

**City Council Questions
April 23, 2019 Council Meeting**

ITEM 3.1 2645-2655 FAYETTE DRIVE

Council: Please note staff was just recently made aware of changes to this project. They do not change the fundamental questions being posed at the Study Session. Attached is a memo explaining the situation and staff can provide more information at the meeting.

Memo Correction

The in-lieu Community Benefits amount to achieve Tier 1 status in the Study Session Memo was miscalculated. It used the entire proposed square footage when it should have used the proposed square footage minus 1.35 FAR (which is the allowed Base density). Rather than \$1.6 million, it would be \$746,000 based on the standard \$22.40 per square foot.

Clarification of Community Benefits Options

Staff wishes to clarify paragraph two on Page 6 of the Study Session Memo. A footnote to Table 4-3 on page 75 of the San Antonio Precise Plan states that in order to qualify for 5 stories, a project can provide public benefits per Table 5-1 on page 103 of the Precise Plan OR major open space improvements listed in Table 4-2 Precise Plan. Generally, we would look to Table 5-1 as the expected public benefits. Below are the three tables.

TABLE 4-3 Mixed Use Corridor Intensity and Height Standards

	INTENSITY TYPE	
	Base	Tier 1
MAXIMUM FLOOR AREA	1.35 Up to 0.50 can be office or commercial	1.85 FAR Up to 0.50 FAR can be office or commercial
MAXIMUM STORIES	3 stories	4 stories ¹
MAXIMUM BUILDING HEIGHT	45 feet	55 feet ¹
PUBLIC BENEFITS REQUIREMENT	No public benefit contribution required.	Public benefit contribution required.

1. Up to 5 stories (65 feet) will be considered on a case-by-case basis if project provides significant public benefits or major open space improvements per Figure 4-2. Additional height (in feet) may be allowed if needed to accommodate commercial uses.

TABLE 4-2 Permitted Active Space Types

EXTERIOR SPACES
Public open spaces, landscaping & plazas
Stoops or pedestrian entries
Outdoor dining areas
Amenity areas with seating, bicycle parking, etc.
INTERIOR SPACES
Retail and restaurants with transparent storefronts.
Services and educational/cultural spaces that have regular customer foot traffic and transparent storefronts.
Hotel lobbies or residential amenity areas with transparent storefronts.

TABLE 5-1: Public Benefits	
TYPE OF PUBLIC BENEFIT	EXAMPLES OF PUBLIC BENEFIT
Affordable Housing	Development of affordable units on- or off-site, including: <ul style="list-style-type: none"> • Provision of units over and above the amount required under existing regulations. On-site units preferred over off-site units. • Provision of units instead of payment of housing impact fees.
Pedestrian and bicycle amenities	On-site and off-site pedestrian and bicycle improvements, above and beyond those required by the development standards. These may include but are not limited to: <ul style="list-style-type: none"> • Enhanced pedestrian-oriented streetscapes. • Protected bicycle lanes and pedestrian pathways, improved bicycle and pedestrian crossings/signals, bicycle racks/shelters. • New pedestrian and bicycle connections to transit facilities, schools, neighborhoods, etc. • Removal or contribution to removal of existing pedestrian and bicycle barriers (e.g. grade-separated crossings). • Upgrading traffic signals to enhance pedestrian and bicycle safety.
Public parks and open space	Providing publicly accessible parks, plazas, tot lots, etc., above and beyond existing Park Land Dedication Fees and required open area standards or contributions to off-site publicly accessible open spaces available to the community.
Other	<ul style="list-style-type: none"> • Contributions to and/or space provided for community facilities, affordable small business/non-profit spaces, etc. • Providing publicly accessible parking to serve area-wide/shared parking needs. • Off-site utility infrastructure improvements above and beyond those required to serve the development. • Funds in lieu of improvements. • Other public benefits proposed by the developer and approved by the City Council.

1. Did the entitlements for the 24-unit project that was approved on June 7, 2016 expire?

The permit and Tentative Map approved on June 7, 2016, had a two-year expiration period. The applicant received a one-year extension from the Zoning Administrator on August 22, 2018, extending the permit and Tentative Map expiration to June 7, 2019. A project is required to have received a Building Permit and Tentative Map recordation by this expiration date. The applicant has not yet submitted for a Building Permit at this time. Since the Building Permit process takes time to review, it is likely that the project approvals will expire.

2. Why does the staff report say that the BMR program is being modified for 15% ownership requirement when the (new) Council has not discussed this yet?

The BMR program is in the process of being modified per Council direction to increase the ownership requirement to 15% during Phase 2 of the program's modifications (Phase 1 concluded last year and increased the rental requirement to 15% per Council direction). The EPC and Council will be providing input on the draft modifications in upcoming Study Sessions (4/29 and 5/14, respectively).

3. What is the zoning for the properties around the project site that are not in the San Antonio Precise Plan?
 - **South: El Camino Real Precise Plan – Medium-Intensity Corridor which allows 1.35 FAR, 3 stories, and 45 feet in height as Base development and 1.85 FAR, 4 stories, and 55 feet as Tier 1 development with community benefits. The El Camino Real Precise Plan Medium Intensity Corridor area does not have a 5-story option.**
 - **West: R3-D which allows 1.05 FAR, 3 stories, and 45 feet max in height (36 feet to the wall plate)**

4. What is the maximum height in feet of the three different versions of the project? (Table on pages 3 and 4 of the staff report)
 - **Original approved project: Four stories, 45' max, 36' wall plate**
 - **Gatekeeper Request: Five stories, 55' max, max wall plate not discussed in Gatekeeper request.**
 - **Revised Gatekeeper Request: Six stories, 72' wall plate, 82' roof trellises, 91' max at roof elevator shaft.**

5. What bicycle and pedestrian improvements are already planned for in the San Antonio area? Which ones are not funded? Which ones are funded by the General Fund?

Most of the pedestrian and bicycle improvements that are planned for the San Antonio area will be implemented as part of offsite improvements constructed by developers, rather than by City funds. These include a new signal across California between San Antonio and Pacchetti, improvements to the California/Pacchetti intersection, improvements to the bike lanes on the north side of California between San Antonio and Pacchetti, and a raised crosswalk across Pacchetti north of California.

The major exception is the Mayfield tunnel, which is a City Capital Improvement Project. Preliminary design/environmental clearance is currently funded with a combination of Construction/Conveyance Tax (\$1.1 million) and developer contributions/San Antonio Public Benefit Funds (\$3 million).

6. From the staff report: “As part of the State Density Bonus requirements, 11 percent of the units – composed of five 1-bedroom condominium units averaging 831 square feet in size – would be affordable for very low-income households at 50 percent of the Area Median Income or lower, which qualifies it for a density bonus of 35 percent.”
 - a. Don't the BMR units need to reflect the unit mix of the market-rate units under the State Density Bonus Law?
Yes, for BMR units to count towards the Density Bonus there must be a similar mix.
 - b. Could the BMR units be rental instead of ownership?
Yes. However, the applicant is not currently proposing them as rentals.

7. How much additional funding does the Mayfield tunnel require? Could the community benefit contribution from this project be used to help fund the tunnel?

The Community Benefit funds received from this project will be placed in the San Antonio Community Benefit Fund. The Council can then determine with the Capital Improvement Program how to allocate those funds. The Mayfield Tunnel Construction would be an appropriate candidate in future years. The Mayfield Tunnel Construction is currently estimated to be \$11M.

MF Construction of the Mayfield tunnel is not yet funded, and the current estimate is \$11 million. Community benefit funds could be allocated to this project.

8. One of the possible options for community benefits is hotel lobbies or residential amenities with transparent storefronts. Are these meant to be publicly accessible or just publicly visible? Has this option been used before and if so, how?

These could be publicly accessible or just publicly visible. They are meant to activate the street and provide a more aesthetically pleasing pedestrian environment if they are not publicly accessible. It is a common best practice for residential buildings to include lobbies, gyms, community rooms, etc. on the ground floor facing a main sidewalk to provide more transparency and visual interest to the public realm.

9. The staff report says, "The Draft BMR requirements will include a 15 percent ownership requirement based on Council direction..." I assume that means a 15% affordable ownership requirement in ownership projects. Is that right?

Correct. The BMR program is in the process of being modified per Council direction to increase the ownership requirement to 15% during Phase 2 of the program's modifications.

10. Are school fees allowed as a community benefit?

The City cannot require the payment of school fees in excess of state law. The City could choose to accept and incentivize the developer's voluntary provision of assistance to the school district as a community benefit.

11. How many square feet are the club house and the lobby? What amenities will be in them? Can they be public-facing or public access?

The total amount of common open space on the first floor is 7,860 square feet but there is not a specific breakdown of the individual spaces. The lobby is currently public facing as are two units with stoops. Currently, the club house is not proposed as a publicly accessible space. However, the Council can provide additional direction as part of the gatekeeper application.

12. What neighborhood commercial like coffee shops, lunch spots, etc. is or will be an easy walk from here?

There is no commercial proposed for the project but there are many restaurants, retail shops, offices, and services within walking distance of the project across the street in the San Antonio Center complex and along El Camino Real to the south of the project site.

13. There is a wave bench pictured. Where will this be – on the rooftop, in the pool area, or in a publicly accessible setback?

It is unclear where the wave bench would be located. At this stage in the planning process, the outdoor furniture is conceptual and there are not specific selections or locations.

ITEM 4.2 CASTRO STREET MEDIAN LANDSCAPE IMPROVEMENTS, PROJECT 16-19 - ACCEPT CONSTRUCTION

ITEM 4.3 2016-17 STREET RESURFACING AND SLURRY SEAL PROGRAM, PROJECT 17-01 - ACCEPT CONSTRUCTION

ITEM 4.5 2016-17 CONCRETE SIDEWALK AND CURB REPAIRS, PROJECT 17-06 - ACCEPT CONSTRUCTION

1. What is the point of “accepting” these projects? Why couldn’t staff do this ministerially? Do other cities similarly bring this kind of thing before their councils for approval?

The “acceptance” of a construction contract is a legal event recognized by state law to verify the contractor has satisfactorily completed a public project. The act of acceptance by the City also has a legal effect on the underlying construction contract. Once a contractor has finished work on a project, the Public Works Department reviews it to ensure it was completed timely and in accordance with the contract specifications. If satisfactory, the City formally accepts the work. Council action is required to accept most construction projects because of their large monetary scale. Once accepted, the construction contract has been satisfied, and other actions occur such as the release of bonds obtained by the contractor which ensure completion of the project. These procedures are common to cities and public agencies in California, with slight variations applicable to State projects.

2. Has the Council ever NOT accepted these projects?

Not that staff can recall.

ITEM 4.6 SHORELINE MAINTENANCE STORAGE, PROJECT 14-34-AUTHORIZE PROFESSIONAL SERVICES AGREEMENT

1. Why does this require Council approval?

City Council approval is required for professional services agreements exceeding \$100,000 in a CIP project with a single consultant. In this case, the City executed a previous agreement for a total of \$83,855 and combined with the new agreement on the same project at \$53,000 (\$136,855 combined) will exceed the limit for the City Manager to authorize without Council approval.

ITEM 6.1 FISCAL YEAR 2019-20 CDBG/HOME FUNDING RECOMMENDATIONS

1. Are any of the agencies audited to ensure their operations are in alignment with their stated objectives, and that resources are being used appropriately?

Agencies are required to submit their annual audit for financial review. Additionally, the City has a schedule to conduct onsite programmatic monitoring of subrecipients to ensure that they are meeting HUD requirements. Results of the monitoring are included in the City's Consolidated Annual Performance and Evaluation Report (CAPER), a required HUD document due to HUD every September.

2. Was Palo Alto Housing asked if they would become a CHDO? If so, what was their response?

Yes, it is a question on the application. They checked the box indicating they are willing and able to meet the qualifications to become a CHDO. However, they are reevaluating their position because of some of the complexities in forming a CHDO.

3. What is the rationale for increasing the year over year funding so much for Senior Adults Legal Assistance when other agencies are not receiving comparable increases, and some are going down year over year?

In the Executive Summary of the Consolidated Plan, it points out elderly/seniors for non-homeless special needs. It states "49% of households with a person over 62 are have incomes below 80% AMI compared to 32 percent for the City. LMI households with elderly members are also more likely to experience cost burden, with 54 percent paying more than 30 percent of their income toward housing costs, compared to 34 percent of the jurisdiction as a whole." It continues, "The elderly are disproportionately disabled with almost one-third (31 percent) of the 65 and older population having a disability, compared to six percent of the jurisdiction as a whole." Because of this need, staff recommended higher amount of funding to senior related services. Most senior related services got full funding of their request.

4. What is the separate process that United Way went through to get funding from the City? What is the rationale for them getting a large increase year over year when other agencies are not receiving comparable increases and some are going down?

United Way was funded through a one-time funding grant of \$2,500 through an Ad-Hoc process. Since it was one time, they applied for City's general fund public service monies. They were recommended the Council directed minimum award level of \$5,000 by HRC.

5. What is the rationale for funding Housing and Economic Rights Advocates when they were not funded previous years?

This was HERA's first year applying for City CDBG funds. HERA had already been doing some work with Mountain View residents when they decided to apply. Initially, they were not recommended for funding because it was staff's intent to maintain similar levels of FY 2018-19 funding levels to current agencies. However, the HRC wanted to provide support to

HERA for their work in the City. Therefore, all the other recommendations were reduced 2.5% to provide HERA with the minimum \$5,000 award.

6. On page 14 of the staff report in the second paragraph in the Fiscal Impact section, it says “Because this is the first year” Is this saying that in FY19-20 and FY20-21, it would be the expectation that the funding level provided in FY19-20 continues in FY20-21?

Yes. The City has funded public services based on two year cycles. So assuming federal funding remains at the same level next year, any agency receiving public service funds this year should expect the same for next year. If there is any increase or decrease in federal funding next year, the funding amounts will be proportionately adjusted. Capital projects are funded on an annual basis.

7. What is a Community Housing Development Organization? What are examples?
They are generally a non-profit affordable housing developer. They must meet certain HOME requirements to become a CHDO. CHDO requirements include being a non-profit organization, having a defined geographic service area, at least one year of development capacity and specific composition of the CHDO Boarding including low income representation. There are relatively few CHDO organizations in the region, MidPen Housing being one example.
8. The draft 2019-20 Action Plan states, “A detailed evaluation of the City’s performance for the 2015-20 Consolidated Plan will be provided in the annual Consolidated Annual Performance and Evaluation Report (CAPER) that will be submitted to HUD by September 30, 2019.”
- In the Executive Summary Table (p5), how are the 2015-20 Outcomes determined?
Consolidated Plan outcomes are determined every five years through a public process. They are based in part on what is needed to respond to community-identified goals and priorities, as well as what is realistic given the amount of resources and capacities agencies may have and which could be informed by past performance.
 - Can staff provide a preliminary sense of how well the City is meeting the 2015-20 Outcomes/performance standards? Which goals have we been most successful in achieving, and which have we been less successful?
The City has made good progress towards all its stated Con Plan outcomes and is on track to meet those outcomes. There is some progress needed to achieve the outcome for a public facility or infrastructure activity other than for low/mod income housing benefit as it is more challenging to identify such a project and it also takes time to construct if there is a project that is successfully funded. Although there have not been any persons assisted yet under this item, it is recommended to fund the CHAC clinic HVAC replacement. If the project is approved by Council, the City will make substantial progress towards this outcome as well. In general, outcomes for capital projects could take longer to achieve or might not occur on an annual basis because the amount of federal funds received has been constant or declining while capital costs continue to increase and it takes time to complete a capital project (whereas public services could be provided immediately and on an ongoing basis). Nevertheless, such capital projects provide important infrastructure and long-term benefits to the community once developed.

9. Under AP-65 Homeless and Other Special Needs Activities (p33), has staff identified gaps in service?

Staff works closely with the County's Office of Supportive Housing, who is responsible for the Continuum of Care (CoC), and participates in regional CDBG/housing coordinators meetings that convene on a frequent basis to discuss housing issues and to share information and best practices. A needs/gaps analysis is also conducted during the development of the Consolidated Plan every five years and staff is very involved in that process.

- Is the City achieving its goals related to addressing homelessness?
The City has been active in addressing homelessness issues through the CMO's office and CDBG funds have been used to help pay for a component of that overall effort, including CSA's homelessness prevention program to prevent and end homelessness. In that aspect, the City is expected to meet its outcome of assisting 20,000 persons.
- What programs are the most successful? Which are the least successful?
The City's CDBG funding for CSA has been successful in reaching many persons who may be experiencing homelessness. Because the issues of homelessness are diverse, interrelated, and complex, the City continues to identify opportunities to respond to the issues of homelessness

10. What does a long-term care ombudsman do?

The Long Term Care Ombudsman program advocates for the rights of seniors and residents of long term care facilities within the County. The main function of the program is to investigate and endeavor to resolve complaints made by or on behalf of residents related to issues of quality of care and abuse.

11. Why have none of the organizations become qualified as CHDOs?

MidPen Housing is an established CHDO but they chose not to apply for HOME funds this year. They have received HOME funding in the past, mostly recently for the Shorebreeze project.

12. In the attached Action Plan: Why are development fees to cover needed infrastructure as we grow like school and sewer fees identified as constraints to development, maintenance and improvement of housing and affordable housing? Does this imply that we can or should cut down on this needed infrastructure as we build more affordable housing?

The Action Plan references analysis in the City's Housing Element that identifies fees and infrastructure as a potential constraints (along with other constraints) on housing due to the impacts on cost of development. State Housing Element law requires jurisdictions to identify constraints, both governmental and non-governmental, to housing production and to develop strategies to facilitate housing production in light of those constraints. It does not imply that development fees should or should not be waived/reduced for needed infrastructure to support housing. Rather, identification of various constraints could allow decision-makers to develop programs or policies to facilitate housing production.

13. Can we receive a copy of the application from the new applicant for Housing and Economic Rights Advocates for a General Fund Public Service grant?

The application is attached.

ITEM 7.1 Council Goal Setting for Fiscal Years 2019-20 and 2020-21-Phase II

1. Which Councilmembers proposed changing the wording of the “Protect Vulnerable Populations” Goal?
2. Did the EPC provide any input? What about the Library Board?
3. Project 1.8 – Is the project to fund programs, or to hold programs, or something else, or all of these?

The wording of this project reflects staff’s interpretation of Councilmember comments made at the February 28 Study Session. Further clarification from Council regarding the specific project parameters desired would be helpful.

The City historically offered afterschool programming at 6 school locations for a maximum of 25 students per school. In 2008, the Mountain View Whisman School District collaborated with the City to apply for California State “After School Education and Safety Program” (ASES) grant funding. Schools with a population that exceeds 50% of enrollment qualifying for free/reduced lunch was eligible for grant funds.

The District was awarded funding to expand the afterschool programs at Castro, Landels, Monta Loma, and Theuerkauf elementary schools and Crittenden Middle School. With the additional grant funding, each elementary school location’s daily participation is an average of 50 students and 70 at Crittenden Middle School. Participants in the program are chosen by each of the schools, based on income levels, grades, and social needs.

The City continues to offer the afterschool program at Graham Middle School as a City program, since it has historically offered a program at that location. Graham does not meet minimum grant requirements. Current daily totals are approximately 50 students.

Mistral School and Castro School now share the campus. Castro School continues to meet the qualifications to receive the ASES funding, however Mistral School currently does not meet the minimum qualifications for funding.

4. Where can I find the existing condo ordinance?
5. How many of the City’s historic resources are outside of the Downtown Precise Plan area?
6. What is the thinking behind having 5.14 and 5.15 categorized as unrelated projects, when similar projects (1.2, 1.5, 1.6) are included in goal 1?

Staff interpreted public comments and Council project proposals made at the February 28th Study Session as advocating separate projects related to 1.2 wage theft, 1.5 prevailing wage reform, 1.6 living wage requirements for City contractors, 5.14 Responsible Construction

Ordinance, and 5.15 a Community Workforce Agreement. Staff has not done analysis to understand the scope and possible convergence of these items, and interpreted projects 5.14 and 5.15 as projects that were not limited to vulnerable populations. Council can provide direction on whether these projects should be categorized under Goal One.

7. What is the definition of live/work space?

The wording of this project reflects staff's interpretation of Councilmember comments made at the February 28 Study Session. Further clarification from Council regarding the specific project parameters desired would be helpful.

8. Why are projects that supported the Council goals during the past two years that are not yet done included on the list to be prioritized (e.g., 2.14) Why are they not ones that are considered in process and therefore no vote is needed on them?

The FY 2017-18 through FY 2018-19 City Council Major Goals Work Plan project related to condo mapping is project 2.3 "Update the Below Market Rate (BMR) Ordinance - Condo Mapping." The scope of existing project 2.3 includes the City developing analysis and draft policies for BMR Phase 2 modifications. This project includes review of BMR requirements that condo-mapped rental projects are subject to. As shown in Attachment 3 to the February 28 Study Session memo, Project 2.3 is anticipated to be completed this fiscal year.

At the February 28 Study Session, Project 2.14 - Revisit affordable housing requirements that appear to inhibit condo mapping of new apartments, was proposed as new project. Staff interpreted this proposal as a desire to expand the scope of the project, creating a new project. If proposed project 2.14 has the same scope as existing project 2.3, the project should not be voted on. Staff seeks direction from Council regarding the scope of proposed project 2.14.

9. Why are new projects that Council recently prioritized (e.g., 2.16, 2.21, 4.2) on the list to be prioritized?

Staff has reviewed the project ranking sheet and updated the document to reflect additional projects that do not need to be voted on.

10. Why are projects that staff appears to be required to do on the list to be prioritized (e.g., 2.19)?

I believe the intention is to do more monitoring of laws; however, the Housing Element is required.

11. Is doing road improvement work only constrained by financial resources, meaning we have enough staff members to do more work when more funding becomes available?

Delivering road improvements has been constrained by both financial and staffing resources. As more funding becomes available (e.g., Senate Bill 1 and 2016 Measure B Local Streets and Road), additional staffing is required to deliver the pavement and other road improvement projects funded from these sources. For this reason, the Fiscal Year 2019-20 Narrative Budget includes adding a position in Public Works to help deliver the SB 1 and Measure B paving projects.

12. What does 3.15 have to do with transportation?

Input from the VAC is that it would like to expand the sidewalk studio pilot program and to consider targeting key intersections. If more appropriate, this item could be moved to a different section for Council consideration.

13. How do the recommendations from the ESTF2 that were further refined by consultants get folded in for prioritization?

In addition to the prioritization of projects under Goal 4, Council will have two other opportunities to provide direction on the prioritization of sustainability projects. At the April 30 Study Session, the results of the consultant study conducted by Cadmus will be presented, including strategies and potential actions that would fulfill three different options for sustainability response. These options entail new sustainability actions as well as additional staff and other resources to carry them out. Potential actions include ESTF-2 recommendations, staff input and best practice guidance from Cadmus. With direction from this meeting, staff will return to Council at the end of June with a Sustainability Action Plan (the next version of the ESAP). Council direction on the current Goal 4 sustainability projects will be folded into the plan coming to Council in June at which point Council will have the opportunity to reconsider, if appropriate, the priorities set at tonight's meeting.

14. What is the end product for Continuing Project 2.8?

The assessment of community benefits for Gatekeeper applications has been conducted project by project. The desired outcome for this workplan item is to establish a framework to assess community benefits requirements/value for projects that provides consistency and clarity.

15. Does Continuing Project 3.10 include implementation?

Project 3.10 is the El Camino Real Streetscape Guidelines. This goal would be completed with Council adoption of the guidelines and would not include implementation. Implementation of the guidelines will be a mid- to long-term effort that includes some City projects through the Capital Improvement Program (CIP) as well as improvements required of developers as re-development occurs. The proposed 5-year CIP for FY 2019-20 thru FY 2023-24 does include some bicycle and pedestrian projects arising out of the El Camino Real Streetscape Guidelines.

16. What is Continuing Project 3.20?

Project 3.20 is the Castro Street Bicycle Lane Study, which is evaluating the feasibility of adding bike lanes or other bike improvements to Castro Street between El Camino Real and California Avenue.

17. How many requests and complaints have there been for onsite fueling beyond what the current ordinance allows?

There have only been two requests for onsite fueling. These requests were made over one year ago.

18. How will the votes be cast? Will we physically write down our votes on a sheet that we submit to staff?

For each goal area, each Councilmember will state the projects they are casting votes. Staff will document those votes real time.

19. Will our specific votes be publicly disclosed (e.g. will the sheet, if there is one, be posted online)?

The total number of votes that each proposed project receives will be shown at the meeting and included in an attachment for Study Session 3, where Council will approve the work plan.

20. Attachment 2, "Continuing Projects"

a. What are the parameters for the RFP for Lot 12 (objective 2.4)? Will responders be able to propose senior housing?

The City Council provided input on parameters for Lot 12 in Study Sessions held in 2017 and 2018. At both Study Sessions, Council sought flexibility on a variety of parameters, including flexibility on the population type. Staff have developed a draft RFQ per Council input for flexibility on population type (i.e., does not require nor preclude the development to be senior housing) and it is currently anticipated that the RFQ will go out early- to mid-May 2019.

b. What is the deliverable/desired outcome for objective 2.8, "Conduct a Community Benefit Financial Study for Gatekeeper applications"? What is the approach? How would evaluation of an individual project, like 555 or 777 Middlefield, be applicable to projects with different land uses or in other areas of the City?

The assessment of community benefits for Gatekeeper applications has been conducted project by project. The desired outcome for this workplan item is to establish a framework to assess community benefits requirements/value for projects that provides consistency and clarity. The development of a framework would consider various land use and economic factors.

c. What is the scope of the ECR Streetscape Guidelines (3.10)? Is it more expansive than bicycle infrastructure?

The scope of the El Camino Real (ECR) Streetscape Guidelines involves a full range of pedestrian and bicycle improvements as identified in the 2014 ECR Precise Plan. The proposed guidelines will include design concepts for Class IV protected bikeways; Class II bike lanes; three new signalized pedestrian crossings; intersection improvements, including slip lane removal at El Monte Avenue; sidewalk widening; and enhancement of lighting and landscaping.

d. What would be the impact of deferring the AGT Feasibility Study (3.16)? How much additional staff capacity would this free up?

The Automated Guideway Transit (AGT) Phase 2 Feasibility Study would focus on the evaluation of potential route alignments to identify a preferred alignment and to identify some initial implementation, operational, and funding concepts. Deferring the study

could impact the City's ability to plan for and preserve the right-of-way as new development and road improvements are approved. This project would be managed by a contract project manager, with assistance from an hourly transportation planner. Deferring the study could provide capacity for a different transportation planning study but would not free up capital projects or engineering staff capacity.

- e. What are the geographic boundaries of the Castro Street Bicycle Lane Study (3.20)?

The boundaries are Castro Street between California Street and El Camino Real.

- f. Didn't the Council already adopt an ordinance regulating on-site fueling? What is the desired outcome of objective 5.4? What would be the impact of deferring objective 5.4?

This project entails the Fire Department working with County and State officials and stakeholders, including business, to explore options to develop regulatory code language addressing location and separation/setback requirements for on-demand mobile fueling that meet the interest of public safety and health. Members of the Santa Clara County Fire Marshal's Association have participated in discussions with the International Fire Code Action Committee (IFCAC) for proposed code changes. The 2018 IFC code adoption process is complete and the mobile fueling requirements will mirror those found in the 2015 IFC. The 2018 IFC will be adopted by the City in late 2019. Minor changes regarding reduced separations from buildings and property lines are proposed to the IFCAC for the 2021 code adoption process. Deferring this project will have little impact on other work plan items as it is primarily a Fire Department project. The Fire Department is not involved in many other projects on the City Council Major Goals Work Plan.

- g. What would be the impact of deferring or dropping the Terra Bella Visioning (not a listed objective)? How much staff capacity would this free up?

There has been Council input or interest on up to five advanced planning efforts: Gateway Master Plan, Downtown Precise Plan, Terra Bella, Shenandoah, and Moffett. The City-led Gateway Master Plan scope of work is being heard by Council next week and Council has directed staff to return in the fall with a workplan on the Downtown Precise Plan modifications. The likely capacity would be the development of one additional plan (Terra Bella, Shenandoah, or Moffett) without additional resources; however an additional plan may be able to be initiated after the Gateway Master Plan is concluded depending on the timing of that. Deferring or dropping Terra Bella from the remaining three areas could free up some capacity but is dependent on the overall number of plans Council directs staff should work on.

- h. How much staff capacity would deferring the gatekeeper review (not a listed objective) free up?

Staff will be analyzing the effect of gatekeeper applications on staff resources and workload priorities in the Gatekeeper staff report for the authorization hearing currently scheduled for June 4. Ultimately, the amount of staff capacity to process gatekeeper applications will depend on the number and complexity of gatekeepers authorized by Council, as well as other loads.

21. Would it be more appropriate to consider enhancing afterschool programs (project 1.8) during the budget narrative?

There may be more than just financial considerations to this issue. The next step of this goal setting process is for staff to review the projects prioritized by Council and to identify the resource needs. Any resource needs for a specific project will be brought to Council for consideration during the budget process.

22. Do we have a design consultant for the Transit Center project (3.7)?

The Transit Center Master Plan is divided into two elements. The first element is the Grade Separation and Access Project, which is currently in the preliminary engineering and environmental clearance phase. The design consultant team for this project is led by Kimley-Horn Associates and includes Bottomley Associates, an urban design firm, as a subconsultant.

23. Has the City previously studied acquisition of El Camino Real from Caltrans (not a listed project)?

The Metropolitan Transportation Commission funded the "State Route 82 Relinquishment Exploration Study," as part of the Grand Boulevard Initiative. Completed in September 2015, this study investigated the Caltrans relinquishment process, potential benefits, and estimated costs associated with relinquishing State Route 82 (El Camino Real) from state ownership to cities in Santa Clara and San Mateo Counties. Some key findings from this study included:

- State road facilities can only be relinquished between other state facilities. Other cities would have to participate in an El Camino Real relinquishment along with Mountain View to provide a continuous segment between two intersecting state facilities.**
- In addition to taking on capital, operating and maintenance costs, the cities would also take on all the underground infrastructure and liability associated with the roadway.**
- The Study estimated that the total 10-year cost to Mountain View for the relinquishment of El Camino Real would be \$13.2 million to cover deferred repair costs and annual operations and maintenance cost. Thereafter, the operations and maintenance cost to the City would be approximately \$700,000 per year (2014 dollars).**

24. Aren't EV charging stations (4.2), carbon offsets (4.4), and annual GHG inventories (4.8) ESAP projects? What is the relationship between the ESTF-2 recommendations and the upcoming ESAP?

Staff has reviewed these projects again and no vote will be needed as there is existing Council direction to expand EV charging stations and explore carbon offsets and annual inventories. (A revised project list and vote count will be provided.) The next ESAP coming to Council in late June will include ESTF-2 recommendations along with other actions consistent with Council's direction during the April 30 Study Session regarding the preferred strategic option for the level of sustainability response.

25. How many/what historic resources are outside of the Downtown area?

26. Would it be more appropriate to consider providing access to feminine hygiene products (5.12) during the budget narrative?

27. Since the City does not “own” the TMA but is merely a member of it, can Council ask city staff on the TMA to urge the TMA to become regional in scope, but not make this a city project?

Staff representing the City on the TMA board is already encouraging the TMA to expand its services and explore partnerships with other TMAs to provide services that cross jurisdictional boundaries. Council can provide further policy direction to staff without making this a City project.

28. Shouldn't a community workforce agreement be categorized under the vulnerable population's goal, Goal One?

Council could move it there if it wishes to.

29. How many lending institutions do we have in MV that could be considered predatory? Would this project be aimed more at payday loans, home loans, auto loans, all of these?

Staff believes that the intent of this proposed project 1.4 is to limit or restrict lending that is considered predatory, such as payday loans. The City does not specifically track these types of lenders, but an internet search shows that there are 4 businesses in the City that do payday lending.



MEMORANDUM

Community Development Department

DATE: April 23, 2019

TO: Dan Rich, City Manager

FROM: Aarti Shrivastava, Assistant City Manager/Community Development Director
Matt VanOosten, Senior Planner

SUBJECT: 2645 Fayette Drive Density Bonus Application - UPDATE

The applicant for 2645 Fayette recently provided a revised density bonus application for the project that differs from the one outlined in the Study Session Memo to Council. This revised density bonus letter is dated July 3, 2018, but staff has no record of receiving this document until the applicant sent it by email on Friday, April 19, 2019.

Before providing an overview of the differences in these two applications below, it is important to note that these changes only impact the affordability levels of the units within the project and not the proposed height, development intensity, or community benefits requirements for the project – the key issues of the Study Session tonight.

The original density bonus letter dated April 13, 2018, describes the project discussed in the Study Session Memo: the applicant proposed to build 44 units which include five very low income units for a 35% density bonus. This 35% bonus was added to the Tier 1 FAR of 1.85 to achieve a project FAR of 2.50. The memo does state that while Density Bonus technically applies to allowed densities on a site, the San Antonio Precise Plan uses FAR as a development standard so it is common to apply the density bonus to the FAR.

The new density bonus proposal seeks to build 44 units and include five units at a *moderate* income level which allows for a 6% density bonus under State law. The applicant's letter notes that under this revised proposal, the Density Bonus is based on the General Plan Land Use Designation density, the General Plan allows for these densities already. The project would be able to build 44 units under the General Plan (if the gatekeeper request is approved) and does not need to utilize the 6% density bonus. However, the letter notes that Density Bonus projects are allowed waivers and the applicant is asking for a waiver for FAR in order to increase the FAR by 35%. All other waivers including heights, setbacks, etc. remain the same.

The fundamental questions on: (1) whether the Council supports the gatekeeper application to rezone the site into the San Antonio Precise Plan and grant the total six-story height; and (2) what community benefits the Council would like to see as part of the 5-story request in the San Antonio Precise Plan and gatekeeper request, remain the same despite the applicant now seeking a different approach to obtain a density bonus. If Council chooses to proceed, staff will further analyze the details of the modified project.

Attachments: 1. Original Density Bonus Letter
2. Revised Density Bonus Letter

cc: Stephanie Williams, Planning Manager/Zoning Administrator



LUBIN OLSON & NIEWIADOMSKI LLP

THE TRANSAMERICA PYRAMID

600 MONTGOMERY STREET, 14TH FLOOR SAN FRANCISCO, CALIFORNIA 94111

TEL 415 981 0550 FAX 415 981 4343 WEB lubinolson.com

April 13, 2018

CHARLES R. OLSON

Direct Dial: (415) 955-5020

E-mail: colson@lubinolson.com

E-MAIL AND FEDEX

Randy Tsuda, Director of Development
Community Development Department - Planning Division
500 Castro Street
Post Office Box 7540
Mountain View, California 94039-7540

Development Review Permit
2645 and 2655 Fayette Drive (the "Property")
PL-2018-024

Dear Mr. Tsuda:

Our firm represents Octane Fayette, LLC (the "Project Sponsor") in its application for the above-referenced Development Review Permit. We have been asked to provide advice on the Property's entitlement process and whether the City of Mountain View (the "City") can simultaneously process any proposed general plan amendment and/or precise plan amendment and/or zoning amendment for the Property along with any application for a State Density Bonus. Following our review of the State Density Bonus Law (Government Code Sections 65915 et seq.) and Mountain View's Density Bonus Ordinance, and review of existing case law interpreting the State Density Bonus Law, there are no provisions that we are aware of that would prohibit the proposed project from potentially pursuing a Precise Plan Amendment and/or Zoning Map Amendment, and simultaneously processing an application for the State Density Bonus for the reasons discussed below. Accordingly, we believe that the Project Sponsor has several options to pursue its entitlements, and would like the City's input on the best way to proceed with the proposed project: (1) processing a Precise Plan Amendment to annex the Property to the San Antonio Precise Plan, a Zoning Map Amendment to change the Property's zoning designation from R3-D to P (Planned Community/Precise Plan), and a Development Review Permit, and applying for a State Density Bonus with development waivers, (2) processing a Development Review Permit under the existing General Plan land use designation and zoning, and applying for a State Density Bonus with development waivers, or (3) rezoning the Property, processing a Development Review Permit, and applying for a State Density Bonus with development waivers.

As explained in the City's Gatekeeper Application of December 2016, the Project Sponsor intends to apply for a Precise Plan Amendment to annex the Property to the San Antonio

Precise Plan, P(40), and a Zoning Amendment to change the Property's zoning designation from R3-D to P (Planned Community/Precise Plan). The Project Sponsor is also eligible for a 35% density bonus because the proposed 44-unit project will provide both (1) five or more dwelling units, and (2) 11% very low-income units (5 units out of a total of 44 units). (Mountain View Code of Ordinances Section 36.14.25(b)). As part of the Project Sponsor's proposed density bonus application, the Project Sponsor will be requesting several waivers or reductions of development standards, with the assumption that the Precise Plan Amendment and Zoning Amendment will be approved. These waivers and reductions are described in detail in the "Project Description" included in the Project Sponsor's submittal to the City today in response to the City's letter of February 12, 2018.

The State Density Bonus Law provides that the "density bonus" is a density increase over the otherwise maximum allowable residential density as of the date of application, but does not "lock in" the development standards that are existing as of the date of application. As demonstrated below, we believe that the proposed 44 unit project is consistent with the maximum allowable residential density pursuant to the existing General Plan land use designation (even without the processing of a Precise Plan Amendment and/or Zoning Amendment).

State Density Bonus Law provides that the maximum allowable residential density applicable to a project under the zoning ordinance and the land use element of the general plan is either the specified maximum density permitted, or, if a range of density is permitted, the maximum allowable density of that range. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density prevails. Under the existing land use element of the City's General Plan, the Property has a general plan designation of High Density Residential, which has a maximum allowable residential density of 80 dwelling units per acre (1 dwelling unit per 544.50 square feet). This means that the Property can develop 54 dwelling units ($80 * 0.667$ acres) pursuant to the General Plan. However, the Property's zoning designation of R3-D provides for a lower residential density, as the R3-D development standards provide for a minimum lot area of 9,000 square feet for 5 units, and 850 square feet for each additional unit up to 30 units. Accordingly, the Property can only develop 28 dwelling units under the existing zoning designation of R3-D. Because the density allowed under the General Plan is inconsistent with the density allowed under the zoning ordinance, the General Plan density controls according to State Density Bonus Law. Therefore, we believe the maximum allowable residential "base density" for the Property is 54 dwelling units. The City may then wish to consider the second option outlined above, and only process a Development Review Permit under the existing General Plan land use designation and zoning, and a State Density Bonus application. Legally, the 44 unit proposed project could be developed under the existing General Plan land use designation and zoning designation, and by requesting waivers of development standards for floor area ratio, maximum building height, and lot coverage, among others, pursuant to the State Density Bonus Law.

As a third option, the Project Sponsor could also consider applying for a rezoning of the Property to a zoning designation that allows for development standards that are more

consistent with the proposed project and the surrounding area (such as higher residential density, increased floor area ratio, taller height limits), although the City may disfavor an approach that might be deemed “spot zoning”.

As indicated above, through our research, we have found no law that prohibits concurrent processing of the Project Sponsor’s Development Review Permit, potential Precise Plan Amendment and/or Zoning Amendment, and a State Density Bonus Application. Whereas consecutive processing of a proposed zoning amendment and density bonus application would be necessary if a project required an upzoning for greater density, that is not the case here. The Property has a General Plan land use designation of High Density Residential, which remains the same whether or not the Project Sponsor processes a Precise Plan Amendment and/or Zoning Amendment. As State Density Bonus Law provides that the general plan density prevails over any inconsistency with the density provided under a jurisdiction’s zoning ordinance, the Property will have a maximum allowable residential density of 80 units per acre in any event, and therefore there does not appear to be any reason why a State Density Bonus application could not be concurrently processed. And, in any event, nothing would prohibit consecutive processing of these applications if that is the City’s desire.

We hope that this preliminary assessment is helpful when you review the Project Sponsor’s revised submittal in response to the City’s letter of February 12, 2018. We look forward to working with you and the City in bringing this much needed high density residential project to completion to help meet the demands for home ownership in the City.

Sincerely,



Charles R. Olson

CRO/CJL

cc: Emeric McDonald, Octane Fayette, LLC (emeric@octanecapital.com)
John Barton, Octane Fayette, LLC (j_g_barton@yahoo.com)
Henry LiChi, Studio T Square (hchi@studiot-sq.com)
Chek-Fong Tang, Studio T Square (ctang@studiot-sq.com)

July 3, 2018

CHARLES R. OLSON
Direct Dial: (415) 955-5020
E-mail: colson@lubinolson.com

E-MAIL AND HAND DELIVERY

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Matthew VanOosten, Senior Planner
Community Development Department - Planning Division
500 Castro Street, Post Office Box 7540
Mountain View, California 94039-7540
stephanie.williams@mountainview.gov
matthew.vanoosten@mountainview.gov

Revised Density Bonus Application and Consistency with Below
Market-Rate Ordinance
2645 and 2655 Fayette Drive (the “Property”)

Dear Ms. Williams and Mr. VanOosten:

Thank you for your comments regarding Octane Fayette, LLC (the “Project Sponsor”)’s application for a density bonus. In response to your comments, and the City’s request that the Project Sponsor contemplate the inclusion of moderate income units in lieu of very low-income units, the Project Sponsor hereby revises its density bonus application for the Project, as provided below.

Summary of Project Description

On April 12, 2018, the Project Sponsor provided a revised Project Description and Project Plans for a 44-unit condominium development that includes a mix of one, two, and three bedroom units. The Property has a land use designation of “High Density Residential” in the General Plan, and is currently zoned R3-D. Consistent with the Project Sponsor’s 2016 Gatekeeper Request, the Project Sponsor requests a Zoning Amendment and Precise Plan Amendment in order to annex the Property to the San Antonio Precise Plan (which shall include amending the San Antonio Precise Plan to include the Property as part of the Mixed Use Corridor Subarea in Figure 1-3, and to front the Property on Neighborhood Streets in Figure 4-3).

Assuming the Property is annexed to the San Antonio Precise Plan, the Project Sponsor will provide a public benefit contribution to allow the Property to be developed at a “Tier 1” intensity. The Project Sponsor proposes to provide public benefits in the form of an in-lieu fee to the City’s affordable housing fund in order to meet the requirements of the San

Antonio Precise Plan for “Tier 1” projects, and will provide a more formal submission after receiving feedback from the Community Development Department.

Density Bonus Application

Pursuant to the State Density Bonus Law (Government Code Sections 65915 et seq.) and the City’s Density Bonus Ordinance, the Project Sponsor will provide 5 below-market rate units for moderate income households, which is equivalent to 11% of the total number of dwelling units that will be provided at the proposed project. The provision of 5 moderate-income units will qualify the proposed project for a density bonus of 6%.

As we have explained in our prior letter dated April 13, 2018, State Density Bonus Law provides that the maximum allowable residential density applicable to a project under the zoning ordinance and the land use element of the general plan is either the specified maximum density permitted, or, if a range of density is permitted, the maximum allowable density of that range. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density prevails. Under the existing land use element of the City’s General Plan, the Property has a general plan designation of High Density Residential, which has a maximum allowable residential density of 80 dwelling units per acre (1 dwelling unit per 544.50 square feet). This means that the Property can develop 54 dwelling units (80 * 0.667 acres) pursuant to its existing General Plan. As the proposed project will develop 44 units, well within the range permitted by the General Plan, the Project Sponsor will elect not to utilize the density bonus of 6%. *See* definition of “density bonus” in Government Code Section 65915(f) (“ . . . if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.”); Section 36.14.15(a) of the Mountain View Code of Ordinances (“The applicant may elect to accept a lesser percentage of density bonus”).

Concession or Incentive: By providing 11% of the total units for moderate-income households in a common-interest development pursuant to Government Code Section 65915(d)(1)(b) and Section 36.14.45(a)(1) of the Mountain View Code of Ordinances, the Project Sponsor is eligible to receive one (1) concession or incentive. As the Project Sponsor is not requesting a concession or incentive for the proposed project, the Project Sponsor does not need to provide a financial impact analysis, and is not required to demonstrate that the Project Sponsor is financially precluded from developing the proposed project under either State Density Bonus Law or the City’s Density Bonus Ordinance. *See* Government Code Section 65915(k)(1) and (3); Section 36.14.45 of the Mountain View Code of Ordinances (discussing the definition of concession and incentive that would result in identifiable and actual cost reductions to provide for affordable housing costs; however, the City is not required to make these findings for a waiver or reduction of development standards).

Waiver or Reduction of Development Standards: Government Code Section 65915(e) and Section 36.14.50(a) of the Mountain View Code of Ordinances provide that the City may waive or reduce development standards that would have the effect of physically precluding the construction of the development. As requested in the Community Development

Department's letter dated June 20, 2018, the Project Plan shown in **Exhibit A** demonstrates what a conforming project on the site would look like without the Density Bonus. A project that complies with the San Antonio Precise Plan would only be able to develop a total of 32 units, which is 12 units less than the Project's proposal of 44 units. As shown on the Project Plan without the Density Bonus in **Exhibit A**, as compared to the Project Plan with the Density Bonus in **Exhibit B**, the proposed project cannot be developed unless the following waivers are provided:

Waiver 1: Maximum FAR

As the Project Sponsor will be providing a public benefit contribution, the San Antonio Precise Plan provides that the maximum FAR for a Tier 1 project is 1.85. The Project Sponsor will request a waiver for the maximum FAR from 1.85 to 2.4975. Without the proposed increase in the maximum FAR and the associated increase in the maximum square footage, the density bonus project could not be constructed.

Waiver 2: Building Height

The San Antonio Precise Plan limits the maximum height of buildings to 55'. A height waiver is required to accommodate the development above 55' to a maximum height of 75'. Without the height waiver, the density bonus project could not be constructed.

Waiver 3: Residential Height Transitions

The San Antonio Precise Plan states, "The maximum height of new development in neighborhood transition areas (see Figure 4-2) shall not exceed the allowed height of the adjacent residentially-zoned property by more than one story at all setback lines. Where additional height is permitted, additional stories must step back 10 feet per story." The proposed project requests a waiver of this specific requirement on the southwest property line where the corner does not step back. The inner massing does comply with the 10' step back. Along the northwest (driveway) property line, the massing steps back 14' on the fifth level with an additional 13' on the sixth level (with an exception to the sixth level inside unit, which will maintain the same massing as the fifth level step back). Without a waiver of this residential height transition requirement, the density bonus project could not be constructed.

Waiver 4: Height at Frontage Setback

The San Antonio Precise Plan states in Table 4-5 for Frontage and Setback Standards, "Where more than 4 stories are allowed (See Tables 4-3 and 4-4), 80% of a building's linear frontage above 4 stories must step back a minimum of 10 ft on every street the project faces." The proposed project is requesting a waiver from this requirement since the fifth and sixth story will only step back 6'-6". Without the waiver of the height at frontage setback requirement, the density bonus project could not be constructed.

The waivers of development standards requested above will not have a specific, adverse impact upon health, safety, or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The proposed modifications are similar to projects recently approved by the City Council, and will be compatible with buildings and uses in the San Antonio Precise Plan.

Below-Market-Rate Ordinance

The provision of 5 Below-Market-Rate (“BMR”) units will also meet the Project Sponsor’s obligation to provide at least 10% of the total number of dwelling units within the residential ownership development as BMR units pursuant to Section 36.40.10 of the Mountain View Code of Ordinances. Section G of the BMR Housing Program Administrative Guidelines’ General Requirements provides that, “[A]ll BMR ownership units shall be sold only to qualified moderate-income households. . . . Moderate-income household means a household whose income is between 80 percent and 100 percent of the median household income, adjusted for size, for Santa Clara County as published periodically by the State Department of Housing and Community Development.” The 5 BMR units will be dedicated for moderate-income households.

Please let us know if you require any additional information. Thank you for your consideration of this density bonus application.

Sincerely,

Charles R. Olson

CRO/CJL

cc: Krishan Chopra, City Attorney (krishan.chopra@mountainview.gov)
Emeric McDonald, Octane Fayette, LLC (emeric@octanecapital.com)
John Barton, Octane Fayette, LLC (j_g_barton@yahoo.com)
Henry LiChi, Studio T Square (hchi@studiot-sq.com)
Chek-Fong Tang, Studio T Square (ctang@studiot-sq.com)
Cynthia James, Noble James, LLC (cynthia@cnjames.com)

Exhibit A

Project Plan without the Density Bonus



STUDIO T SQUARE

: Architecture
: Planning
: Urban Design

: 304 12th Street, Suite 2A
: Oakland, California 94607
: (510) 451 - 2850

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2645 & 2655 Fayette Development
2645 & 2655 Fayette Drive, Mountain View, CA

Octane Fayette, LLC
800 West El Camino Real, Mountain View, California 94040

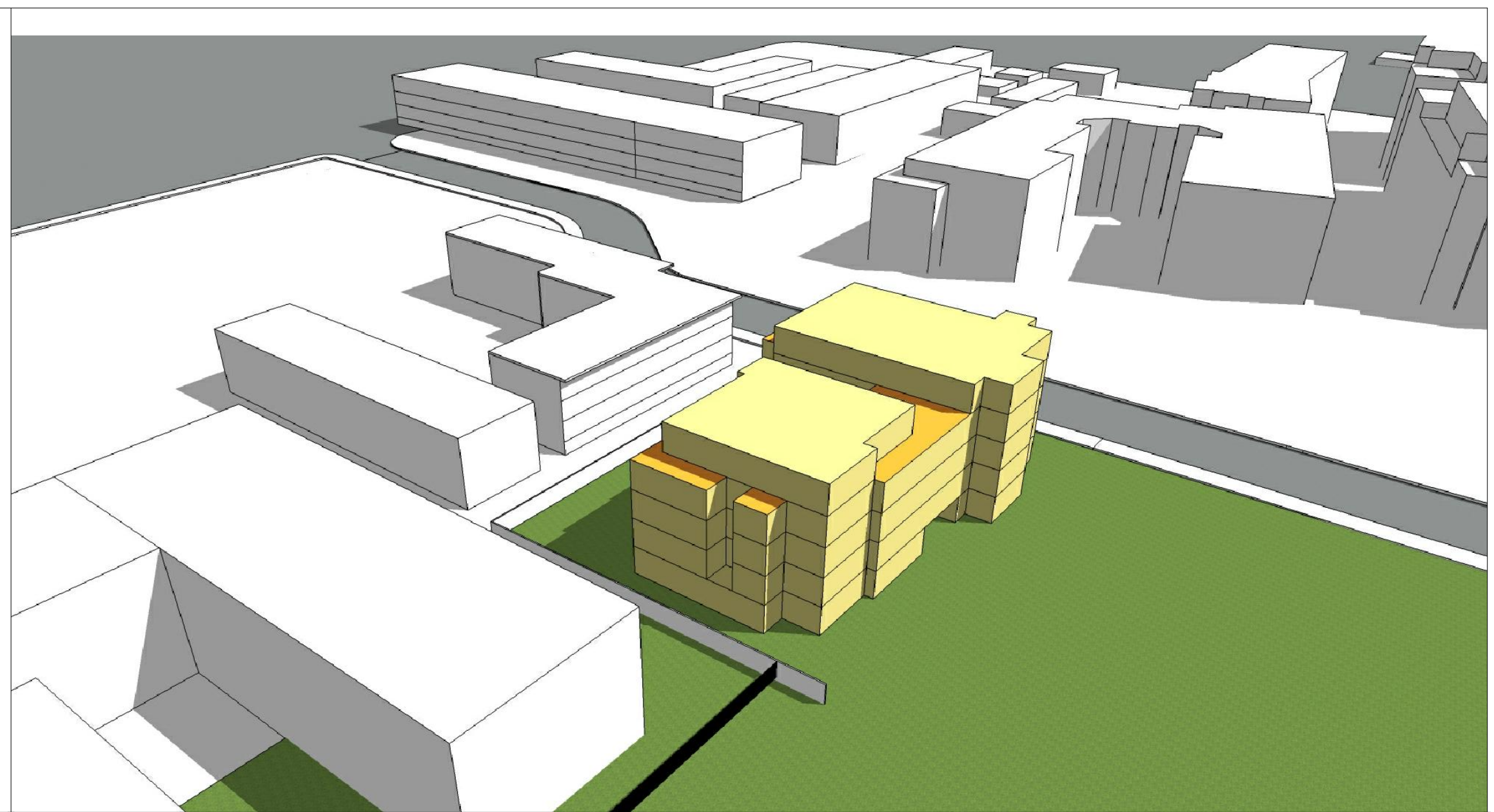
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1.85 FAR TIER 1

Job No. 17017
Date: 06/25/2018
Scale: 1" = 30'-0"
Drawn By:

Sheet No:

A3



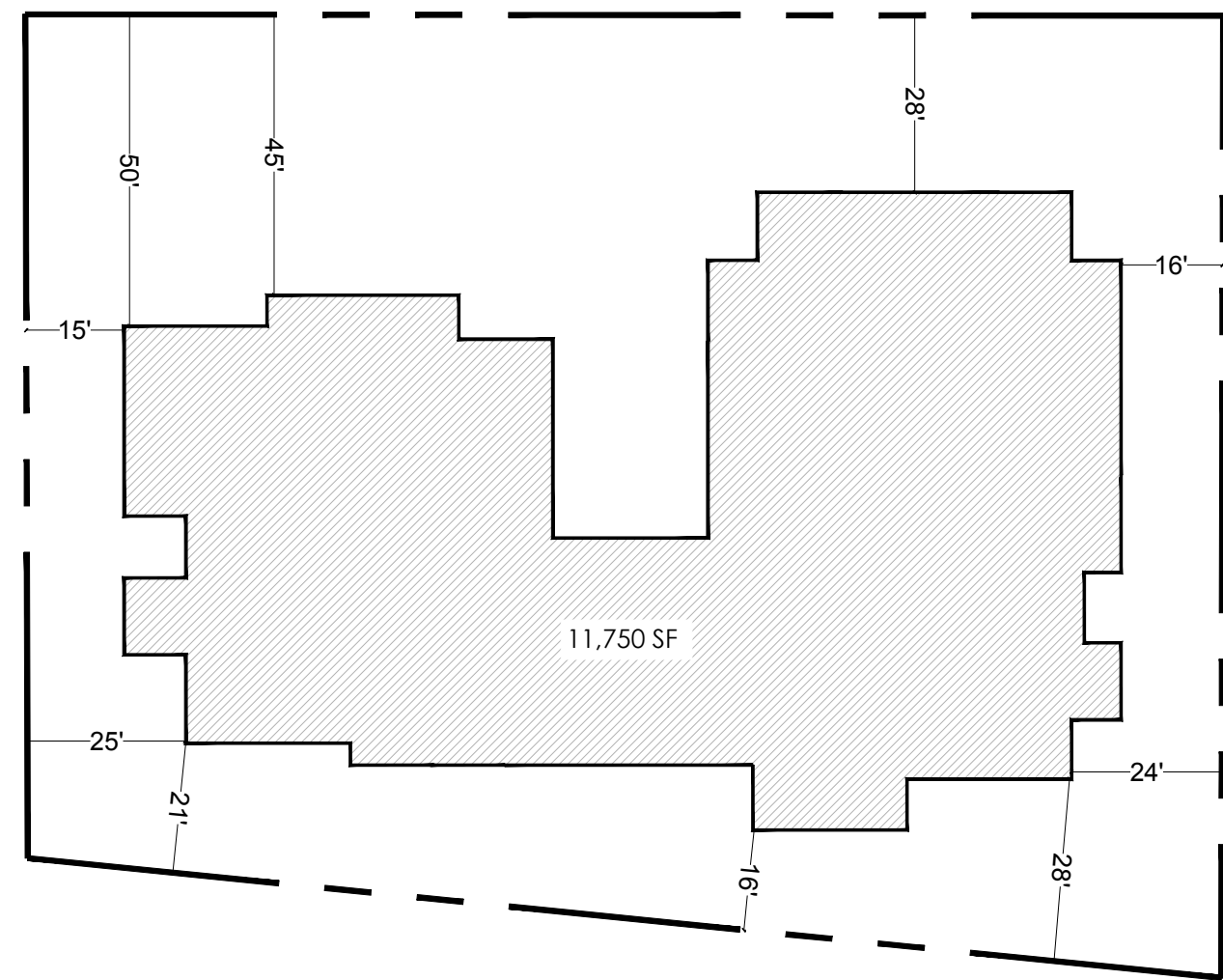
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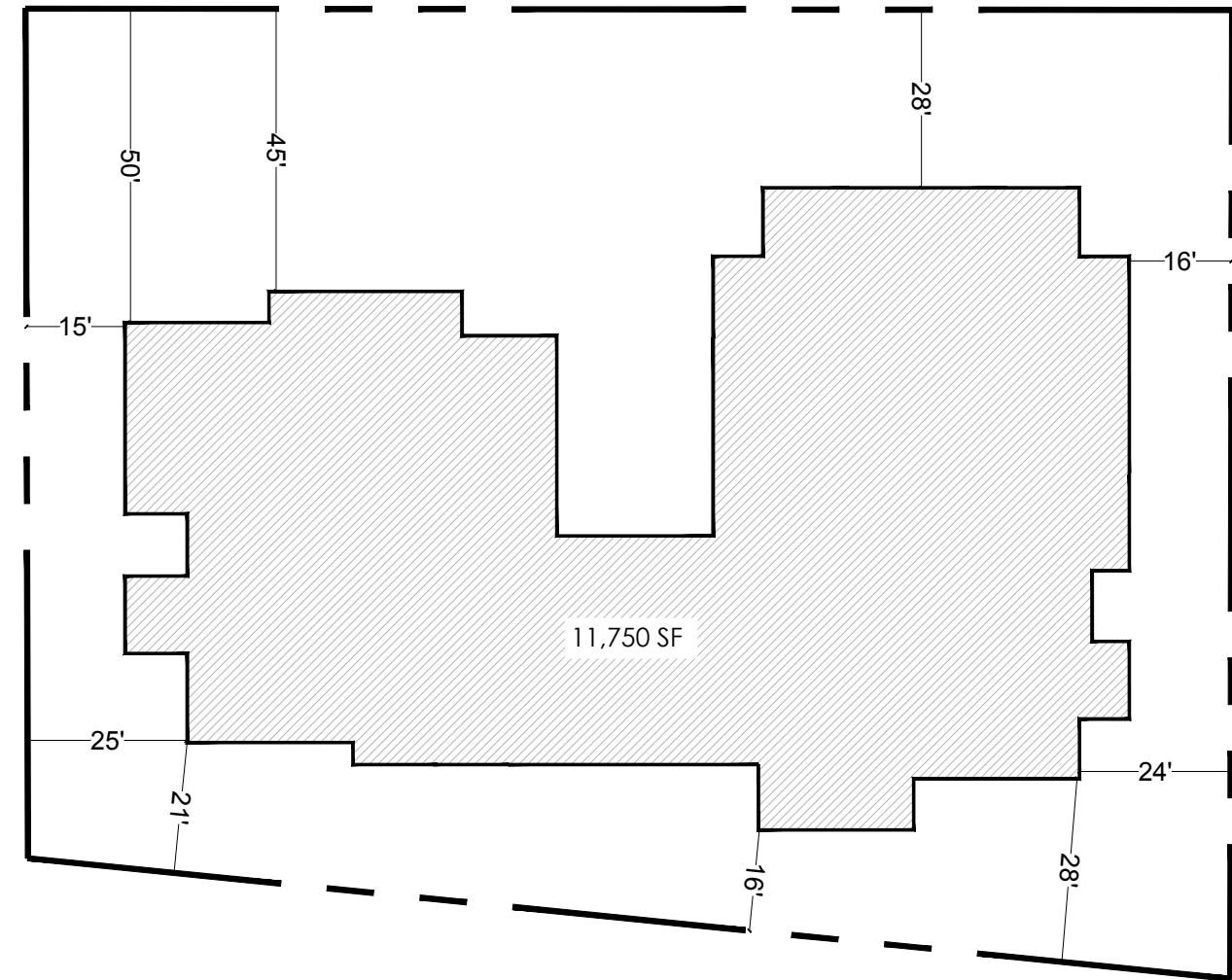
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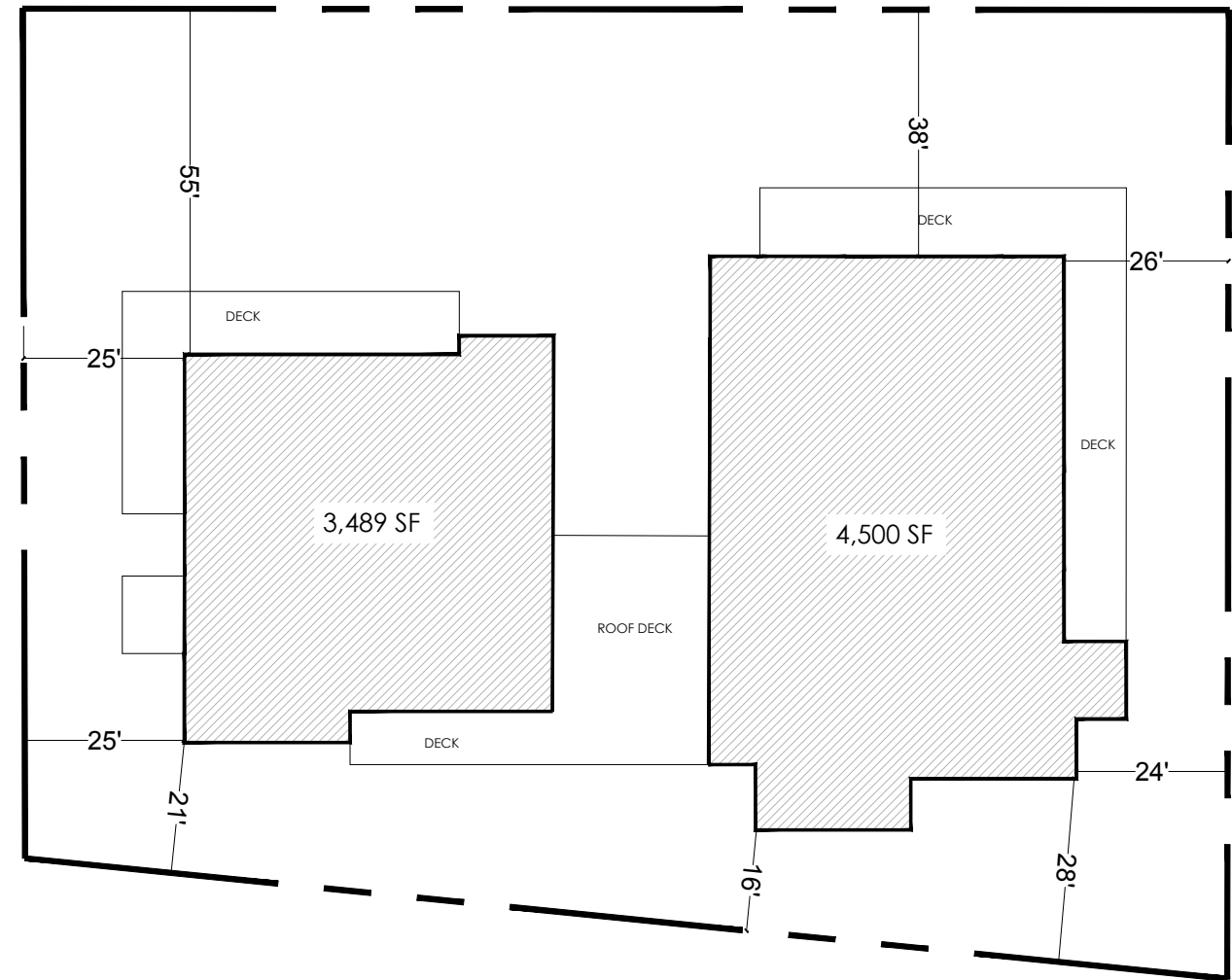
THIRD LEVEL

3



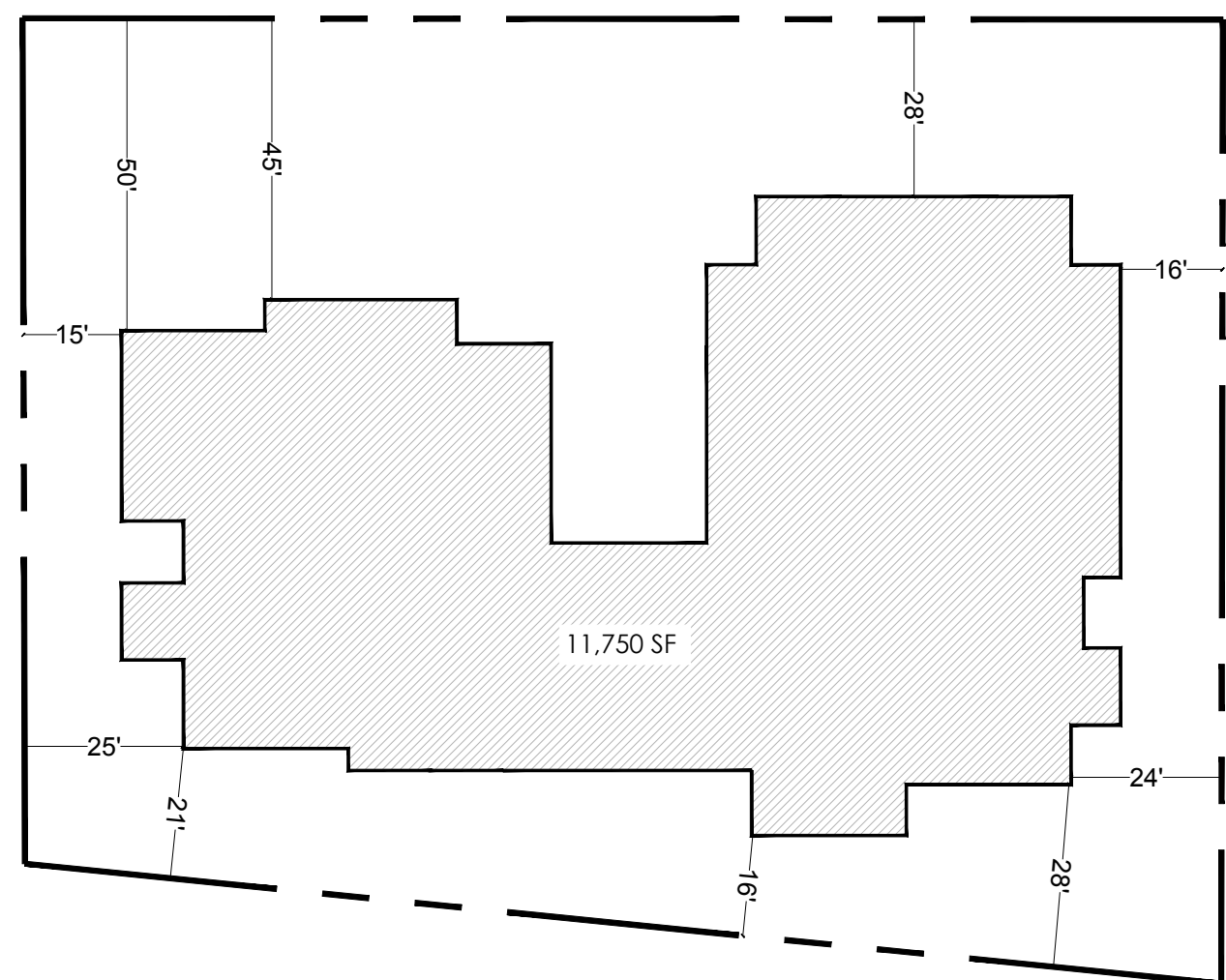
SECOND LEVEL

2



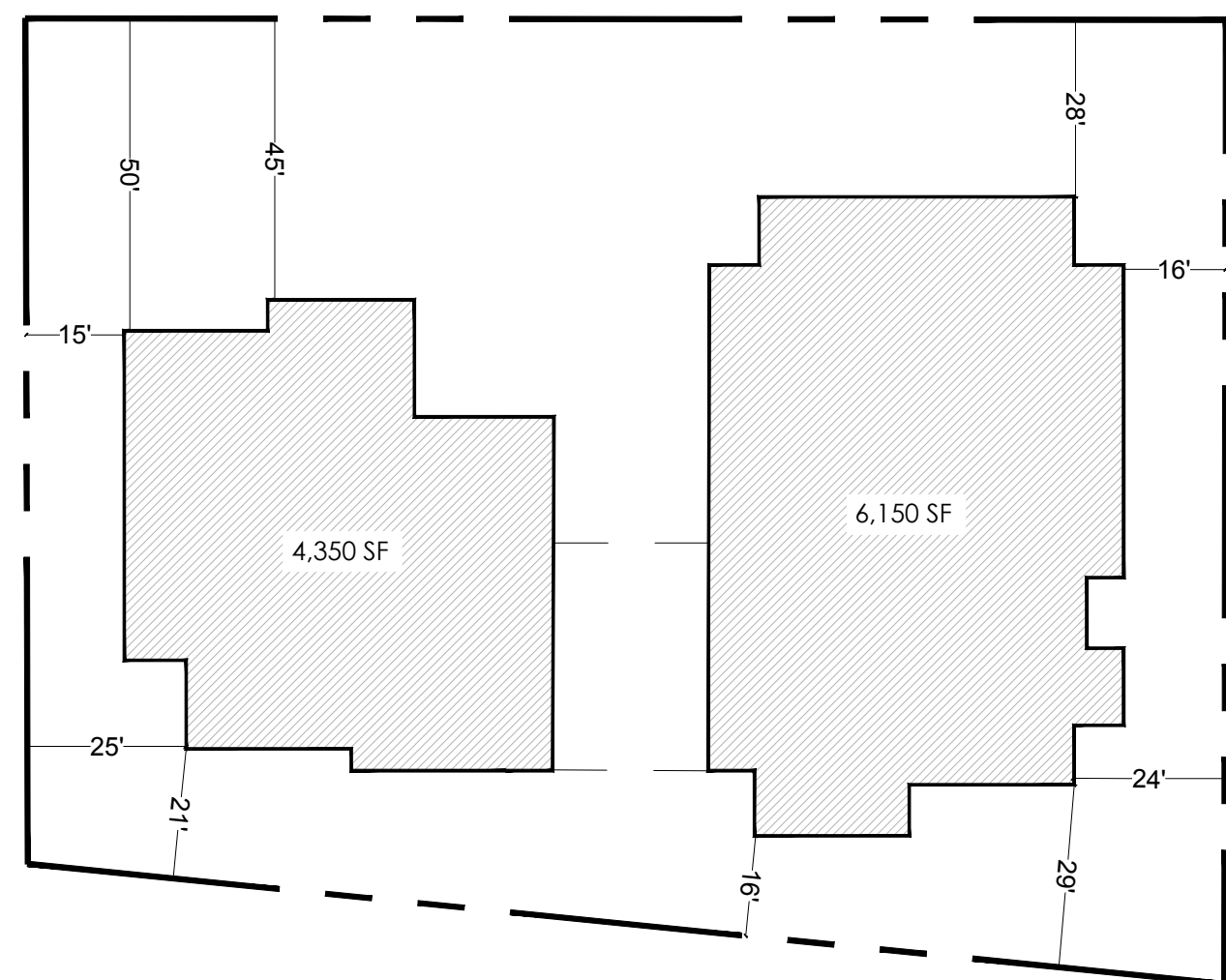
FIFTH LEVEL

5



FOURTH LEVEL

4



GROUND LEVEL

1

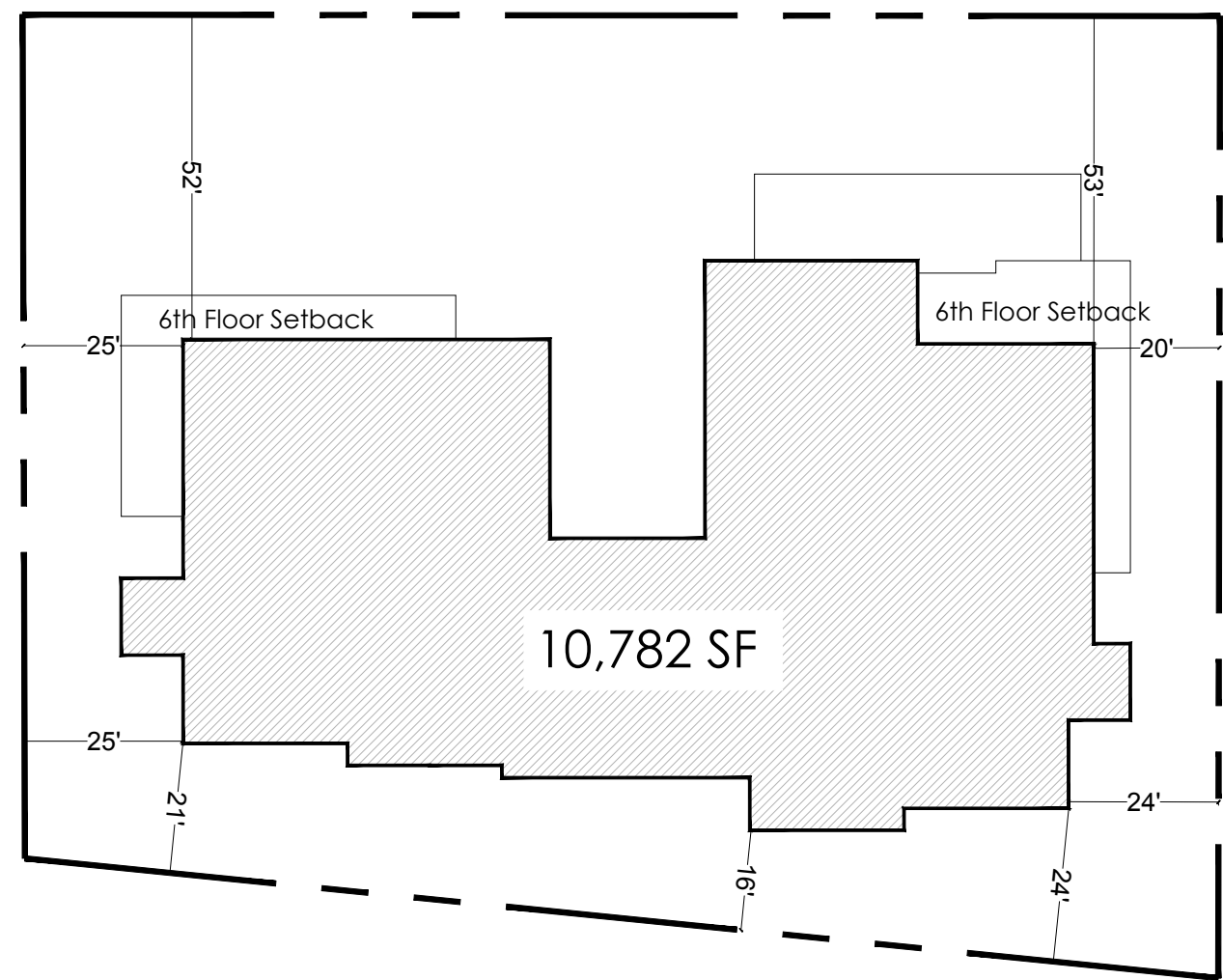
1.85 FAR Base 5 Story	FLOOR AREA CALCULATIONS		GROSS BUILDING S.F.		Zoning Compliance		Yes	No
	Level 1			10500		5 Story		x
Level 2			11750		24' Front Setback to Curb		x	
Level 3			11750		Front Upper Level Stepback		x	
Level 4			11750		40% Max Lot Coverage		x	
Level 5			7989		Stoops		x	
Total			53739					
FAR			1.8500		Unit Count			32

TABULATIONS

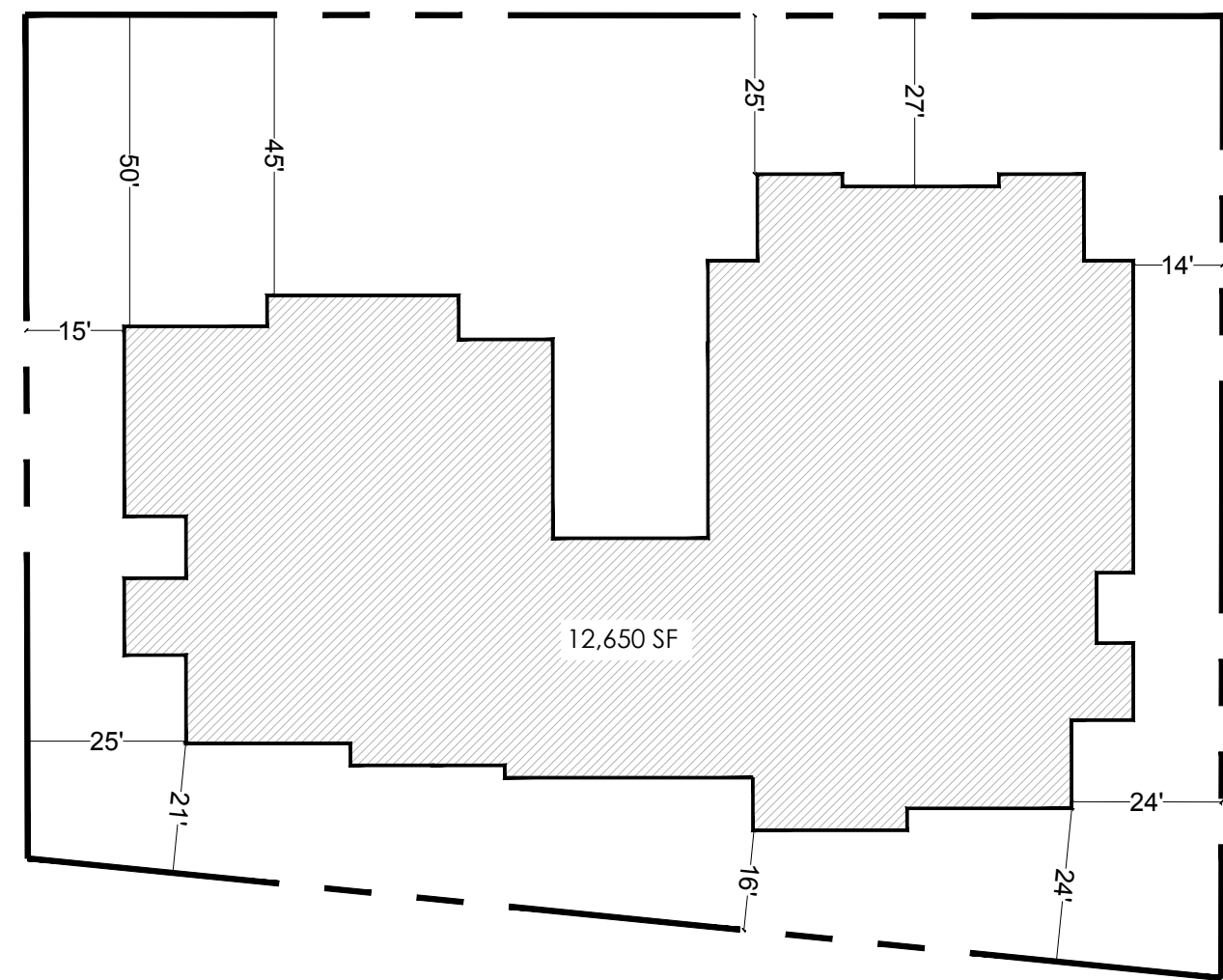
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Exhibit B

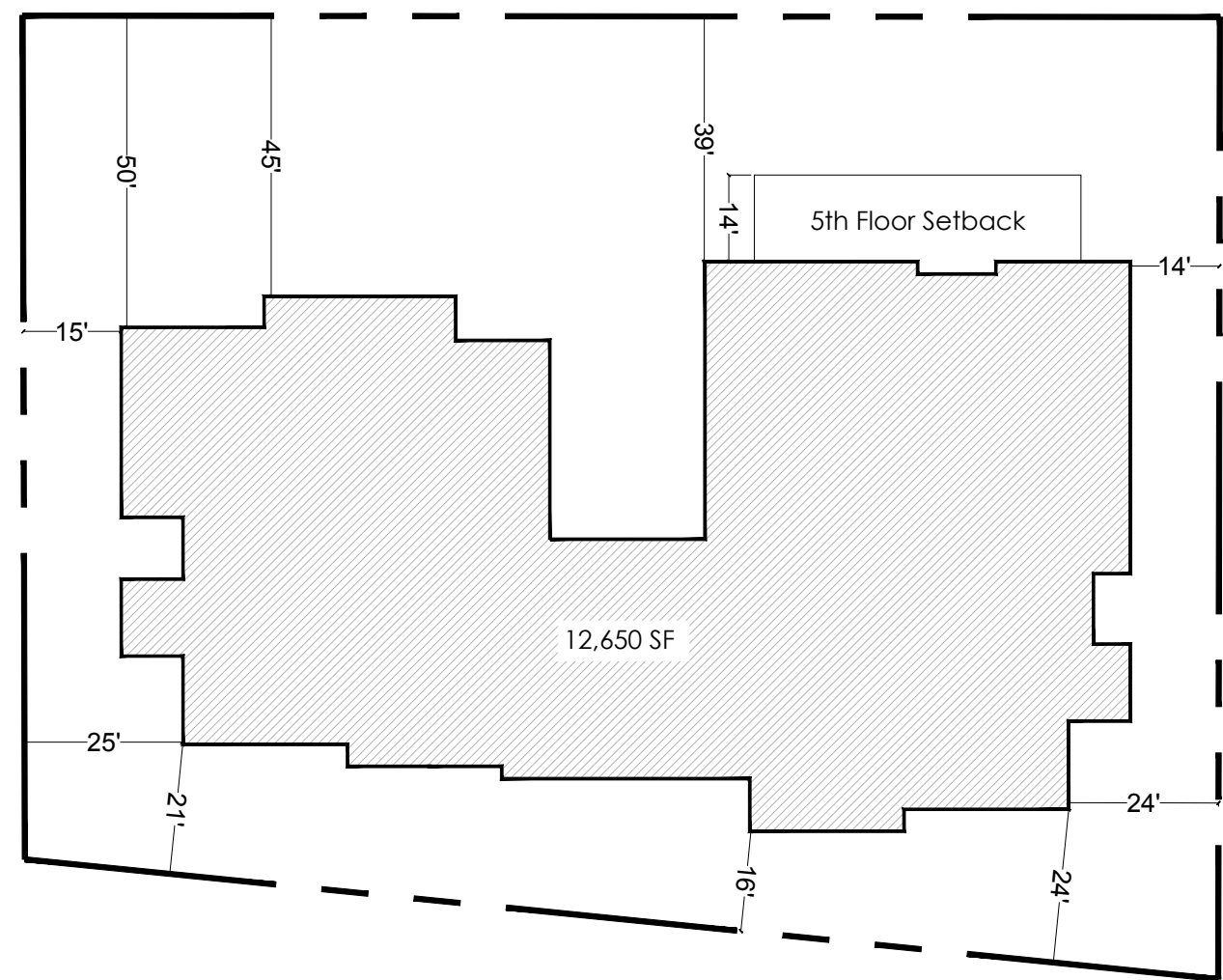
Project Plan with the Density Bonus



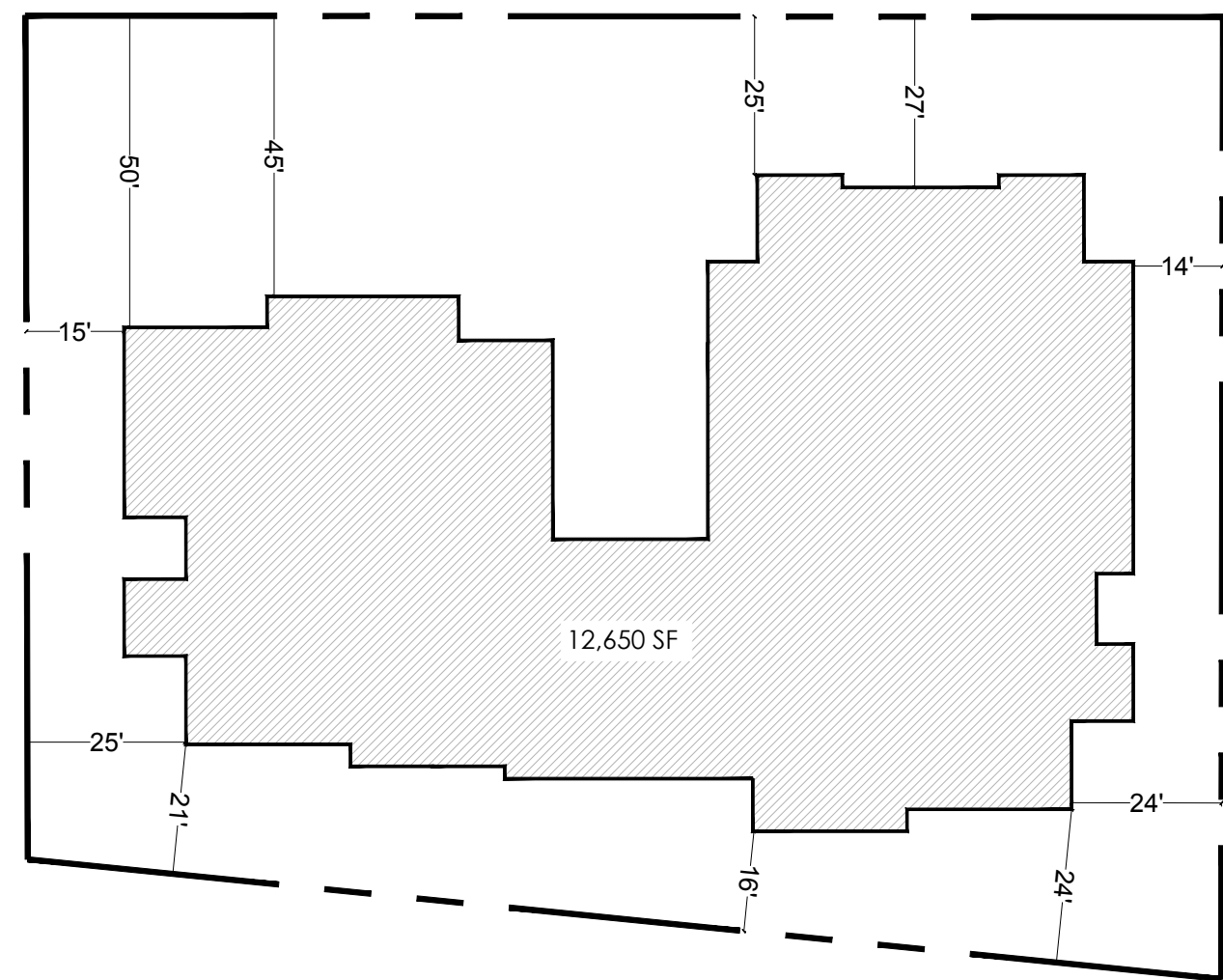
SIXTH LEVEL 6



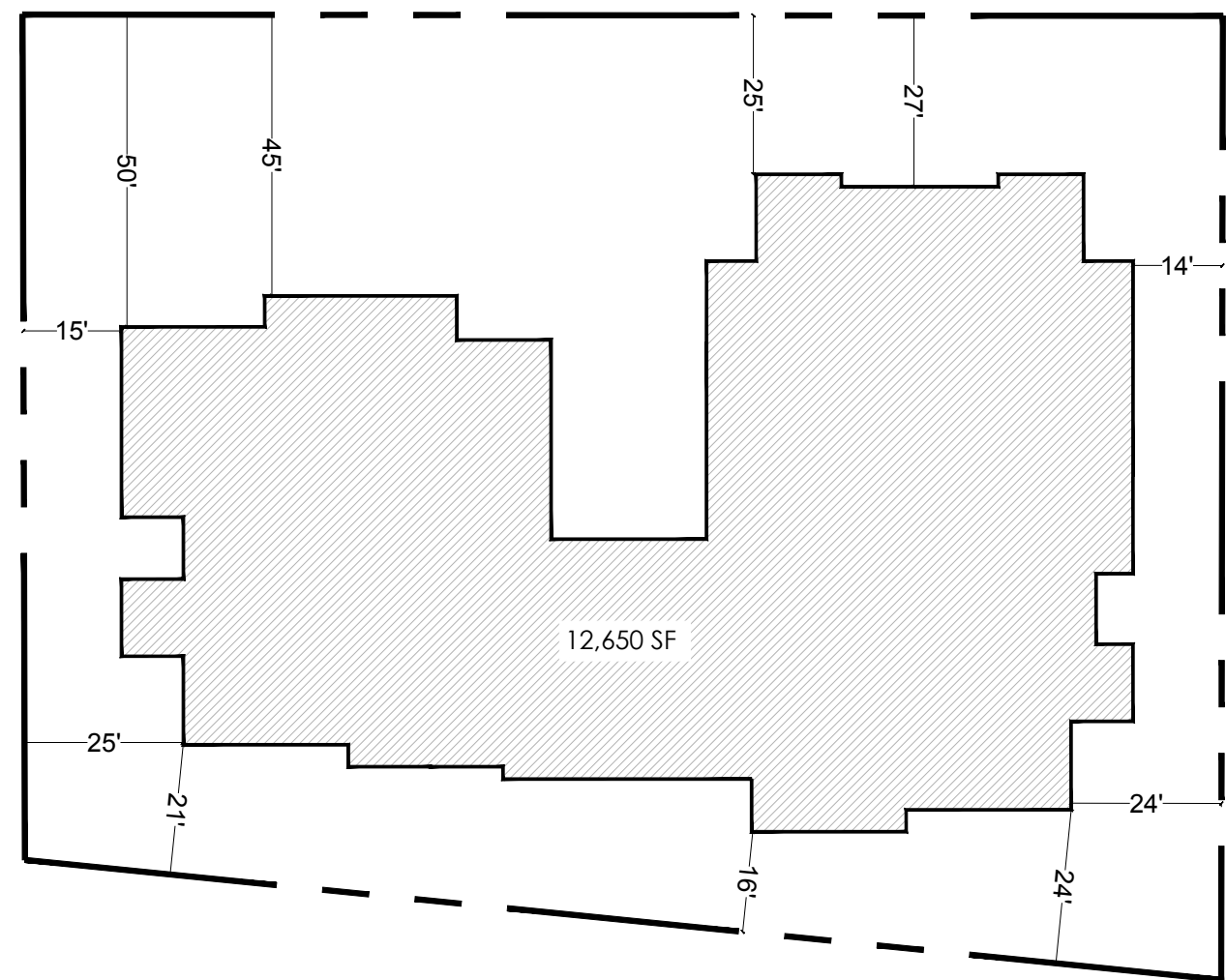
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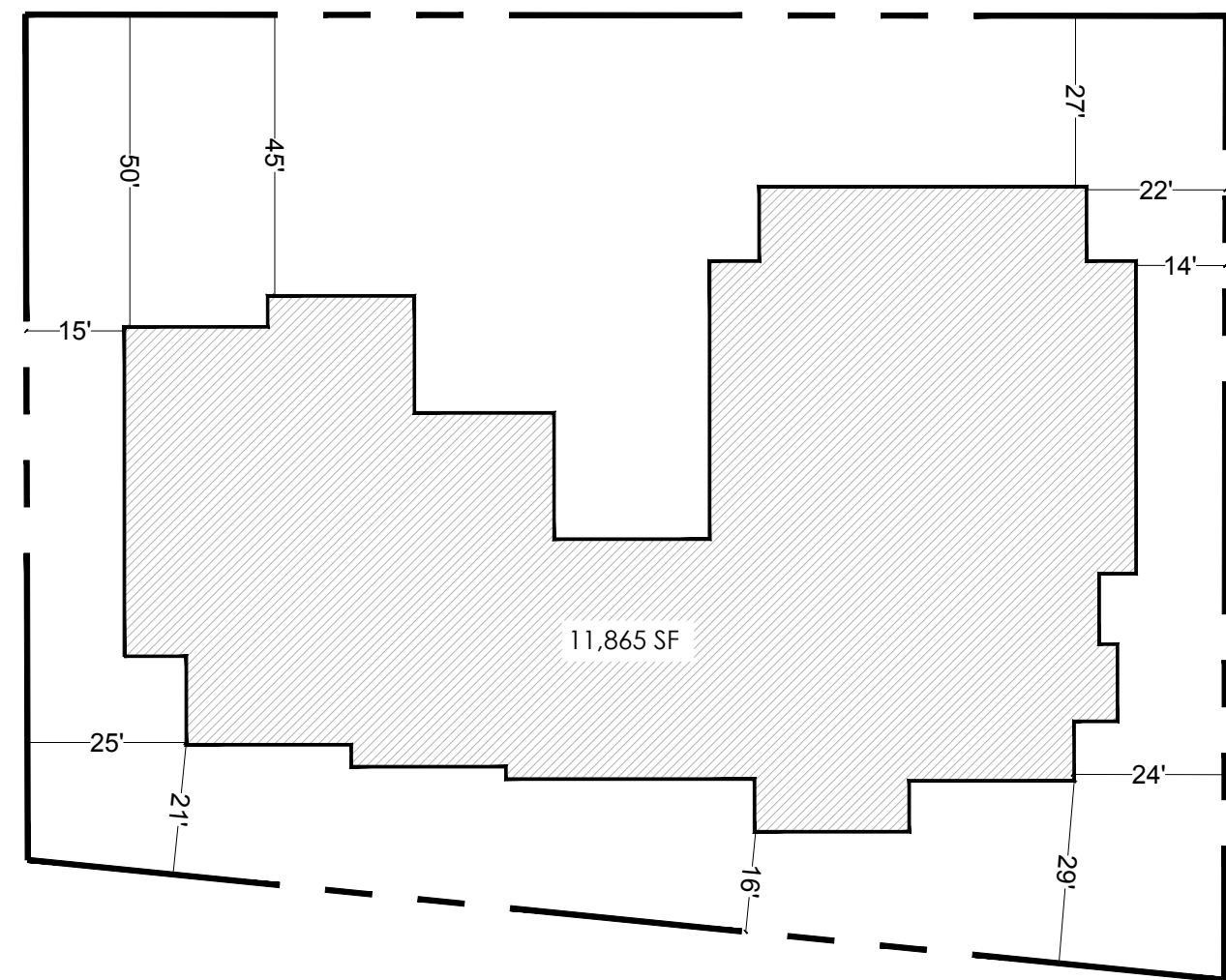
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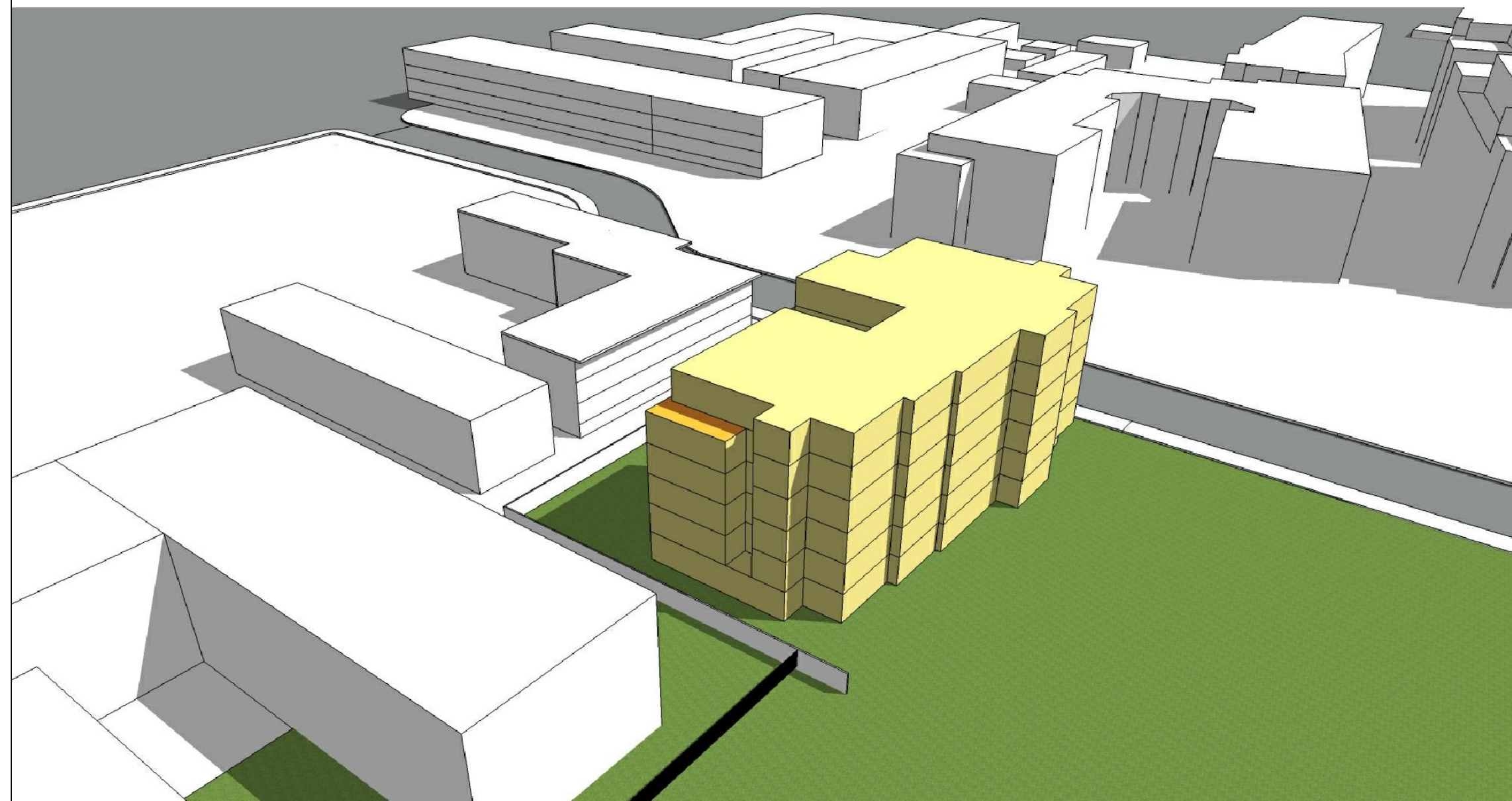
SECOND LEVEL 2



FOURTH LEVEL 4



GROUND LEVEL 1



AERIAL PERSPECTIVE 2 C



AERIAL PERSPECTIVE 1 B

2.4975 FAR over 6 story	FLOOR AREA CALCULATIONS		GROSS BUILDING S.F.		Zoning Compliance		Yes	No
	Level 1		11865		5 Story			x
	Level 2		12650		24' Front Setback to Curb		x	
	Level 3		12650		Front Upper Level Stepback		x	
	Level 4		12650		Fifth Level Stepback		x	
	Level 5		11950		40% Max Lot Coverage		x	
	Level 6		10782		Stoops		x	
Total		72547						
FAR		2.4975		Unit Count			44	

TABULATIONS A



STUDIO T SQUARE

: Architecture
: Planning
: Urban Design

: 304 12th Street, Suite 2A
: Oakland, California 94607
: (510) 451 - 2850

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2645 & 2655 Fayette Development

2645 & 2655 Fayette Drive, Mountain View, CA

Octane Fayette, LLC

800 West El Camino Real, Mountain View, California 94040

Sheet Title:

**6 STORY
2.4975 FAR**

Job No. 17017
Date: 06/25/2018
Scale: 1" = 30'-0"
Drawn By:

Sheet No:

A1

City of Mountain View
Community Development Department
Fiscal Year 2019-2020 CDBG/HOME Public Services and Capital Projects Funding Cycle
2/8/2019 deadline

Housing and Economic Rights Advocates MyFinancialWellness-Mountain View

Jump to: [Pre-Application](#) [Application Questions](#) [Total Agency Budget](#) [Program/Activity Budget & Green Construction/Rehab](#)
[Required Documents](#)

\$ 30,000.00 Requested
\$ 30,000 Total Project Cost

Submitted: 1/11/2019 4:12:58 PM (Pacific)

Project Contact

Maeve Brown
inquiries@heraca.org
Tel: 510 271-8443 ext. 307

Additional Contacts

none entered

Housing and Economic Rights Advocates

1814 Franklin Street, Suite 1040
Oakland, 94612-3439

Executive Director

Maeve Brown
melisebrown@heraca.org

Telephone 510 271-8443
Fax 510 868-4521
Web www.heraca.org

Pre-Application [top](#)

1. Which of the following describes your organization? Check all that apply.

- Non-Profit with 501(c)(3) status
- Community Based Development Organization (CBDO)
- Faith-Based Organization

2. Briefly describe the project or program that you are proposing.

HERA will work in-depth, individually with eligible City of Mountain residents to address credit and debt problems that affect their ability to access and maintain housing. We will provide legal services and legal/financial coaching to address debt collection (including collections abuses), credit reporting and access to credit issues, and file fair housing complaints for residents wrongfully denied access to rental housing in violation of the Fair Housing Act.

3. What are the groups that will be targeted by your project or program?

Low-income Mountain View residents, with a particular focus on residents of color and immigrant households, as well as seniors and people with disabilities, who are particularly cost-burdened.

Application Questions [top](#)

Some answers will not be presented because they are not part of the selected group of questions based on the answer to #6.

PROJECT INFORMATION

Information on Funds Requested

1. City Cost per Unit for Requested Funding (housing/service/activity):

\$

TOTAL

2. Total Amount Requested from Other Entities:

\$

TOTAL

3. Mountain View's Requested Share of the Total Project Budget:

%

TOTAL

4. Total Project Cost

30000

5. Have you requested funds from the City of Mountain View for this project before?

Yes

No

6. Is this a Public Service or Capital Projects application?

The application period for Public Service is now closed while the Capital Project application period has been extended to February 8, 2019.

Public Service

Capital Projects

Project Administration and Monitoring

7. For Public Service applicants only - Indicate the amount of CDBG funding and/or General Fund support your agency is currently receiving; or if your agency is a new applicant, enter the requested amount of funding.

Whichever funding source your agency is currently receiving

CDBG Amount

General Fund

New Agency Funding Request

TOTAL

8. Describe your written policies and/or established procedures for ensuring persons with disabilities and/or limited English proficiency have access to the services or activities associated with your funding request.

Our policy is to ensure that all workshops are held in locations/structures that are fully accessible to people with disabilities, and it is our established practice to use California Relay services as needed, and to make home visits as needed. For people with Limited English Proficiency, HERA provides interpretation by phone or in-person, utilizing professional interpreters for languages that we do not speak in-house. In-house, we speak Spanish, Korean, Portugues and French.

9. Explain how your agency collects income and race/ethnicity data.

HERA collects income and race/ethnicity data via telephone or email when that is our form of contact with a resident, or on hard copy intake forms or our electronic intake forms for intakes in person. All such information gets put into our electronic database, AbacusLaw, which we have tailored to our practice, and from which we can easily track information and create reports.

10. Does your agency charge fees for the services for which you are requesting funding?

If so, please upload in the Documents tab a copy of your fee schedule.

Yes

No

11. Describe the need that the proposed project or activity addresses and its community impact.

Mountain View's low-income residents need legal help addressing credit and debt problems that affect their ability to access

and maintain their housing. Credit is used as a reason for denials of applications to rental housing, including subsidized rentals, and it is sometimes a pretext or unlawful discrimination. Many low-income residents do have damaged credit as they struggle to address debt collection concerns. HERA will provide (1) legal services and in-depth legal/financial coaching to 45 low-income Mountain View residents to address debt collection (including collections abuses), credit reporting and access to credit issues, achieve affordable repayment plans, correct credit reporting errors, counsel residents on affordable/reputable borrowing options, escaping high-cost borrowing traps and increasing income, and litigate as needed; (2) provide brief service, counsel and advice to another 45 low-income Mountain View residents on debt and credit issues (legal rights, addressing errors and abuses, avoiding scams); (3) provide 2 debt/credit workshops in key languages of residents, including but not limited to Spanish, and Chinese (and English) with 10 residents in attendance at each and (4) outreach extensively to low-income residents and service providers to publicize these services. Low income Mountain View residents struggle to meet their obligations; many are subjected to wrongful debt collection abuses--the topic about which the Consumer Financial Protection Bureau and Federal Trade Commission receive the most consumer complaints annually. We find student loan debt, some from predatory for-profit schools, credit card debt, medical debt, HOA dues/assessments, and auto loans are among the debts most frequently threatening our clients' survival; people of color, immigrants and seniors are also targeted for abusive financial products and scams. Wrongful credit reporting is common and affects access to housing and to well-priced financial services. Our services will help (1) both tenants and low-income homeowners stay in their home in their chosen city and neighborhood by stopping or reducing the outflow of their resources to collections activity on a various debts, and (2) help homeless or marginally housed residents access housing by helping them build good credit and advocating for them with prospective landlords.

12. What other private or government organizations are now or will be addressing the same needs identified herein? Explain how the proposed activity augments rather than duplicates the services of other organizations.

Existing legal services providers may touch on some consumer debt and credit issues but generally do not provide legal services on the topics HERA covers or have very limited intake. HERA's services represent significant augmentation of services for Mountain View.

Project Information

13. Describe the project's target population, including client eligibility requirements. Discuss how and if they are an at-risk and/or under-served population.

HERA's target population is Mountain View's low-income residents, many of who are seniors or people with disabilities. Seniors are particularly at risk of targeting for financial scams, and many are cash-poor homeowners. Mountain View's diverse community of low-income residents includes residents who are more recent immigrants and/or have Limited English Proficiency who can be isolated from information about their legal rights and how to protect them while also being targeted for financial scams, and high-cost, predator products that put them in a spiral of debt. That, in turn, harms their credit and limit their ability to obtain or retain housing.

14. Information on Clients Served

<input type="text" value="110"/>	Total number of clients who would directly benefit from the program or activity?
<input type="text" value="110"/>	Number of Mountain View clients who would directly benefit from the program or activity?
<input type="text" value="220.00"/>	TOTAL

15. If the agency currently receives Mountain View funding, will the proposed assistance result in an increase in the number of clients currently being served by the agency?

If "Yes" is selected, answer the next question. If "No" is selected, proceed to question on number of extremely low, very low and low income clients.

- Yes
 No

16. Of the total additional clients, how many are expected to be Mountain View residents?

110

17. How many Total clients are expected to be Extremely Low Income Very Low Income, or Low Income

<input type="text" value="20"/>	Number of Extremely Low Income (0% up to 30% AMI)?
<input type="text" value="10"/>	Number of Very Low Income (30% up to 50% AMI)?
<input type="text" value="80"/>	Number of Low Income? (50% up to 80% AMI)
<input type="text" value="110.00"/>	TOTAL

18. Numeric Goals. For each activity, please indicate the goal for number of service units to be served. For Example: Annual number of clients who will be permanently housed? 25 Annual number of clients who will

secure employment? 15

- 1. Annual number of Mountain View clients who will receive legal services and in-depth legal/financial coaching to address debt collection (including collections abuses), credit reporting and access to credit issues, achieve affordable repayment plans, correct credit reporting errors, counsel residents on affordable/reputable borrowing options, escaping high-cost borrowing traps and increasing income, and litigate as needed 45
- 2. Annual number of Mountain View clients who will receive brief service, counsel and advice on debt and credit issues (legal rights, addressing errors and abuses, avoiding scams): 45
- 3. Annual number of Mountain View clients who will attend the 2 debt/credit workshops in key languages of residents, including but not limited to Spanish, and Chinese (and English) that HERA will provide: 20 (10 residents in attendance at each)

19. How many Mountain View clients are expected to be Extremely Low Income Very Low Income, or Low Income

20	Number of Extremely Low Income Mountain View clients (0% up to 30% AMI)?
10	Number of Very Low Income Mountain View clients (30% up to 50% AMI)?
80	Number of Low Income Mountain View clients? (50% up to 80% AMI)
110.00	TOTAL

20. Briefly describe your agency's mission and history.

Housing and Economic Rights Advocates (HERA) is a California statewide, not-for-profit legal service and advocacy organization dedicated to helping Californians — particularly those most vulnerable — build a safe, sound financial future, free of discrimination and economic abuses, in all aspects of household financial concerns. We provide free legal services, consumer workshops, training for professionals and community organizing support, create innovative solutions and engage in policy work locally, statewide and nationally. Since opening in 2005, HERA has provided free legal advice to over 18,000 California residents from all over the state, in-person, over the phone and at workshops, as well as legal information to thousands more at large-scale foreclosure education seminars, and to many thousands more through mainstream and ethnic media- articles, radio, and television. HERA staff members speak Spanish, Portuguese, Korean and French, and we utilize interpreters for other key languages needed to serve our diverse clientele.

21. How will the effectiveness of your project/activity be measured?

In addition to meeting numeric targets of numbers served in-depth, and via brief service, and via workshops, for 40 out of the 45 eligible Mountain residents with whom HERA works in-depth under this grant, if awarded, HERA will:-stop harassment/achieve an affordable repayment agreement, or -stop collections completely, or-stop incorrect credit reporting, or-help residents access affordable, lower-cost account at financial institutions, or-help residents access lower cost credit from reputable resources, or-help residents escape high-cost credit , or-increase savings or start to save. We will also ask for their feedback as to their satisfaction with our services and notate that in our database. For the additional 45 residents to whom we provide brief service/counsel and advice, HERA will request their feed-back on their satisfaction with our services and notate that in AbacusLaw, our database. For workshop participants, HERA will show through pre- and post workshop tests show that we have created a 50% improvement in the financial knowledge of 80% of participants. We will also provide an evaluation for written feedback on whether the workshop met their goals.8)Program Evaluation: In addition to tracking our satisfaction of activities listed above, numeric goals for workshops, number of clients in attendance and number of clients provided legal assistance, HERA will, as noted above,: (1) have pre-workshop tests and post-workshop to determine whether we have increased financial knowledge, comparing pre- and post-test results, and provide an evaluation form, (2) track our resolution of debt collection and/or credit reporting problems, (3) track and report positive changes in amount and type of consumer debt and amount of savings or creation of savings, or improved credit score for the low-income Mountain View residents whom we work with in-depth, (4) ask both brief service and in-depth clients for their feedback as to their satisfaction with our services and notate that/keep track in our database.

22. Indicate the estimated number of Mountain View clients that would be served under the following target group categories.

50	Seniors
10	Youth
30	Disabled Persons
20	Homeless Persons
110.00	TOTAL

Consolidated Plan Goals

23. Please indicate which Consolidated Plan Goal(s) will be met by the Project.

Check all that apply.

- Goal #1: Assist in the creation and preservation of affordable housing for lower-income and special needs households
- Goal #2: Support activities to prevent and end homelessness
- Goal #3: Support activities that provide basic needs to lower income households and special needs populations
- Goal #4: Support programs and activities that strengthen neighborhoods
- Goal #5: Promote fair housing opportunities

24. Briefly describe how your Project/Activity meets the Goal(s) selected above.

Our project and proposed activities promote prevention of homelessness and ending homelessness by helping residents reduce or eliminate debt loads that lead to inability to pay for housing, and by helping them build good credit to become eligible to access housing. Both of those activities are particular needs for lower income and special needs populations that have been targeted for financial abuses or have otherwise fallen into debt to survive and are trying to survive. Supporting lower income households and special needs populations in this way strengthens their ability to remain in their chosen neighborhood, permitting neighborhoods to retain their stability. Our project addresses use of credit as a pretext or unlawful discrimination through reviewing denials of housing based on credit, and filing fair housing complaints as needed and empowering residents to know the state of and improve their credit.

HUD Performance Measures

25. HUD requires that recipients of federal funding assess the outcomes of their programs. Please identify which HUD objective will be addressed by this project.

Select ONE.

- Objective #1: Creates a suitable living environment. This objective relates to activities that are designed to benefit communities, families, or individuals by addressing issues in their living environment (such as poor quality infrastructure) to social issues such as crime prevention, literacy or elderly health services.
- Objective #2: Provides decent housing. This objective focuses on housing programs where the purpose of the program is to meet individual, family, or community needs and not programs where housing is an element of a larger effort, since such programs would be more appropriately reported under suitable living environment.
- Objective #3: Creates economic opportunity. This objective applies to the types of activities related to economic development, commercial revitalization, or job creation.

26. HUD requires that recipients of federal funding assess the outcomes of their programs. Please identify which HUD outcome will be addressed by this project.

Select ONE.

- Outcome #1: Improve availability/accessibility. This category applies to activities that make services, infrastructure, public facilities, housing, or shelters available or accessible to low/moderate income people, including persons with disabilities. In this category, accessibility does not refer only to physical barriers, but also to making the affordable basics of daily living available and accessible to low/moderate income people where they live.
- Outcome #2: Improve affordability. This category applies to activities that provide affordability in a variety of ways in the lives of low/moderate income people. It can include the creation or maintenance of affordable housing, basic infrastructure hook-ups, or services such as transportation or day care.
- Outcome #3: Improve sustainability. This category applies to projects where the activity or activities are aimed at improving communities or neighborhoods, helping to make them livable or viable by providing benefit to persons of low/moderate income or by removing or eliminating slums or blighted areas through multiple activities or services that sustain communities or neighborhoods.

For Affordable Housing Projects Only...

27. Type of Project

-answer not presented because of the answer to #6-

28. Type of Activity

-answer not presented because of the answer to #6-

29. If the project involves acquisition of property, has a specific site been selected?

-answer not presented because of the answer to #6-

30. If the project involves acquisition of property and a specific site has been selected, please provide the address and Assessor's Parcel Number.

-answer not presented because of the answer to #6-

31. Do you have site control?

-answer not presented because of the answer to #6-

32. Explain if an option to purchase has been obtained. If applicable, indicated option period. If not applicable, put "N/A".

-answer not presented because of the answer to #6-

33. Does your organization qualify as a Community Housing Development Organization (CHDO) under the HOME program?

-answer not presented because of the answer to #6-

34. If your organization does not qualify as a CHDO under the HOME program, are you willing and able to meet the qualifications as set forth in federal regulations 24 CFR Part 92 (For affordable housing projects)

-answer not presented because of the answer to #6-

35. Describe the proposed ownership and management structure of the Project.

-answer not presented because of the answer to #6-

36. As document uploads, please provide the following information:

-answer not presented because of the answer to #6-

37. Provide a detailed project schedule.

-answer not presented because of the answer to #6-

38. For affordable housing projects only, state the number of affordable housing units to be created/rehabilitated and the target income population(s).

-answer not presented because of the answer to #6-

39. For existing housing developments, provide a listing of the current unit composition and rent structure as well as the proposed unit composition and rents.

-answer not presented because of the answer to #6-

40. Provide an explanation of how the project will impact any existing tenants. State if existing tenants will need to be temporarily or permanently relocated. If so, explain how the need for any temporary or permanent relocation will be addressed.

-answer not presented because of the answer to #6-

41. Upload a list of other similar projects carried out by the agency (include the project name, address, date when it was carried out, funding sources used, number of housing units, and description of the project).

-answer not presented because of the answer to #6-

42. Provide an overview of how the property will be managed and how any current management or tenant problems will be handled.

-answer not presented because of the answer to #6-

Green Construction/Rehabilitation

43. What amount and percentage of the total cost of your project is dedicated to Green upgrades?

-answer not presented because of the answer to #6-

44. Please fill in the table regarding Green Construction/Rehabilitation in the Green Construction/Rehab tab, then check the box below to confirm.

-answer not presented because of the answer to #6-

Total Agency Budget [top](#)

Total Agency Budget	Proposed 2019-2020	2018-2019	2017-2018	2016-2017
Administration				
Fundraising				
Total	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Proposed Capital Project Expenses

	Use of Prior City Funds (if applicable)	Prior City Description of Funding Request	Current Funding Request	Amount of Current 2018-19 Funding Request
Project Management/Soft Costs	Description of Use		\$	\$
Site Acquisition	Description of Use		\$	\$
Pre-Development Expenses	Description of Use		\$	\$
Entitlement and Building Fees/ Permits	Description of Use		\$	\$
Construction/Rehabilitation/Repair Costs	Description of Use		\$	\$
Other	Description of Use		\$	\$
Total			\$ 0	\$ 0

Proposed Project Revenues

	CDBG/HOME	Other (please identify in next column)	Type of Funding
Mountain View			\$
Other Jurisdictions/Sources			\$
			\$
			\$
			\$
			\$
			\$
			\$
Total	0		\$ 0

Green Construction and Rehabilitation

	Green Improvement/Upgrade	Annual Cost Savings	Lifetime Savings	Rated Used?	Use of Cost Savings
1		\$	\$	☐	
2		\$	\$	☐	
3		\$	\$	☐	
4		\$	\$	☐	
5		\$	\$	☐	
6		\$	\$	☐	
7		\$	\$	☐	
8		\$	\$	☐	
9		\$	\$	☐	
10		\$	\$	☐	
11		\$	\$	☐	
12		\$	\$	☐	
13		\$	\$	☐	
14		\$	\$	☐	
15		\$	\$	☐	

Staffing Reimbursement Estimates

Staffing Summary	Position Title	Program/Project Duties	Total Annual Salary	Total Hours per Week	% Time Allocated to CDBG or General Fund Activity	CDBG or General Fund Salary Reimbursement Request
Maeve Elise Brown	Executive Director	Project oversight and management	\$ 117,000	2 hrs	5 %	\$ 5,850
Megumi Tsutsui	Staff Attorney	Direct Services to residents	\$ 72,000	8 hrs	20 %	\$ 14,400
Gina Di Giusto	Senior Attorney	Direct Services to residents	\$ 82,000	8 hrs	20 %	\$ 16,400
			\$	hrs	%	\$
			\$	hrs	%	\$
			\$	hrs	%	\$
			\$	hrs	%	\$
			\$	hrs	%	\$
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			\$	hrs	%	\$
			\$	hrs	%	\$
			\$	hrs	%	\$

Required Documents [top](#)

Documents Requested *

Required? Attached Documents *

ARTICLES OF INCORPORATION/BYLAWS	✓	Articles of Incorporation HERA
LIST OF BOARD OF DIRECTORS: Include the name, telephone number, address, and occupation or affiliation of each member. Identify the principal officers of the governing body.	✓	HERA Board of Directors
NONPROFIT DETERMINATION: Submit determination letters from the Federal Internal Revenue Service and the State Franchise Tax Board documenting the organization is tax exempt.	✓	501C3 Letter
AUTHORIZATION TO REQUEST FUNDS: Submit documentation of the governing body's authorization to submit the funding request. This consists of a copy of the minutes of the meeting in which the resolution, motion, or other official action is recorded.		Auth to Submit
DESIGNATION OF AUTHORIZED OFFICIAL: Document the governing body's action authorizing agency's representative to negotiate for & contractually bind the agency. Upload signed letter from Chairperson with name, title, address, & phone # of officials.		Designation of Official
ORGANIZATIONAL CHART: Include the organization's administrative framework and staff positions.	✓	Organizational Chart HERA
FINANCIAL STATEMENT AND AUDIT: Describe any findings or concerns that were cited in the audit or in any accompanying management letter, particularly pertaining to use of CDBG funds. Describe any actions taken to correct identified findings/concerns.	✓	Audited Financials Most Recent Fiscal Year

RESUME OF CHIEF PROGRAM ADMINISTRATOR

RESUME OF CHIEF FISCAL OR FINANCIAL OFFICER

STAFF QUALIFICATIONS/RESUMES: Provide a statement of qualifications and/or resumes of the development/project team staff members.



[Development Staff](#)

FEE SCHEDULE: Please upload a copy of your fee schedule, if you charge a fee for the services for which you are requesting funds.

BUDGET DOCUMENTATION AND/OR AGENCY BUDGET: Upload any documentation to support your Total Agency Budget or a copy of your agency budget.

[Agency-wide Budget](#)

****CAPITAL PROJECTS ONLY** COST BREAKDOWN:** Provide a detailed breakdown of the total cost of the project (budget), including any acquisition, rehabilitation, relocation or other costs.

****CAPITAL PROJECTS ONLY** REVENUE BREAKDOWN:** Provide a detailed breakdown of anticipated sources of revenue and proposed expenses, including the funding being requested from the City of Mountain View.

****CAPITAL PROJECTS ONLY** PROJECT PROFORMA:** Provide a copy of the project proforma: the project income, expense and cash flow analysis for a 30-year period.

****CAPITAL PROJECTS ONLY** PROJECT SCHEDULE:** Attach a detailed project schedule. (*REQUIRED if you did not provide a detailed project schedule in the application questions.)

****CAPITAL PROJECTS ONLY** SITE/FLOOR PLANS:** If applicable and available, include a site plan and floor plans and elevations of the project.

****CAPITAL PROJECTS ONLY** SITE/FLOOR PLANS:** If applicable and available, include a site plan and floor plans and elevations of the project.

****CAPITAL ONLY** LIST OF OTHER PROJECTS:** Provide list of other projects similar to proposed project carried out by agency (include project name, address, date when carried out, funding sources used, # of housing units, & description of projects).

* ZoomGrants™ is not responsible for the content of uploaded documents.

Application ID: 131771