

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	March 21, 2022
Action Requested:	Consideration of a Rezoning Application, Special Use Permit, and a Critical Slope Waiver
Presenter:	Matt Alfele, AICP, City Planner
Staff Contacts:	Matt Alfele, AICP, City Planner
Title:	1613 Grove St. Ext. – ZM20-00003, SP21-00002, & P21-0023

Background:

Justin Shimp (Shimp Engineering, P.C., representing the owner, Lorven Investments, LLC) has submitted a Rezoning Application (ZM20-00003), a Special Use Permit Application (SP21-00002) and a Critical Slope Waiver request (P21-0023) to build a specific development at TMP 230133000, 230134000, and 230135000, together the Subject Properties. The applicant is proposing to change the existing zoning from R-2 (Residential Two-family) to R-3 (Residential Multifamily) with proffered conditions and a development plan. The applicant is also requesting to increase the density to forty-three (43) Dwelling Units per Acre (DUA) and disturb Critical Slopes on the site. All three request are need for the applicant to build four (4) apartment buildings with eight (8) one bedroom units and twenty (20) two bedroom units for a total of twenty-eight (28) units. The Subject Property has road frontage on Valley Road Extended and the unimproved section of Grove Street Extended. The Comprehensive Land Use Map for this area calls for Low Density Residential. Key elements of the development plan include: Four (4) low-rise apartment buildings with an allowable height of forty-five (45) feet, internal parking, and stabilization of Rock Creek. The applicant is also proposing the following proffers:

1. Prior to the issuance of certificate of occupancy from the City’s building official for the seventh (7th) dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville’s Capital Improvement Program (CIP) as a cash contribution for construction of pedestrian improvements within the Fifeville Neighborhood.
2. Eight (8) of the twenty-eight (28) units will be affordable for no less than ten (10) years. See the attached proffer statement and Covenant for more detail.

Discussion:

The Planning Commission held a virtual joint Public Hearing with City Council on May 11 2021 on this matter. Traffic, density, stream restoration, and impacts to the surrounding neighborhood were discussed. The Planning Commission was also concerned that only one

affordable unit was being provided. The applicant requested and was granted a deferral to address some of Planning Commission concerns. Planning Commission was concerned with the impacts to the surrounding community and if Valley Road Extended could accommodate a development of this size. Planning Commission was also concerned with how the funds provided by the proffer would be used and how the affordable units would be enforced. The applicant agreed to make changes to the proffers so that the \$48,000 would be used to make any type of pedestrian improvements to areas around Valley Road Extended. The applicant also agreed to work with City staff to ensure the covenants enforcing the affordable units was satisfactory.

Alignment with City Council's Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to **Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation**, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

On March 4, 2021 the applicant held a community meeting on Zoom from 6:00pm to 7pm. This meeting was well attended by the neighborhood and the following concerns were raised. The meeting was recorded and is available to the public through the developer.

- Rezoning to R-3 and building an apartment complex is not in character with the neighborhood.
- The project has too much density.
- Parking will be an issue.
- Traffic on Valley Road Extended is already a problem due to the narrowness and an apartment building will make thing worse.
- It would be nice to see the kudzu gone and Rock Creek improved.

On May 11, 2021 the Planning Commission held a virtual joint Public Hearing with City Council. Five (5) members of the public spoke and expressed the following:

- The proposed development is too dense for this location.
- R-3 zoning is not appropriate in an R-2 neighborhood.
- The City needs more homes and these units will help with that.
- Traffic and parking is already a problem on Valley Rd. Ext. and this will make it much worse.

On October 21, 2021 the Planning Commission held a virtual joint Public Hearing with City Council. Two (2) members of the public spoke and expressed the following:

- Valley Rd. Ext. is too narrow and cannot handle this development.
- Any proffered money should be used to fix the road.
- Even under the proposed new Land Use Map this development would not be allowed.

On March 8, 2022, the Planning Commission held a virtual joint Public Hearing with City Council. One (1) members of the public spoke and expressed the following:

- Traffic on Valley Rd. Ext.

Any emails received by staff regarding this project have been forwarded to Planning Commission and City Council.

Budgetary Impact:

This has no impact on the General Fund, but the applicant has proffered (proffer #1) \$48,000.00 to the City's Capital Improvement Program for infrastructure improvements.

Recommendations:

The Planning Commission took the following action:

Rezoning Application (ZM20-00003)

Mr. Stolzenberg moved to recommend approval of this application to rezone the Subject Property from R-2, to R-3, on the basis that the proposal would service the interests of the general public and good zoning practice.

Mr. Habbab seconded the motion

Mr. Lahendro, Yes

Mr. Solla-Yates, Yes

Mr. Stolzenberg, Yes

Mr. Karim Habbab, Yes

Mr. Mitchell, No

Ms. Liz Russell, No

Ms. Dowell, No

The motion passed 4 – 3 to recommend approval of the rezoning application to City Council.

Special Use Permit Application (SP21-00002)

Mr. Stolzenberg moved to recommend approval of this application for a Special Use Permit for Tax Map & Parcels 230133000, 230134000, and 230135000 (1613 Grove Street Extended) to permit residential density up to forty-three (43) DUA and adjusted yard requirements as depicted on the site plan dated September 29, 2021 with the following listed conditions.

Conditions recommended by staff

1. Up to 43 dwelling units per acre (DUA) are permitted on the Subject Properties with a maximum of two bedrooms per unit.
2. The restoration of Rock Creek as presented in the applicant's narrative dated July 14, 2020 and revised September 29, 2021.
3. Modifications of yard requirements to:

- a. Front yard: Twenty-five (25) feet.
- b. North Side yard: Five (5) feet.
- c. South Side yard: Fourteen (14) feet.
- d. Rear yard: Twenty-five (25) feet.

Mr, Habbab seconded the motion

Mr. Lahendro, Yes

Mr. Solla-Yates, Yes

Mr. Stolzenberg, Yes

Mr. Karim Habbab, Yes

Mr. Mitchell, No

Ms. Liz Russell, No

Ms. Dowell, No

The motion passed 4 - 3 to recommend approval of the Special Use Permit application to City Council.

Critical Slope Waiver (SP21-00023)

Mr. Stolzenberg moved to recommend approval of the critical slope waiver for Tax Map and Parcel 230135000, 230134000, and 230133000 as requested, with the conditions outlined in the staff report, based on a finding that

- The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i)

Staff Conditions:

- 1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of ESC controls. The first phase shall include "Initial/Preliminary Controls" and also include special consideration and provisions for how the 'creek'/'channel' will be crossed throughout the project and how concentrated flows will outfall to the channel/culvert. Ideally outfall and site access (culvert work/tie in) would be established with rigorous independent ESC controls prior to the establishment of a sediment trap and associated conveyances. Any channels/diversions that convey 'clear' water to the channel shall be stabilized with sod on the 'clear water' side immediately after installation. The sequence shall dictate that no 'benching', or any disturbance of the slopes can occur until after the establishment of the trap and conveyances (Stage/Phase III).
- 2) "Super Silt Fence" (chain linked backing) shall be installed where perimeter silt fence is specified.
- 3) Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other "same day stabilization").

Mr, Habbab seconded the motion

Mr. Lahendro, Yes

Mr. Solla-Yates, Yes

Mr. Stolzenberg, Yes
Mr. Karim Habbab, Yes
Mr. Mitchell, Yes
Ms. Liz Russell, No
Ms. Dowell, No

The motion passed 5 – 2 to recommend approval of the Critical Slope Waiver application to City Council.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance and resolutions granting the Rezoning, Special Use Permit and Critical Slope Waiver as recommended by Planning Commission;
- (2) by motion, request changes to the attached ordinance and resolutions, and then approve the Rezoning Special Use Permit, and Critical Slope Waiver;
- (3) by motion, take action to deny the Rezoning, Special Use Permit, and Critical Slope Waiver; or
- (4) by motion, defer action on the Rezoning, Special Use Permit, and Critical Slope Waiver.

Attachments:

- A. Rezoning Ordinance
- B. Special Use Resolution
- C. Critical Slope Waiver Resolution
- D. Signed Proffer Statement

Link to the Public Hearing materials.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1099&key=-1&mod=-1&mk=-1&nov=0>

May 11, 2021 materials start on page 4.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1236&key=-1&mod=-1&mk=-1&nov=0>

October 21, 2021 materials start on page 87.

<https://charlottesvilleva.civicclerk.com/Web/Player.aspx?id=1393&key=-1&mod=-1&mk=-1&nov=0>

March 8, 2022 materials start on page 6.

**AN ORDINANCE
APPROVING A REQUEST TO REZONE THE PARCEL OF LAND
LOCATED AT 1613, 1611, AND 0 GROVE STREET, FROM R-2 (TWO FAMILY
RESIDENTIAL) TO R-3 (MULTIFAMILY RESIDENTIAL)**

WHEREAS, in order to facilitate a specific development project, Lorven Investments, LLC (“Landowner”), by its representative, Justin Shimp, has submitted rezoning application ZM20-00003, proposing a change in the zoning classification (“rezoning”) of certain land known as 1613, 1611, and 0 Grove Street Extended, identified within City tax records as Tax Map 23 Parcels 133, 134, and 135 (collectively, the “Subject Property”), from “R-2” to “R-3”, with said rezoning to be subject to several development conditions proffered by Landowner; and

WHEREAS, in connection with the Proposed Rezoning, the Applicants submitted: a site plan to create a specific low-rise multifamily development project along with proffered development conditions and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the Planning Commission and City Council on March 8, 2022, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, on March 8, 2022, following the joint public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, City Council has considered the development proposal set forth within the Application, the Staff Report, comments received from the public, and the Planning Commission’s recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Rezoning; that both the existing zoning classification (R-2) and the proposed R-3 zoning classification (subject to proffered development conditions) 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 from R-2 to R-3 the parcels of land designated on City Tax Map 23 as Parcels 133, 134, and 135 (1613, 1611, and 0 Grove Street Ext.), subject to the following Proffers, which were tendered by the Applicant in accordance with law and are hereby accepted by this City Council:

Approved Proffers

1. VALLEY ROAD EXTENDED SIDEWALK IMPROVEMENTS:

- a. Prior to the issuance of certificate of occupancy from the City's building official for the seventh (i11) dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville's Capital Improvement Program (CIP) as a cash contribution for construction of infrastructure improvements that support public transit, cycling, walking, or ADA accessibility within the Fifeville Neighborhood. Infrastructure improvements may include, but are not limited to, bus stop improvements for public transit, construction of new sidewalks, or the installation of ADA accessible curb cuts at public street intersections.

2. AFFORDABLE HOUSING:

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

- a. For the purposes of this Proffer, the term "For-Rent Workforce Affordable Dwelling Unit" means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Workforce Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 80 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.

- b. For the purposes of this Proffer, the term "For-Rent Affordable Dwelling Unit" means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 65 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.

- c. Fourteen percent (14%) of all dwelling units constructed within the area of the Property shall be For-Rent Workforce Affordable Dwelling Units and an additional fourteen percent (14%) of all dwelling units constructed within the area of the Property shall be For-Rent Affordable Dwelling Units (collectively, the "Required Affordable Dwelling Units") for a total of 28% of dwelling units constructed within the area of the Property provided as 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 Workforce-Affordable Dwelling Units and 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 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 at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City's building official ("Rental Affordability Period"). All Rental 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.

ZM20-00003

- ii. On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, 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.
- d. The land use obligations referenced in 2.c.i and 2.c.ii 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.

**RESOLUTION GRANTING A SPECIAL USE PERMIT
FOR THE PROPERTY LOCATED AT 1613 GROVE STREET (TAX MAP 23,
PARCELS 133; 134; AND 135)**

WHEREAS Lorven Investments, LLC (“Landowner”) is the record owner of certain land identified on Tax Map 23 as Parcels 133, 134, and 135, collectively currently addressed as “1613, 1611, and 0 Grove Street Extended” (the “Property”), and, the Landowner, represented by Shimp Engineering, P.C. , is requesting a Re-Zoning of the property, a Special Use Permit, and a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with Landowner’s plan to construct four low-rise apartment buildings on the Property; and

WHEREAS; The Landowner seeks a Special Use Permit under City Code Sec. 34-420 to allow for residential density of up to forty-three (43) dwelling units per acre (“DUA”) and an amendment to the yard requirements of City Code Secs. 34-353(a) and 34-353(b)(4); and

WHEREAS the Planning Commission considered and recommended approval of this application at their March 8, 2022 meeting, subject to conditions set forth within the staff report prepared for that meeting;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, hereby approves a Special Use Permit for the Property, to allow construction of four low-rise apartment buildings by the Landowner, subject to the following conditions:

- (1) Up to 43 dwelling units per acre (DUA) are permitted on the Subject Properties with a maximum of two bedrooms per unit.
- (2) The restoration of Rock Creek as presented in the applicant’s narrative dated July 14, 2020 and revised September 29, 2021.
- (3) Modifications of yard requirements to:
 - Front yard: Twenty-five (25) feet.
 - North Side yard: Five (5) feet.
 - South Side yard: Fourteen (14) feet.
 - Rear yard: Twenty-five (25) feet.

**RESOLUTION GRANTING A CRITICAL SLOPE WAIVER
FOR THE PROPERTY LOCATED AT 1613, 1611, AND 0 GROVE STREET (TAX MAP
23, PARCELS 133; 134; AND 135)**

WHEREAS Lorven Investments, LLC (“Landowner”) is the record owner of certain land identified on Tax Map 23 as Parcels 133, 134, and 135, collectively currently addressed as “1613, 1611, and 0 Grove Street Extended” (the “Property”), and, the Landowner, represented by Shimp Engineering, P.C. , is requesting a Re-Zoning of the property, a Special Use Permit, and a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with Landowner’s plan to construct four low-rise apartment buildings on the Property; and

WHEREAS existing Critical Slopes located on the Property constitute 0.06 acres, or approximately 9 percent of the area of the parcels; and

WHEREAS the Planning Commission considered and recommended approval of this application at their March 8, 2022 meeting, subject to conditions set forth within the staff report prepared for that meeting;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, hereby approves a Waiver of the Critical Slopes requirements for the Property, to allow construction of four low-rise apartment buildings by the Landowner, subject to the following conditions:

(1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of Erosion and Sediment (“E&S”) controls. The first phase shall include “Initial/Preliminary Controls” and also include special consideration and provisions for how the ‘creek’/‘channel’ will be crossed throughout the project and how concentrated flows will outfall to the channel/culvert. Ideally outfall and site access (culvert work/tie in) would be established with rigorous independent E&S controls prior to the establishment of a sediment trap and associated conveyances. Any channels/diversions that convey ‘clear’ water to the channel shall be stabilized with sod on the ‘clear water’ side immediately after installation. The sequence shall dictate that no ‘benching’, or any disturbance of the slopes can occur until after the establishment of the trap and conveyances (Stage/Phase III).

(2) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.

(3) Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other “same day stabilization”).

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM20-00003)
STATEMENT OF **FINAL** PROFFER CONDITIONS
For 1613 Grove Street Ext.

City of Charlottesville Tax Map 23 Parcels 133, 134, 135

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

Lorven Investments, LLC is the owner (the "Owner") of Tax Parcels 230133000, 230134000, 230135000 (collectively, the "Property") which is the subject of rezoning application ZM20-00003, a project known as "1613 Grove Street Ext." (the "Project"). The Owner seeks to amend the current zoning of the Property subject to certain voluntary conditions set forth below. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

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. Valley Road Extended Sidewalk Improvements:

- a. Prior to the issuance of certificate of occupancy from the City's building official for the seventh (7th) dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville's Capital Improvement Program (CIP) as a cash contribution for construction of infrastructure improvements that support public transit, cycling, walking, or ADA accessibility within the Fifeville Neighborhood. Infrastructure improvements may include, but are not limited to, bus stop improvements for public transit, construction of new sidewalks, or the installation of ADA accessible curb cuts at public street intersections.

2. Affordable Housing:

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

- a. For the purposes of this Proffer, the term "For-Rent Workforce Affordable Dwelling Unit" means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Workforce Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 80 percent of the Area Median Income. Area Median income means the median income for

Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.


- b. For the purposes of this Proffer, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 65 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.

- c. Fourteen percent (14%) of all dwelling units constructed within the area of the Property shall be For-Rent Workforce Affordable Dwelling Units and an additional fourteen percent (14%) of all dwelling units constructed within the area of the Property shall be For-Rent Affordable Dwelling Units (collectively, the “Required Affordable Dwelling Units”) for a total of 28% of dwelling units constructed within the area of the Property provided as 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 Workforce-Affordable Dwelling Units and 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 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 at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental 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. On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, 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.

- d. The land use obligations referenced in 2.c.i and 2.c.ii 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: 
Lorven Investments, LLC Manager/Member

Print Name: NARSIMHA SERI

Owner's Address: 4776 Walburn Ct., Chantilly, VA 20151