

**AFFORDABLE HOUSING COMPLIANCE PLAN  
APPLICATION PACKET FOR THE  
INCLUSIONARY HOUSING ORDINANCE (IHO)  
For Projects Complete on or after May 1, 2021**

**Affordable Housing Programs**

The City of San José has demonstrated a commitment to ensure that affordable housing is available to moderate, low, and very-low-income households by adopting an Inclusionary Housing Ordinance (“IHO”) [Chapter 5.08 of the Municipal Code](#). The City of San José also has Inclusionary Housing Ordinance Guidelines (“Guidelines”). Developers can find the Guidelines at [www.sjhousing.org/IHO](http://www.sjhousing.org/IHO)

**Overview**

Developments in San José that create ten or more new, additional, or modified dwelling units, including co-living dwelling units (“Residential Developments”) are subject to the requirements of the IHO, resulting in an affordable housing obligation (an “Obligation”). To determine the extent of the Obligation and whether any exemptions may apply, all residential developments with ten or more units seeking permits are required to submit an Affordable Housing Compliance Plan Application (“Compliance Plan Application”) as described in this packet. Developers who claim their project is exempt or waived from the Inclusionary Housing Ordinance must comply with this process for the claim to be evaluated by Housing Department staff.

The purpose of this packet is 1) to provide developers with background and a general understanding of the IHO requirements; 2) to define what information must be provided for Housing Department Staff to determine the extent to which any Obligation may be associated with the project; and 3) to describe the process of Compliance Plan Application submittal, review, and determination.

**Inclusionary Housing Ordinance Base Requirements:**

***On-Site* Inclusionary Requirement (SJMC 5.08.400)**

Residential Developments must include Inclusionary units **On-Site** for the following:

**For-Sale On-Site Residential Development:**

The Inclusionary Housing Ordinance requires all developers who create new, additional, or modified for-sale units must provide 15% of the total Dwelling Units **on-site** in the Residential Development that is affordable for buyers with incomes not to exceed 110% of the Area Median Income (“AMI”) or to comply with one of the alternatives discussed below.

A Residential Development that has tentative map(s) or other map(s) or plan(s) allowing the creation of separately conveyable dwelling units or interests (such as condominiums, stock cooperatives, or community apartments) will be considered Rental until the Development complies with the applicable requirements of the Subdivided Lands Act, consistent with the Guidelines.

**Rental On-Site Residential Development:**

The Inclusionary Housing Ordinance requires all developers who create new, additional, or modified rental units (including efficiency, single room occupancy, and senior apartments) must provide 15% of housing **on-site** (or 10% at 30% AMI) that is affordable and rent restricted comprised of:

- 5% for Moderate Income Households (defined in the IHO as 100% of the AMI);
- 5% for Low Income Households (defined in the IHO as 60% AMI); and
- 5% for Very Low Income (defined in the IHO as 50% AMI)

If selecting the **on-site** Compliance Option, the inclusionary housing must not be geographically concentrated in the development and must meet standards intended to ensure inclusionary units are comparable to the market rate units.

The Housing Department will work with the Developer to acknowledge and understand the requirements of their financing plan and how that will impact the compliance option they elect.

A Residential Development that has tentative map(s) or other map(s) or plan(s) allowing the creation of separately conveyable dwelling units or interests (such as condominiums, stock cooperatives, or community apartments) will be considered Rental until the Development complies with the applicable requirements of the Subdivided Lands Act, consistent with the Guidelines.

**Summary of Developers’ IHO Compliance Options**

For either **For-Sale or Rental**, the Developer may satisfy their Inclusionary Housing Ordinance through a variety of compliance options to provide units or unit equivalents equal to at least 20 percent of the number of units in the Residential Development. Please see the following chart and the IHO website for specific subchapters of the Guidelines on each Compliance Option:

IHO Compliance Options	Obligation	For Sale	Rental
<b>Built On-Site (5.08.400)</b>	<b>15%</b>	At or Below 110% AMI	5% at 100% AMI 5% at 60% AMI 5% at 50% AMI <b>or</b> 10% at 30% AMI
<b>Built Off-Site (5.08.500)</b>	<b>20%</b>	At or Below 110% AMI	5% at 80% AMI 5% at 60% AMI 10% at 50% AMI
<b>In-Lieu Fee (5.08.520)</b>	<b>20%*</b>	\$29.07 Sq. Ft* <b>Rates are adjusted annually</b>	Strong Market \$49.99 Sq. Ft* Moderate \$21.74 Sq. Ft* <b>Rates are adjusted annually</b>
<b>Mixed Compliance In-Lieu Fee Rate (On-Site) (5.08.525)</b> <b>Rates are adjusted annually</b>	5% of units at selected AMI <b>or</b> 10% units: 5% at 100% AMI & 5% units at 60% <b>or</b> 5% units at 100% AMI & 5% units at 50% AMI <b>or</b> 5% units at 60% AMI & 5% units at 50% AMI + <b>In-Lieu Fee</b>	<u>N/A.</u> <u>Does not apply to For-Sale projects</u>	Review <a href="#">Schedule of Fees</a> <b>Rates are adjusted annually</b>

<b>Dedication of Land (5.08.530)</b>	<b>20%</b>	N/A	N/A
<b>Credits and Transfers (5.08.540)</b>	<b>20%</b>	N/A	N/A
<b>Acquisition and Rehab of Units (5.08.550)</b>	<b>20%</b>	N/A	N/A
<b>HUD Restricted Units (5.08.560)</b>	<b>20%</b>	N/A	N/A
<b>Combination of Methods (5.08.570)</b>	<b>20%</b>	N/A	N/A
<b>Option to Purchase (5.08.580)</b>	<b>20%</b>	N/A	N/A
<b>Partnership for Cluster Units (5.08.590)</b>	<b>15%</b>	N/A	N/A

*\*Applied to Net Residential Square Footage*

**In-Lieu Fee Structure:**

The methodology to determine the In-Lieu fee is now determined based on the total square footage of the residential development. The In-Lieu fee structure is adjusted based on geography for Strong and Moderate Market Areas. A different fee structure applies for projects using the Mixed Compliance option. For additional information on Schedule of fees, staff please contact Housing Department.

For more information on these options please visit: [www.sjhousing.org/IHO](http://www.sjhousing.org/IHO) to review the IHO Guidelines.

**Affordable Housing Compliance Plan Application**

As part of the application for “First Approval” of any development, the Developer must submit to the department of Housing an original wet signed copy of the completed Compliance Plan Application and all relevant attachments (including the Unit Mix Worksheet). If the project is a mix of For-Sale and Rental, attach both Attachment A and B to indicate how many units are for each tenure. All information supporting the qualification for an exemption or waiver must also be submitted with this packet.

The application fee must be paid by check or wire transfer in the amount of **\$4,199** and attached to the Compliance Plan Application. Checks must be made out to “City of San José”.

“**First Approval**” means the first of the following approvals to occur with respect to a Residential development: development agreement, general plan amendment, specific or area plan adoption or amendment, zoning, rezoning, pre-zoning, annexation, planned development permit, tentative map, parcel map, conditional use permit, special use permit, or building permit.

No application for a “First Approval” will be deemed complete by the City unless the Compliance Plan application is submitted and approved by the Housing Department. **The Compliance Plan must be approved before public hearings on the First Approval and before any permits are issued.**

**Submit Check by mail or deliver in-person to the following:**

City of San José Housing Department  
 Attention: Ordinances & Fees Team  
 200 E. Santa Clara Street, 12th Floor  
 San José, CA 95113

**Submit Compliance Plan by E-mail or deliver in-person to:**

City of San José Housing Department  
Attention: Ordinances & Fees Team  
200 E. Santa Clara Street, 12th Floor  
San José, CA 95113

**Application Review Process**

As a part of the initial permit application review process, the Housing Department will provide the developer an initial response letter with a preliminary determination of the affordable housing obligations associated with the project and a request for an Affordable Housing Compliance Plan.

The Housing Department will use the information provided to evaluate any exemption/waiver claims and review any proposals for satisfying obligations under the Inclusionary Housing Ordinance, if applicable. The Housing Department will coordinate with Planning, Building and Code Enforcement (PBCE) in connection of the review of the Affordable Housing Compliance Plan. Additionally, the Housing Department may contact the developer to request additional information required in connection with the Compliance Plan Application and/or the Developer's proposed method of satisfying the obligation. Failure to fully complete the application and provide all attachments may delay approval of the Compliance Plan.

After review of the Compliance Plan, if the Compliance Plan is complete, consistent with the IHO and Implementation Guidelines, and all required submittals have been provided, the plan will be approved, and the permit conditions will be provided to PBCE and developer. These permit conditions will be made a part of the project's conditions of approval. After this step the planning application with respect to affordable housing obligations will be complete and a hearing may be scheduled.

**Inclusionary Housing Agreement**

Prior to issuance of any demolition, building or foundation permit, the developer must provide updated information that will allow the Housing Department to confirm ongoing eligibility of any exemption claims, compliance with the selected method of satisfying the obligation(s) and the applicable permit conditions. This information may include, but is not limited to, building plans, tentative maps and an updated Unit Mix Worksheet.

Prior to the approval of any final or parcel map, or issuance of any building permit for a residential development that may be subject to the IHO, the following must occur:

- 1) The Developer/Owner will execute and record an Inclusionary Housing Agreement to memorialize and implement the project's affordable housing obligation against the property, against any property under common ownership or control (may be satisfied by a recording of a covenant), and if other property is part of the Developer's proposed satisfaction of affordable housing obligation, against the other property, senior to any liens with a power of foreclosure;
- 2) If confirmation of the compliance with waiver requirements is not due until Certificate of Occupancy, the Inclusionary Housing Agreement must be recorded against the entire development, any property under common ownership or control (may be satisfied by a recording of a covenant), and any other property used for the purpose of satisfying the project's affordable housing obligation senior to any liens with a power of foreclosure.

Please contact Darius Brown [Darius.brown@sanjoseca.gov](mailto:Darius.brown@sanjoseca.gov) to answer any questions or discuss the requirements of the Inclusionary Housing Ordinance.

**AFFORDABLE HOUSING COMPLIANCE PLAN (IHO)**

In order for Staff to assess the potential Inclusionary Housing obligations of a project, the developer must complete this Compliance Plan in its entirety, along with a check made out to the “City of San José” in the amount of **\$4,199** (as may be adjusted). The Developer should answer each question thoroughly, attaching additional documents, as needed. Please enter “N/A” if a field is not applicable. **Only an authorized representative of the property owner or developer is authorized to sign this application.**

<b>PART A DEVELOPER INFORMATION</b>	
Developer (Company) Name:	Phone Number:
	Email:
Company Address:	
Applicant Name:	Phone Number:
	Email:

<b>PART B PROJECT INFORMATION</b>
Development (Project) Name:
Development Address:
Development New Address (if applicable):
Project APN(S):
All Planning (permit) file Number (s), if assigned:

<b>PART C PROJECT DETAILS</b>
<i>Please select an answer or fill in the blankets to the following questions, if not applicable please write N/A:</i>
<p>1. Provide the name of the Property Owner(s) and complete provide an <a href="#">Owner’s Authorization</a>:</p> <p>_____</p>
<p>2. Does the Developer/Owner of the Property or an affiliated/related person or entity (as described in IHO section 5.08.150) own/have any interest in any property contiguous to the project?</p> <p>If yes, please list all the properties by APN(s) and addresses. If more space, please attach list of all properties</p> <p>_____</p> <p>If no, please complete an attached <a href="#">Affidavit of No Common Interest or Control</a>.</p>

<p>3. Is this project applying for AB 2162 or SB 35 Ministerial permit? <i>If yes, please provide supporting documentation.</i></p> <p>YES or NO</p>
<p>4. Is this project applying for a Density Bonus? <i>If yes, please provide supporting documentation.</i></p> <p>YES or NO</p>
<p>5. Will this project seek City Funding? YES or NO</p> <p>6. Do you plan on applying to California Debt Limit Allocation Committee (CDLAC) for a Bond? <a href="#">City's Bond Policy</a></p> <p>_ YES or NO</p> <p>7. Do you plan on applying to California <a href="#">Notice of Funding Availability</a> (NOFA)?</p> <p>YES or NO</p>
<p>8. Please indicate how many buildings will be built: _____ and Total number of Residential Units _____ anticipated</p>
<p>9. Please provide Total Number of Affordable Residential Units, if applicable: _____</p> <p>10. Please provide Total Number of Market Rate Units, if applicable: _____</p>
<p>11. This project is anticipated to be a:</p> <p>_____ For-Sale (<i>please submit Attachment A – Unit Mix Worksheet</i> (please note projects are considered Rental Absent Compliance with the Subdivided Lands Act prior to Certificate of Occupancy).</p> <p>_____ Rental (<i>please submit Attachment B– Unit Mix Worksheet</i>)</p> <p>_____ Both For-Sale and Rental (<i>please provide a separate unit mix worksheet for each type A + B</i>)</p>
<p>12. Is the project a mixed-use (commercial and residential) development? _____ YES or NO _____</p> <p><i>If yes, please provide the total square footage of commercial space: _____</i></p> <p><i>Have you submitted a Satisfaction Plan for Commercial Linkage Fee? _____ YES or NO _____</i></p>
<p>13. Is this a rehabilitation or conversion project? _____ YES or NO _____</p> <p><i>If yes, please provide the number of new or convert units: _____</i></p>
<p>14. Will any residential units be demolished or converted? _____ YES or NO _____</p> <p><i>If yes, were any of the units built before 1979? _____ YES or No _____</i></p>

15. Is there any intention to obtain a parcel/tentative, and final map for the project? \_\_\_\_ YES or NO \_\_\_\_

16. Does this project include a map with construction phasing? \_\_\_\_ YES or NO \_\_\_\_

a. If yes, please attach a separate sheet showing the planned permit and occupancy dates for each phase

17. Does this project include/intend to create multiple parcels that will select different compliance options or will have phased final maps? \_\_\_\_ YES or NO \_\_\_\_

a. If yes, please provide a site map showing parcel numbers, compliance options selected for each parcel and list the parcels below under the applicable compliance option in Attachment D.

18. Is there any intention to create residential condominiums, a stock cooperative, or community apartments?  
\_\_\_\_ YES or NO \_\_\_\_

19. The project's application was deemed complete on or after May 1, 2021? \_\_\_\_ YES or NO \_\_\_\_

a. If No, please submit an executed request to use the amended Ordinance. If the project application was complete before May 1, 2021, this document must be executed to use the amended Ordinance.

**PART E. AFFORDABLE HOUSING EXEMPTIONS/CLAIMS/WAIVERS**

*Please select an answer or fill in the blanks to the following questions if not applicable please select N/A:*

Some projects are eligible to seek an *exemption/waiver* from the IHO for the project. Additional documentation may be required prior to approval of the application, and further evidence of exemption qualification may be requested prior to building permit issuance and certificate of occupancy issuance.

*Please complete the following section(s) if seeking an exemption/waiver, or a reduced fee:*

1. The project includes less than 10 dwelling units and none of the contiguous property is under Common Ownership Control: \_\_\_\_ YES or NO \_\_\_\_ . *If yes, please provide [Owner's Affidavit](#)*

2. The project has an application for a tentative map or an approved tentative map which the Developer claims has conferred vesting rights under the Subdivision Map Act. If yes, provide:

Tentative or Parcel Map Number: \_\_\_\_\_ Date of Application Submitted: \_\_\_\_\_

Date Deemed Substantially Complete: \_\_\_\_\_ Approval Date: \_\_\_\_\_

*If you are claiming this exemption, please attach a description of why your project is exempt from the Ordinance under California Government Code section 66474.2 or 66498.1.*

3. Is your project providing 100% Affordable Housing?

\_\_\_\_ YES or NO \_\_\_\_

*If yes, please provide a Cover Letter detailing project scope*

4. Project is **not** in a redevelopment project area and had at least one phase of its residential development and its infrastructure completed in conformance with a pre-1993 specific plan and Planning Permits prior to January 1, 2013: \_\_\_ YES or NO \_\_\_.

5. Project is claiming it is a Downtown High-Rise Rental development as described in Resolution 73587: \_\_\_ YES or NO \_\_\_

**PART F. IHO COMPLIANCE OPTIONS**  
**Please select an option even if claiming an exemption.**

**To learn more about each option, [click here](#) to review our Inclusionary Housing Ordinance Guidelines.**

You must Provide the applicable following attachments with the Compliance Plan, based on the selected Compliance Option.

*Regardless of the option selected, a current Preliminary Title report for the Residential Development and Unit Mix Worksheet(s) must also be submitted (**Attachment A** for For-Sale, **B** for Rentals, and **C** Mixed Compliance). If there is more than one proposed parcel in the project and the projects are selecting different compliance options under Master Planning (or under Clustering per section 5.08.590) complete a Unit Mix worksheet for each parcel*

If a project is intended to be permitted as co-living or single room occupancy, provide a site map and/or plans showing the co-living/SRO dwelling units

**Option 1**

**Build On-Site Compliance Option (5.08.500A) submit the following:**

1. Parcel maps and/or site plans marked to indicate the proposed location within the development and square footage for both the Inclusionary units and the Market Rate units
2. Construction and completion schedule of all Inclusionary and Market Rate units consistent with the Guidelines
3. Phasing of Inclusionary units in relation to Market Rate units, consistent with the Guidelines
4. A sales/leasing and marketing plan consistent with the Guidelines
5. Any requested density bonus, waivers, or incentives pursuant to California Government Code Section 65915 et seq. and Chapter 20.190 A reliable financing mechanism for the ongoing administration and monitoring of Rental Inclusionary Units, if applicable
6. A comparison of the bedrooms, fixtures, and access to amenities for the Market Rate units and On-site Inclusionary units
7. List Inclusionary Units to be provided (and Surplus Inclusionary Units, if any) with tenure, number of bedrooms, square footage, and affordability for the units.

**Option 2**

**Build Off-Site Compliance Option (5.08.510) submit the following:**

1. The address of the Off-Site land and the name of the owner



2. The General Plan designation and the number and tenure of units (For-Sale/Rental) in the Off-Site project
3. Map showing the site of the Inclusionary housing and which Market Area the development is located in, whether it is in a council designated Opportunity Area. Staff will provide information on determining the Opportunity Area and Market Area for the site.
4. A letter from the developer stating that the site conforms to the City's adopted Affordable Housing Siting Policy. Staff will provide information on how to determine whether the proposed site conforms to the City's Affordable Housing Siting Policy.
5. Current phase I environmental review for the Off-Site land, and if called for, phase II and evidence of completed hazard mitigation
6. Parcel maps and site plans indicating the proposed location, number of bedrooms, and square footage of both Off-Site Inclusionary units and the Market Rate units
7. Construction and completion schedule (including entitlements and ownership/control of the Off-Site land) of all Inclusionary and Market Rate units, showing that the inclusionary units will be provided prior or concurrently
8. Phasing of Inclusionary units in relation to Market Rate units, consistent with the Guidelines
9. A sales/leasing and marketing plan consistent with the Guidelines
10. A reliable financing mechanism for the ongoing administration and monitoring of Rental Inclusionary Units, if applicable
11. A title report for the Off-Site property
12. A comparison of the bedrooms, fixtures and amenities for the Market Rate units and Off-site Inclusionary units

### **Option 3**

#### **Payment of an In-Lieu Fee Compliance Option (5.08.520) submit the following:**

1. Site Map showing the site of Market Area the development is located in. If you in a strong market area you will pay the strong market fees. If you are in the moderate market area you will pay moderate market fees. [Click here](#) for market area
2. Preliminary plans and the estimate of the Net Square Footage

### **Option 4**

#### **Mixed Compliance Option In-Lieu Fee Rate (5.08.525)submit the following:**

1. Parcel maps and/or site plans marked to indicate the proposed location within the development and square footage for both the Inclusionary units and the Market Rate units
2. Construction and completion schedule of all Inclusionary and Market Rate units consistent with the Guidelines
3. Phasing of Inclusionary units in relation to Market Rate units, consistent with the Guidelines
4. A sales/leasing and marketing plan consistent with the Guidelines

5. Any requested density bonus, waivers, or incentives pursuant to California Government Code Section 65915 et seq. and Chapter 20.190 A reliable financing mechanism for the ongoing administration and monitoring of Rental Inclusionary Units, if applicable
6. A comparison of the bedrooms, fixtures, and access to amenities for the Market Rate units and On-site Inclusionary units
7. List Inclusionary Units to be provided (and Surplus Inclusionary Units, if any) with tenure, number of bedrooms, square footage, and affordability for the units.
8. Map showing the site of the Inclusionary housing and which Market Area the development is located in.
9. Preliminary plans and the estimate of the Net Square Footage
10. Completed Unit Mix Worksheet C

### **Option 5**

#### **Dedication of Land In-Lieu of Construction Compliance Option (5.08.530 A) submit the following::**

1. Parcel APN(s), site size, General Plan designation and Zoning designation
2. Preliminary Title Report showing the Developer as owner of the site and dated within 30 days of submittal
3. Provide Ministerial permit for SB 35 entitled land to be used for Affordable Housing that meets the land requirements to utilize SB 35
4. Recent Land/Site Surveys
5. Geotechnical Report
6. Phase I Environmental Report (must be current and for the benefit of the City)
7. Phase II Environmental Report if hazardous materials are suspected in Phase I Report
8. Cost estimate for mitigation of any hazardous materials (which must be completed prior to dedication)
9. An assessment of the proposed site's ability (with existing zoning, occupancy, building, and use restrictions) to provide at least the required Inclusionary Units (20% of total dwelling units, consistent with the Guidelines)
10. Fair Market Value Appraisal, consistent with the Guidelines
11. Infrastructure study by a licensed professional, consistent with the Guidelines
12. Schedule for transfer of the site, consistent with the Guidelines
13. A narrative that describes consistency with the City's Affordable Housing Siting Policy, consistent with the Guidelines

### **Option 6**

#### **Credits and Transfers Use of Surplus Inclusionary Credits Compliance Option (5.08.540) submit the following:**

1. The address of the Project with Surplus Inclusionary Units (“Surplus Project”) and Market Area and the name of the owner
2. The General Plan designation and the number and tenure of units (For-Sale/Rental) in the Surplus Project
3. Copies of recorded affordability restrictions on the Surplus Project, if any
4. Current phase I environmental review for the Surplus Project, and if called for, phase II and evidence of completed hazard mitigation, if requested by the City
5. Parcel maps and site plans indicating the proposed location and square footage of both Surplus Inclusionary units and the Market Rate units, if any
6. Construction and completion schedule (including entitlements and execution of agreement for transfer of the credit for Surplus Inclusionary units) of all Surplus Inclusionary and Market Rate units showing that the Surplus Inclusionary units will be provided prior or concurrently
7. The date of issuance (or projected issuance) of the Certificates of Occupancy for the Surplus Inclusionary Units
8. A sales/leasing and marketing plan for Surplus and Market Rate units, consistent with the Guidelines
9. A title report for the Surplus property

### **Option 7**

#### **Acquisition and Rehabilitation of Existing Units Compliance Option (5.08.550) submit the following:**

1. Detailed information about the Rehabilitated Unit(s), the property upon which it is located, and any associated common area, consistent with the Guidelines
2. Schedule for transfer of the site, consistent with the Guidelines
3. Description of how and when the Developer will provide a relocation plan for existing residents of the Rehabilitated Units, Schedule for transfer of the site, consistent with the Guidelines
4. A sales/leasing and marketing plan consistent with the Guidelines
5. A reliable financing mechanism for the ongoing administration and monitoring of Rental Inclusionary Units

### **Option 8**

#### **HUD Restricted Units Compliance Option (5.08.560) submit the following:**

1. Detailed information about the HUD Restricted Unit(s), the property upon which it is located, and any associated common area, consistent with the Guidelines

2. A copy of the current agreement between Developer and HUD
3. Statement of intent to perform a Physical Needs Assessment no more than six (6) months prior to the termination of the agreement between the Developer and HUD
4. Statement of intent to complete work on all items identified in the Physical Needs Assessment as needing repair, replacement, or maintenance at the time of the assessment, or as likely to require repair or replacement within three years
5. Description of how and when the Developer will provide a relocation plan for existing residents of the HUD Restricted Units
6. Schedule for transfer of the site, consistent with the Guidelines
7. A sales/leasing and marketing plan consistent with the Guidelines
8. A reliable financing mechanism for the ongoing administration and monitoring of HUD Restricted Units

### **Option 9**

#### **Combination of Methods to Provide Inclusionary Housing Compliance Option (5.08.570):submit the following:**

1. A narrative describing how this project will comply with the requirements for each option used in the Combination of Methods
2. Describe how the Combined Methods will provide substantially the same or greater level of affordability and adjusted AMI levels used in Residential Development
3. Provide submittals for each method (e.g., off-site, in-lieu) to be used.

### **Option 10**

#### **Option to Purchase (5.08.580)submit the following:**

1. Draft option agreement
2. Parcel APN(s), site size, General Plan designation and Zoning designation
3. Preliminary Title Report showing the Developer as owner of the site and dated within 30 days of submittal
4. Recent Land/Site Surveys
5. Geotechnical Report
6. Phase I Environmental Report (must be current and for the benefit of the City)
7. Phase II Environmental Report if hazardous materials are suspected in Phase I Report
8. Cost estimate for mitigation of any hazardous materials (which must be completed prior to dedication)
9. An assessment of the proposed site's ability (with existing zoning, occupancy, building, and user restrictions) to provide at least the required Inclusionary Units (20% of total dwelling units, consistent with the Guidelines)
10. Fair Market Value Appraisal, consistent with the Guidelines
11. Infrastructure study by a licensed professional, consistent with the Guidelines
12. Schedule for transfer of the site, consistent with the Guidelines
13. Unit Mix Worksheet A or B for the residential development

**Option 11**

**Partnership for Cluster Units Options (5.08.590) submit the following:**

1. Provide evidence that the Clustered development is 100% affordable housing and that the financing requires that it needs to be constructed on a separate parcel.
2. Provide parcel maps, site plans and identifying the proximity to the Clustered building is in close proximity to the market rate Residential Development that intends to use this option. Map should show it is on the same site or a contiguous site and any separating road is not wider than 60 feet
3. A sales/leasing and marketing plan consistent with the Guidelines
4. Provide a minimum contribution draft agreement to be executed by the Owner, the Developer and the Affordable Housing Developer. The agreement shall provide for Minimum Contribution and a timeline for obtaining and closing construction financing and commencing construction prior to the earlier of the issuance of the first Certificate of Occupancy for the Residential Development or five (5) years.
5. Provide a comparison of the bedrooms, fixtures and amenities for the Market Rate units and Off-site Inclusionary units must have equivalent amenities as the Clustered affordable units
6. List Inclusionary Units to be provided with tenure, number of bedrooms, square footage, and affordability for the units.
7. Please provide the compliance option selection for both the Market Rate Residential Development and the Affordable Development and the unit mix of each along with the unit square footage.

**Option 12**

**Project is 100% Affordable (Deed Restricted) submit the following:**

1. Provide detailed Cover of project scope with the following information, a sales/leasing and marketing plan consistent with the Guidelines and Construction and completion schedule consistent with the Guidelines

**Option 13**

**Alternative Option**

1. Please select compliance option
2. Provide detailed narrative explaining the project scope with the following information, substantial evidence that the alternative will provide as much or more affordable housing at the same or lower income levels, and of the same or superior quality of design and construction, and will otherwise provide greater public benefit ( Click here for more information)

**PART G. PROJECT DATES**

Please fill in all the dates below to the best of your knowledge (provide projected estimates as needed). Please check this box if the project includes a map with construction phasing and attach a separate sheet showing the planned permit and occupancy dates for each phase:

Actual/Projected Date of Public Outreach Meeting:  _____ (mm/dd/yyyy)	Actual/Projected Date of First Approval (Entitlement):  _____ (mm/dd/yyyy)
Projected Date to Pull Building Permits:  _____ (mm/dd/yyyy)	Projected Completion Date(Certificate of Occupancy):  _____ (mm/dd/yyyy)

**SIGNATURES**

**By signing below, the developer acknowledges that the project must comply with the conditions of the Inclusionary Housing Ordinance and the selected Compliance Option(s). Additionally, developer acknowledges exemption waiver or fee reduction claims can only be conditionally approved at the time the Compliance Plan Application is approved and final approval is not guaranteed. The Developer will be required to record an Inclusionary Housing Agreement agreeing to satisfy the Obligation and comply with any exemption conditions. Developer must provide updated documents when reasonably requested by the City.**

Authorized Developer's Signature:

Date:

*Housing Department Office Use Only*

Housing's Acceptance of Application:

Date:

# ATTACHMENT A FOR-SALE PROJECTS UNIT MIX WORKSHEET

**The following is to help estimate the inclusionary obligation for the following compliance options. Simply fill out the following fields and the obligation will be calculated below.**

UNIT TYPE/ PLAN	# OF BDRMS	NET RESIDENTIAL SQ'FT	# OF UNITS	TOTAL SQ'FT
<b>TOTALS</b>				

**These estimates are for illustrative purposes only and the obligation will be codified prior to issuance of building permits in an affordable housing agreement recorded on the property.**

<b>Build On- Site 15%</b>	<b>Total Number of Residential Units:</b>	
	Multiplied by 15%	
	Units Income Restricted at 110% AMI:	
	<b>Market Rate Units:</b>	

<b>Build Off-Site 20%</b>	<b>Total Number of Residential Units:</b>	
	Multiplied by 20%	
	Units Income Restricted at 110% AMI:	
	<b>Market Rate Units:</b>	

<b>Pay In-Lieu Fee  (Estimate)</b>	<b>Per Net New Residential Sq. Ft2 in Residential Development:</b>	
	<b>Multiplied by \$29.07:</b>	
	<b>Final In-Lieu Fee to be paid prior to Certificate of Occupancy:</b>	

\* In-Lieu Fee is calculated each Fiscal Year (July 1 - June 30). Projects with attached units are presumed to be Rental absent compliance with the subdivided lands act and the IHO Guidelines requirements

# ATTACHMENT B FOR-RENTAL PROJECTS UNIT MIX WORKSHEET

**The following is to help estimate the inclusionary obligation for the following compliance options. Simply fill out the following fields and the obligation will be calculated below.**

UNIT TYPE/ PLAN	# OF BDRMS	NET RESIDENTIAL SQ'FT	# OF UNITS	TOTAL SQ'FT
<b>TOTALS</b>				

**These estimates are for illustrative purposes only and the obligation will be codified prior to issuance of building permits in an affordable housing agreement recorded on the property.**

<b>With No Inclusionary Units On-Site</b>  *Estimates	<b>Per Net New Residential Sq. Ft2 in Residential Development</b>	
	*Strong Market Multiply by \$49.99:	
	**Strong Market Multiply by \$25.00:	
	*Moderate Market Multiply by \$21.74:	
	**Moderate Market Multiply by \$10.87:	
<b>Market Area In- Lieu Fee to be paid prior to Certificate of Occupancy:</b>		
<b>Build On-Site 15% or 10%</b>	<b>Total Number of Residential Units:</b>	
	5% of the units at 100% AMI	
	5% of the units at 60% AMI	
	5% of the units at 50% AMI	
	10% of the units at 30% AMI	
<b>Total Number of IHO Deed Restricted Units</b>		
<b>Build Off-Site 20%</b>  *Estimates	<b>Total Number of Residential Units:</b>	
	5% of the units at 80% AMI	
	5% of the units at 60% AMI	
	10% of the units at 50% AMI	
	<b>Total Number of IHO Deed Restricted Units</b>	

\* Applicable to the In-Lieu Fee for Residential Developments for Mixed Compliance \*\*Adding 10 to 19 units at 90% or more of General Plan density



# ATTACHMENT C

## MIXED COMPLIANCE WORKSHEET

### Fee to the Net Square Footage (Section 5.08.525)

The following is to help estimate the inclusionary obligation for the following compliance options. Simply fill out the following fields and the obligation will be calculated below.

UNIT TYPE/ PLAN	# OF BDRMS	NET RESIDENTIAL SQ'FT	# OF UNITS	TOTAL SQ'FT
<b>TOTALS</b>				

These estimates are for illustrative purposes only and the obligation will be codified prior to issuance of building permits in an affordable housing agreement recorded on the property.

<b>Strong Market</b> With 5% Inclusionary Units On-Site Based on AMI Level	<b>*Per Net New Residential Sq. Ft2 in Residential Development</b>	
	<b>Total Number of Residential Units:</b>	
	Strong Market 5% at 100% AMI Multiply by \$21.74:	
	Strong Market 5% at 60% AMI Multiply by \$14.50:	
	Strong Market 5% at 50% AMI Multiply by \$11.71:	
	Type in Estimated In - Lieu Fee to be paid prior to Certificate of Occupancy:	
*Estimates	<b>**Per Net New Residential Sq. Ft2 in Residential Development</b>	
	<b>Total Number of Residential Units:</b>	
	Strong Market 5% at 100% AMI Multiply by \$10.87:	
	Strong Market 5% at 60% AMI Multiply by \$7.26:	
	Strong Market 5% at 50% AMI Multiply by \$5.87:	
	Type in Estimated In - Lieu Fee to be paid prior to Certificate of Occupancy:	

\* Applicable to the In-Lieu Fee for Residential Developments for Mixed Compliance \*\*Adding 10 to 19 units at 90% or more of General Plan density

<b>Moderate Market</b> With 5% Inclusionary Units On-Site Based on AMI Level	<b>Per Net New Residential Sq. Ft2 in Residential Development</b>	
	<b>Total Number of Residential Units:</b>	
	Moderate Market 5% at 100% AMI Multiply by \$13.80:	
	Moderate Market 5% at 60% AMI Multiply by \$9.21:	
	Moderate Market 5% at 50% AMI Multiply by \$7.43:	
	Type in Estimated In - Lieu Fee to be paid prior to Certificate of Occupancy:	
*Estimates	<b>Per Net New Residential Sq. Ft2 in Residential Development</b>	
	<b>Total Number of Residential Units:</b>	
	Moderate Market 5% at 100% AMI Multiply by \$6.90:	
	Moderate Market 5% at 60% AMI Multiply by \$4.61:	
	Moderate Market 5% at 50% AMI Multiply by \$3.72:	
	Type in Estimated In - Lieu Fee to be paid prior to Certificate of Occupancy:	

# ATTACHMENT C MIXED COMPLIANCE WORKSHEET

## Fee to the Net Square Footage

(Part G, Option 4 (Section 5.08.525))

Continued

<b>Strong Market</b>	<b>Per Net New Residential Sq. Ft2 in Residential Development</b>		
	<b>Total Number of Residential Units:</b>		
	Strong Market 5% at 100% & 5% at 60% AMI Multiply by \$12.27:		
	Strong Market 5% at 100% & 5% at 50% AMI Multiply by \$9.48:		
	Strong Market 5% at 60% & 5% at 50% AMI Multiply by \$2.23:		
	<b>Based on AMI Level</b>		
	Strong Market 10% at 30% AMI Multiply by \$0.00:		
	<b>Type-in the In - Lieu Fee to be paid prior to Certificate of Occupancy:</b>		
	<b>**Per Net New Residential Sq. Ft2 in Residential Development</b>		
	<b>Total Number of Residential Units:</b>		
<b>With 10% Inclusionary Units On-Site</b>	Strong Market 5% at 100% & 5% at 60% AMI Multiply by \$6.14:		
	Strong Market 5% at 100% & 5% at 50% AMI Multiply by \$5.43:		
	Strong Market 5% at 60% & 5% at 50% AMI Multiply by \$1.12:		
	<b>Based on AMI Level</b>		
	Strong Market 10% at 30% AMI Multiply by \$0.00:		
	<b>Type-in the In - Lieu Fee to be paid prior to Certificate of Occupancy:</b>		
	<b>**Estimates</b>		
	<b>**Per Net New Residential Sq. Ft2 in Residential Development</b>		
	<b>Total Number of Residential Units:</b>		
	Strong Market 5% at 100% & 5% at 60% AMI Multiply by \$7.79:		
Moderate Market 5% at 100% & 5% at 60% AMI Multiply by \$6.01:			
Moderate Market 5% at 60% & 5% at 50% AMI Multiply by \$1.41:			
<b>Based on AMI Level</b>			
Moderate Market 10% at 30% AMI Multiply by \$0.00:			
<b>Type-in the In - Lieu Fee to be paid prior to Certificate of Occupancy:</b>			
<b>**Estimates</b>			
<b>**Per Net New Residential Sq. Ft2 in Residential Development</b>			
<b>Total Number of Residential Units:</b>			
Moderate Market 5% at 100% & 5% at 60% AMI Multiply by \$3.90:			
Moderate Market 5% at 100% & 5% at 60% AMI Multiply by \$3.02:			
Moderate Market 5% at 60% & 5% at 50% AMI Multiply by \$0.71:			
<b>Based on AMI Level</b>			
Moderate Market 10% at 30% AMI Multiply by \$0.00:			
<b>Type-in the In - Lieu Fee to be paid prior to Certificate of Occupancy:</b>			

\*\*Adding 10 to 19 units at 90% or more of General Plan density

**ATTACHMENT D**  
**MASTER PLAN PHASED DEVELOPMENTS**

<b>PARCEL #</b>	<b>COMPLIANCE OPTION SELECTED</b>	<b>PHASED SEQUENCE</b>