

**AN ORDINANCE
APPROVING A REQUEST TO REZONE LAND FRONTING ON IVY ROAD
AND COPELEY ROAD
FROM URBAN CORRIDOR (URB) TO PLANNED UNIT DEVELOPMENT (PUD)**

WHEREAS, RMD Properties, LLC is the owner (“Landowner”) of certain land fronting on Ivy Road and Copeley Road, designated on the City Tax Map and Parcel (TMP) as 070001200 (the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from URB to PUD subject to proffered development conditions, hereinafter referred to as the “Proposed Rezoning”; and

WHEREAS, in connection with the Proposed Rezoning, the Applicants submitted: (i) a written PUD Development Plan, dated May 15, 2023 (Revision #3 dated November 21, 2023), titled “2117 Ivy Road Planned Unit Development Plan Submittal”, and (ii) proffered development conditions submitted in writing to the City; and

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

WHEREAS, this City Council has considered the matters addressed within the Landowner’s application (ZM23-00003), the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

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

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

Section 34-1. Zoning District Map. Rezoning the property designated on City Tax Map and Parcel (TMP) 070001200 (“Subject Property”), containing, in the aggregate approximately 1.027 acres (approximately 44,736 square feet), from Urban Corridor (URB) to Planned Unit Development (PUD), subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowners in accordance with law and are hereby accepted by this City Council:

Approved Proffers

1. Affordable Housing

The Project is proposed to be student housing rented by the bedroom. The Applicant shall at its option satisfy either (A) or (B) below:

A. Provide affordable bedrooms (“Affordable Bedrooms”) in an amount that is equivalent to providing 10% of the total Units as affordable units, as provided herein.

- 1) The number of Affordable Bedrooms shall be roughly proportional to the number of bedrooms provided in each type of units within the Project, and shall be dispersed throughout the Project in a mix of units that is roughly proportionate to the overall unit mix within the Project, such that:
 - i. the number of Affordable Bedrooms located in Efficiency/Studio units shall be roughly proportionate to the number of Efficiency/Studio units within the Project;
 - ii. the number of Affordable Bedrooms located in one-bedroom units shall be roughly proportionate to the number of one-bedroom units within the Project;
 - iii. the number of Affordable Bedrooms located in two-bedroom units shall be roughly proportionate to the number of two-bedroom units within the Project;
 - iv. the number of Affordable Bedrooms located in three-bedroom units shall be roughly proportionate to the number of three-bedroom units within the Project; and
 - v. the number of Affordable Bedrooms located in four-bedroom units shall be roughly proportionate to the number of four-bedroom units within the Project.
- 2) In this Project containing a total of 241 units with a mixture of one-bedroom, two-bedroom, three-bedroom, and four-bedroom units, Applicant would provide a total of 24 Affordable Units which may be allocated as follows:
 - i. If the total number of one-bedroom units within the Project is 88, there shall be the equivalent of 9 one-bedroom Affordable Units, for a total of 9 Affordable Bedrooms located within one-bedroom units.
 - ii. If the total number of two-bedroom units within the Project is 25, there shall be the equivalent of 7 two-bedroom Affordable Units, for a total of 14 Affordable Bedrooms located in two-bedroom units.
 - iii. If the total number of three-bedroom units within the Project is 16, there shall be the equivalent of 4 three-bedroom Affordable Units, for a total of 12 Affordable Bedrooms located in three-bedroom units.
 - iv. If the total number of four-bedroom units within the Project is 112, there shall be the equivalent of 4 four-bedroom Affordable

Units, for a total of 16 Affordable Bedrooms located in four-bedroom units.

- v. These counts and allocations are subject to the final approved PUD and building permit and may be adjusted provided 10% of the total Units are provided as affordable units.
- 3) Fractional Affordable Units. If the calculation of the required number of affordable units that are required to provide 10% of the total units within the Project as affordable units results in a fraction of a unit less than 0.5, the Project shall provide a fractional in-lieu fee equal to the corresponding percent of the affordable unit as specified in the applicable formula in the adopted Affordable Dwelling Unit Monitoring and Procedures Manual. For example, in an example project containing 242 units, such example project must provide Affordable Bedrooms in an amount that is equivalent to providing 24 affordable units (10% of 242) as provided in paragraph 1(a) herein, and shall also provide a fractional fee in-lieu equal to two-tenths of the fee in-lieu established for a one-bedroom unit in the adopted Affordable Dwelling Unit Monitoring and Procedures Manual.
- 4) To provide tenants with the freedom of choice to lease an Affordable Bedroom in a particular unit type of their choosing (subject to availability), and to comply with Fair Housing Law and HUD regulations, the Applicant upon mutual agreement with Qualifying Tenants shall be allowed to float (locate) the Affordable Bedrooms throughout the Project subject to satisfying the requirements of section 1(a) herein.
- 5) Qualifying Tenants: Students who qualify for any level of federal Pell grants shall be Qualifying Tenants eligible to rent an Affordable Bedroom. For all other tenants, those persons and households who shall be certified from time to time by the Applicant to have combined adjusted annual income that does not exceed the applicable median family income (in this case, 60% of AMI) for the applicable calendar year shall be Qualified Tenants eligible to rent an Affordable Bedroom. The City may require a certification of tenant eligibility on a form approved by or provided by the City, in which the prospective qualifying tenant certifies as to annual income (for non-students) or Pell grant eligibility, as applicable.
- 6) Affordable Rents: The rent rate for Affordable Bedrooms shall be calculated as described herein based on the current year Area Media Income (“AMI”) for the Charlottesville area, as provided by HUD. If utilities are separately metered, the maximum allowable rent will be reduced to reflect the Tenant’s payment of utilities.
 - i. Efficiency/Studio Rent: The rent for an Affordable Bedroom in an Efficiency/Studio unit shall be the HUD Adjusted Home Rent limit for 1 person at 60% AMI, multiplied by 30% of total income set aside for housing, divided by 12.

- ii. One-bedroom Rent: The rent for an Affordable Bedroom in a one-bedroom unit shall be the average of the HUD Adjusted Home Rent limit for 1 person at 60% AMI and the HUD Adjusted Home Rent limit for 2 people at 60% AMI, multiplied by 30% of total income set aside for housing, divided by 12.
 - iii. Two-bedroom Rent: The rent for an Affordable Bedroom in a two-bedroom unit shall be 60% of the rent for an Affordable Bedroom in a one-bedroom unit.
 - iv. Three-bedroom and four-bedroom Rent: The rent for an Affordable Bedroom in a three-bedroom unit or in a four-bedroom unit shall be 60% of the rent for an Affordable Bedroom in an Efficiency/Studio unit.
- 7) **Term of affordability**: The requirements of this paragraph 1 shall remain in effect for thirty (30) years from the date of the issuance of the Certificate of Occupancy for the Project.
- 8) **Equivalency of Affordable Bedrooms**.
 - i. Affordable Bedrooms must reflect the composition of the over Project units in exterior appearance and overall quality of construction
 - ii. Affordable Bedrooms must include the same interior features as the other bedrooms in the same Project, but appliances and finishes need not be the same make, model, or style, so long as they are new and of good quality.
 - iii. Affordable Bedrooms must be evenly distributed throughout the Project and not concentrated on any particular floors, building sides, or locations, provided that the Affordable Bedrooms are not required to be located in the top two floors of the Project. The Applicant at time of applying for a building permit shall submit a compliance plan to the site plan agent that identifies the units within the Project that are designated for the Affordable Bedrooms consistent with paragraph 1(a) herein.
 - iv. Affordable Bedrooms must be comparable in size to other units within the Project with the same number of bedrooms. The average floor area of the Affordable Bedroom must not be less than 80% of the average floor area of the other bedrooms within in the same unit type.
- 9) **Affordable Bedrooms shall have the same access to property amenities and building access points provided to other bedrooms within the Project.**
- 10) **Housing Choice Vouchers**. In the case of tenants using a Section 8 voucher or other rental assistance program, the Project may collect the fully allowed rental reimbursement amount even if the total rent for the Affordable Bedroom exceeds the maximum allowable rent for such Affordable Bedroom, so long as the household using the rental assistance is not paying more than 30% of the household's monthly income. In the event the fully allowed rental reimbursement amount is less than the total

rent for the Affordable Bedroom, the Qualifying Tenant shall be responsible for the difference between the rental reimbursement and the applicable rent for the Affordable Bedroom.

- B. Make a cash contribution to the City's affordable housing fund in the amount equal to four and one-half (4½) times that which would be required under City Code Section 34-12(d)(2) based on the approved final site plan up to a maximum of Three Million, Two Hundred Fifty Thousand Dollars (\$3,250,000). Such cash contribution shall be delivered to the City prior to the issuance of the first Certificate of Occupancy for the Project.

2. PUD Application Plan

- A. **Application Plan.** The Property is depicted on the plans entitled "2117 Ivy Road" dated May 15, 2023, last revised November 21, 2023, prepared by WDG Architecture and Timmons Group (the "Application Plan"). The Property will be developed in general accord with the essential elements of the Application Plan, as required by City Zoning Ordinance Section 34-518.
- B. **Exhibit A.** Notwithstanding the provisions of paragraph 2A above, the Property frontage along Ivy Road shall be developed to reflect the following major elements as shown and noted on attached plans entitled "PUD Exhibit A – Conceptual Building Section" dated December 12, 2023, prepared by Dwell Design Studio ("Exhibit A"), attached, subject to Entrance Corridor Review Board Approval:
 - 1) The green zone shall be a minimum of 8 feet in width.
 - 2) The sidewalk shall be a minimum of 10 feet in width.
 - 3) Floors 1-2 shall be recessed at least 2 feet from Ivy Road beyond that shown on the Application Plan.
 - 4) Floors 3-8 shall be recessed 4 feet from Ivy Road beyond that shown on the Application Plan.
 - 5) Floors 9-10 shall be recessed 2 feet beyond floors 3-8.
 - 6) The rooftop architectural trellis shall be recessed 10 feet from the top edge of floor 10.
 - 7) Street tree species will be coordinated with City staff, the Entrance Corridor Review Board, and the University.

With regard to any differences between the approved Application Plan and this proffer statement with Exhibit A, this proffer statement and Exhibit A shall govern.

- C. The Applicant shall submit a revised Application Plan incorporating the provisions of paragraph 2B within 30 days after City Council's action on the Application.

BE IT FURTHER ORDAINED THAT the City's Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.