

**SUPPLEMENTAL BOARD BOOK OF
June 28, 2018**



J. B. Goodwin, Chair

Leslie Bingham Escareño, Vice-Chair

Paul Braden, Member

Asusena Reséndiz, Member

Sharon Thomason, Member

Leo Vasquez, III, Member

**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
GOVERNING BOARD MEETING**

**A G E N D A
8:00 AM
June 28, 2018**

**John H. Reagan Building
JHR 140, 105 W 15th Street
Austin, Texas 78701**

CALL TO ORDER

ROLL CALL

J.B. Goodwin, Chair

CERTIFICATION OF QUORUM

Pledge of Allegiance - I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Texas Allegiance - Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

CONSENT AGENDA

Items on the Consent Agenda may be removed at the request of any Board member and considered at another appropriate time on this agenda. Placement on the Consent Agenda does not limit the possibility of any presentation, discussion or approval at this meeting. Under no circumstances does the Consent Agenda alter any requirements under Tex. Gov't Code Chapter 551. Action may be taken on any item on this agenda, regardless of how designated.

ITEM 1: APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:

EXECUTIVE

- a) Presentation, discussion, and possible action on Board meeting minutes summary for April 26, 2018

J. Beau Eccles
Board Secretary

LEGAL

- b) Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning Sunrise Village Phase I (HOME 532336 / CMTS 2722)

Jeffrey T. Pender
Deputy General Counsel

MULTIFAMILY ASSET MANAGEMENT

- c) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Land Use Restriction Agreement:

Raquel Morales
Director of MF Asset
Management

01051 El Dorado Village

Brownsville

01058 Rosemont of Highland Gardens

Harlingen

- d) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application:

15121 The Glades of Gregory-Portland

Gregory

15410 Aldrich 51

Austin

- e) Presentation, discussion, and possible action regarding Change in Ownership Structure of Development Owner and Developers Prior to Issuance of IRS Forms 8609s for Various Developments

- f) Presentation, discussion, and possible action regarding a Placed in Service Deadline Extensions:

15185 LaMadrid Apartments

Austin

HOUSING RESOURCE CENTER

- g) Presentation, discussion, and possible action on the final 2018 State of Texas Consolidated Plan: One-Year Action Plan

Elizabeth Yevich
Director of Housing
Resource Center

HOUSING CHOICE VOUCHER PROGRAM

- h) Presentation, discussion, and possible action on the Section 8 Program 2019 Annual Public Housing Agency Plan for the Housing Choice Voucher Program
- i) Presentation, discussion, and possible action authorizing the Department to submit a Registration of Interest for U.S. Department of Housing and Urban Development Veterans Affairs Supportive Housing vouchers within Fort Bend and Galveston counties, and if successfully awarded, to operate such program

Michael DeYoung
Director of Community Affairs

PROGRAM CONTROLS AND OVERSIGHT

- j) Presentation, discussion, and possible action to authorize the Director of Program Controls and Oversight and his/her designees to assign, transfer and/or sell defaulted single family loans to nonprofit organizations, and units of local governments and through various approaches to otherwise manage, secure and dispose of Department’s foreclosed single family assets

Homero Cabello
Director of Program Controls and Oversight

ADMINISTRATION

- k) Presentation, discussion, and possible action to adopt a resolution regarding designating signature authority and superseding previous resolutions in this regard

David Cervantes
Director of Administration

NEIGHBORHOOD STABILIZATION PROGRAM

- l) Presentation, discussion, and possible action authorizing amendments to the Neighborhood Stabilization Program 3 Contract and Program Income Reservation Agreement

Raul Gonzales
Director of OCI, HTF and NSP

COMMUNITY AFFAIRS

- m) Presentation, discussion, and possible action on the Program Year 2018 Department of Energy Weatherization Assistance Program Health and Safety Plan
- n) Presentation, discussion, and possible action on awards for Federal Fiscal Year (“FFY”) 2018 Community Services Block Grant Discretionary Funds for education and employment services to Native American and Migrant Seasonal Farm Worker populations

Michael DeYoung
Director of Community Affairs

MULTIFAMILY FINANCE

- o) Presentation, discussion, and possible action on a Determination Notice for Housing Tax Credits with another Issuer
18419 St. John’s Apartments San Antonio
- p) Presentation, discussion, and possible action on Inducement Resolution No. 18-022, Park Yellowstone, for Multifamily Housing Revenue Bonds Regarding Authorization for Filing Applications for Private Activity Bond Authority on the 2018 Waiting List and a waiver relating to 10 TAC §10.101(b)(8), related to Development Accessibility Requirements

Marni Holloway
Director of Multifamily Finance

- q) Presentation, discussion, and possible action on staff determinations regarding Application disclosures under 10 TAC §10.101(a)(2) related to Applicant Disclosure of Undesirable Site Features:

18086	The Village at Overlook Parkway	San Antonio
18091	Lavon Senior Villas	Garland
18099	Waters Park Studios	Austin
18217	Cypress Creek at Santa Fe	Santa Fe
18274	Hill Court Villas	Granbury
18314	Reserves at Maplewood	Wichita Falls
18320	Seaside Lodge	Seabrook
18370	Heritage Tower	Longview
18383	Provision at Lake Houston	Houston

BOND FINANCE

- r) Presentation, discussion, and possible action on Resolution No. 18-025 authorizing publication of Public Notice for Mortgage Credit Certificate Program

Monica Galuski
Director of Bond Finance

RULES

- s) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC §1.7, Staff Appeals Process, and 10 TAC §1.8, Board Appeals Process; and an order proposing new 10 TAC §1.7, Appeals Process, and directing publication for public comment in the *Texas Register*
- t) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC §1.10, Public Comment Procedures, and an order proposing new 10 TAC §1.10, Public Comment Procedures, and directing publication for public comment in the *Texas Register*
- u) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC §1.13, Contested Case Hearing Procedures, and an order proposing new 10 TAC §1.13, Contested Case Hearing Procedures, and directing publication for public comment in the *Texas Register*
- v) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC §1.16, Ethics and Disclosure Requirements for Outside Financial Advisors and Service Providers, and an order proposing new 10 TAC §1.16, Ethics and Disclosure Requirements for Outside Financial Advisors and Service Providers, and directing publication for public comment in the *Texas Register*
- w) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC §1.17, Alternative Dispute Resolution and Negotiated Rulemaking, and an order proposing new 10 TAC §1.17, Alternative Dispute Resolution, and new 10 TAC §1.12, Negotiated Rulemaking, and directing publication for public comment in the *Texas Register*
- x) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC §1.18, Colonia Housing Standards, and directing publication for public comment in the *Texas Register*
- y) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC §1.19, Reallocation of Financial Assistance, and an order proposing new 10 TAC §1.19, Reallocation of Financial Assistance, and directing publication for public comment in the *Texas Register*
- z) Presentation, discussion, and possible action on an order proposing the readoption, without changes, of 10 TAC §1.22, Providing Contact Information to the Department, and directing publication for public comment in the *Texas Register*
- aa) Presentation, discussion, and possible action on orders adopting amendments to 10 TAC Chapter 23, Single Family HOME Program Rules Subchapter F, Tenant-Based Rental Assistance Program, §23.61 concerning Tenant-Based Rental Assistance (“TBRA”) General Requirements, and directing publication in the *Texas Register*
- bb) Presentation, discussion, and possible action on an order adopting repeal of 10 TAC Chapter 7, Subchapter A, General Provisions, and 10 TAC Chapter 7, Subchapter B, Homeless Housing and Services Program, and an order adopting new 10 TAC Chapter 7, Subchapter A, General Provisions, and 10 TAC Chapter 7, Subchapter B, Homeless Housing and Services Program, and directing publication in the *Texas Register*

Brooke Boston
Director of Programs

Abigail Versyp
Director of HOME and
Homelessness Programs

CONSENT AGENDA REPORT ITEMS

ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:

- a) Quarterly Report on Texas Homeownership Division
- b) TDHCA Outreach Activities, (May-June)
- c) 2019 QAP Planning Project Report

Cathy Gutierrez
Director of Texas
Homeownership Program
Michael Lyttle
Director of External
Affairs
Marni Holloway
Director of MF Finance

ACTION ITEMS

ITEM 3: REPORTS

- a) Report on the meeting of the Audit and Finance Committee and Action on recommendations of that committee:
 - i. Approval of the updated Internal Audit Charter
 - ii. Approval of the Annual Operating Budget
 - iii. Approval of the Housing Finance Division annual operating budget
- b) Report and possible action on guidance related to income averaging for amendments, compliance monitoring, and future Qualified Allocation Plans

Sharon Thomason
Chair of Audit and Finance Committee

Marni Holloway
Director of MF Finance

ITEM 4: BOND FINANCE

- a) Presentation, discussion, and possible action on Resolution No. 18-023 authorizing the issuance and delivery of Texas Department of Housing and Community Affairs Series 2018 Issuer Note; approving the form and substance of related documents; authorizing the execution of documents and instruments necessary or convenient to carry out the purposes of this Resolution; and containing other provisions relating to the subject
- b) Presentation, discussion, and possible action on Resolution No. 18-024 authorizing the issuance, sale and delivery of Texas Department of Housing and Community Affairs Single Family Mortgage Revenue Bonds, 2018 Series A, approving the form and substance of related documents, authorizing the execution of documents and instruments necessary or convenient to carry out the purposes of this Resolution, and containing other provisions relating to the subject

Monica Galuski
Director of Bond Finance

ITEM 5: MULTIFAMILY FINANCE

- a) Presentation, discussion, and possible action regarding the Issuance of Multifamily Housing Revenue Bonds (Riverside Townhomes) Series 2018 Resolution No. 18-026 and a Determination Notice of Housing Tax Credits
- b) Presentation, discussion, and possible action regarding the Issuance of Multifamily Housing Revenue Bonds (Oaks on Lamar) Series 2018 Resolution No. 18-027 and a Determination Notice of Housing Tax Credits
- c) Presentation, discussion, and possible action on staff determinations regarding Undesirable Neighborhood Characteristics:

18020	St. Elizabeth Place	Houston
18038	3rd Street Lofts	Lubbock
18053	Alazan Lofts	San Antonio
18054	Piedmont Lofts	San Antonio
18250	Sweetbriar Hills	Jasper
- d) Presentation, discussion, and possible action on staff determinations regarding Undesirable Site Features:

18095	Retreat West Beaumont	Beaumont
18138	Lancaster Senior Village	Fort Worth
18162	Guadalupe Villas	Lubbock
18254	Somerset Lofts	Houston
18327	Scott Street Lofts	Houston
18335	Travis Flats	Austin
18338	The Greenery	Houston
- e) Presentation, discussion, and possible action on a report of Third Party Requests for Administrative Deficiency received prior to the deadline:

18000	Evergreen at Garland Senior Community	Garland
18002	Evergreen at Basswood Senior Community	Garland
18018	Columbia Renaissance Square II Senior	Fort Worth
18020	St. Elizabeth Place	Houston
18026	Maple Park Senior Village	Lockhart
18033	The Miramonte	Fifth Street
18038	3rd Street Lofts	Lubbock

Marni Holloway
Director of MF Finance

18043	Huntington at Miramonte	Fifth Street
18047	Miramonte Single Living	Fifth Street
18053	Alazan Lofts	San Antonio
18084	Artisan at Ruiz	San Antonio
18096	Patriot Park Family	Plano
18138	Lancaster Senior Village	Houston
18148	Palmview Village	Palmview
18162	Guadalupe Villas	Lubbock
18166	The Legacy at Buena Vista	San Antonio
18186	Avanti at Greenwood	Corpus Christi
18221	Cypress Creek Apartment Homes at Hazelwood Street	Princeton
18223	Harvest Park Apartments	Pampa
18261	Fish Pond at Portland	Portland
18269	2400 Bryan	Dallas
18273	Museum Reach Lofts	San Antonio
18274	Hill Court Villas	Granbury
18283	Pines at Allen Street	Kountze
18288	Village at Greenwood	Corpus Christi
18293	Silver Spur Apartments	Palmview
18294	The Legacy	Palmview
18305	Star of Texas Seniors	Montgomery
18306	Campanile on Commerce	Houston
18333	Fulton Lofts	Houston
18347	Avenue Commons	Andrews
18357	Capella	Olmito
18358	Ovation Senior Living	Olmito
18368	The Reserves at Merriwood Ranch	Garland
18371	Diboll Pioneer Crossing	Diboll

- f) Presentation, discussion, and possible action on timely filed scoring appeals:

18000	Evergreen at Garland Senior Community	Garland
18057	Granbury Manor	Granbury
- g) Presentation, discussion, and possible action to issue a list of approved applications for 2018 Housing Tax Credits in accordance with Tex. Gov't Code §2306.6724(e)
- h) Presentation, discussion, and possible action on a request for waiver of rules:

17510	Brook Haven Supportive Housing	Rockdale
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APPENDIX

Multifamily Application Logs

PUBLIC COMMENT ON MATTERS OTHER THAN ITEMS FOR WHICH THERE WERE POSTED AGENDA ITEMS

EXECUTIVE SESSION

The Board may go into Executive Session (close its meeting to the public):

1. The Board may go into Executive Session Pursuant to Tex. Gov't Code §551.074 for the purposes of discussing personnel matters including to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;
2. Pursuant to Tex. Gov't Code §551.071(1) to seek the advice of its attorney about pending or contemplated litigation or a settlement offer;
3. Pursuant to Tex. Gov't Code §551.071(2) for the purpose of seeking the advice of its attorney about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Tex. Gov't Code Chapter 551; including seeking legal advice in connection with a posted agenda item;
4. Pursuant to Tex. Gov't Code §551.072 to deliberate the possible purchase, sale, exchange, or lease of real estate because it would have a material detrimental effect on

J.B. Goodwin
Chair

- the Department's ability to negotiate with a third person; and/or
5. Pursuant to Tex. Gov't Code §2306.039(c) the Department's internal auditor, fraud prevention coordinator or ethics advisor may meet in an executive session of the Board to discuss issues related to fraud, waste or abuse.

OPEN SESSION

If there is an Executive Session, the Board will reconvene in Open Session. Except as specifically authorized by applicable law, the Board may not take any actions in Executive Session.

ADJOURN

To access this agenda and details on each agenda item in the board book, please visit our website at www.tdhca.state.tx.us or contact Michael Lyttle, 512-475-4542, TDHCA, 221 East 11th Street, Austin, Texas 78701, and request the information. If you would like to follow actions taken by the Governing Board during this meeting, please follow TDHCA account (@tdhca) on Twitter.

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Terri Roeber, ADA Responsible Employee, at 512-475-3959 or Relay Texas at 1-800-735-2989, at least three (3) days before the meeting so that appropriate arrangements can be made.

Non-English speaking individuals who require interpreters for this meeting should contact Elena Peinado, 512-475-3814, at least three (3) days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Elena Peinado, al siguiente número 512-475-3814 por lo menos tres días antes de la junta para hacer los preparativos apropiados.

NOTICE AS TO HANDGUN PROHIBITION DURING THE OPEN MEETING OF A GOVERNMENTAL ENTITY IN THIS ROOM ON THIS DATE:

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista.

NONE OF THESE RESTRICTIONS EXTEND BEYOND THIS ROOM ON THIS DATE AND DURING THE MEETING OF THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

1q

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
JUNE 28, 2018

Presentation, discussion and possible action on staff determinations regarding Application disclosures under 10 TAC §10.101(a)(2) related to Applicant disclosure of Undesirable Site Features

18086	The Village at Overlook Parkway	San Antonio
18091	Lavon Senior Villas	Garland
18099	Waters Park Studios	Austin
18217	Cypress Creek at Santa Fe	Santa Fe
18274	Hill Court Villas	Granbury
18314	Reserves at Maplewood	Wichita Falls
18320	Seaside Lodge	Seabrook
18370	Heritage Tower	Longview
18383	Provision at Lake Houston	Houston

RECOMMENDED ACTION

WHEREAS, pursuant to 10 TAC §10.101(a)(2) of the 2018 Uniform Multifamily Rules related to Undesirable Site Features, Development Sites within the applicable distance of any of the identified undesirable features will be considered ineligible unless it is determined by the Board that information regarding mitigation of the applicable undesirable site feature(s) is sufficient and supports Site eligibility;

WHEREAS, for the items requiring disclosure under §10.101(a)(2), staff received 13 such disclosures providing mitigation of the applicable undesirable site feature(s); and

WHEREAS, prepared a summary of such mitigations for the Board;

NOW, therefore, it is hereby,

RESOLVED, that the Board accepts staff recommendation and finds each of the sites, (other than Cypress Creek at Santa Fe (18217) and Provision at Lake Houston (18383), which staff recommends be removed from the Consent Agenda and placed on the Action Agenda for individual presentation, discussion, and possible action), eligible in satisfaction of the requirements of 10 TAC §10.101(a)(2) of the 2018 Uniform Multifamily Rules.

BACKGROUND

The following tables describe the staff reviews and determinations for 2018 Competitive Housing Tax Credit (“HTC”) applications that included disclosures related to §10.101(a)(2) of the 2018 Uniform Multifamily Rules (the “Rules”), related to Undesirable Site Features. Pursuant to the rule, such disclosures are required if the Development Site is within the applicable distance of any of the identified undesirable features. The rule also stipulates that if Department staff identifies what it believes would constitute an undesirable site feature not listed in this paragraph or covered under subparagraph (K) of the paragraph, staff may request a determination from the Board as to whether such feature is acceptable or not.

Each entry identifies the HTC development/application identification number (TDHCA ID#), the name of the development, city, region, and application review status, along with staff's recommendation with respect to eligibility of the site. A brief summary of each disclosure has been included.

The Department's Governing Board has final decision making authority in making an affirmative determination or finding the site ineligible. Pursuant to 10 TAC §10.101(a)(2), should the Board make the determination that a Development Site is ineligible based on this report, such determination is final, and the termination of the Application resulting from such Board action is not subject to further appeal.

TDHCA ID#	18086	Development Name:	The Village at Overlook Parkway		
City:	San Antonio	Region:	9	Review Status:	Under Review
Staff recommendation:	Site is eligible under §10.101(a)(2)				

Summary of Disclosure: There is an existing overhead electric line running across the northern portion of the site, as well as an overhead transmission line, which will have to be avoided during development. The Development Site is located within 100 feet of the lines and structures. There is also a natural gas supply line running east/west parallel to the overhead electric line. The grading of the Overlook Parkway driveway will need to avoid these lines; otherwise the developer will need to pay CPS-Energy to lower them.

Mitigation Efforts: Mitigation efforts include offsetting all building structures to be more than 100 feet away from any overhead transmission lines and structures.

Staff Determination: The offsets shown on the preliminary site plan indicate that appropriate mitigation has been included in the plan. Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	18091	Development Name:	Lavon Senior Villas		
City:	Garland	Region:	3	Review Status:	Under Review
Staff recommendation:	Site is eligible under §10.101(a)(2)				

Summary of Disclosure: The Development Site is located within 500 feet of active railroad tracks.

Mitigation Efforts: The Development Site is also located in the City of Garland's Railroad Neighborhood Quiet Zone. No mitigation is required.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	18099	Development Name:	Waters Park Studios		
City:	Austin	Region:	7	Review Status:	Under Review
Staff recommendation:	Site is eligible under §10.101(a)(2)				

Summary of Disclosure: The Development Site is located within 500 feet of a Capital Metro commuter rail line.

Mitigation Efforts: No mitigation is required for a commuter rail line.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	18217	Development Name:	Cypress Creek at Santa Fe		
City:	Santa Fe	Region:		Review Status:	Under Review
Staff recommendation:	Site is eligible under §10.101(a)(2)				

Summary of Disclosure: There are 8 pipelines traversing the site of the proposed development. All of the pipelines are listed as intrastate lines by the Texas Railroad Commission. One line was a crude gathering line that has been abandoned. All of the remaining pipelines are listed as "active."

Mitigation Efforts: The Development Owner provided a Pipelines and Informed Planning Alliance (“PIPA”) review report and has committed to comply with any and all recommendations of the report.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	18274	Development Name:	Hill Court Villas		
City:	Granbury	Region:	3	Review Status:	Under Review
Staff recommendation:	Site is eligible under §10.101(a)(2)				

Summary of Disclosure: The Development Site is approximately 8.5 miles from the Comanche Peak Nuclear Power Facility.

Mitigation Efforts: Per 10 TAC §10.101(a)(2), where there is a local ordinance that regulates the proximity of such undesirable feature to a multifamily development that has smaller distances than the minimum distances noted, then such smaller distances may be used and documentation such as a copy of the local ordinance identifying such distances relative to the Development Site must be included in the Application. The Application included a City of Granbury ordinance that allows the construction of multifamily developments funded with low income housing tax credits within the city limits of Granbury but no closer than five miles from the nuclear plant.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	18314	Development Name:	Reserves at Maplewood		
City:	Wichita Falls	Region:	2	Review Status:	Under Review
Staff recommendation:	Site is eligible under §10.101(a)(2)				

Summary of Disclosure: The Development Site is within of the City of Wichita Falls Solid Waste Transfer Station.

Mitigation Efforts: The Application includes a City of Wichita Falls ordinance stating that a “property within the city limits containing a multifamily residential development may have its boundary no less than zero feet (i.e., adjacent) to the boundary of a property containing a solid waste transfer station.”

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	18320	Development Name:	Seaside Lodge		
City:	Seabrook	Region:		Review Status:	Under Review
Staff recommendation:	Site is eligible under §10.101(a)(2)				

Summary of Disclosure: The ESA states that the presence of a natural gas aboveground storage tank (AST) on the east adjoining property has an Acceptable Separation Distance that overlaps with the eastern boundary of the Seaside Lodge at Chesapeake Bay site by 60 feet.

Mitigation Efforts: The ESA preparer provided ways the overlap can be mitigated, and the Applicant has certified that the project will be design as required to mitigate the feature.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	18370	Development Name:	Heritage Tower		
City:	Longview	Region:	4	Review Status:	Under Review
Staff recommendation:	Site is eligible under §10.101(a)(2)				

Summary of Disclosure: Heritage Tower is within approximately 430 feet, of railroad tracks.

Mitigation Efforts: The Texas Historic Commission has made a preliminary determination that the building will qualify as a Certified Historic Structure and is reasonably expected to qualify for and receive historic tax credits. Per 10 TAC §10.101(a)(2), historic Developments that would otherwise qualify under §11.9(e)(6) of this title (relating to the Qualified Allocation Plan) may be granted an exemption by the Board, and such exemption must be requested at the time of or prior to the filing of an Application. The Applicant has requested such an exemption.

Staff Determination: Staff is recommending that the Board approve the exemption and find the Development Site eligible.

TDHCA ID#	18383	Development Name:	Provision at Lake Houston		
City:	Houston	Region:	6	Review Status:	Under Review
Staff recommendation:	Site is eligible under §10.101(a)(2)				

Summary of Disclosure: There are 8 pipelines traversing the site of the proposed development. All of the pipelines are listed as intrastate lines by the Texas Railroad Commission. One line is listed but was never completed. All of the remaining pipelines are listed as "active."

Mitigation Efforts: The Development Owner provided a Pipelines and Informed Planning Alliance (“PIPA”) review report and has committed to comply with any and all recommendations of the report.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

18086
The Village at
Overlook Parkway
Disclosure Documents

Undesirable Site Features

Development is located adjacent to power transmission lines. Mitigation efforts are noted in Site Design / Feasibility Report and Preliminary Site plan prepared by Pape-Dawson Engineers.

**THE VILLAGE AT
OVERLOOK, TDHCA
NO.18086
Site Design & Development
Feasibility Report**

February 2018

**THE VILLAGE AT
OVERLOOK, TDHCA
NO.18086
Site Design & Development
Feasibility Report**

February 2018

TBPE, Firm Registration # 470 | TBPLS, Firm Registration # 10028800 | TBPG, Firm Registration #50351





February 28, 2018

Mr. Ryan Wilson
Franklin Development
21260 Gathering Oak, Suite 101
San Antonio, Texas 78260

Re: The Village at Overlook, TDHCA No.18086
Site Design & Development Feasibility Report

Dear Mr. Wilson:

We have completed the feasibility study on the above referenced property as requested in accordance with the 2018 Uniform Multifamily Rules to be used to complete your application. Additionally, we hope this information proves useful in your evaluation of the property; please do not hesitate to call if any questions arise during your review. We look forward to working with you as the project progresses.

Sincerely,
Pape-Dawson Engineers, Inc.

Tom Carter, P.E.
Senior Vice President

2-28-18



Attachments

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**THE VILLAGE AT OVERLOOK, TDHCA
NO.18086 Site Design & Development Feasibility
Report**

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THE VILLAGE AT OVERLOOK, TDHCA NO.18086 Site Design & Development Feasibility Report

A. EXECUTIVE SUMMARY

1. Due Diligence Statement

The intent of this report is to provide a due diligence assessment of the current site conditions and development requirements of the proposed Overlook at 281 project. This report was compiled based on information obtained by phone and email correspondence with local utility purveyors (San Antonio Waster System (SAWS), CPS-Energy-Energy, Spectrum, and Guadalupe Valley Telephone Company (GVTC), and a site visit. We have read and understood 2018 Uniform Multi-Family Rules issued by the Texas Department of Housing & Community Affairs (TDHCA). This site design and feasibility report for Overlook at US 281 in San Antonio, Texas is prepared in accordance with §10.204(15) of these rules.

2. Project Overview

Overlook at 281 is a proposed ± 9.4 -acre, 146-unit multi-family development located along the south side of Overlook Parkway approximately 750-feet west of US 281 (Attachment 1). Overlook at 281 falls within the City of San Antonio (COSA), inside Bexar County, Texas. The site is currently undeveloped and bound by Overlook Parkway to the north, a CPS-Energy Energy substation to the east, undeveloped land to the south, and a residential subdivision to the west. The site was annexed into the city limits of San Antonio and is zoned Mixed-Use District (MXD). The site will need to be platted with COSA in order to obtain a building permit and utility services. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), Panel number 48029C0140G identifies the site as outside the limits of the 1% annual chance (100-year) floodplain (Attachment 5). The site is composed of portions of two separate tracts of land. The two Bexar County Property IDs are 1063660 (1.5578-Acres), valued at \$471,800 and 1063661 (12.5018-acres), valued at \$1,851,560. The current millage rate for the two properties is \$26.70042 per \$1,000 assessed value (1063661) and \$26.95042 per \$1,000 assessed value (1063660).

THE VILLAGE AT OVERLOOK, TDHCA NO.18086 Site Design & Development Feasibility Report

Since the site is located in the Edwards Aquifer Recharge Zone, a Water Pollution Abatement Plan (WPAP) will be required. Additionally, the site will require a Sewage Collection System (SCS) to be approved prior to construction. The site is located within presumptive endangered species habitat areas according to US Fish and Wildlife guidelines. These areas contain suitable habitat areas for both Golden Cheeked Warblers and Karst Invertebrates. Therefore, an Endangered Species Survey will need to be performed prior to construction.

Pape-Dawson Engineers contacted San Antonio Water System, CPS-Energy-Energy, Time Warner Cable, AT&T, and Guadalupe Valley Telephone Company regarding their ability to provide services to the site. City water and sanitary sewer utilities are available to serve the site. The only utility extension anticipated is 525-linear feet of sanitary sewer main extension to the site. There are dry utilities near the site including electric, gas, telephone, and cable TV available for the proposed development. Current Letters of Availability for electric, gas, water and sewer were provided by CPS-Energy-Energy and the San Antonio Water System (SAWS) (Attachment 9).

In conjunction with this report, Pape-Dawson Engineers is updating a Land Title Type 1A survey for the site (Attachment 9).

A preliminary site plan and probable construction cost estimate was prepared for the proposed development. Preliminary calculations indicate the on-site costs of the proposed 146-unit multi-family development will be approximately \$2,117,000.00. The off-site costs will be approximately \$133,698.00. Overall, the development of the site appears feasible.

Drainage

The site will have to comply with the City of San Antonio drainage requirements, which will include preparing a stormwater management plan (SWMP). The site falls within

THE VILLAGE AT OVERLOOK, TDHCA NO.18086 Site Design & Development Feasibility Report

the Upper Salado Creek Watershed over the Edwards Aquifer Recharge Zone and is not within any known mandatory detention areas. According to FEMA Flood Insurance Rate Map (FIRM) Number 48029C0140G the site is outside of the 100-year floodplain. The site encircles a hilltop just south of Overlook Parkway which directs runoff in three separate directions. The northern part of the site sheet flows north, northeast into Overlook Parkway and drains west in the Overlook Parkway right-of-way before discharging into an improved drainage channel through three, open end curb inlets. The western and southern portion of the site sheet flows southwest, and is captured by an existing swale that runs along the back of a residential subdivision west of the site. This swale drains southwest through the Summer Glen neighborhood before discharging into Mustang Creek. The eastern portion of the site drains southeast, down the hill eventually crossing Summer Glen Road in a system of box culverts.

A detention pond is anticipated for the site based upon the amount of increased impervious cover and the existing drainage structures downstream. The likely area for the detention basin would be the southwest corner of the site, as shown on the preliminary site plan (Attachment 11). Alternatively, if the SWMP proves that there is no drainage impact to other properties, drainage or habitable structures, to a point 2,000-feet downstream, the project may elect to pay fees in lieu of detention (FILO). The fees are aggregated into the City of San Antonio stormwater management participation program and used for public drainage improvements across the city. The current multi-family rate is \$0.20 per square foot of increased impervious cover. Based upon the site plan and preliminary estimates, there will be an approximate increase in impervious cover of around 219,678 SF, which equates to a fee of \$43,935.60 under the current rates. The site plan includes a detention pond to mitigate the increase in peak flow runoff; therefore, we do not anticipate these fees in lieu of detention being required.

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Soils and Grading

According to United States Department of Agriculture Natural Resource Conservation Service (USDA-NRCS) soil maps, the majority of the site is comprised of Eckrant cobbly clay and Eckrant-Rock Outcrops (Attachment 6). A geotechnical report will be required to obtain recommendations for building pad and pavement design.

The site encircles a hill top and naturally slopes away in three directions. Retaining walls will be necessary in several areas to avoid extreme slopes and achieve flat building pads. The primary grading constraints on the site will be directing enough runoff through the WPAP Best Management Practice (BMP) features, and that the required walkways are compliant with the American's With Disabilities Act (ADA). Approximately 660-linear feet of retaining walls will be required. The site will also be graded in a way to minimize the discrepancy between cut and fill.

Water & Wastewater

San Antonio Water System (SAWS) will be the water and sanitary sewer provider for the site. The site falls within SAWS Pressure Zone 11A, in the middle water development zone. The site is within the upper wastewater collection zone and within the Dos Rios/Leon Creek watershed. Since the site is located within the Edwards Aquifer Recharge Zone, a Utility Service Agreement (USA) will be required. The USA will outline the required improvements, impact fees and connection points for sanitary sewer and water service. Additionally, SAWS will review the WPAP to ensure water quality compliance.

An existing 16-inch water main crosses Overlook Parkway, and runs west on the south side of Overlook Parkway along the front of the site. There are two existing fire hydrants in the vicinity of the site. Based on a utility availability letter received on February 26, 2018, it appears SAWS will allow connection to this line without any main extensions. There is also an 8-inch sanitary sewer main running along the north

THE VILLAGE AT OVERLOOK, TDHCA NO.18086 Site Design & Development Feasibility Report

side of Overlook Parkway, with an 8-inch stub to the south side. SAWS will require the developer to construct a short main extension from this stub to bring sanitary sewer service to the site. Based on the existing inverts listed in the SAWS sewer block map, the site will be able to gravity drain to the existing 8-inch line.

The projected impact fees are required for the site based on the San Antonio Water System Utility Service Regulations, which became effective June 1, 2015. The fees will be based upon the number of Equivalent Dwelling Units (EDUs) connected to SAWS services. Multi-family developments are calculated at a rate of 0.5 EDU/unit, and irrigation meter rates are calculated by meter size. A water flow rate of 313 gallons per day is equivalent to 1 EDU. A sewer flow rate of 240 gallons per day is equivalent to 1 EDU. The projected fees are summarized below.

Domestic water impact fee (based on 146 units) = \$348,721 (\$4,777/EDU)

Irrigation water impact fee (based on 2" meter) = \$66,878 (\$4,777/EDU)

Sewer impact fee (based on 146 units) = \$241,338 (\$3,306/EDU)

Total impact fees = \$656,937

Dry Utilities

CPS-Energy-Energy is the electric purveyor for the site. An electric availability letter was received on February 26, 2018. CPS-Energy indicated that electric service is available to the site. There is an existing overhead electric line running across the northern portion of the site, as well as an overhead transmission line, which will have to be avoided during development. The developer has disclosed in their application to TDHCA an Undesirable Site Feature, as defined in the TDHCA Multifamily Rules. The Development Site is located within 100 feet of nearby lines and structures of overhead transmission lines. Mitigation efforts include offsetting all building structures to be more than 100 feet away from any overhead transmission lines and structures. The offset is shown on the preliminary site plan, see attachment 11 – Preliminary Site

THE VILLAGE AT OVERLOOK, TDHCA NO.18086 Site Design & Development Feasibility Report

Plan. There is also a natural gas supply line running east/west parallel to the overhead electric line. The grading of the Overlook Parkway driveway will need to avoid these lines; otherwise the developer will need to pay CPS-Energy to lower them. Once the site plan is finalized, final design and construction costs will need to be coordinated with CPS-Energy.

Time Warner Cable (TWC) is one of the telephone and communications providers for the site. On January 20, 2015 an availability letter from Time Warner was received indicating that TWC has existing coax and/or fiber facilities near the site.

AT&T is not able to provide telephone or communication services to the site. On January 20, 2015, a letter from AT&T was received indicating that the site falls outside of the AT&T service zone, and service will not be available to the site.

Guadalupe Valley Telephone Cooperative (GVTC) is one of the telephone and communications providers for the site. On January 19, 2015, an availability letter from GVTC was received indicating that the site was within the GVTC service area and that fiber optic facilities are available to the proposed development.

Parkland Dedication

The City of San Antonio requires all multi-family projects to dedicate 1 acre of parkland per 114 dwelling units. COSA Parks and Recreation will review parkland requirements during the platting process. For the proposed 146-unit multi-family site, it is anticipated that approximately 1.28 acres of parkland dedication will be required.

However, this requirement is typically satisfied by acquiring parkland dedication credits for the proposed site amenities such as the clubhouse, open play areas, walking trails, recreation centers and pools.

**THE VILLAGE AT OVERLOOK, TDHCA
NO.18086 Site Design & Development Feasibility
Report**

B. SITE SUMMARY ITEMS

1. Zoning Requirements

The site is currently within the City of San Antonio, and is Zoned Mixed-Use District (MXD), within an overlay of Edwards Recharge Zone District (ERZD) and the Gateway Corridor (GC-3). MXD Zoning provides for a Mixed-use development. City of San Antonio Ordinance Number 2016-12-01-0902, dated December 1, 2016 established the proposed site as multi-family use at 25 units per acre within this site.

2. Subdivision Requirements

The site is currently unplatted and will need to be platted with the City of San Antonio. As a 525-linear foot sewer main extension is anticipated, the site will be platted as a major plat. The plat will also need to be submitted to all of the various utility entities for approval. Within COSA, several distinct reviews will take place at time of plat, including stormwater, trees, historic preservation, parks and recreation, and traffic. The plat review process will take approximately 120-150 days. The projected platting fees for the ±9.4-acre plat is listed below.

MAJOR PLATTING	CITY FEES
Plat Application Fees	
City Application Fees	
Base Fee	\$662.50
Lot Fee	\$5.00
Non-Single Family (Acre)	\$5,500.00
Historic Review	\$175.00
Recording Handling	\$50.00
Recording	\$82.00
Total Application Fees	\$6,474.50
Fees during Review	
Tree Review	\$1,000
TOTAL	\$7,474.50

THE VILLAGE AT OVERLOOK, TDHCA NO.18086 Site Design & Development Feasibility Report

3. Development Ordinances

The site will need to comply with COSA's Unified Development Code (UDC) requirements. A copy of this ordinance is available online at the City of San Antonio (www.sanantonio.gov) website.

The site will also have to comply with the current 2010 COSA Tree Ordinance. For a multi-family development, 40% of significant trees and 100% of heritage trees must be preserved or mitigated outside the 100-year floodplain, requiring a minimum of 20% to be preserved. The remaining percentage may be mitigated by tree preservation fees or new tree planting.

4. Fire Department Requirements

The site falls within the Bexar Bulverde FD-2 area and is currently served by the Bexar-Bulverde Volunteer Fire Department as well as Acadian Emergency Medical Service. There are two existing fire hydrants along Overlook Parkway adjacent to the site along the 16-inch ductile iron.

The site will have to comply with the respective sections of the 2015 International Fire Code, and city of San Antonio local amendments as adopted by ordinance number 2015-01-29-0067. These requirements include, fire lane, sprinkler, fire department connection, hose lay and other requirements that will be inspected by the San Antonio Fire Marshall. It is anticipated that private on-site hydrants will be required to provide adequate fire protection to all buildings. Any buildings over 30-feet in height will also require aerial apparatus access, which requires the building face to be between 15-feet and 39-feet from fire lanes.

THE VILLAGE AT OVERLOOK, TDHCA NO.18086 Site Design & Development Feasibility Report

5. Site Ingress and Egress Requirements

According to the preliminary site plan, a primary access driveway is proposed from Overlook Parkway. The site will need to obtain a driveway permit for Overlook Parkway from San Antonio. The Site Plan exceeds 125 units and will therefore need secondary access onto US 281. An access easement from the neighboring property will be required and provided the seller. Coordination with TxDOT will be required to allow the driveway connection on US 281. The offsite driveway is approximately 730 feet long at an estimated cost of \$68,083.00. A Traffic Impact Analysis (TIA) during the COSA platting review will not be required, assuming the site generates less than 75 peak hour trips.

There is an existing sidewalk along Overlook Parkway; therefore, no additional public sidewalk will be required. This sidewalk will be impacted by the proposed driveway, and an accessible route across the driveway will need to be provided along Overlook Parkway.

6. Off Street Parking Requirements

The required number of COSA Standard 9-foot by 18-foot parking spaces for 146 units is 146 minimum or 277 maximum spaces. The Preliminary Site Plan provides parking spaces for 251 spaces at least 7 will need to be accessible parking spaces.

7. Building Codes and Local Design Ordinances

The City of San Antonio Code of Ordinances adopted the 2015 Edition of the International Building Code with local amendments. A building permit is required by the City of San Antonio.

Within San Antonio, the following codes are in effect (with amendments):

- 2015 International Building Code

THE VILLAGE AT OVERLOOK, TDHCA NO.18086 Site Design & Development Feasibility Report

- 2015 International Fire Code

8. Atypical Items

The items listed below will be critical path items for the project to remain on schedule.

Sanitary Sewer Main Extension

The site will require an off-site SAWS sanitary sewer main extension. The sewer line will require additional engineering design and coordination with SAWS, to obtain approval during the platting process. The sewer main extension to the property line will include approximately 525 LF of off-site sewer pipe at an estimated cost of \$42,000.

Edwards Aquifer Recharge Zone

The site falls within the Edwards Aquifer Recharge Zone, an environmentally sensitive artesian aquifer that is the primary water source for the City of San Antonio. It is also home to several unique and endangered species. To protect the water quality within the recharge zone, a Water Pollution Abatement Plan (WPAP) and an Organized Sewage Collection System (SCS) plan will be required for the design and construction of the project. These would be reviewed concurrently, and typically take approximately 90 days for approval. A geological assessment is also required to determine the sensitivity of geological and manmade features that are potential pathways for contaminant movement into the aquifer. Impervious cover is regulated over the Edwards Aquifer Recharge Zone by San Antonio Water System (SAWS).

SAWS Category Status

San Antonio Water System (SAWS) regulates the impervious cover over the Edwards Aquifer Recharge Zone based on Category classification. The site is classified as a Category 1 property according to a 1999 SAWS Category Letter. Category 1 allows 100% impervious cover on-site. Therefore, the preliminary site plan is currently in

THE VILLAGE AT OVERLOOK, TDHCA NO.18086 Site Design & Development Feasibility Report

compliance. Pape-Dawson Engineers will coordinate the appropriate submittals to confirm Category 1 status, or new classification during design prior to construction.

Habitat Compliance / Endangered Species

The site is located within a presumptive area known to contain suitable habitat for Golden Cheek Warblers and Karst invertebrates according to COSA Maps compiled from U.S. Fish & Wildlife guidelines. Therefore, an Endangered Species Survey will need to be conducted by a certified wildlife biologist during the site permitting process. Any mitigation required will need to take place prior to construction.

Water Pollution Abatement Plan (WPAP)

Traditional sand filter basins and vegetative filter strips are typically implemented with WPAPs as best management practices to treat stormwater before leaving the site. A WPAP must go through the application and submission review process and be approved prior to commencement of construction. A \$5,000 WPAP review fee is required for multi-family developments between 5-10 acres. Preliminary drainage analysis indicates that at least two water quality basins will be required. The water quality features can be either traditional sand filter basins, or a series of pre-fabricated, cartridge filter systems such as Jellyfish or Stormfilter systems.

Organized Sewage Collection System (SCS)

An SCS is required for any portion of the sewage system for a public or privately-owned collection system which extends down gradient from the convergence of two or more private service laterals from waste-water generating facilities within the Edwards Aquifer Recharge Zone. An SCS plan outlining the best management practices protecting the water quality within the aquifer must go through the submission and application review process and be approved prior to the commencement of construction. An SCS will be required for the Bristol Pointe site. A \$0.50 per linear

THE VILLAGE AT OVERLOOK, TDHCA NO.18086 Site Design & Development Feasibility Report

foot fee is associated with the SCS plan, with a minimum \$650 fee and maximum \$6,500 fee. Assuming 1,982 LF, the approximate SCS fees would be \$991.

9. Survey

A Category 1A, Condition II Land Title survey is being updated by Pape-Dawson Engineers. The survey is included as Attachment 10.

10. Preliminary Site Plan

A preliminary site plan has been developed in conjunction with Alamo Architects and is based the current projection of 146-units.

Probable Construction Cost

Based on the preliminary site plan provided in Attachment 11, a probable construction cost estimate was prepared for the proposed multi-family development (Attachment 13). The probable site work construction cost was estimated to be \$2,117,000.00, or \$14,500.00 per unit.

C. OVERVIEW OF PROCESS, TIMING AND COSTS

1. Entitlements, Site Development Permitting Process and Timing

Platting Process

The site will need to be platted with the City of San Antonio. Based on the assumption that public infrastructure extensions will be required (sanitary sewer extension), the site would be platted as a major plat. Approximately 120 to 150 days should be allowed for the platting process. Platting can occur concurrently with design and permitting.

Site Plan Permitting

San Antonio does not require site plan approval. The zoning site plan established the site as multi-family. An updated zoning site plan is not anticipated.

**THE VILLAGE AT OVERLOOK, TDHCA
NO.18086 Site Design & Development Feasibility
Report**

Sitework Permitting

San Antonio does not require a sitework permit. Phased permitting is allowed to begin working prior to full building plan approval. If this is preferred a site permit can be submitted.

Building Permitting Process and Timing

The project will require building permits from the City of San Antonio. Building permit fees, in addition to review fees are based upon the valuation and scope of the project. Additionally, if the site elects to not provide detention and can prove no negative impact, the stormwater management participation program fee in lieu of detention (FILO) fees are paid at time of building permit approval and are based on the increase of impervious cover. The building permit process is described in detail on the City of San Antonio website. The review process typically requires approximately 60-90 days. Example fees are listed below, for the project valued at \$11,200,000.

Estimate of Fees Due at Time of Submission:

Fee Type	Fee Amount
San Antonio Commercial Plan Review	\$10,215.90
COSA Tree Canopy – Commercial	\$250.00
COSA Review Fee Commercial Tree Preservation	\$100.00
COSA Permit Fee Commercial Tree Preservation	\$1750.00
TOTAL:	\$12,315.90

Estimate of Fees Due for Permit Issuance:

Fee Type	Fee Amount
Permit Fee Building	\$22,810.00
Commercial Certificate of Occupancy (\$200/Building)	\$2,000.00
Technical Surcharge (4% of total)	\$1,150.95
Stormwater FILO*	-
TOTAL:	\$25,960.95

THE VILLAGE AT OVERLOOK, TDHCA NO.18086 Site Design & Development Feasibility Report

**FILO fees would be waived if on-site detention is provided (assumed). Approximately \$44,000.*

2. Impact, Site Development Permit, Building Permit and Other Fees

This section includes a summary of all anticipated fees that will be required for the development.

Estimate of Total Project Fees:

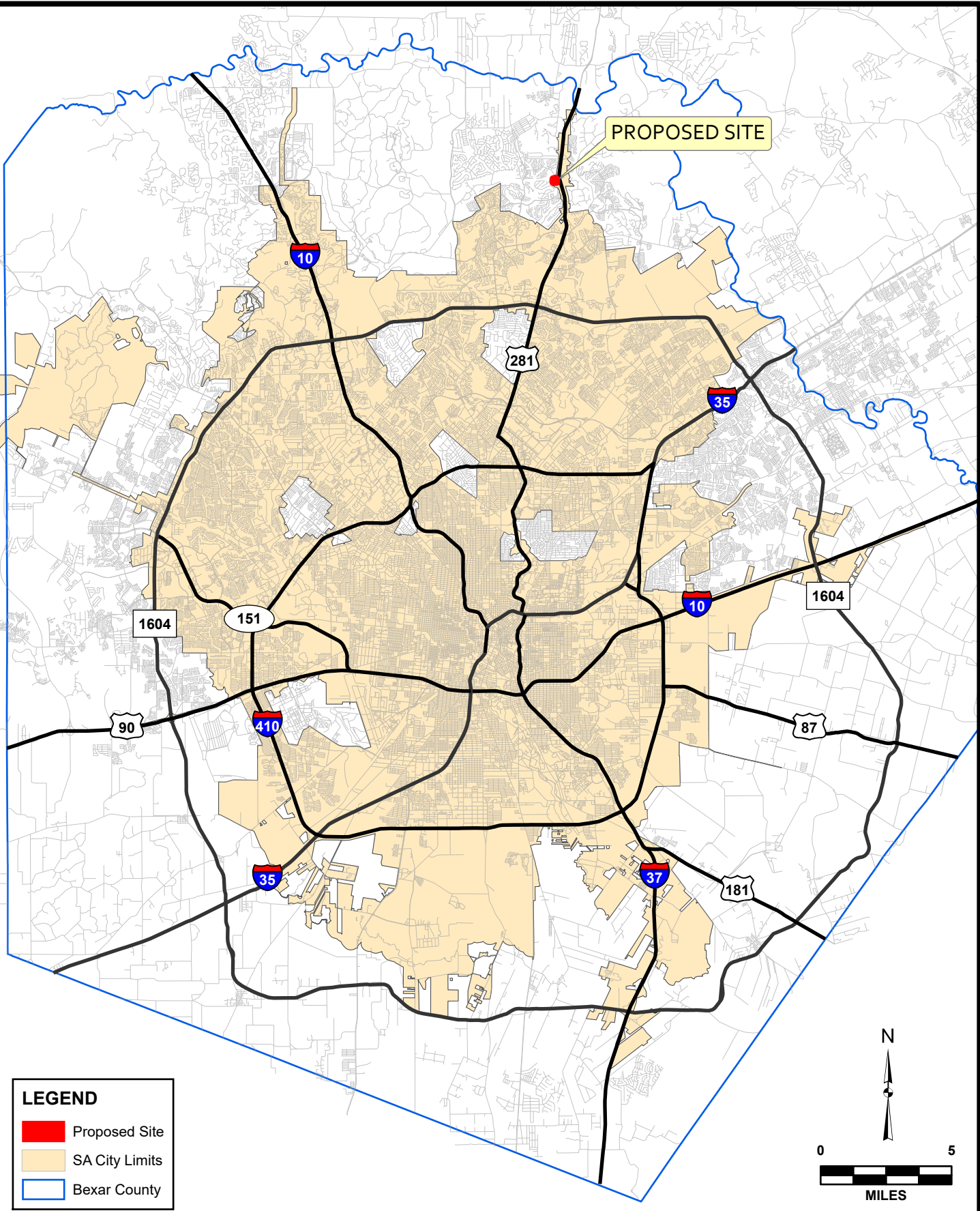
Fee Type	Fee Amount
Platting Fees	\$7,474.50
Building Permit Fees	\$38,276.85
SAWS Impact Fees	\$656,937.00
TCEQ Review Fees and SCS fees	\$5,991.00
Subtotal:	\$708,679.35
Stormwater FILO*	\$43,935.60
TOTAL:	\$752,614.95

**FILO Fee would be waived if on-site detention is provided (assumed)*

ATTACHMENTS

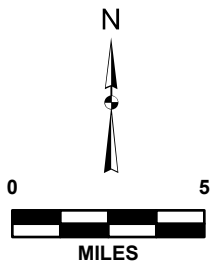
ATTACHMENT 1
Site Location Map

AERIAL IMAGERY PROVIDED BY GOOGLE © UNLESS OTHERWISE NOTED. Imagery ©2016, CAPCOG, Digital Globe, Texas Orthomography Program, USDA Farm Service Agency.



LEGEND

- Proposed Site
- SA City Limits
- Bexar County



JOB NO.	----
DATE	Feb 2018
DESIGNER	AB
CHECKED	AB
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SHEET	1.0

**OVERLOOK AT US 281
TAX CREDIT FEASIBILITY**

**LOCATION MAP
SAN ANTONIO, TEXAS**

**PAPE-DAWSON
ENGINEERS**

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 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
 TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800

Date: Feb 19, 2018 12:09 PM User: Rogers File:

THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARDCOPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.

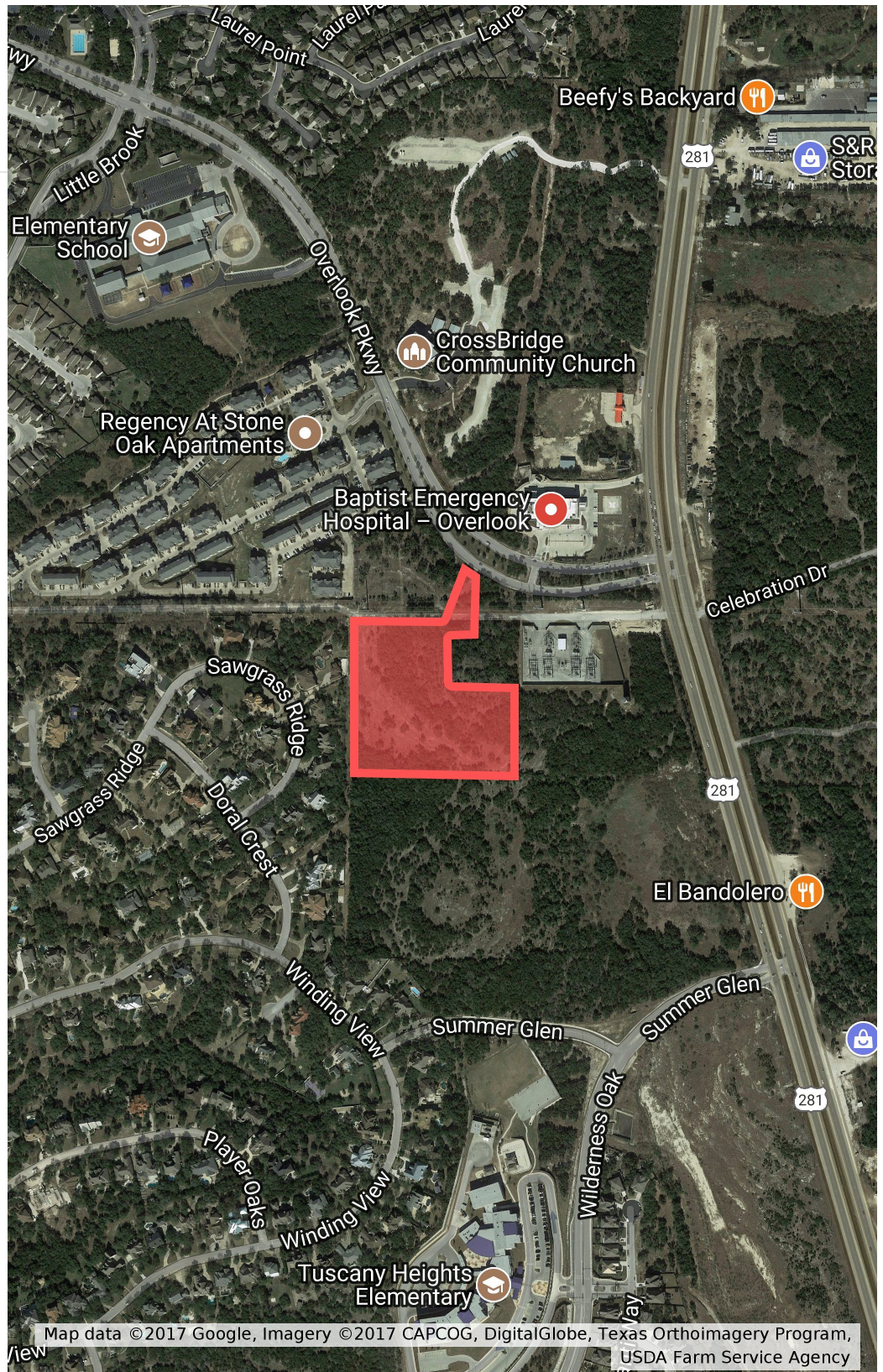
ATTACHMENT 2
Aerial Map

9.247 acres

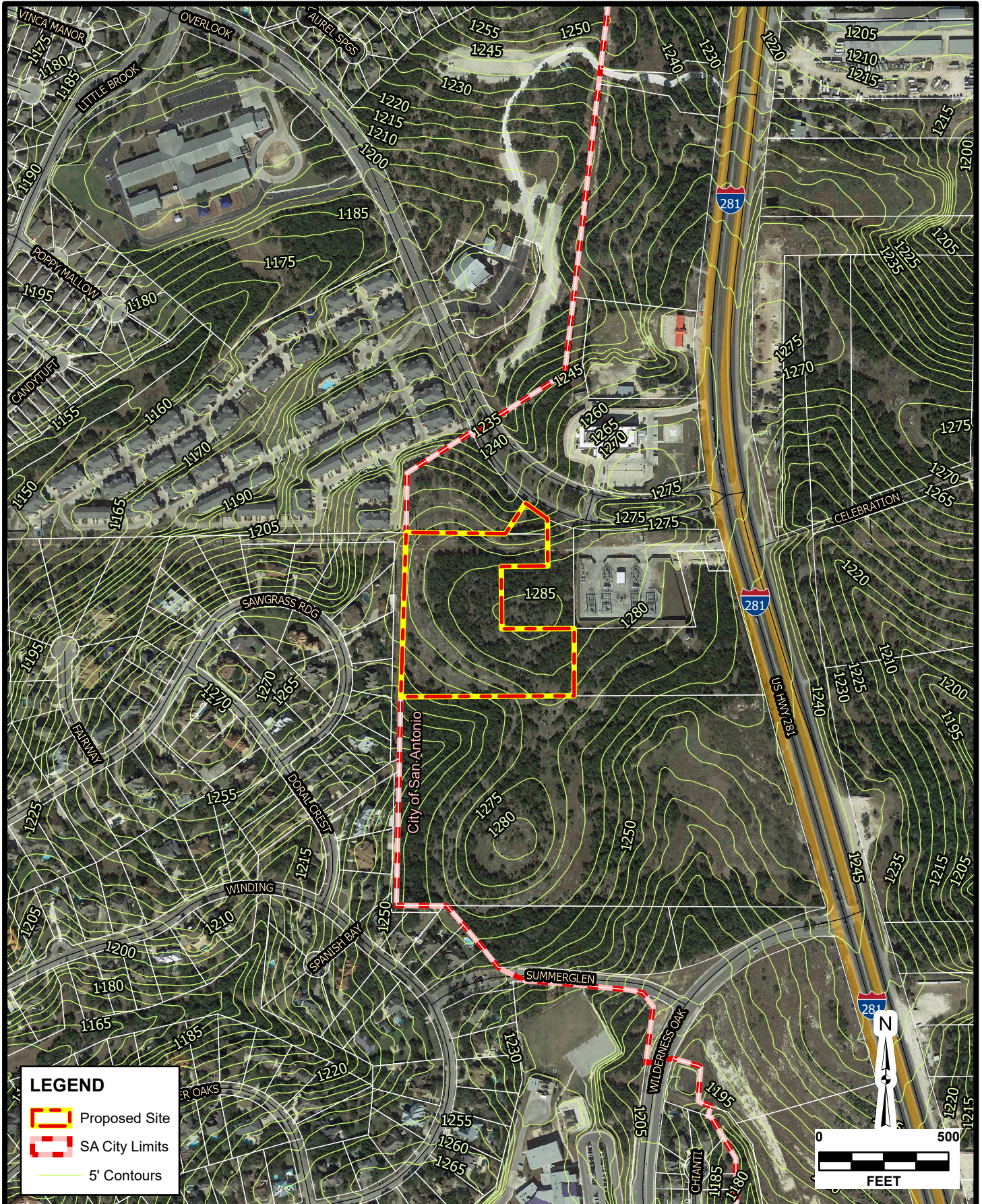
Untitled layer

Polygon 1

Polygon 2



ATTACHMENT 3
Topographic Map



LEGEND

- Proposed Site
- SA City Limits
- 5' Contours

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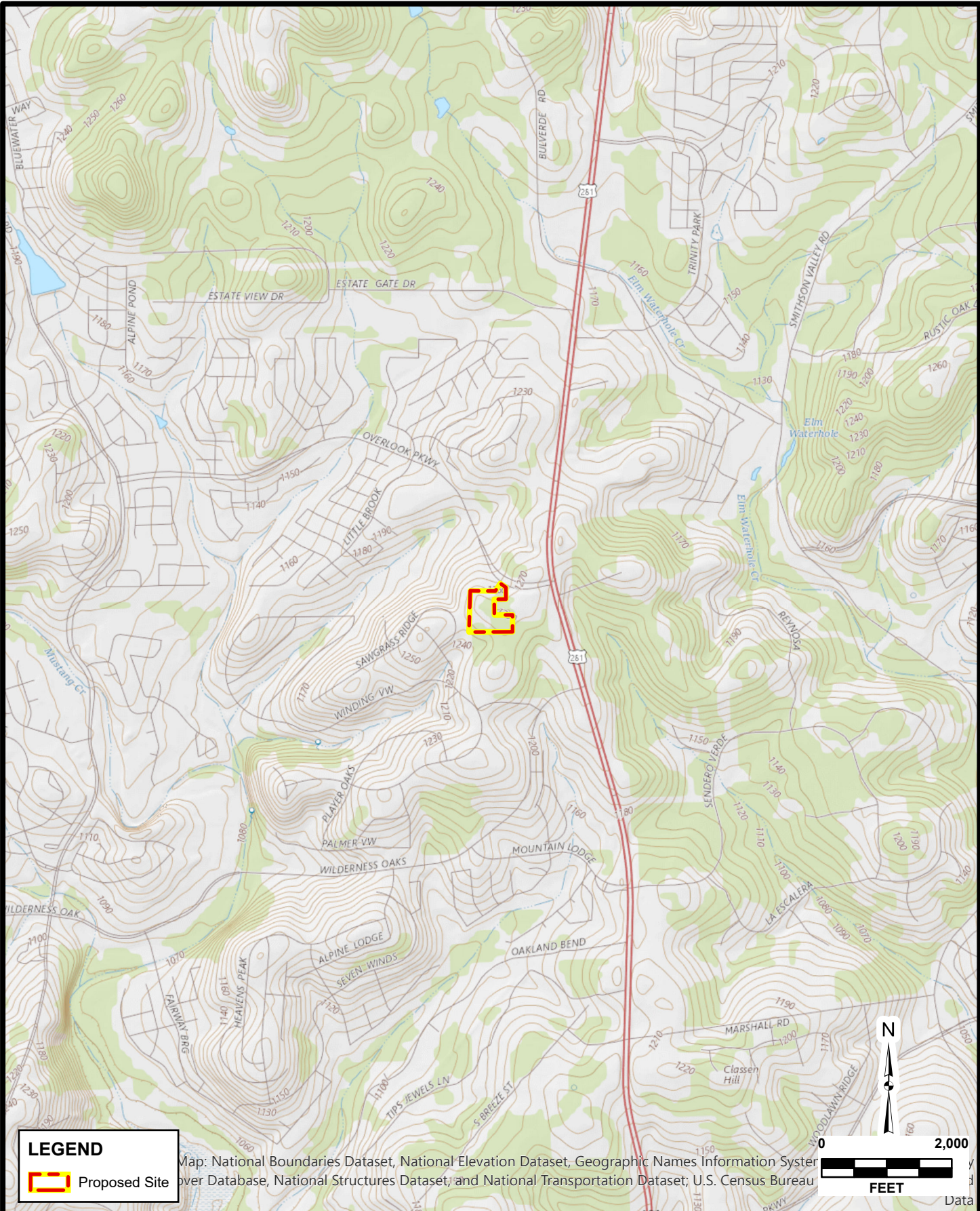
**OVERLOOK AT US 281
TAX CREDIT FEASIBILITY**


**TOPOGRAPHIC MAP
SAN ANTONIO, TEXAS**

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ATTACHMENT 4
USGS Map



LEGEND
 Proposed Site

Map: National Boundaries Dataset, National Elevation Dataset, Geographic Names Information System, National Hydrography Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau

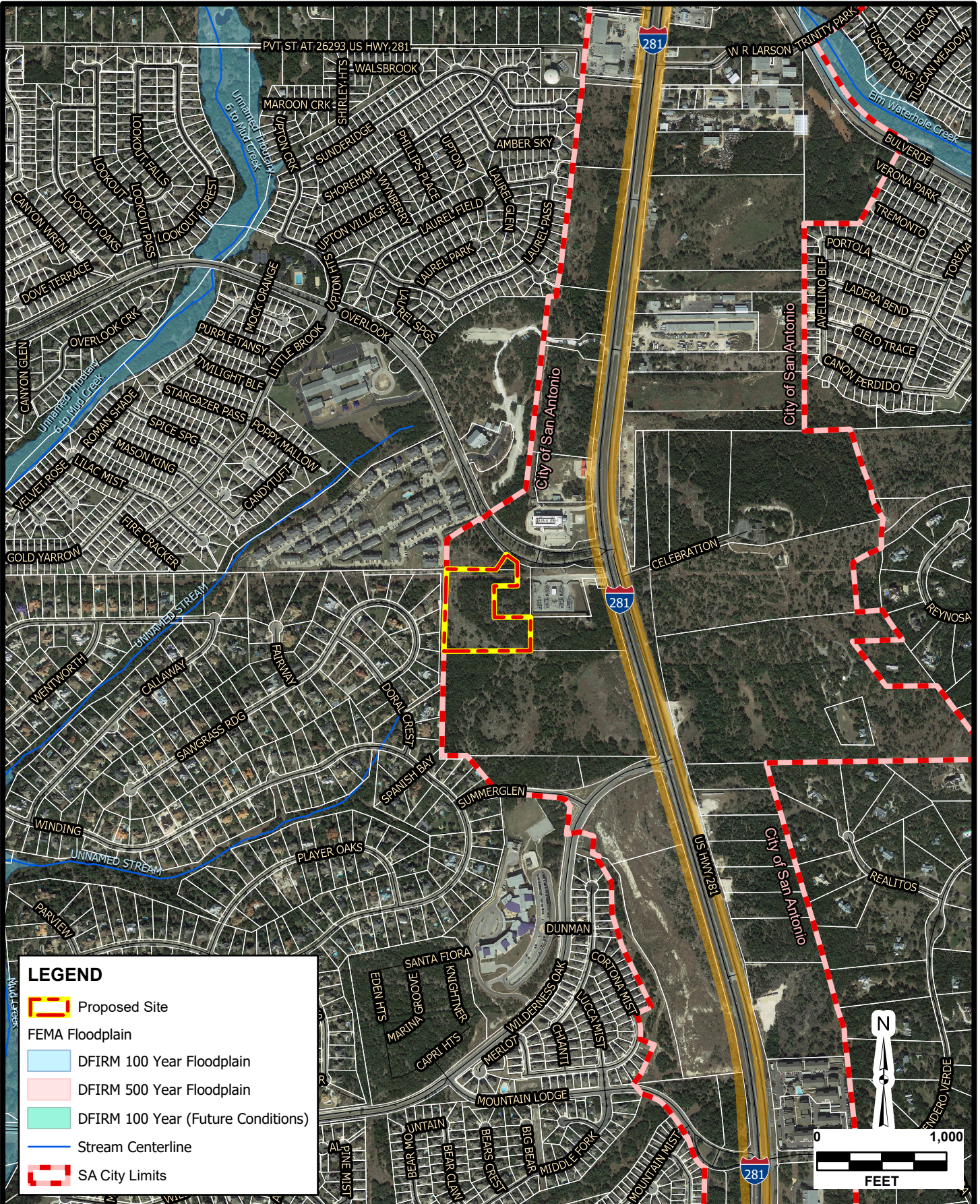
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**OVERLOOK AT US 281
 TAX CREDIT FEASIBILITY**
**USGS MAP
 SAN ANTONIO, TEXAS**

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 TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800

ATTACHMENT 5
FEMA Flood Plain Map



LEGEND

- Proposed Site
- FEMA Floodplain
- DFIRM 100 Year Floodplain
- DFIRM 500 Year Floodplain
- DFIRM 100 Year (Future Conditions)
- Stream Centerline
- SA City Limits

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OVERLOOK AT US 281 TAX CREDIT FEASIBILITY

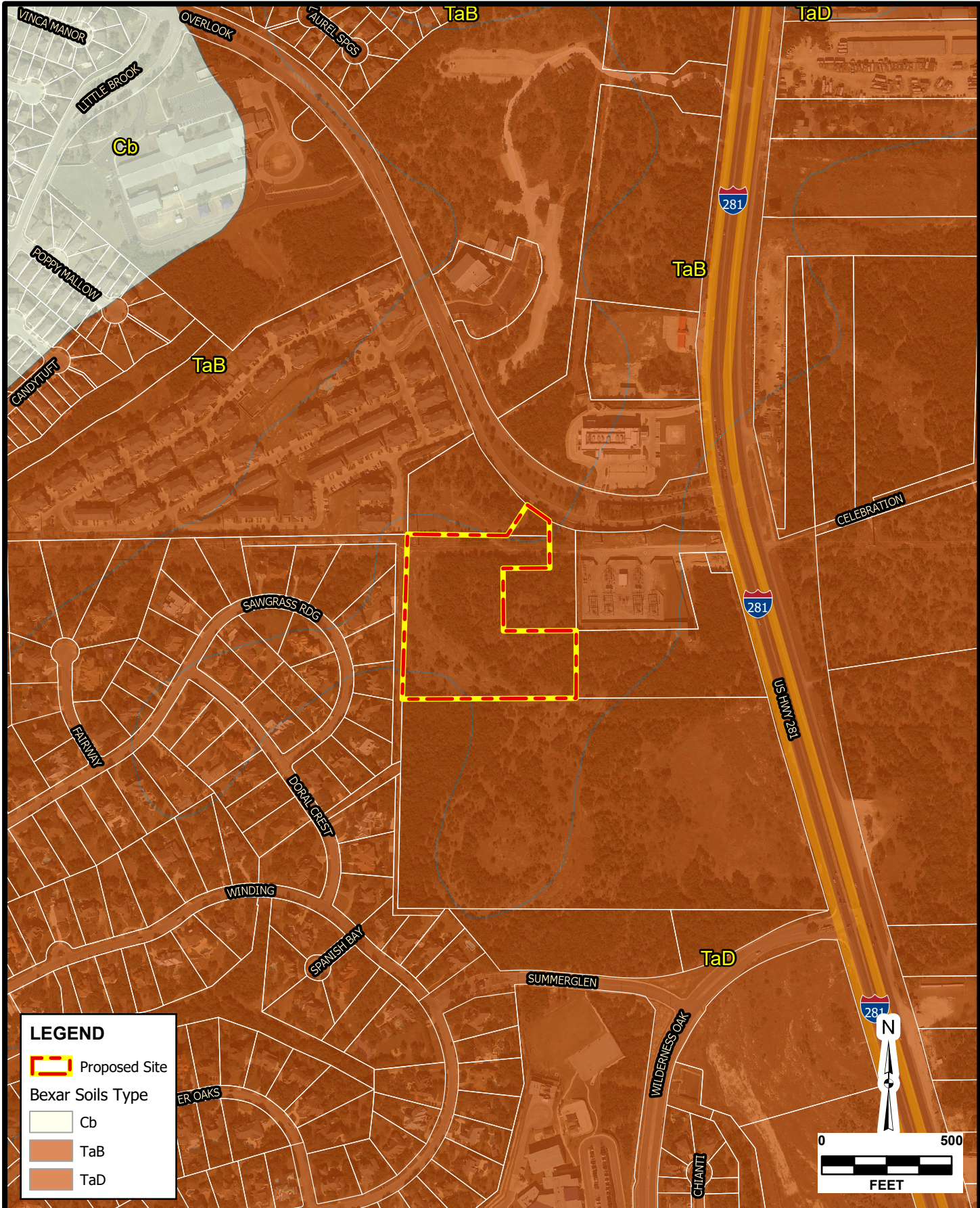
FEMA FLOODPLAIN MAP SAN ANTONIO, TEXAS

PAPE-DAWSON ENGINEERS





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ATTACHMENT 6

Soils Map



LEGEND

-  Proposed Site
- Bezar Soils Type**
-  Cb
-  TaB
-  TaD

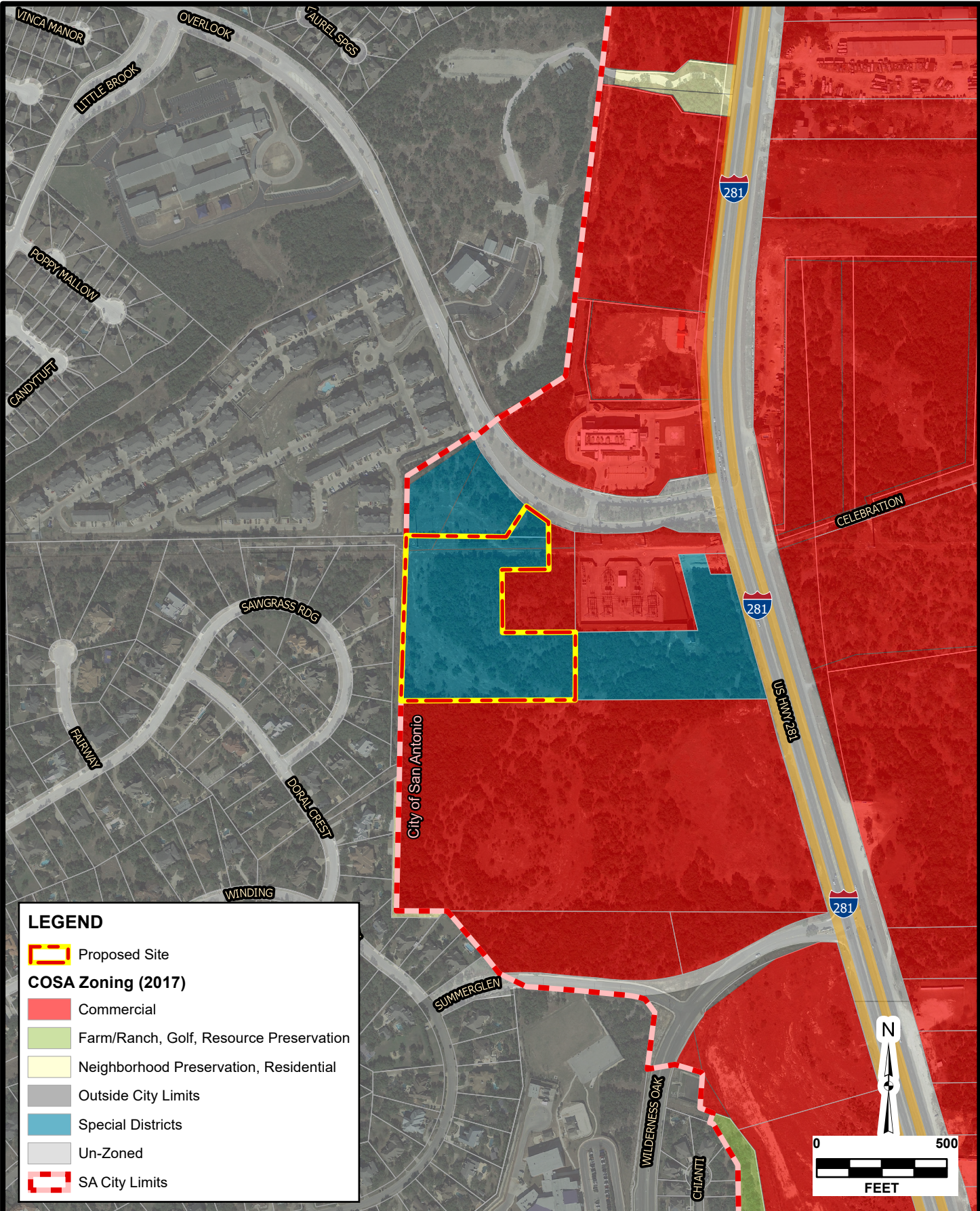
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DATE	Feb 2018
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DRAWN	LR
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**OVERLOOK AT US 281
TAX CREDIT FEASIBILITY
SOILS MAP
SAN ANTONIO, TEXAS**

**PAPE-DAWSON
ENGINEERS**

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 TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800

ATTACHMENT 7
COSA Zoning Map



LEGEND

- Proposed Site
- COSA Zoning (2017)**
- Commercial
- Farm/Ranch, Golf, Resource Preservation
- Neighborhood Preservation, Residential
- Outside City Limits
- Special Districts
- Un-Zoned
- SA City Limits

JOB NO.	----
DATE	Feb 2018
DESIGNER	AB
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**OVERLOOK AT US 281
TAX CREDIT FEASIBILITY
ZONING MAP
SAN ANTONIO, TEXAS**

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 TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
P.O. BOX 839966 | SAN ANTONIO TEXAS 78283-3966



February 28, 2018

TDHCA
221 East 11th Street
Austin, Texas 78701

SUBJECT: ZV2017202: CB 4865 P-20 & P-48 and CB 4926 P-2; Overlook Parkway at US 281 North, San Antonio, Texas

To Whom It May Concern:


As of the date of this letter, the above-referenced property is zoned “**MXD MLOD-1 ERZD**” **Mixed Use Camp Bullis Military Lighting Overlay Edwards Recharge Zone District**. The “MXD” base zoning district was established by Ordinance 2016-12-01-0902, dated December 1, 2016.

The use of Multi-family with a maximum density of 25 units per acre is a permitted use within the portion dedicated for multi-family use on the approved MXD site plan, herein attached. The proposed 146-unit senior housing to include two-story apartments and one-story cottage buildings are permitted uses within the “MXD” base zoning district.

Please reference Articles III and V of San Antonio’s UDC for lot dimension and building criteria, including outside storage and display standards, height limitations, buffer requirements, building setbacks, and minimum and maximum parking requirements. If you wish to ensure compliance with the current building code or with development standards and other regulations in the UDC, which may require the review of building/site plans, please contact a Development Services Department Engineer at (210) 207-8281 to discuss or to schedule a more in-depth preliminary plan review.

For information on the enforcement of building and development code requirements including the issuance of building permits, records of zoning code violations and certificates of occupancy, please contact the Customer Services Section of our Department at (210) 207-1111. If we may be of further assistance, please contact Daniel Hazlett, the Planner who worked on your request, at (210) 207-7945 or via email at Daniel.Hazlett@sanantonio.gov. Thank you.

Cordially,


Logan Sparrow
Principal Planner

AN ORDINANCE 2016-12-01-0902

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY LOCATED IN THE US 281 NORTH CORRIDOR AREA CONSISTING OF APPROXIMATELY 1.9 SQUARE MILES (1,224 ACRES) GENERALLY AS A VARIABLE WIDTH OF UP TO 4,000 FEET ALONG THE U.S. 281 NORTH RIGHT-OF-WAY; ADOPTING THE CORRIDOR PLAN FOR THE HILL COUNTRY GATEWAY CORRIDOR 3 (GC-3) AND APPLYING THE CORRIDOR STANDARDS.

* * * * *

WHEREAS, a public hearing was held after notice and publication regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding these amendments to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by adopting the Hill Country Gateway Corridor "GC-3", adding the zoning classification "Hill Country Gateway Corridor GC-3", within the municipal boundary of the City of San Antonio and located in the US 281 North Corridor Area. The Hill Country Gateway Corridor "GC-3" is adopted as set forth in this Ordinance as **ATTACHMENT "A"** attached hereto, made a part hereof and incorporated herein for all purposes.

SECTION 2. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is further amended by adopting various zoning district boundaries for properties newly annexed located in the US 281 North Corridor Area consisting of approximately 1.9 square miles (1,224 acres) generally along a variable width of up to 4,000 feet along the U.S. 281 North right-of-way, beginning at the City limits of San Antonio south of Marshall Road and Northwind Boulevard in Bexar County and continuing north along U.S. 281 North to approximately 1,830 feet south of Ancestral Trail in Comal County more specifically described in **ATTACHMENT "B"**, attached hereto, made a part hereof and incorporated herein for all purposes; said area being amended by **saving and excepting** those properties that are the subject of a development agreement between the City of San Antonio and property owners described in **ATTACHMENT "C"** attached hereto, made a part hereof and incorporated herein for all purposes, **saving and excepting** 37 Comal County parcels

SG/lj
12/01/2016
4E - Amended

CASE NO. Z2016270 CD S ERZD

and 3 Bexar County parcels and the adjoining US 281 Hwy right of way described in ATTACHMENT "D" attached hereto, made a part hereof and incorporated herein for all purposes, and saving and excepting 2.82 acres out of Lot 1, Block 1, County Block 4925, MTM Life Insurance Subdivision, Bexar County described in "ATTACHMENT E" attached hereto, made a part hereof and incorporated herein for all purposes.

SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective December 31, 2016.

PASSED AND APPROVED this 1st day of December, 2016.

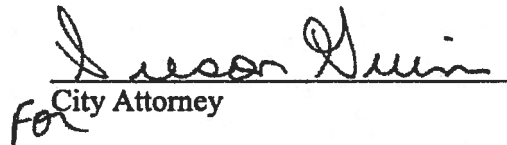


M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:



Letitia M. Vacek, City Clerk

for City Attorney

Agenda Item:	4E (in consent vote: 4A, 4B, 4C, 4D, 4E)						
Date:	12/01/2016						
Time:	10:41:59 AM						
Vote Type:	Motion to Appr w Cond						
Description:	ZONING CASE # Z2016270 CD S ERZD (Council District 9): An Ordinance assigning zoning for properties located "OCL" Outside City Limits to "MXD" Mixed Use District, "NP-15" Neighborhood Preservation District, "C-2" Commercial District, "C-3" General Commercial District, "MF-18" Limited Density Multi-Family District, "MF-25" Low Density Multi-Family District, "O-1.5" Mid Rise Office District, "R-20" Residential Single-Family District, "R-6" Residential Single-Family District, "RE" Residential Estate District, "RP" Resource Protection District, "C-1 S" Light Commercial District with Specific Use Authorization for a Wireless Communication System, "C-2 CD" Commercial District with Conditional Use for a Movie Theater, "C-2 CD S" Commercial District with Conditional Use and Specific Use Authorization for a Machine Shop, "C-2 CD" Commercial District with Conditional Use for a Home Improvement Center with Outside Storage and Grocery Store, "C-2 CD" Commercial District with Conditional Use for Motor Vehicle Sales (Full Service), "C-2 CD" Commercial District with Conditional Use for a Carwash, "C-2 CD" Commercial District with Conditional Use for Feed, Seed, and Fertilizer Sales (With Outdoor Storage Permitted), "C-2 CD S" Commercial District with Conditional Use and Specific Use Authorization for a Carwash, "C-2 CD" Commercial District with Conditional Use for Motor Vehicle Sales, "C-2 CD S" Commercial District with Conditional Use and Specific Use Authorization for Boat and Marine - Storage (Outside Permitted), "C-2 CD" Commercial District with Conditional Use for Landscaping Materials - Sales and Storage, "C-2 CD S" Commercial District with Conditional Use and Specific Use Authorization for a Micro-distillery, "C-2 CD S" Commercial District with Conditional Use and Specific Use Authorization for Metal Products Fabrication, "C-3 CD S" General Commercial District with Conditional Use and Specific Use Authorization for Oversized Vehicle Sales, Service, or Storage and Boat and M						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x				
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5			x			
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8			x			
Joe Krier	District 9		x			x	
Michael Gallagher	District 10		x				x

Proposed Zoning "MXD ERZD MLOD-1"

Proposed Zoning Detail Mixed Use District, Edwards Recharge Zone District, Military Lighting Overlay District

County	PropID	LegalDescription
Bexar	267840	CB 4866 P-3 ABS 34 More specifically described in Exhibit 2

Proposed Zoning "MXD GC-3 ERZD MLOD-1"

Proposed Zoning Detail Mixed Use District, US 281 North Gateway Corridor District, Edwards Recharge Zone District, Military Lighting Overlay District

County	PropID	LegalDescription
Bexar	266878	CB: 4865 P-17 ABS 934 REFER TO: 04865-000-0171 REFER TO: 80800-005-1799 More specifically described in Exhibit 2
Bexar	266879	CB: 4865 P-17 ABS 934 REFER TO: 04865-000-0170 More specifically described in Exhibit 2
Bexar	266899	CB 4865 P-26 OR TR 6 ABS 934 More specifically described in Exhibit 2
Bexar	266900	CB 4865 P-27 OR TR 8 ABS 934 More specifically described in Exhibit 2
Bexar	266902	CB 4865 P-28A OR S 181.29 FT OF TR 9 ABS 934 More specifically described in Exhibit 2
Bexar	266904	CB 4865 ABS 934 P-28C More specifically described in Exhibit 2
Bexar	266907	CB 4865 ABS 934 P-28 More specifically described in Exhibit 2
Bexar	266948	CB 4865 BLK 1 LOT 1 281 NORTH BUS PK SUBD More specifically described in Exhibit 2
Bexar	1063660	CB 4865 P-20 (1.6278 AC) & P-48 (1.5578 AC) More specifically described in Exhibit 4
Bexar	1063661	CB 4926 P-2 More specifically described in Exhibit 4

Proposed Zoning "MXD GC-3 MLOD-1"

Proposed Zoning Detail Mixed Use District, US 281 North Gateway Corridor District, Military Lighting Overlay District

County	PropID	LegalDescription
Bexar	266738	CB 4863 P-2 ABS 290 More specifically described in Exhibit 1
Bexar	266740	CB 4863 P-3 ABS 290 More specifically described in Exhibit 1
Bexar	266767	CB 4864 P-5 (27.718 AC) ABS 266 NON ADJ RMS REF 04864-000-0057 More specifically described in Exhibit 1
Bexar	266832	CB 4864D BLK 3 LOT 2 NORTH CENTRAL BUSINESS PARK More specifically described in Exhibit 1
Bexar	1186588	CB 4864 P-20 (3.06 AC) ABS 266 NON ADJ RMS REF 04864-000-0056 More specifically described in Exhibit 1

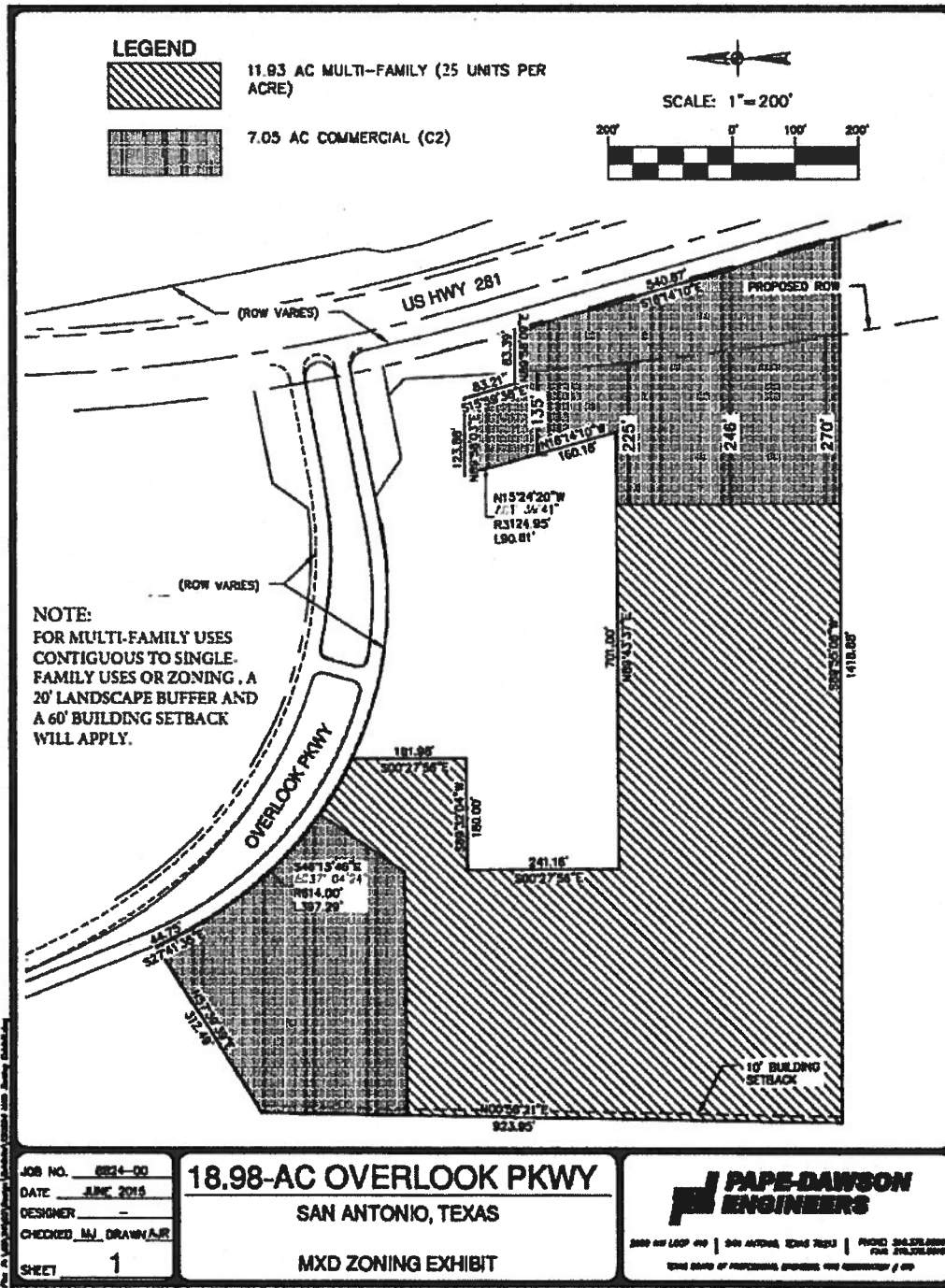
**US 281 North Corridor
Z2016270 CD S ERZD**

Exhibit 4

Property ID: 1063660, 1063661







Proposed Zoning: MXD (Mixed-Use District) GC-3 (Us 281 North Gateway Corridor District) ERZD (Edwards Recharge Zone District) MLOD-1 (Military Lighting Overlay District)

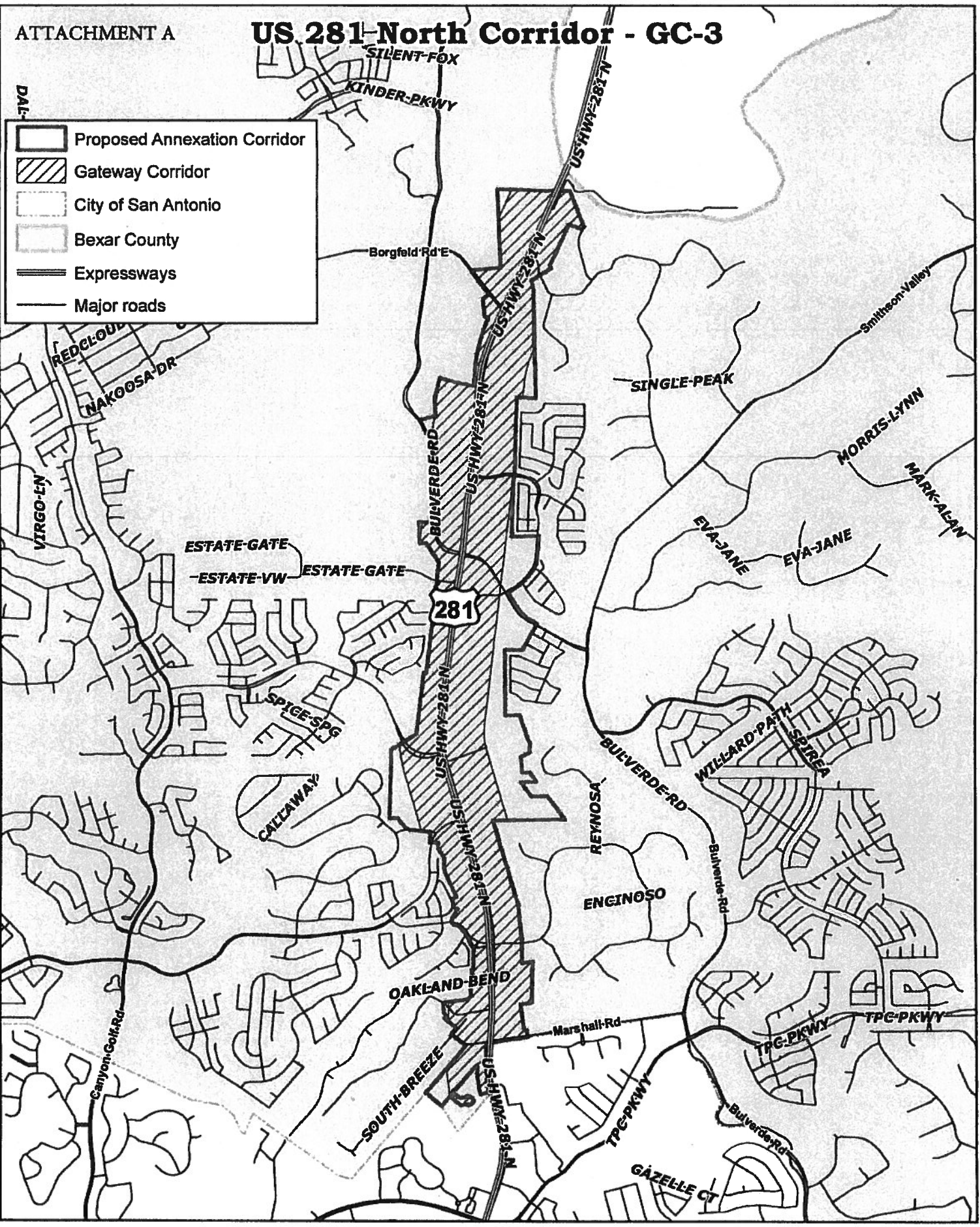
More specifically described in the following zoning exhibit and field notes:



US 281 North Corridor - GC-3

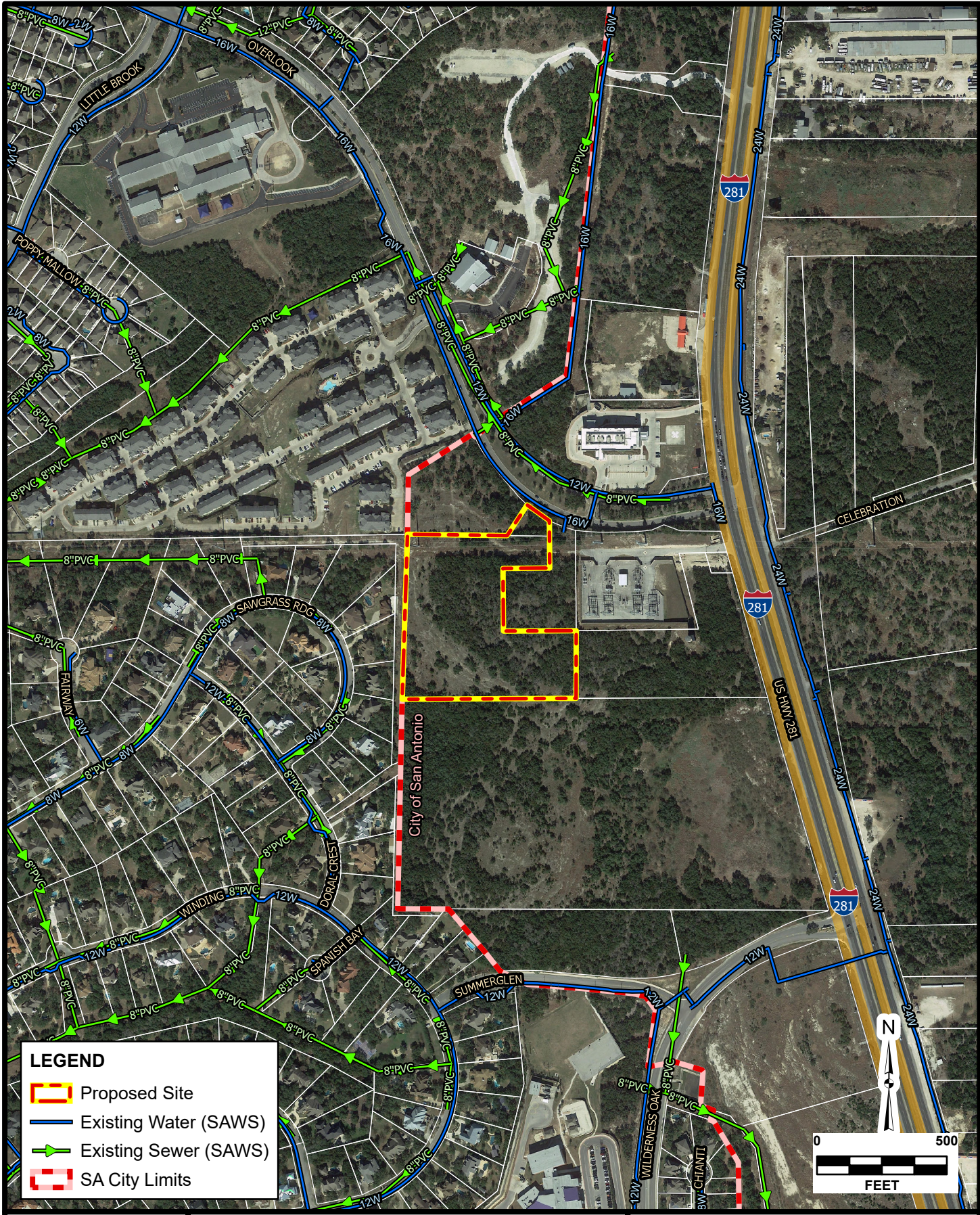
DAL-

	Proposed Annexation Corridor
	Gateway Corridor
	City of San Antonio
	Bexar County
	Expressways
	Major roads



ATTACHMENT 8
SAWS Utilities Map

AFERIAL IMAGERY PROVIDED BY GOOGLE © UNLESS OTHERWISE NOTED. Imagery ©2016, CAPOCOG Digital Globe, Texas Orthomography Program, USDA Farm Service Agency.



LEGEND

- Proposed Site
- Existing Water (SAWS)
- Existing Sewer (SAWS)
- SA City Limits

JOB NO.	----
DATE	Feb 2018
DESIGNER	AB
CHECKED	AB DRAWN LR
SHEET	8.0

**OVERLOOK AT US 281
TAX CREDIT FEASIBILITY**

**SAWS UTILITIES MAP
SAN ANTONIO, TEXAS**

PAPE-DAWSON ENGINEERS

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
 TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800

Date: Feb 19, 2018 2:57 PM User: froggers File:

THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARDCOPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.

ATTACHMENT 9
Utility Letters of Availability



February 26, 2018

Ms. Lucila Diaz

Re: Overlook Parkway and US Hwy 281 N. Availability of SAWS' Infrastructure

Ms. Diaz:

This is in response to your request for the availability of water and wastewater service to the above referenced property. The location of the tract is within the City of San Antonio city limits, inside SAWS' Water CCN, and inside SAWS' Sewer CCN.

The San Antonio Water System (SAWS) strives to provide quality, reliable service to its customers at a reasonable cost. Rates are kept low, in part, by having new customers pay for all costs associated with extending service to them. SAWS Board of Trustees Growth Strategy states "we will work to ensure that growth is self-funding". Per SAWS Utility Service Regulations Sections 3.1, 5.1, 6.1, 7.1, and 7.3, new customers are expected to pay for the infrastructure needed to serve their property and pay impact fees to SAWS to pay for general benefit facilities such as overall additional storage tanks, water supplies, pump, or treatment facilities required to serve the new customers. Please note that the water supply impact fees increased on June 1, 2015. It is not SAWS' practice to construct main or service connections to a new customer. Such construction would need to be arranged and paid for by the customer through a professional engineer (if a public main extension is required) and authorized contractor. Costs of surveying, engineering design, materials, construction, and impact fees should be considered before the customer proceeds with construction of their proposed mains or services.

WATER

Water Supply to the tract will be from Pressure Zone 11A which has a static gradient of 1400 ft. The approximate maximum elevation of the tract is 1286 feet & 49 PSI and the approximate minimum elevation of the tract is 1254 feet & 63 PSI. There is an existing 16-inch water main along the south side of Overlook Pkwy. Water mains in the vicinity of the property are shown on the attached location map. If commercial uses are proposed, the San Antonio Water System requires a 12-inch or greater sized main to provide adequate fire flow and domestic demand.

Costs and commitment requirements for providing water service may include additional on-site mains and service connection fees. Payment is required of all applicable fees in effect at the time of plat recordation or the latest date allowable by law. This includes current impact fees based on connection point and number of EDU's of capacity requested. Presently, one water EDU = 313 gallons per day of average daily flow. Current impact fees are shown in the table below.

Water Impact Fee Zone (Pressure Zone)	Flow	System Development	Water Supply	Total Water Impact Fees (per 1 EDU)
PZ 1 (Middle)	\$1,182	\$799	\$2,796	\$4,777

RECYCLE WATER

In some locations it may be feasible to make use of SAWS recycled water. SAWS has established 73 miles of recycled water pipelines through the city of San Antonio. Recycled water is non-potable and ideal for irrigation, commercial, manufacturing and industrial uses. Recycled water is cost-effective, environmentally responsible and not affected by mandatory curtailment during drought conditions. For more information please call (210) 233-3673 or email Pablo.Martinez@saws.org Pablo Martinez at San Antonio Water System.

WASTEWATER

The Tract is situated within SAWS’ sewer service area and lies within the Mud Creek Watershed. There is an existing 8-inch gravity sewer main along the north side of Overlook Pkwy. Wastewater mains in the vicinity of the property are shown on the attached location map. If the developer chooses to extend the nearest sewer main to the proposed site, he/she must do so at his cost. Connections to mains require the developer to acquire an easement for the main extension if necessary. All tie-ins into the San Antonio Water System’s collection system must be based on fieldwork and in conformance with the San Antonio Water System Utility Service Regulations, which became effective on August 9, 2016. Current impact fees are shown in the table below.

Wastewater Impact Fee Area	Collection	Treatment	Total Wastewater Impact Fees (per 1 EDU)
Upper	\$2,520	\$786	\$3,306

The Developer will be responsible for any additional sanitary wastewater main extensions (on-site and/or off-site), right-of-way and easement acquisitions (if needed), private wastewater service laterals required to serve the property, lift stations and force main systems, lift station upgrades and lift station maintenance fees (per lift station), along with payment of all applicable fees in effect at time of plat recordation or the latest date allowable by law. This includes current impact fees based on connection point and number of EDU’s of capacity requested. Presently, one wastewater EDU = 240 gallons per day of average daily flow.

This letter does not constitute a commitment to capacity by the SAWS to provide water and/or wastewater service to the subject property. The actual availability of water and/or wastewater service to the property will be dependent upon the site specific requirements such as site elevation, pressure requirements, estimated demand and discharge, and the infrastructure requirements as set

forth in the USR. The consulting engineer should assess the site-specific requirements in accordance with the USR regulations prior to requesting connection to SAWS' infrastructure. In some cases a Utility Service Agreement may be necessary, for more information please refer to the SAWS Guide to Development http://www.saws.org/business_center/developer/newdevel/ for a detailed guideline regarding the process for obtaining water/and or wastewater services.

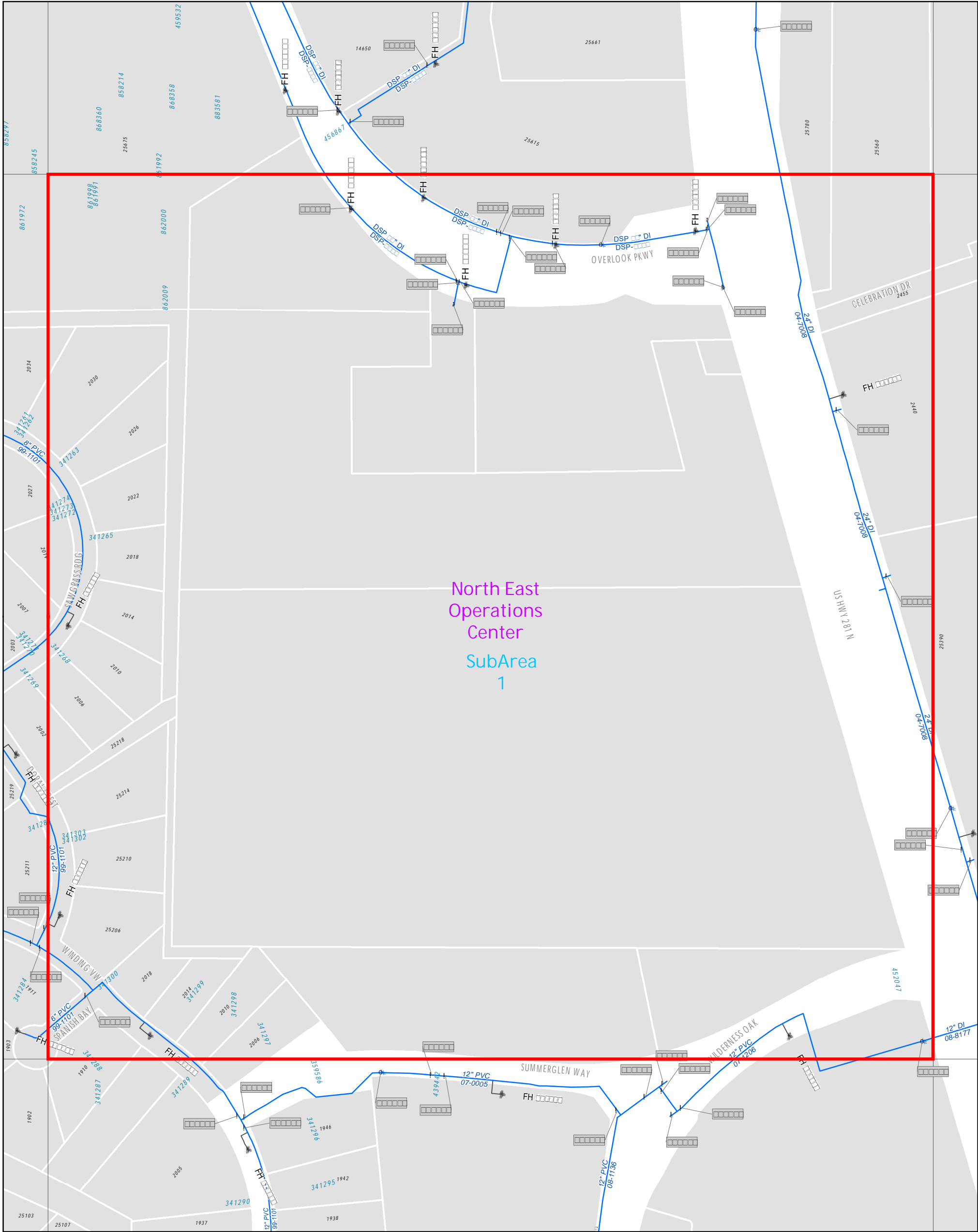
Should additional information be needed please contact me at email: Richard.McWhirter@saws.org

Sincerely,

Richard McWhirter
San Antonio Water System

Attachments

1. Water Utility Map
2. Wastewater Utility Map



North East
Operations
Center
SubArea
1

i CHECK	# BLOW-OFF	+ Pumps
E BYPASS	⊗ AIR RELEASE	W Wells
B SWING	∩ INTERCONNECT	— Active
○ DIVISION	● PRESSURE REDUCING	- - - Inactive
! MAINLINE	## FIRE HYDRANTS	⌋ Offline
d Other	● Air Control	⌋ Plugged
	● Flush Point	(Backflow Control
— WATER DISTRIBUTION MAIN	— FH LATERALS	
— WATER TRANSMISSION	- - - PROPOSED MAINS	
— CHILL RETURN MAINS	— CHILL MAINS	

"SAWS GIS Mapping: A wealth of information at your fingertips"

San Antonio Water System

4

Feet

WATER BLOCK MAP

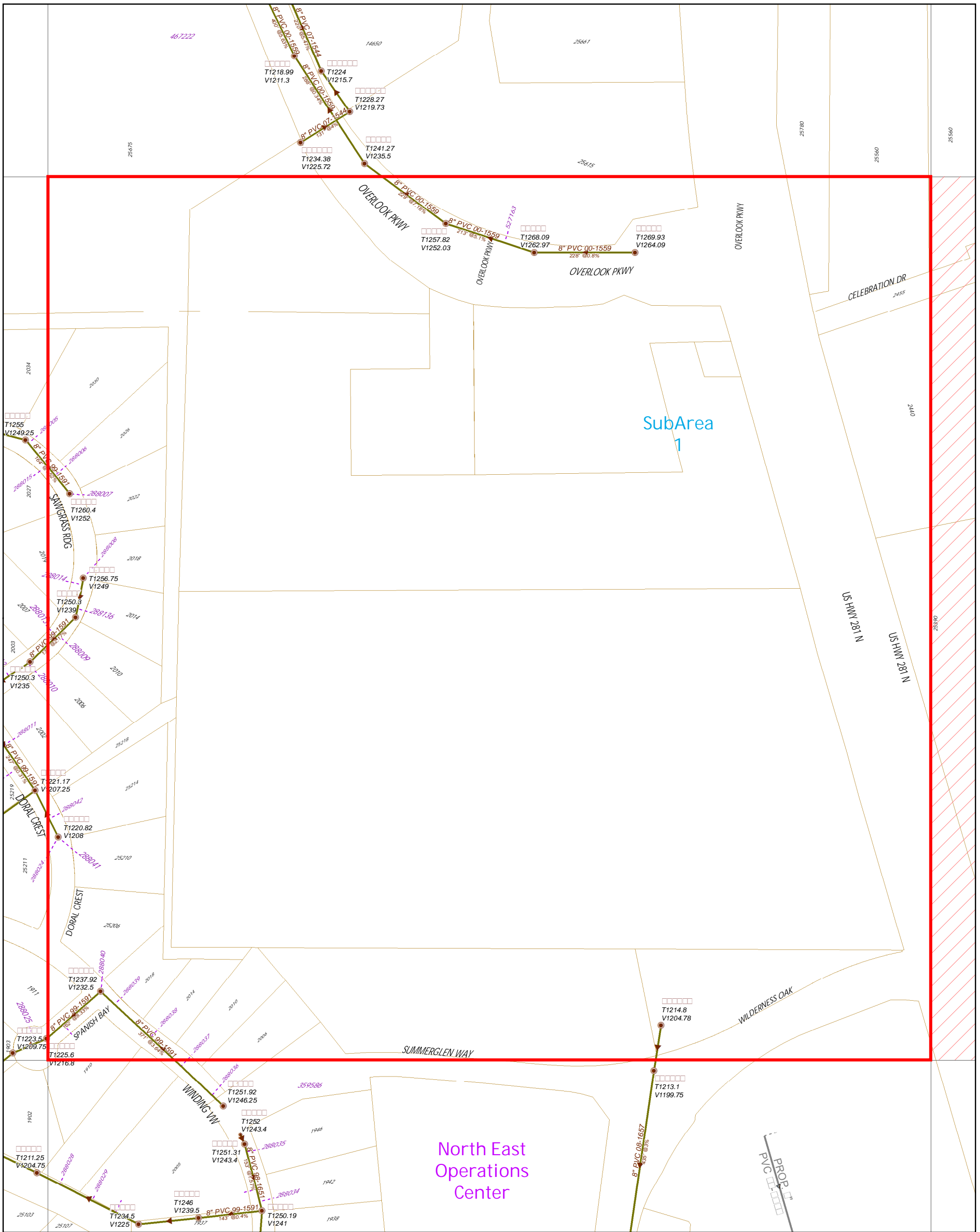
172670

**SAN ANTONIO WATER SYSTEM
INFRASTRUCTURE PLANNING
GIS MAPPING DIVISION**


Revised Date: un ,

Disclaimer:
This utility map is for reference only. The information may not represent what actually has been constructed. S.A.W.S explicitly disclaims any representation of the accuracy of the information and assumes no liability for any errors, omissions, or inaccuracies in the map regardless of how caused. Field verification should be done as necessary. S.A.W.S prohibits the reproduction or sale of this document. This utility map may not under any circumstances, be copied, reproduced or published in any form or media, or transferred to another without written permission of the San Antonio Water System.

170 672	172 672	174 672
170 670	172 670	174 670
170 668	172 668	174 668

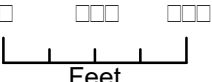


B	BLOW OFF	ä	LIFT STATION	•	OTHER
\$	CLEAN OUT	•	MONOLITHIC	K	STUB OUT
¥	AIR RELEASE	•	JUNCTION BOX	Q	STANDARD
•	BREAK NODE	h	PLUG VALVE	#	AIR RELEASE
≡	SIPHON INLET	⊕	DROP MANHOLE	@	FLOW METER
≡	SIPHON OUTLET	Ⓜ	SMART COVER	Ⓜ	SMART COVER
A	FLOW METER w\ SMART COVER	—	AIR BYPASS	—	OUTFALL MAIN
—	AIR BYPASS	—	SLUDGE	—	SIPHON MAIN
—	SLUDGE	—	FORCE MAIN	—	GRAVITY MAIN
—	FORCE MAIN	—	GRAVITY MAIN	—	PVT MAINS



San Antonio Water System

4



Feet

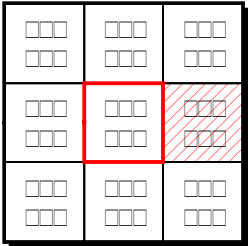
SEWER BLOCK MAP


172670

SAN ANTONIO WATER SYSTEM
INFRASTRUCTURE PLANNING
GIS MAPPING DIVISION

Revised Date: un ,

Disclaimer:
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"SAWS GIS Mapping: A wealth of information at your fingertips"



2/26/2018

FRANKLIN COMPANIES

Attn: Lucila Diaz

21260 Gathering Oak, St

San Antonio, TX 78260

Re: Letter of Availability (Electric and Gas)

Proposed Development: Proposed property located at Southeast of Overlook Parkway and US Highway 281. CPS Energy does provide gas and electricity in the area.

To Whom It May Concern:

Please accept this letter as confirmation that the proposed development listed above can be served by CPS Energy's electric and gas distribution systems under the provisions of our current Supply Line Extension Policies contingent on the appropriate easements, rights-of-way, and permits being obtained and/or provided.

Since the specific plans indicating how the property will be developed have not yet been submitted, CPS Energy cannot estimate the cost for providing the electric and gas service within the identified tract of property. A cost estimate for the provision of these utility services may be requested once plans depicting the types of development and configurations are submitted to CPS Energy for review.

This letter is not intended as a certification that CPS Energy has reviewed subdivision plans or plats nor approval of any submitted plans or plats. The applicable governmental entity's procedure for plat approval may require that utility plans be reviewed by CPS Energy prior to submittal to those applicable governmental entities.

If you should have any questions or concerns regarding this Letter of Availability, please contact our office at (210) 353-4050.

Sincerely,

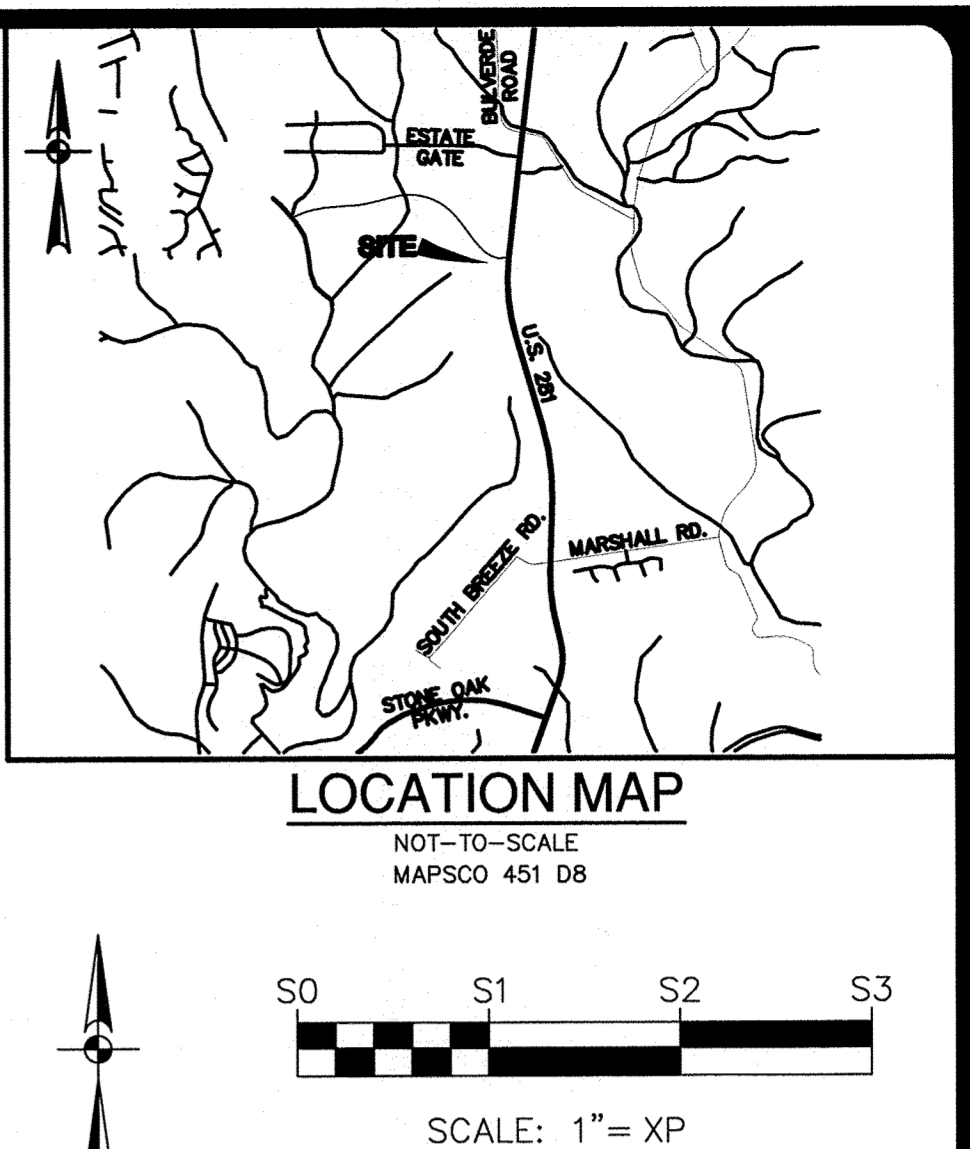
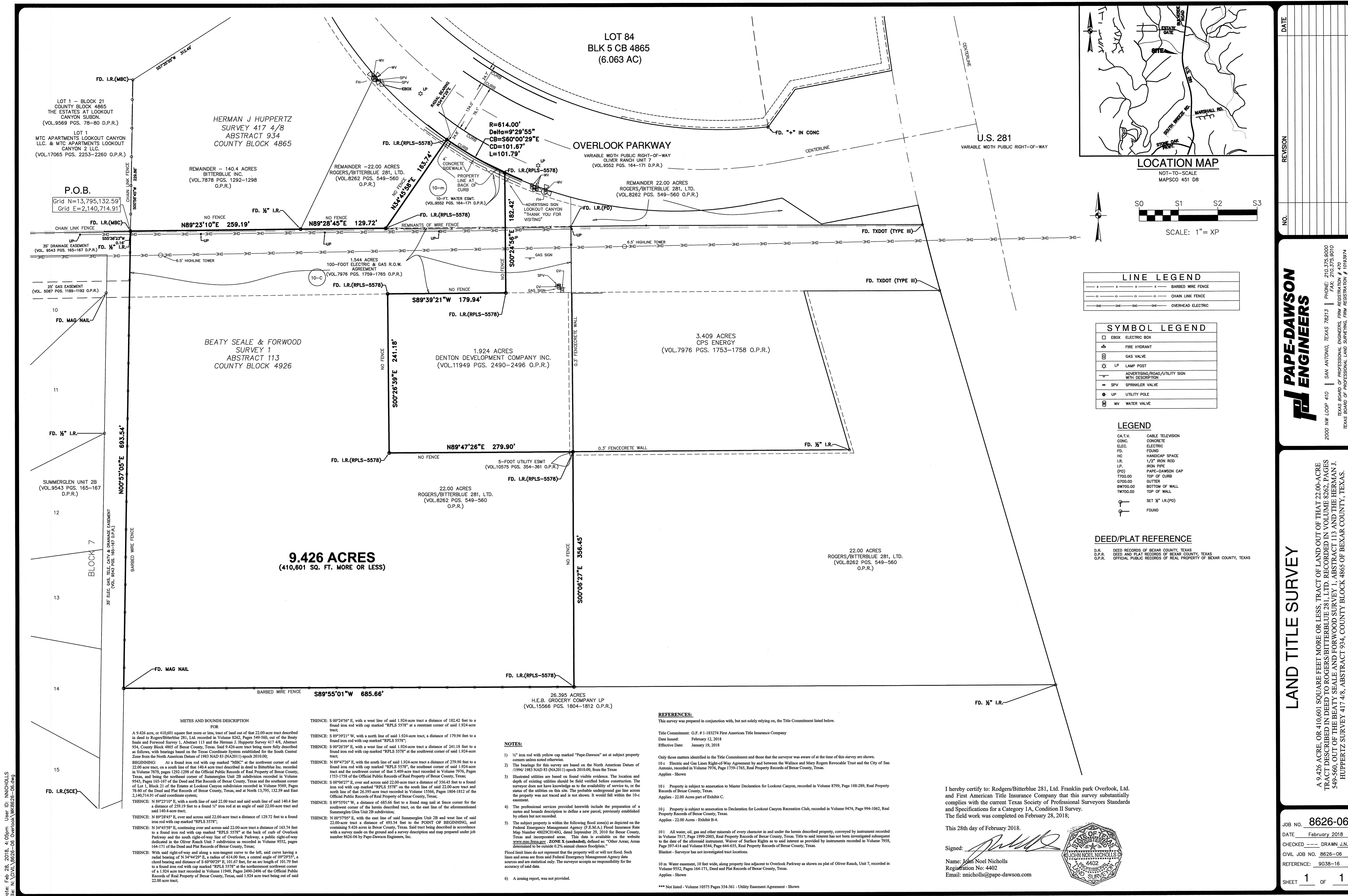
Gregory Lee

Gregory Lee

Customer Service Supervisor

Customer Engineering Department

ATTACHMENT 10
Land Title Type 1A Survey



LINE LEGEND

---	BARBED WIRE FENCE
-o-o-	CHAIN LINK FENCE
— — —	OVERHEAD ELECTRIC

SYMBOL LEGEND

□	ELECTRIC BOX
⊕	FIRE HYDRANT
⊕	GAS VALVE
☆	LAMP POST
— — —	ADVERTISING/ROAD/UTILITY SIGN WITH DESCRIPTION
— — —	SPRINKLER VALVE
●	UTILITY POLE
⊕	WATER VALVE

LEGEND

CA.T.V.	CABLE TELEVISION
CONC.	CONCRETE
ELEC.	ELECTRIC
FD.	FOUND
HC	HANDICAP SPACE
I.R.	1/2" IRON ROD
LP	IRON PIPE
(PD)	PAPE-DAWSON CAP
T700.00	TOP OF CURB
G700.00	GUTTER
BW700.00	BOTTOM OF WALL
TW700.00	TOP OF WALL
⊕	SET 1/2" I.R.(PD)
⊕	FOUND

DEED/PLAT REFERENCE

D.R.	DEED RECORDS OF BEAR COUNTY, TEXAS
D.P.R.	DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS
O.P.R.	OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEAR COUNTY, TEXAS

REVISION

NO.	DATE

PAPE-DAWSON ENGINEERS

2000 NW LOOP 410 | SAN ANTONIO, TEXAS 78213 | PHONE: 210.375.9000
 TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 10183970
 TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, FIRM REGISTRATION # 10183974

LAND TITLE SURVEY

A 9.426 ACRE, OR 410,601 SQUARE FEET MORE OR LESS, TRACT OF LAND OUT OF THAT 22.00-ACRE TRACT DESCRIBED IN DEED TO ROGERS/BITTERBLUE 281, LTD. RECORDED IN VOLUME 8262, PAGES 549-560, OUT OF THE BEATY SEALE AND FORWOOD SURVEY 1, ABSTRACT 113 AND THE HERMAN J. HUPPERTZ SURVEY 417 4/8, ABSTRACT 934, COUNTY BLOCK 4865 OF BEAR COUNTY, TEXAS.

Date: Feb. 28, 2018, 4:05pm User ID: NNICHOLLS
 File: N:\DWL\8626-06 Overlook\W6826-06.dwg

METES AND BOUNDS DESCRIPTION FOR

A 9.426 acre, or 410,601 square feet more or less, tract of land out of that 22.00-acre tract described in deed to Rogers/Bitterblue 281, Ltd. recorded in Volume 8262, Pages 549-560, out of the Beaty Seale and Forwood Survey 1, Abstract 113 and the Herman J. Huppertz Survey 417 4/8, Abstract 934, County Block 4865 of Bear County, Texas. Said 9.426-acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NAD2011) epoch 2010.00:

BEGINNING: At a found iron rod with cap marked "MBC" at the northwest corner of said 22.00 acre tract, on a south line of that 140.4 acre tract described in deed to Bitterblue Inc. recorded in Volume 7878, pages 1292-1298 of the Official Public Records of Real Property of Bear County, Texas, and being the northeast corner of Summerglen Unit 2B subdivision recorded in Volume 9543, Pages 165-167 of the Deed and Plat Records of Bear County, Texas and the southeast corner of Lot 1, Block 21 of the Estates at Lookout Canyon subdivision recorded in Volume 9569, Pages 78-80 of the Deed and Plat Records of Bear County, Texas, and at North 13,795, 132.59 and East 2,140,714.91 of said coordinate system.

THENCE: N 89°23'10" E, with a north line of said 22.00 tract and said south line of said 140.4 acre tract a distance of 259.19 feet to a found 1/2" iron rod at an angle of said 22.00-acre tract and said 140.4-acre tract;

THENCE: N 89°28'45" E, over and across said 22.00-acre tract a distance of 129.72 feet to a found iron rod with cap marked "RPLS 5578";

THENCE: N 34°45'58" E, continuing over and across said 22.00-acre tract a distance of 163.74 feet to a found iron rod with cap marked "RPLS 5578" at the back of curb of Overlook Parkway and the south right-of-way line of Overlook Parkway, a public right-of-way dedicated in the Oliver Ranch Unit 7 subdivision as recorded in Volume 9552, pages 164-171 of the Deed and Plat Records of Bear County, Texas;

THENCE: With said right-of-way along a non-tangent curve to the left, said curve having a radius bearing of N 34°44'29" E, a radius of 614.00 feet, a central angle of 99°29'53", a chord bearing and distance of S 60°00'29" E, 101.67 feet, for an arc length of 101.79 feet to a found iron rod with cap marked "RPLS 5578" at the northwestern southwest corner of a 1.924 acre tract recorded in Volume 11949, Pages 2490-2496 of the Official Public Records of Real Property of Bear County, Texas, said 1.924 acre tract being out of said 22.00-acre tract;

THENCE: S 00°24'56" E, with a west line of said 1.924-acre tract a distance of 182.42 feet to a found iron rod with cap marked "RPLS 5578" at a restraint corner of said 1.924-acre tract;

THENCE: S 89°39'21" W, with a north line of said 1.924-acre tract, a distance of 179.94 feet to a found iron rod with cap marked "RPLS 5578";

THENCE: S 00°26'39" E, with a west line of said 1.924-acre tract a distance of 241.18 feet to a found iron rod with cap marked "RPLS 5578" at the southwest corner of said 1.924-acre tract;

THENCE: N 89°47'26" E, with the south line of said 1.924-acre tract a distance of 279.90 feet to a found iron rod with cap marked "RPLS 5578", the southeast corner of said 1.924-acre tract and the southwest corner of that 3.409-acre tract recorded in Volume 7976, Pages 1753-1758 of the Official Public Records of Real Property of Bear County, Texas;

THENCE: S 00°06'27" E, over and across said 22.00-acre tract a distance of 356.45 feet to a found iron rod with cap marked "RPLS 5578" on the south line of said 22.00-acre tract and north line of that 26.395-acre tract recorded in Volume 15566, Pages 1804-1812 of the Official Public Records of Real Property of Bear County, Texas;

THENCE: S 89°55'10" W, a distance of 685.66 feet to a found map nail at fence corner for the southwest corner of the herein described tract, on the east line of the aforementioned Summerglen Unit 2B subdivision;

THENCE: N 00°57'05" E, with the east line of said Summerglen Unit 2B and west line of said 22.00-acre tract a distance of 693.54 feet to the POINT OF BEGINNING, and containing 9.426 acres in Bear County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 8626-06 by Pape-Dawson Engineers, Inc.

NOTES:

- 1/2" iron rod with yellow cap marked "Pape-Dawson" set at subject property corners unless noted otherwise.
- The bearings for this survey are based on the North American Datum of 1996/1983 NAD 83 (NAD2011) epoch 2010.00, from the Texas Zone.
- Illustrated utilities are based on found visible evidence. The location and depth of existing utilities should be field verified before construction. The surveyor does not have knowledge as to the availability of service to, or the status of the utilities on this site. The probable underground gas line across the property was not traced and is not shown. It would fall within the 10-c easement.
- The professional services provided herewith include the preparation of a metes and bounds description to define a new parcel, previously established by others but not recorded.
- The subject property is within the following flood zone(s) as depicted on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Number 48029CD180, dated September 29, 2010 for Bear County, Texas and incorporated areas. This data is available on the website www.fema.gov. ZONE X (unshaded), defined as: "Other Areas; Areas Determined to be outside 1% annual chance floodplain." Flood limit lines do not represent the property wall or will not flood. Such lines and areas are from said Federal Emergency Management Agency data sources and are statistical only. The surveyor accepts no responsibility for the accuracy of said data.
- A zoning report, was not provided.

REFERENCES:

This survey was prepared in conjunction with, but not solely relying on, the Title Commitment listed below.

Title Commitment: G.F. # 1-183274 First American Title Insurance Company
 Date Issued: February 12, 2018
 Effective Date: January 19, 2018

Only those matters identified in the Title Commitment and those that the surveyor was aware of at the time of this survey are shown.

10 c Electric and Gas Lines Right-of-Way Agreement by and between the Wallace and Mary Rogers Revocable Trust and the City of San Antonio, recorded in Volume 7976, Page 1759-1765, Real Property Records of Bear County, Texas.
 Applies - Shown

101 Property is subject to annexation to Master Declaration for Lookout Canyon, recorded in Volume 8799, Page 188-289, Real Property Records of Bear County, Texas.
 Applies - 22.00 Acres part of Exhibit C.

10j Property is subject to annexation to Declaration for Lookout Canyon Recreation Club, recorded in Volume 9474, Page 994-1062, Real Property Records of Bear County, Texas.
 Applies - 22.00 Acres - Exhibit B-4.

10l All water, oil, gas and other minerals of every character in and under the herein described property, conveyed by instrument recorded in Volume 7517, Page 1999-2003, Real Property Records of Bear County, Texas. Title to said interest has not been investigated subsequent to the date of the aforesaid instrument. Waiver of Surface Rights as to said interest as provided by instruments recorded in Volume 7958, Page 397-414 and Volume 5544, Page 644-655, Real Property Records of Bear County, Texas.
 Blanket - Surveyor has not investigated tract locations.

10 m Water easement, 10 feet wide, along property line adjacent to Overlook Parkway as shown on plat of Oliver Ranch, Unit 7, recorded in Volume 5552, Pages 164-171, Deed and Plat Records of Bear County, Texas.
 Applies - Shown

*** Not listed - Volume 10575 Pages 354-361 - Utility Easement Agreement - Shown

I hereby certify to: Rogers/Bitterblue 281, Ltd. Franklin park Overlook, Ltd. and First American Title Insurance Company that this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

The field work was completed on February 28, 2018;

This 28th day of February 2018.

Signed: JOHN NOEL NICHOLLS
 Registration No: 4402
 Email: nnicholls@pape-dawson.com

JOB NO. 8626-06

DATE February 2018

CHECKED --- DRAWN J.L.N.

CIVIL JOB NO. 8626-06

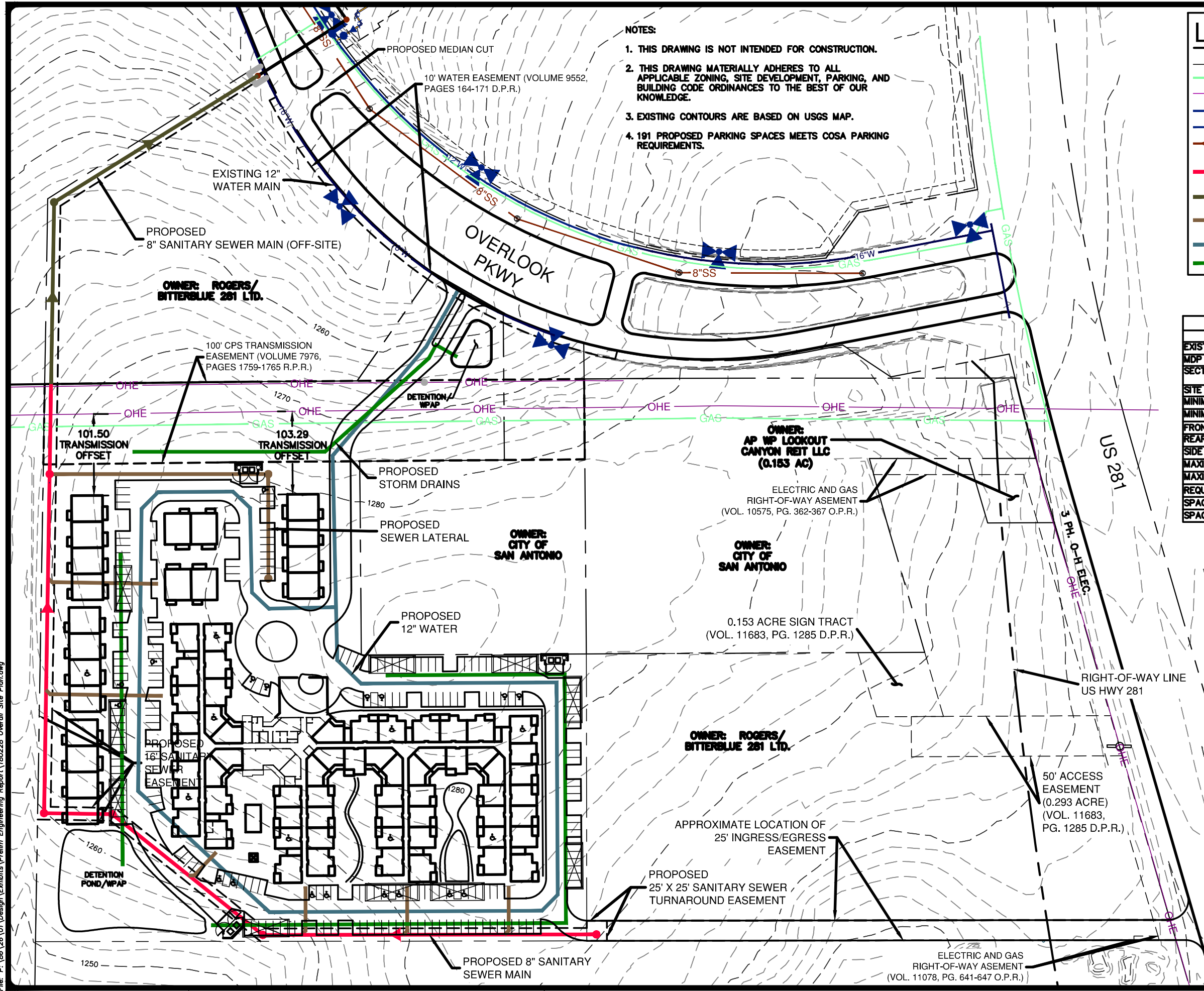
REFERENCE: 9038-16

SHEET 1 OF 1

PROJECT NAME: VILLAGE AT OVERLOOK

ATTACHMENT 11
Preliminary Site Plan

Date: Mar 01, 2018, 2:19pm User ID: AArrington
 File: P:\66\26\01\Design\Exhibits\Prelim\Engineering Report\180228_Overall_Site_Plan.dwg

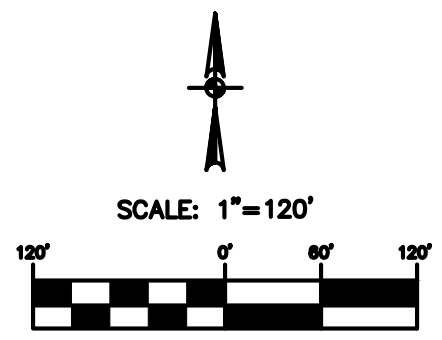


- NOTES:**
1. THIS DRAWING IS NOT INTENDED FOR CONSTRUCTION.
 2. THIS DRAWING MATERIALLY ADHERES TO ALL APPLICABLE ZONING, SITE DEVELOPMENT, PARKING, AND BUILDING CODE ORDINANCES TO THE BEST OF OUR KNOWLEDGE.
 3. EXISTING CONTOURS ARE BASED ON USGS MAP.
 4. 191 PROPOSED PARKING SPACES MEETS COSA PARKING REQUIREMENTS.

LEGEND

	PROPERTY LINE		EXISTING GAS LINE
	EXISTING ELECTRIC		EXISTING 12" WATER
	EXISTING 16" WATER		EXISTING 8" SANITARY SEWER LINE
	PROPOSED 8" SANITARY SEWER LINE		PROPOSED 8" SANITARY SEWER LINE (OFF-SITE)
	PROPOSED 6" SANITARY SEWER LATERAL		PROPOSED WATER
	PROPOSED STORM DRAIN		

SITE SUMMARY	
ITEM	EXISTING
EXISTING ZONING	MXD
MDP LAND USE DESIGNATION	MULTI-FAMILY
SECTOR LAND USE DESIGNATION	SUBURBAN TIER
SITE ACREAGE	9.4
MINIMUM LOT SIZE	N/A
MINIMUM LOT FRONTAGE	N/A
FRONT SETBACK (MIN/MAX)	N/A
REAR SETBACK	5'
SIDE SETBACK	10'
MAXIMUM BUILDING HEIGHT	N/A
MAXIMUM DENSITY	25 UNITS/AC
REQUIRED PARKING (9' X 18')	146 / 277
SPACES PROVIDED (STANDARD)	191
SPACES PROVIDED (HANDICAP)	18



THE VILLAGE AT OVERLOOK TDHCA #18086
 SAN ANTONIO, TEXAS
 PRELIMINARY SITE PLAN

JOB NO. 8626-01
 DATE MARCH 2018
 DESIGNER AA
 CHECKED AB
 DRAWN AA
 SHEET 1 of 1

PAPE-DAWSON ENGINEERS
 SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
 TBPPE FIRM REGISTRATION #470 | TBPPLS FIRM REGISTRATION #1002800

THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARD COPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.

ATTACHMENT 12
Probable Off-Site
Construction Cost Estimate

ATTACHMENT 13
Probable On-Site
Construction Cost Estimate

Site Work Cost Breakdown

This form must be submitted with the Development Cost Schedule as justification of Site Work costs.

Column A: The Site Work activity reflected here must match the Site Work activity reflected in the Development Cost Schedule.

Columns B and C: In determining actual construction cost, two different methods may be used:

The construction costs may be broken into labor (Column B) and materials (Column C) for the activity; **OR**
The use of unit price (Column B) and the number of units (Column C) data for the activity.

Column D: To arrive at total construction costs in Column D:

If based on labor and materials, add Column B and Column C together to arrive at total construction costs.
If based on unit price measures, Column B is multiplied by Column C to arrive at total construction costs.

Column E: Any proposed activity involving the acquisition of real property, easements, rights-of-way, etc., must have the projected costs of this acquisition for the activity.

Column F: Engineering/architectural costs must be broken out by the Site Work activity.

Column G: Figures for Column G, Total Activity Cost, are obtained by adding together Columns D, E, and F to get the total costs.

****This form must be completed by a Third-Party engineer licensed to practice in the State of Texas. His or her signature and registration seal must be on the form.****

For Site Work costs that exceed \$15,000 per Unit and are included in Eligible Basis, a CPA letter allocating which portions of those site costs should be included in Eligible Basis and which ones may be ineligible must be submitted behind this tab.

A.	B.	C.	D.	E.	F.	G.
Activity	Labor or Unit Price	Materials or # of Units	Total Construction Costs	Acquisition Costs	Engineering / Architectural Costs	Total Activity Costs
Demolition	\$ -	0	\$ -	See Note 1	See Note 2	\$ -
Asbestos Abatement (Demolition Only)	\$ -	0	\$ -	See Note 1	See Note 2	\$ -
Detention	\$ 80,000.00	1	\$ 80,000.00	See Note 1	See Note 2	\$ 80,000.00
Rough Grading	\$ 612,985.50	1	\$ 612,985.50	See Note 1	See Note 2	\$ 612,985.50
Fine Grading	\$ 32,461.50	1	\$ 32,461.50	See Note 1	See Note 2	\$ 32,461.50
On-site Concrete	\$ 203,200.00	1	\$ 203,200.00	See Note 1	See Note 2	\$ 203,200.00
On-site paving	\$ 261,700.00	1	\$ 261,700.00	See Note 1	See Note 2	\$ 261,700.00
On-site Utilities	\$ 550,953.00	1	\$ 550,953.00	See Note 1	See Note 2	\$ 550,953.00
Decorative Masonry	\$ -	0	\$ -	See Note 1	See Note 2	\$ -
On-site Electric Utilities	\$ 50,000.00	1	\$ 50,000.00	See Note 1	See Note 2	\$ 50,000.00
Parking Bumpers, Striping, Signs	\$ 20,000.00	1	\$ 20,000.00	See Note 1	See Note 2	\$ 20,000.00
WPAP Basin	\$ 240,000.00	1	\$ 240,000.00	See Note 1	See Note 2	\$ 240,000.00
Retaining Wall	\$ 65,700.00	1	\$ 65,700.00	See Note 1	See Note 2	\$ 65,700.00
Total						\$ 2,117,000

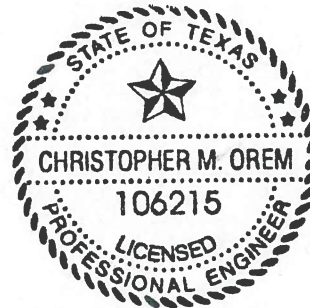
Notes:

- Cost included in Development Cost Schedule, Acquisition Cost Section.
- Cost included in Development Cost Schedule, Indirect Construction Costs Section.


Signature of Registered Engineer

Chris Orem, P.E.
Printed Name
2/28/2018
Date

Seal 2/28/18



18091
Lavon Senior Villas
Disclosure Documents

Railroad Quiet Zone Documentation

The Lavon Senior Villas Project Site is located within 500 feet of active railroad tracks, but is also located in a Railroad Neighborhood Quiet Zone. Per 10 TAC 10.101(a)(2)(E), the following is considered an Undesirable Site feature (emphasis added):

“(E) Development Sites located within 500 feet of active railroad tracks, measured from the closest rail to the boundary of the Development Site, **unless the Applicant provides evidence that the city/community has adopted a Railroad Quiet Zone** or the railroad in question is commuter or light rail;”

The City of Garland has adopted a Railroad Quiet Zone, as evidenced by the documentation herein. Therefore, the railroad tracks do not constitute an Undesirable Site feature.

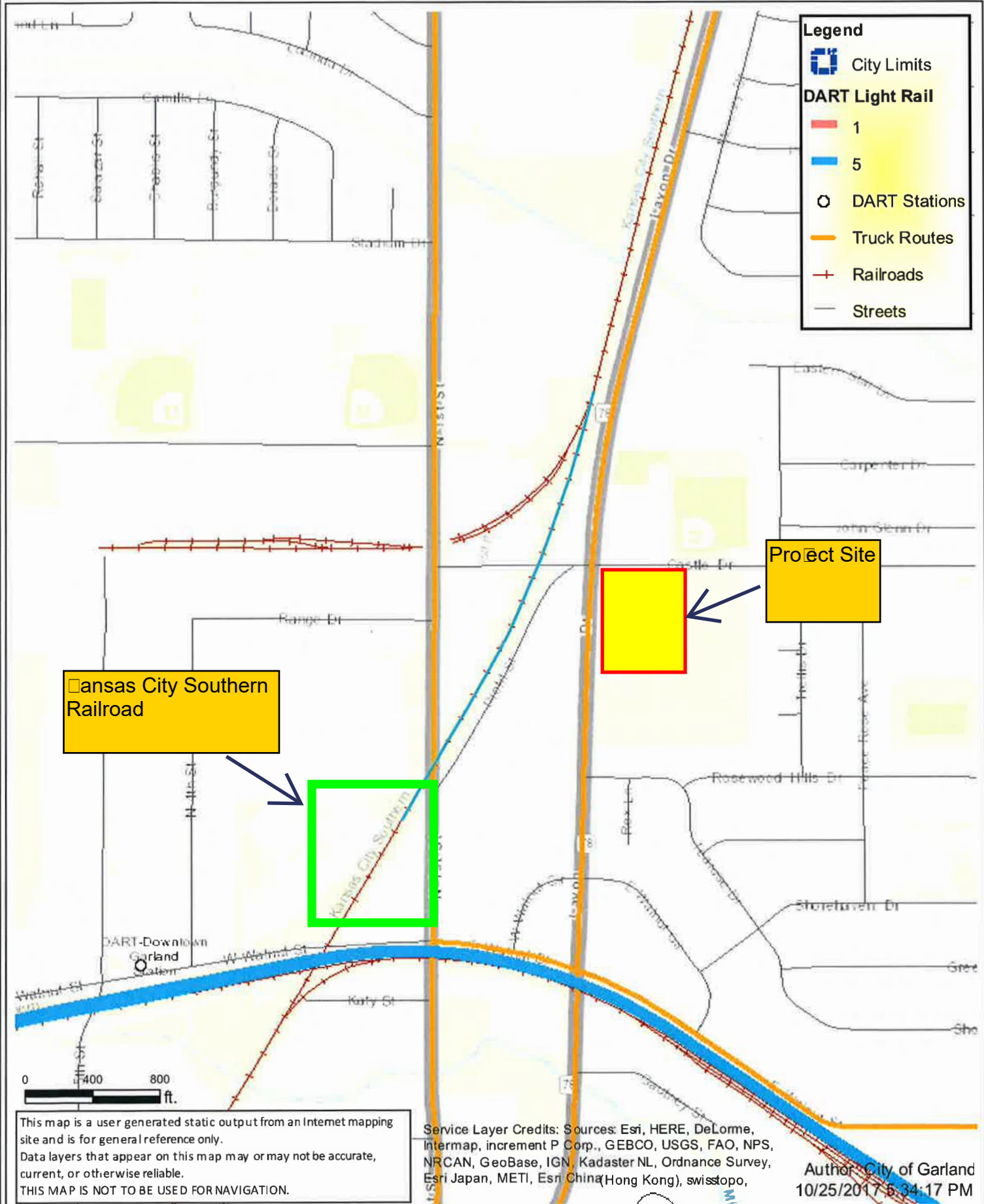
The following evidence is included in this application:

- City of Garland GIS Map showing Project Site and Railroad Line;
- LandVision Map showing ownership by Kansas City Southern (KCS) railroad;
- Description of Garland Railroad Quiet Zone, established July 12, 2011;
- Photographs of 3 nearest crossings showing Quiet Zone signage; and
- Federal Railroad Administration “Quiet Zone FRAWeb Report” dated 10/16/17, showing Quiet Zone for KCS railroad in Garland, TX.

City of Garland GIS Map showing Project Site and Railroad Line



Engineering and Transportation



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

LandVision Map showing ownership by Kansas City Southern (KCS) railroad

902 Lavon

Search Layers List Draw Quick Measure Export Image Print Map View Bookmarks Advanced Help Undo Redo

Include Area Exclude Area

Location Information

Results at this Location | 1

APN: 26KANSASCITYST170

+ More Results (View results for all visible layers)

APN: 26KANSASCITYST170

Site Address

Parcel No. (APN) **26KANSASCITYST170**

Land Use Cat.

Land Use Desc.

Building Area

Lot Area **654,437 SF (15.02 ACRES)**

Building/Lot Ratio **N/A**

No. of Units

Year Built

Total Assd. Value

Owner 1

Owner 2

Owner Address

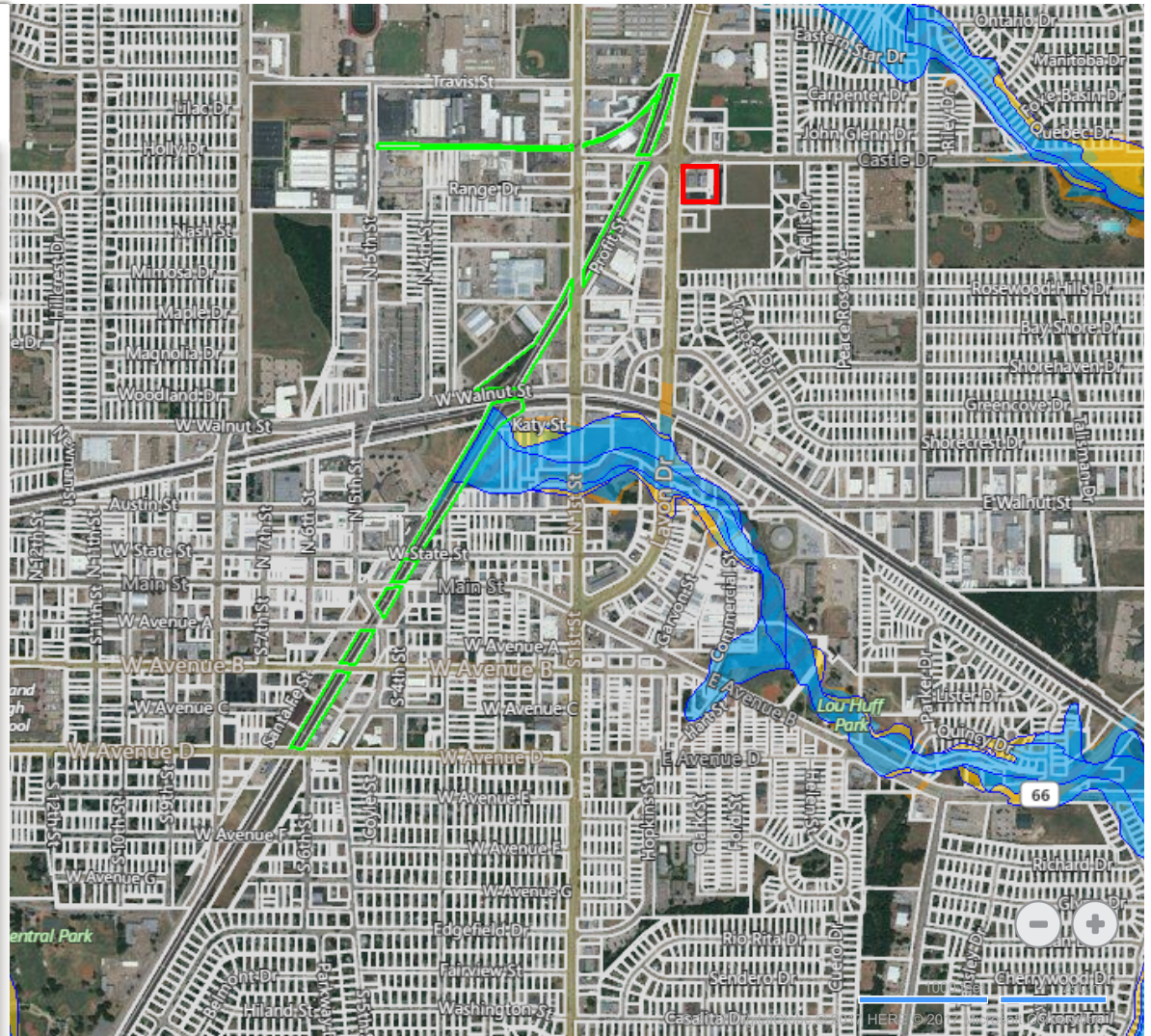
Adj. Lots Owned **NONE**

Last Transfer

Last Market Sale

Add to List

Location



Description of Garland Railroad Quiet Zone, established July 12, 2011

Quiet Zone Established at Certain Garland Railroad Crossings

Beginning July 12, 2011, a railroad quiet zone will be established by the City of Garland along the Kansas City Southern Railroad mainline, in order to improve safety and minimize the impacts of train horn noise. The KCS mainline runs from south to north Garland along side South Garland Avenue and Lavon Drive as well as through downtown Garland. Railroad quiet zones are federally approved groups of railroad crossings at which train horns are **NOT routinely sounded**.

Below are some important aspects of the City of Garland's new quiet zone and railroad crossing safety:

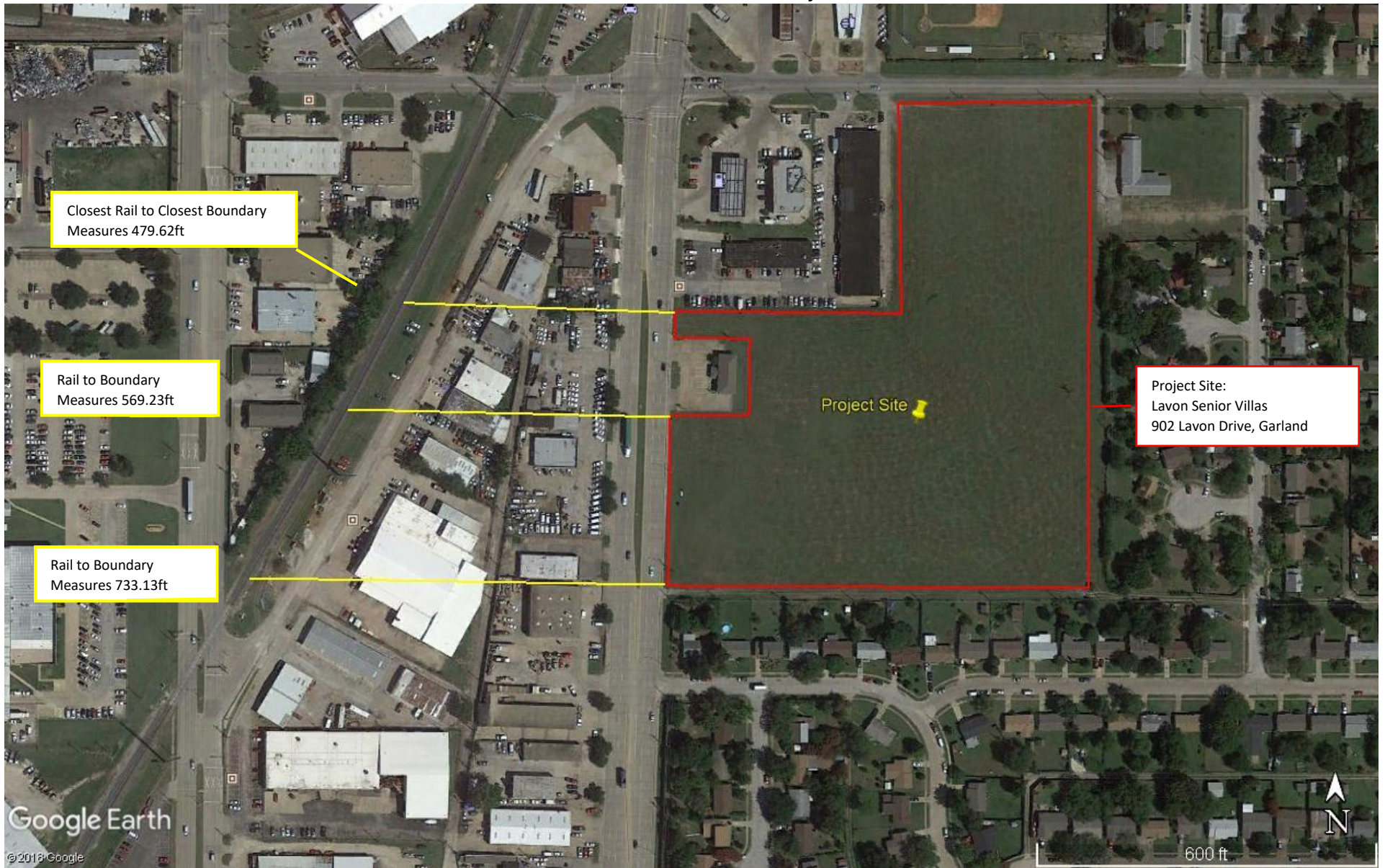
1. The quiet zone includes 21 at-grade rail crossings along the KCS Railroad between Shiloh Road in the south and Murphy Road in the north.
2. The quiet zone will be in affect 24 hours a day, seven days a week.
3. Even with a quiet zone, the train engineer may always sound the horn in case of an emergency. This includes situations when a person or animal is on the track; when any maintenance work is being done; or other potential danger exists. Train engineers have been sounding horns at Garland crossings for years. It is going to take some time for them to form new habits. The sounding of horns should diminish as time goes by and eventually become a rare occurrence.
4. All crossings included in the quiet zone meet the Federal Railroad Administration's (FRA) Final Rule on Quiet Zones. This requires all public crossings to have active vehicle gates, flashing lights, and bells to alert motorists of an approaching train. In addition to active warning devices at the crossing, all crossings also have advanced signing and pavement markings to identify the rail crossing. This includes an advanced warning sign with a NO TRAIN HORN legend.
5. Safety has been enhanced by adding medians or channelizing devices to crossings that did not already have them, except on one-way streets where the gates cover the entire roadway approach already. Pavement markings have been refurbished at all KCS crossings.

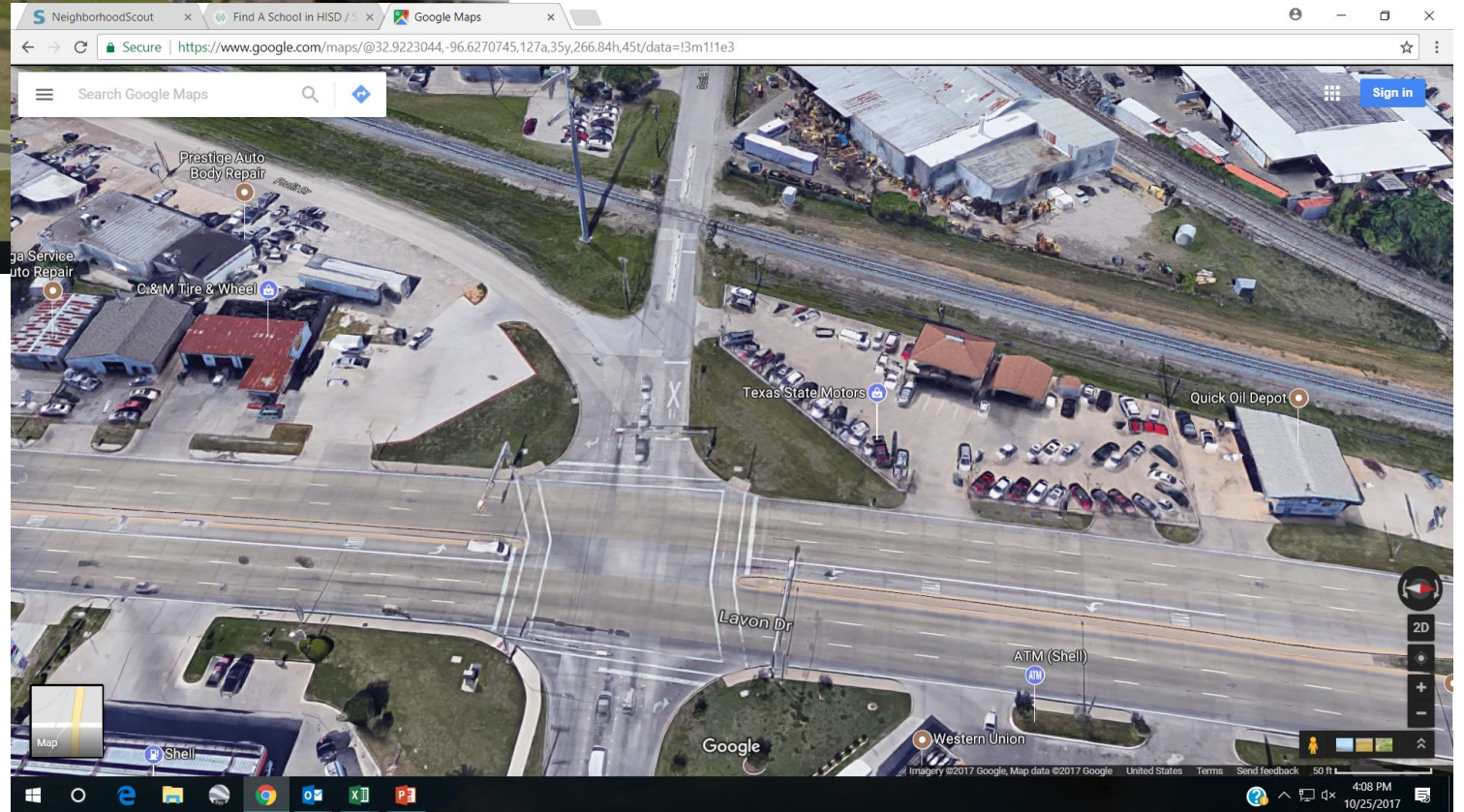
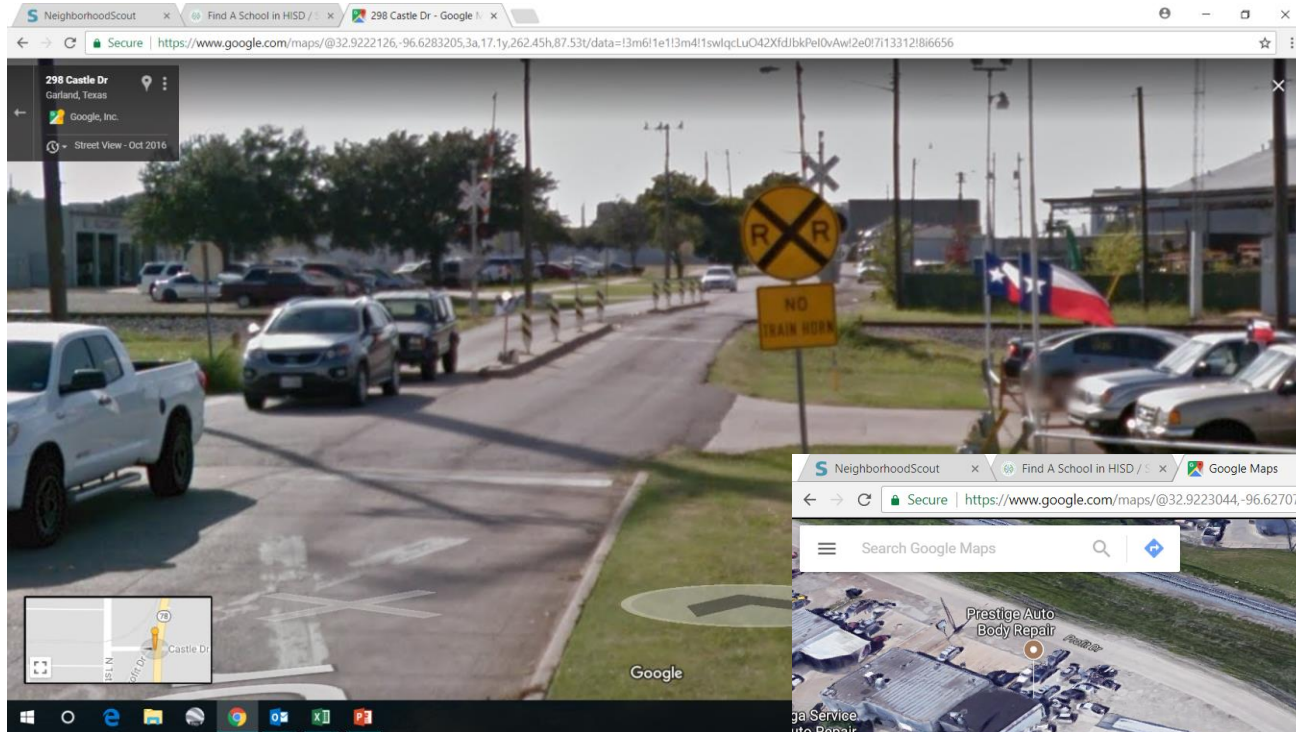
6. The quiet zone does not affect train horns on the DART and Dallas, Garland and Northeastern tracks which run in an east-west direction through Garland.
7. Driving around lowered gates is both illegal and dangerous. Although the vehicle gates may not protect sidewalks and trail, pedestrians and bicycles should also exercise caution when crossing railroad tracks. Always cross the tracks at a marked crossing location and never cross when the lights are flashing and the vehicle gates are down
8. Trains do not follow set schedules; **always expect a train!**
9. Once the engineer applies the brakes, it can take over a mile for the train to stop.
10. Trains always appear to be moving slower than they actually are.

When crossing railroad Tracks, always: LOOK, LISTEN, AND LIVE.

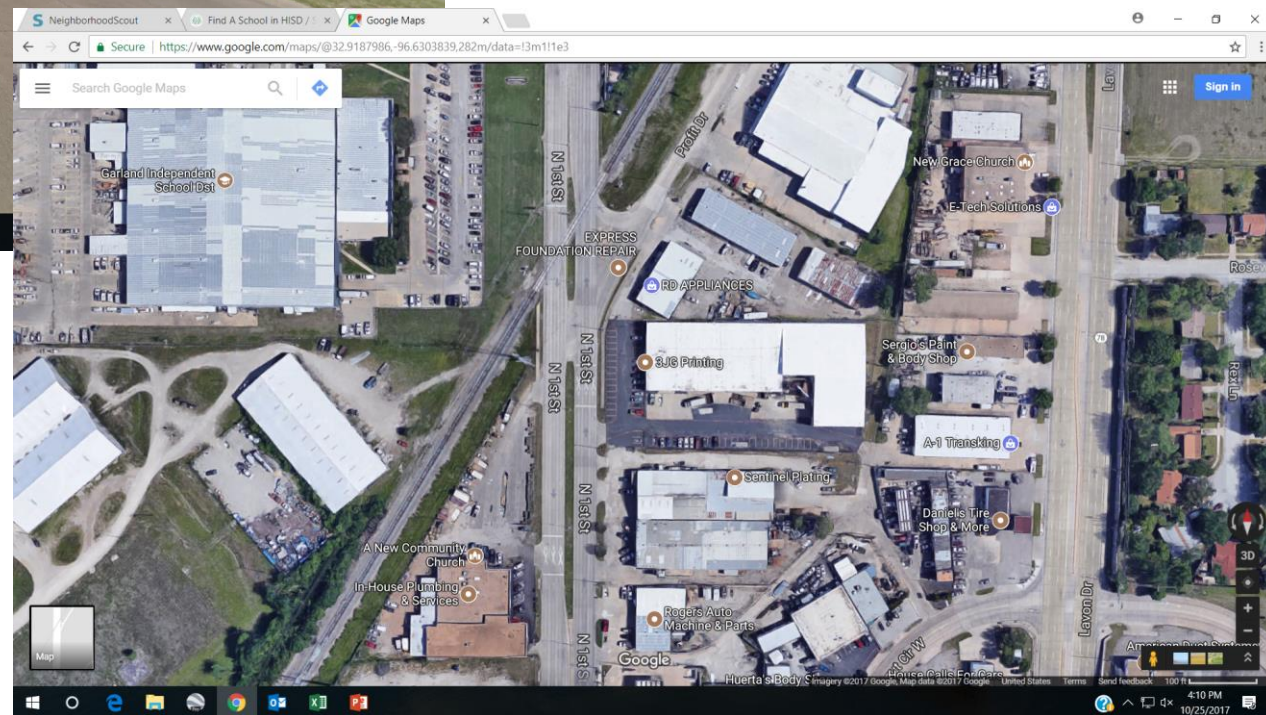
Photographs of 3 nearest crossings showing Quiet Zone signage

2018 TDHCA 9% APP#18091
Lavon Senior Villas 902 Lavon Drive, Garland, Texas
Rail Road - Closest Rail to Closest Boundary Measurements

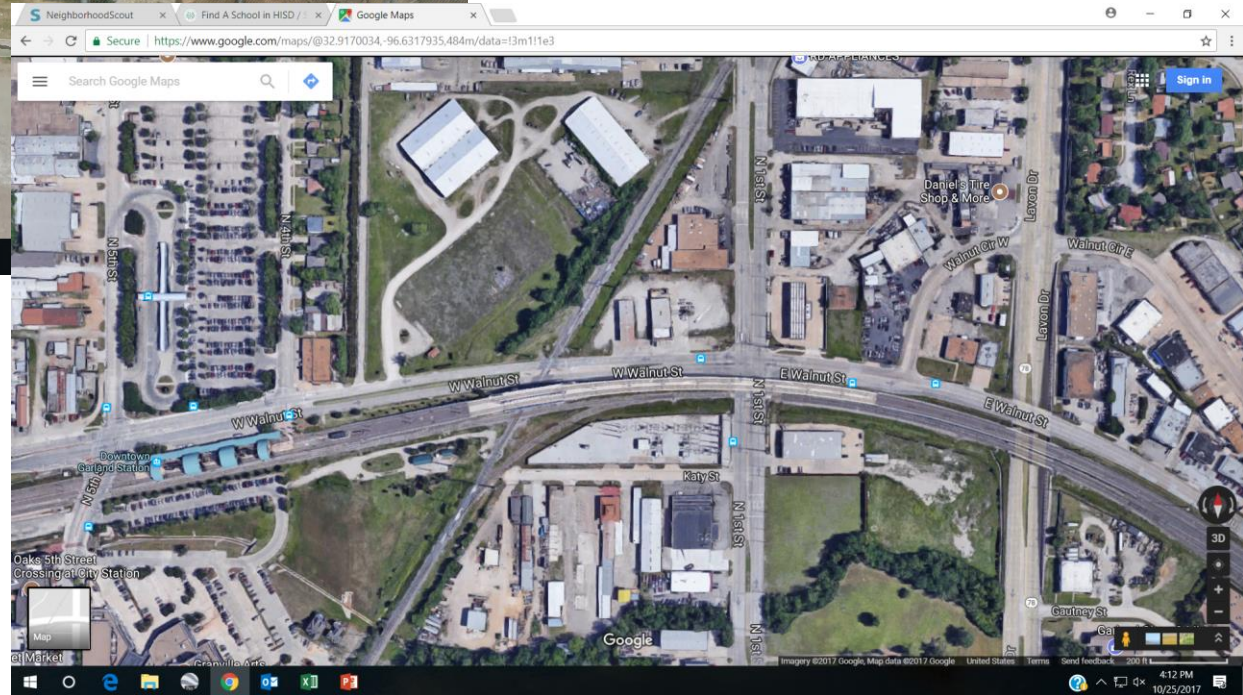
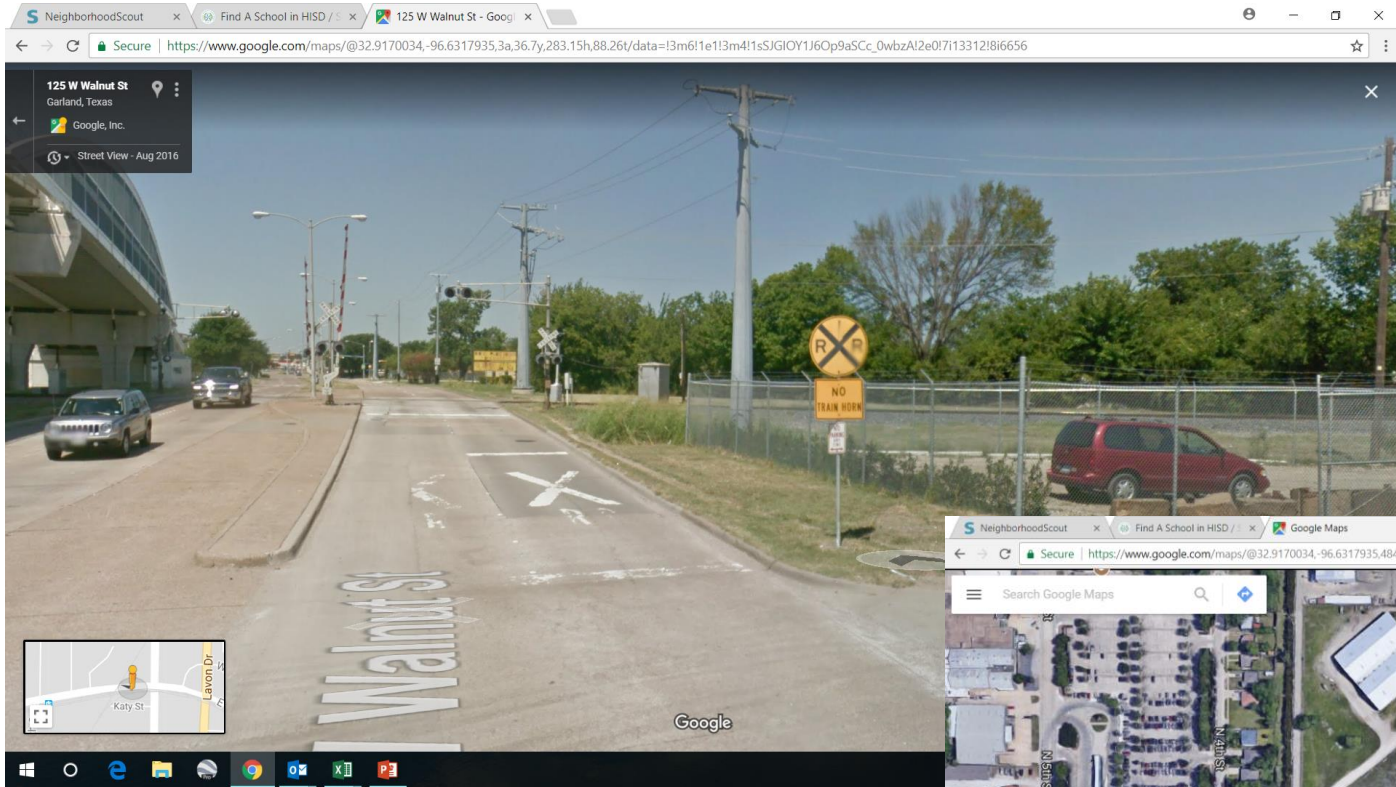




Castle Road & Lavon RR Crossing



1st Street & Profit Drive RR Crossing



- W Walnut Street & RR crossing

Federal Railroad Administration "Quiet Zone FRAWeb Report" dated 10/16/17, showing Quiet Zone for KCS railroad in Garland, TX



Quiet Zone FRAWeb Report

Report Date: 10/16/2017

TX

TX	Grand Prairie	New	UP
TX	Willis	New	UP
TX	Sealy	New	UP
TX	Wylie	New	KCS
TX	Dallas	New	UP
TX	Baytown	New	UP
TX	Arlington	New	UP
TX	Richardson	New	DART
TX	Beaumont	New	UP
TX	San Antonio	New	UP
TX	Garland/Sachse	New	KCS
TX	Sugar Land	New	BNSF
TX	Frisco	New	BNSF
TX	Fort Worth	New	UP
TX	Midland	New	UP
TX	Austin	New	UP
TX	Texarkana	New	KCS
TX	Edgecliff Villag	New	BNSF
TX	Victoria	New	UP
TX	Wharton	New	KCS
TX	Flower Mound	New	UP

18099
Waters Park Studios
Disclosure Documents

2018 9% Housing Tax Credit Application

**WATERS PARK STUDIOS
AUSTIN, TEXAS**

TDHCA #18099

Undesirable Site Features:

(E) Development Sites located within 500 feet of active railroad tracks, measured from the closest rail to the boundary of the Development Site, unless the Applicant provides evidence that the city/community has adopted a Railroad Quiet Zone or the railroad in question is commuter or light rail;

Please note the site IS located within 500 feet of active railroad tracks, but the tracks are for a commuter rail line as evidence in the attached.

The line is for the MetroRail – Cap Metro’s commuter rail line. See attached on info on MetroRail from Cap Metro website.



Property Profile

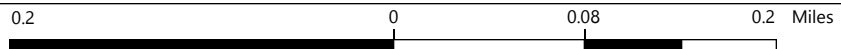


Legend

- TCAD Parcels
- + Capital Metro Rail Route

Development Site - Waters Park Studios

1: 4,800



NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Notes



MetroRail

Why fight traffic on your commute to and from work when you can use the time for something you'd rather be doing instead? Board a MetroRail train and watch the scenery, read, catch up with a friend or surf the web with free onboard Wi-Fi. Visit our Online Marketplace (<https://marketplace.bytemark.co/marketplace/cmta>) to purchase your fare.

550 MetroRail Red Line (</schedmap/?svc=2&f1=550&s=1&d=N>)

Added capacity

In January 2018, we added more capacity to MetroRail's morning and evening service. Cap Metro will run 2 paired trips 6 times a day, helping to relieve overcrowded trains.

The paired trips are as follows:

From Leander Station in the Morning

- 6:51 a.m. and 6:56 a.m.
- 7:27 a.m. and 7:32 a.m.
- 8:03 a.m. and 8:08 a.m.

From Downtown Station in the Evening

- 4:17 p.m. and 4:22 p.m.
- 4:53 p.m. and 4:58 p.m.
- 5:29 p.m. and 5:34 p.m.

Catch a Rail Connector bus

Take the train to MLK Station and then hop on a Connector bus to take you to the Capitol (Route 464 (/schedmap/?svc=0&f1=464&s=0&d=E)) or the UT campus (the 465 (/schedmap/?svc=0&f1=465&s=0&d=E)). At Kramer Station, the 466 (/schedmap/?svc=0&f1=466&s=0&d=K) will take you to The Domain or the Pickle Research Campus.

Night rail service

MetroRail trains run late on Friday and Saturday nights. Enjoy Austin's downtown, where there's always something going on, or destinations at any stop along the line. On Saturdays, trains begin service at 4 p.m. The last train leaves Downtown Station at 12:30 Friday and midnight Saturday. If you're out later than that, check our Late-Night Service (/latenight/).

A guaranteed ride home

If you're worried about how you'll get home in case of an emergency and thus hesitant to take the train, then we've got you covered. The Guaranteed Ride Home (/guaranteed) program provides registered MetroExpress, MetroFlyer, MetroRail and MetroRideShare customers with a taxi ride home from work in the event of an unexpected emergency. For an annual membership fee of \$5, you can register and get reimbursed for up to 4 emergency taxi rides a year.

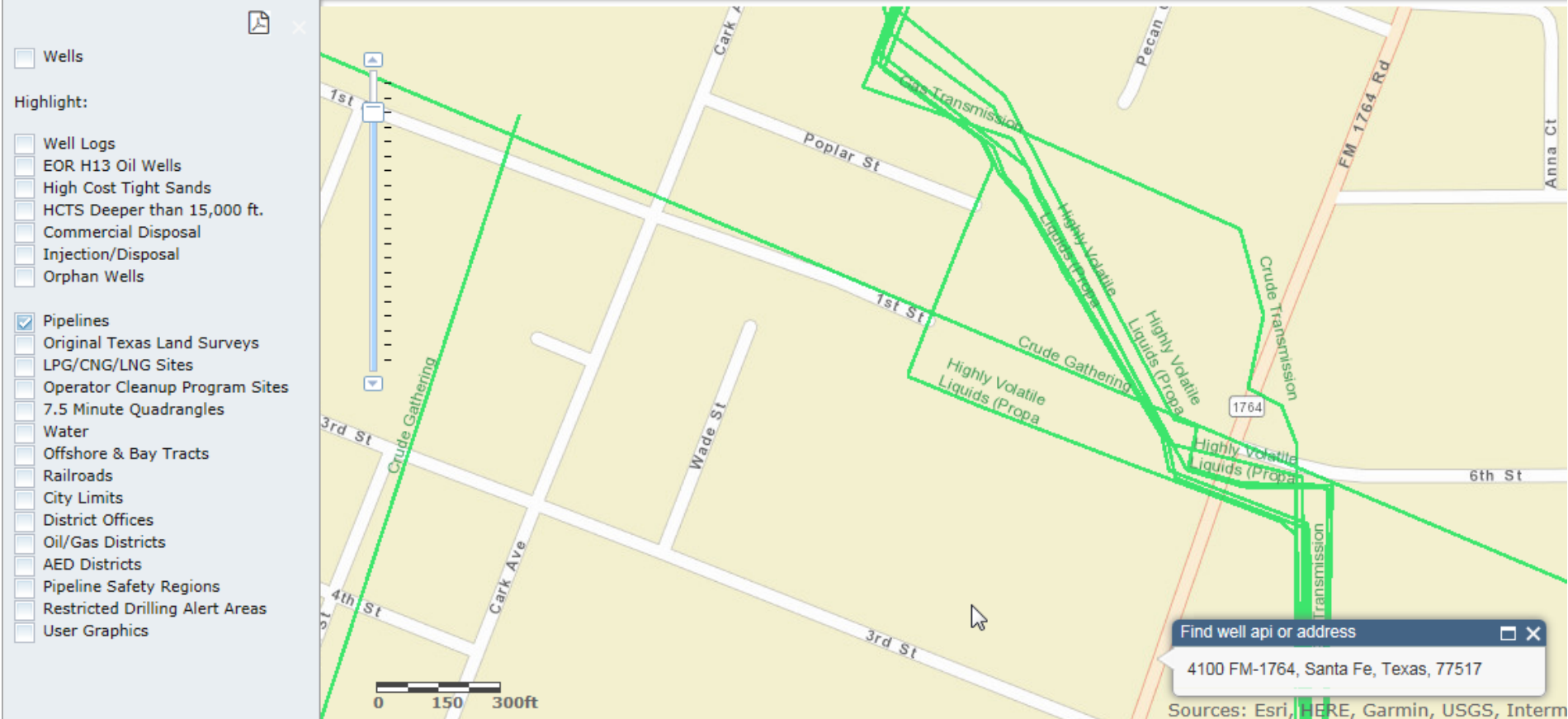


<https://www.facebook.com/capitalmetro>
(<https://twitter.com/CapMetroATX>)

 MetroAccess

(/metroaccess)

18217
Cypress Creek at Santa Fe
Disclosure Documents



- Wells
- Highlight:
 - Well Logs
 - EOR H13 Oil Wells
 - High Cost Tight Sands
 - HCTS Deeper than 15,000 ft.
 - Commercial Disposal
 - Injection/Disposal
 - Orphan Wells
- Pipelines
 - Original Texas Land Surveys
 - LPG/CNG/LNG Sites
 - Operator Cleanup Program Sites
 - 7.5 Minute Quadrangles
 - Water
 - Offshore & Bay Tracts
 - Railroads
 - City Limits
 - District Offices
 - Oil/Gas Districts
 - AED Districts
 - Pipeline Safety Regions
 - Restricted Drilling Alert Areas
 - User Graphics

Find well api or address
4100 FM-1764, Santa Fe, Texas, 77517

Sources: Esri, HERE, Garmin, USGS, Intern
Lat:

Cypress Creek Santa Fe LP

PIPA GUIDELINES SUBMISSION
Pipelines and Informed Planning Alliance (PIPA)

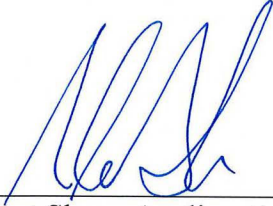
The Development Owner will comply with any and all recommendations made by John Jacobi, P.E., J.D. prior to closing, in accordance with the following initial PIPA report dated February 27, 2018.



Donald Sampley, Developer/ Guarantor

PIPA GUIDELINES SUBMISSION
Pipelines and Informed Planning Alliance (PIPA)

The Development Owner will comply with any and all recommendations made by John Jacobi, P.E., J.D. prior to closing, in accordance with the following initial PIPA report dated February 27, 2018.



Stuart Shaw, Applicant's Representative

February 27, 2018

via e-mail
Hard copy via
USPS

R. Brent Stewart, Director of Real Estate Analysis
Texas Department of Housing & Community Affairs
PO Box 13941
221 East 11th Street
Austin, TX 78711-3941

Re: Pipelines and Informed Planning Alliance (PIPA) Review
Proposed Cypress Creek Apartments
Santa Fe (Galveston County), Texas 75710
TDHCA Application Number 18217

Dear Mr. Stewart:

I have been retained by Cypress Creek Santa Fe LP (CCSF), 901 MoPac Expressway, Building V, Suite 100, Austin TX 787746 to address, from a PIPA perspective, the issue of a number of pipelines traversing the site of the proposed development. All of the pipelines are listed as intrastate lines by the Texas Railroad Commission (Texas RRC - see attached annotated Railroad Commission of Texas Map), the attached List of Pipelines Potentially Affecting the Cypress Creek Santa Fe Apartments, and the attached Preliminary Site Plan.

CCSF is generally familiar with PIPA and has assured me that they will comply with relevant PIPA recommended practices. The purpose of this initial report is to clarify the potential impact of each of the pipelines and to identify mitigating measures consistent with PIPA.

HUD Requirements

The HUD Multifamily Accelerated Processing (MAP) Guide (November 23, 2011) had a requirement that stated:

“1. All parts of any structure must be at least 10 feet from the outer boundary of the easement for any high pressure gas or liquid petroleum transportation pipeline (Form HUD-4128, Part B, No. 28).” (Chapter 9, Environmental Review and Requirements, Environmental Report, Chapter page 29 of 30, Document page 289)

The January 29, 2016 Revision of the MAP Guide replaced the foregoing paragraph with:

“1. Reference for equations and methodology to calculate acceptable separation from high pressure pipelines transferring flammable and combustible liquids and gases is the Final report from ICF International, September 17, 2012, ‘Research to Support U.S. Department of Housing and Urban Development Regulation 24 CFR Part 51 Subpart C, Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature.’” (Chapter 9, page 338 of 534)

Under 24 CFR Part 51 Subpart C, “Hazard - means any stationary container which stores, handles or processes hazardous substances of an explosive or fire prone nature. The term ‘hazard’ does not include pipelines for the transmission of hazardous substances, if such pipelines are located underground or comply with applicable Federal, State and local safety standards.” (24 CFR §51.201 Definitions, emphasis added)

All of the pipelines discussed in this determination are located underground and appear to comply with applicable Federal, State and local safety standards. Therefore, none are considered hazards by HUD for purposes of acceptable separation distance.

Pipelines of Potential Concern

There are 8 pipelines of potential concern. One line was a crude gathering line that has been abandoned. Based on my inspection of the site February 15, 2018, there is no visible evidence that the line was ever there and there should be little, if any, impact to the project as a result of this line. This line was last owned by Koch Pipeline Company LP and will not be addressed further in this report.

All but one of the remaining pipelines are listed as “active” in the same right-of-way (ROW) and are owned and operated by Air Liquide Large industries U.S. LP (14” hydrogen gas), Air Products LLC (10” carbon monoxide gas), Buckeye Development & Logistics LLC (8” propylene), and Dow Pipeline Company (an idle 14” crude transmission line, an 8” ethylene gas line, and a 16” liquid propane line). The last pipeline has a separate ROW and is a 6” propylene line currently operated by Shell Pipeline Company.

49 CFR Part 192 (Gas) Pipelines

A key element of the Gas Integrity Management Rule (49 CFR Part 192, Subpart O) is the calculation of the potential impact radius (PIR) of a circle within which the potential failure of a pipeline could have significant impact on people or property due to thermal effects.

The original derivation of the PIR formula referenced in 49 CFR 192 is contained in the Gas Research Institute report by C-FER Technologies (C-FER Report), “*A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines*” (Stephens 2000). The C-FER Report was based on the premise that high consequence area could be defined as the area within which both the extent of property damage and the chance of serious or fatal injury would be expected to be significant, it follows that this area could be reasonably be defined by a heat intensity contour corresponding to a threshold value below which:

- property, as represented by a typical wooden structure, would not be expected to ignite and burn;
- people located indoors at the time of failure would likely be afforded indefinite protection; and
- people located outdoors at the time of failure would be exposed to a finite but low chance of fatality.

According to the C-FER Report, for a thermal load at or below 5,000 Btu/hr ft², a wooden structure would not be expected to burn and would therefore provide indefinite protection to occupants. Furthermore, 5,000 Btu/hr ft² corresponds to approximately a 1 percent chance of fatality for persons exposed before reaching shelter.

The C-FER formula incorporated into 49 CFR Part 192, Subpart O for the calculation of the PIR used for natural gas is:

$$r = 0.69 \cdot \sqrt{p \cdot d^2}$$

where:

- r = the PIR in feet,
- p = the pipeline maximum operating pressure in pounds per square inch, and
- d = the nominal pipeline diameter in inches.

Note that 0.69 is the factor for natural gas. This number varies for other gases depending upon their heat of combustion. (49 CFR §192.903). None of the 49 CFR Part 192 (gas) pipeline potentially affecting the proposed development are natural gas pipelines.

There are 3 gas pipelines present: the 14” Air Liquide hydrogen line, the 10” Air products carbon monoxide line, and the Dow 8” ethylene line. None are natural gas. However, the factors for hydrogen and ethylene are provided in Table 7.1, page 47 of the US Department of Transportation’s Pipeline and Hazardous Materials Administration’s (PHMSA’s) Technical Task Order Number 13 entitled “*Potential Impact Radius Formulae for Flammable Gases Other Than Natural Gas*” (TTO-13, Michael Baker Jr., Inc., June 2005). Carbon monoxide is considered a toxic (but non-flammable) gas subject to regulation under 49 CFR Part 192. The factor for carbon monoxide is provided in Table 8.1 of PHMSA’s Technical Task Order Number 14 entitled “*Derivation of Potential Impact Radius Formulae for Vapor Cloud Dispersion Subject to 49 CFR 192*” (TTO-14, Michael Baker Jr., Inc., January 2005).

The PIRs for each of the three 49 CFR Part 192 lines are as follows:

Commodity	PIR Factor	Nominal Diameter (inches)	Pressure (MAOP in psig)	Potential Impact Radius (in feet)
Hydrogen (Air Liquide)	0.47	14	740	179
Ethylene (Dow Pipeline)	1.04	8	1890	348
Carbon Monoxide (Air Products)	0.04	10	720	11

Because flame resistant materials will be used for the construction of the buildings and structures, a 50-foot setback from the nearest 49 CFR Part 192 pipeline should be adequate.

Note that the PIR for the carbon monoxide line is based on toxicological characteristics as opposed to flammability. This is significant because of the public recognition of carbon monoxide as a potential health hazard. The meter run associated with the carbon monoxide line is above ground in a locked chain link enclosure. Because the PIR is only 11 feet, the likelihood of significant toxicological impact even in the event of a catastrophic failure of the carbon monoxide line is extremely small.

49 CFR Part 195 (Hazardous Liquid) Pipelines

The concept of Potential Impact Radius does not apply to 49 CFR Part 195 (Hazardous Liquid) Pipelines. 49 CFR Part 194, Response Plans for Onshore Oil Pipelines, applies only to onshore oil pipelines that, because of their location, could reasonably be expected to cause substantial harm, or significant and substantial harm to the environment by discharging oil into or on any navigable waters of the United States or adjoining shorelines. (emphasis added). The only such pipeline that could potentially affect the site is the Dow 14" crude transmission line that is idle and currently contains low pressure nitrogen. Because crude is relatively benign and unlikely to catch fire, even if the line were reactivated the potential effects would be primarily ecological as opposed to an immediate and acute threat to humans. In its present condition, there is little, if any potential impact to the proposed project – especially as compared to the other hazardous liquid lines potentially affecting the site.

There are two propylene pipelines that could potentially affect the proposed project – an 8" line operated by Buckeye Logistics and a 6" line operated by Shell Pipeline Company in a separate ROW. Propylene is a non-toxic, colorless, viscous, liquid that must be pre-heated to burn (Autoignition Temperature: 700 ° F). It is probably even more benign than crude oil.

The single most significant hazardous liquid pipeline is the 16" propane pipeline operated by Dow Pipeline Company. It is the largest diameter pipeline that could potentially affect the site. Propane is extremely flammable and evaporates to a dense vapor that tends to accumulate in low areas. It is also an asphyxiant. Because it is buried and complies with applicable Federal, State and local safety standards, this line is not considered a "hazard" under 24 CFR §51.201.

Performance Record of the Pipeline Operators

The Texas RRC does not allow public access to enforcement records of intrastate pipeline operators. I have researched the PHMSA enforcement records for the listed PHMSA Operator Identification Numbers (OPIDS) for calendar years 2013 through 2017 and found nothing significant with respect to the pipelines that could potentially affect the proposed development. During my tenure with PHMSA, I personally conducted Public Awareness Program inspections at Air Liquide, Air Products, Dow and Shell. All were satisfactory or better. During my tenure at G2, I personally conducted a mock inspection at a Koch facility in another state. It too was satisfactory or better. I have had no personal contact with Buckeye.

PIPA Requirements

See attached PIPA Compliance Matrix

Perhaps the single most significant PIPA Recommended practice is ND06 "Require consideration of Pipeline Facilities in Land Development Design." In particular, CCSF will incorporate a minimum setback of at least 50 feet from all pipelines and at least 10 feet from the edge of all easements (whichever is greater). There are no statutory or regulatory setback requirements and PIPA does not prescribe any specific distance. In addition, CCSF will employ flame retardant building materials, appropriate locations of building ingress and egress, and leave all pipeline ROW essentially undisturbed except for road crossings.

Secondary Ingress/Egress

As illustrated on the attached preliminary site plan, there are several points of ingress/egress to assure that, should an incident occur at any point on any of the pipelines, access to all points on the site can still be accomplished by either crossing the affected pipeline(s) at another location a safe distance from the incident or via emergency access points along the perimeter of the site.

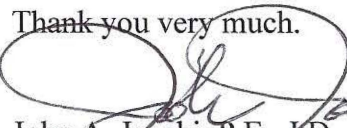
Closing

The proposed configuration of the Cypress Creek Apartments exceeds the HUD MAP Guide requirements including the apparently now removed "10 feet from the outer boundary of the easement for any high-pressure gas or liquid petroleum transportation pipeline" requirement.

Although the proposed development has a number of relatively interesting aspects regarding pipelines and pipeline safety, it appears that each has been or will be addressed by CCSF and, assuming everything happens as planned, implementation of the project appears to meet PIPA guidelines.

I would be happy to discuss this matter via e-mail at jjacobi@sbcglobal.net or via cell phone at 832-712-3098 at your convenience.

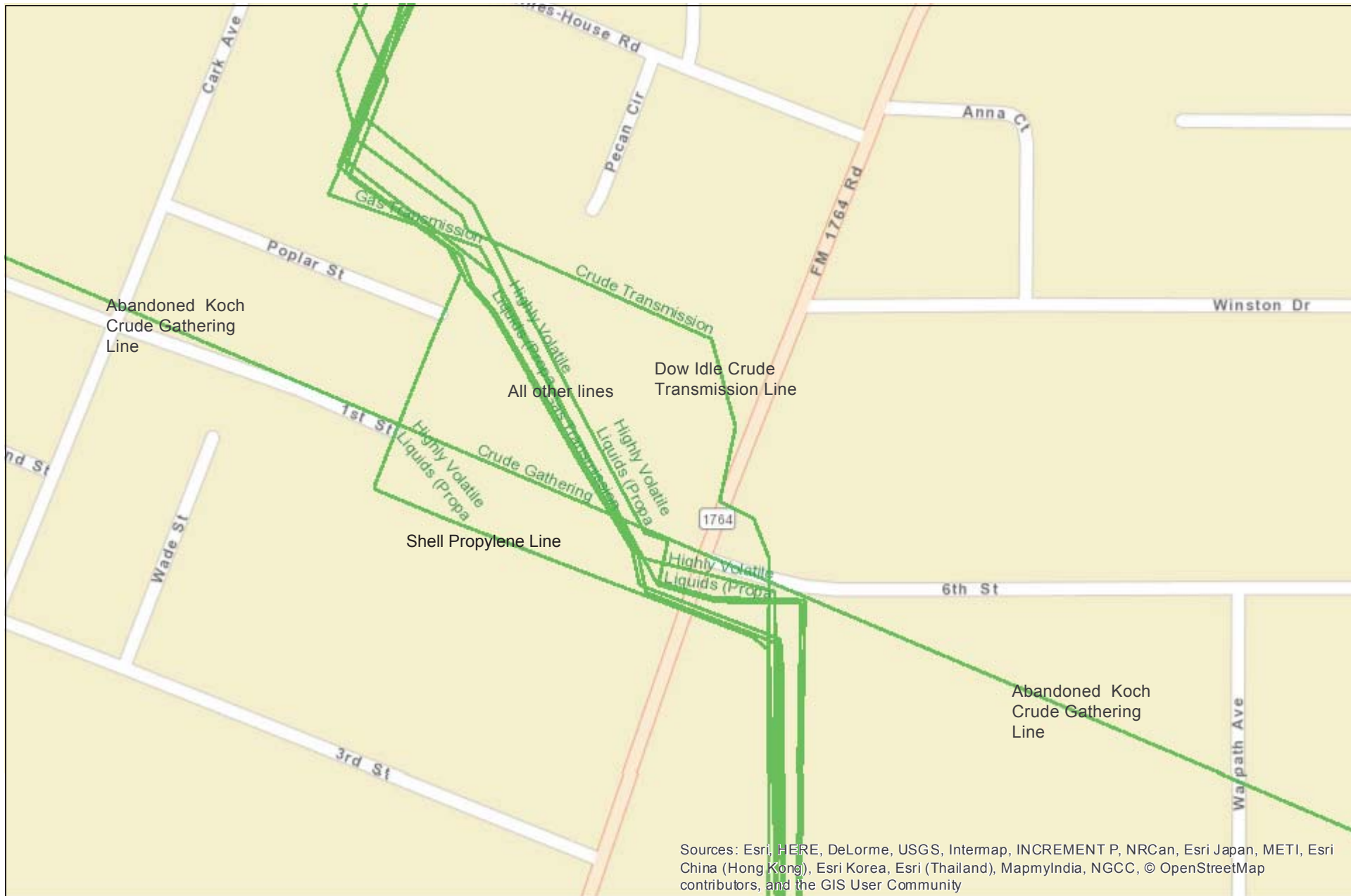
Thank you very much.


John A. Jacobi, P.E., J.D.
Independent Pipeline Consultant



CF: Casey Bump, CCSF Development

Attachments: Annotated Railroad Commission of Texas Map
Preliminary Site Plan
List of Pipelines Potentially Affecting the Cypress Creek Santa Fe Apartments
PIPA Compliance Matrix
John A Jacobi, P.E., J.D. Bio



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

February 19, 2018

1 inch = 376 feet

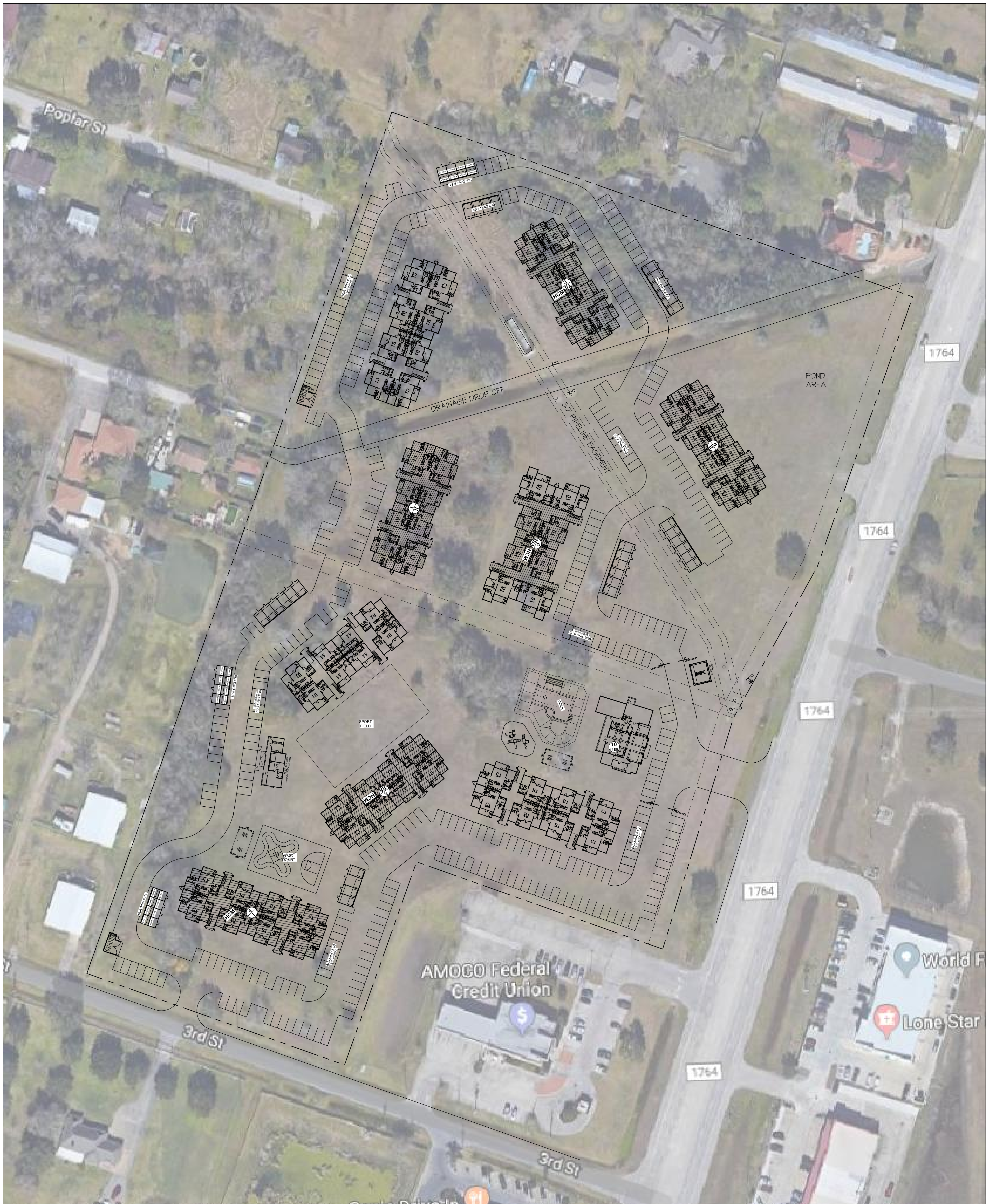


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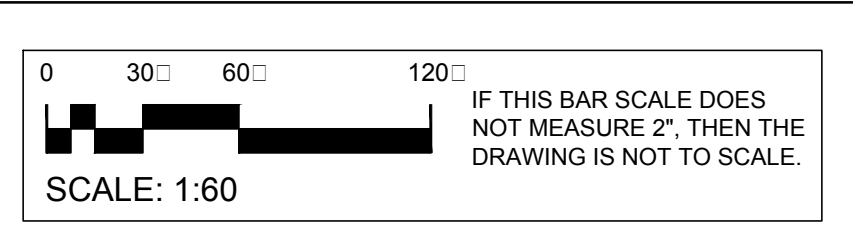
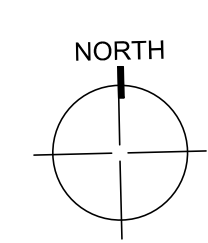
NOTICE/DISCLAIMER: Mapping data sets are provided for informational purposes only. These data sets are continuously being updated and refined. Users are responsible for checking the accuracy, completeness, currency, and/or suitability of these data sets themselves. This is not a survey grade product and should not be used to define or establish survey boundaries.

SANTA FE

BONNER CARRINGTON



SITE PLAN 2/14/2018



• ARCHITECTURE • LAND PLANNING • LANDSCAPE DESIGN • CONSTRUCTION ADMINISTRATION •
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ARCHITECTS, L.L.C.
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**Pipelines Potentially Affecting the Cypress Creek Santa Fe Apartments
Santa Fe (Galveston County) TX 75710**

Operator	Point of Contact	Pipeline
Air Liquide Large industries U.S. LP (PHMSA OPID 842) (Tx RRC T-4 Permit No. 5467)	Robert Maggio, GIS Coordinator 3535 W 12th St, Houston, TX 77008 Phone: (713) 582-8892 Email: robert.maggio-c@airliquide.com	14" Hydrogen Gas Bayport-Webster-Santa Fe-TX City X65, 0.31" wt, MAOP 740 (T-4 permit file, 8-30-2006)
Air Products LLC (PHMSA OPID 117) (Tx RRC T-4 Permit No. 6412)	Leticia Bailey, Pipeline Compliance Manager 10202 Strang Road, La Porte, TX 77571 Phone: (281) 478-7579 Email: baileyln@airproducts.com	10.75" Carbon Monoxide 10"/12" CO Freeport-Dow X42, 0.365" wt, MAOP 720 (T-4 permit file, 4-03-2003)
Buckeye Development & Logistics LLC (PHMSA OPID 31371) (Tx RRC T-4 Permit No. 5636)	Claudia Pankowski, Director, Regulatory Compliance Five TEK Park 9999 Hamilton Blvd., Breinigsville, PA 18031 Phone: (610) 904-4113 Email: CPankowski@buckeye.com	8.63" propylene BASF-8 3136 SMYS, 0.322" wt, 1480 MOP or 2777 SMYS, 0.219 wt, 1480 MOP (T-4 permit file, 12-28-1998)
Dow Pipeline Company (PHMSA OPID 3527) (Tx RRC T-4 Permit Nos. 1173, 00495, and 00496)	Roger Smith, Public Awareness/Security Specialist PO Box 186, Seadrift, TX 77983 Phone: (361) 553-3189 Email: smithrp@dow.com	14" Crude Transmission (Idle) CR X65, 0.310' wt, MOP 1440 (T-4 permit file, 4-16-2001) 8.63" ethylene gas GCPL_MB-8 (Ethylene) X52, 0.312 wt, 1890 MAOP (T-4 permit file, 6-17-2004) 16" propane GCPL_NA (Liquid) X65, 0.354" wt, 1440 MOP (T-4 permit file, 9-11-2008)
Shell Pipeline Company LP (PHMSA OPID 31174) (Tx RRC T-4 Permit No. 00734)	Pratik Bhakta, Regulatory Engineer P.O. BOX 2648, Houston, TX 77252 Phone: (713) 241-4660 Email: pratik.bhakta@shell.com	6.63" propylene 21-Chocolate Bayou Takeoff- Fairmont-Arcadia Junction X52, 0.250" wt, 2160 MOP (T-4 permit file, 9-22-2003)
Koch Pipeline Company, L.P. (PHMSA OPID 22855) (Tx RRC Permit T-4 No. 91400)	Morgan Powell (Senior GIS Specialist) 919 Milam St Suite 2100, Houston, TX 77002 Phone: (713) 860-2500 Email: morgan.powell@genlp.com	4.5" Crude Gathering Abandoned

Notes:

1. All of the lines are listed as intrastate lines by Texas Railroad Commission.
2. Points of contact are from the National Pipeline Mapping System.
3. The Koch pipeline is listed as abandoned.

Cypress Creek at Santa Fe PIPA Compliance Matrix
TDHCA Application # 18217

PIPA Property Developer/Owner Recommended Practices

(PIPA Final Report of Recommended Practices, Nov. 2010 - no changes to PIPA Recommended Practices as of 2-20-18)

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
Baseline (BL) Recommended Practices			
BL07	<p><i>"Understand the Elements of a Transmission Pipeline Easement"</i></p> <p>Property developers/owners should have an understanding of the elements of and rights conveyed in a transmission pipeline easement.</p>	The Property Developers have secured/will secure and review copies of the relevant pipeline easements.	
BL08	<p><i>"Manage Land Records"</i></p> <p>Land use agreements between pipeline operators and property owners should be documented and managed and, when necessary, recorded.</p>	All land use agreements will be in writing and, where appropriate, will be recorded. (None are anticipated)	
BL09	<p><i>"Document and Record Easement Amendments"</i></p> <p>Easement amendments should be documented, managed and recorded.</p>	No easement amendments are contemplated. However, if any changes are necessary, they will be recorded.	
BL14	<p><i>"Participate to Improve State Excavation Damage Prevention Programs"</i></p> <p>All pipeline safety stakeholders should participate in the work of organizations seeking to make improvements to state excavation damage prevention programs, especially efforts to reduce exemptions from participation in one-call systems.</p>	The Property Developers will use "call before you dig" prior to initiation of construction activities and will support the Texas Railroad Commission's Pipeline Damage Prevention Program.	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
<i>New Development (ND) Recommended Practices</i>			
ND02	<p data-bbox="310 272 1050 337"><i>“Gather Information for Design of Property Development near Transmission Pipelines”</i></p> <p data-bbox="310 380 1104 516">In designing a proposed property development the property developer/owner should use all reasonable means to obtain information about transmission pipeline facilities in the area of the proposed development</p>	<p data-bbox="1136 272 1478 623">All jurisdictional pipelines in the area of the proposed development have been identified through use of public mapping systems and visual inspection for pipeline markers and ROW. See attached list of pipelines potentially affecting Cypress Creek at Santa Fe.</p>	
ND03	<p data-bbox="310 630 1024 695"><i>“Review Acceptability of Proposed Land Use of Transmission Pipeline Right-of-Way Prior to Design”</i></p> <p data-bbox="310 737 1104 841">The property developer/owner should review preliminary information about acceptable land uses on a transmission pipeline right-of-way prior to the design of a property development.</p>	<p data-bbox="1136 630 1499 873">The Property Developers have reviewed the PIPA materials and retained a “qualified pipeline compliance consultant” to better understand and implement the PIPA process.</p>	
ND04	<p data-bbox="310 880 1087 945"><i>“Coordinate Property Development Design and Construction with Transmission Pipeline Operator”</i></p> <p data-bbox="310 987 1100 1193">When property development is planned within the consultation zone (reference PIPA Recommended Practice BL05), the property developer/owner and the transmission pipeline operator should communicate to ensure possible impacts of pipeline incidents and maintenance needs are considered during development design and construction.</p>	<p data-bbox="1136 915 1478 1159">All pipeline operators on the attached list of pipelines potentially affecting Cypress Creek at Santa Fe will be contacted to assure that the concerns of the pipeline operators will be addressed.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
	<i>New Development (ND) Recommended Practices (continued)</i>		
ND06	<p><i>"Require Consideration of Transmission Pipeline Facilities in Land Development Design"</i></p> <p><i>Whenever development is proposed on property containing transmission pipeline facilities, local governments should require that the submitted land development plans address in detail the steps necessary to safely integrate the transmission pipeline into the design of the project.</i></p>	<p>The Property Developers have and are integrating the presence of the pipeline through use of building setbacks, through the use of flame retardant building materials, through the use of appropriate location of building ingress and egress, as well as appropriate land use (e.g., green space & parking).</p>	
ND07	<p><i>"Define Blanket Easement Agreements When Necessary"</i></p> <p>Upon request by the landowner, a transmission pipeline easement agreement may be defined to an acceptable, reasonable, and safe width and explicit location. State statutes or local government regulations may require easements to be defined prior to the approval of rezoning, subdivision plats and development permits.</p>	<p>Not applicable. The easements are well defined. There are no blanket easements.</p>	
ND08	<p><i>"Collaborate on Alternate Use and Development of Transmission Pipeline Right-of-Way"</i></p> <p>Property developers/owners, local governments and transmission pipeline operators may collaborate on alternative use of the transmission pipeline right-of-way and related maintenance.</p>	<p>The proposed development will have some impact on ROW and/or potential pipeline maintenance activities. However, all development will be coordinated with the affected pipeline operators and will be consistent with PIPA recommended practices.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
	<i>New Development (ND) Recommended Practices (continued)</i>		
ND10	<p data-bbox="310 277 1087 337"><i>"Record Transmission Pipeline Easements on Development Plans and Final Plats"</i></p> <p data-bbox="310 378 1087 467">Local governments should require all recorded development plans and final plats to clearly show the location of transmission pipeline easements and identify the pipeline operators.</p>	<p data-bbox="1136 321 1499 418">The Property Developers will comply with all appropriate recording requirements.</p>	
ND11	<p data-bbox="310 479 1087 539"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Parking Lots and Parking Structures"</i></p> <p data-bbox="310 579 1087 696">Parking lots and parking structures should be preferentially located and designed to reduce the consequences that could result from a transmission pipeline incident and to reduce potential interference with transmission pipeline maintenance and inspections.</p>	<p data-bbox="1136 479 1499 1037">One pipeline ROW crosses the northeastern corner of the of the proposed project. Another ROW crosses the site from the east side to the west side and then follows the northwestern border of the proposed site. Where possible, parking will be used to provide a buffer between the ROW and the nearest structures. Buildings will be at least 50 feet from the nearest pipeline and at least 10 feet from edge of the nearest ROW (whichever is greatest).</p>	
ND12	<p data-bbox="310 1049 1087 1109"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Roads"</i></p> <p data-bbox="310 1149 1087 1269">Roads and associated appurtenances should be preferentially located and designed to reduce the consequences that could result from a transmission pipeline incident and reduce the potential of interference with pipeline operations and maintenance.</p>	<p data-bbox="1136 1144 1346 1170">See ND11, above.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
	<i>New Development (ND) Recommended Practices (continued)</i>		
ND13	<p data-bbox="310 277 1087 337"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Utilities and Related Infrastructure"</i></p> <p data-bbox="310 380 1108 529">Utilities (both above and below ground) and related infrastructure should be preferentially located and designed to reduce the consequences that could result from a transmission pipeline incident and to reduce the potential of interference with transmission pipeline maintenance and inspections.</p>	<p data-bbox="1136 277 1499 480">Any additional utilities and infrastructure will be designed "around" the pipelines in consultation with the pipeline operators. No conflicts are anticipated.</p> <p data-bbox="1136 526 1346 553">See ND11, above.</p>	
ND14	<p data-bbox="310 565 1087 625"><i>"Reduce Transmission Pipeline Risk through Design and Location of Aboveground Water Management Infrastructure"</i></p> <p data-bbox="310 678 1108 862">Storm water and irrigation water management facilities, retention ponds, and other above-ground water management infrastructure should be preferentially located and designed to reduce the consequences that could result from a transmission pipeline incident and to reduce the potential of interference with transmission pipeline operations and maintenance.</p>	<p data-bbox="1136 610 1499 813">No storm water management facilities, retention ponds, or other above-ground water management infrastructure is proposed on or near pipeline ROWs.</p>	
ND15	<p data-bbox="310 873 982 933"><i>"Plan and Locate Vegetation to Prevent Interference with Transmission Pipeline Activities"</i></p> <p data-bbox="310 987 1024 1071">Trees and other vegetation should be planned and located to reduce the potential of interference with transmission pipeline operations, maintenance, and inspections.</p>	<p data-bbox="1136 922 1499 1024">No trees or other deep-rooted vegetation is planned on or near pipeline ROWs.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
	<i>New Development (ND) Recommended Practices (continued)</i>		
ND16	<p data-bbox="310 277 1106 337"><i>"Locate and Design Water Supply and Sanitary Systems to Prevent Contamination and Excavation Damage"</i></p> <p data-bbox="310 386 1106 574">Individual water supplies (water wells), small public/private water systems and sanitary disposal systems (septic tanks, leach or drain fields) should be designed and located to prevent excavation damage to transmission pipelines, interference with transmission pipeline maintenance and inspections, and environmental contamination in the event of a transmission pipeline incident.</p>	<p data-bbox="1136 277 1499 695">Water systems and sanitary disposal systems will be designed and located to prevent excavation damage to pipelines as well as interference with pipeline maintenance and inspections. Environmental contamination in the event of a pipeline incident is unlikely because of the nature of the products in the pipelines.</p>	
ND17	<p data-bbox="310 706 1106 766"><i>"Reduce Transmission Pipeline Risk in New Development for Residential, Mixed- Use, and Commercial Land Use"</i></p> <p data-bbox="310 815 1106 976">New development within a transmission pipeline planning area (see PIPA Recommended Practice BL06) should be designed and buildings located to reduce the consequences that could result from a transmission pipeline incident and to provide adequate access to the pipeline for operations and maintenance.</p>	<p data-bbox="1136 706 1499 1015">See the proposed project layout (copy attached). Consequences of a pipeline incident are minimized by architectural design and building setback. Access to pipelines for maintenance will not be significantly affected by the proposed project.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
<i>New Development (ND) Recommended Practices (continued)</i>			
ND18	<p data-bbox="310 277 1079 370"><i>"Consider Transmission Pipeline Operation Noise and Odor in Design and Location of Residential, Mixed- Use, and Commercial Land Use Development"</i></p> <p data-bbox="310 418 1100 542">Consider noise, odor and other issues when planning and locating developments near above-ground transmission pipeline facilities, such as compressor stations, pumping stations, odorant equipment, regulator stations and other pipeline appurtenances.</p>	<p data-bbox="1136 277 1499 976">There are no non-pipeline appurtenances (compressor stations, pump stations, blowdowns, etc.) near enough to the proposed development to cause any noise or odor issues absent a catastrophic pipeline failure. There is a fenced meter station on the ROW just north of the existing drainage swale. This meter station appears to be well maintained, is associated with a carbon monoxide pipeline, and will receive special attention from the developer. The nearest building will be at least 50 feet from the meter station. See attached cover letter.</p>	
ND19	<p data-bbox="310 992 1079 1052"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Industrial Land Use Development"</i></p> <p data-bbox="310 1101 1094 1268">New industrial land use development within a transmission pipeline planning area (see PIPA Recommended Practice BL06) should be designed and buildings located to reduce the consequences that could result from a transmission pipeline incident and reduce the potential of interference with transmission pipeline operations and maintenance.</p>	<p data-bbox="1136 1084 1499 1182">Not applicable. The proposed development is not an industrial development.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
	<i>New Development (ND) Recommended Practices (continued)</i>		
ND20	<p data-bbox="310 277 1100 337"><i>"Reduce Transmission Pipeline Risk through Location, Design, and Construction of New Institutional Land Use Developments"</i></p> <p data-bbox="310 386 1100 654">New development of institutional facilities that may be difficult to evacuate within a transmission pipeline planning area (see PIPA Recommended Practice BL06) should be designed and the facilities located and constructed to reduce the consequences that could result from a transmission pipeline incident. Such facilities should also be located to reduce the potential of interference with transmission pipeline operations and maintenance activities. Emergency plans for these facilities should consider potential transmission pipeline incidents.</p>	Not applicable. The proposed development is not an institutional facility.	
ND21	<p data-bbox="310 670 1079 730"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Public Safety and Enforcement Facilities"</i></p> <p data-bbox="310 779 1079 1047">New development of emergency responder facilities within a transmission pipeline planning area (see PIPA Recommended Practice BL06) should be designed and the facilities located and constructed to reduce the consequences that could result from a transmission pipeline incident. Such facilities should also be designed and located to avoid the potential of interference with pipeline operations and maintenance. Planning for these facilities should include emergency plans that consider the effects of a transmission pipeline incident.</p>	Not applicable. No new emergency responder facilities are associated with the proposed development. Secondary ingress/egress will be coordinated with emergency responders.	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
<i>New Development (ND) Recommended Practices (continued)</i>			
ND22	<p data-bbox="310 277 1083 337"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Places of Mass Public Assembly (Future Identified Sites)"</i></p> <p data-bbox="310 386 1104 654">New development of places of potential mass public assembly within a transmission pipeline planning area (see PIPA Recommended Practice BL06) should be designed and the facilities located and constructed to reduce the consequences of a potential transmission pipeline incident, the risk of excavation damage to the pipeline, and the potential of interference with transmission pipeline operations and maintenance. Planning for these facilities should include emergency plans that consider the effects of a potential pipeline incident.</p>	<p data-bbox="1136 345 1499 586">Not applicable. There are no places of potential mass public assembly (stadiums, ball parks, churches, auditoriums, etc.) proposed as part of the proposed development.</p>	
ND23	<p data-bbox="310 670 968 730"><i>"Consider Site Emergency Response Plans in Land Use Development"</i></p> <p data-bbox="310 779 1100 894">Emergency response plan requirements should be considered in new land use development within a planning area (see PIPA Recommended Practice BL06) to reduce the risks of a transmission pipeline incident.</p>	<p data-bbox="1136 670 1499 1081">These issues will be coordinated with the pipeline operators and local emergency responders. There appear to be no unique circumstances associated with the proposed development that would require any unusual provisions with respect to site emergency response plans. See ND21, above.</p>	
ND24	<p data-bbox="310 1097 1104 1157"><i>"Install Temporary Markers on Edge of Transmission Pipeline Right-of-Way Prior to Construction Adjacent to Right-of-Way"</i></p> <p data-bbox="310 1206 1104 1414">The property developer/owner should install temporary right-of-way (ROW) survey markers or fencing on the edge of the transmission pipeline ROW or buffer zone, as determined by the transmission pipeline operator, prior to construction to provide a clearly defined boundary. The property developer/owner should ensure that the temporary markers or fencing are maintained throughout the course of construction.</p>	<p data-bbox="1136 1206 1499 1304">This will be accomplished during the construction phase of the project.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
	<i>New Development (ND) Recommended Practices (continued)</i>		
ND25	<p data-bbox="310 277 1052 342"><i>"Contact Transmission Pipeline Operator Prior to Excavating or Blasting"</i></p> <p data-bbox="310 391 1108 578">Anyone planning to conduct excavating, blasting and/or seismic activities should consult with affected transmission pipeline operators well in advance of commencing these activities. Excavating and blasting have the potential to affect soil stability or lead to movement or settling of the soil surrounding the transmission pipeline.</p>	<p data-bbox="1136 277 1499 578">The pipeline operators will be notified both as part of the call-before-you-dig process and as a matter of courtesy in appreciation of their cooperation during the planning process. No blasting is contemplated as part of the construction.</p>	
ND26	<p data-bbox="310 597 1100 662"><i>"Use, Document, Record and Retain Encroachment Agreements or Permits"</i></p> <p data-bbox="310 711 1100 846">Encroachment agreements should be used, documented, recorded and retained when a transmission pipeline operator agrees to allow a property developer/owner or local government to encroach on the pipeline right-of-way for a long or perpetual duration in a manner that conflicts with the activities allowed on the easement.</p>	<p data-bbox="1136 662 1423 792">Not applicable. No encroachments are contemplated for the proposed development.</p>	
ND27	<p data-bbox="310 868 1108 933"><i>"Use, Document and Retain Letters of No Objection and Conditional Approval Letters"</i></p> <p data-bbox="310 982 1108 1089">Transmission pipeline operators may use, document and retain "letters of no objection" in agreeing to land use activities on or near a transmission pipeline right-of-way. Such land uses may or may not be temporary.</p>	<p data-bbox="1136 917 1472 1047">The Property Developer will maintain an archive of all correspondence with the pipeline operators.</p>	
ND28	<p data-bbox="310 1105 890 1138"><i>"Document, Record and Retain Partial Releases"</i></p> <p data-bbox="310 1187 1100 1269">Partial releases may be used to allow some part of the transmission pipeline right-of-way to be released from certain easement conditions, and should be documented, recorded and retained.</p>	<p data-bbox="1136 1122 1457 1252">Not applicable. No partial releases are anticipated as part of the proposed development.</p>	

John A. Jacobi, P.E., J.D.
3103 Climbing Branch Ct.
Houston TX 77068
Cell: 832-712-3098
E-Mail: jjacobi@sbcglobal.net

John Jacobi is licensed Professional Engineer and a licensed attorney with over 45 years of energy industry experience. Mr. Jacobi has been involved with the development of pipeline safety regulations and in the communication of those regulations to all stakeholders, including the public, the operators, and government officials. He has been a frequent lecturer at state pipeline safety seminars, as well as at industry organization functions (SGA, TGA, LGA, NMGA, INGAA, API, AGA, the Common Ground Alliance and the Pipeline Safety Trust).

Mr. Jacobi served as Vice President and Principal Regulatory Specialist for G2 Integrated Solutions from November 2012 until he retired in December 2017. During his tenure at G2, Mr. Jacobi focused on the interpretation and application of the pipeline safety regulations, 49 CFR Parts 190 – 199 on behalf of numerous interstate and intrastate pipeline operators. In addition, Mr. Jacobi developed numerous manuals & procedures, conducted numerous mock inspections, facilitated numerous actual regulatory inspections, and assisted real estate developers by evaluating the potential impact of pipelines as required by the Texas Department of Housing and Community Assistance (TDHCA).

Prior to joining G2, Mr. Jacobi served as Community Assistance/Technical Services (CATS) Manager in the USDOT's Office of Pipeline Safety (OPS), Southwest Region for almost a decade. His responsibilities as a CATS Manager included dealing with public inquiries regarding pipeline safety from the public, from Federal state and local elected officials, from pipeline operators and from pipeline consultants. Mr. Jacobi served as a facilitator for the organization of the Pipelines and Informed Planning Alliance (PIPA) and served on the Protecting Communities Committee for the duration of the project. Mr. Jacobi represented OPS on the committee charged with revising API RP 1162 - Public Awareness Programs for Pipeline Operators and OPS at numerous FERC scoping meetings and public hearings regarding LNG facilities and associated pipelines. Mr. Jacobi received a commendation for re-establishing meaningful communications with the City of Austin Texas regarding the Longhorn Pipeline and represented OPS at several US Department of State hearings regarding the Keystone XL Pipeline in Oklahoma and Texas. Mr. Jacobi has been active in the Greater Houston LEPC and NASFM emergency training initiatives.

In the private sector prior to his tenure with OPS, Mr. Jacobi prepared or managed the preparation of the environmental exhibits for FERC 7c and 7b certificates as well blanket certificate reporting and 2.55 replacements-in-kind.

A former Presidential Exchange Executive, Mr. Jacobi received his Bachelor of Science in Mechanical Engineering (with Honors) from Rose-Hulman Institute of Technology, his Master of Science in Industrial Engineering from Texas A & M University, and his Juris Doctorate from the University of Missouri - Kansas City. Mr. Jacobi maintains his status as licensed Professional Engineer and a licensed attorney and counselor at law in the State of Texas.

18274
Hill Court Villas
Disclosure Documents

SITE is about 8.6 miles from nuclear plant. - bps

Sign in



ORDINANCE NO. 18-13

AN ORDINANCE ESTABLISHING THE DISTANCE FROM A NUCLEAR PLANT THAT A MULTI-FAMILY DEVELOPMENT FUNDED WITH LOW INCOME HOUSING TAX CREDITS CAN BE CONSTRUCTED IN THE CITY OF GRANBURY, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Granbury is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council desires to encourage the development of workforce housing within the boundaries of the City of Granbury; and

WHEREAS, the State of Texas has a restriction against using low income housing tax credits to construct multi-family developments within 10 miles of a nuclear plant; and

WHEREAS, a substantial portion of the City of Granbury is within 10 miles of a nuclear plant; and

WHEREAS, the City of Granbury has currently within its boundaries multi-family developments that are within 10 miles of a nuclear plant.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANBURY, TEXAS, THAT:

SECTION 1.

This ordinance is hereby established allowing the construction of multi-family developments funded with low income housing tax credits within the boundaries of the City of Granbury, but no closer than 5 miles from a nuclear plant.

SECTION 2.

The ordinance as herein approved has been made in accordance with city regulations for promoting the health, safety, morals, and general welfare of the community.

SECTION 3.

This ordinance of the City of Granbury is approved, and the City Secretary is directed to revise the Code of Ordinances to reflect the approved ordinance as set forth above.

SECTION 4.

The development of any future multi-family developments shall further conform to the standards and regulations of this ordinance and shall be subject to all other applicable and pertinent ordinances of the City of Granbury.

SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Granbury, Texas as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Granbury are expressly saved as to any and all violations of the provisions of any ordinances that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

The City Secretary of the City of Granbury is hereby directed to publish in the official newspaper of the City of Granbury, the caption, Section 1, and penalty clause, of this Ordinance on time as required by Section 2.13 of the Charter of the City of Granbury.

SECTION 10.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on the 6th day of February, 2018.



Nin Hulett, Mayor

ATTEST:



Carla Walker, City Secretary

APPROVED AS TO FORM AND LEGALITY:



Jeremy SoRelle, City Attorney



18314
Reserves at Maplewood
Disclosure Documents

CERTIFICATION TO COPY OF PUBLIC RECORD

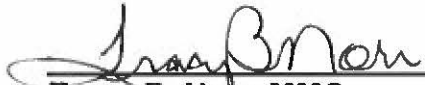
STATE OF TEXAS §

CITY OF WICHITA FALLS §

COUNTY OF WICHITA §

I, Tracy B. Norr, City Clerk of Wichita Falls, Texas, hereby certify that the attached instrument is a true and correct copy of Ordinance No. 04-2018 dated January 16, 2018 and that said document is an official record from the public office of the City Clerk, City of Wichita Falls, Wichita County, State of Texas.

In witness whereof I have hereunto set my hand and affixed the official seal of the City of Wichita Falls, Texas, this 19th day of January, 2018.



**Tracy B. Norr, MMC
City Clerk
City of Wichita Falls, Texas**

Ordinance No. 04-2018

Ordinance amending Section 22 of the Wichita Falls Code of Ordinances to amend the 2015 International Building Code; establishing distance separation between properties containing multi-family residential development and solid waste transfer station; providing codification; and declaring an emergency

WHEREAS, the City currently does not have any restrictions regarding the distance separation from property containing multi-family residential development from property containing the City of Wichita Falls Solid Waste Transfer Station located at 3200 Lawrence Road; and,

WHEREAS, the City of Wichita Falls Solid Waste Transfer Station is a convenience for residents, is operated within all health and safety regulations, and all waste is contained within a fully enclosed building until it is transferred to the municipal landfill; and,

WHEREAS, the City Council finds that adoption of this amendment will protect the public health and sanitation and fire safety of residents of the City of Wichita Falls and will formally regulate the distance separation from property containing multi-family residential development from property containing the City of Wichita Falls Solid Waste Transfer Station; and,

WHEREAS, the City Council finds that adoption of this amendment with emergency clause will provide immediate ordinance effect for protection of the public health and sanitation and fire safety of residents of the City of Wichita Falls.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA FALLS, TEXAS, THAT:

1. Section 22-27 of the Code of Ordinances of the City of Wichita Falls are amended to read as follows:

Sec. 22-27. Changes, deletions and amendments.

The following changes, deletions and amendments are made to the specified sections in the 2015 International Building Code adopted in Section 22-26.

SECTION 310
RESIDENTIAL GROUP R

310.7 Required Distance to a Solid Waste Transfer Station

A property within the City limits containing a multi-family residential development may have its boundary no less than zero feet (i.e., adjacent) to the boundary of a property containing a solid waste transfer station, and shall conform to Chapter 6 of the International Building Code as adopted by the City of Wichita Falls.

2. The City Council intends the provisions of this ordinance to become a part of the Code of Ordinances of the City of Wichita Falls, and sections of this ordinance may be renumbered or relettered to accomplish such intention.

3. Any word, phrase, paragraph, section or portion of this ordinance or the Code of Ordinances, as amended hereby, be held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

4. This Council declares an emergency and this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this the 16th day of January, 2018.


MAYOR

ATTEST:


City Clerk

18320
Seaside Lodge
Disclosure Documents

Seaside Lodge, LP
26302 Oak Ridge Drive, Suite 100
Spring, Texas 77380
(281) 292-1968
(281) 419-1991 Fax
dkoogler@mark-dana.com

February 26, 2018

TO: Texas Department of Housing and Community Affairs
RE: Seaside Lodge at Chesapeake Bay; TDHCA # 18320; Undesirable Site Feature

Reference is made to the Phase I Environmental Site Assessment (ESA) prepared by Phase Engineering, Inc. for the Seaside Lodge at Chesapeake Bay site and dated February 21, 2018.

Section 15.9 of the ESA states that the presence of a natural gas aboveground storage tank (AST) on the east adjoining property has an Acceptable Separation Distance that overlaps with the eastern boundary of the Seaside Lodge at Chesapeake Bay site by 60 feet.

The ESA preparer advised that this overlap can be mitigated, and we certify that Seaside Lodge at Chesapeake Bay will design the project as required to mitigate the effects from an explosion that may occur on the adjoining property's AST.

The mitigation options discussed with the ESA preparer were as follows:

1. Have the neighboring property move the AST to another piece of the property where there is no overlap of the Acceptable Separation Distance with our site.
2. Have the neighboring property bury the AST underground.
3. Have the neighboring property construct a protective wall or fence structure around the AST.
4. Build a protective wall or fence (most likely a combination of brick and CMU) on our site that meets the engineering criteria to protect the communal areas within the 60' overlap.

While we do not believe this item falls under Section 10.101(a)(2) of the Uniform Multifamily Rules as an Undesirable Site Feature (since it can be mitigated), we are disclosing as such under an abundance of caution. Please see Tab 47, and the Phase I ESA for more information.

Sincerely,



David Mark Koogler
President of Mark-Dana Corporation, Authorized Representative

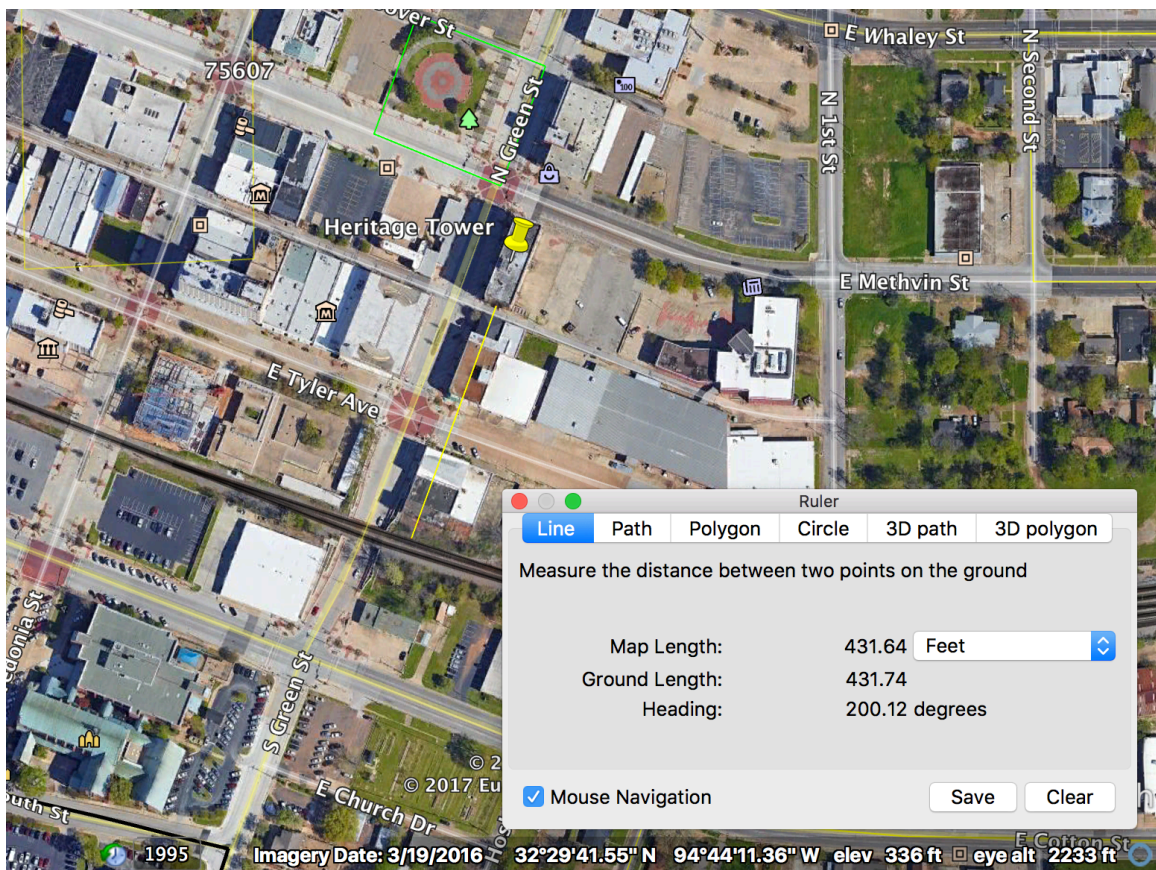
18370
Heritage Tower
Disclosure Documents

Heritage Tower Exemption Request Pursuant to 10.101(a)(2)

Pursuant to Section 10.101(a)(2) of the Uniform Multifamily Rules, Historic Developments that would otherwise qualify under §11.9(e)(6) of this title (relating to the Qualified Allocation Plan) may be granted an exemption by the Board if they are within the applicable distance of any of the undesirable features identified in subparagraphs (A) - (K). Such an exemption must be requested at the time of or prior to the filing of an Application.

Heritage Tower is a proposed adaptive reuse development of an existing building constructed in 1942. The building is located within the applicable distance, within approximately 430 feet, of the following Undesirable Site Feature: (E) railroad tracks. As discussed during the 2017 QAP and Rules public comment period, many towns were settled on railroad routes and therefore many historic structures are located near railroads. The Texas Historic Commission has made a preliminary determination that the building will qualify as a Certified Historic Structure and is reasonably expected to qualify for and receive historic tax credits.

Due to the unique locational nature of historic properties, the 430-foot separation, and the exemption provision permitted by the Rules, the Applicant respectfully requests an exemption request for the separation requirement.



TEXAS HISTORICAL COMMISSION

real places telling real stories

February 26, 2018

Sophie Roark
Rosin Preservation, LLC
1712 Holmes
Kansas City, MO 64108

RE: McWilliams Building, 208 N. Green Street, Longview, Gregg County, Texas

Dear Ms. Roark:

In response to your recent inquiry regarding the McWilliams Building at 208 N. Green Street in Longview, I concur that the building is eligible for listing in the National Register of Historic Places under Criterion A in the area of Commerce and Criterion C in the area of Architecture, at the local level of significance. The 1935 building was constructed at the start of the East Texas oil and boom during the depth of the Great Depression, when Longview became a center for area commerce associated with the vast nearby oil fields. The building is also an excellent local example of Art Deco design by architect Martin Thomas Clements with Voelcker and Dixon of Wichita Falls. Clements had worked in Wichita Falls prior to moving to Longview, and returned there by 1940, where he worked for Voelcker & Dixon.

The building should thus be considered as a “Certified Historic Structure” for the purpose of qualifying for HUD funding or credits through the Texas Department of Housing and Community Affairs.

If you have any questions, you may contact me at (512) 463-6013 or greg.smith@thc.texas.gov. Thank you for your interest in the National Register and in preserving Texas’ cultural heritage.

Sincerely,



Gregory Smith, National Register Coordinator
for Mark Wolfe, State Historic Preservation Officer

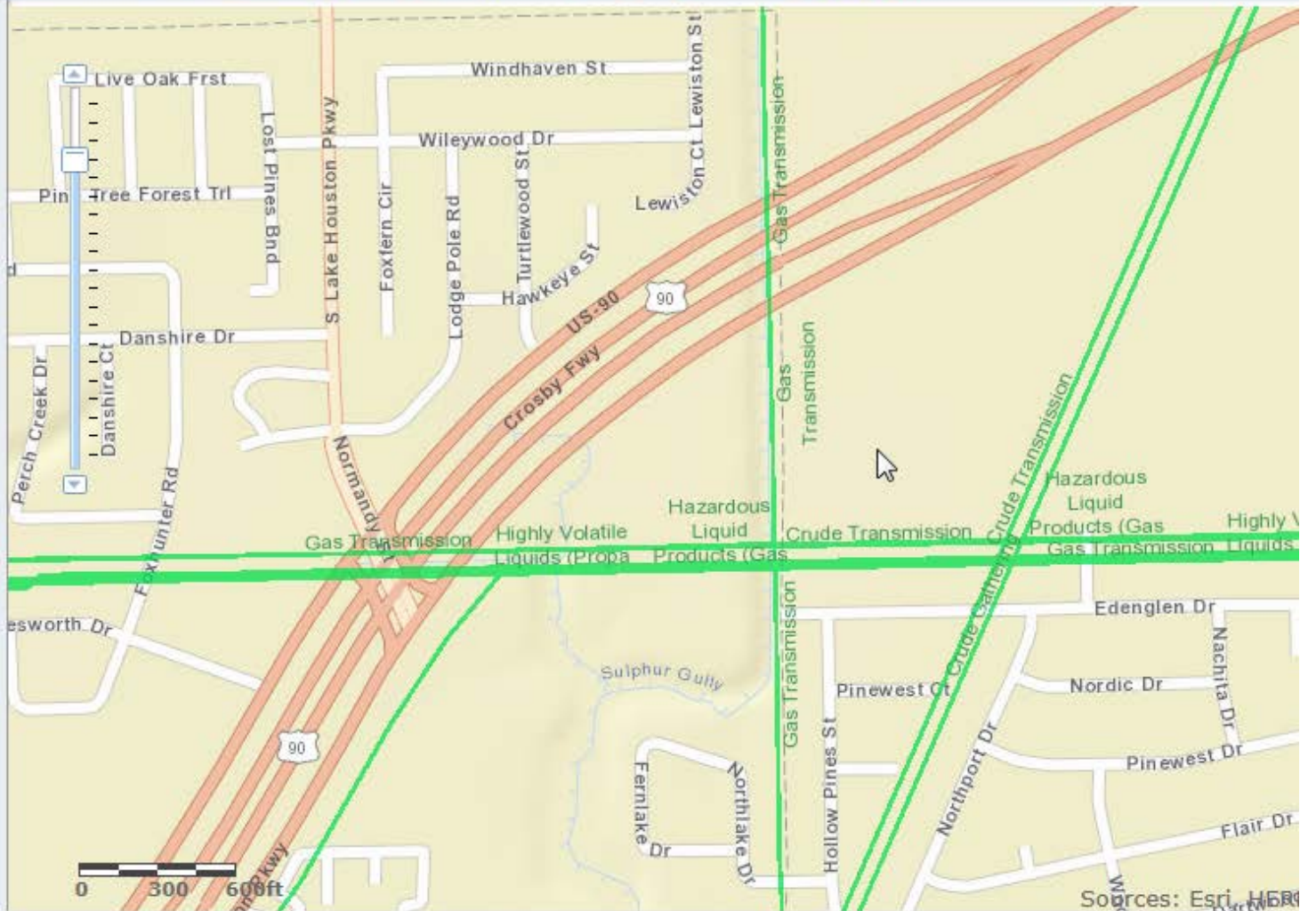


18383
Provision at Lake Houston
Disclosure Documents

Wells

Highlight:

- Well Logs
- EOR H13 Oil Wells
- High Cost Tight Sands
- HCTS Deeper than 15,000 ft.
- Commercial Disposal
- Injection/Disposal
- Orphan Wells
- Pipelines
 - Original Texas Land Surveys
 - LPG/CNG/LNG Sites
 - Operator Cleanup Program Sites
 - 7.5 Minute Quadrangles
 - Water
 - Offshore & Bay Tracts
 - Railroads
 - City Limits
 - District Offices
 - Oil/Gas Districts
 - AED Districts
 - Pipeline Safety Regions
 - Restricted Drilling Alert Areas
 - User Graphics



February 28, 2018

via e-mail
Hard copy via
USPS

R. Brent Stewart, Director of Real Estate Analysis
Texas Department of Housing & Community Affairs
PO Box 13941
221 East 11th Street
Austin, TX 78711-3941

Re: Pipelines and Informed Planning Alliance (PIPA) Review
Proposed Provision at Lake Houston Apartments
Houston (Harris County), Texas 77049

Dear Mr. Stewart:

I have been retained by Provision at Lake Houston, LP, 2501 North Harwood St, Suite 1501, Dallas TX 75201 (The Developer), to address, from a PIPA perspective, the issue of a number of pipelines near the site of the proposed development. All of the pipelines are listed as intrastate lines by the Texas Railroad Commission (Texas RRC - see attached annotated Railroad Commission of Texas Map), the attached List of Pipelines Potentially Affecting the Provision at Lake Houston Apartments, and the attached Preliminary Site Plan.

The Developer is generally familiar with PIPA and has assured me that they will comply with relevant PIPA recommended practices. The purpose of this initial report is to clarify the potential impact of each of the pipelines and to identify mitigating measures consistent with PIPA.

HUD Requirements

The HUD Multifamily Accelerated Processing (MAP) Guide (November 23, 2011) had a requirement that stated:

“1. All parts of any structure must be at least 10 feet from the outer boundary of the easement for any high pressure gas or liquid petroleum transportation pipeline (Form HUD-4128, Part B, No. 28).” (Chapter 9, Environmental Review and Requirements, Environmental Report, Chapter page 29 of 30, Document page 289)

The January 29, 2016 Revision of the MAP Guide replaced the foregoing paragraph with:

“1. Reference for equations and methodology to calculate acceptable separation from high pressure pipelines transferring flammable and combustible liquids and gases is the Final report from ICF International, September 17, 2012, ‘Research to Support U.S. Department of Housing and Urban Development Regulation 24 CFR Part 51 Subpart C, Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature.’” (Chapter 9, page 338 of 534)

Under 24 CFR Part 51 Subpart C, “Hazard - means any stationary container which stores, handles or processes hazardous substances of an explosive or fire prone nature. The term ‘hazard’ does not include pipelines for the transmission of hazardous substances, if such pipelines are located underground or comply with applicable Federal, State and local safety standards.” (emphasis added, 24 CFR §51.201 Definitions)

All of the pipelines discussed in this determination are located underground and appear to comply with applicable Federal, State and local safety standards. Therefore, none are considered hazards by HUD for purposes of acceptable separation distance.

Pipelines of Potential Concern

Based on the Railroad Commission of Texas Public GIS Viewer, there are 8 pipelines of potential concern. One line was proposed by Knight Warrior LLC but was never built. The Knight Warrior pipeline has no effect on the proposed development and will not be addressed further in this report.

All the remaining pipelines are listed as “active” and are in one of three rights-of-way (ROWs). Two of the ROWs parallel each other and the southern fence line of the project and third ROW parallels the eastern fence line of the project.

All of the pipeline ROW is shared by or closely parallels high tension electrical transmission line ROW.

The proposed project will not encroach on any of the ROW and all of the buildings and structures will be significantly farther than 50 feet from the nearest pipeline.

Performance Record of the Pipeline Operators

The Texas RRC does not allow public access to enforcement records of intrastate pipeline operators. I have researched the PHMSA enforcement records for the listed PHMSA Operator Identification Numbers (OPIDS) for the years 2013 through 2017.

The only enforcement action I consider potentially significant was CPF 4-2017-5001 that involved Williams Olefins Feedstock Pipelines LLC (Williams Olefins). There were several issues alleged: failure to include all assets on the annual report; welder qualification issues; failure to examine buried pipeline that was exposed for external corrosion; failure to examine the internal surface of removed pipe for internal corrosion; and failure to address atmospheric corrosion. There was no allegation that the integrity of any pipeline was actually compromised. Williams did not contest the enforcement and paid a civil penalty of \$253,900.

With respect to potential impact on the proposed development, none of the pipeline involved in the enforcement action was or is anywhere near the proposed development. Furthermore, I have worked with several other pipeline systems in the Williams family. Williams does not condone such performance. I was not involved with the projects that resulted in the enforcement but I assure you that Williams has taken action to preclude such circumstances in the future. If

anything, CPF 4-2017-5001 will assure that Williams Olefins will go to extraordinary lengths to assure all future maintenance and operation of its existing assets (including the 10" propane line that could impact the proposed development) is fully compliant with 49 CFR Part 195.

PIPA Requirements

See attached PIPA Compliance Matrix

Where a development involves a ROW as part of the development, the single most significant PIPA Recommended practice is typically ND06 "Require consideration of Pipeline Facilities in Land Development Design." ND06 is usually addressed by incorporating a minimum setback of at least 50 feet from all pipelines and at least 10 feet from the edge of all ROW (whichever is greater). In the case of Provision at Lake Houston, all ROW is outside the perimeter fence and the 50/10-foot setback recommendations are exceeded by the inherent design of the project and all pipeline ROW will remain essentially undisturbed. Nonetheless, the Developer plans to employ flame retardant exterior building materials and fire suppression systems for the interiors, appropriate locations of building ingress and egress and comply with all PIPA Recommended Practices applicable to developers.

Secondary Ingress/Egress

As illustrated on the attached preliminary site plan, the main entrance to the proposed development is on the frontage road to US 90 and is a considerable distance from any pipelines. However, pipelines cross the US 90 frontage road both east and west of the main entrance to the development. However, given the distance between the points at which the pipelines cross the frontage road, an issue with the pipelines that cross to the east would not affect the pipelines that cross to the west and normal access to the site would still be available. However, egress would have to be by travel in the opposite-to-normal direction along the frontage road. On the other hand, in the event an issue with the pipelines that cross the frontage road to the west of the development closed the frontage road, the only access to the development would be by using the frontage road in the opposite-to-normal direction and egress would be in the normal direction.

Given the reliability of pipelines in general, this situation should be acceptable to local emergency response personnel.

In the event the frontage road is unavailable, it appears that a secondary entrance to proposed development will allow ingress and egress in an emergency. If the closure of the frontage road is due to a pipeline issue, the likelihood that the pipeline issue would affect the secondary entrance to the development is, in my opinion, extremely small. The need for the secondary entrance and the location of any secondary entrance will be discussed with the local emergency responders and potentially affected pipeline operators


Closing

The proposed configuration of the Provision at Lake Houston Apartments is consistent with the current HUD MAP Guide requirements. Although the "10 feet from the outer boundary of the easement for any high-pressure gas or liquid petroleum transportation pipeline" requirement has been removed, all buildings are significantly more than 10 feet from any easement. With respect to PIPA, a setback of 50 feet is usually considered adequate for buildings and structures under PIPA Recommended Practice ND06. The proposed configuration of the Provision at Lake Houston Apartments provides for significantly more than 50 feet from any pipeline.

Although the proposed development has several interesting aspects regarding pipelines and pipeline safety, it appears that each has been or will be addressed by the Developer and, assuming everything happens as planned, implementation of the project should meet PIPA guidelines.

I would be happy to discuss this matter via e-mail at jjacobi@sbcglobal.net or via cell phone at 832-712-3098 at your convenience.

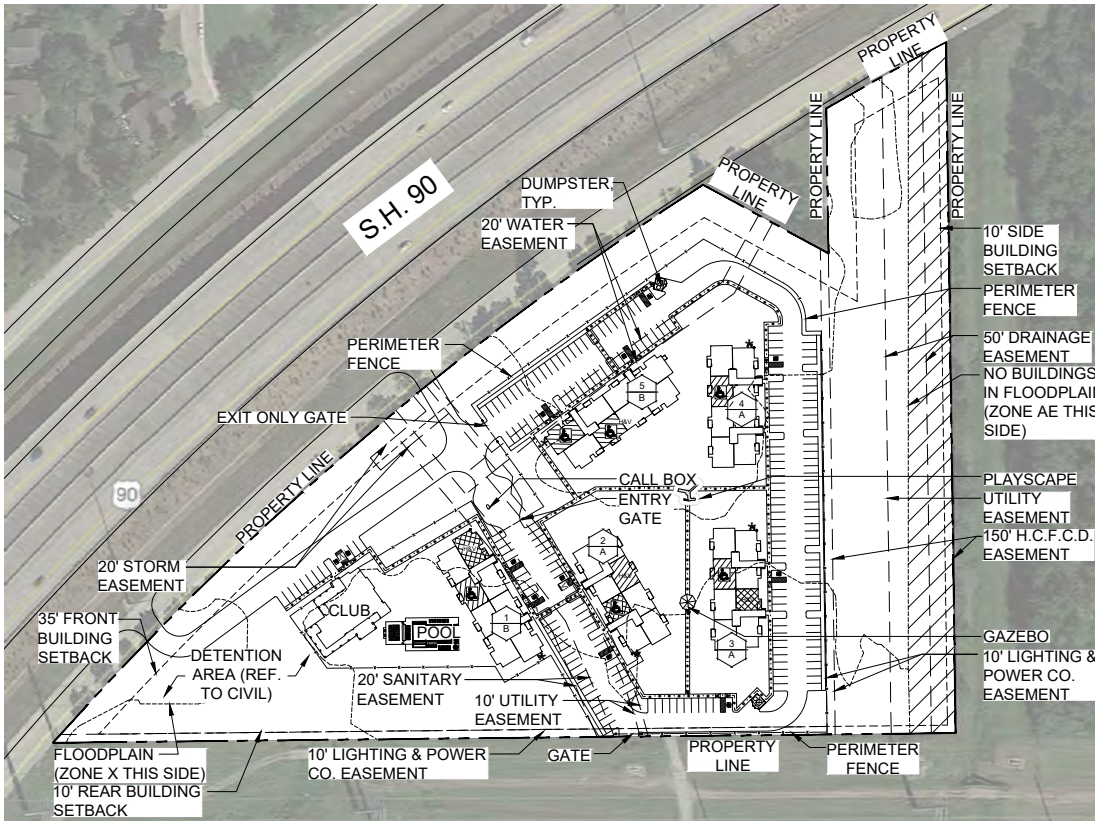
Thank you very much,


John A. Jacobi, P.E., J.D.
Independent Pipeline Consultant

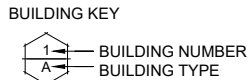


CF: Ruben Esqueda, Provisional Engineer, Houston, LP

Attachments: Annotated Railroad Commission of Texas Map
Preliminary Site Plan
List of Pipelines Potentially Affecting the Provision at Lake Houston Apartments
PIPA Compliance Matrix
John A Jacobi, P.E. Bio



PARKING SPACES		
PARKING SPACE	9'-0"x18'-0"	9' 18"
HANDICAP SPACE	9'-0"x18'-0"	9' 18"
AISLE	5'-0"x18'-0"	9' 5' 9"
VAN HANDICAP SPACE	9'-0"x18'-0"	9' 18"
AISLE	9'-0"x18'-0"	9' 9' 9"



* - FIRE RISER ROOM

SITE DATA
 -12.075 ACRES
 -120 UNITS
 -9.95 UNITS/ACRE

-KNOWN EASEMENTS SHOWN
 -FLOODPLAIN SHOWN

SITE AMENITIES
 -POOL
 -PERIMETER FENCE
 -CONTROLLED ACCESS GATE

-CLUBHOUSE
 -PLAYSCAPE
 -GAZEBO

UNIT TABULATION

TYPE	# UNITS	S.F.	TOTAL SQ. FT.	
A1	ONE BEDROOM, ONE BATH	18	701 S.F.	12,618 S.F.
B1	TWO BEDROOM, TWO BATH	78	955 S.F.	74,490 S.F.
C1	THREE BEDROOM, TWO BATH	24	1,125 S.F.	27,000 S.F.
TOTAL		120		114,108 S.F.

BUILDING TABULATION

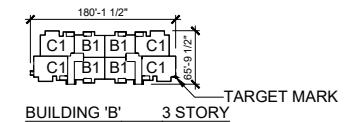
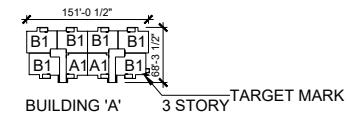
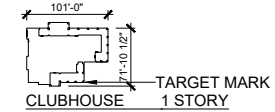
TYPE	# BLDGS.	UNITS/BLDG.	UNIT TYPES	BLDG. S.F.	TOTAL SQ. FT.
A	3	24	A1-6, B1-18	21,396 S.F.	64,188 S.F.
B	2	24	B1-12, C1-12	24,960 S.F.	49,920 S.F.
TOTAL	5				114,108 S.F.

ADA UNITS
 TOTAL UNITS 120
 ADA (5%)

A1 (1)
 B1 (4)
 C1 (1)

H&V (2%)
 A1 (1)
 B1 (1)
 C1 (1)

- ADA ROUTE



PARKING TABULATION
PARKING REQUIRED

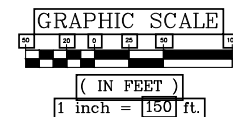
1.33 PER 1 BEDROOM UNIT (1.33x18)	24
1.66 PER 2 BEDROOM UNIT (1.66x78)	130
2.00 PER 3 BEDROOM UNIT (2.00x24)	48
TOTAL	202

PARKING PROVIDED

UNIT SPACES	194
HANDICAP	9
VAN HANDICAP	1
CLUBHOUSE	10
HANDICAP	2
TOTAL	216

ACCESSIBLE (HC) UNIT INFORMATION
 B1-HC UNIT @ BLDG. #1
 A1-HC UNIT @ BLDG. #2
 B1-HC UNIT @ BLDG. #3
 B1-HC UNIT @ BLDG. #4
 B1-HC UNIT @ BLDG. #5
 C1-HC UNIT @ BLDG. #5

HEARING & VISUAL (HV) UNIT INFORMATION
 C1-HV UNIT @ BLDG. #1
 B1-HV UNIT @ BLDG. #2
 A1-HV UNIT @ BLDG. #3



SITE PLAN
 1" = 150'



**PROVISION AT LAKE HOUSTON, LP
 HOUSTON, TEXAS**

A1.0
 SITE PLAN
 Copyright © 2016

**Pipelines Potentially Affecting the Provision at Lake Houston Apartments
Houston (Harris County) TX 77049**

Operator	Point of Contact	Pipeline
Equistar Chemicals, LP (PHMSA OPID 25146) (Tx RRC T-4 Permit No. 5010)	Matthew Cesarz, Technical & HSE Manager 16055 Space Center Blvd., Ste 350 Houston TX 77062 Phone: (281) 709-0626 Email: matthew.cesarz@lyb.com	10.75" Hydrogen Gas 58-10" Hydrogen X52, 0.335" wt, MAOP 1440 (T-4 permit file, 6-21-2006)
Houston Pipe Line Company LP (Energy Transfer) (PHMSA OPID 32099) (Tx RRC T-4 Permit No. 0749)	Danny Nichols, Director-Intrastate Reg Compliance 1300 Main Street, Houston TX 77002 Phone: (713) 989-7232 Email: danny.nichols@energytransfer.com	12.75" Natural Gas 3016 East Texas Line X24, 0.250" wt, MAOP 467 (T-4 permit file, 5-19-2003)
Magellan Operating Company, LLC (PHMSA OPID 22610) (Tx RRC T-4 Permit Nos. 9529 & 9562)	Bob Miller, Supervisor Real Estate Services One Williams Center OTC-8 Tulsa, OK 74172 Phone: (918) 574-7393 Email: bob.miller@magellanlp.com	24" Crude Transmission Houstonlink Pipeline 20" Hazardous liquid Explorer Fauna 20" The RRC T-4 Permit numbers in the RRC GIS Mapping system do not correspond to any in the RRC Key Search files. Additional research required.
Targa NGL Pipeline LLC (PHMSA OPID 30626) (Tx RRC T-4 Permit No. 9752)	Tim Huffer Manager, Regulatory Compliance 1000 Louisiana Suite 4300 Houston TX 77002 Phone: (337) 583-4642 Email: thuffer@targaresources.com	20" propane Mont Belvieu System The RRC T-4 Permit numbers in the RRC GIS Mapping system do not correspond to any in the RRC Key Search files. Additional research required.

**Pipelines Potentially Affecting the Provision at Lake Houston Apartments
Houston (Harris County) TX 77049**

<p>Texstar Midstream Logistics PL, L.P. (PHMSA OPID 39098) (Tx RRC T-4 Permit No. 8944)</p>	<p>Justin Gordon, VP Engineering % Logistics 18615 Tuscany Stone, Suite 275 San Antonio TX 78258 Phone: (210) 569-6729 Email: justin.gordon@texstarlogistics.com</p>	<p>12.75" Crude Gathering (T-4 says refined products) Houston Ship Channel Pipeline Pipe Grade, wt & MOP N/A (T-4 permit file, 2-12-2013) Additional research required.</p>
<p>Williams Purity Pipelines, LLC (Williams Olefins Feedstock Pipelines, LLC) (PHMSA OPID 32614) (Tx RRC T-4 Permit No. 9267)</p>	<p>Katy Rich, Director GIS One Williams Center Tulsa, OK 74172 Phone: (918) 573-5230 Email: katy.rich@williams.com</p>	<p>10.75" propane (T-4 says NGL/Olefins) Mont Belvieu to North Ship Channel Pipe Grade, wt & MOP N/A (T-4 permit file, 12-19-2014) Additional research required.</p>
<p>Knight Warrior LLC (Blueknight Energy Partners L.P.) (PHMSA OPID N/A) (Tx RRC T-4 Permit No. 9419)</p>	<p>Gabe McCown, Manager - Pipeline DOT Compliance Blueknight Energy Partners, L.P. 201 N.W. 10th, Suite 200 Oklahoma City, OK 73103 Phone: 405-278-6405 Email: gmccown@bkep.com</p>	<p>Pipeline was proposed but never built.</p>

Notes:

1. All of the lines are listed as intrastate lines by Texas Railroad Commission.
2. Points of contact are from the National Pipeline Mapping System.
3. The Knight Warrior pipeline was proposed but never built.

**Provision at Lake Houston PIPA Compliance Matrix
TDHCA Application # XXXXX**

PIPA Property Developer/Owner Recommended Practices

(PIPA Final Report of Recommended Practices, Nov. 2010 - no changes to PIPA Recommended Practices as of 2-20-18)

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
Baseline (BL) Recommended Practices			
BL07	<p><i>"Understand the Elements of a Transmission Pipeline Easement"</i></p> <p>Property developers/owners should have an understanding of the elements of and rights conveyed in a transmission pipeline easement.</p>	<p>The Property Developers have secured/will secure and review copies of the relevant pipeline easements.</p>	
BL08	<p><i>"Manage Land Records"</i></p> <p>Land use agreements between pipeline operators and property owners should be documented and managed and, when necessary, recorded.</p>	<p>All land use agreements will be in writing and, where appropriate, will be recorded. (None are anticipated)</p>	
BL09	<p><i>"Document and Record Easement Amendments"</i></p> <p>Easement amendments should be documented, managed and recorded.</p>	<p>No easement amendments are contemplated. However, if any changes are necessary, they will be recorded.</p>	
BL14	<p><i>"Participate to Improve State Excavation Damage Prevention Programs"</i></p> <p>All pipeline safety stakeholders should participate in the work of organizations seeking to make improvements to state excavation damage prevention programs, especially efforts to reduce exemptions from participation in one-call systems.</p>	<p>The Property Developers will use "call before you dig" prior to initiation of construction activities and will support the Texas Railroad Commission's Pipeline Damage Prevention Program.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
<i>New Development (ND) Recommended Practices</i>			
ND02	<p data-bbox="310 272 1050 337"><i>“Gather Information for Design of Property Development near Transmission Pipelines”</i></p> <p data-bbox="310 380 1108 516">In designing a proposed property development the property developer/owner should use all reasonable means to obtain information about transmission pipeline facilities in the area of the proposed development</p>	<p data-bbox="1136 272 1499 623">All jurisdictional pipelines in the area of the proposed development have been identified through use of public mapping systems and visual inspection for pipeline markers and ROW. See attached list of pipelines potentially affecting Provision at Lake Houston</p>	
ND03	<p data-bbox="310 630 1024 695"><i>“Review Acceptability of Proposed Land Use of Transmission Pipeline Right-of-Way Prior to Design”</i></p> <p data-bbox="310 737 1100 841">The property developer/owner should review preliminary information about acceptable land uses on a transmission pipeline right-of-way prior to the design of a property development.</p>	<p data-bbox="1136 630 1499 873">The Property Developers have reviewed the PIPA materials and retained a “qualified pipeline compliance consultant” to better understand and implement the PIPA process.</p>	
ND04	<p data-bbox="310 880 1087 945"><i>“Coordinate Property Development Design and Construction with Transmission Pipeline Operator”</i></p> <p data-bbox="310 987 1100 1193">When property development is planned within the consultation zone (reference PIPA Recommended Practice BL05), the property developer/owner and the transmission pipeline operator should communicate to ensure possible impacts of pipeline incidents and maintenance needs are considered during development design and construction.</p>	<p data-bbox="1136 915 1499 1159">All pipeline operators on the attached list of pipelines potentially affecting Provision at Lake Houston will be contacted to assure that the concerns of the pipeline operators will be addressed.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
	<i>New Development (ND) Recommended Practices (continued)</i>		
ND06	<p><i>"Require Consideration of Transmission Pipeline Facilities in Land Development Design"</i></p> <p><i>Whenever development is proposed on property containing transmission pipeline facilities, local governments should require that the submitted land development plans address in detail the steps necessary to safely integrate the transmission pipeline into the design of the project.</i></p>	<p>The Property Developers have been and are integrating the presence of the pipelines through use of building setbacks, through the use of flame retardant building materials, the use of appropriate location of building ingress and egress, as well as appropriate land use (e.g., green space & parking).</p>	
ND07	<p><i>"Define Blanket Easement Agreements When Necessary"</i></p> <p>Upon request by the landowner, a transmission pipeline easement agreement may be defined to an acceptable, reasonable, and safe width and explicit location. State statutes or local government regulations may require easements to be defined prior to the approval of rezoning, subdivision plats and development permits.</p>	<p>Not applicable. The easements are well defined. There are no blanket easements and no easements cross the site.</p>	
ND08	<p><i>"Collaborate on Alternate Use and Development of Transmission Pipeline Right-of-Way"</i></p> <p>Property developers/owners, local governments and transmission pipeline operators may collaborate on alternative use of the transmission pipeline right-of-way and related maintenance.</p>	<p>The proposed development will have virtually no impact on ROW and/or potential pipeline maintenance activities because none of the pipelines are on the proposed site.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
<i>New Development (ND) Recommended Practices (continued)</i>			
ND10	<p data-bbox="310 277 1087 337"><i>"Record Transmission Pipeline Easements on Development Plans and Final Plats"</i></p> <p data-bbox="310 378 1087 467">Local governments should require all recorded development plans and final plats to clearly show the location of transmission pipeline easements and identify the pipeline operators.</p>	<p data-bbox="1136 285 1493 451">The Property Developers will comply with all appropriate recording requirements. No pipelines are located on the actual site.</p>	
ND11	<p data-bbox="310 479 1087 539"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Parking Lots and Parking Structures"</i></p> <p data-bbox="310 579 1087 695">Parking lots and parking structures should be preferentially located and designed to reduce the consequences that could result from a transmission pipeline incident and to reduce potential interference with transmission pipeline maintenance and inspections.</p>	<p data-bbox="1136 555 1493 615">Not applicable – there are no pipelines on the site.</p>	
ND12	<p data-bbox="310 706 1087 766"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Roads"</i></p> <p data-bbox="310 807 1087 930">Roads and associated appurtenances should be preferentially located and designed to reduce the consequences that could result from a transmission pipeline incident and reduce the potential of interference with pipeline operations and maintenance.</p>	<p data-bbox="1136 782 1493 842">Not applicable – there are no pipelines on the site.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
<i>New Development (ND) Recommended Practices (continued)</i>			
ND13	<p data-bbox="310 277 1083 337"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Utilities and Related Infrastructure"</i></p> <p data-bbox="310 378 1108 524">Utilities (both above and below ground) and related infrastructure should be preferentially located and designed to reduce the consequences that could result from a transmission pipeline incident and to reduce the potential of interference with transmission pipeline maintenance and inspections.</p>	Not Applicable – there are no pipelines on the site.	
ND14	<p data-bbox="310 540 1083 600"><i>"Reduce Transmission Pipeline Risk through Design and Location of Aboveground Water Management Infrastructure"</i></p> <p data-bbox="310 654 1108 833">Storm water and irrigation water management facilities, retention ponds, and other above-ground water management infrastructure should be preferentially located and designed to reduce the consequences that could result from a transmission pipeline incident and to reduce the potential of interference with transmission pipeline operations and maintenance.</p>	No storm water management facilities, retention ponds, or other above-ground water management infrastructure is proposed on or near pipeline ROWs.	
ND15	<p data-bbox="310 852 978 912"><i>"Plan and Locate Vegetation to Prevent Interference with Transmission Pipeline Activities"</i></p> <p data-bbox="310 963 1024 1044">Trees and other vegetation should be planned and located to reduce the potential of interference with transmission pipeline operations, maintenance, and inspections.</p>	Not Applicable – there are no pipelines on the site.	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
<i>New Development (ND) Recommended Practices (continued)</i>			
ND16	<p data-bbox="310 277 1106 337"><i>"Locate and Design Water Supply and Sanitary Systems to Prevent Contamination and Excavation Damage"</i></p> <p data-bbox="310 386 1106 570">Individual water supplies (water wells), small public/private water systems and sanitary disposal systems (septic tanks, leach or drain fields) should be designed and located to prevent excavation damage to transmission pipelines, interference with transmission pipeline maintenance and inspections, and environmental contamination in the event of a transmission pipeline incident.</p>	Not applicable – there are no pipelines on the site.	
ND17	<p data-bbox="310 586 1031 646"><i>"Reduce Transmission Pipeline Risk in New Development for Residential, Mixed- Use, and Commercial Land Use"</i></p> <p data-bbox="310 695 1106 846">New development within a transmission pipeline planning area (see PIPA Recommended Practice BL06) should be designed and buildings located to reduce the consequences that could result from a transmission pipeline incident and to provide adequate access to the pipeline for operations and maintenance.</p>	See the proposed project layout (copy attached). Consequences of a pipeline incident are minimized by architectural design and building setback. Access to pipelines for maintenance will not be affected by the proposed project.	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
<i>New Development (ND) Recommended Practices (continued)</i>			
ND18	<p data-bbox="310 277 1079 370"><i>"Consider Transmission Pipeline Operation Noise and Odor in Design and Location of Residential, Mixed- Use, and Commercial Land Use Development"</i></p> <p data-bbox="310 418 1100 542">Consider noise, odor and other issues when planning and locating developments near above-ground transmission pipeline facilities, such as compressor stations, pumping stations, odorant equipment, regulator stations and other pipeline appurtenances.</p>	<p data-bbox="1136 277 1499 548">There are no non-pipeline appurtenances (compressor stations, pump stations, blowdowns, etc.) near enough to the proposed development to cause any noise or odor issues absent a catastrophic pipeline failure.</p>	
ND19	<p data-bbox="310 565 1079 623"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Industrial Land Use Development"</i></p> <p data-bbox="310 672 1094 847">New industrial land use development within a transmission pipeline planning area (see PIPA Recommended Practice BL06) should be designed and buildings located to reduce the consequences that could result from a transmission pipeline incident and reduce the potential of interference with transmission pipeline operations and maintenance.</p>	<p data-bbox="1136 656 1499 753">Not applicable. The proposed development is not an industrial development.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
<i>New Development (ND) Recommended Practices (continued)</i>			
ND20	<p data-bbox="310 277 1102 337"><i>"Reduce Transmission Pipeline Risk through Location, Design, and Construction of New Institutional Land Use Developments"</i></p> <p data-bbox="310 391 1102 657">New development of institutional facilities that may be difficult to evacuate within a transmission pipeline planning area (see PIPA Recommended Practice BL06) should be designed and the facilities located and constructed to reduce the consequences that could result from a transmission pipeline incident. Such facilities should also be located to reduce the potential of interference with transmission pipeline operations and maintenance activities. Emergency plans for these facilities should consider potential transmission pipeline incidents.</p>	Not applicable. The proposed development is not an institutional facility.	
ND21	<p data-bbox="310 673 1081 734"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Public Safety and Enforcement Facilities"</i></p> <p data-bbox="310 787 1081 1047">New development of emergency responder facilities within a transmission pipeline planning area (see PIPA Recommended Practice BL06) should be designed and the facilities located and constructed to reduce the consequences that could result from a transmission pipeline incident. Such facilities should also be designed and located to avoid the potential of interference with pipeline operations and maintenance. Planning for these facilities should include emergency plans that consider the effects of a transmission pipeline incident.</p>	Not applicable. No new emergency responder facilities are associated with the proposed development. Secondary ingress/egress will be coordinated with emergency responders.	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
<i>New Development (ND) Recommended Practices (continued)</i>			
ND22	<p data-bbox="310 277 1106 337"><i>"Reduce Transmission Pipeline Risk through Design and Location of New Places of Mass Public Assembly (Future Identified Sites)"</i></p> <p data-bbox="310 386 1106 651">New development of places of potential mass public assembly within a transmission pipeline planning area (see PIPA Recommended Practice BL06) should be designed and the facilities located and constructed to reduce the consequences of a potential transmission pipeline incident, the risk of excavation damage to the pipeline, and the potential of interference with transmission pipeline operations and maintenance. Planning for these facilities should include emergency plans that consider the effects of a potential pipeline incident.</p>	<p data-bbox="1136 342 1499 586">Not applicable. There are no places of potential mass public assembly (stadiums, ball parks, churches, auditoriums, etc.) proposed as part of the proposed development.</p>	
ND23	<p data-bbox="310 667 968 727"><i>"Consider Site Emergency Response Plans in Land Use Development"</i></p> <p data-bbox="310 776 1106 894">Emergency response plan requirements should be considered in new land use development within a planning area (see PIPA Recommended Practice BL06) to reduce the risks of a transmission pipeline incident.</p>	<p data-bbox="1136 667 1499 1073">These issues will be coordinated with the pipeline operators and local emergency responders. There appear to be no unique circumstances associated with the proposed development that would require any unusual provisions with respect to site emergency response plans. See ND21, above.</p>	
ND24	<p data-bbox="310 1096 1106 1156"><i>"Install Temporary Markers on Edge of Transmission Pipeline Right-of-Way Prior to Construction Adjacent to Right-of-Way"</i></p> <p data-bbox="310 1205 1106 1409">The property developer/owner should install temporary right-of-way (ROW) survey markers or fencing on the edge of the transmission pipeline ROW or buffer zone, as determined by the transmission pipeline operator, prior to construction to provide a clearly defined boundary. The property developer/owner should ensure that the temporary markers or fencing are maintained throughout the course of construction.</p>	<p data-bbox="1136 1205 1499 1300">This will be accomplished during the construction phase of the project.</p>	

No	Title and Practice Statement	Proposed Compliance Actions	Actual Compliance Actions
	<i>New Development (ND) Recommended Practices (continued)</i>		
ND25	<p><i>"Contact Transmission Pipeline Operator Prior to Excavating or Blasting"</i></p> <p>Anyone planning to conduct excavating, blasting and/or seismic activities should consult with affected transmission pipeline operators well in advance of commencing these activities. Excavating and blasting have the potential to affect soil stability or lead to movement or settling of the soil surrounding the transmission pipeline.</p>	<p>The pipeline operators will be notified both as part of the call-before-you-dig process and as a matter of courtesy in appreciation of their cooperation during the planning process. No blasting is contemplated as part of the construction and no excavation in any pipeline ROW is contemplated.</p>	
ND26	<p><i>"Use, Document, Record and Retain Encroachment Agreements or Permits"</i></p> <p>Encroachment agreements should be used, documented, recorded and retained when a transmission pipeline operator agrees to allow a property developer/owner or local government to encroach on the pipeline right-of-way for a long or perpetual duration in a manner that conflicts with the activities allowed on the easement.</p>	<p>Not applicable. No encroachments are contemplated for the proposed development. No pipelines are on the proposed site.</p>	
ND27	<p><i>"Use, Document and Retain Letters of No Objection and Conditional Approval Letters"</i></p> <p>Transmission pipeline operators may use, document and retain "letters of no objection" in agreeing to land use activities on or near a transmission pipeline right-of-way. Such land uses may or may not be temporary.</p>	<p>The Property Developer will maintain an archive of all correspondence with the pipeline operators.</p>	
ND28	<p><i>"Document, Record and Retain Partial Releases"</i></p> <p>Partial releases may be used to allow some part of the transmission pipeline right-of-way to be released from certain easement conditions, and should be documented, recorded and retained.</p>	<p>Not applicable. No partial releases are anticipated as part of the proposed development.</p>	

3a

BOARD REPORT ITEM

AUDIT AND FINANCE COMMITTEE

JUNE 28, 2018

Report on the meeting of the Audit and Finance Committee and Action on recommendations of that committee

- i. Approval of the updated Internal Audit Charter
- ii. Approval of the Annual Operating Budget
- iii. Approval of the Housing Finance Division annual operating budget

3b

BOARD REPORT ITEM

MULTIFAMILY DIVISION

JUNE 28, 2018

Report and possible action on guidance related to income averaging for amendments, compliance monitoring, and future Qualified Allocation Plans (“QAP”)

BACKGROUND

Any TDHCA commentary on the new concept of “income averaging” would be based on assumptions regarding how the Internal Revenue Service (“IRS”) has previously addressed its oversight of the other elections – 20% at 50% or below AMGI or 40% at or below 60% AMGI. TDHCA has absolutely no ability to say, with any authority, just how the IRS will ultimately approach any issues that may arise under an income averaging election. Regardless of any conclusions TDHCA may reach through Board action or rule, if the IRS provides a different interpretation, it is controlling of how TDHCA must address any aspects under the Internal Revenue Code. So, at present all we have is the statute. There is no controlling IRS guidance, and there is no indication that IRS is likely to issue any such guidance any time soon. Nonetheless, even though there is no guidance, the statute clearly allows an income averaging election to be made now, and the IRS has at least updated its form to provide for such an election. As of the date of this Board meeting, the IRS has not issued revised instructions to account for the change to the form that provides for the income averaging election.

We can speculate how the IRS might approach the income averaging election, applying principles employed in the handling of the other two elections (20% at or below 50% AMGI or 40% at or below 60% AMGI) and using a reasonable “plain meaning” reading of the state creating the new election, and while going at it in that manner might seem attractive, appearing to provide clarity sooner rather than later, it is not our statute to construe.

At a minimum, it appears that, with respect to monitoring an income average election property, we will clearly need to determine that the property’s average is at or below the 60% level. If fewer than 40% of the units are in compliance (occupied by qualified households at or below their respective rent levels) we will need to report this to the IRS.

If an applicant that had previously approached their development planning to use one of the other two elections decides to change course and elect income averaging, we may need to look at it again in Real Estate Analysis to ensure that it remains financially feasible and utilizes no more credits than necessary to ensure financial feasibility to construct and operate through the credit period. This may entail obtaining more market data to support reasonable capture rates for new income bands

being added. Depending on the scope of the changes, it may be necessary for the applicant to undergo a formal amendment process.

A greater array of income bands may affect the demographics of the eligible tenant population and may require a new assessment of fair housing considerations, including the distribution of accessible units.

Regarding future qualified allocation plans, there are questions as to what sorts of income distributions utilizing an income averaging election would further some specific policy objectives and how would those policy objectives rank if they each garnered points. For example, if a specific market area had a very high percentage of households in the 70% or 80% AMGI income bands who had great difficulty in finding housing, would serving them be a policy objective? Or would focusing on serving lower income bands, including 20%, be such an objective? What would be the relative priority of each? Would creation of a well-distributed mixed income development be a policy objective? Due to the averaging component, serving more 70% AMGI and 80% AMGI households will need to be offset by serving lower income bands. How will that affect financial feasibility?

The new section of Internal Revenue Code, §42(g)(1)(C):

(C) Average income test.—

(i) In general. The project meets the minimum requirements of this subparagraph if 40 percent or more (25 percent or more in the case of a project described in section 142(d)(6)) of the residential units in such project are both rent restricted and occupied by individuals whose income does not exceed the imputed income limitation designated by the taxpayer with respect to the respective unit.

(ii) Special rules relating to income limitation. For purposes of clause (i)—

- (I) Designation. The taxpayer shall designate the imputed income limitation of each unit taken into account under such clause.
- (II) Average test. The average of the imputed income limitations designated under subclause (I) shall not exceed 60 percent of area median gross income.
- (III) 10-percent increments. The designated imputed income limitation of any unit under subclause (I) shall be 20 percent, 30 percent, 40 percent, 50 percent, 60 percent, 70 percent, or 80 percent of area median gross income.

5a

DUE TO FORMATTING ISSUES, 5a can be accessed at
<http://www.tdhca.state.tx.us/board/meetings.htm>

5b

DUE TO FORMATTING ISSUES, 5b can be accessed at
<http://www.tdhca.state.tx.us/board/meetings.htm>

5e

DUE TO FORMATTING ISSUES, 5e can be accessed at
<http://www.tdhca.state.tx.us/board/meetings.htm>