

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date: February 1, 2021

Action Required: Consideration of Resolution for Special Use Permit

Presenter: Brian Haluska, Principal Planner

Staff Contacts: Brian Haluska, Principal Planner

Title: SP20-00001 – 1000 Monticello Road, Special Use Permit request for additional residential density

Background:

Kelsey Schlein of Shimp Engineering, acting as agent for Piedmont Realty Holdings III, LLC (owner) has submitted an application seeking approval of a Special Use Permit (SUP) for the property located at 1000 Monticello Road with approximately 225 feet of road frontage on Monticello Road and approximately 110 feet of road frontage on Bainbridge Street. The proposal requests additional residential density up to 42 dwelling units per acre (DUA), pursuant to City Code Section 34-700.

The applicant's proposal shows a new residential building on a portion of the Subject Property. The property is further identified on City Real Property Tax Map 57 Parcel 36 ("Subject Property"). The Subject Property is zoned Neighborhood Commercial Corridor. The site is approximately 0.81 acres or 35,283 square feet.

Discussion:

The Planning Commission considered this application at their meetings on December 8, 2020 and January 12, 2021. The discussion centered on the applicant's proposed provision of affordable units within the building, the visual impact of the building, and whether the project would contribute to the City's housing goals.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 28 at the following link:

<https://charlottesvilleva.civicclerk.com/Web/UserControls/DocPreview.aspx?p=1&aoid=861>

The applicant has indicated that the preliminary site plan contained in the packet has an error on the cover sheet (Page 62) regarding the number of affordable units proposed in the building. The number in the Planning Commission's motion is the correct number.

Alignment with City Council's Vision and Strategic Plan:

The City Council Vision of Economic Sustainability states that, "The City has facilitated significant mixed and infill development within the City."

The City Council Vision of Quality Housing Opportunities for All states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.”

Community Engagement:

Per Sec. 34-41(c)(2), the applicant held a community meeting on October 8, 2020 (a City Planner attended as a NDS representative). Neighborhood concerns gathered from the community meeting are listed below.

- The rental terms in the current development and the proposed new units, and the impact of the new units on the housing market in the neighborhood.
- The height of the building and its overall impact on the surrounding properties.
- The impact of the modification of the automobile access to the property.
- Current and future stormwater impacts on the surrounding properties
- Parking supply

The Planning Commission held a joint public hearing with City Council on this matter on December 8, 2020. Several members of the public spoke in opposition to the application. They raised concerns regarding:

- The visual impact of the proposed building, especially the height of the building.
- The potential impact on surrounding properties due to the reconfiguration of the automobile access to the property.
- Prior management decisions on the property regarding tenants in the existing units on the site.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of this special use permit.

Recommendation:

Staff recommends the application be approved.

The Planning Commission voted 4-3 to recommend the application be approved with the following conditions:

1. Up to 42 dwelling units per acre (DUA) are permitted on the subject property.
2. The owner and applicant is committing to providing five (5) affordable housing units at HUD Fair Market Rent (FMR) rates. The affordable units will be provided and rented in accordance with the attached document titled “Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Rental” (the “ADU Regulations”). It is intended for all affordable units to remain as rentals throughout the affordable term defined in the ADU Regulations however, if any affordable units are sold during the affordable term then those units shall be provided and sold in accordance with the regulations of the section titled “Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Sale”.
3. All referenced affordable units will be located in the new building
4. Architecture shall be substantially the same as the Proposed Elevations provided by the applicant dated December 23, 2020.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached Resolution, granting a special use permit as recommended by the Planning Commission;
- (2) by motion(s), modify the language of the attached Resolution, and then by motion approve the amended Resolution;
- (3) by motion, defer action on the SUP, or
- (4) by motion, deny the requested SUP.

Attachment (1):

- (1) Resolution for Approval of a Special Use Permit, containing the conditions recommended for the approval of SP20-00001 by the Planning Commission on January 12, 2021.

**RESOLUTION
GRANTING A SPECIAL USE PERMIT
FOR A SPECIFIC PROJECT TO BE DEVELOPED AT
1000 MONTICELLO ROAD**

WHEREAS, pursuant to City Code § 34-7700 Piedmont Realty Holdings III LLC ("Applicant") has requested a special use permit for property having an address of 1000 Monticello Road, further identified by City Real Estate Parcel Identification Number 570036000 and consisting of approximately 0.81 acre (hereinafter, the "Subject Property"), on which there currently exist one or more buildings that contain, in the aggregate, twenty-three (23) dwelling units;

WHEREAS, the purpose of the requested special use permit is to facilitate construction of a new building on the site, which will contain not more than eleven (11) dwelling units (resulting in an overall residential density within the Subject Property of approximately 42 dwelling units per acre (DUA)), and five (5) of the 11 new dwelling units are planned to be committed for a period of at least 10 years for rental as affordable dwelling units, all as described within the materials accompanying City application number SP20-00001 (the "Project"); and

WHEREAS, the Subject Property is zoned "NCC" (Neighborhood Commercial Corridor, Mixed Use District) and, pursuant to §34-700 of the City Code, the requested increased density is allowable by special use permit; and

WHEREAS, a joint public hearing on this application was held before the City Council and Planning Commission on December 8, 2020, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, on January 12, 2020, based on the information and materials submitted by the Applicant as part of its application, the staff report prepared by Neighborhood Development Services staff, the factors set forth within City Code § 34-157, and public comments received, the Planning Commission recommended that the Project should be approved, subject to certain conditions; and

WHEREAS, upon consideration of the factors set forth within City Code §34-157, this Council finds that, for the Subject Property additional residential density is appropriate for this Project—as the Project has been depicted and represented within Applicant’s application materials—subject to suitable regulations and safeguards to be included as conditions upon the issuance of the requested special use permit; now, therefore

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia as follows:

1. *Specific Development*—a Special Use Permit is hereby granted to authorize increased residential density within the area of the Subject Property, to allow construction of the following Project:

Construction of a new building, containing not more than 11 dwelling units, 5 of which shall be committed for a period of ten (10) years to as affordable dwelling units (all of the five affordable dwelling units shall be within this new building).

2. The Development shall be subject to the following reasonable conditions:
 - a. At no time shall the overall residential density within the area of the Subject Property, inclusive of all buildings, exceed 42 dwelling units per acre.
 - b. The new building shall have the same architectural design and features as depicted within the proposed building elevations included within the application materials, which design and features are generally depicted within an illustration set forth on the following page:



3. The 5 affordable dwelling units will be provided and rented within the Project, in accordance with the “Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Rental” presented by the Applicant within supplemental application materials, set forth following below (the “ADU Regulations”). The affordable dwelling units will be offered as for-rent affordable units throughout the Affordability Term defined in the ADU Regulations; however, if any affordable dwelling units are sold during the Affordability Term then those units shall be provided and sold in accordance with the following “Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Sale”.

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Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Rental

(1) **Owner's CAU Commitment.** The Owner shall construct and reserve within the Project affordable dwelling units as noted on the preliminary site plan titled "Belmont Heights" prepared by Shimp Engineering, P.C. dated July 14, 2020 last revised January 5, 2021. The affordable dwelling units noted on the site plan include any minimum number of Committed Affordable Units required by City Code §34-12, and any additional number of units Owner has represented within its special use permit application narrative that will be affordable units, all of which are referred to herein as "CAUs".

(a) **Minimum Number of Committed ADUs**--The minimum number of ADU's required by City Code 34-12, and any additional affordable dwelling units, shall all be set forth within a written CAU Commitment executed by the Owner prior to approval of any site plan or subdivision plat for the Project, or if no such approval is required, then prior to issuance of any building permit. The square footage reserved for CAUs shall be configured and designed as follows:

- (i) The CAU Commitment shall specify a total square footage to be devoted to CAUs as well as a minimum number of bedrooms to be provided within the reserved CAUs.
- (ii) Each CAU shall have substantially similar exterior quality and appearance as other dwelling units within the Project. Also, to the maximum extent possible, CAUs will incorporate energy efficient design to increase durability, and operational efficiency—thereby promoting continued affordability.

(b) **Administrative**

Any CAU(s) required by City Code 34-12 shall be subject to the City's Standard Operating Procedure (SOP) adopted July 1, 2015, and the Schedules referenced in that SOP, notwithstanding any provision to the contrary within this narrative.

(c) **Minimum Term of Affordability**

The written CAU Commitment shall include the Minimum Term of Affordability (the "Term") during which the affordable dwelling units will remain affordable, which shall be a term of ten (10) years.

(d) The details of the CAU Commitment shall be noted by the Owner on the final building construction plans prepared for submission in connection with an application for final building permit approval ("Final Proposed Construction Plans"). Specific CAUs do not have to be identified on the construction plans. The Owner will submit the Final Proposed Construction Plans to the HDS for review, *prior to* submission to the Building Official. The HDS will review the Final Proposed Construction Plans within five (5) business days of receipt, for compliance with the

requirements of Paragraph (1)(a), above. If the Final Proposed Construction Plans include adequate notation of the CAU Commitment as set forth within Paragraph (1)(a), above, then the HDS shall provide written verification to the Owner and to the Building Official. Before a CO is issued, the Owner must specify which units will be designated as affordable for the purposes of the CAU Commitment.

- (e) If the Final Proposed Construction Plans do not include a notation that meets the specifications set forth within Paragraph (1)(a) above, or if the Building Official does not have written verification from the HDS that the CAU Commitment is adequately set forth within the plans, then the Building Official shall not approve a building permit.
- (f) Prior to the issuance of the first certificate of occupancy for any building or unit within the Project, the Owner shall specify to the HDS which specific dwelling units will be designated as CAUs, and the Owner shall cause to be recorded among the land records of the City of Charlottesville, Virginia, a written instrument sufficient to
 - (i) give third parties notice of the Owner's obligations under SP2020-000001 and the Owner's CAU Commitment within the development, and (ii) to assure that Owner's CAU Commitment within the development will be binding on the Owner and his heirs, successors and assigns, in a manner that will implement the requirement of Sec. 34-12(c) for each CAU to be and remain an affordable unit for the duration of the Term of Affordability..
- (g) Following approval of a certificate of occupancy, and from time to time throughout the Term of Affordability, the Owner shall have the right to change the units designated as being reserved as CAUs, following advance written notice to the HDS and a determination by the HDS that the change will not lessen or remove the CAU Commitment. Alternative units proposed should be consistent with the initial CAU Commitment per Paragraph (1)(a)(i), above, based on a determination by the HDS.
- (h) If an otherwise qualified tenant residing in a CAU has an increase in income that exceeds the HUD guidelines specified in Paragraph (2)(a)(i), that CAU unit will still be considered as meeting the CAU Commitment for a period of three (3) years commencing on January 1 of the calendar year succeeding the year in which the income increased subject to the rent provisions at 2(a)(iii)(A).
- (i) The Owner must keep current records for CAUs at all times and the HDS must be provided access to such records at reasonable times, at the location where the records are kept, upon request by the HDS.
- (j) If at any time prior to the end of the Term of Affordability, the Project is converted to a condominium, or other form of individual ownership, the CAU Commitment shall continue in full force and effect and the required number of CAUs shall be leased to Qualified Tenants throughout the Term of Affordability, or, in the alternative, the CAUs may be sold to buyers meeting the current HUD Guidelines, as specified in Paragraph (2)(a)(i). Upon a sale of any such converted CAU, the

requirements set forth in Schedule 2 to these Regulations shall apply to the remaining Term of Affordability.

(2) **Terms and Conditions for Rentals.** Owner shall offer the CAUs for rental to Qualified Tenants, subject to Owner's standard form lease agreement. These regulations are not intended to conflict with State and Federal requirements. The HDS has the option of subordinating the following if in conflict. Otherwise, terms and conditions applicable to such rentals shall be as follows:

(a) Qualified Tenants.

For the purposes of these regulations, the term "Qualified Tenant" shall mean a tenant whose household income is 80 percent or less of the area median income for Charlottesville, Virginia, adjusted for household size ("Median Income") as published annually by the U.S. Department of Housing and Urban Development¹ ("HUD Guidelines").

- (i) In determining whether or not to approve a Qualified Tenant for a lease agreement, the Owner may apply its typical credit (including any minimum income requirement) and background check requirements to tenants of CAUs; however, any requirement for a minimum income shall be suspended: (i) for participants in the Housing Choice Voucher program, or (ii) if Owner's typical minimum income requirement exceeds 80 percent of Median Income.
- (ii) Upon the commencement of each tenancy of a CAU, the Owner shall document that the tenant meets the criteria for a "Qualified Tenant." Thereafter, Owner shall document the tenant's continued eligibility for status of a Qualified Tenant on an annual basis.
 - A. If a CAU tenant's household income increases above the limit for a Qualified Tenant, then such tenant may be permitted a grace period by the Owner to remain in the same unit for a period of up to three (3) additional years, subject to yearly increases in the current rent (as of the beginning of the grace period) based on the percentage increase in HUD fair market rents for the most recent calendar year. After the three (3) year period, the Owner may allow the tenant to remain in the same unit; however, the Owner shall provide the City with notice that they are amending the prior CAU designation to transfer the CAU status of that particular unit to a different unit within the Project. Nothing within these regulations shall preclude the Owner from allowing a tenant whose household income increases above the limit to move to a different, non-CAU designated unit within the Project, subject to a lease at market rent at the conclusion of the three (3) year grace period.
 - B. Each lease agreement for a CAU shall contain a provision stating that the tenant's failure to meet the criteria for a Qualified Tenant, or the Tenant's failure or refusal to provide information necessary for recertification, will constitute non-compliance with the lease and that the lease may be

terminated for such non-compliance.

- C. In the event that a previously qualified tenant is being evicted or removed for non-compliance, the Owner will continue to be considered in compliance with these regulations if the Owner is diligently pursuing possession of the CAU through available legal means.
- D. No later than January 31 of each year, the Owner shall provide to the HDS a Committed Affordable Unit Occupancy Annual Report that includes data

¹For HUD Guidelines for income limits see <http://www.huduser.org/portal/datasets/il.html>. Determination of household income is subject to 24 CFR Part 5.

on each CAU (“Annual Report”). The Annual Report shall include tenant identification information showing name, address, date and term of current lease, current household size, and current income level. There is no specified format; therefore, any report generated to meet a similar requirement may be used as long as the CAUs are identified and required information is included. . Upon request the HDS or other authorized representative of the City shall be permitted by the Owner to inspect the owner’s books and records that are the source of information contained in the Annual Report, including, without limitation:

- (i) tenant's rental application;
- (ii) tenant’s signed lease agreement;
- (iii) tenant’s income verification and supporting documentation;
- (iv) tenant’s Occupancy Affidavit to verify use as primary domicile.

E. The City or its designee shall have the right, following reasonable notice to the Owner and subject to the rights of the tenants under their leases and applicable law, to inspect the CAUs.

(b) Maximum Monthly Rent.

- (i) The maximum monthly rent for a CAU will be established based on the HUD Fair Market Rent (FMRs) By Unit Bedrooms.
 - (ii) If Owner requires tenants to pay their own utility charges, the maximum monthly rent will be reduced by a Utility Allowance. The Utility Allowance shall be determined with reference to the federal guidelines titled “*Allowances for Tenant Furnished Utilities and Other Services*”, published by HUD for the Charlottesville, Virginia/Central Virginia Region.
 - (iii) It is the responsibility of the Owner (and not the City) to establish rents for the CAUs in accordance with these regulations. Upon request, the HDS will review
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Owner's maximum monthly rent calculations for compliance with these regulations.

- (iv) Owner shall not increase the maximum monthly rent for any CAU more frequently than once per year of a lease term. Annual rent increases (adjustments) for CAUs shall be based on the household income of a Qualified Tenant and subject to current HUD Guidelines, as applicable, minus any applicable Utility Allowance. Tenants shall be given a minimum of 30 days' advance written notice of any proposed rent increase.
- (v) When a CAU becomes vacant, maximum monthly rent shall be determined in accordance with these regulations, as of the Median Income per HUD guidelines and other regulations/procedures in effect as of the date of commencement of the new Qualified Tenant's lease.
- (c) Acceptance of Vouchers. Owner must accept HUD Housing Choice Vouchers from otherwise Qualified Tenants. However, Owner shall not be required to give any preference or priority to prospective tenants with such vouchers over other applicants for the same CAU.
- (d) Occupancy Requirements. Owner may establish rental occupancy requirements for CAUs, if such occupancy requirements have been established for the other units within the Project. However, for any Qualified Tenant who relies on federal or state vouchers or other funding to cover some or all of his maximum monthly rent, Owner's occupancy requirements shall not be more restrictive than any federal or state guidelines applicable to the tenant's funding source (for example, the guidelines of section 3-23 of the 4350.3 HUD Occupancy Handbook, applicable to certain Housing Vouchers).
- (e) Lease Terms. Initial leases for the CAUs shall provide for a minimum term of one (1) year, after which time the lease term may be done on an annual, bi-annual, or monthly basis.
- (f) Access to amenities. Occupants of the CAUs shall have full access and right to use all amenities and facilities available to other tenants within the Project, subject to any rules, regulations and conditions established by the Owner to govern such use and access.
- (g) Customary Fees. Tenants of a CAU may be required to pay any customary fees and charges imposed on Owner's other tenants, such as fees for garage or other parking spaces (if applicable), security deposit, move-in fee, move-out deposit, utility deposit, pet fees, etc.

(3) Marketing Plan.

- (a) Marketing, "Initial Lease Up". Owner shall conduct a pre-occupancy marketing

program for the CAUs (the “Pre-Occupancy Marketing Program”), commencing at least 45 days prior to the issuance of any certificate of occupancy for any building containing a CAU or for any individual dwelling unit within such building. This Program does not have to be separate and distinct from marketing initiatives undertaken for other efforts, as long as the information is consistent with CAU requirements noted at 3(a)(i)(B) below.

- (i) Information regarding the Pre-Occupancy Marketing Program shall be submitted to the HDS for approval.
 - A. At a minimum, the Pre-Occupancy Marketing Program shall identify a schedule of advertisements/outreach efforts that are intended to reach the target market. If the City of Charlottesville develops a program / database for listing CAUs, the Owner will be required to utilize it. If any of the CAUs are handicapped accessible, those Accessible units shall be advertised on websites targeted to individuals and agencies seeking information on the availability of such units within the City of Charlottesville.
 - B. Any advertisement/outreach effort shall include the following information:
 - 1. The rental price range of the CAUs;
 - 2. The income ranges needed to qualify for the CAUs;
 - 3. A note that HUD Housing Choice Vouchers are accepted;
 - 4. If the CAUs include any handicapped accessible units or incorporate universal design; and
 - 5. The Equal Housing Opportunity logo.
 - C. The HDS’s approval shall be given upon a finding that the written Pre-Occupancy Marketing Program includes the minimum requirements and has otherwise been reasonably designed to effectively reach prospective tenants who may meet the criteria of a Qualified Tenant.

- (ii) The Pre-Occupancy Marketing Program shall contain a component specifically designed to reach potentially Qualified Tenants with physical disabilities, who may be interested in leasing the accessible CAUs, (if applicable).

(b) Duration of Pre-Occupancy Marketing Program. Owner may cease its Pre-Occupancy Marketing Effort once all CAUs are leased to Qualified Tenants.

(4) Processing of Lease Applications

- (a) Owner shall process applications for leases of the CAUs on a first-come, first-served basis, except for the preference described following below.
- (b) If any accessible CAUs (if applicable) are vacant, despite Pre-Occupancy Marketing

Program efforts, then those accessible CAUs may be leased to Qualified Tenants without disabilities. Thereafter, individuals with disabilities who apply to become tenants of the CAUs shall be given preference in leasing the accessible units until such time as no other CAU non-accessible units, of the same unit type, are available. Upon initial lease-up, the units shall be the last CAUs of each unit type (one-bedroom, two-bedroom, etc.) held vacant if they are not leased to persons with disabilities. Upon subsequent vacancy of the units, the re-marketing effort shall conform to section (3)(a)(i), with the further stipulation that the accessible units shall be marketed for 30 days before being released to a non-disabled household.

(5) Remarketing

- (a) After the conclusion of the first and each subsequent tenancy of a CAU,
 - (i) Owner shall re-market the CAU using the same efforts described in the Pre-Occupancy Marketing Plan (section 3 herein), or
 - (ii) Owner shall lease the CAU to a Qualified Tenant on its Waiting List. (Owner shall not be required to maintain any Waiting List; however, if Owner maintains a Waiting List that includes prospective Qualified Tenants for the CAUs, and re-lets a vacant CAU to a Qualified Tenant on the waiting list, then the Owner shall not be required to re-market the CAU).
- (b) Any re-marketing effort shall continue for a period of 60 days following the conclusion of the prior tenancy, or until a Qualified Tenant has obtained a lease for the CAU, whichever first occurs.

(6) [Reserved]

Regulations Applicable to On-Site ADUs provided pursuant to SP2020-000001, for Sale

(1) Owner's CAU Commitment. The Owner shall collaborate and work with the HDS to outline the components of the CAU Commitment as provided for at Sec. 34.12, and to provide a plan for implementation of the CAU Commitment within the Project. All units committed will need to be incorporated into the written CAU Commitment based on the following:

- (a) The Owner and HDS shall calculate the minimum square footage of GFA to be reserved within the Project for CAUs, based on the requirements of Sec. 34-12(a), and that minimum GFA shall be specified within the CAU Commitment.
- (b) The CAU Commitment shall describe the terms, conditions and arrangements by

which the affordable dwelling requirements of Sec. 34-12 and the zoning approvals for the Project will be committed as affordable: (i) to households with incomes at 80 percent or less of the area median income during the Term of Affordability, and (ii) the specific length of the Term of Affordability for the required CAUs, which shall not be less than ten (10) years. If a Term of Affordability of less than 10 years is desired, then the written CAU Commitment must be approved by City Council.

- (c) The written CAU Commitment will need to be approved by the HDS and executed by the Owner, prior to approval of any site plan or subdivision plat, or if no such approval is required for the Project, then prior to issuance of any building permit. The HDS will approve a proposed CAU Commitment Agreement, upon a determination that the Agreement sets forth an implementation plan adequate to meet the obligations set forth in (1)(a) and (1)(b), above.

(2) Terms and Conditions for Sale of CAUs. Owner shall offer the CAUs for sale to Qualified Purchasers. It is the intention of the City within these Regulations to allow maximum flexibility to the Owner and the HDS for creating a plan for the successful implementation of the CAU Commitment within the development. Therefore, specific terms and conditions applicable to such sales are not prescribed by these Regulations, but should be tailored to the specific Project, as outlined within a written CAU Commitment.

Final details of the Owner's plan for pricing and financing may be submitted to the HDS for approval as an addendum to the CAU Commitment, prior to issuance of any certificate(s) of occupancy for the development, if sufficient data is not available to establish these details prior to site plan or subdivision approval.

(a) Qualified Purchasers.

- (i) For the purposes of these regulations, the term "Qualified Purchaser" shall mean a purchaser whose household income is 80 percent or less of the area median income for Charlottesville, Virginia, adjusted for household size ("Median Income") as published annually by the U.S. Department of Housing and Urban Development³ ("HUD Guidelines").
- (ii) For each sale of a CAU, it shall be the obligation of the Owner to verify the Purchaser meets the requirements of paragraph (2)(a)(i), above. Receipt of information sufficient for Owner to make this verification shall be a condition of the Owner's obligation to close the sale, and this condition shall be stated in the written purchase/sale agreement between owner and any prospective Qualified Purchaser.

(b) Sales/Purchase Price and Financing Arrangements.

³ For HUD Guidelines for income limits see <http://www.huduser.org/portal/datasets/il.html>. Determination of household income is subject to 24 CFR Part 5.

The Sales Price and the Financing Arrangements shall be detailed within an Addendum to the CAU Commitment, which must be approved by the HDS prior to issuance of any certificate(s) of occupancy for any buildings or dwelling units within the development. It is the intention of these regulations to allow maximum flexibility for the Owner and prospective Qualified Purchasers to arrange for the purchase and financing of a CAU through arrangements that are best suited to the circumstances of a particular transaction. Any number of financing and sales arrangements may satisfy the Owner's obligations under City Code Sec. 34-12 and the provisions of these regulations.

(3) Re-Sale of CAUs. The CAU Commitment will describe how re-sale of CAUs will be handled so that the Term of Affordability can be satisfied.