

20018  
Request for Administrative Deficiency



**VIA EMAIL**

May 1, 2020

Texas Department of Housing and Community Affairs  
Attn: Marni Holloway - Director of Multifamily Finance  
Attn: Sharon Gamble – 9% HTC Program Administrator  
221 East 11<sup>th</sup> Street  
Austin, TX 78701

RE: TDHCA #20018 – The Park Tower and TDHCA #20063 – Azalea West

Dear Marni and Sharon:

In accordance with Section 11.10 of the 2020 QAP, Palladium USA is requesting staff to consider whether the matters described in this letter and supporting documentation should be the subject of an Administrative Deficiency. We are also providing a copy to the representatives for Application #20018 and Application #20063.

In Section 11.3(b) as required by Tex. Gov't Code §2603.6711(f), staff will not recommend for award, and the Board will not make an award to an Application that proposes a Development Site located in a county with a population that exceeds one million if the proposed Development Site is also located less than two linear miles from the proposed Development Site of another Application within said county that is awarded in the same calendar year. If two or more Applications are submitted that would violate §2306.6711(f), the lower scoring Application will not be reviewed unless the higher scoring Application is terminated or withdrawn. The two Applications referenced above are within a county with a population that exceeds one million and are located less than 2 linear miles of one another. See Attached.

Per the scoring log released 4-30-2020, the above referenced Applications are identified as being Under Review (UR).

20063	Azalea West	NWC Azalea / Carroll	Fort Worth	76107	Tarrant	3	Urban	NC	68	12	80	General	1,500,000	Sally Gaskin	48439102000	138	0	17	4	0	8	4	0	171	UR
20018	The Park Tower	1209 Jacksboro Hwy.	Fort Worth	76114	Tarrant	3	Urban	NC	78	12	90	General	1,462,830	Matthew Rieger	48439100800	131	0	17	4	8	0	4	7	171	UR

I have attached documentation supporting 20018 – The Park Tower and 20063 - Azalea West are within 2 linear miles of each other and located in Tarrant County which has a population of 1,983,675 per the 2020 Site Demographics Report. Therefore, only one Application can be reviewed and ultimately awarded.

Should you have any questions or require additional information please contact me. My contact information is below.

Sincerely,

Thomas E. Huth  
President and CEO  
Palladium USA International, Inc.  
Phone: 972-774-4400  
Fax: 972-774-4484  
Email: [thuth@palladiumusa.com](mailto:thuth@palladiumusa.com)

**Attachments**

Cc – Matthew Rieger – Applicant 20018  
Sally Gaskin – Applicant 20063



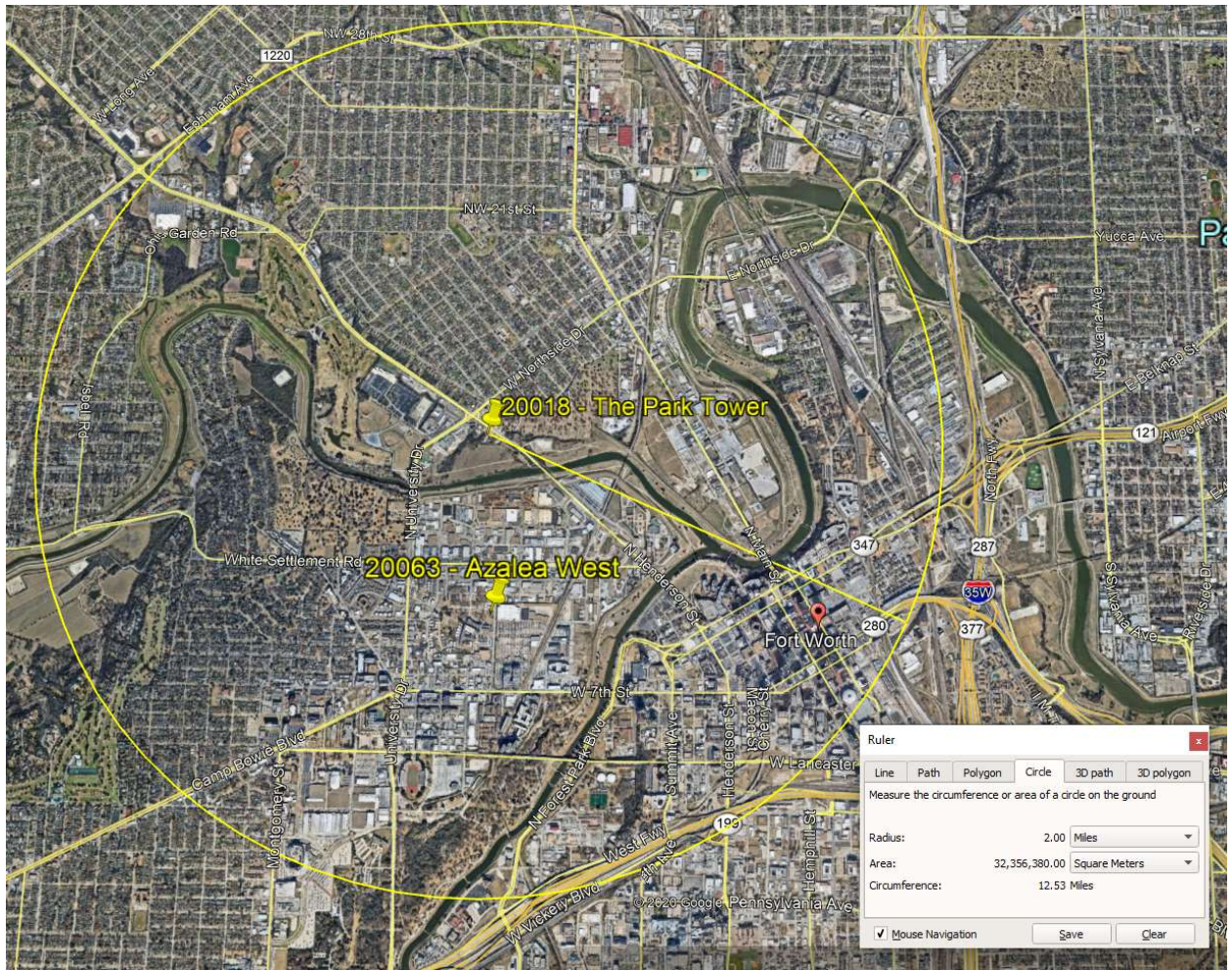
20018 – The Park Tower Site Info Part I

Site Information Form Part I					
					Self Score Total: <b>131</b>
<b>1. Development Address (All Programs)</b>					
1209 Jackboro Highway					
Address					
3	76114	Tarrant	Urban	Fort Worth	ETJ? No
Region	Zip	County	Rural/Urban	City	Rural via §11.204(5)(B) Rural Designation
<b>2. Census Tract Information (All Programs)</b>					
48439100800	Yes	Median Household Income: 40769	Quartile: 4q	Poverty Rate: 26.7	
11-digit Census Tract Number	QCT?	<small>The poverty rate for the Census Tract is above 40% (55% for Regions 11 or 13), and the Neighborhood Risk Factors Report and required resolution has been submitted behind Tab 2.</small>			
<b>3. Resolutions (Competitive HTC and Tax-Exempt Bonds, if applicable) [10 TAC §11.3]</b>					
Check the boxes of true statements below. Resolutions must be provided to demonstrate eligibility for any unchecked item.					
<input checked="" type="checkbox"/>	Twice the State Average Per Capita. The proposed Development is <u>NOT</u> located in a municipality or a county that has more than twice the state average of units per capita supported by Tax Credits or Private Activity Bonds. (QAP §11.3(c))				
<input checked="" type="checkbox"/>	One Mile Three Year Rule. The proposed Development is <u>NOT</u> a New Construction or Adaptive Reuse development that will be located one mile or less from a New Construction HTC or Bond Development serving the same type of household and awarded within the applicable three-year period and has not been withdrawn or terminated, <u>OR</u> the Development meets one of the exceptions in §11.3(d)(2) of the QAP (provide evidence of exception).				
<input checked="" type="checkbox"/>	Limitations on Developments in Certain Census Tracts. The proposed Development is <u>NOT</u> a New Construction or Adaptive Reuse development that will be located in a census tract that has more than 20% HTC units per total households. (§11.3(e))				
<b>4. Two Mile Same Year Rule (Competitive HTC Only) [10 TAC §11.3(b)]</b>					
<input type="checkbox"/>	The Development Site is not located in a county with a population that exceeds one million.				
<input type="checkbox"/>	The site is located in a municipality with a population of two million or more where a federal disaster has been declared, and the municipality is authorized to administer disaster recovery funds as a subgrant recipient.				
<input type="checkbox"/>	The site is located in a county with a population that exceeds one million and is not located within 2 linear miles of the proposed Development Site of any eligible Pre-application in the same county.				
<input checked="" type="checkbox"/>	The site is located in a county with a population that exceeds one million and is located within 2 linear miles of the site of the following eligible Pre-application(s) within the same county: Azales West (Preapplication 20063)				

20063 – Azalea West Site Info Part I

Site Information Form Part I					
					Self Score Total: <b>138</b>
<b>1. Development Address (All Programs)</b>					
NWC Azalea and Carroll					
Address					
3	76107	Tarrant	Urban	Fort Worth	ETJ? No
Region	Zip	County	Rural/Urban	City	Rural via §11.204(5)(B) Rural Designation
<b>2. Census Tract Information (All Programs)</b>					
48439102000	No	Median Household Income: 83000	Quartile: 1q	Poverty Rate: 16.3	
11-digit Census Tract Number	QCT?	<small>The poverty rate for the Census Tract is above 40% (55% for Regions 11 or 13), and the Neighborhood Risk Factors Report and required resolution has been submitted behind Tab 2.</small>			
<b>3. Resolutions (Competitive HTC and Tax-Exempt Bonds, if applicable) [10 TAC §11.3]</b>					
Check the boxes of true statements below. Resolutions must be provided to demonstrate eligibility for any unchecked item.					
<input checked="" type="checkbox"/>	Twice the State Average Per Capita. The proposed Development is <u>NOT</u> located in a municipality or a county that has more than twice the state average of units per capita supported by Tax Credits or Private Activity Bonds. (QAP §11.3(c))				
<input checked="" type="checkbox"/>	One Mile Three Year Rule. The proposed Development is <u>NOT</u> a New Construction or Adaptive Reuse development that will be located one mile or less from a New Construction HTC or Bond Development serving the same type of household and awarded within the applicable three-year period and has not been withdrawn or terminated, <u>OR</u> the Development meets one of the exceptions in §11.3(d)(2) of the QAP (provide evidence of exception).				
<input checked="" type="checkbox"/>	Limitations on Developments in Certain Census Tracts. The proposed Development is <u>NOT</u> a New Construction or Adaptive Reuse development that will be located in a census tract that has more than 20% HTC units per total households. (§11.3(e))				
<b>4. Two Mile Same Year Rule (Competitive HTC Only) [10 TAC §11.3(b)]</b>					
<input type="checkbox"/>	The Development Site is not located in a county with a population that exceeds one million.				
<input type="checkbox"/>	The site is located in a municipality with a population of two million or more where a federal disaster has been declared, and the municipality is authorized to administer disaster recovery funds as a subgrant recipient.				
<input type="checkbox"/>	The site is located in a county with a population that exceeds one million and is not located within 2 linear miles of the proposed Development Site of any eligible Pre-application in the same county.				
<input checked="" type="checkbox"/>	The site is located in a county with a population that exceeds one million and is located within 2 linear miles of the site of the following eligible Pre-application(s) within the same county: 20018 The Park Tower; 20323 The Kent Fort Worth				





May 1, 2020

Ms. Sharon Gamble  
Texas Department of Housing and Community Affairs  
21 E 11th Street  
Austin, Texas 78701

Re: HTC Application 20018 The Park Tower

Dear Ms. Gamble:

Please consider this a formal request for a Third Party Request for Administrative Deficiency (RFAD) for TDHCA Application 20018 The Park Tower. This RFAD concerns two items: the presence of an Undesirable Site Feature under Section 11.101(a)(2) and points claimed for Concerted Revitalization Plan under Section 11.9(c)(7). While this Application currently would not be reviewed due to a Two Mile Same Year Rule restriction, we request that this RFAD be considered now to determine Application eligibility and allow ample time for investigation and appeal. This decision will impact the award of other Applications.

### **Undesirable Site Feature**

The purpose of Section 11.101(a) is to identify requirements and restrictions related to a development site. Section 11.101(a)(2) lists Undesirable Site Features that would apply to a development site and states that only rehabilitation developments with existing federal assistance or historic developments may be granted an exemption. Per the QAP, the distances are to be measured from the nearest boundary of the development site to the nearest boundary of the property or easement containing the undesirable feature.

Per the Development Owner Certification, Acknowledgement and Consent, Undesirable Site Features are to be disclosed and mitigation to be considered by staff and the Board is to be included in the Application. There are two relevant Undesirable Site Features to this RFAD:

(F) Development Sites located within 500 feet of heavy industry (i.e. facilities that require extensive use of land and machinery, produce high levels of external noise such as manufacturing plants, or maintains fuel storage facilities (excluding gas stations);

(K) Any other Site deemed unacceptable, which would include, without limitation, those with exposure to an environmental factor that may adversely affect the health and safety of the residents or render the Site inappropriate for housing use and which cannot be adequately mitigated. If staff believe that a Site should be deemed unacceptable under this provision due to information that was not included in the Application, it will provide the Applicant with written notice and an opportunity to respond.

The Park Tower is a new construction development and the development site borders the West Fork of the Trinity River. As shown in maps submitted in the Application (Appendix A), and therefore known to the Applicant, an industrial site containing a "Gachman Metals and Recycling" aka Gamtex Industries facility ("Metals Facility") is clearly evident on the south side of the river. Per the Development Owner Certification, Acknowledgement and Consent submitted with the Application, the Applicant stated that the development "is not" located in an area with an undesirable site feature (Appendix B).

The Metals Facility is located at 2600 Shamrock Ave and, according to their website, buys and sells all types of industrial and commercial metals (Appendix C). It processes metals through methods that include sorting, shredding, cutting, bailing, and breaking. According to the Fort Worth Zoning Map (Appendix D), the Metals Facility is zoned "K" which is Heavy Industrial. According to the appraisal district, the larger parcel is 8.0125 acres with an appraised land value of \$360,000 and an appraised



commercial property value of \$7,215,736. The appraisal district classifies the site as “IMHeavy – Industrial/Mfg-Heavy.” (Appendix E).

Per the attached map from the Tarrant County Appraisal District , (Appendix F) the distance measurement from the nearest boundary of the development site to the nearest boundary of the Metals Facility is less than 400 feet. The Park Tower development site boundary is within 500 feet of the Metals Facility and was therefore required to disclose this heavy industrial undesirable site feature. The Park Tower Application did not disclose or provide mitigation for this heavy industrial Metals Facility.

The Metals Facility has an active Air New Source Permit though the Texas Commission on Environmental Quality. As shown on the attached TCEQ documentation (Appendix G), the facility has had numerous complaints, enforcement orders, and violations. Since 2017, the facility has been the subject of 22 complaints regarding air quality and smoke. The facility has an active violation dated 2/21/20 for the following reason:

Failure to refrain from discharging from any source whatsoever one or more air contaminants in such concentrations and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

In the attached Administrative Order effective 1/14/20 (Appendix H), the Metals Facility was assessed penalties based on the following allegation:

## II. ALLEGATIONS

During an investigation conducted on March 7, 2019, an investigator documented that the Respondent failed to prevent nuisance smoke conditions, in violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, on March 7, 2019, TCEQ staff observed smoke leaving the Plant from the operation of the Metal Shredder and from a chair-like object that caught fire. TCEQ staff also experienced adverse health effects when exposed to the smoke plume from the Metal Shredder at an off-site location, resulting in the documentation of nuisance smoke conditions.

The following is from a TCEQ Investigation Report regarding investigations that began in August 2017 and resulted in several occasions where TCEQ investigators sampled air around the facility.

On August 16 through September 27, 2017, Ms. Sandra Hernandez, Mr. Christopher Hellums, and Ms. Kayla Smith, investigators with the City of Fort Worth, Local Air Program (CFW-LAP) conducted an Air Complaint Investigation (AIR COMPL) in response to an air complaint against Gachman Metals and Recycling (Gachman). The facility is located at 2600 Shamrock Avenue in Fort Worth, Tarrant County, Texas (See Attachment 1). Mr. Lee Burgamy, Operations Manager, represented the facility during the investigation. This investigation was performed in order to determine compliance with the Texas Commission on Environmental Quality (TCEQ) rules regarding nuisance smoke and dust. Ms. Holly Brightwell Furgeson, TCEQ Environmental Investigator, participated in this investigation for the purpose of air sampling.

CFW-LAP received a complaint on August 4, 2017, at 8:20 AM via telephone. On August 4, 2017, at 8:30 AM, Ms. Hernandez was assigned this complaint investigation. Complainant information is being handled as confidential and is included in the CFW-LAP confidential file. The complainant stated that the alleged facility is continually emitting dangerous dust. The complainant also stated that for the past six to seven months, a cloud of brown/orange smoke coming from the alleged facility has been visible every morning. The complainant mentioned that he/she has photos documenting the smoke. The complainant also mentioned that the cars in the surrounding area are constantly covered in the dust that emanates from the alleged facility. On August 7, 2017, at 10:42 AM, Ms. Hernandez contacted the complainant at the number provided. When asked, the complainant stated that the smoke was not going on at the moment. At this time, the complainant expressed interest in having the air tested for toxic chemicals deriving from the dust clouds and smoke. Ms. Hernandez informed the complainant that she would coordinate the air sampling with TCEQ as they have air sampling equipment. Ms. Hernandez also informed the complainant that since the smoke or dust was not happening at the moment, the complaint would be investigated at a later date close to the time when the smoke occurs.

September and October 2017 inspections found the following:

On September 27, 2017, at 9:28 AM, CFW-LAP received another complaint via telephone. The complainant stated that a cloud of brown/orange smoke was coming from the alleged facility at 7:00 AM that morning. Complainant information is being handled as confidential and is included in the CFW-LAP confidential file.

On September 27, 2017, at 9:35 AM Ms. Hernandez and Ms. Smith arrived in the area of the facility and performed a smoke surveillance of the following streets: North Henderson Street, North University Drive, Cullen Street, North Foch Street, and Shamrock Avenue. The investigators noted that winds were from the north at 7 mph. The temperature was 76 degrees F and relative humidity was 78%. This was confirmed via CAMS 13. During the area survey, the investigators detected intermittent heavy clouds of smoke for ten minutes, and no smoke for five minutes. The smoke appeared to be traveling off property and impacting the surrounding properties including the complainant's location, creating a nuisance. This was noted as an alleged violation as the smoke was noted to be a nuisance and had previously not been mitigated as requested by Ms. Hernandez on August 22, 2017. The investigators did not detect any dust emanating from the facility. The investigators concluded the area survey at 9:50 AM.

On October 13, 2017, at 3:42 PM, Ms. Hernandez contacted Mr. Burgamy to notify him of the complaint allegations and September 27, 2017 investigation results. Ms. Hernandez informed Mr. Burgamy of the TCEQ smoke nuisance regulations. Ms. Hernandez informed Mr. Burgamy that the smoke emanating from the torching activities was noted to be impacting the surrounding property and it warranted a violation of the TCEQ nuisance rule. Ms. Hernandez also informed Mr. Burgamy that it appeared that the smoke emanating from torching activities had not been abated as previously recommended. In addition, the investigator made Mr. Burgamy aware of the air sampling that was conducted on August 25, 2017 and informed him of the sampling results. Ms. Hernandez recommended a corrective action plan be put in place to abate future smoke in order to resolve the alleged violation. Ms. Hernandez notified Mr. Burgamy that a TCEQ Exit Interview Form detailing the alleged violation would be emailed to him.

There is documented evidence that the Metals Facility emits air contaminants that may adversely affect the health, safety, and normal use of nearby properties. The Park Tower Application is proposing to build housing just across the river from the Metals Facility and would be closer than any other existing housing. The attached map with a ¼ mile radius from the center of the Metals facility to the approximate exterior wall of the proposed residential building (Appendix I) shows that the building, surface parking, and future residents would be within ¼ mile of the facility.

Considering the heavy industrial nature, complaints, enforcement actions, smoke and dust observations, and proximity of the development site to the Metals Facility, we ask that TDHCA consider whether there are environmental factors that may adversely affect the health and safety of the residents or render the Site inappropriate for housing use. We also ask that TDHCA consider whether the failure to disclose the presence of the heavy industrial Metals Facility within 500 feet of the development site is an omission or Material Deficiency that cannot be corrected.

### **Concerted Revitalization Plan**

Section 11.9(d)(7) Concerted Revitalization Plan concerns points that may be awarded to Applications that are located in a revitalization area. Specifically, up to 7 points may be awarded for the scoring item, 1 point of which is available under the following section:

(III) The development is in a location that would score at least five (5) points under Opportunity Index, §11.9(c)(4)(B), except for the criteria found in §11.9(c)(4)(A) and subparagraphs §11.9(c)(4) (A)(i) and §11.9(c)(4)(A)(ii). (1 point)

For this 1 point, the CRP form in the Application has a checkbox stating that "A map showing the Development Site, location of and distance to the amenities, and evidence that the amenity meets all requirements of the rule, as applicable, is included." The Applicant checked that box (Appendix J). The Site Information Form has a similar checked box (Appendix K). While a map showing the site and amenities was included in the Application, evidence that the amenity meets the rule was **not** included.

The Application form states that evidence of amenities must be included, and the *2020 Multifamily Programs Application Procedures Manual* states in 3 different places (pages 19, 25, and 27) that back-

up documentation must be submitted in addition to the map (Appendix L). Specific statements include “Backup documentation for amenities must be included in the CRP Packet” and “insert a map here showing amenities and radius, along with back-up documentation for each amenity.”

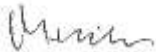
The 2020 QAP definition of Administrative Deficiency states as follows (with underline added):

(2) Administrative Deficiency--Information requested by Department staff that staff requires to clarify or explain one or more inconsistencies; to provide non-material missing information in the original Application or pre-application; or to assist staff in evaluating the Application or pre-application that, in the Department staff's reasonable judgment, may be cured by supplemental information or explanation which will not necessitate a substantial reassessment or re-evaluation of the Application or pre-application. Administrative Deficiencies may be issued at any time while the Application or pre-application or Contract is under consideration by the Department, including at any time while reviewing performance under a Contract, processing documentation for a Commitment of Funds, closing of a loan, processing of a disbursement request, closing out of a Contract, or resolving of any issues related to compliance. A matter may begin as an Administrative Deficiency but later be determined to have constituted a Material Deficiency. If an Applicant claims points for a scoring item, but provides supporting documentation that would support fewer points for that item, staff would treat this as an inconsistency and issue an Administrative Deficiency which will result in a correction of the claimed points to align with the provided supporting documentation. If the supporting documentation is not provided for claimed points, the item would be assigned no points.

This Application claimed 7 points for Concerted Revitalization Plan, but the 1 point for a location that would score at least 5 points under the opportunity index cannot be confirmed because no back-up documentation was submitted in the Application. Per the QAP, if the supporting documentation is not provided for claimed points, the item will be assigned no points. Because the Applicant did not provide the supporting back-up documentation that each amenity on the map, no more than 6 points should be awarded for Concerted Revitalization Plan scoring item.

Thank you for your attention to these matters.

Sincerely,



Meredith Edwards



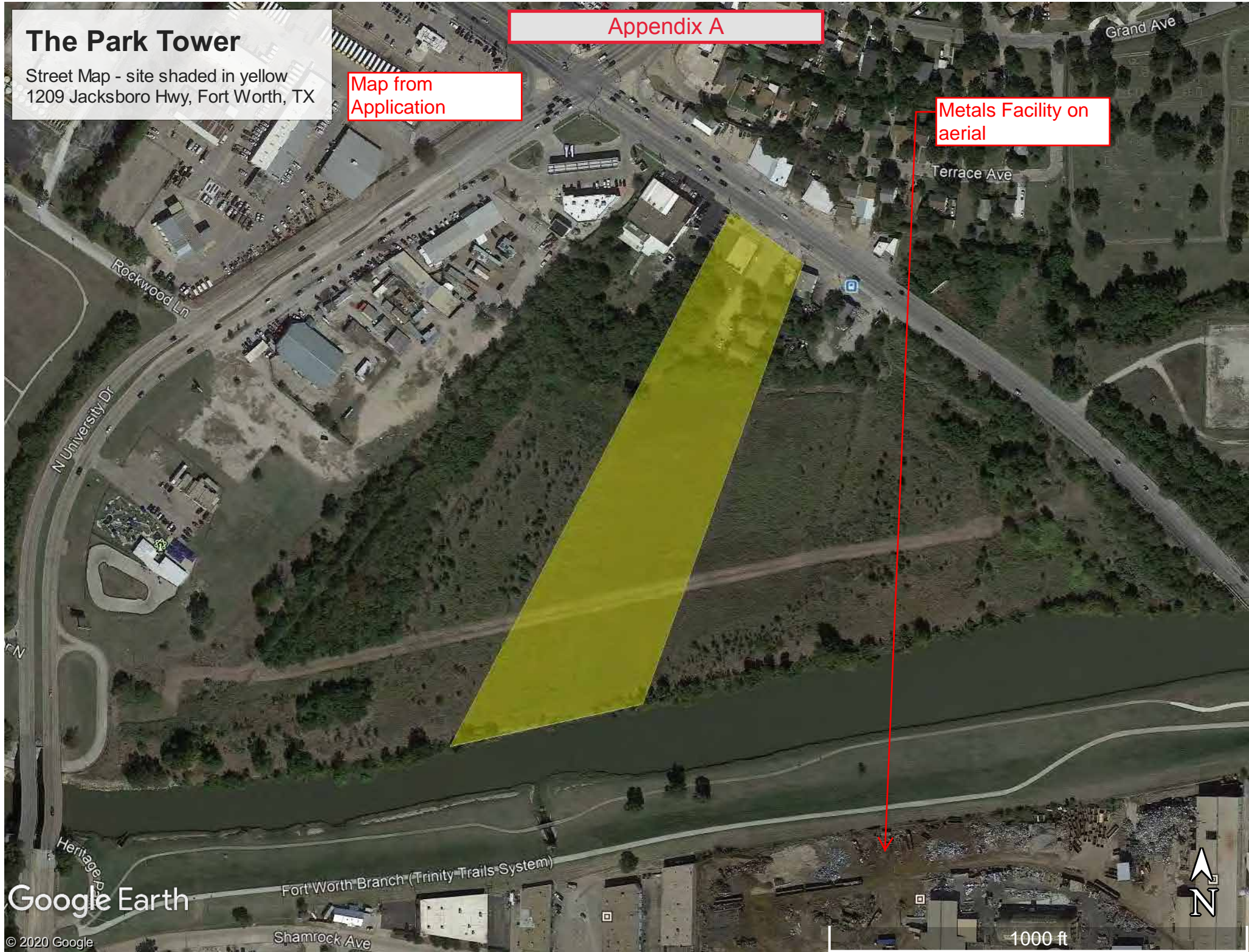
# The Park Tower

Street Map - site shaded in yellow  
1209 Jacksboro Hwy, Fort Worth, TX

Appendix A

Map from  
Application

Metals Facility on  
aerial



Google Earth

© 2020 Google

Fort Worth Branch (Trinity Trails System)

1000 ft





Map from Application

Metals Facility listed

# 2019 and 2020 Small DDAs and QCTs

48439100800  Select a State Select a County

Map Options : [Clear](#) | [Reset](#) | [Full Screen](#)

- QCT Legend:**
- Tract Outline
  - LIHTC Project
  - 2020 Qualified Census Tracts
- SADDA Legend:**
- FMR Boundary
  - SADDA Boundary
  - 2020 Small DDA

[Hide the overview](#)

The 2020 Qualified Census Tracts (QCTs) and Difficult Development Areas (DDAs) are effective January 1, 2020. The 2020 designations use data from the 2010 Decennial census and three releases of 5-year tabulations from the American Community Survey (ACS): 2010-2014; 2011-2015; and 2012-2016. The designation methodology is explained in the federal Register notice published September 25, 2019

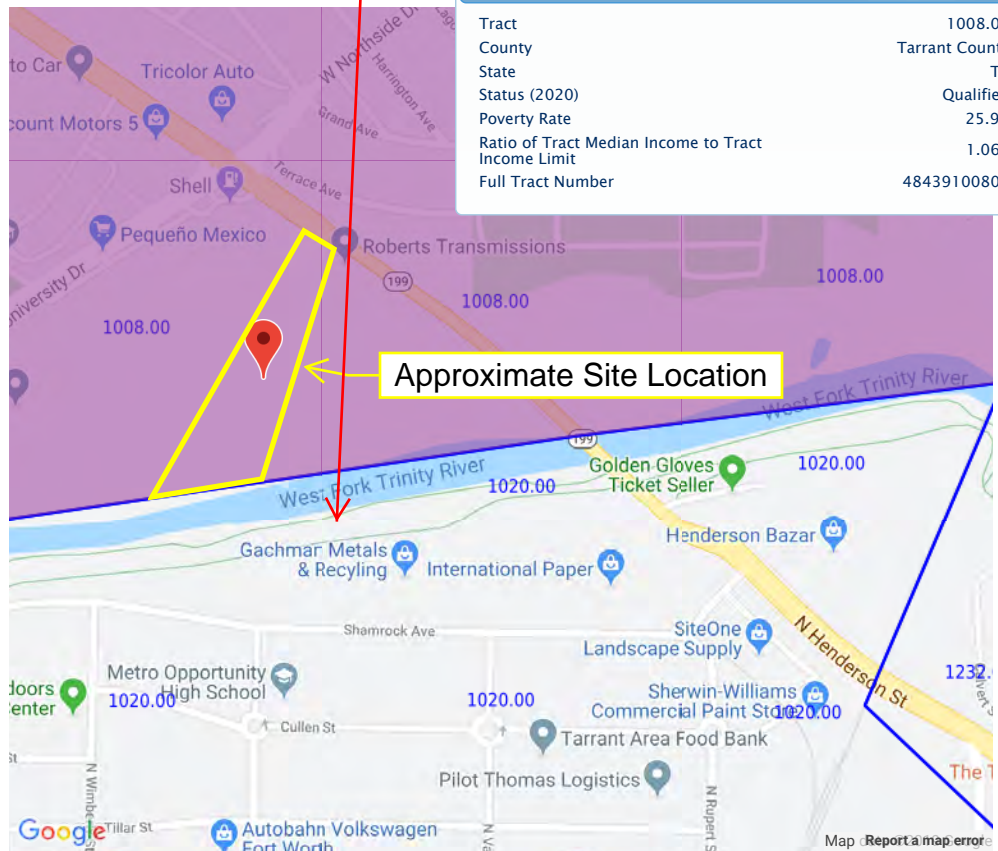
### Map Options

- 16 Current Zoom Level
- Show Difficult Development Areas (Zoom 7+)
  - Color QCT Qualified Tracts (Zoom 7+)
  - Show Tracts Outline (Zoom 11+)
  - Show FMR Outlines (Zoom 4+)
  - Show LIHTC Projects (Zoom 11+)

[Click here for full screen map](#)

### Select Year

- 2020
- 2019



Approximate Site Location



## About PD&R

- Delegations of Authority and Order of Succession
- Events
- HUD at 50
- HUD Secretary's Awards
- PD&R Careers

## Initiatives

- Aging Research and Resources
- Regulatory Barriers Clearinghouse
- Sustainable Construction in Indian Country

## Research

- Case Studies
- Data Sets
- Periodicals
- Regulatory Barriers Clearinghouse
- Reports



## Certification, Acknowledgement, and Consent of Development Owner- 10 TAC §11.204(1)

- The *Certification, Acknowledgement, and Consent of Development Owner* is included behind this tab.

Not checked

**\*\*The form should be executed, notarized, and included in the full application document.\*\***

The form for the certification will be posted to the Department's website at

<http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>

**Please indicate whether any of the following required disclosure on the *Certification, Acknowledgement, and Consent of Development Owner* (to be used for data capture for application processing):**

**10 TAC §11.101(a)(2) - Undesirable Site Features.**

- Development Site is within 300 feet of a junkyard.
- Development Site is within 300 feet of a solid waste facility.
- Development Site is within 300 feet of a sexually-oriented business.
- Development Site has buildings or recreational areas within 100 feet of overhead high voltage transmission lines.
- Development Site is within 500 feet of active railroad tracks.
- Development Site is within 500 feet of heavy industry.
- Development Site is within 10 miles of a nuclear plant.
- Development Site has buildings within accident potential zones or runway clear zones of any airport.
- Development Site contains or is adjacent to an easement that contains pipelines which carry highly volatile liquids.
- Development Site is within 2 miles of refineries capable of refining more than 100,000 barrels of oil per day.

**Provide information behind this tab regarding mitigation for any item selected above.**

**10 TAC §11.101(a)(3) - Neighborhood Risk Factors (NRF). Insert NRF Report Packet behind this Tab.**

- Development Site is located within a census tract that has a poverty rate above 40% for individuals, or 55% for Developments in regions 11 and 13. Include resolution from Governing Body in the NRFR Packet.
- Development Site is located in a census tract (or for any adjacent census tract) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons (annually) as reported on neighborhoodscout.com.
- Development Site is located within 1,000 feet of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.
- Development Site is located within the attendance zone of an elementary school, a middle school or a high school that has a 2019 TEA Accountability Rating of D and a 2018 Improvement Required Rating or a 2019 TEA Accountability Rating of F and a 2018 Met Standard Rating.

**10 TAC §11.202(1)(M) - Termination of Relationship in an Affordable Housing Transaction**

**10 TAC §11.202(1)(N) - Voluntary Compliance Agreement**

(or any similar agreement resulting from negotiations regarding noncompliance)

**10 TAC §11.901(15) - Unused Credit or Penalty Fee**

**Submit documentation regarding any disclosures behind this Tab.**

# Development Owner Certification, Acknowledgement and Consent

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All defined terms used in this certification and not specifically defined herein have the meanings ascribed to them in Chapter 2306 of the Tex. Gov't Code, §42 of the Internal Revenue Code, and §11.1(d) of the Qualified Allocation Plan.

The undersigned, in each and all of the following capacities in which it may serve or exist -- Applicant, Development Owner, Developer, Guarantor of any obligation of the Applicant, and/or Principal of the Applicant and hereafter referred to as "Applicant" or "Development Owner," whether serving in one or more such capacities, is hereby submitting its Application to the Department for consideration of Department funding.

Applicant hereby represents, warrants, acknowledges and certifies to the Department and to the State of Texas that:

The Development will adhere to the Texas Property Code relating to security devices and other applicable requirements for residential tenancies, and will adhere to local building codes or, if no local building codes are in place, then to the most recent version of the International Building Code.

This Application and all materials submitted to the Department constitute records of the Department subject to Tex. Gov't Code, Chapter 552. Any person signing the certification acknowledges that they have the authority to release all materials for publication on the Department's website and release them in response to a request for public information, and make other use of the information as authorized by law. This includes all Third Party reports, which will be posted in their entirety on the Department's website, as they constitute a part of the Application. The Application is in compliance with all requirements related to the eligibility of an Applicant, Application and Development as further defined in 10 TAC §§11.101 and 11.202 of the Qualified Allocation Plan. Any issues of non-compliance have been disclosed.

All representations, undertakings and commitments made by Applicant in the Application process expressly constitute conditions to any Commitment, Determination Notice, Carryover Allocation, or Direct Loan Commitment for such Development which the Department may issue or award, and the violation of any such condition shall be sufficient cause for the cancellation and rescission of such Commitment, Determination Notice, Carryover Allocation, or Direct Loan Award Letter, Commitment or Contract by the Department. To the extent allowed under Tex. Gov't Code §2306.6720, if any such representations, undertakings and commitments concern or relate to the ongoing features or operation of the Development, they shall be enforceable even

if not reflected in the Land Use Restriction Agreement. All such representations, undertakings and commitments are also enforceable by the Department and the residents of the Development, including enforcement by administrative penalties for failure to perform (consistent with Chapter 2, Subchapter C of the title relating to Administrative Penalties), in accordance with the Land Use Restriction Agreement.

When providing a Pre-Application, Application or other materials to a state representative, local governmental body, Neighborhood Organization, or anyone else to secure support or approval, an Applicant must disclose in accordance with the Department's rules those aspects of the Development that may not have been determined or selected or may be subject to change, such as changes in the amenities ultimately selected and provided.

The Development Owner is and will remain in compliance with state and federal laws, including but not limited to, fair housing laws, including Chapter 301, Property Code, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), the Fair Housing Amendments Act of 1988 (42 U.S.C. §§3601 et seq.), the Civil Rights Act of 1964 (42 U.S.C. §§2000a et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. §§12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§701 et seq.), Fair Housing Accessibility, the Texas Fair Housing Act; and the Development is designed consistent with the Fair Housing Act Design Manual produced by HUD, and the Texas Accessibility Standards. (§2306.257; §2306.6705(7))

The Development Owner has read and understands the Department's fair housing educational materials posted on the Department's website as of the beginning of the Application Acceptance Period.

All Applications proposing Rehabilitation (including Reconstruction unless otherwise provided for in 10 TAC Chapter 11) will be treated as substantial alteration, in accordance with 10 TAC Chapter 1, Subchapter B.

The Development Owner will establish a reserve account consistent with Tex. Gov't Code §2306.186, and as further described in §11.302(d)(2)(l) of the Qualified Allocation Plan, relating to Replacement Reserve Account requirements.

The Development will operate in accordance with the applicable compliance monitoring requirements found in 10 TAC Chapter 10, Subchapters F and G.

The Development Owner agrees to implement a plan to use Historically Underutilized Businesses (HUB) in the development process consistent with the Historically Underutilized Business Guidelines for contracting with the State of Texas. The Development Owner will be required to submit a report of the success of the plan as part of the cost certification documentation, in order

to receive IRS Forms 8609 or, if the Development does not have Housing Tax Credits, release of retainage.

The Applicant will attempt to ensure that at least 30% of the construction and management businesses with which the Applicant contracts in connection with the Development are Minority Owned Businesses as further described in Tex. Gov't Code §2306.6734.

The Development Owner will specifically market to veterans through direct marketing or contracts with veteran's organizations. The Development Owner will be required to identify how they will specifically market to veterans and report to the Department in the annual housing report on the results of the marketing efforts to veterans. Exceptions to this requirement must be approved by the Department.

### **Accessibility Requirements**

The Development Owner understands that in accordance with Section 504 of the Rehabilitation Act of 1973 and implemented at 24 CFR Part 8, if the Development includes the New Construction or substantial rehabilitation of multifamily units (4 or more units), at least five percent (5%) of all dwelling units will be designed and built to be accessible for persons with mobility impairments. A unit that is on an accessible route and is adaptable and otherwise compliant with the 2010 ADA Standards with the exceptions listed in "Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities" (Federal Register 79 FR 29671) meets this requirement. In addition, at least two percent (2%) of all dwelling units will be designed and built to be accessible for persons with hearing or vision impairments.

The Development Owner understands that regardless of building type, all Units accessed by the ground floor or by elevator ("affected units") must meet the requirements at 10 TAC §11.101(b)(8)(B).

The Development Owner certifies that all accessible Units under 10 TAC Chapter 1, Subchapter B, will be dispersed throughout the Development.

The Development Owner certifies that representations made in the Architect Certification are true and correct, and understands that the Department evaluation of architectural drawings may not include a complete assessment of accessibility. The Development Owner is responsible for any modifications necessary to meet accessibility requirements identified at the final construction inspection.

**Unused Credit or Penalty Fee** *(select one box as applicable)*

The Applicant returned a full credit allocation after the Carryover Allocation deadline required for that allocation and is subject to the Unused Credit or Penalty Fee pursuant to §11.901(16) of the Qualified Allocation Plan.

The Applicant certifies that no disclosure regarding §11.901(15) of the Qualified Allocation Plan is necessary.

**Termination of Relationship in an Affordable Housing Transaction** *(select one box as applicable)*

The Applicant has disclosed, in the Application, any Principal or any entity or Person in the Development ownership structure who was or is involved as a Principal in any other affordable housing transaction that has terminated, voluntarily or involuntarily, within the past 10 years or plans to or is negotiating to terminate their relationship with any other affordable housing development. The disclosure identified the person or persons and development involved, the identity of each other development and contact information for the other Principals of each such development, a narrative description of the facts and circumstances of the termination or proposed termination, and any appropriate supporting documents. The Applicant has read and understands §11.202(1)(M) of the Qualified Allocation Plan related to such disclosure.

The Applicant certifies that no disclosure regarding §11.202(1)(M) of the Qualified Allocation Plan is necessary.

**Voluntary Compliance Agreement with any Governmental Agency** *(select one box as applicable)*

The Applicant has disclosed, in the Application, any Principal or any entity or Person in the Development ownership structure who was or is involved as a Principal in any other affordable housing transaction that entered into a voluntary compliance agreement (or similar agreement) with any governmental agency that is the result of negotiation regarding noncompliance of any affordable housing Development with any requirements. The disclosure identified the person or persons and development involved, the identity of each other development, contact information for the other Principals of each such development, a narrative description of the facts and circumstances of the agreement or proposed agreement, and any appropriate supporting documents. The Applicant has read and understands §11.202(1)(N) of the Qualified Allocation Plan related to such disclosure.

The Applicant certifies that no disclosure regarding §11.202(1)(N) of the Qualified Allocation Plan is necessary.

The Applicant certifies that, for any Development proposing New Construction or Reconstruction and located within the 100 year floodplain as identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, the Development Site will be developed in full compliance with the National Flood Protection Act and all applicable federal and state statutory and regulatory requirements so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain, subject to more stringent federal or local requirements. The Applicant certifies that, floodplain maps will be used and the Development Site will comply with regulations as they exist at the time of commencement of construction. Applicant further certifies that, for any Development proposing Rehabilitation (excluding Reconstruction) that is not a HUD or TRDO-USDA assisted property, the Development Site is not located in the 100 year floodplain unless the existing structures already meet the requirements for New Construction or Reconstruction, as certified to by a Third Party engineer, or unless the state or local government has undertaken and can substantiate sufficient mitigation efforts, and such documentation is submitted in the Application.

**Undesirable Site Features** (*select one of the boxes as applicable*)

Checked box for No Undesirable Features

The Development **is not** located in an area with undesirable site features as further described in §11.101(a)(2) of the Qualified Allocation Plan.

The proposed Development is Rehabilitation (excluding Reconstruction) with ongoing and existing federal assistance from HUD, USDA, or Veterans Affairs ("VA") and an exemption was requested prior to the filing of an Application or is being requested with the Application in accordance with §11.101(a)(2) of the Qualified Allocation Plan.

The proposed Development is Historic Preservation pursuant to §11.9(e)(6) of the Qualified Allocation Plan, is located in an area with an undesirable site feature and an exemption was requested prior to the filing of an Application or is being requested with the Application.

The proposed Development is New Construction, is located in an area with an undesirable site feature and a copy of the local ordinance that specifies the proximity of such feature to a multifamily development is included in the Application.

The proposed Development **is** located in an area with an undesirable site feature and mitigation to be considered by staff and the Board is included in the Application (select all that apply):

within 300 feet of junkyards

\_\_\_\_\_ within 300 feet of a solid waste facility or sanitary landfill facility or illegal dumping sites

\_\_\_\_\_ within 300 feet of a sexually-oriented business

\_\_\_\_\_ buildings or designated recreational areas (including pools) are to be located within 100 feet of the nearest line or structural element of any overhead high voltage transmission line, support structures for high voltage transmission lines, or other similar structures

\_\_\_\_\_ within 500 feet of active railroad tracks

\_\_\_\_\_ within 500 feet of heavy industry

\_\_\_\_\_ within 10 miles of a nuclear plant

\_\_\_\_\_ buildings are located within the accident potential zones or the runway clear zones of any airport

\_\_\_\_\_ one or more pipelines, situated underground or above ground, which carry highly volatile liquids, or adjacent to a pipeline easement for a pipeline carrying highly volatile liquids

\_\_\_\_\_ within 2 miles of refineries capable of refining more than 100,000 barrels of oil daily

\_\_\_\_\_ may be in proximity to an environmental factor that may adversely affect the health and safety of the residents or render the Development Site inappropriate for housing use unless it is adequately mitigated (as presented in the application)

\_\_\_\_\_ within the minimum separation from housing of a facility under the jurisdiction of a state or federal cognizant agency

**Neighborhood Risk Factors** *(select one of the main boxes as applicable)*

The Development Owner certifies that the Development **is not** located in an area with any of the neighborhood risk factors described in §11.101(a)(3) of the Qualified Allocation Plan and that no disclosure is necessary;

\_\_\_\_\_ The Development Owner certifies that the Development **is** located in an area with the following neighborhood risk factors and the Neighborhood Risk Factors Report is submitted with the Application (select all that apply):

\_\_\_\_\_ in a census tract with a poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13);

\_\_\_\_\_ in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development

Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crimes is greater than 18 per 1,000 persons (annually) as reported on neighborhoodscout.com;

\_\_\_\_\_ is located within 1,000 feet of a blighted or abandoned area as further described in §11.101(a)(3)(B)(iii) of the Qualified Allocation Plan;

\_\_\_\_\_ is located within the attendance zone of an elementary school, a middle school or a high school that has a 2019 TEA Accountability Rating of D and a 2018 Improvement Required Rating or a 2019 TEA Accountability Rating of F and a 2018 Met Standard Rating by the Texas Education Agency. Elderly Developments, Developments encumbered by a TDHCA LURA on the first day of the Application Acceptance Period or date the pre-application is submitted (if applicable) and Supportive Housing SRO Developments or Supportive Housing Developments where all Units are Efficiency Units are exempt from the requirement to disclose the presence of this characteristic.

The Development will include all of the mandatory Development amenities required in §11.101(b)(4) of the Qualified Allocation Plan at no charge to all residents (market rate and low-income) and written notice of such amenities will be provided to the residents.

The Development will satisfy the minimum point threshold for common amenities as further described in §11.101(b)(5) of the Qualified Allocation Plan. These amenities must be for the benefit of all residents (market rate and low-income), meet accessibility standards, be sized appropriately to serve the proposed Target Population, be made available throughout normal business hours, and be maintained throughout the Affordability Period. The residents must be provided written notice of the amenity elections made by the Development Owner.

The Development will meet the minimum size of Units as further described §11.101(b)(6)(A) of the Qualified Allocation Plan.

The Development (excluding competitive Housing Tax Credit Applications) will include enough unit, development construction, and energy and water efficiency features to meet the minimum number of points as further described in §11.101(b)(6)(B) of the Qualified Allocation Plan.

The Development (excluding competitive Housing Tax Credit Applications) will include enough resident supportive services, at no charge to the residents, be accessible to all residents (market rate and low-income), and maintained throughout the Affordability Period, to meet the required minimum number of points as further described in §11.101(b)(7) of the Qualified Allocation Plan, and offered in accordance with §10.619 of the Uniform Multifamily Rules. The tenant must be provided written notice of the elections made by the Development Owner.



If income averaging is elected, Unit Designations for all units identified as 20%, 30%, 40%, 50%, 60%, 70%, and 80% Units will be dispersed across all Unit Types to the maximum extent feasible in a manner that does not violate fair housing laws, as required by 10 TAC §10.605(c).

If the Applicant is applying for Multifamily Direct Loan funds and the Development consists of New Construction, the Applicant further certifies that the Development meets the Construction Site Standards in 24 CFR §983.57(e)(2) and (3), as applicable.

If the Development has an existing LURA with the Department, the Development Owner will comply with the existing restrictions.

The Development Owner will comply with any and all notices required by the Department.

None of the criteria in subparagraphs (A) – (N) of §11.202(1) of the Qualified Allocation Plan, related to ineligible Applicants, applies to those identified as having Control on the organizational chart for the Applicant, Developer and Guarantor.

The individual whose name is subscribed hereto, in his or her individual capacity, on behalf of Applicant, and in all other related capacities described above, as applicable, expressly represents, warrants, and certifies that all information contained in this certification and in the Application, including any and all supplements, additions, clarifications, or other materials or information submitted to the Department are true and correct and the Applicant has undergone sufficient investigation to affirm the validity of the statements made. Further, the Applicant hereby expressly represents, warrants, acknowledges and certifies that the individual whose name is subscribed hereto has read and understands all the information contained in this form of the Application.

By signing this document, the undersigned, in their individual capacity, on behalf of Applicant, whether formed or to be formed, and in all other related capacities described above, is affirming under penalty of Chapter 37 of the Texas Penal Code titled Perjury and Other Falsification, and subject to criminal penalties as defined by Tex. Penal Code §§37.01 et seq., and subject to any and all other state or federal laws regarding the making of false statements to governmental bodies or the providing of false information in connection with the procurement of allocations or awards, that the Application and all materials relating thereto constitute government documents and that the Application and all materials relating thereto are true, correct, and complete in all material respects.

By:



Signature

Matthew Rieger

Printed Name

Manager of Managing Member

Title

2/10/2020

Date

THE STATE OF Florida §

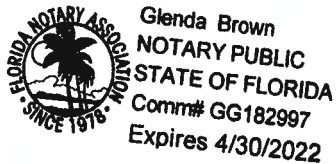
COUNTY OF Miami-Dade §

Before me, a notary public, on this day personally appeared Matthew Rieger, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared and certified that the statements therein contained are true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10 day of February, 2020

(Seal)

  
Notary Public Signature





**Conservation** Through Recycling Excellence

- Home
- About
- Services ▾
- Environment
- Contacts
- Dispatch

Metals Facility Website

Gamtex Industries has built a solid reputation for excellent customer service and reliability. We establish and maintain great communication with our clients and work diligently to exceed their needs.

Our representatives are industry experts, active locally and nationally in associations, keeping up with the latest trends for your benefit. You can rely on our trained staff to be courteous, responsive and knowledgeable.

Our number one priority is to serve the customer and to provide efficient recycling solutions that surpass your business expectations.

About Metals –

choose metal...



**What We Buy**

Gamtex purchases all types of industrial and commercial non-ferrous and ferrous scrap metals, including, but not limited to:

- Copper –insulated wire
- Brass
- Aluminum – radiators
- Stainless Steel
- Nickel
- Alloys
- Titanium
- Lead
- Steel
- Iron

Items that we will buy with certification:

- Transformers – must be accompanied by the Transformer Certificate
- Tanks or vessels – must be cleaned to bare metal
- Refrigeration units cannot contain any Freon
- Drums – DCON certificates must be on file
- Burned wire – letter from fire department to prove wire was burned in a fire
- AC/HVAC equipment – provide documentation that he or she is a licensed HVAC technician or contractor, a receipt showing that the seller purchased the equipment, or that the equipment has been replaced.
- Cemetery placards and/or vases – letter of authorization to sell such
- Comm wire – letter of authorization from the company

**What We Sell**

Gamtex processes all types of scrap metals, from low-grade iron to space age titanium. We prepare ferrous and non-ferrous scrap through a variety of methods including sorting, shredding, shearing or cutting, bailing, briquette or breaking.

A few examples of materials that are available are:

- Copper
- Brass
- Aluminum
- Stainless Steel
- Titanium
- High Temperature Alloys
- Zinc
- Die Cast
- Iron
- Steel



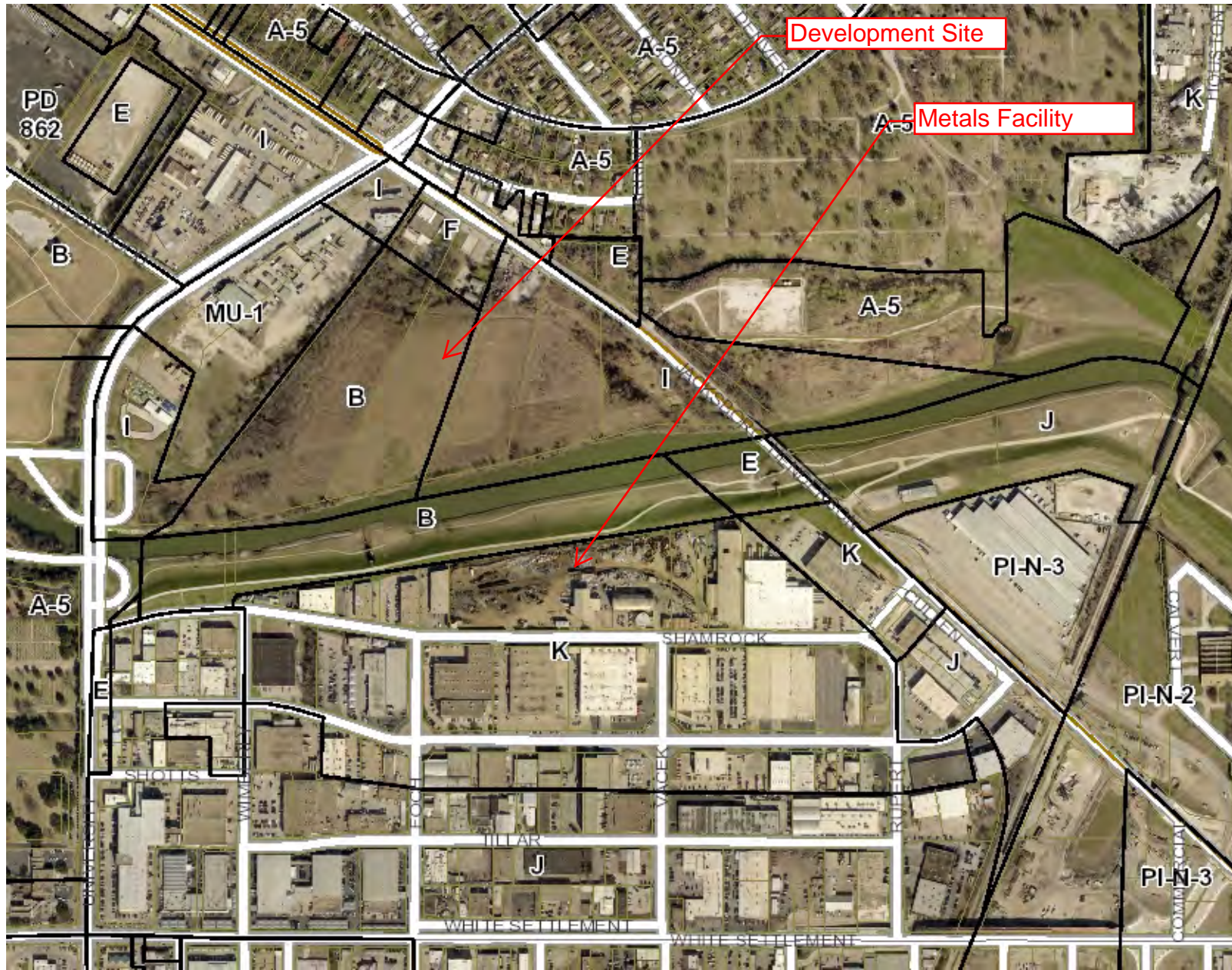
#### What We Won't Buy

- Hazardous waste (including asbestos)
- PCB/Transformers/Capacitors
- Any CFCs
- Cylinders or other containers of compressed gas (including propane)
- Radioactive materials
- Mercury / mercury switches
- PCB containing materials such as capacitors or light ballasts
- Lead iron pipes
- Sealed containers
- Liquids of any type
- Radioactive materials
- Flammable materials
- Trash, garbage, concrete and other non-recyclable items
- Broken, cracked, or leaking batteries
- Materials with strong or objectionable odors
- Materials containing asbestos
- Unidentifiable materials
- Manhole covers
- Catalytic converters
- Tires

Gamtex Industries  
2600 Shamrock Avenue  
Fort Worth, Texas 76107  
800-749-0423



Zoning

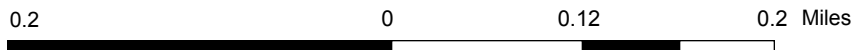


**Legend**

- Zoning Outline
- PARCELS
- Arterials
- Freeways
- Streets
- Tarrant County Streets
- Lakes
- City Limit
- Extraterritorial Jurisdiction (ETJ)
- Conditional Use Permits



4/27/20 7:17 AM



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. The City of Fort Worth assumes no responsibility for the accuracy of said data.

NCTCOG ORTHOPHOTOGRAPHY

1:7,889





Planning and Development Department  
Summary of Zoning Districts of the City of Fort Worth

Rev. 01-13

<u>Type</u>	<u>Special Use Districts</u>
“AG” Agricultural	Farms, ranches or nurseries for the growing of plants and raising of livestock. Also permitted are public service facilities such as churches, schools, libraries, etc.
“CF” Community Facilities	Public facilities including churches, govt. offices, health services, public safety, colleges and schools, community and group homes, and recreation facilities.
“DD” Demolition Delay	Special overlay districts to provide for protection and preservation of places and areas of historic and cultural importance and significance.
“HC” Historic and Cultural	
“HSE” Highly Sig. Endang.	
“MH” Manufactured Hsg.	Manufactured Housing / Mobile Home Parks and Subdivisions, and their related uses. (dwelling purposes only)
“PD” Planned Developmt.	Special district permitting specific commercial, industrial and residential/commercial mixed uses, normally requiring site plan approval prior to development.

Residential Districts

One-Family Detached

“A-2.5A” One-Family	One-family detached dwellings (min. lot size <b>2 ½ acres</b> ), churches, schools, parks, etc.
“A-43” One-Family	One-family detached dwellings ( min. lot size <b>1 acre</b> ), churches, schools, parks, etc.
“A-21” One-Family	One-family detached dwellings (min. lot size <b>½ acre</b> ), churches, schools, parks, etc.
“A-10” One-Family	One-family detached dwellings (min. lot size <b>10,000 sq. ft.</b> ), churches, schools, parks, etc.
“A-7.5” One-Family	One-family detached dwellings (min. lot size <b>7,500 sq. ft.</b> ), churches, schools, parks, etc.
“A-5” One-Family	One-family detached dwellings (min. lot size <b>5,000 sq. ft.</b> ), churches, schools, parks, etc.
“AR” One-Family Restricted	One-family detached zero-lot line dwellings (min. lot size <b>3,500 sq. ft.</b> ), churches, schools, parks, etc.

One-Family and Two-Family, Detached and Attached

“B” Two-Family	One-family and two-family detached and attached dwellings (min. lot size <b>5,000 sq. ft.</b> for two <u>attached</u> dwellings on a single lot; and <b>7,500 sq. ft.</b> min. lot size for two <u>detached</u> dwellings on a single lot); plus all “A-5” and “AR” uses.
“R1” Zero Lot Line / Cluster	One-family detached dwellings on a min. <b>3,300 sq. ft.</b> lot; one-family detached zero lot line dwellings on a min. <b>2,500 sq. ft.</b> lot; two-family attached zero lot line dwellings on a min. <b>2,500 sq. ft.</b> lot, w/ maximum density of <b>13 dwelling units/acre</b> ; cluster of attached, detached, & ZLL dwellings w/ maximum density of <b>15 dwelling units/acre</b> w/ min. 15% open space; plus all “B” uses.
“R2” Townhouse/Cluster	One-family attached townhouse / rowhouse dwellings, w/ min. 15% open space, and max. density of <b>12 dwelling units / ac.</b> , not exceeding <b>10 attached</b> dwelling units per building; plus all “R1” uses.

Multifamily

“CR” Low Density Multifamily	Multifamily dwelling units at a maximum density of <b>12 dwelling units / acre</b> , per Sec. 6.506 of the <i>Unified Residential Development</i> provisions.
“C” Medium Density Multifamily	Multifamily dwelling units at a maximum density of <b>18 dwelling units / acre</b> , per Sec. 6.506 of the <i>Unified Residential Development</i> provisions.
“D” High Density Multifamily	Multifamily dwellings units at a maximum density of <b>24 dwelling units / acre</b> , per Sec. 6.506 of the <i>Unified Residential Development</i> provisions.



“UR” Urban Residential	Higher density, residential only, pedestrian-oriented development for designated mixed-use growth centers and urban villages, so as to provide a lower height multi family land use in transitional areas between mixed use and one- and two-family districts.
<b><u>Mixed-Use Development</u></b>	
“MU-1” & “MU-1G” Low Intensity Mixed-Use	Higher density, mixed-use, pedestrian-oriented development for designated mixed-use growth centers and urban villages, so as to concentrate a variety of housing types among neighborhood-serving commercial and institutional uses. MU-1 is encouraged in the central city, while MU-1G is encouraged in outlying “greenfield” areas.
“MU-2” & “MU-2G” High Intensity Mixed-Use	Higher density, mixed-use, pedestrian-oriented development for designated mixed-use growth centers and urban villages, so as to concentrate a variety of housing types among commercial, institutional, and select light industrial uses. MU-2 is encouraged in the central city, while MU-2G is encouraged in outlying “greenfield” areas.
“CB” Camp Bowie	High density, mixed-use, pedestrian-oriented development for designated area along Camp Bowie Blvd. corridor south of I-30 to SW Loop 820. Subject to review by Urban Design Commission.
“NS” Near Southside	High density, mixed-use, pedestrian-oriented development for designated area south of Downtown. Subject to review by Urban Design Commission.
NS/R” Near Southside Restricted	High density, mixed-use, pedestrian-oriented development for designated area south of Downtown. Subject to review by Urban Design Commission. <b><u>Bars and Light Industrial uses prohibited.</u></b>
“TU” Trinity Uptown	High density, mixed-use, pedestrian-oriented development for designated area north of Downtown. Subject to review by Urban Design Commission.
“TL” Trinity Lakes”	High density, mixed-use, pedestrian-oriented development for designated area at East 820 and Trinity Blvd. Subject to review by Urban Design Commission.

**Commercial**

<b><u>Low Intensity</u></b>	
“ER” Neighborhood Commercial Restricted	Beauty/barber shops, bookstores, drug stores, studios and offices, public and civic uses, nursing homes, and health care. <b><u>Alcohol sales prohibited.</u></b>
“E” Neighborhood Commercial	All uses permitted in “ER”, plus retail sales, banks, restaurants, gasoline sales, offices, bakeries, and alcohol sales for off premise consumption and as part of food service.
<b><u>Moderate Intensity</u></b>	
“FR” General Commercial Restricted	All uses permitted in “E”, plus theaters, auto sales & repair, hotels, health care facilities, commercial and business clubs, bowling alleys, large retail stores, home improvement centers with outside storage and display. <b><u>Alcohol sales prohibited</u></b>
“F” General Commercial	All uses permitted in “FR”, plus amusement e.g. nightclubs, pool halls, taverns, skating rinks, used furniture, etc. <b><u>Alcohol sales and on-premises consumption permitted</u></b> in “F” thru “K” districts.
<b><u>High Intensity</u></b>	
“G” Intensive Commercial	All uses permitted in “F”, plus other retail uses not considered offensive or noxious because of odors, smoke, dust, noise, or vibration, and contain less restrictive area regulations. 12-story maximum height.
“H” Central Business	All uses permitted in “G”, plus multifamily residential, printing and publishing, wholesale offices, etc. No height restrictions and permissive area regulations. Restricted to designated Central Business District. Subject to review by Downtown Design Review Board.

<b><u>Type</u></b>	
“I” Light Industrial	<b><u>Industrial</u></b> All uses permitted in “G”, plus food processing, animal hospitals and outdoor kennels, transportation terminals, batch plant, warehousing, outside sales & storage, printing and light manufacturing.
“J” Medium Industrial	All uses permitted in “I”, plus breweries, cement products, power plants, grain elevators, poultry slaughtering, and light manufacturing <u>over 50 horsepower motor.</u>
“K” Heavy Industrial	All uses permitted in “J”, plus heavy industrial uses such as metal fabrication, asphalt mixing plants, cotton oil mills, forge plants, machines shops, soap manufacturing, stock yards, permanent batch plants, welding shops, etc.

Account #: 04677803

 Location**Property Address:** 2600 SHAMROCK AVE [Interactive Map](#)**City:** FORT WORTH**Zipcode:** 76107**Georeference:** [1450-12-2](#)**Neighborhood Code:** [IM-Bailey Industrial](#)**Latitude:** 32.7633900607**Longitude:** -97.3541292679**TAD Map:** [2042-396](#)**MAPSCO:** [TAR-062T](#) Property Data**Legal Description:** BAILEYS INDUSTRIAL  
ADDITION Block 12 Lot 2 TO 11A**Jurisdictions:** 026 CITY OF FORT WORTH  
220 TARRANT COUNTY  
905 FORT WORTH ISD  
223 TARRANT REGIONAL WATER  
DISTRICT  
224 TARRANT COUNTY  
HOSPITAL  
225 TARRANT COUNTY  
COLLEGE**State Code:** F2 Industrial**Agent:** [ODAY HARRISON GRANT INC \(00025\)](#)**Site Number:** [80873333](#)**Site Name:** Gachman Metals Company**Site Class:** IMHeavy - Industrial/Mfg-Heavy  
**# of Parcels:** 1**Primary Building:****Building Name:** GACHMAN METALS CO, /  
04677803**Building Type:** Commercial**Year Built:** 1951**Gross Building Area** †††: 26,976**Net Leasable Area** †††: 26,976**Land Sqft** ◆: 349,026**Land Acres** ◆: 8.0125**Pool:** N

††† Rounded

◆ This represents one of a hierarchy of possible values ranked in the following order: Recorded, Computed, System, Calculated

 Owner Information**Current Owner:**[GAMTEX SHAMROCK LLC](#)[2600 SHAMROCK AVE](#)

FORT WORTH, TX 76107

**Deed Date:** 11-07-2014**Instrument:** [D214244873](#)**Previous Owners:**

Name	Date	Instrument	Deed Vol	Deed Page



Name	Date	Instrument	Deed Vol	Deed Page
GAMTEX REALTY LTD	03-04-2008	<u>D208081732</u>		
GAMTEX INDUSTRIES LP	10-16-1986	<u>D186041896</u>		
GACHMAN METALS CO	12-31-1900	000000000000000	0000000	0000000

## Values

This information is intended for reference only and is subject to change. It may not accurately reflect the complete status of the account as actually carried in TAD's database. [Tarrant County Tax Office Account Information](#)

Year	Improvement Market	Land Market	Total Market	Total Appraised †
2020	\$0 (Pending)	\$0 (Pending)	\$0 (Pending)	\$0 (Pending)
2019	\$175,916	\$184,084	\$360,000	\$360,000
2018	\$169,686	\$184,084	\$353,770	\$353,770
2017	\$115,916	\$184,084	\$300,000	\$300,000
2016	\$87,216	\$184,084	\$271,300	\$271,300
2015	\$87,216	\$184,084	\$271,300	\$271,300

A zero value indicates that the property record has not yet been completed for the indicated tax year  
† Appraised value may be less than market value due to state-mandated limitations on value increases

## Exemptions

Account #: 08240337

Business Name: GACHMAN METALS & RECYCLING

## Location

**Property Address:** 2600 SHAMROCK AVE [Interactive Map](#)

**City:** FORT WORTH

**Zipcode:** 76107

**Georeference:** [1450-12-2](#)

**Latitude:** 32.7633900607

**Longitude:** -97.3541292679

**TAD Map:** [2042-396](#)

**MAPSCO:** [TAR-062T](#)

## Property Data

**Jurisdictions:** 026 CITY OF FORT WORTH  
220 TARRANT COUNTY  
905 FORT WORTH ISD  
223 TARRANT REGIONAL WATER  
DISTRICT  
224 TARRANT COUNTY  
HOSPITAL  
225 TARRANT COUNTY  
COLLEGE

**Rendition Received?**  
**Rendition Worked?** N  
**Rendition Extension Date:**  
**Rendition Penalty:** N

**State Code:** L1 Personal Property Tangible  
Commercial

**NAICS:** Metal Service Centers and Other Metal  
Merchant Wholesalers

**Real Estate Account:** 04677803

**Agent:** [ODAY HARRISON GRANT INC \(00025\)](#)

## Owner Information

**Current Owner:**

[GAMTEX INDUSTRIES LP](#)

[PO BOX 308](#)

FORT WORTH, TX 76101-0308

**Previous Owners:**

Name	Date	Instrument	Deed Vol	Deed Page
GAMTEX INDUSTRIES LP	01-01-2005	00000000000000	0000000	0000000

## Values

This information is intended for reference only and is subject to change. It may not accurately reflect the complete status of the account as actually carried in TAD's database. [Tarrant County Tax Office Account Information](#)

Year	Total Market	Total Appraised
2020	\$0 (Pending)	\$0 (Pending)
2019	\$7,215,736	\$7,215,736
2018	\$7,831,830	\$7,831,830
2017	\$7,301,447	\$7,301,447
2016	\$8,685,702	\$8,685,702
2015	\$12,928,866	\$12,928,866

## Exemptions

- Freeport

\* Per Texas Property Tax Code Section 25.027, this website does not include exemption information indicating that a property owner is 65 years of age or older.

Distance Measurement from CAD

The screenshot displays the Tarrant Appraisal District (TAD) GIS application interface. At the top, the navigation bar includes the TAD logo, a search bar with the text "Street # + Name, Zip Code", and various menu items: "How Do I (FAQ)", "Advanced Search", "Forms", "Resources", "Calendar", "News", and "About". A "Login" button is located in the top right corner. Below the navigation bar, the main header shows "Tarrant Appraisal District" and "Updated: 9/12/2019". On the right side of the header, there are links for "TAD Home Page", "Tarrant County", and "GIS Downloads".

The central map area shows an aerial view of a residential area with property boundaries overlaid. A blue line connects two green circular markers on the map, representing a distance measurement. The map includes various parcel numbers (e.g., 01916734, 04993179, 00111317, 151485, 00111368, 05677777, 03823202, 2042-396, 00112119, 00112143, 04677803, 07938438, 00112208) and labels for "Fort Worth ISD".

On the left side, a "Layer List" panel is visible, showing a list of layers with checkboxes: "Data", "BPP", "Boundary Lines", "HistoricLot", "PrivateROW", "Support", "Residential", "Flood", and "NBHD".

On the right side, a "Measurement" pop-up window is open, displaying the result "395.7 Feet". The window includes a "Clear" button and a note "Press CTRL to enable snapping".



## Central Registry Query - Regulated Entity Information

## Regulated Entity Information

**RN Number:** RN100544154**Name:** GACHMAN METALS & RECYCLING [View Prior Names](#)**Primary Business:** No primary business description on file.**Street Address:** 2600 SHAMROCK AVE, FORT WORTH TX 76107 1311**County:** TARRANT**Nearest City:** FORT WORTH**State:** TX**Near ZIP Code:** 76107**Physical Location:** 2600 Shamrock Ave, Fort Worth, TX

## Affiliated Customers - Current

Your Search Returned **5** Current Affiliation Records ( [View Affiliation History](#) )

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

## 1-5 of 5 Records

CN Number ▲	Customer Name	Customer Role(s)	Details
<a href="#">CN600255327</a>	GACHMAN METALS COMPANY	OWNER OPERATOR	
<a href="#">CN601739337</a>	GAMTEX INDUSTRIES INC	OWNER	
<a href="#">CN602224099</a>	GAMTEX METALS & RECYCLING INC	OPERATOR	
<a href="#">CN603216730</a>	GAMTEX INDUSTRIES LP	OWNER OPERATOR	
<a href="#">CN604991315</a>	GACHMAN METAL & RECYCLING	OWNER	

## Industry Type Codes

Code	Classification	Name
5093	SIC	Scrap and Waste Materials

## Permits, Registrations, or Other Authorizations

There are a total of **11** programs and IDs for this regulated entity. Click on a column name to change the sort order.

## 1-11 of 11 Records

Program ▲	ID Type	ID Number	ID Status
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	TA01540	INACTIVE
AIR NEW SOURCE PERMITS	REGISTRATION	<a href="#">119073</a>	ACTIVE
AIR QUALITY NON PERMITTED	ID NUMBER	<a href="#">R04100544154</a>	ACTIVE
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD005965363	INACTIVE
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	<a href="#">65057</a>	INACTIVE
LEAKING PETROLEUM STORAGE TANKS REMEDIATION	ID NUMBER	<a href="#">97607</a>	INACTIVE
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	<a href="#">7516</a>	INACTIVE
<a href="#">PETROLEUM STORAGE TANK STAGE II</a>			
STORMWATER	PERMIT	<a href="#">TXR05M508</a>	EXPIRED
STORMWATER	PERMIT	<a href="#">TXR05V104</a>	ACTIVE
TIRES	REGISTRATION	<a href="#">14372</a>	CANCELLED



## Central Registry

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

Detail of: **Air New Source Registration 119073**

For: **GACHMAN METALS & RECYCLING (RN100544154)**

2600 SHAMROCK AVE, FORT WORTH

Registration Status: **ACTIVE**

Held by: **Gamtex Industries LP (CN603216730)** [View 'Issued To' History](#)

**OWNER OPERATOR** Since 11/22/2006 [View Compliance History](#)

Mailing Address: 2600 SHAMROCK AVE FT WORTH, TX 76107 -1311

### Air Quality Complaints at GACHMAN METALS & RECYCLING

Tracking Number	Complaint Received	Status	Status Date
<a href="#">329770</a>	01/15/2020	CLOSED	02/07/2020
<a href="#">325244</a>	12/19/2019	CLOSED	02/07/2020
<a href="#">307193</a>	03/06/2019	CLOSED	05/06/2019
<a href="#">307186</a>	02/27/2019	CLOSED	05/06/2019
<a href="#">307185</a>	02/25/2019	CLOSED	05/06/2019
<a href="#">302675</a>	01/15/2019	CLOSED	02/13/2019
<a href="#">302644</a>	01/10/2019	CLOSED	02/13/2019
<a href="#">302639</a>	12/06/2018	CLOSED	02/13/2019
<a href="#">293689</a>	10/05/2018	CLOSED	11/02/2018
<a href="#">293651</a>	08/15/2018	CLOSED	10/05/2018
<a href="#">293648</a>	08/14/2018	CLOSED	10/05/2018
<a href="#">281389</a>	03/05/2018	CLOSED	04/02/2018
<a href="#">281385</a>	03/02/2018	CLOSED	05/03/2018
<a href="#">281384</a>	03/01/2018	CLOSED	04/02/2018
<a href="#">280874</a>	03/13/2018	REFERRED	03/22/2018
<a href="#">274636</a>	12/15/2017	CLOSED	01/17/2018
<a href="#">270265</a>	09/27/2017	CLOSED	10/16/2017
<a href="#">269215</a>	08/17/2017	CLOSED	10/02/2017
<a href="#">264946</a>	08/04/2017	CLOSED	12/11/2017
<a href="#">254081</a>	02/07/2017	CLOSED	12/11/2017
<a href="#">253744</a>	01/27/2017	CLOSED	12/11/2017

251250	01/26/2017	REFERRED	11/09/2017
243594	06/29/2016	CLOSED	09/12/2016
243593	06/29/2016	CLOSED	09/12/2016
242564	06/29/2016	CLOSED	08/31/2016
242557	06/29/2016	CLOSED	08/30/2016
218826	06/25/2015	CLOSED	08/14/2015
210895	01/27/2015	CLOSED	03/09/2015
183948	05/01/2013	CLOSED	06/11/2013
147592	11/10/2010	CLOSED	12/28/2010
145724	10/05/2010	CLOSED	11/26/2010
114242	09/17/2008	CLOSED	10/13/2008
113484	07/16/2008	CLOSED	09/11/2008
110512	06/30/2008	CLOSED	08/25/2008

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**Statewide Links:** [Texas.gov](#) | [Texas Homeland Security](#) | [TRAIL Statewide Archive](#) | [Texas Veterans Portal](#)

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## TCEQ Web Access to Complaint Information

### Complaint Status - Complaint 329770

#### Complaint Information

**Complaint Tracking #:** ? 329770  
**Complaint Received Date:** 01/15/2020  
**Number Complaining:** 1  
**Status:** ? CLOSED  
**Status Date:** ? 02/07/2020  
**Nature:** ? SMOKE  
**Frequency:** ? CURRENT  
**Duration:** ? ESTIMATED  
**Media:** ? AIR  
**Program:** ? AIR QUALITY - HIGH LEVEL  
**Priority:** ? Within 30 Calendar Days  
**Effect:** ? ENVIRONMENTAL  
**Receiving Water Body:** ? no  
**Regulated Entity:** ? RN100544154 GACHMAN METALS & RECYCLING  
**Customer:** ? CN604991315 GACHMAN METAL & RECYCLING  
**Location:** ? 2600 SHAMROCK AVE  
 FORT WORTH, TX 76107  
**County:** ? TARRANT

#### Complaint Description, Comment and Action

**Description:** The complainant stated that smoke was coming from the alleged facility and was concerned that the emissions could be toxic since they are heavy metals. The complainant stated the smoke started at 7:00 am that day.

**Comment:** More information will be available upon approval of the investigation report.

**Action Taken:** This complaint has been assigned and will be further investigated by an Environmental Investigator.

#### Investigation Information

**Investigation #:** ? 1624930  
**Date of Investigation:** ? 01/17/2020

#### Media/Program

Media	Program
AIR	AIR NEW SOURCE PERMITS

#### Notice of Violation (NOV)/Notice of Enforcement (NOE) Information

**Type:** Notice of Violation (NOV) ?  
**NOV Date:** 02/21/2020

#### Violations List

Status	Date	Abbreviated Description	Regulation	Specific Citation
ACTIVE	02/07/2020	Failure to refrain from discharging from any source whatsoever one or more air contaminants in such concentrations and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.	30 TAC Chapter 101, SubChapter A	101.4



Status	Date	Abbreviated Description	Regulation	Specific Citation
ACTIVE	02/07/2020	Failure to refrain from discharging from any source whatsoever one or more air contaminants in such concentrations and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.	5C THSC Chapter 382	382.085(b)

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[Statewide Links](#): [Texas.gov](#) | [Texas Homeland Security](#) | [TRAIL Statewide Archive](#) | [Texas Veterans Portal](#)

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# Central Registry

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Detail of: **Air New Source Registration 119073**

For: **GACHMAN METALS & RECYCLING (RN100544154)**

2600 SHAMROCK AVE, FORT WORTH

Registration Status: **ACTIVE**

Held by: **Gamtex Industries LP (CN603216730)** [View 'Issued To' History](#)

**OWNER OPERATOR** Since 11/22/2006 [View Compliance History](#)

Mailing Address: 2600 SHAMROCK AVE FT WORTH, TX 76107 -1311

## Notice of Violations **Current TCEQ Rules**

NOV Date	Status	Citation/Requirement Provision	Allegation	Classification	Self Reporting Indicator
02/21/2020	ACTIVE	30 TAC Chapter 101, SubChapter A 101.4 ; 5C THSC Chapter 382 382.085(b)	Failure to refrain from discharging from any source whatsoever one or more air contaminants in such concentrations and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.	MODERATE	NO
10/20/2017	RESOLVED	30 TAC Chapter 101, SubChapter A 101.4 ; 5C THSC Chapter 382 382.085(b)	Failure to refrain from discharging from any source whatsoever one or more air contaminants in such concentrations and of such duration as	MODERATE	NO

			are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.		
09/22/2016	RESOLVED	30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A) ; 5C THSC Chapter 382 382.085(b)	Failure to have visible emissions with an opacity of 30% or less for any six minute averaged period.	MODERATE	NO

## Central Registry

The Customer Name displayed may be different than the Customer Name associated to the Additional IDs related to the customer. This name may be different due to ownership changes, legal name changes, or other administrative changes.

Detail of: **Air New Source Registration 119073**

For: **GACHMAN METALS & RECYCLING (RN100544154)**

2600 SHAMROCK AVE, FORT WORTH

Registration Status: **ACTIVE**

Held by: **Gامتex Industries LP (CN603216730)** [View 'Issued To' History](#)

**OWNER OPERATOR** Since 11/22/2006 [View Compliance History](#)

Mailing Address: 2600 SHAMROCK AVE FT WORTH, TX 76107 -1311

### Effective Enforcement Orders [Current TCEQ Rules](#)

Type	Effective Date	Docket Number	Citation/Requirement Provision	Violation Allegation	Classification
ADMINISTRATIVE ORDER	01/14/2020	<a href="#">2019-0789-AIR-E</a>	30 TAC Chapter 101, SubChapter A 101.4 ; 5C THSC Chapter 382 382.085(a) ; 5C THSC Chapter 382 382.085(b) (Not applicable to CH)	Failure to refrain from discharging from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.	MAJOR
ADMINISTRATIVE ORDER	03/26/2019	<a href="#">2018-0322-AIR-E</a>	30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A) ; 5C THSC Chapter 382 382.085(b) (Not applicable to CH)	Failure to have visible emissions with an opacity of 30% or less for any six minute average period.	MODERATE
ADMINISTRATIVE ORDER	03/26/2019	<a href="#">2018-0322-AIR-E</a>	30 TAC Chapter 101, SubChapter A 101.4 ; 5C THSC Chapter 382 382.085(b) (Not applicable to CH)	Failure to refrain from discharging from any source whatsoever one or more air contaminants in such concentrations and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.	MODERATE

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
GAMTEX INDUSTRIES LP DBA  
GACHMAN METALS &  
RECYCLING  
RN100544154

§ BEFORE THE  
§  
§  
§ TEXAS COMMISSION ON  
§  
§  
§ ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2019-0789-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

On JAN 14 2020, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Gamtex Industries LP dba Gachman Metals & Recycling (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a metal recycling plant located at 2600 Shamrock Avenue in Fort Worth, Tarrant County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$4,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$3,300 of the penalty and \$825 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.



5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective actions for the Metal Shredder at the Plant in order to prevent nuisance smoke conditions from impacting off-site receptors:
  - a. On May 8, 2019, installed a foam suppression system;
  - b. By May 20, 2019, began increasing the frequency of hammer replacement; and
  - c. By May 25, 2019, improved the aspiration system.

## **II. ALLEGATIONS**

During an investigation conducted on March 7, 2019, an investigator documented that the Respondent failed to prevent nuisance smoke conditions, in violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, on March 7, 2019, TCEQ staff observed smoke leaving the Plant from the operation of the Metal Shredder and from a chair-like object that caught fire. TCEQ staff also experienced adverse health effects when exposed to the smoke plume from the Metal Shredder at an off-site location, resulting in the documentation of nuisance smoke conditions.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements

set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Gamtex Industries LP dba Gachman Metals & Recycling, Docket No. 2019-0789-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

Pamela Manning  
\_\_\_\_\_  
For the Executive Director

1/14/2020  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Lee Burgamy  
\_\_\_\_\_  
Signature

7/19/19  
\_\_\_\_\_  
Date

Lee Burgamy  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Gamtex Industries LP dba Gachman Metals & Recycling

General Manager  
\_\_\_\_\_  
Title

*If mailing address has changed, please check this box and provide the new address below:*

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 17, 2020

Mr. Lee Burgamy, Operations Manager  
Gamtex Industries LP  
2600 Shamrock Avenue  
Fort Worth, Texas 76107

Re: TCEQ Enforcement Action  
Gamtex Industries LP dba Gachman Metals & Recycling  
Docket No. 2019-0789-AIR-E

Dear Mr. Burgamy:

Enclosed for your records is a fully-executed copy of the Agreed Order for the above-referenced matter.

Please review the enclosed Agreed Order, particularly the "Ordering Provisions" section, to determine if further action will be required of you, such as the completion of technical requirements to achieve compliance. When technical requirements are listed (usually Ordering Provision No. 2 or 3), a deadline will be provided based on a specific number of days after the effective date. The effective date is as stated in the enclosed Agreed Order.

Should you have any questions, please contact Richard Garza, the Enforcement Coordinator assigned to this matter, at (512) 239-2697.

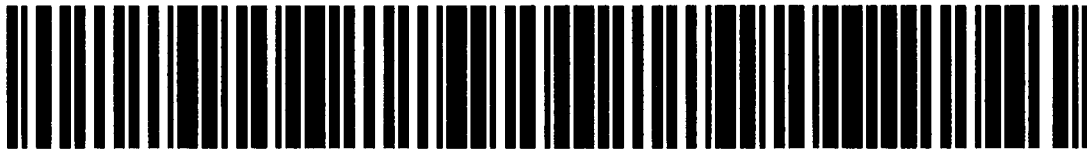
Sincerely,

A handwritten signature in black ink, appearing to read "Michael Parrish".

Michael Parrish  
Enforcement Division

Enclosure

cc: Richard Garza, Enforcement Division  
Air Section Manager, Region 4



0000-0000-0000-5301

**Document Control Sheet**

<b>Sheet Title:</b>	AIR CP BP
<b>Box ID:</b>	719
<b>Control Sheet ID:</b>	0000-0000-0000-5301
<b>Record Series Name:</b>	OCE / Air Compliance
<b>Record Series:</b>	AIR CP
<b>Primary ID:</b>	100544154
<b>Secondary ID:</b>	
<b>Doc Type:</b>	Compliance
<b>Security:</b>	Public
<b>Date:</b>	8/25/2017
<b>Title:</b>	Investigation
<b>Tertiary ID</b>	



AIR CP\_100544154\_CP\_20170825\_Investigation Report  
**Texas Commission on Environmental Quality**  
**Investigation Report**

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oce@tceq.texas.gov

**Customer: Gamtex Industries LP**  
**Customer Number: CN603216730**

---

**Regulated Entity Name: GACHMAN METALS & RECYCLING**

**Regulated Entity Number: RN100544154**

**Investigation #** 1435102

**Incident Numbers**

264946

269215

270265

**Investigator:** SANDRA HERNANDEZ

**Site Classification** PERMIT BY RULE

**Conducted:** 08/16/2017 -- 08/25/2017

**SIC Code:** 5093

**Program(s):** AIR NEW SOURCE PERMITS

**Investigation Type:** Compliance Investigation

**Location:**

**Additional ID(s):** TA01540  
119073

**Address:** 2600 SHAMROCK AVE,  
FORT WORTH, TX, 76107

**Local Unit:** CITY OF FORT WORTH LOCAL PROGRAM

**Activity Type(s):** AIRCOMPL - AIR CMPL - AIR  
COMPLAINT INV

**Principal(s):**

<b>Role</b>	<b>Name</b>
RESPONDENT	GAMTEX INDUSTRIES LP

**Contact(s):**

<b>Role</b>	<b>Title</b>	<b>Name</b>	<b>Phone</b>	
PARTICIPATED IN	TCEQ ENVIRONMENTAL INVESTIGATOR	MS HOLLY BRIGHTWELL FERGUSON	Office	(817) 588-5866
REGULATED ENTITY MAIL CONTACT	OPERATIONS MANAGER	MR LEE BURGAMY	Cell Work	(972) 877-0592 (817) 334-0211

**Other Staff Member(s):**

<b>Role</b>	<b>Name</b>
QA Reviewer	NIXALIS BENITEZ
Investigator	CHRISTOPHER HELLUMS
Supervisor	ANTHONY WILLIAMS

**Associated Check List**

<b><u>Checklist Name</u></b>	<b><u>Unit Name</u></b>
AIR COMPLAINT INVESTIGATION	AIR

**Investigation Comments:**

**RECEIVED**  
JAN 02 2018  
TCEQ  
CENTRAL FILE ROOM

## GACHMAN METALS & RECYCLING - FORT WORTH

8/16/2017 to 8/25/2017 Inv. # - 1435102

Page 2 of 6

### INTRODUCTION

On August 16 through September 27, 2017, Ms. Sandra Hernandez, Mr. Christopher Hellums, and Ms. Kayla Smith, investigators with the City of Fort Worth, Local Air Program (CFW-LAP) conducted an Air Complaint Investigation (AIR COMPL) in response to an air complaint against Gachman Metals and Recycling (Gachman). The facility is located at 2600 Shamrock Avenue in Fort Worth, Tarrant County, Texas (See Attachment 1). Mr. Lee Burgamy, Operations Manager, represented the facility during the investigation. This investigation was performed in order to determine compliance with the Texas Commission on Environmental Quality (TCEQ) rules regarding nuisance smoke and dust. Ms. Holly Brightwell Furgeson, TCEQ Environmental Investigator, participated in this investigation for the purpose of air sampling.

CFW-LAP received a complaint on August 4, 2017, at 8:20 AM via telephone. On August 4, 2017, at 8:30 AM, Ms. Hernandez was assigned this complaint investigation. Complainant information is being handled as confidential and is included in the CFW-LAP confidential file. The complainant stated that the alleged facility is continually emitting dangerous dust. The complainant also stated that for the past six to seven months, a cloud of brown/orange smoke coming from the alleged facility has been visible every morning. The complainant mentioned that he/she has photos documenting the smoke. The complainant also mentioned that the cars in the surrounding area are constantly covered in the dust that emanates from the alleged facility. On August 7, 2017, at 10:42 AM, Ms. Hernandez contacted the complainant at the number provided. When asked, the complainant stated that the smoke was not going on at the moment. At this time, the complainant expressed interest in having the air tested for toxic chemicals deriving from the dust clouds and smoke. Ms. Hernandez informed the complainant that she would coordinate the air sampling with TCEQ as they have air sampling equipment. Ms. Hernandez also informed the complainant that since the smoke or dust was not happening at the moment, the complaint would be investigated at a later date close to the time when the smoke occurs.

### Daily Narrative:

On August 16, 2017, at 7:50 AM, Ms. Hernandez and Mr. Hellums arrived in the area of the facility and performed a smoke and dust surveillance of the following streets: North Henderson Street, North University Drive, Shamrock Avenue, and the Trinity Trails between the Trinity River bridge at North University Drive and the bridge at Henderson Street. The investigators noted that winds were from the south-southwest at 11 miles per hour (mph). The temperature was 83 degrees Fahrenheit (F) and relative humidity was 67%. This was confirmed via meteorological data acquired from the TCEQ Continuous Ambient Monitoring Station designated Ft. Worth Northwest C13/AH302 (CAMS 13). The investigators noted that the area is predominantly industrial and lies immediately adjacent to the Trinity River levee. The levee separates Gachman from pedestrian walking and biking paths along the river banks, part of the Trinity Trails System. During the area survey, the investigators detected intermittent clouds of smoke for twelve minutes. The smoke did not appear to be impacting the complainant's location. The investigators did not note any dust covering the cars in the area. The investigators noted that the smoke stopped at 8:12 AM.

At the end of the area survey, on August 16, 2017, at 8:45 AM, the complainant approached Ms. Hernandez and Mr. Hellums and at this time, the investigators informed the complainant of the investigation results. The investigators left the area at approximately 9:00 AM.

On August 17, 2017, at 7:38 AM, CFW-LAP received another complaint via telephone. The complainant stated that a cloud of brown/orange smoke was coming from the alleged facility. The complainant stated the smoke started at 7:00 AM. Complainant information is being handled as confidential and is included in the CFW-LAP confidential file.

On August 17, 2017, at 8:15 AM, Ms. Hernandez and Mr. Hellums arrived in the area of the facility and performed a smoke surveillance of the following streets: North Henderson Street, North University Drive, Shamrock Avenue, and the Trinity Trails between the Trinity River bridge at North University Drive and the bridge at Henderson Street. The investigators noted that winds were from the southeast at 7 mph. The temperature was 79 degrees F and relative humidity was 76%. This was confirmed via CAMS 13. During the area survey, the investigators detected intermittent clouds of smoke for ten minutes, and no smoke for five minutes. The smoke did not appear to be traveling off property onto the complainant's location. The investigators concluded the area survey at 8:30 AM.

At 8:33 AM, the investigators performed visible emissions observations from the levee located alongside the

## **GACHMAN METALS & RECYCLING - FORT WORTH**

**8/16/2017 to 8/25/2017 Inv. # - 1435102**

**Page 3 of 6**

Trinity River. The average opacity reading was 3.33% to 4.79% over a six-minute period, in compliance with the 30% opacity over a six-minute period limitation (See Attachment 2). During this time, the investigators did not experience any health effects nor did they detect the smoke to be traveling off property. The investigators noted that the torch cutting activities stopped at 8:42 AM and left the area at 8:50 AM.

On August 22, 2017, at 10:00 AM, Ms. Hernandez contacted Mr. Burgamy to notify him of the complaint allegations and investigation results. Ms. Hernandez informed Mr. Burgamy of the TCEQ nuisance regulations and the TCEQ 30 Texas Administrative Code (TAC) 111.111 regarding visible emissions. Mr. Burgamy stated that a bigger shear was purchased to use on larger/thicker materials for rapid cutting and reducing the amount of emissions produced from cutting. Mr. Burgamy stated that adjustments had been made to the torch cutting schedule to the early morning and late in the night to try to minimize the impact on employees in the neighboring businesses. Mr. Burgamy also stated that the material being torched is clean steel rather than coated steel. Ms. Hernandez informed Mr. Burgamy that the visible emissions from the torch cutting should not exceed an opacity of 30% for any six-minute period as per 30 TAC 111.111. Ms. Hernandez recommended that alternative steel cutting methods be used to mitigate the smoke being generated from such activities. Mr. Burgamy stated that the dust could be related to the street sweeping activities that the facility performs in the mornings. Ms. Hernandez recommended that water be used during such activities to mitigate the dust. Ms. Hernandez performed the exit interview noted in the "Exit Interview" section below.

On August 24, 2017, Ms. Hernandez contacted the complainant to notify him/her of the investigation results. At this time, Ms. Hernandez communicated to the complainant that CFW-LAP and TCEQ would be collecting air samples at the alleged facility on August 25, 2017.

On August 25, 2017, at 5:50 AM, Ms. Hernandez and Mr. Hellums arrived in the area of the facility and performed a smoke and dust surveillance of the following streets: North Henderson Street, North University Drive, North Foch Street, Shamrock Avenue, and the Trinity Trails between the Trinity River bridge at North University Drive and the bridge at Henderson Street. The investigators noted that winds were from the east-southeast at 7 mph. The temperature was 76 degrees F and relative humidity was 84%. This was confirmed via CAMS 13. The investigators detected intermittent heavy, thick clouds of smoke from 5:50 AM to 6:31 AM. At 6:32 AM, the investigators noted that the torching had stopped. At 7:00 AM, the investigators and Ms. Brightwell Ferguson set up the Data Real-time Aerosol Monitor (DataRAM), a portable self contained aerosol monitor used to quantify off-site particulates. The investigators also set up the Summa Canister to detect concentrations of Volatile Organic Compounds (VOCs). From 7:00 AM to 7:50 AM, the investigators noted intermittent heavy brown/orange clouds of smoke emanating from the torching activities. The smoke appeared to be traveling off property and impacting the complainant's location.

On August 25, 2017, at 8:00 AM, the investigators met with the complainant at his/her location and notified him/her of the investigation results. The investigators notified the complainant that the air sampling results would be available within 30 to 45 days of the sampling date. The investigators left the area at approximately 8:15 AM.

On September 7, 2017, at 6:35 AM, the investigators arrived in the area of the facility to collect an additional air sample due to the Summa Canister not collecting the sample correctly the first time. The investigators performed a smoke surveillance of the following streets: North Henderson Street, North University Drive, North Foch Street, Shamrock Avenue, and the Trinity Trails between the Trinity River bridge at North University Drive and the bridge at Henderson Street. The investigators noted that winds were from the west-southwest at 1 mph. The temperature was 60 degrees F and relative humidity was 72%. This was confirmed via CAMS 13. From 6:27 AM to 7:00 AM the investigators noted intermittent heavy brown/orange clouds of smoke emanating from the torching activities. The smoke appeared to be traveling off property onto the complainant's location. At 7:05 AM, the investigators set up the sampling equipment. During this time, the investigators noted intermittent clouds of smoke for 15 minutes, before the torching activities stopped at 7:20 AM. The investigators left the area at 7:40 AM.

On September 11, 2017, the results from the samples taken on August 25, 2017, using the DataRAM to quantify off-site particulates were received from TCEQ. The DataRAM draws dust particles into the sensor head to instantaneously calculate the concentration of dust particles. The relative accuracy of the DataRAM is plus or minus 2%. The DataRAM was utilized as a tool to determine the concentration of dust particles present in the air downwind of the site. The results cannot be used to pursue enforcement action in the case of confirmed dust nuisance conditions. The average concentration of dust over a 43 minute period was approximately 49

## GACHMAN METALS & RECYCLING - FORT WORTH

8/16/2017 to 8/25/2017 Inv. # - 1435102

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micrograms per cubic meter of air (See Attachment 3). This concentration of particulate falls within the range of Good on the Air Quality Index, which is an index used to report daily air quality.

On September 27, 2017, at 9:28 AM, CFW-LAP received another complaint via telephone. The complainant stated that a cloud of brown/orange smoke was coming from the alleged facility at 7:00 AM that morning. Complainant information is being handled as confidential and is included in the CFW-LAP confidential file.

On September 27, 2017, at 9:35 AM Ms. Hernandez and Ms. Smith arrived in the area of the facility and performed a smoke surveillance of the following streets: North Henderson Street, North University Drive, Cullen Street, North Foch Street, and Shamrock Avenue. The investigators noted that winds were from the north at 7 mph. The temperature was 76 degrees F and relative humidity was 78%. This was confirmed via CAMS 13. During the area survey, the investigators detected intermittent heavy clouds of smoke for ten minutes, and no smoke for five minutes. The smoke appeared to be traveling off property and impacting the surrounding properties including the complainant's location, creating a nuisance. This was noted as an alleged violation as the smoke was noted to be a nuisance and had previously not been mitigated as requested by Ms. Hernandez on August 22, 2017. The investigators did not detect any dust emanating from the facility. The investigators concluded the area survey at 9:50 AM.

On October 13, 2017, at 3:42 PM, Ms. Hernandez contacted Mr. Burgamy to notify him of the complaint allegations and September 27, 2017 investigation results. Ms. Hernandez informed Mr. Burgamy of the TCEQ smoke nuisance regulations. Ms. Hernandez informed Mr. Burgamy that the smoke emanating from the torching activities was noted to be impacting the surrounding property and it warranted a violation of the TCEQ nuisance rule. Ms. Hernandez also informed Mr. Burgamy that it appeared that the smoke emanating from torching activities had not been abated as previously recommended. In addition, the investigator made Mr. Burgamy aware of the air sampling that was conducted on August 25, 2017 and informed him of the sampling results. Ms. Hernandez recommended a corrective action plan be put in place to abate future smoke in order to resolve the alleged violation. Ms. Hernandez notified Mr. Burgamy that a TCEQ Exit Interview Form detailing the alleged violation would be emailed to him.

On October 13, 2017, at 3:45 PM, Ms. Hernandez contacted the initial complainant by telephone and left him/her a voicemail informing him/her of the September 27, 2017 investigation results. The investigator informed the complainant that the facility was in violation of the TCEQ smoke nuisance rule and that a Notice of Violation would be issued to the facility. At this time, the investigator also informed the complainant of the results from the samples taken using the DataRAM to quantify off-site particulates and notified the complainant that results from the samples taken using the Summa Canister remain pending.

On October 16, 2017, the results from the samples taken on September 7, 2017, using the Summa Canister were received from TCEQ. The results did not show any VOC concentrations to be detrimental to human health and welfare, when comparing the results to the Air Monitoring Comparison Values that are chemical-specific air concentrations set to protect human health and welfare (See Attachment 3). These values are used by TCEQ when evaluating air monitoring data.

On October 17, 2017 at 11:24 AM, Ms. Hernandez contacted the initial complainant by telephone notified him/her of the September 7, 2017 Summa Canister results.

### Exit Interview:

On August 22, 2017, Ms. Hernandez informed Mr. Burgamy that no violations were being alleged as a result of this investigation, however, advised him that future smoke and dust complaints had a potential to result in an alleged nuisance violation if not abated. Ms. Hernandez also advised Mr. Burgamy that visible emissions exceeding an opacity of 30% over any six-minute period would result in an alleged violation. The investigators recommended alternative steel cutting methods be used to abate smoke generated from such activities.

On October 17, 2017, Ms. Hernandez emailed Mr. Burgamy a TCEQ Exit Interview Form detailing the alleged violation (See Attachment 4).

## GENERAL PROCESS AND FACILITY INFORMATION

### Process Description:

**GACHMAN METALS & RECYCLING - FORT WORTH**

**8/16/2017 to 8/25/2017 Inv. # - 1435102**

**Page 5 of 6**

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Gachman receives, sorts, and recycles scrap metal.

**BACKGROUND**

Compliance History Rating

Regulated Entity Rating and Classification: o (Unclassified).

Customer Rating and Classification: o (Unclassified).

Agreed Orders, Court Orders, and Other Compliance Agreements:

None in the last five years.

Prior Enforcement Issues:

None in the last five years.

Complaints:

See Attachment 5.

**ADDITIONAL INFORMATION**

Conclusions, Recommendations and Current Enforcement Actions:

At the conclusion of this investigation, it was determined that the complainant allegations were found to be substantiated and the smoke emanating from the torching activities meets the criteria for a nuisance violation. The facility is found to be in violation of TCEQ nuisance smoke rules. The investigators recommend that the facility implement a corrective action plan to abate any smoke emanating from the onsite torching activities. The investigators recommend that a copy of the final report be mailed to the complainant and a Notice of Violation letter be mailed to the facility.

Additional Issues:

None.

**OUTSTANDING ALLEGED VIOLATION(S)**

---

**Track Number:** 657675

**Compliance Due Date:** To Be Determined

**Violation Start Date:** 9/27/2017

**30 TAC Chapter 101.4**  
**5C THSC Chapter 382.085(b)**

**Alleged Violation:**

**Investigation: 1435102**

Comment Date: 10/16/2017

Failure to refrain from discharging from any source whatsoever one or more air contaminants in such concentrations and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

During the area survey on September 27, 2017, the investigators detected intermittent heavy clouds of smoke for



**GACHMAN METALS & RECYCLING - FORT WORTH**

**8/16/2017 to 8/25/2017 Inv. # - 1435102**

**Page 6 of 6**

ten minutes, and no smoke for five minutes. The smoke appeared to be traveling off property and impacting the surrounding properties including the complainant's location, creating a nuisance.

**Recommended Corrective Action:** The facility is requested to refrain from discharging from any source one or more air contaminants in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

Signed Sandra Hernandez  
Environmental Investigator

Date 10/17/2017

Signed [Signature]  
Supervisor

Date 10/24/17

**Attachments: (in order of final report submittal)**

- Enforcement Action Request (EAR)
- Letter to Facility (specify type) : NOV
- Investigation Report
- Sample Analysis Results
- Manifests
- Notice of Registration

- Maps, Plans, Sketches
- Photographs
- Correspondence from the facility
- Other (specify) :
  - 2- visible Emissions Observation Form
  - 3- Sampling Results
  - 4- TCEQ Exit Interview Form
  - 5- Reg. Entity Incident Detail

Attachment 1

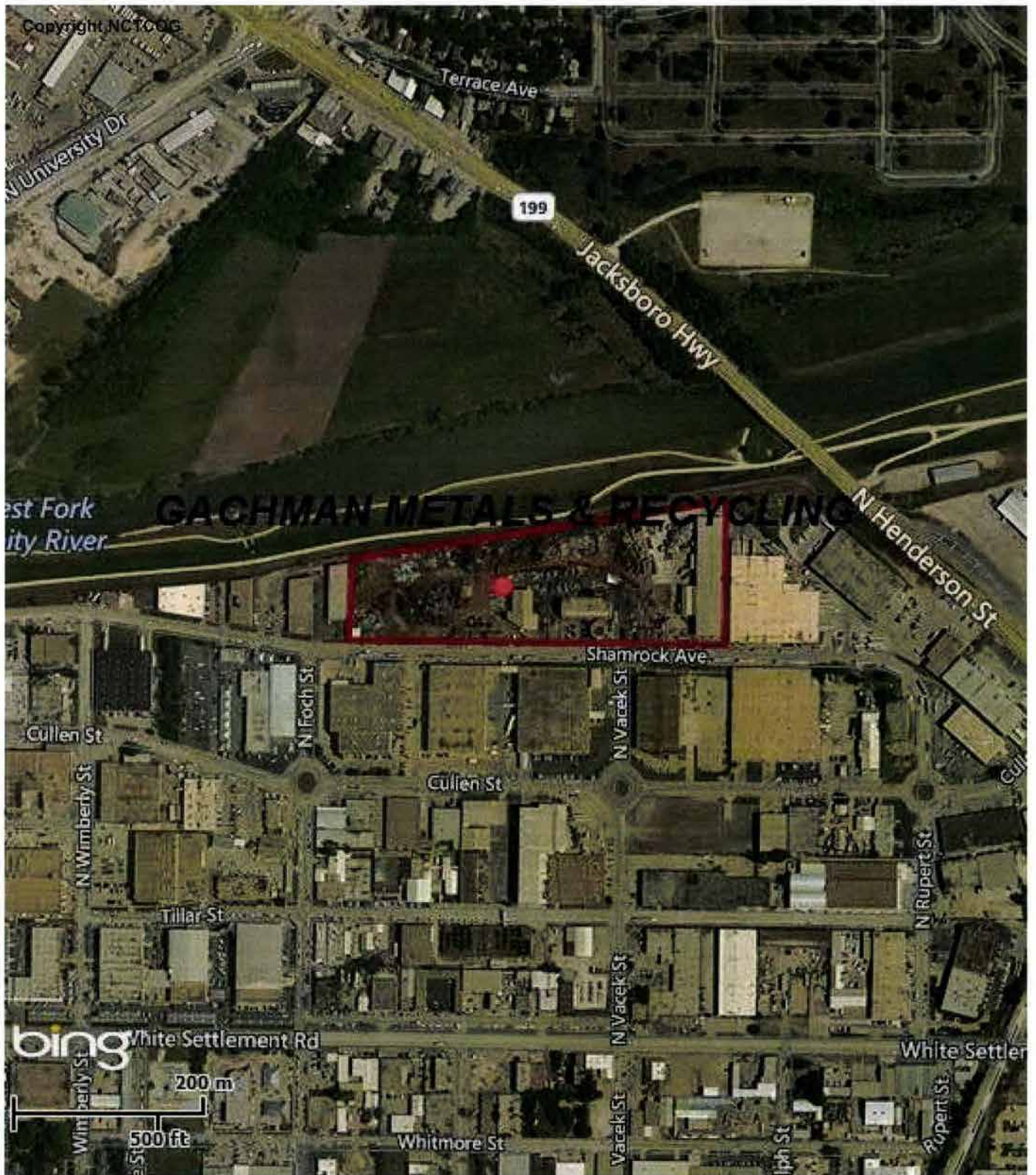
**GACHMAN METALS & RECYCLING**

**RN100544154**

**August 16, 2017 – September 27, 2017**

Number of Pages: 1

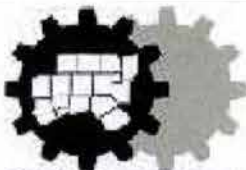
Copyright NCTCOG



**GACHMAN METALS & RECYCLING**

bing

White Settlement Rd  
 200 m  
 500 ft



North Central Texas Council of Governments

DFWMaps.com

**DISCLAIMER**

This data has been compiled for NCTCOG. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



Attachment 2

GACHMAN METALS & RECYCLING

RN100544154

August 16, 2017 – September 27, 2017

Number of Pages: 1

# EPA VISIBLE EMISSION OBSERVATION FORM 1

Method Used (Circle One)  
 Method 9 203A 203B Other: \_\_\_\_\_

Form Number \_\_\_\_\_ Page 1 of 1  
 Continued on VEO Form Number \_\_\_\_\_

Company Name Gachman Metals  
 Facility Name Gachman Metals  
 Street Address 2600 Shamrock Ave.  
 City Fort Worth State TX Zip 76107

Process Torching Unit # NA Operating Mode NA  
 Control Equipment NONE Operating Mode NA

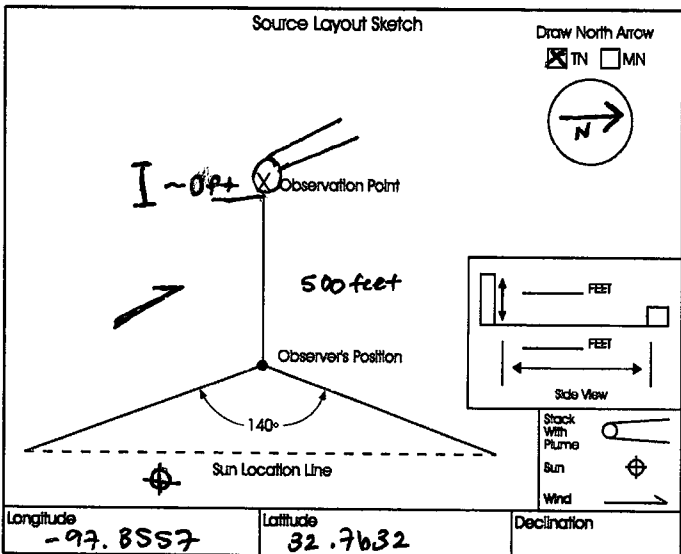
Describe Emission Point  
metal torching activity

Height of Emiss. Pt. Start 0 ft End 0 ft Height of Emiss. Pt. Rel. to Observer Start -13 ft End -13 ft  
 Direction to Emiss. Pt. Start 270° End 270°

Vertical Angle to Obs. Pt. Start 2° End 2° Direction to Obs. Pt. (Degrees) Start 272° End 272°  
 Distance and Direction to Observation Point from Emission Point Start 2 ft, N End 2 ft, N

Describe Emissions torch cutting plume  
 Emission Color Start brown/orange End brown/orange Water Droplet Plume  Attached  Detached  None

Describe Plume Background  
 Start Fence End Fence Sky Conditions Start cloudy End cloudy  
 Background Color Start brown End brown Wind Direction Start SE End SE  
 Wind Speed Start 9 mph End 11 mph Ambient Temp. Start 79° F End 80° F Wet Bulb Temp. NA RH Percent 77%



Sec	0	15	30	45	Comments
1	5	0	5	0	
2	0	0	5	5	
3	5	5	5	5	
4	0	0	5	6	
5	5	5	5	5	
6	10	10	5	5	
7	5	5	10	5	
8	5	5	0	0	
9	0	0	0	0	torching stopped
10	0	0	0	0	
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

Observer's Name (Print) Sandra Hernandez  
 Observer's Signature Sandra Hernandez Date 8/17/17  
 Organization CFW-LAP  
 Certified By ETA Date 2/22/2017



Attachment 3

GACHMAN METALS & RECYCLING

RN100544154

August 16, 2017 – September 27, 2017

Number of Pages: 6

20170825 DataRam Gachman Metals.txt

```

"Model Number", "DataRAM 4 ", 106
"Serial no.", "D868"
"Device no.", 95
"Tag Number", 8
"Start Time", 07:07:46
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"Log Period", 00:01:00
"Number", 44
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"TEMPUNITS", C
"Max MASS", 193.860800
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"Avg MASS", 49.006840
"Max Diam", 0.479871
"Max Diam @", 34 ,07:41:46 ,25-Aug-2017
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"AUTO_ZERO", "DISABLED"
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20170825 DataRam Gachman Metals.txt

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## Texas Commission on Environmental Quality

Laboratory and Quality Assurance Section  
P.O. Box 13087, MC-165  
Austin, Texas 78711-3087  
(512) 239-1716

### Laboratory Analysis Results

Request Number: 1710001

Request Lead: Frank Martinez

Region: T04

Date Received: 10/5/2017

Project(s): NA

Facility(ies) Sampled	City	County	Facility Type
Gachman metals and Recycling	Fort Worth	Tarrant	

#### Sample(s) Received

Field ID Number: N9145-005-0917

Laboratory Sample Number: 1710001-001

Sampled by: Holly Ferguson

Sampling Site:

Date &amp; Time Sampled: 09/07/17 07:14:00 Valid Sample: Yes

Comments: Canister N9145 was used to collect a 21-minute sample using OFC-005. Full Facility Information: GACHMAN METALS & RECYCLING RN100544154 CN604991315. Additional comments: sample was sampled less than 30 minutes.

#### Requested Laboratory Procedure(s):

Analysis: AP001VOC

Determination of VOCs in Canisters by GC/MS Using Modified Method TO-15

Please note that this analytical technique is not capable of measuring all compounds which might have adverse health effects. For questions on the analytical procedures please contact the laboratory manager at (512) 239-1716. For an update on the health effects evaluation of these data, please contact the Toxicology Division at (512) 239-1795.

Analyst:

Linda A. Knowles  
Linda Knowles

Date:

10/13/17

Laboratory Manager:

Frank Martinez  
Frank Martinez

Date:

10/16/17

# Laboratory Analysis Results

Request Number: 1710001

Analysis Code: AP001VOC

Note: Results are reported in units of ppbv

Lab ID	1710001-001										
Field ID	N9145-005-0917										
Canister ID	n9145										
Compound	Conc.	SDL	SQL	Analysis Date	Flags**	Conc.	SDL	SQL	Analysis Date	Flags**	
ethane	79	1.0	2.4	10/7/2017	T,D1						
ethylene	2.7	1.0	2.4	10/7/2017	T,D1						
acetylene	1.2	1.0	2.4	10/7/2017	L,T,D1						
propane	22	1.0	2.4	10/7/2017	T,D1						
propylene	ND	1.0	2.4	10/7/2017	T,D1						
dichlorodifluoromethane	0.52	0.40	1.2	10/7/2017	L,D1						
methyl chloride	0.50	0.40	1.2	10/7/2017	L,D1						
isobutane	3.1	0.46	2.4	10/7/2017	DI						
vinyl chloride	ND	0.34	1.2	10/7/2017	DI						
1-butene	0.37	0.40	1.2	10/7/2017	J,D1						
1,3-butadiene	0.08	0.54	1.2	10/7/2017	J,D1						
n-butane	3.3	0.40	2.4	10/7/2017	DI						
t-2-butene	ND	0.36	1.2	10/7/2017	DI						
bromomethane	0.02	0.54	1.2	10/7/2017	J,D1						
c-2-butene	0.06	0.54	1.2	10/7/2017	J,D1						
3-methyl-1-butene	0.04	0.46	1.2	10/7/2017	J,D1						
isopentane	2.4	0.54	4.8	10/7/2017	L,D1						
trichlorofluoromethane	0.24	0.58	1.2	10/7/2017	J,D1						
1-pentene	ND	0.54	1.2	10/7/2017	DI						
n-pentane	0.96	0.54	4.8	10/7/2017	L,D1						
isoprene	0.11	0.54	1.2	10/7/2017	J,D1						
t-2-pentene	0.11	0.54	2.4	10/7/2017	J,D1						
1,1-dichloroethylene	ND	0.36	1.2	10/7/2017	DI						
c-2-pentene	0.06	0.50	2.4	10/7/2017	J,D1						
methylene chloride	0.15	0.28	1.2	10/7/2017	J,D1						
2-methyl-2-butene	0.12	0.46	1.2	10/7/2017	J,D1						
2,2-dimethylbutane	0.08	0.42	1.2	10/7/2017	J,D1						
cyclopentene	0.02	0.40	1.2	10/7/2017	J,D1						
4-methyl-1-pentene	ND	0.44	2.4	10/7/2017	DI						
1,1-dichloroethane	ND	0.38	1.2	10/7/2017	DI						
cyclopentane	ND	0.54	1.2	10/7/2017	DI						
2,3-dimethylbutane	0.19	0.56	2.4	10/7/2017	J,D1						
2-methylpentane	0.55	0.54	1.2	10/7/2017	L,D1						
3-methylpentane	0.41	0.46	1.2	10/7/2017	J,D1						
2-methyl-1-pentene + 1-hexene	ND	0.40	4.8	10/7/2017	DI						
n-hexane	0.47	0.40	2.4	10/7/2017	L,D1						
chloroform	0.11	0.42	1.2	10/7/2017	J,D1						
t-2-hexene	ND	0.54	2.4	10/7/2017	DI						
c-2-hexene	0.02	0.54	2.4	10/7/2017	J,D1						
1,2-dichloroethane	ND	0.54	1.2	10/7/2017	DI						
methylcyclopentane	0.21	0.54	2.4	10/7/2017	J,D1						
2,4-dimethylpentane	0.09	0.54	2.4	10/7/2017	J,D1						
1,1,1-trichloroethane	0.01	0.52	1.2	10/7/2017	J,D1						
benzene	0.42	0.54	1.2	10/7/2017	J,D1						
carbon tetrachloride	0.09	0.54	1.2	10/7/2017	J,D1						
cyclohexane	0.16	0.48	1.2	10/7/2017	J,D1						
2-methylhexane	0.28	0.54	1.2	10/7/2017	J,D1						
2,3-dimethylpentane	0.13	0.52	1.2	10/7/2017	J,D1						



# Laboratory Analysis Results

Request Number: 1710001

Analysis Code: AP001VOC

Note: Results are reported in units of ppbv

Lab ID	1710001-001									
Compound	Conc.	SDL	SQL	Analysis Date	Flags**	Conc.	SDL	SQL	Analysis Date	Flags**
3-methylhexane	0.33	0.40	1.2	10/7/2017	J,DI					
1,2-dichloropropane	ND	0.34	1.2	10/7/2017	DI					
trichloroethylene	0.01	0.58	1.2	10/7/2017	J,DI					
2,2,4-trimethylpentane	0.56	0.48	1.2	10/7/2017	L,DI					
2-chloropentane	ND	0.54	1.2	10/7/2017	DI					
n-heptane	0.20	0.50	2.4	10/7/2017	J,DI					
c-1,3-dichloropropylene	ND	0.40	1.2	10/7/2017	DI					
methylcyclohexane	0.16	0.52	2.4	10/7/2017	J,DI					
t-1,3-dichloropropylene	ND	0.40	1.2	10/7/2017	DI					
1,1,2-trichloroethane	ND	0.42	1.2	10/7/2017	DI					
2,3,4-trimethylpentane	0.19	0.48	2.4	10/7/2017	J,DI					
toluene	0.94	0.54	1.2	10/7/2017	L,DI					
2-methylheptane	0.06	0.40	2.4	10/7/2017	J,DI					
3-methylheptane	0.05	0.46	2.4	10/7/2017	J,DI					
1,2-dibromoethane	ND	0.40	1.2	10/7/2017	DI					
n-octane	0.08	0.38	2.4	10/7/2017	J,DI					
tetrachloroethylene	0.03	0.48	1.2	10/7/2017	J,DI					
chlorobenzene	ND	0.54	1.2	10/7/2017	DI					
ethylbenzene	ND	0.54	2.4	10/7/2017	DI					
m & p-xylene	0.37	0.54	4.8	10/7/2017	J,DI					
styrene	0.03	0.54	2.4	10/7/2017	J,DI					
1,1,2,2-tetrachloroethane	ND	0.40	1.2	10/7/2017	DI					
o-xylene	0.12	0.54	2.4	10/7/2017	J,DI					
n-nonane	0.06	0.44	1.2	10/7/2017	J,DI					
isopropylbenzene	ND	0.48	1.2	10/7/2017	DI					
n-propylbenzene	0.03	0.54	1.2	10/7/2017	J,DI					
m-ethyltoluene	0.08	0.22	1.2	10/7/2017	J,DI					
p-ethyltoluene	0.03	0.32	2.4	10/7/2017	J,DI					
1,3,5-trimethylbenzene	0.03	0.50	2.4	10/7/2017	J,DI					
o-ethyltoluene	0.03	0.26	2.4	10/7/2017	J,DI					
1,2,4-trimethylbenzene	0.12	0.54	1.2	10/7/2017	J,DI					
n-decane	0.05	0.54	2.4	10/7/2017	J,DI					
1,2,3-trimethylbenzene	ND	0.54	1.2	10/7/2017	DI					
m-diethylbenzene	ND	0.54	2.4	10/7/2017	DI					
p-diethylbenzene	ND	0.54	1.2	10/7/2017	DI					
n-undecane	ND	0.54	2.4	10/7/2017	DI					

## Laboratory Analysis Results

Request Number: 1710001

Analysis Code: AP001VOC

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### Qualifier Notes:

- ND - not detected
- NQ - concentration can not be quantified due to possible interferences or coelutions.
- SDL - Sample Detection Limit (Limit of Detection adjusted for dilutions).
- SQL - Sample Quantitation Limit (Limit of Quantitation adjusted for dilution).
- INV - Invalid.
- J - Reported concentration is below SDL.
- L - Reported concentration is at or above the SDL and is below the lower limit of quantitation.
- E - Reported concentration exceeds the upper limit of instrument calibration.
- M - Result modified from previous result.
- T - Data was not confirmed by a confirmational analysis. Compound and/or results is tentatively identified.
- F - Established acceptance criteria was not met due to factors outside the laboratory's control.
- H - Not all associated hold time specifications were met. Data may be biased.
- C - Sample received with a missing or broken custody seal.
- R - Sample received with a missing or incomplete chain of custody.
- I - Sample received without a legible unique identifier.
- G - Sample received in an improper container.
- U - Sample received with insufficient sample volume.
- W - Sample received with insufficient preservation.

Quality control notes for AP001 VOC samples.

D1-Sample concentration was calculated using a dilution factor of 4.02.

TCEQ laboratory customer support may be reached at [Frank.Martinez@tceq.texas.gov](mailto:Frank.Martinez@tceq.texas.gov)

The TCEQ is an equal opportunity/affirmative action employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation or veteran status. In compliance with the Americans With Disabilities Act, this document may be requested in alternate formats by contacting the TCEQ at (512) 239-0010, (Fax 512-239-0055), or 1-800-RELAY-TX (TDD), or by writing P.O. Box 13087, Austin, Texas 78711-3087.

Attachment 4

GACHMAN METALS & RECYCLING

RN100544154

August 16, 2017 – September 27, 2017

Number of Pages: 1

## TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Request

<b>Regulated Entity/Site Name</b>	Gachman Metals & Recycling			<b>TCEQ Add. ID No.</b>	RN100544154		
<b>Investigation Type</b>	AIRCOMPL	<b>Contact Made In-House (Y/N)</b>	Y	<b>Purpose of Investigation</b>	To determine compliance.		
<b>Regulated Entity Contact</b>	Mr. Lee Burgamy			<b>Telephone No.</b>	817-334-0211	<b>Date Contacted</b>	10/13/2017
<b>Title</b>	Operations Manager			<b>E-mail Address</b>		<b>E-mail date</b>	10/17/2017

**NOTICE:** The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and *does not represent final TCEQ findings related to violations*. Any potential or alleged violations discovered after the date on this form will be communicated to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation-report.

Issue		For Records Request, identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues, include the rule in question with the clearly described potential problem. Other type of issues: fully describe.				
No.	Type <sup>1</sup>	Rule Citation (if known)	Description of Issue			
1	AV	30 TAC 101.4/ THSC 382.085 (b)	Failure to refrain from discharging smoke from torching activities. The smoke was noted to be in such concentration and such duration to potentially be injurious to or adversely affect human health and property and to interfere with the normal use of enjoyment of property.			

**Note 1: Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)**

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input type="checkbox"/> No			
<p><b>Document Acknowledgment.</b> Signature on this document establishes only that the regulated entity (RE) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, the document will be sent via FAX or Email to RE; therefore, the RE signature is not required.</p>					
Sandra Hernandez	EMAILED	10/17/2017	Lee Burgamy	EMAILED	10/17/2017
<b>Investigator Name (Signed &amp; Printed)</b>		<b>Date</b>	<b>Regulated Entity Representative Name (Signed &amp; Printed)</b>		<b>Date</b>

**If you have questions about any information on this form, please contact your local TCEQ Regional Office.**

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512/239-3282.

Attachment 5

GACHMAN METALS & RECYCLING

RN100544154

August 16, 2017 – September 27, 2017

Number of Pages: 5



Date Range: 8/25/2012 - 8/25/2017

## Reg Ent Incident History Detail

**Regulated Entity :** RN100544154  
GACHMAN METALS & RECYCLING

<b>Incident No :</b> 183948	<b>Incident Start :</b> 05/01/2013	<b>Occurrence :</b> Current
<b>Notified :</b>	<b>Incident Close :</b> Unknown	<b>Status :</b> Closed
<b>Via :</b>	<b>Investigation Start :</b> 05/02/2013	<b>Program :</b> AIR QUALITY - HIGH LEVEL
<b>Investigator :</b> Charles Jackson	<b>Investigation Close :</b> 05/09/2013	

**Initial Problem :**

On May 1, 2013 at 1:49 pm, the TCEQ referred this smoke complaint incident to TPW-ENV via email. An anonymous complainant reported at 10:37 am on May 1, 2013, that at 8:40 am on May 1, 2013, and over past months there has been a white heavy toxic smoke coming from Gachman Metals, usually in the morning and lasting for an hour or so. The smoke reportedly suddenly descends upon walkers and bikers along what was described as the Trinity Trails leaving them weezing, disoriented, with burning eyes, and sick.

**Comments :**

TPW-ENV conducted an investigation starting on May 2, 2013 and ending on May 9, 2013 (See comments Investigation #1088255).

**Additional Comments :**

On May 2, 2013, at approximately 7:30 am, the investigator arrived in the vicinity of Gachman Metals & Recycling and surveyed the site and surrounding area for smoke until 7:55 am. Intermittent smoke was observed associated to torch cutting at Gachman; however, it did not leave the property. The same can be said for smoke surveys conducted on May 3 from 11:20 am to 12:00pm, and May 9, 2013 from 11:05 am to 11:35 am. Incident unconfirmed (See comments Investigation #1088255).

<b>Incident No :</b> 210895	<b>Incident Start :</b> 01/27/2015	<b>Occurrence :</b> Current
<b>Notified :</b> 01/27/2015	<b>Incident Close :</b> Unknown	<b>Status :</b> Closed
<b>Via :</b> Phone	<b>Investigation Start :</b> 01/28/2015	<b>Program :</b> AIR QUALITY - HIGH LEVEL
<b>Investigator :</b> Nixalis Benitez	<b>Investigation Close :</b> 01/28/2015	

**Initial Problem :**

The complainant reported that streets around Gachman are ridiculous, covered with dust, and that dust is impacting the complainant location. The complainant stated that cars are also covered with dust and that Gachman converted several public streets into private streets for parking. The complainant stated that dust is spread out onto the streets and is really bad when they are hauling in. The complainant stated that no sweepers or water trucks are present in the area to mitigate the dust.

**Comments :**

This complaint has been assigned and will be further investigated by an Environmental Investigator.

**Additional Comments :**

More information will be available upon approval of the investigation report.

Date Range: 8/25/2012 - 8/25/2017

## Reg Ent Incident History Detail

**Regulated Entity :** RN100544154  
GACHMAN METALS & RECYCLING

<b>Incident No :</b> 218826	<b>Incident Start :</b> 06/25/2015	<b>Occurrence :</b> Current
<b>Notified :</b> 06/25/2015	<b>Incident Close :</b> Unknown	<b>Status :</b> Closed
<b>Via :</b> Email	<b>Investigation Start :</b> 06/30/2015	<b>Program :</b> AIR QUALITY - HIGH LEVEL
<b>Investigator :</b> Nixalis Benitez	<b>Investigation Close :</b> 07/09/2015	

**Initial Problem :**

The complainant reported that the facility is always burning something that smells like plastic or something with chemicals that can be smelled from the biking trinity trails for about a half mile stretch.

**Comments :**

This complaint has been assigned and will be further investigated by an Environmental Investigator.

**Additional Comments :**

More information will be available upon approval of the investigation.

<b>Incident No :</b> 242557	<b>Incident Start :</b> 06/29/2016	<b>Occurrence :</b> Current
<b>Notified :</b>	<b>Incident Close :</b> Unknown	<b>Status :</b> Closed
<b>Via :</b>	<b>Investigation Start :</b> 11/03/2016	<b>Program :</b> AIR QUALITY - HIGH LEVEL
<b>Investigator :</b> Nixalis Benitez	<b>Investigation Close :</b> 11/14/2016	

**Initial Problem :**

The complainant stated that the facility is burning something each morning and it fills the air with smoke. The complainant is concern of the environmental impact in the downtown community.

**Comments :**

This complaint has been assigned and be further investigated by an Environmental Investigator.

**Additional Comments :**

More information will be available upon approval of the investigation report.

<b>Incident No :</b> 242564	<b>Incident Start :</b> 06/29/2016	<b>Occurrence :</b> Current
<b>Notified :</b> 07/01/2016	<b>Incident Close :</b> Unknown	<b>Status :</b> Closed
<b>Via :</b> Phone	<b>Investigation Start :</b> 11/03/2016	<b>Program :</b> AIR QUALITY - HIGH LEVEL
<b>Investigator :</b> Nixalis Benitez	<b>Investigation Close :</b> 11/14/2016	

**Initial Problem :**

The complainant stated that a thick brown smoke is coming from the facility.

**Comments :**

This complaint has been assigned and will be further investigated by an Environmental Investigator.

**Additional Comments :**

More information will be available upon approval of the investigation report.

Date Range: 8/25/2012 - 8/25/2017

## Reg Ent Incident History Detail

**Regulated Entity :** RN100544154  
GACHMAN METALS & RECYCLING

<b>Incident No :</b> 243593	<b>Incident Start :</b> 06/29/2016	<b>Occurrence :</b> Current
<b>Notified :</b> 07/01/2016	<b>Incident Close :</b> Unknown	<b>Status :</b> Closed
<b>Via :</b> Phone	<b>Investigation Start :</b> 07/01/2016	<b>Program :</b> AIR QUALITY - HIGH LEVEL
<b>Investigator :</b> Nixalis Benitez	<b>Investigation Close :</b> 07/12/2016	

**Initial Problem :**

The complainant stated that a thick brown smoke could be seen leaving the facility.

**Comments :**

This complaint has been assigned and will be further investigated by an Environmental Investigator.

**Additional Comments :**

More information will be available upon approval of the investigation report.

<b>Incident No :</b> 243594	<b>Incident Start :</b> 06/29/2016	<b>Occurrence :</b> Current
<b>Notified :</b>	<b>Incident Close :</b> Unknown	<b>Status :</b> Closed
<b>Via :</b>	<b>Investigation Start :</b> 07/01/2016	<b>Program :</b> AIR QUALITY - HIGH LEVEL
<b>Investigator :</b> Nixalis Benitez	<b>Investigation Close :</b> 07/12/2016	

**Initial Problem :**

The complainant stated that the facility is burning something each morning and it fills the air with smoke. The complainant is concerned of the environmental impact in the downtown community.

**Comments :**

This complaint has been assigned and will be further investigated by an Environmental Investigator.

**Additional Comments :**

More information will be available upon approval of the investigation report.

<b>Incident No :</b> 253744	<b>Incident Start :</b> 01/27/2017	<b>Occurrence :</b> Current
<b>Notified :</b>	<b>Incident Close :</b> 02/09/2017	<b>Status :</b> Closed
<b>Via :</b>	<b>Investigation Start :</b> 02/09/2017	<b>Program :</b> AIR QUALITY - HIGH LEVEL
<b>Investigator :</b> Robert Ramirez	<b>Investigation Close :</b> 02/09/2017	

**Initial Problem :**

Complainant stated that yellow smoke could be seen coming from the facility.

**Comments :**

This complaint has been assigned and will be further investigated by an Environmental Investigator.

**Additional Comments :**

More information will be available upon approval of the investigation report.

Date Range: 8/25/2012 - 8/25/2017

Reg Ent Incident History Detail

Regulated Entity : RN100544154  
GACHMAN METALS & RECYCLING

Incident No :	254081	Incident Start :	02/07/2017	Occurrence :	Current
Notified :		Incident Close :	02/09/2017	Status :	Closed
Via :		Investigation Start :	02/09/2017	Program :	AIR QUALITY - HIGH LEVEL
Investigator :	Robert Ramirez	Investigation Close :	02/09/2017		

Initial Problem :

Complainant stated that there is always fires burning noxious fumes into the air right on the banks of the Trinity River; everything imaginable is brought to this place.

Comments :

This complaint has been assigned and will be further investigated by an Environmental Investigator.

Additional Comments :

More information will be available upon approval of the investigation report.

Incident No :	264946	Incident Start :	08/04/2017	Occurrence :	Past
Notified :	08/07/2017	Incident Close :	08/04/2017	Status :	Closed
Via :	Phone	Investigation Start :	08/16/2017	Program :	AIR QUALITY - HIGH LEVEL
Investigator :	Sandra Hernandez	Investigation Close :	08/25/2017		

Initial Problem :

The complainant stated that the alleged facility is continually emitting dangerous dust. The complainant also stated that for the past six to seven months, a cloud of brown/orange smoke coming from the alleged facility has been visible every morning. The complainant also mentioned that the cars in the surrounding area are constantly covered in the dust that emanates from the alleged facility.

Comments :

This complaint has been assigned and will be further investigated by an Environmental Investigator.

Additional Comments :

More information will be available upon approval of the investigation report.

Incident No :	269215	Incident Start :	08/17/2017	Occurrence :	Current
Notified :	08/17/2017	Incident Close :	08/17/2017	Status :	Closed
Via :	Phone	Investigation Start :	08/16/2017	Program :	AIR QUALITY - HIGH LEVEL
Investigator :	Sandra Hernandez	Investigation Close :	08/25/2017		

Initial Problem :

The complainant stated that a cloud of brown/orange smoke was coming from the alleged facility. The complainant stated the smoke started at 7:00 AM.

Comments :

This complaint has been assigned and will be further investigated by an Environmental Investigator.

Additional Comments :

Date Range: 8/25/2012 - 8/25/2017

**Reg Ent Incident History Detail**

**Regulated Entity :** RN100544154

GACHMAN METALS & RECYCLING

More information will be available upon approval of the investigation report.

<b>Incident No :</b> 182419	<b>Incident Start :</b> 05/02/2013	<b>Occurence :</b> Current
<b>Notified :</b>	<b>Incident Close :</b> Unknown	<b>Status :</b> Referred
<b>Via :</b>	<b>Investigation Start :</b> N/A	<b>Program :</b> MUNICIPAL SOLID WASTE - HIGH LEVEL
<b>Investigator :</b> Hannah Bent	<b>Investigation Close :</b> N/A	

**Initial Problem :**

The complainant alleged that over the past months there has been white, heavy smoke coming from Gachman Metals and Recycling, a scrap yard covering several acres of land bordering the Trinity River. It is alleged that the smoke usually occurs in the morning and lasts for approximately one hour. It is also alleged that the smoke descends upon walkers and bikers on a nearby walking trail, leaving them weezing, disoriented with burning eyes, and sick. The complainant suspects that they are burning impurities from metals or combining them. The complainant stated that it is possible to view the facility operations and smoke from atop the levee that borders the scrap yard or the Henderson Street bridge (where it crosses the Trinity).

**Comments :**

On May 3, 2013, Ms. Hannah Bent, Texas Commission on Environmental Quality (TCEQ) Environmental Investigator, referred the complaint to the City of Fort Worth Fire Prevention Bureau (817-392-6808). No further action is warranted by TCEQ at this time.

<b>Incident No :</b> 251250	<b>Incident Start :</b> 01/26/2017	<b>Occurence :</b> Past
<b>Notified :</b> 01/27/2017	<b>Incident Close :</b> 12/25/2017	<b>Status :</b> Closed
<b>Via :</b> Phone	<b>Investigation Start :</b> N/A	<b>Program :</b> AIR QUALITY - HIGH LEVEL
<b>Investigator :</b> Nixalis Benitez	<b>Investigation Close :</b> N/A	

**Initial Problem :**

Complainant reported a fire with noxious fumes at the facility.

**Additional Comments :**

This complaint has been referred to the City Fort Worth Fire Department.





October 20, 2017

**CERTIFIED MAIL # 9489 0090 0027 6009 7754 71**  
**RETURN RECEIPT REQUESTED**

Mr. Lee Burgamy, Operations Manager  
Gamtex Industries, LP  
2600 Shamrock Avenue  
Fort Worth, Texas 76107

Re: **Notice of Violation** for the Compliance Evaluation Investigation at:  
Gachman Metals, 2600 Shamrock Avenue, Fort Worth, Tarrant County, Texas.  
ID: RN 100544154, CN 603216730, Inv. # 1435102

Dear Mr. Burgamy:

On August 16 - 25, 2017, Ms. Sandra Hernandez of the City of Fort Worth, Local Air Program conducted an investigation of the above referenced regulated entity to evaluate compliance with applicable requirements for air quality. Enclosed is a summary which lists the investigation findings. During this investigation, a certain outstanding alleged violation was identified for which compliance documentation is required. **Please Submit to our office by November 19, 2017, a written description of the corrective actions taken and the required documentation demonstrating that compliance has been achieved for the alleged violation.**

In the listing of the alleged violation, we have cited applicable requirements including Texas Commission on Environmental Quality (TCEQ) rules. If you would like to obtain a copy of the applicable TCEQ rules you may contact TCEQ Agency Publications Office at (512) 239-0028 or via fax (512) 239-4488.

The City of Fort Worth and the TCEQ appreciate your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which the agency may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment.



**CODE COMPLIANCE DEPARTMENT**  
ENVIRONMENTAL DIVISION

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THE CITY OF FORT WORTH ★ 1000 THROCKMORTON STREET ★ FORT WORTH, TEXAS 76102-6311  
817-392-6088 ★ FAX 817-392-6359 ★ [www.fortworthtexas.gov](http://www.fortworthtexas.gov)



Mr. Lee Burgamy  
Page 2  
October 20, 2017

If you have additional information that we are unaware of, you have the opportunity to contest the violation(s) documented in this notice. Should you choose to do so, you must notify the City of Fort Worth, Local Air Program within 10 days from the date of this letter. At that time, the City of Fort Worth, Local Air Program will schedule a violation review meeting to be conducted within 21 days from the date of this letter or at a specified date and time. However, please be advised that if you decide to participate in the violation review process, we may still require you to adhere to the compliance schedule included in the attached "**Summary of Investigation Findings**" until an official decision is made regarding the status of any or all of the contested violations.

If you have any questions regarding these matters, please contact Ms. Hernandez at (817) 392-5452 or via e-mail [Sandra.Hernandez2@fortworthtexas.gov](mailto:Sandra.Hernandez2@fortworthtexas.gov)

Sincerely,

Mr. Anthony Williams, Environmental Supervisor  
Environmental Management Division, Air Quality Compliance Team

cc: (1) Ms. Elizabeth Smith, Air Section Manager, TCEQ DFW Region  
(2) File

*Enclosure: Summary of Investigation Findings.*

## Summary of Investigation Findings

**GACHMAN METALS & RECYCLING**  
2600 SHAMROCK AVE  
FORT WORTH, TARRANT COUNTY, TX 76107

Investigation #  
**1435102**  
Investigation Date: 08/16/2017

Additional ID(s): TA01540  
119073

### OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 657675 Compliance Due Date: 11/19/2017

30 TAC Chapter 101.4  
5C THSC Chapter 382.085(b)

**Alleged Violation:**

Investigation: 1435102

Comment Date: 10/16/2017

Failure to refrain from discharging from any source whatsoever one or more air contaminants in such concentrations and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.

During the area survey on September 27, 2017, the investigators detected intermittent heavy clouds of smoke for ten minutes, and no smoke for five minutes. The smoke appeared to be traveling off property and impacting the surrounding properties including the complainant's location, creating a nuisance.

**Recommended Corrective Action:** The facility is requested to refrain from discharging from any source one or more air contaminants in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.



Appendix I

Distance of Development to Metals Facility and no housing in radius

Park Tower

Gachman/Gamtex Metals

Fort Worth Branch (Trinity Trails System)

Oakwood Cemetery

199

Jacksboro Hwy

Shamrock Ave

Cullen St

N Foch St

N Vacek St

Rupert St

Galvert St

Ruler

Line Path Polygon **Circle** 3D path 3D polygon

Measure the circumference or area of a circle on the ground

Radius: 0.25 Miles

Area: 129.77 Acres

Circumference: 1.60 Miles

Mouse Navigation

Save Clear

© 2020 Google  
© 2020 Europa Technol

1995

Imagery Date: 10/26/2019 32°45'40.80" N 97°20'49.29" W elev 541 ft eye alt 4325 ft



**URBAN CRP Requested Scoring.** Points may be selected under 1, 2, and 3 below for no more than a total of 7 points.

1. Applications will receive four (4) points for a letter from the appropriate local official providing documentation of measurable improvements within the revitalization area based on the targeted efforts outlined in the plan and in reference to the requirements of 10 TAC §11.9(d)(7)(A)(iii)(I-IV). The letter must also discuss how the improvements will lead to an appropriate area for the placement of housing.

A letter from a public official is included in this packet (an adopted resolution may be submitted in place of a letter).

2. Applications may receive (2) points in addition to those above if the Development is explicitly identified in a resolution by the municipality or county as contributing more than any other to the concerted revitalization efforts of the municipality or county (as applicable).

An adopted resolution from the city of Fort Worth is included in this packet (a letter MAY NOT be submitted in place of a resolution).

An adopted resolution from \_\_\_\_\_ county is included in this packet (a letter MAY NOT be submitted in place of a resolution).

**NOTE:** A municipality or county may only identify one Development per CRP area during each Application Round for the additional points under this subclause, unless the concerted revitalization plan includes more than one distinct area within the city or county, in which case a resolution may be provided for each Development in its respective area. The resolution from the Governing Body of the municipality or county that approved the plan is required to be submitted in the Application. If multiple Applications submit resolutions under this subclause from the same Governing Body for the same CRP area, none of the Applications shall be eligible for the additional points, unless the resolutions address the respective and distinct areas described in the plan.

3. Applications will receive (1) point in addition to those under 1. and 2. above if the development is in a location that would score at least 4 points under Opportunity Index, §11.9(c)(4)(B), except for the criteria found in §11.9(c)(4)(A) and subparagraphs §11.9(c)(4)(A)(i) and §11.9(c)(4)(A)(ii).

Development Site is within the required radius of the eligible amenities and/or services listed below, pursuant to §11.9(c)(4)(B)(i) of the QAP.

A map showing the Development Site, location of and distance to the amenities, and evidence that the amenity meets all requirements of the rule, as applicable, is included.

Within 1 mile of a grocery store	Within 1 mile of a pharmacy
Within 1 mile of a health-related facility	Within 3 miles of a university
Within 1 mile of an indoor recreational facility	Within 1 mile of a community organization

**Provide any comments or additional information in the box below, if applicable.**

[Large empty box for comments or additional information]

**The  
Point**



Site Information Form Part II

Self Score Total: 131

Yes Part 1 entries are related to Concerted Revitalization Plan and Opportunity Index points are not requested. If yes, skip down to select amenities under Urban or Rural, as applicable.

1. Opportunity Index (Competitive HTC and Direct Loan Applications Only) [10 TAC §11.9(c)(4) and 10 TAC §13.6(1)]

Development Site is located entirely within a census tract that has a poverty rate that is less than 20% or that is less than the median poverty rate for the region, whichever is higher.

AND

The census tract has a median household income rate in the two highest quartiles within the region (2 points).

OR

The census tract has a median household income in the third quartile within the region, and is contiguous to a census tract in the first or second quartile without physical barriers such as (but not limited to) highways or rivers between, and the Development Site is no more than 2 miles from the boundary between the census tracts. A map showing the Development Site, location of the border, scale showing distance, and other applicable evidence is included (1 point).

Contiguous Census Tract #

Contiguous Tract Quartile

X Development is Urban and Development Site is within the required radius of eligible amenities and/or services, pursuant to §11.9(c)(4)(B)(i) of the QAP. A map showing the Development Site, scale showing radius, location of the amenities, and evidence that the amenity meets all requirements of the rule, as applicable, is included.

- full service grocery store (1 point)(1 mile)
health-related facility (1 point)(3 miles)
pharmacy (1 point)(1 mile)
university or community college (1 point)(5 miles)
indoor recreation facility available to public (1 point)
community, civic or service organization (1 point)(1 r

Empty input fields for amenity details.

Development is Rural or USDA and Development Site is within the required distance of eligible amenities and/or services pursuant to §11.9(c)(4)(B)(ii) of the QAP. A map showing the Development Site, scale showing radius, location of the amenities, and evidence that the amenity meets all requirements of the rule, as applicable, is included.

Empty input fields for rural amenities.

Empty input fields for rural amenities.

No members of the Applicant or Affiliates had an ownership position in a selected amenity or served on the board or staff of a nonprofit that owned or managed a selected amenity within the year preceding the Pre-Application Final Delivery Date.

Application is seeking points for Opportunity Index.

Total Points Claimed:

0

If necessary, provide a brief summary of how the Development Site is justifying the points selected:

Empty box for justification summary.



# The Park Tower

Map from Application

The Park Tower - 1209 Jacksboro Highway, Fort Worth, TX

Indoor Recreation - Inursha Fitness

Pharmacy - CVS Pharmacy












Grocery

Target

Health Related Facility - CityDoc Urgent Care

University - UTA Fort Worth

## Legend

-  01. Grocery - Target
-  02. Health Related Facility - CityDoc Urgent Care
-  03. Pharmacy - CVS Pharmacy
-  04. University - UTA Fort Worth
-  05. Indoor Recreation - Inursha Fitness
-  06. Community Organization - Northside Inter Community Agency
-  1 Mile Radius
-  3 Mile Radius
-  5 Mile Radius
-  Site Boundary
-  The Park Tower - 1209 Jacksboro Highway, Fort Worth, TX



the Application Acceptance Period or date the pre-application is submitted (if applicable), and Supportive Housing SRO Developments or Supportive Housing Developments where all Units are Efficiency Units).

Any Development that falls within the attendance zone of a school that has a 2019 TEA Accountability Rating of F and a 2018 Improvement Required Rating is ineligible pursuant to §11.101(b)(1)(C). Consideration of such sites will require a waiver under 10 TAC §11.207. **Anyone seeking a waiver should include any and all materials they will rely upon to argue that waiver of ineligibility satisfies the waiver standard.** The NRF report cannot be used for this purpose. Developments that are encumbered by a TDHCA LURA on the first day of the Application Acceptance Period or at the time of Pre-application (if applicable), an Elderly Development, or a Supportive Housing SRO Development or Supportive Housing Development where all Units are Efficiency Units are exempt.

#### ❖ **Tab 9 – Site Information Form Part II**

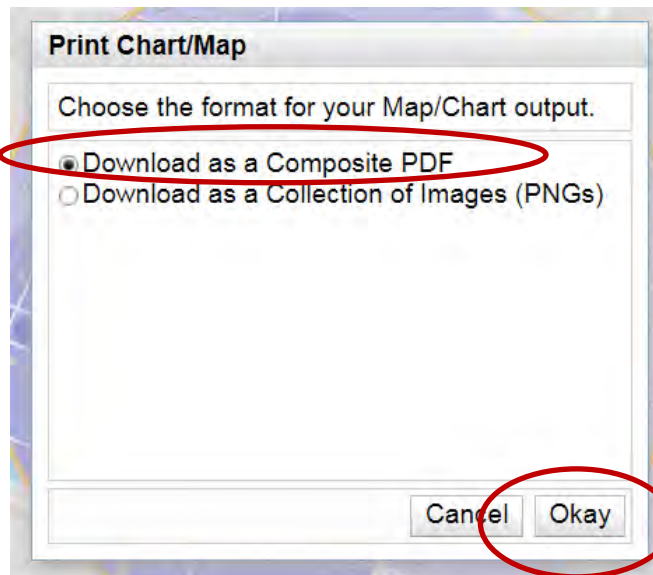
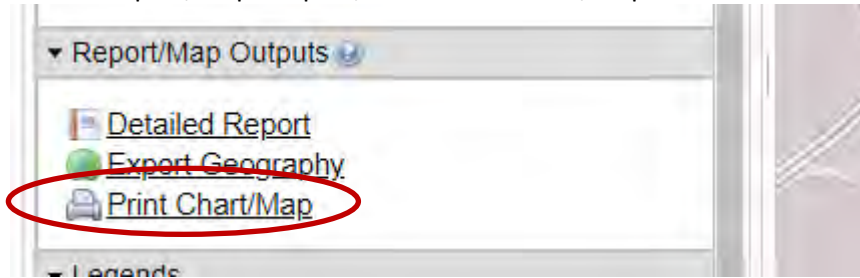
This form should be completed for Competitive HTC and Direct Loan Applications. All items on this form are related to scoring criteria and the selections made here will populate the self-score form.

**NOTE: The Concerted Revitalization Plan (CRP) packet will be included in the Application behind Tab 10.**

The packet is posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

- If the amenities selected in this section are related to a Concerted Revitalization Plan and NOT to Opportunity Index, select yes in the first box and skip down to select amenities under Urban or Rural. Backup documentation for amenities must be included in the CRP Packet.
- Certify that no members of the Applicant or Affiliates had an ownership position in the amenity or served on the board or staff of a nonprofit that owned or managed that amenity within the year preceding the Pre-application Final Delivery Date.
- **Part 1 – Opportunity Index:**
  - Applications must meet one of the threshold requirements in order to score points for amenities.
  - Use the drop-down boxes to indicate items selected for points.
  - The Application must include one or more maps indicating the location of the Development Site and the related distance to the applicable facility.
  - Distances are to be measured from the nearest boundary of the Development Site to the nearest boundary of the property or easement containing the facility, unless otherwise noted. For the purposes of this section, all measurements will include ingress/egress requirements and any easements regardless of how they will be held.
  - Include backup documentation for ALL selections.
  - Certify that no members of the Applicant or Affiliates had an ownership position in the amenity or served on the board or staff of a nonprofit that owned or managed that amenity within the year preceding the Pre-application Final Delivery Date.
  - Select the Total Points Claimed from the drop-down box.
- **Part 2 – Underserved Area:** Select from the seven options available if requesting points for this item, and select the Total Points Claimed from the drop-down box.
  - **Remember:** the rule states “less than 15 years ago” and “less than 30 years ago”. Staff counts back 15 years from January 1 of the calendar year for that year's cycle. So, for the 2020 cycle, the 15-year time frame would count back 15 years from Jan. 1, 2020, to Jan. 1, 2005. Any award made after Jan. 1, 2005, makes the census tract ineligible for these points. The 30-year period would count back 30 years from Jan. 1, 2020, to Jan. 1, 1990. Any award made after Jan. 1, 1990, makes the census tract ineligible for these points.
  - If §11.9(c)(5)(E) is selected and there are more than six contiguous tracts, include a separate page in the pdf Application listing those tracts.

Under “Report/Map Outputs,” click “Print Chart/Map.”



Select “Download as a Composite PDF” and then click “Okay.”

## OnTheMap

### Work Area Profile Report Primary Jobs for All Workers in 2017

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 10/24/2019

#### Counts and Density of Primary Jobs in Work Selection Area in 2017

##### All Workers

This produces a PDF report, with the map and the total job count. This report also has a time stamp so that staff can confirm that the report was generated on or after October 1, 2019 but before the Pre-Application Final Delivery Date. **Include this report plus the screen shot in the pdf application.**

- **Part 4 – Concerted Revitalization:** If claiming points, be sure that no points are being claimed under the Opportunity Index. Complete the appropriate boxes and select amenities in the Urban or Rural section of Opportunity Index. Make sure supporting documentation, including documentation of area amenities, is included in the CRP packet. **The CRP Packet is required for Urban and Rural Applications**

**requesting these points, and must be included behind Tab 10.** Select the Total Points Claimed from the drop-down box.

The CRP packet must include evidence that the CRP is current at the time of Application and that it officially continues for a minimum of three years thereafter, OR that the work to address items outlined in the CRP has already begun and the Applicant includes confirmation from the appropriate public official that the objectives of the CRP will be met on schedule and no budgetary or other obstacles stand in the way. A CRP consists of policies instigated by a host of governmental and public-private entities. Staff would expect to see robust evidence of those policies continuing on an ongoing basis, with further proof that they will continue for 3 years within the plan OR that they have already begun to make significant impacts. A letter from a city may point to these policies and direct staff's attention to other evidence. Many CRP plans include target dates as part of their plan. The Applicant must also present evidence of **sufficient, documented and committed funding** that will allow the CRP to meet its objectives.

- **Part 5 – Declared Disaster Area:** If claiming points, simply mark the yellow box and select the Total Points Claimed from the drop-down box. The 2020 list of eligible counties is posted on the TDHCA website at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.
- **Part 6 – Readiness to Proceed in Disaster Impacted Counties** –Applications proposing development in a county declared by the Federal Emergency Management Agency to be eligible for individual assistance within the **three years preceding December 1, 2019** that provide the required evidence can qualify for five points.

❖ **Tab 10 – Supporting Documentation for the Site Information Form Part II**

- **Opportunity Index information:**
  - The map(s) should indicate the location of the Development Site and include an accurate radius appropriate for the asset. Refer to §11.9(c)(4)(B) for details regarding the radius.
  - Supporting documentation for each amenity selected should be included behind this tab. The documentation must provide evidence that the amenity meets each requirement of the QAP.
  - **Written statements that the amenity meets the rules are not sufficient; evidence of how the amenity meets the rule is required.**
  - Where applicable, Applicant must include a print-out of an online form showing that the entity is included in the applicable database:
    - Evidence of the licenses held by child care centers can be found by searching for the child care center on the Department of Family and Protective Services (DFPS) website at: [http://www.dfps.state.tx.us/Child\\_Care/Search\\_Texas\\_Child\\_Care/ppFacilitySearchDayCare.asp](http://www.dfps.state.tx.us/Child_Care/Search_Texas_Child_Care/ppFacilitySearchDayCare.asp).
    - Evidence of university of community college accreditation can be found by downloading the list of universities or community colleges on the Texas Higher Education Coordination Board (THECB) website. If the institution is listed, it is properly accredited: <http://www.txhighereddata.org/Interactive/Institutions.cfm>.
- **Evidence of Underserved area:**
  - For sites located within a colonia, provide a letter from the appropriate local government official or other evidence that the colonia lacks water, wastewater, or electricity at a level commensurate with the quality and quantity expected of a municipality and that the Development will make available any such missing water, wastewater, and electricity for current dwellings within the colonia to connect to such infrastructure (refer to §11.9(c)(6)(A) for further details). Evidence of the boundaries of the colonia from the Office of the Attorney General and a map showing the colonia is located within 150 miles of the Rio Grande river border is also required. Information regarding



colonias can be found by using the Border Colonia Geography Online tool on the Attorney General’s website at: <https://www.texasattorneygeneral.gov/cpd/colonias>

- For sites in an economically distressed area, the Application must include evidence that the site is located in both of the following:
  1. A census tract that has a median household income that is less than 75 percent of the statewide median household income.
  2. A municipality or county that has been awarded EDAP funds administered by the Texas Water Development Board (TWDB) within the five (5) years ending at the beginning of the Application Acceptance Period (as of January 3, 2015). This information can be found by clicking on “EDAP status report” on the right side of the page of the TWDB website at: <http://www.twdb.texas.gov/financial/programs/EDAP/index.asp>.
- For sites located in areas covered in items (C), (D), (E) or (F), the year count will be based on January 1 of the year of **award**. A Development that is less than 30 years old would be one that was awarded January 1, 1990 or earlier, and a Development that is less than 15 years old would be one that was awarded January 1, 2005 or earlier. **Use the year indicated in the “Board Approval Year” column of the Property Inventory tab of the Site Demographic Characteristics Report to find this information.**
- For item (G), the dataset used for this scoring item is called the “Affordable Housing Needs Indicator” and is available in the Site Demographic Characteristics Report for your convenience.
- For item (H), include evidence of the date the Development was placed in service, evidence that the Development is still occupied, and evidence of the source(s) of funds for any rehabilitation that has been performed on the Development.
- **Proximity to Job Areas**
  - **Proximity to the Urban Core:** The map should indicate the location of the Development Site and include an accurate straight-line distance to the municipal government administration building where regularly scheduled municipal governing body meetings are held.
  - **Proximity to Jobs:** Provide the Composite PDF report showing the date the report was run.
- **Concerted Revitalization Plan: If requesting points for a concerted revitalization plan, the CRP packet must be submitted behind this tab.** The packet may include either the entire plan or a link to the plan. In general, the CRP packet must include a description of where specific information can be found in the plan including evidence of adoption and any delegation of parts of the plan. Identify where each component of §11.9(d)(7)(A)(iii)(I-V) for Urban and §11.9(d)(7)(B)(i-iii) for Rural have been met within the plan itself or using third party evidence. No more than two (2) plans may be submitted for each Application.
  - If in an Urban Area:
    - A letter from the appropriate local official providing documentation of measurable improvements within the revitalization area based on target efforts outlined in the plan and discussing how the improvements will lead to an appropriate area for housing is required.
    - If claiming an additional two points under §11.9(d)(7)(A)(iv)(II) of the QAP, a resolution must be included behind this tab.
    - If claiming an additional one point under §11.9(d)(7)(A)(iv)(III), insert a map here showing amenities and radius, along with back-up documentation for each amenity.
  - If in a Rural Area:
    - Provide evidence of construction date, evidence of supporting funds, evidence regarding demolition/relocation (as applicable), a CNA/PCA. **A rent roll should be provided as a separate document, do not include it in the Application.**
    - If claiming an additional two points under §11.9(d)(7)(B)(ii), provide resolution from the appropriate governing body or bodies, if site crosses jurisdictional boundaries.

20018  
Administrative Deficiency Notice(s)

**From:** [Sharon Gamble](#)  
**To:** [operationalcontact\\_TX@htgf.com](mailto:operationalcontact_TX@htgf.com)  
**Cc:** "[Valentin Deleon](#)"  
**Subject:** 20018 The Park Tower- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Thursday, May 21, 2020 10:13:00 AM  
**Importance:** High

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 29, 2020.**

**Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20018 The Park Tower**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states the Development Site is within 400 feet of a business that may be considered heavy industry or may otherwise make the Development Site ineligible under 10 TAC §11.101(a) (2) related to Undesirable Site Features.

1. Please provide evidence showing why Gachman Metals and Recycling should not be considered heavy industry or otherwise make the Development Site ineligible under 10 TAC §11.101(a)(2).

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the

satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

Reminder for Direct Loan Borrowers: TDHCA will not close earlier than 30 days after receipt of complete due diligence documents. We will not honor closings scheduled without our confirmation.

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

20018  
Deficiency Response(s)





May 29, 2020

Sharon Gamble  
HTC Administrator  
Texas Dept. of Housing & Comm. Affairs  
221 E. 11<sup>th</sup> Street  
Austin, TX 78701

RE: TDHCA 20018 – The Park Tower Administrative Deficiency Dated May 21, 2019

Dear Ms. Gamble,

We are in receipt of the above referenced administrative deficiency, which was brought to staff's attention through the Request for Administrative Deficiency ("RFAD") process on May 1, 2020. The administrative deficiency issued by TDHCA staff on May 21, 2020 included the following request:

1. Please provide evidence showing why Gachman Metals and Recycling should not be considered heavy industry or otherwise make the Development Site ineligible under 10 TAC §11.101(a)(2).

Gachman Metals and Recycling should not be considered heavy industry because TDHCA has not considered metal recycling facilities as heavy industry in previous years, nor has TDHCA considered Metal recycling facilities as an undesirable site feature. In fact, TDHCA has awarded tax credits to several developments near or adjacent to metal recycling facilities (See Exhibit A). Gachman Metals and Recycling is an Active Metal Recycling Entity registered with the Texas Department of Public Safety, and further regulated by the Texas Commission on Environmental Quality ("TCEQ"), and the City of Fort Worth Environmental Department. Similar to affordable housing, Gachman Metals must adhere to rules and standards of several regulating state and local agencies. Gachman Metals and Recycling must remain in compliance with state and local regulating agencies or they are at risk of losing their licensure to do business in Fort Worth.

Section 11.101 (a)(2)(F) of the QAP, Undesirable Site Features, states "Development Sites located within 500 feet of heavy industry (i.e. facilities that require extensive use of land and machinery, produce high levels of external noise such as manufacturing plants, or maintains fuel storage facilities (excluding gas stations))".

Gachman Metals does not "manufacture" any materials nor does it "maintain any fuel storage facilities". The attached Exhibit B is an excerpt from the phase I ESA submitted with our application, which shows Gachman Metals has removed onsite fuel storage tanks starting in 1990. Should the Park Tower receive an award of Housing Tax Credits, an additional noise study will be performed to ensure noise decibels are within an acceptable range and building materials will be in place to further mitigate noise.

The Park Tower development will be situated on 8.799 acres of land at 1209 Jacksboro Highway. While the full 8.799 acres of land is under control, and will be land use restricted, only a portion of the site is “developable” and will be improved. As presented in the application, the developable site is situated on approximately 1.9 acres of land. The distance between Gachman Metals and the rear parking lot of The Park Tower is approximately 1,142 feet, which provides and added 642 feet of “buffer” between the Park Tower and Gachman Metals (see Exhibit C). In addition to the 642 feet of buffer between Gachman Metals and The Park Tower, the Trinity River, and the Trinity River Trail system are additional physical barriers between the two sites.

The Park Tower is located within the Trinity River Vision Tax Increment Financing zone (“TIF 9”) in Fort Worth. Since its adoption in 2003, TIF 9 has spurred over 12 million square feet of new development with a taxable value of over \$1.8 billion dollars and provided over \$840 million in revenue to the TIF. TIF 9 has also funded over thirty miles of bike and trail systems that run adjacent to Gachman Recycling and serves as additional barrier from the Park Tower.

Other amenities near the Gachman facility are the Fort Worth Metro High School (across the street) and Tarrant Area Food Bank (across the street). Considering that the city of Fort Worth allows students and food banks to be located adjacent to Gachman Metals, we believe The Park Tower should also be allowed and considered eligible by TDHCA. The Park Tower has been approved by the City of Fort Worth zoning staff, was unanimously approved by the Fort Worth Zoning Commission, and will appear before City Council in June for final zoning approval.

Thank you for your consideration. If you need any more information, please feel free to contact me directly at [valentind@htgf.com](mailto:valentind@htgf.com) or (512) 417-0985.

Sincerely,

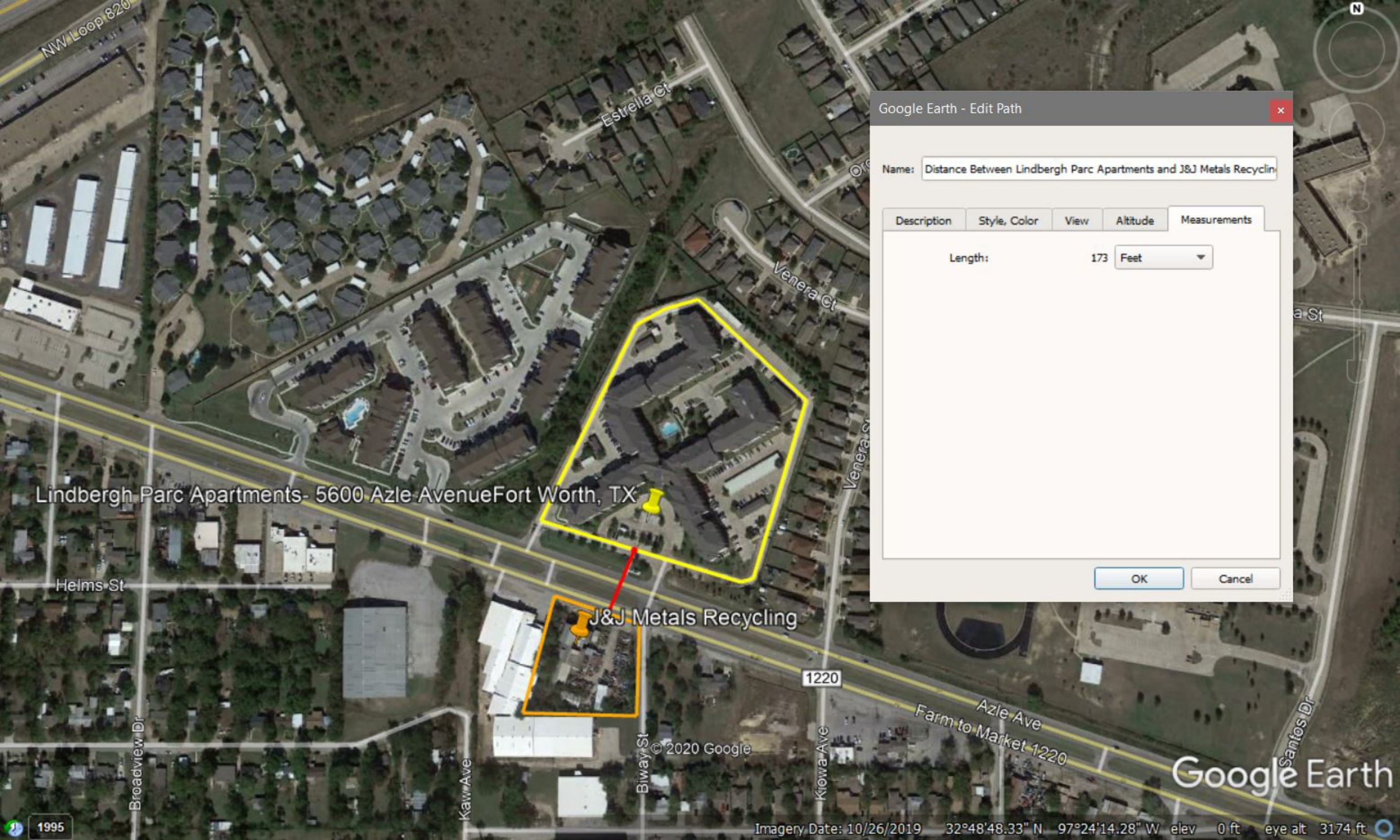
*Val DeLeon*

Val DeLeon  
VP of Development, Texas

# Exhibit A

<b>Tax Credit Development</b>	<b>Award Year</b>	<b>Recycling Facility</b>	<b>Distance to LIHTC</b>
Lindbergh Parc Apartments 5600 Azle Avenue Fort Worth, TX 76114	2005	J&J Metals Recycling 5601 Azle Avenue Fort Worth, TX 76114	173 feet
Alton Park Apartments 5712 Azle Avenue Fort Worth, TX 76114	2016	J&J Metals Recycling 5601 Azle Avenue Fort Worth, TX 76114	445 feet
Somerset Lofts 8506 Hempstead Road Houston, TX 77008	2018	Gulf Coast Scrap Metal 8770 Hempstead Road Houston, TX 77008	491 feet





Lindbergh Parc Apartments - 5600 Azle Avenue Fort Worth, TX

J&J Metals Recycling

Google Earth - Edit Path

Name: Distance Between Lindbergh Parc Apartments and J&J Metals Recyclin

Description Style, Color View Altitude Measurements

Length: 173 Feet

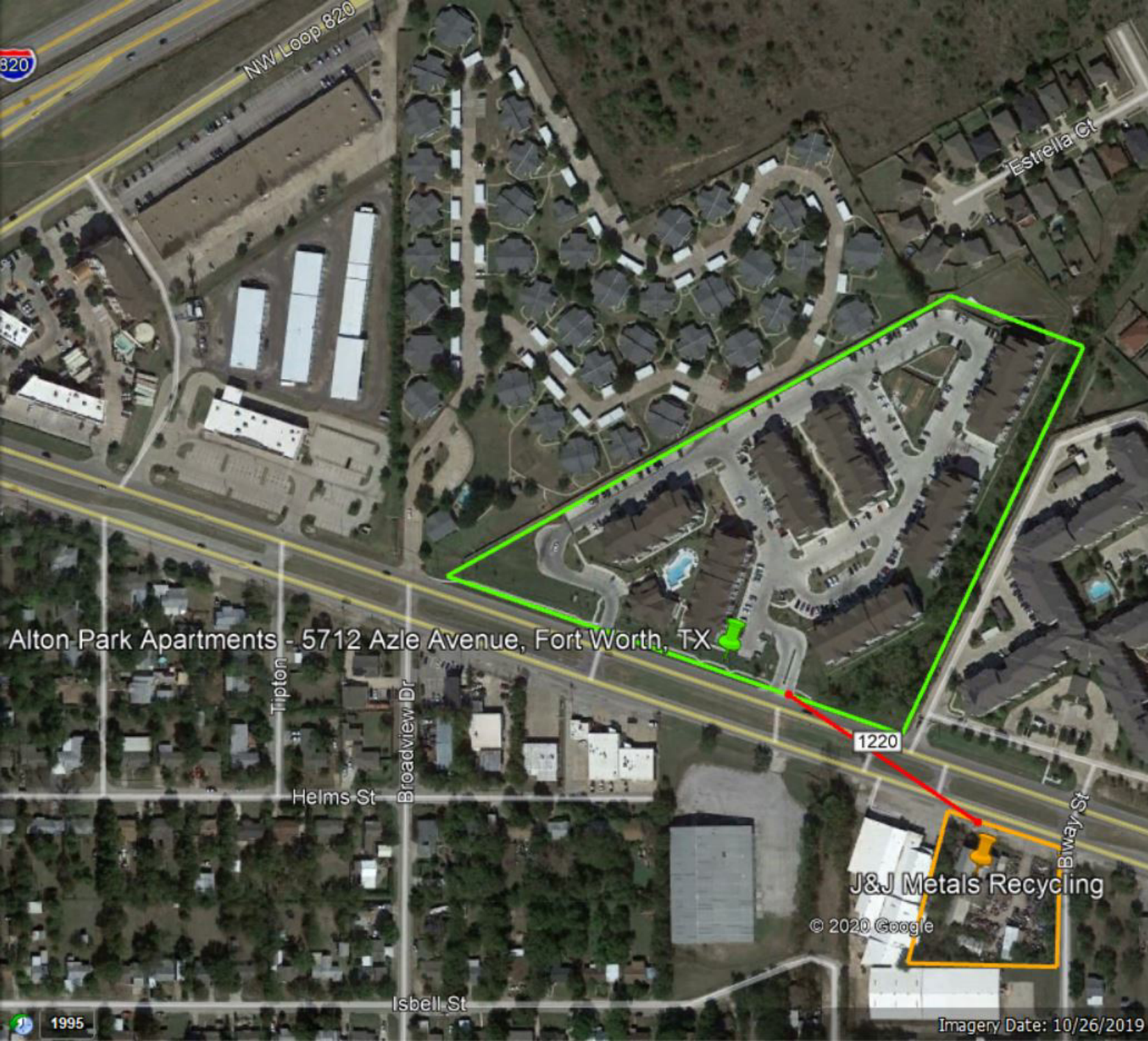
OK Cancel

Google Earth

1995

Imagery Date: 10/26/2019 32°48'48.33" N 97°24'14.28" W elev 0 ft eye alt 3174 ft





Google Earth - Edit Path ✕

Name:

Description    Style, Color    View    Altitude    **Measurements**

Length:                      445    Feet    ▾

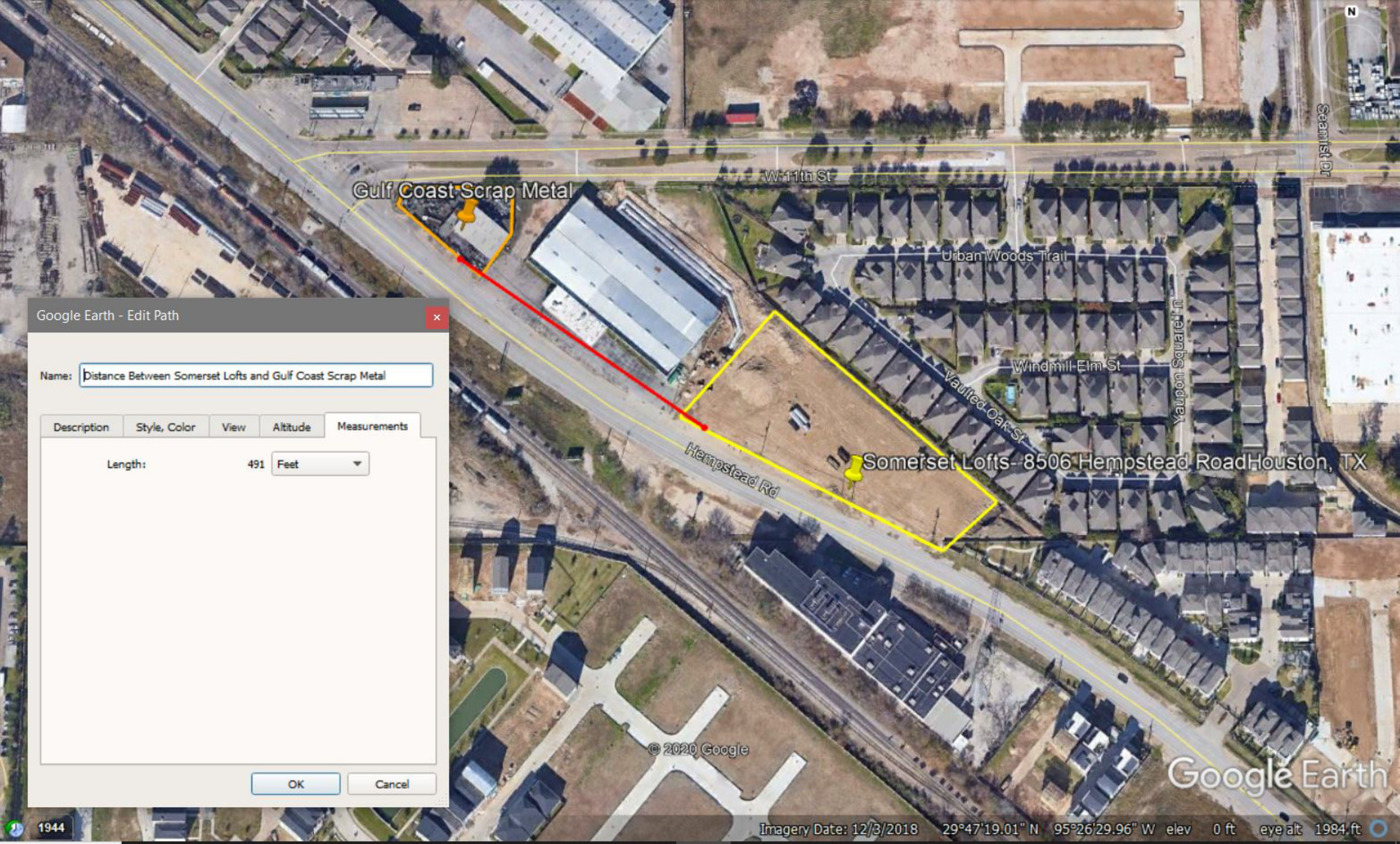
Alton Park Apartments - 5712 Azle Avenue, Fort Worth, TX

J&J Metals Recycling

© 2020 Google

Google Earth





Google Earth - Edit Path

Name:

Description Style, Color View Altitude Measurements

Length: 491 Feet

OK

Cancel

© 2020 Google

Google Earth



**Exhibit B**

<b>MAP ID</b> <b>11</b>	<b>HAZARD TYPE:</b> LPST	<b>FACILITY ADDRESS:</b> 2600 SHAMROCK AVE
	<b>DISTANCE:</b> 0.111 S	FORT WORTH, TX

**LPST INFORMATION:**

**LPST ID:** 97607  
**Facility Name:** GACHMAN METALS CO  
**TCEQ Reference Number:** RN100544154  
**Facility ID:** 7516  
**Discovered:** 01/25/1990  
**Reported:** 01/25/1990  
**Date Entered:** 01/02/1991  
**Closure Date:** 01/02/1991  
**TCEQ Region:** REGION 04 - DFW METROPLEX  
**Priority Code:** 4A - SOIL CONTAMINATION ONLY  
REQUIRES FULL SITE ASSESSMENT  
RAP  
**Status Code:** 6A - FINAL CONCURRENCE ISSUED  
**Program Area:** 2 - REGION

<b>MAP ID</b>  <b>12</b>	<b>HAZARD TYPE:</b> IHW	<b>FACILITY ADDRESS:</b> 2600 SHAMROCK AVE
	<b>DISTANCE:</b> 0.111 S	FORT WORTH TX 76107

**FACILITY INFORMATION:**

**Solid Waste Registration Number:** 65057  
**Facility Site Name:** GACHMAN METALS AND RECYCLING  
**Initial Notification Date:** 20040525  
**Last Amendment Date:** 20040525  
**EPA ID Number for Facility:** TXD005965363  
**TCEQ Hazardous Waste Permit Number:**  
**Industrial Waste Permit Number:** None Reported  
**Description of Facility/Site Location:** 2600 Shamrock Ave, Fort Worth, TX  
**Site Land Type:** PRIVATE

**Site Classification:**

**Generator of Waste:** Yes  
**Receiver of Waste:** No  
**Transporter of Waste:** No  
**Transfer Facility:** No  
**Maquiladora (Mexican facility):** No

**Registration Status:** INACTIVE  
**Registration Type:** Conditionally Exempt Small Quantity Generator  
**Generator Type:** NON INDUS

**Receiver Type:**

**Transporter For Hire:** No  
**Transport Own Waste:** No

**INDUSTRY TYPE CODES:**

**North American Industry Classification System (NAICS) Code:**  
**Standard Industrialization Code:**

**WASTE MANAGEMENT UNITS**

Sequence Number:	Description:	Unit Type:	Status:
------------------	--------------	------------	---------

**WASTE INFORMATION:**

Waste ID:	New Texas Waste Code:	Waste Code Class-ification:	Waste Code Status:	Radio-active?	Waste Treated Offsite?	Generator Description:
150197	0501203H	H	INACTIVE	No	Yes	SPENT SOLVENT

<b>MAP ID</b> <b>13</b>	<b>HAZARD TYPE:</b> RCRA	<b>FACILITY ADDRESS:</b>	2600 SHAMROCK AVE
	<b>DISTANCE:</b> 0.111 S		FORT WORTH TX 76107

**FACILITY INFORMATION**

EPA ID Number: TXD005965363  
 All RCRA/EPA ID Numbers:  
 Current Site Name: GAMTEX INDUSTRIES INC  
 NAICS Code:  
 NAICS Description:  
 Hazardous Report Universe Record: Other ECHO Universe  
 Full Enforcement Universe:  
 Federal Waste Generator Code: Not a Generator  
 Transporter: N  
 Active Site Universe:  
 Operating TSD (Treatment, Storage, or Disposal Unit) Universe:

RCRA Hyperlink [http://oaspub.epa.gov/enviro/fac\\_gateway.main?p\\_regid=110005032598](http://oaspub.epa.gov/enviro/fac_gateway.main?p_regid=110005032598)

ECHO Hyperlink

**CORRECTIVE ACTION:**

Corrective Action Workload?: No

**ENFORCEMENTS**

Identifier:	Type:	Description:	Agency:	Date Issued:

**EVALUATIONS**

Identifier:	Type:	Description:	Agency:	Start Date:	Violation Found:
1	FCI	FOCUSED COMPLIANCE INSPECTION	State/Territory	05/15/2007	N

**VIOLATIONS**

Type:	Description:	Agency:	Scheduled Compliance Date:

**INSTITUTIONAL AND ENGINEERING CONTROLS:**

Site ID:	Site Name:	Event Code:	Event Description:	Actual Date:

<b>MAP ID</b> <b>14</b>	<b>HAZARD TYPE:</b> UST	<b>FACILITY ADDRESS:</b> 2600 SHAMROCK AVE
	<b>DISTANCE:</b> 0.111 S	FORT WORTH, TX 76107

**FACILITY INFORMATION:**

<b>Facility ID:</b>	7516	<b>Facility Contact:</b>	MORRIS LEVY
<b>Facility Name:</b>	GACHMAN METALS	<b>Facility Contact Title:</b>	V.P.
<b>Facility Type:</b>	UNKNOWN	<b>Facility Contact Phone:</b>	8173340211
<b>Facility Begin Date:</b>	07/08/1986		
<b>Facility Status:</b>	INACTIVE		
<b>Number of Active USTs:</b>	0	<b>Enforcement Action:</b>	
<b>Number of Active ASTs:</b>	0	<b>Enforcement Action Date:</b>	

**OWNER INFORMATION:**

<b>Owner Name:</b>	GACHMAN METALS COMPANY	<b>Owner ID:</b>	CN600255327
<b>Owner Type:</b>	OR		
<b>Contact Mailing Address:</b>	,	<b>Contact Phone:</b>	

**OPERATOR INFORMATION:**

<b>Operator CN:</b>		<b>Effective Date:</b>	
<b>Operator Name:</b>		<b>Operator Type:</b>	

**TANK DETAILS:**

<b>UST ID:</b>	19618	<b>Tank Installation Date:</b>	01/01/1976
<b>Tank ID:</b>	2	<b>Tank Registration Date:</b>	05/08/1986
<b>Number of Compartments:</b>	1	<b>Current Status Date:</b>	01/01/1990
<b>Tank Capacity (in gallons):</b>	8000		
<b>Tank Status:</b>	REMOVED FROM GROUND		

**COMPARTMENT DETAILS:**

<b>Tank ID:</b>	2	<b>Substance Stored 1:</b>	DIESEL
<b>Compartment ID:</b>	A	<b>Substance Stored 2:</b>	
<b>Capacity (in gallons):</b>	8000	<b>Substance Stored 3:</b>	

**TANK DETAILS:**

<b>UST ID:</b>	19619	<b>Tank Installation Date:</b>	01/01/1976
<b>Tank ID:</b>	1	<b>Tank Registration Date:</b>	05/08/1986
<b>Number of Compartments:</b>	1	<b>Current Status Date:</b>	01/01/1990
<b>Tank Capacity (in gallons):</b>	8000		
<b>Tank Status:</b>	REMOVED FROM GROUND		

**COMPARTMENT DETAILS:**

<b>Tank ID:</b>	1	<b>Substance Stored 1:</b>	GASOLINE
<b>Compartment ID:</b>	A	<b>Substance Stored 2:</b>	
<b>Capacity (in gallons):</b>	8000	<b>Substance Stored 3:</b>	

**TANK DETAILS:**

<b>UST ID:</b>	19620	<b>Tank Installation Date:</b>	01/01/1966
<b>Tank ID:</b>	3	<b>Tank Registration Date:</b>	05/08/1986
<b>Number of Compartments:</b>	1	<b>Current Status Date:</b>	01/01/1990
<b>Tank Capacity (in gallons):</b>	4000		
<b>Tank Status:</b>	REMOVED FROM GROUND		

<b>MAP ID</b> <b>14</b>	<b>HAZARD TYPE:</b> UST	<b>FACILITY ADDRESS:</b> 2600 SHAMROCK AVE
	<b>DISTANCE:</b> 0.111 S	FORT WORTH, TX 76107

**COMPARTMENT DETAILS:**

<b>Tank ID:</b>	3	<b>Substance Stored 1:</b>	GASOLINE
<b>Compartment ID:</b>	A	<b>Substance Stored 2:</b>	
<b>Capacity (in gallons):</b>	4000	<b>Substance Stored 3:</b>	

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# Exhibit C

Google Earth - Edit Path

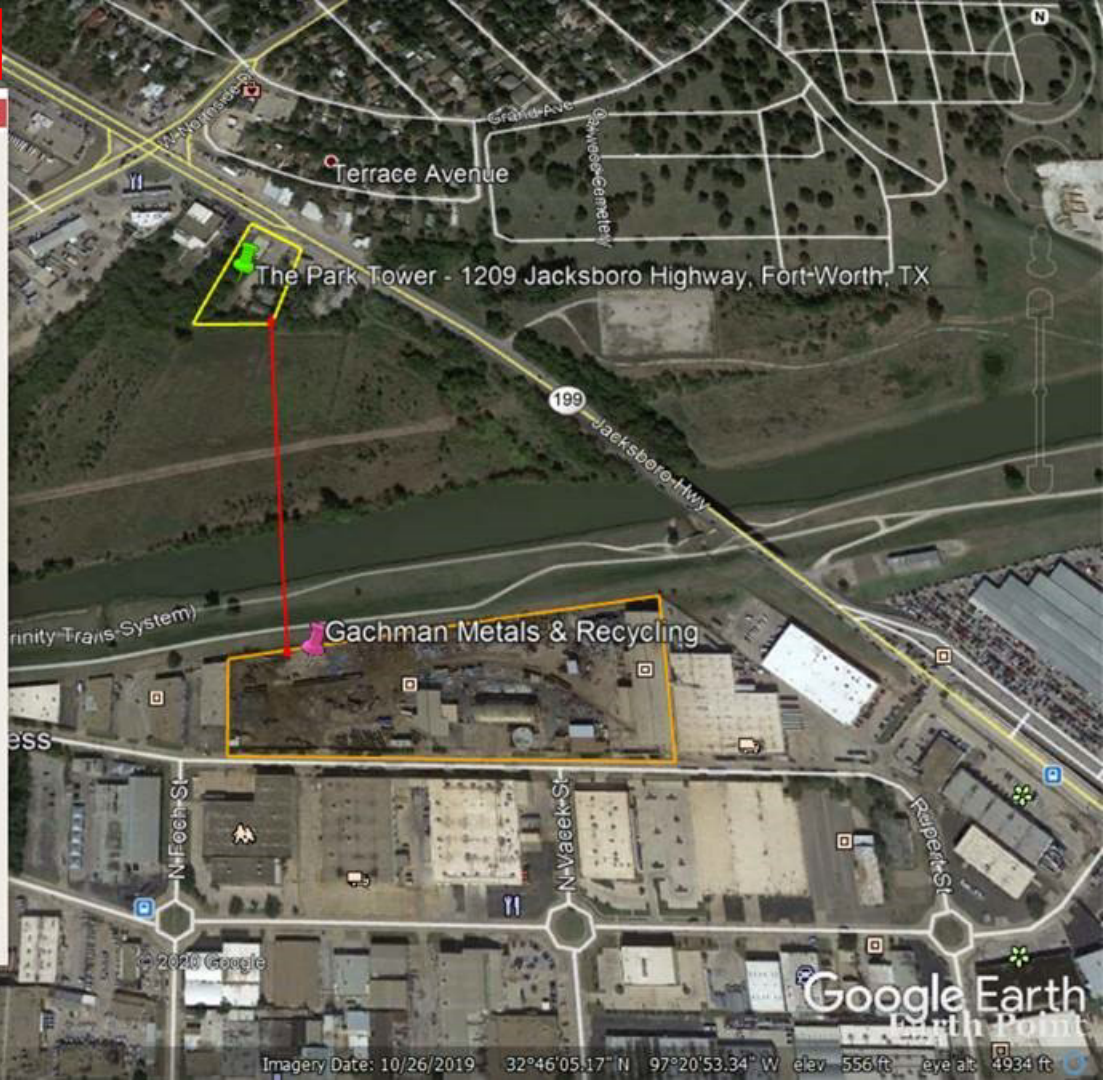
Name:

Description Style, Color View Altitude Measurements

Length: 1,142 Feet

OK

Cancel











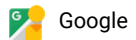
493 N University Dr

View from University Drive

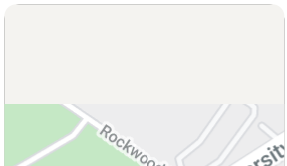


Image capture: Jan 2020 © 2020 Google

Fort Worth, Texas



Street View



20018  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**

Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 15, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Tom Huth  
Palladium USA  
13455 Noel Rd., Suite 400  
Dallas, Texas 75240

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20018 The Park Tower and 20063 Azalea West

Dear Mr. Huth:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Applications above to determine whether both of the Applications can be awarded since the Development Sites boundaries are less than two linear miles from each other. Per 10 TAC §11.3 related to Housing De-Concentration Factors:

(b) Two Mile Same Year Rule (Competitive HTC Only).

(1) As required by Tex. Gov't Code §2306.6711(f), staff will not recommend for award, and the Board will not make an award to an Application that proposes a Development Site located in a county with a population that exceeds one million, if the proposed Development Site is also located less than two linear miles from the proposed Development Site of another Application within said county that is awarded in the same calendar year. If two or more Applications are submitted that would violate §2306.6711(f), the lower scoring Application will not be reviewed unless the higher scoring Application is terminated or withdrawn.

Staff reviewed the issue and determined that the limitation in 10 TAC §11.3(b) applies. Based on scores and tie-breakers, Application 20063 Azalea West will be reviewed and Application 20018 The Park Tower will not be reviewed unless 20063 loses points, is terminated, or is withdrawn.

I find that the issues raised in your request were sufficiently answered by staff and no response to the Administrative Deficiency is required by the Applicant. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25,





REQUEST FOR ADMINISTRATIVE DEFICIENCY

June 15, 2020

Page 2

2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni

Holloway

Marni Holloway

Multifamily Division Director

Digitally signed by Marni  
Holloway  
Date: 2020.06.15  
13:09:39 -05'00'

Cc: Matthew Rieger  
Sally Gaskin



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**

Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 15, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Meredith Edwards  
Via email: [meredith@meconsulting.ltd](mailto:meredith@meconsulting.ltd)

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20018 The Park Tower

Dear Ms. Edwards:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application qualifies for seven points for Concerted Revitalization Plan, and whether the Applicant should have disclosed an Undesirable Site Feature.

Regarding scoring, staff has determined that at this time the Application has a noncompetitive position due to the two mile same year rule, and will likely not be eligible for an award. The information provided in your request will be considered if the Application is reviewed by staff. If it is found that the Application does not qualify for points under any scoring item's points, the Applicant will be sent a scoring notice and will have the ability to appeal staff's decision. Regarding Undesirable Site Features, The Department issued a deficiency to the Applicant regarding this matter and the Applicant responded timely. Staff will address the response and information in accordance with the QAP.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni Holloway

Digitally signed by Marni  
Holloway  
Data: 2020.06.15 13:15:01 -05'00'

Marni Holloway  
Multifamily Division Director

Cc: Matthew Rieger  
Valentin DeLeon



20051  
Request for Administrative Deficiency



## **FISH POND LIVING AT FITZGERALD, LP**

May 1, 2020

### **Via Email**

Marni Holloway, Director of Multifamily Finance – [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)  
Sharon Gamble, 9% HTC Administrator – [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)  
Texas Department of Housing and Community Affairs  
221 E 11<sup>th</sup> Street  
Austin, Texas 78701

Re: §11.10. Third Party Request for Administrative Deficiency;  
TDHCA Application #20051 – Village at McArdle, Corpus Christi, Texas

Dear Ms. Holloway and Ms. Gamble,

Pursuant to §11.10 of the 2020 Qualified Allocation Plan (the “QAP”), please let this letter serve as our Third-Party Request for Administrative Deficiency (“RFAD”) with regards to Application # 20051 (“The Application”). A copy of this request is being delivered simultaneously to representatives of Village at McArdle Application.

§11.204 of the QAP states the following: *“The purpose of this section is to identify the threshold documentation that is **required at the time of Application submission**, unless specifically indicated or otherwise required by Department rule.”*

§11.204 (15) of the QAP states *“Feasibility Report. This report, compiled by the Applicant or Third-Party Consultant, and prepared in accordance with this paragraph, which reviews site conditions and development requirements of the Development and Development Site, is required and **must meet all of the criteria provided in subparagraphs (A) to (F) of this paragraph...**”*

*(E) Preliminary site plan prepared by the civil engineer with a statement that the plan materially adheres to all applicable zoning, site development, and building code ordinances. The site plan must identify all structures, site amenities, parking spaces and driveways, topography (using either existing seller topographic survey or U.S. Geological Survey (USGS)/other database topography), site drainage and detention, water and waste water utility tie-ins, general placement of retaining walls, set-back requirements, and any other typical or locally required items. Off-site improvements required for utilities, detention, access or other requirement must be shown on the site plan or ancillary drawings.*

The Site Design and Development Feasibility Report **did not include** a site plan prepared by the Civil Engineer. Page 14 of the Site Design and Development Feasibility Report shows a cover page for Civil Engineering Plans and states they are **“Not Available Currently.”**

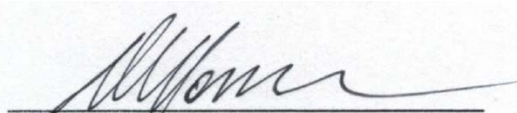
It should further be noted that the Department’s Multifamily Programs Application Procedures Manual also clearly states on page 52, Site Design and Development Feasibility Reports are “Required of all Developments and must meet the requirements of 11.204(15) of the QAP.”

Additionally, §11.201(1)(A) of the QAP states *“An Application must be complete (including all required exhibits and supporting materials) and submitted by the required program deadline.”* Per §11.2(a) of the QAP, the deadline for submission of a completed Site Design and Development Feasibility Report was February 28, 2020. Village at McArdle is an incomplete Application that omitted required information.

Since the Civil Engineer Site Plan was not included in the Site Design and Development Feasibility Report, as required by the rules, threshold was not met. Therefore, we respectfully request the Applicant be terminated for failing to meet threshold criteria for a complete Site Design and Development Feasibility Report.

If you have any questions or would like to discuss these items further, please do not hesitate to contact me directly at (512) 970-3889 or via email at [dfournier@fishpondliving.com](mailto:dfournier@fishpondliving.com) any time.

Sincerely,



David Fournier  
Managing Member for  
Fish Pond Development, LLC

cc: Lora Myrick, Juli Gonzalez, Bradford McMurray, Cindy Marquez, Raymond H. Lucas



20051  
Administrative Deficiency Notice(s)

**From:** [Matthew Griego](#)  
**To:** [Brad McMurray](#)  
**Cc:** [Sharon Gamble](#)  
**Subject:** 20051 Village at McArdle- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Monday, May 11, 2020 3:36:48 PM

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20051 Village at McArdle**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states the application did not provide a complete survey and site plan within the Feasibility Report under 10 TAC §11.203(15)(D) & 10 TAC §11.203(15)(E).

1. Provide evidence of the completed site plan and survey within the Feasibility Report.

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the

date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### **About TDHCA**

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

Reminder for Direct Loan Borrowers: TDHCA will not close earlier than 30 days after receipt of complete due diligence documents. We will not honor closings scheduled without our confirmation.

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

20051  
Deficiency Response(s)





600 Congress, Suite 2200  
Austin, TX 78701  
Telephone: 512-305-4700  
Fax: 512-305-4800  
www.lockelord.com

Cynthia L. Bast  
Direct Telephone: 512-305-4707  
Direct Fax: 512-391-4707  
cbast@lockelord.com

May 14, 2020

**Via Email**

Ms. Sharon Gamble  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701

Re: Administrative Deficiency – Village at McArdle (Corpus Christi)  
TDHCA No. 20051

Dear Sharon:

We represent TG 110 Village at McArdle, LP (the “**Applicant**”), which has applied for 2020 Housing Tax Credits<sup>1</sup> for the Development referenced above. The purpose of this letter is to respond to an Administrative Deficiency to evidence the completeness of the site plan provided in the Feasibility Report submitted with the Application. The Administrative Deficiency notice received via email on May 11, 2020 requested the following:

1. Provide evidence of the completed site plan and survey within the Feasibility Report.

The Applicant responded on May 11, 2020, identifying where both the site plan and survey were located within the Feasibility Report. In a subsequent email from you on May 12, 2020, you clarified that per a Third Party Request for Administrative Deficiency (“**RFAD**”) it was alleged “that the Exhibit J plan [the site plan] is incomplete.” The competitor that submitted the RFAD has misinterpreted the Feasibility Report; the site plan meets all requirements of the QAP.

The RFAD opens by detailing the QAP threshold requirement to submit a Feasibility Report at the time of the Application submission, meeting all the criteria provided in paragraphs (A) to (F) of §11.204(15). The RFAD continues by focusing on paragraph (E), which is detailed below:

---

<sup>1</sup> Capitalized terms used but not defined in this letter shall have the meanings given them in the 2020 QAP.

(E) Preliminary site plan prepared by the civil engineer with a statement that the plan materially adheres to all applicable zoning, site development, and building code ordinances. The site plan must identify all structures, site amenities, parking spaces and driveways, topography (using either existing seller topographic survey or U.S. Geological Survey (USGS)/other database topography), site drainage and detention, water and waste water utility tie-ins, general placement of retaining walls, set-back requirements, and any other typical or locally required items. Off-site improvements required for utilities, detention, access or other requirement must be shown on the site plan or ancillary drawings

The RFAD then states “The Site Plan and Development Feasibility Report **did not include** a site plan prepared by the Civil Engineer. Page 14 of the Site Design and Development Feasibility Report shows a cover page for Civil Engineering Plans and states they are “**Not Available Currently**”. The RFAD goes on to state that the Procedure Manual clearly indicates that the Feasibility Report must meet all the requirements of §11.204(15) of the QAP and that because a “Civil Engineer Site Plan was not included in the Site Design and Development Feasibility Report, as required by the rules, threshold was not met” and the Application should be terminated.

The site plan included in Exhibit J of the Feasibility Report was in fact prepared by Briones Engineering, the Development’s civil engineer, as evidenced by a letter from Rolando Briones, attached as Exhibit A. Mr. Briones works closely with the architect, GNB Architects, to create the site plan, as described in his letter.

Mr. Briones includes a page in the Feasibility Report that indicates that “Civil Engineering Plans” are “Not Currently Available” to ensure that the reader understands that the information provided is part of a preliminary report and in no way can be construed as final construction documents. That is appropriate for this stage of development, and in no way impacts whether the site plan is complete. It is a statement referring to complete construction plans and specifications that Mr. Briones has made in numerous Feasibility Reports submitted to and accepted by TDHCA in the past.

To confirm that all items required by §11.204(15)(E) of the QAP are addressed and a complete site plan was provided, they are listed individually below:

- “Preliminary site plan prepared by the civil engineer...”

This was addressed above. Briones Engineering prepared the preliminary site plan included in Exhibit J of the Feasibility Report.

- “...with a statement that the plan materially adheres to all applicable zoning, site development, and building code ordinances.”

P. 4 Executive Summary – includes a statement that “Site Plan adheres to the applicable City of Corpus Christi zoning, site development, and building code ordinances.”

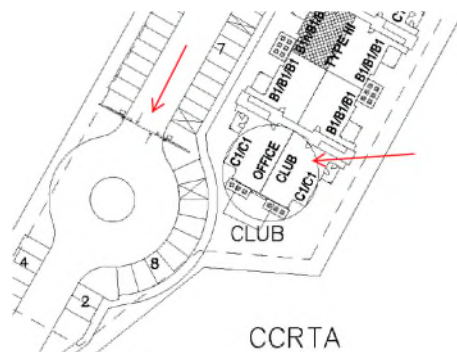
PP. 6-8 Site Plan Section – “Site Design” includes the required statement again and addresses all the items required by the QAP. Under “Feasibility” other items are addressed and then references that they are “shown on the site plan, included as an Exhibit.”

P.12 TDHCA Required Statements – section includes the required statement a third time, along with entitlements/permits statement.

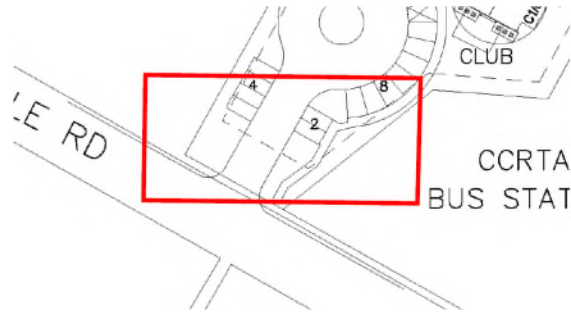
- “The site plan must identify:
  - “all structures” – The “Site Design” section of “E. Proposed Site Plan” located on page 6 of the pdf of the Feasibility Report addresses structures, and these are shown on the civil engineer’s site plan in Exhibit J as detailed below and throughout the site plan.



- “site amenities,”- The “Site Design” section of “E. Proposed Site Plan” located on page 6 of the pdf of the Feasibility Report addresses Site Amenities, and these are shown on the civil engineer’s site plan in Exhibit J as detailed below.



- “parking spaces and driveways,” - The “Site Design” section of “E. Proposed Site Plan” located on page 6 of the pdf of the Feasibility Report addresses Parking Spaces and Driveways and these are shown on the civil engineer’s site plan in Exhibit J as detailed below and throughout the site plan.



- “topography (using either existing seller topographic survey or U.S. Geological Survey (USGS)/other database topography),” - The USGS Map with the Development Site denoted is included as Exhibit D on page 32 of the pdf of the Feasibility Report.
- “site drainage and detention,” - The “Site Design” section of “E. Proposed Site Plan” located on page 6 of the pdf of the Feasibility Report addresses Site Drainage and Detention by indicating that no on-site detention will be required. Additionally, “D. Existing Conditions”, also on page 6, details that some fill will be required to allow for proper drainage.
- “water and waste water utility tie-ins,” – Water and Sanitary Sewer, along with Storm Management, Fire Protection, Electric Service, Gas Service and Phone & Cable are all addressed in “F. Utility Availability & Infrastructure Improvements” on page 8 of the pdf of the Feasibility Report. A letter from the City of Corpus Christi confirming the availability and sufficiency of the water, waste water, gas and storm water services is included in Exhibit M. The existing water lines with fire hydrants and tie-ins, sewer lines with manhole locations, gas lines and storm water lines with inlets are provided in Exhibits P, Q, R, and S, respectively. Confirmation of the availability and sufficiency of Electric Service and Phone/Cable are included in Exhibits N and O, respectively.
- “general placement of retaining walls,” - The “Site Design” section of “E. Proposed Site Plan” located on page 6 of the pdf of the Feasibility Report addresses Retaining Walls and indicates that there are none currently proposed.
- “set-back requirements,” - The “Site Design” section of “E. Proposed Site Plan” located on page 6 of the pdf of the Feasibility Report addresses Set-Back Requirements and these are shown on the civil engineer’s site plan in Exhibit J as detailed below and throughout the site plan.



- “and any other typical or locally required items.” – In addition to the availability, sufficiency, and location of the other utilities, information on zoning verification and fire flow testing for the Development Site is provided.
- “Off-site improvements required for utilities, detention, access or other requirements must be shown on the site plan or ancillary drawings.” – As noted above, off-site improvements are addressed in the Feasibility Report.

Clearly, the RFAD requester is mistaken in the representation that a complete civil engineer’s site plan was not included as part of the Feasibility Report provided in our client’s Application.

If you have any questions or require any additional information, please contact me or the Applicant.

Sincerely,

Cynthia L. Bast

cc: Prospera Housing Community Services

Exhibit A – Letter from Briones Engineering



## Exhibit A



*Rolando H. Briones, Jr.  
11742 Elmscourt, SATX 78230*

May 13, 2020

Mr. Raymond Lucas, CPA  
3419 Nacogdoches, Road, Suite 123  
San Antonio, Texas 78217

Regarding: McArdle Feasibility Report

Mr. Lucas

As you are aware my name is Rolando Briones and I am a Civil Engineer and the Principal at Briones Engineering that prepared the Feasibility Report for the 2020 9% HTC Application - Village at McArdle.

We understand that a Third-Party Request for Administrative Deficiency (RFAD) was filed against the Village at McArdle that stated that a complete site plan was not included in the Feasibility Report. This is not accurate as a complete site plan was included as Exhibit J of the Feasibility Report, meeting all requirements of §11.204(15) of the QAP, that was supplemented by additional information and statements in the Report itself.

Briones Engineering (Briones) created the Site Plan included in "Exhibit J" in partnership with GNB Architects (GNB), who we have partnered with on numerous tax credit applications in the past. Our process is for Briones to provide a survey in CAD completed by our Licensed Surveyor to GNB. GNB will, then add buildings, amenities, parking lots, driveways, and other improvements and return the CAD file to Briones. We then ensure that all improvements comply with the applicable local setbacks, building codes and development requirements and adjust as needed.

This preliminary site plan is then included in the Feasibility Report Briones prepares for an application and the basis of the development's ultimate design. Briones includes a Statement in all Feasibility Reports that Civil Engineering Plans are not currently available to document that the Report is providing preliminary information and no final documents are being or meant to be included in the Report.

Please contact me at (210) 393-7659 or via email at [Rolando@Briones.co](mailto:Rolando@Briones.co).

Sincerely,

A handwritten signature in blue ink, appearing to read "Rolando Briones Jr.", written in a cursive style.

Rolando H. Briones, Jr. P.E., MBA  
Licensed Civil Engineer

Texas Usc: 81430, TBPE: F-5028, TBPLS: 10194252  
Licensed: AZ, DC, IL, LA, MD, ND, PA, MS, TX

20051  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

BOARD MEMBERS  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 8, 2020

Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

David Fournier  
Fish Pond Development, LLC  
9702 Angelwyld Dr.  
Austin, TX 78733

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20051 Village at McArdle

Dear Mr. Fournier:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Feasibility Report submitted with the Application included an acceptable preliminary site plan prepared by the civil engineer. Staff sent an Administrative Deficiency under 10 TAC §10.3(a)(2), and the Applicant responded timely.

In its response, the Applicant included a description of how the plan and other documents included in the Feasibility Report meet the requirements of the rule. Per 10 TAC §11.204 (15) related to Feasibility Report the report must include:

(E) Preliminary site plan prepared by the civil engineer with a statement that the plan materially adheres to all applicable zoning, site development, and building code ordinances. The site plan must identify all structures, site amenities, parking spaces and driveways, topography (using either existing seller topographic survey or U.S. Geological Survey (USGS)/other database topography), site drainage and detention, water and waste water utility tie-ins, general placement of retaining walls, set-back requirements, and any other typical or locally required items. ***Off-site improvements required for utilities, detention, access or other requirement must be shown on the site plan or ancillary drawings.*** (emphasis added)

Staff determined that the site plan and ancillary drawings included in the Feasibility Report meet the requirements of the rule.



I find that the issues raised in your request were sufficiently answered by the Applicant's response to the Administrative Deficiency notice. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni  
Holloway  
Marni Holloway  
Multifamily Division Director

Digitally signed by  
Marni Holloway  
Date: 2020.06.08  
14:39:43 -05'00'

Cc: Matthew Rieger  
Sally Gaskin

20054  
Request for Administrative Deficiency



**From:** [Mark Moseley](#)  
**To:** [Sharon Gamble](#); [rdeyoe@realtexdevelopment.com](mailto:rdeyoe@realtexdevelopment.com)  
**Subject:** RFAD TDHCA #20054  
**Date:** Tuesday, April 28, 2020 12:04:34 PM

---

Sharon Gamble  
221 East 11th Street,  
Austin, Texas 78701-241

RFAD TDHCA #20054

Dear Sharon,

Please find 4 separate RFAD requests below. This has also been sent to the email for the applicant as listed in the application.

1. The map included in Tab 10 of the applicant's application to support the Proximity to Job Areas points has been digitally manipulated. The map is set to show jobs that are in a two-mile radius instead of a one-mile radius. Then the applicant put the one-mile radius label over the two-mile map. When the correct map is used the applicant should lose the point. TDHCA staff is encouraged to draw its own map. The application fails to meet the requirement to receive the Proximity to Jobs points.

2. The requirement for the readiness to proceed was not met by the applicant. At the time of application, the applicant is required to show that zoning can be achieved by July 23rd.

a. The application supplies an address of 1400 FM3036

b. The Zoning supplied for the applicant has an address of 1300 FM 3036

c. The application supplied a legal description of "Lot Two (2), Block One (1), Splinter Fleet Subdivision, a subdivision in the City of Rockport, Aransas County, Texas, as shown by the map or plat thereof recorded in Volume 7, Page 13, Map Records of Aransas County, Texas to which reference is here made for all pertinent purposes."

d. The Zoning supplied for the application has a legal description of "8.247 ACRES OF LAND OUT OF LOT NOS. 2 AND 3, ROCKPORTCENTER SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 6, PAGE 269, PLATRECORDS OF ARANSAS COUNTY, TEXAS, AND BEING OUT OF A 18 ACRES TRACT OUT OF THEGEORGE TAGGART III, TRUSTEE, 1105.557 ACRES TRACT AS DESCRIBED IN A DEEDRECORDED UNDER CLERK'S FILE NO. 143432, DEED RECORDS OF ARANSAS COUNTY, TEXAS,AND BEING OUT OF THE T.T. WILLIAMSON SURVEY, A-219, ARANSAS COUNTY, TEXAS;"

Neither the street address nor the legal description of the zoning ordinance matches the land in the application. The applicant failed to show that proper zoning would be in place by the required date. The application fails to meet the requirements for the 5 points for Readiness to proceed.

3. The Applicant claims 4 points for Underserved Area. The applicant omitted TDHCA # 93007 which was built within the last 30 years. The applicant should have received 3 points.

4. Threshold- The applicant supplied utility allowances from the “Rockport Housing Authority” however, there is no Rockport housing authority. The applicant failed to demonstrate that these utility allowances are reasonable or based on any accepted method.

Attached:

Onthemap printout

Aransas County CAD map showing in Address and legal.

--



Mark Moseley  
Multifamily Development Program Manager  
**cdcb come dream. come build.**  
(956) 541-4955  
[www.cdcb.org](http://www.cdcb.org)  
901 E. Levee Street Brownsville, Tx 78520  
[Subscribe to our e-newsletter](#)

### Work Area Profile Analysis

*enter your own subtitle*

▼ Display Settings

Characteristic Filter  Total

Year

▼ Map Controls

Color Key

Thermal Overlay

Point Overlay

Selection Outline

Identify  Zoom to Selection

Clear Overlays  Animate Overlays

▼ Report/Map Outputs

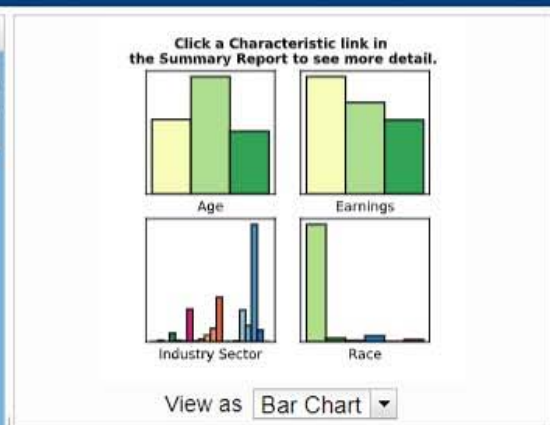
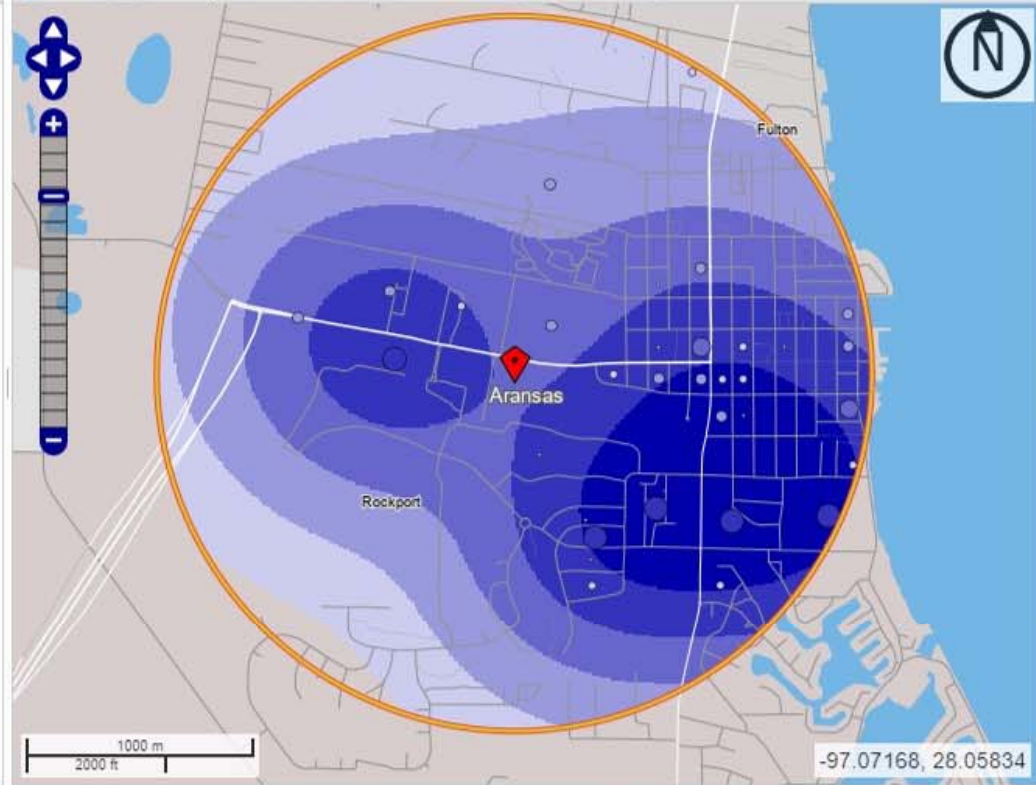
Detailed Report

Export Geography

Print Chart/Map

▼ Legends

[Change Settings](#)



	Count	Share
<b>Total All Jobs</b>	844	100.0%

**Worker Age**

	2017	
	Count	Share
Age 29 or younger	247	29.3%
Age 30 to 54	389	46.1%
Age 55 or older	208	24.6%

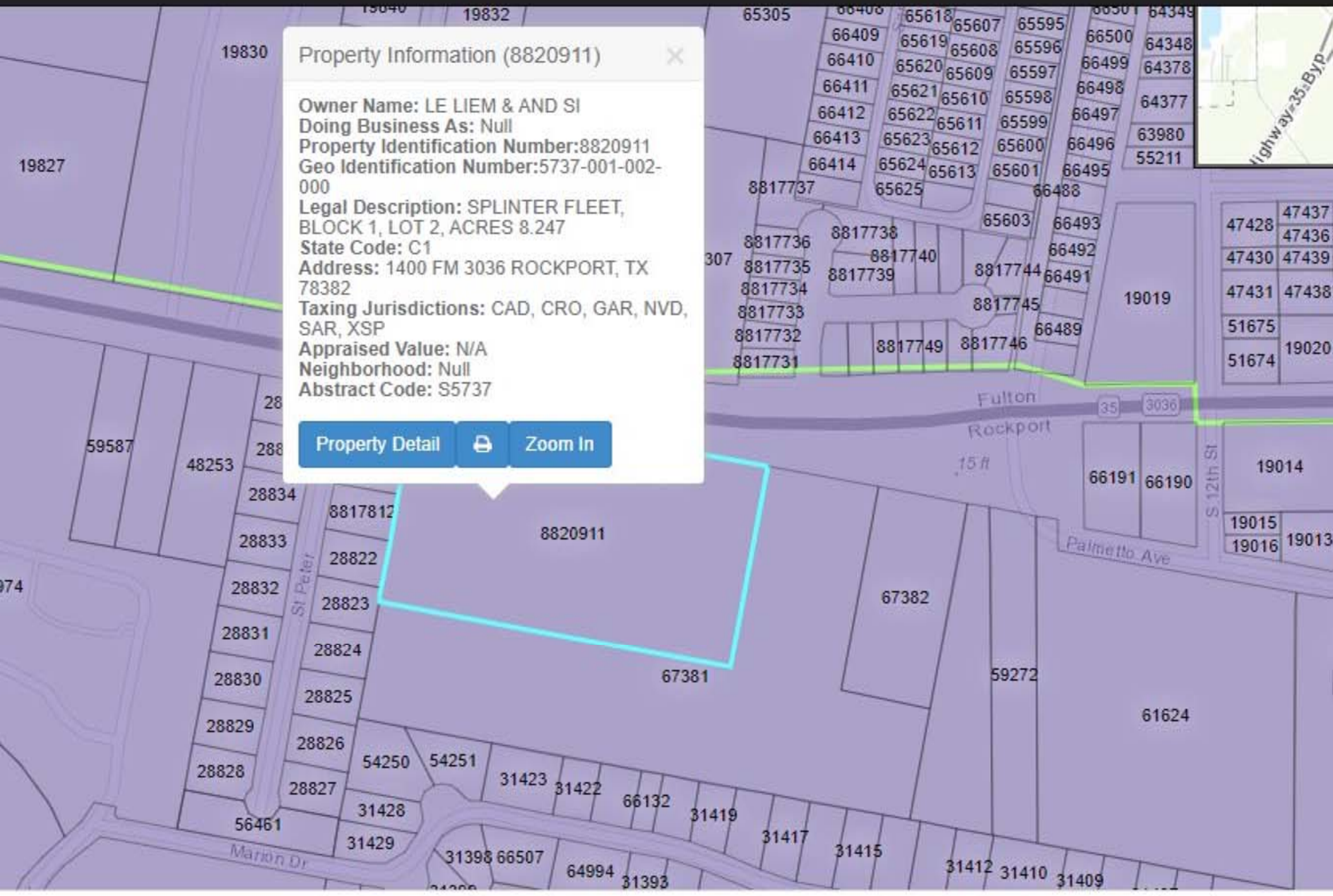
**Earnings**

	2017	
	Count	Share
\$1,250 per month or less	350	41.5%
\$1,251 to \$2,222 per month	278	32.9%

**Property Information (8820911)**

**Owner Name:** LE LIEM & AND SI  
**Doing Business As:** Null  
**Property Identification Number:** 8820911  
**Geo Identification Number:** 5737-001-002-000  
**Legal Description:** SPLINTER FLEET, BLOCK 1, LOT 2, ACRES 8.247  
**State Code:** C1  
**Address:** 1400 FM 3036 ROCKPORT, TX 78382  
**Taxing Jurisdictions:** CAD, CRO, GAR, NVD, SAR, XSP  
**Appraised Value:** N/A  
**Neighborhood:** Null  
**Abstract Code:** S5737

[Property Detail](#) [Zoom In](#)



20054  
Administrative Deficiency Notice(s)



**From:** [Sharon Gamble](#)  
**To:** [Rick Deyoe](#); [Alma Cobb](#)  
**Subject:** 20054 Gulf Shore Villas - 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Thursday, May 21, 2020 12:11:00 PM  
**Importance:** High

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 29, 2020. Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20054 Gulf Shore Villas**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

1. Staff is aware that a previous deficiency notice requested updated information regarding documentation for Proximity to Jobs. Please follow the step-by-step guidance in the 2020 Application Manual and provide the entire pdf report referred to in the last step. In your response, please include the exact coordinates used in step 2. Staff is aware that the report will have a more recent date than that required by the rule.

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local

time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

Reminder for Direct Loan Borrowers: TDHCA will not close earlier than 30 days after receipt of complete due diligence documents. We will not honor closings scheduled without our confirmation.

## About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

20054  
Deficiency Response(s)

# GULF SHORES VILLAS, LTD



May 28, 2020

Mr. Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 E. 11<sup>th</sup> Street  
Austin, TX 78701

RE: Gulf Shore Villas, Ltd (TDHCA # 20054) Deficiency Response

Dear Mr. Griego,

Please find enclosed the following items in response to the Deficiency Notice received May 21, 2020. All proper documentation is provided behind each exhibit.

1. **DEFICIENCY 1** – Staff is aware that a previous deficiency notice requested updated information regarding documentation for Proximity to Jobs. Please follow the step-by-step guidance in the 2020 Application Manual and provide the entire pdf report referred to in the last step. In your response, please include the exact coordinates used in step 2. Staff is aware that the report will have a more recent date than that required by the rule.
  - **Response:** Attachment #1 provides supporting documentation and the report from the step-by-step process for Proximity to Jobs using the 2020 Application Manual. However, after reviewing the guidance provided, we found issues within the system when entering exact coordinates. I had multiple employees try random coordinates throughout our site as well as myself, and all of the coordinates entered directly into the "Import from GPS" boxes of the TDHCA Mapping Website came up with maps completely outside of the project's targeted area. (SEE ATTACHED DETAIL). No matter what coordinates were entered or the style that the longitude/latitude number was typed, the location map of the coordinates entered every time did not match up with our project site. Also, we found that if we typed the same coordinates received from "onthemap.ces.census.gov" into another window of "onthemap.ces.census.gov" it would take us to a completely different location than the first time. I am unsure why this program continues to provide countless errors and is flawed, but I have provided some of the Google Map GPS site locations with the corresponding coordinates shown that were used for the mapping attempts with the coordinates being exactly copied and pasted directly into the Mapping Software Import lines and as you can see, every single attempt resulted with different locations coming up other than our site. After repeated attempts, we found that the most accurate way to identify the correct information was by using the free hand drawing tool "draw point(s)" which allows you to drop a point anywhere within the development site and run the same report following the same steps stated in the 2020 Application Manual. This was also confirmed to us as the best methodology by Darrell Jack, our market analyst. As you will see, we have provided a site map showing that the site selected was within our targeted site and it clearly shows that there are satisfactory Primary jobs to justify the points being selected.



Upon your receipt and review, please let me know if you have any questions or require additional information. Please contact me at (512) 426-5205 or by email at [rdeyoe@realtexdevelopment.com](mailto:rdeyoe@realtexdevelopment.com).

Sincerely,

*Rick J. Deyoe*


Managing General Partner  
Gulf Shores Villas, Ltd.

# **ATTACHMENT #1**

Start Base Map Selection Results

Save Load Feedback Previous Extent Hide Tabs Hide Chart/Report

Selection Preview:



Confirm Selection

Confirm and Add Advanced Selection

Draw Point(s)

Edit Drawn Shape

Clear Selection

Add Layer Selection

No Selected Layer

Add Buffer to Selection

Do Not Buffer

Simple/Ring

Radius:  miles

Donut

Inside Radius:  miles

Outside Radius:  miles

Plume

Start Radius:  miles

End Radius:  miles

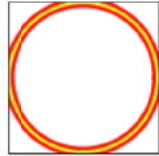
Import Geography

Import from KML

Import from SHP

Import from GPS

Previous Shapes

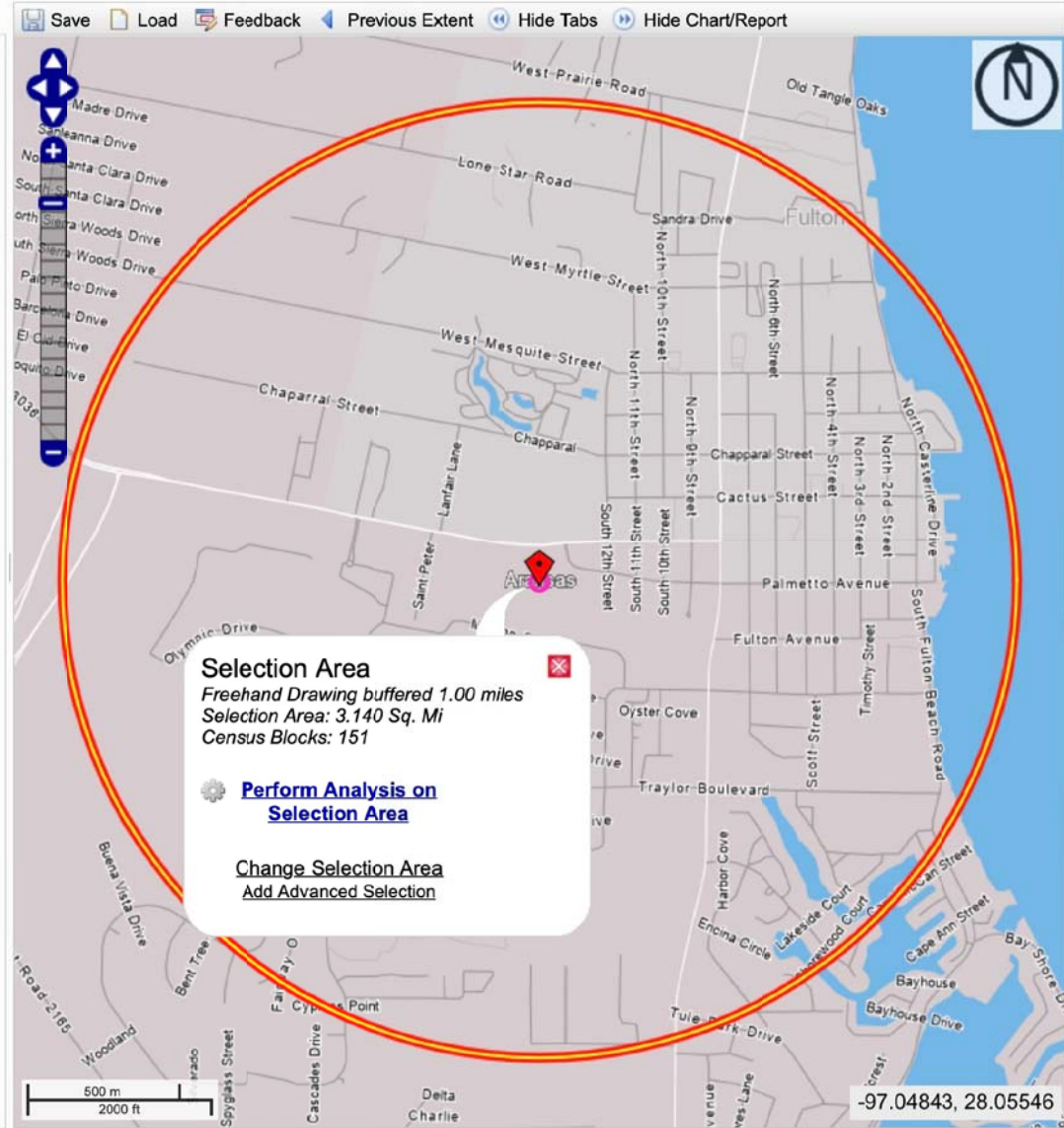


Selection Area

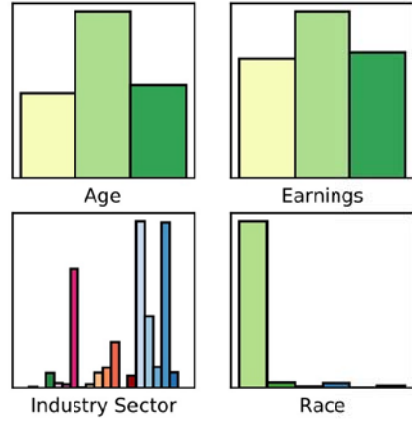
Freehand Drawing buffered 1.00 miles

Reuse Selection

Delete Selection



Click a Characteristic link in the Summary Report to see more detail.



Age

Earnings

Industry Sector

Race

View as **Bar Chart**

**Total Primary Jobs**

	2017	
	Count	Share
Total Primary Jobs	2,281	100.0%

**Worker Age**

	2017	
	Count	Share
Age 29 or younger	562	24.6%
Age 30 to 54	1,102	48.3%
Age 55 or older	617	27.0%

**Earnings**

	2017	
	Count	Share
\$1,250 per month or less	661	29.0%
\$1,251 to \$3,333 per month	923	40.5%
More than \$3,333 per month	697	30.6%

**NAICS Industry Sector**

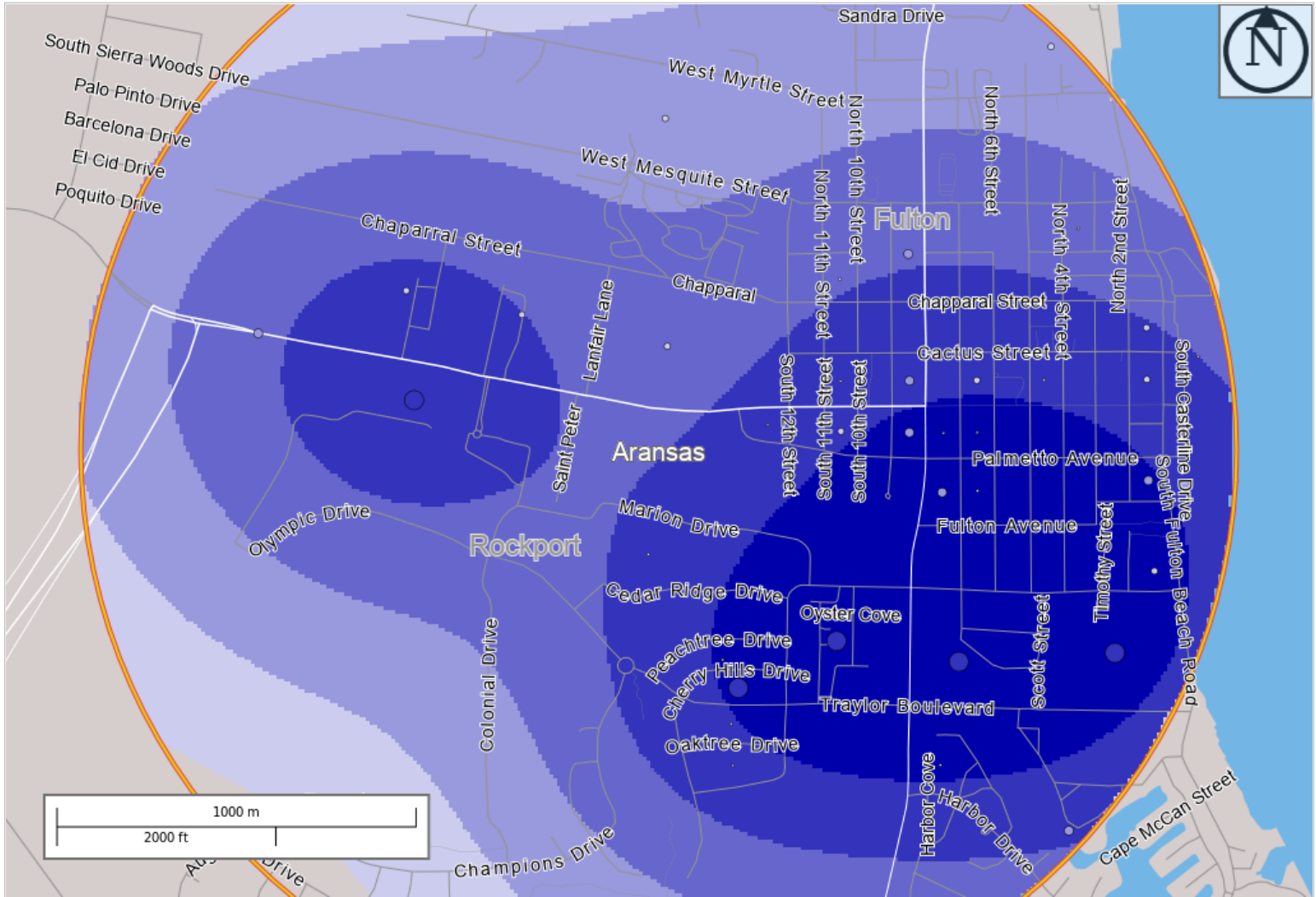
2017

## Work Area Profile Report Primary Jobs for All Workers in 2017

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 05/26/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2017

All Workers



### Map Legend

#### Job Density [Jobs/Sq. Mile]

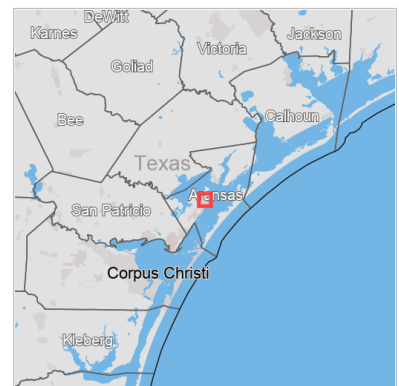
- 5 - 75
- 76 - 288
- 289 - 643
- 644 - 1,139
- 1,140 - 1,778

#### Job Count [Jobs/Census Block]

- 1 - 5
- 6 - 36
- 37 - 120
- 121 - 284
- 285 - 555

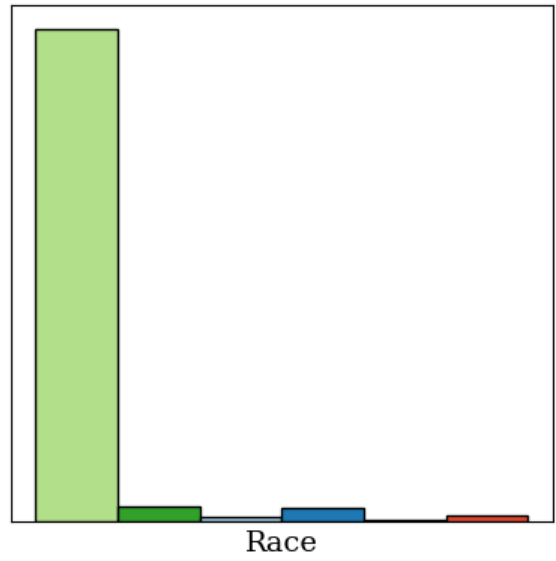
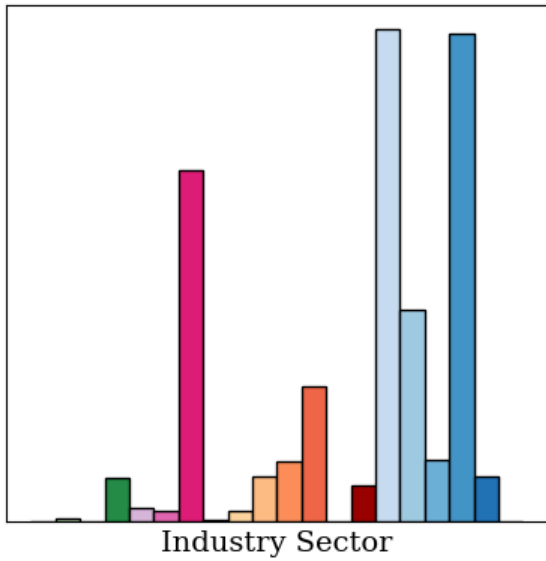
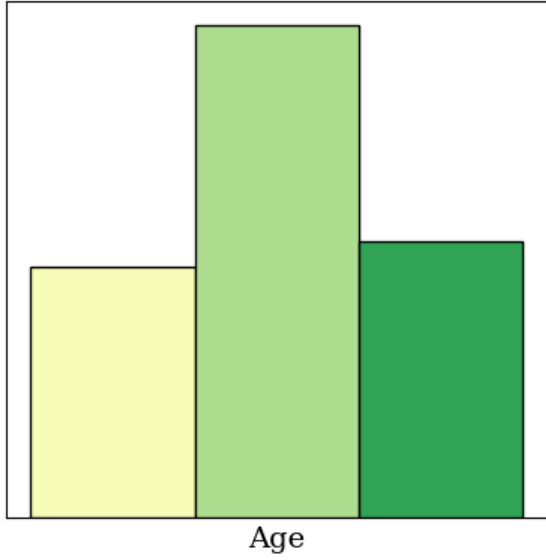
#### Selection Areas

- 📍 Analysis Selection



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area

Total	2017	
	Count	Share
Total Primary Jobs	2,281	100.0



<b>Total</b>	2017	
	<b>Count</b>	<b>Share</b>
<b>Total Primary Jobs</b>	2,281	100.0

## Additional Information

### Analysis Settings

<b>Analysis Type</b>	Area Profile
<b>Selection area as</b>	Work
<b>Year(s)</b>	2017
<b>Job Type</b>	Primary Jobs
<b>Labor Market Segment</b>	All Workers
<b>Selection Area</b>	Selection Area Freehand Drawing buffered 1.00 miles
<b>Selected Census Blocks</b>	151
<b>Analysis Generation Date</b>	05/26/2020 19:12 - OnTheMap 6.6
<b>Code Revision</b>	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
<b>LODES Data Version</b>	20170818

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.

# **ATTACHMENT #2**



Name: Selection Point for Jobs

Latitude: 28° 3'33.28"N

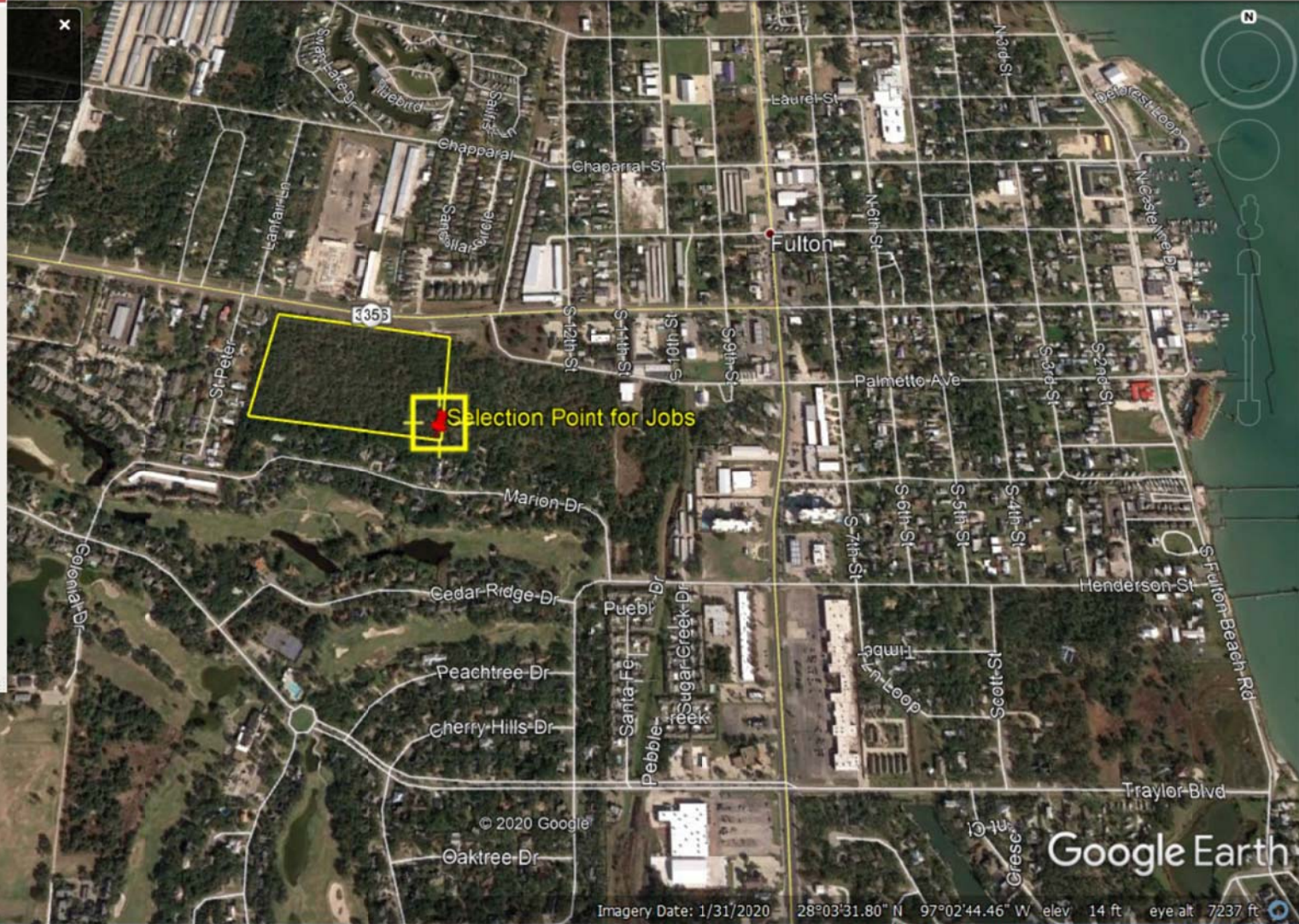
Longitude: 97° 2'50.81"W

Description

Style, Color View Altitude

Add link... Add web image... Add local image...

OK Cancel



- Primary Database
- [Survey](#)
- Borders and Labels
- Places
- Photos
- Roads
- 3D Buildings
- Ocean
- Weather
- Gallery

1995

© 2020 Google  
Imagery Date: 1/31/2020 28°03'31.80" N 97°02'44.46" W elev 14 ft eye alt 7237 ft





# ATTEMPT #1

OnTheMap LEHD Home Help and Documentation Reload Text-Only

Start Base Map Selection Advanced Save Load Feedback Previous Extent Hide Tabs

Welcome to OnTheMap!

Start an analysis by using one of the tools below (Search, Import Geography, or Load .OTM file). Hover over the Help icons located throughout the application to see Help tips for using specific functionality. Sections in the control panel can be collapsed or opened by clicking the section title

2016 and 2017 data now available!  
[Read New Data Notice \(08/29/2019\)](#)

Search

Search

Search All Names

Import Geography

Import from KML  
Import from SHP  
Import from GPS

Load .OTM File

Click the "Load" button below to load a .OTM file.

Load

**Import From GPS**

You can enter up to 10 GPS Coordinate pairs to form a set of points, a line or a polygon.

Point(s)  
 Line  
 Polygon

Longitude	Latitude
-97.25081	28.33328

Cancel Import

1000 m 5000 ft

-97.25107, 28.3335

OnTheMap LEHD Home Help and Documentation Reload Text-Only

Start Base Map Selection Advanced Save Load Feedback Previous Extent Hide Tabs

Selection Preview:

Confirm Selection  
Confirm and Add Advanced Selection

Help?

Drawing Tools

Navigation

Draw Polygon (Freehand)  
Draw Line  
Draw Point(s)  
Edit Drawn Shape  
Clear Selection

Add Layer Selection

No Selected Layer

Add Buffer to Selection

Refugio

100 m 500 ft

OnTheMap LEHD Home Help and Documentation Reload Text-Only

Start Base Map Selection Advanced Save Load Feedback Previous Extent Hide Tabs

Selection Preview:

Confirm Selection  
Confirm and Add Advanced Selection

Help?

Drawing Tools

Navigation

Draw Polygon (Freehand)  
Draw Line  
Draw Point(s)  
Edit Drawn Shape  
Clear Selection

Add Layer Selection

No Selected Layer

Add Buffer to Selection

Do Not Buffer  
Simple/Pink

Refugio

100 m 500 ft

-97.25080, 28.33328



Selection Point for Jobs

Latitude: 28° 3'34.09"N

Longitude: 97° 2'50.83"W

Style, Color View Altitude

Add link... Add web image... Add local image...

OK Cancel

- Database
- Layers and Labels
- Buildings
- ...



# ATTEMPT #2

**OnTheMap** LEHD Home Help and Documentation Reload Text-Only

Start Base Map Selection Advanced Save Load Feedback Previous Extent Hide Tabs

Welcome to OnTheMap!

Start an analysis by using one of the tools below (Search, Import Geography, or Load .OTM file). Hover over the Help icons located throughout the application to see Help tips for using specific functionality. Sections in the control panel can be collapsed or opened by clicking the section title

2016 and 2017 data now available!  
[Read New Data Notice \(08/29/2019\)](#)

Search

Search All Names

Import Geography

- Import from KML
- Import from SHP
- Import from GPS

Load .OTM File

Click the "Load" button below to load a .OTM file.

Load

### Import From GPS

You can enter up to 10 GPS Coordinate pairs to form a set of points, a line or a polygon.

Point(s)  Line  Polygon

Longitude	Latitude
-97.25083	28.33409

Cancel Import

**OnTheMap** LEHD Home Help and Documentation Reload Text-Only

Start Base Map Selection Advanced Save Load Feedback Previous Extent Hide Tabs

Selection Preview:

Confirm Selection

Confirm and Add Advanced Selection

Help?

Drawing Tools

Navigation

- Draw Polygon (Freehand)
- Draw Line
- Draw Point(s)
- Edit Drawn Shape
- Clear Selection

Add Layer Selection

No Selected Layer

Add Buffer to Selection

**OnTheMap** LEHD Home Help and Documentation Reload Text-Only

Start Base Map Selection Advanced Save Load Feedback Previous Extent Hide Tabs

Selection Preview:

Confirm Selection

Confirm and Add Advanced Selection

Help?

Drawing Tools

Navigation

- Draw Polygon (Freehand)
- Draw Line
- Draw Point(s)
- Edit Drawn Shape
- Clear Selection

Add Layer Selection

No Selected Layer

Add Buffer to Selection

Do Not Buffer

Simple/Thin

100 m 500 m

-97.25083, 28.33409

Privacy Policy | 2010 Census | Data Tools | Information Quality | Product G...  
Source: U.S.Census Bureau, Center for Economic Studies | e-mail: CES.OnTheMap.Feedback@census.gov





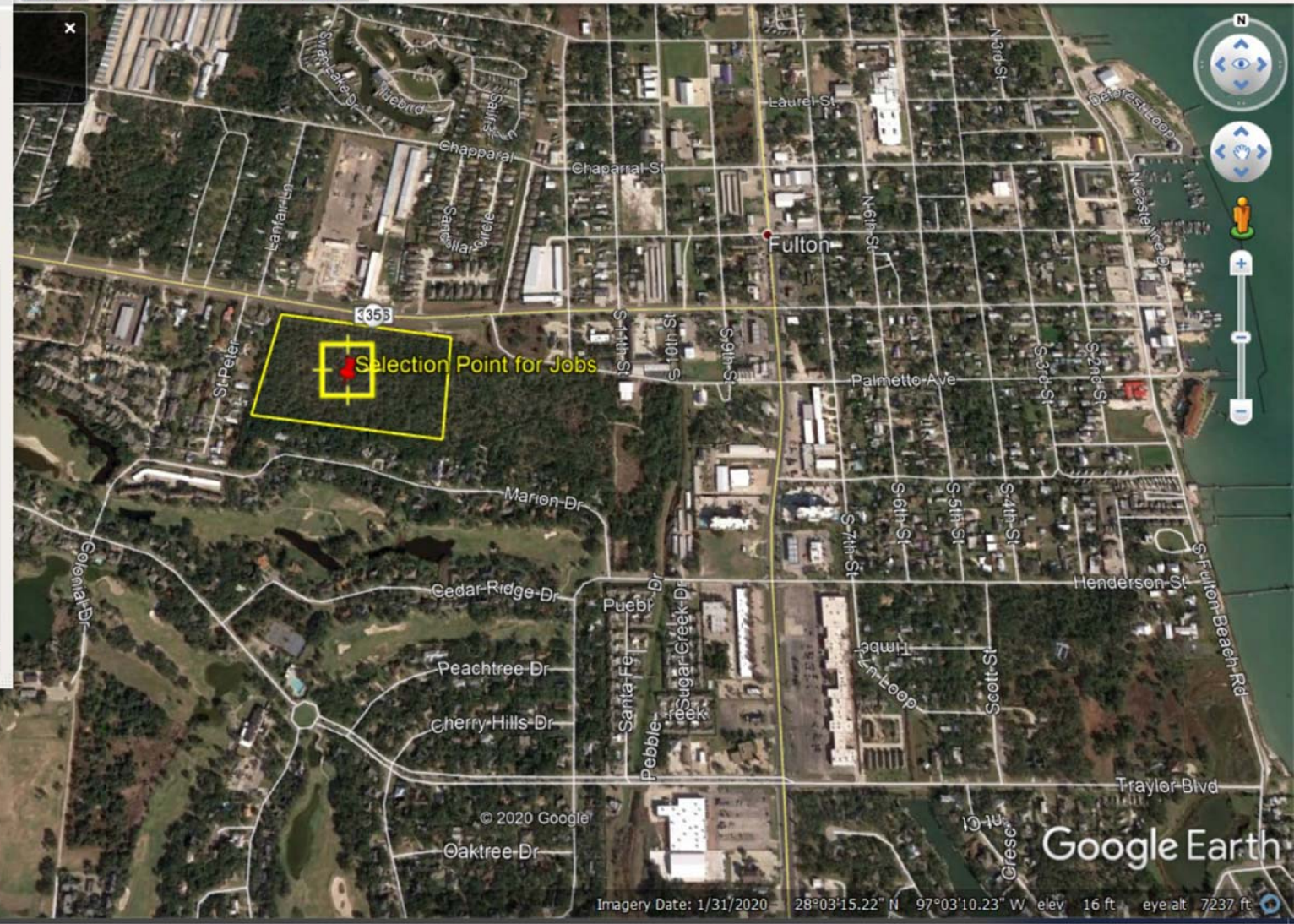
Name:

Latitude:

Longitude:

Description

Style, Color View Altitude



- Primary Database
- [Survey](#)
- Borders and Labels
- Places
- Photos
- Roads
- 3D Buildings
- Ocean
- Weather
- Gallery

1995

Imagery Date: 1/31/2020 28°03'15.22" N 97°03'10.23" W elev 16 ft eye.alt 7237 ft

Google Earth

# ATTEMPT #3

**OnTheMap** LEHD Home Help and Documentation Reload Text-Only

Start Base Map Selection Advanced Save Load Feedback Previous Extent Hide Tabs

Welcome to OnTheMap!

Start an analysis by using one of the tools below (Search, Import Geography, or Load .OTM file). Hover over the Help icons located throughout the application to see Help tips for using specific functionality. Sections in the control panel can be collapsed or opened by clicking the section title

2016 and 2017 data now available!  
[Read New Data Notice \(08/29/2019\)](#)

Search

Search All Names

Import Geography

- Import from KML
- Import from SHP
- Import from GPS

Load .OTM File

Click the "Load" button below to load a .OTM file.

Load

### Import From GPS

You can enter up to 10 GPS Coordinate pairs to form a set of points, a line or a polygon.

Point(s)  Line  Polygon

Longitude	Latitude
-97.25699	28.33644

Cancel Import

**OnTheMap** LEHD Home Help and Documentation Reload Text-Only

Start Base Map Selection Advanced Save Load Feedback Previous Extent Hide Tabs

Selection Preview:

- Confirm Selection
- Confirm and Add Advanced Selection

Help?

Drawing Tools

Navigation

- Draw Polygon (Freehand)
- Draw Line
- Draw Point(s)
- Edit Drawn Shape
- Clear Selection

Add Layer Selection

No Selected Layer

Add Buffer to Selection

Map showing a red point labeled 'Red Point'.

**OnTheMap** LEHD Home Help and Documentation Reload Text-Only

Start Base Map Selection Advanced Save Load Feedback Previous Extent Hide Tabs

Selection Preview:

- Confirm Selection
- Confirm and Add Advanced Selection

Help?

Drawing Tools

Navigation

- Draw Polygon (Freehand)
- Draw Line
- Draw Point(s)
- Edit Drawn Shape
- Clear Selection

Add Layer Selection

No Selected Layer

Add Buffer to Selection

Do Not Buffer

Simple Line

Map showing a red point labeled 'Red Point'.

100 m 500 ft

-97.25699, 28.33644

Privacy Policy | 2010 Census | Data Tools | Information Quality | Product  
Source: U.S.Census Bureau, Center for Economic Studies | e-mail: CES.OnTheMap.Feedback@census.gov

20054  
Staff Determination





TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

BOARD MEMBERS

Leslie Bingham-Escareño, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 9, 2020

*Writer's direct phone # (512) 475-1676*  
*Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Mark Moseley  
Come dream. Come build  
901 E. Levee Street  
Brownsville, Texas 78520

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20054 Gulf Shore Villas

Dear Mr. Moseley:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the documentation provided to support points under Proximity to Jobs and Underserved Area was sufficient. The request also questions the zoning and utility allowance documentation provided. The assertion(s) in the RFAD related to scoring have been addressed through the Application review and deficiency process, and the RFAD does not contain new information. Pursuant to 10 TAC §11.10, staff will not review or act on these issues.

Regarding the documentation for the utility allowance, though the Application form states "Rockport Housing Authority," the documentation indicates that the form is for the "locality" of Rockport, Texas. The request included no evidence that the document is not a valid document. The request states that "[n]either the street address nor the legal description of the zoning ordinance matches the land in the application," but no evidence of this was presented; only the point that the street address and legal descriptions differ on application documents. Staff reviewed the legal descriptions associated with the site and determined that while the Aransas County Appraisal District refers to the "Splinter Fleet Subdivision" and the City of Rockport refers to the "Rockport Center Subdivision," the two descriptions refer to the same site.

I find that the issues raised in your request were sufficiently answered by staff and by the Applicant's response to the Administrative Deficiency. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in



REQUEST FOR ADMINISTRATIVE DEFICIENCY

June 9, 2020

Page 2

which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni

Holloway

Marni Holloway

Multifamily Division Director

Digitally signed by  
Marni Holloway  
Date: 2020.06.09  
08:55:34 -05'00'

Cc: Rick Deyoe

Alma Cobb

20075  
Request for Administrative Deficiency

May 1, 2020

Ms. Marni Holloway  
Ms. Sharon Gamble  
Texas Department of Housing and Community Affairs  
221 E 11th Street  
Austin, Texas 78701

**Re: HTC Application 20075 New Hope Housing Savoy**

Dear Holloway and Ms. Gamble,

Please consider this a formal request for a Third Party Request for Administrative Deficiency (RFAD) for TDHCA Application 20075 New Hope Housing Savoy. We would like Staff to review the OnTheMap Primary Jobs Report that was submitted by the Applicant. We know the work that the Applicant performs, think highly of their organization and are hopeful there is a logical explanation for the items detailed in this RFAD.

**OnTheMap Census Data Font Inconsistency**

From our review, it appears that the dates included OnTheMap Primary Jobs analysis have been modified in an effort to adjust the date the data was collected. We are requesting staff to review the dates on the first and last page of the submitted report. The fonts do not seem to match up to other Primary Job reports submitted by different Applicants. More specifically, if you look at the number one and five on Application #20075 where the application indicates data was from 1/5/2020, the "1" and "5" do not match the "5" font anywhere else in their report or in other Applicant's reports. Exhibit 1 shows this contrast in font and Exhibit 2 are excerpts of the cited reports for reference. Exhibit 3 includes a Primary Jobs report that was generated on April 28, 2020 by our team. This is to show that there have been no style or font changes to the OnTheMap software. In this new report, the "1" and "5" font that comes into question for Application #20075 does not appear in any part of the 4 pages.

In conclusion, whether accidentally or deliberately, the information OnTheMap Primary Jobs report for application 20075 should be reviewed carefully and, if warranted, the TDHCA should take appropriate action.

Thank you for your attention to these matters.

Sincerely,

  
\_\_\_\_\_  
Casey Bump

# Exhibit 1

## Font Analysis



n 01/05/2020

Application #20075-1st Page Date

01/05/2020

Application #20179-1st Page Date

Census Blocks 494  
Generation Date 01/05/2020 10:25

Application #20075-Last Page Date

Census Blocks 151  
Generation Date 01/05/2020 15:03

Application #20179-Last Page Date

## Job Density [Jobs/Sq. Mile]

- 5 - 634
- 635 - 2,521
- 2,522 - 5,667
- 5,668 - 10,072
- 10,073 - 15,735

Application #20075-1st Page Job Density

census Blocks 192

generation Date 01/22/2020 16:56 -

Application #20223-Last Page Date

# Exhibit 2

## **Work Area Profile Report Excerpts: (In Order)**

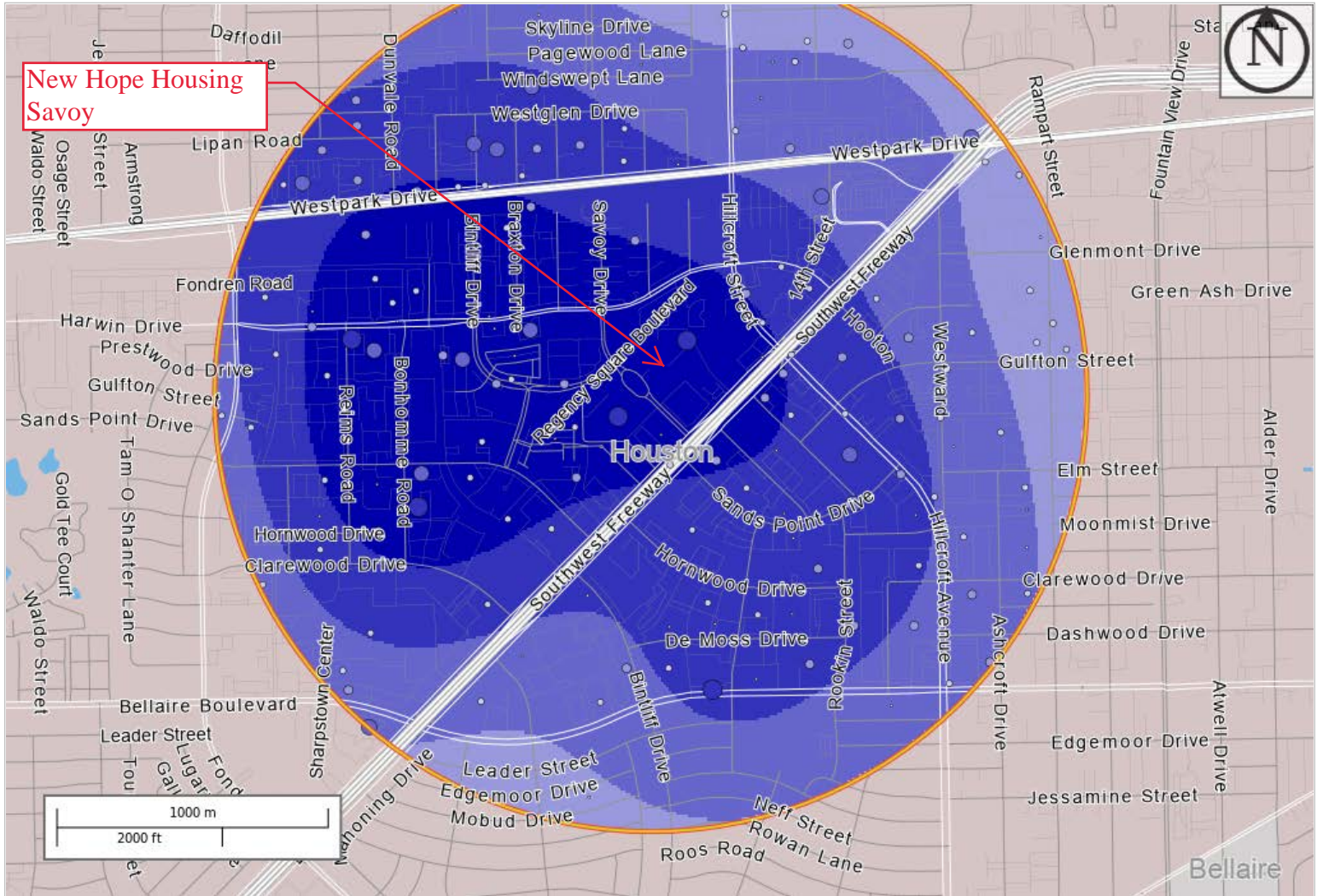
1. #20075 New Hope Housing Savoy
2. #20179 Avanti West
3. #20223 Camponile on Briar Hollow

## Work Area Profile Report Primary Jobs for All Workers in 2017

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 01/05/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2017

All Workers



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

- 5 - 634
- 635 - 2,521
- 2,522 - 5,667
- 5,668 - 10,072
- 10,073 - 15,735

##### Job Count [Jobs/Census Block]

- 1 - 5
- 6 - 72
- 73 - 362
- 363 - 1,144
- 1,145 - 2,792

##### Selection Areas

- 🔷 Analysis Selection



## Additional Information

### Analysis Settings

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2017
Job Type	Primary Jobs
Labor Market Segment	All Workers
Selection Area	Selection Area Freehand Drawing buffered 1.00 miles
Selected Census Blocks	494
Analysis Generation Date	01/05/2020 10:25 - OnTheMap 6.6
Code Revision	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
LODES Data Version	20170818

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.



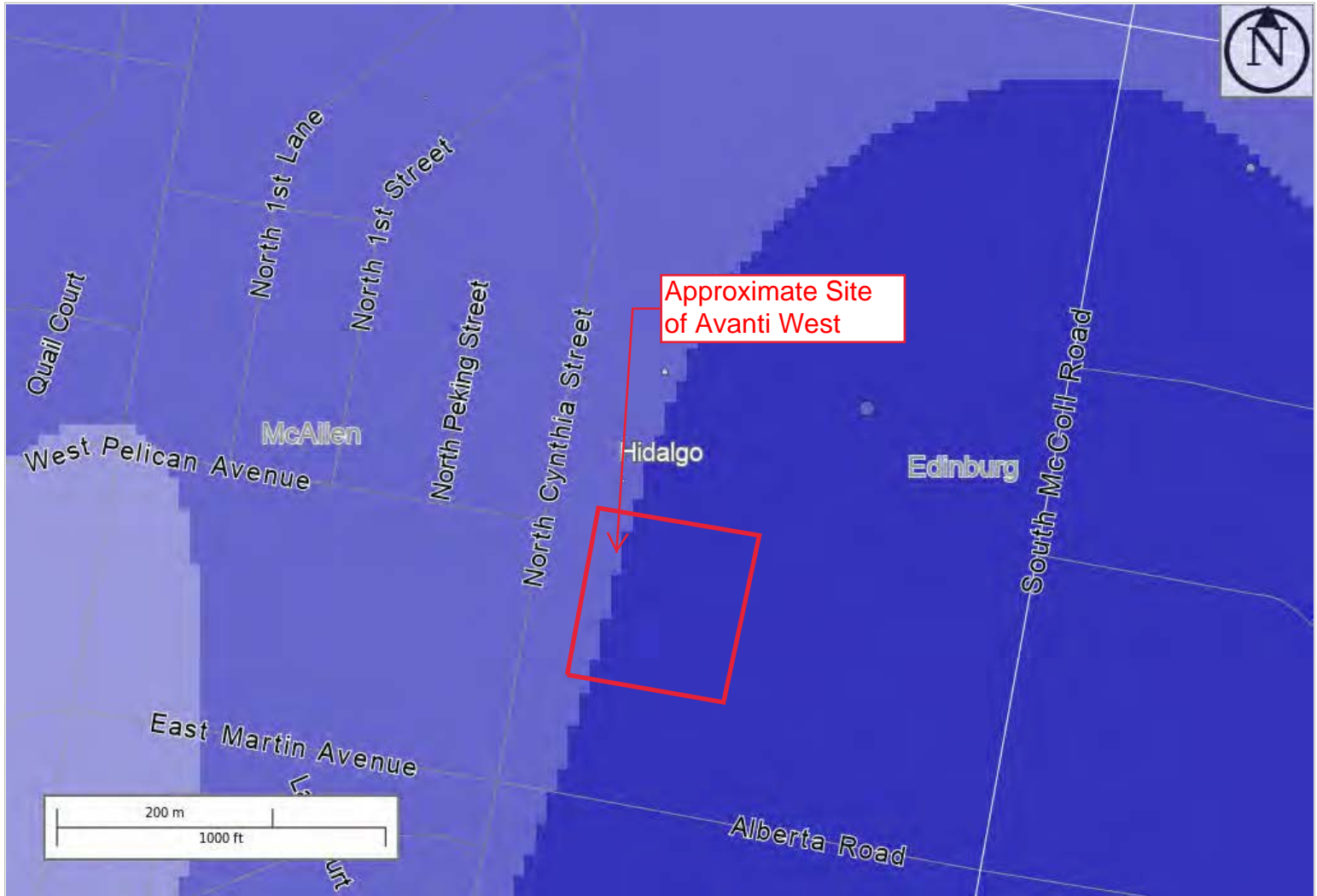
## Work Area Profile Report Primary Jobs for All Workers in 2017

Coordinates Used:  
Latitude: 26.260833, Longitude: -98.205758

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 01/05/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2017

All Workers



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

- 5 - 535
- 536 - 2,125
- 2,126 - 4,777
- 4,778 - 8,488
- 8,489 - 13,261

##### Job Count [Jobs/Census Block]

- 1 - 7
- 8 - 104
- 105 - 522
- 523 - 1,649
- 1,650 - 4,025

##### Selection Areas

- 📍 Analysis Selection



## Additional Information

### Analysis Settings

<b>Analysis Type</b>	Area Profile
<b>Selection area as</b>	Work
<b>Year(s)</b>	2017
<b>Job Type</b>	Primary Jobs
<b>Labor Market Segment</b>	All Workers
<b>Selection Area</b>	Selection Area Freehand Drawing buffered 1.00 miles
<b>Selected Census Blocks</b>	151
<b>Analysis Generation Date</b>	01/05/2020 15:03 - OnTheMap 6.6
<b>Code Revision</b>	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
<b>LODES Data Version</b>	20170818

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

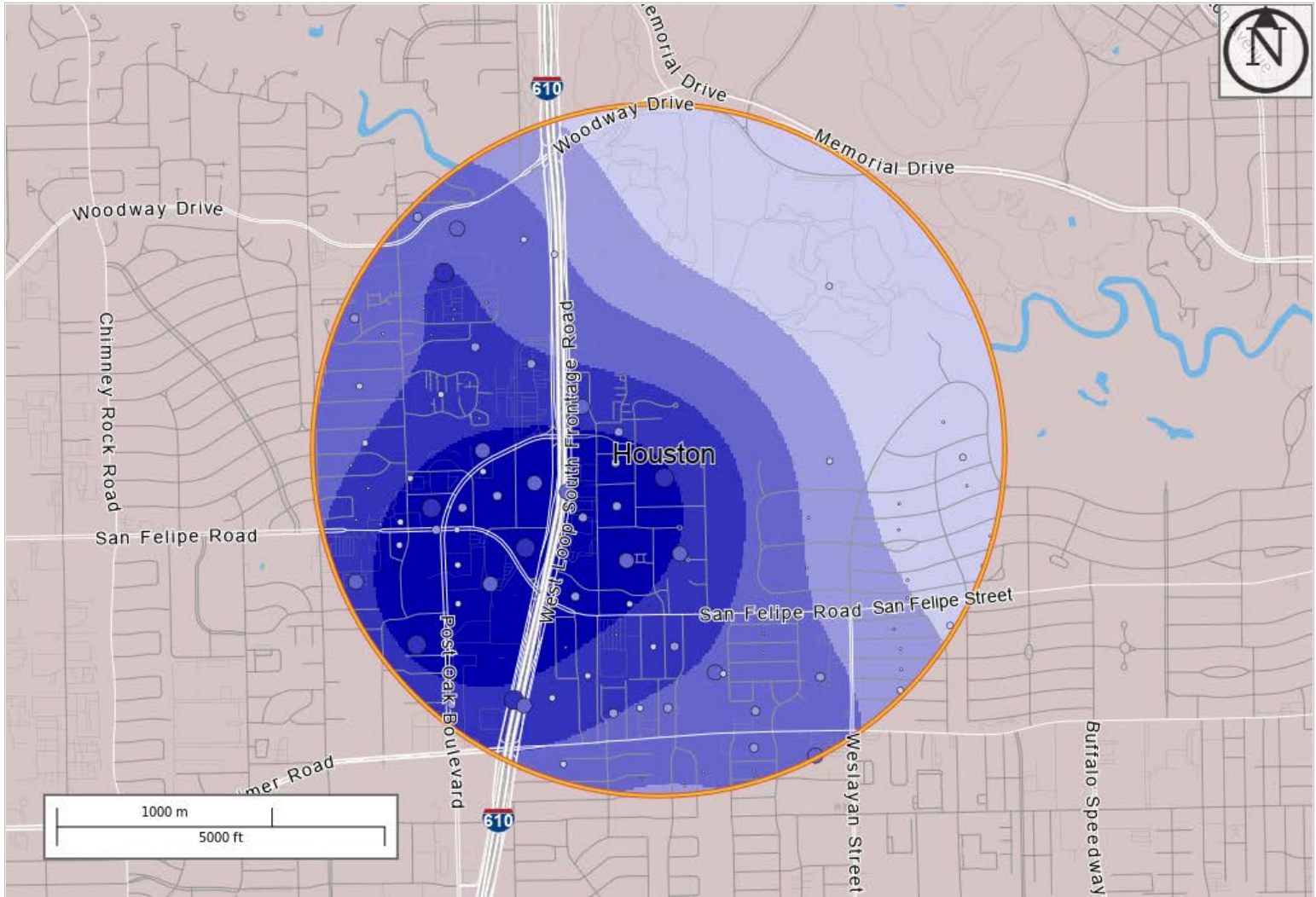
1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.

## Work Area Profile Report Primary Jobs for All Workers in 2017

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 01/22/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2017

All Workers



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

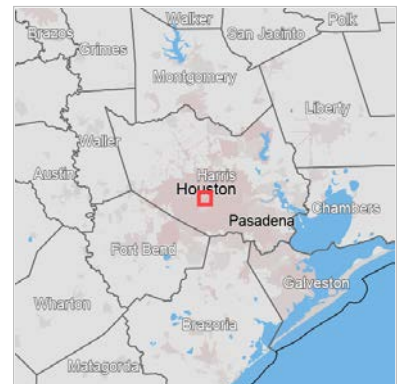
- 5 - 1,799
- 1,800 - 7,183
- 7,184 - 16,156
- 16,157 - 28,719
- 28,720 - 44,871

##### Job Count [Jobs/Census Block]

- 1 - 10
- 11 - 149
- 150 - 750
- 751 - 2,369
- 2,370 - 5,783

##### Selection Areas

- 🔷 Analysis Selection



## Additional Information

### Analysis Settings

<b>Analysis Type</b>	Area Profile
<b>Selection area as</b>	Work
<b>Year(s)</b>	2017
<b>Job Type</b>	Primary Jobs
<b>Labor Market Segment</b>	All Workers
<b>Selection Area</b>	Selection Area Freehand Drawing buffered 1.00 miles
<b>Selected Census Blocks</b>	192
<b>Analysis Generation Date</b>	01/22/2020 16:56 - OnTheMap 6.6
<b>Code Revision</b>	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
<b>LODES Data Version</b>	20170818

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.

# Exhibit 3

## Analysis: Generated Report as of 4/28/20

### Job Density [Jobs/Sq. Mile]

- 5 - 630
- 631 - 2,508
- 2,509 - 5,637
- 5,638 - 10,018
- 10,019 - 15,651



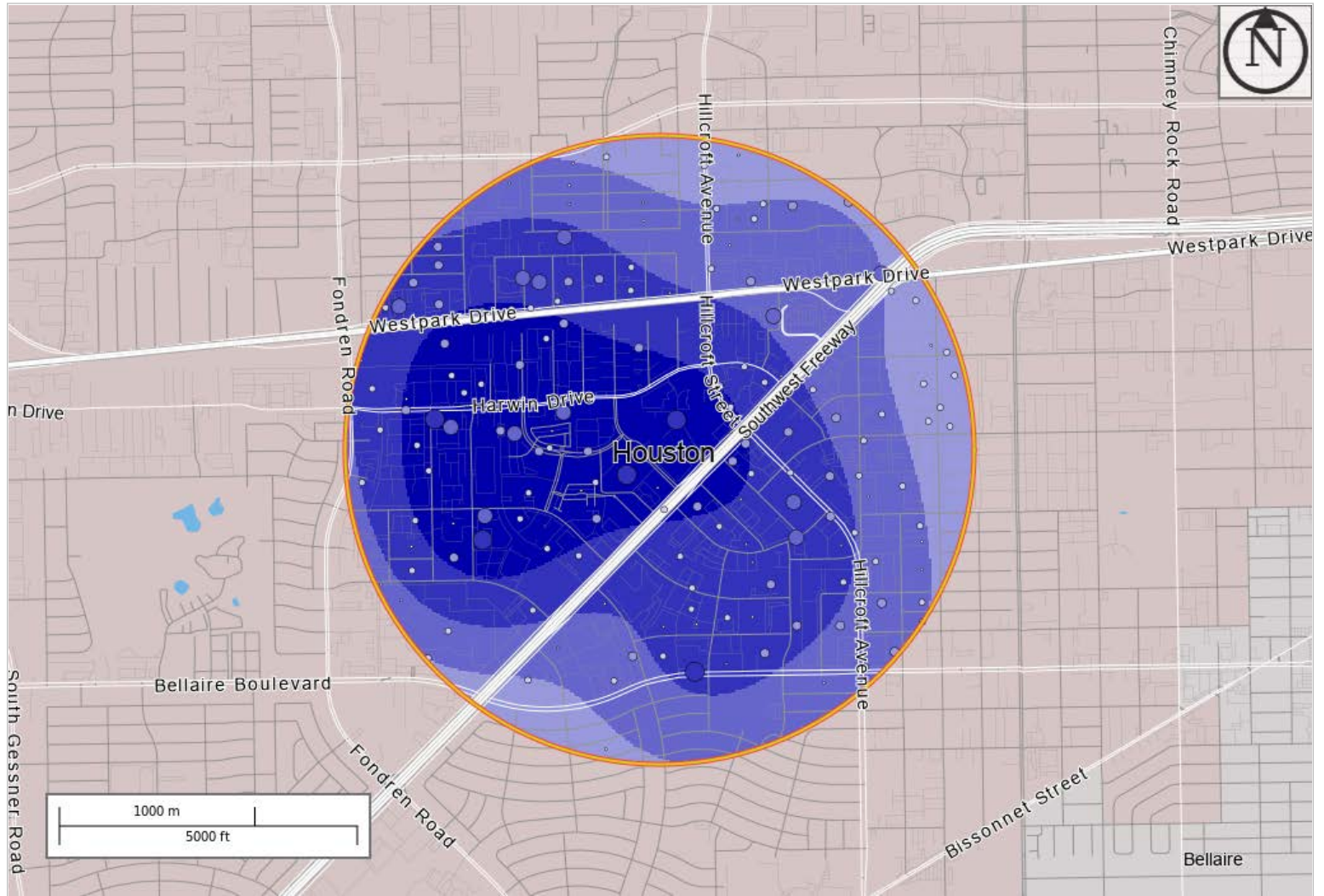
## Work Area Profile Report

20075 BC Review

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 04/28/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2017

All Workers



### Map Legend

#### Job Density [Jobs/Sq. Mile]

- 5 - 630
- 631 - 2,508
- 2,509 - 5,637
- 5,638 - 10,018
- 10,019 - 15,651

#### Job Count [Jobs/Census Block]

- 1 - 5
- 6 - 72
- 73 - 362
- 363 - 1,144
- 1,145 - 2,792

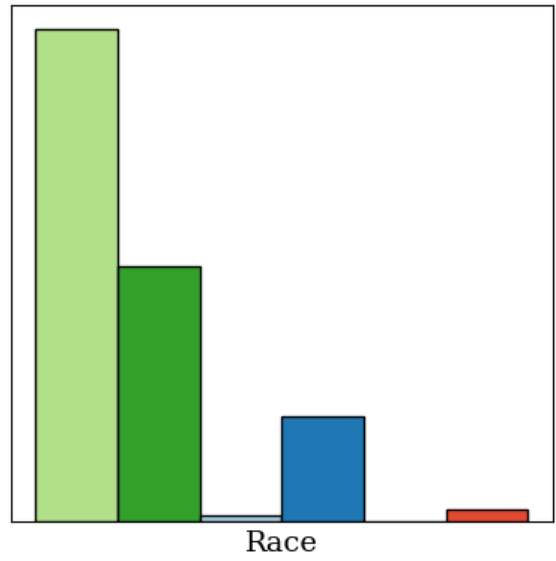
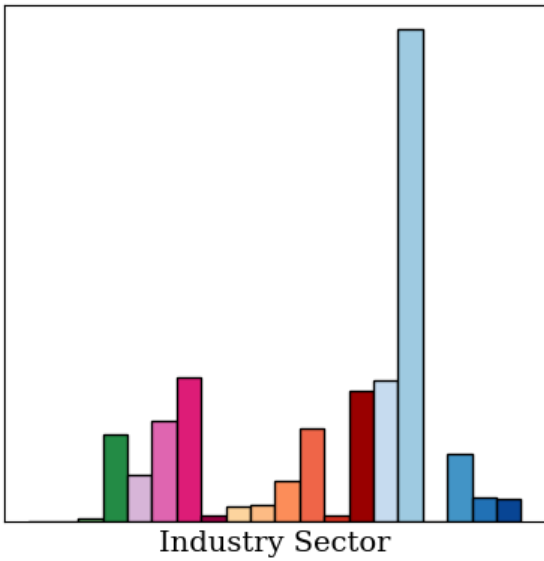
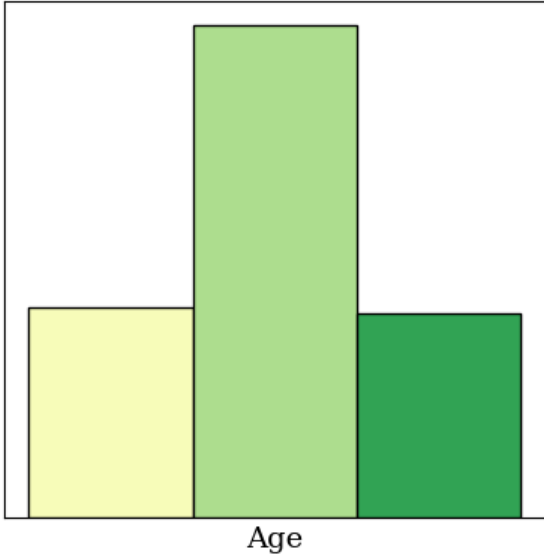
#### Selection Areas

- 🔷 Analysis Selection



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area

Total	2017	
	Count	Share
Total Primary Jobs	24,642	100.0

<b>Total</b>	2017	
	<b>Count</b>	<b>Share</b>
<b>Total Primary Jobs</b>	24,642	100.0

## Additional Information

### Analysis Settings

<b>Analysis Type</b>	Area Profile
<b>Selection area as</b>	Work
<b>Year(s)</b>	2017
<b>Job Type</b>	Primary Jobs
<b>Labor Market Segment</b>	All Workers
<b>Selection Area</b>	Selection Area Freehand Drawing buffered 1.00 miles
<b>Selected Census Blocks</b>	490
<b>Analysis Generation Date</b>	04/28/2020 23:01 - OnTheMap 6.6
<b>Code Revision</b>	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
<b>LODES Data Version</b>	20170818

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.

20075  
Administrative Deficiency Notice(s)

The Applicant provided a response to the RFAD  
prior to notice from the Department.



20075  
Deficiency Response(s)



New Hope Housing

May 7, 2020

Ms. Sharon Gamble  
Administrator, 9% Competitive Housing Tax Credit Program  
Texas Department of Housing & Community Affairs  
221 E. 11<sup>th</sup> Street  
Austin, TX 78701  
Delivered via ServU: mf20075  
CC to email: sharon.gamble@tdhca.state.tx.us

**Re: Request for Administrative Deficiency – Applicant Response (Application 20075)**

Dear Ms. Gamble:

On May 1, 2020 New Hope Housing (“NHH”) and Houston Area Community Development Corporation (“HACDC”) received notification that Casey Bump of Bonner Carrington, requested issuance of an administrative deficiency related to the fonts of the OnTheMap Primary Jobs Report within the NHH Savoy, Ltd. application. The RFAD does not claim that the site is ineligible for the points associated with Proximity to Jobs, but rather calls into question the date of the report based on the font.

TDHCA staff has not issued a notification of administrative deficiency regarding this request. Nevertheless, please allow me to proactively address the allegation contained within the RFAD, which essentially accuses us of fraud. The request states there is inconsistency in the fonts of a single digit, and alleges the dates “have been modified to adjust the date the data was collected.” New Hope Housing does not do business in that manner - ever.

Below is an outline provided to me by NHH staff regarding the OnTheMap report, and how and when it was created for the NHH Savoy application. We have also included supplemental documentation that supports the process NHH staff used.

1. December 17, 2019, NHH/HACDC real estate development staff identified the Savoy site as a potential opportunity for Supportive Housing, vetting the possibility of 9% tax credit competitiveness in the 2020 cycle. At that time, the team ran the initial scoring and found the site qualified for the six (6) Proximity to Jobs points. NHH would not have pursued the site at pre-application if the site had not qualified for these points.
2. January 5, 2020, New Hope Housing’s Development Associate, Ron Lastimososa, generated the OnTheMap report.
  - a. **Exhibit A:** A copy of the originally saved OnTheMap Primary Jobs report created and saved January 5, 2020, isolated from the larger application file (and not optimized for text recognition).

- i. NHH/HACDC staff often utilizes the Print to PDF function for files with maps, imagery, and layers. Subsequent to compiling the application, the entire application file is processed through the Adobe Optical Character Recognition (“OCR”) function, which allows text/word searches, but can occasionally alter fonts unpredictably and inconsistently. In fact, this process appears to have slightly altered the font, and NHH/HACDC staff did not note or concern itself with the minor font change at the time since the report had been generated as prescribed in the QAP by the preapplication date.
- b. **Exhibit B:** Screenshot of the metadata file properties for the NHH Savoy, Ltd. OnTheMap Primary Jobs Report, including the date created, January 5, 2020 and its creator, Ron Lastimosa (“rlastimosa”).
- c. **Exhibit C:** Excerpt from the 2020 Multifamily Programs Application Procedures Manual detailing that file size must average less than 100KB per page at application submission.
- d. **Exhibit D:** Excerpt from the 2020 Multifamily Programs Application Procedures Manual detailing the Print to PDF function to reduce file size and improve load time.

New Hope Housing Savoy is Houston’s strongest development opportunity in the 2020 9% round for housing homeless and at-risk individuals and families – truly the most vulnerable among us. NHH Savoy is both eligible for the Proximity to Jobs points and the RFAD claims are baseless. I respectfully request that TDHCA staff view the supporting documentation included here and find the RFAD without merit.

Sincerely,

A handwritten signature in black ink, appearing to read "Joy Horak-Brown". The signature is fluid and cursive, with a large initial "J" and "H".

Joy Horak-Brown  
President & CEO  
New Hope Housing, Inc.  
Houston Area Community Development Corporation

CC: Marni Holloway, TDHCA  
Barry Palmer, Coats Rose  
Scott Marks, Coats Rose  
Emily Abeln, NHH & HACDC

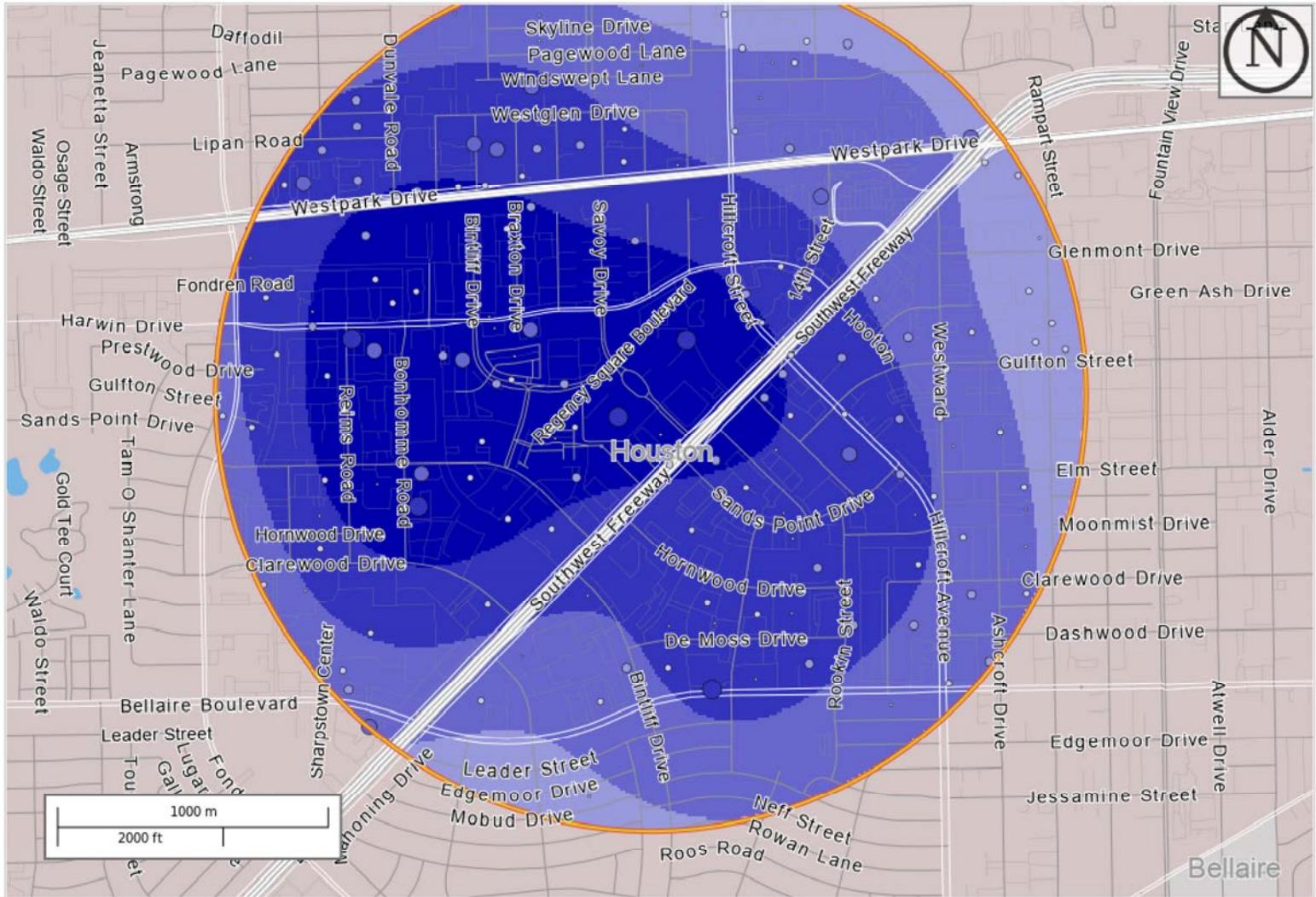
## Work Area Profile Report Primary Jobs for All Workers in 2017

# EXHIBIT A

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 01/05/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2017

All Workers



### Map Legend

#### Job Density [Jobs/Sq. Mile]

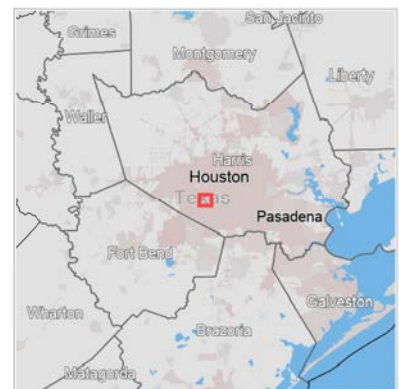
- 5 - 634
- 635 - 2,521
- 2,522 - 5,667
- 5,668 - 10,072
- 10,073 - 15,735

#### Job Count [Jobs/Census Block]

- 1 - 5
- 6 - 72
- 73 - 362
- 363 - 1,144
- 1,145 - 2,792

#### Selection Areas

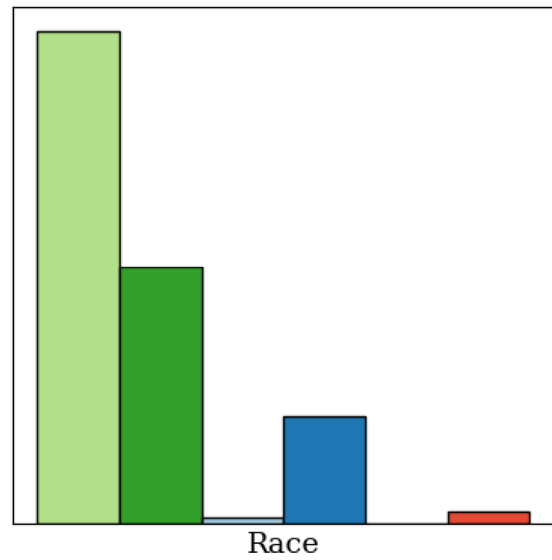
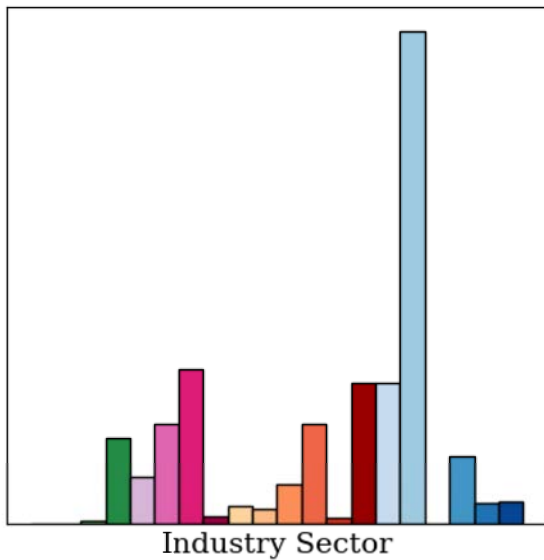
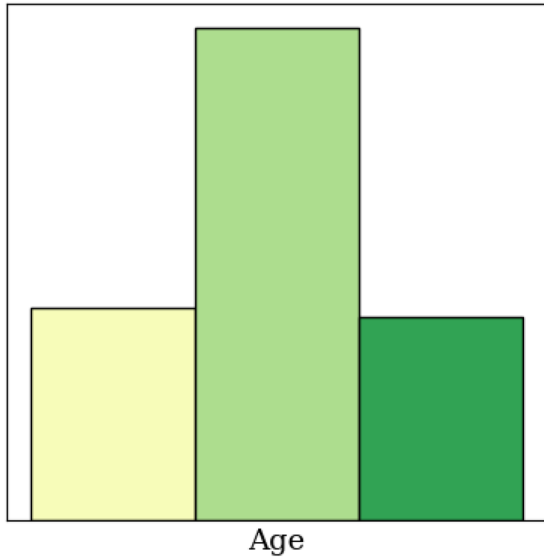
- 🔴 Analysis Selection



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area

EXHIBIT A



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area

Total	2017	
	Count	Share
Total Primary Jobs	25,065	100.0



<u>Total</u>	2017	
	<u>Count</u>	<u>Share</u>
Total Primary Jobs	25,065	100.0

# EXHIBIT A

## Additional Information

### Analysis Settings

# EXHIBIT A

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2017
Job Type	Primary Jobs
Labor Market Segment	All Workers
Selection Area	Selection Area Freehand Drawing buffered 1.00 miles
Selected Census Blocks	494
Analysis Generation Date	01/05/2020 10:25 - OnTheMap 6.6
Code Revision	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
LODES Data Version	20170818

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

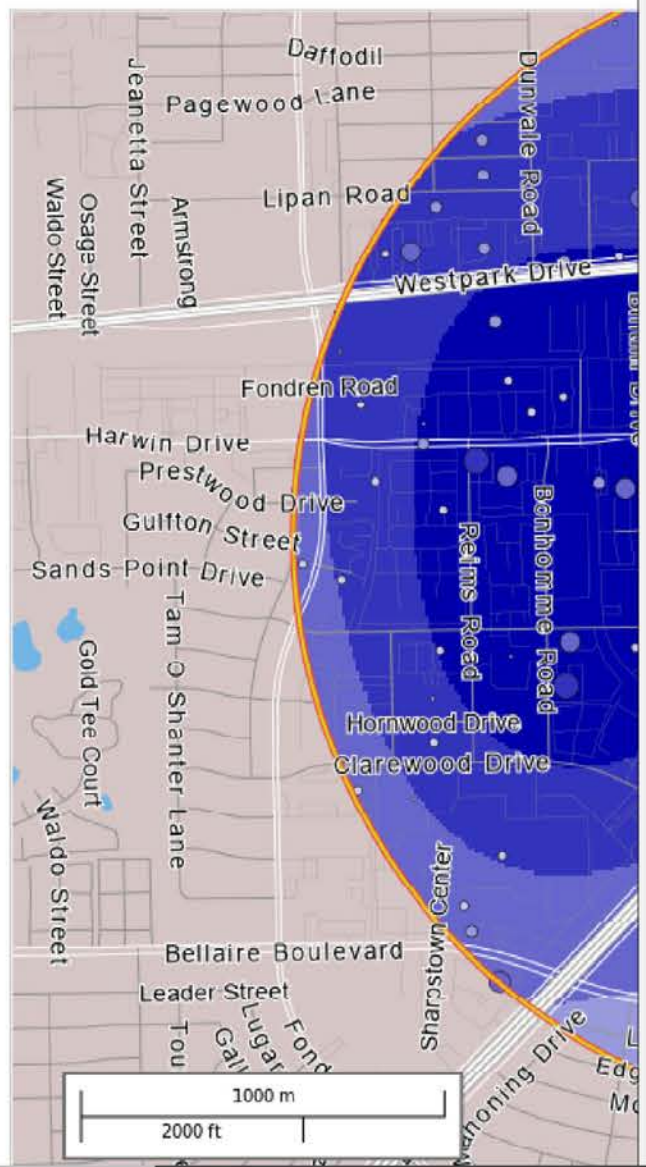
1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.

# Primary Jobs for All Workers in 2017

**EXHIBIT B**

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 01/05/2020

## Counts and Density



### Document Properties

Description Security Fonts Initial View Custom Advanced

#### Description

File: 1.1 10.3 Proximity to Jobs Map Report 20200105.pdf

Title: 10.3 Proximity to Jobs Map Report 20200105

Author: rlastimos

Subject:

Keywords:

Created: 1/5/2020 10:25:47 AM

Date the file was Saved as New in separate folder in developing Applicant Response.

Modified: 5/4/2020 10:37:22 AM

Application: PScript5.dll Version 5.2.2

Additional Metadata...

#### Advanced

PDF Producer: Acrobat Distiller 20.0 (Windows)

PDF Version: 1.6 (Acrobat 7.x)

Location: C:\Users\emily\Dropbox\0. Important Documents\1b. NHH Savoy - 2020\2b. TDHCA 9% Application\0. Challenges\

File Size: 1.85 MB (1,936,810 Bytes)

Page Size: 8.50 x 11.00 in      Number of Pages: 4

Tagged PDF: No      Fast Web View: No

The Application submitted should be the pdf file created from converting the Excel file (into which additional application documentation has been inserted), as well as the Excel file itself. A scanned Application cannot be reviewed, nor can an Excel file, both will be rejected.

## Creating Bookmarks

**Because they cannot be reviewed, Applications without bookmarks will be rejected as materially deficient**

Once the file has been converted to PDF and all executed forms have been inserted into their appropriate locations within the file, the Applicant will need to create Bookmarks. Bookmarks may or may not have already been created as part of the conversion process. The locations may need to be designated for the rest. To correctly set the Bookmark locations, open the PDF file in Adobe Acrobat. Click on the Bookmark icon located on the left-hand side of the Adobe Acrobat screen, or go to the task bar and select these options in the following order: **View → Navigation Panels → Bookmarks.**

If a Bookmark has already been created for each tab within the Excel file, re-set the bookmarks to the correct locations. To re-set the location for the Bookmarks, go to the first page of each separately labeled form/exhibit, right-click on the corresponding Bookmark for the form/exhibit, select **Set Destination** and a pop-up box will appear ask: "Are you sure you want to set the destination of the selected bookmark to the current location?" Select **Yes.**

If Bookmarks were not already created within the Excel file, they will need to be created. Go to **Document → Add Bookmark.** Right-click on the first Bookmark and re-name it for the appropriate form or exhibit. Set the location of the Bookmark by going to the first page of each form or exhibit, right click on the corresponding Bookmark and select **Set Destination.** A pop-up box will appear asking: "Are you sure you want to set the destination of the selected bookmark to the current location?" Select **Yes.**

*Tabs within the Excel Application workbook have been color coded to distinguish between "Parts" of the Application consistent with this manual. Additionally, beside each bulleted item a label to use for purposes of bookmarking the final PDF Application file is included in parentheses.*

If there are extra blank pages of any exhibit after conversion of the Excel file to PDF, they must be deleted in order to limit the size of the Application file. To delete any extra, unnecessary pages identify the page number(s) to be deleted. On the Adobe Acrobat Task Bar click on Document and select Delete Pages from the drop down list. A box will appear prompting a selection of the page(s) to be deleted. Enter the page numbers to be deleted and hit OK. If a page is deleted, the Applicant is responsible for ensuring it was done correctly and did not inadvertently delete pages that should have been retained.

The PDF formatted file must be checked for the following prior to submission:

- ✓ All tabs and/or volumes must be correctly bookmarked
- ✓ Files should average less than 100 kilobytes per page
- ✓ Files must be readable with free PDF file viewers including Adobe Reader and be compatible with Adobe Reader 5.0 and above
- ✓ Files should be saved so that "Fast Web View" (or page at a time downloading) is enabled
- ✓ Text within the PDF file should be searchable using the "Find" command in the PDF viewer

For questions on using or difficulties with the Microsoft Excel based Application, contact Multifamily Finance Division staff via email. Contact information may be found at

- If one or more of the above is not applicable, based upon the type of occupied structures on the Development Site, provide an explanation in the highlighted box.
- URA Applicability to MFDL. Select the box and provide additional information as applicable.
- Complete the certification.
- RARAP Certification (*MFDL Only*). If any yellow highlighted box is marked, then the Residential Anti-Displacement and Relocation Assistance Plan Certification must be submitted.

## ❖ Tab 22 – Architectural Drawings

Make sure all drawings are LEGIBLE. *Do not submit drawings above and beyond those required under the rules.*

**DO NOT SUBMIT LAYERED PLANS. If when you open your plans the document loads a little bit at a time, the document is layered and we cannot accept it.** In order to reduce the file size and speed review of drawings, Applicants are encouraged to submit plans as 300dpi images. Following these steps in Adobe Acrobat will convert most plans:

File > Print > Printer: Adobe PDF > Advanced > Settings: Custom > [V] Print As Image 300dpi > OK  
Properties > Adobe PDF Settings > Default Settings: High Quality Print

As a guard against inconsistencies in the application, if accessible units are of the same floor plan/unit type as other units, applicants are not required to specially denote such accessible units within the architect's table or Building/Unit Type exhibit as long as these units are specified in the site plan or building floor plans.

- **Site Plan – NOTE:** Be sure that your architect follows the list closely.
- **Building Floor Plans** - must be submitted for each building type. Building floor plans must include the locations of the accessible Units and must also include square footage calculations for balconies, breezeways, corridors and any other areas not included in Net Rentable Area.
- **If average income is elected, application must provide assurance that 20%, 30%, 40%, 50%, 60%, 70% and 80% Unit designations are/will be dispersed across all Unit Types in a manner that does not violate fair housing laws. (10 TAC §10.605)**
- **Unit Floor Plans** - must be submitted for each Unit type and must include the square footage for each type of Unit. Applications for Adaptive Reuse are only required to submit Unit floor plans for each typical Unit type and for all Unit types that vary in NRA by more than 10% from the typical Unit of each type. **Unit floor plans must be submitted for the accessible Units for all Developments.**
- **Building Elevations** - must be submitted for each side of each building type (**or include a statement that all other sides are of similar composition to the front**) and must include percentage estimates of each exterior material and proposed roof pitch. Rehabilitation and Adaptive Reuse Developments may submit photographs if the Unit configurations are not being altered and after- renovation drawings must be submitted if Unit configurations are proposed to be altered.

Applicants are encouraged to submit architectural plans grouped by type of plans (e.g., building floor plans for all buildings, followed by unit plans for all units, followed by elevations for all buildings, etc.) as opposed to building by building (e.g., all plan sheets for building one, all plan sheets for building two, etc.).

## ❖ Tab 23 – Specifications and Building/Unit Configuration

- **Specifications and Amenities** - Required for all Development types (i.e. New Construction, Rehabilitation, etc.); no exceptions. Complete all yellow highlighted cells as applicable. Under parking requirements, indicate number of spaces of each parking type that will be free of charge and number of spaces that will be available to tenants for a fee.



20075  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**

Leslie Bingham-Escareño, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 15, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Casey Bump  
Cypress Creek La Porte, LP  
901 S. Mopac Expressway., Bldg. 5, Ste. 100  
Austin, TX 78746

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20075 New Hope Housing Savoy

Dear Mr. Bump:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Applications above to determine whether the dates included on the OnTheMap analysis report were modified to meet rule requirements. Staff determined that a determination could be made by staff without the need for an Administrative Deficiency. Pursuant to 10 TAC §11.10 related to RFAD:

Requestors must provide sufficient credible evidence that, if confirmed, would substantiate the deficiency request. Assertions not accompanied by supporting documentation susceptible to confirmation will not be considered.

Staff does not believe that the documentation provided (enhanced images of the number "5" in various applications) is sufficient to substantiate a deduction of points under 10 TAC §11.9(b)(7)(B). Furthermore, the allegation of the RFAD is not susceptible to confirmation.

Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.



REQUEST FOR ADMINISTRATIVE DEFICIENCY

June 15, 2020

Page 2

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni

Holloway

Marni Holloway

Multifamily Division Director

Digitally signed by Marni Holloway

Date: 2020.06.15 16:48:42 -0500

Cc: Joy Horak-Brown  
Emily Abeln

20077

Request for Administrative Deficiency

May 1, 2020

VIA EMAIL

Attn: Marni Holloway, Director of Multifamily Finance  
Attn: Sharon Gamble, 9% HTC Program Administrator  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

**RE: Request for Administrative Deficiency for TDHCA Application #20077 Lockwood South Apartments**

Dear Ms. Holloway and Ms. Gamble,

Please consider this Third-Party Request for Administrative Deficiency concerning Lockwood South Apartments, Application #20077. We believe the applicant is in violation of 11.101(a)(2)(K) of the 2020 QAP which states:

Any other Site deemed unacceptable, which would include, without limitation, those with exposure to an environmental factor that may adversely affect the health and safety of the residents or render the Site inappropriate for housing use and which cannot be adequately mitigated. If staff believe that a Site should be deemed unacceptable under this provision due to information that was not included in the Application, it will provide the Applicant with written notice and an opportunity to respond.

We believe that the Lockwood South Apartments development site (the "Site") needs to undergo further review for potential environmental issues. The Site is made up of one tract of land from a larger parcel, and directly across the street from that larger parcel is Southern Crushed Concrete located at 600 Lockwood Drive, Houston, Texas (Exhibit 1 - the "Plant"). We believe the location of the concrete crushing plant could put the Site at risk. In addition, Section 11.101(a)(2) of the 2020 QAP states that;

If a state or federal cognizant agency would require a new facility under its jurisdiction to have a minimum separation from housing, the Department will defer to that agency and require the same separation for a new housing facility near an existing regulated or registered facility. In addition to these limitations, a Development Owner must ensure that the proposed Development Site and all construction thereon comply with all applicable state and federal requirements regarding separation for safety purposes.



In this instance, there is a State Ordinance and TCEQ guidelines that dictate the separation distance from a concrete crushing plant to be 440 yards. Section 382.065 of the Texas Clean Air Act states:

Sec. 382.065. CERTAIN LOCATIONS FOR OPERATING CONCRETE CRUSHING FACILITY PROHIBITED. (a) The commission by rule shall prohibit the operation of a concrete crushing facility within 440 yards of a building in use as a single or multifamily residence, school, or place of worship at the time the application for a permit to operate the facility at a site near the residence, school, or place of worship is filed with the commission. The measurement of distance for purposes of this subsection shall be taken from the point on the concrete crushing facility that is nearest to the residence, school, or place of worship toward the point on the residence, school, or place of worship that is nearest the concrete crushing facility.

While the 440 yard requirement specifically pertains to applying for a permit for a concrete crushing facility, we believe this radius should be taken into account in Staff's review as the Site does fall within that distance. Please see Exhibit 5 - Showing Special Condition for Southern Crushed Concrete, LLC. The 440-yard radius drawn from the Plant per Sec. 382.065 covers a majority of the Site rendering the development of Lockwood South Apartments infeasible. (Exhibit 2 - Showing Site and the Plant)

The potential health and environmental impacts of placing a multifamily development at this specific location should be addressed. When the product, as shipped, poses a minimal inhalation health hazard because the bulk of the particles are in the non-inhalable size range. However, during handling or use when the particles are broken down to size the byproduct that can be inhaled, this dust may be harmful to the respiratory system. Product dust may be irritating to eyes, skin, and respiratory system (Exhibit 6). Any crusher at this facility can release a maximum of 15 percent Opacity/Visible Emissions due to it being already established prior to 2008. A distance to the Plant property line requirement is set for the protection of public health and welfare. This 440-yard radius is also cited in the permit special conditions for the facility; the Plant is currently operational with a valid permit that was re-issued March 13th, 2020 and is current until December 18, 2025 (Exhibit 4 - Permit attached for South Crushed Concrete). Further, South Crushed Concrete and industrial yard also has in service, a functioning Hot Asphalt Mixing station (Exhibit 3), hot mix asphalt is typically comprised of stone, sand or gravel bound together by asphalt cement; production of hot mix asphalt occurs with elevated temperatures (above 300°F). Which is another contributor to poor air quality for future residents. The 600 Lockwood Plant was submitted to start construction on Sept. 5, 2003 (Exhibit 7). Then notification of extension for construction submitted in 2005 (Exhibit 8) and a documented a start deadline in 2006 (Exhibit 9) and has been in service and used to crush concrete prior to 2008 (Exhibit 5).

The Applicant for TDHCA #20077 as it is mentioned has submitted to the TDHCA a site within 440 yards (Exhibit 5 - i.e., a quarter-mile) of South Crushed Concrete and SCC Asphalt. Persons residing in a permanent residence within ¼ mile of the plant might be found to be affected by air pollutants and or health hazards (Exhibit 6). A standard set by Texas Clean Air Act, HB 1287, SB 1298, and the TCEQ to limit the universe of persons potentially affected by permitted concrete batch plants. It is our request that TDHCA take on further review the environmental viability of this Site to confirm no issues could arise from Southern Crushed Concrete.

We hope that you will thoughtfully consider this letter and supplemental information. We are on standby should you have any questions.

Sincerely,



Casey Bump

# EXHIBIT 1

## Concrete Crushing Facility Pictures





## Concrete Crushing Facility and 440 Yard Radius



Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Toby Baker, *Executive Director*



**EXHIBIT 3**

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 5, 2019

Ms. Hannah Olonovich  
Environmental Manager  
Southern Crushed Concrete, LLC  
1725 Hughes Landing Blvd Ste 1200  
The Woodlands, TX 77380

Permit by Rule Registration Number: 158209  
Southern Crushed Concrete, LLC  
Project Description/Unit: Lockwood Asphalt Plant Houston  
City: Houston, Harris County  
Regulated Entity Number: RN102994241  
Customer Reference Number: CN603079401  
30 TAC § 106.261  
30 TAC § 106.262  
Affected Permit(s): 52357L001

This is in response to your Permit by Rule (PBR) registration submitted through the online ePermits process for your facility located near Houston, Harris County. Based on the information submitted and review completed by the Rule Registration Section, this is an acknowledgement that Southern Crushed Concrete, LLC has certified emissions associated with Lockwood Asphalt Plant Houston under the Permit By Rule(s) listed above. For rule information see: [www.tceq.texas.gov/permitting/air/nav/numerical\\_index.html](http://www.tceq.texas.gov/permitting/air/nav/numerical_index.html). Records must be maintained in accordance with Title 30 Texas Administrative Code § 106.8 to demonstrate compliance with the claimed PBRs.

As referenced in 30 TAC § 116.116(d)(2), all changes authorized under Chapter 106 to a permitted facility shall be incorporated into the NSR Permit No. 52357L001 when it is amended or renewed.

As a reminder, regardless of the authorization mechanism, all facilities must be in compliance and operate in accordance with all rules and regulations of the TCEQ and the U.S. Environmental Protection Agency. Facilities not operating in accordance with these rules and regulations, or that misrepresented or failed to fully disclose all relevant facts in obtaining this authorization may be subject to formal enforcement action.

This action is taken under authority delegated by the Executive Director of the TCEQ. If you need further information or have questions, please contact the Rule Registrations Section at (512) 239-1250 or write to the Texas Commission on Environmental Quality, Office of Air, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.



Sincerely,



Mark Meyer, Manager

Rule Registrations Section

Air Permits Division

Texas Commission on Environmental Quality

[Project Number: 306164]



Texas Commission on Environmental Quality
Air Quality Permit

A Portable Permit Is Hereby Issued To
Southern Crushed Concrete, LLC
Authorizing the Construction and Operation of
Concrete Crushing Plant
Regulated Entity Number: RN100889492
Customer Reference Number: CN603079401

Permit: 8959D

Amendment Date: March 13, 2020

Expiration Date: December 18, 2025

[Signature]
For the Commission

- 1. Facilities covered by this permit shall be constructed and operated as specified in the application for the permit. All representations regarding construction plans and operation procedures contained in the permit application shall be conditions upon which the permit is issued. Variations from these representations shall be unlawful unless the permit holder first makes application to the Texas Commission on Environmental Quality (commission) Executive Director to amend this permit in that regard and such amendment is approved. [Title 30 Texas Administrative Code (TAC) Section 116.116 (30 TAC § 116.116)] 1
2. Voiding of Permit. A permit or permit amendment is automatically void if the holder fails to begin construction within 18 months of the date of issuance, discontinues construction for more than 18 months prior to completion, or fails to complete construction within a reasonable time. Upon request, the executive director may grant an 18-month extension. Before the extension is granted the permit may be subject to revision based on best available control technology, lowest achievable emission rate, and netting or offsets as applicable. One additional extension of up to 18 months may be granted if the permit holder demonstrates that emissions from the facility will comply with all rules and regulations of the commission, the intent of the Texas Clean Air Act (TCAA), including protection of the public's health and physical property; and (b)(1) the permit holder is a party to litigation not of the permit holder's initiation regarding the issuance of the permit; or (b)(2) the permit holder has spent, or committed to spend, at least 10 percent of the estimated total cost of the project up to a maximum of \$5 million. A permit holder granted an extension under subsection (b)(1) of this section may receive one subsequent extension if the permit holder meets the conditions of subsection (b)(2) of this section. [30 TAC § 116.120]
3. Construction Progress. Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office of the commission not later than 15 working days after occurrence of the event. [30 TAC § 116.115(b)(2)(A)]
4. Start-up Notification. The appropriate air program regional office shall be notified prior to the commencement of operations of the facilities authorized by the permit in such a manner that a representative of the commission may be present. The permit holder shall provide a separate notification for the commencement of operations for each unit of phased construction, which may involve a series of units commencing operations at different times. Prior to operation of the facilities authorized by the permit, the permit holder shall identify the source or sources of allowances to be utilized for compliance with Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program). [30 TAC § 116.115(b)(2)(B)]
5. Sampling Requirements. If sampling is required, the permit holder shall contact the commission's Office of Compliance and Enforcement prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant. [30 TAC § 116.115(b)(2)(C)]
6. Equivalency of Methods. The permit holder must demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the permit. Alternative methods shall be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the permit. [30 TAC § 116.115(b)(2)(D)]
7. Recordkeeping. The permit holder shall maintain a copy of the permit along with records containing the information and data sufficient to demonstrate compliance with the permit, including production records and

operating hours; keep all required records in a file at the plant site. If, however, the facility normally operates unattended, records shall be maintained at the nearest staffed location within Texas specified in the application; make the records available at the request of personnel from the commission or any air pollution control program having jurisdiction in a timely manner; comply with any additional recordkeeping requirements specified in special conditions in the permit; and retain information in the file for at least two years following the date that the information or data is obtained. [30 TAC § 116.115(b)(2)(E)]

8. **Maximum Allowable Emission Rates.** The total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the table attached to the permit entitled "Emission Sources-- Maximum Allowable Emission Rates." [30 TAC § 116.115(b)(2)(F)]<sup>1</sup>
9. **Maintenance of Emission Control.** The permitted facilities shall not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. The permit holder shall provide notification in accordance with 30 TAC §101.201, 101.211, and 101.221 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements; and Operational Requirements). [30 TAC§ 116.115(b)(2)(G)]
10. **Compliance with Rules.** Acceptance of a permit by an applicant constitutes an acknowledgment and agreement that the permit holder will comply with all rules and orders of the commission issued in conformity with the TCAA and the conditions precedent to the granting of the permit. If more than one state or federal rule or regulation or permit condition is applicable, the most stringent limit or condition shall govern and be the standard by which compliance shall be demonstrated. Acceptance includes consent to the entrance of commission employees and agents into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the permit. [30 TAC § 116.115(b)(2)(H)]
11. **This** permit may not be transferred, assigned, or conveyed by the holder except as provided by rule. [30 TAC § 116.110(e)]
12. **There** may be additional special conditions attached to a permit upon issuance or modification of the permit. Such conditions in a permit may be more restrictive than the requirements of Title 30 of the Texas Administrative Code. [30 TAC § 116.115(c)]
13. **Emissions** from this facility must not cause or contribute to "air pollution" as defined in Texas Health and Safety Code (THSC) §382.003(3) or violate THSC § 382.085. If the executive director determines that such a condition or violation occurs, the holder shall implement additional abatement measures as necessary to control or prevent the condition or violation.
14. **The** permit holder shall comply with all the requirements of this permit. Emissions that exceed the limits of this permit are not authorized and are violations of this permit.<sup>1</sup>

<sup>1</sup> Please be advised that the requirements of this provision of the general conditions may not be applicable to greenhouse gas emissions.

## Special Conditions

Permit Number 8959D

### Emission Limitations

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates," and those sources are limited to the emission limits and other conditions specified in the table. In addition, this permit authorizes all emissions from planned startup and shutdown activities associated with facilities or groups of facilities that are authorized by this permit. **(03/20)**

### Fuel Specifications

2. This permit does not authorize the operation of an internal combustion engine in conjunction with this facility. The holder of this permit shall obtain prior authorization for any internal combustion engine that remains at a single point or location for more than 12 consecutive months. Any engine that remains at a single point or location for less than or equal to 12 consecutive months is not considered a stationary source and therefore no authorization is required. **(03/20)**

### Federal Applicability

3. These facilities shall comply with all applicable requirements of the U.S. Environmental Protection Agency (EPA) Regulations on Standards of Performance for New Stationary Sources (NSPS) promulgated in Title 40 Code of Federal Regulations (40 CFR) Part 60, specifically the following:
  - A. Subpart A - General Provisions; and
  - B. Subpart OOO - Nonmetallic Mineral Processing Plants.

### Opacity/Visible Emission Limitations

4. Visible fugitive emissions shall not leave the property for more than 30 cumulative seconds in any six-minute period. **(03/20)**
5. In accordance with 40 CFR Part 60, Appendix A, Test Method 9 or equivalent, and except for those periods described in 30 Texas Administrative Code (30 TAC) § 101.201 and § 101.211, opacity of emissions from any transfer point on belt conveyors or from any screen shall not exceed 7 percent and from any crusher shall not exceed 12 percent for facilities (as defined in 40 CFR §§ 60.670 and 60.671) that commence construction, modification, or reconstruction on or after April 22, 2008. Opacity of emissions from any transfer point on belt conveyors or from any screen shall not exceed 10 percent and from any crusher shall not exceed 15 percent for facilities (as defined in 40 CFR §§ 60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008. The opacity of emissions shall not exceed the indicated percent averaged over a six-minute period. **(03/20)**

### Operational Limitations, Work Practices, and Plant Design

6. The facility shall be limited to the following hourly and annual throughput rates: **(03/20)**

**Table 1: Hourly and Annual Throughput Limits**

Source	Tons per hour	Tons per year in any rolling 12-month period
Plant-wide Throughput	450	1,000,000
Primary Crusher (EPN 1)	450	1,000,000
Secondary Crusher (EPN 3)	300	750,000
Screen (EPN 2)	450	1,000,000

7. The facilities are authorized to operate up to 8,760 hours per year. **(03/20)**
8. Permanently mounted spray bars shall be installed at the inlet and outlet of all crushers, at all shaker screens, and all material transfer points. A dedicated water truck or area-type water sprays shall be available or installed at all stockpiles and active work areas. All water spray systems shall be operated as necessary to maintain compliance with TCEQ rules and regulations.
9. All crushers and screens shall be partially enclosed. **(03/20)**
10. All in-plant roads and traffic areas shall be paved with a cohesive hard surface that can be cleaned by sweeping or washing. All roads, active work areas, and aggregate stockpiles shall be sprayed with water with an installed area type water spray or a dedicated truck upon detection of visible particulate matter emissions to maintain compliance with all applicable TCEQ rules and regulations.
11. The company shall maintain all abatement systems in good working order and immediately make appropriate corrections and/or repairs to any facility equipment if the opacity/visible emissions limitations conditions listed in this permit cannot be met. All the nozzles will be inspected at least every 60 days and changed as needed. **(06/10)**
12. A shroud system and water sprays shall be installed and operated as necessary at the outlets of all crushers to control fugitive emissions.
13. Fog type spray nozzles shall be installed and operated as necessary at the vibrating screen to control fugitive emissions.
14. No concrete containing asbestos shall be crushed at this facility.
15. Stockpiles shall not exceed 45 feet in height. **(03/20)**
16. All stationary equipment authorized by this permit shall be prominently marked to show the assigned TCEQ regulated entity number or permit number, excluding the location suffix (example: L001). These markings must be clearly visible. These identification markings shall be removed from the equipment when it is no longer authorized by the TCEQ. **(06/10)**
17. Any rock crusher that is crushing concrete shall be located a minimum of 440 yards (1/4 mile) from any single or multifamily residence, school, or place of worship, unless the crusher is: **(03/20)**
  - A. at a location authorized for crushing concrete on or prior to September 1, 2001; or



- B. at a location that satisfies this distance requirement at the time the initial application is filed with the TCEQ, and a single or multifamily residence, school, or place of worship is subsequently built or put to use within 440 yards of the facility.
- C. engaged, for not more than 180 days, in crushing concrete produced by the demolition of a structure at the location of the structure and the concrete is being crushed primarily for use at that location (this provision does not apply to a concrete crushing facility in a county with a population of 3.3 million or more or in a county adjacent to such a county).

#### **Movement of a Portable Plant (06/10)**

18. The following are requirements for movement of portable plants:

- A. Prior to moving permitted portable plants or sources to any new site (even if authorization for the site has previously been granted), the holder of the permit shall request relocation or change of location authorization and obtain written approval from a delegated representative of the TCEQ Executive Director. Additionally, once construction has begun at any site, the applicant shall notify the appropriate TCEQ Regional Office and local air pollution control programs in writing of the actual dates of start of construction and operation.
- B. The TCEQ Regional Office may approve the following types of relocations:
  - (1) A permitted plant and associated equipment to be located temporarily\* in the right-of-way, or contiguous to the right-of-way, of a public works project, or  
  
\*Note: A temporary plant is one that occupies a designated site for not more than 180 consecutive days or supplies material for a single project (single project or same contractor for related project segments, but not other unrelated projects.)
  - (2) A portable plant moving to a site where a portable plant has been located at the site at any time during the previous two years and public notice was accomplished at the site as required under 30 TAC Chapter 39 (relating to Public Notice).
- C. If the holder of the permit meets either 18.B.(1) or 18.B.(2) above, then the permit holder shall submit a complete written request to the appropriate commission regional office for the new location and obtain written approval before the start of construction and commencement of operations at the new site. The permit holder is responsible for providing proof of submittal for all relocation requests. Construction may begin after receipt of approval from the appropriate commission regional office or 12 business days after the date of postmark or the date of personal delivery of the request, whichever occurs first, unless disapproval is sent within the 12 business days. The permit holder's request is considered approved if the appropriate regional office does not provide approval or denial of a complete submittal within 12 business days; however, the presumed approval does not exempt the applicant from ensuring that public notice was accomplished at the new site as required under 30 TAC Chapter 39. The relocation request shall contain all of the following information:
  - (1) The company name, address, company contact, and telephone number;
  - (2) A copy of the existing permit conditions and the maximum allowable emission rates table that is in effect for the permitted facility;
  - (3) Regulated entity number (RN), customer reference number (CN), applicable permit or registration numbers, and if available, TCEQ account number;
  - (4) The location from which the facility is moving (current location);
  - (5) A location description of the proposed site (city, county, and exact physical location description);

- (6) A scaled plot plan that identifies the location of all equipment and stockpiles, and also indicates that the required distances to the property lines can be met;
  - (7) A scaled area map that identifies the distance and direction to the closest off-property receptor (if required) and clearly indicates how the proposed site is contiguous or adjacent to the right-of-way of a public works project (if required);
  - (8) The proposed date for start of construction and expected date for start of operation;
  - (9) The expected time period at the proposed site;
  - (10) The permit or registration number of the portable facility that was located at the proposed site any time during the last two years, and the date the facility was last located there. This information is not necessary if the relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project; and
  - (11) Proof that the proposed site had accomplished public notice, as required by 30 TAC Chapter 39. This proof is not necessary if the relocation request is for a public works project that is contiguous or adjacent to the right-of-way of a public works project.
- D. To move a permitted plant and associated equipment to a site that does not meet either 18.B.(1) or 18.B.(2), the holder of this permit shall submit a change of location request to the TCEQ Air Permits Division, Air Permits Initial Review Team, MC-161, P.O. Box 13087, Austin, Texas 78711-3087 using Form PI-1, along with all supporting documents. In accordance with the Texas Health and Safety Code § 382.056, the applicant shall be required to publish public notice prior to being authorized for a change of location to a new site.
- E. All relocation and change of location applications shall comply with the following conditions:
- (1) The rock crushing plant and all associated sources (screens, transfer points on belt conveyors, and feed bins that are only associated with the facility) shall be located a minimum of 100 feet from the property line and at least 550 feet from any other rock crushing plant, concrete batch plant, or hot mix asphalt plant, except as specified in the note below:

Note regarding operations at Lockwood Site:

A hot mix asphalt plant, operating under Permit Number 52357L001 with a production rate of 400 tons per hour, and this rock crushing plant and all associated facilities may operate at the Lockwood Houston Site, 600 Lockwood Drive, with less than a 550-foot separation provided allowable emissions for PM do not exceed those shown in the Maximum Allowable Emission Rate Table for this permit nor for Permit Number 52357L001, dated September 5, 2003. The rock crushing plant and associated facilities shall not operate from one hour after official sunset to one hour before official sunrise.

Additional PM emissions under a permit-by-rule (PBR), standard permit, or additional air permit at the site are not authorized when the hot mix asphalt plant authorized by Permit Number 52357L001 and this rock crushing plant operate simultaneously with less than a 550-foot separation distance. This permit may be altered or amended in the future to allow for the use of an additional air permit authorization at the site provided an impacts evaluation is conducted.

Note regarding operations at Genoa Red Bluff Road site:

This rock crushing plant may operate within 550 feet, but at least 350 feet from a hot mix asphalt plant at the site located at 2070 Genoa Red Bluff Road.

- (2) Any rock crusher that is crushing concrete shall be located a minimum of 440 yards (1/4 mile) from any single or multi family residence, school, or place of worship, unless the crusher is:
- a. at a location authorized for crushing concrete on or prior to September 1, 2001;
  - b. at a location that satisfies this distance requirement at the time the initial application is filed with the TCEQ, and a single or multi family residence, school, or place of worship is subsequently built or put to use within 440 yards of the facility; or
  - c. engaged, for not more than 180 days, in crushing concrete produced by the demolition of a structure at the location of the structure and the concrete is being crushed primarily for use at that location. (This exception not authorized if the facility is relocated in a county with a population of 2.4 million or more or in a county adjacent to such a county.)
- (3) Stockpiles and vehicle traffic areas (except for entrance and exit to the site) shall be located at least 25 feet from any property line. In lieu of meeting the distance requirements for roads and stockpiles, the following must occur:
- a. Roads and other traffic areas within the buffer distance must be bordered by dust suppressing fencing or other barrier along all traffic routes or work areas. These borders shall be constructed to a height of at least twelve feet; and
  - b. Stockpiles within this buffer distance must be contained within a three-walled bunker which extends at least two feet above the top of the stockpile.

### Determination of Compliance

19. Upon request of the TCEQ Regional Director having jurisdiction, the holder of this permit shall perform ambient air monitoring or other testing as required to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere. The tests shall be performed during normal operation of the facilities and shall be performed in accordance with accepted TCEQ practices and procedures.
20. The holder of this permit shall conduct a quarterly visible fugitive emissions determination to demonstrate compliance with the visible fugitive emissions limitation specified in this permit. This visible fugitive emissions determination shall be performed: 1) during normal plant operations, 2) for a minimum of six minutes, 3) approximately perpendicular to plume direction, 4) with the sun behind the observer (to the extent practicable), 5) at least 15 feet, but not more than 0.25 mile, from the plume, and 6) in accordance with EPA 40 CFR Part 60, Appendix A, Test Method 22, except where stated otherwise in this condition. If visible fugitive emissions leaving the property exceed 30 cumulative seconds in any six-minute period, the owner or operator shall take immediate action (as appropriate) to eliminate the excessive visible fugitive emissions. The corrective action shall be documented within 24 business hours of completion. **(03/20)**

### Recordkeeping Requirements

21. In addition to the recordkeeping requirements specified in General Condition No. 7 and 40 CFR Part 60, Subparts A and OOO, the following records shall be maintained at this facility site and made available at the request of personnel from the TCEQ or any other air pollution control program having jurisdiction to demonstrate compliance with permit limitations. These records shall be totaled for each calendar month, retained for a rolling 24-month period, and include the following: **(03/20)**

- A. Quarterly observations for visible fugitive emissions and/or opacity observations;
- B. Daily, monthly, and annual amounts of materials processed, summarized in tons per hour, tons per month, and tons per year;
- C. Records of road cleaning, application of road dust control, or road maintenance for dust control; and
- D. Inspections, malfunctions, repairs, and maintenance of abatement equipment as actions occur.

Date: March 13, 2020

## Material Safety Data Sheet

May be used to comply with OSHA's Hazard Communication Standard,  
29 CFR 1910.1200. Standard must be consulted for specific requirements.

### U.S. Department of Labor

Occupational Safety and Health Administration  
(Non-Mandatory Form)  
Form Approved  
OMB No. 1218-0072

Identity (As used on Label and List): **Abrade-Away**

Note: The manufacturer listed is who Southern Crushed Concrete, LLC sold the product to.  
Safe Data Sheet speaks to the product that was produced, sold, and shipped to said manufacturer.

<b>Section I - Manufacturer Information</b>	
Manufacturer's Name: <b>Specialty Sand Company</b>	Emergency Telephone Number: <b>(281) 215-9500</b>
Address (Number, Street, City, State and Zip Code): <b>16601 Garrett Road Houston, Texas 77074</b>	Telephone Number for Information: <b>(281) 215-9500</b>
	Date Prepared: <b>6-Nov-02</b>
	Signature of Preparer (Optional):

<b>Section II - Hazardous Ingredients/Identity Information</b>				
Hazardous Components (Specific Chemical Identity: Common Name(s)) <b>FAYALITA (COMPLEX SILICATES and OXIDES of Fe, Si, Ca, Al; (copper slag)</b>				
<b>CHEMICAL FORMULA: --(SiO<sub>2</sub>)Fe</b>				
CAS NUMBER	CHEMICAL NAME	PERCENT %	OSHA PEL	ACGIH TLV
1309-37-1 Amorphous (non-fumed, non-fused)	Fe <sub>2</sub> O <sub>3</sub>	60.23 - 69.63	10mg/cm	5mg/cm
	SiO <sub>2</sub>	28.16 - 30.84	10mg/cm	5mg/cm
1344-28-1	Al <sub>2</sub> O <sub>3</sub>	2.42 - 3.61	5mg/cm	10mg/cm
1314-13-2	Zn	1.49 - 2.20	5mg/cm	10mg/cm
1305-78-8	CaO	.30 - 1.18	5mg/cm	2mg/cm
<b>NUISANCE DUST</b>				



<b>TOTAL DUST</b>		15mg/cm	10mg/cm
<b>RESPIRABLE DUST</b>		5mg/cm	5mg/cm
<b>Contains less than 1% Free Silica</b>		10mg/cm	0.1mg/cm
		%SiO <sub>2</sub> +2	

<b>Section III - Physical/Chemical Characteristics</b>			
Boiling Point	<b>N/A</b>	Specific Gravity (H <sub>2</sub> O =1)	<b>3.9g/cc</b>
Vapor Pressure (mmHg)	<b>N/A</b>	Melting Point	<b>&gt;2000 F</b>
Vapor Density (AIR = 1)	<b>N/A</b>	Evaporation Rate (Butyl Acetate = 1)	<b>N/A</b>
Solubility in Water	<b>INSOLUBLE</b>		
Appearance and Odor	<b>BLACK SOLID ANGULAR GRANULES WITH NO ODOR</b>		

<b>Section IV - Fire and Explosion Hazard Data</b>	
Flash Point (Method Used)	<b>N/A</b>
Flammable Limits	<b>N/A</b>
LEL	<b>N/A</b>
UEL	<b>N/A</b>
Extinguishing Media	<b>PRODUCT IS NON-FLAMMABLE AND NON-EXPLOSIVE</b>
Special Fire Fighting Procedures	<b>N/A</b>
Unusual Fire and Explosion Hazards	<b>N/A</b>

<b>Section V - Reactivity Data</b>
------------------------------------

Stability: <b>YES</b>	Unstable		Conditions to Avoid: <b>N/A</b>
	Stable	<b>X</b>	<b>PRODUCT STABLE UNDER NORMAL CONDITION OF USE, STORAGE AND TRANS</b>
Incompatibility (Materials to Avoid)	<b>STRONG ACIDS</b>		
Hazardous Decomposition or Byproducts	<b>N/A</b>		
Hazardous Polymerization	May Occur	<b>X</b>	Conditions to Avoid: <b>STRONG ACID CONTAMINATION</b>
	Will Not Occur	<b>X</b>	<b>NONE</b>

### Section VI - Health Hazard Data

Route(s) of Entry:	Inhalation? <b>YES</b>	Skin? <b>YES</b>	Eyes? <b>YES</b>	Ingestion? <b>YES</b>
Health Hazards (Acute and Chronic)	<b>ACUTE - EYES, SKIN and RESPIRATORY TRACT IRRITANT. CHRONIC - EXCESSIVE EXPOSURE BY INHALATION OF PARTICLES LESS THAN 5um MAY AGGRAVATE RESPIRATORY TRACT and PRE-EXISTING HEALTH CONDITIONS.</b>			
Carcinogenicity:	NTP? <b>NONE</b>	IARC Monographs? <b>NONE</b>	OSHA Regulated? <b>NONE</b>	
<b>IARC Monographs indicate evidence for the carcinogenicity of inhaled silica in humans.</b>				
Signs and Symptoms of Exposure	<b>OVEREXPOSURE MAY RESULT IN IRRITATION TO EYES, SKIN OR THE RESPIRATORY TRACT.</b>			
Medical Conditions Generally Aggravated by Exposure:	<b>POSSIBLE RESPIRATORY DISORDERS OR DISEASES MAY BE AGGRAVATED BY EXPOSURE.</b>			
Emergency and First Aid Procedures	<b>FOR EYE CONTACT - FLUSH WITH WATER. FOR SKIN IRRITATION - WASH WITH SOAP AND WATER. FOR INHALATION EXPOSURE - MOVE TO FRESH AIR. FOR INGESTION - RINSE MOUTH WITH WATER.</b>			

### Section VII - Precautions for Safe Handling and Use

Steps to Be Taken in Case Material is Released or Spilled:

**WEAR PROPER PROTECTIVE EQUIPMENT MEETING OSHA 29 CFR 1910.134 TO AVOID EXPOSURE TO MATERIAL. POSSIBLE RESPIRATORY DISORDERS OR DISEASES MAY BE AGGRAVATED BY EXPOSURE TO NUISANCE DUST GENERATED DURING HANDLING OR USE. SPILLED MATERIAL SHOULD BE SWEEPED OR VACUUMED INTO APPROPRIATE CONTAINERS.**

Waste Disposal Methods:

**DISPOSE IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS. TCLP DATA AVAILABLE UPON REQUEST. TEST USED MATERIAL TO DETERMINE WASTE CLASSIFICATION.**

Precautions to Be Taken in Handling and Storing:

**WEAR PPE MEETING NIOSH AND OSHA STANDARDS UNDER 29 CFR 1910.134**

Other Precautions:

**NONE**

### **Section VIII - Control Measures**

Respiratory Protection (Specify Type):

**USE ONLY RESPIRATORS THAT MEET NIOSH AND OSHA STANDARDS UNDER 29 CFR 1910.134**

Ventilation:

**YES**

Local Exhaust:

**PROVIDE ENOUGH VENTILATION FOR VISUAL CON**

Special:

Protective Gloves:

**LEATHER GLOVES TO PROTECT**

Eye Protection:

**AIR FED HOOD WITH LENS PROTECTION OR GOOGLES**

Other Protective Clothing or Equipment:

**BLAST ABRASIVE SUIT**

Work/Hygienic Practices:

**ALWAYS CLEAN PERSONAL EQUIPMENT AS RECOMMENDED BY MANUFACTURER.**

\*This Material Safety Data Sheet has been modified to fit the screen



07/16/2003 ----- NSR PERMITS IMS- PROJECT RECORD -----  
 PROJECT#: 99366 PERMIT#: 40072 STATUS: P DISP CODE: \_\_\_\_\_  
**RECEIVED: 07/11/2003** PROJTYPE: CRVN RENEWAL: ISSUED DATE: \_\_\_\_\_  
 FEE DATE: FEE AMT: \$ 0 STDX1/SP: 0 SUP-DISP DATE: \_\_\_\_\_  
 GROUP: PAR  
 PARSTAFF1: BARTLEY, LUCY &  
 PARSTAFF2: MARTIN, PATRICIA  
 GROUP: M/A  
 TECHENGR : TEAM LEADER, MECH/AG  
**ADMIN REVIEW**  
 A - PAR RECEIVED : 07/11/2003 A - PAR TRANSFER TO APD : 07/16/2003

ISSUED TO: SOUTHERN CRUSHED CONCRETE INC  
 COMPANY NAME: SOUTHERN CRUSHED CONCRETE INC  
 CUSTOMER REGISTRY ID: CN600578074

**PRIMARY CONTACT INFORMATION**

CONTACT TYPE: RESPONSIBLE OFFICIAL  
 NAME: MR JAMES R MILLER JR TITLE: PLANT MANAGER  
 PHONE: 281-987-8789 ext 203 FAX: 281-987-8791 ext  
 STREET: 14329 CHRISMAN RD CITY/STATE, ZIP: HOUSTON, TX , 77039-1508  
 1508

**PROJECT INFORMATION**

UNIT: REVISE RELOCATION RESTRICTIONS ITEM 5D TO REFLECT NEW LAW  
 SIC: 0 REGION: 12 ACCOUNT: 940072H REG ENTITY ID: RN100904838  
 SITE NAME: **LOCKWOOD CRUSHING PLANT**  
 COUNTY: HARRIS CAPUNITS: UNITYTYPE: *CRCR*  
 CAPACITY: CITY: HOUSTON  
 LOCATION: **600 LOCKWOOD DR**

**PUBLIC NOTICE**

PUBLIC NOTICE REQUIRED?: PN1 ALT LANGUAGE: NO PN2 ALT LANGUAGE: NO

**EMISSION RATES**

TONS/YR REDUCTION	NOX	CO	VOC	PM	SO2	OTHER	TOTAL
-------------------	-----	----	-----	----	-----	-------	-------

**PROJECT NOTES**

ADMINISTRATIVE: SOS NO 126061000  
 126061000

**TECHNICAL ACTIVITY HISTORY**

TR - ENGINEER RECEIVE PROJECT :	TR - DFT PERMIT RFC SENT :	FA - PROJECT ISSUED :
TR - PROJECT RECEIVED :	SUP - RECEIVED FROM PAR :	TR - PROJ TECH COMPLETE :
TR - CONTROLS REVIEW :	TR - CALCULATION REVIEW :	TR - IMPACTS REVIEW :
TR - PN VERIFICATION :	TR - RESPONSE TO TECH DEF RECV :	TR - APPL RESPONSE TO PMT :
TR - EFFECT/ISSUE PMT/AUTH :		

**RECEIVED**

JUL 17 2003

**PROJECT ATTRIBUTES**

**AIR PERMITS DIVISION**



*Westward Environmental, Inc.*

*P.O. Box 2205  
BOERNE, TEXAS  
78006*

January 5, 2005

Texas Commission on Environmental Quality  
Air Permits Division – MC163  
P.O. Box 13087  
Austin, TX 78711-3087

Project No.: 10249-01

Attention: Mr. Richard Hyde, P.E.

Subject: Southern Crushed Concrete, Inc.  
Permit Number: 52357L001, RN102994241  
Request for Extension of Construction – Hot Mix Asphalt Plant  
Houston, Harris County, Texas

Mr. Hyde,

On behalf of Southern Crushed Concrete, Inc., we would like to submit this request for extension of construction for the above referenced facility. A onetime 18-month extension to begin construction may be granted solely at the request of the permit holder as provided by 30 TAC 116.120 (b). This permit was issued on **September 5, 2003**. It is the intent of Southern Crushed Concrete, Inc. to begin construction within the time period of 18 months from the current deadline of **March 5, 2005**. The new construction deadline for the facility would be **September 5, 2006**.

Please note that the TCEQ Air Permits Database has the subject facility listed under a regulated entity number of RN102994241 while the hard copy of Permit Number: 52357L001 states RN102906500.

Please provide our office with a copy of the record of this extension. If there are any questions or concerns with this issue contact our office as soon as possible.

Respectfully submitted,  
WESTWARD ENVIRONMENTAL, INC.

Tristan Walker  
Project Manager

RECEIVED

JAN 06 2005

Distribution: TCEQ, PAR (fax)  
TCEQ Region 12 (fax)  
Jim Miller, Southern Crushed Concrete (fax)  
10249-02 file

Air & Waste Applications Team



Air/RN102-994-241/  
52357L001/PA



*Westward Environmental, Inc.*

**EXHIBIT 9**

P.O. Box 2205  
BOERNE, TEXAS  
78006

September 1, 2006

Texas Commission on Environmental Quality  
Region 12, Air Section  
5425 Polk Ave., Ste. H  
Houston, TX 77023-1486

Project No.: 10249-02

Attention: Ms. Linda Vasse

**RECEIVED**  
**SEP 28 2006**  
TCEQ  
CENTRAL FILE ROOM

Subject: Southern Crushed Concrete, Inc.  
Start of Construction Notification  
Hot Mix Asphalt Plant – Permit No. 52357L001; RN102994241  
Houston, Harris County, TX

Dear Vasse:

On behalf of Southern Crushed Concrete, Inc. we wish to notify the TCEQ of start of construction of the hot mix asphalt plant in accordance with General Condition No. 3 of the subject permit. Construction and operation of the subject facility were authorized by Permit Number 52357L001 on **September 5, 2003**. An extension to start construction of the facility was granted on **February 2, 2005**. Southern Crushed Concrete, Inc. would like to notify the TCEQ that construction commenced on **September 1, 2006**.

If you need any additional information, or have any questions, please feel free to contact our office at (830) 249-8284.

Respectfully submitted,  
WESTWARD ENVIRONMENTAL, INC.

Michael Mantooth  
Environmental Specialist

**RECEIVED**  
**SEP 05 2006**  
**REGION 12**

Distribution: Addressee (fax and overnight) ✓  
Jim Miller, Southern Crushed Concrete, Inc. (fax)  
10249-02 file

20077  
Administrative Deficiency Notice(s)

**From:** [Sharon Gamble](#)  
**To:** [scott@brinshore.com](mailto:scott@brinshore.com); [rubene@brinshore.com](mailto:rubene@brinshore.com)  
**Cc:** [Sarah Andre](#)  
**Subject:** 20077 Lockwood South Apartments - 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Thursday, May 21, 2020 2:16:00 PM  
**Importance:** High

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 29, 2020.**

**Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20077 Lockwood South Apartments**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

1. Staff reviewed the Development Site's proximity to Southern Crushed Concrete. Provide documentation and evidence to convince staff that the Development Site should not be considered ineligible under 10 TAC §11.101(a)(2)(K).

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant

will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### **About TDHCA**

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

Reminder for Direct Loan Borrowers: TDHCA will not close earlier than 30 days after receipt of complete due diligence documents. We will not honor closings scheduled without our confirmation.

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs

20077  
Deficiency Response(s)





May 29, 2020

Ms. Sharon Gamble  
Administrator 9% Competitive Housing Tax Credit Program  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, TX 78701

Via: [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)

*Re: Lockwood South Apartments, Houston ("Development"), Application #20077*

Dear Ms. Gamble:

Please see the following responses and associated attachments regarding the deficiency for HTC application #20077 Lockwood South Apartments, dated May 21, 2020. We appreciate the opportunity to respond and provide documentation correcting the deficiency.

*Staff reviewed the Development Site's proximity to Southern Crushed Concrete. Provide documentation and evidence to convince staff that the Development Site should not be considered ineligible under 10 TAC §11.101(a)(2)(K).*

This response provides conclusive evidence that the Development should be considered eligible for the Department's Competitive Housing Tax Credit Program by providing 1) aerial imagery demonstrating that the complained of concrete crushing facility has been removed and is not in operation; 2) the applicable Texas Commission on Environmental Quality ("TCEQ") measurement method for distance limitations for these concrete crushing facilities; and 3) aerial imagery demonstrating that the distance between the remaining concrete crushing facility and the Development meets the applicable standard.

**1) Aerial imagery demonstrating that the complained of concrete crushing facility has been removed and is not in operation.**

The concrete crushing "facility" brought to the Department's attention at the Southern Crushed Concrete site is no longer in place. Imagery submitted with the Request for Administrative Deficiency (RFAD) is dated February 2019 and does not reflect what is currently on the Southern Crushed Concrete Site. Based on drone imagery taken on May 20, 2020, the complained of crushing facility has been dismantled and removed. Any concerns regarding its location in proximity to the Development are moot. See Exhibit A for before and after imagery of where the concrete crushing equipment, that is now gone, was previously located. Exhibit B includes a letter from the firm that shot the drone footage on May 20, 2020.

**2) The applicable TCEQ measurement method for distance limitations for these concrete crushing facilities is point to point, not boundary to boundary, and TDHCA has applied this standard before.**

In determining the necessary housing separation from the Development to a concrete crusher, TDHCA defers to the TCEQ. The TCEQ prohibits the operation of a concrete crushing facility within 440 yards of a building in use as a single or multifamily residence, school, or place of worship at the time the application to operate a crusher is filed. THSC § 382.065(a). The TCEQ measures this distance from "from the point on the concrete crushing facility that is nearest to the residence, school, or place of

worship toward the point on the residence, school, or place of worship that is nearest the concrete crushing facility.” *Id.* The Development Team has engaged an attorney specializing in environmental law to provide clarity on application of TCEQ regulations and measuring methodology, and addressing any issues related to TCEQ compliance from Southern Crush Concrete. Please see Exhibit C, D, and E for this Legal Review.

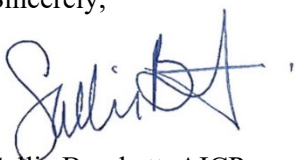
TDHCA has recently applied the TCEQ’s measurement standard. In a February 15, 2019 decision, TDHCA applied the same measurement standards as the TCEQ to a concrete crushing facility in its determination that the facility was not an Undesirable Site Feature for the New Hope Housing Avenue J application. See Exhibit F attached. In this precedent, TDHCA accepted the TCEQ’s rules on separation: “The QAP explicitly “defer[s] to that agency and require[s] the same separation for a new housing facility near an existing regulated or registered facility.” Essentially, TDHCA has adopted THSC § 382.065(a) and TCEQ’s companion rule for review of Undesirable Site Features. ***Therefore, TDHCA should employ the “same separation” standard as TCEQ would use in a new licensing scenario,*** and that is a minimum separation of 440 yards from a qualifying “facility.”

**3) Aerial imagery demonstrating that the distance between the remaining concrete crushing facility and the Development meets the applicable standard.**

The TCEQ would not find that the location of the remaining concrete crushing facility is within the prohibited 440 yards. The attached map in Exhibit G demonstrates an *excess* of 440 yards separation between the concrete crushing facility and the nearest proposed residential buildings on the Development. This visual documentation, captured from a drone flight on May 20, 2020 by Virtual Leasing Systems is current and demonstrates that the location of the remaining concrete crushing facility is outside of 440 yards, as defined by TCEQ. The remaining concrete crushing facility is 500 yards from the site boundaries of Lockwood South Apartments, plus an additional 30 feet farther from the residential buildings on site. See Exhibit H for a map showing the exact location of the permanent concrete crusher within the property owned by Southern Crushed Concrete. The remaining concrete crushing facility does not make the Development ineligible.

Please let us know if you have any further questions or require further documentation by contacting me at (512) 473-2527 or at [sallie@structuretexas.com](mailto:sallie@structuretexas.com). Thank you for your consideration.

Sincerely,



Sallie Burchett, AICP  
Consultant to the Project

- Exhibit A: Before/after imagery of the now disassembled and removed mobile concrete crusher
- Exhibit B: Letter of Qualifications from Virtual Leasing Systems regarding drone imaging
- Exhibit C, D, & E: Environmental Review from Natasha J. Martin, environmental attorney at Graves Dougherty Hearon & Moody
- Exhibit F: Excerpts from TDHCA’s determination letter for New Hope Housing Avenue J
- Exhibit G: Map showing the distance between Lockwood South Apartments and the permanent concrete crushing facility
- Exhibit H: Map showing location of the permanent concrete crushing facility

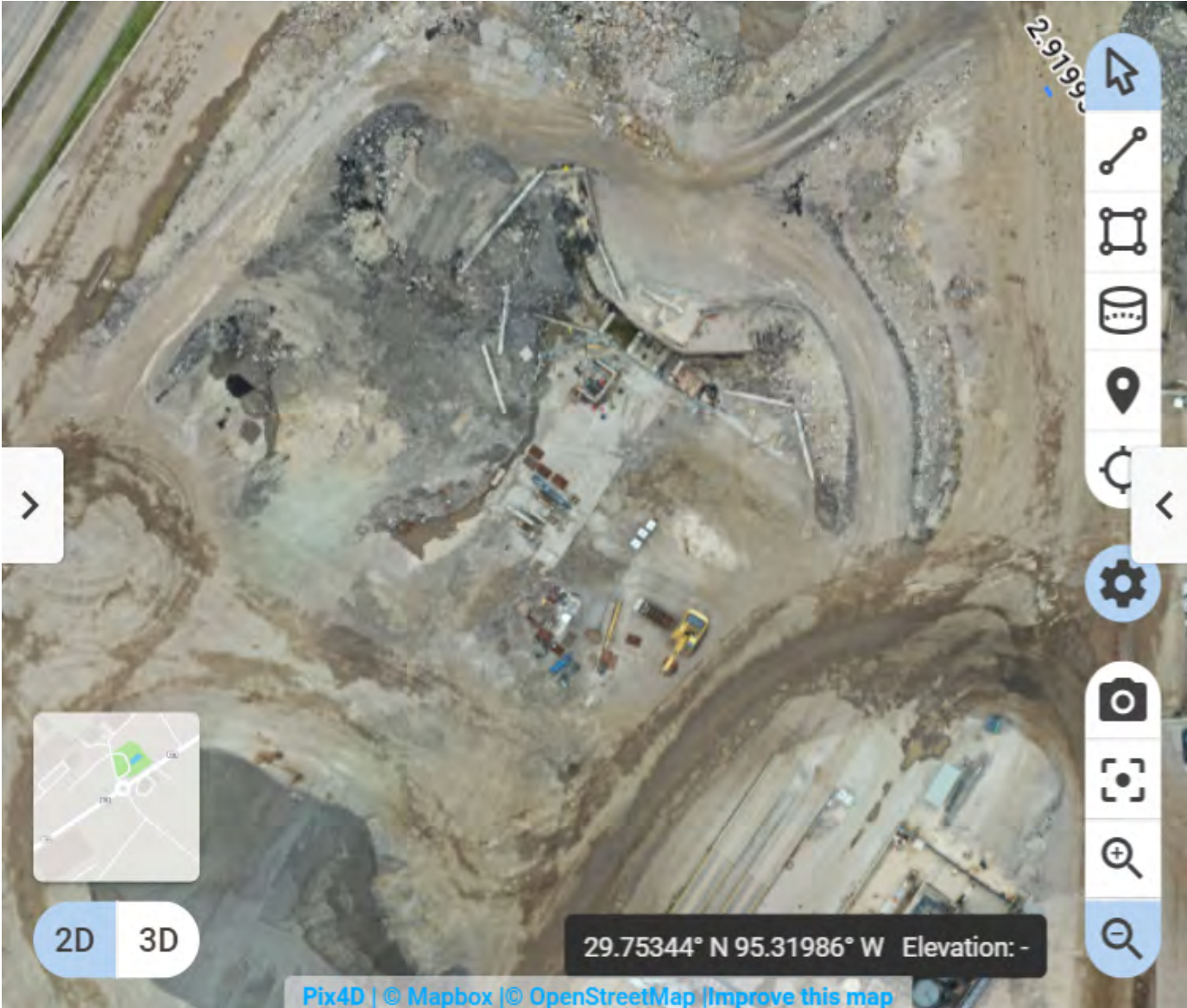


# Mobile Concrete Crusher Disassembly and Removal

**EXHIBIT A**

**12/03/2018**

**05/20/2020**





# Virtual Leasing Systems

825 Town & Country Lane Suite 1200  
Houston, TX 77024

713-255-3077  
info@virtualeasingsystems.com  
www.virtualeasingsystems.com

To Whom it May Concern,

Brinshore Development hired me to shoot drone stills and photogrammetry of their potential development site and surrounding areas. On May 20th 2020, I utilized a DJI drone to shoot the site east of Lockwood. The footage I shot is actual 3D imagery, and still images from that day.

Founded in 2004, Virtual Leasing Systems has specialized in architectural and multi-family image capture and marketing working with national property managers and owners development and marketing teams.

Respectfully,

VJ Arizpe  
owner



## EXHIBIT C

Natasha J. Martin  
512.480.5639  
512.536.9939 (fax)  
nmartin@gdhm.com

MAILING ADDRESS:  
P.O. Box 98  
Austin, TX 78767-9998

May 29, 2020

Ms. Sharon Gamble  
Administrator 9% Competitive Housing Tax Credit Program  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, TX 78701

Via: [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)

*Re: Lockwood South Apartments, Houston (“Development”), Application #20077;  
Response to May 1, 2020 Request for Administrative Deficiency (“RFAD”); Legal  
Review*

Dear Ms. Gamble:

We are in receipt of the deficiency notice for HTC application #20077 Lockwood South Apartments, dated May 21, 2020, and the associated May 1, 2020 RFAD claiming that a concrete crushing facility would be too close to the proposed Development. The RFAD utilized imagery from February 24, 2019. Because current imagery as taken by a drone on May 20, 2020 shows the facility described in the RFAD imagery is now gone, and the location of a different concrete crusher, not at issue in the RFAD, that remains is farther away than the Texas Commission on Environmental Quality’s (“TCEQ”) 440-yard distance limitation, we request that the Development be considered eligible for the Department’s Competitive Housing Tax Credit Program (“Program”).

TDHCA’s and TCEQ’s applicable statutory and regulatory frameworks and two concrete crushing facilities at Southern Crushed Concrete Plant’s at 600 Lockwood Drive, Houston, Texas are discussed below. The concrete crushing facility identified in the RFAD with imagery from February 24, 2019 is no longer in place. The location of the remaining concrete crushing facility complies with the applicable distance limitations to the Development. There are no crushers that qualify as TDHCA Undesirable Site Features near the Development.

The TDHCA Undesirable Site Features rule defers to the TCEQ for consideration of concrete crushing facilities near proposed developments. “If a state or federal cognizant agency would require a new facility under its jurisdiction to have a minimum separation from housing, the Department *will defer* to that agency and require the same separation for



# EXHIBIT C

May 29, 2020

Page 2

a new housing facility near an existing regulated or registered facility.” 10 Tex. Admin. Code (TAC) § 11.101(a)(2). (Emphasis added).

The TCEQ is the agency with jurisdiction to regulate concrete crushing facilities pursuant to Chapter 382 of the Texas Health & Safety Code. Tex. Health & Safety Code (THSC) § 382.065; *see also* § 382.003(4) (defining “commission” as the TCEQ). The TCEQ prohibits the operation of a concrete crushing facility within 440 yards of a building in use as a single or multifamily residence, school, or place of worship at the time the application to operate a crusher is filed. THSC § 382.065(a). The TCEQ measures this distance from “from the point on the concrete crushing facility that is nearest to the residence, school, or place of worship toward the point on the residence, school, or place of worship that is nearest the concrete crushing facility.” *Id.*; *see also* 30 TAC § 116.112(b)(2)(A) (providing TCEQ’s rule implementing the statutory distance limitation using the same measuring method). Key with these measurements is that the TCEQ measures from a discrete “point” on the “facility” crushing concrete to a “point” on a structure used a residence. The points are tagged on “facilities.” The TCEQ defines “facility” as:

“A discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source, including appurtenances other than emission control equipment. A mine, quarry, well test, or road is not a facility.”

This definition informs the measurement method and directs the TCEQ to measure from the equipment or structure. It does not require this separation from the site generally or the property boundary line.

Similarly, the TCEQ measures to a point on a “residence.” TCEQ guidance defines “residence” as a structure primarily used as a permanent dwelling.<sup>1</sup> Taken together, the appropriate distance to measure is the distance from any existing concrete crushing facility to the proposed nearest building in the proposed Development.

The Requestors of the RFAD are attempting to lead the Department to believe that the 440-yard prohibition and this measurement should encompass the entire site where the concrete crusher is located. RFAD at p. 2. Referring to 440 yards, the Requestor states “We believe this radius should be taken into account in Staff’s review as the *Site* does fall within that distance.” (Emphasis added). Doing so would be contrary to state law, TCEQ rule, and TDHCA Rule as TDHCA “will defer” to the TCEQ. TDHCA does not appear to

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<sup>1</sup> *See* Summary Document for Air Quality Standard Permit for Permanent Rock and Concrete Crushers (“Permanent Crusher Guidance”) at pp. 2 & 17, available at [https://www.tceq.texas.gov/assets/public/permitting/air/NewSourceReview/Mechanical/permcrushsp\\_pack.pdf](https://www.tceq.texas.gov/assets/public/permitting/air/NewSourceReview/Mechanical/permcrushsp_pack.pdf).

# EXHIBIT C

May 29, 2020

Page 3

be inclined to follow this site-wide standard based on its February 19, 2019 New Hope decision. In that decision, the TDHCA rejected applying the 440-yard radius to the “entirety of the crushed concrete plant site” and measured following TCEQ’s point to point standard. *See* Exhibit F of this response packet at pp. 3-4.

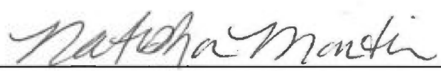
Using the TCEQ’s statutorily required measurement method, there are no concrete crushing facilities within 440 yards of the Development. The concrete crushing “facility” brought to the Department’s attention at the Southern Crush Concrete site is no longer in place according recent drone photography. *See* Exhibit A of this response packet. There is no “point” on any “facility” by which TCEQ could measure any distance limitations. Further, the only concrete crushing facility at the Southern Crush Concrete site is greater than 440 yards away from any residences on the Development as shown on Exhibit G. A measurement from the nearest point on the Concrete Crushing Facility to the point of the nearest building proposed to be used as a residence in the Development comes to 510 yards away. Any concerns raised in the RFAD are no longer an issue, and the remaining crusher meets TCEQ standards.

The RFAD also raises concerns regarding potential health and environmental impacts. RFAD at p. 2. Concrete crushing facilities are protective of public health and welfare so long as the facilities are operated under the required conditions. *See* Permanent Crusher Guidance at pp. 2, 5. Adverse impacts are not expected from crushing facilities for properties at least 440 yards away. Also important is that Southern Crush Concrete’s compliance history indicates that it complies with environmental regulations. Southern Crush Concrete received a “high” classification. *See* Exhibit D to this response packet, TCEQ Compliance Rating for Southern Crush Concrete. This means that Southern Crush Concrete “Complies with environmental regulations extremely well.” *See* Exhibit E to this response packet, TCEQ Ratings Scale.

Because the Undesirable Site Features rule is not violated, and the TDHCA defers to the TCEQ in this instance, the Development is eligible to proceed in the Competitive Housing Tax Credit Program. If you have questions, please contact me at 512-480-5639.

Yours truly,

GRAVES, DOUGHERTY, HEARON & MOODY  
A Professional Corporation

By:   
Natasha J. Martin

# EXHIBIT D

[Skip navigation](#)

SITE SEARCH:

please enter search phrase

[SUBJECT INDEX](#)

- › [Air](#) › [Water](#) › [Waste](#)
- › [Search TCEQ Data](#)
- › [Agency Organization Map](#)

Customer	Site Associated with This Customer					Compliance History for Customer at this Site (If no Site appears in the same row, this is the Customer's overall compliance history.)			
	Name	City or Nearest City	County	TCEQ Region	Related Numbers	Rating	Classification	Date Rated	Date Posted
SOUTHERN CRUSHED CONCRETE LLC	N/A	N/A	N/A	N/A	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>	0	HIGH	09/01/2019	05/04/2020

### What's a "site"?

A "site" (sometimes called a "regulated entity") is any person or thing that is of environmental interest to the TCEQ. At a "site", one or more regulatory activities of interest to us occur or have occurred in the past. Some examples of sites are:

- Industrial plants, such as the Exxon Baytown Facility

- Small businesses, such as Texaco Gas Station #200 or Elroy's Dry Cleaning & Laundry
- Public facilities, such as the City of Austin's Hornsby Bend Wastewater Treatment Plant

## EXHIBIT D

### What's a “customer”?

A “customer” owns, operates, is responsible for, or is affiliated with a regulated entity. Examples include:

- Major industrial corporations, such as Exxon USA, Exxon Inc, or Texaco Inc
- Small businesses, such as Karl Redmond dba Karl's Kleaners, which owns several dry-cleaner locations
- Governmental bodies, such as the City of Austin, the United States Air Force, or a municipal utility district
- Individuals, such as Karl A. Redmond, owner of Karl Redmond dba Karl's Kleaners

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[Get a list of compliance histories](#)

Learn more [about compliance histories](#)

Questions? E-mail [comphist@tceq.texas.gov](mailto:comphist@tceq.texas.gov)

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# EXHIBIT E



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

(<https://www.tceq.texas.gov>)

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Enforcement Process and Actions

(<https://www.tceq.texas.gov/compliance>

/enforcement) / Compliance History

(<https://www.tceq.texas.gov/compliance>

/enforcement/compliance-history) / Compliance

History Basics

## Compliance History Basics

**Explains how compliance histories, ratings, and classifications are assigned and used by TCEQ staff.**

### Who *Is* Rated


### Who *Is Not* Rated

### “Histories,” “Ratings,” and “Classifications”

The compliance history of a customer—overall or with a particular regulated entity—is based on many factors. From this history, our staff develops a numerical rating (0 = best; the score increases with poorer compliance). This numerical rating is then converted to a general classification.

### Basis of the Compliance History

The compliance history entails both positive and negative factors related to the customer's environmental performance at a site over the past five years—for example, whether at this site this customer has:

- conducted a self-audit under the Texas Environmental, Health, and Safety Audit Privilege Act (see TCEQ publication **RG-173 (/assets/public/comm\_exec/pubs/rg/rg-173.pdf)** )
- participated in voluntary environmental management systems
- participated in TCEQ-sponsored voluntary pollution reduction programs
- received an enforcement order, court judgment, consent decree, or criminal conviction for environmental violations under the jurisdiction of



## EXHIBIT E

the TCEQ or the EPA

- received an enforcement order, court order, or criminal conviction related to environmental violations in another state
- received a citation for a chronic excessive emissions event
- received a notice of violation from the TCEQ
- received one or more inspections from the TCEQ (and, if so, the results of those inspections)

This information is compiled in a document called a **compliance history report (/compliance/enforcement/compliance-history/get\_report.html)**.

### How a Compliance History Becomes a Rating

State rules spell out a procedure for quantifying the significance of each factor in the compliance history. The resulting rating is, in a sense, a measure of the customer's *distance from compliance*. A customer's rating increases with each failure to comply. We round this calculated value to the nearest hundredth of a point.

If we have no information on which to base a rating, the customer is not assigned a rating and is designated as "unclassified."

### How a Rating Becomes a Classification

Ratings are converted to classifications as follows:

<b>If the calculated* rating is:</b>	<b>Then the performance is classified as:</b>	<b>This classification means that <i>at this site</i> the customer:</b>
<b>Below 0.10</b>	<b>High</b>	<b>Complies with environmental regulations extremely well.</b>
<b>0.10–55.00</b>	Satisfactory	Generally complies with environmental regulations.
<b>Greater than 55.00</b>	Unsatisfactory	Fails to comply with a significant portion of the relevant environmental regulations.





### How Often Ratings and Classifications Occur

# EXHIBIT E

## How Often Classifications Are Published

## How Compliance Histories Are Used

### Related content

-  **Compliance History Report** ([https://www.tceq.texas.gov/compliance/enforcement/compliance-history/get\\_report.html](https://www.tceq.texas.gov/compliance/enforcement/compliance-history/get_report.html))
-  **Correcting Errors in a Compliance History Classification** (<https://www.tceq.texas.gov/compliance/enforcement/compliance-history/errors.html>)
-  **Request Compliance History Information** ([https://www.tceq.texas.gov/compliance/enforcement/compliance-history/get\\_list.html](https://www.tceq.texas.gov/compliance/enforcement/compliance-history/get_list.html))
-  **Appealing a Compliance History Classification or Repeat Violator Classification** (<https://www.tceq.texas.gov/compliance/enforcement/compliance-history/appeal.html>)



**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

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February 15, 2019

*Writer's direct dial: (512) 475-3875*  
*Email: david.cervantes@tdhca.state.tx.us*

Joy Horak-Brown  
President and CEO  
New Hope Housing  
3315 Harrisburg Boulevard, Ste. 400  
Houston, Texas 77003

**RE: APPEAL REGARDING PRE-APPLICATION REQUEST FOR STAFF DETERMINATION**

Dear Ms. Horak-Brown:

On February 4, 2019, New Hope Housing (New Hope) submitted a pre-application request for TDHCA staff determination of site eligibility in light of the potential existence of an undesirable site feature (proximity to a concrete crushing plant) and two neighborhood risk factors (crime rate and blight). Undesirable site features are addressed in the QAP at 10 TAC §11.101, and the request for staff determination "explaining how staff will review an Application in relation to the applicable rules" is governed by 10 TAC §11.1(k). By response on February 8, 2019, TDHCA Staff addressed only the issue of proximity to the concrete crushing facility, and found that, per the QAP, the proposed Development Site would be considered by staff to be ineligible because it was inadequately spaced from a concrete crushing facility.

In the initial request for staff determination, New Hope stated:

While the TCEQ requires all new concrete crushing facilities to locate no closer than 440 yards from any existing residential developments, there is no statute – local, state, or federal – that prevents residential development from locating near these types of industrial use facilities. Additionally, no cognizant agency prohibits or recommends against development of residential units near these industrial facilities.



While this statement may be accurate, it ignores the implicated section of the QAP. As was stated in Staff's response:

Regarding 10 TAC §11.101(a)(2) related to Undesirable Site Features, the rule includes the following language:

Development Sites within the applicable distance of any of the undesirable features identified in subparagraphs (A) - (K) of this paragraph will be considered ineligible unless it is determined by the Board that information regarding mitigation of the applicable undesirable site feature(s) is sufficient and supports Site eligibility. ... Where there is a local ordinance that regulates the proximity of such undesirable feature to a multifamily development that has smaller distances than the minimum distances noted below, then such smaller distances may be used and documentation such as a copy of the local ordinance identifying such distances relative to the Development Site must be included in the Application. **If a state or federal cognizant agency would require a new facility under its jurisdiction to have a minimum separation from housing, the Department will defer to that agency and require the same separation for a new housing facility near an existing regulated or registered facility.** (emphasis added)

The cognizant state agency that would require a new concrete crushing facility to have a minimum separation from housing is the Texas Commission on Environmental Quality (TCEQ), and the regulations addressing such spacing in licensing appear in Tex. Health & Safety Code §382.065:

Sec. 382.065. CERTAIN LOCATIONS FOR OPERATING CONCRETE CRUSHING FACILITY PROHIBITED. (a) The commission by rule **shall prohibit the operation of a concrete crushing facility within 440 yards of a building in use as a single or multifamily residence**, school, or place of worship at the time the application for a permit to operate the facility at a site near the residence, school, or place of worship is filed with the commission. **The measurement of distance for purposes of this subsection shall be taken from the point on the concrete crushing facility that is nearest to the residence**, school, or place of worship toward the point on the residence, school, or place of worship that is nearest the concrete crushing facility. (emphasis added)

The distance measurement was figured by staff in accordance with TDHCA's general rule on the subject

§11.9.Competitive HTC Selection Criteria.

(a) General Information.

The Application must include one or more maps indicating the location of the Development Site and the related distance to the applicable facility. Distances are

to be measured from the nearest boundary of the Development Site to the nearest boundary of the property or easement containing the facility, unless otherwise noted.

Given what had been provided by New Hope to staff for their determination, it was reasonable for staff to have concluded as they did:

. . . because the Development Site is within 440 yards of the boundary of the Southern Crushed Concrete Plant and TCEQ requires at least a 440-yard separation, staff would find that the Development Site is ineligible under 10 TAC §11.101(a)(2).

On February 13, 2019, legal counsel for New Hope delivered a letter and associated materials asking for reconsideration of this determination, and raising the issue of the source of the definition of the term “facility” as is used in Tex. Health & Safety Code §382.065, and the applicability of the definition within 10 TAC §11.101(a)(2). As contemplated by 10 TAC §11.1(k), “An Applicant may appeal a determination for their Application if the determination provides for a treatment that relies on factors other than the explicit definition.” I find that your request for reconsideration constitutes a timely appeal<sup>1</sup> of the pre-application staff determination.

On appeal, I find that the phrasing of 10 TAC §11.101(a)(2) is important because the QAP explicitly “defer[s] to that agency and require[s] the same separation for a new housing facility near an existing regulated or registered facility.” By deferring in this limited instance, it means that TDHCA accepts another agency’s rules on spacing. Clearly, TCEQ would not be using 10 TAC §11.9 in determining spacing when issuing a license; they would be legally obligated to use their statutory or regulatory definition of “facility.” Therefore, in this limited instance, TDHCA should employ the “same separation” standard as TCEQ would use in a new licensing scenario, and that is a minimum separation of 440 yards from however TCEQ defines “facility.”

TCEQ looks to chapter 382 of the Texas Health and Safety Code for its statutory basis for regulation of concrete crushing facilities, and at §382.003(6) the code defines “facility” as “a discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source, including appurtenances or other than emission control equipment. A mine, quarry, well test, or road is not considered to be a facility.”

It would appear from this definition that the “facility” at issue here is not the entirety of the crushed concrete plant site – it is the building or equipment where the concrete crushing takes place,

---

<sup>1</sup> The 10 TAC §11.902 prohibitions of additional information (not contained in the Application) being used on appeal are not applicable given that this is an appeal of a pre-application staff determination made under 10 TAC §11.1(k).



or wherever on the site there are identifiable structures or equipment engaged in the work of crushing concrete.

Along with its materials submitted on February 13<sup>th</sup>, counsel for New Hope submitted maps of the area indicating the closest point between a work structure or heavy equipment on the site of the Southern Crushed Concrete plant was in excess of 440 yards from the boundary of the proposed Development Site. Thus, on its face and without any independent investigation by TDHCA, it would appear that there would be a minimum of 440 yards between the concrete crushing "facility" and the nearest residential building to be located on the proposed Development Site.

Accordingly, I reverse Staff's determination on the issue of how they will review this issue (spacing of new residential construction from a concrete crushing plant) in the forthcoming application by New Hope Housing's Avenue J. Application, and substitute this determination and explanation. Per 10 TAC §11.1(k) this is a determination and explanation of how staff will review this issue in this particular forthcoming Application in relation to applicable rules. It is not a determination of site eligibility, and the conditions, locations, and distances represented in the forthcoming Application are still subject to verification and challenge.

Given that the staff interpretation on this issue no longer precludes site eligibility, I ask that Staff complete their 10 TAC §11.1(k) determination and explanation regarding the remaining issues sought in New Hope's February 4, 2019, request. Lastly, as this matter has been resolved on appeal, Item 6c on the February 21, 2019, TDHCA Governing Board Agenda is now moot and is withdrawn.

Sincerely,



David Cervantes  
Acting Director

Copy: Scott Marks



**EXHIBIT G**

**Lockwood  
South  
Apartments**

**Concrete  
Crushing  
"Facility"**

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the circumference or area of a circle on the ground

Radius: 440.52 Yards

Area: 125.76 Acres

Circumference: 2,764.91 Yards

Mouse Navigation Save Clear





Orange marker indicates the exact location of the crusher; the image to the right is a zoomed in portion of the image on the left.

20077  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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Sharon Thomason, Member  
Leo Vasquez, Member

June 10, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Casey Bump  
Bonner Carrington  
901 S. Mopac Expressway, Bldg. 5, Ste. 100  
Austin, TX 78746

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20077 Lockwood South Apartments

Dear Mr. Bump:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application should have reported a nearby concrete crushing plant as an Undesirable Site Feature. Staff issued an Administrative Deficiency regarding the issue, and the Applicant responded timely. Per 10 TAC §11.101(a)(2):

If a state or federal cognizant agency would require a new facility under its jurisdiction to have a minimum separation from housing, the Department will defer to that agency and require the same separation for a new housing facility near an existing regulated or registered facility.

In the response, the Applicant provided evidence that the crushing machine depicted in the request has been removed from the site, and the nearest residential structure would be more than 440 yards away from the nearest remaining crushing machine, which meets the minimum distance requirements set by the Texas Commission on Environmental Quality.

I find that the assertion(s) in the RFAD have been addressed through the Administrative Deficiency process. Pursuant to 10 TAC §11.10, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.






REQUEST FOR ADMINISTRATIVE DEFICIENCY  
June 10, 2020  
Page 2

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,  
Marni  
Holloway



Digitally signed by  
Marni Holloway  
Date: 2020.06.10  
08:29:03 -05'00'

Marni Holloway  
Multifamily Division Director

Cc: Scott Puffer  
Ruben Esqueda

20083  
Request for Administrative Deficiency



May 1, 2020

**Via Electronic Mail**

Texas Department of Housing and Community Affairs  
Attn.: Ms. Marni Holloway, Dir of Multifamily Finance  
Attn.: Ms. Sharon Gamble, 9% HTC Program Administrator  
221 East 11th Street  
Austin, Texas 78701

Re: RFAD for 20083 Lakeview Preserve

Dear Ms. Holloway:

The purpose of this letter is to request an Administrative Deficiency for the above referenced Application in accordance with §11.10 Third Party Request for Administrative Deficiency for Competitive HTC Applications.

**Grounds for Request for Administrative Deficiency**

The above referenced Application is for a development site that is wholly contained in a floodplain as evidenced in Exhibit A.

The site plan addresses the floodplain boundary and the elevation of the buildings as required by the rules; however, it does not address the parking and drive elevations nor does it address how flood mitigation will be accomplished (Exhibit B).

The Site Design Report indicates a preliminary offsite location has been identified to remove dirt to a specified volume to offset the volume being placed in the floodplain and the cost is estimated to be \$375,000. We believe this to be a gross under-estimate of potential cost due to the amount of fill it will require to raise the entire site (Exhibit C).

There does not appear to be evidence in the Application that the development will meet the requirements of §11.101(a)(1) Floodplain. "...the Site must be developed so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain..." We did not locate a waiver request in the Application for the floodplain rule.

Additionally, there was another Application on the April Board agenda, 20128 OST Lofts, for a development located in Houston, Texas with a similar situation; however, the Applicant in that instance actually requested a waiver upfront and that Application has undergone a thorough investigation. We are asking for the same equitable thorough review be given to this Application as it is located in a high risk, flood prone, wetland area; however, has not provided the appropriate documentation as required by the rules.

We respectfully request the department staff consider this Request for Administrative Deficiency for the Lakeview Preserve Application.

Sincerely,

A handwritten signature in black ink, appearing to read "BKimes". The letters are stylized and connected.

Brian Kimes  
Authorized Representative

Cc: Christopher Shear  
601 Brickell Key Drive, Suite 700  
Miami, FL 33131  
[cshear@mcdhousing.com](mailto:cshear@mcdhousing.com)

Exhibit A - FIRM Map  
Exhibit B - Site Plan  
Exhibit C - Page from Site Design Report

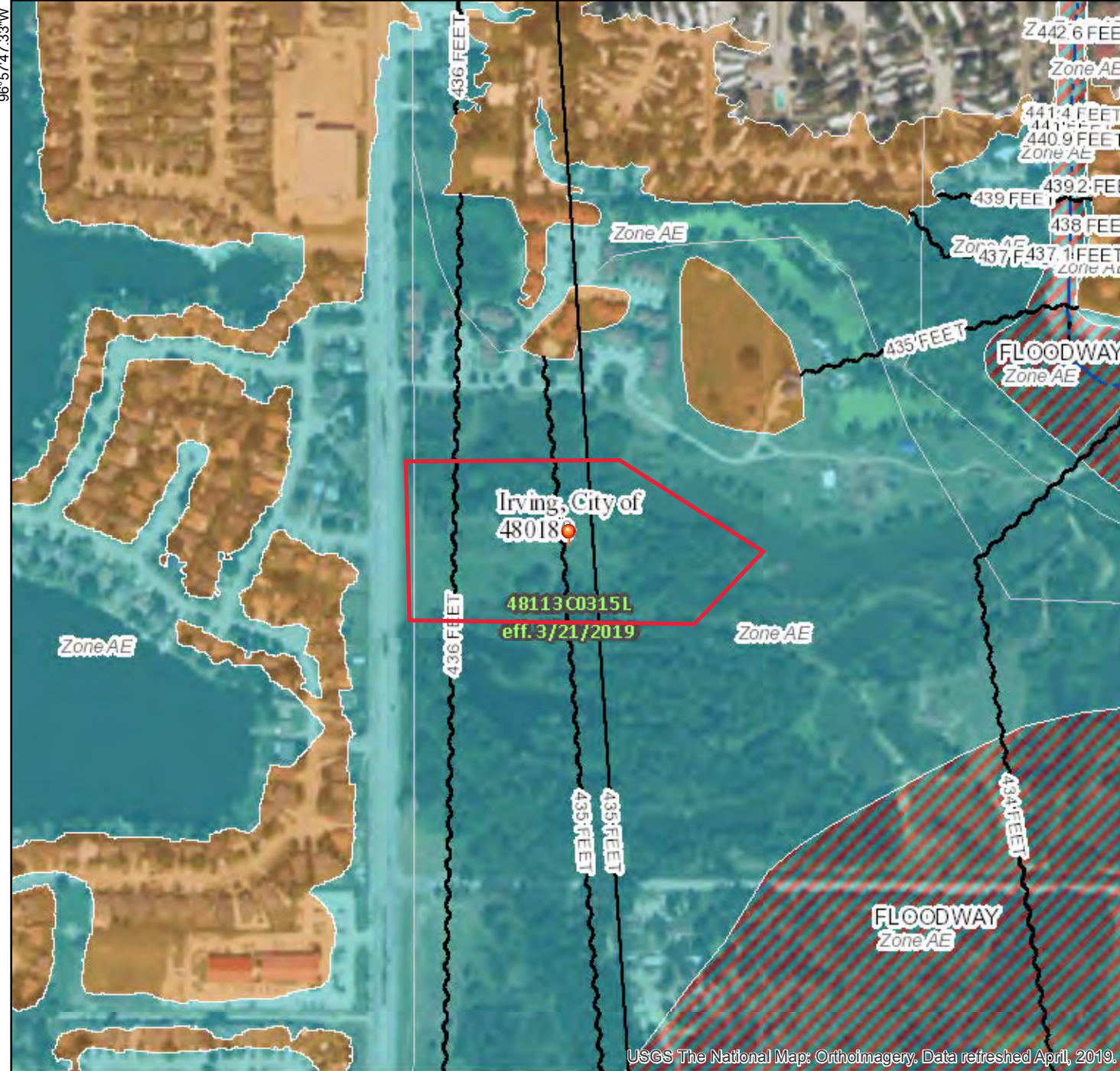
# **Exhibit A**



# National Flood Hazard Layer FIRMette



32°47'37.10"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- |                                    |  |   |
|------------------------------------|--|---|
| <b>SPECIAL FLOOD HAZARD AREAS</b>  |  | Without Base Flood Elevation (BFE)<br>Zone A, V, A99  |
|                                    |  | With BFE or Depth Zone AE, AO, AH, VE, AR   |
|                                    |  | Regulatory Floodway   |
|                                    |  | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
|                                    |  | Future Conditions 1% Annual Chance Flood Hazard Zone X  |
|                                    |  | Area with Reduced Flood Risk due to Levee. See Notes. Zone X  |
|                                    |  | Area with Flood Risk due to Levee Zone D  |
| <b>OTHER AREAS OF FLOOD HAZARD</b> |  | NO SCREEN Area of Minimal Flood Hazard Zone X   |
|                                    |  | Effective LOMRs   |
|                                    |  | Area of Undetermined Flood Hazard Zone D  |
| <b>OTHER AREAS</b>                 |  |   |
| <b>GENERAL STRUCTURES</b>          |  | Channel, Culvert, or Storm Sewer  |
|                                    |  | Levee, Dike, or Floodwall   |
|                                    |  | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation   |
|                                    |  | 17.5  |
|                                    |  | Coastal Transect  |
|                                    |  | Base Flood Elevation Line (BFE)   |
|                                    |  | Limit of Study  |
|                                    |  | Jurisdiction Boundary   |
|                                    |  | Coastal Transect Baseline   |
| <b>OTHER FEATURES</b>              |  | Profile Baseline  |
|                                    |  | Hydrographic Feature  |
| <b>MAP PANELS</b>                  |  | Digital Data Available  |
|                                    |  | No Digital Data Available   |
|                                    |  | Unmapped  |

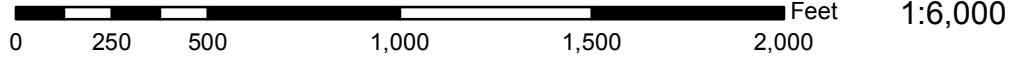


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/20/2020 at 3:27:22 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



USGS The National Map: Orthoimagery. Data refreshed April, 2019.

32°47'6.86"N

96°57'9.87"W



# **Exhibit B**

PARKING REQUIREMENT CHART - LAKEVIEW PRESERVE				
NUMBER OF BEDROOMS	TOTAL UNITS	PARKING CALCULATION	PARKING REQUIRED	PARKING PROVIDED
1 BEDROOM	30	1.5 SPACES PER UNIT	45	
2 BEDROOM	42	1.5 SPACES PER UNIT	63	
3 BEDROOM	12	2.0 SPACES PER UNIT	24	
	<b>TOTAL</b>		<b>132</b>	<b>152</b>

**SITE DATA**

USE: MULTI FAMILY RESIDENTIAL

**BUILDINGS:**  
 3 STORES  
 A - 36 UNITS  
 B - 24 UNITS  
 C - 24 UNITS

**UNITS:**  
 1 BED - 30  
 2 BED - 42  
 3 BED - 12  
 TOTAL 84 UNITS

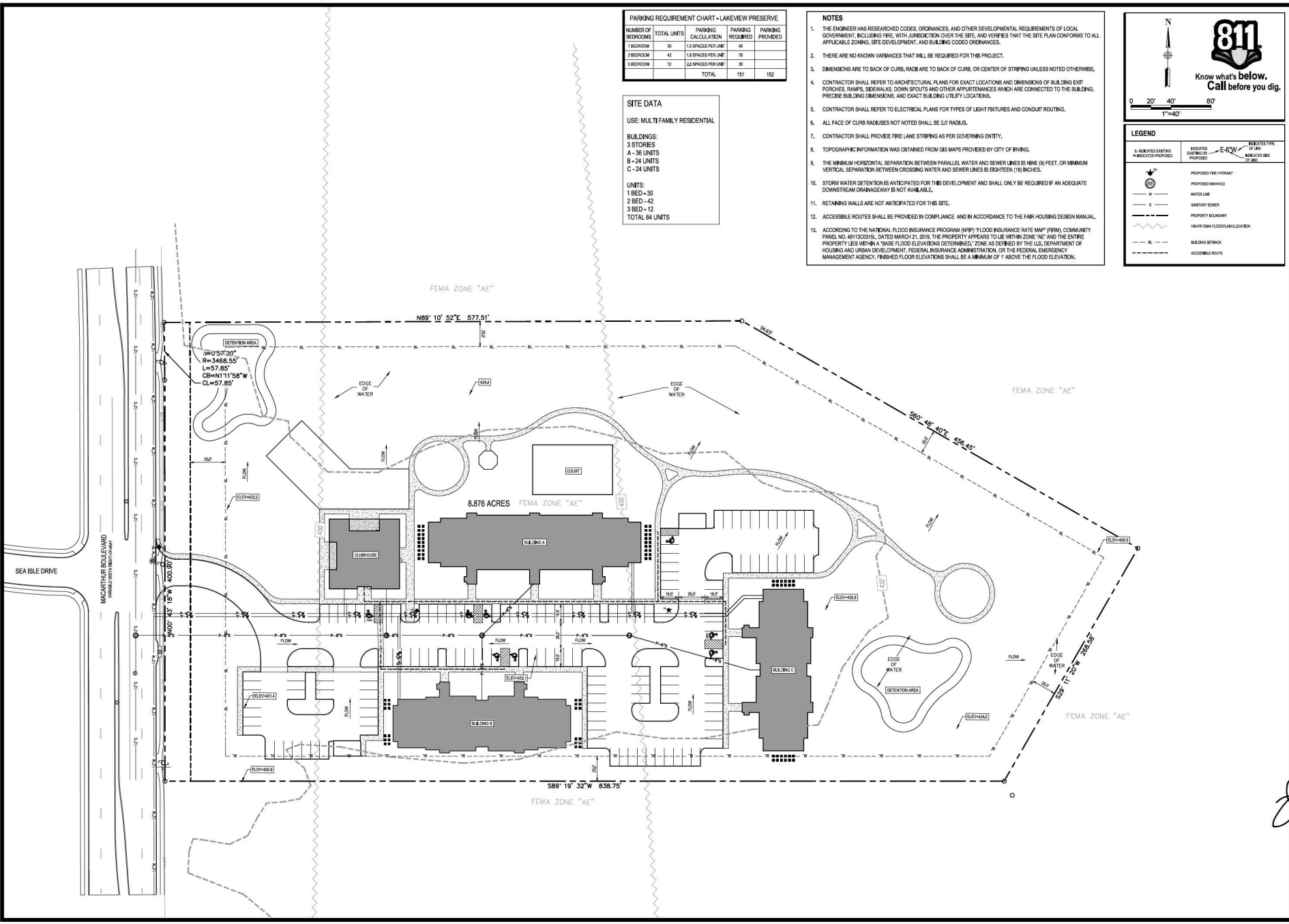
- NOTES**
- THE ENGINEER HAS RESEARCHED CODES, ORDINANCES, AND OTHER DEVELOPMENTAL REQUIREMENTS OF LOCAL GOVERNMENT INCLUDING FIRE, WITH JURISDICTION OVER THE SITE, AND VERIFIES THAT THE SITE PLAN CONFORMS TO ALL APPLICABLE ZONING, SITE DEVELOPMENT, AND BUILDING CODED ORDINANCES.
  - THERE ARE NO KNOWN VARIANCES THAT WILL BE REQUIRED FOR THIS PROJECT.
  - DIMENSIONS ARE TO BACK OF CURB, RADII ARE TO BACK OF CURB, OR CENTER OF STRIPPING UNLESS NOTED OTHERWISE.
  - CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF BUILDING EXIT PORCHES, RAMPS, SEEWALKS, DOWN SPOOTS AND OTHER APPURTENANCES WHICH ARE CONNECTED TO THE BUILDING. PRECISE BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY LOCATIONS.
  - CONTRACTOR SHALL REFER TO ELECTRICAL PLANS FOR TYPES OF LIGHT FIXTURES AND CONDUIT ROUTING.
  - ALL FACE OF CURB RADIIUSES NOT NOTED SHALL BE 5/16 RADIIUS.
  - CONTRACTOR SHALL PROVIDE FIRE LANE STRIPPING AS PER GOVERNING ENTITY.
  - TOPOGRAPHIC INFORMATION WAS OBTAINED FROM GIS MAPS PROVIDED BY CITY OF IRVING.
  - THE MINIMUM HORIZONTAL SEPARATION BETWEEN PARALLEL WATER AND SEWER LINES IS NINE (9) FEET, OR MINIMUM VERTICAL SEPARATION BETWEEN CROSSING WATER AND SEWER LINES IS EIGHTEEN (18) INCHES.
  - STORM WATER DETENTION IS ANTICIPATED FOR THIS DEVELOPMENT AND SHALL ONLY BE REQUIRED IF AN ADEQUATE DOWNSTREAM DRAINAGEWAY IS NOT AVAILABLE.
  - RETAINING WALLS ARE NOT ANTICIPATED FOR THIS SITE.
  - ACCESSIBLE ROUTES SHALL BE PROVIDED IN COMPLIANCE AND IN ACCORDANCE TO THE FAIR HOUSING DESIGN MANUAL.
  - ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) 'FLOOD INSURANCE RATE MAP' (FIRM), COMMUNITY PANEL NO. 48132C0215L, DATED MARCH 21, 2019, THE PROPERTY APPEARS TO LIE WITHIN ZONE "AE" AND THE ENTIRE PROPERTY LIES WITHIN A "100 YEAR FLOOD ELEVATION DETERMINED" ZONE AS DEFINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION, OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 1' ABOVE THE FLOOD ELEVATION.

**811**  
 Know what's below.  
 Call before you dig.

0 20' 40' 80'  
 1"=40'

**LEGEND**

E INDICATES EXISTING AND INDICATES PROPOSED	INDICATES EXISTING OR PROPOSED	E-CON INDICATES TYPE OF LINE BACKSHEET AND OF LINE
		PROPOSED FIRE HYDRANT
		PROPOSED VEHICLE
		WATER LINE
		SANITARY SEWER
		PROPERTY BOUNDARY
		100 YEAR FLOOD PLAIN ELEVATION
		BUILDING SETBACK
		ACCESSIBLE ROUTE



LAKEVIEW PRESERVE  
 SOUTH MACARTHUR BOULEVARD  
 IRVING, TEXAS

PRELIMINARY SITE PLAN  
 ISSUED FOR INTERIM REVIEW

**CARNEY ENGINEERING, P.L.L.C.**  
 5700 GRANITE PARKWAY, SUITE 200  
 IRVING, TEXAS 75024  
 PH: (469) 443-0061  
 FAX: (469) 443-0063

**T. CRAIG CARNEY**  
 55714  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF TEXAS  
 EXPIRES 12/31/2020  
 TPE FIRM REGISTRATION NO. F-0033

DATE: 05/14/2020  
 SCALE: 1" = 40'  
 PROJECT NO: 2008-104

**C1.0**

# **Exhibit C**



A preliminary offsite location has been identified to remove dirt to a specified volume to offset the volume being placed in the flood plain. That cost is estimated to be \$375,000.

## SUMMARY

The developer and development team have completed a specified amount of due diligence as identified in the Texas Department of Housing and Community Affairs (TDCHA) Additional Evidence of Preparation to Proceed Chapter 10, Subchapter C, Section 5, "Site Design and Development Feasibility Report". We have concluded that this site will accommodate the proposed project. This conclusion is based on the following:

- Conversations and meetings with the City staff along with the Developer
- Review of information made available by others
- Review of the ordinances, design requirements, and utility availability
- Preliminary Site Plan and contours of the site

This summary letter may be relied upon only by the Developer/Client; it is not intended for use by any other party. The Client may use this letter as part of its due diligence, but this report should not be used as the sole basis for the Client's decision making. We endeavored to research site development issues and constraints to the extent practical given the scope, budget, and schedule agreed to with the Client. New issues may arise during development because of changes in governmental rules and policy, changed circumstances, or unforeseen conditions.

We trust this provides you with the information needed at this time. If you have any questions or comments, please call.

Respectfully submitted,

**CARNEY ENGINEERING, PLLC**

TBPE FIRM NO. F-5033



T. Craig Carney, P.E.



2/25/20



May 1, 2020

Ms. Sharon Gamble  
Texas Department of Housing and Community Affairs  
21 E 11th Street  
Austin, Texas 78701

Re: HTC Application 20083 Lakeview Preserve

Dear Ms. Gamble:

Please consider this a formal request for a Third Party Request for Administrative Deficiency (RFAD) for TDHCA Application 20083 Lakeview Preserve. This RFAD concerns this Application's inability to meet QAP requirements regarding the Floodplain as found in Section 11.101(a)(1) of the 2020 QAP.

The purpose of Section 11.101(a) is to identify requirements and restrictions related to a development site. Section 11.101(a)(1) outlines the requirements for a new construction development that is located within the 100-year floodplain. The QAP states the following:

Even if not required by such provisions, the Site must be developed so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain.

Lakeview Preserve is located on the east side of S MacArthur Blvd in Irving. The flood map submitted in the Application shows a site that is completely within special flood hazard area Zone AE. The site location outline and survey in the Feasibility Report show a site that has several areas of visible surface water within the site boundaries. The ESA shows that there are several "Lake" areas on the site according to the wetlands map from the US Fish and Wildlife Service. The ESA confirms that the site is located in flood zone AE and states that the flood zone and lake wetland areas are environmental conditions for the site.

The Site Information Form Part I in the Application states that the flood zone is AE and the Development Narrative states the following:

**Briefly describe the proposed Development, including any relevant information not already identified above. If Adaptive Reuse, Additional Phase, or Scattered Site, or if any of the three main boxes above are not checked, include detailed information below.**

Lakeview Preserve is a new construction development for the General Population. It will have 3 residential buildings, a community amenities center and surface parking. There will be 84 units, with 1, 2 and 3 bedroom units as shown on the rent schedule. The only unusual factor for this development is its partial location in the AE floodzone. One residential building and some parking spaces are impacted by this. Per TDHCA regulations, all buildings will be at least 1 foot above the floodplain and all parking will be no more than 6 inches below the flood plain. Dirt Work and Grading to achieve this has been taken into account in the development cost schedule. In particular, the City of Irving has some offsite requirements regarding removing site from the floodplain. These have been accounted for in the budget.

This is a gross and material misrepresentation of the flood zone. The development is *completely* located within zone AE; it is not a "partial location" where "one residential building and some parking areas are impacted." The Applicant states here that all buildings will be at least 1 foot above and all parking will be no more than 6 inches below, but the Applicant fails to address the QAP requirement that "parking and drive areas" are to be no lower than six inches below the floodplain.

We asked the engineering firm mma, inc. to review the preliminary site plan, topography, flood zone, and elevations for the Lakeview Preserve development site. As confirmed in the attached letter, the

base flood elevation at the street is 436 feet, and elevation points taken on MacArthur Blvd at various points along the street frontage range from 434.33 to 434.96 feet. This means that the street is more than 1 foot below the floodplain. The attached Google Street View of the area of the proposed entrance to Lakeview Preserve shows that the street, which is already more than 1 foot below the floodplain, is significant higher than the rest of the development site. Mma, inc. confirms that the entire development site is currently approximately 5 feet below the floodplain.

The Engineered site plan in the Feasibility Report shows several elevation points that confirm that most areas are several feet below the base flood elevations. The Applicant states that “dirt work and grading” will raise the site to meet TDHCA requirements, but has included a total of only \$848,000 for “rough grading” and “fine grading” in the Site Work Cost Breakdown form. The amount appears to be an underestimation of what would be required to truck in 5 feet of fill across several acres and also account for soil compaction and final grading. The Off Site Costs form shows \$375,000 for a “flood plain mitigation per city requirements,” which the Feasibility Report describes as follows: *mitigation relative to filling the 100-year flood plain. A preliminary offsite location has been identified to remove dirt to a specified volume to offset the volume being placed in the flood plain*” with no other details. The Application contains no costs associated with, plans for, or changes to, or mitigation associated with the elevation of MacArthur Blvd, which is the only access to this site.

Based on the fact that MacArthur Blvd is more than 1 foot below the flood elevation, the Applicant is unable to have an entrance drive that ties into MacArthur Blvd and that will be no lower than 6 inches below the floodplain. Because of this fact, the Applicant is unable to comply with the QAP requirement that “parking and drive areas are no lower than six inches below the floodplain.” This development site should be found ineligible. Should this area have a flood event, over 6 inches of flooding at the street would make the site inaccessible to residents and mitigation for such an occurrence is not provided in the application.

Note that Application 20128 OST Lofts in Houston has a similar issue with a street that is below the floodplain and requested a waiver of this rule. The Applicant for Lakeview Preserve also had the option to request a waiver of this rule, but did not. As shown on the Site Information Form Part I, this Application states “na” for a waiver of rules. There is no opportunity for the Applicant to request a waiver at this time because section 11.207 of the QAP states that “An Applicant may request a waiver in writing at or prior to the submission of the pre-application (if applicable) or the Application or subsequent to an award. Waiver requests on Competitive HTC Applications will not be accepted between submission of the Application and any award for the Application.”

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alyssa Carpenter', with a long, sweeping underline that extends across the width of the signature.

Alyssa Carpenter

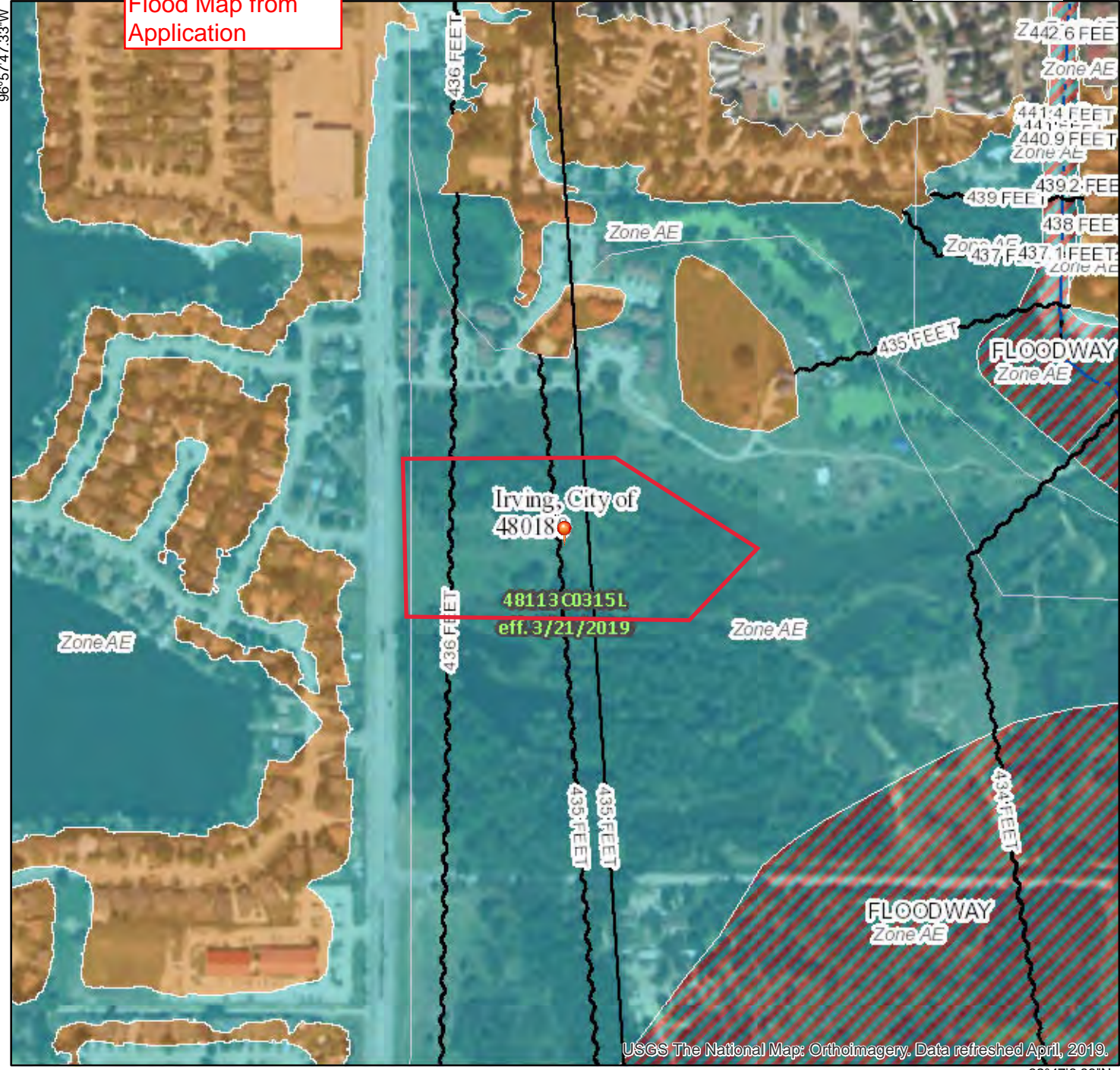


# National Flood Hazard Layer FIRMette



32°47'37.10"N

Flood Map from Application



0 250 500 1,000 1,500 2,000 Feet

1:6,000

32°47'6.86"N

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway

		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D

OTHER AREAS OF FLOOD HAZARD

		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D

OTHER AREAS

GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)

		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

OTHER FEATURES

		Digital Data Available
		No Digital Data Available
		Unmapped

MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/20/2020 at 3:27:22 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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96°57'47.33"W

96°57'47.33"W

96°57'47.33"W

USGS The National Map: Orthoimagery. Data refreshed April, 2019.



Map from Feasibility Report

Lakeview Preserve  
Write a description for your map.

Legend

Water

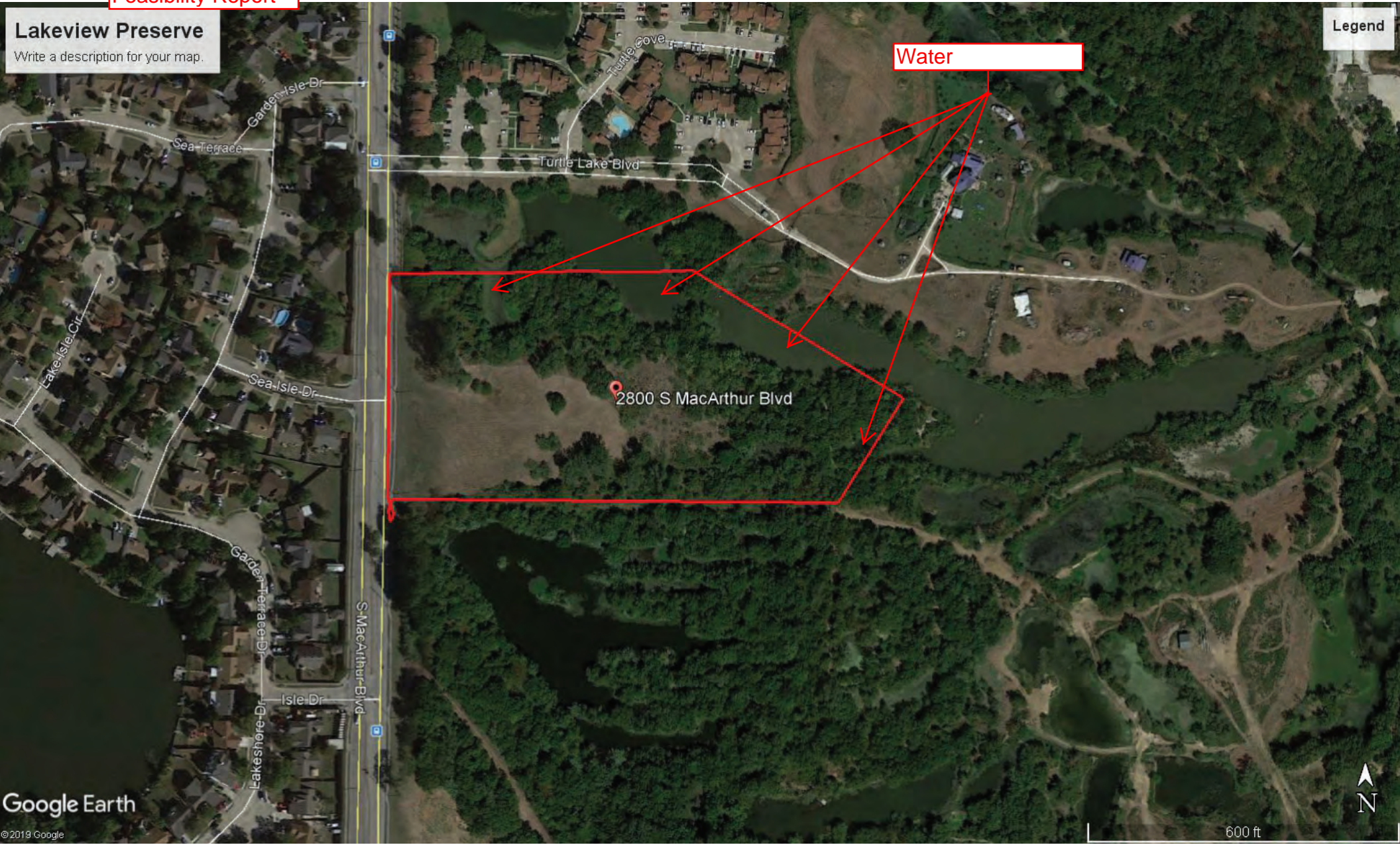
2800 S MacArthur Blvd

Google Earth

© 2019 Google

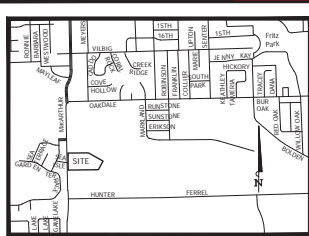


600 ft

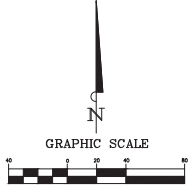




# Survey from Feasibility Report



VICINITY MAP  
NOT TO SCALE  
IRVING, TEXAS



Know what's below.  
Call before you dig.  
(@ least 48 hours prior to digging)

- LEGEND**
- DR.D.C.T. DEED RECORDS DALLAS COUNTY, TEXAS
  - O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
  - M.R.D.C.T. MAP RECORDS DALLAS COUNTY, TEXAS
  - ▲ AIR CONDITIONER UNIT
  - ▲ UTILITY PIN FLAG
  - ▲ GAS MANHOLE
  - ▼ GAS MARKER
  - GAS METER
  - TRANSFORMER
  - ELECTRIC METER
  - TELEPHONE RISER
  - MAIL BOX
  - SIGN
  - POWER POLE
  - LIGHT
  - SANITARY SEWER MANHOLE
  - CLEAN-OUT
  - ◆ FIRE HYDRANT
  - ▲ WATER VALVE
  - ▲ WATER METER
  - ▲ WATER MANHOLE
  - ▲ FIRE WATER CONNECTION
  - IRRIGATION CONTROL VALVE
  - TRAFFIC SIGNAL
  - BOLLARD
  - GRATE INLET
  - STORM MANHOLE
  - N NORTH/NORTHING
  - S SOUTH
  - E EAST/EASTING
  - W WEST
  - ° DEGREES
  - ' MINUTES/FEET
  - " SECONDS/INCHES
- FEMA ZONE**
- ~500' FEMA BASIC FLOOD ELEVATION
- TITLE COMMITMENT ITEM**
- GAS- GAS LINE
  - GAS- INLET
  - L- WATER LINE
  - SS- SEWER LINE
  - SD- STORM DRAIN LINE
  - O- OVERHEAD UTILITY
  - TEL- UNDERGROUND TELEPHONE
  - L- BURIED ELECTRIC
  - C- BURIED CABLE LINE
  - F- BURIED FIBER OPTIC
  - C- CHAIN LINK FENCE
  - W- WOOD FENCE
  - M- METAL-SHEET PILE FENCE
  - I- IRON FENCE
  - S- SUEDE FENCE
  - G- GUY WIRE

**LEGAL LAND DESCRIPTION:**

BEING 8.876 acres (386,657 square feet) of land in the Thomas Stokes Survey, Abstract Number 1301, City of Irving, Dallas County, Texas; said 8.876 acres (386,657 square feet) of land being a portion of that certain tract of land described in a Special Warranty Deed to Towne Lake Acquisition Company, Inc. (hereinafter referred to as Towne Lake tract), as recorded in Volume 95192, Page 1707, Deed Records, Dallas County, Texas; said 8.876 acres (386,657 square feet) of land being more particularly described, by metes and bounds, as follows:

**BEGINNING** at a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Westerly Northwest corner of the remainder of said Towne Lake tract, same being the Southwest corner of the remainder of that certain tract of land described in Turtle Lake Estates, an addition to the City of Irving, Dallas County, Texas, according to the plat recorded in Volume 81160, Page 2569, Map Records, Dallas County, Texas (M.R.D.C.T.), same also being the existing East right-of-way line of MacArthur Boulevard (variable width right-of-way), as recorded in Instrument Number 20010151639, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.);

**THENCE** North 09 degrees 10 minutes 52 seconds East, departing the existing East right-of-way line of said MacArthur Boulevard and with the common line between said Towne Lake tract and said Turtle Lake Estates, a distance of 57.51 feet to a one-half inch iron rod found for corner;

**THENCE** South 60 degrees 48 minutes 40 seconds East, continue with the common line between said Towne Lake tract and said Turtle Lake Estates, pass at a distance of 54.63 feet, the Southwesterly corner of that certain tract of land described in said Special Warranty Deed with Vendor's Lien to James F. Widener (hereinafter referred to as Widener tract), as recorded in Instrument Number 200202028164, O.P.R.D.C.T., and continue with said course and the common line between said Towne Lake tract and said Widener tract for a total distance of 456.57 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

**THENCE** South 29 degrees 11 minutes 20 seconds West, departing the Southwesterly line of said Widener tract and crossing said Towne Lake tract, a distance of 268.58 feet to an angle point in the Southerly line of said Towne Lake tract, same being the Northeast corner of that certain tract of land described in a General Warranty Deed to Antlem Investments, Inc. (hereinafter referred to as Antlem Investments tract), as recorded in Instrument Number 200402971568, O.P.R.D.C.T., from which a five-eighths inch iron rod found bears South 23 degrees 40 minutes 19 seconds East, a distance of 0.42 feet;

**THENCE** South 89 degrees 19 minutes 32 seconds West with the common line between said Towne Lake tract and said Antlem Investments tract, a distance of 838.75 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner, same being the Westerly Southwest corner of the remainder of said Towne Lake tract, same being Northwest corner of the remainder of said Antlem Investments tract, same also being the existing East right-of-way line of said MacArthur Boulevard;

**THENCE** North 00 degrees 43 minutes 18 seconds West with the common line between the remainder of said Towne Lake tract and the existing East right-of-way line of said MacArthur Boulevard, a distance of 400.90 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner, same being the beginning of a curve to the left, whose long chord bears North 01 degree 11 minutes 58 seconds West, a distance of 57.85 feet;

**THENCE** Northerly, continue with the common line between the remainder of said Towne Lake tract and the existing East right-of-way line of said MacArthur Boulevard and with said curve to the left having a radius of 3448.55 feet, through a central angle of 00 degrees 57 minutes 20 seconds, for an arc distance of 57.85 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 8.876 acres (386,657 square feet) of land.

**GENERAL NOTES:**

- The tract shown herein and described above was not abstracted by the surveyor. Additional easements or other encumbrances, whether of record or not may affect the subject tract.
- According to surveyor's interpretation of information shown on the National Flood Insurance Program (NFIP) "Flood Insurance Rate Map" (FIRM), Community Panel No. 4813C0015L, dated March 21, 2019. The property appears to be within Zone "AE" and the entire property lies within a "Base Flood Elevation determined" zone as defined by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, or the Federal Emergency Management Agency.
- The above referenced "FIRM" map is for use in administering the "NFIP"; it does not necessarily show all areas subject to flooding, particularly from local sources of small size, which could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. There may be other streams, creeks, low areas, drainage systems or other surface or subsurface conditions existing on or near the subject property which are not studied or addressed as a part of the "NFIP".
- The surveyor has made no attempt to locate or define hazardous waste areas, habitats, endangered species or any other environmentally sensitive areas on the tract of land shown hereon; nor does this survey make any representations of being an environmental assessment of the tract of land shown hereon.
- The surveyor has made no attempt to locate or define archeological sites, historical sites or undocumented cemeteries on the tract of land shown hereon; nor does this survey make any representation of being an archeological or historical survey of the tract of land shown hereon.
- The surveyor has made no attempt to locate abandoned or plugged oil and gas wells, or any other wells on the tract of land shown hereon; nor has the surveyor made any attempt to research same with the Railroad Commission of Texas or any other State agency; nor has the surveyor investigated any mineral or royalty interests in the tract of land shown hereon.
- Existing utilities shown hereon are from above ground visible features coupled together with maps and plans provided to the surveyor. The surveyor does not make any representation of being a Quality Level A or B sub-surface utility survey of the tract of land shown hereon. Underground electric, gas and telephone lines shown hereon are from above ground markings, associated with "Texas 811" dig request number 2052831188.
- All iron rods set (IRS) are 5/8-inch with a plastic cap stamped "RPLS 4838". All found monuments shown hereon are deemed to be controlling monuments.
- All bearings shown hereon are Texas State Plane Coordinate System, NAD83 (CORR), Texas North Central Zone (4202). All distances shown hereon are surface distances.
- This survey was prepared without the benefit of title encumbrance research.



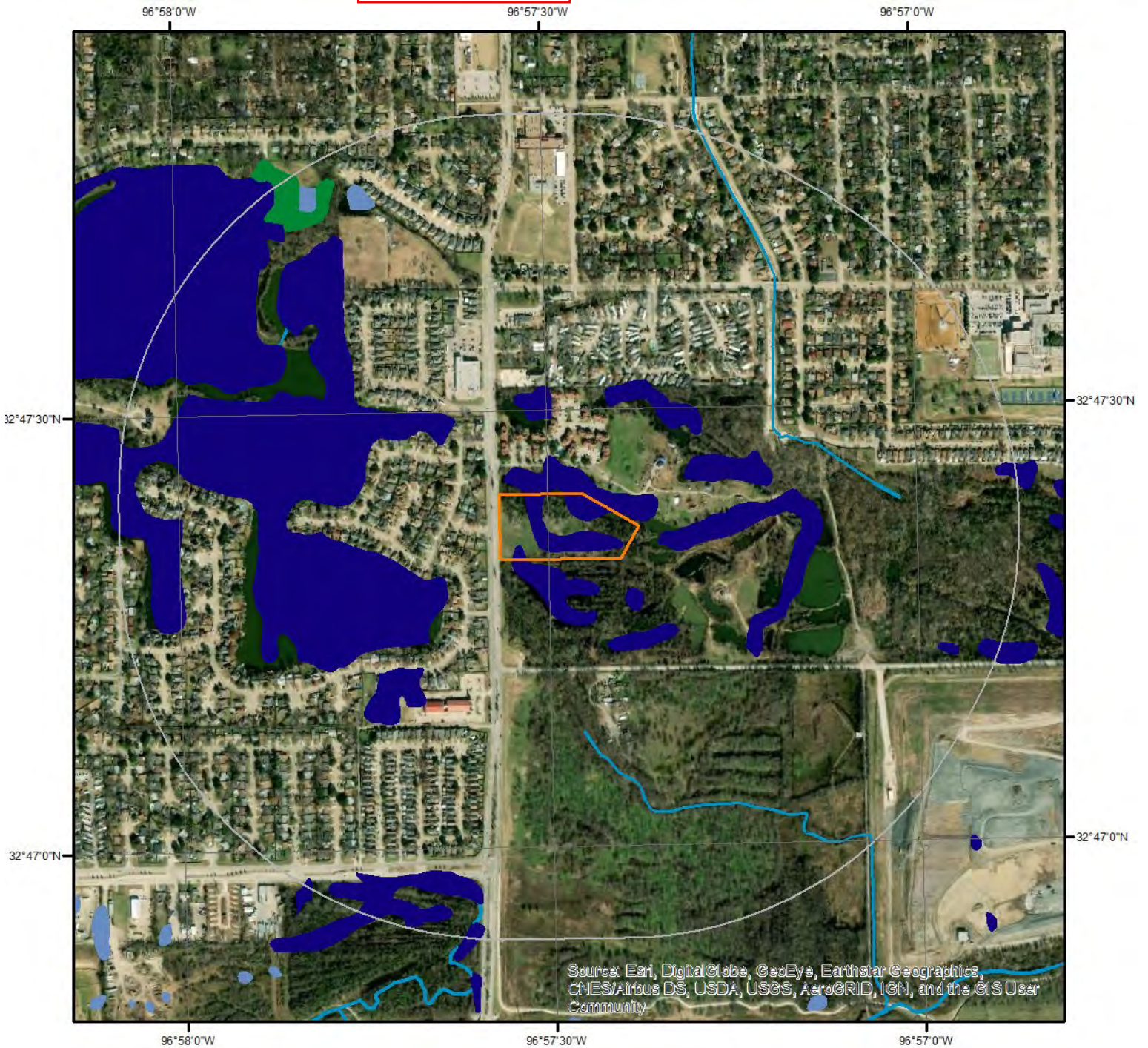
**PROJECT:** Address: 2800 South MacArthur Boulevard  
Being 8.876 acres or (386,657 square feet) out of  
Thomas Stokes Survey, Abstract No. 1301  
City of Irving, Dallas County, Texas

**CATEGORY 1A, CONDITION 2 LAND TITLE SURVEY**

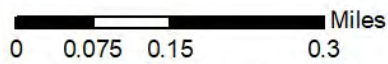
**PROJECT NO.:** 9047.20.001  
**SCALE:** 1" = 40'  
**DRAWN BY:** sa  
**CKD BY:** md2  
**SHEET NUMBER**  
1 OF 1

B:\2024\9047.20.001\9047.20.001.dwg (Sheet) - Survey - Survey\9047.20.001.dwg (Sheet) - Survey - Survey\9047.20.001.dwg (Sheet) - Survey - Survey










### Wetland



This map shows wetland existence using data from US Fish & Wildlife. Data coverage is shown to the right. Gray indicates no data available in the area.

- |   |   |
|---|---|
|  Estuarine and Marine Deepwater    |  Freshwater Pond |
|  Estuarine and Marine Wetland      |  Lake            |
|  Freshwater Emergent Wetland       |  Other           |
|  Freshwater Forested/Shrub Wetland |  Riverine        |



## Historical Review

Review of aerial photographs (1942 – 2016) and historic topographic maps (1931 – 2016) indicated that the Site was undeveloped land as early as 1931 until the early 1940s when western portion of the Site appeared developed with an oak grove. After that time, the Site was part of an area-wide sand and gravel quarry that included many of the surrounding properties. As these areas flooded they were considered part of the Vilbig Lakes (Vilbig was the company that operated the quarry). By 1995, the Site appeared as undeveloped land with sections of the Vilbig Lakes located along the northern boundary. By 2005, the Site appeared as undeveloped land with sparsely located trees located on the central and northern portions with sections of the Vilbig Lakes located along the northern boundary. The Site has remained in its present-day configuration since 2005. Historic fill materials used to reclaim the Site originated from surrounding properties with little to no industrial or commercial use; therefore, the use of contaminated fill material is not considered a potential environmental concern. The historic uses of the Site do not represent a REC.

The full Historical Review for the Site is presented in Section 3.0 of the report.

## Storage Tanks

No evidence of underground storage tanks (USTs) or aboveground storage tanks (ASTs) was observed at the Site during the assessment. In addition, no features were observed at the Site that would have required USTs or ASTs to be present, and there are no USTs or ASTs registered with the Texas Commission on Environmental Quality (TCEQ) Petroleum Storage Tank (PST) database.

## Wetlands

The Site was inspected for the presence of sensitive ecological areas by noting environmental indicators (e.g., wetlands vegetation, floodplains) located on or immediately adjoining the Site. Lake wetland areas are depicted on the U.S. Fish and Wildlife Service (USFWS), National Wetlands Inventory (NWI) Map throughout the Site. The USFWS wetlands maps are used as screening tools only and indicate the possible presence of wetlands at the Site. At the time of the ProGEA inspection, the northeast and eastern portions of the Site were occupied by these lakes, but the central portions of the Site did not appear to have hydric soils, standing water, or evidence of wetlands. A wetlands screening map is included in Appendix I.



## Hazardous Waste

No hazardous wastes are currently generated on the Site and no bulk chemicals were observed on-Site. None of the records reviewed indicated the historical use of large quantities of hazardous materials or the generation of hazardous waste at the Site

## Floodplain

The Federal Emergency Management Agency (FEMA) flood Insurance rate map (FIRM) for Dallas County, number 48113C0315L, dated March 21, 2019, was reviewed for the subject property. The Site is located within flood Zone AE. Flood Zone AE includes special flood hazard areas subject to inundation by the 1% annual chance flood with base flood elevations determined. This property was assessed for flood hazards using current FEMA guidelines and standards for flood risk analysis in adherence to National Flood Insurance Program (NFIP) requirements and regulations. The Site was found to be located in Flood Zone AE. A copy of the FEMA FIRM is included in Appendix I.

## Threatened & Endangered Species

A review of applicable records for information regarding threatened/endangered species was made on the USFWS Online Database System website <http://www.eso.fws.gov/>. A total of nine threatened and/or endangered bird, clams, and reptile species listed for Dallas County, Texas. The Site is undeveloped land partially surrounded by roadways, undeveloped areas, and developed areas. Although it is unlikely that the presence of these species in Dallas County will represent a concern to development efforts based on the surrounding developed nature of the Site area, the owner of the property should work with the lead agency to determine whether an Environmental Impact Report (EIR) will be required.

## Radon

Dallas County is located in the United States Environmental Protection Agency (USEPA) radon 3. USEPA radon 3 has predicted average screening concentrations less than 2 pCi/L. The USEPA action level is 4.0 pCi/L. Radon is not expected to represent an environmental concern to future occupants or workers at the Site.

## Suspect Microbial Growth

No structures were observed on-Site during the Site inspection.

## Findings, Opinions & Conclusions

Based on the findings of this assessment, there are no obvious indicators that point to the presence or likely presence of contamination at the Site. **This assessment has revealed no evidence of recognized environmental conditions (RECs), as defined by ASTM, in connection with the subject property.**

The following environmental conditions, which are not considered to be recognized environmental conditions, as defined by ASTM, were revealed during this assessment:

- Lake wetland areas are depicted on the USFWS, NWI Map throughout the Site. At the time of the ProGEA inspection, the northeast and eastern portions of the Site were occupied by these lakes, but the central portions of the Site did not appear to have hydric soils, standing water, or evidence of wetlands.
- The Site is located within Zone AE which is determined as special flood hazard areas subject to inundation by the 1% annual chance flood with base flood elevations determined.

## Site Information Form Part I

Self Score Total: 139

**1. Development Address (All Programs)**

2800 South MacArthur Blvd.		Irving	ETJ?	No
Address		City		
3	75060	Dallas	Urban	Rural via §11.204(5)(B) Rural Designation
Region	Zip	County	Rural/Urban	

**2. Census Tract Information (All Programs)**

48113015100	No	Median Household Income: 57222	Quartile: 3q	Poverty Rate: 10.5
11-digit Census Tract Number	QCT?	The poverty rate for the Census Tract is above 40% (55% for Regions 11 or 13), and the Neighborhood Risk Factors Report and required resolution has been submitted behind Tab 2.		

**3. Resolutions (Competitive HTC and Tax-Exempt Bonds, if applicable) [10 TAC §11.3]**

Check the boxes of true statements below. Resolutions must be provided to demonstrate eligibility for any **unchecked** item.

- Twice the State Average Per Capita.** The proposed Development is **NOT** located in a municipality or a county that has more than twice the state average of units per capita supported by Tax Credits or Private Activity Bonds. (QAP §11.3(c))
- One Mile Three Year Rule.** The proposed Development is **NOT** a New Construction or Adaptive Reuse development that will be located one mile or less from a New Construction HTC or Bond Development serving the same type of household and awarded within the applicable three-year period and has not been withdrawn or terminated, **OR** the Development meets one of the exceptions in §11.3(d)(2) of the QAP (provide evidence of exception).
- Limitations on Developments in Certain Census Tracts.** The proposed Development is **NOT** a New Construction or Adaptive Reuse development that will be located in a census tract that has more than 20% HTC units per total households. (§11.3(e))

**4. Two Mile Same Year Rule (Competitive HTC Only) [10 TAC §11.3(b)]**

- The Development Site is not located in a county with a population that exceeds one million.
- The site is located in a municipality with a population of two million or more where a federal disaster has been declared, and the municipality is authorized to administer disaster recovery funds as a subgrant recipient.
- The site is located in a county with a population that exceeds one million and is not located within 2 linear miles of the proposed Development Site of any eligible Pre-application in the same county.
- The site is located in a county with a population that exceeds one million and is located within 2 linear miles of the site of the following eligible Pre-application(s) within the same county:

**5. Proximity of Development Sites (Competitive HTC Only) [10 TAC §11.3(g)]**

- The Development Site is not located in a county with a population less than one million.
- The site is located in a county with a population less than one million and is not contiguous to or within 1,000 feet of the site for any other eligible Pre-application(s) serving the same Target Population.
- The site is located in a county with a population less than one million and is contiguous to or within 1,000 feet of the site for the following eligible Pre-application(s) serving the same Target Population:

**6. One Award per Census Tract Limitation (Competitive HTC Only) [10 TAC §11.3(h)]**

- The Application is USDA or At-Risk, or is in a Rural Subregion.
- na** The Application is not USDA or At-Risk, and the Development Site is located in a census tract in an Urban subregion and the following eligible Pre-application(s) are located in the same census tract:

**7. Zoning [10 TAC §11.204(11)] and Flood Zone Designation [10 TAC §11.101(a)(1)] (All Programs)**

Development Site is appropriately zoned?	No	Zoning Designation: SP-2 Residential
Flood Zone Designation:	AE	Entire Development Site is outside the 100 year floodplain. <span style="border: 1px solid black; padding: 2px;">No</span>

Farmland Designation (To be completed if requesting MFDL funds under 2020-2 NOFA or Soft Repayment set-aside of 2020-1 NOFA):

N/A



**8. Site & Neighborhood Standards (New Construction Direct Loan only) [10 TAC §13.2(12)]; [24 CFR 92.202 or 93.150]**

Confirm the following supporting documents are provided behind this tab.

- na Statement explaining **how** the Development will promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- na DP-1 Profile of General Demographic Characteristics (2010) Census data for the census tract and city (and county if proposed site is located in a rural area) where the proposed site will be located. DP-1 Census data can be accessed using the Advanced Search option at www.census.gov.

**9. School Rating (All Programs) [Tex. Gov't Code §2306.6710(a)]; [10 TAC §11.101(a)(3)(B)(iv)]**

Children of the proposed development will attend:

School Name	Grades X through X			TEA Rating	
				2018	2019
Kinkeade Early Childhood	EE	through	PK	MS	B
Townley Elementary	K	through	5	MS	C
Bowie Middle School	6	through	8	MS	C
Nimitz High School	9	through	12	MS	B
		through			

Account for each year  
for each school.

- School district has no attendance zones and the closest schools are listed.
- The Development Site is located within the attendance zone of an elementary school, a middle school or a high school that has a 2019 TEA rating of D (or Harvey exception applies) and a 2018 IR rating; or a 2019 TEA rating of F (or Harvey exception applies) and a 2018 Met Standard rating, and the Neighborhood Risk Factors Report ("NRF") and required documentation has been submitted **behind Tab 2.** [§11.101(a)(3)(D)(iv)]
- The Application meets the following exception(s). **Applicant is required to enter school rating information above, but no disclosure is required.**
  - Elderly Development
  - Development encumbered by a TDHCA LURA on the first day of the Application Acceptance Period or date the pre-application is submitted (if applicable)
  - Supportive Housing SRO Development or Supportive Housing Development where all Units are Efficiency Units
- The Development is ineligible under 10 TAC §11.101(b)(1)(C) related to Ineligibility of Developments within Certain School Attendance Zones and the Application includes a waiver request pursuant to 10 TAC §11.207. (complete below)

**10. Waiver of Rules [10 TAC §11.207]**

na Applicant requests waiver of rules.

- Documentation to support waiver was previously provided or is attached behind Tab 8 and includes:
  - Documentation establishing how the need for the waiver was not within the control of the Applicant and plans for mitigation or alternative solutions has been submitted (as applicable); and
  - Documentation establishing how, by granting the waiver, it better serves the policies and purposes articulated in referenced sections of Tex. Gov't Code than not granting the waiver.

## Development Narrative

**1. The proposed Development is: (Check all that apply)**

**New Construction**

(adaptive reuse select New Construction here and adaptive reuse in next box)

and/or:

**Adaptive Reuse**  
NOTE: Definition of "Adaptive Reuse" has changed. Review 10 TAC §11.1(d)(1) to ensure compliance.

Previous TDHCA #

*If applicable*

If Acquisition/Rehab or Rehab, original construction year:

If Reconstruction,

Units Demolished

Units Reconstructed

**2. The Target Population will be:**

**General**

NOTE: If "Elderly Development", review 10 TAC §11.1(d)(47) to ensure compliance.

If Elderly is selected (10 TAC §11.1(d)(47)):

- Development meets the requirements of the Housing for Older Persons Act under the Fair Housing Act.
- Development receives federal funding that has a requirement for a preference or limitation for elderly persons or households, but must accept qualified households with children.  
Selection is based on funding from (select from list):
- Development will receive other funding that has a requirement for a preference or limitation with regard to the population(s) served. If so, please explain in the box below.

## Certification for Supportive Housing Applications

If Supportive Housing is selected (10 TAC §11.1(d)(122)), the Applicant or General Partner confirms that:

- The proposed Development is intended for and targets occupancy for households in need of specialized and specific non-medical services in order to maintain housing or transition into independent living.
- Supportive services are tailored for members of a household with specific non-medical needs (select all that apply):
  - Homeless or Persons at-risk of homelessness
  - Persons with physical, intellectual, and/or developmental disabilities
  - Youth aging out of foster care
  - Persons eligible to receive primarily non-medical home or community-based services
  - Persons transitioning out of institutionalized care
  - Persons unable to secure permanent housing elsewhere due to high barrier:
  - Persons with Special Housing Needs (alcohol and/or drug addictions, VAWA protections, HIV/AIDS, Veterans with Disabilities)
  - Other target populations that are served by a federal or state housing program (provide documentation behind this Tab)

Describe:

- Services will be provided by the Applicant or an Affiliate of the Applicant.
- Services will be provided by a Third Party provider and evidence that the provider has at least a three-year record of providing substantive services similar to those proposed in the subject Application in residential settings is provided behind this Tab.
- Supportive services will meet the minimum requirements provided in clauses (i) –(iv) of §11.1(d)(122)(D) of the Qualified Allocation Plan.
- Documentation that the Applicant or General Partner has secured or will secure sufficient funds necessary to maintain the Supportive Housing Development's operations throughout the entire Affordability Period is included behind this Tab.
- Evidence of the Applicant's or General Partner's history of fundraising activities reasonably deemed to be sufficient to address any unanticipated operating losses is included behind this Tab.
- As a condition of the Underwriting Report, the Applicant or General Partner will provide a fully executed guaranty agreement whereby the Applicant or its Affiliate assume financial responsibility of any outstanding operating deficits, as they arise, and throughout the entire Affordability Period.

- Development **is not** financed, except for construction financing, with debt containing foreclosure provisions or debt that contains must-pay repayment provisions (including cash-flow debt).
- Development has permanent foreclosable, must-pay debt sourced from federal funds.
- Development has permanent foreclosable, cash flow debt provided by an Affiliate that was originally sourced from charitable contributions or pass-through local government, non-federal funds.
- If the Development is financed with debt that does not meet the requirements above, Application must include:
  - Evidence of project-based rental or operating subsidies for a minimum of 25% of Units;
  - Documentation of how resident feedback has been incorporated into Development design;
  - Evidence that the Development is located less than ½ mile from regularly-scheduled public transportation, including evening and weekend service;
  - Evidence that at least 10% of the Units in the proposed Development meet the 2010 ADA standards with the exceptions listed in "Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities" 79 Federal Register 29671 for persons with mobility impairments;

**and the Applicant or General Partner confirms that:**

  - Multiple systems will be in place for residents to provide feedback to Development staff;
  - A resident is or will be a member of the Development Owner or service provider board of directors;
  - The Development's Tenant Selection Criteria will include a clear description of any credit, criminal conviction, or prior eviction history that may disqualify a potential resident. The disqualification cannot be a total prohibition, unless such a prohibition is required by federal statute or regulation (i.e. the Development must have an appeal process for non federally required criteria;
  - The Development will have a comprehensive written eviction prevention policy that includes an appeal process; and
  - The Development will have a comprehensive written services plan that describes the available services, identifying whether they are provided directly or through referral linkages, by whom, and in what location and during what days and hours. A copy of the services plan will be readily accessible to residents.

**3. Staff Determinations regarding definitions of development activity obtained?**

na If a determination under 10 TAC §11.1(k) was made prior to Application submission, provide a copy of such determination behind this tab.

**4. Narrative**

- The Development will not provide continual or frequent nursing, medical or psychiatric services to the residents.
- The Development does not violate the general public use requirement of Treasury Regulation §1.42-9 regarding units for use by the general public.
  - The Development does violate TR 1.42-9 and the Application includes a private letter ruling ("PLR").
  - Development financing includes a funding source that specifically allows for the intended Target Population. A copy of that funding sources' authority to target the intended population is included behind this tab.
- Development does not violate the Department's Integrated Housing Rule under 10 TAC §1.15 regarding restricting occupancy to persons with disabilities or in combination with other populations with special needs.

If a revised form is submitted, date of submission: \_\_\_\_\_

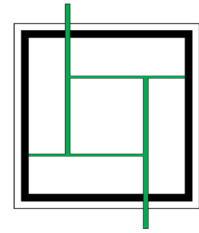
**Briefly describe the proposed Development, including any relevant information not already identified above. If Adaptive Reuse, Additional Phase, or Scattered Site, or if any of the three main boxes above are not checked, include detailed information below.**

Lakeview Preserve is a new construction development for the General Population. It will have 3 residential buildings, a community amenities center and surface parking. There will be 84 units, with 1, 2 and 3 bedroom units as shown on the rent schedule. The only unusual factor for this development is its partial location in the AE floodzone. One residential building and some parking spaces are impacted by this. Per TDHCA regulations, all buildings will be at least 1 foot above the floodplain and all parking will be no more than 6 inches below the flood plain. Dirt Work and Grading to achieve this has been taken into account in the development cost schedule. In particular, the City of Irving has some offsite requirements regarding removing site from the floodplain. These have been accounted for in the budget.

**5. Funding Request:**

Complete the table below to describe this Application's funding request. If applying for Multifamily Direct Loan funds, please select only one type of loan.

Independent Engineer Review



Marni Holloway  
Director of Multi-Family Finance  
TDHCA  
**RE: Lakeview Preserve - Irving, Texas**

April 29, 2020

Ms. Holloway,

mma, inc has reviewed the preliminary site plan for Lakeview Preserve located on South Macarthur Boulevard in Irving, Texas. The intent of the review was to form a professional opinion as to the possibility of the site being developed such that all finish floors elevations are at least 1-foot above the floodplain elevation and all parking and drive areas are no lower than six inches below the floodplain. As part of the review a topographic survey of Macarthur Boulevard to determine elevation points along the subject property was conducted.

As shown on the Flood Insurance Rate Map (FIRM) Panel No. 48113C0315L flood elevation at Macarthur Boulevard is 436' and mapped elevation points at various points at Macarthur Boulevard range from 434.33 to 434.96 ; confirming the street is below the flood elevation from 1.04' to 1.96' along the frontage of the entire development site.

Further review of the site plan prepared by Carney Engineering, PLLC demonstrates that the site is approximately 5-feet below the floodplain elevation.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Robert Cronin', is written over a light blue horizontal line.

Robert Cronin PE  
Director of Engineering  
mma, inc  
[rcronin@mmatexas.com](mailto:rcronin@mmatexas.com)  
817-469-1671

# Independent Engineer Elevation Points

NUMBER OF BEDROOMS	TOTAL UNITS	PARKING CALCULATION	PARKING REQUIRED	PARKING PROVIDED
1 BEDROOM	30	1.0 SPACES PER UNIT	30	30
2 BEDROOM	42	1.2 SPACES PER UNIT	50	50
3 BEDROOM	12	2.0 SPACES PER UNIT	24	24
	TOTAL		104	104

**SITE DATA**

USE: MULTI FAMILY RESIDENTIAL

BUILDINGS  
3 STORIES  
A- 36 UNITS  
B- 24 UNITS  
C- 24 UNITS

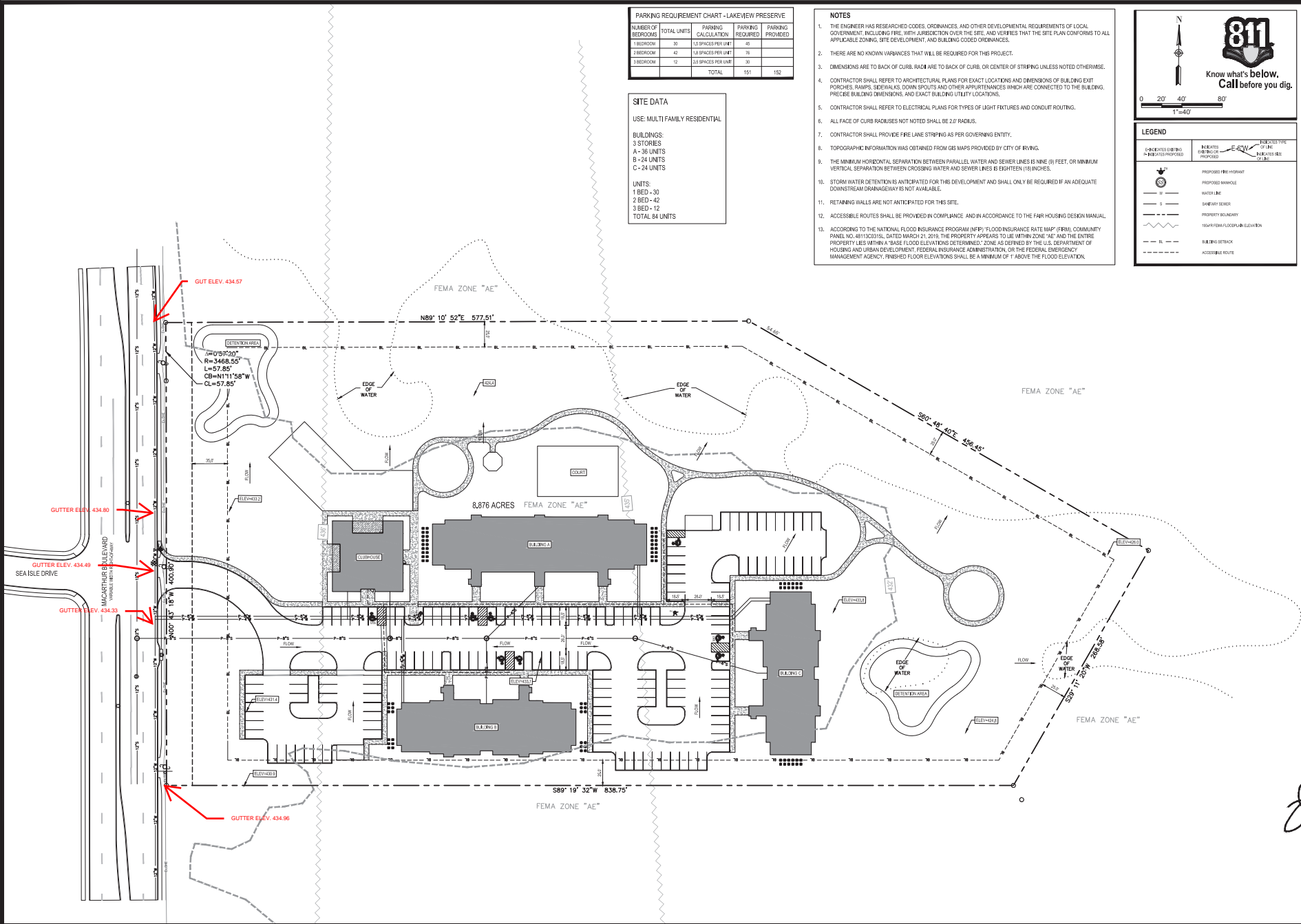
UNITS:  
1 BED - 30  
2 BED - 42  
3 BED - 12  
TOTAL 84 UNITS

- NOTES**
- THE ENGINEER HAS RESEARCHED CODES, ORDINANCES, AND OTHER DEVELOPMENTAL REQUIREMENTS OF LOCAL GOVERNMENT INCLUDING FIRE, WITH JURISDICTION OVER THE SITE, AND VERIFIES THAT THE SITE PLAN CONFORMS TO ALL APPLICABLE ZONING, SITE DEVELOPMENT, AND BUILDING CODED ORDINANCES.
  - THERE ARE NO KNOWN VARIANCES THAT WILL BE REQUIRED FOR THIS PROJECT.
  - DIMENSIONS ARE TO BACK OF CURB. RADII ARE TO BACK OF CURB, OR CENTER OF STRIPING UNLESS NOTED OTHERWISE.
  - CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF BUILDING EXIT PORCHES, RAMPS, SIDEWALKS, DOWN SPOTS, AND OTHER APPURTENANCES WHICH ARE CONNECTED TO THE BUILDING, PRECISE BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY LOCATIONS.
  - CONTRACTOR SHALL REFER TO ELECTRICAL PLANS FOR TYPES OF LIGHT FIXTURES AND CONDUIT ROUTING.
  - ALL FACE OF CURB RADIIUSES NOT NOTED SHALL BE 2' P. RADII.
  - CONTRACTOR SHALL PROVIDE FIRE LANE STRIPING AS PER GOVERNING ENTITY.
  - TOPOGRAPHIC INFORMATION WAS OBTAINED FROM GIS MAPS PROVIDED BY CITY OF IRVING.
  - THE MINIMUM HORIZONTAL SEPARATION BETWEEN PARALLEL WATER AND SEWER LINES IS NINE (9) FEET, OR MINIMUM VERTICAL SEPARATION BETWEEN CROSSING WATER AND SEWER LINES IS EIGHTEEN (18) INCHES.
  - STORM WATER DETENTION IS ANTICIPATED FOR THIS DEVELOPMENT AND SHALL ONLY BE REQUIRED IF AN ADEQUATE DOWNSTREAM DRAINAGEWAY IS NOT AVAILABLE.
  - RETAINING WALLS ARE NOT ANTICIPATED FOR THIS SITE.
  - ACCESSIBLE ROUTES SHALL BE PROVIDED IN COMPLIANCE AND IN ACCORDANCE TO THE FAR HOUSING DESIGN MANUAL.
  - ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 48130Z035L, DATED MARCH 21, 2019, THE PROPERTY APPEARS TO BE WITHIN ZONE "AE" AND THE ENTIRE PROPERTY LIES WITHIN A "BASE FLOOD ELEVATION DETERMINED" ZONE AS DETERMINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION, OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 1' ABOVE THE FLOOD ELEVATION.

**811**  
Know what's below.  
Call before you dig.

0 20' 40' 80'  
1"=40'

SYMBOL	DESCRIPTION
(Symbol)	PROPOSED FIRE HYDRANT
(Symbol)	PROPOSED MANHOLE
(Symbol)	WATER LINE
(Symbol)	SEWER LINE
(Symbol)	PROPERTY BOUNDARY
(Symbol)	10-YEAR FLOODPLAIN ELEVATION
(Symbol)	BUILDING SETBACK
(Symbol)	ACCESSIBLE ROUTE



LAKEVIEW PRESERVE  
SOUTH MACARTHUR BOULEVARD  
IRVING, TEXAS

PRELIMINARY SITE PLAN  
ISSUED FOR INTERIM REVIEW



5700 GRANITE PARKWAY, SUITE 200  
Ft. Worth, Texas 76124  
PH: (469) 443-5061  
FX: (469) 443-5063



DATE: MAY 2020  
THE FIRM REGISTRATION NO. 1-003

DESIGNED BY	JCH
DRAWN BY	2/10/2020
SCALE	1" = 40'
PROJECT NO.	2020-104

DATE: **C1.0**

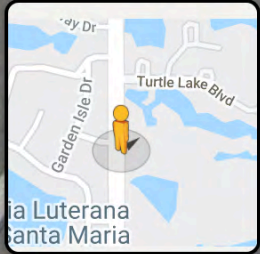


Street View of Proposed Development Entrance

Site lower than street



2184 S MacArthur Blvd  
Irving, Texas  
Google  
Street View



**Engineered Site Plan from the Feasibility Report**

PARKING REQUIREMENT CHART - LAKEVIEW PRESERVE				
NUMBER OF BEDROOMS	TOTAL UNITS	PARKING CALCULATION	PARKING REQUIRED	PARKING PROVIDED
1 BEDROOM	30	1.0 SPACES PER UNIT	30	30
2 BEDROOM	42	1.0 SPACES PER UNIT	42	42
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	TOTAL		96	96

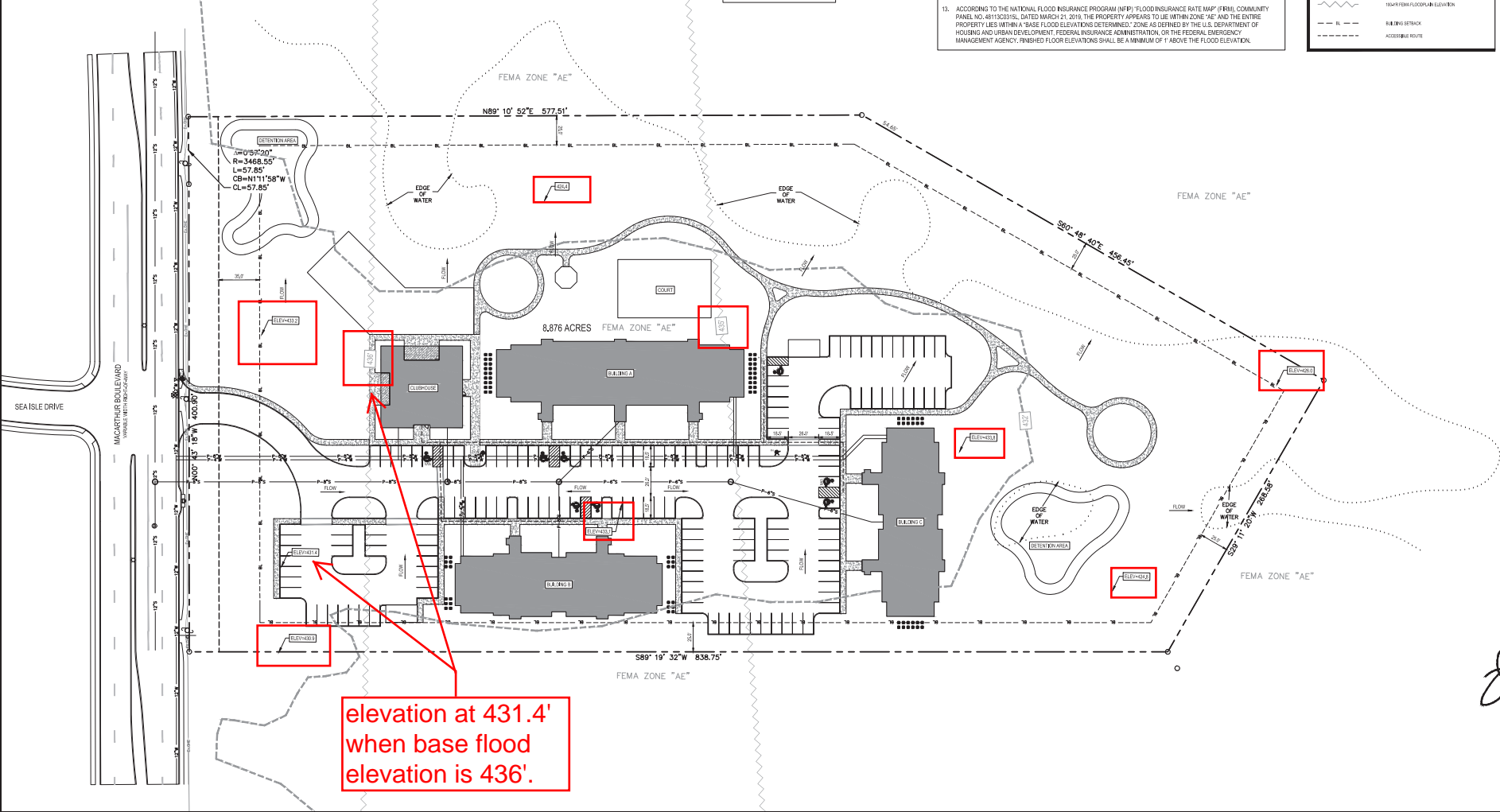
**SITE DATA**  
 USE: MULTI FAMILY RESIDENTIAL  
 BUILDINGS:  
 3 STORIES  
 A- 36 UNITS  
 B- 24 UNITS  
 C- 24 UNITS  
 UNITS:  
 1 BED - 30  
 2 BED - 42  
 3 BED - 12  
 TOTAL 84 UNITS

- NOTES**
1. THE ENGINEER HAS RESEARCHED CODES, ORDINANCES, AND OTHER DEVELOPMENTAL REQUIREMENTS OF LOCAL GOVERNMENT INCLUDING FIRE, WITH JURISDICTION OVER THE SITE, AND VERIFIES THAT THE SITE PLAN CONFORMS TO ALL APPLICABLE ZONING, SITE DEVELOPMENT, AND BUILDING CODED ORDINANCES.
  2. THERE ARE NO KNOWN VARIANCES THAT WILL BE REQUIRED FOR THIS PROJECT.
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  9. THE MINIMUM HORIZONTAL SEPARATION BETWEEN PARALLEL WATER AND SEWER LINES IS NINE (9) FEET, OR MINIMUM VERTICAL SEPARATION BETWEEN CROSSING WATER AND SEWER LINES IS EIGHTEEN (18) INCHES.
  10. STORM WATER DETENTION IS ANTICIPATED FOR THIS DEVELOPMENT AND SHALL ONLY BE REQUIRED IF AN ADEQUATE DOWNSTREAM DRAINAGEWAY IS NOT AVAILABLE.
  11. RETAINING WALLS ARE NOT ANTICIPATED FOR THIS SITE.
  12. ACCESSIBLE ROUTES SHALL BE PROVIDED IN COMPLIANCE, AND IN ACCORDANCE TO THE FAIR HOUSING DESIGN MANUAL.
  13. ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) 'FLOOD INSURANCE RATE MAP' (FIRM), COMMUNITY PANEL NO. 48130Z0315L, DATED MARCH 21, 2019, THE PROPERTY APPEARS TO BE WITHIN ZONE "AE" AND THE ENTIRE PROPERTY LIES WITHIN A "BASE FLOOD ELEVATION DETERMINED" ZONE AS DETERMINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION, OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 1' ABOVE THE FLOOD ELEVATION.

Know what's below.  
Call before you dig.

0 20' 40' 80'  
1"=40'

LEGEND	
EXISTING ELEVATIONS	PROPOSED FIRE HYDRANT
PROPOSED ELEVATIONS	PROPOSED MANHOLE
	WATER LINE
	SEWER LINE
	PROPERTY BOUNDARY
	10' BUFFER FROM FLOODPLAIN ELEVATION
	BUILDING SETBACK
	ACCESSIBLE ROUTE



elevation at 431.4' when base flood elevation is 436'.

LAKEVIEW PRESERVE  
 SOUTH MACARTHUR BOULEVARD  
 IRVING, TEXAS

PRELIMINARY SITE PLAN  
 ISSUED FOR INTERIM REVIEW



3700 GRANITE PARKWAY, SUITE 200  
 PLANO, TEXAS 75024  
 P: (469) 443-5061  
 F: (469) 443-5063



DATE: 04/2020  
 SHEET: 1 OF 1  
 SCALE: 1" = 40'  
 PROJECT NO.: 2008-004  
 C1.0



From Feasibility Report

### Site Work Cost Breakdown

This form must be submitted with the Development Cost Schedule as justification of Site Work costs.

Column A: The Site Work activity reflected here must match the Site Work activity reflected in the Development Cost Schedule.

Columns B and C: In determining actual construction cost, two different methods may be used:

The construction costs may be broken into labor (Column B) and materials (Column C) for the activity; OR  
The use of unit price (Column B) and the number of units (Column C) data for the activity.

Column D: To arrive at total construction costs in Column D:

If based on labor and materials, add Column B and Column C together to arrive at total construction costs.  
If based on unit price measures, Column B is multiplied by Column C to arrive at total construction costs.


Column E: Any proposed activity involving the acquisition of real property, easements, rights-of-way, etc., must have the projected costs of this acquisition for the activity.

Column F: Engineering/architectural costs must be broken out by the Site Work activity.

Column G: Figures for Column G, Total Activity Cost, are obtained by adding together Columns D, E, and F to get the total costs.

**\*\*This form must be completed by a Third-Party engineer licensed to practice in the State of Texas. His or her signature and registration seal must be on the form.\*\***  
For Site Work costs that exceed \$15,000 per Unit and are included in Eligible Basis, a CPA letter allocating which portions of those site costs should be included in Eligible Basis and which ones may be ineligible must be submitted behind this tab.

A. Activity	B. Labor or Unit Price	C. Materials or # of Units	D. Total Construction Costs	E. Acquisition Costs	F. Engineering / Architectural Costs	G. Total Activity Costs
Demolition	\$0.00	1	\$0.00		In A/E Design Fee	\$ -
Asbestos Abatement (Demolition Only)	\$0.00	1	\$0.00		In A/E Design Fee	\$ -
Detention	\$50,000.00	1	\$50,000.00		In A/E Design Fee	\$ 50,000
Rough grading	\$820,000.00	1	\$820,000.00		In A/E Design Fee	\$ 820,000
Fine grading	\$28,000.00	1	\$28,000.00		In A/E Design Fee	\$ 28,000
On-site concrete	\$64,575.00	1	\$64,575.00		In A/E Design Fee	\$ 64,575
On-site electrical	\$27,500.00	1	\$27,500.00		In A/E Design Fee	\$ 27,500
On-site paving	\$418,005.00	1	\$418,005.00		In A/E Design Fee	\$ 418,005
On-site utilities	\$153,527.00	1	\$153,527.00		In A/E Design Fee	\$ 153,527
Decorative masonry	\$0.00	1	\$0.00		In A/E Design Fee	\$ -
Bumper stops, striping & signs	\$7,500.00	1	\$7,500.00		In A/E Design Fee	\$ 7,500
Other (specify) - see footnote 1						
<b>Total</b>						<b>\$ 1,569,107</b>

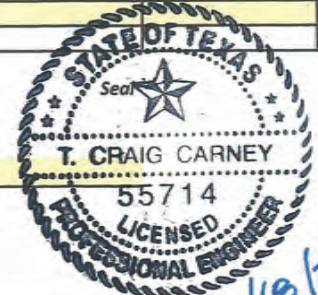
  
Signature of Registered Engineer

T. Craig Carney, P.E.  
Printed Name

2/18/2020  
Date

If a revised form is submitted, date of submission:

LAKVIEW Preserve



2/18/20



From Feasibility Report

## Off-Site Cost Breakdown (Lakeview Preserve)

*This form must be submitted with the Development Cost Schedule if the development has offsite costs, whether those costs are included in the budget as a line item, embedded in the acquisition costs, or referenced in utility provider letters. Therefore, the total costs listed on this worksheet may or may not exactly correspond with those off-site costs indicated on the Development Costs Schedule. However, costs listed here should be able to be justified in another place in the application.*

**Column A:** The offsite activity reflected here should correspond to the offsite activity reflected in the Development Cost Schedule or other supporting documentation.

**Columns B and C:** In determining actual construction cost, two different methods may be used:

**Column D:** To arrive at total construction costs in Column D:

**Column E:** Any proposed activity involving the acquisition of real property, easements, rights-of-way, etc., must have the projected costs of this acquisition for the activity.

**Column F:** Engineering/architectural costs must be broken out by the offsite work activity.

**Column G:** Figures for Column G, Total Activity Cost, are obtained by adding together Columns D, E, and F to get the total costs.

**\*\*ALL contingency must be included in the Contingency line item on the Development Cost Schedule and NOT on this form\*\***  
**\*\*This form must be completed by a professional engineer licensed to practice in the State of Texas. His or her signature and registration seal must be on the form.\*\***

A. Activity	B. Labor or Unit Price	C. Materials or # of Units	D. Total Construction Cost	E. Acquisition Costs	F. Engineering / Architectural Costs	G. Total Activity Costs
Floodplain Mitigation per City Requirements	\$ 375,000.00	1	\$ 375,000.00	\$ -	\$ -	\$ 375,000.00
Lines 35-37 Hidden						
<b>Total</b>						\$ 375,000

*Signature of Registered Engineer responsible for Budget Justification*

T. Craig Carney, P.E.

Printed Name  
February 20, 2020

Date If a revised form is submitted, date of submission:



## CITY FEES

The City of Irving has no impact fees or park/landscape fees. The summary of fees is estimated to be the following:

### *Development Fees:*

[file:///C:/Users/Craig/OneDrive/1\\_Active%20Projects-CraigOffice-CraigOffice/2020%20Tax%20Credit%20Deals/McDowell%20Housing%20Partners/Irving%202800%20MacArthur/City%20Info/Development%20Fees.pdf](file:///C:/Users/Craig/OneDrive/1_Active%20Projects-CraigOffice-CraigOffice/2020%20Tax%20Credit%20Deals/McDowell%20Housing%20Partners/Irving%202800%20MacArthur/City%20Info/Development%20Fees.pdf)

### *Tap & Meter Fees*

<https://www.cityofirving.org/DocumentCenter/View/32891/Cost-of-Taps-and-Meters-PDF?bidId=>

- Plan Review (20% of Building Permit Fee) Est. \$ 13,000
- Public Improvement Inspection (1% improvement cost) Est. \$ 1,250
- Building Permit Est. \$ 65,000
  - \$405 per unit; each clubhouse, office, laundry, etc will be counted as one unit.
  - Garages \$62 per vehicle
  - Carports \$31 per vehicle
- Tap & Meter Fees Est. \$ 5,000

## PHASE I ENVIRONMENTAL ASSESSMENT

A Phase I ESA was performed by another Consultant. The results indicated there were no Recognized Environmental Conditions (REC). A copy of that report will be presented in the Developer's Application.

## ONSITE & OFFSITE COST ESTIMATES

The estimated onsite construction costs including earthwork, storm drainage, landscaping, utilities, and paving is \$1,569,107. Offsite costs are expected in the form of mitigation relative to filling the 100-year flood plain.



A preliminary offsite location has been identified to remove dirt to a specified volume to offset the volume being placed in the flood plain. That cost is estimated to be \$375,000.

## SUMMARY

The developer and development team have completed a specified amount of due diligence as identified in the Texas Department of Housing and Community Affairs (TDCHA) Additional Evidence of Preparation to Proceed Chapter 10, Subchapter C, Section 5, "Site Design and Development Feasibility Report". We have concluded that this site will accommodate the proposed project. This conclusion is based on the following:


- Conversations and meetings with the City staff along with the Developer
- Review of information made available by others
- Review of the ordinances, design requirements, and utility availability
- Preliminary Site Plan and contours of the site

This summary letter may be relied upon only by the Developer/Client; it is not intended for use by any other party. The Client may use this letter as part of its due diligence, but this report should not be used as the sole basis for the Client's decision making. We endeavored to research site development issues and constraints to the extent practical given the scope, budget, and schedule agreed to with the Client. New issues may arise during development because of changes in governmental rules and policy, changed circumstances, or unforeseen conditions.

We trust this provides you with the information needed at this time. If you have any questions or comments, please call.

Respectfully submitted,

**CARNEY ENGINEERING, PLLC**  
TBPE FIRM NO. F-5033



T. Craig Carney, P.E.



**BOARD ACTION REQUEST**  
**MULTIFAMILY FINANCE DIVISION**  
**APRIL 23, 2020**

Presentation, discussion, and possible action regarding a waiver of 10 TAC §11.101(b)(1) regarding Ineligible Developments for 20128 OST Lofts

**RECOMMENDED ACTION**

**WHEREAS**, 10 TAC §11.101(a) of the 2020 Qualified Allocation Plan (QAP) related to Site Requirements and Restrictions identifies specific requirements and restrictions related to a Development Site seeking multifamily funding or assistance from the Department;

**WHEREAS**, 10 TAC §11.101(a)(1) requires that for Development Sites within a floodplain, the Site must be developed so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain;

**WHEREAS**, the Applicant for 20128 OST Lofts has submitted a request that the Board waive this requirement and allow the Applicant to move forward with an Application proposing the construction of a Development for which one of the driveways will be lower the six inches below the floodplain;

**WHEREAS**, 10 TAC §11.207 related to Waiver of Rules identifies the requirements a waiver request must meet, and staff does not believe that the waiver meets those requirements; and

**WHEREAS**, staff believes that the location of the Development Site was within the Applicant's control, so staff is not able to recommend a waiver;

**NOW, therefore, it is hereby**

**RESOLVED**, that the Board shall determine whether the waiver of 10 TAC §11.101(a)(1) should be granted for 20128 OST Lofts.

20083  
Administrative Deficiency Notice(s)

**From:** [Matthew Griego](mailto:Matthew.Griego)  
**To:** [cshear@mcdhousing.com](mailto:cshear@mcdhousing.com)  
**Cc:** [Sharon Gamble](mailto:Sharon.Gamble)  
**Subject:** 20083 Lakeview Preserve- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Monday, May 11, 2020 3:36:50 PM

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.**

**Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20083 Lakeview Preserve**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states MacArthur Blvd. is one foot below the flood elevation and would lead to being unable to have an entrance drive into MacArthur Boulevard. Due to the site being five feet below the floodplain, not enough information is provided to reach the required elevation levels. The application does not meet the floodplain requirements under 10 TAC §11.101(a)(1) related to Floodplains.

1. Provide evidence regarding the parking and drive elevations, along with flood mitigation that will be accomplished.

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.**

**Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be

terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### **About TDHCA**

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).



**From:** [Sharon Gamble](#)  
**To:** ["cshear@mcdhousing.com"](mailto:cshear@mcdhousing.com); ["abrendle@mcdhousing.com"](mailto:abrendle@mcdhousing.com); ["Sarah Andre"](#)  
**Subject:** 20083 Lakeview Preserve - 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Thursday, May 21, 2020 3:07:00 PM

---

Re-sending.

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 29, 2020.**

**Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20083 Lakeview Preserve**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

1. Provide evidence that compliance with requirements of the Corridor Development Certificate Manual or other Trinity River Corridor requirements will result on the Development Site meeting or exceeding all of the requirements of 10 TAC §11.101(a)(1), particularly the parking and drive areas.

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local

time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### **About TDHCA**

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

20083  
Deficiency Response(s)



May 15, 2020

Mr. Matthew Griego  
Housing Specialist, Multifamily Finance  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, TX 78701

Via: [matthew.griego@tdhca.state.tx.us](mailto:matthew.griego@tdhca.state.tx.us)

*Re: Lakeview Preserve, Irving, Application #20083*

Dear Mr. Griego:

Please see the following response and associated attachments regarding the request for administrative deficiency for HTC application #20083 Lakeview Preserve, dated May 11, 2020. The attachment includes documentation and evidence where applicable and is searchable using the attachment's bookmarks.

Per the deficiency, the RFAD stated the following:

*MacArthur Blvd. is one foot below the flood elevation and would lead to being unable to have an entrance drive into MacArthur Boulevard. Due to the site being five feet below the floodplain, not enough information is provided to reach the required elevation levels. The application does not meet the floodplain requirements under 10 TAC §11.101(a)(1) related to Floodplains.*

TDHCA then requested the applicant:

*Provide evidence regarding the parking and drive elevations, along with flood mitigation that will be accomplished.*

### **QAP Regulatory Compliance**

Lakeview Preserve does in fact meet all of the floodplain requirements as required within the 2020 QAP. The RFAD erroneously deduced that because MacArthur Boulevard is one foot below the flood elevation that it would somehow be impossible to design and engineer an entrance to the development that met the requirements of 10 TAC §11.101(a)(1), which require all finished ground floor elevations be at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain.

To facilitate your review, I have created a comprehensive table of the applicable requirements with an explanation and key demonstrating where the information exists in the application.

<b>Requirement as stated in QAP §11.101(a)(1):</b>	<b>Evidence</b>
<p>New Construction or Reconstruction Developments located within a 100 year floodplain as identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps must develop the site in full compliance with the National Flood Protection Act and all applicable federal and state statutory and regulatory requirements.</p>	<p>The Development Owner’s Certification (pages 7-15 of the Application) certifies full compliance with the National Flood Protection Act and applicable federal and state statutory and regulatory requirements. See attached excerpt.</p>
<p>The Applicant will have to use floodplain maps and comply with regulation as they exist at the time of commencement of construction.</p>	<p>The Owner’s Certification certifies compliance with regulations as they exist at the time of commencement of construction. See attached excerpt.</p>
<p>Even if not required by such provisions, the Site must be developed so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain.</p>	<p>As certified in the Owner’s Certification and on the Site Plan by the civil engineer, Lakeview Preserve will be developed so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain. Pages 7-15 and page 191 of the Application. See attached excerpts.</p> <p>The driveway connection on the final platted lot will be floodplain compliant along MacArthur Boulevard, as provided in the feasibility study. The platting process requires the dedication of site area as Right-of-Way (ROW) to the City of Irving. The additional ROW area provides the proper topographical transition from the Public ROW to the Site, thereby ensuring that 100% of the Site driveway is compliant without any need for any modifications to MacArthur Boulevard. See feasibility report excerpt and letter from the project engineer.</p>
<p>If there are more stringent federal or local requirements they must also be met.</p>	<p>The Owner’s Certification certifies compliance subject to more stringent federal or local requirements. See attached excerpt.</p> <p>The City of Irving requirements are in fact more stringent than those found in the QAP. More detail is provided by the project engineer.</p>
<p>The remainder of the floodplain requirements section does not apply to this Application.</p>	<p>These apply to other funding sources and Rehab developments.</p>



Mr. Matthew Griego

15-May-20

Page 3

### **City of Irving Permit Documents**

As stated, in the engineering site design and feasibility study, the City of Irving requires additional MacArthur ROW dedication during the subdivision platting stage. The ROW dedicated to the City of Irving will provide sufficient area to transition from the existing grade at MacArthur Boulevard to the Site such that 100% of the Site parking and drive areas are compliant with the QAP's floodplain requirements. In addition to ROW dedication, as part of the preliminary plat submission, the civil plan set will include full hydrologic and topographical information to demonstrate that the design meets all applicable regulatory requirements, including those associated with floodplain mitigation.

The final hydrologic and topographical details and specifications are a component of the full engineering phase and not typically included on a preliminary site plan such as the one provided in the Application. The attached letter from Craig Carney, the licensed professional engineer for the proposed development, provides additional documentation regarding the project design and its compliance with TDHCA requirements as well as those of the City of Irving. He has also added notes to the preliminary site plan that illustrate the parking and drive elevations more clearly.

By grading the site to comply with City of Irving regulations as demonstrated in the application, feasibility report and this letter and implementing the engineer's plan as outlined in the feasibility report and his subsequent letter enclosed here, all mitigation of the floodplain will be effectively accomplished.

I hope that you find this response clarifies that the Lakeview Preserve Application provided the proper evidence regarding the parking and drive elevations, along with flood mitigation to ensure QAP compliance. Please let us know if you have any further questions or require further documentation by contacting me at (512) 698-3369 or at [sarah@structuretexas.com](mailto:sarah@structuretexas.com). Thank you for your consideration.

Sincerely,



Sarah H. Andre,  
Consultant to the Project

Enclosures:

- Owner Certification Excerpt
- Site Plan
- Feasibility Report Excerpt
- Cost Schedule
- Engineer's Statement

Cc: Chris Shear, McDowell Housing Partners

Cc: Cynthia Bast, Locke Lord

The Applicant certifies that, for any Development proposing New Construction or Reconstruction and located within the 100 year floodplain as identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, the Development Site will be developed in full compliance with the National Flood Protection Act and all applicable federal and state statutory and regulatory requirements so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain, subject to more stringent federal or local requirements. The Applicant certifies that, floodplain maps will be used and the Development Site will comply with regulations as they exist at the time of commencement of construction. Applicant further certifies that, for any Development proposing Rehabilitation (excluding Reconstruction) that is not a HUD or TRDO-USDA assisted property, the Development Site is not located in the 100 year floodplain unless the existing structures already meet the requirements for New Construction or Reconstruction, as certified to by a Third Party engineer, or unless the state or local government has undertaken and can substantiate sufficient mitigation efforts, and such documentation is submitted in the Application.

**Undesirable Site Features** *(select one of the boxes as applicable)*

The Development **is not** located in an area with undesirable site features as further described in §11.101(a)(2) of the Qualified Allocation Plan.

The proposed Development is Rehabilitation (excluding Reconstruction) with ongoing and existing federal assistance from HUD, USDA, or Veterans Affairs ("VA") and an exemption was requested prior to the filing of an Application or is being requested with the Application in accordance with §11.101(a)(2) of the Qualified Allocation Plan.

The proposed Development is Historic Preservation pursuant to §11.9(e)(6) of the Qualified Allocation Plan, is located in an area with an undesirable site feature and an exemption was requested prior to the filing of an Application or is being requested with the Application.

The proposed Development is New Construction, is located in an area with an undesirable site feature and a copy of the local ordinance that specifies the proximity of such feature to a multifamily development is included in the Application.

The proposed Development **is** located in an area with an undesirable site feature and mitigation to be considered by staff and the Board is included in the Application (select all that apply):

within 300 feet of junkyards

**SITE PLAN  
SUBMITTED WITH  
APPLICATION**

PARKING REQUIREMENT CHART - LAKEVIEW PRESERVE				
NUMBER OF BEDROOMS	TOTAL UNITS	PARKING CALCULATION	PARKING REQUIRED	PARKING PROVIDED
1 BEDROOM	30	1.5 SPACES PER UNIT	45	
2 BEDROOM	42	1.8 SPACES PER UNIT	76	
3 BEDROOM	12	2.2 SPACES PER UNIT	26	
	<b>TOTAL</b>		<b>151</b>	<b>152</b>

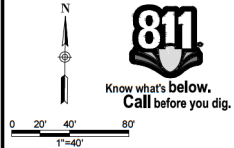
**SITE DATA**

USE: MULTI FAMILY RESIDENTIAL

BUILDINGS:  
3 STOREYS  
A - 36 UNITS  
B - 24 UNITS  
C - 24 UNITS

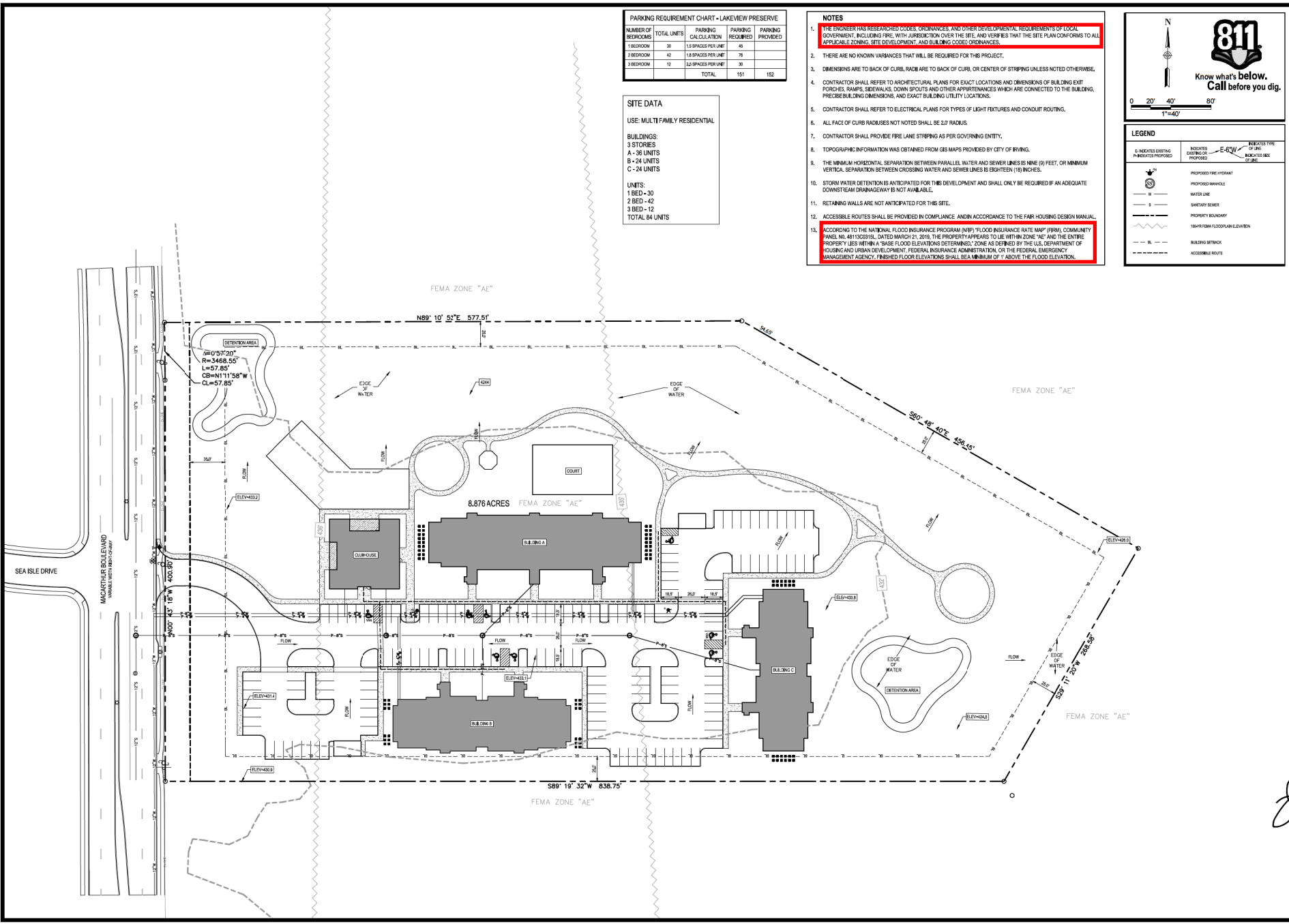
UNITS:  
1 BED - 30  
2 BED - 42  
3 BED - 12  
TOTAL 84 UNITS

- NOTES**
- THE ENGINEER HAS RESEARCHED CODES, ORDINANCES AND OTHER DEVELOPMENTAL REQUIREMENTS OF LOCAL GOVERNMENT INCLUDING FIRE, WITH JURISDICTION OVER THE SITE, AND VERIFIES THAT THE SITE PLAN CONFORMS TO ALL APPLICABLE ZONING, SITE DEVELOPMENT, AND BUILDING CODES, ORDINANCES.
  - THERE ARE NO KNOWN VARIANCES THAT WILL BE REQUIRED FOR THIS PROJECT.
  - DIMENSIONS ARE TO BACK OF CURB, RADII ARE TO BACK OF CURB, OR CENTER OF STRIPING UNLESS NOTED OTHERWISE.
  - CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF BUILDING EXITS, PORCHES, RAMPS, SIDEWALKS, DOWN SPOOTS AND OTHER APPURTENANCES WHICH ARE CONNECTED TO THE BUILDING, PRE-BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY LOCATIONS.
  - CONTRACTOR SHALL REFER TO ELECTRICAL PLANS FOR TYPES OF LIGHT FIXTURES AND CONDUIT ROUTING.
  - ALL FACE OF CURB RADII UNLESS NOTED SHALL BE 5.2' RADII.
  - CONTRACTOR SHALL PROVIDE FIRE LANE STRIPING AS PER GOVERNING ENTITY.
  - TOPOGRAPHIC INFORMATION WAS OBTAINED FROM GIS MAPS PROVIDED BY CITY OF IRVING.
  - THE MINIMUM HORIZONTAL SEPARATION BETWEEN PARALLEL WATER AND SEWER LINES IS NINE (9) FEET, OR MINIMUM VERTICAL SEPARATION BETWEEN CROSSING WATER AND SEWER LINES IS EIGHTEEN (18) INCHES.
  - STORM WATER DETENTION IS ANTICIPATED FOR THIS DEVELOPMENT AND SHALL ONLY BE REQUIRED IF AN ADEQUATE DOWNSTREAM DRAINAGEWAY IS NOT AVAILABLE.
  - RETAINING WALLS ARE NOT ANTICIPATED FOR THIS SITE.
  - ACCESSIBLE ROUTES SHALL BE PROVIDED IN COMPLIANCE AND IN ACCORDANCE TO THE FAIR HOUSING DESIGN MANUAL.
  - ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 481100201SL, DATED MARCH 21, 2019, THE PROPERTY APPEARS TO LIE WITHIN ZONE "AE" AND THE ENTIRE PROPERTY LIES WITHIN A "BASE FLOOD ELEVATION DETERMINED" ZONE AS DEFINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 1' ABOVE THE FLOOD ELEVATION.



0 20' 40' 80'  
1"=40'

LEGEND	
	INDICATES EXISTING OR PROPOSED E-W INDICES TYPE OF LINE BACKSIES ARE OF LINE
	PROPOSED FIRE HYDRANT
	PROPOSED MANHOLE
	WATER LINE
	SANITARY SEWER
	PROPERTY BOUNDARY
	100-YR FLOOD PLANE ELEVATION
	BUILDING SETBACK
	ACCESSIBLE ROUTE



LAKEVIEW PRESERVE  
SOUTH MACARTHUR BOULEVARD  
IRVING, TEXAS

PRELIMINARY SITE PLAN  
ISSUED FOR INTERIM REVIEW



5700 GRANITE PARKWAY, SUITE 200  
IRVING, TEXAS 75024  
P (469) 443-0065  
F (469) 443-0063



TIPS REGISTRATION NO. F-003  
SHEET: 152  
DATE: 04/24  
DATE PLOTTED: 01/20/20  
SCALE: 1" = 40'  
PROJECT NO.: 2008-104

C1.0

All others outside urban center: Three (3) stories (thirty-six (36) feet) (A basement parking area or garage may be provided below the average grade line and built into the side of a slope within the interior of a multi-family development, but not adjacent to a lot line. Any such basement shall be counted as a story.)

Within urban center: As approved through the concept plan.

3. Minimum building setbacks from street rights-of-way:

### **SITE DEVELOPMENT AND BUILDING PERMIT APPROVAL SCHEDULE**

The Site Development process will include Rezoning, Platting, and drainage related studies and approvals associated with filling in the flood plain including mitigation and the requirements of the Trinity River Corridor - North Central Texas. It's anticipated that this process could take 8 to 10 months.

The new construction permitting process is demonstrated in Figure 1 below. It's anticipated that this process will require 6 months to complete with building permits. This process can run concurrently with the Site Development approval process.

The following codes are effective for Irving:

- 2015 International Building Code
- 2015 International Energy Conservation Code
- 2015 National Electrical Code
- 2015 International Mechanical Code
- 2015 International Residential Code
- 2015 International Existing Building Code
- 2015 International Plumbing Code
- 2015 International Fuel Gas Code
- 2015 International Fire Code

A preliminary offsite location has been identified to remove dirt to a specified volume to offset the volume being placed in the flood plain. That cost is estimated to be \$375,000.

## SUMMARY

The developer and development team have completed a specified amount of due diligence as identified in the Texas Department of Housing and Community Affairs (TDCHA) Additional Evidence of Preparation to Proceed Chapter 10, Subchapter C, Section 5, "Site Design and Development Feasibility Report". We have concluded that this site will accommodate the proposed project. This conclusion is based on the following:

- Conversations and meetings with the City staff along with the Developer
- Review of information made available by others
- Review of the ordinances, design requirements, and utility availability
- Preliminary Site Plan and contours of the site

This summary letter may be relied upon only by the Developer/Client; it is not intended for use by any other party. The Client may use this letter as part of its due diligence, but this report should not be used as the sole basis for the Client's decision making. We endeavored to research site development issues and constraints to the extent practical given the scope, budget, and schedule agreed to with the Client. New issues may arise during development because of changes in governmental rules and policy, changed circumstances, or unforeseen conditions.

We trust this provides you with the information needed at this time. If you have any questions or comments, please call.

Respectfully submitted,

**CARNEY ENGINEERING, PLLC**  
TBPE FIRM NO. F-5033



T. Craig Carney, P.E.



2/25/20



2. Combined standpipe systems shall be equipped with a minimum of 1 4-way FDC. Combined standpipe systems with 3 or more standpipes in excess of 1000 gpm system demand shall have not less than two

4-way FDC located on opposite sides of the building. All FDC shall be interconnected so that any system in the building is supplied by any or all.

3. In buildings exceeding 10,000 feet in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

4. Fire hose valves must be located within 150 ft. of all areas of the interior for an un-sprinklered building and 200' for a sprinklered building.

## **PROPOSED OFFSITE IMPROVEMENTS**

No offsite improvements are expected

## **INGRESS & EGRESS**

The site will have one access point off S. MacArthur Blvd. MacArthur Blvd. is considered a Major Arterial. Driveways shall not be located within 30-feet of intersections. An additional 4 to 4.5-ft of additional ROW will be dedicated during the platting process. The required ROW is 96-ft. A Traffic Impact Analysis will not be required. A deceleration lane will not be required either. A driveway permit will be issued by the City of Irving.

## **LANDSCAPING & OPEN SPACE**

### **Open Space**

A minimum of thirty (30) percent of the gross area of the site must be provided as open space. Open space shall not be deemed to include buildings, driveways, parking areas, or other surfaces designed or intended for vehicular travel. All open space areas shall be covered with grass, ground cover, shrubs, flowers, hardscape construction (i.e., pavers, exposed aggregate, paving, etc.) or consist of recreational facilities (i.e., swimming pool, tennis court, jogging trail, etc.).

Usable open space within the site shall be provided in an amount not less than twenty-five (25) percent of total net floor area. Usable open space is defined as an open area or recreational facility which is designed and intended to be used

## Off-Site Cost Breakdown (Lakeview Preserve)

This form must be submitted with the Development Cost Schedule if the development has offsite costs, whether those costs are included in the budget as a line item, embedded in the acquisition costs, or referenced in utility provider letters. Therefore, the total costs listed on this worksheet may or may not exactly correspond with those off-site costs indicated on the Development Costs Schedule. However, costs listed here should be able to be justified in another place in the application.

**Column A:** The offsite activity reflected here should correspond to the offsite activity reflected in the Development Cost Schedule or other supporting documentation.

**Columns B and C:** In determining actual construction cost, two different methods may be used:

**Column D:** To arrive at total construction costs in Column D:

**Column E:** Any proposed activity involving the acquisition of real property, easements, rights-of-way, etc., must have the projected costs of this acquisition for the activity.

**Column F:** Engineering/architectural costs must be broken out by the offsite work activity.

**Column G:** Figures for Column G, Total Activity Cost, are obtained by adding together Columns D, E, and F to get the total costs.

**\*\*ALL contingency must be included in the Contingency line item on the Development Cost Schedule and NOT on this form\*\***

**\*\*This form must be completed by a professional engineer licensed to practice in the State of Texas. His or her signature and registration seal must be on the form.\*\***

A. Activity	B. Labor or Unit Price	C. Materials or # of Units	D. Total Construction Cost	E. Acquisition Costs	F. Engineering / Architectural Costs	G. Total Activity Costs
Floodplain Mitigation per City Requirements	\$ 375,000.00	1	\$ 375,000.00	\$ -	\$ -	\$ 375,000.00
Lines 35-37 Hidden						
<b>Total</b>						\$ 375,000

*(Signature)*  
 \_\_\_\_\_  
 Signature of Registered Engineer responsible  
 for Budget Justification

T. Craig Carney, P.E.  
 \_\_\_\_\_  
 Printed Name  
 February 20, 2020  
 \_\_\_\_\_  
 Date

Seal  
 \_\_\_\_\_  
 If a revised form is submitted, date of submission:





## Site Work Cost Breakdown

This form must be submitted with the Development Cost Schedule as justification of Site Work costs.

Column A: The Site Work activity reflected here must match the Site Work activity reflected in the Development Cost Schedule.

Columns B and C: In determining actual construction cost, two different methods may be used:

The construction costs may be broken into labor (Column B) and materials (Column C) for the activity; OR

The use of unit price (Column B) and the number of units (Column C) data for the activity.

Column D: To arrive at total construction costs in Column D:

If based on labor and materials, add Column B and Column C together to arrive at total construction costs.

If based on unit price measures, Column B is multiplied by Column C to arrive at total construction costs.

Column E: Any proposed activity involving the acquisition of real property, easements, rights-of-way, etc., must have the projected costs of this acquisition for the activity.


Column F: Engineering/architectural costs must be broken out by the Site Work activity.

Column G: Figures for Column G, Total Activity Cost, are obtained by adding together Columns D, E, and F to get the total costs.

**\*\*This form must be completed by a Third-Party engineer licensed to practice in the State of Texas. His or her signature and registration seal must be on the form.\*\***

For Site Work costs that exceed \$15,000 per Unit and are included in Eligible Basis, a CPA letter allocating which portions of those site costs should be included in Eligible Basis and which ones may be ineligible must be submitted behind this tab.

A. Activity	B. Labor or Unit Price	C. Materials or # of Units	D. Total Construction Costs	E. Acquisition Costs	F. Engineering / Architectural Costs	G. Total Activity Costs
Demolition	\$0.00	1	\$0.00		In A/E Design Fee	\$ -
Asbestos Abatement (Demolition Only)	\$0.00	1	\$0.00		In A/E Design Fee	\$ -
Detention	\$50,000.00	1	\$50,000.00		In A/E Design Fee	\$ 50,000
Rough grading	\$820,000.00	1	\$820,000.00		In A/E Design Fee	\$ 820,000
Fine grading	\$28,000.00	1	\$28,000.00		In A/E Design Fee	\$ 28,000
On-site concrete	\$64,575.00	1	\$64,575.00		In A/E Design Fee	\$ 64,575
On-site electrical	\$27,500.00	1	\$27,500.00		In A/E Design Fee	\$ 27,500
On-site paving	\$418,005.00	1	\$418,005.00		In A/E Design Fee	\$ 418,005
On-site utilities	\$153,527.00	1	\$153,527.00		In A/E Design Fee	\$ 153,527
Decorative masonry	\$0.00	1	\$0.00		In A/E Design Fee	\$ -
Bumper stops, striping & signs	\$7,500.00	1	\$7,500.00		In A/E Design Fee	\$ 7,500
Other (specify) - see footnote 1						
<b>Total</b>						<b>\$ 1,569,107</b>

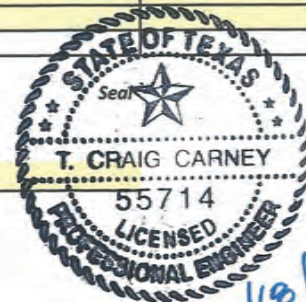
  
 Signature of Registered Engineer

2/18/2020  
Date

T. Craig Carney, P.E.  
Printed Name

If a revised form is submitted, date of submission:

LAKEVIEW Preserve



2/18/20

# Development Cost Schedule

Self Score Total: 139

*This Development Cost Schedule must be consistent with the Summary Sources and Uses of Funds Statement. All Applications must complete the Total Cost column. Direct Loan Applicants should review costs ineligible for reimbursement with Direct Loan funds in 10 TAC §13.3(e), while all HTC Applicants must complete the Eligible Basis columns and the Requested Credit calculation below:*

TOTAL DEVELOPMENT SUMMARY		
Total Cost	Eligible Basis (If Applicable)	
	Acquisition	New/Rehab.

Scratch Paper/Notes

**ACQUISITION**

Site acquisition cost	500,000	
Existing building acquisition cost		
Closing costs & acq. legal fees		
Other (specify) - see footnote 1		
Other (specify) - see footnote 1		
<b>Subtotal Acquisition Cost</b>	\$500,000	\$0

**OFF-SITES<sup>2</sup>**

Off-site concrete		
Storm drains & devices		
Water & fire hydrants		
Off-site utilities		
Sewer lateral(s)		
Off-site paving		
Off-site electrical		
Floodplain Mitigation per City Requirements	375,000	
Other (specify) - see footnote 1		
<b>Subtotal Off-Sites Cost</b>	\$375,000	\$0

ALL OFF-SITE COSTS REQUIRE DOCUMENTATION. THOSE ENTERED IN BASIS REQUIRE MORE DOCUMENTATION!!!  
 SEE 10 TAC §11.204(8)(E)(ii).

**SITE WORK<sup>3</sup>**

Demolition		
Asbestos Abatement (Demolition Only)		
Detention	50,000	
Rough grading	820,000	820,000
Fine grading	28,000	28,000
On-site concrete	64,575	64,575
On-site electrical	27,500	27,500
On-site paving	418,005	418,005
On-site utilities	153,527	153,527
Decorative masonry		
Bumper stops, striping & signs	7,500	7,500
Other (specify) - see footnote 1		
<b>Subtotal Site Work Cost</b>	\$1,569,107	\$1,519,107

**SITE AMENITIES**

Landscaping	100,000	100,000
Pool and decking	125,000	125,000
Athletic court(s), playground(s)	75,000	75,000
Fencing		
Other (specify) - see footnote 1		
<b>Subtotal Site Amenities Cost</b>	\$300,000	\$300,000

**BUILDING COSTS\*:**

Concrete	753,509	753,509
Masonry	515,300	515,300
Metals	261,754	261,754
Woods and Plastics	2,651,871	2,651,871
Thermal and Moisture Protection	127,015	127,015
Roof Covering	199,105	199,105
Doors and Windows	168,209	168,209
Finishes	729,479	729,479
Specialties	139,888	139,888
Equipment	192,239	192,239
Furnishings	289,217	289,217
Special Construction	126,158	126,158
Conveying Systems (Elevators)		
Mechanical (HVAC; Plumbing)	1,158,584	1,158,584
Electrical	969,778	969,778

**Individually itemize costs below:**

Detached Community Facilities/Building	300,000		300,000
Carports and/or Garages			
Lead-Based Paint Abatement			
Asbestos Abatement (Rehabilitation Only)			
Structured Parking			
Commercial Space Costs			
Other (specify) - see footnote 1			
<b>Subtotal Building Costs Before 11.9(e)(2)</b>	<b>\$8,582,106</b>	<b>\$0</b>	<b>\$8,582,106</b>

<b>Voluntary Eligible Building Costs (After 11.9(e)(2))</b>	<b>\$81.88 psf</b>	<b>\$6,385,166</b>
Enter amount to be used to achieve desired score		

If NOT seeking to score points under §11.9(e)(2), E77:E78 should remain BLANK. True eligible building cost should be entered in line items E33:E74. If requesting point under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E77:E78 that produces the target cost per square foot D77:D78. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.

<b>TOTAL BUILDING COSTS &amp; SITE WORK (including site amenities)</b>	<b>\$10,451,213</b>	<b>\$0</b>	<b>\$8,204,273</b>
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Contingency	6.48%	\$701,183	701,183
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<b>TOTAL HARD COSTS</b>	<b>\$11,527,396</b>	<b>\$0</b>	<b>\$8,905,456</b>
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OTHER CONSTRUCTION COSTS	%THC			%EHC
General requirements (<6%)	6.00%	691,644	534,327	6.00%
Field supervision (within GR limit)				
Contractor overhead (<2%)	2.00%	230,548	178,109	2.00%
G & A Field (within overhead limit)				
Contractor profit (<6%)	6.00%	691,644	534,327	6.00%

<b>TOTAL CONTRACTOR FEES</b>	<b>\$1,613,835</b>	<b>\$0</b>	<b>\$1,246,764</b>
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<b>TOTAL CONSTRUCTION CONTRACT Before 11.9(e)(2)</b>	<b>\$13,141,231</b>	<b>\$0</b>	<b>\$10,152,220</b>
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<b>Voluntary Eligible "Hard Costs" (After 11.9(e)(2))</b>	<b>\$0.00 psf</b>
Enter amount to be used to achieve desired score	

If NOT seeking to score points under §11.9(e)(2), E96:E97 should remain BLANK. True eligible cost should be entered in line items E83 and E87:E91. If requesting point under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E96:E97 that produces the target cost per square foot D96:D97. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.

**SOFT COSTS<sup>3</sup>**

Architectural - Design fees	356,520	356,520
Architectural - Supervision fees	50,000	50,000
Engineering fees	150,000	150,000
Real estate attorney/other legal fees	245,000	245,000
Accounting fees	35,000	35,000
Impact Fees	22,250	22,250
Building permits & related costs	65,000	65,000
Appraisal	6,500	6,500
Market analysis	8,000	8,000
Environmental assessment	2,800	2,800
Soils report	12,500	12,500
Survey	40,000	40,000
Marketing	125,000	
Hazard & liability insurance	127,712	127,712
Real property taxes	123,192	123,192
Personal property taxes	84,722	84,722
Tenant Relocation		
FF&E	150,000	150,000
Green Building Consultant	30,000	30,000
<b>Subtotal Soft Cost</b>	<b>\$1,634,196</b>	<b>\$1,509,196</b>

**FINANCING:**

**CONSTRUCTION LOAN(S)<sup>3</sup>**

Interest	550,000	275,000
Loan origination fees	110,000	110,000
Title & recording fees	101,455	101,455
Closing costs & legal fees	22,000	22,000



Inspection fees	35,000		35,000
Credit Report			0
Discount Points			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			

**PERMANENT LOAN(S)**

Loan origination fees	44,850		
Title & recording fees	20,000		
Closing costs & legal	8,970		
Bond premium			
Credit report			
Discount points			
Credit enhancement fees			
Prepaid MIP			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			

**BRIDGE LOAN(S)**

Interest			
Loan origination fees			
Title & recording fees			
Closing costs & legal fees			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			

**OTHER FINANCING COSTS<sup>3</sup>**

Tax credit fees	62,520		
Tax and/or bond counsel			
Payment bonds			
Performance bonds			
Credit enhancement fees			
Mortgage insurance premiums			
Cost of underwriting & issuance			
Syndication organizational cost	35,000		
Tax opinion			
Refinance (existing loan payoff amt)			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			
<b>Subtotal Financing Cost</b>	\$989,795	\$0	\$543,455

**DEVELOPER FEES<sup>3</sup>**

Housing consultant fees <sup>4</sup>			
General & administrative			
Profit or fee	2,219,856		1,679,856
<b>Subtotal Developer Fees</b>	\$2,219,856	\$0	\$1,679,856

**RESERVES**

Rent-up - new funds			
Rent-up - existing reserves*			
Operating - new funds	261,493		
Operating - existing reserves*			
Replacement - new funds			
Replacement - existing reserves*			
Escrows - new funds			
Escrows - existing reserves*			
<b>Subtotal Reserves</b>	\$261,493	\$0	\$0

\*Any existing reserve amounts should be listed on the Schedule of Sources.

<b>TOTAL HOUSING DEVELOPMENT COSTS<sup>5</sup></b>	\$18,746,571	\$0	\$13,884,727
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The following calculations are for HTC Applications only.

**Deduct From Basis:**

Federal grants used to finance costs in Eligible Basis			
Non-qualified non-recourse financing			
Non-qualified portion of higher quality unit <sup>5</sup>			
Historic Credits (residential portion only)			
<b>Total Eligible Basis</b>		\$0	\$13,884,727

\*\*High Cost Area Adjustment (100% or 130%)

			130%
<b>Total Adjusted Basis</b>		\$0	\$18,050,145
Applicable Fraction			100%
<b>Total Qualified Basis</b>	\$18,050,145	\$0	\$18,050,145
Applicable Percentage <sup>e</sup>			9.00%
<b>Credits Supported by Eligible Basis</b>	\$1,624,513	\$0	\$1,624,513
<b>Credit Request</b> (from 17.Development Narrative)	\$ 1,500,000		


<b>Requested Score for 11.9(e)(2)</b>	12
---------------------------------------	----

\*11.9(c)(2) Cost Per Square Foot: DO NOT ROUND **Applicants are advised to ensure that the figure is not rounded down to the maximum dollar figure to support the elected points.**

Name of contact for Cost Estimate: Christopher Shear

Phone Number for Contact: (773) 981-1817

If a revised form is submitted, date of submission: \_\_\_\_\_



**CARNEY**  
ENGINEERING, PLLC

May 15, 2020

Mr. Matthew Griego  
Housing Specialist, Multifamily Finance  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, TX 78701

RE: Response to Deficiency Notice  
HTC Application 20083 – Lakeview Preserve  
2800 S. MacArthur Blvd.  
Irving, Texas  
**CARNEY PROJECT NO. 1071-01**

Dear Mr. Griego:

The purpose of this letter is to respond to a Third-Party Request for Administrative Deficiency (RFAD) for the referenced project. The following is the request:

*The request states MacArthur Blvd. is one foot below the flood elevation and would lead to being unable to have an entrance drive into MacArthur Boulevard. Due to the site being five feet below the floodplain, not enough information is provided to reach the required elevation levels. The application does not meet the floodplain requirements under 10 TAC §11.101(a)(1) related to Floodplains.*

- 1. Provide evidence regarding the parking and drive elevations, along with flood mitigation that will be accomplished.*

Our design team is aware of the existing grades and the design requirements dictated by TDHCA and the City of Irving (the "City"). In fact, the City's requirements are more stringent than TDHCA (i.e. the drive aisles and parking are required to be at a minimum elevation equal to the 100-yr floodplain and the building finished floor shall be a minimum of 2-ft above the 100-yr floodplain). The geometry of the proposed site improvements has been established to ensure compliance with elevation and grade requirements.

As mentioned in the Feasibility Report, additional ROW for MacArthur Boulevard will be required to be dedicated to the City. The exact width of the ROW that will be dedicated shall be established during the engineering phase such that the required ROW for a major arterial is achieved and a sufficient distance to make a slope and grade transition from the MacArthur Blvd. to the property line with elevations at or above the elevations required by the City, which are in excess of TDHCA's requirements. The ROW dedication will be formally adopted thereafter by the City under the Site Platting process.

The location of the development's entrance drive onto MacArthur Boulevard aligning with the existing median cut was the preferred placement identified by the City of Irving staff, including

Response to Deficiency Notice  
HTC Application 20083 – Lakeview Preserve  
2800 S. MacArthur Blvd.  
Irving, Texas  
Page 2

floodplain manager, city engineers, and traffic director in review of the site plan at a formal pre-development meeting on January 30, 2020. City staff indicated that a Slope Easement is recorded to address the grade change between MacArthur Blvd and property abutting MacArthur. The recorded slope easement is shown on the survey provided within the Application (Instrument Number 200101541639). Construction of the entrance drive will include the relocation/reconfiguration of existing sidewalk and utilities in the vicinity of the entrance. The reconfiguration of existing improvements and dedication of additional ROW creates a transition between MacArthur Boulevard and the Site to allow drives and parking provided for the Site to comply with the requirement for elevation levels to be at least equal to the 100-yr floodplain elevation. Site geometry allows the transition to occur with grades that are compliant with applicable codes. Additionally, building floor elevations shall be at least two feet above the 100-yr floodplain elevation, pursuant to City of Irving code.

Proposed development within the 100-yr floodplain is prohibited from causing a rise in the current 100-yr floodplain elevation. As indicated in the Feasibility report, Permitting Authorities will require floodplain impacts and mitigation to be proven through hydrologic and hydraulic analysis which will be performed in the design phase of the project. Furthermore, because building elevations and associated drives and parking elevations located within published FEMA FIRM 100-yr special flood hazard designation areas (100-yr floodplain) must be constructed at or above the 100-yr floodplain elevation, a Letter of Map Revision (LOMR-F) must be processed with Permitting Authorities and FEMA to remove the improvements from the special flood hazard designation area. The LOMR-F application process will be executed during the design and permitting phase of the project.

We are confident from an engineering perspective this project is feasible and can be developed and permitted as described in the application and under all TDHCA rules and requirements.

We trust this response provides sufficient information to resolve perceived deficiencies in the application packet and welcome the opportunity to discuss in further detail, if necessary.

Respectfully submitted,

**CARNEY ENGINEERING, PLLC**  
TBPE Firm No. F-5033



T. Craig Carney, P.E.





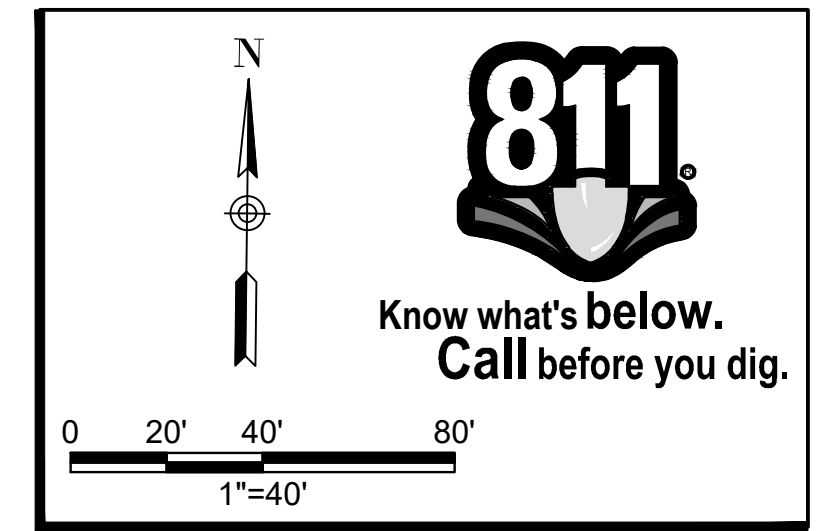

PARKING REQUIREMENT CHART				
NUMBER OF BEDROOMS	TOTAL UNITS	PARKING CALCULATION	PARKING REQUIRED	PARKING PROVIDED
1 BEDROOM	30	1.5 SPACES PER UNIT	45	45
2 BEDROOM	42	2.0 SPACES PER UNIT	84	84
3 BEDROOM	12	2.5 SPACES PER UNIT	30	30
<b>TOTAL</b>	<b>84</b>		<b>159</b>	<b>159</b>

**SITE DATA**  
 USE: MULTI FAMILY RESIDENTIAL

**BUILDINGS:**  
 A - 36 UNITS  
 B - 24 UNITS  
 C - 24 UNITS

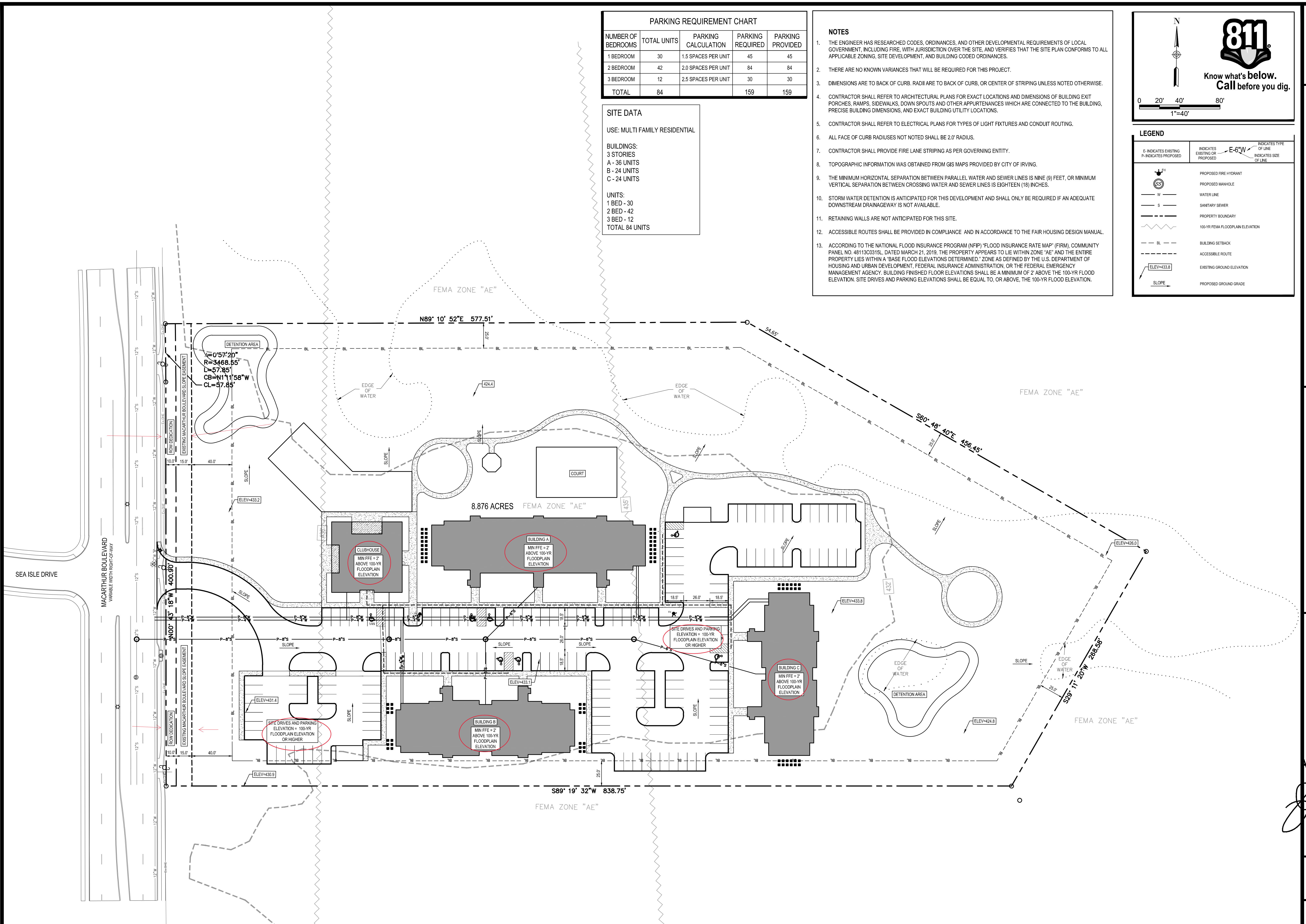
**UNITS:**  
 1 BED - 30  
 2 BED - 42  
 3 BED - 12  
**TOTAL 84 UNITS**

- NOTES**
- THE ENGINEER HAS RESEARCHED CODES, ORDINANCES, AND OTHER DEVELOPMENTAL REQUIREMENTS OF LOCAL GOVERNMENT, INCLUDING FIRE, WITH JURISDICTION OVER THE SITE, AND VERIFIES THAT THE SITE PLAN CONFORMS TO ALL APPLICABLE ZONING, SITE DEVELOPMENT, AND BUILDING CODED ORDINANCES.
  - THERE ARE NO KNOWN VARIANCES THAT WILL BE REQUIRED FOR THIS PROJECT.
  - DIMENSIONS ARE TO BACK OF CURB, RADII ARE TO BACK OF CURB, OR CENTER OF STRIPING UNLESS NOTED OTHERWISE.
  - CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF BUILDING EXIT PORCHES, RAMPS, SIDEWALKS, DOWN SPOUTS AND OTHER APPURTENANCES WHICH ARE CONNECTED TO THE BUILDING, PRECISE BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY LOCATIONS.
  - CONTRACTOR SHALL REFER TO ELECTRICAL PLANS FOR TYPES OF LIGHT FIXTURES AND CONDUIT ROUTING.
  - ALL FACE OF CURB RADIUS NOT NOTED SHALL BE 2.0' RADIUS.
  - CONTRACTOR SHALL PROVIDE FIRE LANE STRIPING AS PER GOVERNING ENTITY.
  - TOPOGRAPHIC INFORMATION WAS OBTAINED FROM GIS MAPS PROVIDED BY CITY OF IRVING.
  - THE MINIMUM HORIZONTAL SEPARATION BETWEEN PARALLEL WATER AND SEWER LINES IS NINE (9) FEET, OR MINIMUM VERTICAL SEPARATION BETWEEN CROSSING WATER AND SEWER LINES IS EIGHTEEN (18) INCHES.
  - STORM WATER DETENTION IS ANTICIPATED FOR THIS DEVELOPMENT AND SHALL ONLY BE REQUIRED IF AN ADEQUATE DOWNSTREAM DRAINAGEWAY IS NOT AVAILABLE.
  - RETAINING WALLS ARE NOT ANTICIPATED FOR THIS SITE.
  - ACCESSIBLE ROUTES SHALL BE PROVIDED IN COMPLIANCE AND IN ACCORDANCE TO THE FAIR HOUSING DESIGN MANUAL.
  - ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) 'FLOOD INSURANCE RATE MAP' (FIRM), COMMUNITY PANEL NO. 481130315L, DATED MARCH 21, 2019, THE PROPERTY APPEARS TO LIE WITHIN ZONE 'AE' AND THE ENTIRE PROPERTY LIES WITHIN A 'BASE FLOOD ELEVATIONS DETERMINED.' ZONE AS DEFINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION, OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY. BUILDING FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 2' ABOVE THE 100-YR FLOOD ELEVATION. SITE DRIVES AND PARKING ELEVATIONS SHALL BE EQUAL TO, OR ABOVE, THE 100-YR FLOOD ELEVATION.



**LEGEND**

E- INDICATES EXISTING P- INDICATES PROPOSED	INDICATES EXISTING OR PROPOSED E-6"W	INDICATES TYPE OF LINE INDICATES SIZE OF LINE
	PROPOSED FIRE HYDRANT	
	PROPOSED MANHOLE	
	WATER LINE	
	SANITARY SEWER	
	PROPERTY BOUNDARY	
	100-YR FEMA FLOODPLAIN ELEVATION	
	BUILDING SETBACK	
	ACCESSIBLE ROUTE	
	EXISTING GROUND ELEVATION	
	PROPOSED GROUND GRADE	



LAKEVIEW PRESERVE  
 SOUTH MACARTHUR BOULEVARD  
 IRVING, TEXAS

PRELIMINARY SITE PLAN  
 ISSUED FOR INTERIM REVIEW

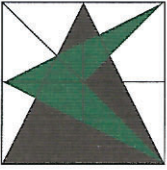
**CARNEY**  
**ENGINEERING,**  
**PLLC.**  
 5700 GRANITE PARKWAY, SUITE 200  
 PLANO, TEXAS 75024  
 P (469) 443-0861  
 F (469) 443-0863

T. CRAIG CARNEY  
 53714  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF TEXAS  
 TPBE FIRM REGISTRATION NO. F-6033

DRAWN BY:	TCP
CHECKED BY:	JAH
START DATE:	2/7/2020
SCALE:	1" = 40'
PROJECT NO.:	2068-164
SHEET:	C1.0

Plot Area: 8.876 Acres. All Utilities Shown are Approximate. Refer to Utility Plans for Exact Locations. Prepared: 5/13/2020 14:21:19. Plt. Sheet Name: Rpts-Site-Plan. Plotted By: Thomas Patten





**CARNEY**  
ENGINEERING, PLLC

May 28, 2020

Mr. Matthew Griego  
Housing Specialist, Multifamily Finance  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, TX 78701

RE: Response to Deficiency Notice  
HTC Application 20083 – Lakeview Preserve  
2800 S. MacArthur Blvd.  
Irving, Texas  
**CARNEY PROJECT NO. 1071-01**

Dear Mr. Griego:

The purpose of this letter is to respond to a Third-Party Request for Administrative Deficiency (RFAD) for the referenced project. The following is the request:

1. *Provide evidence that compliance with requirements of the Corridor Development Certificate Manual or other Trinity River Corridor requirements will result on the Development Site meeting or exceeding all of the requirements of 10 TAC §11.101(a)(1), particularly the parking and drive areas.*

It should be made clear that the *Corridor Development Certificate (CDC)* requirements and 10 TAC §11.101(a)(1) requirements for site development are distinct and separate. The CDC's primary concern is for no increase in the 100-year flood elevation and no decrease in valley storage within the Trinity River corridor when developing within a floodplain. TDHCA's requirement of complying with 10 TAC §11.101(a)(1) states a site must be developed so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain. These requirements are mutually exclusive.

For you to better understand CDC process and requirements know the Trinity River Corridor's CDC Manual criteria were created by 11 cities and 2 counties and 5 special districts including FEMA. The goal of the CDC is to stabilize and neutralize flooding risks along the Trinity River Corridor. The CDC standards have been established to ensure that this development does not exacerbate flooding.

The permitting process of this project relative to drainage includes submission of detailed engineering drawings, calculations and hydraulic modeling to the City of Irving and FEMA. The City and FEMA requirements are more stringent than 10 TAC §11.101(a)(1). The finished floor elevations must be at least 2 feet above the 100-year floodplain elevation and parking/drives at or greater than the 100-year floodplain elevation. After a rigorous review by the City and FEMA is

Response to Deficiency Notice  
HTC Application 20083 – Lakeview Preserve  
2800 S. MacArthur Blvd.  
Irving, Texas  
Page 2

completed, the City of Irving submits the drawings and calculations to the CDC's reviewing entities for administrative review and approval.

It should be noted the CDC is intended to be consistent and complementary with other community floodplain permit requirements. Each local government retains development authority within its jurisdiction. The CDC does not replace or substitute for any other state or federal program.

Equally important to note is that the geometry of the proposed site improvements has been established to ensure compliance with elevation and grade requirements per 10 TAC §11.101(a)(1)

This project, and the review process of the CDC, is not unlike any other multi-jurisdictional review, such as Drainage Districts, Irrigation Districts, Municipal Utility Districts, TxDot, et al found in other parts of the State. Our internal design team has thoroughly vetted the applicable floodplain rules and regulations with the governing authorities. We remain assured from an engineering perspective this project is feasible and can be developed and permitted as described in the application and under all TDHCA rules and requirements and in compliance with requirements of the Corridor Development Certificate Manual or other Trinity River Corridor requirements which will result in the Development Site meeting or exceeding all of the requirements of 10 TAC §11.101(a)(1), particularly the parking and drive areas.

We trust this response provides sufficient information to resolve perceived deficiencies in the application packet and welcome the opportunity to discuss in further detail, if necessary.

Respectfully submitted,

**CARNEY ENGINEERING, PLLC**  
TBPE Firm No. F-5033



T. Craig Carney, P.E.



5/28/20

20083  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**

Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 15, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Brian Kimes  
JES Development Company, Inc.  
206 Peach Way  
Columbia, MO 65205

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20083 Lakeview Preserve, Irving

Dear Mr. Kimes:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application provided appropriate documentation to mitigate the Development Site's location within the 100 floodplain. Per 10 TAC §11.101(a)(1) related to Floodplain:

The Applicant will have to use floodplain maps and comply with regulation as they exist at the time of commencement of construction. Even if not required by such provisions, the Site must be developed so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain. If there are more stringent federal or local requirements they must also be met.

Staff sent an Administrative Deficiency under 10 TAC §10.3(a)(2), and the Applicant responded timely.

In its response, the Applicant provided information showing that by meeting the requirements of the Corridor Development Certificate process and requirements, as stated in the Feasibility Report, the finished ground floor elevations will be required to be at least two feet above the 100-year floodplain and the parking and drive areas will be required to be at or above the 100-year floodplain elevation. In this case, the local requirements are more stringent than the Department's requirement for the Development Site. Staff determined that the application meets the requirements of 10 TAC §11.101(a)(1).



I find that the issues raised in your request were sufficiently answered by the Applicant's response to the Administrative Deficiency notice. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni

Holloway  
Marni Holloway

Multifamily Division Director

Digitally signed by Marni  
Holloway  
Date: 2020.06.15 13:05:00  
-05'00'

Cc: Christopher Shear  
Arlana Brendle





TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**

Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 15, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Alyssa Carpenter  
Via email: [ajcarpen@gmail.com](mailto:ajcarpen@gmail.com)

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20083 Lakeview Preserve, Irving

Dear Ms. Carpenter:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application provided appropriate documentation to mitigate the Development Site's location within the 100 floodplain. Per 10 TAC §11.101(a)(1) related to Floodplain:

The Applicant will have to use floodplain maps and comply with regulation as they exist at the time of commencement of construction. Even if not required by such provisions, the Site must be developed so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain. If there are more stringent federal or local requirements they must also be met.

Staff sent an Administrative Deficiency under 10 TAC §10.3(a)(2), and the Applicant responded timely.

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For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni  
Holloway

Marni Holloway  
Multifamily Division Director

Digitally signed by Marni  
Holloway  
Date: 2020.06.15 13:07:17  
-05'00'

Cc: Christopher Shear  
Arlana Brendle

20089  
Request for Administrative Deficiency

# Hays Street Lofts, LP

## San Antonio, Texas

May 1, 2020

### Via Email

Marni Holloway, Director of Multifamily Finance – [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)  
Sharon Gamble, 9% HTC Administrator – [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)  
Texas Department of Housing and Community Affairs  
221 E 11<sup>th</sup> Street  
Austin, Texas 78701

Re: §11.10. Third Party Request for Administrative Deficiency;  
TDHCA Application #20089 – Hamilton Wolfe Lofts, San Antonio, Texas;

Dear Ms. Holloway and Ms. Gamble,

Pursuant to §11.10 of the 2020 Qualified Allocation Plan (the “QAP”), please let this letter serve as our third-party Request for Administrative Deficiency (“RFAD”) with regards to Application # 20089 (the “Hamilton Wolfe Lofts Application”). A copy of this request is being delivered concurrently to representatives of the Hamilton Wolfe Lofts Application.

In order to qualify for seven points under §11.9(d)(7) of the QAP associated with Concerted Revitalization Plan (CRP), a proposed development needs to satisfy various requirements under §11.9(d)(7)(A)(i - iv) to be eligible to claim points under this point category, where it states:

*“Applicants may qualify to receive points if the Development Site is located in a distinct area that was once vital and has lapsed into a condition requiring concerted revitalization, and where a concerted revitalization plan (plan or CRP) has been developed and executed.”*

Specifically, §11.9(d)(7)(A)(iii)(II) states the following:

*“(II) The problems in the revitalization area must be identified through a process in which affected local residents had an opportunity to express their views on problems facing the area, and how those problems should be addressed and prioritized. Eligible problems that are appropriate for a concerted revitalization plan may include the following:*

***(-a-) long-term disinvestment, such as significant presence of residential and/or commercial blight, streets infrastructure neglect, and/or sidewalks in significant disrepair;***

***(-b-) declining quality of life for area residents, such as high levels of violent crime, property crime, gang activity, or other significant criminal matters such as the manufacture or distribution of illegal substances or overt illegal activities; or***

***(-c-) lack of a robust economy for that neighborhood area, or, if economic revitalization is already underway, lack of new affordable housing options for long-term residents.”***

In review of the plans and information provided in the application, we see no evidence that the area covered by the plan is afflicted with any of these aforementioned issues. The site is located in a census tract with a poverty rate of 4.2%, which is well below the threshold of being considered impoverished. Furthermore, the census tract of the development clearly has highly

# Hays Street Lofts, LP

## San Antonio, Texas

educated residents, access to good schools, is in close proximity to job centers, and is in an area that is flourishing with great amenities, as evidenced through the points selected on pages 74 & 75 of the application (see Exhibit A).

Upon review of the SA Tomorrow Medical Center Area Regional Center (MCARC) Plan it appears that the overall goal of the plan is not to revitalize the area, but more so to “guide future development and City investment in the plan area based on the vision and goals for the Medical Center Area.” (pg. 486 of the application) In fact, instead of long-term disinvestment, the area has been the focus of recent reinvestment that further supports the fact that the site is not located in an area that satisfies the requirements of a CRP, per the QAP, see the following articles (also evidenced as Exhibits B and C):

<https://therivardreport.com/separated-bike-track-nears-completion-in-south-texas-medical-center/>

[https://www.expressnews.com/business/business\\_columnists/texas\\_power\\_brokers/article/San-Antonio-Medical-Foundation-head-talks-Medical-14442829.php](https://www.expressnews.com/business/business_columnists/texas_power_brokers/article/San-Antonio-Medical-Foundation-head-talks-Medical-14442829.php)

Additionally, during the 2020 Draft QAP public comment period, staff received comment on the CRP point category. Staff’s response is clear that while there is no exact definition of “concerted revitalization plan”, the general parameters are readily accepted by stakeholders across the country – robust investment in “a distinct area that was once vital and has lapsed into a condition requiring concerted revitalization”. (See Exhibit D) It would seem that the SA Tomorrow MCARC Plan is more of an investment plan rather than a revitalization plan, as there is no evidence of disinvestment, long-term neglect, or blight and no need for a revitalization plan.

Based on the lack of evidence to support the plan satisfies requirement under §11.9(d)(7)(A)(iii)(II) of the QAP, we respectfully request staff deny Hamilton Wolfe Lofts Application as being eligible to claim points under §11.9(d)(7), which would result in a loss of 7 points from the Hamilton Wolfe Lofts Application final score.

If you have any questions or would like to discuss these items further, please do not hesitate to contact me directly at (417) 883-1632 or via email at [vczdevelop@wilhoitproperties.com](mailto:vczdevelop@wilhoitproperties.com) any time.

Sincerely,

*Vaughn Zimmerman*

Vaughn Zimmerman  
Hays Street Lofts, LP



# Exhibit A

## Site Information Form Part II

Self Score Total: **132**

**Yes** Part 1 entries are related to Concerted Revitalization Plan and Opportunity Index points are not requested.  
If yes, skip down to select amenities under Urban or Rural, as applicable.

1. **Opportunity Index (Competitive HTC and Direct Loan Applications Only) [10 TAC §11.9(c)(4) and 10 TAC §13.6(1)]**



**na** Development Site is located entirely within a census tract that has a poverty rate that is less than 20% or that is less than the median poverty rate for the region, whichever is higher.

AND

**na** The census tract has a median household income rate in the two highest quartiles within the region (2 points).

OR

**na** The census tract has a median household income in the third quartile within the region, **and** is contiguous to a census tract in the first or second quartile without physical barriers such as (but not limited to) highways or rivers between, **and** the Development Site is no more than 2 miles from the boundary between the census tracts. A map showing the Development Site, location of the border, scale showing distance, and other applicable evidence is included (1 point).

Contiguous Census Tract #

Contiguous Tract Quartile

**X** Development is Urban and Development Site is within the required radius of eligible amenities and/or services, pursuant to §11.9(c)(4)(B)(i) of the QAP. A map showing the Development Site, scale showing radius, location of the amenities, and evidence that the amenity meets all requirements of the rule, as applicable, is included.

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**na** Development is Rural or USDA and Development Site is within the required distance of eligible amenities and/or services pursuant to §11.9(c)(4)(B)(ii) of the QAP. A map showing the Development Site, scale showing radius, location of the amenities, and evidence that the amenity meets all requirements of the rule, as applicable, is included.

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**X** No members of the Applicant or Affiliates had an ownership position in a selected amenity or served on the board or staff of a nonprofit that owned or managed a selected amenity within the year preceding the Pre-Application Final Delivery Date.

Application is seeking points for Opportunity Index.

Total Points Claimed:



**0**

If necessary, provide a brief summary of how the Development Site is justifying the points selected:

**2. Underserved Area (Competitive HTC and Direct Loan Applications Only) [ 10 TAC §11.9(c)(5) and 10 TAC §13.6(3)]**

Applications may qualify for up to five (5) points for proposed Developments located in ONE of the following areas:

- No** Wholly or partially within a Colonia (2 points);  
(Note: Not eligible if application qualifies for Opportunity Index points)
- No** Entirely within the boundaries of an Economically Distressed Area (1 point);  
(Note: Not eligible if application qualifies for Opportunity Index points)
- No** Entirely within a census tract that does not have another Development that was awarded less than 30 years ago according to the Department’s property inventory tab of the Site Demographic Characteristics Report (4 points);
- No** For areas that did not score above, entirely within a census tract that does not have another Development that was awarded less than 20 years ago according to the Department’s property inventory tab of the Site Demographic Characteristics Report (3 points);
- No** For areas that did not score above, entirely within a census tract that does not have another Development that was awarded less than 15 years ago according to the Department’s property inventory tab of the Site Demographic Characteristics Report (2 points);
- Yes** Entirely within a census tract whose boundaries are wholly within an incorporated area and the census tract itself and all of its contiguous census tracts do not have another Development that was awarded less than 15 years ago according to the Department’s property inventory tab of the Site Demographic Characteristics Report. This item will apply in Places with a population of 100,000 or more, and will not apply in the At-Risk Set-Aside (5 points);  

Contiguous Census Tract # <input type="text" value="48029181303"/>	Contiguous Census Tract # <input type="text"/>
Contiguous Census Tract # <input type="text" value="48029181402"/>	Contiguous Census Tract # <input type="text"/>
Contiguous Census Tract # <input type="text" value="48029181404"/>	Contiguous Census Tract # <input type="text"/>
- No** Entirely within a census tract where, according to American Community Survey 5-year Estimates, the population share of persons below the 200% federal poverty level decreased by 10% or more and where the total number of persons at or above the 200% poverty level increased by 15% or more from 2010 to 2017. This measure is referred to as the Affordable Housing Needs Indicator in the Site Demographic Characteristics Report (3 points);
- No** An At-risk or USDA Development placed in service 25 or more years ago, that is still occupied, and that has not yet received federal funding, or LIHTC equity, for the purposes of Rehabilitation for the Development. (3 points)

**Application is seeking points for Underserved Area. Total Points Claimed:**

**3. Proximity to Job Areas (Competitive HTC Applications Only) [10 TAC §11.9(c)(7)]**

**A. Proximity to the Urban Core**

- na** Application is *not* in the At-Risk Set-Aside; **AND**
- na** Population of Place is 190,000-749,999 and Development is located w/in 2 miles of the main municipal government administration building. (6 points) **OR**
- na** Population of Place is 750,000 or more and Development is located w/in 4 miles of the main municipal government administration building. (6 points)

**OR**

**B. Proximity to Jobs (select one)**

- X** Application is *not* in the At-Risk *or* USDA Set-Aside; **AND**
- X** The Development is located within 1 mile of 16,500 jobs. (6 points)
- The Development is located within 1 mile of 13,500 jobs. (5 points)
- The Development is located within 1 mile of 10,500 jobs. (4 points)
- The Development is located within 1 mile of 7,500 jobs. (3 points)
- The Development is located within 1 mile of 4,500 jobs. (2 points)
- The Development is located within 1 mile of 2,000 jobs. (1 point)

**Application is seeking points for Proximity to Job Areas Total Points Claimed:**

# R I V A R D **Report**

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Nonprofit Journalism for a Better San Antonio.

< <https://therivardreport.com/> >

**TRANSPORTATION** < [HTTPS://THERIVARDREPORT.COM/CATEGORY/TRANSPORTATION/](https://therivardreport.com/category/transportation/) >

## Separated Bike Track Nears Completion in South Texas Medical Center

 by **Iris Dimmick** < <https://therivardreport.com/author/iris-dimmick/> >  
October 2, 2019

- < <https://therivardreport.com/separated-bike-track-nears-completion-in-south-texas-medical-center/?share=email&nb=1> >
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- < <https://therivardreport.com/separated-bike-track-nears-completion-in-south-texas-medical-center/?share=linkedin&nb=1> >
- < <https://therivardreport.com/separated-bike-track-nears-completion-in-south-texas-medical-center/?share=reddit&nb=1> >

A two-way bicycle track with raised curb and a walking path runs along 1.7 miles of Floyd Curl Drive in the South Texas Medical Center.  
Credit: Scott Ball / Rivard Report

The commute to work or doctor appointments on a central section of Floyd Curl Drive in the South Texas Medical Center is a lot more “green” these days as construction nears completion on separated, raised bicycle tracks and new sidewalks.

Finding cyclists and pedestrians in the area, however, proved hard to do Tuesday morning, but that’s something that officials hope the new 1.7 mile stretch of roadway designed for both types of mobility will change. The 900-acre medical district on the city’s Northwest Side was designed almost exclusively for cars.

“We want the medical center to emerge [away] from somewhere you go when you’re just sick,” said Bill Balthrope, chairman of the [Medical Center Alliance < https://southtexasmed.com/medical-center-alliance/>](https://southtexasmed.com/medical-center-alliance/) (MCA), which promotes the center’s economic growth. The alliance led the planning and funding for the project, partnering with the City of San Antonio and Texas Department of Transportation.



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The street’s design takes into account motor vehicles, bikes, and pedestrians. The bike lanes are painted bright green as a signal to motorists at driveways and intersections to watch for crossing bikes.

The project, which cost roughly \$15 million, is nearly complete, with work concluding at the trailhead near Floyd Curl Drive’s intersection with Louis Pasteur Drive. A grand opening is scheduled for Nov. 8, and several events to boost awareness about the new infrastructure are planned throughout the month, including yoga and a pet-friendly run/walk. Click [here < https://southtexasmed.com/floyd-curl-green-street/>](https://southtexasmed.com/floyd-curl-green-street/) for details.

“We’re trying to bring in amenities like the trails and the retail that make us more of a city within a city,” said Jim Reed, president of the San Antonio Medical Foundation.



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Related: [San Antonio's Health Care, Bioscience Leaders Examine Medical Center's Past and Future < https://therivardreport.com/san-antonios-health-care-bioscience-leaders-examine-medical-centers-past-and-future/>](https://therivardreport.com/san-antonios-health-care-bioscience-leaders-examine-medical-centers-past-and-future/)

The foundation, which was founded 50 years ago to bring a medical school to the city, owns a 900-acre tract of land considered to be the epicenter of the medical district. It still has 200 acres of vacant land and has expanded the scope of development it wants to bring to the area to include hotels, apartments, restaurants, and other services.

The new green street, on Floyd Curl from Louis Pasteur Drive to Fawn Meadows, connects with the foundation's 2-mile [walking and jogging trail < https://www.samedfoundation.org/about/trail-map/>](https://www.samedfoundation.org/about/trail-map/) that loops around undeveloped space on the western edge of the district. Funding through the Alamo Area Metropolitan Planning Organization has already been identified for a 1.2-mile green street on Hamilton Wolfe Road, Balthrope said, slated for completion in 2021.

This map shows plans for bike infrastructure in the Medical Center funded by the Medical Center Alliance, City of San Antonio, TxDOT, and the San Antonio Medical Foundation. Credit: [Courtesy / Medical Center Alliance < https://southtexasmed.com/floyd-curl-green-street/>](https://southtexasmed.com/floyd-curl-green-street/)

Establishing a connected network in the medical center will not be easy, Balthrope said, as the area hosts more than 270,000 cars every day and already struggles with traffic congestion. Some people use bikes in the area, but not many. The main thoroughfares that lead in and out of the medical center aren't bike-friendly.

Balthrope said he hopes the burgeoning younger population in surrounding suburbs and apartment complexes will start to take advantage of the new streets and trails to access emerging retail and dining options in the area.

"Those are the people who are going to be more likely on bikes and walking," he said. "There are thousands of people who live around here. ... We think this is a great asset not only for the medical center but for the city because it's an example of what a complete street really is."

About 3,500 new housing units were added to the area over the last few years, Reed said. "So we're starting to get more into the livability-type amenities that come with all the new apartments."

According to the medical center district's 2011 [bike master plan < https://www.sanantonio.gov/Portals/o/Files/SABikes/BicycleMasterPlan/AppendixG-STMCBicycleMasterPlan.pdf>](https://www.sanantonio.gov/Portals/o/Files/SABikes/BicycleMasterPlan/AppendixG-STMCBicycleMasterPlan.pdf), the main thoroughfares through the area can't sacrifice vehicular lanes for bikes because it would have too large of an impact on commute times, and mixing bikes with fast-moving cars in on-street bike lanes is too dangerous. The other option is widening the streets to add separated bike lanes – but acquiring the land along a street to do so can be challenging.

Most of the property owners along Floyd Curl Drive are members of the Medical Center Alliance, so it was easier to acquire the needed right-of-way, Balthrope said. The MCA was founded in 1998 primarily to manage traffic congestion and wayfinding, but its scope has expanded to include district-wide growth, pedestrian safety, and community health and involvement.

Construction of the Floyd Curl project was funded with about \$5 million in City, State, and federal sources, including some grants. The MCA picked up the \$6.9 million tab for the 450,000 square feet of right-of-way needed, he said.

“Imagine trying to buy that downtown,” Balthrope said. “We didn’t have to talk about money so much as land use.”

Related: **[Will the Battle for Broadway Bike Lanes Continue? < https://therivardreport.com/will-the-battle-for-broadway-bike-lanes-continue/>](https://therivardreport.com/will-the-battle-for-broadway-bike-lanes-continue/)**

About 10 miles southeast of Floyd Curl, City officials are readying plans to redevelop three miles of Broadway Street. Those plans ran into a right-of-way challenge on the southernmost portion that engineers said was too narrow for safe bike lanes of any kind. That has **[drawn the ire < https://therivardreport.com/will-the-battle-for-broadway-bike-lanes-continue/>](https://therivardreport.com/will-the-battle-for-broadway-bike-lanes-continue/)** of some elected officials and cycling advocates, who want to see bike protected lanes prioritized in street projects.

The City is expected to update its bike master plan, also developed in 2011, next year. It will convene public meetings and coordinate with stakeholder groups and organizations in major destinations – such as the medical center – across San Antonio. But, thanks to the introduction of electric scooters to streets, it won't be called a "Bike Master Plan" like its predecessor.

"We are replacing it and creating a new micromobility plan that was just funded Oct. 1 [with the City's fiscal year 2020 budget] and will take months and plenty of stakeholder and public meetings," said Joe Conger, spokesman for the City's Transportation & Capital Improvements department.

Like the medical center, the City is struggling to fund and implement a network of bike infrastructure. Separated or protected bike lanes aren't in the City's inventory, save for a few blocks. Reed said they are working with the City to one day connect its network to the Howard W. Peak Greenway Trail System that loops around San Antonio.

The medical center is home to 75 health care institutions, including more than 45 clinics, 12 major hospitals, a medical school, a dental school, and dozens of physicians offices. The local health care and bioscience industry has a \$37 billion impact to the economy, according to a study commissioned by the San Antonio Chamber of Commerce. Much of that activity takes place in the medical center, which employs more than 30,000 people.

The busiest times of day on the street are during shift changes at the area hospitals, Balthrope said. "Don't come [here] between 7 and 8 [a.m.]."

Related: **[Bright Green Bike Lanes Appear on Downtown Streets < https://therivardreport.com/tirz-board-approves-6-million-for-bike-lanes-on-avenue-b-alamo-street/>](https://therivardreport.com/tirz-board-approves-6-million-for-bike-lanes-on-avenue-b-alamo-street/)**

The green street design for Floyd Curl, developed by consultants TBG Partners and Pape-Dawson Engineers, includes a 10-foot wide, two-way cycle track on the southbound side of the street, separated from the street by four feet of grading that elevates the track from vehicular traffic.

## Exhibit C

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## Center growth, restlessness

Greg Jefferson

Sep. 16, 2019



Jim Reed became president of the San Antonio Medical Foundation two decades ago. He also is a retired district manager with Southwestern Bell, where he worked for 31 years. The foundation is a nonprofit that helped bring a University of Texas medical school to San Antonio and launch the South Texas Medical Center.

Photo: Jerry Lara /Staff photographer

One of Jim Reed's heart valves wasn't holding up. Through periodic testing, his cardiologist could see it doing less and less of its job — regulating blood flow through the heart.

Presumably to the doctor's horror, Reed managed to squeeze in a trip with his wife, Katie, to Egypt and another to Denmark this year before checking into University Hospital for open heart surgery in mid-August.

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Reed is a restless 80-year-old.

Five floors up, he has a good view of the northern edge of the Medical Center. Several of the buildings weren't there 20 years ago when he became head of the foundation, including the \$150 million South Texas Research Facility.

Reed grew up in Montgomery City, Mo., where his dad owned the general store as well as 60 acres with horses and steers. But the farm town was dying, its population at one point dropping as low as 800 or 900, and after Reed graduated from Westminster College in Fulton, Mo., he went to work as a marketing manager for Southwestern Bell. It was headquartered in St. Louis but moved to San Antonio in 1992 and, after transforming into AT&T, to Dallas in 2008.

He moved his family to half a dozen cities before settling in the early 1970s in San Antonio, where he became a division manager. He worked for the telecommunications company for 31 years, taking a buyout package in 1991.

Reed spoke with the San Antonio Express-News last week. The following transcript has been edited for clarity and length.

**Q:** Tell me about the first time you looked around the area that's now the Medical Center.

**A:** I was working during the day, pretty long hours, so looking for a house was for weekends and evenings. One evening, I drove out here. I didn't even realize where I was until I came out here some other time. I was looking for housing, and it was dark. I couldn't see any lights to orient me back into town. Later, I realized that I'd been on Hamilton Wolfe, somewhere between Fredericksburg Road and Babcock. It just was very, very dark back then. There was a lot of vegetation, lots of trees, because all of that had been a dairy farm, and there just wasn't anything at all developed out there. So that was my introduction to the Medical Center — not knowing that I was there.

**Q:** What was your job at Southwestern Bell in San Antonio?



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had another element in it — external affairs, representing the company to the community. Yeah, that was fun.

**Q:** So you took a management buyout in 1991, about one year before Southwestern Bell moved its headquarters to San Antonio. Do you wish you'd held on for another year?

**A:** No, not at all. You know, I had a great job. I enjoyed it and everything, but I would've had to relocate to Dallas. We're blessed that we were able to stay in San Antonio. I made the right decision.

**Q:** You'd served as chairman of the San Antonio Chamber of Commerce and you were Rotary president. It sounds like Southwestern Bell gave you a lot of latitude to go out and get involved in civic work.

**A:** They did. They encouraged that — talking about what we were doing, what we were trying to do. Being service-oriented. When I was a Rotary member, I made it a point to go to the different clubs so if somebody had an issue or something, they could come up to me after the meeting and we could talk about it.

**Q:** Have major corporations like AT&T lost that kind of engagement?

**A:** Yeah, it's something that's kind of gotten lost in all the shuffle. I think it's also a combination of values that's maybe coming out of colleges today. Everything is “me” and not as much giving back to the community. It's in my view unfortunate, but that's the way the world is today.

**Q:** What was your feeling when your old company, which is now AT&T, announced the move to Dallas in 2008?

**A:** I was disappointed.

**Q:** What did you do after leaving Southwestern Bell?

**A:** I didn't do anything for several months but play golf, and it finally got to the point where I got home and I told my wife, “You know, those negative old bastards on the golf course — I can't take this the rest of my life.” I had some friends who wanted me to work with the American Heart Association because they had offices in Corpus and Harlingen and Laredo, where I'd had

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I was district director from 1992 to 1999.

**Q:** How did you get involved with the Medical Foundation?

**A:** There's a group called the Wednesday Morning Breakfast Group. (Former Hearst Corp. CEO) Frank Bennack formed it when he had withdrawal pains after he was chamber chairman. He brought all the past chairs of the chamber together for this regular breakfast meeting at the Barn Door. So I was walking out after one of the meetings, and a guy named Pat Legan, who headed up Ray Ellison Industries at the time, was walking out with me. And he said "Jim, you know, I'm on a search committee for the Medical Foundation, and we've had 12 to 15 applicants, but they're really not the right mix of what we're looking for. We're looking for a guy, well, kind of like Jim Reed, who might apply." And so I did, and one thing led to another.

We've given about 500 acres all told, about half of that to UT Health, and still have 230 undeveloped acres.

When I started, we were purely about land. We really didn't want to be known to the public for fear of raising the price of land we might buy — so quite different from where we are today. Our policy was to buy contiguous land. We bought land up north of Hamilton Wolfe on Floyd Curl Drive up until about 10 years ago, and then no more contiguous land was left. So then Ed Kelley, who was then head of USAA Real Estate, and Palmer Moe, who headed up the foundation's land use committee, said, "You know, we really need to do like USAA did with The Shops at La Canterra. We reached a point where we didn't want to buy any more land, and we just wanted to dress up what we had." So we started mowing back further from the curbs on the undeveloped property. We put in a walking/jogging trail with some exercise equipment on it. We started trying to dress things up as far as land that we had. The land that we did provide (to entities in the Medical Center), we kept architectural approval — what it looks like from the outside.

**Q:** So the foundation has control over the properties' appearance?

**A:** Yeah. If they want to reconfigure something or put a sign up or do anything outside, we'd have to approve it. And we've done that on all our leases and all our deeds all the way through.

**Q:** Do you have a master plan then that you refer to as a guide for how the area should look?

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**Q:** That big chunk of land with jogging trails and fitness equipment – at the intersection of Hamilton Wolfe and Ewing Halsell, near Health Careers High School – it was supposed to have been a children’s hospital, right?

**A:** That was going to be the children’s hospital about six years ago. It was Vanguard, which was Baptist Health System at the time, and the Children’s Hospital of Philadelphia (CHOP). We got all the i’s dotted and t’s crossed, and at 1 o’clock in the afternoon on a Monday or Tuesday, we were going to make an announcement that CHOP, Vanguard and UT Health were going to develop this hospital. Well, I got a call that morning, and was told, “This whole thing’s off. Tenet Healthcare is buying Vanguard, and CHOP doesn’t want anything to do with Tenet. They compete in Philadelphia – they’re not good competitors. And so the whole thing’s off.” It all went poof.

**Q:** So is anything in the works with that 18-acre property now?

**A:** Nothing’s in the works. That would be in the research part of the foundation’s holdings, and that was going to be a combination research/clinical hospital. The land’s still undeveloped, and someday we would like to have a research facility there. We’ve talked to UT Health. We’ve told them that we could make the land available at very attractive rate.

**Q:** If there’s less focus on acquiring property, how has the Medical Foundation’s mission changed?

**A:** San Antonio has never been a Dallas or a Houston. We’ve always had to work together to compete effectively, and the health care industry is no different. We have Texas Biomed, Southwest Research Institute, the largest military health care facility including research. We also have Biobridge Global, and now we have two (state) universities. If we can work closer together, we can do some things that no one else has those resources to do. So we said, “We need to do something to support this effort.” We started using some of our resources to make collaborative research grants. We started that four years ago. We look at the collaborative aspects (of the grant proposals) – what do they do for San Antonio and beyond? I would say we’ve averaged \$600,000 a year, the highest being \$800,000.

**Q:** The Westover Hills and Stone Oak areas have been population magnets and, as a result, are home to a lot of health care facilities. What impact has that had on the Medical Center?

**A:** Well, no doubt some of the outpatient visits and inpatient visits, it’s had some impact. But we still have almost 6 million outpatient visits a year, and about 110,000 inpatient visits. I went over to

**A:** The problem was an aortic valve. I now am the owner of an Aggie hog valve. I'm part Aggie.

**Q:** How long have you been back at work?

**A:** This is the third day I have been back in the office, and I'm only here for three or four hours. But I've been walking, I've been doing the fitness stuff you do. But I still can't drive. My wife drives me around. I didn't have a heart bypass or anything else — all I had was the aortic valve replacement. But it does take it out of you pretty good. Still, my cardiologist told me that the third week something would happen, and all of a sudden I'd start feeling a lot stronger and a lot better, and he was right.

**Q:** Has this made you think about retirement at all?

**A:** Well, I've told the folks that, you know, I'm 80. And we have a succession plan. We have all the things lined up of who, if something were to happen with me, would head up the different segments until the executive search ended and somebody was hired. We have all those contingencies covered. But my deal with them is that if I'm doing the job that they feel I ought to do, and if my health holds up, then I'll keep working.

*greg.jefferson@express-news.net*

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(5) Community Support from State Representative. (§2306.6710(b)(1)(J); §2306.6725(a)(2); §2306.6710(g)) Applications may receive up to eight (8) points for express support, zero points for neutral statements, or have deducted up to eight (8) points for express opposition.

(A) Letter from a State Representative. To qualify under this subparagraph, letters must be on the State Representative's letterhead, be signed by the State Representative, identify the specific Development and express whether the letter conveys support, neutrality, or opposition. This documentation will be accepted with the Application or through delivery to the Department from the Applicant or the State Representative and must be submitted no later than the Final Input from Elected Officials Delivery Date as identified in §11.2(a) of this chapter, relating to Competitive HTC Deadlines. Letters received by the Department ~~setting forth that the~~ from State Representatives ~~objects to or opposes the Application or Development~~ will be added to the Application posted on the Department's website. Once a letter is submitted to the Department it may not be changed or withdrawn. Therefore, it is encouraged that letters not be submitted well in advance of the specified deadline in order to facilitate consideration of all constituent comment and other relevant input on the proposed Development. State Representatives to be considered are those in office at the time the letter is submitted and whose district boundaries include the Development Site. If the office is vacant, the Application will be considered to have received a neutral letter. Neutral letters, ~~letters of opposition~~, or letters that do not specifically refer to the Development will receive zero (0) points. A letter from a state representative expressing the level of community support may be expressly based on the representative's understanding or assessments of indications of support by others, such as local government officials, constituents, and/or other applicable representatives of the community. In providing this letter, pursuant to Tex. Gov't Code §2306.6710(b)(1)(J), a representative may either express their position of support, opposition, or neutrality regarding the Application, which shall be presumed to reflect their assessment of the views of their constituents, or they may provide a statement of the support, opposition, or neutrality of their constituents regarding the Application without expressing their personal views on the matter.

#### **§11.9(d)(7) — Concerted Revitalization Plan (4), (5), (6), (13)**

**COMMENT SUMMARY:** Commenters (4), (5), (6), (13) state that the requirements of 10 TAC §11.9(d)(7)(A)(iii)(III), which specifies that the goals of a CRP “must have a history of sufficient, documented and committed funding to accomplish its purposes on its established timeline,” is too prescriptive and compromises local control. The Commenters share that, for cities, the funding mechanisms for many of pending CRPs are tied to future Capital Improvement Project cycles, the actual commitments of which are not dispersed until a future fiscal year depending on the project. The Commenters therefore ask staff to remove the word “committed” as an adjective of “funding,” thereby allowing cities more flexibility in regards to this scoring item.

**STAFF RESPONSE:** In response to Commenters (4), (5), (6), and (13), staff disagrees that it is too prescriptive to expect to see “committed funding” associated with a Concerted Community Revitalization Plan (CRP). Indeed, IRC Notice 2016-77 strongly suggests that a LIHTC Development

is not to precede, but to follow the implementation of the “components” of a CRP. While the IRS has left undefined what exactly constitutes a CRP, the general parameters are readily accepted by stakeholders across the country—robust investment in “a distinct area that was once vital and has lapsed into a condition requiring concerted revitalization” (10 TAC §11.9(d)(7)(A)(i)). Staff and the Governing Board have consistently maintained during previous cycles that the LIHTC Development is but one piece of a revitalization effort already underway, and such an effort cannot be underway if funding is not yet “committed” and “flowing in accordance with the plan, such that the problems identified within the plan are currently being or have been sufficiently addressed” (10 TAC §11.9(d)(7)(A)(iii)(III)).

*Staff recommends no changes based on these comments.*

### **§11.9(e)(1) – Financial Feasibility (35)**

**COMMENT SUMMARY:** Commenter (35) notes that the rule, as currently written, precludes Supportive Housing Developments with no permanent debt (as required by 10 TAC §11.1(d)(122)(E)(i)) from scoring the maximum points under this scoring item, since the maximum points can only be attained through a letter provided by a 3<sup>rd</sup> party permanent lender. Commenter (35) asks that the rule allow for a third party construction lender’s letter to count for the maximum amount of points.

**STAFF RESPONSE:** Staff appreciates Commenter (35)’s calling attention to this inadvertent omission. While staff wishes to maintain that it should be a letter from the Third Party permanent lender that makes an Application eligible for the full 26 points, staff did not intend to prevent Supportive Housing Developments that have no need of a permanent lender from attaining the full amount of points. Staff has made an exception for those Supportive Housing Developments that will have no permanent debt, and the rule now reads as follows:

(1) Financial Feasibility. (§2306.6710(b)(1)(A)) To qualify for points, a 15-year pro forma itemizing all projected income including Unit rental rate assumptions, operating expenses and debt service, and specifying the underlying growth assumptions and reflecting a minimum must-pay debt coverage ratio of 1.15 for each year must be submitted. The pro forma must include the signature and contact information evidencing that it has been reviewed and found to be acceptable by an authorized representative of a proposed Third Party construction or permanent lender. In addition to the signed pro forma, a lender approval letter must be submitted. An acceptable form of lender approval letter may be obtained in the Uniform Multifamily Application Templates. If the letter evidences review of the Development alone it will receive twenty-four (24) points. If the letter is from the Third Party permanent lender, or if the Development is Supportive Housing and meets the requirements of 10 TAC §11.1(d)(122)(E)(i), and evidences review of the Development and the Principals, it will receive twenty-six (26) points.

### **§11.9(e)(2) – Cost of Development per Square Foot (10), (11), (35)**

20089  
Administrative Deficiency Notice(s)

**From:** [Matthew Griego](mailto:Matthew.Griego)  
**To:** [texasNRP@nrpgroup.com](mailto:texasNRP@nrpgroup.com)  
**Cc:** [Sharon Gamble](mailto:Sharon.Gamble)  
**Subject:** 20089 Hamilton Wolfe Lofts- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Monday, May 11, 2020 3:36:54 PM

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.**

**Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20089 Hamilton Wolfe Lofts**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states the provided CRP does not prove the development site is located in a area that was once vital and has lapsed into a condition requiring a concerted revitalization plan. Per the request, this application does not meet CRP requirement under 10 TAC §11.9(d)(7)(A)(iii)(II).

1. Please explain how this qualifies for the seven points under 10 TAC §11.9(d)(7) Concerted Revitalization Plan.

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.**

**Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

Reminder for Direct Loan Borrowers: TDHCA will not close earlier than 30 days after receipt of complete due



20089  
Deficiency Response(s)



May 14, 2020

Matthew Griego  
Multifamily Policy Research Specialist,  
Texas Department of Housing and Community Affairs  
221 E 11th Street  
Austin, Texas 78701

Via: [matthew.griego@tdhca.state.tx.us](mailto:matthew.griego@tdhca.state.tx.us)

*Re: Response to the Request for Administrative Deficiency for #20089 Hamilton Wolfe Lofts*

Dear Mr. Griego,

Please see the following responses and associated attachments regarding the request for administrative deficiency for HTC application #20089 Hamilton Wolfe Lofts, dated May 11, 2020. The attachment includes documentation and evidence where applicable and is searchable using the attachment's bookmarks.

1. *Please explain how this qualifies for the seven points under 10 TAC §11.9(d)(7) Concerted Revitalization Plan.*

Hamilton Wolfe Lofts is eligible to objectively qualify for a full seven (7) points under the Concerted Revitalization Plan scoring criteria because the documentation included at Full Application includes all the elements required for this score. The application includes 1) a letter from the City of San Antonio Director of Neighborhood and Housing Services Department; 2) a copy of Resolution No. 2020-02-13-0015R identifying Hamilton Wolfe Lofts as contributing more than any other development to the concerted revitalization within the SA Tomorrow Medical Center Area Regional Center Plan; and 3) documentation that Hamilton Wolfe Lofts can score at least five (5) points under the Opportunity Index scoring criteria.. Please see the reference table below indicating on what pages this information can found. Each of the point items listed in the table has been abbreviated, but evidence does meet the specific detailed criteria laid out in the QAP.

<b>QAP Clause</b>	<b>CRP Point Item</b>	<b>Page # in Application</b>
<b>11.9(d)(7)(A)(iv)(I)</b>	Letter from a local official (4 points)	101 -102
<b>11.9(d)(7)(A)(iv)(II)</b>	Resolution from the municipality (2 points)	99 - 100
<b>11.9(d)(7)(A)(iv)(III)</b>	Scoring at least five (5) points under Opportunity Index (1 point)	209 - 222

Furthermore, the SA Tomorrow Medical Center Area Regional Center Plan meets the Department's threshold criteria outlined in Section 11.9(d)(7)(A)(iii) to qualify as a Concerted Revitalization Plan. When reviewing the plan, it is important to note that Section 11.9(d)(7)(A)(iii)(II) of the QAP provides *suggestions* for what *may* be considered eligible problems but does not state that these suggestions constitute an exhaustive list of all City or County revitalization needs. Nonetheless, the SA Tomorrow Medical Center Area Regional Plan does cite 2 of the 3 example problems provided in

Mr. Matthew Griego  
 May 14, 2020

§11.9(d)(7)(A)(II)(b) and (c), ... (-b-) *declining quality of life for area residents*, and (c) “*or, if economic revitalization is already underway, lack of new affordable housing options for long-term residents.*”

The plan clarifies that economic revitalization is already underway in the area, but that there are still significant challenges faced by area residents and workers. For example, the plan points to inadequate infrastructure that cannot support cars, public transit, cyclists, and pedestrians safely. As discussed previously, a primary challenge in the community is a lack of affordable housing options, including new affordable housing. Other identified problems are homogenous and inefficient housing options, poor air quality, a scarcity of green space and community gathering spaces, as well as the lack of a diverse economic base. As required in §11.9(d)(7)(A)(III) of the QAP, the plan has committed funding that is flowing and currently addressing the problems identified within the plan to increase the quality of life and the economic stability of the neighborhood and to meet the goals of the plan.

Please see the table below for information on how the plan meets each criterion mentioned in section 11.9(d)(7)(iii) of the QAP.

QAP Clause	CRP Characteristics	Page # in Application	Notes
11.9(d)(7)(A)(i)	Located in a distinct area that was once vital and has lapsed into a condition requiring revitalization, and where a CRP has been developed and executed	95	Link to the plan was provided, in the plan, pages 110-111 and 164-187 provided as reference to existing conditions.
11.9(d)(7)(A)(ii)	The Plan must be submitted using the CRP Application Packet	94-98	Applicant provided a link to the document on page 95.
11.9(d)(7)(A)(iii)(I)	Plan Adopted by the Municipality	188 – 190	The City of San Antonio adopted the SA Tomorrow Medical Center Area Regional Center Plan on October 3, 2019.
11.9(d)(7)(A)(iii)(II)	<b>Distinct Area</b> facing challenges and common problems	95	Link to the plan provided and applicant listed pages 110-111, 140-141, 157-163, and 164-187 in the plan as those that describe the distinct area.
11.9(d)(7)(A)(iii)(II)	<b>Distinct Area facing challenges and common problems</b>	101, 110, 123, 136, 180	Roadways cannot adequately or safely accommodate vehicular congestion, public transit routes, or cyclists.
		101, 120, 130	The densely developed area lacks public open green space and community gathering spaces. Access to the few pockets of green space is poor.
		101, 110-112, 131, 135, 182	There is a lack of pedestrian safety due to inadequate infrastructure, incomplete sidewalks, and few crosswalks. This problem is particularly significant for the mobility-impaired.
		116, 119	Residential development is not dense enough to accommodate the area’s ongoing growth, high intensity uses, and need for workforce housing. Most residential development is either single

			family or older (outdated) garden-style apartments.
		124	An overreliance on vehicular trips over other means of transportation creates emissions that reduce air quality and is inconsistent with the City San Antonio’s comprehensive plan
		133-135	Existing residents are struggling due to increasing housing costs and cost burden due to high demand.
		136-137	Economic base is only focused on one industry (medical) and needs to diversify in order to maintain long-term economic success.
<b>11.9(d)(7)(A)(iii)(III)</b>	Goals have sufficient, documented, and committed funding	192 - 201	\$61 million in public funds is flowing through the area via Capital Improvement Projects that are beginning to address much needed roadway infrastructure, pedestrian safety, and park improvements that area identified in the CRP.
		202 - 204	Demonstrates private sector funding being deployed in the area in accordance with the CRP via residential development and the development of recreational amenities
<b>11.9(d)(7)(A)(iii)(IV)</b>	Plan must be current at the time of Application and must continue for a minimum of three years	101	The plan is current as of October 2019 and will guide improvements in the area over the next ten (10) years.

In response to a point made in the RFAD, the QAP does not provide poverty rate or median income thresholds for an area to qualify as a Concerted Revitalization Plan. As such, the QAP does not preclude areas that share Hamilton Wolfe Lofts’ socioeconomic characteristics, nor does the QAP disqualify the revitalization concerns identified in the SA Tomorrow Medical Center Area Regional Center Plan from qualifying as a Concerted Revitalization Plan.

The RFAD also states that “the CRP (meaning the SA Tomorrow Medical Center Area Regional Center Plan) does not prove the development site is located in an area that was once vital and has lapsed into a condition requiring a concerted revitalization plan.” This is a subjective statement and irrelevant. The QAP does not ask an applicant to prove that the area was “once vital and has lapsed,” Nor does it lay out any specific criteria to provide such proof. The QAP demands only that the plan meet the criteria outlined above. The City of San Antonio, its Mayor, City Council, City Manager and Departmental Staff are the only entities entitled to judge which areas of San Antonio qualify as a concerted revitalization plan. They have done so by developing the SA Tomorrow Medical Center Area Regional Center Plan, obtaining robust community input on the plan, and passing the plan by Ordinance.

The CRP area was developed to address the suburban design standards typical of the 70s, 80s and 90s. The existing vehicular oriented suburban fabric is inconsistent with San Antonio's comprehensive planning goals for a connected multimodal community. The CRP has been adopted to create opportunities for the citizens to navigate safely to live, work, learn, and play. Additionally, we are reminded during the

Mr. Matthew Griego  
May 14, 2020

pandemic that the virtue for affordable housing, especially for medical center employees, has never been greater.

As a point of reference, in the 2019 9% Application Cycle, TDHCA approved CRP points for two (2) developments that, like Hamilton Wolfe Lofts, were located in third quartile census tracts *and* had poverty rates below 20%. Those two developments are #19088 Metro Tower Lofts in Lubbock's Central Business District TIRZ and #19003 Legacy at Piedmont in the San Antonio Highlands Community Plan. Likewise, in 2018, two (2) 9% Applications were approved with CRP points while being located in a third quartile census tract with poverty below 20% - #18142 San Juan Mission Villas in San Antonio's Brooks City Base TIRZ and #18333 Fulton Lofts in Houston's Near Northside Community Revitalization Area.

During my tenure as a tax credit consultant, I have seen the Department modify and tweak the QAP every year to ensure that the revitalization plans are bona fide planning tools created by the local government and shaped by robust community input. The SA Tomorrow Medical Center Area Regional Center Plan exemplifies this intent as well as the written letter of the QAP.

Should you have any questions or concerns, please do not hesitate to contact me by phone at (832) 692-2896 or via email at [isabelle@structuretexas.com](mailto:isabelle@structuretexas.com). Thank you so much for your consideration.

Sincerely,



Isabelle Atkinson,  
Consultant to the project

Cc: [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)



20089  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
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Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 15, 2020

Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

Vaughn Zimmerman  
Hays Street Lofts, LP  
1329 E. Lark Street  
Springfield, MO 65804

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20089 Hamilton Wolfe Lofts

Dear Mr. Zimmerman:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Applications above to determine whether the Application qualifies for points under Concerted Revitalization Plan (CRP). Particularly, the request questions whether the provided CRP described eligible problems that are appropriate for a CRP, as stated in 10 TAC §11.9(d)(7) related to CRP. Staff sent an Administrative Deficiency under 10 TAC §10.3(a)(2), and the Applicant responded timely.

In its response, the Applicant provided information showing that the CRP meets the rule in question. Per the response:

Section 11.9(d)(7)(A)(iii)(II) of the QAP provides *suggestions* for what *may* be considered eligible problems but does not state that these suggestions constitute an exhaustive list of all City or County revitalization needs. Nonetheless, the SA Tomorrow Medical Center Area Regional Plan does cite 2 of the 3 example problems provided in §11.9(d)(7)(A)(II)(b) and (c), ... (-b-) **declining quality of life for area residents**, and (c) **"or, if economic revitalization is already underway, lack of new affordable housing options for long-term residents.**

Staff determined that the CRP meets the requirements of the rule.

I find that the issues raised in your request were sufficiently addressed by the Applicant's response to the Administrative Deficiency notice. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a



written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni Holloway

Digitally signed by Marni Holloway  
Date: 2020.06.15 15:16:11 -05'00'

Marni Holloway  
Multifamily Division Director

Cc: Jason Arechiga  
Pedro Alanis

20092  
Request for Administrative Deficiency

## Zimmerman AH 715 Aero, LLC

1329 East Lark Street  
Springfield, MO 65804

Date: 5/1/2020

Marni Holloway, Director of Multifamily Finance  
Sharon Gamble, 9% HTC Administrator  
Texas Department of Housing and Community Affairs  
221 E 11<sup>th</sup> Street  
Austin, Texas 78701

Re: §11.10. Third Party Request for Administrative Deficiency;  
TDHCA Application #20092 – Fiesta Trails, San Antonio, Texas;

Dear Ms. Holloway and Ms. Gamble,

Pursuant to §11.10 of the 2020 Qualified Allocation Plan (the “QAP”), please let this letter serve as our Third-Party Request for Administrative Deficiency (“RFAD”) with regards to Application # 20092 (the “Fiesta Trails Application”). A copy of this request is being delivered concurrently to representatives of the Fiesta Trails Application.

In order to qualify for seven points under §11.9(c)(4) of the QAP associated with high opportunity areas (“Opportunity Index Points”), a proposed development needs to satisfy requirements under §11.9(c)(4)(A)(i) or §11.9(c)(4)(A)(ii) of the QAP.

The proposed Development Site is located at approximately 12486 W Interstate 10, San Antonio, Texas 78230 (the “Proposed Development Site”). The Proposed Development Site falls entirely within census tract #48029181813, which has a median poverty rate by region of 13.80% and a poverty rate by census tract of 16.30%, and is in a third quartile. This would make §11.9(c)(4)(A)(ii) applicable to the Development Site. This section of the QAP states:

§11.9(c)(4)(A)(ii) states the following: *“The Development Site is located entirely within a census tract that has a poverty rate of less than the greater of 20% or the median poverty rate for the region, with a median household income in the third quartile within the region, and is contiguous to a census tract in the first or second quartile, **without physical barriers such as (but not limited to) highways or rivers between, and the Development Site is no more than 2 miles from the boundary between the census tracts.** For purposes of this scoring item, a highway is a limited-access road with a speed limit of 50 miles per hour or more;”*

Although Fiesta Trails meets the poverty rate test, it fails to meet the physical barrier component of the rule. The Proposed Development Site lies to the east of the Interstate 10 which has a 65-mph speed limit. To the east of the Proposed Development Site is census tract 48029191503; however, there is a railroad track that is also a barrier. It is impossible to access census tracts 48029181813 or 48029191503 from the Proposed Development Site without crossing Interstate 10 or the railroad tracks (see Exhibit A).



During the 2019 Housing Tax Credit Cycle, a similar issue came before the Governing Board via TDHCA Application #19189, Lakewood Crossing. The board determined that a barrier existed between the two census tracts being considered and that a bridge did not constitute mitigation of the

barrier (see Exhibit B). Due to these very clear physical barriers existing between the contiguous census tracts and the Proposed Development Site, Fiesta Trails does not meet the criteria under §11.9(c)(4)(A)(ii) and should be ineligible to claim points under this section of the QAP.

Since the Application failed to meet the threshold criteria of the Opportunity Index points, this should result in the loss of the seven claimed points. Additionally, with Opportunity Index points falling under self-score, Fiesta Trails will no longer be eligible for six points associated with pre-application participation, as outlined in §11.9(e)(3)(E) of the QAP which states the following:

*“The Application final score (inclusive of only scoring items reflected on the self-score form) does not vary by more than four (4) points from what was reflected in the preapplication self-score;”*

Accordingly, we respectfully request staff deny Fiesta Trails Application as being eligible to claim points under §11.9(c)(4) and §11.9(e)(3), which would result in a loss of 13 points from Fiesta Trails Application final score.

If you have any questions or would like to discuss these items further, please do not hesitate to contact me or my staff at (417) 890-3217 or via email at [jmcdonald@wilhoitproperties.com](mailto:jmcdonald@wilhoitproperties.com) any time.

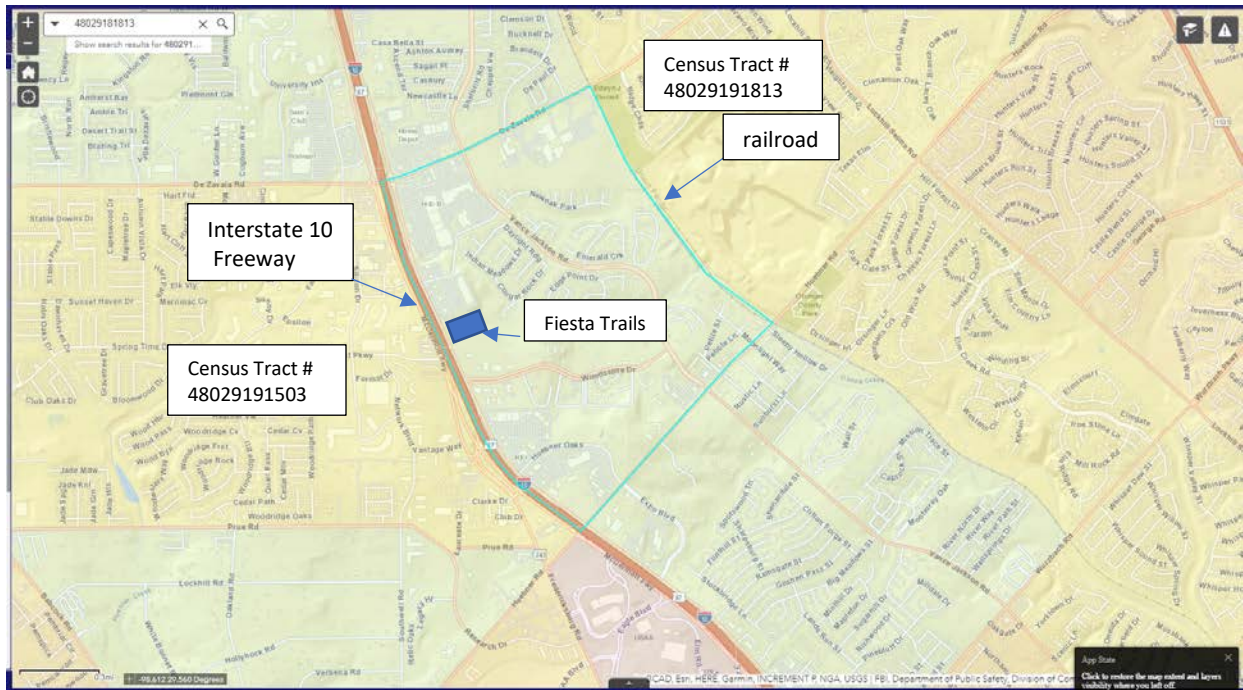
Sincerely,



Vaughn C. Zimmerman, Member

# EXHIBIT - A

## EXHIBIT A

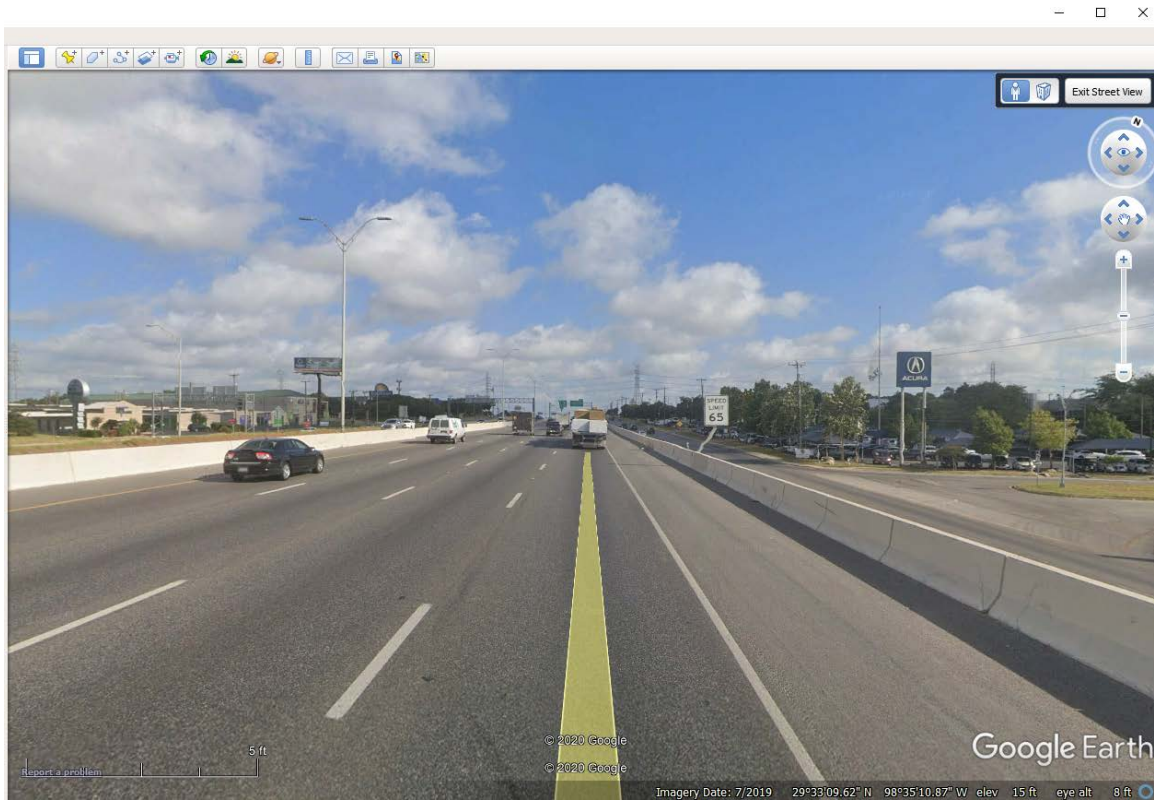


Census Tract #48029191503 is in a first Quartile but has the barrier of the Interstate 10 Highway with a speed limit of 65 MPH.

Census Tract #48029191813 is in a first Quartile but has the barrier of the railroad.

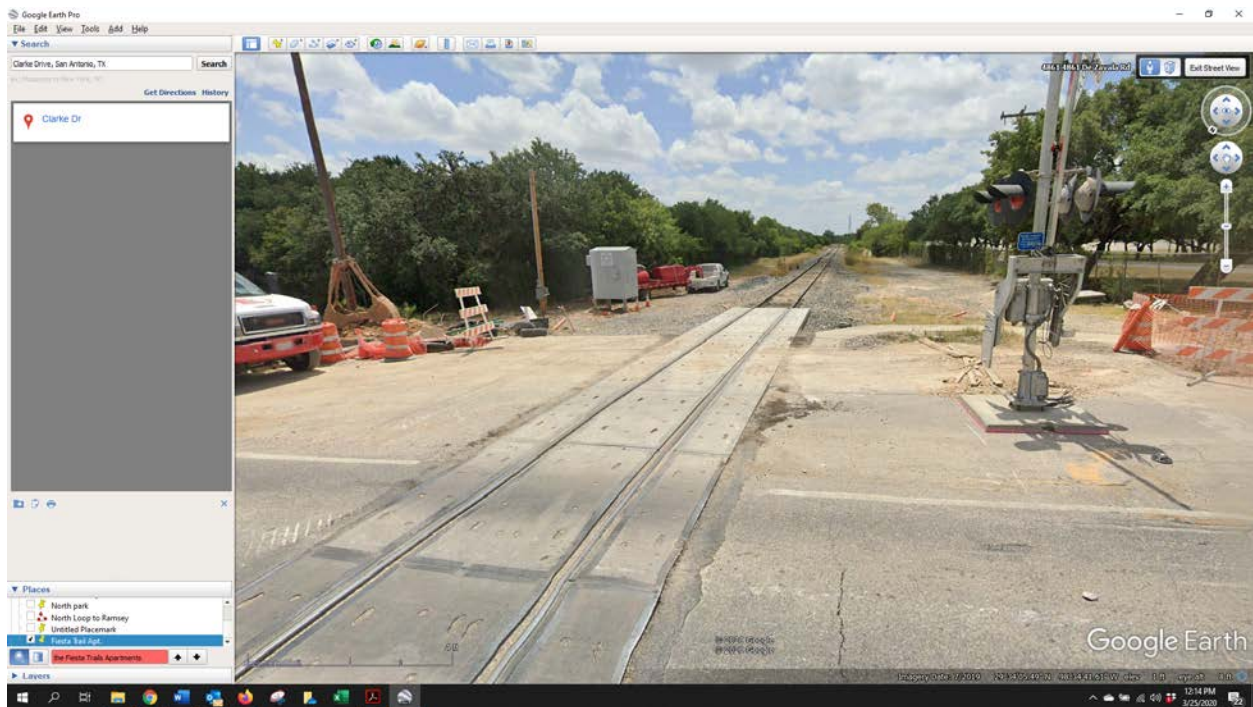
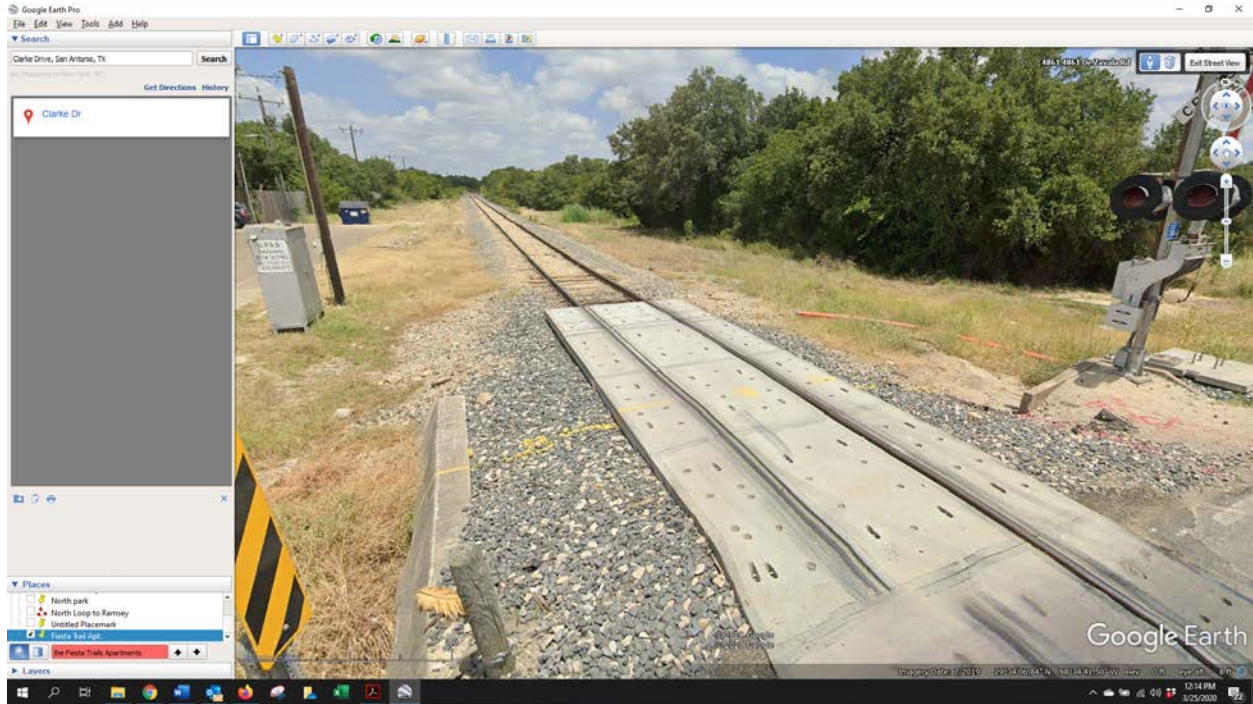
Areas in yellow are in a first quartile census tract areas in light green are in a 3<sup>rd</sup> quartile census tract.

Exhibit B  
INTERSTATE 10





# RAILROAD





# EXHIBIT – B

1 MR. GOODWIN: Thank you, Sergeant Flores, thank  
2 you for your service. And tell my friend, Art, I said hi.

3 MR. FLORES: I will.

4 MR. GOODWIN: Anybody want to make a motion or  
5 do we want to keep going?

6 MS. RESÉNDIZ: Motion to approve.

7 MR. GOODWIN: You want to make a motion to  
8 approve the site?

9 MS. RESÉNDIZ: Yes.

10 MR. GOODWIN: Okay. Is there a second?

11 MR. VASQUEZ: Second.

12 MR. GOODWIN: Any further discussion?

13 (No response.)

14 MR. GOODWIN: All those in favor say aye.

15 (A chorus of ayes.)

16 MR. GOODWIN: Opposed?

17 (No response.)

18 MR. GOODWIN: Okay. We're moving down to item  
19 (h) and we have items 19368 and 19229 have been pulled.

20 MS. HOLLOWAY: Yes, they have.

21 MR. GOODWIN: So we're at 19189.

22 MS. HOLLOWAY: Yes. This is presentation,  
23 discussion, and possible action on timely filed appeal  
24 regarding application 19189 Lakewood Crossing under the  
25 Department's multifamily program rules. This application

1 proposes the new construction of 48 units for a general  
2 population in Granbury.

3 One of the ways that applicants are able to  
4 meet threshold requirements in order to gain opportunity  
5 index points is if the proposed development site is  
6 located entirely within a census tract that has a poverty  
7 rate of less than the greater of 20 percent or the median  
8 poverty rate for the region, with the median household  
9 income in the third quartile within the region, and is  
10 contiguous to a census tract in the first or second  
11 quartile without physical barriers such as highways or  
12 rivers between and the development site is no more than  
13 two miles from the boundary between the census tracts.

14 The proposed site meets these criteria except  
15 for the without physical barriers such as highways or  
16 rivers between part. This census tract is separated from  
17 the higher income census tract by the Brazos River. The  
18 applicant claims that the body of water between the  
19 tracts, because it is called Lake Granbury, is not a  
20 river. Lake Granbury was created when the De Cordova Dam  
21 was constructed on the Brazos River in 1969. The river  
22 flows into the lake on one end and out of it on the other.

23 Much of the appeal relies on this technicality  
24 without consideration of how the requirement starts which  
25 is without physical barrier. This language was used so

1 that if the separation is some other geographic feature  
2 not listed in the rule, it still applies, so if it's a  
3 canyon, it still applies, it's a physical barrier. The  
4 highways or rivers part is provided as an easily  
5 recognizable descriptor. This threshold to qualify for  
6 opportunity index points acknowledges that without  
7 barriers communities don't necessarily stop at census  
8 tract boundaries.

9 The applicant also claims that the bridge  
10 across the river serves to unite the two sides. The clear  
11 income disparity, with large homes overlooking the river,  
12 with farms beyond on the side opposite the proposed site,  
13 indicates that these are clearly two separate communities.

14 Prior to application submission, the applicant  
15 and one other group requested a predetermination regarding  
16 this question. Staff determined that the Brazos River  
17 acts as a barrier between the census tracts and informed  
18 both requesters prior to application submission. The  
19 other group that requested a predetermination did not  
20 submit an application in this round.

21 Staff determined that the application does not  
22 qualify for seven points under the opportunity index  
23 because the census tract in which the development site is  
24 located does not qualify. Staff also determined that  
25 because the application final score varies by more than

1 four points from what was reflected in the pre-app self  
2 score, they are also not eligible to receive six points  
3 for pre-application participation.

4 Staff recommends that the appeal of scoring for  
5 19189 be denied.

6 MR. GOODWIN: Do I hear a motion to approve  
7 staff's recommendation?

8 MR. BRADEN: So moved.

9 MR. GOODWIN: Second?

10 MS. BINGHAM ESCAREÑO: Second.

11 MR. GOODWIN: Okay. Against staff's  
12 recommendation, I assume?

13 And by the way, before we start, is there  
14 anybody in favor of staff's recommendation? One person  
15 back there, two people. Okay.

16 MR. RACKLEFF: Neal Rackleff with Locke Lord,  
17 representing the appellant here.

18 We think that this is clearly a situation where  
19 we meet both the spirit and the letter of the law, and I  
20 do not agree with the characterization of our appeal as  
21 being one that hinged on the technical definition of  
22 whether this is a river or a lake. We brought that issue  
23 up because there was a third party contention that this  
24 was definitely a river and that that was a significant  
25 problem for us.



1           The key here is not whether there is a river, a  
2 lake, a marsh, a gutter, a wetland, it's whether there's  
3 an actual barrier between these two communities, and here  
4 there is not an actual barrier between those two  
5 communities. The folks in the census tract that has the  
6 higher opportunity characteristics move back and forth and  
7 they shop at the same stores, they eat at the same  
8 restaurants. The high school attendance zone for the  
9 high-end homes that we were told a moment ago should be  
10 indicative of the fact that that it's a separate place,  
11 they're in the same high school attendance zone.

12           In this scenario we're not supposed to look at  
13 only granting points if the census tract next door is  
14 exactly the same as the census tract we're in. That's the  
15 opposite of what we're looking at. We have a census tract  
16 that has the higher level demographics and our census  
17 tract has lower level demographics. The question is is  
18 there an actual barrier that makes it an unfair  
19 comparison. You know, and many times a river could be, or  
20 a lake could be that kind of barrier. We talked earlier,  
21 it was mentioned by one of the Board members that there  
22 was a highway but there was an underpass for people to go  
23 through, so in this situation barrier -- highways and  
24 rivers are used as illustrative terms, not controlling.

25           As I mentioned, if that were the case, then how

1 finely do we cut river and why would you really  
2 distinguish between a river or a stream or a creek or some  
3 other body of water. We're trying to make sure that we  
4 don't have segregated communities here. The intent of  
5 being able to look at the adjoining census tract is to see  
6 are those positive demographics that are happening in that  
7 adjoining census tract going to positively influence the  
8 census tract of our site, and that is clearly the case.

9 So we have invited the mayor of Granbury, Mayor  
10 Nin Hulett, to come and address us, also the city manager,  
11 Chris Coffman, and we also have a letter from the State  
12 Rep Mike Lang that we would like to read into the record.

13 MR. GOODWIN: Okay. Someone in favor of  
14 staff's recommendation speak next?

15 MR. FOGEL: Hello. I'm Michael Fogel with Four  
16 Corners Development. I have a competing project in the  
17 region. And before I get into that, I want to be clear  
18 that this issue has nothing to do with whether or not the  
19 city limits of Granbury span the river, and I'm certainly  
20 not making an argument that this isn't a united  
21 community, you know, on both sides of the river, but  
22 really the fact that there is a river barrier here, as  
23 written in the rules, between the two tracts.

24 We actually looked at this census tract way  
25 back in October and at that time we were able to

1 definitively rule out its eligibility for opportunity  
2 points after reading the QAP and confirming the same with  
3 staff. So the rule states that the third quartile census  
4 tract can qualify if it's contiguous to the second  
5 quartile tract without physical barriers such as highways  
6 or rivers. But just to be extra certain of this  
7 distinction, we contacted the staff in October to ask if  
8 the presence of a bridge over the river would mitigate the  
9 presence of a physical barrier between the two tracts, and  
10 Ms. Gamble wrote back promptly on October 17 and **stated**  
11 **that a bridge would not5 mitigate the presence of a river**  
12 **or a highway between the tracts, so that's very clear.**

13           The rules on the books, staff confirmed the  
14 same in actually this exact same scenario, which is why we  
15 were inquiring, the confirmed the scenario and they  
16 continued to uphold it in a consistent manner as per the  
17 recommendation in your Board book today. So with this  
18 information confirmed, myself and many other developers  
19 followed the rules and focused our efforts in the City of  
20 Ennis where there was an eligible tract for points. And I  
21 quickly point out that Ennis hasn't had a deal since '01  
22 and Granbury did have one last year.

23           Secondly, the applicant did actually make an  
24 inconsequential argument that the river, sometimes called  
25 a lake, really doesn't matter. When you have a river

1 that's been dammed, you get to call it a lake or you can  
2 call it a lake, it's still the same body of water, it's  
3 actually been enlarged to create a larger barrier. This  
4 section of the Brazos River is also referred to as Lake  
5 Granbury but, you know, we can use either name.

6 And obviously, I'm in support of staff's  
7 recommendation.

8 MR. GOODWIN: Thank you.

9 Somebody against staff's recommendation?

10 MR. COFFMAN: Thank you. I'm Chris Coffman,  
11 city manager for the City of Granbury.

12 I just want to kind of appreciate what you guys  
13 do. I was sitting here learning a lot today about the in-  
14 depth knowledge that you've got to have to sit up there  
15 and make a decision, and the staff for doing their job.

16 And I kind of reflected on my planning and  
17 zoning and all the laws that go into simple planning for a  
18 city and what-have-you. But back in 2015 we went through  
19 a comprehensive plan, we did a new land use plan, we had  
20 in mind exactly what we're talking about to prevent  
21 segregation or anything like that. We zoned areas for  
22 apartments in good neighborhoods. This neighborhood, for  
23 instance, you can go through K through 12 in walking  
24 distance from this location. This is for family housing,  
25 it's not for senior housing like we were awarded last

1 year, this is for family housing, for workforce  
2 development housing, and we need that in our town.

3 We were just awarded from USA Today, world  
4 newspaper, that we are the number one historic small city  
5 in America, and this neighborhood that we're talking about  
6 is in the heart of our community in this historic  
7 neighborhood. This is a highlighted area for us, and we  
8 just can't understand how you can draw a line and say that  
9 kills your application. What we have is the lake unifies  
10 us, it pulls us together.

11 Sunday night we're having a lighted boat parade  
12 that you can stand in this census tract and watch and  
13 enjoy. We've got the only city beach on a body of water  
14 in the entire Metroplex area and it's in walking distance  
15 of this, it's in the same census tract. Our square, our  
16 historic square is in this same census tract. We have our  
17 largest employer in walking distance from this, the  
18 hospital, the county offices, the school. Granbury  
19 Independent School District was ranked the top ten school  
20 in America in 2017. These kids need a place to go to  
21 school, they need a place to live, and we're trying to  
22 provide it for them, and we just want to ask you to make  
23 this project eligible so we can make that happen for our  
24 community. We're very excited about the opportunity.

25 Again, I understand lines and boundaries and



1 maps. We don't use them in our community, we are one  
2 community, and I think when you read out letter from our  
3 state rep, you'll understand that as well.

4 Thank you.

5 MR. ECCLES: If I could make a quick  
6 clarification with Marni. This is not about termination  
7 over a threshold issue, this is loss of opportunity index  
8 points.

9 MS. HOLLOWAY: Loss of opportunity index and  
10 pre-application participation points.

11 MR. ECCLES: Because it's more than a six-point  
12 swing so you would lose your pre-app points.

13 MS. HOLLOWAY: It's more than a four-point  
14 swing so you'll lose six points.

15 MR. ECCLES: Sorry. But again, this question  
16 was asked pre-application or pre-determination.

17 MS. HOLLOWAY: Yes, by two parties.

18 MR. ECCLES: Okay.

19 MR. KROCHTENGEL: Zachary Krochtengel. I  
20 represent a developer with an application in Ennis as  
21 well.

22 I think a lot of evidence has been brought  
23 before this Board and I look back at the initial  
24 application which showed a census tract and then showed a  
25 contiguous census tract separated by a river. In the RFAD

1 response from the applicants, the mayor submitted a  
2 letter, the city manager submitted a letter. They both  
3 asked that the Brazos River be removed as a physical  
4 barrier. After staff denied that request, then they  
5 started referring to it as Lake Granbury. I looked up the  
6 description of Lake Granbury. Lake Granbury is a long  
7 narrow lake. **If it looks like a river and it separates**  
8 **the two census tracts, it's a physical barrier.**

9 The rule also states such as, and this Board  
10 has actually dealt with such as before. Such as is not a  
11 limiter, it's something to give an example to. Terming it  
12 a lake and saying that two people on the opposite sides of  
13 the lake are neighbors, they're not next door neighbors,  
14 they have to drive all the way around.

15 You've already dealt with physical barriers  
16 once today, however, when you were dealing with those, it  
17 was in terms of an ineligible site feature that there is  
18 mitigation allowed. This is a scoring item, there's no  
19 mitigation allowed, there's nothing special about this  
20 lake that you can get from one census tract to the other,  
21 there's nothing that says that these two census tracts are  
22 contiguous.

23 Mr. Rackleff brought up that they're in the  
24 same high school attendance zone so that should show that  
25 they're part of the same community. Granbury ISD only has

1 one high school attendance zone so everybody in Granbury  
2 is in the same high school attendance zone. Now, if we're  
3 going to start saying that a high school attendance zone  
4 mitigates physical barriers, then we've got a lot of  
5 bigger problems in how we evaluate scoring. And I think  
6 that as a staff and as a Board we have to uphold  
7 especially the scoring items that people need to know that  
8 there's reliability and dependability, that when we all  
9 look at the same census tract and we say, yeah, that did  
10 score really well in the tiebreaker but it's got a river  
11 running between that and the second quartile census tract,  
12 we all know not to go there and we all move on to another  
13 development site, and that's what we're all doing.

14 And I know that the City of Granbury has a lot  
15 of great attributes, I've been there, visited, I think  
16 it's a really nice place. The City of Ennis is also a  
17 really nice place and everyone in Region 3 Rural needs  
18 affordable housing, and I think that in the integrity of  
19 the scoring items, we need to really stick to what a  
20 physical barrier is, what a score is, and we need to be  
21 able to rely on that and not have people come up and  
22 decide that a river is now a lake and it's not a physical  
23 barrier because of some sort of classification from a  
24 river authority.

25 Thank you.

1 MR. GOODWIN: Thank you.

2 MS. THOMASON: Mr. Chair.

3 MR. GOODWIN: Yes.

4 MS. THOMASON: I'd like to make a motion.

5 MR. GOODWIN: Okay. I'd like to make a motion  
6 to approve staff's recommendation and deny the appeal.

7 MR. BRADEN: I think we already have a motion.

8 MR. GOODWIN: We already have that motion when  
9 we did the motion for comments.

10 MS. THOMASON: Oh, okay.

11 MR. GOODWIN: I think this comes down to the  
12 Board making a decision whether or not this river is a  
13 barrier or not, and in the sense of time, I would just  
14 encourage you to keep your comments as short as you could  
15 and address them strictly to that point. I think  
16 everybody here is ready to make a decision.

17 MAYOR HULETT: It sounds like, Chair. Thank  
18 you, Chair, and thank you, staff, for allowing me to  
19 speak. I'm Nin Hulett, the mayor of Granbury, and I am  
20 very proud of the City of Granbury, and I never really  
21 recognized it as a river because it became a lake back in  
22 the early '70s, we have a dam and it's dammed up, we put  
23 several bridges there, so it has accessibility to all  
24 these different places.

25 As a matter of fact, where this property is

1 that we're talking about, I drive by that every day going  
2 to city hall, pick my laundry up there. There's so many  
3 things right there and I have never really thought about  
4 that as a barrier of any kind. This piece of property  
5 there, I've had people come to me and ask me when are we  
6 going to put something in here. It's surrounded by a  
7 community there that has an HOA that's pretty active, and  
8 they want something there because the grass grows up,  
9 feral cats go in there, trash blows in there, and it's  
10 just a field right in the middle of this area here that  
11 really needs something in there, and affordable housing is  
12 exactly what it needs right in that area there.

13 So to me there is no barrier there. The lake  
14 is a lake, we call it Lake Granbury, and since they have  
15 dammed it up there has been multiple homes, there's been  
16 multiple businesses, our conference center, our hotel is  
17 on there, and it all ties right into where this area is  
18 at. You go from the downtown to that area, you don't even  
19 cross the river. When you get into town you cross the  
20 river, when you go out of town you cross the river, but  
21 it's very little bridge and it's an accessible bridge that  
22 everybody crosses and they look at it that way. The boats  
23 go under the bridge. I mean, you have accessibility by  
24 boat to all these areas also.

25 I mean, a barrier is something, to me, where



1 you have to spend some time to get around or spend extra  
2 time. Actually, when they created these bridges, it  
3 reduced the time going across the river when it was a  
4 river. They demo'd the bridge that was there, put a nice  
5 bridge across there, and put an additional bridge across  
6 there, so it has made it accessible. And this area, like  
7 the city manager pointed out, is basically in the middle  
8 of the city boundaries now and it sits right in there, and  
9 that's where everybody goes, that's where everybody is at  
10 all the time and where the stores and shops and stuff are.

11 So I'd love to stand up here and invite  
12 everybody to come to Granbury and spend money and spend my  
13 three minutes doing that, but I will tell you that if  
14 anybody has any doubt about that being a barrier, I'd  
15 invite them come out and walk around Granbury with me  
16 because it's definitely not a barrier there. And I would  
17 love to see this project go forward because we are in need  
18 of some homes and some housing there.

19 So once again, thank you for your time and I  
20 hope you will consider that.

21 MR. GOODWIN: Thank you, Mr. Mayor. This won't  
22 be an indictment against a vote one way or the other on  
23 Granbury.

24 MAYOR HULETT: You can still come and visit and  
25 spend money.

1 MR. GOODWIN: It's about a scoring item.

2 MAYOR HULETT: I know, I know.

3 MR. GOODWIN: We have a set of rules that says  
4 here's how we score.

5 MAYOR HULETT: It's hard to talk about Granbury  
6 without bragging.

7 MR. GOODWIN: I understand. I've spent a  
8 little time in Granbury, so I'm very fond of it.

9 MAYOR HULETT: Thank you.

10 MR. McDONALD: I promise to be brief. My name  
11 is James McDonald. I represent the developer, JMZ  
12 Albatros.

13 As many developers in this room, I don't home  
14 in this great state, but we do a lot of business in this  
15 great state, and over the years we come and work within  
16 this state is because you do have a good set of rules. I  
17 will commend you for that. There's a lot of other states  
18 that do not have a good set of rules. We formed a  
19 partnership with Granbury last year, and they've been  
20 wonderful to work with, and we all know what those  
21 partnerships are like, they are few and far between, to be  
22 true.

23 When I first looked at this site, it's zoned,  
24 correct. It is an area that needs rehabilitation, it's  
25 walking distance to the schools, it's all those boxes that

1 say, hey, this is a great place to invest tax credits and  
2 provide good affordable housing. When I first looked at  
3 the river, the only way to get to this site from the  
4 direction we come in is crossing a bridge, it's a small  
5 bridge, it is a pedestrian accessible bridge, there's a  
6 bike trail. So when I crossed that river, I didn't dream  
7 it was a barrier. And again, doing this you get excited  
8 when you start looking at sites, when you start working  
9 with communities that truly understand what we do within  
10 the State of Texas in providing affordable housing.

11 And so what I find -- and I'm kind of old  
12 school, I'm kind of not in the Millennial age, I'm kind of  
13 a little older than that, but you know, common sense to me  
14 would dictate when you drive across a bridge that's an  
15 accessible bridge, you see bikes, you see people walking  
16 the bridge, it's very short, there is no barrier across  
17 this river. And I would like to compare it again today --  
18 granted, it's under a different pretext, but the precedent  
19 was set that there was a major highway with an underpass.

20 I didn't ask the speed limit, I didn't ask if it was  
21 accessible for pedestrians or not, but ours is.

22 And as the mayor and the city manager both  
23 stipulated this morning, we've formed a very good  
24 partnership with the city and they understand their need  
25 and they truly need affordable housing in this region. So

1 I'd ask you to please consider this, though it's a little  
2 bit out of the box but it's maybe something that we need  
3 to truly look at.

4 Thank you very much.

5 MR. GOODWIN: Thank you.

6 MS. WATSON: I'll be brief as well. Sandy  
7 Watson with JMZ Albatross Development.

8 I'm just going to read the letter from the  
9 state representative, Mike Lang, District 60.

10 "Dear Mr. Cervantes: As the state  
11 representative for Hood County, I would like to express my  
12 support in favor of the Texas Department of Housing and  
13 Community Affairs determining that the Brazos River does  
14 not constitute a barrier or impede movement between census  
15 tract 48221160100 and census tract 48221160209.

16 "The rural community of Granbury operates  
17 cohesively and as a unified community with consistent flow  
18 by means of vehicle, as well as cycling and a pedestrian  
19 lane. Granbury has one high school and the students  
20 living in the adjacent census tract do not face any  
21 barriers with parents and school buses transporting the  
22 students. I am personally a resident of Granbury and it  
23 operates as a united community.

24 "The 48 units that are proposed are greatly  
25 needed for the families of Granbury. I encourage Chairman

1 Goodwin, as well as the TDHCA Board, to evaluate the  
2 totality of the community and conclude that Lake Granbury  
3 is not a barrier, and therefore, worth the points in  
4 question to Lakewood Crossing.

5 "Thank you for your consideration.

6 "Respectfully, Mike Lang."

7 MR. GOODWIN: Thank you.

8 MS. WATSON: Thank you.

9 MR. GOODWIN: Any questions?

10 (No response.)

11 MR. GOODWIN: We have a motion on the floor and  
12 a second. No further discussion. All those in favor say  
13 aye.

14 (A chorus of ayes: Chair Goodwin, Members  
15 Bingham, Braden, Reséndiz, and Thomason.)

16 MR. GOODWIN: Opposed?

17 MR. VASQUEZ: Can we count one abstention?

18 MR. GOODWIN: And one abstention.

19 So we're moving on to item (i). Okay, Sharon.

20 MS. GAMBLE: I would say I'm going to be brief,  
21 but I don't know if this is going to be very brief.

22 7(i) is a report of third party requests for  
23 administrative deficiency under the QAP that were received  
24 prior to the deadline. Staff reviewed all the requests  
25 and where staff determined that requests substantiated an



20092  
Administrative Deficiency Notice(s)

**From:** [Matthew Griego](mailto:Matthew.Griego)  
**To:** [texasNRP@nrpgroup.com](mailto:texasNRP@nrpgroup.com)  
**Cc:** [Sharon Gamble](mailto:Sharon.Gamble)  
**Subject:** 20092 Fiesta Trails- 20092 Fiesta Trails 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Monday, May 11, 2020 3:36:56 PM

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20092 Fiesta Trails**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states the development site does not meet the "without physical barriers" test under 10 TAC §11.9(c)(4)(A)(ii). Per the request, Highway I-10 and railroad tracks represent barriers between the census tracts.

1. Please explain how this qualifies for the seven points under 10 TAC §11.9(c)(4) Opportunity Index.

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 15, 2020.  
Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

Reminder for Direct Loan Borrowers: TDHCA will not close earlier than 30 days after receipt of complete due

20092  
Deficiency Response(s)



May 12, 2020

Matthew Griego  
 Multifamily Policy Research Specialist,  
 Multifamily Finance  
 Texas Department of Housing and Community Affairs  
 221 E 11th Street  
 Austin, Texas 78701

Via: [matthew.griego@tdhca.state.tx.us](mailto:matthew.griego@tdhca.state.tx.us)

*Re: Response to the Request for Administrative Deficiency for #20092 Fiesta Trails, San Antonio*

Dear Mr. Griego,

Please see the following responses and associated attachments regarding the request for administrative deficiency for HTC application #20092 Fiesta Trails, dated May 11, 2020. The attachment includes documentation and evidence where applicable and is searchable using the attachment's bookmarks.

1. *Please explain how this qualifies for the seven points under 10 TAC §11.9(c)(4) Opportunity Index.*

Fiesta Trails qualifies for seven opportunity points because it meets the following criteria laid out in Section 11.9(d)(4)(A)-(B).

Clauses from 11.9(d)(A) and (B)	How Fiesta Trails meets each clause
The Development Site is located entirely within a census tract that has a poverty rate less than the greater of 20% or the median poverty rate for the region	Fiesta Trails is located in Census Tract 1818.13, which has a poverty rate of 16.3%.
...with a median household income in the third quartile within the region	The median household income for the census tract containing Fiesta Trails is \$46,659, which is in the third quartile.
...and is contiguous to a census tract in the first or second quartile, without physical barriers	Fiesta Trails' census tract is contiguous to three (3) first quartile census tracts without physical barriers. There are four total sections of contiguity, which were indicated in the Full Application and in the attached Exhibit A.
... and the Development Site is no more than 2 miles from the boundary between the census tracts	Fiesta Trails is 0.39 miles, 0.80 miles, 0.81 miles, and 1.01 miles from contiguous sections of adjacent first quartile census tracts.
The Development Site may qualify for additional points for being within the applicable proximity of amenities for a maximum of seven (7) opportunity index points	Fiesta Trails is within the applicable proximity of ten (10) amenities under the opportunity index scoring criteria 11.9(d)(4)(B)(i). (see Exhibit E for documentation)



It is important to distinguish that because the highway component of Interstate 10 is an overpass at several points between the Fiesta Trails census tract and the Q1 census tract, the true litmus test for physical barriers would be the frontage road component of Interstate 10. As a reference and for the purposes of this scoring item, a highway is a limited access road with a speed limit of 50 miles per hour or more. In addition to literally having a traffic light for vehicular circulation and a crosswalk for pedestrians, the frontage road for Interstate 10 has a maximum speed limit of 45 miles per hour according to TxDOT at the points identified in our Q3 documentation at full application. Please refer to Exhibit A for the imagery that depicts these crosswalks and intersections from our application. Exhibit B comes from TxDOT and further highlights the permeability between both census tracts because the "Left Frontage" road, which TxDOT identifies using Route ID IH0010-XG, is shown to have a maximum speed limit of 45 miles per hour.

The Applicant's documentation for the two railroad crossings likewise shows that there is no physical barrier between the high opportunity census tracts, as vehicles can easily cross over to the high opportunity tracts via an at grade crossing.

This conclusion is consistent with the Department's implementation of 10 TAC 11.9(c)(4) in 2018 and 2019. For example, in 2018 the Department ruled that Applications #18038 3rd Street Lofts and #18162 Guadalupe Villas, both qualified for high opportunity points in a third quartile census tract because they had at least one access point that did not have to cross a physical barrier, which was similarly a road with speed limit below the QAP's threshold. Exhibit C includes a copy of #18038 3<sup>rd</sup> Street Lofts' and #18162 Guadalupe Villas RFAD determination from the Department. TDHCA came to the same conclusion again in 2019 with their approval of #19126 3104 Division Street Lofts because the Applicant could demonstrate that there was one (1) point of two-way access to a first quartile census tract without any physical barriers (see Exhibit D for a copy of the Q3 documentation that was submitted in that Application). These precedents and a consistent interpretation of the QAP's rules related to third quartile census tracts, indicate that Fiesta Trails is eligible to claim high opportunity points as there are no physical barriers between the Development Site and several first quartile census tracts.

Please let us know if you have any further questions or require further documentation by contacting me, at (832) 692-2896 or at [isabelle@structuretexas.com](mailto:isabelle@structuretexas.com). Thank you for your consideration.

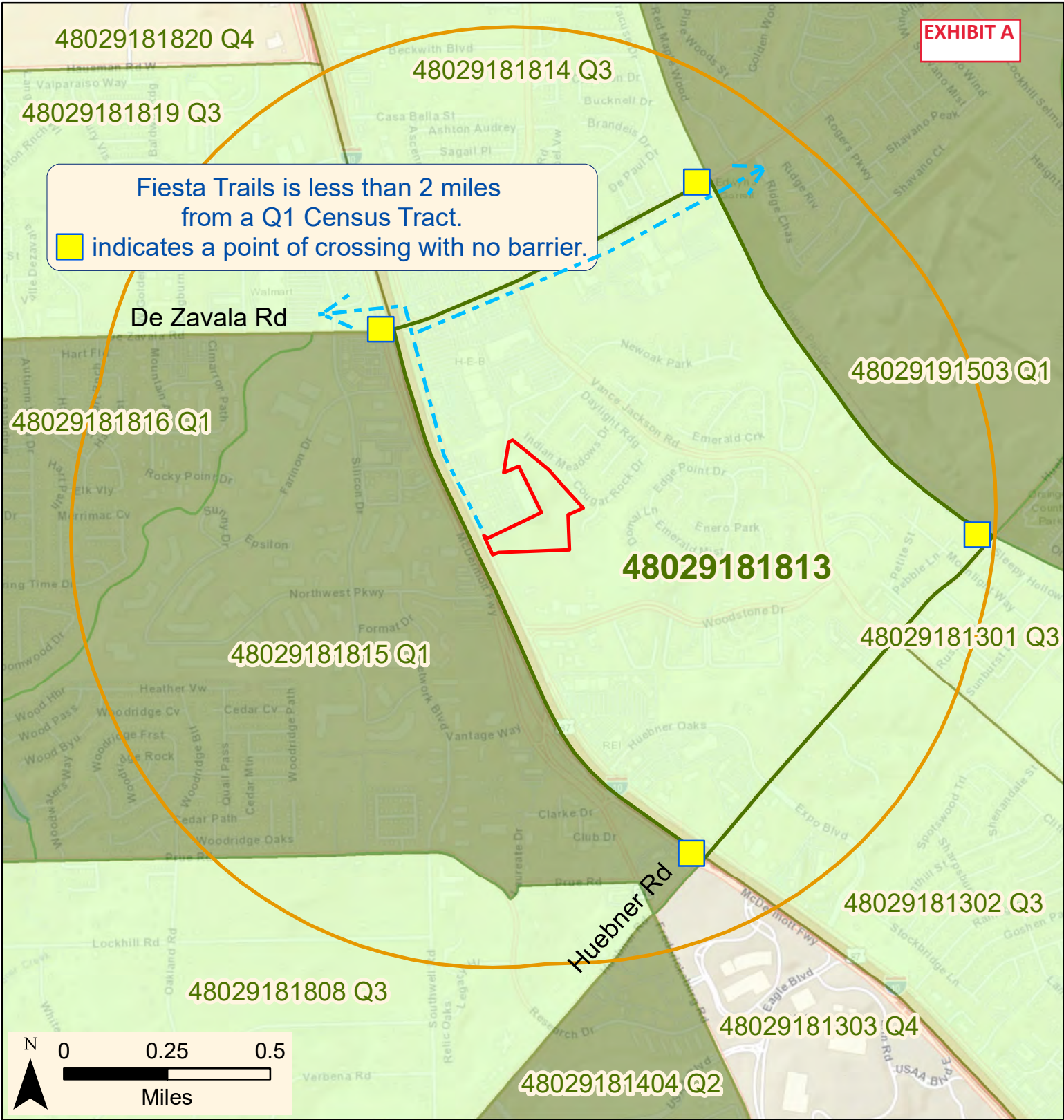
Sincerely,



Isabelle Atkinson,  
Consultant to the project

Cc: [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)






Exhibit A: Excerpts from Q3 documentation submitted with the Full Application  
Exhibit B: TxDOT's Statewide Planning Maps showing speed limits  
Exhibit C: RFAD determination for #18038 3<sup>rd</sup> Street Lofts and for #18162 Guadalupe Villas  
Exhibit D: #19126 Division Lofts Q3 Documentation  
Exhibit E: Community Asset Documentation



# Q3 Distance Map

## Fiesta Trails

12485 W Interstate 10  
San Antonio, Texas

-  Fiesta Trails
-  1 Mile radius
-  Census Tract 48029181813
-  Q1 and Q2 Census Tracts
-  Q3 Census Tracts









# Fiesta Trails Q3 Tract

Proof of No Barriers

## Legend

-  48029181813 - Fiesta Trails Tract
-  Adjacent Q1 Tracts
-  Fiesta Trails
-  Tract Boundary Images

**EXHIBIT A**

Tract Boundary Image #1

Tract Boundary Image #4

Tract Boundary Image #2

Tract Boundary Image #3

Lockhill Selma Rd

Google Earth

© 2019 Google



1 mi



# Tract Boundary Image #1 - De Zavala Road, crossing over railroad tracks at Brandeis Street with no barrier

EXHIBIT A





# Tract Boundary Image #2 - Huebner Road, crossing over railroad tracks at Sleepy Hollow Street with no barrier

EXHIBIT A





# Tract Boundary Image #3 - Huebner Road, crossing under Interstate 10 with no barrier

EXHIBIT A





# Tract Boundary Image #4 - De Zavala Road, crossing under Interstate 10 with no barrier

EXHIBIT A

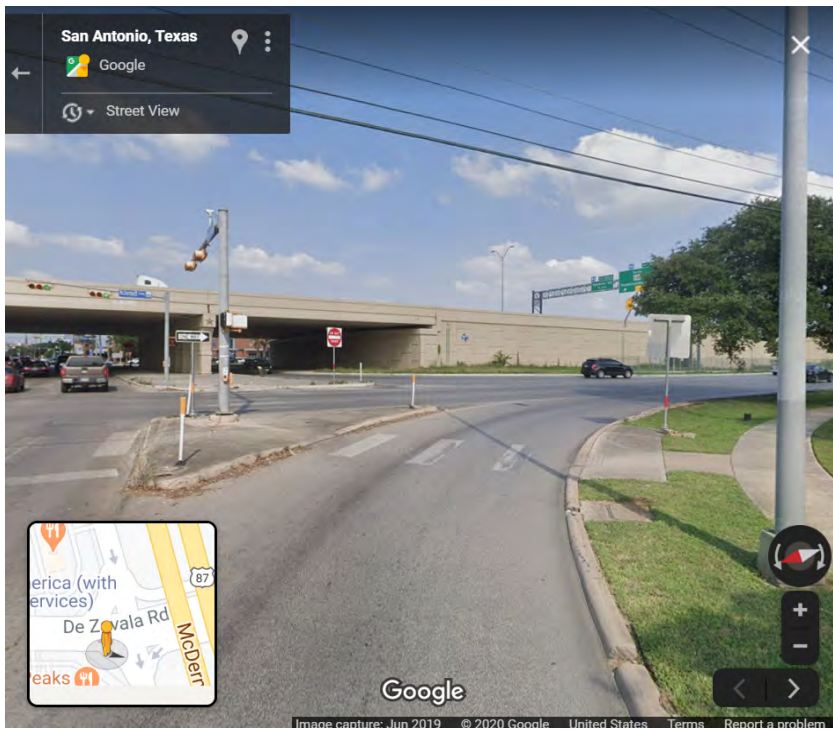




**Clockwise from top left:**

Pedestrian Crosswalk at southwest corner of De Zavala Road and southbound I-10 Frontage Road;  
Pedestrian Crosswalk at south east corner of De Zavala Road and northbound I-10 Frontage Road;  
45 mph speed limit sign along I-10 Frontage Road at Huebner Road.

**EXHIBIT A**



Maps Measure Query LRS  
Sketch Legend About

Base Maps

TxDOT

Texas Imagery Service (Google)

TxDOT Light Gray

Esri Streets

Open Street Map

Overlays

Clear Overlays

AADT

Area Offices

Bridges

Cemeteries

Control Secons

Councils of Governments (COG)

Connectivity Corridor s

Congeson (Base Year)

Congeson (Forecast Year)

Energy Sector Corridors

Freight Network (FHWA)

Freight Network (TxDOT)

Functional Classification & Urban Areas

Future Traffic & Percent Truck

Highway Designations

Hurricane Evacuation Routes

Maintenance Section Routes

Memorial Highways

Metropolitan Planning Organizations (MPO)

National Highway System

Non-Airport Areas

Permanent Count Stations

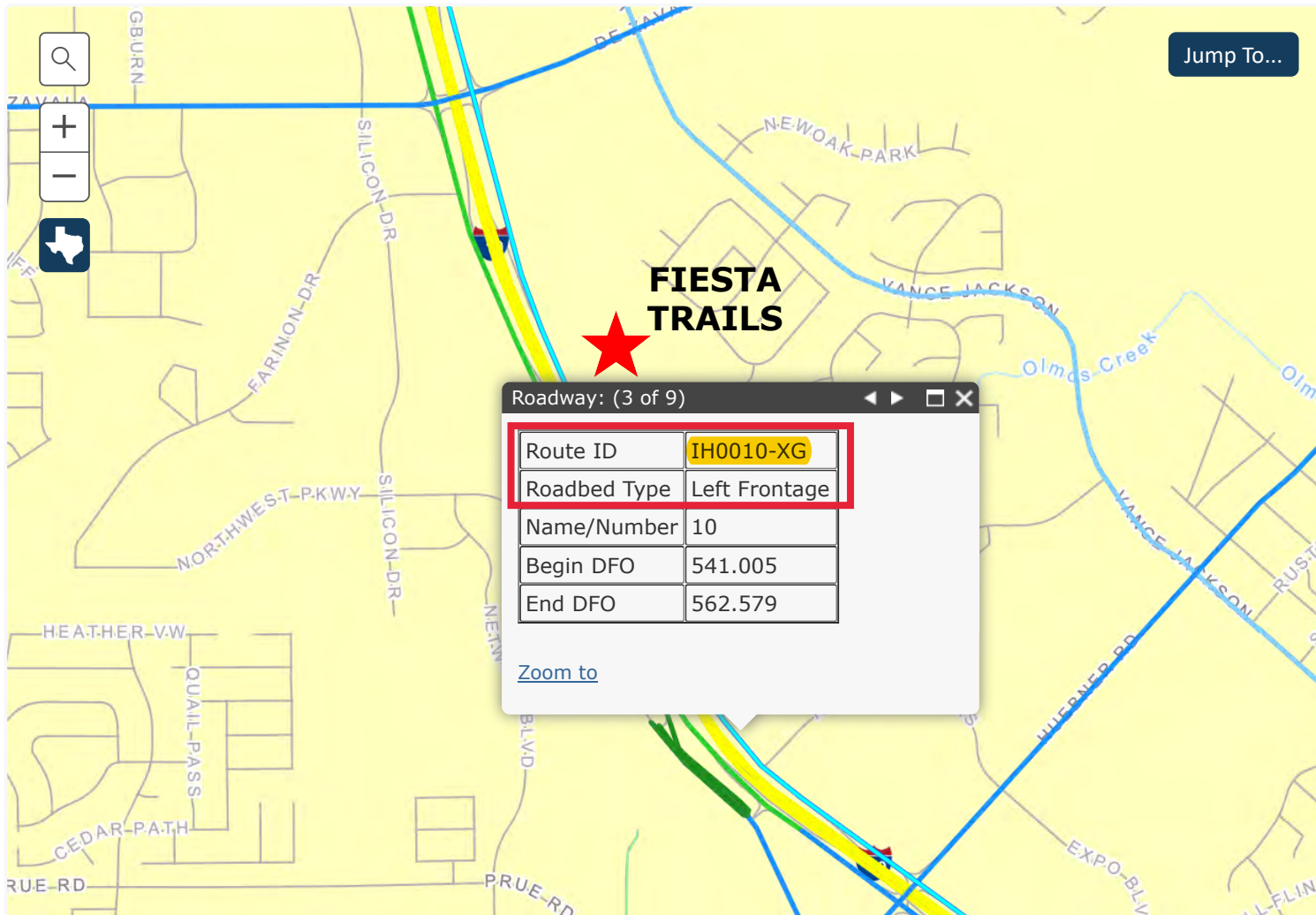
Projects - Construction under way or begins soon

Projects - Construction begins within 4 years

Projects - Construction begins in 5 to 10 years

Projects - Corridor Studies, construction in 10+ years

Download Data



← "Left Frontage" road is highlighted in turquoise

EXHIBIT B



Level: 14, 29.548602, -98.581566

TxDOT, TPP-GIS



Maps Measure Query LRS Sketch Legend About

Base Maps

TxDOT

Texas Imagery Service (Google)

TxDOT Light Gray

Esri Streets

Open Street Map

Overlays

Clear Overlays

AADT

Area Offices

Bridges

Cemeteries

Control Secons

Councils of Governments (COG)

Connectivity Corridor s

Congeson (Base Year)

Congeson (Forecast Year)

Energy Sector Corridors

Freight Network (FHWA)

Freight Network (TxDOT)

Funconal Classification & Urban Areas

Future Traffic & Percent Truck

Highway Designations

Hurricane Evacuation Routes

Maintenance Section Routes

Memorial Highways

Metropolitan Planning Organizations (MPO)

National Highway System

Non-Alignment Areas

Permanent Count Stations

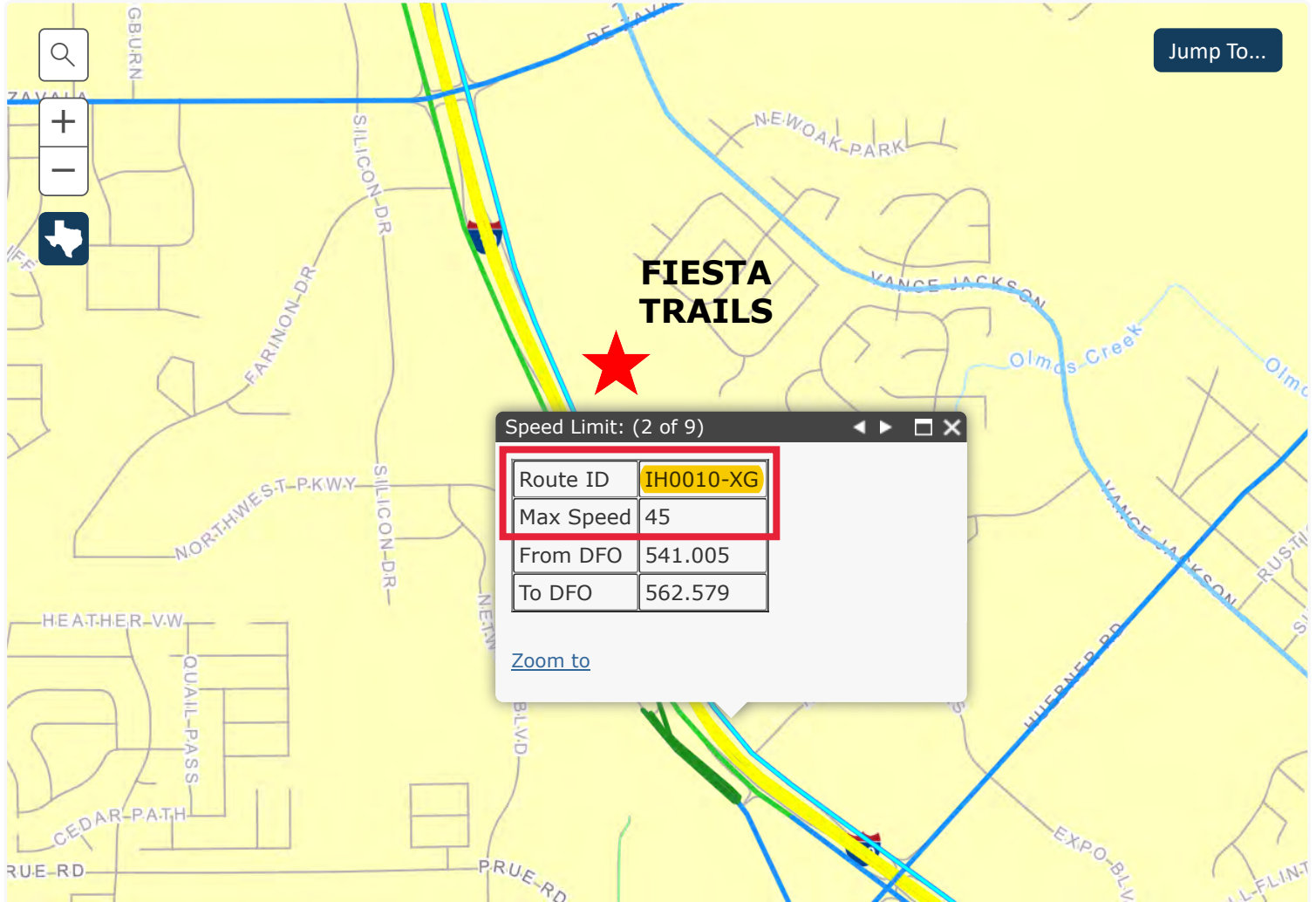
Projects - Construction under way or begins soon

Projects - Construction begins within 4 years

Projects - Construction begins in 5 to 10 years

Projects - Corridor Studies, construction in 10+ years

Download Data



Jump To...

"Left Frontage" road is highlighted in turquoise

EXHIBIT B



Level: 14, 29.555061, -98.579935

TxDOT, TPP-GIS





TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

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Paul A. Braden, Member  
Asusena Reséndiz, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 14, 2018

Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

Mr. Paul Stell  
SH Lubbock Indiana, LP  
6502 Slide Road, Suite 404  
Lubbock, TX 79424

RE: **REQUEST FOR ADMINISTRATIVE DEFICIENCY: 18038 3<sup>RD</sup> STREET LOFTS**

Dear Mr. Stell:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency ("RFAD") requesting that the Department review the Application above to determine whether the Application provided sufficient mitigation for undesirable neighborhood characteristics, and whether it should be awarded seven points under 10 TAC §11.9(c)(4)(A) of the 2018 Qualified Allocation Plan and Related Laws and Rules ("QAP") related to Opportunity Index. Regarding the request related to undesirable neighborhood characteristics, staff determined that an Administrative Deficiency was appropriate for the request, and a deficiency notice was issued on May 8, 2018. The Applicant responded timely, and the response has been added to the online Application. The issue will be addressed in a separate process that will be brought before the Department's Governing Board at its meeting of June 28, 2018. Regarding the request related to scoring under 10 TAC §11.9(c)(4)(A), staff has determined that an Administrative Deficiency was not appropriate as a determination could be made without one.

The request asserts that the Application is not eligible to score points under 10 TAC §11.9(c)(4)(A)(ii) because the contiguous census tract named has a poverty rate that exceeds 20%. The Development Site is located in census tract #48303000700, which according to the 2018 Site Demographic Characteristics Report is in the third income quartile and has a poverty rate of 12.6%. The Application reports that the tract is contiguous to census tract #48303000201, which according to the 2018 Site Demographic Characteristics Report is in the second income quartile and has a poverty rate of 21.2%. Per the rule, the poverty rate of the contiguous census tract is not considered for scoring purposes.

The request also asserts that a six-lane highway between the census tracts provides a barrier that, per 10 TAC §11.9(c)(4)(A)(ii), makes the Application ineligible for points. The request includes an email from staff answering a question regarding this issue as evidence. Pursuant to 10 TAC §11.1(b) related to Due Diligence and Applicant Responsibility:



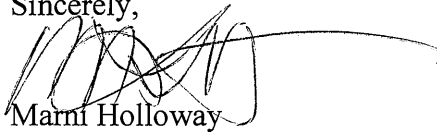
Department staff may, from time to time, make available for use by Applicants information and informal guidance in the form of reports, frequently asked questions, and responses to specific questions. The Department encourages communication with staff in order to clarify any issues that may not be fully addressed in the QAP or may be unclear when applied to specific facts. However, while these resources are offered to help Applicants prepare and submit accurate information, Applicants should also appreciate that this type of guidance is limited by its nature and that staff will apply the rules of the QAP to each specific situation as it is presented in the submitted Application. ... **Moreover, after the time that an issue is initially presented and guidance is provided, additional information may be identified and/or the issue itself may continue to develop based upon additional research and guidance.** Thus, until confirmed through final action of the Board, staff guidance must be considered merely as an aid and an Applicant continues to assume full responsibility for any actions Applicant takes regarding an Application. (emphasis added)

In this case, the question presented to staff included a map indicating a specific area of interest. Staff reviewed the question and concluded that Avenue Q, with its raised barrier wall, would represent a barrier between the census tracts in the area indicated. However, the Development Site associated with the Application is not within the area indicated on the map submitted with the question. In fact, the site is in an area south of where the barrier begins and where the contiguous census tract can be accessed via Clovis Road. Applying the rules of the QAP to this specific situation as it is presented in the submitted Application; staff does not believe that there is a barrier between the census tracts that would make the Application ineligible for points.

I do not find that the Application should not be awarded points under 10 TAC §11.9(c)(4). Pursuant to Per 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 28, 2018, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,



Marni Holloway  
Multifamily Division Director

Cc: Daniel Sailler, III



## TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

Greg Abbott  
GOVERNOR

## BOARD MEMBERS

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June 5, 2018

Writer's direct phone# (512) 475-1676  
Email: marni.holloway@tdhca.state.tx.us

Mr. Paul Stell  
SH Lubbock Indiana, LP  
6502 Slide Road, Suite 404  
Lubbock, TX 79424

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 18162 GUADALUPE VILLAS

Dear Mr. Stell:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency ("RFAD") requesting that the Department review the Application above to determine whether it should be awarded seven points under §1.9(c)(4)(A) of the 2018 Qualified Allocation Plan and Related Laws and Rules ("QAP") related to Opportunity Index. The request asserts that the Application claimed points they were not eligible for. Staff has determined that an Administrative Deficiency was not appropriate for the request as a determination could be made without one.

The request asserts that the Application is not eligible to score points under 10 TAC §1.9(c)(4)(A)(ii) because the contiguous census tract named has a poverty rate that exceeds 20%. Per the rule, if an Application meets the threshold requirement of 10 TAC §1.9(c)(4)(A), the Application can qualify for points under Opportunity Index in two ways:

- (4) Opportunity Index. The Department may refer to locations qualifying for points under this scoring item as high opportunity areas in some materials. A Development is eligible for a maximum of seven (7) opportunity index points.
- (A) A proposed Development is eligible for up to two (2) opportunity index points if it is located entirely within a census tract with a poverty rate of less than the greater of 20% or the median poverty rate for the region and meets the requirements in (i) or (ii) below.
- (i) The Development Site is located entirely within a census tract that has a poverty rate of less than the greater of 20% or the median poverty rate for the region and a median household income rate in the two highest quartiles within the uniform service region. (2 points)
- (ii) The Development Site is located entirely within a census tract that has a poverty rate of less than the greater of 20% or the median poverty rate for the region, with a median household income in the third quartile within the region, and is contiguous to a census tract in the first or second quartile, without physical barriers such as highways or rivers



between, and the Development Site is no more than 2 miles from the boundary between the census tracts. For purposes of this scoring item, a highway is a limited-access road with a speed limit of 50 miles per hour or more; and, (1 point)

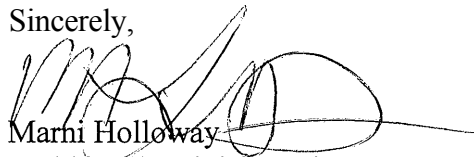
The Development Site is entirely located in census tract #48303000700, which according to the 2018 Site Demographic Characteristics Report<sup>1</sup> has a poverty rate of 12.6%; so the Application satisfies the threshold requirement. The Application is not eligible to score two points under 10 TAC §11.9(c)(4)(A)(i) as the census tract containing the Development Site has a median household income rate in the third income quartile. Census tract #48303000700 is contiguous to census tract #48303000201, which according to the 2018 Site Demographic Characteristics Report is in the second income quartile and has a poverty rate of 21.2%. Per the rule, the poverty rate of the contiguous census tract is not considered for scoring purposes.

The request also asserts that a six-lane highway between the census tracts provides a barrier that, per 10 TAC §11.9(c)(4)(A)(ii), makes the Application ineligible for points. The request includes a 2017 email from staff answering a question regarding this issue as evidence. In this case, in 2017, the question presented to staff included a map indicating a specific area of interest. Staff reviewed the question and concluded that Avenue Q would represent a barrier between the census tracts in the area indicated. However, the Development Site associated with the Application is not within the area indicated on the map submitted with the question in 2017. In fact, the site is in an area south of where the barrier begins and where the contiguous census tract can be accessed via Clovis Road. Applying the rules of the QAP to this specific situation as it is presented in the submitted Application; staff does not believe that there is a barrier between the census tracts that would make the Application ineligible for points.

I do not find that the issues raised in your request should be the subject of an Administrative Deficiency under this process, or that the Application should not be awarded points under 10 TAC §11.9(c)(4). If during staff review it is found that the Applicant needs to clarify or explain its request for points, an Administrative Deficiency may be issued at that time. Pursuant to Per 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 28, 2018, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requester.

For purposes of staffs review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

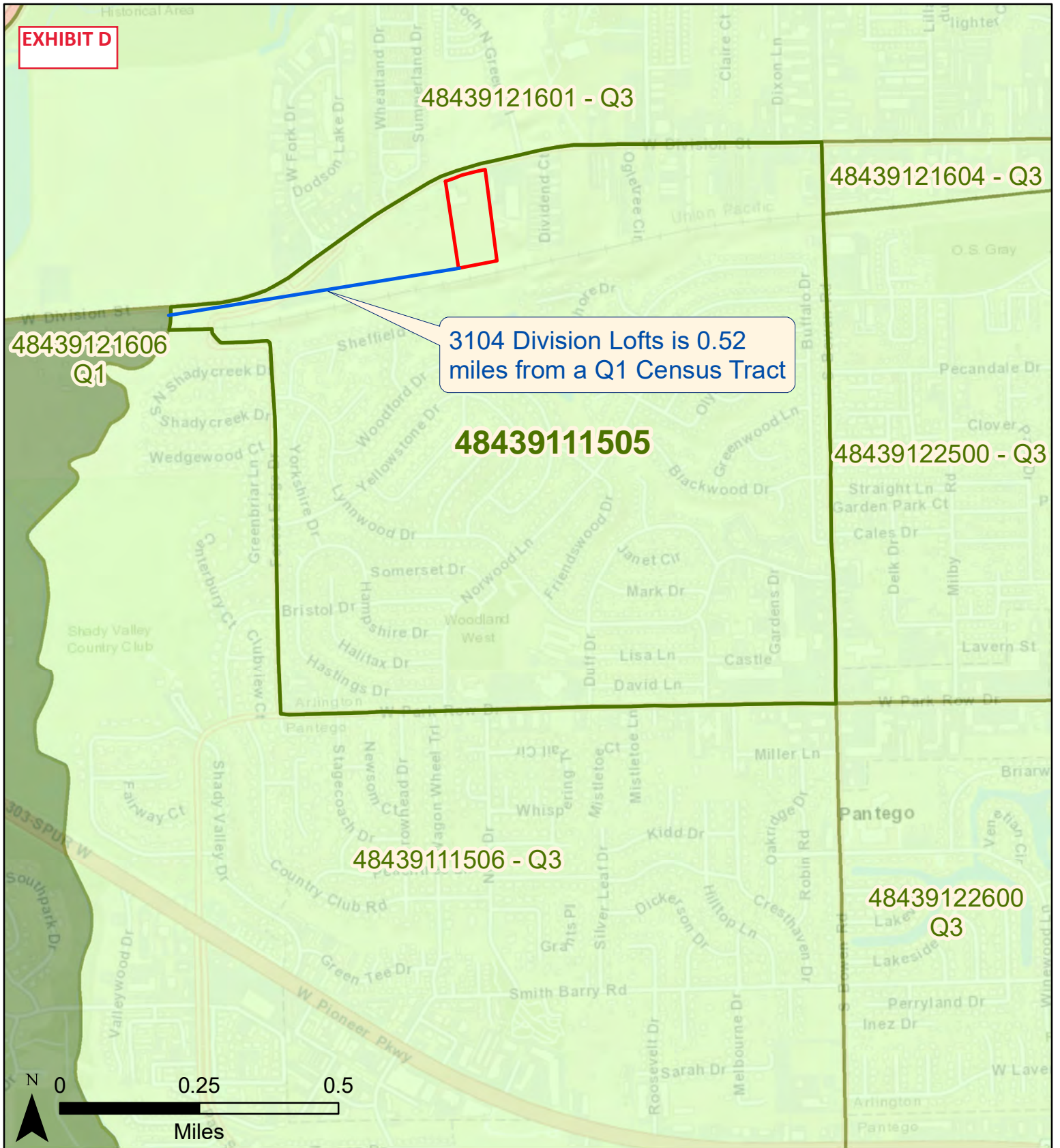
  
Marni Holloway  
Multifamily Division Director

Cc: Kent R. Hance, Sr.

<sup>1</sup> The Report is located on the Department's website under the "Programs" tab, then "Multifamily Programs" then, "Apply for Funds," and is the last bullet point as of the date of this letter.



EXHIBIT D



# Q3 Distance Map

## 3104 Division Lofts

3104 West Division Street  
Arlington, Texas



3104 Division Lofts



Census Tract 48439111505



Q1 and Q2 Census Tracts



Q3 Census Tracts









# 3104 Division Lofts Q3 Tract

proof of no barriers

EXHIBIT D

## Legend

-  3104 Division Lofts
-  48439121606 - Adjacent Tract
-  48439111505 - 3104 Division Tract
-  Tract Boundary Image



Google Earth

© 2018 Google  
© 2018 Europa Technologies

Somers 2000 ft



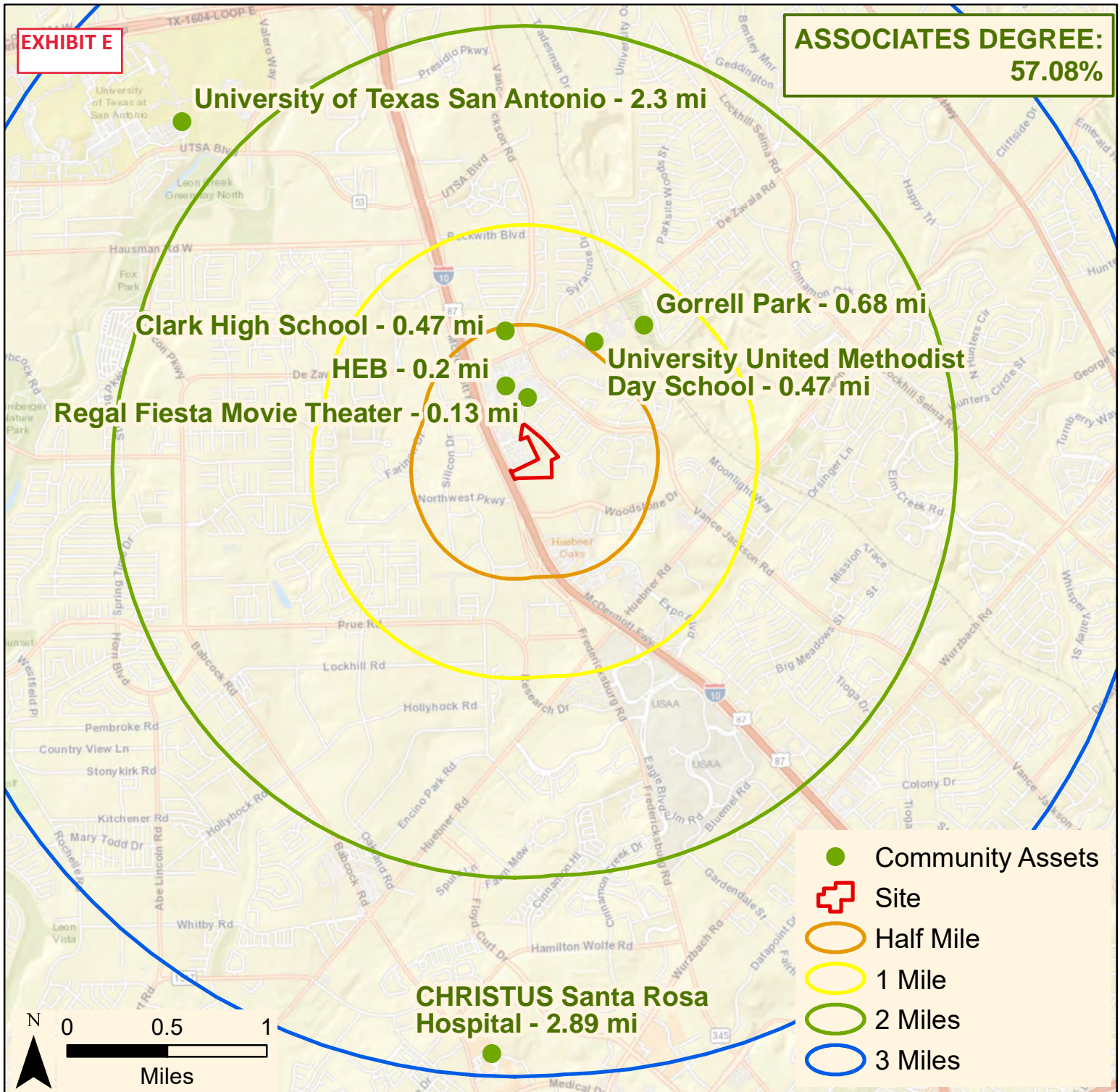
Tract Boundary Image – both tracts are connected via West Division Street; there are no barriers





**EXHIBIT E**

**ASSOCIATES DEGREE:  
57.08%**



# Community Assets



## Fiesta Trails

12485 W Interstate 10  
San Antonio, Texas

- Grocery and Pharmacy: HEB
- Health: CHRISTUS Santa Rosa Hospital
- Childcare: University United Methodist Day School
- University: University of Texas San Antonio
- Associates: 57.08%
- Indoor Rec: Regal Fiesta Movie Theater
- Outdoor Rec: Gorrell Park
- Meals Service: Meals on Wheels San Antonio
- Rated School: Clark High

Curbside & Delivery

Explore My Store

Log in or Register Lists Help



Search



My H-E-B Find a Store



Curbside



Delivery

\$0.00

Shop Recipes Weekly Ad Coupons Pharmacy

Home > Find a Store > De Zavala H-E-B

## De Zavala H-E-B



Mon-Sun 06:00 AM - 01:00 AM  
Store Phone: (210) 558 - 3981  
Pharmacy Phone: (210) 558 - 3027

12777 IH 10 WEST  
SAN ANTONIO, TX 78230-1014  
Corporate #395

[Get directions](#)

Weekly Ad Coupons [Make My H-E-B Store](#)

### Curbside Pickup



#### Curbside

Order online and pick up at your store.



#### Delivery

Order online for delivery to your door.

### Pharmacy

Pharmacy Phone:	(210) 558 - 3027	Compounding
Mon-Fri	09:00 AM - 09:00 PM	Immunizations
Sat	09:00 AM - 06:00 PM	Pharmacy
Sun	10:00 AM - 05:00 PM	Prescription Delivery

### Available Store Services

#### Bakery

Scratch Bakery  
Tortilleria

#### Deli

Boar's Head  
Cheese Shop  
In-House Roasted Meats

#### Drug and General Merchandise

Beauty

#### Flower Shop

Floral  
Wedding Service

### Nearby Stores

[View All Stores](#)

#### Babcock H-E-B

5910 BABCOCK RD  
SAN ANTONIO, TX 78240-2136

2.55 miles

Store Phone: (210) 641 - 6403  
Store Hours: Mon-Sun 06:00 AM - 01:00 AM  
Pharmacy Phone: (210) 641 - 6405  
Pharmacy Hours: Mon-Fri 09:00 AM - 09:00 PM  
Sat 09:00 AM - 06:00 PM  
Sun 10:00 AM - 05:00 PM



Curbside Pickup

[Store Details](#)

[Make My H-E-B Store](#)

#### 110 and Wurzbach H-E-B

9900 WURZBACH  
SAN ANTONIO, TX 78230-2212

2.65 miles

Store Phone: (210) 696 - 0794  
Store Hours: Mon-Sun 12:00 AM - 12:00 AM  
Pharmacy Phone: (210) 696 - 1073  
Pharmacy Hours: Mon-Fri 08:00 AM - 11:59 PM  
Sat 08:00 AM - 08:00 PM  
Sun 09:00 AM - 06:00 PM



Curbside Pickup



## Grocery

- Cooking Connection
- Healthy Living
- Primo Picks
- Wine Shop

## Meat Market

- Custom Meat Cutting
- Full Service Butcher Case
- Grass Fed Beef
- Organic Meat
- Prime Beef

## Online Services

- Curbside
- Delivery

## Produce

- Fresh Guacamole
- Juicing

## Seafood

- Fish Market
- Gulf Shrimp
- Salmon Burgers
- Seafood Steaming Service
- Sushi

## Store Services

- Bissell Green Carpet Cleaner
- Business Center
- Coin Star

[Store Details](#)[Make My H-E-B Store](#)

### Here Everything's Better

No Store Does More™ to bring families in Texas the very best locally grown produce, 100% pure beef, and hundreds of products made around the world - all at great low prices.

[Learn More](#)

## SIGN UP FOR EMAIL UPDATES

Sign up to receive exclusive email-only savings and information.

### Company

- Find a Store
- About Us
- Careers
- Community
- Newsroom
- Corporate Responsibility
- Our Brands
- Store Openings
- Suppliers
- H-E-B Digital

### Our Services

- Ship to Home
- Order Ahead: Cakes & Party Trays
- Pharmacy
- Restaurants
- Business Center
- Gift Cards
- H-E-B Commercial Real Estate
- Dietitian/Nutritionist

### Customer Service

- Contact Us
- Feedback
- Help & FAQs
- Coupon Policy
- Refund Policy
- Product Recalls



### More from H-E-B, LP

- Primo Picks
- All Recipes & Cooking

Feedback





## Emergency Care

Whether you have a broken arm or a serious injury, our emergency medicine physicians evaluate and assess your situation ensuring the highest quality of treatment and care.

## Our Approach

If you have an emergency, please call 911 immediately.

Our Emergency Department team includes health professionals experienced in caring for patients with a variety of medical and surgical emergencies. We combine technology with compassion to treat thousands of patients each year. We consider it a privilege and a responsibility to make sure every patient has an excellent experience. Our highly trained physicians handle all type of emergencies from chest pain and stroke symptoms to high blood pressure and general children's emergencies.

### OUR LOCATION

CHRISTUS Santa Rosa Hospital - Medical Center  
2827 Babcock Road  
San Antonio, Texas 78229

PH: 210-705-6300

GET DIRECTIONS

## Information and Services

Fall Prevention



ER vs Urgent Care





Search is not available on this page.

Report Abuse



# Child Care Search Result Details

DFPS Home > Child Care > Search Texas Child Care > This Page



## Child Care Licensing

### PARENTS

- Information for Parents
- Search Texas Child Care

### PROVIDERS

- Information for Providers
- Licensed Administrators
- Provider Login & Background Checks

## Operation Details

You may click on the question mark image (?) to view the [Frequently Asked Questions \(FAQ\)](#) page.

Operation Number:	123895
Operation Type:	Licensed Center
Program Provided:	Child Care Program
Operation/Caregiver Name:	University United Methodist Day School
Location Address:	5084 DE ZAVALA RD SAN ANTONIO, TX 78249
Mailing Address:	5084 DE ZAVALA RD SAN ANTONIO, TX 78249
Phone Number:	210-691-2704
County:	BEXAR
Website Address:	www.universitysatx/dayschool
Email Address:	tmatherne@universitysatx.org
Administrator/Director Name:	Amanda Nunneley
Type of Issuance: ?	Full Permit
Issuance Date:	1/27/1986
Permit Renewal Due By Date:	1/27/2022
Conditions on Permit: ?	No
Accepts Child-Care Subsidies: ?	
Hours of Operation:	07:30 AM-05:00 PM
Days of Operation:	Monday - Friday
Total Capacity:	370
Licensed to Serve Ages:	Infant, Toddler, Pre-Kindergarten, School
Total Capacity:	370
Number Of Admin Penalties:	0
Corrective Action: ?	No
Adverse Action: ?	No
Temporarily Closed:	No

### Five Year Inspection Summary

- Inspectors routinely monitor compliance with Licensing standards, rules and law. At a minimum, licensed and certified operations are inspected at least once a year; Registered Child Care Homes ? are inspected at least once every two years, Listed Family Homes ? are inspected only if there is a report of abuse/neglect or if we receive a report that the home is caring for too many children.
- When operations have serious deficiencies or a significant number of deficiencies, repeat deficiencies, or fail to make corrections timely, they are inspected more frequently by licensing staff, to ensure the health and safety of children in care.





VISIT

ABOUT US

CHURCH LIFE

MEDIA

EVENTS

GIVE

MY Account

## Day School

Grounded in scripture, growing in the Spirit, reaching out in love.

For enrollment information call 210.691.2704 or e-mail Tracey Matherne.

Our NAEYC accredited program is carefully planned to meet the developmental needs and learning styles of each child by using hands-on learning experiences. We provide a loving, Christian environment that offers developmentally appropriate materials and experiences, enabling each child to grow physically, socially, emotionally, mentally, and spiritually.

Large and fine motor skills are developed with the use of music and movement in the classroom, various manipulatives such as puzzles, blocks, scissors, clay, paints, and a variety of activity choices made available daily on our three playgrounds. Classroom schedules may include chapel, music, and motor skills, depending upon the age of the child, and computer classes are included in our 3-year-old, 4-year-old, and Kindergarten curriculum for children who attend three or more days. Spanish and art are offered to 3-year-old, 4-year-old, and Kindergarten children who attend five days a week.

Our children learn to work as members of a group. We model sharing and respecting others while helping children gain an understanding of self so that they may enjoy and appreciate each other.

We strive for school to be a positive learning experience and encourage curiosity, questions, and discovery of God's world.

[Click here to see a typical day's schedule by age](#)

## 2019-2020 Day School Registration Information

[University UMC Member Registration](#)

[Community Registration](#)

### Church Life

[Youth](#)

[Adults](#)

[Ministries](#)

[Care and Community](#)

[Congregational Care](#)

[Community Care](#)

[Prayer Requests](#)

[Counseling Ministry](#)

[Day School](#)

[A Typical Day's Schedule](#)

[Fine Arts Center](#)

[Classes & Workshops](#)

[Private Lessons](#)

[Modern Music](#)

[Outreach](#)

[Outreach Newsletter](#)

[Recreation](#)

[Special Needs](#)

[Traditional Music](#)

[Serve](#)

### Contact Us:

**Amanda Nunneley**

Day School Director

Email: [ANunneley@UniversitySATX.org](mailto:ANunneley@UniversitySATX.org)

Phone: 210.691.2704

Fax: 210.690.7310

[Pay Tuition Online](#)

[Forms & Documents:](#)



# A Typical Day's Schedule

## 12 - 35 Months

**Curriculum:**

The Creative Curriculum is designed to accommodate the developmental needs and learning styles of each child by using hands-on learning experiences. We provide a loving, Christian environment where Bible stories, chapel, and basic Christian values are incorporated.

**Typical Day:**

- 8:30- 8:45 - Greeting and parent departure
- Center Time (free choice) – Art, blocks, dramatic play, manipulatives, sensory
- Music class twice a month
- Snack
- Playground (45 minutes)
- Story Time
- Lunch
- Rest Time
- 2:30 – Parent pick-up

## 3-4 Years

**Curriculum:**

The Creative Curriculum is designed to accommodate the developmental needs and learning styles of each child by using hands-on learning experiences. We provide a loving, Christian environment where Bible stories, chapel, and basic Christian values are incorporated.

**Typical Day:**

- 8:30 - Greeting and parent departure
- Chapel—Wednesday or Thursday
- Circle Time—story, music and or movement
- Playground (45 minutes)
- Snack Time
- Center Time—free choice: art, blocks, dramatic play, manipulatives, sensory, Library/listening
- Special Activity—Either music, motor skills, computers\*, Spanish\*, or art\*
- Story Time
- Lunch
- Rest Time
- 2:30—Parent pick-up

\*Computers is offered to children attending three or more days. Spanish and art are offered to children attending M-F.

## Kindergarten

**Curriculum:**

The curriculum includes Houghton Mifflin Reading, Scott Foresman Mathematics, Math Their Way, and a specially designed science curriculum that corresponds with our language arts curriculum, plus many more wonderful resources. We provide a loving, Christian environment where Bible stories, chapel, and basic Christian values are incorporated. The Bible Curriculum is incorporated weekly and immerses children in Bible stories to help them learn what the Bible has to say to them today in an age-appropriate manner.

**Typical Day:**

- 8:30 - Arrival activities (computers, writing center & listening center)
- Opening (Morning message, helper chart, calendar, counting, phonetic awareness activity)\*
- Language Arts
- Snack
- Math
- Science/Social Studies
- Weekly Specials (music, motor-skills, computers, art, Spanish)
- Lunch
- Recess
- Library (once per week)
- Bible Study (once per week)
- Quiet time
- Centers
- 2:30 - Dismissal

\*This time will be replaced with Chapel on Wednesday or Thursday.

### Church Life

Youth

Adults

Ministries

- Care and Community
  - Congregational Care
  - Community Care
  - Prayer Requests
  - Counseling Ministry
- Day School
  - A Typical Day's Schedule
- Fine Arts Center
  - Classes & Workshops
  - Private Lessons
- Modern Music
- Outreach
  - Outreach Newsletter
- Recreation
- Special Needs
- Traditional Music

Serve

### Contact Us:

**Amanda Nunneley**  
Day School Director  
Email: ANunneley@UniversitySATX.org  
Phone: 210.691.2704  
Fax: 210.690.7310

Pay Tuition Online



### Forms & Documents:

2019-2020 Calendar

Medical Form

Special Health Form

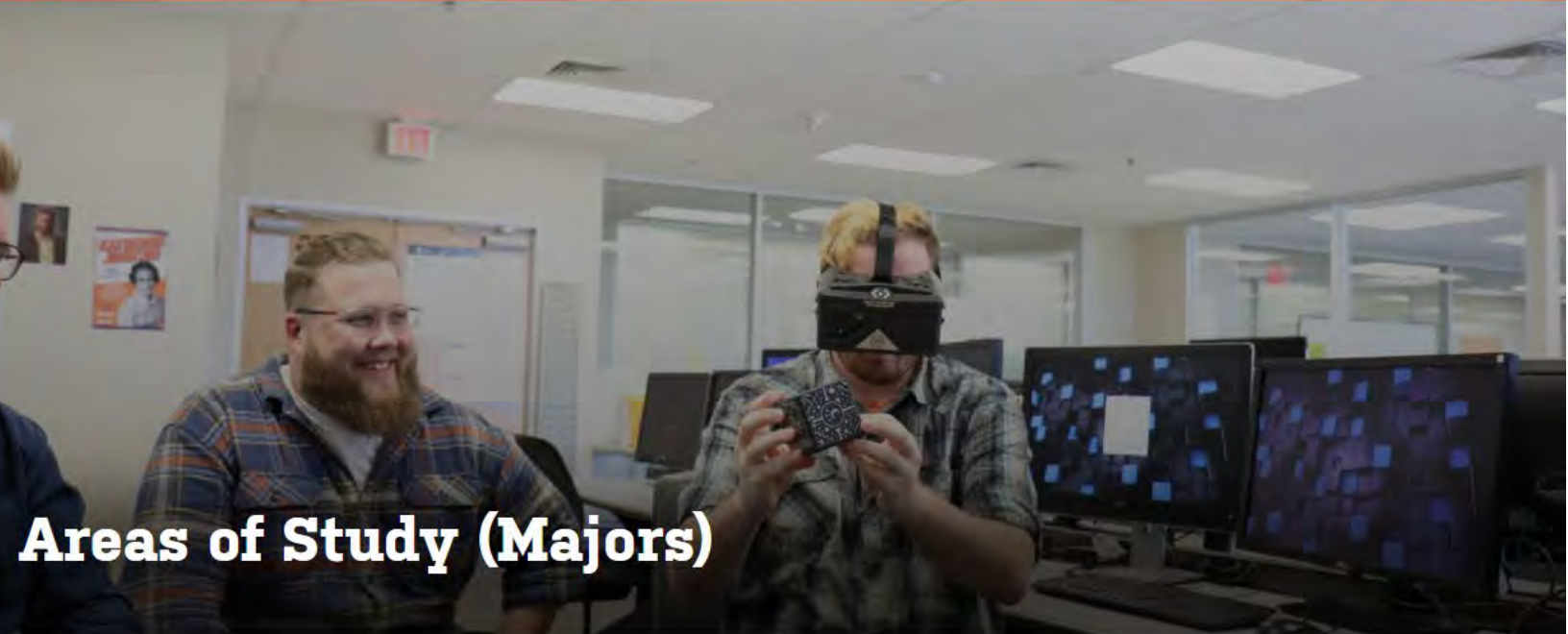
Emergency Form



# UTSA Future Roadrunner

REQUEST INFO APPLY SUBMIT DOCS CHECK STATUS DEADLINES

Visit Majors Explore Cost & Aid Pre-College Admission Transfer Rowdy Ready Orientation Contact



## Areas of Study (Majors)

### Who will you be?


A biomedical engineer who grows artificial organs? An anthropologist unearthing humanity's secrets? A CEO of an international conglomerate? Unlike *The Game of Life*, you won't arbitrarily land on any given space. The choice is yours, and you have plenty of options.

UTSA offers **60 undergraduate areas of study** that are spread across eight different colleges. Curated by an award-winning faculty, our diverse set of programs will prepare you for nearly any professional career or scholarly pursuit. UTSA's top-tier education will not only remain pertinent to an ever-changing job market but will also set you on the path towards becoming who you're meant to be.

There are just a few clicks between you and the start of your journey. What are you waiting for?

Please note that some majors have additional admission requirements. View all of UTSA's specific admission requirements [here](#).

If you're looking for graduate programs, please visit [UTSA Graduate School](#).



**Ready to take the next step?**

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- Browse By Interest
- Browse By Industry



# University or College

---

## A

### Accounting

College of Business

### Actuarial Science

College of Business

### American Studies

College of Liberal & Fine Arts

### Anthropology

College of Liberal & Fine Arts

### Architecture

College of Architecture, Construction & Planning

### Art

College of Liberal & Fine Arts

### Art History & Criticism

College of Liberal & Fine Arts

### Artificial Intelligence (Multidisciplinary Studies)

University College

## B

### Biochemistry

College of Sciences

### Biology

College of Sciences

### Biomedical Engineering

College of Engineering

## C

### Chemical Engineering

College of Engineering

### Chemistry

College of Sciences

### Civil Engineering

College of Engineering

### Classical Studies & Humanities

College of Liberal & Fine Arts

### Communication

College of Liberal & Fine Arts

### Computer Engineering

College of Engineering

### Computer Science

College of Sciences

### Construction Science & Management

College of Architecture, Construction & Planning

### Criminology and Criminal Justice

College of Public Policy

### Cyber Intelligence (Multidisciplinary Studies)

University College

### Cyber Security

College of Business

## D

### Data Sciences (Multidisciplinary Studies)

University College

## E

### Economics

College of Business

### Education (Interdisciplinary Studies)

College of Education & Human Development

### Electrical Engineering

College of Engineering

### English

College of Liberal & Fine Arts

### Environmental Science and Ecology

College of Sciences

## F

### Finance

College of Business

## G

### Geography & Environmental Sustainability

College of Liberal & Fine Arts

### Geology

College of Sciences

### Global Affairs

College of Liberal & Fine Arts

# University or College

---

## H

### Health

College of Education & Human Development

### History

College of Liberal & Fine Arts

## I

### Information Systems

College of Business

### Interior Design

College of Architecture, Construction & Planning

## K

### Kinesiology

College of Education & Human Development

## M

### Management

College of Business

### Management Science

College of Business

### Marketing

College of Business

### Mathematics

College of Sciences

### Mechanical Engineering

College of Engineering

### Medical Humanities

College of Liberal & Fine Arts

### Mexican American Studies

College of Education & Human Development

### Microbiology & Immunology

College of Sciences

### Modern Language Studies

College of Liberal & Fine Arts

### Multicultural Early Childhood Development

College of Education & Human Development

### Multidisciplinary Science

College of Sciences

### Multidisciplinary Studies

University College

### Music

College of Liberal & Fine Arts

## N

### Neuroscience (Multidisciplinary Studies)

University College

### Nursing (Multidisciplinary Studies)

University College

### Nutrition & Dietetics

College of Education & Human Development

## P

### Philosophy

College of Liberal & Fine Arts

### Physics & Astronomy

College of Sciences

### Political Science

College of Liberal & Fine Arts

### Politics & Law

College of Liberal & Fine Arts

### Psychology

College of Liberal & Fine Arts

### Public Administration

College of Public Policy

### Public Health

College of Education & Human Development

## R

### Real Estate Finance & Development

College of Business

## S

### Sociology

College of Liberal & Fine Arts

### Spanish

College of Liberal & Fine Arts

### Statistics & Data Science

College of Business

100% \$ % .0 .00 123 Default (Ca... 10

fx 4441 A

48029181813 1 of 1

**Educational Attainment Data (§11.9(c)(5) of the 2020 Qualified Allocation Plan)**

The educational attainment for the population 25 years and over data is from table S1501 2013 - 2017 5-year American Community Survey (ACS). This data corresponds with the Opportunity Index scoring item at §11.9(c)(4) of the 2020 Qualified Allocation Plan (QAP). The QAP can be found at <http://www.tdhca.state.tx.us/multifamily/nofas-rules.htm>. Please contact [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) with any questions.


	Census Tract	Census Tract Abr.	Estimate Total	Associates Degree or Higher	Rate of Assoc degree or higher by Census tract
17	48029181721	Census Tract 1817.21, Bexar County, Texas	2647	1251	47.26%
18	48029181722	Census Tract 1817.22, Bexar County, Texas	3458	1532	44.30%
19	48029181723	Census Tract 1817.23, Bexar County, Texas	2940	1075	36.56%
20	48029181724	Census Tract 1817.24, Bexar County, Texas	3359	1765	52.55%
21	48029181725	Census Tract 1817.25, Bexar County, Texas	3013	1089	36.14%
22	48029181726	Census Tract 1817.26, Bexar County, Texas	5876	2578	43.87%
23	48029181727	Census Tract 1817.27, Bexar County, Texas	2613	638	24.42%
24	48029181728	Census Tract 1817.28, Bexar County, Texas	6470	2305	35.63%
25	48029181729	Census Tract 1817.29, Bexar County, Texas	4839	2604	53.81%
26	48029181730	Census Tract 1817.30, Bexar County, Texas	2655	898	33.82%
27	48029181731	Census Tract 1817.31, Bexar County, Texas	4992	1812	36.30%
28	48029181808	Census Tract 1818.08, Bexar County, Texas	1115	589	52.83%
29	48029181809	Census Tract 1818.09, Bexar County, Texas	3985	1497	37.57%
30	48029181811	Census Tract 1818.11, Bexar County, Texas	2737	1272	46.47%
31	48029181813	Census Tract 1818.13, Bexar County, Texas	4592	2621	57.08%
32	48029181814	Census Tract 1818.14, Bexar County, Texas	3819	2522	66.04%
33	48029181815	Census Tract 1818.15, Bexar County, Texas	2420	1289	53.26%
34	48029181816	Census Tract 1818.16, Bexar County, Texas	3053	1645	53.88%
35	48029181817	Census Tract 1818.17, Bexar County, Texas	2593	1166	44.97%
36	48029181818	Census Tract 1818.18, Bexar County, Texas	4163	2046	49.15%
37	48029181819	Census Tract 1818.19, Bexar County, Texas	3345	1349	40.33%
38	48029181820	Census Tract 1818.20, Bexar County, Texas	1672	1078	64.47%
39	48029181821	Census Tract 1818.21, Bexar County, Texas	2364	1235	52.24%
40	48029181822	Census Tract 1818.22, Bexar County, Texas	3352	1592	47.49%
41	48029181823	Census Tract 1818.23, Bexar County, Texas	1416	773	54.59%


Home > Theatres > Regal Fiesta - San Antonio

# Regal Fiesta - San Antonio


## THEATRE DETAILS

12631 Vance Jackson  
San Antonio, TX 78230

 [Check on Google Maps](#)

 (844) 462-7342

## Screenings for Regal Fiesta - San Antonio

**Today** Tue Wed Thu Fri Sat Sun 

Choose a screening type ▾

Choose a Movie ▾

Monday 01/20/2020



### Anjaam Pathiraa

**NR** Unassigned | 144 mins

2D

**5:15 PM** **9:00 PM**

(Malayalam · Sub-Titled) · No Passes, Premiere or VIP Tickets · Reserved Seating · Stadium Seating 




### Tanhaji - The Unsung Warrior

**NR** Unassigned | 130 mins

2D

**4:00 PM** **7:05 PM** **10:15 PM**

(Hindi · Sub-Titled) · No Passes, Premiere or VIP Tickets · Reserved Seating · Stadium Seating 





## Good Newwz

**NR** Comedy, Drama | 131 mins

2D

4:30 PM 7:30 PM 10:30 PM

(Hindi - Sub-Titled) · No Passes, Premiere or VIP Tickets · Reserved Seating · Stadium Seating ⓘ



## Richard Jewell

**R** Drama | 131 mins

2D

4:05 PM 7:20 PM 10:30 PM

Closed Caption · Descriptive Video · Reserved Seating



## Doctor Sleep

**R** Horror | 151 mins

2D

5:10 PM 9:15 PM

Closed Caption · Descriptive Video · Reserved Seating · Stadium Seating ⓘ



## 21 Bridges

**R** Action | 100 mins

2D

4:50 PM 7:45 PM 10:20 PM

Closed Caption · Descriptive Video · Reserved Seating



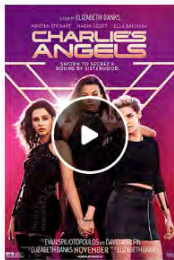
## Last Christmas

**PG-13** Comedy | 102 mins

2D

7:00 PM

Closed Caption · Descriptive Video · Reserved Seating · Stadium Seating ⓘ



## Charlie's Angels

**PG-13** Action | 119 mins

2D

4:40 PM 7:40 PM 10:25 PM

Closed Caption · Descriptive Video · Reserved Seating



## Midway

**PG-13** Action, Drama | 138 mins

2D

4:05 PM 7:15 PM 10:25 PM

Closed Caption · Descriptive Video · Reserved Seating · Stadium Seating ⓘ



## Good Liar

**R** Drama | 109 mins

2D

3:50 PM 9:50 PM

Closed Caption · Descriptive Video · Reserved Seating



## Playing with Fire

**PG** Comedy | 96 mins

2D

3:50 PM 6:45 PM 9:40 PM

Closed Caption · Descriptive Video · Reserved Seating · Stadium Seating ⓘ



## Terminator: Dark Fate

**R** Action/Adventure | 128 mins

2D

4:25 PM 7:30 PM 10:30 PM

Closed Caption · Descriptive Video · Reserved Seating · Stadium Seating ⓘ





## Black and Blue

**R** Action | 108 mins

2D

4:20 PM

7:25 PM

10:10 PM

Closed Caption · Descriptive Video · Reserved Seating · Stadium Seating [i](#)



## Maleficent: Mistress of Evil

**PG** | 118 mins

2D

4:40 PM

7:35 PM

10:35 PM

Closed Caption · Descriptive Video · Reserved Seating · Stadium Seating [i](#)



## Zombieland 2

**R** Comedy | 99 mins

2D

5:05 PM

7:45 PM

10:25 PM

Closed Caption · Descriptive Video · Reserved Seating · Stadium Seating [i](#)



## Addams Family (2019)

**PG** Comedy | 86 mins

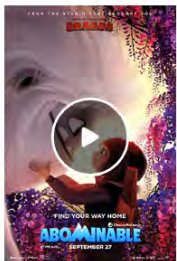
2D

4:30 PM

6:50 PM

9:30 PM

Closed Caption · Descriptive Video · Reserved Seating · Stadium Seating [i](#)



## Abominable

**PG** Family | 97 mins

2D

4:10 PM

6:45 PM

9:20 PM

Closed Caption · Descriptive Video · Reserved Seating · Stadium Seating [i](#)



## Parks & Facilities

ParksAndRec / Parks & Facilities / All Parks & Facilities / Parks & Facilities Details

### PARKS & FACILITIES DETAILS

#### Gorrell Park

A - Z Parks & Facilities Index

View All Parks & Facilities

Park Closures

#### Parks & Facilities

Buildings & Centers	42
Gardens & Natural Areas	12
Parks	207
Pools (Indoor and Outdoor)	26
Specialty Parks & Amenities	68
Trails	80

#### More Info

- [Park Safety & Rules](#)
- [Trail Safety & Etiquette](#)

#### Programs & Classes



[Find Programs & Classes](#)



#### Trails

Type: Natural, Concrete / Length (Miles): 0.27

Patrolman Edwyn J Gorrell Memorial Park gives people an opportunity to spend time enjoying the outdoors, with fresh air, sunshine and exercise on tap for visitors. Take a walk, enjoy the scenery, and de-stress. Studies show people who spend time in parks will be sick less often, which means less time missing from school and work, as well as lower healthcare costs and better overall health. And it's fun and refreshing. Visit a San Antonio park today!

Alcohol is prohibited, amenities are first come, first serve.

#### Park History

Patrolman Edwyn J. Gorrell Memorial Park officially opened to the public on Saturday, April 5, 2008. The park is located on 24.8 acres donated to the City of San Antonio in 2006. The park's initial development included a parking lot, walking trail, picnic areas, and a playground. The project was funded with \$365,470 in Park Bonds and \$58,337 in Unified Development Code fees.

The park was named for Patrolman Gorrell, who was shot by a suspect he was attempting to arrest on Feb. 22, 1988. Gorrell, 34, had been with the Police Department two years. He remained in a coma until his death in July 1988. His wife Linda, and children, Shavawn Brozovic and Christopher Gorrell, his parents, Harold and Laura Gorrell, brother, Michael, along with his grandchildren, Logan and Luke, attended the park's dedication ceremony.





HOME | OUR SERVICES | **MEALS ON WHEELS**

**Meals on Wheels** is a public-private partnership that enables seniors to remain more healthy and independent in their own homes, where they want to be, avoiding far more costly healthcare alternatives, such as unnecessary trips to the emergency room, hospitalizations and nursing home placements. Meals on Wheels San Antonio prepares and delivers hot, nutritious meals each weekday to older and disabled community members living throughout **Bexar, Frio and Atascosa Counties**. Every weekday Meals on Wheels prepares and delivers more than a meal to 3,500 of your neighbors. Services provided are:

- Meal Delivery
  - **October 2019 Menu A**
  - **October 2019 Menu B**
  - **November 2019 Menu A**
  - **November 2019 Menu B**
- Emergency Meals
- Dietary Consultations
- Senior Center Meals
- AniMeals
- Friendly Visitor Program
- Comfy Casas



Be the first of your friends to like this



Our Grace Places Alzheimer's Activity Directors, Claudia and Norma, has a great time connecting with caregivers at today's Caregiver Summit! Thanks to everyone who joined us for a morning of learning! #EndALZ #togetherwecandeliver #morethanameal #memorcare

## CURRENT MENU

Firehouse Chili


Cheese Enchilada with Red Sauce

Classic Hamburger

Homestyle Crumb Pollock

[View Full Menu](#)

# Meals on Wheels or Similar Nonprofit

Meals on Wheels- Winter		November 1-30, 2019 Menu B		
Monday	Tuesday	Wednesday	Thursday	Friday
<b>Nutritional Goals</b> <b>Over 600 calories</b> <b>Over 20 grams protein</b> <b>Less than 100 grams carbs</b> <b>Less than 30% Total Cal Fat</b> <b>Over 7 grams fiber</b> <b>Less than 1000 milligrams</b>	<b>Monthly Average</b> <b>Calories: 674.82 calories</b> <b>Protein: 37.37 g</b> <b>Carbohydrate: 83.8 g</b> <b>Fat: 22.47 g (30% of calories)</b> <b>Fiber: 7.51 g</b> <b>Sodium: 973.55 mg</b>	Happy Holidays! Help us help others by making a donation today. Call (210)735-5115. Together, we can deliver more than a meal. 		<b>November 1, 2019</b> Chicken Alfredo Seasoned Peas Dinner Roll  96g Carbs Strawberry Applesauce Beverage
<b>November 4, 2019</b> King Ranch Savory Black Beans Buttered Corn  82g Carbs Pudding Cup Beverage	<b>November 5, 2019</b> Baked Ziti Carrot, Squash, Green Bean Medley Garlic Bread  54g Carbs Fruit Cup Beverage	<b>November 6, 2019</b> Abuela's Beef Tamales Spanish Rice Refried Beans  107g Carbs Cinnamon Applesauce Beverage	<b>November 7, 2019</b> Renal Friendly Beef Chili Buttered Pasta Stewed Okra 111g Carbs Goldfish Strawberry Bar Beverage	<b>November 8, 2019</b> Mushroom Smothered Chicken with Bow-Tie Pasta Butternut Squash 87g Carbs Dinner Roll Fruit Cup Beverage
<b>November 11, 2019</b> Baked Chicken Tenders Savory Rice Pilaf Buttered Carrots  76g Carbs Fruit Cup Beverage	<b>November 12, 2019</b> Carne Guisada Flour Tortilla Buttered Corn Calabacitas 74g Carbs Arroz con Leche Beverage	<b>November 13, 2019</b> Oven Grilled Chicken Mac n' Cheese Green Beans Dinner Roll 70g Carbs Fruit Cup Beverage	<b>November 14, 2019</b> Spaghetti w/ Meat Sauce Seasoned Cauliflower Garlic Bread  73g Carbs Sugar Cookie Beverage	<b>November 15, 2019</b> Salisbury Steak over Pasta Green Beans, Carrots, and Corn Salad Dinner Roll 94g Carbs Craisins Beverage
<b>November 18, 2019</b> Mom's Meatloaf Parslied Pasta Seasoned Yellow Squash Dinner Roll 72g Carbs Gelatin Cup Beverage	<b>November 19, 2019</b> Chicken Gumbo over Rice Buttered Sugar Snap Peas Whole-grain Biscuit  107g Carbs Fruit Cup Beverage	<b>November 20, 2019</b> Beef Patty on Wheat Bread Buttered Spaghetti Seasoned Greens 70g Carbs Strawberry Applesauce Beverage	<b>November 21, 2019</b> Abuelito's Picadillo Green Beans Tortilla  62g Carbs Rice Krispie Bar Beverage	<b>November 22, 2019</b> Chicken Santa Fe over Rice Chuckwagon Corn Tortilla  105g Carbs Fruit Cup Beverage
<b>November 25, 2019</b> Beef Stroganoff Seasoned Cauliflower Southern Biscuit  76g Carbs Fruit Cup Beverage	<b>November 26, 2019</b> Chicken Nuggets Mac n' Cheese Buttered Green Beans 94g Carbs Dinner Roll Fruit Cup Beverage	<b>November 27, 2019</b> <b>Double Meal Delivery</b> Chicken Pot Pie with Biscuit Buttered Broccoli Peach Cobbler  81g Carbs Beverage	<b>November 28, 2019</b> <b>Thanksgiving Meal</b> Turkey, Stuffing, and Trimmings Sweet Potato Casserole Seasoned Green Beans  Pumpkin Pie	<b>November 29, 2019</b> <b>MoW Closed- Refrigerated Meal</b> Classic Chicken Salad Dinner Roll Homestyle Potato Salad Sugar Cookies 82g Carbs Beverage
<b>Contact Phone Number: 735-5115. If you need to cancel your meal please call the office 24 hours in advanced.</b>				
<b>Holiday Meal/Refrigerated Meal</b>	<b>We will be closed on Thursday and Friday, November 28-29, 2019 for the Thanksgiving Holiday. The holiday meals will be delivered on Wednesday, November 27, 2019.</b>			
<b>Comments</b>	The amount of carbohydrates listed includes entrée, sides, fruit or dessert, and a carton of milk. <b>Tip:</b> if following a diabetic diet, look at the amount of carbs per meal. If the amount is too high, divide your meal in half and eat a portion of your meal and the rest later, eat your dessert/fruit at a later time, or drink water instead of milk with your meal to reduce the amount of carbs.			
<b>Menu Approved by Marycela Barron, RD, LD License #DT85141 (expires 01/03/2020)</b>				

*Marycela Barron, RD, LD*





Accountability Data Performance Participation Attendance and Graduation  
 Postsecondary Readiness Profile KG Readiness Postsecondary Outcomes Finance Data  
 Search

**Texas Education Agency**  
**2019 Accountability Ratings Overall Summary**  
**CLARK H S (015915005) - NORTHSIDE ISD**

**Accountability Rating Summary**

	Component Score	Scaled Score	Rating
<b>Overall</b>		90	A
<b>Student Achievement</b>		91	A
<a href="#">STAAR Performance</a>	65	91	
<a href="#">College, Career and Military Readiness</a>	65	91	
<a href="#">Graduation Rate</a>	97.9	90	
<b>School Progress</b>		83	B
<a href="#">Academic Growth</a>	72	82	B
<a href="#">Relative Performance (Eco Dis: 32.7%)</a>	65	83	B
<a href="#">Closing the Gaps</a>	85	86	B

**Identification of Schools for Improvement**

This campus is NOT identified for comprehensive support and improvement, targeted support and improvement, or additional targeted support.

**Distinction Designations**

ELA/Reading	Not Earned
Mathematics	Not Earned
Science	Not Earned
Social Studies	Earned
Comparative Academic Growth	Not Earned
Postsecondary Readiness	Earned
Comparative Closing the Gaps	Earned



20092  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham-Escareño, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 8, 2020

Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

Vaughn Zimmerman  
Zimmerman AH 715 Aero, LLC  
1329 E. Lark Street  
Springfield, MO 65804

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20092 Fiesta Trails

Dear Mr. Zimmerman:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Applications above to determine whether the Application provided appropriate documentation to qualify for points under Opportunity Index. Particularly, the request questions whether Interstate Highway I-10 and a railroad track constitute "barriers" as described in 10 TAC §11.9 (c)(4)(A)(ii).

The Department issued a deficiency to the Applicant regarding this matter and the Applicant responded timely. Staff will address the response and information in accordance with the QAP. Pursuant to 10 TAC §11.10, staff will not further review or act on this RFAD. Staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report, but should register to do so on this item (and application number) in particular if you expect to be called. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,  
Marni  
Holloway  
Marni Holloway  
Multifamily Division Director

Digitally signed by Marni Holloway

Date: 2020.06.08 14:44:53 -0500'

Cc: Jason Arechiga  
David Nisivoccia



20144  
Request for Administrative Deficiency



## **FISH POND LIVING AT FITZGERALD, LP**

May 1, 2020

### **Via Email**

Marni Holloway, Director of Multifamily Finance – [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)  
Sharon Gamble, 9% HTC Administrator – [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)  
Texas Department of Housing and Community Affairs  
221 E 11<sup>th</sup> Street  
Austin, Texas 78701

Re: §11.10. Third Party Request for Administrative Deficiency;  
TDHCA Application #20144 – The Enchanted Gardens, Victoria, Texas

Dear Ms. Holloway and Ms. Gamble,

Pursuant to §11.10 of the 2020 Qualified Allocation Plan (the “QAP”), please let this letter serve as our Third-Party Request for Administrative Deficiency (“RFAD”) with regards to Application # 20144 (“The Application”). A copy of this request is being delivered simultaneously to representatives of The Application.

We have identified three (3) areas of deficient information and documentation in the application and offer the following in support of each issue:

### **Issue #1: Omission of Some Site Control Documentation**

§11.204 states the following: *“The purpose of this section is to identify the threshold documentation that is **required at the time of Application submission**, unless specifically indicated or otherwise required by Department rule.”* §11.204(10)(B)(iii) further details the required threshold documentation to establish site control, stating *“a contract for sale or an option to purchase that includes a price; address and/or legal description; **proof of consideration in the form specified in the contract**; and expiration date.”*

The Application did not include proof of consideration. Page 98 of The Application is the site control document that states, *“No later than 3 days after the effective date, Buyer must deposit \$5,000 as earnest money with Stewart Title of Victoria.”* Page 110 of The Application shows the title company received the contract on December 20, 2019, but no proof of consideration is included in The Application. Therefore, the Application did not meet threshold requirements.

**Issue #2: Ineligible Points Requested - Proximity to Jobs**

§11.9(c)(7)(B) states the following: *“Proximity to Jobs. A Development may qualify for points under this subparagraph if it meets one of the criteria in clauses (i) - (vi) of this subparagraph. The data used will be based solely on that available through US Census' OnTheMap tool. Jobs counted are limited to those based on the work area, all workers, and all primary jobs. Only the 2017 data set (as of October 1 but before Pre-Application Final Delivery Date) will be used. The Development will use OnTheMap's function to import GPS coordinates that clearly fall within the Development Site, and the OnTheMap chart/map report submitted in the Application must include the report date. This scoring item will not apply to Applications under the At-Risk or USDA Set-Aside.”*

- (i) The Development is located within 1 mile of 16,500 jobs. (6 points)*
- (ii) The Development is located within 1 mile of 13,500 jobs. (5 points)*
- (iii) The Development is located within 1 mile of 10,500 jobs. (4 points)*
- (iv) The Development is located within 1 mile of 7,500 jobs. (3 points)*
- (v) The Development is located within 1 mile of 4,500 jobs. (2 points)*
- (vi) The Development is located within 1 mile of 2,000 jobs. (1 point)*

The Application included a screenshot from OnTheMap that showed “All Jobs,” not “Primary Jobs” (Page 75 of Application, included as **Exhibit A**) as instructed via the Department’s OnTheMap instructions provided to all applicants for this point category in the 2020 Multifamily Programs Application Procedures Manual, specifically found at pages 20-25. The total Primary Jobs within a one-mile radius of the site of The Enchanted Gardens is actually 3,159 (See **Exhibit B**) and not 9,894. The Application claimed 3 points under this item, but it does not have sufficient Primary Jobs within a one-mile radius to qualify for the three points claimed under this category. Additionally, The Enchanted Gardens Application did not provide documentation that the GPS coordinates clearly fall within the Development Site, nor did they include the Work Area Profile Report as directed on page 25 in the 2020 Multifamily Programs Application Procedures Manual. Since the incorrect jobs category and jobs number was utilized and no other documentation was submitted in the application to substantiate any points, The Application should have all three claimed points deemed ineligible, which would result in the loss of all three points.

**Issue #3: Omission of Support Documentation to Substantiate Community Organization Points**

§11.9(d)(6)(A) states the following: *“An Application may receive two (2) points for each letter of support submitted from a community or civic organization that serves the community in which the Development Site is located. Letters of support must identify the specific Development and must state support of the specific Development at the proposed location. To qualify, the organization must be qualified as tax exempt and have as a primary (not ancillary or secondary) purpose the overall betterment, development, or improvement of the community as a whole or of a major aspect of the community such as improvement of schools, fire protection, law enforcement, city-wide transit, flood mitigation, or the like. **The Applicant must provide evidence that the community or civic organization remains in good standing by providing evidence from a federal or state government database confirming that the exempt status continues.** An Organization must also provide evidence of its participation in the community in which the Development Site is located including, but not limited to, a listing of services and/or members, brochures, annual reports, etc. Letters of support from organizations that cannot provide reasonable evidence that they are active in the area that includes the location of the Development Site will not be awarded points. **For purposes of this subparagraph, community and civic organizations do not include neighborhood organizations,***



***governmental entities (excluding Special Management Districts as described in subparagraph C), or taxing entities.”***

The Application included three letters of support from Community Organizations. Two of the letters came from governmental entities, the Be Well Victoria organization is part of the Victoria County Public Health Department (See **Exhibit C**<sup>1</sup>), and the Golden Crescent Regional Planning Commission (GCRPC) is a Council of Government and a governmental entity. Further, page 288 of The Application (**Exhibit D**) shows GCRPC is an “association of local governments and other agencies,” and “GCRCPC is defined as a political subdivision of the state.” The rule cited above specifically prohibits letters from governmental entities from qualifying for points under Input from Community Organizations. However, in the case of all three letters, the Applicant failed to provide “evidence from a federal or state government database confirming that the tax-exempt status continues” for any of the organizations that wrote letters of support. The rule cited above requires this supporting documentation to substantiate points. Accordingly, we request staff deny The Application as being eligible to claim points under §11.9(d)(6)(A), which would result in a loss of four points under Input from Community Organizations for submitting two letters from governmental entities, which is prohibited by rule and not providing the required tax-exemption documentation for the Family Worship Center.

In conclusion, we believe The Application failed to establish Site Control; therefore, it failed to meet threshold and should be terminated. However, at a minimum, should staff determine the Site Control issue is curable by Administrative Deficiency, we respectfully request the application be deducted 3 points under *Proximity to Jobs* and 4 points under *Input from Community Organizations*.

If you have any questions or would like to discuss these items further, please do not hesitate to contact me directly at (512) 970-3889 or via email at [dfournier@fishpondliving.com](mailto:dfournier@fishpondliving.com) any time.

Sincerely,



David Fournier  
Managing Member for  
Fish Pond Development, LLC

CC: Lora Myrick, Juli Gonzalez, Rick Deyoe, Alma Cobb


---

<sup>1</sup> [https://www.victoriaadvocate.com/news/health/be-well-victoria-finishes-first-year-tackling-mental-well-being/article\\_f15068ac-92df-11e9-93dd-4753b484deda.html](https://www.victoriaadvocate.com/news/health/be-well-victoria-finishes-first-year-tackling-mental-well-being/article_f15068ac-92df-11e9-93dd-4753b484deda.html)

Start Base Map Selection Results

Save Load Feedback Previous Extent Hide Tabs Hide Chart/Report

Selection Preview:



**Confirm Selection**

Confirm and Add Advanced Selection

Help?

Drawing Tools

**Navigation**

Draw Polygon (Freehand)

Draw Line

Draw Point(s)

Edit Drawn Shape

Clear Selection

Add Layer Selection

No Selected Layer

Add Buffer to Selection

**Do Not Buffer**

**Simple/Ring**

Radius: 1 miles

**Donut**

Inside Radius: miles

Outside Radius: miles

**Plume**

Start Radius: miles

End Radius: miles

Import Geography

Import from KML

Import from SHP

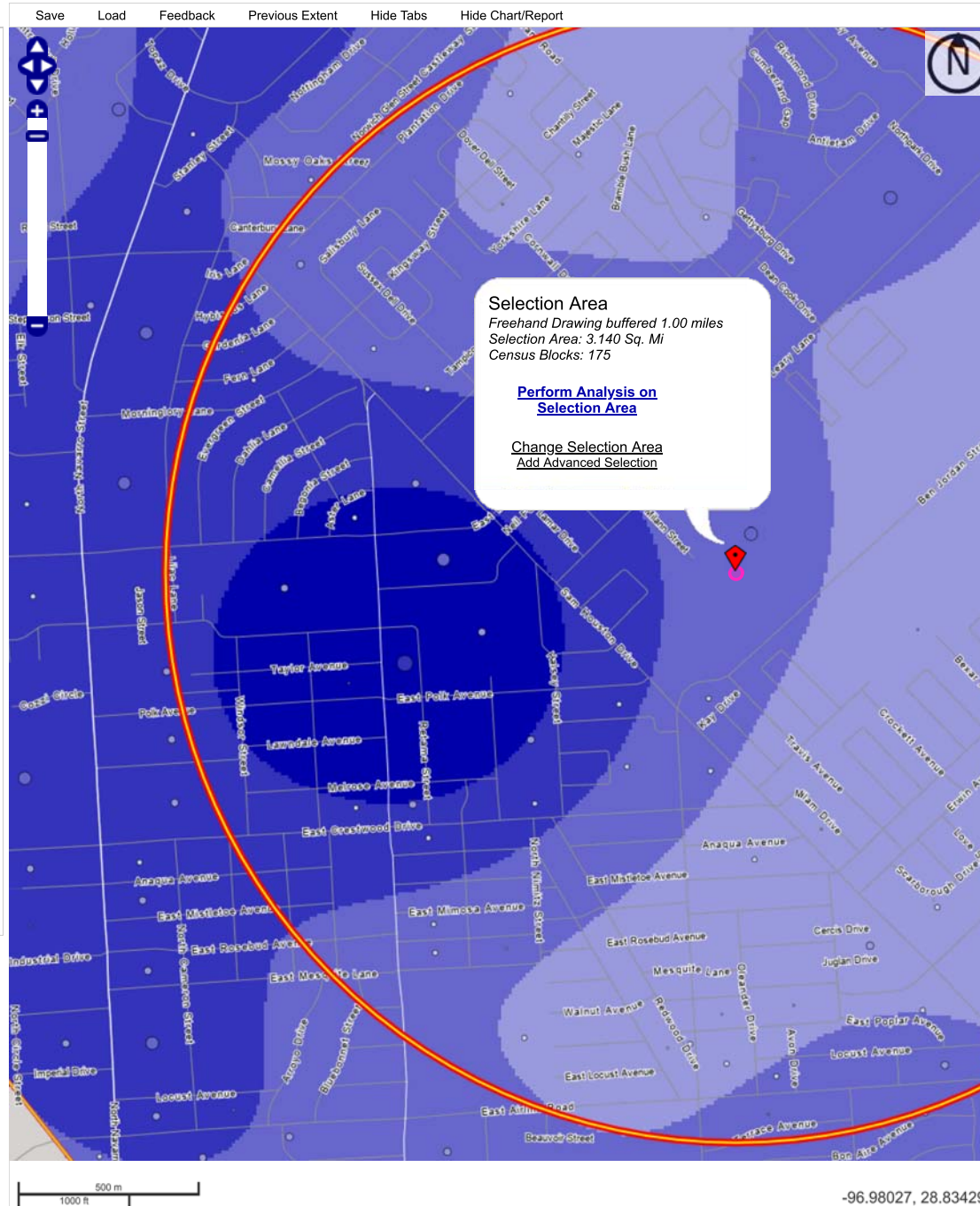
Import from GPS

Previous Shapes

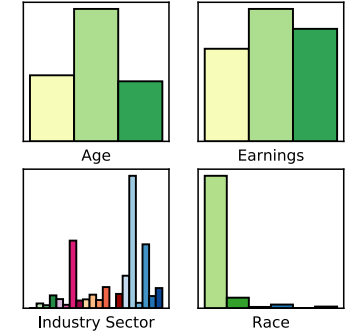
Selection Area  
Freehand Drawing buffered  
1.00 miles

Reuse Selection

Delete Selection



Click a Characteristic link in the Summary Report to see more detail.



**Total All Jobs**

	2017	Count	Share
Total All Jobs		9,894	100.0%

View as **Word** Bar Chart

2017

	Count	Share
<input type="checkbox"/> <a href="#">Age 29 or younger</a>	2,528	25.6%
<input type="checkbox"/> <a href="#">Age 30 to 54</a>	5,068	51.2%
<input type="checkbox"/> <a href="#">Age 55 or older</a>	2,298	23.2%

**Earnings**

2017

	Count	Share
<input type="checkbox"/> <a href="#">\$1,250 per month or less</a>	2,714	27.4%
<input type="checkbox"/> <a href="#">\$1,251 to \$3,333 per month</a>	3,882	39.2%
<input type="checkbox"/> <a href="#">More than \$3,333 per month</a>	3,298	33.3%

**NAICS Industry Sector**

2017

	Count	Share
<input type="checkbox"/> <a href="#">Agriculture, Forestry, Fishing and Hunting</a>	6	0.1%
<input type="checkbox"/> <a href="#">Mining, Quarrying, and Oil and Gas Extraction</a>	107	1.1%
<input type="checkbox"/> <a href="#">Utilities</a>	68	0.7%
<input type="checkbox"/> <a href="#">Construction</a>	288	2.9%
<input type="checkbox"/> <a href="#">Manufacturing</a>	205	2.1%
<input type="checkbox"/> <a href="#">Wholesale Trade</a>	77	0.8%
<input type="checkbox"/> <a href="#">Retail Trade</a>	1,514	15.3%
<input type="checkbox"/> <a href="#">Transportation and Warehousing</a>	173	1.7%
<input type="checkbox"/> <a href="#">Information</a>	199	2.0%
<input type="checkbox"/> <a href="#">Finance and Insurance</a>	304	3.1%
<input type="checkbox"/> <a href="#">Real Estate and Rental and Leasing</a>	184	1.9%
<input type="checkbox"/> <a href="#">Professional, Scientific, and Technical Services</a>	474	4.8%
<input type="checkbox"/> <a href="#">Management of Companies</a>		

Start Base Map Selection Results

Save Load Feedback Previous Extent Hide Tabs Hide Chart/Report

### Work Area Profile Analysis

enter your own subtitle

Display Settings

Characteristic Filter Total  
Year 2017

Map Controls

- Color Key
- Thermal Overlay
  - Point Overlay
  - Selection Outline
  - Identify
  - Zoom to Selection
  - Clear Overlays
  - Animate Overlays

Report/Map Outputs

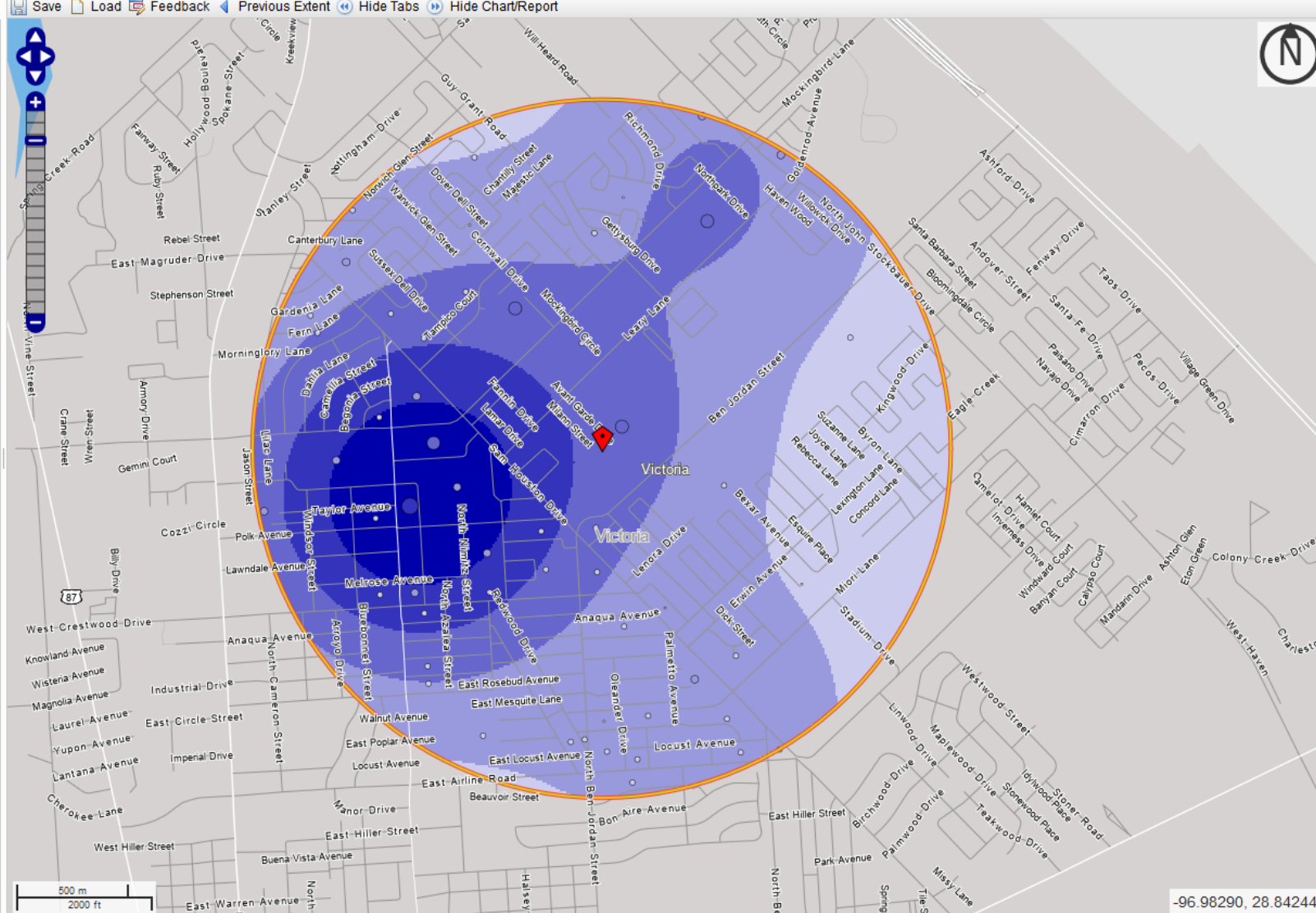
- Detailed Report
- Export Geography
- Print Chart/Map

Legends

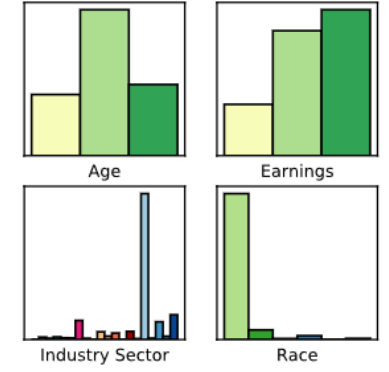
- 5 - 178 Jobs/Sq.Mile
- 179 - 700 Jobs/Sq.Mile
- 701 - 1,570 Jobs/Sq.Mile
- 1,571 - 2,787 Jobs/Sq.Mile
- 2,788 - 4,353 Jobs/Sq.Mile
- 1 - 2 Jobs
- 3 - 32 Jobs
- 33 - 159 Jobs
- 160 - 502 Jobs
- 503 - 1,226 Jobs
- Analysis Selection

Analysis Settings

Change Settings



Click a Characteristic link in the Summary Report to see more detail.



View as Bar Chart

Total Primary Jobs		
	2017	
	Count	Share
Total Primary Jobs	3,159	100.0%

Worker Age		
	2017	
	Count	Share
Age 29 or younger	694	22.0%
Age 30 to 54	1,657	52.5%
Age 55 or older	808	25.6%

Earnings		
	2017	
	Count	Share
\$1,250 per month or less	503	15.9%
\$1,251 to \$3,333 per month	1,225	38.8%
More than \$3,333 per month	1,431	45.3%

NAICS Industry Sector		
	2017	
	Count	Share

Exhibit B - Total Primary Jobs within one-mile radius of The Enchanted Gardens

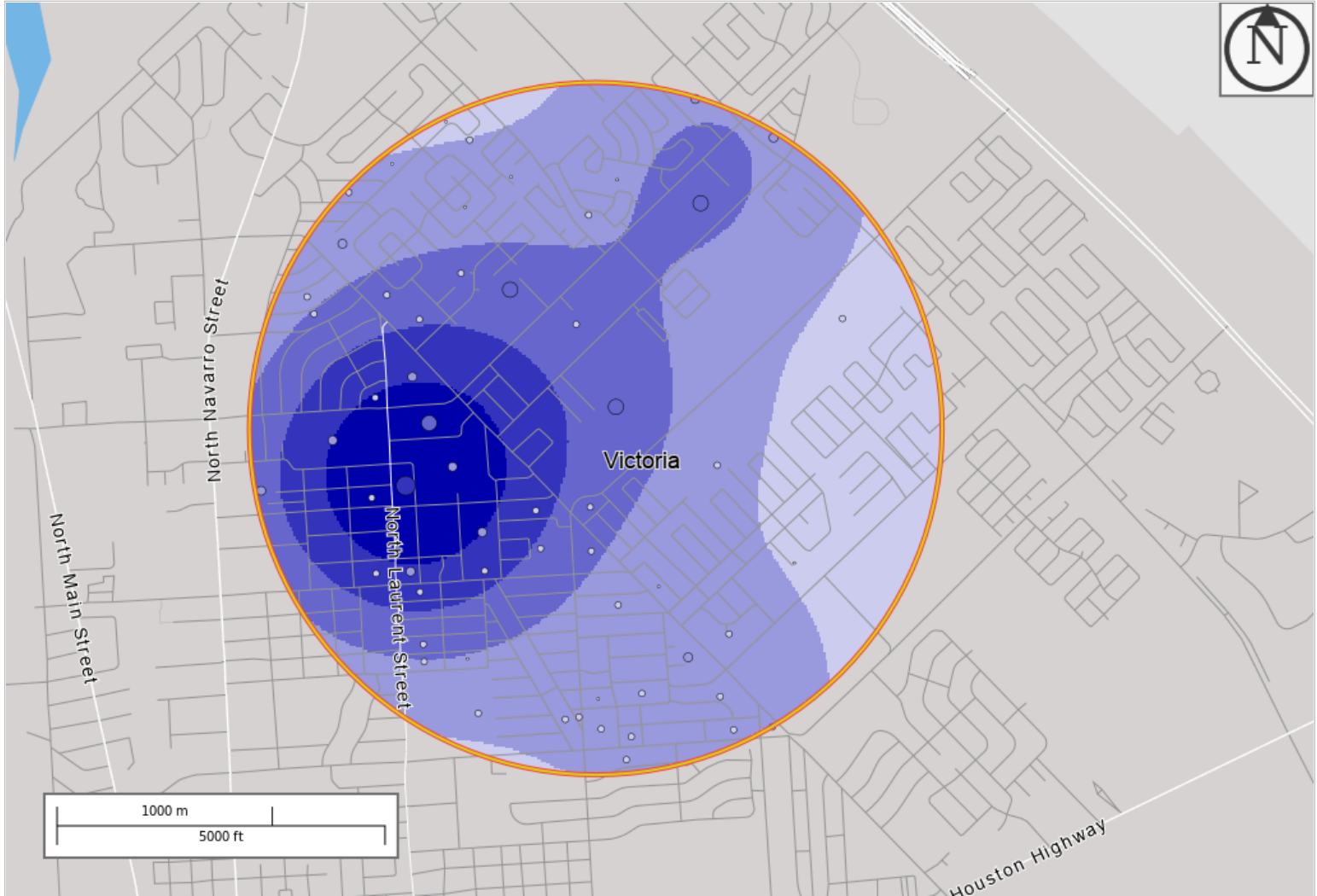


## Work Area Profile Report Primary Jobs for All Workers in 2017

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 04/28/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2017

All Workers



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

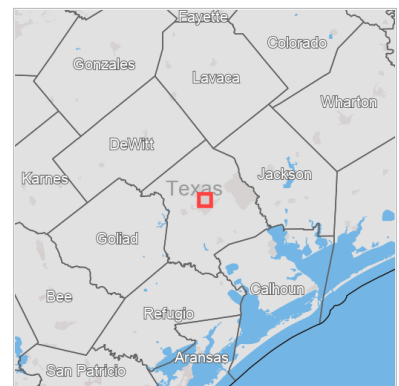
- 5 - 178
- 179 - 700
- 701 - 1,570
- 1,571 - 2,787
- 2,788 - 4,353

##### Job Count [Jobs/Census Block]

- 1 - 2
- 3 - 32
- 33 - 159
- 160 - 502
- 503 - 1,226

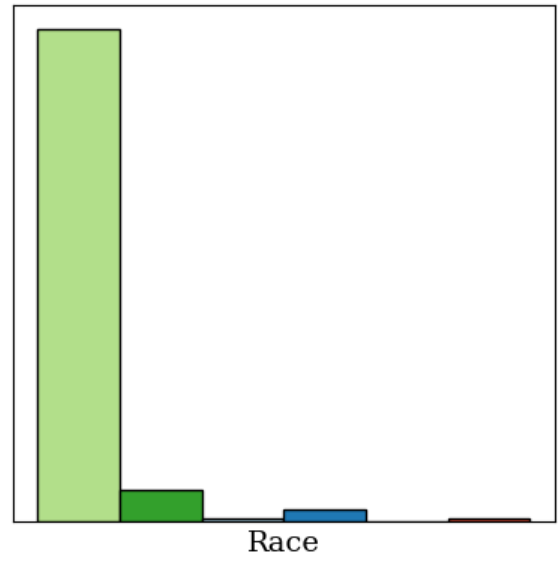
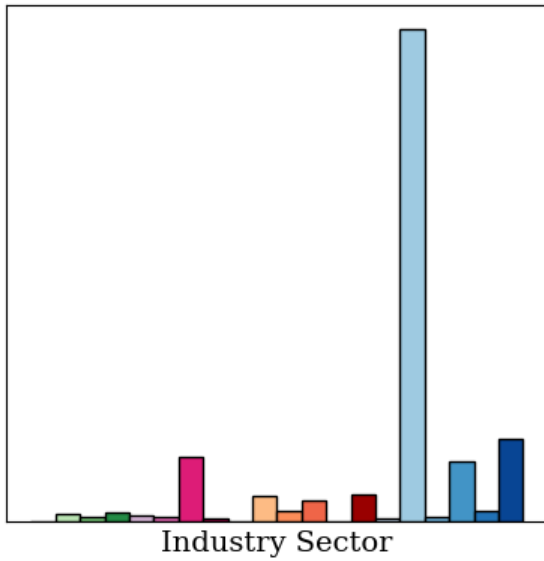
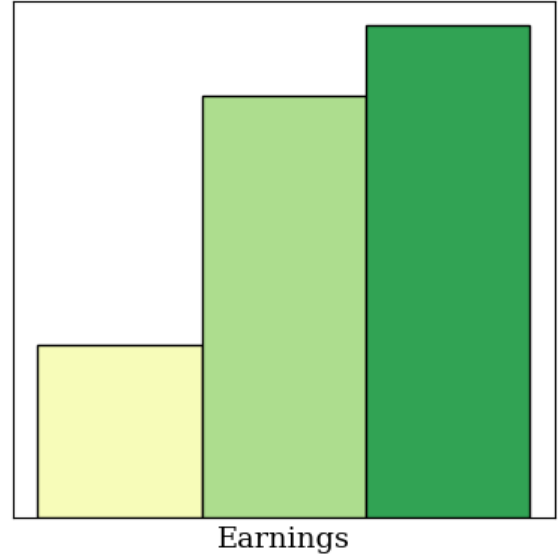
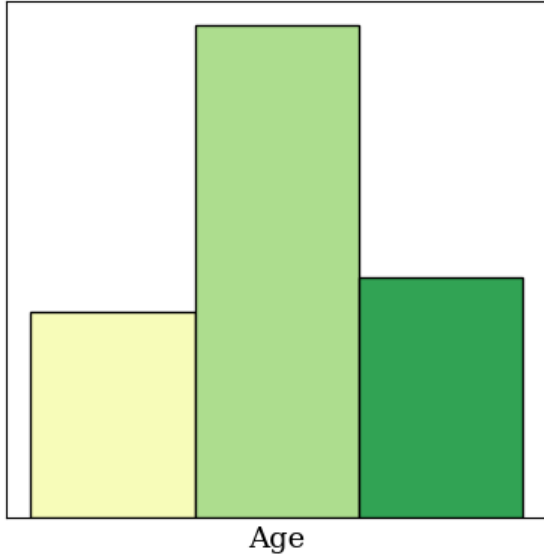
##### Selection Areas

- Analysis Selection



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area

Total	2017	
	Count	Share
Total Primary Jobs	3,159	100.0



<u>Total</u>	2017	
	<u>Count</u>	<u>Share</u>
<b>Total Primary Jobs</b>	3,159	100.0

## Additional Information

### Analysis Settings

<b>Analysis Type</b>	Area Profile
<b>Selection area as</b>	Work
<b>Year(s)</b>	2017
<b>Job Type</b>	Primary Jobs
<b>Labor Market Segment</b>	All Workers
<b>Selection Area</b>	Selection Area Freehand Drawing buffered 1.00 miles
<b>Selected Census Blocks</b>	179
<b>Analysis Generation Date</b>	04/28/2020 14:01 - OnTheMap 6.6
<b>Code Revision</b>	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
<b>LODES Data Version</b>	20170818

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.

## Exhibit C - June 21, 2019 Article from Victory Advocate stating Be Well Victoria is part of Victoria Count Public Health Dept.

Ciara McCarthy | [cmccarthy@vicad.com](mailto:cmccarthy@vicad.com)

In Victoria, there are just three psychiatrists.

For a county of this size, that's not nearly enough to meet the needs of residents suffering from mental illness, according to federal and [state estimates](#). That shortage – not enough medical providers to treat people in need – exists throughout the state of Texas.

Two years ago, as leaders at [Hogg Foundation for Mental Health](#) were thinking about how they could better address this crisis, they decided to re-frame the question.

“We realized there were some bigger issues that we knew were contributing to poor mental health,” said Tammy Heinz, a program officer at Hogg. “How could we impact those things that actually get people to the place of needing treatment?”

This line of thinking eventually led to the Hogg Foundation's current mission, which is to fund projects that look at the root factors that affect a community's mental health and well-being.

That's the mindset behind [Be Well Victoria](#), the mental health coalition that the Hogg Foundation is supporting for three years. [The group, which is part of the Victoria County Public Health Department](#), just finished its first year of work.

Community health workers Jodi Sandoval, Jizyah Shorts and Kayla Gutierrez are leading the effort by creating a coalition of residents, nonprofits and service providers. The group is focused on highlighting people from historically underrepresented groups, who frequently have less access to quality mental health care. Together, that coalition will focus on what big-picture changes they can make to improve the well-being of all residents.

This approach sometimes means that residents who turn to the Be Well team for aid find a new type of relationship.

Liz Williams, 53, was diagnosed with depression more than 15 years ago. Williams said she also suffers from post-traumatic stress disorder after she was attacked as a young child. After Williams read about Hogg's grant to the county's health department, she went there looking for help.

“I went and sat down and around the corner came a young lady that knew me personally,” Williams said, describing Sandoval. “When I was asking for help, she said, ‘We actually need your help. We're starting this program, and we need to know what needs to be done.’”

Now, Williams has gotten involved with Be Well and another community group in her neighborhood.

Alicia Garza, 33, said she was eager to participate in Be Well meetings and share her story after going years without talking about it. Garza has struggled with bipolar disorder since she was a teenager, but after a bad reaction to prescription drugs, she turned to marijuana, cocaine and alcohol to self-medicate. It took more than a decade for her to get the help and support she needed.

Now, Garza makes sure to be open with her 13-year-old daughter and her 10-year-old son about her diagnosis so they feel comfortable seeking help should they need it.

“I want her to know it's OK to talk about it, and if you can't talk to me about it, there's a doctor, there's a counselor, there's a friend, there's always somebody you can talk to,” she said.

In the next year, Sandoval, Shorts and Gutierrez hope to bring more people into the conversation but also to begin identifying what areas the group wants to focus on and where they'd like to make concrete changes.

These changes could be as simple as, for example, investing resources into a community park, which could in turn provide a safer place for kids to exercise and play, an area for parents to gather and a community hub for events. The link between a better local park and improved mental health outcomes might not seem immediately obvious. But Hogg's approach urges grantees to look at the bigger picture.

Heinz, the Hogg officer, explained that in a hypothetical neighborhood that lacks safe places for kids to play, they might be more prone to mental illness if they're witnessing or experiencing violence or unsafe conditions.

“If they're not living in a safe environment, obviously we're creating conditions that are conducive to mental illness,” Heinz said. “So the opposite of that seems obvious that those are the kinds of things that we want to work on.”

But even as Be Well remains fixed on addressing the systemic issues that affect mental health in Victoria, they've also found ways to make immediate impact. At one community meeting, a woman came up and asked Sandoval why Victoria no longer had a peer support group for people recovering from a mental illness.

As a result, Gutierrez decided to use her own time to take a training with the National Alliance on Mental Illness, and now runs a peer support group in Victoria for people in recovery.

[In the remaining two years of the grant period](#), Be Well will stay focused on what Rick Ybarra, another program officer at Hogg, describes as an “upstream” approach to tackle the underlying causes of mental illness. As the science behind mental health has developed, researchers have shown that biology alone doesn't cause poor mental health; a complex web of biology, life experiences, stress, trauma and more can all contribute to a mental illness like depression.

No funding source guaranteed by the time The Enchanted Gardens would place in service

As experts probe deeper into the complex factors that affect mental well-being, Hogg is part of a small but growing group of grant makers that are emphasizing a community-based approach.

For the team at Be Well Victoria, that's where the work, and their dedication to it, has always been.

"I love my community, and I can tell you that we have a lot of hurting people," Sandoval said. "We should be reaching across the table to people who are not like us and who are like us and people who are hurting and (asking), 'What can I do to help you?' And I think if we had more people doing that, we'll have less people hurting."

Ciara McCarthy covers local government for the Victoria Advocate as a Report for America corps member. You can reach her at [cmccarthy@vicad.com](mailto:cmccarthy@vicad.com) or at 580-6597 or on Twitter at [@mccarthy\\_ciara](https://twitter.com/mccarthy_ciara).

# Exhibit D - Page 288 of Application # 20144

## Golden Crescent Regional Planning Commission

1908 N. Laurent, Suite 600 Victoria, TX 77901 Phone: (361) 578-1587 Fax: (361) 578-8865



*"Providing quality social and technical services in a financially and ethically responsible manner."*

[GCRPC Board of Directors](#)

9-1-1  
Communications

Area Agency on Aging

Ombudsman Program

[Golden Crescent Aging and Disability Resource](#)

Criminal Justice

Environmental Resources

[Transportation](#)

Employment Opportunities

[Economic Development, Recovery, and Resilience](#)

Golden Crescent Area Information Center

Regional Homeland Security Information

Map of Golden Crescent Region

Map to GCRPC

The Golden Crescent Regional Planning Commission (GCRPC), a regional voluntary association of local governments and other agencies, is one of twenty-four (24) regional associations in Texas and one of 670 in the United States. Created in response to the regional Planning Act of 1965, as amended and codified, the GCRPC is defined as a political subdivision of the state. In part the law provides that "any two or more general purpose governmental units may join in the exercise, performance, and cooperation of planning, powers, duties and functions as provided by law for any or all such governmental units (Tex. Rev. Civ. Stat. Ann. Art. 1011m)".

The basic responsibility of the GCRPC involves planning for the development of the region and assisting local governments in carrying out regional plans and recommendations. Since its inception in 1968, the GCRPC has grown to include comprehensive planning and service delivery in program areas such as aging, economic development, E9-1-1, solid waste management and rural transportation.

The policy making bodies of the GCRPC include a Board of Directors and the General Assembly. A system of policy advisory committees composed of elected officials and appointed local government officials and citizens assist in defining the needs of the region.

Funds are received from local, state and federal governments. The federal funds are "passed" through the state and local funding is composed of dues paid by member governments. Membership is open to all counties, cities, school districts and other nonprofit groups.



**Board of Directors Meeting Date:**  
Last Wednesday of each month at 4 p.m.

**Michael Ada, Executive Director**  
michaela@gcrpc.org



20144  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 8, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

David Fournier  
Fish Pond Living at Fitzgerald, LP  
9702 Angelwylde Drive  
Austin, Texas 78733

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20144 The Enchanted Gardens

Dear Mr. Fournier:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application provided complete documentation of site control, whether the Application provided appropriate documentation to qualify for points under Proximity to Jobs, and whether the Application provided appropriate documentation to qualify for points under Input from Community Organizations. Staff has determined that per 10 TAC §11.10, the Application has a noncompetitive score relative to other Applications in the same subregion and will likely not be eligible for an award through the collapse.

The information provided in your request will be considered if the Application is reviewed by staff. If it is found that the Application does not qualify for points under any scoring item's points, Applicant will be sent a scoring notice and will have the ability to appeal staff's decision. For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni  
Holloway  
Marni Holloway  
Multifamily Division Director

Digitally signed by  
Marni Holloway  
Date: 2020.06.08  
14:42:54 -05'00'

Cc: Rick J. Deyoe  
Alma Cobb



20147  
Request for Administrative Deficiency



600 Congress, Suite 2200  
Austin, TX 78701  
Telephone: 512-305-4700  
Fax: 512-305-4800  
www.lockelord.com

Cynthia L. Bast  
Direct Telephone: 512-305-4707  
Direct Fax: 512-391-4707  
cbast@lockelord.com

May 1, 2020

**Via Electronic Mail**

Texas Department of Housing and Community Affairs  
Attn.: Ms. Marni Holloway, Dir of Multifamily Finance  
Attn.: Ms. Sharon Gamble, 9% HTC Program Administrator  
221 East 11th Street  
Austin, Texas 78701

Re: Krestel on Cooper, #20147

Dear Ms. Holloway and Gamble:

We represent the applicant for Western Star Estates, #20006. In accordance with Section 11.10 of the 2020 QAP<sup>1</sup>, our client is bringing material information about Krestel on Cooper to staff's attention. Our client is requesting that staff consider whether the matters described in this letter and supporting documentation should be the subject of one or more Administrative Deficiencies. A copy of this request has been delivered concurrently to a representative for Krestel on Cooper.

**Statement of the Rule**

The question is whether the documentation for a concerted revitalization plan presented in the Application meets the requirements of Section 11.9(d)(7)(A) of the QAP. Our client has found contradictory statements that may indicate the plan does not qualify. In order to receive points, the concerted revitalization plan must meet several criteria:

- It cannot be a city- or county-wide plan. [11.9(d)(7)(A)(ii)]
- The plan must include various criteria, including a "history of sufficient, documented and committed funding to accomplish its purposes on its established timetable. This funding must be flowing in accordance with the plan, such that the problems identified within the plan are currently being or have been sufficiently addressed." [11.9(d)(7)(A)(iii)(III)]

---

<sup>1</sup> Capitalized terms used but not defined in this letter shall have the meanings given them in the 2020 QAP.

### **Grounds for Request of Administrative Review**

The City of Arlington adopted a Comprehensive Plan in 1992 (the “**Original City Plan**”). A component for the East Sector was adopted in 1997 and a component for the Central Sector was adopted in 1999 (collectively, the “**Sector Plans**”). In 2013, the City Council adopted the Heart of Arlington Neighborhood Action Plan (the “**HANA Plan**”) as a component of the Sector Plans. The HANA Plan includes the location of the Development Site. The staff report, issued at the time of adoption of the HANA Plan, says that it is a component of the Sector Plans. See the ordinance adopting the HANA Plan at Exhibit A. The staff report also indicates that adoption the HANA Plan shall have no financial impact. See Exhibit B. This, combined with the fact that the HANA Plan never refers to the word “budget” and provides no economic definition for how some of the proposed improvements will be funded, calls into question whether the HANA Plan contains “documented and committed funding to accomplish its purposes on its established timetable.” The HANA Plan even asks “What are the possible funding sources for projects recommended in the plan?” See pages 12, 13, and 61 of the HANA Plan at Exhibit C.

In 2015, the City of Arlington adopted the “99 Square Miles” Comprehensive Plan (the “**New City Plan**”). In Section 4 of the ordinance adopting the New City Plan, it states “99 *Square Miles* - the Comprehensive Plan shall amend, supersede, and replace the previous Comprehensive Plan adopted on December 15, 1992, by Ordinance No. 92-133, and sector plans, as amended.” If the HANA Plan is a component of the Sector Plans, and the Sector Plans are superseded, does the HANA Plan even still exist? Section 6 of the ordinance adopting the New City Plan implies it does not by suggesting that components of the New City Plan remain to be adopted:

Future amendment to *99 Square Miles* – the Comprehensive Plan and all plans, studies, and ordinances that serve as components of *99 Square Miles* – the Comprehensive Plan shall be adopted as required by law after a hearing at which the public is given the opportunity to give testimony and present written evidence, and review by the Planning and Zoning Commission.

See Exhibit D.

In a discussion on neighborhood planning the New City Plan says that the City will “work with neighborhoods to update adopted action plans so they align with changing neighborhood needs.” See page 31 of the New City Plan at Exhibit E. These new action plans are part of the Neighborhood Program, which is identified in the New City Plan as a Catalyst Project. Catalyst Projects “are well-defined short-term objectives that represent the Comprehensive Plan’s five year priorities, and are anticipated to have a substantial ongoing impact in Arlington by enhancing the city’s image and strengthening its identity.” See pages 28-30 of the New City Plan at Exhibit E. Note that five years from the date of adoption of the New City Plan is March 17, 2020. This further calls into question whether there is a concerted revitalization plan that is expected to continue for at least three years, as required by the QAP.



In summary, it is not clear whether the HANA Plan remains in existence to be relied upon by the Applicant. If it does not remain in existence, and the New City Plan is all that remains, it would violate the prohibition against city-wide plans.

Finally, the New City Plan raises some of the same questions as the HANA Plan with regard to funding. The New City Plan never refers to the word "budget". Throughout the plan, the City admits that funding sources will need to be identified. See pages 38, 61, 70, 74, and 106 of the New City Plan at Exhibit E. Further, when the ordinance for the New City Plan was adopted, the staff report indicated it would have no financial impact. See Exhibit F.

These inconsistencies and lack of clarity merit further consideration by staff to determine whether the concerted revitalization plans presented by the Applicant meet all of the requirements of the QAP.

Thank you for your consideration in this matter. If you require any further information or clarification, please feel free to contact us.

Sincerely,



Cynthia L. Bast

#### Enclosures

cc: Kestrel on Cooper Applicant  
Megan Lasch  
5501-A Balcones Dr., #302  
Austin, TX 78731  
[megan@o-sda.com](mailto:megan@o-sda.com)

Western Star Estates Applicant  
Brian Kimes  
206 Peach Way  
Columbia, MO 65203  
[bkimes@jesholdings.com](mailto:bkimes@jesholdings.com)

- Exhibit A -- Ordinance Adopting HANA Plan
- Exhibit B -- Staff Report for Ordinance Adopting HANA Plan
- Exhibit C -- Excerpts from HANA Plan
- Exhibit D -- Ordinance Adopting New City Plan
- Exhibit E -- Excerpts from New City Plan
- Exhibit F -- Staff Report for Ordinance Adopting New City Plan

Exhibit A

Ordinance Adopting HANA Plan

Ordinance No. 13-016

**An ordinance adopting the Heart of Arlington Neighborhood Action Plan, a component of the East Sector and Central Sector Plans of the Arlington Comprehensive Plan**

- WHEREAS, Texas Local Government Code, Section 213.002, authorizes municipalities to adopt a comprehensive plan for the long-range development of the municipality; and
- WHEREAS, the Comprehensive Plan for the City of Arlington was adopted on December 22, 1992, by Ordinance No. 92-133, as the Master or General Plan for the City of Arlington and its extraterritorial jurisdiction to guide the overall physical growth of the community and the provision of public facilities and services; and
- WHEREAS, the East Sector component of the Comprehensive Plan was adopted by Ordinance No. 97-65 on May 6, 1997, which outlined issues and strategies to create a community built on partnerships, in which interaction between all stakeholders creates a strong sense of cultural and community pride that produces activism resulting in safe, beautiful, vibrant, clean and strong neighborhoods and business areas; and
- WHEREAS, the Central Sector component of the Comprehensive Plan was adopted by Ordinance No. 99-148 on November 30, 1999, which outlined issues and strategies to create a community at the heart of Arlington, enhance neighborhoods and build on its many assets including its people, the University of Texas at Arlington, other institutions, and Downtown; and
- WHEREAS, in an effort to address both opportunities for change and promote stability in neighborhoods, the Community Development and Planning Department created a process for neighborhood planning designed to emphasize direct resident involvement and high levels of citizen participation; and
- WHEREAS, in January 2010, City staff began working with the residents of the Heart of Arlington Neighborhood Association on preparing a plan for their neighborhood, generally bounded by UTA Boulevard/Border Street on the north, Collins Street on the east, Pioneer Parkway on the south, and Cooper Street on the west; and
- WHEREAS, on April 3, 2013, a public hearing was held before the Planning and Zoning Commission at which the public was given the opportunity to give testimony and present written evidence; and
- WHEREAS, the Planning and Zoning Commission forwarded to the City Council a recommendation to approve the Heart of Arlington Neighborhood Action Plan as a component of the East Sector and Central Sector Plans of the Arlington Comprehensive Plan; and

WHEREAS, on May 7, 2013, a public hearing was held before the City Council at which the public was given the opportunity to give testimony and present written evidence; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the City Council approves the Heart of Arlington Neighborhood Action Plan as a component of the East Sector and Central Sector Plans and the Comprehensive Plan of the City of Arlington, Texas.

2.

Further, the City Council recommends the development of alliances necessary to accomplish the strategies identified in the Heart of Arlington Neighborhood Action Plan.

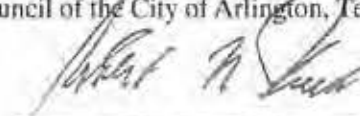
3.

Further, the Heart of Arlington Neighborhood Action Plan is intended to be used as a guide for evaluating development proposals within the boundaries of the neighborhood and for reviewing development proposals in areas adjacent to the neighborhood.

4.

A copy of the Heart of Arlington Neighborhood Action Plan is attached hereto and incorporated herein for all intents and purposes.

PRESENTED AND GIVEN FIRST READING on the 7th day of May, 2013, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 21st day of May, 2013, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY 

Exhibit B

Staff Report for Ordinance Adopting HANA Plan



# Staff Report



<b>Heart of Arlington Neighborhood Action Plan</b>	
City Council Meeting Date: 5-21-13	Documents Being Considered: Ordinance

## RECOMMENDATION

Approve an ordinance adopting the Heart of Arlington Neighborhood Action, a component of the East Sector and Central Sector Plans of the Arlington Comprehensive Plan.

## PRIOR BOARD OR COUNCIL ACTION

On April 3, 2013, the Planning and Zoning Commission unanimously recommended approval of the Heart of Arlington Neighborhood Action Plan by a vote of 8-0-0.

On May 7, 2013, City Council approved first reading by a vote of 8-0-0.

## ANALYSIS

Neighborhood plans are tools that can address opportunities for change and promote stability in neighborhoods. They are the official City policy regarding the future of a neighborhood and contain recommendations developed by the neighborhood residents. Once approved and adopted by the Planning and Zoning Commission and City Council, the plan becomes an amendment to Arlington's Comprehensive Plan.

A task force of residents from the Heart of Arlington neighborhoods, representing the Heart of Arlington Neighborhood Association (HANA) and all residents, businesses, tenants, and other entities, began working in January 2010 to develop a neighborhood action plan to guide the evolution of the area in the coming years. The City provided professional assistance in order to help HANA residents achieve these broad purposes:

- Preserve and improve HANA neighborhoods and the overall quality of life.
- Establish guidelines and/or policies for protecting the integrity and character of the neighborhoods.
- Plan for the future sustainability of the neighborhoods.
- Build relationships among residents and between the neighborhoods and outside businesses and agencies.
- Identify which types of development are appropriate for the HANA area and where future development should occur.

The planning area covers 1.75 square miles in central Arlington immediately south of downtown. The area is bounded by South Cooper Street (west), Border Street/UTA Boulevard (north), South Collins Street (east), and East Pioneer Parkway (south). Center Street and Mesquite Street are the major north-south streets. Park Row Drive is the primary east-west street. Johnson Creek flows through the neighborhoods from southwest to northeast. The creek and the adjoining land, much of which is owned by the City and designated as a linear park, are major natural assets in the neighborhood.

This task force met, on average, monthly throughout the planning process. These meetings do not include time the task force spent canvassing the neighborhood to discuss ideas and issues with residents, coordinating efforts to distribute and collect information, discussing special topics online or in person, or conducting periodic neighborhood meetings. The task force also spent time identifying and studying issues related to the HANA neighborhoods; drafting goals and actions; and studying topics such as sustainability, traffic calming, park improvements, and redevelopment opportunities.

The task force wrote, edited, and reviewed the document as it was drafted during the process. The plan is meant to reflect the immediate and future goals of HANA, and these activities not only helped ensure that the plan achieved that end, but also created ownership

of the plan by the residents, which is an important factor in achieving successful implementation of the recommendations.

The study and research performed by the task force identified the following principal themes for their neighborhood action plan.

Principal Planning Themes for HANA	
Community partnerships	Sustainability
Land use and redevelopment	Parks and green spaces
Housing and apartments	Public safety
Mobility	

Within each section of the document, these themes are explored in detail. Each section describes a particular goal, a listing of strategies and policies designed to achieve that goal, and detailed discussion and background information to support the recommended actions.

**FINANCIAL IMPACT**

None

**ADDITIONAL INFORMATION**

Attached:

Ordinance  
HANA Neighborhood Action Plan

Under separate cover:

None

Available in City Manager's Office:

None

**STAFF CONTACT(S)**

James F. Parajon, AICP  
Director  
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817-459-6527  
[Jim.Parajon@arlingtontx.gov](mailto:Jim.Parajon@arlingtontx.gov)

Clayton Husband, AICP  
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Community Development & Planning  
817-459-6668  
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Exhibit C

Excerpts from HANA Plan

## How This Plan Is To Be Used

The Heart of Arlington Neighborhood Action Plan is intended for use by the City Council, the Planning and Zoning Commission and other appointed boards, the City government administration and staff, residents, businesses and developers, and others with an interest in the future of central Arlington.

It is the declared policy of HANA and the City of Arlington that this plan is to be used to:

- Establish the vision and policies that relate to HANA's physical, social, and economic growth and development.
- Guide evaluation and decision-making with respect to land use patterns, zoning changes, capital improvements, and other developments.
- Identify the neighborhoods' short- to long-term plans and develop the methods, strategies, and partnerships required to accomplish the strategic goals.
- Provide input on matters of public policy as they relate to HANA.

As a policy and planning document addressing the physical development of HANA, the plan is of particular interest to elected officials, who must adopt it and take part in its implementation, and to appointed officials, who will use it as a guide to discretionary decisions and permit approvals. In addition, it is important to City departments, who will use it to review development proposals, to apply for grant funding, or to provide other services to the HANA area.

HANA's Neighborhood Action Plan is also an important source of information and guidance to private sector entities involved in property development and redevelopment. Many statements describe desired development outcomes, and consistency with these policies will be a factor in the review of discretionary development applications such as rezoning requests and site plans. The plan will help the private sector anticipate future public investment priorities and will bring more predictability to the zoning and development review and approval process for developers, property owners, and concerned citizens alike.

Finally, the plan is a resource for those who seek general information on how HANA may change over the years, as well as those who want or need to understand ways to respond to particular issues and problems.

## Relationship to Existing Adopted Plans

HANA neighborhoods are located in the East Sector and Central Sector Plan areas. While these sector plans have not been updated since their completion in 1997 and 1999 respectively, they represent the current planning policy and directions in Arlington.

The HANA Neighborhood Action Plan is a further refinement of the East and Central Sector Plans, and represents the future desired by HANA residents for growth and development within our neighborhoods. The direction in the Neighborhood Action Plan is considered the current policy for the planning area. Where recommendations from existing adopted plans conflict with the policies of this Neighborhood Action Plan, this plan shall govern.

### **Amendments to the Plan**

The HANA Neighborhood Action Plan is intended to be a dynamic document that responds to changing conditions within the neighborhoods. As circumstances change and new issues arise, the Neighborhood Action Plan must be revised or updated as needed. Proposed amendments should be made after thoughtful and careful analysis and input from residents.

### **Implementation**

Adoption of the plan by the City demonstrates its overall commitment to implementing the HANA Neighborhood Action Plan. However, each action item requires separate and specific execution through the individual or joint efforts of HANA residents, the City of Arlington, and other agencies and organizations. As the action items and strategies in this plan are considered for implementation, these questions should be considered:

- » How will the proposed action be realized and what will it cost?
- » Who is responsible for implementing the action?
- » What are the possible funding sources for projects recommended in the plan?

*“Destiny is not a matter of chance, but a matter of choice. It is not a thing to be waited for, it is a thing to be achieved.”*

*- William Jennings Bryan*



Exhibit D

Ordinance Adopting New City Plan

Ordinance No. 15 - 014

An ordinance adopting 99 square miles - the Comprehensive Plan for the City of Arlington which shall act as the Master or General plan for the City and its extraterritorial jurisdiction to guide the overall physical growth of the community and the provision of public facilities and services; adopting supporting studies and plans; directing future studies and plans to conform to such plan; directing the preparation of an updated implementation plan; setting forth requirements for review and amendment to the plan; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

- WHEREAS, Texas Local Government Code, Section 213.002, authorizes municipalities to adopt a comprehensive plan for the long-range development of the municipality; and
- WHEREAS, the Comprehensive Plan for the City of Arlington was adopted on December 15, 1992, by Ordinance No. 92-133, as the Master or General Plan for the City of Arlington and its extraterritorial jurisdiction to guide the overall physical growth of the community and the provision of public facilities and services; and
- WHEREAS, six Sector Plans – East, Southeast, North, Central, Southwest, and West – were adopted between 1997 and 2001 focusing on the diversity of the issues affecting different parts of the city; and
- WHEREAS, in 2002, a Visioning Process was completed, led by 10 stakeholder groups and a 33-member Futures Committee, and was designed to get more citizens involved, raise awareness of community issues, obtain public input from multiple avenues, foster partnerships and coalitions, promote public discussion about the City of Arlington's future, and develop the initial goals which served as the foundation on which update of the 1992 Comprehensive Plan was built; and
- WHEREAS, the City Council directed that an updated Comprehensive Plan be prepared for the City of Arlington and its extraterritorial jurisdiction to address growth and redevelopment, housing, economic development, land uses, transportation, and the environment; and
- WHEREAS, in 2013, a 26-member Comprehensive Plan Advisory Committee made up of a diverse group of Arlington stakeholders was established to work with the city on the Comprehensive Plan update and provide community-based participation and feedback; identify vital issues; act as a sounding board

and review body; help build consensus; share information at public outreach events; and, strive to balance the specific interest they may represent with a broad understanding of all residents' needs within the City; and

WHEREAS, an updated comprehensive plan draft titled *99 Square Miles – the Comprehensive Plan* was prepared for public review and comment; and

WHEREAS, on February 18, 2015, a public hearing was held before the Planning and Zoning Commission at which the public was given the opportunity to give testimony and present written evidence on *99 Square Miles – the Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Commission voted to recommend approval of *99 Square Miles - the Comprehensive Plan* to the City Council; and

WHEREAS, on March 3, 2015, a public hearing was held before the City Council, at which the public was given the opportunity to give testimony and present written evidence on *99 Square Miles - the Comprehensive Plan*; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Arlington to approve and adopt *99 Square Miles – the Comprehensive Plan*, said Comprehensive Plan being in furtherance of the public health, safety, and welfare; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the City Council hereby approves and adopts *99 Square Miles - the Comprehensive Plan* for the City of Arlington, Texas.

2.

*99 Square Miles - the Comprehensive Plan* is intended to serve as a policy guide for the City Council, City Boards and Commissions, City Staff and the public for evaluating and reviewing the physical development of the City and such regulations and as may be utilized to implement the goals and policies of *99 Square Miles - the Comprehensive Plan* within the City of Arlington, Texas.

3.

Existing and future plans, studies, ordinances and initiatives will serve as implementation tools and/or components of *99 Square Miles – the Comprehensive Plan* and provide detailed policies and strategies related, but not limited to, neighborhoods, transportation, economic development, community service, human service, public safety, housing, parks and open spaces, zoning, city and building codes, and capital improvement plans.

4.

*99 Square Miles - the Comprehensive Plan* shall amend, supersede, and replace the previous Comprehensive Plan adopted on December 15, 1992, by Ordinance No. 92-133, and sector plans, as amended.

5.

As set forth in more detail in *99 Square Miles - the Comprehensive Plan*, the goals, strategies, actions, projects, and initiatives shall guide the implementation of *99 Square Miles - the Comprehensive Plan* and shall be monitored, evaluated, and periodically amended. City Council recommends the development of alliances necessary to accomplish the strategies identified in *99 Square Miles - the Comprehensive Plan*.

6.

Future amendments to *99 Square Miles - the Comprehensive Plan* and all plans, studies, and ordinances that serve as components of *99 Square Miles - the Comprehensive Plan* shall be adopted as required by law after a hearing at which the public is given the opportunity to give testimony and present written evidence, and review by the Planning and Zoning Commission. *99 Square Miles - the Comprehensive Plan* shall not constitute zoning regulations or establish zoning district boundaries.

7.

A copy of *99 Square Miles - the Comprehensive Plan* is available for viewing in the City Secretary's Office and incorporated herein for all intents and purposes.

8.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

9.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

10.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this

ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

11.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

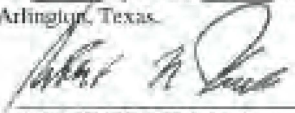
12.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

13.

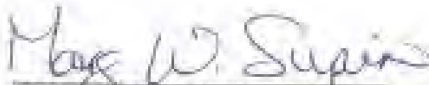
This ordinance shall become effective ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 3<sup>rd</sup> day of March, 2015, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 17<sup>th</sup> day of March, 2015, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:  
TERIS SOLIS, City Attorney

BY: 



Exhibit E

Excerpts from New City Plan

# Catalyst Projects

Catalyst Projects are well-defined short-term objectives that represent the Comprehensive Plan's five-year priorities, and are anticipated to have a substantial ongoing impact in Arlington by enhancing the city's image and strengthening its identity. They are intended to build on the city's positive aspects by creating a more accessible, functional, attractive, and enjoyable community.

## Identified Catalyst Projects include:



It is expected that these identified catalyst projects will be implemented and/or provide opportunities on which to expand. As the Comprehensive Plan is evaluated, these projects will be re-examined and updated.



# Neighborhood Program

## **Purpose**

Create a vibrant neighborhood program in Arlington that connects people and resources, creates opportunities for collaboration, and provides support for neighborhood organizations and the broader community.

## **Importance**

Neighborhoods are the building blocks of a community. People who love where they live make a neighborhood great, by contributing to the beauty, activity, and community around them. Great neighborhoods contribute to a higher quality of life and greater investment in our economy. They create and define value in a city. Neighborhoods that are visually appealing, secure, attractive, and engaged contribute to the success of Arlington and make it a city where people want to live, learn, work, and play.

Although it can be difficult to bring so many residents with different interests and backgrounds together to pursue common goals, a strong neighborhood program will foster a sense of community and allow citizens to address specific concerns. Focusing resources on a grass-roots style neighborhood program also gives voice to groups of residents that are often overlooked, such as renters and citizens whose first language is not English.

Building new relationships between citizens, city government and community stakeholders is not easy, but improving communication within these groups will support community engagement and make all neighborhoods better places to live.



## Strategic Steps to Accomplishment

- Implement a neighborhood outreach and marketing plan.
- Revamp the city's neighborhood matching grant program, and leverage CDBG, HOME, and other federal grant funding, to promote neighborhood investment and improvements.
- Establish a group made up of neighborhood leaders citywide that advocates for and promotes

the interests of neighborhoods in Arlington.

- Work with neighborhoods to update adopted action plans so they align with changing neighborhood needs.
- Partner with new neighborhood groups to develop neighborhood strategic plans.





# Business Incubator

## Purpose

Create commercialization opportunities for technology and scientific innovations with the University of Texas at Arlington.

## Importance

Successful commercialization of research at the University strengthens the city's economic position and can add to our job base. It also serves as a catalyst for innovation that can raise the city and University's profiles as places for entrepreneurship.

While the city will need to fully flush out the funding and other resources for this endeavor, an investment in young entrepreneurs will attract renowned faculty and research partnerships, accelerates business development activity, and presents an opportunity for high-wage job creation.

## Strategic Steps to Accomplishment

- Complete a needs assessment and market study
- Formalize an agreement with the University
- Establish an appropriately-sized incubator space near the University
- Have an organization that is autonomous from the city and the University
- Develop an investor network for entrepreneurs

## **2 Create places where people want to be.**

2.1. Create a city center plaza area that incorporates city hall, the library, and private development, and that serves as an anchor and a catalyst for downtown redevelopment.

2.2. Encourage the creation of public spaces that reflect the community's local character and personality.

2.3. Develop a system of parks, open spaces, and trails to encourage interaction within and among neighborhoods.

2.4. Provide community facilities that are placed equitably throughout the community and that meet the needs of all segments of the population including youth and seniors.

2.5. Foster the advancement of performing, visual and cultural arts.

2.6. Encourage public/private partnerships to maximize opportunities for arts and cultural activities.

## **3 Maintain and enhance neighborhood quality of life and appearance.**

3.1. Create a "do-it-yourself" program to support neighborhood residents with home improvements through education, training, and partnerships.

3.2. Encourage participation in the city's assistance programs aimed at improving residential properties (i.e., Arlington Home Improvement Incentive Program, Housing Rehabilitation Program).

3.3. Establish a funding mechanism to address fencing and visual appearance along major corridors.

3.4. Continue to expand community policing efforts.

A sixth grade-separated crossing was planned at Stadium Drive; however, requests from Union Pacific to increase the width of the rail line at this location made the project financially unfeasible at the time. There are currently no plans to alter the at-grade crossings of Cooper Street, Collins Street, and Davis Drive despite significant north-south traffic on these roads;

however, options for grade-separated crossing through Downtown and/ or the Entertainment District would relieve some traffic congestion during major special or community events, and should continue to be considered when funding is available.



by providing transportation options, while reducing congestion on city streets and improving air quality.

In January 2011, the city implemented the Ride2Work transportation service for eligible low-income individuals for employment-related activities. As Ride2Work is a federally funded four-year program, alternate funding will need to be identified if the program is to continue beyond 2015. The city also provides paratransit service for senior citizens and persons with disabilities through Handitran, which offers door-to-door, shared ride, demand response service. This program is funded through a mix of federal and

local funds, and an alternative funding source will need to be identified for a similar paratransit program if current funding sources are jeopardized.

In August 2013, the city launched the Metro ArlingtonXpress (MAX) pilot bus program in partnership with Dallas Area Rapid Transit (DART) and the Fort Worth Transportation Authority (The T). This two-year program provides direct bus service between Downtown Arlington and CentrePort Station, a stop along the Trinity Railway Express (TRE) commuter rail line which transports riders between Fort Worth and Dallas. The pilot program is being funded through a partnership



# Strategies and Actions

## 1 Preserve natural areas and public open spaces.

1.1. Implement the Lake Arlington Master Plan.

1.1.1. Continue to pursue funding from a variety of sources in order to expeditiously implement projects, processes, programs that protect and enhance the quality of Lake Arlington.

1.1.2. Continue to pursue the development of a Watershed Protection Plan for Lake Arlington.

1.1.3. Continue to partner with internal and external entities, such as the City of Fort Worth, the Trinity River Authority, Tarrant Regional Water District, and Exelon Power to address water quality, future development, and water supply.

1.2. Implement the Parks, Recreation and Open Space Master Plan.

1.2.1 Develop and implement a citywide natural resources management plan.

1.2.2. Continue to discourage the use of pesticides by promoting the city's integrated pest management program.

1.2.3. Acquire, protect and preserve lands with significant natural and cultural resources through the land acquisition process.

1.3. Continue to include stormwater management best practices (e.g., detention and retention ponds, bioswales) for new or existing developments.

1.4. Complete a network system of hike and bike facilities that connects natural areas and public open spaces.



Exhibit F

Staff Report for Ordinance Adopting New City Plan

# Staff Report



<b>City of Arlington Comprehensive Plan</b>	
City Council Meeting Date: 3-3-15	Document Being Considered: Ordinance

## **RECOMMENDATION**

Following the public hearing, approve first reading of an ordinance adopting *99 Square Miles* – the Comprehensive Plan for the City of Arlington.

## **PRIOR BOARD OR COUNCIL ACTION**

On December 15, 1992, City Council approved Ordinance No. 92-133 adopting the 1992 Comprehensive Plan for the City of Arlington.

On May 6, 1997, City Council approved Ordinance No. 97-65 adopting the East Sector Plan.

On February 17, 1998, City Council approved Ordinance No. 98-27 adopting the Southeast Sector Plan.

On March 9, 1999, City Council approved Ordinance No. 99-38 adopting the North Sector Plan.

On November 30, 1999, City Council approved Ordinance No. 99-148 adopting the Central Sector Plan.

On February 20, 2001, City Council approved Ordinance No. 01-011 adopting the Southwest Sector Plan.

On October 23, 2001, City Council approved Ordinance No. 01-115 adopting the West Sector Plan.

On February 18, 2015, the Planning and Zoning Commission approved *99 Square Miles* – the Comprehensive Plan for the City of Arlington, by a vote of 9-0-0.

## **ANALYSIS**

Since 1952, the City of Arlington has used comprehensive plans to establish policies that respond to the needs and aspirations of residents and influence social, economic, and physical development. The last Comprehensive Plan (1992) focused on citywide issues generated by significant citizen participation. **The 1992 Plan was followed by a series of sector plans completed between 1997 and 2001,** which focused on the diversity of the issues affecting different parts of the city. These sector plans contained specific implementation strategies to address the special needs in each sector.

*99 Square Miles* - updated comprehensive plan is intended to establish Arlington's vision and aspirations over the next 20 years. **Once adopted, it will replace the sector plans as it outlines policies for growth on a citywide basis.** The comprehensive plan seeks to:

- Build on the ideas and guidance from the many participants in the planning process.
- Consolidate and coordinate in one comprehensive document the policies that relate to the city's physical and economic growth and development.
- Guide decision-making and evaluation of the zoning map, code amendments, and discretionary development approvals.
- Identify short and long-term strategic actions for the City to undertake.

- Provide the basis for orderly, consistent, and predictable land use decision making.

*99 Square Miles* will serve as the single document that outlines the general direction for the City and aligns all its other plans. Plans developed related to transportation planning, community services, public safety, neighborhood planning, housing, economic development, and the environment serve as implementation tools of the adopted comprehensive plan. In addition, as Arlington must be cognizant of other local and state plans that affect its role as a competitive city in the North Texas region, such plans need to be taken into consideration.

#### ***Update Process***

The initial update of the 1992 Comprehensive Plan and sector plans was built upon an extensive visioning process. Led by 10 stakeholder groups ranging from Arts and Culture to Youth and Recreation, as well as a 33-member Futures Committee, the visioning process was designed to get more people involved and to raise awareness of community issues. The Futures Committee helped develop the initial goals and guide the visioning process. Multiple avenues were taken for general input, including surveys, public meetings, workshops, and social media.

In 2013, City Council established a Comprehensive Plan Advisory Committee to work with the city in completing the Update. The Advisory Committee provided community-based participation and feedback and identified vital issues for inclusion in the Plan. The Advisory Committee meet for approximately one year and discussed and reviewed plan elements related to neighborhoods, transportation, economic development, environment, and land use. Public input was garnered via the City's various social media including the website and discussion page. Two open house meetings were also held to get feedback on the draft document, which is available for public review on the website.

#### ***Comprehensive Plan Elements***

The over 150 strategies and action items contained in *99 Square Miles* move the community in the direction of completing five primary goals - Value our Neighborhoods, Get Around, Grow our Businesses, Protect our Resources, and Develop our Land. These five goals focus on:

- Neighborhoods that are the foundation of a vibrant city, including housing, parks and recreation, historic preservation, and community services, which are essential to building strong neighborhoods.
- A well-connected transportation network that allows residents and visitors to efficiently travel to and through Arlington.
- A strong and growing economy that is vital to strong neighborhoods and makes the City competitive regionally and nationally.
- A healthy environment focused on protection of natural resources and conservation of resources.
- A mix of land uses integrated throughout the city that are not only visually appealing but create lasting value.

Although the Comprehensive Plan is focused on the long term future of the city, seven catalyst projects have been identified that are intended to be the plan's five-year priorities. These projects are anticipated to have a substantial ongoing influence in Arlington by enhancing the city's image and strengthening its identity. The seven catalyst projects are:

- Neighborhood Program: Create a neighborhood program that connects people and resources, creates opportunities, and provides support for neighborhood organizations and the broader community.
- Corridor Beautification: Improve the aesthetics of Arlington's major corridors through strategically placed landscape treatment that is drought tolerant and low maintenance.
- Greenway Network: Provide a network of trails and open space throughout the city, creating a space for residents and visitors to enjoy the outdoors.
- City Center/101 Center: Develop Arlington's Downtown into a vibrant destination that provides residents, visitors, and students with entertainment, employment, culture, and local goods and services.
- Business Incubator: Create commercialization opportunities for technology and scientific innovations with the University of Texas at Arlington.
- Destination Hotel and Convention Space: Build a full-service, destination hotel and expand the city's available conference space in the Entertainment District.
- Corporate Office Mixed Use: Develop the former Texas Department of Transportation site to a corporate office focused mixed use development.

It should be understood that the future described in *99 Square Miles* cannot be achieved all at once. Over the life of the plan, growth likely will occur more slowly at times, more rapidly at others and in somewhat different patterns than is currently foreseen. An effective plan must be flexible enough to succeed within a range of likely conditions, with adjustments made as those conditions change over time, all while maintaining a steady aim at its ultimate goals. As such, it is anticipated that *99 Square Miles* will be updated every five years.

**FINANCIAL IMPACT**

None

**ADDITIONAL INFORMATION**

Attached:

Ordinance  
Executive Summary

Under separate cover:

[99 Square Miles – the Comprehensive Plan](#)

Available in the City Secretary's office:

None

**STAFF CONTACTS**

Bridgett White, AICP  
Interim Director  
Community Development and Planning  
817-459-6666  
[Bridgett.White@arlingtontx.gov](mailto:Bridgett.White@arlingtontx.gov)

May 1, 2020

VIA EMAIL

Attn: Marni Holloway, Director of Multifamily Finance  
Attn: Sharon Gamble, 9% HTC Program Administrator  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

RE: Request for Administrative Deficiency for TDHCA Application #20147 – Cooper on Kestrel

Dear Ms. Holloway and Ms. Gamble,

This letter and supplemental exhibits are a third-party request for administrative deficiency for Application #20147, Cooper on Kestrel. The Applicant has claimed seven (7) points for Concerted Revitalization Plan (CRP), and we believe the application does not qualify for CRP points. The Applicant submitted two (2) local planning documents: the *Heart of Arlington Neighborhood Action Plan* (HANA Plan) and the City of Arlington's *99 Sq Miles The Comprehensive Plan* (Comp Plan). We believe these two plans do not meet the threshold elements that are outlined in the QAP to qualify for points under §11.9(d)(7). The first limitation is "a city- or county-wide comprehensive plan, by itself, does not equate to a concerted revitalization plan." Secondly, "the goals of the adopted plan must have a history of sufficient, documented and committed funding to accomplish its purposes on its established timetable." The CRP package and planning documents included in Application #20147 do not meet these two requirements and thus are not eligible for points under CRP.

### **Plans Submitted are Comprehensive Plans or Inactive**

The Applicant submitted two (2) planning documents: *Heart of Arlington Neighborhood Action Plan* (HANA Plan) and the City of Arlington's *99 Square Miles The Comprehensive Plan* (Comp Plan). We believe that the *Heart of Arlington Neighborhood Action Plan* (HANA Plan) is merely a component of the broader Sector Plans and Comprehensive Plan and is not a plan that stands alone. The City of Arlington Ordinance No. 13-016 (Exhibit A), dated May 7, 2013, states:

Be it ordained by the City Council of the City of Arlington, Texas:

That the City Council approves the Heart of Arlington Neighborhood Plan as a component of the East Sector and Central Sector Plans and the Comprehensive Plan of the City of Arlington, Texas.

The above passage from the City of Arlington shows that the *HANA Plan* is not a standalone plan and is a component of the City of Arlington's East Sector, Central Sector and Comprehensive Plan.

Also, we believe the *HANA Plan* to be no longer active. Two years after the *HANA Plan* was approved by the Arlington City Council, the *99 Square Mile The Comprehensive Plan* (Comp



Plan) was approved and adopted by the City of Arlington and replaces the previous Comprehensive Plan and Sector Plans of which the *HANA Plan* was included. The City of Arlington Ordinance No. 15-014 (Exhibit B), dated March 17, 2015, states:

Be it ordained by the City Council of the City of Arlington, Texas:

99 Square Miles- the Comprehensive Plan shall amend, supersede and replace the previous Comprehensive Plan adopted on December 15, 1992, by Ordinance No. 92-133 and sector plans as amended.

This ordinance shows that the former Comprehensive Plan and Sector Plans of which the *HANA Plan* was included, is no longer active and has been replaced by a City-Wide Comprehensive plan, known as the *99 Square Mile The Comprehensive Plan*, which cannot be used for CRP points.

Finally, page 110 of the *99 Square Miles The Comprehensive Plan* (Exhibit C), adopted and approved on March 17, 2015, states:

Previously, Arlington used six sector plans to set out development policies for different areas of the city. This Comprehensive Plan will supersede and replace these sector plans and consolidate strategies into a single plan to steer continued growth and development. As necessary, area plans will be developed to focus on the needs and issues of specific areas in the city.

According to the City of Arlington's Ordinance No. 13-016 (Exhibit A), noted above, the *HANA Plan* belonged to the Sector Plans, which are now superseded and replaced by the consolidated strategies of the *99 Square Miles The Comprehensive Plan* which cannot be used for CRP points.

### **Plans Do Not Have Committed Funding**

Neither the *HANA Plan* or the *99 Square Miles The Comprehensive Plan* show specified funding, nor are there budgets showing committed future funding. The Staff Report dated May 7, 2013 (Exhibit D) regarding the approval of the *HANA Plan* shows the Financial Impact as "none." The Staff Report dated March 17, 2015 (Exhibit E) regarding the approval of the *99 Square Miles The Comprehensive Plan* shows the Financial Impact as "none." The lack of financial impact from either plan mentioned above shows the City did not have funds specifically set aside or committed for future implementation of these plans. Also, page 13 of the *HANA Plan* (Exhibit F), regarding implementation of the plan, states:

Adoption of the plan by the City demonstrates its overall commitment to implementing the HANA Neighborhood Action Plan. However, each action item requires separate and specific execution through the individual or joint efforts of HANA residents, the City of Arlington, and other agencies and organizations. As the action items and strategies in this plan are considered for implementation, these questions should be considered:

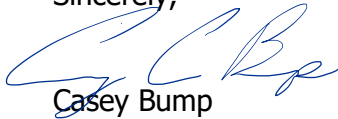
- » How will the proposed action be realized and what will it cost?

- » Who is responsible for implementing the action?
- » What are the possible funding sources for projects recommended in the plan?

Although we believe the *HANA Plan* to be inactive, the language in this section of the *HANA Plan* shows that funding sources have not been identified, set aside or committed for future implementation and therefore does not meet the QAP threshold mentioned above. Lastly, the Applicant also attached a list of claimed *HANA Plan* Projects; however, these projects are simply improvement projects in the area and not funded directly to complete the *HANA Plan*. Attached are Staff Reports (Exhibit G) for several of the projects that were included in the Applicant's CRP package. Each project utilized different funding mechanisms that are not committed to the *HANA Plan* but would need to be reapplied for and awarded on an annual basis. The funding for these projects are not in the spirit of the requirement for committed funding.

We hope that you will thoughtfully consider this letter and supplemental information and take the appropriate actions, if deemed appropriate.

Sincerely,



Casey Bump

# EXHIBIT A

City of Arlington  
Ordinance No. 13-016

**Ordinance No. 13-016**

**An ordinance adopting the Heart of Arlington  
Neighborhood Action Plan, a component of the East  
Sector and Central Sector Plans of the Arlington  
Comprehensive Plan**

- WHEREAS, Texas Local Government Code, Section 213.002, authorizes municipalities to adopt a comprehensive plan for the long-range development of the municipality; and
- WHEREAS, the Comprehensive Plan for the City of Arlington was adopted on December 22, 1992, by Ordinance No. 92-133, as the Master or General Plan for the City of Arlington and its extraterritorial jurisdiction to guide the overall physical growth of the community and the provision of public facilities and services; and
- WHEREAS, the East Sector component of the Comprehensive Plan was adopted by Ordinance No. 97-65 on May 6, 1997, which outlined issues and strategies to create a community built on partnerships, in which interaction between all stakeholders creates a strong sense of cultural and community pride that produces activism resulting in safe, beautiful, vibrant, clean and strong neighborhoods and business areas; and
- WHEREAS, the Central Sector component of the Comprehensive Plan was adopted by Ordinance No. 99-148 on November 30, 1999, which outlined issues and strategies to create a community at the heart of Arlington, enhance neighborhoods and build on its many assets including its people, the University of Texas at Arlington, other institutions, and Downtown; and
- WHEREAS, in an effort to address both opportunities for change and promote stability in neighborhoods, the Community Development and Planning Department created a process for neighborhood planning designed to emphasize direct resident involvement and high levels of citizen participation; and
- WHEREAS, in January 2010, City staff began working with the residents of the Heart of Arlington Neighborhood Association on preparing a plan for their neighborhood, generally bounded by UTA Boulevard/Border Street on the north, Collins Street on the east, Pioneer Parkway on the south, and Cooper Street on the west; and
- WHEREAS, on April 3, 2013, a public hearing was held before the Planning and Zoning Commission at which the public was given the opportunity to give testimony and present written evidence; and
- WHEREAS, the Planning and Zoning Commission forwarded to the City Council a recommendation to approve the Heart of Arlington Neighborhood Action Plan as a component of the East Sector and Central Sector Plans of the Arlington Comprehensive Plan; and

WHEREAS, on May 7, 2013, a public hearing was held before the City Council at which the public was given the opportunity to give testimony and present written evidence; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the City Council approves the Heart of Arlington Neighborhood Action Plan as a component of the East Sector and Central Sector Plans and the Comprehensive Plan of the City of Arlington, Texas.

2.

Further, the City Council recommends the development of alliances necessary to accomplish the strategies identified in the Heart of Arlington Neighborhood Action Plan.

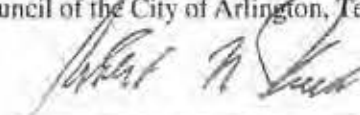
3.

Further, the Heart of Arlington Neighborhood Action Plan is intended to be used as a guide for evaluating development proposals within the boundaries of the neighborhood and for reviewing development proposals in areas adjacent to the neighborhood.

4.

A copy of the Heart of Arlington Neighborhood Action Plan is attached hereto and incorporated herein for all intents and purposes.

PRESENTED AND GIVEN FIRST READING on the 7th day of May, 2013, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 21st day of May, 2013, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY 



# EXHIBIT B

City of Arlington  
Ordinance No. 15-014

Ordinance No. 15 - 014

**An ordinance adopting 99 square miles - the Comprehensive Plan for the City of Arlington which shall act as the Master or General plan for the City and its extraterritorial jurisdiction to guide the overall physical growth of the community and the provision of public facilities and services; adopting supporting studies and plans; directing future studies and plans to conform to such plan; directing the preparation of an updated implementation plan; setting forth requirements for review and amendment to the plan; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication**

- WHEREAS, Texas Local Government Code, Section 213.002, authorizes municipalities to adopt a comprehensive plan for the long-range development of the municipality; and
- WHEREAS, the Comprehensive Plan for the City of Arlington was adopted on December 15, 1992, by Ordinance No. 92-133, as the Master or General Plan for the City of Arlington and its extraterritorial jurisdiction to guide the overall physical growth of the community and the provision of public facilities and services; and
- WHEREAS, six Sector Plans – East, Southeast, North, Central, Southwest, and West – were adopted between 1997 and 2001 focusing on the diversity of the issues affecting different parts of the city; and
- WHEREAS, in 2002, a Visioning Process was completed, led by 10 stakeholder groups and a 33-member Futures Committee, and was designed to get more citizens involved, raise awareness of community issues, obtain public input from multiple avenues, foster partnerships and coalitions, promote public discussion about the City of Arlington’s future, and develop the initial goals which served as the foundation on which update of the 1992 Comprehensive Plan was built; and
- WHEREAS, the City Council directed that an updated Comprehensive Plan be prepared for the City of Arlington and its extraterritorial jurisdiction to address growth and redevelopment, housing, economic development, land uses, transportation, and the environment; and
- WHEREAS, in 2013, a 26-member Comprehensive Plan Advisory Committee made up of a diverse group of Arlington stakeholders was established to work with the city on the Comprehensive Plan update and provide community-based participation and feedback; identify vital issues; act as a sounding board

and review body; help build consensus; share information at public outreach events; and, strive to balance the specific interest they may represent with a broad understanding of all residents' needs within the City; and

WHEREAS, an updated comprehensive plan draft titled *99 Square Miles – the Comprehensive Plan* was prepared for public review and comment; and

WHEREAS, on February 18, 2015, a public hearing was held before the Planning and Zoning Commission at which the public was given the opportunity to give testimony and present written evidence on *99 Square Miles – the Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Commission voted to recommend approval of *99 Square Miles – the Comprehensive Plan* to the City Council; and

WHEREAS, on March 3, 2015, a public hearing was held before the City Council, at which the public was given the opportunity to give testimony and present written evidence on *99 Square Miles – the Comprehensive Plan*; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Arlington to approve and adopt *99 Square Miles – the Comprehensive Plan*, said Comprehensive Plan being in furtherance of the public health, safety, and welfare; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the City Council hereby approves and adopts *99 Square Miles – the Comprehensive Plan* for the City of Arlington, Texas.

2.

*99 Square Miles – the Comprehensive Plan* is intended to serve as a policy guide for the City Council, City Boards and Commissions, City Staff and the public for evaluating and reviewing the physical development of the City and such regulations and as may be utilized to implement the goals and policies of *99 Square Miles – the Comprehensive Plan* within the City of Arlington, Texas.

3.

Existing and future plans, studies, ordinances and initiatives will serve as implementation tools and/or components of *99 Square Miles – the Comprehensive Plan* and provide detailed policies and strategies related, but not limited to, neighborhoods, transportation, economic development, community service, human service, public safety, housing, parks and open spaces, zoning, city and building codes, and capital improvement plans.

4.

*99 Square Miles* - the Comprehensive Plan shall amend, supersede, and replace the previous Comprehensive Plan adopted on December 15, 1992, by Ordinance No. 92-133, and sector plans, as amended.

5.

As set forth in more detail in *99 Square Miles* - the Comprehensive Plan, the goals, strategies, actions, projects, and initiatives shall guide the implementation of *99 Square Miles* - the Comprehensive Plan and shall be monitored, evaluated, and periodically amended. City Council recommends the development of alliances necessary to accomplish the strategies identified in *99 Square Miles* - the Comprehensive Plan.

6.

Future amendments to *99 Square Miles* - the Comprehensive Plan and all plans, studies, and ordinances that serve as components of *99 Square Miles* - the Comprehensive Plan shall be adopted as required by law after a hearing at which the public is given the opportunity to give testimony and present written evidence, and review by the Planning and Zoning Commission. *99 Square Miles* - the Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries.

7.

A copy of *99 Square Miles* - the Comprehensive Plan is available for viewing in the City Secretary's Office and incorporated herein for all intents and purposes.

8.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

9.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

10.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this



ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

11.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

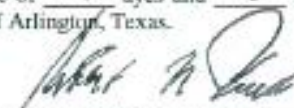
12.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

13.

This ordinance shall become effective ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 3rd day of March, 2015, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 17th day of March, 2015, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



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ROBERT N. CLUCK, Mayor

ATTEST:



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MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:  
TERIS SOLIS, City Attorney

BY: 



# EXHIBIT C

99 Square Miles  
The Comprehensive Plan Excerpt

- residents with access to vibrant destinations, open spaces, recreation amenities, and other land uses that support a sustainable community;
- development that will strike a balance between the city's economic development goals and preservation of our natural resources; and
- land use policies that address future infill and redevelopment challenges.

Previously, Arlington used six sector plans to set out development policies for different areas of the city. This Comprehensive Plan will supersede and replace these sector plans and consolidate strategies into a single plan to steer continued growth and development. As necessary, area plans will be developed to focus on the needs and issues of specific areas in the city.

## Existing Land Use

According to the city's most recent Annual Growth Profile (2013), Arlington encompasses approximately 99 square miles or roughly 64,000 acres. As of 2013, approximately 43,118 acres of the city were developed as well as an additional 10,965 acres for roadways and transportation facilities. Just under 15 percent of the remaining city acreage is categorized as vacant.

The largest portion of Arlington's land area was devoted to single family land use in 2013 with over 43 percent located south of Interstate 20. Land devoted to multi-family uses was concentrated primarily in the north and east areas of the city. East Arlington also contained the largest share of the city's manufacturing/warehouse/industrial and commercial/retail uses at 56.3 percent and 39.2 percent, respectively.

Other significant concentrations of use, specifically parks/open space occur in the north, southeast and west portions

# EXHIBIT D

City of Arlington  
Staff Report  
May 7, 2013

# Staff Report



## Heart of Arlington Neighborhood Action Plan

City Council Meeting Date: 5-7-13

Documents Being Considered: Ordinance

### **RECOMMENDATION**

Following the public hearing, consider approval of an ordinance adopting the Heart of Arlington Neighborhood Action, a component of the East Sector and Central Sector Plans of the Arlington Comprehensive Plan.

### **PRIOR BOARD OR COUNCIL ACTION**

On April 3, 2013, the Planning and Zoning Commission unanimously recommended approval of the Heart of Arlington Neighborhood Action Plan by a vote of 8-0-0.

### **ANALYSIS**

Neighborhood plans are tools that can address opportunities for change and promote stability in neighborhoods. They are the official City policy regarding the future of a neighborhood and contain recommendations developed by the neighborhood residents. Once approved and adopted by the Planning and Zoning Commission and City Council, the plan becomes an amendment to Arlington's Comprehensive Plan.

A task force of residents from the Heart of Arlington neighborhoods, representing the Heart of Arlington Neighborhood Association (HANA) and all residents, businesses, tenants, and other entities, began working in January 2010 to develop a neighborhood action plan to guide the evolution of the area in the coming years. The City provided professional assistance in order to help HANA residents achieve these broad purposes:

- Preserve and improve HANA neighborhoods and the overall quality of life.
- Establish guidelines and/or policies for protecting the integrity and character of the neighborhoods.
- Plan for the future sustainability of the neighborhoods.
- Build relationships among residents and between the neighborhoods and outside businesses and agencies.
- Identify which types of development are appropriate for the HANA area and where future development should occur.

The planning area covers 1.75 square miles in central Arlington immediately south of downtown. The area is bounded by South Cooper Street (west), Border Street/UTA Boulevard (north), South Collins Street (east), and East Pioneer Parkway (south). Center Street and Mesquite Street are the major north-south streets. Park Row Drive is the primary east-west street. Johnson Creek flows through the neighborhoods from southwest to northeast. The creek and the adjoining land, much of which is owned by the City and designated as a linear park, are major natural assets in the neighborhood.

This task force met, on average, monthly throughout the planning process. These meetings do not include time the task force spent canvassing the neighborhood to discuss ideas and issues with residents, coordinating efforts to distribute and collect information, discussing special topics online or in person, or conducting periodic neighborhood meetings. The task force also spent time identifying and studying issues related to the HANA neighborhoods; drafting goals and actions; and studying topics such as sustainability, traffic calming, park improvements, and redevelopment opportunities.

The task force wrote, edited, and reviewed the document as it was drafted during the process. The plan is meant to reflect the immediate and future goals of HANA, and these activities not only helped ensure that the plan achieved that end, but also created ownership of the plan by the residents, which is an important factor in achieving successful implementation of the recommendations.

The study and research performed by the task force identified the following principal themes for their neighborhood action plan.

<b>Principal Planning Themes for HANA</b>	
Community partnerships	Sustainability
Land use and redevelopment	Parks and green spaces
Housing and apartments	Public safety
Mobility	

Within each section of the document, these themes are explored in detail. Each section describes a particular goal, a listing of strategies and policies designed to achieve that goal, and detailed discussion and background information to support the recommended actions.

**FINANCIAL IMPACT**

None

**ADDITIONAL INFORMATION**

Attached:

Ordinance

HANA Neighborhood Action Plan

Under separate cover:

None

Available in City Manager's Office:

None

**STAFF CONTACT(S)**

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Clayton Husband, AICP

Director

Planning Project Manager II

Community Development & Planning

Community Development & Planning

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# EXHIBIT E

City of Arlington  
Staff Report  
March 17, 2015

# Staff Report



<b>City of Arlington Comprehensive Plan</b>	
City Council Meeting Date: 3-17-15	Document Being Considered: Ordinance

## **RECOMMENDATION**

Final reading of an ordinance adopting *99 Square Miles* – the Comprehensive Plan for the City of Arlington.

## **PRIOR BOARD OR COUNCIL ACTION**

On December 15, 1992, City Council approved Ordinance No. 92-133 adopting the 1992 Comprehensive Plan for the City of Arlington.

On May 6, 1997, City Council approved Ordinance No. 97-65 adopting the East Sector Plan.

On February 17, 1998, City Council approved Ordinance No. 98-27 adopting the Southeast Sector Plan.

On March 9, 1999, City Council approved Ordinance No. 99-38 adopting the North Sector Plan.

On November 30, 1999, City Council approved Ordinance No. 99-148 adopting the Central Sector Plan.

On February 20, 2001, City Council approved Ordinance No. 01-011 adopting the Southwest Sector Plan.

On October 23, 2001, City Council approved Ordinance No. 01-115 adopting the West Sector Plan.

On February 18, 2015, the Planning and Zoning Commission approved *99 Square Miles* – the Comprehensive Plan for the City of Arlington, by a vote of 9-0-0.

On March 3, 2015, City Council approved adoption of *99 Square Miles* – the Comprehensive Plan on first reading by a vote of 9-0-0.

## **ANALYSIS**

Since 1952, the City of Arlington has used comprehensive plans to establish policies that respond to the needs and aspirations of residents and influence social, economic, and physical development. The last Comprehensive Plan (1992) focused on citywide issues generated by significant citizen participation. The 1992 Plan was followed by a series of sector plans completed between 1997 and 2001, which focused on the diversity of the issues affecting different parts of the city. These sector plans contained specific implementation strategies to address the special needs in each sector.

*99 Square Miles* - updated comprehensive plan is intended to establish Arlington's vision and aspirations over the next 20 years. Once adopted, it will replace the sector plans as it outlines policies for growth on a citywide basis. The comprehensive plan seeks to:

- Build on the ideas and guidance from the many participants in the planning process.
- Consolidate and coordinate in one comprehensive document the policies that relate to the city's physical and economic growth and development.

- Guide decision-making and evaluation of the zoning map, code amendments, and discretionary development approvals.
- Identify short and long-term strategic actions for the City to undertake.
- Provide the basis for orderly, consistent, and predictable land use decision making.

*99 Square Miles* will serve as the single document that outlines the general direction for the City and aligns all its other plans. Plans developed related to transportation planning, community services, public safety, neighborhood planning, housing, economic development, and the environment serve as implementation tools of the adopted comprehensive plan. In addition, as Arlington must be cognizant of other local and state plans that affect its role as a competitive city in the North Texas region, such plans need to be taken into consideration.

### ***Update Process***

The initial update of the 1992 Comprehensive Plan and sector plans was built upon an extensive visioning process. Led by 10 stakeholder groups ranging from Arts and Culture to Youth and Recreation, as well as a 33-member Futures Committee, the visioning process was designed to get more people involved and to raise awareness of community issues. The Futures Committee helped develop the initial goals and guide the visioning process. Multiple avenues were taken for general input, including surveys, public meetings, workshops, and social media.

In 2013, City Council established a Comprehensive Plan Advisory Committee to work with the city in completing the Update. The Advisory Committee provided community-based participation and feedback and identified vital issues for inclusion in the Plan. The Advisory Committee meet for approximately one year and discussed and reviewed plan elements related to neighborhoods, transportation, economic development, environment, and land use. Public input was garnered via the City's various social media including the website and discussion page. Two open house meetings were also held to get feedback on the draft document, which is available for public review on the website.

### ***Comprehensive Plan Elements***

The over 150 strategies and action items contained in *99 Square Miles* move the community in the direction of completing five primary goals - Value our Neighborhoods, Get Around, Grow our Businesses, Protect our Resources, and Develop our Land. These five goals focus on:

- Neighborhoods that are the foundation of a vibrant city, including housing, parks and recreation, historic preservation, and community services, which are essential to building strong neighborhoods.
- A well-connected transportation network that allows residents and visitors to efficiently travel to and through Arlington.
- A strong and growing economy that is vital to strong neighborhoods and makes the City competitive regionally and nationally.
- A healthy environment focused on protection of natural resources and conservation of resources.
- A mix of land uses integrated throughout the city that are not only visually appealing but create lasting value.

Although the Comprehensive Plan is focused on the long term future of the city, seven catalyst projects have been identified that are intended to be the plan's five-year priorities.

These projects are anticipated to have a substantial ongoing influence in Arlington by enhancing the city's image and strengthening its identity. The seven catalyst projects are:

- Neighborhood Program: Create a neighborhood program that connects people and resources, creates opportunities, and provides support for neighborhood organizations and the broader community.
- Corridor Beautification: Improve the aesthetics of Arlington's major corridors through strategically placed landscape treatment that is drought tolerant and low maintenance.
- Greenway Network: Provide a network of trails and open space throughout the city, creating a space for residents and visitors to enjoy the outdoors.
- City Center/101 Center: Develop Arlington's Downtown into a vibrant destination that provides residents, visitors, and students with entertainment, employment, culture, and local goods and services.
- Business Incubator: Create commercialization opportunities for technology and scientific innovations with the University of Texas at Arlington.
- Destination Hotel and Convention Space: Build a full-service, destination hotel and expand the city's available conference space in the Entertainment District.
- Corporate Office Mixed Use: Develop the former Texas Department of Transportation site to a corporate office focused mixed use development.

It should be understood that the future described in *99 Square Miles* cannot be achieved all at once. Over the life of the plan, growth likely will occur more slowly at times, more rapidly at others and in somewhat different patterns than is currently foreseen. An effective plan must be flexible enough to succeed within a range of likely conditions, with adjustments made as those conditions change over time, all while maintaining a steady aim at its ultimate goals. As such, it is anticipated that *99 Square Miles* will be updated every five years.

**FINANCIAL IMPACT**

None

**ADDITIONAL INFORMATION**

Attached:

Ordinance

Executive Summary

Under separate cover:

[99 Square Miles – the Comprehensive Plan](#)

Available in the City Secretary's office:

None

**STAFF CONTACTS**

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# EXHIBIT F

HANA Plan Implementation Excerpt



## Amendments to the Plan

The HANA Neighborhood Action Plan is intended to be a dynamic document that responds to changing conditions within the neighborhoods. As circumstances change and new issues arise, the Neighborhood Action Plan must be revised or updated as needed. Proposed amendments should be made after thoughtful and careful analysis and input from residents.

### Implementation

Adoption of the plan by the City demonstrates its overall commitment to implementing the HANA Neighborhood Action Plan. However, each action item requires separate and specific execution through the individual or joint efforts of HANA residents, the City of Arlington, and other agencies and organizations. As the action items and strategies in this plan are considered for implementation, these questions should be considered:

- » How will the proposed action be realized and what will it cost?
- » Who is responsible for implementing the action?
- » What are the possible funding sources for projects recommended in the plan?

*“Destiny is not a matter of chance, but a matter of choice. It is not a thing to be waited for, it is a thing to be achieved.”*

*- William Jennings Bryan*

# EXHIBIT G

Staff Reports

# Staff Report



<b>2017 Residential Street Rebuilds with Water &amp; Sanitary Sewer Renewals, Phase 2; Project No. PWST17005</b>	
City Council Meeting Date: 03/26/2019	Action Being Considered: Minute Order

## **RECOMMENDATION**

Authorizing the City Manager or his designee to execute a construction contract with McClendon Construction Co., Inc., of Burleson, Texas, for the 2017 Residential Street Rebuilds with Water & Sanitary Sewer Renewals, Phase 2, in the amount of \$3,863,931.05. The contract includes a maximum bonus of \$80,000.00, for a possible contract total not to exceed \$3,943,931.05.

## **PRIOR BOARD OR COUNCIL ACTION**

On March 7, 2017, City Council approved Minute Order No. 03072017-007 authorizing the execution of an Engineering Service Contract with Elder Engineering, Inc., of Mansfield, Texas, for the preparation of the 2017 Residential Street Rebuilds, Phase 2, construction plans in an amount not to exceed \$215,900.

## **ANALYSIS**

The 2014 Bond Election included annual funding for design and reconstruction of existing residential streets including sidewalks, drainage system, and street lights. The selected streets for the 2017 Residential Street Rebuild Program (Phase II) include the following:

### **Concrete Street Rebuilds with Water and Sanitary Sewer Renewals**

East Third Street (South Center Street to Mary Street)  
Hosack Street (South Center Street to Mary Street)  
Ray Street (South Center Street to Mary Street)  
Rose Street (South Mesquite Street to Mary Street)  
Mary Street (East Mitchell Street to Ray Street)

Date of Bid:	February 27, 2019
Number of Bids Received:	3
Number of Bids from Arlington Firms:	0
Bidder Prequalification:	Concrete Paving
Engineer's Estimate:	\$3,900,000.00
Range of Bids:	\$3,863,931.05 to \$4,357,262.00
Low Bid:	\$3,863,931.05
Recommended Low Bidder:	McClendon Construction Co., Inc., of Burleson, Texas
Contract Scope:	The rebuilding of existing streets, sidewalk, streetlights, water line, and sanitary sewer.
Proposed Start Date:	April 29, 2019
Proposed End Date:	March 14, 2020
Contract Time:	320 calendar days
Liquidated Damages for Delay:	\$1,000 per day
Bonus for Early Completion:	\$500 per day
Maximum Bonus:	\$80,000.00
Total:	\$3,943,931.05

VENDOR	MWBE	TOTAL
<b>McClendon Construction Co., Inc., Burleson, Texas</b>	<b>NO</b>	<b>\$3,863,931.05</b>
Stabile & Winn, Inc., Saginaw, Texas	NO	\$4,046,912.25
Jackson Construction, Ltd., Fort Worth, Texas	NO	\$4,357,263.00

This project included an alternative for use of "Green Cement" to promote improved air quality in North Texas. Staff recommends awarding the green cement alternate in the amount of \$1.00.

The average overall condition index (OCI) for this section is less than 50. This construction will remove 1.82 lane-miles from the "red street" list.

**FINANCIAL IMPACT**

Funding is available in the following accounts:

Street Bond Fund Account No. 358504-68153-65940698	\$2,584,994.80
Sanitary Sewer Bond Fund Account No. 648502-68250-18019204	\$682,600.00
Water Bond Fund Account No. 658502-68252-18264205	\$676,336.25

<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
\$3,943,931.05	\$0	\$0

**ADDITIONAL INFORMATION**

Attached:	Bid Tab
	Location Map
Under separate cover:	None
Available in the City Secretary's Office:	None

**STAFF CONTACT(S)**

Mindy Carmichael, P.E., Director Public Works & Transportation 817-459-6552 <a href="mailto:Mindy.Carmichael@arlingtontx.gov">Mindy.Carmichael@arlingtontx.gov</a>	Craig M. Cummings, Director Water Utilities 817-459-6603 <a href="mailto:Craig.Cummings@arlingtontx.gov">Craig.Cummings@arlingtontx.gov</a>
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# Staff Report



<b>Construction Contract for 2019 Water Main Replacement, Project No. WUWS19001</b>
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City Council Meeting Date: 06-25-19	Action Being Considered: Minute Order
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## **RECOMMENDATION**

Authorize the City Manager or his designee to execute a construction contract with Murphy Pipeline Contractors, Inc., of Jacksonville, Florida, for the 2019 Water Main Replacement Project in an amount not to exceed \$2,590,032.

## **PRIOR BOARD OR COUNCIL ACTION**

None

## **ANALYSIS**

This project consists of replacing approximately 15,600 linear feet of 6-inch to 12-inch asbestos cement or cast iron water mains, in various locations by static pipe bursting method. The locations for water main replacement were selected based on historical maintenance data. In order to create a competitive environment, the bid proposal included an option for the contractor to choose between traditional open cut or trenchless static pipe bursting method. The contractor with the lowest bid was the trenchless static pipe bursting method.

This construction method involves pipe bursting the existing 6-inch, 8-inch, or 12-inch water main while pulling a new 8-inch or 12-inch High Density Polyethylene main through the existing pipe. The process is trenchless and requires limited excavation which minimizes construction time and disruption to customers. These improvements will replace aging infrastructure with a history of water main breaks, reduce maintenance costs, and improve service to these areas.

Date of Bid:	June 6, 2019
Number of Bids Received:	One
Number of Bids from Arlington Firms:	None
Bidder Prequalification:	Yes
Engineer's Estimate:	\$2,100,000
Range of Bids:	\$2,590,032
Low Bid:	\$2,590,032
Recommended Low Bidder:	Murphy Pipeline Contractors, Inc., of Jacksonville, Florida
Contract Scope:	Construct 15,600 LF of 6-inch to 12-inch water mains
Contract Time:	200 calendar days

<b>VENDOR</b>	<b>MWBE</b>	<b>TOTAL</b>	<b>METHOD</b>
<b>Murphy Pipeline Contractors, Inc.</b>	<b>No</b>	<b>\$2,590,032</b>	<b>Pipe Bursting</b>



**FINANCIAL IMPACT**

Funding Sources:

Water Renewal Fund	678501-20158205-68252	\$2,590,032
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<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
\$2,590,032	\$0	\$0

There is no maintenance cost associated with this project during the referenced time period because the contract provides for a two-year maintenance bond.

**ADDITIONAL INFORMATION**

Attached:	Bid Tab
	Location Map
Under separate cover:	None
Available in the City Secretary's Office:	None

**STAFF CONTACT(S)**

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# Staff Report



<b>Construction Contract for South Collins Street (East Park Row Drive to East Pioneer Parkway {Spur 303}) Project No. PWST18002</b>	
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City Council Meeting Date: 08/06/2019	Action Being Considered: Minute Order
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## **RECOMMENDATION**

Authorizing the City Manager or his designee to execute a construction contract with McMahon Contracting, LP, of Grand Prairie, Texas, for South Collins Street (East Park Row Drive to East Pioneer Parkway {Spur 303}) in an amount not to exceed \$8,274,981.22. The contract includes a maximum bonus of \$135,000, for a possible contract total of \$8,409,981.22.

## **PRIOR BOARD OR COUNCIL ACTION**

On March 19, 2019, City Council passed Resolution No. 19-079 authorizing specified projects for the fiscal year 2019 Capital Budget including the construction of Collins Street project.

## **ANALYSIS**

The 2014 Bond Election included funding for construction of Collins Street from East Park Row Drive to East Pioneer Parkway (Spur 303).

This contract provides for the reconstructing of the outer lanes of Collins Street in both directions and panel replacements for the inner three lanes; including replacing street lights, pavement markings, street signs, storm drain renewals, sidewalks, City fiber conduit, traffic signals, and water & sanitary sewer line renewals.

Date of Bid:	July 15, 2019
Number of Bids Received:	5
Number of Bids from Arlington Firms:	0
Bidder Prequalification:	Concrete Paving
Engineer's Estimate:	\$8,800,000
Range of Bids:	\$8,274,981.22 to \$10,512,661.50
Low Bid:	\$8,274,981.22
Recommended Low Bidder:	McMahon Contracting, LP of Grand Prairie, Texas
Contract Scope:	Reconstructing outer lanes in both directions and panel replacements for the inner three lanes
Proposed Start Date:	Monday, September 9, 2019
Proposed End Date:	Tuesday, March 2, 2021
Contract Time:	540 calendar days
Liquidated Damages for Delay:	\$1,000 per day
Bonus for Early Completion:	\$500 per day
Maximum Bonus:	\$135,000
Total:	\$8,409,981.22

<b>VENDOR</b>	<b>MWBE</b>	<b>TOTAL</b>
<b>McMahon Contracting, LP</b>	<b>No</b>	<b>\$8,274,981.22</b>
Jackson Construction, LTD	No	\$9,853,738.00
Pavecon Public Works, LP	No	\$10,383,771.66
Tiseo Paving Company	No	\$10,512,661.50
Texas Materials Group, Inc.	No	Non-responsive

This project included an alternative for use of "Green Cement" to promote improved air quality in North Texas. Staff recommends awarding the green cement alternate in the amount of \$1.00.

**FINANCIAL IMPACT**

Funding is available in the following accounts:

Street Bond Fund Account No. 358504-68153-66040698	\$6,838,094.42
Stormwater Bond Fund Account No. 308501-68151-11650199	\$450,859.60
Sanitary Sewer Bond Fund Account No. 668501-68250-18107204	\$348,042.15
Water Bond Fund Account No. 678501-68252-20160205	\$772,985.05

<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
\$0	\$0	\$8,409,981.22

**ADDITIONAL INFORMATION**

Attached:	Bid Tab
	Location Map
Under separate cover:	None
Available in the City Secretary's Office:	None

**STAFF CONTACT(S)**

Mindy Carmichael, P.E., Director Public Works & Transportation 817-459-6552 <a href="mailto:Mindy.Carmichael@arlingtontx.gov">Mindy.Carmichael@arlingtontx.gov</a>	Craig Cummings, Director Water Utilities 817-459-6603 <a href="mailto:Craig.Cummings@arlingtontx.gov">Craig.Cummings@arlingtontx.gov</a>
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# Staff Report



<b>2019 CDBG Residential Street and Sidewalk Rebuilds (East Second Street &amp; Kelly Terrace); Project No. PWST19005</b>	
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City Council Meeting Date: 03/19/2019	Action Being Considered: Minute Order
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## **RECOMMENDATION**

Authorizing the City Manager or his designee to execute a construction contract with Stabile & Winn, Inc., of Saginaw, Texas, for the 2019 CDBG Residential Street and Sidewalk Rebuilds (East Second Street & Kelly Terrace) in the amount not to exceed \$1,930,056.50. The contract includes a maximum bonus of \$50,000, for a possible contract total of \$1,980,056.50.

## **PRIOR BOARD OR COUNCIL ACTION**

On March 7, 2017, City Council approved Minute Order No. 03072017-007 authorizing the execution of an Engineering Services Contract with Elder Engineering, Inc., of Mansfield, Texas, for the preparation of the 2017 Residential Street Rebuilds, Phase 2 construction plans in an amount not to exceed \$215,900.

## **ANALYSIS**

This project consists of rebuilding East Second Street from South Center Street to Mary Street and Kelly Terrace from South Collins Street to East Park Row. The rebuilds include concrete streets, sidewalks, streetlights, water line and sanitary sewer installation. The streets were designed under the 2017 Residential Street Rebuilds - Phase 2 Engineering Services Contract. They have been separated for construction to facilitate the use of funding from a Community Development Block Grant for construction of sidewalks, Americans with Disabilities Act (ADA) ramps, and associated pedestrian improvements. The following streets are included in this project:

### **Concrete Street Rebuilds with Water and Sanitary Sewer Renewals**

East Second Street (South Center Street to Mary Street)

### **Concrete Street Rebuilds with Water Renewals**

Kelly Terrace (South Collins street to East Park Row Drive)

Date of Bid:	February 20, 2019
Number of Bids Received:	2
Number of Bids from Arlington Firms:	0
Bidder Prequalification:	Concrete Paving
Engineer's Estimate:	\$1,960,000.00
Range of Bids:	\$1,930,056.50 to \$1,934,366.75
Low Bid:	\$1,930,056.50
Recommended Low Bidder:	Stabile & Winn, Inc., of Saginaw, Texas
Contract Scope:	The rebuilding of existing streets, sidewalk, streetlights, water line, and sanitary sewer.
Proposed Start Date:	April 22, 2019
Proposed End Date:	November 8, 2019
Contract Time:	200 calendar days
Liquidated Damages for Delay:	\$1,000 per day
Bonus for Early Completion:	\$500 per day
Maximum Bonus:	\$50,000.00

Total: \$1,980,056.50

VENDOR	MWBE	TOTAL
<b>Stabile &amp; Winn, Inc., Saginaw, Texas</b>	<b>NO</b>	<b>\$1,930,056.50</b>
McClendon Construction, Inc., Burleson, Texas	NO	\$1,934,366.75

This project included an alternative for use of "Green Cement" to promote improved air quality in North Texas. Staff recommends awarding the green cement alternate in the amount of \$1.00.

The average overall condition index (OCI) for this section is 38. This construction will remove 1.15 lane-miles from the "red street" list.

**FINANCIAL IMPACT**

Funding is available in the following accounts:

Street Bond Fund Account No. 358504-68153-61140698	\$1,165,359.25
Sanitary Sewer Bond Fund Account No. 648502-68250-18018204	\$143,892.50
Water Bond Fund Account No. 658502-68252-18262205	\$366,979.75
Grant Fund Account No. 418644-61002-414428	\$303,825.00

<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
\$1,980,056.50	\$0	\$0

**ADDITIONAL INFORMATION**

Attached:	Bid Tab
	Location Map
Under separate cover:	None
Available in the City Secretary's Office:	None

**STAFF CONTACT(S)**

Mindy Carmichael, P.E., Director Public Works & Transportation 817-459-6552 <a href="mailto:Mindy.Carmichael@arlingtontx.gov">Mindy.Carmichael@arlingtontx.gov</a>	Craig M. Cummings, Director Water Utilities 817-459-6603 <a href="mailto:Craig.Cummings@arlingtontx.gov">Craig.Cummings@arlingtontx.gov</a>
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20147  
Administrative Deficiency Notice(s)

**From:** [Matthew Griego](#)  
**To:** [megan@o-sda.com](mailto:megan@o-sda.com)  
**Cc:** [Sharon Gamble](#)  
**Subject:** 20147 Kestral on Cooper- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Monday, May 11, 2020 3:37:22 PM

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20147 Kestral on Cooper**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states the applicant's Concertred Revitalization Plan does not qualify for seven points under 10 TAC §11.9(d)(7). Per the request, CRP plans contain inconsistencies about the existance of the HANA Plan, and lack of future funding with a proposed budget for both the New City Plan and HANA Plan

1. Please provide evidence of the HANA Plan to be currently active.
2. Please provide evidence of committed funding for both the New City Plan and HANA Plan.

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

20147  
Deficiency Response(s)



May 15, 2015

Sharon Gamble  
TDHCA  
221 E. 11<sup>th</sup>  
Austin, TX 78701

Dear Ms. Gamble:

I am writing this letter in response to the deficiency received on May 11, 2020 which was in response to Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application 20147 Kestrel on Cooper.

The request stated that the applicant's Concerted Revitalization Plan does not qualify for seven points under 10 TAC §11.9(d)(7). Per the request, CRP plans contain inconsistencies about the existence of the HANA Plan, and lack of future funding with a proposed budget for both the New City Plan and HANA Plan.

The deficiency we received requested the following:

1. Please provide evidence of the HANA Plan to be currently active.
2. Please provide evidence of committed funding for both the New City Plan and HANA Plan.

**Evidence the HANA Plan is currently active**

The RFAD for this item was based on a selective reading of the Resolution passed for the City's Comprehensive Plan (99 SQ Miles A Vision for Arlington's Future The Comprehensive Plan). The resolution very clearly states that the only plans to be superseded or replaced were those sector plans adopted between 1997-2001. Any of the plans that were developed and adopted after that were to "serve as implementation tools and/or components of the Comprehensive Plan". The HANA Plan was developed in 2013.

A letter confirming the intention of the resolution and the validity of the HANA Plan from the City of Arlington is included in this response. You will note the highlighted portions of the Resolution referenced in the letter was in our original application on pp. 104-107 and is included as an attachment to the City's letter.





**Evidence of committed funding for New City Plan/HANA Plan**

Evidence of commitment funding for the revitalization area was provided in the original Application on pp. 95-97. The City of Arlington provided a list of projects that have been completed, are in progress, and future project for this area.

The attached letter from the City of Arlington again confirms these projects and funding commitments.

Per the evidence submitted to this deficiency response, we would like to reiterate that the HANA Plan is indeed valid and current, and that there was proof of commitment of funding for the revitalization area provided at the time of application.

Sincerely,



Megan Lasch  
President  
O-SDA Industries, LLC





May 13, 2020

Matthew Griego  
TDHCA  
221 East 11<sup>th</sup> Street  
Austin, TX 78701

Re: 20147 Kestral on Cooper

Dear Matthew,

Thank you for the opportunity to clarify the issues raised with regard to the City of Arlington's HANA Revitalization Plan and most recent Comprehensive Plan.

I would like to confirm that per the letter submitted in TDHCA Application #20147, the HANA Plan is still a valid adopted plan that is recognized by the City of Arlington. I believe that the challenger to this Application misunderstood or misinterpreted the language in the ordinance adopting the Comprehensive Plan.

In Ordinance 15-014 (enclosed), the third provision states:

"Existing and future plans, studies, ordinances, and initiatives will serve as implementation tools and/or components of 99 Square Miles -the Comprehensive Plan and provide detailed policies and strategies related, but not limited to, neighborhoods, transportation, economic development, community service, human service, public safety, housing, parks and open spaces, zoning, city and building codes, and capital improvement plans."

The HANA plan, adopted 2013, was one of the existing plans contemplated by this provision, and is therefore still current adopted policy of the City of Arlington. In the same ordinance, the fourth provision states:

"99 Square Miles – the Comprehensive Plan shall amend, supersede, and replace the previous Comprehensive Plan adopted on December 15, 1992 by Ordinance No. 92-133, and sector plans, as amended."

This provision was necessary to clarify that the only prior adopted plans superseded by 99 Square Miles – the Comprehensive Plan were the 1992 Comprehensive Plan and its component sector plans, adopted 1997-2001. Therefore, the HANA plan is current valid adopted policy and the 1997-2001 sector plans are not.



With respect to committed funding within these areas, we provided the Applicant (which was included in their Application) a list of projects/funding for the HANA/Comprehensive Plan area that have been completed, are in progress, and slated for the near future. I have enclosed it for your reference.

As stated in our letter to the Applicant and confirmed in the resolution that we passed with regard to this Application, the HANA and Comprehensive Plans outline a specific area of Arlington that has been identified as needing revitalization. The Plans were passed with public input and have funding that has been expended in the area and is anticipated to keep flowing to the area based on the needs identified in the Plans. We appreciate the opportunity to clear up the issues brought to your attention.

Thank you,

*Alicia Winkelblech*

Alicia Winkelblech, AICP  
Senior Strategic Initiatives Officer  
City of Arlington

Cc: Sarah Anderson, S. Anderson Consulting  
Megan Lasch, O-SDA Industries  
Mindy Cochran, City of Arlington  
Richard Gertson, City of Arlington

Encl: City of Arlington Ordinance 15-014 Adopting *99 Square Miles – The Comprehensive Plan*  
List of projects for the HANA/Comprehensive Plan that are completed, in progress, or slated

Ordinance No. 15 - 014

**An ordinance adopting 99 square miles - the Comprehensive Plan for the City of Arlington which shall act as the Master or General plan for the City and its extraterritorial jurisdiction to guide the overall physical growth of the community and the provision of public facilities and services; adopting supporting studies and plans; directing future studies and plans to conform to such plan; directing the preparation of an updated implementation plan; setting forth requirements for review and amendment to the plan; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication**

- WHEREAS, Texas Local Government Code, Section 213.002, authorizes municipalities to adopt a comprehensive plan for the long-range development of the municipality; and
- WHEREAS, the Comprehensive Plan for the City of Arlington was adopted on December 15, 1992, by Ordinance No. 92-133, as the Master or General Plan for the City of Arlington and its extraterritorial jurisdiction to guide the overall physical growth of the community and the provision of public facilities and services; and
- WHEREAS, six Sector Plans – East, Southeast, North, Central, Southwest, and West – were adopted between 1997 and 2001 focusing on the diversity of the issues affecting different parts of the city; and
- WHEREAS, in 2002, a Visioning Process was completed, led by 10 stakeholder groups and a 33-member Futures Committee, and was designed to get more citizens involved, raise awareness of community issues, obtain public input from multiple avenues, foster partnerships and coalitions, promote public discussion about the City of Arlington’s future, and develop the initial goals which served as the foundation on which update of the 1992 Comprehensive Plan was built; and
- WHEREAS, the City Council directed that an updated Comprehensive Plan be prepared for the City of Arlington and its extraterritorial jurisdiction to address growth and redevelopment, housing, economic development, land uses, transportation, and the environment; and
- WHEREAS, in 2013, a 26-member Comprehensive Plan Advisory Committee made up of a diverse group of Arlington stakeholders was established to work with the city on the Comprehensive Plan update and provide community-based participation and feedback; identify vital issues; act as a sounding board

and review body; help build consensus; share information at public outreach events; and, strive to balance the specific interest they may represent with a broad understanding of all residents' needs within the City; and

WHEREAS, an updated comprehensive plan draft titled *99 Square Miles* – the Comprehensive Plan was prepared for public review and comment; and

WHEREAS, on February 18, 2015, a public hearing was held before the Planning and Zoning Commission at which the public was given the opportunity to give testimony and present written evidence on *99 Square Miles* – the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission voted to recommend approval of *99 Square Miles* - the Comprehensive Plan to the City Council; and

WHEREAS, on March 3, 2015, a public hearing was held before the City Council, at which the public was given the opportunity to give testimony and present written evidence on *99 Square Miles* – the Comprehensive Plan; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Arlington to approve and adopt *99 Square Miles* – the Comprehensive Plan, said Comprehensive Plan being in furtherance of the public health, safety, and welfare; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the City Council hereby approves and adopts *99 Square Miles* - the Comprehensive Plan for the City of Arlington, Texas.

2.

*99 Square Miles* - the Comprehensive Plan is intended to serve as a policy guide for the City Council, City Boards and Commissions, City Staff and the public for evaluating and reviewing the physical development of the City and such regulations and as may be utilized to implement the goals and policies of *99 Square Miles* - the Comprehensive Plan within the City of Arlington, Texas.

3.

Existing and future plans, studies, ordinances and initiatives will serve as implementation tools and/or components of *99 Square Miles* – the Comprehensive Plan and provide detailed policies and strategies related, but not limited to, neighborhoods, transportation, economic development, community service, human service, public safety, housing, parks and open spaces, zoning, city and building codes, and capital improvement plans.



4.

*99 Square Miles* - the Comprehensive Plan shall amend, supersede, and replace the previous Comprehensive Plan adopted on December 15, 1992, by Ordinance No. 92-133, and sector plans, as amended.

5.

As set forth in more detail in *99 Square Miles* - the Comprehensive Plan, the goals, strategies, actions, projects, and initiatives shall guide the implementation of *99 Square Miles* - the Comprehensive Plan and shall be monitored, evaluated, and periodically amended. City Council recommends the development of alliances necessary to accomplish the strategies identified in *99 Square Miles* - the Comprehensive Plan.

6.

Future amendments to *99 Square Miles* - the Comprehensive Plan and all plans, studies, and ordinances that serve as components of *99 Square Miles* - the Comprehensive Plan shall be adopted as required by law after a hearing at which the public is given the opportunity to give testimony and present written evidence, and review by the Planning and Zoning Commission. *99 Square Miles* - the Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries.

7.

A copy of *99 Square Miles* - the Comprehensive Plan is available for viewing in the City Secretary's Office and incorporated herein for all intents and purposes.

8.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

9.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

10.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this

ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

11.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

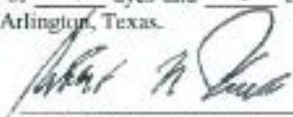
12.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

13.

This ordinance shall become effective ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 3rd day of March, 2015, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 17th day of March, 2015, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



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ROBERT N. CLUCK, Mayor

ATTEST:



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MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:  
TERIS SOLIS, City Attorney

BY: 

Notes  
CSTN START Year = Calendar year project bids

**LEGEND**  
 P = Primary Project type  
 I = Included improvements  
 W = Water  
 S = Sewer  
 ST = Street  
 DRG = Drainage  
 M&O/REC = Mill & Overlay or Reclamation  
 MS = Microseal  
 PK = Panel Replacement  
 HK = Heater Keypaver  
 BLD = Building

**PROJECT STATUS LEGEND**  
 Tent (Tentative) = Possible or not approved candidate  
 Prop (Proposed) = Approved candidate on RWD Program  
 Uctn (Under Construction) = Project has been let  
 Comp (Completed) = Project has been completed

**ROAD, WATER & DRAINAGE (RWD) CONSTRUCTION PROJECTS REPORT**  
**HANA District - Projects Completed (2015 - 2019)**

PROJECT NAME	STREET NAME	FROM	TO	CSTN START	CC DIST	MANAGING DEPT	W	S	ST	DRG	O/RE	MS	PR	HR	BLD	LANE MILE	PRQJ. NUMBER	\$	PROJ. MGR	PROJ INSPECTOR	PROJ STATUS	CONTRACTOR	SUBSTANTIALLY COMPLETE		
2014 Residential Rebuilds, Phase 1	Easement	800 Tharp St	808 Tharp Street	2015	5	PWT/Eng	I	P								0	PWST14004	\$8,076,368.44		Kyle Smith	Comp	McClendon Const. Co., Inc.	FY17-4Q		
	Meadow Ln	Tharp St	Rosewood Ln	2015	5	PWT/Eng	I	I	P							1.87			Chris Funches	Kyle Smith	Comp	McClendon Const. Co., Inc.	FY17-4Q		
2015 Res. Rebuilds, Phase I	Biggs Terr	Connally Terr	Meadow Ln	2016	5	PWT/Eng	I	P								0.26	PWST15003	\$4,101,452.61		Joel Whitley	Comp	McClendon Const. Co., Inc	FY18-4Q		
	Biggs Terr	Meadow Ln	Collins St	2016	5	PWT/Eng	I	P								0.51			Chris Funches	Joel Whitley	Comp	McClendon Const. Co., Inc	FY18-4Q		
2014 Res Rebuilds, Phase 3	Harmon Terr	Meadow Ln	E Park Row Dr	2017	5	PWT/Eng	I	P								0.7	PWST16001	\$3,799,525.32		Brian Charlton	Comp	Tiseo Paving Company	FY18-2Q		
	Harmon Terr	W Park Row Dr	Meadow Ln	2017	5	PWT/Eng		P								0.29					Brian Charlton	Comp	Tiseo Paving Company	FY18-2Q	
	Kelly Terr	W Park Row Dr	Meadow Ln	2017	5	PWT/Eng		P								0.42					Sabino Martin	Brian Charlton	Comp	Tiseo Paving Company	FY18-2Q
2014 Res Rebuilds, Phase 4	Carswell Terr	Meadow Ln	Collins St	2017	5	PWT/Eng		P								0.38	PWST16002	\$2,672,872.28	Chris Funches		Calvin Pitts	Comp	Tiseo Paving Company	FY18-1Q	
	Carswell Terr	Center St	Meadow Ln	2017	5	PWT/Eng	I	P								0.35						Calvin Pitts	Comp	Tiseo Paving Company	FY18-1Q
	Connally Terr	Center St	Collins St	2017	5	PWT/Eng		P								0.77						Calvin Pitts	Comp	Tiseo Paving Company	FY18-1Q
	Glynn Oaks Dr	Meadow Ln	Collins St	2017	5	PWT/Eng	I	I	P							0.39							Calvin Pitts	Comp	Tiseo Paving Company
Street Reclamation 2019 Water main replacement.	Mitchell St	Collins St	Mary St	2019	5	PWT/FO				P						0.68	PWWSM19002	\$600,000.00	Richard Carmichael	Doug Smith	Comp	Reyes Group, Ltd	FY19-4Q		
Trenchless/pipe bursting	Collins St (trenchless)	Park Row Dr	Darlene Ln	2019	5	AWU/Eng	P									0	WUWS19001	\$750,000.00	Lori Du	Jason Fowler	Comp	Murphy Pipeline Contractors	FY20-1Q		

TOTAL LANE MILE 6.62

Notes  
CSTN START Year = Calendar year project bids

**LEGEND**  
 P = Primary Project type  
 I = Included improvements  
 W = Water  
 S = Sewer  
 ST = Street  
 DRG = Drainage  
 M&O/REC = Mill & Overlay or Reclamation  
 MS = Microseal  
 PR = Panel Replacement  
 HR = Heater Repaver  
 BLD = Building

**PROJECT STATUS LEGEND**  
 Tent (Tentative) = Possible or not approved candidate  
 Prop (Proposed) = Approved candidate on RWD Program  
 Uctn (Under Construction) = Project has been let  
 Comp (Completed) = Project has been completed

**ROAD, WATER & DRAINAGE (RWD) CONSTRUCTION PROJECTS REPORT**  
**HANA District - Projects Under Construction**

PROJECT NAME	STREET NAME	FROM	TO	CSTN START	CC DI ST	MANAGIN G DEPT	/		Work/		Public-Works/				BL D	LANE MILE	PROJ. NUMBER	\$	PROJ. MGR	PROJ INSPECTOR	PROJ STATUS	CONTRACTOR
							Enginee	Enginee	DR G	Q/ RE	MS	PR	HR	Field Ops								
2017 Res. Rebuilds, Phase 2	Elm St	Third St	Third St	2019	5	PWT/Eng	I	I	P						0.03	PWST17005	\$3,943,931.05	Ella Reinert	Calvin Pitts	Uctn	McClendon Const. Co., Inc.	
	Hosack St	Mesquite St	Mary St	2019	5	PWT/Eng	I	I	P					0.19	Ella Reinert			Calvin Pitts	Uctn	McClendon Const. Co., Inc.		
	Mary St	Mitchell St	Ray St	2019	5	PWT/Eng	I	I	P					0.39	Ella Reinert			Calvin Pitts	Uctn	McClendon Const. Co., Inc.		
	Ray St	Center St	Mary St	2019	5	PWT/Eng	I	I	P					0.33	Ella Reinert			Calvin Pitts	Uctn	McClendon Const. Co., Inc.		
	Rose St	Mesquite St	Mary St	2019	5	PWT/Eng	I	I	P					0.19	Ella Reinert			Calvin Pitts	Uctn	McClendon Const. Co., Inc.		
	Third St	Center St	Elm St	2019	5	PWT/Eng	I	I	P					0.26	Ella Reinert			Calvin Pitts	Uctn	McClendon Const. Co., Inc.		
	Third St	Elm St	Mary St	2019	5	PWT/Eng	I	I	P					0.22	Ella Reinert			Calvin Pitts	Uctn	McClendon Const. Co., Inc.		
Collins (Park Row - Pioneer Parkway)	Collins St	Glynn Oaks Dr	Rosewood Ln	2019	5	PWT/Eng	I	I	P					0.27	PWST18002	\$8,409,981.22	Kevin Ly	Danny Wilson	Uctn	McMahon Contracting, LP		
	Collins St	Connally Terr	Biggs Terr	2019	5	PWT/Eng	I		P				0.24	Kevin Ly			Danny Wilson	Uctn	McMahon Contracting, LP			
	Collins St	Park Row Dr	Connally Terr	2019	5	PWT/Eng			P				1.22	Kevin Ly			Danny Wilson	Uctn	McMahon Contracting, LP			
	Collins St	Inwood Dr	Glynn Oaks Dr	2019	5	PWT/Eng	I		P				0.66	Kevin Ly			Danny Wilson	Uctn	McMahon Contracting, LP			
	Collins St	Biggs Terr	Inwood Dr	2019	5	PWT/Eng	I	I	P				0.28	Kevin Ly			Danny Wilson	Uctn	McMahon Contracting, LP			
	Collins St	Rosewood Ln	Pioneer Parkway	2019	5	PWT/Eng	I		P				0.91	Kevin Ly			Danny Wilson	Uctn	McMahon Contracting, LP			
2019 CDBG Res. Rebuilds	Second St	Center St	Mary St	2019	5	PWT/Eng	I	I	P				0.51	PWST19005	\$990,028.25	Ella Reinert	Keith Hamby	Uctn	Stabile & Winn, Inc.			

TOTAL LANE MILE 5.70



Date 2/19/2020

**Notes**

CSTN START Year = Calendar year project bids

**LEGEND**

- P = Primary Project type
- I = Included improvements
- W = Water
- S = Sewer
- ST = Street
- DRG = Drainage
- M&O/REC = Mill & Overlay or Reclamation
- MS = Microseal
- PK = Panel Replacement
- HR = Heater Repaver
- BLD = Building

**PROJECT STATUS LEGEND**

- Tent (Tentative) = Possible or not approved candidate
- Prop (Proposed) = Approved candidate on RWD Program
- Uctn (Under Construction) = Project has been let
- Comp (Completed) = Project has been completed

**ROAD, WATER & DRAINAGE (RWD) CONSTRUCTION PROJECTS REPORT**

**HANA District - Proposed Projects**

PROJECT NAME	STREET NAME	FROM	TO	CSTN START	DI ST	MANAGIN G DEPT	Engineer		Work/Engineer		Public Works/Field Ops.				et Mg	LANE MILE	PROJ. NUMBER	PROJ. MGR	PROJ INSPECTOR	PROJ STATUS	CONTRACTOR
							W	S	ST	G	DR	O/	RE	MS							
2018 In House Waterline Replacement	College Oaks Dr (trenchless)	Valley View Dr	Approx. 350' north of Valley View Dr	2018	5	AWU/Eng	P									0	WUOP17003	John Morgan	Andrew McBride	Prop	City Crew
	College Oaks Drive (trenchless)	Valley View Dr	South end of cul-de-sac	2018	5	AWU/Eng	P									0	WUOP17003	John Morgan	Andrew McBride	Prop	City Crew
	valley view Dr (trenchless)	Collins St	College Oaks Dr	2018	5	AWU/Eng	P									0	WUOP17003	John Morgan	Andrew McBride	Prop	City Crew

**TOTAL LANE MILE 0.00**



20147  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 9, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Cynthia Bast  
Locke Lord  
600 Congress, Ste. 2200  
Austin, Texas 78701

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20147 Kestrel on Cooper

Dear Ms. Bast:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application provided appropriate documentation to qualify for points under Concerted Revitalization Plan. Staff has completed its review of the Application, including the issuance of deficiencies regarding these issues. The Applicant has been sent a scoring notice and will have the opportunity to appeal staff's determination.

Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,  
Marni  
Holloway  
Marni Holloway  
Multifamily Division Director

Digitally signed by  
Marni Holloway  
Date: 2020.06.09  
07:58:24 -05'00'

Cc: Megan Lasch  
Alyssa Carpenter





TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 9, 2020

*Writer's direct phone # (512) 475-1676*  
*Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Casey Bump  
Bonner Carrington  
901 Mopac Expressway, Bldg. V, Ste. 100  
Austin, Texas 78746

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20147 Kestrel on Cooper

Dear Mr. Bump:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application provided appropriate documentation to qualify for points under Concerted Revitalization Plan. Staff has completed its review of the Application, including the issuance of deficiencies regarding these issues. The Applicant has been sent a scoring notice and will have the opportunity to appeal staff's determination.

I find that the issues raised in your request have been sufficiently addressed through the Department's deficiency process. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,  
Marni  
Holloway  
Marni Holloway  
Multifamily Division Director

Digitally signed by  
Marni Holloway  
Date: 2020.06.09  
08:36:00 -05'00'

Cc: Lisa Stephens  
Alyssa Carpenter



20150  
Request for Administrative Deficiency

Kathy Krickhahn  
Equity Manager, SVP

Banc of America Community Development Corporation  
TX1-492-20-08 901 Main Street  
Dallas, TX 75202-3735  
T 636.266.1243 F 214 209 3840  
kathy.c.krickhahn@BofA.com

May 1, 2020

Marni Holloway  
Director of Multifamily Finance  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701

*Re: Request for Administrative Deficiency for TDHCA #20150 Palmville Homes*

Dear Ms. Holloway:

On behalf of the Applicant for TDHCA #20310 Highpoint at Wynnewood, I would like to formally make a Request for Administrative Deficiency (RFAD) for TDHCA #20150 Palmville Homes. We do not believe that the documentation submitted for this Development's Neighborhood Risk Factor report meets TDHCA's threshold requirements and are requesting that the Department find this Development to be ineligible.

Section 11.101(a)(3)(C) of the 2020 QAP clearly states that an extensive list of documentation must be included in the Neighborhood Risk Factor report:

*"Should any of the neighborhood risk factors described in subparagraph (B) of this paragraph exist, **the Applicant must submit the Neighborhood Risk Factors Report that contains the information described in clauses (i) - (viii) of this subparagraph and mitigation pursuant to subparagraph (D) of this paragraph...**"*

The following text include requests for information such as a determination of neighborhood boundaries, general land use in the neighborhood, an assessment of other Neighborhood Risk Factors, an assessment of existing affordable rental units, area incomes, market rate multifamily units, and copies of the TEA Accountability Rating Reports for each school in the attendance zone containing the Development. Without including the above information, the Applicant would have had to explain how the Application met the requirements clearly established in Section 11.101(a)(3)(C) prior to the Full Application deadline.



In summary, the Applicant did not provide the required documentation for the Neighborhood Risk Factor report. As such, we respectfully request that Application #20150 Palmville Homes be found ineligible.

Thank you for your consideration.

Sincerely,



Kathy Krickhahn  
Equity Manager, SVP  
Authorized Representative of S Zang, LP  
Banc of America Community Development Corporation  
S Zang, LP

—  
KK.ml

20150  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**

Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 10, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Kathy Krickhahn  
Bank of America CDC  
901 Main Street  
Dallas, Texas 75202-3735

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20150 Palmville Homes

Dear Ms. Krickhahn:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Neighborhood Risk Factors (NRF) Packet submitted with the Application includes documentation required by 10 TAC §11.101(a)(3)(C). Staff determined that an Administrative Deficiency was not necessary to answer the request. Per the rule:

(C) Should any of the neighborhood risk factors described in subparagraph (B) of this paragraph exist, the Applicant must submit the Neighborhood Risk Factors Report that contains the information described in clauses (i) - (viii) of this subparagraph and mitigation pursuant to subparagraph (D) of this paragraph ***if such information pertains to the Neighborhood Risk Factor(s) disclosed*** so staff may conduct a further Development Site and neighborhood review. The Neighborhood Risk Factors Report cannot be supplemented or modified unless requested by staff through the deficiency process. (emphasis added)

Further, the NRF packet itself allows the Applicant to select which information is submitted and states "or such other mitigation as the Applicant determines appropriate to support a staff determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the Neighborhood Risk Factor(s) disclosed."

Contrary to the RFAD assertion that this application falls below a "threshold" showing of a minimum amount of documentation, I find that both the rule and the form allow for the applicant to



determine the extent and amount of supporting information that “pertains to the Neighborhood Risk Factor(s) disclosed” with the NRF packet. If staff determined there to be insufficient information in the NRF packet, the deficiency process would be utilized. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff’s review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni

Holloway

Marni Holloway

Multifamily Division Director

Digitally signed by Marni  
Holloway  
Date: 2020.06.10 08:31:57  
-05'00'

Cc: Arthur J. Schuldt, Jr.  
Micah B. Strange

20177  
Request for Administrative Deficiency



**JZ – LZ R2K, LLC**  
1329 East Lark Street  
Springfield, MO 65804

Date: 5/1/2020

Marni Holloway, Director of Multifamily Finance  
Sharon Gamble, 9% HTC Administrator

Texas Department of Housing and Community Affairs  
221 E 11<sup>th</sup> Street  
Austin, Texas 78701

Re: §11.10. Third Party Request for Administrative Deficiency;  
TDHCA Application #20177 – Avanti Legacy Valor Heights, McAllen, Texas;

Dear Ms. Holloway and Gamble,

Pursuant to §11.10 of the 2020 Qualified Allocation Plan (the “QAP”), please let this letter serve as our Third-Party Request for Administrative Deficiency (“RFAD”) with regards to Application # 20177 (the “Avanti Legacy Valor Heights Application”). A copy of this request is being delivered concurrently to representatives of the Avanti Legacy Valor Heights Application.

Under §11.101(a)(2) of the QAP associated with undesirable site features (“Undesirable Site Features”), a proposed development is required to disclose, and where applicable, mitigate any Undesirable Site Features that fall within the applicable distance of this subsection. Specifically, §11.9(a)(2) of the QAP states the following:

*“Undesirable Site Features. Rehabilitation (excluding Reconstruction) Developments with ongoing and existing federal assistance from HUD, USDA, or Veterans Affairs (VA) may be granted an exemption; however, depending on the undesirable site feature(s) staff may recommend mitigation still be provided as appropriate. Such an exemption must be requested at the time of or prior to the filing of an Application. Historic Developments that would otherwise qualify under §11.9(e)(6) of this chapter may be granted an exemption, and such exemption must be requested at the time of or prior to the filing of an Application. The distances are to be measured from the nearest boundary of the Development Site to the nearest boundary of the property or easement containing the undesirable feature, unless otherwise noted below. Where there is a local ordinance that specifies the proximity of such undesirable feature to a multifamily development that has smaller distances than the minimum distances noted below, then such smaller distances may be used and documentation such as a copy of the local ordinance identifying such distances relative to the Development Site must be included in the Application. Pre-existing zoning does not meet the requirement for a local ordinance. If a state or federal cognizant agency would require a new facility under its jurisdiction to have a minimum separation from housing, the Department will defer to that agency and require the same separation for a new housing facility near an existing regulated or registered facility. In addition to these limitations, a Development Owner must ensure that the proposed Development Site and all construction thereon comply with all applicable state and federal requirements regarding separation for safety purposes. If Department staff identifies what it believes would constitute an undesirable site feature not listed*

in this paragraph or covered under subparagraph (K) of this paragraph, staff may issue a Deficiency.

(A) Development Sites located within 300 feet of junkyards. For purposes of this paragraph, a junkyard shall be defined as stated in Texas Transportation Code §396.001;  
(B) Development Sites located within 300 feet of a solid waste facility or sanitary landfill facility or illegal dumping sites (as such dumping sites are identified by the local municipality);

(C) Development Sites located within 300 feet of a sexually-oriented business. For purposes of this paragraph, a sexually-oriented business shall be defined in Local Government Code §243.002, or as zoned, licensed and regulated as such by the local municipality;

(D) Development Sites in which any of the buildings or designated recreational areas (including pools) are to be located within 100 feet of the nearest line or structural element of any overhead high voltage transmission line, support structures for high voltage transmission lines, or other similar structures. This does not apply to local service electric lines and poles;

(E) Development Sites located within 500 feet of active railroad tracks, measured from the closest rail to the boundary of the Development Site, unless:

(i) the Applicant provides evidence that the city/community has adopted a Railroad Quiet Zone; covering the area within 500 feet of the Development Site;

(ii) the Applicant has engaged a qualified Third Party to perform a noise assessment and the Applicant commits to perform sound mitigation in accordance with HUD standards as if they were directly applicable to the Development; or

(iii) the railroad in question is commuter or light rail;

(F) Development Sites located within 500 feet of heavy industry (i.e. facilities that require extensive use of land and machinery, produce high levels of external noise such as manufacturing plants, or maintains fuel storage facilities (excluding gas stations);

(G) Development Sites located within 10 miles of a nuclear plant;

(H) Development Sites in which the buildings are located within the accident potential zones or the runway clear zones of any airport;

(I) Development Sites that contain one or more pipelines, situated underground or aboveground, which carry highly volatile liquids or Development Sites located adjacent to a pipeline easement (for a pipeline carrying highly volatile liquids), the Application must include a plan for developing near the pipeline(s) and mitigation, if any, in accordance with a report conforming to the Pipelines and Informed Planning Alliance (PIPA);

(J) Development Sites located within 2 miles of refineries capable of refining more than 100,000 barrels of oil daily; or

(K) Any other Site deemed unacceptable, which would include, without limitation, those with exposure to an environmental factor that may adversely affect the health and safety of the residents or render the Site inappropriate for housing use and which cannot be adequately mitigated. If staff believe that a Site should be deemed unacceptable under this provision due to information that was not included in the Application, it will provide the Applicant with written notice and an opportunity to respond.

The Avanti Legacy Valor Heights Application provided mitigating support for being within 500 feet of active railroad tracks as required under §11.101(a)(2)(E)(ii) of the QAP, but failed to provide any disclosure or mitigating support as it relates to the potential Undesirable Site Feature identified in

Exhibits A and B (attached) which identifies a potential junkyard that falls within 300 feet of the development site. Per the QAP, a junkyard is defined in §396.001 of the Texas Transportation Code, which states the following:

*“(1) “Automotive wrecking and salvage yard” means an outdoor place where a person stores three or more vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in automotive repair or rebuilding.*

*(2) “Junk” means copper, brass, iron, steel, rope, rags, batteries, tires, or other material that has been discarded or sold at a nominal price by a previous owner of the material. The term does not include a wrecked vehicle.*

*(3) “Junkyard” means a place where a business that owns junk, and is operated to store, buy, or sell junk, keeps all or part of the junk outdoors until the business disposes of the junk.*

*(4) “Recycling business” means a business primarily engaged in the business of:*

*(A) converting metal or other material into raw material products that have:*

*(i) prepared grades; and*

*(ii) an existing or potential economic value;*

*(B) using raw material products described by Paragraph (A) in the production of new products; or*

*(C) obtaining or storing metal or other material for a purpose described by Paragraph (A) or (B).*

*(5) “Wrecked vehicle” means a discarded, junked, damaged, or worn-out automotive vehicle that is not in a condition to be lawfully operated on a public road.”*

As can be seen in Exhibit C (attached), there are multiple items that are “junk”, as defined in §396.001 of the Texas Transportation Code, that have been identified on the site in question. These items include: tires, a broken vending machine, a dilapidated jet ski, discarded toilets, scrap metal, broken shelves, an old shower tub, and discarded appliances. Even though the identified site in question contains a large component of what could be considered “wrecked vehicles” as defined in §396.001 of the Texas Transportation Code, we believe that the site contains enough items that are not “wrecked vehicles” and are considered “junk” that the site should be considered a junkyard in spite of the component of “wrecked vehicles”. It should also be noted that if the site was originally intended to operate as an “automotive wrecking and salvage yard”, as defined in §396.001 of the Texas Transportation Code, then it could reasonably be concluded that the site in question no longer operates as an “automotive wrecking and salvage yard” for the following reasons:

- When you search “Eastside Auto Clinic McAllen Texas”, nothing about this location comes up;
- When you search “Automotive wrecking and salvage yard McAllen Texas”, nothing about this location comes up;
- When you search “Eastside Auto Clinic” in the Comptroller’s database, nothing about this location comes up; and
- Based on the amount of overgrowth that is occurring around the wrecked vehicles on site, it appears as though the wrecked vehicles are no longer being utilized in a pick and pull capacity.

Furthermore, this site is clearly an undesirable site feature that if determined by staff doesn't satisfy criteria for being a "junkyard", then at the very least it should have been disclosed to staff for consideration due to the fact that the site also satisfies the City of McAllen's definition of an "illegal dumping site" (see Exhibit D). However, there was no predetermination provided in the application that supports staff's position regarding the potential Undesirable Site Feature in close proximity to the development site. Therefore, because of the lack of disclosure or predetermination of the Undesirable Site Feature, we believe the Avanti Legacy Valor Heights

Application failed to satisfy threshold requirements under §11.101(a)(2)(A) of the QAP which would render the development site ineligible for a tax credit award.

If you have any questions or would like to discuss these items further, please do not hesitate to contact me directly at (417) 885-3500 or via email at [mforster@wilhoitproperties.com](mailto:mforster@wilhoitproperties.com) any time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donna L. Zimmerman", with a long, sweeping underline.

Donna L. Zimmerman, Member  
JZ - LZ R2K, LLC

# Exhibit A

Ruler

Line Path Polygon Circle 3D path 3D poly

Measure the circumference or area of a circle on the ground

Radius: 242.38 Feet

Area: 4.22 Acres

Circumference: 1,519.71 Feet

Mouse Navigation Save Clear



Google Earth

© 2020 Google  
© 2020 NEGI

400 ft



# Exhibit B

Undesirable Site Features

Avanti Legacy Valor  
Heights Project Site





#20177 Site

Approximately 50 FT from Avanti Legacy Valor Heights Project Site









STSIDE AUTO CLINIC  
682-4197-682-4198

DBOARD ONLY

WARNING  
DANGER  
DO NOT  
OPEN  
LID  
UNLESS  
NECESSARY  
SEE  
INSTRUCTIONS  
FOR  
SAFE  
OPERATION



# Exhibit C

55 Gallon Drum With Unknown Solution





Old Appliances With Tall Growth





Coke Machine With Tires and Parts







Trashed Jet Ski

Tires







Braces Holding Fence Upright



Vegetation and Misc Metals



Toilet





Window A/C Unit







Major Vegetation  
Indicating No Activity



Old Vending Machine





Toilet on Ground





Tub on Ground - Random Metal Parts





An aerial photograph showing a corner of a junkyard. A black chain-link fence runs along the top and right sides of the area. Inside the fence, there are several green trees and a large pile of scrap metal and debris in the bottom left corner. A rusted, light-colored car is visible in the bottom right corner. The ground is a mix of dirt, grass, and weeds. A paved road is visible in the top right corner.

Corner of Junkyard Nearest to Project Site



# Exhibit D

## TO REPORT ILLEGAL DUMPING IN MCALLEN CONTACT:

City of McAllen Health & Code Enforcement (956) 681-1900 or  
McAllen 3-1-1 Customer Service Call Center (956) 681-3111  
Monday through Friday, 8:00 a.m. – 5:00 p.m.  
[Report online by clicking here](#)

### Q: WHAT IS ILLEGAL DUMPING?

A: Illegal dumping is the improper disposal of waste at any location other than a permitted landfill or special facility. It is against the law and can pose serious threats to our rivers, creeks, and the overall environment. It typically happens in open areas such as fields or empty lots, abandoned industrial sites, along rural roads, in wooded areas, near irrigation canals, in alleys, along railroads, and near storm drains or other drainage ditches in neighborhoods. Illegal dumping often happens late at night while people are asleep so as to avoid detection.

### Q: WHAT KINDS OF THINGS ARE ILLEGALLY DUMPED?

A: Examples of waste that are illegally dumped include:

- construction and demolition debris (drywall, shingles, lumber, bricks, concrete, siding)
- large appliances
- abandoned vehicles, automobile parts and tires
- old, used, or soiled furniture
- leaf, brush, palm leaves, and grass clippings
- household garbage
- medical waste
- Household hazardous waste products (cleaners, paint, motor oil, asbestos, etc.)

### Q: WHO TYPICALLY DUMPS THESE THINGS ILLEGALLY?

A: Illegal dumpers can be anyone. Typical offenders can include:

- construction contractors (demolition, remodelers, roofers, landscapers)
- automobile repair employees or tire shop owners
- trash hauling contractors
- scrap collectors
- do-it-yourself home renovators
- local residents

### Q: WHY DO THEY DUMP THESE THINGS ILLEGALLY IF IT'S AGAINST THE LAW?

A: Illegal dumpers may not be aware that what they are doing is illegal, or they may be trying to avoid costs and steps associated with proper disposal. Some will illegally dump materials in places where other dumping has previously happened. Sometimes, property owners will even try to earn some profit for themselves by charging others to dump on their properties, which is also illegal. Illegal dumping can also happen following clearing of properties for

development – the owners may transfer clearing debris such as rocks, wood, or earth to fill low areas on their property without getting required permits.

**Q: WHAT ARE THE EFFECTS OF ILLEGAL DUMPING IN OUR RIVERS, CANALS, DRAIN DITCHES, AND IRRIGATION CANALS?**

A: Debris and chemicals which are illegally dumped directly into rivers, creeks, and nearby areas can pollute and destroy the health of the water and the native fish, plant, and animal species which depend on it. The pollutants can also make the water unsafe for human use and consumption. Debris and chemicals from illegally dumped items can attract rodents and insects, which in turn can create breeding grounds in stagnant water for mosquitoes and harmful bacteria. Debris can also impact drainage and water flow, increasing the risk of flooding and further pollution.

**Q: ARE CAMERAS AVAILABLE TO MONITOR THE ILLEGAL DUMP SITE?**

A: Yes, there are cameras available and on a rotating schedule throughout the city.

**Q: WHERE MAY I PLACE OR WHERE IS THE PROPER AREA TO PLACE ITEMS?**

A: Check your neighborhood pick-up schedule and separate items by brush piles or bulky waste. Place items on the week of collection and in the area where the black and blue bins are set out for collection. Items must be separated and at least 3 feet from any meters or fencing.

B: McAllen residents can drop off items at no cost by simply showing a current utility bill at the City of McAllen Recycling Center located at 4101 North Bentsen Rd. Allowed items for drop-off include; furniture, carpet, bulky toys, wood, tires, and appliances. For detailed information, please call 956.681.4050.

Residents can also drop off items at the City of Edinburg Landfill, 8601 Jasman Road Edinburg 956-381-5652. McAllen Residents are required to bring Valid Texas ID along with a most current utility bill. Charge to drop-off include \$11.67 per cubic yard with a minimum fee of \$25 dollars.

C: Dumpsters from the City of McAllen Public Works (for brush only) can be requested by residents on a first come, first serve basis.

D: Project Clean Neighborhoods is designed to assist in helping to clean and beautify neighborhoods. Dumpsters will be provided at no cost so that citizens may dispose of any broken appliances, bulky items, trash, or debris. Construction material, food waste, or dangerous chemicals will not be accepted. For more information call Keep McAllen Beautiful 956-681-4562.

**Q: WHO TO CALL**

A: To report illegal dumping in McAllen contact the City of McAllen Health & Code Enforcement at (956) 681-1900 or call the McAllen 3-1-1 Customer Service Call Center at 681-3111, Monday through Friday, 8:00 a.m. – 5:00 p.m.

**Q: HOW DO I REQUEST AN ILLEGAL DUMPING SIGN FROM THE CITY?**

A: Call the Health & Code Enforcement (956) 681-1900

**Q: WHAT ARE THE CONSEQUENCES FOR ILLEGAL DUMPING?**

A: Consequences include a citation to appear at the City of McAllen Municipal Court. Fines are up to \$500.00.



## **CONTACT INFO**

**1300 HOUSTON AVENUE  
CITY HALL - 2ND FLOOR  
MCALLEN, TX 78501  
PHONE : [956] 681-1900**



## City Hall

City Commission

City Manager

City Secretary

City Auditor

Finance

Grant Administration

Vital Statistics

Risk Management

Management & Budget

Advisory Boards

Public Utility Board

City Jobs

## City Access

Job Listings

Volunteer Opportunities

Emergency Management

Bridge Cameras

City Maps (GIS)



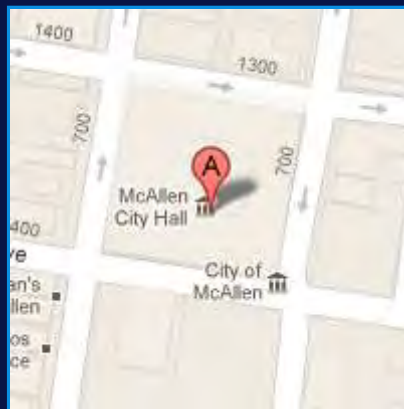
[Pay Water Bill](#)  
[Commission Meetings](#)  
[Parks and Recreation](#)  
[Pay Tickets Online](#)  
[Bid Notices](#)

## City Sites

[Airport](#)  
[Convention Center](#)  
[ExploreMcAllen.com](#)  
[Library](#)  
[Quinta Mazatlan](#)  
[BuildMcAllen.com](#)  
[McAllen Public Utility](#)  
[Smugmug Photo Gallery](#)

## Site Access

[Search](#)  
[City Directory](#)  
[Site Map](#)  
[Employee Portal](#)



City of McAllen  
1300 Houston Avenue  
McAllen, TX 78501  
Phone : [956] 681-3111



20177  
Administrative Deficiency Notice(s)

**From:** [Matthew Griego](#)  
**To:** [henry@madhousedevlopment.net](mailto:henry@madhousedevlopment.net)  
**Cc:** [Sharon Gamble](#)  
**Subject:** 20177 Avanti Valor Heights- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Monday, May 11, 2020 3:37:27 PM

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20177 Avanti Valor Heights**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states the development site is within less than 300 feet from a junkyard, which would be considered an Undesirable Site Feature under 10 TAC §11.101(a)(2)(A).

1. Please provide evidence that the disclosed site from the requestor would not be considered a junkyard in close proximity to the development site.

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the



satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

Reminder for Direct Loan Borrowers: TDHCA will not close earlier than 30 days after receipt of complete due diligence documents. We will not honor closings scheduled without our confirmation.

20177  
Deficiency Response(s)

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# AVANTI LEGACY VALOR HEIGHTS, LP

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5/18/2020

Texas Department of Housing and Community Affairs  
Multifamily Division  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
Attention: Sharon Gamble

**RE: Avanti Legacy Valor Heights – 2020 Application Deficiency Notice for TDHCA #20177**

Dear Ms. Gamble,

This letter is in response to your application deficiency email received on May 11, 2020. Below, please find our response and additional information.

**Deficiency:** The Avanti Legacy Valor Heights Application failed to disclose or provide mitigating support as it relates to the Junkyard.

**Response:**

The Property known as Eastside Auto Clinic (the “Property”) which was the subject of the Third Party Request for Administrative Deficiency for Avanti Legacy Valor Heights, TDHCA #20177, as requested by JZ – LZ R2K, LLC, is not an Undesirable Site Feature. The Property is not a Junkyard as defined by Texas Transportation Code §396.001, nor does the City of McAllen consider it a Junkyard. Therefore, the Property does not warrant any disclosure. Consequently, we did not violate Section 11.101(a)(2) of the 2020 Qualified Allocation Plan (“QAP”) and should not be subject to a deficiency based on the following supporting analysis.

**TDHCA Rule:** Section 11.101(a)(2) of the QAP requires a proposed development to disclose, and where applicable, mitigate any Undesirable Site Features if a development site is (A) ... *located within 300 feet of Junkyards*. For purposes of this paragraph, a Junkyard shall be defined as stated in Texas Transportation Code §396.001.

- Texas Transportation Code §396.001(3): “**Junkyard**” means a place where a business that owns junk, and is operated to store, buy, or sell junk, keeps all or part of the junk outdoors until the business disposes of the junk.

**Analysis:**

1. The Property does not meet the definition of a “Junkyard” as referenced in Section 11.101(a)(2)(A) of the QAP and as defined by Texas Transportation Code §396.001.
  - The Property is zoned C-3 General Business, and under Section 138-277 of the McAllen Code of Ordinances, the City of McAllen expressly prohibits any wholesale trade or wholesale trade accessory of “metals and minerals” and “scrap or junk waste materials” within C-3 General Business zoning (**See Exhibit A**).

Avanti Legacy Valor Heights, LP  
8500 Shoal Creek Blvd, Bldg. 4, Ste. 208, Austin, TX 78757  
Phone – (512) 982-1342 | Fax – (512) 900-2860  
[contact@madhousedevlopment.net](mailto:contact@madhousedevlopment.net)

- The Property owner is not in the business of storing, buying, or selling “junk” as defined by Texas Transportation Code §396.001. The Property was initially leased and used as an automotive repair shop and is currently being used by the owners as a private automotive repair shop for their personal collection of vehicles and personal property. The third-party requestor was unable to find any business or online presence associated with the Property because the owner is maintaining the Property for personal use and not to store, buy, or sell junk.
  - The Comptrollers database resulted in no positive search results because the Property is currently being used as a private automotive repair shop for the owner’s collection of vehicles and personal property.
  - We have provided additional photos from street level view that were not included by the third-party requestor which show the Property from the view of a passing person or vehicle and not a helicopter or drone. **(See Exhibit B).**
2. **Local Municipality Statement** - On September 5th, 2019, Henry Flores, the authorized representative of Avanti Legacy Valor Heights, LP, met with Michelle Rivera, the City of McAllen’s Assistant City Manager, to discuss the Property and ascertain whether the city considered the Property to be a Junkyard. After investigating the Property, the City of McAllen confirmed that **the Property was and is not a Junkyard**. Additionally, the city provided the Applicant with a letter explaining its findings and its reasonings for the determination that the Property is not a Junkyard **(See Exhibit C)**. For convenience, we have summarized the facts of the letter below.
- Staff determined that the Property was zoned C-3 General Business, and under Section 138-277 of the McAllen Code of Ordinances, the City of McAllen expressly prohibits any wholesale trade or wholesale trade accessory of “metals and minerals” and “scrap or junk waste materials” within C-3 General Business zoning.
  - Staff then verified that the Property in question was being used by the owners as a private automotive repair shop and was following local zoning ordinances.
  - The City of McAllen assured the Applicant that the Property was currently being used by the owners as a private automotive repair shop and is in compliance with local ordinances. The city notes they plan to continue monitoring the Property for ongoing compliance.
3. **State Representative Statement** – Texas State Representative Robert “Bobby” Guerra of District 41, whose district boundaries encompass the Property in question, has provided the applicant with a letter stating that he has been assured by the City of McAllen staff that it is not a Junkyard. He also provides continued support for the development **(See Exhibit D)**.

**Conclusion:**

In conclusion, the Property does not meet the definition of a Junkyard as defined by Texas Transportation Code §396.001 or the local municipality code in which the proposed development is located. Based on the facts presented above, the Applicant was not required to disclose the Property as an Undesirable Site Feature and requests that staff clear the administrative deficiency.

Upon your review, should you have any questions or require additional information, please do not hesitate to contact us at your convenience.



Respectfully,



Enrique Flores,  
Authorized Representative of Avanti Legacy Valor Heights, LP  
8500 Shoal Creek Blvd., Bldg. 4, Ste. 208  
Austin, TX 78757  
(512) 982-1342 Phone  
(512) 900-2860 Fax  
henry@madhousedevlopment.net

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# EXHIBIT A

---

Attachment

## Sec. 138-277. - Permitted uses.

## The uses permitted in the C-3 general business districts are as follows:

- (1) All uses listed as permitted uses in C-1 and C-2 zoning districts.
- (2) Any retail businesses, personal services or business services except the following: lumberyard or contractor yards, farm equipment or other heavy equipment sales or service, farm products warehousing and storage or stockyards, general warehousing and storage. Household goods warehousing and storage in individually rented storage units is permitted.
- (3) Hospitals.
- (4) Hotels, motels.
- (5) Restaurants, eating places.
- (6) Printing, publishing and allied products manufacturing.
- (7) Rail and motor vehicle transportation passenger terminals.
- (8) Telephone, telegraph, television, radio or similar media stations, centers, studios, but not including public microwave, radio and television towers.
- (9) Any wholesale trade or wholesale trade accessory to any permitted retail operation **except the following:** raw cotton, grain, hide, skins and raw furs, tobacco, wool, mohair, livestock, **commercial or industrial machinery or supplies, metals and minerals,** petroleum bulk stations and terminals, **scrap or junk waste materials.**
- (10) Signs in accordance with adopted ordinances.
- (11) Automotive repair as an accessory use to a permitted retail use, such as retail sale of automobiles or retail sale of automobile parts.

(Code 1966, § 32-43(2))

**Sec. 138-277 expressly prohibits the wholesale trade or wholesale trade accessory of commercial or industrial machinery or supplies, metals and minerals, and scrap or junk waste materials.**

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# EXHIBIT B

---

Attachment



Side of repair shop facing S. 1st Street



Side of repair shop facing S. 1st Street



Wooden fence surrounding repair shop





Back of repair shop





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# EXHIBIT C

---

Attachment



JAMES E. DARLING  
MAYOR

May 13, 2020

Sharon D. Gamble, MSW, PMP  
Competitive Housing Tax Credit Program Administrator  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, TX 78711-3941

RE: Avanti Legacy Valor Heights, TDHCA #20177

Dear Ms. Gamble:

Please allow this letter to serve as a response to the Request for Administrative Deficiency for Avanti Legacy Valor Heights, TDHCA #20177, as requested by JZ – LZ R2K, LLC. In its request, JZ – LZ R2K, LLC, wrongly claims that the property located on the corner of South 1st Street and Beaumont Avenue in McAllen, Texas, is a “junkyard.” In fact, the property was leased to Eastside Auto Clinic, an automotive repair shop, and is currently being used by the owners to store and repair their private collection of vehicles and personal property.

On September 5th, 2019, Henry Flores, the authorized representative of Avanti Legacy Valor Heights, LP, met with Michelle Rivera, Assistant City Manager, to discuss the property and ascertain whether the city considered the property to be a junkyard. Our staff determined that the property is zoned C-3 general business, and under Section 138-277 of the McAllen Code of Ordinances, we expressly prohibit any wholesale trade or wholesale trade accessory of “metals and minerals” and “scrap or junk waste materials” within C-3 general business zoning. Staff then verified that the property in question was being used by the owners as a private automotive shop and was in compliance with local zoning ordinances. We assured Mr. Flores that the site was not a junkyard and pledged that the city would monitor the property to ensure the owner’s continued compliance with state and local laws. Additionally, staff spoke with the owner of the property and requested the owner improve the fence and maintain the grounds in a neat and orderly fashion.

Our goal in monitoring the property is to guarantee the site does not become an Undesirable Site Feature as defined by the Texas Department of Housing and Community Affairs (TDHCA) 2020 Qualified Allocation Plan. We believe the site proposed by Avanti Legacy Valor Heights, LP, is an ideal location for multifamily housing and look forward to the proposed high-quality senior living development. We will continue to facilitate this development in order to provide quality housing to our growing senior population. Please let me know if you have any questions or if I can provide additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Darling". The signature is fluid and cursive, with a large loop at the beginning and end.

Jim Darling  
Mayor

---

# EXHIBIT D

---

Attachment



State of Texas  
House of Representatives

CAPITOL OFFICE:  
P.O. BOX 2910  
AUSTIN, TEXAS 78768-2910  
VOICE: (512) 463-0578  
FAX: (512) 463-1482  
E-MAIL: bobby.guerra@house.state.tx.us



DISTRICT OFFICE:  
10213 NORTH 10TH STREET  
SUITE B  
MCALLEN, TEXAS 78504  
VOICE: (956) 292-0407  
FAX: (956) 292-0418

**R.D. "Bobby" Guerra**  
STATE REPRESENTATIVE  
DISTRICT 41

Sharon D. Gamble, MSW, PMP  
Competitive Housing Tax Credit Program Administrator  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, TX 78711-3941

Re: Avanti Legacy Valor Heights, TDHCA #20177

Dear Ms. Gamble:

Please allow this letter to serve as a response to the Request for Administrative Deficiency for Avanti Legacy Valor Heights, TDHCA #20177, as requested by JZ – LZ R2K, LLC. In its request, JZ – LZ R2K, LLC, wrongly claims that the property located on the corner of South 1st Street and Beaumont Avenue in McAllen, Texas, is a "junkyard." I have been assured by the City of McAllen staff that the property remains in compliance with local zoning ordinances and it is not a junkyard. As I understand, city staff will continue to monitor the property to ensure its continued compliance with state and local laws.

I would also like to express my continued support for the application for housing tax credits concerning the proposed Avanti Legacy Valor Heights senior community. The proposed development is located in my district near the SEC 2<sup>nd</sup> St & Business 83, McAllen, Hidalgo County, Texas 78501. The site is an ideal location for the development and will greatly benefit the community by providing quality affordable housing to those living on low to moderate incomes. The Avanti Legacy Valor Heights community will give seniors the opportunity to reside in a decent, safe, and affordable community.

If I can be of further assistance, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to be "R.D. Guerra".

Representative R.D. 'Bobby' Guerra  
House District 41



20177  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 15, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Donna L. Zimmerman  
JZ-LZ R2K, LLC  
1329 E. Lark Street  
Springfield, MO 65804

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20177 Avanti Valor Heights

Dear Ms. Zimmerman:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application should have reported an area that appears to be a junkyard as an Undesirable Site Feature. Staff issued an Administrative Deficiency regarding the issue, and the Applicant responded timely. Per 10 TAC §11.101(a)(2)(A):

(A) Development Sites located within 300 feet of junkyards. For purposes of this paragraph, a junkyard shall be defined as stated in Texas Transportation Code §396.001;

In the response, the Applicant provided evidence that the repair shop is not a junkyard based on the applicable section of the code and based on the findings of the City of McAllen.

I find that the assertion(s) in the RFAD have been addressed through the Administrative Deficiency process. Pursuant to 10 TAC §11.10, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.



REQUEST FOR ADMINISTRATIVE DEFICIENCY

June 15, 2020

Page 2

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni Holloway

Digitally signed by Marni  
Holloway  
Date: 2020.06.15 15:13:53 -05'00'

Marni Holloway

Multifamily Division Director

Cc: Enrique Flores

Michael Tamez



20181  
Request for Administrative Deficiency



**South Texas Collaborative  
for Housing Development, Inc.**

*A Non-Profit Fostering Safe and Affordable Housing*

April 30, 2020

Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701-2410

Re: TDHCA Application Number 20181 (Avanti Valley View Apartments)

Dear Sir or Madam:

This letter is being submitted per Section 11.10 (Third Party Request for Administrative Deficiency for Competitive Housing Tax Credit Applications), which allows an unrelated person to bring new, material information about an application to staff's attention.

We believe that TDHCA Application #20181 (Avanti Valley View Apartments) located in the City of Hidalgo, Tx is not eligible to compete in the Rural Set Aside because it does not meet the requirements of Section 11.204 (5) (B) Specifically that:

**Section 11.204 (5)(B)(ii)**

"the characteristic of the political subdivision or census designated place and how those differ from the characteristics of the area(s) with which it shares a contiguous boundary"

Exhibit A attached hereto shows that City of Hidalgo shares a contiguous boundary with the City of Pharr and the territory within the boundaries of City of Hidalgo does not differ in characteristics from the area within the boundaries of City of Pharr.

**Section 11.204 (5)(iii)**

"the percentage of the total border of the political subdivision or census designated place that is contiguous with other political subdivision or census designated places designated as urban. For purposes of this assessment, less than 50% contiguity with urban designated places is presumptively rural in nature"

Exhibit B attached hereto shows that the border of City of Hidalgo is contiguous with the Cities of McAllen and Pharr and the contiguity of the border is more than 50% and all three cities (Hidalgo, Pharr and McAllen) are urban designated areas.

**Section 11.204 (5)(iv)**

**“the political subdivision or census designated place contains a significant number of unimproved roads or relies on unimproved roads to connect it to other places”**

**Exhibit C attached hereto are excerpts from the Avanti Valley View Apartments application submitted to TDHCA and it shows that the majority of the roads are improved roads and connectivity is available through improved roads.**

**Section 11.204 (5)(v)**

**“the political subdivision or census designated place lacks major amenities commonly associated with urban or suburban areas”**

**Exhibit D attached here to shows that City of Hidalgo does not lack major amenities compared to the urban and suburban areas of Region 11 and other surrounding political subdivisions.**

**Section 11.204 (5)(vi)**

**“the boundaries of the political subdivision or census designated place contain, or are surrounded by, significant areas of undeveloped or agricultural land. For purposes of this assessment, significant being more than one-third of the total surface area of political subdivision/census designated place, or a minimum of 1,000 acres immediately contiguous to the border”**

**Exhibit E attached hereto shows that (i) significant areas within the boundaries of the political subdivision does not have significant areas of undeveloped or agricultural land or (ii) the political subdivision is not surrounded by significant areas of undeveloped or agricultural land.**

**The exhibits attached and referenced above prove that the City of Hidalgo is ineligible to be designated as a rural area under section 11.204 (5) of the Qualified Allocation Plan.**

**The City of Hidalgo is designated as an Urban area within the site demographic data published by the Texas Department of Housing and Community Affairs. A copy of the preapplication log published by TDHCA is attached (Exhibit F) for reference. The log shows that there were four (4) preapplications submitted within the same census tract (48215021305), of which three of them are under rural designation with one entity maintaining site control, and the fourth one by the subsidiary of the County Housing Authority under urban set aside. The fourth application would have scored the same points as Avanti Valley View Apartments, if allowed to compete under the rural set aside. The unjustified request for Rural Designation created an unfair advantage for Avanti Valley View Apartments to be considered in the rural regional pool.**

We respectfully request that application #20181 (Avanti Valley View Apartments) be moved from the Rural Set Aside to compete under the Urban Regional Pool.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Sunny K. Philip". The signature is fluid and cursive, with the first name "Sunny" being more prominent.

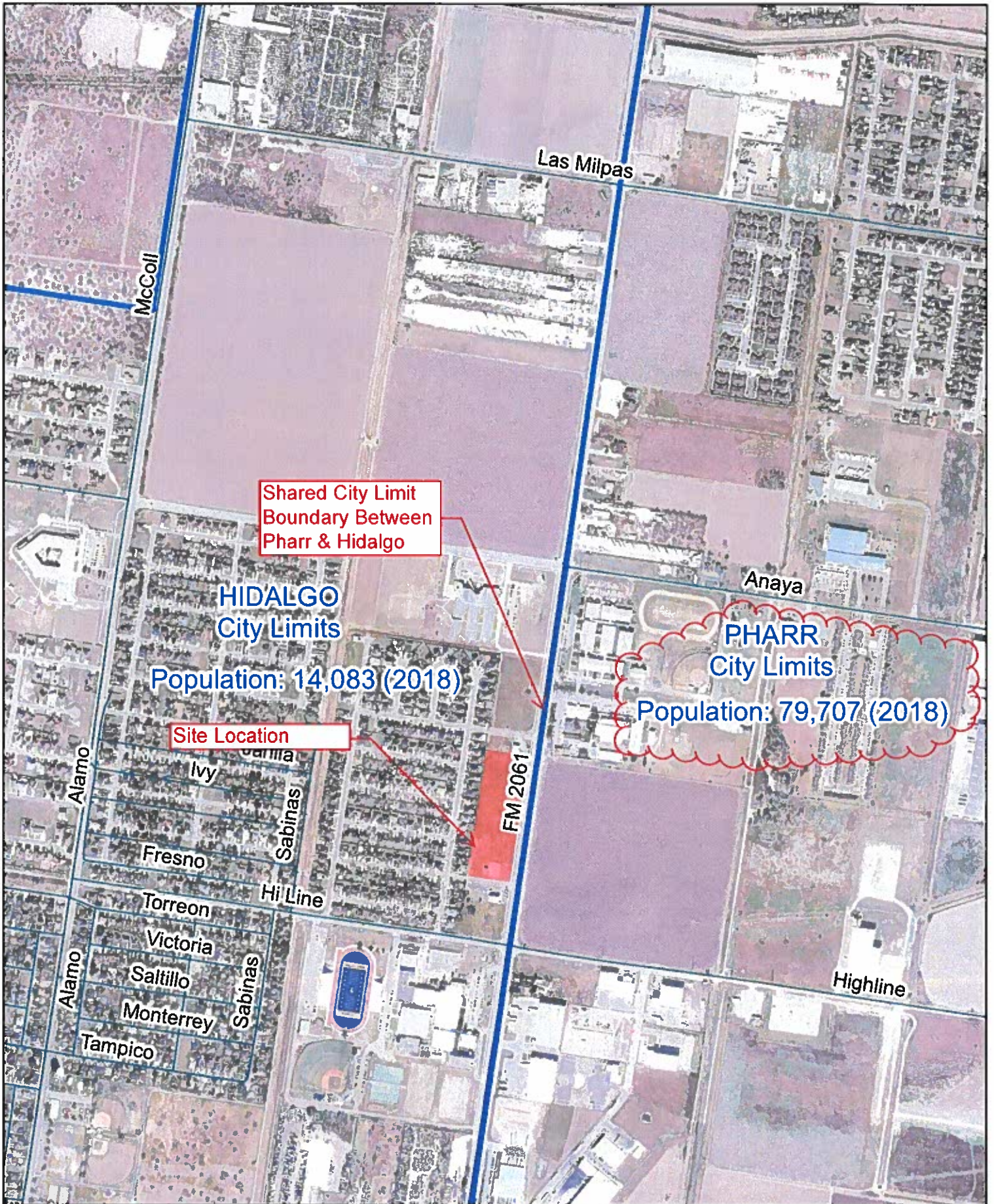
Sunny K. Philip

CC: Henry Flores  
85 Shoal Creek Blvd.  
Building 4, Suite 208  
Austin, Texas 78757



# (20181) Avanti Valley View Site Location City Population Map

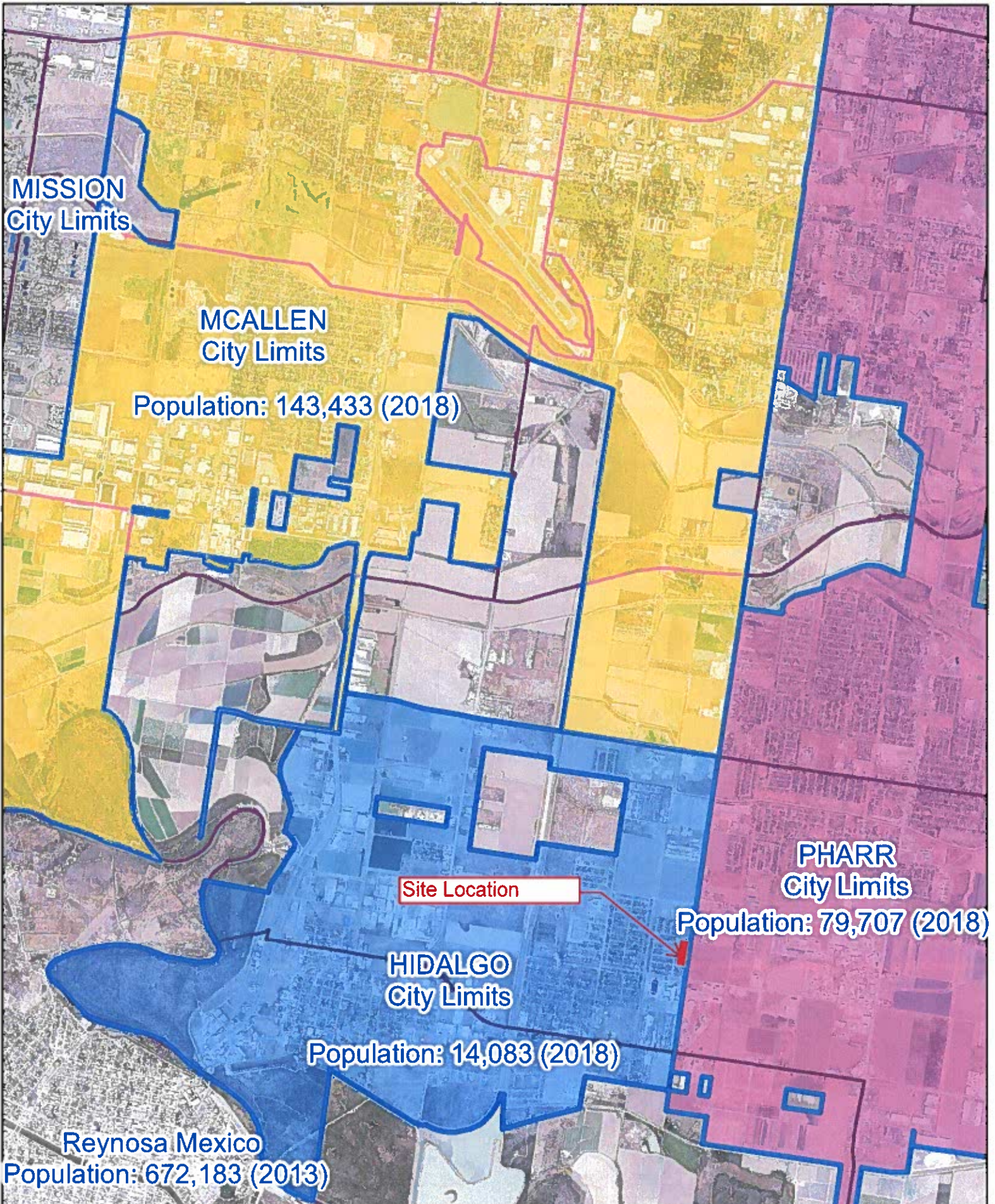
EXHIBIT A





# (20181) Avanti Valley View Site Location Surrounding CDP Population Map

EXHIBIT B





Google Maps TX-241 Spur

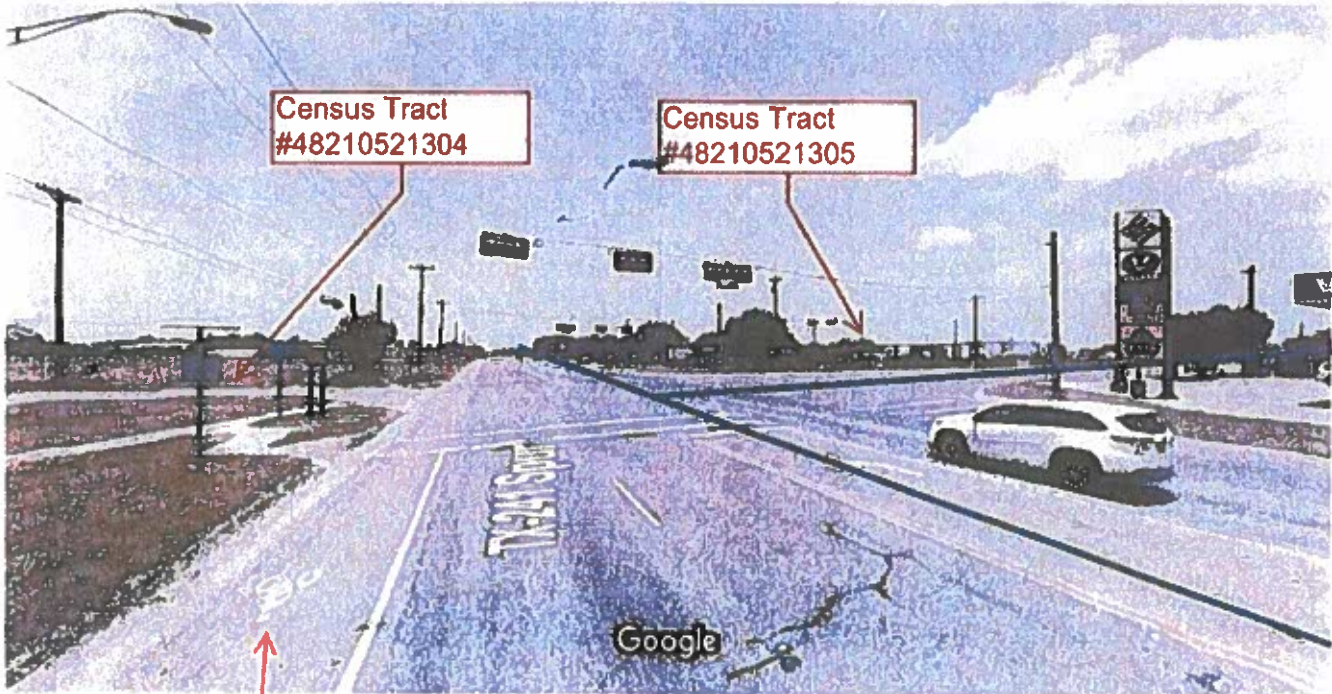


Image capture Jun 2015 © 2020 Google

Pharr, Texas  
Google  
Street View

Bicycle Lane





EXHIBIT J  
NO 2

# (20181) Avanti Valley View

S Jackson Road Analysis

Access from 48210521305  
into 48210521303 via  
Anava Rd

Access from 48210521305  
into 48210521303 via HI  
Line Rd

**Legend**

- Avanti Valley View Site Boundary
- Avanti Valley View Site Location



Google Earth







Opportunity Index Score Sheet - Amenities List

4B - CHARACTERISTIC		Name:	Address
Grocery Store (4 miles)	1.a	Walmart Supercenter	3000 S Jackson Rd, Pharr, TX 78577
	1.b	Junior's Supermarket	1410 Ramon Ayala Dr, Hidalgo, TX 78557
Pharmacy (4 miles)	2.a	Wal-Mart Pharmacy	3000 S Jackson Rd, Pharr, TX 78577
	2.b	Mario's Pharmacy	6201 S Cage Blvd, Pharr, TX 78577
Health Facility (4 miles)	3.a	Hidalgo Family Clinic	3001 N McCall Rd, Hidalgo, TX 78557
	3.b	-	-
DFPS provide school-age program or a child care programs (4 miles)	4.a	Angel's Kiss Learning Center	6901 S Cage Blvd, Ste F.F Pharr, TX 78577
	4.b	Kids On Duty Learning Center	6906 S Cage Blvd A, Pharr, TX 78577
CT w/ crime property crime rate less than 26/1000	5.a	Yes	Per Neighborhood Scout Report - 12.36 per 1,000
Public Library (4 miles)	6.a	Hidalgo Public Library	710 Ramon Ayala Dr, Hidalgo, TX 78557
	6.b	-	-
Public Park (4 miles)	7.a	Jones Box Park	1201 W Ross Ln Pharr, TX 78577
	7.b	McAllen Park	NEC of 1st St & Ramon Ayala Dr, Hidalgo, TX 78557
University or Community College (15 miles)	8.a	University of Texas - Rio Grande Valley	1201 W University Dr, Edinburg, TX 78539
	8.b	South Texas College - Pecos Campus	3301 W Penna Blvd, McAllen, TX 78501
CT w/ >27% Associates Degrees	9.a	No	24.35% - Rate of Assoc. Degrees or Higher
Indoor Recreation (3 miles)	10.a	Tark's Fit	607 S McCall Rd, Pharr, TX 78577
	10.b	Payne Area	2600 N. 10th St, Hidalgo, TX 78557
Outdoor "Public" Recreation (3 miles)	11.a	Hidalgo Municipal Pool	601 Patsy Ave, Hidalgo, TX 78557
	11.b	Aquiles Jaime Garza Park	1601 W Anaya Rd, Pharr, TX 78577
Community, Civic or Service Org including Church (3 miles)	12.a	Hidalgo Youth Center	123 2nd St, Hidalgo, Texas 78557
	12.b	So Casa De Esperanza	6000 Clove St, Pharr, TX 78577
Within Current Service Area of Meals on Wheels or similar N-P	13.a	Amigos Del Valle	4130 W. Crosspoint Blvd, Edinburg, TX 78539
	13.b	-	-
In attendance zone of school rated A or B .	14.a	Valley View High School - B Score	801 E Canton Rd, Edinburg, TX 78539
	14.b	Valley View Jr High - A Score	3601 S Jackson Rd, Pharr, TX 78577







# OnTheMap

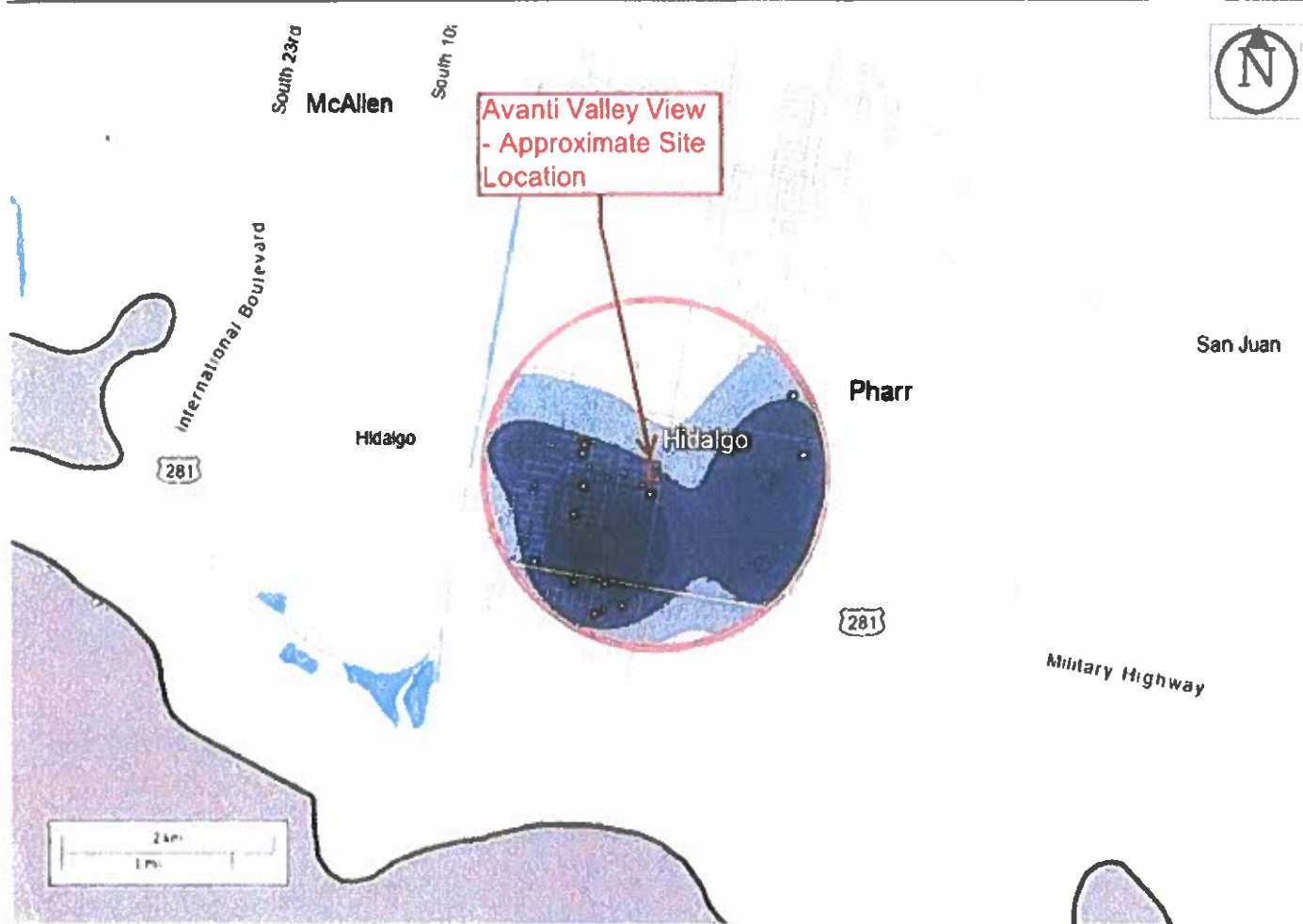
## Work Area Profile Report Primary Jobs for All Workers in 2017

Coordinates Used

Longitude: -98.22038 Latitude: 26.10659

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 01/05/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2017 All Workers



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

- 5 - 116
- 117 - 151
- 452 - 1,009
- 1,010 - 1,791
- 1,792 - 2,796

##### Job Count [Jobs/Census Block]

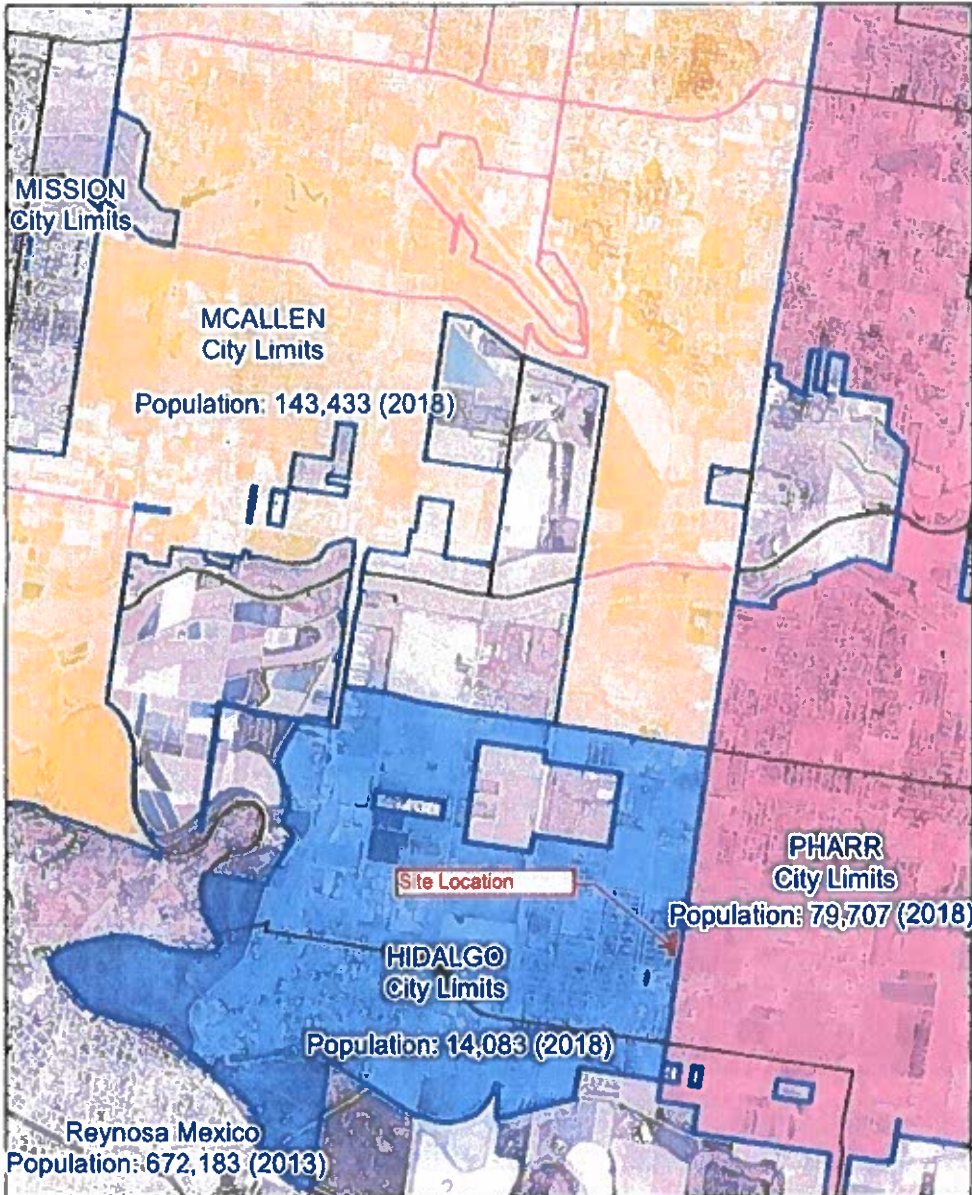
- 1 - 2
- 3 - 27
- 28 - 134
- 135 - 422
- 423 - 1,029

##### Selection Areas

- Analysis Selection



**(2018) Avanti Valley View Site Location  
Surrounding CDP Population Map**





# (20181) Avanti Valley View

Site Map

## Legend

- Avanti Valley View Site Boundary
- 🏠 Avanti Valley View Site Location



Google Earth







20181  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 10, 2020

*Writer's direct phone # (512) 475-1676*  
*Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Sunny Philip  
STCHD, Inc.  
P.O. Box 329  
La Feria, Texas 78559-5002

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20181 Avanti Valley View

Dear Mr. Philip:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the City of Hidalgo qualifies to be designated Rural as provided by Tex. Gov't Code §2306.6740 and 10 TAC §11.204(5)(B). Staff has determined that the site is appropriately designated as Rural in this case. Further, staff has determined that per 10 TAC §11.10, the request is not one that falls within the Administrative Deficiency process contemplated in the rule, and staff will not review the matter further.

Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,  
Marni  
Holloway

Digitally signed by  
Marni Holloway  
Date: 2020.06.10  
08:37:46 -0500'

Marni Holloway  
Multifamily Division Director

Cc: Enrique Flores  
Toby Williams





TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

BOARD MEMBERS  
J.B. Goodwin, *Chair*  
Leslie Bingham-Escareño, *Vice Chair*  
Paul A. Braden, *Member*  
Asusena Reséndiz, *Member*  
Sharon Thomason, *Member*  
Leo Vasquez, *Member*

December 20, 2019

Writer's direct dial: 512-475-3296  
Email: [bobby.wilkinson@tdhca.state.tx.us](mailto:bobby.wilkinson@tdhca.state.tx.us)

Mr. Julian Gonzales  
City Manager  
City of Hidalgo  
704 East Ramon Ayala Drive  
Hidalgo, Texas 78557

RE: REQUEST FOR RURAL DESIGNATION FOR THE CITY OF HIDALGO, TEXAS UNDER §11.204(5)(B) OF THE QUALIFIED ALLOCATION PLAN

Dear Mr. Gonzales:

The Texas Department of Housing and Community Affairs (the Department) received your Request for Rural Designation on December 11, 2019. Subsection 11.204(5)(B) of the 2020 Qualified Allocation Plan states that "certain areas located within the boundaries of a primary metropolitan statistical area or a metropolitan statistical area can request a Rural designation from the Department for purposes of receiving an allocation of Housing Tax Credits." The rule also prescribes the documentation requirements for such request, including submission by December 13, 2019. Your request, and the supporting documentation, was reviewed by staff and has met these requirements. Accordingly, your request for Rural designation is granted.

Please be advised that the newly-assigned designation of Rural will remain in effect until such time that the population of the City of Hidalgo exceeds 25,000 people.

Thank you for your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby Wilkinson".

Bobby Wilkinson  
Executive Director

EBH



# CITY OF HIDALGO, TEXAS

## RURAL DESIGNATION REQUEST TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

December 9, 2019

### CONTACT INFORMATION

Contact Name:	Julian J. Gonzalez
Address:	704 E. Ramon Ayala Drive Hidalgo, TX 78557-4101
Phone:	(956) 843-2286
Fax:	(956) 843-6461
Email:	<a href="mailto:hidcitymgr@cityofhidalgo.net">hidcitymgr@cityofhidalgo.net</a>



## Request for Rural Designation

The purpose of the *Request for Rural Designation Packet* is to formalize the process by which a municipality may request a Rural designation from the Department for an area within the boundaries of a primary metropolitan statistical area or a metropolitan statistical area, pursuant to 10 TAC §11.204(5)(B) of the Qualified Allocation Plan.

The request must be submitted to [Elizabeth.Henderson@tdhca.state.tx.us](mailto:Elizabeth.Henderson@tdhca.state.tx.us) by 5:00 p.m. (Austin local time) on December 13, 2019 in order to be considered.

Julian Gonzales  
Contact Name

hidcitymgr@cityofhidalgo.net                      956-843-2286  
Email    Phone

704 E. Ramon Ayala Drive  
Contact Address

Hidalgo, TX                                      Hidalgo                                      78557                                      11  
City/Place                                      County                                      Zip                                      Region

All of the following must be met to be considered for a Rural Designation under 10 TAC §11.204(5)(B) of the Qualified Allocation Plan.

Please ensure that the letter from a duly authorized official of the political subdivision or census designated place (CDP) is attached and addresses the factors listed below:

- Population of the political subdivision or census designation place does not exceed 25,000;
- Description of the characteristics of the political subdivision or CDP and how it differs from the characteristics of the area(s) with which it shares a contiguous boundary;
- Description of the percentage of the total border of the political subdivision or CDP that is contiguous with other political subdivisions or CDPs designated as urban. For purposes of this assessment, less than 50% contiguity with urban designated places is presumptively rural in nature;
- The presence of a significant number of unimproved roads in the political subdivision or unimproved roads that are relied upon to connect it to other places;
- Description of how the political subdivision or CDP lacks major amenities commonly associated with urban or suburban areas; and
- The boundaries of the political subdivision or CDP contain, or are surrounded by, significant areas of undeveloped or agricultural land. For purposes of this assessment, significant being more than one-third of the total surface of the political subdivision or CDP, or a minimum of 1,000 acres immediately contiguous to the border.
- Photographs are attached as supporting documentation.  
In the box below, provide a brief description of the factors identified by the photographs.

The photographs attached will depict current road conditions in the City of Hidalgo, TX.

- Other supporting documentation is included.

In the box below, provide a brief description of the supporting documentation.

You'll find supporting documentation from Google maps to U.S. Census Bureau Data.

I have included each of the checked items, including documentation, photos and/or narratives, that supports my request for Rural designation under §11.204(5)(B) of the Qualified Allocation Plan.

The undersigned hereby requests a determination regarding the eligibility of a Rural designation. By signing this document, I am affirming that all statements and representations made in this document, including all supporting materials, are true and correct.

  
\_\_\_\_\_  
Signature

Julian Gonzalez, City Manager  
\_\_\_\_\_  
Printed Name and Title

12/9/2019  
\_\_\_\_\_  
Date

**TAB 1**  
**LETTER FROM LOCAL**  
**OFFICIAL**



Sergio Coronado, Mayor  
Gustavo "Gus" Sanchez, Mayor Pro-Tem

COUNCILMEMBERS  
Rodolfo (Rudy) Franz  
Oziel Trevino  
Abram Ramirez  
Linda Ayala

Julian J. Gonzalez, City Manager

December 10, 2019

Texas Department of Housing and Community Affairs  
Attention: Elizabeth Henderson  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

Dear Ms. Henderson,

Please accept this correspondence as a request for Rural designation from the Texas Department of Housing and Community Affairs ("TDHCA") for the City of Hidalgo. Pursuant to 10 TAC §11.204(5)(B) of the Qualified Allocation Plan, the City of Hidalgo City Council approved this submittal at its meeting held on December 9<sup>th</sup>. We respectfully ask that TDHCA approve this request for Rural designation for the purposes of applying for an allocation of Housing Tax Credits (§2306.6740) in 2020.

We are requesting this Rural designation because we believe we have been historically misclassified by TDHCA given that the City of Hidalgo, as a political subdivision, has a population of less than 25,000 within the boundaries of our metropolitan statistical area, and we meet all the additional requirements to be considered Rural under 10 TAC §11.204(5)(B). Please note that we have attached supplemental information including photographs and other relevant documentation as part of Rural Designation Packet.

On behalf of the City of Hidalgo, we would like to extend our appreciation to TDHCA and thank staff for consideration of this request. We are confident that this corrected designation of our community will allow the City of Hidalgo be more effective in applying for the critical Housing Tax Credit funding needed to help improve our community by providing quality affordable housing to our residents, expanding our tax base and facilitating continued economic growth.

Should you have any questions, please do not hesitate to contact me at (956) 843-2286 or [hidcitymgr@cityofhidalgo.net](mailto:hidcitymgr@cityofhidalgo.net) for additional information.

Respectfully,

Julian J. Gonzalez  
City Manager

*"The City of Hidalgo is committed to providing cost effective municipal facilities, infrastructure and services that meet the needs of citizens, businesses and visitors through well planned development resulting in exceptional quality of life"*





**TAB 2**  
**RESOLUTION OF**  
**SUPPORT**

STATE OF TEXAS §  
COUNTY OF HIDALGO §  
CITY OF HIDALGO §

**Resolution Number 2019-15**

**Request for Rural Designation from the Texas  
Department of Housing and Community Affairs**

Whereas, The Texas Department of Housing and Community Affairs' 9% Housing Tax Credit program for affordable multifamily developments will commence in January of 2020, and an award granted to the City would not only create economic opportunity for the region but also provide a new supply of affordable housing units; and,

Whereas, the City of Hidalgo recognizes the importance of supporting affordable housing options that directly benefit the community; and,

Whereas, the City of Hidalgo is currently designated an Urban area by the Texas Department of Housing and Community Affairs' Site Demographic Report; and,

Whereas, the Texas Department of Housing and Community Affairs reports that the City of Hidalgo has a population of 13,593; and,

Whereas, the City of Hidalgo meets the United States Census Bureau's definition of Rural by having a population of less than 50,000; and,

Whereas, the City of Hidalgo recognizes that the region is more competitive in the Texas Department of Housing and Community Affairs' Housing Tax Credit program under a Rural designation; and,

Whereas, the role of the City of Hidalgo is to support economic development and encourage additional housing options for the region's residents.

**CITY OF HIDALGO HEREBY RESOLVES** receiving a Rural Designation from the Texas Department of Housing and Community Affairs as a top priority and encourages full support from for all elected and appointed officials, to have this request met.

Signed this 9<sup>th</sup> day of December 2019.

  
Sergio Coronado, Mayor

ATTEST:

  
Denise M. Elliff, City Secretary



**TAB 3**  
**POPULATION**

- I. **The population of the political subdivision or census designated place does not exceed 25,000;**

**Response:**

According to the Texas Department of Housing and Community Affairs (TDHCA) 2020 Site Demographic Characteristics Report the City of Hidalgo has a population of 13,593. The population is 11,407 people below the TDHCA' 25,000-person limit. This data point more than satisfies condition number (I) of the Rural Designation Request.

Additionally, the United States Census Bureau defines Urban Areas (UAs) as population centers of more than 50,000 people. The City of Hidalgo does not meet that definition. Furthermore, the Office of Management and Budget (OMB) classifies the City of Hidalgo as a Micropolitan area because the city's population contains at least 10,000 but no more than 50,000 people. As stated by the Office of Management and Budget, "Micropolitan counties are considered non-metropolitan or rural." Having met more than three definitions of Rural, the City of Hidalgo formally requests that TDHCA modify the current designation to match our community.

Please see the attached supporting documents for condition number (I):

- 2020 Site Demographic Report Population Data
- Defining Rural Populations



**2020 Rural/Urban Area Designations by Place (§§10.3(a)(117), 10.3(a)(141), 10.204(5))**

Below is a list of "Places" for the State of Texas and their associated Rural Area or Urban Area designation. The definition of Rural Area can be found at §10.3(a)(117) of the Uniform Multifamily Rules and the definition of Urban Area can be found at §10.3(a)(141) of the Uniform Multifamily Rules. For those areas not located within the boundaries of a Place, Applicants are encouraged to review §10.204(5) of the Uniform Multifamily Rules for instruction regarding the appropriate designation. The population data is derived from table B01003 of the 2013-2017 ACS 5 Year data set.

Please contact [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) if you have any questions about the designations.

Place Name	County	Population	Metro Statistical Area	Rural/Urban	Region	CDP
Hidalgo	Hidalgo	13593	McAllen-Edinburg-Mission, TX	Urban	11	

## Defining Rural Population

The federal government uses two major definitions of "rural," along with many variants that are also available. One is produced by the U.S. Census Bureau and the other by the Office of Management and Budget. The Federal Office of Rural Health Policy uses components of each definition when determining a classification for a geographic region.

### U. S. Census Bureau Definition

The first definition developed by the [Census Bureau](#) identifies [two types of urban areas](#):

- **Urbanized Areas (UAs) of 50,000 or more people;**
- Urban Clusters (UCs) of at least 2,500 and less than 50,000 people.

The Census does not actually define "rural." "Rural" encompasses all population, housing, and territory not included within an urban area. Whatever is not urban is considered rural.


The Census recognizes that "densely settled communities outside the boundaries of large incorporated municipalities were just as "urban" as the densely settled population inside those boundaries." Their definition does not follow city or county boundaries, and so it is sometimes difficult to determine whether a particular area is considered urban or rural. Under this definition, about 21% of the US population in 2000 was considered rural but more than 95% of the land area was classified as rural. In the 2010 Census, 59.5 million people, 19.3% of the population, was rural while more than 95% of the land area is still classified as rural.

### Office of Management and Budget Definition

The Office of Management and Budget (OMB) designates counties as Metropolitan, Micropolitan, or Neither. A Metro area contains a core urban area of 50,000 or more population, and a Micro area contains an urban core of at least 10,000 (but less than 50,000) population. All counties that are not part of a Metropolitan Statistical Area (MSA) are considered rural. Micropolitan counties are considered non-Metropolitan or rural along with all counties that are not classified as either Metro or Micro. Under this definition about 17% of the population in 2000 was considered Non-Metro while 74% of the land area was contained in Non-Metro counties. After the 2010 Census, the Non-Metro counties contained 46.2 million people, about 15% of the total population and covered 72% of the land area of the country. For more information on Metro areas, see: [United States Census Bureau Metropolitan and Micropolitan Statistical Areas Main](#).

## Federal Office of Rural Health Policy

There are measurement challenges with both the Census and OMB definitions. Some policy experts note that the Census definition classifies quite a bit of suburban area as rural. The OMB definition includes rural areas in Metropolitan counties including, for example, the Grand Canyon which is located in a Metro county. Consequently, one could argue that the Census Bureau standard includes an overcount of the rural population whereas the OMB standard represents an undercount.

The FORHP accepts all non-Metro counties as rural and uses an additional method of determining rurality called the Rural-Urban Commuting Area (RUCA) codes. Like the MSAs, these are based on Census data that is used to assign a code to each Census Tract. Tracts inside Metropolitan counties with the codes 4-10 are considered rural. While use of the RUCA codes has allowed identification of rural census tracts in Metropolitan counties, among the more than 70,000 tracts in the U.S. there are some that are extremely large. In these larger tracts, use of RUCA codes alone fails to account for distance to services and sparse population. In response to these concerns, FORHP has designated 132 large area census tracts with RUCA codes 2 or 3 as rural. These tracts are at least 400 square miles in area with a population density of no more than 35 people. Following the 2010 Census the FORHP definition included approximately 57 million people, about 18% of the population and 84% of the area of the USA. [RUCA codes represent the current version of the Goldsmith Modification](#) .

For more information on RUCAs, see:

[USDA Economic Research Service Rural Economy & Population](#)

The HRSA website has a [Rural Health Grants Eligibility Analyzer](#) where you can search for eligible counties, or eligible census tracts inside Metro counties. You can also download complete lists of rural areas by County, Census Tract and ZIP code on the [FORHP Data Files page](#).

**TAB 4**  
**CHARACTERISTICS**

**II. The characteristics of the political subdivision or census designated place and how those differ from the characteristics of the area(s) with which it shares a contiguous boundary;**

**Response:**

**Population**

Based on population, the City of Hidalgo is 564% smaller than Pharr, TX and 1029% smaller than McAllen, TX. These data points represent significant differences between the three municipalities.

Additionally, Pharr and McAllen are not only similar in size but also separated by 2.95 miles from their respective business districts. The Downtown area of Hidalgo is separated by 7.50 or more miles from the Central Business Districts of McAllen and Pharr (See Maps Attached).

**Population Data Table**

<b>City</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Hidalgo, TX	7,164	6,429	13,593
Pharr, TX	32,226	40,501	76,727
McAllen, TX	69,425	70,413	139,838

**Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates**

**Poverty Rate**

The Poverty Rate in the City of Hidalgo over the last three years has increased by 4.20%. In same three-year time frame, the poverty rates in Pharr, TX and McAllen, TX have decreased by 4.10% and 0.20%. As the Rio Grande Valley urbanizes, employment opportunity should lift the region out of poverty. The City of Pharr and McAllen are experiencing the benefits of urbanization. For the City of Hidalgo, the data highlights another key difference in characteristics between the regions.

**Poverty Rate Data Table**

<b>Year</b>	<b>Hidalgo, TX</b>	<b>Pharr, TX</b>	<b>McAllen, TX</b>
2017	30.1%	26.6%	22.3%
2016	27.2%	28.2%	22.5%
2015	25.9%	30.7%	22.5%

**Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates**



## Unemployment

The Unemployment rates have consistently decreased in McAllen and Pharr since 2015. The City of Hidalgo has experienced a different story. In 2016, Hidalgo increased its unemployment rate from 8.9% to 10.2% (+1.3%). A significant shift of the unemployment rate signifies economic volatility and minimal diversification. The consistent improvement of unemployment rates in McAllen and Pharr point to the benefits of urban maturity.

**Unemployment Rate Data Table**

Year	Hidalgo, TX	Pharr, TX	McAllen, TX
2017	8.4%	6.2%	7.6%
2016	10.2%	7.3%	7.8%
2015	8.9%	9.4%%	8.1%

**Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates**

## Occupation

According to the U.S. Census Bureau, over 32% of the City of Hidalgo's workforce is categorized within the Natural Resources and Production Occupations. The City of McAllen, arguably the most urbanized area in the Rio Grande Valley, is at 16.20% for both categories. Hidalgo's higher dependence on Natural Resources and Production is a clear indicator of the difference in economic characteristics between a rural and urban region.

**Occupation Data Table**

Category	Hidalgo, TX	McAllen, TX
Management, business, and science	21.6%	36.1%
Service occupations	19.1%	20.7%
Sales and office occupations	26.8%	26.9%
Natural resources	12.9%	7.0%
Production and transportation	19.6%	9.2%

**Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates**

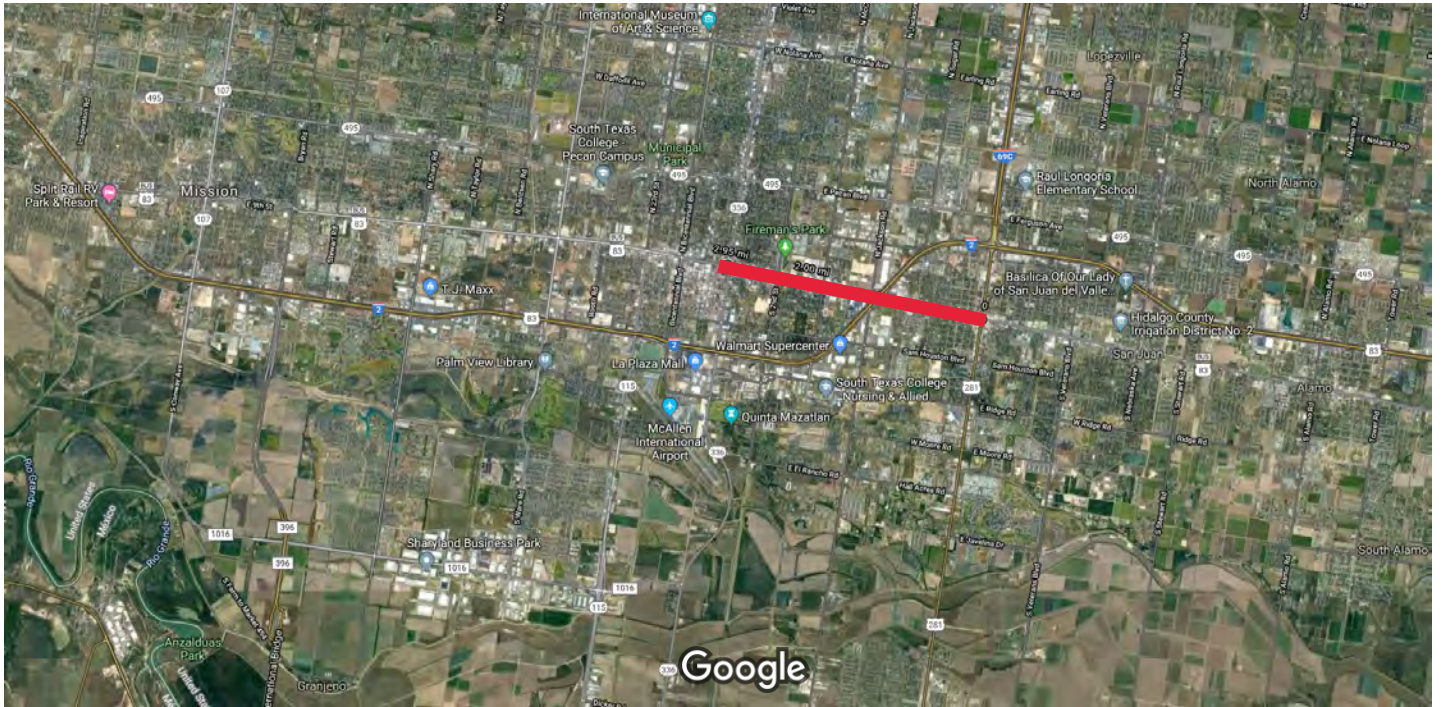
### **Educational Attainment**


According to the American Community Survey, 58% of the population in the City of Hidalgo has obtained a High School Graduate Degree or Higher. College graduates make up 18% of the City of Hidalgo's population. When compared to McAllen, the City of Hidalgo has 15.8% less high school graduates and 11.8% less college graduates. Given the size, distance, economic makeup, and education attainment the City of Hidalgo is not similar to its urban neighbor.

**Educational Attainment Data Table**


<b>2017 Subject Year</b>	<b>Hidalgo, TX</b>	<b>McAllen, TX</b>
Female Percentage High School Graduate or Higher	61.3%	72.1%
Female Percentage Bachelor's Degree or Higher	16.0%	30.1%
Male Percentage High School Graduate or Higher	55.8%	76.0%
Male Percentage Bachelor's Degree or Higher	20.1%	28.5%
Total Percentage High School Graduate or Higher	58.0%	73.9%
Total Percentage Bachelor's Degree or Higher	18.0%	29.3%

**Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates**

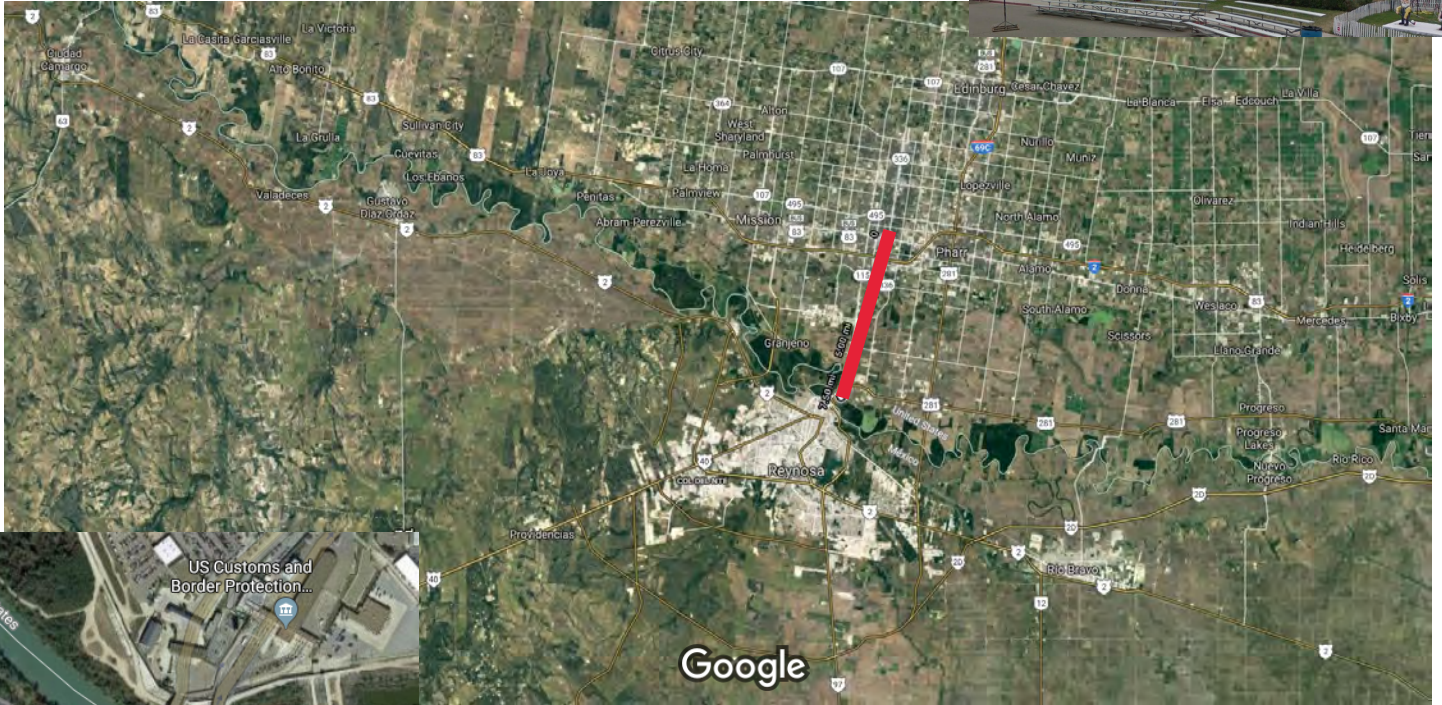


Imagery ©2019 CNES / Airbus, Landsat / Copernicus, Maxar Technologies, Texas General Land Office, U.S. Geological Survey, USDA 1 mi   
Farm Service Agency, Map data ©2019 INEGI

Measure distance

 Total distance: 2.95 mi (4.75 km)





Google

Imagery ©2019 TerraMetrics, Map data ©2019 INEGI 2 mi

Measure distance  
Total distance: 7.50 mi (12.08 km)

Added from Google Maps



← from Hidalgo, Texas  
to McAllen, Texas

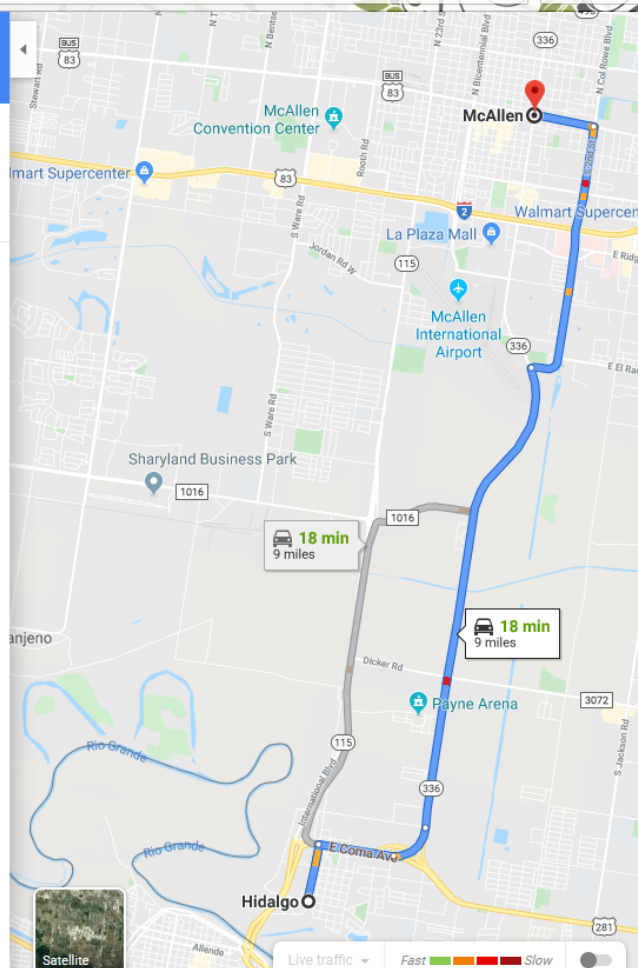
**18 min** (9.0 miles)  
via TX-336 N and S 2nd St  
Fastest route, lighter traffic than usual

**Hidalgo**  
Texas

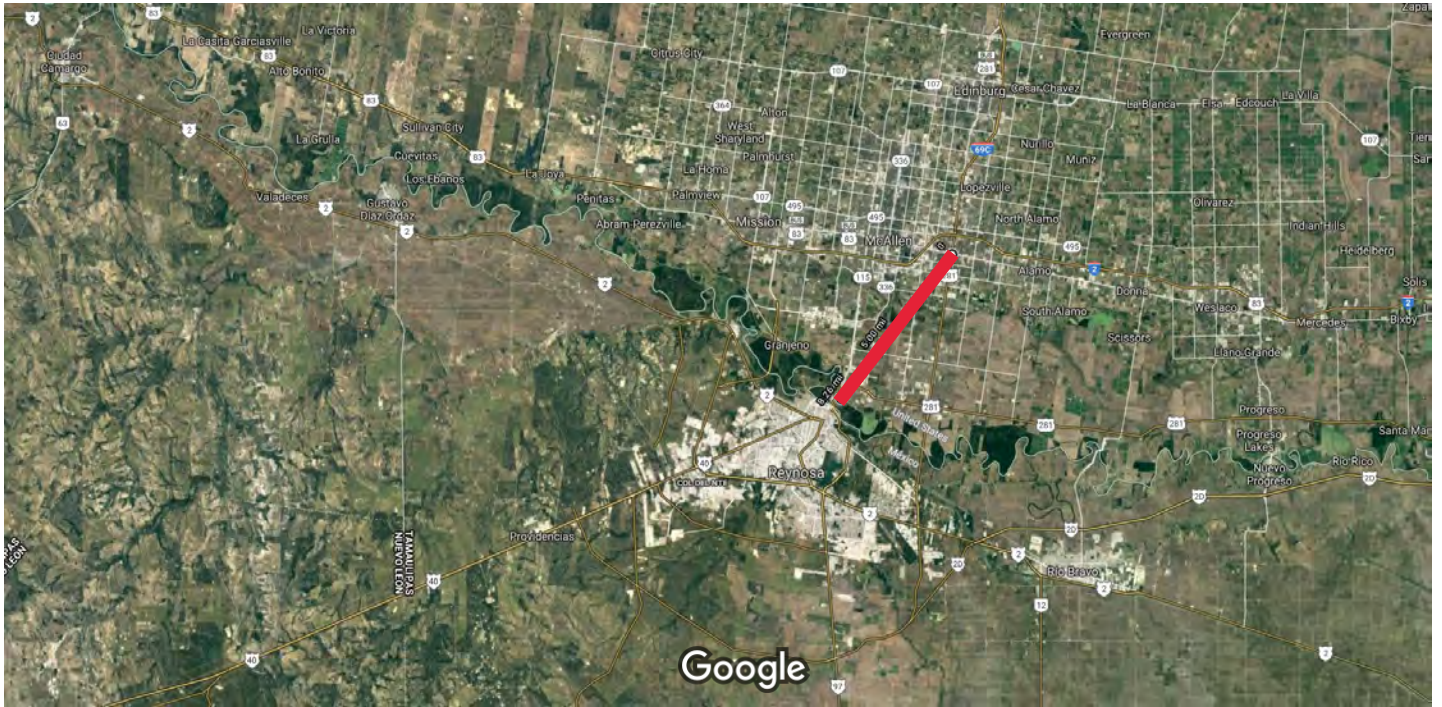
- ↑ Head north on S Bridge St toward W Esperanza Ave  
0.5 mi
- ↘ Turn right onto E Coma Ave  
0.7 mi
- ↘ Use any lane to take the TX-336 exit toward McAllen  
0.4 mi
- ↑ Continue onto TX-336 N  
4.4 mi
- ↘ Turn right onto S 2nd St/2nd St Loop  
Continue to follow S 2nd St  
2.4 mi
- ↙ Turn left onto W.U.S. Business 83  
0.6 mi

**McAllen**  
Texas

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.







Imagery ©2019 TerraMetrics, Map data ©2019 INEGI 2 mi

Measure distance



Total distance: 8.26 mi (13.30 km)

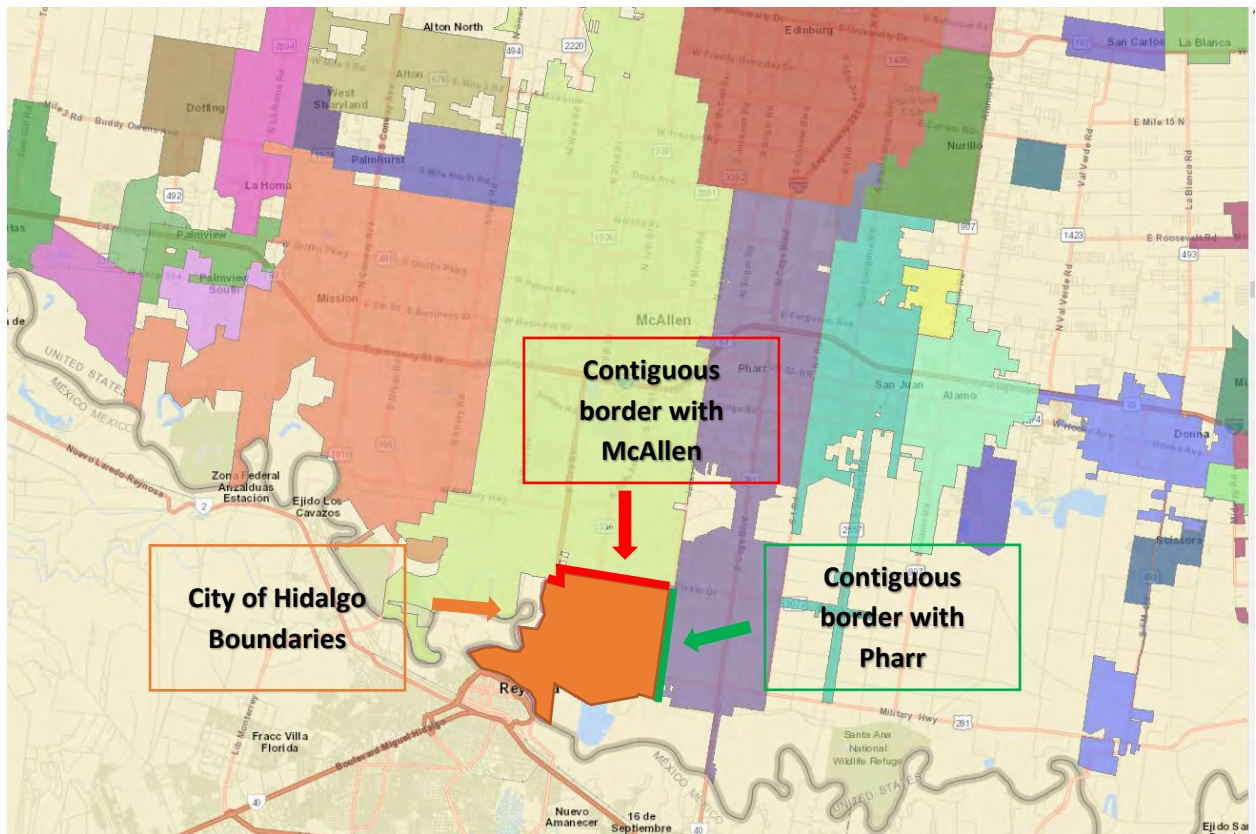
**TAB 5**  
**CONTIGUITY**

- III. The percentage of the total border of the political subdivision or census designated place that is contiguous with other political subdivisions or census designated places designated as urban. For purposes of this assessment, less than 50% contiguity with urban designated places is presumptively rural in nature;

**Response:**

The City of Hidalgo is located in southern Hidalgo County directly across the Rio Grande from the Mexican city of Reynosa, Tamaulipas. The perimeter of the City of Hidalgo is approximately 15.34 miles. The percentage of total border that is contiguous with other designated urban areas is 14.92% (Pharr) and 18.70% (McAllen), for a total of 33.63%. Please see the attached maps and survey.

**Contiguous Boundaries Map**

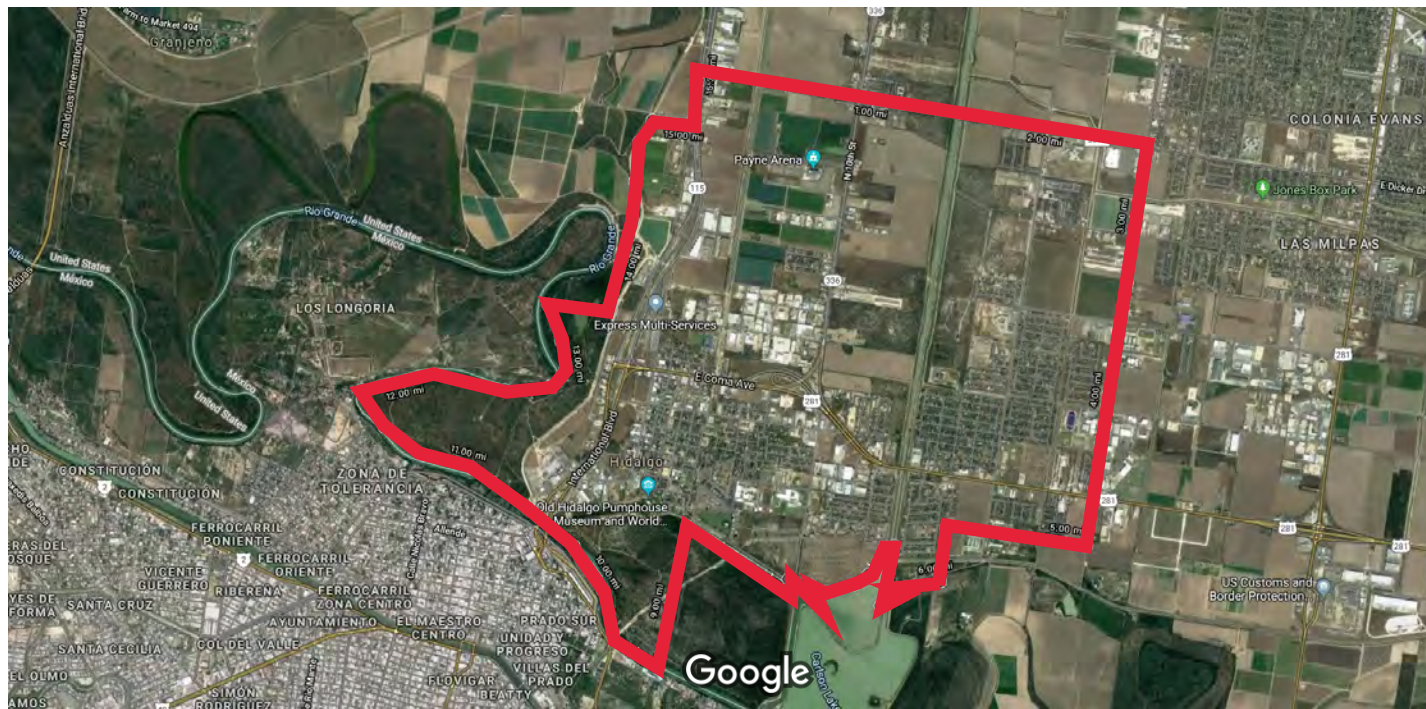


Source: <https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-line-file.html>

**Map Legend**

Color	Place	Length (Mi)
Red	City of McAllen Contiguous Border	2.87 Mi
Green	City of Pharr Contiguous Border	2.29 Mi
Orange	City of Hidalgo Border	15.34 Mi






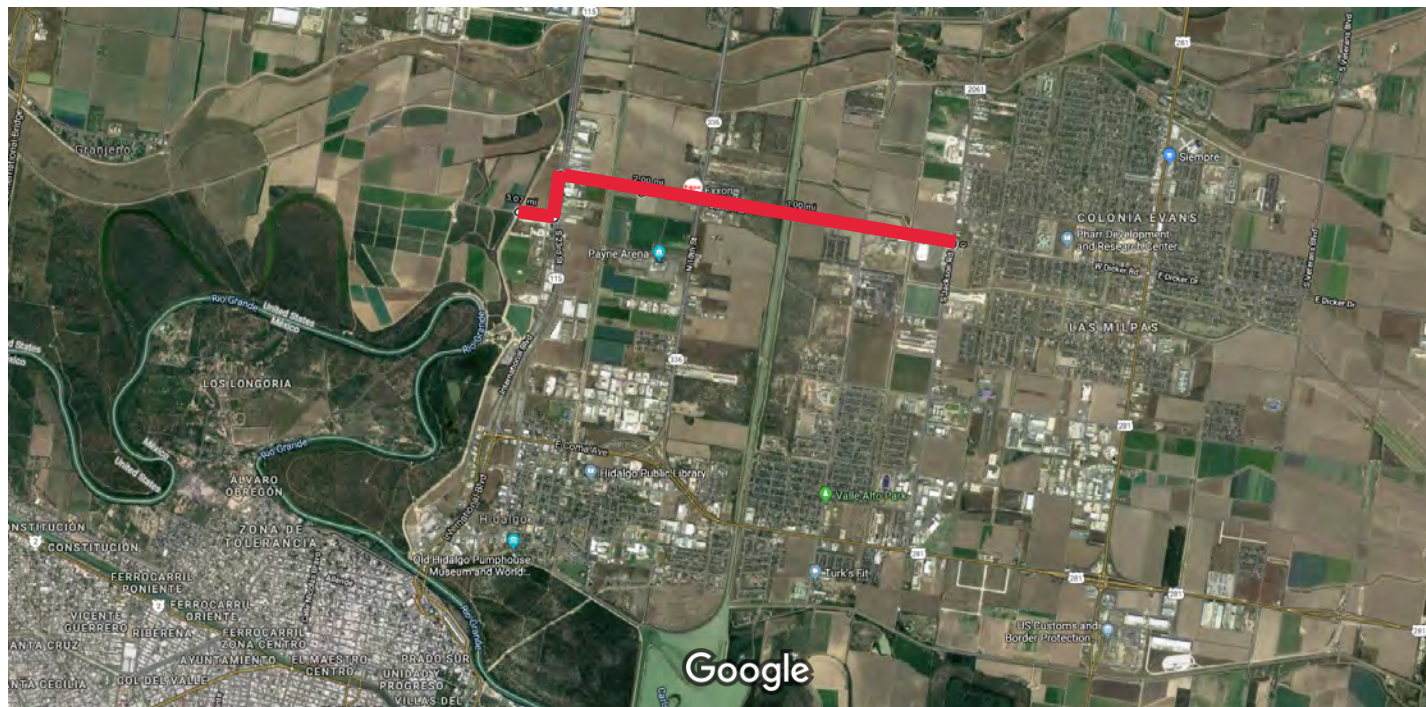
Imagery ©2019 CNES / Airbus, Landsat / Copernicus, Maxar Technologies, Texas General Land Office, U.S. Geological Survey, USDA Farm 2000 ft Service Agency, Map data ©2019 INEGI

Measure distance

Total area: 8.38 mi<sup>2</sup> (21.72 km<sup>2</sup>)

 Total distance: 15.34 mi (24.69 km)

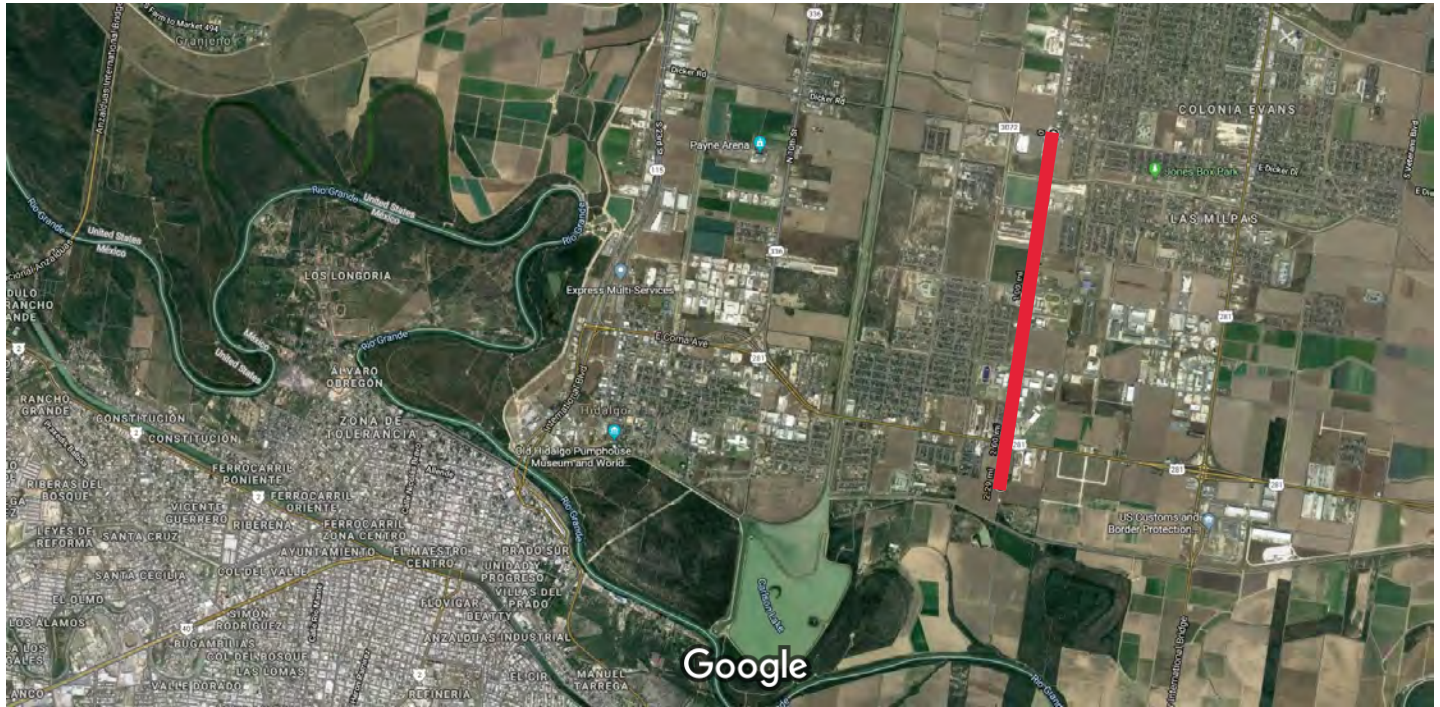




Imagery ©2019 CNES / Airbus, Landsat / Copernicus, Maxar Technologies, Texas General Land Office, U.S. Geological Survey, USDA Farm 2000 ft Service Agency, Map data ©2019 INEGI

Measure distance

 Total distance: 3.07 mi (4.95 km)



Imagery ©2019 CNES / Airbus, Landsat / Copernicus, Maxar Technologies, Texas General Land Office, U.S. Geological Survey, USDA Farm 2000 ft Service Agency, Map data ©2019 INEGI

Measure distance

— Total distance: 2.29 mi (3.69 km)

**TAB 6**  
**UNIMPROVED ROADS**

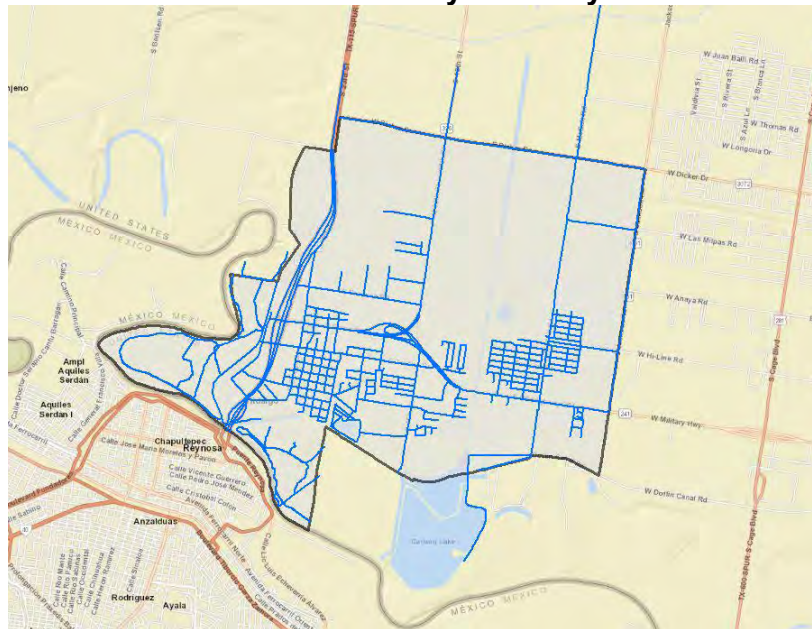


**IV. The political subdivision or census designated place contains a significant number of unimproved roads or relies on unimproved roads to connect it to other places;**

**Response:**

Yes, The City of Hidalgo has a significant number of unimproved roads and relies on these roads to connect our residents to other places. According to the Texas Department of Transportation, many of the roads located in the City of Hidalgo are only supported by Curb-Surface drainage and Sub-surface drainage. Although most of the roads are composed of some level of Asphaltic concrete, the majority lack curb, sidewalk, and drainage infrastructure. Neither TDHCA nor TxDOT have thoroughly defined an unimproved road, so the City of Hidalgo has created their own standards. The City of Hidalgo considers an improved road to include curb, gutters, and sidewalk with a surface of asphalt or concrete. Anything less would be considered unimproved.

**TxDOT Roadway Inventory**



**Source:** <http://gis-txdot.opendata.arcgis.com/datasets/txdot-roadway-inventory>

Data for this analysis was pulled down into ArcGIS and defined by the TxDOT Roadway Inventory Specifications.



# City of Hidalgo, TX

## Understanding Improved and Unimproved Roads

### Improved Road

**Improved Road** – An improved road is a road with curb, gutters, and sidewalk which has a surface of concrete or asphalt.

#### **Benefits:**

- It is professionally engineered and constructed as a durable roadway.
- Provides for adequate drainage from the roadway.
- Once improved, an improved road is maintained by the City for any future road repairs.
- Improved streets with curbs are provided routine street sweeping and leaf pick-up each Fall, which allows residents to rake their leaves into the street at the curb.
- The average life span is 20 to 30 years.

#### **Disadvantages:**

- Initial one-time higher cost for installation.

### Unimproved Road

**Unimproved Road** – An unimproved road is a road without curb and gutters that has been treated with cape seal to provide a relatively smooth and dust free driving surface.

#### **Benefits:**

- Enhances rural neighborhood characteristics.

#### **Disadvantages:**

- The roadway is not professionally engineered and does not have a durable foundation.
- Unimproved roads without curbs do not provide adequate drainage from the roadway.
- Unimproved roads without curbs do not receive street sweeping and must bag their leaves.
- The average life span is 7 to 10 years and the need for repairs is more frequent.
- The cost for road repair and replacement is the responsibility of the homeowners on the street.

Note: For examples, please see the following images of an improved road and an unimproved road.

# City of Hidalgo, TX

## Understanding Improved and Unimproved Roads



**Improved Road**



**Unimproved Road**



**Unimproved Road with Curbs**



**Unimproved Road with Gutter**

## Photographic Evidence

### Intersection of E Garza Street & J&E Street



East Garza Street is missing curbs, gutters, and sidewalks. The lack of infrastructure has led to the eroding of the road's surface. **Source:** [Link](#)

### Intersection of E Flores Street & E Flores Street



East Flores Street is completely unimproved. The road is a mixture of asphalt and caliche and lacks all infrastructure associated with improved road status. **Source:** [Link](#)



### Intersection of E Industrial Blvd & S Industrial Blvd



East Industrial Blvd is missing complete curbs, gutters, and sidewalks. In the image above, parking barriers are incorrectly taking the place of curbs. **Source:** [Link](#)

### 106 E Gardenia Ave



106 E Gardenia Ave is missing complete curbs and sidewalks. **Source:** [Link](#)



### North Produce



Another example of incomplete and unimproved roads in Hidalgo. **Source:** [Link](#)

### Intersection of S McColl Rd and W Anaya Rd



W Anaya Rd, a feeder to major artery McColl Rd, lays largely incomplete. This photo depicts the lowest version of an unimproved road, only having a gravel-caliche surface and subsurface. **Source:** [Link](#)

**TAB 7**  
**AMENITY SCARCITY**

**V. The political subdivision or census designated place lacks major amenities commonly associated with urban or suburban areas;**

**Response:**

The City of Hidalgo, when compared to its contiguous neighbors, lacks amenities that would designate the area as urban in nature. Most developed urban areas have access to reliable public transportation, urgent care, and a college or university education. After reviewing each category below, it is clear that the City of Hidalgo does not benefit from the same level of access to amenities as its urban neighbors.

**Amenities Data Table**

Categories	Hidalgo, TX	Pharr, TX	McAllen, TX	Source
Park w/ Playground or Trail	5	9	16	Google Maps
Public Transportation	No	Yes	Yes	Google
Grocery	2	10	14	Google Maps
Pharmacy	1	11	18	Google Maps
Urgent Care or ER	0	7	11	Google Maps
Child Care	1	19	17	Google Maps
Public Library	1	2	3	Google Maps
University or College (5 mi)	0	5	7	Google Maps
Indoor Recreation (Gyms)	2	10	16	Google Maps
Community Orgs (Church)	8	16	19	Google Maps
Meals on Wheels Area	No	Yes	Yes	ADV, Inc.
A or B Rated Schools	Yes	Yes	Yes	TEA

**Sources:** Attached

In 2015, Texas A&M University reported similar weaknesses in transportation, education, and public health. To address these issues, the University suggested that the City set sidewalks, bicycle lanes, and public transit as top priorities as well as explore opportunities to enhance health and education facilities for the community.

**Source:** [Link](#)

## **PARKS**

### Hidalgo, TX Parks

1. [Valle Alto Park](#)
2. [Memorial Park](#)
3. [McAllen Park](#)
4. [Roadside Park](#)
5. [Las Milpas Park](#)

### Pharr, TX Parks

1. [Dr. William Long Park](#)
2. [Victor Garcia Park](#)
3. [Memorial Park](#)
4. [Dr. Long Park](#)
5. [Henry Ford Swing Park](#)
6. [Skate Park](#)
7. [Witten Park](#)
8. [Trinity Ridge Park](#)
9. [Paradise Park](#)

### McAllen, TX Parks

1. [Bill Schupp Park](#)
2. [Zinnia Park](#)
3. [Las Palmas Park](#)
4. [Municipal Park](#)
5. [McAllen Dog Park](#)
6. [La Vista Park](#)
7. [Bannworth Park](#)
8. [Summer Breeze Park](#)
9. [Archer Park](#)
10. [Charles E. Curtis Park](#)
11. [Fireman's Park](#)
12. [Westside Park and Field](#)
13. [Airport Park](#)
14. [Springfest Park](#)
15. [Idela Park](#)
16. [Los Encinos Park](#)

## **GROCERY**

### Hidalgo, TX Grocery

1. [Junior's Super Market](#)
2. [Walmart Supercenter](#)

### Pharr, TX Grocery

1. [Junior's Super Market](#)
2. [HEB Plus](#)
3. [M Rivas Food Store](#)
4. [Valley Fruit Company](#)
5. [HEB Plus](#)
6. [RGV Grocery](#)
7. [Siempre](#)
8. [Junior's Super Market](#)

9. [Junior's Super Market](#)
10. [Big G Grocery Market](#)
11. [Costco](#)

### McAllen, TX Grocery

1. [HEB](#)
2. [Walmart Neighborhood Center](#)
3. [Sprouts Farmers Market](#)
4. [Walmart Super Center](#)
5. [HEB](#)
6. [Walmart Neighborhood Center](#)
7. [Tokyo Asian Market](#)
8. [HEB](#)
9. [Latino's Grocery Store](#)
10. [Ruben's Grocery](#)
11. [La Michoacana](#)
12. [Walmart Super Center](#)
13. [HEB](#)
14. [Sam's Club](#)

## **PHARMACY**

### Hidalgo, TX Pharmacy

1. [Walmart Pharmacy](#)

### Pharr, TX Pharmacy

1. [Costco Pharmacy](#)
2. [Pharmacy](#)
3. [J C Pharmacy](#)
4. [Vela's Pharmacy](#)
5. [A G Pharmacy](#)
6. [CVS Pharmacy](#)
7. [HEB Plus Pharmacy](#)
8. [Mario's Pharmacy](#)
9. [Pro Tech Fire](#)
10. [J & L Pharmacy](#)
11. [DINMA Pharmacy](#)

### McAllen, TX Pharmacy

1. [Saenz Medical Pharmacy](#)
2. [Walgreens Pharmacy](#)
3. [Lee's Pharmacy](#)
4. [Walmart Pharmacy](#)
5. [McAllen Pharmacy](#)
6. [HEB Pharmacy](#)
7. [Apple Pharmacy](#)
8. [Walgreens Pharmacy](#)
9. [DLS Pharmacy](#)
10. [Jay's Pharmacy](#)
11. [Southside Pharmacy](#)
12. [Saenz Medical Pharmacy](#)
13. [HEB Pharmacy](#)



14. [Lee's Pharmacy](#)
15. [Walgreens Pharmacy](#)
16. [Walmart Pharmacy](#)
17. [Saenz Pharmacy](#)
18. [ASP Cares](#)

### **URGENT CARE**

Hidalgo, TX Urgent Care

1. Not Applicable

Pharr, TX Urgent Care

1. [Clinic For You](#)
2. [Clinica San Fernando](#)
3. [Family Medical](#)
4. [Iglesias Medical](#)
5. [PSJA Family Clinic](#)
6. [Ashley Pediatrics](#)
7. [Las Milpas Health Center](#)

McAllen, TX Urgent Care

1. [Urgent Care 4U](#)
2. [RGV Urgent Care](#)
3. [DHR Urgent Care](#)
4. [Valley Care Clinic](#)
5. [Family Clinic](#)
6. [Ashley Pediatrics](#)
7. [Rio Grande Care](#)
8. [Valley Med Urgent Care](#)
9. [Valley Care Clinic](#)
10. [McAllen Family Urgent Care](#)
11. [Driscoll Quick Care](#)

### **Child Care**

Hidalgo, TX Child Care

1. [Reyna Gonzalez Child Day Care](#)

Pharr, TX Child Care

2. [Kid's Academy Daycare](#)
3. [My First Steps](#)
4. [Lupita's Child Development Center](#)
5. [Lily's Day Care](#)
6. [Kid's & Todd's](#)
7. [Wonderland](#)
8. [Lids First Learning](#)
9. [Little Bright Minds](#)
10. [Tweaty & Christy's Daycare](#)
11. [Kids Academy](#)
12. [Royal Education](#)
13. [Little Explorers](#)
14. [Day Lupitas Care](#)
15. [Kids Castle](#)

16. [Kids on Duty](#)
17. [Little Bear Academy](#)
18. [Building My Future](#)
19. [Campanitas Day Care](#)

McAllen, TX Child Care

1. [Fox Club](#)
2. [Kids Being Kids](#)
3. [Little Shining Stars](#)
4. [Wonders Day Care](#)
5. [All Star Academy](#)
6. [New Horizons Learning](#)
7. [Rhema's Learning](#)
8. [Loving Angels Child](#)
9. [Abraham's Daycare](#)
10. [Learning Box Daycare](#)
11. [Kids "r" Kids](#)
12. [ABC Child Day Care](#)
13. [Pueblo Alegre Day Care](#)
14. [Little Shining Stars](#)
15. [Colors Daycare](#)
16. [ABC University](#)
17. [Coky's Day Care](#)

### **Public Library**

Hidalgo, TX Public Library

1. [Hidalgo Public Library](#)

Pharr, TX Public Library

1. [Pharr Memorial](#)
2. [Pharr Research Center](#)

McAllen, TX Public Library

1. [Lark Library](#)
2. [McAllen Public Library](#)
3. [Palm View Library](#)

### **University or College (5 Mi)**

Hidalgo, TX University or College

1. Not Applicable

Pharr, TX University or College

1. [School of Dental Assisting](#)
2. [South Texas Nursing Academy](#)
3. [Southern Careers Institute](#)
4. [Rio Grande Valley College](#)
5. [UTRGV](#)

McAllen, TX University or College

1. [UT Medical](#)
2. [South Texas College](#)

3. [South Texas Vocational](#)
4. [School of Dental Assisting](#)
5. [South Texas Nursing Academy](#)
6. [Rio Grande Valley College](#)
7. [UTRGV](#)

### Indoor Recreation (Gyms)

#### Hidalgo, TX Gyms

1. [Lupita's Fit Club](#)
2. [Rise Nutrition & Fitness](#)

#### Pharr, TX Gyms

1. [Kiss MY Crossfit](#)
2. [Powercore](#)
3. [Team Beauty](#)
4. [Crush Fitness](#)
5. [Pharr Gym](#)
6. [Redemption Box Fit](#)
7. [Love the Music Studio](#)
8. [Planet Fitness](#)
9. [Gold's Gym](#)
10. [The Twist](#)

#### McAllen, TX Gyms

1. [Arri Fitness](#)
2. [Orange Theory](#)
3. [9Round](#)
4. [Gold's Gym](#)
5. [TruFit](#)
6. [CrossFit New Force](#)
7. [Dynamic Fitness](#)
8. [Planet Fitness](#)
9. [Rise Above](#)
10. [VPR Gym](#)
11. [Get Fit](#)
12. [TruFit](#)
13. [Titan Fitness](#)
14. [Crossfit Ground Breakers](#)
15. [RGV Fitness](#)
16. [TruFit](#)

### Churches

#### Hidalgo, TX Churches

1. [Hidalgo Christian Church](#)
2. [Iglesia De La Comunidad](#)
3. [Sacred Heart](#)
4. [Church of Latter-Day Saints](#)
5. [Centro Cristiano](#)
6. [Power Church Center](#)
7. [Iglesia De La Comunidad](#)

8. [Iglesia Fuente De Vida](#)

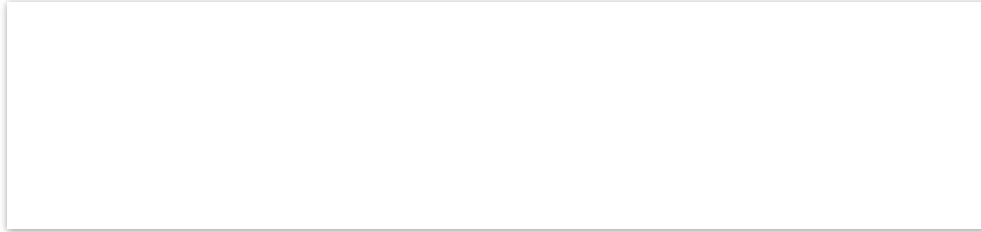
#### Pharr, TX Churches

1. [Oratory of St. Phillip](#)
2. [Las Milpas Apostolic Church](#)
3. [St. Francis Xavier](#)
4. [Iglesia Getsemani](#)
5. [Iglesia de Cristo](#)
6. [Iglesia Luterana Cristo Rey](#)
7. [First Baptist Church](#)
8. [St. George](#)
9. [Church of Christ](#)
10. [St. Jude](#)
11. [Grace Community Church](#)
12. [St Anne Catholic Church](#)
13. [Destiny Through Christ](#)
14. [La Trinidad United](#)
15. [Center Church](#)
16. [Living Word](#)

#### McAllen, TX Churches

1. [Church of the King](#)
2. [Baptist Temple Church](#)
3. [Christian Fellowship Church](#)
4. [Holy Spirit Church](#)
5. [Grace Presbyterian Church](#)
6. [First Unite Methodist](#)
7. [Valley Community Church](#)
8. [Our Savior's Lutheran](#)
9. [Calvary Baptist](#)
10. [Harvey Drive Church of Christ](#)
11. [First Christian Church](#)
12. [The Door Christian Fellowship](#)
13. [First Assembly of God](#)
14. [The Family Church](#)
15. [Our Lady of Help](#)
16. [First Baptist](#)
17. [St. Joseph](#)
18. [Vital Church](#)
19. [San Juan Diego](#)

# Valley Metro



The Lower Rio Grande Valley Development Council provides public transportation in urbanized and non-urbanized areas of the lower Rio Grande Valley through its transit department, Valley Metro. Valley Metro operates routes in the following communities:

## **Hidalgo County**

Alamo, Alton, Donna, Edcouch, Elsa, Edinburg, Hargill, La Blanca, La Joya, Mercedes, Mission, Palmhurst, Palmview, Pharr, San Carlos, San Juan, Sullivan City, Weslaco

**Main transfer hub:** McAllen Central Station (downtown McAllen)

Service hours are typically Monday - Saturday, from 6:00 AM to 8:00 PM.

Office Number: 1.800.574.8322

## **Cameron County**

Brownsville, Harlingen, La Feria, La Paloma, Olmito, Port Isabel, Primera, San Benito, Santa Rosa

**Main transfer hub:** Brownsville Market Square (downtown Brownsville)

Service hours are typically Monday - Saturday, from 6:00 AM to 8:00 PM.

Office Number: 1.800.574.8322

## **Willacy County**

Curb-to-curb demand response service

Service hours are typically Monday - Saturday, from 6:00 AM to 8:00 PM.

Office Number: 1.800.574.8322

## **Starr County**

Alto Bonito, La Grulla, Garciasville, La Casita, Rio Grande City, Midway, La Rosita, Garceno, Escobares, Roma, Los Saenz, Fronton

Service may be either flex route or demand response within Starr County. Demand response service is curb to curb and is also provided to valley destinations. Both services require a 24 hour advance reservation.

Service hours are Monday through Friday from 7:00 am - 5:00 pm

Office Number: 956.487.0068

## NEWS / NOTICES

- NOTICE: March 18, 2019 - Harlingen Terminal Change
- NOTICE: Free Fares For All Of 2018 - English | Español
- NOTICE: Alignment Changes to Route 12
- NOTICE: Alignment Changes to Route 15
- NOTICE: Alignment Changes to Route 41
- NOTICE: Zapata County Demand Response
- NOTICE: Starr County Same Day Service
- NOTICE: Zapata County Same Day Service

Complaints? - English | Español  
Title VI - English | Español

## FORMS / POLICIES

- Complaint Forms
- Procedures for Complaints
- Reasonable Modification Requests
- En Español*
- Formularios de queja
- Procedimiento para tratar las quejas
- Solicitudes de Modificacion Razonables

## CIRCULARS

- Final FTA ADA Circular C 4710.1

## FACT SHEET - 2017

- Fact Sheet 2017

## MAPS

- Valley Metro System Map
- Rio Grande City System Map
- Starr County System Map
- Zapata County System Map

## ROUTE BROCHURES

- Red Line - McAllen/Edinburg - Brownsville
- UTRGV Transportation Guide
- Jag Express Intercampus
- Route 10 - Edinburg - McAllen
- Route 11 - Hargill - Edinburg
- Route 12 - La Villa / Edcouch / Elsa / Edinburg / Weslaco
- Route 14 - UTRGV VABL
- Route 15 - Edinburg North
- Route 16 - Courthouse Circulator

## Zapata County

San Ygnacio, Ramireno, Zapata, Siesta Shores, Lopeno and Falcon

Curb to curb demand response service is provided within Zapata County with 24 hour advance reservation.

Demand response service is also provided to Laredo, Roma or Rio Grande with 24 hour advance reservation.

Service hours are Monday through Friday from 7:30 am to 5:00 pm.

Office Number: 1.800.574.8322

Fares are \$1.00 for adults (regular fare) and \$0.50 for students, the elderly (60+), the disabled, and veterans.

Transfers from one bus to another are free. Children under 7, as well as students from the University of Texas Rio Grande Valley, ride free with an official ID.

Click the links on the right to find the route map for your area.



### **Valley Metro Transit Center**

510 S. Pleasantview Dr.

Weslaco, Texas 78596

**INFORMATION LINE: 1-800-574-8322**

Phone:(956) 969-5761

FAX: (956) 969-8176



LRGVDC operates a flexible system that allows passengers to request curbside pick-ups by calling **1-800-574-8322** at least one day in advance to make a reservation. The location of pick up and the destination must be within 1/2 mile of a route. The bus will leave the route, pick up the passenger, then return to the route to continue service.



LRGVDC opera un sistema flexible de ruta que permite a pasajeros para solicitar una parada de autobus llamando al **1-800-574-8322** por lo menos un día en avance para hacer una reservación. La ubicación de recoge y el destino debe estar dentro de una milla de una ruta. El autobús dejar la ruta, recoger al pasajero, entonces regresara a la ruta para continuar el servicio.

- Route 20 - Mission - McAllen
- Route 21 - Sullivan City - Mission
- Route 30 - Pharr/San Juan - Edinburg
- Route 31 - Business 83 (Beginning March 18, 2019)
- Route 32 - Donna Intl. Bridge
- Route 40 - Harlingen Medical (Beginning March 18, 2019)
- Route 41 - Harlingen Retail (Beginning March 18, 2019)
- Route 42 - San Benito - Harlingen (Beginning March 18, 2019)
- Route 43 - San Benito - Brownsville
- Route 44 - La Feria / Santa Rosa / Combes (Beginning March 18, 2019)
- Route 45 - Cameron Career Connection (Beginning March 18, 2019)
- Blue Line / Route 50 - Brownsville - Port Isabel
- Route 60 - Greenline - Roma
- Route 61 - Rio Grande City West
- Route 62 - Rio Grande City East
- Willacy County Demand Response
- Zapata County Demand Response

#### TRANSIT SERVICES ADVERTISING

#### Contact for Bus Advertisement:

tlogan@lrgvdc.org

#### REGIONAL COORDINATION PLANS

- 2017 Plan
- 2011 Plan
- 2011 Technical Appendices - Rev 7-13

#### IMPORTANT LINKS

#### University Transportation Services

- UTRGV - Vaquero Express
- STC - JagExpress

#### Workforce Solutions

- Hidalgo, Starr, Willacy Counties
- Cameron County

#### Public Transportation Providers

- METRO McAllen
- Brownsville METRO
- South Padre Island The Wave
- Metropolitan Planning Organizations
- Hidalgo County MPO
- Harlingen-San Benito MPO
- Brownsville MPO

#### Government Agencies Overseeing Public Transportation

- Federal Transit Administration
- Texas Department of Transportation

#### Private Transportation Providers

- Valley Transit Company

 Download Adobe Acrobat Reader >>

 BOOKMARK & SHARE 

301 W Railroad  
Weslaco, TX 78596  
[View Map](#)





Tel: 956.682.3481  
Fax: 956.631.4670

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[\(/docs/default-source/metro/metro-mcallen-full-system-map-download.pdf?sfvrsn=6\)](#)





Welcome to McAllen Metro. Learn more about your ever-growing public transportation service.

[Read More \(/metro/about/facts.aspx\)](/metro/about/facts.aspx)



Origin-to-Destination public transportation service for people with disabilities who are unable to use Metro buses.

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[Metro Services \(#\)](#)

[McAllen Public Bus System \(/metro/services/mpbs.aspx\)](/metro/services/mpbs.aspx)

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[How to Ride Guide \(/metro/riding/howto.aspx\)](/metro/riding/howto.aspx)

[City Drives New Buses \(http://mcallen.themonitor.com/tag/metro-mcallen/\)](http://mcallen.themonitor.com/tag/metro-mcallen/)

[System Maps \(/metro/riding/maps.aspx\)](/metro/riding/maps.aspx)

[Metro McAllen Hiring New Drivers \(http://www.mcallen.net/news/default/2011-06-23/metro\\_mcallen\\_now\\_hiring\\_drivers.aspx\)](http://www.mcallen.net/news/default/2011-06-23/metro_mcallen_now_hiring_drivers.aspx)

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# We are here to Help Our Community

## How Can We Help You?

Nutrition Center Managers strive to offer superior customer service with a friendly smile and a positive attitude on each and every visit to all of our Senior Centers and Housing Project sites as well as our Satellite Centers to each and every participant and tenant which includes the public as well. Amigos Del Valle,  (ADV) prides itself on product knowledge and makes every effort to provide the best available services on the daily nourishment meals for our Senior citizens throughout the Hidalgo, Cameron, Willacy and Starr Counties.



# Our Nutrition Centers



## **BROWNSVILLE CENTER**

Sr.Ctr.Mgr: Yolanda Garza

455 El Paso Rd.

Brownsville, Tx 78520

Tel: (956) 545-0379

Email: Casa1nutrition@advrgv.org

## **MCALLEN CENTER**

Sr.Ctr.Mgr: Irene Garcia

1100 E. Dallas St.

McAllen, Tx 78501

Tel: (956)-627-6540

Fax: (956) 668-0391

Email: Casa2nutrition@advrgv.org

## **HARLINGEN CENTER**

402 N. New Hampshire Street

Harlingen, Texas 78550

Sr.Ctr.Mgr.: Maria H. Ramirez

Tel: (956) 428-4456

Fax: (956) 423-3478

Email: casa3nutrition@advrgv.org

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### **RAYMONDVILLE CENTER**

146 E. FM 3168

Raymondville, Texas 78580

Sr.Ctr.Mgr.: Edelmira Barajas

Tel. (956) 689-2354

Fax: (956)689-1579

Email: Casa4nutrition@advrgv.org



### **WESLACO CENTER**

1200 E. 6th Street

Weslaco, Texas 78596

Sr.Ctr.Mgr.: Naria Aguilar

Tel: (956) 968-6423

Email: Casa5nutrition@advrgv.org

### **MERCEDES CENTER**

334 E. 5th Street

Mercedes, Texas 78570

Sr.Ctr.Mgr.: Adabel Zuniga

Tel. & Fax: (956) 565-0011

Email: Casa7nutrition@advrgv.org

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### **BROWNSVILLE CENTER**

2575 Russell Drive

Brownsville, Texas 78520

Senior Center Mgr.: Irma Sanchez

Tel: (956) 541-2711

Fax: (956) 550-8450

Email: Casa8nutrition@advrgv.org

### **MISSION CENTER**

Sr.Ctr.Mgr.: Ruth Barranco  
1303 Matamoros St.  
Mission, Texas 78572  
Phone: (956) 585-7562  
Fax: (956) 584-7090  
Email: Casa9nutrition@advrgv.org



### **EDINBURG CENTER**

Sr.Ctr.Mgr.: Maria M. Garcia  
1210 E Kuhn St.  
Edinburg, Texas 78539  
Phone: (956) 383-0302  
Email: edinburgcenter@advrgv.org

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### **DONNA CENTER**

1408 W. Silver Street  
Donna, Texas 78537  
Sr.Ctr.Mgr.: Maria Aguinaga  
Tel. & Fax: (956) 464-4912  
Email: donnacenter@advrgv.org

### **ELSA CENTER**

W. 9th Street & N. Hidalgo Street  
Elsa, Texas 78543  
Sr. Ctr. Mgr.: Maria Garces  
Tel. & Fax: (956) 262-2472  
Email: elsacenter@advrgv.org



**SAN JUAN CENTER**

600 W. 1st Street  
San Juan, Texas 78589  
Sr.Ctr.Mgr.: Connie Arroyo  
Tel: (956) 787-6705  
Pub. Tel: (956) 787-9122  
Email: sanjuancenter@advrgv.org



# CENTRAL KITCHENS RIO GRANDE

**RIO GRANDE CENTER**

Kitchen Mgr.:Yesenia Alaniz  
304 N. Avasolo St.  
Rio Grande, Texas 78582  
Phone: (956) 317-1748  
Fax: (956) 263-1988  
Email: Yalaniz@advrgv.org

**RIO GRANDE CENTER**

HMD Coordinator: Yvette Gaytan  
304 N. Avasolo St.  
Rio Grande, Texas 78582  
Phone: (956) 263-1988  
Fax: (956) 263-1988  
Email: ygaytan@advrgv.org

# CENTRAL KITCHENS SAN BENITO



## **SAN BENITO**

C.K. Director: Jose Nieto

970 Anzalduas

San Benito, Tx. 78586

Phone: (956) 399-6731

Fax: (956) 399-5526

Email: [jmnieto@advrgv.org](mailto:jmnieto@advrgv.org)

## **SAN BENITO**

C.K. Clerk: Reynaldo Cantu

970 Anzalduas

San Benito, Tx. 78586

Phone: (956) 399-6731

Fax: (956) 399-5526

Email: [rcantu@advrgv.org](mailto:rcantu@advrgv.org)

# SATELLITES

**Alta Vista Center**

303 W. 6th St.

Weslaco, TX 78596

Sr. Center Mgr.: Terri Balli

Tel: (956) 351-5731

Fax: (956) 351-5734

Email: altavistamanager@gmail.com



**Alton Center**

289 W. Dawes Street

Alton, Texas 78572

Sr.Ctr.Mgr.: Rosalba Cantu

Tel: (956) 581-4851

Fax: (956) 519-3616

Email: R.Cantu@alton-tx.com

**Edinburg Towers**

Rosie Briseno, Manager

201 N. 13th Street

Edinburg, Texas 78541

Phone: (956) 383-1124

Fax: (956) 380-6308

Email: edinburg@uahmgt.com

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### **La Joya Center**

924 S. Leo Street  
La Joya, Texas 78560  
Sr.Ctr.Mgr.: Teresa Vela  
Tel: (956) 585-7672  
Fax: (956) 580-7025  
Email: t.vela@cityoflajoya.com



### **Lark Community Center**

2601 Lark Avenue  
McAllen, Texas 78504  
Sr.Ctr.Mgr.:Jesse Franco  
Tel: (956) 681-3340  
Fax: (956) 681-3345  
Email: dmeline@mcallen.net

### **Las Palmas Community Center**

1921 N. 25th Street  
McAllen, Texas 78501  
Sr.Ctr.Mgr.: Interim Sr. Mgr. Kristyna Mancias  
Liason/ Home Meal Deliverer : Ricardo Ponce  
Tel: (956)681-3350  
Fax: (956) 681-3359  
Email: sgarcia@mcallen.net

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### **Los Fresnos Senior Center**

204 N. Brazil Street  
Los Fresnos, Texas 78566  
Sr.Ctr.Mgr.: Lupita S. Garcia  
Tel: (956) 233-4350





### **Palm Plaza Senior Center**

810 Mayberry Street  
Mission, Texas 78572  
Sr.Ctr.Mgr.: Velda Wuestenhagen  
Tel: (956) 585-6296

### **Palm View Senior Center**

3401 Jordan Road  
McAllen, Texas 78503  
Sr.Ctr.Mgr.: Marcello Langoni  
Tel: (956) 681-3360  
Fax: (956)681-3365  
Email: jfranco@mcallen.net

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### **Port Isabel Center**

213 Yturria Street  
Port Isabel, Texas 78578  
Sr.Ctr.Mgr.: Janie Villarreal  
Tel: (956) 943-1822 / 943-9991  
Fax: (956) 943-4638  
Email: czamora@copitx.com

### **Rio Hondo Senior Center**

121 N. Arroyo Street  
Rio Hondo, Texas 78583  
Sr.Ctr.Mgr.: Maria Turner  
Tel: (956) 748-3082  
Fax: (956) 748-4394  
Email: cfarias@riohondo.us

### **Santa Rosa Senior Center Program**

Sr.Ctr.Mgr.: Carlos Ochoa

513 N. FM 506

Santa Rosa, Texas 78593

Phone & Fax: (956) 636-1113

Email: [cochoa@cityofsantarosatx.com](mailto:cochoa@cityofsantarosatx.com)



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### **Los Indios Senior Center**

309 E. Heywood

Los Indios, TX 78567

Contact:: Denise Guzman

Tel: (956) 399-4255

Fax: (956) 399-4582

Email: [deniseguzman@gmail.com](mailto:deniseguzman@gmail.com)

### **San Benito Senior Center**

100 Cornejo Drive

San Benito, TX 78586

Sr.Ctr.Mgr.: Elisa Ramon

Phone: (956) 276-9195

# SATELLITES

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## **Administration Office**

4138 Crosspoint Blvd.

Edinburg TX 78539

Tel: (956) 213-9400

Fax: (956) 213-8119



Become A Volunteer! See What You Can Do For Your  
Community!

**CLICK TO SEE MORE!**

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Accountability Data   Performance   Participation   Attendance and Graduation

Postsecondary Readiness   Profile   KG Readiness   Postsecondary Outcomes

Finance Data

Search

## Texas Education Agency 2019 Accountability Ratings Overall Summary HIDALGO ISD (108905)

### Accountability Rating Summary

	Component Score	Scaled Score	Rating
<b>Overall</b>		89	B
<b>Student Achievement</b>		89	B
<a href="#">STAAR Performance</a>	49	81	
<a href="#">College, Career and Military Readiness</a>	78	95	
<a href="#">Graduation Rate</a>	98.1	95	
<b>School Progress</b>		93	A
<a href="#">Academic Growth</a>	72	84	B
<a href="#">Relative Performance (Eco Dis: 90.8%)</a>	64	93	A
<a href="#">Closing the Gaps</a>	77	85	B

\* This district did not receive an A rating overall because the district includes at least one campus with an overall rating of D or F.

### Distinction Designations

Postsecondary Readiness                      Not Earned





Accountability Data    Performance    Participation    Attendance and Graduation

Postsecondary Readiness    Profile    KG Readiness    Postsecondary Outcomes

Finance Data

Search

## Texas Education Agency 2019 Accountability Ratings Overall Summary PHARR-SAN JUAN-ALAMO ISD (108909)

### Accountability Rating Summary

	Component Score	Scaled Score	Rating
<b>Overall</b>		87	B
<b>Student Achievement</b>		87	B
<a href="#">STAAR Performance</a>	47	79	
<a href="#">College, Career and Military Readiness</a>	70	93	
<a href="#">Graduation Rate</a>	96	90	
<b>School Progress</b>		89	B
<a href="#">Academic Growth</a>	67	73	C
<a href="#">Relative Performance (Eco Dis: 91.9%)</a>	59	91	A
<a href="#">Closing the Gaps</a>	70	83	B

\* This district did not receive an A rating in the School Progress domain because the district includes at least one campus that received a D or an F in the School Progress domain.

### Distinction Designations

Postsecondary Readiness                      Not Earned



Accountability Data    Performance    Participation    Attendance and Graduation

Postsecondary Readiness    Profile    KG Readiness    Postsecondary Outcomes

Finance Data

Search

## Texas Education Agency 2019 Accountability Ratings Overall Summary MCALLEN ISD (108906)

### Accountability Rating Summary

	Component Score	Scaled Score	Rating
<b>Overall</b>		93	A
<b>Student Achievement</b>		89	B
<a href="#">STAAR Performance</a>	54	85	
<a href="#">College, Career and Military Readiness</a>	76	94	
<a href="#">Graduation Rate</a>	95.4	85	
<b>School Progress</b>		92	A
<a href="#">Academic Growth</a>	72	84	B
<a href="#">Relative Performance (Eco Dis: 71.3%)</a>	65	92	A
<a href="#">Closing the Gaps</a>	95	95	A

### Distinction Designations

Postsecondary Readiness                      Earned

**TAB 8**  
**GEOGRAPHIC**  
**SURROUNDINGS**

VI. The boundaries of the political subdivision or census designated place contain, or are surrounded by, significant areas of undeveloped or agricultural land. For purposes of this assessment, significant being more than one-third of the total surface area of political subdivision/census designated place, or a minimum of 1,000 acres immediately contiguous to the border.

**Response:**

The boundaries of Hidalgo contain a significant amount of undeveloped and agricultural land - more than 50% or 3,304 (outlined in red below) acres consist of undeveloped and agricultural land. These areas contain a higher number of residents without sewage service and unpaved streets, not commonly associated with the surrounding incorporated urban and suburban areas.

**Land Use Category Map**



**Land Use Table**

Land Use Type	# of Acres
Residential	762.31
Commercial Services	793.2
Industrial	205.13
Park	31.78
Cropland and Pasture	1565.88
Shrub and Brush Rangeland	1738.18
Mixed Urban/ Built-Up Land	80.52
Other Urban/ Built-Up Land	316.646
Transportation/ Communication	103.21
Lake	478.43
Stream and Canal	201.34
Total	6276.626

**Source:** Hidalgo Comprehensive Plan 2015 – 2035



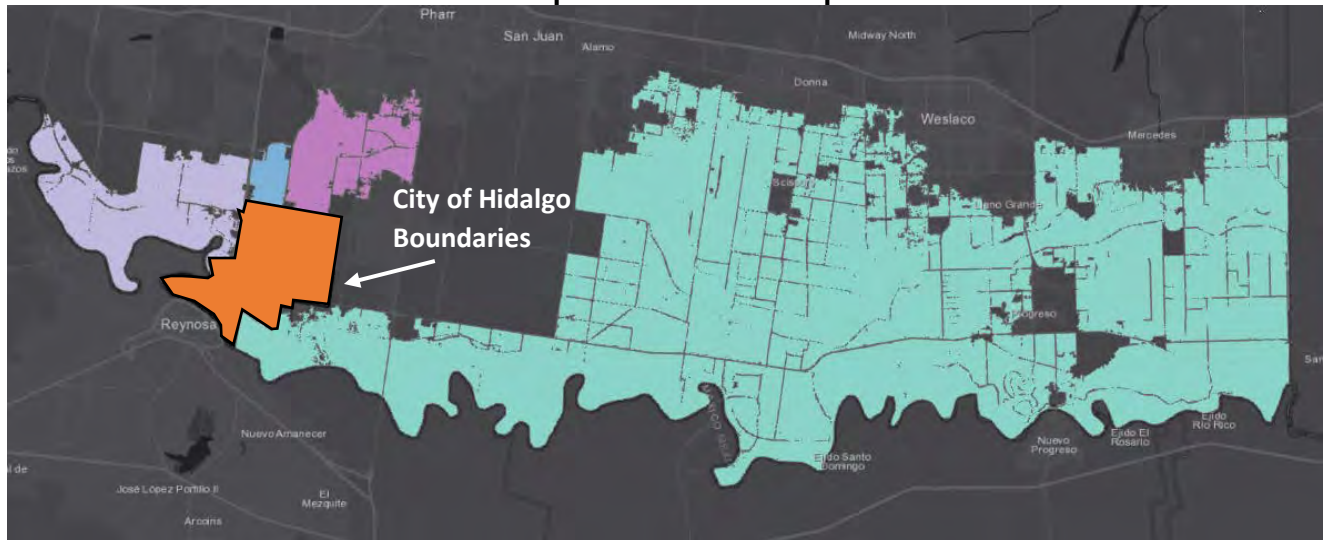
### Undeveloped Land Cover

According to GIS data, over 80,000 acres of undeveloped land are immediately contiguous to the boundaries of the City of Hidalgo, TX. Not only does the City satisfy the first requirement of at least 1/3 of the land designated as undeveloped, but also meets the second requirement of at least 1000 acres of agricultural land immediately contiguous to its borders.

**Undeveloped Land Cover Data Table & Legend**

Color	Acres	Location
Light Green	70,440	Located to the Southeast. This area extends eastward to Santa Maria.
Light Purple	5,917	Located to the Northwest of Hidalgo.
Light Violet	4,196	Located to the Northeast of Hidalgo.
Light Blue	1,060	Located immediately North of Hidalgo.

**Undeveloped Land Cover Map**



Source: GIS data

20184  
Request for Administrative Deficiency



Generation Housing Development

April 30, 2020

Ms. Marni Holloway  
Multifamily Division Director  
Texas Department of Housing and Community Affairs  
221 E. 11<sup>th</sup> Street  
Austin, TX 78701  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

Re: Third Party Request for Administrative Deficiency (“RFAD”), §11.10 of 2020 Qualified Allocation Plan (“QAP”) – 20184 The Heritage at Abilene

Dear Ms. Holloway,

Please accept this letter as a Third Party Request for Administrative Deficiency (“RFAD”) pursuant to §11.10 of 2020 Qualified Allocation Plan (“QAP”) for application 20184 The Heritage at Abilene.

Application 20184 The Heritage at Abilene is deficient related to the following 2020 QAP sections and we respectfully request the issuance of an Administrative Deficiency Notice related to these items. Further, as described below, the following actions are warranted:

- Deduction of seven (7) total points from the application related to §11.9(d)(7) of the QAP, Concerted Revitalization Plan for failure to provide required documentation, specifically an executed concerted revitalization plan
- Deduction of five (5) total points from the application related to §11.9(e)(6) Historic Preservation because at least 75% of the residential units are not within a Certified Historic Structure
- Deduction of three (3) points from the application related to §11.9(e)(4) Leveraging of Private, State and Federal Resources for failure to meet the requirement that no more than 50% of developer fee is deferred
- Deduction of six (6) points from the application related to §11.9(e)(3) Pre-Application Participation because the application final score varies by more than four (4) points from the pre-application self score after the necessary deductions under 11.9(e)(6) Historic Preservation (5 points) and Leveraging of Private, State and Federal Resources (3 points)
- A finding of infeasibility pursuant to QAP §11.302(i)(2) because deferred developer fee cannot be repaid within 15 years
- Termination for failure to disclose Neighborhood Risk Factors in accordance with §11.101(a)(3)

Concerted Revitalization Plan, QAP §11.9(d)(7)

The application claimed points for being located within Abilene Neighborhood Empowerment Zone No. 1 (“NEZ”). The requested points are not substantiated based on the deficiencies below, and seven (7) points should be deducted from the application’s score. Please see attached **Exhibit A** for supporting documentation from the application.

- Concerted Revitalization Plan was not provided within the application. While the application refers to a plan, no plan was provided, nor was the link to the NEZ plan provided. Rather, a resolution creating a zone was provided; however, no associated planning document seems to exist. See attached **Exhibit B** for search results for a planning document, which only returned an adopting resolution. The lack of a plan is in violation of the following QAP requirements:
  - §11.9(d)(7)(A)(i) – “An Application may qualify to receive points if the Development Site is located in a distinct area that was once vital and has lapsed into a condition requiring concerted revitalization, ***and where a concerted revitalization plan (plan or CRP) has been developed and executed.***” [emphasis added]
  - §11.9(d)(7)(A)(ii) – “...The plan and supporting documentation must be submitted using the CRP Application Packet.”
  - §11.9(d)(7)(A)(iii) – “...The Application must include a copy of the plan or a link to the online plan...”
- There is no evidence that a public input process was followed in the development of a plan. §11.9(d)(7)(A)(iii)(II) requires that “The problems in the revitalization area must be identified through a process in which affected local residents had an opportunity to express their views on problems facing the area, and how those problems should be addressed and prioritized.” Because a plan was not developed to accompany the NEZ, this requirement has not been met. None of the supporting documentation provided within the application provides evidence of a public process complying with this QAP requirement.

Historic Preservation, QAP §11.9(e)(6)

The Heritage at Abilene does not meet the minimum requirement for the number of residential units that must reside within a Certified Historic Structure, and thus the application does not qualify for these five (5) points. Pursuant to the QAP §11.9(e)(6), “An Application may qualify to receive five (5) points if ***at least 75% of the residential units shall reside within the Certified Historic Structure.***” [emphasis added]

- The development includes 29 total units. Only 18 of the 29 units, or 62% reside within a Certified Historic Structure. See **Exhibit C** for application exhibits related to Historic Preservation.
  - Four units are included in Building B, which is an existing “Cafetorium Building” that has not been designated by the Texas Historical Commission as a Certified Historic Structure. See attached February 18, 2020 letter from the Texas Historical Commission (**Exhibit C**) determining that the building constructed in 1921 (Building A) is a Certified Historic Structure. There is no confirmation that Building B, the “Cafetorium Building” is a Certified Historic Structure. Therefore, the four units included in Building B cannot be considered toward the required 75% of the units that must reside in a Certified Historic Structure.
  - 18 units are included in Building A, which is an existing “Classroom Building” that has been designated as a Certified Historic Structure. These are the only units in the development that can be considered as residing in a Certified Historic Structure. This results in only 62% of the units, which is below the required 75% minimum required for points.
  - The remaining seven units are located in Building C, which is a new construction building.
  - See **Exhibit D** for the applicant’s request to the Texas Historical Commission for a determination of preliminary eligibility for Certified Historic Structure status. The applicant’s request provides information related to the “Classroom” building and the “Cafetorium” building. As noted previously, the response to this request from the Texas
  -

Historical Commission, **Exhibit C**, only determines that the “Classroom” building qualifies as a Certified Historic Structure.



- Documentation of eligibility or preliminary eligibility of Building B, the “Cafetorium Building” was not provided in the application, as required by the QAP. Pursuant to the QAP §11.9(e)(6), “**The Application must include** either documentation from the Texas Historical Commission that the Property is currently a Certified Historic Structure, or documentation determining preliminary eligibility for Certified Historic Structure status...” [emphasis added]. This documentation was not provided within the application and this omission should not be allowed to be corrected through the Administrative Deficiency process.

Financial Feasibility; Leveraging of Private, State and Federal Resources, QAP §11.9(e)(4)

The treatment of federal historic tax credits was incorrect within the application. The correct treatment of federal historic tax credits would result in the development being infeasible under the QAP, and in the requirement for points under Leveraging of Private, State and Federal Resources, QAP §11.9(e)(4) not being met.

- The housing tax credit allocation was calculated incorrectly, because the amount of federal historic tax credits was not deducted from eligible basis, as required within the Development Cost Schedule and required pursuant to federal requirements (see application exhibits, **Exhibit E**). As a result, the housing tax credit request should be reduced to \$498,309. With the correct, reduced housing tax credit request, the tax credit equity source decreases to \$4,484,332 based on the equity price included in the equity provider commitment, and deferred developer fee increases to \$880,592 (73% deferred developer fee). See **Exhibit F** for corrected application exhibits prepared by the RFAD requestor.
- Infeasibility – The correct, increased deferred developer fee of \$880,592 (73% deferred developer fee) cannot be repaid within 15 years according to the 15 Year Rental Housing Operating Pro Forma, which indicates cumulative 15 year cash flow of \$153,329. The inability to repay deferred developer fee within 15 years renders the development infeasible pursuant to QAP §11.302(i)(2).
- Leveraging of Private, State and Federal Resources, QAP §11.9(e)(4) – In order to qualify for points under this §11.9(e)(4)(B), “no more than 50% of the Developer Fee can be deferred.” Further, “Where costs or financing change after completion of underwriting or award (whichever occurs later), the **points attributed to an Application under this scoring item will not be reassessed unless there is clear evidence that the information in the Application was** intentionally misleading or **incorrect.**” [emphasis added]. The information provided in the application was incorrect related to the treatment of federal historic tax credits, and as such the points should be reassessed as described in §11.9(e)(4)(B). Reassessment to correct the treatment of federal historic tax credits clearly shows that deferred developer fee exceeds 50%, and thus the application does not qualify for the three (3) points requested under Leveraging of Private, State and Federal Resources, QAP §11.9(e)(4).
- See attached application financial exhibits prepared by the RFAD requestor using information in the original application, but revised to correctly deduct federal historic tax credit from eligible basis (**Exhibit F**). As shown in the attached, once housing tax credits are correctly calculated by deducting federal historic tax credits from eligible basis, the deferred developer fee exceeds 50%, requiring a deduction of three (3) points for Leveraging of Private, State and Federal Resources; and development is infeasible pursuant to QAP §11.302(i)(2).

Pre-Application Participation, QAP §11.9(e)(3)

In order to receive points under QAP §11.9(e)(3), “The Application final score (inclusive of only scoring items reflected on the self score form) does not vary by more than four (4) points from what was reflected in the pre-application self score.” Because points for 11.9(e)(6) Historic Preservation (5 points) and Leveraging of Private, State and Federal Resources (3 points) are not justified, the application final score

varies by eight (8) points from the pre-application self score, and thus the development does not qualify for six (6) Pre-Application Participation points.

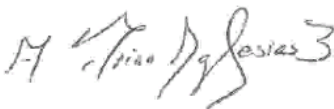
Neighborhood Risk Factors, QAP §11.101(a)(3) – Blight

The Development Site is located within 1,000 feet of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned. While this requires disclosure within the application, the applicant failed to disclose the existence of blight (see **Exhibit G**), and as such we request the termination of the application. The applicant acknowledges that “there are properties in disrepair and vacant commercial space,” but chose not to provide any documentation in support of their assertion that blight does not exist. See attached **Exhibit H** for multiple properties that clearly can be considered blighted and which rise to the level of requiring disclosure of this Neighborhood Risk Factor.

- Pursuant to §11.101(a)(3), “Should staff determine that the Development Site has any of the characteristics described in subparagraph (B) of this paragraph and such characteristics were not disclosed, staff will issue a Material Deficiency. An Applicant's own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.”
- Non-disclosure cannot be corrected after the submission of the application, as this type of correction is in violation of QAP §11.101(a)(3)(B): “The Neighborhood Risk Factors include those noted in clauses (i) - (iv) of this subparagraph and additional information as applicable to the neighborhood risk factor(s) disclosed as provided in subparagraphs (C) and (D) of this paragraph ***must be submitted in the Application.*** ” ***[emphasis added]***
- Instances of Blight – See attached **Exhibit H** for evidence of blight at the following addresses:
  - 818 Butternut St
  - 850 Butternut St
  - 874 Butternut St
  - 855 Butternut St
  - 1345 S 9<sup>th</sup> St
  - 1056 Butternut St
  - 1120 Butternut St
  - 1190 Butternut St
  - 841 Elm St
  - 1042 Chestnut St
  - 1050 Chestnut St

If you have any questions, please feel free to reach me directly at (512) 971-9127 or via email at [aiglesias@ghdevelopment.com](mailto:aiglesias@ghdevelopment.com).

Respectfully,  
Generation Housing Development, LLC



Adrian Iglesias  
President

# Exhibit A - Concerted Revitalization Plan - Application Exhibits

Only an adopting resolution for the creation of the Neighborhood Empowerment Zone was provided. No actual plan document was provided in the application, as no such plan appears to exist.



## Concerted Revitalization Plan ("CRP") Application Packet

The purpose of the packet is to formalize the process by which Concerted Revitalization Plans ("CRP") are described and submitted pursuant to 10 TAC §11.9(d)(7) of the Qualified Allocation Plan ("QAP"). The CRP and all supporting documentation must be uploaded to the Department's ServU system along with this packet, as a separate document from the Application. Refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed.

Application # 20184 Development Name Heritage at Abilene

Development City Abilene Development County Taylor

The Application claims no points under 10 TAC §11.9(c)(4) related to Opportunity Index.

My Development Site is located in an area that is:

Urban

Rural (skip to page 4 of the packet)

My Development Site is located in a distinct area known locally as (or named by the CRP as) **Abilene Neighborhood Empowerment Zone No. 1** that is larger than the assisted housing footprint.

This packet includes a description of the area targeted for revitalization, including common attributes and problems, which can be found at (document name, page number(s), etc) **Comp Plan: pp. 56-64, p. 58-59 map of Super Neighborhood Boundaries from Comp Plan attachment below./ NEZ Plan p. 6-8. / Statutory Criteria p.**

**4.**

This packet includes a description of how this area was once vital and how it has lapsed into a condition requiring concerted revitalization, which can be found at (document name, page number(s), etc) **Comp Plan: pp. 22, 56, 61, 63-64, 74./ NEZ Plan p. 3. / Statutory Criteria p. 4.**

A CRP covering the area mentioned above has been developed and executed. The CRP consists of the following local planning document(s):

City of Abilene Comprehensive Plan 2004 (Comp Plan)

**Abilene Neighborhood Empowerment Zone No. 1 Resolution/Plan (NEZ Plan)**

The document(s) is included in its entirety. **Abilene Neighborhood Empowerment Zone No. 1 Resolution/Plan**

The document(s) can be found online at **City of Abilene Comprehensive Plan 2004:** <https://www.abilenetx.gov/DocumentCenter/View/3477/Comprehensive-Plan-PDF>

**NOTE:** Per the requirements of 10 TAC §11.9(d)(7)(A)(ii), a plan may consist of one or multiple, but complementary, local planning documents that together create a cohesive agenda for the plan's specific area. **No more than two (2)**

**local plans may be submitted for each proposed Development.** A Consolidated Plan, One-year Action Plan or any other plan prepared to meet HUD requirements will not meet the requirements, unless evidence is presented that additional efforts have been undertaken to meet the requirements in the QAP. The concerted revitalization plan may be a Tax Increment Reinvestment Zone (“TIRZ”) or Tax Increment Finance (“TIF) or similar plan. A city- or county-wide comprehensive plan, by itself, does not equate to a concerted revitalization plan.

**The URBAN CRP meets the following criteria as required by 10 TAC §11.9(d)(7)(A)(iii)(I-IV):**

1. The concerted revitalization plan, or each of the local planning documents that compose the plan, must have been adopted by the municipality or county in which the Development Site is located.
  - This packet includes the resolution(s) adopting the plan or local planning documents that compose the plan;
  - or
  - This packet includes the resolution(s) of delegation and other evidence in the form of certifications by authorized persons confirming the adoption of the plan(s) and budget(s).
  
2. The problems in the revitalization area must be identified through a process in which affected local residents had an opportunity to express their views on problems facing the area, and how those problems should be addressed and prioritized. A description of eligible problems for a CRP are found at 10 TAC §11.9(d)(7)(A)(iii)(II)(a) through (c).
  - A description of the process for public input on the problems in the plan can be found at (document name, page number(s), etc). **Comp Plan: pp. 5-8 / Statutory Criteria for Reinvestment Zone Designation Attachment p. 3**
  - A description of the problems identified by the process can be found at (document name, page number(s), etc) **Comp Plan: pp. 14, 18-20, 22, 26, 28, 30, 36, 39, 42, 51, 56-57, 61-63, 70, 74 / NEZ Resolution/Plan: pp. 1,2 3. / Statutory Criteria for Reinvestment Zone Designation Attachment p. 1,3, 4.**
  - A description of how the process determined how the problems should be addressed and prioritized can be found at (document name, page number(s), etc) **Comp Plan: pp. 15, 18-20 ,22-23, 26-27, 28-29, 30-31, 36-37, 39, 43, 51, 57, 61-64, 70, 74. / NEZ Plan: pp. 1-5. / Statutory Criteria for Reinvestment Zone Designation Attachment: pp. 1, 5**
  
3. The goals of the adopted plan must have a history of sufficient, documented and committed funding to accomplish its purposes on its established timetable. This funding must be flowing in accordance with the plan, such that the problems identified within the plan are currently being or have been sufficiently addressed.
  - A description of the goals of the plan can be found at (document name, page number(s), etc) **Comp Plan: pp. 15, 18-20, 22-23, 26-27, 28-29, 30-31, 36-37, 39, 43, 51, 57, 61-64, 70, 74. / NEZ Plan: pp. 1-5. / Statutory Criteria for Reinvestment Zone Designation Attachment: pp. 1, 5.**
  - A description of the plan’s timetable can be found at (document name, page number(s), etc) **Comp Plan p. 4, 7, 106. / Statutory Criteria for Reinvestment Zone Designation Attachment p. 5**
  - A description of sufficient, documented and committed funding for the plan can be found at (document name, page number(s), etc) **Letter from City of Abilene, p.1**, which documents at least \$160,000 in funding for the plan.
  - Evidence that the funding has been flowing to address the problems identified in the plan, or that the problems have been sufficiently addressed, can be found at (document name, page number(s), etc) **Letter from City of Abilene, p. 1.**
  
4. The plan must either be current at the time of Application and must officially continue for a minimum of three years thereafter OR the work to address the items in need of mitigation or rehabilitation has begun and, additionally, the Applicant must include confirmation from a public official who oversees the plan that accomplishment of those objectives is on schedule and there are no budgetary or other obstacles to accomplishing the purposes of the plan.



- The plan is current at the time of Application, and the effective period for the plan **May 10, 2018 for five years** and can be found at (document name, page number(s), etc) **City of Abilene letter p. 2, NEZ Plan p. 1, Statutory Criteria for Reinvestment Zone Designation Attachment p. 4**; or
- Evidence that the work to address problems in the plan has begun can be found at (document name, page number(s), etc); AND.
- Confirmation from a public official that accomplishment of those objectives is on schedule and there are no budgetary or other obstacles can be found at (document name, page number(s), etc).

**Provide any comments or additional information in the box below, if applicable.**

The City of Abilene Comprehensive Plan outlined issues related to the older neighborhoods in the center city and their need for revitalization. In response to these issues, a Neighborhood Empowerment Zone (NEZ) was created to incentivize development and revitalization in this area. Funding in the form of tax incentives were made available to encourage investment in this area. The NEZ was created per state statute and tax laws, which lay out the existing conditions that must be present to qualify for the designation, in addition to the public process that must be followed to implement the plan. Documentation related to these items is included in this packet.

**URBAN CRP Requested Scoring.** Points may be selected under 1, 2, and 3 below for no more than a total of 7 points.

1. Applications will receive four (4) points for a letter from the appropriate local official providing documentation of measurable improvements within the revitalization area based on the targeted efforts outlined in the plan and in reference to the requirements of 10 TAC §11.9(d)(7)(A)(iii)(I-IV). The letter must also discuss how the improvements will lead to an appropriate area for the placement of housing.
  - A letter from a public official is included in this packet (an adopted resolution may be submitted in place of a letter).
  
2. Applications may receive (2) points in addition to those above if the Development is explicitly identified in a resolution by the municipality or county as contributing more than any other to the concerted revitalization efforts of the municipality or county (as applicable).
  - An adopted resolution from the city of **Abilene** is included in this packet (a letter MAY NOT be submitted in place of a resolution).
  - An adopted resolution from \_\_\_\_\_ county is included in this packet (a letter MAY NOT be submitted in place of a resolution).

**NOTE:** A municipality or county may only identify one Development per CRP area during each Application Round for the additional points under this subclause, unless the concerted revitalization plan includes more than one distinct area within the city or county, in which case a resolution may be provided for each Development in its respective area. The resolution from the Governing Body of the municipality or county that approved the plan is required to be submitted in the Application. If multiple Applications submit resolutions under this subclause from the same Governing Body for the same CRP area, none of the Applications shall be eligible for the additional points, unless the resolutions address the respective and distinct areas described in the plan.
  
3. Applications will receive (1) point in addition to those under 1. and 2. above if the development is in a location that would score at least 4 points under Opportunity Index, §11.9(c)(4)(B), except for the criteria found in §11.9(c)(4)(A) and subparagraphs §11.9(c)(4)(A)(i) and §11.9(c)(4)(A)(ii).
  - Development Site is within the required radius of the eligible amenities and/or services listed below, pursuant to §11.9(c)(4)(B)(i) of the QAP.

**CRP Packet – TDHCA #20184  
Heritage at Abilene**

**Neighborhood Empowerment Zone Resolution/Plan**



**City Council  
Agenda Memo**

**City Council Meeting Date: 5/10/2018**

City council action was related to the creation of the Neighborhood Empowerment Zone, but no actual planning document exists that accompanies the creation of the NEZ. The application did not include a CRP or a link to the CRP.

**TO: The Honorable Mayor and Members of the City Council**

**FROM: Robert Hanna, City Manager**

**SUBJECT: Resolution: Repealing Resolution 1-2009 and Authorizing the creation of an infill development program and corresponding economic development incentives (Robert Hanna)**

---

**GENERAL INFORMATION**

The City Council adopted six priorities at the FY 2018 Council Retreat. Those priorities include: (1) infill development, (2) downtown hotel, (3) reduce expenditures and create efficiencies, (4) determine total cost of deferred maintenance, (5) street maintenance, and (6) development along I-20.

The attached resolution focuses on infill development and accomplishes two things: (1) it repeals our current infill development program, and (2) it establishes a new infill development program.

The new program authorizes the following incentives with Council approval:

- The City may enter into agreements for a period of not more than ten (10) years, for the purpose of benefiting the zone, refunds of municipal sales tax on sales made within the zone.
- The City may enter into agreements abating municipal property taxes on property within the Zone subject to the duration limits of Section 312.204 of the Tax Code.
- The City may set baseline performance standards, such as the Energy Star Program as developed by the Department of Energy, to encourage the use of alternative building materials that address concerns relating to the environment or to the building costs, maintenance, or energy consumption.
- The City may participate in up to 50% of the cost of water or sewer line extensions necessary to serve property being developed within the Zone.
- The City may choose to authorize these incentives through a Chapter 380 Economic Development agreement.

The program authorizes the City Manager to offer the additional incentives without additional Council approval:

- The City Manager may waive or reduce fees related to the construction or remodel of buildings in the Zone, including fees related to the inspection of buildings or impact fees.

- The City Manager may authorize the provision of roll-off containers and associated haul-on, haul-off and tipping charges at the City’s actual cost.
- The City Manager may waive or reduce sewer and water tap fees.
- The City Manager may waive or reduce zoning application fees.

In general, the initial boundaries for the zone are bounded on the east and west borders by the flood plains of Elm Creek and Cedar Creek. The northern boundary is I-20 and the southern boundaries are South 7th and South 14th with Butternut as the connector between the two.

These areas were chosen based on a heat map analysis of the total value per total square foot of improvements per parcel. The map (attached) helps to identify those areas where infill development or redevelopment of existing structures may be more successful than other areas.

The proposed boundaries are not meant to be unalterable. As our infill efforts mature, the boundaries of the zone should be amended to address market opportunities. Additionally, other zones may need to be established, and some zones may need to be abolished.

**SPECIAL CONSIDERATIONS**

The creation of the zone will allow several projects that are under development to receive the incentives they need to move forward.

There are other elements to a successful infill development, and staff will continue to work on those items in cooperation with the private sector as we seek to create a meaningful and effective infill development and redevelopment program.

**FUNDING/FISCAL IMPACT**

Staff does not anticipate a negative fiscal impact by the creation of this program.

**STAFF RECOMMENDATION**

Staff recommends approval as submitted.

**BOARD OR COMMISSION RECOMMENDATION**

**ATTACHMENTS:**

Description	Type
☐ Resolution	Resolution Letter
☐ Exhibit A	Cover Memo
☐ Heat map	Backup Material
☐ Resolution 01-2009 Infill Development	Backup Material
☐ Presentation	Presentation



The resolution does not meet the requirements of a Concerted Revitalization Plan, and no actual planning document exists.

**RESOLUTION NO. 78-2018**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REPEALING RESOLUTION NO. 1-2009, AND CREATING A NEW INFILL DEVELOPMENT INCENTIVE PROGRAM**

**WHEREAS**, the City of Abilene (the “City”) desires to encourage the investment of private resources in productive business enterprises and single and multi-family housing units in historic and economically distressed areas of the City; and

**WHEREAS**, the City desires to increase economic development within historic and economically distressed areas of the City; and

**WHEREAS**, the City has previously adopted Resolution No. 1-2009 setting forth and infill development program; and

**WHEREAS**, the City now desires to repeal the current program and create a new program; and

**WHEREAS**, it is necessary and in the best interest of the City to create the Abilene Neighborhood Empowerment Zone No. 1, (the “Zone”) pursuant to Chapter 378 of the Texas Local Government Code; and

**WHEREAS**, in addition to the creation of the Zone, it is necessary and in the best interest of the City to offer certain economic development incentives to promote and encourage new private business development, and the remodeling and new construction of affordable and market rate housing options for the City’s historic and economically distressed areas

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

**PART 1:** That the City designates an area more particularly described and illustrated in “Exhibit A” attached hereto and incorporated herein for designation as the Abilene Neighborhood Empowerment Zone No. 1, and said boundaries shall describe and create the infill development program boundaries.

**PART 2:** The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone will increase economic development within the Zone, increase the rehabilitation and construction of affordable and market rate housing options within the Zone, and increase the quality of social services, education or public safety provided to the residents of the Zone.

**PART 3:** The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone benefits and is for the public purpose of increasing the public health, safety and welfare of the persons in the municipality.

**PART 4:** The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone satisfies the requirements of Section 312.202 of the Tax Code.

**PART 5:** The City Council as the governing body of the City of Abilene, Texas does hereby create and establish the following economic development incentive program within the Zone and authorizes the City Manager or his or her designee to negotiate agreements offering the following enumerated incentives, provided that any agreement using the incentives authorized and set forth below must be adopted by an affirmative vote of four or more members of the City Council before it can be effective.

1. The City may enter into agreements for a period of not more than ten (10) years, for the purpose of benefiting the zone, refunds of municipal sales tax on sales made within the zone; and
2. The City may enter into agreements abating municipal property taxes on property within the Zone subject to the duration limits of Section 312.204 of the Tax Code; and
3. The City may set baseline performance standards, such as the Energy Star Program as developed by the Department of Energy, to encourage the use of alternative building materials that address concerns relating to the environment or to the building costs, maintenance, or energy consumption; and
4. The City may participate in up to 50% of the cost of water or sewer line extensions necessary to serve property being developed within the Zone; and
5. The City may choose to authorize these incentives through a Chapter 380 Economic Development agreement.

**PART 6:** The City Council as the governing body of the City of Abilene, Texas does hereby create and establish the following economic development incentive program within the Zone and authorizes the City Manager or his or her designee to negotiate agreements offering the following enumerated incentives without further Council action.

1. The City Manager may waive or reduce fees related to the construction or remodel of buildings in the Zone, including fees related to the inspection of buildings or impact fees; and
2. The City Manager may authorize the provision of roll-off containers and associated haul-on, haul-off and tipping charges at the City's actual cost; and
3. The City Manager may waive or reduce sewer and water tap fees; and
4. The City Manager may waive or reduce zoning application fees.

**PART 7:** That Resolution No. 1-2009 is hereby repealed in its entirety.

**PART 8:** That this Resolution takes effect immediately upon its adoption.

**ADOPTED this 10<sup>th</sup> day of May 2018.**

ATTEST:

  
\_\_\_\_\_  
Rosa Rios, City Secretary

  
\_\_\_\_\_  
Anthony Williams, Mayor

APPROVED:

  
\_\_\_\_\_  
Stanley Smith, City Attorney

## EXHIBIT A

The Abilene Neighborhood Empowerment Zone No. 1 begins at the intersection of South 14<sup>th</sup> Street and Treadaway Blvd, thence north along Treadaway Blvd to the intersection of Pine Street and Treadaway Blvd, thence north along Pine Street to the intersection of Interstate 20 and Pine Street, thence west along Interstate 20 to the intersection of Old Anson Road and Interstate 20, thence south along Old Anson Road to the intersection of Ambler Avenue and Old Anson Road, thence west along Ambler Avenue to the intersection of Kirkwood Street and Ambler Avenue, thence south along Kirkwood Street to the intersection of North 20<sup>th</sup> Street and Kirkwood Street, thence west along North 20<sup>th</sup> Street to the intersection of Kirkwood Street and North 20<sup>th</sup> Street, thence south along Kirkwood Street to the intersection of North 19<sup>th</sup> Street and Kirkwood, thence east along North 19<sup>th</sup> Street to the intersection of Victoria Street and North 19<sup>th</sup> Street, thence south along Victoria Street to the intersection of North 14<sup>th</sup> Street and Victoria Street, thence east along North 14<sup>th</sup> Street to the intersection of Clinton Street and North 14<sup>th</sup> Street, thence south along Clinton Street to the intersection of North 12<sup>th</sup> Street and Clinton Street, thence west along North 12<sup>th</sup> Street to the intersection of Victoria Street and Clinton Street, thence south along Victoria Street to the intersection North 5<sup>th</sup> Street and Victoria Street, thence west along North 5<sup>th</sup> Street to the intersection of Lillius Street and North 5<sup>th</sup> Street, thence south along Lillius Street to the intersection of North 3<sup>rd</sup> Street and Lillius Street, thence west along North 3<sup>rd</sup> Street to the intersection of Graham Street and North 3<sup>rd</sup> Street, thence south along Graham Street to the intersection of North 1<sup>st</sup> Street and Graham Street, thence south along Sayles Blvd to the intersection of South 7<sup>th</sup> Street and Sayles Blvd, thence east along South 7<sup>th</sup> Street to the intersection Butternut Street and South 7<sup>th</sup> Street, thence south along Butternut Street to the intersection of South 14<sup>th</sup> Street and Butternut Street, thence east along South 14<sup>th</sup> Street terminating at the intersection of Treadaway Blvd and South 14<sup>th</sup> Street.

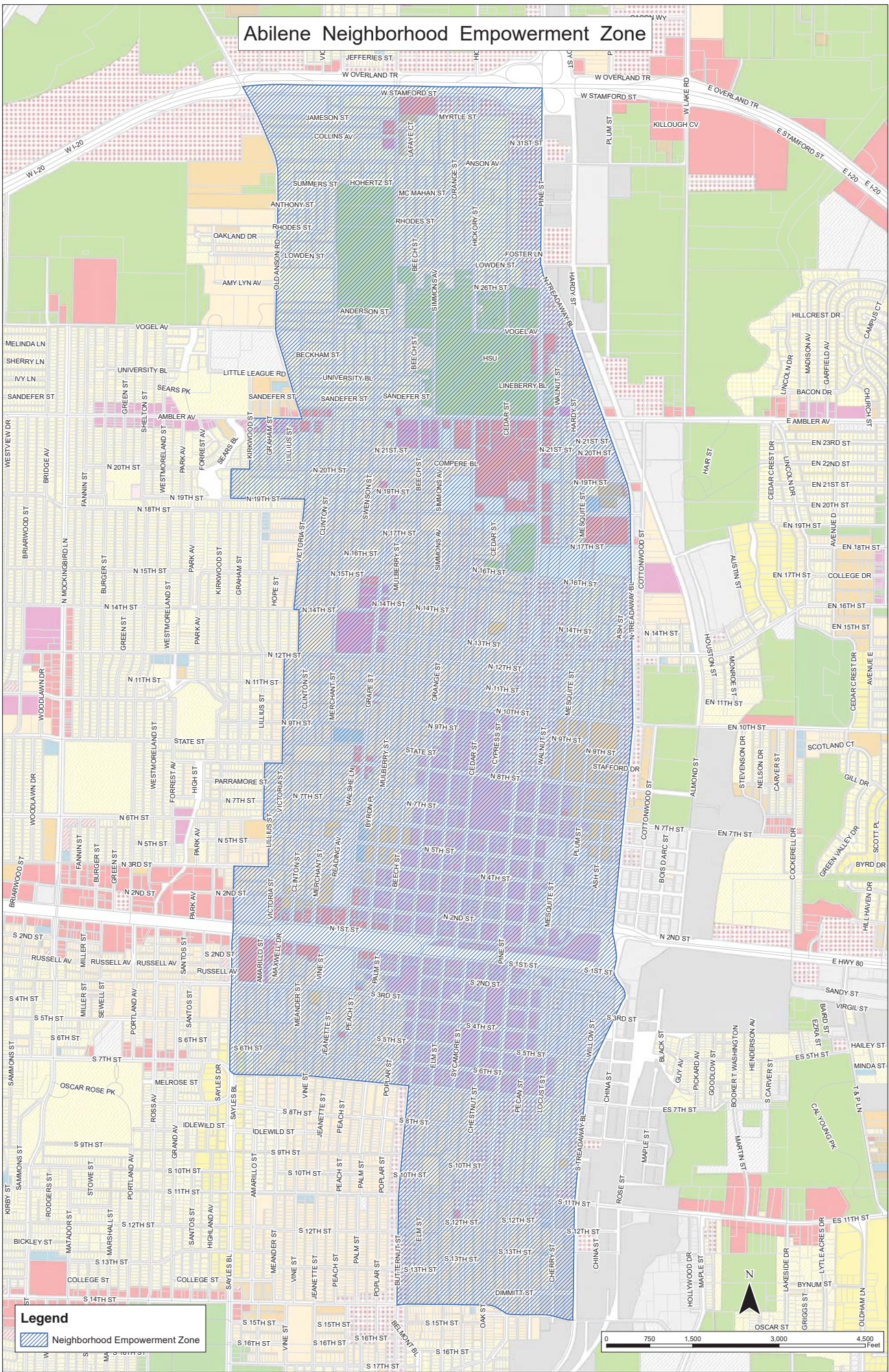
All properties abutting each boundary street are included within the Zone.

A map of the district is attached and incorporated into this Exhibit "A."





# Abilene Neighborhood Empowerment Zone



**Legend**  
 Neighborhood Empowerment Zone

0 750 1500 3000 4500 Feet



# Exhibit B - Search for Planning Document (CRP) Associated with Neighborhood Empowerment Zone



abilene neighborhood empowerment zone 1 - Google Search

All Maps News Images Shopping More Settings Tools

About 61,900 results (0.56 seconds)

www.abilenetx.gov > DocumentCenter > View > Neigh... PDF

## Neighborhood Empowerment Zone Ordinance - City of Abilene

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,, REPEALING RESOLUTION NO. 1-2009, AND CREATING A NEW INFILL.

Link only includes a copy of the adopting resolution. No plan associated with the NEZ is available.

www.abilenetx.gov > DocumentCenter > View > Neigh... PDF

## Abilene Neighborhood Empowerment Zone

C. A. L. Y. O. U. N. G. P. K. G. R. E. E. N. VA. LLE. Y. D. R. C. A. R. V. E. R. S. T. BACON DR. P. L. U. M. S. T. S. C. O. T. T. P. L. P. E. A. C. H. S. T. LY. T. L. E. A. C.

Only a map of the NEZ is available at this website. No plan associated with the NEZ is available.

www.downtownabi.com > development > incentives

## Neighborhood Empowerment Zone | Downtown Abilene TX

A framework for local downtown development incentives. **Neighborhood Empowerment Zone.** The **Abilene** City Council has designated the downtown and SoDA ...

Missing: 4 | Must include: 1

No plan associated with the NEZ is available at this website

### People also search for

downtown abilene development map of downtown abilene, tx

www.reporternews.com > story > news > 2018/05/11

## Abilene City Council approves infill development zone ...

May 11, 2018 - ... the council create the "Abilene Neighborhood Empowerment Zone," ... council identified six goals for city staff, one being infill development.

ww2.abilenetx.com > Resolutions PDF

## resolution no. 167-2019 a resolution of the city council of the ...

creating the **Abilene Neighborhood Empowerment Zone No. 1**, establishing certain economic development incentive programs within the Zone; and. WHEREAS ...

ww2.abilenetx.com > Resolutions PDF

## resolution no. 60-2019 a resolution of the city council of the ...

creating the **Abilene Neighborhood Empowerment Zone No. 1**. establishing certain economic development incentive programs within the Zone; and. WHEREAS ...

www.bigcountryhomepage.com > news > main-news

## Neighborhood empowerment zone created to spur inward ...

Jul 17, 2018 - ABILENE, Texas (KTAB) - Cities working to bring in business is nothing new, but the City of Abilene is taking steps to bring that development to ...

fortworthtexas.gov > neighborhoods > NEZ

## Neighborhood Empowerment Zones (NEZ) | City of Fort Worth ...

**Neighborhood Empowerment Zones (NEZ).** Promote housing, economic development and quality services in Fort Worth central city. Now there are more ...

Missing: abilene | Must include: abilene

statutes.capitol.texas.gov > Docs > htm > LG.378.htm

## local government code chapter 378. neighborhood ...

In this chapter, "zone" means a **neighborhood empowerment zone** created by a municipality under this chapter. Added by Acts 1999, 76th Leg., ch. 305, Sec. 1 ...

Missing: abilene | Must include: abilene



<https://www.downtownabi.com>

## PLANS & STUDIES

*Home (<https://www.downtownabi.com>) » Do Business Here (<https://www.downtownabi.com/do-business-here/>) » Development (<https://www.downtownabi.com/do-business-here/development/>) » Plans & Studies*

**BUSINESS**

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### DO BUSINESS HERE

Demographics & Market Data

Development

Incentives

NEZ

380 Agreements

Emerging Projects

Plans & Studies

Business Dev Resources



**We've been thinking about it. Learn the outcome of extensive public engagement and professional guidance on the future of downtown.**

**City Center Growth & Development Plan**

The Heritage at Abilene is not located within this plan's target area

Vision Package is a four-part planning document that identifies key development, infrastructure, and public/private partnership opportunities to spur the successful redevelopment of Abilene's downtown core.

*Learn more... ([http://www.downtownabi.com/wp-content/uploads/2018/08/ABI-CenterCityPlan\\_170526\\_FINAL\\_WEB.pdf](http://www.downtownabi.com/wp-content/uploads/2018/08/ABI-CenterCityPlan_170526_FINAL_WEB.pdf))*

**SoDA District Master Plan**

The Heritage at Abilene is not located within this plan's target area

The South Downtown Abilene Master Plan is intended to establish a vision for the future of South Downtown Abilene and outline a framework of actions to realize that vision.

*Learn more... ([http://www.downtownabi.com/wp-content/uploads/2018/08/SoDA\\_District-Master-Plan.pdf](http://www.downtownabi.com/wp-content/uploads/2018/08/SoDA_District-Master-Plan.pdf))*

**Economic Development Strategic Plan**

Citywide plan

This strategic plan serves as the basis for a comprehensive approach to economic development, with the overall goal of positioning Abilene for long-term growth and prosperity for residents and businesses.

*Learn more... (<https://www.abilenedcoa.com/strategic-plan>)*

# Exhibit C - Historic Preservation - Application Exhibits

- C.  **Development located in Non-Rural Area of Dallas, Fort Worth, Houston, San Antonio or Austin MSA** calculation is completed.
- The Average Income for the proposed Development will be 54% or lower (15 points). **Average Income from Tab 24**
- The Average Income for the proposed Development will be 55% or lower (13 points). **0.00**
- The Average Income for the proposed Development will be 56% or lower (11 points). 0
- OR**
- D.  **Development proposed in all other areas.**
- The Average Income for the proposed Development will be 55% or lower (15 points).
- The Average Income for the proposed Development will be 56% or lower (13 points).
- The Average Income for the proposed Development will be 57% or lower (11 points). 0

**Application is seeking points for Income Levels of Residents.** **Points Claimed:** 15

5. **Rent Levels of Residents (Competitive HTC Applications only) [§11.9(c)(2)]**
- If selecting points from §11.9(c)(1)(A) or §11.9(c)(1)(B), these levels are in addition to those committed under paragraph (1) of this subsection. If selecting points from §11.9(c)(1)(C) or §11.9(c)(1)(D), these levels are included in the income average calculation under paragraph (1) of this subsection. These units must be maintained at this rent level throughout the Affordability Period regardless of the Average Income calculation. Mark only one box below:*
- Development is Supportive Housing proposed by a Qualified Nonprofit, and at least 20% (less Units used for boost or in A or B above) of all low-income Units are restricted at 30% or less of AMGI; or (13 points) 0
- Development is Urban, and at least 10% (less Units used for eligibility for boost or in A or B above) of all low-income Units are restricted at 30% or less of AMGI; or (11 points) 11
- Development is Rural, and at least 7.5% (less Units used for eligibility for boost or in A or B above) of all low-income Units are restricted at 30% or less of AMGI; or (11 points) 0
- At least 5% (less Units used for eligibility for boost or in A or B above) of all low-income Units at 30% or less of AMGI. (7 points) 0

**Application is seeking points for Rent Levels of Residents.** **Points Claimed:** 11

6. **Resident Services (Competitive HTC Applications and Direct Loan Applications) [§11.9(c)(3) and §13.6(2)]**
- Development will provide a combination of supportive services as identified in §11.101(b)(7) and those services will be recorded in the Development's LURA. 10
- Applicant certifies that the Development will contact local service providers, and will make Development community space available to them on a regularly-scheduled basis to provide outreach services and education to the tenants. 1

**Application is seeking points for Resident Services.** **Points Claimed:** 11

7. **Residents with Special Housing Needs (Competitive HTC Applications only) [§11.9(c)(6)]**
- A.  Applicant elects to commit at least 5% of the total Units for Persons with Special Housing Needs. The Units identified for this scoring item may not be the same Units identified previously for the Section 811 PRA Program. The Development Owner agrees to specifically market Units to Persons with Special Housing Needs. The Department will require an initial minimum twelve-month period during which Units must either be occupied by Persons with Special Housing Needs or held vacant, unless the units receive HOME funds from any source. (2 points) 2
- B.  Applicant elects to commit at least an additional 2% of the total Units to Persons referred from the Continuum of Care or local homeless service providers to be made available for those experiencing homelessness. Applications in the At-risk or USDA setasides are not eligible for this scoring item. Applications are not eligible under this paragraph unless points have also been selected under A above. The Development Owner agrees to specifically market the 2% of Units through the Continuum of Care and other homelessness providers local to the Development Site. In addition, the Department will require an initial minimum twelve-month period in Urban subregions, and an initial six-month period in Rural subregions, during which Units must either be occupied by Persons referred from the Continuum of Care or local homeless service providers, or held vacant, unless the Units receive HOME funds from any source. (1 point) 1



**Application is seeking points for Residents with Special Housing Needs.** **Points Claimed:** 3

8. **Pre-Application Participation (Competitive HTC Applications only) [§11.9(e)(3)]**
- Development is requesting Pre-Application Points. 6
9. **Extended Affordability (Competitive HTC Applications only) [§11.9(e)(5)]**
- Development will maintain a 35 year Affordability Period. 0
- Development will maintain a 40 year Affordability Period. 0
- Development will maintain a 45 year Affordability Period. 4

**Application is seeking points for Extended Affordability.** **Points Claimed:** 4

10. **Historic Preservation (Competitive HTC Applications only) [§11.9(e)(6)]**



- Application requests points for Historic Preservation. 
- Application contains a letter from the Texas Historical Commission (THC) determining preliminary eligibility for federal or state historic (rehabilitation) tax credits.
- Application includes documentation from the THC that the property is currently a Certified Historic Structure or determining preliminary eligibility for status as a Certified Historic Structure.
- Application includes evidence that the THC received the request for determination of preliminary eligibility and supporting information on or before February 1 of the current year.
- Development will be able to document receipt of historic tax credits by the time Forms 8609 are issued.
- At least 75% of the residential units will be within the Certified Historic Structure. 

Attached behind this tab are the THC letter and other documentation described above.

Application is eligible for five (5) points. 5

**11. Right of First Refusal (Competitive HTC Applications only) [§11.9(e)(7)]**

Development Owner agrees to provide a Right of First Refusal to purchase the Development upon or following the end of the Compliance Period. 1

**12. Funding Request Amount (Competitive HTC Applications only) [§11.9(e)(8)]**

Application reflects funding request for no more than 100% of the amount available in the subregion or set-aside as of 12/2/2019. 1

**TEXAS HISTORICAL COMMISSION**  
*real places telling real stories*

February 18, 2020

Brett Johnson  
Overland Property Group  
5345 W 151st Ter  
Leawood, KS 66224

RE: Travis School, 1100 S. 9<sup>th</sup> Street, Abilene, Taylor County, Texas

Dear Mr. Johnson:

I have reviewed the documentation submitted to the THC regarding the Travis School in Abilene. The 1921 simplified Classical Revival building, designed by Abilene architect David S. Castle, appears to be eligible for listing in the National Register of Historic Places at the local level of significance under Criterion A in the area of Education and Criterion C in the area of Architecture. The building should be considered as a "Certified Historic Structure" for the purpose of qualifying for HUD funding or credits through the Texas Department of Housing and Community Affairs.

If you have any questions, you may contact me at (512) 463-6013 or [greg.smith@thc.texas.gov](mailto:greg.smith@thc.texas.gov). Thank you for your interest in the National Register and in preserving Texas' cultural heritage.

Sincerely,



Gregory Smith, National Register Coordinator  
for Mark Wolfe  
State Historic Preservation Officer

Only the "Classroom Building" is determined to be a Certified Historic Structure. The "Cafetorium Building" for which the same determination was requested (see Exhibit D) is not determined to be a Certified Historic Structure.





**BUILDING A SUMMARY**

UNIT LABEL	APT NO.	UNIT TYPE	HEATED SF PER UNIT	NUMBER UNITS	NRA SF	COMMON AREA SF	TOTAL SF
<b>FIRST FLOOR</b>							
1B	101	1-BED, 1-BATH	726 sf	1	726 sf		
1H	102	HEARING 1-BED, 1-BATH	726 sf	1	726 sf		
1B	103	1-BED, 1-BATH	719 sf	1	719 sf		
1B	104	1-BED, 1-BATH	709 sf	1	709 sf		
1B	105	1-BED, 1-BATH	655 sf	1	655 sf		
1B	106	1-BED, 1-BATH	655 sf	1	655 sf		
CS		COMMON SPACE	-	-	-	2,153 sf	
TOTAL PER FLOOR			4,190 sf	6	4,190 sf	2,153 sf	6,343 sf
<b>SECOND FLOOR</b>							
1B	201	1-BED, 1-BATH	726 sf	1	726 sf		
1B	202	1-BED, 1-BATH	726 sf	1	726 sf		
1B	203	1-BED, 1-BATH	719 sf	1	719 sf		
1B	204	1-BED, 1-BATH	709 sf	1	709 sf		
1B	205	1-BED, 1-BATH	655 sf	1	655 sf		
1B	206	1-BED, 1-BATH	655 sf	1	655 sf		
CS		COMMON SPACE	-	-	-	2,153 sf	
TOTAL PER FLOOR			4,190 sf	6	4,190 sf	2,153 sf	6,343 sf
<b>THIRD FLOOR</b>							
1B	301	1-BED, 1-BATH	726 sf	1	726 sf		
1B	302	1-BED, 1-BATH	726 sf	1	726 sf		
2C	303	2-BED, 1-BATH	974 sf	1	974 sf		
1B	304	1-BED, 1-BATH	709 sf	1	709 sf		
1B	305	1-BED, 1-BATH	655 sf	1	655 sf		
1B	306	1-BED, 1-BATH	655 sf	1	655 sf		
CS		COMMON SPACE	-	-	-	1,898 sf	
TOTAL PER FLOOR			4,190 sf	6	4,190 sf	1,898 sf	6,343 sf
BUILDING TOTALS				18	12,825 sf	6,204 sf	19,029 sf

ALL UNITS ACCESSED BY THE GROUND FLOOR OR BY ELEVATOR MUST COMPLY WITH THE VISITABILITY REQUIREMENTS OF 10.101(b)(8)(B)(iii)

**BUILDING B SUMMARY**

UNIT LABEL	APT NO.	UNIT TYPE	HEATED SF PER UNIT	NUMBER UNITS	NRA SF	COMMON AREA SF	TOTAL SF
<b>FIRST FLOOR</b>							
1A	107	ACCESSIBLE 1-BED, 1-BATH	715 sf	1	715 sf		
1B	108	1-BED, 1-BATH	706 sf	1	706 sf		
1B	109	1-BED, 1-BATH	730 sf	1	730 sf		
1B	110	1-BED, 1-BATH	748 sf	1	748 sf		
CS		COMMON SPACE	-	-	-	727 sf	
TOTAL PER FLOOR				4	2,899 sf	727 sf	3,626 sf
BUILDING TOTALS				4	2,899 sf	727 sf	3,626 sf

ALL UNITS ACCESSED BY THE GROUND FLOOR OR BY ELEVATOR MUST COMPLY WITH THE VISITABILITY REQUIREMENTS OF 10.101(b)(8)(B)(iii)

**BUILDING C SUMMARY**

UNIT LABEL	APT NO.	UNIT TYPE	HEATED SF PER UNIT	NUMBER UNITS	NRA SF	COMMON AREA SF	TOTAL SF
<b>FIRST FLOOR</b>							
2B	111	2-BED, 1-BATH	867 sf	1	867 sf		
2A	112	ACCESSIBLE 2-BED, 1-BATH	867 sf	1	867 sf		
2B	113	2-BED, 1-BATH	867 sf	1	867 sf		
2B	114	2-BED, 1-BATH	867 sf	1	867 sf		
2B	115	2-BED, 1-BATH	867 sf	1	867 sf		
2B	116	2-BED, 1-BATH	867 sf	1	867 sf		
2B	118	2-BED, 1-BATH	867 sf	1	867 sf		
CS		COMMON SPACE	-	-	-	2,175 sf	
TOTAL PER FLOOR				7	6,069 sf	2,175 sf	8,244 sf
BUILDING TOTALS				7	6,069 sf	2,175 sf	8,244 sf

ALL UNITS ACCESSED BY THE GROUND FLOOR OR BY ELEVATOR MUST COMPLY WITH THE VISITABILITY REQUIREMENTS OF 10.101(b)(8)(B)(iii)

**PROJECT SUMMARY**

BUILDING LABEL	BUILDING TYPE	UNIT LABEL	BUILDING SQUARE FOOT	NO. of BUILDINGS	TOTAL PROJECT SF
BLDG A	17-1bd,1-2bd	1B, 1H, 2C	19,029 sf	1	19,029 sf
BLDG B	4-1bd	1B, 1A	3,626 sf	1	3,626 sf
BLDG C	7-2bd	2B, 2A	8,244 sf	1	8,244 sf
TOTAL BUILDING SF			30,899 sf		30,899 sf

**UNIT SUMMARY**

UNIT LABEL	UNIT TYPE	TOTAL NO. of UNITS	PERCENTAGE
1A	ACCESSIBLE 1-BED, 1-BATH	1	72%
1B	1-BED, 1-BATH	19	
1H	HEARING 1-BED, 1-BATH	1	
2A	ACCESSIBLE 2-BED, 1-BATH	1	28%
2B	2-BED, 1-BATH	7	
TOTAL		29	100%

**PARKING SUMMARY**

ACCESSIBLE PARKING STALLS	ACCESSIBLE	5
	VAN	1
STANDARD PARKING STALLS		52
TOTAL PARKING STALLS		58
PARKING RATIO (STALLS/UNITS)		2

PARKING MEETS ZONING REQ'S. 3/2 dwelling units = 43.5

**LOT COVERAGE**

SITE ACRES	SITE SF	BLDG COVERAGE (1st FLOOR)	LOT COVERAGE
3.546 ACRES	154,464sf	12,533 sf	8.01%

**FLOOD PLAIN**

THE HEREIN DESCRIBED PROPERTY IS NOT IN A FLOOD PLAIN PER NATIONAL FLOOD INSURANCE RATE MAP COMAL COUNTY TEXAS.

**STORM WATER DETENTION**

ON SITE STORM WATER DETENTION IS NOT REQUIRED

**NOTES**

1. THE SITE PLAN MATERIALLY ADHERES TO ALL ZONING, SITE DEVELOPMENT, AND BUILDING CODE ORDINANCES.

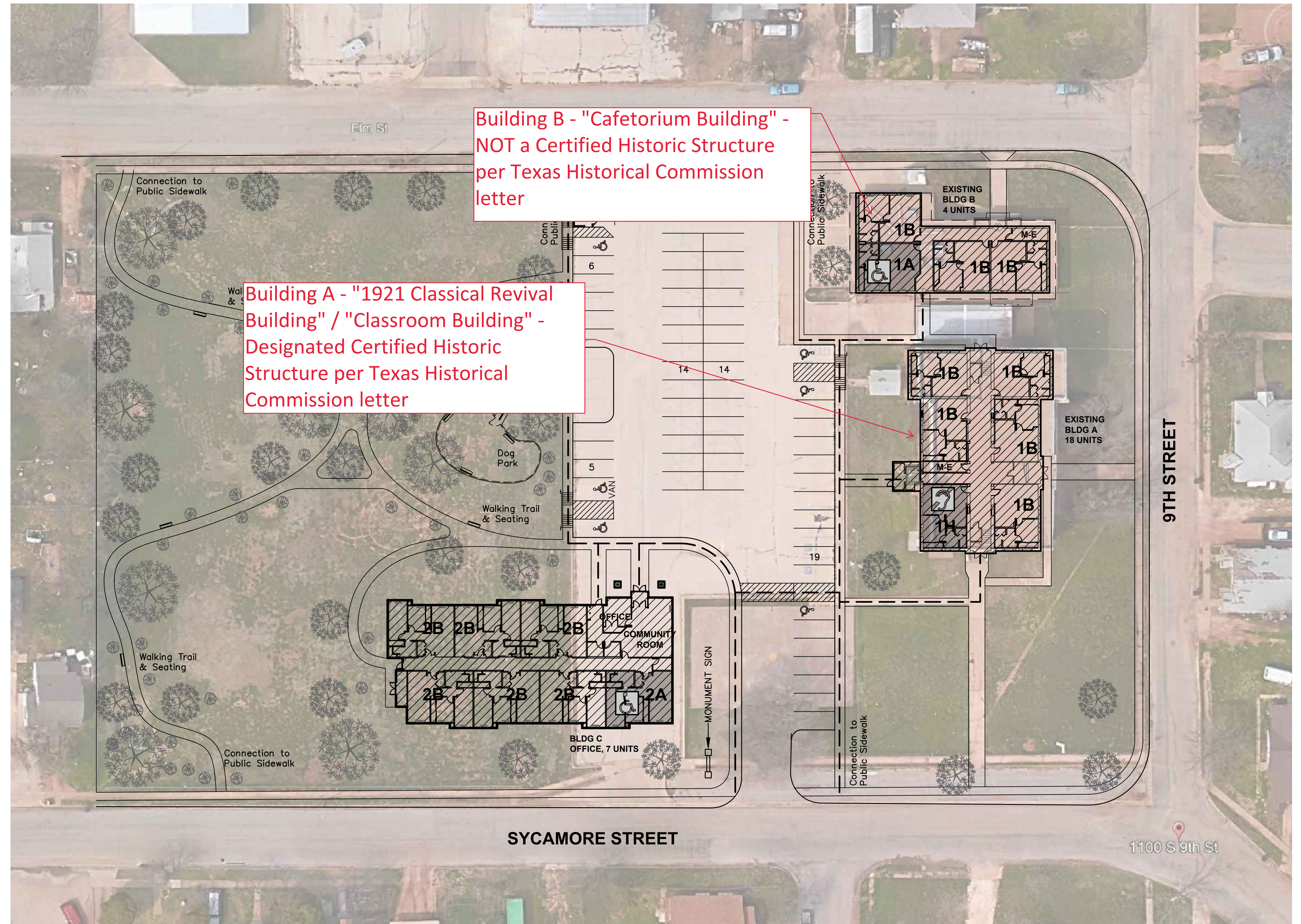
LINE INDICATES ACCESSIBLE ROUTE

**ACCESSIBLE UNIT SYMBOLS**

- (2) UNITS SHALL BE HANDICAP ACCESSIBLE
  - (1) 1-bedroom
  - (1) 2-bedroom
- (1) UNITS SHALL BE HEARING & VISION IMPAIRED ACCESSIBLE
  - (1) 1-bedroom

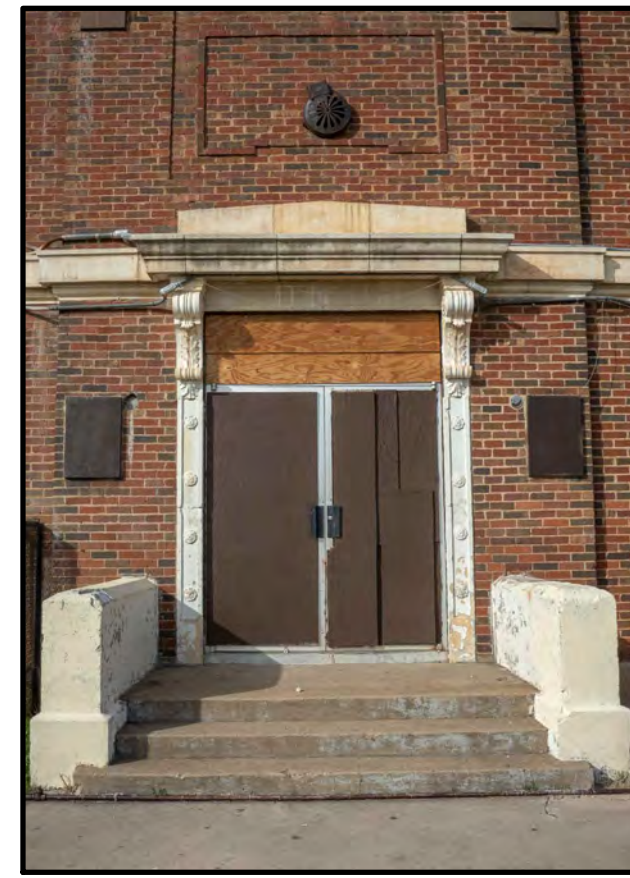


VICINITY PLAN  
NO SCALE





# Classroom Building Elevations



**12** EAST ENTRANCE  
NTS



**11** SOUTH EAST ELEVATION  
NTS



**10** EAST ELEVATION  
NTS



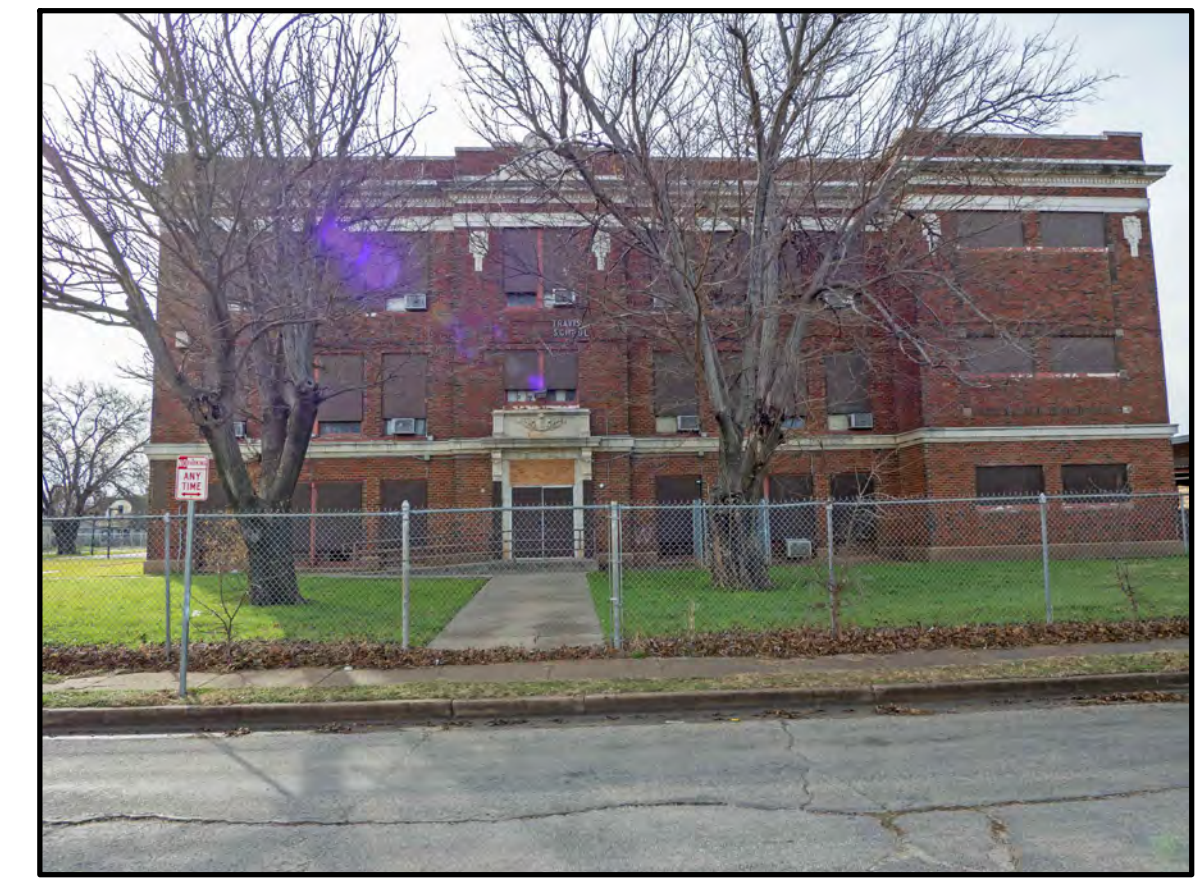
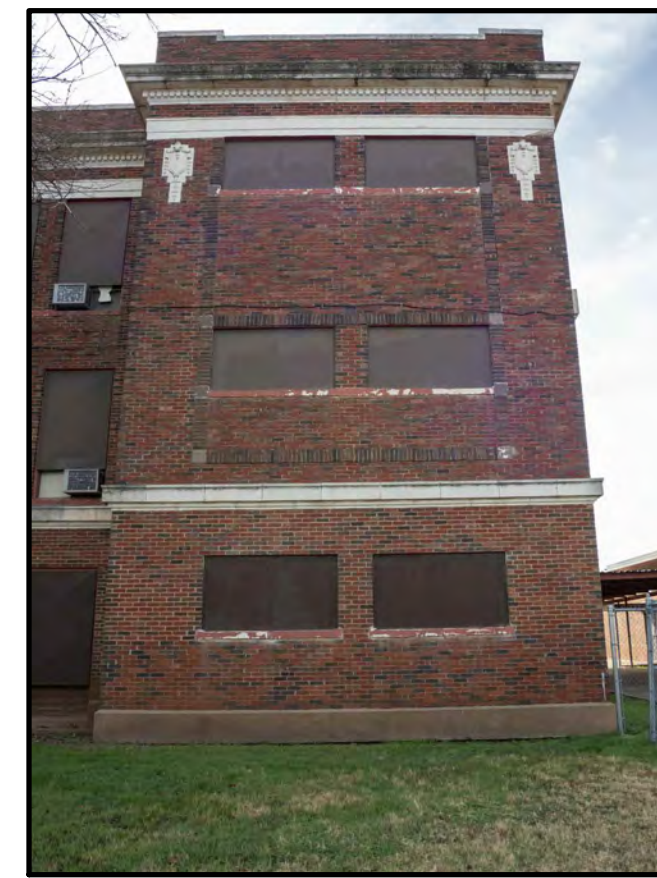
**9** NORTH EAST ELEVATION  
NTS



**8** NORTH ENTRANCE  
NTS



**7** ENLARGED NORTH ELEVATION  
NTS



**6** NORTH ELEVATION  
NTS



**5** WEST ELEVATION  
NTS



**4** WEST ELEVATION  
NTS



**3** SOUTH WEST ELEVATION  
NTS



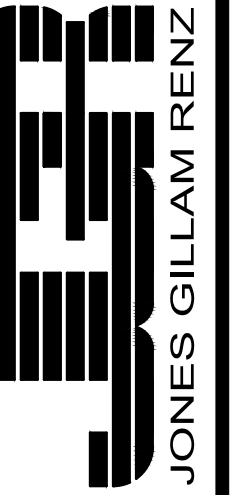
**2** SOUTH WEST ELEVATION  
NTS



**1** SOUTH ELEVATION  
NTS

## BUILDING A PHOTOGRAPHS

Architects Planners Designers  
1800 Wymette St.  
Suite 102  
Kansas City, MO 64108  
785.827.0386  
jgr@jgrarchitects.com



**THE HERITAGE at ABILENE**  
REMODEL, ADAPTIVE RE-USE APARTMENTS  
ABILENE, TEXAS

PRELIMINARY  
DRAWING  
NOT FOR  
CONSTRUCTION

DATE:  
2-21-2020  
JOB:  
20-3065  
SHEET:

COPYRIGHTED ©

A3.2



# Cafetorium Building Elevations



**11 EAST ELEVATION**  
NTS



**10 EAST ELEVATION**  
NTS



**9 EAST ELEVATION**  
NTS



**8 EAST ELEVATION**  
NTS



**7 NORTH ELEVATION**  
NTS



**6 SOUTH ELEVATION**  
NTS



**5 SOUTH EAST ELEVATION**  
NTS



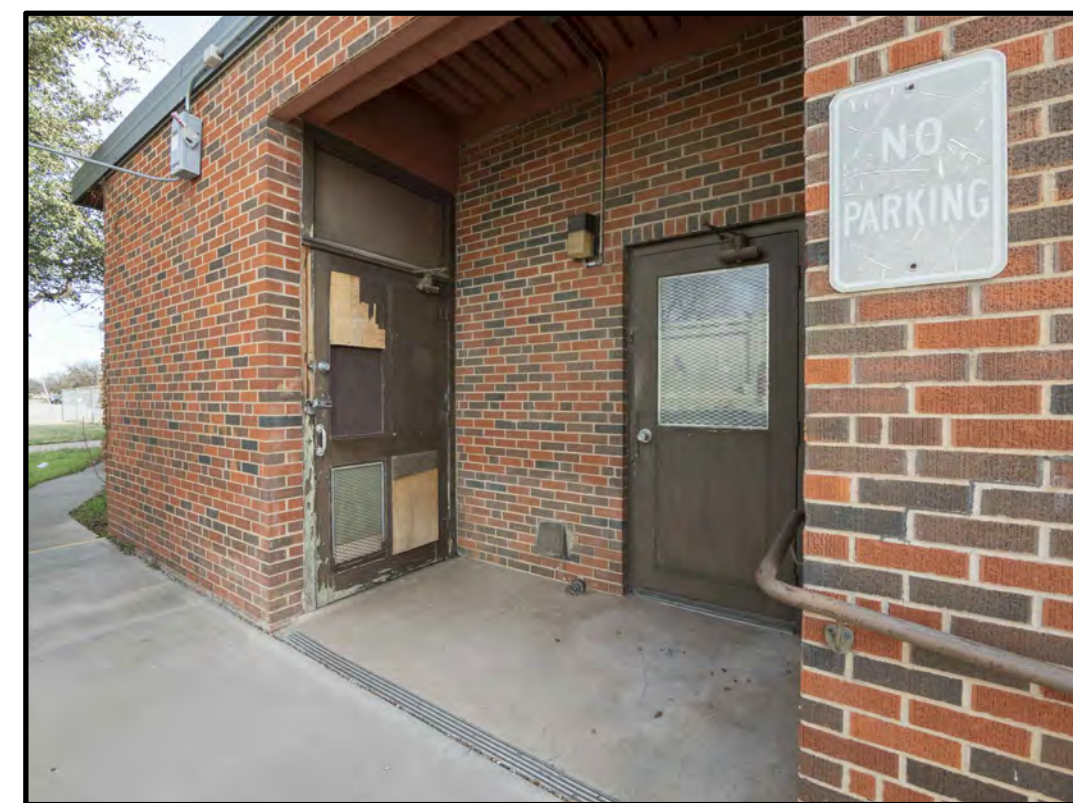
**4 WEST ELEVATION**  
NTS



**3 WEST ELEVATION**  
NTS

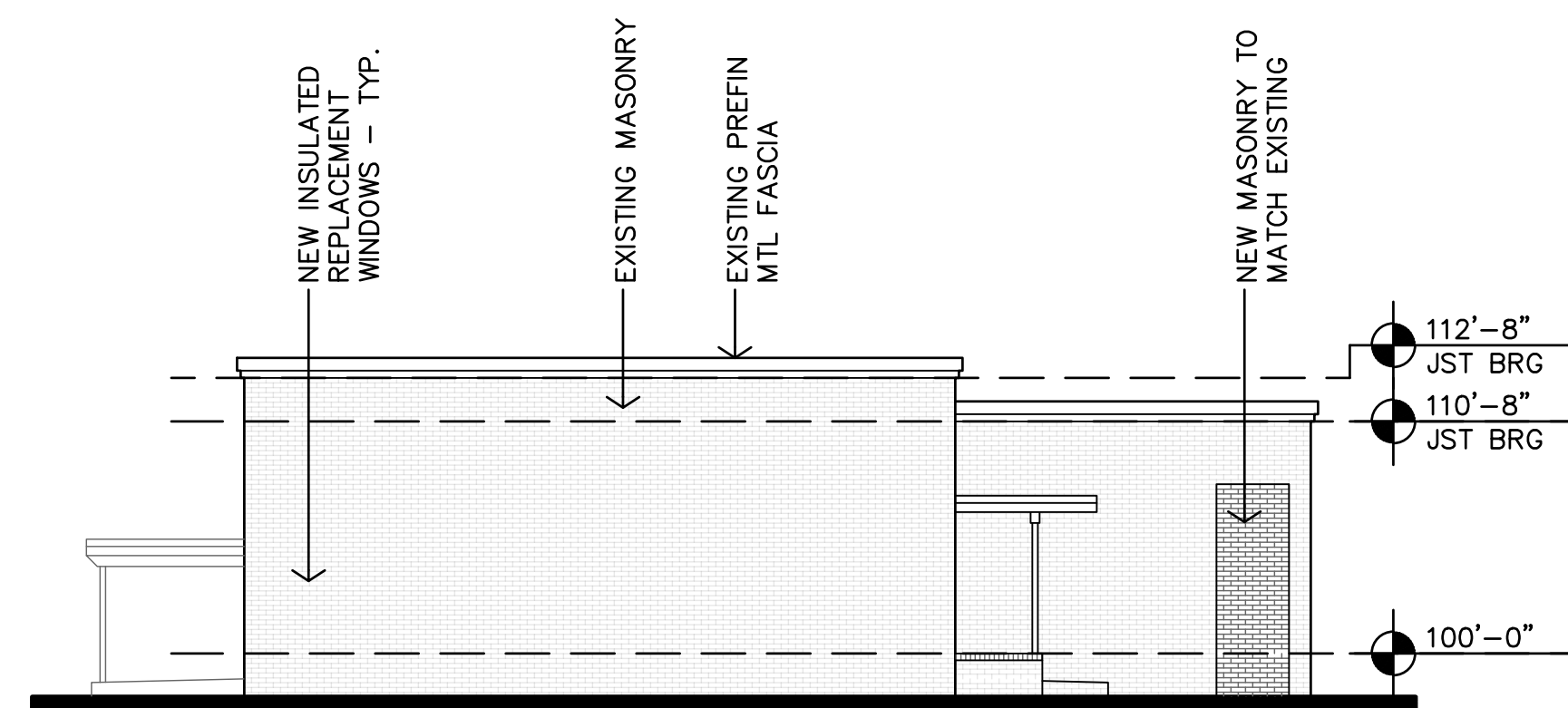


**2 SOUTH WEST ELEVATION**  
NTS

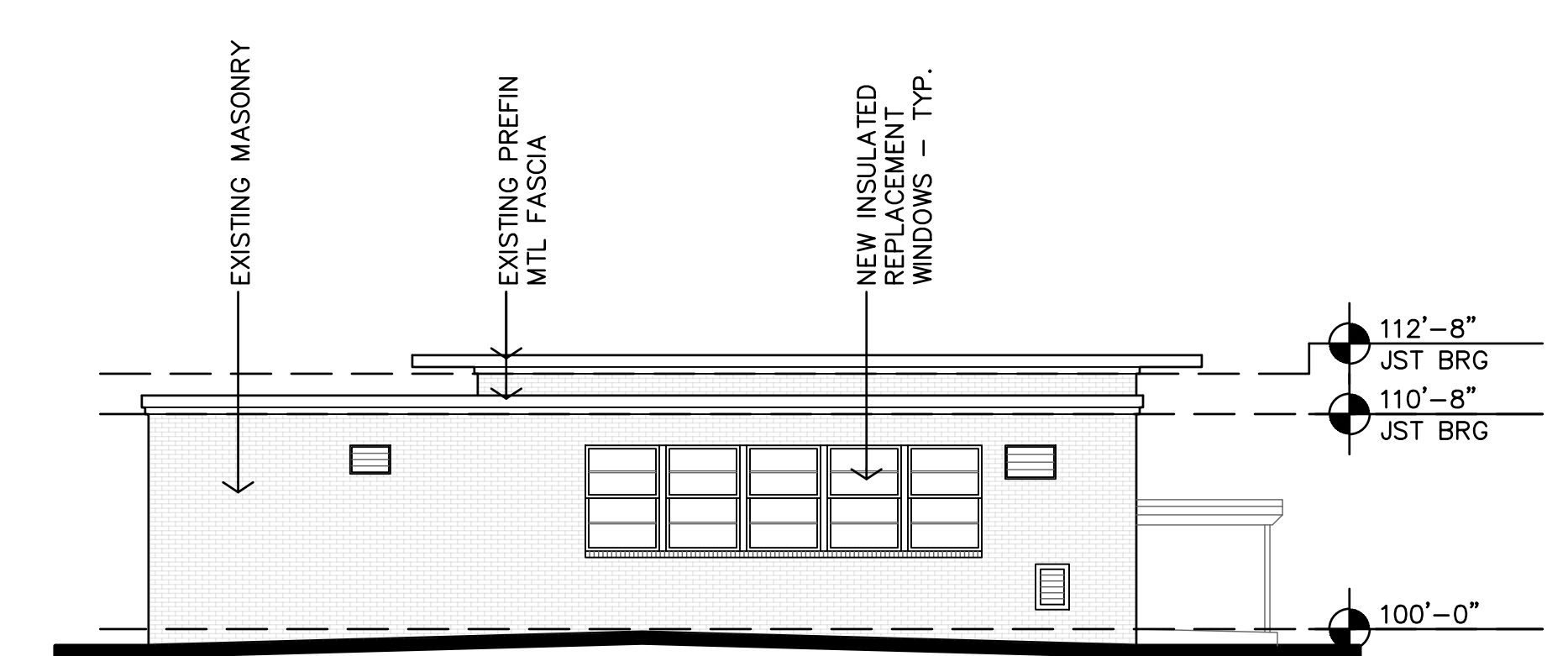


**1 WEST ENTRANCE**  
NTS

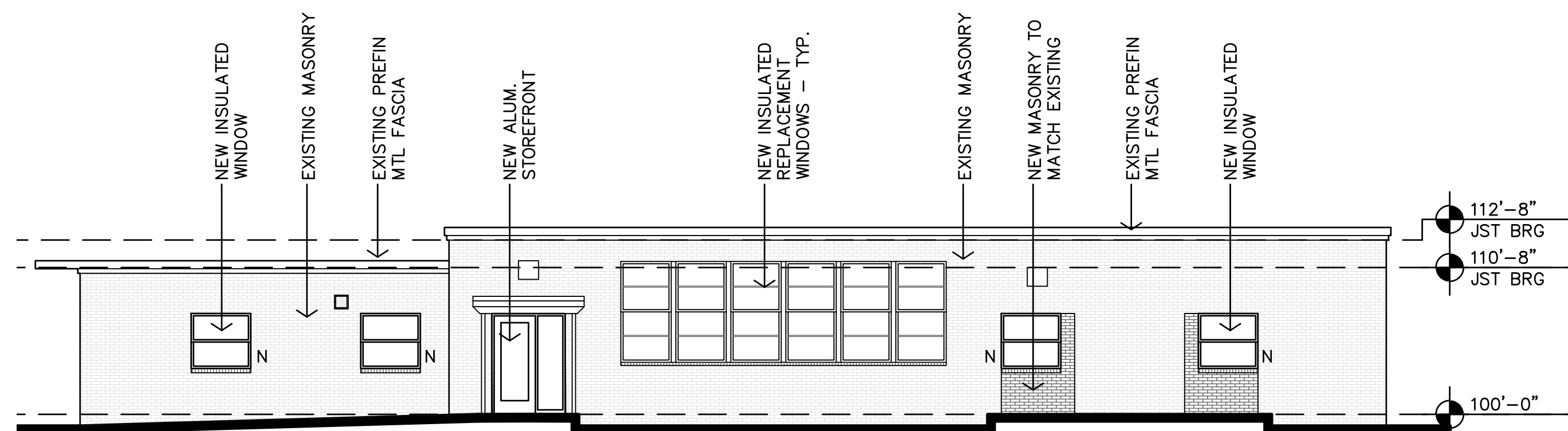
BUILDING B EXTERIOR MATERIALS	
DESCRIPTION	BRICK
APARTMENTS	100%



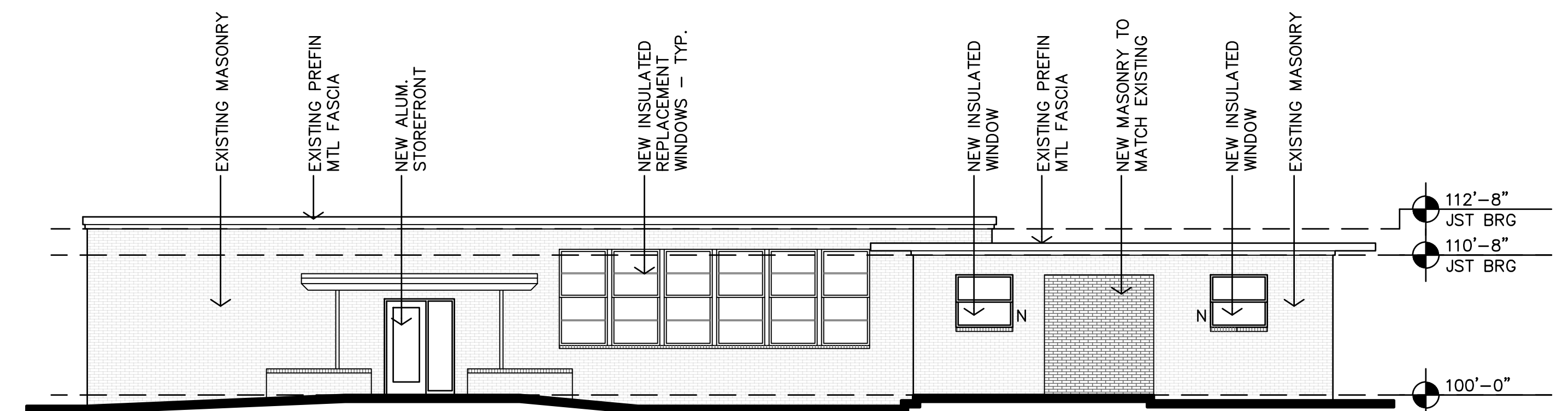
**D BUILDING B NORTH ELEVATION**  
1/8"=1'-0"



**B BUILDING B SOUTH ELEVATION**  
1/8"=1'-0"



**C BUILDING B EAST ELEVATION**  
1/8"=1'-0"



**A BUILDING B WEST ELEVATION**  
1/8"=1'-0"



# Exhibit D - Applicant's Request for Determination of Eligibility for Determination of National Register Eligibility Certified Historic Structure Status

**Property Name:** Travis School

**City, County, State:** Abilene, Taylor County, Texas

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## **Description of Physical Appearance:**

The Travis School property at 1100 S 9th St. in Abilene, TX consists of the Classroom Building, Cafetorium Building, two small utilitarian outbuildings, a parking lot, and a large field. The Classroom Building exhibits characteristics of massing and ornament consistent with Progressive Era school design, while the simple Cafetorium Building is Modern in design and detailing. Both buildings retain integrity sufficient to convey their original design and function.

### *Setting*

The Travis School property is located approximately one mile due south of downtown Abilene within a primarily residential neighborhood. Immediately adjacent blocks contain modest, single-family houses as well as several churches. Farther to the east and the west, low-rise commercial buildings line north-south corridors.

### *Site*

The Travis School property is rectangular, bound by S 9th Street to the north, Sycamore Street to the east, Elm Street to the west, and residential properties to the south. The school buildings are clustered in the northern third of the property with a surface parking lot to the south. A large field fills the remainder of the property with baseball backstops at the southwest and southeast corners of the field. The Classroom Building faces north toward S 9th Street and is centered east-west on the property. The Cafetorium is located to the west of the Classroom Building with non-historic metal shade awnings between the two buildings. Concrete sidewalks connect the street to the north, east, and west entrances of the school buildings while driveways provide access to the parking lot from both Elm Street and Sycamore Street. Aside from the two primary buildings, two other utilitarian structures are located on the property: a non-historic storage shed at the southwest corner of the Classroom Building and a standalone walk-in cooler unit to the west of the Cafetorium. A metal flagpole is located to the north of the Cafetorium, and a chain link fence surrounds the entire property.

## Classroom Building

### *Exterior*

The Classroom Building is rectangular in shape with projecting bays at the west side of both the north and south elevations. The building consists of a raised basement with two floors of classrooms above. The roof is flat with a mostly flat parapet with shaped sections designating entry bays. Stone coping tops the parapet. The building is of concrete construction with red brick exterior walls. Masonry ornament consists of subtle pattern brick work in the form of soldier and stretcher courses to frame windows as well as the use of slightly darker bricks at the corners to create the illusion of quoins. Terra cotta ornament consists of mouldings that run below first floor windows, above second floor windows, and a dentilled cornice. Medallions frame some third floor windows and mark the shaped parapets above entrances. Entry surrounds also feature terra cotta moulding and scrolled brackets supporting simple entablatures consisting of a dentilled cornice and a frieze with a centered crest. In general, fenestration is regular and consists of large, multi-light, double-hung, wood-frame windows. Windows have simple concrete sills.

Four bays comprise the primary (north) elevation. The first and third bays are identical, consisting of four windows on each floor with the central two windows paired. The second bay projects slightly and contains the primary entrance with decorative terra cotta surround and entablature. Paired doors are non-original, aluminum-frame, and fully-glazed. Smaller windows top the entry system and historically provided natural light to the primary stair though they are now obscured by a dropped ceiling. A projecting brick frame above these windows may have historically contained an original sign though it now features metal letters spelling "TRAVIS SCHOOL" off center in the panel. The fourth bay of the north elevation projects farther than the entry bay and has short, wide windows framed by soldier and stretcher brick courses.

## Determination of National Register Eligibility

**Property Name:** Travis School

**City, County, State:** Abilene, Taylor County, Texas

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Three bays comprise the symmetrical east elevation with a projecting central entry bay. The central bay contains the primary entrance to the raised basement level with a simple terra cotta surround with paired, non-original, aluminum-frame, fully-glazed doors. Three concrete steps access the entrance. Fenestration of the central bay consists of a pair of tall, multi-light windows that provide light to the east stair and corridors. The outer bays are identical, with a pair of wide windows on each floor and brick frames around the windows on the first and second storeys.

The symmetrical west elevation is wider than the east elevation but is organized into three structural bays. The central, projecting entry bay matches that of the east elevation. Flanking bays each contain four windows on each floor with the two central windows paired, as on the primary (north) elevation.

The rear (south) elevation is more utilitarian in character than the other elevations, though terra cotta courses wrap the entire exterior. The rear elevation is not symmetrical and is organized into four bays. The first (westernmost) bay projects to the south and consists of paired wide windows on each floor with brick frames. The second bay has four windows each on floors one and two, with the central two paired, as seen on the other elevations. At the raised basement level are two smaller windows, of different sizes, and a single, utilitarian entry, that has been closed off. Bay three has a subtly shaped parapet and consists of paired windows on floors one and two and a stairway down to a single, utilitarian doorway to the basement. A brick smokestack runs the height of the building to the east of the windows. Finally, the easternmost bay of the south elevation consists of four windows each on floors one and two as well as another entry door and two windows at the basement level, mirroring Bay two. Utilitarian features such as scuppers and gutters, electrical conduit, and a metal fire escape are attached to the rear elevation.

### *Interior*

The interior is organized around a double-loaded corridor that runs east-west. Floors one and two have nearly identical configurations, with classrooms of various sizes lining the corridor. Offices are located at the top of the central stair on the first floor. At the west end of the second floor, an auditorium was converted into additional classrooms, though the elevated wooden stage is still legible. Smaller rooms for storage and other purposes line the basement corridor. Finishes throughout the interior consist of original oak floors in many classrooms and on the stage, concrete floors in corridors, a combination of historic plaster and non-historic gyp walls and ceilings as well as some areas with non-historic lay-in grid ceilings. Historic millwork remains in many places including many paneled and partially-glazed classroom doors, chairrails in classrooms and offices, and base trim. Functional, multi-light, wood-frame transoms top most classroom and office doors.

Three primary stairs provide vertical circulation in the building. The central stair leads from the primary north elevation entrance up to the first floor. It is concrete with rubber flooring, simple wood chairrails, and metal pipe railings. A non-historic wheelchair lift lines the east side of the stair. One concrete stair marks each end of the corridor and is fairly utilitarian in character with simple wood trim and curved plaster walls. Rubber flooring clads the steps. A pair of smaller, curved wooden stairs at the west end of the second floor flank the original stage in the auditorium and now connect to classrooms. Utilitarian wooden stairs lead from the second floor corridor up onto the original stage, making the stage part of the corridor.

### *Alterations*

The general configuration of the interior has remained mostly intact throughout the Classroom Building. A 1927 addition to the southwest corner of the building added the west stair, classrooms on the basement and first floors, and the auditorium on the second floor. Sometime before 1947, the auditorium space was reconfigured to create more classrooms. The wooden stage remains, though stairs were built to connect it to the corridor. Some changes to demising walls between

## Determination of National Register Eligibility

**Property Name:** Travis School

**City, County, State:** Abilene, Taylor County, Texas

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classrooms either created larger classrooms or partitioned offices and special-use rooms, though the corridors retain integrity. Other alterations include various finish updates including the installation of carpet or vinyl tile, lay-in grid ceilings, and some replacement classroom doors. Window air conditioning was installed in the latter half of the twentieth century and windows were paneled and/or painted over. These later changes happened incrementally over the history of the building.

### **Cafetorium**

#### *Exterior*

The one-story Cafetorium is an L-shaped concrete building with red brick exterior walls, matching the Classroom Building. The simple, Modern building has little ornament aside from brick rowlock sills and planters. The metal truss roof is flat with metal coping. The primary elevation faces west toward Elm Street with the primary entrance located in the north end of the building. The entrance consists of paired, partially-glazed doors beneath a metal awning. Brick planters flank the entrance. A bank of six, aluminum-frame, multi-light hung windows is located to the south of the primary entrance. At the south end of the west elevation, the projecting bay has a recessed entrance with two single, paneled, partially-glazed doors. The larger of these two doors has a transom above. A pipe railing lines the concrete ramp that accesses this entrance. The standalone walk-in cooler unit sits atop an elevated concrete pad adjacent to this entrance.

The south elevation of the Cafetorium consists of a single bank of five windows and several ventilation louvers pierced the masonry wall. The side (east) elevation faces toward the west elevation of the Classroom Building and includes a bank of six windows as well as three entrances that each consist of paired, partially-glazed doors with flat metal awnings. The north elevation is a blank brick wall with a through-wall air conditioning unit.

#### *Interior*

The interior of the Cafetorium is utilitarian in nature. The elevated stage is located in the north end of the building but has been partitioned off from the rest of the interior to serve as an office/break room. The rest of the interior is subdivided into the kitchen and open dining area. Finishes on the interior consist of a combination of painted CMU and glazed block exterior walls, gyp demising walls, lay-in grid ceilings, and a combination of exposed concrete and quarry tile floors. Some areas have carpeting.

#### *Alterations*

The exterior of the Cafetorium has seen few changes other than the boarding up of windows and changes to HVAC openings. The interior configuration has been altered, most noticeably with the partitioning of the elevated stage area, though the remaining spaces retain their open character. Finishes in the Cafetorium remain mostly intact.

### **Statement of Significance**

Built in 1921, the Travis School is significant at the local level under Criterion A for Education as a reflection of the rapid growth of the school system in Abilene that paralleled the city's swift expansion in the twentieth century. Travis School remained in use through 2012 with additions in 1927 (classroom and auditorium) and 1958 (Cafetorium). The Travis School is also significant under Criterion C for Architecture as the work of prominent Abilene architects, David S. Castle, Sr. (Classroom Building and addition) and the firm Wheeler & Pope (Cafetorium). The Travis School is also notable as an example of changing trends in school design from the Progressive Era Classroom Building to the Modernist multi-purpose Cafetorium. The period of significance for the Travis School is 1921, the construction date of the Classroom Building, through 1970, in accordance with National Register guidelines for buildings that retain their significant historic use continuously.





1.  
Classroom  
Building,  
Primary (N)  
Elevation  
View S



2.  
Classroom  
Building,  
Oblique,  
North and East  
Elevations  
View SW





27.  
Cafetorium,  
Primary (W)  
Elevation  
(Classroom  
Building in  
Background)  
View E



28.  
Cafetorium,  
Primary (W)  
Elevation,  
Walk-In Cooler  
Pictured  
(Classroom  
Building in  
Background)  
View E

# Exhibit E - Application Exhibits Related to Treatment of Federal Historic Development Cost Schedule Tax Credits

Self Score Total: 131

*This Development Cost Schedule must be consistent with the Summary Sources and Uses of Funds Statement. All Applications must complete the Total Cost column. Direct Loan Applicants should review costs ineligible for reimbursement with Direct Loan funds in 10 TAC §13.3(e), while all HTC Applicants must complete the Eligible Basis columns and the Requested Credit calculation below:*

TOTAL DEVELOPMENT SUMMARY		
Total Cost	Eligible Basis (If Applicable)	
	Acquisition	New/Rehab.

Scratch Paper/Notes

**ACQUISITION**

Site acquisition cost	495,000	
Existing building acquisition cost		
Closing costs & acq. legal fees		
Other (specify) - see footnote 1		
Other (specify) - see footnote 1		
<b>Subtotal Acquisition Cost</b>	\$495,000	\$0

**OFF-SITES<sup>2</sup>**

Off-site concrete		
Storm drains & devices		
Water & fire hydrants		
Off-site utilities		
Sewer lateral(s)		
Off-site paving		
Off-site electrical		
Other (specify) - see footnote 1		
Other (specify) - see footnote 1		
<b>Subtotal Off-Sites Cost</b>	\$0	\$0

ALL OFF-SITE COSTS REQUIRE DOCUMENTATION. THOSE ENTERED IN BASIS REQUIRE MORE DOCUMENTATION!!!  
SEE 10 TAC §11.204(8)(E)(ii).

**SITE WORK<sup>3</sup>**

Demolition		
Asbestos Abatement (Demolition Only)		
Detention		
Rough grading	59,946	59,946
Fine grading		
On-site concrete	107,999	107,999
On-site electrical		
On-site paving	43,300	43,300
On-site utilities	38,250	38,250
Decorative masonry		
Bumper stops, striping & signs		
selective demo & site prep	61,256	61,256
<b>Subtotal Site Work Cost</b>	\$310,751	\$310,751

**SITE AMENITIES**

Landscaping	40,000	40,000
Pool and decking		
Athletic court(s), playground(s)	22,075	22,075
Fencing		
po boxes	4,000	4,000
<b>Subtotal Site Amenities Cost</b>	\$66,075	\$66,075

**BUILDING COSTS\*:**

Concrete	87,574		87,574	
Masonry	116,668		116,668	
Metals	57,316		57,316	
Woods and Plastics	697,377		697,377	
Thermal and Moisture Protection	62,226		62,226	
Roof Covering	164,746		164,746	
Doors and Windows	280,515		280,515	
Finishes	661,295		661,295	
Specialties				
Equipment	129,614		129,614	
Furnishings				
Special Construction	112,077		112,077	
Conveying Systems (Elevators)	120,000		120,000	
Mechanical (HVAC; Plumbing)	680,500		680,500	
Electrical	440,829		440,829	

**Individually itemize costs below:**

Detached Community Facilities/Building				
Carports and/or Garages				
Lead-Based Paint Abatement				
Asbestos Abatement (Rehabilitation Only)				
Structured Parking				
Commercial Space Costs				
Other (specify) - see footnote 1				
<b>Subtotal Building Costs Before 11.9(e)(2)</b>	\$3,610,737	\$0	\$3,610,737	

**Voluntary Eligible Building Costs (After 11.9(e)(2))\*** \$87.34 psf \$1,903,183  
 Enter amount to be used to achieve desired score.

If NOT seeking to score points under §11.9(e)(2), E77:E78 should remain BLANK. True eligible building cost should be entered in line items E33:E74. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E77:E78 that produces the target cost per square foot in D77:D78. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.

<b>TOTAL BUILDING COSTS &amp; SITE WORK (including site amenities)</b>	\$3,987,563	\$0	\$2,280,009	
Contingency 7.17%	\$285,750		228,001	

<b>TOTAL HARD COSTS</b>	\$4,273,313	\$0	\$2,508,010	
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OTHER CONSTRUCTION COSTS	%THC			%EHC
General requirements (<6%)	5.54%	236,854	150,481	6.00%
Field supervision (within GR limit)				
Contractor overhead (<2%)	1.85%	78,951	50,160	2.00%
G & A Field (within overhead limit)				
Contractor profit (<6%)	5.54%	236,854	150,481	6.00%

<b>TOTAL CONTRACTOR FEES</b>	\$552,659	\$0	\$351,121	
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<b>TOTAL CONSTRUCTION CONTRACT Before 11.9(e)(2)</b>	\$4,825,972	\$0	\$2,859,131	
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**Voluntary Eligible "Hard Costs" (After 11.9(e)(2))\*** \$0.00 psf  
 Enter amount to be used to achieve desired score.

If NOT seeking to score points under §11.9(e)(2), E96:E97 should remain BLANK. True eligible cost should be entered in line items E83 and E87:E91. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E96:E97 that produces the target cost per square foot in D96:D97. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.



**SOFT COSTS<sup>3</sup>**

Architectural - Design fees	225,000		225,000
Architectural - Supervision fees	100,000		100,000
Engineering fees	100,000		100,000
Real estate attorney/other legal fees	90,000		90,000
Accounting fees	40,000		40,000
Impact Fees			
Building permits & related costs	24,958		24,958
Appraisal	7,500		7,500
Market analysis	7,500		7,500
Environmental assessment	10,000		10,000
Soils report			
Survey			
Marketing	25,000		
Hazard & liability insurance	15,000		15,000
Real property taxes	10,000		10,000
Personal property taxes			
Tenant Relocation			
FFE & builder's risk	72,000		72,000
plans, printing and testing	14,000		14,000
Other (specify) - see footnote 1			
<b>Subtotal Soft Cost</b>	<b>\$740,958</b>	<b>\$0</b>	<b>\$715,958</b>

Fee reduction will be applied to permittin

**FINANCING:**

**CONSTRUCTION LOAN(S)<sup>3</sup>**

Interest	461,226		409,978
Loan origination fees	150,000		150,000
Title & recording fees	110,000		110,000
Closing costs & legal fees	35,000		35,000
Inspection fees	15,000		15,000
Credit Report			
Discount Points			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			

**PERMANENT LOAN(S)**

Loan origination fees	8,500		
Title & recording fees			
Closing costs & legal			
Bond premium			
Credit report			
Discount points			
Credit enhancement fees			
Prepaid MIP			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			

**BRIDGE LOAN(S)**

Interest			
Loan origination fees			
Title & recording fees			
Closing costs & legal fees			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			

**OTHER FINANCING COSTS<sup>3</sup>**

Tax credit fees	25,250		
Tax and/or bond counsel			
Payment bonds			
Performance bonds			
Credit enhancement fees			
Mortgage insurance premiums			
Cost of underwriting & issuance			
Syndication organizational cost			
Tax opinion			
Refinance (existing loan payoff amt)			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			
<b>Subtotal Financing Cost</b>	\$804,976	\$0	\$719,978

**DEVELOPER FEES<sup>3</sup>**

Housing consultant fees <sup>4</sup>	167,500		167,500
General & administrative			
Profit or fee	1,036,573		691,513
<b>Subtotal Developer Fees</b>	19.87% \$1,204,073	\$0	\$859,013 20.00%

**RESERVES**

Rent-up - new funds			
Rent-up - existing reserves*			
Operating - new funds	92,408		
Operating - existing reserves*			
Replacement - new funds	150,000		
Replacement - existing reserves*			
Escrows - new funds			
Escrows - existing reserves*			
<b>Subtotal Reserves</b>	\$242,408	\$0	\$0

**\*Any existing reserve amounts should be listed on the Schedule of Sources.**

<b>TOTAL HOUSING DEVELOPMENT COSTS<sup>5</sup></b>	\$8,313,387	\$0	\$5,154,081
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The following calculations are for HTC Applications only.

**Deduct From Basis:**

Federal grants used to finance costs in Eligible Basis			
Non-qualified non-recourse financing			
Non-qualified portion of higher quality units §42(d)(5)			
Historic Credits (residential portion only)			
<b>Total Eligible Basis</b>		\$0	\$5,154,081
**High Cost Area Adjustment (100% or 130%)			130%
<b>Total Adjusted Basis</b>		\$0	\$6,700,305
Applicable Fraction			100%
<b>Total Qualified Basis</b>	\$6,700,305	\$0	\$6,700,305
Applicable Percentage <sup>6</sup>			9.00%
<b>Credits Supported by Eligible Basis</b>	\$603,027	\$0	\$603,027
<b>Credit Request</b> (from 17.Development Narrative)	\$ 600,000		

No deduction was made for federal historic tax credits. With the required deduction, a lower allocation of housing tax credits is justified. See RFAD requestor's corrected application exhibits, Exhibit F.

<b>Requested Score for 11.9(e)(2)</b>	11
---------------------------------------	----

**\*11.9(c)(2) Cost Per Square Foot: DO NOT ROUND! Applicants are advised to ensure that the figure is not rounding down to the maximum dollar figure to support the elected points.**

Name of contact for Cost Estimate: Dan Maximuk

Phone Number for Contact: 913-337-5156

## Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Financing Participants	Funding Description	Construction Period		Lien Position	Permanent Period					Lien Position
		Loan/Equity Amount	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)	Syndication Rate	
<b>Debt</b>										
TDHCA	<a href="#">MF Direct Loan Const. to Perm. (Repayable)</a>	\$0			\$ -	0.00%	30	0		
TDHCA	<a href="#">MF Direct Loan Const. Only (Repayable)</a>	\$0	0.00%							
TDHCA	<a href="#">Multifamily Direct Loan (Soft Repayable)</a>	\$0	0.00%		\$ -	0.00%	0	0		
TDHCA	<a href="#">Mortgage Revenue Bond</a>	\$0	0.00%		\$ -	0.00%	0	0		
Horizon Bank	Conventional Loan	\$7,500,000	5.50%	1st						
Multifamily Housing Development Fu	Conventional Loan				\$ 850,000	5.50%	35	15		1st
<b>Third Party Equity</b>										
MHEG	<a href="#">HTC</a>	\$ 600,000	\$ 809,919		\$ 5,399,460				0.9	
MHEG - federal historic credits			\$ 134,254		\$ 895,028				0.8	
MHEG - state historic credits			\$ 167,818		\$ 1,118,785				0.8	
<b>Grant</b>										
City of Abilene	<a href="#">§11.9(d)(2)LPS Contribution</a>				\$ 500					
<b>Deferred Developer Fee</b>										
Overland Property Group					\$ 49,614					
<b>Other</b>										
	<a href="#">Direct Loan Match</a>									
<b>Total Sources of Funds</b>		\$ 8,611,991			\$ 8,313,387					
<b>Total Uses of Funds</b>					\$ 8,313,387					

No deduction was made for federal historic tax credits in the Development Cost Schedule. With the required deduction, a lower allocation of housing tax credits is justified, and thus deferred developer fee increases. See RFAD requestor's corrected application exhibits, Exhibit F.

# Exhibit F - Corrected Application Financial Exhibits with

## Development Cost Schedule

# Correct Treatment of Federal Historic Tax Credits

Self Score Total: 0

*This Development Cost Schedule must be consistent with the Summary Sources and Uses of Funds Statement. All Applications must complete the Total Cost column. Direct Loan Applicants should review costs ineligible for reimbursement with Direct Loan funds in 10 TAC §13.3(e), while all HTC Applicants must complete the Eligible Basis columns and the Requested Credit calculation below:*

TOTAL DEVELOPMENT SUMMARY		
Total Cost	Eligible Basis (If Applicable)	
	Acquisition	New/Rehab.

Scratch Paper/Notes

**ACQUISITION**

Site acquisition cost	495,000	
Existing building acquisition cost		
Closing costs & acq. legal fees		
Other (specify) - see footnote 1		
Other (specify) - see footnote 1		
<b>Subtotal Acquisition Cost</b>	\$495,000	\$0

**OFF-SITES<sup>2</sup>**

Off-site concrete		
Storm drains & devices		
Water & fire hydrants		
Off-site utilities		
Sewer lateral(s)		
Off-site paving		
Off-site electrical		
Other (specify) - see footnote 1		
Other (specify) - see footnote 1		
<b>Subtotal Off-Sites Cost</b>	\$0	\$0

**SITE WORK<sup>3</sup>**

Demolition		
Asbestos Abatement (Demolition Only)		
Detention		0
Rough grading	59,946	59,946
Fine grading		0
On-site concrete	107,999	107,999
On-site electrical		0
On-site paving	43,300	43,300
On-site utilities	38,250	38,250
Decorative masonry		0
Bumper stops, striping & signs		0
selective demo & site prep	61,256	61,256
<b>Subtotal Site Work Cost</b>	\$310,751	\$310,751

**SITE AMENITIES**

Landscaping	40,000	40,000
Pool and decking		0
Athletic court(s), playground(s)	22,075	22,075
Fencing		0
PLEASE SPECIFY - see footnote 1	4,000	4,000
<b>Subtotal Site Amenities Cost</b>	\$66,075	\$66,075

ALL OFF-SITE COSTS REQUIRE DOCUMENTATION. THOSE ENTERED IN BASIS REQUIRE MORE DOCUMENTATION!!!  
SEE 10 TAC §11.204(8)(E)(ii).



**BUILDING COSTS\*:**

Concrete	87,574		87,574	
Masonry	116,668		116,668	
Metals	57,316		57,316	
Woods and Plastics	697,377		697,377	
Thermal and Moisture Protection	62,226		62,226	
Roof Covering	164,746		164,746	
Doors and Windows	280,515		280,515	
Finishes	661,295		661,295	
Specialties			0	
Equipment	129,614		129,614	
Furnishings			0	
Special Construction	112,077		112,077	
Conveying Systems (Elevators)	120,000		120,000	
Mechanical (HVAC; Plumbing)	680,500		680,500	
Electrical	440,829		440,829	

**Individually itemize costs below:**

Detached Community Facilities/Building			0	
Carports and/or Garages			0	
Lead-Based Paint Abatement			0	
Asbestos Abatement (Rehabilitation Only)			0	
Structured Parking			0	
Commercial Space Costs				
Other (specify) - see footnote 1			0	
<b>Subtotal Building Costs Before 11.9(e)(2)</b>	\$3,610,737	\$0	\$3,610,737	

**Voluntary Eligible Building Costs (After 11.9(e)(2))\*** \$87.38 psf \$1,903,183  
 Enter amount to be used to achieve desired score.

87.33001422

**If NOT seeking to score points under §11.9(e)(2), E77:E78 should remain BLANK. True eligible building cost should be entered in line items E33:E74. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E77:E78 that produces the target cost per square foot in D77:D78. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.**

<b>TOTAL BUILDING COSTS &amp; SITE WORK (including site amenities)</b>	\$3,987,563	\$0	\$2,280,009	
Contingency	7.17%	\$285,750	228,001	7%
<b>TOTAL HARD COSTS</b>	\$4,273,313	\$0	\$2,508,010	10.0%
<b>OTHER CONSTRUCTION COSTS</b>	%THC		%EHC	
General requirements (<6%)	5.54%	236,854	150,480	6.00% 6%
Field supervision (within GR limit)				
Contractor overhead (<2%)	1.85%	78,951	50,160	2.00% 2%
G & A Field (within overhead limit)				
Contractor profit (<6%)	5.54%	236,854	150,480	6.00% 6%
<b>TOTAL CONTRACTOR FEES</b>	\$552,659	\$0	\$351,120	
<b>TOTAL CONSTRUCTION CONTRACT Before 11.9(e)(2)</b>	\$4,825,972	\$0	\$2,859,130	

**Voluntary Eligible "Hard Costs" (After 11.9(e)(2))\*** \$0.00 psf  
 Enter amount to be used to achieve desired score.

**If NOT seeking to score points under §11.9(e)(2), E96:E97 should remain BLANK. True eligible cost should be entered in line items E83 and E87:E91. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E96:E97 that produces the target cost per square foot in D96:D97. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.**



**OTHER FINANCING COSTS<sup>3</sup>**

Tax credit fees	25,250		
Tax and/or bond counsel			0
Payment bonds			
Performance bonds			0
Credit enhancement fees			0
Mortgage insurance premiums			0
Cost of underwriting & issuance			0
Syndication organizational cost			
Tax opinion			
Refinance (existing loan payoff amt)			
Other (specify) - see footnote 1			0
Other (specify) - see footnote 1			
<b>Subtotal Financing Cost</b>	\$805,826	\$0	\$719,978

**DEVELOPER FEES<sup>3</sup>**

Housing consultant fees <sup>4</sup>	167,500		167,500
General & administrative			
Profit or fee	1,036,573		691,513
<b>Subtotal Developer Fees</b>	19.87% \$1,204,073	\$0	20.00% \$859,013

**RESERVES**

Rent-up - new funds			
Rent-up - existing reserves*			
Operating - new funds	92,408		
Operating - existing reserves*			
Replacement - new funds	150,000		
Replacement - existing reserves*			
Escrows - new funds			
Escrows - existing reserves*			
<b>Subtotal Reserves</b>	\$242,408	\$0	\$0

\*Any existing reserve amounts should be listed on the Schedule of Sources.

<b>TOTAL HOUSING DEVELOPMENT COSTS<sup>5</sup></b>	\$8,314,237	\$0	\$5,154,079
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The following calculations are for HTC Applications only.

**Deduct From Basis:**

Federal grants used to finance costs in Eligible Basis			
Non-qualified non-recourse financing			
Non-qualified portion of higher quality units §42(d)(5)			
Historic Credits (residential portion only)			895,028
<b>Total Eligible Basis</b>		\$0	\$4,259,051
**High Cost Area Adjustment (100% or 130%)			130%
<b>Total Adjusted Basis</b>		\$0	\$5,536,766
Applicable Fraction		100%	100%
<b>Total Qualified Basis</b>	\$5,536,766	\$0	\$5,536,766
Applicable Percentage <sup>6</sup>			9.00%
<b>Credits Supported by Eligible Basis</b>	\$498,309	\$0	\$498,309
<b>Credit Request</b> (from 17. Development Narrative)	\$ 498,309		

Deduction of equity related to federal historic tax credits. Consistent with methodology used by TDHCA REA staff in prior years for developments with federal historic tax credits. Housing tax credit allocation decreases from \$600,000 to \$498,309.

<b>Requested Score for 11.9(e)(2)</b>	0
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\*11.9(c)(2) Cost Per Square Foot: DO NOT ROUND! Applicants are advised to ensure that the figure is not rounding down to the maximum dollar figure to support the elected points.

Name of contact for Cost Estimate: 0

Phone Number for Contact: -

If a revised form is submitted, date of submission:

### Schedule of Sources of Funds and Financing Narrative

*Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).*

Financing Participants	Funding Description	Construction Period		Lien Position	Permanent Period					Lien Position
		Loan/Equity Amount	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)	Syndication Rate	
<b>Debt</b>										
TDHCA	<a href="#">MF Direct Loan Const. to Perm. (Repayable)</a>	\$0			\$ -	0.00%	30	0		
TDHCA	<a href="#">MF Direct Loan Const. Only (Repayable)</a>	\$0	0.00%							
TDHCA	<a href="#">Multifamily Direct Loan (Soft Repayable)</a>	\$0	0.00%		\$ -	0.00%	0	0		
TDHCA	<a href="#">Mortgage Revenue Bond</a>	\$0	0.00%		\$ -	0.00%	0	0		
Horizon Bank	Conventional Loan	\$7,500,000	5.50%	1st						
Multifamily Housing Development Fu	Conventional Loan				\$ 935,000	5.50%	35	15		1st
<b>Third Party Equity</b>										
MHEG	<a href="#">HTC</a> \$ 498,309	\$ 809,919			\$ 4,484,332				0.9	0.9999
MHEG - federal historic credits		\$ 134,254			\$ 895,028				0.8	
MHEG - state historic credits		\$ 167,818			\$ 1,118,785				0.8	
<b>Grant</b>										
City of Abilene	<a href="#">§11.9(d)(2)LPS Contribution</a>				\$ 500					
<b>Deferred Developer Fee</b>										
Overland Property Group					\$ 880,592					0.73134
<b>Other</b>										
	<a href="#">Direct Loan Match</a>									
<b>Total Sources of Funds</b>		\$ 8,611,991			\$ 8,314,237					
<b>Total Uses of Funds</b>					\$ 8,314,237					

Deduction of equity related to federal historic tax credits correctly reflected in Development Cost Schedule results in lower housing tax credit allocation than requested by applicant. Associated reduced housing tax credit equity results in higher deferred developer fee than reflected in applicant's application submission. The result is 73% deferred developer fee, which exceeds the 50% maximum deferred developer fee required for points under Leveraging of Private, State and Federal Resources, and results in more deferred developer fee than can be repaid in 15 years, requiring a finding of infeasibility under the QAP.



## 15 Year Rental Housing Operating Pro Forma (All Programs)

The pro forma should be based on the operating income and expense information for the base year (first year of stabilized occupancy using today's best estimates of market rents, restricted rents, rental income and expenses), and principal and interest debt service. The Department uses an annual growth rate of 2% for income and 3% for expenses. Written explanation for any deviations from these growth rates or for assumptions other than straight-line growth made during the proforma period should be attached to this exhibit.

INCOME	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 10	YEAR 15
POTENTIAL GROSS ANNUAL RENTAL INCOME	\$209,676	\$213,870	\$218,147	\$222,510	\$226,960	\$250,582	\$276,663
Secondary Income	\$ 6,960	\$ 7,099	\$ 7,241	\$ 7,386	\$ 7,534	\$ 8,318	\$ 9,184
POTENTIAL GROSS ANNUAL INCOME	\$216,636	\$220,969	\$225,388	\$229,896	\$234,494	\$258,900	\$285,847
Provision for Vacancy & Collection Loss	(\$16,248)	(\$16,573)	(\$16,904)	(\$17,242)	(\$17,587)	(\$19,418)	(\$21,438)
Rental Concessions	\$0						
EFFECTIVE GROSS ANNUAL INCOME	\$200,388	\$204,396	\$208,484	\$212,654	\$216,907	\$239,483	\$264,408
EXPENSES							
General & Administrative Expenses	\$11,368	\$11,709	\$12,060	\$12,422	\$12,795	\$14,833	\$17,195
Management Fee	\$ 8,016	\$ 8,176	\$ 8,340	\$ 8,507	\$ 8,677	\$ 9,580	\$ 10,577
Payroll, Payroll Tax & Employee Benefits	\$ 32,190	\$ 33,156	\$ 34,150	\$ 35,175	\$ 36,230	\$ 42,001	\$ 48,690
Repairs & Maintenance	\$ 17,396	\$ 17,918	\$ 18,455	\$ 19,009	\$ 19,579	\$ 22,698	\$ 26,313
Electric & Gas Utilities	\$ 5,800	\$ 5,974	\$ 6,153	\$ 6,338	\$ 6,528	\$ 7,568	\$ 8,773
Water, Sewer & Trash Utilities	\$ 15,225	\$ 15,682	\$ 16,152	\$ 16,637	\$ 17,136	\$ 19,865	\$ 23,029
Annual Property Insurance Premiums	\$ 8,717	\$ 8,979	\$ 9,248	\$ 9,525	\$ 9,811	\$ 11,374	\$ 13,185
Property Tax	\$ 21,466	\$ 22,110	\$ 22,773	\$ 23,456	\$ 24,160	\$ 28,008	\$ 32,469
Reserve for Replacements	\$ 8,700	\$ 8,961	\$ 9,230	\$ 9,507	\$ 9,792	\$ 11,352	\$ 13,160
Other Expenses	\$ 1,160	\$ 1,195	\$ 1,231	\$ 1,268	\$ 1,306	\$ 1,514	\$ 1,755
TOTAL ANNUAL EXPENSES	\$130,038	\$133,859	\$137,793	\$141,843	\$146,014	\$168,791	\$195,146
NET OPERATING INCOME	\$70,350	\$70,537	\$70,691	\$70,810	\$70,893	\$70,692	\$69,262
DEBT SERVICE							
First Deed of Trust Annual Loan Payment	\$60,253	\$60,253	\$60,253	\$60,253	\$60,253	\$60,253	\$60,253
Second Deed of Trust Annual Loan Payment							
Third Deed of Trust Annual Loan Payment							
Other Annual Required Payment							
Other Annual Required Payment							
ANNUAL NET CASH FLOW	\$10,097	\$10,284	\$10,438	\$10,557	\$10,640	\$10,438	\$9,009
CUMULATIVE NET CASH FLOW	\$10,097	\$20,381	\$30,819	\$41,376	\$52,016	\$104,712	\$153,329
Debt Coverage Ratio	1.17	1.17	1.17	1.18	1.18	1.17	1.15
Other (Describe)							
Other (Describe)							

By signing below I (we) are certifying that the above 15 Year pro forma, is consistent with the unit rental rate assumptions, total operating expenses, net operating income, and debt service coverage based on the bank's current underwriting parameters and consistent with the loan terms indicated in the term sheet and preliminarily considered feasible pending further diligence review. The debt service for each year maintains no less than a 1.15 debt coverage ratio. (Signature only required if using this pro forma for points under §11.9(e)(1) relating to Financial Feasibility)


Cumulative 15 year cash flow is insufficient to repay the level of deferred developer fee resulting from the correct treatment of federal historic tax credits within the Development Cost Schedule. Deferred developer fee is \$880,592, but 15 year cash flow is only \$153,329.

# Exhibit G - Neighborhood Risk Factors - Application Exhibits

## Certification, Acknowledgement, and Consent of Development Owner- 10 TAC §11.204(1)

The *Certification, Acknowledgement, and Consent of Development Owner* is included behind this tab.

**\*\*The form should be executed, notarized, and included in the full application document.\*\***

The form for the certification will be posted to the Department's website at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>

Please indicate whether any of the following required disclosure on the *Certification, Acknowledgement, and Consent of Development Owner* (to be used for data capture for application processing):

**10 TAC §11.101(a)(2) - Undesirable Site Features.**

- Development Site is within 300 feet of a junkyard.
- Development Site is within 300 feet of a solid waste facility.
- Development Site is within 300 feet of a sexually-oriented business.
- Development Site has buildings or recreational areas within 100 feet of overhead high voltage transmission lines.
- Development Site is within 500 feet of active railroad tracks.
- Development Site is within 500 feet of heavy industry.
- Development Site is within 10 miles of a nuclear plant.
- Development Site has buildings within accident potential zones or runway clear zones of any airport.
- Development Site contains or is adjacent to an easement that contains pipelines which carry highly volatile liquids.
- Development Site is within 2 miles of refineries capable of refining more than 100,000 barrels of oil per day.

**Provide information behind this tab regarding mitigation for any item selected above.**

**10 TAC §11.101(a)(3) - Neighborhood Risk Factors (NRF). Insert NRF Report Packet behind this Tab.**

- Development Site is located within a census tract that has a poverty rate above 40% for individuals, or 55% for Developments in regions 11 and 13. **Include resolution from Governing Body in the NRFR Packet.**
- Development Site is located in a census tract (or for any adjacent census tract) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons (annually) as reported on neighborhoodscout.com.
- Development Site is located within 1,000 feet of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.
- Development Site is located within the attendance zone of an elementary school, a middle school or a high school that has a 2019 TEA Accountability Rating of D and a 2018 Improvement Required Rating or a 2019 TEA Accountability Rating of F and a 2018 Met Standard Rating.

**10 TAC §11.202(1)(M) - Termination of Relationship in an Affordable Housing Transaction**

**10 TAC §11.202(1)(N) - Voluntary Compliance Agreement**

(or any similar agreement resulting from negotiations regarding noncompliance)

**10 TAC §11.901(15) - Unused Credit or Penalty Fee**

**Submit documentation regarding any disclosures behind this Tab.**

No disclosure of blight was made by applicant within Application, as required by §11.101(a)(3) of the QAP

## Development Owner Certification, Acknowledgement and Consent

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All defined terms used in this certification and not specifically defined herein have the meanings ascribed to them in Chapter 2306 of the Tex. Gov't Code, §42 of the Internal Revenue Code, and §11.1(d) of the Qualified Allocation Plan.

The undersigned, in each and all of the following capacities in which it may serve or exist -- Applicant, Development Owner, Developer, Guarantor of any obligation of the Applicant, and/or Principal of the Applicant and hereafter referred to as "Applicant" or "Development Owner," whether serving in one or more such capacities, is hereby submitting its Application to the Department for consideration of Department funding.

Applicant hereby represents, warrants, acknowledges and certifies to the Department and to the State of Texas that:

The Development will adhere to the Texas Property Code relating to security devices and other applicable requirements for residential tenancies, and will adhere to local building codes or, if no local building codes are in place, then to the most recent version of the International Building Code.

This Application and all materials submitted to the Department constitute records of the Department subject to Tex. Gov't Code, Chapter 552. Any person signing the certification acknowledges that they have the authority to release all materials for publication on the Department's website and release them in response to a request for public information, and make other use of the information as authorized by law. This includes all Third Party reports, which will be posted in their entirety on the Department's website, as they constitute a part of the Application. The Application is in compliance with all requirements related to the eligibility of an Applicant, Application and Development as further defined in 10 TAC §§11.101 and 11.202 of the Qualified Allocation Plan. Any issues of non-compliance have been disclosed.

All representations, undertakings and commitments made by Applicant in the Application process expressly constitute conditions to any Commitment, Determination Notice, Carryover Allocation, or Direct Loan Commitment for such Development which the Department may issue or award, and the violation of any such condition shall be sufficient cause for the cancellation and rescission of such Commitment, Determination Notice, Carryover Allocation, or Direct Loan Award Letter, Commitment or Contract by the Department. To the extent allowed under Tex. Gov't Code §2306.6720, if any such representations, undertakings and commitments concern or relate to the ongoing features or operation of the Development, they shall be enforceable even



if not reflected in the Land Use Restriction Agreement. All such representations, undertakings and commitments are also enforceable by the Department and the residents of the Development, including enforcement by administrative penalties for failure to perform (consistent with Chapter 2, Subchapter C of the title relating to Administrative Penalties), in accordance with the Land Use Restriction Agreement.

When providing a Pre-Application, Application or other materials to a state representative, local governmental body, Neighborhood Organization, or anyone else to secure support or approval, an Applicant must disclose in accordance with the Department's rules those aspects of the Development that may not have been determined or selected or may be subject to change, such as changes in the amenities ultimately selected and provided.

The Development Owner is and will remain in compliance with state and federal laws, including but not limited to, fair housing laws, including Chapter 301, Property Code, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), the Fair Housing Amendments Act of 1988 (42 U.S.C. §§3601 et seq.), the Civil Rights Act of 1964 (42 U.S.C. §§2000a et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. §§12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. §§701 et seq.), Fair Housing Accessibility, the Texas Fair Housing Act; and the Development is designed consistent with the Fair Housing Act Design Manual produced by HUD, and the Texas Accessibility Standards. (§2306.257; §2306.6705(7))

The Development Owner has read and understands the Department's fair housing educational materials posted on the Department's website as of the beginning of the Application Acceptance Period.

All Applications proposing Rehabilitation (including Reconstruction unless otherwise provided for in 10 TAC Chapter 11) will be treated as substantial alteration, in accordance with 10 TAC Chapter 1, Subchapter B.

The Development Owner will establish a reserve account consistent with Tex. Gov't Code §2306.186, and as further described in §11.302(d)(2)(I) of the Qualified Allocation Plan, relating to Replacement Reserve Account requirements.

The Development will operate in accordance with the applicable compliance monitoring requirements found in 10 TAC Chapter 10, Subchapters F and G.

The Development Owner agrees to implement a plan to use Historically Underutilized Businesses (HUB) in the development process consistent with the Historically Underutilized Business Guidelines for contracting with the State of Texas. The Development Owner will be required to submit a report of the success of the plan as part of the cost certification documentation, in order



to receive IRS Forms 8609 or, if the Development does not have Housing Tax Credits, release of retainage.

The Applicant will attempt to ensure that at least 30% of the construction and management businesses with which the Applicant contracts in connection with the Development are Minority Owned Businesses as further described in Tex. Gov't Code §2306.6734.

The Development Owner will specifically market to veterans through direct marketing or contracts with veteran's organizations. The Development Owner will be required to identify how they will specifically market to veterans and report to the Department in the annual housing report on the results of the marketing efforts to veterans. Exceptions to this requirement must be approved by the Department.

### **Accessibility Requirements**

The Development Owner understands that in accordance with Section 504 of the Rehabilitation Act of 1973 and implemented at 24 CFR Part 8, if the Development includes the New Construction or substantial rehabilitation of multifamily units (4 or more units), at least five percent (5%) of all dwelling units will be designed and built to be accessible for persons with mobility impairments. A unit that is on an accessible route and is adaptable and otherwise compliant with the 2010 ADA Standards with the exceptions listed in "Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities" (Federal Register 79 FR 29671) meets this requirement. In addition, at least two percent (2%) of all dwelling units will be designed and built to be accessible for persons with hearing or vision impairments.

The Development Owner understands that regardless of building type, all Units accessed by the ground floor or by elevator ("affected units") must meet the requirements at 10 TAC §11.101(b)(8)(B).

The Development Owner certifies that all accessible Units under 10 TAC Chapter 1, Subchapter B, will be dispersed throughout the Development.

The Development Owner certifies that representations made in the Architect Certification are true and correct, and understands that the Department evaluation of architectural drawings may not include a complete assessment of accessibility. The Development Owner is responsible for any modifications necessary to meet accessibility requirements identified at the final construction inspection.

**Unused Credit or Penalty Fee** *(select one box as applicable)*

The Applicant returned a full credit allocation after the Carryover Allocation deadline required for that allocation and is subject to the Unused Credit or Penalty Fee pursuant to §11.901(16) of the Qualified Allocation Plan.

The Applicant certifies that no disclosure regarding §11.901(15) of the Qualified Allocation Plan is necessary.

**Termination of Relationship in an Affordable Housing Transaction** *(select one box as applicable)*

The Applicant has disclosed, in the Application, any Principal or any entity or Person in the Development ownership structure who was or is involved as a Principal in any other affordable housing transaction that has terminated, voluntarily or involuntarily, within the past 10 years or plans to or is negotiating to terminate their relationship with any other affordable housing development. The disclosure identified the person or persons and development involved, the identity of each other development and contact information for the other Principals of each such development, a narrative description of the facts and circumstances of the termination or proposed termination, and any appropriate supporting documents. The Applicant has read and understands §11.202(1)(M) of the Qualified Allocation Plan related to such disclosure.

The Applicant certifies that no disclosure regarding §11.202(1)(M) of the Qualified Allocation Plan is necessary.

**Voluntary Compliance Agreement with any Governmental Agency** *(select one box as applicable)*

The Applicant has disclosed, in the Application, any Principal or any entity or Person in the Development ownership structure who was or is involved as a Principal in any other affordable housing transaction that entered into a voluntary compliance agreement (or similar agreement) with any governmental agency that is the result of negotiation regarding noncompliance of any affordable housing Development with any requirements. The disclosure identified the person or persons and development involved, the identity of each other development, contact information for the other Principals of each such development, a narrative description of the facts and circumstances of the agreement or proposed agreement, and any appropriate supporting documents. The Applicant has read and understands §11.202(1)(N) of the Qualified Allocation Plan related to such disclosure.

The Applicant certifies that no disclosure regarding §11.202(1)(N) of the Qualified Allocation Plan is necessary.



The Applicant certifies that, for any Development proposing New Construction or Reconstruction and located within the 100 year floodplain as identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, the Development Site will be developed in full compliance with the National Flood Protection Act and all applicable federal and state statutory and regulatory requirements so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain, subject to more stringent federal or local requirements. The Applicant certifies that, floodplain maps will be used and the Development Site will comply with regulations as they exist at the time of commencement of construction. Applicant further certifies that, for any Development proposing Rehabilitation (excluding Reconstruction) that is not a HUD or TRDO-USDA assisted property, the Development Site is not located in the 100 year floodplain unless the existing structures already meet the requirements for New Construction or Reconstruction, as certified to by a Third Party engineer, or unless the state or local government has undertaken and can substantiate sufficient mitigation efforts, and such documentation is submitted in the Application.

**Undesirable Site Features** *(select one of the boxes as applicable)*

The Development **is not** located in an area with undesirable site features as further described in §11.101(a)(2) of the Qualified Allocation Plan.

The proposed Development is Rehabilitation (excluding Reconstruction) with ongoing and existing federal assistance from HUD, USDA, or Veterans Affairs ("VA") and an exemption was requested prior to the filing of an Application or is being requested with the Application in accordance with §11.101(a)(2) of the Qualified Allocation Plan.

The proposed Development is Historic Preservation pursuant to §11.9(e)(6) of the Qualified Allocation Plan, is located in an area with an undesirable site feature and an exemption was requested prior to the filing of an Application or is being requested with the Application.

The proposed Development is New Construction, is located in an area with an undesirable site feature and a copy of the local ordinance that specifies the proximity of such feature to a multifamily development is included in the Application.

The proposed Development **is** located in an area with an undesirable site feature and mitigation to be considered by staff and the Board is included in the Application (select all that apply):

within 300 feet of junkyards

\_\_\_\_\_ within 300 feet of a solid waste facility or sanitary landfill facility or illegal dumping sites

\_\_\_\_\_ within 300 feet of a sexually-oriented business

\_\_\_\_\_ buildings or designated recreational areas (including pools) are to be located within 100 feet of the nearest line or structural element of any overhead high voltage transmission line, support structures for high voltage transmission lines, or other similar structures

\_\_\_\_\_ within 500 feet of active railroad tracks

\_\_\_\_\_ within 500 feet of heavy industry

\_\_\_\_\_ within 10 miles of a nuclear plant

\_\_\_\_\_ buildings are located within the accident potential zones or the runway clear zones of any airport

\_\_\_\_\_ one or more pipelines, situated underground or aboveground, which carry highly volatile liquids, or adjacent to a pipeline easement for a pipeline carrying highly volatile liquids

\_\_\_\_\_ within 2 miles of refineries capable of refining more than 100,000 barrels of oil daily

\_\_\_\_\_ may be in proximity to an environmental factor that may adversely affect the health and safety of the residents or render the Development Site inappropriate for housing use unless it is adequately mitigated (as presented in the application)

\_\_\_\_\_ within the minimum separation from housing of a facility under the jurisdiction of a state or federal cognizant agency

**Neighborhood Risk Factors (select one of the main boxes as applicable)**

The Development Owner certifies that the Development **is not** located in an area with any of the neighborhood risk factors described in §11.101(a)(3) of the Qualified Allocation Plan and that no disclosure is necessary;

\_\_\_\_\_ The Development Owner certifies that the Development **is** located in an area with the following neighborhood risk factors and the Neighborhood Risk Factors Report is submitted with the Application (select all that apply):

\_\_\_\_\_ in a census tract with a poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13);

\_\_\_\_\_ in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development

No disclosure of blight was made by applicant within Application, as required by §11.101(a)(3) of the QAP



Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crimes is greater than 18 per 1,000 persons (annually) as reported on neighborhoodscout.com;

\_\_\_\_\_ is located within 1,000 feet of a blighted or abandoned area as further described in §11.101(a)(3)(B)(iii) of the Qualified Allocation Plan;

\_\_\_\_\_ is located within the attendance zone of an elementary school, a middle school or a high school that has a 2019 TEA Accountability Rating of D and a 2018 Improvement Required Rating or a 2019 TEA Accountability Rating of F and a 2018 Met Standard Rating by the Texas Education Agency. Elderly Developments, Developments encumbered by a TDHCA LURA on the first day of the Application Acceptance Period or date the pre-application is submitted (if applicable) and Supportive Housing SRO Developments or Supportive Housing Developments where all Units are Efficiency Units are exempt from the requirement to disclose the presence of this characteristic.

The Development will include all of the mandatory Development amenities required in §11.101(b)(4) of the Qualified Allocation Plan at no charge to all residents (market rate and low-income) and written notice of such amenities will be provided to the residents.

The Development will satisfy the minimum point threshold for common amenities as further described in §11.101(b)(5) of the Qualified Allocation Plan. These amenities must be for the benefit of all residents (market rate and low-income), meet accessibility standards, be sized appropriately to serve the proposed Target Population, be made available throughout normal business hours, and be maintained throughout the Affordability Period. The residents must be provided written notice of the amenity elections made by the Development Owner.

The Development will meet the minimum size of Units as further described §11.101(b)(6)(A) of the Qualified Allocation Plan.

The Development (excluding competitive Housing Tax Credit Applications) will include enough unit, development construction, and energy and water efficiency features to meet the minimum number of points as further described in §11.101(b)(6)(B) of the Qualified Allocation Plan.

The Development (excluding competitive Housing Tax Credit Applications) will include enough resident supportive services, at no charge to the residents, be accessible to all residents (market rate and low-income), and maintained throughout the Affordability Period, to meet the required minimum number of points as further described in §11.101(b)(7) of the Qualified Allocation Plan, and offered in accordance with §10.619 of the Uniform Multifamily Rules. The tenant must be provided written notice of the elections made by the Development Owner.

If income averaging is elected, Unit Designations for all units identified as 20%, 30%, 40%, 50%, 60%, 70%, and 80% Units will be dispersed across all Unit Types to the maximum extent feasible in a manner that does not violate fair housing laws, as required by 10 TAC §10.605(c).

If the Applicant is applying for Multifamily Direct Loan funds and the Development consists of New Construction, the Applicant further certifies that the Development meets the Construction Site Standards in 24 CFR §983.57(e)(2) and (3), as applicable.

If the Development has an existing LURA with the Department, the Development Owner will comply with the existing restrictions.

The Development Owner will comply with any and all notices required by the Department.

None of the criteria in subparagraphs (A) – (N) of §11.202(1) of the Qualified Allocation Plan, related to ineligible Applicants, applies to those identified as having Control on the organizational chart for the Applicant, Developer and Guarantor.

The individual whose name is subscribed hereto, in his or her individual capacity, on behalf of Applicant, and in all other related capacities described above, as applicable, expressly represents, warrants, and certifies that all information contained in this certification and in the Application, including any and all supplements, additions, clarifications, or other materials or information submitted to the Department are true and correct and the Applicant has undergone sufficient investigation to affirm the validity of the statements made. Further, the Applicant hereby expressly represents, warrants, acknowledges and certifies that the individual whose name is subscribed hereto has read and understands all the information contained in this form of the Application.

By signing this document, the undersigned, in their individual capacity, on behalf of Applicant, whether formed or to be formed, and in all other related capacities described above, is affirming under penalty of Chapter 37 of the Texas Penal Code titled Perjury and Other Falsification, and subject to criminal penalties as defined by Tex. Penal Code §§37.01 et seq., and subject to any and all other state or federal laws regarding the making of false statements to governmental bodies or the providing of false information in connection with the procurement of allocations or awards, that the Application and all materials relating thereto constitute government documents and that the Application and all materials relating thereto are true, correct, and complete in all material respects.





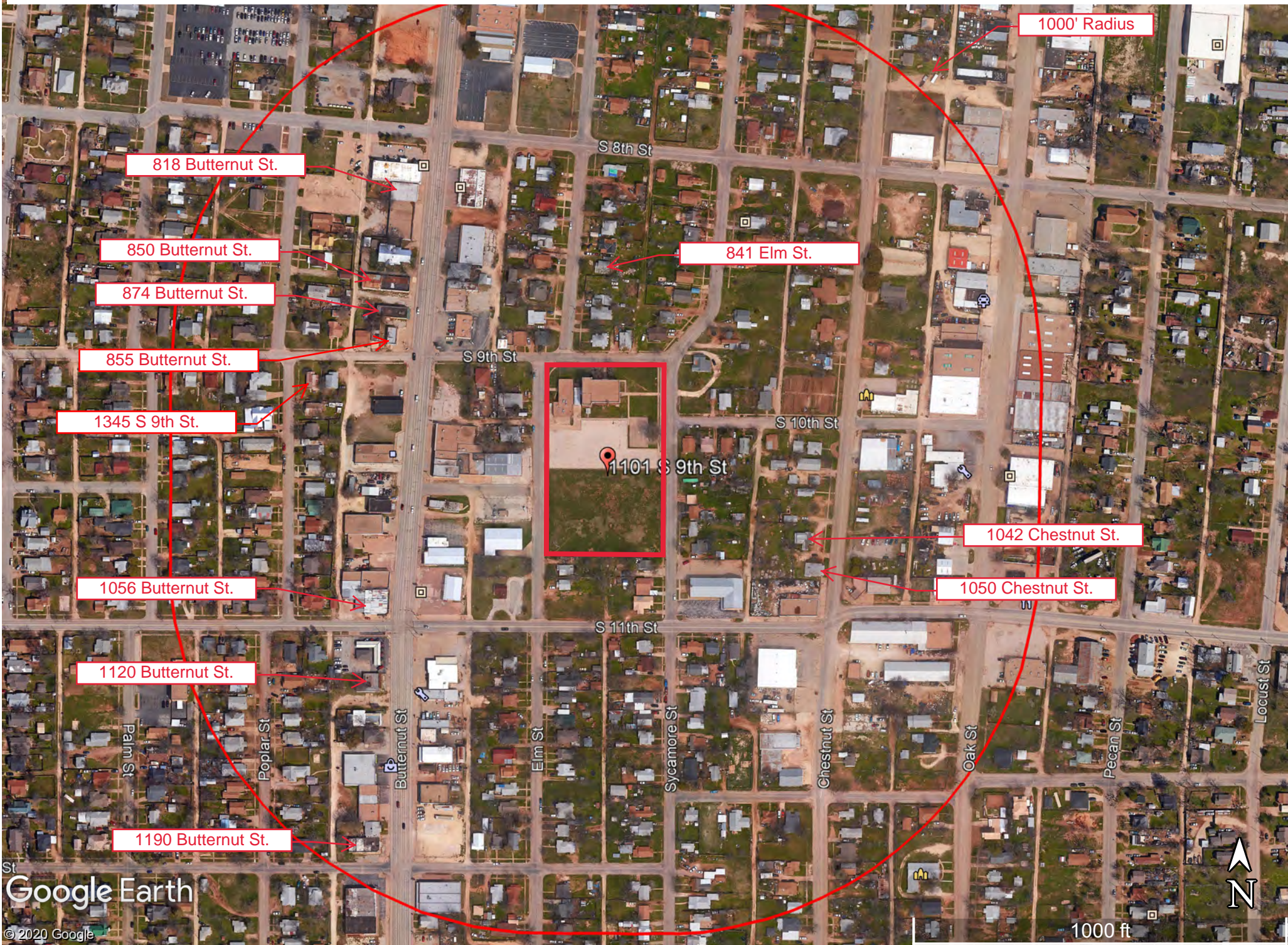
## The Heritage at Abilene Neighborhood Risk Factors

This Development Site is located in a lower income area south of downtown Abilene. There are properties in disrepair and vacant commercial space, but the properties appear to be either inhabited or not abandoned. We do not consider this area to meet the TDHCA description of "multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned." If TDHCA has a different opinion, we will provide any requested documentation; however, we believe this area is indicative of a lower income neighborhood undergoing revitalization as part of the City of Abilene's Neighborhood Empowerment Zone.

Existence of vacant properties and properties in disrepair is acknowledged; however, no evidence to support the assertion that the properties are not blighted was provided. Additionally, no disclosure of blight was made by applicant within Application, as required by §11.101(a)(3) of the QAP



# Exhibit H - Neighborhood Risk Factors - Blighted Properties





818 Butternut St



Google

Image capture: Jul 2019 © 2020 Google



850 Butternut St.





874 Butternut St.



Google

Image capture: Jul 2019 © 2020 Google United



855 Butternut St.



Google

Image capture: Jul 2019 © 2020 Google



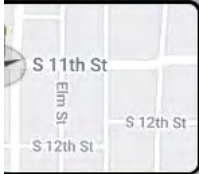
1345 S 9<sup>th</sup> St



Google

Image capture: Jul 2019





Google

Image capture: Jul 2019





1120 Butternut



1125 Butternut St  
Abilene, Texas  
Google  
Street View

TOWN SOUTH  
S 11th St  
1190 Butternut  
S 12th St  
Map

Google

Image capture: Jul 2019



1190 Butternut





841 Elm St.





1042 Chestnut St.





1050 Chestnut St.



20184  
Administrative Deficiency Notice(s)

**From:** [Matthew Griego](mailto:Matthew.Griego)  
**To:** [april@ovpgroup.com](mailto:april@ovpgroup.com)  
**Cc:** [Sharon Gamble](mailto:Sharon.Gamble)  
**Subject:** 20184 Heritage at Abilene- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Monday, May 11, 2020 3:37:32 PM

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.**

**Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20184 Heritage at Abilene**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states the development site does not meet the minimum requirement of residential units that reside within a Certified Historic Structure to qualify for five points under 10 TAC §11.9(e)(6). The request questions deferred developer fees exceeding 50% due to the federal historic tax credits, which does not qualify for three points under 10 TAC §11.9(e)(4)(B).

1. Please explain how the Application would qualify for five points under 10 TAC §11.9(e)(6) Historic Preservation.
2. Please explain how the Application would qualify for three points under 10 TAC §11.9(e)(4)(B) Leveraging of Private, State, and Federal Resources.

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.**

**Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications

with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there



20184  
Deficiency Response(s)

**Below are the responses to the Community Revitalization Plan deficiency received on 4/27/20.**

**1. Provide the Abilene Neighborhood Empowerment Zone #1 (NEZ 1) Plan**

Similar to application 19008 and 20025, Palladium Fain Street, the “Plan” is made up of the assessments of the area made through the Comprehensive Plan, and multiple complementary City Council actions taken as a result of a City Review of the NEZ Program internally – specifically the City Resolution authorizing the NEZ area 1 approved on May 10, 2019.

We believe that these two documents represent the “Plan” and meet the requirement that:

*“A Plan may consist of one or two, but complementary, local planning documents that together create a cohesive agenda for the plan’s specific area.”*

The documents taken together outline issues of the area, take into account public input, were formally adopted, address the need for concerted revitalization in a very specific area, and created a funding mechanism to address the identified problems.

This documentation was provided in the Application pp. 90-98 and the Comprehensive Plan pp. 14, 18-20, 22, 26, 28, 30-31, 36-37, 39, 43, 51, 57, 61-64, 70, 74 as outlined in the CRP form on page 79 of the Application.

**2. The general information memo related to the May 10, 2018 resolution establishing NEZ 1 states that the “areas were chosen based on a heat map analysis of the total value per total square foot of improvements per parcel. The map (attached) helps to identify those areas where infill development or redevelopment of existing structures may be more successful than other areas.” Meetings on the comprehensive plan were held in 2004, and a restatement of the statutory requirements is not sufficient evidence. Explain how the problems in the NEZ 1 area were identified through a process in which affected local residents had an opportunity to express their views on problems facing the area and how those problems should be addressed and prioritized.**

The public process on page 5 and 6 on the Comprehensive Plan outlines the way the problems in the NEZ area 1 were identified in a way that gave local residents an opportunity to express their views on problems facing the area and how those problems should be addressed and prioritized:

*In the eighteen months that followed, the City engaged a diverse group of citizens from throughout the community in a collaborative planning process. Neighborhood representatives, interest groups, business and development interests, City staff, members of the Planning and Zoning Commission and City Council, and the general public were all involved at various levels in developing the Plan. The process allowed participants an opportunity to ask -- What do we want for Abilene? And how will we achieve it?*

*Throughout the process, a twenty-three member Steering Committee helped shape the Future Land Use and Development Plan and its supporting policies. The Steering Committee was composed of a broad spectrum of community interests including representatives from neighborhood, business, education, civic, and development organizations. The Committee met in a series of six workshops between September 2001 and February 2003 to provide input, recommendations, and feedback as the plan evolved.*

*The general public received project information and provided input into the planning process through a variety of means, including public workshops, surveys, newspaper articles and editorials, a project information booth at downtown Artwalk, billboards, and a project web site. The project web site at [www.abilenecompplan.com](http://www.abilenecompplan.com) was maintained and regularly updated with all major work products available on the site for review. It also offered a forum for citizens to discuss land use and planning issues on-line.*

Additionally, there was a public hearing by the City Council related to the initial creation of the NEZ on January 22, 2009. Another public hearing was held by the City Council on May 10, 2018 for the creation of the most recent version of the NEZ. Both of these hearings were opportunities for citizens to give public input into the issues of the area and how the City was looking to address them.

The City Council Agendas and Resolutions were included in the Application on pp. 91-91 and 101. Also attached you will find the minutes showing that the hearings took place.

Please attached letter from the City of Abilene confirming the public hearings.

**3. Provide further information about the \$160,000 of investment in the zone, including what projects have been completed, when and where.**

The program used to expend these funds has recently been implemented. Per the attached letter from the City of Abilene, the funds were used for Building Permit/Plan Review Fees, and Zoning Application Fees. At this time they are in the process of implementing a tracking system for these incentives, but do not have the ability to provide more specific information at this time. Please see attached letter from the City of Abilene.

We believe that the original documentation provided by the City meets the QAP requirements as it shows that funding has been flowing per the Plan and that measurable improvements in the area were outlined by the city in their original Application letter.



April 30, 2020

Ms. Sharon Gamble  
Texas Department of Housing and Community Affairs  
21 East 11th Street  
Austin, Texas 78701

Re: Additional Information Requested for #20184

Dear Ms. Gamble:

We are in receipt of your request for additional information related to the Community Revitalization Plan submitted for TDHCA Application #20184.

1. "Plan" is made up of the assessments of the area made through the Comprehensive Plan, and multiple complementary City Council actions taken as a result of a City Review of the NEZ Program internally – specifically the City Resolution authorizing the NEZ area 1 approved on May 10, 2019.

We believe that these two documents represent the "Plan" and meet the requirement that:

*"A Plan may consist of one or two, but complementary, local planning documents that together create a cohesive agenda for the plan's specific area."*

The documents taken together outline issues of the area, take into account public input, were formally adopted, address the need for concerted revitalization in a very specific area, and created a funding mechanism to address the identified problems.

2. The estimate \$160,000 that has been allocated to developments within the NEZ 1 area of Abilene, TX was specifically used for Building Permit/Plan Review Fees, and Zoning Application Fees. Unfortunately, no detailed information on these incentives such as you have requested has been compiled. We are in the process of implementing a tracking and reporting system for NEZ incentives that will provide detailed information for each fee waiver. That process is not complete yet.
3. Additionally, we would like to confirm that per statutory guidelines there was significant public process regarding the creation of the NEZ. The public process on page 5 and 6 on the Comprehensive Plan outlines the way the problems in the NEZ area 1 were identified

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*We work together to build and maintain a community of the highest quality for present and future generations.*



in a way that gave local residents an opportunity to express their views on problems facing the area and how those problems should be addressed and prioritized.

Additionally, there was a public hearing by the City Council related to the initial creation of the NEZ on January 22, 2009. Another public hearing was held by the City Council on May 10, 2018 for the creation of the most recent version of the NEZ. Both of these hearings were opportunities for citizens to give public input into the issues of the area and how the City was looking to address them.

Sincerely,



Michael Warrix, AICP  
Director of Planning and Development Services

Cc Sarah Anderson  
Brett Johnson  
File

**CITY COUNCIL MEETING**  
**January 22, 2009, 8:30 a.m.**

**CITY COUNCIL OF THE CITY OF ABILENE, TEXAS**  
**COUNCIL CHAMBERS, CITY HALL**

The City Council of the City of Abilene, Texas, met in Regular Session on January 22, 2009, at 8:30 a.m. in the Council Chambers at 555 Walnut Street. Mayor Archibald was present and presiding with Councilmen Sam Chase, Stormy Higgins, Robert O. Briley, and Councilwoman Laura Moore. Absent: Councilmen Spano and Williams. Also present were City Manager Larry Gilley, City Attorney Dan Santee, City Secretary Danette Dunlap, and various members of the City staff.

Mayor Archibald gave the invocation.

Mayor Archibald introduced Clark Neil; he is 11 years old and a 5<sup>th</sup> grader at College Heights Elementary School. Clark led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

Mayor Archibald shared that he had received a letter from Bishop Michael D. Pfeifer asking that February 8th a day of Prayer for rain.

May 25<sup>th</sup> will be the dedication of the new Texas State Veterans Cemetery located at Lake Fort Phantom Hill.

Mayor Archibald introduced Gene Reed the new Executive Director for the Abilene Housing Authority.

**DISPOSITION OF MINUTES**

**5.0** No minutes to present.

**CONSENT AGENDA**

Councilman Higgins made a motion to approve consent agenda items 6.1 through 6.5 as presented. Councilman Chase seconded the motion, the motion carried.

AYES: Councilmen Chase, Higgins, Briley, Councilwoman Moore and Mayor Archibald  
NAYS: None

**Oral Resolution:**

**6.1** Approval of a Temporary Airport Use Agreement with Big County AirFest, Inc.; and authorize the City Manager to execute the Agreement. Big Country AirFest is scheduled to occur May 2009. The Agreement gives AirFest the ability to conduct activities associated

with aircraft displays, performances and public admittance for the event on the northwest general aviation ramp.

- 6.2** Ordinance Case No. **Z-2009-01**, First Reading on a request from Nick Coates to rezone property from RS-8 (Single-Family Residential) to RS-8/PH (Single-Family Residential with Patio Home Overlay) zoning, located at the southern 7.62 acres of Lot 201, Block A, Section 7, of the Hillcrest Addition; and setting a public hearing for February 12, 2009.

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**Bid Awards:**

- 6.3** Bid #CB-9011 – Annual Purchase of Oil Products. City Council awarded the following bid to Western Marketing, the sole bidder, for all the items on the bid, for a one (1) year period with the City reserving the option to renew for four (4) additional one-year terms at the same terms and conditions.
- 6.4** Bid #CB-9012 – Purchase Firefighting Protective Clothing. City Council awarded the following bid to Ferrara Fire Apparatus, Inc. on a per unit price of \$1,350.00. This price is for a one year period with the option to renew up to three (3) additional one (1) year periods under the same terms and conditions with the agreement of all parties.

- 6.5** Bid #CB-9009 – Purchase of roll-off containers. City Council awarded the following bid to N.E.O. Fabricating for:

<b>30 CY Open top container</b>	<b>QTY 6</b>	<b>Unit Price \$5,162.00</b>	<b>Total \$30,972.00</b>
<b>40 CY Open top container</b>	<b>QTY 4</b>	<b>Unit Price \$5,579.00</b>	<b>Total \$22,716.00</b>
<b>30 CY Tub Style container</b>	<b>QTY 5</b>	<b>Unit Price \$4,818.00</b>	<b>Total \$24,090.00</b>
<b>27.5 CY Recycle container</b>	<b>QTY 3</b>	<b>Unit Price \$5,224.00</b>	<b>Total \$15,672.00</b>
<b>40 CY Tub Style Container</b>	<b>QTY 3</b>	<b>Unit Price \$6,524.00</b>	<b>Total \$19,572.00</b>

**REGULAR AGENDA**

- 7.1** Jon James Director of Planning and Development Services briefed the council on the final reading to amend the City of Abilene Zoning Ordinance, Section 23-312, regarding building restrictions in AO zoning.

Upon review of the City's regulations pertaining to building restrictions in the AO (Agricultural Open Space) zoning district, staff concluded that the existing regulations may be overly restrictive with regard to height and side setbacks. This amendment comes from the discussion with Wylie ISD in reference to the new construction on the Press Box at the football stadium.

Staff is proposing an amendment to Section 23-312 in the Zoning Ordinance to eliminate the maximum height within the AO zoning district and to only require a side setback of 25 feet. Additionally, staff is proposing increased setbacks for buildings and/or structures taller than 45 feet in height to protect adjacent properties.

Council and Staff discussion included: 1) Wylie received a variance from the Board of Adjustment for the upgrade of the press box; 2) no height limit – with the exceptions that fall under other regulations set by the city in reference to Cell Towers and Wind turbines etc.; 3) Airport zoning is in place for other regulations in reference to height of towers etc.; 4) FAA also would be involved in the construction of anything with some height; 5) setbacks on the property will address the issue or potential problem with height of construction after 45 feet; and 6) some of the permitted uses in AO (Agricultural Open Space) Schools, Churches, Race track and the Expo.

Mayor Archibald opened the public hearing on this item and there being no one present and desiring to be heard the public hearing was closed.

Councilman Briley made a motion to approve the Ordinance to amend the City of Abilene Zoning Ordinance, Section 23-312, regarding building restrictions in AO zoning. Councilwoman Moore seconded the motion, motion carried.

AYES: Councilman Chase, Higgins, Briley, Councilwoman Moore and Mayor Archibald  
NAYS: None

The Ordinance is numbered #5-2009 and captioned as follows:

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, SUBPART E, “ZONING,” OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

**7.2 Jon James Director of Planning and Development Services briefed the council on Infill Development Area boundaries.**

Council had directed staff to seek input and a recommendation from the Planning and Zoning Commission on these boundaries. The Planning and Zoning Commission discussed the topic at their November 3, 2008 and January 5, 2009 meetings and have forwarded a recommendation. The Commission’s recommendation was based in part on the following criteria, which they believed to be important to the consideration:

- Designated areas should not be overly broad so that the incentives and benefits are focused on a few selected areas.
- The focus should be primarily on downtown, both north and south, as well as a few select, high-profile corridors.



Council and Staff discussion included: 1) boundaries would incorporate a north downtown and a south downtown areas; 2) a corridor approach for Treadaway north to I-20 and south to Industrial, Butternut Street, Pine Street and US Highway 80 corridor defined as the properties with frontage on US Highway 80/South 1<sup>st</sup> Street from US Highway 277 to Loop 322 (i.e., inside the “loop”); 3) if the area was broad it could water down the programs; 4) focus on small areas will be more effective; 5) boundaries to be reviewed annually by council and can be changed if council sees that other areas need to be added etc.; 6) Neighborhood Improvement Zone – would allow for council to zero in on areas and allow for Tax abatement; 7) fees – and the possibility of offering other fee reductions in other areas inside the loop; 8) Planning and Zoning discussed fees – they have found that fees are a small portion of construction fees. Business are impacted greater than residential in the area of fees.

### ***Proposed Strategies***

- Reduce planning and building fees within the infill area (2008)
  - Already approved as part of 2008-2009 budget
  - 50% fee reduction for qualifying projects
  - *Will be effective when infill boundary is determined*
    - Primary purpose of today’s item is to recommend this boundary
    - Secondary purpose is to define area within which future incentives are made available

### **Other Proposed Strategies**

- Establish a Land Bank (2009)
- Revise pro-rata fees for water and sewer improvements related to new development (2009)
- Adopt a Transportation Impact Analysis (TIA) as part of the Land Development Code (2009)
- CIP Project for Infill Funding (2013)
- Sidewalk Construction Project (2012-2013)
- Overlay Zoning & “Neighborhood Empowerment Zone” for Tax Abatements (2009-2010)
- New Tax Increment Finance (TIF) District (2010-2011)

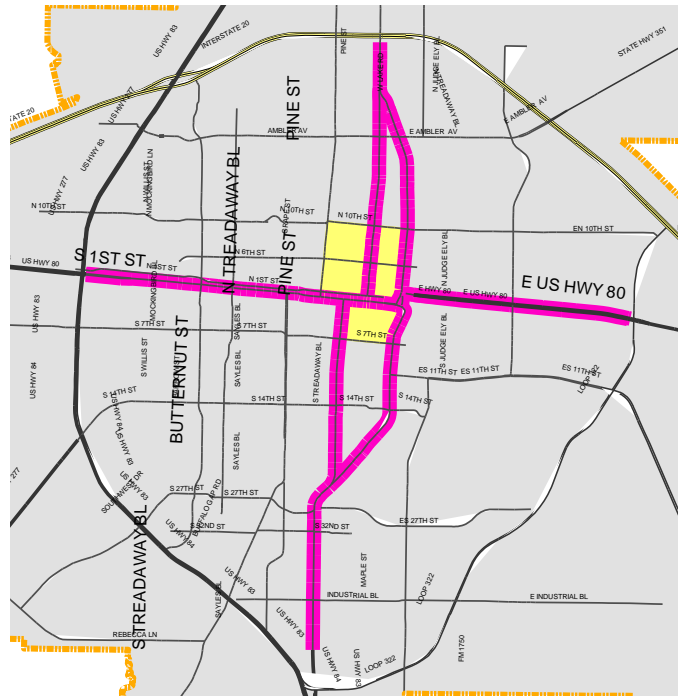
Planning & Zoning Commission Map

Downtown Area, plus...

Properties fronting on:

- Pine St.
- Butternut St.
- Treadaway Blvd (I-20 to Industrial or S. 27th?)
- Hwy 80 (inside the loop)

Focused Incentives



Councilwoman Moore made the motion to approve the Resolution approving the Infill Development Area boundary. Councilman Chase seconded the motion, motion carried.

AYES: Councilman Chase, Higgins, Briley, Councilwoman Moore and Mayor Archibald  
NAYS: None

The Resolution is numbered **#1-2009** and captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE  
DESIGNATING AN “INFILL DEVELOPMENT AREA”

### EXECUTIVE SESSION

Mayor Archibald recessed the Council into Executive Session at 9:25 a.m. pursuant to Sections 551.071, 551.074, 551.072 and 551.087 of the Open Meetings Act, to seek the advice of the City Attorney with respect to pending and contemplated litigation, to consider the appointment and evaluation of public officers, to consider the purchase, exchange, lease or value of real property, and to discuss contemplated business prospects and or economic development matters.

The Council reconvened from Executive Session at 11:14 a.m. and reported no votes or action was taken in Executive Session in regards to consideration of Board members for Planning and Zoning Commission under section Personnel 551.074 and Deliberations about Real Property 551.072.

There being no further business the meeting was adjourned at 11:14 a.m.

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Danette Dunlap, TRMC  
City Secretary

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Norm Archibald  
Mayor

RESOLUTION NO. 1-2009

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE DESIGNATING AN "INFILL DEVELOPMENT AREA"**

**WHEREAS**, the City's adopted Comprehensive Plan identifies six guiding principles for future development in the City, three of which encourage and promote the concept of infill development and redevelopment in underutilized areas of the City, particularly in areas where existing infrastructure and services are available to serve that development; and

**WHEREAS**, the City's Fee Schedule for Planning and Building Permits includes an incentive, in the form of fee reductions, for designated infill areas; and

**WHEREAS**, the City's Infill Development Strategy proposes to implement other incentive strategies to encourage development and redevelopment in designated infill areas; and

**WHEREAS**, the Planning and Zoning Commission has determined that a limited number of focused areas and corridors best furthers the City's goals; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

**PART 1:** That there is hereby established an Infill Development Area" as defined by the following:

- North Downtown Area bounded by North 10<sup>th</sup> Street on the north, North Treadaway Blvd on the east, railroad tracks on the south, and Grape Street on the west.
- South Downtown Area bounded by the railroad tracks on the north, South Treadaway Blvd on the east, South 7<sup>th</sup> Street on the south, and Butternut Street on the west.
- Pine Street Corridor defined as the properties with frontage on Pine Street from North 10<sup>th</sup> Street to Interstate 20.
- Butternut Street Corridor defined as the properties with frontage on Butternut Street from South 1<sup>st</sup> Street to South Treadaway Blvd.
- Treadaway Corridor defined as the properties with frontage on Treadaway Blvd from Pine Street to Industrial Blvd.
- Highway 80 Corridor defined as the properties with frontage on US Highway 80/South 1<sup>st</sup> Street from US Highway 277 to Loop 322 (i.e., inside the "loop").

**PART 2:** That this Infill Development Area is the designated infill area as referenced on the City's Building and Planning Fee Schedules, which provide for reduced fees in some cases for development permits within this area, as well as for all other infill strategies that are implemented.



**PART 3:** That the Infill Development Area shall be reviewed annually to monitor progress on the adopted strategies, and may be amended by the City Council upon recommendation of the Planning and Zoning Commission as needed to further the City's goals and strategies for infill development.

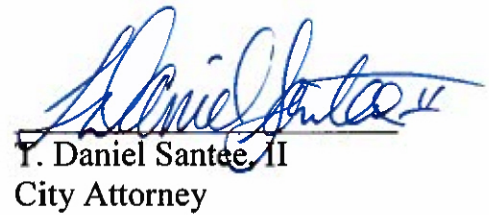
ADOPTED this 22<sup>nd</sup> day of January 2009.

ATTEST:

  
Danette Dunlap, City Secretary

  
Norman Archibald, Mayor

APPROVED:

  
T. Daniel Santee, II  
City Attorney

**CITY COUNCIL MEETING**  
**May 10, 2018 at 4:30 p.m.**

**CITY COUNCIL OF THE CITY OF ABILENE, TEXAS**  
**COUNCIL CHAMBERS, CITY HALL**

The City Council of the City of Abilene, Texas met in Regular Session on May 10, 2018, at 4:30 p.m. in the Council Chambers, 555 Walnut St. Mayor Anthony Williams was present and presiding with Mayor Pro-tem Shane Price, Deputy Mayor Pro-tem Steve Savage, and Councilmembers Bruce Kreitler, Donna Albus, Weldon Hurt, and Kyle McAlister. Also present were City Manager Robert Hanna, City Attorney Stanley Smith, City Secretary Rosa Rios, and various members of the City staff.

**EXECUTIVE SESSION**

Mayor Williams called the meeting to order and recessed into Executive Session at 4:30 p.m. pursuant to the following of the Open Meetings Act, with the following issues discussed during the closed session, as listed under the noted agenda item:

- 27.A 551.071 (Consultation with Attorney)
  - (6) City of Abilene and Development Corporation of Abilene v. Texas Municipal League Governmental Risk Pool, Cause No. 11018-D In the 350th Judicial District Court, Taylor County, Texas, filed January 9, 2017
  
- 27.B 551.072 (Deliberations about Real Property)
  - (1) Weatherbee Development and Dyess Air Force Base
  
- 27.D 551.074 (Personnel Matters)
  - (1) Any action, if needed, on annual evaluation of the city secretary and municipal judge (Agenda Item 29 – city secretary and municipal judge)
  
- 27.E 551.087 (Deliberations about business prospects and economic development)
  - (1) Hotel Proposals

The closed session ended at 5:23 p.m. after which the City Council recessed and reconvened to Open Session at 5:30 p.m., as noted on the posted agenda. Mayor Williams reported no votes or action were taken in Executive Session.

Brendan Lambert, 8<sup>th</sup> grader at Craig Middle School, delivered the invocation and led the Pledge of Allegiance to the Flags of the United States of America and the State of Texas.

**PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS, ANNOUNCEMENTS**

- Proclamations
  - Bicycle Awareness Month and Ride of Silence Day was accepted by Mark Spurlock with the Steamboat Cycling Club
  - National Salvation Army Week was accepted by Shelley Futrelle, Public Relations and Community Development Director of the Salvation Army of Abilene
  - Destination Imagination Teams Day was accepted by Kim Cheek, Wylie ISD Destination Imagination Director
  - National Hospital Week was accepted by Delores Cox, Abilene Regional Medical Center Director of Marketing

## MINUTES

4. Approval of the minutes from the Regular Meeting held April 26, 2018

Deputy Mayor Pro-tem Savage moved to approve the minutes as presented. Councilmember Kreitler seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Kreitler, Albus, Hurt, and McAlister  
NAYS (0): None

## CONSENT AGENDA

Items pulled for individual consideration were as follows:

- Deputy Mayor Pro-tem Savage: Item 5

Deputy Mayor Pro-tem Savage moved to approve the consent agenda, now consisting of items 6-9. Councilmember Hurt seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Kreitler, Albus, Hurt, and McAlister  
NAYS (0): None

6. Resolution: Authorizing combined purchases of water meters, parts, and services from Aqua Metric  
**[ASSIGNED RESOLUTION NO. 64-2018]**
7. Resolution: Authorizing the City Manager to hire two shelter attendants for Abilene Animal Services  
**[ASSIGNED RESOLUTION NO. 65-2018]**
8. Resolution: DCOA's Phase I Development of the Access Business Park and Contract with Epic Construction  
**[ASSIGNED RESOLUTION NO. 66-2018]**
9. Resolution: Adopting names of Internal access ways for 911 and other addressing purposes on the Texas State Technical College campus.  
**[ASSIGNED RESOLUTION NO. 67-2018]**

## ITEM PULLED FROM CONSENT FOR INDIVIDUAL CONSIDERATION

5. Resolution: Authorizing combined purchases of pumps, parts, and services from Pierce Pump Company  
**[ASSIGNED RESOLUTION NO. 63-2018]**  
*Deputy Mayor Pro-tem Savage pulled the item.*

Deputy Mayor Pro-tem Savage inquired about the City's vendor selection process (local versus non-local). Staff clarified the competitive bid process is used for standardized parts; and the City does give preference to local vendors when possible.

Deputy Mayor Pro-tem Savage moved to approve the item as presented. Councilmember Hurt seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage, and Councilmembers Kreitler, Albus, Hurt, and McAlister  
NAYS (0): None

Note: Agenda item 16 and 17 were considered at this time. The details of action taken are available within those items.

### REGULAR AGENDA

10. Ordinance & Public Hearing: (Final Reading) OAM-2018-01 A request to amend Abilene's Land Development Code (LDC) regarding Section 3.1.1.3 in Chapter 3, Article 1 and pertaining to subdivision procedures and, specifically, concerning exemptions from platting requirements on certain properties adjoining Lake Ft. Phantom Hill  
**[ASSIGNED ORDINANCE NO. 22-2018]**

Michael Rice, Assistant City Manager, presented the item. Adoption of the item would allow the six existing leaseholders at Lake Ft. Phantom Hill properties to purchase those homes and their continued use of on-site sewerage (septic) facilities for wastewater disposal.

Mayor Williams opened the public hearing. With no speakers coming forward, Mayor Williams closed the public hearing.

Councilmember Krietler moved to approve the item as presented. Councilmember Albus seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, Hurt, and McAlister  
NAYS (0): None

11. Ordinance & Public Hearing: (Final Reading) SNC-2018-01 A request from LTG Real Estate Group, Agent eHT to change the name of Corley Drive to Cason Way as it extends east to west from Plum Street to West Lake Road (aka FM 600)  
**[ASSIGNED ORDINANCE NO. 23-2018]**

Ken Flynn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would allow the name change from Corley Drive to Cason Way. Signage would be installed once the name change is adopted and the property is developed.

Mayor Williams opened the public hearing. The following addressed the city council:

- David Todd, applicant – clarified the street has been there three years; and signage was on hold until the name change was accomplished

With no other speakers coming forward, Mayor Williams closed the public hearing.



Deputy Mayor Pro-tem Savage moved to approve the item as presented. Councilmember Kreitler seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, Hurt, and McAlister  
NAYS (0): None

12. Ordinance & Public Hearing: (Final Reading) TC-2018-03 A request from Hardin Simmons University, agent Jacob and Martin, to abandon the portion of Sandefer Street running west to east between Pine Street and Walnut Street  
**[ASSIGNED ORDINANCE NO. 24-2018]**

Ken Flynn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would abandon a 30-foot-wide street pavement presently lying within the segment of Sandefer Street's right-of-way.

Mayor Williams opened the public hearing. The following addressed the city council:

- Tal Fillingham – outlined the purpose of the abandonment and proposed development

With no other speakers coming forward, Mayor Williams closed the public hearing.

Deputy Mayor Pro-tem Savage moved to approve the item as presented. Councilmember Albus seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, Hurt, and McAlister  
NAYS (0): None

13. Ordinance & Public Hearing: (Final Reading) Z-2018-08 A request from Edwin and Martin McDonald, to amend the terms and conditions of PD95 (Planned Development 95) to allow for the permanent placement and use of Recreational Vehicles (RV's) within the Planned Development located at 402 Arnold Boulevard  
**[ASSIGNED ORDINANCE NO. 25-2018]**

Ken Flynn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would allow permanent placement and occupancy of Recreational Vehicles (RV's) within the existing manufactured (mobile) home park. Non-mobile or dilapidated RV's are treated as junk vehicles. Enforcement is difficult as an RV could be moved from place to place within the permitted property.

Mayor Williams opened the public hearing. With no speakers coming forward, Mayor Williams closed the public hearing.

Councilmember Kreitler moved to approve the item as presented. Deputy Mayor Pro-tem Savage seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, Hurt, and McAlister  
NAYS (0): None

14. Ordinance & Public Hearing: (Final Reading) Z-2018-09 A request from Jonathan and Jared Sharp to rezone property from Residential Single-Family/Corridor Overlay (RS-8/COR) to Neighborhood Office/Corridor Overlay (NO/COR) located at 5629 Buffalo Gap Road  
**[ASSIGNED ORDINANCE NO. 26-2018]**

Ken Flynn, Interim Director of Planning & Development Services, presented the item. Adoption of the item would allow conversion of the property for occupancy by offices and/or personal services.

Mayor Williams opened the public hearing. With no speakers coming forward, Mayor Williams closed the public hearing.

Mayor Pro-tem Price moved to approve the item as presented. Councilmember McAlister seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

The City Council recessed the meeting for a short break at 6:39 p.m. and reconvened at 6:47 p.m.

15. Ordinance & Public Hearing: (Final Reading) Z-2018-10 A request from Barbara Tucker, to rezone property from Agricultural Open Space/Corridor Overlay (AO/COR) and Residential Single-Family/Corridor Overlay (RS-8/COR) to General Retail/Corridor Overlay (GR/COR), and a Conditional Use Permit (CUP) to allow for an Automobile Wash on the same properties located at 6110 and 6118 Buffalo Gap Road  
**[ASSIGNED ORDINANCE NO. 27-2018]**

Zack Rainbow, Planning Services Manager Planning & Development Services, presented the item. Adoption of the item would (1) rezone the property and (2) allow automobile car wash on the properties. Permitting use of portable signs would require a decision at another meeting as well as a formal review/approval process.

Mayor Williams opened the public hearing. The following addressed the city council:

- Ed Emerson, developer – overview of service to be provided

With no other speakers coming forward, Mayor Williams closed the public hearing.

Mayor Pro-tem Price moved to approve the item as presented. Councilmember Kreitler seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

16. Resolution: (Remove from Table) Authorizing the City Manager to Execute a Lease Agreement with the Abilene Youth Sports Authority (AYSA)  
**[ASSIGNED RESOLUTION NO. 68-2018]**

Mayor Pro-tem Price moved to remove the item from the table. Councilmember Albus seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, Hurt, and McAlister  
NAYS (0): None

Howdy Wayne Lisenbee, Director of Facilities & Capital Improvements, presented the item. Adoption of the item would provide for a lease agreement between the City and Abilene Youth Sports Authority (AYSA) for construction of a youth sports facility at Grover Nelson Park. Staff clarified the City would maintain all infrastructure (water, sewer, streets to/from, and some parking maintenance). Landscape items would be the responsibility of the lessee.

Deputy Mayor Pro-tem Savage moved to approve the item as presented. Councilmember Albus seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, Hurt, and McAlister  
NAYS (0): None

17. Resolution: (Remove from Table) Authorizing the City Manager to execute a Professional Services Agreement with Jacob & Martin for site work in support of the Abilene Youth Sports Authority project at Nelson Park  
**[ASSIGNED RESOLUTION NO. 69-2018]**

Mayor Pro-tem Price moved to remove the item from the table. Councilmember Kreitler seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, Hurt, and McAlister  
NAYS (0): None

Howdy Wayne Lisenbee, Director of Facilities & Capital Improvements, presented the item. Adoption of the item would meet the City's requirement, resulting from the adoption of the lease agreement with AYSA (Agenda Item 16 above), to participate in the site and civil improvements necessary to support the successful construction and operation of the youth sports facility at Grover Park.

Deputy Mayor Pro-tem Savage moved to approve the item as presented. Mayor Pro-tem Price seconded the motion; motion carried.

AYES (7): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, Hurt, and McAlister  
NAYS (0): None

18. Resolution: Authorizing the award of Bid No. CB-1837 (Sale of Land, 401 Plum St.) to YUMS, Inc.  
**[ASSIGNED RESOLUTION NO. 70-2018]**

Howdy Wayne Lisenbee, Director of Facilities & Capital Improvements, presented the item. Adoption of the item would authorize the sale of 401 Plum to the highest bidder, YUMS, Inc.

Deputy Mayor Pro-tem Savage moved to approve the item as presented. Councilmember Albus seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

19. Resolution: (Remove from Table) Expressing official intent to reimburse costs of Park and Recreational Improvements  
**[ASSIGNED RESOLUTION NO. 71-2018]**

Mayor Pro-tem Price moved to remove the item from the table. Deputy Mayor Pro-tem Savage seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

Mike Rains, Director of Finance, presented the item. Adoption of the item would allow the City to reimburse itself when bonds are issued for costs incurred for the construction of the sports complex at Nelson Park.

Mayor Pro-tem Price moved to approve the item as presented. Deputy Mayor Pro-tem Savage seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Albus, and McAlister

NAYS (1): Councilmember Kreitler

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

20. Resolution & Public Hearing: Authorizing the Mayor to execute the Oil & Gas Drilling Permit with Teal Exploration, LLC for "El Guapo #2" located at 3350 N. Clack St.  
**[ASSIGNED RESOLUTION NO. 72-2018]**

Andy Anderson, Interim Director of Public Works, presented the item. Adoption of the item would authorize the issuance of a drilling permit within property located in the vicinity of Elm Creek and US 83/84 north of Interstate 20. Councilmember Kreitler requested he be informed when the BPO testing is being conducted so that he can attend.

Mayor Williams opened the public hearing. With no speakers coming forward, Mayor Williams closed the public hearing.



Councilmember Kreitler moved to approve the item as presented. Mayor Pro-tem Price seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

21. Resolution: Authorizing the award of Bid #CB-1836 SODA Roadway Improvements Phase II to Contract Paving Co.

**[ASSIGNED RESOLUTION NO. 73-2018]**

Andy Anderson, Interim Director of Public Works, presented the item. Adoption of the item would authorize the bid award to Contract Paving Co. for the mill and overlay of S. 3rd St. from Oak St. to S. Treadaway Blvd., S. 6th St. from Butternut St. to S. Treadaway Blvd., Chestnut St. from S. 7th St. to S. 1st St., and Oak St. from S. 7<sup>th</sup> St. to S. 1st St.

Mayor Pro-tem Price moved to approve the item as presented. Councilmember Kreitler seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

22. Resolution: Authorizing the award of Bid #CB-1840 Central Business District West Side Rehabilitation Project to Bontke Brothers Construction Co., Inc.

**[ASSIGNED RESOLUTION NO. 74-2018]**

Andy Anderson, Interim Director of Public Works, presented the item. Adoption of the item would authorize the bid award to Bontke Brothers construction Co., Inc. to the rehabilitation of N. 2nd St., N. 3rd St., N. 4th St., & N. 5th St. from Grape St. to Hickory St. also for the rehabilitation is Mulberry St. from N. 1st St. to N. 6th St. The contract also includes a mill and overlay section on N. 6th St. from Grape St. to Hickory St., Beech St. and Orange St. from N. 1st St. to N. 6th St., and Hickory St. from N. 1st St. to N. 3rd St., including curb and gutter, valley gutters, and curb ramps. Staff confirmed that any changes in the number of lanes of travel for vehicles would be brought to the City Council for approval before instructing contractor to make such changes.

Deputy Mayor Pro-tem Savage moved to approve the item as presented. Mayor Pro-tem Price seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

23. Resolution: Authorizing the City Manager to execute an Advance Funding Agreement for a Transportation Alternatives Set-Aside (TASA) Program Project with the Texas Department of Transportation for construction of various sidewalks, pedestrian signal enhancements, ADA ramps and safe access to bus stops  
**[ASSIGNED RESOLUTION NO. 75-2018]**

Andy Anderson, Interim Director of Public Works, presented the item. Adoption of the item commits the City to providing a local funding match of at least 50% of the allowable costs of the project. City Manager Hanna stated he would meet with the Chair of the new Citizens Advisory Board for People with Disabilities about the planning stages for this project to ensure the City considered their needs before bidding of the project(s).

Deputy Mayor Pro-tem Savage moved to approve the item as presented. Mayor Pro-tem Price seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

24. Resolution: Authorizing expenditures of up to \$111,820 as budgeted for FY-2018 under the terms of an agreement entered into with TIBH Industries (Goodwill West Texas), executed on August 15, 2017 and in effect for 3 years  
**[ASSIGNED RESOLUTION NO. 76-2018]**

Andy Anderson, Interim Director of Public Works, presented the item. Adoption of the agreement provides for mowing, weed eating and litter removal in various designated rights-of-way.

Councilmember McAlister moved to approve the item as presented. Mayor Pro-tem Price seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Price and Councilmembers Kreitler, Albus, and McAlister

NAYS (1): Deputy Mayor Pro-tem Savage

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

25. Resolution: Authorizing the City Manager to execute a contract with Schindler Elevator Corporation to repair Exterior Escalators and establish a preventive maintenance contract for up to three years  
**[ASSIGNED RESOLUTION NO. 77-2018]**

Don Green, Director of Transportation Services, presented the item. Adoption of the contract provides for repair of the Airport Terminal's two exterior escalators to like-new condition.

Mayor Pro-tem Price moved to approve the item as presented. Deputy Mayor Pro-tem Savage seconded the motion; motion carried.

AYES (5): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler and McAlister

NAYS (1): Councilmember Albus

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

26. Resolution: Repealing Resolution 1-2009 and authorizing the creation of an infill development program and corresponding economic development incentives  
**[ASSIGNED RESOLUTION NO. 78-2018]**

Robert Hanna, City Manager, presented the item. Adoption of the item would authorize (1) repeal of the current infill development program; and (2) establish a new infill development program which includes certain incentives.

Councilmember McAlister moved to approve the item as presented. Councilmember Kreitler seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

28. Resolution: Appointing members to various Boards & Commissions per the City Charter  
**[ASSIGNED RESOLUTION NO. 79-2018]**

Deputy Mayor Pro-tem Savage moved to approve (re)appointment of the following:

Board	Term End Date
<i>Board of Adjustment</i>	
Bob Thomas (Alternate) [New]	November 2018 <small>[Unexpired]</small>
<b>Landmarks Commission</b>	
James Wagstaff (Rep. Abilene Preservation League) [New]	November 2020 <small>[Unexpired]</small>
<b>Library Board</b>	
Christine Curtis-Carr [New]	November 2019 <small>[Unexpired]</small>
<b>Office of Neighborhood Services Advisory Board</b>	
Kenneth Bowles (At-Large) [New]	November 2018 <small>[Unexpired]</small>

Mayor Pro-tem Price seconded the motion; motion carried.

AYES (6): Mayor Williams, Mayor Pro-tem Price, Deputy Mayor Pro-tem Savage and Councilmembers Kreitler, Albus, and McAlister

NAYS (0): None

ABSENT WHEN VOTE TAKEN (1): Councilmember Hurt

29. Resolution: Any action, if needed, on the annual evaluation for the city secretary and municipal judge

Earlier in the meeting, under Section 551.074 (Personnel Matters) of the Open Meetings Act, the item was discussed during the Executive Session, which started at 4:30 p.m. and ended at 5:23 p.m. No action was taken at that time.

The item was not considered.

**PUBLIC COMMENT**

Mayor Williams opened the public comment period. With no speakers coming forward, Mayor Williams closed the public comment period.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:55 p.m.

\_\_\_\_\_  
Rosa Rios, TRMC  
City Secretary

\_\_\_\_\_  
Anthony Williams  
Mayor

Minutes approved on: \_\_\_\_\_



RESOLUTION NO. 78-2018

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, REPEALING RESOLUTION NO. 1-2009, AND CREATING A NEW INFILL DEVELOPMENT INCENTIVE PROGRAM**

**WHEREAS**, the City of Abilene (the "City) desires to encourage the investment of private resources in productive business enterprises and single and multi-family housing units in historic and economically distressed areas of the City; and

**WHEREAS**, the City desires to increase economic development within historic and economically distressed areas of the City; and

**WHEREAS**, the City has previously adopted Resolution No. 1-2009 setting forth and infill development program; and

**WHEREAS**, the City now desires to repeal the current program and create a new program; and

**WHEREAS**, it is necessary and in the best interest of the City to create the Abilene Neighborhood Empowerment Zone No. 1, (the "Zone") pursuant to Chapter 378 of the Texas Local Government Code; and

**WHEREAS**, in addition to the creation of the Zone, it is necessary and in the best interest of the City to offer certain economic development incentives to promote and encourage new private business development, and the remodeling and new construction of affordable and market rate housing options for the City's historic and economically distressed areas

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

**PART 1:** That the City designates an area more particularly described and illustrated in "Exhibit A" attached hereto and incorporated herein for designation as the Abilene Neighborhood Empowerment Zone No. 1, and said boundaries shall describe and create the infill development program boundaries.

**PART 2:** The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone will increase economic development within the Zone, increase the rehabilitation and construction of affordable and market rate housing options within the Zone, and increase the quality of social services, education or public safety provided to the residents of the Zone.

**PART 3:** The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone benefits and is for the public purpose of increasing the public health, safety and welfare of the persons in the municipality.

**PART 4:** The City Council, as the governing body of the City of Abilene, Texas finds that the creation of the Zone satisfies the requirements of Section 312.202 of the Tax Code.

**PART 5:** The City Council as the governing body of the City of Abilene, Texas does hereby create and establish the following economic development incentive program within the Zone and authorizes the City Manager or his or her designee to negotiate agreements offering the following enumerated incentives, provided that any agreement using the incentives authorized and set forth below must be adopted by an affirmative vote of four or more members of the City Council before it can be effective.

1. The City may enter into agreements for a period of not more than ten (10) years, for the purpose of benefiting the zone, refunds of municipal sales tax on sales made within the zone; and
2. The City may enter into agreements abating municipal property taxes on property within the Zone subject to the duration limits of Section 312.204 of the Tax Code; and
3. The City may set baseline performance standards, such as the Energy Star Program as developed by the Department of Energy, to encourage the use of alternative building materials that address concerns relating to the environment or to the building costs, maintenance, or energy consumption; and
4. The City may participate in up to 50% of the cost of water or sewer line extensions necessary to serve property being developed within the Zone; and
5. The City may choose to authorize these incentives through a Chapter 380 Economic Development agreement.

**PART 6:** The City Council as the governing body of the City of Abilene, Texas does hereby create and establish the following economic development incentive program within the Zone and authorizes the City Manager or his or her designee to negotiate agreements offering the following enumerated incentives without further Council action.

1. The City Manager may waive or reduce fees related to the construction or remodel of buildings in the Zone, including fees related to the inspection of buildings or impact fees; and
2. The City Manager may authorize the provision of roll-off containers and associated haul-on, haul-off and tipping charges at the City's actual cost; and
3. The City Manager may waive or reduce sewer and water tap fees; and
4. The City Manager may waive or reduce zoning application fees.

**PART 7:** That Resolution No. 1-2009 is hereby repealed in its entirety.

**PART 8:** That this Resolution takes effect immediately upon its adoption.

**ADOPTED this 10<sup>th</sup> day of May 2018.**

ATTEST:

  
\_\_\_\_\_  
Rosa Rios, City Secretary

  
\_\_\_\_\_  
Anthony Williams, Mayor

APPROVED:

  
\_\_\_\_\_  
Stanley Smith, City Attorney

## EXHIBIT A

The Abilene Neighborhood Empowerment Zone No. 1 begins at the intersection of South 14<sup>th</sup> Street and Treadaway Blvd, thence north along Treadaway Blvd to the intersection of Pine Street and Treadaway Blvd, thence north along Pine Street to the intersection of Interstate 20 and Pine Street, thence west along Interstate 20 to the intersection of Old Anson Road and Interstate 20, thence south along Old Anson Road to the intersection of Ambler Avenue and Old Anson Road, thence west along Ambler Avenue to the intersection of Kirkwood Street and Ambler Avenue, thence south along Kirkwood Street to the intersection of North 20<sup>th</sup> Street and Kirkwood Street, thence west along North 20<sup>th</sup> Street to the intersection of Kirkwood Street and North 20<sup>th</sup> Street, thence south along Kirkwood Street to the intersection of North 19<sup>th</sup> Street and Kirkwood, thence east along North 19<sup>th</sup> Street to the intersection of Victoria Street and North 19<sup>th</sup> Street, thence south along Victoria Street to the intersection of North 14<sup>th</sup> Street and Victoria Street, thence east along North 14<sup>th</sup> Street to the intersection of Clinton Street and North 14<sup>th</sup> Street, thence south along Clinton Street to the intersection of North 12<sup>th</sup> Street and Clinton Street, thence west along North 12<sup>th</sup> Street to the intersection of Victoria Street and Clinton Street, thence south along Victoria Street to the intersection North 5<sup>th</sup> Street and Victoria Street, thence west along North 5<sup>th</sup> Street to the intersection of Lillius Street and North 5<sup>th</sup> Street, thence south along Lillius Street to the intersection of North 3<sup>rd</sup> Street and Lillius Street, thence west along North 3<sup>rd</sup> Street to the intersection of Graham Street and North 3<sup>rd</sup> Street, thence south along Graham Street to the intersection of North 1<sup>st</sup> Street and Graham Street, thence south along Sayles Blvd to the intersection of South 7<sup>th</sup> Street and Sayles Blvd, thence east along South 7<sup>th</sup> Street to the intersection Butternut Street and South 7<sup>th</sup> Street, thence south along Butternut Street to the intersection of South 14<sup>th</sup> Street and Butternut Street, thence east along South 14<sup>th</sup> Street terminating at the intersection of Treadaway Blvd and South 14<sup>th</sup> Street.

All properties abutting each boundary street are included within the Zone.

A map of the district is attached and incorporated into this Exhibit "A."





**#20184 Heritage at Abilene**  
**RFAD Deficiency Response 05-15-2020**

*1. The request states the development site does not meet the minimum requirement of residential units that reside within a Certified Historic Structure to qualify for five points under 10 TAC §11.9(e)(6).*

*Please explain how the Application would qualify for five points under 10 TAC §11.9(e)(6) Historic Preservation.*

This Application proposes the adaptive reuse of the Travis School in Abilene. The property currently consists of two buildings connected by a covered walkway. All buildings were submitted to the Texas Historical Commission for review as documented on page 207 of the PDF application and attached here. Please see the attached letter from the Texas Historical Commission that clarifies that both buildings should be considered “Certified Historic Structures.” There are 75.9% of the residential units within the two existing historic buildings.

*2. The request questions deferred developer fees exceeding 50% due to the federal historic tax credits, which does not qualify for three points under 10 TAC §11.9(e)(4)(B).*

*Please explain how the Application would qualify for three points under 10 TAC §11.9(e)(4)(B) Leveraging of Private, State, and Federal Resources.*

Per 10 TAC §11.9(e)(4) - Leveraging of Private, State, and Federal Resources.

(A) **An Application may qualify to receive up to three (3) points if at least 5% of the total Units are restricted to serve households at or below 30% of AMGI (restrictions elected under other point items may count) and the Housing Tax Credit funding request for the proposed Development meet one of the level described in clauses (i)-(iv) of this subparagraph:**

**(ii) if the Housing Tax Credit funding request is less than 9% of the Total Housing Development Cost (3 points);**

(B) The calculation of the percentages stated in subparagraph (A) of this paragraph will be based strictly on the figures listed in the Funding Request and Development Cost Schedule. Should staff issue an Administrative Deficiency that requires a change in either form, then the calculation will be performed again and the score adjusted, as necessary. However, points may not increase based on changes to the Application. **In order to be eligible for points, no more than 50% of the Developer Fee can be deferred.** Where costs or financing change after completion of underwriting or award (whichever occurs later), the points attributed to an Application under this scoring item will not be reassessed unless there is clear evidence that the information in the Application was intentionally misleading or incorrect.

The application qualifies for three points under 10 TAC §11.9(e)(4) Leveraging of Private, State, and Federal Resources by meeting each of the above requirements as follows:

(A) The application reflects that 10.34% of the total number of units will be set aside for those at 30% AMGI.

(ii) The application reflects that the Housing Tax Credit request equals 7.22% of the Total Housing Development Cost.

(B) The application reflects that 4.12% of total Developer Fee is being deferred.

The challenger stated the following:

*The housing tax credit allocation was calculated incorrectly, because the amount of federal historic tax credits was not deducted from eligible basis, as required within the Development Cost Schedule and required pursuant to federal requirements (see application exhibits, **Exhibit E**). As a result, the housing tax credit request should be reduced to \$498,309. With the correct, reduced housing tax credit request, the tax credit equity source decreases to \$4,484,332 based on the equity price included in the equity provider commitment, and deferred developer fee increases to \$880,592 (73% deferred developer fee).*

While the challenger is correct that Federal Historic Credits must be deducted from eligible basis for Low Income Housing Credits, it is also correct that the voluntary reduction of eligible basis for scoring purposes is credited back to avoid a double deduction.

Please see the enclosed excerpts from the Underwriting Reports for #17273 The Residence at Lamar and #17330 Blue Flame, both LIHTC deals layered with Federal Historic Tax Credits. The Residence at Lamar is the most recent historic development by Overland Property Group while Blue Flame is being developed by The Housing Authority of the City of El Paso. In both cases, the respective Underwriter credited back the amount of eligible basis that was voluntarily reduced for scoring purposes. In the case of The Residence at Lamar, the amount of the voluntary reduction was equal to \$22k, therefore, that amount was credited back after removing \$755k in Federal Historic Credits from eligible basis. In the case of Blue Flame, the voluntary reduction to basis for scoring purposes was greater than the amount of Federal Historic Credits. Therefore, the larger amount of voluntary reduction offset the Historic Credit exclusion. This is the same scenario as the subject development, Heritage at Abilene, where the voluntary reduction for scoring purposes is equal to \$1,707,554 and the amount of Federal Historic Credits is equal to \$895,028. Under this scenario and per previous Underwriting practices, the amount of the voluntary reduction is greater than the amount of Federal Historic Credits, thus they offset and no reduction to total eligible basis is needed. Since no reduction to total eligible basis is required, the application qualifies for the full Housing Tax Credit request stated in the Application and the amount of deferred fee remains unchanged and remains below 50% of total Developer Fee.

**Gregory W. Smith**

National Register Coordinator

History Programs Division

P.O. Box 12276

Austin TX 78711-2276

P: 512-463-6013

F: 512-475-3122

This is from page 207 in the Application

**From:** Charlotte Adams <[charlotte@post oakpreservation.com](mailto:charlotte@post oakpreservation.com)>  
**Sent:** Thursday, January 23, 2020 12:55 PM  
**To:** Greg Smith <[Greg.Smith@thc.texas.gov](mailto:Greg.Smith@thc.texas.gov)>  
**Cc:** Ellis Mumford-Russell <[ellis@post oakpreservation.com](mailto:ellis@post oakpreservation.com)>  
**Subject:** Determination of Eligibility Request: Travis School

**CAUTION:** External Email – This email originated from outside the THC email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Greg,

We have completed a DOE for the Travis School (built 1921-22, additions 1927 & 1958) in Abilene for your review. Our clients are seeking Low Income Housing Tax Credits and need the determination response by March 1 (Friday, Feb 28) for their LIHTC applications, so we would greatly appreciate an expedited review.

I am attaching the Determination of Eligibility submission materials to this email. I am also attaching a template for the letter you will need to send to Bobby Wilkinson, the Executive Director at TDHCA, regarding the eligibility of the building.

Please let me know if you have any questions.



**TEXAS HISTORICAL COMMISSION**

*real places telling real stories*

May 13, 2020

Brett Johnson  
Overland Property Group  
5345 W 151st Ter  
Leawood, KS 66224

RE: Travis School contributing buildings, 1100 S. 9<sup>th</sup> Street, Abilene, Taylor County, Texas

Dear Mr. Johnson:

In February 2020 I reviewed documentation submitted to the THC regarding the Travis School in Abilene and determined that the building is eligible for listing in the National Register of Historic Places at the local level of significance under Criterion A in the area of Education and Criterion C in the area of Architecture. In addition to the school building, the 1958 cafeteria building would be considered as a contributing building as well. Both buildings should be considered as “Certified Historic Structures” for the purpose of qualifying for HUD funding or credits through the Texas Department of Housing and Community Affairs.

If you have any questions, you may contact me at (512) 463-6013 or [greg.smith@thc.texas.gov](mailto:greg.smith@thc.texas.gov). Thank you for your interest in the National Register and in preserving Texas’ cultural heritage.

Sincerely,



Gregory Smith  
National Register Coordinator



**Comments:**

\$755K in Federal Historic Credits must be deducted from eligible basis for Low Income Housing Credits. However, the Applicant voluntarily reduced eligible basis by \$22K for scoring purposes. That amount has been credited back in an effort to avoid double deduction.

Credit Allocation Supported by Costs:

Total Development Cost	Adjusted Eligible Cost	Credit Allocation Supported by Eligible Basis
\$6,518,832	\$4,973,623	\$460,522

Revisions to Development Cost Schedule:	1
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**UNDERWRITTEN CAPITALIZATION**

INTERIM SOURCES				
Funding Source	Description	Amount	Rate	LTC
Horizon Bank	Conventional Loan	\$3,459,931	4.50%	78%
Raymond James	HTC	\$956,153	\$0.86	22%
City of Wichita Falls	Fee Waiver	\$10	0.00%	0%
		<b>\$4,416,094</b>	<b>Total Sources</b>	

**Comments:**

Pursuant to §11.9(d)(2), application received one scoring point for Commitment of Development Funding by a Local Political Subdivision. The application included a copy of a resolution from the City of Wichita stating that "the City of Wichita Falls will provide streamlined site plan and permit review which is valued at least in the amount of \$10 for the proposed Residence at Lamar historic rehabilitation project..."

PERMANENT SOURCES									
Debt Source	PROPOSED				UNDERWRITTEN				
	Amount	Interest Rate	Amort	Term	Amount	Interest Rate	Amort	Term	LTC
PNC	\$1,067,000	4.00%	40	40	\$1,067,000	4.00%	40	40	16%
City of Wichita Falls	\$10	Fee Waiver			\$10	Fee Waiver			0%
<b>Total</b>	<b>\$1,067,010</b>				<b>\$1,067,010</b>				

**Comments:**

Interest rate on FHA 221(d)(4) permanent loan does not include 25 basis point MIP.

Equity & Deferred Fees	PROPOSED			UNDERWRITTEN			
	Amount	Rate	% Def	Amount	Rate	% TC	% Def
Raymond James	\$3,824,611	\$0.86		\$3,824,610	\$0.86	59%	
Raymond James (Federal)	\$755,385			\$755,385		12%	
Raymond James (State)	\$746,602			\$746,602		11%	
Overland Property Group	\$135,410		15%	\$125,225		2%	14%
<b>Total</b>	<b>\$5,462,008</b>			<b>\$5,451,822</b>			
				<b>\$6,518,832</b>	<b>Total Sources</b>		

Credit Price Sensitivity based on current capital structure	
<b>\$0.888</b>	Maximum Credit Price before the Development is oversourced and allocation is limited
<b>\$0.853</b>	Minimum Credit Price below which the Development would be characterized as infeasible

**CAPITALIZATION / DEVELOPMENT COST BUDGET / ITEMIZED BASIS ITEMS**

*Residence at Lamar, Wichita Falls, 9% HTC/MDL #17273*

	CREDIT CALCULATION ON QUALIFIED BASIS			
	Applicant		TDHCA	
	Acquisition	Construction Rehabilitation	Acquisition	Construction Rehabilitation
<b>ADJUSTED BASIS</b>	\$0	\$4,973,623	\$0	\$4,973,623
Deduction of Historic Credit Proceeds	\$0	(\$755,385)	\$0	(\$755,385)
Credit for Voluntary Basis Adj.		\$22,000		\$22,000
<b>TOTAL ELIGIBLE BASIS</b>	\$0	\$4,240,238	\$0	\$4,240,238
High Cost Area Adjustment		130%		130%
<b>TOTAL ADJUSTED BASIS</b>	\$0	\$5,512,310	\$0	\$5,512,310
Applicable Fraction	92.83%	92.83%	92.83%	92.83%
<b>TOTAL QUALIFIED BASIS</b>	\$0	\$5,116,912	\$0	\$5,116,912
Applicable Percentage	3.39%	9.00%	3.39%	9.00%
<b>ANNUAL CREDIT ON BASIS</b>	\$0	\$460,522	\$0	\$460,522
<b>CREDITS ON QUALIFIED BASIS</b>		\$460,522		\$460,522

Method	ANNUAL CREDIT CALCULATION BASED ON TDHCA BASIS		FINAL ANNUAL LIHTC ALLOCATION		
	Annual Credits	Proceeds	Credit Price \$0.8599	Variance to Request	
			Credit Allocation	Credits	Proceeds
<b>Eligible Basis</b>	\$460,522	\$3,960,090	----	----	----
<b>Needed to Fill Gap</b>	\$459,329	\$3,949,835	----	----	----
<b>Applicant Request</b>	\$444,767	\$3,824,610	<b>\$444,767</b>	<b>\$0</b>	<b>\$0</b>

## DEVELOPMENT COST EVALUATION

### SUMMARY- AS UNDERWRITTEN (TDHCA's Costs- Based on PCA)

Acquisition	\$/ac	\$/unit	\$0	Contractor Fee	\$2,604,941
Off-site + Site Work		\$/unit	\$0	Soft Cost + Financing	\$4,426,353
Building Cost	\$149.41/sf	\$112,768/unit	\$16,915,201	Developer Fee	\$3,633,858
Contingency	10.00%	\$11,277/unit	\$1,691,520	Reserves	\$546,366
<b>Total Development Cost</b>		\$198,788/unit	<b>\$29,818,239</b>	<b>Rehabilitation Cost</b>	<b>\$81,238/unit</b>
<b>Qualified for 30% Basis Boost?</b>		Located in OCT with < 20% HTC units/HH			

**Acquisition:**

No acquisition value has been included in the development costs because Applicant assumes that the land and building will be contributed to the partnership. However, in order to capitalize the land/buildings, Applicant intends to have the \$3.8M value paid from below the line surplus cash flow over the 75 year ground lease period. Based on the underwritten pro forma, the \$3.8M value can be repaid within 25 years.

**Site Work:**

The PCA identifies site-related costs for excavation, sidewalk/street demo, brick paver replacement, curb replacement/repairs, street repairs, signage and other miscellaneous site work. These costs have not been itemized separately, but instead Included in the "Non-Residential" line item identified in the underwritten development budget.

**Building Cost:**

Scope of renovation will include, but not be limited to: replacement of plumbing and piping, exterior cladding work, installation of new TPO roof, doors and windows (including installation of storefront punched windows and entrance systems), common area finishes and flooring, replacement of boilers, HVAC, replacement of all electrical panels, elevator modernization, hoist and trash chute, extensive unit finishes, Energy Star-rated appliances, demo and asbestos abatement.

PCA identified Direct Construction costs (including demolition and non-residential renovations) of \$16.9M supporting Applicant's estimate.

**Contingency:**

Applicant included a 10% construction contingency. \$1.5M of repayable developer fee is available for deferral as additional contingency for any cost overruns.

**Ineligible Costs:**

Soft Cost includes \$120K relocation expense. The IRS Audit Technique Guide identifies relocation cost as an operating expense, and is therefore not includable in eligible basis for tax credits.

**Developer Fee:**

Applicant's total and eligible developer fee is overstated by ~\$208K. This is primarily because the Underwriter reclassified \$50K and \$115K fees for RAD Consultant and Historic Credit Consultant from Soft Cost to Developer Fee.

**Comments:**

\$4.4M in Federal Historic Credits must be deducted from eligible basis for Low Income Housing Credits. However, the Applicant voluntarily reduced eligible basis by \$5.3M for scoring purposes. The larger amount of voluntary reduction offsets the Historic Credit exclusion.

**Credit Allocation Supported by Costs:**

Total Development Cost	Adjusted Eligible Cost	Credit Allocation Supported by Eligible Basis
\$29,818,239	\$21,876,738	\$1,902,331

Revisions to Development Cost Schedule:	0
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**CAPITALIZATION / DEVELOPMENT COST BUDGET / ITEMIZED BASIS ITEMS**

*Blue Flame, El Paso, 9% HTC #17330*

CREDIT CALCULATION ON QUALIFIED BASIS				
	Applicant		TDHCA	
	Acquisition	Construction Rehabilitation	Acquisition	Construction Rehabilitation
<b>ADJUSTED BASIS</b>	\$0	\$21,876,738	\$0	\$21,876,738
Deduction of Federal Grants	\$0	(\$4,369,618)	\$0	(\$4,369,618)
Credit for Voluntary Basis Adj.		\$4,369,618		\$4,369,618
<b>TOTAL ELIGIBLE BASIS</b>	\$0	\$21,876,738	\$0	\$21,876,738
High Cost Area Adjustment		130%		130%
<b>TOTAL ADJUSTED BASIS</b>	\$0	\$28,439,759	\$0	\$28,439,759
Applicable Fraction	74.32%	74.32%	74.32%	74.32%
<b>TOTAL QUALIFIED BASIS</b>	\$0	\$21,137,014	\$0	\$21,137,014
Applicable Percentage	3.39%	9.00%	3.39%	9.00%
<b>ANNUAL CREDIT ON BASIS</b>	\$0	\$1,902,331	\$0	\$1,902,331
<b>CREDITS ON QUALIFIED BASIS</b>	\$1,902,331		\$1,902,331	

Method	ANNUAL CREDIT CALCULATION BASED ON TDHCA BASIS		FINAL ANNUAL LIHTC ALLOCATION		
	Annual Credits	Proceeds	Credit Price \$0.8899	Variance to Request	
			Credit Allocation	Credits	Proceeds
<b>Eligible Basis</b>	\$1,902,331	\$16,929,055	----	----	----
<b>Needed to Fill Gap</b>	\$1,494,828	\$13,302,638	<b>\$1,494,828</b>	<b>(\$5,172)</b>	<b>(\$46,027)</b>
<b>Applicant Request</b>	\$1,500,000	\$13,348,665	----	----	----

20184  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 8, 2020

*Writer's direct phone # (512) 475-1676*  
*Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Adrian Iglesias  
Generation Housing Development  
17440 Dallas Pkwy., Ste. 206  
Dallas, Texas 75287

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20184 THE HERITAGE AT ABILENE

Dear Mr. Iglesias:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application qualifies for points under Concerted Revitalization Plan (CRP), Historic Revitalization, Leveraging of Private, State and Federal Resources, and Pre-application Participation. The request also asks if the Development is infeasible under 10 TAC §11.302(i)(2) and if the Application should be terminated for failure to disclose a Neighborhood Risk Factor for blighted structures. Staff determined that an Administrative Deficiency was not necessary to answer the requests regarding blight, and infeasibility as staff could make a determination on those issues. Regarding the CRP, assertion(s) in the RFAD have been addressed through the Application review process, and the RFAD does not contain new information. Staff determinations will be included in the application scoring notice. Staff issued an Administrative Deficiency regarding Historic Revitalization.

Staff reviewed the structures indicated as blighted in the request and determined that of the 11 properties indicated in the request, no more than three meet the rule description of "vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted," and staff found no evidence that the three properties were abandoned. Staff determined that per the rule, if staff review (including underwriting staff) requires changes to the forms related to calculating the score for Leveraging of Private, State and Federal Resources, the calculation will be performed again and the score adjusted if necessary. Development feasibility under 10 TAC §11.302(i)(2) will be determined during underwriting and no action on the issue will be taken at this time. Regarding Historic Revitalization, in response to the deficiency notice, the Applicant provided a letter from the Texas Historical Commission stating that both buildings qualify.



I find that the issues raised in your request were sufficiently answered by staff's review and by the Applicant's response to the Administrative Deficiency notice. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni

Holloway

Marni Holloway

Multifamily Division Director

Digitally signed by  
Marni Holloway  
Date: 2020.06.08  
13:52:54 -05'00'

Cc: April Engstrom  
Alyssa Carpenter



20200  
Request for Administrative Deficiency



600 Congress, Suite 2200  
Austin, TX 78701  
Telephone: 512-305-4700  
Fax: 512-305-4800  
www.lockelord.com

Cynthia L. Bast  
Direct Telephone: 512-305-4707  
Direct Fax: 512-391-4707  
cbast@lockelord.com

May 1, 2020

**Via Electronic Mail**

Texas Department of Housing and Community Affairs  
Attn.: Ms. Marni Holloway, Dir of Multifamily Finance  
Attn.: Ms. Sharon Gamble, 9% HTC Program Administrator  
221 East 11th Street  
Austin, Texas 78701

RE: Lofts at Temple Medical District, #20200  
Third Party Request for Administrative Deficiency

Dear Ms. Holloway and Gamble:

We represent the applicant for Paige Estates, #20010. In accordance with Section 11.10 of the 2020 QAP<sup>1</sup>, our client is bringing material information about Lofts at Temple Medical District to staff's attention. Our client is requesting that staff consider whether the matters described in this letter and supporting documentation should be the subject of one or more Administrative Deficiencies. A copy of this request has been delivered concurrently to a representative for Lofts at Temple Medical District.

**Statement of the Rule**

Pursuant to Section 11.9(c)(7)(B) of the 2020 QAP, a Development may be entitled for points for proximity to jobs. The rule says:

Only the 2017 data set (as of October 1 but **before Pre-Application Final Delivery Date**) will be used. The Development will use OnTheMap's function to import GPS coordinates that clearly fall within the Development Site, and the OnTheMap chart/map report submitted in the Application **must include the report date**. (emphasis added)

The Multifamily Programs Application Procedures Manual provides explicit directions for generating the necessary evidence and concludes:

---

<sup>1</sup> Capitalized terms used but not defined in this letter shall have the meanings given them in the 2020 QAP.

Ms. Marni Holloway  
Ms. Sharon Gamble  
May 1, 2020  
Page 2

This produces a PDF report, with the map and the total job count. This report also has a time stamp so that ***staff can confirm that the report was generated on or after October 1, 2019 but before the Pre-Application Final Delivery Date.*** Include this report plus the screen shot in the pdf application. (emphasis added)

The Pre-Application Final Delivery Date was January 13, 2020.

### Statement of the Issue

As shown in yellow highlight on pages 2, 5, 7, and 10 behind Exhibit A, the report included in the Application by Lofts at Temple Medical District has a time stamp of February 14, 2020, which is after the Pre-Application Final Delivery Date. Therefore, Lofts at Temple Medical District should not be entitled to the Proximity to Jobs points claimed under Section 11.9(c)(7)(B) of the QAP.

Thank you for your consideration in this matter. If you require any further information or clarification, please feel free to contact us.

Sincerely,



Cynthia L. Bast

cc: Brian Kimes  
Paige Estates Applicant  
206 Peach Way  
Columbia, MO 65203  
bkimes@jesholdings.com

Steve Lollis  
Lofts at Temple Medical District Applicant  
6300 West Loop South, Suite #670  
Bellaire, Texas 77401  
[steve@texasgreyoaks.com](mailto:steve@texasgreyoaks.com)

Exhibit A      Lofts at Temple Medical District Proximity to Jobs Report

Exhibit A

Lofts at Temple Medical District Proximity to Jobs Report



# Proximity to Jobs

**OnTheMap**
LEHD Home [Help and Documentation](#) [Reload](#) [Text-Only](#)

Start Base Map Selection Results
Save Load Feedback Previous Extent Hide Tabs Hide Chart/Report

**Work Area Profile Analysis**  
enter your own subtitle

Characteristic Filter: Total  
Year: 2017

Map Controls

Color Key

Thermal Overlay

Point Overlay

Selection Outline

Identify  Zoom to Selection

Clear Overlays  Animate Overlays

Report/Map Outputs

Detailed Report

Export Geography

Print Chart/Map

Legends

- 5 - 1,017 Jobs/Sq.Mile
- 1,018 - 4,056 Jobs/Sq.Mile
- 4,057 - 9,120 Jobs/Sq.Mile
- 9,121 - 16,209 Jobs/Sq.Mile
- 16,210 - 25,325 Jobs/Sq.Mile
- 1 - 16 Jobs
- o 17 - 242 Jobs
- o 243 - 1,223 Jobs
- o 1,224 - 3,864 Jobs
- o 3,865 - 9,434 Jobs

Analysis Selection

Analysis Settings

[Change Settings](#)

Click a Characteristic link in the Summary Report to see more detail.

Age

Earnings

Industry Sector

Race

View as Bar Chart

**Total Primary Jobs**

	2017	Count	Share
<b>Total Primary Jobs</b>		15,542	100.0%

**Worker Age**

	2017	Count	Share
Age 29 or younger		3,426	22.0%
Age 30 to 54		8,875	57.1%
Age 55 or older		3,241	20.9%

**Earnings**

	2017	Count	Share
\$1,250 per month or less		2,095	13.5%
\$1,251 to \$3,333 per month		4,400	28.3%
More than \$3,333 per month		9,047	58.2%

**NAICS Industry Sector**

	2017	Count	Share
Agriculture, Forestry, Fishing and Hunting		0	0.0%
Mining, Quarrying, and Oil		n	n n%

Privacy Policy | 2010 Census | Data Tools | Information Quality | Product Catalog | Contact Us | Home

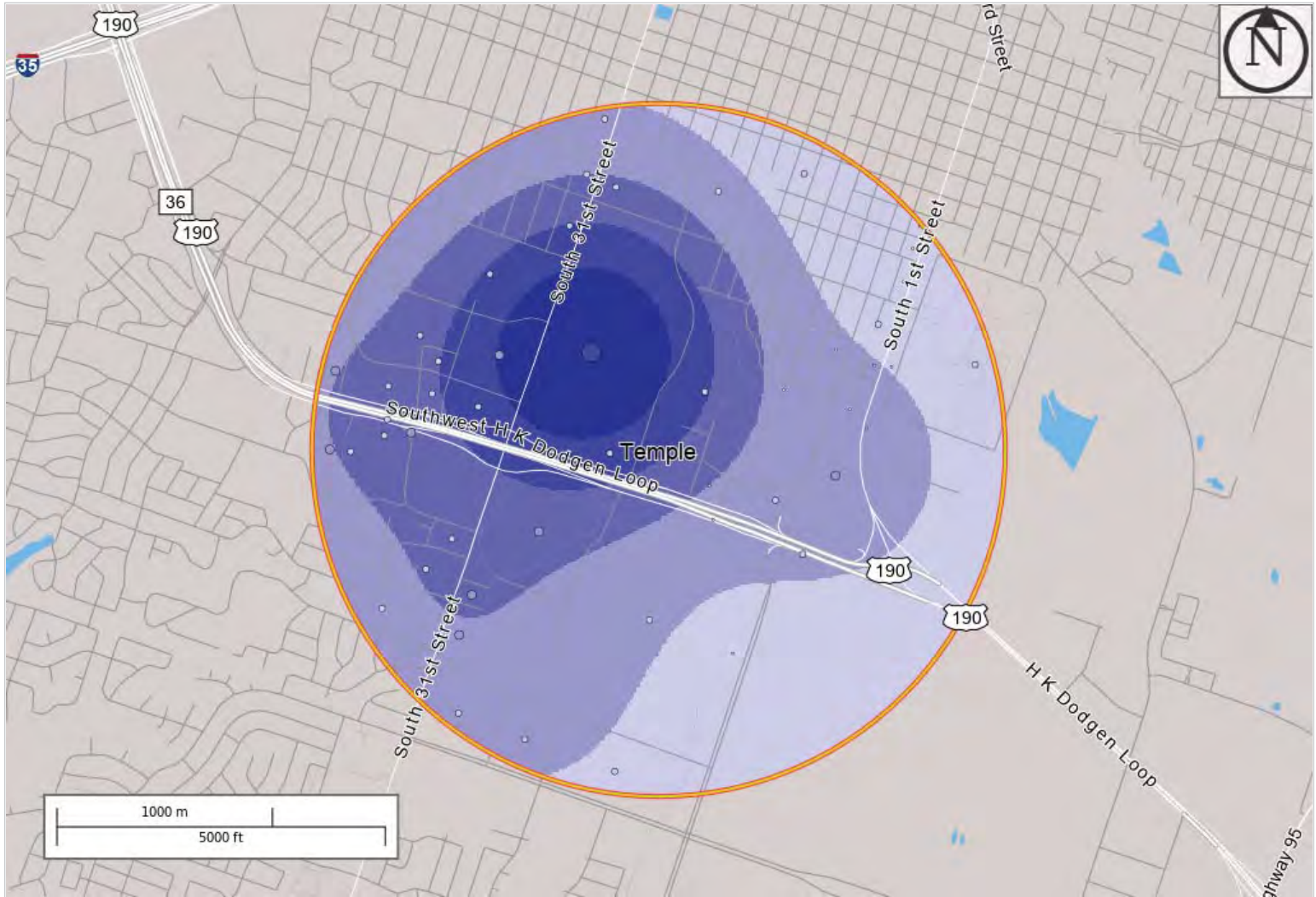
Source: U.S. Census Bureau, Center for Economic Studies | e-mail: [CES.OnTheMap.Feedback@census.gov](mailto:CES.OnTheMap.Feedback@census.gov)

## Work Area Profile Report Primary Jobs for All Workers in 2017

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 02/14/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2017

All Workers



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

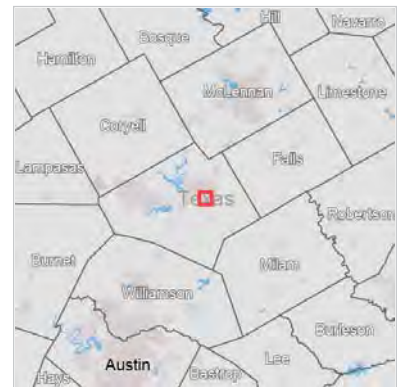
- 5 - 1,017
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- 4,057 - 9,120
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- 16,210 - 25,325

##### Job Count [Jobs/Census Block]

- 1 - 16
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- 243 - 1,223
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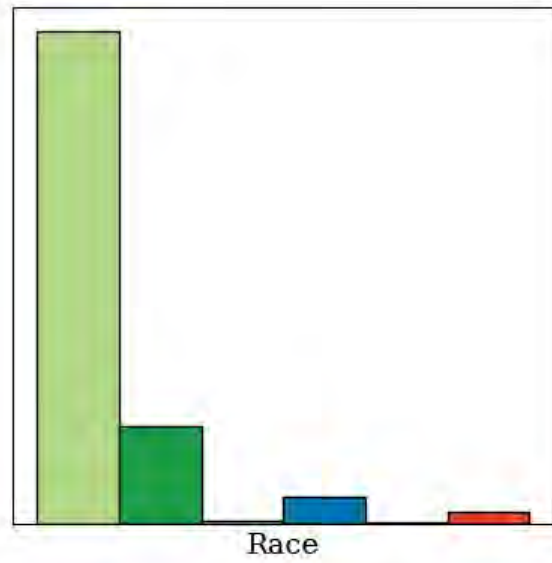
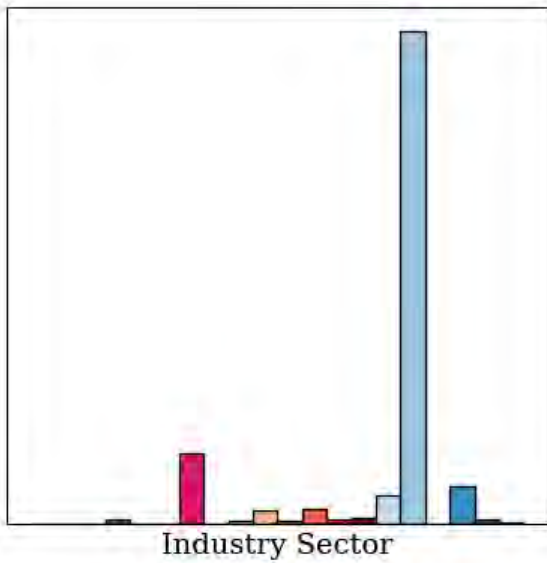
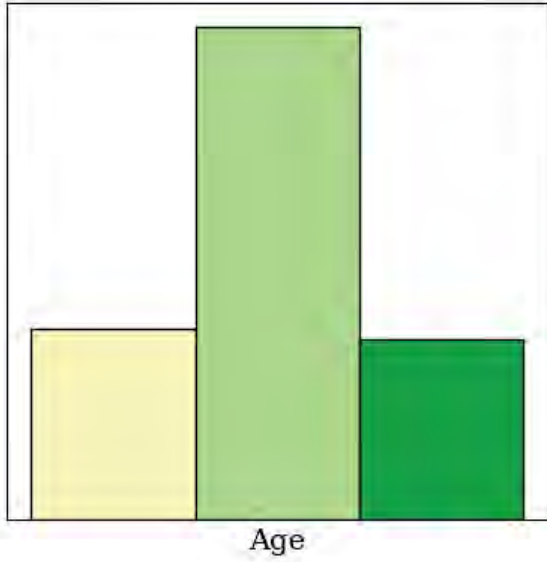
##### Selection Areas

- 🔷 Analysis Selection



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area

Total	2017	
	Count	Share
Total Primary Jobs	15,542	100.0

<b>Total</b>	2017	
	<b>Count</b>	<b>Share</b>
<b>Total Primary Jobs</b>	15,542	100.0



## Additional Information

### Analysis Settings

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2017, 2015
Job Type	Primary Jobs
Labor Market Segment	All Workers
Selection Area	Selection Area Freehand Drawing buffered 1.00 miles
Selected Census Blocks	145
Analysis Generation Date	02/14/2020 12:48 - OnTheMap 6.6
Code Revision	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
LODES Data Version	20170818

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
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### Work Area Profile Analysis

enter your own subtitle

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Characteristic Filter Total

Year 2017

Map Controls

Color Key

Thermal Overlay

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Selection Outline

Identify Zoom to Selection

Clear Overlays Animate Overlays

Report/Map Outputs

Detailed Report

Export Geography

Print Chart/Map

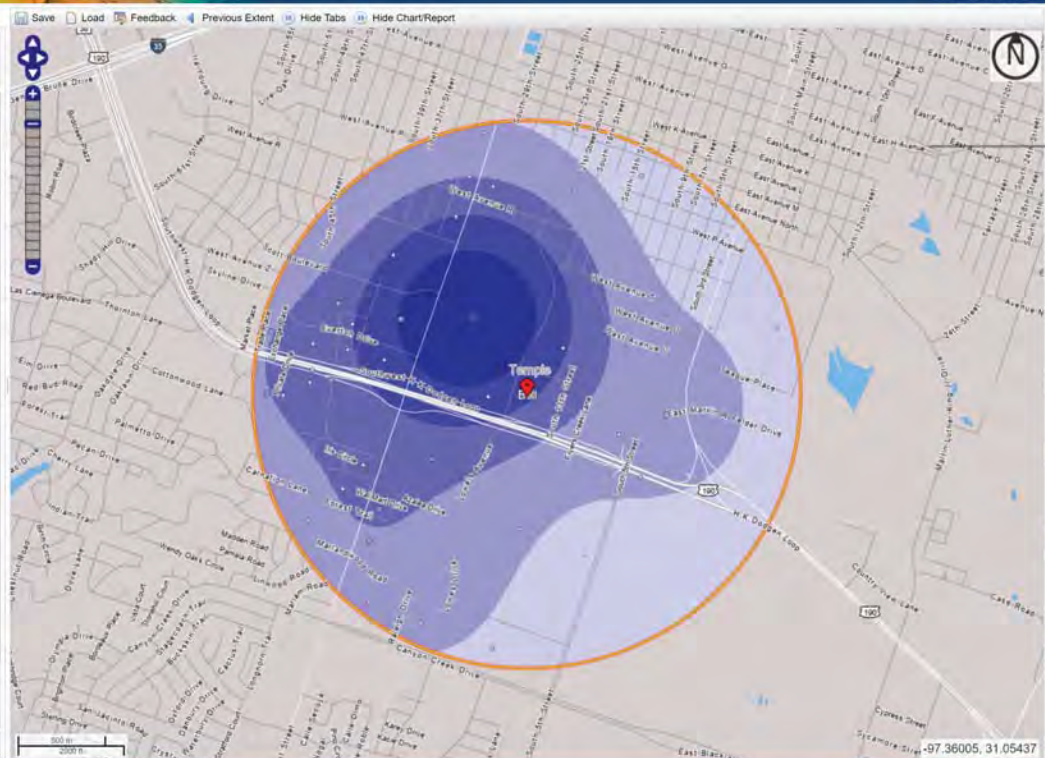
Legends

- 5 - 1,017 Jobs/Sq.Mile
- 1,018 - 4,056 Jobs/Sq.Mile
- 4,057 - 9,120 Jobs/Sq.Mile
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- 243 - 1,223 Jobs
- 1,224 - 3,864 Jobs
- 3,865 - 9,434 Jobs

Analysis Selection

Analysis Settings

Change Settings



Click a Characteristic link in the Summary Report to see more detail.

Age Earnings

Industry Sector Race

View as Bar Chart

#### Total Primary Jobs

	2017	Count	Share
Total Primary Jobs	2017	15,542	100.0%

#### Worker Age

	2017	Count	Share
Age 29 or younger	2017	3,426	22.0%
Age 30 to 54	2017	8,875	57.1%
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More than \$3,333 per month	2017	9,047	58.2%

#### NAICS Industry Sector

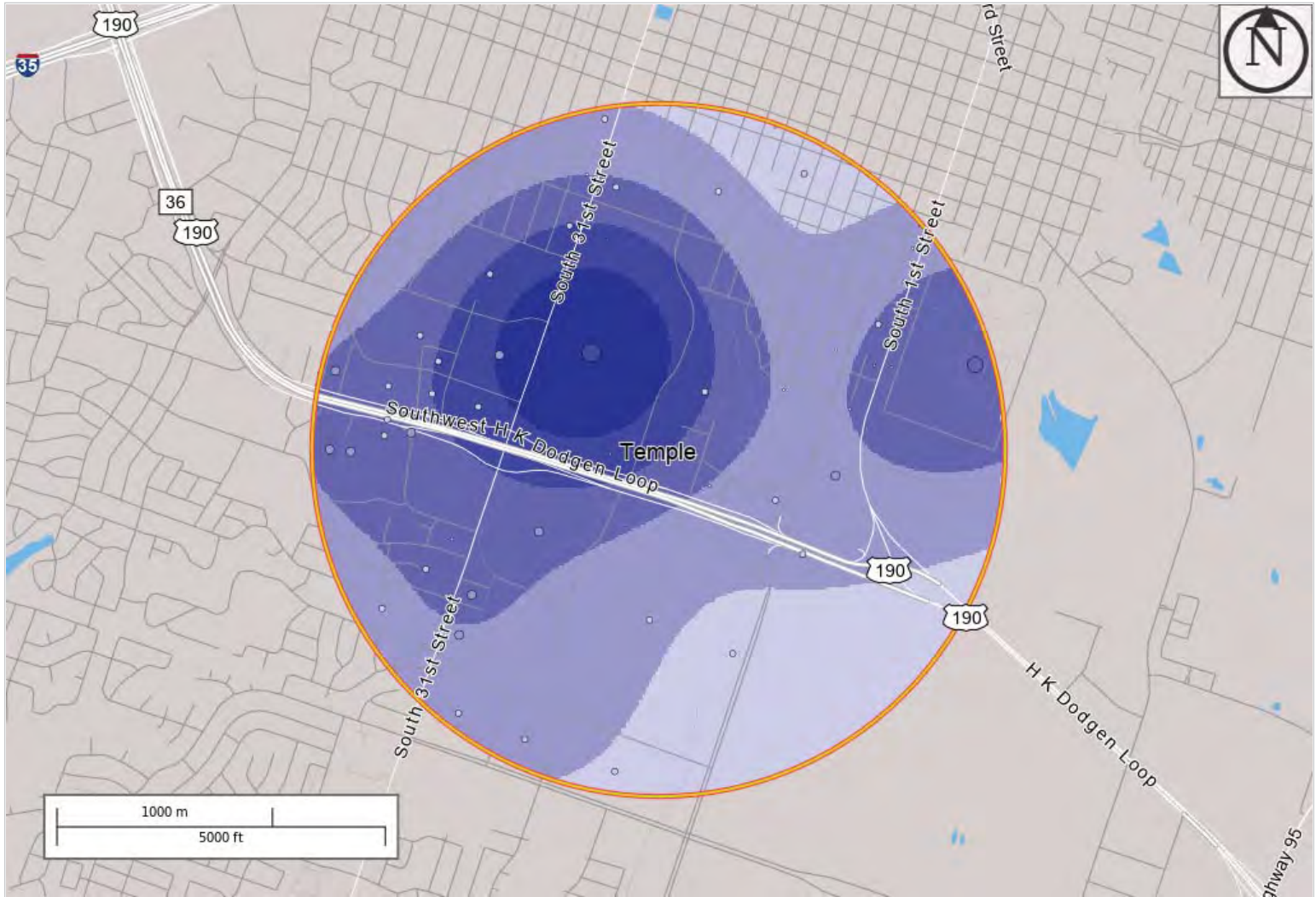
	2017	Count	Share
Agriculture, Forestry, Fishing and Hunting	2017	0	0.0%
Mining, Quarrying, and Oil	2017	n	n%

## Work Area Profile Report Primary Jobs for All Workers in 2015

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 02/14/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2015

All Workers



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

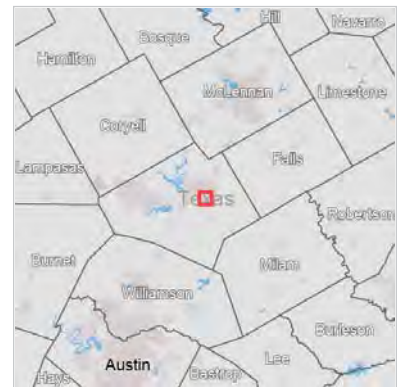
- 5 - 989
- 990 - 3,942
- 3,943 - 8,863
- 8,864 - 15,753
- 15,754 - 24,612

##### Job Count [Jobs/Census Block]

- 1 - 15
- 16 - 236
- 237 - 1,192
- 1,193 - 3,766
- 3,767 - 9,195

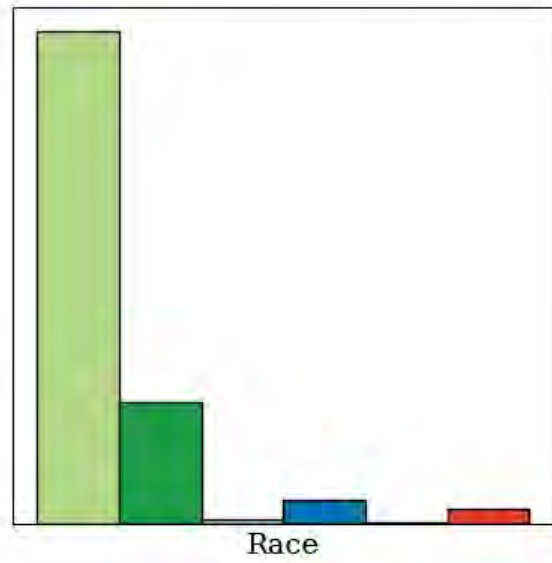
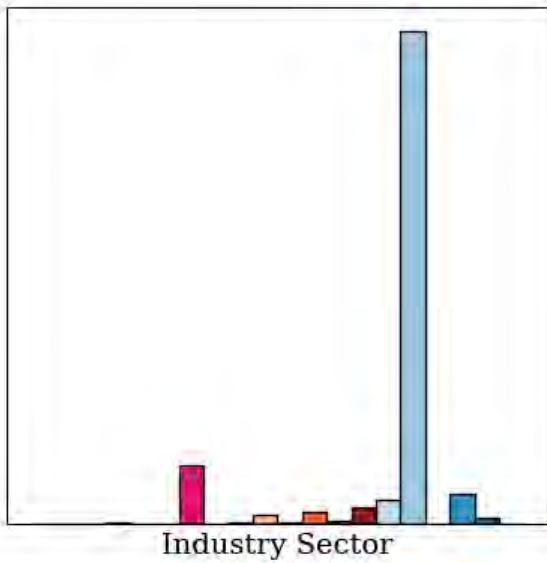
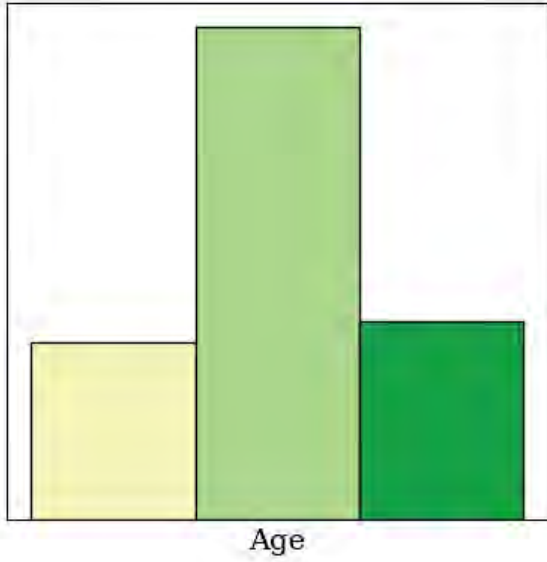
##### Selection Areas

- 🔷 Analysis Selection



Primary Jobs for All Workers by Total in 2015

Employed in Selection Area



Primary Jobs for All Workers by Total in 2015

Employed in Selection Area

Total	2015	
	Count	Share
Total Primary Jobs	18,318	100.0



<b>Total</b>	2015	
	<b>Count</b>	<b>Share</b>
<b>Total Primary Jobs</b>	18,318	100.0

## Additional Information

### Analysis Settings

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2017, 2015
Job Type	Primary Jobs
Labor Market Segment	All Workers
Selection Area	Selection Area Freehand Drawing buffered 1.00 miles
Selected Census Blocks	145
Analysis Generation Date	02/14/2020 12:48 - OnTheMap 6.6
Code Revision	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
LODES Data Version	20170818

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.

---

# AVANTI VIKING HILLS, LP

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May 1, 2020

Via Electronic Mail

Sharon D. Gamble, MSW, PMP  
Competitive Housing Tax Credit Program Administrator  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, TX 78701-2401

**RE:   Lofts at Temple Medical District, TDHCA #20200  
      Third Party Request for Administrative Deficiency**

Dear Ms. Gamble:

Please accept this correspondence as a Request for Administrative Deficiency on behalf of Avanti Viking Hills, LP, TDHCA #20171, for the Lofts at Temple Medical District, TDHCA #20200, proposed in the City of Temple. In accordance with Section 11.10 of the 2020 Qualified Allocation Plan (“QAP”), we are bringing new, material information about Application #20200 to staff’s attention. We are requesting that staff consider whether the matters described in this request and supporting documentation warrant one or more Administrative Deficiencies and ultimately a downward adjustment of one point to the Applicant’s self-score. Specifically, we are contesting the eligibility of the application to receive six (6) points under Section 11.9(c)(7)(B) of the QAP, which awards a certain number of points to an application based on the Development Site’s proximity to jobs. Section 11.9(c)(7)(B) establishes that “the data used [to determine the number of jobs for a Development Site] will be based solely on that available through US Census’ OnTheMap tool” and “only the 2017 data set (as of October 1 but before Pre-Application Final Delivery Date) will be used.”

The Applicant claims its Development Site is located within one (1) mile of 16,500 jobs and is seeking six (6) points for Proximity to Jobs. The Application includes Work Area Profile Reports from the US Census’ OnTheMap tool from both 2017 and 2015 as supporting documentation for those points. Because the QAP only permits the use of the 2017 data set from the OnTheMap tool, the Applicant is **not** allowed to claim that its development is located within one (1) mile of 16,500 jobs based on the 2015 data set. The Applicant may only rely on the 2017 data set report which provides that the total primary jobs for all workers in the Development Site’s selected area is 15,542, less than the 16,500 jobs required to qualify for six (6) points. Accordingly, the Applicant erred in its claim and should be awarded only five (5) points for the Development Site’s proximity to 13,500 jobs.

We have attached our analysis of the 2017 and 2015 Work Area Profile Reports submitted to TDHCA by the Applicant as Exhibit A. A copy of this request is being delivered concurrently to a representative for Application #20200. I appreciate your review and consideration of this matter. Please let me know if you have any questions or if I can provide any additional information.

Sincerely,



Enrique Flores, IV, Authorized Representative  
Avanti Viking Hills, LP

cc:     Steve Lollis – [steve@texasgreyoaks.com](mailto:steve@texasgreyoaks.com)  
      Zachary Krochtengel – [zach@marqueconsultants.com](mailto:zach@marqueconsultants.com)

Avanti Viking Hills, LP  
8500 Shoal Creek Blvd, Bldg. 4, Ste. 208, Austin, TX 78757  
Phone – (512) 982-1342 | Fax – (512) 900-2860  
[contact@madhousedevelopment.net](mailto:contact@madhousedevelopment.net)

# Exhibit A



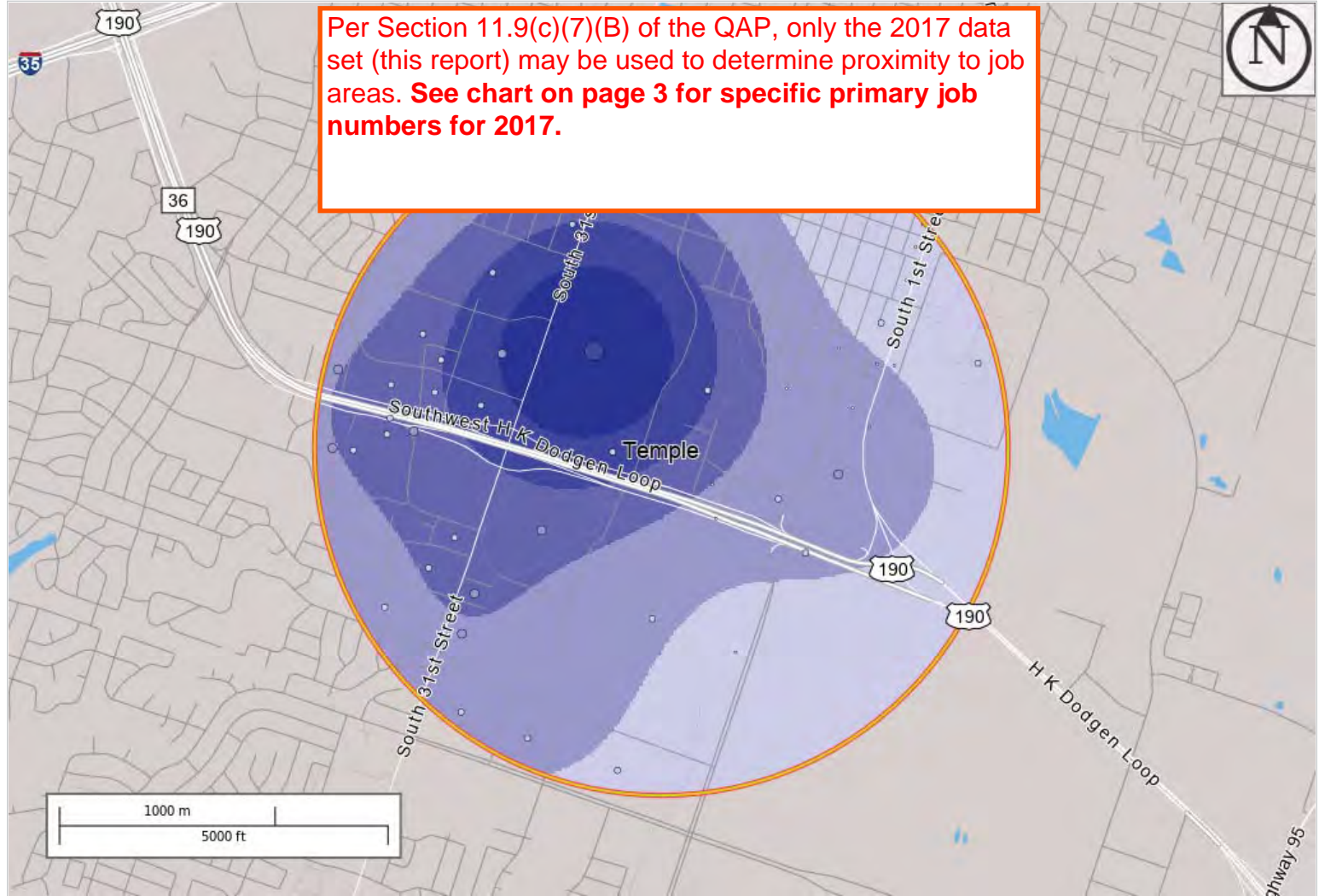
## Work Area Profile Report

### Primary Jobs for All Workers in 2017

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 02/14/2020

## Counts and Density of Primary Jobs in Work Selection Area in 2017

All Workers



### Map Legend

#### Job Density [Jobs/Sq. Mile]

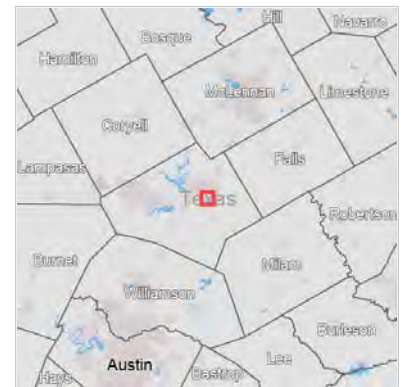
- 5 - 1,017
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- 4,057 - 9,120
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#### Job Count [Jobs/Census Block]

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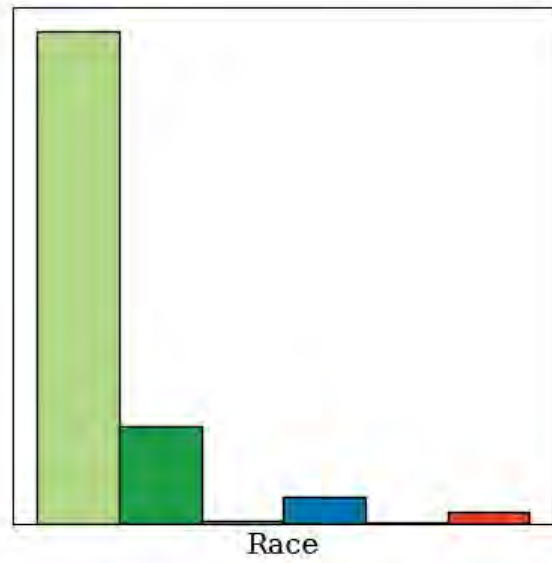
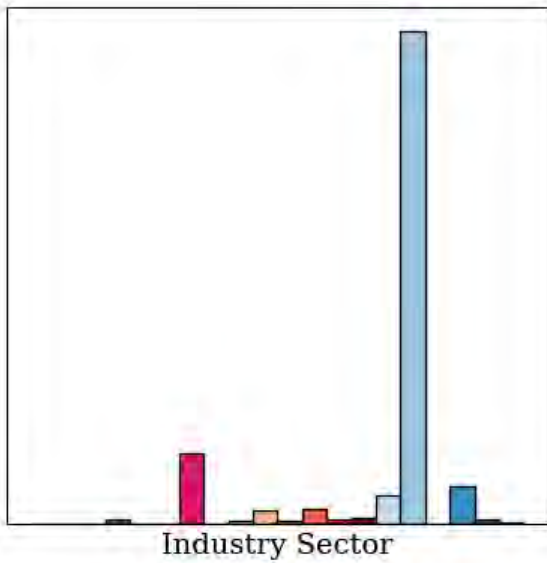
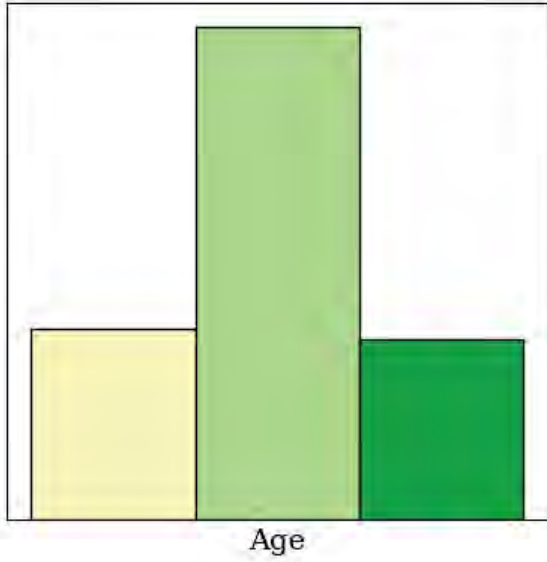
#### Selection Areas

- 📍 Analysis Selection



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area

Total	2017	
	Count	Share
Total Primary Jobs	15,542	100.0

Total	2017	
	Count	Share
Total Primary Jobs	15,542	100.0



The total primary jobs for all workers in 2017 is 15,542, **less than the 16,500 jobs required** to qualify for six (6) points in the Application. See Section 11.9(c)(7) (B) of the 2020 QAP below.

(B) Proximity to Jobs. A Development may qualify for points under this subparagraph if it meets one of the criteria in clauses (i) - (vi) of this subparagraph. The data used will be based solely on that available through US Census' OnTheMap tool. Jobs counted are limited to those based on the work area, all workers, and all primary jobs. **Only the 2017 data set** (as of October 1 but before Pre- Application Final Delivery Date) **will be used**. The Development will use OnTheMap's function to import GPS coordinates that clearly fall within the Development Site, and the OnTheMap chart/map report submitted in the Application must include the report date. This scoring item will not apply to Applications under the At-Risk or USDA Set-Aside.

- (i) **The Development is located within 1 mile of 16,500 jobs.** (6 points)
- (ii) The Development is located within 1 mile of 13,500 jobs. (5 points)
- (iii) The Development is located within 1 mile of 10,500 jobs. (4 points)
- (iv) The Development is located within 1 mile of 7,500 jobs. (3 points)
- (v) The Development is located within 1 mile of 4,500 jobs. (2 points)
- (vi) The Development is located within 1 mile of 2,000 jobs. (1 point)

## Additional Information

### Analysis Settings

<b>Analysis Type</b>	Area Profile
<b>Selection area as</b>	Work
<b>Year(s)</b>	2017, 2015
<b>Job Type</b>	Primary Jobs
<b>Labor Market Segment</b>	All Workers
<b>Selection Area</b>	Selection Area Freehand Drawing buffered 1.00 miles
<b>Selected Census Blocks</b>	145
<b>Analysis Generation Date</b>	02/14/2020 12:48 - OnTheMap 6.6
<b>Code Revision</b>	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
<b>LODES Data Version</b>	20170818

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

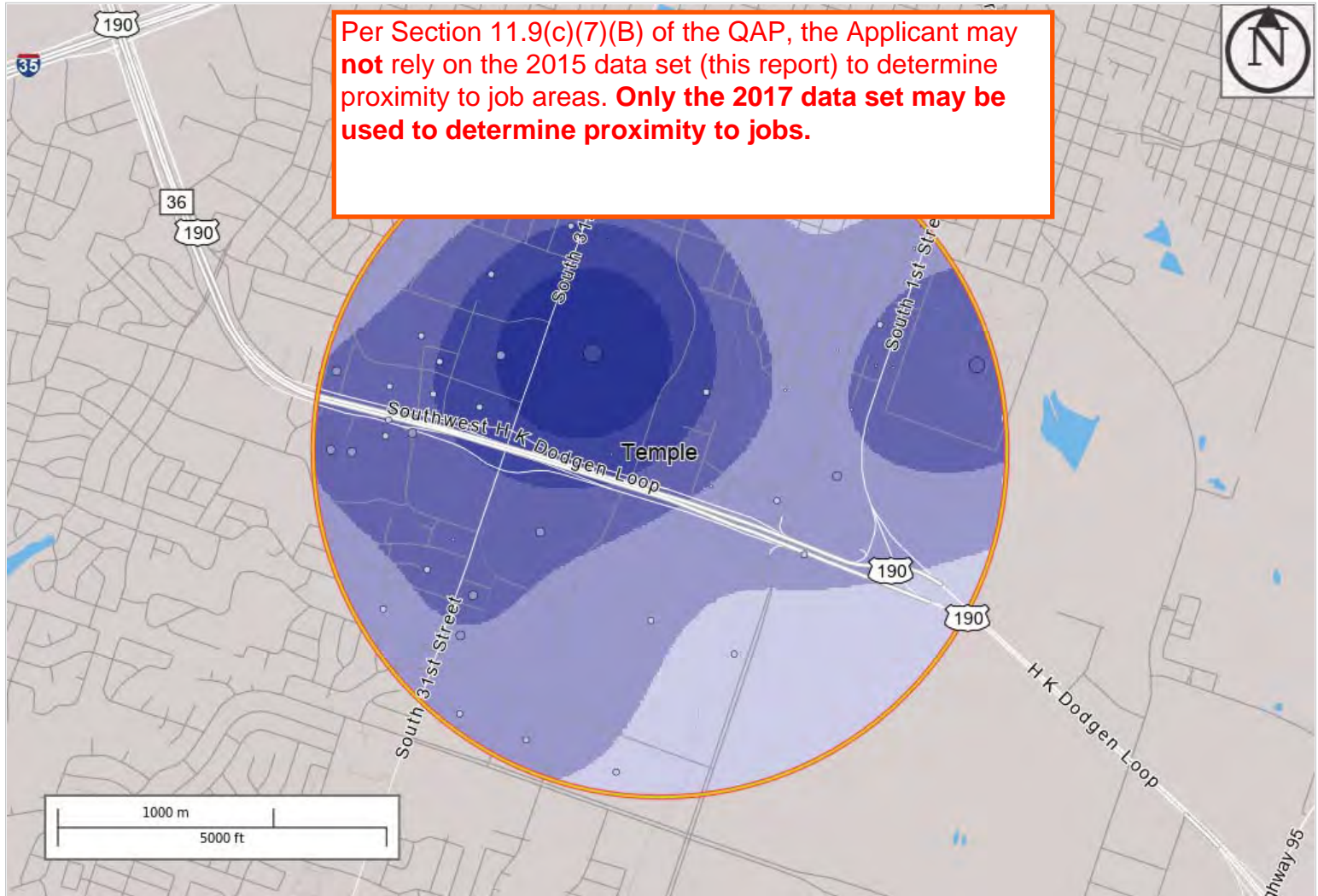
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## Work Area Profile Report Primary Jobs for All Workers in 2015

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 02/14/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2015 All Workers



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

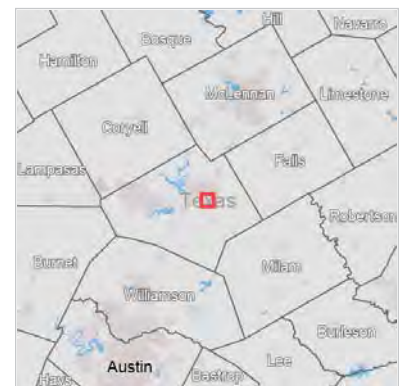
- 5 - 989
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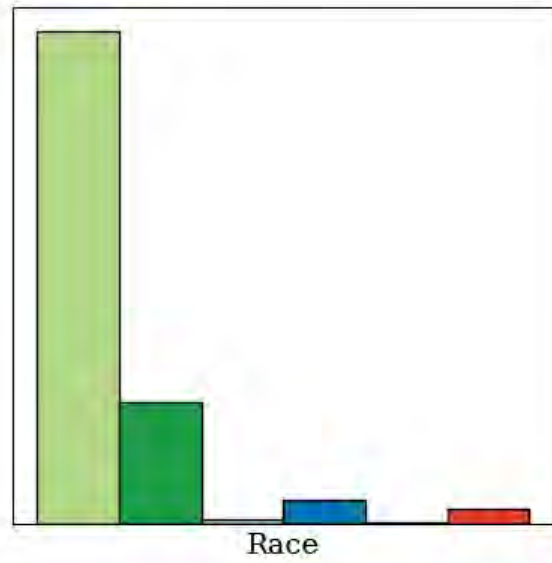
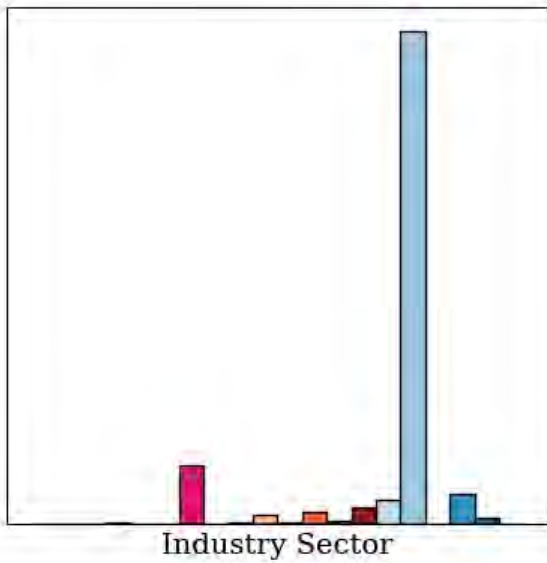
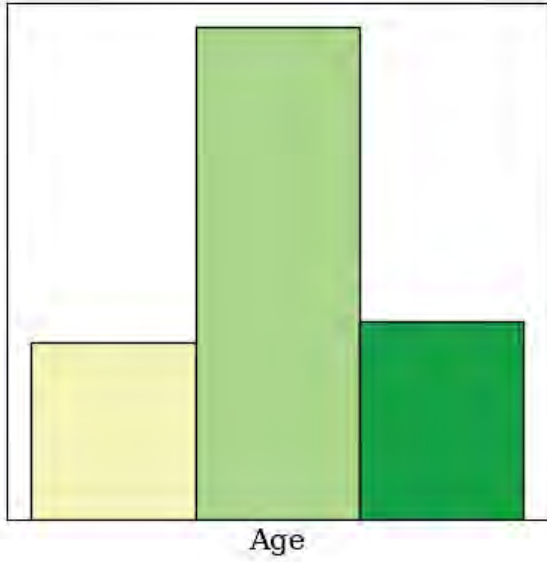
##### Selection Areas

- 🔷 Analysis Selection



Primary Jobs for All Workers by Total in 2015

Employed in Selection Area



Primary Jobs for All Workers by Total in 2015

Employed in Selection Area

Total	2015	
	Count	Share
Total Primary Jobs	18,318	100.0

Total	2015 Count	Share
Total Primary Jobs	18,318	100.0



The Applicant **may not** use the count of total primary jobs from 2015 to meet the required 16,500 jobs needed to qualify for six (6) points in the Application.

## Additional Information

### Analysis Settings

<b>Analysis Type</b>	Area Profile
<b>Selection area as</b>	Work
<b>Year(s)</b>	2017, 2015
<b>Job Type</b>	Primary Jobs
<b>Labor Market Segment</b>	All Workers
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<b>Code Revision</b>	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
<b>LODES Data Version</b>	20170818

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20200  
Administrative Deficiency Notice(s)

**From:** [Matthew Griego](#)  
**To:** [steve@texasgreyoaks.com](mailto:steve@texasgreyoaks.com)  
**Cc:** [Sharon Gamble](#)  
**Subject:** 20200 Lofts at Temple MD- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Monday, May 11, 2020 3:37:43 PM

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.**

**Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20200 Lofts at Temple MD**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states the *OnTheMap* report that shows a radius of Primary Jobs within the development site was generated on February 14, 2020. This violates 10 TAC §11.9(c)(7)(B), which states *OnTheMap* data sets must have a report date on or before the Pre-Application deadline, which is January 13, 2020. The full application includes Work Area Profile Reports from 2015 and 2017 from *OnTheMap*, which violates 10 TAC §11.9(c)(7)(B) as only 2017 data can be used to determine the amount of Primary Jobs.

1. Please explain how the application qualifies for points under 10 TAC §11.9(c)(7)(B).

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.**

**Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be

terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

20200  
Deficiency Response(s)



**Marque Real Estate Consultants**

6300 West Loop South, Ste. 670

Bellaire, Texas 77401

(713) 560-0068 – p

(713) 583-8858 – f

**Via Serv-U HTTP Portal**

May 14, 2020

Matthew Griego

Multifamily Policy Research Specialist

Texas Department of Housing and Community Affairs

221 E. 11th Street

Austin, TX 78701

Re: TDHCA No. 20200 – Lofts at Temple Medical District

Dear Mr. Griego:

The following is in response to your Administrative Deficiency Notice dated 05/11/2020 for information in connection with the submitted Third Party Request for Administrative Deficiency (RFAD).

**Jobs Report Submission Meets the Requirements of the QAP Rules:**

We believe the application meets the requirements for scoring under 10 TAC §11.9(c)(7)(B)-Proximity to Jobs because the data that was submitted in the tax credit application is utilizing the data available as of October 1, 2020 but before the Pre-Application Final Delivery Date through the OnTheMap tool from the Census Bureau. §11.9(c)(7)(B) states:

Proximity to Jobs. A Development may qualify for points under this subparagraph if it meets one of the criteria in clauses (i) - (vi) of this subparagraph. The data used will be based solely on that available through US Census' OnTheMap tool. Jobs counted are limited to those based on the work area, all workers, and all primary jobs. Only the 2017 data set (as of October 1 but before Pre- Application Final Delivery Date) will be used. The Development will use OnTheMap's function to import GPS coordinates that clearly fall within the Development Site, and the OnTheMap chart/map report submitted in the Application must include the report date. This scoring item will not apply to Applications under the At-Risk or USDA Set-Aside.

The rule does not establish a requirement that the date on the submitted report be before the pre-application deadline, only that the data set used be the data that is available “(as of October 1 but before Pre- Application Final Delivery Date)” and the data set that we submitted using the OnTheMap tool meets this requirement. The census bureau has confirmed that the OnTheMap tool and the LODES (LEHD Origin-Destination Employment Statistics) raw data utilized by the US Census has not

been updated since August 29<sup>th</sup> 2019, making the data set used in our Jobs Report one and the same as the data that was available between October 1<sup>st</sup> and the Pre-Application Final Delivery Date (**See attached Exhibit A-Census Bureau Email**). Further, all of the OnTheMap Jobs Reports show what LODES raw data version is utilized. All reports generated any time after August 29<sup>th</sup> 2019 show version 20170818 further confirming that the data set between the Pre-Application Final Deliver Date and the date reflected on the Jobs Report submitted with our application is the same. (**See attached Exhibit B-Last Page Jobs Report Comparison**).

The rules do not require that the Jobs Report be **dated** (emphasis added) prior to the Pre-Application Final Delivery Date. The rules require that the applicant provide a specific data set to prove the job counts for purposes of scoring. This guidance only appears in the procedures manual and implies that the data set shown on a Jobs Report downloaded after the Pre-Application Final Delivery Date would report different job counts, which it does not since the 2017 jobs data has not been updated since August 29, 2019 as confirmed by the Census Bureau. Utilizing the pre-application deadline for the generation date on the Jobs Report would be problematic for several reasons including the fact that there is no requirement to submit a pre-application and an applicant may not identify a site or get site control until after the pre-application deadline, making this scoring category unavailable to them. Also, the applicant is allowed to adjust their site boundaries between pre-application and the submission of their full application. The change in boundaries might necessitate a new Jobs Report which would then be dated after the pre-application deadline making it non-compliant. Using the Pre-Application Final Delivery Date as the deadline for the Jobs Report to score points under 10 TAC §11.9(c)(7)(B) would essentially disqualify the two above examples from being allowed to score points in this scoring category. We met the requirements of the rules and provided a Jobs Report that recognizes the required data set available as of October 1, 2020 but before the Pre-Application Final Delivery Date as confirmed by the email from the census bureau and the data version in the job report.

#### **Submission of 2015 Data Set:**

§11.9(c)(7)(B) limits the jobs counted to “those based on the work area, all workers, and **all primary jobs** (emphasis added)”. The 2017 data set is not capable of calculating the proximity of all primary jobs because it lacks federal workers as confirmed in the attached email from the census bureau. The census bureau also confirmed that the comparison of all primary jobs from the 2015 data set and the 2017 data set would not be an accurate comparison because the 2017 dataset is incomplete (**See Exhibit A-Census Bureau Email**). When looking at the Frequently Asked Questions for the LODES data and OnTheMap tool it states:

#### **Q: Where are the data for Federal Workers in 2016 and 2017?**

A: LODES data for 2016 and 2017 were part of the LODES Version 7.4 release. Office of Personnel Management (OPM) data on Federal Workers were not available as part of this release and so the coverage of the "All Jobs" and "All Primary Jobs" job types for 2016 and 2017 contain information on workers only in the private sector and state/local government. To help prevent data users from

Matthew Griego  
TDHCA- #20200  
May 14, 2020  
Page -3-

misinterpreting this break in the time series, the default job type in OnTheMap has been changed from "All Primary Jobs" to "Private Primary Jobs." When OPM data for Federal Workers in 2016 and 2017 become available, LODES and OnTheMap will be updated to include them. **(See Exhibit C- Frequently Asked Questions).**

This shows that the 2017 data set does not reflect "All Primary Jobs" required by the rule. "Private Primary Jobs" does not accurately measure the number of jobs that should apply to the development site. The development site is located in Temple and less than 1 mile from the Veterans Administration Hospital. **(See Attached Exhibit D- Proximity to Veterans Administration Hospital).** According to the LODES data from 2015 utilizing the "All Primary Jobs" metric there were 2,838 jobs located at census block 480270209001006, and the 2017 data shows a decrease in jobs to only 29. The Veterans Administration Hospital is in business and fully operational. These jobs still exist in close proximity to the development site, but they are not being counted in the 2017 data set. The loss of 2,809 jobs dropped the 2017 LODES data jobs count to 15,542. If the Veterans Administration Hospital jobs were included in the 2017 data set our project would be in proximity to greater than 16,500 jobs, the amount needed to qualify for 6 points under 10 TAC §11.9(c)(7)(B). We believe the intent of this scoring category and the clear wording of the rule is to count "all primary jobs". The 2015 LODES data available through the US Census' OnTheMap tool is the only available data for 'All Primary Jobs' as prescribed by the QAP and better reflects the true number of jobs within 1 mile of the development site and should be used for scoring purposes.

Thank you for allowing us the opportunity to clarify the described administrative deficiency. In the event you have any additional questions or comments, please feel free to contact us.

Sincerely,



Donna Rickenbacker  
Principal

cc: Steve Lollis – via email  
Zach Krochtengel – via email

Re: LODES/ONTHEMAP Questions

CES OnTheMap Feedback (CENSUS/CES) <ces.onthemap.feedback@census.gov>

Mon 5/11/2020 1:54 PM

To: Zachary Krochtengel <zach@marqueconsultants.com>

Hi,

The data has not been updated since that date.

That would not be an accurate comparison because of the lack of federal data for 2017. If you wanted to compare those two years, you could compare 'All Private Jobs' or the 'Private Primary Jobs', as both of these categories do not contain Federal workers.

The number of federal jobs in 2015 can be found in our datasets. They are available for download on our website here - <https://lehd.ces.census.gov/data/#lodes>. You will want files that contain JT04 for All Federal Jobs, or JT05 for Federal Primary Jobs. You will need to decide what type of files that you want to download: OD (Origin-Destination data, job totals are associated with both a home Census Block and a work Census Block), WAC (Workplace Area Characteristic data, jobs are totaled by work Census Block), or RAC (Residence Area Characteristic data, jobs are totaled by home Census Block). I believe you will want the WAC files, as this file contains jobs by work Census Block for a particular state. If you sum the data in column C000 - you will get the total number of federal jobs for the state. You will need to do this for each state that we have data on in order to get the nationwide number of federal jobs.

Thanks,  
Alyson

---

**From:** Zachary Krochtengel <zach@marqueconsultants.com>

**Sent:** Monday, May 11, 2020 1:59 PM

**To:** CES Local Employment Dynamics (CENSUS/CES) <ces.local.employment.dynamics@census.gov>; CES OnTheMap Feedback (CENSUS/CES) <ces.onthemap.feedback@census.gov>

**Subject:** LODES/ONTHEMAP Questions

Hello,

I was not sure who to send these questions to, but I was hoping you could confirm a few points for me regarding the data.

Since the 8/29/2019 Data update has the ONTHEMAP/LODES data been updated further? If so when?

Would it be a fair comparison to compare the 205 and 2017 dataset using all workers, and all primary jobs? Or would this not be an accurate comparison because of the missing federal jobs?

Do you have any idea of how many federal jobs there were in the 2015 data? Nationwide and in the state of Texas?

Thank you for your assistance in this matter,

Zachary Krochtengel

 MREC Companies

Zachary Krochtengel / Development, Acquisitions and Finance  
Zach@marqueconsultants.com / 2158062216

MREC Companies  
[www.marqueconsultants.com](http://www.marqueconsultants.com)



# Last Page Jobs Report of 20010

## Additional Information

### Analysis Settings

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2017
Job Type	Primary Jobs
Labor Market Segment	All Workers
Selection Area	Selection Area Freehand Drawing buffered 1.00 miles
Selected Census Blocks	395
Analysis Generation Date	01/08/2020 14:40 - OnTheMap 6.6
Code Revision	af1e050e7e49f61bc73d3099ca2cb8f8feaa
LODES Data Version	20170818

As of 10/1 but before Pre-Application Delivery Date

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.

# Last Page Jobs Report of 20200

## Additional Information

### Analysis Settings

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2017, 2015
Job Type	Primary Jobs
Labor Market Segment	All Workers
Selection Area	Selection Area Freehand Drawing buffered 1.00 miles
Selected Census Blocks	145
Analysis Generation Date	02/14/2020 12:48 - OnTheMap 6.6
Code Revision	af1e050e7e49f61bc73d3099ca2cb8f8feaa
LODES Data Version	20170818

Date of our Jobs Report

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.

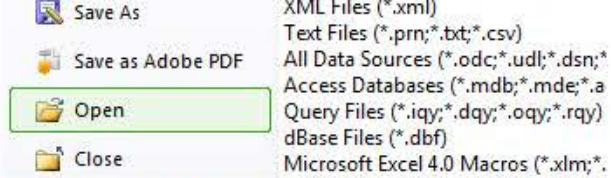



EXHIBIT "C"

Please note, under "Files of type:" select "All Files" or else it may not be visible. Open the CSV file.

To open a CSV file in ArcGIS, follow the download and unzip procedures described above.

Open the CSV in ArcMap by using the Add Data  button and navigating to the CSV on your computer. Once you've added the raw data to your session, it should behave like any other table in the program, although you may need to reformat the census block code if it comes from one of the states which has a leading zero. This can be done in ArcMap by opening the table, right-clicking on the block code column header, and selecting "Field Properties". Then choose a custom number format with 15 consecutive zeroes (e.g. 000000000000000). This will force the field to have a leading zero. In some cases you may need to convert this number to a 15-character string.

[top](#)

#### Q: How do the LODES data compare to ACS commuting data?

A: LODES and ACS commuting data are sourced from different data, collected by different means, tabulated and protected by different methodologies. As such they may not agree for specific queries. However, the two datasets may provide complementary information on workers and the relationship between workplace and residential locations. A detailed comparison of the two different methodologies is available in [Design Comparison Of LODES And ACS Commuting Data Products](#), a CES Working Paper published in 2014.

[top](#)

#### Q: Where are the data for Federal Workers in 2016 and 2017?

A: LODES data for 2016 and 2017 were part of the LODES Version 7.4 release. Office of Personnel Management (OPM) data on Federal Workers were not available as part of this release and so the coverage of the "All Jobs" and "All Primary Jobs" job types for 2016 and 2017 contain information on workers only in the private sector and state/local government. To help prevent data users from misinterpreting this break in the time series, the default job type in OnTheMap has been changed from "All Primary Jobs" to "Private Primary Jobs." When OPM data for Federal Workers in 2016 and 2017 become available, LODES and OnTheMap will be updated to include them.

[top](#)

#### Q: Why does my analysis time out?

A: Analyses fail to complete because the web server will timeout before the calculation is complete. This typically happens on very large selections (groups of states for many years) or when the server is under a heavy load. To avoid this you can:

1. Restrict your analysis to a single year.
2. Break your analysis into pieces and add results up after you're done.
3. Perform the analysis again during an "off-peak" period.

[top](#)

#### Q: Why did my analysis fail?

A: It's difficult to provide a general answer for this question. Please recheck that your selection area and analysis settings are as expected and try running the analysis again. You may also try running the analysis in a different web browser if possible. If the error/failure persists please send us an email to [CES.Local.Employment.Dynamics@census.gov](mailto:CES.Local.Employment.Dynamics@census.gov) with as much descriptive information as possible (analysis area, settings, browser type and version, etc.) so that we can diagnose the problem.

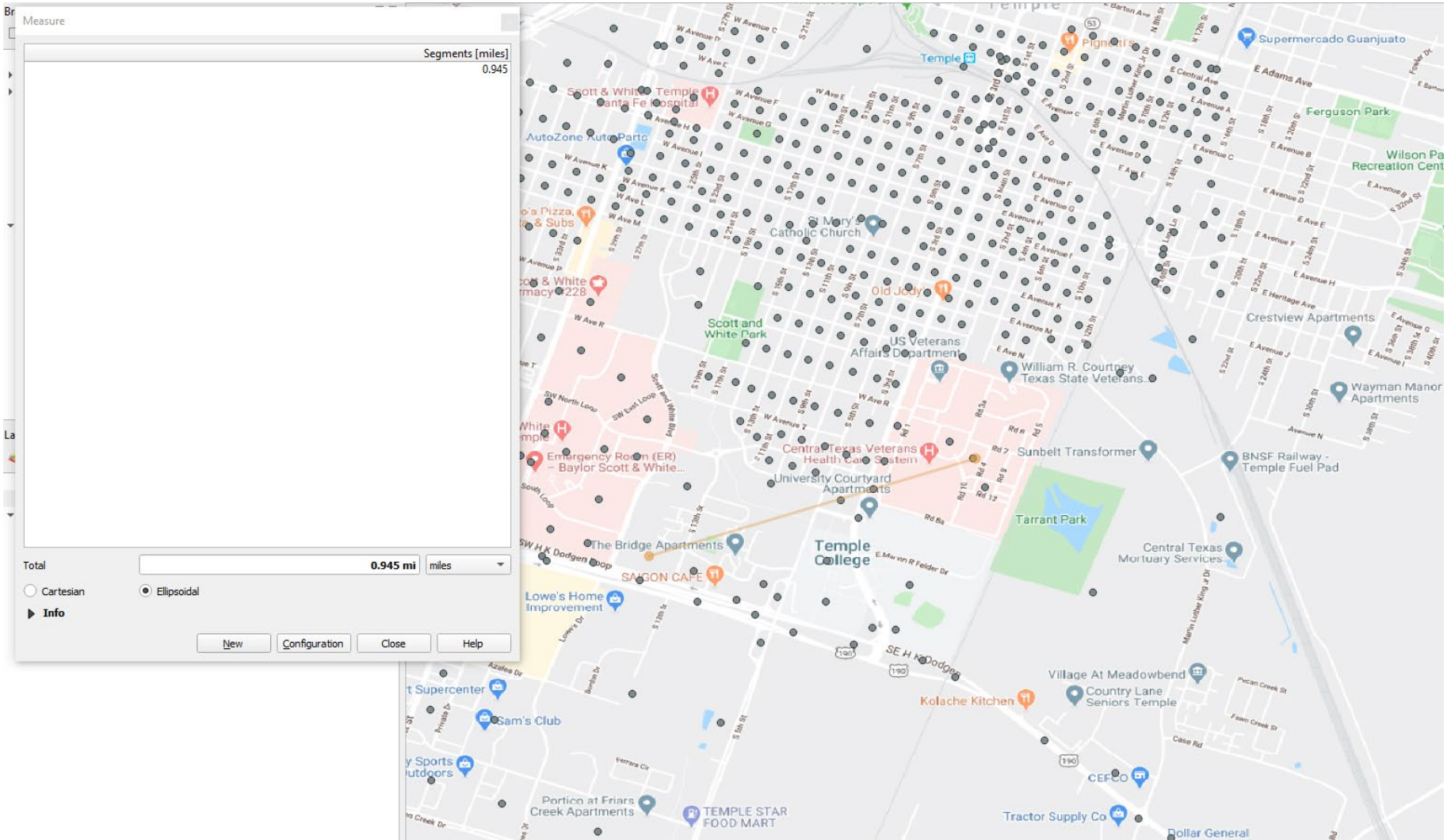
[top](#)

#### Q: Why do I get a pink screen in the map viewer?

A: The pink screen appears when the web server times out while generating the base map tiles or thermal overlay images. This typically happens during analyses on large selection areas (groups of states) for many years. To avoid this you can restrict your analysis to a single year and/or turn off Thermals in the Map Control section of the Results tab.

[top](#)

# Proximity to Census Block Veterans Administration Hospital



## Census Block 480270209001006 Jobs

2015 Data	2,838
2017 Data	29
Total Difference	-2,809

20200  
Staff Determination





TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

BOARD MEMBERS

Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 17, 2020

Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

Cynthia Bast  
Locke Lord  
600 Congress, Ste. 2200  
Austin, Texas 78701

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20200 Lofts at Temple Medical District

Dear Ms. Bast:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application provided appropriate documentation to qualify for points under Proximity to Jobs. Particularly, the request questions whether the provided OnTheMap report was created on or after October 1, 2019, but before the Pre-Application Final Delivery Date. Staff sent an Administrative Deficiency under 10 TAC §10.3(a)(2), and the Applicant responded timely.

In its response, the Applicant provided information showing that the OnTheMap report meets the rule in question. Per the response:

The rule does not establish a requirement that the date on the submitted report be before the preapplication deadline, only that the data set used be the data that is available "(as of October 1 but before Pre- Application Final Delivery Date)" and the data set that we submitted using the OnTheMap tool meets this requirement. The census bureau has confirmed that the OnTheMap tool and the LODES (LEHD Origin-Destination Employment Statistics) raw data utilized by the US Census has not been updated since August 29th 2019, making the data set used in our Jobs Report one and the same as the data that was available between October 1st and the Pre-Application Final Delivery Date.

Staff determined that the 2017 OnTheMap report meets the requirements of the rule, but the 2015 report will be disregarded. As with all Applications, should this Application be reviewed and its score reduced, the Applicant will have an opportunity to appeal staff's determination.



I find that the issues raised in your request were sufficiently answered by the Applicant's response to the Administrative Deficiency notice. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni

Holloway

Marni Holloway

Multifamily Division Director

Digitally signed by Marni  
Holloway  
Date: 2020.06.17 12:22:46  
-05'00'

Cc: Steve Lollis  
Zachary Krochtengel



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

BOARD MEMBERS  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 9, 2020

Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

Enrique Flores, IV  
Avanti Viking Hills, LP  
8500 Shoal Creek Blvd., Bldg. 4, Ste. 208  
Austin, Texas 78757

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20200-2 Lofts at Temple Medical District

Dear Mr. Flores:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application provided appropriate documentation to qualify for points under Proximity to Jobs. Particularly, the request questions whether the provided OnTheMap report using the 2015 data set is acceptable. Staff sent an Administrative Deficiency under 10 TAC §10.3(a)(2), and the Applicant responded timely.

In its response, the Applicant states:

§11.9(c)(7)(B) limits the jobs counted to "those based on the work area, all workers, and all primary jobs (emphasis added)". The 2017 data set is not capable of calculating the proximity of all primary jobs because it lacks federal workers as confirmed in the attached email from the census bureau.

Staff determined that the 2015 report will be disregarded. As with all Applications, should this Application be reviewed and its score reduced, the Applicant will have an opportunity to appeal staff's determination.

I find that the issues raised in your request were sufficiently answered by the Applicant's response to the Administrative Deficiency notice. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in



which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni Holloway

Digitally signed by Marni  
Holloway  
Date: 2020.06.09 13:16:37  
-05'00'

Marni Holloway

Multifamily Division Director

Cc: Steve Lollis  
Zachary Krochtengel



20223  
Request for Administrative Deficiency

May 1, 2020

Marni Holloway  
Director of Multifamily Finance  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701

*Re: Request for Administrative Deficiency for TDHCA #20223 Campanile on Briar Hollow*


Dear Ms. Holloway,

On behalf of the Applicant for TDHCA #20082 Connect South Apartments and TDHCA #20077 Lockwood South Apartments, I would like to formally make a Request for Administrative Deficiency (RFAD) for TDHCA #20223 Campanile on Briar Hollow. The Pre-Application for #20223 (Exhibit A) and Tabs 14 and 16 in the Full Application for Campanile on Briar Hollow (Exhibit B) indicate that *elected* officials were identified in the Pre-Application, notifications were made at that time, and that there have been no changes. However, in the time that has elapsed since Pre-Applications were submitted, a new President was *elected* as the President of the Board of Education for Houston Independent School District.

Board President Sue Deigaard was first elected to the Houston Independent School District Board of Education in November 2017 as a Board Member representing District V. She was subsequently elected to her current role as Board President on January 16, 2020 (see Exhibit C). It is worth noting that the election of a new Board President is a routine occurrence that happens every January.

We would like to respectfully request that TDHCA verify that the new Board President, Sue Deigaard, did receive public notification consistent with the requirements of the QAP regarding the development of Campanile on Briar Hollow prior to the submission of the Full Application. Thank you for your consideration.

Sincerely,



Scott Puffer  
Vice President – Business Development,  
Brinshore Development, LLC  
666 Dundee Road Suite 1102,  
Northbrook, IL 60062  
(513) 603 0074

Exhibit A – Excerpts from the Pre-Application for #20223  
Exhibit B – Excerpts from the Full Application for #20223 showing  
Exhibit B – HISD News Blog post from January 17, 2020

# Texas Department of Housing and Community Affairs

Competitive 9% Housing Tax Credit Pre-Application

## EXHIBIT A

Application Number: 20223

Submitted Date: 1/13/2020 2:33PM

Submitted By: Juli Gonzalez

### Contact Information

**Primary Contact:** Les Kilday  
1717 St. James Place Suite 150  
Houston, TX 77056  
Phone: 713-562-1510  
Email: les@kildayco.net

**Secondary Contact:** Phyllis Sefeldt  
Phone: 713-914-9400  
Email: psefeldt@kildayco.net

**Consultant Contact:** Lora Myrick  
Phone: 512-785-3710  
Email: lora@betcohousinglab.com

### Development Information

**Name of Proposed Entity:** Campanile on Briar Hollow LP  
**Development Name:** Campanile on Briar Hollow  
**Development Type:** New Construction  
**Secondary Type:** None  
**Previous TDHCA #:**  
**Initial Construction Year:**  
**Units Demolished:** 0  
**Units Reconstructed:**  
**# of Non-Contiguous Sites:**  
**# of Census Tracts:** 1  
**Target Population:** Elderly  
**Development Address:** SEC of Post Oak Blvd. & Briar Hollow Ln.  
Houston, TX 77027  
**ETJ?:** N  
**County:** Harris  
**Region:** 6  
**Rural/Urban:** Urban  
**Census Tracts:** 48201411300  
**Total LI Units:** 100  
**Total MR Units:** 20  
**Total Units:** 120  
**HTC Request:** \$1,500,000.00  
**Pre-App Fee Due:** \$1,200.00  
**Has Fee already been submitted?:** Yes  
**Name on Check:** Kilday Operating LLC  
**Check Number:** 2372  
**Set-Aside Election:** none

### Notifications

**U.S. Representative:** Lizzie Pannil Fletcher **District:** 7  
**State Senator:** Joan Huffman **District:** 17  
**State Representative:** Sarah Davis **District:** 134

**School Superintendent:** Grenita Lathan  
**School District:** Houston ISD  
**School District Address:** 4400 West 18th Street  
Houston, TX 77092

**Presiding Officer of Board of Trustees:** Diana Davila  
**Address:** 4400 West 18th Street  
Houston, TX 77092

**Elected Officials:** Sylvester Turner  
Dave Martin  
Amy Peck  
Jerry Davis  
Abbie Kamin  
Carolyn Evans-Shabazz  
Tiffany Thomas  
Greg Travis  
Karla Cisneros  
Robert Gallegos  
Edward Pollard  
Martha Castex-Tatum  
Mike Knox  
David Robinson  
Michael Kubosh  
Letitia Plummer  
Sallie Alcorn  
Lina Hidalgo  
Rodney Ellis  
Adrian Garcia  
Steve Radack  
R. Jack Cagle

Mayor  
Mayor Pro Tem  
City Council Member  
City Council Member  
City Council Member  
City Council Member  
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City Council Member  
City Council Member  
City Council Member  
City Council Member  
City Council Member  
City Council Member  
City Council Member  
City Council Member  
City Council Member  
City Council Member  
County Judge  
County Commissioner  
County Commissioner  
County Commissioner  
County Commissioner

**Neighborhood Organizations:** The Park Square Co-Owners Association  
2800 Post Oak Blvd  
Houston, TX 77056  
Park Square Home Owner's Association, Inc.  
PO Box 8788  
Houston, TX 77249

## Competitive Housing Tax Credit Selection Self-Score

---

**Criteria Promoting Development of High Quality Housing**

**Unit Sizes:** 6  
**Unit Features:** 9  
**Sponsor Characteristics:** 2  
**High Quality Housing Total:** 17



# EXHIBIT B

## Campanile on Briar Hollow TDHCA # 20223

### Tab 14 Elected Officials



# EXHIBIT B

## Elected Officials

Elected officials **were identified in the Pre-Application**, and there have been no changes.

(If box above is checked, the rest of the form may be left **BLANK**.)

Elected officials have **changed since the Pre-Application was submitted**, and information regarding notifications or re-notifications is entered below.

**No Pre-Application was submitted.**

Please identify all elected officials which represent the Development Site.

**\*\* US Representative** **District**

\*\* While Applicants are not required to notify US Representatives, the Department is required to notify them. Therefore, Applicant must identify the appropriate US Representative of the district containing the Development.

<input type="text"/>	<input type="text"/>
<b>State Senator</b>	<b>District</b>
<input type="text"/>	<input type="text"/>
<b>Support Letter</b>	
<input type="text"/>	
<b>City Mayor</b>	

<input type="text"/>	<input type="text"/>
<b>State Representative</b>	<b>District</b>
<input type="text"/>	<input type="text"/>
<b>Support Letter</b>	
<input type="text"/>	
<b>County Judge</b>	

<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>School Superintendent</b>	<b>District Name</b>	<b>Email</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Address</b>	<b>City</b>	<b>Zip</b>

<input type="text"/>	<input type="text"/>
<b>Presiding officer of Board of Trustees</b>	<b>Email</b>
<input type="text"/>	<input type="text"/>
<b>Address</b>	<b>City</b>
<input type="text"/>	<b>Zip</b>

<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>District/Precinct</b>	<b>Email or Phone</b>
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<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<b>District/Precinct</b>	<b>Email or Phone</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>

# EXHIBIT B

## Campanile on Briar Hollow TDHCA # 20223

### Tab 16 Cert of Notifications



# EXHIBIT B

## CERTIFICATION OF NOTIFICATIONS (ALL PROGRAMS)

Pursuant to 10 TAC §11.203 of the Qualified Allocation Plan, evidence of notifications includes this sworn affidavit, and the Elected Officials and Neighborhood Organizations Forms. All Applicants must complete Parts 1 through 4 below:

**Part 1.  Notifications made at Pre-Application (Competitive HTC only) :**

I (We) certify that the pre-application included evidence of these notifications pursuant to 10 TAC §11.203, the pre-application met all threshold requirements, and no additional notifications were required with this full Application.

**Re-notifications made at Application (Competitive HTC only):**

I (We) certify that the pre-application for this full Application met all threshold requirements, but all required entities were re-notified as required by 10 TAC §11.203.

**Notifications made at Application:**

No pre-application was submitted, and I (We) certify that the all required entities were notified as required by 10 TAC §11.203.

One or more entities described changed between the submission of the pre-application and the Application, and I (We) certify that the new entity was notified as required by 10 TAC §11.203.

As applicable, all re-notifications or notifications made at Application are indicated in the Application on the Elected Officials and/or Neighborhood Organizations Form(s).

**Part 2. Notifications - Form and Content:**

I (we) certify that the notifications are not older than 3 months from the first day of the Application Acceptance Period for Competitive HTC Applications and not older than three (3) months prior to the date the complete Application is submitted for Tax Exempt Bond Developments, and not older than three (3) months prior to the date the Application is submitted for all other Applications.

I (we) certify that the notifications do not contain any false or misleading statements. Without limiting the generality of the foregoing, the notification does not create the impression that the proposed Development will serve a Target Population exclusively or as a preference without such targeting or preference being documented in the Application and is or will be in full compliance with all applicable state and federal laws, including state and federal fair housing laws.

I (we) certify that the notifications or any other communications do not contain any statement that violates Department rules, statute, code, or federal requirements.

I (We) certify that, in addition to all of the required neighborhood organizations, the following entities were notified in accordance with 10 TAC §11.203. The notifications were in the format provided in the *Application Notification Template*. All of the following entities were notified and are correctly listed on the *Elected Officials Form* and *Neighborhood Organizations Form* :

- Superintendent of the school district containing the Development;
- Presiding officer of the board of trustees of the school district containing the Development;
- Mayor of any municipality containing the Development;
- All elected members of the Governing Body of any municipality containing the Development;
- Presiding officer of the Governing Body of the county containing the Development;
- All elected members of the Governing Body of the county containing the Development;
- State senator of the district containing the Development; and
- State representative of the district containing the Development.

While not required to be submitted in this Application, I have kept evidence of all notifications made and this evidence may be requested by the Department at any time during the Application review.

**Part 3. Neighborhood Organizations (competitive HTC only) :**

Pursuant to 10 TAC §11.203, I (We) certify that a reasonable search for applicable entities has been conducted and all Neighborhood Organizations for which this Application would be eligible to receive points under 10 TAC §11.9(d)(4) of the QAP or for which notification is required have been listed in the pre-application and/or the Application.

Certify on next page



# EXHIBIT B

## CERTIFICATION OF NOTIFICATIONS (continued)

Part 4. Certification

By:

Signature of Applicant/Development Owner

Les Kilday

Printed Name

Texas

Notary Public, State of

HARRIS

County of

2/10/2020

Date

2/8/2023

My Commission expires

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that name is signed to the foregoing statement, and who is known to be one in the same, has acknowledged before me on this date, that being informed of the contents of this statement, executed the same voluntarily on the date same foregoing statement bears.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this

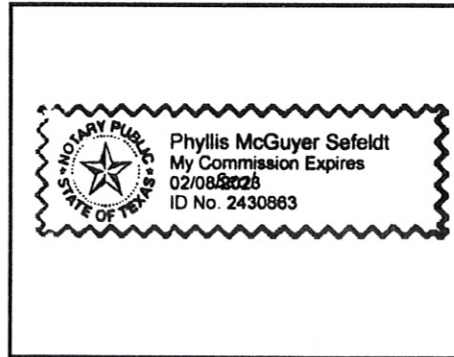
10

day of

February, 2020

Phyllis McGuyer Sefeldt

Notary Public Signature



# News Blog

## EXHIBIT C

What's happening in HISD

## New trustees join HISD Board of Education, forming district's first all-female governing body



The Houston Independent School District Board of Education on Thursday welcomed four new trustees who joined five current members **during the first board meeting of 2020.**

The new board members are **Patricia K. Allen** (District IV), **Daniela "Dani" Hernandez** (District III), **Kathy Blueford-Daniels** (District II) and **Judith Cruz** (District VIII).

**As its first order of business, the new board – the first all-female board in district history – elected officers for 2020: Susan Deigaard (District V) was elected President,** Wanda Adams (District IX) was elected First Vice President, Judith Cruz (District VIII) was selected as Second Vice President, Patricia K. Allen (District IV) was elected secretary, and Daniela "Dani" Hernandez (District III) was selected as Assistant Secretary.

The board approved \$3.8 million from the Verizon Innovative Learning program, which will provide tablets and connectivity at no cost to every student, teacher, and administrator at six HISD middle schools.

The campuses are Edison, Fleming, Hartman, Henry, Holland and Tanglewood middle schools. Each school completed a rigorous competitive process to be selected for the program, which is administered in partnership with Verizon's nonprofit partner, Digital Promise. Verizon's program aims to bridge the digital divide that exists in underserved communities by providing students with the connectivity, technological resources, instruction and skills required to succeed in a high tech economy. The program will launch at the schools when teachers

will be provided with devices and training. Students will receive devices in August at the beginning of the 2020-2021 school year.

The board voted to accept a \$240,000 City of Houston-Mayor's After-School Achievement Program grant to expand quality after-school programming for elementary and middle school students.

Board members also accepted a progress report from Interim Superintendent Grenita Lathan on the implementation of the state's Legislative Budget Board recommendations for improving operations in HISD.

January is [School Board Recognition Month](#), and the Houston Independent School District is joining other districts across the state to honor local leaders for their dedication and willingness to serve as advocates for public schools.

To find out more information about the newly elected Trustees, click [here](#).

This entry was posted in Board of Education, News on January 17, 2020

[<https://blogs.houstonisd.org/news/2020/01/17/new-trustees-join-hisd-board-of-education-forming-districts-first-all-female-governing-body/>] by HISD Communications.

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## EXHIBIT C

20223  
Staff Determination





TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**

Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 8, 2020

Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

Scott Puffer  
Brinshore Development, LLP  
666 Dundee Road Suite 1102,  
Northbrook, IL 60062

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20223 Campanile on Briar Hollow

Dear Mr. Puffer:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Applicant provided appropriate notifications. Particularly, the request questions whether the President of the Board for the Houston Independent School District elected after the pre-application was submitted was notified. Staff determined that an Administrative Deficiency was not necessary as staff could answer the request without one. Per 10 TAC §11.203

If notifications were made in order to satisfy requirements of pre-application submission (if applicable to the program) for the same Application, then no additional notification is required at Application. However, re-notification is required by all Applicants who have submitted a change from pre-application to Application that reflects a total Unit increase of greater than 10% or a 5% increase in density (calculated as units per acre) as a result of a change in the size of the Development Site. In addition, **should the jurisdiction of the official holding any position or role described in paragraph (2) of this section change between the submission of a pre- application and the submission of an Application, Applicants are required to notify the new entity** no later than the Full Application Delivery Date. (emphasis added)

The rule does not require that a person elected to the same jurisdiction be notified.

I find that the issues raised in your request were sufficiently answered by staff. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board,



REQUEST FOR ADMINISTRATIVE DEFICIENCY

June 8, 2020

Page 2

at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni

Digitally signed by

Marni Holloway

Date: 2020.06.08

14:29:57 -05'00'

Holloway

Marni Holloway

Multifamily Division Director

Cc: Les Kilday  
Phyllis Sefeldt

20235  
Request for Administrative Deficiency

Kathy Krickhahn  
Equity Manager, SVP

Banc of America Community Development Corporation  
TX1-492-20-08 901 Main Street  
Dallas, TX 75202-3735  
T 636.266.1243 F 214 209 3840  
kathy.c.krickhahn@BofA.com

May 1, 2020

Marni Holloway  
Director of Multifamily Finance  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701

*Re: Request for Administrative Deficiency for TDHCA #20235 Madisonville Estates*

Dear Ms. Holloway:

On behalf of the Applicant for TDHCA #20310 Highpoint at Wynnewood, I would like to formally make a Request for Administrative Deficiency (RFAD) for TDHCA #20235 Madisonville Estates. We do not believe that the documentation submitted for one of the Development's Community Organizations meets TDHCA's requirements outlined in Section 11.9(d)(6)(A). Accordingly, we respectfully request that their Application not receive the full four (4) points for Input from Community Organizations.

Section 11.9(d)(6)(A) specifies that in order to qualify for two (2) points, an organization must have "a primary purpose of overall betterment, development, or improvement of the community" and must also "provide evidence of its participation in the community" as well. Neither the letter nor the backup documentation clearly indicates that the Madisonville Noon Lion's Club has been active in the community beyond one past event and one planned event. The letter provides no indication of what the Madisonville Noon Lions Club actually does for the community.

Additionally, in order to qualify for points, the Applicant must "provide evidence that the community or civic organization remains in good standing by providing evidence from a federal or state government database." Guidance from the 2020 Procedures Manual recommends documentation in the form of an IRS Exemption or a Tax-Exempt certificate from the Texas Comptroller of Public Accounts. A search with the Texas Comptroller for the Madisonville Noon Lions Club yields no search results. In addition, no documentation from the IRS was provided with the Full Application, which indicates that the organization did not provide reasonable evidence that they are in good standing or provide evidence that their tax-exempt status commenced prior to February 28 at 5 p.m. This



documentation would have needed to be submitted with at that time, therefore, the Application should not qualify for two (2) Input from Community Organization points for the Madisonville Noon Lions Club.

In summary, the Applicant did not provide the required documentation for the Input from Community Organizations. As such, we respectfully request that those two (2) points should be deducted from the full score for Application #20235 Madisonville Estates.

Thank you for your consideration.

Sincerely,



Kathy Krickhahn  
Equity Manager, SVP  
Authorized Representative of S Zang, LP  
Banc of America Community Development Corporation  
S Zang, LP

—  
KK.ml

20235  
Administrative Deficiency Notice(s)

**From:** [Matthew Griego](mailto:Matthew.Griego)  
**To:** [cfarmer@belmontdev.com](mailto:cfarmer@belmontdev.com)  
**Cc:** [Sharon Gamble](mailto:Sharon.Gamble)  
**Subject:** 20235 Madisonville Estates- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Monday, May 11, 2020 3:37:48 PM

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20235 Madisonville Estates**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states Community Organization letter from *Madisonville Noon Lions Club* is lacking evidence of being in good standing with federal or state databases that confirm their tax exempt status, which violates §11.9(d)(6)(A).

1. Please provide evidence for *Madisonville Noon Lions Club* of their good standing for their tax exempt status.

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

Reminder for Direct Loan Borrowers: TDHCA will not close earlier than 30 days after receipt of complete due



20235  
Deficiency Response(s)

**Madisonville Estates**  
**File # 20235**  
**Responses to RFAD dated 5/11/20**

Community Organization letter from *Madisonville Noon Lions Club* is lacking evidence of being in good standing with federal or state databases that confirm their tax exempt status, which violates §11.9(d)(6)(A).

1. Please provide evidence for *Madisonville Noon Lions Club* of their good standing for their tax exempt status.
  - a. Please see the email chain included here confirming that the information previously provided in response to the regular Staff Deficiency received on 4/30/20 (uploaded to the Serv-U system on 5/5/20) is also sufficient to address this item and no further documentation is needed.

## Corey Farmer

---

**From:** Sharon Gamble <sharon.gamble@tdhca.state.tx.us>  
**Sent:** Friday, May 15, 2020 10:21 AM  
**To:** Corey Farmer; Matthew Griego  
**Cc:** Shawn Smith  
**Subject:** RE: 20235 Madisonville Estates- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.

Hi Corey:

This is acceptable. Thanks.

Regards,

Sharon D. Gamble MSW, PMP  
Competitive (9%) Housing Tax Credit Program Administrator  
Texas Department of Housing and Community Affairs  
(512) 936-7834  
<https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/index.htm>

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

---

**From:** Corey Farmer <cfarmer@belmontdev.com>  
**Sent:** Thursday, May 14, 2020 6:04 PM  
**To:** Sharon Gamble <sharon.gamble@tdhca.state.tx.us>; Matthew Griego <matthew.griego@tdhca.state.tx.us>  
**Cc:** Shawn Smith <ssmith@belmontdev.com>  
**Subject:** RE: 20235 Madisonville Estates- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.

Hi Sharon,

Have you had a chance to look into this? I only ask because we are quickly approaching our response deadline coming up on Monday 5/18/20.

Thanks,

**Corey Farmer**

Belmont Development Company, LLC  
222 E. Main St., First Floor  
Oklahoma City, OK 73104  
(405) 604-5074 Office  
(405) 604-5092 Fax  
(918) 706-4334 Cell  
[cfarmer@belmontdev.com](mailto:cfarmer@belmontdev.com)

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**From:** Sharon Gamble <[sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)>  
**Sent:** Tuesday, May 12, 2020 4:27 PM  
**To:** Corey Farmer <[cfarmer@belmontdev.com](mailto:cfarmer@belmontdev.com)>; Matthew Griego <[matthew.griego@tdhca.state.tx.us](mailto:matthew.griego@tdhca.state.tx.us)>  
**Cc:** Shawn Smith <[ssmith@belmontdev.com](mailto:ssmith@belmontdev.com)>  
**Subject:** RE: 20235 Madisonville Estates- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.

I'll have a look and let you know.

Regards,

Sharon D. Gamble MSW, PMP  
Competitive (9%) Housing Tax Credit Program Administrator  
Texas Department of Housing and Community Affairs  
(512) 936-7834  
<https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/index.htm>

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §11.2(a)).

About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

---

**From:** Corey Farmer <[cfarmer@belmontdev.com](mailto:cfarmer@belmontdev.com)>  
**Sent:** Tuesday, May 12, 2020 11:29 AM  
**To:** Matthew Griego <[matthew.griego@tdhca.state.tx.us](mailto:matthew.griego@tdhca.state.tx.us)>  
**Cc:** Sharon Gamble <[sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)>; Shawn Smith <[ssmith@belmontdev.com](mailto:ssmith@belmontdev.com)>  
**Subject:** RE: 20235 Madisonville Estates- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.

Hi Mathew,

I have a quick follow up question before responding to the RFAD below. The timing of this RFAD was actually a bit ironic, as it sort of crossed over with a regular Staff issued Deficiency we were already in the process of responding to, which addressed the exact same issue. Please see the email chain attached.

Can you please clarify if the information already provided in response to item #3 of the attached Staff Deficiency received on 4/30/20 (uploaded to the Serv-U system on 5/5/20) is sufficient to address the RFAD below? If so, is it necessary for us to resubmit that same information again to address this RFAD directly? In the alternative, if the information already provided is not sufficient, can you please provide additional guidance on what documentation we could provide that might address this?

Thanks,

**Corey Farmer**  
Belmont Development Company, LLC  
222 E. Main St., First Floor  
Oklahoma City, OK 73104  
(405) 604-5074 Office



(405) 604-5092 Fax  
(918) 706-4334 Cell  
[cfarmer@belmontdev.com](mailto:cfarmer@belmontdev.com)

---

**From:** Corey Farmer  
**Sent:** Monday, May 11, 2020 5:50 PM  
**To:** 'Matthew Griego' <[matthew.griego@tdhca.state.tx.us](mailto:matthew.griego@tdhca.state.tx.us)>  
**Cc:** Sharon Gamble <[sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)>; Shawn Smith ([ssmith@belmontdev.com](mailto:ssmith@belmontdev.com)) <[ssmith@belmontdev.com](mailto:ssmith@belmontdev.com)>  
**Subject:** RE: 20235 Madisonville Estates- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.

Matthew,  
Confirming receipt.

Thanks,

**Corey Farmer**

Belmont Development Company, LLC  
222 E. Main St., First Floor  
Oklahoma City, OK 73104  
(405) 604-5074 Office  
(405) 604-5092 Fax  
(918) 706-4334 Cell  
[cfarmer@belmontdev.com](mailto:cfarmer@belmontdev.com)

---

**From:** Matthew Griego <[matthew.griego@tdhca.state.tx.us](mailto:matthew.griego@tdhca.state.tx.us)>  
**Sent:** Monday, May 11, 2020 3:38 PM  
**To:** Corey Farmer <[cfarmer@belmontdev.com](mailto:cfarmer@belmontdev.com)>  
**Cc:** Sharon Gamble <[sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)>  
**Subject:** 20235 Madisonville Estates- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020. Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit Eligibility/Selection/Threshold and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20235 Madisonville Estates**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states Community Organization letter from *Madisonville Noon Lions Club* is lacking evidence of being in good standing with federal or state databases that confirm their tax exempt status, which violates §11.9(d)(6)(A).

1. Please provide evidence for *Madisonville Noon Lions Club* of their good standing for their tax exempt status.

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020. Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

20235  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 15, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Kathy Krickhahn  
Banc of America CDC  
901 Main Street  
Dallas, Texas 75202-3735

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20235 Madisonville Estates

Dear Ms. Krickhahn:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Applications above to determine whether the Application included appropriate documentation of status for the Madisonville Noon Lions Club.

I find that the assertion(s) in the RFAD have been addressed through the Application review and deficiency process, and the RFAD does not contain new information. The Department issued a deficiency to the Applicant regarding similar matters to those contained in your RFAD, and will address the response and information in accordance with the QAP. Pursuant to 10 TAC §11.10, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni  
Holloway

Marni Holloway  
Multifamily Division Director

Digitally signed by Marni  
Holloway  
Date: 2020.06.15 15:11:45  
-05'00'

Cc: Corey Farmer  
Shawn Smith





20240  
Request for Administrative Deficiency

**Buna Providence CR 835, LP**  
3735 Honeywood Court  
Port Arthur, Texas 77642

April 20, 2020

Ms. Marni Holloway  
Multifamily Division Director  
Texas Department of Housing and Community Affairs  
221 E. 11<sup>th</sup> Street  
Austin, TX 78701  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

Re: Third Party Request for Administrative Deficiency (“RFAD”), §11.10 of 2020 Qualified Allocation Plan (“QAP”) – 20240 Livingston Pioneer Crossing

Dear Ms. Holloway,

Please accept this letter as a Third Party Request for Administrative Deficiency (“RFAD”) pursuant to §11.10 of 2020 Qualified Allocation Plan (“QAP”) for application 20240 Livingston Pioneer Crossing.

Application 20240 Livingston Pioneer Crossing is deficient related to the following 2020 QAP section and we respectfully request a staff supervisory review of the Administrative Deficiency Notice related to this item. Further, as described below, staff should deduct five (5) total points from the application related to §11.9(c)(8) of the QAP, Readiness to Proceed in Disaster Impacted Counties for failure to provide required documentation in the form of an acknowledgement from all lenders and the syndicator of the required closing date.

Readiness to Proceed in Disaster Impacted Counties, QAP §11.9(c)(8)  
The QAP states the requirement for this point item is as follows:

“(A) ***Applications must include*** evidence that appropriate zoning will be in place at award and ***acknowledgement from all lenders and the syndicator of the required closing date.***” [*emphasis added*]

The Applicant did not provide acknowledgement of the required November 30, 2020 closing date from the lender that is specifically outlined in the QAP as the requirement that must be provided within the application in order to qualify for the points. This scoring item includes relatively few documentation requirements, and the applicant for 20240 Livingston Pioneer Crossing failed to meet one of the minimum requirements to qualify for points. See attached letter from Stearns Bank which is missing an acknowledgement of the deadline to close the financing on or before November 30, 2020.

Additionally, although TDHCA staff issued an Administrative Deficiency on April 14, 2020 related to this missing documentation, we assert that this is not an item that can be corrected via

an Administrative Deficiency because §11.9(c)(8) of the QAP specifically requires that a lender acknowledgement must be provided in the Application. The Administrative Deficiency definition within the QAP, §11.1(d)(2) states that if supporting documentation is not provided for claimed points, points will not be awarded:

(2) Administrative Deficiency ... *If the supporting documentation is not provided for claimed points, the item would be assigned no points.* [emphasis added]

If you have any questions, please feel free to reach me directly at (409) 988-1851 or via email at [donball110@gmail.com](mailto:donball110@gmail.com).

Sincerely,



Donald R. Ball  
Executive Director of Nautical Affordable Housing, Inc., the Sole Member of the General Partner

## Site Information Form Part II

Self Score Total: 133

**No** Part 1 entries are related to Concerted Revitalization Plan and Opportunity Index points are not requested.  
If yes, skip down to select amenities under Urban or Rural, as applicable.

**1. Opportunity Index (Competitive HTC and Direct Loan Applications Only) [10 TAC §11.9(c)(4) and 10 TAC §13.6(1)]**

**x** Development Site is located entirely within a census tract that has a poverty rate that is less than 20% or that is less than the median poverty rate for the region, whichever is higher.

**AND**

The census tract has a median household income rate in the two highest quartiles within the region (2 points).

**OR**

**x** The census tract has a median household income in the third quartile within the region, **and** is contiguous to a census tract in the first or second quartile without physical barriers such as (but not limited to) highways or rivers between, **and** the Development Site is no more than 2 miles from the boundary between the census tracts. A map showing the Development Site, location of the border, scale showing distance, and other applicable evidence is included (1 point).

Contiguous Census Tract # 48373210102

Contiguous Tract Quartile 2nd

**n/a** Development is Urban and Development Site is within the required radius of eligible amenities and/or services, pursuant to §11.9(c)(4)(B)(i) of the QAP. A map showing the Development Site, scale showing radius, location of the amenities, and evidence that the amenity meets all requirements of the rule, as applicable, is included.


**x** Development is Rural or USDA and Development Site is within the required distance of eligible amenities and/or services pursuant to §11.9(c)(4)(B)(ii) of the QAP. A map showing the Development Site, scale showing radius, location of the amenities, and evidence that the amenity meets all requirements of the rule, as applicable, is included.

full service grocery store (1 point)(4 miles)	A or B-rated public school (1 point)
pharmacy (1 point)(4 miles)	health-related facility (1 point)(4 miles)
university or community college (1 point)(15 miles)	public library (1 point)(4 miles)
indoor recreation facility available to public (1 point)(	
outdoor recreation facility available to public (1 point	
licensed center serving children (1 point)(4 miles)	

**x** No members of the Applicant or Affiliates had an ownership position in a selected amenity or served on the board or staff of a nonprofit that owned or managed a selected amenity within the year preceding the Pre-Application Final Delivery Date.

**Application is seeking points for Opportunity Index.** Total Points Claimed: 7

**If necessary, provide a brief summary of how the Development Site is justifying the points selected:**



**2. Underserved Area (Competitive HTC and Direct Loan Applications Only) [ 10 TAC §11.9(c)(5) and 10 TAC §13.6(3)]**

Applications may qualify for up to five (5) points for proposed Developments located in ONE of the following areas:

- No** Wholly or partially within a Colonia (2 points);  
(Note: Not eligible if application qualifies for Opportunity Index points)
- No** Entirely within the boundaries of an Economically Distressed Area (1 point);  
(Note: Not eligible if application qualifies for Opportunity Index points)
- Yes** Entirely within a census tract that does not have another Development that was awarded less than 30 years ago according to the Department's property inventory tab of the Site Demographic Characteristics Report (4 points);
- No** For areas that did not score above, entirely within a census tract that does not have another Development that was awarded less than 20 years ago according to the Department's property inventory tab of the Site Demographic Characteristics Report (3 points);
- No** For areas that did not score above, entirely within a census tract that does not have another Development that was awarded less than 15 years ago according to the Department's property inventory tab of the Site Demographic Characteristics Report (2 points);
- No** Entirely within a census tract whose boundaries are wholly within an incorporated area and the census tract itself and all of its contiguous census tracts do not have another Development that was awarded less than 15 years ago according to the Department's property inventory tab of the Site Demographic Characteristics Report. This item will apply in Places with a population of 100,000 or more, and will not apply in the At-Risk Set-Aside (5 points);  

Contiguous Census Tract #	<input type="text"/>	Contiguous Census Tract #	<input type="text"/>
Contiguous Census Tract #	<input type="text"/>	Contiguous Census Tract #	<input type="text"/>
Contiguous Census Tract #	<input type="text"/>	Contiguous Census Tract #	<input type="text"/>
- No** Entirely within a census tract where, according to American Community Survey 5-year Estimates, the population share of persons below the 200% federal poverty level decreased by 10% or more and where the total number of persons at or above the 200% poverty level increased by 15% or more from 2010 to 2017. This measure is referred to as the Affordable Housing Needs Indicator in the Site Demographic Characteristics Report (3 points);
- No** An At-risk or USDA Development placed in service 25 or more years ago, that is still occupied, and that has not yet received federal funding, or LIHTC equity, for the purposes of Rehabilitation for the Development. (3 points)

**Application is seeking points for Underserved Area. Total Points Claimed:**

**3. Proximity to Job Areas (Competitive HTC Applications Only) [10 TAC §11.9(c)(7)]**

- A. Proximity to the Urban Core**
  - n/a** Application is *not* in the At-Risk Set-Aside; **AND**
  - n/a** Population of Place is 190,000-749,999 and Development is located w/in 2 miles of the main municipal government administration building. (6 points) **OR**
  - n/a** Population of Place is 750,000 or more and Development is located w/in 4 miles of the main municipal government administration building. (6 points)
- OR**
- B. Proximity to Jobs (select one)**
  - x** Application is *not* in the At-Risk *or* USDA Set-Aside; **AND**
  - The Development is located within 1 mile of 16,500 jobs. (6 points)
  - The Development is located within 1 mile of 13,500 jobs. (5 points)
  - The Development is located within 1 mile of 10,500 jobs. (4 points)
  - The Development is located within 1 mile of 7,500 jobs. (3 points)
  - The Development is located within 1 mile of 4,500 jobs. (2 points)
  - x** The Development is located within 1 mile of 2,000 jobs. (1 point)

**Application is seeking points for Proximity to Job Areas Total Points Claimed:**

4. **Concerted Revitalization Plan (Competitive HTC Applications Only) [10 TAC §11.9(d)(7)]**

Region:

No Application is claiming points for a Concerted Revitalization Plan ("CRP"). (up to 7 points)

n/a No points were claimed for Opportunity Index.

n/a Applicant has selected amenities in the Opportunity Index section and included documentation in the CRP packet.

n/a The CRP Packet has been completed **and is included behind Tab 10.**

**Application is seeking points for Concerted Revitalization. Total Points Claimed:** 

5. **Declared Disaster Area (Competitive HTC Applications ONLY) [10 TAC §11.9(d)(3)]**

Development is located in an area that qualifies as a Declared Disaster Area as defined in §11.9(d)(3). (10 points)

**Application is seeking points for Declared Disaster Area. Total Points Claimed:**

6. **Readiness to Proceed in Disaster Impacted Counties (Competitive HTC Applications ONLY) [10 TAC §11.9(c)(8)]**

Application meets all of the following requirements: (5 points)

Application is for a proposed Development located in a county declared by FEMA to be eligible for individual assistance within three years preceding December 1, 2019.

Application includes a certification that the Applicant will close all financing on or before the last business day in November, 2020.

Application includes acknowledgement from all lenders and the syndicator of the required closing date.

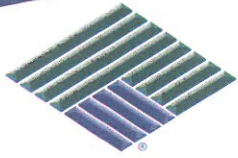
Application includes a certification that the Applicant will fully execute the construction contract on or before the last business day in November, 2020.

Application includes evidence that appropriate zoning will be in place at award.

Application includes a DETAILED narrative description of each piece of evidence provided that is not specifically requested and how that evidence proves that the Applicant will have appropriate zoning at award and will close all financing and fully execute the construction contract on or before the last business day of November, 2020.

Applicant understands that failure to close all financing and/or fully execute the construction contract on or before the last business day in November, 2019 will result in penalty under 10 TAC §11.9(f), as determined solely by the Board.

**Application is seeking points for Readiness to Proceed. Total Points Claimed:** 



**STEARNS**  
**BANK**<sub>N.A.</sub>  
*We get the job done!*

February 11, 2020

Livingston Pioneer Crossing, LLC  
Attn: Noorallah Jooma  
PO Box 113267  
Carrollton, TX 75011

RE: Permanent loan financing to Livingston Pioneer Crossing, LLC (the “Borrower”) for a 80 unit Section 42 (LIHTC) single story garden style senior development called Livingston Pioneer Crossing to be located in Livingston, Texas (the “Project”).

Dear Mr. Jooma:

An application has been submitted to Stearns Bank (the “Lender”) for permanent financing for the above-referenced project. Following is an outline of general terms and conditions regarding this project.

**Loan Amount:** \$2,625,000.00

**Interest Rate:** A fixed interest rate of 5.25%.

**Maturity:** 15 years.

**Repayment / Amortization:** The loan will have a maturity of 180 months, with principal and interest payable monthly, beginning 30 days from conversion, based on a 35-year amortization.

**Closing Costs:** Closing costs include, but are not limited to: a) Conversion Fee of 1.0% and; b) out-of-pocket costs, such as title insurance, legal fees, appraisal, filing fees, etc.

**Collateral:** Collateral will include the following:

- a) A first real estate mortgage on the proposed real estate project located in Livingston, TX (legal to govern).
- b) Assignment of Rents on the proposed real estate project located in Livingston, TX (legal to govern).
- c) A Security Agreement / Financing Statement covering fixtures, personal property and general intangibles.

**Guarantees:** This loan is non-recourse. The Borrower and Guarantor(s) shall have no personal liability, except for standard carve-outs.

**Required Documentation:** All documents deemed necessary by Lender to be properly executed, including a Business Loan Agreement.

**Escrows:** An escrow account must be maintained with Lender from which real estate taxes and hazard insurance premiums on the mortgaged property will be paid along with any other escrow accounts as required by Operating Agreement.

**Insurance:** Evidence of hazard insurance will be required at the time of loan closing, with “Stearns Bank N.A., its successors and/or assigns” named as Mortgagee and Lender’s Loss Payee.

**Expenses:** The undersigned acceptance of this proposal shall constitute its unconditional agreement to pay all costs, expenses and fees charged by or incurred by Lender in connection with the issuance of this proposal and in the making of the loan contemplated hereby, whether or not the loan is closed or funded, which costs, fees and expenses shall include, but not be limited to, all origination fees, outside counsel fees and costs, appraisal fees, recording costs, abstracting, title insurance and taxes of any nature. Such costs, fees and expenses shall be payable, whether or not the loan closes or is funded, and be immediately due and payable to the bank upon delivery of a statement rendered therefor to the undersigned by Lender.

**Financial Information:** The following financial information will be required: a) audited year end financials statements of Borrower, prepared by an independent CPA firm, to be submitted annually, along with annual tax returns, including all supporting schedules; b) monthly operating statements and rent rolls from Management Company; c) annual financial statements and tax returns, including all supporting schedules, from each guarantor.

**Conditions:** Prior to permanent funding, the Project must have sustained a minimum occupancy of 90% for three (3) consecutive months with rents as specified on the pro-forma and must meet and maintain a 1.15 DSC. DSC will be monitored and tested annually. The attached 15 year pro-forma is consistent with the unit rental rate assumptions, total operating expenses, net operating income, and debt service coverage based on Stearns Bank’s current underwriting parameters and consistent with the loan terms indicated in the term sheet and is preliminary considered feasible, pending further diligence review. The debt service for each year maintains no less than a 1.15 debt service coverage ratio. Additionally, Stearns Bank has performed a preliminary review of the credit worthiness of Livingston Pioneer Crossing, LLC and its Principals. At this time, Stearns Bank has no reservations with the Development Owner or any of the Principals. We anticipate no additional guarantors or financial strength will be needed to facilitate a loan to this borrower, other than those requirements disclosed herein.

**Miscellaneous Conditions:** This proposal is subject to the following conditions

- Based on the budget provided to Lender, about \$173,900 of the developer fee is to be deferred;
- Lender approval is conditioned on full underwriting of the transaction including final review of the market study, tax credit award, equity pay-in schedule, etc.



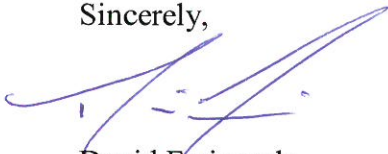
Livingston Pioneer Crossing, LLC  
February 11, 2020  
Page 3

The terms and conditions outlined above represent the general financial terms and requirements, but are not necessarily all-inclusive. Final approval of financing by Lender's Loan Committee is required.

**This proposal to provide financing is good through November 30, 2020** and shall automatically expire on such date and supersedes any and all previous proposals extended by Lender regarding your Project.

Thank you for the opportunity to provide financing for your project. We look forward to a mutually beneficial financial relationship.

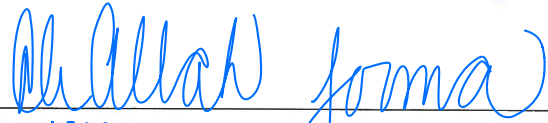
Sincerely,



David Feriancek  
Vice President

I hereby accept the terms and conditions of the above-described proposal to provide financing.

**LIVINGSTON PIONEER CROSSING, LLC**

X  Date: 2-16-2020  
By: NOORALLAH JOOMA  
Its: manager

**IMPORTANT INFORMATION ABOUT PROCEDURE FOR OPENING A NEW ACCOUNT**

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institution to obtain, verify, and record information that identifies each person or entity that opens an account.

WHAT THIS MEANS TO YOU: When you open an account, we will ask for your name and/or your company's name, address, date of birth, and other information that will allow us to identify you or your company. We may also ask to see your driver's license or other identifying documents.

**We thank you for your understanding and for joining us in securing a safer tomorrow.**

**Appraisal Notice**

**You have a right to a copy of the appraisal report used in connection with your application for credit. This right applies when Stearns Bank completes an appraisal or evaluation for a 1<sup>st</sup> lien, 1-4 family dwelling taken as collateral. Stearns Bank may order an appraisal to determine the property's value and charge you for this appraisal. We will promptly give you a copy of any appraisal, even if your loan does not close. You can pay for an additional appraisal for your own use at your own cost. You may waive your right to an advance copy of the appraisal report. If you choose to waive your right, contact your lender directly.**

20240  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**

Leslie Bingham, *Vice Chair*  
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Sharon Thomason, Member  
Leo Vasquez, Member

June 8, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Donald Ball  
Buna Providence CR 835, LP  
3735 Honeywood Court  
Port Arthur, Texas 77642

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20240 Livingston Pioneer Crossing

Dear Mr. Ball:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether staff properly reviewed the Application regarding appropriate documentation to qualify for points under Readiness to Proceed. Per 10 TAC §11.10:

If the assertion(s) in the RFAD have been addressed through the Application review process, and the RFAD does not contain new information, staff will not review or act on it. The RFAD may not be used to appeal staff decisions regarding competing Applications (§2306.6715(b)). Any RFAD that questions a staff decision regarding staff's scoring of an Application filed by another Applicant will be disregarded.

I find that the assertion(s) in the RFAD question staff's scoring determinations, have been addressed through the Application review process, and the RFAD does not contain new information. The Department issued a deficiency to the Applicant regarding similar matters to those contained in your RFAD, and will address the response and information in accordance with the QAP. Pursuant to 10 TAC §11.10, staff will not review or act on it. Staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.



REQUEST FOR ADMINISTRATIVE DEFICIENCY

June 8, 2020

Page 2

Sincerely,

Marni  
Holloway  
Marni Holloway  
Multifamily Division Director

Digitally signed by  
Marni Holloway  
Date: 2020.06.08  
14:32:20 -05'00'

Cc:



20264  
Request for Administrative Deficiency

May 1, 2020

Ms. Sharon Gamble  
Texas Department of Housing and Community Affairs  
21 E 11th Street  
Austin, Texas 78701

Re: HTC Application 20264 Juliette Fowler Residences

Dear Ms. Gamble:

Please consider this a formal request for a Third Party Request for Administrative Deficiency (RFAD) for TDHCA Application 20264 Juliette Fowler Residences. This RFAD concerns points claimed for Sponsor Characteristics under Section 11.9(b)(2).

Section 11.9(b)(2) Sponsor Characteristics states that an Application may qualify to receive 2 points if the ownership structure contains a HUB or Qualified Nonprofit Organization that meets certain percentage requirements and which will materially participate in the operation of the development and has experience directly related to the housing industry.

This Application contains a form that must be filled out with references to required documentation. The *2020 Multifamily Programs Application Procedures Manual* states as follows (highlight added):

- **Part 1 – Certified HUB or Qualified Nonprofit in the Ownership Structure:**
  - Indicate if attempting to score two points as a certified HUB or Qualified Nonprofit.
  - Complete the yellow highlighted cells with the percentages of ownership interest, cash flow from operations, and developer fee.
  - Certify that the Nonprofit or HUB will materially participate in the Development.
  - Indicate the experience of the Nonprofit or HUB by marking the checkboxes (Property Management, Construction, Development, Financing, or Compliance).
  - Certify there is no relationship between the Principals of the Nonprofit or HUB and any other Principals of the Applicant or Developer.
  - A narrative describing the HUB's or Nonprofit's experience in the housing industry as well as a statement indicating how the Nonprofit or HUB will materially participate must be included behind this tab. Acceptable evidence of experience includes, but is not limited to a resume or TDHCA experience certificate. *(Note, however, that such certificate is not necessarily sufficient to satisfy a 2020 experience requirement.)*
  - Indicate points claimed (zero if this option is not selected).

Application 20264 claimed 2 points on the Sponsor Characteristics Form and stated “Yes” to “A detailed narrative describing how that material participation will be achieved is included” and “Yes” to “A detailed narrative describing experience in each category is included.” However, there was nothing provided behind this tab. The Manual specifically states that a narrative describing the Nonprofit's experience in the housing industry and a statement indicating how it will materially participate must be included behind this tab.

A deficiency was issued for this item that stated that “Documentation, required for this point item, were missing. Provide the missing support documentation.”

There are several sections of the QAP that do not allow the submission of missing documentation for a scoring item.

The 2020 QAP definition of Administrative Deficiency states as follows (with underline added):

(2) Administrative Deficiency--Information requested by Department staff that staff requires to clarify or explain one or more inconsistencies; to provide non-material missing information in the original Application or pre-application; or to assist staff in evaluating the Application or pre-application that, in the Department staff's reasonable judgment, may be cured by supplemental information or explanation which will not necessitate a substantial reassessment or re-evaluation of the Application or pre-application. Administrative Deficiencies may be issued at any time while the Application or pre-application or Contract is under consideration by the Department, including at any time while reviewing performance under a Contract, processing documentation for a Commitment of Funds, closing of a loan, processing of a disbursement request, closing out of a Contract, or resolving of any issues related to compliance. A matter may begin as an Administrative Deficiency but later be determined to have constituted a Material Deficiency. If an Applicant claims points for a scoring item, but provides supporting documentation that would support fewer points for that item, staff would treat this as an inconsistency and issue an Administrative Deficiency which will result in a correction of the claimed points to align with the provided supporting documentation. If the supporting documentation is not provided for claimed points, the item would be assigned no points.

The General Information Section in 11.9(a) of Competitive HTC Selection Criteria states as follows (with underline added):

(a) General Information. This section identifies the scoring criteria used in evaluating and ranking Applications. The criteria identified in subsections (b) - (e) of this section include those items required under Tex. Gov't Code, Chapter 2306, Code §42, and other criteria established in a manner consistent with Chapter 2306 and Code §42. There is no rounding of numbers in this section for any of the calculations in order to achieve the desired requirement or limitation, unless rounding is explicitly stated as allowed for that particular calculation or criteria. The Application must include one or more maps indicating the location of the Development Site and the related distance to the applicable facility. Distances are to be measured from the nearest boundary of the Development Site to the nearest boundary of the property or easement containing the facility, unless otherwise noted. For the purposes of this section, all measurements will include ingress/egress requirements and any easements regardless of how they will be held. Due to the highly competitive nature of the program, Applicants that elect points where supporting documentation is required but fail to provide any supporting documentation will not be allowed to cure the issue through an Administrative Deficiency. However, Department staff may provide the Applicant an opportunity to explain how they believe the Application, as submitted, meets the requirements for points or otherwise satisfies the requirements.

This Application claimed 2 points but did not provide supporting documentation. Per the references above, an applicant that fails to provide “any supporting documentation will not be allowed to cure the issue through an administrative deficiency.”

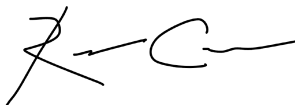
The Applicant's deficiency response stated "Participation explanation was provided with the non-profit documents and the experience documentation for the experience certification under separate tabs; however, we have summarized the participation and experience with this response." First, the separate "Non-Profit Participation" document provided with the deficiency response appears to be a new document that cannot be confirmed to have existed prior to the submission of the Application. Such document should not be accepted per the QAP. Second, the Applicant attempts to explain how the Application as submitted meets the requirement for points, but it fails.

The reference to participation provided in the nonprofit documents is the Nonprofit form itself. The "explanation" here is a box that lists three things. This is analogous to the checkboxes on the Sponsor Characteristics form and not the "detailed narrative" that is required. The experience documentation submitted in the Application is not an experience certificate or anything that confirms anyone's experience. It is an email exchange with Staff where Staff states that they *cannot* confirm experience based on the documents provided (which were apparently submitted outside of the Application). What was submitted in the Application itself was not a "detailed narrative describing experience" per the Sponsor Characteristics form, nor was it a resume or experience cert per the Manual. Nothing submitted in the Application meets the documentation requirements for the Sponsor Characteristics scoring item.

This Application claimed 2 points for Sponsor Characteristics, but did not provide supporting documentation for the claimed points. Per the QAP, if the supporting documentation is not provided for claimed points, the item will be assigned no points and an Applicant will not be allowed to cure the issue through an Administrative Deficiency. This Application should not be awarded 2 points for this scoring item.

Thank you for your attention and please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Combs". The signature is stylized with a large initial "R" and a long horizontal stroke extending to the right.

Ryan Combs



## Part 5 – Development Organization

The Development Organization tabs are colored green, and include all information regarding the Development Team members. The Organizational Charts, Previous Participation exhibits, and Credit Limit documents are all located in this section.

- ❖ **Tab 36 – Sponsor Characteristics** This form is only applicable for Competitive HTC Applications, and is divided into two Parts. Applications may qualify for two points for having a Certified HUB or Qualified Nonprofit in the ownership structure (with exception for the HUB of a HUD 202 Rehabilitation project), or for one point for having a Certified HUB or nonprofit organization involved with the Development Services or in the provision of on-site tenant services during the Development’s Affordability Period. To be eligible for the two points using a Qualified Nonprofit, the Application must be applying in the Nonprofit Set-Aside (a selection made in the *Development Narrative* and which will be auto-populated in this section.) The HUB must be registered with the Texas Comptroller of Accounts, and evidence of such registration must be provided behind this tab.
  - **Part 1 – Certified HUB or Qualified Nonprofit in the Ownership Structure:**
    - Indicate if attempting to score two points as a certified HUB or Qualified Nonprofit.
    - Complete the yellow highlighted cells with the percentages of ownership interest, cash flow from operations, and developer fee.
    - Certify that the Nonprofit or HUB will materially participate in the Development.
    - Indicate the experience of the Nonprofit or HUB by marking the checkboxes (Property Management, Construction, Development, Financing, or Compliance).
    - Certify there is no relationship between the Principals of the Nonprofit or HUB and any other Principals of the Applicant or Developer.
    - A narrative describing the HUB’s or Nonprofit’s experience in the housing industry as well as a statement indicating **how** the Nonprofit or HUB will materially participate must be included behind this tab. Acceptable evidence of experience includes, but is not limited to a resume or TDHCA experience certificate. *(Note, however, that such certificate is not necessarily sufficient to satisfy a 2020 experience requirement.)*
    - Indicate points claimed (zero if this option is not selected).
  - **Part 2 – Certified HUB or nonprofit involved with the Development Services or in the provision of on-site tenant services during the Development’s Affordability Period:**
    - Complete the yellow highlighted cells indicating which will be involved with Development services.
    - Evidence of experience in the provision of Development Services or in the provision of on-site tenant services as well as a narrative statement indicating how the HUB or Nonprofit will provide such services must be included behind this tab.
    - Indicate points claimed (zero if this option is not selected).

**The score will populate based on the selections made on this form. If it is not filled out correctly, points will not be included on the self-score form.**

- ❖ **Tab 37 – Applicant, Developer, and Guarantor Ownership Charts:** This sheet shows a basic format for organizational charts. Be sure that charts follow the example given and that they contain the following information:
  - Correct name and ownership percentage of each entity and person. Avoid nicknames.
  - Clear indication of role, e.g. Member, Member/Manager, Class B, LP, etc., and ability to exercise Control.

### Sponsor Characteristics (Competitive HTC Only)

Self Score Total: 139

Pursuant to §11.9(b)(2) of the Qualified Allocation Plan, an Application may qualify to receive up to two (2) points provided the ownership structure meets one of the following requirements in parts 1 OR 2 below;

**1. Application is attempting to score as a Qualified Nonprofit or certified HUB with ownership interest and material participation and meets the criteria below:**

Yes If attempting to score as a Qualified Nonprofit, Application is applying under the Nonprofit Set-Aside

If attempting to score as a certified HUB, evidence of the HUB's existence from the Texas Comptroller of Accounts is provided behind this Tab

Yes The Qualified Nonprofit or certified HUB has some combination of ownership interest, cash flow from operations, and developer fee which taken together equal at least 50% and no less than 5% for any category.

Ownership Interest: 100.000% (Not required for HUB of HUD 202 Rehabilitation projects.)

Cash flow from operations: 100.000%

Developer Fee: 100.000%

Total: 300.00% (Must equal at least 50% regardless of structure)

Yes The Qualified Nonprofit or certified HUB will materially participate in the Development and the operation of the Development throughout the Compliance Period.

Yes A detailed narrative describing how that material participation will be achieved is included.

Yes The Qualified Nonprofit or certified HUB has experience directly related to the housing industry.

Yes A detailed narrative describing experience in each category is included.



Mark all that apply

Property Management  Construction  Development  Financing  Compliance

No Principals of the Qualified Nonprofit or HUB are related Parties to or Affiliates of any other Principals of the Applicant or Developer.

Evidence of experience in the housing industry and a statement regarding material participation are provided behind this tab.

Points Claimed: 2

**2. Application is attempting to score as a participating Nonprofit or certified HUB and meets the criteria below:**

A certified HUB will participate in Development Services or provide onsite tenant services, and evidence of the HUB's existence from the Texas Comptroller of Accounts is provided behind this Tab.

A Nonprofit will participate in Development Services or provide onsite tenant services, and evidence from a state or federal source of the organization's nonprofit status is provided behind this Tab.



Evidence of experience in the provision of Development Services or in the provision of on-site tenant services as well as a detailed narrative describing how the HUB or Nonprofit will provide such services must be included behind this tab.

Points Claimed: 0

Total Points Claimed: 2

## Deficiency

**From:** [robbye.arxadvantage.net](mailto:robbye.arxadvantage.net)  
**To:** [Elizabeth.Henderson](mailto:Elizabeth.Henderson@tdhca.state.tx.us); [nicoleg@fowlercommunities.org](mailto:nicoleg@fowlercommunities.org); [billiec@fowlerchristianapartments.org](mailto:billiec@fowlerchristianapartments.org)  
**Subject:** RE: 20264 - 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Wednesday, April 08, 2020 9:30:01 AM

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Received. We will respond appropriately.

### Robbye Meyer

Arx Advantage  
1305 Dusky Thrush Trail  
Austin, Texas 78746  
(512) 963-2555 (M)  
(512) 857-8227 (F)  
[www.arxadvantage.com](http://www.arxadvantage.com)

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**From:** Elizabeth Henderson [mailto:[elizabeth.henderson@tdhca.state.tx.us](mailto:elizabeth.henderson@tdhca.state.tx.us)]  
**Sent:** Wednesday, April 8, 2020 8:55 AM  
**To:** [nicoleg@fowlercommunities.org](mailto:nicoleg@fowlercommunities.org); [billiec@fowlerchristianapartments.org](mailto:billiec@fowlerchristianapartments.org); [robbye.arxadvantage.net](mailto:robbye.arxadvantage.net)  
**Subject:** 20264 - 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Importance:** High

If you have any questions, please send them by email.  
Thanks!

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

- . Tab 12, Identity of Interest – The land transaction is an Identity of Interest but there is no price on the purchase contract. Will there be a price paid for the land or will it be transferred from one entity to its affiliate? I'm not sure how to classify the transfer of land, based on what's here.
- . Tab 22, Common Area – I did not find the table of common area for the property, including breezeways, corridors, utility closets, porches and patios and other NRA square footage.
- . Tab 22, Elevations – I did not find elevations for the courtyard walls of the building. Provide the missing elevations.
- . Tab 31, BOK Financial Loan – Is this loan converting to permanent or ending with construction? The letter says the loan will convert to permanent but it is not listed on Tab 31 as a permanent source. Please explain and alter the forms if necessary.

- . Tab 31, Mason-Joseph Loan – The interest rate for this loan was not entered on the Tab 31 form. Enter the rate.
- . Tab 35, Syndication Letter – The syndicator did not acknowledge the other financing in the deal and they did not sign the Financing Narrative. Have them sign the narrative, as that’s the easier fix.
- . Tab 35, Leveraging Private, State and Federal – Please explain how you qualify for these points. Discuss each element of qualification.
- . Tab 36, Sponsor Characteristics – Documentation, required for this point item, were missing. Provide the missing support documentation.
- . Tab 3, Applicant Eligibility Certification – Some of the names on the certifications are inconsistent with the names on the organizational charts. Reconcile all of the names that do not match. They should not appear differently in different places.
- 0. Tab 38, List of Organizations – The full board, of the nonprofit, was not given on the form and it should show all of the names. Be sure the names match the organizational charts
- 1. Tab 39, Previous Participation - Some of the names on the forms are inconsistent with the names on the organizational charts. Reconcile all of the names that do not match. They should not appear differently in different places.

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.



Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on April 16, 2020. Please respond to this email as confirmation of receipt.\*\***

**About TDHCA**

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

*Elizabeth Henderson*

*Program Specialist III*

*Texas Department of Housing and Community Affairs*

*221 E. 11th Street | Austin, TX 78701*

*Office: 512.463.9784 | Fax: 512.475.0764*

*Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §10.2(b)).*

Deficiency  
Response



**Arx Advantage, LLC**

Robbye G. Meyer  
1305 Dusky Thrush Trail  
Austin, Texas 78746  
(512) 963-2555  
robbye@arxadvantage.net

April 13, 2020

Ms. Elizabeth Henderson  
Multifamily Housing Specialist  
Texas Department of Housing and Community Affairs  
221 E. 11<sup>th</sup> Street  
Austin, Texas 78701

Dear Ms. Henderson,

We are in receipt of the deficiency notice issued April 8, 2020 for 20264 Juliette Fowler Residences and have responded to those requests in the following response.

- 1. Tab 12, Identity of Interest – The land transaction is an Identity of Interest but there is no price on the purchase contract. Will there be a price paid for the land or will it be transferred from one entity to its affiliate? I’m not sure how to classify the transfer of land, based on what’s here.**

The land is being donated from Juliette Fowler Properties, Inc. to Juliette Fowler Communities, Inc. There is no land cost indicated. It is an identity of interest but since there is not land cost to be evaluated there was no documentation to submit to document a value.

- 2. Tab 22, Common Area – I did not find the table of common area for the property, including breezeways, corridors, utility closets, porches and patios and other NRA square footage.**

This development is only one building; therefore, the architect aggregated the common area in one non-rentable calculation. The revised site plan adds a matrix that breaks the common areas out by floor.

- 3. Tab 22, Elevations – I did not find elevations for the courtyard walls of the building. Provide the missing elevations.**

The interior courtyard exterior walls were assumed to be the same/like composition as the exterior elevations of the build. The architect has revised the plans to include the interior courtyard elevations to indicate the same composition.

- 4. Tab 31, BOK Financial Loan – Is this loan converting to permanent or ending with construction? The letter says the loan will convert to permanent but it is not listed on Tab 31 as a permanent source. Please explain and alter the forms if necessary.**

The BOK Financial loan is only for construction. The statement made in the letter is referring the fact that the construction loan will be paid off when the development converts to permanent finance.

- 5. Tab 31, Mason-Joseph Loan – The interest rate for this loan was not entered on the Tab 31 form. Enter the rate.**

The rate was incorrect on Form 31. The form has been revised and attached with this response.

- 6. Tab 35, Syndication Letter – The syndicator did not acknowledge the other financing in the deal and they did not sign the Financing Narrative. Have them sign the narrative, as that's the easier fix.**

The syndicator has signed the sources and uses of funds as requested.

- 7. Tab 35, Leveraging Private, State and Federal – Please explain how you qualify for these points. Discuss each element of qualification.**

The Application has indicated that at least 5% of the total units will be restricted to serve households at or below 30% AMGI (10.42%) and the HTC funding request is less than 9% of the Total Housing Development Cost (6.34%). In accordance with 11.204(7)(C) Owner Contributions, the proposed owner is a non-profit with demonstrated fund raising (as evidenced by the CPA letter submitted behind Tab 35 and the financials submitted behind Tab 41); therefore; the owner contribution from Juliette Fowler Foundation is NOT considered in deferred developer fee; therefore, no more than 50% of the developer fee is being deferred. We believe the application and applicant meet the requirements and are eligible to receive the points. If additional documentation or clarification is needed, please let us know.

- 8. Tab 36, Sponsor Characteristics – Documentation, required for this point item, were missing. Provide the missing support documentation.**

Participation explanation was provided with the non-profit documents and the experience documentation for the experience certification under separate tabs; however, we have summarized the participation and experience with this response.

- 9. Tab 3, Applicant Eligibility Certification – Some of the names on the certifications are inconsistent with the names on the organizational charts. Reconcile all of the names that do not match. They should not appear differently in different places.**

All the persons listed were accounted for in the application submission; however, there were some that had initials or signature blocks that were different than the names printed on the Org Charts, Lists of Orgs and Prins, Previous Participation and Credit Limit cert. We have revised the Organizational Charts to be consistent with the Eligibility Certification forms. The other forms are address in the next items.

**10. Tab 38, List of Organizations – The full board, of the nonprofit, was not given on the form and it should show all of the names. Be sure the names match the organizational charts**

Only the officers of the non-profit were listed on the List of Orgs and Prins in the application submission due to the “control” provision of the rules. The individual members do not “control” the non-profit. We have revised the form to include all the board members.

**11. Tab 39, Previous Participation - Some of the names on the forms are inconsistent with the names on the organizational charts. Reconcile all of the names that do not match. They should not appear differently in different places.**

The Previous Participation forms had the same issues as the Org Charts. The forms have been revised to have the names consistent with the eligibility certification signature blocks. The credit limit certification was also revised to be consistent as well.

Should you need further clarification or correction, please do not hesitate to contact me.

Sincerely,



Robbye G. Meyer  
Principal, Managing Member



Submitted with deficiency.

## Non-Profit Participation

Juliette Fowler Communities, Inc. will materially participate in the development and operations in the following manner:

The Juliette Fowler Communities began in 1892 with a home for children and the aged with their first building opening in 1904 in Grand Prairie, Texas. In 1913, the home was moved to the current campus location and now consists on twenty-five acres and includes independent and assisted living, health and rehabilitation services, memory support, foster care and adoption services and The Ebby House for young women who have been abused, neglected, abandoned or aged-out of foster care. They serve more than 700 individuals and their families, employ 150 team members and engage more than 2400 volunteers annually.

Throughout the 127 year history, Juliette Fowler Communities has developed and renovated, managed and kept in compliance all the participating units on its campus including 54 independent living units, 30 assisted living units, 20 memory care units, 30 skilled nursing and rehabilitation suites, 200 affordable senior housing units, 150 foster care units, 7 aging out of traditional living program units and 2 emergency bed units for Triffick911.

Housing  
Experience

The members of executive management team all have significant tenures with Juliette Fowler Communities and have been through development and renovations of their existing properties and are actively involved in the daily operations of the organization. All will continue their roles as the organization moves through the development and construction of this new proposed community for the campus, they will provide property management and compliance and will continue to provide supportive services to all their properties on campus including in addition of Juliette Fowler Residences.

Material  
Participation

The twenty-six member board has been actively involved in the approval and process of the submission of the TDHCA and City of Dallas applications for the Juliette Fowler Residences.

X Nonprofit Set-Aside (Competitive HTC Applications Only)

Qualification: Must meet the definition of a Qualified Nonprofit Development pursuant to §11.1(a)(106) of the QAP, §42(h)(5) of the Code, and the requirements of §11.5(1) of the QAP.

Documentation: Eligibility will be confirmed based upon completion of the Nonprofit Participation and Additional Nonprofit Documentation requirements in this section.

X By selecting this box the Applicant affirms the election to be included in the Nonprofit Set-Aside and certifies that they expect to receive a benefit in the allocation of tax credits as a result of being affiliated with a nonprofit.

By selecting this box the Applicant affirms the election to be excluded from the Nonprofit Set-Aside and certifies that they do not expect to receive a benefit in the allocation of tax credits as a result of being affiliated with a nonprofit.

Nonprofit Information (ALL Applications)

Only nonprofit organizations will complete this section. All nonprofit Applicants or Principals must complete this form without regard to their level of ownership or the set-aside under which the Application was made.

Organization Name: Juliette Fowler Communities, Inc.

Is the Organization a 501(c)(3) or (4) as of the beginning of the Application Acceptance Period? Yes

If no to the question above, what is its current legal status?

If "Other" please specify:

Date of legal formation of Nonprofit Organization: 2/13/1942

1) Is Applicant comprised of a joint venture between a Nonprofit and for-profit entity? No

If "Yes", will this nonprofit organization Control the Applicant?

What is the ownership percentage of this nonprofit organization? 100

2) Describe the nonprofit's participation: General Partner/Developer/Guarantor

3) Describe the nonprofit's participation in the operation of the Development throughout the Compliance and/or extended use period:

Ownership, management, supportive services

4) Will the nonprofit receive part of the development fees paid in connection with the development? Yes

If "Yes," explain: NP will be the owner and developer of the development

X Application includes a resolution approved by the board of the nonprofit organization indicating clear approval of the organizations's participation in the Application and naming all members of the board and employees who may act on its behalf.

**Evidence of Experience Must be Provided Behind this Tab**

Pursuant to §11.204(6) of the QAP, a Principal of the Developer, Development Owner, or General Partner must establish that they have experience in the development of 150 units or more.



**Evidence of experience behind this tab includes:**

- An Experience certificate issued by the Department under the 2014-2019 Uniform Multifamily Rules.
- An Experience certificate issued by the Department under the 2020 QAP.
- An Application for experience and supporting documentation in accordance with §11.204(6)(A)(i)-(ix).
- Evidence from the Department that the application for experience was received and is being processed by the Department.

Alternatively, pursuant to §13.5(h)(1) of the Multifamily Direct Loan Rule, Applicants requesting MFDL as the only source of Department funds may meet the Experience Requirement by providing evidence of the successful development and operation for at least 5 years of at least twice as many affordability restricted units as requested in the Application.

- Documentation provided behind this tab meets the alternative Experience Requirement in §13.5(h)(1).

**DUNS Number and System for Award Management (SAM.gov) registration (Direct Loan Applications Only)**

The Office of Management and Budget (OMB) requires grant applicants to provide a Dunn and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for Federal grants, including Direct Loan funds, on or after October 1, 2003. The DUNS number will supplement other identifiers required by statute or regulation, such as tax identification numbers. To apply for a DUNS number applicants can go to the Dunn & Bradstreet website:

<http://fedgov.dnb.com/webform>

Once applicants have obtained a DUNS number, they must register with the SAM database:

<https://sam.gov/portal/public/SAM>



Applicants may provide this information with the Application or upon award.

- Evidence of SAM.gov registration for the applicant entity is attached behind this tab.
- Evidence of SAM.gov registration for the applicant entity will be provided upon award.

**Davis Bacon Labor Standards (Direct Loan Applications Only)**

24 CFR §92.354, Davis-Bacon Act (40 U.S.C. §§276(a)-276(a)(5), the Davis-Bacon Related Acts, the Contract Work Hours and Safety Standards Act, and the Copeland (Anti-Kickback) Act (40 U.S.C. §276(c)) apply to developments being assisted with Direct Loan funds if (Select all that apply):

- Twelve (12) or more Direct Loan-assisted units will be rehabilitated or constructed under one construction contract.
- Community Development Block Grant (CDBG) funds (including NSP1 PI) are being used to support the Development, which requires a lower number of units (8) be used as a threshold.

From Application

**robbye arxadvantage.net**

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**From:** robbye arxadvantage.net  
**Sent:** Wednesday, February 19, 2020 6:08 PM  
**To:** Elizabeth Henderson  
**Subject:** RE: Experience Certification Request - Collins and Gann  
**Attachments:** FCA's Resolutions1.pdf

I think will connect the dots. I put red boxes around the important resolution signatories. They changed their meeting formats in 2017 but both Billie and Nicole are still signatories and I can get further info for 2018 and 2019 if you really need it.

Sincerely,  
Robbye

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**From:** Elizabeth Henderson [<mailto:elizabeth.henderson@tdhca.state.tx.us>]  
**Sent:** Wednesday, February 19, 2020 2:16 PM  
**To:** robbye arxadvantage.net  
**Subject:** RE: Experience Certification Request - Collins and Gann

Hi Robbye!

I've gone through Collins and Gann and I need a lot more. The documents that I have do not connect your people to these development and it's the documents that should confirm those connections. Since they're nonprofit employees, is there a document that spells out the duties for either their positions or these persons specifically? Sometimes their job descriptions and/or the bylaws will do that, but that's just a couple of ideas. Also, are there any contracts, that these people have signed on behalf of the owner, for these developments? That can help illustrate that they did act on behalf of the right entities and that they were therefore empowered to do so. The documents that work best for this are listed on the Experience Application form. What I have right now is really not conclusive enough for me to use for either of these people and I would also like to see something, along the lines of a rent roll, for example, to confirm the unit count. You can redact the names or just sent their "total" pages, but a note from the architect is too weak. Not calling his integrity into question, you understand, it's just more conclusive if the evidence is something that exists, without regard for the Experience application.

I'm not sure what may or may not be available but if you want to run some ideas by, let me know.

Have a great day!

*Elizabeth Henderson*

*Program Specialist III  
Texas Department of Housing and Community Affairs  
221 E. 11th Street | Austin, TX 78701  
Office: 512.463.9784 | Fax: 512.475.0764*

*Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §10.2(b)).*

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**From:** robbye arxadvantage.net <[robbye@arxadvantage.net](mailto:robbye@arxadvantage.net)>  
**Sent:** Monday, February 17, 2020 5:00 PM



**To:** Elizabeth Henderson <[elizabeth.henderson@tdhca.state.tx.us](mailto:elizabeth.henderson@tdhca.state.tx.us)>

**Subject:** Experience Certification Request

Elizabeth,

I have attached the request for two individuals with Juliette Fowler Communities, Inc.

Nicole Gann is the President/CEO of Juliette Fowler Communities, Inc

Billie Collins is the Executive Director of Fowler Christian Apartments, an affiliate of Juliette Fowler Communities, Inc.

Included in the packet:

Architect Certification for the completion of 36 new construction units and 61 substantial rehabilitation units. The CO is for the 36 units, the G702s are for the 61 units.

GC Certification for the completion of 96 units. The CO is for the entire building of 145 units but only 96 were substantially rehabbed.

Let me know if you need anything else.

*Robbye Meyer*

Arx Advantage

1305 Dusky Thrush Trail

Austin, Texas 78746

(512) 963-2555 (M)

(512) 857-8227 (F)

arxadvantage.com

May 1, 2020

Ms. Sharon Gamble  
Texas Department of Housing and Community Affairs  
21 E 11th Street  
Austin, Texas 78701

Re: HTC Application #20264 (Juliette Fowler Residences)

Dear Ms. Gamble:

Please consider this a formal request for a Third Party Request for Administrative Deficiency (RFAD) for TDHCA Application #20264 (Juliette Fowler Residences). This RFAD is for two items: 1) Failure to provide appropriate site control documentation for both the pre and full Application - specifically that the Option Agreement provided does not satisfy the requirements of the Qualified Allocation Plan. 2) Failure to provide required documentation for Sponsor Characteristics point item.

### **Site Control**

QAP Section 11.1(d)(118) defines “site control” as a contract that meets the requirements of 11.204(10) of the QAP and that is legally enforceable. The Option Agreement appears to fail both of these requirements for the reasons set forth below.

The QAP Section 11.204 states that the information contained in 11.204 is “threshold documentation” that is required at the time of application submission. 11.204(10) then sets forth the requirements of “site control”. If site control is not in the name of the Development Owner but rather is in the name of an Affiliate, the Affiliate must demonstrate “site control” and an ability to assign site control to the Development Owner.

The Option Agreement clearly requires the transfer from an affiliate entity (Juliette Fowler Properties, Inc) to the Applicant, thus 11.204(B) requires the Applicant (Juliette Fowler Communities, Inc) to demonstrate site control by virtue of a contract for sale or option to purchase (“Contract”) and that the Contract must include a price, address and/or legal description, proof of consideration and expiration date. The Contract contained neither proof of consideration nor any agreed price.

The TDHCA reviewer picked up on the absence of an agreed price. In response, the Applicant said it was to be a donation from “Properties” to “Communities”, and TDHCA accepted that argument as to why no price was provided. The Applicant’s assertion that it was to be a “donation” for no price is not supported by anything contained in the site control document provided in the Pre or Full Application or anything that existed prior to the Application.

The issue as to lack of proof of consideration was not raised or addressed. Also, as noted above in QAP Section 11.1(d)(118), a contract must be legally enforceable in order to constitute “site control”. We do not believe that a contract with an unspecified option price nor any other consideration is legally enforceable under Texas statutes, regardless of whether or not it was a “donation”. For any agreement to be valid and enforceable, there must be the presence of consideration – meaning there must be something of value used in exchange. In the contract contained at both Pre-Application and Application, there is no presence of consideration.

The Applicant seems to believe that since the “seller” and the “buyer” were related parties that somehow “fixes” the lack of enforceability but we don’t think that is an acceptable argument. The QAP does not exempt an Applicant from providing evidence of consideration due to an identity of interest transaction. Both the lack of proof of consideration and the lack of an enforceable contract are arguments that were not considered by TDHCA in their initial review. Also, consider that in Section 5(a) of the Option Agreement there is reference to Communities making the “agreed upon payment” to Properties, and applicant in turn making the “agreed upon payment” to Communities. This runs counter to the argument that the Option Agreement evidenced any intent of the parties that Properties was going to donate the property to Communities.

Additionally, 11.204(10)(B) states that, in the case of land donations the Applicant must show that the donor has site control. The only acceptable means of demonstrating that the donor (Properties) had site control is through inclusion of a deed and corresponding executed settlement statement. Neither of these items were included in the Pre or Full Application, so that the Option Agreement (if construed as a land donation) fails to satisfy the requirements of “site control”. Further, these were not provided in the Applicant’s response to the administrative deficiency.

In other words, (i) the site control fails as a land donation because the original deed to the donor and settlement statement were not included at either Pre or Full Application and (ii) if not a donation, the Option Agreement fails for failure to provide a price, for failure to provide proof of consideration, and for failure to constitute a legally enforceable contract.

While Section 11.8(b)(1)(A) states that “For the purposes of meeting this specific requirement related to pre-application threshold criteria...any documentation required for identity of interest transactions is not required at the time of the pre-application submission...” it does not exempt the Applicant from providing the appropriate documentation required for land donations at the time of pre-application submission.

If the Applicant is given the opportunity to now provide the appropriate documentation to support their application, we believe at a minimum that the Applications should lose its Pre-Application points for not providing proper site control per QAP Section 11.8(b)(1) which states that site control is a threshold requirement and must meet the requirements of 11.204(10). The site control submitted at Pre-Application fails threshold regardless of its classification as a donation or as a purchase option.

Additionally, we would note that, 11.204(10)(C) requires that, if the land transfer involves an identity of interest, than applicant must also provide the documentation required by 11.302(e)(1)(B); that is, evidence of the original acquisition cost of the land by Properties as shown in an executed settlement statement or, if not available, the original asset value of the land must be listed in the most current financial statement of Properties. Neither was provided in the Application. There is a reviewer note in the Application that “it is an identity of interest but since there is not land cost to be evaluated there was no documentation to submit to document a value”. That may be true, but the QAP makes no exception to the requirement to provide the above information in a donation context, or in any context in which the current sales price is less than the seller’s acquisition cost. Simply put, failure to provide the required information is grounds for the Application being found ineligible.

#### **Justification for RFAD**

QAP Section 11.10 states that, with respect to third party requests for administrative deficiency (“RFAD”), “if the assertion in the RFAD has been addressed through the Application review process, and the RFAD does not contain new information, staff will not review or act on it.” During the scoring process the

reviewer pointed out there was no price in the Option Agreement but did not address the issue related to proof of consideration or the lack of appropriate documentation required for identity of interest transactions. Also, note that no argument was made in the initial review that the Applicant should be denied 6 points to a qualifying pre-app; as noted above, the Pre Application site control documentation does not meet threshold as it failed to satisfy the requirement of site control.

### **Sponsor Characteristics Points**

The application provides no documentation to justify the 2 Sponsor Characteristics points taken. The following items are missing:

- a. The Qualified Nonprofit's detailed narrative describing how it will materially participate in the Development and the operation of the Development through the Compliance Period.
- b. The Qualified Nonprofit's detailed narrative describing its experience directly related to the housing industry in Property Management, Construction, Development, Financing, and Compliance.

The TDHCA deficiency for this item states that "Documentation required for this point item were missing". The Applicant replied that "Participation explanation was provided with the nonprofit documents and the experience documentation for the experience certification under separate tabs." But then proceeded to submit new documentation to "summarize the participation and experience".

We would like to point out that this information is in fact nowhere to be found in the Application. Specifically there is no narrative describing the HUB's or Nonprofit's experience in the housing industry, nor is there a statement indicating how the Nonprofit or HUB will materially participate. While a TDHCA experience certificate can be used as evidence of experience, you will note that there is in fact not an Experience Certificate or an application/documentation for an Experience Certificate in the Application. Likewise there is no narrative included in the Nonprofit section outlining how they will participate.

Per Section 11.1(d)(2) Administrative Deficiency -- "If the supporting documentation is not provided for claimed points, the item would be assigned no points." Because of this, the Applicant is not eligible for the 2 points associated with Sponsor Characteristics.

Section 11.9 (a) States that "Applicants that elect points where supporting documentation is required but fail to provide any supporting documentation will not be allowed to cure the issue through an Administrative Deficiency. However, Department staff may provide the Applicant an opportunity to explain how they believe the Application, as submitted, meets the requirements for points or otherwise satisfies the requirements."

It should also be noted that the Applicant confirmed that the documentation submitted by them for the deficiency was created after the Application Submission Deadline, and per Section 11.1(d)(78) Material Deficiency clearly states that "Inability to provide documentation that existed prior to submission of an Application to substantiate claimed points or meet threshold requirement is material and may result in denial of the request points...."

Because the documentation was not submitted with the Application and what was submitted for the deficiency did not exist prior to Application submission, the points should not be awarded.



**Justification for RFAD**

QAP Section 11.10 states that, with respect to third party requests for administrative deficiency (“RFAD”), “if the assertion in the RFAD has been addressed through the Application review process, and the RFAD does not contain new information, staff will not review or act on it.” While the deficiency identified the lack of documentation, the follow up required to confirm that the documentation was indeed not in the application needed to be done. This confirmation would have changed the nature of the deficiency from Administrative to Material.

**Conclusion**

As outlined above, we do not believe that Application #20264 (Juliette Fowler Residences) met the criteria for site control at Pre or Full Application. Failure to do so should result in termination or a loss of Pre Application points at a minimum.

Additionally, the Application did not include the required documentation for Sponsor Characteristics, as was confirmed by the reviewer. The information was not within the Application at time of submittal and was produced from documentation that did not exist prior to the submission of the Application and per Section 11.1(d)(2) Administrative Deficiency, Section 11.1(d)(78) Material Deficiency, and Section 11.9(a) General Information, should be assigned no points.

Sincerely,



Lisa Stephens  
Saigebrook Development, LLC

**Attachments:**

- QAP citations for challenge
- Deficiency notice from TDHCA
- Deficiency response from Applicant
- Site control from Pre Application
- Site control from Full Application

## RFAD QAP Citations

### Deficiency Citations

**§11.1 (d)(2) Administrative Deficiency**--Information requested by Department staff that staff requires to clarify or explain one or more inconsistencies; to provide non-material missing information in the original Application or pre-application; or to assist staff in evaluating the Application or pre-application that, in the Department staff's reasonable judgment, may be cured by supplemental information or explanation which will not necessitate a substantial reassessment or re-evaluation of the Application or pre-application. Administrative Deficiencies may be issued at any time while the Application or pre-application or Contract is under consideration by the Department, including at any time while reviewing performance under a Contract, processing documentation for a Commitment of Funds, closing of a loan, processing of a disbursement request, closing out of a Contract, or resolving of any issues related to compliance. A matter may begin as an Administrative Deficiency but later be determined to have constituted a Material Deficiency. If an Applicant claims points for a scoring item, but provides supporting documentation that would support fewer points for that item, staff would treat this as an inconsistency and issue an Administrative Deficiency which will result in a correction of the claimed points to align with the provided supporting documentation. If the supporting documentation is not provided for claimed points, the item would be assigned no points.

**§11.1 (d) (78) Material Deficiency**--Any deficiency in a pre-application or an Application or other documentation that exceeds the scope of an Administrative Deficiency. Inability to provide documentation that existed prior to submission of an Application to substantiate claimed points or meet threshold requirements is material and may result in denial of the requested points or a termination in the case of threshold items. It is possible that multiple deficiencies that could individually be characterized as Administrative Deficiencies, when taken as a whole would create a need for substantial re-review of the Application and as such would be characterized as constituting a Material Deficiency.

### §11.9 Competitive HTC Selection Criteria

(a) General Information. This section identifies the scoring criteria used in evaluating and ranking Applications. The criteria identified in subsections (b) - (e) of this section include those items required under Tex. Gov't Code, Chapter 2306, Code §42, and other criteria established in a manner consistent with Chapter 2306 and Code §42. There is no rounding of numbers in this section for any of the calculations in order to achieve the desired requirement or limitation, unless rounding is explicitly stated as allowed for that particular calculation or criteria. The Application must include one or more maps indicating the location of the Development Site and the related distance to the applicable facility. Distances are to be measured from the nearest boundary of the Development Site to the nearest boundary of the property or easement containing the facility, unless otherwise noted. For the purposes of this section, all measurements will include ingress/egress requirements and any easements regardless of how they will be held. Due to the highly competitive nature of the program, Applicants that elect points where supporting documentation is required but fail to provide any supporting documentation will not be allowed to cure the issue through an Administrative Deficiency. However, Department staff may provide the Applicant an opportunity to explain how they believe the Application, as submitted, meets the requirements for points or otherwise satisfies the requirements.

## Site Control Requirements

**Section 11.1(d)(118) Site Control**--Ownership or a current contract or series of contracts that meets the requirements of §11.204(10) of this chapter, that is legally enforceable giving the Applicant the ability, not subject to any legal defense by the Owner or anyone else, to develop and operate a Property and subject it to a LURA reflecting the requirements of any awards of assistance it may receive from the Department.

### 11.204(10) Site Control

(A) Evidence that the Development Owner has Site Control must be submitted. If the evidence is not in the name of the Development Owner, then an Affiliate of the Development Owner must have Site Control that allows for an ability to assign the Site Control to the Development Owner. All of the sellers of the proposed Property for the 36 month period prior to the first day of the Application Acceptance Period and their relationship, if any, to members of the Development Team must be identified at the time of Application. The Department may request documentation at any time after submission of an Application of the Development Owner's ability to compel title of any Affiliated property acquisition(s) and the Development Owner must be able to promptly provide such documentation or the Application, award, or Commitment may be terminated. The Department acknowledges and understands that the Property may have one or more encumbrances at the time of Application submission and the Department will take into account whether any such encumbrance is reasonable within the legal and financial ability of the Development Owner to address without delaying development on the timeline contemplated in the Application. Tax-Exempt Bond Lottery Applications must have Site Control valid through December 1 of the prior program year with the option to extend through March 1 of the current program year.

(B) In order to establish Site Control, one of the items described in clauses (i) - (iii) of this subparagraph must be provided. In the case of land donations, Applicants must demonstrate that the entity donating the land has Site Control as evidenced through one of the items described in clauses (i) - (iii) of this subparagraph or other documentation acceptable to the Department.

(i) a recorded warranty deed vesting indefeasible title in the Development Owner or, if transferrable to the Development Owner, an Affiliate of the Owner, with corresponding executed settlement statement (or functional equivalent for an existing lease with at least 45 years remaining); or

(ii) a contract or option for lease with a minimum term of 45 years that includes a price; address and/or legal description; proof of consideration in the form specified in the contract; and expiration date; or

(iii) a contract for sale or an option to purchase that includes a price; address and/or legal description; proof of consideration in the form specified in the contract; and expiration date.

(C) If the acquisition can be characterized as an identity of interest transaction, as described in §11.302 of this chapter, regarding Underwriting Rules and Guidelines, then the documentation required as further described therein must be submitted in addition to that of subparagraph (B) of this paragraph.

(D) If ingress and egress to a public right of way are not part of the Property described in the site control documentation, the Applicant must provide evidence of an easement, leasehold, or similar documented access, along with evidence that the fee title owner of the property agrees that the LURA may extend to the access easement by the time of Commitment.

(E) If control of the entire proposed Development Site requires that a plat or right of way be vacated, evidence that the vacation/re-platting process has started must be included in the Application, and evidence of control of the entire Development Site must be provided by the time of Commitment.

## **Pre Application Site Control Requirement**

Section 11.8(b)(1)(A) Site Control meeting the requirements of §11.204(10) of this title (relating to Required Documentation for Application Submission). For purposes of meeting this specific requirement related to pre-application threshold criteria, proof of consideration and any documentation required for identity of interest transactions is not required at the time of pre-application submission but will be required at the time of full application submission;

## **Identity of Interest Requirement**

11.302(e)(1)(B) Identity of Interest Acquisitions.

(i) An acquisition will be considered an identity of interest transaction when an Affiliate of the seller is an Affiliate of, a Related Party to, any Owner at any level of the Development Team or a Related Party lender; and

(I) is the current owner in whole or in part of the Property; or

(II) has or had within the prior 36 months legal or beneficial ownership of the property or any portion thereof or interest therein prior to the first day of the Application Acceptance Period.

(ii) In all identity of interest transactions the Applicant is required to provide:

(I) the original acquisition cost in the most recent non-identity of interest transaction evidenced by an executed settlement statement or, if a settlement statement is not available, the original asset value listed in the most current financial statement for the identity of interest owner; and

(II) if the original acquisition cost evidenced by subclause (I) of this clause is less than the acquisition cost stated in the application:

(-a-) an appraisal that meets the requirements of §11.304 of this chapter (relating to Appraisal Rules and Guidelines); and

(-b-) any other verifiable costs of owning, holding, or improving the Property, excluding seller financing, that when added to the value from subclause (I) of this clause justifies the Applicant's proposed acquisition amount.



(-1-) For land-only transactions, documentation of owning, holding or improving costs since the original acquisition date may include property taxes, interest expense to unrelated Third Party lender (s), capitalized costs of any physical improvements, the cost of zoning, platting, and any off-site costs to provide utilities or improve access to the Property. All allowable holding and improvement costs must directly benefit the proposed Development by a reduction to hard or soft costs. Additionally, an annual return of 10% may be applied to the original capital investment and documented holding and improvement costs; this return will be applied from the date the applicable cost is incurred until the date of the Department's Board meeting at which the Grant, Direct Loan and/or Housing Credit Allocation will be considered.

(-2-) For transactions which include existing residential or non-residential buildings that will be rehabilitated or otherwise retained as part of the Development, documentation of owning, holding, or improving costs since the original acquisition date may include capitalized costs of improvements to the Property, and in the case of USDA financed Developments the cost of exit taxes not to exceed an amount necessary to allow the sellers to be made whole in the original and subsequent investment in the Property and avoid foreclosure. Additionally, an annual return of 10% may be applied to the original capital investment and documented holding and improvement costs; this return will be applied from the date the applicable cost was incurred until the date of the Department's Board meeting at which the Grant, Direct Loan and/or Housing Credit Allocation will be considered. The annual return may not be applied for any period of time during which the existing residential or non- residential buildings are occupied or otherwise producing revenue.

(iii) For Identity of Interest transactions, the acquisition cost used for underwriting will be:

(I) the original acquisition cost evidenced by clause (B)(ii)(I) of this subparagraph plus costs identified in item (B)(ii)(II)(-b-) of this subparagraph; or,

(II) the "as-is" value conclusion evidenced by item (B)(ii)(II)(-a-) of this subparagraph if less than the value identified in subclause (I); or

(III) if applicable, the transfer value approved by USDA; or,

(IV) if applicable, the appraised land value for transactions where all existing buildings will be demolished.;  
or,

(V) if applicable, for Developments that will be financed using tax-exempt mortgage revenue bonds that currently have project-based rental assistance or currently have rent restrictions that will remain in place on the property after the acquisition and the current owner has owned the property for at least 60 months prior to the first day of the Application Acceptance Period, the Underwriter shall only restrict the acquisition costs if it exceeds the "as-is" value conclusion evidenced by item (B)(ii)(II)(-a-) of this subparagraph. The appraisal used for this purpose must be reviewed by a licensed or certified appraiser by the Texas Appraisal Licensing and Certification Board that is not related to the original appraiser or anyone on the Development Team and in accordance with USPAP Standard 3. If the reviewing appraiser disagrees with the appraised value determined by the appraiser, the Underwriter will determine the acquisition cost to be used in the analysis.

**From:** [robbye\\_arxadvantage.net](mailto:robbye_arxadvantage.net)  
**To:** [Elizabeth Henderson](mailto:Elizabeth.Henderson); [nicoleg@fowlercommunities.org](mailto:nicoleg@fowlercommunities.org); [billiec@fowlerchristianapartments.org](mailto:billiec@fowlerchristianapartments.org)  
**Subject:** RE: 20264 - 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Wednesday, April 08, 2020 9:30:01 AM

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Received. We will respond appropriately.

## Robbye Meyer

Arx Advantage  
1305 Dusky Thrush Trail  
Austin, Texas 78746  
(512) 963-2555 (M)  
(512) 857-8227 (F)  
[www.arxadvantage.com](http://www.arxadvantage.com)

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**From:** Elizabeth Henderson [mailto:[elizabeth.henderson@tdhca.state.tx.us](mailto:elizabeth.henderson@tdhca.state.tx.us)]  
**Sent:** Wednesday, April 8, 2020 8:55 AM  
**To:** [nicoleg@fowlercommunities.org](mailto:nicoleg@fowlercommunities.org); [billiec@fowlerchristianapartments.org](mailto:billiec@fowlerchristianapartments.org); [robbye\\_arxadvantage.net](mailto:robbye_arxadvantage.net)  
**Subject:** 20264 - 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Importance:** High

If you have any questions, please send them by email.  
Thanks!

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

· Tab 12, Identity of Interest – The land transaction is an Identity of Interest but there is no price on the purchase contract. Will there be a price paid for the land or will it be transferred from one entity to its affiliate? I'm not sure how to classify the transfer of land, based on what's here.

· Tab 22, Common Area – I did not find the table of common area for the property, including breezeways, corridors, utility closets, porches and patios and other NRA square footage.

· Tab 22, Elevations – I did not find elevations for the courtyard walls of the building. Provide the missing elevations.

· Tab 31, BOK Financial Loan – Is this loan converting to permanent or ending with construction? The letter says the loan will convert to permanent but it is not listed on Tab 31 as a permanent source. Please explain and alter the forms if necessary.

- . Tab 31, Mason-Joseph Loan – The interest rate for this loan was not entered on the Tab 31 form. Enter the rate.
- . Tab 35, Syndication Letter – The syndicator did not acknowledge the other financing in the deal and they did not sign the Financing Narrative. Have them sign the narrative, as that's the easier fix.
- . Tab 35, Leveraging Private, State and Federal – Please explain how you qualify for these points. Discuss each element of qualification.
- . Tab 36, Sponsor Characteristics – Documentation, required for this point item, were missing. Provide the missing support documentation.
- . Tab 3, Applicant Eligibility Certification – Some of the names on the certifications are inconsistent with the names on the organizational charts. Reconcile all of the names that do not match. They should not appear differently in different places.
- 0. Tab 38, List of Organizations – The full board, of the nonprofit, was not given on the form and it should show all of the names. Be sure the names match the organizational charts
- 1. Tab 39, Previous Participation - Some of the names on the forms are inconsistent with the names on the organizational charts. Reconcile all of the names that do not match. They should not appear differently in different places.

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on April 16, 2020. Please respond to this email as confirmation of receipt.\*\***

**About TDHCA**

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

*Elizabeth Henderson*

*Program Specialist III*

*Texas Department of Housing and Community Affairs*

*221 E. 11th Street | Austin, TX 78701*

*Office: 512.463.9784 | Fax: 512.475.0764*

*Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §10.2(b)).*





**Arx Advantage, LLC**

Robbye G. Meyer  
1305 Dusky Thrush Trail  
Austin, Texas 78746  
(512) 963-2555  
robbye@arxadvantage.net

April 13, 2020

Ms. Elizabeth Henderson  
Multifamily Housing Specialist  
Texas Department of Housing and Community Affairs  
221 E. 11<sup>th</sup> Street  
Austin, Texas 78701

Dear Ms. Henderson,

We are in receipt of the deficiency notice issued April 8, 2020 for 20264 Juliette Fowler Residences and have responded to those requests in the following response.

- 1. Tab 12, Identity of Interest – The land transaction is an Identity of Interest but there is no price on the purchase contract. Will there be a price paid for the land or will it be transferred from one entity to its affiliate? I'm not sure how to classify the transfer of land, based on what's here.**

The land is being donated from Juliette Fowler Properties, Inc. to Juliette Fowler Communities, Inc. There is no land cost indicated. It is an identity of interest but since there is not land cost to be evaluated there was no documentation to submit to document a value.

- 2. Tab 22, Common Area – I did not find the table of common area for the property, including breezeways, corridors, utility closets, porches and patios and other NRA square footage.**

This development is only one building; therefore, the architect aggregated the common area in one non-rentable calculation. The revised site plan adds a matrix that breaks the common areas out by floor.

- 3. Tab 22, Elevations – I did not find elevations for the courtyard walls of the building. Provide the missing elevations.**

The interior courtyard exterior walls were assumed to be the same/like composition as the exterior elevations of the build. The architect has revised the plans to include the interior courtyard elevations to indicate the same composition.

- 4. Tab 31, BOK Financial Loan – Is this loan converting to permanent or ending with construction? The letter says the loan will convert to permanent but it is not listed on Tab 31 as a permanent source. Please explain and alter the forms if necessary.**

The BOK Financial loan is only for construction. The statement made in the letter is referring the fact that the construction loan will be paid off when the development converts to permanent finance.

- 5. Tab 31, Mason-Joseph Loan – The interest rate for this loan was not entered on the Tab 31 form. Enter the rate.**

The rate was incorrect on Form 31. The form has been revised and attached with this response.

- 6. Tab 35, Syndication Letter – The syndicator did not acknowledge the other financing in the deal and they did not sign the Financing Narrative. Have them sign the narrative, as that's the easier fix.**

The syndicator has signed the sources and uses of funds as requested.

- 7. Tab 35, Leveraging Private, State and Federal – Please explain how you qualify for these points. Discuss each element of qualification.**

The Application has indicated that at least 5% of the total units will be restricted to serve households at or below 30% AMGI (10.42%) and the HTC funding request is less than 9% of the Total Housing Development Cost (6.34%). In accordance with 11.204(7)(C) Owner Contributions, the proposed owner is a non-profit with demonstrated fund raising (as evidenced by the CPA letter submitted behind Tab 35 and the financials submitted behind Tab 41); therefore; the owner contribution from Juliette Fowler Foundation is NOT considered in deferred developer fee; therefore, no more than 50% of the developer fee is being deferred. We believe the application and applicant meet the requirements and are eligible to receive the points. If additional documentation or clarification is needed, please let us know.

- 8. Tab 36, Sponsor Characteristics – Documentation, required for this point item, were missing. Provide the missing support documentation.**

Participation explanation was provided with the non-profit documents and the experience documentation for the experience certification under separate tabs; however, we have summarized the participation and experience with this response.

- 9. Tab 3, Applicant Eligibility Certification – Some of the names on the certifications are inconsistent with the names on the organizational charts. Reconcile all of the names that do not match. They should not appear differently in different places.**

All the persons listed were accounted for in the application submission; however, there were some that had initials or signature blocks that were different than the names printed on the Org Charts, Lists of Orgs and Prins, Previous Participation and Credit Limit cert. We have revised the Organizational Charts to be consistent with the Eligibility Certification forms. The other forms are address in the next items.

**10. Tab 38, List of Organizations – The full board, of the nonprofit, was not given on the form and it should show all of the names. Be sure the names match the organizational charts**

Only the officers of the non-profit were listed on the List of Orgs and Prins in the application submission due to the “control” provision of the rules. The individual members do not “control” the non-profit. We have revised the form to include all the board members.

**11. Tab 39, Previous Participation - Some of the names on the forms are inconsistent with the names on the organizational charts. Reconcile all of the names that do not match. They should not appear differently in different places.**

The Previous Participation forms had the same issues as the Org Charts. The forms have been revised to have the names consistent with the eligibility certification signature blocks. The credit limit certification was also revised to be consistent as well.

Should you need further clarification or correction, please do not hesitate to contact me.

Sincerely,



Robbye G. Meyer  
Principal, Managing Member

## **Non-Profit Participation**

Juliette Fowler Communities, Inc. will materially participate in the development and operations in the following manner:

The Juliette Fowler Communities began in 1892 with a home for children and the aged with their first building opening in 1904 in Grand Prairie, Texas. In 1913, the home was moved to the current campus location and now consists on twenty-five acres and includes independent and assisted living, health and rehabilitation services, memory support, foster care and adoption services and The Ebby House for young women who have been abused, neglected, abandoned or aged-out of foster care. They serve more than 700 individuals and their families, employ 150 team members and engage more than 2400 volunteers annually.

Throughout the 127 year history, Juliette Fowler Communities has developed and renovated, managed and kept in compliance all the participating units on its campus including 54 independent living units, 30 assisted living units, 20 memory care units, 30 skilled nursing and rehabilitation suites, 200 affordable senior housing units, 150 foster care units, 7 aging out of traditional living program units and 2 emergency bed units for Triffick911.

The members of executive management team all have significant tenures with Juliette Fowler Communities and have been through development and renovations of their existing properties and are actively involved in the daily operations of the organization. All will continue their roles as the organization moves through the development and construction of this new proposed community for the campus, they will provide property management and compliance and will continue to provide supportive services to all their properties on campus including in addition of Juliette Fowler Residences.

The twenty-six member board has been actively involved in the approval and process of the submission of the TDHCA and City of Dallas applications for the Juliette Fowler Residences.



# Pre Application Site Control

## OPTION AGREEMENT

THE STATE OF TEXAS     §  
  §  
COUNTY OF DALLAS     §

This Option Agreement (the "**Option**"), dated the 30 day of December 2019, is entered into between Juliette Fowler Properties, Inc., a Texas non-profit corporation ("**JFP**"), and Juliette Fowler Communities, Inc., a Texas non-profit corporation ("**JFC**").

WHEREAS, JFP owns certain tracts of land in Dallas County, Texas and all improvements thereon, as described on Exhibit A attached hereto and incorporated herein by reference for all purposes (the "**Property**").

WHEREAS, JFP and JFC are affiliated entities and are working to develop an affordable multifamily housing complex on the Property (the "**Development**");

WHEREAS, the Development will be owned by Juliette Fowler Senior Affordable Housing LP, a Texas limited partnership to be formed ("**Applicant**");

WHEREAS, Applicant is applying for low-income housing tax credits to facilitate financing of the Development;

WHEREAS, Applicant is an affiliate of JFP and JFC;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed, JFP and JFC mutually covenant and agree as follows:

1. Grant of Option. Subject to the terms and conditions recited herein, JFP hereby grants and conveys to JFC the sole and exclusive right and option to acquire the Property (the "**Option**"). Immediately upon exercise of the Option, JFC shall either transfer the Property to Applicant or enter into a long-term ground lease for the Property with Applicant. The decision to acquire the Property in fee simple or leasehold shall be made by Applicant in its sole discretion.

2. Term of Option. Unless exercised by JFC in the manner provided herein, this Option shall automatically expire, terminate, and be of no further force or effect on May 31, 2021, at 5:00 o'clock P.M., Dallas, Texas local time (the "**Termination Date**"). Any extensions of the term of this Option shall be granted upon the mutual agreement of JFP and JFC.

3. Option Price. In the event that JFC exercises its rights under this Option, then it shall pay JFP an amount mutually agreed to by the parties (the "**Option Price**") with such amount to be paid at the Closing described in Section 5, on terms and conditions mutually acceptable to JFP and JFC. To the extent JFC acquires the Property by exercise of this Option, it

shall transfer the Property to Applicant for a price equal to the Option Price or ground lease the Property to Applicant for an upfront ground lease payment in the amount of the Option Price.

4. Intentionally Omitted.

5. Exercise of Option.

(a) In the event that JFC exercises the Option granted herein, JFC's acquisition of the Property and Applicant's acquisition of a fee or leasehold estate in the Property shall be conducted through the title company selected by Applicant (the "**Title Company**") by JFP executing a deed, as grantor to JFC, and recording it in the Real Property Records of Dallas County, Texas and by JFC either (i) executing a deed, as grantor to Applicant, and recording it in the Real Property Records of Dallas County, Texas, or (ii) executing a ground lease, as lessor, with Applicant as lessee, and causing a memorandum of ground lease to be filed in the Real Property Records of Dallas County, Texas, in either event concurrently with JFC making the agreed upon payment for the Property to JFP and Applicant making the agreed upon payment to JFC. Such transaction (the "**Closing**") shall occur on or before June 30, 2021 unless such date is extended by mutual agreement of JFP and JFC.

(b) JFC shall not incur or suffer liability or monetary responsibility of any kind to JFP or any other person based solely on the grounds that JFC for any reason fails or elects not to exercise the Option as contemplated herein.

6. Title Policy and Closing Costs. Applicant shall pay the premium for issuance of an appropriate policy of title insurance to Applicant. The cost of any new survey of the Property shall be paid by Applicant. No brokerage commissions shall be payable by reason of this transaction.

7. Time of the Essence. Time is of the essence with regard to all time periods and deadlines stated in this Option.

8. Notices. All notices, demands, and requests required or permitted by this Agreement shall be in writing and shall be sent by United States certified mail, return receipt requested, national overnight delivery service, or hand delivery, to either JFP or JFC, as applicable, at the following address:

1234 Abrams Road  
Dallas, TX 75214  
Attention: Nicole Gann

Any notice, demand, or request sent by United States certified mail, return receipt requested, shall be deemed given under this Agreement on the third business day after depositing the same in any official depository or receptacle of the United States Postal Service. Any notice, demand, or request sent by facsimile transmission shall be deemed given for all purposes under this Agreement when transmitted. Any notice, demand or request which is hand delivered shall be deemed given for all purposes under this Agreement when received. Any party to this Agreement may change

such party's address for the purpose of notices, demands, and requests required or permitted under this Agreement by providing written notice of such change of address to all other parties, which change of address shall only be effective when notice of the change is actually received by the party who thereafter sends any notice, demand, or request.

9. Governing Law and Venue. This Option shall be construed in accordance with and the rights and remedies of the parties determined under the laws of the State of Texas. The parties agree that exclusive venue for any suit or proceeding relating to this Option, including the enforcement thereof, shall be in Dallas County, Texas.

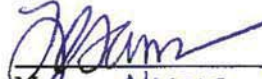
10. Successors and Assigns. The provisions of this Option are binding upon all successors and assigns of JFP and JFC.

11. Amendment. This Option may only be amended by a written instrument signed by JFP and JFC or their respective successors and assigns.

**SIGNATURE PAGE:**

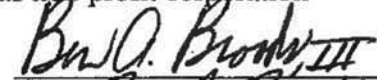
**JFP:**

Juliette Fowler Properties, Inc.,  
A Texas non-profit corporation

By:   
Name: NICOLE GANN  
Title: President

**JFC:**

Juliette Fowler Communities, Inc.,  
A Texas non-profit corporation

By:   
Name: Ben A. Brooks, III  
Title: Chair, Board of Directors



## EXHIBIT A

### Legal Description

DESCRIPTION OF A 4.590 ACRE TRACT OF LAND SITUATED IN THE ROBERT MOORE SURVEY, ABSTRACT NO.

999, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, SAID 4.590 ACRE TRACT BEING COMPRISED OF THE FOLLOWING TRACTS:

1.) THE FORMER RIGHT-OF-WAY OF EASTSIDE AVENUE NORTHEAST OF FULTON STREET ABANDONED TO JULIETTE FOWLER PROPERTIES, INC. ACCORDING TO CITY OF DALLAS ORDINANCE NO. 28486; AND

2.) 16 TRACTS OF LAND IN CITY BLOCK 1674 CONVEYED TO JULIETTE FOWLER PROPERTIES, INC. BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S INSTRUMENT NO. 20080201114 AND GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S INSTRUMENT NO. 20080201115, BOTH IN THE OFFICIAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS (O.P.R.D.C.T.); SAID 16 TRACTS INCLUDING A PORTION OF LOT 8, BLOCK 1674 OF THE GERTRUDE STONE SUBDIVISION, AN ADDITION TO THE CITY OF DALLAS RECORDED IN VOLUME 41, PAGE 217, MAP RECORDS OF DALLAS COUNTY, TEXAS (M.R.D.C.T.); AND ALL OF LOTS 23 AND 24, BLOCK 1674 OF THE J.C. HONEA SUBDIVISION, AN ADDITION TO THE CITY OF DALLAS RECORDED IN VOLUME 47, PAGE 5, MAP RECORDS OF DALLAS COUNTY, TEXAS (M.R.D.C.T.);

AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A 1/2-INCH IRON ROAD WITH PLASTIC CAP STAMPED "HALFF" FOUND FOR THE MOST WESTERLY CORNER OF SAID ABANDONMENT AND THE MOST WESTERLY SOUTH CORNER OF LOT 1A OF THE JULIETTE FOWLER HOMES ADDITION NO. 2, AN ADDITION TO THE CITY OF DALLAS RECORDED AS VOLUME 2003166, PAGE 00083. D.R.D.C.T; SAID POINT ALSO BEING ON THE NORTHEAST RIGHT-OF-WAY LINE OF FULTON STREET (50 FEET WIDE AT THIS POINT);

THENCE, SOUTH 89 DEGREES 46 MINUTES 31 SECONDS EAST, WITH A SOUTH LINE OF SAID LOT 1A, A DISTANCE OF 14.22 FEET TO A 1/2-INCH IRON ROD WITH PLASTIC CAP STAMPED "HALFF" FOUND FOR A CORNER OF SAID LOT 1A

THENCE, NORTH 45 DEGREES 33 MINUTES 29 SECONDS EAST, ALONG THE SOUTHEAST LINE OF SAID LOT 1A, AT A DISTANCE OF 666.14 FEET PASSING AN "+" CUT FOUND IN CONCRETE FOR THE EAST CORNER OF SAID LOT 1A AND THE SOUTH CORNER OF LOT 2A OF SAID JULIETTE FOWLER HOMES ADDITION NO. 2 AND CONTINUING ALONG THE SOUTHEAST LINE OF SAID LOT 2A, IN ALL, A DISTANCE OF 666.14 FEET TO A 1/2- INCH IRON ROD WITH PLASTIC CAP STAMPED "HALFF" FOUND ON THE SOUTHWEST LINE OF A CALLED 7.225 ACRE TRACT OF LAND DESCRIBED IN DEED TO CITY OF DALLAS RECORDED IN VOLUME 1247, PAGE 378, O.P.R.D.C.T. (NOW KNOWN OF AS RANDALL PARK);

THENCE, SOUTH 46 DEGREES 44 MINUTES 24 SECONDS EAST, WITH THE NORTHEAST LINE OF SAID ABANDONMENT, A DISTANCE OF 50.04 FEET TO A 1/2-INCH IRON ROD WITH PLASTIC CAP STAMPED "HALFF" FOUND FOR THE EAST CORNER OF SAID ABANDONMENT;

THENCE, SOUTH 45 DEGREES 33 MINUTES 29 SECONDS WEST, WITH THE SOUTHEAST LINE OF SAID ABANDONMENT, A DISTANCE OF 299.75 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 45 DEGREES 44 MINUTES 19 SECONDS EAST, A DISTANCE OF 170.34 FEET TO A POINT FOR CORNER:

THENCE, NORTH 45 DEGREES 33 MINUTES 29 SECONDS EAST, A DISTANCE OF 50.01 FEET TO A POINT FOR CORNER;

Exhibit A to Option Agreement

THENCE, SOUTH 45 DEGREES 44 MINUTES 19 SECONDS EAST, A DISTANCE OF 13.30 FEET TO A POINT FOR CORNER;

THENCE, NORTH 45 DEGREES 33 MINUTES 29 SECONDS EAST, A DISTANCE OF 84.96 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 41 DEGREES 34 MINUTES 11 SECONDS EAST, A DISTANCE OF 141.43 FEET TO A POINT FOR CORNER ON THE NORTHWEST RIGHT-OF-WAY LINE OF SANTA FE ROAD;

THENCE, WITH THE COMMON LINE OF SAID SANTA FE ROAD AND SAID 4.590 ACRE TRACT, THE FOLLOWING BEARINGS AND DISTANCES:

SOUTH 44 DEGREES 26 MINUTES 01 SECONDS WEST, A DISTANCE OF 24.66 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND FOR CORNER;

SOUTH 45 DEGREES 44 MINUTES 19 SECONDS EAST, A DISTANCE OF 5.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND (A 1-INCH PIPE FOUND BEARS SOUTH 29 DEGREES 51 MINUTES 51 SECONDS EAST 0.74 FEET) FOR CORNER;

SOUTH 44 DEGREES 26 MINUTES 01 SECONDS WEST, A DISTANCE OF 300.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND (A 1/2-INCH IRON ROD FOUND BEARS NORTH 30 DEGREES 23 MINUTES 46 SECONDS WEST 0.90 FEET) FOR CORNER;

NORTH 45 DEGREES 44 MINUTES 19 SECONDS WEST, A DISTANCE OF 5.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND FOR CORNER;

SOUTH 44 DEGREES 26 MINUTES 01 SECONDS WEST, A DISTANCE OF 100.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND FOR CORNER;

SOUTH 45 DEGREES 44 MINUTES 19 SECONDS EAST, A DISTANCE OF 5.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND (A 1-INCH PIPE FOUND BEARS NORTH 89 DEGREES 38 MINUTES 28 SECONDS EAST 0.56 FEET) FOR CORNER;

SOUTH 44 DEGREES 26 MINUTES 01 SECONDS WEST, A DISTANCE OF 177.43 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND FOR CORNER; SAID POINT BEING ALSO THE EAST CORNER OF A TRACT OF LAND CONVEYED TO DAVID AND LUISA HERNANDEZ BY DEED RECORDED IN VOLUME 98103, PAGE 3343, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE, NORTH 45 DEGREES 06 MINUTES 31 SECONDS WEST, WITH THE NORTHEAST LINE OF SAID HERNANDEZ TRACT, A DISTANCE OF 170.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND FOR THE NORTH CORNER OF SAID HERNANDEZ TRACT; SAID POINT BEING ALSO ON THE SOUTHEAST RIGHT-OF-WAY LINE OF AN 20-FOOT ALLEY;

THENCE, NORTH 44 DEGREES 51 MINUTES 42 SECONDS EAST, WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID ALLEY, A DISTANCE OF 77.70 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND AT THE INTERSECTION OF SAID ALLEY RIGHT-OF-WAY LINE WITH THE NORTHEAST RIGHT-OF-WAY LINE OF FULTON STREET (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE, NORTH 45 DEGREES 06 MINUTES 31 SECONDS WEST, WITH SAID RIGHT-OF-WAY LINE OF FULTON STREET, AT A DISTANCE OF 164.99 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND FOR CORNER;

#### Exhibit A to Option Agreement

THENCE, NORTH 44 DEGREES 51 MINUTES 42 SECONDS EAST, A DISTANCE OF 18.28 FEET TO A 1/2-INCH IRON ROD WITH PLASTIC CAP STAMPED "HALFF" FOUND FOR THE SOUTHWEST CORNER OF SAID ABANDONMENT;

THENCE, NORTH 45 DEGREES 06 MINUTES 31 SECONDS WEST, A DISTANCE OF 65.54 FEET TO THE POINT OF BEGINNING;

CONTAINING, 199,927 SQUARE FEET OR 4.590 ACRES OF LAND, MORE OR LESS.

BEARINGS BASED ON THE FORMER NORTHWEST RIGHT-OF WAY OF EASTSIDE AVENUE ABANDONED TO JULIETTE FOWLER PROPERTIES, INC. BY ORDINANCE NUMBER 28486 BEARING NORTH 45 DEGREES 33 MINUTES 29 SECONDS EAST AS DEPICTED ON THE FINAL PLAT OF JULIETTE FOWLER HOMES ADDITION NO. 2 RECORDED IN COUNTY CLERK'S DOCUMENT NUMBER 200316600083, OFFICIAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS AND AS FOUND MONUMENTED ON THE GROUND.

SAVE AND EXCEPT portion dedicated by Plat recorded in cc# 201600030855, Real Property Records, Dallas County, Texas.

Exhibit A to Option Agreement

1. Tab 12, Identity of Interest – The land transaction is an Identity of Interest but there is no price on the purchase contract. Will there be a price paid for the land or will it be transferred from one entity to its affiliate? I'm not sure how to classify the transfer of land, based on what's here. The land is being donated from Juliette Fowler Properties, Inc. to Juliette Fowler Communities, Inc. There is no land cost indicated. It is an identity of interest but since there is not land cost to be evaluated there was no documentation to submit to document a value.

# Full Application Site Control with Staff Notes

## OPTION AGREEMENT

THE STATE OF TEXAS     §  
   §  
COUNTY OF DALLAS     §

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WHEREAS, JFP owns certain tracts of land in Dallas County, Texas and all improvements thereon, as described on Exhibit A attached hereto and incorporated herein by reference for all purposes (the "**Property**").

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WHEREAS, the Development will be owned by Juliette Fowler Senior Affordable Housing LP, a Texas limited partnership to be formed ("**Applicant**");

WHEREAS, Applicant is applying for low-income housing tax credits to facilitate financing of the Development;

WHEREAS, Applicant is an affiliate of JFP and JFC;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed, JFP and JFC mutually covenant and agree as follows:

1. Grant of Option. Subject to the terms and conditions recited herein, JFP hereby grants and conveys to JFC the sole and exclusive right and option to acquire the Property (the "**Option**"). Immediately upon exercise of the Option, JFC shall either transfer the Property to Applicant or enter into a long-term ground lease for the Property with Applicant. The decision to acquire the Property in fee simple or leasehold shall be made by Applicant in its sole discretion.

2. Term of Option. Unless exercised by JFC in the manner provided herein, this Option shall automatically expire, terminate, and be of no further force or effect on May 31, 2021, at 5:00 o'clock P.M., Dallas, Texas local time (the "**Termination Date**"). Any extensions of the term of this Option shall be granted upon the mutual agreement of JFP and JFC.

3. Option Price. In the event that JFC exercises its rights under this Option, then it shall pay JFP an amount mutually agreed to by the parties (the "**Option Price**") with such amount to be paid at the Closing described in Section 5, on terms and conditions mutually acceptable to JFP and JFC. To the extent JFC acquires the Property by exercise of this Option, it



shall transfer the Property to Applicant for a price equal to the Option Price or ground lease the Property to Applicant for an upfront ground lease payment in the amount of the Option Price.

4. Intentionally Omitted.

5. Exercise of Option.

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8. Notices. All notices, demands, and requests required or permitted by this Agreement shall be in writing and shall be sent by United States certified mail, return receipt requested, national overnight delivery service, or hand delivery, to either JFP or JFC, as applicable, at the following address:

1234 Abrams Road  
Dallas, TX 75214  
Attention: Nicole Gann

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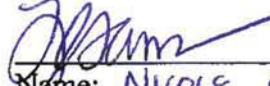
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**SIGNATURE PAGE:**

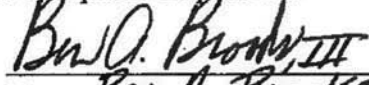
**JFP:**

Juliette Fowler Properties, Inc.,  
A Texas non-profit corporation

By:   
Name: NICOLE GANN  
Title: President

**JFC:**

Juliette Fowler Communities, Inc.,  
A Texas non-profit corporation

By:   
Name: Ben A. Brooks, III  
Title: Chair, Board of Directors

1. Tab 12, Identity of Interest – The land transaction is an Identity of Interest but there is no price on the purchase contract. Will there be a price paid for the land or will it be transferred from one entity to its affiliate? I'm not sure how to classify the transfer of land, based on what's here.  
The land is being donated from Juliette Fowler Properties, Inc. to Juliette Fowler Communities, Inc. There is no land cost indicated. It is an identity of interest but since there is not land cost to be evaluated there was no documentation to submit to document a value.

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999, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, SAID 4.590 ACRE TRACT BEING COMPRISED OF THE FOLLOWING TRACTS:

1.) THE FORMER RIGHT-OF-WAY OF EASTSIDE AVENUE NORTHEAST OF FULTON STREET ABANDONED TO JULIETTE FOWLER PROPERTIES, INC. ACCORDING TO CITY OF DALLAS ORDINANCE NO. 28486; AND

2.) 16 TRACTS OF LAND IN CITY BLOCK 1674 CONVEYED TO JULIETTE FOWLER PROPERTIES, INC. BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S INSTRUMENT NO. 20080201114 AND GENERAL WARRANTY DEED RECORDED IN COUNTY CLERK'S INSTRUMENT NO. 20080201115, BOTH IN THE OFFICIAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS (O.P.R.D.C.T.); SAID 16 TRACTS INCLUDING A PORTION OF LOT 8, BLOCK 1674 OF THE GERTRUDE STONE SUBDIVISION, AN ADDITION TO THE CITY OF DALLAS RECORDED IN VOLUME 41, PAGE 217, MAP RECORDS OF DALLAS COUNTY, TEXAS (M.R.D.C.T.); AND ALL OF LOTS 23 AND 24, BLOCK 1674 OF THE J.C. HONEA SUBDIVISION, AN ADDITION TO THE CITY OF DALLAS RECORDED IN VOLUME 47, PAGE 5, MAP RECORDS OF DALLAS COUNTY, TEXAS (M.R.D.C.T.);

AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A 1/2-INCH IRON ROAD WITH PLASTIC CAP STAMPED "HALFF" FOUND FOR THE MOST WESTERLY CORNER OF SAID ABANDONMENT AND THE MOST WESTERLY SOUTH CORNER OF LOT 1A OF THE JULIETTE FOWLER HOMES ADDITION NO. 2, AN ADDITION TO THE CITY OF DALLAS RECORDED AS VOLUME 2003166, PAGE 00083. D.R.D.C.T; SAID POINT ALSO BEING ON THE NORTHEAST RIGHT-OF-WAY LINE OF FULTON STREET (50 FEET WIDE AT THIS POINT);

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THENCE, SOUTH 41 DEGREES 34 MINUTES 11 SECONDS EAST, A DISTANCE OF 141.43 FEET TO A POINT FOR CORNER ON THE NORTHWEST RIGHT-OF-WAY LINE OF SANTA FE ROAD;

THENCE, WITH THE COMMON LINE OF SAID SANTA FE ROAD AND SAID 4.590 ACRE TRACT, THE FOLLOWING BEARINGS AND DISTANCES:

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SOUTH 44 DEGREES 26 MINUTES 01 SECONDS WEST, A DISTANCE OF 100.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND FOR CORNER;

SOUTH 45 DEGREES 44 MINUTES 19 SECONDS EAST, A DISTANCE OF 5.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND (A 1-INCH PIPE FOUND BEARS NORTH 89 DEGREES 38 MINUTES 28 SECONDS EAST 0.56 FEET) FOR CORNER;

SOUTH 44 DEGREES 26 MINUTES 01 SECONDS WEST, A DISTANCE OF 177.43 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND FOR CORNER; SAID POINT BEING ALSO THE EAST CORNER OF A TRACT OF LAND CONVEYED TO DAVID AND LUISA HERNANDEZ BY DEED RECORDED IN VOLUME 98103, PAGE 3343, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE, NORTH 45 DEGREES 06 MINUTES 31 SECONDS WEST, WITH THE NORTHEAST LINE OF SAID HERNANDEZ TRACT, A DISTANCE OF 170.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND FOR THE NORTH CORNER OF SAID HERNANDEZ TRACT; SAID POINT BEING ALSO ON THE SOUTHEAST RIGHT-OF-WAY LINE OF AN 20-FOOT ALLEY;

THENCE, NORTH 44 DEGREES 51 MINUTES 42 SECONDS EAST, WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID ALLEY, A DISTANCE OF 77.70 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND AT THE INTERSECTION OF SAID ALLEY RIGHT-OF-WAY LINE WITH THE NORTHEAST RIGHT-OF-WAY LINE OF FULTON STREET (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE, NORTH 45 DEGREES 06 MINUTES 31 SECONDS WEST, WITH SAID RIGHT-OF-WAY LINE OF FULTON STREET, AT A DISTANCE OF 164.99 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "GSES, INC., RPLS 4804" FOUND FOR CORNER;

#### Exhibit A to Option Agreement

20264  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 8, 2020

Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)

Ryan Combs  
Buna Providence CR 835, LP  
EMAIL RESPONSE TO: [RCOMBS@GARDNERCAPITAL.COM](mailto:RCOMBS@GARDNERCAPITAL.COM)

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20264 Juliette Fowler Residences

Dear Mr. Combs:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application provided appropriate documentation to qualify for points under Sponsor Characteristics.

I find that the assertion(s) in the RFAD have been addressed through the Application review process, and the RFAD does not contain new information. The Department issued a deficiency to the Applicant regarding similar matters to those contained in your RFAD, and will address the response and information in accordance with the QAP. Pursuant to 10 TAC §11.10, staff will not review or act on it. Staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,  
Marni  
Holloway  
Marni Holloway  
Multifamily Division Director

Digitally signed by Marni  
Holloway  
Date: 2020.06.08 13:48:27  
-05'00'

Cc: Nicole Gann  
Robbye Meyer





TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 8, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Lisa Stephens  
Saigebrook Development, LLC  
EMAIL RESPONSE TO: [LISA@SAIGEBROOK.COM](mailto:LISA@SAIGEBROOK.COM)

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20264 Juliette Fowler Residences

Dear Ms. Stephens:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application provided appropriate documentation of Site Control and to qualify for points under Sponsor Characteristics. The assertion(s) in the RFAD regarding these issues have been addressed through the Application review process, and the RFAD does not contain new information. Pursuant to 10 TAC §11.10, staff will not review or act on the issues.

I find that the issues raised in your request were sufficiently answered by the Applicant's response to an Administrative Deficiency notice. The Department issued a deficiency to the Applicant regarding similar matters to those contained in your RFAD, and will address the response and information in accordance with the QAP. Pursuant to 10 TAC §11.10 related to Third Party Request for Administrative Deficiency, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni  
Holloway  
Marni Holloway  
Multifamily Division Director

Digitally signed by  
Marni Holloway  
Date: 2020.06.08  
13:49:31 -05'00'

Cc: Nicole Gann  
Robbye Meyer





20272

Request for Administrative Deficiency

Zimmerman AH Albatross, LLC  
1329 East Lark Street  
Springfield, MO 65804

May 1, 2020

Texas Department of Housing and Community Affairs  
Marni Holloway, Director of Multifamily Finance  
Sharon Gamble, 9% HTC Administrator  
221 E 11<sup>th</sup> Street  
Austin, Texas 78701

Re: Third Party Request for Administrative Deficiency  
TDHCA Application #20272 – Westwind of Dumas; Dumas, Texas

Dear Ms. Holloway and Gamble,

Pursuant to §11.10 of the 2020 Qualified Allocation Plan (the QAP), please let this letter serve as our Third-Party Request for Administrative Deficiency (RFAD) with regards to Application #20272, Westwind of Dumas (the Applicant). A copy of this request is also being delivered to representatives of the Westwind of Dumas Application.

In Tab 29, the Applicant provided signed documentation stating the development site costs are \$962,756 as shown in Attachment 1. In Tab 30, the Applicant showed the full amount included in Eligible Basis as shown in Attachment 2. Section §11.204(8)(E)(I) of the QAP states this “Applicants must provide a detailed cost breakdown of projected Site Work costs (excluding site amenities), if any, prepared by a Third Party engineer or cost estimator. If Site Work costs (excluding site amenities) exceed \$15,000 per Unit and are included in Eligible Basis, a letter must be provided from a certified public accountant allocating which portions of those site costs should be included in Eligible Basis.” Although the Applicants projects site costs are \$15,043 per unit, the Applicant did not provide a statement from a certified public accounting allocating which portions of the site costs should be included in Eligible Basis. TDHCA did send the Applicant a deficiency regarding this item on April 8, and the Applicant responded with a CPA letter dated April 9 as shown in Attachment 3. Since a letter from a certified public accountant was not originally included in the application, we request the Applicant is terminated as it did not meet Threshold required for this tab.

If you have any questions or would like to discuss these items further, please do not hesitate to contact me or my team at (417) 890-3217 or via email at [jmcdonald@wilhoitpropertries.com](mailto:jmcdonald@wilhoitpropertries.com) any time.

Sincerely,



Vaughn C. Zimmerman  
Member



## Site Work Cost Breakdown

This form must be submitted with the Development Cost Schedule as justification of Site Work costs.

Column A: The Site Work activity reflected here must match the Site Work activity reflected in the Development Cost Schedule.

Columns B and C: In determining actual construction cost, two different methods may be used:

The construction costs may be broken into labor (Column B) and materials (Column C) for the activity; **OR**

The use of unit price (Column B) and the number of units (Column C) data for the activity.

Column D: To arrive at total construction costs in Column D:

If based on labor and materials, add Column B and Column C together to arrive at total construction costs.

If based on unit price measures, Column B is multiplied by Column C to arrive at total construction costs.

Column E: Any proposed activity involving the acquisition of real property, easements, rights-of-way, etc., must have the projected costs of this acquisition for the activity.

Column F: Engineering/architectural costs must be broken out by the Site Work activity.

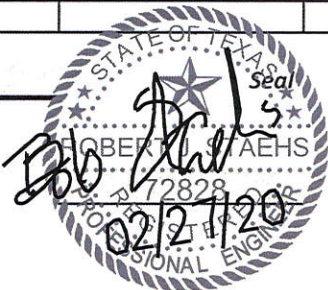
Column G: Figures for Column G, Total Activity Cost, are obtained by adding together Columns D, E, and F to get the total costs.

**\*\*This form must be completed by a Third-Party engineer licensed to practice in the State of Texas. His or her signature and registration seal must be on the form.\*\***  
 For Site Work costs that exceed \$15,000 per Unit and are included in Eligible Basis, a CPA letter allocating which portions of those site costs should be included in Eligible Basis and which ones may be ineligible must be submitted behind this tab.

A. Activity	B. Labor or Unit Price	C. Materials or # of Units	D. Total Construction Costs	E. Acquisition Costs	F. Engineering / Architectural Costs	G. Total Activity Costs
Rough Grading	\$ 130,135.00	1	\$ 130,135.00			\$ 130,135.00
Fine Grading	\$ 60,270.00	1	\$ 60,270.00			\$ 60,270.00
On-site concrete	\$ 96,095.00	1	\$ 96,095.00			\$ 96,095.00
On-site electrical	\$ 112,865.00	1	\$ 112,865.00			\$ 112,865.00
On-site paving	\$ 282,116.00	1	\$ 282,116.00			\$ 282,116.00
On-site utilities	\$ 248,845.00	1	\$ 248,845.00			\$ 248,845.00
Decorative masonry	\$ 12,830.00	1	\$ 12,830.00			\$ 12,830.00
Bumper stops, Striping & signs	\$ 19,600.00	1	\$ 19,600.00			\$ 19,600.00
<b>Total</b>						<b>\$ 962,756</b>

*Bob Staehs*  
 Signature of Registered Engineer  
 02/27/2020

Bob Staehs, P.E.  
 Printed Name



Date If a revised form is submitted, date of submission:

## Development Cost Schedule

Self Score Total: 133

*This Development Cost Schedule must be consistent with the Summary Sources and Uses of Funds Statement. All Applications must complete the Total Cost column. Direct Loan Applicants should review costs ineligible for reimbursement with Direct Loan funds in 10 TAC §13.3(e), while all HTC Applicants must complete the Eligible Basis columns and the Requested Credit calculation below:*

TOTAL DEVELOPMENT SUMMARY		
Total	Eligible Basis (If Applicable)	
Cost	Acquisition	New/Rehab.

Scratch Paper/Notes

**ACQUISITION**

Site acquisition cost	450,000	
Existing building acquisition cost		
Closing costs & acq. legal fees		
Other (specify) - see footnote 1		
Other (specify) - see footnote 1		
<b>Subtotal Acquisition Cost</b>	\$450,000	\$0

**OFF-SITES<sup>2</sup>**

Off-site concrete		
Storm drains & devices		
Water & fire hydrants		
Off-site utilities	10,000	
Sewer lateral(s)		
Off-site paving		
Off-site electrical		
Other (specify) - see footnote 1		
Other (specify) - see footnote 1		
<b>Subtotal Off-Sites Cost</b>	\$10,000	\$0

**SITE WORK<sup>3</sup>**

Demolition		
Asbestos Abatement (Demolition Only)		
Detention		
Rough grading	130,135	130,135
Fine grading	60,270	60,270
On-site concrete	96,095	96,095
On-site electrical	112,865	112,865
On-site paving	282,116	282,116
On-site utilities	248,845	248,845
Decorative masonry	12,830	12,830
Bumper stops, striping & signs	19,600	19,600
Other (specify) - see footnote 1		
<b>Subtotal Site Work Cost</b>	\$962,756	\$962,756

**SITE AMENITIES**

Landscaping	138,482	138,482
Pool and decking	35,700	35,700
Athletic court(s), playground(s)		
Fencing	100,230	100,230
Other (specify) - see footnote 1		
<b>Subtotal Site Amenities Cost</b>	\$274,412	\$274,412

ALL OFF-SITE COSTS REQUIRE DOCUMENTATION. THOSE ENTERED IN BASIS REQUIRE MORE DOCUMENTATION!!! SEE 10 TAC §11.204(8)(E)(ii).



**BUILDING COSTS\*:**

Concrete	680,218		680,218	
Masonry	368,794		368,794	
Metals	351,194		351,194	
Woods and Plastics	525,000		525,000	
Thermal and Moisture Protection	190,000		190,000	
Roof Covering	268,259		268,259	
Doors and Windows	202,310		202,310	
Finishes	568,996		568,996	
Specialties	40,238		40,238	
Equipment	0		0	
Furnishings	73,685		73,685	
Special Construction	26,826		26,826	
Conveying Systems (Elevators)				
Mechanical (HVAC; Plumbing)	175,000		175,000	
Electrical	426,284		426,284	

**Individually itemize costs below:**

Detached Community Facilities/Building	250,000		250,000	
Carports and/or Garages				
Lead-Based Paint Abatement				
Asbestos Abatement (Rehabilitation Only)				
Structured Parking				
Commercial Space Costs				
Other (specify) - see footnote 1				
<b>Subtotal Building Costs Before 11.9(e)(2)</b>	\$4,146,804	\$0	\$4,146,804	

**Voluntary Eligible Building Costs (After 11.9(e)(2))\*** \$66.41 psf \$4,156,804  
 Enter amount to be used to achieve desired score.

If NOT seeking to score points under §11.9(e)(2), E77:E78 should remain BLANK. True eligible building cost should be entered in line items E33:E74. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E77:E78 that produces the target cost per square foot in D77:D78. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.

<b>TOTAL BUILDING COSTS &amp; SITE WORK (including site amenities)</b>	\$5,383,972	\$0	\$5,383,972	
Contingency	7.00%	\$377,578	377,578	
<b>TOTAL HARD COSTS</b>	\$5,771,550	\$0	\$5,761,550	
<b>OTHER CONSTRUCTION COSTS</b>	<b>%THC</b>			<b>%EHC</b>
General requirements (<6%)	6.00%	346,293	346,293	6.01%
Field supervision (within GR limit)				
Contractor overhead (<2%)	2.00%	115,431	115,431	2.00%
G & A Field (within overhead limit)				
Contractor profit (<6%)	6.00%	346,293	346,293	6.01%
<b>TOTAL CONTRACTOR FEES</b>		\$808,017	\$808,017	

**TOTAL CONSTRUCTION CONTRACT Before 11.9(e)(2)** \$6,579,567 \$0 \$6,569,567

**Voluntary Eligible "Hard Costs" (After 11.9(e)(2))\*** \$105.11 psf \$6,579,567  
 Enter amount to be used to achieve desired score.

If NOT seeking to score points under §11.9(e)(2), E96:E97 should remain BLANK. True eligible cost should be entered in line items E83 and E87:E91. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E96:E97 that produces the target cost per square foot in D96:D97. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.

**SOFT COSTS<sup>3</sup>**

- Architectural - Design fees
  - Architectural - Supervision fees
  - Engineering fees
  - Real estate attorney/other legal fees
  - Accounting fees
  - Impact Fees
  - Building permits & related costs
  - Appraisal
  - Market analysis
  - Environmental assessment
  - Soils report
  - Survey
  - Marketing
  - Hazard & liability insurance
  - Real property taxes
  - Personal property taxes
  - Tenant Relocation
  - Furniture, Fixtures and Equipment
  - Other (specify) - see footnote 1
  - Other (specify) - see footnote 1
- Subtotal Soft Cost**

175,000		175,000
24,000		24,000
75,000		75,000
75,000		75,000
12,000		12,000
6,000		6,000
14,750		14,750
5,000		5,000
6,000		6,000
3,600		3,600
9,000		9,000
15,000		15,000
36,000		36,000
15,000		15,000
50,000		50,000
\$521,350	\$0	\$521,350

(250) from city support

**FINANCING:**

**CONSTRUCTION LOAN(S)<sup>3</sup>**

- Interest
- Loan origination fees
- Title & recording fees
- Closing costs & legal fees
- Inspection fees
- Credit Report
- Discount Points
- Other (specify) - see footnote 1
- Other (specify) - see footnote 1

340,313		340,313
82,500		82,500
35,000		35,000
25,000		25,000
31,600		31,600

266 election

**PERMANENT LOAN(S)**

- Loan origination fees
- Title & recording fees
- Closing costs & legal
- Bond premium
- Credit report
- Discount points
- Credit enhancement fees
- Prepaid MIP
- Other (specify) - see footnote 1
- Other (specify) - see footnote 1

30,000		
20,000		
5,000		


**BRIDGE LOAN(S)**

- Interest
- Loan origination fees
- Title & recording fees
- Closing costs & legal fees
- Other (specify) - see footnote 1
- Other (specify) - see footnote 1



**OTHER FINANCING COSTS<sup>3</sup>**

Tax credit fees	33,150		
Tax and/or bond counsel			
Payment bonds			
Performance bonds			
Credit enhancement fees			
Mortgage insurance premiums			
Cost of underwriting & issuance			
Syndication organizational cost	40,000		
Tax opinion			
Refinance (existing loan payoff amt)			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			
<b>Subtotal Financing Cost</b>	\$642,563	\$0	\$514,413

**DEVELOPER FEES<sup>3</sup>**

Housing consultant fees <sup>4</sup>	150,000		150,000
General & administrative			
Profit or fee	1,076,000		970,000
<b>Subtotal Developer Fees</b>	16.10% \$1,226,000	\$0	14.73% \$1,120,000

**RESERVES**

Rent-up - new funds			
Rent-up - existing reserves*	140,000		
Operating - new funds			
Operating - existing reserves*			
Replacement - new funds			
Replacement - existing reserves*			
Escrows - new funds			
Escrows - existing reserves*			
<b>Subtotal Reserves</b>	\$140,000	\$0	\$0

\*Any existing reserve amounts should be listed on the Schedule of Sources.

<b>TOTAL HOUSING DEVELOPMENT COSTS<sup>5</sup></b>	\$9,559,480	\$0	\$8,725,330
--	-------------	-----	-------------

The following calculations are for HTC Applications only.

**Deduct From Basis:**

Federal grants used to finance costs in Eligible Basis			
Non-qualified non-recourse financing			
Non-qualified portion of higher quality units §42(d)(5)			
Historic Credits (residential portion only)			
<b>Total Eligible Basis</b>		\$0	\$8,725,330
**High Cost Area Adjustment (100% or 130%)			130%
<b>Total Adjusted Basis</b>		\$0	\$11,342,929
Applicable Fraction			91%
<b>Total Qualified Basis</b>	\$10,277,147	\$0	\$10,277,147
Applicable Percentage <sup>6</sup>			9.00%
<b>Credits Supported by Eligible Basis</b>	\$924,943	\$0	\$924,943
<b>Credit Request</b> (from 17.Development Narrative)	\$ 703,287		

**Requested Score for 11.9(e)(2)** 12

\*11.9(c)(2) Cost Per Square Foot: DO NOT ROUND! Applicants are advised to ensure that the figure is not rounding down to the maximum dollar figure to support the elected points.

Name of contact for Cost Estimate: Kelly Garrett

Phone Number for Contact: 903-450-1520

If a revised form is submitted, date of submission: \_\_\_\_\_



Texas Department of Housing and Community Affairs  
 P.O. Box 13941  
 Austin, TX 78711-3941

To whom it may concern,

We are writing this letter in accordance with TAC §11.204(8)(E)(i) to state that we have reviewed the site work costs for Westwind of Dumas and determined that the following costs should be included in the eligible basis calculation.

Activity	Labor or Unit Price	Eligible Costs	Ineligible Costs
Rough grading	\$ 130,135	\$ 130,135	\$ -
Fine grading	60,270	60,270	-
On-site concrete	96,095	96,095	-
On-site electrical	112,865	112,865	-
On-site paving	282,116	282,116	-
On-site utilities	248,845	248,845	-
Decorative masonry	12,830	12,830	-
Bumper stops, striping and signs	19,600	19,600	-
<b>Total</b>	<b>\$ 962,756</b>	<b>\$ 962,756</b>	<b>\$ -</b>

Should you have any further questions, please contact Will Brookshire at (205) 271-5537.

Sincerely,

*Tidwell Group, LLC*

Birmingham, Alabama  
 April 9, 2020



20272  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 10, 2020

*Writer's direct phone # (512) 475-1676  
Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Vaughn C. Zimmerman  
Zimmerman AH Albatross, LLC  
1329 East Lark Street  
Springfield, MO 65804

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20272 Westwind of Dumas

Dear Mr. Zimmerman:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application included a letter from a certified public accountant allocating which portions of those site costs should be included in Eligible Basis.

I find that the assertion(s) in the RFAD have been addressed through the Application review and deficiency process, and the RFAD does not contain new information. Pursuant to 10 TAC §11.10, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report, but should register to do so on this item (and application number) in particular if you expect to be called. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni Holloway  
Marni Holloway  
Multifamily Division Director

Digitally signed by Marni Holloway  
Date: 2020.06.10 08:41:45 -05'00'

Cc: Kelly Garrett  
Chaz Garrett



20273

Request for Administrative Deficiency

**JZ – LZ AH BETCO, LLC**

1329 East Lark Street  
Springfield, MO 65804

Date: 5/1/2020

Marni Holloway, Director of Multifamily Finance  
Sharon Gamble, 9% HTC Administrator  
Texas Department of Housing and Community Affairs  
221 E 11<sup>th</sup> Street  
Austin, Texas 78701

Re: §11.10. Third Party Request for Administrative Deficiency;  
TDHCA Application #20273 – La Grange Springs, La Grange, Texas;

Dear Ms. Holloway and Gamble,

Pursuant to §11.10 of the 2020 Qualified Allocation Plan (the “QAP”), please let this letter serve as our Third-Party Request for Administrative Deficiency (“RFAD”) with regards to Application # 20273 (the “La Grange Springs Application”). A copy of this request is being delivered concurrently to representatives of the La Grange Springs Application.

In order to qualify for twelve points under §11.9(e)(2)(B) of the QAP associated with voluntary eligible hard costs per square foot (“Voluntary Eligible Hard Costs”), a proposed development needs to first determine if it meets the requirements listed under §11.9(e)(2)(A) of the QAP to be classified as a high cost development.

§11.9(e)(2)(A) states the following:

*“A high cost development is a Development that meets one or more of the following conditions:  
(i) the Development is elevator served, meaning it is either an Elderly Development with an elevator or a Development with one or more buildings any of which have elevators serving four or more floors;  
(ii) the Development is more than 75% single family design;  
(iii) the Development is Supportive Housing; or  
(iv) the Development Site qualifies for a minimum of five (5) points under subsection (c)(4) of this section, related to Opportunity Index, and is located in an Urban Area.”*

The La Grange Springs Application does not satisfy any of the aforementioned conditions outlined above, and therefore for purposes of determining the Voluntary Eligible Hard Costs points the La Grange Springs Application should **not** be considered a high cost development.

§11.9(e)(2)(B) states the following:

*“Applications proposing New Construction or Reconstruction or Adaptive Reuse will be eligible for twelve (12) points if one of the following conditions is met:  
(i) the voluntary Eligible Building Cost per square foot is less than \$76.44 per square*



foot;

(ii) the voluntary Eligible Building Cost per square foot is less than \$81.90 per square foot, and the Development meets the definition of a high cost development;

(iii) the voluntary Eligible Hard Cost per square foot is less than \$98.28 per square foot; or

(iv) the voluntary Eligible Hard Cost per square foot is less than \$109.20 per square foot, and the Development meets the definition of high cost development.”

Since the La Grange Springs Application does **not** satisfy requirements under §11.9(e)(2)(A), when electing the Voluntary Eligible Hard Costs the applicant should have elected a figure that produced an amount less than \$98.28 per square foot on the development cost schedule, but when you look at the development cost schedule submitted in the La Grange Springs Application (Exhibit A), the applicant elected 12 points, but produced a Voluntary Eligible Hard Costs figure of \$8,558,330, which resulted in a “voluntary eligible Hard Cost per square foot” amount of \$108.16. Therefore, we believe the La Grange Springs Application should only be eligible for ten points, as further described in §11.9(e)(2)(D)(ii), which states the following: “the voluntary Eligible Hard Cost is less than \$120.12 per square foot.”

Furthermore, we believe the La Grange Springs Application should not to be eligible to claim two points under §11.9(d)(6)(A), which states the following:

*“An Application may receive two (2) points for each letter of support submitted from a community or civic organization that serves the community in which the Development Site is located. **Letters of support must identify the specific Development and must state support of the specific Development at the proposed location.** To qualify, the organization must be qualified as tax exempt and have as a primary (not ancillary or secondary) purpose the overall betterment, development, or improvement of the community as a whole or of a major aspect of the community such as improvement of schools, fire protection, law enforcement, city-wide transit, flood mitigation, or the like. The Applicant must provide evidence that the community or civic organization remains in good standing by providing evidence from a federal or state government database confirming that the exempt status continues. An Organization must also provide evidence of its participation in the community in which the Development Site is located including, but not limited to, a listing of services and/or members, brochures, annual reports, etc. Letters of support from organizations that cannot provide reasonable evidence that they are active in the area that includes the location of the Development Site will not be awarded points. For purposes of this subparagraph, community and civic organizations do not include neighborhood organizations, governmental entities (excluding Special Management Districts as described in subparagraph C), or taxing entities.”*

As can be seen in Exhibit B, the La Grange Chamber of Commerce support letter does not state support of the specific development at the proposed site, it merely states the chamber supports the “concept of affordable housing in the La Grange area.” In addition to lacking the language of specific support of the development, the support letter also fails to mention the proposed location of the development. It is because of these two items missing from the support letter that makes it impossible to conclude that the La Grange Chamber of Commerce knew where the development site was proposed to be built, nor can it be determined if the La Grange Chamber of Commerce specifically supports the La Grange Springs application. Therefore, we believe this omission should result in a loss of two points from the La Grange Springs Application final score.

Accordingly, we request staff deny the La Grange Springs Application as being eligible to claim two points under §11.9(e)(2)(B) and two points under §11.9(d)(6)(A), which would result in a loss of four points from the La Grange Springs Application final score.

If you have any questions or would like to discuss these items further, please do not hesitate to contact me or my staff at (417) 880-3500 or via email at [mforster@wilhoitproperties.com](mailto:mforster@wilhoitproperties.com) any time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donna L. Zimmerman", with a horizontal line extending to the right.

Donna L. Zimmerman, Member  
JZ - LZ AH BETCO, LLC

# Exhibit A

## Development Cost Schedule

Self Score Total: 130

*This Development Cost Schedule must be consistent with the Summary Sources and Uses of Funds Statement. All Applications must complete the Total Cost column. Direct Loan Applicants should review costs ineligible for reimbursement with Direct Loan funds in 10 TAC §13.3(e), while all HTC Applicants must complete the Eligible Basis columns and the Requested Credit calculation below:*

TOTAL DEVELOPMENT SUMMARY		
Total Cost	Eligible Basis (If Applicable)	
	Acquisition	New/Rehab.

Scratch Paper/Notes

**ACQUISITION**

Site acquisition cost	320,000	
Existing building acquisition cost		
Closing costs & acq. legal fees	2,500	
Other (specify) - see footnote 1		
Other (specify) - see footnote 1		
<b>Subtotal Acquisition Cost</b>	\$322,500	\$0

**OFF-SITES<sup>2</sup>**

Off-site concrete		
Storm drains & devices		
Water & fire hydrants		
Off-site utilities		
Sewer lateral(s)		
Off-site paving		
Off-site electrical		
Other (specify) - see footnote 1		
Other (specify) - see footnote 1		
<b>Subtotal Off-Sites Cost</b>	\$0	\$0

ALL OFF-SITE COSTS REQUIRE DOCUMENTATION. THOSE ENTERED IN BASIS REQUIRE MORE DOCUMENTATION!!!  
SEE 10 TAC §11.204(8)(E)(ii).

**SITE WORK<sup>3</sup>**

Demolition		
Asbestos Abatement (Demolition Only)		
Detention	261,510	175,000
Rough grading	29,910	29,910
Fine grading	93,240	93,240
On-site concrete	30,525	30,525
On-site electrical	489,230	390,000
On-site paving	270,770	225,000
On-site utilities		
Decorative masonry	8,155	8,155
Bumper stops, striping & signs		
Other (specify) - see footnote 1		
<b>Subtotal Site Work Cost</b>	\$1,183,340	\$951,830

**SITE AMENITIES**

Landscaping	80,000	80,000
Pool and decking		
Athletic court(s), playground(s)		
Fencing	25,000	25,000
Other (specify) - see footnote 1		
<b>Subtotal Site Amenities Cost</b>	\$105,000	\$105,000

**BUILDING COSTS\*:**

Concrete	467,900		467,900
Masonry	194,000		194,000
Metals	140,000		140,000
Woods and Plastics	1,495,000		1,495,000
Thermal and Moisture Protection	94,000		94,000
Roof Covering	140,000		140,000
Doors and Windows	245,000		245,000
Finishes	580,000		580,000
Specialties	7,500		7,500
Equipment	480,000		480,000
Furnishings	217,000		217,000
Special Construction	186,000		186,000
Conveying Systems (Elevators)			
Mechanical (HVAC; Plumbing)	815,000		815,000
Electrical	550,000		550,000

**Individually itemize costs below:**

Detached Community Facilities/Building	374,200		374,200
Carports and/or Garages			
Lead-Based Paint Abatement			
Asbestos Abatement (Rehabilitation Only)			
Structured Parking			
Commercial Space Costs			
Other (specify) - see footnote 1			
<b>Subtotal Building Costs Before 11.9(e)(2)</b>	\$5,985,600	\$0	\$5,985,600

**Voluntary Eligible Building Costs (After 11.9(e)(2))\*** \$0.00 psf  
 Enter amount to be used to achieve desired score.

If NOT seeking to score points under §11.9(e)(2), E77:E78 should remain BLANK. True eligible building cost should be entered in line items E33:E74. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E77:E78 that produces the target cost per square foot in D77:D78. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.

**TOTAL BUILDING COSTS & SITE WORK** (including site amenities) \$7,273,940 \$0 \$7,042,430

Contingency 6.84% \$497,540 497,540

**TOTAL HARD COSTS** \$7,771,480 \$0 \$7,539,970

OTHER CONSTRUCTION COSTS	%THC			%EHC
General requirements (<6%)	5.62%	436,440	436,440	5.79%
Field supervision (within GR limit)				
Contractor overhead (<2%)	1.87%	145,480	145,480	1.93%
G & A Field (within overhead limit)				
Contractor profit (<6%)	5.62%	436,440	436,440	5.79%

**TOTAL CONTRACTOR FEES** \$1,018,360 \$0 \$1,018,360

**TOTAL CONSTRUCTION CONTRACT** Before 11.9(e)(2) \$8,789,840 \$0 \$8,558,330

**Voluntary Eligible "Hard Costs" (After 11.9(e)(2))\*** \$108.16 psf \$8,558,330  
 Enter amount to be used to achieve desired score.

If NOT seeking to score points under §11.9(e)(2), E96:E97 should remain BLANK. True eligible cost should be entered in line items E83 and E87:E91. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E96:E97 that produces the target cost per square foot in D96:D97. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.





**OTHER FINANCING COSTS<sup>3</sup>**

Tax credit fees	39,050		
Tax and/or bond counsel			
Payment bonds			
Performance bonds			
Credit enhancement fees			
Mortgage insurance premiums			
Cost of underwriting & issuance			
Syndication organizational cost	30,500		
Tax opinion	2,500		
Refinance (existing loan payoff amt)			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			
<b>Subtotal Financing Cost</b>	\$615,850	\$0	\$467,000

**DEVELOPER FEES<sup>3</sup>**

Housing consultant fees <sup>4</sup>	20,000		20,000		
General & administrative					
Profit or fee	1,457,000		1,457,000		
<b>Subtotal Developer Fees</b>	15.00%	\$1,477,000	\$0	\$1,477,000	15.36%

**RESERVES**

Rent-up - new funds			
Rent-up - existing reserves*			
Operating - new funds	280,000		
Operating - existing reserves*			
Replacement - new funds			
Replacement - existing reserves*			
Escrows - new funds	36,200		
Escrows - existing reserves*			
<b>Subtotal Reserves</b>	\$316,200	\$0	\$0

**\*Any existing reserve amounts should be listed on the Schedule of Sources.**

<b>TOTAL HOUSING DEVELOPMENT COSTS<sup>5</sup></b>	\$12,122,650	\$0	\$11,091,590
--	--------------	-----	--------------

The following calculations are for HTC Applications only.

**Deduct From Basis:**

Federal grants used to finance costs in Eligible Basis			
Non-qualified non-recourse financing			
Non-qualified portion of higher quality units §42(d)(5)			
Historic Credits (residential portion only)			
<b>Total Eligible Basis</b>		\$0	\$11,091,590
**High Cost Area Adjustment (100% or 130%)			130%
<b>Total Adjusted Basis</b>		\$0	\$14,419,067
Applicable Fraction			89%
<b>Total Qualified Basis</b>	\$12,815,667	\$0	\$12,815,667
Applicable Percentage <sup>6</sup>			9.00%
<b>Credits Supported by Eligible Basis</b>	\$1,153,410	\$0	\$1,153,410
<b>Credit Request</b> (from 17.Development Narrative)	\$ 900,000		

<b>Requested Score for 11.9(e)(2)</b>	12
---------------------------------------	----

\*11.9(c)(2) Cost Per Square Foot: DO NOT ROUND! Applicants are advised to ensure that the figure is not rounding down to the maximum dollar figure to support the elected points.

Name of contact for Cost Estimate: Jon Perkins

Phone Number for Contact: 256-878-6054

If a revised form is submitted, date of submission: \_\_\_\_\_

# Exhibit B



LA GRANGE AREA  
CHAMBER OF COMMERCE  
———— ROOTED IN BUSINESS SINCE 1950 ————

February 21, 2020

Jeff Markey

c/o Arx Advantage

1305 Dusky Thrush Tr.

Austin, TX 78746

Re: Letter of Support

La Grange Springs, La Grange, TX

Dear Jeff Markey,

The La Grange Area Chamber of Commerce supports the concept of affordable housing in the La Grange area which would aide local businesses and their employees which is needed in the community. Our organization is a 501C6 non-profit organization that serves the community in which this development is proposed.

Sincerely,

*Donna Pyle*

Donna Pyle

Operations Director

20273  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 8, 2020

*Writer's direct phone # (512) 475-1676*  
*Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Donna L. Zimmerman  
JZ-LZ AH BETCO, LLC  
1329 E. Lark Street  
Springfield, MO 65804

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20273 LaGrange Springs

Dear Ms. Zimmerman:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application provided appropriate documentation to qualify for points under Cost per Square Foot and under Input from Community Organizations. Particularly, the requests questions whether the Development qualifies as a high cost development under 10 TAC 11.9(e)(2)(A), and whether one of the letters provided appropriately expresses support for the development.

I find that the assertion(s) in the RFAD have been addressed through the Application review process and found by staff to satisfy the applicable rules without the need for deficiency, and the RFAD does not contain new information. Pursuant to 10 TAC §11.10, staff will not review or act on it. Staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni  
Holloway  
Marni Holloway  
Multifamily Division Director

Digitally signed by  
Marni Holloway  
Date: 2020.06.08  
14:36:31 -05'00'

Cc: Butch Richardson  
Todd Erickson



20309  
Request for Administrative Deficiency





Ms. Sharon Gamble  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701

RE: RFAD to TDHCA Application 20309  
Casitas Los Ebanos – Bishop, Texas

In accordance with Section §11.10 of the 2020 Qualified Allocation Plan, please allow this letter to serve as our Third-Party Request for Administrative Deficiency (RFAD) against the above referenced 2020 9% HTC application located in Rural Region 10 (the “Application”).

The RFAD is being submitted by Gulf Shore Villas, Ltd., the applicant for TDHCA Application # 20053. The contact information for the applicant is as follows: Gulf Shore Villas, Ltd (Attn: Rick J. Deyoe), 1114 Lost Creek Blvd, Suite G20, Austin, Texas 78746, (512) 306-9206 x103. The RFAD is being submitted for the following reasons:

**1. Failure to submit accurate information for points related to 11.9(c)(4) Opportunity Index.**

The Application elects one (1) point for the development site being located within 4 miles of a full-service grocery. However, the grocery store listed in the Application is Bishop Food Mart located at 122 E 4th Street, Bishop, TX. Bishop Food is closed and based upon a statement made by a State Trooper who resides nearby and statements from a couple of other residents of Bishop, the grocery store has been closed and vacated for three to four years. After visiting the store on April 28, 2020, you can see from the pictures included in Exhibit A that the store is vacant.

**2. Ineligible to receive points under 11.9(e)(4)(B) Leveraging of Private, State & Federal Resources in reference to Deferred Developer Fee.**

In 11.9(e)(4)(B) Leveraging of Private, State & Federal Resource, the QAP states, “...In order to be eligible for points, no more than 50% of the Developer Fee can be deferred. Where costs or financing change after completion of underwriting or aware (whichever occurs later), the points attributed to an Application under this scoring item will not be reassessed unless there is clear evidence that the information in the Application was intentionally misleading or incorrect.” The Developer cannot defer any more than 50% of

the developer fee to cover the GAP in sources and uses. The Application failed to acknowledge how much developer fee is being deferred on the Sources and Uses page. It is \$600,000 which exceeds the 50% threshold. Please see documentation attached as Exhibit B.

**3. 11.9(d)(1)(B) Local Government Support - Points in reference to the Resolution submitted from the City of Bishop.**

Along with the legality of the City of Bishop City Council Resolution, TDHCA has the project inaccurately categorized (see attached as Exhibit C). Since the development site is located outside the city limits but within the extraterritorial jurisdiction of a municipality as outlined in the Application, the Application must contain both a city and county Resolution of Support.

It has been brought to our attention that the City Council Resolution submitted in the Application was likely not obtained via a legal properly noticed City Council meeting. This is based upon a conversation with the City Secretary. In February we requested her to provide us with a copy of the City Council Meeting agenda for the February City Council meeting, but she informed us that they were not having one because the preceding Wednesday (February 26, 2020) was Ash Wednesday. Further, we understand based on our conversation with State Trooper referenced above, that surrounding residents who planned to attend the meeting in February to protest a Resolution of Support for the Application, were also told by City staff that a meeting would not be held in February. State Trooper went on to say that she understood that a “private meeting” was held and the neighbors were denied access who tried to attend to express their opposition. The State Trooper has also emailed me a statement to include in this RFAD so that the TDHCA has her comments on record. It is also included under Exhibit D. This also is consistent with the City’s posting online of the City Council meetings which we have attached here at Exhibit D. As you’ll see, this shows when each City Council meeting was held, and it shows no meeting in February. Yet, the Developer submitted a Resolution of Support in the Application that references “a duly noticed meeting” held on February 24, 2020. Our legal counsel is involved and has submitted a Freedom of Information Act Request to the City, a copy of which is attached at Exhibit D.

**4. 11.101(a)(2)(k) Undesirable Site.**

The site as mentioned is 8 acres out of a larger +/- 100-acre parcel of farmland and is located in the middle of the property. The title commitment shows under Schedule B a General Warranty Surface Deed with Wind Reservations conveyance for the entire property as the intent of the land is to be turned into a Large Windmill Farm of which this property will sit in the middle of. While the property currently does not have any buildings

or recreational areas within 100 feet of overhead high voltage transmission lines, the Wind Farm that will surround the entire property with Wind Powered High Voltage Electrical Generation is too new of a technology source for anyone to know what the downside potential harmful effects could be. There is nothing prohibiting the owner of the surrounding property from placing windmill powered generators right up against the property lines. In 11.101(a)(2)(k) of the QAP, it states “Any other Site deemed unacceptable, which would include, without limitation, those with exposure to an environmental factor that may adversely affect the health and safety of the residents or render the Site inappropriate for housing use and which cannot be adequately mitigated...”

Furthermore, the site consists of 8 acres out of a large farmland parcel that is currently being farmed for crops. (See attached Land Contract which discusses this). However, the Application fails to include the required farmland documentation in Tab 7-Site Information Part I and Tab 8-Supporting Documentation for Site Information Form Part I of Application.

Additionally, the site exhibits evidence of numerous surrounding Chemical Plants and Oil & Gas Manufacturers within just a few miles. This potential exposure to an environmental factor of this nature may adversely affect the health and safety of the residents and community. These types of Chemical Plants release certain toxic chemicals that may pose a threat to human health and the environment. A "release of a chemical" means that it is emitted into the air, water or placed in some type of land disposal. During the EPA (United States Environmental Protection Agency) visit, agency also identified that these plants presented hazards to fires, explosions, corrosion, equipment failure and overfilling.

Row #	Facility	Total On-site Disposal or Other Releases	Total Off-site Disposal or Other Releases	Total On- and Off-site Disposal or Other Releases
1	<b>BASF CORP.5738 COUNTY ROAD 4, BISHOP TEXAS 78343 (NUECES)</b>	<b>48,140</b>	<b>140,886</b>	<b>189,026</b>
	ETHYLENE GLYCOL (325 - Chemicals)	20	140,350	140,370
	HYDROGEN FLUORIDE (325 - Chemicals)	860	.	860
	N-HEXANE (325 - Chemicals)	46,120	.	46,120
	NICKEL COMPOUNDS (325 - Chemicals)	0	.	0
	PHENOL (325 - Chemicals)	1,140	536	1,676
2	<b>OXEA BISHOP LLC.US HWY 77, BISHOP TEXAS 78343 (NUECES)</b>	<b>2,964</b>	<b>.</b>	<b>2,964</b>
	ACETALDEHYDE (325 - Chemicals)	2,361	.	2,361
	CROTONALDEHYDE (325 - Chemicals)	26	.	26
	N-BUTYL ALCOHOL (325 - Chemicals)	577	.	577
	NICKEL COMPOUNDS (325 - Chemicals)	0	.	0
3	<b>TICONA POLYMERS INC.5738 COUNTY RD 4, BISHOP TEXAS 78343 (NUECES)</b>	<b>524,164</b>	<b>1,018</b>	<b>525,182</b>
	ACETALDEHYDE (325 - Chemicals)	10,732	.	10,732
	AMMONIA (325 - Chemicals)	0	.	0
	BENZENE (325 - Chemicals)	2,823	.	2,823
	CHLORINE (325 - Chemicals)	0	.	0
	DIISOCYANATES (325 - Chemicals)	0	.	0
	ETHYLENE (325 - Chemicals)	436	.	436
	ETHYLENE GLYCOL (325 - Chemicals)	39	.	39
	FORMALDEHYDE (325 - Chemicals)	350,549	.	350,549
	FORMIC ACID (325 - Chemicals)	109	.	109
	METHANOL (325 - Chemicals)	159,467	1,018	160,485
	N-HEXANE (325 - Chemicals)	0	.	0
	PHENOL (325 - Chemicals)	0	.	0
	TITANIUM TETRACHLORIDE (325 - Chemicals)	9	.	9
	<b>Total</b>	<b>575,268</b>	<b>141,904</b>	<b>717,172</b>

5. The site has no zoning required and according to Nueces County, there will be no requirements for any plan review for conformance with state and local codes, there will be no building permits issued, there will be no building inspections to assure the buildings are being built per national, state or local building codes, nor will there be any Certificates of Occupancy (CO's) issued. How will the state and any of the occupants be assured that there are no fire hazards, corners cut during construction, built to code, etc. with there not being anyone to oversee the construction such as a building official?

6. The applicant's Application shows the landlord to be paying for water and sewer. The Operating expenses in the Application show water and sewer expenses to be estimated at \$11,500 which is grossly understated. As you will from the attached Exhibit G, from the City of Bishop, the base rate for apartments is \$22.00 per unit (\$13,200 annually) and that is before any water and sewer usage which as you will also see from the attachment, the water and sewer usage rate is much higher for this property because it is not located within the city of Bishop city limits. When the proper water and sewer estimates are utilized in the Application the underwriting of this project will make it that much more unfeasible.

Based on the information and evidence that we have provided in this challenge to Application # 20309, we respectfully request that TDHCA review the Third-Party Request for Administrative Deficiency and make the necessary reductions to the overall score of the Application as appropriate.

Thank you for your consideration of this RFAD.

Sincerely,

  
Rick J Deyge  
President



EXHIBIT A







Photo of Grocery store in Bishop Texas: Bishop Food Mart

PICTURE TAKEN FROM YEARS AGO. NOTE BUSINESS LOCATED NEXT DOOR NOT EVEN BUILT YET IN THIS PICTURE. GROCERY HAS BEEN VACANT FOR GOING ON 2 YEARS NOW ACCORDING TO NEIGHBOR













Here is what the rule states:

(B) The calculation of the percentages stated in subparagraph (A) of this paragraph will be based strictly on the figures listed in the Funding Request and Development Cost Schedule. Should staff issue an Administrative Deficiency that requires a change in either form, then the calculation will be performed again and the score adjusted, as necessary. However, points may not increase based on changes to the Application. In order to be eligible for points, no more than 50% of the Developer Fee can be deferred. Where costs or financing change after completion of underwriting or award (whichever occurs later), the points attributed to an Application under this scoring item will not be reassessed unless there is clear evidence that the information in the Application was intentionally misleading or incorrect.



### Schedule of Sources of Funds and Financing Narrative

*Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).*

Financing Participants	Funding Description	Construction Period		Lien Position	Permanent Period					Lien Position
		Loan/Equity Amount	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)	Syndication Rate	
<b>Debt</b>										
TDHCA	<u>MF Direct Loan Const. to Perm. (Repayable)</u>	\$0			\$ -	4.00%	30	0		
TDHCA	<u>MF Direct Loan Const. Only (Repayable)</u>	\$0	0.00%							
TDHCA	<u>Multifamily Direct Loan (Soft Repayable)</u>	\$0	0.00%		\$ -	0.00%	0	0		
TDHCA	<u>Mortgage Revenue Bond</u>	\$0	0.00%		\$ -	0.00%	0	0		
BBVA Perm					\$ 3,135,509					1
BBVA Construction Term		\$6,893,017		1						
<b>Third Party Equity</b>										
	<u>HTC</u>	\$ 658,147	\$ 1,200,000		\$ 5,857,508				0.89	
<b>Grant</b>										
	<u>§11.9(d)(2)LPS Contribution</u>									
<b>Deferred Developer Fee</b>										
		\$ 900,000								
<b>Other</b>										
	<u>Direct Loan Match</u>									
County of Nueces		\$ 250			\$ 250					
City of Bishop		\$ 250			\$ 250					
<b>Total Sources of Funds</b>		\$ 8,993,517			\$ 8,993,517					
<b>Total Uses of Funds</b>					\$ 9,593,517					

2/25/2020

**\$600,000**

**DEFERRED FEE**

**53.86% OF TOTAL FEE**



# Development Cost Schedule

Self Score Total: 132

*This Development Cost Schedule must be consistent with the Summary Sources and Uses of Funds Statement. All Applications must complete the Total Cost column. Direct Loan Applicants should review costs ineligible for reimbursement with Direct Loan funds in 10 TAC §13.3(e), while all HTC Applicants must complete the Eligible Basis columns and the Requested Credit calculation below:*

TOTAL DEVELOPMENT SUMMARY		
Total Cost	Eligible Basis (If Applicable)	
	Acquisition	New/Rehab.

Scratch Paper/Notes

**ACQUISITION**

Site acquisition cost	120,000	
Existing building acquisition cost		
Closing costs & acq. legal fees	8,000	
Other (specify) - see footnote 1		
Other (specify) - see footnote 1		
<b>Subtotal Acquisition Cost</b>	<b>\$128,000</b>	<b>\$0</b>

**OFF-SITES<sup>2</sup>**

Off-site concrete		
Storm drains & devices		
Water & fire hydrants		
Off-site utilities		
Sewer lateral(s)		
Off-site paving	264,400	
Off-site electrical	248,900	
Other (specify) - see footnote 1		
Other (specify) - see footnote 1		
<b>Subtotal Off-Sites Cost</b>	<b>\$513,300</b>	<b>\$0</b>

**SITE WORK<sup>3</sup>**

Demolition		
Asbestos Abatement (Demolition Only)		
Detention	167,920	0
Rough grading	156,674	0
Fine grading	371,280	0
On-site concrete		
On-site electrical		0
On-site paving		0
On-site utilities		
Decorative masonry		0
Bumper stops, striping & signs		0
Other (specify) - see footnote 1		
<b>Subtotal Site Work Cost</b>	<b>\$695,874</b>	<b>\$0</b>

**SITE AMENITIES**

Landscaping	110,000	110,000
Pool and decking		0
Athletic court(s), playground(s)	75,000	75,000
Fencing	119,000	119,000
PLEASE SPECIFY - see footnote 1		
<b>Subtotal Site Amenities Cost</b>	<b>\$304,000</b>	<b>\$304,000</b>

ALL OFF-SITE COSTS REQUIRE DOCUMENTATION. THOSE ENTERED IN BASIS REQUIRE MORE DOCUMENTATION!!! SEE 10 TAC §11.204(8)(E)(ii).

Lift Station & Forced Main

Road Improvements

Sanitary Sewer Improvements

Waterline Improvements

Pavement/Drainage Improvements











**OTHER FINANCING COSTS<sup>3</sup>**

Tax credit fees	26,000		
Tax and/or bond counsel			
Payment bonds			
Performance bonds	52,000		52,000
Credit enhancement fees			
Mortgage insurance premiums			
Cost of underwriting & issuance			
Syndication organizational cost			
Tax opinion			
Refinance (existing loan payoff amt)			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			
<b>Subtotal Financing Cost</b>	<b>\$373,268</b>	<b>\$0</b>	<b>\$322,268</b>

**DEVELOPER FEES<sup>3</sup>**

Housing consultant fees <sup>4</sup>			
General & administrative			
Profit or fee	1,114,000		1,114,000
<b>Subtotal Developer Fees</b>	<b>13.73% \$1,114,000</b>	<b>\$0</b>	<b>\$1,114,000 16.98%</b>

**RESERVES**

Rent-up - new funds			
Rent-up - existing reserves*			
Operating - new funds	155,000		
Operating - existing reserves*			
Replacement - new funds	24,570		
Replacement - existing reserves*			
Escrows - new funds			
Escrows - existing reserves*			
<b>Subtotal Reserves</b>	<b>\$179,570</b>	<b>\$0</b>	<b>\$0</b>

\*Any existing reserve amounts should be listed on the Schedule of Sources.

<b>TOTAL HOUSING DEVELOPMENT COSTS<sup>5</sup></b>	<b>\$9,593,517</b>	<b>\$0</b>	<b>\$7,675,774</b>
--	--------------------	------------	--------------------

The following calculations are for HTC Applications only.

**Deduct From Basis:**

Federal grants used to finance costs in Eligible Basis			
Non-qualified non-recourse financing			
Non-qualified portion of higher quality units §42(d)(5)			
Historic Credits (residential portion only)			
<b>Total Eligible Basis</b>		<b>\$0</b>	<b>\$7,675,774</b>
**High Cost Area Adjustment (100% or 130%)			<b>130%</b>
<b>Total Adjusted Basis</b>		<b>\$0</b>	<b>\$9,978,506</b>
Applicable Fraction			<b>100%</b>
<b>Total Qualified Basis</b>	<b>\$9,978,506</b>	<b>\$0</b>	<b>\$9,978,506</b>
Applicable Percentage <sup>6</sup>			<b>9.00%</b>
<b>Credits Supported by Eligible Basis</b>	<b>\$898,066</b>	<b>\$0</b>	<b>\$898,066</b>
<b>Credit Request</b> (from 17.Development Narrative)	<b>\$ 658,147</b>		

**Requested Score for 11.9(e)(2)** **12**

\*11.9(c)(2) Cost Per Square Foot: DO NOT ROUND! Applicants are advised to ensure that the figure is not rounding down to the maximum dollar figure to support the elected points.

Name of contact for Cost Estimate: **Juan Ramirez**

Phone Number for Contact: **956.541.4955**

If a revised form is submitted, date of submission: \_\_\_\_\_



EXHIBIT C

Site Information Form Part I

Self Score Total: **132**

1. Development Address (All Programs)

North of County Road 70 on County Road 81A

Address

**10**

Region

**78343**

Zip

**Nueces**

County

**Rural**

Rural/Urban

**Bishop**

City

ETJ?

**Yes**

**Rural via §11.204(5)(B)** Rural Designation

2. Census Tract Information (All Programs)

**48355005900**

11-digit Census Tract Number

**No** QCT?

Median Household Income: **51914**

Quartile: **2q**

Poverty Rate: **18.5**

The poverty rate for the Census Tract is above 40% (55% for Regions 11 or 13), and the Neighborhood Risk Factors Report and required resolution has been submitted behind Tab 2.

3. Resolutions (Competitive HTC and Tax-Exempt Bonds, if applicable) [10 TAC §11.3]

Check the boxes of true statements below. Resolutions must be provided to demonstrate eligibility for any **unchecked** item.

- Twice the State Average Per Capita.** The proposed Development is **NOT** located in a municipality or a county that has more than twice the state average of units per capita supported by Tax Credits or Private Activity Bonds. (QAP §11.3(c))
- One Mile Three Year Rule.** The proposed Development is **NOT** a New Construction or Adaptive Reuse development that will be located one mile or less from a New Construction HTC or Bond Development serving the same type of household and awarded within the applicable three-year period and has not been withdrawn or terminated, **OR** the Development meets one of the exceptions in §11.3(d)(2) of the QAP (provide evidence of exception).
- Limitations on Developments in Certain Census Tracts.** The proposed Development is **NOT** a New Construction or Adaptive Reuse development that will be located in a census tract that has more than 20% HTC units per total households. (§11.3(e))

4. Two Mile Same Year Rule (Competitive HTC Only) [10 TAC §11.3(b)]

- The Development Site is not located in a county with a population that exceeds one million.
- The site is located in a municipality with a population of two million or more where a federal disaster has been declared, and the municipality is authorized to administer disaster recovery funds as a subgrant recipient.
- The site is located in a county with a population that exceeds one million and is not located within 2 linear miles of the proposed Development Site of any eligible Pre-application in the same county.
- The site is located in a county with a population that exceeds one million and is located within 2 linear miles of the site of the following eligible Pre-application(s) within the same county:

5. Proximity of Development Sites (Competitive HTC Only) [10 TAC §11.3(g)]

- The Development Site is not located in a county with a population less than one million.
- The site is located in a county with a population less than one million and is not contiguous to or within 1,000 feet of the site for any other eligible Pre-application(s) serving the same Target Population.
- The site is located in a county with a population less than one million and is contiguous to or within 1,000 feet of the site for the following eligible Pre-application(s) serving the same Target Population:

6. One Award per Census Tract Limitation (Competitive HTC Only) [10 TAC §11.3(h)]

- The Application is USDA or At-Risk, or is in a Rural Subregion.
- The Application is not USDA or At-Risk, and the Development Site is located in a census tract in an Urban subregion and the following eligible Pre-application(s) are located in the same census tract:

7. Zoning [10 TAC §11.204(11)] and Flood Zone Designation [10 TAC §11.101(a)(1)] (All Programs)

Development Site is appropriately zoned?

**Yes**

Zoning Designation: **Nueces County has no zoning**

Flood Zone Designation:

**C**

Entire Development Site is outside the 100 year floodplain. **Yes**





## Local Government Support

This list reflects resolutions provided by Local Government bodies in order to apply points to Applications in the 2020 Competitive Housing Tax Credit cycle under 10 TAC §11.9(d)(1) of the Qualified Allocation Plan (QAP). The list is sorted by application number. All eligible applications submitted to the Department for the 2020 cycle are listed, regardless of whether or not any resolutions were received. In order to qualify for points the resolution must be voted on and adopted by the Local Government body; must specifically identify the Development whether by legal description, address, Development name, Application number or other verifiable method; must expressly set forth support for, no objection to, or opposition to the specific Development; and must be dated before and received by the Department by the Final Input from Elected Officials Delivery Date. The log indicates if no resolution was timely received. Where the comment column indicates "Support" or "No Objection," staff is referring to the actual language used in the resolution. Where applicable, the resolutions can be viewed in Tab 46 of the Application.

The purpose of this list is to enable applicants and Local Government bodies to review the list of resolutions and confirm that all resolutions provided have been received and are under review. If you feel that a resolution you submitted is not reflected on this list, please contact Sharon Gamble, at [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us) so that the issue can be researched and the list corrected if necessary. To the extent that corrections are made, a list will be posted at a later date. This is solely a list of resolutions received and under review and is not a formal assessment of points. As no eligibility or scoring determinations have been made, the posting of this list does not serve to trigger the appeals policy.

### March 13, 2020

Application Number	Development Name	City Resolution	Comment	County Resolution	Comment
20001	Farm Street Village	x	Support	NA	NA
20002	Armadillo Studios	x	Support	NA	NA
20004	Bamboo Estates Apartments	x	Support	NA	NA
20006	Western Star Estates	x	Support	NA	NA
20008	Trailside Creek	x	Support	NA	NA
20010	Paige Estates	x	Support	NA	NA
20011	Canal Lofts	x	Support	NA	NA
20012	Merritt Gardens	x	Support	NA	NA
20015	New Caney Oaks	NA	NA	x	Support
20016	Reserve at Sulphur Springs		No resolution received.		
20018	The Park Tower	x	Support	NA	NA
20024	Dallas Stemmons Apartments	x	Support	NA	NA
20025	Palladium Fain Street, Ltd.	x	Support	NA	NA
20027	Garland Senior Living	x	Support	NA	NA
20030	Akins East	x	Support	NA	NA
20034	Ranch Court Apartments	x	Support	NA	NA
20040	Espero Austin at Rutland	x	Support	NA	NA
20041	Espero Austin at W. 24th	x	Support	NA	NA

20042	The Commons at St. Anthony's	x	Support	NA	NA
20046	Brandywine Apartments	x	Support	NA	NA
20047	Evening Star Villa	x	Support	NA	NA
20049	Cowan Place	x	Support	NA	NA
20051	Village at McArdle	x	Support	NA	NA
20053	Highland Hills Supportive Housing	x	Support	NA	NA
20054	Gulf Shore Villas	x	Support	NA	NA
20063	Azalea West	x	Support	NA	NA
20066	Vista at Everest	x	Support	NA	NA
20069	Vista at Interpark	x	Support	NA	NA
20072	Culebra Place Apartments	x	Support	NA	NA
20075	New Hope Housing Savoy	x	Support	NA	NA
20077	Lockwood South Apartments	x	Support	NA	NA
20079	Fairview Terrace	x	Support	NA	NA
20082	Connect South Apartments	x	Support	NA	NA
20083	Lakeview Preserve	x	Support	NA	NA
20089	Hamilton Wolfe Lofts	x	Support	NA	NA
20091	Salado Cliffs	x	Support	NA	NA
20092	Fiesta Trails	x	Support	NA	NA
20093	Brownsville Lofts	x	Support	NA	NA
20096	Washington Coles Apartments	x	Support	NA	NA
20097	Regency Lofts	x	Support	NA	NA
20100	Southlawn at Milby	x	Support	NA	NA
20111	St. Andrews Townhomes	x	Support	NA	NA
20114	3300 Caroline Street	x	Support	NA	NA
20115	Avenue at Sycamore Park	x	Support	NA	NA
20116	Dian Street Villas	x	Support	NA	NA
20120	Lennox House	x	Support	NA	NA
20121	Eberhart Place	x	Support	NA	NA
20123	Meander Park	x	Support	NA	NA
20125	Parkway Meadows	x	Support	NA	NA
20126	Weslaco Village Apartments	x	Support	NA	NA
20128	OST Lofts	x	Support	NA	NA
20132	The Lex on Jessamine	x	Support	NA	NA
20134	Hibiscus Village	x	Support	NA	NA
20138	The Ella	x	Support	NA	NA
20139	The Loretta	x	Support	NA	NA
20141	Richmond Senior Village	x	Support	NA	NA
20143	The Magenta	x	Support	NA	NA
20144	The Enchanted Gardens	x	Support	x	Support
20145	Gala at Ridgmar	x	Support	NA	NA
20146	The Foxtail Cottages	x	Support	NA	NA
20147	Kestrel on Cooper	x	Support	NA	NA
20148	High View Place	x	Support	NA	NA
20149	Provision at Fort Worth	x	Support	NA	NA
20150	Palmville Homes	x	Support	NA	NA
20153	Provision at Bomber Road	x	Support	NA	NA
20154	San Vito	x	Support	NA	NA
20155	Gala at Premier	x	Support	NA	NA

20156	Whispering Trees Apartments	x	Support	NA	NA
20158	Redwood Apartments	x	Support	NA	NA
20162	Hacienda Santa Barbara	x	Support	NA	NA
20167	Laurel Flats	x	Support	NA	NA
20171	Avanti Viking Hills	x	Support	NA	NA
20177	Avanti Legacy Valor Heights	x	Support	NA	NA
20179	Avanti West	x	Support	NA	NA
20181	Avanti Valley View	x	Support	NA	NA
20184	The Heritage at Abilene	x	Support	NA	NA
20186	The Residence at Ridgehill	x	Support	x	Support
20187	Cortez Plaza		No resolution received.		
20188	Village at Boyer	x	Support	NA	NA
20190	Nuestra Senora	x	Support	NA	NA
20192	Arbor Park	x	Support	NA	NA
20197	Villas at Western Heights	x	Support	NA	NA
20198	Village at Perrin Beitel	x	Support	NA	NA
20200	Lofts at Temple Medical District	x	Support	NA	NA
20202	Pathways at Chalmers Courts West	x	Support	NA	NA
20204	Heritage Senior Residences	x	Support	NA	NA
20205	Ella Grand	x	Support	NA	NA
20210	Amber Ridge Apartments	x	Support	NA	NA
20211	Ennis Trails	x	Support	NA	NA
20212	Vernon Pioneer Crossing	x	Support	NA	NA
20216	Henderson Trails	x	Support	NA	NA
20217	Somerville Estates	x	Support	NA	NA
20220	Trinity Estates	x	Support	NA	NA
20222	Brenham Trails	x	Support	NA	NA
20223	Campanile on Briar Hollow	x	Support	NA	NA
20224	Crossroads Apartments	x	Support	NA	NA
20231	Walnut Trails	x	Support	NA	NA
20232	Beaumont Trails	x	No Objection	NA	NA
20233	Quinlan Estates, LP	x	Support	x	Support
20235	Madisonville Estates	x	Support	NA	NA
20240	Livingston Pioneer Crossing	x	Support	NA	NA
20248	Cedar Cove Apartments	x	Support	NA	NA
20250	Town Oaks Apartments	x	Support	NA	NA
20251	Mathis Apartments	x	Support	NA	NA
20256	Timpson Seniors Apartments	x	Support	NA	NA
20261	Sunset Vista Seniors	x	Support	NA	NA
20262	Abbingtion Park	x	Support	NA	NA
20264	Juliette Fowler Residences	x	Support	NA	NA
20267	Valley View Estates		No resolution received.		
20268	Inkwood Estates	x	Support	NA	NA
20272	Westwind of Dumas	x	Support	NA	NA
20273	La Grange Springs	x	Support	x	Support
20275	The Park on 14th	x	Support	NA	NA
20280	Hays Street Lofts	x	Support	NA	NA
20281	Bayou Bend Apartments	x	Support	NA	NA
20288	Providence at Buna	x	Support	NA	NA



20292	Carver Ridge Apartments	x	Support	NA	NA
20293	Pendleton Square	x	Support	NA	NA
20294	Sagebrush Apartments	x	Support	NA	NA
20295	HWY 79 Senior Living	x	Support	NA	NA
20297	Artcraft Palms	x	Support	NA	NA
20300	Ridgecrest Inn Apartments	x	Support	NA	NA
20302	Livingston Plaza	x	Support	NA	NA
20306	The Trails at Abilene	x	Support	NA	NA
20309	Casitas Los Ebanos	NA	NA	x	Support
20310	Highpoint at Wynnewood	x	Support	NA	NA
20316	Virginia Flats	x	Support	NA	NA
20317	Merritt Edge	x	Support	NA	NA
20318	Cypress Creek Homes at La Porte	x	Support	NA	NA
20320	Mariposa Homes at Mesquite	x	Support	NA	NA
20324	BCC Village Townhomes	x	Support	NA	NA
20329	Fish Pond at Huntsville	x	Support	NA	NA
20330	Fish Pond at Prospect Hill		No resolution received.		
20331	Fish Pond at Fitzgerald	x	Support	NA	NA
20332	GardenWalk of Farmersville	x	Support	NA	NA
20333	GardenWalk of Royse City		No resolution received.		
20342	The Cottages at Cedar Ridge	x	Support	NA	NA
20344	Merritt Sunset	x	Support	NA	NA

# Exhibit D

## Bishop Project - City Council Notices to Public of City Council Meetings

Not secure | cityofbishoptx.com/news.php?keywords\_keyword=Minutes

Apps | Inbox - tiffany.deyo... | Consumer Center | Bookmarks | 2015 Accountability... | Cricut Design Space | New Tab | Calculator: Add to... | Rent & Income Limi...

GOVERNMENT | LIVING | SERVICES | BUSINESS | EXPLORE | I WANT TO | SUPPORT

**City Council Meeting 3-25-20 Cancelled** **Mar 25 5:30 pm**

NOTICE OF PUBLIC MEETING  
BISHOP CITY COUNCIL  
WEDNESDAY, March 25th, 2020  
CANCELLED

Continue Reading

Tags: Agenda Agendas City Council Member Community Meetings Minutes

**City Council Meeting Agenda 03-04-20** **Mar 04**

NOTICE OF PUBLIC MEETING  
BISHOP CITY COUNCIL  
WEDNESDAY, March 4, 2020 AT  
5:30 PM

Continue Reading

Tags: Agenda Agendas City Council Member Community Meetings Minutes

**City Council Meeting Agenda 01-22-2019** **Jan 22**

NOTICE OF PUBLIC MEETING  
BISHOP CITY COUNCIL  
WEDNESDAY, JANUARY 22ND,  
2020 AT 5:30 PM

Continue Reading

Tags: Agenda Agendas City Council Member Community Meetings Minutes

**City Council Meeting Agenda 12-11-2019** **Dec 11 5:30 pm**

NOTICE OF PUBLIC MEETING  
BISHOP CITY COUNCIL  
WEDNESDAY, DECEMBER  
11TH, 2019 AT 5:30 PM

Continue Reading

Tags: Agendas City Council Member Community Meetings Minutes

Send Message



A LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS & COUNSELORS

**Lauren G. Osterman**  
9201 N. Central Expressway  
Fourth Floor  
Dallas, Texas 75231  
(214) 780-1400 (Main)  
(214) 780-1401 (Fax)  
losterman@shackelford.law

April 30, 2020

**Via FedEx and Facsimile to (361) 584-3253**

Tem Miller, Mayor, City of Bishop, Texas  
203 E. Main Street  
Bishop, Texas 78343

Cynthia L. Contreras, City Secretary  
203 E. Main Street  
Bishop, Texas 78343

RE: Texas Public Information Act Request

Dear Mayor Miller and City Secretary Contreras,

This law firm represents Realtex Development Corporation, which has requested that I make the following request on its behalf pursuant to the Texas Public Information Act codified at Chapter 552, Texas Government Code.

Please promptly provide to me copies of all of the following with respect to the City of Bishop, Texas:

1. The **public posting** published in connection with the February City Council meeting (including the City Council meeting that occurred on February 24, 2020);
2. The **February** City Council meeting **agenda** (including the City Council meeting that occurred on February 24, 2020);
3. **Minutes** from the **February** City Council meeting (including the City Council meeting that occurred on February 24, 2020);
4. A statement as to whether or not there was a public City Council meeting held on February 24, 2020;
5. A **list of those in attendance** at the February City Council meeting;

6. The **March** City Council meeting **agenda**; and
7. **Minutes** from the **March** City Council meeting.

You may provide the requested copies to me by mail (9201 N. Central Expressway, Fourth Floor, Dallas, Texas 75231) or email ([losterman@shackelford.law](mailto:losterman@shackelford.law)), or call to arrange for a Dropbox link to be provided to you.

Additionally, please contact me for any reason, including if payment of any kind is required to process this request. I very much appreciate your prompt attention and assistance with this Public Information Act request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lauren Osterman". The signature is stylized with a large loop at the beginning and a horizontal line extending to the right.

Lauren Osterman



**From:** Alda Gonzales [mailto:alदारubio3622@gmail.com]

**Sent:** Friday, May 1, 2020 1:21 PM

**To:** Rick Deyoe <rdeyoe@realtextdevelopment.com>

**Subject:** Cr81a Bishop Texas

Hello,

My name is Alda Gonzales my Family and I reside at 1046 CR81a, Bishop Texas.

On February 13, 2020 I was made aware that someone would be building a sub-division on CR81 in Bishop Texas. The City of Bishop was going to hold a meeting on February 26, 2020.

Several citizens of Bishop were denied access to attend the meeting that would be discussing the new development on CR81a. In Bishop Tx.

I have spoken to several of my neighbors and they stated to me that they were against the new development on CR81a.

**Exhibit E**



**COMMITMENT FOR TITLE INSURANCE (Form T-7)**

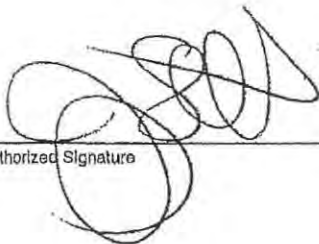
**Issued by**

**TITLE RESOURCES GUARANTY COMPANY**

We, Title Resources Guaranty Company, will issue our title insurance policy or policies (the Policy) to You (the proposed insured) upon payment of the premium and other charges due, and compliance with the requirements in Schedule C. Our Policy will be in the form approved by the Texas Department of Insurance at the date of issuance, and will insure your interest in the land described in Schedule A. The estimated premium for our Policy and applicable endorsements is shown on Schedule D. There may be additional charges such as recording fees, and expedited delivery expenses.

This Commitment ends ninety (90) days from the effective date, unless the Policy is issued sooner, or failure to issue the Policy is our fault. Our liability and obligations to you are under the express terms of this Commitment and end when this Commitment expires.

**THE FOLLOWING COMMITMENT FOR TITLE INSURANCE IS NOT VALID UNLESS YOUR NAME AND THE POLICY AMOUNT ARE SHOWN IN SCHEDULE A, AND OUR AUTHORIZED REPRESENTATIVE HAS COUNTERSIGNED BELOW.**

  
An Authorized Signature



*Title Resources Guaranty Company*

By: Paul M. [Signature]  
Executive Vice President

Michael P. [Signature]  
Secretary

**COMMITMENT FOR TITLE INSURANCE T-7**

**ISSUED BY**

**TITLE RESOURCES GUARANTY COMPANY**

**SCHEDULE A**

Effective Date: **January 19, 2020, 8:00 am**

GF No. **2000911-COM**

Commitment No. **2000911-COM**, issued **February 4, 2020**

1. The policy or policies to be issued are:

- a. OWNER'S POLICY OF TITLE INSURANCE (Form T-1)  
(Not applicable for improved one-to-four family residential real estate)  
Policy Amount: **\$120,000.00**  
PROPOSED INSURED: **Community Development Corporation of Brownsville, a Texas non-profit corporation**
- b. TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE  
ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)  
Policy Amount:  
PROPOSED INSURED:
- c. LOAN POLICY OF TITLE INSURANCE (Form T-2)  
Policy Amount:  
PROPOSED INSURED:  
Proposed Borrower:
- d. TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)  
Policy Amount:  
PROPOSED INSURED:  
Proposed Borrower:
- e. LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)  
Binder Amount:  
PROPOSED INSURED:  
Proposed Borrower:
- f. OTHER  
Policy Amount:  
PROPOSED INSURED:

2. The interest in the land covered by this Commitment is:  
**Fee Simple**

3. Record title to the land on the Effective Date appears to be vested in:**\*\*\*See Schedule C for requirements Benton-MDB LLC, a Texas limited liability company**

4. Legal description of land:\*\*\*See Schedule C for requirements  
Being that certain tract of land generally described as containing 8 acres, more or less, being out of the East One hundred five (E 105) acres of the Southwest one-fourth (1/4) of Section 97, of the F. Z. Bishop Subdivision of the Driscoll Ranch, Nueces County, Texas, and being a portion of Nueces County Appraisal District 2019 Tax Parcel 195978 as shown on the 2019 map records of said district, and being a portion of Tract 1 of deed dated January 10, 2019 recorded in Document No. 2019002168 Official Public Records, Nueces County, Texas, executed by William Dale Benton to Benton-MDB LLC, a Texas limited liability company.\*\*\*See Below

\*\*\*The above description is a general reference description for preliminary location purposes only and is not sufficient for policy issuance. See Schedule C for requirements.

Note: The company is prohibited under current regulations from insuring the amount of acreage within the insured parcel of land. Neither this commitment nor any policy issued pursuant hereto shall include insurance as to the amount of land contained within the insured parcel.



**SCHEDULE B**  
**EXCEPTIONS FROM COVERAGE**

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):

**Volume 64, Page 18 of the Deed Records of Nueces County, Texas.**

2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any of any spouse of any insured. (Applies to the Owner's Policy only.)
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
  - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
  - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
  - c. to filled-in lands, or artificial islands, or
  - d. to statutory water rights, including riparian rights, or
  - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.(Applies to the Owner's Policy only.)
5. Standby fees, taxes and assessments by any taxing authority for the year **2020**, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year. (If Texas Short Form Residential Loan Policy of Title Insurance (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year \_\_\_\_ and subsequent years.")
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Loan Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence is furnished to us before a binder is issued.)
8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Loan Policy (T-2) only.)
9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Loan Policy of Title Insurance (T-2R). (Applies to Texas Short Form Residential Loan Policy of Title Insurance (T-2R) only.) Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Loan Policy of Title Insurance (T-2R).

10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):

- .1 **Visible and/or apparent unrecorded easements, public or private, located in, on, over or across the land.**
- .2 **Right of Way Easement dated May 16, 1939 to Nueces Electric Cooperative, Inc., recorded under File No. 532086 in Volume 854, Page 48 of the Deed Records of Nueces County, Texas.**
- .3 **Right of Way Easement dated May 16, 1939 to Nueces Electric Cooperative, Inc., recorded under File No. 532087 in Volume 854, Page 49 of the Deed Records of Nueces County, Texas.**
- .4 **Reservation of Wind Rights set forth in deed dated January 10, 2019, recorded under County Clerk's File No. 2019002168 of the Official Public Records of Nueces County, Texas, together with any subsequent conveyance, assignment or transfer of any interest in said wind rights, including but not limited to Document No. 2019002274 Official Public Records, Nueces County, Texas.**
- .5 **All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interests that are not listed.**

End of Schedule B.



**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**GENERAL WARRANTY SURFACE DEED  
WITH MINERAL AND WIND RESERVATIONS**

**Effective Date:** *January 10*, 2019

**Grantor:** William Dale Benton

**Grantor's Mailing Address:** 698 County Road 85, Bishop, Texas 78343

**Grantee:** Benton-MDB LLC

**Grantee's Mailing Address:** 688 County Road 85, Bishop, Texas 78343

**Consideration:** The Property is conveyed to Grantee for the purpose of contributing to the capital of Grantee.

**Property (including any improvements):** Tract 1, Tract 2, and Tract 3, all located in Nueces County, Texas and being more particularly described on Exhibit A attached hereto for all purposes.

**Reservations from Conveyance:**

Reservation of Mineral Estate

Grantor specifically reserves unto Grantor and Grantor's heirs, representatives, successors and assigns, all right, title and interest of Grantor in and to all of the oil, gas and other minerals of every kind and character, liquid, gaseous, solid or mix, in, on and under, or that may be produced, saved and marketed from the Property.

Reservation of Wind Rights

Grantor specifically reserves unto Grantor and Grantor's heirs, representatives, successors and assigns, all right, title and interest of Grantor in and to all of the wind rights (as defined below) attributable to the Property or any portion thereof, including without limitation rights under any existing wind lease or wind easement covering all or any portion of the Property.

For purposes of this conveyance, the term "wind rights" includes any and all rents, royalties, payments in lieu of royalties, or other economic benefits directly or indirectly paid or accrued for, in anticipation of, or in connection with, the generation of electricity from wind power on the Property, or lands that may be pooled with the Property, including without limitation any lease bonus payments and/or annual renewal payments payable under any wind lease or easement. Grantor and Grantee further agree as follows with respect to wind rights:



1. Grantee shall have the exclusive authority to enter into wind leases, wind easements or similar agreements authorizing the production of electricity from wind resources on all or any portion of the Property or lands pooled therewith by third parties on such terms as may be determined by Grantee in good faith, provided that any such agreement entered into by Grantee shall contain economic terms for the wind rights not less than the fair market value for similarly situated wind projects in Texas. It will not be necessary for Grantor to execute any of such agreements, and such agreements will be binding upon the rights of Grantor herein.

2. This reservation of wind rights does not include any and all sums paid to or received by the surface owner in good faith for surface damages or surface use in connection with the generation of electricity by wind power on the Property, including without limitation: easement fees for roads, transmission lines, ingress and egress; payments for the location or removal of wind turbines, substations, transmission lines, maintenance facilities, storage yards and related appurtenances; payments made to compensate for loss of hunting, grazing or farming rights; sales of, caliche, gravel or other building materials; and any other surface use or surface damage payment attributable to the generation of electricity by wind power associated with the Property.

3. This reservation of wind rights will not apply to any electricity generated by wind power upon the Property for domestic or other noncommercial uses on the Property.

**Exceptions to Conveyance and Warranty:**

As to Tract 1: This conveyance is made and accepted subject to all easements, rights-of-way, restrictive covenants, use limitations and reservations affecting Tract 1 which are of record in Nueces County, Texas;

As to Tracts 2 and 3: This conveyance is made and accepted subject to all presently recorded restrictions, reservations (including by not limited to outstanding reservations of oil, gas and other minerals in, on or under the property), mineral leases, recorded of unrecorded easements or rights of way, whether visible or apparent on the ground, covenants, building, zoning, platting and Regulatory Ordinances of the City of Bishop and conditions that affect the Property, as well as those additional matters set forth in that certain General Warranty Deed recorded as Document Number 2003049578 in the Official Records of Nueces County, Texas;

and in all instances, taxes for 2018, which Grantor and Grantee have agreed are to be prorated as of the effective date of this Deed. Grantee assumes and agrees to pay her pro rata share of 2018 taxes and subsequent assessments for 2018 and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.



When the context requires, singular nouns and pronouns include the plural. This instrument may be executed in multiple counterparts, each of which shall be considered an original for all purposes.

(SIGNATURE PAGES TO FOLLOW)

**GRANTOR:**

*William Dale Benton*

\_\_\_\_\_  
**WILLIAM DALE BENTON**

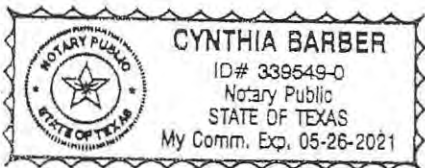
STATE OF TEXAS       §

COUNTY OF NUECES   §

This instrument was acknowledged before me this the 10<sup>th</sup> day of January, 2019,  
by **William Dale Benton**.

*Cynthia Barber*

\_\_\_\_\_  
Notary Public, State of Texas



**GRANTEE**

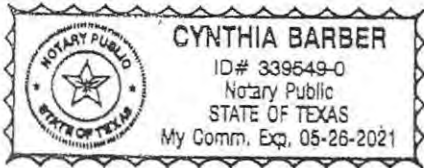
AGREED AND ACCEPTED BY

**BENTON-MDB LLC**

By: *Michael Benton*  
Michael Benton, Manager

STATE OF TEXAS           §  
  §  
COUNTY OF NUECES     §

This instrument was acknowledged before me this the 10<sup>th</sup> day of January, 2019, by **Michael Benton, Manager of Benton-MDB LLC**, a Texas limited liability company, on behalf of said company.



*Cynthia Barber*  
Notary Public, State of Texas

EXHIBIT "A"

Tract 1

That certain tract or parcel of land lying and being situated in Nueces County, Texas, described as follows, to-wit:

Being the East One hundred five (E 105) acres of the Southwest one-fourth (1/4) of Section 97, of the F. Z. Bishop Subdivision of the Driscoll Ranch, being more fully described as being all of Outlots Nos. 9, 10, 14 and 15 and the East twenty-five (E 25) acres of Outlots 16 and 17, Bishop Outlots of the Town of Bishop, as shown by map recorded in Volume 1, Page 46, Map Records, Nueces County, Texas.

SAVE AND EXCEPT:

1) The ten (10) acres of land out of the Northeast corner of Outlot 10, the Bishop Outlots of the Town of Bishop as shown by map of record in Volume 1, Page 46 of the Map Records of Nueces County, Texas, heretofore transferred to Radio Station KINE, subject, however, to the Grantors retaining a 3/32nd royalty interest in said land.

2) One (1) acre of land hereinbefore deeded to Fred E. Shafer and wife, Christine LaNell Shafer and described as follows:

All that certain tract or parcel of land situated in Nueces County, Texas, and being a portion of outlot 15 in Section 97 of the Bishop Outlots as shown by map thereof recorded in Volume 1, Pages 46 and 47 of the Nueces County Map Records and also being a part of a tract of 105 acres conveyed by E. E. True and wife, Florence E. True to Clyde L. Simpson and wife, Mamie Simpson by deed dated July 3, 1941, recorded in Volume 270, Page 481 of the Nueces County Deed Records, and further described by metes and bounds as follows:

Beginning at a point in the centerline of 80 ft. farm road #70 on the south line of the outlots in section 97, being N 72° 42' E. 450 feet from the Southwest corner of the 105 acre tract conveyed to Clyde L. Simpson and wife for the beginning point of this survey;

THENCE N. 17° 18' W. at 40 feet an iron pin set in the north line of Farm road #70 easement, continuing for a total distance of 290.4 feet to an iron pin set for the northwest corner of this survey;

THENCE N. 72° 42' E. for a distance of 150 feet to an iron pin set for the Northeast corner of this survey;

THENCE S. 17° 18' E. 250.4 feet an iron pin in said north line of road easement, continuing a total distance of 290.4 feet to a point in the center line of said road for the southeast corner of this survey;

THENCE S. 72° 42' W. a distance of 150 feet to the place of beginning and containing one acre of land, more or less.



## **Tracts 2 and 3**

### **TRACT NO. 1:**

Being **surface only** in all that certain tract, piece or parcel of land lying and being situated in the County of Nueces, State of Texas, and described as follows:

Being the Southwest Quarter (SW1/4) of Section One Hundred Ninety-three (193), F. Z. BISHOP, PALO ALTO SUBDIVISION, Nueces County, Texas; containing One Hundred sixty (160) acres, according to the map or plat thereof recorded in Volume 2, Page 21, Map Records of Nueces County, Texas, to which reference is here made for all pertinent purposes, and being the same property conveyed by Carl

Schubert and wife, Frieda Schubert to William Ewald Schulze, Jr. and wife, Ella Schulze, by deed dated September 28, 1945, recorded in Volume 315, Pages 629 thru 630, Deed Records of Nueces County, Texas.

### **TRACT NO. 2:**

Being **surface only** in all that certain tract, piece or parcel of land lying and being situated in the County of Nueces, State of Texas, and the west one-half (W1/2) of the Southwest one-fourth (SW1/4) of Section 198 of the F. Z. BISHOP, PALO ALTO SUBDIVISION, containing eighty (80) acres of land as shown by map or recorded in Volume 2, page 21, Map Records of Nueces County, Texas, to which reference is here made for all pertinent purposes; and being the same property Walter Kellerman, Individually and as Independent Executor of the Estate of Henry Kellerman, joined by his wife, Alma Kellerman; Ella Moeller, joined by her husband, Oscar Moeller; Harry Kellerman, joined by his wife, Irma Kellerman; and Nora Kellerman to William Ewald Schulze, Jr. and wife, Ella Schubert Schulze, by deed dated March 20, 1959 and filed for record in the Office of the County Clerk of Nueces County, Texas, under File No. 526777.

PREPARED IN THE OFFICE OF:

Shannon M. Wilde  
Branscomb | PC  
802 N. Carancahua St., Ste. 1900  
Corpus Christi, Texas 78401

AFTER RECORDING RETURN TO:

Shannon M. Wilde  
Branscomb | PC  
802 N. Carancahua St., Ste. 1900  
Corpus Christi, Texas 78401

Doc# 2019002168  
# Pages 9  
01/16/2019 4:48PM  
e-Filed & e-Recorded in the  
Official Public Records of  
NUECES COUNTY  
KARA SANDS  
COUNTY CLERK  
Fees \$39.00

Any provision herein which restricts the Sale, Rental  
or use of the described REAL PROPERTY because of  
Race, Color, Religion, Sex, Handicap, Familial Status  
or National Origin is invalid and unenforceable  
under FEDERAL LAW, 3/12/89

STATE OF TEXAS  
COUNTY OF NUECES  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS  
FILED IN FILE NUMBER SEQUENCE ON THE DATE AND  
AT THE TIME STAMPED HEREON BY ME AND WAS DULY  
RECORDED IN THE OFFICIAL PUBLIC  
RECORDS OF NUECES COUNTY TEXAS



*Kara Sands*  
COUNTY CLERK  
NUECES COUNTY, TEXAS

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**DISTRIBUTION DEED  
MINERAL ESTATE AND WIND RIGHTS**

**Effective Date:** January 10, 2019

**Grantor:** William Dale Benton

**Grantor's Mailing Address:** 698 County Road 85, Bishop, Texas 78343

**Grantees and their**

**Mailing Addresses:** **Benton-MDB LLC**  
688 County Rd 85  
Bishop, Texas 78343

**Benton-LAZ LLC**  
688 County Rd 85  
Bishop, Texas 78343

**Benton-CKP LLC**  
688 County Rd 85  
Bishop, Texas 78343

**Consideration:** The Mineral Estate and Wind Rights are conveyed to Grantee for the purpose of contributing to the capital of Grantees.

**Mineral Estate and Wind Rights:**

All of Grantor's right, title and interest, in, to and associated with the Mineral Estate and Wind Rights attributable those certain Tracts 1, 2, 3, 4, and 5 described on Exhibit A, attached hereto and made a part hereof for all purposes, as reserved and defined in the following instruments:

- General Warranty Surface Deed with Mineral and Wind Reservations dated effective January 10, 2019, recorded as Document Number 2019002168 of the Official Public Records of Nueces County, Texas, from William Dale Benton, as Grantor, to Benton-MDB LLC, as Grantee;
- General Warranty Surface Deed with Mineral and Wind Reservations dated effective January 10, 2019, recorded as Document Number 2019002167 of the Official Public Records of Nueces County, Texas, from William Dale Benton, as Grantor, to Benton-LAZ LLC, as Grantee; and

C1932553:2



- General Warranty Surface Deed with Mineral and Wind Reservations dated effective January 10, 2019, recorded as Document Number 2019002169 of the Official Public Records of Nueces County, Texas, from William Dale Benton, as Grantor, to Benton-CKP LLC, as Grantee.

**Exceptions to Conveyance and Warranty:**

This conveyance is made subject to existing liens; any and all valid and subsisting easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and valid restrictions, reservations, covenants, conditions, oil and gas leases, hunting leases, grazing leases, farming leases, wind easements, and mineral severances; and all other instruments appearing of record in Nueces County, Texas that affect the Mineral Estate and Wind Rights.

NOW, THEREFORE, Grantor, for the above cited Consideration in hand paid to the Grantor by the Grantees herein named, the receipt and sufficiency of which are hereby acknowledged, and subject to the Exceptions to Conveyance and Warranty, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY the Mineral Estate and Wind Rights to the Grantees in equal undivided one-third (1/3) shares.

TO HAVE AND TO HOLD all of Grantor's said interests in the Mineral Estate and Wind Rights, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantees and Grantees' successors and assigns forever, provided this conveyance is made without warranty of any kind, including but not limited to express, implied or statutory warranties, warranties of title, or otherwise.

This instrument may be executed in multiple counterparts, each of which shall be considered an original for all purposes.

When the context requires, singular nouns and pronouns include the plural.

(SIGNATURE PAGES TO FOLLOW)

**GRANTOR:**

*WDB*  
*WDB*

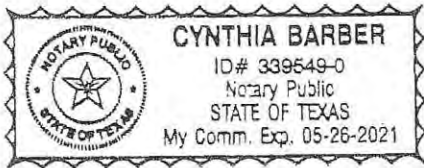
\_\_\_\_\_  
**WILLIAM DALE BENTON**

STATE OF TEXAS       §  
                                  §  
COUNTY OF NUECES   §

This instrument was acknowledged before me this the 10<sup>th</sup> day of January, 2019,  
by **William Dale Benton**.

*Cynthia Barber*

\_\_\_\_\_  
Notary Public, State of Texas



**GRANTEE**

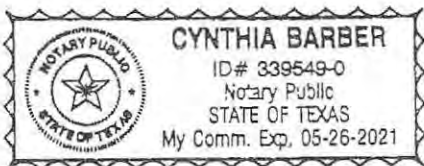
AGREED AND ACCEPTED BY:

**BENTON-LAZ LLC**

By: *Michael Benton*  
Michael Benton, Manager

STATE OF TEXAS       §  
                                  §  
COUNTY OF NUECES   §

This instrument was acknowledged before me this the 10<sup>th</sup> day of January, 2019, by **Michael Benton, Manager of Benton-LAZ LLC**, a Texas limited liability company, on behalf of said company.



*Cynthia Barber*  
Notary Public, State of Texas

**GRANTEE**

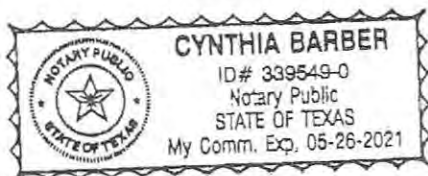
AGREED AND ACCEPTED BY:

**BENTON-CPK LLC**

By: Michael Benton  
Michael Benton, Manager

STATE OF TEXAS       §  
                                  §  
COUNTY OF NUECES   §

This instrument was acknowledged before me this the 10<sup>th</sup> day of January, 2019, by **Michael Benton, Manager** of **Benton-CPK LLC**, a Texas limited liability company, on behalf of said company.



Cynthia Barber  
Notary Public, State of Texas



**GRANTEE**

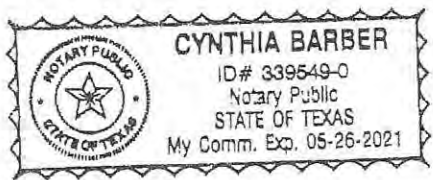
AGREED AND ACCEPTED BY:

**BENTON-MDB LLC**

By: Michael Benton  
Michael Benton, Manager

STATE OF TEXAS       §  
                                  §  
COUNTY OF NUECES   §

This instrument was acknowledged before me this the 10<sup>th</sup> day of January, 2019, by **Michael Benton, Manager** of **Benton-MDB LLC**, a Texas limited liability company, on behalf of said company.



Cynthia Barber  
Notary Public, State of Texas

## EXHIBIT A

### Tract 1

The South One Hundred Twenty (120) acres of the East one-half (1/2) of Section One Hundred Fourteen (114), of the F.Z. Bishop Subdivision of the Driscoll Ranch, according to the map or plat of record in Volume 1, Page 28, of the Map Records of Nueces County, Texas.

### Tracts 2 and 3

#### TRACT NO. 1:

all that certain tract, piece or parcel of land lying and being situated in the County of Nueces, State of Texas, and described as follows:

Being the Southwest Quarter (SW1/4) of Section One Hundred Ninety-three (193), F. Z. BISHOP, PALO ALTO SUBDIVISION, Nueces County, Texas; containing One Hundred sixty (160) acres, according to the map or plat thereof recorded in Volume 2, Page 21, Map Records of Nueces County, Texas, to which reference is here made for all pertinent purposes, and being the same property conveyed by Carl

Schubert and wife, Frieda Schubert to William Ewald Schulze, Jr. and wife, Ella Schulze, by deed dated September 28, 1945, recorded in Volume 315, Pages 629 thru 630, Deed Records of Nueces County, Texas.

#### TRACT NO. 2:

all that certain tract, piece or parcel of land lying and being situated in the County of Nueces, State of Texas, and the west one-half (W1/2) of the Southwest one-fourth (SW1/4) of Section 198 of the F. Z. BISHOP, PALO ALTO SUBDIVISION, containing eighty (80) acres of land as shown by map or recorded in Volume 2, page 21, Map Records of Nueces County, Texas, to which reference is here made for all pertinent purposes; and being the same property Walter Kellerman, Individually and as Independent Executor of the Estate of Henry Kellerman, joined by his wife, Alma Kellerman; Ella Moeller, joined by her husband, Oscar Moeller; Harry Kellerman, joined by his wife, Irma Kellerman; and Nora Kellerman to William Ewald Schulze, Jr. and wife, Ella Schubert Schulze, by deed dated March 20, 1959 and filed for record in the Office of the County Clerk of Nueces County, Texas, under File No. 526777.

#### Tract 4

FIELD NOTE DESCRIPTION of a 129.31 acre tract of land, out of and part of Section 189 of the F.Z. Bishop Subdivision of the "Palo Alto" Mathis Garcia Grant Abstract 116, Volume 2, Page 21 of the Map Records of Nueces county, Texas. Said 129.31 acre tract of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron, set on the South line of said Section 189, same being the centerline of County Road No. 11, Section 189, bears N 72 degrees 56'16" W, a distance of 2641.56 feet;

THENCE N 16 degrees 59' 13"E, a distance of 5280.12 feet to an iron spike set on the North line of said Section 189, same being the centerline of County Road No. 12, for the Northwest corner of this tract;

THENCE S 73 degrees 00'50" E, with the North Line of said Section 189, a distance of 1066.82 feet, to an iron spike set for the Northeast corner of this tract;

THENCE S 16 degrees 59'13" W, at a distance of 5280.12 feet to an iron rod set on the South line of said Section 189, for the Southeast corner of this tract;

THENCE N 73 degrees 00'50" W, with the South line of said Section 189, a distance of 1066.82 feet to the PLACE OF BEGINNING and containing 129.31 acres of land, more or less;

## Tract 5

That certain tract or parcel of land lying and being situated in Nueces County, Texas, described as follows, to-wit:

Being the East One hundred five (E 105) acres of the Southwest one-fourth (1/4) of Section 97, of the F. Z. Bishop Subdivision of the Driscoll Ranch, being more fully described as being all of Outlots Nos. 9, 10, 14 and 15 and the East twenty-five (E 25) acres of Outlots 16 and 17, Bishop Outlots of the Town of Bishop, as shown by map recorded in Volume 1, Page 46, Map Records, Nueces County, Texas.

### SAVE AND EXCEPT:

- 1) The ten (10) acres of land out of the Northeast corner of Outlot 10, the Bishop Outlots of the Town of Bishop as shown by map of record in Volume 1, Page 46 of the Map Records of Nueces County, Texas, heretofore transferred to Radio Station KINE, subject, however, to the Grantors retaining a 3/32nd royalty interest in said land.
- 2) One (1) acre of land hereinbefore deeded to Fred E. Shafer and wife, Christine LaNell Shafer and described as follows:

All that certain tract or parcel of land situated in Nueces County, Texas, and being a portion of outlot 15 in Section 97 of the Bishop Outlots as shown by map thereof recorded in Volume 1, Pages 46 and 47 of the Nueces County Map Records and also being a part of a tract of 105 acres conveyed by E. E. True and wife, Florence E. True to Clyde L. Simpson and wife, Mamie Simpson by deed dated July 3, 1941, recorded in Volume 270, Page 481 of the Nueces County Deed Records, and further described by metes and bounds as follows:

Beginning at a point in the centerline of 80 ft. farm road #70 on the south line of the outlots in section 97, being N 72° 42' E. 450 feet from the Southwest corner of the 105 acre tract conveyed to Clyde L. Simpson and wife for the beginning point of this survey;

THENCE N. 17° 18' W. at 40 feet an iron pin set in the north line of Farm road #70 easement, continuing for a total distance of 290.4 feet to an iron pin set for the northwest corner of this survey;

THENCE N. 72° 42' E. for a distance of 150 feet to an iron pin set for the Northeast corner of this survey;

THENCE S. 17° 18' E. 250.4 feet an iron pin in said north line of road easement, continuing a total distance of 290.4 feet to a point in the center line of said road for the southeast corner of this survey;

THENCE S. 72° 42' W. a distance of 150 feet to the place of beginning and containing one acre of land, more or less.



PREPARED IN THE OFFICE OF:

Shannon M. Wilde  
Branscomb | PC  
802 N. Carancahua St., Ste. 1900  
Corpus Christi, Texas 78401

AFTER RECORDING RETURN TO:

Shannon M. Wilde  
Branscomb | PC  
802 N. Carancahua St., Ste. 1900  
Corpus Christi, Texas 78401

Doc# 2019002274  
# Pages 11  
01/17/2019 4:19PM  
e-Filed & e-Recorded in the  
Official Public Records of  
NUECES COUNTY  
KARA SANDS  
COUNTY CLERK  
Fees \$47.00

Any provision herein which restricts the Sale, Rental  
or use of the described REAL PROPERTY because of  
Race, Color, Religion, Sex, Handicap, Familial Status  
or National Origin is invalid and unenforceable  
under FEDERAL LAW, 3/12/89

STATE OF TEXAS  
COUNTY OF NUECES  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS  
FILED IN FILE NUMBER SEQUENCE ON THE DATE AND  
AT THE TIME STAMPED HEREON BY ME AND WAS DULY  
RECORDED IN THE OFFICIAL PUBLIC  
RECORDS OF NUECES COUNTY TEXAS



*Kara Sands*  
COUNTY CLERK  
NUECES COUNTY, TEXAS



**UNIMPROVED PROPERTY CONTRACT**  
 NOTICE: Not For Use For Condominium Transactions



**1. PARTIES:** The parties to this contract are WILLIAM D BENTON & MICHAEL D BENTON (Seller) and COMMUNITY DEVELOPMENT CORPORATION OF BROWNSVILLE (Buyer). Seller agrees to sell and convey to Buyer and Buyer agrees to buy from Seller the Property defined below.

**2. PROPERTY:** Lot \_\_\_\_\_, Block \_\_\_\_\_, Addition, \_\_\_\_\_, City of BISHOP TEXAS, County of NUECES, Texas, known as 8 ACRES OUT OF BISHOP OUTLOTS 83.45 ACS OUT OF SW/4 SEC 97 as outlined in Exhibit A (address/zip code), or as described on attached exhibit together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements, and cooperative or association memberships (the Property). RESERVATIONS: Any reservation for oil, gas, or other minerals, water, timber, or other interests is made in accordance with an attached addendum.

**3. SALES PRICE:**  
 A. Cash portion of Sales Price payable by Buyer at closing ..... \$ 120,000  
 B. Sum of all financing described in the attached:  Third Party Financing Addendum,  Loan Assumption Addendum,  Seller Financing Addendum ..... \$ 120,000  
 C. Sales Price (Sum of A and B) ..... \$ 120,000

**4. LICENSE HOLDER DISCLOSURE:** Texas law requires a real estate license holder who is a party to a transaction or acting on behalf of a spouse, parent, child, business entity in which the license holder owns more than 10%, or a trust for which the license holder acts as trustee or of which the license holder or the license holder's spouse, parent or child is a beneficiary, to notify the other party in writing before entering into a contract of sale. Disclose if applicable: n/a

**5. EARNEST MONEY:** Within 3 days after the Effective Date, Buyer must deliver \$ 6,000 as earnest money to INDEPENDENCE TITLE, as escrow agent, at 5900 Shepherd Mountain Cove (address). Buyer shall deliver additional earnest money of \$ 0.00 to escrow agent within 0 days after the Effective Date of this contract. If Buyer fails to deliver the earnest money within the time required, Seller may terminate this contract or exercise Seller's remedies under Paragraph 15, or both, by providing notice to Buyer before Buyer delivers the earnest money. If the last day to deliver the earnest money falls on a Saturday, Sunday, or legal holiday, the time to deliver the earnest money is extended until the end of the next day that is not a Saturday, Sunday, or legal holiday. **Time is of the essence for this paragraph.**

**6. TITLE POLICY AND SURVEY:**  
 A. TITLE POLICY: Seller shall furnish to Buyer at  Seller's  Buyer's expense an owner's policy of title insurance (Title Policy) issued by INDEPENDENCE TITLE (Title Company) in the amount of the Sales Price, dated at or after closing, insuring Buyer against loss under the provisions of the Title Policy, subject to the promulgated exclusions (including existing building and zoning ordinances) and the following exceptions:  
 (1) Restrictive covenants common to the platted subdivision in which the Property is located.  
 (2) The standard printed exception for standby fees, taxes and assessments.  
 (3) Liens created as part of the financing described in Paragraph 3.  
 (4) Utility easements created by the dedication deed or plat of the subdivision in which the Property is located.  
 (5) Reservations or exceptions otherwise permitted by this contract or as may be approved by Buyer in writing.  
 (6) The standard printed exception as to marital rights.  
 (7) The standard printed exception as to waters, tidelands, beaches, streams, and related matters.  
 (8) The standard printed exception as to discrepancies, conflicts, shortages in area or boundary lines, encroachments or protrusions, or overlapping improvements:  
 (i) will not be amended or deleted from the title policy; or  
 (ii) will be amended to read, "shortages in area" at the expense of  Buyer  Seller.  
 (9) The exception or exclusion regarding minerals approved by the Texas Department of Insurance.  
 B. COMMITMENT: Within 20 days after the Title Company receives a copy of this contract, Seller shall furnish to Buyer a commitment for title insurance (Commitment) and, at Buyer's expense, legible copies of restrictive covenants and documents evidencing exceptions in the Commitment (Exception Documents) other than the standard printed exceptions. Seller authorizes the Title Company to deliver the Commitment and Exception Documents to Buyer at Buyer's address

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shown in Paragraph 21. If the Commitment and Exception Documents are not delivered to Buyer within the specified time, the time for delivery will be automatically extended up to 15 days or 3 days before the Closing Date, whichever is earlier. If the Commitment and Exception Documents are not delivered within the time required, Buyer may terminate this contract and the earnest money will be refunded to Buyer.

C. SURVEY: The survey must be made by a registered professional land surveyor acceptable to the Title Company and Buyer's lender(s). (Check one box only)

- (1) Within \_\_\_\_\_ days after the Effective Date of this contract, Seller shall furnish to Buyer and Title Company Seller's existing survey of the Property and a Residential Real Property Affidavit promulgated by the Texas Department of Insurance (T-47 Affidavit). **If Seller fails to furnish the existing survey or affidavit within the time prescribed, Buyer shall obtain a new survey at Seller's expense no later than 3 days prior to Closing Date.** If the existing survey or affidavit is not acceptable to Title Company or Buyer's lender(s), Buyer shall obtain a new survey at  Seller's  Buyer's expense no later than 3 days prior to Closing Date.
- (2) Within 30 days after the Effective Date of this contract, Buyer shall obtain a new survey at Buyer's expense. Buyer is deemed to receive the survey on the date of actual receipt or the date specified in this paragraph, whichever is earlier.
- (3) Within \_\_\_\_\_ days after the Effective Date of this contract, Seller, at Seller's expense shall furnish a new survey to Buyer.

D. OBJECTIONS: Buyer may object in writing to (i) defects, exceptions, or encumbrances to title: disclosed on the survey other than items 6A(1) through (7) above; or disclosed in the Commitment other than items 6A(1) through (9) above; (ii) any portion of the Property lying in a special flood hazard area (Zone V or A) as shown on the current Federal Emergency Management Agency map; or (iii) any exceptions which prohibit the following use or activity: residential and commercial development.

Buyer must object the earlier of (i) the Closing Date or (ii) 120 days after Buyer receives the Commitment, Exception Documents, and the survey. Buyer's failure to object within the time allowed will constitute a waiver of Buyer's right to object; except that the requirements in Schedule C of the Commitment are not waived. Provided Seller is not obligated to incur any expense, Seller shall cure any timely objections of Buyer or any third party lender within 15 days after Seller receives the objections (Cure Period) and the Closing Date will be extended as necessary. If objections are not cured within the Cure Period, Buyer may, by delivering notice to Seller within 5 days after the end of the Cure Period: (i) terminate this contract and the earnest money will be refunded to Buyer; or (ii) waive the objections. If Buyer does not terminate within the time required, Buyer shall be deemed to have waived the objections. If the Commitment or Survey is revised or any new Exception Document(s) is delivered, Buyer may object to any new matter revealed in the revised Commitment or Survey or new Exception Document(s) within the same time stated in this paragraph to make objections beginning when the revised Commitment, Survey, or Exception Document(s) is delivered to Buyer.

E. TITLE NOTICES:

- (1) ABSTRACT OR TITLE POLICY: Broker advises Buyer to have an abstract of title covering the Property examined by an attorney of Buyer's selection, or Buyer should be furnished with or obtain a Title Policy. If a Title Policy is furnished, the Commitment should be promptly reviewed by an attorney of Buyer's choice due to the time limitations on Buyer's right to object.
- (2) MEMBERSHIP IN PROPERTY OWNERS ASSOCIATION(S): The Property  is  is not subject to mandatory membership in a property owners association(s). If the Property is subject to mandatory membership in a property owners association(s), Seller notifies Buyer under §5.012, Texas Property Code, that, as a purchaser of property in the residential community identified in Paragraph 2 in which the Property is located, you are obligated to be a member of the property owners association(s). Restrictive covenants governing the use and occupancy of the Property and all dedicatory instruments governing the establishment, maintenance, and operation of this residential community have been or will be recorded in the Real Property Records of the county in which the Property is located. Copies of the restrictive covenants and dedicatory instruments may be obtained from the county clerk. **You are obligated to pay assessments to the property owners association(s). The amount of the assessments is subject to change. Your failure to pay the assessments could result in enforcement of the association's lien on and the foreclosure of the Property.**

Section 207.003, Property Code, entitles an owner to receive copies of any document that governs the establishment, maintenance, or operation of a subdivision, including, but not limited to, restrictions, bylaws, rules and regulations, and a resale certificate from a property owners' association. A resale certificate contains information including, but not limited to, statements specifying the amount and frequency of regular assessments and the style and cause number of lawsuits to which the property owners' association is a party, other than lawsuits relating to unpaid ad valorem taxes of an individual member of the association. These documents must be made available to you by the property owners' association or the association's agent on your request.

**If Buyer is concerned about these matters, the TREC promulgated Addendum for Property Subject to Mandatory Membership in a Property Owners Association should be used.**

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- (3) **STATUTORY TAX DISTRICTS:** If the Property is situated in a utility or other statutorily created district providing water, sewer, drainage, or flood control facilities and services, Chapter 49, Texas Water Code, requires Seller to deliver and Buyer to sign the statutory notice relating to the tax rate, bonded indebtedness, or standby fee of the district prior to final execution of this contract.
- (4) **TIDE WATERS:** If the Property abuts the tidally influenced waters of the state, §33.135, Texas Natural Resources Code, requires a notice regarding coastal area property to be included in the contract. An addendum containing the notice promulgated by TREC or required by the parties must be used.
- (5) **ANNEXATION:** If the Property is located outside the limits of a municipality, Seller notifies Buyer under §5.011, Texas Property Code, that the Property may now or later be included in the extraterritorial jurisdiction of a municipality and may now or later be subject to annexation by the municipality. Each municipality maintains a map that depicts its boundaries and extraterritorial jurisdiction. To determine if the Property is located within a municipality's extraterritorial jurisdiction or is likely to be located within a municipality's extraterritorial jurisdiction, contact all municipalities located in the general proximity of the Property for further information.
- (6) **PROPERTY LOCATED IN A CERTIFICATED SERVICE AREA OF A UTILITY SERVICE PROVIDER:** Notice required by §13.257, Water Code: The real property, described in Paragraph 2, that you are about to purchase may be located in a certificated water or sewer service area, which is authorized by law to provide water or sewer service to the properties in the certificated area. If your property is located in a certificated area there may be special costs or charges that you will be required to pay before you can receive water or sewer service. There may be a period required to construct lines or other facilities necessary to provide water or sewer service to your property. You are advised to determine if the property is in a certificated area and contact the utility service provider to determine the cost that you will be required to pay and the period, if any, that is required to provide water or sewer service to your property. The undersigned Buyer hereby acknowledges receipt of the foregoing notice at or before the execution of a binding contract for the purchase of the real property described in Paragraph 2 or at closing of purchase of the real property.
- (7) **PUBLIC IMPROVEMENT DISTRICTS:** If the Property is in a public improvement district, §5.014, Property Code, requires Seller to notify Buyer as follows: As a purchaser of this parcel of real property you are obligated to pay an assessment to a municipality or county for an improvement project undertaken by a public improvement district under Chapter 372, Local Government Code. The assessment may be due annually or in periodic instalments. More information concerning the amount of the assessment and the due dates of that assessment may be obtained from the municipality or county levying the assessment. The amount of the assessments is subject to change. Your failure to pay the assessments could result in a lien on and the foreclosure of your property.
- (8) **TEXAS AGRICULTURAL DEVELOPMENT DISTRICT:** The Property  is  is not located in a Texas Agricultural Development District. For additional information, contact the Texas Department of Agriculture.
- (9) **TRANSFER FEES:** If the Property is subject to a private transfer fee obligation, §5.205, Property Code requires Seller to notify Buyer as follows: The private transfer fee obligation may be governed by Chapter 5, Subchapter G of the Texas Property Code.
- (10) **PROPANE GAS SYSTEM SERVICE AREA:** If the Property is located in a propane gas system service area owned by a distribution system retailer, Seller must give Buyer written notice as required by §141.010, Texas Utilities Code. An addendum containing the notice approved by TREC or required by the parties should be used.
- (11) **NOTICE OF WATER LEVEL FLUCTUATIONS:** If the Property adjoins an impoundment of water, including a reservoir or lake, constructed and maintained under Chapter 11, Water Code, that has a storage capacity of at least 5,000 acre-feet at the impoundment's normal operating level, Seller hereby notifies Buyer: "The water level of the impoundment of water adjoining the Property fluctuates for various reasons, including as a result of: (1) an entity lawfully exercising its right to use the water stored in the impoundment; or (2) drought or flood conditions."

**7. PROPERTY CONDITION:**

A. **ACCESS, INSPECTIONS AND UTILITIES:** Seller shall permit Buyer and Buyer's agents access to the Property at reasonable times. Buyer may have the Property inspected by inspectors selected by Buyer and licensed by TREC or otherwise permitted by law to make inspections. Seller at Seller's expense shall immediately cause existing utilities to be turned on and shall keep the utilities on during the time this contract is in effect.

**NOTICE:** Buyer should determine the availability of utilities to the Property suitable to satisfy Buyer's needs.

B. **ACCEPTANCE OF PROPERTY CONDITION:** "As Is" means the present condition of the Property with any and all defects and without warranty except for the warranties of title and the warranties in this contract. Buyer's agreement to accept the Property As Is under Paragraph 7B (1) or (2) does not preclude Buyer from inspecting the Property under Paragraph 7A, from negotiating repairs or treatments in a subsequent amendment, or from terminating this contract during the Option Period, if any.



- (Check one box only)
- (1) Buyer accepts the Property As Is.
- (2) Buyer accepts the Property As Is provided Seller, at Seller's expense, shall complete the following specific repairs and treatments: \_\_\_\_\_

(Do not insert general phrases, such as "subject to inspections" that do not identify specific repairs and treatments.)

- C. **COMPLETION OF REPAIRS:** Unless otherwise agreed in writing: (i) Seller shall complete all agreed repairs and treatments prior to the Closing Date; and (ii) all required permits must be obtained, and repairs and treatments must be performed by persons who are licensed to provide such repairs or treatments or, if no license is required by law, are commercially engaged in the trade of providing such repairs or treatments. At Buyer's election, any transferable warranties received by Seller with respect to the repairs and treatments will be transferred to Buyer at Buyer's expense. If Seller fails to complete any agreed repairs and treatments prior to the Closing Date, Buyer may exercise remedies under Paragraph 15 or extend the Closing Date up to 5 days, if necessary, for Seller to complete repairs and treatments.
- D. **ENVIRONMENTAL MATTERS:** Buyer is advised that the presence of wetlands, toxic substances, including asbestos and wastes or other environmental hazards, or the presence of a threatened or endangered species or its habitat may affect Buyer's intended use of the Property. If Buyer is concerned about these matters, an addendum promulgated by TREC or required by the parties should be used.
- E. **SELLER'S DISCLOSURES:** Except as otherwise disclosed in this contract, Seller has no knowledge of the following:
- (1) any flooding of the Property which has had a material adverse effect on the use of the Property;
  - (2) any pending or threatened litigation, condemnation, or special assessment affecting the Property;
  - (3) any environmental hazards that materially and adversely affect the Property;
  - (4) any dumpsite, landfill, or underground tanks or containers now or previously located on the Property;
  - (5) any wetlands, as defined by federal or state law or regulation, affecting the Property; or
  - (6) any threatened or endangered species or their habitat affecting the Property.
- 8. BROKERS' FEES:** All obligations of the parties for payment of brokers' fees are contained in separate written agreements.
- 9. CLOSING:**
- A. The closing of the sale will be on or before September 30th, 2020, or within 7 days after objections made under Paragraph 6D have been cured or waived, whichever date is later (Closing Date). If either party fails to close the sale by the Closing Date, the non-defaulting party may exercise the remedies contained in Paragraph 15.
- B. At closing:
- (1) Seller shall execute and deliver a general warranty deed conveying title to the Property to Buyer and showing no additional exceptions to those permitted in Paragraph 6 and furnish tax statements or certificates showing no delinquent taxes on the Property.
  - (2) Buyer shall pay the Sales Price in good funds acceptable to the escrow agent.
  - (3) Seller and Buyer shall execute and deliver any notices, statements, certificates, affidavits, releases, loan documents and other documents reasonably required for the closing of the sale and the issuance of the Title Policy.
  - (4) There will be no liens, assessments, or security interests against the Property which will not be satisfied out of the sales proceeds unless securing the payment of any loans assumed by Buyer and assumed loans will not be in default.
- 10. POSSESSION:**
- A. Buyer's Possession: Seller shall deliver to Buyer possession of the Property in its present or required condition upon closing and funding.
- B. Leases:
- (1) After the Effective Date, Seller may not execute any lease (including but not limited to mineral leases) or convey any interest in the Property without Buyer's written consent.
  - (2) If the Property is subject to any lease to which Seller is a party, Seller shall deliver to Buyer copies of the lease(s) and any move-in condition form signed by the tenant within 7 days after the Effective Date of the contract.
- 11. SPECIAL PROVISIONS:** (Insert only factual statements and business details applicable to the sale. TREC rules prohibit license holders from adding factual statements or business details for which a contract addendum or other form has been promulgated by TREC for mandatory use.)

8 acres of property is identified and defined in EXHIBIT A. Sale is contingent upon Environmental Assessment, LIHTC financing up to an amount not to exceed 1.5 million and Loan approval. Buyers also has the ability to change buyer name. If weather does not permit the seller to harvest 8 acres of property as defined in Exhibit A on or before the closing date of 9.30.2020 - buyer shall pay the seller \$4000 for crop income loss in order to proceed with closing. Seller must make efforts to harvest crop on or before 9.30.2020.

Notwithstanding any other provision of this Contract, Purchaser shall have no obligation to purchase the Property, and no transfer of title to the Purchaser may occur, unless and until the State of Texas as the Responsible Entity has provided Purchaser and/or Seller with a written notification that: (1) it has completed a federally required environmental review and its request for release of federal funds has been approved and, subject to any other Contingencies in this Contract, (a) the purchase may proceed, or (b) the purchase may proceed only if certain conditions to address issues in the environmental review shall be satisfied before or after the purchase of the property; or (2) it has determined that the purchase is exempt from federal environmental review and a request for release of funds is not required. The Responsible Entity shall use its best efforts to conclude the environmental review of the property expeditiously.

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**12. SETTLEMENT AND OTHER EXPENSES:**

- A. The following expenses must be paid at or prior to closing:
- (1) Expenses payable by Seller (Seller's Expenses):
    - (a) Releases of existing liens, including prepayment penalties and recording fees; release of Seller's loan liability; tax statements or certificates; preparation of deed; one-half of escrow fee; and other expenses payable by Seller under this contract.
    - (b) Seller shall also pay an amount not to exceed \$ \_\_\_\_\_ to be applied in the following order: Buyer's Expenses which Buyer is prohibited from paying by FHA, VA, Texas Veterans Land Board or other governmental loan programs, and then to other Buyer's Expenses as allowed by the lender.
  - (2) Expenses payable by Buyer (Buyer's Expenses): Appraisal fees; loan application fees; origination charges; credit reports; preparation of loan documents; interest on the notes from date of disbursement to one month prior to dates of first monthly payments; recording fees; copies of easements and restrictions; loan title policy with endorsements required by lender; loan-related inspection fees; photos; amortization schedules; one-half of escrow fee; all prepaid items, including required premiums for flood and hazard insurance, reserve deposits for insurance, ad valorem taxes and special governmental assessments; final compliance inspection; courier fee; repair inspection; underwriting fee; wire transfer fee; expenses incident to any loan; Private Mortgage Insurance Premium (PMI), VA Loan Funding Fee, or FHA Mortgage Insurance Premium (MIP) as required by the lender; and other expenses payable by Buyer under this contract.
- B. If any expense exceeds an amount expressly stated in this contract for such expense to be paid by a party, that party may terminate this contract unless the other party agrees to pay such excess. Buyer may not pay charges and fees expressly prohibited by FHA, VA, Texas Veterans Land Board or other governmental loan program regulations.

**13. PRORATIONS AND ROLLBACK TAXES:**

- A. PRORATIONS: Taxes for the current year, interest, maintenance fees, assessments, dues and rents will be prorated through the Closing Date. The tax proration may be calculated taking into consideration any change in exemptions that will affect the current year's taxes. If taxes for the current year vary from the amount prorated at closing, the parties shall adjust the prorations when tax statements for the current year are available. If taxes are not paid at or prior to closing, Buyer shall pay taxes for the current year.
- B. ROLLBACK TAXES: If this sale or Buyer's use of the Property after closing results in the assessment of additional taxes, penalties or interest (Assessments) for periods prior to closing, the Assessments will be the obligation of Buyer. If Assessments are imposed because of Seller's use or change in use of the Property prior to closing, the Assessments will be the obligation of Seller. Obligations imposed by this paragraph will survive closing.

**14. CASUALTY LOSS:** If any part of the Property is damaged or destroyed by fire or other casualty after the Effective Date of this contract, Seller shall restore the Property to its previous condition as soon as reasonably possible, but in any event by the Closing Date. If Seller fails to do so due to factors beyond Seller's control, Buyer may (a) terminate this contract and the earnest money will be refunded to Buyer (b) extend the time for performance up to 15 days and the Closing Date will be extended as necessary or (c) accept the Property in its damaged condition with an assignment of insurance proceeds, if permitted by Seller's insurance carrier, and receive credit from Seller at closing in the amount of the deductible under the insurance policy. Seller's obligations under this paragraph are independent of any other obligations of Seller under this contract.

**15. DEFAULT:** If Buyer fails to comply with this contract, Buyer will be in default, and Seller may (a) enforce specific performance, seek such other relief as may be provided by law, or both, or (b) terminate this contract and receive the earnest money as liquidated damages, thereby releasing both parties from this contract. If Seller fails to comply with this contract, Seller will be in default and Buyer may (a) enforce specific performance, seek such other relief as may be provided by law, or both, or (b) terminate this contract and receive the earnest money, thereby releasing both parties from this contract.

**16. MEDIATION:** It is the policy of the State of Texas to encourage resolution of disputes through alternative dispute resolution procedures such as mediation. Any dispute between Seller and Buyer related to this contract which is not resolved through informal discussion will be submitted to a mutually acceptable mediation service or provider. The parties to the mediation shall bear the mediation costs equally. This paragraph does not preclude a party from seeking equitable relief from a court of competent jurisdiction.

**17. ATTORNEY'S FEES:** A Buyer, Seller, Listing Broker, Other Broker, or escrow agent who prevails in any legal proceeding related to this contract is entitled to recover reasonable attorney's fees and all costs of such proceeding.

**18. ESCROW:**

- A. ESCROW: The escrow agent is not (i) a party to this contract and does not have liability for the performance or nonperformance of any party to this contract, (ii) liable for interest on the earnest money and (iii) liable for the loss of any earnest money caused by the failure of any financial institution in which the earnest money has been deposited unless the financial institution is acting as escrow agent.
- B. EXPENSES: At closing, the earnest money must be applied first to any cash down payment, then to Buyer's Expenses and any excess refunded to Buyer. If no closing occurs, escrow

agent may: (i) require a written release of liability of the escrow agent from all parties, (ii) require payment of unpaid expenses incurred on behalf of a party, and (iii) only deduct from the earnest money the amount of unpaid expenses incurred on behalf of the party receiving the earnest money.

- C. DEMAND: Upon termination of this contract, either party or the escrow agent may send a release of earnest money to each party and the parties shall execute counterparts of the release and deliver same to the escrow agent. If either party fails to execute the release, either party may make a written demand to the escrow agent for the earnest money. If only one party makes written demand for the earnest money, escrow agent shall promptly provide a copy of the demand to the other party. If escrow agent does not receive written objection to the demand from the other party within 15 days, escrow agent may disburse the earnest money to the party making demand reduced by the amount of unpaid expenses incurred on behalf of the party receiving the earnest money and escrow agent may pay the same to the creditors. If escrow agent complies with the provisions of this paragraph, each party hereby releases escrow agent from all adverse claims related to the disbursement of the earnest money.
- D. DAMAGES: Any party who wrongfully fails or refuses to sign a release acceptable to the escrow agent within 7 days of receipt of the request will be liable to the other party for (i) damages; (ii) the earnest money; (iii) reasonable attorney's fees; and (iv) all costs of suit.
- E. NOTICES: Escrow agent's notices will be effective when sent in compliance with Paragraph 21. Notice of objection to the demand will be deemed effective upon receipt by escrow agent.

**19. REPRESENTATIONS:** All covenants, representations and warranties in this contract survive closing. If any representation of Seller in this contract is untrue on the Closing Date, Seller will be in default. Unless expressly prohibited by written agreement, Seller may continue to show the Property and receive, negotiate and accept back up offers.

**20. FEDERAL TAX REQUIREMENTS:** If Seller is a "foreign person," as defined by Internal Revenue Code and its regulations, or if Seller fails to deliver an affidavit or a certificate of non-foreign status to Buyer that Seller is not a "foreign person," then Buyer shall withhold from the sales proceeds an amount sufficient to comply with applicable tax law and deliver the same to the Internal Revenue Service together with appropriate tax forms. Internal Revenue Service regulations require filing written reports if currency in excess of specified amounts is received in the transaction.

**21. NOTICES:** All notices from one party to the other must be in writing and are effective when mailed to, hand-delivered at, or transmitted by fax or electronic transmission as follows:

<p><b>To Buyer</b>                  at: <u>901 East Levee Street</u></p> <hr/> <p>Phone: <u>( 956 ) 541.4955</u></p> <p>Fax: <u>( )</u></p> <p>E-mail: <u>cdotson@cdccb.org</u></p>	<p><b>To Seller</b>                  at: _____</p> <hr/> <p>Phone: <u>( )</u></p> <p>Fax: <u>( )</u></p> <p>E-mail: _____</p>
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**22. AGREEMENT OF PARTIES:** This contract contains the entire agreement of the parties and cannot be changed except by their written agreement. Addenda which are a part of this contract are (check all applicable boxes):

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Third Party Financing Addendum</li> <li><input type="checkbox"/> Seller Financing Addendum</li> <li><input type="checkbox"/> Addendum for Property Subject to Mandatory Membership in a Property Owners Association</li> <li><input type="checkbox"/> Buyer's Temporary Residential Lease</li> <li><input type="checkbox"/> Seller's Temporary Residential Lease</li> <li><input type="checkbox"/> Addendum for Reservation of Oil, Gas and Other Minerals</li> <li><input type="checkbox"/> Addendum for "Back-Up" Contract</li> <li><input type="checkbox"/> Addendum Concerning Right to Terminate Due to Lender's Appraisal</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Addendum for Coastal Area Property</li> <li><input type="checkbox"/> Environmental Assessment, Threatened or Endangered Species and Wetlands Addendum</li> <li><input type="checkbox"/> Addendum for Property Located Seaward of the Gulf Intracoastal Waterway</li> <li><input type="checkbox"/> Addendum for Sale of Other Property by Buyer</li> <li><input type="checkbox"/> Addendum for Property in a Propane Gas System Service Area</li> <li><input type="checkbox"/> Other (list): _____</li> <li>_____</li> <li>_____</li> <li>_____</li> </ul> |
|---|---|



**23. TERMINATION OPTION:** For nominal consideration, the receipt of which is hereby acknowledged by Seller, and Buyer's agreement to pay Seller \$ 0 (Option Fee) within 3 days after the Effective Date of this contract, Seller grants Buyer the unrestricted right to terminate this contract by giving notice of termination to Seller within 0 days after the Effective Date of this contract (Option Period). Notices under this paragraph must be given by 5:00 p.m. (local time where the Property is located) by the date specified. If no dollar amount is stated as the Option Fee or if Buyer fails to pay the Option Fee to Seller within the time prescribed, this paragraph will not be a part of this contract and Buyer shall not have the unrestricted right to terminate this contract. If Buyer gives notice of termination within the time prescribed, the Option Fee will not be refunded; however, any earnest money will be refunded to Buyer. The Option Fee  will  will not be credited to the Sales Price at closing. **Time is of the essence for this paragraph and strict compliance with the time for performance is required.**

**24. CONSULT AN ATTORNEY BEFORE SIGNING:** TREC rules prohibit real estate license holders from giving legal advice. READ THIS CONTRACT CAREFULLY.

Buyer's Attorney is: \_\_\_\_\_  
\_\_\_\_\_

Seller's Attorney is: \_\_\_\_\_  
\_\_\_\_\_

Phone: ( ) \_\_\_\_\_

Phone: ( ) \_\_\_\_\_

Fax: ( ) \_\_\_\_\_


Fax: ( ) \_\_\_\_\_

E-mail: \_\_\_\_\_

E-mail: \_\_\_\_\_

EXECUTED the 8<sup>th</sup> day of January, 20 20 (Effective Date).  
(BROKER: FILL IN THE DATE OF FINAL ACCEPTANCE.)


  
Buyer

  
Seller



Buyer

Seller

 The form of this contract has been approved by the Texas Real Estate Commission. TREC forms are intended for use only by trained real estate license holders. No representation is made as to the legal validity or adequacy of any provision in any specific transactions. It is not intended for complex transactions. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, (512) 936-3000 (<http://www.trec.texas.gov>) TREC NO. 9-13. This form replaces TREC NO. 9-12.

**BROKER INFORMATION**  
 (Print name(s) only. Do not sign)

Other Broker Firm \_\_\_\_\_ License No. \_\_\_\_\_ Listing Broker Firm \_\_\_\_\_ License No. \_\_\_\_\_

represents  Buyer only as Buyer's agent  
 Seller as Listing Broker's subagent

represents  Seller and Buyer as an Intermediary  
 Seller only as Seller's agent

Associate's Name \_\_\_\_\_ License No. \_\_\_\_\_ Listing Associate's Name \_\_\_\_\_ License No. \_\_\_\_\_

Associate's Email Address \_\_\_\_\_ Phone \_\_\_\_\_ Listing Associate's Email Address \_\_\_\_\_ Phone \_\_\_\_\_

Licensed Supervisor of Associate \_\_\_\_\_ License No. \_\_\_\_\_ Licensed Supervisor of Listing Associate \_\_\_\_\_ License No. \_\_\_\_\_

Other Broker's Address \_\_\_\_\_ Phone \_\_\_\_\_ Listing Broker's Office Address \_\_\_\_\_ Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Selling Associate's Name \_\_\_\_\_ License No. \_\_\_\_\_

Selling Associate's Email Address \_\_\_\_\_ Phone \_\_\_\_\_

Licensed Supervisor of Selling Associate \_\_\_\_\_ License No. \_\_\_\_\_

Selling Associate's Office Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Listing Broker has agreed to pay Other Broker \_\_\_\_\_ of the total sales price when the Listing Broker's fee is received. Escrow agent is authorized and directed to pay Other Broker from Listing Broker's fee at closing.

**OPTION FEE RECEIPT**

Receipt of \$ \_\_\_\_\_ (Option Fee) in the form of \_\_\_\_\_  
 is acknowledged.

Seller or Listing Broker \_\_\_\_\_ Date \_\_\_\_\_

**EARNEST MONEY RECEIPT**

Receipt of \$ \_\_\_\_\_ Earnest Money in the form of \_\_\_\_\_  
 is acknowledged.

Escrow Agent \_\_\_\_\_ Received by \_\_\_\_\_ Email Address \_\_\_\_\_ Date/Time \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Fax \_\_\_\_\_

**CONTRACT RECEIPT** File no. 2000911-Com

Receipt of the Contract is acknowledged. 1/8/2020

Independence Title [Signature] dpharces@independencetitle.com 1/8/2020  
 Escrow Agent Received by Email Address Date

5900 Shepherd Mountain Cove 5122797273  
 Address Phone

BLD 2 STE 200 AUSTIN TX 78730 5727676350  
 City State Zip Fax

**ADDITIONAL EARNEST MONEY RECEIPT**

Receipt of \$ 6,000 additional Earnest Money in the form of Check  
 is acknowledged. 1/10/20

Independence Title - Dan Phares [Signature] dpharces@independencetitle.com 1/10/20  
 Escrow Agent Received by Email Address Date/Time

5900 Shepherd Mountain Cove Bldg 2 Ste 200 512-454-4507  
 Address Phone

Austin TX 78730 512-767-6350  
 City State Zip Fax

Exhibit F  
*County of Nueces*

**Department of Public Works**

County Roads and Bridges  
Engineering Services  
Environmental Enforcement  
Facilities Management  
9\*1\*1 Addressing Program



**Juan A. Pimentel, P.E.**

Director of Public Works  
Nueces County Engineer

February 18, 2020

Community Development Corporation of Brownsville  
Chloe Dotson  
901 E. Levee St.  
Brownsville, Texas 78520

RE: HTC Application #20309, Casitas Los Ebanos, North of County Road 70 on County Road 81A, Bishop, Texas in Nueces County Texas.

Dear Chloe,

Nueces County at this time does not have a zoning ordinance nor requires a building permit for building construction, repairs or additions outside of the city limits; all local, state and federal building codes still apply. We do not conduct building inspections nor issue Certificates of Occupancy.

However, if the property falls within a designated flood zone a development permit and elevation certificate may be required.

If you have any questions, please contact Michael Molina at (361) 888-0490.

Sincerely,



Juan A. Pimentel, P.E., C.F.M.  
Director of Public Works







# Exhibit G

ANNUAL OPERATING EXPENSES			
<b>General &amp; Administrative Expenses</b>			
Accounting	\$	9,800	
Advertising	\$	1,250	
Legal fees	\$	750	
Leased equipment	\$	1,000	
Postage & office supplies	\$	500	
Telephone	\$	2,000	
Other	\$	<i>describe</i>	
Other	\$	<i>describe</i>	
<b>Total General &amp; Administrative Expenses:</b>			\$ 15,300
Management Fee:	Percent of Effective Gross Income:	3.76%	\$ 16,750
<b>Payroll, Payroll Tax &amp; Employee Benefits</b>			
Management	\$	34,500	
Maintenance	\$	17,019	
Other	\$	<i>describe</i>	
Other	\$	<i>benefits</i>	
<b>Total Payroll, Payroll Tax &amp; Employee Benefits:</b>		7,589	\$ 59,108
<b>Repairs &amp; Maintenance</b>			
Elevator	\$	1,956	
Exterminating	\$	12,000	
Grounds	\$	6,000	
Make-ready	\$	9,000	
Repairs	\$		
Pool	\$		
Other	\$	<i>describe</i>	
Other	\$	<i>describe</i>	
<b>Total Repairs &amp; Maintenance:</b>			\$ 28,956
<b>Utilities (Enter Only Property Paid Expense)</b>			
Electric	\$	9,823	
Natural gas	\$		
Trash	\$	11,000	
Water/Sewer	\$	11,500	
Other	\$	<i>describe</i>	
Other	\$	<i>describe</i>	
<b>Total Utilities:</b>			\$ 32,323
Annual Property Insurance:	Rate per net rentable square foot:	\$ 0.52	\$ 26,000
<b>Property Taxes:</b>			
Published Capitalization Rate:	9.00%	Source:	Nueces CAD
Annual Property Taxes	\$	23,450	
Payments in Lieu of Taxes	\$		
<b>Total Property Taxes:</b>			\$ 23,450
Reserve for Replacements:	Annual reserves per unit:	\$ 300	\$ 15,000
<b>Other Expenses</b>			
Cable TV	\$	1,000	
Supportive Services (Staffing/Contracted Services)	\$	8,000	
TDHCA Compliance fees (\$40/HTC unit)	\$	3,360	
TDHCA Direct Loan Compliance Fees (\$34/MDL unit)	\$	544	
TDHCA Bond Compliance Fees (TDHCA as Bond Issuer Only - \$25/MRB unit)	\$		
Bond Trustee Fees (ALL Tax-Exempt Bond Developments)	\$		
Security	\$		
Other	\$	<i>describe</i>	
Other	\$	<i>describe</i>	
<b>Total Other Expenses:</b>			\$ 12,904
<b>TOTAL ANNUAL EXPENSES</b>	Expense per unit:	\$ 4596	\$ 229,791
	Expense to Income Ratio:	51.61%	
<b>NET OPERATING INCOME (before debt service)</b>			\$ 215,497
<b>Annual Debt Service</b>			
	\$	179,633	
	\$		
	\$		
	\$		
<b>TOTAL ANNUAL DEBT SERVICE</b>			\$ 179,633
<b>NET CASH FLOW</b>	Debt Coverage Ratio:	1.20	\$ 35,863

If a revised form is submitted, date of submission: \_\_\_\_\_

**CITY OF BISHOP  
ORDINANCE No. 8-21-19A**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BISHOP, TEXAS, PRESCRIBING RATES TO BE CHARGED BY THE CITY FOR WATER AND WASTEWATER SERVICES; REPEALING ORDINANCE NO. 9-5-18D; AND ALL OTHER ORDINANCE OR PARTS THEREOF IN CONFLICT HEREWITH ARE HEREBY REPEALED.**

**WHEREAS, the** City Council of the City of Bishop has determined that it is necessary and in the best interest of the city and its inhabitants to provide a schedule of rates and charges to be made for the city's water and wastewater services; and

**WHEREAS, the** City Council has determined that the rates and charges stated in this ordinance are reasonable, fair and appropriate;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BISHOP, TEXAS:**

**Section 1:** the rates for water services shall be as follows:

**Section 1A: MINIMUM MONTHLY RATES**

Meter Size	Inside city limits Base Rate	Inside - usage included in Base Rate-gallons	Outside City Base Rate	Outside - usage included in Base Rate -gallons
5/8 to 3/4 in	\$ 22.00	2,000	\$ 42.00	5,000
1 in.	\$ 30.00	5,000	\$ 44.00	5,000
1 1/4 in.	\$ 36.00	7,000	\$ 51.30	7,000
1 1/2 in.	\$ 43.95	10,000	\$ 62.25	10,000
2 in.	\$ 59.85	16,000	\$ 84.15	16,000
3 in.	\$110.25	35,000	\$163.50	35,000
4 in.	\$176.45	60,000	\$254.75	60,000
6 in.	\$286.45	100,000	\$425.75	100,000

**Multi Dwelling on one meter:** apartments and other properties in which there are two or more dwelling units per meter shall will have a base rate \$22.00 per dwelling unit which shall include 2,000-gallon usage per unit.

*BASE RATE ALONE BEFORE ANY USAGE IS \$13,200. THEN YOU MUST ADD WATER + SEWER USAGE*

**CHURCH AND 501 (c) 3 ORGANIZATION RATES:** Church and 501 (c) 3 organizations rate will be at a 50% discount on the base rate of water and wastewater.

20309  
Administrative Deficiency Notice(s)



**From:** [Matthew Griego](mailto:Matthew.Griego)  
**To:** [mmoseley@cdcb.org](mailto:mmoseley@cdcb.org)  
**Cc:** [Sharon Gamble](mailto:Sharon.Gamble)  
**Subject:** 20309 Los Ebanos- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Monday, May 11, 2020 3:49:33 PM

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20309 Los Ebanos**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states the application did not acknowledge how much of the developer fee is being deferred on the Sources and Uses page of the full application. The request states that there are Chemical Plants and Oil & Gas Manufacturers within a few miles of the development site, which would be considered Undesirable Site Features under 10 TAC §11.101(a)(2)(k).

1. Please explain how the development site would qualify for points under 10 TAC §11.9(e)(4)(B).
2. Please explain how the development site would not be considered in close proximity to an Undesirable Site Feature(s) under 10 TAC §11.101(a)(2)(k).

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications

with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there

20309  
Deficiency Response(s)

Please explain how the development site would qualify for points under 10 TAC §11.9(e)(4)(B).

A few mistakes from changing to the newer application occurred. They have been corrected and the Development Cost Schedule and the Sources and uses are corrected. It now show that correct deferred amount and falls within scoring guidelines.

Please explain how the development site would not be considered in close proximity to an Undesirable Site Feature(s) under 10 TAC §11.101(a)(2)(k).

All sites listed in the third-party challenge are over 2.44 miles away. There are no TDHCA, HUD or EPA restrictions for building this far away from the plants. The sites are outside of the opposite side of town. Maps are included in this response as well as a response from a third-party environmental engineer.





**BUILDING COSTS\*:**

Concrete	350,000		350,000	
Masonry	111,557		111,557	
Metals	85,000		85,000	
Woods and Plastics	800,000		800,000	
Thermal and Moisture Protection	209,000		209,000	
Roof Covering	224,567		224,567	
Doors and Windows	430,000		430,000	
Finishes	440,000		440,000	
Specialties	92,000		92,000	
Equipment	0		0	
Furnishings	235,000		235,000	
Special Construction	300,000		300,000	
Conveying Systems (Elevators)			0	
Mechanical (HVAC; Plumbing)	250,000		250,000	
Electrical	255,000		255,000	

**Individually itemize costs below:**

Detached Community Facilities/Building	300,000		300,000	
Carports and/or Garages				
Lead-Based Paint Abatement				
Asbestos Abatement (Rehabilitation Only)				
Structured Parking				
Commercial Space Costs				
Other (specify) - see footnote 1				
<b>Subtotal Building Costs Before 11.9(e)(2)</b>	\$4,082,124	\$0	\$4,082,124	

<b>Voluntary Eligible Building Costs (After 11.9(e)(2))*</b> Enter amount to be used to achieve desired score.	\$81.82 psf	\$4,082,124
---	-------------	-------------

If NOT seeking to score points under §11.9(e)(2), E77:E78 should remain BLANK. True eligible building cost should be entered in line items E33:E74. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E77:E78 that produces the target cost per square foot in D77:D78. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.

<b>TOTAL BUILDING COSTS &amp; SITE WORK (including site amenities)</b>	\$5,081,998	\$0	\$4,386,124
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Contingency	5.36%	\$300,000	300,000
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<b>TOTAL HARD COSTS</b>	\$5,895,298	\$0	\$4,686,124
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OTHER CONSTRUCTION COSTS	%THC			%EHC
General requirements (<6%)	6.39%	376,730	376,730	8.04%
Field supervision (within GR limit)			0	
Contractor overhead (<2%)	2.13%	125,577	125,577	2.68%
G & A Field (within overhead limit)			0	
Contractor profit (<6%)	6.39%	376,730	376,730	8.04%

<b>TOTAL CONTRACTOR FEES</b>	\$879,038	\$0	\$879,038
------------------------------	-----------	-----	-----------

<b>TOTAL CONSTRUCTION CONTRACT Before 11.9(e)(2)</b>	\$6,774,335	\$0	\$5,565,162
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<b>Voluntary Eligible "Hard Costs" (After 11.9(e)(2))*</b> Enter amount to be used to achieve desired score.	\$0.00 psf	
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If NOT seeking to score points under §11.9(e)(2), E96:E97 should remain BLANK. True eligible cost should be entered in line items E83 and E87:E91. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E96:E97 that produces the target cost per square foot in D96:D97. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.



**OTHER FINANCING COSTS<sup>3</sup>**

Tax credit fees	26,000		
Tax and/or bond counsel			
Payment bonds			
Performance bonds	52,000		52,000
Credit enhancement fees			
Mortgage insurance premiums			
Cost of underwriting & issuance			
Syndication organizational cost			
Tax opinion			
Refinance (existing loan payoff amt)			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			
<b>Subtotal Financing Cost</b>	\$373,268	\$0	\$322,268

**DEVELOPER FEES<sup>3</sup>**

Housing consultant fees <sup>4</sup>			
General & administrative			
Profit or fee	1,114,000		1,114,000
<b>Subtotal Developer Fees</b>	14.42% \$1,114,000	\$0	17.09% \$1,114,000

**RESERVES**

Rent-up - new funds			
Rent-up - existing reserves*			
Operating - new funds	155,000		
Operating - existing reserves*			
Replacement - new funds	24,570		
Replacement - existing reserves*			
Escrows - new funds			
Escrows - existing reserves*			
<b>Subtotal Reserves</b>	\$179,570	\$0	\$0

**\*Any existing reserve amounts should be listed on the Schedule of Sources.**

<b>TOTAL HOUSING DEVELOPMENT COSTS<sup>5</sup></b>	\$9,209,973	\$0	\$7,632,229
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The following calculations are for HTC Applications only.

**Deduct From Basis:**

Federal grants used to finance costs in Eligible Basis			
Non-qualified non-recourse financing			
Non-qualified portion of higher quality units §42(d)(5)			
Historic Credits (residential portion only)			
<b>Total Eligible Basis</b>		\$0	\$7,632,229
**High Cost Area Adjustment (100% or 130%)			130%
<b>Total Adjusted Basis</b>		\$0	\$9,921,898
Applicable Fraction			100%
<b>Total Qualified Basis</b>	\$9,921,898	\$0	\$9,921,898
Applicable Percentage <sup>6</sup>			9.00%
<b>Credits Supported by Eligible Basis</b>	\$892,971	\$0	\$892,971
<b>Credit Request</b> (from 17.Development Narrative)	\$ 658,147		

**Requested Score for 11.9(e)(2)** 12

**\*11.9(c)(2) Cost Per Square Foot: DO NOT ROUND! Applicants are advised to ensure that the figure is not rounding down to the maximum dollar figure to support the elected points.**

Name of contact for Cost Estimate: Juan Ramirez

Phone Number for Contact: 956.541.4955

If a revised form is submitted, date of submission: \_\_\_\_\_



## Schedule of Sources of Funds and Financing Narrative

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Financing Participants	Funding Description	Construction Period		Lien Position	Permanent Period					Lien Position
		Loan/Equity Amount	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)	Syndication Rate	
<b>Debt</b>										
TDHCA	<a href="#">MF Direct Loan Const. to Perm. (Repayable)</a>	\$0			\$ -	4.00%	30	0		
TDHCA	<a href="#">MF Direct Loan Const. Only (Repayable)</a>	\$0	0.00%							
TDHCA	<a href="#">Multifamily Direct Loan (Soft Repayable)</a>	\$0	0.00%		\$ -	0.00%	0	0		
TDHCA	<a href="#">Mortgage Revenue Bond</a>	\$0	0.00%		\$ -	0.00%	0	0		
BBVA Perm					\$ 3,135,509					1
BBVA Construction Term		\$6,893,017		1						
<b>Third Party Equity</b>										
	<a href="#">HTC</a>	\$ 658,147	\$ 1,200,000		\$ 5,857,508				0.89	
<b>Grant</b>										
	<a href="#">§11.9(d)(2)LPS Contribution</a>									
<b>Deferred Developer Fee</b>										
CDCB Developer Fee		\$ 1,000,000			\$ 216,456					
<b>Other</b>										
	<a href="#">Direct Loan Match</a>									
County of Nueces		\$ 250			\$ 250					
City of Bishop		\$ 250			\$ 250					
\$ (0)										
<b>Total Sources of Funds</b>		\$ 9,093,517			\$ 9,209,973					
<b>Total Uses of Funds</b>					\$ 9,209,973					

**INSTRUCTIONS:** Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

**Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).**

The capital structure includes conventional financing, equity from the sale of housing tax credits, development funding from a local political subdivision and deferred developer fee. The equity will come from The National Equity Fund, pursuant to the Equity Commitment Letter. The construction debt will come from BBVA Compass Bank. The permanent debt will be a conventional loan from BBVA/Compass. Upon an allocation of tax credits, the partnership agreement will be executed whereupon NEF will be the 99.99% Limited Partner and Casitas Azucar GP, LLC will be the .01% General Partner. In addition to financing provided by BBVA & NEF, the City of Bishop and the County of Nueces will also provide a waiver of fees totaling \$250 each to the project to satisfy the QAP requirements for the Commitment of Funding by a Local Political Subdivision.

**Describe the replacement reserves. Are there any existing reserve accounts that will transfer with the property? If so, describe what will be done with these funds.**

*Reserves will be required on the project for replacement, operating and rent up, and are estimated to be \$179,570 This amount is estimated to be a total 3,591 per unit. These amounts could change upon the receipt of lender and Equity's third party due diligence.*

**Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.**

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.

\_\_\_\_\_  
Signature, Authorized Representative, Construction or Permanent Lender

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Telephone: \_\_\_\_\_

Email address: \_\_\_\_\_

If a revised form is submitted, date of submission: \_\_\_\_\_

pp LLC, U.S. 77 Business, Bishop, TX Search

ex: pizza near NYC

Get Directions History

**A Oxea Bishop LLC**  
 US-77 BUS, Bishop, TX 78343  
 (361) 584-6920 · oxea-chemicals.com  
 ★★★★★ 1 review

Places

- eral
- general LIHTC
- LIHTC General
- LIHTC General
- LIHTC General
- LIHTC General
- LIHTC General
- Untitled Placemark
- Penn Branch Ranch
- Site
- Possible
- possible site
- rockport proposal
- Casitas Los Ebanos
- LIHTC Rancho Del
- LIHTC Paseo Plaza
- Lihtc EDLERLY
- LIHTC General RHA

**Ruler**

Line Path Polygon Circle 3D path 3D polygon

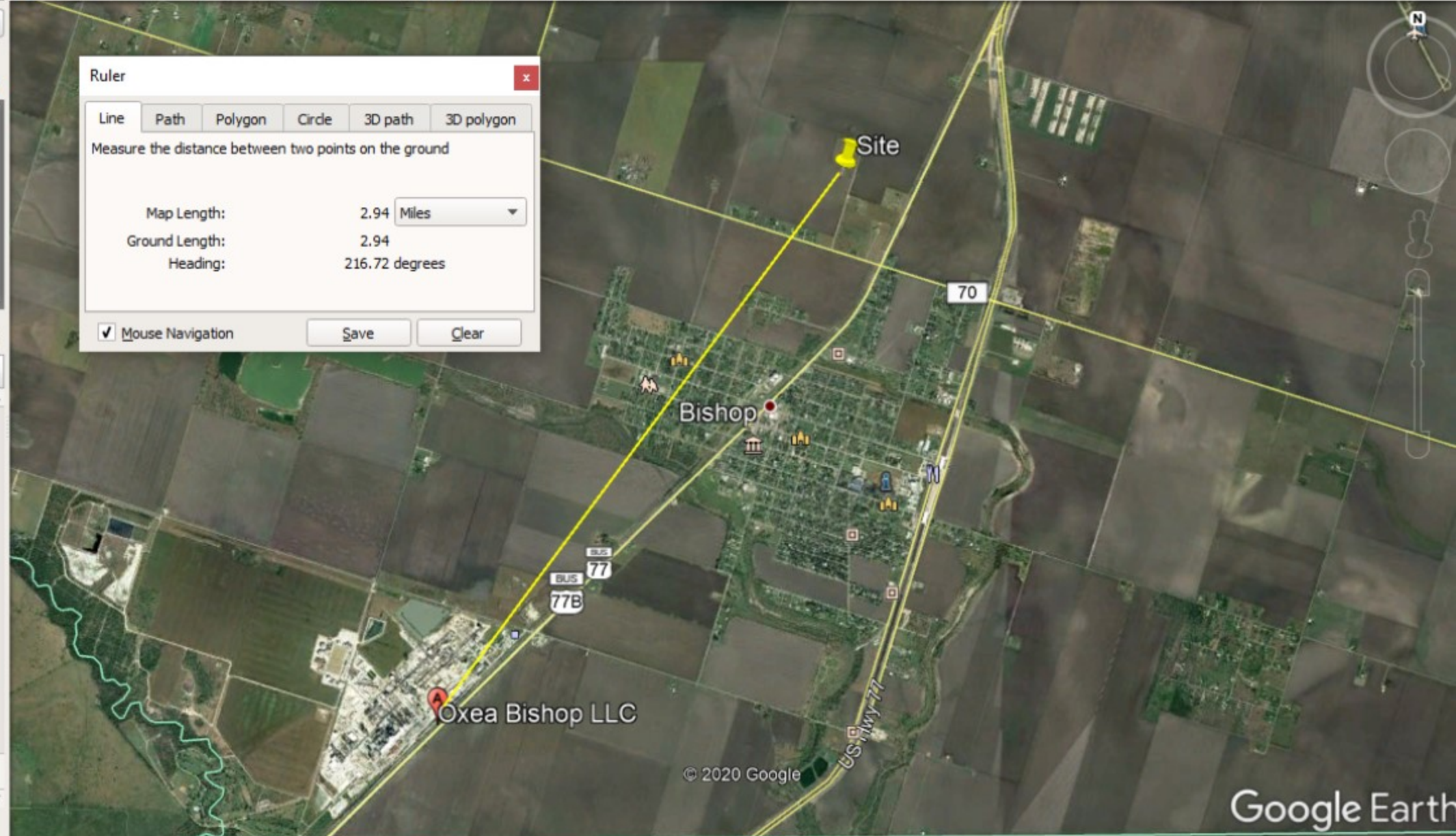
Measure the distance between two points on the ground

Map Length: 2.94 Miles

Ground Length: 2.94

Heading: 216.72 degrees

Mouse Navigation Save Clear





Search

ticona, Bishop, TX Search

ex: pizza near NYC

Get Directions History

- A Ticona**  
Bishop, TX 78343  
★★★★★ 7 reviews
- B Ticona Polymers Inc.**  
77 US-77, Bishop, TX 78343  
★★★★★ 5 reviews

Places

- eral
- general LIHTC
- LIHTC General
- LIHTC General
- LIHTC General
- LIHTC General
- LIHTC General
- Untitled Placemark
- Penn Branch Ranch
- Site
- Possible
- possible site
- rockport proposal

Layers



Ruler

Line Path Polygon Circle 3D path 3D polygon

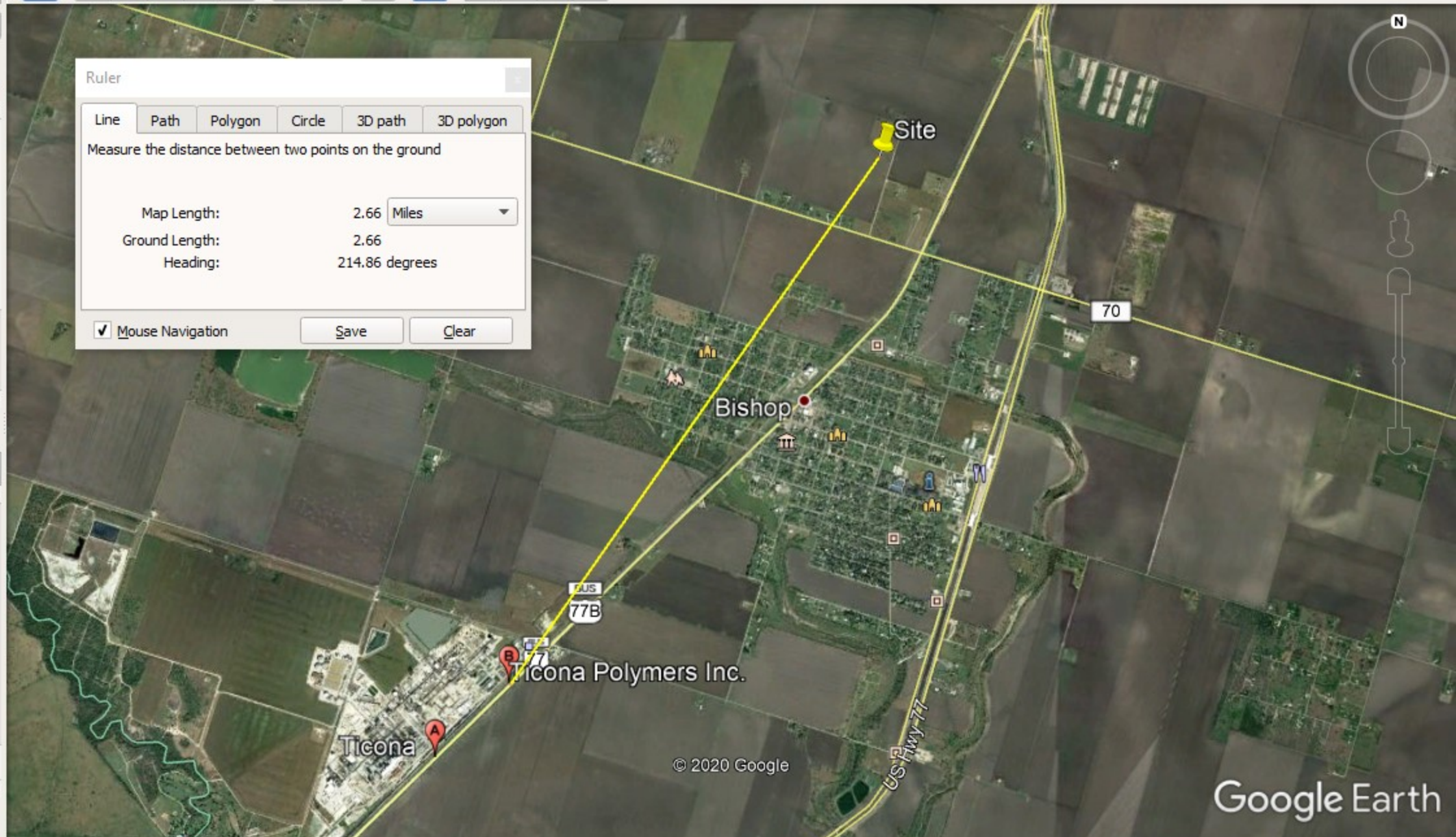
Measure the distance between two points on the ground

Map Length: 2.66 Miles

Ground Length: 2.66

Heading: 214.86 degrees

Mouse Navigation Save Clear



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Google Earth




Search

basf, Bishop, TX Search

ex: pizza near NYC

Get Directions History

**A Basf**  
 200 E 1st St, Bishop, TX 78343  
 basf.com  
 ★★★★★



+

Places

- eral
- general LIHTC
- LIHTC General
- LIHTC General
- LIHTC General
- LIHTC General
- LIHTC General
- Untitled Placemark
- Penn Branch Ranch
- Site
- Possible
- possible site
- rockport proposal
- Casitas Los Ebanos
- LIHTC Rancho Del
- LIHTC Paseo Plaza
- Lihtc EDLERLY
- LIHTC General BHA

Layers



Ruler

Line Path Polygon Circle 3D path 3D polygon

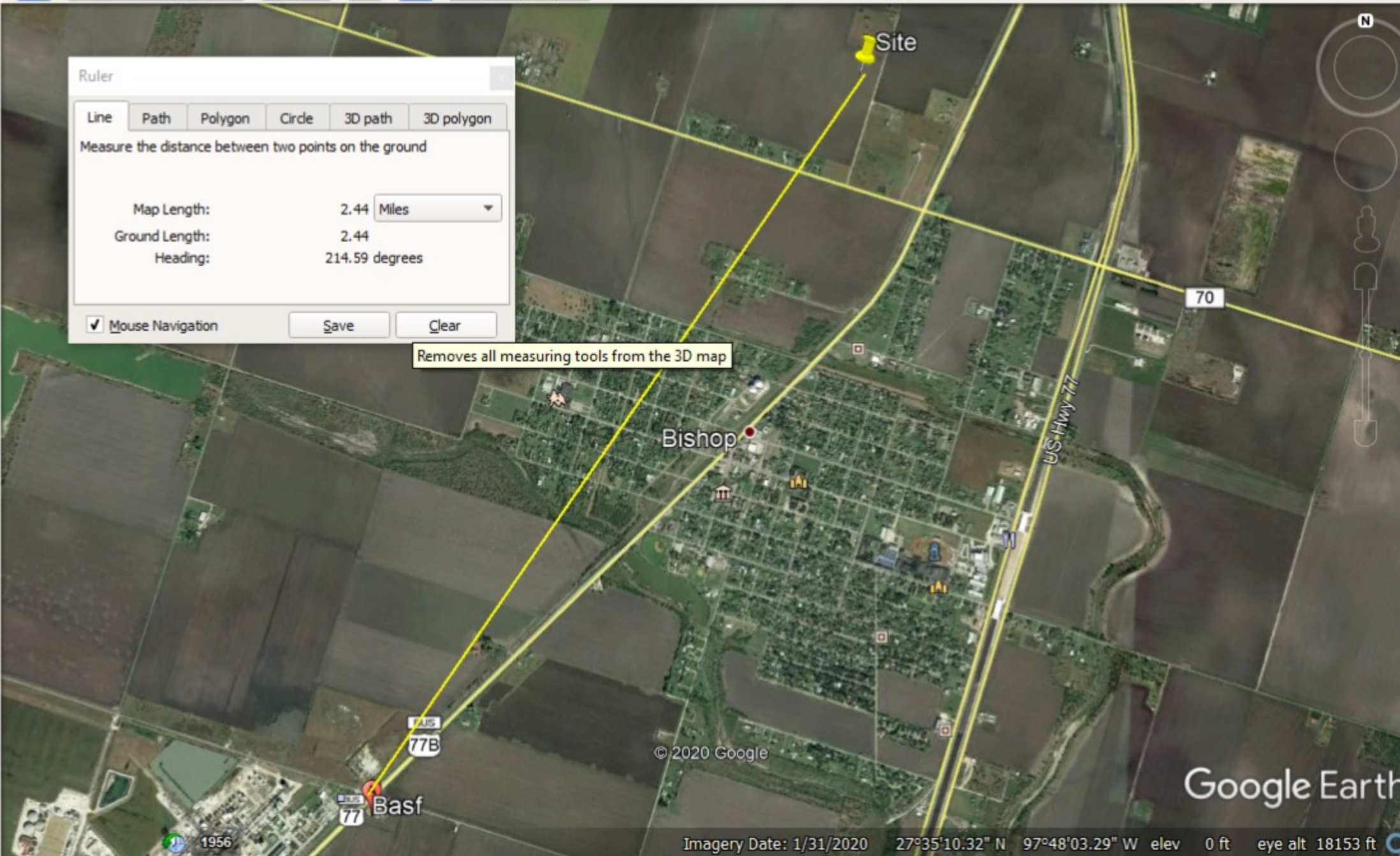
Measure the distance between two points on the ground

Map Length:	2.44	Miles
Ground Length:	2.44	
Heading:	214.59	degrees

Mouse Navigation

Save Clear

Removes all measuring tools from the 3D map



© 2020 Google

Google Earth



Mark Moseley <[mmoseley@cdcb.org](mailto:mmoseley@cdcb.org)>

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## TDHCA response

1 message

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**De Leon, Rudy** <[Rudy.DeLeon@terracon.com](mailto:Rudy.DeLeon@terracon.com)>  
To: Mark Moseley <[mmoseley@cdcb.org](mailto:mmoseley@cdcb.org)>

Tue, May 12, 2020 at 12:48 PM

Good Afternoon Mr. Moseley,

It is Terracon's opinion that based on the distance of the listed chemical plants and oil & gas manufacturers facilities from the site, as well as being topographically down-gradient from the site, and cross-gradient from the prevailing wind direction, these features do not pose a significant risk to development.

If there are any questions or comments regarding Terracon's opinion of the matter, please feel free to contact me.

Thank you,

**Rudy De Leon**

**Assistant Staff Scientist | Environmental Services**

**Terracon**

[1506 Mid Cities Drive](#) | Pharr, TX 78577

D (956) 283-8254 | F (956) 283-8279 | M (956) 502-6976

[rudy.deleon@terracon.com](mailto:rudy.deleon@terracon.com) | [terracon.com](http://terracon.com)

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5/18/2020

Community Development Corporation of Brownsville Mail - TDHCA response

*Private and confidential as detailed here ([www.terracon.com/disclaimer](http://www.terracon.com/disclaimer)). If you cannot access the hyperlink, please e-mail sender.*

20309  
Staff Determination





TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 9, 2020

*Writer's direct phone # (512) 475-1676*  
*Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Rick J. Deyoe  
Gulf Shore Villas, Ltd.  
1114 Lost Creek Blvd., Ste. G20  
Austin, Texas 78746

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20309 Casitas Los Ebanos

Dear Mr. Deyoe:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Applicant should have disclosed an Undesirable Site Feature, and whether the Application provided appropriate documentation to qualify for points under Opportunity Index, Leveraging of Private, State and Federal Resources, and Local Government Support. The Application is being reviewed by staff, and the information provided in your request will be considered. If it is found that the application does not qualify for points under any scoring items, the Applicant will be sent a scoring notice and will have the ability to appeal staff's decision.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni  
Holloway

Digitally signed by  
Marni Holloway  
Date: 2020.06.09  
08:50:01 -05'00'

Marni Holloway  
Multifamily Division Director

Cc: Mark Moseley  
Chloe Dotson



20317  
Request for Administrative Deficiency

May 1, 2020

Sharon Gamble  
Texas Department of Housing and Community Affairs  
21 E 11<sup>th</sup> Street  
Austin, Texas 78701

Re: HTC Application 20317 Merritt Edge

Dear Ms. Gamble,

Please consider this correspondence a formal Third Party Request for Administrative Deficiency (RFAD) for TDHCA Application 20317 Merritt Edge. This RFAD concerns points taken for Proximity to Jobs and Sponsor Characteristics items.

1. The submitted Proximity to Jobs application documentation (Appendix A) is incomplete. Per the 2020 Multifamily Application Procedures Manual, 3 items are necessary for point documentation. The following 2 of 3 items are missing:
  - a. Documentation of GPS coordinates.
  - b. Work Area Profile chart/map report.

The above items are needed to provide proof for the requirements that 1) the GPS coordinates clearly fall within the development site and 2) the report date falls between October 1, 2019 and January 8, 2020. In the absence of this information, there is no justification for the 3 points taken. There are GPS coordinates in the lower right-hand corner of the submitted map, but they do not fall within the Development site's boundaries (Appendix B). Based on the QAP requirements below, this application does not qualify for the requested 3 Proximity to Jobs points.

§11.9(b)(7)(B) Proximity to Jobs. A Development may qualify for points under this subparagraph if it meets one of the criteria in clauses (i) through (vi) of this subparagraph. The data used will be based solely on that available through US Census' OnTheMap tool. Jobs counted are limited to those based on the work area, all workers, and all primary jobs. Only the 2017 data set (as of October 1 but before Pre-Application Final Delivery Date) will be used. The Development will use OnTheMap's function to import GPS coordinates that clearly fall within the Development Site, and the OnTheMap chart/map report submitted in the Application must include the report date. This scoring item will not apply to Applications under the At-Risk or USDA Set-Aside.

2. The application provides no documentation to justify the 2 Sponsor Characteristics points taken (Appendix C). The following items are missing:
  - a. The Qualified Nonprofit's detailed narrative describing how it will materially participate in the Development and the operation of the Development through the Compliance Period.
  - b. The Qualified Nonprofit's detailed narrative describing its experience directly related to the housing industry in Property Management, Construction, Development, Financing, and Compliance.

In both instances, Proximity to Jobs and Sponsor Characteristics, the applicant failed to provide sufficient supporting documentation for the points claimed (5 total). Furthermore, providing the missing support after application submission is not permitted to cure the issue based on the following QAP guidelines (emphasis added).

§11.1 (d)(2) Administrative Deficiency--Information requested by Department staff that staff requires to clarify or explain one or more inconsistencies; to provide non-material missing information in the original Application or pre-application; or to assist staff in evaluating the Application or pre-application that, in the Department staff's reasonable judgment, may be cured by supplemental information or explanation which will not necessitate a substantial reassessment or re-evaluation of the Application or pre-application. Administrative Deficiencies may be issued at any time while the Application or pre-application or Contract is under consideration by the Department, including at any time while reviewing performance under a Contract, processing documentation for a Commitment of Funds, closing of a loan, processing of a disbursement request, closing out of a Contract, or resolving of any issues related to compliance. A matter may begin as an Administrative Deficiency but later be determined to have constituted a Material Deficiency. If an Applicant claims points for a scoring item, but provides supporting documentation that would support fewer points for that item, staff would treat this as an inconsistency and issue an Administrative Deficiency which will result in a correction of the claimed points to align with the provided supporting documentation. If the supporting documentation is not provided for claimed points, the item would be assigned no points.

#### §11.9 Competitive HTC Selection Criteria

(a) General Information. This section identifies the scoring criteria used in evaluating and ranking Applications. The criteria identified in subsections (b) - (e) of this section include those items required under Tex. Gov't Code, Chapter 2306, Code §42, and other criteria established in a manner consistent with Chapter 2306 and Code §42. There is no rounding of numbers in this section for any of the calculations in order to achieve the desired requirement or limitation, unless rounding is explicitly stated as allowed for that particular calculation or criteria. The Application must include one or more maps indicating the location of the Development Site and the related distance to the applicable facility. Distances are to be measured from the nearest boundary of the Development Site to the nearest boundary of the property or easement containing the facility, unless otherwise noted. For the purposes of this section, all measurements will include ingress/egress requirements and any easements regardless of how they will be held. Due to the highly competitive nature of the program, Applicants that elect points where supporting documentation is required but fail to provide any supporting documentation will not be allowed to cure the issue through an Administrative Deficiency. However, Department staff may provide the Applicant an opportunity to explain how they believe the Application, as submitted, meets the requirements for points or otherwise satisfies the requirements.

(78) Material Deficiency--Any deficiency in a pre-application or an Application or other documentation that exceeds the scope of an Administrative Deficiency. Inability to provide documentation that existed prior to submission of an Application to substantiate claimed points or meet threshold requirements is material and may result in denial of the requested points or a termination in the case of threshold items. It is possible that multiple deficiencies that could individually be characterized as Administrative Deficiencies, when taken as a whole would create a need for substantial re-review of the Application and as such would be characterized as constituting a Material Deficiency.

Thank You,



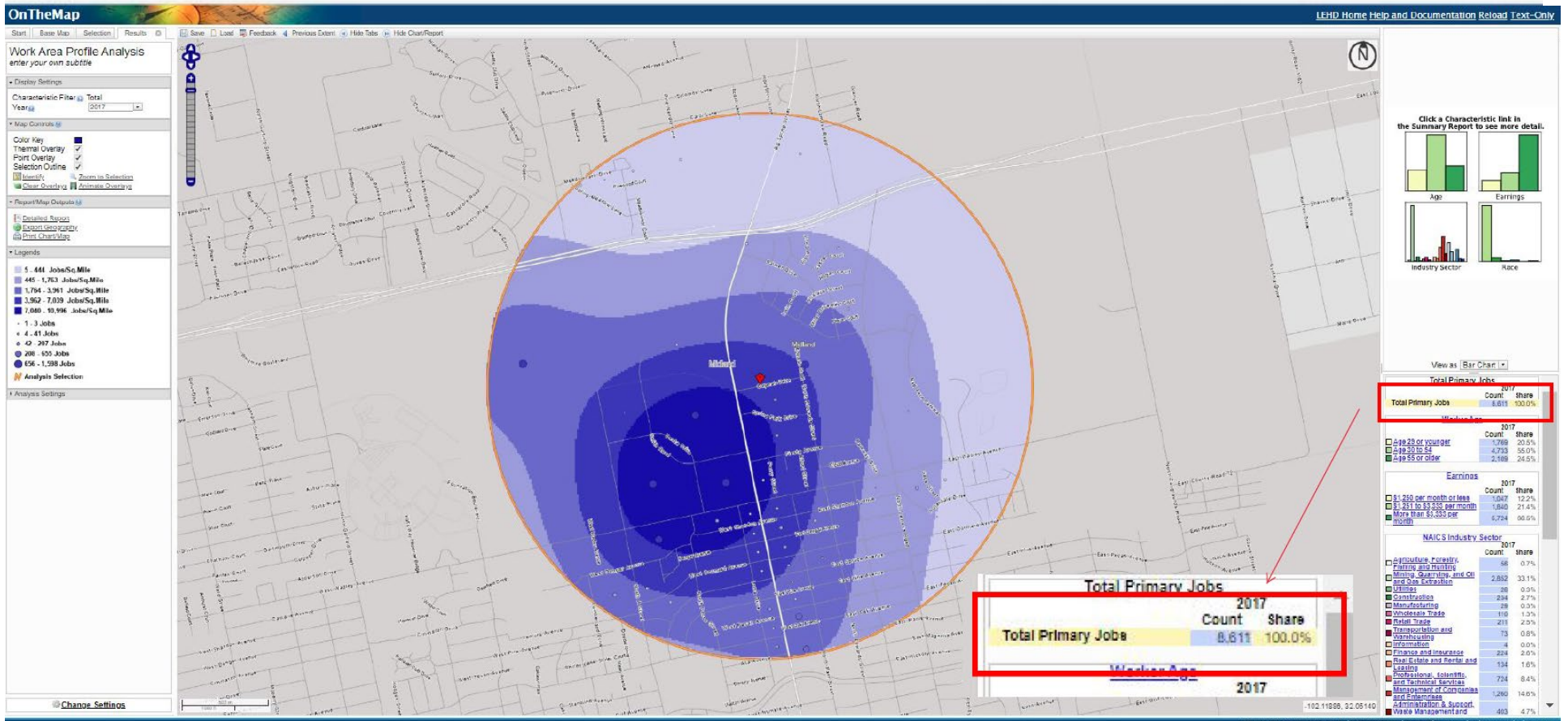
Michael Fogel



# Appendix A

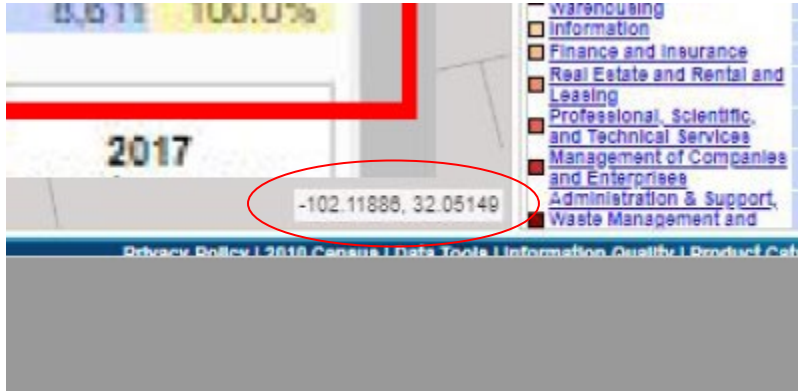
Applicant's submitted Job Proximity Documentation with application instructions.

**X** US Census' OnTheMap report, the 2017 data set, indicating date data was retrieved is as of October 1 but before Pre-Application Final Delivery Date. (See the 2020 Application Manual for directions)

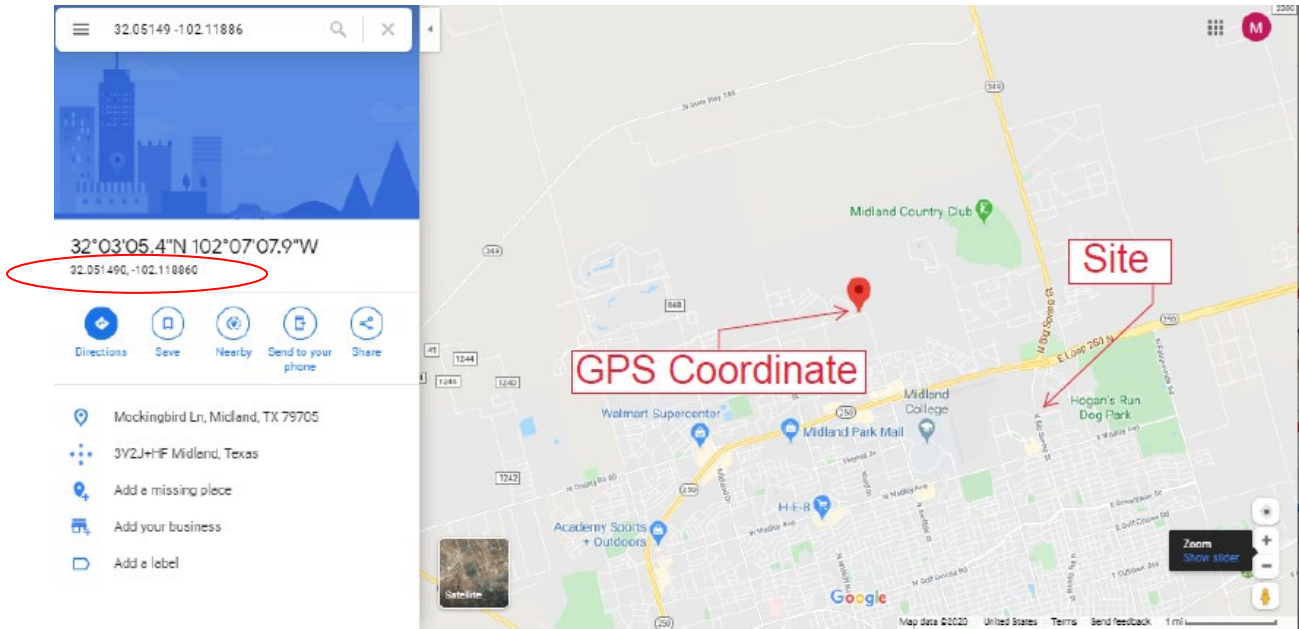


# Appendix B

GPS coordinate from submitted documentation



GPS coordinate location versus Site location (205 Corporate Drive)



# Appendix C

Applicant's T36 Sponsor Characteristics form:

**Sponsor Characteristics (Competitive HTC Only)**

Self Score Total:

Pursuant to §11.9(b)(2) of the Qualified Allocation Plan, an Application may qualify to receive up to two (2) points provided the ownership structure meets one of the following requirements in parts 1 OR 2 below:

**1. Application is attempting to score as a Qualified Nonprofit or certified HUB with ownership interest and material participation and meets the criteria below:**

**Yes** If attempting to score as a Qualified Nonprofit, Application is applying under the Nonprofit Set-Aside

If attempting to score as a certified HUB, evidence of the HUB's existence from the Texas Comptroller of Accounts is provided behind this Tab

**Yes** The Qualified Nonprofit or certified HUB has some combination of ownership interest, cash flow from operations, and developer fee which taken together equal at least 50% and no less than 5% for any category.

Ownership Interest:  (Not required for HUB of HUD 202 Rehabilitation projects.)

Cash flow from operations:

Developer Fee:

Total:  (Must equal at least 50% regardless of structure)

**Yes** The Qualified Nonprofit or certified HUB will materially participate in the Development and the operation of the Development throughout the Compliance Period.

**Yes** A detailed narrative describing how that material participation will be achieved is included.

**Yes** The Qualified Nonprofit or certified HUB has experience directly related to the housing industry.

**Yes** A detailed narrative describing experience in each category is included.

Mark all that apply

Property Management    Construction    Development    Financing    Compliance

No Principals of the Qualified Nonprofit or HUB are related Parties to or Affiliates of any other Principals of the Applicant or Developer.

Evidence of experience in the housing industry and a statement regarding material participation are provided behind this tab.

Points Claimed:

**2. Application is attempting to score as a participating Nonprofit or certified HUB and meets the criteria below:**

A certified HUB will participate in Development Services or provide onsite tenant services, and evidence of the HUB's existence from the Texas Comptroller of Accounts is provided behind this Tab.

A Nonprofit will participate in Development Services or provide onsite tenant services, and evidence from a state or federal source of the organization's nonprofit status is provided behind this Tab.

Evidence of experience in the provision of Development Services or in the provision of on-site tenant services as well as a detailed narrative describing how the HUB or Nonprofit will provide such services must be included behind this tab.

Points Claimed:

Total Points Claimed:

2/27/2020

20317  
Administrative Deficiency Notice(s)



**From:** [Matthew Griego](mailto:Matthew.Griego)  
**To:** [colby@denisondevelopment.com](mailto:colby@denisondevelopment.com)  
**Cc:** [Sharon Gamble](mailto:Sharon.Gamble)  
**Subject:** 20317 Merritt Edge Senior Village- 9% HTC Application Deficiency Notice - TIME SENSITIVE - Please reply immediately acknowledging receipt.  
**Date:** Monday, May 11, 2020 3:52:19 PM

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

In the course of the Department's Housing Tax Credit **Eligibility/Selection/Threshold** and/or Direct Loan review of the above referenced application, a possible Administrative Deficiency as defined in §11.1(d)(2) and described in §11.201(7), §11.201(7)(A) and §11.201(7)(B) of the 2020 Uniform Multifamily Rules was identified. By this notice, the Department is requesting documentation to correct the following deficiency or deficiencies. Any issue initially identified as an Administrative Deficiency may ultimately be determined to be beyond the scope of an Administrative Deficiency, and the distinction between material and non-material missing information is reserved for the Director of Multifamily Finance, Executive Director, and Board.

The Department has received a Third Party Request for Administrative Deficiency (RFAD) regarding HTC Application **20317 Merritt Edge Senior Village**. The request includes information that was not previously provided to the Department, and, pursuant to §11.10 of the QAP, staff believes that the administrative deficiency should be issued. Please refer to the copy of the request that you received from the requestor.

The request states the Proximity to Jobs report is lacking the documentation of GPS coordinates and the Work Area Profile chart/map report, which are critical documents required under 10 TAC §11.9(b)(7)(B). The application also does not provide any detailed narrative from the Qualified Nonprofit, which violates 10 TAC §11.9(b)(2)(A)(i).

1. Please explain the missing documents required to receive points under 10 TAC §11.9(b)(7)(B).
2. Please explain the lack of missing detailed narratives from the Qualified Nonprofit required by 10 TAC §11.9(b)(2)(A)(i).

**\*\*All deficiencies must be corrected or clarified by 5 pm Austin local time on May 18, 2020.  
Please respond to this email as confirmation of receipt.\*\***

**The above list may not include all Administrative Deficiencies such as those that may be identified upon a supervisory review of the application. Notice of additional Administrative Deficiencies may appear in a separate notification.**

All deficiencies must be corrected or otherwise resolved by 5 pm Austin local time on the fifth business day following the date of this deficiency notice. Deficiencies resolved after 5 pm Austin local time on the fifth business day will have 5 points deducted from the final score. For each additional day beyond the fifth day that any deficiency remains unresolved, the application will be treated in accordance with §11.201(7)(B) of the 2020 Uniform Multifamily Rules. Applications

with unresolved deficiencies after 5pm Austin local time on the seventh business day may be terminated.

All deficiencies related to the Direct Loan portion of the Application must be resolved to the satisfaction of the Department by 5pm Austin local time on the fifth business day following the date of this deficiency notice. Applications with unresolved deficiencies after 5pm Austin local time on the seventh business day will be suspended from further processing, and the Applicant will be notified to that effect, until the deficiencies are resolved. If, during the period of time when the Application is suspended from review, Direct Loan funds become oversubscribed, the Applicant will be informed that unless the outstanding item(s) are resolved within one business day the Application will be terminated. For purposes of priority under the Direct Loan set-asides, if the outstanding item(s) are resolved within one business day, the date by which the item is submitted shall be the new received date pursuant to §13.5(c) of the 2020 Multifamily Direct Loan Rule. Applicants should be prepared for additional time needed for completion of staff reviews.

Unless the person that issued this deficiency notice, named below, specifies otherwise, submit all documentation at the same time and in only one file using the Department's Serv-U HTTPs System. Once the documents are submitted to the Serv-U HTTPs system, please email the staff member issuing this notice. If you have questions regarding the Serv-U HTTPs submission process, contact Liz Cline at [liz.cline@tdhca.state.tx.us](mailto:liz.cline@tdhca.state.tx.us) or by phone at (512)475-3227. You may also contact Jason Burr at [jason.burr@tdhca.state.tx.us](mailto:jason.burr@tdhca.state.tx.us) or by phone at (512)475-3986.

**All applicants should review §§11.1(b) and 11.1(h) of the 2020 QAP and Uniform Multifamily Rules as they apply to due diligence, applicant responsibility, and the competitive nature of the program for which they are applying.**

#### About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Matthew Griego  
Multifamily Policy Research Specialist  
Texas Department of Housing and Community Affairs  
221 East 11<sup>th</sup> Street  
Austin, Texas 78701  
(512)475-0927

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there

20317  
Deficiency Response(s)



600 Congress, Suite 2200  
Austin, TX 78701  
Telephone: 512-305-4700  
Fax: 512-305-4800  
www.lockelord.com

Cynthia L. Bast  
Direct Telephone: 512-305-4707  
Direct Fax: 512-391-4707  
cbast@lockelord.com

May 14, 2020

**Via Email**

Ms. Sharon Gamble  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701

Re: Administrative Deficiency – Merritt Edge (Midland)  
TDHCA No. 20317

Dear Sharon:

We represent DDC Merritt Edge, Ltd. (“**Applicant**”), which has applied for 2020 Housing Tax Credits<sup>1</sup> for the Development referenced above. The Applicant received a Request for Administrative Deficiency (“**RFAD**”) alleging the following:

2. The application provides no documentation to justify the 2 Sponsor Characteristics points taken (Appendix C). The following items are missing:
  - a. The Qualified Nonprofit’s detailed narrative describing how it will materially participate in the Development and the operation of the Development through the Compliance Period.
  - b. The Qualified Nonprofit’s detailed narrative describing its experience directly related to the housing industry in Property Management, Construction, Development, Financing, and Compliance.

Based upon the RFAD, Department staff issued an Administrative Deficiency on May 11 with the following:

2. Please explain the lack of missing detailed narratives from the Qualified Nonprofit required by 10 TAC §11.9(b)(2)(A)(i).

This letter is intended to respond to the Administrative Deficiency.

---

<sup>1</sup> Capitalized terms used but not defined in this letter shall have the meanings given them in the 2020 QAP.



### Satisfaction of QAP

The information requested by the Administrative Deficiency is contained in the Application. Crossroads Housing Development Corporation (“Crossroads”) is a Qualified Nonprofit Organization that will Control the sole general partner of the Applicant. Under Texas law, a general partner is responsible for the oversight and control of a limited partnership.

The QAP specifically requires the following:

(i) The HUB or Qualified Nonprofit Organization must materially participate in the Development and operation of the Development throughout the Compliance Period and must have experience directly related to the housing industry, which may include experience with property management, construction, development, financing, or compliance. Material participation means that the HUB or Qualified Nonprofit is regularly, continuously, and substantially involved in providing services integral to the Development Team; providing services as an independent contractor is not sufficient.

**Narrative Describing Participation.** As noted in the RFAD, the Applicant responded affirmatively that the Application contains “a detailed narrative describing how that material participation will be achieved.” Such information is found at Tab 40 of the Application regarding Nonprofit Participation. See below:

2) Describe the nonprofit’s participation:	Co-Developer and Sole GP for the owner
3) Describe the nonprofit’s participation in the operation of the Development throughout the Compliance and/or extended use period:	Crossroads will be involved in the planning and financing of the development including selection and management of the design team, selection of the negotiations with the financing partners. Crossroads will be the general contractor
4) Will the nonprofit receive part of the development fees paid in connection with the development?	Yes
If “Yes,” explain:	Crossroads will receive a portion of the developer fee and a the portion of cash flow

**Narrative Describing Experience.** As noted in the RFAD, the Applicant responded affirmatively that the Application contains “a detailed narrative describing experience in each category – property management, construction, development, financing, compliance.” Such information is also found at Tab 40 of the Application regarding Nonprofit Participation. In particular, the audited financial statements for Crossroads for the year ended December 31, 2018 include the following statements from the auditor:

Crossroads Housing Development Corporation (the “Organization”) is a non-profit corporation organized in the State of Texas in 1999. The Organization is organized and operated as a community housing development organization (CHDO) pursuant to 24 Code of Federal Regulations, Part 92 that assist in creating, managing, and developing affordable housing . . . .

As of December 31, 2018, the Organization has ownership interests in twelve different LIHTC project limited partnership and joint ventures (even as general partner and one as a limited partner). The purpose of these projects is to **acquire, develop, rehabilitate, own, operate,** sell or otherwise dispose of low income housing rental projects that are intended to qualify for LIHTC under Section 42 of the IRS, and consistent with the charitable purposes of the Organization, to provide housing for poor and distressed persons.

Since the Organization participates in low income housing tax credit projects, they are required to **comply** with specific terms and agreements under federal and state laws and regulations. Such compliance is subject to review and audit by federal and state agencies and their representatives. In the opinion of management, **the Organization has complied with all requirements.**

The Organization is engaged as **general contractor** for several low income housing tax credit projects that are being developed. The Organization receives contractor fees and developer fees over the course of the development of the projects. (emphasis added)

### **Discussion**

The role and participation of Crossroads in this Application is abundantly apparent. Nothing required by the QAP is missing, as alleged in the RFAD. Crossroads and DDC Investments, Ltd. have partnered together on seven prior successful Housing Tax Credit Applications, each time providing the Department with information similar to what has been submitted in this Application for Merritt Edge. The evidence submitted in the Application documents satisfaction with the requirements of §11.9(b)(2)(A)(i) of the QAP. Specifically, in its capacity Controlling the sole General Partner of the Applicant, Crossroads will be required by Texas law to materially participate in the development and operation of the Development; the General Partner is the only entity with authority to bind the Development Owner. In addition to Controlling the sole General Partner, Crossroads is listed as a co-Developer and General Contractor.

The previous participation form for Crossroads indicates it has participated in the ownership of numerous Housing Tax Credit properties in Texas. This is confirmed by the statement of an independent auditor, describing participation by Crossroads in these various properties. The Application identifies Crossroads as a Community Housing Development Organization (“**CHDO**”), recognized by TDHCA. The certification process for a CHDO requires the organization to prove up its experience and capacity to undertake participation in affordable housing properties.

Finally, our law firm has issued a legal opinion, included with the Application, to the effect that Crossroads is eligible to participate in the Non-Profit Set-Aside. To be eligible for the Non-Profit Set-Aside, the Qualified Nonprofit Organization must be (1) the Managing General Partner, with the authority to bind the Development Owner, and (2) a Developer. Our firm would not issue such an opinion, unless we were comfortable that Crossroads will materially participate in the development and operation of the property and has experience directly related to the housing industry, all in accordance with the QAP.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia L. Bast".

Cynthia L. Bast

cc: Crossroads Housing Development Corporation  
DDC Investments, Ltd.

**DDC Merritt Edge, Ltd  
1608 W 34<sup>th</sup>, Ste A  
Austin, TX 78703**

May 14, 2020

**Via Email**

Ms. Sharon Gamble  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701

Re: Administrative Deficiency – Merritt Edge (Midland)  
TDHCA No. 20317

Dear Ms. Gamble:

This letter responds to your Administrative Deficiency notice dated May 11, 2020. In the Administrative Deficiency notice, you acknowledge that TDHCA received an RFAD from one of our competitors. Based upon that RFAD, you have noted the following:

*The request states the Proximity to Jobs report is lacking the documentation of GPS coordinates and the Work Area Profile chart/map report, which are critical documents required under 10 TAC §11.9(b)(7)(B). Please explain the missing documents required to receive points under 10 TAC §11.9(b)(7)(B).*

The QAP requires the following:



**DDC Merritt Edge, Ltd  
1608 W 34<sup>th</sup>, Ste A  
Austin, TX 78703**

(B) Proximity to Jobs. A Development may qualify for points under this subparagraph if it meets one of the criteria in clauses (i) through (vi) of this subparagraph. The data used will be based solely on that available through **US Census' OnTheMap tool**. Jobs counted are limited to those based on the work area, all workers, and all primary jobs. Only the **2017 data set** (as of October 1 but before Pre-Application Final Delivery Date) will be used. The Development will use OnTheMap's function to **import GPS coordinates** that clearly **fall within the Development Site**, and the OnTheMap chart/map report submitted in the Application must include the report date. This scoring item will not apply to Applications under the At-Risk or USDA\_Set-Aside.

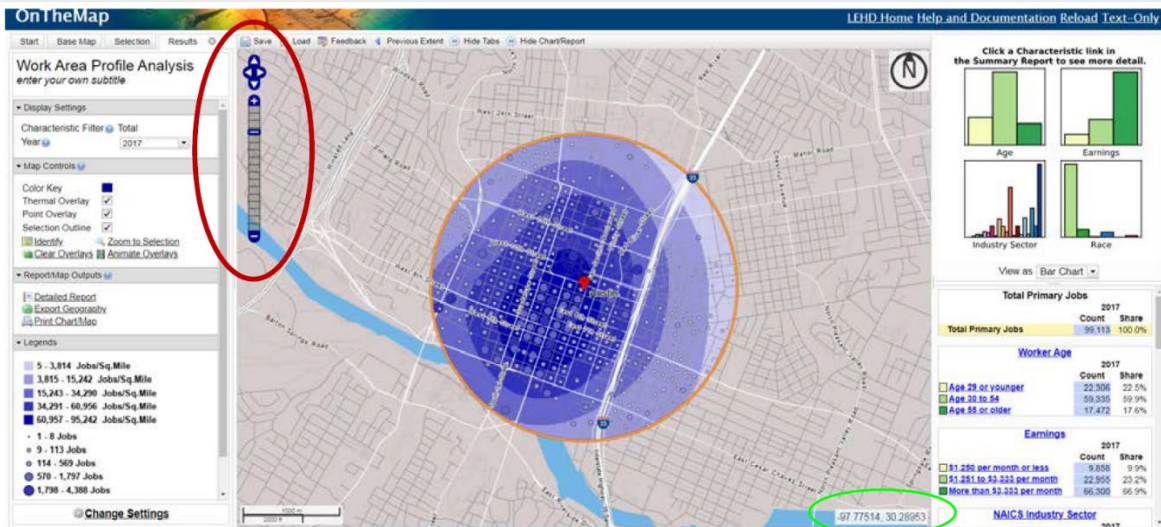
- (i) The Development is located within 1 mile of 16,500 jobs. (6 points)
- (ii) The Development is located within 1 mile of 13,500 jobs. (5 points)
- (iii) The Development is located within 1 mile of 10,500 jobs. (4 points)
- (iv) The Development is located within 1 mile of 7,500 jobs. (3 points)
- (v) The Development is located within 1 mile of 4,500 jobs. (2 points)
- (vi) The Development is located within 1 mile of 2,000 jobs. (1 point)

To meet the requirements of the QAP, we provided the documentation attached as Exhibit A, prepared using the US Census' OnTheMap tool. It shows 8,611 primary jobs in the one-mile radius of our site. The 2017 data set is used as required. This site in fact is within 1 mile of 8,611 jobs, and even to this day, the data set has not changed as confirmed by the US Census Bureau.

The RFAD notes that the GPS coordinates at the bottom of the report are not consistent with our Development Site. This is because we did not realize, at the time the screen shot was taken, that the coordinates shown on the report change, depending upon where the mouse is hovering at the time. The coordinates shown on the screen are not static, but the data resulting is static based on the coordinates used. I believe that the original instruction manual showing what a report would look like threw us off because it shows the coordinates on the report. **We still can't determine how to create a report like this** image from TDHCA's posted instructions where the coordinates show up on the report (highlighted below). The work profile report that is printed during the application acceptance period doesn't look like this and doesn't show the coordinates. At least, we can't make it look like that.

In the ASPM, it instructs us to take a screen shot to show the coordinates used. These coordinates are the mouse location, and not the selection. This is the exact page from the ASPM where TDHCA highlights the coordinates in the bottom right of the screen. These are not the coordinates for the selection, and here lies the heart of the challenge where our Competitor tells TDHCA that those coordinates are NOT our site.

DDC Merritt Edge, Ltd  
1608 W 34<sup>th</sup>, Ste A  
Austin, TX 78703



Be sure to zoom out, using the zoom tools circled above, so that the entire 1 mile radius can be seen around the spatial point.

**IMPORTANT:** take a screen shot at this point to show evidence of the coordinates in the green oval above ("ctrl, PrtScn" on the keyboard, then paste to a blank document, format as needed, then pdf). Include the screen shot behind Tab 2 in the pdf application.



DDC Merritt Edge, Ltd  
1608 W 34<sup>th</sup>, Ste A  
Austin, TX 78703

OnTheMap

LEHD Home Help and Docu

Start Base Map Selection Results

Save Load Feedback  
Previous Extent Hide Tabs

### Work Area Profile Analysis

*enter your own subtitle*

Display Settings

Characteristic Filter Total  
Year 2017

Map Controls

Color Key   
Thermal Overlay  
Point Overlay  
Selection Outline

[Identify](#) [Zoom to Selection](#)  
[Clear Overlays](#) [Animate Overlays](#)

Report/Map Outputs

[Detailed Report](#)  
[Export Geography](#)  
[Print Chart/Map](#)

[Change Settings](#)

the S

Total All Jobs

[Age 29 or you](#)  
 [Age 30 to 54](#)  
 [Age 55 or old](#)

[\\$1,250 per m](#)  
 [\\$1,251 to \\$3,](#)  
 [More than \\$3](#)

[N/](#)

2 km  
1 mi  
-97.68185, 30.36219

Because we did submit supportive evidence proving we are within 1 mile of the required jobs for the scoring category in the Application (Exhibit A), we are able to provide TDHCA with the GPS coordinates provided through the Administrative Deficiency as this was simply a clerical error and confusion from the ASPM. This is the first year any of us have used this tool, and even your instruction manual you posted during the contemplation of the points gives different instructions and report example than what would print at time of Application submission. Please see attached documentation from On the Map with the coordinates confirming the 8,611 primary jobs submitted, attached as Exhibit B. To ensure that the information attached is consistent with what was originally provided in the

**DDC Merritt Edge, Ltd  
1608 W 34<sup>th</sup>, Ste A  
Austin, TX 78703**

application (as required by the QAP), we reached out to the US Census Service and confirmed that the **LODES data has not changed since it was released in August 2019**. See Exhibit C.

So, in summary:

1. The data hasn't changed from what is required in the QAP;
2. The ASPM instructs us to screen shot the image of the coordinates, but as the attached video shows, those coordinates are the mouse pointer, not the selection. So, it seems both we and TDHCA were confused by this.
3. The GPS coordinates used are proven to be on our site and we used a different means of proving this that we believe offers TDHCA proof including some instructions from the initial package helping applicants when the Proximity to Jobs scoring item was contemplated;
4. The number of jobs produced matches what was submitted in our Application
5. Proximity to Jobs is one of the most important differentiating aspects of this year's application process, and our application scores more than that in San Angelo. What a travesty to remove points due to a clerical error (both by us and TDHCA) where we didn't know the mouse pointer drove the coordinates on the screen which we believed was the coordinates that TDHCA showed us on their report from the posted instruction manual.

This information should be sufficient to clear the Administrative Deficiency. If you need anything further, please let us know.

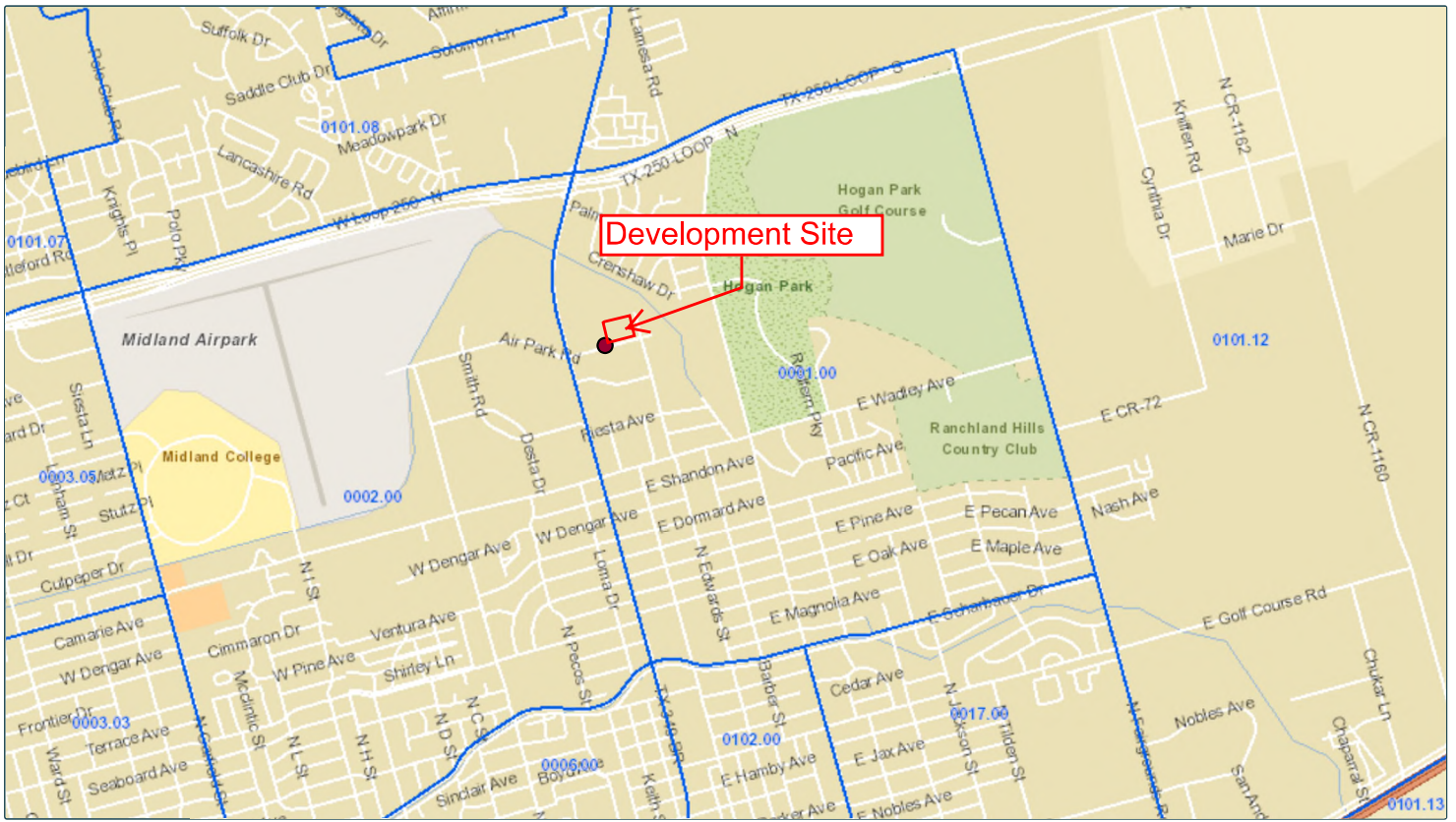
Sincerely,

A handwritten signature in blue ink, appearing to read 'Colby Denison', with a long horizontal flourish extending to the right.

Colby Denison  
Authorized Representative



Exhibit A - Proximity to Jobs Information from Application



● Matched Address: 205 CORPORATE DR, MIDLAND, TX, 79705  
MSA: 33260 - MIDLAND, TX || State: 48 - TEXAS || County: 329 - MIDLAND COUNTY || Tract Code: 0001.00

● Selected Tract  
MSA: || State: || County: || Tract Code:

### Work Area Profile Analysis

enter your own subtitle

**Display Settings**

Characteristic Filter: Total  
Year: 2017

**Map Controls**

Color Key  
Thermal Overlay  
Point Overlay  
Selection Outline

Identify Zoom to Selection  
Clear Overlay Animate Overlay

**Report/Map Outputs**

Detailed Report  
Export Geography  
Print Chart/Map

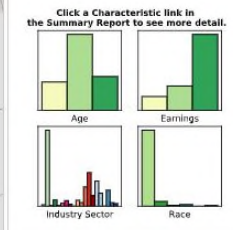
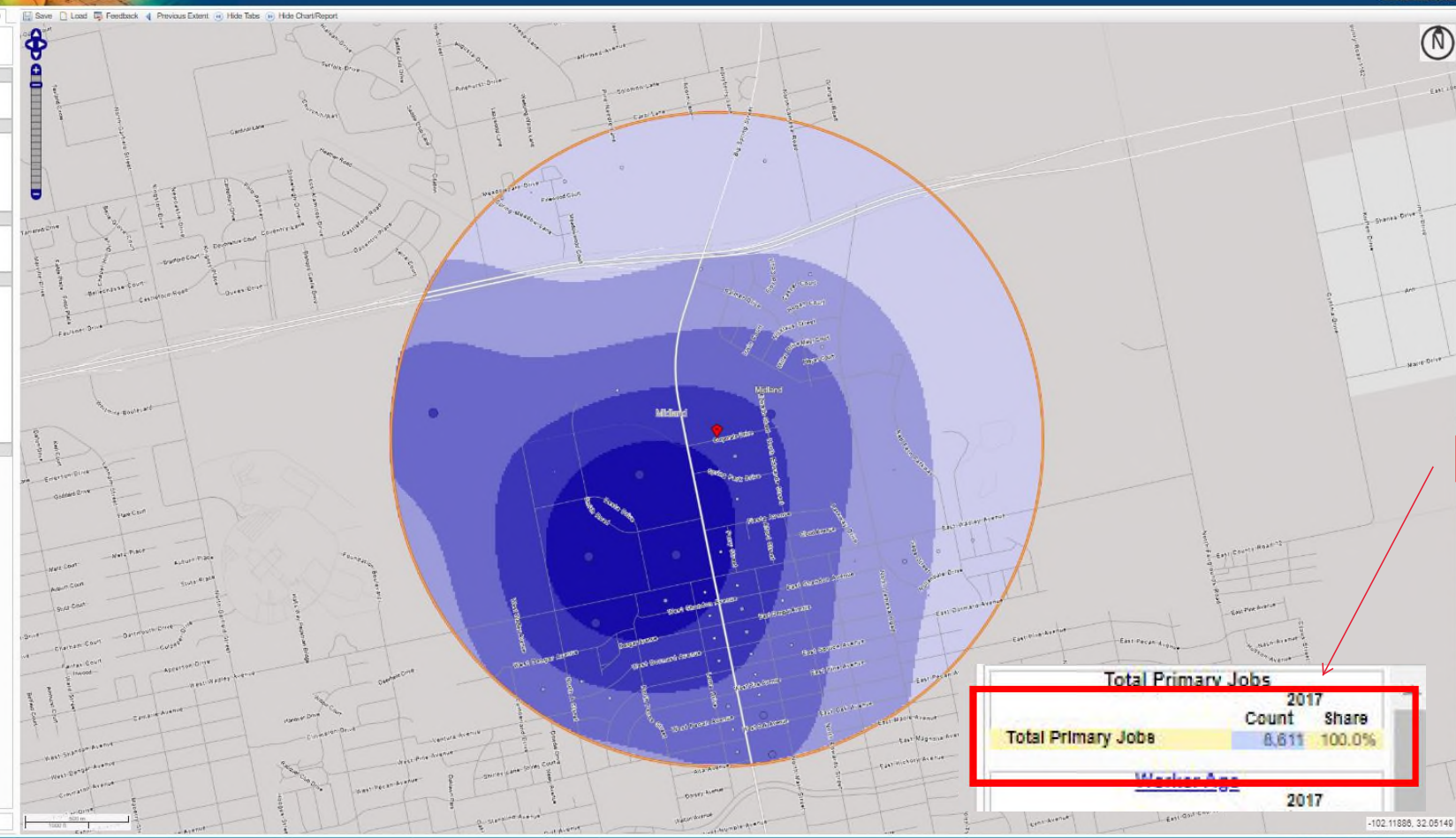
**Legends**

- 5 - 444 Jobs/Sq.Mile
- 445 - 1,763 Jobs/Sq.Mile
- 1,764 - 3,961 Jobs/Sq.Mile
- 3,962 - 7,039 Jobs/Sq.Mile
- 7,040 - 10,996 Jobs/Sq.Mile

• 1 - 3 Jobs  
• 4 - 41 Jobs  
• 42 - 207 Jobs  
• 208 - 655 Jobs  
• 656 - 1,598 Jobs

**Analysis Selection**

Analysis Settings



View as: Bar Chart

Total Primary Jobs		
	2017	Share
Total Primary Jobs	6,611	100.0%

Work Area		
	2017	Share
Age 25 or younger	1,769	26.5%
Age 20 to 24	4,733	65.0%
Age 55 or older	2,108	24.5%

Earnings		
	2017	Share
\$1,250 per month or less	1,047	12.2%
\$1,251 to \$3,333 per month	1,840	21.4%
More than \$3,333 per month	5,724	66.5%

NAICS Industry Sector		
	2017	Share
Agriculture, Forestry, Fishing and Hunting	56	0.7%
Mining, Quarrying, and Oil and Gas Extraction	2,852	33.1%
Utilities	26	0.3%
Construction	334	2.7%
Manufacturing	29	0.3%
Wholesale Trade	110	1.3%
Retail Trade	291	2.5%
Transportation and Warehousing	73	0.5%
Finance and Insurance	4	0.0%
Real Estate and Rental and Leasing	224	2.6%
Professional, Scientific, and Technical Services	134	1.6%
Management of Companies and Enterprises	724	8.4%
Administration & Support and Waste Management and	1,265	14.8%
	403	4.7%

Total Primary Jobs		
	2017	Share
Total Primary Jobs	6,611	100.0%

Exhibit B - Report Showing Coordinates on the Site Consistent with What was Submitted



Start an analysis by using one of the tools below (Search, Import Geography, or Load .OTM file). Hover over the Help icons located throughout the application to see Help tips for using specific functionality. Sections in the control panel can be collapsed or opened by clicking the section title

**2016 and 2017 data now available!**  
[Read New Data Notice \(08/29/2019\)](#)

Search

Search All Names

Import Geography

- Import from KML
- Import from SHP
- Import from GPS

Load .OTM File

Click the "Load" button below to load a .OTM file.

Load

Save Load Feedback Previous Extent Hide Tabs Hide Chart/Report

**Import From GPS**

You can enter up to 10 GPS Coordinate pairs to form a set of points, a line or a polygon.

Point(s)
  Line
  Polygon

Longitude	Latitude
-102.083575	32.035663

Cancel Import

Map navigation controls: compass, zoom in (+), zoom out (-), pan arrows, scale bar (100 m / 500 ft), north arrow.

Click a Characteristic link in the Summary Report to see more detail.

View as Bar Chart

**Total Primary Jobs**

2017	
Count	Share
Total Primary Jobs	8,611 100.0%

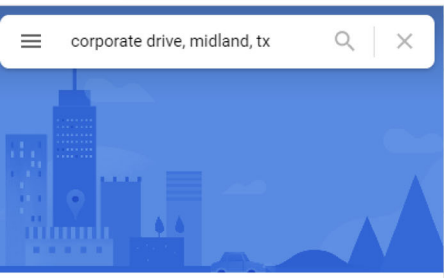
[Worker Age](#)

2017	
Count	Share
Age 29 or younger	1,769 20.5%
Age 30 to 54	4,733 55.0%
Age 55 or older	2,109 24.5%

[Earnings](#)

2017	
Count	Share
\$1,250 per month or less	1,047 12.2%
\$1,251 to \$3,333 per month	1,840 21.4%
More than \$3,333 per month	5,724 66.5%

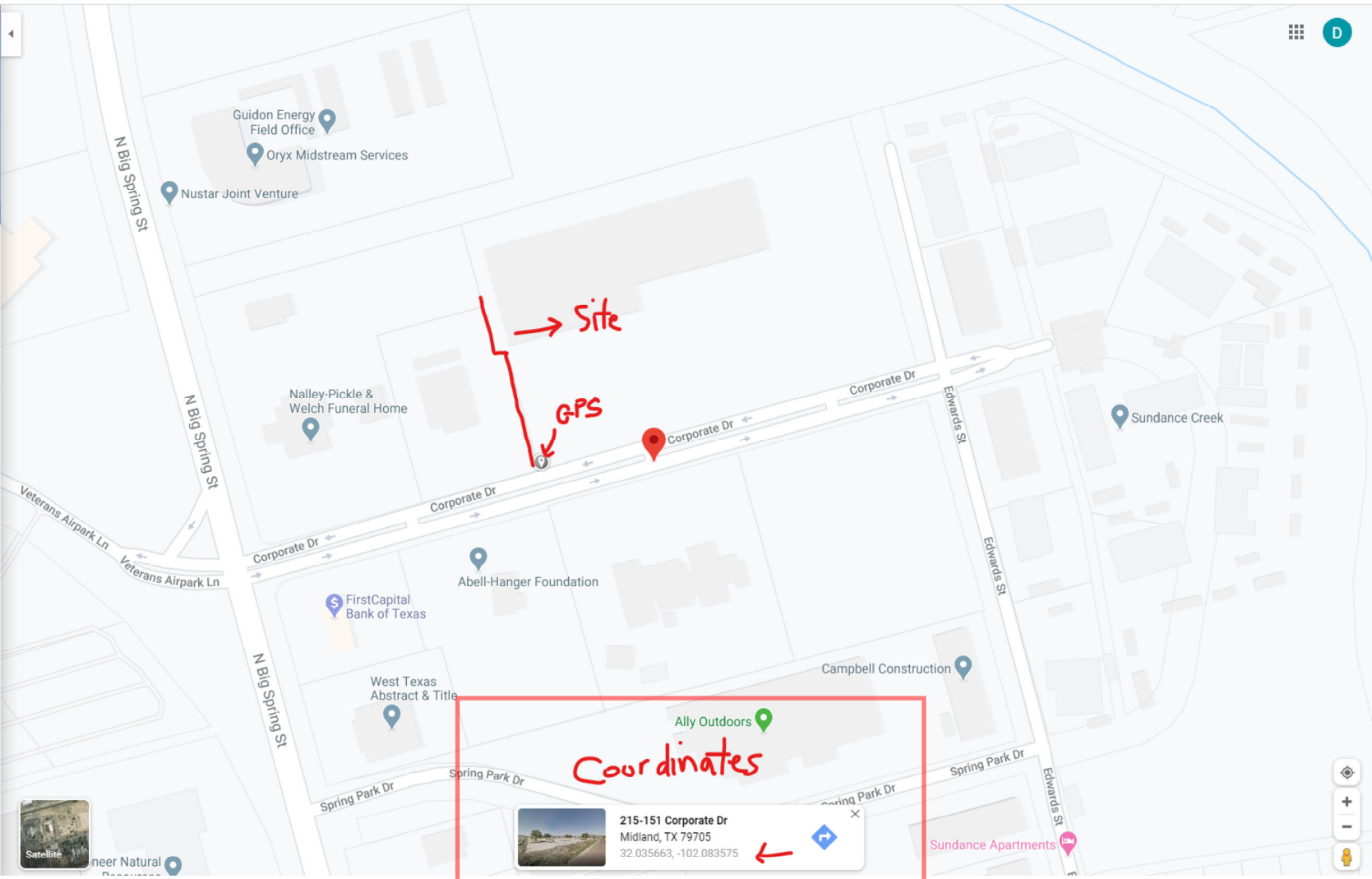




Corporate Dr  
Midland, TX 79705

- Directions
- Save
- Nearby
- Send to your phone
- Share

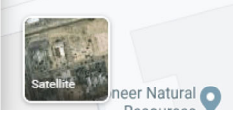
- Report a problem on Corporate Dr
- Add a missing place
- Add your business
- Add a label



Site  
GPS

Coordinates

215-151 Corporate Dr  
Midland, TX 79705  
32.035663, -102.083575

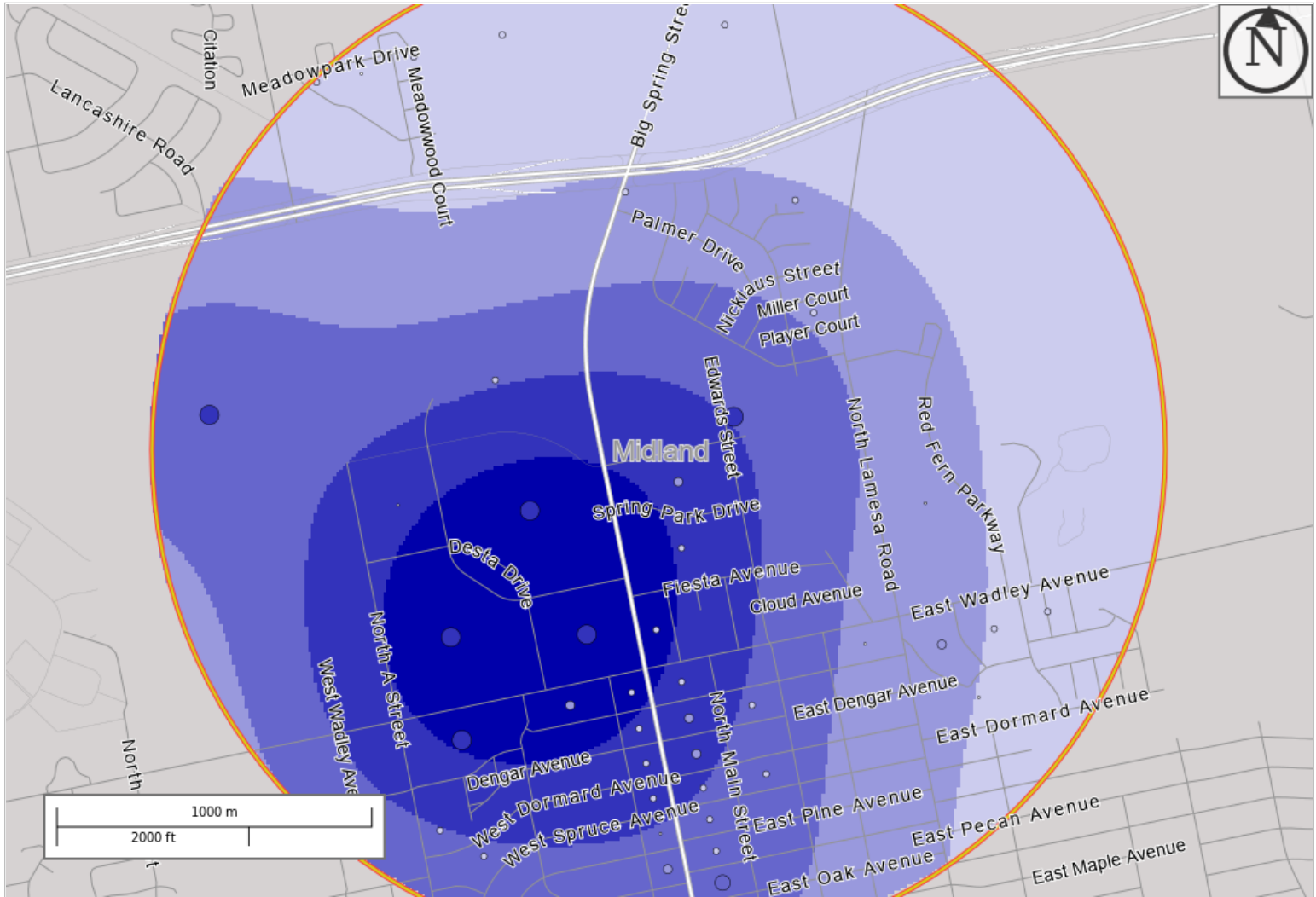


## Work Area Profile Report Primary Jobs for All Workers in 2017

Created by the U.S. Census Bureau's OnTheMap <https://onthemap.ces.census.gov> on 05/04/2020

### Counts and Density of Primary Jobs in Work Selection Area in 2017

All Workers



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

- 5 - 446
- 447 - 1,769
- 1,770 - 3,975
- 3,976 - 7,064
- 7,065 - 11,035

##### Job Count [Jobs/Census Block]

- 1 - 3
- 4 - 41
- 42 - 207
- 208 - 655
- 656 - 1,598

##### Selection Areas

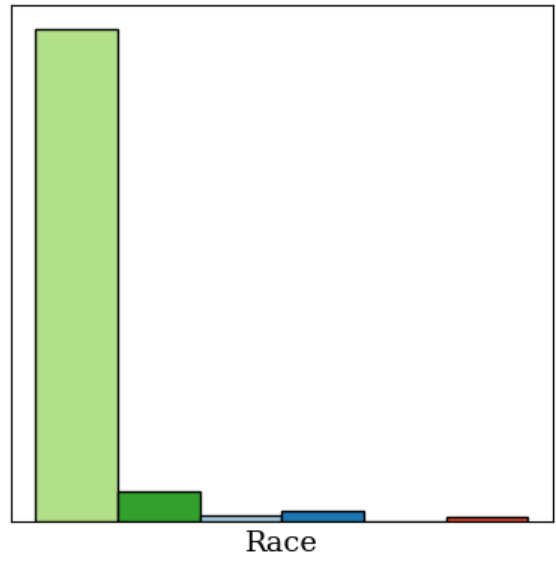
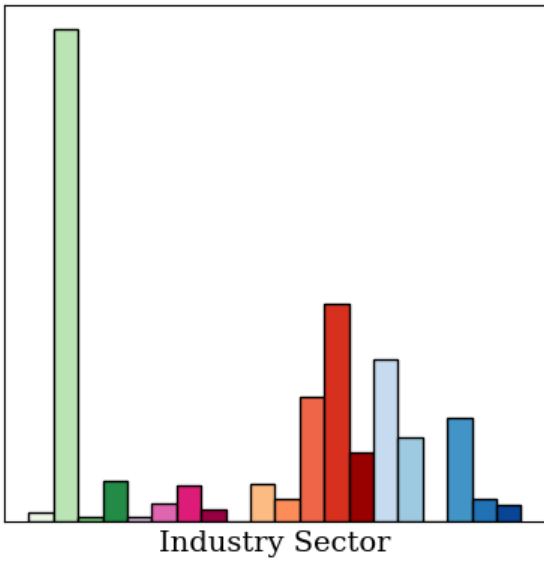
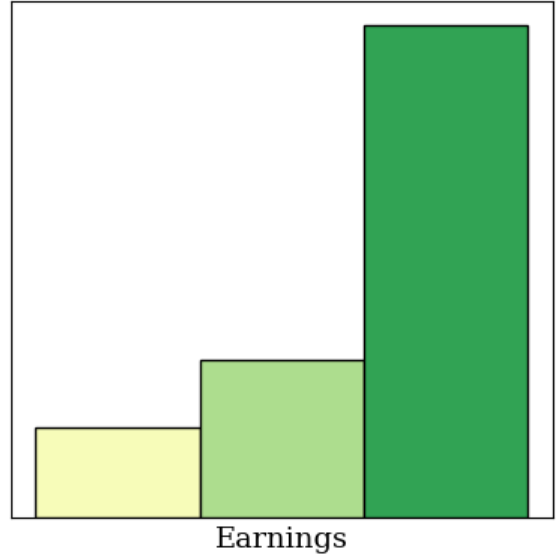
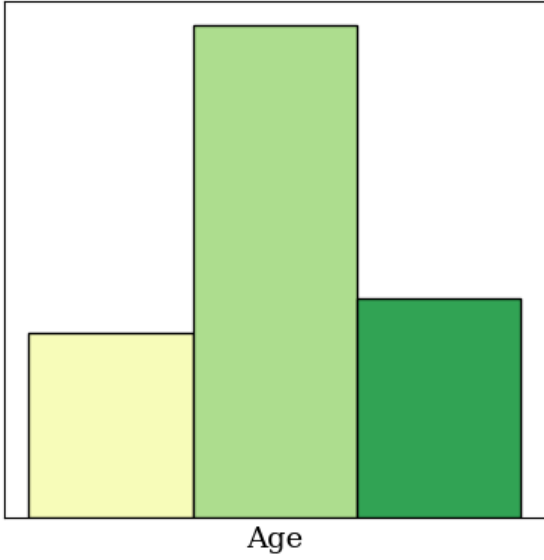
- 📍 Analysis Selection

Still Can't get this report to show the coordinates that were used.



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area



Primary Jobs for All Workers by Total in 2017

Employed in Selection Area

Total	2017	
	Count	Share
Total Primary Jobs	8,611	100.0



<b>Total</b>	2017	
	<b>Count</b>	<b>Share</b>
<b>Total Primary Jobs</b>	8,611	100.0

## Additional Information

### Analysis Settings

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2017
Job Type	Primary Jobs
Labor Market Segment	All Workers
Selection Area	Selection Area Freehand Drawing buffered 1.00 miles
Selected Census Blocks	120
Analysis Generation Date	05/04/2020 18:57 - OnTheMap 6.6
Code Revision	d7f8a300c9f4e458f61bc73d3099ca2cb8f8feaa
LODES Data Version	20170818

Still 2017 Data.

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2017).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.
4. Data on Federal employment are not available after 2015.

Exhibit C - US Census Data Confirmation

On May 14, 2020, at 8:13 AM, GEO Geography (CENSUS/GEO) <[geo.geography@census.gov](mailto:geo.geography@census.gov)> wrote:

Mona,

Thank you for your inquiry. The underlying LODES data has not changed since the data was released (August, 2019). The LODES data is the employment data and stands for: LEHD Origin-Destination Employment Statistics (LODES). The underlying geography associated with the data was the most recent at the time of release, vintage 2018. This also has not changed since the data was released.

Sincerely,

Artemis

---

**Geographic Customer Service Branch**  
Geography Division, U.S. Census Bureau

301-763-1128

[census.gov](https://census.gov) | [2020census.gov](https://2020census.gov) | [@uscensusbureau](https://@uscensusbureau)

---

**From:** Mona Amin <[mona@denisondevelopment.com](mailto:mona@denisondevelopment.com)>  
**Sent:** Wednesday, May 13, 2020 4:09 PM  
**To:** GEO Geography (CENSUS/GEO) <[geo.geography@census.gov](mailto:geo.geography@census.gov)>  
**Cc:** Colby Denison <[colby@denisondevelopment.com](mailto:colby@denisondevelopment.com)>; Martha Govea <[mgovea@denisondevelopment.com](mailto:mgovea@denisondevelopment.com)>  
**Subject:** On the Map Tool data set

Hello,

I hope you're doing well. I also left a message for you at 301 763 1128.

I am wanting to inquire about the data set that you are using to derive a GPS coordinate's proximity to jobs utilizing the On the Map tool (<https://onthemap.ces.census.gov/>). I need to determine if I would have obtained the same results had I run the query in January as I yield today.



When was your job proximity data set last updated? Any information you can give me will be much appreciated. Please feel free to reach out to me on my cell phone at any time.

Mona Amin  
Denison Development & Construction, Inc  
Operations Manager  
PO BOX 302707  
AUSTIN, TX 78703  
512 732 1226 (Office)  
512 732 1276 (Fax)  
512 554 3769 (Cell)

**PHYSICAL ADDRESS:**  
**1608 West 34<sup>th</sup> St, Suite A**  
**Austin, TX 78703**

20317  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 17, 2020

*Writer's direct phone # (512) 475-1676*  
*Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Michael Fogel  
Trinity San Angelo Walnut Trails, LP  
P.O. Box 41326  
Austin, Texas 78704

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20317 Walnut Trails

Dear Mr. Fogel:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application provided sufficient evidence for points under Proximity to Jobs and Sponsor Characteristics. The Application is currently under review by staff, and the information provided in your request will be considered during the review. If it is found that the application does not qualify for points under any scoring items points, Applicant will be sent a scoring notice and will have the ability to appeal staff's decision.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni  
Holloway  
Marni Holloway  
Multifamily Division Director

Digitally signed by Marni  
Holloway  
Date: 2020.06.17 14:29:30  
-05'00'

Cc: Colby Denison  
Stacy Swisher



20329  
Request for Administrative Deficiency



**Zimmerman AH Albatross, LLC**

1329 East Lark Street  
Springfield, MO 65804

4/22/2020

Texas Department of Housing and Community Affairs  
Marni Holloway, Director of Multifamily Finance  
Sharon Gamble, 9% HTC Administrator  
221 E 11<sup>th</sup> Street  
Austin, Texas 78701

Re: Third Party Request for Administrative Deficiency  
TDHCA Application #20329 – Fish Pond at Huntsville; Huntsville, Texas

Dear Ms. Holloway and Gamble,

Pursuant to §11.10 of the 2020 Qualified Allocation Plan (the QAP), please let this letter serve as our Third-Party Request for Administrative Deficiency (RFAD) with regards to Application #20329, Fish Pond at Huntsville (the Applicant). A copy of this request is also being delivered to representatives of the Fish Pond at Huntsville.

The Applicant is proposing a 48-unit development in Huntsville, Texas. In Tab 29, the Applicant provided signed documentation stating the development site costs are \$1,175,000 as shown in Attachment 1. In Tab 30, the Applicant showed the full amount included in Eligible Basis as shown in Attachment 2. Section §11.204(8)(E)(I) of the QAP states this “Applicants must provide a detailed cost breakdown of projected Site Work costs (excluding site amenities), if any, prepared by a Third Party engineer or cost estimator. If Site Work costs (excluding site amenities) exceed \$15,000 per Unit and are included in Eligible Basis, a letter must be provided from a certified public accountant allocating which portions of those site costs should be included in Eligible Basis.” Although the Applicants projects site costs are \$24,479 per unit, the Applicant did not provide a statement from a certified public accounting allocating which portions of the site costs should be included in Eligible Basis. Section §11.201(1)(A) the QAP states “An Applicant requesting funding from the Department must submit an Application in order to be considered for an award. An Application must be complete (including all required exhibits and supporting materials) and submitted by the required program deadline.” Since a letter from a certified public accountant is not included in the application, we request the Applicant is terminated as it did not meet Threshold required for this tab and was not a completed application.

If you have any questions or would like to discuss these items further, please do not hesitate to contact me directly at (417)-883-1632 via email at [VCZDevelop@wilhoitproperties.com](mailto:VCZDevelop@wilhoitproperties.com) any time.

Sincerely,



Vaughn C. Zimmerman  
Member

## Site Work Cost Breakdown

This form must be submitted with the Development Cost Schedule as justification of Site Work costs.

**Column A:** The Site Work activity reflected here must match the Site Work activity reflected in the Development Cost Schedule.

**Columns B and C:** In determining actual construction cost, two different methods may be used:

The construction costs may be broken into labor (Column B) and materials (Column C) for the activity; **OR**

The use of unit price (Column B) and the number of units (Column C) data for the activity.

**Column D:** To arrive at total construction costs in Column D:

If based on labor and materials, add Column B and Column C together to arrive at total construction costs.

If based on unit price measures, Column B is multiplied by Column C to arrive at total construction costs.

**Column E:** Any proposed activity involving the acquisition of real property, easements, rights-of-way, etc., must have the projected costs of this acquisition for the activity.

**Column F:** Engineering/architectural costs must be broken out by the Site Work activity.

**Column G:** Figures for Column G, Total Activity Cost, are obtained by adding together Columns D, E, and F to get the total costs.

**\*\*This form must be completed by a Third-Party engineer licensed to practice in the State of Texas. His or her signature and registration seal must be on the form.\*\***

**For Site Work costs that exceed \$15,000 per Unit and are included in Eligible Basis, a CPA letter allocating which portions of those site costs should be included in Eligible Basis and which ones may be ineligible must be submitted behind this tab.**

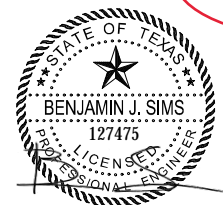
A. Activity	B. Labor or Unit Price	C. Materials or # of Units	D. Total Construction Costs	E. Acquisition Costs	F. Engineering / Architectural Costs	G. Total Activity Costs
Demolition	\$ -	1	\$ -			\$ -
Asbestos Abatement (Demolition Only)	\$ -	1	\$ -			\$ -
Detention	\$ -	1	\$ -			\$ -
Rough grading	\$ 500,000.00	1	\$ 500,000.00			\$ 500,000
Fine grading	\$ -	1	\$ -			\$ -
On-site concrete	\$ 150,000.00	1	\$ 150,000.00			\$ 150,000
On-site electrical	\$ 75,000.00	1	\$ 75,000.00			\$ 75,000
On-site paving	\$ 200,000.00	1	\$ 200,000.00			\$ 200,000
On-site utilities	\$ 150,000.00	1	\$ 150,000.00			\$ 150,000
Decorative masonry	\$ 50,000.00	1	\$ 50,000.00			\$ 50,000
Bumper stops, striping & signs	\$ 50,000.00	1	\$ 50,000.00			\$ 50,000
Other (specify) - see footnote 1	\$ -	1	\$ -			\$ -
<b>Total</b>						<b>\$ 1,175,000</b>

  
 Signature of Registered Engineer

2/26/20  
 Date

Benjamin Sims  
 Printed Name

Seal



If a revised form is submitted, date of submission: \_\_\_\_\_

# Development Cost Schedule

Self Score Total: 134

*This Development Cost Schedule must be consistent with the Summary Sources and Uses of Funds Statement. All Applications must complete the Total Cost column. Direct Loan Applicants should review costs ineligible for reimbursement with Direct Loan funds in 10 TAC §13.3(e), while all HTC Applicants must complete the Eligible Basis columns and the Requested Credit calculation below:*

TOTAL DEVELOPMENT SUMMARY		
Total	Eligible Basis (If Applicable)	
Cost	Acquisition	New/Rehab.

Scratch Paper/Notes

**ACQUISITION**

Site acquisition cost	1,025,000		
Existing building acquisition cost			
Closing costs & acq. legal fees	75,000		
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			
<b>Subtotal Acquisition Cost</b>	<b>\$1,100,000</b>	<b>\$0</b>	<b>\$0</b>

**OFF-SITES<sup>2</sup>**

Off-site concrete			
Storm drains & devices			
Water & fire hydrants			
Off-site utilities			
Sewer lateral(s)			
Off-site paving			
Off-site electrical			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			
<b>Subtotal Off-Sites Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**SITE WORK<sup>3</sup>**

Demolition			
Asbestos Abatement (Demolition Only)			
Detention			0
Rough grading	500,000		500,000
Fine grading	0		0
On-site concrete	150,000		150,000
On-site electrical	75,000		75,000
On-site paving	200,000		200,000
On-site utilities	150,000		150,000
Decorative masonry	50,000		50,000
Bumper stops, striping & signs	50,000		50,000
Other (specify) - see footnote 1			0
<b>Subtotal Site Work Cost</b>	<b>\$1,175,000</b>	<b>\$0</b>	<b>\$1,175,000</b>

**SITE AMENITIES**

Landscaping	200,000		200,000
Pool and decking			0
Athletic court(s), playground(s)	75,000		75,000
Fencing	135,000		135,000
Other (specify) - see footnote 1			0
<b>Subtotal Site Amenities Cost</b>	<b>\$410,000</b>	<b>\$0</b>	<b>\$410,000</b>

ALL OFF-SITE COSTS REQUIRE DOCUMENTATION. THOSE ENTERED IN BASIS REQUIRE MORE DOCUMENTATION!!! SEE 10 TAC §11.204(8)(E)(ii).

**BUILDING COSTS\*:**

Concrete	350,000		350,000	
Masonry	150,000		150,000	
Metals	30,000		30,000	
Woods and Plastics	900,000		900,000	
Thermal and Moisture Protection	75,000		75,000	
Roof Covering	100,000		100,000	
Doors and Windows	150,000		150,000	
Finishes	650,000		650,000	
Specialties	50,000		50,000	
Equipment	100,000		100,000	
Furnishings	15,000		15,000	
Special Construction			0	
Conveying Systems (Elevators)			0	
Mechanical (HVAC; Plumbing)	550,000		550,000	
Electrical	350,000		350,000	

**Individually itemize costs below:**

Detached Community Facilities/Building	150,000		150,000	
Carports and/or Garages	50,000		50,000	
Lead-Based Paint Abatement			0	
Asbestos Abatement (Rehabilitation Only)			0	
Structured Parking			0	
Commercial Space Costs			0	
<b>Subtotal Building Costs Before 11.9(e)(2)</b>	\$3,670,000	\$0	\$3,670,000	

98.28 vol el bldg cost max

**Voluntary Eligible Building Costs (After 11.9(e)(2))\*** \$94.02 psf \$3,705,000  
 Enter amount to be used to achieve desired score.

If NOT seeking to score points under §11.9(e)(2), E77:E78 should remain BLANK. True eligible building cost should be entered in line items E33:E74. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E77:E78 that produces the target cost per square foot in D77:D78. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.

<b>TOTAL BUILDING COSTS &amp; SITE WORK (including site amenities)</b>	\$5,255,000	\$0	\$5,255,000	
Contingency	7.00%	\$367,850	367,850	

<b>TOTAL HARD COSTS</b>	\$5,622,850	\$0	\$5,622,850	
-------------------------	-------------	-----	-------------	--

OTHER CONSTRUCTION COSTS	%THC			%EHC
General requirements (<6%)	6.00%	337,371	337,371	6.00%
Field supervision (within GR limit)				
Contractor overhead (<2%)	2.00%	112,457	112,457	2.00%
G & A Field (within overhead limit)				
Contractor profit (<6%)	6.00%	337,371	337,371	6.00%
<b>TOTAL CONTRACTOR FEES</b>		\$787,199	\$787,199	

<b>TOTAL CONSTRUCTION CONTRACT Before 11.9(e)(2)</b>	\$6,410,049	\$0	\$6,410,049	
--	-------------	-----	-------------	--

**Voluntary Eligible "Hard Costs" (After 11.9(e)(2))\*** \$157.48 psf \$6,205,733  
 Enter amount to be used to achieve desired score.

If NOT seeking to score points under §11.9(e)(2), E96:E97 should remain BLANK. True eligible cost should be entered in line items E83 and E87:E91. If requesting points under §11.9(e)(2) related to Cost of Development per Square Foot, enter the true or voluntarily limited costs in E96:E97 that produces the target cost per square foot in D96:D97. Enter Requested Score for §11.9(e)(2) at the bottom of the schedule in D202.





**OTHER FINANCING COSTS<sup>3</sup>**

Tax credit fees	40,548		
Tax and/or bond counsel			
Payment bonds			
Performance bonds	50,000		50,000
Credit enhancement fees			
Mortgage insurance premiums			
Cost of underwriting & issuance			
Syndication organizational cost	35,000		
Tax opinion	10,000		
Refinance (existing loan payoff amt)			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			
<b>Subtotal Financing Cost</b>	\$666,273	\$0	\$534,225

**DEVELOPER FEES<sup>3</sup>**

Housing consultant fees <sup>4</sup>			
General & administrative			
Profit or fee	1,587,100		1,546,500
<b>Subtotal Developer Fees</b>	20.00% \$1,587,100	\$0	\$1,546,500 20.00%

**RESERVES**

Rent-up - new funds			
Rent-up - existing reserves*			
Operating - new funds	178,737		
Operating - existing reserves*			
Replacement - new funds			
Replacement - existing reserves*			
Escrows - new funds			
Escrows - existing reserves*			
<b>Subtotal Reserves</b>	\$178,737	\$0	\$0

\*Any existing reserve amounts should be listed on the Schedule of Sources.

<b>TOTAL HOUSING DEVELOPMENT COSTS<sup>5</sup></b>	\$10,984,159	\$0	\$9,278,458
--	--------------	-----	-------------

The following calculations are for HTC Applications only.

**Deduct From Basis:**

Federal grants used to finance costs in Eligible Basis			
Non-qualified non-recourse financing			
Non-qualified portion of higher quality units §42(d)(5)			
Historic Credits (residential portion only)			
<b>Total Eligible Basis</b>		\$0	\$9,278,458
**High Cost Area Adjustment (100% or 130%)			130%
<b>Total Adjusted Basis</b>		\$0	\$12,061,996
Applicable Fraction			100%
<b>Total Qualified Basis</b>	\$12,061,996	\$0	\$12,061,996
Applicable Percentage <sup>6</sup>			9.00%
<b>Credits Supported by Eligible Basis</b>	\$1,085,580	\$0	\$1,085,580
<b>Credit Request</b> (from 17.Development Narrative)	\$ 900,000		

**Requested Score for 11.9(e)(2)** 10

\*11.9(c)(2) Cost Per Square Foot: DO NOT ROUND! Applicants are advised to ensure that the figure is not rounding down to the maximum dollar figure to support the elected points.

Name of contact for Cost Estimate: David Fournier

Phone Number for Contact: 512-970-3889

If a revised form is submitted, date of submission: \_\_\_\_\_

20329  
Staff Determination



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

[www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
Leslie Bingham, *Vice Chair*  
Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 9, 2020

*Writer's direct phone # (512) 475-1676*  
*Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Vaughn C. Zimmerman  
Zimmerman AH Albatross, LLC  
1329 East Lark Street  
Springfield, MO 65804

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20329 Fish Pond at Huntsville, Huntsville

Dear Mr. Zimmerman:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application included a letter from a certified public accountant allocating which portions of those site costs should be included in Eligible Basis.

I find that the assertion(s) in the RFAD have been addressed through the Application review and deficiency process, and the RFAD does not contain new information. Pursuant to 10 TAC §11.10, staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

Marni Holloway

Digitally signed by Marni  
Holloway  
Date: 2020.06.09 08:52:52  
-05'00'

Marni Holloway  
Multifamily Division Director

Cc: David Fournier  
Juli Gonzalez







Texas Department of Housing and Community Affairs  
 P.O. Box 13941  
 Austin, TX 78711-3941

To whom it may concern,

We are writing this letter in accordance with TAC §11.204(8)(E)(i) to state that we have reviewed the site work costs for Fish Pond Living at Huntsville, LP and determined that the following costs should be included in the eligible basis calculation.

Activity	Labor or Unit Price	Eligible Costs	Ineligible Costs
Rough grading	\$ 500,000	\$ 500,000	\$ -
On-site concrete	150,000	150,000	-
On-site electrical	75,000	75,000	-
On-site paving	200,000	200,000	-
On-site utilities	150,000	150,000	-
Decorative masonry	50,000	50,000	-
Bumper stops, striping & signs	50,000	50,000	-
<b>Total</b>	<b>\$ 1,175,000</b>	<b>\$ 1,175,000</b>	<b>\$ -</b>

Should you have any further questions, please contact Jeremy Densmore at (470) 273-6619.

Sincerely,

*Tidwell Group, LLC*

Atlanta, Georgia  
 February 28, 2020

20342  
Request for Administrative Deficiency

**JZ – LZ AH BETCO, LLC**

1329 East Lark Street  
Springfield, MO 65804

Date: 5/1/2020

Marni Holloway, Director of Multifamily Finance  
Sharon Gamble, 9% HTC Administrator  
Texas Department of Housing and Community Affairs  
221 E 11<sup>th</sup> Street  
Austin, Texas 78701

Re: §11.10. Third Party Request for Administrative Deficiency;  
TDHCA Application #20342 – The Cottages at Cedar Ridge, Elgin, Texas;

Dear Ms. Holloway and Gamble,

Pursuant to §11.10 of the 2020 Qualified Allocation Plan (the “QAP”), please let this letter serve as our Third-Party Request for Administrative Deficiency (“RFAD”) with regards to Application # 20342 (the “Cottages at Cedar Ridge Application”). A copy of this request is being delivered concurrently to representatives of the Cottages at Cedar Ridge Application.

In order to qualify for five points under §11.9(c)(8) of the QAP associated with readiness to proceed (“RTP Points”), a proposed development needs to satisfy all requirements listed under §11.9(c)(8) of the QAP.

§11.9(c)(8) states the following: *“Readiness to proceed in disaster impacted counties. An Application for a proposed Development that is located in a county declared by the Federal Emergency Management Agency to be eligible for individual assistance within three years preceding December 1, 2019, that provides a certification that they will close all financing and fully execute the construction contract on or before the last business day of November. or as otherwise permitted under subparagraph (C) of this paragraph. For the purposes of this paragraph only, an Application may be designated as “priority.”*

The Cottages at Cedar Ridge Application is located at approximately County Line Road/North Avenue C, Elgin, Texas 78621 (the “Proposed Development Site”). The Proposed Development Site falls entirely within census tract #48453001854, which is located in Travis county. Travis county has not had an individual assistance declaration from Federal Emergency Management Agency (“FEMA”) within the preceding three years from December 1, 2019. Travis county did have a FEMA declaration on February 25, 2019 (DR – 4416) that was eligible for public assistance (see Exhibit A), but the QAP requirement is for counties that receive **individual** assistance, not **public** assistance. Furthermore, even though the Cedar Ridge Application provided support in the application that identifies Travis county as being eligible to claim RTP Points (see Exhibit B), the Department corrected this error and published another Readiness to Proceed list on November 22, 2019, that removed these ineligible counties. This updated list was accompanied with a list serve announcement on November 22, 2019 that specifically identified the error and listed the counties that were affected by this correction, which specifically names Travis county as one of the affected counties ineligible for RTP Points (see Exhibit D). Moreover, the final list of counties published by the Department on January 22,

2020, clearly does not include Travis county as being eligible to claim RTP Points (see Exhibit C). It is the applicant's responsibility to independently verify information provided by the Department, and it is also the applicant's responsibility to ensure the information being used in the application is the most up-to-date information available (where applicable). The QAP specifically speaks to the applicant's responsibility of due diligence in §11.1(b), which states the following: *"it remains the sole responsibility of the Applicant to perform independently the necessary due diligence to research, confirm, and verify any data, opinions, interpretations, or other information upon which an Applicant bases an Application or includes in any submittal in connection with an Application."*

Therefore, we believe the Cottages at Cedar Ridge Application fails to be eligible to claim RTP Points because the Proposed Development Site is not located in a county that is eligible under the requirements of §11.9(c)(8) of the QAP. Accordingly, we request staff deny the Cedar Ridge Application as being eligible to claim points under §11.9(c)(8), which would result in a loss of five points from the Cottages at Cedar Ridge Application final score.

If you have any questions or would like to discuss these items further, please do not hesitate to contact me or my staff at (417) 885-3500 or via email at [mforster@wilhoitproperties.com](mailto:mforster@wilhoitproperties.com) any time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donna L. Zimmerman". The signature is fluid and cursive, with a horizontal line extending from the end.

Donna L. Zimmerman, Member  
JZ - LZ AH BETCO, LLC



# Texas Severe Storms And Flooding (DR-4416)

Navigation

Search

Languages

Incident Period: September 10, 2018 - November 02, 2018

Major Disaster Declaration declared on February 25, 2019

Texas Severe Storms And Flooding (DR-4416) (/disaster/4416)

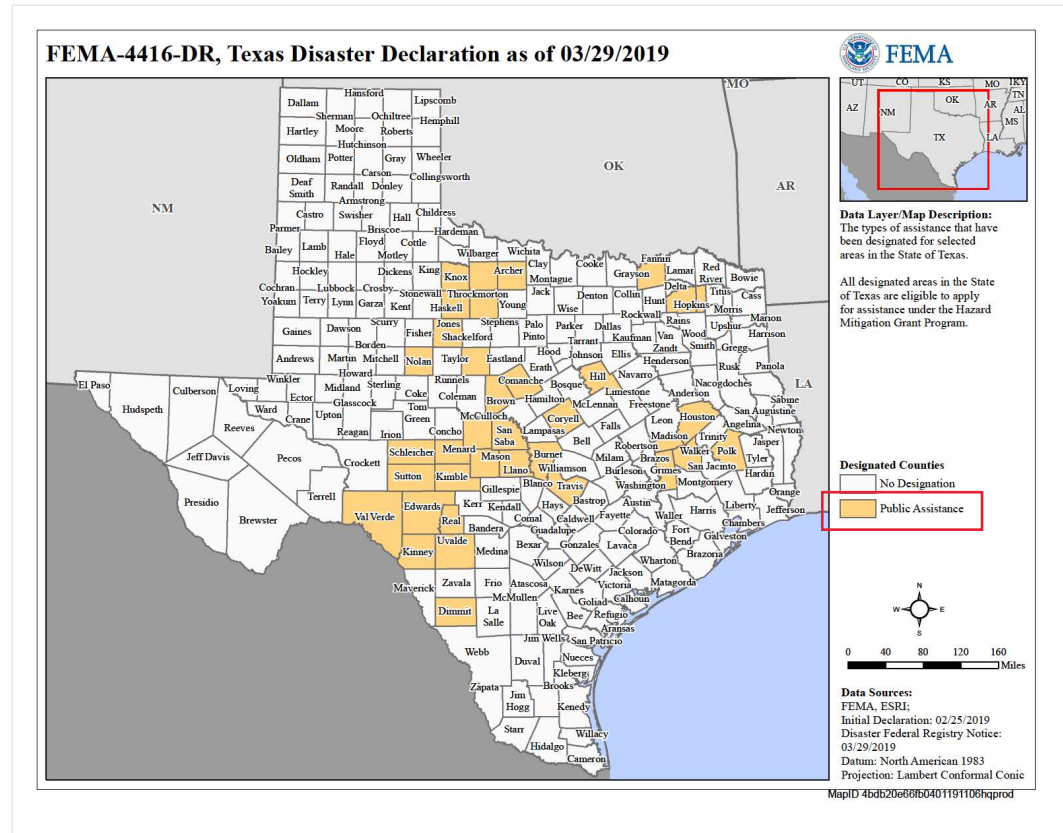
Designated Areas (/disaster/4416/designated-areas)

Disaster Federal Register Notices (/disaster/4416/notices)

Individual Assistance Declaration Factors (/individual-assistance-declaration-factors)

FOIA Statistics (/disaster/4416/foia)

News (/disaster/4416/updates-blog-and-news)



[PDF of Map](https://gis.fema.gov/maps/dec_4416.pdf) ([/gis.fema.gov/maps/dec\\_4416.pdf](https://gis.fema.gov/maps/dec_4416.pdf)) [Google Earth](https://gis.fema.gov/maps/dec_4416.kmz) ([/gis.fema.gov/maps/dec\\_4416.kmz](https://gis.fema.gov/maps/dec_4416.kmz)) [Need help with this map?](https://webform/ask-question) ([/webform/ask-question](https://webform/ask-question))

Total Public Assistance Grants  
Dollars Obligated: \$43,927,074.98

[➤ Expand All Sections](#)

# Exhibit B



## 2020 FEMA Declared Disaster Areas Counties Eligible under §11.9(d)(8) of the 2020 QAP

### Readiness to Proceed in Disaster Impacted Counties

As of November 20, 2019

Aransas	Edwards	Jones	Orange
Archer	Fannin	Karnes	Polk
Austin	Fayette	Kimble	Real
Bastrop	Fort Bend	Kinney	Refugio
Baylor	Galveston	Kleberg	Sabine
Bee	Goliad	Knox	San Jacinto
Brazoria	Gonzales	Lavaca	San Patricio
Brown	Grimes	Lee	San Saba
Burnet	Hardin	Liberty	Schleicher
Caldwell	Harris	Llano	Sutton
Calhoun	Haskell	Madison	Throckmorton
Callahan	Hidalgo	Mason	<b>Travis</b>
Cameron	Hill	Matagorda	Tyler
Chambers	Hopkins	McCulloch	Uvalde
Colorado	Houston	Menard	Val Verde
Comanche	Jackson	Montgomery	Victoria
Coryell	Jasper	Newton	Walker
DeWitt	Jefferson	Nolan	Waller
Dimmit	Jim Wells	Nueces	Wharton
			Willacy



#### TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

221 E. 11th St., Austin, TX 78701  
P.O. Box 13941, Austin, TX 78711

Main Number: 512-475-3800  
Toll Free: 800-525-0657

Email: [Info@tdhca.state.tx.us](mailto:Info@tdhca.state.tx.us)  
Web: [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

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# EXHIBIT C



## INFORMATION APPLICABLE TO PROCLAMATIONS TO BE USED IN SCORING DISASTER POINTS LIMITATIONS ON THE TYPE OF DISASTER DECLARATION

### **10 TAC §11.9(c)(8) related to Readiness to Proceed in Disaster Impacted Counties**

To qualify for points under this scoring item, an Application for a proposed Development must be located **in a county declared by the Federal Emergency Management Agency ("FEMA") to be eligible for individual assistance** within the three years preceding December 1, 2019. Page two of this document includes the counties that are eligible for five points under 10 TAC §11.9(c)(8).

### **10 TAC §11.9(d)(3) related to Declared Disaster Area**

To qualify for points under this scoring item, an Application for a proposed Development must be located **in a county declared a disaster by the Governor under Tex. Gov't Code §418.014 related to Declaration of State of Disaster** within the two years preceding the date of Application submission. Any other declarations, including presidential and FEMA declarations for areas that don't meet this requirement, will not qualify for points under this scoring item. Page three of this document includes a list of the counties that are eligible for ten points under 10 TAC §11.9(d)(3).

### **APPLICABLE TIME LIMITS**

For Applicants wishing to score points for a Development to be located in one of these counties, a complete Application must be received prior to 5:00 p.m., Austin local time on February 28, 2020.

**If additional counties are declared prior to February 28, 2020, the lists will be updated.**

### **WEB ADDRESSES FOR RESEARCHING DISASTER PROCLAMATIONS MADE BY THE TEXAS GOVERNOR**

The most recent proclamations are best obtained at the following web address:

<http://gov.texas.gov/news/proclamation>

Older proclamations are best obtained at the following web address:

<http://www.lrl.state.tx.us/legeLeaders/governors/searchDisaster.cfm>

### **WEB ADDRESS FOR RESEARCHING TEXAS DISASTER PROCLAMATIONS MADE BY FEMA**

<https://www.fema.gov/disasters/state-tribal-government/0/TX>

**If you believe a county has been omitted from the list, please submit evidence to Sharon Gamble, Competitive Housing Tax Credit Administrator, at:**

[sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us)



**2020 FEMA Declared Disaster Areas  
Counties Eligible under  
§11.9(d)(8) of the 2020 QAP  
Readiness to Proceed in Disaster Impacted Counties  
As of January 22, 2020**

Aransas	Fayette	Jefferson	Orange
Austin	Fort Bend	Jim Wells	Polk
Bastrop	Galveston	Karnes	Refugio
Bee	Goliad	Kleberg	Sabine
Brazoria	Gonzales	Lavaca	San Jacinto
Caldwell	Grimes	Lee	San Patricio
Calhoun	Hardin	Liberty	Tyler
Cameron	Harris	Matagorda	Victoria
Chambers	Hidalgo	Montgomery	Walker
Colorado	Jackson	Newton	Waller
DeWitt	Jasper	Nueces	Wharton
			Willacy



**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

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Relay Texas: 800-735-2989 (TTY) and 711 (Voice).







## 2020 Declared Disaster Areas

### Counties Eligible under §11.9(d)(3) of the 2020 QAP as of November 20, 2019

Andrews	Comanche	Hansford	Leon	Rains	Washington
Angelina	Concho	Hardeman	Liberty	Randall	Webb
Aransas	Coryell	Hardin	Limestone	Real	Wharton
Archer	Cottle	Harris	Lipscomb	Refugio	Wheeler
Armstrong	Crockett	Hartley	Live Oak	Roberts	Wichita
Atascosa	Crosby	Haskell	Llano	Robertson	Wilbarger
Austin	Dallam	Hays	Loving	Rockwall	Willacy
Bandera	Dallas	Hemphill	Lubbock	Runnels	Williamson
Bastrop	Dawson	Hidalgo	Lynn	Rusk	Wilson
Baylor	Deaf Smith	Hill	Madison	Sabine	Winkler
Bee	DeWitt	Hood	Martin	San Augustine	Wood
Bell	Dickens	Hopkins	Mason	San Jacinto	Yoakum
Bexar	Dimmit	Houston	Matagorda	San Patricio	Young
Blanco	Donley	Howard	Maverick	San Saba	Zapata
Borden	Duval	Hunt	McCulloch	Schleicher	Zavala
Bosque	Eastland	Hutchinson	McLennan	Scurry	
Brazoria	Edwards	Irion	McMullen	Shackelford	
Brazos	Ellis	Jackson	Medina	Shelby	
Briscoe	Erath	Jasper	Menard	Sherman	
Brooks	Falls	Jefferson	Midland	Somervell	
Brown	Fannin	Jim Hogg	Milam	Starr	
Burleson	Fayette	Jim Wells	Mills	Stephens	
Burnet	Fisher	Johnson	Mitchell	Sterling	
Caldwell	Floyd	Jones	Montgomery	Stonewall	
Calhoun	Foard	Karnes	Moore	Sutton	
Callahan	Fort Bend	Kaufman	Motley	Swisher	
Cameron	Freestone	Kendall	Nacogdoches	Tarrant	
Carson	Frio	Kenedy	Navarro	Taylor	
Cass	Gaines	Kent	Newton	Terry	
Castro	Galveston	Kerr	Nolan	Throckmorton	
Chambers	Garza	Kimble	Nueces	Tom Green	
Cherokee	Gillespie	King	Ochiltree	Travis	
Childress	Glasscock	Kinney	Oldham	Trinity	
Cochran	Goliad	Kleberg	Orange	Tyler	
Coke	Gonzales	Knox	Palo Pinto	Uvalde	
Coleman	Gray	La Salle	Panola	Val Verde	
Collin	Grimes	Lamar	Parker	Van Zandt	
Collingsworth	Guadalupe	Lampasas	Parmer	Victoria	
Colorado	Hall	Lavaca	Polk	Walker	
Comal	Hamilton	Lee	Potter	Waller	

**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**



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P.O. Box 13941, Austin, TX 78711    Toll Free: 800-525-0657    Web: [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

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# Exhibit D

**Michael Beard**

---

**Subject:** FW: TDHCA: Revised 2020 Multifamily Uniform Application Materials

From: **TDHCA** <[do-not-reply@tdhca.state.tx.us](mailto:do-not-reply@tdhca.state.tx.us)>

Date: Fri, Nov 22, 2019 at 4:24 PM

Subject: TDHCA: Revised 2020 Multifamily Uniform Application Materials

To: <[lora@betcodev.com](mailto:lora@betcodev.com)>

The Texas Department of Housing and Community Affairs' (TDHCA) Multifamily Finance Division has posted revised 2020 Multifamily Uniform Application materials at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>.

The 2020 List of Declared Disaster Areas posted on Wednesday, November 20, 2019, has been revised to incorporate the following:

10 TAC Section 11.9(c)(8), related to readiness to proceed in disaster impacted counties, requires that in order for a county to qualify an application for scoring under this item, the county must be declared by the Federal Emergency Management Agency (FEMA) to be eligible for individual assistance within three years preceding December 1, 2019. On February 25, 2019, FEMA issued major disaster declaration 4416-DR-TX, amended on March 29, 2019, which together designated 35 counties as eligible for public assistance, but not for individual assistance as required by the rule. The following counties were included in the 2020 List of Declared Disaster Areas in error:

Archer, Baylor, Brown, Burnet, Callahan, Comanche, Coryell, Dimmit, Edwards, Fannin, Franklin, Haskell, Hill, Hopkins, Houston, Jones, Kimble, Kinney, Knox, Llano, Madison, Mason, McCulloch, Menard, Nolan, Polk, Real, San Saba, Schleicher, Sutton, Throckmorton, Travis, Uvalde, and Val Verde.

Grimes County remains eligible because it is included under FEMA major disaster declaration 4332-DR-TX, which includes counties impacted by Hurricane Harvey. This revision does not affect the list of counties eligible for points under 10 TAC Section 11.9(d)(3), related to declared disaster areas.

The 2020 Draft Multifamily Uniform Application posted on Monday, November 18, 2019, has been revised to incorporate the following:

- Tab 6b, Multifamily Direct Loan (MFDL) Self Score, has been added. The form is only applicable if MFDL funds are requested and will self-populate based on scoring selections made throughout the Application. As with 9% housing tax credit applications, Applicants are not required to request points.
- Tab 17, Development Narrative, Section 6: the drop-down boxes under "Multifamily Direct Loan Only" (Y88 and AH88) were unlocked. The boxes are only applicable if MFDL funds are requested.
- Tab 19, Development Activities II, Section 3: a new MFDL scoring item, Subsidy per Unit, has been added. The item is only applicable if MFDL funds are requested.

The Payment Receipt posted on Wednesday, November 20, 2019, has been revised to add a selection box for the 4% HTC Certificate of Bond Reservation, which must be received by TDHCA before a 4% application can be accepted.

If you have questions about any of the posted documents, please contact TDHCA Competitive HTC Program Administrator Sharon Gamble at [sharon.gamble@tdhca.state.tx.us](mailto:sharon.gamble@tdhca.state.tx.us).

-----  
Please do not reply to this email. It is from an unattended email address. To contact the Texas Department of Housing and Community Affairs, get more information, or view a slideshow of recent TDHCA activities, visit <http://www.tdhca.state.tx.us/> in your Web browser. Like us on facebook (<http://www.facebook.com/TDHCA>) and follow us on twitter (<http://twitter.com/TDHCA>).

Login to your email list account to edit your subscription:

<http://maillist.tdhca.state.tx.us/list/login.html?lui=f9mu0g2g&mContainer=2&mOwner=G382s2w2r2p&mAddress=lora%40BETCODEV.COM>

Unsubscribe from this list:

<http://maillist.tdhca.state.tx.us/list/leave.html?lui=f9mu0g2g&mContainer=2&mOwner=G382s2w2r2p&mListId=HL%233&address=lora%40BETCODEV.COM&val=f2kurkwy&d=191122A%2C1848%2C1>

--

Lora Myrick

President

812 San Antonio, Suite L-14

Austin, Texas 78701

(512) 785-3710

[www.betcohousinglab.com](http://www.betcohousinglab.com)



20342  
Staff Determination





TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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Greg Abbott  
GOVERNOR

**BOARD MEMBERS**  
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Paul A. Braden, Member  
Sharon Thomason, Member  
Leo Vasquez, Member

June 9, 2020

*Writer's direct phone # (512) 475-1676*  
*Email: [marni.holloway@tdhca.state.tx.us](mailto:marni.holloway@tdhca.state.tx.us)*

Donna L. Zimmerman  
JZ-LZ AH BETCO, LLC  
1329 E. Lark Street  
Springfield, MO 65804

RE: REQUEST FOR ADMINISTRATIVE DEFICIENCY: 20342 The Cottages at Cedar Ridge

Dear Ms. Zimmerman:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your Third Party Request for Administrative Deficiency (RFAD) requesting that the Department review the Application above to determine whether the Application qualifies for points under Readiness to Proceed. I find that the assertion(s) in the RFAD have been addressed through the Application review and deficiency process, and the RFAD does not contain new information. For your information, the issue is scheduled to be presented to the Board as a scoring appeal on June 25, 2020.

Staff will provide to the Board, at its meeting of June 25, 2020, a written report summarizing each third party request for administrative deficiency and the manner in which it was addressed. You may provide testimony on this report before the Board takes any formal action to accept the report. The results of a RFAD may not be appealed by the requestor.

For purposes of staff's review of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,  
Marni  
Holloway

Digitally signed by Marni  
Holloway  
Date: 2020.06.09 08:54:12  
-05'00'

Marni Holloway  
Multifamily Division Director

Cc: Lee Zieben  
Charisse Harris

