

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM23-00002)
STATEMENT OF FINAL PROFFER CONDITIONS
For 108 Lankford Avenue

City of Charlottesville Tax Map 26 Parcel 12

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

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

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

1. Affordable Housing:


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

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

administered in accordance with one or more written declarations of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.

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

WHEREFORE, the undersigned Owner stipulates and agrees that the use and development of the Property shall be in conformity with the conditions hereinabove stated, and request that the Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

By: 
Green Retro Salvage II Holdings, LLC

Date: 1/11/2024

Print Name: Robin LeGault

Owner's Address: 2450 Lost Hollow Path
Charlottesville VA 22911