



INCLUSIONARY DWELLING UNIT PLAN APPLICATION

Effective February 16, 2004, any new development plan for which a zoning map amendment is required or preliminary plat that proposes **ten (10) or more dwelling units** is required under Section 28.04 (25) of the Zoning Ordinance to provide no less than **15 percent of the units in the project as affordable** as defined in the above mentioned section.

The following application form provides detailed information and checklists regarding the submittals required to accompany your review, and the development approval process. The application materials are to be attached to any ZONING APPLICATION or SUBDIVISION APPLICATION for any project that is required to comply with the City's Inclusionary Zoning Ordinance.

If you have any questions about the *submittal requirements, application form or development approval process, or when you wish to schedule a required pre-application meeting (see below)*, please contact the Planning Unit at (608) 266-4635.

If you have questions about the *Inclusionary Zoning program itself, including questions about project financing, requests for waivers and post-approval compliance with the inclusionary zoning ordinance*, please contact the Community Development Block Grant (CDBG) Office at (608) 267-0740.

For your convenience, this form may be completed online at www.cityofmadison.com.

Prior to Submittal of an Application

The applicant is **required** under the Inclusionary Zoning Program Policy and Protocols to meet twice with City staff prior to submitting an application for a project that includes inclusionary dwelling units. The first meeting is scheduled with staff from the Planning Unit, Zoning Administrator and Community Development Block Grant Office (CDBG) to discuss the proposed development and acquaint the applicant with the Inclusionary Zoning process. The second meeting is a discussion of the proposed project plan and draft Inclusionary Dwelling Unit Plan with the Interdepartmental Review Staff Team. Additional inclusionary zoning information, including a schedule of meeting dates and required meeting materials (if any), is available online at www.cityofmadison.com/cdbg/iz.

Contents of the Inclusionary Dwelling Unit Plan (IDUP)

As part of any application for the approval of an Inclusionary Dwelling Unit Plan, the developer will provide the following materials. This list is intended to describe those components essential to an Inclusionary Dwelling Unit Plan, which would be submitted to accompany the Zoning or Subdivision Application. It should also be noted that depending on the type of development approval being requested, the level of detail for each of the items below might vary. For example, when the application submitted involves a preliminary plat or conventional zoning map amendments, the applicant will likely have insufficient information to fully comply with the submittal requirements related to the location, character and size of the proposed dwelling units at the time the project is granted land use approvals. In these cases, the inclusionary zoning requirements will require compliance by recording deed restrictions against the individual lots created through the subdivision (platting) process. The deed restrictions shall require compliance with the inclusionary zoning ordinance prior to the issuance of building permits. This procedure will be applied to any lot created through the subdivision and zoning process for which detailed building and Inclusionary Dwelling Unit Plans are not yet available.

Information required for a **complete** Inclusionary Dwelling Unit Plan will include the following items:

- **This form completed as it pertains to the developer's project, including:**

1. The total number of inclusionary and market-rate dwelling units that will be constructed; and of that total, the number of rental inclusionary dwelling units and the number of owner-occupied inclusionary dwelling units.
2. The breakdown of unit size by number of bedrooms.
3. The projected sales and rental prices for the inclusionary dwelling units. (Note: the applicant/developer will need to indicate the target AMI level at the time of application in order to seek a range of appropriate incentives, but the specific sale prices won't be determined until the bedroom size is determined).

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4. The incentives sought from the City for the construction of the inclusionary dwelling units. Additional information regarding the requested incentives may be provided in the written narrative.
- **A project narrative (if not included as part of a Zoning Application) that includes:**
 5. A statement describing the general character of the intended development.
 6. An identification of the current owner, the proposed developer, and any entity that has an option to purchase or contractual interest in the property that is the subject of the application. The application shall include an identification of all individuals and companies and proportionate share of interests in all corporations including, but not limited to, limited liability corporations, limited liability partnerships, etc. in a form acceptable to the Director of the Department of Planning and Development.
 7. A construction schedule indicating the approximate dates when construction of the project and each of its phases can be expected to begin and be completed, and within each phase the schedule for completion of the inclusionary dwelling units.
 - **Plans, drawn to scale that include:**
 8. A plan of the proposed project showing sufficient detail to make possible the evaluation of the approval criteria.
 9. The arrangement of buildings and their architectural character if not provided elsewhere in the submittal.
 10. The location and distribution of the inclusionary dwelling units throughout the development. The Inclusionary Dwelling Unit Plan shall designate the specific lots that are designated as the inclusionary dwelling unit lots. The developer may work with the Community Development Block Grant Office and Planning Unit to locate the inclusionary zoning lots in subsequent phases.
 - **In addition, the submittal shall include:**
 11. A general outline of the intended organizational structure, agreements, bylaws, provisions, deed restrictions or covenants for any proposed property owners', condominium or homeowners association, or any private provision for common services, areas or other facilities, and the continued protection of the development.

Approval and Recording of the Inclusionary Dwelling Unit Plan

Following pre-application meetings and the submittal of a completed application package, the application will be circulated to several City agencies, including staff from the Community Development Block Grant Office, who will review the Inclusionary Dwelling Unit Plan for compliance with the requirements of the Inclusionary Zoning program. Comments and recommendations on the IDUP will be incorporated into a report that discusses the merits of the overall project containing the inclusionary dwelling units. The report will also include any proposed conditions of approval and will be provided to the applicant **one week** prior to the scheduled Plan Commission meeting date.

The Plan Commission will review the Inclusionary Dwelling Unit Plan and other related materials at a duly noticed Plan Commission meeting and make its recommendations to the Common Council for approval by ordinance. The approval by the Plan Commission and Common Council will generally include conditions of approval that must be met prior to the final sign-off by City agencies. The conditions of approval attached to the project by the Plan Commission and Common Council shall be provided to the applicant in writing by the Planning Unit. The applicant is required to comply with the conditions of approval prior to requesting final sign-off on the plans by City agencies. Once the revised plans and all conditions of approval have been met, City agencies will sign off on the plans, after which the City's Zoning Administrator will record the approved IDUP at the Dane County Register of Deeds Office with any required deed restrictions, land use restriction agreements, ground leases, subdivision plats, certified survey maps, Planned Development District documents, or other documents required.

Developer Responsibilities

The applicant has certain responsibilities for implementing the provisions of the inclusionary zoning ordinance, including but not limited to construction and standards for inclusionary dwelling units, notification of availability of units to the City, marketing to target income groups, establishment of price points or rent levels and other changes to the Inclusionary Dwelling Unit Plan. These responsibilities shall be acknowledged and outlined in the Inclusionary Dwelling Unit Plan (IDUP) and Subdivision Improvement Contract that will be executed as part of every development that includes applicable dwelling units.

The City will monitor the construction phases of the overall development, including site visits by staff from the Building Inspection Unit and the Public Works Department to verify progress in accordance with the zoning requirements, the Inclusionary Dwelling Unit Plan, and the Subdivision Improvement Contract, where applicable. Phasing of the IDUP will be enforced through a deed restriction that prohibits transfer of ownership of parcels; the restriction will be released as proof of compliance is provided.

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PART 1 – DEVELOPMENT INFORMATION:

Project or Plat Dayton Charter Apartments

Project Address: 202 N Charter Street **Project Area (in acres):** .162

Developer: TRIO Development, LLC Representative: Bryce Armstrong

Street Address: 448 W Washington Avenue, Suite 200 City/State: Madison, WI Zip: 53703

Telephone: (608) 255-4676 Fax: (608) 255-7384 Email: trio-bryce@tds.net

Agent, If Any: _____ Company: _____

Street Address: _____ City/State: _____ Zip: _____

Telephone: () _____ Fax: () _____ Email: _____

PART 2 – PROJECT CONTENTS:

Complete the following table as it pertains to this project:

Residential Use	MARKET-RATE UNITS		INCLUSIONARY UNITS		Total Units	Acres
	Owner-Occupied Units	Renter-Occupied Units	Owner-Occupied Units	Renter-Occupied Units		
Single-Family						
Duplexes						
Multi-Family		21		4	25	.162
TOTAL						

PART 3 – AFFORDABLE HOUSING DATA:

Number of Inclusionary Dwelling Units Proposed by Area Median Income (AMI) Level and Minimum Sale/Rent Price							
Owner-Occupied Units	30%	40%	50%	60%	70%	80%	Total
Number at Percent of AMI							
Anticipated Sale Price							
Rental Units	30%	40%	50%	60%	70%	80%	Total
Number at Percent of AMI			2	2			
Maximum Monthly Rent Price			3Br \$857	4Br \$936	Studio \$708	4Br \$1,149	

PART 4 – DWELLING UNIT COMPARISON: * SEE ADDENDUM FOR ALTERNATIVE UNIT MIX

Complete the following table as it pertains to this project:

	MARKET-RATE UNITS					INCLUSIONARY UNITS				
	Studio / Effic	1 Bdrm	2 Bdrms	3 Bdrms	4/More Bdrms	Studio / Effic	1 Bdrm	2 Bdrms	3 Bdrms	4/More Bdrms
Owner-Occupied Units with:										
Minimum Floor Area:										
Rental Units With:	4		5	4	8	1			1	2
Minimum Floor Area:	400		650	850	1,090	400			850	1,090

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PART 5 – INCENTIVES: Section 28.04 (25) of the Zoning Ordinance provides the opportunity for applicants in projects where affordable dwelling units are required or where the developer has agreed to pay money in lieu of inclusionary dwelling units, to receive one or more incentives as compensation for complying with the Inclusionary Zoning requirements. Each of the eleven incentives listed below are affixed a point value. The incentive points available to an applicant is dependent upon the number of affordable dwelling units proposed at the various area median income (AMI) levels. The program rewards projects both for having a higher number of affordable dwelling units provided at lower AMI levels, and for having a higher percentage of affordable dwelling units incorporated into the development. The incentive and the corresponding number of points available are listed below. (MAP=Maximum Available Points) Please mark the box next to the incentives requested.

Incentive	MAP	Incentive	MAP
<input checked="" type="checkbox"/> Density Bonus (varies by project)	3	<input type="checkbox"/> Cash subsidy from Inclusionary Unit Reserve Fund up to \$10,000 per unit for up to 50% of the affordable units provided.	2
<input type="checkbox"/> Parkland Development Fee Reduction	1	<input type="checkbox"/> Cash subsidy from Inclusionary Unit Reserve Fund of \$5000 for up to 50% of on-site afford-able units in projects with 49 or fewer detached units or projects with four or more stories and 75% of parking provided underground.	2
<input type="checkbox"/> Parkland Dedication Reduction	1	<input type="checkbox"/> Neighborhood Plan preparation assistance	1
<input type="checkbox"/> Off-street Parking Reduction up to 25%	1	<input type="checkbox"/> Assistance obtaining housing funding information	1
<input type="checkbox"/> Non-City provision of street tree planting	1		
<input type="checkbox"/> One addl. story in Downtown Design Zones	1		
<input type="checkbox"/> Residential parking permits in a PUD/PCD	1		
<input type="checkbox"/> Incentives Not Assigned a Point Value by Ordinance (Explain): _____			

PART 6 – WAIVER: The Plan Commission may waive the requirement to provide inclusionary dwelling units in the development if the applicant can present clear and convincing financial evidence that providing the required number of inclusionary dwelling units on-site renders providing the required number of inclusionary units financially infeasible. In such a case, a developer may request a waiver to provide the units off-site, assign the obligation to provide the units to another party, or pay cash in lieu of the units, or any combination of the above. If the waiver is granted, the required units may be provided as new construction off-site in another development within **one mile** of the subject development; off-site units shall be provided at least 1.25 times the number of units if provided within the subject development. Off-site units must be constructed within one year of the time that they would have been constructed within the subject development. The applicant may opt to pay money into the Inclusionary Unit Reserve Fund based on contribution rates established in Section 28.04 (25) of the Zoning Ordinance. If provision of the inclusionary dwelling units through the waiver is still financially infeasible, the developer may seek a reduction in the percent of units to the point where the project becomes financially feasible. If such a waiver is requested, a detailed explanation shall be provided in the required project narrative demonstrating the financial infeasibility of complying with the ordinance requirements and the rationale for the alternative proposed.

- If a waiver is requested, **please mark this box** and include all of the necessary information required by the Zoning Ordinance and IZ Program Policy & Protocols to support your request.

PART 7 – APPLICANT’S DECLARATION:

The signer shall attest that this application has been completed accurately and includes all requests for incentives or waivers; that they have attended both required pre-application staff meetings and given the required notice to the district alderperson and neighborhood association(s) prior to filing this application; and that all required information will be submitted on the corresponding application for zoning and/or subdivision approval by the Plan Commission. The applicant shall begin the declaration by stating below whether or not the project complies with the various requirements of the inclusionary zoning ordinance. Check the applicable box and provide any supporting

Standards for Inclusionary Dwelling Units (IDUs)	Will Comply	Will not comply	Additional comments
Exterior Appearance of IDUs are similar to Market rate.	X		
Proportion of attached and detached IDU units is similar to Market rate.	X		
Mix of IDUs by bedroom size is similar to market rate.	X		

CONTINUE →

Standards for Inclusionary Dwelling Units (IDUs) (continued)	Will Comply	Will not comply	Additional comments
IDUs are dispersed throughout the project.	X		
IDUs are to be built in phasing similar to market rate.	X		
Pricing fits within Ordinance standards	X		
Developer offers security during construction phase in form of deed restriction.	X		
Developer offers enforcement for for-sale IDUs in form of option to purchase or for rental in form of deed restriction.	X		
Developer describes marketing plan for IDUs.	X		
Developer acknowledges need to inform buyers/renters of IDU status, responsibilities for notification.	X		
Terms of sale or rent.	X		
	Yes	No	Additional comments
Developer has arranged to sell/rent IDUs to non-profit or CDA to meet IDU expectations.		X	
Developer has requested waiver for off-site or cash payment.		X	
Developer has requested waiver for reduction of number of units.		X	
Other:			

- The applicant discussed this development proposal with representatives from the Planning Unit, Zoning Administrator and Community Development Block Grant Office on: → August 30, 2005
- The applicant presented a preliminary development plan for this project to the Interdepartmental Review Staff Team on: → August 25, 2005
- The applicant notified Alderperson Austin King of District 8 of this development proposal in writing on: → August 31, 2005 - waived
- The applicant also notified n/a of the n/a neighborhoods in writing on: → Neighborhood Association does not exist
- The Inclusionary Dwelling Unit Plan Application package contains ALL of the materials required as noted on this form. I, as the undersigned, acknowledge that incomplete or incorrect submittals may cause delays in the review of this project. I am also familiar with the ongoing developer responsibilities summarized on page #2 of this application and outlined in the Inclusionary Zoning Ordinance and Program Policy and Protocols.

Applicant Signature  **Date** 4/27/05

Printed Name Bryce Armstrong **Phone** (608) 255-4676 x12

ADDENDUM TO INCLUSIONARY DWELLING UNIT PLAN

Our default Inclusionary Zoning unit mix as proposed in the attached IDUP follows ordinance guidelines for dispersion and unit mix:

Building Floor	Unit Type	AMI %	Location
1	Retail	n/a	n/a
2	4BR	50%	NE corner
3	4BR	60%	SE corner
4	3BR	50%	SW corner
5	Studio	60%	SW corner
6	n/a	n/a	n/a

However, the ordinance fails to address the nuances of student housing and will likely result in Inclusionary Zoning units marking to market rents. As is often the case with ordinances that mandate behavior that is inconsistent with market behavior, a disconnect between policy and practice exists. The IZ ordinance currently assumes that households, and their respective incomes, are comprised of one family. However, in the student housing market, households are comprised of individuals with drastically varying incomes who choose to live together out of friendship, not because of AMI thresholds. Thus, student households requiring more than one income to qualify under the ordinance income thresholds are highly unlikely to qualify for IZ units. This administrative glitch will create significant vacancy risk for apartment owners, and render well-intended IZ units unused.

As such, we propose an alternative unit mix that follows market behavior. In spite of requiring a higher private affordable housing subsidy, we propose an IZ unit mix of entirely studio units that are certain to rent as affordable units, and minimize administrative efforts and vacancy risk. Accordingly, we propose the following alternative unit mix for the attached IDUP:

Building Floor	Unit Type	AMI %	Location
1	Retail	n/a	n/a
2	Studio	50%	SW corner
3	Studio	50%	SW corner
4	Studio	60%	SW corner
5	Studio	60%	SW corner
6	n/a	n/a	n/a

We recognize that changes to the Inclusionary Zoning Ordinance are underway, but that nothing has been finalized. Our proposal is intended to maximize the number of affordable bedrooms actually used, while creating more reasonable administrative demands. We are willing to work with City Staff to find an acceptable solution.



TRIO Development, LLC

Managing Members include:

Craig D. Hungerford

Bryce W. Armstrong

Jill C. Buechner