

AN ORDINANCE

APPROVING A REQUEST TO REZONE LAND FRONTING ON LANKFORD AVENUE FROM SINGLE FAMILY
SMALL LOT RESIDENTIAL (R-1S) TO MULTIFAMILY RESIDENTIAL (R-3)

WHEREAS, Green Retro Salvage II Holdings, LLC (the “Landowner”) is the current landowner of certain land fronting on Lankford Avenue, designated on the City Tax Map and Parcel (TMP) as 260012000 (hereinafter, the “Subject Property”), and the Landowner is seeking to change the zoning classifications of the Subject Property from R-1S to R-3 hereinafter referred to as the “Proposed Rezoning”; 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 (ZM23-00002), 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) 260012000 (“Subject Property”), containing, in the aggregate approximately 0.948 acres (approximately 41,303.59 square feet) from R-1S Single Family Small Lot Residential to R-3 (Multifamily Residential) as described in application ZM23-00002 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 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 1 0 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 1 0 percent, so that for every ten (1 0) 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 1 0 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.