year) ($18.43 psf)

Rent shall be paid in monthly installments made promptly on the first day of each month during the Term of this Lease without demand and without offset or deduction. No payment by City or receipt by 741 Monticello of a lesser amount than the Rent stipulated in this Lease shall be deemed other than on account of the earliest stipulated Rent, nor shall any endorsement or statement on any check or payment, or any writing accompanying any check or payment of such Rent, be deemed an accord and satisfaction, and 741 Monticello may accept such check or payment without prejudice to 741 Monticello's right to recover the balance of such Rent or pursue any other remedy provided in this Lease.

5. **LATE FEES AND OTHER COSTS**. In the event that any installment of Rent is not paid within five (5) days after it becomes due, a late charge of 1% of the monthly Rent will be charged and if not paid within thirty (30) days, such Rent and late fee shall bear interest at the maximum legal rate, and all of the foregoing shall accrue as additional Rent.

6. **LESSOR'S RESPONSIBILITIES**. 741 Monticello shall provide 130 parking spaces on the Premises at no cost to the City.

741 Monticello will promptly pay when due all real estate taxes and assessments, all gas, water, electricity, sewage disposal, trash disposal, and other utilities used in the Premises during the Term of this Lease.

741 Monticello will be responsible for all janitorial services, pest and insect control services, building insurances, landscaping, HVAC equipment and maintenance to include filter changes/replacements, and elevator maintenance, service, and replacement. 741 Monticello will, at its own cost and expense, keep in good order and repair (and make replacements from time to time as may be necessary, and with reasonable dispatch after being notified in writing by the City of the need to repair) the HVAC equipment, pipes, conduits, wires, electrical fixtures, and other appurtenances of the Premises, including all water, gas, and major plumbing systems. Further, 741 Monticello shall make such repairs to the exterior of the Premises, including but not limited to the grounds, parking areas and fence, roof, gutters, downspouts, outside walls, glass, and doors, as may be necessary, unless such repair is required due to the negligence or willful act of the City, or any of its agents, employees, or contractors, which in such event the City shall be responsible for such costs.

7. **LESSEE'S RESPONSIBILITIES**. During the Term of this Lease, City covenants that it will, at its own cost and expense, (a) unstop promptly all choked waste pipes and toilets, (b) keep all other parts of the Premises, excepting those which 741 Monticello has agreed to repair, in good order and condition, ordinary wear and tear excepted.

City covenants not to allow the Premises to be used for any illegal or immoral purpose, and not to do (or suffer to be done) in or about the Premises any act or thing which may be a nuisance, annoyance, inconvenience, or damage to 741 Monticello, 741 Monticello's other tenants, the occupants of the adjoining property, or the neighborhood.

8. **ENVIRONMENTAL COSTS**. Notwithstanding anything in this agreement to the contrary, City does not hereby become responsible or in any manner whatsoever assume liability for environmental conditions or liabilities existing prior to its occupancy hereunder.

9. **CHANGE IN SCOPE OF TAXATION**. Nothing contained in this lease shall require City to pay any franchise, estate, inheritance, succession, capital levy, transfer of property tax of 741 Monticello, or federal income or state income tax or excess profits or revenue tax.

10. **INSURANCE**. 741 Monticello acknowledges that City is self-insured. To the extent permitted by law, and subject to any rights to sovereign immunity which may be applicable, and without waiving any right or defense City may have as a municipal corporation, City will be responsible for loss or damage to the Premises caused by the negligence of City's officers, employees, or agents.

11. **REQUIREMENTS OF PUBLIC AUTHORITIES**. City shall suffer no waste or injury in or about the Premises and shall comply with all federal, state, and municipal laws, ordinances and regulations applicable to the use and occupancy of the Premises.

12. **NON-LIABILITY OF LESSOR**. 741 Monticello shall not be liable for any damage or injury which may be sustained by City or any other person by reason of the elements, or resulting from acts, conduct or omissions on the part of City or of City's agents, employees, guests, licensees, invitees, assignees or successors, or on the part of any other person or party, except for the negligence of 741 Monticello, its agents or employees.

13. **IMPROVEMENTS**. Except as set forth herein, City covenants and agrees that it will not make any improvements, changes or installations in and about the Premises without the prior written consent of 741 Monticello, which shall not be unreasonably withheld. City covenants that it will not paint or place (or permit to be painted or placed) any sign or other advertising

device, bill, or billboard upon or about the Premises (or the exterior of the Premises), or any part thereof, without the prior written consent of 741 Monticello, which shall not be unreasonably withheld. City covenants not to paint (or allow to be painted) the Premises or any part thereof, and will not place any covering over any wooden floor, without prior written consent of 741 Monticello.

14. **ASSIGNMENT AND SUBLETTING**. City will not assign this Lease or sublet the Premises without obtaining 741 Monticello's prior consent in writing.

15. **COVENANT AGAINST LIENS**. City agrees that it shall not encumber, or suffer or permit to be encumbered, the Premises or the fee thereof by any lien, charge or encumbrance, and the City shall have no authority to mortgage or hypothecate this Lease in any way whatsoever.

16. **SUBORDINATION**. This Lease shall be subject and subordinate at all times to any lien of any mortgage now or hereafter placed on the Premises or any part thereof without the necessity of any further instrument or act on the part of City to effectuate such subordination, but City covenants and agrees to execute and deliver upon demand such further instrument or instruments evidencing such subordination of this Lease to the lien of any such mortgage as shall be desired by a mortgagee.

17. **CONDEMNATION**. If any portion of the Premises shall be taken for any public or quasi-public use, by any power or authority having the right to take the same by condemnation, eminent domain, or otherwise, the amount awarded for compensation for the whole of the Premises so taken shall be paid to 741 Monticello.

18. **DAMAGE BY FIRE**. It is agreed that if the Premises, or the building of which the Premises are a part, or any portion thereof, or any improvements now or hereafter constructed thereon or added thereto, shall be damaged by fire or other casualty, so as to render the Premises

or any portion thereof untenable, 741 Monticello shall have the right within ninety (90) days after said casualty, to cancel and terminate this Lease, by giving to the City, within said ninety (90) day period, written notice of its intention to do so. If this Lease is so terminated, rent shall abate from the time of such casualty. If this Lease is not terminated by the damage, the Premises shall be restored, with reasonable dispatch, by and at the expense of 741 Monticello, and the rent due hereunder shall be proportionately abated according to the loss of use, until the Premises are substantially restored.

19. **SURRENDER BY LESSEE AT END OF TERM**. City will surrender possession of the Premises and remove property in the possession of City, by whomsoever owned, at the end of the term of this Lease, or at such other time as 741 Monticello may be entitled to re-enter and take possession of the Premises pursuant to any provision of this Lease, and leave the Premises in as good order and condition as they were at the beginning of the term, reasonable wear and tear excepted.

20. **SURRENDER BY TERMINATION AND HOLDOVER**. Upon termination of this Lease, City covenants to deliver to 741 Monticello the Premises and all appurtenances thereto, peaceably and quietly, in as good order and condition as same now are or may hereafter be put by 741 Monticello or City, ordinary wear and tear and damage from fire or other casualty not occasioned by the fault or negligence of City, its agents, employees and independent contractor, excepted. If City holds over or continues in possession of the Premises after notice of termination and expiration of the Term or after any earlier termination of this Lease, he shall be a tenant sufferance and City shall be liable to 741 Monticello for damages, loss or expense caused thereby; such damage shall in no event be less than 1.25 times the Rent during the preceding term calculated on a daily basis.

21. **FOR RENT AND FOR SALE SIGNS**. 741 Monticello and/or its agents shall have the right to put and maintain "For Rent" and "For Sale" signs in the display windows and on other portions of the Premises, in conspicuous places, during the six (6) months preceding the end of the Term.

22. **DEFAULT BY LESSEE**. If during the term of this Lease, City shall fail to perform or observe any requirement, obligation, agreement, covenant or condition of this Lease, and if any such failure shall continue for fifteen (15) days after 741 Monticello gives City notice thereof, City shall be deemed to be in default, and 741 Monticello shall have the right to terminate this Lease.

If 741 Monticello elects to terminate this Lease by reason of default by City, 741 Monticello may re-enter and take possession of the Premises, with or without legal process, and City hereby waives any claim for damages as a result thereof. City shall be obligated to pay to 741 Monticello as damages upon demand, and 741 Monticello shall be entitled to recover from City (a) all Rent which are in arrears as of the date of termination of this Lease, (b) the cost to 741 Monticello of all reasonable expenses and costs incurred in obtaining possession of the Premises, in enforcing any provision of this Lease, in preserving the Premises during any period of vacancy, and in reletting the Premises.

No waiver by 741 Monticello of any default by City in any covenant, agreement, or obligation under this Lease shall operate to waive or affect any subsequent default by City, nor shall any forbearance by 741 Monticello to enforce a right or remedy upon default by City be a waiver of any of its rights and remedies with respect to any subsequent default or in any manner operate to the prejudice of 741 Monticello.

23. **QUIET ENJOYMENT**. 741 Monticello covenants that City, on paying the Rent and performing the covenants and conditions contained in this Lease, shall and may peaceably and quietly have, hold and enjoy the Premises for the term aforesaid.

24. **NOTICES**. Whenever it is provided herein that notice, demand, request or other communication shall or may be given to or served upon either of the parties, or if either of the parties shall desire to give or serve upon the other any notice, demand, request, or other communication with respect hereto or the Premises, each such notice, demand request or communication shall be in writing, and any law or statute to the contrary notwithstanding, shall be given or served as follows:

(a) if given or served by 741 Monticello, either by hand delivery, overnight courier or by mailing the same to City by registered or certified mail, postage prepaid, return receipt requested, addressed to City at the City's City Manager, 810 Union Street, Suite 1100, Norfolk, Virginia 23510 or at such other address as City may from time to time designate by notice given to 741 Monticello in the manner herein provided; and

(b) if given or served by City, by hand delivery, overnight courier or by mailing the same to 741 Monticello by registered or certified mail, postage prepaid, return receipt requested, addressed to 741 Monticello at Baylor Management Corporation, 248 W. Bute Street, Suite 200, Norfolk, Virginia 23510, or at such other address as 741 Monticello may from time to time designate by notice given to City in the manner herein provided.

Every notice, demand, request, or other communication hereunder shall be deemed to have been given or served at the time that the same shall be hand delivered, delivered to an overnight courier, or deposited in the United States mail, return receipt requested.

25. **WAIVER OF TRIAL BY JURY**. 741 Monticello and City hereby mutually waive their rights to trial by jury in any action, proceeding or counterclaim brought by either of the parties hereto against the other on any matter whatsoever arising out of or in any want connected with this Lease, City's use or occupancy of the Premises and any claim of injury or damage.

26. **ENTIRE AGREEMENT**. This Lease contains the entire agreement between the parties and shall not be modified in any manner except by an instrument in writing executed by the parties.

27. **APPLICABLE LAW**. This Lease shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia and any suit arising out of this Lease shall only be brought in the State or Federal Courts located in the City of Norfolk, Virginia. In the event of any such suit, the parties hereto consent to the personal jurisdiction of such courts and waive any defense based on improper venue.

28. **BIND AND INURE CLAUSE**. The terms, covenants and conditions of this Lease shall be binding upon and inure to the benefit of each of the parties hereto, and their respective successors and assigns.

29. **NON-APPROPRIATION OF FUNDS**. In the event that either the Norfolk City Council or the Commonwealth of Virginia fails to provide sufficient funds to make the necessary Rent payments in any year, City shall not be in default of this Lease but the Lease shall terminate at the end of the last fiscal year for which said funds were provided.

IN WITNESS WHEREOF, the parties hereto have executed or caused this Lease to be executed by their duly authorized officers and their corporate seals to be hereunto affixed and attested, all as of the day and year first above written.

741 MONTICELLO, LLC

By: _____
Name (Printed): _____
Title: _____

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK to-wit:

I, _____, a Notary Public in and for the City of Norfolk, Commonwealth of Virginia, whose term of offices expires on the ___ day of _____, _____, do hereby certify that _____, _____ (Title) of 741 Monticello, LLC, whose name is signed to the foregoing Lease Agreement, has acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2016.

_____
Notary Public
Registration No. _____

CITY OF NORFOLK

By: _____
City Manager

ATTEST:

_____
City Clerk

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in the Commonwealth of Virginia, whose term of office expires on the ____ day of _____, _____, do hereby certify that Marcus D. Jones, City Manager and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names are signed to the foregoing Lease Agreement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2016.

_____
Notary Public
Registration No._____

APPROVED AS TO CONTENTS:

_____
Director of General Services

APPROVED AS TO FORM AND CORRECTNESS:

_____
Deputy City Attorney

CERTIFICATE OF FUNDING

I certify that the money required for this Lease Agreement is in the City Treasury to the credit of the fund from which it is to be drawn and not appropriated for any other purpose.

Account:_____

Amount:_____

Vendor Code:_____

Contract/Agreement No.:_____

_____

Director of Finance Date

C: Dir., Department of General Services

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: David S. Freeman, AICP
Director of General Services

Subject: Amendment to Lease between the James E. Baylor Holding Corporation, as Lessor, and the City of Norfolk, as Lessee, for the property located at 3755 Virginia Beach Boulevard, Norfolk, VA

Reviewed: Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: 4/7

Approved: Marcus D. Jones, City Manager

Item Number: **R-15**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance and lease amendment to modify and lessen the current rental amount payable by the City of Norfolk ("City") to James E. Baylor Holding Corporation ("Baylor") for the City's lease and continued use of the property located at 3755 Virginia Beach Boulevard, Norfolk, VA.

IV. **Analysis**
This lease amendment will modify and lessen the current rental amount payable by the City to Baylor for the City's lease and continued use of the property located at 3755 Virginia Beach Boulevard. The proposed amendment lowers the rental amount for the remaining term of the five-year lease; all other terms and conditions of the lease remains in full force and effect.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

V. Financial Impact

The rent will be subject to a decreased monthly/annual rate as noted in the accompanying rent table.

Term	Monthly Rent	Annual Rent	Annual Savings to City from Original Lease Rates
09/01/2016 – 01/31/2017	$19,178.25	$230,139.00	$50,518.30
02/01/2017 – 01/31/2018	$18,937.92	$227,255.00	$60,418.73
02/01/2018 – 01/31/2019	$18,674.83	$224,098.00	$70,767.57
02/01/2019 – 01/31/2020	$18,386.08	$220,633.00	$81,604.21

VI. Environmental

There are no known environmental issues associated with this property.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of General Services – Office of Real Estate and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Proposed Lease Amendment

8/3/2016-wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____ for DSF
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND THE LEASE AGREEMENT BETWEEN JAMES E. BAYLOR HOLDING CORPORATION AND THE CITY OF NORFOLK FOR THE PROPERTY LOCATED AT 3755 VIRGINIA BEACH BOULEVARD.

- - -

WHEREAS, James E. Baylor Holding Corporation ("Baylor") and the City of Norfolk ("City") entered into a Lease Agreement ("Lease"), dated January 21, 2015, whereby Baylor leased to the City certain property located at 3755 Virginia Beach Boulevard, for a term of five years; and

WHEREAS, under the terms of the Lease, the City was to pay to Baylor annual rent based upon $14.00 per square foot with a 2.5% annual increase; and

WHEREAS, Baylor and the City have agreed to a lower rent amount for the remaining term of the Lease; and

WHEREAS, after careful consideration, Council is of the opinion that it is in the best interests of the City to agree to amend the Lease with Baylor; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the Amendment to Lease Agreement, a copy of which is attached hereto as Exhibit A, is hereby approved and the City Manager and other proper officers of the City are authorized to execute the Amendment to Lease

Agreement on behalf of the City and to do all things necessary and proper to implement its terms.

Section 2:- That in all other respects, the terms and conditions of the Lease shall remain in full force and effect.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.

EXHIBIT A TO ORDINANCE

AMENDMENT TO LEASE AGREEMENT

This **AMENDMENT TO LEASE AGREEMENT**, made and entered into this ____ day of _____, 2016, by and between **JAMES E. BAYLOR HOLDING CORPORATION**, ("Lessor"), and the **CITY OF NORFOLK**, a municipal corporation of the Commonwealth of Virginia, ("Lessee").

WITNESSETH:

WHEREAS, Lessor and Lessee entered into a Lease Agreement dated January 21, 2015, ("Lease"), for the property known as 3755 Virginia Beach Boulevard, in the City of Norfolk, Virginia, consisting of approximately 19,558 square feet; and

WHEREAS, Paragraph 6 of the said Lease set forth the rental payments for the four-year term of the Lease; and

WHEREAS, the Lessor, at the Lessee's request, has agreed to amend Paragraph 6 in order to reduce the annual rent for each year of the Lease.

NOW, THEREFORE, the parties agree as follows:

1. Paragraph 6 of the Lease is hereby amended to read as follows:

"Subject to the annual appropriation of funds by Norfolk City Council, and to paragraph 8, City covenants and agrees to pay Baylor as rent (the "Rent") the following annual sums for the Term of this Lease:

- **09/01/2016 – 01/31/2017** - $19,178.25 per month ($230,139.00 per year)
- **02/01/2017 – 01/31/2018** - $18,937.92 per month ($227,255.00 per year)
- **02/01/2018 – 01/31/2019** - $18,674.83 per month ($224,098.00 per year)
- **02/01/2019 – 01/31/2020** - $18,386.08 per month ($220,633.00 per year)

Monthly installments for Rent shall be made promptly in advance on the first day of each and every month during the term of this Lease without demand and without offset or deduction.

No payment by City or receipt by Baylor of a lesser amount than the Rent stipulated in this Lease shall be deemed other than on account of the earliest stipulated Rent, nor shall any endorsement or statement on any check or payment, or any writing accompanying any checks or payment of such Rent, be deemed an accord and satisfaction, and Baylor may accept such check or payment without prejudice to Baylor's right to recover the balance of such Rent or pursue any other remedy in this Lease provided."

2. In all other respects, the terms and conditions of the Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed or caused to be executed this Amendment to Lease Agreement by their duly authorized officers as of the day and year first above written.

(SIGNATURE PAGES FOLLOW)

CITY OF NORFOLK

By:_____
City Manager

Attest:

_____
City Clerk

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in the State of Virginia, whose term of office expires on the ____ day of _____, _____, do hereby certify that Marcus D. Jones, City Manager and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names are signed to the foregoing Amendment to Lease Agreement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2016.

_____
Notary Public
Registration No._____

Approved as to Contents:

_____
Director of General Services

Approved as to Form and Correctness:

_____
Deputy City Attorney

JAMES E. BAYLOR HOLDING CORPORATION

_____

Name (Print): _____

Title: _____

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in the State of Virginia, whose term of office expires on the ____ day of _____, _____, do hereby certify that _____, _____ (Title) of James E. Baylor Holding Corporation, whose name is signed to the foregoing Amendment to Lease Agreement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2016.

_____

Notary Public

Registration No._____

C: Dir., Department of General Services

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: David S. Freeman, AICP
Director of General Services

Subject: Amendment to Lease between 7460 Tidewater Drive Associates, LLC, as Lessor, and the City of Norfolk, as Lessee, for the property located at 7460 Tidewater Drive, Norfolk, VA

Reviewed: Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: 3/7

Approved: Marcus D. Jones, City Manager

Item Number: **R-16**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance and lease amendment to modify and lessen the current rental amount payable by the City of Norfolk ("City") to 7460 Tidewater Drive Associates, LLC ("7460") for the City's lease and continued use of the property located at 7460 Tidewater Drive, Norfolk, VA.

IV. **Analysis**
This lease amendment will modify and lessen the current rental amount payable by the City to 7460 for the City's lease and continued use of the property located at 7460 Tidewater Drive. The proposed amendment lowers the rental amount for the remaining term of the fifteen-year lease; all other terms and conditions of the lease remains in full force and effect.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

V. Financial Impact

The rent will be subject to a variable rate as noted in the accompanying rent table.

Term	Monthly Rent	Annual Rent	Annual Savings to City from Original Lease Rates
09/01/2016 – 01/31/2017	$30,602.00	$367,224.00	$64,804.50
02/01/2017 – 01/31/2018	$30,242.00	$362,904.00	$69,124.50
02/01/2018 – 01/31/2019	$30,778.08	$369,337.00	$75,102.36
02/01/2019 – 01/31/2020	$30,407.25	$364,887.00	$80,102.36
02/01/2020 – 01/31/2021	$30,556.00	$366,672.00	$91,667.04
02/01/2021 – 01/31/2022	$30,174.00	$362,088.00	$96,251.04
02/01/2022 – 01/31/2023	$30,685.25	$368,223.00	$103,866.21

VI. Environmental

There are no known environmental issues associated with this property.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of General Services – Office of Real Estate and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Proposed Lease Amendment

8/4/2016-wld

Form and Correctness Approved: DPM

By Nathaniel Seaman
Office of the City Attorney

Contents Approved:

By Nikki Riddick for DSF
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND THE LEASE AGREEMENT BETWEEN 7460 TIDEWATER DRIVE ASSOCIATES, LLC AND THE CITY OF NORFOLK FOR THE PROPERTY LOCATED AT 7460 TIDEWATER DRIVE.

- - -

WHEREAS, 7460 Tidewater Drive Associates, LLC ("7460") and the City of Norfolk ("City") entered into a Lease Agreement ("Lease"), dated December 3, 2007, whereby 7460 leased to the City certain property located at 7460 Tidewater Drive, for a term of fifteen years; and

WHEREAS, under the terms of the Lease, the City was to pay to 7460 annual rent based upon $14.37 per square foot with annual escalations; and

WHEREAS, 7460 and the City have agreed to a lower rent amount for the remaining term of the Lease; and

WHEREAS, after careful consideration, Council is of the opinion that it is in the best interests of the City to agree to amend the Lease with 7460; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the Amendment to Lease Agreement, a copy of which is attached hereto as Exhibit A, is hereby approved and the City Manager and other proper officers of the City are authorized to execute the Amendment to Lease

Agreement on behalf of the City and to do all things necessary and proper to implement its terms.

Section 2:- That in all other respects, the terms and conditions of the Lease shall remain in full force and effect.

Section 3:- That this ordinance shall be in effect from and after the date of its adoption.

AMENDMENT TO LEASE AGREEMENT

This **AMENDMENT TO LEASE AGREEMENT**, made and entered into this ____ day of _____, 2016, by and between **7460 TIDEWATER DRIVE ASSOCIATES, LLC**, ("Lessor"), and the **CITY OF NORFOLK**, a municipal corporation of the Commonwealth of Virginia, ("Lessee").

WITNESSETH:

WHEREAS, Lessor and Lessee entered into a Lease Agreement dated December 3, 2007, ("Lease"), for the property known as 7460 Tidewater Drive, in the City of Norfolk, Virginia, consisting of approximately 25,934 square feet; and

WHEREAS, Paragraph 4 of the said Lease set forth the rental payments for the fifteen year term of the Lease; and

WHEREAS, the Lessor, at the Lessee's request, has agreed to amend Paragraph 4 in order to reduce the annual rent for each year of the Lease.

NOW, THEREFORE, the parties agree as follows:

1. Paragraph 4 of the Lease is hereby amended to read as follows:

"Rent schedule for the remaining term of the Lease will be as follows:

- **09/01/2016 – 01/31/2017** - $30,602.00 per month ($367,224.00 per year)
- **02/01/2017 – 01/31/2018** - $30,242.00 per month ($362,904.00 per year)
- **02/01/2018 – 01/31/2019** - $30,778.08 per month ($369,337.00 per year)
- **02/01/2019 – 01/31/2020** - $30,407.25 per month ($364,887.00 per year)
- **02/01/2020 – 01/31/2021** - $30,556.00 per month ($366,672.00 per year)
- **02/01/2021 – 01/31/2022** - $30,147.00 per month ($362,088.00 per year)
- **02/01/2022 – 01/31/2023** - $30,685.25 per month ($368,223.00 per year)

All payments due in advance on the first day of each month during the term, without demand therefore being made and without offset."

2. In all other respects, the terms and conditions of the Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed or caused to be executed this Amendment to Lease Agreement by their duly authorized officers as of the day and year first above written.

CITY OF NORFOLK

By:_____
City Manager

Attest:

_____
City Clerk

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in the State of Virginia, whose term of office expires on the ____ day of _____, _____, do hereby certify that Marcus D. Jones, City Manager and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names are signed to the foregoing Amendment to Lease Agreement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2016.

_____
Notary Public
Registration No._____

Approved as to Contents:

_____
Director of General Services

Approved as to Form and Correctness:

_____
Deputy City Attorney

JAMES E. BAYLOR HOLDING CORPORATION

_____
Name (Print): _____
Title: _____

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

I, _____, a Notary Public in and for the City of Norfolk, in the State of Virginia, whose term of office expires on the ____ day of _____, _____, do hereby certify that _____, _____ (Title) of James E. Baylor Holding Corporation, whose name is signed to the foregoing Amendment to Lease Agreement, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2016.

_____
Notary Public
Registration No._____

C: Dir., Office of Budget and Strategic Planning

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: Sabrina Joy-Hogg, Deputy City Manager and Acting Budget Director

Subject: Special Revenue Appropriations, Norfolk Public Schools Non-Operating Funds

Reviewed: Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: Marcus D. Jones, City Manager

Item Number: **R-17**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance to appropriate $56,549,805 in special revenue for Norfolk Public Schools ("NPS") for FY 2017.

IV. **Analysis**
NPS receives grants, special revenues and other funds from the federal and state governments and other sources. To expend these funds during the year, an appropriation is required for each category as follows:

- Grants and Special Programs - $37,984,805. These funds may only be used as specified by the grantor and the provision for any match requirement is made in the Schools Operating Budget. These funds come from a variety of sources, including federal programs such as Title I, special education, state programs, corporate and foundation awards, and other grant programs.

- School Nutrition Services - $18,565,000. These funds include the federal and state assistance that supplements the cost of providing student meals as well as the meal fees paid by students. These resources are used for the facilities, equipment, staff and materials that serve an average of 37,000 meals each school day.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

V. Financial Impact

See analysis section

VI. Environmental

N/A

VII. Community Outreach/Notification

Public notification for this item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

The School Board identified these funds in its Approved FY 2017 Budget.

IX. Coordination/Outreach

This letter has been coordinated with Norfolk Public Schools, the Office of Budget and Strategic Planning, and the City Attorney's Office.

Supporting documentation from the City Attorney's Office:

- Ordinance
- Exhibits A and B

3/4/16 - bjl

Form and Correctness Approved: ADM

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Budget & Strategic Planning

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ 56,549,805 1000-12-010-4862
Account

_____ 8/5/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROPRIATING GRANT FUNDS TOTALING $56,549,805.00 TO THE SCHOOL BOARD OF THE CITY OF NORFOLK FOR TITLE I PROGRAMS, OTHER SPECIAL PROGRAMS AND THE SCHOOL NUTRITION SERVICES PROGRAM AND AUTHORIZING THE EXPENDITURE OF THE FUNDS IN FISCAL YEAR 2017 FOR NORFOLK PUBLIC SCHOOLS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That up to $37,984,805.00 is hereby appropriated to the School Board, if and when received from a variety of sources, for the support of Title I and other special programs with the sources of the funds and the programs for which they are to be expended set forth in Exhibit A attached hereto.

Section 2:- That up to $18,565,000.00 is hereby appropriated to the School Board, if and when received from federal and state sources and from student fees, for the support of the School Nutrition Services Program with the sources of the funds and the programs for which they are to be expended set forth in Exhibit B attached hereto.

Section 3:- That the grant funds are hereby authorized for expenditure by the School Board in Fiscal Year 2017 for Norfolk

Public Schools and all actions taken by the School Board in anticipation of the adoption of this ordinance and are hereby approved, ratified and confirmed.

Section 4:- That this ordinance shall be in effect from and after July 1, 2016.

FY 2017 School Grants

Use of Funds	Source of Funds	FY 2017 Amount
Compensatory Programs	Federal	19,274,373
Special Education	Federal	7,176,584
Career, Technical and Adult Education	Federal	1,113,601
Other Projects	Federal	5,442,836
Subtotal Federal Grants		**33,007,394**
Career, Technical and Adult Education	Commonwealth	149,109
State Operated Facilities	Commonwealth	3,256,518
Special Education	Commonwealth	132,524
Virginia Technology Initiative	Commonwealth	209,180
Other Grants	Commonwealth	653,480
Subtotal Commonwealth Grants		**4,400,811**
Other Grants	Corporations and Foundations	300,000
Subtotal Corporate and Foundation Grants		**300,000**
Other Grants	Other sources	276,600
Subtotal Other Grants		**276,600**
Total Grant Funding		**37,984,805**

FY 2017 School Nutrition Services

Revenues	FY 2017 Amount
Sales	1,731,000
Federal and State Food Program Reimbursements	15,494,000
Federal Commodities Donated	1,241,073
Interest Earnings	10,794
Other	88,133
Total Revenue for School Nutrition Services	**18,565,000**

Expenditures	FY 2017 Amount
Cost of goods sold	8,972,114
Employee Compensation	7,760,633
Maintenance Costs	743,275
Supplies and Materials	85,203
Cafeteria and Other Equipment	470,900
Other Costs	532,875
Total Expenditures for School Nutrition Services	**18,565,000**

C: Dir., Norfolk Criminal Justice Services

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: Mechelle B. Smith
Program Manager/Project Director
Norfolk Criminal Justice Services

Subject: Acceptance of a grant award from the Virginia Department of Criminal Justice Services to the Norfolk Criminal Justice Services Agency

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-18**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance to accept, appropriate and authorize the expenditure of a grant award in the amount of $1,187,800 from the Virginia Department of Criminal Justices Services ("VDCJS") for the continued operation of the Norfolk Criminal Justice Services ("NCJS") Agency.

IV. **Analysis**
This grant award is for the provision of continuous operations at the NCJS Agency, to include compensation and benefits for the employment of twenty (20) staff members.

V. **Financial Impact**
The total grant award is $1,187,800. There is no local cash match required for this grant.

VI. **Environmental**
N/A

VII. **Community Outreach/Notification**
Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VIII. Board/Commission Action

The NCJS Board voted that no action is needed for noncompetitive, continual funding grants unless specified and required by the grantor.

IX. Coordination/Outreach

This letter has been coordinated with Norfolk Criminal Justice Services and the City Attorney's Office.

Supporting Material from the Norfolk Criminal Justice Services Agency:

- Ordinance
- Signed award letter

Agenda Overview:

Acceptance of a grant award from the Virginia Department of Criminal Justice Services to the Norfolk Criminal Justice Services Agency

If approved, this agenda item will accept, appropriate and authorize the expenditure of a grant award in the amount of $1,187,800 from the Virginia Department of Criminal Justices Services for the continued operation of the Norfolk Criminal Justice Services Agency. Approval is recommended.

Marcus, please approve text for Agenda Overview

☑ Approved

☐ Approved with changes

From Department Head to City Manager

- Please note that a Memorandum of Understanding (MOU) was attached to this grant award. The MOU specifies technical (IT) requirements set forth by DCJS.
- This MOU is an extension from last year's agreement which was coordinated through the City Attorney's Office, and sent to the IT Department for review.
- Please note that the decision from Norfolk Criminal Justice Board's grant subcommittee is that noncompetitive continual grants with a sole purpose would not need a recommendation of support from the board unless required for special funding opportunities.
- The Pretrial Services division provides supervision and services to an average daily caseload of over 300 defendants; and the local probation division (Adult Community Supervision) provides probation supervision and services to an average daily caseload of over 400 offenders.

7/28/16 - bjl

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Executive

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

8/3/16 $ 1,187,800.00 2275-2-7133-9169
Account

_____ 8/4/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING A GRANT IN THE AMOUNT OF $1,187,800 FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES FOR THE NORFOLK CRIMINAL JUSTICE SERVICES AGENCY, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE GRANT FUNDS IN THE AMOUNT OF $1,187,800, AUTHORIZING THE EXPENDITURE OF $158,932 IN LOCAL FUNDING FOR THE NCJS AGENCY, AUTHORIZING THE EMPLOYMENT OF TWENTY (20) PERSONS FOR THE AGENCY AND PROVIDING FUNDS FOR THEIR SALARIES AND BENEFITS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a grant in the amount of $1,187,800.00 from the Virginia Department of Criminal Justice Services for fiscal year 2016-2017 (FY17) to fund the Norfolk Criminal Justice Services (NCJS) Agency is hereby accepted.

Section 2:- That the $1,187,800.00 in grants funds are hereby appropriated and authorized for expenditure for the NCJS Agency, if and when the funds are made available from the Virginia Department of Criminal Justice Services.

Section 3:- That $158,932.00 in local funding heretofore appropriated is hereby authorized for expenditure for the NCJS Agency from the Community Partnership Account No. 18554.

Section 4:- That the City Manager is hereby authorized to employ twenty (20) persons in the following job classifications in the NCJS Agency in special project employment status in the Executive Department which persons shall be entitled to participate in health insurance programs made available to permanent, full-time City employees:

Executive Department

No.	Class Title	Position No.	Plan/Code
1	Programs Manager	5080	Plan 1/Grade 15
2	Program Supervisor	5076, 5083	Plan 1/Grade 13
13	Pretrial/Probation II	0719, 5073, 5074, 5077, 5078, 6508, 7468, 7469, 7470, 7932, 8975, 9080, 9425	Plan 1/Grade 11
3	Pretrial/Probation Officer I	5075, 5082, 6174	Plan 1/Grade 9
1	Full Time Administrative Technicians	9070	Plan 1/Grade 7

Section 5:- That the funds necessary for the payment of the salaries and benefits of the persons authorized to be employed by the City under section 4 of this ordinance for fiscal year 2016-2017 (FY17), as well as other agency costs, are hereby authorized to be expended therefor from the grant funds in the amount of $1,187,800.00, if and when the funds are received from the Virginia Department of Criminal Justice Services and from local funding to be provided in the amount of $158,932.00 from the Community Partnership Account No. 18554.

Section 6:- That this ordinance shall be in effect from and after its adoption.

Department of Criminal Justice Services

1100 Bank Street, 12th Floor, Richmond, VA 23219

Statement of Grant Award/Acceptance

Subgrantee: Norfolk City

Date: July 01, 2016

Grant Period:
From: 07/01/2016 **Through:** 06/30/2017

Grant Number: 17-U6354CC17

Project Director	Project Administrator	Finance Officer
Ms. Mechelle Smith Project Director/Programs Mgr. City of Norfolk Community Corr/Pretrial 711 Granby Street Norfolk, VA 23510-2001 **Phone:** (757) 441-1413 **Email:** mechelle.smith@norfolk.gov	Mr. Marcus D. Jones City Manager City of Norfolk 810 Union Street, Ste 1101 Norfolk, VA 23510-8001 **Phone:** (757) 664-4242 **Email:** marcus.jones@norfolk.gov	Ms. Christine Garczynski Director of Finance City of Norfolk 810 Union Street, Ste. 600 Norfolk, VA 23510-8004 **Phone:** (757) 664-4346 **Email:** christine.garczynski@norfolk.gov

Grant Award Budget

Budget Categories	DCJS Funds Federal	General	Special	Local	TOTALS
Travel	$0	$3,751	$0	$0	$3,751
Supplies/Other	$0	$78,054	$0	$0	$78,054
Personnel	$0	$1,085,065	$0	$0	$1,085,065
Indirect Cost	$0	$0	$0	$0	$0
Equipment	$0	$17,880	$0	$0	$17,880
Consultant	$0	$3,050	$0	$0	$3,050
Totals	$0	$1,187,800	$0	$0	$1,187,800

This grant is subject to all rules, regulations, and criteria included in the grant guidelines and the special conditions attached thereto.

Francine C. Ecker, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this day of , 20 .

Signature:

Title: City Manager

MEMORANDUM OF UNDERSTANDING

PURPOSE

This Memorandum of Understanding (MOU) is to document the understanding and delineation of responsibilities for the City of Norfolk and the Department of Criminal Justice Services (DCJS) to support and ensure the proper development, administration and maintenance of the Pretrial and Community Corrections case management system (PTCC). The use of the PTCC system is a requirement for receiving state grant funds for the operations of the Norfolk Criminal Justice Services agency as mandated by the *Code of Virginia*. This MOU covers the following:

Procurement, licensing and ownership of hardware and software
Maintenance and administration of hardware and software
Security and access allowances and restrictions
Support roles and responsibilities
Database backups

Each party will fund and be responsible for the cost of complying with their responsibilities under this MOU.

SCOPE OF SERVICES

The City of Norfolk understands and acknowledges its responsibilities as follows:

1. Comply with all terms, conditions and assurances of the state grant awarded under the Comprehensive Community Corrections Act (CCCA) and Pretrial Services Act (PSA).

2. Provide and house the server that will store the DCJS licensed instance of the Microsoft Structured Query Language (SQL) Server software application and all required Local Area Network (LAN) and Wide Area Network (WAN) connectivity.

3. Administer and maintain the server excluding the DCJS licensed instance of the SQL Server and associated SQL software application.

4. Allow the DCJS PTCC helpdesk and developer to maintain server administrator accounts with 24/7 access.

5. Resolve all end user issues not related to PTCC and DCJS licensed instance of the SQL Server or associated SQL software applications.

6. Provide network connectivity for DCJS and local probation and pretrial staff to the SQL Server instance, the desktop via Remote Desktop Protocol (RDP), network shares related to PTCC and their related ports.

7. Ensure that the folder containing the daily backup files of the SQL Server databases is included in the normal local backup process with the other PTCC related contents of the server; backing up the PTCC databases and related content is solely the responsibility of the City. Notify the PTCC helpdesk of any missing or failed DCJS generated SQL Server database backups within 24 hours of discovery of failed backup.

8. Support and assist the local probation and pretrial services agency with server side support needs affecting DCJS' ability to access and manage PTCC or SQL when requested by the DCJS PTCC helpdesk excluding the DCJS licensed instance of SQL Server and associated SQL software applications.

9. Provide a minimum of one month notice, to the extent possible, for any physical moves or hardware or network changes that impact the PTCC case management system or server.

10. Provide and maintain up-to-date and effective anti-virus, secure erasure, compression, and firewall software/hardware.

11. Provide and maintain up-to-date network security for the server which allows users and DCJS to access the server in the manner stated within this document.

12. Provide all computer equipment, software, and local networking and ensure compatibility with PTCC.

13. Provide the mandatory secure, 24/7 site-to-site Virtual Private Network (VPN) tunnel between local server and the DCJS offsite central servers through protocol and method as established by DCJS which includes the use of our Adaptive Security Appliance (ASA) and a local VPN router. This requires an always-on peer-to-peer connection between our central servers and the local server without additional applications or logins.

14. Enable DCJS to provide upgrades and enhancements that have been tested by DCJS and do not require additional testing to the SQL Server and PTCC case management system within a reasonable timeframe once DCJS notifies the local probation and pretrial services agency Director of any such upgrades or enhancements. For the purpose of this MOU, upgrades are changes that involve interaction and/or require some action or labor in the locality by the end user *and* requires DCJS to log on; enhancements are changes to existing reports/processes or new reports/processes that do not require any action by the locality and DCJS *may or may not* need to log on.

15. Ensure that the local parties responsible for complying with the stated obligations be notified via email or letter.

16. Permit DCJS to verify compliance with the terms of this MOU as a condition of grant funding. . If the City of Norfolk is out of compliance with the terms of this MOU, DCJS will notify the local probation and pretrial services agency Director and request a plan of action to comply. If the City does not take appropriate corrective action once notified of violations of the terms of this MOU, this noncompliance may result in freezing or termination of state grant funding.

The DCJS understands and acknowledges its responsibilities as follows:

1. Function as the party solely responsible for the development, administration, maintenance, management, access and support of the PTCC case management system, DCJS licensed instance of the SQL Server and associated SQL software applications.

2. Conduct scheduled backups of the SQL Server database and resolve all known failures to any DCJS generated backups as soon as practicable after notification by the City of failed backups.

3. Inform the local probation and pretrial services agency Director of planned outages and upgrades to SQL Server and PTCC case management system.

4. Restrict accounts and access to SQL Server and related databases under the same license to DCJS personnel.

5. Permit access to defendant or offender records only where permissible by law.

6. Assist the Administrator and Fiscal Agent's technology support staff in the implementation of its duties where permissible by law.

7. Purchase SQL Server license and make proof of licensure available upon request in order to satisfy local compliance.

8. Cooperate with other technology service providers in the provision of services at the request of the Administrator and Fiscal Agent.

9. If the City of Norfolk is out of compliance with the terms of this MOU, DCJS will notify the local agency probation and pretrial services Director and request a plan of action to comply. If the City does not take appropriate corrective action once notified of violations of the terms of this MOU, this noncompliance may result in freezing or termination of state grant funding.

PERIOD OF AGREEMENT

This MOU represents the understandings reached by DCJS and the locality and is effective upon the signature of both parties. This MOU automatically renews every two years as long as the City of Norfolk receives state funds for the operation of local probation and pretrial under the Comprehensive Community Corrections Act (CCCA) and Pretrial Services Act (PSA) of the Code of Virginia unless DCJS or the City notifies, in writing, a need to modify terms of the MOU. Both parties must agree upon any modifications. This MOU is not intended, and should not be construed to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the parties, their parent agencies, the United States, or the officers, employees, agents, or other associated personnel thereof.

This MOU shall be deemed to be a Virginia contract and shall be governed as to all matters whether of validity, interpretations, obligations, performance or otherwise exclusively by the laws of the Commonwealth of Virginia, and all questions arising with respect thereto shall be determined in accordance with such laws. Regardless of where actually delivered and accepted, the MOU shall be deemed to have been delivered and accepted by the parties in the Commonwealth of Virginia.

SIGNATURES OF PARTIES

City Manager — Date: 7/21/16

DCJS Director — Date: 6/20/16

C: Director, Emergency Preparedness and Response

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: James A. Redick, Director
Emergency Preparedness and Response

Subject: Acceptance of FEMA Hazard Mitigation Grant Funding

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: 4/7

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-19**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance to authorize the City of Norfolk (the "city") to accept grant funds in the amount of $165,000 from the Federal Emergency Management Agency ("FEMA") via the Virginia Department of Emergency Management for the elevation of one residential property.

IV. **Analysis**
FEMA's Hazard Mitigation Assistance program provides funding for eligible mitigation activities that reduce disaster losses and protect life and property from future disaster damages.

V. **Financial Impact**
The total grant award is $165,000. FEMA will pay 100% of the total project cost.

VI. **Environmental**
N/A

VII. **Community Outreach/Notification**
Public notification for this agenda item will be conducted through the city's agenda notification process.

VIII. **Board/Commission Action**
N/A

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

IX. Coordination/Outreach

This letter has been coordinated with the Department of Emergency Preparedness and Response, the City Attorney's Office and the Department of Finance.

Supporting material from the Department of Emergency Preparedness and Response:

- Ordinance
- Award Letter from the Virginia Department of Emergency Management

7/11/16 - [bjt]

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Emergency Preparedness & Response

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

SJH 7/20/16 $ 165,000.00 — 2276-74-9173-9173
Account

_____ Director of Finance — 7/20/16 Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING A $165,000.00 GRANT AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO PROVIDE FUNDS TO ELEVATE ONE (1) FLOOD-PRONE PRIVATE PROPERTY AND APPROPRIATING AND AUTHORIZING EXPENDITURE OF THE GRANT FUNDS FOR THE ELEVATION PROJECT.

- - -

WHEREAS, the City has been awarded a Federal Emergency Management Agency (FEMA) grant for the elevation of one (1) private property in the City that is prone to flooding; and

WHEREAS, City staff have advised the interested property owner regarding the criteria and requirements for participation in the elevation project; and

WHEREAS, the voluntary consent of the property owner is required in order to participate in the project; and

WHEREAS, certain property has been approved by FEMA based on the established criteria to participate in the project; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a $165,000.00 grant award from the Federal Emergency Management Agency (FEMA) for the elevation of one (1) private property that is prone to flooding is hereby accepted.

Section 2:- That grant funds of $165,000.00 are hereby appropriated and authorized for expenditure for the elevation of the one (1) property in the project, if and when the funds are made available from FEMA.

Section 3:- That the City Manager is hereby authorized to administer the grant project and to execute all agreements necessary to complete the project.

Section 4:- That this ordinance shall be in effect from and after its adoption.

COMMONWEALTH of VIRGINIA

Department of Emergency Management

JEFFREY D. STERN, Ph.D.
State Coordinator

BRETT A. BURDICK
Deputy Coordinator

SUSAN L. MONGOLD
Deputy Coordinator

10501 Trade Court
North Chesterfield, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

June 16, 2016

Mr. Marcus D. Jones
City Manager
810 Union St, Suite 1101
Norfolk, VA 23510-2717

RE: City of Norfolk
Elevation of 1 Residential Property
FMA-PJ-03-VA-2015-005

Dear Mr. Jones:

I am pleased to notify you that the Federal Emergency Management Agency (FEMA) has approved the project titled "City of Norfolk, Elevation of 1 Residential Property." The funds have been obligated through the Flood Mitigation Assistance (FMA) Grant Program. Attached you will find the grant award package. Please read all documents carefully prior to initiating your project. As funded, the federal share is 100% of the total project costs.

Your project cannot begin until the authorized agent has signed the grant award package. No reimbursements will be made until the award package is signed and received by the Virginia Department of Emergency Management. Please sign each of the two copies of the grant award package and return one to the attention of Trina Addison, hazard mitigation coordinator. Congratulations on approval of this project. If you have questions regarding this award or the implementation of your project, please contact Trina Addison at 804-897-9967 or Trina.Addison@vdem.virginia.gov.

Sincerely,

Susan L. Mongold
Alternate Governor's Authorized Representative

SLM/tca

Enclosures

COMMONWEALTH of VIRGINIA

Department of Emergency Management

JEFFREY D. STERN, Ph.D.
State Coordinator

BRETT A. BURDICK
Deputy Coordinator

SUSAN L. MONGOLD
Deputy Coordinator

10501 Trade Court
North Chesterfield, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

Flood Mitigation Assistance (FMA)
Grant Agreement
FMA-PJ-03-VA-2015-005

This Agreement is made as of this 16th day of June, 2016 by and between the Virginia Department of Emergency Management, hereinafter called "VDEM," and the City of Norfolk herein after called the "Sub-grantee."

The parties to this Agreement, in consideration of the mutual covenants and stipulations set out herein, agree as follows:

(1) GENERAL PROVISIONS:
This Agreement is a sub-grant award of federal funds from VDEM to the sub-grantee. VDEM has received a grant from the Department of Homeland Security Federal Emergency Management Agency Flood Mitigation Assistance (FMA) Grant Program, Catalog of Federal Domestic Assistance Number 97.029. The sub-grantee shall implement the project as set forth in the grant Agreement documents. These documents consist of:

(1) Executed Grant Agreement;
(2) Scope of Work, Attachment A;
(3) Project Budget, Attachment B;
(4) Milestone Table, Attachment C; and
(5) Grant Assistance Agreements and VDEM-FEMA General Terms and Conditions and Assurances; Attachment D.

State agencies acting as the sub-grantee shall report all federal funds received as part of this Agreement as federal pass-thru funds on their agency's Schedule of Federal Assistance.

Nothing in this Agreement shall be construed as authority for either party to make commitments, which will bind the other party beyond the Scope of Work contained herein. Furthermore, the sub-grantee shall assign, sublet, or subcontract any work related to this Agreement or any interest it may have herein with full compliance with federal and state procurement regulations. The schedule of service set forth in the Scope of Work and Milestone Table shall be deemed to have been consented to, as required by the preceding sentence, upon the execution of this Agreement by VDEM.

(2) SCOPE OF WORK:

The sub-grantee shall provide the service to VDEM set forth and summarized in the Scope of Work (Attachment A) and Milestone Table (Attachment C). All deliverables shall conform to accepted standards and practices. If there is any change in the original scope of work, a formal request must be made to VDEM for review and approval prior to implementing the change. These attachments are consistent with the original VDEM-FEMA (Federal Emergency Management Agency) grant project application. The sub-grantee shall provide VDEM with quarterly reports and a final report on the progress of work set forth in the Scope of Work. The quarterly reports and final report shall contain the following components: (1) a narrative describing in detail the progress of the sub-grantee in fulfilling the provisions of the Scope of Work; (2) Reimbursement Requests as needed that itemize the expenses incurred by the sub-grantee, including separate columns for the federal, state, and the sub-grantee's matching contribution to the total cost of services as reflected in the Project Budget-Attachment B; and (3) the schedule of specific project tasks with target completion dates and actual completion dates (Milestone Table – Attachment C). The first quarterly report is due to VDEM at the end of the first complete quarter following the award of the grant.

Reporting Period	Report Due to VDEM
January 1 – March 31	no later than April 15
April 1 – June 30	no later than July 15
July 1 – September 30	no later than October 15
October 1 – December 31	no later than January 15

(3) TIME OF PERFORMANCE:

The services of the sub-grantee shall begin on the date of sub-grantee's signature of this document and terminate on **10-30-2018**, unless otherwise altered through provisions of this Agreement or extended by written authorization of VDEM. Requests for time of performance extension must be received in writing by VDEM within 75 days of termination date with reasons for requested time of performance extension and a revised Milestone Table – Attachment C. All time limits stated are of essence of this Agreement. All funds must be obligated no later than the project completion date. The final request for reimbursement must be received no later than 60 days after the completion date for the project.

(4) COMPENSATION:

The total grant award from VDEM is **$165,000.00** provided through the FY 2015 Flood Mitigation Assistance (FMA) Grant Program. FEMA shall provide 100% of the funds for the project identified in the Scope of Work (Attachment A) totaling **$165,000.00**.

VDEM shall release the grant award to the sub-grantee on a cost-reimbursement basis upon receipt and approval of the sub-grantee's quarterly and final reports and deliverables as required by this Agreement or at other times agreed to by VDEM. Any cost overruns incurred by the sub-grantee during the time of performance shall be the responsibility of the sub-grantee. The sub-grantee shall spend the funds according to the specified categories of the contract budget. The sub-grantee shall use mitigation grant funds solely for the purposes for which these funds are provided and as approved by FEMA and VDEM. General policies for determining allowable costs are established in 44 Code of Federal Regulations (CFR), Part 13.22 (included in Attachment D) and the appropriate OMB circulars that identify cost principles for different kinds of organizations. Minor shifts of the funds among categories by the sub-grantee, not to exceed 10% of any budget line item are permissible, but in no case can the total expenditures exceed the amount provided by this contract. Shifts in funds exceeding 10% among budget line items must be approved in writing by VDEM.

(5) ASSISTANCE:
VDEM agrees upon request of the sub-grantee to furnish, or otherwise make available to the sub-grantee, copies of existing non-proprietary materials in the possession of VDEM that are reasonably related to the subject matter of this Agreement and are necessary to the sub-grantee for completion of its performance under this Agreement. VDEM Recovery and Mitigation Division staff will provide technical support to the sub-grantee and make periodic site visits to monitor progress.

(6) ACKNOWLEDGEMENTS:
The role of the Virginia Department of Emergency Management (VDEM) and the Federal Emergency Management Agency (FEMA) must be clearly stated in all press releases, news articles, and requests for proposals, bid solicitations, and other documents describing this project, whether funded in whole or part.

Acknowledgement of financial assistance, with VDEM and FEMA logos, must be printed on all reports, studies, web sites, and other products (including map products) supported, in whole or in part, by this award or any sub-award. The sub-grantee is responsible for contacting VDEM staff in adequate time to obtain the logo in camera-ready or digital form. The final draft must be approved by VDEM staff prior to production. The acknowledgement should read as follows:

This report was funded by the Federal Emergency Management Agency through the Virginia Department of Emergency Management via grant Agreement number FMA-PJ-03-VA-2015-005 for $165,000.00.

(7) CREATION OF INTELLECTUAL PROPERTY:
To the extent that the copyright to any copyrightable material created pursuant to this Agreement is owned by the sub-grantee and/or the sub-grantee is empowered to license its use, VDEM agrees to grant to the sub-grantee, and hereby does grant to the sub-grantee, a license to use the materials so owned for public, not-for-profit purpose within the territory of the Commonwealth and shall execute and deliver such further documents as the Commonwealth may reasonably request for the purpose of acknowledging or implementing such license.

A copyright notice shall be placed in an appropriate location on any copyrightable material being distributed or published. Such notice shall include (1) either the symbol "©", the word "Copyright", or the abbreviation "Copr."; (2) the year of first publication; and (3) the name of the copyright owner (the Commonwealth of Virginia). This information shall be followed by the words, "all rights reserved."

(8) STRUCTURAL MITIGATION REQUIREMENTS:
Specific requirements must be adhered to for structural mitigation projects such as structural relocation, property acquisition and demolition, and structural retrofitting or improvement as detailed in Attachment D. These requirements can include deed restrictions, operation and maintenance plans, and insurance requirements, as dictated by the specific grant and project requirements.

(9) BREACH AND TERMINATION:
In the event of breach by the sub-grantee of this Agreement, VDEM shall provide written notice to the sub-grantee specifying the manner in which the Agreement has been breached. If a notice of breach is given and the sub-grantee has not substantially corrected the breach within 60 days of receipt of the written notice, VDEM shall have the right to terminate the Agreement. The sub-grantee shall be paid for no service rendered or expense incurred after receipt of the notice of termination, except such fees and expenses incurred prior to the effective date of termination that are necessary for curtailment of its work under the Agreement. Termination of this Agreement can occur as an effect of one of two results: First, as a result of the proper completion and closeout of this project. Second, termination may occur as a result of *Termination for Convenience* or other termination as allowed or required by 44 CFR for projects, which cannot be completed as described in the FEMA-approved grant project application and the Scope of Work

– Attachment, herein. Communication of this decision and information related to the project termination will be provided to the sub-grantee in coordination with FEMA through registered mail.

IN WITNESS THEREOF the parties have caused this Agreement to be executed by the following duly authorized officials:

Sub-grantee:	**Grantor:**
Norfolk City Manager	**Virginia Department of Emergency Management**
By: _____	By: _____
Date: 6/30/16	Date: 6/20/16
Authorized Sub-grantee Signatory	State Coordinating Officer

Attachment A
FMA-PJ-03-VA-2015-005
Project Scope of Work

Project Sponsor: City of Norfolk

Project Title: City of Norfolk - Elevation of 1 Residential Property

Project Description from: City of Norfolk FMA 2015 Application:

The elevation of the residential property listed below will significantly reduce future flood claims. The structure will be elevated 3 feet above the 100-year flood elevation. The property in this project is as follows:

1. 3852 Easton Avenue, Norfolk, VA 23502.

Attachment B
FMA-PJ-03-VA-2015-005
Project Budget

Funding Source Fiscal Year 2015 FMA:

Federal Project Funds	**$165,000.00**
Local Match	**0**
Total Project Costs	**$165,000.00**

Project Budget from: City of Norfolk's FMA 2015 Application

202.1 - Elevation of Private Structures - Riverine					**Federal Share: $ 165,000.00**
Item Name	**Cost Classification**	**Unit Quantity**	**Unit of Measure**	**Unit Cost ($)**	**Cost Estimate ($)**
Engineering/Design	Architectural Engineering Basic Fees	1.00	Unknown	$ 9,500.00	$ 9,500.00
Legal/Documents	Miscellaneous	1.00	Unknown	$ 500.00	$ 500.00
Elevation	Construction And Project Improvement	1.00	Unknown	$ 50,000.00	$ 50,000.00
Foundation	Construction And Project Improvement	1.00	Unknown	$ 75,000.00	$ 75,000.00
Other	Miscellaneous	1.00	Unknown	$ 15,000.00	$ 15,000.00
Management Costs (5%)	Administrative Expense	1.00	Unknown	$ 7,500.00	$ 7,500.00
Construction Management (5%)	Administrative Expense	1.00	Unknown	$ 7,500.00	$ 7,500.00
				Total Cost	$165,000.00

Attachment C
FMA-PJ-03-VA-2015-005
Project Milestone Table

Description Of Task	Starting Point	Unit Of Time	Duration	Unit Of Time	Work Complete By
City/VDEM/FEMA Application Review	1	DAYS	365	DAYS	City, VDEM and FEMA
Grant Acceptance	366	DAYS	30	DAYS	City of Norfolk
Ordinance Preparation and City Council Adoption	397	DAYS	90	DAYS	City of Norfolk
Design Phase	488	DAYS	210	DAYS	City of Norfolk
Request for Bids	699	DAYS	45	DAYS	City of Norfolk
Contractor Selected and Notice to Proceed	745	DAYS	90	DAYS	City of Norfolk
Construction	836	DAYS	30	DAYS	City of Norfolk
Project Closeout	867	DAYS	40	DAYS	City of Norfolk
Estimate the total duration of the proposed activity:			900	DAYS	

Federal Administration and Guidance Documents:

OMB Circular A-133 ***AUDITS OF STATES, LOCAL GOVERNMENTS, AND NON-PROFIT ORGANIZATIONS***

44 CFR 13 ***UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS***

44 CFR Part 201 ***MITIGATION PLANNING*** *[FMA, PDM, and HMGP planning projects only]*

44 CFR Part 206 – Subpart N – ***HAZARD MITIGATION GRANT PROGRAM***

CATEX documentation (where required)

Structural Mitigation Project Requirements (where required)

U.S. Department of Homeland Security
Region III
One Independence Mall, 6th Floor
615 Chestnut Street
Philadelphia, PA 19106-4404

FEMA

MAY 25 2016

Jeffrey D. Stern, Ph.D.
State Coordinator
Virginia Department of Emergency Management
10501 Trade Court
North Chesterfield, Virginia 23236-3713

Re: FMA-PJ-03-VA-2015-005/ EMP-2016-FM-E002
Project Approval
Flood Mitigation Assistance Grant Program (FMA)

Dear Dr. Stern:

I am pleased to inform you that the application for the **City of Norfolk Elevation Project (FMA-PJ-03-VA-2015-005)** has been approved.

The home located at 3852 Easton Avenue, Norfolk, VA 23502 will be elevated to comply with the City's currently adopted Floodplain Management Ordinance.

The total approved project cost is $165,000 at a 100% federal share. The award was completed through the eGrants system.

In implementing this project, Virginia Department of Emergency Management (VDEM) shall comply with the Flood Mitigation Assistance Grant Agreement Articles and all applicable laws, assurances and guidance which include the following:

- FEMA Form 20-16B Assurances – Construction Programs;
- 44 CFR 200 – Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards;
- FY 2015 Hazard Mitigation Assistance (HMA) Guidance.

Please note that the Region III Elevation Guidelines require VDEM to work closely with the sub grantee in reviewing the plans and specifications for the elevation before the project is advertised for competitive bidding.

In addition, VDEM will ensure that the home is elevated in accordance with the scope of work in the sub application, the approved plans and specifications and the bid award.

All scope and budget changes must be submitted to our office in writing for review and approval prior to commencement of work. Any unauthorized scope of work that results in a budget change will be the responsibility of the Grantee/ Sub grantee and the related federal share funds will be de-obligated at close out.

The applicant must satisfy any requirements outlined in the enclosed Record of Environmental Consideration (REC) Report. According to the Articles of Agreement and the authorizing requirements for the FY 2015 FMA program, the Period of Performance (POP) for this project ends on October 30, 2018.

Please provide our office with a quarterly report thirty days after the end of each federal fiscal year quarter.

If you have any questions, contact Richard Rein, Project Officer at (215) 931-5732.

Sincerely,

Eugene K. Gruber, P.E.
Director, Mitigation Division

Enclosure

cc: Matthew Wall, State Hazard Mitigation Officer
Janice Barlow, Director, Grants Division
Maura Hannigan-Pierce, Grants Division

FEDERAL EMERGENCY MANAGEMENT AGENCY

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: FMA-PJ-03-VA-2015-005 (0)

Title: FMA City of Norfolk - Elevation of One Residential Property

NEPA DETERMINATION

Non Compliant Flag: No	**EA Draft Date:**	**EA Final Date:**
EA Public Notice Date:	**EA Fonsi Date:**	**Level:** CATEX
EIS Notice of Intent Date:	**EIS ROD Date:**	

Comments: This project is for the elevation of one residential property located at 3852 Easton Avenue, Norfolk, Virginia 23502. - lconnol1 - 03/18/2016 19:07:59 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
xv	(xv) Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current codes and standards, or replacement of any facility in a manner that substantially conforms to the preexisting design, function, and location;	Yes

EXTRAORDINARY CIRCUMSTANCES

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comments
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	
Coastal Barrier Resources Act (CBRA)	Completed	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	
Clean Water Act (CWA)	Completed	Project would not affect any water of the U.S. - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is located in a coastal zone area and/or affects the coastal zone	
	Completed	State administering agency does not require consistency review - Review concluded	
Executive Order 11988 - Floodplains	Completed	Located in floodplain or effects on floodplain/flood levels	Per the attached checklist, dated 03.17.2016, FEMAs Floodplain Management and Insurance (FMP&I) branch determined that this project proposal did not include documentation needed to determine full compliance with the local code. FPM&I is

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: FMA-PJ-03-VA-2015-005 (0)

Title: FMA City of Norfolk - Elevation of One Residential Property

Environmental Law/ Executive Order	Status	Description	Comments
			approving the project based upon adherence to the attached conditions. - tconnol1 - 03/16/2016 19:22:21 GMT
	Completed	No adverse effect on floodplain and not adversely affected by the floodplain - Review concluded	
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Low income or minority population in or near project area	
	Completed	No disproportionately high and adverse impact on low income or minority population - Review concluded	
Endangered Species Act (ESA)	Completed	No listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action - Review concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	
Fish and Wildlife Coordination Act (FWCA)	Completed	Project does not affect, control, or modify a waterway/body of water - Review concluded	
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project not located in or near Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Not type of activity with potential to affect historic properties - Review concluded</br>	The home was constructed in 1869 and is less than 50 years old. - tconnol1 - 03/16/2016 19:09:44 GMT
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: FMA-PJ-03-VA-2015-005 (0)

Title: FMA City of Norfolk - Elevation of One Residential Property

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Special Conditions required on Implementation of Projects:

This project is approved by FPM&I on the condition that it meet all floodplain management requirements, including but not limited to:

Elevation and anchoring of the mechanicals/utilities at least three feet above the BFE;
Installation of proper openings if the space below the lowest floor is to be enclosed (proper openings are required in AE Zones, even though the structure is being designed to V Zone standards);
Installation of flood resistant materials below the BFE;
Breakaway walls, if used, will be designed and certified by a registered architect or engineer

Source of condition: Executive Order 11988 - Floodplains Monitoring Required: No

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

C: Dir., Department of Human Services

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: Stephen K. Hawks, Director of Human Services

Subject: Acceptance of the Edward Byrne Memorial Justice Assistance Grant award for $8,000 from the Virginia Department of Criminal Justice Services

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-20**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance to accept the Edward Byrne Memorial Justice Assistance Grant award (the "grant") in the amount of $8,000 from the Virginia Department of Criminal Justice Services (the "VDCJS") and to appropriate and authorize the expenditure of the funds, as well as the required $8,000 of local matching funds, for total program funding in the amount of $16,000.

IV. **Analysis**
The grant funds are federal funds allocated to localities in Virginia. Cash match requirements are 50% of the total program funding. This grant provides resources to follow up on juvenile justice assessment funded by prior grants. The juvenile justice assessment identified several areas for growths and development of Norfolk Juvenile Court Service Unit ("NJCSU") staff. The funds are requested to conduct the prioritized training and technical assistance to implement more evidence-based programs and practices.

V. **Financial Impact**
The grant award is for $8,000 in federal funds from the VDCJS. The local cash match of $8,000 will be paid by General Fund - NJCSU budget.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VI. Environmental

N/A

VII. Community Outreach/Notification

The coordination of program services will be carried out through the collaboration of the Norfolk Department of Human Services and the NJCSU. Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of Human Services and the City Attorney's Office.

Supporting Material from the City Attorney's Office

- Ordinance

7/11/16 - bjl

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Department of Human Services

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

8000.00
$ 8000.00

2275-8-8646-9176
1000-117-017-5307
Account

Director of Finance

7/28/16
Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING $8,000 IN GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES FOR THE BYRNE/JAG GRANT PROGRAM, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE FUNDS AND AUTHORIZING THE EXPENDITURE OF $8,000 IN LOCAL CASH MATCHING FUNDS FOR THE PROGRAM FOR TOTAL PROGRAM FUNDING IN THE AMOUNT OF $16,000.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That $8,000 in grant funds from the Virginia Department of Criminal Justice Services are hereby accepted for the Byrne/JAG Grant Program (the "Program").

Section 2:- That $8,000 is hereby appropriated and authorized for expenditure for the Program, according to the terms and conditions of the Grant, if and when the funds are made available from the Virginia Department of Criminal Justice Services Byrne/JAG Grant Program.

Section 3:- That the expenditure of $8,000 is hereby authorized as the City's local cash match from funds heretofore appropriated for the Program.

Section 4:- That the City Manager is authorized to do all things necessary to receive the funds and to implement the Program.

Section 5:- That this ordinance shall be in effect from and after its adoption.

COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Francine C. Ecker
Director

1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
TDD (804) 386-8732

June 9, 2016

Mr. Marcus D. Jones
City Manager
City of Norfolk
810 Union Street, Suite 1101
Norfolk, VA 23510

Title: Byrne/JAG Grant Program: Juvenile Justice Assessment

Dear Mr. Jones:

I am pleased to advise you that grant number **16-C2901AD14** for the above-referenced grant program has been approved for an amount of $8,000 in Federal Funds and $8,000 in Matching Funds for a total award of $16,000.

Enclosed you will find a Statement of Grant Award and a Statement of Grant Award Special Conditions. To indicate your acceptance of the award and conditions, please sign the award acceptance and return it to Janice Waddy, Grants Administrator, at the Department of Criminal Justice Services (DCJS). Please review the conditions carefully; as some require action on your part before we will disburse grant funds.

Also enclosed are the Post Award Instructions and Reporting Requirements. Please refer to and read this information carefully as it contains details on processing financial and progress reports, as well as requesting awarded funds. ***Remember all financial and progress reports, and budget amendment requests are processed through our on-line Grants Management Information System (GMIS).***

We appreciate your interest in this grant program and will be happy to assist you in any way we can to assure your project's success. If you have any questions, please call Ed Holmes at 786-4576.

Sincerely,

Francine C. Ecker
Director

Enclosures

cc: Mr. Steve Hawks, Director of Human Services
Ms. Stephanie Haynes, Finance Director
Mr. Ed Holmes, DCJS Monitor

Department of Criminal Justice Services

1100 Bank Street, 12th Floor, Richmond, VA 23219

Statement of Grant Award/Acceptance

Subgrantee: Norfolk City

Date: June 09, 2016

Grant Period:
From: 07/01/2015 **Through:** 12/31/2016

Grant Number: 16-C2901AD14

Project Director	Project Administrator	Finance Officer
Mr. Steve Hawks Director of Human Services City of Norfolk 741 Monticello Avenue Norfolk, VA 23510 **Phone:** (757) 664-6199 **Email:** Stephen.Hawks@norfolk.gov	Mr. Marcus D. Jones City Manager City of Norfolk 810 Union Street, Ste 1101 Norfolk, VA 23510-8001 **Phone:** (757) 664-4242 **Email:** marcus.jones@norfolk.gov	Ms. Stephanie Haynes Finance Officer City of Norfolk 810 Union Street, Ste. 600 Norfolk, VA 23510 **Phone:** (757) 664-4089 **Email:** Stephanie.Haynes@Norfolk.gov

Grant Award Budget

Budget Categories	DCJS Funds Federal	General	Special	Local	TOTALS
Travel	$0	$0	$0	$0	$0
Supplies/Other	$0	$0	$0	$0	$0
Personnel	$0	$0	$0	$0	$0
Indirect Cost	$1,846	$0	$0	$1,846	$3,692
Equipment	$0	$0	$0	$0	$0
Consultant	$6,154	$0	$0	$6,154	$12,308
Totals	$8,000	$0	$0	$8,000	$16,000

This grant is subject to all rules, regulations, and criteria included in the grant guidelines and the special conditions attached thereto.

Francine C. Ecker, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this day of , 20

Signature:

Title: City Manager

STATEMENT OF GRANT AWARD SPECIAL CONDITIONS

Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

Edward Byrne/Justice Assistance Grant Program		
Subgrantee: City of Norfolk	**Federal Catalog Number: 16.738**	**Grant Number: 16-C2901AD14**
Title: Juvenile Justice Assessment		**Date: June 9, 2016**

The following conditions are attached to and made a part of this grant award:

1. Where the Statement of Grant Award reflects a required match contribution by the grant recipient, the recipient agrees, by accepting the award, to provide the match as shown in non-federal match.

2. By signing the Statement of Grant Award/Acceptance, the grant recipient agrees:

   - to use the grant funds to carry out the activities described in the grant application, as modified by the terms and conditions attached to this award or by subsequent amendments approved by DCJS;
   - to adhere to the approved budget contained in this award and amendments made to it in accord with these terms and conditions;
   - and to comply with all terms, conditions and assurances either attached to this award or submitted with the grant application.

3. By accepting this grant, the recipient assures that funds made available through it will not be used to replace state or local funds that would, in the absence of this grant, be made available for the same purposes.

4. Within 60 days of the starting date of the grant, the subgrantee must initiate the project funded. If not, the subgrantee must report to the DCJS, by letter, the steps taken to initiate the project, the reasons for the delay, and the expected starting date. If the project is not operational within 90 days of the start date, the subgrantee must obtain approval in writing from the DCJS for a new implementation date or the DCJS may cancel and terminate the project and redistribute the funds.

5. The subgrantee agrees to submit such reports as requested by DCJS on forms provided by DCJS. Funds from this grant will not be disbursed, if any of the required Financial or Progress reports are overdue by more than 30 days unless you can show good cause for missing the reporting deadline.

6. Grant funds are usually disbursed quarterly. Grant state and local match funds are expended and/or obligated during the grant period. All legal obligations must be liquidated no later than 90 days after the end of the grant period. All requests for reimbursement must be completed within 90 days after the end of the grant. The grant recipient agrees to submit to the DCJS a final grant financial report and return all unexpended grant funds that were received within 90-days after the end of the grant.

7. **Budget Amendment Requests must be submitted through GMIS by the Project Director, Program Administrator, or Finance Officer. This Budget Amendment form must be accompanied with a narrative. No more than two such amendments will be permitted during the grant period. The deadline for all budget amendments to be submitted will be 45 days prior to the end of the grant year.**

8. Acceptance of this grant award by the local government applicant constitutes its agreement that it assumes full responsibility for the management of all aspects of the grant and the activities funded by the grant, including assuring proper fiscal management of and accounting for grant funds; assuring that personnel paid with grant

funds are hired, supervised and evaluated in accord with the local government's established employment and personnel policies; and assuring that all terms, conditions and assurances—those submitted with the grant application, and those issued with this award—are complied with.

a. By signing the Statement of Grant Award/Acceptance, the grantee agrees to comply with all terms, conditions, certifications and assurances that are attached to and made part of this grant award.
b. The Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (2 pages) can be downloaded from the DCJS website at http://www.dcjs.virginia.gov/forms/grants/usdoj.doc.
c. The General Grant Conditions and Assurances, Attachment A (5 pages) can be downloaded at http://www.dcjs.virginia.gov/forms/grants/attachmentA.doc.

9. Any delegation of responsibility for carrying out grant-funded activities to an office or department not a part of the local government must be pursuant to a written memorandum of understanding by which the implementing office or department agrees to comply with all applicable grant terms, conditions and assurances. Any such delegation notwithstanding, the applicant acknowledges by its acceptance of the award its ultimate responsibility for compliance with all terms, conditions and assurances of the grant award.

10. The grantee agrees to comply with the Virginia Public Procurement Act http://eva.virginia.gov/pages/eva-vppa.htm. Procurement transactions, whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. An exemption to this regulation requires the prior approval of the DCJS and is only given in unusual circumstances. Any request for exemption must be submitted in writing to the DCJS. Permission to make sole source procurements must be obtained from DCJS in advance.

11. The grantee may follow their own established travel rates if they have an established travel policy. If a grantee does not have an established policy, then they must adhere to state travel policy. The state allows reimbursement for actual reasonable expenses. For future reference please refer to the following IRS website for the most current mileage rate: **http://www.irs.gov/taxpros/article/0,,id=156624,00.html**: Transportation costs for air and rail must be at coach rates.

12. Project Income: Any funds generated as a direct result of DCJS grant-funded projects are deemed project income. Project income must be reported on the Subgrantee Financial Report for Project Income provided by DCJS. Instructions for the Project Income form can be downloaded at: http://www.dcjs.virginia.gov/forms/grants/subgrantProjectIncomeInstructions.doc. The Project Income form can also be downloaded from the DCJS website at: http://www.dcjs.virginia.gov/forms/grants/subgrantProjectIncome.xls. Examples of project income might include service fees; client fees; usage or rental fees; sales of materials; income received from sale of seized and forfeited assets (cash, personal or real property included).

13. The grantee agrees to comply with all federal and state confidentiality requirements. All grantees receiving funds to conduct research or statistical activities that involve collecting data identifiable to a private person should submit a Privacy Certificate, when required, in accordance with the requirements of 28 CFR Part 22. This requirement can be downloaded at: http://www.ecfr.gov/cgi-bin/text-idx?SID=484ad202fefda843f58e860eebaa85b&node=28:1.0.1.1.23&rgn=div5#28:1.0.1.1.23.0.4.6.

14. The grantee agrees to comply with the Department of Justice's requirements of 28CFR part 46 – Protection of Human Subjects. These federal requirements can be downloaded at: http://www.ecfr.gov/cgi-bin/text-idx?SID=484ad202fefda5843f53e860eebaa85b&node=28:2.0.1.1.4&rgn=div5.

15. The recipient agrees to assist the Department of Justice in complying with the National Environmental Policy Act (NEPA), and other related federal environmental impact analyses requirements in the use of these grant funds. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds. Recipient understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the recipient, subrecipient, or any third party and the activity needs

to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

a. New construction;
b. Minor renovation or remodeling of a property either (i) listed on or eligible for listing on the National Register of Historic Places or (ii) located within a 100-year flood plain;
c. A renovation, lease, or any other proposed use of a building or facility that will either (i) result in a change in its basic prior use or (ii) significantly change its size; and
d. Implementation of a new program involving the use of chemicals other than chemicals that are (i) purchased as an incidental component of a funded activity and (ii) traditionally used, for example, in office, household, recreational, or education environments.

16. The subgrantee agrees that it and all its contractors will comply with the following federal civil rights laws as applicable:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in the delivery of services (42 U.S.C. § 2000d), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C;
- The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54;
- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I; and
- The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding for inherently religious activities (28 C.F.R. Part 38).
- The Juvenile Justice and Delinquency Prevention Act of 1974, as amended, which prohibits discrimination in both employment and the delivery of services or benefits based on race, color, national origin, religion, and sex in JJDPA-funded programs or activities (42 U.S.C. § 5672(b)).
- Section 1407 of the Victims of Crime Act (VOCA), as amended, which prohibits discrimination in both employment and the delivery of services or benefits on the basis of race, color, national origin, religion, sex, and disability in VOCA-funded programs or activities. (42 U.S.C. § 10604).

17. The subgrantee agrees that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

18. **Scheduled Audit** - The grantee agrees to forward a copy of the scheduled audit of this grant award. Please forward to DCJS – Attention: FINANCE.

19. **Prior to DCJS disbursing funds, the Grantee must comply with the following special conditions:**

a. **Resubmit the following form signed by the Project Administrator (CityManager): the Attachment A, General Grant Conditions and Assurances (5 pgs.). This form is on our website at: http://www.dcjs.virginia.gov/forms/grants/attachmentA.pdf**

COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Francine C. Ecker
Director

1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
TDD (804) 386-8732

NOTICE

To: Grants Project Administrator

From: Janice Waddy, DCJS Grants Administrator

Re: Post Award Instructions and Reporting Requirements
PLEASE READ VERY CAREFULLY

☐ ***GRANT AWARD AND SPECIAL CONDITIONS***:
Please review your Award and Special Conditions very carefully. ***Pay attention to the last Special Condition listed. This Special Condition may require additional documentation from you before grant funds can be released.*** Sign and date the grant award acceptance and submit any Special Condition documentation to:

Grants Administration
Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

☐ ***REPORTING REQUIREMENTS***
By accepting the accompanying grant award, you are agreeing to submit online quarterly progress and financial reports for this grant throughout the grant period, as well as final reports to close the grant. **No eligible current recipient of funding will be considered for continuation funding if, as of the continuation application due date, any of the required Financial and Progress reports for the current grant are more than thirty (30) days overdue.** For good cause, submitted in writing by the grant recipient, DCJS may waive this provision.

Financial reports and *progress reports** are due no later than the close of business on the 12th working day after the end of the quarter (**except Pre- and Post-Incarceration Services reports which are due by the last working day of the end of the following month). Also, V-STOP and Sexual Assault Grant Programs' progress reports are submitted on semi-annual basis 12th working day after 6/30 and 12/31 quarters.* Reports are required even if no expenditures have occurred during the quarter. **Requests for Funds will not be honored from grant recipients who do not fulfill this reporting obligation.** A schedule of due dates is also attached for your reference.

- ***PROGRESS REPORTS***
  Refer to our website: **http://www.dcjs.virginia.gov/** fo.r submitting progress reports through the online Grants Management Information System (GMIS). In order to use this web-based system, if you have not previously done so, you must obtain a user name and password set up by your Finance Officer, whose name and contact information is listed on the attached Grant Statement of Award/Acceptance. You are required to use the online system to submit your progress reports. ***Paper copies of Progress Reports are no longer accepted.***

  ****FOR THE BYRNE/JAG PROGRAM: PLEASE NOTE, INFORMATION ON SUBMITTING QUARTERLY PROGRESS REPORTS WILL BE SENT AT A LATER DATE.***

- ***FINANCIAL REPORTS***
  Refer to our website for submitting financial reports through our online Grants Management Information System (GMIS). In order to use this web-based system, if you have not previously done so, you must obtain a user name and password set up by your Finance Officer, whose name and contact information is listed on the attached Grant Statement of Award/Acceptance. The address is http://www.dcjs.virginia.gov/grantsAdministration/gmis/index.cfm?menuLevel=4. ***Paper copies of the financial reports are no longer accepted. You are required to use the online system in reporting your expenditures.***

- ***REQUESTING GRANT FUNDS***
  Refer to our website for requesting funds through our online Grants Management Information System (GMIS). In order to use this web-based system, if you have not previously done so, you must obtain a user name and password set up by your Finance Officer, whose name and contact information is listed on the attached Grant Statement of Award/Acceptance. *Please note you can access this system using the same password assigned for the online financial reporting system. The address is http://www.dcjs.virginia.gov/grantsAdministration/gmis/index.cfm?menuLevel=4. ***You are required to use the online system for requesting funds.***

- ***BUDGET AMENDMENTS***
  Budgets can be amended in most DCJS grant programs with prior approval. Please review your special conditions carefully to determine the requirements and procedures for amending budgets. Refer to our website for the online Grants Management Information System.
  *Please note again that you can access this system using the same password assigned for the online financial reporting system.
  The address is **http://www.dcjs.virginia.gov/grantsAdministration/gmis/index.cfm?menuLevel=4.** ***Paper copies of the Budget Amendments are no longer be accepted. You are required to use the online system for submitting budget amendments.***

If you have any questions, please contact Virginia Sneed at (804) 786-5491 or by e-mail at virginia.sneed@dcjs.virginia.gov.

PROJECTED DUE DATES
FINANCIAL & PROGRESS REPORTS

Reports are due by the 12th working day following the close of the period covered in the report. Financial and Progress Reports are required, even if no expenditures or progress has occurred.

QUARTER ENDING	*DUE DATE*
9/30/2015	10/19/2015
12/31/2015	1/21/2016
3/31/2016	4/18/2016
6/30/2016	7/19/2016

Please contact the appropriate DCJS staff person if you need assistance with the following:

- Financial Reports and Requests for Funds - DCJS Fiscal Services Manager, Bill Dodd, at 804-371-0638 or bill.dodd@dcjs.virginia.gov
- GMIS – Complete and send an email to grantsweb@dcjs.virginia.gov citing the error message received, to request assistance from the GMIS Program Coordinator, DeAndrea Williams
- Progress Reports and Other Requests – your assigned DCJS Grant Program Monitor.

GENERAL GRANT CONDITIONS AND ASSURANCES

The applicant, for federal funds administered by DCJS, gives assurances and certifies with respect to the grant that it will comply with the following requirements:

1. The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Department of Criminal Justice Services shall prescribe shall be provided to assure fiscal control, proper management, and efficient disbursement of funds received under this grant.

2. **REPORTS:** Each applicant shall submit such reports as the DCJS shall reasonably request. Financial and progress reports shall be submitted to the DCJS on the **12th working day** following the close of each quarter unless otherwise informed.

3. **GRANT CLOSEOUT:** The last quarterly report of a project using federal funds must indicate any unpaid obligations, which exist at the expiration of the grant. The applicant has 90 days to liquidate any unpaid obligations and submit a final financial report.

4. **UNUSED FUNDS:** Any funds that have been requested, but unexpended at the end of the grant period will be refunded by check made payable to the **Treasurer, Commonwealth of Virginia,** and will accompany the final financial report when it is submitted to DCJS. (Most state agencies must use DPB form 27 and an IAT to return unused grant funds.) The check should be mailed to the attention of the Finance Department, Department of Criminal Justice Services, 1100 Bank Street, 12th Floor, Richmond, VA, 23219.

5. **INSPECTION AND AUDIT:** The applicant agrees to comply with the organizational audit requirements of OMB Circular A-133, "Audits of State, Local Governments and Non-Profit Institutions." In conjunction with the beginning date of the award, the audit report period of the local government entity to be audited under the single audit requirement is the start-date of the project through the end-date of the project as noted on the Statement of Grant Award/Acceptance. The audit report shall be submitted no later than one (1) year from the end-date of the grant award as stated on the Statement of Grant Award/Acceptance, and for each audit cycle thereafter covering the entire award period as originally approved or amended. The management letter must be submitted with the audit report. A copy of all audits must be forwarded to the Finance Department, Department of Criminal Justice Services.

6. The applicant will comply, where applicable, with the following:

   - National Environment Policy Act of 1969 (42 U.S.C. § 4321);
   - Flood Plain Management and Wetland Protection Procedures (28 CFR 63);
   - National Historic Preservation Act (16 USC 470);
   - Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970. (42 U.S.C. § 4601 et seq.);
   - Clean Air Act, P. L. 88-206, 42 USC 1857, et seq;
   - Safe Drinking Water Act, P. L. 93-523, 42 USC 3001, et seq;
   - Endangered Species Act of 1973, P. L. 93-205, 16 USC 1531, et seq;

11. **RELEASE OF INFORMATION:** All records, papers and other documents kept by recipients of DCJS funds, and their contractors, relating to the receipt and disposition of such funds, are required to be made available to the DCJS. These records and other documents submitted to DCJS and its applicants pursuant to other provisions of the Act, including plans and application for funds, are required to be made available to DCJS under the terms and conditions of the Federal Freedom of Information Act, 5 USC 552.

12. **INFORMATION SYSTEMS:** With respect to programs related to criminal justice information systems, the applicant agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of the integrity and accuracy of data collection. The applicant further agrees:

    - That all computer programs (software) developed with funds provided by this grant will be made available to the DCJS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.

    - To provide a complete copy of the computer programs and documentation, upon request, to the DCJS. The documentation will include but not be limited to system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.

    - That whenever possible all application programs will be written in standardized programming languages (i.e., ANSI, Cobol, FORTRAN, Basic, etc.) for use on general operating systems (e.g., DOS, CP/M, UNIX, etc.) that can be utilized on at least three different manufacturers computers of similar size and configuration.

    - To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Department of Criminal Justice Services should be contacted to determine availability of software prior to any development effort.

13. **CONFIDENTIALITY OF RESEARCH INFORMATION:** Research information identifiable to an individual, which was obtained though a project funded wholly or in part with DCJS grant funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).

14. **CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES:** The applicant agrees to be in compliance with all policies as expressed under the Code of Federal Regulations, 28 CFR 23, concerning the operation of criminal intelligence systems funded with DCJS funds.

15. **COPYRIGHT:** Except as otherwise provided in the conditions of the award, the author is free to arrange for copyright without approval when publication or similar materials are developed from work under a DCJS supported project. Any such copyright materials shall be subject to the DCJS's right to reproduce them, translate them, publish them, use and dispose of them, and to authorize others to do so for government purposes. In addition, communications in primary scientific or professional journals publishing initial reports or research or other activities and supported in whole or in part by the DCJS project funds may be copyrighted by the journal with the understanding that individuals are authorized to make or have made by any means available to them, without regard to the copyright of the journal, and without royalty, a single copy of any such article for their own use. State employees who

interested parties. DCJS may waive the requirement for submission of any specific publication upon submission of a request providing justification from the applicant.

23. Applicants with federal grants that procure goods or services that have an aggregate value of $500,000 or more must specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) a) the amount of Federal funds that will be used to finance the acquisition; and b) expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition. This complies with Public Law 102-141, section 623 (formally the Stevens Amendment).

CERTIFICATION

I certify that all the information presented is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with the provisions of all other federal and state laws and rules and regulations that apply to this award.

Authorized Official (Project Administrator)

6-29-10
Date

C: Dir., Norfolk Community Services Board

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: Sarah Paige Fuller, Director
Norfolk Community Services Board

Subject: Acceptance of grant award from the Virginia Department of Behavioral Health and Developmental Services

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-21**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance to accept a grant award of $260,000 from the Virginia Department of Behavioral Health and Developmental Services ("VDBHDS") to Norfolk Community Services Board ("NCSB") for the development and promotion of an affordable, safe, and supportive housing program for persons with serious mental illness.

IV. **Analysis**
The VDBHDS is making investments in the development and promotion of affordable, safe, and supportive housing for persons with serious mental illness. The NCSB has been progressive in the development of housing opportunities for citizens with behavioral health and developmental disorders. This grant is a one-time allocation to NSCB to be used for the stated purpose. A plan for the use of these funds will be developed collaboratively between NCSB and VDBHDS.

V. **Financial Impact**
This grant is a one-time award. No local match is required for this grant.

VI. **Environmental**
N/A

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

The grant award was reviewed by the NCSB Board of Directors

IX. Coordination/Outreach

This letter and ordinance have been coordinated with Norfolk Community Services Board, Department of Finance, Budget and Strategic Planning, and the City Attorney's Office.

Supporting Material from the Department of Norfolk Community Services Board:

- Ordinance
- Grant Award Notification e-mail from DBHDS Homeless Projects Coordinator

7/28/16 - bjl

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Norfolk Community Services Board

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ 260,000 2275-31-9176-9176 be
Account

_____ 7/29/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING A GRANT AWARD OF $260,000.00 FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES TO THE NORFOLK COMMUNITY SERVICES BOARD FOR THE DEVELOPMENT AND PROMOTION OF AN AFFORDABLE, SAFE AND SUPPORTIVE HOUSING PROGRAM FOR PERSONS WITH SERIOUS MENTAL ILLNESS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a grant of $260,000.00 from the Virginia Department of Behavioral Health and Developmental Services to the Norfolk Community Services Board for the development and promotion of an affordable, safe and supportive housing Program for persons with serious mental illness is hereby accepted.

Section 2:- That $260,000.00 in grant funds are hereby appropriated and authorized for expenditure for the Program, if and when the funds are made available from the Virginia Department of Behavioral Health and Developmental Services.

Section 3:- That this ordinance shall be in effect from and after its adoption.

Liu, Amy

From: Fuller, Sarah
Sent: Friday, June 24, 2016 11:30 AM
To: Liu, Amy
Subject: Fwd: One-time SMI PSH allocation

Sent from my iPhone

Begin forwarded message:

From: "Yavorsky, Kristin (DBHDS)" <Kristin.Yavorsky@dbhds.virginia.gov>
Date: June 24, 2016 at 11:28:54 AM EDT
To: "Norfolk - Sarah Fuller (sarah.fuller@norfolk.gov)" <sarah.fuller@norfolk.gov>
Cc: "Watts, Charlotte (DBHDS)" <Charlotte.Watts@dbhds.virginia.gov>
Subject: One-time SMI PSH allocation

Good morning –

The Virginia Department of Behavioral Health and Developmental Services (DBHDS) is making investments in the development and promotion of affordable, safe, and supportive housing for persons with Serious Mental Illness. DBHDS sent a one-time allocation to Norfolk Community Services Board of $260,000 June 23, 2016. This allocation must be used for the above stated purpose. A plan for the use of these funds will be developed collaboratively between Norfolk CSB and DBHDS. None of these funds can be used or expired without written approval from DBHDS. DBHDS is eager to work with Norfolk to develop new opportunities for this population as Norfolk CSB has been progressive in the development of housing opportunities for vulnerable citizens with Behavioral Health and Developmental Disorders.

I am the contact at DBHDS managing this project. I can be reached at this email or the contact number in my signature.

-Kristin

Kristin Yavorsky, MSW
Homeless Projects Coordinator
Virginia Department of Behavioral Health and Developmental Services
1220 Bank St.
Richmond, VA 23219
Phone: 804-225-3788

C: Dir., Norfolk Community Services Board

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: Sarah Paige Fuller, Director
Norfolk Community Services Board

Subject: Acceptance of grant awards from the Virginia Department of Behavioral Health and Developmental Services

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-22**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance to accept a $15,529 grant award from the Virginia Department of Behavioral Health and Developmental Services ("VDBHDS") for Norfolk Community Services Board ("NCSB") to assist in the Projects for Assistance in Transition from Homelessness; a $32,266 grant award from VDBHDS for NCSB to assist in medication assisted substance abuse treatment; and a $2,451 grant award from VDBHDS for NCSB to assist in the Program of Assertive Community Treatment for persons with severe mental illness.

IV. **Analysis**
These grants are one-time awards to be appropriated and authorized for expenditure for NCSB projects for transition from homelessness, medication assisted substance abuse treatment, and assertive community treatment for persons with severe mental illness.

V. **Financial Impact**
The total one-time award is $50,246. No local match is required for the grants.

VI. **Environmental**
N/A

VII. **Community Outreach/Notification**
Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VIII. Board/Commission Action

The grant award was reviewed by the NCSB Board of Directors

IX. Coordination/Outreach

This letter and ordinance have been coordinated with Norfolk Community Services Board, Department of Finance, Budget and Strategic Planning, and the City Attorney's Office.

Supporting Material from the Department of Norfolk Community Services Board:

- Ordinance
- Grant award notification letter and email from VDBHDS

7/28/16 - bjt

Form and Correctness Approved: ADM

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Norfolk Community Services Board

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ 50,246.00 — 2275-31-9178-9178 be
Account

_____ — 7/29/16
Director of Finance — Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES TO THE NORFOLK COMMUNITY SERVICES BOARD OF A GRANT AWARD OF $15,529 FOR THE PROJECT FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS, A GRANT AWARD OF $32,266 FOR SUBSTANCE ABUSE MEDICATION ASSISTED TREATMENT AND A GRANT AWARD OF $2,451 FOR THE PROGRAM OF ASSERTIVE COMMUNITY TREATMENT AND APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE GRANT FUNDS FOR THE PROGRAMS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a $15,529.00 grant award from the Virginia Department of Behavioral Health and Developmental Services to the Norfolk Community Services Board to assist in the Projects for Assistance in Transition from Homelessness, a $32,266.00 grant award from the Virginia Department of Behavioral Health and Developmental Services to the Norfolk Community Services Board to assist in medication assisted substance abuse treatment and a $2,451.00 grant award from the Virginia Department of Behavioral Health and Developmental Services to the Norfolk Community Services Board to assist in the Program of Assertive Community Treatment for persons with severe mental illness, are hereby accepted.

Section 2:- That $15,529.00, $32,266.00 and $2,451.00 in grant funds are hereby appropriated and authorized for expenditure for the Norfolk Community Services Board's Programs of transition from homelessness, medication assisted substance abuse treatment and assertive community treatment for persons with severe mental illness, if and when the funds are made available from the Virginia Department of Behavioral Health and Developmental Services.

Section 3:- That this ordinance shall be in effect from and after its adoption.

$32,266

COMMONWEALTH of VIRGINIA

JACK BARBER, M.D.
INTERIM COMMISSIONER

DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
Post Office Box 1797
Richmond, Virginia 23218-1797

Telephone (804) 786-3921
Fax (804) 371-6638
www.dbhds.virginia.gov

June 20, 2016

Ms. Sarah Paige Fuller
Executive Director
Norfolk Community Services Board
225 West Olney Road
Norfolk, VA 23510-1523

Dear ~~Ms. Fuller~~ Sarah:

I am pleased to notify you that Norfolk will receive $32,266 in FFY 2016 SAPT Block Grant funds in response to your request to expand access to medication assisted treatment. These funds must be expended by Sept 30, 2016, and should be reported in your FY 2016 End of Year Performance Contract report. Please contact either Kevin Howard or Joel Rothenberg if you have questions about completing the report. If you have programmatic concerns, please contact Julie Truitt.

Sincerely,

Mellie Randall

Mellie Randall
Substance Use Disorder System of Care Policy Advisor

xc: Lillian Chamberlain
Robert Horne
Philippe Peter
Sharon Erdt
Kevin Howard
Paul Gilding
Joel Rothenberg
Stacy Gill
Charlotte Watts, Ph.D.
Gabriella Caldwell-Miller, Ph.D.
Julie Truitt

$2,451

Liu, Amy

From: Howard, Kevin (DBHDS) <Kevin.Howard@dbhds.virginia.gov>
Sent: Wednesday, June 22, 2016 11:35 AM
To: Liu, Amy
Cc: Good, Arlene (DBHDS)
Subject: FW: One-time PACT allocation

Good morning,

Please see the email below. These funds will be arriving via special payment no later than Friday, June 24th. These are FY 2016 state funds and will be included on the MH PACT line of the FY 2016 End of Year CARS report.

Please let us know if you have any questions.

Thanks,

Kevin
804-786-4511

From: VanArnam, Jeffrey (DBHDS) [mailto:Jeffrey.VanArnam@dbhds.virginia.gov]
Sent: Friday, June 17, 2016 10:13 AM
To: Miano, Annabella
Cc: Fuller, Sarah
Subject: One-time PACT allocation

Good morning,

I wanted to advise you that DBHDS will be sending you, via special payment, a one-time allocation of $2451.00 by the end of FY16.

These funds are to be used, at your team's discretion, for direct support and assistance to individuals served by PACT. Examples may include things such as assistance with rental deposits or other housing-related costs like the purchasing of furniture, assistance with bills, clothing, etc.

Thank you for the work you are doing, and please let me know if you have any questions.

Best regards,

Jeff

Jeff VanArnam
ACT Coordinator
Office of Behavioral Health Services
☎ *(804) 786-7357*
Virginia Department of Behavioral Health & Developmental Services

C: Dir., Norfolk Community Services Board

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: Sarah Paige Fuller, Director
Norfolk Community Services Board

Subject: Eastern State Hospital Bed Utilization Reduction Grant from the Virginia Department of Behavioral Health and Developmental Services

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-23**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance to accept a grant award of $52,777.78 from the Virginia Department of Behavioral Health and Developmental Services ("VDBHDS") to the Norfolk Community Services Board ("NCSB") to reduce bed utilization at Eastern State Hospital ("ESH").

IV. **Analysis**
NCSB, through collaboration with ESH, strives to make the most effective use of its beds for the region. This grant award will allow start-up incentive funding to support an additional staff member to the hospital liaison team known locally as the Community Integrations Team. This position will work intensively with the patient population to reduce stays at ESH, whether through diversion or discharge.

V. **Financial Impact**
This grant is a one-time award. No local match is required for this grant.

VI. **Environmental**
N/A

VII. **Community Outreach/Notification**
Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VIII. Board/Commission Action

The grant award was reviewed by the NCSB Board of Directors

IX. Coordination/Outreach

This letter and ordinance have been coordinated with Finance Department and Grant Management.

Supporting Material from the Department of Norfolk Community Services Board:

- Ordinance
- Grant Award Notification Email from DBHDS

7/28/16 - bjl

Form and Correctness Approved: APM

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Norfolk Community Services Board

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ 52,777.78 2275-31-9177-9177 bc
Account

_____ 7/29/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING A GRANT AWARD OF $52,777.78 FROM THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES TO THE NORFOLK COMMUNITY SERVICES BOARD TO REDUCE BED UTILIZATION AT EASTERN STATE HOSPITAL.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a grant of $52,777.78 from the Virginia Department of Behavioral Health and Developmental Services to the Norfolk Community Services Board to reduce bed utilization at Eastern State Hospital is hereby accepted.

Section 2:- That $52,777.78 in grant funds are hereby appropriated and authorized for expenditure, if and when the funds are made available from the Virginia Department of Behavioral Health and Developmental Services, to reduce bed utilization at Eastern State Hospital.

Section 3:- That this ordinance shall be in effect from and after its adoption.

C: Chief, Fire-Rescue

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: Jeffrey F. Wise, Fire Chief
Department of Fire-Rescue

Subject: FY 2016 Four-for-Life Aid to Locality Funding

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-24**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance authorizing the City of Norfolk (the "city") to accept and appropriate the sum of $178,738.56 from the Virginia Department of Health, Office of Emergency Services (the "Department of Health"), for the "Four for Life" Aid to Locality Program (the "program"). These funds will be used for emergency medical training purposes and to purchase medical equipment and supplies.

IV. **Analysis:**
The revenue for the program is derived from the collection of four additional dollars ($4.00) at the time of registration for each passenger vehicle, pickup and panel truck. The funds collected are pursuant to §46.2-694 of the *Code of Virginia* for emergency medical purposes only. The Department of Health returns 26% of the registration fees collected to the locality of the registered vehicle.

V. **Financial Impact**
Allocated funding will not impact the city's fiscal year budget.

VI. **Environmental**
N/A

VII. **Community Outreach/Notification**
Public notification for this agenda item was conducted through the city's agenda notification process.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter has been coordinated with the Department of Fire-Rescue and the City Attorney's Office.

Supporting Material from the Department of Fire-Rescue:

- Ordinance

7/12/16 - bjl

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Norfolk Fire Rescue

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ 178,738.56 0275-20-2036-9167
Account

_____ 7/21/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE ACCEPTING $178,738.56 IN GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF HEALTH, OFFICE OF EMERGENCY MEDICAL SERVICES, FOR THE "FOUR FOR LIFE" PROGRAM AND APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE 178,738.56 IN GRANT FUNDS FOR THE "FOUR FOR LIFE" PROGRAM

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That $178,738.56 in grant funds are hereby accepted from the Virginia Department of Health, Office of Emergency Medical Services, for the "Four for Life" Program (the "Program") to be used for medical training purposes and to purchase emergency medical equipment.

Section 2:- That $178,738.56 is hereby appropriated and authorized for expenditure for the Program, if and when the funds are made available from the Virginia Department of Health, Office of Emergency Medical Services, for the Program.

Section 3:- That this ordinance shall be in effect from and after its adoption.

City of NORFOLK

C: Dir., Public Works

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: David Ricks, Director of Public Works

Subject: Encroach into the right of way at 243 W. Bute Street with a door awning and sign

Reviewed: Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: Marcus D. Jones, City Manager

Item Number: **R-25**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Atlas Holdings Two, LLC
508 A E. Indian River Road
Norfolk, Virginia 23523

III. **Description:**
This agenda item is an ordinance permitting Atlas Holdings Two, LLC ("Atlas") to encroach into the right-of-way at 243 W. Bute Street with a door awning and sign.

IV. **Analysis:**
An encroachment is an object or structure that infringes into the City of Norfolk's (the "City's") rights-of-way or property. Norfolk City Code, Section 42-10, requires all encroachments into the rights-of-way to be approved by City Council. The encroachment in this location will allow Atlas to have a covered entrance and a sign for business identification.

V. **Financial Impact:**
Liability insurance has been provided naming the City as additional insured in the amount of $1,000,000; therefore, there should be no financial risk to the City. The City did not charge a fee for this encroachment.

VI. **Environmental:**
N/A

VII. **Community Outreach/Notification:**
Public notification for this agenda item was conducted through the City's agenda notification process.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VIII. Board/Commission Action:

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. The encroachment was reviewed and recommended by the Norfolk Design Review Committee and the City Planning Commission.

IX. Coordination/Outreach:

This letter has been coordinated with Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (5 sheets)

7/26/2016 - wld

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING ATLAS HOLDINGS TWO, LLC TO ENCROACH INTO THE RIGHT-OF-WAY AT 243 W. BUTE STREET WITH A DOOR AWNING AND SIGN.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Atlas Holdings Two, LLC ("Atlas") to encroach into the right-of-way at 243 W. Bute Street with a door awning and sign, as shown on Exhibit A attached hereto, such permission being further subject to the following conditions:

(1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Atlas, or its successors and assigns, shall immediately remove the encroaching structures.

(2) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.

(3) That Atlas, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least $1,000,000.00 each occurrence and $2,000,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City and/or Atlas, and its successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation, maintenance, or existence of said encroaching structures, with

evidence of such insurance being provided to the City.

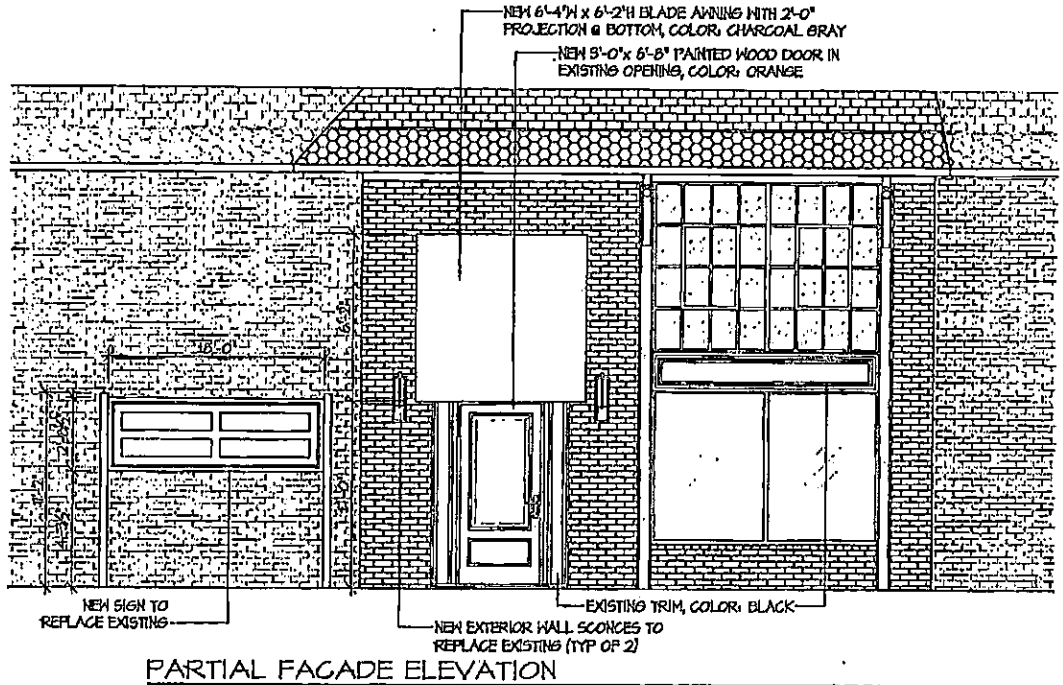
(4) That the City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at 243 W. Bute Street, the location being shown on Exhibit A.

Section 2:- That the failure of Atlas, or its successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by the Atlas, and its successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A

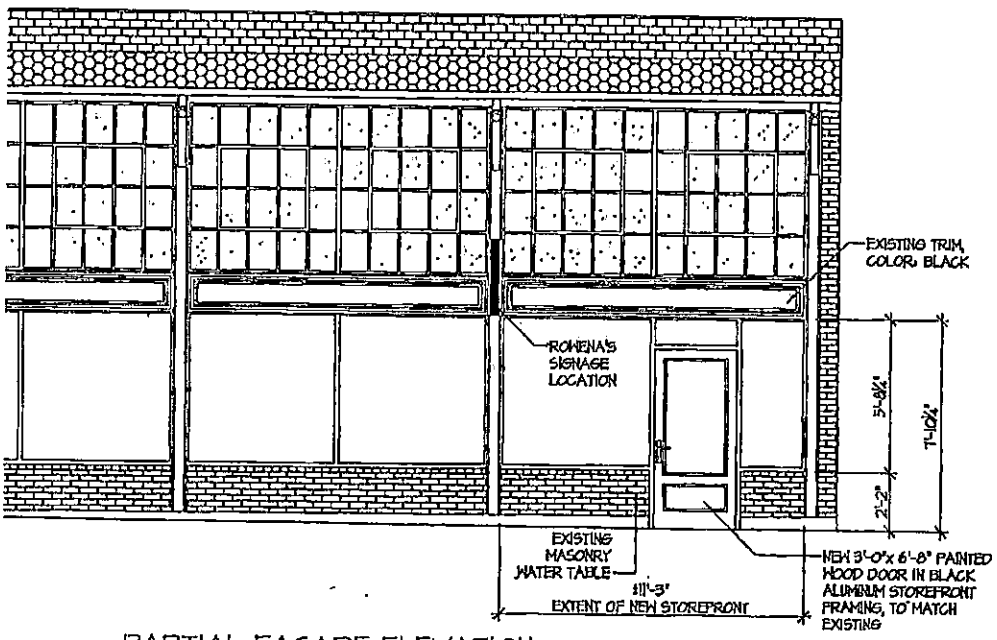


PARTIAL FACADE ELEVATION

1/4" = 1'-0"

RENOVATIONS TO 243 W BUTE STREET

RENOVATIONS TO EXISTING ENTRY DOOR AND SIGN

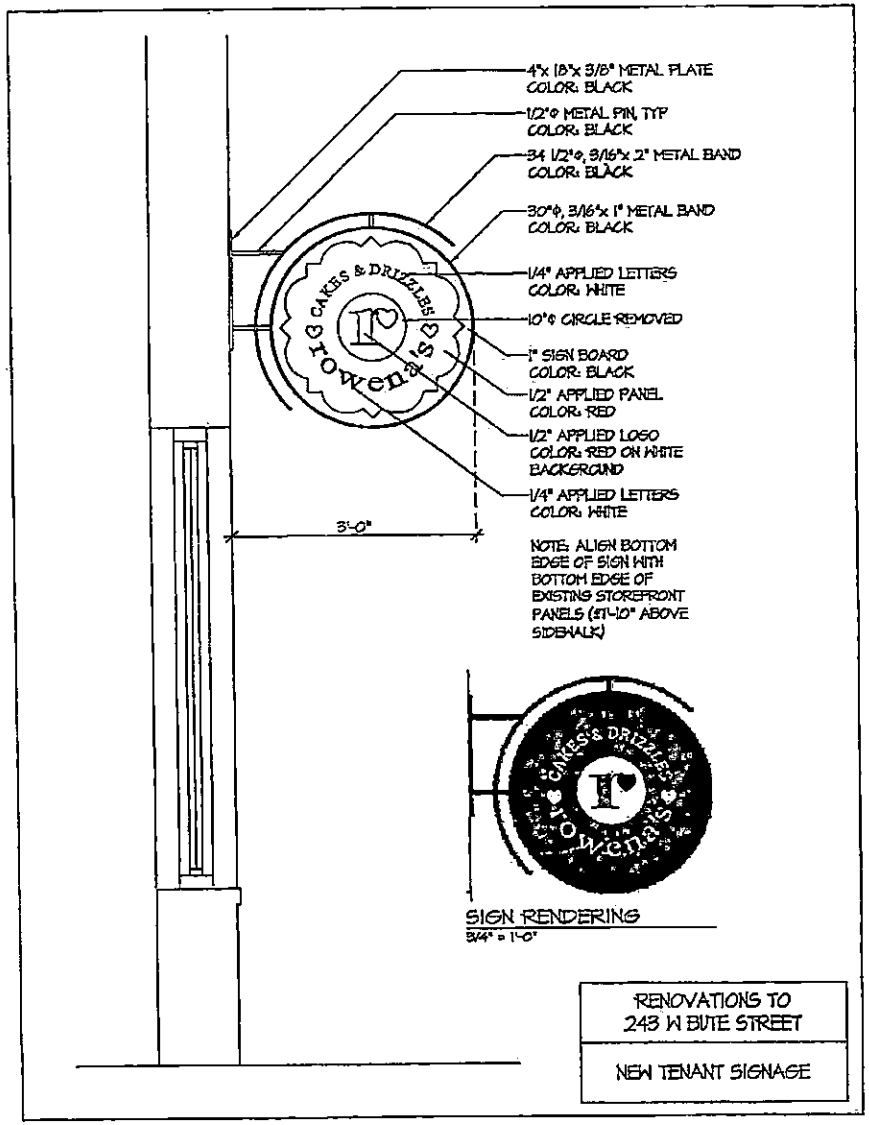


PARTIAL FACADE ELEVATION

1/4" = 1'-0"

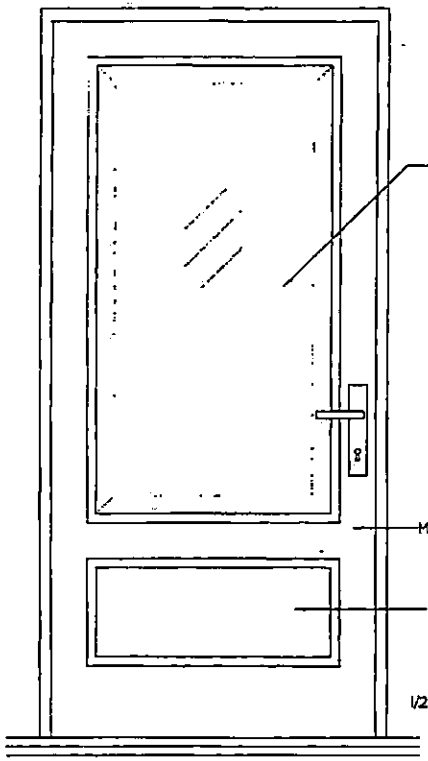
RENOVATIONS TO 243 W BUTE STREET

NEW DOOR TO ACCESS NEW TENANT SPACE ON BUTE

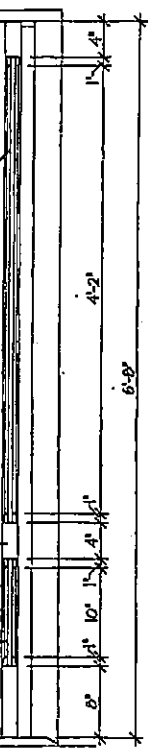


RENOVATIONS TO
243 W BUTE STREET

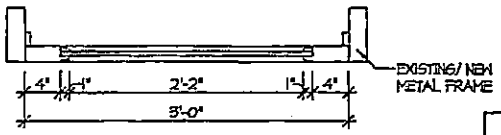
NEW TENANT SIGNAGE



ELEVATION
1" = 1'-0"



SECTION
1" = 1'-0"



243 W BUTE ST NEW DOOR PLAN
1" = 1'-0"

RENOVATIONS TO 243 W BUTE STREET
NEW DOOR DETAILS

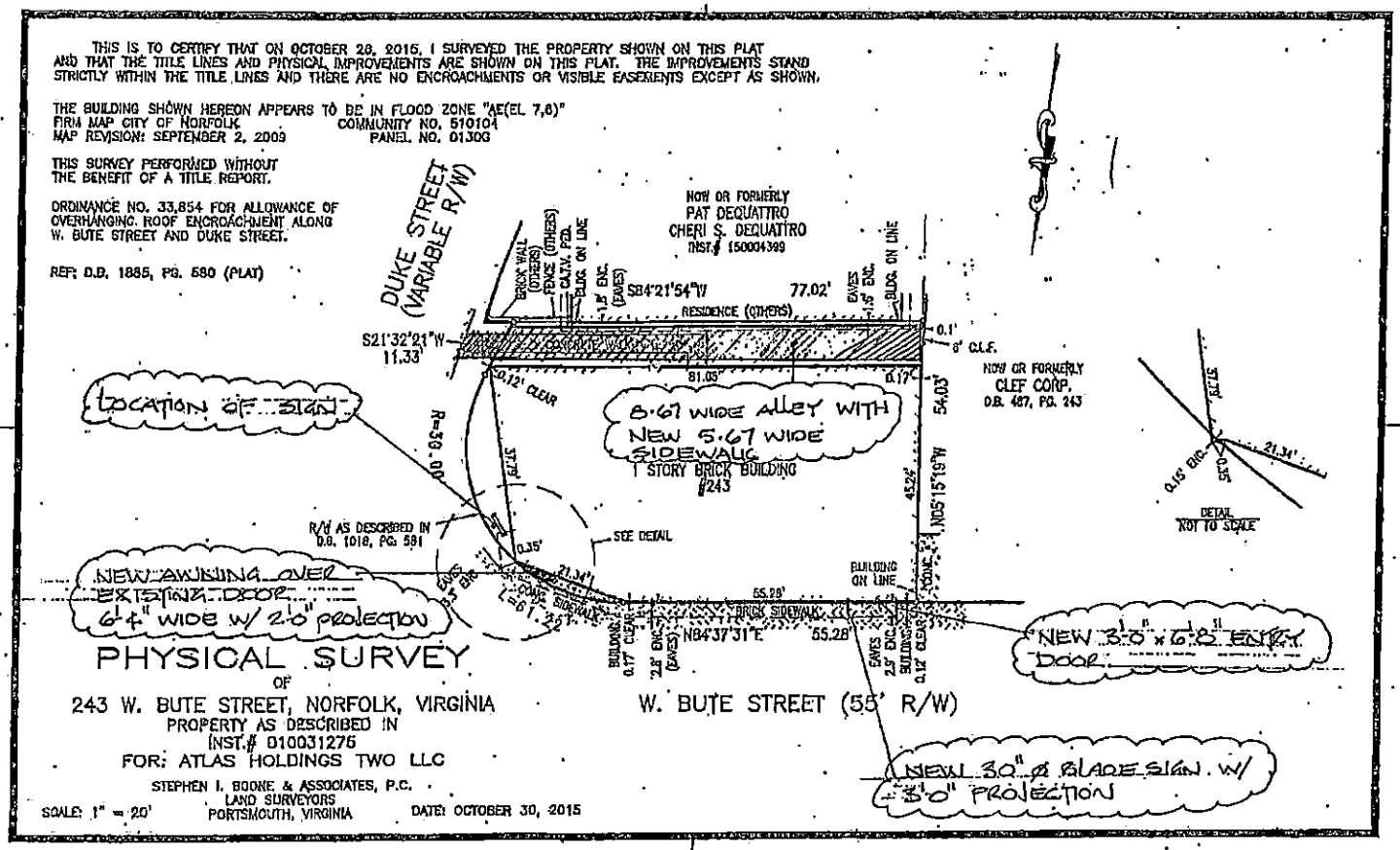
THIS IS TO CERTIFY THAT ON OCTOBER 28, 2015, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE BUILDING SHOWN HEREON APPEARS TO BE IN FLOOD ZONE "AE(EL 7.6)"
FIRM MAP CITY OF NORFOLK COMMUNITY NO. 510104
MAP REVISION: SEPTEMBER 2, 2009 PANEL NO. 0130G

THIS SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.

ORDINANCE NO. 33,854 FOR ALLOWANCE OF OVERHANGING ROOF ENCROACHMENT ALONG W. BUTE STREET AND DUKE STREET.

REF: D.B. 1885, PG. 580 (PLAT)



PHYSICAL SURVEY

OF

243 W. BUTE STREET, NORFOLK, VIRGINIA
PROPERTY AS DESCRIBED IN
INST.# 010031275
FOR: ATLAS HOLDINGS TWO LLC

STEPHEN I. BOONE & ASSOCIATES, P.C.
LAND SURVEYORS
PORTSMOUTH, VIRGINIA

SCALE: 1" = 20' DATE: OCTOBER 30, 2015

DRAFT: R.L.P.

C: Dir., Office to End Homelessness

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: Michael Wasserberg, Director
Office to End Homelessness

Subject: Ordinance approving a grant to Virginia Supportive Housing from the Capital Improvement Program Fund

Reviewed: _____
Wynter C. Benda, Deputy City Manager

Ward/Superward: 4/7

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-26**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description:**
This agenda item is an ordinance to approve a grant from the City of Norfolk (the "city") to Virginia Supportive Housing ("VSH"), from the Capital Improvement Program ("CIP") Fund, in the amount of $707,000 for the construction of studio apartments for previously homeless single adults on property located at 2000 Church Street and known as Church Street Station.

IV. **Analysis**
The Norfolk City Council has announced a policy to end homelessness in Norfolk. The city, in accordance with this policy, desires to have housing developed as a tool to end homelessness. The Church Street Station studio apartment development will provide 40 units of permanent supportive housing for persons who were previously homeless and 40 units of housing for persons entering the workforce. Church Street Station will be the second such development built by VSH in Norfolk and the sixth project VSH has constructed through a unique regional partnership.

V. **Financial Impact**
The CIP Fund grant to VSH in the amount of $707,000 was appropriated as part of the FY 2014 ($207,000) and the FY 2015 ($500,000) budget process. The funds granted are to offset a portion of the construction costs associated with the $13.9 million project.

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

VI. Environmental

N/A

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the city's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Office to End Homelessness, the Department of Finance, and the City Attorney's Office.

Supporting Material from the Department of: City Attorney's Office and Finance Department

- Ordinance
- Grant Agreement

07/22/16 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT. OFFICE TO END HOMELESSNESS

Pursuant to Section 72 of the City Charter, I hereby certify that the money required for this item is in the city treasury to the credit of the fund from which it is drawn and not appropriated for any other purpose.

$ $707,000 4000-2-4200-4200 be
Account

_____ 8/11/16
Director of Finance Date

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING A GRANT TO VIRGINIA SUPPORTIVE HOUSING, FROM THE CAPITAL IMPROVEMENT PROGRAM FUND, IN THE AMOUNT OF $707,000.00, FOR THE CONSTRUCTION OF APARTMENTS FOR PREVIOUSLY HOMELESS SINGLE ADULTS ON THE PROPERTY KNOWN AS 2000 CHURCH STREET IN THE CITY OF NORFOLK.

- - -

WHEREAS, the Council of the City of Norfolk has announced a policy to end homelessness in Norfolk; and

WHEREAS, Virginia Supportive Housing is a not-for-profit services provider for the homeless; and

WHEREAS, Virginia Supportive Housing operates housing for previously homeless persons; and

WHEREAS, the City Council desires to have housing developed in the City as a tool to end homelessness; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the sum of Seven Hundred Seven Thousand Dollars ($707,000.00) from the Capital Improvements Program fund is hereby granted to Virginia Supportive Housing for the construction of studio apartments for previously homeless single adults on the property known as 2000 Church Street.

Section 2:- That the City Manager and the City Attorney are hereby authorized to prepare, execute and deliver a Grant Agreement which sets forth the terms and conditions of the grant, in substantial conformity with the agreement attached hereto as Exhibit A.

Section 3:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A

GRANT AGREEMENT
BETWEEN THE CITY OF NORFOLK
AND VIRGINIA SUPPORTIVE HOUSING

THIS GRANT AGREEMENT is made as of the ____ day of _____, 2016, between the **CITY OF NORFOLK**, a municipality of the Commonwealth of Virginia ("City"), and **VIRGINIA SUPPORTIVE HOUSING** ("Grantee").

WHEREAS, the Norfolk City Council authorized the expenditure of $707,000.00 to provide 40 studio apartments for single adult households experiencing homelessness; and

WHEREAS, Grantee is a non-profit homeless services provider which operates permanent supportive housing; and

WHEREAS, Grantee intends to construct 40 studio apartments on the land located at 2000 Church Street ("property") in the City of Norfolk, Virginia to provide permanent supportive housing for people experiencing homelessness; and

WHEREAS, Grantee approached the City to assist in meeting the cost of site work and building construction; and

WHEREAS, Grantee's operation of permanent supportive housing in the City furthers Council's policy to end homelessness; now, therefore,

WITNESSETH:

I. THE GRANT

1. Amount of the Grant.

Subject to the conditions and limits set forth below, the City will give to Grantee the sum of Seven Hundred Seven Thousand Dollars ($707,000). The Grant shall be paid out in equal quarterly installments, the first installment to be paid upon commencement of construction.

2. Term of the Grant.

The term of the Grant shall be three (3) years from the date of closing on the purchase of the property by Grantee.

3. Purpose of the Grant.

Funds provided to Grantee under this Agreement shall be used solely for the development of 40 studio apartments with support services for single adults who were formerly homeless at 2000 Church Street in the City of Norfolk, Virginia.

4. Conditions of the Grant.

Grantee agrees to acquire the property and construct 40 studio apartment units dedicated to single adult households experiencing homelessness, as set forth in Ordinance Number _____, adopted by Council on _____.

I. GENERAL MATTERS

1. Applicable Law. This Agreement shall be construed under and shall be governed by the laws of the Commonwealth of Virginia.

2. Assignment. Grantee shall not have the right to assign its rights under this Grant to any other party.

3. Waiver. The failure of the City to insist upon strict performance of any of the terms or provisions of this Agreement or to exercise any option, right or remedy contained in this Agreement, shall not be construed as a waiver or as a relinquishment for the future of such term, provision, option, right or remedy. No waiver by the City of any term or provision of this Agreement shall be deemed to have been made unless expressed in writing and duly signed by the City Manager.

4. Severability. The terms and conditions of this Agreement are declared severable, in the event any term or condition or application is held invalid; such invalidity shall not affect the remainder of this Agreement.

5. Non-Discriminatory Policies.

5.1 Grantee will not discriminate against any employee or applicant for Employment because of the race, religion, color, sex or national origin of the employee or applicant for employment, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of Grantee. Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

5.2 Grantee, in all solicitations or advertisements for employees placed by or on behalf of Grantee, will state that Grantee is an equal opportunity employer.

5.3 Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

6. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the grant.

WITNESS the following signatures, thereunto duly authorized:

CITY OF NORFOLK

BY: _____[SEAL]
Marcus D. Jones, City Manager

ATTEST:

_____
City Clerk Date

VIRGINIA SUPPORTIVE HOUSING

By:_____[SEAL]

Print Name: _____
Print Title:_____

APPROVED AS TO FORM AND CORRECTNESS:

_____
Deputy City Attorney

APPROVED AS TO CONTENT:

_____
Director, Office to End Homelessness

CERTIFICATE OF FUNDING

I hereby certify that the money required for this Agreement is in the City Treasury to the credit of the fund from which it is to be drawn and not appropriated for any other purpose.

Account No.: $207,000: 4000-2-4200-5501-FY14
$500,000: 4000-2-4200-5501-FY15

Total Amount: $707,000.00

Contract No. _____

Vendor: VIRGIN0174

_____
Director of Finance Date

C: DCMs

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

August 23, 2016

From: Morgan A. Whayland
Assistant to the City Manager

Subject: Change Starting Time of City Council Meeting on September 19, 2016

Reviewed: _____
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: N/A

Approved: _____
Marcus D. Jones, City Manager

Item Number: **R-27**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description**
This ordinance is to change the starting time of the regular City Council meeting scheduled for Tuesday, September 20, 2016 at 7:00 p.m. to Monday, September 19, 2016 at 8:00 a.m. and to move the location of the meeting.

IV. **Analysis**
Section 2-4 of the *Norfolk City Code* provides that the City Council may substitute another day of the week for a Tuesday regular meeting and may move the meeting to another location.

V. **Financial Impact**
N/A

VI. **Environmental**
N/A

VII. **Community Outreach/Notification**
Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. **Board/Commission Action**
N/A

IX. **Coordination/Outreach**
This letter has been coordinated with the City Clerk's Office and the City Attorney's Office.

Supporting Material from the Department of Law:

- Ordinance

810 Union Street #1101 ▪ Norfolk, Virginia 23510
Phone: 757-664-4242 ▪ Fax: 757-664-4239

Form CCO-003

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO CHANGE THE STARTING TIME OF THE REGULAR WEEKLY CITY COUNCIL MEETING SCHEDULED FOR TUESDAY, SEPTEMBER 20, 2016, AT 7:00 P.M. TO SEPTEMBER 19, 2016, AT 8:00 A.M. AND TO MOVE THE LOCATION OF SAID MEETING.

- - -

WHEREAS, Section 2-4 of the City Code provides that the starting time of the weekly meeting of the Council of the City of Norfolk to be held during the week beginning September 18, 2016 and ending on September 24, 2016 shall be at 7:00 P.M. on Tuesday, September 20, 2016; and

WHEREAS, Section 2-4 of the City Code provides that the place for holding meetings of the Council of the City of Norfolk is the Council Chamber of the City Hall Building in the City of Norfolk, Virginia; and

WHEREAS, it is the desire of the Council of the City of Norfolk to change the starting time of the weekly meeting of the Council of the City of Norfolk from 7:00 P.M. on September 20, 2016 and fix the starting time of said meeting as Monday, September 19, 2016 at 8:00 A.M. with said meeting to adjourn at 6:00 P.M. and reconvene on Tuesday, September 20, 2016 at 8:00 A.M. and terminating at 12:00 P.M. on Tuesday, September 20, 2016 now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That, notwithstanding the provisions of Section 2-4 of the City Code, the starting time of the regular meeting of the Council of the City of Norfolk to be held during the week beginning September 18, 2016 and ending on September 24, 2016 is hereby changed from 7:00 P.M. and the starting time of said meeting is hereby fixed as Monday, September 19, 2016 at 8:00 A.M. with said meeting scheduled to adjourn at 6:00 P.M. and reconvene on Tuesday, September 20, 2016 at 8:00 A.M. and terminating at 12:00 P.M. on September 20, 2016.

Section 2:- That, notwithstanding the provisions of Section 2-4 of the City Code, that said meeting shall be held at the Peter G. Decker Jr. Half Moone Center.

Section 3:- That this ordinance shall be in effect from and after its adoption.

NORFOLK

Office of the City Attorney

BERNARD A. PISHKO
City Attorney
WAYNE RINGER
MARY L. NEXSEN
NATHANIEL BEAMAN IV
MARTHA P. McGANN
CYNTHIA B. HALL
JACK E. CLOUD
HEATHER A. MULLEN
DEREK A. MUNGO
TAMELE YVETTE HOBSON
NADA N. KAWWASS
ADAM D. MELITA
MICHELLE G. FOY
MATTHEW P. MORKEN
HEATHER L. KELLEY
ERIKKA M. MASSIE
ZACHARY A. SIMMONS
KARLA J. SOLORIA
ALEX H. PINCUS

August 23, 2016

To the Honorable Council
City of Norfolk, Virginia

R-28

Re: Amendments to City Code Sections 24-203 & 24-203.1 Related to Tax Abatement for Renovation of Older Buildings

Dear Ladies and Gentlemen:

City Code Sections 24-203 and 24-203.1 provide for limited tax abatement to promote preservation and redevelopment of eligible older buildings.

Attached is an ordinance amending subsections (a) and (g) of Sections 24-203 and 24-203.1 and subsection (c) of Section 24-203.1 of the City Code to require preservation of at least fifty-one percent (51%) of the building, reduce the minimum age requirements of commercial and multifamily renovation properties eligible for tax abatement from fifty (50) to (40) years, limit qualifying expansion to vertical or fully integrated horizontal expansion, clarify change in use, and adding subsection (h) to 24-203 to conform with Section 24.1-203.1's true-up provision.

Respectfully,

Bernard A. Pishko
City Attorney

BAP:lm/sb
Attachment

810 Union Street, Suite 900 • Norfolk, VA 23510
(757) 664-4529 • Fax: (757) 664-4201

8/19/16 lm/sb
Form and Correctness Approval:

By _____
Office of the City Attorney

Form CCO-003

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN SUBSECTIONS (A) AND (G) OF SECTIONS 24-203 AND 24-203.1, SUBSECTION (C) OF SECTION 24-203.1 AND ADD A SUBSECTION (H) TO SECTION 24-203 OF THE NORFOLK CITY CODE **SO AS TO** REQUIRE PRESERVATION OF AT LEAST FIFTY-ONE PERCENT (51%) OF THE BUILDING, LIMIT ELIGIBLE EXPANSION, REDUCE THE MINIMUM AGE REQUIREMENT OF COMMERCIAL AND MULTIFAMILY RENOVATION PROPERTIES FROM FIFTY (50) TO FORTY (40) YEARS, TO PERMIT CHANGE IN USE AND TO PROVIDE FOR AN ADJUSTED ASSESSMENT IN ORDER TO MORE ACCURATELY ASSESS THE INCREASED VALUE.

\- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That to require preservation of at least fifty-one percent (51%) of the building, limit eligible expansion to vertical and integrated horizontal expansion, reduce the minimum age from 50 to 40 years, and to permit change in use, subsections (a) and (g) of Section 24-203 of the Norfolk City Code, 1979, are hereby amended and reordained to read as follows:

Sec. 24-203. Tax abatement program for renovation of residential properties.

(a) Tax abatement under this section shall be permitted only on the substantial renovation of properties for residential use that are fifteen (15) years of age or more. Tax abatement under this section shall be permitted for multifamily residential properties that are forty (40) years of age or more; except that tax abatement under this section shall be permitted for properties that are fifteen (15) years of age or more where the renovation is made to multifamily apartments to convert such properties to residential condominiums. The age of the building will be calculated from the Certificate of Occupancy or other final inspection. This program shall be in effect throughout the city. Only residential

properties and multifamily residential properties being renovated and preserving fifty-one percent (51%) of the square footage of the original building being renovated will be eligible for abatement. Renovation shall include improvements expanding the qualifying properties only when vertically expanding the qualifying structure or the horizontal expansion is an integrated part of the structure containing the pre-existing units and are part of the overall renovation project. The real estate assessor's determination of whether horizontal expansion qualifies as fully integrated shall be final and nonappealable. For purposes of this section, "residential properties" shall mean properties of four (4) or fewer units; "multifamily residential properties" shall mean properties of five (5) or more units; and "residential condominiums" shall mean multiple-unit buildings which consist of separately owned, individual residential units with all unit owners having a right to use the common elements of the property and in which no owner shall own more than twenty (20) percent of all of the units after three (3) years from commencement of the tax abatement. The ownership percentage and time limitation shall be applied retroactively to properties previously approved and will commence as of the original date of such tax abatement.

(g) No application submitted under this section shall be approved if the property owner is not current in payment of all taxes and assessments due the city. If a tax abatement is approved and a property owner (including any subsequent owner) thereafter fails to remain current in the payment of all city taxes and assessments, the property shall be immediately and finally removed from the tax abatement program.

Section 2:- That to provide for an adjusted assessment in order to more accurately assess the increased value, Section 24-203 of the Norfolk City Code, 1979, is hereby amended and reordained to add one new subsection (h) to read as follows:

(h) For properties on which renovation activities were completed on or after September 2012, upon completion of the renovation activities, and subject to the confirmation of such action as is deemed necessary by the assessor, the assessor shall determine the initial and adjusted tax abatement

amounts where (i) the initial abatement amount is equal to the increase in assessed value of the property at the time of completion of renovation activities as determined by the assessor and (ii) the adjusted tax abatement amount is equal to the projected increase in assessed value of the property at the time the property achieves stabilized occupancy as determined by the assessor (in the event that the renovation activities are completed for a qualifying property prior to the effective date of this ordinance, the adjusted tax abatement amount shall be determined by the assessor prior to the initial term).

The tax abatement eligibility and abatement amount shall be certified in writing by the assessor to the city treasurer who shall then implement the tax abatement. The city assessor's determination shall be final and not subject to appeal. The initial tax abatement established by this section shall commence as of the first day of the quarter following completion of the renovation. The resulting increase in assessed value ("initial abatement amount") shall not be recognized for real estate tax purposes for a period of two (2) years beginning the first day of the quarter immediately after the renovation activities have been completed.

The adjusted tax abatement established by this section shall commence as of the first day of the quarter two (2) years following completion of the renovation. The resulting increase in assessed value ("adjusted abatement amount") shall not be recognized for real estate tax purposes for a period of twelve (12) years for a property located in an area designated as an enterprise zone, beginning the first day of the quarter two years after the renovation activities have been completed. For all other properties on which renovation activities were completed on or after September 2012, the resulting increase in assessed value "adjusted abatement amount" shall not be recognized for real estate tax purposes for a period of eight (8) years, beginning the quarter two years after completion of the renovation activities have been completed. Upon the completion of eight (8) years of exemption for the adjusted abatement amount for a property not located in an area designated as an enterprise zone, the abatement amount

shall be decreased to the extent of twenty (20) percent in each succeeding year; whereupon after the completion of the fourteenth year during which the owner has received an initial or adjusted abatement, the property shall be taxed at one hundred (100) percent of its fair market value.

Notwithstanding any provision to the contrary, (i) the initial and adjusted abatement amounts shall not be increased after the city assessor establishes them; accordingly, any subsequent increases in value or rates will result in increased tax payments, and (ii) in no event shall the initial or adjusted abatements result in any decrease in the base assessed value of the property determined by the city assessor at the time of the certification of eligibility.

Section 3:- That to require preservation of at least fifty-one percent (51%) of the building, reduce the minimum age from 50 to 40 years, limit eligible expansion to vertical and horizontal expansion, and to permit change in use, subsections (a), (c) and (g) of Section 24-203.1 of the Norfolk City Code, 1979, are hereby amended and reordained to read as follows:

Sec. 24-203.1. Tax abatement program for renovation of commercial or industrial structures.

(a) Tax abatement under this section shall be permitted only on the substantial rehabilitation or renovation of properties for commercial or industrial use that are forty (40) years of age or more, or twenty (20) years of age if the property is located in an area designated as an enterprise zone by the commonwealth when at least fifty-one percent (51%) of the square footage of the original building is being preserved. This program shall be in effect throughout the city. The age of the building will be calculated from the Certificate of Occupancy or other final inspection.

(c) In order to be eligible for abatement, the renovation must contribute a minimum of forty (40) percent increase in the assessed value of the property. This minimum increase must be determined and certified by the city real estate assessor prior to the commencement of renovation activities. Renovation eligible for abatement shall include expansion of the

improvements only when the structure containing the expansion is vertical or the horizontal expansion is a fully integrated part of the previously existing structure and is part of the overall renovation project. The real estate assessor's determination of whether horizontal expansion qualifies as fully integrated shall be final and nonappealable. The real estate assessor may utilize input of other city officers where necessary or appropriate to assist in the determination of anticipated increases in assessed value; however, the method of assessment shall be governed by generally accepted methods of appraisal assessment. Abatement shall be contingent upon approval of building exteriors by the director of planning, based upon compatibility, quality, value enhancement, bulk, massing and height. Properties located in historic districts will be reviewed for certificates of appropriateness.

(g) No application submitted under this section shall be approved if the property owner is not current in payment of all taxes and assessments due the city. If a tax abatement is approved and a property owner (including any subsequent owner) thereafter fails to remain current in the payment of all city taxes and assessments, the property shall be immediately and finally removed from the tax abatement program.

Section 4:- That this ordinance shall be in effect from and after its date of adoption.