

## **Project Phasing & Mixed-Use Project COA**

1. For the mixed-use development, the commercial/retail component of the project shall be under vertical construction before the issuance of a certificate of occupancy for the first residential unit and shall be completed prior to the issuance of a certificate of occupancy for the last residential unit.
2. For mixed-use projects that propose to construct multiple buildings over multiple phases, the applicant shall construct at least 50% of the commercial/retail component of the project as part of the initial first phase of construction and shall incorporate the remainder of the commercial/retail component as part of or prior to the issuance of the building permit for the last phase, unless otherwise approved as part of the project phasing plan. All other public and site improvements tied to the commercial/retail use, including parking, lighting, etc. shall be completed prior to the issuance of the certificate of occupancy for the proposed commercial/retail use.
3. For Planned Development projects, each phase of development shall provide a proportional share of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to phasing schedule.
4. For Planned Development projects, the applicant shall provide any community benefit, functional facilities and/or project amenities within the first phase of project development to adequately offset the exception to the development regulations that would normally be required, unless specifically approved or deferred by the City Council as part of a project's phasing schedule.

## **Affordable Housing COA**

### **If the Applicant Proposes Payment of Affordable Housing Fee:**

This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. As indicated in the application for residential development and Pursuant to HMC Section 10-17.205(a), the Applicant shall comply with the affordable housing requirements by paying the affordable housing in-lieu fee. Applicant shall pay the applicable affordable housing in-lieu fees as set by resolution in effect at the time of payment. Pursuant to HMC Section 10-17.410, the developer shall pay the affordable housing in-lieu fees either prior to issuance of building permits, prior to approval of a final inspection, or issuance of an occupancy permit. No final inspect will be approved and no occupancy permit will be issued for any dwelling unit unless all the required affordable housing in-lieu fees have been paid in full.

**If the project is providing the Units, they have four options, which need to be identified as part of application submittal. Depending on which option is chosen, the following condition of approval will apply:**

General COA For Any Project Providing Units:

This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. As a condition of approval, the Applicant shall comply with the affordable housing requirements as reflected in the attached Affordable Housing Plan, included as Exhibit (X), and detailed per Section 10-17.510 Affordable Housing Plan. No building permits will be issued for any market-rate units in the Project until permits for all affordable units have been obtained or will be obtained simultaneously, unless the Affordable Units are to be constructed in phases pursuant to a phasing plan approved by City Council.

In addition to the Affordable Housing Plan and pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall also enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance and the Affordable Housing Plan prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded. [ if applicable (for off-site development only): The AHA must simultaneously be recorded against the project site and the property where the off-site units are to be developed].

Providing the On-Site Affordable Units:

This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(b), the Applicant may comply with the affordable housing requirements by including on-site affordable units. According to the proposed Affordable Housing Plan, [Percentage of affordable Units] of the units on the project site would be set aside for affordable housing [and the applicant will pay the affordable housing in-lieu fee for the fractional unit]. Specifically, [number of deed restricted units] [rental or for sale] units shall be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income Moderate]	
One-bedroom			
Two-bedroom			
Three-bedroom			
Four-bedroom			

Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.

Providing Off-Site Affordable Units:

This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(c), the Applicant may construct affordable units not physically contiguous to the development (off-site) if approved by the Decision-Making Body. According to the proposed Affordable Housing Plan, the applicant will deed restrict [number of deed restricted units] [rental or for sale] units as affordable units on a project located at [Address of project with affordable units] which represents [Percentage of affordable Units] of the units on the project site. Specifically, the units shall be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income Moderate]	
One-bedroom			
Two-bedroom			
Three-bedroom			
Four-bedroom			

Pursuant to HMC Section 10-17.225, the schedule for completion of the off-site Affordable Units shall be concurrent with completion of the related market-rate units. According to the proposed Affordable Housing Plan, the units [will or will not] be comparable to the units on the project site [If units are not comparable, it should be noted how applicant will compensate for the difference. Will they provide more units, larger units, or deeper affordability?]

Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded. The AHA must simultaneously be recorded against the project site and the property where the off-site units are to be developed.

Proposing An Alternate Plan

This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(d), the Applicant may propose alternatives not listed in the ordinance if approved by the Decision-Making Body. According to the proposed Affordable Housing Plan, [Percentage of affordable Units] of the units on the project site would be set aside for affordable housing. Specifically, [number of deed restricted units] [rental or for sale] units would be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income Moderate]	
One-bedroom			
Two-bedroom			
Three-bedroom			
Four-bedroom			

Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee shall be recorded.

*Providing Rental Units in an Ownership Residential Project*

This development is subject to the requirements of the Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17. Pursuant to HMC Section 10-17.205(e), the Applicant may comply with the affordable housing requirements by including rental units consistent with HMC Section 10-17.215. According to the proposed Affordable Housing Plan, [Percentage of affordable Units] of the units on the project site would be set aside for affordable housing [and the applicant will pay the affordable housing in-lieu fee for the fractional unit]. Specifically, [number of deed restricted units] rental units shall be deed restricted per table below:

	Number of Units	Income level	Square Footage
Studio		[Very Low-Income Low-income Moderate]	
One-bedroom			
Two-bedroom			
Three-bedroom			
Four-bedroom			

Pursuant to HMC Section 10-17.515 and Section 10-17.525, the developer shall enter into and record against the property an Affordable Housing Agreement (AHA) that shall include all elements set forth in the ordinance prior to the approval of a final map or issuance of the first building permit, whichever occurs first. Additional rental or resale restrictions, deeds of trust, option agreements and/or other documents acceptable to the City Manager or designee may also be recorded.