

BOARD MEETING OF APRIL 11, 2013

J. Paul Ozer, Chair



**TEXAS DEPARTMENT OF
HOUSING & COMMUNITY AFFAIRS**
Building Homes. Strengthening Communities.

Juan Muñoz, Vice-Chair
Leslie Bingham Escareño, Member
Lowell Keig, Member
J. Mark McWatters, Member
Tom Gann, Member

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
BOARD MEETING

A G E N D A

9:00 a.m.
April 11, 2013

Dewitt C. Greer Building
Ric Williamson Hearing Room, 125 E. 11th Street
Austin, TX

CALL TO ORDER, ROLL CALL
CERTIFICATION OF QUORUM

J. Paul Oxer, Chairman

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 Texas Government Code, Chapter 551, Texas Open Meetings Act.

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

EXECUTIVE

- a) Presentation, Discussion, and Possible Action regarding the Board Minutes Summary for February 21, 2013

Barbara Deane
Board Secretary

RULES

- b) Presentation, Discussion, and Possible Action on an order adopting the repeal of 10 TAC Chapter 9, §§9.1 – 9.8, concerning Texas Neighborhood Stabilization Program, and directing its publication in the *Texas Register*
- c) Presentation, Discussion, and Possible Action on an order adopting an amendment to 10 TAC Chapter 25, §25.5, regarding the Colonia Self-Help Center Program Rule, and directing its publication in the *Texas Register*
- d) Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 1, §1.5 regarding Previous Participation Reviews, and directing its publication in the *Texas Register*
- e) Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 60, Compliance Administration, Subchapter B, Accessibility Requirements, §60.209 regarding Reasonable Accommodations, and directing its publication in the *Texas Register*

Marni Holloway
Dir, Tx NSP

Homero Cabello
Dir. OCI/HTF

Patricia Murphy
Chief of Compliance

MULTIFAMILY FINANCE

- f) Presentation, Discussion, and Possible Action to allow for public comment regarding proposed demolition of units at Villa Brazos in Freeport and one-for-one replacement under §104(d) of the Housing and Community Development Act as outlined by 24 CFR Part 42
- g) Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer
- | | | |
|-------|---------------------------|---------|
| 13401 | Blue Ash Apartments | Houston |
| 13402 | The Paddock at Norwood | Austin |
| 13403 | Forest Park Apartments | Austin |
| 13404 | Silver Springs Apartments | Austin |

Teresa Morales
Mgr. Multifamily Division

- h) Presentation, Discussion and Possible Action regarding Resolution No. 13-032 for the First Amendment to the Loan Agreement relating to the Multifamily Housing Revenue Bonds for Stonehaven Apartment Homes, Series 2006

TEXAS NEIGHBORHOOD STABILIZATION PROGRAM

Marni Holloway
Dir. NSP

- i) Presentation, Discussion, and Possible Action to approve certain activities necessary for adherence to extended deadlines established by HUD for NSP1 and NSP3 and to direct the Executive Director to execute such actions

BOND FINANCE:

Tim Nelson
Dir. Bond Finance

- j) Presentation, Discussion, and Possible Action on Resolution 13-026 approving the Department's Interest Rate Swap Policy
- k) Presentation, Discussion, and Possible Action on Resolution 13-027 authorizing the Amendment of Depository Agreements relating to Single Family Mortgage Revenue Bonds and Residential Mortgage Revenue Bonds
- l) Presentation, Discussion, and Possible Action adopting Resolution No. 13-028 authorizing the investment of General Funds in Mortgage Backed Securities
- m) Presentation, Discussion, and Possible Action on Resolution No. 13-029 approving modifications to the Mortgage Credit Certificate Program (MCC) (Program 80)
- n) Presentation, Discussion, and Possible Action on Resolution No. 13-030 authorizing Publication of Public Notice for Mortgage Credit Certificate Program (MCC) (Program 81)
- o) Presentation, Discussion, and Possible Action on Resolution 13-031 authorizing the tender remarketing of Residential Mortgage Revenue Bonds, Taxable Series 2009C-1

REPORT ITEMS:

The Board accepts the following reports:

- 1. Report on the status of a rule regarding rent limits for certain tax exempt bond Developments
- 2. Status Report on the HOME Program Contracts and Reservation System
- 3. Final Report on actions taken under the Texas Neighborhood Stabilization Program grant of emergency authority
- 4. TDHCA Outreach Activities, February - March 2013

Patricia Murphy
Chief of Compliance

Jennifer Molinari
Dir. HOME

Marni Holloway
Dir. NSP

Michael Lyttle
Chief of External Affairs

ACTION ITEMS

ITEM 2: MULTIFAMILY FINANCE DIVISION:

Teresa Morales
Mgr. Multifamily Division

- a) Presentation, Discussion, and Possible Action on the Issuance of Multifamily Housing Revenue Bonds with TDHCA as the Issuer, Resolution No. 13-033 and a Determination Notice of Housing Tax Credits for Waters at Willow Run
- b) Presentation, Discussion, and Possible Action on Preclearance requests for Community Revitalization Plans filed with Pre-Applications in the 2013 Competitive Housing Tax Credit Cycle

Jean Latsha
Mgr. Competitive Tax Credit
Prog.

13023	Patriot's Crossing	Dallas
13082	Woodland Creek Apartments	Corpus Christi
13100	Villages of Penitas	Penitas
13113	Reserve at Arcola Senior Living	Arcola
13124	Serenity Place Apartments	Dallas
13125	Songhai at West Gate	Austin
13140	Villas at Justin	Justin
13144	Mariposa at Pecan Park	La Porte
13163	Lexington Manor Apartments	Corpus Christi
13192	Shaenfield Apartments	San Antonio
13196	Emerald Village	San Antonio
13234	Wynnewood Family Housing	Dallas
13252	Oak Creek Village	Austin
13263	Sunland Apartments	Combes
13281	Sunquest Apartments	Primera

- ITEM 3: EXECUTIVE:**
 a) Presentation and Discussion on the \$12 million Award to TDHCA from the U.S. Department of Housing and Urban Development (HUD) for the Section 811 Project Rental Assistance Demonstration Program
 b) Presentation, Discussion, and Possible Action on a Reprogramming of 2014 – 2015 CSBG Discretionary Funds and Notification of Capital Budget Item Request Change
- Brooke Boston**
DED SF, CA, & Metrics
- ITEM 4: HOUSING RESOURCE CENTER:**
 Presentation, Discussion, and Possible Action authorizing the release and award for a Request for Proposals for funds under the Affordable Housing Research and Information Program and with other funds eligible for research activities under the purview of the Housing Resource Center
- Elizabeth Yevich**
Dir. Housing Resource Ctr.
- ITEM 5: BOND FINANCE:**
 Presentation, Discussion, and Possible Action on Resolution 13-025 approving the Department's Investment Policy
- Tim Nelson**
Dir. Bond Finance
- ITEM 6: COMPLIANCE:**
 Presentation, Discussion, and Possible Action on proposed amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, §§10.601 – 10.608, §§10.610 -10.611, §§10.613- 10.621, relating to Compliance Monitoring; a proposed repeal of §10.609, relating to Annual Recertification for All Programs and Student Requirements for HTC, Exchange, TCAP, and BOND Developments; a proposed repeal of §10.612, relating to Requirements Pertaining to Households with Rental Assistance; a proposed new §10.609, relating to Tenant File Requirements; a proposed new §10.612 relating to Affirmative Marketing Requirements; and a proposed new §10.626, relating to Tenant Selection Criteria, for public comment and publication in the *Texas Register*
- Patricia Murphy**
Chief of Compliance
- ITEM 7: COMMUNITY AFFAIRS**
 Presentation, Discussion, and Possible Action on approval to release a Request for Applications (RFA) to administer the Comprehensive Energy Assistance Program (CEAP) in Dimmit, LaSalle, and Maverick counties and the Weatherization Assistance Program (WAP) in Dimmit, Edwards, Kinney, LaSalle, Maverick, Real, Uvalde, Val Verde and Zavala counties
- Michael DeYoung**
Assist. DED, Network & Customer Service
- ITEM 8: ASSET MANAGEMENT:**
 Presentation, Discussion, and Possible Action to approve the repayment of HOME funds to HUD with non-federal funds
- Cari Garcia**
Dir. Asset Management
- ITEM 9: HOME:**
 a) Presentation, Discussion, and Possible Action to approve certain actions as necessary for adherence to deadlines established by regulation for the HOME Investment Partnerships Program and to direct the Executive Director to execute such actions
 b) Presentation, Discussion, and Possible Action to authorize the issuance of a 2013 HOME Single Family Development (SFD) Activity Notice of Funding Availability (NOFA)
 c) Presentation, Discussion, and Possible Action to authorize the issuance of a 2013 HOME Single Family Programs Notice of Funding Availability (NOFA) for the Contract for Deed Conversion (CFDC) Program
- Jennifer Molinari**
Dir. HOME
- ITEM 10: PROGRAM, PLANNING, POLICY, AND METRICS:**
 Presentation and Discussion on the Department Snapshot tool for the Housing Trust Fund and Colonia Self Help Center programs
- Brooke Boston**
DED SF, CA, & Metrics

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) with regard to any posted item:

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, including:

J. Paul Oxer
Chairman

- a) *The Inclusive Communities Project, Inc. v. Texas Department of Housing and Community Affairs, et al* filed in federal district court, Northern District of Texas
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:
 - a) *Attorney General Opinion Request RQ-1106-GA, Rep. Leticia Van de Putte*
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 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.
 - a) *Report*

OPEN SESSION

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

ADJOURN

To access this agenda & details on each agenda item in the board book, please visit our website at www.tdhca.state.tx.us or contact Michele Atkins, 512-475-3930; TDHCA, 221 East 11th Street, Austin, Texas 78701, and request the information.

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Gina Esteves, ADA Responsible Employee, at 512-475-3943 or Relay Texas at 1-800-735-2989, at least two (2) days before the meeting so that appropriate arrangements can be made.

Non-English speaking individuals who require interpreters for this meeting should contact Jorge Reyes, 512-475-4577 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 Jorge Reyes al siguiente número (512) 475-4577 por lo menos tres días antes de la junta para hacer los preparativos apropiados.

1a

BOARD ACTION REQUEST

BOARD SECRETARY

APRIL 11, 2013

Presentation, Discussion, and Possible Action on the Board Minutes Summary for February 21, 2013.

RECOMMENDED ACTION

RESOLVED, that the Board Meeting Minutes Summary for February 21, 2013, is hereby approved as presented.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
BOARD MEETING

February 21, 2013; 9:30 a.m.

Dewitt C. Greer Building
Ric Williamson Hearing Room, 125 E. 11th Street, Austin, TX

SUMMARY OF MINUTES

CALL TO ORDER, ROLL CALL, CERTIFICATION OF QUORUM

The Board Meeting of the Texas Department of Housing and Community Affairs of February 21, 2013, was called to order by J. Paul Oxer, Chair, at 9:40 a.m. It was held at the Dewitt C. Greer Building, Ric Williamson Hearing Room, 125 E. 11th Street, Austin, TX, Austin, Texas. Roll call certified a quorum was present.

MEMBERS PRESENT:

J. Paul Oxer, Chair
Tom H. Gann, Vice-Chair
Leslie Bingham-Escareño
Lowell Keig
J. Mark McWatters
Juan Muñoz (*arrived at approximately 9:55 a.m.*)

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.

The Board acknowledged Resolution No. 13-021 which recognizes April as Fair Housing Month.

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 action at this meeting. Under no circumstances does the Consent Agenda alter any requirements under Texas Government Code, Chapter 551, Texas Open Meetings Act.

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

EXECUTIVE:

a) Presentation, Discussion, and Possible Action on the Board Minutes Summary for January 17, 2013

BOND FINANCE:

b) Presentation of the Department's 1st Quarter Investment Report relating to funds held under Bond Trust Indentures

FINANCIAL ADMINISTRATION:

c) Presentation of the Department's 1st Quarter Investment Report in accordance with the Public Funds Investment Act (PFIA)

MULTIFAMILY FINANCE:

d) Presentation, Discussion, and Possible Action regarding Awards of HOME funds from the 2012-1 HOME CHDO Multifamily Development Program (MFD) Notice of Funding Availability (NOFA)

12507 Champion Homes at Tahoe Lake Midland

Jean Latsha provided clarification that staff completed a previous participation review and Champion Homes at Tahoe Lake was cleared.

e) Presentation, Discussion, and Possible Action on a Determination Notice for Housing Tax Credits with another Issuer and Award of HOME Multifamily Development Program Funds

12413 Sienna Pointe

San Marcos

- f) Presentation, Discussion, and Possible Action on a Determination Notice for Housing Tax Credits with another Issuer
12416 Austin Senior Living Austin
- g) Presentation, Discussion, and Possible Action regarding Preclearance requests for Community Revitalization Plans filed with Pre-Applications in the 2013 Competitive Housing Tax Credit Cycle
 - 13042 The Cottages at South Acres Houston
 - 13069 Grand Manor Apartments Tyler
 - 13143 The Hamilton Houston
 - 13151 Lafayette Plaza Houston
 - 13153 St. Cloud Apartments Houston
 - 13159 4800 Berkman Austin
 - 13166 Artspace El Paso Lofts El Paso
 - 13182 Hurstborne Crossing Houston
 - 13187 Barron's Branch Waco
 - 13193 Balcones Lofts Balcones Heights
 - 13249 Old Town Plaza Apartments Lewisville
 - 13256 4320 Old Spanish Trail Houston

Jean Latsha provided clarification that staff received updated budget information that staff asked to be included in their recommendation.

ASSET MANAGEMENT:

- h) Presentation, Discussion, and Possible Action to approve Housing Tax Credit Amendments
93072 Primavera Apartments Dallas

BOND FINANCE:

- i) Presentation, Discussion, and Possible Action on Resolution No. 13-023 authorizing the issuance of Single Family Mortgage Revenue Refunding Bonds, Series 2013 Series A (Taxable)

HOME:

- j) Presentation, Discussion, and Possible Action to authorize an Amendment to the 2012 HOME Single Family Programs Reservation System Notice of Funding Availability (NOFA) for Homebuyer Assistance, Homeowner Rehabilitation Assistance, and Tenant Based Rental Assistance

HOUSING RESOURCE CENTER:

- k) Presentation, Discussion, and Possible Action on adoption of the Final 2013 State of Texas Low Income Housing Plan and Annual Report, and Final Order adopting amendments to 10 TAC §1.23 concerning the 2013 Final State of Texas Low Income Housing Plan and Annual Report and directing its publication in the *Texas Register*

RULES:

- l) Presentation, Discussion, and Possible Action on the statutory four-year review of Department rules at 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.4, concerning Protest Procedures for Contractors, pursuant to Texas Government Code, §2001.039, and directing its publication for public comment in the *Texas Register*
- m) Presentation, Discussion, and Possible Action on a proposed repeal of 10 TAC Chapter 9, concerning the Texas Neighborhood Stabilization Program, and directing its publication for public comment in the *Texas Register*
- n) Presentation, Discussion, and Possible Action on proposed amendments to 10 TAC Chapter 5, Community Affairs Programs, Subchapter A, General Provisions, §§5.1, 5.2, 5.5, 5.8, 5.9, 5.14, 5.17, 5.21, and 5.23, and directing its publication for public comment in the *Texas Register*
- o) Presentation, Discussion, and Possible Action on the proposed amendments to 10 TAC Chapter 5 Community Affairs Programs, Subchapter E, Weatherization Assistance Program General, §§5.502, 5.503, 5.505 - 5.508, 5.521 - 5.525, 5.531 and 5.532 and the proposed repeals of §§5.504, 5.526, 5.527, 5.529, and 5.530 concerning the Weatherization Assistance Program, and directing their publication for public comment in the *Texas Register*
- p) Presentation, Discussion, and Possible Action on proposed amendments to 10 TAC Chapter 5 Community Affairs Programs, Subchapter F, §§5.602, 5.604 – 5.606, concerning WAP DOE, and proposed new §§5.610 – 5.613, and directing their publication for public comment in the *Texas Register*
- q) Presentation, Discussion, and Possible Action on proposed amendments to 10 TAC Chapter 5, Community Affairs Programs, Subchapter G, §§5.701 and 5.703, concerning WAP LIHEAP, proposed repeal of §§5.702, 5.704, and 5.705, and proposed new §§5.702, 5.704, and 5.705, and directing their publication for public comment in the *Texas Register*
- r) Presentation, Discussion, and Possible Action on proposed amendments to 10 TAC Chapter 23, Single Family HOME Program, Subchapter B, Availability of Funds, Application Requirements, Review and Award Procedures, General Administrative Requirements, and Resale and Recapture of Funds, §23.26, concerning Reservation System Participant Agreements (RSP), proposed amendments to Subchapter C, §§23.31 and 23.32, concerning Homeowner Rehabilitation Assistance Program, and proposed amendments to Subchapter D, Homebuyer Assistance Program, §23.41, concerning

Homebuyer Assistance (HBA) Program Requirements, and directing their publication for public comment in the *Texas Register*

The Board accepts the following reports:

1. TDHCA Outreach Activities, January 2013
2. Report on any actions taken under the Texas Neighborhood Stabilization Program grant of emergency authority
3. Status Report on the HOME Program Contracts and Reservation System Participants for August and Year-to-Date

Motion by Tom Gann to approve the Consent Agenda as clarified by Jean Latsha; duly seconded by Leslie Bingham-Escareño; motion passed.

ACTION ITEMS (AT THE CHAIR'S DISCRETION, ACTION ITEMS MAY BE TAKEN OUT OF ORDER. AGENDA ITEM 2 WAS DEFERRED UNTIL JUAN MUÑOZ ARRIVED.)

AGENDA ITEM 3: MULTIFAMILY FINANCE:

- a) Presentation, Discussion, and Possible Action Regarding the Issuance of Multifamily Housing Revenue Bonds with TDHCA as the Issuer, Resolution #13-020, and a Determination Notice of Housing Tax Credits
13600 Waters at Willow Run Austin

Dr. Muñoz arrived at 9:55 a.m. during Mr. Dorsey's explanation of Agenda Item 3(a).

Motion by Leslie Bingham-Escareño to accept staff's recommendation to approve Agenda Item 3(a) Regarding the Issuance of Multifamily Housing Revenue Bonds with TDHCA as the Issuer, Resolution #13-020, and a Determination Notice of Housing Tax Credits; duly seconded by Tom Gann;

Michele Atkins, Assistant Board Secretary, read for the record: Nick McIntyre, in support of staff recommendation; Erik Ulland in support of staff recommendation; and read a letter from the Mayor pro tem of Austin, Sheryl Cole, in support of staff recommendation.

Mike Howe, Wells Branch resident, provided testimony in opposition to staff recommendation.

Emily Previn, Wells Branch resident, provided testimony in opposition to staff recommendation.

Richard S. Swain, Wells Branch Neighborhood for Responsible Development, provided testimony in opposition to staff recommendation.

Michael Nguyen, president & CEO, Atlantic Housing Foundation, development, provided testimony in support of staff recommendation.

Chelsea Cruz, student, provided testimony in support of staff recommendation.

Jasmine McCullough, student, provided testimony in support of staff recommendation.

Adrienne Armstrong, student, provided testimony in support of staff recommendation.

Markisha Singletary, student, provided testimony in support of staff recommendation.

Shonecra James, student, provided testimony in support of staff recommendation.

Kristie O'Donnell, student, provided testimony in support of staff recommendation.

Laura Ludwig, Wells Branch resident, provided testimony in opposition to staff recommendation.

Cynthia Bast, Locke Lord, provided testimony in support of staff recommendation.

Motion by Leslie Bingham-Escareño to amend her motion to approve staff's recommendation, with the following conditions: verification that the fall zone for the power lines is in compliance with the standards as set; providing written confirmation that school bus service and public bus service and/or Ride Share service will be expanded to include the new development; clarification on the collaborative effort to provide EMS and fire service to the area; confirmation that at least six amenities are currently available within the one-mile urban requirement; and confirmation in writing that Atlantic will provide pedestrian assistance; and that those conditions be reported to the executive director so he can confirm receipt so that they can proceed as expeditiously as possible; motion on the amendment duly seconded by Tom Gann; passed unanimously. Board voted on the amended motion, passed unanimously.

AGENDA ITEM 2: EXECUTIVE:

Presentation, Discussion, and Possible Action on the election of Board Officers for the upcoming biennium

Motion by Tom Gann to nominate Juan Muñoz as vice chair of the board for a two year term; nomination accepted by Juan Muñoz; motion passed unanimously.

Tim Irvine offered for the Board's approval, Barbara Deane as Board Secretary; Michele Atkins as Assistant Board

Secretary, and David Cervantes as Treasurer.

Motion by Lowell Keig to approve Mr. Irvine's recommendation; duly seconded by Juan Muñoz; passed unanimously.

AGENDA ITEM 3: MULTIFAMILY FINANCE: CONTINUED

b) Presentation, Discussion, and Possible Action regarding Waiver Requests, related to the City of Houston's CDBG-DR Plan, filed with Pre-Applications, and others similarly situated, in the 2013 Competitive Housing Tax Credit Cycle
Motion by Juan Muñoz to accept staff's recommendation to deny the Waiver Requests, related to the City of Houston's CDBG-DR Plan; duly seconded by Tom Gann;
Neil Rackliff, director of the Department of Housing and Community Development for the City of Houston, provided testimony in opposition to staff recommendation.

EXECUTIVE SESSION

At 12:34 p.m. Mr. Oxer convened the Executive Session.

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.
 - a) *Performance evaluation of the Executive Director*
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, including:
 - a) *The Inclusive Communities Project, Inc. v. Texas Department of Housing and Community Affairs, et al. filed in federal district court, Northern District of Texas*
 - b) *Pineywoods Home Team Affordable Housing, Inc.; US Bankruptcy Court, Eastern District of Texas; Cause # 12-90255.*
3. Pursuant to Tex. Gov't Code, §551.071(2) for the purpose of seeking the advice of its attorney about any posted 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.
 - a) *Attorney General Opinion Request RQ-1106-GA*
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 the Department's ability to negotiate with a third person.
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.
 - a) *Report*

OPEN SESSION

At 1:40 p.m. Mr. Oxer reconvened the Open Session and announced that no action had been taken during the Executive Session and certified that the posted agenda had been followed. Following the Executive Session, Leslie Bingham-Escareno departed and was absent for all remaining votes.

AGENDA ITEM 3: MULTIFAMILY FINANCE: CONTINUED

b) Presentation, Discussion, and Possible Action regarding Waiver Requests, related to the City of Houston's CDBG-DR Plan, filed with Pre-Applications, and others similarly situated, in the 2013 Competitive Housing Tax Credit Cycle
Veronica Chapa-Jones, deputy director with the City of Houston Housing and Community Development Department, provided testimony in opposition to staff recommendation, and read for the record a letter from Ms. Wanda Adams, council member for District D and also chairs the city's oversight committee for sustainable housing development and growth, in support of the waiver requests.

Diana McIver, DMA Development, provided testimony in opposition to the waiver..

Neil Rackliff, director of the Department of Housing and Community Development for the City of Houston, provided additional testimony.

Motion by Juan Muñoz to amend his motion to grant the waiver to the two applicants that referenced in their pre-app the likely request for a waiver and to deny the requested waiver for the other two, one of which is outside of the affected area and the other which is asking for essentially two waivers; no second; motion died for lack of a second. Tom Gann moved the question; the original motion stood; motion to deny the waivers passed.

c) Presentation, Discussion, and Possible Action regarding Waiver Requests filed with Pre-Applications in the 2013 Competitive Housing Tax Credit Cycle

13012

Huntington Estates

Killeen

Motion by Lowell Keig to approve staff recommendation to deny waiver; duly seconded by Mark McWatters;

Tim Lang, Tejas Housing Group, provided testimony in opposition to staff recommendation.

Motion to deny the waiver passed.

13067 Rancho Viejo Villas Rancho Viejo, ETJ

Motion by Tom Gann to approve staff recommendation to deny waiver; duly seconded by Juan Muñoz;

Melissa Adame, provided testimony in opposition to staff recommendation.

Michelle Snedden, attorney with Shackelford, Melton & McKinley, provided testimony in opposition to staff recommendation.

Motion to deny the waiver passed.

13096 Laureles del Este Fabens

Motion by Lowell Keig to approve staff recommendation to deny waiver; duly seconded by Juan Muñoz; motion passed.

13144 Mariposa at Pecan Park LaPorte

Withdrawn from consideration.

Motion by Lowell Keig to delegate the responsibility for the executive director's performance evaluation to the Chair; duly seconded by Tom Gann; motion passed.

AGENDA ITEM 4: APPEALS:

Timely Filed Appeals under any of the Department's Program or Underwriting Rules

13030 Evergreen at Rowlett Senior Community Rowlett

Motion by Lowell Keig to accept staff's recommendation to deny appeal for reinstatement of Evergreen at Rowlett Senior Community; duly seconded by Mark McWatters;

Brad Forsland, Churchill Residential, provided testimony in opposition to staff recommendation.

Tamea Dula, Coats Rose Law Firm, provided testimony in opposition to staff recommendation.

Lowell Keig withdrew his motion.

Motion by Tom Gann to accept staff's recommendation to deny appeal for reinstatement; duly seconded by Juan Muñoz; motion passed.

AGENDA ITEM 5: PROGRAM, PLANNING, POLICY, AND METRICS:

Presentation and Board Feedback Session on a Draft Department Snapshot report on the high-level status of Department programs

No action taken. Report item only.

During Agenda Item 5, at 3:13 p.m. the Board took a brief recess and reconvened at 3:18 p.m.

AGENDA ITEM 6: ASSET MANAGEMENT:

Presentation, Discussion, and Possible Action to approve the repayment of HOME funds to HUD with non-federal funds and to authorize the use of program income from the Tax Credit Assistance Program as a possible source of funds to carry out new, permitted activities for which non-federal funds will be unavailable

Motion by Tom Gann to table this item for consideration at the April 11, 2013 Board meeting; duly seconded by Lowell Keig; motion passed.

AGENDA ITEM 7: COMPLIANCE:

Presentation, Discussion, and Possible Action on the Fiscal Year 2013 Income and Rent Limits, and with regard to the application of the limits under certain tax exempt bond regulatory agreements. Possible action may include Resolution, Rule, Amendment, or such other action, or no action, as the Board deems appropriate

Motion by Lowell Keig to accept staff's recommendation to proceed with a rulemaking on the Fiscal Year 2013 Income and Rent Limits, and with regard to the application of the limits under certain tax exempt bond regulatory agreements; duly seconded by Juan Muñoz;

Cynthia Bast, Locke Lord, provided testimony in support of staff recommendation.

Granger MacDonald, provided testimony in support of staff recommendation.

Motion passed.

AGENDA ITEM 8: COMMUNITY AFFAIRS:

a) Presentation, Discussion, and Possible Action on Program Year (PY) 2013 U.S. Department of Energy (DOE) Weatherization Assistance Program (WAP) State Plan

Motion by Juan Muñoz to accept staff's recommendation to approve Program Year (PY) 2013 U.S. Department of

Energy (DOE) Weatherization Assistance Program (WAP) State Plan; duly seconded by Tom Gann; motion passed.

b) Presentation, Discussion, and Possible Action on Weatherization Assistance Program (WAP) Awards funded with Program Year 2013 Low Income Home Energy Assistance Program (LIHEAP) and Department of Energy (DOE) WAP
Motion by Juan Muñoz to accept staff's recommendation to approve Weatherization Assistance Program (WAP) Awards funded with Program Year 2013 Low Income Home Energy Assistance Program (LIHEAP) and Department of Energy (DOE) WAP; duly seconded by Lowell Keig; motion passed.

c) Presentation, Discussion, and Possible Action on Department of Energy (DOE) American Recovery and Reinvestment Act (ARRA) Weatherization Assistance Program (WAP) Awards
Motion by Lowell Keig to accept staff's recommendation to approve Department of Energy (DOE) American Recovery and Reinvestment Act (ARRA) Weatherization Assistance Program (WAP) Awards; duly seconded by Juan Muñoz; motion passed.

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

Michele Atkins, Assistant Board Secretary, read for the record that Steven Grubbs registered his opinion in support of staff recommendation for Agenda Item 3(a).

Tim Irvine recognized Nidia Hiroms, and thanked her for her service to the Department and the Board.

ADJOURN

Since there was no other business to come before the Board, Tom Gann made a motion to adjourn; duly seconded by Mark McWatters; the meeting was adjourned at 4:04 p.m. on February 21, 2013.

Michele Atkins, Assistant Board Secretary

For a full transcript of this meeting, please visit the TDHCA website at www.tdhca.state.tx.us.

1b

BOARD ACTION REQUEST

TEXAS NEIGHBORHOOD STABILIZATION PROGRAM

APRIL 11, 2013

Presentation, Discussion, and Possible Action on Presentation, Discussion, and Possible Action on an order adopting the repeal of 10 TAC Chapter 9, §§9.1 – 9.8, concerning the Texas Neighborhood Stabilization Program and directing its publication in the *Texas Register*

RECOMMENDED ACTION

WHEREAS, Neighborhood Stabilization Program (NSP) Single Family activities are governed by the Single Family Programs Umbrella Rule and the Texas Single Family Neighborhood Stabilization Program Rule, both effective on November 1, 2012; and

WHEREAS, NSP Multifamily activities are governed by the Uniform Multifamily Rules, which became effective on January 8, 2013; and

WHEREAS, this Board has determined that 10 TAC Chapter 9 is redundant and no longer required;

NOW, therefore, it is hereby

RESOLVED, that 10 TAC Chapter 9 is hereby ordered repealed and

FURTHER RESOLVED, that the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for an on behalf of the Department, to effectuate the repeal of 10 TAC Chapter 9 through publication the *Texas Register*.

BACKGROUND

As part of recent realignment efforts by the Department, the Single Family Programs Umbrella Rule was created, the Single Family Neighborhood Stabilization Rule was adopted, and the Uniform Multifamily Rule was revised. NSP projects are governed by these Rules, making the previous NSP Rule, 10 TAC Chapter 9, redundant. Repeal is required to complete these Rule revision projects.

The proposed repeal was published in the *Texas Register* on March 8, 2103 and the public comment period ended on April 8, 2013.

Attachment 1: Action on an order adopting the repeal of 10 TAC Chapter 9, §§9.1 – 9.8, concerning Texas Neighborhood Stabilization Program

The Texas Department of Housing and Community Affairs (the "Department") adopts the repeal of 10 TAC Chapter 9, §§9.1 – 9.8, concerning Texas Neighborhood Stabilization Program, without changes to the proposed text as published in the March 8, 2013 issue of the *Texas Register* (38 TexReg 1486) and will not be republished.

REASONED JUSTIFICATION. The Department finds that the repeal will eliminate redundancy as Neighborhood Stabilization contracts are subject to other provisions of 10 TAC Chapter 10, Uniform Multifamily Rules; Chapter 20, Single Family Programs Umbrella Rule; and Chapter 29, Texas Single Family Neighborhood Stabilization Rule.

The Department accepted public comments between March 8, 2013 and April 8, 2013. Comments regarding the repeal could be submitted in writing and by fax. No comments were received concerning the repeal.

The Board approved the final order adopting the repeal on April 11, 2013.

STATUTORY AUTHORITY. The repeal is adopted pursuant to the authority of Texas Government Code, §2306.053 which authorizes the Department to adopt rules.

§9.1.Purpose.

§9.2.Definitions.

§9.3.General Provisions.

§9.4.Amendments.

§9.5.Sanctions/Deobligation.

§9.6.Reassignment of Funds.

§9.7.Compliance and Monitoring.

§9.8.Definitions.

1c

BOARD ACTION REQUEST
OFFICE OF COLONIA INITIATIVES
APRIL 11, 2013

Presentation, Discussion, and Possible Action on an order adopting an amendment to 10 TAC Chapter 25, §25.5, regarding the Colonia Self-Help Center Program Rule, and directing its publication in the *Texas Register*

RECOMMENDED ACTION

WHEREAS, a new 10 TAC Chapter 25 was adopted by the Board and became effective November 2012; and

WHEREAS, staff had identified a necessary correction to §25.5 of the rule; and

WHEREAS, on January 11, 2013, the Board approved the publication of the proposed amendment in the *Texas Register* for public comment. The public comment period ended March 1, 2013, and no comments were received;

NOW, therefore, it is hereby

RESOLVED, that the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to cause the amendment to 10 TAC Chapter 25, §25.5(c) regarding the Colonia Self-Help Center Program Rule, together with the preamble in the form presented to this meeting, to be published in the *Texas Register* for final adoption, and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

Section 25.5(c) of the current Rule incorrectly references §25.8 regarding *Administrative Thresholds*. This amendment correctly references §25.9 regarding *Expenditure Thresholds and Closeout Requirements*.

On January 11, 2013, the Board approved publication of the proposed amendment in the *Texas Register*. The comment period was open from February 8, 2013, to March 1, 2013. No comments were received.

Staff is recommending issuance of a final order adopting the amendment for publication in the *Texas Register*.

Attachment: Preamble and Adopted Amendment to 10 TAC Chapter 25.

The Texas Department of Housing and Community Affairs (the “Department”) adopts an amendment to 10 TAC Chapter 25, §25.5 concerning the **Colonia Self-Help Center Program Rule**, without changes to the proposed text as published in the February 8, 2013 issue of the *Texas Register* (38 TexReg 568) and will not be republished.

REASONED JUSTIFICATION. The Department finds that an amendment was needed in order to correct an incorrect cross-reference. Accordingly, the amendment provides a correction to cross referenced §25.9 of Chapter 25, instead of §25.8.

The Department accepted public comments between February 8, 2013 and March 1, 2013. Comments regarding the amendment were submitted in writing and by fax. No comments were received concerning the amended section.

The Board approved the final order adopting the amended section on April 11, 2013.

STATUTORY AUTHORITY. The amendment is adopted pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules. Additionally, the amendment is adopted pursuant to Texas Government Code, Chapter 2306, Subchapter Z, which specifically authorizes the Department to administer the Colonia Self-Help Center Program. The adopted amendment affects no other code, article, or statute.

§25.5. Allocation and the Colonia Self-Help Center Application Requirements.

(a) The Department distributes Colonia Self-Help Center funds to Unit of General Local Governments (UGLGs) from the 2.5 percent set-aside of the annual Community Development Block Grant (CDBG) allocation to the state of Texas.

(b) The Department shall allocate no more than \$1 million per Colonia Self-Help Center award except as provided by this chapter. If there are insufficient funds available from any specific program year to fully fund an Application, the awarded Contract Administrator may accept the amount available at that time and wait for the remaining funds to be committed upon the Department's receipt of the CDBG set-aside allocation from the next program year.

(c) With a baseline award beginning at \$500,000, the Department will add an additional \$100,000 for each expenditure threshold, as defined in §25.9 of this chapter (relating to Expenditure Thresholds and Closeout Requirements), met on the current Colonia Self-Help Center Contract, and an additional \$100,000 for an accepted Application submitted by the deadline. If a Contract Administrator can demonstrate that any violation of an Expenditure Threshold was beyond the control of the Contract Administrator, it may request of the Board that an individual violation be waived for the purpose of future funding. The Board, in its discretion and within the limits of federal and state law, may waive any one or more of the expenditure threshold requirements if the Board finds the waiver is appropriate to fulfill the purposes or policies of the Texas Government Code, or for other good cause as determined by the Board.

(d) The Contract Administrator shall submit its Application no later than three (3) months before the expiration of its current Contract, or when 90 percent of the funds under the current Contract

have been expended, whichever comes first. If this requirement is not met, the Department will apply the options outlined in subsection (c) of this section which will result in lost and delayed funding.

(e) Application reviews are conducted on a first-come first-served basis until all Self-Help Center funds for the current program year and deobligated Self-Help Center funds are committed. Each complete Application will be assigned a "received date" based on the date and time it is received by the Department.

(f) In order to be accepted, each Application must include:

- (1) evidence of the submission of the Contract Administrator's current annual single audit;
- (2) a Colonia Identification form for each colonia to be served, including all required back-up documentation as identified on the form, executed by the county judge;
- (3) a boundary map for each of the five colonias;
- (4) a description of the method of implementation. For each colonia to be served by the Colonia Self-Help Center, the Contract Administrator shall describe the services and activities to be delivered. The Application must identify:
 - (A) the percentage (15 percent minimum) and scope of work that will be performed using self-help methodologies;
 - (B) the estimated percentage or services that will be contracted to the Colonia Self-Help Center Provider; and
 - (C) the activities that the Contract Administrator will be administering;
- (5) the proposed performance statement. The Contract Administrator must include the number of colonia residents to be assisted from each activity, the activities to be performed (including all sub-activities under each budget line item), and corresponding budget;
- (6) the proposed Contract Budget must address:
 - (A) the Administration line item may not exceed 15 percent of the total budget;
 - (B) the Public Service line item may not exceed 7.5 percent of the total budget;
 - (C) the Application must identify at least 15 percent of the budget that will be allocated for direct Self-Help activities;
 - (D) the amount of leveraged funding, if applicable; and
 - (E) Direct Delivery Costs for all contractual activities, exclusive of Rehabilitation, cannot exceed 10 percent of each budget line item. Direct Delivery Costs for Rehabilitating are limited to 15 percent of each budget line item;
- (7) proposed housing guidelines (includes small repair, Rehabilitation, Reconstruction, New Construction and all other housing activities);
- (8) evidence of model subdivision rules adopted by the Contract Administrator;
- (9) written policies and procedures, as applicable, for:
 - (A) solid waste removal;
 - (B) construction skill classes;
 - (C) homeownership classes;
 - (D) technology access;
 - (E) homeownership assistance; and/or
 - (F) tool lending library. All Colonia Self-Help Centers are required to operate a tool lending library;
- (10) authorized signatory form and direct deposit authorization;

- (11) UGLG resolution authorizing the submission of the Application and appointing the primary signator for all Contract documents;
- (12) acquisition report (even if there is no acquisition activity);
- (13) certification of exemption for HUD funded projects; and
- (14) initial disclosure report.

(g) Upon receipt of the Application, the Department will perform an initial review to determine whether the Application is complete and that each activity meets a national objective as required by §104(b)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. §5304(b)(3)).

(h) The Department may reduce the funding amount requested in the Application in accordance to subsection (c) of this section. Should this occur, the Department shall notify the appropriate Contract Administrator before the Application is submitted to C-RAC for review, comments and approval. The Department and the Contract Administrator will work together to jointly agree on the performance measures and proposed funding amounts for each activity.

(i) The Department shall execute a four (4) year Contract with Contract Administrator. No Contract extensions will be allowed. If the Contract Administrator requirements are completed prior to the end of the four (4) year contract period, the Contract Administrator may submit a new Application.

(j) The Department may decline to fund any Application if the activities do not, in the Department's sole determination, represent a prudent use of Colonia Self-Help Center funds. The Department is not obligated to proceed with any action pertaining to any Application which is received, and may decide it is in the Department's best interest to refrain from pursuing any selection process.

1d

BOARD ACTION REQUEST

COMPLIANCE DIVISION

APRIL 11, 2013

Presentation, Discussion, and Possible Action on an order adopting the proposed amendments to 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.5, regarding Previous Participation Reviews and directing their publication in the *Texas Register*

RECOMMENDED ACTION

WHEREAS, the Department has determined that 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.5, did not contemplate the use of previous participation reviews in connection with formula allocated funds and

WHEREAS, at the January 17, 2013, Board meeting the proposed amendment of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.5, regarding Previous Participation Reviews, was approved for publication in the *Texas Register* to solicit public comment; and the public comment period has ended;

NOW, therefore, it is hereby

RESOLVED, that the referenced rule is hereby adopted and the Executive Director and his designees, be and each of them are authorized, empowered and directed, for and on behalf of the Department, to cause the adoption of the amendment to 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.5, regarding Previous Participation Reviews, in the form presented to this meeting, to be published in the *Texas Register* and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

The proposed amendment provides a procedure for evaluating the past compliance history of an applicant when making awards that are formula funded. At this time, HHSP, WAP, CEAP and CSBG are the four Department programs that are formula funded.

The proposed amendment was published in the February 8, 2013 edition of the *Texas Register* and the public comment period ended March 8, 2013. No comment was received.

Attachment 1. Preamble, amendment of 10 TAC Chapter 1, Subchapter A, §1.5

The Texas Department of Housing and Community Affairs (the "Department") adopts amendments to 10 TAC Chapter 1, Subchapter A, §1.5, concerning Previous Participation Reviews, without changes to the proposed text as published in the February 8, 2013 issue of the *Texas Register* (38 TexReg 565) and will not be republished.

REASONED JUSTIFICATION. The Department finds that the rule as currently written does not appropriately address the process of previous participation reviews for formula allocated funds. Accordingly, the amended section adds language to address such concerns.

The Department accepted public comment between February 8, 2013 and March 8, 2013. Comments regarding the amendments were accepted in writing and by fax. No comments were received concerning the amendments.

The Board approved the final order adopting the amendments on April 11, 2013.

STATUTORY AUTHORITY. The amendments are adopted pursuant to the authority of Texas Government Code, §2306.053 which authorizes the Department to adopt rules.

§1.5. Previous Participation Review

(a) Purpose and Overview. The Texas Department of Housing and Community Affairs (the "Department") intends to administer programs with compliant partners. Development owners, sub-recipients, non-profit, and for-profit organizations who have previously received Department funding and failed to comply with state, federal, and/or program rules may be excluded from participation.

(b) Definitions. Capitalized terms are defined in Chapter 10, Subchapter A, §10.3 of this title (relating to Definitions). Any capitalized terms not specifically defined in §10.3 of this title, shall have the meaning as defined in Texas Government Code, Chapter 2306, §42 of the Internal Revenue Code (the "Code"), 24 CFR Part 92 (HOME Final Rule), and other Department rules as applicable.

(c) Applicability. A review of a person's previous participation in all Department programs will be conducted prior to:

- (1) providing any Department funding, with the exception of individuals awarded funds through Household Commitment Contracts and Participating Lenders in the Department's Texas Homeownership Division Programs;
- (2) approving an ownership transfer request of a Development monitored by the Department;
- (3) executing a Carryover Allocation;
- (4) modifying a Loan;
- (5) modifying a contract that results in additional funding;

(6) closing a loan or executing a contract if more than one-hundred-twenty (120) days have elapsed from the date of Board approval;

(7) processing a request for a Qualified Contract; or

(8) approving an Entity as a Reservation System Participant.

(d) Scope. During the previous participation review, it will be determined if the requesting entity or any person controlling the requesting entity:

(1) owes the Department any fees;

(2) is sixty (60) days or more delinquent on a loan payment;

(3) has failed to provide proof of taxes paid or insurance as required by a Deed of Trust;

(4) has a past due single audit or single audit certification form;

(5) has any unresolved monitoring findings and/or disallowed expenditures identified by the Contract Monitoring or Community Affairs Monitoring sections of the Compliance Division;

(6) is on cost reimbursement with a Community Affairs program;

(7) is on the Department's or any federal agency's debarred, suspended or excluded list;

(8) controls a Development monitored by the Department that is in Material Noncompliance;

(9) controls a HOME Development with any uncorrected issue of noncompliance required by the HOME Final Rule (even if the property is not in Material Noncompliance);

(10) controls an NSP Development with any uncorrected issue of noncompliance required by FR-5447-N-01, October 19, 2010, as amended or FR-5660-N-01, November 27, 2012, as amended (even if the property is not in Material Noncompliance); or

(11) has a Department contract that is suspended at the time of the Previous Participation review.

(e) Issues identified during review. If any of the criteria listed in subsection (d) of this section are met, the entity will be notified of the issue and provided five (5) business days to submit all necessary corrective action to resolve the issue(s). The notification will be in writing and may be delivered by email. For rental Developments in Material Noncompliance, the effective score will be at the end of the five (5) business days. If the entity does not resolve the issue(s), the application or request will be terminated. In the event that the review is being conducted for a noncompetitive funding source where there is no application or request to terminate, staff will prepare a report to the Board identifying the entity and the issue as provided in subsection (j) of this section. If the request is terminated, the Board has the ability to reinstate the request for assistance for consideration as provided in subsections (k) and (l) of this section.

(f) Timing. Previous participation reviews may be conducted prior to the Board meeting when funds will be awarded. If the previous participation review cannot be completed prior to the Board meeting when funds will be awarded, the award will be contingent upon the requesting entity successfully clearing the

previous participation review. If the action is not subject to Board approval, the previous participation review will be conducted prior to the Department executing an agreement for assistance.

(g) Exceptions:

- (1) the previous participation of an individual elected official affiliated with an application or request from a city, county, or local government will not be considered provided that they are not the contract executor;
- (2) in general, the previous participation of a member of a nonprofit Board will not be considered unless they are the Executive Director, Chair of the Audit Committee, Board Chair, or any member of the Executive Committee. However, if it is determined that any member of the Board of the Nonprofit is on the Department's or federal agency's debarred list, the request for assistance will be terminated. If within the five (5) business day period referenced in subsection (e) of this section, the party with noncompliance resigns from the Board of the nonprofit, the noncompliance will not be taken into consideration;
- (3) the Department will not take into consideration the score of a Development that the requesting entity has not controlled for at least three (3) years;
- (4) the Department will not take into consideration the score of a Development for which the Affordability Period ended over three (3) years ago;
- (5) the Department will not take into consideration the points associated with events of noncompliance during the period of time that the requesting entity did not control the Development;
- (6) the Department will not take into consideration the score attributed to a Development for noncompliance with the CDBG Disaster Recovery Program or the FDIC's Affordable Housing Disposition Program;
- (7) if a requesting entity no longer controls a Development but has controlled the Development at any time in the last three (3) years, the Department will determine the score for the noncompliance events with a date of noncompliance identified during the time the requesting entity controlled the Development. If the points associated with the noncompliance events identified during the requesting entity's control of the Development exceed the threshold for Material Noncompliance, the request for assistance will be terminated but may be subject to reinstatement by the Board as provided in subsections (k) and (l) of this section; or
- (8) Work Out Developments. The fees, loan payments or events of noncompliance affiliated with a work out development may or may not be taken into consideration. *Example:* a Work-Out Development is more than sixty (60) days delinquent on loan payments. If the entity and Department staff are actively working to modify and restructure the loan and have entered into a written agreement to modify the loan this would enable the Development to come into compliance.

(h) Partial Previous Participation reviews:

- (1) a full previous participation review will not be conducted at the time an owner requests IRS Form 8609. However, HTC Developments with any uncorrected issues of noncompliance or with

pending notices of noncompliance will not be issued Form 8609s, Low Income Housing Credit Allocation Certifications, until all events of noncompliance are corrected;

(2) a full previous participation review will not be conducted prior to a Land Use Restriction Agreement (LURA) amendment. However, LURAs will not be amended if the subject Development has any uncorrected issues of noncompliance (other than a provision being amended) or owes fees. No previous participation review will be conducted to amend a technical error to a LURA or other use agreement; and

(3) a full previous participation review will not be conducted prior to a contract extension. However, contract extension requests may be denied if there are uncorrected issues of noncompliance with the subject contract or if a response to a department notification is pending.

(i) Previous participation review for ownership transfers. Consistent with this section, the Department will perform a previous participation review prior to approving any transfer of ownership of a Development or any change in the Owner of a Development. The previous participation review shall be conducted with respect to the Developments controlled by the person coming into ownership, not with respect to the Development or Owner being transferred. If the property being transferred has any uncorrected issues of noncompliance or is in the corrective action period, the proposed incoming owner must provide a corrective action plan identifying dates of correction for any outstanding issues. The Department may deny the transfer of ownership based on financial capacity or lack of adequate relevant experience. The Department may require incoming owners to attend program training.

(j) Previous participation review for noncompetitive funding. Consistent with this section, the Department will perform a previous participation review prior to providing any Department funding. However, certain funds administered by the Department are provided through a noncompetitive formula allocation where there is no application or request to terminate as referenced in subsection (e) of this section. In that event, if the person does not correct the issues identified during the five (5) day period referenced in subsection (e) of this section, staff will prepare a report to the Board identifying the person and the issue(s) that have been identified. After reviewing the report, the Board may, within federal or state program guidelines and any requirements of due process, proceed with providing the funding with or without conditions, direct the staff to initiate defunding the agency, direct staff to procure an alternative provider of the services or take other such actions as it deems appropriate.

(k) Temporary Suspension of Previous Participation reviews. An entity whose request for assistance is terminated may request reinstatement. This process is separate and distinct from the waiver and appeals processes outlined in Chapter 10 of this title (relating to Uniform Multifamily Rules). The request must be in writing and must be submitted to the Department within five (5) business days of the date of the Department's letter notifying the requesting entity of the termination/denial. A timely filed request for reinstatement shall be placed on the agenda for the next Board meeting for which it can be properly posted.

(l) If an Application for assistance was terminated, the Board may consider reinstatement of the application only in the event that it determines, after consideration of the relevant, material facts and circumstances that:

(1) it is in the best interests of the Department and the state to proceed with the award;

- (2) the award will not present undue increased program or financial risk to the Department or state;
- (3) the applicant is not acting in bad faith; and
- (4) the applicant has taken reasonable measures within its power to remedy the cause for the termination.

(m) Reinstatement of a terminated Application or request for assistance merely makes the Application eligible to be considered and does not, in and of itself, constitute approval.

(n) A request for assistance properly terminated because the requesting entity or any person controlling the requesting entity is on the Department's or a federal agency's debarred list cannot be reinstated for consideration. The request for assistance can be re-submitted, if the person or entity that is on the debarred list is no longer part of the requesting entity.

(o) The Board may provide a suspension of previous participation reviews for a single award or action or at their discretion for set period of time. In the event that the Board chooses to suspend previous participation reviews for a set period of time, the conditions existing at the time the reviews were suspended will not be taken into consideration. However, if there are any new events of noncompliance or any new issues described in this subsection (d) of this section, the matter will be brought back to the Board for consideration.

(p) An entity may not request a suspension of previous participation reviews prior to applying for funding or requesting assistance.

1e

BOARD ACTION REQUEST
COMPLIANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action on an order adopting the proposed amendment to 10 TAC Chapter 60, Compliance Administration, Subchapter B, Accessibility Requirements, §60.209, regarding Reasonable Accommodations, and directing their publication in the *Texas Register*

RECOMMENDED ACTION

WHEREAS, the Department has determined that 10 TAC Chapter 60, Compliance Administration, Subchapter B, Accessibility Requirements, §60.209(h) is not consistent with Texas Government Code, §2306.6725 and requires amendment;

WHEREAS, at the January 17, 2013, Board meeting the proposed amendment of 10 TAC Chapter 60, Compliance Administration, Subchapter B, Accessibility Requirements, §60.209(h), regarding Reasonable Accommodations, was approved for publication in the *Texas Register* to solicit public comment and the public comment period has ended;

NOW, therefore, it is hereby

RESOLVED, that the referenced rule amendment is hereby adopted and the Executive Director and his designees, be and each of them are authorized, empowered and directed, for and on behalf of the Department, to cause the adoption of the amendment to 10 TAC Chapter 60, Compliance Administration, Subchapter B, Accessibility Requirements, §60.209(h), regarding Reasonable Accommodations, in the form presented to this meeting, to be published in the *Texas Register* and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

The rule in its current state conflicts with Texas Government Code, §2306.6725 that requires owners to comply with the accessibility standards required under §504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794). Housing Tax Credit properties in Texas that were allocated credits after 2001 are responsible for the cost of making reasonable accommodations for a person with a disability. The amendment removes subsection (*h*) to eliminate confusion.

The proposed amendment was published in the February 8, 2013, edition of the *Texas Register* and the public comment period ended March 8, 2013. No comment was received.

Attachment 1. Preamble, amendment of 10 TAC Chapter 60, Subchapter B, §60.209

The Texas Department of Housing and Community Affairs (the "Department") adopts amendments to 10 TAC Chapter 60, Subchapter B, §60.209, concerning Reasonable Accommodations, without changes to the proposed text as published in the February 8, 2013, issue of the *Texas Register* (38 TexReg 569) and will not be republished.

REASONED JUSTIFICATION. The Department finds that the rule as currently written conflicts with the accessibility standards prescribed under state law. Accordingly, the amendment, by removing subsection (h), provides clarity, alignment and consistency.

The Department accepted public comments between February 8, 2013 and March 8, 2013. Comments regarding the amendment were accepted in writing and by fax. No comments were received concerning the amendment.

The Board approved the final order adopting the amendment on April 11, 2013.

STATUTORY AUTHORITY. The amendment is adopted pursuant to the authority of Texas Government Code, §2306.053 which authorizes the Department to adopt rules.

§60.209. Reasonable Accommodations

(a) A reasonable accommodation is an alteration, change, exception, or adjustment to a program, service, building, dwelling unit, or workplace that will allow a qualified person with a disability to:

- (1) Participate fully in a program;
- (2) Take advantage of a service;
- (3) Live in a dwelling; or
- (4) Use and enjoy a dwelling.

(b) To show that a requested accommodation may be necessary, there must be an identifiable relationship between the requested accommodation and the individual's disability.

(c) When a resident or applicant requires an accessible unit, feature, space or element, or a policy modification, or other reasonable accommodation to accommodate a disability, the recipient must provide and pay for the requested accommodation, unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden. A fundamental alteration is a modification that is so significant that it alters the essential nature of the provider's operations.

(d) If a particular accommodation would result in an undue financial and administrative burden or fundamentally alter the program, the recipient must explore whether other accommodations, although not requested, can meet the needs of the person with a disability.

(e) A recipient may not charge a fee or place conditions on a resident or applicant in exchange for making the accommodation.

(f) A reasonable accommodation that amounts to an alteration should be made to meet the needs of the individual with a disability, rather than any particular minimum code specification.

(g) If a recipient refuses to provide a requested accommodation because it is either an undue financial and administrative burden or would result in a fundamental alteration to the nature of the program, the recipient shall engage in an interactive dialogue with the requester to determine if there is an alternative accommodation that would adequately address the requester's disability-related needs. If an alternative accommodation would meet the individual's needs and is reasonable, the recipient must provide it. (Source: HUD Handbook 4350.3, §2-39, §2-40, 24 CFR §8.33, *Secretary v. Country Manor*, HUDALJ 05-98-1469-8 (September 20, 2001))

(1) EXAMPLE 209(1): A resident requires an accessible parking space that will accommodate her wheelchair-equipped van. A reasonable accommodation includes relocating and enlarging an existing parking space that will serve the van.

(2) EXAMPLE 209(2): A project has five parking spaces located outside the main entrance to the building and another parking lot with 20 spaces a half block away. All five of the parking spaces near the entrance to the building have been assigned to residents with disabilities who need a parking space near their door because of their disabilities. A sixth tenant with difficulty in walking long distances moves into the project and requests a parking space near his door. The recipient has explored the options and concluded that the only way to provide more parking spaces near the door would be to widen the parking area by purchasing valuable real estate next door. It would be an undue financial and administrative burden for the recipient to provide the sixth tenant with a parking space near the entrance. An alternative accommodation could be to provide the sixth tenant with an assigned parking space in the lot half block away until such time as one of the five spaces near the door becomes available.

(3) EXAMPLE 209(3): A resident needs grab bars at the toilet in her bathroom. She does not require other accessible features. The recipient must install grab bars consistent with the resident's needs in the bathroom.

(4) EXAMPLE 209(4): A resident needs a ramped entrance to her ground floor unit to accommodate her wheelchair. She does not wish to move to an accessible unit. The recipient must provide an accessible entrance at the resident's current unit, unless it would be an undue financial and administrative hardship or a fundamental alteration of the program to do so.

(5) EXAMPLE 209(5): A resident uses a scooter type wheelchair which is 38 inches in width. She requests a ramp to enter her ground floor unit. The ramp which she requests must be at least 40 inches wide, it must have a slope of no more than 3%, and the landing at the front door, which opens outward, must be enlarged to provide adequate maneuvering space to enter the doorway. The changes must be provided, even though they may exceed the usual specifications for such alterations.

(6) EXAMPLE 209(6): A resident with quadriplegia requests replacement of a bathtub in his unit with a roll-in shower. Due to the location of existing plumbing in the building and the size of the

existing bathroom, a plumber confirms that installation of a roll-in shower in that unit is impossible. The on-site manager meets with the resident to explain why the roll-in shower cannot be installed and to explore alternative accommodations with the resident.

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BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action to allow for public comment regarding proposed demolition of units at Villa Brazos in Freeport and one-for-one replacement under §104(d) of the Housing and Community Development Act as outlined by 24 CFR Part 42

RECOMMENDED ACTION

WHEREAS, Freeport VB Housing, LP submitted an application to the Texas Department of Housing and Community Affairs (TDHCA) for 9% Low Income Housing Tax Credits and HOME funds on March 1, 2012 to rehabilitate a property in Freeport and proposed the demolition of 48 of the existing 156 units;

WHEREAS, the applicant was awarded both tax credits and HOME funds on July 26, 2012;

WHEREAS, the market rents being charged (including utility costs) for the 48 units to be demolished are less than the Fair Market Rent (FY 2013) for Brazoria County, making these units lower income dwelling units requiring replacement under 104d of the Housing and Community Act;

WHEREAS, 24 CFR § 42.375 requires that the public has an opportunity to comment on certain features of the replacement plan.

NOW, therefore, it is hereby,

RESOLVED, that this Board Meeting shall serve as the Department's opportunity to make public its intention of entering into a contract with Freeport VB Housing, LP, which plans to demolish 48 units, and its intention to replace those lost units with other units TDHCA has funded in Uniform Service Region 6, pending approval from HUD.

BACKGROUND

Freeport VB Housing, LP submitted an application to the Texas Department of Housing and Community Affairs (TDHCA) for 9% Low Income Housing Tax Credits and HOME funds on March 1, 2012 to rehabilitate a property in Brazoria County consisting of 72 1-bedroom units and 84 2-bedroom units. The application proposed the demolition of 48 of the existing 156 units that comprise Villa Brazos Apartments, with substantial rehabilitation proposed for the remaining 108 units. The 48 units – 30 1-

bedroom and 18 2-bedroom units – that are proposed to be demolished have no rent restriction or subsidy that makes them affordable; yet the rents being charged (including utility costs) for these units range from 80% to 90% of the Fair Market Rent (FY 2013) for Brazoria County. Of the 108 remaining units, 77 will continue to be assisted with a Section 8 Housing Assistance Payment (HAP) contract that was in place prior to the application being submitted to TDHCA. The community building is to be demolished and reconstructed on the same footprint. Assuming a construction start date in May 2013, the applicant plans to complete rehabilitating the units that will remain on site by April 2014 and complete demolition of the three buildings in May 2014, with the first newly rehabilitated units to be leased will be about 90 days after construction or August 2013. The applicant was awarded both tax credits and HOME funds on July 26, 2012, at a public meeting of the Board of Directors of the TDHCA in accordance with the requirements of Chapter 2306 of the Texas Government Code, but TDHCA has not yet entered into a contract for the HOME funds.

Within Brazoria County, TDHCA invested \$3,000,000 in HOME funds for a new construction development known as Pearland Senior Village in July 2009, which yielded 28 floating HOME units restricted to households earning 50% of the Area Median Income (AMI) or below, in addition to 98 units restricted at 60% AMI per the tax credit Land Use Restriction Agreement (LURA), all of which began leasing up in spring 2011. The property consists of 88 1-bedroom units and 38 2-bedroom units. These units are designed to remain rent restricted for a 30 year period as per the terms of the tax credit and HOME LURAs.

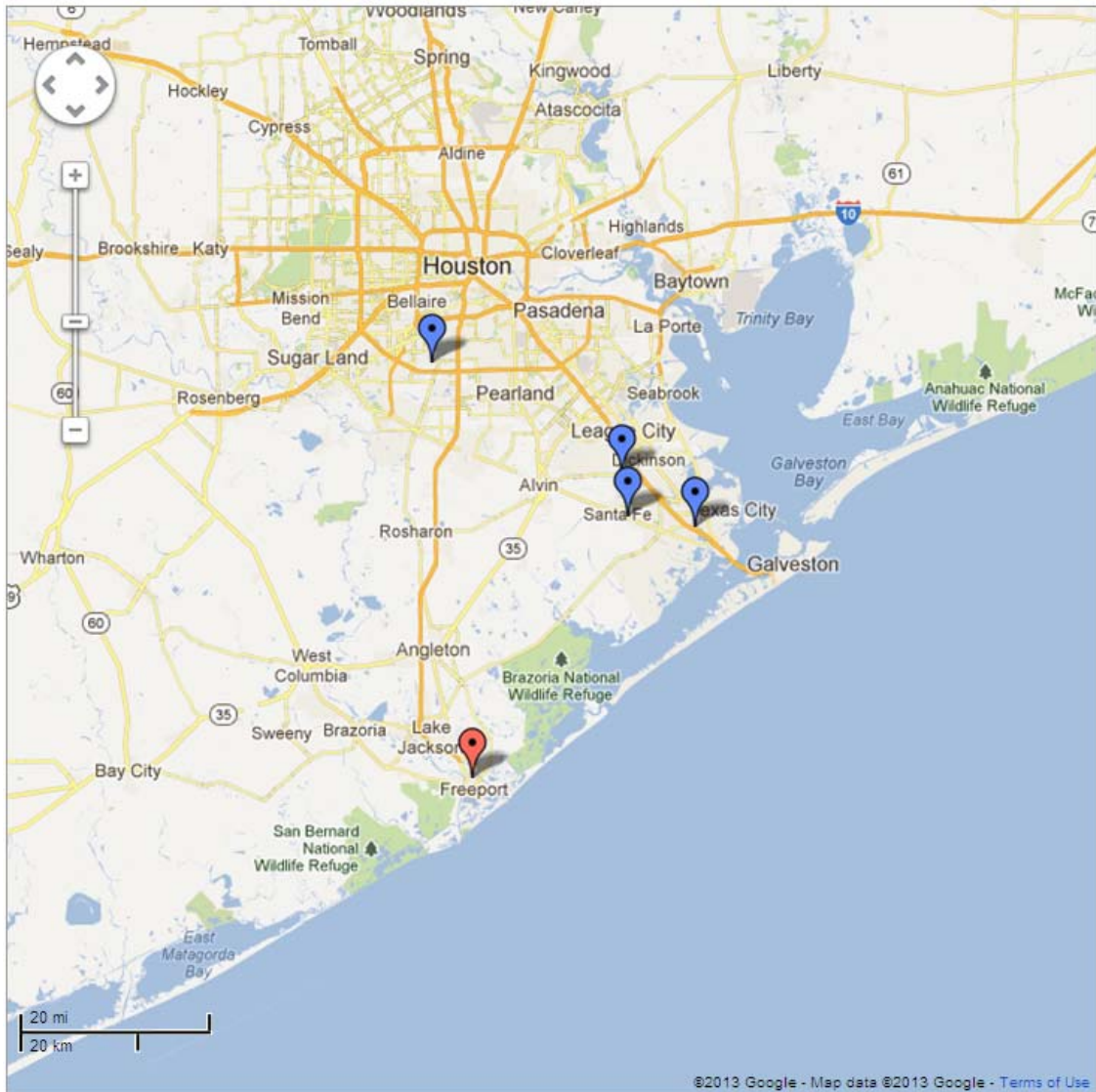
Within Uniform State Service Region 6, which encompasses 13 counties (including Brazoria County) in and around the Houston-Sugar Land-Baytown MSA, TDHCA invested \$5,850,000 in HOME funds in three new construction developments in Galveston County over the past few years.






Development Name	Award Year	HOME Funds Invested	HOME Units			Tax Credit Units			1br	2br	3br
			30%	50%	60%	30%	50%	60%			
Horizon Meadows	2009	\$1,700,000	5	15	-	-	29	47	12	48	36
Heritage Crossing	2009	\$2,200,000	4	21	-	-	10	33	54	14	-
Mariposa at Bay Colony	2011	\$1,950,000	13	9	14	5	55	80	97	79	-

All of the units in Horizon Meadows and Heritage Crossing came on line in late 2011 while the units in Mariposa at Bay Colony are expected to come on line in late 2013. All of the HOME units are floating units. In total, the properties consist of 163 1-bedroom units, 141 2-bedroom units, and 36 3-bedroom units. All of the tax credit and HOME units are designed to remain rent restricted for a 30 year period as per the terms of the tax credit and HOME LURAs.

Overall in Uniform Service Region 6, TDHCA has or will make available 109 HOME units in the State’s jurisdiction across four new construction developments from July 2011-2013 which could serve as replacement units for the 48 demolished units.

Villa Brazos and Replacement Units



-  Villa Brazos
850 N Avenue J
Freeport, TX 77541
-  Pearland Senior Village
2800 Brownstone Lane
Pearland, TX 77584
-  Mariposa at Bay Colony
1101 Farm to Market 517
Dickinson, TX 77539
-  Horizon Meadows Apartments
1903 Main St
La Marque, TX 77568
-  Heritage Crossing Apartments
12402 11th Street
Santa Fe, TX 77510

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BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

RECOMMENDED ACTION

WHEREAS, a Housing Tax Credit application for the Blue Ash Apartments was submitted to the Department on January 28, 2013; and

WHEREAS, the proposed issuer of the bonds is the Harris County Housing Finance Corporation; and

WHEREAS, the reservation of allocation expires on June 24, 2013; and

WHEREAS, the Executive Award and Review Advisory Committee recommends the issuance of the Determination Notice;

NOW, therefore, it is hereby,

RESOLVED, that the issuance of a Determination Notice of \$440,050 in Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website for the Blue Ash Apartments is hereby approved in the form presented to this meeting.

BACKGROUND

General Information: The development is acquisition/rehabilitation and consists of 216 total units serving the general population. This transaction is a Priority 3 with all of the units proposed to be rent and income restricted at 60% Area Median Family Income (AMFI). The development is located in Houston, Harris County; the city of Houston does not have a zoning ordinance.

This development was previously awarded an allocation of competitive Housing Tax Credits in 1995. The initial Tax Credit Compliance Period expired on December 31, 2011. There is an extended use restriction agreement in place on the property until December 31, 2026 which has a Right of First Refusal requirement. On December 12, 2012, the Department issued a letter confirming the Development successfully met the Right of First Refusal requirement and therefore is eligible for the sale and purchase of the property.

Organizational Structure and Compliance: The Borrower is Houston Leased Housing Associates IV, L.P., and the General Partner is Houston Leased Housing Associates GP IV, LLC which includes the following principals: Amanda Brachman, Paul Sween, Mark Moorhouse, Jeff Huggett and Christopher Barnes. The Compliance Status Summary completed on March 22, 2013, reveals that the principals of the general partner have received 28 multifamily awards. There are no identified issues relating to material noncompliance.

Census Demographics: The development is located at 15101 Blue Ash Dr., in Houston. Demographics for the census tract (5503.01) include AMFI of \$33,069; the total population is 6,600; the percent of population that is minority is 93.29%; the percent of population that is below the poverty line is 29.09%; the number of owner occupied units is 0 and the number of renter units is 3,080. (Census information from FFIEC Geocoding for 2012).

Public Comment: The Department has not received any letters of support or opposition for this Development.

Applicant Evaluation

Project ID **13401**

Name **Blue Ash Apartments**

City:

HTC 9% HTC 4% HOME BOND HTF NSP ESG Other

No Previous Participation in Texas Members of the development team have been disbarred by HUD

Compliance

Total # of MF awards monitored:	22	Projects in Material Noncompliance Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Projects grouped by score	0-9: 11	10-19: 9
Total # of MF awards not yet monitored or pending review:	6	Unresolved Audit Findings Identified w/ Contract(s) <input type="checkbox"/>		20-29: 2	
SF Contract Experience <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Total # of MF Projects in Material Noncompliance: <u>0</u>	Total monitored with a score 0-29:	<u>22</u>	
Total # of SF Contracts:	<u>0</u>				

Completed by: J. Taylor Reviewer: Stephanie Naquin

Date: 3/11/2013 Date: 3/22/2013

Comments (if applicable):

Single Audit

<input type="checkbox"/> Single audit review not applicable	<input type="checkbox"/> Late single audit certification form (see comments)
<input checked="" type="checkbox"/> Single audit requirements current	<input type="checkbox"/> Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon Date: 3/19/2013

Comments (if applicable):

Loan Servicing

<input checked="" type="checkbox"/> No delinquencies found	<input type="checkbox"/> Delinquencies found (see comments)
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Reviewer: Candace Christiansen Date: 3/12/2013

Comments (if applicable):

Financial Services

<input checked="" type="checkbox"/> No delinquencies found	<input type="checkbox"/> Delinquencies found (See Comments)
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Reviewer: John M Tomme Date: 3/14/2013

Comments (if applicable):

Community Affairs

<input checked="" type="checkbox"/> No identified issues	<input type="checkbox"/> Identified Issues (see comments)
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Reviewer: Cathy Collingsworth Date: 3/19/2013

Comments (if applicable):

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BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

RECOMMENDED ACTION

WHEREAS, a Housing Tax Credit application for the Paddock at Norwood was submitted to the Department on January 28, 2013; and

WHEREAS, the proposed issuer of the bonds is the Strategic Housing Finance Corporation of Travis County; and

WHEREAS, the reservation of allocation expires on June 21, 2013; and

WHEREAS, the Executive Award and Review Advisory Committee recommends the issuance of the Determination Notice;

NOW, therefore, it is hereby,

RESOLVED, that the issuance of a Determination Notice of \$1,081,309 in Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website for the Paddock at Norwood is hereby approved in the form presented to this meeting.

BACKGROUND

General Information: The development is new construction and consists of 228 total units serving the general population. This transaction is a Priority 3 with all of the units proposed to be rent and income restricted at 60% Area Median Family Income (AMFI). The proposed development will be located in Austin, Travis County. The proposed site consists of 12.771 acres, of which approximately 1.412 acres, was recently rezoned for this type of development on March 28, 2013 by the Austin City Council. The remainder of the site is zoned appropriately.

Organizational Structure and Compliance: The Borrower is LDG Norwood, L.P., and the General Partner is SHFC Paddock, LLC of which the Strategic Housing Finance Corporation of Travis County is the sole member. The Compliance Status Summary completed on March 12, 2013, reveals that the principals of the general partner have received 16 multifamily awards. There are no identified issues relating to material noncompliance.

Census Demographics: The development is to be located at 1044 Norwood Park Blvd. in Austin. Demographics for the census tract (0018.13) include AMFI of \$40,265; the total population is 5,853; the percent of population that is minority is 84.33%; the percent of population that is below the poverty line is 29.44%; the number of owner occupied units is 824 and the number of renter units is 1,444. (Census information from FFIEC Geocoding for 2012).

Public Comment: The Department has not received any letters of support or opposition for this Development.

Applicant Evaluation

Project ID **13402**

Name **Paddock at Norwood**

City: **Austin**

HTC 9% HTC 4% HOME BOND HTF NSP ESG Other

No Previous Participation in Texas Members of the development team have been disbarred by HUD

Compliance and Asset Oversight

Total # of MF awards monitored: 15

Total # of MF awards not yet monitored or pending review: 1

SF Contract Experience Yes No

Total # of SF Contracts: 0

Projects in Material Noncompliance

Yes No

Unresolved Audit Findings Identified w/ Contract(s)

Total # of MF Projects in Material Noncompliance: 0

Projects grouped by score	0-9:	<u>12</u>
	10-19:	<u>3</u>
	20-29:	<u>0</u>

Total monitored with a score 0-29: 15

Completed by: James Roper

Reviewer: Patricia Murphy

Date: 2/20/2013

Date: 3/12/2013

Single Audit

Single audit review not applicable

Late single audit certification form (see comments)

Single audit requirements current

Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon

Date: 2/27/2013

Comments (if applicable):

Financial Administration Loan Servicing

No delinquencies found

Delinquencies found (see comments)

Reviewer: Candace Christiansen

Date: 2/21/2013

Comments (if applicable):

Financial Administration Financial Services

No delinquencies found

Delinquencies found (See Comments)

Reviewer: Monica Guerra

Date: 3/8/2013

Comments (if applicable):

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BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

RECOMMENDED ACTION

WHEREAS, a Housing Tax Credit application for the Forest Park Apartments was submitted to the Department on January 28, 2013 and the appraisal was not submitted until February 8, 2013; and

WHEREAS, the late submission of the appraisal necessitates the need for a waiver of §10.201(2) of the Uniform Multifamily Rules which requires all outstanding application items be submitted at least 75-days prior to the selected Board meeting; and

WHEREAS, the granting of such waiver must be in accordance with §10.207 of the Uniform Multifamily Rules; and

WHEREAS, the 75-day deadline is a rule created to ensure staff has sufficient time to complete a review of an application and such review was completed in a shorter period of time; and

WHEREAS, the proposed issuer of the bonds is the Strategic Housing Finance Corporation of Travis County; and

WHEREAS, the reservation of allocation expires on July 26, 2013; and

WHEREAS, the Executive Award and Review Advisory Committee recommends the issuance of the Determination Notice;

NOW, therefore, it is hereby,

RESOLVED, that §10.201(2) is waived and that the issuance of a Determination Notice of \$882,588 in Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website for the Forest Park Apartments is hereby approved in the form presented to this meeting.

FURTHER RESOLVED, that granting a waiver of §10.201(2) of the Uniform Multifamily Rules relating to the 75-day deadline of outstanding application items facilitates the policies and purposes as articulated in

Texas Government Code §2306 because a complete and thorough review was completed and a waiver will allow the applicant to proceed without unnecessary delays in the award of funds.

BACKGROUND

General Information: The development is acquisition/rehabilitation and consists of 228 total units serving the general population. This transaction is a Priority 3 with all of the units proposed to be rent and income restricted at 60% Area Median Family Income (AMFI). The development is located in Austin, Travis County. The site is currently zoned for this development.

This development was previously awarded an allocation of competitive Housing Tax Credits in 1995 and the initial Tax Credit Compliance Period expired on December 31, 2011. There is an extended use restriction agreement in place on the property until December 31, 2026. On December 16, 2011 the Department issued a letter confirming the Development successfully met the Right of First Refusal requirement and is therefore eligible to be sold and purchased.

While the property was originally awarded credits in 1995, it received Department approval for an ownership transfer in July 2003. To be eligible for the 4% housing tax credit, the property must have retained ownership by the same entity for a minimum of 10 years. While the property site control reflects a closing date of July 2013 and the applicant has confirmed that closing will not occur until after such date, it is a condition of the Real Estate Analysis Report that closing must not occur prior to July 2013 in order to remain eligible to claim the housing tax credits.

Waiver Request: The application was submitted on January 28, 2013, which, pursuant to §10.201(2) of the Uniform Multifamily Rules, was the 75-day deadline by which any remaining parts of the application must be submitted in order to be placed on the April 11, 2013 Board agenda. The appraisal, however, was not submitted until February 8, 2013 and the applicant submitted a request for a waiver of the 75-day deadline. While the appraisal had been prepared by a third party provider in advance of the deadline, upon further review by the applicant, the appraisal did not include adequate calculations or methodology as to the “as-is” value pursuant to the Department’s underwriting guidelines. Moreover, the appraiser failed to include any supporting documentation for an “as-is” valuation.

The 75-day deadline is intended to allow staff sufficient time to review, underwrite and perform previous participation reviews in accordance with the Department’s rules. The late submission of the appraisal did not delay staff’s ability to perform any of these review processes. In accordance with §10.207(c) of the Uniform Multifamily Rules, the standard to be applied in granting a waiver requires that ***“a requested waiver must establish how the waiver is necessary to address circumstances beyond the Applicant’s control and how, if the waiver is not granted, the Department will not fulfill some specific requirement of law or purpose or policy set forth in Texas Government Code,***

chapter 2306.” Staff’s recommendation to grant the waiver facilitates the policies and purposes as articulated in Texas Government Code §2306 by ensuring the most efficient deployment of resources for the creation of affordable housing opportunities. Moreover, placing this application on this agenda for consideration allows staff to direct their time and attention to the competitive housing tax credit applications currently under review.

Organizational Structure and Compliance: The Borrower is FP Affordable Housing, L.P., and the General Partner is SHFCTC Forest Park, LLC of which Strategic Housing Finance Corporation of Travis County is the sole member. The Compliance Status Summary completed on March 8, 2013, reveals that the principals of the general partner have received 20 multifamily awards. There are no identified issues relating to material noncompliance.

Census Demographics: The development is located at 12151 N. IH 35, in Austin. Demographics for the census tract (0018.13) include AMFI of \$40,265; the total population is 5,853; the percent of population that is minority is 84.33%; the percent of population that is below the poverty line is 29.44%; the number of owner occupied units is 824 and the number of renter units is 1,444. (Census information from FFIEC Geocoding for 2012).

Public Comment: The Department has not received any letters of support or opposition for this Development.

Applicant Evaluation

Project ID **13403**

Name **Forest Park Apartments**

City:

HTC 9% HTC 4% HOME BOND HTF NSP ESG Other

No Previous Participation in Texas Members of the development team have been disbarred by HUD

Compliance and Asset Oversight

Total # of MF awards monitored: 18

Total # of MF awards not yet monitored or pending review: 2

SF Contract Experience Yes No

Total # of SF Contracts: 0

Projects in Material Noncompliance

Yes No

Unresolved Audit Findings Identified w/ Contract(s)

Total # of MF Projects in Material Noncompliance: 0

Projects grouped by score	0-9: <u>16</u>
	10-19: <u>2</u>
	20-29: <u>0</u>

Total monitored with a score 0-29: 18

Completed by: J. Taylor

Reviewer: Patricia Murphy

Date: 2/26/2013

Date: 3/8/2013

Single Audit

Single audit review not applicable

Late single audit certification form (see comments)

Single audit requirements current

Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon

Date: 3/5/2013

Comments (if applicable):

Financial Administration Loan Servicing

No delinquencies found

Delinquencies found (see comments)

Reviewer: Candace Christiansen

Date: 2/26/2013

Comments (if applicable):

Financial Administration Financial Services

No delinquencies found

Delinquencies found (See Comments)

Reviewer: John M Tomme

Date: 3/15/2013

Comments (if applicable):

#60168 Birdsong Place Villas owes a compliance fee of \$3,800 billed 1/1/2013; Paid on 3/12/13

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

RECOMMENDED ACTION

WHEREAS, a Housing Tax Credit application for the Silver Springs Apartments was submitted to the Department on January 28, 2013 and the appraisal was not submitted until February 8, 2013; and

WHEREAS, the late submission of the appraisal necessitates the need for a waiver of §10.201(2) of the Uniform Multifamily Rules which requires all outstanding application items be submitted at least 75-days prior to the selected Board meeting; and

WHEREAS, the granting of such waiver must be in accordance with §10.207 of the Uniform Multifamily Rules; and

WHEREAS, the 75-day deadline is a rule created to ensure staff has sufficient time to complete a review of an application and such review was completed in a shorter period of time; and

WHEREAS, the proposed issuer of the bonds is the Strategic Housing Finance Corporation of Travis County; and

WHEREAS, the reservation of allocation expires on July 26, 2013; and

WHEREAS, the Executive Award and Review Advisory Committee recommends the issuance of the Determination Notice;

NOW, therefore, it is hereby,

RESOLVED, that §10.201(2) is waived and the issuance of a Determination Notice of \$1,203,281 in Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website for the Silver Springs Apartments is hereby approved in the form presented to this meeting.

FURTHER RESOLVED, that granting a waiver of §10.201(2) of the Uniform Multifamily Rules relating to the 75-day deadline of outstanding application items facilitates the policies and purposes as articulated in

Texas Government Code §2306 because a complete and thorough review was completed and a waiver will allow the applicant to proceed without unnecessary delays in the award of funds.

BACKGROUND

General Information: The development is acquisition/rehabilitation and consists of 360 total units serving the general population. This transaction is a Priority 3 with all of the units proposed to be rent and income restricted at 60% Area Median Family Income (AMFI). The development is located in Austin, Travis County. The site is currently zoned for this development.

This development was previously awarded an allocation of competitive Housing Tax Credits in 1995. The initial Tax Credit Compliance Period expired on December 31, 2011. There is an extended use restriction agreement in place on the property until December 31, 2026 which has a Right of First Refusal requirement. On December 16, 2011 the Department issued a letter confirming the Development successfully met the Right of First Refusal requirement and is therefore eligible to be sold and purchased.

While the property was originally awarded credits in 1995, it received Department approval for an ownership transfer in July 2003. To be eligible for acquisition housing tax credits, the property must have retained ownership by the same entity for a minimum of 10 years. While the property site control reflects a closing date of July 2013 and the applicant has confirmed that closing will not occur until after such date, it is a condition of the Real Estate Analysis Report that closing must not occur prior to July 2013 in order to remain eligible to claim the housing tax credits.

Waiver Request: The application was submitted on January 28, 2013, which, pursuant to §10.201(2) of the Uniform Multifamily Rules, was the 75-day deadline by which any remaining parts of the application must be submitted in order to be placed on the April 11, 2013 Board agenda. The appraisal, however, was not submitted until February 8, 2013 and the applicant submitted a request for a waiver of the 75-day deadline. While the appraisal had been prepared by a third party provider in advance of the deadline, upon further review by the applicant, the appraisal did not include adequate calculations or methodology as to the “as-is” value pursuant to the Department’s underwriting guidelines. Moreover, the appraiser failed to include any supporting documentation for an “as-is” valuation.

The 75-day deadline is intended to allow staff sufficient time to review, underwrite and perform previous participation reviews in accordance with the Department’s rules. The late submission of the appraisal did not delay staff’s ability to perform any of these review processes. In accordance with §10.207(c) of the Uniform Multifamily Rules, the standard to be applied in granting a waiver requires that ***“a requested waiver must establish how the waiver is necessary to address circumstances beyond the Applicant’s control and how, if the waiver is not granted, the Department will not fulfill some***

specific requirement of law or purpose or policy set forth in Texas Government Code, chapter 2306.” Staff’s recommendation to grant the waiver facilitates the policies and purposes as articulated in Texas Government Code §2306 by ensuring the most efficient deployment of resources for the creation of affordable housing opportunities. Moreover, placing this application on this agenda for consideration allows staff to direct their time and attention to the competitive housing tax credit applications currently under review.

Organizational Structure and Compliance: The Borrower is SS Affordable Housing, L.P., and the General Partner is SHFCTC Silver Springs, LLC of which Strategic Housing Finance Corporation of Travis County is the sole member. The Compliance Status Summary completed on March 12, 2013, reveals that the principals of the general partner have received 22 multifamily awards. There are no identified issues relating to material noncompliance.

Census Demographics: The development is located at 12151 N. IH 35, in Austin. Demographics for the census tract (0018.35) include AMFI of \$33,069; the total population is 6,600; the percent of population that is minority is 93.29%; the percent of population that is below the poverty line is 29.09%; the number of owner occupied units is 0 and the number of renter units is 3,080. (Census information from FFIEC Geocoding for 2012).

Public Comment: The Department has not received any letters of support or opposition for this Development.

Applicant Evaluation

Project ID **13404**

Name **Silver Springs Apts**

City:

HTC 9% HTC 4% HOME BOND HTF NSP ESG Other

No Previous Participation in Texas Members of the development team have been disbarred by HUD

Compliance and Asset Oversight

Total # of MF awards monitored: 16

Total # of MF awards not yet monitored or pending review: 6

SF Contract Experience Yes No

Total # of SF Contracts: 0

Projects in Material Noncompliance

Yes No

Unresolved Audit Findings Identified w/ Contract(s)

Total # of MF Projects in Material Noncompliance: 0

Projects grouped by score	0-9:	<u>13</u>
	10-19:	<u>3</u>
	20-29:	<u>0</u>

Total monitored with a score 0-29: 16

Completed by: James Roper

Reviewer: Patricia Murphy

Date 2/21/2013

Date 3/12/2013

Single Audit

Single audit review not applicable

Late single audit certification form (see comments)

Single audit requirements current

Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon

Date 2/27/2013

Comments (if applicable):

Financial Administration Loan Servicing

No delinquencies found

Delinquencies found (see comments)

Reviewer Candace Christiansen

Date 3 /1 /2013

Comments (if applicable):

Financial Administration Financial Services

No delinquencies found

Delinquencies found (See Comments)

Reviewer Monica Guerra

Date 3 /6 /2013

Comments (if applicable):

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BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion and Possible Action regarding Resolution No. 13-032 for the First Amendment to the Loan Agreement relating to the Multifamily Housing Revenue Bonds for Stonehaven Apartment Homes, Series 2006

RECOMMENDED ACTION

WHEREAS, the Department issued Series 2006 tax-exempt bonds in the aggregate principal amount of \$11,300,000 to the Stonehaven Apartment Homes development in Houston, Texas for the new construction of 192-units of affordable multifamily rental housing;

WHEREAS, a portion of the Development site, approximately 1.453 acres, has been condemned by the Texas Department of Transportation (TXDOT) for the construction and expansion of U.S. Highway 290; and

WHEREAS, the portion condemned will be conveyed to TXDOT by the Owner and all net proceeds payable to the Owner with respect to the condemnation shall be applied as set forth in the modified Loan Agreement;

NOW, therefore, it is hereby,

RESOLVED, that Resolution #13-032 relating to the First Amendment to the Loan Agreement for Stonehaven Apartment Homes is hereby approved as presented to this meeting.

BACKGROUND

Stonehaven Apartment Homes, a 192-unit Development located in Houston was issued Series 2006 tax exempt bonds in the amount of \$11,300,000. The Owner notified the Department regarding a portion of the Development site that has been condemned by TXDOT for the construction and expansion of U.S. Highway 290. No buildings will be lost in the condemnation and the condemnation is limited to a strip of land along the perimeter of the property. The Owner is requesting the Department's consent to amend the terms and conditions of the Loan Agreement relating to the restoration of the Development following condemnation and the disbursement of proceeds related thereto. Although the condemnation proceeds, estimated at approximately \$1.2 million, have not been received by the Owner to date, it is anticipated that approximately \$170,000 will be designated to be used for wall/fence repairs to the Development caused by the highway construction project and approximately \$900,000 to compensate due to the loss of the use of the land will be deposited with the Trustee and used to redeem bonds.

The proposed changes to the Loan Agreement reflect tax law requirements as well as the requirements of the Bond Regulatory Agreement. Moreover, the original bond documents contemplated the use of condemnation proceeds and the amendment clarifies that, in addition to redeem a portion of the bonds, part of the proceeds will be used for repairs.

RESOLUTION NO. 13-032

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO LOAN AGREEMENT (WITH MODIFICATION OF NOTE) IN CONNECTION WITH MULTIFAMILY HOUSING REVENUE BONDS (STONEHAVEN APARTMENT HOMES) SERIES 2006; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Texas Department of Housing and Community Affairs (the "Issuer") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended (the "Act"), for the purpose, among others, of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe, and affordable living environments for individuals and families of low, very low and extremely low income (as defined in the Act) and families of moderate income (as defined in the Act and determined by the Governing Board of the Issuer (the "Governing Board") from time to time); and

WHEREAS, the Act authorizes the Department: (a) to make mortgage loans to housing sponsors to provide financing for multifamily residential rental housing in the State of Texas (the "State") intended to be occupied by individuals and families of low and very low income and families of moderate income, as determined by the Department; (b) to issue its revenue bonds, for the purpose, among others, of obtaining funds to make such loans and provide financing, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such multi-family residential rental project loans, and to mortgage, pledge or grant security interests in such loans or other property of the Department in order to secure the payment of the principal or redemption price of and interest on such bonds; and

WHEREAS, the Act further authorizes the Department to issue its revenue bonds for the purpose of refunding any bonds theretofore issued by the Department under such terms, conditions and details as shall be determined by the Governing Board; and

WHEREAS, the Issuer previously issued its Multifamily Housing Revenue Bonds (Stonehaven Apartment Homes) Series 2006 in the original principal amount of \$11,300,000 (the "2006 Bonds") pursuant to the terms and provisions of that certain Indenture of Trust dated as of September 1, 2006 (the "Indenture"), between the Issuer and Wells Fargo Bank, National Association, as trustee (the "Trustee"); and

WHEREAS, pursuant to that certain Loan Agreement dated as of September 1, 2006 (the "Loan Agreement"), the Issuer agreed to make a loan (the "Loan") to 15301 Stonehaven Apartments, LP (the "Borrower") of the proceeds of the 2006 Bonds upon the terms and conditions therein contained to finance a portion of the costs of Stonehaven Apartment Homes located in Harris County, Texas (the "Development"); and

WHEREAS, JPMorgan Chase Bank, N.A. (the "Bondowner Representative") purchased the Bonds from the Federal Deposit Insurance Corporation, as receiver for Washington Mutual Bank, successor to Washington Mutual Bank, FA; and

WHEREAS, pursuant to the Indenture, the Issuer assigned its right and interest in the Loan Agreement and the Loan to the Trustee for the benefit of the owner of the Bonds; and

WHEREAS, the Bondowner Representative is authorized by the Issuer and the Trustee as provided in the Loan Agreement to service the Loan; and

WHEREAS, the Borrower and the Bondowner Representative have requested that the Issuer enter into the First Amendment to Loan Agreement between the Borrower and the Bondowner Representative and joined

in and acknowledged by the Trustee and the Issuer (the "First Amendment") to modify and amend certain terms and provisions of the Loan Agreement in order to provide for the disbursement of proceeds payable to the Borrower in connection with the condemnation of a portion of the Development; and

WHEREAS, the Issuer's execution of the First Amendment shall be subject to receipt of the consents, opinions, approvals or notices required by the Indenture; and

WHEREAS, the Issuer now desires to take certain actions with respect to the First Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Approval, Execution and Delivery of First Amendment. The First Amendment, in substantially the form presented at this meeting, is hereby approved and adopted by the Issuer, and the Authorized Representatives of the Department named in this Resolution are each hereby authorized and empowered to execute and deliver the First Amendment on behalf of the Issuer, with such changes as may be approved by the Authorized Representative executing the same, such approval to be evidenced by such Authorized Representative's execution thereof.

Section 1.2 Execution and Delivery of Other Documents. The Authorized Representatives shall be and each is expressly authorized, empowered and directed from time to time and at any time to do and perform all acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the Issuer all certificates, financing statements, instruments and other documents, whether or not herein mentioned, as they may determine to be necessary or desirable in order to carry out the terms and provisions of this resolution, as well as the terms and provisions of the First Amendment, such determination to be conclusively evidenced by the performance of such acts and things and the execution of any such certificate, financing statement, instrument or other document.

Section 1.3 Consents and Approvals. The Issuer's execution of the First Amendment is expressly subject to receipt of the consents, opinions, approvals or notices required by the Indenture.

Section 1.4 Authorized Representatives. The following persons are hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department's seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director of the Department, the Director of Bond Finance or the Director of Multifamily Finance of the Department, and the Secretary or any Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the "Authorized Representatives." Any one of the Authorized Persons is authorized to act individually as set forth in this Resolution; provided, however, that no such authority shall serve to alter or supersede the requirements that staff observe and adhere to the Department's established Standard Operating Procedures, as in effect from time to time, as they may apply to any such actions.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 2.2 Effective Date. This resolution shall be in full force and effect from and upon its adoption.

[EXECUTION PAGE FOLLOWS

PASSED AND APPROVED this 11th day of April, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

**FIRST AMENDMENT TO LOAN AGREEMENT
(With Modification of Note)**

This First Amendment to Loan Agreement (With Modification of Note) (this "**Amendment**") is made and entered into as of the ____ day of March, 2013, by and between **15301 STONEHAVEN APARTMENTS, LP**, a Texas limited partnership ("**Borrower**"), and **JPMORGAN CHASE BANK, N.A.**, a national banking association ("**Bondowner Representative**").

W I T N E S S E T H:

WHEREAS, as provided for in an Indenture of Trust (the "**Indenture**") dated September 1, 2006, between the Texas Department of Housing and Community Affairs, as Issuer ("**Issuer**") and Wells Fargo Bank, National Association, as Trustee ("**Trustee**"), Issuer agreed to issue its \$11,300,000.00 Texas Department of Housing and Community Affairs Multifamily Housing Revenue Bonds (Stonehaven Apartment Homes) Series 2006 (the "**Bonds**"); and

WHEREAS, pursuant to that certain Loan Agreement (the "**Loan Agreement**") dated September 1, 2006, Issuer agreed to make a loan (the "**Loan**") to Borrower of the proceeds of the Bonds upon the terms and conditions therein contained; and

WHEREAS, Bondowner Representative is the purchaser of the Bonds from the Federal Deposit Insurance Corporation, as receiver for Washington Mutual Bank, successor to Washington Mutual Bank, FA; and

WHEREAS, in the Indenture, Issuer assigned its right and interest in the Loan Agreement and the Loan, to Trustee for the benefit of the owner of the Bonds; and

WHEREAS, Bondowner Representative is authorized by Issuer and Trustee as provided in the Loan Agreement to service the Loan; and

WHEREAS, Borrower and Bondowner Representative desire to modify and amend certain terms and provisions of the Loan Agreement, as hereinafter provided.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Borrower and Bondowner Representative agree as follows:

1. Amendments to Loan Agreement. Subject to the full and complete satisfaction of the conditions listed in Section 3 below, the Loan Agreement is amended and modified as follows:

1.1 The following terms and definitions are added to and made a part of Section 1.01 of the Loan Agreement:

Highway Condemnation: The condemnation by TXDOT of a portion

of the Development for construction and expansion of U.S. Highway 290.

TXDOT: Texas Department of Transportation.

1.2 The following is added to and made a part of Section 2.06 of the Loan Agreement:

Notwithstanding the foregoing, or anything else to the contrary in this Agreement or in any other Loan Document, with respect to the Highway Condemnation, provided no Event of Default is then continuing, the lien of the Mortgage shall be released as it relates to the portion condemned and conveyed to TXDOT by Borrower, at Borrower's sole cost and expense, provided that all net proceeds payable to Borrower with respect to the Highway Condemnation shall be paid to the Bondowner Representative and applied as follows:

(a) \$170,414.00 shall be deposited in the existing replacement reserve account of Borrower located at Bondowner Representative (the "Replacement Reserve Account") to be disbursed by the Bondowner Representative and used by Borrower for project costs designated as repairs to the Development caused by the Highway Construction Project and for planned wall/fence enhancements (the "Work") as herein provided;

(b) the remaining net proceeds shall be paid to Trustee and applied to the Loan (and as a corresponding payment on the Bonds);

(c) Bondowner Representative shall, upon written request from Borrower and satisfaction of the requirements set forth in this paragraph, disburse to Borrower amounts from the Replacement Reserve Account necessary to pay for the actual cost of the Work. In no event shall Bondowner Representative be obligated to disburse Replacement Reserve Account funds if an Event of Default is then existing. Each request for disbursement from the Replacement Reserve Account shall list (i) the specific Work for which the disbursement is requested, (ii) the quantity and price of each item purchased, if the Work included the purchase or replacement of specific items (such as appliances), (iii) the price of all materials (grouped by type or category) used in the Work other than the purchase or replacement of specific items, and (iv) the cost of all labor or other services involved in the Work for which such request for disbursement is made. Borrower shall certify that the Work covered by the requisition for amounts in the Replacement Reserve Account has been completed in a good and workmanlike manner, and in accordance with the scope, description, and budget of Work previously approved by Bondowner Representative. With each request, Borrower also shall provide Bondowner Representative with copies of invoices for all items or materials purchased and/or all labor or services provided. Borrower shall provide evidence of payment for any item for which Borrower has already paid and requests reimbursement. If Borrower fails to provide such evidence, Bondowner Representative at its option may pay the cost of each item of Work either directly to the contractor, subcontractor, material supplier or laborer furnishing the Work, to the general contractor for the Work, if any, or directly to Borrower for disbursement by Borrower to those to whom payment is ultimately owed. Bondowner Representative may require Borrower to

obtain from any contractor, subcontractor, laborer or material supplier an acknowledgment of payment and release of lien down to the date covered by the last disbursement of Replacement Reserve Account funds. Upon the full and final payment of the Loan, any amount then on deposit in the Replacement Reserve Account shall be released to Borrower. The foregoing shall be in addition to the requirements of the Replacement Reserve Agreement entered into in connection with the Loan (any irreconcilable inconsistency between this Section and the Replacement Reserve Agreement shall be governed by this Agreement;

2. Reaffirmation of Representations and Warranties. To induce the Bondowner Representative to enter into this Amendment, Borrower hereby reaffirms, as of the date hereof, its representations and warranties in their entireties contained in the Loan Agreement and in all other Loan Documents executed by Borrower pursuant thereto (except to the extent Borrower has previously notified Bondowner Representative in writing to the contrary or such representations and warranties relate solely to an earlier date in which case they shall have been true and accurate in all respects as of such earlier date) and additionally represents and warrants as follows:

2.1 The execution and delivery of this Amendment and the performance by Borrower of its obligations under this Amendment and the Loan Agreement as amended hereby are within Borrower's partnership powers, have been duly authorized by all necessary partnership action, have received all necessary governmental and other approvals (if any shall be required), and do not and will not contravene or conflict with the governance documents of Borrower or any provision of law, any presently existing requirement or restriction imposed by any judicial, arbitral, regulatory or governmental instrumentality or constitute a default under, or to Borrower's knowledge, result in the creation or imposition of any encumbrance or lien, except as permitted under the terms of the Loan Agreement, upon any property or assets of Borrower under, any agreement, instrument or indenture by which Borrower is bound;

2.2 This Amendment has been duly executed and delivered on behalf of Borrower and this Amendment is the legal, valid and binding obligations of Borrower, enforceable in accordance with their terms subject as to enforcement only to bankruptcy, insolvency, reorganization, moratorium or other similar laws and equitable principles affecting the enforcement of creditors' rights generally; and

2.3 No Default or Event of Default has occurred and is continuing after giving effect to this Amendment.

3. Conditions. The effectiveness of this Amendment is subject to the following conditions, all in form and substance reasonably satisfactory to the Bondowner Representative:

3.1 The Bondowner Representative shall have received and approved:

(a) Amendment. A counterpart of this Amendment executed by Borrower and joined in by the Trustee;

(b) Highway Condemnation. Evidence of the final settlement with TXDOT relating to the Highway Condemnation and evidence that the Replacement Reserve Account have been opened and funded as required by Section 2.06(a) and (b) of the Loan Agreement (as hereby modified);

(c) Work. A description of the scope, description, and budget of the Work;

(d) Other Documents. Such other documents as the Bondowner Representative may reasonably request; and

(e) Fees and Expenses. Reimbursement for all of Bondowner Representative's reasonable fees and expenses (including attorneys' fees) incurred in connection with the preparation, negotiation, and execution of this Amendment.

3.2 All legal matters incident to the execution and delivery of this Amendment shall be satisfactory to the Bondowner Representative.

4. NO CONTROL BY BONDOWNER REPRESENTATIVE. BORROWER AGREES AND ACKNOWLEDGES THAT ALL OF THE COVENANTS AND AGREEMENTS PROVIDED FOR AND MADE BY BORROWER IN THIS AMENDMENT, THE LOAN AGREEMENT, AND IN THE OTHER LOAN DOCUMENTS ARE THE RESULT OF ARMS-LENGTH NEGOTIATIONS BETWEEN BORROWER AND BONDOWNER REPRESENTATIVE. BONDOWNER REPRESENTATIVE'S RIGHTS AND REMEDIES PROVIDED FOR IN THE LOAN AGREEMENT AND IN THE OTHER LOAN DOCUMENTS ARE INTENDED TO PROVIDE BONDOWNER REPRESENTATIVE WITH A RIGHT TO OVERSEE BORROWER'S ACTIVITIES AS THEY RELATE TO THE LOAN TRANSACTIONS PROVIDED FOR IN THE LOAN AGREEMENT, WHICH RIGHT IS BASED ON BONDOWNER REPRESENTATIVE'S VESTED INTEREST IN BORROWER'S ABILITY TO PAY THE NOTES AND PERFORM THE OTHER OBLIGATIONS. NONE OF THE COVENANTS OR OTHER PROVISIONS CONTAINED IN THE LOAN AGREEMENT SHALL, OR SHALL BE DEEMED TO, GIVE BONDOWNER REPRESENTATIVE THE RIGHT OR POWER TO EXERCISE CONTROL OVER, OR OTHERWISE IMPAIR, THE DAY-TO-DAY AFFAIRS, OPERATIONS, AND MANAGEMENT OF BORROWER.

5. Release. Borrower, on its own behalf and on behalf of its predecessors, successors and assigns (collectively, the "Releasing Parties"), hereby acknowledge and stipulate that to the best of their knowledge, as of the date of the execution of this Amendment, none of the Releasing Parties has any claims or causes of action of any kind whatsoever against Bondowner Representative or any of its officers, directors, employees, agents, attorneys, or representatives, or against any of their respective predecessors, successors, or assigns. Each of the Releasing Parties hereby forever releases, remises, discharges and holds harmless Bondowner Representative and all of its officers, directors, employees, agents, attorneys, and representatives, and all of their respective predecessors, successors, and assigns, from any and all claims, causes of action, demands, and liabilities of any kind whatsoever, whether direct or indirect, fixed or contingent, liquidated or non-liquidated, disputed or undisputed, known or unknown, which any of the Releasing Parties has or may acquire in the future relating in any way to any event, circumstance, action, or

failure to act from the beginning of time through the date of the execution of this Amendment, with respect to the Loan, the condemnation of the Highway Construction Project, or otherwise.

6. Lien Continuation: Miscellaneous. Nothing herein shall in any manner diminish, impair or extinguish the Construction Note, as may be modified and increased under the Loan Agreement or the liens securing the Construction Note. The liens granted in the Loan Documents are not waived. Borrower ratifies and acknowledges the Loan Documents as valid, subsisting, and enforceable and agrees that the indebtedness evidenced by the Construction Note is just, due, owing and unpaid, and is now subject to no offsets, deductions, credits, charges or claims of whatsoever kind or character, and further agrees that all offsets, credits, charges and claims of whatsoever kind or character are fully settled and satisfied. This Amendment is a Loan Document under and as defined in the Loan Agreement.

7. Defined Terms. Words and terms used herein which are defined in the Loan Agreement are used herein as defined therein, except as specifically modified by the terms of this Amendment. Terms used in this Amendment which are not defined in the Loan Agreement are used therein as herein defined.

8. Miscellaneous.

8.1 Preservation of the Loan Agreement. Except as specifically amended and modified by the terms of this Amendment, all of the terms, provisions, covenants, warranties, and agreements contained in the Loan Agreement, the Revolving Note, and in the other Loan Documents shall remain in full force and effect (any irreconcilable conflicts or inconsistencies between the terms of this Amendment and the Loan Agreement, or any other Loan Document, shall be governed and controlled by this Amendment). The Bondholder Representative authorizes and directs the Trustee to join and sign this Amendment.

8.2 Counterparts. This Amendment may be executed in two or more counterparts, and it shall not be necessary that any one of the counterparts be executed by all of the parties hereto. Each fully or partially executed counterpart shall be deemed an original, but all such counterparts taken together shall constitute but one and the same instrument.

8.3 **NO ORAL AGREEMENTS. THIS WRITTEN AGREEMENT AND THE OTHER WRITTEN LOAN DOCUMENTS REPRESENT THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES. THERE ARE NOT UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES.**

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

BORROWER:

15301 STONEHAVEN APARTMENTS, LP, a Texas limited partnership

By: 15301 Stonehaven Apartments I, LLC, a Texas limited liability company, its sole general partner

By: _____
Kenneth G. Cash,
Manager

BONDOWNER REPRESENTATIVE:

JPMORGAN CHASE BANK, N.A., a national banking association

By: _____
Name: _____
Title: _____

JOINED IN AND ACKNOWLEDGED BY:

WELLS FARGO BANK, NATIONAL ASSOCIATION,
as Trustee

By: _____
Name: _____
Title: _____

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS,
as Issuer

By: _____
Name: _____
Title: _____

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BOARD ACTION REQUEST

TEXAS NEIGHBORHOOD STABILIZATION PROGRAM

APRIL 11, 2013

Presentation, Discussion, and Possible Action to approve certain activities necessary for adherence to extended deadlines established by HUD for NSP1 and NSP3 and to direct the Executive Director to execute such actions

RECOMMENDED ACTION

WHEREAS, the Neighborhood Stabilization One and Three (NSP1 and NSP3) Expenditure deadlines are expected to be extended by the U. S. Department of Housing and Urban Development (HUD) and any funds not timely expended may be lost to the State of Texas; and

WHEREAS, the Department must minimize the risk of losing funds to the State; and

WHEREAS, this Board has, through previous actions, established clear policy as to how the NSP is to be administered and it is the clear and express policy of this Board that the Department, to the fullest extent possible, utilize all available funding under the Neighborhood Stabilization Program for the benefit of the State of Texas; and

WHEREAS, Board approval is needed pursuant to 10 TAC §20.14 to amend current contracts and approve new NSP1-PI Reservation System participants;

NOW, therefore, it is hereby

RESOLVED, that pursuant to and in fulfillment of 10 TAC §20.14, the Board approves an increase in current contract awards for those administrators successfully administering their contracts, and extends the expenditure deadline for those contract award amounts being increased;

FURTHER RESOLVED, that the Executive Director and his designees be and they hereby are authorized, empowered, and directed, for and on behalf of the Board and the Department, to take any such actions as may be required to implement the approvals hereby given and to make and expedite contract amendments and reservations to assure timely commitment of NSP funds; and

FURTHER RESOLVED, that the Department will consult with the Board Chair prior to taking any related actions to ensure that the Department is satisfactorily executing the direction of the Board; and

FURTHER RESOLVED, that the Governing Board will be provided with interim reports and provide ratification at each Board meeting while this authority is in effect.

BACKGROUND

The Neighborhood Stabilization Program (NSP) is a HUD-funded program authorized by HR3221, the “Housing and Economic Recovery Act of 2008” (HERA), as a supplemental allocation to the Community Development Block Grant (CDBG) Program through an amendment to the existing State of Texas 2008 CDBG Action Plan. The NSP3 allocation of funds is provided under Section 1497 of the Wall Street Reform and Consumer Protection Act of 2010 (Pub. L. 111-203, approved July 21, 2010) (Dodd-Frank Act). The purpose of the program is to redevelop into affordable housing, or acquire and hold, abandoned and foreclosed properties in areas that are documented to have the greatest need for arresting declining property values as a result of excessive foreclosures.

NSP regulations impose a 48-month expenditure deadline on all NSP Grantees. NSP3 includes a 36-month expenditure requirement for 50% of grant funds. For TDHCA, the expenditure deadlines fell on March 3, 2013 and March 7, 2013, respectively. On March 28, 2013, TDHCA and HUD held a conference call, during which direction was given to continue expending NSP1 and NSP3 grant funds and that subsequent detail of the extension would be provided by HUD in writing. Any funds that have not been expended by the extended deadlines are potentially subject to recapture by HUD.

As a recipient of NSP funds from the U. S. Department of Housing and Urban Development (HUD), TDHCA must expend funds allocated under the state’s NSP allocation within 48 months of receipt. This expenditure requirement must be met by the extended deadline set by HUD. To ensure that the Department can meet the extended NSP Expenditure deadline, the Department is requesting Governing Board approval to:

- Increase current contract awards for those administrators successfully administering their contracts, and
- Extend the expenditure deadline for those contract award amounts being increased, if applicable
- Extend the expiration date of the current NSP1-PI and the NSP3 NOFAs
- Approve new reservation system participants under the NSP1-PI NOFA

The availability and use of NSP funds are subject to the Department’s 2012 Single Family Umbrella Rules at 10 TAC Chapter 20. The Program Rule under 10 TAC §20.14(b) requires that contract extensions exceeding twelve (12) months will be presented to the Board for approval, approval with modifications, or denial of the requested extension. Additionally, the Program Rule under 10 TAC §20.14(e) requires, among other items, that all requests for increases in funding be evaluated by the Department on a first-come, first-served basis to assess the capacity to manage additional funding, the demonstrated need for additional funding, and the ability to expend the increase in funding within the contract period. This section also requires Governing Board approval for award increases that exceed of 25 percent of the original award amount or \$50,000, whichever is greater.

With this Action Request, the Governing Board is approving the award of funding for new activities or new subgrantees, and funding increases and time extensions to existing Contract Administrators, in accordance the Single Family Umbrella Rules and the NSP Single Family Program Rule. This approval is conditioned on consultation with the Board Chair prior to taking related actions, the necessity of such actions to meet the NSP Expenditure deadline in the estimation of the Governing Board chair, an assessment of the Administrator as required under 10 TAC §20.14(e), and subject to funding availability. Any such actions that are taken in accordance with this approval will be reported at each Board meeting while this authority is in effect. This authority will expire on the extended Texas NSP1 100% expenditure deadline, or the extended NSP3 50% Expenditure deadline, as determined by HUD, unless earlier action to terminate is approve by the Board

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BOARD ACTION REQUEST
BOND FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action on Resolution 13-026 authorizing the Department's Interest Rate Swap Policy

RECOMMENDED ACTION

WHEREAS, the Department is authorized by Texas Government Code §§ 1371.056 and 2306.351 of the Texas Government Code to enter into interest rate swaps and other similar derivatives from time to time chiefly to manage overall costs and reduce interest rate risk; and

WHEREAS, the Department has adopted an Interest Rate Swap Policy, and the Chief Financial Officer and the Director of Bond Finance review and the Board approves this Policy on an annual basis;

NOW, therefore, it is hereby

RESOLVED, that Resolution No. 13-026 reflecting the Department's Interest Rate Swap Policy is hereby adopted in the form presented to this meeting.

BACKGROUND

The Department adopted an Interest Rate Swap Policy on September 9, 2004 in order to establish guidelines for the use and management of all interest rate management agreements, including, but not limited to, interest rate swaps, caps, collars, and floors incurred in connection with issuance of debt obligations. The Interest Rate Swap Policy sets forth the manner of execution of Swaps, provides for security and payment provisions, risk considerations, and certain other relevant provisions.

The Department's Interest Rate Swap Policy ("the Document") requires the Chief Financial Officer and Director of Bond Finance to annually review the Interest Rate Swap Policy. The Department's swap policy has performed well under the volatile market conditions and tough economic conditions that have persisted for the past 6-years. Staff, per our policy, has received mark-to-market updates periodically from our swap advisor, George K. Baum & Company. The professionals at George K. Baum & Company also assisted Department staff with the implementation of the Governmental Accounting Standards Board Statement 53 which sets forth reporting requirements for derivatives. Over the last several years, staff has sought advice from our former swap advisors, Swap Financial Group and Raymond James & Associates, and our current swap advisor, George K. Baum & Company, for an understanding of prevailing operational parameters and to determine if the swap policy needed any changes due to evolving

market conditions. Since the Swap Policy went through more substantial changes in 2009 and minor changes in 2010, there were only minimal changes recommended this year.

The primary change made to this year's proposed Interest Rate Swap Policy is to modify the policy to allow the Department to adhere to the new Dodd-Frank Protocol (the "Protocol"). Of particular note, one of the requirements of the Protocol is that the Department must specify a Designated Qualified Independent Representative with regard to its swap activities. Staff is recommending that George K. Baum & Company, the Department's Swap Advisor, be so designated. Most swap counterparties will require adherence to this Protocol as a prerequisite to entering into either a new swap contract or an amended swap contract, even to discuss amendments to a swap contract. As such, staff and the Department's advisors recommend that the Department agree to adhere to the Protocol. A summary of the framework outlining how the Department would satisfy the requirements of the Dodd-Frank Protocol has been included in the attached Exhibit "A" for your reference.

A black-line version of the proposed Interest Rate Swap Policy is also attached for your reference.

Exhibit “A”

From: Rodriguez, George
Sent: Tuesday, February 26, 2013 4:48 PM
To: 'tim.nelson@tdhca.state.tx.us'
Cc: Bowes, Elizabeth; Alec Lehrer (lehrer@gkbaum.com); 'Gary Machak'
Subject: ISDA Dodd-Frank Protocol

Tim,

As we discussed yesterday, below is a framework for the TDHCA’s satisfaction of the ISDA Dodd-Frank Protocol (the “DF Protocol”).

Adherence to the DF Protocol involves four documents:

1. **Protocol Agreement.** The ISDA August 2012 DF Protocol Agreement (the “Protocol Agreement”) establishes the process through which parties will amend existing swap agreements. The form of the Protocol Agreement can be accessed by clicking the “ISDA August 2012 DF Protocol Agreement” link at <https://www2.isda.org/functional-areas/protocol-management/protocol/8>.
2. **Adherence Letter.** The Adherence Letter is a simple form letter through which a swap participant confirms its adherence to the Protocol Agreement.
3. **DF Supplement.** The ISDA August 2012 DF Supplement (the “DF Supplement”) provides a standard set of amendments to update existing swap agreements for Dodd-Frank compliance purposes. The form of the Protocol Agreement can be accessed by clicking the “ISDA August 2012 DF Supplement” link at <https://www2.isda.org/functional-areas/protocol-management/protocol/8>.
4. **DF Questionnaire.** The ISDA August 2012 DF Protocol Questionnaire (the “DF Questionnaire”) includes certain representations as to a swap participant’s legal and regulatory status and allows for various elections under the DF Supplement. The form of the Protocol Agreement can be accessed by clicking the “ISDA August 2012 DF Protocol Questionnaire” link at <https://www2.isda.org/functional-areas/protocol-management/protocol/8>.

There are three basic steps in order to comply with the DF Protocol:

1. **Legal Entity Identifier.** The Legal Entity Identifier (the “LEI”) is an international initiative to associate a unique global ID with a single legal entity for identification purposes and the monitoring of financial exposure. In connection with Dodd-Frank, the CFTC mandated the use of an LEI. A global LEI is not yet available, and in the meantime parties are obtaining a CFTC Interim Compliant Identifier (“CICI”).

A CICI may be obtained at www.ciciutility.org. An LEI/CICI is necessary before a party may submit an Adherence Letter, which is the next step. The cost of obtaining an LEI/CICI is \$200.

2. **Adherence Letter.** Step-by-step instructions for submitting the Adherence Letter can be accessed by clicking “here” at “Click here for a step-by-step guide to adherence to the ISDA August 2012 DF Protocol” at <https://www2.isda.org/functional-areas/protocol-management/protocol/8>.

The information for the Adherence Letter is completed online at the following link:

<https://www2.isda.org/functional-areas/protocol-management/submit-adherence-letter/8>

Please contact me if you need any assistance completing or submitting the Adherence Letter.

The cost for submitting the Adherence Letter is \$500. The only method of payment accepted is by credit card.

3. **DF Questionnaire.** Once the Adherence Letter is accepted, the DF Questionnaire can be completed by following the steps outlined on the Market ISDA Amend web page at:

<http://www.markit.com/en/products/distribution/document-exchange/isda-amend.page>

The DF Questionnaire can be saved as a Word document, and includes an Excel attachment. If you would like, we can complete the DF Questionnaire and the attachment and send them to you for submission when finished.

There is no cost for buy-side users such as TDHCA to use this service.

George Rodriguez | Partner | Bracewell & Giuliani LLP
1445 Ross Avenue, Suite 3800 | Dallas, Texas | 75202-2711
T: 214.758.1069 | F: 214.758.8369
George.Rodriguez@bgllp.com | www.bgllp.com

RESOLUTION NO. 13-026

RESOLUTION OF THE GOVERNING BOARD APPROVING THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS INTEREST RATE SWAP POLICY

WHEREAS, the Texas Department of Housing and Community Affairs, a public and official agency of the State of Texas (the "Department"), was created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended (together with other laws of the State applicable to the Department, collectively, the "Act"); and

WHEREAS, the Governing Board of the Department (the "Governing Board") desires to approve the Department's Interest Rate Swap Policy in the form presented to the Governing Board;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Approval of the Department's Interest Rate Swap Policy. The Interest Rate Swap Policy in the form presented to the Governing Board is hereby authorized and approved.

Section 1.2 ISDA Dodd-Frank Protocol. Each Authorized Representative is hereby severally authorized to take such actions as are necessary or desirable to enable the Board to adhere to the ISDA Dodd-Frank Protocol with respect to such counterparties as an Authorized Representative determines in his judgment are appropriate.

Section 1.3 Authorized Representatives. The following persons and each of them are hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department's seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director of the Department, the Director of Bond Finance of the Department and the Secretary or any Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the "Authorized Representatives." Any one of the Authorized Persons is authorized to act individually as set forth in this Resolution; provided, however, that no such authority shall serve to alter or supersede the requirements that staff observe and adhere to the Department's established Standard Operating Procedures, as in effect from time to time, as they may apply to any such actions.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 2.2 Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 11th day of April, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

INTEREST RATE SWAP POLICY

As presented to the Board on April 11, 2013

2013

April 11, 2013

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS INTEREST RATE SWAP POLICY

The Texas Department of Housing and Community Affairs (the “Department”) has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code (the “Act”), as amended from time to time, for the purpose of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe and sanitary housing for individuals and families of low and very low income and families of moderate income (as described in the Act as determined by the Governing Board of the Department (the “Governing Board”) from time to time) at prices they can afford.

The Act authorizes the Department: (a) to acquire, and to enter into advance commitments to acquire, mortgage loans (including participations therein) secured by mortgages on residential housing in the State of Texas (the “State”); (b) to issue its bonds, for the purpose of obtaining funds to make and acquire such mortgage loans or participations therein, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such mortgage loans or participations therein, and to mortgage, pledge or grant security interests in such mortgages, mortgage loans or other property of the Department, to secure the payment of the principal or redemption price of and interest on such bonds.

I. Introduction

The purpose of this Interest Rate Swap Policy (“Policy”) of the Texas Department of Housing and Community Affairs (the “Department”) is to establish guidelines for the use and management of all interest rate management agreements, including, but not limited to, interest rate swaps, swaptions, caps, collars and floors (collectively “Swaps” or “Agreements”) incurred in connection with the issuance of debt obligations. This Policy sets forth the manner of execution of Swaps, provides for security and payment provisions, risk considerations and certain other relevant provisions.

II. Authority

The Department is authorized by Sections 1371.056 and 2306.351 of the Texas Government Code to enter into Swaps from time to time to better manage assets and liabilities and take advantage of market conditions to lower overall costs and reduce interest rate risk.

This Policy shall govern the Department’s use and management of all Swaps. While adherence to this Policy is required in applicable circumstances, the Department recognizes that changes in the capital markets, agency programs, and other unforeseen circumstances may from time to time produce situations that are not covered by this Policy and will require modifications or exceptions approved or authorized by the Governing Board to achieve policy goals.

The ~~Chief of Agency Administration~~Chief Financial Officer and the Director of Bond Finance are the designated administrators of the Department’s Policy. The Bond Finance Division shall have the day-to-day responsibility for structuring, implementing, and managing Swaps.

The Department shall be authorized to enter into Swaps only with qualified Swap counterparties as defined herein. The Director of Bond Finance, in consultation with the ~~Chief of Agency~~

~~Administration~~ Chief Financial Officer, or a Department designee, shall have the authority to recommend counterparties, so long as the criteria set forth in this Policy are met.

The ~~Chief of Agency Administration~~ Chief Financial Officer and the Director of Bond Finance shall review this Policy on an annual basis and recommend any necessary changes to the Governing Board.

III. Purpose

The incurring of obligations by the Department involves a variety of interest rate payments and other risks for which a variety of financial instruments are available to offset, hedge, or reduce. It is the policy of the Department to utilize Swaps to better manage its assets and liabilities. The Department may execute Swaps if the transaction can be expected to result in one of, but not limited to, the following:

- Reduce exposure to changes in interest rates on a particular financial transaction or in the context of the management of interest rate risk derived from the Department's overall asset/liability balance.
- Result in a lower net cost of borrowing with respect to the Department's debt, a higher return on assets, and/or a stronger balance sheet.
- Manage variable interest rate exposure consistent with prudent debt practices.
- Achieve more flexibility in meeting overall financial and programmatic objectives that cannot be achieved in conventional markets.
- Lock in fixed rates in current markets for use at a later date.
- Manage the Department's exposure to the risk of changes in the legal or regulatory treatment of tax-exempt bonds.
- Manage the Department's credit exposure to financial institutions.

The Department will not use Agreements that:

- Are purely speculative or incorporate extraordinary leverage;
- Lack adequate liquidity to terminate without incurring a significant bid/ask spread;
- Are characterized by insufficient pricing transparency and therefore make reasonable valuation difficult.

IV. Evaluation of Risks Associated with Swaps

Before entering into a Swap, the Department shall evaluate the risks inherent in the transaction. The risks to be evaluated will include basis risk, tax risk, counterparty risk, credit risk, termination risk, rollover risk, liquidity risk, remarketing risk, amortization mismatch risk, mortgage yield risk, non-origination risk, and PAC band risk. The following table outlines these various risks and the Department's evaluation methodology for those risks.

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Risk	Description	Evaluation Methodology
Basis Risk	The mismatch between actual variable rate debt service and variable rate indices used to determine Swap payments.	The Department will review historical trading differentials between the variable rate bonds and the index.
Tax Risk	The risk created by potential tax events that could affect Swap payments or their relationship to future bond payments.	The Department will review the tax events in proposed Swap agreements. The Department will evaluate the impact of potential changes in tax law on LIBOR indexed Swaps.
Counterparty Risk	The failure of the counterparty to make required payments or the occurrence of an event modifying the credit rating of the counterparty.	The Department will monitor exposure levels, ratings thresholds, and collateralization requirements.
Termination Risk	The need to terminate the transaction in a market that dictates a termination payment by the Department.	The Department will compute its termination exposure for all existing and proposed Swaps at market value and under a worst-case scenario.
Rollover Risk	The mismatch of the maturity of the Swap and the maturity of the underlying bonds.	The Department will determine its capacity to service variable rate bonds that may be outstanding after the maturity of the Swap.
Liquidity Risk	The inability to continue or renew a liquidity facility, and the risk that the cost of a facility will increase beyond expectations.	The Department will evaluate the expected availability of liquidity support for swapped and unhedged variable rate debt, if any.
Remarketing Risk	The risk that a remarketing agent may be unable to remarket VRDBs.	The Department will obtain a standby bond purchase facility to provide the funds necessary to purchase the VRDBs.
Amortization Mismatch Risk	The mismatch of outstanding Swap notional amount versus the outstanding bond principal subject to the hedge.	The Department may incorporate one or a combination of the following features: par termination options, PAC or lockout bonds.
Mortgage Yield Risk	The bond issue may not comply with yield restrictions if the Swap is terminated.	The Department will obtain legal opinions and or certificates as appropriate.
Non-origination Risk	The bond proceeds may not originate within the prescribed timeframe and require an unused proceeds call and possible termination payment.	The Department will evaluate bond and mortgage market conditions and quantify the potential termination payment due upon non-origination.
PAC Band Break Risk	The targeted PAC bonds may amortize faster than anticipated based on the PAC amortization schedule.	The Department will rely upon credit rating agency cashflows to ensure adequate PAC/companion bond structural integrity.

Collateral Posting Risk	The risk that the Department may be required to post liquid collateral to the Counterparty. Inability to post such liquid collateral upon short notice may result in the early termination of a Swap transaction.	The Department will seek to structure Swap Agreements so that the risk of needing to post collateral is highly unlikely. This can be accomplished by using high posting thresholds or low rating triggers.
Accounting Risk	The risk that the Department may be required to record changes in fair value of a derivative transaction as a gain or loss in its annual financial statements.	The Department, when feasible, should aim to structure Transactions that would expect to qualify as effective hedges under GASB 53.

The Department will diversify its exposure to counterparties. To that end, before entering into a transaction, the Department will determine its exposure to the relevant counterparty or counterparties and determine how the proposed transaction would affect the exposure. The exposure will not be measured solely in terms of notional amount, but rather how changes in interest rates would affect the Department’s exposure (“Maximum Net Termination Exposure”). For purposes of these limits, “Maximum Net Termination Exposure” shall equal the aggregate termination payment for all existing and projected Swaps that would be paid by an individual counterparty. For purposes of this calculation, the aggregate termination payment is equal to the reasonably expected worse case termination payment of all existing Swaps plus the proposed transaction.

The Department will base the Maximum Net Termination Exposure on all outstanding derivative transactions. Limits will be established for each counterparty as well as the relative level of risk associated with each existing and projected Swap. In order to lessen counterparty risk, the Department will diversify exposure among multiple counterparties and avoid excessive concentration to any one counterparty. In situations where the Department may execute a swap transaction that would result in offsetting counterparty risk with an existing counterparty, the Department should seek to utilize that counterparty.

The Director of Bond Finance shall determine the appropriate term for a Swap on a case-by-case basis. The slope of the Swap curve, the marginal change in Swap rates from year to year along the Swap curve, and the impact that the term of the Swap has on the overall exposure of the Department shall be considered in determining the appropriate term of any Swap. The term of a Swap between the Department and a qualified Swap counterparty shall not extend beyond the final maturity date of the associated debt, or in the case of a refunding transaction, beyond the final maturity date of the refunding bonds.

The Department will review the use of forward-starting swaps and determine the duration based on market condition and the risk associated with using a forward-starting swap. The Department does not have any swaps with a knock-out option which could expose the Department to higher interest rates. The Department will advise the Board prior to entering into either a forward-starting swap or knock-out option.

The Department will inform the Board if the swap is a fixed notional value swap or a declining notional value swap. The Director of Bond Finance will review under its bond compliance monitoring process that the ~~use of fixed notional value swaps~~ use of fixed notional value swaps

does not place the Department at risk of incurring an incrementally higher expense if the related bond principal is paid off early.

The total “net notional amount” of all Swaps related to a bond issue should not exceed the amount of outstanding bonds, or bonds anticipated to be issued. For purposes of calculating the net notional amount, credit shall be given to any Swaps that offset another Swap for a specific bond transaction.

V. Long Term Financial Implications

In evaluating a particular transaction involving the use of derivatives, the Department shall review long-term implications associated with entering into derivatives, including costs of borrowing, historical interest rate trends, variable rate capacity, credit enhancement capacity, liquidity capacity, opportunities to refund related debt obligations and other similar considerations.

Impact of Use of Liquidity

The Department shall consider the impact of any variable rate demand bonds issued in combination with a Swap on the availability and cost of liquidity support for other Department variable rate programs.

Call Option Value considerations

When considering the relative advantage of a Swap versus fixed rate bonds, the Department will take into consideration the value of any call option on fixed rate bonds.

Qualified Hedges

The Department understands that, (1) if payments on and receipts from the Agreement are to be taken into account in computing the yield on the related bonds, the Agreement must meet the requirements for a “qualified hedge” under federal tax law (sometimes referred to as an “integrated Swap”); and (2) if one of the goals of entering into the Agreement is to convert variable yield bonds into fixed yield bonds (sometimes referred to as a “super integrated Swap”), then certain additional requirements must be met. In both of these situations, the terms of the Agreement and the process for entering into the Agreement must be reviewed and approved in advance by tax counsel.

VI. Form of Swap Agreements

Each Swap executed by the Department shall contain terms and conditions as set forth in the International Swap and Derivatives Association, Inc. (“ISDA”) Master Agreement, including any schedules and confirmations. The Swaps between the Department and each qualified Swap counterparty shall include payment, term, security, collateral, default, remedy, termination, and other terms, conditions and provisions as the Director of Bond Finance deems necessary, desirable or consistent with industry best practices.

VII. Qualified Swap Counterparties

The Department will make its best efforts to work with qualified Swap counterparties that (i) have, or has a credit support counterparty that has, a general credit rating of at least “Aa3” or “AA-” by two of the nationally recognized rating agencies and not rated lower than “A2” or “A” by any nationally recognized rating agency, or (ii) have a “AAA” rating by at least one nationally

recognized credit rating agency. The nationally recognized rating agencies are Moody's Investors Services, Inc., Standard and Poor's Rating Services, and Fitch Ratings.

In addition to the rating criteria specified herein, the Department may seek additional credit enhancement and safeguards in the form of:

- i. Contingent credit support or enhancement;
- ii. Collateral consistent with the policies contained herein; and/or
- iii. Ratings downgrade triggers.

In addition, the Department will take into consideration a Swap counterparty's track record of successfully executing Swap transactions. The Department will only execute Swap transactions with qualified Swap counterparties.

VIII. Termination Provisions

The Department shall include in all Swaps provisions granting the Department the right to optionally terminate a Swap at any time at market over the term of the Agreement. The ~~Chief of Agency Administration~~ Chief Financial Officer and Director of Bond Finance shall determine if it is financially advantageous for the Department to terminate a Swap.

A ratings-based additional termination event shall be included in all of the Department's Swaps if the provider (or its credit support provider) fails to maintain either:

1. A Credit Rating of at least A2 from Moody's; or
2. A Credit Rating of at least A from S&P; or,
3. An equivalent rating determined above by a nationally recognized ratings service acceptable to both parties.

A termination payment to or from the Department may be required in the event of termination of a Swap due to a default or a decrease in credit rating of either the Department or the counterparty. If the cause of the termination is a counterparty downgrade, termination payments will be calculated on the side of the bid-offer spread that favors the Department. Additionally, the termination amount of the Swap should seek to compensate the Department, as allowed under the ISDA Agreement, all other costs for creating a replacement transaction of like terms and conditions.

It is the intent of the Department not to make a termination payment to a counterparty that does not meet its contractual obligations. Prior to making any such termination payment, the ~~Chief of Agency Administration~~ Chief Financial Officer and Director of Bond Finance shall evaluate whether it is financially advantageous for the Department to obtain a replacement counterparty to avoid making such termination payment or finance the termination payment through a long-term financing product.

For payments on early termination and optional termination, Market Quotation and the Second Method will apply, allowing for two way mark-to-market breakage (assuming the Swaps are documented under the 1992 form of the ISDA Master Agreements).

IX. Security and Source of Repayment

The Department may use the same security and source of repayment (pledged revenues) for Swaps as is used for the bonds that are hedged or carried by the Swap, if any, but shall consider the economic costs and benefits of subordinating the Department's payments and/or termination payment under the Swap. The use of the same security and source of repayment (pledged revenues) is subject to the respective bond indenture's covenants and the prior approval of the Department's bond counsel.

X. Specified Indebtedness

The specified indebtedness related to credit events in any Swap should be narrowly defined and refer only to indebtedness of the Department that could have a materially adverse effect on the Department's ability to perform its obligations under the Swap. Debt should typically only include obligations within the same lien as the Swap obligation.

XI. Governing Law

Governing law for Swaps will be the State of Texas. Issues relating to jurisdiction, venue, waiver of jury trial and sovereign immunity will be subject to prevailing law and approval of the Texas Attorney General Office. Preference will be given to language providing that the counterparty will consent to jurisdiction in the Texas courts with respect to enforcement of the Agreement.

XII. Events of Default

Events of default of a Swap counterparty shall include, but are not limited to the counterparty's:

1. Failure to make payments when due;
2. Breach of representations and warranties;
3. Illegality;
4. Failure to comply with downgrade provisions; and
5. Failure to comply with any other provisions of the Agreement after a specified notice period.

XIII. Collateral Requirements

As part of any Swap, the Department may require the counterparty or the counterparty may require the Department to post collateral or other credit enhancement to secure any or all Swap payment obligations. As appropriate, the ~~Chief of Agency Administration~~ Chief Financial Officer and Director of Bond Finance may require collateral or other credit enhancement to be posted by each Swap counterparty under the following circumstances:

- Each counterparty to the Department may be required to post collateral if the credit rating of the counterparty or parent falls below a certain rating threshold, which varies by counterparty. Additional collateral for further decreases in credit ratings of each counterparty shall be posted by each counterparty in accordance with the provisions contained in the credit support annex to each Swap with the Department. At the current time, collateral posting rating triggers by the counterparties would range from A2/A to Baa1/BBB+.

- Collateral shall consist of cash, U.S. Treasury securities, or other mutually acceptable highly liquid securities.
- Collateral shall be deposited with an eligible third party custodian, or as mutually agreed upon between the Department and each counterparty.
- The market value of the collateral shall be determined on at least a weekly basis.
- The Department will determine reasonable threshold limits for increments of collateral posting based on a sliding scale reflective of credit ratings.
- The ~~Chief of Agency Administration~~Chief Financial Officer and Director of Bond Finance shall determine on a case-by-case basis whether a form of credit enhancement in lieu of, or in addition to, collateral is more beneficial to the Department.
- The Department shall seek to not post collateral to the counterparty unless the Department's ratings fall below "A2" or "A".

XIV. Other Criteria

The Department may use a competitive or a negotiated process to select a Swap counterparty and price a Swap as it believes business, market or competitive conditions justify such a process. The conditions under which a negotiated selection is best used are provided below.

- Marketing of the Swap will require complex explanations about the security for payment or credit quality.
- Demand is weak among Swap counterparties.
- Market timing is important, such as for refundings.
- Coordination of multiple components of the financing is required.
- The Swap has non-standard features.
- The par amount is large enough to move the market in a manner adverse to the Department's interests.
- Counterparties are likely to demand individual changes in bid documents.

If a transaction is awarded through a negotiated process, the counterparty will provide the Department with:

- A statement that, in the counterparty's judgment, the difference in basis points between the rate of the transaction and the mid-market rate for a comparable transaction falls within the commonly occurring range for comparable transactions.
- A statement of the amount of the difference as determined by the counterparty.
- If the counterparty does not know of a comparable transaction or mid-market rate, a statement of another suitable measure of pricing acceptable to the counterparty.

The Department will use a swap advisory firm to assist in the price negotiation. Such swap advisory firm shall act as the "qualified independent representative" ("QIR") of the Department for purposes of CFTC Rule 23.450 (b) (1) to advise the Department on swaps, provided that such firm provide certification to the Department addressing why such firm meets the requirements to act as a QIR pursuant to CFTC Regulation 23.450(b)(1). Also, the Department may obtain an opinion from an independent party that the terms and conditions of any derivative entered into reflect a fair market value of such derivatives as of the execution date.

The counterparty must provide to the Department disclosure of any payments the counterparty made to another person to procure the transaction.

Prior to or at execution of any new swap transaction, the swap dealer and/or swap advisor, as the case may be, shall provide information to the Department consistent with the rules and regulations in effect at the time. Such rules would include the Business Conduct Standards for Swap Dealers and Major Swap Participants as published and enacted by the Commodity Futures Trading Commission. In addition the swap dealer should represent to the Department that it is in compliance with such rules including pay-to-play restrictions.

The Department will determine that the swap transaction will conform to this Interest Rate Swap Policy after reviewing a report of the Director of Bond Finance that identifies with respect to the transaction:

- its purpose;
- the anticipated economic benefit and the method used to determine the anticipated benefit;
- the use of the receipts of the transaction;
- the notional amount, amortization, and average life compared to the related obligation;
- any floating indices;
- its effective date and duration;
- the identity and credit rating of the counterparties;
- the cost and anticipated benefit of transaction insurance;
- the financial advisors and the legal advisors and their fees;
- any security for scheduled and early termination payments;
- any associated risks and risk mitigation features; and
- early termination provisions.

XV. Ongoing Monitoring and Reporting Requirements

Written records noting the status of all Swaps will be maintained by the Bond Finance Division and shall include the following information:

- Highlights of all material changes to Swaps or new Swaps entered into by the Department since the last report.
- Market value of each of the Swaps.
- The net impact of a 50 or 100 basis point parallel shift or other relevant shift in the appropriate Swap index or curve.
- For each counterparty, the total notional amount, the average life of each Swap and the remaining term of each Swap.
- The credit rating of each Swap counterparty and credit enhancer insuring Swap payments.
- Actual collateral posting by Swap counterparty, if any, in total by Swap counterparty.
- A summary of each Swap, including but not limited to the type of Swap, the rates paid by the Department and received by the Department, indices, and other key terms.
- Information concerning any default by a Swap counterparty to the Department, and the results of the default, including but not limited to the financial impact to the Department, if any.
- A summary of any Swaps that were terminated.

The Department will monitor its Swaps exposure on a periodic basis, as necessary, and will look for ways to reduce the cost of a Swap(s) or the overall Swap exposure.

The Bond Finance Division will monitor the performance of the QIR on an on-going basis.

The Department shall report its Swaps exposure in its annual financial statements and will reflect the use of derivatives in accordance with GASB requirements. With the adoption of GASB 53, the Department will be required to test hedge effectiveness on an annual basis. Any hedge deemed to be ineffective will result in the change in fair value being recorded as a gain or loss. While the long term economic value of the transaction should be more important when structuring a derivative, the Department should seek to structure transactions that are expected to be effective and would not result in changes in fair value affecting net income. For example, while a transaction structured to meet the Consistent Critical Terms method of GASB 53 would ensure hedge effectiveness, the Department should consider the tradeoffs of utilizing a transaction structure that may provide greater expected economic benefits at the expense of potentially not meeting hedge effectiveness. The disclosure requirements include:

1. Objective of the Derivative
2. Significant Terms
3. Fair Value
4. Associated Debt
5. Risks including but not limited to Credit Risk, Termination Risk, Interest Rate Risk, Basis Risk, Rollover Risk, Market Access Risk, Foreign Currency Risk.

The ~~Chief of Agency Administration~~Chief Financial Officer and the Director of Bond Finance will review this Policy on an annual basis.

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BOARD ACTION REQUEST
BOND FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action on Resolution 13-027 authorizing the Amendment of Depository Agreements relating to Single Family Mortgage Revenue Bonds and Residential Mortgage Revenue Bonds

RECOMMENDED ACTION

WHEREAS, the Texas Housing Agency, the predecessor to the Department (the “Agency”), Team Bank, predecessor in interest to The Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”), and the State Treasurer of the State of Texas, predecessor in interest to the Texas Treasury Safekeeping Trust Company (the “Trust Company”), entered into the Amended and Restated Depository Agreement, dated as of August 1, 1991, relating to the Agency’s (now the Department’s) Single Family Mortgage Revenue Bonds issued pursuant to the Single Family Mortgage Revenue Bond Trust Indenture, dated as of October 1, 1980, as amended and supplemented from time to time, between the Department and the Trustee; and

WHEREAS, the Department, the Trustee and the Comptroller of Public Accounts of the State of Texas, acting by and through the Trust Company, entered into the Second Amended and Restated Depository Agreement, dated as of October 1, 1998 (as amended and supplemented from time to time, the “RMRB Depository Agreement”), relating to the Department’s Residential Mortgage Revenue Bonds issued pursuant to that certain Residential Mortgage Revenue Bond Trust Indenture, dated as of November 1, 1987, as amended and supplemented from time to time, between the Department and the Trustee; and

WHEREAS, the Trust Company has created the Texas Trust Online internet portal (“Texas Trust Online”) to provide clients access to certain information and the ability to submit letters of instructions on-line; and

WHEREAS, the Trust Company has requested that the Department and the Trustee amend the Single Family Depository Agreement and the RMRB Depository Agreement (such agreements being hereinafter referred to collectively as the “Depository Agreements”) in accordance with the terms thereof in order to provide access to Texas Trust Online and to update terminology and references contained in the Depository Agreements; and

WHEREAS, the Governing Board desires to authorize the execution and delivery of a 2013 Amendment to Single Family Mortgage Revenue Bond Amended and Restated Depository Agreement (the “Single Family Depository Amendment”) and a 2013 Amendment to Residential Mortgage Revenue Bond Second Amended and Restated Depository Agreement (“RMRB Depository Amendment and collectively, the “Depository Agreement Amendments”) each among the Department, the Trustee and the Trust Company; and

NOW, therefore, it is hereby

RESOLVED, that Resolution No. 13-027 is hereby adopted in the form presented to this meeting.

BACKGROUND

Trust Company has created the Texas Trust Online internet portal (“Texas Trust Online”) to provide clients access to certain information and the ability to submit letters of instructions on-line. The Single Family Mortgage Revenue Bond and Residential Mortgage Revenue Bond Depository Agreements are being amended to allow for the online execution of financial transactions related to the bond programs.

RESOLUTION NO. 13-027

RESOLUTION AUTHORIZING THE AMENDMENT OF DEPOSITORY AGREEMENTS WITH THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. AND THE TEXAS TREASURY SAFEKEEPING TRUST COMPANY RELATING TO SINGLE FAMILY MORTGAGE REVENUE BONDS AND RESIDENTIAL MORTGAGE REVENUE BONDS; AUTHORIZING THE EXECUTION OF DOCUMENTS AND INSTRUMENTS RELATING TO THE FOREGOING; MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code (the "Act"), as amended from time to time, for the purpose of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe and sanitary housing for individuals and families of low and very low income and families of moderate income (as described in the Act as determined by the Governing Board of the Department (the "Governing Board") from time to time) at prices they can afford; and

WHEREAS, the Act authorizes the Department: (a) to acquire, and to enter into advance commitments to acquire, mortgage loans (including participations therein) secured by mortgages on residential housing in the State of Texas; (b) to issue its bonds for the purpose of obtaining funds to make and acquire such mortgage loans or participations therein, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such mortgage loans or participations therein, and to mortgage, pledge or grant security interests in such mortgages, mortgage loans or other property of the Department, to secure the payment of the principal or redemption price of and interest on such bonds; and

WHEREAS, the Texas Housing Agency, the predecessor to the Department (the "Agency"), Team Bank, predecessor in interest to The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"), and the State Treasurer of the State of Texas, predecessor in interest to the Texas Treasury Safekeeping Trust Company (the "Trust Company"), entered into the Amended and Restated Depository Agreement, dated as of August 1, 1991 (together with the amendment made by that certain 2005 B/C/D Supplement to Depository Agreement dated as of December 1, 2005 among the Department, the Trustee and the Trust Company, collectively, the "Single Family Depository Agreement"), relating to the Agency's (now the Department's) Single Family Mortgage Revenue Bonds issued pursuant to the Single Family Mortgage Revenue Bond Trust Indenture, dated as of October 1, 1980, as amended and supplemented from time to time, between the Department and the Trustee; and

WHEREAS, the Department, the Trustee and the Comptroller of Public Accounts of the State of Texas, acting by and through the Trust Company, entered into the Second Amended and Restated Depository Agreement, dated as of October 1, 1998 (as amended and supplemented from time to time, the "RMRB Depository Agreement"), relating to the Department's Residential Mortgage Revenue Bonds issued pursuant to that certain Residential Mortgage Revenue Bond Trust Indenture, dated as of November 1, 1987, as amended and supplemented from time to time, between the Department and the Trustee; and

WHEREAS, the Trust Company has created the Texas Trust Online internet portal ("Texas Trust Online") to provide clients access to certain information and the ability to submit letters of instructions on-line; and

WHEREAS, the Trust Company has requested that the Department and the Trustee amend the Single Family Depository Agreement and the RMRB Depository Agreement (such agreements being hereinafter

referred to collectively as the “Depository Agreements”) in accordance with the terms thereof in order to provide access to Texas Trust Online and to update terminology and references contained in the Depository Agreements; and

WHEREAS, the Governing Board desires to authorize the execution and delivery of a 2013 Amendment to Single Family Mortgage Revenue Bond Amended and Restated Depository Agreement (the “Single Family Depository Amendment”) and a 2013 Amendment to Residential Mortgage Revenue Bond Second Amended and Restated Depository Agreement (“RMRB Depository Amendment and collectively, the “Depository Agreement Amendments”) each among the Department, the Trustee and the Trust Company; and

WHEREAS, the Governing Board desires to approve taking of such other actions as may be necessary or convenient to carry out the purposes of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Approval, Execution and Delivery of Depository Agreement Amendments. The form and substance of the Depository Agreement Amendments are hereby authorized and approved and the Authorized Representatives of the Department named in the Resolution are each hereby authorized to execute, attest and affix the Department’s seal to the Depository Agreement Amendments and to deliver the Depository Agreement Amendments to the Trustee and the Trust Company.

Section 1.2 Execution and Delivery of Other Documents. The Authorized Representatives are each hereby authorized to execute and deliver all agreements, certificates, contracts, documents, instruments, releases, financing statements, letters of instruction, notices, written requests and other papers, whether or not mentioned herein, as may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution and the Depository Agreement Amendments.

Section 1.3 Power to Revise Form of Documents. Notwithstanding any other provision of this Resolution, the Authorized Representatives are each hereby authorized to make or approve such revisions in the forms of the Depository Agreement Amendments as, in the judgment of such Authorized Representative, may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution, such approval to be evidenced by the execution of the Depository Agreement Amendments by the Authorized Representatives.

Section 1.4 Authorized Representatives. The following persons are hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department’s seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director of the Department, the Director of Bond Finance of the Department, and the Secretary or any Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the “Authorized Representatives.” Any one of the Authorized Persons is authorized to act individually as set forth in this Resolution; provided, however, that no such authority shall serve to alter or supersede the requirements that staff observe and adhere to the Department’s established Standard Operating Procedures, as in effect from time to time, as they may apply to any such actions.

Section 1.5 Ratifying Other Actions. All other actions taken or to be taken by the Executive Director and the Department’s staff in connection with the Depository Agreement Amendments are hereby ratified and confirmed.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 2.2 Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 11th day of April, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

11

BOARD ACTION REQUEST
BOND FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action adopting Resolution No. 13-028 authorizing the investment of Funds and Accounts Relating to Single Family Programs in Mortgage Backed Securities

RECOMMENDED ACTION

WHEREAS, the Department from time to time has issued various series of Single Family Mortgage Revenue Bonds and Residential Mortgage Revenue Bonds (“RMRB”); and

WHEREAS, certain mortgage backed securities (“MBSs”) originally purchased with proceeds of Single Family Mortgage Revenue Bonds or RMRBs continue to be held under the Single Family Indenture or the RMRB Indenture, as applicable, after such bonds have been redeemed in full or acquired by the Department in connection with its Other Single-Family Programs (such MBSs are hereinafter referred to as “Residual MBSs”); and

WHEREAS, the Governing Board desires to authorize the investment of funds and accounts that are funded by amounts generated by the Department’s single family programs in Residual MBSs and authorizes the sale of the Residual MBSs in accordance with the terms of the Single Family Indenture or the RMRB Indenture, as applicable; and

NOW, therefore, it is hereby

RESOLVED, that Resolution No. 13-028 is adopted in the form presented to this meeting.

BACKGROUND

The Department’s Investment Policy was revised and approved at the Board Meeting of April 12, 2012, to allow Escrow Funds to be invested in securities exceeding five years and the investment of funds being sold from a bond indenture so long as such investment furthers the goals of that program and the Investment Officer receives Board approval prior to undertaking such investment.

The Board previously approved the investment of Residual MBSs from Residential Mortgage Revenue Bonds Series 1998A/B and Residential Mortgage Revenue Bonds Series 2001A/B/C in Escrow Funds on June 14, 2012, and approved the investment of Residual MBSs from Residential Mortgage Revenue Bonds Series 2002A in Escrow Funds on September 6, 2012.

Today, staff is seeking authority to invest any Single Family or RMRB Residual MBS (or other MBS's that are created in the execution of the Department's single family programs) in the Department's single family related general accounts.

The investment of single family accounts in residual MBSs will further the goals of the Department by increasing the rate of return on the Department's single family related general funds while also increasing the funds available for Down Payment Assistance for Program 79.

RESOLUTION NO. 13-028

RESOLUTION AUTHORIZING THE INVESTMENT OF FUNDS AND ACCOUNTS RELATING TO SINGLE FAMILY PROGRAMS IN MORTGAGE-BACKED SECURITIES; AUTHORIZING THE EXECUTION OF DOCUMENTS AND INSTRUMENTS RELATING TO THE FOREGOING; MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code (the "Act"), as amended from time to time, for the purpose of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe and sanitary housing for individuals and families of low and very low income and families of moderate income (as described in the Act as determined by the Governing Board of the Department (the "Governing Board") from time to time) at prices they can afford; and

WHEREAS, the Department has issued from time to time various series of (i) its Single Family Mortgage Revenue Bonds ("Single Family Bonds") pursuant to the Single Family Mortgage Revenue Bond Trust Indenture dated as of October 1, 1980 (as heretofore amended and supplemented, the "Single Family Indenture") between the Department, as successor to the Texas Housing Agency, and The Bank of New York Mellon Trust Company, N.A., as successor trustee and (ii) its Residential Mortgage Revenue Bonds ("RMRBs" and together with the Single Family Bonds, collectively, the "Bonds") pursuant to the Residential Mortgage Revenue Bond Trust Indenture dated as of November 1, 1987 (as heretofore amended and supplemented, the "RMRB Indenture") between the Department and The Bank of New York Mellon Trust Company, N.A., as successor trustee; and

WHEREAS, the Department has implemented a Taxable Mortgage Program and may implement future single-family loan programs ("Other Single-Family Programs"); and

WHEREAS, certain mortgage backed securities were originally purchased or may be purchased with proceeds of Single Family Bonds or RMRBs or acquired by the Department in connection with its Other Single-Family Programs ("MBSs"); and

WHEREAS, the Governing Board desires to authorize the investment of funds that are generated by the Department's single family programs in MBSs and authorizes the sale of the MBSs in accordance with the terms of the Single Family Indenture or the RMRB Indenture, if applicable, or in accordance with any other applicable program documents; and

WHEREAS, the Governing Board desires to approve taking of such other actions as may be necessary or convenient to carry out the purposes of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Investment in MBSs. The investment of general funds that are generated by the Department's single family programs (does not include general revenues appropriated by the State, multi-family fees or compliance fees) in MBSs is hereby authorized and approved.

Section 1.2 Sale of MBSs. The sale of the MBSs identified by an Authorized Representative of the Department named in this Resolution at price of 100% or greater (representing the weighted average sales price of all mortgage certificates sold) of the outstanding principal balance thereof, in accordance with the terms of the Single Family Indenture or the RMRB Indenture, if applicable, or other applicable program documents, is hereby authorized.

Section 1.3 Execution and Delivery of Documents. The Authorized Representatives are each hereby authorized to execute and deliver all agreements, certificates, contracts, documents, instruments, releases, financing statements, letters of instruction, notices, written requests and other papers, whether or not mentioned herein, as may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution.

Section 1.4 Authorized Representatives. The following persons are hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department's seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director of the Department, the Director of Bond Finance of the Department, and the Secretary or any Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the "Authorized Representatives." Any one of the Authorized Persons is authorized to act individually as set forth in this Resolution; provided, however, that no such authority shall serve to alter or supersede the requirements that staff observe and adhere to the Department's established Standard Operating Procedures, as in effect from time to time, as they may apply to any such actions.

Section 1.5 Ratifying Other Actions. All other actions taken or to be taken by the Executive Director and the Department's staff in connection with the investment of funds and accounts that are funded by amounts generated by the Department's single family programs are hereby ratified and confirmed.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 2.2 Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 11th day of April, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

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BOARD ACTION REQUEST

BOND FINANCE DIVISION

APRIL 11, 2013

Presentation, Discussion, and Possible Action on Resolution No. 13-029 approving modifications to the Mortgage Credit Certificate Program (MCC) (Program 80)

RECOMMENDED ACTION

WHEREAS, the Board approved Resolution 12-027 on May 10, 2012, authorizing a Mortgage Credit Certificate Program (hereinafter referred to as “Program 80”); and

WHEREAS, on November 15, 2012, the Department filed an election with the Internal Revenue Service electing to convert \$260,000,000 of private activity bond authority to mortgage credit certificates and implemented its 2012 MCC Program 80; and

WHEREAS, the Governing Board now desires to authorize any Authorized Representative to set the Mortgage Credit Certificate Rate under Program 80 to any percentage rate, provided that the rate shall not be less than 35 percent or greater than 50 percent; thereby making Program 80 more attractive to homebuyers and more competitive with other mortgage credit certificate programs operating within the State; and

WHEREAS, the Governing Board also desires to approve a fee schedule for Program 80;

NOW, therefore, it is hereby

FURTHER RESOLVED, that Resolution No. 13-029 is hereby adopted in the form presented to this meeting.

BACKGROUND

TDHCA’s current MCC program was released on September 1, 2012 (Program 80). Under this program, approximately 55% of the MCC authority has been issued or commitments are in the pipeline. A mortgage credit certificate is an instrument designed to assist persons of low to moderate income to better afford individual ownership. The procedures for issuing MCCs were established by the United States Congress as an alternative to the issuance of single family mortgage revenue bonds. As distinguished from a bond program, in an MCC program no bonds are issued, no mortgage money is actually lent by the Department, many of the costs associated with a bond program are not incurred, and lenders are required to pay only nominal up-front fees.

Mortgage Credit Certificates help make ownership of a new or existing home more affordable by entitling the homeowner to a personal tax credit of up to \$2,000 against their federal tax liability for a portion of the interest paid on their home mortgage. For example, a homeowner that purchased a home with a mortgage loan in the amount of \$130,000 at a 3.75% interest rate for 30 years would have a monthly principal and interest payment of \$602. With an MCC, homeowners can submit a revised W-4 Withholding Form to his or her employer to reduce the federal withholding tax by up to \$166.67 per month, which increases the borrower's disposable income by reducing their federal income tax obligation. This same homeowner can also deduct the yearly mortgage interest paid of approximately \$2,925 (\$4,875 less \$1,950) as an itemized deduction on their annual federal income tax return. Simply put, an MCC is a dollar for dollar reduction of income taxes owed (provided as an example only – may not reflect actual reductions).

In order to be eligible for an MCC, borrowers must comply with the same first-time homebuyer requirements stipulated by the Internal Revenue Code for mortgage revenue bonds. For example, MCC recipients must occupy the residence as their primary residence, comply with income limits and comply with home purchase price limits. MCCs cannot be used when mortgages are funded with tax-exempt bond proceeds.

Under Federal guidelines, the Department, as an issuer of mortgage revenue bonds can trade \$1 of bond authority for \$0.25 of MCC authority.

MCC Program 80

Volume Cap Allocated for MCCs	\$260 million
IRS MCC Conversion Factor	\$0.25
MCC Issuance Authority	\$65 million
Average P80 Mortgage Credit Certificate Program Mortgage Amount	\$130,000
Market Mortgage Interest Rate	3.75%
First Year Mortgage Interest	\$4,875
MCC Certificate Credit Rate	40%
Tax Credit Amount	\$1,950
Maximum Tax Credit Allowed	\$2,000
Schedule A Mortgage Interest Deduction	\$2,925

In January 2013, in response to rising demand for the Department's MCC programs and to address a desire to have the Department's MCC programs integrate more closely with the Department's Taxable Mortgage Program, the Homeownership group (working with procurement personnel) completed a proprietary procurement process and selected HDS systems to assist the Department in implementing an online reservation and reporting system for the Department's MCC programs. In addition, eHousing (a subsidiary of HDS) will provide compliance services for some of the MCC's issued under the Department's MCC programs. eHousing and HDS currently provide the reservation system and compliance services for the Department's TMP mortgage loan program. The revised Program 80 MCC program is expected to be launched utilizing the new online reservation system and the revised fee schedule by May 1, 2013.

Today, Staff is seeking approval to make changes to the Mortgage Certificate Credit Rate and Fee Schedule as outlined below. The only fees that are changing are the MCC Issuance Fee (used to be a fixed 1% on all MCC's) and the MCC Commitment Fee, which is being discontinued. The fees set-forth on Exhibit "B" are also new because the Department has engaged a 3rd party service provider.

Staff is asking the Governing Board to authorize any Authorized Representative to set the Mortgage Credit Certificate Rate for Program 80 at a percentage rate from 35 percent to 50 percent. The credit percent for Program 80 was initially approved at 35% and staff is expecting to make a change to 40% on May 1st with the flexibility to make further changes, provided that the credit rate cannot be set less than 35% or greater than 50%.

The revised fee schedule for Program 80 is set-forth in Exhibit "A" and Exhibit "B". Staff is confident that the revised fee schedules will generate sufficient revenue to cover the cost of administering the Program 80 MCC program.

EXHIBIT "A"

SCHEDULE OF PROGRAM FEES AND EXPENSES

MCC Assumption Fee \$125.00

This fee is submitted to the Department with the Applicant's new Application through a participating Lender.

MCC Issuance Fee any amount approved by an Authorized Representative of the Department provided that the fee cannot be any greater than **1%** of the Certified Indebtedness associated with the MCC and provided further that the fee cannot be any less than **\$500** per MCC issued.

This fee is submitted to the Department, or its designee, upon loan closing with all of the completed Program documents required for the issuance of an MCC. Upon receipt of the fee and the required documentation, the Department will issue an MCC to the borrower with a copy to the Lender.

MCC Document Handling Fee up to \$75.00

This fee may be charged and retained by the Lender to compensate it for handling the additional documentation required of it by the Program. The Lender additionally is authorized to charge its reasonable and customary fees and charges for origination of the loan.

Program Participation Fee \$1,000.00

This one-time fee is to be paid by the Lender and submitted with the 2012 MCC Program Participation Agreement to the Department. The Lender's participation will be noted on the Department's website. The Program Participation Fee will be waived for Lenders that have participated in one of the Department's previous MCC Programs.

Late Fee \$75.00

This fee may be charged to the Lender for a Submission Package that is sent to the Department more than thirty (30) days after the date of closing.

MCC Reissuance Fee \$50.00

This fee may be charged and retained by the Department to compensate it for handling and processing the issuance of a reissued MCC pursuant to a mortgage refinancing.

EXHIBIT "B"

SCHEDULE OF FEES PAYABLE TO HDS

MCC Compliance Review Fee on a Combo loan \$275/file

This fee is payable to HDS by the Department for all MCC's submitted for review which are being combined with a mortgage loan closed under the Department's TMP program.

MCC Compliance System Fee on a Standalone loan \$200/file

This fee is payable to HDS by the Department for all MCC's submitted for review which are NOT being combined with a mortgage loan closed under the Department's TMP program.

RESOLUTION NO. 13-029

RESOLUTION APPROVING MODIFICATIONS TO MORTGAGE CREDIT CERTIFICATE PROGRAMS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended from time to time (the "Act"), for the purpose, among others, of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe, and affordable living environments for persons and families of low and very low income (as defined in the Act) and families of moderate income (as described in the Act and determined by the Governing Board of the Department (the "Governing Board") from time to time) at prices they can afford; and

WHEREAS, the Act authorizes the Department: (a) to make, acquire and finance, and to enter into advance commitments to make, acquire and finance, mortgage loans and participating interests therein, secured by mortgages on residential housing in the State of Texas (the "State"); (b) to issue its bonds, for the purpose, among others, of obtaining funds to acquire or finance such mortgage loans, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such single family mortgage loans or participating interests, and to mortgage, pledge or grant security interests in such mortgages or participating interests, mortgage loans or other property of the Department, to secure the payment of the principal or redemption price of and interest on such bonds; and

WHEREAS, on November 15, 2012, the Department filed an election with the Internal Revenue Service electing to convert \$260,000,000 of private activity bond authority to mortgage credit certificates and implemented its 2012 MCC Program (hereinafter referred to as "Program 80"); and

WHEREAS, the Governing Board now desires to authorize any Authorized Representative to set the Mortgage Credit Certificate Rate under Program 80 to any percentage rate, provided that the rate shall not be less than 35 percent or greater than 50 percent; thereby making Program 80 more attractive to homebuyers and more competitive with other mortgage credit certificate programs operating within the State; and

WHEREAS, the Governing Board also desires to approve fee schedules for Program 80;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Modification of Mortgage Credit Certificate Rate. The Governing Board hereby authorizes any Authorized Representative to set the Mortgage Credit Certificate Rate for Program 80 at any percentage from 35 percent to 50 percent.

Section 1.2 Approval of Fees. The Governing Board hereby approves the fee schedule attached as Exhibit A hereto.

Section 1.3 Execution and Delivery of Documents. The Authorized Representatives of the Department named in this Resolution are each hereby authorized to execute, attest, affix the Department's seal to and deliver such agreements, advance commitment agreements, assignments, bonds, certificates, contracts,

documents, instruments, releases, financing statements, letters of instruction, notices of acceptance, written requests, public notices and other papers, whether or not mentioned herein, as may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution.

Section 1.4 Authorized Representatives. The following persons are hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department's seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director of the Department, the Director of Bond Finance of the Department, the Director of Texas Homeownership of the Department and the Secretary or any Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the "Authorized Representatives." Any one of the Authorized Persons is authorized to act individually as set forth in this Resolution; provided, however, that no such authority shall serve to alter or supersede the requirements that staff observe and adhere to the Department's established Standard Operating Procedures, as in effect from time to time, as they may apply to any such actions.

Section 1.5 Ratifying Other Actions. All other actions taken or to be taken by the Executive Director and the Department's staff in connection with Program 80 as contemplated by this Resolution are hereby ratified and confirmed.

Section 1.6 Prior Resolutions. All prior actions of the Governing Board with respect to Program 80 remain in full force and effect except as specifically modified by this Resolution.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 2.2 Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 11th day of April, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

EXHIBIT A

SCHEDULE OF PROGRAM FEES AND EXPENSES

MCC Assumption Fee \$125.00

This fee is submitted to the Department with the Applicant's new Application through a participating Lender.

MCC Issuance Fee any amount approved by an Authorized Representative of the Department provided that the fee cannot be any greater than **1%** of the Certified Indebtedness associated with the MCC and provided further that the fee cannot be any less than **\$500** per MCC issued.

This fee is submitted to the Department, or its designee, upon loan closing with all of the completed Program documents required for the issuance of an MCC. Upon receipt of the fee and the required documentation, the Department will issue an MCC to the borrower with a copy to the Lender.

MCC Document Handling Fee up to \$75.00

This fee may be charged and retained by the Lender to compensate it for handling the additional documentation required of it by the Program. The Lender additionally is authorized to charge its reasonable and customary fees and charges for origination of the loan.

Program Participation Fee \$1,000.00

This one-time fee is to be paid by the Lender and submitted with the 2012 MCC Program Participation Agreement to the Department. The Lender's participation will be noted on the Department's website. The Program Participation Fee will be waived for Lenders that have participated in one of the Department's previous MCC Programs.

Late Fee \$75.00

This fee may be charged to the Lender for a Submission Package that is sent to the Department more than thirty (30) days after the date of closing.

MCC Reissuance Fee \$50.00

This fee may be charged and retained by the Department to compensate it for handling and processing the issuance of a reissued MCC pursuant to a mortgage refinancing.

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BOARD ACTION REQUEST

BOND FINANCE DIVISION

April 11, 2013

Presentation, Discussion, and Possible Action on Resolution No. 13-030 authorizing Publication of Public Notice for Mortgage Credit Certificate Program (MCC) (Program 81)

RECOMMENDED ACTION

WHEREAS, the Department proposes to convert a portion of its authority to issue qualified mortgage bonds to mortgage credit certificates (“MCCs”), to be used for the Department’s Mortgage Credit Certificate Program to be designated as Program 81 (“MCC Program 81”); and

WHEREAS, the Governing Board desires to authorize the publication of public notice required under Section 25 of the Internal Revenue Code of 1986, as amended, and Treasury Regulation Section 1.25-3T(j)(4) issued thereunder as to the issuance of MCCs and maintenance of a list of single family mortgage lenders that will participate in MCC Program 81 (the “Public Notice”) and the taking of such actions as may be necessary to carry out the purposes of this Resolution;

NOW, therefore, it is hereby

RESOLVED, that Resolution No. 13-030 is hereby adopted in the form presented to this meeting.

BACKGROUND

TDHCA’s current MCC program was released on September 1, 2012 (Program 80). Under this program, approximately 55% of the MCC authority has been issued or commitments are in the pipeline. In order to ensure a continuous flow of available MCC funds, staff is requesting approval to publish the Public Notice for MCC Program 81. The notice is required to be published for 90 days prior to the issuance of MCCs under the program. Staff will come back to the Board at a later date for approval of the bond authority and related documents.

A mortgage credit certificate is an instrument designed to assist persons of low to moderate income to better afford individual ownership. The procedures for issuing MCCs were established by the United States Congress as an alternative to the issuance of single family mortgage revenue bonds. As distinguished from a bond program, in an MCC program no bonds are issued, no mortgage money is actually lent by the Department, many of the costs associated with a bond program are not incurred, and lenders are required to pay only nominal up-front fees.

Mortgage Credit Certificates help make ownership of a new or existing home more affordable by entitling the homeowner to a personal tax credit of up to \$2,000 against their federal tax liability for a portion of the interest paid on their home mortgage. For example, a homeowner that

RESOLUTION NO. 13-030

RESOLUTION AUTHORIZING PUBLICATION OF PUBLIC NOTICE FOR MORTGAGE CREDIT CERTIFICATE PROGRAM; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended from time to time (the "Act"), for the purpose, among others, of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe, and affordable living environments for persons and families of low and very low income (as defined in the Act) and families of moderate income (as described in the Act and determined by the Governing Board of the Department (the "Governing Board") from time to time) at prices they can afford; and

WHEREAS, the Act authorizes the Department: (a) to make, acquire and finance, and to enter into advance commitments to make, acquire and finance, mortgage loans and participating interests therein, secured by mortgages on residential housing in the State of Texas (the "State"); (b) to issue its bonds, for the purpose, among others, of obtaining funds to acquire or finance such mortgage loans, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such single family mortgage loans or participating interests, and to mortgage, pledge or grant security interests in such mortgages or participating interests, mortgage loans or other property of the Department, to secure the payment of the principal or redemption price of and interest on such bonds; and

WHEREAS, the Department proposes to convert a portion of its authority to issue qualified mortgage bonds to mortgage credit certificates ("MCCs"), to be used for the Department's Mortgage Credit Certificate Program to be designated as Program 81 ("MCC Program 81"); and

WHEREAS, the Governing Board desires to authorize the publication of public notice required under Section 25 of the Internal Revenue Code of 1986, as amended, and Treasury Regulation Section 1.25-3T(j)(4) issued thereunder as to the issuance of MCCs and maintenance of a list of single family mortgage lenders that will participate in MCC Program 81 (the "Public Notice") and the taking of such actions as may be necessary to carry out the purposes of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

APPROVAL OF CERTAIN ACTIONS

Section 1.1 Publication of Public Notice. The Department is hereby authorized to publish the Public Notice in the Texas Register and newspapers throughout the State.

Section 1.2 Authorized Representatives. The following persons and each of them are hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department's seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director of the Department, the Director of Bond Finance of the Department, the Director of Texas Homeownership of the Department and the Secretary or any Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the "Authorized Representatives." Any one of the Authorized Persons is authorized to act individually as set forth in this Resolution; provided, however, that no such authority shall serve to alter or supersede the

requirements that staff observe and adhere to the Department's established Standard Operating Procedures, as in effect from time to time, as they may apply to any such actions.

Section 1.3 Ratifying Other Actions. All other actions taken or to be taken by the Executive Director and the Department's staff in connection with the publication of the Public Notice for MCC Program 81 are hereby ratified and confirmed.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 2.2 Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 11th day of April, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

purchased a home with a mortgage loan in the amount of \$130,000 at a 3.75% interest rate for 30 years would have a monthly principal and interest payment of \$602. With an MCC, homeowners can submit a revised W-4 Withholding Form to his or her employer to reduce the federal withholding tax by up to \$166.67 per month, which increases the borrower's disposable income by reducing their federal income tax obligation. This same homeowner can also deduct the yearly mortgage interest paid of approximately \$2,925 (\$4,875 less \$1,950) as an itemized deduction on their annual federal income tax return. Simply put, an MCC is a dollar for dollar reduction of income taxes owed.

In order to be eligible for an MCC, borrowers must comply with the same first-time homebuyer requirements stipulated by the Internal Revenue Code for mortgage revenue bonds. For example, MCC recipients must occupy the residence as their primary residence, comply with income limits and comply with home purchase price limits. MCCs cannot be used when mortgages are funded with tax-exempt bond proceeds.

Under Federal guidelines, the Department, as an issuer of mortgage revenue bonds can trade \$1 of bond authority for \$0.25 of MCC authority. Today, staff is asking the Board to authorize staff to publish the notice for the next MCC program (Program 81). The actual approval of Program 81 documents and approval to convert bonding authority will not occur until a future Board meeting. Staff is currently projecting that Program 81 will use approximately \$260 million of private activity volume cap authority for \$65 million in MCC authority.

MCC Program 81 Example

Volume Cap Allocated for MCCs	\$260 million
IRS MCC Conversion Factor	\$0.25
MCC Issuance Authority	\$65 million
Average P78 Mortgage Credit Certificate Program Mortgage Amount	\$130,000
Market Mortgage Interest Rate	3.75%
First Year Mortgage Interest	\$4,875
MCC Certificate Credit Rate	40%
Tax Credit Amount	\$1,950
Maximum Tax Credit Allowed	\$2,000
Schedule A Mortgage Interest Deduction	\$2,925

Lenders participating in TDHCA's previous Mortgage Credit Certificate Programs have expressed continued interest in mortgage credit certificates. The proposed program would assist over 1,250 Texas families in attaining the "American Dream" of homeownership. The Department's MCC programs in the past 3 fiscal years have assisted 2,085 homebuyers and subsidized approximately \$274 million in mortgage loan financing. Currently, Program 80 has enough remaining MCC commitment authority to support approximately \$84 million in additional mortgage loan commitments. It is staff's intention to release Program 81 once Program 80 has been fully committed.

10

BOARD ACTION REQUEST

BOND FINANCE DIVISION

APRIL 11, 2013

Presentation, Discussion, and Possible Action on Resolution 13-031 authorizing the tender remarketing of Residential Mortgage Revenue Bonds, Taxable Series 2009C-1

RECOMMENDED ACTION

WHEREAS, the Department has previously issued its Residential Mortgage Revenue Bonds, Series 2009C pursuant to the Residential Mortgage Revenue Bond Trust Indenture dated as of November 1, 1987, and the Thirtieth Supplemental Residential Mortgage Revenue Bond Trust Indenture dated as of December 1, 2009; and

WHEREAS, the Department has previously converted a portion of the Series 2009C Bonds from taxable bonds to tax-exempt bonds in the original principal amount of \$89,030,000, and designated such portion as “Series 2009C-1” (the “Series 2009C-1 Bonds”); and

WHEREAS, the Department desires to restructure the Series 2009C-1 Bonds (the “Restructured Bonds”) in order to reduce the interest rate thereon and to cause the interest thereon to be taxable to the owners thereof for federal income tax purposes;

NOW, therefore, it is hereby

RESOLVED, the Governing Board of the Department desires to approve the restructuring and the payment of any costs associated with the transaction; and

FURTHER RESOLVED, that Resolution No. 13-031 is hereby adopted in the form presented to this meeting.

BACKGROUND

On March 10, 2011, the Department closed on Series 2011A and converted \$89,030,000 of Series 2009C (aka Series 2009C-1) Bonds in order to fund the first installment of the New Issue Bond Program (NIBP) Program 77. The Series 2009C-1 Bonds were converted at a rate of 3.57%. Since that time, interest rates have fallen and the Department can realize substantial savings through the execution of tender and remarketing of the Series 2009C-1 bonds. A tender and remarketing of Series 2009C-1 provides the same benefits to the Department as a taxable refunding. The tender and remarketing approach is being used due to restrictions placed on the original bonds by the NIBP bond program. Costs of issuance are not expected to exceed \$990,000, which is in line with prior transactions. Staff expects the Department to realize savings of \$3.8 million on a net present value basis at 150% PSA.

Based upon conversations with the State Attorney General’s office and the Bond Review Board, neither the State Attorney General’s office nor the Bond Review Board will be required to review or approve this transaction, as applicable.

The Department has used a rotation on both senior-managing underwriters and co-managing underwriters, and staff is recommending the following team be used to remarket the bonds:

Firm	Role
J.P. Morgan	Book-running Senior Manager
Morgan Stanley	Co-Senior Manager
Raymond James/Morgan Keegan	Co-Senior Manager
Goldman Sachs	Co-Manager

The following table provides certain key dates for this plan of finance.

Program Schedule	Series 2009C-1 Remarketing
TDHCA Board Approval Date	April 11, 2013
Pricing Dates	April 24, 2013
Execute Bond Purchase Agreement	April 25 2013
Pre-Closing/Closing Dates	May 7/8, 2013

RESOLUTION NO. 13-031

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF FIFTH AND SIXTH AMENDMENTS TO THIRTIETH SUPPLEMENTAL RESIDENTIAL MORTGAGE REVENUE BOND TRUST INDENTURE RELATING TO THE RESTRUCTURING OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS RESIDENTIAL MORTGAGE REVENUE BONDS, SERIES 2009C-1; AUTHORIZING THE APPROVAL OF THE FORM AND SUBSTANCE OF THE BOND PURCHASE AGREEMENT AND THE REOFFERING CIRCULAR; 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

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code (the "Act"), as amended from time to time, for the purpose of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe and sanitary housing for individuals and families of low and very low income and families of moderate income (as described in the Act as determined by the Governing Board of the Department (the "Governing Board") from time to time) at prices they can afford; and

WHEREAS, the Act authorizes the Department: (a) to acquire, and to enter into advance commitments to acquire, mortgage loans (including participations therein) secured by mortgages on residential housing in the State of Texas; (b) to issue its bonds for the purpose of obtaining funds to make and acquire such mortgage loans or participations therein, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such mortgage loans or participations therein, and to mortgage, pledge or grant security interests in such mortgages, mortgage loans or other property of the Department, to secure the payment of the principal or redemption price of and interest on such bonds; and

WHEREAS, the Texas Housing Agency (the "Agency") or the Department, as its successor, has, pursuant to and in accordance with the provisions of the Act, issued, sold and delivered its Residential Mortgage Revenue Bonds pursuant to the Residential Mortgage Revenue Bond Trust Indenture dated as of November 1, 1987 (as amended by supplemental indentures numbered First through Thirty-Second and any amendments thereto, collectively, the "RMRB Indenture") between the Department, as successor to the Agency, and The Bank of New York Mellon Trust Company, N.A., as successor trustee (the "Trustee"), to implement the various phases of the Agency's (now the Department's) single family mortgage purchase program by providing funds to make and acquire qualifying mortgage loans (including participations therein) through the purchase of mortgage-backed securities; and

WHEREAS, the Department has, pursuant to and in accordance with the Act, issued, sold and delivered its Residential Mortgage Revenue Bonds, Series 2009C (the "Series 2009C Bonds") pursuant to the RMRB Indenture and the Thirtieth Supplemental Residential Mortgage Revenue Bond Trust Indenture dated as of December 1, 2009, as amended by the First Amendment to Thirtieth Supplemental Residential Mortgage Revenue Bond Trust Indenture dated as of December 1, 2010, the Second Amendment to Thirtieth Supplemental Residential Mortgage Revenue Bond Trust Indenture dated as of December 21, 2011, the Third Amendment to Thirtieth Supplemental Residential Mortgage Revenue Bond Trust Indenture dated as of January 20, 2012, and the Fourth Amendment to Thirtieth Supplemental Residential Mortgage Revenue Bond Trust Indenture dated as of September 13, 2012, each between the Department and the Trustee (collectively, the "Thirtieth Series Supplement"); and

WHEREAS, the Department has previously converted a portion of the Series 2009C Bonds from taxable bonds to tax-exempt bonds in the original principal amount of \$89,030,000, and designated such portion as “Series 2009C-1” (the “Series 2009C-1 Bonds”); and

WHEREAS, the Department desires to restructure the Series 2009C-1 Bonds (the “Restructured Bonds”) in order to reduce the interest rate thereon and to cause the interest thereon to be taxable to the owners thereof for federal income tax purposes; and

WHEREAS, in connection with and to facilitate such restructuring (the “Restructuring”), the Governing Board desires to authorize the execution and delivery of a Fifth Amendment to Thirtieth Supplemental Residential Mortgage Revenue Bond Trust Indenture (the “Fifth Amendment”) and a Sixth Amendment to Thirtieth Supplemental Residential Mortgage Revenue Bond Trust Indenture (the “Sixth Amendment” and together with the Fifth Amendment, the “Amendments”), each between the Department and the Trustee in substantially the forms attached hereto; and

WHEREAS, the Governing Board has further determined that the Department should enter into a Bond Purchase Agreement relating to the Series 2009C-1 Bonds (the “Bond Purchase Agreement”) with J.P. Morgan Securities LLC, as representative of the group of underwriters listed on Exhibit A to this Resolution (the “Underwriters”), in substantially the form attached hereto setting forth certain terms and conditions upon which the Underwriters will purchase the Bonds; and

WHEREAS, the Governing Board has been presented with a draft of a preliminary reoffering circular to be used in the reoffering of the Restructured Bonds (the “Reoffering Circular”) and the Governing Board desires to approve such Reoffering Circular in substantially the form attached hereto; and

WHEREAS, the Governing Board desires to authorize the use of up to \$1,000,000 of Department funds for payment of costs relating to the Restructuring; and

WHEREAS, the Governing Board determined that the purpose for which the Department issued the Series 2009C-1 Bonds constituted “public works” as contemplated by Chapter 1371, Texas Government Code, as amended; and

WHEREAS, the Governing Board desires to approve the forms of the Amendments, the Bond Purchase Agreement and the Reoffering Circular in order to find the form and substance of such documents to be satisfactory and proper and the recitals contained therein to be true, correct and complete; and has determined to authorize the execution and delivery of such documents and the taking of such other actions as may be necessary or convenient to carry out the purposes of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

APPROVAL OF RESTRUCTURING, DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Approval of Restructuring. The Restructuring is hereby authorized, and that, upon the mandatory tender and purchase of the Series 2009C-1 Bonds authorized by the Fifth Amendment, the Authorized Representatives of the Department named in this Resolution are each hereby authorized to execute, attest and affix the Department’s seal to the Restructured Bonds and, if required by Bond Counsel to the Department, to deliver the Restructured Bonds to the Trustee for authentication, and thereafter to deliver the Restructured Bonds to or upon the order of the Underwriters.

Section 1.2 Approval, Execution and Delivery of Amendments. The form and substance of the Amendments are hereby authorized and approved, and (i) upon receipt of the consent of the owners of all the Series 2009C-1 Bonds to the Fifth Amendment, the Authorized Representatives of the Department named in this Resolution are each hereby authorized to execute, attest and affix the Department's seal to the Fifth Amendment and to deliver the Fifth Amendment to the Trustee, and (ii) upon the mandatory tender and purchase of the Series 2009C-1 Bonds authorized by the Fifth Amendment, the Authorized Representatives of the Department named in this Resolution are each hereby authorized to execute, attest and affix the Department's seal to the Sixth Amendment and to deliver the Sixth Amendment to the Trustee.

Section 1.3 Authority to Determine Interest Rate. The Chair of the Governing Board or the Executive Director of the Department are hereby authorized and empowered, in accordance with Chapter 1371, Texas Government Code, as amended, to fix and determine the interest rate of the Restructured Bonds, which determination shall be conclusively evidenced by the execution and delivery by an Authorized Representative of the Sixth Amendment, the Bond Purchase Agreement and the Reoffering Circular; provided, however, that the interest rate on the Restructured Bonds shall not exceed 3.30% per annum and the net present value savings resulting from the Restructuring of the Series 2009C-1 Bonds shall be at least 3.0% of the aggregate principal amount thereof.

Section 1.4 Approval, Execution and Delivery of the Bond Purchase Agreement. Contemporaneous with the execution and delivery of the Fifth Amendment, the Authorized Representatives are hereby authorized to execute, attest and affix the Department's seal to the Bond Purchase Agreement and to deliver the Bond Purchase Agreement to the Underwriters.

Section 1.5 Reoffering Circular. The Reoffering Circular, in substantially the form presented to the Governing Board, is hereby approved; prior to the execution of the Bond Purchase Agreement, the Authorized Representatives, acting for and on behalf of the Governing Board, are hereby authorized and directed to finalize the Reoffering Circular for distribution by the Underwriters to prospective purchasers of the Restructured Bonds, with such changes therein as the Authorized Representatives may approve in order to permit such an Authorized Representative, for and on behalf of the Governing Board, to deem the Reoffering Circular final as of its date, except for such omissions as are permitted by Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12") to the extent applicable, such approval to be conclusively evidenced by the distribution of such Reoffering Circular; and within seven business days after the execution of the Bond Purchase Agreement, the Authorized Representatives, acting for and on behalf of the Governing Board, shall cause the final Reoffering Circular, in substantially the form of the Reoffering Circular attached hereto, with such changes as such an Authorized Representative may approve, such approval to be conclusively evidenced by such Authorized Representative's execution thereof, to be provided to the Underwriters in compliance with Rule 15c2-12 to the extent applicable.

Section 1.6 Execution and Delivery of Other Documents. The Authorized Representatives are each hereby authorized to execute and deliver all agreements, certificates, contracts, documents, instruments, releases, financing statements, letters of instruction, notices, written requests and other papers, whether or not mentioned herein, as may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution and the Restructuring.

Section 1.7 Power to Revise Form of Documents. Notwithstanding any other provision of this Resolution, the Authorized Representatives are each hereby authorized to make or approve such revisions in the forms of the Amendments, the Bond Purchase Agreement or the Reoffering Circular as, in the judgment of such Authorized Representative, may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution, such approval to be evidenced by the execution of any such documents by the Authorized Representatives.

Section 1.8 Exhibits Incorporated Herein. All of the terms and provisions of each of the documents listed below as an exhibit shall be and are hereby incorporated into and made a part of this Resolution for all purposes:

- Exhibit B - Fifth Amendment
- Exhibit C - Sixth Amendment
- Exhibit D - Bond Purchase Agreement
- Exhibit E - Reoffering Circular

Section 1.9 Authorized Representatives. The following persons are hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department's seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director of the Department, the Director of Bond Finance of the Department, and the Secretary or any Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the "Authorized Representatives." Any one of the Authorized Representatives is authorized to act individually as set forth in this Resolution; provided, however, that no such authority shall serve to alter or supersede the requirements that staff observe and adhere to the Department's established Standard Operating Procedures, as in effect from time to time, as they may apply to any such actions.

Section 1.10 Department Contribution. The contribution of Department funds in an amount not to exceed \$1,000,000 to be used in connection with the Restructuring is hereby authorized.

Section 1.11 Ratifying Other Actions. All other actions taken or to be taken by the Executive Director and the Department's staff in connection with the Restructuring are hereby ratified and confirmed.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with § 2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 2.2 Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

[Execution page follows]

PASSED AND APPROVED this 11th day of April, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

EXHIBIT A

List of Underwriters

Senior Manager

J.P. Morgan Securities LLC

Co-Senior Managers

Morgan Stanley & Co. LLC

Raymond James & Associates, Inc.

Co-Managers

Goldman, Sachs & Co.

ALL DOCUMENTS REFERRED TO IN THE FOREGOING RESOLUTION ARE ATTACHED TO THE ORIGINAL COPY OF SAID RESOLUTION, WHICH IS ON FILE IN THE OFFICIAL RECORDS OF THE DEPARTMENT, AND EXECUTED COUNTERPARTS OF SUCH EXHIBITS ARE INCLUDED IN THE OFFICIAL TRANSCRIPT OF PROCEEDINGS RELATING TO THE BONDS.

REPORT ITEMS

R1

BOARD REPORT ITEM
COMPLIANCE DIVISION
APRIL 11, 2013

Report on the status of a rule regarding rent limits for certain tax exempt bond Developments

REPORT ITEM

At the February 21, 2013, Board meeting, staff was instructed to prepare and publish in the *Texas Register* a proposed rule and preamble reflecting the direction and policy guidance given by the Board regarding the calculation of rent limits for certain properties encumbered by regulatory agreements through the tax exempt bond program. At the February meeting it was contemplated that the Board would consider the rule for adoption at this meeting. However, given the timing of *Texas Register* publication and posting requirements, the rule is still out for public comment.

The public comment period ends April 15, 2013. Staff will bring the rule to the May 9, 2013 meeting for consideration for adoption.

The text of the preamble and rule is shown below.

The Texas Department of Housing and Community Affairs (the “Department”) proposes new 10 TAC Chapter 10, Subchapter H, §§10.101-103, concerning Income and Rent Limits. The purpose of the proposed new sections is to codify the income and rent limits applicable to the multifamily programs administered by the Texas Department of Housing and Community Affairs. The proposed sections define Multifamily Tax Subsidy Program Imputed Income Limit, prescribe the rent limits applicable to tax exempt bond properties, and amend existing Land Use Restriction Agreements in conformance with the rule.

FISCAL NOTE. Timothy K. Irvine, Executive Director, has determined that, for each year of the first five years the new sections are in effect, enforcing or administering the new sections does not have any foreseeable implications related to costs or revenues of the state or local governments.

PUBLIC BENEFIT/COST NOTE. Mr. Irvine also has determined that, for each year of the first five years the new sections are in effect, the public benefit anticipated as a result of the new sections will be increased compliance due to the clarity and financial stability the new rule provides. There will not be any economic cost to any individuals required to comply with the new sections.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES. The Department has determined that there will be no economic effect on small or micro-businesses.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held March 15, 2013 to April 15, 2013, to receive input on the new sections. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Patricia Murphy, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or by fax to (512) 475-3359. **ALL COMMENTS MUST BE RECEIVED BY 5:00 P.M. April 15, 2013.**

STATUTORY AUTHORITY. The new sections are proposed pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The proposed new section(s) affects no other code, article, or statute.

TITLE 10. COMMUNITY DEVELOPMENT.

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.

CHAPTER 10. UNIFORM MULTIFAMILY RULES.

SUBCHAPTER H. INCOME AND RENT LIMITS

§10.101 Purpose.

(a) The purpose of this rule is to codify the income and rent limits applicable to the multifamily programs administered by the Texas Department of Housing and Community Affairs. The Department may, but is not required to, calculate and provide income and rent limits for programs administered by

the Department. Income and rent limits will be derived from data released by Federal agencies including the U.S. Department of Housing and Urban Development (HUD).

§10.102 Definitions.

- (a) Unless otherwise defined here terms have the meaning in 10 TAC §10.3 or federal or state law.
- (b) Multifamily Tax Subsidy Program Imputed Income Limit: Using the income limits provided by the U.S. Department of Housing and Urban Development pursuant to §142(d), the imputed income limit is the income limitation which would apply to individuals occupying the unit if the number of individuals occupying the unit were as follows: (i) In the case of a unit which does not have a separate bedroom, 1 individual. (ii) In the case of a unit which has 1 or more separate bedrooms, 1.5 individuals for each separate bedroom.

§10.103 Tax Exempt Bond Properties.

- (a) The Land Use Restriction Agreement for some, but not all, Tax Exempt Bond properties restricts the amount of rent the Development Owner is permitted to charge. If the LURA restricts rent limits, rents will be calculated as 30 percent of the applicable Multifamily Tax Subsidy Program Imputed Income Limit but never less than the limit taking into consideration the gross rent floor provided in accordance with Revenue Procedure 94-57.
- (b) Tax Exempt Bond LURAs are hereby amended to be consistent with this section.
- (c) The Department will make available a memorandum in a recordable form reflecting the applicable rent limits in accordance with this section and the legal description of the affected property. The owner of the property will bear any costs associated with recording such memorandum in the real property records for the county in which the property is located.
- (d) Nothing in this Section prevents a Development Owner from pursuing a Material Amendment to their LURA in accordance with the procedures found in Subchapter E of this Chapter, §10.405 regarding Amendments and Extensions.

R2

**BOARD REPORT ITEM
HOME DIVISION
APRIL 11, 2013**

Status Report on the HOME Program Contracts and Reservation System Participants through March 2013, Calendar Year YTD

Activity Type	<u>Funded/Awarded for March</u>		<u>Funded/Awarded for Year</u>		<u>Setups for March</u>		<u>Setups for Year</u>		<u>Draws for March</u>		<u>Draws for Year</u>	
	RSP	Contracts	RSP	Contracts	Amount	Number	Amount	Number	Amount	Number	Amount	Number
CFD	\$0	\$0	\$0	\$0	\$0	0	\$0	0	\$0	0	\$13,792	1
CHDO Operating	\$0	\$0	\$0	\$50,000	\$0	0	\$0	0	\$31,250	2	\$37,500	3
Dev SF	\$0	\$0	\$0	\$0	\$200,000	2	\$472,150	5	\$8,100	1	\$94,787	6
HBA/Rehab	\$311,715	\$0	\$533,715	\$0	\$301,715	20	\$585,215	34	\$230,452	25	\$682,579	63
HRA	\$1,400,845	\$0	\$4,012,319	\$0	\$3,086,573	36	\$5,610,399	66	\$1,887,574	100	\$6,642,207	353
MFD	\$0	\$0	\$0	\$9,450,000	\$4,710,543	4	\$8,620,543	7	\$3,922,651	12	\$5,556,118	22
TBRA	\$428,867	\$0	\$1,143,714	\$0	\$523,425	45	\$1,215,229	112	\$441,926	586	\$1,151,787	1,624
Sub Totals:	\$2,141,427	\$0	\$5,689,748	\$9,500,000	\$8,822,256	107	\$16,503,536	224	\$6,521,954	726	\$14,178,769	2,072
Totals:	\$2,141,427		\$15,189,748									

CFD - Contract For Deed

CHDO - Community Housing Development Organization

HRA - Homeowner Rehabilitation

HBA/Rehab - Homebuyer Assistance with Rehab

MFD - Rental Housing Development

RSP - Reservation System Participant

TBRA - Tenant Based Rental Assistance

R3

BOARD REPORT ITEM
NEIGHBORHOOD STABILIZATION PROGRAM
April 11, 2013

Final Report on any actions taken under the Texas Neighborhood Stabilization Program (NSP) grant of emergency authority

REPORT ITEM

At the December 13, 2012, meeting of the TDHCA Governing Board, the Executive Director was authorized, for and on behalf of the Board and the Department, to take any such actions as may be required to assure timely, compliant expenditure of NSP1 and NSP3 funds. This is the final report of actions taken under that authority.

On February 4, 2013, the Board Chair approved a request for authorization to extend certain NSP contracts. The extensions to August 31, 2013, will allow time for closing remaining homebuyer transactions and allow reimbursement of costs incurred prior to the March 3, 2013, NSP Expenditure deadline. The 14 contracts proposed for extension had original termination dates of August 31, 2011, and have exhausted all administrative extensions.

No further actions were taken under the authority granted at the December 13, 2012 meeting.

R4

TDHCA Outreach Activities, February/March 2013

A compilation of activities designed to increase the awareness of TDHCA programs and services or increase the visibility of the Department among key stakeholder groups and the general public

Event	Location	Date	Division	Purpose
Child Care Advisory Group	Austin	February 1	Housing Resource Center	Participant
HOME Homebuyer Assistance Training	Cedar Park	February 2	HOME	Training
Department of Aging and Disability Services (DADS)/Access & Assistance Training	Austin	February 4	Housing Resource Center	Presentation
ARRA DOE Weatherization Assistance Program Funding Hearing	Austin	February 5	Community Affairs	Public Hearing
TMP 79/MCC Webinar	Austin	February 6	Homeownership	Training
Community Resource Coordination Group	Austin	February 7	Housing Resource Center	Participant
National Association of Professional Mortgage Women Event	Houston	February 7	Homeownership	Presentation
First Thursday Income Eligibility Training	Austin	February 7	Compliance	Training
Child Care Advisory Group	Austin	February 8	Housing Resource Center	Participant
Child Care Advisory Group	Austin	February 13	Housing Resource Center	Participant
Women's Realtor Council	Houston	February 13	Homeownership	Presentation
Housing & Health Services Coordination Council (HHSCC): Housing Committee Meeting	Austin	February 14	Housing Resource Center	Participant
HHSCC: Services Committee Meeting	Austin	February 15	Housing Resource Center	Participant
Child Care Advisory Group	Austin	February 15	Housing Resource Center	Participant
Disability Advisory Workgroup	Austin	February 19	Housing Resource Center	Participant
2013 Emergency Solutions Grants (ESG) Program Application Workshop	Austin	February 20	Community Affairs	Training
National Association of Professional Mortgage Women Event	Houston	February 21	Homeownership	Presentation
HOME Homebuyer, Rehabilitation, and Tenant-Based Rental Assistance	Austin	February 27	HOME	Training
Texas Interagency Council for the Homeless/Housing & Supportive Services Committee	Austin	February 28	Housing Resource Center	Participant
State Independent Living Council Quarterly Meeting	Austin	March 2-3	Housing Resource Center	Participant
State Independent Living Council Annual Conference	Austin	March 4-5	Housing Resource Center	Participant
Housing Tax Credit Compliance Training	Houston	March 5	Compliance	Training
Housing and Services Partnership Academy Webinar	Austin	March 6	Housing Resource Center	Training
Department of State Health Services/ Supportive Housing Technical Assistance Conference Call	Austin	March 6	Housing Resource Center	Presentation
Uniform Physical Condition Standards Inspection Training	Houston	March 6	Compliance	Training
MCC Program Lender Training	Austin	March 7	Homeownership	Training

Event	Location	Date	Division	Purpose
First Thursday Income Eligibility Training	Austin	March 7	Compliance	Training
Metro-Texas Board of Realtors/ TMP 79/MCC	DeSoto	March 13	Homeownership	Presentation
Cross-Cutting Federal Rules, Program Services Overview	Austin	March 14	Program Services	Training
Interview/KEDT-FM	Corpus Christi	March 15	Homeownership	Interview
Corpus Christi Assoc. of Realtors/ Housing Committee Seminar	Corpus Christi	March 20	Homeownership	Presentation
Housing Tax Credit Compliance Training	San Antonio	March 21	Compliance	Training
Disability Advisory Workgroup	Austin	March 21	Housing Resource Center	Participant
Asian American Real Estate Assoc./ Homebuyer Seminar	Houston	March 21	Homeownership	Panelist
Groundbreaking/Works at Pleasant Valley	Austin	March 21	Executive	Remarks
United Texas: Housing Initiatives that Work	Bastrop	March 25	Homeownership	Training
San Antonio Board of Realtors/ Down Payment Seminar	San Antonio	March 26	Homeownership	Presentation
HOME Homeowner Rehabilitation Training	Austin	March 27	HOME	Training

Internet Postings of Note, February/March 2013

A list of new or noteworthy documents posted to the Department's Web site

Fair Housing Choice Disclosure Notice — *ensuring tenants residing in affordable rental housing units are aware of basic rights offered them under fair housing laws:*

www.tdhca.state.tx.us/program-services/fair-housing/housing-industry.htm

Update to Federal Poverty Income Guidelines: Effective January 24, 2013 — *detailing income limits for DOE and HHS weatherization assistance, and HHS assistance through the CSBG Program, at specific percentages of the federal poverty guidelines:*

www.tdhca.state.tx.us/community-affairs/ceap/guidance.htm; www.tdhca.state.tx.us/community-affairs/wap/guidance.htm; www.tdhca.state.tx.us/community-affairs/csbj/index.htm

State of Texas Analysis of Impediments: Phase 1 Action Steps — *providing a brief summary of required actions, responsible parties, state dates, and actions taken in updating state's Phase I AI:*

www.tdhca.state.tx.us/program-services/fair-housing/analysis-impediments-2010-1.htm

2013 Statewide and Regional Operating Expense Databases — *detailing operating expenses for developments within the Department's portfolio by number of units, both at the state and local levels, respectively:*

www.tdhca.state.tx.us/rea/index.htm#tools

Continuum of Care: Texas Interagency Council for the Homeless Web Page — *new Internet page briefly explaining the nature of Continuum of Care entities:*

www.tdhca.state.tx.us/tich/index.htm

HTC 2013 Competitive Application Cycle Frequently Asked Questions — *offering technical answers to questions most often asked by the development community regarding the Housing Tax Credit Program:*

www.tdhca.state.tx.us/multifamily/htc/index.htm

2013 Competitive Housing Tax Credit Program Pre-Application Submission Logs: February 13, 2013 — providing updated details on applicants participating in the 2013 pre-application cycle:
www.tdhca.state.tx.us/multifamily/htc/index.htm

HOME Unit Calculation Tool — used to determine the appropriate designation of HOME units when completing that section of the Department's HOME funding application:
www.tdhca.state.tx.us/multifamily/applications.htm

Compliance Monitoring: Reporting Requirements — detailing new procedures for attaching certain electronic documents into the Compliance Monitoring System:
www.tdhca.state.tx.us/comp_reporting.htm

TDHCA Relocation Handbook — providing guidance to developers regarding federal rules governing the displacement of tenants as a result of the demolition or conversion of affordable housing units:
www.tdhca.state.tx.us/program-services/ura/index.htm

2012 Annual Owner's Compliance Report Training Materials — assisting property owners and managers in providing required five-part document comprising the Annual Owner's Compliance Report:
www.tdhca.state.tx.us/pmcomp/reports.htm

2013 Texas Statewide Homebuyer Education Program Workshops — detailing educational opportunities and contact information for local nonprofit organizations interested in providing pre- and post purchase homebuyer education:
www.tdhca.state.tx.us/homeownership/tshep/index.htm

Participating Jurisdiction Status of Texas Cities/Counties — listing metropolitan areas and counties generally ineligible to apply for HOME Program funds through the Department:
www.tdhca.state.tx.us/home-division/index.htm

New REAC/UPCS Scoring Notice — detailing alterations to HUD metrics under the Physical Condition Indicator, updated definitions, and the agency's response to public comment on these topics:
www.tdhca.state.tx.us/pmcomp/inspections/physical.htm

2013 State of Texas Low Income Housing Plan and Annual Report — reporting on the administration, funding levels, performance measures, and the distribution of the Department's resources from the previous fiscal year:
www.tdhca.state.tx.us/housing-center/pubs-plans.htm

Proposed Compliance Rules — relating to the Housing Tax Credit Program, specifically to Previous Participation Reviews and Reasonable Accommodations as published in the February 8th Texas Register:
www.tdhca.state.tx.us/pmcomp/manuals-rules-htc.htm

Request for Proposals: UPCS Inspection Services — seeking qualified entities with experience conducting Uniform Physical Condition Standards (UPCS) Inspections for Department housing developments (links to Comptrollers Office Web page):
http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=104665

TDHCA Governing Board: Member and Biographical Information — updated to reflect Dr. Muñoz has been elected position as Board Vice Chair at February 2013 meeting:
www.tdhca.state.tx.us/board/index.htm

2013 Competitive Housing Tax Credit Program Application Submission Logs: March 5, 2013 — listing full applications for 9% Housing Tax Credits received by the Department by the March 1, 2013 deadline:
www.tdhca.state.tx.us/multifamily/htc/index.htm

Housing Trust Fund 2012-2013 Contract for Deed Conversion Program “Assistance Grants” — *assisting colonia households to convert their contracts for deeds to warranty deeds; links to program NOFA:*
www.tdhca.state.tx.us/hf/cfdc-assistance-grants.htm

2013 HTF Single Family Income Limits — *identifying maximum income and rent limits for properties participating in the Housing Trust Fund’s single family programs:*
www.tdhca.state.tx.us/pmcomp/irl/index.htm

2013 Texas Bootstrap Income Limits — *identifying maximum income and rent limits for properties participating in the Office of Colonia Initiatives’ Bootstrap Loan Program:*
www.tdhca.state.tx.us/oci/forms.jsp

HOMEbuyer Program Assistance Calculator — *assisting in determining eligibility and amount of assistance for qualifying borrowers participating in the Department’s Texas HOMEbuyer Assistance Program for Lenders:*
www.tdhca.state.tx.us/home-division/forms/home_forms_hba.htm

2013 4% Housing Tax Credit with TDHCA as Issuer Status Log: March 1, 2013 — *listing applicants seeking 4% Housing Tax Credits in conjunction with bond financing with the Department as issuer:*
www.tdhca.state.tx.us/multifamily/bond/index.htm

2013 4% Housing Tax Credit with Local Issuer Status Log: March 1, 2013 — *listing applicants seeking 4% Housing Tax Credits in conjunction with bond financing through local housing finance agencies:*
www.tdhca.state.tx.us/multifamily/htc/index.htm

Housing Tax Credit Program Pre-Application Basics — *providing a brief background on the Housing Tax Credit Program’s pre-application process, its purpose, and typical timeline:*
www.tdhca.state.tx.us/multifamily/htc/description.htm

2013 Emergency Solutions Grants Program Notice of Funding Availability — *notifying eligible entities regarding availability of funds, application requirements, eligible activities, award amounts, and review process:*
www.tdhca.state.tx.us/community-affairs/esgp/nofas.htm

2013 Housing Finance Corporation List — *listing staff contacts for local finance agencies eligible to issue mortgage revenue bonds and participate in other related housing activities:*
www.tdhca.state.tx.us/multifamily/htc/index.htm

2013 Post Bond Closure Submission — *detailing timelines and responsibilities of bond issuer 60 calendar days after closing on the bonds:*
www.tdhca.state.tx.us/multifamily/htc/index.htm

Housing and Services Partnership Academies: Questions and Answers — *offering answers to questions most often asked by entities considering participation in the HSP Academies:*
www.tdhca.state.tx.us/housing-center/real-choice-hsp.htm

Draft Amended 2012 HOME Single Family Reservation System Notice of Funding Availability — *notifying eligible entities regarding availability of funds, eligible activities, threshold requirements, and deadlines:*
www.tdhca.state.tx.us/home-division/nofas.htm

Public Hearing Schedule for 2013 Competitive Housing Tax Credit Applications — *listing the dates, times, and locations for six public hearings to accept comment for applications seeking Housing Tax Credits in the 2013 allocation cycle:*
www.tdhca.state.tx.us/multifamily/htc/index.htm

Report on the Internal Audit of the Bond Finance Division's Transfers to the Housing Trust Fund — regarding the movement of unencumbered fund balances to the Housing Trust Fund in accordance with statute:
www.tdhca.state.tx.us/internal-audit.htm

Post Carryover Activities Manual — updated to include instructions for 10% Test (for 2012 awardees), Construction Status Report, LURA Origination, Amendments to the LURA, Cost Certification and Amendments to Application:

www.tdhca.state.tx.us/asset-management/pca-manual.htm

Request for Proposals: Real Estate Broker Services — seeking qualified entities for the purpose of acquisition, disposition, and preservation of real property (links to Comptrollers Office Web page):

http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=104976

2a

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action Regarding the Issuance of Multifamily Housing Revenue Bonds with TDHCA as the Issuer, Resolution #13-033 and a Determination Notice of Housing Tax Credits for Waters at Willow Run

RECOMMENDED ACTION

WHEREAS, the Board approved the inducement resolution at the July 26, 2012, Board meeting;

WHEREAS, the Certificate of Reservation has a bond delivery deadline of July 14, 2013;

WHEREAS, when the Board approved a bond resolution at the February 21, 2013, Board meeting it directed the executive director to confirm that six (6) specific conditions imposed by the Board had been met prior to closing;

WHEREAS, concerns regarding the manner in which these conditions are being addressed have been raised by the public finance staff at the Office of the Attorney General; and

WHEREAS, staff is bringing this item before the Board for final disposition of the conditions of award as approved by the Board on February 21, 2013;

NOW, therefore, it is hereby,

RESOLVED, that the issuance of up to \$16,000,000 in tax-exempt Multifamily Housing Revenue Bonds (The Waters at Willow Run Apartments), Series 2013 for the Waters at Willow Run, Resolution #13-033 and the issuance of a Determination Notice of \$722,454 in 4% Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website, is hereby _____ in the form presented to this meeting; and

FURTHER RESOLVED, that staff is authorized, empowered, and directed, for and on behalf of the Department to execute and deliver such documents, instruments, and writings and perform such acts and deeds as may be necessary to effectuate the foregoing.

BACKGROUND

General Information: The Bonds will be issued under Chapter 1371, Texas Government Code, as amended, and under Chapter 2306, Texas Government Code, as amended, the Department's Enabling Statute (the "Statute"), which authorizes the Department to issue revenue bonds for its public purposes, as defined therein. (*The Statute provides that the Department's revenue bonds are solely obligations of the Department, and do not create an obligation, debt, or liability of the State of Texas or a pledge or loan of the faith, credit or taxing power of the State of Texas.*)

The Waters at Willow Run consists of the construction of 242 units targeted to a general population in Austin and lays in both Travis and Williamson counties. The site received approval of rezoning from the City of Austin on December 8, 2011. The application was submitted under the Priority 3 category, with the applicant proposing 100% of the units serving individuals and families earning 60% of Area Median Family Income (AMFI).

Organizational Structure and Compliance: The current Borrower is The Waters at Willow Run, LP, and the General Partner is AHF-Waters at Willow Run, LLC, of which the sole member is Atlantic Housing Foundation, Inc., a not for profit organization. The Board of Trustees of Atlantic Housing Foundation, Inc. is comprised of Michael Nguyen, President and CEO, Daniel B. French, Executive Vice President, Elizabeth Snyder, Secretary and Treasurer, Alton Jones, Richard Whaley, George Griffiths, and Carolina Lopez.

Previous Participation: The Compliance Status Summary completed on March 28, 2013, reveals that the principals of the general partner have received five multifamily awards covering four properties in Texas. Three of the properties have completed their affordability compliance period, and none have issues of material noncompliance.

Public Hearing: A public hearing was conducted by the Department for the proposed development on October 17, 2012. There were approximately 225 people in attendance with 13 speaking on the record, the majority of which were in opposition. The following concerns were expressed by the community: there are too many low income apartment communities in the area, the road that the property is located on is already congested and dangerous, there are no sidewalks along FM 1325, concerns over the power lines located on the site and the manner in which they could affect fire and EMS responders maneuvering the site, lack of retail and employment options in the area, no public transportation being available, services for the residents not existing in the area (*e.g.*, food banks, Medicaid and welfare offices and community clinics), and possible negative impact on property values. A copy of the hearing transcript is included in this presentation.

Other Public Comment: The Department received a letter from State Senator Kirk Watson expressing concerns over the proposed Development. Based on the Department's mapping resources, it appears that the proposed Development lies across the borderline of both Senator Watson's district (State Senate District 14) and Senator Charles Schwertner's district (State Senate District 5), therefore technically being located in both members' districts. The Department has not received any correspondence from Senator Charles Schwertner. The Department received two letters of opposition from individuals that indicated a senior development would be better suited for the area, suggesting that it would not contribute to a decline in property values, over-crowding of schools, or gang activity and additionally cited safety concerns over the location, the lack of public transportation and the ability of fire and EMS responders to maneuver around the power lines located on the site. The Department received a letter of support from

the Apartment Association of Tarrant County for this Development. As you recall, at the February Board meeting several comments were made regarding this transaction.

Summary of Conditions Imposed at the February 21, 2013, Board Meeting: During the course of the discussion at the February 21 Board meeting specific concerns were identified by the Board which included the following: school bus service to the proposed development, the fall distance of any transmission towers on the site, location of services within a mile of the proposed development, availability of a carpool/van service to the residents, enrollment projections and school overcrowding in Round Rock ISD, and the availability of emergency services to the site. The Board directed the materials relating to each of these concerns, as submitted by the Applicant, be reviewed by the Executive Director for confirmation that they adequately addressed these conditions. In the course of discussions with the Bond Review Board and the Attorney General's office, both of which were also reviewing the documentation that was submitted, questions were raised as to whether they did, as a matter of fact, adequately address the condition imposed by the Board. Staff has, included in this presentation, copies of all documentation related to such conditions and has summarized pertinent information surrounding each specific condition.

- School Bus Service: A letter from the Round Rock ISD Transportation Department confirmed that school bus service will be provided to the proposed development for the corresponding elementary, middle and high school. Subsequent to the Department's receipt of the letter, public comment was received that indicated the proposed development is located within the walking zone of the elementary school and, therefore, school bus service would not be provided. As a result, staff had discussions with the Round Rock ISD Transportation Department personnel and that staff of the Round Rock ISD indicated that standard procedure is to not make bus service available because the proposed development is within 2 miles of the elementary school. However, to the extent a reasonable level of safety does not exist for children within this area to get to school by means other than buses, then the District could provide bus service and can request additional funding to do so pursuant to the Texas Education Code §42.155. Moreover, §42.155 provides general guidance regarding hazardous routes, including, but not limited to the following: no sidewalks are provided and children must walk along or cross a freeway or expressway, an uncontrolled major traffic artery, or an industrial or commercial area. The Round Rock ISD Board of Trustees assesses each location for the presence of these factors and makes a determination as to whether or not bus service would be provided, which is subject to change based on current local safety conditions and according to the interest of the School Board members. While staff requested an updated letter from the Round Rock ISD Transportation Department to explain the foregoing in light of the walking zone, email correspondence indicated they were not willing to provide additional details on such factors and that the assurances provided in their original letter were as accurate and detailed as they could make them.
- Fall Distance of Transmission Towers: Letters were provided by both the civil and structural engineer for this proposed development attesting to the engineered fall distance of the transmission towers in relation to the buildings on the site. Specifically, the letters explain that such towers are designed with a weak joint so that the fall distance of the tower is within the boundaries of the easement. Moreover, documentation from the tower operators has confirmed that the site plan of the developments adheres to their requirements with respect to the towers and corresponding easements. Staff also notes that it has had independent conversations with the operators of the towers which corroborate the information provided by the civil and structural engineers.

- Location of Services: Staff independently verified the location of 9 services within one mile of the proposed development, 8 of which are considered to be qualifying services to satisfy the 6 that are required pursuant to §10.101(a)(2) of the Uniform Multifamily Rules. These services include the following: Shoreline Church, Wells Branch MUD Recreation Center (includes a swimming pool and indoor recreational facilities), North Creek Park (Willow Bend Pool is located next to the Park), Texas Bar and Grill Restaurant, Newton Nursery, Shoreline Daycare, Shell Service Station and Speedy Stop (convenience store), Chevron Service Station and Food Mart (convenience store), and a Fire Station.
- Carpool/Van Service: A letter was provided by Capital Metro confirming the Applicant's intention on participating in the RideShare program offered by Capital Metro. Participation in the program will be funded at the expense of the Applicant. Among the requirements of the program is that there be a minimum of five (5) riders plus the driver. Staff notes that Capital Metro used to provide bus service to this location; however, the bus line was cancelled due to low ridership. Capital Metro has indicated that reinstatement of the bus line could occur if the demand presents itself. The nearest bus line is approximately 2 miles from the site.
- Enrollment Projections and School Overcrowding: Correspondence from Round Rock ISD acknowledges the overcrowding within the District and further indicated that overcrowding would have to be addressed with current resources. The School Board has put on hold a bond study in order to assess community feedback on District facility needs. The process of engaging such a study is done prior to calling a bond election. Due to the growth in the area, the District indicated they were initially considering an elementary school in between Wells Branch Elementary (the designated school for this development) and a nearby elementary school, Bluebonnet Elementary.
- Emergency Services: A letter was provided by Travis County Emergency Services District #2 confirming that they will be the responding agency for fire and first response medical. The letter suggested that contact also be made with Williamson County ESD #9 (Round Rock Fire Department) to confirm whether it would be an additional responder. The civil engineer for the proposed Development, on behalf of the Applicant, contacted ESD #9 and received verbal confirmation that they will also provide EMS services to the site. Moreover, the letter indicates that in situations where there may be boundary conflicts, a dual keyed Knox Box is installed so that either agency can enter the property. Staff notes that confirmation of emergency services is not typically confirmed by the appropriate responding agency until building permits have been issued. Once permits have been issued, it signals the respective agencies to ensure the development is covered in terms of emergency response.

Census Demographics: The site is located at 15515 FM 1325 in Austin. Demographics for the census tract (0205.04) include AMFI of \$65,268; the total population is 5,317; the percent of the population that is minority is 43.18%; the percent of population that is below the poverty line is 5.71%, the number of owner occupied units is 886 and number of renter occupied units is 974. (Census Information from FFIEC Geocoding for 2012).

Summary of Financial Structure

This transaction will receive an FHA §221(d)(4) loan originated by Centerline Capital Group, LLC and underwritten by Merchant Capital, LLC The transaction will implement a financing structure that the Department has not utilized in any of its previous issuances; however, it is a common structure currently

being utilized among many other issuers in the state and across the country and provides the state with less risk than conventional bond financing structures.

Under the proposed plan, the Department will issue short-term, tax-exempt fixed rate bonds estimated at \$14,500,000 that will be collateralized with the proceeds of a taxable FHA mortgage loan, estimated at \$18,797,800. The bond proceeds will be utilized for project costs and as bond proceeds are drawn down, the proceeds from the FHA loan are simultaneously drawn and placed in an escrow account for the benefit of the bondholders. The mortgage loan, therefore, will be secured by eligible investments including obligations of the United States or money market mutual funds rated "AAA" at all times which offers protection to the bondholders. The proposed \$14,500,000 amount of tax-exempt bonds is the minimum amount necessary to meet §42(h)(4)(B) of the Code which requires tax-exempt bonds to finance at least 50% of the cost of the land and buildings in order to access the housing tax credits. The approval request is for bonds to be issued up to \$16,000,000 in the event there is a slight fluctuation in costs which could jeopardize the minimum bond requirement. However, the lower bond amount will reduce costs of issuance as well as negative arbitrage. Once all bond proceeds have been drawn, there will continue to be draws made on the FHA taxable proceeds, up to the mortgage loan amount of \$18,797,800.

The bond mortgage will be subordinate in lien position to the FHA mortgage but, as previously indicated, the bond proceeds will also be cash collateralized as long as the bonds are outstanding. The bonds will remain outstanding through the construction and lease-up period, estimated between 18-24 months, and will be retired after this period which results in a low interest rate, currently estimated to be 4%. Given the cash collateralization, the transaction minimizes risk to the Department and also allows for volume cap to be utilized at a time when few bond transactions are being done due to various market factors affecting the rates on tax-exempt bonds. The final maturity date of the bonds, which is ultimately dependent upon the placement in service date, is not expected to extend beyond June 15, 2019, whereas the FHA mortgage will have a 40-year term.

The financing application package was submitted to HUD on February 8, 2013, and a HUD commitment is expected to be received around April 19, 2013. It is anticipated that once the HUD commitment has been issued, closing would occur within 30 days or by May 19, 2013.

RESOLUTION NO. 13-033

RESOLUTION AUTHORIZING AND APPROVING THE ISSUANCE, SALE AND DELIVERY OF TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS MULTIFAMILY HOUSING REVENUE BONDS (THE WATERS AT WILLOW RUN APARTMENTS), SERIES 2013; APPROVING THE FORM AND SUBSTANCE AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS AND INSTRUMENTS PERTAINING THERETO; AUTHORIZING AND RATIFYING OTHER ACTIONS AND DOCUMENTS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended (the "Act"), for the purpose, among others, of providing a means of financing the costs of residential ownership, development, construction and rehabilitation that will provide decent, safe, and affordable living environments for individuals and families of low, very low and extremely low income (as defined in the Act) and families of moderate income (as described in the Act and determined by the Governing Board of the Department (the "Board") from time to time); and

WHEREAS, the Act authorizes the Department: (a) to make mortgage loans to housing sponsors to provide financing for multifamily residential rental housing in the State of Texas (the "State") intended to be occupied by individuals and families of low, very low and extremely low income and families of moderate income, as determined by the Department; (b) to issue its revenue bonds, for the purpose, among others, of obtaining funds to make such loans and provide financing, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such multifamily residential rental development loans, and to mortgage, pledge or grant security interests in such loans or other property of the Department in order to secure the payment of the principal or redemption price of and interest on such bonds; and

WHEREAS, the Board has determined to authorize the issuance of its Texas Department of Housing and Community Affairs Multifamily Housing Revenue Bonds (The Waters at Willow Run Apartments), Series 2013 (the "Bonds") pursuant to and in accordance with the terms of a Trust Indenture (the "Indenture") between the Department and Wilmington Trust, National Association, as trustee (the "Trustee"), for the purpose of obtaining funds to finance the Development (defined below), all under and in accordance with the Constitution and laws of the State; and

WHEREAS, the Department desires to use the proceeds of the Bonds to fund a mortgage loan to The Waters at Willow Run, LP, a Texas limited partnership (the "Borrower") in order to finance the cost of acquisition, construction and equipping of a qualified residential rental development described in Exhibit A attached hereto (the "Development") located within the State and required by the Act to be occupied by individuals and families of low and very low income and families of moderate income, as determined by the Department; and

WHEREAS, the Board, by resolution adopted on July 26, 2012, declared its intent to issue its revenue bonds to provide financing for the Development; and

WHEREAS, the Borrower has requested and received a reservation of private activity bond allocation from the State of Texas;

WHEREAS, it is anticipated that the Department and the Borrower will execute and deliver a Loan Agreement (the "Loan Agreement") pursuant to which (i) the Department will agree to make a mortgage loan funded with the proceeds of the Bonds (the "Loan") to the Borrower to enable the Borrower to finance the cost

of acquisition, construction and equipping of the Development and related costs, and (ii) the Borrower will execute and deliver to the Department a promissory note (the "Note") in an original principal amount equal to the original aggregate principal amount of the Bonds, and providing for payment of interest on such principal amount equal to the interest on the Bonds and to pay other costs described in the Loan Agreement; and

WHEREAS, it is anticipated that the Note will be secured by a subordinate Multifamily Deed of Trust, Security Agreement and Fixture Filing (the "Bond Mortgage") from the Borrower for the benefit of the Department and the Trustee; and

WHEREAS, the Borrower will obtain a first lien mortgage loan from Centerline Capital Group, LLC (the "HUD Lender"), and the Board has determined that the Secretary of Housing and Urban Development ("HUD"), the HUD Lender, the Trustee, the Department, and the Borrower will execute and deliver a Loan Disbursement Procedures Agreement (the "Disbursement Agreement") pursuant to which the HUD Lender will deposit a portion of the proceeds of such first lien mortgage loan with the Trustee, to be held by the Trustee as security for the Bonds in accordance with the Indenture; and

WHEREAS, the Board has determined that the Department, the Trustee, and the Borrower will execute a Regulatory and Land Use Restriction Agreement (the "Regulatory Agreement") with respect to the Development, which will be filed of record in the real property records of Travis County, Texas and Williamson County, Texas; and

WHEREAS, the Board has been presented with a draft of, has considered and desires to ratify, approve, confirm and authorize the use and distribution in the public offering of the Bonds of an Official Statement (the "Official Statement") and to authorize the authorized representatives of the Department to deem the Official Statement "final" for purposes of Rule 15c2-12 of the Securities and Exchange Commission and to approve the making of such changes in the Official Statement as may be required to provide a final Official Statement for use in the public offering and sale of the Bonds; and

WHEREAS, the Board has further determined that the Department will enter into a Purchase Contract (the "Bond Purchase Agreement") with Merchant Capital L.L.C. (the "Underwriter") ,and the Borrower, setting forth certain terms and conditions upon which the Underwriter will purchase all of the Bonds from the Department and the Department will sell the Bonds to the Underwriter; and

WHEREAS, the Board has examined proposed forms of (a) the Indenture, the Loan Agreement, the Regulatory Agreement, the Disbursement Agreement, the Official Statement and the Bond Purchase Agreement (collectively, the "Issuer Documents"), all of which are attached to and comprise a part of this Resolution and (b) the Bond Mortgage and the Note; has found the form and substance of such documents to be satisfactory and proper and the recitals contained therein to be true, correct and complete; and has determined, subject to the conditions set forth in Article I, to authorize the issuance of the Bonds, the execution and delivery of the Issuer Documents, the acceptance of the Bond Mortgage and the Note and the taking of such other actions as may be necessary or convenient in connection therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS:

ARTICLE 1

ISSUANCE OF BONDS; APPROVAL OF DOCUMENTS

Section 1.1 Issuance, Execution and Delivery of the Bonds. That the issuance of the Bonds is hereby authorized, all under and in accordance with the conditions set forth herein and in the Indenture, and that, upon execution and delivery of the Indenture, the Authorized Representatives of the Department named in this Resolution are each hereby authorized to execute, attest and affix the Department's seal to the Bonds and

to deliver the Bonds to the Attorney General of the State (the “Attorney General”) for approval, the Comptroller of Public Accounts of the State for registration and the Trustee for authentication (to the extent required in the Indenture), and thereafter to deliver the Bonds to or upon the order of the initial purchaser thereof pursuant to the Bond Purchase Agreement.

Section 1.2 Interest Rate, Principal Amount, Maturity and Price. That the Chair or Vice Chair of the Board or the Executive Director of the Department are hereby authorized and empowered, in accordance with Chapter 1371, Texas Government Code, to fix and determine the interest rate, principal amount and maturity of, the redemption and tender provisions related to, and the price at which the Department will sell to the Underwriter or another party to the Bond Purchase Agreement, the Bonds, all of which determinations shall be conclusively evidenced by the execution and delivery by the Chair or Vice Chair of the Board or the Executive Director of the Department of the Indenture and the Bond Purchase Agreement; provided, however, that (i) the Bonds shall bear interest at the initial interest rate set forth in the Bond Purchase Agreement and thereafter shall bear interest at the rates determined from time to time by the Remarketing Agent (as such term is defined in the Indenture) in accordance with the provisions of the Indenture; provided that in no event shall the interest rate on the Bonds (including any default interest rate) exceed the maximum interest rate permitted by applicable law; and provided further that the initial interest rate on the Bonds shall not exceed 4.00%; (ii) the aggregate principal amount of the Bonds shall not exceed \$16,000,000; (iii) the final maturity of the Bonds shall occur not later than June 15, 2019; and (iv) the price at which the Bonds are sold to the initial purchaser thereof under the Bond Purchase Agreement shall not exceed 105% of the principal amount thereof.

Section 1.3 Approval, Execution and Delivery of the Indenture. That the form and substance of the Indenture are hereby approved, and that the Authorized Representatives each are hereby authorized to execute the Indenture, and to deliver the Indenture to the Trustee.

Section 1.4 Approval, Execution and Delivery of the Loan Agreement. That the form and substance of the Loan Agreement are hereby approved, and that the Authorized Representatives each are hereby authorized to execute the Loan Agreement, and to deliver the Loan Agreement to the Borrower.

Section 1.5 Approval, Execution and Delivery of the Regulatory Agreement. That the form and substance of the Regulatory Agreement are hereby approved, and that the Authorized Representatives each are hereby authorized to execute, attest and affix the Department’s seal to the Regulatory Agreement, and to deliver the Regulatory Agreement to the Borrower and the Trustee and to cause the Regulatory Agreement to be filed of record in the real property records of Travis County, Texas and Williamson County, Texas.

Section 1.6 Approval, Execution and Delivery of the Bond Purchase Agreement. That the sale of the Bonds to the Underwriter and/or any other parties pursuant to the Bond Purchase Agreement is hereby approved, that the form and substance of the Bond Purchase Agreement are hereby approved, and that the Authorized Representatives each are hereby authorized to execute the Bond Purchase Agreement and to deliver the Bond Purchase Agreement to the Borrower, the Underwriter, and/or any other parties to the Bond Purchase Agreement, as appropriate.

Section 1.7 Approval, Execution and Delivery of the Disbursement Agreement. That the form and substance of the Disbursement Agreement are hereby approved, and that the Authorized Representatives each are hereby authorized to execute the Disbursement Agreement, and to deliver the Disbursement Agreement to HUD, the HUD Lender, the Trustee and the Borrower.

Section 1.8 Acceptance of the Note and the Bond Mortgage. That the form and substance of the Note and the Bond Mortgage are hereby accepted by the Department and that the Authorized Representatives each are hereby authorized to endorse and deliver the Note to the order of the Trustee without recourse.

Section 1.9 Approval, Execution, Use and Distribution of the Official Statement. That the form and substance of the Official Statement and its use and distribution by the Underwriter in accordance with the

terms, conditions and limitations contained therein are hereby approved, ratified, confirmed and authorized; that the Chair and Vice Chair of the Board and the Executive Director of the Department are hereby severally authorized to deem the Official Statement “final” for purposes of Rule 15c2-12 under the Securities and Exchange Act of 1934; that the Authorized Representatives named in this Resolution each are authorized hereby to make or approve such changes in the Official Statement as may be required to provide a final Official Statement for the Bonds; that the Authorized Representatives named in this Resolution each are authorized hereby to accept the Official Statement, as required; and that the use and distribution of the Official Statement by the Underwriter hereby is authorized and approved, subject to the terms, conditions and limitations contained therein, and further subject to such amendments or additions thereto as may be required by the Bond Purchase Agreement and as may be approved by the Executive Director of the Department and the Department’s counsel.

Section 1.10 Taking of Any Action; Execution and Delivery of Other Documents. That the Authorized Representatives are each hereby authorized to take any actions and to execute, attest and affix the Department’s seal to, and to deliver to the appropriate parties, all such other agreements, commitments, assignments, bonds, certificates, contracts, documents, instruments, releases, financing statements, letters of instruction, notices of acceptance, written requests and other papers, whether or not mentioned herein, as they or any of them consider to be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution.

Section 1.11 Power to Revise Form of Documents. That, notwithstanding any other provision of this Resolution, the Authorized Representatives are each hereby authorized to make or approve such revisions in the form of the documents attached hereto as exhibits as, in the judgment of such Authorized Representative, and in the opinion of Bracewell & Giuliani LLP and Bates & Coleman, P.C., Co-Bond Counsel to the Department, may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution, such approval to be evidenced by the execution of such documents by the Authorized Representatives.

Section 1.12 Exhibits Incorporated Herein. That all of the terms and provisions of each of the documents listed below as an exhibit shall be and are hereby incorporated into and made a part of this Resolution for all purposes:

- Exhibit B - Indenture
- Exhibit C - Loan Agreement
- Exhibit D - Regulatory Agreement
- Exhibit E - Bond Purchase Agreement
- Exhibit F - Note
- Exhibit G - Bond Mortgage
- Exhibit H - Official Statement
- Exhibit I - Disbursement Agreement

Section 1.13 Authorized Representatives. That the following persons are each hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department’s seal to, and delivering the documents and instruments and taking the other actions referred to in this Article I: the Chair or Vice Chair of the Board, the Executive Director of the Department, Director of Financial Administration of the Department, Director of Bond Finance of the Department, Director of Multifamily Finance of the Department and the Secretary or any Assistant Secretary to the Board. Such persons are referred to herein collectively as the “Authorized Representatives.” Any one of the Authorized Representatives is authorized to act individually as set forth in this Resolution.

Section 1.14 Effect on Prior Resolution. That this resolution of the Board replaces and supersedes the resolution of the Board dated February 21, 2013, regarding the Bonds.

ARTICLE 2

APPROVAL AND RATIFICATION OF CERTAIN ACTIONS

Section 2.1 Approval and Ratification of Application to Texas Bond Review Board. That the Board hereby ratifies and approves the submission of the application for approval of state bonds to the Texas Bond Review Board on behalf of the Department in connection with the issuance of the Bonds in accordance with Chapter 1231, Texas Government Code.

Section 2.2 Approval of Submission to the Attorney General. That the Board hereby authorizes, and approves the submission by the Department's Co-Bond Counsel to the Attorney General, for his approval, of a transcript of legal proceedings relating to the issuance, sale and delivery of the Bonds.

Section 2.3 Certification of the Minutes and Records. That the Secretary or Assistant Secretary to the Board hereby is authorized to certify and authenticate minutes and other records on behalf of the Department for the Bonds and all other Department activities.

Section 2.4 Approval of Requests for Rating from Rating Agency. That the action of the Executive Director of the Department or any successor and the Department's consultants in seeking a rating from Standard & Poor's Ratings Services, a Division of The McGraw-Hill Companies, Inc., is approved, ratified and confirmed hereby.

Section 2.5 Authority to Invest Proceeds. That the Department is authorized to invest and reinvest the proceeds of the Bonds and the fees and revenues to be received in connection with the financing of the Development in accordance with the Indenture and to enter into any agreements relating thereto only to the extent permitted by the Indenture.

Section 2.6 Underwriter. That the underwriter with respect to the issuance of the Bonds will be Merchant Capital L.L.C., or any other party identified in the Bond Purchase Agreement.

Section 2.7 Engagement of Other Professionals. That the Executive Director of the Department or any successor is authorized to engage auditors to perform such functions, audits, yield calculations and subsequent investigations as necessary or appropriate to comply with the Bond Purchase Agreement and the requirements of Co-Bond Counsel to the Department, provided such engagement is done in accordance with applicable law of the State.

Section 2.8 Ratifying Other Actions. That all other actions taken by the Executive Director of the Department and the Department staff in connection with the issuance of the Bonds and the financing of the Development are hereby ratified and confirmed.

ARTICLE 3

CERTAIN FINDINGS AND DETERMINATIONS

Section 3.1 Findings of the Board. That in accordance with Section 2306.223 of the Act and after the Department's consideration of the information with respect to the Development and the information with respect to the proposed financing of the Development by the Department, including but not limited to the information submitted by the Borrower, independent studies commissioned by the Department, recommendations of the Department staff and such other information as it deems relevant, the Board hereby finds:

(a) Need for Housing Development.

(i) that the Development is necessary to provide needed decent, safe, and sanitary housing at rentals or prices that individuals or families of low and very low income or families of moderate income can afford,

(ii) that the financing of the Development is a public purpose and will provide a public benefit, and

(iii) that the Development will be undertaken within the authority granted by the Act to the housing finance division and the Borrower.

(b) Findings with Respect to the Borrower.

(i) that the Borrower, by operating the Development in accordance with the requirements of the Loan Agreement and the Regulatory Agreement, will comply with applicable local building requirements and will supply well-planned and well-designed housing for individuals or families of low and very low income or families of moderate income,

(ii) that the Borrower is financially responsible and has entered into a binding commitment to repay the Loan in accordance with its terms, and

(iii) that the Borrower is not, and will not enter into a contract for the Development with, a housing developer that: (A) is on the Department's debarred list, including any parts of that list that are derived from the debarred list of the United States Department of Housing and Urban Development; (B) breached a contract with a public agency; or (C) misrepresented to a subcontractor the extent to which the developer has benefited from contracts or financial assistance that has been awarded by a public agency, including the scope of the developer's participation in contracts with the agency and the amount of financial assistance awarded to the developer by the Department.

(c) Public Purpose and Benefits.

(i) that the Borrower has agreed to operate the Development in accordance with the Loan Agreement and the Regulatory Agreement, which require, among other things, that the Development be occupied by individuals and families of low and very low income and families of moderate income, and

(ii) that the issuance of the Bonds to finance the Development is undertaken within the authority conferred by the Act and will accomplish a valid public purpose and will provide a public benefit by assisting individuals and families of low and very low income and families of moderate income in the State to obtain decent, safe, and sanitary housing by financing the costs of the Development, thereby helping to maintain a fully adequate supply of sanitary and safe dwelling accommodations at rents that such individuals and families can afford.

Section 3.2 Determination of Eligible Tenants. That the Board has determined, to the extent permitted by law and after consideration of such evidence and factors as it deems relevant, the findings of the staff of the Department, the laws applicable to the Department and the provisions of the Act, that eligible tenants for the Development shall be (1) individuals and families of low and very low income, (2) persons with special needs, and (3) families of moderate income, with the income limits as set forth in the Regulatory Agreement.

Section 3.3 Sufficiency of Loan Interest Rate. That the Board hereby finds and determines that the interest rate on the Loan established pursuant to the Loan Agreement will produce the amounts required,

together with other available funds, to pay for the Department's costs of operation with respect to the Bonds and the Development and enable the Department to meet its covenants with and responsibilities to the holders of the Bonds.

Section 3.4 No Gain Allowed. That, in accordance with Section 2306.498 of the Act, no member of the Board or employee of the Department may purchase any Bond in the secondary open market for municipal securities.

ARTICLE 4

GENERAL PROVISIONS

Section 4.1 Limited Obligations. That the Bonds and the interest thereon shall be special limited obligations of the Department payable solely from the trust estate created under the Indenture, including the revenues and funds of the Department pledged under the Indenture to secure payment of the Bonds, and under no circumstances shall the Bonds be payable from any other revenues, funds, assets or income of the Department.

Section 4.2 Non-Governmental Obligations. That the Bonds shall not be and do not create or constitute in any way an obligation, a debt or a liability of the State or create or constitute a pledge, giving or lending of the faith or credit or taxing power of the State. Each Bond shall contain on its face a statement to the effect that the State is not obligated to pay the principal thereof or interest thereon and that neither the faith or credit nor the taxing power of the State is pledged, given or loaned to such payment.

Section 4.3 Effective Date. That this Resolution shall be in full force and effect from and upon its adoption.

Section 4.4 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

[Execution page follows]

PASSED AND APPROVED this 11th day of April, 2013.

[SEAL]

J. Paul Oxer, Chair

ATTEST:

Secretary

EXHIBIT A

Description of Development

Borrower: The Waters at Willow Run, LP, a Texas limited partnership

Development: The Development is a 242-unit 100% affordable multifamily community to be known as The Waters at Willow Run Apartments, to be located northeast of FM 1325 and Shoreline Drive, Austin, Texas at 15515 FM 1325, Austin, Texas 78728. It will consist of 13 two-story residential apartment buildings with approximately 248,102 net rentable square feet. The unit mix will consist of:

86	one-bedroom/one-bath units
110	two-bedroom/two-bath units
46	three-bedroom/two-bath units
242	Total Units

Unit sizes will range from approximately 731 square feet to approximately 1,296 square feet.

The Waters at Willow Run

Estimated Sources & Uses of Funds

Sources of Funds

Series 2013 Tax-Exempt Bond Proceeds	\$ 14,500,000
Housing Tax Credit Proceeds	6,645,909
FHA Taxable Loan	4,287,700
Deferred Developer's Fee	1,064,091
Total Sources	\$ 26,497,700

Uses of Funds

Acquisition and Site Work Costs	\$ 1,515,655
Direct Hard Construction Costs	15,432,394
Indirect Construction Costs	822,085
Other Construction Costs (General Require, Overhead, Profit)	1,822,670
Developer Fees and Overhead	3,138,318
Direct Bond Related	298,050
Bond Purchase Costs	994,404
Other Transaction Costs	2,399,124
Real Estate Closing Costs	75,000
Total Uses	\$ 26,497,700

Estimated Costs of Issuance of the Bonds

Direct Bond Related

TDHCA Issuance Fee (.50% of Issuance)	\$ 72,500
TDHCA Application Fee	11,000
TDHCA Bond Administration Fee (2 years)	29,000
TDHCA Bond Compliance Fee (\$25 per unit)	6,050
TDHCA Bond Counsel and Direct Expenses	85,000
TDHCA Bond Co-Counsel and Direct Expenses	17,000
TDHCA Financial Advisor and Direct Expenses	35,000
Disclosure Counsel	5,000
Trustee Fee (Acceptance plus 1st year Admin)	7,000
Trustee's Counsel	7,000
Attorney General Transcript Fee	9,500
Texas Bond Review Board Application Fee	10,000
Texas Bond Review Board Issuance Fee (.025% of Reservation)	4,000
Total Direct Bond Related	\$ 298,050

The Waters at Willow Run

Bond Purchase Costs	
Lender Financing Fee	234,846
Lender Legal Fees	48,000
HUD Application Fee	56,363
HUD Construction Inspection Fee	93,939
Mortgage Insurance Premium	187,877
GNMA & Processing	14,100
Bond Negative Arbitrage Deposit	149,279
Underwriter's Fee	145,000
Underwriter's Counsel	50,000
Rating Agency	12,500
OS Printing/Mailing	2,500
Total Bond Purchase Costs	\$ 994,404
Other Transaction Costs	
Tax Credit Related Costs	7,260
Construction Contingency	624,490
Legal	55,000
Construction Period Interest	767,115
Lease-Up Reserves	873,759
Syndicator Reimbursement	45,000
Miscellaneous	26,500
Total Other Transaction Costs	\$ 2,399,124
Real Estate Closing Costs	
Title and Recording	75,000
Total Real Estate Costs	\$ 75,000
Estimated Total Costs of Issuance	\$ 3,766,578

Costs of issuance of up to two percent (2%) of the principal amount of the Bonds may be paid from Bond proceeds. Costs of issuance in excess of such two percent must be paid by an equity contribution of the Borrower.

Note 1: These estimates do not include direct, out-of-pocket expenses (i.e. travel). Actual Bond Counsel and Disclosure Counsel are based on an hourly rate and the above estimate does not include on-going administrative fees.

Applicant Evaluation

Project ID **13600**

Name **Waters at Willow Run**

City:

HTC 9% HTC 4% HOME BOND HTF NSP ESG Other

No Previous Participation in Texas Members of the development team have been disbarred by HUD

Compliance

Total # of MF awards monitored:	5	<table border="1" style="margin: auto;"><tr><td colspan="2" style="text-align: center;">Projects in Material Noncompliance</td></tr><tr><td style="text-align: center;">Yes <input type="checkbox"/></td><td style="text-align: center;">No <input checked="" type="checkbox"/></td></tr></table>	Projects in Material Noncompliance		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Projects grouped by score	0-9: 5
Projects in Material Noncompliance								
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>							
Total # of MF awards not yet monitored or pending review:	0	Unresolved Audit Findings Identified w/ Contract(s)	10-19: 0					
SF Contract Experience <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Total # of MF Projects in Material Noncompliance:	20-29: 0					
Total # of SF Contracts:	0		Total monitored with a score 0-29: 5					

Completed by: J. Taylor Reviewer: Patricia Murphy

Date: 3/28/2013 Date: 3/28/2013

Comments (if applicable):

Single Audit

<input type="checkbox"/> Single audit review not applicable	<input type="checkbox"/> Late single audit certification form (see comments)
<input checked="" type="checkbox"/> Single audit requirements current	<input type="checkbox"/> Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon Date: 3/28/2013

Comments (if applicable):

Loan Servicing

<input checked="" type="checkbox"/> No delinquencies found	<input type="checkbox"/> Delinquencies found (see comments)
--	---

Reviewer: Candace Christiansen Date: 4 /1 /2013

Comments (if applicable):

Financial Services

<input checked="" type="checkbox"/> No delinquencies found	<input type="checkbox"/> Delinquencies found (See Comments)
--	---

Reviewer: Monica Guerra Date: 4 /1 /2013

Comments (if applicable):

Community Affairs

<input checked="" type="checkbox"/> No identified issues	<input type="checkbox"/> Identified Issues (see comments)
--	---

Reviewer: Stephen Jung Date: 3 /29/2013

Comments (if applicable):

Summary of Conditions
Imposed at the
February 21, 2013
Board Meeting

School Bus Routes



March 07, 2013

To Whom It May Concern:

Please be advised that Round Rock I.S.D. will provide bus transportation to your site at 15515 FM 1325 for Wells Branch Elementary, Chisholm Trail Middle School and McNeil High School. Once families have moved in that have a need, please contact us and we will set up a stop for the appropriate campus. Please be advised that this information is based on current school boundaries and provisions.

Thank you,

Cindy O'Connor

Regular Bus Routing Specialist

512-428-2452

Engineer Certification – Power Lines

VICKREY & ASSOCIATES, Inc.
CONSULTING ENGINEERS

13 March 2013

V&A 2349-002

Mr. Kent Foster & Michael Nguyen
Atlantic Housing Foundation, Inc.
1310 White Chapel
Southlake, Texas 76092

RE: Engineered Fall Distance, Waters at Willow Run Apartments

Dear Messrs.' Foster and Nguyen:

This letter is to clarify issues concerning the Engineered Fall Distance for LCRA and ONCOR transmission towers on the Waters at Willow Run site. In public meetings with TDHCA, the issue of a "fall distance" from the towers was raised. Both the LCRA and ONCOR do not consider a "fall distance," and do not consider any distance beyond the limits of their 100 foot wide easements.

An Engineered Fall Distance is the distance a structure is likely to fall when it falls. It is standard practice to construct latticed towers so they crumple into themselves, and to construct poles with a weak joint which will keep its Engineered Fall Distance within the limits of an easement. The "chopped tree" distance is hardly ever the Engineered Fall Distance.

Both ONCOR and the LCRA have reviewed these plans and agreed that the proposed improvements within their easements meet their design standards. To the best of my knowledge, no proposed buildings are within the engineered fall distance of any towers on this site. If the LCRA or ONCOR had any concerns about fall distance liability, I think they would have informed us during their review.

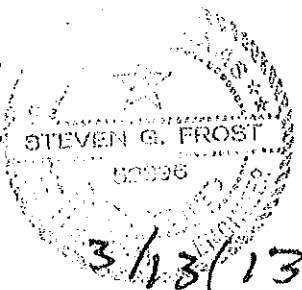
If you have any questions concerning this matter, please contact me.

Sincerely,

VICKREY & ASSOCIATES, INC.
Texas Board of Professional Engineers Registration #F-159

Steven G. Frost

Steven Frost
Senior Project Manager





March 18, 2013

Mr. Kent Foster
Atlantic Housing Foundation
1310 N. White Chapel Blvd. - Suite 100
Southlake, TX 76092

RE: The Waters at Willow Run
Engineered Fall Distance

Dear Mr. Foster:

I have reviewed the locations of the towers with respect to the easements for the Waters at Willow Run development and have concluded that the Engineered Fall Distance for each tower is within the easement.

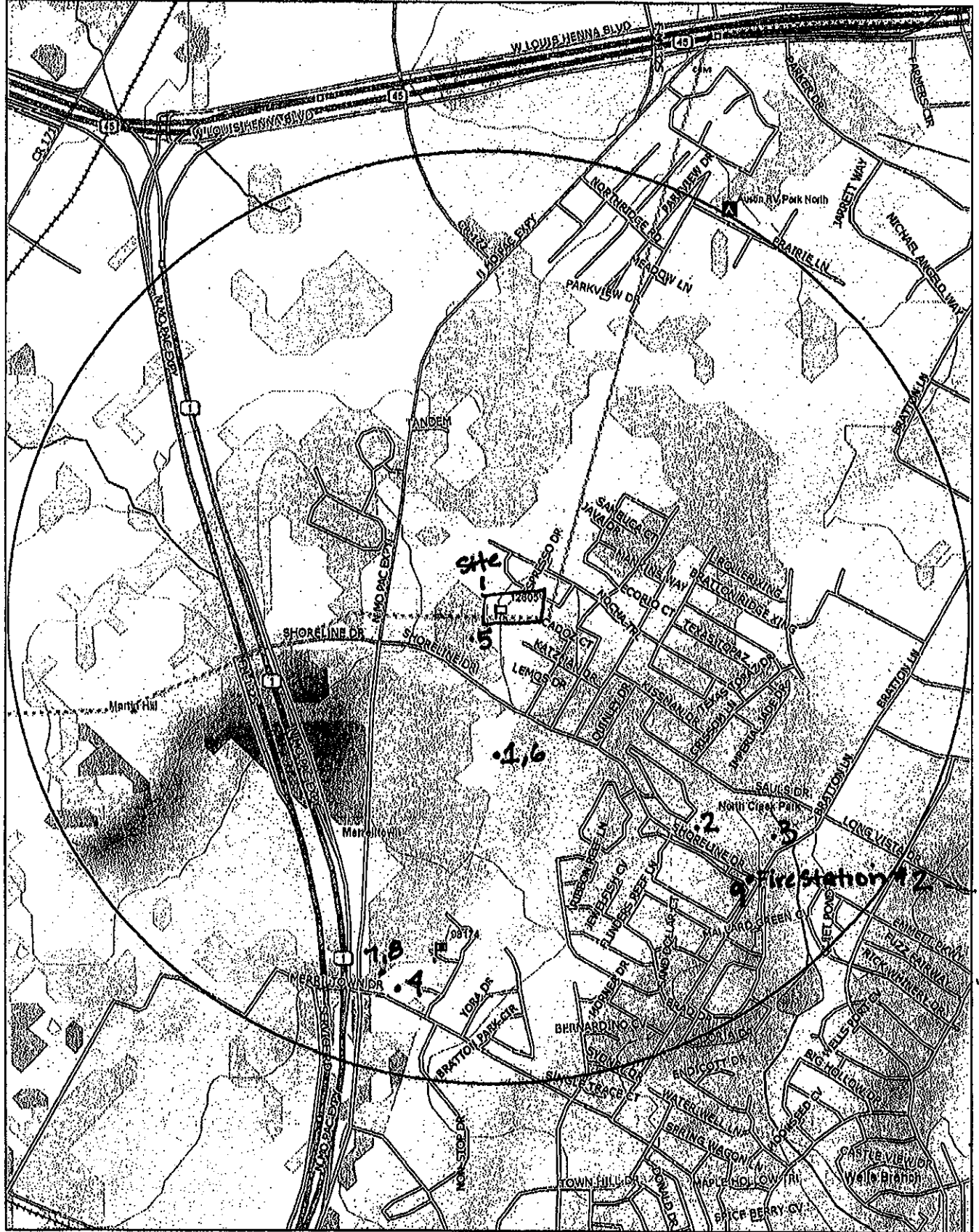
If you have any other questions, please feel free to contact me at 281-894-7099 or Jason@integritystructural.com.

Sincerely,
Integrity Structural Corp.

A handwritten signature in black ink, appearing to read "Jason A. Layton", is written over the typed name below.

Jason A. Layton, P.E.
Principal

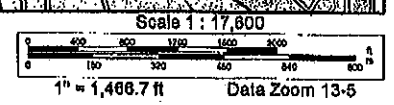
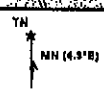
Location of Services



Data use subject to license.

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www.delorme.com



Services:

1. Shoreline Church
2. Wells Branch MUD Recreation Center (includes swimming pool and indoor recreational facilities; fee based for non-Wells Branch members)
3. North Creek Park (Willow Bend Pool next to Park)
4. Texas Bar and Grill Restaurant
5. Newton Nursery
6. Shoreline Daycare
7. Shell Service Station and Speedy Stop (convenience store)
8. Chevron Service Station and Food Mart (convenience store)
9. Fire Station

Capital Metro – Carpool/Van Service



Teresa Morales
Manager, Multifamily Finance
Texas Department of Housing & Community Affairs
221 E. 11th Street | Austin, TX 78701

Ms. Morales:

Mr. Kent Foster of the Atlantic Housing Foundation has approached us with regard to transit options for their proposed housing development near FM 1325 and Shoreline Road. Since there is not currently or planned fixed route service near that location, the service option is the RideShare program, also known as a van-pool.

It is our understanding that AHF intends to participate in the RideShare program and that this project will be within the Austin City limits, therefore in the Capital Metro service area. We have received a letter from Mr. Foster expressing their understanding and commitment to the following five core elements of the RideShare program:

Each van pool must have a steady roster of participants.

There will be at least 5 riders plus a driver. The driver (while riding at no charge) is subject to application and approval by Metro and will be expected to collect appropriate information required, keep gas in the van, etc. Each participant must complete and submit a form to Capital Metro.

At this time, the cost is \$60 per person per month. The community will fund this fee (\$300 per month, for 5 people plus one driver, payable to Metro) for six residents to promote support of public transportation and sustainability. Monthly prices are not guaranteed and may change through action of the Capital Metro Board of Directors.

There will be a single origin and destination for the vanpool with one trip in and one trip back per day. A vanpool is not a "shuttle service."

Further, although not required by Capital Metro, we understand that Atlantic Housing will dedicate a reserved parking space for the RideShare van on site and that the project security program includes camera surveillance of that reserved parking space.

Capital Metro can attest that this location and its tenants are eligible for the RideShare program, subject to completion and approval of all required forms and payment of required charges. Please note that Capital Metro does not hold any responsibility for actions by Atlantic Housing and can only respond to applications as submitted. Also please note that policies are subject to change through action by the Capital Metro Board.

Please feel free to contact us if there are any further questions.

Thank you.

Lucy Galbraith, AICP
Manager, Transit Oriented Development

Round Rock ISD – Overcrowding

From: [Michael Nguyen](#)
To: ["Teresa Morales"](#)
Cc: ["Shannon Roth"](#); ["Keri Terrell"](#); kfoster@atlantichousing.org; dan.dill@merchantcapital.com; ["Nicole Flores"](#); cbast@lockelord.com
Subject: FW: Growth In Austin & Wells Branch area
Date: Thursday, February 14, 2013 2:36:11 PM

Teresa,

Below is the email correspondences with a representative of Round Rock ISD regarding our project and the anticipated growth in the area. As indicated on our call this morning, the District acknowledges the overcrowded situation at Wells Branch. They do have a plan to build another school in the area subject to available funding.

Michael N. Nguyen

President & CEO

Atlantic Housing Foundation, Inc.

1310 N. White Chapel Blvd. | Southlake, Texas 76092 | Main: (469) 206-8900 |
Direct: (469) 206-8903 | Mobile: (214) 497-8837 | Fax: (469) 206-8999 |
www.atlantichousing.org

From: Ramiro Flores [mailto:ramiro_flores@roundrockisd.org]
Sent: Tuesday, December 18, 2012 3:20 PM
To: Keri Terrell
Cc: John Knight; KTerrell- AHF
Subject: Re: Growth in Austin & Wells Branch area

As I mentioned, all plans for building new facilities are on hold indefinitely unless funding is secured.

Sent from my iPhone

On Dec 18, 2012, at 3:16 PM, Keri Terrell <kterrell@ahmanagement.org> wrote:

Mr. Flores,

I appreciate your prompt response. The property's address will be 15515 FM 1325, 78728. From my understanding the bond committee would participate in recommending programs and/or services for the Board to review and make final decisions on but from your email, they will not have a study completed this year. So in regards to a new school referenced between Wells Branch and Bluebonnet, there will not be an approximate date given for this build, correct?

Thank you.

Keri Terrell

<image001.jpg>

From: Ramiro Flores [mailto:ramiro_flores@roundrockisd.org]
Sent: Tuesday, December 18, 2012 1:18 PM
To: Keri Terrell
Cc: John Knight
Subject: Re: Growth in Austin & Wells Branch area

Dear Ms Terrell,

The Board decided not to call for a bond study which would be the community process for feedback on district facility needs. This would need to be done prior to calling a bond election. At this point, we would have to address any overcrowding with limited resources.

Plans for any new facilities would have to wait until a bond election could be passed to provide the resources.

I am trying to recall if we have the proposed location for your apartments.

There is an area south of Louis Henna and west of 1325 that is actually in the Bluebonnet Elementary attendance zone. We also project Bluebonnet to be overcrowded so that is why we were contemplating a school in between Wells Branch and Bluebonnet.

If you need to discuss further please don't hesitate to contact me.
Sent from my iPhone

On Dec 18, 2012, at 12:45 PM, Keri Terrell
<kterrell@ahmanagement.org> wrote:

Good morning Mr. Flores,

Thank you for taking the time to speak with me regarding growth in Austin and how it impacts the Round Rock school district in certain areas. As you are aware this relates to our plans to build a 242 unit multi-family community in Wells Branch. From our previous discussion, with the economic growth and re-development in the area there are concerns of building where there could possibly be some school overcrowding. Per your staff, this was a topic that was currently being addressed by the Board. When speaking with your Transportation Director, John Knight, he explained that demographers were hired to assess the area and assist with the long term planning for the RRISD, although the results were not yet compiled. There was also mention of possibly building a smaller school on the available land owned by the district or that other schools could lend themselves to assist with transporting students to/from more populated areas. Would funding be the sole factor in approving? With our Company pursuing builds in other vicinities in Austin, our goal is to not burden the school districts with too many students however work with you in planning for future growth. I am aware that the Board Members will have a discussion over the winter break to determine the impact that the student increase in the area will bring as well as addressing the costs to do so. If you could convey any information on what you foresee the board to approve or what the prior resolution was on expanding in the near future, it would be most helpful.

Thank you,

Keri Terrell

Associate Regional & Compliance Manager

Atlantic Housing Management

1310 N. White Chapel Blvd. #100

Southlake, TX 76092

469-206-8919

469-206-8999 (f)

www.ahmanagement.org

<image001.jpg>

Emergency Services – Jurisdiction


TRAVIS COUNTY EMERGENCY SERVICES DISTRICT No. 2
PFLUGERVILLE FIRE DEPARTMENT
203 E. PECAN STREET
PFLUGERVILLE, TEXAS 78660
(512) 251-2801

March 14, 2013

Steven Frost, P.E.
Senior Project Manager
Vickrey & Associates, INC.

Steven,

Travis County Emergency Services District #2 will be the responding agency for fire and first response medical. Also, I would check with Williamson County ESD #9 (Round Rock Fire Department) about their response. Usually what we do in boundary conflicts is install a dual keyed Knox Box so either agency can enter the complex.

Tom Crane

Asst. Chief / TCESD#2
Prevention
512-251-2801

Public Comment – Support



February 13, 2013

REF: Waters at Willow Run Apartments, Austin TX
TDHCA # 12605

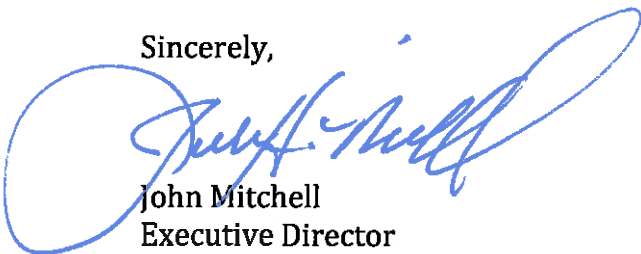
To whom it may concern,

It's my honor and privilege to whole-heartedly endorse Atlantic Management as one of the Apartment Association of Tarrant County's most esteemed corporate members. Their mission is to provide and preserve high quality affordable housing and related services designed especially for low and moderate income families which fits squarely within our own industry vision to educate, advocate, network and inspire.

I'm confident they'll work hard to deliver a great housing product to every resident of each Atlantic Housing apartment property, most especially the Waters at Willow Run in Austin. And I'm sure their professional staff will work within the community to foster great relationships defined by a deep sense of care and genuine concern.

AATC wishes Atlantic Management every success with the apartment homes they so ability provide.

Sincerely,



John Mitchell
Executive Director



The Turning Point

Rape Crisis Center of Collin County
Counseling • Education • Advocacy

2/14/2013

To: Whom it may concern

Re: Water at Willow Run TDHCA # 12605

The mission of The Turning Point is to provide counseling, education, and advocacy to those impacted by sexual assault. We were introduced to the wonderful work being done by Atlantic Housing Foundation, Inc. at the first of this year. An employee at Atlantic Housing Foundation, Inc. contacted The Turning Point in search of an organization that could partner with them to provide bullying and sexual harassment prevention education to their residents. Since learning about the foundation and becoming more familiar with the work they are doing to empower youth and families, we strongly believe that their presence is extremely beneficial to the community. Their desire to collaborate with other complimentary agencies reflects their true commitment to providing the highest level of quality service to their residents. We are excited about our new partnership and look forward to an exciting future as we work together to educate and improve the safety of our communities.

Sincerely,

Samantha Wyman, BSW
Community Education Coordinator
The Turning Point
Rape Crisis Center of Collin County



Reference: TDHCA 12605

Subject: Waters at Willow Run

To Whom It May Concern,

The Texas Rangers Baseball Club has worked with the Atlantic Housing Foundation for two years and will continue their relationship in the future.

The Atlantic Housing Foundation has participated in our MLB's Commissioner's Community Initiative program which is a program that MLB has set up in conjunction with all 30 of the professional baseball clubs. The Commissioner's Community Initiative program allows the Texas Rangers to donate tickets to organizations which help the community in positive ways, and allows members of their community get to a baseball game when otherwise they may not be able to. We have proudly hosted members of the Atlantic Housing Foundation at our baseball games and hope to continue that in the upcoming season.

Members of the Atlantic Housing Foundation have also participated in our annual PLAY campaign, which is once again backed by Major League Baseball. PLAY stands for Promoting a Lifetime of Activity for Youth. Young members of the Atlantic Housing Foundation got the opportunity to participate in on-field activities at Rangers Ballpark, see behind the scenes, and learn the invaluable lesson of what performance enhancing drugs can do. We were honored to have members of this group participate that day, and hope they will be able to participate in the future as well.

We have enjoyed working with the Atlantic Housing Foundation and appreciate their excellent communication skills, enthusiastic energy, and the always apparent willingness to help others. We will continue to support the Atlantic Housing Foundation in the ways that we can, and we know that many others will benefit from the many things they do to help the community.

A handwritten signature in black ink, appearing to read 'Bfta' followed by a flourish.

Rebecca Starkey

Texas Rangers Baseball Club



TAYLOR HOOTON
FOUNDATION

February 13, 2013

Re: TDHCA # 12605

Waters at Willow Run Project

This letter is being written in support of the Atlantic Housing Foundation.

This is to let the reader of this letter know that we have worked with the Atlantic Housing Foundation and have found them to be very supportive of their community and are very active in their community activity outreach. We are very impressed with their organization and are very supportive of their activities.

Please let us know if we can provide additional information in support of AHF.

Sincerely,

Donald M. Hooton
President

"It's not what happens to you that makes you who you are, it's how you handle it and what you do with it that matters."

800 Lakeside Circle #1422
Lewisville, TX 75057
February 14, 2013

TDHCA # 12605
Waters at Willow Run

Dear TDHCA # 12605:

First off I would like to begin by stating that the Atlantic Housing Foundation is the only organization that has provided me any scholarship to help me with my academics. So for that, I count their contribution a huge blessing in my life. I am proud to give back by doing work in my community and telling others about the scholarship I was awarded through AHF. Although I am a busy full time student and part time waitress, it feels nice to stop and take the time out of my day to make a difference in someone else's. I don't believe I would be having these experiences otherwise.

Sincerely,

Stephanie Aron

Re: TDHCA # 12605

Subject: Waters at Willow Run

Monica Parodi

Atlantic Housing Foundation has been an incredible blessing. For me, the housing scholarship I received from AHF was exactly what I needed to be able to pursue my graduate work at Texas Woman's University. Without this scholarship, I do not think I would have been able to stay in the graduate program. I applied for the scholarship late in the process and almost did not receive it. At the time the scholarship was awarded, I was about to have to withdraw from school for the semester. I cannot thank Leonard Freeman enough for considering my situation, believing in me and doing everything possible so that I could be eligible for the scholarship.

All along, I know God was in control of the entire situation. I did not know anyone from Denton or The Arbors, but somehow I found them online and decided to apply. I applied after the deadline but through grace, my situation was considered and I was awarded the housing scholarship. At that time, I was living with my friend's family, still unsure if I was going to be able to go to school that semester. Like the rest of the scholarship recipients, I was in a tough financial situation. Through this scholarship, a big burden has been lifted and I can focus more on my studies and work in order to finance my education and other expenses. Since I am an international student, I cannot work off campus. Without this scholarship I would not have been able to stay in school because I would have not had enough money to cover for my tuition and living expenses.

To me, Atlantic Housing Foundation means hope, security, and aspiration. It gives me hope that I will be able to complete my studies and security that my rent expenses will not be an added concern. It also makes me aspire to give back to someone in need in the same way I have been helped. I am thankful for the foundation's

commitment to education and can assure that it is making a big difference in my life and in the life of the other recipients.

Mfarodi

TRAVIS COUNTY HOUSING FINANCE CORPORATION

TRAVIS COUNTY ADMINISTRATION BUILDING
P.O. Box 1748
(512) 854-9116

700 LAVACA STREET – SUITE 1560
AUSTIN, TEXAS 78767
Fax (512) 854-4210

February 19, 2013

Mr. Michael Nguyen, President & CEO
Atlantic Housing Foundation
1310 N. White Chapel Blvd.
Suite 100
Southlake, TX 76092

RE: Documented Need for More Affordable Housing in NW Austin and Wells Branch Areas

Dear Mr. Nguyen:

I am pleased to provide this confirmation of the need for more affordable rental housing in the NW Austin and Wells Branch submarkets in the City of Austin.

As Manager of the Travis County Housing Finance Corporation, I am well aware that the City is underserved with affordable rental units, as documented by various sources, including studies ordered in recent years by the Neighborhood Housing & Community Development Department of the City of Austin. The BBC Market Study, which dates back to 2009, forecast a demand for significantly more affordable rental units at that time. This study stressed the need to relieve rental cost burden as well as to address the affordability needs of low-to moderate income households. At the time this study was published, only 13 percent of renters could afford the median-priced home for sale. Since that time, the median price of a home has only increased, and credit requirements have become even more stringent, making provision of workforce housing that much more critical, not only to house low-to-moderate rental households, but to facilitate economic development and growth in the City of Austin.

As cited in the Executive Summary of its 2009 market study, BBC states that by 2020, the city will need to develop 16,500 affordable rental units to meet the growing affordable rental housing demand. Further, this recommendation for new affordable rental units does not address the needs of 38,000 lower income renters who are paying more than 30% of their household income for rent, and will continue to be cost-burdened. Exhibit 1 provides excerpts taken from the Executive Summary in the BBC Market Study published in 2009, which documents issues of cost burden and the need for more affordable rental housing to be produced.

The BBC study confirms that without a commensurate increase in affordable housing supply, renters will be required to pay more for housing as property taxes increase and costs continue to be passed through to tenants by landlords. Furthermore, moderate income renters will have less disposable income to save for a down payment, reducing their likelihood of becoming homeowners. In the Northwest sector of Austin, 49% of all renter households were cost-burdened as of the 2009 study. Since that time, supply of affordable housing in Northwest Austin has been extremely limited, with occupancy rates averaging 95% or more.

Under the Private Activity Bond program (bond/4% housing tax credit program), HUD establishes both income and rental limits for which prospective tenants must qualify. It is standard operating procedure for tenants to be screened for both credit and background checks, as a security measure. Exhibit 2 is the 2013 guideline published by HUD which provides the Income and Rent Limits which apply to a bond/4% housing tax credit program. The income limits and rents which apply are 100% of all units targeted to 60% of area household median income. These income limits include such groups as teachers, public service employees, restaurant and retail employees, and single parent households existing on one salary.

In summary, the Travis County Housing Finance Corporation can attest to the need for more affordable housing development in our service area, which includes the Northwest Austin and Wells Branch submarkets. Experienced developers with proven track records, such as Atlantic Housing Foundation, can help to alleviate this problem by producing quality, affordable rental housing in Travis County.

Very truly yours,



Andrea Shields
Manager

EXHIBIT 1

EXCERPTS FROM THE EXECUTIVE SUMMARY:

**BBC MARKET STUDY OF AFFORDABLE HOUSING NEEDS PREPARED FOR THE CITY
OF AUSTIN, 2009**

2008 Housing Needs

Rental needs. Austin has a very large need for affordable rentals. In 2008, the city's renters earning less than \$20,000 per year—44,700 renters—had just 7,150 affordable units in the market from which to choose. This means that there are 37,600 more renters earning less than \$20,000 per year than units in the market affordable to them, even after accounting for subsidized units and vouchers. In other words, just 1 in 6 renters earning less than \$20,000 can find affordable housing. We estimate that 25 percent of these renters in need (9,400) are students.

The mismatch between renter incomes and the availability of units is most severe for renters earning less than \$10,000 per year: These 21,700 renters had just 2,400 units affordable to them in 2008, leaving a shortage of 19,300 units.

Although many of these renters are students, most are not. In addition to students, these renters represent seniors living on fixed incomes; retail, housekeeping and grocery workers; and single parents.

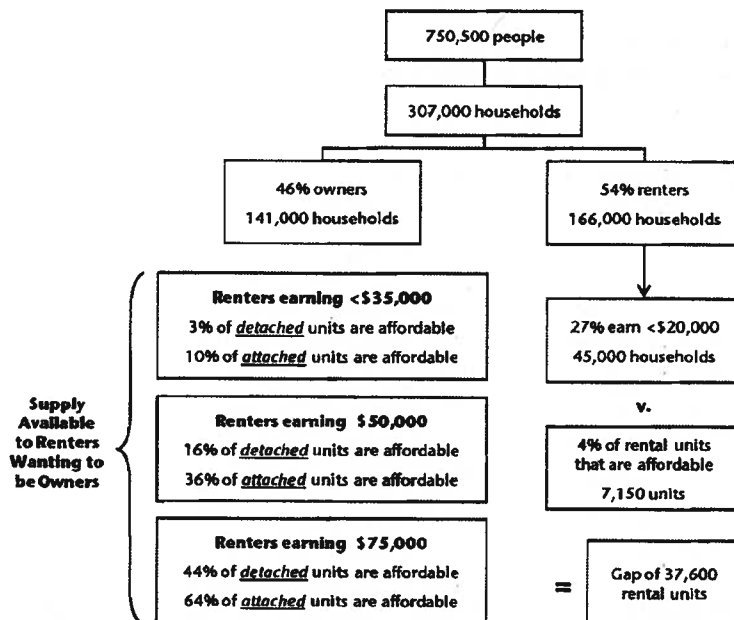
Homeownership needs. To buy in Austin, potential homeowners must earn at least \$50,000 before one-third of attached units and just 16 percent of detached units become affordable. Renters earning \$75,000 have many more choices—however, just 13 percent of Austin's renters earn this much.

Austin has a need for homes priced between \$113,000 and \$240,000 to enable its renter population earning between \$35,000 and \$75,000 per year to become homeowners. In many cities, this demand for affordable homes is partially fulfilled through attached housing; however, in Austin, this ownership product is limited.

Exhibit ES-4 summarizes the city's 2008 affordability gap.

Exhibit ES-4. Gap in Rental and Homeownership Supply and Demand, 2008

Source:
BBC Research and Consulting.



Property tax increases. The gaps analysis above does not demonstrate the increased burden that property tax increases are placing on some of Austin's current renters and homeowners. In some neighborhoods, rapidly increasing property appraisals are leading to much higher tax bills, which might be unaffordable to some homeowners. For example, one Holly neighborhood property appraised at \$77,000 in 2003. In 2008, the property appraised for \$158,000. Although tax rates actually decreased, the increase in appraised value caused the tax bill to rise from \$700 in 2003 to \$3,100 in 2008. Additionally, this property was receiving a homestead exemption, meaning that some taxing units were not taxing on the fully appraised value, thereby lowering the overall tax bill. If the property had not received a Homestead Exemption and had been a rental property, for example, the full tax bill would have been nearly \$3,500.

Renters are not immune to these increases, even though they do not pay property taxes directly. Landlords pass on the cost of property taxes to their renters, so as property taxes rise, so does monthly rent. Property taxes are one reason that rents are higher in Austin than in other comparable cities.

Austin relative to Denver. BBC conducted a study very similar to Austin's housing market analysis for the City and County of Denver in 2006. Compared to Denver:

- **Rental gap.** Like Austin, Denver has a large mismatch between supply and demand for its lowest income renters. However, Denver's rental market provides many more affordable units to renters earning less than \$20,000 per year (15,600 units compared to Austin's 7,150 units). Denver's rental gap diminishes at the \$20,000 income mark, meaning that Denver's lower income renters who have to "rent up" in order to find somewhere to live likely face lower levels of cost burden than in Austin.
- **Homeownership gap.** Denver's detached single family unit price distribution and affordability is similar to Austin's; however, Denver offers more affordable homeownership options because it has a larger attached housing market. In Denver, during 2005, there were 4,200 attached homes for sale affordable to potential buyers earning \$50,000 and less. This compares to Austin's 950 homes in 2008. (And, Austin has about 40 percent more renters earning less than \$50,000 than Denver does). Overall, Denver had 10,000 attached homes on the market for purchase in 2005. By comparison, Austin had 2,700 in 2008.

Austin's Future and Development Choices

Austin's economy rebounded well from the tech-related recession early in this decade. The city is predicted to be less affected than other cities by the current recession because of the types of industries in Austin. Recruitment efforts of technology-based firms, specializing in semiconductor, clean energy, biomedical and wireless technology, have succeeded in creating a large number of high paying jobs and relatively low levels of unemployment in the city. However, not all residents' jobs reside in such high-paying industries—and within these industries, not all jobs are high paying.

On average, executive jobs and engineering jobs do pay well, averaging between \$80,000 and \$90,000 per year. However, beginning positions in these occupations earn much less. Retail workers, which comprise the largest occupational category in Austin, earn an average of \$22,000 per year. These are some of the residents who make up the low income renters who can't find affordable rentals in Austin.

Although Austin's employment is relatively spread throughout the city, its moderate and high paying jobs are heavily concentrated around Mo-Pac, in the southwest and western portions of the city, and downtown, as well as in north Austin. Housing in central and west Austin serves these employment centers well. However, since these areas have developed into the most expensive parts of the city, other residents are finding more affordable opportunities elsewhere. Essentially, the downtown and west Austin housing markets are currently catering to a small subset of workers, while young professionals and lower-earning workers are moving further away from Austin's employment opportunities, creating increased traffic along major arteries.

During the next 12 years, we predict that:

- By 2020, the city will need to develop 12,000 rental units (1,000 per year) priced at \$425 and less to meet the growing needs of low income renters. To only modestly lower the current low income rental gap and meet growing housing needs, as many as 16,500 units (1,370 per year) should be constructed.
- Renters wanting to buy will face greater challenges in Austin's housing market. Renters earning less than \$75,000 will have fewer affordable for sale options, in addition to having difficulty saving for a downpayment because of the high rents within Austin.
- Future growth of homeowners will demand a slightly different distribution of price points than the city has now. To accommodate future homeowners:
 - 8 percent of the units must be priced at \$113,000 and less (likely small condos);
 - 13 percent at \$113,000 to \$160,500 (a mix of condos and townhomes);
 - 21 percent at \$160,500 to \$240,400 (condos, townhomes, cottages and small single family detached units); and
 - 58 percent more than \$240,400 (range of housing options).

The city is in a critical juncture of deciding how to address its existing and future housing needs. And, although we can't completely predict how the city will change in the future, two things are very likely:

1. **Austin's growth will continue.** The city is a very desirable place to live by many measures, and both employers and workers will continue to consider the city as their future home.
2. **Growth will put pressure on housing supply.** Unless supply keeps up with demand, prices will increase.

The city has three ways of dealing with this growth:

- **Slow growth.** Austin can intentionally slow down growth and rely on communities outside of Austin to fill the demand for new housing. Boulder, Colorado is a good example of this phenomenon. Its Residential Growth Management System, which limits the number of building permits issued each year, led to an explosion of new development in the communities outside of Boulder. Boulder, a city of about 50,000 housing units has more than 100,000 jobs. This means that many workers must live outside of the city and commute in because there are not enough housing units for them to live in the city.

Exhibit IV-19 shows average rents by type and averages by apartment size and the number and proportion of renter households in Austin who could afford such rents without being cost burdened⁶. It also shows what renters can afford based on the MFI. The exhibit shows the following:

- An estimated 69 percent of Austin’s renters could afford the average-priced efficiency (studio) unit without being cost burdened in 3Q08, leaving 31 percent of renters unable to afford the average-priced efficiency.
- A little more than half of renters could afford the average-priced one-bedroom unit, 45 percent could afford two-bedroom units and 35 percent could afford the average-priced three-bedroom unit.
- Overall, 49 percent of Austin’s renters could afford the average-priced rental unit in 3Q08.

**Exhibit IV-19.
Income Needed to
Afford Average
Rent, by Unit Size,
3Q08**

Source:
Austin Investor Interests and BBC
Research & Consulting.

	Average Rent	Income Needed to to Afford	Percent of MFI	Percent of renter households who can afford
Efficiency	\$ 546	\$ 21,840	32%	69%
1 bedroom	\$ 728	\$ 29,120	42%	57%
2 bedroom	\$ 935	\$ 37,400	54%	45%
3 bedroom	\$ 1,160	\$ 46,400	67%	35%
4 bedroom	\$ 1,700	\$ 68,000	98%	18%
5 bedroom	\$ 2,727	\$ 109,080	158%	6%
All	\$ 843	\$ 33,720	35%	49%

Exhibit IV-20 shows what households would need to earn to afford the average rent by area. The Central Business District is clearly the least affordable rental area in the city. In most of the city, renters earning 50 percent of the MFI could afford the median rent. Renters earning less than 40 percent of the MFI have fewer options—mostly only the north and northeast.

**Exhibit IV-20.
Income Needed to
Afford Average
Rent, by Area, 3Q08**

Source:
Austin Investor Interests.

	Income Needed to Afford	Percent of MFI	Percent of renter households who can afford
Central	\$ 47,600	69%	33%
Central Business District	\$ 75,640	109%	13%
Far North	\$ 29,880	43%	56%
Far Northwest	\$ 37,400	54%	45%
North	\$ 24,720	36%	64%
Northeast	\$ 27,680	40%	59%
Northwest	\$ 33,160	48%	51%
Northwest Hills	\$ 35,240	51%	48%
South	\$ 31,720	46%	53%
Southeast	\$ 31,440	45%	53%
Southwest	\$ 39,760	58%	42%

⁶ Based on the Census' 2007 American Community Survey (ACS) income by tenure.

Exhibit IV-16 shows the average per square foot and average price per month by apartment type as of 3Q08.

**Exhibit IV-16.
Apartment Pricing
by Class, 3Q08**

Source:
Austin Investor Interests.

	Average price per square foot	Average rent per month	Percent of Developments offering Concessions
Class A	\$ 1.08	\$ 1,054	70%
Class B	\$ 0.99	\$ 843	57%
Class C	\$ 0.92	\$ 689	40%
All	\$ 0.99	\$ 843	52%

Rent by unit size. Exhibit IV-17 shows the average rent levels in 3Q08 by unit size (number of bedrooms), in addition to the average rent per square feet. As demonstrated by the exhibit, efficiencies have the lowest rents, but they also have the highest price per square foot. Renters would get the most value for their money by sharing a larger unit and paying a much lower price per square foot if they could afford to.

**Exhibit IV-17.
Average Rent by Type,
Austin, 3Q2008**

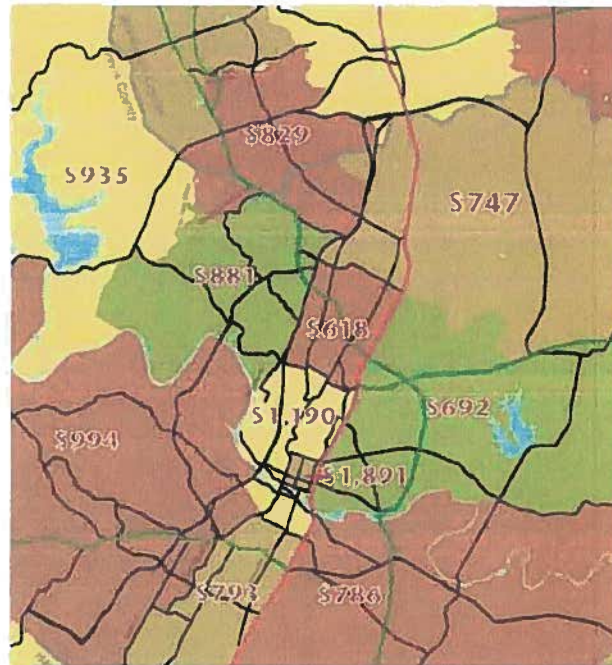
Source:
Austin Investor Interests.

Type of unit	Average Rent per month	Average Rent per square foot
Efficiency	\$ 546	\$ 1.27
1 bedroom	\$ 728	\$ 1.05
2 bedroom	\$ 935	\$ 0.93
3 bedroom	\$ 1,160	\$ 0.93
4 bedroom	\$ 1,700	\$ 1.22
5 bedroom	\$ 2,727	\$ 1.37

Rents by location. Exhibit IV-18 shows rent costs in Austin by location. Rents were highest in central Austin, followed by the northwest and west.

**Exhibit IV-18.
Average Rent, Austin
Market Areas, 3Q2008**

Source:
Austin Investor Interests.



- **Increased density.** Austin can grow denser to accommodate increased housing demand. Not everyone will choose to live in denser or attached housing; however, the survey conducted for this study revealed that many households, including those with children, would be willing to make the trade-off of living in attached housing to reside in their neighborhood of choice.

Many people equate increased density with increased traffic congestion. This perception does not consider the alternative that without increased density, people will be forced to locate outside of an area and drive in to work. Density done well, especially density coupled with good public transit, can relieve traffic congestion.

- **Increased sprawl.** Finally, Austin can grow out to accommodate increased housing demand, as long as developable land is available.

Recommendations for Addressing Housing Needs

The City of Austin and Austin community has shown leadership and progressive action in addressing affordable housing needs to date. Some of the major efforts of the city include:

- Passed a \$55 million General Obligation (GO) bond dedicated to affordable housing activities;
- Annually dedicate General Fund monies to support affordable housing;
- Established the SMART Housing Program to provide incentives to private sector contribution to affordable housing solutions;
- Require that a portion of additional tax revenues from city-owned redeveloped properties be dedicated to affordable housing.

However, market forces have been stronger in changing the landscape of affordability in Austin. This means that addressing affordable housing needs will need to be a continued effort.

If Austin had not accomplished the above efforts—and if the city’s housing continues to become more expensive as demand for living in Austin continues—the following scenarios are likely to occur:

- The city’s 38,000 low income renters who cannot afford to pay their rent and utilities will continue being cost burdened. As the city’s population grows, demand for housing will rise (without a commensurate increase in supply), prices will go up and so will property taxes. Low income renters will pay more for housing as property taxes rise and landlords pass on these costs, putting the lowest income renters at a greater risk of homelessness. Moderate income renters will have less to save for a downpayment, reducing their likelihood of being homeowners. Property owners may reduce efforts on upkeep to manage increased taxes, reducing the quality of the affordable rental housing stock.
- Many current owners in the city will find their property taxes harder to afford. Lower income owners and those on fixed incomes (seniors and persons with disabilities) may find the tax increases unmanageable. If they decide to sell their homes, they will realize income from the gain in value—however, they will need to move out of the city to afford another home.

- The city's workers will be less likely to be able to afford to live in the city, so more people will buy homes outside of Austin and commute longer distances to work. Those who can afford to buy in the city may be unwilling to make the trade-off because the products they can buy outside the city offer much more in terms of condition and size. They, too, will commute into the city. The city will be at risk of losing its middle class as they leave the city to purchase homes—leaving the wealthy and low income renters.

Therefore, to avoid having an even larger number of low income renters who struggle to meet their monthly rental payments, to avoid having moderate income renters leaving the city to purchase homes, to avoid increased traffic congestion, to avoid a drain on revenues as people leave for more affordable housing—the city should continue addressing needs by making changes to its policies and generate additional revenue to meet housing needs.

As mentioned above, the city has spearheaded many large efforts to address existing affordable housing needs. These efforts have been part of the city's overall goals to ensure that everyone from musicians to high-tech executives can call Austin home. The city has also worked hard to preserve its environmental landscape. All desirable cities and towns struggle to find the balance between environmental preservation, managing growth rates and keeping housing costs at a reasonable level. Austin is no exception.

Market forces are very powerful however, and Austin has a strong national reputation as a desirable city in which to live. Therefore, Austin will grow. The city can grow up (become more dense), or the city can grow out (become more sprawling). Growing up will involve some trade offs, but growing out will cost much more in terms of traffic congestion, potential loss of employment centers, loss of tax revenues and, perhaps more serious, a loss of community identity.

Recommendation No. 1—Reevaluate the zoning and development process. Austin's current process of evaluating applications for residential development is community based. The city's zoning and land use regulations also reflect the city's dedication to environmental preservation and commitment to smart growth.

These principles are part of what makes Austin a great city. However, they can conflict with providing affordable housing for residents and workforce. In desirable areas where there is much demand for housing, anything that constrains the supply leads to increased housing costs.

We have identified several opportunities for the city to modernize its current development process that will reduce the barriers to affordable housing development in Austin. These include:

- Reconsider the role that many neighborhoods groups are playing in development decisions.
- Develop a strong, citywide Comprehensive Plan that guides development and forms the basis for the acceptance or denial of development applications.
- Increase density by approving dense developments that offer opportunities for affordable, attached housing products.
- Educate residents about the need for workforce housing in Austin and the consequences of not meeting current and future needs for housing.

Balance neighborhood-based development. Neighborhood groups are very involved in Austin's residential and commercial land use and development process. Although the city has a citywide Comprehensive Plan that has been in existence for more than 30 years, its updates have been modest. Existing neighborhood plans are much more detailed and play a strong role in the development evaluation process. Development is also heavily influenced by the many zoning and land use ordinances that are passed by city council each year. In sum, there is no strong, comprehensive guiding document for development in Austin.

We recognize that this has enabled the neighborhoods to play a significant role in how they develop. It has also created a patchwork planning process. Furthermore, we are unable to identify coordination of the neighborhood plans to ensure an appropriate distribution of community needs such as affordable housing.

Many cities, of comparable size to Austin, rely heavily on the influence and direction of neighborhood groups to guide land-use and development decisions. Many cities like Austin have neighborhood-level planning documents. These neighborhood groups are also very involved in the process through public hearings, written and oral comments, meetings with planning staff, planning commissioners and city council members.

For example, neighborhood groups are relied upon heavily in Santa Fe, particularly when it comes to preserving the historical integrity of architecture and design of its historic buildings. Neighborhood groups are given early notification of proposed projects, which provides them the opportunity to support or challenge projects coming into their neighborhoods. However, Santa Fe's General Plan provides necessary guidelines to determine whether neighborhood group reactions align with city-level growth goals or represent neighborhood sentiments.

Raleigh, North Carolina is another community with very strong neighborhood influence. Currently, 18 CACs participate in development decisions throughout the city and have been very interactive in current efforts to update Raleigh's Comprehensive Plan. In some instances, neighborhood plans have been and will be adopted as part of the city's comprehensive plan to ensure that city-level and neighborhood-level goals align.

Other communities with strong neighborhood influence include San Jose, California, Baltimore, Maryland and Denver. However, all communities are guided by a city-level General or Comprehensive Plan.

The city's current neighborhood-based planning process does very little to facilitate the development of affordable housing *on a citywide basis*. Some of the neighborhood plans have affordable housing as a goal; others do not. We were also told many times in our focus groups with more than 100 stakeholders that Austin has lost many affordable units to neighborhood resistance.

Austin is not unusual in this regard. Residents in every city and town are notoriously resistant to density, and the more affordable the project and the greater the density, the higher the resistance. Neighborhoods often forget that a desirable city will grow; they cannot stop this momentum. Restricting workers from obtaining housing in an area does not mean these workers will go away—they may live farther away, but they still need to drive to work. Growth limits almost always lead to increased traffic congestion and the leapfrog effect of affordable housing being pushed farther and farther from employment centers.

EXHIBIT 2

**2013 HUD INCOME LIMITS AND RENT LIMITS FOR TRAVIS COUNTY FOR
BOND/4% HOUSING TAX CREDIT DEVELOPMENTS**



Project:

Instructions:

- (1) Choose the county in which your project is located.
- (2) If your project is located within the boundaries of one of the designated places listed in the drop down menu then make the appropriate selection. If the location is not listed, then choose the "Not Listed" option.
- (3) Please select the financing applicable for your project. Units financed with HOME, NSP, or tax exempt bonds and 4% tax credits are not eligible to use the National Non-Metro limits.
- (4) Choose the date the first building in the project (as defined on line 8b of the 8609) was placed in service or for Housing Trust Fund, the date of your LURA. For HOME or NSP, select "N/A."
- (5) Select the date based on the execution date of your property's Carryover Agreement, Determination Notice, Subaward Agreement Date. For Housing Trust Fund, select the date of your LURA. For HOME or NSP select "N/A." See footnote 3 for more details.

PLEASE COMPLETE ALL FIELDS.

(1) County: Travis

(2) Place:² Austin

(3) Financing: 4% Housing Tax Credits

(4) Project PIS Date: On or After 1/18/2013

(5) Carryover / Determination Notice / Subaward Agreement Date:

On or After 1/18/2013

INCOME LIMITS

2013 Area Median Income: \$73,200

AMFI %	Number of Household Members							
	1	2	3	4	5	6	7	8
30	\$ 15,390	\$ 17,580	\$ 19,770	\$ 21,960	\$ 23,730	\$ 25,500	\$ 27,240	\$ 29,010
40	\$ 20,520	\$ 23,440	\$ 26,360	\$ 29,280	\$ 31,640	\$ 34,000	\$ 36,320	\$ 38,680
50	\$ 25,650	\$ 29,300	\$ 32,950	\$ 36,600	\$ 39,550	\$ 42,500	\$ 45,400	\$ 48,350
60	\$ 30,780	\$ 35,160	\$ 39,540	\$ 43,920	\$ 47,460	\$ 51,000	\$ 54,480	\$ 58,020
80	\$ 41,040	\$ 46,880	\$ 52,720	\$ 58,560	\$ 63,280	\$ 68,000	\$ 72,640	\$ 77,360
120	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

RENT LIMITS

AMFI %	Number of Bedrooms						
	0	1	2	3	4	5	
30	\$384	\$412	\$494	\$571	\$637	\$703	
40	\$513	\$549	\$659	\$761	\$850	\$937	
50	\$641	\$686	\$823	\$951	\$1,062	\$1,171	
60	\$769	\$824	\$988	\$1,142	\$1,275	\$1,406	
65							
80	\$1,026	\$1,099	\$1,318	\$1,523	\$1,700	\$1,875	

1. This information is being provided to assist in the determining the rents and incomes applicable given a set of assumptions you select. You are encouraged to independently verify the results or contact the Department if you have concerns.

2. The "Place" field is used to determine whether the property is eligible to use the National Non-Metropolitan Median Income limits. Not all Places or Cities in Texas are shown. If you are located outside of the boundaries of a designated Place then select "Not Listed" even if your mailing address reflects the place name.

3. The 'Carryover / Determination Notice / Subaward Agreement Date' field is used to determine whether the property's gross rent floor is based upon a different set of income limits than those used to qualify tenants. For a competitive or 9% HTC property the execution date of the property's Carryover Agreement should be used. For an Exchange Program (i.e. Section 1602) property, the execution date of the property's Subaward Agreement should be used. For a 4% tax credit property, the date of the Determination Notice should be used.

4. The dates listed above are indicative of the actual effective dates of the respective limits released by HUD. The 2013 Housing Tax Credit income limits are effective 12/4/2012 and the 2013 NSP income limits are effective 12/11/2012. The Community Planning Division (CPD) of HUD has not yet released the 2013 HOME Program limits and this tool includes the latest HOME Program were released and effective 2/9/2012.

5. For Housing Tax Credit project(s) that place in service or execute a Carryover Agreement within 45 days after HUD releases the MTSP Income limits where the newly released limits reflect a decrease, IRS Revenue Ruling 94-57 allows the owner to rely on either limit.

Re: TDHCA 12605

Waters at Willow Run Apartments

Beginning in January 2012, I enrolled as a graduate student at Texas State University in the M.A. Rhetoric and Composition program. The Atlantic Housing Foundation has made my graduate study possible. In the midst of a student loan debt crisis and a national devaluation of the humanities as a course of study, obtaining a degree in rhetoric and composition could be a potentially risky move. With the help of the Atlantic Housing Foundation I am able to pursue my goal of teaching college students and writing for social justice issues.

In addition to my educational goals, the housing scholarship has prompted me to be more involved with and committed to non-profit and volunteer work. I strongly believe in service to the community and to other people, and I intend to continue this mindset of service-oriented learning and cultural understanding in the classroom. As a volunteer at a local elementary school, I have been able to help struggling students read and learn, and this has even paid off in my graduate work by giving me a more holistic picture of literacy and literacy studies. The investment the AHF has made in my future will continue to show as I am subsequently able to help my own students realize their dreams.

From a new student with nothing but a pen in hand, to a graduate student with a clear sense of purpose, my experiences as a student have been full of possibility, and they only continue to grow in this new chapter of my life as a resident of Atlantic Housing and a graduate

student at Texas State. The housing scholarship has allowed me to be a student in the English department, studying the written word, and a Rhetoric and Composition student preparing to share my passion with other scholars and to impart some of my experience to help my own students learn how to author their futures and take hold of the possibilities in their own lives.

Sincerely,

Kristie O'Donnell



February 13, 2013

Re: TDHCA # 12605

Subject: Waters at Willow Run

I first became aware of the Atlantic Housing Foundation about a year ago as Leonard approached us about partnering with our 3on3 basketball event in the city of Dallas. Leonard and the foundation were great to work with as they helped us promote our event. In return we were happy to give the foundation some free teams for some under privileged youth that Leonard and the foundation devote a majority of their time in helping to make a difference. This past December Leonard also, helped us get radio promotion for our event in Dallas and was instrumental in the success of the event. Leonard and the Atlantic Housing Foundation will always have my support and backing.

Thanks

TJ Boehler
Event Manager
Hoop It Up 3on3 Basketball & Let It Fly
North American Sports Group, LLC
10497 West Centennial Road
Littleton, CO 80127
O: 303.948.7108 F: 303.948.7251
tboehler@nasportsgroup.com
www.NASportsGroup.com

February 14, 2013

Atlantic Housing Foundation
1310 N. White Chapel Blvd. Ste. 100
Southlake, TX 76092

Waters at Willow Run

Dear TDHCA# 12605,

I am honored to be a recipient of the Atlantic Housing Foundation housing scholarship. As a first-generation Latina college student, I have learned to make the most of every opportunity available to assist me with financing my higher education. I am currently enrolled as a PhD student in Geography at Texas State University – San Marcos, Texas. With the assistance of this Atlantic Housing scholarship I will graduate in May 2016 as the first Latina to receive a PhD in Geography from Texas State.

Students come first. This is a motto I live by. Not only have I been inspired, but I hope to inspire other students in finishing their higher education goals. As a graduate student, I have mentored and connected with graduate and undergraduate students who helped me grow professionally along with them. I taught two undergraduate students how to present at professional conferences. They taught me about Texas culture and became my friends when I first moved to Texas from California four years ago to pursue my master's degree. I also mentored a master's student who came from the Caribbean and learned to read at thirteen years of age. Mentoring her allowed me to appreciate all that I had growing up. I was truly humbled to see how much she had accomplished despite her economically disadvantaged upbringing. Through these experiences with students from various backgrounds I have been able to learn about other cultures that have prepared me to be a well-rounded professor in a diverse college environment.

As a Latina professor in a college or university I hope to inspire other students of various ethnic, religious, and cultural backgrounds to pursue their dreams in higher education. Every student, regardless of IQ or test scores, can get A's in school if they just put the time and effort into studying. My love for learning and teaching is what I hope to bring to my classes when I become a professor in Geography. There are very few female professors in the discipline of Geography and even fewer Latinas, and I hope to forge a new trail for more people of color and females to enter the field and expand the research in Geography.

By seeing more Latinos in higher education and becoming professionals, the next generation of students will see in us the potential future for themselves as well. Higher education should be important to every child in the community because we are the future of America. We

have a responsibility to ourselves and this great nation to become professionals and contribute to society. By engaging more Latino students, such as me, to graduate from college, the entire community will build a foundation for strong economic and social development through greater diversity represented in colleges, politics, and the private sector. This future begins in the public schools. Students must learn to value their heritage and find strength in themselves in order for them to make a commitment to succeed in education.

Through my research in health disparities focusing on Latinas of reproductive age I hope to engage more females and people of color in the discipline of geography. I will continue to put students first as a professor and serve in community outreach for health advocacy. This is my blessing and calling in life.

Sincerely,

Graciela Sandoval
PhD Student, Geography
112 West Avenue, Apt. 221
San Marcos, TX 78666

How AHF has helped me

Growing up I would see how my parents would struggle day in and day out. I would think to my self, I don't want to have to work all day everyday to barely get by. I always knew I wanted to go to college after high school and get a career but never knew how that was going to come about.

During my high school years, I spent a lot thinking of what I wanted to do for the rest of my life. At first I wanted to be a famous soccer player, then a doctor and finally I made up my mind, a teacher. I enrolled in a two-year program called "Ready, Set, Teach". This program allowed students to visit elementary schools and observe as well as help teachers. Throughout my senior year, I would keep a close eye on scholarship opportunities so that I wouldn't have to struggle. Then I heard about the Atlantic Housing Scholarship. This scholarship would be granted to one senior student who was pursuing a degree in the education field. Luckily, I was that student. For once I was confident to say I was going to actually be someone in life.

I graduated in 2009 and have been at a community college ever since. I received my Associates Degree in Arts of Teaching and thanks to AHF I will continue to pursue a higher degree. When I began college I didn't qualify for any educational assistance including Financial Aid, Pell Grants or Rising Star and until this day I still don't. The only assistance I receive and have been receiving for the past years is from AHF. Thanks to this organization I have been able to attend college without having to take out loans or having to work several jobs at once. The scholarship that I receive covers for my tuition and any other educational expenses such as books and materials and I have never been as thankful as I

am now. AHF is an organization that strives to help students like myself in furthering their education. They've helped me all this time just like they've helped other fortunate ones too.

As I continue my education I have learned that life isn't only about receiving, it's about giving, I became much more active in helping the community. I really couldn't have done it without the help of AHF and will forever be thankful.

Daraw Chang

February 13, 2013

To Atlantic Housing,

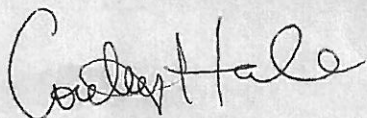
Atlantic housing is a wonderful opportunity that has made what seemed to be the impossible, possible. If it was not for Atlantic Housing then I would not have been able to live where I am living to attend college. Thanks to qualifying for the scholarship I have been able to pay for my housing without taking out another loan. Not only has the scholarship I hold given me the opportunity to save loan money but it has also given me the opportunity to live in an apartment with my own kitchen.

Having my own kitchen to cook my own food has helped my health in so many ways. When I applied for the scholarship I expressed my need to have my own living place with a kitchen due to health problems. Thanks to Atlantic Housing for taking time to listen to my need, I have been able to eat healthier as well as feel better. Money is always a problem for many college students but now I am able to use more money to buy healthy food rather than worry about meeting my monthly rent.

If it were not for Atlantic Housing then I would have a lot more problems than just going to class and making good grades. By accepting the scholarship I have also been encouraged to get involved with the community by completing service hours. I have felt so refreshed to give back to the community with my time knowing that Atlantic Housing was such a blessing by awarding me such an awesome scholarship opportunity. I will forever be grateful for what Atlantic Housing has done for me. Atlantic Housing has forever affected my college experience by helping me get through with fewer loans. It has been an honor to be a part of such a great company.

Sincerely,

Courtney Hale

A handwritten signature in cursive script that reads "Courtney Hale". The signature is written in dark ink and is positioned below the printed name.

The AIF scholarship so far is the best thing that has happened to me in my college career. There is absolutely no possible way I could afford my apartment without the help of this great organization. One of my favorite things about Atlantic Housing is that they are not constantly changing requirements, or constantly bugging you for hours. Leonard does an excellent job running the scholarship program and is willing to work with you in order to meet the 80 hours of volunteer work. Since the volunteer work is education based I really get a lot out of it, I don't consider it "volunteer" work, because the work I do is essential preparation time that I need in order to pursue my career as a Health/Physical Education educator. I am so grateful for this scholarship and would like to thank everybody who is a part of this foundation for the opportunity that you all have given me. I will continue to do everything I can to maintain the scholarship and am definitely looking forward to another year or two with Atlantic Housing.

A handwritten signature in black ink, appearing to read "Blake Beynaerts", with a long horizontal flourish extending to the right.

Blake Beynaerts

RESOLUTION NO. 20130117-061

WHEREAS, on November 7, 2006, voters approved \$55 million in General Obligation Bonds (Bonds) to address affordable housing needs within the City of Austin; and

WHEREAS, all Bonds for affordable housing that were approved in 2006 have been issued and funds fully committed; and

WHEREAS, the 2006 affordable housing Bonds leveraged \$196.2 million in additional funding, supporting the construction of 3,417 new homes and apartments; and

WHEREAS, according to an April 2012 study by Civic Economics, the 2006 affordable housing Bonds resulted in at least 2,579 construction or permanent jobs with an estimated program economic impact of \$384 million; and

WHEREAS, a 2010 report prepared by a working group of the Austin Area Research Organization, HousingWorks Austin, Urban Land Institute-Austin, and the Real Estate Council of Austin recommended pursuing a new issue of affordable housing Bonds in 2012 to expand the capacity of public-private partnerships to create and retain city-wide affordability; and

WHEREAS, the City of Austin brought forward a Bond election on November 6, 2012 at which Proposition 15 for affordable housing was supported by 48.58% of individuals who voted on Proposition 15; and

WHEREAS, the City of Austin has immediate needs for a broad range of affordable housing that serves a wide variety of needs including: women, children, veterans, seniors, working families, the chronically homeless, and people with disabilities; and

WHEREAS, in 2011, 21% of Austin's residents lived below the federal poverty line of \$22,350 for a family of four, including approximately 28% of school-aged children and 10% of residents over the age of sixty five; and

WHEREAS, the Austin Housing Market Study by BBC Research & Consulting showed the highest risk of homelessness and the greatest need for rental housing among residents with incomes at or below 30% of Austin's median family income (MFI), or \$21,950 in annual income for a family of four in 2013; and

WHEREAS, the Austin Independent School District's Project HELP (Homeless Education and Learning Program) reported in 2010-2011 school year that it served 1,894 homeless children and youth as defined by Section 725 of the federal McKinney-Vento Act; and

WHEREAS, housing instability for youth has been directly linked to decreased educational performance and housing instability for adults has been directly linked to lack of job placement success as well as health risks to individuals of all ages; and

WHEREAS, the City of Austin has immediate opportunities for matching private, State and Federal grants and other leveraging of local affordable housing funds, and

WHEREAS, providing capital funding for affordable housing from debt obligations using G.O. Bonds requires voter approval; and

WHEREAS, the Imagine Austin Comprehensive Plan adopted on June 15th, 2012, after two years of extensive consensus-oriented citizen input, identified key challenges and opportunities including preserving livability, tackling the ethnic divide and promoting prosperity for all; and

WHEREAS, the City of Austin, in adopting Imagine Austin, resolved to develop policies to increase the availability of affordable housing including housing for very low-income persons through new and innovative funding mechanisms such as public/private partnerships; and

WHEREAS, Imagine Austin also calls for a reduction in homelessness and for homelessness prevention through long-term supportive housing, mental health services, counseling, and alcohol and drug treatment; and

WHEREAS, the Imagine Austin near-term work plan includes targeting the use of public funds over the next 1 to 3 years for the lowest-income households, including those who are homeless, at risk of homelessness, or who have other special needs; and

WHEREAS, on May 20th, 2009, the Federal Government passed into law the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act to coordinate the response to homelessness and create a national partnership at every level of government with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the government in contributing to the end of homelessness; and

WHEREAS, the 2010 'Open Doors' national plan from the United States Interagency Council on Homelessness puts forward a collaborative path to ending all types of homelessness by providing access to stable and affordable housing, increasing economic security, improving health and stability and by transforming homeless services to crisis response systems that prevent homelessness and rapidly return people who experience homelessness to stable housing; and

WHEREAS, in March 2011 the City Council adopted the City of Austin Permanent Supportive Housing (PSH) Strategy which identified a need for 1,889 additional units and a near-term plan for the construction and operation of at least 350 PSH units utilizing proven approaches that prioritize the chronically homeless and frequent users of public systems to achieve the greatest cost avoidance to taxpayers by reduced emergency room care, jail time and lack of re-entry into the work force; and

WHEREAS, national cost studies and objective evidence of intervention efficacy and metrics of self-sufficiency prepared for the City of Austin by the Corporation for Supportive Housing in September 2010 cited a 50% reduction in incarceration rates, 50% reduction in emergency room visits, an 85% reduction in detoxification services and a 50% increase in earned income by residents of PSH; and

WHEREAS, the City Council has by Resolutions 20121213-098 and 20121213-065 undertaken efforts to identify short-term funding opportunities for affordable housing programs and long-term opportunities through the Housing Trust Fund; and

WHEREAS, the City of Austin has an interest in improving the quality of life of all of its citizens, **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to identify and take preliminary steps to authorize an election for voter consideration of a General Obligation Bond Proposition for affordable housing.

BE IT FURTHER RESOLVED:

The City Manager is directed to review previous practices of the City of Austin and best practices of other cities to identify long-term sources of funding for affordable housing, including , but not limited, to permanent supportive

housing, single family and multi-family ownership and rental opportunities, rental assistance, preservation programs, and home repair programs .

BE IT FURTHER RESOLVED:

The City Manager is further directed to report back to council, no later than February 14th, 2013 regarding a timeline for required actions, stakeholder presentations, public input, and briefings to City Council that will include the following topics to consider the full spectrum of housing affordability:

- Timing of possible elections and associated deadlines.
- Estimated debt capacity at the city's current tax rate.
- The return on investment of target housing categories based on leveraging outside funding.
- National information regarding cost avoidance for cities and other service entities of target housing categories.
- National and statewide approaches to affordable housing, existing research and applicable benchmarks.
- Recap of the work done by the 2012 Bond Election Advisory Task Force relating to affordable housing bonds.
- Community input from Imagine Austin and the 2012 bond development effort.

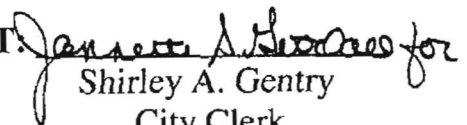
- A needs assessment of affordable housing and available community data on targeted subpopulations.
- Existing project scoring matrix, market studies, siting policies and neighborhood outreach programs.
- Comparative practices undertaken by peer cities of providing the *community with voter information*.
- Bond ballot language based on consideration of 2006 ballot language.
- Update on current plans for tax ratification and/or bond elections of other governmental jurisdictions within the City of Austin.
- Schedule for review of information by the Public Health and Human Services Committee and other committees that council may decide should review this information.

BE IT FURTHER RESOLVED:

The proposed bond package shall not exceed the projected total debt capacity within the City's current tax rate.

ADOPTED: January 17, 2013

ATTEST:


Shirley A. Gentry
City Clerk



February 13, 2013

REF: Waters at Willow Run Apartments, Austin TX
TDHCA # 12605

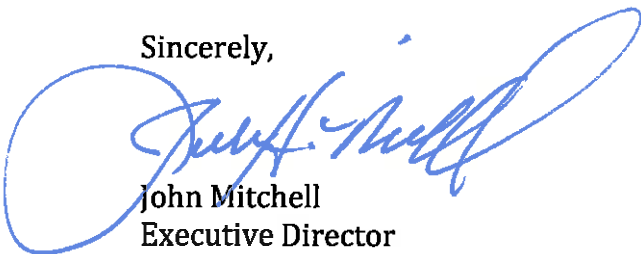
To whom it may concern,

It's my honor and privilege to whole-heartedly endorse Atlantic Management as one of the Apartment Association of Tarrant County's most esteemed corporate members. Their mission is to provide and preserve high quality affordable housing and related services designed especially for low and moderate income families which fits squarely within our own industry vision to educate, advocate, network and inspire.

I'm confident they'll work hard to deliver a great housing product to every resident of each Atlantic Housing apartment property, most especially the Waters at Willow Run in Austin. And I'm sure their professional staff will work within the community to foster great relationships defined by a deep sense of care and genuine concern.

AATC wishes Atlantic Management every success with the apartment homes they so ability provide.

Sincerely,



John Mitchell
Executive Director

February 14, 2013

Reference: TDHCA #12605

Waters at Willow Run Apartments

Atlantic Housing has played a very influential role in my life. It has provided me with an opportunity to excel beyond the odds. It has ignited a flame of hope within me to climb even the steepest mountains in my life. It has strengthened me as an individual, provided me with an opportunity to advance professionally and has inspired me to reach my highest level of potential.

Many times in life situations and circumstances occur to strengthen us as individuals. Despite how inconvenient certain situations can be or how the discomfort may force us to stretch out our wings and travel to unfamiliar places, the support of others who believe that a new opportunity or a fresh start has the power to impact a nation and create positive change from within and empower others to believe that they can achieve the impossible. Atlantic Housing has provided me with a sense of strength that is greatly appreciated and well admired knowing that someone else saw greatness in me and provided me with an opportunity to gain inner strength by turning my negatives into a positive.

At a time in my life when I felt my career was in shambles due to my recent lay off, a beam of hope came peering from the vision and mission of the awesome team members at Atlantic Housing. They planted a seed of hope deep down on the the inside of me to continue striving to be the very best that I can be. Their kind efforts and insurmountable financial contributions, has helped me to see the brighter

side of my situation. Even when my heart was discouraged and I felt unsure of what tomorrow would bring, they gave me hope to continuing persevering despite the odds and advance professionally by enrolling in a marketable degree program. As a result I feel empowered as an individual and much more skilled and knowledgeable as a professional to compete in today's global economy.

When life appeared to be a little blurry and it felt as if I couldn't see beyond the clouds, the help that I received from Atlantic Housing inspired me to continue reaching for my goals. It open my eyes to see the sunshine in a cloudy situation. It gave me hope in knowing that I could prevail and reach my highest level of potential as a mother, a professional and most importantly as an individual.

In reflecting over my situation, I am thankful to know that I have a team of wonderful individuals who believe that through their grateful efforts and contributions, I can be strengthen as an individual, advance professionally and reach my highest level of potential.

Sincerely,

Amiri Amos

RE: TDHCA 12605


Waters at Willow Run

My name is Tyler Griffiths, and I have been a recipient of an Atlantic Housing Foundation academic scholarship for the past two years. This scholarship has been a tremendous help throughout my college career. Since the fall of 2011, I have been attending the University of Central Florida in pursuit of a Civil Engineering B.S. As with any engineering program at the undergraduate level, the coursework is both rigorous and time-consuming and the cost of tuition, as well as books, is not to be overlooked either. The AHF scholarship has been invaluable in being able to afford a quality secondary education.

I am very grateful that the Atlantic Housing Foundation provides scholarship opportunities, not just to me but to many deserving students. Too often, hardworking young men and women cannot afford the cost of a higher education. By providing allowing students to focus less on finances and more on their academic endeavors, the Atlantic Housing Foundation has had a vital effect on the achievements of many college students. Having the support of the Atlantic Housing Foundation demonstrates that the organization is truly invested in their scholarship recipients and cares about their academic success. It's encouraging to see organizations like AHF invest in the communities that they are a part of and I hope to see many other organizations follow suit. Thank you AHF.

Sincerely,

Tyler Griffiths

A handwritten signature in cursive script, appearing to read "Tyler Griffiths", with a long horizontal flourish extending to the right.

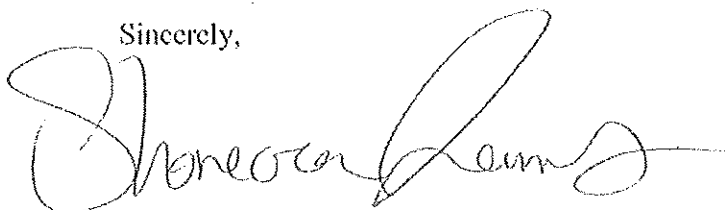
To TDHCA 12605,

Waters at Willow Run

I am a scholarship student for the Atlantic Housing Foundation at the Arbors of Sam Houston State University in Huntsville, TX. This scholarship has brought me from a long way, by providing financial support for me so I can continue pursuing my college career. I am a first generation student that has come from a low income family. My father passed away my senior year in high school so I could not afford to pay for school or a place to stay. While entering college, my mother lost her job and could not afford to pay for her living and mine as well. During this time we were in a major debt that was hard to get out of. When I found out about this scholarship I applied immediately. This scholarship has helped my mother out tremendously. I believe my education and experience fits nicely with the scholarship and I am certain that this scholarship will make a significant contribution to my continuing education.

The Atlantic Housing Foundation Scholarship is very helpful. I am thankful that I was blessed with this opportunity. Without this scholarship my college career would be the toughest four years of my life and if I did not receive this scholarship it would be impossible for me to continue my education. Having a brighter future for me and my family is the goal I am trying to obtain and with this scholarship I am able to do so.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shonecra James". The signature is written in dark ink and is positioned above the printed name.

Shonecra James



To: Atlantic Housing Foundation

From: Crystal Mitchell – K104/Smooth R&B 105.7

Date: February 19, 2013

Re: Water at Willow Run “TDHCA # 12605”

It is my pleasure to write a letter in support of your organization, the Atlantic Housing Foundation. Our staff at Service Broadcasting has had the opportunity to come out to various events, interacting with the kids in the community and the Atlantic Housing Foundation. We fully support the Atlantic Housing Foundation and hope that we can continue to work with them in the future as they strive to accomplish the needs and goals of their organization and the community.

Please let me know if there is anything we can do to assist this great organization. I can be contacted via email at crystal.mitchell@k104fm.com or by phone at (972) 947-5076.

Thanks,

A handwritten signature in cursive script that reads 'Crystal Mitchell'.

Crystal Mitchell
Asst. Promotions/Marketing Director
Service Broadcasting Group, LLC

Atlantic Housing Foundation
1310 N. White Chapel Blvd.
Southlake, TX 76092

February 14, 2013

RE: TDHCA 12605- Waters at Willow Run

To Whom It May Concern:

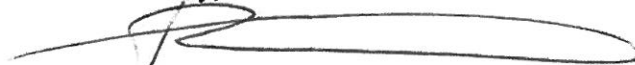
Over the past couple of years, I have been fortunate enough to be a part of Atlantic Housing Foundation as an employee, resident, Board Member, and scholarship recipient. I joined AHF in April 2011, as a Resident Coordinator for Covington Creek Apartments in Irving, Texas, while finishing up my junior year at the University of Dallas. In June 2011, I also took on the role of Resident Coordinator at Heather Ridge Apartments in Irving. During this time, I got to meet many of the residents at both properties and I experienced firsthand exactly how much AHF does for its residents with programs such as Adult ESL Classes, after school tutoring for children grades K-12, movie nights, community breakfasts, and monthly campaigns to help raise awareness of different community organizations. AHF compensated my work as a Resident Coordinator of both properties by providing me with free-housing which was an immense help to my family since able to alleviate the cost of living expenses from my education.

In the fall of 2011, I was lucky enough to receive an AHF Scholarship, which awarded me \$1,500.00 per semester, to attend my senior year at the University of Dallas. That fall semester may have been one of the most difficult semesters of my undergraduate career because of different personal circumstances which affected my immediate family. In November 2011, I became the Assistant Manager of Covington Creek while finishing up my first semester of my senior year. This promotion, like the scholarship, could not have come at a better time, as my father, who had become very sick, was out of work for over six month and I was helping my family with any little I could.

I have been working as the Assistant Manager at Covington Creek since. In May of 2012, I graduated from the University of Dallas with a B.A. in Philosophy and a Spanish Minor. In the fall of 2012, I began my Graduate Studies in Humanities. This spring (Spring 2013), I was fortunate enough to receive another AHF scholarship to continue my graduate studies which will allow me to receive my M.A. in Humanities with a concentration in Philosophy in May of 2014 and continue on to law school in the fall of 2014.

I honestly cannot thank Atlantic Housing Foundation enough for all that it has provided me with. I have been given the opportunity to continue and excel in my education while working in a career which has encouraged me to grow both professionally and as an individual. I have learned so much from this company—from its mission statement, which emphasizes the value of education, to the lessons I learn from the people I see every day—my coworkers, my residents, my team—and I am so thankful to be a part of an organization that shares the same ideals and values that I do.

Sincerely,



Pierina Otiniano

February 14, 2013

Dear Atlantic Housing Foundation,

As a college student, I face many challenges every day. From sunrise to sunset, I encounter situations where I am forced to make hard choices and practice self-discipline. Whether it is waking up really early in the morning or choosing to study for an exam instead of going out with friends, I'm always confronted with decision-making. At any point throughout each day, I can choose to give up. But because, I have a tremendous amount of support, such as the Atlantic Housing Foundation, in my life, I am motivated to work hard and persevere.

I am truly blessed to be a recipient of the Atlantic Housing Foundation Academic Scholarship. The Atlantic Housing Foundation has helped me in my college finances. Because of this scholarship I am able to pay off my tuition and housing expenses. I come from a low-middle class family of seven and it is very difficult for my parents to pay for my college expenses so I am really grateful that the Atlantic Housing Foundation can help me financially. In addition to helping me with my financial needs, the support that I receive from the Atlantic Housing Foundation helps motivate me to continue to work hard in school.

I'm currently a math major at the University of North Texas and I plan on becoming a high school teacher. I would like to be a role model for students and I'm thankful that AHF is here to help pave the way for me. To know that there are people who believe in my educational endeavors is a great feeling. I am truly blessed to be a recipient of such generosity and I can't imagine what my educational journey would be like without the Atlantic Housing Foundation.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Irene Ogeto', written in black ink.

Irene Ogeto



Veronica Roper
4121 McKinney Avenue, Unit 42
Dallas, Texas 75204

February 19, 2013

Texas Department of Housing & Community Affairs
221 East 11th Street
Austin, Texas 78701-2410

RE: Atlantic Housing Foundation

Dear Sirs and Madams:

I am writing in regards to Atlantic Housing Foundation ("Atlantic"). I am the project chair for the Collegiate STEPS program, a college prep program run for teenagers by the Boys & Girls Clubs of Greater Dallas and the Junior League of Dallas. Atlantic has been a great supporter of Collegiate STEPS, providing scholarships to deserving Collegiate STEPS students and coming to speak to our students about the importance of education. Atlantic's Chief Executive Officer, Michael Nguyen, even came in person to one of our Monday evening sessions to share his personal story with our teens and impress upon them the importance of education and perseverance. I have been very impressed with Atlantic's willingness to support our program, our teens, and their families, and can attest to their great efforts to support underprivileged students in Dallas.

Best regards,

A handwritten signature in cursive script that reads "Veronica Roper". The signature is written in black ink and is positioned above the printed name.

Veronica Roper

Chelsea Hancock

Chelsea Hancock

The Atlantic Housing Foundation has changed my life. Without the incredible opportunity the Foundation has given me, I would not be in college. I would be working full time trying to make ends meet for my family, not taking the steps to give myself a future career. I have always loved teaching and tutoring my peers and siblings the mathematical concepts they do not understand, and have dreamed of becoming an official high school teacher for years. My family simply lacked the means to put me through the proper schooling to make that dream become reality. The scholarship program the Atlantic Housing Foundation has blessed me with has changed that for me. The Foundation has given me a chance at a future that I otherwise would not have had. Becoming a high school teacher is suddenly not so impossible. To me, the Atlantic Housing Foundation has become a beacon of light in the darkness that would be my future if I had not received the gift of education. By helping me receive an education, the Foundation has allowed me to help myself pull out of the rut of "average" and everyday life struggles, and has allowed me to follow my dreams and make a difference in the teaching of mathematics. For everything the Atlantic Housing Foundation has done for me, words cannot express my gratitude, and I will always owe the Foundation for changing my life and shaping my future.

Thank you for my life!

Sincerely,

Chelsea Hancock

Dear TDHCA 12605 Waters at Willow Run Project,

I am first time recipient for the Atlantic Housing Scholarship, and all I can say that it has been a blessing not only to me here in Huntsville but also to my family back home in El Campo Texas. This scholarship helps take majority of the stress, off of a college student. Between working a part time job and going to school full time, while maintaining a social life can be hard to juggle. Because of the scholarship I am able to work fewer hours at work and I am able to focus more on school. This concept is very important to me because college is something I dreamed of accomplishing my whole life. Although many kids my age may have to quit school and go to work, I am blessed with the opportunity to do both. In this economy now days it is very hard for college students to make it on their own, if it had not been for The Atlantic Housing Scholarship I do now know where I would be staying or how I would pay for housing on my own.

Thank You,

A handwritten signature in black ink, appearing to read 'Chelsea Cruz', written in a cursive style.

Chelsea Cruz

2/14/13

TDHCA 12605 Waters at Willow Run Project,

I received the Atlantic Housing Foundation Scholarship in August of 2012. In just six short months my life has changed drastically and I attribute it all to this scholarship. Before receiving the scholarship, as many college students are, I was burdened with paying rent and living comfortably away from home and I wasn't doing so well. Minimum wage at the University Hotel never seemed to be enough, and in addition to that I had just totaled my car in an accident on the fourth of July. At this point I was broke, hungry, and driving my little brother's pick-up truck. School was no longer a priority for me I totally lost focus the only important thing was paying my rent every month some way some how.

My answer came in the form of Atlantic Housing, ever since I've moved into the Arbors of Sam Houston I've had nothing but better days. After receiving the scholarship I was able to move, of course, and I was able to purchase another car confident in the fact that my rent would no longer be an obstacle. The fall of 2012 was my best semester in a long time and I know it was because I could focus on school rather than working everyday to pay rent.

I'm graduating in May, three short months, and I feel as though half of my degree belongs to Atlantic Housing. I was at a point in my college career where I knew staying Huntsville wasn't an option; I could no longer afford it. My prayers were answered through Atlantic Housing. I don't think forty hours of community hours or maintaining a 2.5 GPA will ever be enough to express my gratitude for the people at Atlantic Housing Foundation and the Arbors of Sam Houston.

Sincerely,



Brandie Butler

Sam Houston State University



Water at Willow Run "TDHCA #12605"

Amore Transitional Group is a non-profit organization in Dallas that caters to young women that are emancipated from the foster care system. Amore Transitional Group establishes relationships with other organizations and companies in Texas that cater to a need in their community.

We support the Atlantic Housing Foundation and all of the efforts that they make to uplift and positively impact the lives of others. The Atlantic Housing Foundation strives on a consistent basis to help its community.

As activist in the community, Amore Transitional Group appreciates organizations such as the Atlantic Housing Foundation that work diligently to make a difference.

Sincerely,

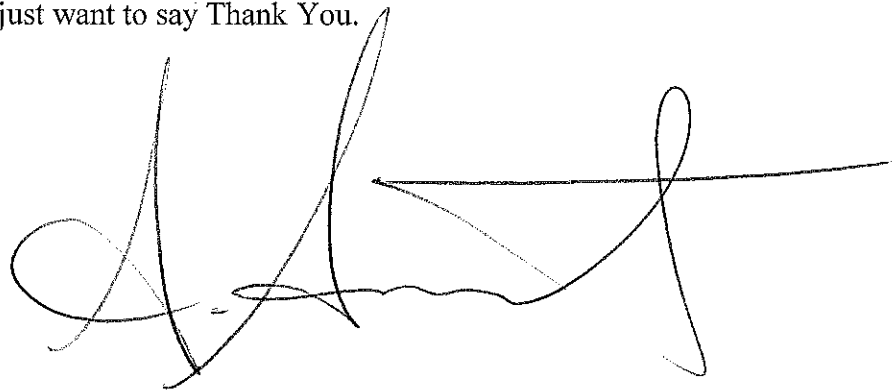
Timeka Tyler

Pr Representative

Amore Transitional Group

To whom this may concern:

The Atlantic Housing foundation is not only a blessing to my life but it restored my hope. After, being faced with many trials and tribulations in life, college didn't seem like an accomplishable option. I am the first one in my family to pursue a college degree. Being the first one in your family to take on a task so big is overwhelming. I had to educate not only myself but also my family about little things for instance financial aid, FAFSA, how to purchase books, or applying for scholarships. I moved to the Arbors my junior year but wasn't aware about the scholarship until the beginning of my senior year. As I began to fill out the forms for the scholarship I prayed that God sent me an answer letting me know if I should continue to pursue my education. I poured my heart out and I am so grateful that God answered my prayer and someone heard my cry. The hardest part about any journey in life is when you have the potential to be something great but you don't have a support system and it seems like every obstacle is in your way. Finances are the biggest struggle for college students today with grants being taken away and students afraid of debt. When I was notified that I was awarded the scholarship I instantly cried because I knew at least one burden would be lifted off. Being awarded the scholarship gave me hope to continue to pursue my dreams. I am able to focus more on school, giving back to the community, speaking on behalf of my non-profit organization that I created, and last building a brand for myself. The first semester with the scholarship I still struggled a little after being diagnosed with Bell Palsy but I was still able to push through and finish my community service hours. The Atlantic Housing foundation is a wonderful blessing to many college students and I am humble and grateful to be awarded the scholarship. I attribute most of my success to the Atlantic Housing foundation because it allowed me time to do things I love to do, which is impact others. I was able to attend more conferences and networking opportunities. Those opportunities led me to great accomplishments such as being nominated as SHSU Mentor of the Year, recipient of SHSU Young, Black, and Gifted award, also being able to speak at different conferences to young girls. No words can express, there's no gift that I can give that is equivalent to my gratitude of thanks to the Atlantic Housing Foundation. The only way I can express my gratitude of thanks is by sharing this awesome opportunity with others, being a great role model in my community, remaining humble and last conquering all of my dreams. I owe that to not only myself but also to the people who believed in me and some of those people are part of the Atlantic Housing Foundation. I just want to say Thank You.

A handwritten signature in black ink, appearing to be 'A. H.', written in a cursive style. The signature is positioned at the bottom right of the page, below the main text.



Re: TDHCA #12605

Waters at Willow Run

To whom it may concern,

Operation Turkey is an Austin based non-profit organization that provides warm meals to the homeless and less-fortunate for the past 12 years on Thanksgiving Day. Last year we served almost 7,000 meals to those in need in Austin, Dallas, and San Marcos Texas. It is only through the efforts of volunteers and donors that we are able to make this mission a success.

Last year the Atlantic Housing Foundation (AHF) reached out to me with a need to feed some of their residents. I explained how we operate and AHF stepped up to the plate and went above and beyond to open Operation Turkey – Dallas. Opening a new location for any organization can be a daunting task, and opening a new location in a new city is one of the most challenging. I had a few reservations about opening a new location with a group I've only talked to on the phone. AHF was presented with a template of what needed to be done, and they handled everything flawlessly. This included handling all challenges that arose and making sure we were in compliance with ordinances in their area.

On behalf of Operation Turkey, I believe Atlantic Housing Foundation would be a huge asset to the Austin community. They have the drive, knowledge, and willpower to get the job done. Those in need of assistance in our community would benefit greatly from the services they provide and together continue making Austin a better place to live!

Warmest Regards,

Brian Tolbert
Executive Director
Operation Turkey
www.operationturkey.com
281-220-4500

GREAT FUTURES START HERE.



BOYS & GIRLS CLUBS
OF GREATER DALLAS

February 13, 2013

Boys & Girls Clubs of Greater Dallas

4816 Worth St

Dallas, TX 75246

Re: TDHCA 112605

Waters at Willow Run

On behalf of the Boys & Girls Clubs of Greater Dallas we are writing in support of the of Atlantic Housing Foundation. For the past year we have partnered with Atlantic Housing Foundation on several occasions at our annual Day for Kids event that served 3000 youth and parents in Dallas County, our Collegiate STEPS college program that encourage higher education amongst high school students. The Boys and Girls Club of Greater Dallas completely supports Atlantic Housing Foundation's effort of community service as well as encouraging students to gain a higher education within local communities while they become productive caring contributing citizens.

A handwritten signature in black ink, appearing to read 'Carolyn Jordan', with a long horizontal line extending to the right.

Sincerely,

Carolyn Jordan

Director of Volunteer Services and Community Outreach

Boys & Girls Clubs of Greater Dallas

Public Comment – Opposition/Concern



01-31-13 A07:49 IN

KIRK WATSON
STATE SENATOR
DISTRICT 14

COMMITTEES:
TRANSPORTATION
BUSINESS & COMMERCE
ECONOMIC DEVELOPMENT
HIGHER EDUCATION - VICE-CHAIR
NOMINATIONS

CAPITOL ADDRESS
P.O. Box 12068
ROOM E1.606
AUSTIN, TEXAS 78711
512/463-0114
FAX 512/463-5949

January 29, 2013

Mr. J. Paul Oxer, Chairman
Texas Department of Housing and Community Affairs
P. O. Box 13941
Austin, TX 78711-3941

Dear Chairman Oxer:

An application for the non-competitive tax credit and tax exempt bond program that is pending before your agency has generated a great deal of interest within the Wells Branch community that I represent in Texas Senate District 14. In response to letters I have received from my constituents who oppose The Waters and Willow Run development, and the approximately 300 citizens who attended your agency's hearing on this project, I wanted to bring this matter to your attention.

While I recognize the need for affordable housing and am supportive of many of the state and local programs that provide incentives to build these developments, the number of concerns over this application have grabbed my attention. Wells Branch is a community that has welcomed several other affordable housing developments and they have worked closely with the developers to make sure they work for everyone involved.

My hope is that your agency will consider all of the concerns and answer any questions that have been raised by my constituents. If I can be of any assistance to you in this process, please do not hesitate to contact me or my General Counsel, Susan Nold.

Thank you for your consideration of this issue, and for your valuable service to the State of Texas.

Sincerely,

A handwritten signature in black ink that reads "Kirk Watson".

Kirk Watson

Hulan Swain
3908 Katzman Dr
Austin, TX, 78728

February 2, 2013

02-05-13 P02:1

Mr. J. Paul Oxer, PE
Chairman, TDHCA
25 Baileys Place Court
Sugar Land, TX 77479

Dear Chairman Oxer:

I am a resident of Wells Branch, located between Austin and Round Rock. I'm writing today to express my serious concerns and ask for your help regarding the Waters at Willow Run, an affordable housing apartment community proposed for our area.

On October 17th more than 325 citizens attended a public hearing hosted by TDHCA staff to voice their concerns about this particular development. I believe this issue will be considered at your board meeting on February 21st.

My concerns have nothing to do with this being affordable housing; in our area we have a wide array of residential property types including six existing affordable housing apartment complexes. I am in full support of responsible development that serves all income levels as a diversity of housing plays a vital role in the success of any community.

My issues are with the proposed site itself. I do not believe this development is sustainable on this particular property. First, it does not have access to public transportation; the nearest bus route is two miles away. There are no sidewalks along the state highway access road in order to get to public transportation. As a result, the Waters at Willow Run was denied SMART funding from the City of Austin due to its lack of public transportation options.

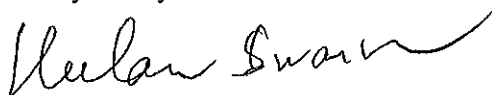
Second, the development as proposed would locate four three-story multi-family buildings between two high-voltage power lines. This poses serious safety concerns as it relates to fire and EMS response. The nearest fire department, an ESD, and other fire departments feel there is a high level of discomfort with the operation of trucks and ladders between these power lines. There is only one entry and exit point for the apartments onto the state highway access road, this poses significant challenges for first responders.

Third, we understand the apartments will bring more children to the immediate area, placing additional burden on schools, in particular Wells Branch Elementary, currently at 122% capacity. Present enrollment at the school is 904 students (reported capacity is 748). This proposed development would add another 100 students.

It is important to stress, this has nothing to do with the proposed community being affordable housing; it has nothing to do with NIMBYism. This is about responsible development and creating a project that is sustainable and livable for its residents, as well as for the surrounding neighborhoods. It impacts us all.

I am asking that you and the other TDHCA commissioners please look into this proposed development. I believe there are too many questions that need answers before the Waters at Willow Run is allowed to move forward.

Thank you for your consideration.



Hulan Swain

CC: Mr. Tom H. Gann, Vice Chairman TDHCA, Ms. Leslie Bingham Escareño, Board Member TDHCA, Mr. Lowell A. Keig, Board Member TDHCA, Dr. Juan Sanchez Muñoz, Board Member TDHCA, Mr. J. Mark McWatters, Board Member TDHCA, The Honorable Rick Perry, Governor of Texas, The Honorable David Dewhurst, Lt. Governor of Texas, The Honorable Susan Combs, Comptroller of Public Accounts of Texas, The Honorable Joe Straus, Speaker of the House of Texas, Mr. Tom Griess, Office of the Attorney General, Public Finance Division of Texas

From: [Cameron Dorsey](#)
To: [Teresa Morales](#);
Subject: FW: Seniors and TDHCA
Date: Friday, October 19, 2012 9:46:51 AM

From: cmdh16@hotmail.com [mailto:cmdh16@hotmail.com]
Sent: Friday, October 19, 2012 9:45 AM
To: WB - Laura Ludwig; Scott Swain; cameron.dorsey@tdhca.state.tx.us; Emily Berver; Bob and Darlene Bauhs; raidertennismom@gmail.com
Subject: Seniors and TDHCA

- and to all involved with the opinions and decisions in proceeding with the development of 'The Waters at Willow Run Apartments'.

Re. the group e-mail conversations that mention 'Seniors':
Even the Thesaurus definition for 'Seniors' is pretty ludicrous. Most complimentary I could find for 'Senior citizen' is "an elderly and often retired person usually engaging in club activities". (?) It is important to recognize that the majority of 'Seniors' are all kinds of people who are rarely 'shut-ins' or those who never leave their home until after traffic rush hour. Seniors are most often people who are 'up and out at the crack-of-dawn' in order to get to their full or part-time jobs, run errands, 'chauffeur' children to daycare, school, go to exercise or social groups, take care of households, whatever. And, check-it-out, 'Seniors' may be hired by RRISD or private transport services to be school bus drivers! ... as with any age driver, to transport our children via dangerous roads.

At this latest meeting, the question was asked (but not reasonably answered), "How would The Waters at Willow Run Apartments contribute to the good of the current residents in the Wells Branch community?" The answer is: **If** The Waters at Willow Run Apartments is destined to be a multi-unit, low-income development, then leasing the property as a Senior housing development would be a better decision, in that it would better maintain the property value of the surrounding neighborhood, and the safety of the entire Wells Branch community because those residents would not add to the already over-crowded schools, or possibly be involved with gang activity, tagging, crime, etc. Whether able-bodied or in assisted living, 'Seniors' have a wealth of worthwhile life-experience, knowledge, and eagerness to share with this community. In regard to the possible interference with medical

devices, cell phones, and police, fire, EMS response, traffic, etc., those issues are of equal concern to any age group, and will need to be resolved.

- Cyndi Miller

Public Hearing Transcript

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
MULTIFAMILY FINANCE

TAX EQUITY AND FISCAL RESPONSIBILITY ACT

THE WATERS AT WILLOW RUN APARTMENTS
PUBLIC HEARING

Wells Branch Elementary School
14650 Merrilktown Drive
Austin, Texas

October 17, 2012
6:00 p.m.

BEFORE: SHANNON ROTH, Housing Specialist

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P R O C E E D I N G S

MS. ROTH: Okay. We're going to go ahead and get started. If there are any more witness affirmation forms out there you can just bring them up to us.

My name is Shannon Roth and I'm a housing specialist with the Texas Department of Housing and Community Affairs. The role of the Department in this process is to allow all interested persons in the surrounding community the opportunity to provide comment on the development we'll be discussing this evening.

Can everybody hear me okay?

VOICE: Yes.

VOICES: No.

MS. ROTH: Okay. Is that better?

VOICES: Yes.

MS. ROTH: Okay. The format of the evening's hearing is going to be as follows: First, I'm going to give a brief presentation over the program that the developer has applied for. And then a member of the development team, Michael Nguyen, will come up and give a brief presentation. Lastly, after he does that, I'll read a speech that is required by the Internal Revenue Service. And once the speech is concluded, then we'll open up the floor for public comment.

As you saw, we have handouts on the table for you to pick up. There's a Q&A that answers a lot of the more common questions. There's a handout regarding development specifics which include the income levels, also a handout containing deadlines on how to submit your input. We have a handout regarding our zip code email notification list which allows you the opportunity to sign up to receive emails on applications we receive for funding. We have a handout regarding Fair Housing Basics, and I don't know if I put the business cards out there, but we do have some.

Again, if you have a witness affirmation form and you want to speak, please just fill it out and hand it to one of the TDHCA staff. Please be sure everyone has signed in to the sign-in sheet. That is the only way of we have of knowing how many people are in attendance.

Also, please indicate whether or not you are in support or opposition of the development. If neither box is checked, when we go to add up all of the support versus opposition, we'll just consider that person neutral.

To allow everyone the opportunity to speak, we're going to answer questions or concerns that are raised at the end after all public comment has been made.

I'm going to ask that the developer keep a list of questions that come up as it relates to the development and I will keep a list as it relates to the Department and our role.

According to IRS Code, the Department is only required to take public comment on the bond issuance; however, TDHCA has extended this to take comment on the development itself. We are not required to do that but we want community input to ensure that your voice is heard. TDHCA also schedules the public hearing where the development is to be located at a time and location convenient for the community.

The two programs the developer has applied for include the Private Activity Bond program and the Housing Tax Credit program. Both programs were created by the federal government to encourage private industry to build quality housing that is affordable to individuals and families with lower-than-average incomes.

The Private Activity Bond program refers to the issuance of tax-exempt bonds. The tax exemption is not an exemption of property tax but rather an exemption to the purchaser of the bonds. The bond purchaser does not have to pay taxes on the investment and the income they make on that investment.

The bond purchaser accepts a lower rate of return; therefore, the lender that is involved will charge a lower interest rate for the mortgage that will be placed on the property to the developer. Therefore, the developer can build a market-rate property at a lower cost to the development.

The Housing Tax Credit program is another program that goes along with the bond program. The Housing Tax Credit program was created as a result of the Tax Reform Act of 1986. The housing tax credit is a credit or reduction in tax liability each year for ten years for investors in affordable rental housing.

By providing a credit against the tax liability, the housing tax credit is an incentive for individuals and corporations to invest in construction or rehabilitation of housing for low-income families. The housing tax credit provides additional financing to the development, lowers building costs, which allow the developer to provide lower rents to affordable tenants.

In conclusion, both of these programs, the tax benefit goes to the investor to help finance the development. These two programs result in the developer being able to bring something of high quality to your area and all of these properties are privately owned and

privately managed.

There are ongoing oversight responsibilities between the affordable housing developments and the Department. This includes regular monitoring to ensure the development is complying with the rules of the Housing Tax Credit and Private Activity Bond programs.

The term that the development will be monitored is for the greater of 30 years or as long as the bonds are outstanding. Oversight responsibilities include units are occupied by eligible households, physical appearance, rents are capped at appropriate levels, and repair reserve accounts are established and funded.

Tenant background checks are established by the developer and would apply to all tenants equally. The developer can establish procedures up to and including eviction for various reasons consistent with state eviction laws that would be applicable to any other apartment complex. TDHCA, however, does not set these requirements.

The Department's Compliance Division monitors the development every two years. Desk reviews are done either quarterly or annually by the Department and are a modified version of the on-site visit. The Department

verifies that set asides are met such as low-income-eligible-tenants' special needs and that the units are income- and rent-restricted.

After lease-up, a survey is usually done to determine the tenant profile and the types of services that would be of interest to the tenant. These services can include tutoring or honor roll programs, computer access, educational classes, after-school activities, summer camp, healthcare screenings, immunizations, ESL classes, GED certification, financial planning or credit counseling and down payment assistance.

It is important to note that all or most individuals begin in multifamily housing. It is the first step to home ownership. Therefore, some developers could choose to provide down payment assistance classes to help educate the tenants on steps they can take toward home ownership.

Okay. Now I'm going to have Michael Nguyen, member of the developer, go ahead and give his presentation.

MR. NGUYEN: Thank you.

MS. ROTH: If you'll just stay at the podium, that way we can get it on record.

VOICE: Oh, okay.

MS. ROTH: That's her microphone.

MR. NGUYEN: Thank you.

MS. ROTH: Good evening. Thanks for coming out. My name is Michael Nguyen. I'm the president of Atlantic Housing Foundation.

You want me in the front --

MS. ROTH: That's fine where you are.

MR. NGUYEN: Okay. Atlantic Housing is -- we're based in Southlake which is a suburb of Dallas and have been around since 1999. Our primary business is both affordable multifamily, conventional multifamily --

VOICE: Hold the microphone next to your mouth.

MR. NGUYEN: We own roughly 7500 units, 30-plus properties in three states and as I started to say, our primary business is both affordable conventional multifamily student housing and senior housing. We're obviously extremely excited about this particular development. It's 242 units comprising of one-, two-, and three-bedroom units.

I think you guys pretty well all know where it's located. It's off of 1325 north of Shoreline. The parcel is about 14.28 acres. It is zoned for multifamily development and on this chart, 1325 is here. Where we

share a common boundary is we back up to Wells Branch, some of the single-family homes over here. (Indicating.)

The development itself is going to be comprised of about -- what do we have? -- twelve buildings -- 13 buildings, sorry -- 13 buildings, two- and three-stories. It'll have a club house with community center, along with gym, pool. There's lots of common amenities -- picnic areas, a playground. We even have a Dog Bark on the premise.

The exterior planning is what we've called Texas Modern and so a combination of bricks, Hardy, which is a cement-fiber base product, and corrugated metal. That's essentially the overview of the project.

MS. ROTH: Okay. Now, I'm going to go ahead and read the speech that's required by the IRS.

Good evening. My name is Shannon Roth. I'd like to proceed with the public hearing. Let the record show that it is 7:00 p.m., Wednesday, October 17, 2012, and we are at the Wells Branch Elementary School located at 14650 Merrilktown Drive, Austin, Texas 78728.

I'm here to conduct the public hearing on behalf of the Texas Department of Housing and Community Affairs with respect to an issuance of tax-exempt multifamily revenue bonds for a residential rental

community. This hearing is required by the Internal Revenue Code.

The sole purpose of this hearing is to provide a reasonable opportunity for interested individuals to express their views regarding the development and the proposed bond issuance.

No decisions regarding the development will be made at this hearing. The Department's board is scheduled to meet to consider this transaction on January 17, 2013. In addition to providing your comments at this hearing, the public is also invited to provide comment directly to the board at any of their meetings. Department staff will also accept written comments from the public up to 5:00 p.m. on January 7, 2013.

The bonds will be issued as tax-exempt multifamily revenue bonds in the aggregate principal amount not to exceed 20 million and taxable bonds, if necessary, in an amount to be determined and issued in one or more series by the Texas Department of Housing and Community Affairs, the issuer.

The proceeds of the bonds will be loaned to The Waters at Willow Run, LP, or a related person or affiliate entity thereof to finance a portion of the cost of acquiring, constructing, and equipping a multifamily

housing development described as follows: A 242-unit multifamily residential rental development to be constructed on approximately 14.21 acres of land located at approximately the northeast of the intersection of FM 1325 and Shoreline Drive at 15515 FM 1325, Travis and Williamson County, Texas.

The proposed multifamily rental housing community will be initially owned and operated by the borrower or related person or affiliate thereof.

Okay. Now I'm going to go ahead and open up the floor for public comment. Since we have quite a few people speaking, we're going to go ahead and limit the individual time to two minutes. However, I know a lot of you have donated time so any person with donated time, their time is going to be limited to five minutes. Some of the forms that have been submitted have not been signed so as I call up the person to speak -- if you've donated time, I might need to call you up to also sign your form.

If you'll come up to the microphone and please state your name. That way our court reporter gets it on record. Also, we're going to have a phone sitting up there because we're also have an off-site remote transcriber working also. So you can just ignore that

and speak as loud as you can. Okay?

Let's go ahead and start with Faye. Cormier.

Did I say that right?

MS. CORMIER: She did.

MS. ROTH: Okay. I think J. Perez has donated some time to Ms. Cormier but he did not sign his form, so could you please --

FEMALE VOICE: Who is that?

MS. ROTH: I think it's J. Perez?

MR. PEREZ: It might be me.

MS. ROTH: All right. Let me --

(Pause.)

MS. CORMIER: Can everybody hear me?

VOICES: No.

MS. CORMIER: Can you hear me now?

VOICES: No.

MS. CORMIER: No? Yes.

Okay. My name is Faye Cormier and the last name is C-O-R-M-I-E-R. I am a twelve-year resident of Wells Branch. I am also a board member on the neighborhood association and I'm a board trustee with the Wells Branch Community Library.

All of those things said, I'm going to take those hats off and put my social worker hat on. I'm a

long-term social worker here in the community of Austin and I have a lot of experience working with the families that we're talking about today.

Low-income families have significant challenges faced with their daily needs. Housing is just a piece of the pie. Without housing, we're not successful, and I appreciate the thought of bringing here to Austin. We need it; we need it desperately. What we don't need is housing and no access to services.

We have a transportation problem here that's very significant and a huge concern to me. I took the other day and stood at the property, walked to the nearest bus stop, which is almost two miles away down that particular piece of property and the 1325 corridor.

The bus that was available only runs a couple of times a day. I was going to the nearest medical clinic. It took three bus changes and when I got there, it was two and a half hours later. I turned around and came back to this location, three more bus rides and a walk up to the street. It was a six-hour day for one trip to the doctor.

I can't imagine our families struggling with that with kids in January -- this is going to be difficult. There are no food banks in Precinct 2; there

are no accesses to Medicaid offices, welfare offices. We don't have access to the community clinics here.

Capital Metro does not service this area up unto where this development is proposed to be. They are not going to service the area. Special transit will not be coming in that area. Part of it's in Williamson County. Williamson County will not service that area for transportation; they recently ended their contract with Round Rock for the parks program because it's too urban. So we're in a pickle about how to get people where they need to go.

Again, I appreciate the opportunity to have housing here. We're not here to focus about, we don't want this here. We do want this here but we want these families to succeed and not continue putting Band-Aids on the different barriers that these families are faced with.

As a social worker, this is going to be tough in this -- Austin doesn't do poverty well. We don't know how to do it. We're just grasping at straws -- trying to put Band-Aids on, fix it, get it through the day, just one day at a time, one minute at a time -- just trying to get people food, medical care, medicine, day care, all the things that we just take for granted.

Just getting to HEB, \$25 one-way in a taxicab, one-way. That's pretty significant for me; I can't imagine limited or low-income having to take a taxi to HEB. I don't know how else to get them there.

Most people in these situations don't have a car. They have a broken car or they don't have friends that can help them, so this is a great idea but I don't think there's a lot of insight into the long-term outcome or the success of these families.

So I appreciate your time and thank you for offering this opportunity to our community.

(Applause.)

MS. ROTH: Okay. Next we have Christopher Hosack and he donated time to Dan --

MR. BARNEKOW: Barnekow.

MS. ROTH: -- Barnekow. Thank you.

After Dan we're going to have Scott Swain if you want to be -- okay.

MR. BARNEKOW: Hi. I'm Dan Barnekow. It's B-A-R-N-E-K-O-W. I've lived in Wells Branch since 1994. We raised our girls here. I lived in apartments over on Wells Branch Parkway and then another house and then another house.

In fact, the house we live in right now

literally has affordable housing in our back yard, or not literally -- it's across the way. It's Hunt Club, which is affordable housing here in the area. So it's not a NIMBY or Not-In-My-Back-Yard sort of thing.

Wells Branch has welcomed affordable housing. In fact, there's a good one over on -- I don't know how familiar y'all are with this neighborhood but over on Wells Branch Parkway there's affordable housing called Sweetwater, and it has an official name, the Sweetwater Apartments at Wells Branch, or something like that.

But we think that's an example of good affordable housing because it provides people access with the things they need to live a good life. So on Wells Branch Parkway, the people from Sweetwater, there's lot of buses running frequently. They can be at HEB in just three minutes instead of six hours or 20 minutes or something like that and it's also very walkable.

There's really good sidewalks along both sides of the road and there's crossing lights so people can get to where they need to go. Half a mile one way is Walgreens and a hair-cutting place, Taco Bell, stuff like that; about half a mile the other way, same thing. There's a convenience store; there's a Mail Boxes Etc-type place.

So I wanted to say that we are in favor of affordable housing; we have it here in the neighborhood but done right, it makes sense for the people to have what they need to live good lives. But if you sort of put them out there on 1325, it's like the lady who spoke before said.

So we just think the location is a concern and we ask you to think about that as you make your decision. Thank you very much.

(Applause.)

MS. ROTH: Okay. I'm showing that David Jander -- sorry, I messed that up -- Jonathan White have donated time to Mr. Swain.

Is that right?

(Pause.)

MS. ROTH: After Mr. Swain, we're going to have Chuck Walters.

MR. SWAIN: Hello, and thank you for this evening. I want to thank Michael Nguyen and Atlantic Housing for having me out and the TDHCA. Michael and I have been meeting like this for about a year now and we love every minute of it.

We want to talk -- my name is Scott Swain, by the way, S-W-A-I-N. A lot of people know me here in this

room; a lot of people don't know me. I want to point your attention to this slide right here. We have in Wells Branch a great deal of affordable housing.

In fact, there are five current that are working now, Park in Wells Branch, Park in Summer Grove, Sweetwater, the Hunt Club, Lodge at Merrilatown, and coming on in the not-too-distant future 285 units at Wells Branch Center. So you see we do have affordable housing in Wells Branch and we've been successful with it.

This represents a good 44 percent -- even without the Wells Branch Center, represents 44 percent of the income-based apartment complexes in northwest Austin. We have a lot of them. Pull up the next slide.

This is a radius here around our site. Here's Waters at Willow Run, these other ones that are mentioned here, and these are the other surrounding locations of affordable housing. Go to the next slide.

This is an eight-mile radius, still four down here. And going to the next slide.

This is a little illustration of how far it is from one place to another. Waters at Willow Run, this is the nearest viable bus stop. It has daily service, seven days a week, a good number of stops. This is the nearest

shopping, food store -- HEB. I believe that is about three and a half miles from Waters at Willow Run.

We talked a lot about Sweetwater. We kind of hold that up as a model of what we feel like has been successful affordable housing here in Wells Branch. From the location to HEB is a mile and an eighth, or a mile and eight-tenths, and that can be ridden by bus. Go to the next slide.

This is -- show slide, Waters at Willow Run. This is known as a food desert, USDA food desert. It's not quite in it but it's the closest they could put it and again there is grocery shopping, buses over here. Next slide.

This is an Austin Opportunity map. The darker red, basically more opportunity -- jobs, access to medical, you name it. This area that you see up here is where we are. I want you to look right here. You'll notice if you go back to the first slide, that is the same area as right here and right here. Basically speaking, all of the best opportunities in our area are not covered with any affordable housing and this is I know.

We all have children and we love our children. We drive out on 1325 and we see kids walking up and down

1325. This apartment building should have hundreds of kids. 242 or 43 units, and by that number, it's expected to have probably in the neighborhood of a hundred or 90 elementary school kids, quite small. Move to the next slide -- I mean, next PowerPoint.

This is what it looks like -- is that my time?

MS. ROTH: Yes.

MR. SWAIN: That's six minutes, five minutes?

Okay. That's what it looks like walking down

1325. Thanks for your time. I appreciate it, wish I could go on.

(Applause.)

MS. ROTH: Next we have Chuck Walters --

MR. WALTERS: Right here.

MS. ROTH: -- followed by Pamela King --

MS. WACHHOLZ: Wachholz.

MS. ROTH: -- Wachholz. Thank you.

MR. WALTERS: Hi. My name is Chuck Walters and I'm president of the board of directors of Wells Branch MUD. I've also been a resident in Wells Branch for 29 years. My children attended this school when they were younger.

And I'm here today to talk a little about my concerns for the impact of children that would be

attending around our school district's school. There's a study done that's called, The Impact of Low-Income Housing Tax Credit Development on Local School Districts by the Dander Company and that is endorsed by TDHCA, and it stresses that most children in these facilities are very young children.

For a complex of the proposed size that we're reviewing here, as Scott mentioned, we're looking at about 90 to a hundred children in pre-K to the 5th grades. This is based on a similar sized apartment complex that we have in the neighborhood here.

Wells Branch Elementary has a capacity for 748 children and they currently have 940 kids attending here. The nearby Bluebonnet Elementary has a capacity of 517 kids and current attendance is 644 children. This leads to fewer opportunities for our teachers to give a lot of individual attention to help our students with their curriculum.

Also, the times are impacted for our students about when they have to eat lunch. Typically, with this kind of overcrowding in the schools, children have to start lunch at 10:15 a.m. Fortunately, this school -- this cafeteria was remodeled this past summer and so they start their lunchtime at 10:43 and finish at 12:48.

Another concern is the road that's adjacent there -- it's called Bratton Lane. It comes right up to this school and it has several traffic problems. It's not a recognized school zone road. The crossing guards out here have shared with me that they've seen semi trucks come up this road, fail to stop, and move right through the intersection.

In addition, over time, the school has actually been hit by three cars or trucks but fortunately that was not during school hours but it was the same intersection and highway that causes this concern. This is a hazardous place to add more children that may be traveling but walking or biking to the school.

At Wells Branch here there is bus service for students as well if they live over two miles away or if they have to cross a busy road to get to school. Shoreline Drive meets out on the highway and it's just south of where the proposed complex is going to be located. This particular -- Shoreline Road is not identified as a busy road and that means the children would have to walk to school or find an alternative method to get here.

There are 15 other apartment complexes in the area that Wells Branch Elementary supports the children

from these complexes and there are about eight buses that they have that serve 360 of the children that attend the school.

They have bus services from the apartments where they're crossing Wells Branch Parkway or large roads there like IMT, the Orchard, the Preserves, Sweetwater, Madison, the Lakes, Camden Ridge, the Park at Summers Grove, Broadstone and a certain area of Century Park Housing.

Several apartment complexes, about five of them, have no bus service. They're not crossing one of these hazardous roads and that's Quail Ridge, the Lodge, Hunt Club, the Estates at Shoreline, and Parkside Crossing.

A few of these complexes are, as they mentioned, already supported for low income. The Hunt Club is a TDHCA program. The Lodge at Merrilktown is a tax-credit program for the elderly. Sweetwater at Wells Branch is owned by Travis County Housing Authority and the Park at Wells Branch is also a TCHCF-bonded program.

Again, our concern is for our children. We want to be careful that anyone crossing Shoreline, which is a very busy road, is not in danger, that there is a way for these children to arrive at school, visit with

our children, become friends, and not have any tragic events happen.

So really, we're -- most importantly, we want to be sure that all our children are safe and have a school to attend that is not over stressed. Is this really the right way to spend our tax dollars?

(Applause.)

MR. DORSEY: So just really quickly. When the timer goes off, try to wrap it up. I mean, we want to respect -- we do not want to cut anyone off. We know you all have a lot of comments, a lot of thoughts on this subject. You can always supplement whatever you say by submitting written comment to the Department, and so just a heads up.

MS. ROTH: Okay. After Pamela we're going to have Michelle Samuelson and then we have some donated time to James Burns. Is that right?

VOICE: Right.

MS. ROTH: Okay.

MS. WACHHOLZ: Hi. I want to thank you all for allowing our neighborhood to weigh in on the Waters at Willow Run. As Austin city councilman Chris Riley stated, and I quote, "This clearly would not be considered S.M.A.R.T."

MS. ROTH: Housing as the city defines it because it lacks the T with connection to transit. I'm frankly sorry to see tax-credit dollars being devoted to a project like this that will leave residents in affordable housing completely stranded unless they're willing to enable or incur the expense of an automobile. I think it's poor policy to put it. The city would not consider it S.M.A.R.T. Housing, and I don't consider it S.M.A.R.T. Housing, and rezoning to rezone the property for this purpose." End quote.

And to reiterate, this proposed development was denied City of Austin S.M.A.R.T. credits because the location does not have the transportation component, the T in S.M.A.R.T. Using tax dollars on this location is not smart but it is very irresponsible.

(Applause.)

MS. ROTH: Okay. Michelle Samuelson, followed by James Burns, and it looks like Emily Benner?

VOICE: Berver.

MS. ROTH: Berver. Thank you.

MS. SAMUELSON: Thank you. My name is Michelle Samuelson and I'm a resident here in Wells Branch. I live actually just six houses away from Wells Branch Elementary School and I can echo everything that

Chuck said about the busyness of this road, the hazard that it portrays to all of the students and the small children who live in our neighborhood.

I would like to discuss though the issue of fire hazards in the proposed development. As proposed, the Willow Run development would place multi-story, multifamily units between two high-voltage power lines. It poses serious safety concerns as relates to fire and EMS response and members of our community have spoken with the Emergency Service District and other fire departments and there's a high level of discomfort about getting trucks and ladders in between these power lines.

The hazard of fighting a fire in a three-story building under high-voltage power lines using ladder trucks should be avoided at all costs. The danger is evident with a height of 45 feet and a possibility of water and aerosol spray even higher in a high-voltage area. We believe that this is a hazard that can and should be prevented at the outset, not after the fact.

There is also only one entry and exit point for the apartments and, again, poses significant challenges for first responders. The property bridges multiple jurisdictions for emergency services and there's already a lot of confusion on that side of the

neighborhood for a lot of people who live there as to who they can call and when and what kind of response they will get.

We are mostly concerned here with the safety of everyone involved and we want to be sure this is brought to your attention. Thank you for your time tonight.

(Applause.)

MS. ROTH: James Burns.

MR. BURNS: Good evening.

MS. ROTH: I'm sorry. James Burns. Let me just go ahead and do this again. Emily Berver, and then we have Laura Ludwig.

MR. BURNS: Good evening. My name is James Burns and I'm a resident of the Waters Park subdivision, Willow Run -- excuse me, not Waters Park, but the Willow Run subdivision here in Wells Branch. I've been a resident for about six years and I do oppose the development. And I have a couple of reasons and several pictures to show you why I oppose this development.

Traffic in and out of the complex will be hazardous during peak hours, extremely hazardous. Making a left turn out of the property onto FM 1325 is dangerous. This picture right here is a description of

how close the bike lane is to this on 1325.

So if you take a look and you look to the left of where they're standing, that's an actual ditch so there is no walking path from the apartment to Shoreline to get to the school. There's no middle lane for traffic on 1325 so if you're turning left out of the property or you're turning left coming in to the property, there is no middle lane.

There's no stoplight to assist with traffic flow in and out of the proposed complex and there's an apartment adjacent to this property, across the street from this property, which, during peak hours you'd have people coming out of that property and out of this property onto 1325 and there is no place for the middle to meet.

And if you take a look at this picture -- so you'll see the lights there; that's Shoreline Drive. This is a typical morning and it happens to be a little wet so you really don't want to walk down into that ditch, which could be full of water, and that's your walkway on your way to school. That is the only way that the kids will have to get to school.

There is limited-to-no road shoulder which you can see there and 1325 is a high-speed highway with lots

of commuter traffic. Many of us who live close enough to hear the screeching, the brakes, and the conclusions -- there are a bunch of us here who can attest to that, and there's a lot of personal testimony on that.

Much of the section of 1325 is unusable as a bike line even though it is striped as such. This section of 1325 has no sidewalks and is very unsafe to pedestrian traffic so between the property development and the closest sidewalk, it's somewhere close to a half a mile walk and you do have to go around to Shoreline and down through a construction business. Walking to Wells Branch Elementary School along the unpaved and unsafe 1325 is an accident just waiting to happen.

There are two commercial businesses between this property and Shoreline Drive. As I said, there's no sidewalks and the only safe space is to walk down the drainage ditch on 1325. Now, there's a picture that I have here. We couldn't get it loaded but I want to hand it to you so that you can see here. But there is a picture from the commercial building at the corner. Their address is 15311 FM 1325.

The owners of the construction company have posted a sign for their patrons to use extreme caution when exiting the property and entering the highway. If

this property owner is concerned about their customers and employees, all of whom are adults, shouldn't we be more concerned about the children who have to walk the same road to get to school?

And then to address --

(Applause.)

MR. BURNS: To address the transportation issue, when we presented to the city council, one of the things we talked about was the limited or no access to the buses, to the city bus. Capital Metro before they ended the bus routes here, they went through an extensive study. And as most of you know, changes are slow to happen.

When a service has already been established it's very difficult to remove the service but our route Number 243 is no longer available on 1325. There was a route that would take you right there to the Shoreline Church and then down the street but those are no longer available.

The segment on Wells Branch is no longer served either. The closest bus stop is nearly two miles away at the Park and Ride which -- who said that earlier? -- Scott and who else?

VOICE: Faye.

MR. BURNS: Faye. So we know that it is a long distance for folks to get to the bus. The Capital Metro -- in their study they concluded that the reason they canceled was because of limited ridership and the expense.

The expense is tremendous. The number of hours to bring the bus service back to this area is around 9,000 platform hours. And it was recommended in 2011 that they would need another 17,000 platform hours to service this area. So for those reasons, I would have to oppose this development.

(Applause.)

MS. ROTH: Okay. I believe Emily Berver's our next speaker and she has time donated by Mary Lado and Brandon Berver. Is that correct?

VOICE: Yes.

MS. ROTH: Following her, we're going to have Linda Ludwig and Tom Turner.

MS. BERVER: Hello. I'm Emily Berver. This is my seventh year as a resident of Wells Branch and also my seventh year a member of the Wells Branch Elementary PTA. I got involved in this issue about a year ago because I was concerned about how very overcrowded my kids' school was but as I've gotten to know more about

the project, I'm now just concerned that the developer is not taking the needs of our neighborhood into consideration.

City of Austin is encouraging developers to be S.M.A.R.T. -- safe, mixed income, accessible, reasonably priced and transit oriented, and I'm not sure that this project is S.M.A.R.T. In the project narrative it says, The site is located in a preferred development area for housing as illustrated on the attached City of Austin Opportunity Map. If you look at that map, you'll see the development is in an island of low opportunity.

(Applause.)

MS. BERVER: I looked at the comps that the developer used and they ran comps for income-restricted properties within four miles and came up with six properties. I don't have access to the databases so like any tenant who is looking for affordable housing, I went to the guide for affordable housing and please note this only lists project-based assistance such as what this developer is proposing.

There are lots of other affordable housing options that for individuals [indiscernible] aren't included. This shows all affordable housing in Round Rock, Pflugerville, and Wells Branch. I circled the six

that they found and they somehow missed a lot of other properties.

And if you zoom in on a two-mile you'll see that in Wells Branch we very much support mixed income. We have a number of properties and these ones are all located in spots where there are sidewalks, close access to bus, easy access to the school or they give bus service.

The developer also includes what amenities are available in the neighborhood and I went and compared all their supporting documents to the map and there's a lot that are mislabeled. There's no senior center, no police station, no courthouse, no city halls within three miles. The fire station, grocery store and the southern retail department store are shown in the wrong location.

But, as mentioned, they show the grocery store here. That is as apartment complex. All the grocery stores are east of I-35. They show the retail department Number 4 up here. That is an office building. All major retailers are east of I-35 or north of SH 45.

Number 15 is their police/fire station. I couldn't find any up there. They left out -- there's actually a fire station about a mile from the location. They didn't include that. And then Number 14, I couldn't

find any city halls or county courthouses but we do have a post office located right here. If anyone's ever been to the McNeil Post Office --

(Laughter.)

MS. BERVER: -- it's located in company store. It's mostly accessed by train and it's in a quarry which makes it very difficult to get too.

Another concern of mine is getting water to this property. The Wells Branch MUD has had to invest considerable infrastructure to maintain water pressure to the neighboring houses. How is the developer going to maintain water pressure to these new apartment buildings? The reason we need water pressure is because fire hydrants much work when firefighters need them.

Now, this was in their engineering report they submit to the City of Austin for their layout. As you see, one entrance, one exit. These blue lines are the borders for the utility lines because see that they have the apartments crowded between and there's very -- there's a lot of angles to not get trucks around.

And now the question I have, you know, is this reasonably priced? I don't know what they used to get their comp but I picked apartments that were near to Wells Branch Elementary and do not offer water quality --

and I came up with both an average and a medium of 90 cents a square foot.

If you look at their one low-income tax housing credit comp, that's 78 cents a square foot and the Waters at Willow Run is basing all their figures and financing on 99 cents a square foot and this is market-rate to market-rate comparison, so apples to apples.

Now, if someone is looking for affordable housing and comparing to, you have the Parks at Summers Grove and Waters at Willow Run --

Then if you look at the amenities, here is the Parks at Summers Grove that's got a lot of stuff around it, sidewalks to the bus station. You can take the bus stop -- take the bus to the grocery store or the train station. If you look at this development site, well, they have a church too but as other people have mentioned, it's -- to get to.

And I'd like to point out all the housing is east of Mopac/35 and if you look in the Opportunity, the Opportunity is west. Thank you.

(Applause.)

MS. ROTH: Okay. Next, we have Laura Ludwig and she has time donated by Linda Baird. Then we'll have Mr. Tom Turner and Joyce Best.

MR. DORSEY: And you all can just hop up after -- you know, if your name is next, you can just hop up to here and we can save a little bit of time.

MS. ROTH: Get on deck. Thank you.

MS. LUDWIG: Hi. My name is Laura Ludwig, Wells Branch resident. Glad to be one, glad to be here. Thank you everyone for coming. And thank you to the TDHCA for providing this forum. I'd like you to know that I realize that making these decisions to balance growth and development in one of the fastest growing cities in the US is no easy responsibility.

So tonight -- also, pardon me. I also appreciate that you extended the IRS requirements from just the bond to the property in general because that's the only proper way to evaluate it.

I'd like to start by just reading to everyone the mission of the TDHCA. It's to help Texans achieve an improved quality of life through the development of better communities. And I commend you in that mission.

My fellow residents have just provided you with very significant input on deficiencies of this property. As they told you, this property is lacking in transportation, mobility and traffic needs. It was denied funding, as we know, by the city which is, I

think, really very dedicated and committed to affordable housing and making sure that all of our city residents can have safe and decent housing.

The property has a shape that is limited in building-unit layout, entry/exit access, emergency and school bus maneuverability and a place that has four multi-story buildings. Three of them are three-story between two sets of double power lines.

This property would send its residents to schools that are already over capacity. It's not close to basic infrastructure necessities such as a grocery store, pharmacy, clinics, and offices for social services that may be needed.

One of my biggest concerns is the lack of a pedestrian and recreational environment. We need sidewalks and proper play areas, parks, playgrounds, and appropriate lighting. Sidewalks around and in the community are essential components of safe and successful residential developments.

As a resident of this community, I can tell you firsthand that it's very diverse. We love that about this community. It's friendly and family-oriented. Therefore, we seek a quality development mind-set that will translate into a successful property for its

residents, and in addition to the existing community, that is compatible and sets its residents up for an improved quality of life, which takes us right back to the TDHCA mission.

As we've told you, there are several affordable housing developments in our area, Sweetwater at Wells Branch being one of the best. We already have blueprinted properties for you to look to as a standard and template for success. Please allow the fusion of our community by setting us up for success and requiring the something-of-quality that is worthy of this precious TDHCA funding.

If you don't keep this high standard reserved for your funding, you will be recommending a property that will not be competitively viable or economically beneficial. With all due respect, I believe this property needs to be sent back to the drawing board --

(Applause.)

MS. LUDWIG: -- and I would like to say I will personally volunteer to continue being a liaison and advocate for a success-oriented quality development of this land. You heard it here and I mean that. I believe that we can do this. I'm for solutions for this is not the one, and I urge you not to recommend that this

property be funded by TDHCA.

Thank you so much for your time.

(Applause.)

MR. TURNER: Good evening. My name is Tom Turner. I'm a 15-year resident of Wells Branch, raised two kids here. I'm also a -- for the last eight years been a caseworker for the county. I work with low-income people, helping find housing, medical care, clothing.

I'm also a mass transit trainer for my agency. I'm also a commuter myself so I can become a better trainer. My office -- I live here in Wells Branch. My office is on Congress and Oltorf so I'm on the train and the bus a lot, primarily on the bus. And you might as well put this out on the moon.

And people talk about kids going to school, walking down the highway. Think about weekends; think of the summer. So I have a lot of concerns about the transportation part of this and also what services are out here.

That's another one that concerns me. Where are the stores; where are the clinics; where are the food banks -- things like that. And I think it's something you really need to consider.

(Applause.)

MS. ROTH: Joyce Best.

MS. BEST: Yes, ma'am.

MS. ROTH: After Ms. Best, we'll have Creola Shaw and George Holcombe.

MS. BEST: I'm Joyce Best. My husband and I have lived in Wells Branch for over six years in the Willow Run area and I have with me tonight some pictures from your Water Chase complex in the Plano/Dallas area. I'm assuming that's fairly close to your corporate office. Is that -- is it close?

MR. NGUYEN: I don't think that's ours. In Plano?

MS. BEST: Yes.

MR. NGUYEN: No, it's not ours.

MS. BEST: It's the Atlantic Housing --

VOICE: It's out of Florida. It's a different organization based on --

MS. BEST: But it has the same name?

VOICE: Yes, ma'am, it does.

MS. BEST: All right.

VOICE: It's a for-profit development based in Florida.

MS. BEST: Okay. The particular area -- and if I can make a judgment, assuming that this project is

going to be similar to the affordable housing complex that is located at the Parmer/Yeager area and I-35 -- are you familiar with that?

MR. NGUYEN: No, I am not.

MS. BEST: Okay. That is one I'm aware of that has been built within the last ten or twelve years, I suppose, and it is near the Tech Ridge Center which has a grocery store and a lot of, you know, bus stop, lots of other services. It's already been pointed out there's no bus stop; there are no nearby groceries.

And I'm assuming that because it's a fairly open area over there that what may happen if this project is developed is that before long some enterprising businesses will come along and realize there's very -- there are going to be people with very limited access to transportation and there's a need for laundromats and most of the things you see around some of these other complexes -- the check-cashing stores, the -- what I call multi-marts that have food and beer and wine and check cashing and ATM and all that stuff.

So assuming that they build those things, at some point there's going to be an even bigger traffic situation on 1325 than there is now. You may even have to face the issue of pedestrian traffic trying to get

across 1325.

And that's a big concern to me that we are looking not only at the transportation and traffic needs right now but we need to look down the road because this is not a good location to have all of that happening in such a high-traffic area and have residents who need access to services put in danger by the traffic and crossing dangerous streets. Thank you.

(Applause.)

MS. BURNS: Good evening. My name is Creola Shaw Burns. That's my husband James that was up. We've been in this neighborhood for six years.

And I don't know if anybody's done it yet, but I want to welcome you to Wells Branch.

(Applause.)

MS. BURNS: We are the seventh in the nation for raising children so we are very concerned about the children.

Many of our members have already spoken about some of the things I was going to talk about but the main thing I want to address is the humanity issue of placing families on that proposed cite. Why would you want to put individuals with limited resources in a place where there are no resources?

I believe this department is charged with affordable housing for individuals who require affordable housing. I want you to look around this room. This neighborhood is major diversity so please don't label us as NIMBY or bigots.

It's not about affordable housing; it's about people. If they're not happy where they are and the resources that are not there to serve them, they're not going to be happy and, therefore, we as a community, we're not going to be happy because it is going to overflow to us.

There's no sidewalks; there's ditches. That really isn't a bike lane. It's a white stripe to let folks know that if you go off this white stripe you're going to end up in the ditch.

Who really wants to live under low power lines? I don't, and I don't think anybody up here wants to do that. We really, really want this to be successful for whoever develops that property but this is not what's going to be successful.

Thank you for your time. I know you've had a full day --

(Applause.)

MR. HOLCOMBE: Hi. My name's George Holcombe.

We've lived here twelve years. Before that, we worked in poverty area in Chicago and in other cities in the United States and about 30 years in Asia developing villages.

I've got a couple of questions for you. The first question is did you have any input from people who would live in one of those places to talk to you about what it would be like to live there? Do you solicit information from the marginalized? They have a lot of wisdom. They have a lot of insight into things and they could be very helpful to you.

The second questions I would like you to answer sometime. How do you propose for these people to become successful, to move on, to develop, and not just remain fixed or even diminished and, of course, I would like to emulate and praise all the information that's gone before me.

(Applause.)

MS. ROTH: Okay. Do we have anyone else that wants to speak?

(No response.)

MS. ROTH: Nobody? Okay. So what I'm going to do now is officially adjourn the hearing. Thank you for attending the hearing. Your comments have been recorded. The meeting is adjourned and it is 8:52.

However, this is when we're going to open -- oh, 7:52, I'm sorry. Now, we're going to open up the Question & Answer portion. So does anybody -- okay --

Actually, what I'm going to do is let a member of the development team address some of the issues that were already mentioned, like the transportation and all that. And maybe that will help alleviate some of your fears and the questions that you're going to ask.

Let me -- can you please go to the podium because otherwise our court reporter cannot hear you.

MR. NGUYEN: I really appreciate all the very thoughtful concerns raised. First of all, I want to be -- we're clear -- I think there's a misnomer that this is a project-based development. This is not a project-based development. We are targeting working families who make 60 percent or less of the area median income. So it's not a project-based Section 8 which I think I've heard a couple of people indicate that this is a project-based development. It's not.

The concerns about transportation we share too. I think, as I've met with Scott and that -- you know, we want to put sidewalks in; we're interested in having sidewalks put into the area. But clearly, we can't do it on our own. We can't go and put sidewalks on

other people's properties. We certainly will do so on ours.

And we wholeheartedly support efforts by the neighborhood or the community to make this a more pedestrian-friendly area. In terms of the access to transportation, you're absolutely right. The bus line was terminated, I guess, sometime last year but we have talked to Capital Metro about, at our cost, running a van pool program which --

I have it in writing that they have committed to providing us with that and we will have resources available to drive folks who need access to the bus but can't there. So obviously, we don't expect people to walk two miles to get to public transportation.

FEMALE VOICE: What about the overcrowded schools?

MR. NGUYEN: Sure. Overcrowded schools -- definitely share the concerns. We have notified school district of this development. We've notified Round Rock and gave an indication that this development is coming. Again, looking at things on a static base, I agree with you; there's overcrowding. And it's really up to the school district to make sure that they step in and build and development the capacity needed for this area.

FEMALE VOICE: How do you suppose to get kids safely out of the complex on a dangerous street like that?

MR. NGUYEN: Sure --

FEMALE VOICE: That's a huge --

MR. NGUYEN: Well, again, a bus van pool fleet to -- you know, school bus will come to the apartment.

FEMALE VOICE: And it takes -- to get out onto a highway. That is a dangerous place.

FEMALE VOICE: Excuse me. Do you have a notion that you are somehow going to have another entrance into your neighborhood through our neighborhood?

MR. NGUYEN: No. We -- you guys have made it very clear that you don't want any access. You were very concerned about pedestrian traffic and we were open to discussions about how to get people safely but that was never an option that you guys would entertain.

We would love to have access, pedestrian-safe access through the neighborhood but I think that was made very clear as the last thing -- you don't want that.

MR. DORSEY: Really quick folks -- let's try to do it organized so that it doesn't sound like Mr. Nguyen is responding to inaudible questions in the background.

So come up. We want all the questions to be on the record. It helps our board; it helps staff; it helps these guys, you all.

So Michael, as soon as you're kind of finished and you just want to accept, we'll let the people come up and ask through the microphone and what not.

MR. NGUYEN: Oh, absolutely.

MR. DORSEY: Okay. So --

MS. WACHHOLZ: I'm a new single mom. I qualify for your development. I would have to have a three-bedroom because I have a son and a daughter. I cannot afford \$1300 rent. There's no way how -- in Section 8 they're not giving out new Section 8 vouchers so how am I supposed to afford that if I'm in that group?

MR. NGUYEN: Yeah. I think that's a good question. I'm not sure where that number came from, \$1300 for a three-bedroom has never been in any of our pro formas so I don't know how to address something that is clearly not --

MALE VOICE: Give us your numbers.

FEMALE VOICE: What is your number?

MR. NGUYEN: Yeah, our number is --

FEMALE VOICE: It's 1300 on your --

FEMALE VOICE: Yeah. I was just going to say

I know I read it somewhere.

MR. NGUYEN: Yeah. Right. What you're maybe attributing this -- this is the matched rent numbers. This is what you charge.

MALE VOICE: Inflation?

FEMALE VOICE: And it goes --

MR. NGUYEN: No, no. But, again, this is not what we have pro forma so --

MALE VOICE: Well, what is?

FEMALE VOICE: Yeah.

MR. NGUYEN: I think we rent at about a 1050, 1100, somewhere -- yeah.

FEMALE VOICE: Then everybody --

FEMALE VOICE: I'm showing it to him right here in his --

FEMALE VOICE: Can I ask a question? Is this one working?

MR. NGUYEN: This is -- I guess this is from the rent schedule and the number we're showing is for a three-bedroom, the max rent is 1046.

FEMALE VOICE: Okay.

MR. NGUYEN: Well, I know. I got it -- it's income -- I guess this is the limit --

FEMALE VOICE: And that's also --

FEMALE VOICE: I don't know if you guys are aware of some of the history in Wells Branch and the growth. I've lived in Wells Branch for 17 years and I can remember it took a good maybe two or three years to get a traffic light and five -- six -- Shoreline Drive and 1325

We are not going to get sidewalks quickly. And my children -- my son has been to two, almost three, high schools --

(Applause.)

FEMALE VOICE: Thankfully, he did not have to move this year. Do you know how long it's going to take for another school to be built? When I moved in 17 years ago they had a sign on a piece of property that said it was the new Wells Branch Elementary School and it never came to pass so this is not going to happen in Wells Branch.

FEMALE VOICE: There won't be another school.

FEMALE VOICE: And there won't -- it's just going to be overcrowded and it's going to be.

MR. DORSEY: All right.

(Applause.)

FEMALE VOICE: It takes time for all this to happen --

MR. NGUYEN: Uh-huh.

FEMALE VOICE: -- and these kids don't have time.

FEMALE VOICE: Go find some other -- come one.

MR. DORSEY: Just a second. New plan -- when you have a question, you can just say the question. Whoever has the microphone up here will repeat it back so that it gets in the transcript? Is that what -- rather than --

FEMALE VOICE: Yes.

MR. DORSEY: Okay. Good. Okay, cool.

MR. NGUYEN: I share your concern. I share your frustration.

VOICES: No, you don't.

MR. NGUYEN: It seems like your frustration on this project -- I guess -- we agree we want to see development; we want to see a new school with decent capacity; we want to see the sidewalk; we want to see --

FEMALE VOICE: Then put your money into it.

VOICES: Yeah.

(Applause.)

FEMALE VOICE: It won't happen next year. It won't.

MR. NGUYEN: Okay. It's --

FEMALE VOICE: It takes too much time.

MR. NGUYEN: I --

MR. BRITO: Hi. My name's Efren Brito. I've been a Wells Branch member here for going on eight years? twelve years. I a commissioner for our fire department here and I'm not sure if you're aware but our fire department is low on funds. We are running out of money. Okay. We are.

I'm not sure if you've talked to our chief here but you can call me and you can talk with him and he will tell you in a couple of years, we're going to run out of money. That doesn't put you in a good place. Okay?

And the other thing is, you know, you talked about the schools. This school, the capacity was what? -- 750?

VOICES: Yeah.

MR. BRITO: There's 900 students -- 750, 900 and you want to bring in 100 more?

FEMALE VOICE: How do you expect these --

MALE VOICE: Okay.

MR. DORSEY: Sorry. I feel a little bit like a referee but let's try to keep it to more of a Q&A. If you guys have additional public comment, email us. Let's

not get into kind of a debate on the spot, just a question and answer. We're trying to keep the process organized.

If you would like to contact Mr. Nguyen and set up a meeting with him and his group or the neighborhood as a whole would like to set up a meeting where it's more of a dialogue, but we're just trying to keep it a little bit organized, more of a Q&A fashion right now.

MS. BURNS: So am I to understand that -- you guys have gotten all the information that you need --

MR. DORSEY: No, we --

MS. BURNS: -- because you're telling us now to go to a separate meeting with Mr. Nguyen, whereas we're here for you all to hear --

FEMALE VOICE: That's right.

MS. BURNS: -- what our concerns are.

MR. DORSEY: We do a public hearing. That's what we did just a moment ago.

MS. BURNS: Correct.

MR. DORSEY: And that portion, and the comments and any additional comments, disagreements with what Mr. Nguyen's answers are to your questions, those types of things, feel free to send those things in in

writing but it's really hard for us to keep track of a debate in a transcript.

MS. BURNS: I understand.

FEMALE VOICE: Are we supposed to be asking questions of y'all or of the developer in your Q&A hearing?

MS. BURNS: Yeah. What are the next steps?

MR. DORSEY: If you all would like to ask questions about the department's role, the process, additional opportunity for public comment, when the board meetings might be held, et cetera, we will answer those types of questions.

Any development-specific questions, application-specific questions, Mr. Nguyen can field those questions.

MS. BURNS: I do have a question because I was at that city council meeting where we were there for nine hours before they got to us and then they got up and walked away when our people got up to speak.

FEMALE VOICE: Yeah.

MS. BURNS. The city council members got up and walked out off the dias.

MALE VOICE: I don't recall.

MS. BURNS: Well, we won't ever forget that.

That was a disgrace.

Sidewalks. At that council meeting, your attorney clearly said there will be no money for sidewalks; there will not be any -- yes. Go to the transcript.

MR. NGUYEN: Okay.

MS. BURNS: So we are concerned about pedestrians getting around the areas that they should be able to because we see the people walking in the ditches.

MR. NGUYEN: Sure. Okay. Can I address it?

MS. BURNS: Please address that.

MR. NGUYEN: Yeah. As I said earlier, we will put sidewalks on our property. We obviously can't go and put sidewalks on properties we don't own. That's illegal. But we would definitely support efforts to get pedestrian-friendly sidewalks put in the area. I'm all in favor of that.

Don't think that we are at all opposed to that effort. We would absolutely join voices with you to help put in pedestrian-friendly sidewalks.

MALE VOICE: Does that mean money?

MR. NGUYEN: Again, we don't make policies --

MALE VOICE: Answer the question.

MR. NGUYEN: -- allocation --

MALE VOICE: Will you --

MR. NGUYEN: We are putting money into our project, sidewalks on land that we own. We cannot put it into other people's land.

FEMALE VOICE: Excuse me. Where's your contact information in the information that we may have gotten here? Is it -- is yours or do you have business cards or --

MR. NGUYEN: Scott -- Scott has it.

FEMALE VOICE: Who is Scott?

MR. NGUYEN: Scott Swain.

FEMALE VOICE: Oh, okay. Sorry. I didn't remember you.

FEMALE VOICE: Well, I would like to get to some nitty-gritty financial details and it's probably in a public record somewhere, but first of all I would like to know the total cost of the project, how much in grant funds you're going to be getting -- I guess that's the HUD Section 8 funds, and then how much your company is actually putting in.

And then the separate question I have is why does this have to be a Section 8 project? Why did your company choose to have this project be a Section 8 project?

MR. NGUYEN: It's not a Section 8 project.

FEMALE VOICE: Well, affordable housing,
whatever --

MALE VOICE: You don't think it's Section 8
housing?

MR. NGUYEN: Well, it's -- that's very
different from the -- I think. Again, it's not a Section
8 project. The project is going to cost roughly 26
million -- 18, almost 19 million of that, we think is
going to come from debt and there's roughly about 6-1/2
to 7 million of which will be in the terms of equity.

FEMALE VOICE: Does that mean --

MR. NGUYEN: Equity?

FEMALE VOICE: Equity is like a mortgage like
on a house.

MR. NGUYEN: No. Debt is like a mortgage.

FEMALE VOICE: An \$18-million mortgage. 18
million, \$18,470,000.

MALE VOICE: What is that number?

FEMALE VOICE: \$18,470,000 is the mortgage,
the mortgage on the property.

MALE VOICE: And is the rest funded by the
bonds or are you putting up any of your own money?

MR. NGUYEN: The bonds is the mortgage.

MALE VOICE: So you're not putting any of your money up?

MR. NGUYEN: No, no. The equity is six --

MALE VOICE: You're going to build with the funds from the state. That's where this equity's coming --

MR. NGUYEN: The tax credit equity, yeah.

MS. LUDWIG: Hi, everybody. I just thought I would try and start making good on my offer up here. I think, you know, I understand your concerns and your questions. And we want to keep them coming. I also understand it's not easy to be getting up here and attempting to answer these questions.

So I just ask, let's keep it focused on the process in here. Keep all of your questions and concerns coming. I'll give every one of you my cell phone number, I will tell you right now. And I will be that liaison and advocate during this week.

So I want you to know that. I'm just trying to say, let's -- you know, keep it in the process. That's what tonight is for and let's keep it coming.

MS. CORMIER: I have a question about other parties that are managed and it's my understanding after doing some research that they are also entity of Atlanta

Company and that's your management team. Is that correct? -- on the on-site property.

MR. NGUYEN: I'm sorry. I didn't understand the question.

MS. CORMIER: Who manages the actual property? Who do you have do that?

MR. NGUYEN: Yeah.

MS. CORMIER: And then the second part is -- I've also done some research and looked at some of the information about the other properties that are managed and there are some problems with the management team, according to the statistics on that.

I'm wondering what opportunities we would have if some problems arise and we need to address somebody at the property.

MR. NGUYEN: Uh-huh.

MS. CORMIER: Is there a system in place to help us work together?

MR. NGUYEN: Yeah. No, good question. The company that manages day to day is going to be Atlantic Housing Management so it's -- it's an affiliate of ours. We manage 6500 units -- roughly 6500 units in three states. There will be the full-time community manager, assistant leasing maintenance -- assistant maintenance

for -- so there will be a full-time someone available obviously during -- hours to address concerns.

MS. THOMPSON: Hi. Michael, I've met you before. We've seen you at several meetings. I'm the president of the neighborhood association. We have the president of the MUD board here too. I need to know, and I feel like these people need to be aware, when exactly and how did you approach us that we rejected any offer, any terms to try and accommodate -- no, try and accommodate the children or made you guys feel at home because I do -- I have not received a formal request.

Chuck, has the MUD received anything from Mr. Nguyen?

(No discernible response.)

MS. THOMPSON: I feel that your statement was terrible misleading to this group of people because he has not approached us; he has not asked to work with us, or how we could help accommodate the safety of the children so I would like an answer.

MR. NGUYEN: Sure, sure. This was at the zoning hearing at the city. We --

MALE VOICE: We're not in the city.

MR. NGUYEN: Did you not show up at the city zoning hearing?

MS. THOMPSON: Yes. But that is the president of the MUD board and I'm the president of the neighborhood association. Where were we --

MR. NGUYEN: Right. So, no, we have not made a formal request. What we did was we --

MS. THOMPSON: [indiscernible]

MR. NGUYEN: Right. What we did was have a conversation. We said, listen, if you're concerned about sidewalks, would you be willing to work with us on giving pedestrian traffic?

MS. THOMPSON: Did you speak with anyone who has the ability to negotiate those terms or were you speaking with citizens?

MR. NGUYEN: I was speaking with someone from the neighborhood who was at that zoning meeting. Now, again, at that time I didn't know -- I'm not familiar with who was speaking at the zoning hearing and so, as they were speaking on behalf of the neighborhood, that's who we approached and spoke with. I'm sure we have a transcript of who it was --

FEMALE VOICE: We do.

MR. NGUYEN: -- that spoke.

MS. THOMPSON: Once again, I don't think we have anything on record from that. I have -- there is

another thing I would like to clear up for you all. We did meet with Mr. Nguyen before, and regarding the Section 8 -- he keeps telling you that no, this isn't Section 8 housing.

I don't have a problem with Section 8 housing. We have plenty -- we've got it right down the street from me. I have no problem with it but it is misleading to say there will be no Section 8 housing. He told us in our meeting with him that the Section 8 vouchers actually count towards the income requirements that would be necessary.

These apartments have a floor and a ceiling for income requirements and the residents will be allowed to include their Section 8 vouchers to qualify for their rent.

MR. NGUYEN: Yeah. No, it's fair enough. The voucher system is very different than a project-based Section 8.

MS. THOMPSON: True.

MR. NGUYEN: So the distinction I was trying to make here is that this is not a project-based Section 8. Yes, we can accept and do accept vouchers. It would be -- it's fair housing; you can't discriminate.

MS. THOMPSON: Right.

MR. NGUYEN: However, everyone coming through the door will have to go through a very strict screening. They have to qualify. But, yeah, if they bring Section 8 and they do qualify and they pass the background checks, et cetera, you can't discriminate.

MS. THOMPSON: Thank you. I just wanted to clarify that for everybody.

MR. NGUYEN: Thank you.

(Applause.)

MALE VOICE: I do have a question and I went online and I found your application to these people and it's a government form so it's 30 pages. There is one section -- I don't remember the precise thing but it was, how is your development in harmony with the neighborhood and the neighborhood plan?

And I'd like to read a quote from how your people answered it and then I want to ask a question about the quote because what you said was, or what your company said was, "Having Atlantic Housing Foundation as a viable and responsible long-term neighbor through its development of quality affordable community providing unique services to its residents is likely to be embraced by the local neighbors compared to the building of a church or other commercial use."

My question, sir, is on what basis do you claim the neighbors would embrace your development compared to a church or, say, a grocery store. Thank you.

MR. NGUYEN: Fair enough.

(Applause.)

MR. NGUYEN: I think that based on tonight's showing that that's not going to happen. Listen, it's the alternative use of the asset I think was the point we're trying to make. What else could go in there? -- or industrial or anything else? Like I said, I think this is a -- in our very humble opinion, this is a good use of this parcel.

So, again, it's our conjecture. It wasn't your neighborhood's endorsement of the deal; it was just our conjecture of what the possible use is.

GRADY: In reference to the application, I too would like to -- one of your quotes, "Our zoning team has prepared a strong case affording the community benefits of this development compared to the alternate operational use of the real estate."

So my question is, could you specify the community benefits that this development would provide to the people of Wells Branch.

Oh, and my name is Grady [indiscernible] for the record.

MS. ROTH: Thank you.

MR. NGUYEN: We were talking to is the services that we provide. I hope you guys -- it sounds like you've done a lot of research and I hope you continue to do a lot more research on our organization and the type of company that we are.

A little bit of background on me. I think that reflects quite a bit on Atlantic Housing over. I was an immigrant. I came here when I was ten. Our family came here eight of us, with the grand total of \$80 in our pockets and that was given by the State Department, \$10 each so we could make sure we have a meal when we landed on American soil, and we were grateful that we had that.

And the first night I spent in this country was in an affordable housing community, and it was close to a school and we were grateful that we had that. But the lessons that that instilled in me was that in this country [indiscernible] to be poor but if you work hard, you study, apply yourself, I think you could make something -- you could make a better life for you and your family.

And when I had the opportunity to come over to Atlantic Housing I brought those lessons with me and so our company is extremely proud of the services that we do provide to our residents. We want to be good neighbors; we want to be responsible neighbors.

Just this past summer alone we gave out about \$250,000 in scholarships to help underprivileged young men and women go to college because we truly believe that is one of the surest ways by which they could make a better life for themselves and their families.

I'm extremely proud with programs we put in place to help mentor, tutor kids, an emphasis on success in their education. Each year we, through academic and housing scholarships -- one of the big reasons we got into student housing was that so we could provide scholarships to roughly 40 to 50 young men and women coming from disadvantaged backgrounds to go to school.

These are things that we don't go out and publicize but as an organization it's something that we are very proud of. I think what we stand for, what we try to achieve -- if you don't want -- I think this gentleman here earlier said what are you doing about helping people.

What was your term? -- move on.

FEMALE VOICE: And succeed.

MR. NGUYEN: Yeah, and succeed. And I think those are some of the things that we do. We very much care about helping people break the cycle of poverty so I hope that answers that question for you.

MR. BURNS: Again, my name is James Burns, and my question is actually for the housing authority.

So my question to you is, is there any development that you can point us to that you approved that had the high-speed issues of the road with no access underneath two extremely high-power very low power lines -- if there's anything that you could point us to so that we can see what the results of that were, your decisions that you made, and what we can do to share that information with the residents.

(Applause.)

MR. DORSEY: Okay. My name is Cameron Dorsey. I'll introduce myself for a second. I'll turn around up here. My name is Cameron Dorsey. I'm the director of Multifamily Finance for the Texas Department of Housing.

We do have a small housing authority within our agency but we're a large state agency. For the purpose of these programs you're talking about, we're actually a housing finance agency, just to clarify -- a

mistake that's commonly made, inconsequential for the public comment, but just to clarify.

We have a portfolio of about 2000 properties statewide. I can't name any specific properties off the top of my head but if guys have questions about properties with these specific characteristics, I'd be happy to accept email and try to answer them. We --

MR. BURNS: My question -- I mean, high-speed road, high power lines -- I mean that would like come up to the top, wouldn't it?

MALE VOICE: Can you think of one?

FEMALE VOICE: And if you find one, send it to us.

MR. DORSEY: Off the top of my head, I can think of all kinds of multiple characteristics. We do have properties near high-voltage lines.

MR. BURNS: No, under -- under, not near.

MR. DORSEY: I literally cannot answer off the top of my head.

FEMALE VOICE: Can you get back to us? Can you get that information back to us so --

MR. DORSEY: If someone wants to shoot me an email with that question, I'd be happy to send a response. Otherwise, I don't know who to get back to

because this is a big room.

FEMALE VOICE: Email.

MR. DORSEY: My email? I'll put a few business cards over on the corner of the table over there. It's also on our website but I'll say it right now. It's cameron.dorsey@tdhca.state.tx.us It's very long. It's not intentionally confusing. I'm sorry about that but -- and like I said, I'll leave a couple of business cards over there as well if anyone wants to pick one up. I don't have a huge stack with me but I'll leave some over there.

MR. CARILLA: My name's John Carilla [phonetic]. I've been living here 15 years so I'm going to make an assumption that you understand and your company understands what a building and how you build a building is all about. So I'll give you that.

What I think I'm hearing here and what you're even acknowledging is the concern of the community. What we're saying is that when you build a building it starts with a strong foundation. You build top down it ain't going to do you any good. So the foundation here is the community foundation we're talking about.

Put this stuff in and then come back and build this because if you don't have it, you don't --

(Applause.)

MR. DORSEY: Thank you.

MR. NGUYEN: I don't think that was a question
so --

MS. BERVER: My name's Emily Berver and my question is how much of the construction budget is going towards getting the water/wastewater services to this site and how does that compare to other properties you have built. And the other part of it too is that you factor in the cost of maintaining that water pressure into your -- on your financial projections for the next 15 years.

MR. NGUYEN: The answer is, yes, we have factored it into it. We have engineers obviously that work with the city. We're going through the city to tap into both water and sewer and the cost, off the top of my head -- don't quote me on exact figures, but I believe it's somewhere between 4- to \$500,000 just to access the city's water and sewer services.

MS. BERVER: And how does that compare to other projects you have done?

MR. NGUYEN: It's more expensive. It is a long way to go. It is more expensive to than -- most of the sites that we looked at have utilities to the site so

this is an additional cost.

MR. SWAIN: I thought I'd come over while there's still a little bit left of you.

MR. NGUYEN: Be kind. Be kind.

MR. SWAIN: I just wanted to let everybody know a little about the process. This is quite a long ongoing thing. We have not -- we've met once. We have not talked seriously about any kind of things that we might want or change about the project.

One of the single biggest issues is simply the location, and as we keep hearing again and again here and by authority of what you have to work with in the first place, sidewalks and so forth, Mr. Nguyen had offered his email address or his contact information to you. If you will email me and it's scottswain@sbcglobal.net and put in the subject line, waters, I will do a number of different things.

One thing, I can answer a multitude of questions that you already have. I can also relay Mr. Nguyen's contact information to you. I can -- there's also some other things that I can help keep you in the loop as well.

I appreciate your coming out and I wanted to make you aware that there is more to come and there's

talks that are yet to be happened and so you don't have to kill him just tonight. You'll have other chances.

It may not be a public forum but, again, if you'll email me, make yourself heard. I've heard some fantastic questions here and so let's make the most of them and maybe we can make it a better forum for everybody that has an interest in this. And thank you.

(Applause.)

MS. HARDING: Hello. My name is Lashon Harding. I'm maybe one of the newest neighbors to the community. My husband and I just closed on --

MR. NGUYEN: It sounds like the battery --

MS. ROTH: Yeah, it might me.

MS. HARDING: Can you guys hear me?

VOICES: Yes.

MS. HARDING: Okay. My husband and I just closed on our home two days ago and in the process of -- as that was happening we became aware of the project, that it's coming or, well, that it's in the works, and we had a lot of questions, some of which momentarily affected whether or not we were going to proceed with the purchase of our home.

Having listened to you tonight, I do have a couple of questions regarding some of the things that you

said. Ms. Faye earlier asked about the access that the community would have to address concerns if there are concerns regarding the community, specifically the management, and I didn't feel that there was a sufficient response to that question.

I work in property management myself so I know it is not typical to field questions from the community outside of your own community that you're managing so if neighbors walked in and asked questions like when is the rollaway going to be picked up or when -- whatever. Those are not questions that typically an onsite staff is prepared to answer.

MR. NGUYEN: So when is the rollaway --

MS. HARDING: A trash bin or any other issues that may come up.

MR. NGUYEN: Oh, I see -- that they wouldn't know exactly when the trash pickup is. Sure.

MS. HARDING: I'm not saying they won't know but I'm saying they're not accustomed to answering that question from non-residents, from the residents that are not part of their communities. So I just want to be clear on what the protocol would be there.

The other question I had, I guess, was related to when you kind of gave us your personal story and I

appreciate that, and I just kind of wanted to know from the perspective of a new homeowner and a new buyer, if you were in my shoes, how would you perceive this kind of event that's taking place and would you feel like there were things that you needed to do to protect your investment as the burden to the community -- from the resources, from the standpoint of resources to the schools, to the water, all of that -- will create maybe some issues towards our investment. How would you address those?

MR. NGUYEN: I'm not quite sure I understand the question.

MS. HARDING: Which part should I repeat?

MR. NGUYEN: That last part. What are you asking me?

MS. HARDING: I'm asking you how would you -- I asked two things. First, the one was about the apartment management so we'll go back to that.

MR. NGUYEN: No, no. It's not that one. The second question.

MS. HARDING: How do you propose -- because you let us know in your personal story that you have overcome some things and reached the point where you're standing here before us tonight.

MR. NGUYEN: Yeah.

MS. HARDING: And I'm just asking if you were in my shoes, how would you protect your investment, because it seems like this project may be a threat to our investment.

(Applause.)

MR. NGUYEN: Well, I think that -- just have a difference of opinion. I don't view it as being a threat. I think there is a lot of projection on what the future residents are going to be. There's a lot of assumptions about will they have a car, et cetera. My experience is these are hard-working families. They've dreamed some of the same dreams I dreamt -- still dreaming. They have hopes for their kids to have a better life.

So to be frank, I was a little uncomfortable with some of the characterization -- all right? -- because I don't think that was true. Certainly it wasn't true in my case. Certainly it wasn't true as I was growing up -- friends from all ethnicities, all walks of life.

So I -- my perspective, I think, is very different in that to characterize this as being a threat to your investment I think I just -- I'm sorry, I disagree with because these to me are just hard-working families with dreams and aspirations that I think most of you have,

they have. To answer your question specifically about concerns. we have -- as I've said, we have full-time staff who are there and available during specific hours to answer questions or concerns you have about the community.

MS. HARDING: They won't be guided by any policy that says that they shouldn't -- that they should direct questions from non-residents to someone else --

MR. NGUYEN: No, no, no.

MS. HARDING: -- or whatever or something.

MR. NGUYEN: No. We don't do that.

MS. HARDING: Thank you.

MR. NGUYEN: All right. Thank you.

MR. DORSEY: It's for the transcriber. It won't make your voice loud but you can use it.

MR. WOODLEY: My question to you is have you done any research on the effect of the power lines, the electromagnetic field, and the electric low [indiscernible] effects on human health as well as critical medical devices such as defibrillators and pacemakers?

MS. LUDWIG: Could everyone here the question? I'm going to ask you to repeat it. I think the question is have you done any research on the effect on power lines on medical devices and human health. Is that correct?

MR. WOODLEY: Yes.

MR. NGUYEN: So we have consulted with the utility companies, the power lines -- the utility companies who own these transmission lines and we have designed the location, the buildings specifically to comply with all city, county, state codes regarding power lines.

And so I will not put myself out to be a power line expert. I do rely on experts like the power utility companies and we have followed all of their standards and guidance.

MS. LUDWIG: I think that would also a good question to submit in writing to follow up maybe specifically your concerns if you may not get the answer that's in detail.

MR. WOODLEY: I know that seven states in the -- recently have passed laws that there can be no buildings within 100 feet of an easement for high-voltage overhead electric power transmission lines --

MR. NGUYEN: Uh-huh.

MR. WOODLEY: -- due to the lines being possibly [indiscernible] to humans and there has been a number of research done in that area by the National Institute of Environmental Health and Sciences, the

Electric Power Research Institute, as well as the Occupational Health and Safety Administration, and even the airport screening don't allow people to go through the screening process that have pacemakers and defibrillators. They go through a manual pat down for those.

And other people have brought up concerns about the fire people -- there's going to be a lot of steam coming off of a building from what, that's being put out the fires and those power lines are really less than 50 feet from your building and that would really bring up a very strong electric shock hazard.

MR. NGUYEN: Yeah. Like I said, hopefully, this is viewed as -- there are numerous jurisdictions overseeing this site because it straddles two different counties. We have to go through both Travis and Williamson. We have to also go through the city, that is being in the City of Austin we have to comply with all of their EMS, fire safety codes.

So I can assure you that nothing will be built that would in any way not comply. We will comply with all requirements, standards, set by the city, the county. The fire department will have an opportunity to review the plans -- access, turnaround, proximity to the power lines, and so this will not get built without all of those

departments' okays and blessing.

MS. LUDWIG: And, John, maybe we can get actual, specific details in writing about some of those technical -- maybe we can also submit as a followup to get the actual technical data on these effects, if you really want to know --

That's very legitimate.

MR. DORSEY: I'll answer one thing related to the power line question. This isn't about the development specifically and I don't know the circumstances of this development specifically because I'm not reviewing the application right now but we do have an eligibility criteria related to power lines and high-voltage power lines.

And I'll go ahead and read the criteria. Basically it says that developments where the buildings are located within the easement of any overhead high-voltage transmission line or inside the engineered fall distance of any support structure for high-voltage transmission lines, radio antennae, satellite towers, et, cetera, are ineligible.

So like I said I do not know the specifics of this application or the buildings in this development but before we made any recommendation to our board, it would

have to pass that requirement?

FEMALE VOICE: What page is that? And what are you reading out of?

FEMALE VOICE: And what document are you reading --

MR. DORSEY: I'm reading from our 2012 Qualified Allocation Plan which is the document that governs the distribution of tax credits.

FEMALE VOICE: What page?

MR. DORSEY: I'm on page 13. That's probably not the best way to cite it though. It's Section 50.4(d)(xiii).

MR. DORSEY: Do you have another --

MR. WOODLEY: Concerning the power lines, I had another concern about a lot of people have cell phones -- that would be whether or not these electrical interference will keep people from being able to dial 9-1-1.

MR. NGUYEN: Oh, I don't know the answer to that.

MR. DORSEY: I've never heard --

MR. WOODLEY: Okay.

MS. LUDWIG: Well, we'd definitely submit that legitimate and we'll find out if that's --

MS. WACHHOLZ: Hi. My name is Pam King

Wachholz and I first have kind of a clarification. I too work in social services in Central Texas, and I can promise you the vast majority of the clients that most social service agencies serve rely on public transportation so the van solution to get to and from work -- what about the parent whose kid gets sick at school and they have to go pick them up? Is there going to be a van available for that?

That's just a clarification. Public transportation is so important to families that are below the MFI. But my question is how much is Atlantic Housing going to make off of this and would Atlantic Housing be building this as affordable housing if they did not get the \$20 million in tax credit, and, third, would you build a project like this in your neighborhood?

MR. NGUYEN: How much in tax credits? The tax credit is about 6-, 6-1/2 million and the answer is, yes, we would build this in our neighborhood. This is our business. This is who we are. I'll make no apologies for it. We believe in serving low to moderate income families. I understand the concerns and I think, based on my experience, I don't think it's warranted.

The reason we get tax credits is -- I believe as one of the TDHCA staff member explained earlier, it is

so that we can keep rents low and still provide a quality product, still decent affordable housing. But, you know, it's our business; it's what we do.

MR. DORSEY: I heard -- I thought I would go ahead and just -- I heard kind of a program-related issue, kind of how-the-program-works question kind of imbedded in there. The way the program works, the tax credit flows to an investor entity that is, to my knowledge, not related to Mr. Nguyen's companies.

MR. NGUYEN: No.

MR. DORSEY: Oftentimes investors in tax-credit deals are like Verizon, very large corporations that have very large income taxes. They provide equity, cash equity, up front to basically monetize that tax credit that they'll be able to claim down the road for a ten-year period. Okay.

So he gets the -- his company and this partnership that's going to own the property will get this equity that's put into the transaction as a result of the tax credits but the tax credits aren't -- Mr. Nguyen's company won't get taxes off of their tax returns, for example.

FEMALE VOICE: What's the name of that company that --

MR. DORSEY: Who the investor is?

FEMALE VOICE: Who's the investor?

MR. DORSEY: That --

MS. FLORES: -- investor fund so there's -- we are currently marketing it to a list of investors --

For the record, Nicole Flores, City Real Estate Advisors.

FEMALE VOICE: Did everyone hear those things?

FEMALE VOICE: No.

FEMALE VOICE: Nicole, would you maybe just get up and --

MALE VOICE: Just speak --

MS. FLORES: Nicole Flores, City Real Estate Advisors, Austin, Texas.

FEMALE VOICE: Thank you.

MS. LUDWIG: And I think she said they're marketing it to multiple parties right now. The investor is yet to be officially determined at this point.

MR. DORSEY: Yeah. Generally, these are multi -- these are large funding that multiple companies oftentimes buy into. The fund includes tax credits from multiple tax-credit properties. It's actually a fairly complex investment vehicle that -- just probably before we get into the complexity of all that but I just wanted to

clarify that his company won't be actually writing off their income taxes with this credit.

FEMALE VOICE: But they'll get a sizable deduction.

MR. DORSEY: No.

FEMALE VOICE: No.

MR. DORSEY: It's the investor that gets that and the partnership that owns the project will get cash equity that is injected into the transaction as a result of the existence of those credits.

FEMALE VOICE: Basically like selling the credits.

MR. DORSEY: Right. Yeah, they're selling the credits for some cents on the dollar, probably upwards of 90 cents and --

FEMALE VOICE: So it's not just him that will get a deduction --

MR. NGUYEN: We're not going to get a deduction.

MR. DORSEY: It's not a deduction.

FEMALE VOICE: You're getting --

FEMALE VOICE: Someone is.

MS. FLORES: The tax credit program was design to spur private corporate investment in affordable housing

so actually the tax credits are validated by the state housing agency through an IRS form called an 8609 that goes to a large corporation, and the corporation, in exchange for the cash they put into this transaction, get the losses and the tax credits on their bottom line.

FEMALE VOICE: They write it off.

MS. FLORES: Mr. Nguyen gets no benefit of the tax credits at all.

MR. NGUYEN: All right. This is absolutely unfair. I can't debate a --

MR. SEARS: I'm Josh Sears. This is Micah. I was just wondering about a point that was brought up in one of the slide shows. Someone mentioned the idea that just having one entrance, one exit could create a problem for emergency response vehicles with the tight turns.

MR. NGUYEN: Yeah.

MR. SEARS: That struck me because I worked for an EMT for a few years and I know the frustration of driving a first-response vehicle.

MR. NGUYEN: Yeah.

MR. SEARS: And I hated single-entrance places and I hated tight turns --

MR. NGUYEN: Sure, sure.

MR. SEARS: -- especially when someone's

choking or bleeding up ahead. So I just wondered if you had a response to that or --

MR. NGUYEN: Yeah.

MR. SEARS: -- talked to ambulances and your buyer --

MR. NGUYEN: You bet. Good questions. We actually specifically designed the egress to have multiple points where emergency vehicles could turn and come back out. There's also a circular drive so where they wouldn't have to back up. We own properties where -- and actually the property that we have in South Austin is designed the same way because of the limited -- you just don't have unlimited space and so we have one entrance, one exit there too, and, again, designed with that whole access and an exit for EMS and fire vehicles --

MR. SINGLETARY: Brian Singletary. I lived in Wells Branch for 16 years. You actually answered one of my questions. I wanted to know what other property that I could do a drive-by and take a look and see --

MR. NGUYEN: Yeah.

MR. SINGLETARY: -- how well or if -- has it been maintained? What's going on in that neighborhood?

MR. NGUYEN: Yeah.

MR. SINGLETARY: Okay.

MR. NGUYEN: Yeah. I welcome you and anyone who wants to come by. Obviously, it's public; you can access it. It's called Waters at Bluff Springs. It's on the south side of town on the 35 access south of William Cannon, north of Slaughter. Slaughter?

FEMALE VOICE: That's correct. Is it -- or affordable housing?

MR. NGUYEN: It's mixed income. We have both affordable and market rate units there.

MR. SINGLETARY. Okay. The second question I have is -- which I agree with the gentleman who was somewhere around here during the time where he talked about if you're going to do a facility like this, why wouldn't you put all the amenities or the necessary things that are going to be required like sidewalks, traffic lights, and all that stuff in before you start putting a facility in? I mean, I'm just saying --

MR. NGUYEN: Sure. Listen, you guys have the same experience trying to get the school to build. We've approached TxDOT about putting a light there. We were told it doesn't qualify. Right? We will put in sidewalks on our property. As I said before --

MR. SINGLETARY: I understand.

MR. NGUYEN: -- we can't go and build on

somebody else, as you know.

MR. SINGLETARY. Right.

MR. NGUYEN: You don't want me to come put something on your property.

MR. SINGLETARY: No, I definitely understand.

MR. NGUYEN: So we're in agreement here. I don't think you guys are saying anything that we don't agree with regarding traffic and safety. That's to the benefit of everyone -- our residents, the neighborhood so we're with you.

MR. SINGLETARY: I understand that. Okay. I understand you're with us on that and I know you want to see this to being affordable, uplifting, and all that other good stuff like your mission statement says, but what I'm not seeing and not hearing is, hey, we need to get this stuff in for the people.

I understand -- I hear you saying I'm going to put it in on my property.

FEMALE VOICE: Right.

MR. SINGLETARY: But you're not saying anything about what happens after that if you're going to put it in on your property and then you're going to wait on the City of Austin, Travis County, somebody, to throw in everything else. That's still not going to help the people that are

going to be there.

MR. NGUYEN: Well, listen. This is -- we can make requests. You guys can help up make requests.

MR. SINGLETARY: Yeah, we know how that goes.

MR. NGUYEN: Well, but listen. So I don't know what you want me to tell you.

MR. SINGLETARY: I just want -- you know what I want you to tell me?

MR. NGUYEN: If it's somebody else's jurisdiction that we would have to appeal to, make requests of -- and we want to do that.

MR. SINGLETARY: You know, if this is such a good facility or good area for you to -- you said that you had looked at other facilities where they had power lines; they had sidewalks. So why this one? I'm just asking the question.

MR. NGUYEN: Sure.

MR. SINGLETARY: Why this one when it has nothing.

MR. NGUYEN: Yeah, sure. In fact, I think that answer is on one of your slides. Maybe it was Scott's slides where --

FEMALE VOICE: Can we see that?

MR. NGUYEN: -- where all of the affordable

housing is on the east side.

Was that your slide?

MALE VOICE: That was on Emily's --

FEMALE VOICE: Emily's.

MALE VOICE: -- the second slide there mostly for the use, more developed.

MR. NGUYEN: Listen. Land cost is prohibitive on the west side of Austin or an affordable project. That's the reality.

MR. SINGLETARY: I understand but --

MR. NGUYEN: So when you find --

MR. SINGLETARY: -- I just know about -- I just know about I'm quoting what you said. You said, well, we have other facilities, other places that we looked at that had the amenities that we actually needed for people getting back and forth.

MR. NGUYEN: Well, we are. I'm trying to answer your question. Again, it's land costs prohibitive in certain -- so if you want to be downtown, you want to be adjacent to the corner over here at Palmer and Mopac, the HEB right? -- there's no way you could afford to build a product to keep rent reasonable.

MR. SINGLETARY: So basically this is the cheapest place you could find to put it.

MR. NGUYEN: This is one of the more affordable places for us to build. Sure.

MR. SINGLETARY: Okay. Now, let's get back to your mission statement. We want to make this affordable and everything for everybody. You want to make this uplifting; you want to make sure people get the amenities. You want to make sure that the kids and everything get all the stuff they need. But you're not willing to pay for it?

MR. NGUYEN: Well --

MR. SINGLETARY: I mean, I figure if I want to help somebody, I'd go buy the piece of property regardless of whether how much it costs. To me, it just seems like -- bottom line, it's all about the money.

FEMALE VOICE: That's right.

MR. NGUYEN: It's all about feasibility -- big difference.

MR. SINGLETARY: How is it feasible to put people in a stop where there's nothing?

MR. NGUYEN: How -- I want --

MR. SINGLETARY: How is it there's nothing? I'm asking the question, how it is there's nothing?

MR. NGUYEN: We've only got the room till 9:00 and I just want to make sure that these folks get to ask

their questions.

MR. SINGLETARY: All right. Well, I'm going to cut mine off but y'all understand why I cut it off.

(Applause.)

MR. HARDING: My name is Ojani [phonetic] Harding. I'm a public school teacher. I've been a teacher for twelve years. I'm very familiar with what's going on in education right now nationwide and I've heard you say over and over again the mission statement -- you want to provide affordable housing; you want to provide opportunities for low-income people who are hard-working so they can improve so they can improve their lives.

However -- and I wasn't here for this so I got this paraphrased that what would have to happen with schools to accommodate for the rise in the population, for the larger classrooms would be incumbent upon the school district to take care of the problem.

I'm not exactly sure what I'm asking because I don't know -- I didn't hear this myself is are you prepared to do anything at all to help the school district when you create this burden?

I can tell you from my own experience when you go from a class of 25 students -- it's manageable; you can do it, if you're good -- if you're good. If you're great,

you can handle it when it's 27. If you are fantastic, you can handle it if it's 30. There's no way you can handle it when it's 32, 35 by yourself. I don't care how good you are.

MR. NGUYEN: Sure.

MR. HARDING: You know, there has to be other things in place to help these students.

(Applause.)

MR. HARDING: For one thing, even if you have all these things in place at school when you're talking about housing for people who are working very hard, who are working double shifts, like myself -- I work twelve-hour shifts every day. You have to have some kind of help for these students, extra help, especially if they're not getting it at home. If the education is not in place at home for the parents, are you prepared to do anything at all to help the school when you create -- I mean, how many units is this? -- 400 units -- is that right?

MR. NGUYEN: 242.

MR. HARDING: 242 units. So if you have about maybe one and a half kids per unit, then you can figure that you'll add maybe 120 students per school. Is that about right? -- something like that?

MR. NGUYEN: No, no. I think the estimate's

anywhere between 70 to 100.

MR. HARDING: Well, are you prepared to do anything to help the school? Because if you want to help people, clearly the most important place, and I know that you've been saying this, you have to have a good education; you have to have a -- I mean, it's not just the housing. You have to have other things.

MR. NGUYEN: Yes. No, absolutely.

MR. HARDING: Are you prepared to do anything to help that?

MR. NGUYEN: Absolutely. Our programs as -- you probably missed it, but our programs at most of our communities, we put together mentoring, tutoring, various classes -- after school-type programs.

MR. HARDING: At the facility?

MR. NGUYEN: We bring -- uh-huh. We bring other nonprofits into -- you know, to help with the provisioning of some of those activities and services.

MR. HARDING: Like absolutely -- Can you name because I mean I'm pretty familiar. I'm pretty well-versed.

MR. NGUYEN: Yeah.

MR. HARDING: Can you tell me like one of them that you do?

MR. NGUYEN: Sure, sure. We -- what do you mean one of them we do?

MR. HARDING: One of the programs -- what are the names of the programs like a REACH program or like --

MR. NGUYEN: No, no, no. These are programs that we have --

FEMALE VOICE: On site.

MR. NGUYEN: -- on site.

MR. HARDING: On site, yeah.

MR. NGUYEN: So, for example --

MR. HARDING: Like you would hire like a tutor, per se, to have like have a --

MR. NGUYEN: Right. Yeah, so to help the kids with schoolwork, computer skills --

MR. HARDING: So there'd be like a computer lab on site, something like that, where the students would be able to come in --

MR. NGUYEN: Yes.

MR. HARDING: -- and get help with their homework --

MR. NGUYEN: Yes.

MR. HARDING: -- and things of that nature.

MR. NGUYEN: Yes.

MR. HARDING: Okay. All right. Very good.

Thank you.

MS. SANJAR: Hi. My name is Cathy Sanjar and I do have a question for you guys but first I want to clarify something. It seemed to me like you really thought that we are not a welcoming community by the way you were discussing something with one of the residents.

And if you look around our school, you might see how diverse this school is and we have 40 languages in this school, over 40 languages. We have kids from everywhere. When I moved here 17 years ago, my street was like the United Nations, and I loved that because my kids were growing up in a very diverse community, and everyone was welcoming.

The 4th of July Festival, everyone was having fun from everywhere.

MR. NGUYEN: That's how I grew up.

MS. SANJAR: But you know, I really feel like you're not getting the gist of this because it seems like this is not really something that's a very viable situation for this complex with so many negatives that are potentials for the new residents of the complex.

We have low-income housing here. Our school is a Title I school and we have over 50 percent low socioeconomic already which we are able to embrace and

work with these students who need extra help and try and make a difference for all the kids who come to our school, but if you add an additional layer to that it is going to burden the school. There's no doubt. And there are many other obstacles, like the roads.

I'm really asking the question of you guys, are we going to have an opportunity to know who are the people who are going to vote for this proposal? Because, ultimately, when there's an accident where there's a death or a fire where the fire department can't get in there and something terrible happens because the planning was not really appropriate -- I really would like for us to know who voted for this because there, in the end, will be someone standing there saying, how could they let this happen? How could they build a community that has one entrance on this road where there've been six deaths at one little intersection? And when a little boy or girl gets hits by a car on the way to school because -- I cross students out there and I see first-graders walking alone to school because mom and dad have to work and can't take them.

So I mean, someone ultimately is going to say yes to this or no to this, and as a community, we embrace our community members, and once they're here living here,

they're going to be a part of our community. So we want to be able to say to them, we're so sorry your apartment caught fire because of these power lines, but we asked them not to build. It wasn't safe for you guys. We are going to tell them who said yes to this because really it's -- I mean how do we find out who is going to approve or not approve this?

FEMALE VOICE: The City of Austin will approve or deny the permit and make sure it's built to standard and to code.

MR. NGUYEN: Yes.

MS. SANJAR: I'm talking about approving this --

MR. DORSEY: The tax credits and --

MS. SANJAR: Yes, the whole thing.

MR. DORSEY: -- and the bonds?

MS. SANJAR: Yes.

MR. DORSEY: Our board of directors would get a recommendation from staff -- from the staff of the department.

MS. SANJAR: I really don't think our tax credits should support something that is not safe --

FEMALE VOICE: That's right. Are they -- on the application?

MS. SANJAR: -- something where any of us would feel comfortable to move into.

MR. DORSEY: Yeah. So we review Mr. Nguyen's application. We have a set of pretty extensive rules. We're very objective in our review process. We make a recommendation based on that. We provide the board with the public comment that has been received and they make the final decision on whether or not to award tax credits to the development.

FEMALE VOICE: And that will be in January. Correct?

MALE VOICE: So nobody's here is going to vote -- nobody that's going to vote is actually here.

MR. DORSEY: That's right.

MS. SANJAR: So nobody that's going to vote actually -- they're just going to get a transcript.

FEMALE VOICE: -- make a recommendation.

MR. DORSEY: That's right. We --

FEMALE VOICE: And that's why there's still time to also continue to submit your requests, get your questions answered.

MR. DORSEY: Let me explain real quick why they wouldn't be here. We have a board of directors appointed by the governor. That board of directors, they live all

over the State of Texas. We do these all the time. We allocate well over \$500,00 million in tax credits annually so they rely on staff to make really well --

FEMALE VOICE: Well-informed.

MR. DORSEY: -- informed decisions or well-informed recommendations to them. Generally speaking, we try to let them account for the public comment. That's more of a subjective issue and they can look at the public comment and make decisions based on that public comment.

Our recommendation is primarily based on a pretty objective set of rules and criteria that the development must meet. The owner must meet experience requirements. We look at their previous compliance records, all those types of things, the condition of their other properties, et cetera. So we have an extensive review process that we go through prior to making a recommendation to our board of directors.

MALE VOICE: Well, then, I guess my point comes more to you, then. At what point is there a saturation point when you say there's enough affordable housing in an area? Because we really don't have any rich homes here. We don't have any homes over \$500,000.

MR. DORSEY: Okay.

MALE VOICE: We don't probably have very much

that's even over 300,000. Most of the homes are 200,00, around there and under. This isn't a wealthy neighborhood. This is a wonderfully mixed neighborhood -- great culture and people -- I mean I've got a Persian next door to me. Next to, on the other side is a Venezuelan couple. Next to that is a Vietnamese family. We've got a wonderful area.

MR. DORSEY: Sure.

MALE VOICE: At what point do you say we've got enough affordable housing because we've got affordable housing all around us.

MR. DORSEY: Right.

MALE VOICE: I've got duplexes that are just a block or two away from us.

MR. DORSEY: Right. Well, what we do, we have a set of rules. We have concentration criteria. We review the application in accordance with those concentration criteria. Many of those concentration criteria are set by the Texas legislature.

MALE VOICE: We must be getting pretty close.

MR. DORSEY: I'm not familiar with the details because we haven't done our full review of the application yet and made an assessment that it meets all those criteria. This is part of that process. Okay?

We take this; we review the application in accordance with all those criteria. It's possible that the application may not meet those criteria. We don't know yet. Okay?

MALE VOICE: Okay.

MR. DORSEY: No conclusion has been drawn by the department as of yet. We're here to accept comment, to be an objective --

MALE VOICE: Do you go to the site?

MR. DORSEY: What's that?

MALE VOICE: Do you actually go to the site?

FEMALE VOICE: The physical site.

MALE VOICE: Do you go out there and spend hours a day seeing the traffic, seeing what goes on?

MR. DORSEY: We do not --

MALE VOICE: Do you do that?

FEMALE VOICE: Have you seen --

MR. DORSEY: We do not go out there and --

MALE VOICE: Then, how can you make --

FEMALE VOICE: How can you possibly rely --

MALE VOICE: -- the judgments based on anything else?

MR. DORSEY: Sure. We're a state agency. We allocate credits. We rely on cities and --

MALE VOICE: But you make the recommendations to the people that actually do the votes.

FEMALE VOICE: Right.

MR. DORSEY: We make recommendations to the people who vote on the --

MALE VOICE: Somebody needs to see --

MR. DORSEY: Hold on, hold on. Let me finish. We make recommendations regarding the financing that the applicant is seeking from the department. There are zoning requirements; there's building code requirements. All that stuff is managed by cities, counties. That's not the State of Texas imposing those criteria on -- those are local decisions that are made.

For example, the fact that the site is zoned for multifamily use is not a decision we made. That's a decision that the locals made. Okay? So we rely --

FEMALE VOICE: We are not the City of Austin; we're Travis County. Right.

MR. DORSEY: I --

FEMALE VOICE: We'd be getting screwed. Please don't screw us up -- okay?

MR. DORSEY: We rely on -- there's state laws regarding what the City of Austin, what Travis County can do. They make those decisions; we make decisions with

regard to the financing. That's a partnership between the State of Texas and those local officials. We have, like I said, over 2,000 properties statewide. The amount it would cost taxpayers to go send a person to every site and spend hours there --

MALE VOICE: It's not important then?

MR. DORSEY: It is important and the way the government hierarchy works is we have city government; we have county government so those perform certain functions; we perform certain functions.

MALE VOICE: How many do you recommend? What percentage do you recommend versus you recommend against?

MR. DORSEY: That depends.

MALE VOICE: This year.

MR. DORSEY: In this year -- well, this program has been fairly undersubscribed and we haven't seen a whole lot of activity because of the financial meltdown and what happened in 2008 and what-have-you. So this is one of our first new transactions through our bond program in several years so I can't answer -- I mean, we haven't looked at many until last year is what I'm saying.

MALE VOICE: You've got 2,000 but very few have actually come through the past few years.

MR. DORSEY: Well, we have two different kinds

of tax-credit programs. The 2,000 represents the combination of properties under both. One program is a very competitive process that happens on an annual basis. This is not under that program. This is under the bond program and the 4 percent tax credits. The tax credits associated with it are attached to that bond financing.

Like I said, we haven't done a new bond transaction in a few years.

MS. MORALES: When you're talking historically, if you want to get a percentage of pre-2008 and deals that we've done since then, the criteria with which that has to recommend -- pretty prescriptive or pretty regulated. We can't really jump out of -- outside the box.

We make our recommendations based on feasibility and based on a certain set of criteria. It's up to our board to apply discretionary factors or to take into consideration public comment, both at the actual board meeting and what's being said tonight, with which to make their final decision.

Do we go out and visit the site? Yes. Part of our process tonight is to go out, visit the site. Do we spend hours there? No. But we do go out. We visit the site. We're looking at the market study provided by the applicant to make sure that the market can absorb this

particular development in comparison to all the other tax-credit units around here.

We're still within that process. This is an opportunity for you guys to voice your concerns to us. This is not the only opportunity that you have. There's been an individual meeting with Mr. Nguyen that's taken place prior to tonight. When our board meets in January to consider this particular transaction, that's going to be an additional opportunity for anyone wishing to speak and address the board directly with any of the concerns.

As has been noted, a transcript of this in its entirety is going to be provided to the board. Do they read it? Yes. We have had bond transactions before that's gone to our board and they actually note and they commented on things that the public said in this forum.

So you're talking about what's happened historically? There have been transactions that we have recommended to our board, based on following what our requirements are, but our board denied them.

MALE VOICE: Do you have percentages?

MS. MORALES: I do not have that off the top of my head.

MALE VOICE: Are we looking at 75 percent recommend -- range?

FEMALE VOICE: So what happens if you don't get these tax credits?

MALE VOICE: Mr. Nguyen?

MALE VOICE: It doesn't happen.

MR. NGUYEN: I don't know.

MALE VOICE: You're not going to build it?

MR. NGUYEN: I don't know. I haven't thought about that.

MALE VOICE: Is the 6 million in tax credit -- is that the equity that you're putting into this?

MR. NGUYEN: (No audible response.)

MALE VOICE: So how much of your company's money, besides the 6 million, are you putting into it?

MR. NGUYEN: Well, there are things that we deferred and so far we have spent over a million and a half of our money.

MALE VOICE: What's your cap rate on this project?

MR. NGUYEN: I don't have that answer off the top of my head?

MALE VOICE: What's the feasibility, the financial feasibility?

MR. DORSEY: We have a set of criteria. We underwrite every development we recommend to our board.

We want to make sure that any tax credits we allocate are used in a development that's successful and so --

MALE VOICE: And we don't know what the rate of return's going to be?

MR. DORSEY: We look at coverage ratios but a different criteria.

MR. NGUYEN: Yeah. You're asking questions that I can't answer because the tax-credits provider -- they calculate their yield differently than how --

MALE VOICE: What do your pro formas say?

MR. NGUYEN: Say about what?

MALE VOICE: About your cap rate, your total rate of return?

MR. NGUYEN: Like I said, I don't have it offhand, so --

MS. FLORES: This isn't a market rate development so it's not really -- I mean, a cap rate would apply for an appraisal but the return is not something that any of these individuals would be looking at. The investor, I'm looking at the return on the --

That's not something Mr. Nguyen would be looking at as part of his pro forma.

MR. NGUYEN: Right. Which is why I don't --

MS. FLORES: He's not looking for a tax return

on his property; he's looking -- as a nonprofit developer, he is looking to provide the service to a client base. He's not a for-profit motivated developer.

MALE VOICE: So then you're making your money off of the management of the properties, or where are you looking to make your money?

MR. NGUYEN: Sure. Both management, both funds from operations. Sure.

MALE VOICE: What's the benefit to Wells Branch?

MR. DORSEY: Last one. Then we've got to --

MS. FLORES: We have to be mindful of the contract that we have with the school district and --

MALE VOICE: What's the benefit to us?

MR. NGUYEN: I would be presumptive of me to say what's the benefit because I -- we do what we do. We try to serve low- and moderate-income families. We try to provide tools and services to help those residents make a better life.

FEMALE VOICE: How does that benefit who lives here now?

MR. NGUYEN: That's what we do.

FEMALE VOICE: How does that -- you didn't answer that question.

MR. NGUYEN: Because I --

FEMALE VOICE: How does it benefit these residents?

MR. NGUYEN: Again, I'm --

FEMALE VOICE: Answer that question.

MR. NGUYEN: Well, it's presumptive of me to answer it because I don't --

FEMALE VOICE: There's no benefit to the people who live here already --

FEMALE VOICE: There's no benefit to us. I want that on the record.

THE REPORTER: Cameron, are we done?

MR. DORSEY: Yes.

(Whereupon, at 9:12 p.m., the meeting was concluded.)

CERTIFICATE

IN RE: TDHCA Public Hearing
Waters at Willow Run Apartments

LOCATION: Austin, Texas

DATE: October 17, 2012

I do hereby certify that the foregoing pages, numbers 1 through 112, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Penny Bynum before the Texas Department of Housing and Community Affairs.

10/25/2012
(Transcriber) (Date)

On the Record Reporting, Inc.
3307 Northland, Suite 315
Austin, Texas 78731

2b

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action regarding Preclearance requests for Community Revitalization Plans filed with Pre-Applications in the 2013 Competitive Housing Tax Credit Cycle

RECOMMENDED ACTION

WHEREAS, several applicants submitted requests for preclearance of community revitalization plans to the Department on or before January 8, 2013;

WHEREAS, each of those applicants seeks a determination by the Board that notwithstanding the fact that their submitted materials may not have addressed each of the matters set forth in the Qualified Allocation Plan (“QAP”), 10 TAC Chapter 11, they should still be found to have satisfied meaningfully and substantively that what was submitted fulfills the requirements of a revitalization effort and, therefore, supports eligibility for points under either §11.9(c)(6)(A) or §11.9(c)(6)(B)(i) of the Qualified Allocation Plan (QAP) ;

WHEREAS, staff reviewed each of these submissions and based on those submissions recommends that the board make determinations that some of those plans substantively and meaningfully satisfied a revitalization effort, notwithstanding the lack of one or more specific factors outlined in the QAP and is unable to recommend that the board so find for the others, all in accordance with §11.9(c)(6)(A)(iv), which provides a mechanism by which for purposes of the 2013 application round only, the Board may, in a public meeting, determine whether or not such a preclearance is supported and should be granted.

NOW, therefore, it is hereby,

RESOLVED, that the list of pre-applications set forth below as “Recommended” by staff are each granted preclearance for the community revitalization plans submitted with their pre-applications as provided for under §11.9(c)(6)(A)(iv) of the QAP; and

FURTHER RESOLVED, that the list of pre-applications set forth below as “Not Recommended” by staff are each denied preclearance for the community revitalization plans submitted with their pre-applications as provided for under §11.9(c)(6)(A)(iv) of the QAP.

BACKGROUND

Under the 2013 QAP and Uniform Multifamily Rules applicants for Competitive Housing Tax Credits must seek preclearance from the Department for Community Revitalization Plans in which some QAP-required elements may not be present (§11.9(d)(6)(A)(iv)). To implement the preclearance process, staff created a supplement to the pre-application known as the Waiver, Preclearance, Disclosure, and Determination (“WPDD”) Packet. Any Applicant seeking preclearance for a community revitalization plan was required to submit the WPDD Packet during the pre-application acceptance period (provided the Applicant chose to submit a pre-application). Staff received 129 packets, of which 43 had requests for preclearance of community revitalization plans. Staff reviewed over 30 individual community revitalization plans from cities across the state, and in the course of these reviews found that the majority of the plans required additional due diligence and correspondence with Applicants and cities in order to fully understand the plan as submitted.

Staff examined several different aspects of each submission, including technical details such as evidence that any plan were adopted by the municipality in a process that allowed for public input and that the plan was in place by the January 8 deadline. However, staff also reviewed more substantive elements to assess whether the plan could be expected to meaningfully revitalize an area. The QAP directs staff to determine whether or not the plan, taken as a whole, could “reasonably be expected to revitalize the neighborhood and address in a substantive and meaningful way the material factors identified.” Those material factors refer to a list of conditions (such as blighted structures, inadequate transportation, lack of local business, etc.) that the Department expected municipalities to identify as existing in a community and that would be cause for a city to adopt a revitalization plan. Additionally, under the direction of the QAP, staff considered the important distinction between revitalization and economic development. This level of review requires a true understanding of the plan itself. For instance, it includes an assessment of the target areas themselves and whether or not those areas identified in the plans actually need revitalization as well as an understanding as to how the budget corresponds to achieving the objectives of the plan. In many cases target areas are largely vacant undeveloped or sparsely developed land where new growth and development are occurring.

At the February Board meeting, staff recommended, and the Board granted, preclearance of seven different plans associated with twelve different applications. Set out below is a list of two (2) plans associated with three (3) different applications which staff is recommending for preclearance. Also set out below is a list of seven (7) plans associated with seven (7) different applications. After an extensive review process staff still does not believe that the plans in this second group substantively and meaningfully satisfy a revitalization effort as required by the QAP. The fact that staff has not been able to conclude that the plan “meaningfully satisfies a revitalization effort,” as described by the QAP, should in no way be taken as a negative judgment or comment on the plan itself with regard to the purpose for which it was developed, or on the importance and benefit of the efforts that the cities have undertaken. The finding only relates to the extent to which the plans satisfy the requirements of the QAP. (The Board agenda lists an additional six (6) applications that requested preclearance. Due to timing constraints, staff gave all of the applicants an opportunity for the recommendation regarding their particular application to be presented at the May meeting, and those six applicants chose to do so.)

In order to address the fact that this type of review is significantly different from the review of other aspects of the application, staff invited all of the applicants listed here to meet in person to assist staff in

understanding as fully as possible the submissions and how they related to the substantive attributes of a community revitalization plan as set forth in the QAP. Each applicant met with a panel of staff members which included at least one person from the legal division and another from a division outside of multifamily finance in order to bring a broad perspective to the review. In two cases, these meetings resulted in a change in staff's initial assessment of the submission, which is the reason for the ultimate recommendation for approval. The submissions that are not being recommended had, in the estimation of staff, a variety of reasons why they fell short. First, some of the submissions appeared not to be plans at all. It is important to understand that, when crafting the rules in the fall of 2012, staff heard public comment and responded by adding two options for obtaining these same points that did not involve actually having a community revitalization plan in place. In general, those options involved either a commitment of CDBG-DR funds or evidence of infrastructure improvements, although these options were only available to specific development types. Second, some of the plans appeared to be broader economic development plans instead of revitalization plans, and the rule specifically calls for staff to distinguish between these two concepts. The QAP also calls for staff to review the neighborhoods in the target areas in order to determine whether or not they possess characteristics that would call for a revitalization effort. Finally the rules also require staff to evaluate the extent to which a municipality is committed to revitalization, and this is done by an assessment of the plan budget. In some cases, the lack of a clear budget associated with the plan was a major reason for staff's recommendation to deny preclearance.

It is important to note that these recommendations are only for preclearance of the plans themselves and are not an assessment of points awarded to a particular application. While staff's review of the plans was extensive, certain aspects of the actual application that would make it eligible for points were not reviewed. Particularly, it was not necessarily determined whether or not the development site was within the targeted areas of the plan, and additional points may be awarded if an application submits additional documentation from the city or county that adopted the plan. These items must be submitted and will be reviewed in the full application.

Below is the list of the plans for which staff is recommending preclearance as well as their approximate budgets. Because the budgets of these plans are a factor in the scoring of the applications, it is important that they are part of the preclearance recommendation. Under each plan name is a list of the pre-applications which submitted requests for preclearance of that plan. Staff recommends preclearance of the plans on this list, and for these particular applications.

PRECLEARANCE RECOMMENDED

Lancaster Corridor/Cigarette Hill Community Revitalization Plan, \$20 million budget

13023	Patriot's Crossing	Dallas
13124	Serenity Place Apartments	Dallas

Revitalization Plan for the Diamond Avenue Neighborhood, \$8 million budget

13100	Villages of Penitas	Penitas
-------	---------------------	---------

Below is a list of the plans for which staff is recommending denial of preclearance. Staff's assessments of each particular plan and/or its associated application follow the lists. The entire submittals related to the request for CRP preclearance (less the forms generated by the Department) are included in an

attachment as well. Staff recommends denial of preclearance of the plans on this list, and for these particular applications.

PRECLEARANCE NOT RECOMMENDED

Northwest Area Development Plan

13082 Woodland Creek Apartments Corpus Christi

The West Gate Corridor Plan

13125 Songhai at West Gate Austin

La Porte Comprehensive Plan 2030

13144 Mariposa at Pecan Park La Porte

Southside Area Development Plan

13163 Lexington Manor Corpus Christi

West/Southwest Sector Plan

13192 Shaenfield Apartments San Antonio

North Sector Plan

13196 Emerald Village San Antonio

2009-2014 Consolidated Plan Strategic Plan & 2012-2013 Action Plan & Downtown Affordable Housing Strategy

13252 Oak Creek Village Austin

Staff Assessment of Submission by Woodland Creek Apartments, TDHCA #13082

The Applicant submitted the Northwest Area Development Plan adopted by the City of Corpus Christi in January 2001. The plan is one of ten such plans that are incorporated as part of the Comprehensive Plan for the city. This is confirmed in the city resolution adopting the plans which was also submitted with the request for preclearance. Although adopted at different times, the area development plans taken together encompass the entire city. The city was divided into sectors for planning purposes, and one plan is not distinguished from another. While the Applicant did not provide additional information regarding other existing plans, the city's website indicates that the city actually has adopted more specific plans. However, staff concluded that the area development plans would be in place regardless of any need for revitalization in one area over the other. In addition, there was no evidence submitted of a budget that was associated with a revitalization plan.

Staff Assessment of Submission by Songhai at West Gate, TDHCA #13125

The Applicant submitted a resolution from the City of Austin approving several projects financed with bond proceeds as well as a description of the West Gate Boulevard roadway extension project. The Applicant also provided a map of the project area and letters from the City of Austin which were submitted as evidence of community revitalization and economic development in a 2012

application for the same development. However, no comprehensive revitalization plan was submitted. Although the roadway extension project was approved by the city and ultimately executed, it does not constitute a concerted effort to revitalize a community. During a meeting with staff the applicant argued that because the city, before approving such a project, must consider a number of issues including social equity and impact on mobility and air quality, that this project met the requirements of the QAP with regard to the city's assessment of the area. Staff emphasized that while a number of factors may be considered before a city undertakes such a project, that consideration does not constitute the city's development of a community revitalization plan. Moreover, while the city may have invested in infrastructure improvements in the area, there was no evidence of an actual overarching plan that was presented to the public for comment.

Staff Assessment of Submission by Mariposa at Pecan Park, TDHCA #13144

The Applicant submitted the La Porte Comprehensive Plan 2030, as well as a letter from the city planning director. The letter, dated December 10, 2012, stated that the Comprehensive Plan (adopted in October 2012), "encourages the City to create revitalization plans for targeted areas and the City intends to create a meaningful revitalization plan that meets TDHCA CRP requirements." The letter goes on to state, "the City has not developed a budget for the subject revitalization zone, but anticipates that the projected economic value of subsequent development resulting from the MPP project within the CRP efforts will exceed \$6,000,000." Staff met with the Applicant as well as a representative of the city, and although they tried to provide clarification of this statement and also submitted a follow-up letter, staff's conclusion was the same. Although the City of La Porte has taken some of the steps toward adopting revitalization plan, it has admittedly not yet done so. The Comprehensive Plan did include a map of suggested areas to target for revitalization, but the process did not take further steps to create a publicly adopted revitalization plan. Critically, there is no budget associated with this city plan, nor one associated with the revitalization of a more targeted area. The Applicant suggests that the value of the proposed development should be considered as the budget or projected economic value of the revitalization plan, but staff disagrees. It is vital to the scoring of this item to assess the extent to which a city is committed to the revitalization of a particular area. That determination is made by evaluating the city's investment, not a developer's project cost.

Staff Assessment of Submission by Lexington Manor, TDHCA #13163

The Applicant submitted the Southside Area Development Plan last amended by the City of Corpus Christi in February 2000. The plan is one of ten such plans that are incorporated as part of the Comprehensive Plan for the city. This is confirmed in the city resolution adopting the plans which was also submitted with the request for preclearance. Although adopted at different times, the area development plans taken together encompass the entire city. The city was divided into sectors for planning purposes, and one plan is not distinguished from another. While the Applicant did not provide additional information regarding other existing plans, the city's website indicates that the city actually has adopted more specific plans. However, staff concluded that the area development plans would be in place regardless of any need for revitalization in one area over the other. In addition, although during a meeting with staff the Applicant provided information evidencing over \$20 million of infrastructure improvements in the area, there was nothing included in the application submission, which constitutes the official record on this claimed point item, substantiating a revitalization plan budget.

Staff Assessment of Submission by Shaenfield Apartments, TDHCA #13192

The Applicant submitted the West/Southwest Sector Plan adopted by the City of San Antonio in 2011. The plan is one of five such plans that are incorporated as part of the Comprehensive Plan for the city. This is confirmed by a letter from the city which was also submitted with the request for preclearance. The sector plans, while adopted at different times, taken together encompass the entire city. The city was divided into sectors for planning purposes, and one plan is not distinguished from another. The Comprehensive Plan defines the Sector Plan as, “a comprehensive plan for a defined geographic area of the city that is larger than a neighborhood.” Staff concluded that the plans for each sector would be in place regardless of any need for revitalization in one sector over the other. In addition, the Applicant claims that there is a \$106 million budget associated with the plan. However, this figure, according to the Comprehensive Plan, is the portion of a larger bond proposal that was approved by voters in 2005 in order to expand the Northwest Vista College campus. Staff determined that approval of a bond proposal for a specific project does not constitute a budget for a revitalization plan.

Staff Assessment of Submission by Emerald Village, TDHCA #13196

The Applicant submitted the North Sector Plan adopted by the City of San Antonio in 2011. The plan is one of five such plans that are incorporated as part of the Comprehensive Plan for the city. This is confirmed by a letter from the city which was also submitted with the request for preclearance. The sector plans, while adopted at different times, taken together encompass the entire city. The city was divided into sectors for planning purposes, and one plan is not distinguished from another. The Comprehensive Plan defines the Sector Plan as, “a comprehensive plan for a defined geographic area of the city that is larger than a neighborhood.” Staff concluded that the plans for each sector would be in place regardless of any need for revitalization in one sector over the other. In addition, there was no evidence submitted of a budget that was associated with a revitalization plan.

Staff Assessment of Submission by Oak Creek Village, TDHCA #13252

The Applicant submitted portions of the City of Austin 2009-2014 Consolidated Plan Strategic Plan, which addresses affordable housing and community development strategies and the administration of funding by the Neighborhood Housing and Community Development Office and the 2012-2013 Action Plan, which accompanies the Consolidated Plan to define specific funding goals. The Action Plan includes proposed new federal grant entitlement funding of over \$10 million, which is what the Applicant claims is the budget associated with a community revitalization plan. However, staff’s understanding of the plan is that this budget is for funding throughout the city and is not focused on any revitalization area.

Staff also has concerns about the lack of a targeted area of revitalization that includes the proposed development site. The Applicant, in the original submission, included the Downtown Affordable Housing Strategy, a report that was generated by a private consulting firm. Although the report was approved to be commissioned by city council, it is not a plan that was approved and adopted in a process that allowed for public comment. It is within this report that the Applicant pointed to a 2-mile radius around downtown which includes the development site, but after meeting with staff the Applicant explained that they were not claiming this to be the targeted area for revitalization. The Applicant instead asserted that the target area was defined by a map included in the Consolidated Plan,

but staff disagrees. The map that includes the development site is actually one of three maps included in the appendices of the Consolidated Plan and is labeled the Neighborhood Planning Area. One of the other two maps is of the Commercial Preservation & *Revitalization* Area and does *not* include the development site but is focused on the 11th and 12th Street corridors. This “commercial revitalization” area is mentioned several times in the Action Plan, but there is no reference anywhere in the plan to the Bouldin Creek area (where the site is located) with respect to revitalization. The Neighborhood Planning Area is essentially a map of CDBG qualifying areas, census tracts with more than 51% of the households are low and moderate income. The portion of the Consolidated Plan which references this map explains that, in order to accomplish geographic dispersion goals, these Neighborhood Planning areas would not even be prioritized for funding. Ultimately staff concluded that, while there is a revitalization effort in the city of Austin, that the proposed development site is not located in this target area.

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Northwest Area Development
Plan, Corpus Christi

Submission by Woodland Creek
Apartment #13082



City of
Corpus
Christi

CITY COUNCIL

Priscilla G. Leal
COUNCIL MEMBER
DISTRICT 3
priscilla.leal@district3@yahoo.com

PO Box 9277
Corpus Christi
Texas 78469-9277
Cell 361-658-1302
Fax 361-826-3113
www.cctexas.com

January 8, 2013

Cameron Dorsey
Director of Housing Tax Credits
Texas Departments of Housing and Community Affairs
P.O. Box 13941
Austin, TX 78700-3941

Re.: Woodland Creek Apartments Community Revitalization

Dear Mr. Dorsey:

This letter affirms that the proposed Woodland Creek Apartments is located within a specific geographic area covered by the city's Northwest Area Development Plan, adopted by the Corpus Christi City Council on August 16, 1988 amended January 9, 2001. This targeted area general boundaries are as follows: The Plan area is bounded by the Nueces River on the north, Rand Morgan Road on the east, State Highway 44 and the Robstown city limits on the south and the Corpus Christi Extraterritorial Jurisdiction (ETJ) to the west. The targeted Northwest Area Development Plan is strategic in nature and applies only to this defined area of the city. The Northwest Area Development Plan has a projected economic value of \$6,000,000 or greater.

The Northwest Area Development Plan identifies four primary objectives, which includes:

1. To recognize the environmentally sensitive nature of land and water forms within the study area;
2. To propose techniques or methods by which the environmentally sensitive areas should be preserved and / or developed with minimal disruptions;
3. To propose appropriate land uses and a corresponding transportation network to serve future land uses; and
4. To facilitate infrastructure planning through a reasonable estimate of future land use, thereby enabling infrastructure to be planned accordingly.

The development, production, reconstruction and/or preservation of quality affordable rental housing are consistent with the Northwest Area Development Plan. Furthermore, the proposed reconstruction of the Woodland Creek Apartment community is consistent with the goals established for the Northwest Area Development Plan. Please refer to the attached map detailing the boundaries inclusive of the Northwest Area Development Plan.

Should you or your staff have any questions, please feel free to contact Eddie Ortega at (361) 826.3234. Thank you.

Sincerely,

Priscilla G. Leal





City of
Corpus
Christi

CITY COUNCIL

Priscilla G. Leal
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DISTRICT 3
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January 6, 2013

Cameron Dorsey
Director of Housing Tax Credits
Texas Departments of Housing and Community Affairs
P.O. Box 13941
Austin, TX 78700-3941

Re: Lexington Manor Apartments (TDHCA #12248) Section 50.9 (23) Community Revitalization

Dear Mr. Dorsey:

This letter affirms that the proposed Lexington Manor Apartments, TDHCA Project #12248, is located within the City of Corpus Christi, adopted by the Corpus Christi City Council on May 16, 1989, amended February 28, 1995, and further amended February 8, 2000. This targeted area general boundaries are as follows: West of Cayo Del Oso, East of Ayers Street, North of Oso Creek and South of South Padre Island Drive. The targeted Southside Area Development Plan is strategic in nature and applies only to this defined area of the City. **The Southside Area Development Plan has a projected economic value of \$6,000,000 or greater.**

The Southside Area Development Plan identifies four primary objectives, which include:

1. To recognize the environmentally sensitive nature of land and water forms within the study area.
2. To propose techniques or methods by which the environmentally sensitive areas should be preserved and / or developed with minimal disruptions;
3. To propose appropriate land uses and a corresponding transportation network to serve future land uses; and
4. To facilitate infrastructure planning through a reasonable estimate of future land use, thereby enabling infrastructure to be planned accordingly.

The development, production, reconstruction and/or preservation of quality affordable rental housing are consistent with the Southside Area Development Plan. Furthermore, the proposed reconstruction of the Lexington Manor Apartment community is consistent with the goals established for the Southside Area Development Plan. Please refer to the attached map detailing the boundaries inclusive of the Southside Area Development Plan.

Should you have any questions, please feel free to contact Eddie Ortega at (361) 826-3234.

Sincerely,

Priscilla G. Leal



Cc: Herb Canales, Acting Assistant City Manager
Eddie Ortega, Neighborhood Services Director

**NORTHWEST
AREA DEVELOPMENT PLAN**

**Updated and Adopted by City Council
Ordinance # 024331, January 9, 2001
supersedes and rescinds
City Council
Ordinance # 20428, August 16, 1988**

The preparation of this document was financed in part by a Community Development Block Grant from the United States Department of Housing and Urban Development and a grant from the Corpus Christi Metropolitan Planning Organization.

Staff thanks the many citizens who helped formulated this plan with a special thanks to City Council District 1, the Northwest Business Association, Tulo-so Midway Independent School District, and State Representative Jaime Capelo's Office. Participants from these groups included: City Councilperson District 1 - Betty Jean Longoria; Dr. Steve Waddell, Tulo-so-Midway Independent School District Superintendent; Warren Albrecht, Davie Cissna and Carole Wilkinson of the Northwest Business Association; Bert Quintanilla, Chief of Staff for State Representative Jaime Capelo; and William Kelly, Former Planning Commissioner.

Corpus Christi City Council - January 9, 2001

Mayor Loyd Neal

Arnold Gonzales At Large	Betty Jean Longoria District 1	John Longoria District 3	Melody Cooper At Large
Henry Garrett At Large	Javier Colmenero District 2	Mark Scott District 4	Rex Kinnison District 5

City Manager David Garcia

Deputy City Manager George Noe

Corpus Christi Planning Commission - January 9, 2001

Chairman David Berlanga

Shirley Mims, Vice Chairman	W. David Cheek	Elizabeth Chu Richter	Brooke Sween-McGloin
Neill Amsler	William J. Kelly	Eloy H. Salazar	Robert Zamora

Director of Planning Michael N. Gunning, AICP

024331

JAN 2001

AN ORDINANCE

AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF CORPUS CHRISTI ("THE CITY") BY ADOPTING THE REVISED NORTHWEST AREA DEVELOPMENT PLAN FOR THE AREA GENERALLY BOUNDED BY THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ) TO THE WEST, THE NUECES RIVER ON THE NORTH, RAND MORGAN ROAD ON THE EAST, AND STATE HIGHWAY 44 AND ROBSTOWN CITY LIMITS ON THE SOUTH; ESTABLISHING THE CITY'S POLICIES FOR GROWTH AND DEVELOPMENT OF THE AREA TO ASSURE THE MOST APPROPRIATE AND BENEFICIAL USE OF LAND, WATER AND OTHER NATURAL RESOURCES, CONSISTENT WITH THE PUBLIC INTEREST; RESCINDING THE NORTHWEST AREA DEVELOPMENT PLAN ADOPTED BY CITY COUNCIL ORDINANCE 20428, AUGUST 16, 1988, AND THE PORTION OF THE PORT/AIRPORT/VIOLET AREA DEVELOPMENT PLAN COVERING THE AREA LOCATED WEST OF RAND MORGAN ROAD AND NORTH OF STATE HIGHWAY 44 ADOPTED BY CITY COUNCIL RESOLUTION 21490 AND AMENDED BY ORDINANCE 022166, SEPTEMBER 22, 1995; PROVIDING FOR SEVERANCE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Council its reports and recommendations concerning the amendment of the Northwest Area Development Plan, an element of the Comprehensive Plan of the City of Corpus Christi;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, October 25, 2000, during a meeting of the Planning Commission, and on Tuesday, December 19, 2000, during a meeting of the City Council, in the Council Chambers, at City Hall, in the City of Corpus Christi, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the City Council has determined that these amendments would best serve public health, necessity, and convenience and the general welfare of the City of Corpus Christi and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. That the Northwest Area Development Plan (a part of the Comprehensive Plan of the City of Corpus Christi, Texas), including the Northwest Future Land Use Plan, the Transportation Plan, the Introduction, Policy Statements, Figures, Tables and all other elements and parts of the Northwest Area Development Plan, are hereby adopted as an integral part of said Comprehensive Plan to read as shown in Exhibit "A" attached hereto and hereby incorporated by reference.

SECTION 2. That the Northwest Area Development Plan adopted by City Council Ordinance 20428, August 16, 1988, and the portion of the Port/Airport/Violet Area Development Plan covering the area west of Rand Morgan Road and North of State

Highway 44 adopted by City Council Resolution 21490 and amended by Ordinance 022166, September 22, 1995, are hereby rescinded.

SECTION 3. That to the extent that the amendments made by this Ordinance represent a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the amendments made by this Ordinance.

SECTION 4. That the Comprehensive Plan of the City of Corpus Christi, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remains in full force and effect.

SECTION 5. That any ordinance or part of any ordinance in conflict with this ordinance is expressly repealed by this ordinance.

SECTION 6. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 7. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

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Northwest Area Development Plan January 9, 2001

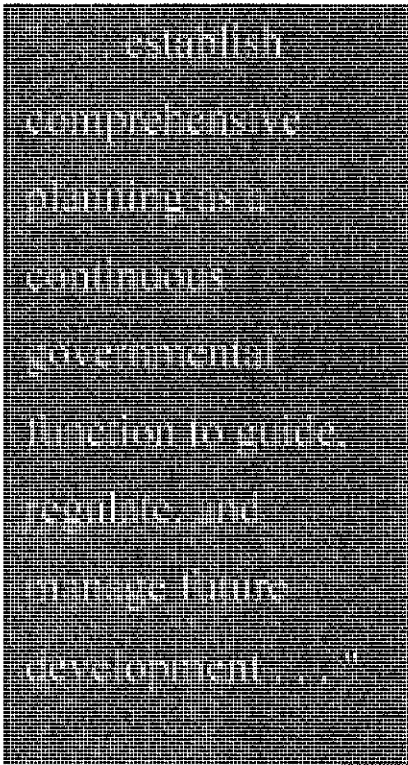
Adoption of this plan will expand the Northwest Area Development Plan (ADP) area to include the area previously known as the Bluntzer ADP area and the northwestern portion of the Port/Airport/Violet ADP. Adoption of the Plan will supersede and rescind any prior adopted Area Development Plans for these areas.

INTRODUCTION

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The Corpus Christi Comprehensive Plan is mandated by the City Charter. The Charter requires the City Council to "... establish comprehensive planning as a continuous governmental function to guide, regulate, and manage future development ..." and that "... all city improvements, ordinances, and regulations shall be consistent with the Comprehensive Plan ...". The Comprehensive Plan is comprised of various plan elements such as Policy Statements, Area Development Plans, Capital Improvement Programs, and Master Utility Plans. The comprehensive planning process is a means for citizens and community leaders to guide community development. The Comprehensive Plan, by definition, is general, long range, and broad in scope. Its purpose is to guide the City in policy formulation and in the implementation of strategies related to population, housing, environment, land use, transportation, and public services.

The Northwest Area is located in the extreme northwestern part of the City. The first Northwest Area



Development Plan (ADP) was adopted on August 16, 1988 by the City Council. The Plan area has been expanded to include the Bluntzer Area (area west of County Road 73 to the ETJ and Nueces River) and a portion of the Port/Airport/Violet ADP (area west of Rand Morgan Road and north of State Highway 44).



The Plan area is bounded by the Nueces River on the north, Rand Morgan Road on the east, State Highway 44 and the Robstown city limits on the south and the Corpus Christi Extraterritorial Jurisdiction (ETJ) to the west. (See Figure 1- Plan Update Boundary Map.)

The Northwest Area contains approximately 65,809 acres (103 sq. miles) with 10,900 acres (17 sq. miles) inside city limits and 54,909 acres (86 sq. miles) outside city limits (Figure 2). Approximately 17% of the Plan Area is currently inside city limits and 83% is located outside city limits in the City's Extraterritorial Jurisdiction.

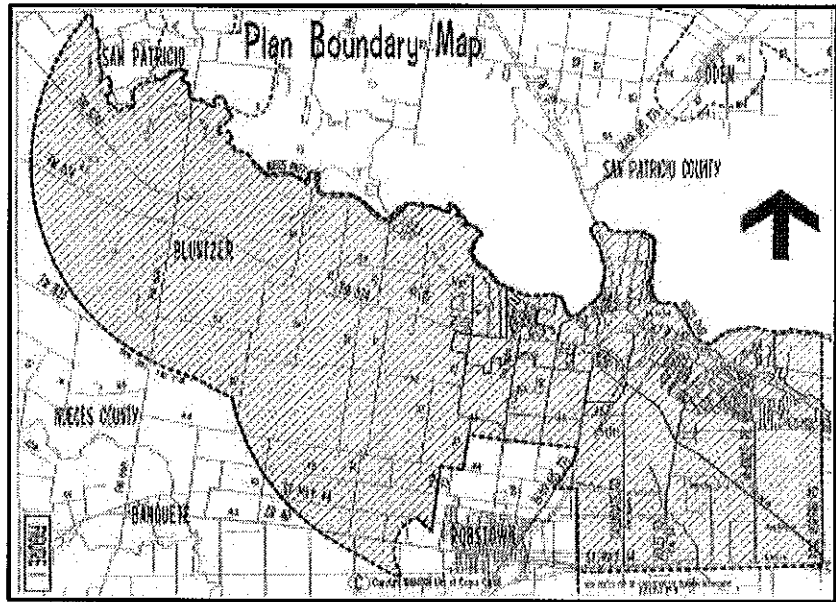


Figure 1 – Northwest Plan Study Area Boundary

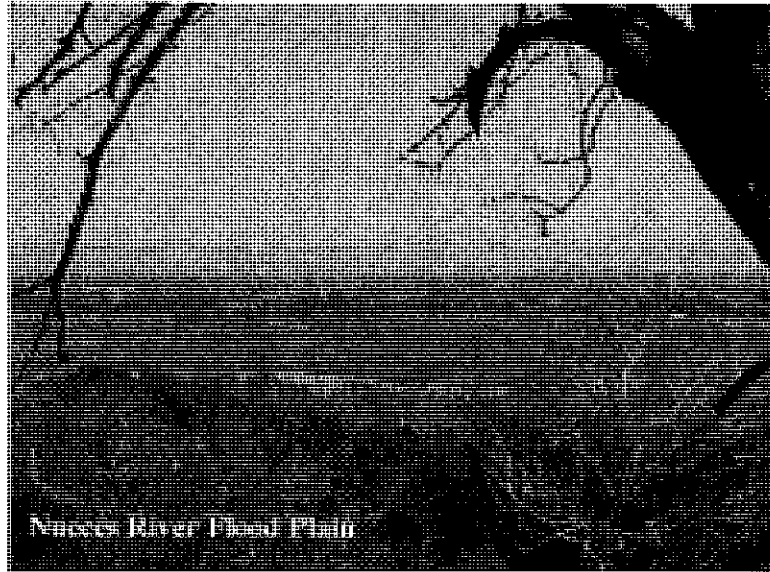
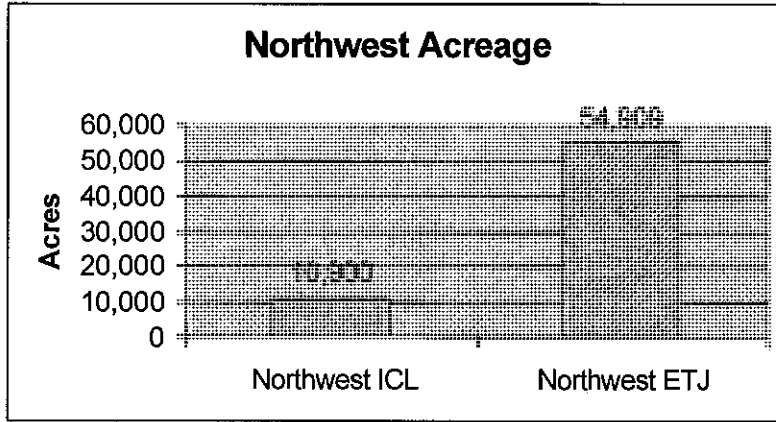


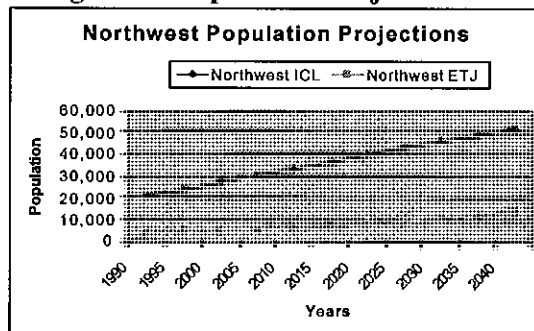
Figure 2 – Northwest Acreage



Implementation of the Plan and its policies will provide for the health, safety and welfare of the Northwest community. The Plan addresses land use and development issues such as the zoning and platting of properties, Capital Improvement Programs, and other specific concerns. In addition, coordination of the Capital Improvements Program with the Northwest Area Development Plan will result in more cost-effective development and tax dollar savings.

Figure 3 - Population Projections

The 2000 estimated population of the Northwest area is 32,000 with 27,000 residents inside city limits and 5,000 residents outside city limits. Since 1990 the population of the area has increased by approximately 30%, or 3% per year. This is almost triple the growth rate of the City's overall population during the same period, which makes the Northwest one of the fastest growing areas in the City (Figure 3 and Table 1).



The 2000 estimated population of the Northwest area is 32,000 with 27,000 residents inside city limits and 5,000 residents outside city limits. Since 1990 the population of the area has increased by approximately 30%, or 3% per year. This is almost triple the growth rate of the City's overall population during the same period, which makes the Northwest one of the fastest growing areas in the City (Figure 3 and Table 1).



**Table 1 - Population Projections – Inside City Limits (ICL)
 and the
 Extraterritorial Jurisdiction (ETJ)**

Plan Area	1990	2000	2010	2020	2030	2040
Northwest ICL	20,863	26,908	33,228	39,980	46,251	51,959
Northwest ETJ	4,069	5,022	6,380	8,225	10,709	14,052
Total	24,932	31,930	39,609	48,205	56,960	66,011

Existing land uses are illustrated in Table 2 and a comparison of existing land uses for 1990 vs the year 2000 is shown in Table 3 (Page 9).

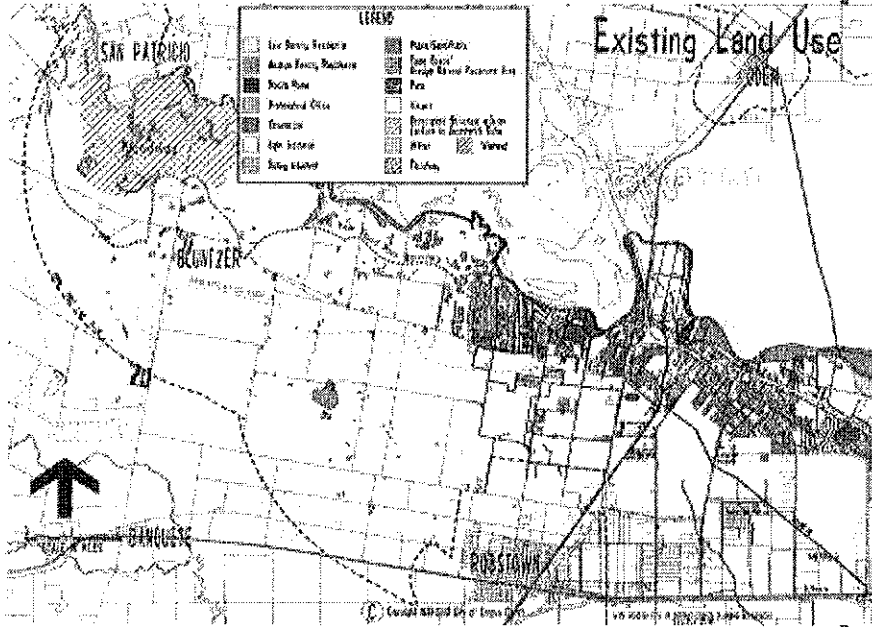
Table 2 – Northwest Existing Land Use for the Year 2000

Land Use	Acreage	Percentage
Low Density Residential	2,650	4.02%
Medium Density Residential	145	0.22
Commercial	323	0.49
Industrial	670	1.02
Public/Semi Public	2,633	4.00
Parks	449	0.68
Vacant	58,938	89.56
Total	65,809	100.00%

Existing land uses are illustrated in Figure 4.

Increases in land use over the last 10 years are reflected in the increasing volume of traffic accessing Northwest Boulevard (F.M. 624). From 1995 thru 2000 traffic volume increases per year on Northwest Boulevard were the highest in the city, averaging 12% per year over a five-year period. Because of the vast area that is accessed by Northwest Boulevard ultimate development and traffic generation is expected to far exceed the existing capacity (30,000 average daily trips) of the roadway. Addressing this critical problem is a high priority of all responsible governmental entities including Nueces County, TxDOT, and the City of Corpus Christi.

FIGURE 4 - EXISTING LAND USE MAP



... 90% of the Northwest area is vacant... the Northwest is growing at a rate three times as fast as the rest of the city...



A. ENVIRONMENT

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POLICY STATEMENT A.1

Maintain and/or improve water quality in the Nueces River upstream from the Calallen Dam to Lake Corpus Christi to a level consistent with the Texas Natural Resource Conservation Commission's standards for contact recreation, high quality aquatic habitat (See Figure 5 – Wetlands), and public water supply. Documented concerns regarding total dissolved solids and phosphorus loading in this river segment warrants increased protective measures to assure the viability

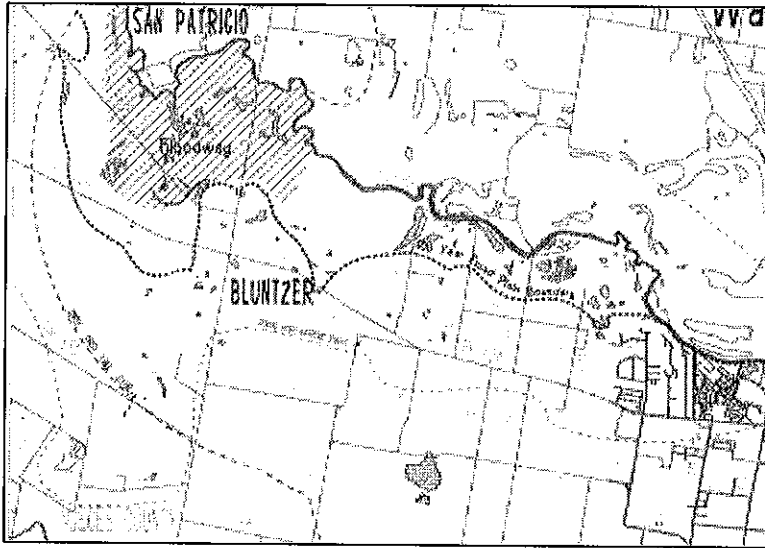


of the region's primary drinking water supply. (See Policy Statement E.6)

POLICY STATEMENT A.2

Encourage preservation of the expansive open space within the Nueces River Floodplain. The City should take a leading role to encourage floodplain preservation by means of land dedication, purchase, donation, by acquiring conservation easements, annexations and finally by zoning the land Farm Rural "FR". (Also see Policy Statements E.2 and E.3)

FIGURE 5 - WETLANDS IN THE WESTERN PART (BLUNTZER) OF THE NORTHWEST PLAN AREA





B. LAND USE

LAND USE

POLICY STATEMENT B.1

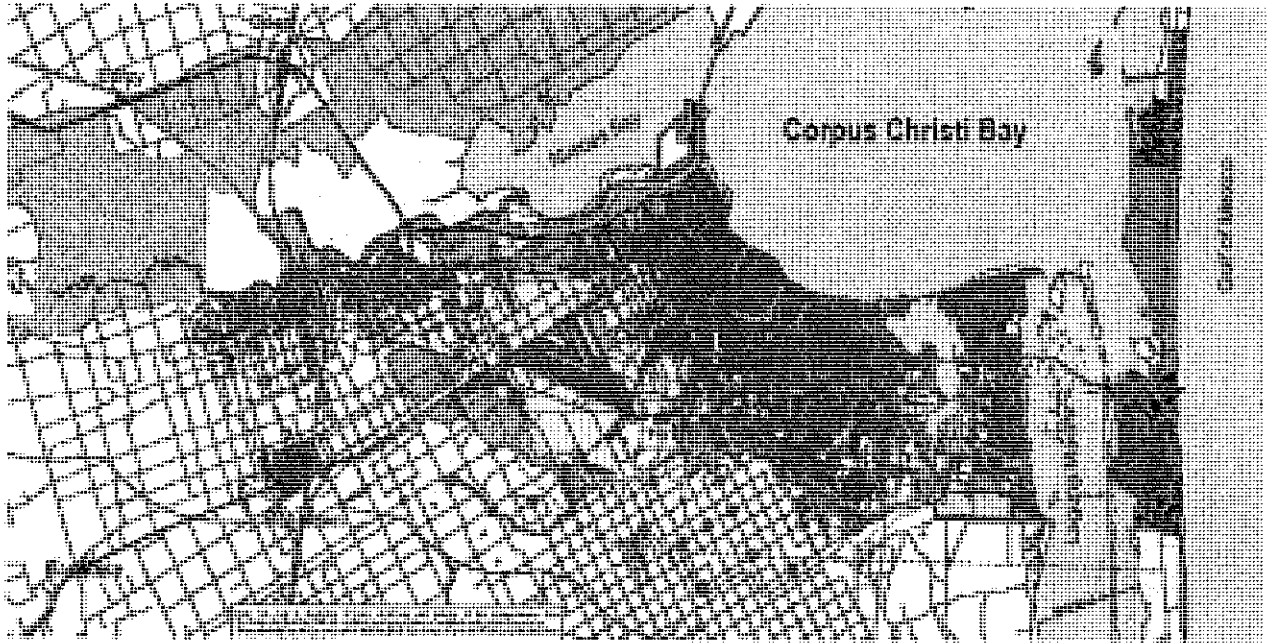
The City Council, hereby, adopts the Northwest Future Land Use Plan (Figure 6) and the accompanying text as a guide for future land use decisions. The Plan provides guidance for future land use decisions including rezoning, platting, fiscal management, and capital improvement planning. The Plan supports environmentally sound development and the efficient provision of public services and facilities.

Table 3 contains the total acreage of future land uses and potential population of an ultimately developed Northwest area.

- a) **Areas designated Conservation/Preservation are to be conserved and protected from urban development.** This designation applies only to existing floodways along the Nueces River. This land use designation includes existing agricultural uses, natural preserves, and the several large sand and gravel excavation operations within the Nueces River floodplain. On-site wastewater disposal systems are not allowed in these areas or within 75' of these areas under State and County restrictions. With regard to the sand and gravel excavation operations the operators should be encouraged/required to provide environmentally sensitive reclamation of the land when the operations cease. The overburden and the barrow pits produced by these operations may be reclaimed as wetlands and possibly provide stormwater detention facilities to prevent downstream flooding.
- b) **Areas designated for Agricultural and Rural uses are intended to encourage continuation of farming, ranching, and large lot residential activities in a rural setting within the 100-year flood plain (including a**

portion of the Drinking Water Watershed). New development within the Agricultural and Rural land use category is recommended for up to one residential unit per five acres. One unit per five acres may be achieved on a lot by lot basis (each lot 5 acres) or on smaller lots if a portion of the development is not developed and permanently kept in a natural state. Where smaller lots are provided in combination with an undeveloped area the overall density of the development shall not exceed 1 unit per five acres. These low-density residential uses will be consistent with the City's desire to protect drinking water quality in the region's drinking water supply watershed (upstream of the diversion dam on the Nueces River) and to minimize repetitive losses due to flood damage.





Click here for the

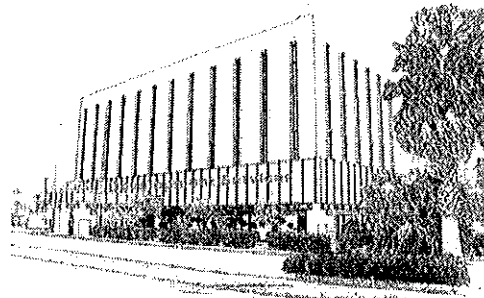
Corpus Christi Future Land Use Plan

Adopted
May 24, 2005, Ordinance 026278

Corpus Christi



2003



City of
Corpus
Christi

TABLE 3 NORTHWEST FUTURE LAND USE ASSUMPTIONS

LAND USES	TOTAL AC.	%	HOUSING UNITS	ULTIMATE POPULATION ²
Conservation /Preservation No residential uses	1,897	2.88	0	0
Agricultural & Rural Up to one unit per 5 acres	7,094	10.78	1,419	3,831
Estate Residential Up to 1 unit per acre	35,470	53.90	26,603	71,827
Low Density Residential Up to 8 units per acre	10,194	15.49	38,230	103,220
Medium Density Residential 8 to 15 units per acre	577	0.88	4,977	13,437
High Density Residential 15 or more units per acre	0	0.00	0	0
Mobile Homes/RV's	380	0.58	1,426	3,851
Office / Light Commercial	127	0.19		
Neighborhood/ General Commercial	2,072	3.15		
Light Industrial No residential uses	2,132	3.24		
Heavy Industrial No residential uses	2,051	3.12		
Public/Semi-Public	729	1.11		
Parks	536	0.81		
Wetlands	1,471	2.23		
Water	1076	1.63		
Total	65,809	100	72,654	196,166



** Population estimates are totals for **ultimate** build out and are based on full occupancy, average household size of 2.7 persons, and a midpoint of the density range for each land use category.



- c) **Areas designated for Estate Residential uses, with a maximum of one residential unit per acre, will encourage large lot subdivisions consistent with available infrastructure and will protect the Drinking Water Watershed.** Until wastewater services become available, these areas should continue to be designated for large lots. Several plan areas are designated for Estate Residential uses including: the area located between Industrial District #2 and Robstown; the area west of County Road 73; and the area north of I-37 and west of the Koch Refinery West Plant.
- d) **Commercial development of a small scale for convenience shopping needs is necessary and desirable to serve the outlying portions of the Plan area.** The most appropriate locations for these types of uses are at arterial/arterial intersections. Strip commercial development is discouraged from occurring along arterial roadways. Nodal commercial development is encouraged whereby commercial uses are concentrated at the major intersections of arterials as indicated on the Future Land Use Plan. As more public services become available (water and wastewater, etc.) and as the area develops, larger scale commercial uses may be necessary.
- e) **The expansion of business¹ uses along Northwest Boulevard (F.M. 624) or any other arterial street should be planned and zoned so that the traffic carrying capacity of the street is protected.** The plan recognizes the many existing commercial uses located along Northwest Boulevard, Leopard Street, and other arterial streets and calls for their continuance. However,

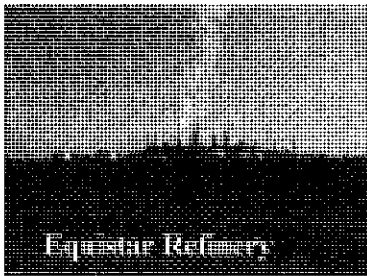
¹ Professional Office/Light Commercial Uses and General Commercial Land Use Categories – Professional Office and Limited Commercial Uses are equivalent to the “AB” Professional Office and the “B-1A” Neighborhood Commercial Districts in the Zoning Ordinance. The General Commercial land use category may include uses found in the Neighborhood Commercial (“B-1”) or the General Commercial (“B-4”) zoning districts.

every available means should be used to manage traffic flow/access (e.g. access management devices, marginal access controls, driveway use restrictions, etc.) from adjacent new uses and protect the City's investment in an efficient transportation system.

West of County Road 75, commercial uses on Northwest Boulevard should only be allowed at arterial intersections. Surrounding low-density residential activities should be buffered from higher density commercial uses at the intersections with medium density residential, office or light commercial uses. This nodal approach to high-density development will help to preserve traffic flow on Northwest Boulevard and other arterial streets and concentrate traffic generation at signalized intersections where it can be efficiently managed. The depth of such commercial developments should not exceed a depth of 300 to 500 feet.

- f) **Large-scale commercial uses are encouraged on both sides of US 77 (IH-69) north of Robstown.** South of County Road 50 extended and on the east side of US 77, light industrial uses are encouraged due to the availability of rail line access. In addition, for the foreseeable future, US 77 will be the area's I-69 North American Free Trade (NAFTA) Route, therefore large scale commercial and industrial uses are warranted along this strategic transportation corridor.
- g) **Industrial District #2 (located between Violet Road, Rand Morgan Road, County Road 48 extended and State Highway 44) provides an important economic benefit to the area and the region and should be continued with the following guidelines.**
 - 1) **Due to the prevailing southeast winds and concerns of the Northwest Community, limit expansion of new heavy industry in the district to the footprint indicated on the future land use plan.**





- 2) **Create a minimum 1,000' light industrial land use buffer on the south, west, and east sides of Industrial District #2.**
- 3) **The Estate Residential land use category will be used as a land use buffer between areas of industry and higher density residential development.**

Industrial district agreements provide for a payment to the City, in lieu of taxes, with a guarantee the City will not annex the area for a set time period. Industrial District #2 is partially developed with several large heavy industrial uses. Industrial District #2 provides a significant benefit over Industrial District #1 (the Port/ship channel area) as District #2 contains large spacious sites that are not available in District #1. On the north side of Industrial District #2, industry has purchased land to create a "downwind" buffer area between the industry and existing residential areas to the north.

- h) **Protect the Corpus Christi International Airport by discouraging heavy industrial uses from locating under flight approach zones.** The primary airport approach flight path is located over the Annaville/Calallan areas in a southeast-northwest direction. The plan recommends residential and light industrial uses in these underlying areas. Note: This residential area is approximately 2 miles from the end of the airport's existing and proposed runways and meets the City's standard for keeping residential uses at least 1 ½ miles from the ends of the runways.

POLICY STATEMENT B.2

The City, County, and utility districts/companies will work together to prevent development of "colonias". For purposes of this plan, Colonias are defined as developments that do not meet minimum development standards for water, wastewater, stormwater, access, and other requirements normally associated with the development and platting of subdivisions. Colonias are also referred to as illegal or

unplatted subdivisions. In order to prevent such development the City, County and utility districts will continue to closely monitor development activity and coordinate requests for water, wastewater, and electrical service to assure all public health and safety requirements are met. A key to prevention of new colonias is to tie approval of water and electrical service connections with a guarantee that wastewater service is available and meets all health requirements and that all platting requirements of the City have been met.

For existing colonias, illegal subdivisions, and/or unplatted subdivisions, the City and County will work with property owners to provide for minimum health and safety standards. Enforcement actions taken by the City will include actions based on complaints and on a proactive basis.

POLICY STATEMENT B.3

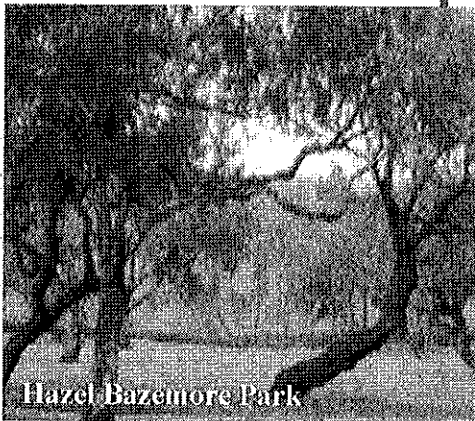
Encourage development of recreational vehicle parks in the northwest area to capture "Winter Texans" traveling U.S. 77 (IH-69). Evaluation of proposals for specific RV sites will be based on location, compatibility of surrounding land uses, access to arterials and expressways, and other appropriate factors.

POLICY STATEMENT B.4

The City designates Interstate 37, State Highway 44 and the proposed South Loop as scenic corridors. Scenic corridors are streets and highways the City wishes to visually enhance due to their utility as highly travel corridors or as entrances to the city. Design objectives for these areas are:

1. IH-37: The areas along IH-37 between the Nueces River and Carbon Plant Road on the north and Rand Morgan Road on the south should be limited to residential and commercial uses. No industrial uses of any kind including outdoor storage and construction yards and no off-premise signage (billboards) should be allowed within this designated scenic corridor. In addition, the area north of IH-37 and east of Carbon Plant Road to the westernmost edge of the existing Koch refinery should be limited to agricultural/rural





and public/semi-public uses and not permit off-premise signage.

2. S.H. 44: The areas on both sides of the roadway between the Robstown city limits and Oso Creek should be limited to agricultural/rural and residential uses. No industrial uses of any kind including outdoor storage and construction yards and no off-premise signage should be allowed within this designated scenic corridor. In addition, the area on both sides of S.H. 44 between Oso Creek and the South Loop are designated to be light industrial and commercial uses, however, off-premise signage should not be permitted.

3. Additional Beautification Efforts: Development adjacent to these scenic corridors will be required to provide a higher standard of landscaping than for non-scenic corridor streets. The City's Landscaping requirements in the Zoning Ordinance should be changed to require all street yards for multi-family, public-semi public, business and industrial uses to provide a minimum of 0.04 points of landscaping per square foot where property is developed adjacent to a designated scenic corridor. Note: street yards are areas between structures and the street right-of-way.

4. Strict enforcement of the City's Highway Beautification Ordinance.

POLICY STATEMENT B.5

Development along all arterial and expressways will be required to plant street trees on fifty-foot centers in a tree planting zone located within 10 feet of any property line abutting the street rights-of-way. The City's landscape requirements in the Zoning Ordinance will be changed to require street tree plantings from any species listed in the Preferred Trees and Palms section of the City's Landscape Ordinance. The Landscaping Requirements should allow, on a 1 to 1 basis, an exception to new tree planting when an existing tree of a minimum 6" caliper is located within 20 feet of the right-of-way.

C. ANNEXATION



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POLICY STATEMENT C.1

Pursue annexation of property in advance of development, particularly, along major roadways for the purpose of creating compatible land use and development patterns. A significant amount of development has occurred between 1990 and 2000 in the Northwest ETJ areas. Monitor increases in development by creating a database for properties in the ETJ. New development will be "tracked" by creating a database of approved Health Department permits for new septic systems in the extraterritorial jurisdiction.

PLAN STATEMENT C.2

Prior to annexation, develop detailed assessments of infrastructure and action plans for improving and or replacing inadequate infrastructure in outlying substandard developments. Pursue federal and state grants for purposes of bringing substandard infrastructure into conformance with City standards. Detailed assessments of infrastructure and action plans for the Suburban Acres and the River Acres areas are a high priority.

PLAN STATEMENT C.3

The City should aggressively pursue annexation of the developing areas within the Nueces River watershed within Nueces County. The City's primary water intake from its reservoir system is located in the Calallen area. Water quality from this point and upstream is extremely important to all that are served by this regional water resource.

Storm runoff from upland uses can dramatically impact the quality of water in the Nueces River. Cleaner water in the

Department of Planning



Nueces River has a direct impact on the City's water treatment program at the O. N. Stevens Water Treatment Plant. Annexation will allow the City to insure that inappropriate land uses and development are prohibited and building standards imposed in this critical drinking water watershed.

D. TRANSPORTATION



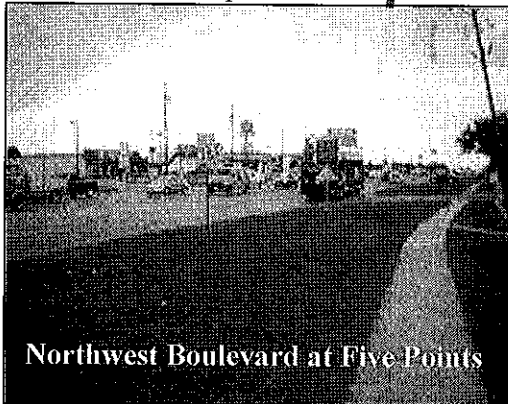
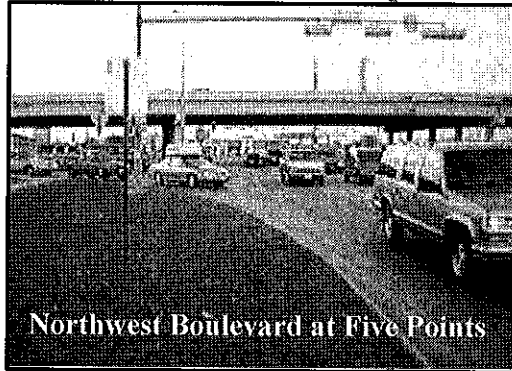
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POLICY STATEMENT D.1

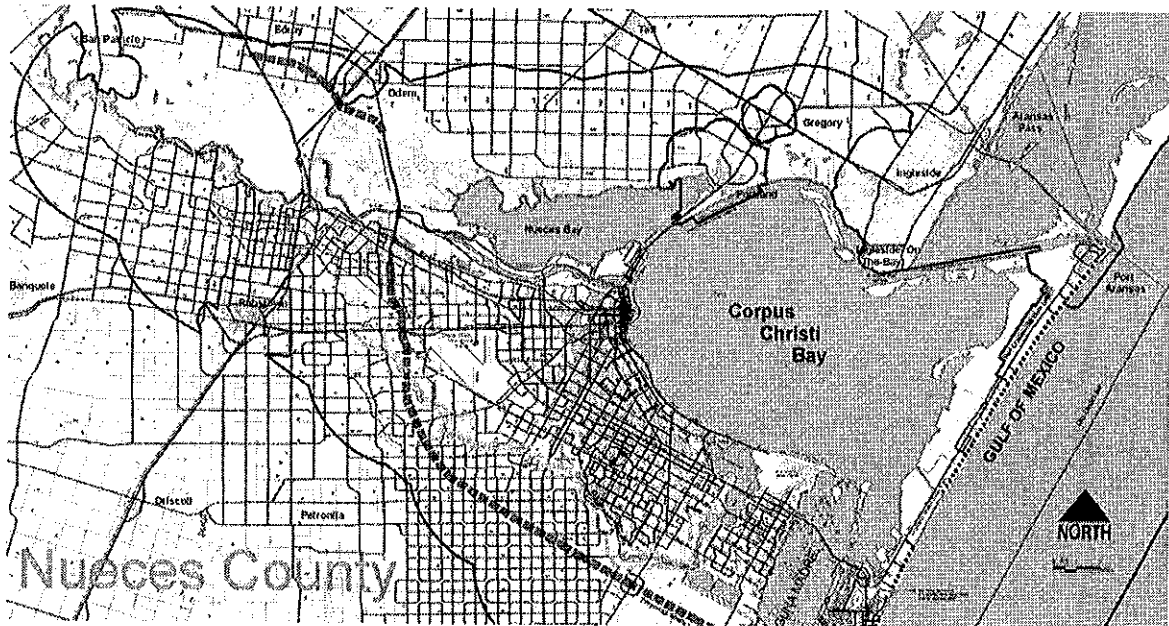
The City Council adopts the Transportation Plan (see Figure 7) as the guide for future transportation decisions. Plan

recommendations are based on the "ultimate" street network necessary to serve a fully developed plan area. Unless otherwise

specified all streets are recommended to contain curb, gutter and underground drainage. Wherever this transportation plan calls for the acquisition of more right-of-way than currently exists, the future right-of-way line shall be used to determine building setbacks. Use of the future right-of-way line to measure setbacks will prevent construction of



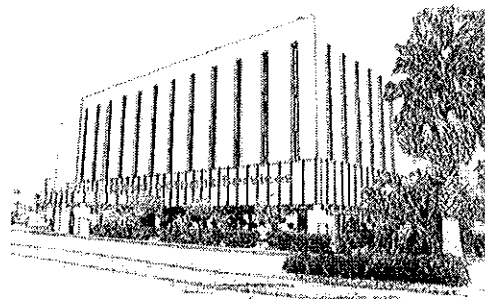
buildings, signs or any other permanent structures that would encroach into the future right-of-way and setbacks. The transportation network of this Plan constitutes an amendment to the City's Transportation Plan.



Click here for the

Corpus Christi Urban Transportation Plan

Adopted
May 24, 2005, Ordinance 026278

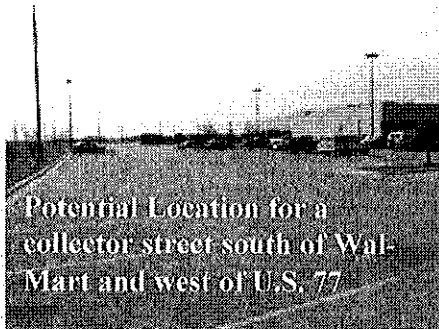


Plan changes, which are subject to Texas Department of Transportation funding, will be submitted for inclusion in the Metropolitan Planning Organization's Urban Transportation Plan. Changes to the City's Transportation Plan include:



- a) **Relief of traffic congestion along Northwest Boulevard (F.M. 624) and at the Five Points Intersection is a major focus of the plan recommendations. Northwest Boulevard** has experienced the fastest growing traffic volumes of any street segment in the City over the last five years (1995-2000). This trend is expected to continue due to healthy growth in the Northwest area and the unusual traffic pattern caused by the geography of the Northwest/Bluntzer Area. Most arterial streets can obtain relief from increasing traffic on adjacent parallel arterials. However, Northwest Boulevard does not benefit from any paralleling arterials to the north because of the close proximity of the Nueces River to the north. In addition, Northwest Boulevard extends as a long straight arterial street for many miles drawing traffic from growth occurring in the City's Extraterritorial Jurisdiction and beyond to Orange Grove and development on the west side of Lake Corpus Christi.

Note: Projected traffic levels on Northwest Boulevard can be expected to ultimately exceed existing and planned capacities by a wide margin if relief routes to the south are not made available, if land uses are not carefully controlled and if good access management practices are not followed. Projections of traffic indicate that without relief routes to aid Northwest Boulevard traffic generation from ultimate development would approach or even exceed 50,000 average daily trips. This would far exceed the existing capacity of the street, which is approximately 30,000 average daily trips and the planned capacity of street.



The following recommendations will help to provide relief to this growing traffic congestion problem:

1. **Northwest Boulevard** is recommended as an arterial street with an ultimate 120' minimum right-of-way, six traffic lanes, and a median. Median cuts should maintain a spacing of not less than 600' or the Texas Department of Transportation's standard, whichever is greater. This type of roadway will increase the carrying capacity of Northwest Boulevard (F.M. 624) at its approach to 5 Points by 35 percent. **The City will encourage TxDot and the Metropolitan Planning Organization (MPO) to make these improvements one of their highest transportation improvement priorities.**
2. **A two-lane 60-foot right-of-way loop collector street (south of Wal-Mart) is proposed between U.S. 77 and the extension of River East Drive.** This loop collector is proposed to relieve traffic congestion at Five Points Intersection by providing a new route for traffic destined west and away from the Five Points area.
3. **County Road 52 is recommended as an arterial street with an ultimate 100' minimum right-of-way, four travel lanes and a landscaped median.** This cross section is recommended between County Road 75 and the proposed South Loop Expressway. Portions of County Road 52 east of the South Loop Expressway and west of County Road 75 are recommended as a collector with an ultimate 70' minimum right-of-way with four travel lanes. County Road 52 will serve as:
 - A relief route for through traffic to avoid Northwest Boulevard congestion west of 5-Points. County Road 75 extended will serve as the connection between Northwest Boulevard (F.M. 624) and County Road 52 and provide east bound traffic an easy connection to County Road 52 and U.S. 77;



- An alternative route to the use of the IH-37/ U.S. 77 Interchange in times of congestion after County Road 52 is extended to Callicoate Road; and
- An attractive parkway drive that will connect both the Calallan and Annaville areas.

b) South Loop Expressway (See Figure 8): The Proposed South Loop Expressway is based on the Metropolitan Planning Organization's (MPO) South Loop Transportation Study.

The Study was undertaken in cooperation with Nueces County, TxDot, and the City of Corpus Christi. The South Loop Transportation Study was accepted by City Council and adopted by the MPO's Policy Committee in 1999.

The purpose of the South Loop Expressway is to:

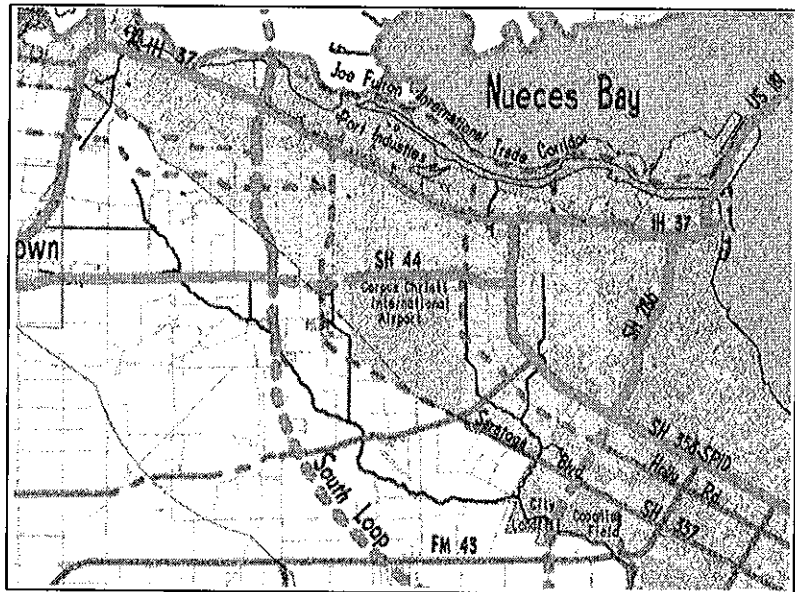
1. Provide a relief route to South and North Padre Island Drives and IH-37 which are experiencing increasing traffic congestion;
 2. Enhance interconnectivity between the City's Southside, Westside, Northside and the Northwest areas;
 3. Create a second major crossing of the Nueces River and to northbound highways for emergency evacuation from the City; and
 4. Provide a primary connection to I-37 and State Highway 44.
- c) County Roads 48 and 44** are to serve as major arterial roadways connecting the suburban and rural areas to the west of U.S. 77 to the Industrial Districts and to the International Airport to the east.



- d) **Create a four lane, 70-foot right-of-way collector street** paralleling and west of U.S. 77 between the proposed collector street south of Wal-Mart and County Road 44. The purpose of this collector street is to provide for circulation adjacent to a high-density commercial corridor similar to McArdle Street/SPID combination on the Southside.

- e) **Up River Road is designated a 4-lane, 70-foot right-of-way collector street** between Rand Morgan Road and McKenzie Roads. Improvement of this road will be considered a high priority for the City's Capital Improvement Program. This section of Up River Road serves an expanding residential neighborhood, a new elementary school, and a major park (West Guth Park) for the Northwest Area. In addition, this portion of Up River Road also serves as the frontage road for IH-37.

FIGURE 8 – PROPOSED SOUTH LOOP EXPRESSWAY



E. PUBLIC SERVICES

LIBRARIES

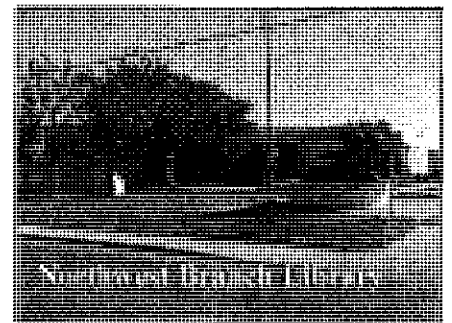
POLICY STATEMENT E.1

A high citywide priority shall be given to expanding the Northwest Branch Library. The current facility, located on McKenzie Road, of approximately 7,000-sq. ft. is substantially smaller than the other three branches, which are approximately 13,000-sq. ft. in size. In expanding and developing a larger branch library the City shall pursue joint programs with area school districts and Nueces County.

PARK AND RECREATION

POLICY STATEMENT E.2

The City will pursue acquisition of strategic flood plain areas adjacent to the Nueces River. (See Policy Statement A.2) The purpose of these acquisitions will be to create a continuous public open space/trail system and parks at appropriate locations along the Nueces River. These acquisitions will also protect water quality along the Nueces River upstream from the City's water intake at O. N. Stevens Water Treatment Plant.



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POLICY STATEMENT E.3



Create a Nueces River Hike and Bike Trail system with connections to the Oso Parkway system, and schools, parks and other public facilities in the Northwest Area. (See Figure 5, Future Land Use Plan) The trail system should be fully integrated with the City's drainage right-of-way and collector street system. Hike and bike trail surfaces will range from improved concrete or asphalt surfaces to unimproved dirt trails. The Bikeway System is envisioned as one using primitive trails with minimal maintenance on drainageways in combination with existing streets. Capital improvements for the system shall consist mainly of bikeway and bike path signage.

WATER AND WASTEWATER

POLICY STATEMENT E.4

The City will work with the Nueces County Water Control and Improvement District #3 (Robstown area), River Acres Water Supply Corporation, and South Texas Water Authority to develop written agreements or modification of existing water contracts to clearly indicate areas of responsibility for provision of water utilities. Once agreements have been reached the City will pursue

modification of its State of Texas Certificate of Conveyance and Necessity to match with agreed upon areas for providing service.

POLICY STATEMENT E.5

Connections to the City's Transmission Main System may only be made if the connection:

- a) **Will not impair the City's ability to provide sufficient water pressure taking into account the ultimate development of the area;**
- b) **Are consistent with the City's Water Master Plan; and**
- c) **Meet platting ordinance requirements.**

POLICY STATEMENT E.6

Initiate a watershed management program and emergency response plan for the Nueces River Watershed in cooperation with the City of Corpus Christi and Nueces River Authority. Hundreds of petroleum product pipelines cross the Nueces River and its tributaries that if ruptured could place the region's primary water supply at risk. For example, in March 2000, the City of Dallas lost, for an indefinite period of time, one third of its water supply when 500,000 gallons of fuel additive, MTBE, spilled from a ruptured pipeline into East Caddo Creek. East Caddo Creek drains into Lake Tawakoni, which provides a third of the City of Dallas's water supply. By way of comparison the Nueces River transports two-thirds of the City of Corpus Christi's and the region's water supply. In light of the Dallas loss of water supply, it is clear that protection and precautionary plans should be considered for the City's water supply.





STORMWATER²

POLICY STATEMENT E.7

A high priority for the Northwest Area is for the City to update its Stormwater Master Plan of the area. As part of this update the City should review the drainage system in the Northwest to determine if the unique topography and hydrology in the area warrants additional drainage capacity improvements and/or higher stormwater design standards.

² Note: this plan is not intended to address the location of future stormwater drainage facilities as the City is in the process of creating a citywide Master Stormwater Master Plan.

The West Gate Corridor Plan, Austin

Submission by Songhai at West
Gate #13125

RESOLUTION NO. 20070823-020

WHEREAS, in 2000 voters approved bonds for transportation projects;
and

WHEREAS, in August 2000, Council adopted Ordinance No. 000824-22, to ensure that the projects funded by those bonds meet the needs of the community; and

WHEREAS, for each proposed use of 2000 Bond proceeds, the City Manager is required to analyze and make recommendations on the proposed use, and the analysis must include: tax and social equity, impact on the Drinking Water Protection Zone (DWPZ), impact on mobility, congestion and air quality, and study of any alternatives; and

WHEREAS, the Public Works Department has performed this analysis and has recommended the projects listed in this resolution; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The transportation projects listed below are approved, and the City Manager is directed to commence planning for these projects and return to Council for award of construction contracts.

SH130 CONNECTIVITY and COUNTY PARTICIPATION PROJECTS:

Braker Lane from US 290 to Parmer Lane;
Decker Lake Road from FM 973 to SH 130;
Parmer Lane from US 290 to Braker Lane;
Howard Lane from Harris Branch to City Limits;
Wells Branch Parkway from IH 35 to City Limits; and
Tuscany Way from Ferguson to Exchange.

UT AREA PROJECT:

Guadalupe Street (the Drag) from 21st Street to 24th Street.

DOWNTOWN IMPROVEMENT PROJECTS:

Brazos Street from 3rd Street to 11th Street;

Cesar Chavez Street 2-way conversion from San Antonio Street to
Brazos Street; and


GAP AND BOTTLENECK ELIMINATION PROJECTS:

Rundberg Lane from Metric Boulevard to Burnet Road;
William Cannon Drive Bridge @ Onion Creek;
Davis Lane from Leo to Huebinger Pass;
Davis Lane from Brodie Lane to Corran Ferry Drive;
Todd Lane (Pleasant Valley Road) from Ben White Boulevard to St.
Elmo Road;

Pleasant Valley Road from Button Bend Road to St. Elmo Road; and
Westgate Boulevard from Cameron Loop to Cohoba Drive.

ADOPTED: August 23, 2007

ATTEST:


Shirley A. Gentry
City Clerk



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Projects

West Gate Boulevard Roadway Extension Project

History

The West Gate Boulevard Roadway Extension Project was initiated to connect existing portions of West Gate Boulevard to the north and south of the project site. The new roadway will start at Cohoba Drive and continue north to Cameron Loop. Benefits for this project include providing area residents greater north-south traveling access, allowing Cowan Elementary School to establish one-way traffic flow through the property, and connecting the bicycle network.

City staff recommendation

Neighborhood Association Resolution

Area map showing recommendations

Scope of Project

This new segment of West Gate Boulevard will meet Major Arterial Divided Road 4 (MAD-4) criteria. The width of the roadway will be 114 feet across and include sidewalks and bicycle lanes on either side of the road, four traffic lanes, and a median approximately 20-24 feet wide. A water quality detention pond will be constructed at the southwest corner of the West Gate Boulevard and Cameron Loop intersection. A water quality retention control and irrigation system will be constructed on an existing pond easement on the west side of West Gate Boulevard, near the intersection of West Gate Boulevard and Cohoba Drive.

Schedule

The project began construction in July of 2010 and is approximately 50% complete, with an August 2011 timeframe for substantial completion.

The project manager will send email updates directly to you. Your address will remain confidential and will be used solely for the purpose of sending updates about the West Gate Boulevard Roadway Extension Projects Project.

Please send request to:

Adewale Odufuye, P.E.

Your email address will remain confidential and will be used only for the purpose of sending updates about this issue.

Contact

Adewale Odufuye, P.E., Transportation Engineer, (512) 974-7119

Need to report a pothole? Vegetation covering a stop sign? Sign down? Call 3-1-1 with the location!



Austin City Connection - The Official Web site of the City of Austin

Contact Us: Send Email or 512-974-8777.

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P.O. Box 1088, Austin, TX 78767 (512) 974-2000



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Projects

Davis Lane/West Gate Blvd. Future Road Needs City of Austin and Neighborhood Association Recommendations June 2008

In summer 2007, the Public Works Department recommended to the Urban Transportation Commission that various roadway projects be funded from available 2000 street bond funds. Due to concerns raised on proposed construction of West Gate Boulevard between Cameron Loop and Cohoba Drive and roadway needs along Davis Lane, a corridor study was planned. The City hosted a well attended public meeting in October 2007. In addition, the City worked with the neighborhood associations in the area to determine their desires. A meeting with neighborhood association representatives was held in March 2008. The neighborhood associations submitted a resolution to the City in April 2008.

Based on the desires of the area neighborhood associations and the City's roadway plan, the following goals are identified in this area:

- Improve access, mobility, & safety by widening Davis Lane from Brodie Lane to Zeke Bend.
- Improve access to Cowen Elementary by providing turn lanes on Davis @ Kentish (West Gate)
- Create AISD's requested circulation areas at Cowen Elementary
- Improve north-south mobility by constructing the missing portion of West Gate Boulevard between Cohoba Drive and Cameron Loop.

Two projects are currently underway on Davis Lane, one from Corran Ferry Drive to Brodie Lane and one from Huebinger Pass to Leo Street. In addition, the Public Works Department recommends that West Gate Boulevard be constructed as a four-lane divided roadway between Cameron Loop and the existing end of pavement north of Cohoba Drive. These three projects address the goals for the area through the following:

Davis Lane Improvements

1. In conjunction with the project west of Brodie Lane, reconstruct approximately 500 feet of Davis

- Lane, east of Brodie Lane to provide two westbound lanes for traffic approaching Brodie Lane.
2. Construct left turn lanes eastbound and westbound at West Gate Boulevard as part of the West Gate construction project.
 3. In conjunction with the project west of Leo Street, reconstruct approximately 500 feet of Davis Lane east of Leo Street to provide two westbound lanes for traffic approaching Leo Street.
 4. Overlay portions between Brodie Lane and West Gate Boulevard that are not reconstructed as part of the above projects.

West Gate Boulevard Improvements

1. Construct the entire missing section of this roadway between Cameron Loop and Cohoba Drive.
2. Coordinate with AISD to improve circulation at Cowan Elementary through construction new of driveways to West Gate Boulevard with limited purpose median openings.

These projects address most of the needs cited in the neighborhood association resolution. However, they do not provide for the reconstruction of the entire section of Davis Lane between Brodie Lane and Manchaca Road. There are insufficient funds to do so at this time but we anticipate this reconstruction will be included on the list of proposed projects for the next street bond program. The planned improvements on Davis Lane at Leo Street, West Gate Boulevard, and Brodie Lane will address many of the existing traffic operations problems on Davis Lane. This combination of projects is considered to best meet the combined needs of the overall roadway system, area residents, and AISD. We plan to present this to the Urban Transportation Commission meeting at their July 8, 2008 meeting.

Need to report a pothole? Vegetation covering a stop sign? Sign down? Call 3-1-1 with the location!



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P.O. Box 1088, Austin, TX 78767 (512) 974-2000

The following resolution was transmitted to the City of Austin via e-mail on April 13, 2008 from the following:

Dominic Chavez
President, Castlewood-Oak Valley Neighborhood Association

And on behalf of:

Percy Wegmann
President, Cherry Creek on Brodie

Mary Eichner
President, Deer Park Owners Association

Tammy Henderson
President, Cowan PTA

**Joint Resolution
On the Davis Lane / West Gate Corridor Planning Process**

Grateful that the City of Austin has made available funds for the improvement of roadways in the area bounded on the west by Brodie Lane, to the east by Manchaca Road, to the North by Davis/Deer Lane and to the south by Slaughter Lane (the "Planning Area", shown on the attached map);

Recognizing that the Planning Area has experienced and continues to experience rapid growth and is in dire need of infrastructure investments;

Cognizant that Cowan Elementary School is located within the Planning Area and that Austin Independent School District (AISD) officials have indicated a need for improved school bus and vehicular circulation at Cowan;

Determined that available funds be invested in a manner that addresses the priorities of residents in the Planning Area;

Further determined that available funds not be diverted to projects outside of the Planning Area;

Knowledgeable about specific proposed projects that have been presented to residents of the Planning Area, neighborhood leaders and AISD officials by City of Austin Public Works Department staff;

Acting on the currently available information, anecdotal information from area residents, and limit traffic data and projections from the City of Austin and the Capital Area Metropolitan Planning Organization (CAMPO);

Now therefore do the undersigned, representing more than 5,000 households, commuters, business owners, parents, and school children, come together to make the following resolution:

We the undersigned resolve that the City of Austin Public Works Department present the Urban Transportation Commission with a comprehensive proposal that addresses the Planning Area priorities below in a manner that places an emphasis on the safety of pedestrian and vehicular traffic, especially as it involves children, and with an overall timeline that reflects the given priorities:

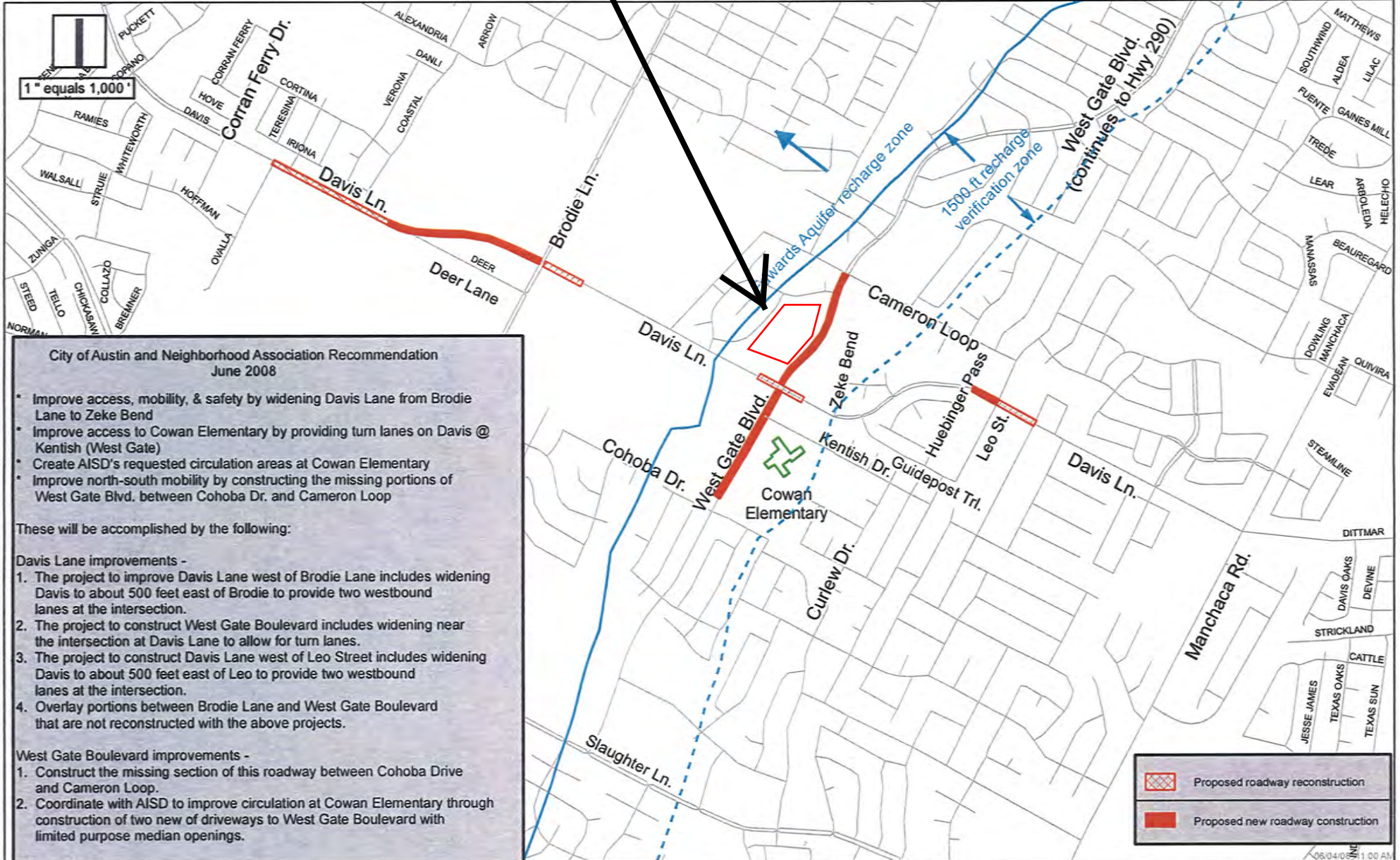
Priority One: Improve access, mobility, and safety along Davis Lane by widening the road section bounded on the west by Brodie Lane and the east by Zeke Bend, to include improving access to Cowan Elementary by providing turn lanes where Kentish Road intersects Davis Lane for safe access to the school, and creating AISD's requested circulation areas at the school itself for buses and cars; and

Priority Two: Apply any unspent funds to widen the road section of Davis Lane bounded on the west by Leo Street and the east by Manchaca Road.

We the undersigned further resolve that the City of Austin Public Works Department revise and accelerate the timelines for the following unanimously accepted and fully funded projects to avoid skyrocketing construction costs and dangerous increases in local traffic:

- The widening and realignment of the section of Davis Lane from Brodie Lane to Corran Ferry Drive; and
- The final connection of the section of Davis Lane from Leo Street to Huebinger Pass.

Proposed development: Songhai at West Gate



City of Austin and Neighborhood Association Recommendation
June 2008

- Improve access, mobility, & safety by widening Davis Lane from Brodie Lane to Zeke Bend
- Improve access to Cowan Elementary by providing turn lanes on Davis @ Kentish (West Gate)
- Create AISD's requested circulation areas at Cowan Elementary
- Improve north-south mobility by constructing the missing portions of West Gate Blvd. between Cohoba Dr. and Cameron Loop

These will be accomplished by the following:

Davis Lane improvements -

1. The project to improve Davis Lane west of Brodie Lane includes widening Davis to about 500 feet east of Brodie to provide two westbound lanes at the intersection.
2. The project to construct West Gate Boulevard includes widening near the intersection at Davis Lane to allow for turn lanes.
3. The project to construct Davis Lane west of Leo Street includes widening Davis to about 500 feet east of Leo to provide two westbound lanes at the intersection.
4. Overlay portions between Brodie Lane and West Gate Boulevard that are not reconstructed with the above projects.

West Gate Boulevard improvements -

1. Construct the missing section of this roadway between Cohoba Drive and Cameron Loop.
2. Coordinate with AISD to improve circulation at Cowan Elementary through construction of two new of driveways to West Gate Boulevard with limited purpose median openings.

Miguel Medellin

From: Odufuye, Adewale <Adewale.Odufuye@austintexas.gov>
Sent: Friday, December 28, 2012 2:42 PM
To: Miguel Medellin
Subject: RE: West Gate Boulevard Roadway Extension Project

Miguel,

Good afternoon and compliments of the season. I got your messages but have been out of the office most of this week and the latter part of last week. The total cost of the West Gate Roadway Improvement is \$4,423,838.42 including all the change orders.

Please let me know if you need additional information.

Thanks,

Wale Odufuye, P.E.
Engineering Services Division
Public Works
512.974.7119

From: Miguel Medellin [mailto:mmedellin@songhaidev.com]
Sent: Friday, December 28, 2012 10:15 AM
To: Odufuye, Adewale
Subject: West Gate Boulevard Roadway Extension Project

Good morning Adewale,
I called and left a couple of messages for you. I was hoping you could help me. I wanted to get information on the total cost of the West Gate Boulevard roadway extension project. If you could please let me know the best way to get this information at your earliest convenience I would really appreciate it. Thank you. Miguel



Miguel Medellin
Development Manager

1106 Clayton Ln., Suite 551 W
Austin, TX 78723
(512) 452-5505 Office
(512) 739-4018 Cell
(512) 458-5565 Fax



City of Austin

Mayor Lee Leffingwell · 301 Willie Nelson Boulevard, Austin, Texas 78701 · www.mayorleffingwell.com
Office (512) 974-2250 · Fax (512) 974-2337 · Lee.Leffingwell@austintexas.gov

February 7, 2012

Tim Irvine, Executive Director
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701-2410

**RE: Songhai at West Gate TDHCA #12239
Economic Development Initiative & Community Revitalization**

Dear Mr. Irvine:

It is my understanding that the above-mentioned project within the City of Austin will be considered by the Texas Department of Housing and Community Affairs for support under various programs funded by and through the State of Texas. The purpose of this letter is to provide confirmation of economic development and community revitalization initiatives adopted by the City of Austin.

Economic Development Initiative

The City of Austin, through its Neighborhood Housing and Community Development (NHCD), has adopted housing and economic development initiatives. The mission of NHCD is to provide housing, community development, and small business development services to benefit eligible residents so they can have access to livable neighborhoods and increase their opportunities for self-sufficiency. To accomplish this mission, NHCD directly administers a variety of programs to serve the community's housing, community development, and economic development needs and provides grant funding to various agencies and non-profit organizations. The City has adopted an Opportunity Map to encourage upward economic mobility, access to better education and to de-concentrate poverty by targeting funding to areas based on a ranking from Very Low to Very High Opportunity areas. The development proposed in census tract 17.29 is located in an area identified as High Opportunity for funding.

Community Revitalization

The City of Austin, after input from neighborhood associations and public meetings, also adopted the West Gate Corridor Plan (the "Plan"). The Plan was meant to foster community transformation through long-term infrastructure improvements and enhancements. Specifically, the Plan provided enhancements that encouraged residential and retail development, connected pedestrian and bicycle lanes to existing infrastructures to the north and south, and eliminated previously existing transportation gaps for Capital Metro routes that is expected to result in proposed service changes that would lead to

increased service areas and improved service. The Plan was adopted in 2008 and is not a part of a consolidated plan or other economic development plan. The development proposed is located within the geographic area of the Plan.

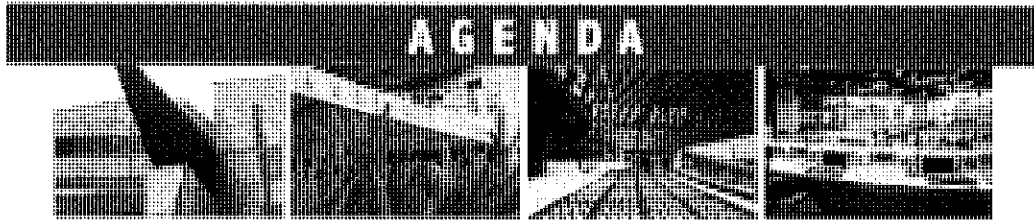
Affordable housing is a priority for the City of Austin, and this development will assist in meeting the community's goals for affordable housing for families living and working in Austin. It is not my intent to offer support to one Austin project over other Austin projects – it is my hope that all local projects would be funded – but simply to confirm that this project involves economic development and community revitalization initiatives adopted by the City of Austin.

Please let my office know if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Leffingwell". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lee Leffingwell
Mayor



Thursday, April 23, 2009

**Contract and Land Management
RECOMMENDATION FOR COUNCIL ACTION**

Item No. 7

Subject: Authorize the fee simple acquisition of 12,628 square feet for right-of-way and 28,275 square feet for a drainage sedimentation filtration easement out of the Theodore Bissel Survey No. 18, Abstract No.3 being a portion of Lot 20, Block F, Cherry Creek, Section 9-D1, a subdivision according to the plat of record in Book 86, Page 18D and 19A, located at 8701 West Gate Boulevard, from WILLIAM HOWELL AND WESLEY PEOPLES, for the West Gate Boulevard Project in an amount not to exceed \$132,016.

Amount and Source of Funding: Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department.

Fiscal Note: A fiscal note is attached.

For More Information: Lauraine Rizer 974-7090; April Thedford 974-7141

The West Gate Boulevard Roadway Extension Project was initiated to connect existing portions of West Gate Boulevard to the north and south of the project site, from Cameron Loop to Cohoba Drive. Benefits for this project include providing area residents greater north-south traveling access, allowing Cowan Elementary School to establish one-way traffic flow through the property, and connecting the bicycle network.

This new segment of West Gate Boulevard will meet Major Arterial Divided Road 4 (MAD-4) criteria. The width of the roadway will be 114 feet across and include sidewalks and bicycle lanes on either side of the road, four traffic lanes, and a median approximately 20-24 feet wide. A water quality detention pond will be constructed at the southwest corner of the West Gate Boulevard and Cameron Loop intersection. A water quality retention control and irrigation system will be constructed on an existing pond easement on the west side of West Gate Boulevard, near the intersection of West Gate Boulevard and Cohoba Drive.

The owner and the City of Austin have agreed to a purchase price of \$132,016 for the Street Deed and the Drainage Sedimentation Filtration Easement.



City of Austin
Contract and Land Management Department
Real Estate Services Division
P.O. Box 1088, Austin, Texas 78767
(512) 974-7080, Fax (512) 974-7088

October 17, 2008

Wesley J. Peoples & William B. Howell
7511 Fireoak Dr.
Austin, TX 78759

Re: NOTICE OF INTENT TO ACQUIRE

Project: Westgate Blvd Expansion Cameron Loop to Cohoba Dr.
Project No.: 4014.08

Dear Mr. Peoples and Mr. Howell;

The City of Austin Transportation Department is in the planning an extension of Westgate Blvd from Cameron Loop to Cohoba Dr. Westgate Blvd. will be a divided four-lane arterial with sidewalk, curb & gutter.

In order to accommodate the proposed improvements, a 7,740 sq. ft. of street or right-of-way and 6,454 sq. ft. of drainage easement is needed across the property owned by you located at 8700 Westgate Blvd. This area is more fully described in the attached **EXHIBITS "A" and "B"**. Please accept this letter as written notice from the City of Austin of its intent to acquire the referenced areas.

To keep the costs of this project to a minimum, we request that you donate the needed areas to the City of Austin. Donations will also expedite the granting of construction contracts and lead to an earlier completion of the project. If you would like to take advantage of this option, please let me know by October 27, 2008.

If you are unable or unwilling to donate the required easements, we will retain a qualified independent appraisal firm to determine the fair market value of the proposed acquisitions. Based on this appraisal, a determination of just compensation is made and that amount will be offered to you as compensation for the required easements. The appraiser will contact you to arrange an inspection of your property. Your cooperation with the Appraiser and any City representative is appreciated.

Construction on this project is estimated to begin on approximately June 15, 2009. Any assistance that you can provide to insure a timely response is greatly appreciated. Should you require additional information, I am available at (512) 974-7173 to address any questions or concerns that you may have.

You are hereby advised that the property being sought by the City of Austin is under the imminence of condemnation, as that term is used in the United States Internal Revenue Code. This statement is being included to retain certain tax benefits that you should discuss with your attorney or accountant.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dana Steinhauer'.

Dana Steinhauer, Property Agent
Real Estate Services Division
Contract & Land Management Department

EXHIBIT
A

Exhibit "____"
0.1777 Acre
May 11, 2007
Revised October 7, 2008
Page 1 of 4

Street Deed
Wesley J. Peoples and William B. Howell
Westgate Boulevard
C.I.P. No. 8071-6207-9056

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

FIELDNOTE DESCRIPTION, to accompany sketch of even date prepared by Capital Surveying Company, Inc., of a 0.1777 acre (7,740 square feet) tract of land in the Theodore Bissel Survey No. 18, Abstract No. 3, Travis County, Texas, being a portion of Lot 2 of Cherry Creek Section 9-B1, a subdivision of record in Book 86, Page 18B-18C of the Plat Records of Travis County, Texas, said Lot 2 conveyed to Wesley J. Peoples and William B. Howell by deed recorded in Document No. 2007123903 of the Official Public Records of Travis County, Texas, said 0.1777 acre tract of land is more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found for the northeast corner of the aforesaid Lot 2, being the southeast corner of Lot 1, Cherry Creek, Section 9-B1 subdivision and a point on the westerly, curving right-of-way line of Westgate Boulevard (90.00' right-of-way) as dedicated by plat recorded in Book 83, Pages 135C and 135D of the Plat Records of Travis County, said beginning point having Texas State Plane Coordinates, Central Zone (NAD 83/93), of N = 10042981.10, E = 3086915.38 and a combined scale factor of 0.999948;

THENCE, Southwesterly, with the common westerly right-of-way line of Westgate Boulevard and easterly line of said Lot 2, along a curve to the right, having a central angle of 41°09'52" and a radius of 860.35 feet (chord bears S30°08'49"W, 604.92 feet) for an arc distance of 618.12 feet to a ½" iron rod found at the end of said curve;

THENCE, S49°51'25"W, continuing with the common westerly right-of-way line of Westgate Boulevard and easterly line of said Lot 2, with a line non-tangent to the previous curved course, a distance of 24.00 feet to a ½" iron rod found for the common southeast corner of Lot 2 and northeast corner of Lot 3 of said Cherry Creek Section 9-B1 subdivision;

THENCE, N84°44'08"W, leaving the common westerly right-of-way line of Westgate Boulevard and easterly line of said Lot 2, with the common line between said Lot 2 and Lot 3, a distance of 17.62 feet to a ½" iron rod set on the proposed westerly right-of-way line of Westgate Boulevard;

THENCE, N50°44'02"E, leaving said common Lot line, across Lot 2 with the proposed westerly right-of-way line of Westgate Boulevard, a distance of 36.37 feet to a ½" iron rod set for the point of curvature of a curve to the left;

Exhibit "____"
 0.1777 Acre
 May 11, 2007
 Revised October 7, 2008
 Page 2 of 4

Street Deed
 Wesley J. Peoples and William B. Howell
 Westgate Boulevard
 C.I.P. No. 8071-6207-9056

THENCE Northeasterly, continuing across said Lot 19 with the proposed westerly right-of-way line of Westgate Boulevard, along said curve to the left, having a central angle of 41°04'34" and a radius of 848.33 feet (chord bears N30°11'44"E, 595.24 feet) for an arc distance of 608.18 feet to a ½" iron rod set for corner on the common line between Lot 2 and Lot 1 of the aforesaid Cherry Creek Section 9-B1 subdivision;

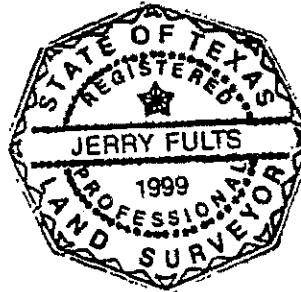
THENCE, S87°27'13"E, with the common line between said Lot 2 and Lot 1, a distance of 12.17 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 0.1777 acre (7,740 square feet) of land area.

Note: "½" iron rod set" denotes a ½" iron rod set with plastic cap marked "Capital Surveying Company, Inc."

Bearing Basis Note: The bearings described hereon are grid bearings based on the Texas State Plane Coordinate System, Central Zone, NAD 83/HARN Datum, as determined by GPS observation.

I, Jerry Fults, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the easement described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 7th day of October, 2008.



Jerry Fults

 Jerry Fults
 Registered Professional Land Surveyor
 No. 1999 - State of Texas

References

TCAD Parcel No. 0422230202
 Austin Grid ~~E-15~~ E-16

H:\Fieldnotes\Jerry\2007\0.1777.otg.doc Parcel 7

FIELD NOTES REVIEWED
 By: *[Signature]* Date *10/10/08*
 Engineering Support Section
 Department of Public Works
 and Transportation

**SURVEY TO ACCOMPANY FIELDNOTE
DESCRIPTION OF A 0.1777 ACRE
(7,740 sq. ft.) TRACT OUT OF THE
THEODORE BISSEL LEAGUE
SURVEY No. 18, ABSTRACT No. 3,
TRAVIS COUNTY, TEXAS**

CHERRY CREEK
SECTION 9-B1
BK. 86, PG. 18B-18C
T.C.P.R.

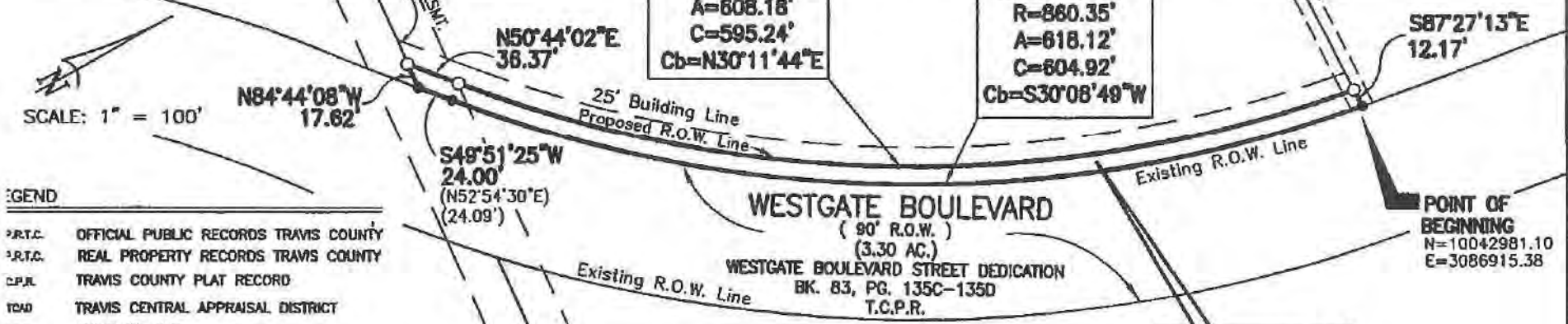
THEODORE BISSEL LEAGUE
SURVEY NO. 18,
ABSTRACT No. 3

PINEY CREEK BEND
(60' ROW)

LOT 3
(2.4570 AC.)
SOUTHLAND OAKS
MUNICIPAL UTILITY DISTRICT
VOL. 12841, PG. 661 R.P.R.T.C.
TCAD NO. 0422230203

LOT 2
(5.337 AC.)
WESLEY J. PEOPLES &
WILLIAM B. HOWELL
Doc. No. 2007123903 O.P.R.T.C.
TCAD NO. 0422230202

LOT 1
(4.3350 AC.)
SOUTHLAND OAKS
MUNICIPAL UTILITY DISTRICT
VOL. 12841, PG. 661
R.P.R.T.C.
TCAD NO. 0422230201



- LEGEND**
- P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY
 - R.P.T.C. REAL PROPERTY RECORDS TRAVIS COUNTY
 - C.P.R. TRAVIS COUNTY PLAT RECORD
 - TCAD TRAVIS CENTRAL APPRAISAL DISTRICT
 - L.O.W. RIGHT OF WAY
 - 1/2" IRON ROD FOUND (WITHOUT CAP) UNLESS OTHERWISE NOTED
 - 1/2" IRON ROD SET WITH PLASTIC CAP MARKED "CAPITAL SURVEYING CO. INC."
 - ▲ CALCULATED POINT
 - () RECORD INFORMATION

NOTES:
 1. THE COORDINATES SHOWN HEREON ARE GRID COORDINATES BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83/93 (HARN) DATUM. TO REDUCE THE DISTANCES TO GRID MULTIPLY BY COMBINED SCALE FACTOR OF 0.999948.
 THIS SURVEY IS ACCOMPANIED BY A FIELDNOTE DESCRIPTION OF EVEN DATE.

**PARCEL 7
0.1777 ACRES
(7,740 Sq.Ft.)**

I HEREBY CERTIFY THAT THIS SURVEY AND ACCOMPANYING FIELDNOTE DESCRIPTION REPRESENT THE RESULTS OF A RIGHT OF WAY SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT.

DESCRIPTION	DATE
REVISED OWNERSHIP	10-07-08

P.L.P. No. 8071-6207-9056

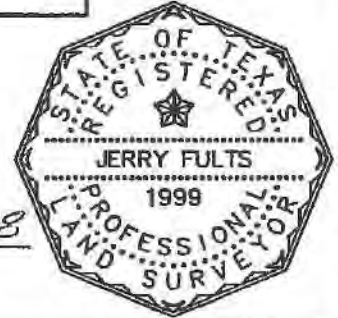
SHEET 3 OF 4



**CAPITAL
SURVEYING
COMPANY
INCORPORATED**
 Building C, Suite 100
 (512) 327-4008

Jerry Fults
 JERRY FULTS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 1999, STATE OF TEXAS

10-7-08
 DATE



**SURVEY TO ACCOMPANY FIELDNOTE
DESCRIPTION OF A 0.1777 ACRE
(7,740 sq. ft.) TRACT OUT OF THE
THEODORE BISSEL LEAGUE
SURVEY No. 18, ABSTRACT No. 3,
TRAVIS COUNTY, TEXAS**

TITLE COMMITMENT NOTES:

THIS SURVEY WAS PREPARED USING THAT INFORMATION CONTAINED IN THE TITLE COMMITMENT PREPARED BY CHICAGO TITLE INSURANCE CO.; GF No. 002700637, ISSUED MARCH 1, 2007, AND REFLECTS THE INFORMATION CONTAINED THEREIN WITH THE FOLLOWING EXCEPTIONS OR CLARIFICATIONS;

Schedule B:

- Item 1) Restrictive covenants of record in Volume 86, Page 18B, Plat Records of Travis County, Texas;
- Item 12) Title to all coal, lignite, oil, gas and other minerals in, under and that may be produced from the land, together with all rights, privileges and immunities relating thereto. (Subject to)
- Item 13) Building setback line, 25 feet in width located along the front lot lines of subject property as shown on the recorded plat of said addition. (Shown hereon)
- Item 14) A 7.5' public utility easement along the northwest and northeast property line as shown on Plat recorded in Volume 86, Page 18B, Plat Records of Travis County, Texas. (Shown hereon)
- Item 15) A 25' Shell pipeline easement along the southwest property line as shown on Plat recorded in Volume 86, Page 18B, Plat Records of Travis County, Texas, and granted in Volume 2257, Page 410, Deed Records of Travis County, Texas. (Shown hereon)
- Item 16) An open drainage ditch or enclosed storm sewer easement granted to the City of Austin, as recorded in Volume 8697, Page 702, Real Property Records of Travis County, Texas. (Does not Affect)
- Item 17) All of the terms, conditions and provisions of the Agreement dated 3/27/85, recorded in Volume 9167, Page 712, Real Property Records of Travis County, Texas. (Subject to)

C.I.P. No. 8071-6207-9056

SHEET 4 OF 4

CSCI

**CAPITAL
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La Porte Comprehensive Plan
2030, La Porte

Submission by Mariposa at
Pecan Park #13144



CITY OF LA PORTE PLANNING DEPARTMENT

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December 10, 2012

Jean Latsha
Texas Department of Housing & Community Affairs
221 East 11th Street
Austin, Texas 78701

RE: Revitalization Zone Serving the Proposed Mariposa Apartment Homes at Pecan Park

Dear Ms. Latsha,

I am writing you on behalf of the City of La Porte (the "City") regarding points awarded for Community Revitalization Plans ("CRP") in the 2013 Housing Tax Credit Application Round. Pursuant to our discussions in meetings you have had with myself and our Assistant City Manager, we assert the City meets the revitalization point scoring test, in part, required by TDHCA is its Qualified Allocation Plan ("QAP") for the above referenced site. Accordingly, the City requests the Texas Department of Housing and Community Affairs ("TDHCA") award Mariposa Apartment Homes at Pecan Park ("MPP") the maximum allowed points in which MPP would be eligible under the 2013 QAP for being located in a targeted revitalization area of the City. In addition the city would like to allocate the two discretionary points available under section 6(A)(ii)(III), Community Revitalization Plan, to MPP.

The City recently adopted the 2030 Comprehensive Plan (the "Plan") that includes, among other things, specific areas targeted for revitalization. The proposed MPP community, affordable housing for seniors aged 55 and older, is a use that is consistent with the Plan and is located in one of the areas targeted for revitalization by the Plan (see attached map). The City leadership, staff, and consultants have spent a great deal of time, effort and resources reviewing data, listening to public input and creating a strategy represented in the Plan. We anticipate that the Plan, with minor modifications from time to time, will be a valuable guide and resource as the City navigates the next 20 to 30 years.

The Plan has a number of goals including, but not limited to, encouraging revitalization of targeted areas and providing affordable housing for seniors. The Plan takes into consideration a number of the TDHCA required elements for CRP points, and while it may or may not fulfill all of the required factors, the Plan is a real plan and a meaningful and substantial plan and planning document for the City. The Plan encourages the City to create revitalization plans for

targeted areas and the City intends to create a meaningful revitalization plan that meets TDHCA CRP requirements where MPP is located. While the Plan is comprehensive and directly addresses revitalization, the short time frame between the adoption of the QAP and the CRP delivery date (Pre-Application submission in January 2013) does not allow for enough time to finalize the City's CRP.

The City supports the proposed MPP community and intends to create and implement a TDHCA compliant CRP in the near future. The City's CRP adoption process will, much like the current Plan, take public comment into consideration, follow an appropriate public comment processes and endeavor to commence revitalization activity in a timely manner. In addition, the City does not have reason to believe that the overall funding for or the full and timely implementation of the plan will be unavailable. The City has not developed a budget for the subject revitalization zone, but anticipates that the projected economic value of subsequent development resulting from the MPP project within the CRP efforts will exceed \$6,000,000,

The City has met with TDHCA staff to assure the existing revitalization efforts of the City agree with the rules set forth by the TDHCA. Without question the City's revitalization efforts currently underway are impactful and meaningful to the citizens of La Porte and to the City at large. Accordingly, the City requests the TDHCA authorize pre-clearance and/or a waiver of the rules for the City of La Porte's Plan and CRP efforts so that the MPP application can achieve the maximum allowed points under the 2013 QAP.

If you have any questions, please contact me at (281) 470-5056.

Thank you for your consideration.

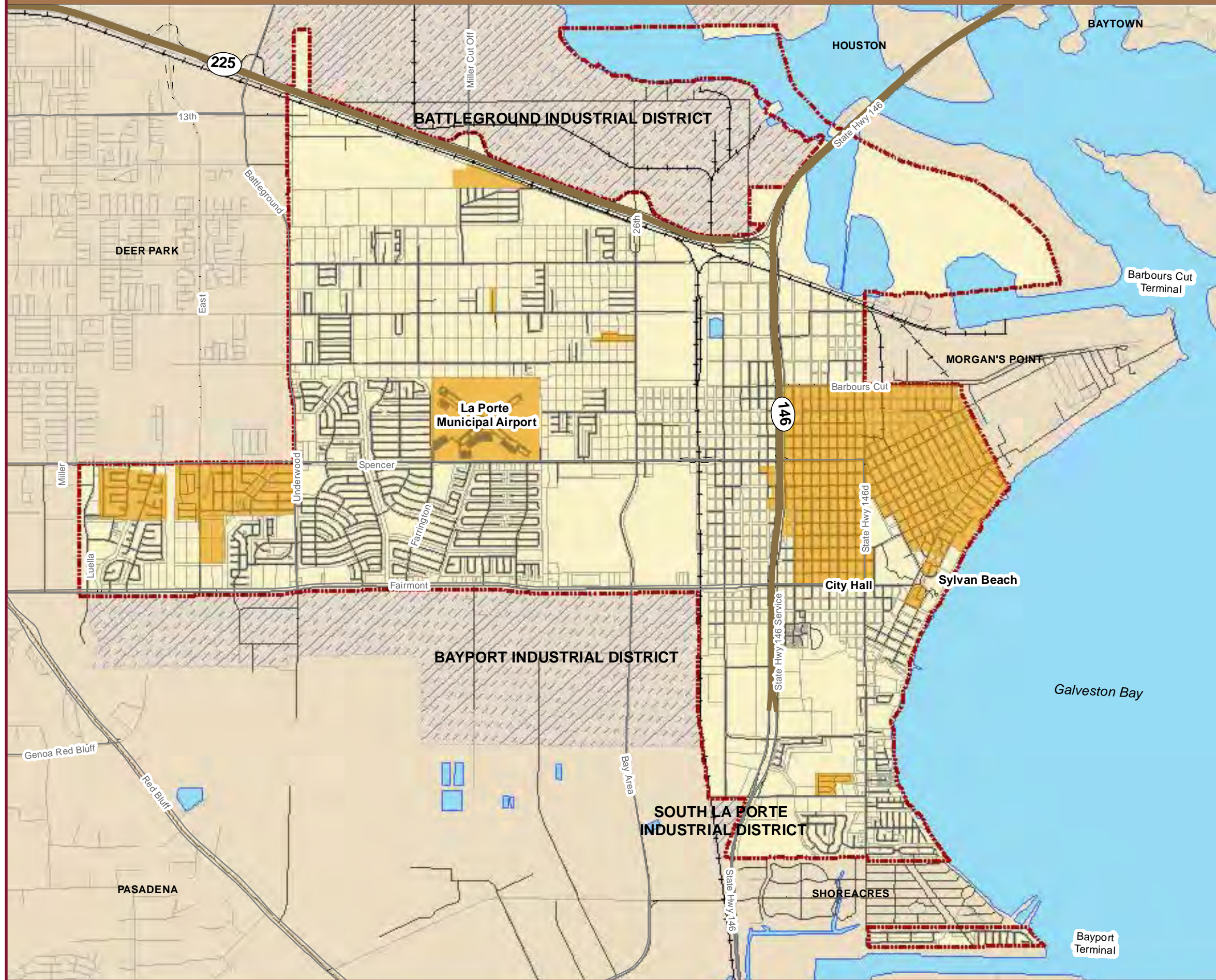
Sincerely,



Tim Tietjens
Planning Director

Attachments: Targeted Revitalization Area Map from the Comprehensive Plan
2030 Comprehensive Plan

Map 2.1 Revitalization Areas



Legend

- Revitalization Area
- Industrial Districts
- City Limits
- Water Bodies

N

0 0.25 0.5 1 Miles

PLAN CONTEXT

CHAPTER 1

The La Porte 2030 Comprehensive Plan is a 20-year master plan intended to serve as an official public document, adopted by the City Council, to guide policy decisions relating to the physical and economic development of the community. In general, the plan indicates how the community desires to develop and redevelop over the course of the next twenty years. The original version of the comprehensive plan was adopted in 1984 after extensive community involvement. Since that time, City Council and staff have been implementing that plan as intended. Even good planning, however, needs to be updated. To ensure the plan continued to represent the future of the community envisioned in 2001, the plan recommended updates at a minimum of five year intervals. In 2005, City staff evaluated the plan to update the goals and objectives, reflect progress and accomplishments, identify goals that required attention or deletion, and to recommend any additional goals that were needed to better achieve the 2001 community vision. In 2011, now 10 years into the implementation of the plan, City Council approved a second revision to the plan. Utilizing the firm foundations set in 2001, and as updated in 2005, this revision is more comprehensive in nature and includes an updated community vision to ensure that the City is still moving towards a future that represents the desires, needs, and aspirations of the community.

1.1 Introduction

The comprehensive plan is a physical plan; it is long-range; it is comprehensive; and it is a statement of the goals, objectives, and policies of the local government. It is intended to be inspirational; enough to challenge

the future of the community; but it provides clear direction through specific statements of action to achieve the desired results envisioned by citizens and the leadership of the community. In that context, this plan intends to answer the following questions:

- What are the adequate levels of public facilities necessary to meet the demands of future in-fill development and redevelopment;
- What should the future development pattern look like in order to reflect the values of the community;
- How can we best utilize some of our City's greatest physical assets, i.e., parks and trails, Main Street, Sylvan Beach, and the bayfront;
- How can we improve the image and visual appearance of the community; and
- How can we unify and mobilize our residents and leaders around a common vision and future direction?

Why Update?

"Planning is a dynamic process that must be continuously monitored and renewed as changes occur. The City's comprehensive plan must be flexible in responding to changing conditions and needs, yet steadfast in its vision and support for the community goals and objectives."

Source: Kendig Keast Collaborative

Why is Planning and this Update Important to La Porte?

Planning is the process of establishing goals and objectives, and determining the means by which these ends may be achieved. It enables the City to manage future growth and development actively as opposed to reacting to (re)development or infrastructure improvement proposals on a case-by-case basis without adequate and necessary consideration of community-wide issues. The comprehensive plan is a form of "local" planning, and it provides an opportunity for the City's elected and appointed officials to step back from pressing, day-to-day issues and clarify their ideas as to the kind of community they are trying to create and maintain. Through the plan development process, they can look broadly at programs for neighborhoods, housing, economic development, and provision of public infrastructure and facilities and how these efforts may relate to one another. The La Porte 2030 Comprehensive Plan represents a "big picture" of the City, one that can be related to the trends and interests of the broader metropolitan region, as well as the State of Texas.

Planning is often the most direct and efficient way to involve members of the public in determining the future of their community. The process of plan preparation provides an opportunity for two-way communication between citizens and local government officials as to their vision of the community and the details of how that vision is to be achieved. The plan results in a series of goals and policies that, ideally, will assist the City in administering development regulations; determining the location, sequencing, and financing of public improvements; and, in guiding reinvestment and

redevelopment efforts. The plan also provides a means of coordinating the actions of many different departments and divisions within municipal government.

Finally, planning is a dynamic process that must be continuously monitored and renewed as changes occur. The City's comprehensive plan must be flexible in responding to changing conditions and needs, yet steadfast in its vision and support for the community goals and objectives. It is precisely for this reason, that this update is important. Since the original plan adoption in 2001, La Porte has been and will continue to be affected and shaped by some fairly significant internal and external influences, changing conditions, and changing priorities, including, but not limited to:

- **Panama Canal Expansion Impacts.** In 2007, the Panama Canal Authority started on an ambitious project to double the capacity of the Panama Canal by 2014 by allowing more and larger ships to transit from the Atlantic to the Pacific and vice versa. Although 1,700 miles and over two years away, this project is already having significant influences on the City of La Porte. With the Port of Houston's Barbour's Cut and Bayport container terminals to the north and south of the City¹, much is being done by the public sector to maximize the future economic benefits stemming from the canal expansion, including widening and deepening the Houston Ship Channel² and the possibility of adding more rail lines.³ On the private side, it has been said that a significant number of new hotels have been constructed in La Porte over the past few years in order to accommodate increased numbers of shipman and other employees as the port traffic increases. There has also been an increase in warehouse and distribution center development and inquiries for other prospective port supporting businesses. Outside of land use issues (i.e., where will these be facilities placed?), there will also be an increase in heavy truck traffic that will have a direct effect on the community and its major arteries (including State Highways 146 and 225, Fairmont Parkway, among others).



La Porte is bookended by some of the busiest container terminals in the country.

Source: Port of Houston website.

¹ Port of Houston Website. <http://www.portofhouston.com/geninfo/facilities.html>. Retrieved 29 June 2011.

² Ibid. <http://www.portofhouston.com/geninfo/overview2.html#channel>. Retrieved 29 June 2011.

³ ABC News/KTRK-TV Website. <http://abclocal.go.com/ktrk/story?section=news/local&id=8210166>. Retrieved 29 June 2011.

The Bayfront – An Asset and a Liability

As discussed throughout the public participation process, the Bayfront is both an asset (for residents and tourists), but also a liability (for retail development). This is due to the fact that larger national chain and “big box” stores rely on established “trade area thresholds” which are identified in their retail market analyses. The “thresholds” oftentimes view bayfront areas as effectively halving the potential trade area (market loss) needed to development and sustain a retail establishment.

Source: Kendig Keast Collaborative.

- **Economic Sustainability.** Economic sustainability was one of the topics that repeatedly surfaced during the Small Group Interviews. Many times it was framed in the terms of a lack of availability and diversity of commercial retail, restaurants, and other non-industry business opportunities within City limits. Concerns were expressed over the lack of retail shopping opportunities, the amount of tax money being generated just outside of City limits (and conversely, not being generated to support the City of La Porte’s tax base), and the apparent disinvestment of certain types of businesses (e.g., the recent closings of the automobile dealerships, among others). Finally, there was a general concern that there was not much that could be done to resolve these problems (see inset); that it was an unsolvable dilemma that has been and will continue to plague the community due to being land-locked, not enough rooftops to generate commercial investment, and too much industry was deterring other forms of land use investment. The other part of economic sustainability is being able to accommodate the normal, but major shifts in local business and regional and global trends (e.g., a dwindling feedstock). For a geographic area that is so closely tied to the industry, this requires a dual approach that both promotes the expansion of existing industry (e.g., the petrochemical industry), but also plans for further economic diversification.

- **Need for a New Collective Vision.** When the original comprehensive plan was adopted in 2001, there was a defined consensus about what La Porte should be in the future. The vision (see inset) talked about La Porte becoming a “first-class community” by focusing on family and youth, committing to sustainability, celebrating its history, balancing land uses, among other things. In the past 10 years, there are many positive examples around the City where the vision has been implemented, such as the recent upgrades to the City’s cultural and recreational resources. However, during the public participation efforts of this update process, the members of the community made it abundantly clear that there is a need to once again seek unity as to their vision for the future of La Porte. Presently, there are diverging opinions on several fronts. By way of a few examples, many expressed great need for increased access and availability to commercial retail and other businesses within City limits, others felt those needs were sufficiently provided just outside City limits. Many expressed approval of the City’s recent investment in the Main Street, while others felt that the City was not doing enough to bring back Main Street. The value and purpose of this plan is to reengage the

citizenry and then reframe a vision that will guide La Porte’s future directions.

- **Need for More Resiliency Planning.** In 2008, the Texas Gulf Coast was struck by Hurricanes Gustav, Dolly, and Ike, as well as Tropical Storm Eduardo, all of which occurred in a span of less than 60 days. Just three years prior, the Texas Gulf Coast was also struck by Hurricane Rita. Each of those hurricanes caused damage to homes, personal property, businesses, and the environment (see inset). Out of those hurricanes, Ike caused the greatest impacts to La Porte, and in many ways the City has yet to fully recover.⁴ While history shows that the upper Texas Gulf Coast will always live with a constant threat of these natural disasters, research shows that there are ways for cities to reduce or even avoid many of the impacts of these storms. First by examining the effects and greatest areas of vulnerability; followed by the incorporation of long-term mitigation strategies and implementation tools into the comprehensive plan (and other master plans, e.g., master drainage plan) policies and its implementing regulations. The evidence shows that such things as modern building and floodplain codes work when adopted and enforced.⁵ While the City has already been proactive in many areas, a comprehensive and coordinated approach to resiliency planning is addressed by this plan to ensure that such items as land use (e.g., protection of natural resource areas for surface water retention or transfer) and the built environment (e.g., requiring underground utilities) are working in tangent with the City’s own capital projects.
- **Landlocked; Focus on Infill and Quality.** As part of the public participation process and interviews with City staff, it was indicated that La Porte’s City limits are going to stay the same during the 20-year planning horizon. Much of the City is already bounded by other municipalities, i.e., Deer Park, Pasadena, Morgan’s Point, and Shoreacres. In addition, the City has interlocal agreements with the Battleground, Bayport, and South La Porte Industrial Districts. (See **Map 1.1, Study Area**) As such, the City’s focus must be to provide the appropriate infrastructure and services necessary for developing the remaining areas and redeveloping underutilized areas. Hence, the City can prioritize its funds to increase the quality and reliability of services, as well as focusing on other important quality of life improvements.

⁴ Federal Emergency Management Agency (FEMA), Hurricane Ike Impact Report, December 2008. http://www.fema.gov/pdf/hazard/hurricane/2008/ike/impact_report.pdf. Retrieved 13 July 2011.

⁵ Ibid.

Need for Resiliency Planning

On September 13, 2008, Hurricane Ike devastated the Texas Gulf Coast.

Estimated losses in La Porte:

- 3,861 residential units substantially damaged or destroyed
- \$11 million in commercial damage
- \$2.9 million in damage to infrastructure and facilities

Source: Hurricane Ike Impact Report.



- **Timely Planning Opportunity.** The original 2001 Comprehensive Plan was drafted with a 20-year planning horizon. To ensure that the plan remained a valid representation of the community’s vision, it included recommendations to undergo updates at five year intervals. Now, just over halfway through the 20-year planning horizon, it is both practical and timely to take a more in-depth look at the planning recommendations, the progress to-date, and to reassess the vision to see whether or not the community’s vision and aspirations for the future have changed in the past decade.

All combined, these influences and more, have the ability to change the character and feel of La Porte. So why is this update important? This mid-plan, comprehensive update, allows the City to celebrate its accomplishments over the past 10 years, determine major and minor course corrections, and to proactively respond to (i.e., embrace and accommodate; or mitigate) changing influences, conditions, and priorities; all to ensure that the quality of life continues to improve and sustain the citizens of La Porte.

The process required to create this comprehensive plan and its updates may prove more valuable than the plan itself since the documents are just snapshots in time. The planning process involves major community decisions about how much and where development and redevelopment will occur, the pattern and character of that future development, and the community’s capability to provide and maintain the necessary public services. This leads to the pivotal discussions about what is “best” for the City and how everything from taxes to “quality of life” will be affected.

1.2 Demographic, Historical, and Economic Snapshots

See *Demographic Snapshot* and *Historical and Economic Snapshot* for a demographic, historical, and economic snapshot of the City of La Porte.

1.3 Envisioning the Future

A vision is the first step toward understanding the past, recognizing existing circumstances, collectively deciding on a preferred scenario, and setting a course of action for realizing what is envisioned in the future. This community vision documents citizens’ expectations for “tomorrow” and

⁶ Michael Chandler is a planning consultant based in Richmond, Virginia. He is a former Professor and Community Planning Extension Specialist at Virginia Tech and co-founder of the Virginia Institute for Planning Commissioners.

forms a framework by which each individual element of this plan follows. It is long-range and intentionally idealistic as a means to stretch the imagination of what is possible. Casting a vision allows the community to come together to decide what it will be like in 20 years and to put a plan in motion to achieve it.

As part of the “visioning” process that occurred during the development of the original Comprehensive Plan, a consensus “vision” was developed and subsequently guided Council and staff policy and decision-making for the past 10 years (see inset). Evident today, however, is that the community is no longer in agreement as to the future directions. As such, a “visioning” process was conducted during this update resulting in a new consensus vision; one that will continue to be refined through the course of the planning process.

The first step in the visioning process is to assess where the community had been in the past. This effort involved a review of the existing comprehensive planning and other demographic and socio-economic information (refer to the Demographic, Historical, and Economic Snapshots). The profile offers a glimpse of where La Porte has been in the past and where it is today. This analysis set the tone for community discussions and the overall visioning effort.

Stakeholder Interviews. The vision development process consisted of several opportunities designed to generate conversation among citizens regarding their current perceptions, but, more importantly, their expectations for the future. The first opportunity was a series of interviews with community stakeholders, which occurred over the course of two days. In all, over 60 citizens participated in this process, including a session specifically designed to engage the community’s youth. The purpose of these small group interviews was to solicit the input of residents concerning common perceptions, issues, problems, opportunities, constraints, assets, and challenges of the City. This input was invaluable in understanding the underlying issues and needs of the community and, specifically, the values and priorities of those who know best – citizens, Council/Planning and Zoning Commissioners, neighborhood and civic organizations, community service organizations, business and industry leaders, major landowners and developers, and other community leaders.

The input received through the interview process was used to formulate the Vision Statement outlined in this chapter. In addition, all of the subsequent

What is a Vision?

To have a vision means to look ahead: to imagine or dream the future – to create in our minds something beyond our present reality – is a distinctly human skill. History has shown that seeing something in the mind’s eye is often the first step to actually achieving it.

As used in planning visioning, visioning is a process by which a community envisions its preferred future. It chronicles the hopes, dreams, and aspirations of a community and helps citizens to agree on what they want their community to become.

Source: Michael Chandler⁶



plan elements are specifically crafted to address the issues, problems, and improvement needs that were identified through the interviews.

During the course of each stakeholder interview, discussion was facilitated in order to encourage and allow participants to speak candidly. In some groups, discussions developed and took on a life of its own through the participants' own initiation; in other cases, a series of open-ended questions were asked to prompt participants to express both their concerns, as well as their vision for a positive future. Open-ended questions were posed to capture the answers to some of the following questions:

- What do you consider to be the greatest assets of living and working in La Porte?
- What are the downsides, if any, to living and working in La Porte?
- What are the most important issues facing La Porte today, as well as what may the community confront in the future?
- What do you envision La Porte being and looking like in 20 years? What is your vision?
- What are the "barriers" or obstacles to progress for the City?
- What do you consider to be the highest priority improvement needs and/or projects over the next 10 years and then longer term?
- How might the City develop in a better and more fiscally responsible manner in the future?
- In what ways could the City be more supportive of business growth and retention?
- Where do you see the greatest potential for improving the appearance and image of the community? Where are good and not-so-good examples of quality development?

As part of the visioning process, the La Porte Planning and Zoning Commission was also asked to provide their input on La Porte's future; first, by using a single word to describe their vision of La Porte in the future, and second, by going through a strengths, weaknesses, opportunities, and threats (SWOT) analysis. Their input is displayed in **Figure 1.1, Planning and Zoning Commission Vision Participation**.

Figure 1.1, Planning and Zoning Commission Vision Participation

ONE WORD FUTURE

- Unity
- Vibrant
- Dynamic
- Family
- Joy
- Blossoming
- People
- Opportunity

SWOT ANALYSIS

STRENGTHS

- Diversity
- Small town character
- Open access
- Dept. Heads/Bus. Owners live in area
- Diversity of housing
- Running, walking, and bicycling opportunities
- Strategic location for ports (centrally located)
- Families
- Employment opportunities to ensure kids have future employment opportunities
- Other employment opportunities
- Welcoming
- People helping people
- Coastal; by the bay
- Waterfront access
- Schools
- No brain drain
- Access to colleges & other higher education institutions
- Dual enrollment with high school and San Jacinto College
- Lomax Park Arena
- Sylvan Park and the beach
- Festivals
- Growing Main Street
- Five Points Town Plaza

WEAKNESSES

- Lack of diversity of restaurants
- Families relocating out-of-City
- Low self esteem
- Lack of self-promotion to own City residents
- Loss of community newspaper
- Resistant to change
- Truck traffic
- Lack of retail opportunities
- Lack of rooftops
- Not proactive in attracting new residential
- Disincentives to redevelop
- Negative perception

OPPORTUNITIES

- Sylvan Beach area redevelopment; possibility adding restaurants and other commercial
- Canal expansion will bring new business and expand choice
- More rail opportunities
- Resiliency planning

THREATS

- Truck drive-through area
- Short-term profits vs. long-term economic sustainability
- **Port Encroachment**
- Adjacent political decisions
- **Air quality**
- **Hurricanes**

Source: La Porte Planning and Zoning Commission.

Our Vision

After assembling the ideas and aspirations heard during the public meetings, a new vision emerged to guide La Porte's future (see inset). This vision incorporates the shared understanding of the nature and purpose of the community and uses it to guide City leaders and staff in their decision-making, and to galvanize the citizens so that everyone is moving towards the same greater purpose – which is achievement of the community's preferred future.

Vision

By the year 2030, La Porte envisions itself as a dynamic, vibrant, business-, tourism-, and family-friendly community that has recaptured its historical roots of being "by the bay."

We're La Porte. We're By the Bay. It's Who We Are.

La Porte envisions achieving this by leveraging both its greatest strengths and uniqueness – its strong business base, its proximity to the greater Houston metropolitan area and access to the bay, and most importantly, its people; all to create a highly livable, quality, and sustainable community where people have the opportunity to find joy in all aspects of their lives – living, working, and playing – right outside their front door.

Source: Visioning Process

Glimpse of Our Future

Based upon our core aspirations and our vision, a snapshot of our future would look like this:

Our economy is economically diverse and stable. We have facilitated new residential in-fill development that broadened our diversity of housing, brought in the needed "rooftops;" yet required them to be designed in a way that maintained our sense of small town character. This was the first step in enabling us to grow our commercial retail and business opportunities, which enlarged our regional presence and captured a more significant share of spending by residents, workers, and tourists. Our workforce is well-educated and highly trained, made possible by continued strategic partnerships between La Porte and Clear Creek ISDs and San Jacinto College, and easy access to other colleges and higher education institutions. There are better employment opportunities for our youth and for all residents as they mature in their careers. We have coordinated with our industry (e.g., Battleground, Bayport, and South La Porte Industrial Districts) and intergovernmental partners (e.g., Port of Houston Authority, La Porte and Clear Creek ISDs, San

Jacinto College, Harris County, among others) to sustain and grow our economy by improving the movement of goods and people in ways that embrace our community character and respect the value and enjoyment of living and working in La Porte; while at the same time, improving the appearance of our corridors. A refocus on our historical roots increased tourism to the area which spurred a coordinated reinvestment in our Main Street and Sylvan Beach areas through better connections, redevelopment, and marketing. All of which further broadened our tax base.

Our government has become a top notch municipal corporation, known for finding the right balance between progressiveness and innovation in achieving our vision of a highly livable, quality, and sustainable community, while remaining diligent with our tax dollars and strategic about our expenditures. We continued our investment in those areas that improved our quality of life. We completed our redevelopment of all parks and recreation areas across the City, and we invested in new parks (e.g., a recreational fitness center on the west side of town). We continued our investment in the trail system by completing the remaining six miles of the 20 mile system. Now we have a fully interconnected system of sidewalks and community trails, which provides City-wide and region-wide access to parks, places of work, and other community gathering areas. Our government has continued to sponsor City-wide cultural events that have helped to develop a unified sense of community for all of La Porte. Our existing infrastructure has been maintained and well-planned so that we continue to have adequate facilities and services. The transportation system has improved local and regional mobility, not only on our roadways, but on our rail network, trail system, bus routes, and airport. We have continuously improved the water, wastewater, and drainage systems to meet guidelines and to provide the necessary operating capacities to serve expanded and new industries, which have continued to give us a competitive advantage over less prepared communities. Our excellent public safety services have continued to make us feel safe. Finally, an overall, unyielding commitment to excellence has permeated through all levels of staff, which has resulted in greater responsiveness to our needs and for those who visit or do business within City limits.

Our character and appearance has continued to improve over the past 10 years through aggressive implementation of our vision. First and foremost, a continued emphasis on the appearance of our gateways and corridors has had a dramatic effect on the image of the community. Our recent gateway improvements, denoted by significant entry features, have



been expanded outward through enhanced roadway beautification efforts, better litter control, and improved buffering and design controls of the abutting land uses. We have successfully coordinated the efforts of the public and private sectors to finish the infrastructure improvements to Main Street, finished development of the Town Plaza at Five Points, and fully implemented the improvements to S. Broadway Avenue and Texas Avenue, as planned for in the La Porte Beautification Master Plan. The resulting reinvestment demonstrated to the private sector the community's resolve to achieve a highly livable, quality, and sustainable community, and resulted in increased private sector investment through such projects as the Gateway Project to La Porte (Fairmont Parkway and Canada Road), and throughout the entire City. Consequently, our overall community now exhibits a character that better reflects our expectations, improved our collective self-esteem, and enhanced our external image.

1.4 Contextual Framework

What is the Purpose of this Comprehensive Plan Update?

This master plan is an important policy document because it is:

- **Visionary.** It lays out a broad, long-term vision with associated goals and recommendations regarding future investment, resiliency, and enhancement of the community;
- **Comprehensive.** It considers the entire geographic area of La Porte, including how the City ties into the surrounding areas, e.g., neighboring municipalities, industrial districts, and port terminals; and
- **Short- and Long-term.** It assesses near- and long-term needs and desires across a variety of inter-related topics that represent the key building blocks of La Porte (e.g.; land use, growth management, mobility, housing and neighborhoods, economic development, parks and recreation, utility infrastructure, and public facilities and services).

Where does the Authority Come From?

Unlike some other states, municipalities in Texas are not mandated by state government to prepare and maintain local comprehensive plans. However, Section 213 of the Texas Local Government Code provides that, "The governing body of a municipality may adopt a comprehensive plan for the long-range development of the municipality." The Code also cites the basic reasons for long-range, comprehensive community planning by stating that, "The powers granted under this chapter are for the purposes of promoting sound development of municipalities and promoting public health, safety and welfare." The Code also gives Texas municipalities the freedom to

“define the content and design” of their plans, although Section 213 suggests that a comprehensive plan may:

- include but is not limited to provisions on land use, transportation, and public facilities;
- consist of a single plan or a coordinated set of plans organized by subject and geographic area; and
- be used to coordinate and guide the establishment of development regulations.

Chapter 211 of the Local Government Code authorizes municipalities in Texas to adopt zoning regulations in accordance with a comprehensive plan. In this way, zoned cities like La Porte are called to have a comprehensive plan. According to the state statutes, the zoning regulations must be designed to:

- lessen congestion in the streets;
- secure safety from fire, panic and other dangers;
- promote health and the general welfare;
- provide adequate light and air;
- prevent the overcrowding of land;
- avoid undue concentration of population; or
- facilitate the adequate provision of transportation, water sewers, schools, parks and other public requirements.

As seen in the inset, the City has codified the relationship between the guiding principles of the comprehensive plan and the implementing regulations.

How to Use this Plan

This master plan, as embraced by both the community and its leadership, is envisioned to take the City to a new level in terms of its preparedness, livability, and the achievement of prioritized outcomes. However, it is important to understand that this master plan in and of itself is incapable of accomplishing the vision, strategies, and objectives articulated within. Rather, the plan is merely a guidance document for City officials and staff who must make decisions on a daily basis that will determine the future direction, financial health, resiliency, and ultimately, the look and feel of the community.

These decisions are carried out through:

- targeted programs and expenditures prioritized through the City’s annual budget process, including routine, but essential, functions such as utility maintenance (including staffing to administer and manage those functions);

Planning Charge

Section 106-3 of the La Porte Code of Ordinances references the City’s Comprehensive Plan and its use by City government.”It is the policy of the city that the enforcement, amendment, and administration of this chapter be accomplished with due consideration of the recommendations contained in the comprehensive plan as developed and amended from time to time by the planning and zoning commission and the city council of the city. The commission recognizes the comprehensive plan as the policy established by the city planning and zoning commission and the city council, respectively, to regulate land use and developments in accordance with the policies and purposes herein set forth.”

Source: La Porte Code of Ordinances.

Getting to Action

This master plan must go beyond general and lofty goals. While everyone may agree, progress will only occur if the plan establishes a policy framework and provides guidance as to the implementation steps necessary to achieve success.

Source: Kendig Keast Collaborative

- major public improvements and land acquisitions funded as capital outlays in the City's annual budget;
- new and amended City ordinances and regulations closely linked to the master plan objectives (and associated review and approval procedures in the case of subdivisions and zoning matters);
- departmental work plans and staffing in key areas;
- the pursuit of external funding to supplement local budgets and/or expedite certain projects; and
- initiatives pursued in conjunction with other public and private partners to leverage resources and achieve successes neither may accomplish alone.

Despite these avenues for action, this master plan should not be considered a "cure all" for every problem. On one hand, this master plan primarily focuses on the responsibilities of the City in the physical planning arena, where it may have a more direct and extensive role than in areas such as education, social services, and arts and culture. As a necessity, this master plan remains relatively general in terms of its vision and policy statements; and while it may not touch on every individual challenge before the City, it is meant to motivate concerted efforts to move the community toward action and achievement of its stated goals and vision. It must also be pointed out that the full realization of the vision cannot be achieved by City officials and staff alone; rather, it will take an equal amount of initiation, motivation, and support from the residents who also believe in what the planned future will bring.

It is also important to distinguish between the function of the master plan relative to the City's development regulations. The master plan recommends overall policy for future land use, community character, roads and utilities, parks and open space, and other aspects of community growth and development. The City's zoning and development regulations establish standards in conformance with the master plan for the physical subdivision of land, the layout of new street and building sites, and the design and construction of roads, water and sewer lines, storm drainage, and other infrastructure. In other words, the master plan sets the direction, and the zoning and development regulations are a large part of how it is implemented.

Citizen Involvement – Early and Often

To facilitate the process of creating this master plan update, the City engaged Kendig Keast Collaborative, urban planning consultants, and appointed the Planning and Zoning Commission as an advisory committee, to work with City officials, staff, residents, and the consultants. The Planning and Zoning Commission was specifically chosen as the advisory body because Section 213.003 of the Texas Local Government Code explicitly indicates that adoption or amendment of a comprehensive plan can only occur after review by the City’s Planning and Zoning Commission. In addition, the appointed board already has a role in the zoning and land development.

The ability to implement the master plan is directly correlated to the sense of ownership derived from the process. The master plan contains many components and serves numerous functions, such as providing information, identifying existing conditions and characteristics, and establishing policies and strategies.

As graphically illustrated in **Figure 1.2, Public Involvement in the Planning Process**, the public involvement strategies included:

Planning and Zoning Commission Meetings. The Planning and Zoning Commission was chosen to provide strategic direction for the project. Their meetings were open to the public and posted on the City’s website; project materials under consideration were made available to the general public pre- and post-meetings.

Mayor/Council Interviews. Input from the City’s elected leadership was solicited to ensure the plan incorporates their values and directions for the future; as the community has already placed their trust in their guidance and decision-making abilities. Further, the City’s elected leadership is a barometer of the area they represent.

Key Personnel Interviews. Many interviews were conducted with department heads and other staff from key departments who have a role in implementing many of the components of the master plan.

Figure 1.2 – Public Involvement in the Planning Process



Source: Kendig Keast Collaborative



Youth Engagement

One of the small group charrettes that was held was focused on receiving input directly from La Porte's future – its youth. Their understanding of the community was tremendous and their feedback was pertinent to both understanding and solving the City's greatest issues. In general, they were proud of City's recent quality of life improvements, their schools, and their community.

Conversely, there was concern about the City's abandoned buildings, the increased truck traffic, and the prevalence of litter. In addition, many of them expressed that there was a lack of summer jobs and places for teenagers to socialize together within City limits. There was also concern about the separation between East and West La Porte, but offered solutions on how to achieve better unification.

They felt that despite the recent improvements, there was still a lot of work to do. Yet, the community was headed in the right direction.

Source: Youth Engagement Small Group Charrette.

Small Group Charrettes. Input from residents, land and business owners, and City officials occurred through small group charrettes that were held over the course of two days. These hour-long charrettes pushed attendees to think about the issues and future they envisioned, and the information obtained was used throughout the planning process.

City Council Involvement. City Council briefings were held in October 2011 and February 2012 to update them on the activities to date. As not only the approval body, but also the chief implementing agent, the City Council was involved throughout the process.

A priority-setting workshop with members of the Planning and Zoning Commission and City Council was held in February 2012 to engage in a discussion about the on-going process and to gather feedback. Analysis of the draft document allowed for establishing near- and long-term priorities for plan implementation. The results of this workshop are incorporated into **Chapter 6, Implementation**.

Over a period of 10 months, a variety of public outreach and involvement activities were completed, and individual elements of the master plan were drafted, reviewed, and refined to produce a document for public and official consideration. Throughout the process, citizens were able to review the latest updates on the City's website and provide feedback to City staff. Residents were also able to voice support or opposition at the public hearing.

1.5 Plan Priorities

One of the most important tasks in developing a plan is to determine the key issues that the community needs to address. The reconnaissance efforts early in the process, combined with staff and citizen input resulted in a formulation of a list of priorities in which the remaining chapters of this plan address. These include:

- **Development of a Consensus Vision and Direction.** As mentioned in the Vision section of this chapter, the citizens and City officials once again needed to determine their preferred future. As such, a new "visioning" process was conducted during this update which resulted in a new consensus vision.
- **Determining Strategies to Achieve the Vision.** Once the consensus vision was determined, the focus of the planning efforts turned toward

La Porte



determining the appropriate strategies to achieve the new vision. The strategies are detailed in the remaining chapters of this plan: Land Use and Character, Infrastructure and Growth Capacity, Community Mobility, and Economic Development. Finally, the strategies are prioritized for near- and long-term action in the Implementation Chapter.

- Community Character and Image.** The general public and City officials are cognizant of the need to enhance the image of the City. Residents voiced a myriad of concerns about La Porte’s character and appearance, especially citing the desire to beautify the corridors. La Porte’s zoning, land use regulations, and other development ordinances, also warrant updating to achieve the community character or aesthetic quality desired by residents. The City has recently undertaken some self-initiated enhancement and beautification programs along its mains corridors; however, to sustain a quality, attractive environment will require improved (yet reasonable) development standards (see inset).
- Quality of Life Improvements.** During the public participation efforts, discussion routinely turned to the recent quality of life improvements, e.g., expansion of the trail system, the new spray-ground-playground at Brookglen Park, improvements to the three civic and recreation centers, the opening of Pecan Park, completion of the Gateway Project, and reinvestment in the Main Street area, to name a few. It was clear that these quality of life improvements had positively excited all facets of La Porte; with residents and business owners being equally enthusiastic. This plan will address what quality of life improvements are needed and where and how they fit into the overall prioritization list for implementation (see inset).
- Addressing Mobility Issues.** There are numerous challenges that La Porte must face regarding its mobility system. The most significant is how to accommodate increased truck traffic stemming from the expansion of the Panama Canal, while being responsive to residents’ quality of life concerns regarding the same. Equally as significant, will be the transition of State Highway (S.H.) 146 into a six-lane, limited access segment of the Grand Parkway (although not an officially designated part of the project); a 170 mile third loop around the Houston metropolitan region. On a smaller scale, this plan will address such issues as signal timing, an increased demand for more walkable streets (via sidewalks and the City-wide trail system), and how the regional circulator system fits into the overall mobility system for La Porte.



Many residents supported the City in being proactive in using necessary controls to prompt property owners to rehabilitate abandoned buildings located within the City.

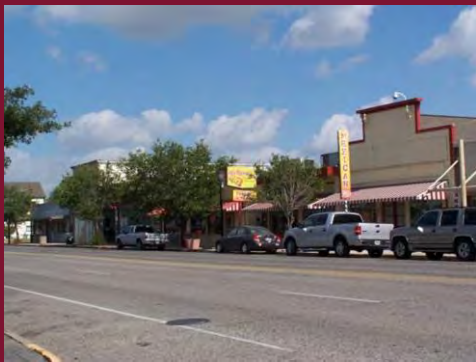
Source: Kendig Keast Collaborative.



Excitement for the recent quality of life improvements, like this new trail segment, permeated throughout the public participation process.

Source: Kendig Keast Collaborative.





Through a well-planned and coordinated effort, Main Street will help to recapture the City's place as a top tourism destination.

Source: Kendig Keast Collaborative.

- **Future Direction – Main Street.** Like the Sylvan Beach area, Main Street and the downtown area, have a great ability to change the fabric of the community and are an important part of the City's economic development efforts. As part of the City's investment, they worked in partnership with the La Porte Economic Development Corporation and recently completed the Gateway Project, the Five Points Town Plaza, and other infrastructure improvements. As a result of this investment, Main Street is on the cusp of attracting new businesses. To stitch these improvements together in a well-coordinated manner and to compliment them with an overall economic and redevelopment strategy; a downtown master plan is warranted. This plan would expand upon the general guidance of this plan to spell out the specific improvements, funding needs and sources, and organization to accomplish its own vision (see inset).

- **Future Direction – Sylvan Beach/Bayfront Areas.** The 2001 Comprehensive Plan referred to the bayfront area as the City's "forgotten area." Recently, the City partnered with Harris County, the Texas General Land Office, and the Army Corps of Engineers to renourish and expand Sylvan Beach Park. The citizens loved the reinvestment and the youth indicated that it was one of top places they could hang out in within the City. However, it was clearly articulated during the public participation efforts, that the community feels that the Sylvan

Beach area has yet to reach its potential as a top regional tourism destination. A limitation often cited was a lack of "other" things to do near Sylvan Beach; no places to eat or shop. Further, both physical and cultural connections to the greater community could be made. Some view these factors as limiting La Porte from recapturing that "city by the sea" image. As part of this planning effort, important decisions must be made as to the future of this area, e.g., **coordinating with the county** to determine future of the Sylvan Beach Pavilion damaged by Hurricane Ike, and determining if and when the City is ready to commit to its principal attraction. As seen in the inset, these are not new issues – they just need to be further addressed in this plan (see inset next page).

Future Direction of the Bay Front



“The bay front at La Porte is underdeveloped. This is due to the fact that the bay front is fragmented by many small lots with individual owners. Most of the existing structures along the bay are older and many are in disrepair. Old piers and pilings litter the coastal waters. There is virtually no commercial or retail activity along the bay front so that when people come to La Porte, they are not even aware of the bay since La Porte lacks a “city by the sea” feeling and atmosphere.”

Source: 1984 Report to City Council from the Community Facilities Committee (5-Year Community Facilities Plan).

- Meeting Future Housing Needs / Aging Populations.** La Porte’s population, like the greater population in general, is growing older. As such, there will be an increased demand for adequate services and resources for “aging in place.” Problems in housing will become increasingly evident now that the first wave of baby-boomers is entering retirement; this is because Post-World War II suburban housing was primarily designed for young working families, not an older population. While the current housing stock in La Porte does not meet the needs of an aging population looking to “age in place,” there is an opportunity to facilitate new development (e.g., a New Urbanism development could be one appropriate example as it promotes diverse, compact, mixed-use communities where residential housing areas would have universal design accommodations, low maintenance responsibilities, and walkable connections to La Porte’s main commercial areas) that may be better suited to accommodate this demographic shift (see inset).
- Unifying the Two La Porte’s.** During the public participation efforts, repeated conversations turned to the fact that there exists a separation of east and west La Porte. Often it was expressed in simple statements



An aging population, like these La Porte residents at the Senior Center, may require adaptations to the City’s zoning and development regulations.

Source: City of La Porte website.

such as “the 30,000 residents on the west side of La Porte, do not even know La Porte exists.” This was not a criticism of the people; rather, it is a broader indication that there is a lack of connectedness between the newer neighborhoods in the west, and older well-established neighborhoods in the east that surround historic downtown and the bayfront areas. This has been further exacerbated by the loss of the local newspaper. This plan addresses strategies to achieve greater unification between the east and west, so that all residents in La Porte understand and feel what it means to be “by the bay.”

- **Continued Commitment to Long-Range Planning.** The La Porte 2030 Comprehensive Plan (and the 2005 and 2010 updates) is a principal part of the City’s overall planning process, which involves all facets of the community. This plan represents an important step toward achieving the vision and desired goals of the community. The plan is not a static document, but rather must be a continuous process to gather, evaluate and make informed decisions based upon constantly changing conditions. As such, the plan is intended to be reviewed annually, and updated at frequent intervals to maintain its accuracy and applicability to current conditions and characteristics of the community. At a minimum, the plan should continue to be updated every five years to ensure that it still reflects the true vision and direction of the community.



1.20

LAND USE AND DEVELOPMENT

CHAPTER 2

As expressed in Chapter 1, Plan Context, La Porte will continue to be affected and shaped by significant internal and external influences, changing conditions, and changing priorities. This chapter and subsequent chapters are intended to emphasize how the City can proactively respond to the influences and conditions through policy and recommended programs, ordinances, and investment to ensure the community in 20 years embodies the future the citizens envision – a quality, sustainable, and highly livable community. This chapter also introduces the concept of “community character,” which considers more than the use of land, including the elements of site and building design, the influence of adjacent sites, and use and integration of open space, and the impacts and relationships between sites and the built and natural environments. It emphasizes that the City could consider the transition of community character at some appropriate time in the future.

2.1 Introduction

The purpose of this chapter is to establish the necessary policy guidance to enable the City to plan effectively for its future infill development, redevelopment and revitalization, and character enhancement while respecting the existing land use pattern. Sound planning is essential to ensure the community is prepared for anticipated (and needed) infill development, can serve it adequately with public services, and can manage its impacts to maintain compatibility of land uses and preserve and enhance community character. Along with the background, goals, and strategies in this chapter, the Future Land Use Plan visually depicts the City’s policies, particularly its priorities for

2001 vs. 2012 Plan Comparison

2001	2012 Update
Ch. 4, Land Use	Ch. 2, Land Use and Development
Ch. 7, Parks and Recreation	
Ch. 9, Residential Development	
Ch. 10, Beautification	
Ch. 12, Redevelopment	

well-planned infill development, protection of neighborhood integrity, and enhancement of La Porte's appearance. To ensure the outcomes expressed by this plan, it is important to follow the guiding principles, visions, policies, and action recommendations set forth; all of which will aid the Planning and Zoning Commission and City Council in their decision-making.

2.2 Focus Areas, Goals, Actions & Initiatives

Throughout the planning process, a number of issues and concerns were expressed relating to land use compatibility, infill on the few remaining developable tracts, redevelopment of vacant buildings or underutilized properties, Sylvan Beach and waterfront, neighborhood protection and revitalization, and corridor design and appearance. These discussions formed the basis of the following focus areas, along with an analysis of existing conditions and review of current programs, plans, and ordinances. Each focus area contains contextual information, key planning considerations, goals, (and their rationales), and advisable implementation actions and initiatives. The areas of focus are as follows:

- **Focus Area 1** – Transitioning to a Built-Out Community;
- **Focus Area 2** – Quality Neighborhoods and Housing;
- **Focus Area 3** – Enhanced Community Character; and
- **Focus Area 4** – Adequate Parks, Recreation, and Open Space.

Focus Area 1 – Transitioning to a Built-Out Community

Over the 20-year planning horizon of this plan, much of the remaining developable land in La Porte will be built out. As this occurs, the City's focus will shift from new development on the City's western periphery to smaller-scale infill development, as well as redevelopment and revitalization of the City's existing older sites and structures. As identified during the public participation process (including feedback from the City Council and Planning and Zoning Commission), there are already areas that are in need of revitalization. These areas are displayed in the **Map 2.1, Revitalization Areas**, and include such areas as the vacant car dealerships along State Highway 146 South Frontage Road and certain residential areas like those located in the area around Downtown and the Spenwick Subdivision, among others. To reverse the disinvestment in these areas, it will require the City to establish and administer a pro-active and ongoing program for revitalization.

Generally, revitalization programs can comprise "one or more public actions that are undertaken to stimulate activity when the private market is not providing sufficient capital and economic activity to achieve the desired level of improvement. This public action usually involves one or more measures such as direct public investment, capital improvements, enhanced public

services, technical assistance, promotion, tax benefits, and other stimuli including planning initiatives.”¹

So, what is the difference between redevelopment and revitalization? Typically, redevelopment is transformative in nature and may be undertaken by the private sector without any active public involvement beyond the government’s traditional regulatory role. For example, a developer could make application to demolish and redevelop the vacant car dealership properties along State Highway 146 South Frontage Road to develop a mixed-use development or business park. In certain instances however, public sector incentives, (e.g., decreased regulatory barriers, streamlined permitting, reduced fees, etc.), may also be warranted to facilitate the likelihood of private sector reinvestment.

Revitalization, in contrast, is more related to an infusion of public funds intended to facilitate the return of a building and/or property to a useful state by repair, alteration, and modification with **the purpose of preventing further blight from occurring**. Generally, it can be acquired through private sector; demolition; or removal of certain buildings and improvements; installation, construction, or reconstruction of streets, utilities, and other public improvements; and rehabilitation of certain suitably located but structurally substandard buildings. On the commercial side, it may include establishing programs to rehabilitate aging and underutilized retail facilities by providing financial incentives to existing retail shopping centers for enhancements. The program could be retention-focused with a primary goal of rehabilitating retail facilities, i.e., improving their aesthetic, architectural, and functional appeal. The intent of this type of program is to attract new retail business that would generate additional sales tax revenue and enhance the vitality of the area. On the residential side, a revitalization program could include providing grants and/or low-interest, deferred, and/or forgivable loans for building code violations, health and safety issues, essential repairs and upgrades of major component systems (e.g., electrical, plumbing, roofing, heating), and other general improvements (e.g., exterior finishes). It could also include public investment in an overall neighborhood by improving streets, sidewalks and crosswalks, pedestrian lighting, parks, drainage, etc. The intent of this type of program is to ensure residents are living in decent, safe and sanitary homes; and that both individual homes and the neighborhood, collectively, are able to maintain or increase the area’s property values.

¹ American Planning Association (APA) Policy Guide on Public Redevelopment. <http://www.planning.org/policy/guides/adopted/redevelopment.htm>. April 25, 2004.



A revitalization program could provide public investments to improve aesthetic and architectural appeal of vacant or underutilized commercial properties, e.g., this is a ‘before and after’ example of a rehabilitation project in Carrollton, Texas.

Source: Photos courtesy of the City of Carrollton website.



The photo on top depicts an example in La Porte that may warrant redevelopment, while the photo on the bottom depicts an area that may warrant revitalization.

Source: Kendig Keast Collaborative.



Sugar Land Town Center is an example of a mixed use infill development project.

Source: Kendig Keast Collaborative.

Infill development will also play a primary role during the 20-year planning horizon since the City is bound by industrial districts and the limits of other municipalities. Therefore, new development and redevelopment will likely occur in the few remaining vacant or under-utilized parcels adjacent to or within already developed areas. While these remaining areas could be developed using the same policies and regulations that shaped the last 20 years of City growth; it is an opportune time to re-examine how the City facilitates and regulates development, particularly because of an articulated interest to increase residential rooftops and commercial retail opportunities. A successful infill development program must go beyond the piecemeal development of individual parcels; to focus on how the remaining areas may be assembled and developed into the existing community fabric, i.e., creating a healthy mix of uses (that add both vitality and convenience for residents) that are designed and built in a way to improve compatibility while offering additional choices in living and new business opportunities.

Benefits of mixed-use infill development include a more compact form of development, which is less consumptive on land and resources and offers increased convenience and mobility for those who cannot or prefer not to drive (e.g., the elderly, youth, or low income residents who lack a car). Infill development also has a positive impact on the City's budget as vacant properties are added to the tax rolls, less infrastructure is required, and existing facility operation and maintenance costs are able to be spread across more residents and commercial businesses (which is a benefit for individual taxpayers, too). In addition, as discussed later in this chapter, infill development provides the City an opportunity to increase the supply of housing types available within the City. This remaining housing supply will have to be developed in a way that

meets both the needs and purchasing power of the City’s existing and future residents.²

As discussed later in this chapter and throughout this comprehensive plan, two ways to facilitate successful infill development are to adhere to the principles of Smart Growth and to consider a character-based approach to zoning and land development.

Key Planning Considerations

Key planning considerations for transitioning to a built-out community in the coming years include:

- 1) Careful planning for the build-out of remaining developable areas following Smart Growth principles. (see inset)
- 2) Responding to the expressed desires for ‘centers’ and focal points, whether in the form of Main Street improvements or through development of mixed-use nodes and neighborhood centers.
- 3) Taking steps to make redevelopment/revitalization efforts attractive in older areas of the community, including incentives and potential relief from regulatory provisions geared toward new development.
- 4) Emphasizing neighborhood integrity and protection as both residential structures and streets and other local infrastructure continue to age.
- 5) Stepping up efforts to revive and/or promote re-use of vacant and obsolete retail properties.
- 6) Ensuring adequate standards and oversight of infill development on scattered parcels.
- 7) Building upon strategic public investments, such as the recent development of Five Points Town Plaza, revitalization of the Sylvan Beach and waterfront, and the community-wide hike and bike trail system.
- 8) Working to reduce the leakage of retail spending just outside the community by encouraging and providing incentives for more sit-down restaurants and other retail-oriented opportunities that residents wish to patronize locally.

Based on these planning considerations, the following goals, actions, and initiatives are intended to address the specific issues and needs identified during the public participation process (and outlined in **Chapter 1, Plan Context**).

² Municipal Research and Services Center of Washington. Report No. 38 – Infill Development Strategies for Shaping Livable Neighborhoods. June 1997. <http://www.mrsc.org/Publications/textfill.aspx>. Retrieved on August 31, 2011.

Principles of Smart Growth

- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Encourage community and stakeholder collaboration
- Foster distinctive, attractive communities with a strong sense of place
- Make development decisions predictable, fair, and cost effective
- Mix land uses
- Preserve open space, natural beauty, and critical environmental areas
- Provide a variety of transportation choices
- Take advantage of compact building design

Source: Smart Growth Online.



GOAL 1: Provide additional attention and resources to promote new infill development and redevelopment/revitalization of established areas.

Redevelopment/revitalization efforts require cooperative action to encourage new and sustained private investment and to provide supporting rehabilitation of public infrastructure. A key part of the process is determining the strategic actions and initiatives the community should take to achieve its redevelopment goals and objectives. Successful redevelopment will often require cooperation and coordination between agencies at different levels of government, as well as non-profit community organizations. This should include coordination of physical improvements with social service programs that aim to enhance the health and economic capacity of residents in targeted neighborhoods. There are several sizeable undeveloped and underdeveloped parcels within the City that provide opportunities for infill development where streets and utilities already exist or may be readily extended. There are also many individual lots that may be developed. In addition, there are several areas that warrant consideration of redevelopment or revitalization during the 20-year horizon of this plan.

Action and Initiatives

- 1) Conduct individual redevelopment or revitalization plans for those areas identified on *Map 2.1, Revitalization Areas*. These plans should be created in partnership with the City, land and business owners, adjacent property owners, and other stakeholders to determine the most appropriate courses of action to improve these areas.
- 2) Determine the appropriate zoning of infill development tracts and initiate rezoning as appropriate. Zoning actions should be in accordance with the *Future Land Use Plan*, and care must be taken to ensure that the neighborhood character is preserved and compatibility with existing uses is observed.
- 3) Review and amend the City's development ordinances to identify and resolve regulatory impediments to infill development, redevelopment, and revitalization. Incorporate standards that are unique and applicable to these sites.

GOAL 2: Continue investment in the Main Street, Sylvan Beach, and the original town area around Downtown.

As identified throughout the public process, through previous planning efforts, e.g., the City of La Porte's Economic Development Strategic Plan, and as expressed by the City's Main Street Program, the Greater Downtown, Sylvan Beach and waterfront of La Porte has and will continue to play a significant role in the City's long-term future. Enhancing this and the surrounding areas will encourage economic growth and improve the quality of life for City residents.

"The Greater Downtown of La Porte offers a unique opportunity to link multiple destinations that serve a broad market. The prospects to grow synergistically two different kinds of retail markets (destination and local service), a tourism base, and downtown living, can establish La Porte as one of the best place in Houston Region to live and visit.

Source: City of La Porte Economic Development Strategic Plan. Chapter 3. May 2009.

Action and Initiatives

- 1) Prepare a master plan for the Greater Downtown area. The purpose of the plan is to establish a clear and collectively supported vision and then an implementation framework to guide reinvestment and new investment in the Greater Downtown area of La Porte, including the areas of Main Street, Sylvan Beach and waterfront. This plan should build off the City's revitalization initiatives in Downtown (e.g., Five Points Town Plaza, the San Jacinto off-street trail/sidewalk, and the City/County improvements at Sylvan Beach and waterfront), identifying opportunities to bolster Downtown as an attractive and lightly functional center of activity based on its unique assets. The plan should identify the appropriate land uses and the arrangement and form of development/redevelopment, along with well-planned and designed improvements to streets and parking areas, vehicular and pedestrian access and circulation, streetscape the amenities, signage, lighting, and infrastructure upgrades. In addition, this master plan should:
 - a) Assess the constraints to redevelopment and the effective use of Downtown properties and buildings. Such factors as land and buildings ownership, traffic and pedestrian circulation, parking, building sizes, building code issues (such as ADA accessibility), lease rates, and other contributing factors should be addressed in the plan.
 - b) Address the fringe and/or transitional areas immediately adjacent to identify measures to secure their integrity.
 - c) Include details on the use of design elements and unifying treatments (could include wayfinding signage), in addition to the gateway monuments, to demarcate the boundaries of this area so that it is distinguished from other areas of the community.
- 2) Consider revising regulatory provisions in the Main Street District to ensure new development creates an urban form. This could include:
 - a) Modifying the Main Street purpose statement to include intent of creating a human-scaled urban form comprised of mixed uses.
 - b) Specifying front yard setback provisions as build-to lines, rather than an "average of the existing structures on that side of the street on the same side of the street or the setback of the closest structure on an adjacent lot." The existing provisions will not ensure an urban form over the long-term.





Expressed through the sentiments of many who participated in the public participation process, there is a strong desire for the future of Main Street to become a community attraction. The above illustrations depict a pedestrian-friendly streetscape environment as examples of the types of improvements that could happen in Downtown La Porte.

Source: Chapter 10 of the 2001 La Porte Comprehensive Plan.

c) Specifying minimum and maximum height requirements as an urban form requires a visual sense of enclosure. The current provisions only specify that a maximum height is to be determined.

d) Adding some level of building standards relating to scale and massing, materials, exterior treatments, site lighting, and signs and awnings.

3) Continue to monitor investor interest in Downtown residential projects, including attached single-family, multi-family, and residential-over-retail opportunities. Work with private interests to pinpoint and remove or reduce barriers to new development and redevelopment in and around Downtown. Additional ownership housing options are needed, but such housing alternatives need to be planned and permitted by-right.

4) Continue to work with the Economic Development Corporation (EDC) to offer Main Street Enhancement Grants to provide matching funds to enhance existing buildings in the Main Street District, including façade rehabilitation or enhancement; new awnings, canopies, porches, and signage; and other beautification projects.

5) Continue partnering with the county and other stakeholders in the redevelopment of the Sylvan Beach area (e.g., the rehabilitation of the Sylvan Beach Pavilion and other such improvements) so that the park grows as a local attraction (and local amenity) similar in quality to the one envisioned in the 2004 Sylvan Beach Park Master Plan.

6) Continue to pursue an array of waterfront public/private development projects (e.g., restaurants and other retail opportunities, conference facilities, among others) to compliment the beach park and fishing activities and to generate additional revenues.

Focus Area 2 – Quality Neighborhoods and Housing

La Porte's long-term future is inextricably tied to its housing availability and conditions. Housing is central to almost any discussion about City affairs, no matter whether the discussion is on economic development, desire for additional local commercial retail opportunities, or the ability to walk from one neighborhood to another. While one challenge is to sustain the integrity of existing housing, another is to address future housing needs. Having a diverse stock of housing – new and old, big and small – is instrumental in offering choice and providing for the individual needs of all households, regardless of economic stature. Besides price and location, another consideration is the design of

neighborhoods. The areas that were developed in the late 1960s (with the Spenwick Subdivision) departed from the established town settlement patterns near the core of the City. New housing development and redevelopment needs to reflect a growing demand for neighborhood-style patterns that are once again, integrated into the existing fabric of the community.

Key Planning Considerations

Key planning considerations for ensuring quality neighborhoods and housing include:

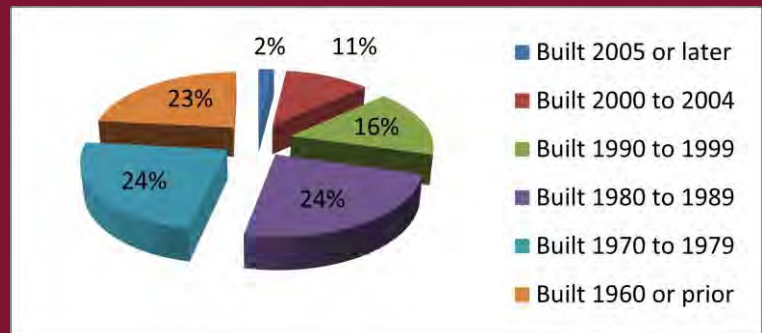
- 1) Addressing “life cycle” housing needs by offering a wider range of housing types and price ranges so that residents can make lifestyle transitions as they age (e.g., from “starter” housing into a larger dwelling to accommodate a family, then into an “empty nester” situation, and finally into a down-sized space and/or “assisted living” or full-time care facility as health conditions dictate.
- 2) Encouraging mixed-use, compact, and pedestrian-oriented developments that can serve the “node” function desired by residents and include types of amenities currently absent in La Porte (e.g., walkable residential/commercial mixed use areas).
- 3) Emphasizing neighborhood integrity and protection as both housing structures and streets and other local infrastructure continue to age.

Based on these planning considerations, the following goals, actions, and initiatives address the specific issues and needs identified during the public participation process (and outlined in *Chapter 1, Plan Context*).

GOAL 3: Protect the integrity of existing neighborhoods.

Neighborhoods are one of La Porte’s greatest assets as they form a foundation for a sound quality of life. Strengthening neighborhoods through organization, communication, coordination, and education is a key for maintaining and improving livable neighborhood environments. Established, stable neighborhoods must be preserved and protected from encroaching incompatible development while new neighborhoods should be developed in accordance with Smart Growth. In essence, neighborhoods that are safe, well-maintained, and are of a quality, enduring character, will maintain property values and thus, a sound neighborhood environment and stable residential tax base.

Percentage of Housing Constructed by Year



Although La Porte had the lowest percentage of housing stock constructed before the 1970s for all the comparison cities, the county, and the state (see the Demographic Snapshot located in Chapter 1), this chart illustrates that at least 50 percent of the City’s housing stock is 30 years or older, which corresponds to the time period when housing starts to **show signs of blight** and could benefit from increased maintenance or rehabilitation.

Source: US Census Bureau 2005-2009 ACS.



The City can greatly enhance the quality of life for its citizens by enacting ordinances and incentives to protect and enhance the integrity of its neighborhoods. Mechanisms to improve the quality of neighborhoods may include ordinances focused on neighborhood conservation; provision of improved or updated public facilities and services such as streets, sidewalks, trails, neighborhood parks, street lighting, drainage systems, pedestrian amenities, traffic control, neighborhood policing and fire protection; enforcement of codes and ordinances; providing support for the creation or the organization of qualified neighborhood organizations by providing technical assistance with private restrictions and/or conducting special neighborhood studies (including redevelopment and/or revitalization plans); providing funds for neighborhood improvements, and, generally investing or reinvesting in the community's neighborhoods.

Actions and Initiatives

- 1) Consider an annual registration of neighborhood, home-owner, and tenant associations so that updated contact information can be maintained and used to disseminate important community-wide information (including such things as nearby development applications or rezonings, capital improvement projects, and applicable ordinance changes).
- 2) Consider formalizing a neighborhood-oriented planning program to:
 - a) Assist developers in their preparation of covenants and restrictions for new development.
 - b) Ensure private common areas and amenities are adequately maintained in perpetuity.
 - c) Implement neighborhood watch programs; this may be done in coordination with the La Porte Police Department's Police Area Representative (PAR) program.
 - d) Help older communities develop neighborhood plans, which may include elements that would normally be required for a housing grant submittal and could, thus, be very effective as a grant administration tool. Such a plan would highlight potential development/redevelopment sites, infrastructure improvements, increased buffering (to mitigate such things as noise from increased truck traffic), links to important off-site amenities, etc.
 - e) Establish and facilitate an annual city-wide neighborhood, home-owner, and tenant association meeting to gather input on how to better coordinate efforts and develop partnerships while seeking mutual benefit.
- 3) Expand and promote increased awareness of the City's program on traffic calming. This could include notifying the neighborhood, homeowner, and tenant



An example of an existing street calming project in La Porte.

Source: Kendig Keast Collaborative.

associations about the program, increasing available funding, and expanding the types of calming measures available, e.g., speed humps, bulb-outs, raised cross-walks, chicanes, etc.

- 4) Provide technical planning support for established neighborhoods. Such support could address issues related to open space preservation, street and sidewalk improvements, traffic control, crime prevention through environmental design (CPTED), code enforcement or navigating the available housing programs.
- 5) Consider modifying existing codes to improve compatibility between commercial areas and abutting residential properties. This could include adding bulk and scale limitations (e.g., residential in scale); better design sign, and lighting controls; improved buffering, among others.

GOAL 4: Promote opportunities for neighborhood improvement and housing stock rehabilitation of the housing stock.

The community must remain cognizant of its older housing stock as rehabilitation and reinvestment will become increasingly important to the integrity and vitality of neighborhoods, particularly in the older areas around Downtown, as well as in some areas throughout the community. Comments by residents during public participation indicated concerns about some of these areas being “not well kept.”

Actions and Initiatives

- 1) Encourage redevelopment in target areas through programs that target lots that are abandoned or have recently demolished structures so that those lots are put back onto the market and tax rolls.
- 2) Consider forming a target-area community investment program focused on all infrastructure improvements (e.g., sidewalk installation in addition to repair, driveway culvert cleaning and replacement, alley improvements, tree trimming, parking restrictions, shielded street lighting or other improved pedestrian lighting, added greenspace, improved public streetscape/ landscape areas, new signage, etc.) within at-risk neighborhoods. This would be an expansion of the current program that provides dedicated funding for sidewalk repair and maintenance. The purpose of this program is to provide a dedicated source of annual funding for use in making infrastructure improvements and leveraging private reinvestment through rehabilitation, building additions, and/or infill development.
- 3) Consider the use of tax abatement, reduced building permit or utility tap fees, and other financial programs or incentives to elicit private sector reinvestment.
- 4) Consider the use of an advocacy program to aid in code compliance (e.g., violations such as weeds, debris, and junk vehicles) rather than citing noncompliant property owners. A key element may be



Pursue both code enforcement compliance through citations and advocacy programs to reduce **negative signs of blight**, e.g., trash, junk vehicles, etc.

Source: Kendig Keast Collaborative.

- the cross-training of enforcement advocacy officers in conflict management/resolution or the creation of useful information packets listing sources of help for homeowners who are in violation of City codes.
- 5) Promote neighborhood pride by stimulating resident involvement in improvement activities, including:
 - a) Seasonal “clean up, fix up” events;
 - b) “Neighborhood Pride” days focusing on beautification; and
 - c) Annual “amnesty pickup” days of large refuse items with the assistance of City crews and volunteers.
 - 6) Seek the participation of churches, civic organizations, schools, and businesses in neighborhood improvement and revitalization efforts.
 - 7) Continue the program of identifying and demolishing substandard structures; coordinate demolition with a proactive and effective program to provide incentives for home building on empty lots. This may include marketing these properties on the City’s website, coordinate private sector to revitalize, streamlining the permit approval process, and reduced permitting fees.
 - 8) Strengthen the ability for local organizations, e.g., Sheltering Arms Senior Services, Inc., to support weatherization and energy efficiency improvements in existing neighborhoods. The Weatherization Assistance Program (WAP) is sponsored by the Texas Department of Housing and Community Affairs and helps low-income persons, particularly the elderly and persons with special needs, control their home energy costs. Local organizations need additional support so that more weatherization improvement options are made available. The City may also actively support these local organizations by partnering with them on grant applications or hosting weatherization open houses or organizing energy-efficiency audits.
 - 9) Continue to apply for Community Development Block Grant (CBDG) funds, HOME Grant funds, or other grant or loan programs to **create or rehabilitate affordable housing for low-income households.**
 - 10) Continue to coordinate with and help to promote housing assistance programs of the Southeast Texas Housing Finance Corporation and the Harris County Community Development Agency.

GOAL 5: Ensure affordable and sufficient housing options in the future.

The availability and affordability of different housing options leads to a higher quality of life. In general, as more types and affordable housing options are supplied, a greater number of residents will be able to live and work in La Porte. Therefore, anticipating and meeting future housing demand is essential for the City’s economic development success, and planning will enable the community to respond effectively to the needs of a variety of market segments, from young singles and newly married couples to large families, empty nesters, seniors, and retirees looking to downsize.

The City currently has a narrow range of owner-occupied neighborhoods and housing types, with the current mix being predominantly single-family detached residential dwellings. Indeed, as displayed in the *Demographic Snapshot* in Chapter 1, La Porte has the highest percentage of one-unit structures (84 percent), which is higher than all the comparison cities, the county, and the state. This leaves little room for choice among housing types. In the future, aging residents may desire to have more housing options available, including maintenance free condominiums and additional assisted living and continuing care facilities. In addition, units marketable to households that are “downsizing” should be permitted and encouraged in appropriate locations. Examples of these varied units are depicted in the inset, which may include duplexes, patio homes, townhomes, and multiplexes. This does not mean that there is not a market for single-family homes; rather, it means that future development should incorporate more housing diversity so that existing and future residents will have sufficient options, from large lot single-family dwellings (e.g., in the Lomax area), to residential above retail lofts, live/work units, and attached living.

Lack of affordability is a concern. When there is a **lack of affordable housing options** available, it increases individual and/or family distress and is considered to have negative effects on a community’s overall health. The City recognizes the need to ensure that all of La Porte’s residents enjoy access to quality and affordable housing within livable and attractive environments. Maintaining livability as the City transitions to an infill and redevelopment focus will require creativity and a willingness to coordinate efforts. The qualities that make La Porte an attractive place to live are also making La Porte an expensive place to live. Increasing housing prices creates obstacles for low-income households and threatens to push residents to unsatisfactory housing options. The inability to find housing locally poses a hardship for households seeking an affordable home, as well as employers seeking employees.

Actions and Initiatives

- 1) Encourage life-cycle housing options in new developments that will offer alternatives to existing and future residents. New development and redevelopment should include more than one housing type, with ordinance provisions for increased open space as separation and buffering and other standards to ensure compatibility. A combination of housing options and lot sizes will result in a diversity of housing choices – choices that will be useful in attracting and keeping singles, younger families, and older residents.



Duplex



Patio Home



Townhouse



Mutlplex

Future development/redevelopment efforts should place greater focus on diversifying the housing stock within the City, by including some of the above alternate housing types.

Source: Kendig Keast Collaborative.

- 2) Consider incorporating accessory dwelling units in the zoning ordinance, along with appropriate provisions governing their use and compatibility. They are common and increasing in popularity in many communities to accommodate elderly parents or relatives (i.e., “granny flats”), young adult family members wanting to live independently but close by, or students in need of basic, low-cost housing.
- 3) Consider adopting design standards for high-density residential development, which may include provisions for building form and scale, articulated building walls, building orientation, architectural detailing, roof types and materials, façade enhancements, and acceptable building materials, as well as site design standards regarding landscape surface, parking location and arrangement, bufferyards, and site amenities.
- 4) Consider establishing an average, rather than minimum, lot size in the residential districts whereby lot sizes are required to vary in width, with a certain percentage being narrower and the remaining being wider than the average. For example, the average lot size may allow a variability of 10 percent.
- 5) In appropriate locations where increased open space is desired or needed to preserve resource features (e.g., wetlands, tree stands, drainage channels) or to protect compatibility between adjacent developments, consider allowing flexible site design and low impact development options that permit alternative treatment of utilities and infrastructure. There can be significant cost savings to development from flexible site design and cluster development techniques, which translate into reduced lot and house prices (e.g., reduced linear feet of street, pipe, sidewalk; fewer street lights, fire hydrants; reduced stormwater management needs; etc.).

6) Maintain a Large Lot residential district (i.e., the Lomax Area) so that those seeking larger-lot living arrangements with a more open feel be accommodated within City limits.

7) Considering providing a density bonus to offset smaller units or attached housing in order to avoid significantly affecting the feasibility of the residential development. Density bonuses are a type of housing production program where projects are granted additional residential density over and above the maximum limit allowed by existing zoning, with the condition that the additional housing is restricted to occupancy by a certain target group and that the units remain affordable over time.

8) Continue sponsoring the **Bay Area Habitat for Humanity** program as one method of increasing **housing affordability** within the City. (see inset)



Continue sponsoring **Bay Area Habitat for Humanity (BAHFH)** houses to ensure an adequate availability of **affordable housing** within the City. By 2011, BAHFH has completed 22 houses in La Porte including the one pictured above.

Photo source: Bay Area Habitat for Humanity website.

Focus Area 3 – Enhanced Community Character

The appearance of La Porte is the single most evident glimpse of its economic vitality, government proactiveness, and civic pride. The initial impression is formed by the quality of development, property upkeep, condition of public facilities, amount and quality of public spaces, and the design of roadways and other public buildings and infrastructure. Visual appeal reinforces the quality of life for those who reside in La Porte, as well as those making investment decisions.

The City has a window of opportunity to enact policies and standards that influence the quality of its natural and built environments. Without a plan and development standards to accentuate the design of corridors, districts (like Downtown), neighborhoods, and open spaces, there may be a sense of “sameness” in the community with little to distinguish it from the surrounding cities. The City’s character and appearance (i.e., the City’s image) was among the concerns expressed throughout the public process. Indeed, the character of new development and redevelopment will contribute to the community’s image and may affect the City’s ability to attract and maintain new investment.

Finally, aesthetic enhancements such as the design of buildings, landscaping and screening, sign control, and site amenities also contribute to enhanced community character.

Key Planning Considerations

Key planning considerations for enhancing community character include:

- 1) Pursuing opportunities to create unique, signature areas in the community (particular destinations, corridors, public facilities, parks and open space areas).
- 2) Enhancing first impression and “front door” appearance by focusing on the aesthetic treatments at community entries.
- 3) Coordinating gateway improvements so that a consistent, high-quality appearance exists at all entry points to the City.
- 4) Enhancing wayfinding, not only to help residents and visitors navigate the community and find its key destinations, but also as a unifying design element across the City.
- 5) Improving the appearance of the City’s primary corridors so that an enhanced image of the City is created.

Based on these planning considerations, the following goals, actions, and initiatives address specific issues and needs identified during the public participation process (and outlined in **Chapter 1, Plan Context**).





Expand upon existing gateway improvements to create a consistent theme and ensure a high quality of appearance of the monument, lighting, and surrounding landscaping.

Source: Kendig Keast Collaborative.



Consider code modifications and other program support to implement beautification projects in accordance with the San Jacinto Design Standards, e.g., conceptual plan to beautify the N. 9th Street / State Loop 410 intersection.

Source: Aerial Image (City of La Porte GIS); Conceptual Plan (San Jacinto Design Standards, pg. 29)

GOAL 6: Enhance the overall appearance of the built environment in the City.

To be fully effective in achieving the community’s vision for the future, proactive efforts should be undertaken to improve the appearance of the built environment within the City. Unfortunately, the needs often outweigh the financial or administrative resources available to achieve the desired outcomes. Therefore, it is recognized that there are areas of La Porte that are more visible and, thus, may serve as a “starting point” to initiate these enhancement efforts.

There are a large variety of components that contribute to the visual appearance and “feel” of a community. Some components are more apparent than others, although they all contribute to the overall character of the community. Since the last plan update, the City has been proactive in improving the appearance of the City, including the installation of gateway signage, and investments in public amenities such as the revitalized Five Points Town Plaza and the emerging City-wide trail system. However, according to the sentiments expressed during the public participation process, the citizens feel that continued improvement is a priority.

Actions and Initiatives

1) Expand the efforts started with Ordinance 1501-II (which was intended, partly, as a means to mitigate the visual impacts of container yards) to require existing non-conformities’ in designated enhancement corridors to be brought into compliance over a reasonable period of time. Similar provisions have been adopted elsewhere in Texas where nonconforming site conditions (e.g., parking lot landscaping and screening outdoor storage and display, fencing, buffering, signage, etc.) must be registered with the City and steadily brought into compliance over a period of years.

2) Outside of City limits, partner with the entities in which the City has interlocal agreements to determine strategies to increase the level of screening of container yards that exist along the City’s entry corridors and periphery.

3) Consider the development of corridor enhancement plans for the primary and secondary enhancement corridors depicted in **Map 2.2, Beautification Plan**. (Additional guidance can be found in **Chapter 4, Community Mobility**.)

4) Enhance the appearance of properties adjacent to street corridors by evaluating and improving codes and standards for better building placement (build-to, maximum vs. minimum setbacks), design (building shape, wall articulation, entry identification, transparency, 360

degree architecture), and materials; improved parking lot, streetscape and foundation landscaping; higher quality screening of outdoor storage; management of outdoor display; improved lighting and sign controls; and improved buffering of adjacent properties.

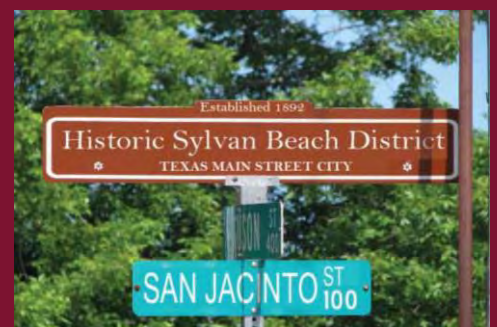
- 5) Expand on previous efforts to consider embellished gateway treatments with more significant “signature” monuments, landscaping, and lighting at the locations of greatest visibility. Ensure high quality maintenance of these areas, as depicted on *Map 2.2, Beautification Plan*.
- 6) Consider modifying existing codes to adopt appropriate design standards in conformance with the San Jacinto Corridor Design Standards.(see inset previous page)
- 7) Continue to work with the **Economic Alliance Houston Port Region** and consider code modifications and other program support to implement the San Jacinto Historic District design standards, including the Project Stars Initiative, which uses industrial infrastructure and landscaping to highlight and celebrate the area’s history and historical significance.³
- 8) Consider implementing a program to publicly recognize residential and business property owners for their role toward enhancing the visual appearance of the City. This could include monthly recognition on the City’s website or other public communication media.
- 9) **Partner with the Texas Department of Transportation (TxDOT)** to enhance the visual appearance of the City’s existing and future overpasses, as depicted on *Map 2.2, Beautification Plan*. (see inset)
- 10) Continue seeking public/public and/or public/private partnerships to master plan and implement site specific enhancements throughout the City. By way of example, continue **working with the La Porte Independent School District (ISD)** and adjacent retail center owners to implement the enhancements depicted in the Texas Avenue Beautification Project Master Plan, among others.
- 11) **Partner with TxDOT** to enhance the visual appearance of the Miller Cut Off Road, Sens Road, and SR 146 interchange areas (see inset). These enhancements could be similar in type and quality to the improvements already completed at the State Highway 225/Independence Parkway interchange located just outside City limits, as depicted on *Map 2.2, Beautification Plan*.

³ Economic Alliance Houston Port Region. San Jacinto Texas, Historic District Corridor Standards at <http://www.ci.la-porte.tx.us/civica/filebank/blobdload.asp?BlobID=8725>. May 2010.



Partner with TxDOT to improve the visual appearance of the City’s overpasses. The top photo depicts an overpass in La Porte along S. 9th Street and Spencer Highway. The photo on the bottom is an enhanced bridge and landscape treatment in Sugar Land, Texas.

Source: Kendig Keast Collaborative.



Develop a comprehensive wayfinding program for Main Street and Sylvan Beach areas.

Photo Source: City of La Porte Economic Development Strategic Plan. Chapter 3. May 2009.

Table 2.1, Existing Parks

<i>Neighborhood Parks</i>	
Parks	Acres
14 th Street Park	2.40
Bay Oaks Park	1.20
Brookglen Park	2.0
Central Park	4.60
Creekmont Park	3.50
Glen Meadows	8.13
Ohio Street	0.93
Pete Gilliam	1.20
Pfeiffer	1.20
Pine Bluff	0.11
Seabreeze	3.13
Spencer Landing	3.99
Spenwick	0.50
Tom Brown	0.57
Wood Falls	8.30
E Street Linear Park	2.50
Neighborhood Park Subtotal	44.26
<i>Community Parks</i>	
Parks	Acres
Fairmont Park	17.70
Little Cedar Bayou & undeveloped	48.70
Lomax	10.00
Northside Park	4.6
Northwest & undeveloped	35.00
Pecan Park	33.6
5 Points Plaza	1.00
Community Park Subtotal	150.60
Total	194.86

11) Create a comprehensive wayfinding program to project a consistent image for the entire City and to provide directional guidance to the area’s greatest assets, i.e., Main Street and Sylvan Beach. Partner with TxDOT to develop and obtain approval for a Wayfinding Sign Guide System Plan. (see inset previous page)

12) Evaluate program criteria and make necessary improvements to achieve certification through the Scenic City Certification Program. Sponsored by Scenic Texas, this certification recognizes Texas municipalities that implement high-quality scenic standards for public roadways and public spaces, with the long-term goal of improving the image of all cities.

13) Evaluate program criteria and make necessary improvements to gain recognition in the Tree City USA Program. Sponsored by the Arbor Day Foundation, this program helps communities become better stewards of their tree resources.

Focus Area 4 – Adequate Parks, Recreation, and Open Space

Parks and recreation facilities are an essential part of a healthy, quality, and vibrant community environment. They provide the necessary components for events outside the home and after work and after school activities. Whether for passive or active use, parks and recreation facilities are an important factor of everyday living, active living – serving health benefits for children, seniors, and people of all ages. The park system also enhances the community’s “quality of life” factor, boosting economic development efforts to recruit and retain a skilled workforce; build a strong tax base to finance system expansion, facility enhancements, and maintenance; and attract retirees.

It is clear that La Porte places high value on its park and recreation system. Subsequent to the last comprehensive planning process, in 1998, the City prepared and adopted a separate Parks and Open Space Master Plan (2002; amended 2008) and Bicycle and Pedestrian Trail Implementation Plan (2003); both of which the City has been actively implementing in the over the past several years. This section of the Comprehensive Plan is not intended to supplant those separate specific master plans; rather it is intended to review those plans in terms of how they currently fit within the overall framework of a 20-year planning horizon—meaning, will the full implementation of those plans achieve the goals of creating a park, recreation, and open space system that is high quality (safe and well maintained), convenient and accessible (to its users), diversified (in its

activities), and interconnected (to the community), while trying to preserve and protect La Porte’s natural assets. Note that while trails are an integral part of a park and recreation system, they are an equally important part of the City’s non-vehicular mobility system, and as such, will be discussed in *Chapter 4, Community Mobility*.

The City Parks and Recreation Department is responsible for the operation and maintenance of all parks and recreational facilities. Their ultimate goal is to “to provide and manage superior parks and recreational facilities, innovative programs, and services that will provide our customers with pleasure and enrichment.”

Existing Park Inventory

The foundation for establishing an adequate park and recreation system is the availability and condition of the existing parks and recreation areas. To assess the projected future need for additional land, facilities, and improvements, it is essential to first determine the level of service provided by the existing parks and recreation system. Subsequently, the level of sufficiency or deficiency of the existing system can be determined to assess the current need prior to projecting the future parks and recreation system needs.

Currently, the Department is responsible for 21 neighborhood and community parks (comprising over 150 acres), two special use parks (i.e., Five Points Town Plaza and the Bayforest Golf Course), and eleven miles of trails (see **Table 2.1, Existing Parks** and **Map 2.3, Park Inventory**). Overall, the City has a total of 23 parks and recreation facilities comprised of playgrounds and playscapes; picnic amenities; baseball, softball, soccer, football fields; basketball and other sports courts; bicycle/pedestrian/exercise/nature trails; a senior center; a Special Populations Center; two bayside parks; two fishing piers; a rodeo/open riding arena; three neighborhood pools and one sprayground/playground; and other amenities. Over the past 21 years, the City has spent close to \$18 million on its parks and recreation system.

In addition to the parks and recreation areas owned and managed by the City, there are five school playgrounds located at the elementary schools that provide additional recreation and open space that is available to residents and visitors of the La Porte area. The school playgrounds are displayed in **Table 2.2, School Playgrounds**. As displayed in **Table 2.3, Private Parks**, there are also six park facilities and one neighborhood pool that are owned and maintained by the homeowners’ associations.

Table 2.2, School Playgrounds

<i>School Playgrounds</i>	
Parks	Acres
Lomax Elementary	2.25
Jennie Reid Elementary	0.35
Rizzuto Elementary	1.06
La Porte Elementary	7.06
Bayshore Elementary	2.62
<u>Baker 6th Grade Campus</u>	<u>1.00</u>
<u>La Porte High School</u>	<u>5.00</u>
Total	19.34

Source: Google Earth

Table 2.3, Private Parks

<i>Private Parks</i>	
Parks	Acres
Bayside Terrace Park	0.49
Bay Colony Park	0.75
Fairmont East	2.00
Fairmont West	1.18
Shady Lane	2.59
Shady River	2.35
Total	9.36

Parks and Recreation Standards

Standards provide a measure for determining the amount of parks, recreation and open space needed to meet the current and projected future demands of the City's citizens and visitors. Parks and recreation standards are typically expressed in terms of acres of land dedicated for parks, recreation and open space per unit of population, such as 1 acre per 1,000 persons (for neighborhood parks). While general standards are useful, it is important to establish standards that are based upon unique local considerations, such as participation trends and projections, user characteristics, demographics, climate, natural environment, and other considerations. Values related to leisure and recreation are unique to each municipality; therefore, the standards should represent the interests and desires of local parks users.

The suggested standards from the National Recreation and Parks Association (NRPA), as modified for La Porte's unique conditions, are illustrated in **Table, 2.4, NRPA Development Standards**. (on next page)

Needs Assessment

To assess the adequacy of the existing parks and recreation supply, it is necessary to look at existing population, the supply of parks provided by existing facilities including planned improvements or expansions, and relate them to planning standards for desirable levels of service. In addition, it is necessary to consider forecasts in future population to determine future needs and to identify deficiencies to address the needs of the system. As such, the park and recreation system currently and in the future would meet the needs of the full build-out population of 49,954 persons⁴. Based upon these parameters and displayed in **Table 2.5, Parks and Recreation Needs** (following next page), the City would not have to add new neighborhood parks and new community parks as it exceeds the standards to meet the needs of the projected future population. However, since parks, recreation, and greenspace are such highly valued community resources (and in La Porte there is a diminishing supply), it was suggested that it is important for the City to continue pursuit of additional properties to exceed national standards over time.

Service Areas

Evaluating service areas is an effective means of identifying geographic areas that have sufficient park areas available, but more importantly to identify those in need of additional parks and recreation areas and facilities. Neighborhood parks have a service area of one-quarter (¼) mile, while community parks have a service area of one mile; which means that the majority of the persons who utilize these facilities live within those respective distances. The service areas for the City's parks are displayed in

⁴ See analysis of the build-out population in Appendix B, *Build-out Population Projection Analysis*.

Table 2.4, NRPA Development Standards

Pocket Park	Use: Serves a concentrated population within an immediate proximity. Examples are a tot lot in an apartment complex or a vacant lot developed as a passive park.
	Service Area: Immediate development
	Desirable Size: 0.25 to 1 acre
	Density: 0.25 acre per 1,000 persons
	Site Characteristics: Close proximity to high-density developments.
Neighborhood/ Linear Park	Use: Serves neighborhood residents within walking distance. Facilities are for active use (e.g. sports activities, playgrounds) and passive use (e.g. walking, picnicking).
	Service Area: Primarily serves neighborhood residents within a one-half mile radius.
	Desirable Size: Minimum 3 to 8 acres
	Density: 1.0 acres per 1,000 persons
	Site Characteristics: Evenly distributed across the City with convenient and safe access for nearby residents. Joint school/park facilities are highly desirable.
Community Park	Use: Serves the broader community. Includes facilities for active and passive recreation and leisure, including athletic fields, swimming pools, picnic areas, walking/jogging paths, open play areas, exercise stations, and restrooms, among other improvements
	Service Area: Primarily for neighborhood residents within a one-mile radius, but available throughout the City.
	Desirable Size: Minimum 10 to 30 acres
	Density: 3.0 acres per 1,000 persons
	Site Characteristics: Located to provide full access to the city.
Linear	Use: Serves the broader community or region by providing key linkages between residential areas and important community facilities (e.g., parks, libraries, schools, etc.) while providing adequate areas for hiking, biking, jogging, horseback riding and similar off-street activities.
	Service Area: Available to all persons.
	Desirable Size: No minimum standard.
	Density: No minimum standard.
	Site Characteristics: Located to provide full access to the city.
Special Use Facility	Use: Serves the broader community or region for specialized, multi-purpose recreation activities (e.g. performance center).
	Service Area: Available to all persons.
	Desirable Size: No minimum standard.
	Density: No minimum standard.
	Site Characteristics: Intended for City-wide or regional use.

Source: National Recreation and Park Association; Modified for La Porte, TX.

Map 2.4, Park Service Areas. Since school playgrounds and private parks also provide neighborhood-scale park and recreation benefits to City residents, their service areas have been included in this analysis.

Table 2.5, Parks and Recreation Needs

Park Classification	2010 (Population 33,800)				Build-out Population (49,954 ⁴)			
	Recommended	Actual	Acres	% of Need Met	Recommended	Actual	Acres	% of Need Met
Neighborhood Parks (1.0 ac./1,000 persons)	33.80	53.62	>19.82	159%	49.93	53.62	>3.69	107%
Community Parks (3.0 ac./1,000 persons)	101.40	169.94	>68.54	168%	149.78	169.94	>26.16	113%
Total	135.20	223.56	>88.36	--	199.71	223.56	>29.85	--

Source: Kendig Keast Collaborative.

Park System Plan

The La Porte Park System Plan is designed to meet the requirements of the Texas Parks and Wildlife Department (TPWD) in order to become eligible for grant reimbursement of up to 50 percent (with a maximum of \$500,000 per application cycle when available) for qualified projects. With the City being proactive in adopting separate Parks and Open Space and Trails master plan, these requirements have been met as long as an update is performed every five years. **Map 2.5, Park System Plan**, is intended to be an intermediary analysis that will facilitate future discussion when those separate master plans are updated and could provide additional guidance about where there may be distribution deficiencies within the City limits.

As the City moves forward in expanding park acreage to exceed the needs of the future build-out population, the *Park System Plan* delineates the areas of deficiencies within the City and should be one of the primary considerations used to identify where future neighborhood and community parks are located.

Key Planning Considerations

Key planning considerations for ensuring adequate parks, recreation, and open space include:

- 1) All people should have equal access to recreational areas, activities, services, and facilities regardless of personal interest, age, gender, income, cultural background, housing environment, or handicap.
- 2) Public recreation should be highly coordinated among public institutions and private entities to avoid duplication and encourage cooperation.
- 3) Public recreation should incorporate public services such as education, health and fitness, transportation, and leisure.

- 4) Facilities should be well-planned and coordinated to ensure adequate adaptability to future needs and requirements.
- 5) The availability of financial resources should be considered in all phases of planning, acquisition, development, operation, and maintenance of spaces and facilities.
- 6) Public participation is critical to the eventual success of the parks and recreation system and should, therefore, be included in all stages of the process.
- 7) There should be established procedures for acquiring land for future parks and recreation areas and facilities prior to development.
- 8) The design of spaces and facilities should encourage the most efficient utilization of land, accommodate other compatible City services (e.g., libraries, museums, etc.), be constructed in the most sustainable, highest quality possible, and consider the needs and desires of the intended users.

Based on these planning considerations, the following goals, actions, and initiatives address the specific issues and needs identified during the public participation process and the above analysis.

GOAL 7: Ensure all existing and future parks and recreational facilities are maintained to an equivalent standard of quality and excellence.

One of the topics that were discussed during the public participation process was related to inequalities in the quality and condition of existing parks within the City. New parks (e.g., Pecan Park) and improvements (e.g., the new sprayground/playground at Brookglen Park) created a higher standard than now exists at some other existing parks.

Actions and Initiatives

- 1) Establish a formalized parks-to-standards program to ensure all parks are brought up to, and maintained in, an equivalent quality standard. This program should include a general maintenance and repair schedule. The priority maintenance tasks include:
 - a) Resurfacing, restriping, or re-grading unpaved surfaces or parking areas.
 - b) Improving drainage.
 - c) Increasing park accessibility.
 - d) Increasing the amount of signage and/or repair of existing signage.
- 2) Conduct regular risk management inspections to identify and schedule repairs, address safety issues, and conduct routine maintenance and cleaning, and other necessary improvements to playground and park equipment that is funded by an adequate operating and maintenance budget.



The two photos above highlight differences in the level of quality between parks in the City. Newer parks such as Pecan Park (top photo) has an overall higher level of quality than other parks, such as Pete Gilliam Park (bottom photo).

Source: Kendig Keast Collaborative.

- 3) Use the National Program and Playground Safety guidelines and/or the United States Consumer Products Safety Commission standards in the design and replacement of playground equipment, all surface areas, and other recreational facilities and improvements.
- 4) Enhance landscape plantings and lawn maintenance in all parks.
 - a) Develop a program to improve the turf quality in all parks through turf restoration and over seeding, re-grading (to address erosion and drainage issues), and improved irrigation.
 - b) Continue to partner with Trees for Houston to add shade trees and shrubs in each park to improve aesthetics, create much needed shade, and improve the overall future beauty of the park system.
- 5) Conduct an annual condition assessment of park conditions. The assessment should be considered during the budget preparation process for the following fiscal year.



Each amenity in the park (e.g., playscapes, parking lots, bathrooms, pavilions, etc.) should be connected by a handicap accessible walking path/trail that is designed to accommodate persons with disabilities, the elderly, parents with strollers, etc.

Source: Kendig Keast Collaborative.

GOAL 8: Continue to increase the quality and diversity of amenities in the existing and future parks to attract and accommodate people of all ages (and non-traditional park users) for both active and passive activities.

Actions and Initiatives

- 1) Focus on park and recreation improvements as a means for elevating neighborhood viability. Highlight the importance of clean, safe, well-maintained, and vibrant neighborhood parks as an anchor for strong, established neighborhoods where residents and kids use public spaces and interact on evenings and weekends.
- 2) Establish a policy of master planning new/revitalized parks to develop a unique design theme for each park to broaden the types of facilities and activities that are available across the community and to better tie their identity to adjacent neighborhoods.
 - a) Conduct neighborhood design charrettes to gather resident input to determine unique features, types of amenities, and overall theme. Ideas may include parks for special events, arts and culture, heritage, eco-tourism, sustainability, etc.
- 3) Prepare revitalization plans for each of the existing, well established parks. Plans should include equipment replacement and repair, building/structure rehabilitation, new features/activities, and other refurbishments.
- 4) Evaluate opportunities to add new types of amenities that appeal to intergenerational and non-traditional users in existing and future parks, including community gardens, dog parks, climbing walls, bike trails, Frisbee golf, spraygrounds, running/walking trails, checkerboard tables, art walks, sandboxes, among others.

- 5) Continue to add shade structures to all existing and future parks. Shading should consist of a combination of playscape shade structures, individual picnic shelters, and larger pavilions (which provide more shade and more opportunities for socialization, among other things).
- 6) Improve on-site and off-site accessibility to each park by developing a sidewalk improvement program to repair, replace, or install new sidewalks, crosswalks, and curb cuts, in high pedestrian use neighborhoods immediately surrounding the parks, schools, and other community facilities.
- 7) Incorporate on-site handicap accessible walking trails that create a loop around the edge of each park and connect the important amenities within the park, so that users can utilize these trails for walking, running, biking, roller blading, pushing strollers, among other things. (see inset previous page)
- 8) Continue to provide adequate funding in the annual capital and operating budgets to enhance, improve, and maintain the existing public parks, recreation, trails, and open space.

GOAL 10: Continue to offer and expand recreational and/or cultural programs that meet the interests and needs of persons of all ages and abilities by providing programs independently and in cooperation with partners.

Action and Initiatives

- 1) Continue to proactively pursue additional park and recreation acquisition of property and/or protection of additional greenspace within the City limits. As the City nears the build-out population, the availability of these tracts becomes increasingly difficult to identify and secure for the protection and enjoyment of future generations. This recommendation is made with the knowledge that the City already meets and exceeds (currently and for the future build-out population) established national standards for park and recreation acreage.
- 2) Provide opportunities for individuals and groups (including low-income, minority, disabled, elderly, and the youth at risk populations) to participate in cultural, recreational, and educational activities that foster better health and wellness and strengthen both body and mind.
- 3) Formalize through reciprocal agreements the coordination of programming and joint use of facilities by and between the City and the La Porte Independent School District (LPISD), homeowner associations, among others.
- 4) Continue to offer and/or enhance the Fun Times Parks and Recreation Magazine.



- 5) Consider providing on-line registration for any camps, lessons, workshops, or classes available through the City or its program partners.
- 6) Join with the program partners to make application for outside funding to support and expand the City's educational and recreational programming. Seek special funding for underprivileged residents (particularly children) who may not have access to pools for programs that would address need for swimming lessons in the bay.
- 7) Continue to expand sponsorships and investigate opportunities to affiliate with other agencies (i.e., public/public or public/private partnerships), special interest groups, service clubs, and the private sector in organizing and operating special events, programs, and leagues.
- 8) Continue to work with youth sport associations to further develop facilities for recreational activities including baseball, softball, basketball, soccer, football, rugby, swimming, among others.
- 9) Continue to work with public and private sector groups (i.e., civic associations, etc.) to promote the annual community activities such as sports tournaments, festivals, outdoor concerts, fairs, and other special events.
- 10) Conduct an annual meeting with the City's program partners and other community organizations to discuss opportunities for the improved coordination and provision of services.

Future Land Use

The essence of comprehensive planning is a recognition that La Porte does not have to wait to react to development proposals. Rather, it can determine where development and redevelopment will occur and what type of land use the new built environment will reflect. Through active community support, this plan will ensure that development meets certain standards and, thus, contributes to achieving the desired community vision. As a guide for land development and public improvements, **Map 2.6, Future Land Use Plan**, represents how and where the City will focus new development and redevelopment over the next two decades – and beyond. The Future Land Use Plan is an integral part of this Comprehensive Plan and represents the most desirable land use based upon the goals and objectives stated in the Comprehensive Plan in consideration of existing uses and development and physical characteristics of the community. The land use designations form the basis for zoning, and thereby, the location of housing, commercial, and industrial areas. The Future Land Use Plan and Thoroughfare Plan (in *Chapter 4, Mobility*) are the two most important planning tools available to the City.

In the determination of whether a specific zoning classification conforms to the land use designation on the map, flexibility should be used to interpret land use designations boundaries which are applied on a broad scale. Street

rights-a-way, lot lines, topography, and other features should be utilized in the location of appropriate zoning district boundary lines. Generally, zoning district boundaries should follow rear lot lines or alleys to preserve the cohesiveness of the streetscape and compatibility of adjacent uses.

Zoning, when applied, breaks these areas into more specific classifications with legally binding land use regulations that according to state law must be “in accordance with the Comprehensive Plan.”⁵ The following discusses the land use designations found in the Future Land Use Plan.

During the comprehensive planning process, an existing land use study was undertaken to determine if there were any major nonconformities existing in the City’s commercial and industrial zoned areas that may (or may not) need to be reflected in the updated Future Land Use Plan. This abbreviated study was conducted in April 2012 and focused primarily on commercial and industrial zoning nonconformities.

The Future Land Use Plan for the City of La Porte is a general physical plan for future development based on land use. It shows the generalized pattern of planned future land use, taking into account the City’s land use goals and objectives identified throughout the Comprehensive Plan. The purpose of the land use plan is to minimize conflicts between adjacent uses, maximize efficiency of the transportation network, achieve fiscally sound decisions pertaining to private development and public infrastructure investments, and generally to aspire to create a livable environment for the citizens of the community.

The future land use classifications used on the plan to depict the type and density of development are as follows:

- **Large Lot Residential** – The Large Lot Residential classification was added during the 2012 plan update and is intended to further protect the existing large lot residential areas in Lomax. This classification has a minimum of one-acre lot size and allows permitted uses that are in conformance with the Large Lot District (LL).
- **Low-Density Residential** – The Low-Density Residential classification includes single family residential uses with minimum lot area ranging from 4,500 to 43,560 square feet. Other permitted uses are those in conformance with the Low Density Residential District (R-1).
- **Medium to High-Density Residential** – The Medium to High-Density Residential classification includes single-family attached or detached dwellings, multiple family dwellings, patio homes, garden apartments, condominiums, and townhouses. The minimum lot area for these uses

⁵ Texas Local Government Code, Sec. 211.004, Conformance with the Comprehensive Plan.



ranges from 2,000 to 20,000 square feet with maximum lot coverage ranging from 50 to 60 percent. Medium and High Density Residential uses generally include those specified in the Mid-Density Residential District (R-2) and High-Density Residential District (R-3).

- **Mixed Use** – The Mixed Use classification was added during the 2012 plan update and is intended to provide development options in certain areas near Sylvan Beach and waterfront. New or improved zoning and/or development provisions should be considered to ensure future development fulfills the intent of these particular areas.
- **Neighborhood Commercial** – The Neighborhood Commercial classification was added during the 2012 plan update and is intended for uses that are in conformance with the Neighborhood Commercial (NC) District.
- **Commercial** – The Commercial classification includes uses that are in conformance with the uses permitted in the Neighborhood Commercial District (NC), and General Commercial (GC) District.
- **Main Street** – The Main Street classification was added during the 2012 plan update and is intended for those uses allowed in the Main Street (MS) and Main Street Overlay (MSO) Districts. New or improved provisions should be considered, particularly for the Main Street District (MS), to ensure future development reflects an urban character (e.g., build to lines, on-street parking, among other considerations).
- **Business Industrial** – The Business Industrial classification provides for the establishment of industrial development that is compatible with surrounding or abutting residential districts. Uses are limited to administrative, wholesaling, manufacturing, and related compatible uses as defined by the Business Industrial Park (BI) District.
- **Light Industrial** – The light Industrial classification provides for the establishment of warehousing and light industrial development.
- **Heavy Industrial** – The heavy industrial district is to provide for the establishment of heavy industrial and manufacturing development away from residential and commercial uses.
- **Parks and Open Space** - The Parks and Open Space classification was added during the 2012 plan update and is intended for existing public parks and recreation areas, open spaces, natural habitat areas, and areas within the floodplain.
- **Public and Institutional** – The Public and Institutional classification includes such uses as schools, library, utilities, and government buildings.

The land use plan is intended to generally guide future land use decisions, which are typically made simultaneous to other decisions regarding the provision of adequate public facilities and services and infrastructure

improvements. Consideration should be given to the following issues prior to making land use decisions:

- Character of the surrounding and adjacent neighborhoods;
- Existing use of nearby properties, and the extent to which a land use classification would be in harmony with such existing uses or the anticipated use of the properties;
- Suitability of the property for the uses to which would be permissible, considering density, access and circulation, adequacy of public facilities and services, and other considerations;
- Extent to which the designated use of the property would harm the value of adjacent land uses;
- Extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road network influenced by the use;
- Extent to which the proposed use designation would permit excessive air, water or noise pollution, or other environmental harm on adjacent land use designations; and,
- The gain, if any, to the public health, safety, and welfare due to the existence of the land use designation.

Individual land development proposals should be considered for approval at the scale of neighborhood, sub-area, and development project planning, which are to be considered in subsequent zoning and rezoning actions by the City. These decisions should be based upon consideration of the established policies and conformance with the Future Land Use Plan.

The Future Land Use Plan is not a zoning map, nor should it be used as such. The detailed pattern and location of land uses on a parcel-specific basis cannot be accurately predicted for 20 years into the future. Small area land use decisions should appropriately be made at the scale of neighborhood, sub-area, and development project planning, which are to be considered in subsequent zoning and rezoning actions by the City. These decisions should be based upon consideration of the Future Land Use Plan and should be consistent with the generalized land uses shown in the plan.



INFRASTRUCTURE AND GROWTH CAPACITY

CHAPTER 3

As detailed in Chapter 1, Demographic Snapshot, the City experienced significant growth rates over a 20 year period from 1970 to 1990. More recently, over the past two decades, the rates of growth have decreased and the remaining developable areas have become finite. While there will still be growth in population, the City needs to transition its focus from greenfield to infill development. Similarly, the City needs to transition its focus from adding new infrastructure, facilities, and services to one focused on the expansion and maintenance of the systems that already exist. The decisions made today will have lasting effects on the City's continued abilities to generate economic growth and provide adequate, efficient, and fiscally responsible municipal services to its citizens.

2.1 Introduction

This chapter is closely related to other elements of this plan addressing land use and community character, mobility, and economic development as they relate to development, redevelopment, and the community's capacity to meet its demands for providing and improving public facilities and services. The analysis and findings presented in this chapter are based primarily on known factors regarding existing utility infrastructure systems, programmed and anticipated utility improvements, existing staffing and service capabilities of the police, fire, and EMS departments, and projected population growth of the City. A general conclusion is that the community is in relatively good shape to serve its existing development and also to accommodate new infill development and population within its established jurisdictional boundaries.

2001 vs. 2012 Plan Comparison

2001	2012 Update
Ch. 6, Utility Infrastructure Systems	Ch. 3, Infrastructure and Growth Capacity
Ch. 8, Community Facilities	
Ch. 11, Public Safety	

La Porte, like many communities, is increasingly challenged by limited fiscal resources. While the City has benefitted economically over the years because of its growth, now the City needs to focus more on maintenance, rehabilitation, and replacement of aging infrastructure and to fix problem areas, e.g., poor drainage, inefficient and redundant infrastructure, etc. In addition, as detailed in **Chapter 2, Land Use and Development**, the City needs to now provide additional attention and resources to promote new public and private sector development and redevelopment/revitalization in already existing areas. One of the ways to accomplish this is through public investment in infrastructure and services.

2.2 Focus Areas, Goals, Actions and Initiatives

Throughout the planning process a number of issues were identified regarding storm drainage, flood control, and other public infrastructure, and there was a general consensus about maintaining high quality public safety services. These discussions formed the basis of the following focus areas, along with an analysis of existing conditions and review of current programs, plans, and ordinances. Each focus area contains contextual information, key planning considerations, goals, (and their rationales), and advisable implementation actions and initiatives. The areas of focus are as follows:

- **Focus Area 1** – Improved Flood Control and Drainage;
- **Focus Area 2** – Adequate, Efficient, and Resilient Public Utilities;
- **Focus Area 3** – Maintaining and Improving Public Safety Services; and
- **Focus Area 4** – Need for Increased Sustainability.

Focus Area 1 – Improved Flood Control and Drainage

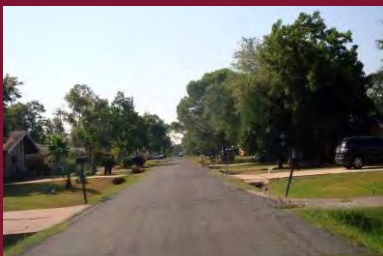
Storm Drainage Summary

The City lies within three major watersheds; Armand Bayou, Clear Creek, and Lower San Jacinto/Galveston Bay. The City’s topography is generally flat with an average elevation of 24 feet above sea level, and there is approximately three miles of coastline along Galveston Bay.

Drainage collection in the built environment is through a combination of methods. In the older areas, e.g., Old Town La Porte, collection is primarily through open, roadside ditches. In the more recently developed areas, e.g., Spencer Landing, collection is primarily through underground storm sewers. (see inset) While there are identified drainage problems across the City, the older areas have greater drainage and flooding problems.

As displayed in **Map 3.1, Drainage System**, the City conveys its storm drainage through approximately 35 miles of Harris County Flood Control District (HCFCD) drainage channels, which constitute the City’s primary

Drainage Collection



Open, roadside ditches in Old Town La Porte



Storm sewers in Spencer Landing

Source: Kendig Keast Collaborative

mechanism for surface drainage.¹ These primary drainage channels consist of natural bayous, man-made, but natural-looking channels, and concrete channels. (see inset)

In 2007, the City participated in the Federal Emergency Management Agency (FEMA) sponsored Tropical Storm Allison Recovery Program (TSARP), which resulted in revised 100-year flood maps (also known as FIRMs, i.e., flood insurance rate maps) that became effective on June 18, 2007.² In 2009, the City undertook a City-wide drainage study to identify, develop, and recommend improvements to address drainage problems and lessen flooding and its impacts across the City. In addition to natural causes common to coastal areas (e.g., storm surge), the plan identified six reasons causing the City's existing drainage and flooding problems.³ They were:

- 1) Insufficient flow capacity in ditches and channels;
- 2) Ponding of waters in streets and adjacent properties;
- 3) Undersized storm sewers;
- 4) Temporary blockage of storm water inlets by debris;
- 5) Backup of storm waters in sewers; and
- 6) Lack of overland or sheet flow paths.

As part of that study, the City requested that past repetitive loss data be studied to determine the level of severity of drainage and flooding problems so that the City could identify priority projects on a subdivision-level scale. The report identified 27 subdivisions that had significant drainage or flooding problems, with Brookglen, Creekmont Section 1, Glen Meadows, Fairmont Park East, Pinegrove Valley, and Spencer Highway Estates being the highest ranked problem areas.⁴

As solutions to these identified problems, the plan identified remedies to correct current flooding and drainage problems, as well as mitigation techniques to prevent future drainage problems that could arise from new development. To address current drainage and flooding problems, the plan recommended the following four types of projects:

- 1) Channel improvements;
- 2) Detention ponds for flood flow diversion;
- 3) Storm sewer upgrades; and
- 4) Development of relief swales.

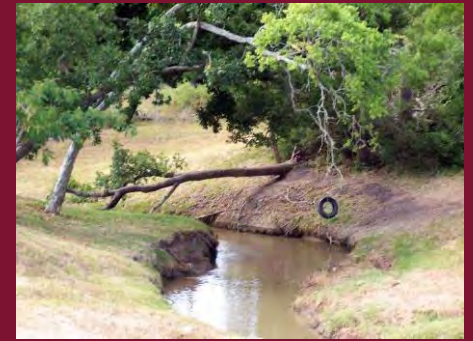
¹ La Porte Citywide Drainage Study by Klotz Associates, Inc., January 2009.

² Ibid.

³ Ibid.

⁴ Ibid.

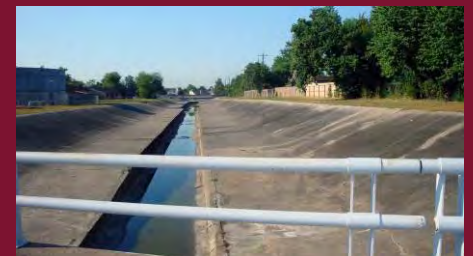
Channels Types



Natural Bayou



Natural Channel



Concrete Channel

Source: Kendig Keast Collaborative

Spencer Landing Joint Use Park and Detention



Spencer Landing Park is one the City's more recent additions to the park system and it serves a dual purpose of providing both regional detention and passive and active recreation.

Source: Kendig Keast Collaborative

Brookglen Regional Detention



The Brookglen Detention Ponds, which are currently under construction, are a good example of an after-the-fact retrofit to solve existing drainage problems within the City.

Source: Kendig Keast Collaborative

To address future drainage problems, the plan discussed two common approaches: on-site detention and regional detention. While there are benefits and costs for each, consideration should be given to the fact that the City has a finite area remaining for both physical and economic development purposes. When regional detention is used, it creates multiple opportunities. First, it lessens the amount of land needed to be set aside on each individual site and maximizes the amount of land that is available for taxable purposes, e.g., residences and businesses. When there is plenty of land left to develop, this may not seem as important. However, when there is limited land left to develop, i.e., the limited infill areas remaining in La Porte, it becomes increasingly important. Indeed, many of the remaining infill lands may be undeveloped because they are constrained in one form or another, e.g., limited size, presence of floodplain, incompatibility with adjacent property, etc. So there may be mutual benefit to multiple property owners to pursue regional detention options. Second, regional detention provides opportunity for the joint purpose of detention and active and passive recreation (see inset). Coincidentally, the Citywide Drainage Study identifies regional detention locations (i.e., #'s 34, 36, 42, 43, and 44) that coincide with or abut areas of park need as identified in **Map 2.5, Park System Plan**. Coordinating regional detention efforts with park expansion efforts would be a good way to improve flood control and maximize the City's limited land and finite budgetary resources at the same time.

Finally, although the Citywide Drainage Study did not specifically identify buy-outs of flood prone homes, it did recognize that some buy-out may be necessary in the future. Currently, HCFCD has been working in collaboration with willing home-owners to buy-out some of the most flood prone homes in the Brookglen Subdivision (see inset).

However the City chooses to mitigate increased drainage stemming from future development, i.e., on-site, regional, or a combination of both, it is recommended that it be designed and constructed to combine functionality with the cross purpose of creating an attractive and sustainable public amenity that provides citizens with accessible opportunities for active and passive recreation, particularly trails.

Key Planning Considerations

Key planning considerations regarding the planning needs to improve flood control and drainage, include:

- 1) Implementing the recommendations of the Citywide Drainage Study so that it leads to actionable results.

- 2) Continuing to budget for capital projects that reduce the chance of flood damage.
- 3) Reviewing existing ordinances that guide local development to ensure that existing policies and implementation tools are in accordance with best management practices.
- 4) Pursuing intergovernmental coordination with HCFCF and neighboring cities in addressing drainage across the broader region.
- 5) Encouraging the joint use of detention areas for drainage and parks and recreation amenities.

Based on these considerations, the following goals, actions, and initiatives address specific issues and needs identified during the public participation process (and outlined in **Chapter 1, Plan Context**).

GOAL 1: Improve the City’s drainage system to reduce future flood events from causing impacts to life and property.

Actions and Initiatives

- 1) In conformance with the specifications set forth in the Citywide Drainage Study, construct the recommended relief swale and pipe upgrade projects, including:
 - a. Pinegrove Valley: Relief Swale;
 - b. Brookglen: Relief Swale and Outfall Pipe Upgrade;
 - c. Fairmont Park West: Relief Swale and Outfall Pipe Upgrade;
 - d. Glen Meadow: Relief Swale and Outfall Pipe Upgrade;
 - e. Meadow Park: Relief Swale and Outfall Pipe Upgrade;
 - f. Fairmont Park: Relief Swale and Outfall Pipe Upgrade;
 - g. Creekmont Section 1: Relief Swale and Outfall Pipe Upgrade;
 - h. Fairmont Park East: Relief Swale and Outfall Pipe Upgrade;
 - i. Spencer Highway: Relief Swale;
 - j. Villa Del Rancho: Relief Swale;
 - k. Battleground Estates: Relief Swale; and
 - l. Old La Porte: Relief Swale and Outfall Pipe Upgrade.
- 2) In conformance with the specifications set forth in the Citywide Drainage Study, construct the recommended channel improvement and pond projects, including:
 - a. Fairmont Park, Fairmont Park East: Channel Widening;
 - b. Brookglen: Channel Lining;
 - c. Meadow Park, Villa Del Rancho: Channel Widening;
 - d. Lennox Gardens; L Street: Pond for Diversion;
 - e. Battleground Estates, Pinegrove Valley, P Street: Channel Lining;
 - f. Shady River: Channel Widening;
 - g. Woods on the Bay, Pine Bluff, Shady River: Channel Widening; and
 - h. Meadow Crest, Creekmont, Glen Meadows, Fairmont Park, Fairmont Park West: Pond for Diversion.
- 3) Pursue inter-local agreements with the Harris County Flood Control District (HCFCF) regarding maintenance of drainageways. This would be



for those drainageways where agreements may not already exist and for which are of critical importance to the City. These agreements would establish minimal acceptable levels of maintenance, where the City has permission, under appropriate limitations and constraints, to perform such maintenance for an agreed upon compensation or other considerations.

- 4) Coordinate with HCFCD to jointly fund and develop mutually beneficial flood control projects within the City.
- 5) Eliminate or minimize exceptions that allow development to occur within the floodplain. Development exceptions should meet the specifications identified in the Citywide Drainage Study.
- 6) Consider enclosing certain segments of the drainage ditches for use as a recreational amenity, such as trail space, greenways, and landscaping.
- 7) Evaluate the requirements and standards for on-site detention including a minimum site threshold, exemptions for sustainable practices, and the placement, design, and function of basins and other improvements.
- 8) Consider modifying the Public Improvement Criteria Manual (PICM) for stormwater design to incentivize or require, rather than “give consideration,” that design should be for multipurpose use, e.g., playgrounds, ballfields, miniparks, required green spaces, etc.
- 9) Facilitate the joint use of regional detention whereby there can be a cost-share arrangement and agreement among multiple properties and owners.
- 10) Pursue loan or grant funding from the Texas Water Development Board, Governor’s Division of Emergency Management, to implement flood control improvement projects within the City.
- 11) Revise the standards and specifications for drainage features to correspond with development character expressed by this plan. For instance, “suburban” development requires a high percentage of open space (either by way of larger lots or larger common areas), which allows for on-site collection, infiltration, and positive surface (natural) drainage. This contrasts with a more densely developed “urban” character that requires an underground stormwater drainage system.
- 12) Require riparian buffers along stream and drainage ways to increase filtration and improve water runoff quality.
- 13) Encourage adequate design of new developments to maintain pre-development runoff conditions using development types with open space preservation—such as cluster developments. This provides necessary density for developers in exchange for conserving site resources and preserving sufficient land for stormwater collection and detention/retention.
- 14) Periodically update the Citywide Drainage Study to reflect changing conditions.

Focus Area 2 – Adequate, Efficient, and Resilient Public Utilities

The City’s pattern of development over the course of its history has naturally grown outward from its original settlement around what is now Downtown. The City’s earlier development was generally compact as a result of the grid street system, traditionally smaller lots and home sizes, and less reliance on the automobile. More recently, the development reflects a contemporary design with curvilinear street systems, the use of cul-de-sacs, and larger more irregularly shaped lots. Similar to many communities across the United States, the increased reliance on the automobile has caused more spread out patterns of development. To serve this development has required a greater degree of public infrastructure that now needs to be maintained.

Water Summary

The supply of water is a significant long-term issue for any community, which needs to be planned well in advance of future needs. The primary source of water for the City is from the City of Houston via the La Porte Area Water Authority, which supplies treated surface water to the cities of La Porte, Morgan’s Point, and Shoreacres. Treated surface water is delivered to six City water plants and deposited in groundwater tanks. As displayed in **Map 3.2, Water System**, the six water plants are located at:

- Fairmont Park (Hillridge) Water Plant (see inset);
- Plant 3 (Fairmont/4th Street) Water Plant;
- Plant 4 (Broadway) Water Plant;
- Plant 5 (S. 25th Street) Water Plant;
- Plant 7 (Bandridge) Water Plant; and
- Plant 9 (Humphreville) Water Plant.⁵

Although each of these water plants distribute surface water, they are also capable of distributing groundwater supplied from seven wells located throughout the City.⁶ This capability exists because the City previously and exclusively utilized groundwater for its water source up until the 1980s when the City transitioned to the surface water used today.

After leaving the water plants and the groundwater tanks, the treated water is then re-pumped into the City’s four elevated water tanks and into the City-operated water distribution system. The four elevated storage tanks (EST) are:

- Main EST;
- Fairmont EST;

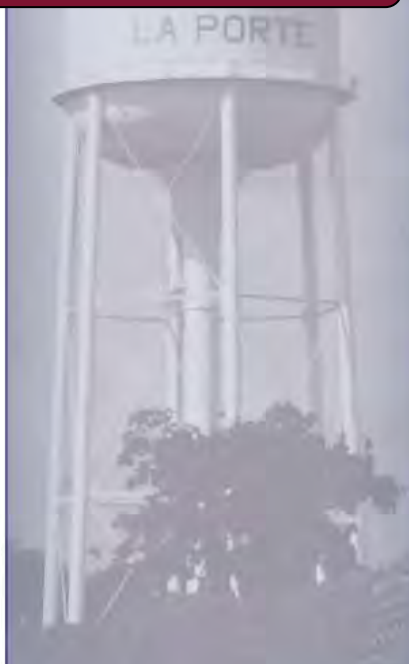
⁵ City of La Porte Water Master Plan by HDR and Claunch & Miller. October 2009.

⁶ La Porte’s surface water is sourced by the Trinity River and is treated by the City of Houston’s Southeast Water Purification Plant. La Porte’s groundwater is sourced from seven groundwater wells tapping into the Gulf Coast Water Aquifer. City of La Porte Water Quality Report for 2010.

Elevated Storage Tank at Fairmont Park



Source: Kendig Keast Collaborative



- Lomax EST; and
- Bayshore EST.

The water supply system is constantly providing potable water to residential, commercial, and industrial customers while at the same time providing adequate pressure for needed fire flows. Overall, the City's water distribution system serves 14,187 water service connections (i.e., individual water meters) through 231 miles of water mains,⁷ resulting in an average daily consumption of 3.963 million gallons per day.⁸

In 2009, the City worked with consultants to produce a Water Master Plan, which evaluated (using Texas Commission on Environmental Quality requirements) the existing system under current conditions, with immediate known development (i.e., development within the next five years) and under ultimate build-out conditions. To determine the future build-out conditions, the remaining undeveloped land within the City was estimated to reach a population of approximately 52,540 persons, which would translate to an equivalent of 21,746 water service connections.⁹ Coincidentally, the population projections correspond to the Year 2060 estimates provided by the Texas Water Development Board.¹⁰ Based on these projections, it was determined that the City already has an adequate water supply to meet the needs of its build-out population.¹¹ However, recommended improvements were identified to ensure the overall system is capable of serving the build-out population. In addition, this also indicates that the City's infrastructure meets the needs of the build-out population derived during planning process. See **Appendix B, Build-Out Population Projection Analysis**.

To implement the necessary improvements, the plan indicated that the City would have to spend approximately \$400,000 to \$600,000 annually over the course of 10 years. Its recommendations were based on three priorities: 1) improving the water service in the Lomax Area, 2) removing bottlenecks in the system and improve system performance, and 3) make improvements to accommodate future growth within the City.

⁷ City of La Porte Website. Retrieved on 10/12/11.

⁸ City of La Porte Water Master Plan 2009, Table 2 on Water Usage 2003 through 2008.

⁹ The future built-out population projection of 52,540 persons was calculated based on applying a fire flow calculation to the remaining undeveloped areas within City limits. City of La Porte Water Master Plan 2009.

¹⁰ Population projections by the Texas Water Development Board and Region H Water Planning Group indicated a 2060 City of La Porte population reaching 52,539 persons. Texas Water Development Board, 2011 Regional Water Plan, City Population Projections for 2000-2060.

¹¹ City of La Porte Water Master Plan 2009.

Wastewater Summary

As displayed in **Map 3.3, Wastewater System**, the City maintains an extensive system of 36 lift stations (including the lift station serving the Sylvan Beach Pavilion that is currently inactive) and 187 miles of force mains and gravity sewers.¹² The City also operates the Little Cedar Bayou Wastewater Treatment Plant (WWTP) (see inset) located on South 4th Street at Cedar Bayou, which has a permitted capacity of 7.56 million gallons per day (mgd) by the Texas Commission on Environmental Quality (TCEQ).

The existing wastewater treatment plant was designed in 1980 and put in service in 1982. The plant was expanded in 1986 and again in 2010. These expansions allow the City to treat approximately 21.8 mgd for a peak two hour period (usually during large storm events). At present, the City treats an average 3.2 mgd (calculated as an average daily flow 2006-2010), which puts the plant at about 42 percent of its permitted capacity (see inset on TCEQ's "75/90" rule). With the latest round of improvements, the plant will accommodate the City's build-out population¹³. In addition, the City also still contracts with the Gulf Coast Waste Disposal Authority (GCWDA) at a negotiated fee, currently \$0.20 per 1,000 gallons, for up to 0.5 mgd.

Post treatment, the majority of the water is released into the Little Cedar Bayou. However, during certain times of the year, particularly summer, the City utilizes a maximum of 600,000 gallons per day (gpd) to irrigate the Bay Forest Golf Course and the soccer fields at Little Cedar Bayou Park.

The City has been proactively monitoring and replacing aging infrastructure. Currently, the City has budgeted approximately \$350,000 per year to reduce inflow and infiltration (I/I) problems in the wastewater collection system. Over time, pipes, valves, and manholes start to deteriorate consequently, allowing the inflow and infiltration of stormwater/groundwater into the wastewater collection system. This increases the volume of wastewater that has to be treated by the WWTP. The additional volume also increases the wear and tear on plant infrastructure and can prematurely cause the City to unnecessarily expend funds on plant capacity increases. The City has also been proactive in replacing, consolidating, or eliminating its lift stations. As late as 2008, the City had 40 lift stations; today 36. In 2003, the City commissioned a lift station evaluation study to determine the highest priority projects. By 2008, four out of five of those projects were complete. The City then

¹² City of La Porte Website. Retrieved on 10/12/11.

¹³ Interview with the City of La Porte Public Works Director.

Little Cedar Bayou WWTP



Source: City of La Porte Website, Department of Public Works.

The "75/90" Rule

Texas Commission on Environmental Quality (TCEQ) regulations require that a wastewater permittee commence engineering design and financial planning for expansion when a plant reaches 75 percent of permitted average daily flow for a consecutive three-month period. This rule further requires that the permittee gain regulatory approval and begin construction of expanded facilities when a plant reaches 90 percent of the permitted average daily flow for a consecutive three-month period.

Source: TCEQ.

commissioned a second lift station evaluation study to determine the next five highest priority projects. That evaluation study identified the following priority projects as well as a need for \$2,082,000 in funding¹⁴:

- Lift Station 13;
- Lift Station 14;
- Lift Station 19; and
- Lift Station 37 (scheduled for completion Jan. 2012).

Key Planning Considerations

- 1) Addressing long-term expansion and rehabilitation needs within the existing systems through targeted capital improvements (e.g., to address deteriorated older pipes, increasing line sizes, removing dead-ends, and adding additional water storage).
- 2) Supporting effective, ongoing planning and system monitoring – in parallel with land use and development tracking – to ensure that needed infrastructure is available in the remaining areas of future growth and the City’s capital investment phasing and timing is on target with new and continuing service demands.

GOAL 2: Improved data collection and analysis of public utility infrastructure systems to help prioritize the short- and long-term maintenance needs for existing infrastructure.

Actions and Initiatives

- 1) Complete the geographic information system (GIS) mapping database, i.e., Utility Mapping Program, by providing additional resources to capture and input the necessary data for a complete asset management program. (see inset) This system should be utilized to maintain records on inflow and infiltration (I/I) problems and main breaks, types and sizes of piping, dates of improvements and repairs, and other information relevant to an asset management system. Data should be used as a prioritization tool in the preparation of annual budgets and capital improvement programs.
- 2) Conduct a system-wide condition analysis of all utility infrastructure, i.e., storm sewer, water, and wastewater, to determine an appropriate short- and long-term plan of action to repair, rehabilitate, or replace existing utility infrastructure. Information should be entered into the Utility Mapping Program to identify targeted geographic areas with the greatest needs.
- 3) Allocate the necessary funding on an annual basis to implement the corrections identified in the conditions analysis so that the City’s limited funds can be expended in a cost-effective, efficient, and timely manner to correct the greatest areas of need.
- 4) Continue inter-departmental coordination between the Planning, Engineering, and Parks and Recreation Departments to offer

Utility Mapping Program

In the update to the Comprehensive Plan in 2005, it was indicated that public utility infrastructure GIS mapping should be complete by 2007. Today, some of the data is mapped, particularly the “location” of infrastructure. However, to realize the full potential of utility mapping, additional attribute data is needed to complete the database. For example, if all breaks and repairs are mapped, the resulting data over time would help to prioritize limited funding to mitigate the areas that are in the most need of repair.

¹⁴ HDR/Claunch & Miller Lift Station Evaluation Study. 2008

inspection services and plans for enhancement/redevelopment of public facilities servicing the community. Utilize these annual inspections to set priorities for funding in the Capital Improvement Program.

GOAL 3: Provide for the long-term supply of water and reliable treatment and distribution systems.

Actions and Initiatives

- 1) Plan accordingly to budget approximately \$400,000 to \$600,000 per year to expand and/or upgrade the City's water system infrastructure, plus additional funding as necessary to replace aging infrastructure in-kind.
- 2) In conformance with the schedule and specifications set forth in the Water Master Plan, construct the necessary water system improvements as identified below:
 - a. 2011: 12-inch water line on N. L. Avenue (Phase 1);
 - b. 2012: 12-inch water line on N. L. Avenue (Phase 2);
 - c. 2013: 12-inch water line on N. L. Avenue (Phase 3);
 - d. 2014: 12-inch water line on Bandbridge Road, Somerton Drive, Spencer Highway; and Venture Lane;
 - e. 2015: 8-inch water line on Airport Boulevard and on N. 3rd Street.;
 - f. 2016: 12-inch water line on N. 8th Street and W. Barbours Cut; and
 - g. 2017: 12-inch water line on Lomax School Road.
- 3) In response to development proposals, coordinate with the private sector to ensure the construction of the following water system infrastructure improvements as identified in the Water Master Plan:
 - a. 12-inch water line on N. Avenue P; and
 - b. 12-inch water line on State Highway 225.
- 4) In conformance with the specifications set forth in the Water Master Plan, improve booster pump capacity at the following locations:
 - a. Phase III: Hillridge Water Plant prior to 15,584 water service connections, estimated to occur around 2020;
 - b. Phase IV: Fairmont/4th Street Water Plant, prior to 16,958 water service connections, estimated to occur around 2040;
 - c. Phase V: Broadway Water Plant, prior to 18,182 water service connections, estimated to occur around 2040; and
 - d. Beyond 2040 through build-out: Bandridge Water Plant.
- 5) In conformance with the specifications set forth in the Water Master Plan, construct a new 700,000 gallon elevated storage tank prior to 18,500 water service connections that are estimated to occur by the Year 2041.
- 6) Identify and eliminate any remaining dead-end water mains.
- 7) Periodically review the existing Surface Water Supply Contract to ensure that it will provide the necessary amount of water to supply the City's build-out development. At minimum, a review should be conducted if water use per capita increases to 400 gallons per day.



- 8) Continue to fund and implement an aggressive maintenance program and annual water line replacement program. This has become particularly important due to deficiencies identified during the recent drought, e.g., some of the existing concrete asbestos piping in the City has shown not to be as durable as other types of piping, and thus should be prioritized for replacement.
- 9) Periodically update the Water Master Plan, Water Conservation Plan, and Drought Contingency Plan to reflect changing conditions.

GOAL 4: Sufficient and efficient wastewater systems and capacity to accommodate the build-out population and compliance with state/federal regulations.

Actions and Initiatives

- 1) Conduct a feasibility study to determine if the wastewater treatment plant (WWTP) can be improved to increase the total available quantity of reuse water and to determine where additional public or private reuse opportunities in the City might be located.
- 2) Continue to allocate approximately \$350,000 annually to combat infiltration and inflow (I/I) problems and thus, minimize the amount of water reaching the WWTP that does not need to be treated.
- 3) Continue to allocate funding, as needed, to conduct lift station evaluation studies as means for identifying the highest priority lift stations to be replaced, consolidated, or eliminated. Currently, funding should be allocated to upgrade the following projects as identified in the most recent Lift Station Evaluation Study:
 - a. Lift Station 19;
 - b. Lift Station 37 (scheduled for completion Jan. 2012);
 - c. Lift Station 14; and
 - d. Lift Station 13.
- 4) Continue to allocate funding to replace, consolidate, or eliminate at least one lift annually per the recommendations identified in the lift station evaluation studies.
- 5) Continue to apply for Community Development Block Grant (CBDG) funds to increase the resiliency of infrastructure systems. This should include, among other things, purchasing additional backup generators at the WWTP to ensure sufficient operational capacity during power outages.

Focus Area 3 – Maintaining and Improving Public Safety Services

An increase in population, combined with new development and redevelopment, will create an increased demand for public safety services. To keep pace, the City needs to commit to a gradual expansion of its Police, Fire, and Emergency Medical Services (EMS) Departments and invest in new facilities, equipment, and staffing to

Police Headquarters



Photo: Kendig Keast Collaborative

ensure adequate service capabilities, responsiveness, and geographic coverage in the coming years.

Police Services

The Police Department operates out of its headquarters at 3001 N. 23rd Street; a new 56,000 square foot police facility constructed in 2007. The building is the Police Department's primary facility serving both its administrative and general purpose needs.

The Police Department currently has 108 employees, two reserve officers, and 96 dedicated volunteers;¹⁵ this includes 75 commissioned, full-time officers (including the Chief). The department is divided into Patrol Operations and Support Services. The Patrol Division is divided into three patrol shifts. It also operates a traffic/commercial vehicle enforcement section, motorcycle patrol, K9 units, bicycle patrol, SWAT team, as well as an Explosive Ordinance Disposal (a.k.a. bomb disposal) unit. The Police Department's service area is the City-limits, but they are occasionally called upon to respond to neighboring jurisdictions such as Shoreacres, Morgan's Point, and areas in the ETJ where the County Sheriff has jurisdiction.

The Support Services Division is divided into Criminal Investigations and Support Services (e.g., community services, training, IT, building maintenance, communications (i.e., E-911) and records, animal control, and school resources officers). The City's joint E-911 dispatch center is located within and staffed by the Police Department, which handles dispatch for all emergencies for the Police, Fire, and Emergency Medical Services (EMS) Departments, as well as the Morgan's Point Police Department. During 2010, emergency dispatchers dispatched 37,190 police calls, 1,582 fire calls, and 2,976 EMS calls for a total of 41,748 calls for service.

As the community continues to grow, the Police Department sees a need for **additional jailers and a full-time crime analyst, in addition to adding patrol officers to keep pace with the new population.** The Police Department also foresees a need to expand portions of the current facility, particularly for evidence storage needs. The Police Department has also identified that keeping pace with the change in technology is one of their greatest challenges. It is their intent to transition to more in-house training as long as there is adequate training budget available.

¹⁵ La Porte Police Department 2010 Annual Report.

Best Practices Accreditation

In December 2009, the La Porte Police Department was recognized as an accredited, Best Practices law enforcement agency by the Texas Police Chief's Association – one of only 35 in the entire state of Texas.

Source: La Porte Police Department 2010 Annual Report.



Table 3.1, Police Department Officer Needs

Year	Population**	Officers per 1,000 persons	Officers	Additional Officers Needed***
2010	33,800	2.2*	75	--
Build-Out Population	49,954		110	35

*Based on a City in the south with a population between 25,000 to 49,999 persons.

**Based on the build-out population projections derived during this planning process.

See Appendix B, *Build-Out Population Projection Analysis*.

*** Officers should be added concurrent with population growth.

Source: FBI and Kendig Keast Collaborative

A survey conducted by the Federal Bureau of Investigations (FBI) of cities located in the south with a population between 25,000 and 49,999 persons showed an average of 2.2 full-time law enforcement officers per 1,000 citizens.¹⁶ Based on a 2010 population of 33,800 persons, the La Porte Police Department is currently meeting this standard. To maintain this standard to meet increasing future service demands, the City will need to provide the necessary budgetary resources to hire additional full-time officers concurrent with

population growth. As displayed in **Table 3.1, Police Department Officer Needs**, the City will need an additional 35 officers to support a build-out population of 49,954 persons. In addition to full-time law enforcement officers, the City will need to ensure there is adequate civilian support staff to support the build-out population.

Fire Services

Fire protection is provided by the La Porte Fire Department, which covers the City-limits, as well as contract fire protection services for the cities of Morgan’s Point and Shoreacres. The Fire Department does not have any formal mutual aid agreements in effect except being a member of Channel Industries Mutual Aid (CIMA), which is a non-profit organization combining the fire-fighting, rescue, hazardous material handling, and emergency medical capabilities of the refining and petrochemical industry in the Houston Ship Channel area. Overall, the Fire Department’s service area exceeds 45 square miles.

The Fire Department is currently staffed via a combination of 14 full-time firefighters and 52 volunteers. The volunteers are trained in-house during an annual academy and are responsible for making 25 percent of the fires and 50 percent of the weekly drills. Full-time firefighters are certified as Texas Firefighter I and must have two years’ experience. The Fire Department operates a total of four, 24/7 manned stations. Their headquarters facility is located on 124 South 2nd Street and is due for replacement in 2011. In addition, the Fire Department operates three other stations that are manned 24 hours per day by a full-time firefighter. The station locations are:

¹⁶Federal Bureau of Investigation, Crime in the United States, Uniform Crime Reports 2010, Table 71.

- Station 1 – 124 South 2nd Street;
- Station 2 – 9710 Spencer Highway;
- Station 3 – 2400 Sens Road; and
- Station 4 – 2900 South Broadway.

The Fire Department also has a fire training facility, located at 12201 N. C. Street, which is used to provide hands-on training to firefighters so that they become more confident and competent in dealing with fire control and extinguishments. The training facility includes a concrete multi-story burn facility with a roof simulator, drafting pit, railroad car simulator, and an 80 person classroom.

For fire suppression response, the City utilizes two ladder trucks, eight engines, two rescues, two command vehicles, two grass/brush rigs, a foam trailer, and a fire rescue boat. In addition to fire suppression capabilities, the Department is capable of responding to emergencies dealing with heavy rescue extrication; hazardous materials incidents; as well as high and low angle rope, water, and confined space rescue. The Fire Department budget is supplemented by a ¼ of 1 percent sales tax, which generates approximately \$700,000 to \$750,000 annually. Subsequent to the adoption of the last comprehensive plan, the City has been working to reduce its Insurance Services Office (ISO) rating.¹⁷ As part of this effort, the City has added equipment and updated water systems, which has reduced the ISO rating both within and outside the City from a "4" to a "2" for both inside and outside City limits. In 2010, the Department was dispatched 1,582 times.

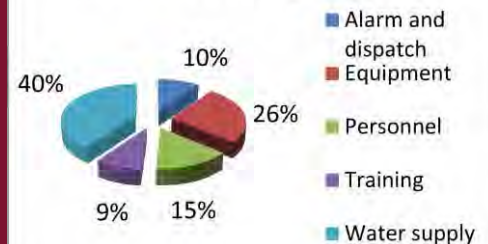
As the community grows, the Department sees its biggest challenge is keeping the volunteers active and generally doing more with less due to the economy. As volunteer firefighter numbers and availability continue to decline, primarily during the daytime hours, it may be necessary to **add additional paid personnel** during those times to provide adequate staffing for response. Another potential concern that may have to be addressed in the future is the **fuel source of the fire training facility**. While the facility is currently serving the needs of the Department very well, a transition from burning hay (to create fire conditions) to an alternate fuel (which will reduce or eliminate excess smoke) may be necessary as the population continues to expand surrounding the facility. Finally, they also foresee the **need for a third dispatcher** to split Fire / EMS so that 911 calls can be taken by a call-taker and dispatched by another.

¹⁷ Insurance Services Office (ISO), Items Considered in the Fire Suppression Rating Schedule (FSRS). Retrieved 10-10-11.

Insurance Services Office (ISO) collects information on public fire protection and analyzes the data using a Fire Suppression Rating Schedule (FSRS). ISO assigns a Public Protection Classification (PPC™) from 1 to 10. Class 1 represents the best public protection and Class 10 indicates less than the minimum recognized protection.

By classifying a community's ability to suppress fires, ISO helps communities evaluate their public fire protection services. The program provides an objective, country-wide standard that helps fire departments in planning and budgeting for facilities, equipment, and training. And by securing lower fire insurance premiums for communities with better public protection, the PPC program provides incentives and rewards for communities that choose to improve their firefighting services.

ISO Fire Rating Factors



Source: Insurance Services Office.

Bike Medic Team



In 2003, the City implemented a bike medic team which is used on a part-time basis for special events (like the San Jacinto Day in 2006) and public safety education.

Source: La Porte EMS Department Website.

Emergency Medical Services (EMS)

Basic and advanced emergency life support services are provided by the Emergency Medical Services (EMS) Department, which covers an approximate area of 75 square miles of incorporated, unincorporated, and contracted areas (consisting of Bayport, Battleground, Port of Houston – Barbours Cut Terminal, and Morgan’s Point-). The EMS Department consists of 26 full-time staff and three part-time staff consisting of a Chief, Assistant Chief, two Captains, 21 paramedics (I, II, and III’s), EMS interns, and a billing specialist. The EMS Department utilizes five Mobile Intensive Care Unit (MICU) ambulances in its fleet and has two MICU ambulances on-duty at all times, along with Advanced Life Support (ALS) first responder vehicles. EMS Headquarters is located at 10428 Spencer Highway and was built in 2007. It consists of 4,000 square feet of living and administrative space and 4,000 square feet of apparatus bays. EMS Headquarters currently houses all three on-duty ambulances until the completion of fire station 1, scheduled to be completed in late 2012, at which time one of the three on-duty

ambulances will be housed at fire station 1. Currently, the EMS Department has mutual aid agreements with the cities of Baytown, Deer Park, and Clear Lake, which, in 2010, were utilized by the City approximately 74 times and other agencies 104 times. The City also staffs a part-time Bike Medic Team during special events and for public safety education¹⁸ (see inset), and has specially trained tactical medics that are assigned to the Police Department’s SWAT team. In 2010, the EMS Department responded to 3,120 emergency calls. Outside of emergency response, the EMS Department offers a number of programs to increase public awareness and health and safety of the community, including blood pressure tracking, childhood immunizations, child safety seat inspections, DWI awareness programs, and others.

As the community grows, the EMS Department sees its biggest challenge being able to attract and retain qualified paramedics. Similar to the Fire Department, they also foresee the need for a third dispatcher to split Fire / EMS so that 911 calls can be taken by a call-taker and dispatched by another.

Office of Emergency Management (OEM) and La Porte, Morgan’s Point, and Shoreacres Local Emergency Planning Committee (LEPC)

The City of La Porte Office of Emergency Management (OEM) works with local industry and surrounding agencies to mitigate natural and man-made disasters by providing education on how best to prepare and train for all

¹⁸ The Bike Medic Team was implemented in February 2003 due to EMS providers becoming more aware of the benefits of an extremely mobile team of responders, particularly during crowded special events. Information retrieved from the La Porte EMS Department Website.

types of emergencies. The OEM also coordinates emergency response and recovery efforts when an emergency occurs, including activation of the Emergency Operation Center (EOC) during any major disaster. The OEM (and the EOC) is located in the La Porte Police Department and is staffed with two persons who work in coordination with other City departments and the LEPC.

The La Porte, Morgan’s Point, and Shoreacres Local Emergency Planning Committee (LEPC) works with the City to develop emergency plans and increase citizen awareness of the appropriate actions to take during a chemical emergency. This is particularly important given La Porte’s coastal location and proximity to major industrial areas, such as the Battleground, Bayport, and South La Porte Industrial Districts, where there is, on any given day, potential for a plant fire or explosion, an accidental chemical release, or a transportation-related incident.

The LEPC works closely with the cities, schools, and communities to encourage emergency preparedness and provide shelter in place education to those who live and work in and around the City.

As part of an overall emergency notification system, the LEPC (see inset) utilize several means of public notification, including:

- **Emergency Sirens.** The Outdoor Warning System is used to notify citizens in the event of a chemical emergency. Currently, the system is comprised of 12 sirens located throughout the area that are tested every Saturday at noon.
- **CAER Line.** The Community Awareness Emergency Response (CAER) telephone system provides information about plant activities for emergency and non-emergency messages.
- **Connect-CTY.** Connect-CTY is the City’s latest system that allows the City to contact citizens with important information by phone, email, and text message.
- **Radio Station AM 830.** This a local emergency radio station maintained by the LEPC, which broadcasts instructions during emergencies and weather information/public service announcements otherwise.
- **Alert Beacons.** The beacons are stationed at all local schools to provide shelter-in-place instruction directly to teachers and students.

Key Planning Considerations

Key planning considerations to maintain and improve public safety services include:

- 1) Providing adequate staffing levels to meet basic response and operating standards, ensure personnel safety, and provide relief to personnel routinely required to work extended hours.
- 2) Investing in sufficient facilities, in terms of location, design, and functionality, to provide reliable response and service area coverage.

Emergency Preparedness



The LEPC participates in many community outreach events each year, in addition to providing school and community awareness education throughout the community in parks, neighborhoods, and along roads.

Source: La Porte LEPC Department Website.



- 3) Budgeting adequately for the periodic acquisition – and maintenance – of the numbers and types of vehicles necessary to support core departmental responsibilities.
- 4) Targeting adequate resources to areas that pose particular challenges in a growing community, including traffic- and school-related policing and emergency response.
- 5) Continuing to pursue inter-governmental approaches to coordinate basic functions and gain cost savings, while remaining sensitive to administrative and operational challenges that may be involved.
- 6) Preparing for future population growth while working to meet today's service demands more efficiently and effectively.

Based on these planning considerations, the following goals, actions, and initiatives address specific issues and needs identified during the public participation process (and outlined in **Chapter 1, Plan Context**).

GOAL 5: Provide for the ongoing needs of the Police Department to ensure adequate protection of the population.

Actions and Initiatives

- 1) Periodically review the Police Department's personnel needs and hire additional staff to accommodate increased calls for service concurrent with population growth. Utilize the Federal Bureau of Investigation (FBI) Crime in the United States (latest edition) staff survey as a measurable comparison for full-time law enforcement professionals and civilian staffing needs. This could include:
 - a. Full-time law enforcement officers concurrent with population growth;
 - b. One additional crime analyst;
 - c. One additional jailer per shift; and
 - d. One additional dispatcher per shift so that Fire/EMS Departments have a dedicated person taking and dispatching their calls.
- 2) Construct a new joint 6,000 square foot animal shelter that is sufficient to achieve certification requirements.
- 3) Support the Police Department's efforts in providing roving safety training throughout the community.
- 4) Upgrade the firing range so that it has adequate lighting and a moveable target system to increase officer preparedness in emergency situations using force.
- 5) Establish a formalized replacement and procurement program for vehicles and equipment to keep pace with state-of-the-art law enforcement technology and capabilities. This could include:
 - a. Rotating cars every three years;
 - b. Replacing laptops and software in patrol cars in a timely manner.
- 6) Provide adequate funding to expand the amount and quality of more cost-effective in-house training for patrol officers and other staff.

- 7) Continue to contract with Cry Wolf false alarm management solutions so that the numbers of false alarms continue to decrease,¹⁹ thereby reducing the potential of injury to public safety staff and citizens (due to unnecessary dispatch and response) and increasing the amount of time available for training and response to actual emergency situations.
- 8) Continue to pursue grant opportunities, e.g., the Texas Department of Transportation's Selective Traffic Enforcement Program (S.T.E.P.), among others, so that additional public safety programs can be provided at minimal cost to taxpayers.
- 9) Continue to work in partnership with the La Porte Independent School District to provide on-site School Resource Officers (SROs) to maintain a visible presence on campuses for the safety of school children and educators.
- 10) Continue to operate the Police Area Representative (P.A.R.) program, which provides a specific liaison (based on zones) between the Police Department and the community so that citizens have a resource to gain assistance with non-emergent, but important problems, such as abandoned vehicles, traffic problems, graffiti, and gang or drug-related concerns.
- 11) Continue to provide the Citizen's Police Academy, a community awareness program that provides hands-on demonstration and interactive instruction during a 13 week course.
- 12) Continue to provide the Youth Explorer Program, which educates teens interested in law enforcement as a career in such topics as crime scene investigation, traffic enforcement, SWAT and patrol operations, and criminal investigations.
- 13) Continue to prepare and publicly disseminate the La Porte Police Department Annual Report.
- 14) Continue to maintain and keep up-to-date the Police Department's pages on the overall City's Website.

¹⁹ According to the La Porte Police Department Annual Report 2010, there was a 34% reduction (i.e., 2009:1,327; 2010: 871) in the number of false alarms in the City attributed to active participation in the Cry Wolf program.



GOAL 6: Provide for the ongoing needs of the Fire Department and Fire Marshal's Office to ensure adequate protection of the population.

Actions and Initiatives

- 1) Continue to pursue improvement in the City's Insurance Services Office (ISO) ratings within and outside of the City. While the City's current rating is very good, lowering it would result in reduced insurance rates in addition to the benefits of improved response and, thus, the protection of life and property. Consideration should be given to capital projects that help improve the rating, including increased fire flows, looped water systems, new hydrants, and a generally improved water supply.
- 2) Periodically review the Fire Department's personnel needs and hire additional staff to accommodate increased calls for service concurrent with population growth. Utilize the National Fire Protection Association (NFPA) or other suitable standard as a measurable comparison to determine adequate staffing of paid and volunteer firefighters. This could include conducting a manpower study specifically to determine whether or not a second full-time firefighter is warranted at each fire station.
- 3) Work in coordination with the Police and EMS Departments to add a third dispatcher to the E-911 call center.
- 4) Establish a formalized replacement and procurement program for vehicles and equipment to keep pace with state-of-the-art fire rescue technology and capabilities. At a minimum, this should include a replacement schedule as follows:
 - a. Engines: 20 years;
 - b. Ladder trucks: 25 years; and
 - c. Command vehicles: 10 years.
- 5) Continue Fire Department participation in the City's plan review process so that water supply and other emergency response considerations are incorporated into plans and plats for new development/redevelopment.
- 6) Continue Fire Marshal participation in the City's Building Plan Review process and on-site inspections so that fire and life safety codes are incorporated into construction plans and verified compliant during post-construction inspections.
- 7) Adequately fund training opportunities for fire personnel to improve personal skills and departmental capabilities. Utilize the new Fire Training Officer to expand cost-effective in-house training capabilities.
- 8) Adequately support the Fire Department's efforts to convey the message of fire prevention through programs such as CPR, first aid training, and fire safety related school events.
- 9) Continue to monitor fire and building codes to determine if a newer addition would achieve better life safety protection for the City.
- 10) Continue to conduct fire safety inspections of all businesses and public facilities to ensure compliance with fire and life safety code requirements.

- 11) Continue to prepare and publicly disseminate the La Porte Fire Code Construction and Development Guide.
- 12) Continue to maintain and keep up-to-date the Fire Department and Fire Marshal's pages on the overall City's Website.

GOAL 7: Provide for the ongoing needs of the City's Emergency Medical Services (EMS) Department to ensure adequate protection of the population.

Actions and Initiatives

- 1) Periodically review the EMS Department's personnel needs and hire additional staff to accommodate increased calls for service concurrent with population growth. This could include adding an additional Captain to relieve the Assistant EMS Chief from being a shift commander. This would allow the Assistant EMS Chief to dedicate more time developing overall strategies to improve the operation of the EMS Department.
- 2) Work in coordination with the Police and Fire Departments to add a third dispatcher to the E-911 call center.
- 3) Add a third 24/7 Mobile Intensive Care Unit (MICU) ambulance to each shift to ensure adequate emergency life support service protection for the citizens and visitors of La Porte.
- 4) Adequately support the EMS Department's efforts to improve the health and safety of the community through such programs as the Childhood Immunization Program, Child Safety Seat Inspection Program, Shattered Dreams (i.e., bi-annual DWI awareness program for high school juniors), "Vial of Life" Program (documentation and storage of medical information in homes), as well as cyclist training (in coordination with the International Police Mountain Biking Association) and CPR training (American Heart Saver) at the bystander and healthcare professional level, among others.
- 5) Continue the Bike Medic Program on a part-time basis during special and public safety education events to bridge the gap between an on-foot response and an ambulance response in crowded conditions. This is particularly important due to the City's recent efforts to expand and interconnect the trail system. Consider adding a periodic presence on the City's overall trail system during non-event, peak summer days.
- 6) Continue to pursue joint partnerships with the La Porte Independent School District, Galveston County Immunization Coalition, and Texas Department of State Health Services to provide cost effective educational and training programs to the community.

GOAL 8: Maximize public safety and protection of citizens during and after natural or man-made disasters.

Actions and Initiatives

- 1) Routinely update the Basic Emergency and Annex Q Plans to ensure that they reflect changed conditions (the last update was posted 6/19/09)



and adequate resources in place for effective emergency response under various scenarios.

- 2) Continue to coordinate with Harris County and other local jurisdictions to promote better regional evacuation planning.
- 3) Ensure adequate City representation on the Local Emergency Planning Committee (LEPC) so that the City's priorities are addressed and that overall progress and effectiveness is routinely evaluated.
- 4) Continue to encourage and participate in regular and challenging simulated emergency drills in coordination with the LEPC and other appropriate entities to ensure a high level of readiness and to evaluate the adequacy of emergency response plans.
- 5) Continue to coordinate closely with the LEPC to maintain an up-to-date list of hazardous waste handlers and other facilities that could experience toxic material releases or other dangerous situations during severe weather.
- 6) In coordination with the Office of Emergency Management (OEM) and LEPC, continue to maintain or expand emergency notification capabilities to ensure citizen safety during and after natural and man-made emergencies. This includes supporting the emergency siren system, Community Awareness Emergency Response (CAER Line) telephone system, Connect-CTY, Radio Station AM 830, and the system alert beacons, among others.
- 7) Continue City support for OEM and LEPC school and community outreach programs, e.g., Hurricane Awareness Week, Storm Surge Markers, Shelter-in-Place signs in parks, neighborhoods, and along roads; and the emergency preparedness guides, as well as special events, such as the Health and Safety Fair, Sylvan Beach Parade, the Neighborhood Centers Inc. Community Health Fair, and Christmas on Main Street, among others.

Focus Area 4 – Need for Increased Sustainability

In recent years, there has been a renewed awareness and emphasis on sustainable development practices. There are many approaches to seek improved sustainability, one of which is the design and construction of new (or redeveloped) building sites. Infusing Best Management Practices (BMPs) and providing incentives for good design will move the City toward more responsible development / redevelopment outcomes. Many of these techniques also have the added benefit of enhancing community character.

Key Planning Considerations

Key planning considerations to maintain and improve public safety services include:

- 1) Increasing water conservation through the use of Best Management Practices (BMPs), Low Impact Development (LID), water conservation

programs, and additional landscaping to reduce demand for treated, potable water.

- 2) Protecting important and finite natural resources such as air and water quality, wildlife habitat, and open space lands.
- 3) Reducing solid waste to landfills through continued improvements in recycling, composting, and diversion of solid waste from landfills.
- 4) Reducing the long-term operational costs of public infrastructure, thereby maximizing the use of taxpayer dollars.
- 5) Increasing the amount of outreach to encourage both the private sector and citizens of La Porte to adopt sustainable practices.

Based on these planning considerations, the following goals, actions, and initiatives address specific issues and needs identified during the public participation process (and outlined in **Chapter 1, Plan Context**).

Actions and Initiatives

- 1) Determine a plan of action to reduce per capita per day water usage by five percent within five years of the most recent adoption of the City's 2009 Water Conservation Plan. In the same timeframe, maintain a level of unaccounted water loss at 12 percent or less. Within 10 years, the City should achieve a 10 percent reduction in per capita per day water usage and maintain a level of unaccounted water loss at 10 percent or less.²⁰
- 2) Adopt a long-term energy strategy to include an energy plan that enumerates reduction goals based on the current energy usage. A modest reduction of 10 percent in building energy usage is achievable under such plan.
- 3) Consider publicizing the City's progress in achieving the above stated goals on the City's Website and through other forms of public communication.
- 4) Analyze the current water rate structure to determine its effectiveness in achieving reduced water consumption, particularly from outdoor watering.
- 5) Consider sub-metering for all installed irrigation systems so that individual watering of landscapes can be tracked and managed over time.
- 6) Incentivize clustered development, e.g.; through density bonuses, so that larger areas of natural resources are protected; more natural areas are available for flood and drainage control, and less infrastructure is required to serve the development; which means that there will be less infrastructure for the City to maintain over the long-term.

²⁰ For the purposes of calculations, the 2009 Water Conservation Plan specified that per capita water use is equated to the use per connection. The five- and 10-year targets are based on a five- and 10-year rolling annual average.



Examples of Low Impact Development



Source: Low Impact Development Center, Inc.

Continue Municipal Sustainable Design and Construction



“The new Municipal Court Building serves as a model for our community that municipal growth can proceed in a way that promotes energy efficiency and delivers a cleaner environment.”

Quote Source: City of La Porte Website.
Photo Source: Turner Construction Website.

- 7) Consider methods that either encourage, by education and information, or require/incentivize by regulation, water conserving landscaping by residential customers and commercial establishments. Municipal projects, e.g., gateways and bridge treatments, public rights-of-way and other landscaping, etc., should also be designed to survive in prolonged drought conditions. This has become increasingly more evident during the recent drought.
- 8) Periodically update the City’s Best Management Practices (BMPs) to ensure the City remains up-to-speed on the latest available technologies.
- 9) Incorporate provisions in the zoning and subdivision regulations for low impact development (LID) practices. This approach uses site design techniques to store, infiltrate, evaporate, and detain runoff, which address runoff volumes, frequency, and water quality. Examples of site design elements include on-lot micro-storage, functional landscaping, open drainage swales, reduced imperviousness, minimal grades, and depression storage. (see inset)
- 10) Require the use of bio-swales in parking lots and along roadways to collect and hold stormwater, enhance recharge rates, and improve water quality.
- 11) Use bio-retention areas or rain gardens to collect rainwater after storms and divert it from the stormwater system. For instance, runoff from parking areas can channel water into constructed wetlands or native planting areas.
- 12) Consider phasing in incentives for private sector development that meets an established third-party green standard, e.g.; LEED for Neighborhood Development (LEED-ND) or LEED for New Construction (LEED-NC), through reduced plan review fees or review times, reduced tax rates, etc.
- 13) Consider pursuing third-party certification, e.g., LEED-NC, for the design and construction of all new municipal projects. Similar to the energy efficient and environmentally sound Municipal Court Building (see inset), these sustainable projects can be used as educational features (to inform residents about the science and conservation efforts behind the pilot project), as well as resulting in financial savings over the long-term. Beyond standard building features, consider using municipal projects as demonstration sites for such things as innovative rainwater capture and treatment, xeriscaping, energy production, etc.
- 14) Establish community drop-off recycling locations in each park. As a long-term strategy, coordinate with Waste Management to establish curbside recycling.
- 15) Continue participating in the Harris-Galveston Coastal

Subsidence District's program for educating elementary students about water conservation.

- 16) Adopt a more proactive approach to educating the development community and the general public including the use public property as demonstration sites or including specific pages on the City's Website that details the established public education program on water saving measures, including how and where to find additional information.



COMMUNITY MOBILITY

CHAPTER 4

Advanced transportation planning and thoroughfare development help communities prepare for future traffic demands and create a safe and efficient system of travel to, from, and within a community. For La Porte, a community that is relatively built out, advanced transportation planning relies more on filling in missing linkages; maintaining connectivity to the east and west side, refining existing corridor appearance, functionality, and efficiency; and improving the balance of transportation choices for the community during new and revitalization/redevelopment projects. If designed well, these projects will not only improve mobility, but will also improve safety and the overall quality of life in the community.

4.1 Introduction

A city's transportation system has a strong influence on the quality of life and economic potential of a community. When residents cannot move with relative ease throughout their community, this leads to frustration and detracts from local quality of life. Likewise, retaining and attracting businesses requires having adequate roadway, rail, air, and other facilities to move people and goods to and from the area in an efficient manner. Indeed, traffic congestion, street maintenance, and safety along roadways are often the most prevalent and talked about issues when addressing current and future community needs.

2001 vs. 2012 Plan Comparison

2001	2012 Update
Ch. 5, Transportation Thoroughfare System	Ch. 4, Community Mobility

While travelling by car is the predominate form of people mobility in La Porte¹ and is typically the topic that receives the most attention, planning for future travel needs in the City will involve looking at transportation as an interconnected system of roadways, paths, trails, and sidewalks, with multiple options for getting around including by transit and bike. In fact, the City's recent commitment to constructing a City-wide trail system is already starting to be a game-changing influence on the discussion of mobility in La Porte.

4.2 Focus Areas, Goals, Actions and Initiatives

Throughout the planning process a number of issues were identified regarding truck traffic, lack of connectivity, trails, sidewalks, and the airport. These discussions formed the basis of the following focus areas, along with an analysis of existing conditions and review of current programs, plans, and ordinances. Each focus area contains contextual information, key planning considerations, goals, (and their rationales), and advisable implementation actions and initiatives. The areas of focus are as follows:

- **Focus Area 1** – Maintained, safe and efficient street transportation network;
- **Focus Area 2** – Improved alternative modes of people mobility; and,
- **Focus Area 3** – Expanded opportunities for water, rail, and air movement of goods.

Focus Area 1 – Maintained, safe and efficient street transportation network

Since La Porte is a composite community that is part of a larger metropolitan area, the City's transportation system is comprised of both local streets, which provide access throughout the City, and regional thoroughfares (e.g., state and county roadways), which provide access to other parts of the region. Both are necessary to create an efficient transportation street system. Depicted in **Map 4.1, Streets By Jurisdiction**, is an inventory of the roadways in the City by jurisdictional authority.

Regional Transportation Network

La Porte is well-connected to the region and is located along two major state highways: State Highway (S.H.) 225 and S.H. 146. The existing street network currently provides adequate north-south (i.e., Underwood Road, Sens Road, and S.H. 146) and east-west connections (i.e., S.H. 225, Spencer Highway, and W. Fairmont Parkway). Many of these roadways provide efficient,

¹ Over 95 percent of La Porters workers, age 16 and older, commute to work in an automobile. U.S. Census Bureau, 2006-2010 American Community Survey 5-Year Estimates.

convenient access to the greater metropolitan area, including Houston, Baytown, Kemah, and Galveston.

Due to the significant increases in growth in the metropolitan area, numerous studies and improvement projects have been proposed for these roadways so that their capacity is maintained and/or improved as the area continues to grow.

Grand Parkway (S.H. 99)

One of these projects is the construction and completion of the Grand Parkway (S.H. 99), a proposed (and under construction) 180+ mile, six-lane highway, which will eventually become the third outer loop to serve the regional mobility needs of the metropolitan area (see inset).

The Grand Parkway is comprised of 11 segments which form a “C” around the metropolitan area. As denoted in the inset in red, the area of S.H. 146 that passes through La Porte is not part of the official Grand Parkway alignment.² Despite not being officially designated as part of the Grand Parkway, this section of S.H. 146 through the City will undoubtedly see increased usage when the loop system is complete. Construction is being undertaken by the Texas Department of Transportation (TxDOT) and there are currently two segments complete.

State Highway 225

S.H. 225 extends from its interchange with S.H. 146 west along the north corporate limits of La Porte, extending across Beltway 8 and Interstate 610 and terminating at Broadway Boulevard. The freeway is access-controlled with grade separated partially or fully constructed interchanges at Sens Road/26th Street, Miller Cut Off Road, and Battleground Road. The Union Pacific Railroad runs along the southern boundary of the freeway.

In 2003 through 2005, TxDOT conducted a Major Corridor Feasibility Study (MCFS) for an approximate 16-mile segment of S.H. 225 from Interstate 610 and ending at S.H. 146. The impetus for the plan was that the corridor serves as a primary access route for the Barbours Cut Container Terminal and is perceived to have heavy truck traffic.³

² Grand Parkway (S.H. 99) Environmental Review (June 1993); www.grandpky.com website; phone interview (01/09/12) with David Gornet, P.E., Executive Director of The Grand Parkway Association.

³ TxDOT, Houston District. S.H. 225 Major Corridor Feasibility Study – Final Report, prepared by Carter & Burgess, Inc., November 2005.

The Grand Parkway (S.H. 99)



The Grand Parkway does not currently connect through La Porte.

Source: www.grandpky.com



As part of that study, an Interchange/Ramp Improvements alternative received the highest ranking and is currently being implemented. However, there were no improvements planned for the interchanges within or adjacent to the City of La Porte.⁴

State Highway 146

S.H. 146 traverses La Porte on a north/south alignment and extends south to Interstate 45 in Texas City and north across the Fred Hartman Bridge and over the Houston Ship Channel eventually intersecting with Interstate 10 and then continuing north to S.H. 90. This corridor has been identified by the Houston-Galveston Area Council (H-GAC), the region's Metropolitan Planning Organization (MPO), as a candidate for significant infrastructure investment.

Currently, S.H. 146 is undergoing a significant improvement project, which will add sufficient capacity to meet the mobility needs of corridor through the Year 2022.⁵

On its northern segment (i.e., north of Fairmont Parkway), it is an access-controlled freeway and there are no proposed improvements at this time. On the portion south of Fairmont Parkway, the highway was an open highway consisting of two lanes in either direction. This portion of the highway is currently under construction, which, when finished, will consist of a six lanes with some areas having two, three-lane frontage roads. This improvement project also includes the addition of three grade-separated interchanges at Shore Acres Boulevard, Port Road, and Red Bluff Road, and a direct special connection to the Bayport Terminal so that heavy trucks can enter the highway corridor without intermixing with local traffic on the frontage roads.⁶ Finally, as a result of public involvement in the planning process, each proposed alternative, including the chosen preferred alternative, included improved bicycle and pedestrian facilities within the corridor.

Fairmont Parkway

Fairmont Parkway is a major east-west connector for the City as it connects directly to Beltway 8 and terminates near Downtown La Porte at Sylvan Beach. Previously, the corridor was under consideration to be converted into a toll road. That proposal is no longer under consideration and subsequently, Harris County, Precinct 2, has moved forward with a four-phase widening project.

⁴ Phone interview with Patrick Gant, Engineer with the Texas Department of Transportation. 01/09/12.

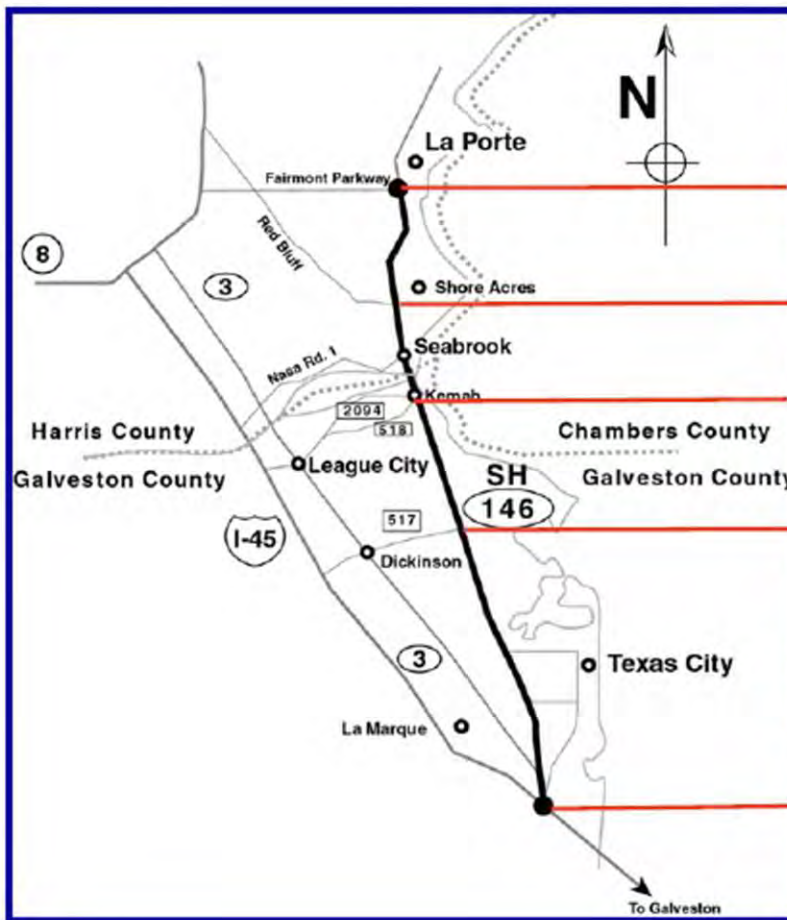
⁵ TxDOT S.H. 146 Major Investment Study (MIS).

⁶ Phone interview with Patrick Gant, Engineer with the Texas Department of Transportation. 01/09/12.

Local Transportation Network

The City is also comprised of local streets which move residents through the community from their homes to employment and shopping centers, schools, and places of leisure. As development and redevelopment continues in and around the City, ensuring through-movement along the arterial street system, adequate connectivity, and ample options for travel on the roadway network will be important for enhancing local mobility. The City is already well-interconnected and given limited resources (i.e., financial) and

S.H. 146 Improvement Project



Fairmont Pkwy

Segment 4 - Provide 6 Freeway lanes with Frontage Roads and potential future HOV lanes.

Red Bluff

Segment 3 - Provide 6 Arterial Lanes with Express lanes grade separated at major intersections.

FM 518

Segment 2 - Provide 6 Arterial lanes with grade separation at major intersections

FM 517

Segment 1 - Provide 4 Arterial lanes with grade separation at major intersections.

I45

Source: SH 146 Corridor MIS. www.txdot.gov.

constraints (i.e., limited vacant areas for new thoroughfare placement), maximizing existing roadway assets through access management and other techniques (e.g., adding connections) will be important for optimizing local mobility.

The majority of the City's older residential areas are on a grid system, providing good connectivity within and through neighborhoods. Even many

Transportation System Management (TSM)

The Transportation Systems Management (TSM) approach to congestion mitigation seeks to identify improvements to enhance the capacity of existing system through better management and operation of existing transportation facilities. These strategies are low-cost but effective in nature, which include, but are not limited to:

- Intersection and signal improvements;
- Freeway bottleneck removal programs;
- Data collection to monitor system performance; and,
- Special events management strategies.

Source: NCTCOG.

of the City's new neighborhoods (e.g., Fairmont Park West) have relatively good connectivity where there is multiple access points and limited reliance on dead-end and cul-de-sac streets. As detailed later in the actions and initiatives section, there are some residential areas where it is recommended to extend existing streets to improve connectivity. Many of these connections were identified in the previous thoroughfare plan and are still important today. However, there was one previously identified connection, Farrington to S.H. 225, which, due to changing conditions, may no longer be as important today as it was in the past. Over the past 10 years, the City has proactively determined that the Lomax area should remain rural in character, which also has a direct correlation to transportation and traffic, as rural areas naturally have lesser traffic volume and a more rural appearance (i.e., open grass swales vs. curb and gutter). In addition, both arterials on either side (i.e., Underwood Road and Sens Road/Bay Area Boulevard) have been, or will be improved to ensure an efficient roadway network for that area. Therefore, in that area, it recommended to extend Farrington Boulevard just to Lomax School Road and to extend the stubbed out Valley Brook Drive, which would provide a northern entry/exit point for the Glen Meadows subdivision and provide better fire and EMS access/protection for area residents.

Key Planning Considerations

Key planning considerations regarding the needs to ensure a maintained, safe, and efficient street transportation network include:

- 1) Improving roadway conditions through reconstructing failing streets, striping roadways, seal-coat or overlay those needing surface improvement, installing and/or improving underground or ditch drainage systems, replacing traffic signs, and synchronizing traffic signals.
- 2) Implementing a comprehensive streets-to-standards program to concentrate on bringing all roads throughout the community to an equivalent standard. This program is essentially a City-wide initiative to inventory all street conditions and institute a pavement management system.
- 3) Coordination with regional partners to implement the necessary improvements to S.H. 146 (i.e., constructing frontage roads and three grade-separated intersections or flyovers) and Fairmont Parkway (i.e., constructing an additional lane in each direction).
- 4) Being cognizant of the fact that full implementation of the Grand Parkway (S.H. 99) will impact traffic patterns in the City.
- 5) Facilitating an adequate arterial and collector street system that provides for multiple connections and options.
- 6) Accommodating and mitigating the effects of increased freight movement in and through the City, including being proactive in protecting the two east to west access routes (i.e., Fairmont Parkway and Spencer Highway) from increased truck traffic.

- 7) Maximizing flow and reducing traffic conflicts on existing facilities through access management and other Transportation System Management (TSM) strategies.
- 8) Thoroughfare development that is aesthetically pleasing and compatible with and complements desired character. The character of a corridor is influenced by the City's ordinances and Public Improvement Criteria Manual (PICM) standards which regulate the form of development, including the location and design of sites and buildings which interact with the thoroughfare system.

Based on these considerations, the following goals, actions, and initiatives address specific issues and needs identified during the public participation process (and outlined in **Chapter 1, Plan Context**).

GOAL 4.1: Coordinate with federal, state, and local partners in enhancing regional mobility to facilitate moving people and goods to, from, and through the community in an efficient and effective manner.

Actions and Initiatives

- 1) Actively participate with TxDOT, The Grand Parkway Association, and other agencies as additional planning and design efforts are undertaken on the S.H. 99 segments north and south of the City. Since these segments will have an effect on the City, it is important for the City to evaluate its planning and design implications.
- 2) Actively participate in regional and statewide transportation planning activities to promote funding and improvements that benefit La Porte.
- 3) Continue to coordinate with the Houston-Galveston Area Council (H-GAC), TxDOT, and other regional partners to consider implementation of the following planning projects identified in the 2035 Regional Transportation Plan (RTP).⁷
 - a. TIP (2012) – Sens Road from N. H. St. to Spencer Highway; Widen to 5-lane concrete pavement with storm drainage; estimated to cost \$8,725,292 (Harris County).
 - b. TIP (2011) – S.H. 146 southern access road and Port Road; construct eastbound exit; estimated to cost \$2,943,369 (Port of Houston Authority).
 - c. TIP (2012) – BNSF railroad and Port Road; construct northbound direct connector; estimated to cost \$8,394,099 (Port of Houston Authority).

⁷ Bridging Our Communities 2035 – The 2035 Houston-Galveston Regional Transportation Plan Update, 1/25/11.

H-GAC 2035 Regional Transportation Plan (RTP) Prioritization



- The H-GAC 2035 RTP groups projects into three timeframes:
- 1) TIP – transportation improvement program imminent for construction;
 - 2) Short-range – four to 10 years; and,
 - 3) Long-range – 11 to 25 years.

Source: H-GAC 2035 RTP.



- d. Short-range RTP (2016) – S.H. 146 Southbound southern access road; construct direct connector from southbound lanes; estimated to cost \$13,379,661 (Port of Houston Authority).
 - e. Long-range (2020) – Broadway St. from Barbour's Cut Blvd. to N. L. St.; widen to 4-lane road; estimated to cost \$2,632,382 (Port of Houston Authority).
 - f. Long-range RTP (2023) – City of La Porte Bike Trail for comprehensive bike and pedestrian trail system; estimated to cost \$13,012,801 (City of La Porte).
 - g. Long-range RTP (2023) – N 16th St. from W. Main to SH 146; 12 ft. construct 4-lane divided arterial and crossover/underpass at intersection; estimated to cost \$8,686,337 (City of La Porte);
 - h. Long-range RTP (2020) – W&E Main St., San Jacinto St., Fairmont Parkway, Park St., E. St.; City of La Porte streetscape improvements; estimated to cost \$8,015,360 (City of La Porte).
 - i. Long-range RTP (2020) RTP –Wharton Weems Blvd. from Powell Rd. to SH 146; construct a new 4-lane divided arterial concrete curb & gutter & underground storm sewer; estimated to cost \$7,547,378 (City of La Porte).
- 4) Continue to monitor other planning projects identified in the 2035 Regional Transportation Plan (RTP) to ensure La Porte's transportation needs are addressed.

Goal 4.2: A local transportation system that moves people through the community in a safe and efficient manner.

Actions and Initiatives

- 1) Continue to utilize the Thoroughfare Plan to address transportation improvement needs and to preserve future rights-of-way needed to accommodate long-term development of the arterial and collector thoroughfare system. This also includes, to the extent feasible, minimizing the existence and new construction of dead-end streets and cul-de-sacs.
- 2) Maintain the conformity clause in the zoning regulations requiring conformance with the adopted Thoroughfare Plan. (see inset)
- 3) Extend collector roads to arterial roads to increase connectivity within and between subdivisions. This can be achieved by requiring, concurrent with subdivision approval, continuous collector roadways between all arterials, aligning with existing collector roadway segments.
- 4) Explore the concept of incorporating volume-based standards for local residential streets into the City's development regulations. Under this approach, the type of access, number of dwelling units served, and the units' average frontages determine the street right-of-way, pavement width, and other design requirements such as parking lanes, curb width,

Conformity Clause

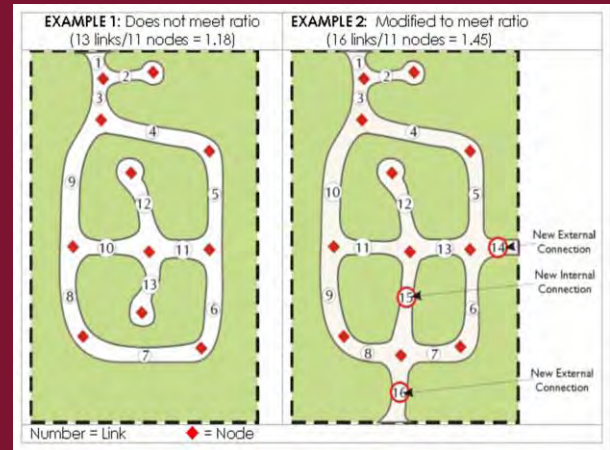
"All buildings shall be placed in such a manner that they will not obstruct future streets which may be constructed using existing rights-of-way or dedicated rights-of-way in accordance with the adopted thoroughfare plan of the city."

Source: La Porte Code of Ordinances Sec. 106-237, Conformance with Thoroughfare Plan

parkways, and sidewalks (this would apply only to local streets with no potential for future connection or extension). Therefore, the required right-of-way and street design is directly tied to development density and generated traffic volumes as opposed to a “one-size-fits-all” standard for all local streets. Where appropriate, sidewalks or off-street trails could be required as a tradeoff for reduced pavement width. Alternatively, modify the PICM standards to include a standard cross section and an alternative cross section that provides more flexible options based on conditions on the site, e.g., developer wants to install a narrower street, planted center median, and offset trails, rather than the standard 28-foot, two lane local street with sidewalks offset two feet from the pavement.

- 5) In conformance with the Thoroughfare Plan (see **Map 4.2, Thoroughfare Plan** and **Section 4.3** of this Chapter), work with affected stakeholders to consider the following street connections on existing streets:
 - a. Collingswood Road and Collingswood Drive;
 - b. Catlett Lane from Roseberry Drive to Valley Brook Drive;
 - c. Venture Lane from Aston Lane to Somerton Drive;
 - d. N. Avenue H just east of Meadow Lark Lane;
 - e. West Barbours Cut Boulevard to Sens Road (would require an overpass over the railroad);
 - f. Bayou forest Drive to McCabe Road with an extension to Hollow Tree Street; and,
 - g. Valley Brook Drive to N. Avenue H.
- 6) Adopt a street connectivity index (for the remaining larger undeveloped areas) to ensure there are adequate street connections in a neighborhood and to improve directness of routes. The purpose of connectivity requirements would be to create multiple, alternate routes for automobiles and create more route options for people on foot and bicycles. The connectivity ratio would be identified in the development regulations and would be based on existing subdivisions in La Porte. Features of the ordinance should include:
 - a. An appropriate connectivity index (e.g., street links divided by street nodes).
 - b. Requirements for connecting local and collector streets to adjacent developments to ensure a minimum level of external connectivity.
 - c. Requirements to establish pedestrian routes between land uses. This is particularly important where natural features or other constraints make it impractical to connect streets.
 - d. Provisions to discourage cut-through traffic and speeding. (see inset)

Street Connectivity Index



A connectivity index increases the number of street connections in a neighborhood and improves directness of routes.

Source: Kendig Keast Collaborative.



Access Management Needs



In this section of Spencer Highway, the number of vehicles that will be entering and exiting (particularly left-hand turns) the multiple access points (denoted in yellow) will cause a worsening of congestion as this corridor fully develops or redevelops.

Source: Kendig Keast Collaborative.

7) Coordinate with the county, as necessary, to conduct signal warrant studies to determine if signals are needed at the below specified intersections. Indicative of a rural area, Lomax has long lengths of roadways and limited connectivity. As such, the terminus of each of these roadway segments may warrant the need for a signal now, or in the future as infill development/redevelopment continues.

- a. North P Street and Sens Road;
- b. North L Street and Sens Road;
- c. North Avenue H and Sens Road; and,
- d. North Avenue H and Underwood Road.

8) Coordinate with the county to request signal timing studies to be done on Fairmont Parkway and Spencer Highway.

9) Periodically conduct signal warrant studies as area travel volumes increase with new development

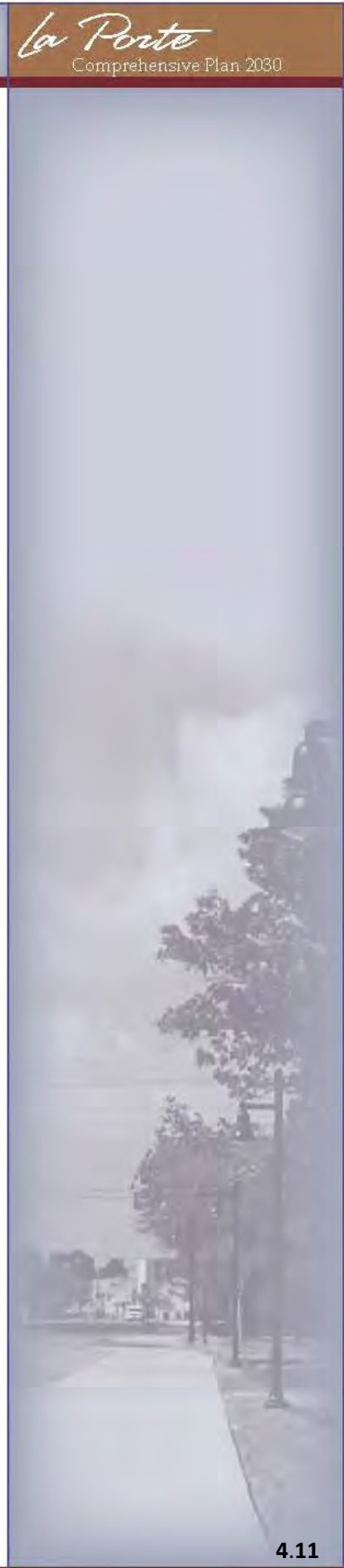
and as truck traffic increases due to the Panama Canal expansion and regional growth.⁸ In areas that are already managed by traffic signals (e.g., and the new signal at 16th Street was identified as having existing signal timing problems), signal timing should be reviewed, particularly in congested areas, to determine if timed traffic signals are appropriate relative to the volume and peaks in traffic flow. Adjustments should be made to traffic signals so they are timed accordingly. Pedestrian- and bicycle-actuated traffic signals should be installed at intersections near schools, parks, and other areas with high pedestrian traffic.

- 10) Develop an access management program and guidelines that provide appropriate strategies and access design requirements based on the roadway's functional classification as identified on the Thoroughfare Plan. Further, coordinate with the state, county, and other partners, as necessary, to prepare access management studies to identify and evaluate appropriate TSM measures that would be suitable and feasible along corridors of concern. These measures could include the addition of right or left turns lanes at certain locations (with or without planted center medians), consolidation of driveways, and signal timing. There are a number of sources and criteria that could be used in determining appropriate TSM measures in the community, including those identified in TxDOT's Access Management Manual and the Transportation Research Board's Access Management Manual. (see inset on page 4.6)
- 11) Amend the development regulations and/or the Public Improvement Criteria Manual (PICM) to restrict and/or guide the number, location,

⁸ Truck volumes are expected to grow by 77 percent by 2035 along the major trade corridors serving the Houston-Galveston area's port and waterway system. H-GAC Regional Goods Movement Study – Final Report. Dec. 2011.

and spacing of driveways, street intersections, medians and median openings, marginal access roads, turn lanes, and acceleration/ deceleration lanes at major intersections. This is particularly important in preserving capacity along roadways that are not currently lined with development. The regulations should require marginal access roads and/or cross-access easements along all commercial frontage abutting arterial and collector roads to minimize the number of driveways.

- 12) Amend the development regulations and/or the PICM to require shared driveways and cross-access easements between adjacent and abutting properties to eliminate the need to use the public street for access between adjoining businesses.
- 13) Amend the development regulations and/or PICM to limit or prohibit residential driveways along collector roadways to preserve the intended function of these roadways. Ideally, side lot lines should face the collector street.
- 14) Create a Strategic Corridors Program by identifying strategic corridors within the community and direct aesthetic and infrastructure improvements along those corridors as a priority. Coordinate with the state and county, as necessary, for non-City roadways. This allows the City to improve key corridors in a more holistic fashion, making improvements including infrastructure, property maintenance, access management, aesthetics, and landscaping to a corridor all at once. A corridor streetscape plan should be prepared for these strategic corridors. The plans should include a detailed inventory and assessment of existing conditions, including land use and zoning, building footprints, numbers and locations of driveways and parking lots, numbers and locations of signs, trees, and vegetation, power poles and overhead lines, street cross sections and rights-of-way, sidewalks and pedestrian improvements, pervious and impervious surfaces, and general visual characteristics. The enhancement and design plans should include any regulatory recommendations and identified improvements and their estimated costs. An implementation plan should identify priorities, funding options and sources, and a timeline. As identified in **Chapter 2, Map 2.2, Beautification Plan**, primary corridors should include S.H. 225, Fairmont Parkway (in conjunction with the Harris County widening project), Underwood Road, and S.H. 146 frontage roads. Secondary corridor enhancements should be completed on Spencer Highway, Sens Road, San Jacinto Drive, and Broadway Street.



City Council Votes 'No'

On xx-xx-xxxx, the La Porte City Council voted unanimously to reject a legislative attempt to create a Heavy Haul Corridor, which would allow increased truck weights along S.H. 225 and S.H. 146.

Source: City of La Porte

Benefits of Complete Streets



Complete Streets:

- Make economic sense;
- Improve access;
- Improve safety;
- Promote active living and good health through encouraging walking and bicycling;
- Can help ease transportation woes;
- Can lower transportation costs for families;
- Help keep kids safe;
- Improve mobility for people with disabilities and the elderly;
- Make fiscal sense; and
- Foster strong and livable communities.

Photo and Text Source: National Complete Streets Coalition.

15) Expand the formal traffic calming program⁹ to include City-initiated travel speed studies to determine appropriate speed restrictions in neighborhoods and pedestrian areas. Perform localized traffic calming studies where there are observed unsafe conditions of cut-through and/or high-speed traffic to determine if any potential mitigation strategies are viable without undermining roadway capacity and creation of traffic congestion issues. (see also **Chapter 2, Land Use and Development, Goal 3, Action Item # 5**)

16) Continue to take necessary action to avoid implementation of a Heavy Haul Corridor on S.H. 225 and S.H. 146. (see inset)

17) Coordinate with state, county, industrial districts, and other regional partners to address increasing truck traffic in the area. This could include determining potential long-term solutions for reducing and/or removing some or all truck traffic from Fairmont Parkway as other road improvements in the area are completed (e.g., Canada to Red Bluff Road connection, widening and grade-separated crossings on S.H. 146, Spencer Highway and Sens Road widening, etc.).

18) Maintain funding and support for the Clean City Street Program as it improves the appearance of existing corridors and helps to enhance quality of life for La Porte's citizens.

19) Maintain established regulations allowing golf carts to be utilized on certain public rights-of-way within City limits.¹⁰

Focus Area 2 – Improved alternative modes of people mobility

Currently, the private automobile is the primary form of transportation for most individuals in La Porte. However, with an aging population, escalating fuel costs, continuing environmental concerns, and the high cost of planning and building roadways, opportunities exist for providing and accommodating alternate modes of transportation, including transit and bike pedestrian facilities. Indeed, as a testament to the change in times since the last comprehensive plan, the City now participates in a jointly funded transit system (the "Circulator"), and has constructed almost 14 miles (out of 38 miles)¹¹ of a planned City-wide trail system. In fact, the trail system was one of the most talked about topics during the public participation process.

One of the best ways to increase alternative modes of people mobility is to adopt and implement a Complete Streets policy (see

⁹ City of La Porte Public Works Department, Traffic Humps. <http://www.ci.la-porte.tx.us/gov/pw/streets/th.asp>.

¹⁰ La Porte Code of Ordinances, Sec. 70-304. Operation of golf carts permitted.

¹¹ City of La Porte, Bicycle and Pedestrian Trail Implementation Plan. 2003.

inset), which means that streets are designed for all modes of transportation – walking, bicycling, transit, and vehicular movement.¹²

Sidewalks

With the City’s recent expansion of the trail system, it further justifies and increases the value of improving the City’s existing and future sidewalk system. This can be accomplished in two ways: the installation of sidewalks where they do not currently exist, and the repair of sidewalks that are in disrepair. Prioritization for sidewalk installation should include key routes to schools, parks, and trails, as well as those areas connecting residential developments and areas of employment and commercial services.

The design of public streets and their amenities greatly influences the safety and enjoyment of pedestrians and encourages people to choose alternative modes of transportation. Sidewalks with a minimum width of five feet should be constructed on both sides of all new public streets, with wider eight foot sidewalks along designated arterial streets and within commercial areas. Parkway, or separations between the street and the sidewalk, should be required for all new streets. The combination of parkways and street trees help to slow traffic and separates pedestrians from the noise, exhaust, and danger of adjacent automobile traffic. Although the City requires all new sidewalk installations to conform to the Federal Americans with Disability Act (ADA) requirements, there are many existing sidewalks where there remain barriers to persons with disabilities due to their poor condition or lack of accessible ramps and curb cuts at street intersections.

Similar to street connectivity provisions, pedestrian connections provide a great many benefits, including the promotion of increased exercise and alternate forms of transportation. Within subdivision reviews, likely current and future pedestrian destinations (such as parks, schools, the City’s trail system, nearby shopping and dining establishments, etc.) should be carefully examined and pedestrian pathways should be required in mid-block or cul-de-sac locations to provide more direct and efficient pedestrian route opportunities. (see inset)

¹² Complete Streets are designed and operated to enable safe access for all users. Complete Street policies direct transportation planners and designers to design consistently with all users in mind. Elements of Complete Streets include: sidewalks/trails, bus pull-outs, bike lanes, raised crosswalks, wide shoulders, audible pedestrian signals, sidewalk bulb-outs, refuge medians, pedestrian amenities, special bus lanes, shade and shelter, and trees and landscaping. National Complete Streets Coalition, www.completestreets.org.

Pedestrian Connectivity



Sidewalk connectivity is equally as important as street connectivity. In this photo, the street and both sidewalks dead end, thereby preventing connectivity (and furthering reliance on the automobile) to San Jacinto College and other parts of the City.

Source: Kendig Keast Collaborative



Trails

In 2003, the City Council adopted the La Porte Pedestrian-Bicycle Master Plan with the intent of creating a City-wide trail network that connects both the east and west sides of town. Prior to adoption of the comprehensive trail plan, the City had less than two miles of trails, mostly comprised of walking paths within existing park and recreation areas.

The plan’s focus was to show how a network of pedestrian and bicycle ways can be implemented, “designing an interconnected system of paths, trails, lanes, and routes that are multipurpose, accessible where possible, convenient and connect to residential neighborhoods, parks, schools, workplaces, shopping and major open spaces as well as tie into the neighboring communities’ trail systems.”¹³ The plan’s goals were to:

- Enhance the quality of life for La Porte citizens by providing the opportunity for non-motorized travel from home to recreation, school, shopping, work or visiting friends;
- Create and preserve green belt linkages of parks, open spaces, drainage ways, irrigation canals, bikeways, paths, and natural areas throughout the City;
- Use linear parks and greenbelts to create low maintenance additions to the park system; and,
- Coordinate with Harris County, H-GAC, the City of Baytown, City of Pasadena and other municipalities, Texas Parks and Wildlife Department, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, International Boundary and Waterway Council, and other federal, state, and local governmental entities in efforts to preserve and enhance the waterways, green spaces, and natural areas within the La Porte area.¹⁴

As displayed in **Table 4.1, La Porte Trail System Phasing**, the result of the plan identified and defined a City-wide network of trails of different types, including connector, hike and bike, equestrian, and nature trails. The plan suggested implementation over a period of 20 years, identifying three phases of improvements.

Table 4.1, La Porte Trail System Phasing

<i>Phase / Type</i>	<i>Paved Trail</i>	<i>Soft Surface Trail</i>	<i>Striped On-Street Trail</i>	<i>Total</i>
Phase I	7	3.95	1.35	12.3
Phase II	4.25	4.4	5.3	13.95
Phase III	9.4	0	2.8	12.2
Total Trail System:				38.45

Source: City of La Porte Bicycle and Pedestrian Trail Implementation Plan

To implement the City-wide trail system in the most efficient way possible, the plan recommended using a variety of trail corridors and trail types, many of which were

¹³ City of La Porte, Bicycle and Pedestrian Trail Implementation Plan. 2003.

¹⁴ Ibid.

already permanent, existing corridors through the City. The corridors included:

- Drainage channels / bayous;
- Railroad / utility corridors or easements; and,
- Right-of-way easements / on-street connectors.

The types of trails included:

- Shared use paths;
- Bicycle lanes;
- Shared roadways; and,
- Designated bicycle routes.

Finally, the plan recommended the design and construction of safe trail crossings, including both grade-separated (i.e., above- and below-grade) and at-grade crossings. While most trails are originally constructed using at-grade crossings, over time and as trail usage increases, grade-separated crossings should be added. (see inset)

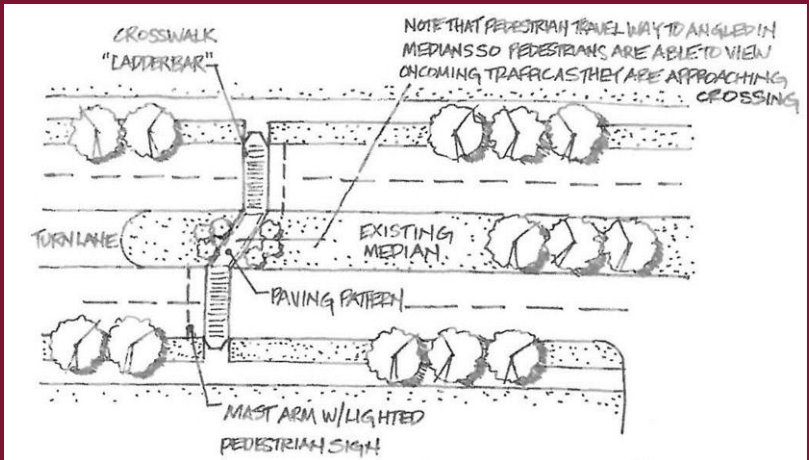
As displayed in **Table 4.2, Completed Trail Segments – 2011**, the City has constructed approximately 14 miles of the trail system, which now allows citizens to ride a bike on a paved trail from the Five Points Town Plaza to the Pasadena Convention Center and many other parts of the City that were not previously accessible just years ago.¹⁵

Transit

In 2006, a Comprehensive Transit Strategy study was undertaken to determine the needs of those county citizens who live outside of the Metropolitan Transit Authority of Harris County (METRO) service area. The study recognized that there was limited access to “regional employment centers, medical services, and higher education facilities particularly for those households with lower incomes,

¹⁵ La Porte By the Bay – Community Information 2011, New Hike and Bike Trails Connect Citizens, Neighborhoods.

Design of Safe At-Grade Trail Crossings A Priority



Source: City of La Porte Bicycle and Pedestrian Trail Implementation Plan

Table 4.2, Completed Trail Segments – 2011

Trail Segment	Miles of Trail
Little Cedar Bayou / LP Recreation and Fitness Center	0.4
Fairmont Parkway	6.7
Broadway	2.1
Bayshore Elementary	0.4
San Jacinto	0.8
Park Street	0.8
East E. Street	0.5
Driftwood	0.7
Sens Road	1.2
Total	13.6

Source: La Porte By the Bay Community Information 2011

and for those lacking access to a personal vehicle.”¹⁶ As part of that study, it was determined that there were over 420,000 citizens who lived in Harris County Precinct 2 that were outside of METRO’s service area. The plan’s goals were to:

- Identify areas of transit needs;
- Provide mobility options to underserved portions of the county (outside METRO’s service area);
- Enhance existing services through coordination of providers/programs;
- Capture fair share of federal funding;
- Impact the value of local investments and match federal funding; and,
- Utilize transit as a tool for community revitalization and economic development.¹⁷

Some of the recommendations that came out of that study for Precinct 2 were the creation of a park-and-ride along S.H. 225 to serve La Porte and Pasadena and to create a Baytown-Pasadena-La Porte Circulator. To fund these initiatives, the Harris County Commissioners Court authorized the Community Services Department (CSD) to be the administrator of all non-infrastructure Federal Transit Administration (FTA) and Texas Department of Transportation (TxDOT) Transit funds. CSD also obtained consent from the Metropolitan Planning Organization (MPO) and Harris County METRO to become an additional Federal Transit Administration (FTA) recipient of Section 5307 funds, which was the first step in the process of gaining access to \$4.5 million annually in Federal grant funds. These funds will be used to provide transportation alternatives to county residents who previously did not have access to these types of services. To be eligible for receiving Federal funding, local share funding and commitments are required.¹⁸

In 2007, the Harris County Office of Transit Services was created to design and operate a multitude of transportation services in areas of the county not served by METRO. These services include Park and Ride, fixed-route, and para-transit services. In January 2010, a fixed-route “Circulator” was created and sponsored by the Pasadena Second Century Corporation, San Jacinto College, and the cities of South Houston, Pasadena, and La Porte. In October 2010, La Porte entered into an Interlocal Agreement with Harris County and contributed \$90,000 to continue the circulator bus service for another year.¹⁹

¹⁶ Houston-Galveston Area Council (H-GAC) Regional Transit Framework Study Related Plans and Studies Report. HDR Engineering, June 29, 2010 update. <http://www.harriscountyttransit.com/news.html>

¹⁷ Harris County Transit Strategy – Enhancing Mobility & Economic Development Through Transit. Presentation by The Goodman Corporation to the Mayors of Precinct 2. January 25, 2006.

¹⁸ Ibid.

¹⁹ La Porte By the Bay – Community Information, Harris County Bus Route Serves La Porte Citizens. 2011.

Harris County Transit Circulator Route 4



The jointly sponsored "Circulator" traverses La Porte along its east/west axis.

Map Source: www.harriscountytexas.com.

In less than 15 months of operation, "Route 4" averages 2,500 boardings per month and is growing. (see inset next page) About a third of that ridership is attributed to younger San Jacinto College students looking for efficient, dependable alternate transportation options. These students were also the first to utilize the bike racks attached to the buses so that their mobility options pre- and post- transit are also increased. In addition to travelling to and from college and work, the circulator is also used for mall shopping, doctor visits, and library visits. Despite being a relatively new service, with limited signage, marketing, benches or covered shelters, this alternative mobility option is being used by hundreds daily.²⁰

Key Planning Considerations

Key planning considerations regarding the needs to improve alternate modes of people mobility include:

- 1) Constructing or reconstructing sidewalks that are in poor condition (particularly adjacent to schools and public buildings), installing pedestrian amenities including crosswalks and signals, and installing street lights.

²⁰ City of La Porte website: Harris County Transit Fixed Route Bus Service: Pasadena / La Porte Corridor Video. <http://www.ci.la-porte.tx.us/about/transportation.asp>.



Sidewalk Design



Sidewalk Expansion Retrofit



New Sidewalk Construction

Increasing the minimum sidewalk width, allowing variation in setback from right-of-way, providing larger areas of “tree lawn”, street trees, etc., will help to increase usage of the sidewalk system because users feel more comfortable. The newer sidewalks are much better designed and constructed (bottom photo) than many previous installations (top photo).

Photo Sources: Kendig Keast Collaborative

- 2) Working with Harris County to expand public transit opportunities to additional residents.
- 3) Identifying needs and innovative transportation options for accommodating an aging population and disabled residents (e.g., those using motorized wheelchairs and scooters), including appropriate transit services and parking facilities.
- 4) Expanding connectivity between neighborhoods and commercial and public areas through an interconnected system of sidewalks and trails.
- 5) Finding a balance between the social service aspect of providing public transit and the overall community benefit of increased mobility.
- 6) Neighborhood design that calms traffic and encourages slower speeds, including narrower streets where appropriate.

GOAL 4.3: Adopt a “Complete Streets” policy for new and reconstructed roadway corridors to facilitate alternate modes of people mobility.

Actions and Initiatives

- 1) Adopt a “Complete Streets” policy and commit to designing and constructing “Complete Streets” in the remaining areas of new development (and in any area undergoing revitalization or redevelopment), which will provide for the mobility and safety of all users of the system, rather than just automobile traffic. A “Complete Streets” approach may be more difficult to apply to already established thoroughfares, although it should be able to be incorporated during road reconstruction and/or streetscape improvement projects. On thoroughfares that are constrained by narrow rights-of-way, only some “Complete Street” features, such as wider sidewalks or streetscape enhancements, may be feasible through a redesign and retrofitting process.

GOAL 4.4: Increase the prevalence and functionality of existing and future sidewalks in order to facilitate increased usage.

Actions and Initiatives

- 1) Modify the Public Improvement Criteria Manual (PICM) to increase the standard sidewalk from four feet to a minimum of five feet. This will help to prevent having to widen sidewalks after installation. (see inset)
- 2) Establish a policy to add sidewalks along roadways where they are not already present when such roadways are improved or widened.
- 3) Establish requirements within the PICM relating to the location of sidewalks within the right-of-way. According to the City’s established standards, there is sufficient right-of-way beyond the minimum required

pavement width to accommodate a parkway, which separate sidewalks from the back of the curb or street edge.²¹

- 4) Maintain the provisions within the PICM requiring the installation of sidewalks on both sides of public streets; in addition to other areas as required; including parks, drainage channels, public utility easements, and detention ponds. Provisions should be added requiring external connection points to the existing and/or planned City-wide trail system.²²
- 5) Maintain the provisions within the PICM disallowing dead-end collectors and dead-end major and minor thoroughfares. Provisions should be added requiring public access easements at the end of cul-de-sacs. Such easements should be a minimum width of 15 feet and improved with a five foot wide sidewalk or trail connections.²³
- 6) Maintain the provisions in the PICM requiring sidewalk pedestrian refuge areas for all esplanade roadways.²⁴ Where warranted, proactively install medians in the rights-of-way of existing arterial roadways, particularly near public parks and buildings, for use as a pedestrian refuge to shorten the unprotected distance across roadways.
- 7) Identify and stripe appropriate roadways for bike lanes. Many of the City's roadways are currently wide enough to accommodate bike lanes without the need for additional right-of-way acquisition or street widening. Bike lanes should be located along collectors and minor arterials where driveways and access points are limited.
- 8) Add provisions to the PICM requiring commercial development to provide sidewalk connections from the front of the commercial establishment to the sidewalk located in the public right-of-way. This is to ensure there is a marked, safe connection from the street, through the parking lot, and into the building. (see inset)
- 9) Target pedestrian/bicycle improvements at key locations within the community, particularly around the San Jacinto College, Downtown, and Sylvan Beach.
- 10) Prepare a Safe Sidewalks Program to identify those locations where unsafe conditions and/or poorly maintained sidewalks exist particularly around, adjacent to, and leading to/away from schools; near and adjacent to public buildings and spaces; and other areas prone to heavy utilization of the sidewalks. In these priority areas, conduct regular inspections of safety conditions to ensure the walking surface is free from hazards and dangerous obstructions. Also, organize a public education program to notify the community of the Safe Sidewalks

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

Sidewalk Design



Provisions should be added to provide a safe pedestrian connection between the public street and the building entrance. An example is denoted in yellow.

Source: Kendig Keast Collaborative



Program, the priority pedestrian areas, and the individual responsibilities for care and maintenance. Due to the significant costs of initial construction, maintenance of the existing sidewalk system should be a priority and should be adequately funded in the annual operating budget. Additional grant funding should also be pursued from such sources as Federal, State, private entities.

- 11) Identify intersections in the community that are heavily used by pedestrians and prioritize and implement safety improvements at these intersections. Intersections should be prioritized based on use and pedestrian risk. Improvements could include walkovers; installing accessible ramps for persons with disabilities; marked, signed, and/or signaled pedestrian crossings; and pedestrian-actuated signal detectors. Examples of intersections that are in need of pedestrian improvements include the intersection at Five Points and Oakhaven Road and Luella Boulevard near San Jacinto College.

GOAL 4.5: Continue to implement the planned trail network and facilitate increased connection points over time.

Actions and Initiatives

- 1) Continue to coordinate with the La Porte Independent School District (La Porte ISD) and the Texas Department of Transportation (TxDOT) to pursue funding for, and construction of, additional “Safe Routes to School” segments. This program was used to fund the 2.1 mile Broadway Trail completed in 2005.
- 2) Periodically update the Bicycle and Pedestrian Trail Implementation Plan as changes in conditions occur. Subsequent updates should include a detailed analysis to determine where additional connections can be made to maximize access to the already established trail system. Future trail segments and crossings should be designed to be safe for all users, including families. In addition, benchmarking should be incorporated into the plan to establish goals and to monitor the success of the trail system over time.
- 3) Continue to budget, or pursue additional outside funding, to construct the remaining trail segments as identified in the Bicycle and Pedestrian Trail Implementation Plan, with priority given to developing trail segments consecutively so that it results in a continuous and cohesive trail system. Due to the significant costs of initial construction, maintenance of the existing trail system should be a priority and should be adequately funded in the annual operating budget. Additional grant funding should also be pursued from such sources as federal, state, private entities.
- 4) To facilitate the increased availability of using a bicycle as an alternate form of mobility over time, amend the development regulations to add provisions for requiring bicycle racks at office and retail establishments

exceeding 15,000 square feet and businesses employing more than 10 persons.

GOAL 4.6: Further invest in the Harris County Transit System to increase usage as an alternate mode of mobility for the citizens of La Porte.

Actions and Initiatives

- 1) At a minimum, continue to budget \$90,000 to cover the City’s portion of the costs to maintain and operate the Route 4 circulator bus service. As ridership increases, pursue grant funding or other funding sources to further invest in amenities for those bus stops located within the City limits. Implementation should be prioritized on the average number of boardings per day at the stop. The amenities should include all-weather shelters (for protection from rain and other elements), benches (for seating), trash cans (for maintaining cleanliness), concrete or paved connections to the curb (for disabled users), appropriate maps and signage (for fare and route information), monitors for real-time information on the arrival of buses, public art, lighting, and advertisements (potentially to offset the costs of installing and maintaining each bus stop).
- 2) Coordinate with the Harris County Office of Transit Services (and other partners) to implement an online (and mobile app), real-time transit information system using GPS technology to notify passengers when the arrival of the next bus will occur. Studies have shown that this can increase ridership.
- 3) Consider coordinating with the Harris County Office of Transit Services (and other partners) to initiate and implement a Summer Youth Pass Program, where high school-aged children are given unlimited access to buses (for a nominal fee) during the summer months so that it provides the City’s youth with increased access to a range of activities along the bus route and provides greater independence to the youth while their parents are at work. Coordination with the La Porte Independent School District (ISD) could also be done to market the program prior to the end of the school year.
- 4) Coordinate with the Harris County Office of Transit Services (and other partners) to conduct a study to determine additional placement of bus stops. Additional scheduled stops could be located at the entrances of each major subdivision (e.g., Brookglen Subdivision), multi-family housing, large commercial developments, assisted living facilities, etc.) Alternately, programs could be implemented where the bus would stop at designated “flag stops” only if a flag is set to request a stop or via pull cords where a rider would pull a cord to request a stop.

Bus Stop Investment Can Increase Ridership



Existing Bus Stop



Future Bus Stop

A bus stop is a designated place where buses stop for passengers to board or leave a bus. As ridership increases, investment in bus stop areas (e.g., shelters, benches, trash cans, etc.) can further help to increase ridership numbers.

Photo Sources: Kendig Keast Collaborative (top); Wikipedia.org (bottom)



- 5) Coordinate with Harris County Office of Transit Services (and other providers) to conduct a study to determine the feasibility of expanding the existing route to include stops at designated areas within the surrounding industrial districts and terminals, e.g., adding a Bay Area Boulevard to Shore Acres Boulevard to Broadway loop.
- 6) Coordinate with the Harris County Office of Transit Services to determine the feasibility of constructing a Park-and-Ride in the City for commuter access to Downtown Houston.

Focus Area 3 – Expanded opportunities for water, rail, and air movement of freight or goods.

Freight, or goods movement, refers to the transportation of physical goods from one location to another and includes everything from chemicals, machinery, and anything else shipped from one place to another. The region's freight transportation system is comprised of roadways, airports, water ports, pipelines and freight terminals, including truck, rail, port, and pipeline terminals. The region's multi-modal transportation system, of which La Porte is a primary contributor, moves nearly 700 million tons of freight annually and is expected to grow 58 percent (to 1.2 billion tons of freight annually) by 2035. Consequently, identifying and implementing improvements to accommodate increasing demand for goods movement is critical to La Porte's, and the regions, economic vitality. In fact, a large part of the Houston-Galveston region relies on its diverse transportation assets, including deep water ports, the Gulf Intracoastal Waterway, and Class I railroads.²⁵

The La Porte Municipal Airport

The La Porte Municipal Airport is located on 300 acres on the north side of Spencer Highway east of Farrington Street and west of Driftwood Drive. It was originally constructed in the mid-1940s by the United States Government and served as a second auxiliary landing field to Ellington Air Force Base. Ownership was deeded to the City of La Porte in June 1947 and was reclassified as a local service airport in 1959.²⁶

According to the Federal Aviation Administration's (FAA's) National Plan of Integrated Airport Systems (NPIAS), the La Porte Municipal Airport is classified as a General Utility airport with Reliever status. The General Utility airport designation refers to the particular Aircraft Approach Categories and Airplane Design Groups (ADGs) that can be accommodated at the airport. Reliever airports are general aviation airports in metropolitan areas that are intended to reduce congestion at large commercial service airports by

²⁵ H-GAC Regional Goods Movement Study – Final Report. Dec. 2011.

²⁶ La Porte Municipal Airport – Airport Master Plan Update (Final), April 1992.

providing general aviation pilots with alternative landing areas, and providing more general aviation access to the community. In 1991, the Houston-Galveston Areas Council (H-GAC) identified the La Porte Municipal Airport as one of 10 designated reliever airports. As established in the Airport and Airway Improvement Act of 1982, a minimum of 10 percent of Airport Improvement Program funds must be reserved for reliever airports.

The La Porte Municipal Airport Master Plan was prepared for the City in 1992. The plan identifies existing and future airport conditions and facilities, including details on fixed base operators, aircraft parking, maintenance, navigational aids, airport layout plan, terminal area plan, airspace and approach zones surfaces, on-airport land use plan, and an environmental consequences review. However, an operational plan was not included.

Historically, the airport has not met the use and revenue projections of the Airport Master Plan. Further complicating the problem is the recent vacancy of the 27th Squadron of the Texas Air National Guard and a general perception that the airport grounds have not been well maintained. Consequently, one of the topics that came up during the public participation process was whether or not the airport property should be redeveloped as another use. Reusing the property for non-airport purposes, however, would be difficult due to Federal regulations attached to the property conveyance.²⁷

Railroads

Rail transportation in the La Porte area is provided by the Union Pacific Railroad, which operates in 23 states across the western two-thirds of the United States. A Union Pacific Railroad line runs along the north City limits, along the southern rights-of-way of S.H. 225. The line provides port terminal service to the Battleground Industrial District north of S.H. 225, as well as the Barbours Cut Terminal in Morgan's Point. The main line branches south on a north/south alignment parallel to S.H. 146, extending south along S.H. 146 to the Port of Galveston. This line branches off to provide service to the

²⁷ Conveyances to Public Agencies. ... the Secretary of Transportation shall request the head of the department, agency, or instrumentality of the United States Government owning or controlling land or airspace to convey a property interest in the land or airspace to the public agency sponsoring the project or owning or controlling the airport when necessary to carry out a project under this subchapter at a public airport, to operate a public airport, or for the future development of an airport under the national plan of integrated airport systems. ... A conveyance may be made only on the condition that the property interest conveyed reverts to the Government, at the option of the Secretary, to the extent it is not developed for an airport purpose or used consistently with the conveyance. 49 USC Chapter 471, Airport Development Code, Sec. 47125, Conveyance of United States Government land. (paraphrased for clarity).



Bayport Industrial District south of Fairmont Parkway and the Bayport Terminal. In the Houston-Galveston Region, the Union Pacific Railroad operates 1,248 freight trains weekly, which accounts for over 57 percent of the regions freight movement.²⁸

Both in the past and present, railroads have had a major influence on growth and development of the region and perform an important transportation service contributing to the area's economic vitality based on international trade in and out of the Barbours Cut Terminal, Bayport Terminal, and the Port of Galveston. Therefore, care should be taken to preserve the functional utility of rail corridors while coordinating with thoroughfare needs.

Traffic conflicts between railroads and motor vehicles, pedestrians, and bicycles are a significant concern due to at-grade railroad crossings and railroad alignments. At-grade intersections of the railroad lines with area roadways are a cause of traffic delays and traffic safety concerns. Constructing grade separated over or underpasses at major railroad-roadway intersections and traffic safety improvements at existing crossings are potential solutions. In fact, the recent completion of the grade separated crossing over Fairmont Parkway was well received and considered a success. (see inset)

Fairmont Parkway Overpass



Source: Kendig Keast Collaborative.

Port of Houston

“The ports, ship channels, and waterways of the Houston Galveston region are of vital regional, national, and international significance, linking its chemical, oil, and agriculture industries with markets and suppliers located throughout the world.” Despite the recession, the region’s waterborne freight tonnage is expected to grow by approximately 45 percent by 2035, with the Port of Houston projected to experience an increase of nearly 42 million tons.²⁹

The Port of Houston is a general purpose, deep-water cargo port that ranks first in the United States in terms of foreign waterborne commerce and second in terms of total tonnage. The port consists of a complex of public and private docking facilities and industrial parks that extend for 25 miles along the Houston Ship Channel. The ship channel and its tributaries and

²⁸ H-GAC Regional Goods Movement Study – Final Report. Dec. 2011.

²⁹ Ibid.

basins are a 50-mile long waterway that reaches from the head of Galveston Bay at Morgan’s Point, just north of La Porte, to and including the turning basin within the City limits of Houston. A shallow-draft channel extends up Buffalo Bayou from the turning basin to the Main Street Bridge. Additional facilities of the port are located along the upper west side of the Galveston Bay at Bayport near Red Bluff, which is adjacent to the south of La Porte. The Port of Houston handles 40 percent of all freight moving through Texas ports. This port is also ranked first in the U.S. in handling petro-chemicals.

Public terminal docking facilities along the Houston Ship Channel are owned and operated by the Port of Houston Authority, which is an autonomous subdivision of the State of Texas and official sponsor of the Houston Ship Channel. Public facilities owned by the Port Authority include the Barbours Cut Container Terminal and the Bayport Terminal, both of which are immediately adjacent to the City limits of La Porte. In 2005, the Port Authority completed a five-and-one-half-year plan, which deepened the Houston Ship Channel from 40 to 45 feet and widened it from 400 to 530 feet.³⁰

Barbours Cut Terminal

The Barbours Cut Terminal is located in Morgan’s Point near the Galveston Bay opening to the Houston Ship Channel, adjacent to the north City limits of La Porte (see inset). It is the largest container terminal on the U.S. Gulf Coast. It operates under a computerized inventory control system that tracks the status and location of individual containers. The terminal also provides electronic data interchange capabilities and has six berths and 13 wharf cranes.³¹

Bayport Terminal

The Bayport Container and Cruise Terminal were developed to relieve pressure on the Barbours Cut Terminal. It is a state-of-the-art facility and will substantially increase the Port’s container handling capacity. It will have seven container berths with a capacity to handle 2.3 million twenty-foot equivalent units (TEUs). In addition, it includes the Bayport Cruise Terminal, which will provide three berths for modern cruise vessels. The opening phase was in 2007.³² The Bayport Terminal complex comprises chemicals and chemical specialty facilities. S.H. 146 would be the

Barbours Cut Terminal Container Yard



Source: Kendig Keast Collaborative.

³⁰ Port of Houston website.

³¹ Ibid.

³² Ibid.

major arterial for truck traffic to and from the terminal, which is projected to attract 7,000 trucks per day. In addition, a new rail line is proposed to be constructed east of the existing Union Pacific alignment, intersecting S.H. 146 at Red Bluff.

Key Planning Considerations

- 1) Coordination with railroad providers to maximize the ability to move freight in and out of the City, while minimizing the adverse impacts on quality of life. Because roads intersect with rail lines throughout the City, they must be designed to include adequate safety provisions to ensure safe crossings for pedestrians, cyclists, and motorists. Signal crossings, signage, and pavement markings are ways to provide for safe intersection crossings. While the railroad presents some challenges, it also presents an opportunity in terms of transporting goods through the region.
- 2) The railroad is a constraint for east/west movement of automobile traffic in the La Porte area.
- 3) The airport makes a significant economic impact and benefits the economic development potential for the La Porte area.
- 4) Airport-related industrial development is a significant opportunity for future growth on and around the airport.
- 5) The Port of Houston, Barbours Cut Terminal, and Bayport Terminal are essential and intricately linked to the City's entire economy.

Actions and Initiatives

- 6) At a minimum, grade crossing safety and traffic control devices including gate arms, flashing lights, signage and pavement markings should be installed and maintained at railroad-roadway crossings. As regional and local traffic volume increases, consider coordinating with the railroad and other regional partners to study the need to construct grade separated crossings for those street/railroad intersections that may warrant it, e.g., along Bay Area Boulevard and Choate Road.
- 7) Coordinate with the railroad to ensure train speed limits are observed and enforced for train operations in the La Porte area.
- 8) Coordinate with regional agencies and partners to ensure that the planned expansion of rail service through the City will observe and mitigate the impacts on the cities and businesses of La Porte.
- 9) Due to the recent decreases in tenant occupancy at the airport, e.g., the leaving of the 27th Squadron of the Texas Air National Guard, and due to the length of time since the last update, it is important for the City to undertake an airport master plan update. The airport master plan update should include the following:

- a. Operations plan;
 - b. Updated facilities and development plan (if priorities have changed);
 - c. Economic development strategy to increase both commercial use and use of the airport by nearby industry; and,
 - d. Overall site and landscape improvement plan, which includes a gateway entrance and adequate buffering of the airport property from neighboring subdivisions and other public rights-of-way.
- 10) Continue to monitor zoning and development in the areas immediately adjacent to the airport. This is to ensure protection of the airport’s long-term operational interests from encroaching incompatible development.
- 11) Support the Port Authority’s efforts to make more efficient connections to the State Highway and regional rail system; where such actions will not be detrimental to the City.

4.3 Thoroughfare Plan

The City’s Thoroughfare Plan is designed to provide for the future travel needs of the community by ensuring orderly development of the street system, including the extension and improvement of existing streets, as well as planned future roadways. The Thoroughfare Plan is designed to ensure that adequate rights-of-way are preserved with a general alignment and sufficient width to allow for efficient expansion and improvement of the street transportation system. In addition, it is designed to provide opportunities for other transportation modes so as to not place a fiscal burden on the community to fund extensive road improvements, which, in turn, require long-term maintenance.

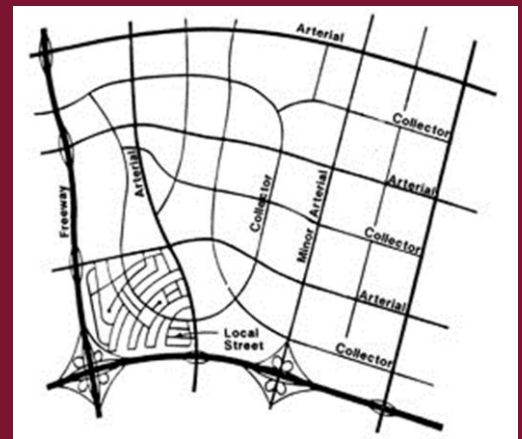
While La Porte’s existing thoroughfare system is nearly built out, there are areas where there is opportunity for improvement, particularly with regard to connectivity. Displayed in **Map 4.2, Thoroughfare Plan** (and detailed in **Goal 4.2**) are the proposed alignments for the extensions of existing collector and arterial roadways.

Roadway Design Standards

While street classification reflects the functions that roadways serve as part of the street network, roadway design standards are related to traffic volume, design capacity, and level of service. The City’s existing requirements are shown in **Table 4.3, Existing Paving Design Criteria**.

In the administration and enforcement of the Thoroughfare Plan, special cases and unique situations will occasionally arise where physical conditions and development constraints in certain areas conflict with the need for widening of designated thoroughfares to the planned right-of-way width and

Typical Thoroughfare Network



A typical thoroughfare network forms a grid defined by arterial and collector roadways, within which are superblocks and the local street network.



roadway cross section. Such special circumstances require a degree of flexibility and adaptability in the administration and implementation of the plan. Acceptable minimum design criteria and special roadway cross sections

Table 4.3, Existing Paving Design Criteria

<i>Street Classification</i>	<i>Principal Arterial</i>	<i>Minor Arterial</i>	<i>Major Collector</i>	<i>Minor Collector</i>	<i>Local 2 Lanes</i>
Right-of-Way Width	100 feet	100 feet	80 feet	80 feet ⁽¹⁾	60 feet
Curb Face to Face Distance	80 feet	70 feet	60 feet	40 feet	28 feet
Total Paved Width of Travel Lanes -1 Dir.	33 feet	25 feet	24 feet	20 feet	14 feet
Median Width ⁽²⁾	14 feet	30 feet	12 feet	0 feet	0 feet
Distance from Curb Face to ROW line ⁽³⁾	10 feet	30 feet	10 feet	20 feet	16 feet
Distance from ROW Line to Sidewalk	2 feet	2 feet	2 feet	2 feet	2 feet
Max. Number of Lanes (one direction)	3	2	2	2	1

(1) With on-street parallel parking

(2) Median turning lanes are included in median widths

(3) On non-curb and gutter streets substitute 'edge of pavement' for 'curb face.'

Source: City of La Porte Public Improvement Criteria Manual (PICM), Chapter 6, Paving Design Criteria, Table 6.1.

may have to be applied in constrained areas where existing conditions limit the ability to meet desirable standards and guidelines. Special roadway cross sections should be determined on a case-by-case basis when a unique design is necessary, and these exceptions should be subject to review and recommendation of the Departments of Planning and Public Works and approval by the Planning and Zoning Commission. Otherwise, adopted roadway cross sections should be used in all newly developing areas and, whenever possible, in revitalization and redevelopment of existing developed areas.

In addition, relying on a single set of standards for development may be problematic. According to the City's 2005 Comprehensive Plan Update³³ and the City's Public Improvement Criteria Manual (PICM),³⁴ all new streets within the City will be concrete curb and gutter. Rather, standards for development should reflect its urban, auto-urban, and suburban character, with provision for curb and gutter construction, sidewalks, street lighting, signage, and sufficient open space. By way of example, new development in the Lomax area (where the character of development is rural), the standards should be varied to mirror the character (i.e., open channel construction), yet remain reasonable and feasible.

³³ "All new and planned subdivisions have, or will have concrete, curb and gutter streets." La Porte Comprehensive Plan – 2005 Update, Obj. 5.5a.

³⁴ City of La Porte Public Improvement Criteria Manual, Chapter 6, Paving Design Criteria, Table 6.1.

Street Classification

State Highways / Freeways

Freeways are devoted entirely to traffic movement with limited or no direct land service function. Freeways are multi-lane divided roadways with a high degree of partial access control, meaning few, if any, intersections at grade. Full or partial control of access distinguishes freeways from other classes of roadways. Freeways serve large volumes of high-speed traffic and are primarily intended to serve long trips. In La Porte, S.H. 225 and S.H. 146 are classified as state highways/freeways.

Although the freeway/state highway classification includes the main lanes of designated facilities, continuous frontage roads (also termed service roads or feeders) are more appropriately classified as secondary arterial roadways or collectors. It is desirable to have another parallel arterial roadway offset one-half to one mile along either side of a freeway, to provide circulation for traffic movement along one-way frontage roads. Since these roadways are state highways, the City's ability to manage them is limited.

Principal Arterials

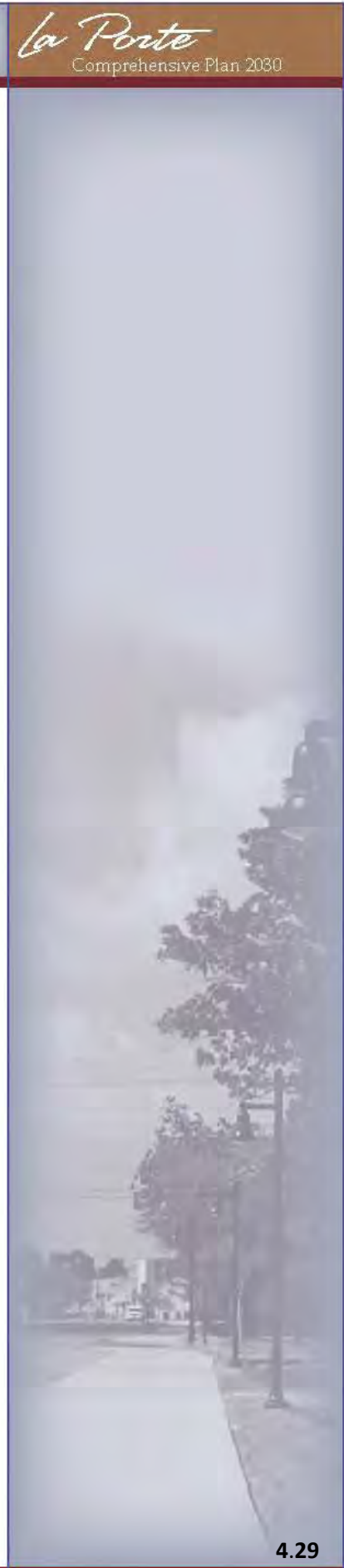
Principal arterials are also intended to carry large amounts of regional traffic. Within La Porte, the designated principal arterials include Canada Street, Fairmont Parkway, Barbours Cut, Bay Area Boulevard, and Sens Road. These arterials are commonly two- to five-lane facilities (in some cases six) that are designed to accommodate 20,000 to 60,000 vehicles per day. Access is generally limited along streets of this classification in order to preserve their vehicle carrying capacity. In urbanized settings implementing access control becomes increasingly important.

Minor Arterials

Minor arterials are intended to carry less traffic than primary arterials. Generally, Minor arterials can be anticipated to accommodate 5,000-30,000 vehicles per day and they are typically fed by collectors, although local streets may also connect to them. Spencer Highway, Underwood Road, and the frontage roads along the state highways are good examples of minor arterials. Access to these streets from neighboring properties should be controlled to limit conflicts. Minor arterial streets should include bike lanes, parkways and street trees, sidewalks, and transit facilities.

Collectors (Major and Minor)

Collectors are intended to carry fewer trips than principal and secondary arterials, but they are "higher order" roads than local streets. Collector roads can typically be expected to accommodate 1,000 to 15,000 vehicles per day. To adequately serve their role to collect and distribute traffic from local streets to the arterial street system, collectors are generally placed between arterial streets, with a desired spacing of no more than approximately one-half mile. To maximize mobility it is essential that collector roads traverse



adjacent neighborhoods to provide access and circulation not only within, but also among, neighborhoods. Old 146 Highway is a good example of a Major Collector, while Farrington Street is a good example of a Minor Collector. Access via driveways to individual residential properties along collectors should be limited. Where numerous residential driveways exist, the City should require access spacing, on-site turn-arounds, or alley access (where available) when properties with direct access to the road are substantially improved or redeveloped. All collector roads should include bike lanes, parkways and street trees, sidewalks, and transit facilities (where necessitated).

Local Streets

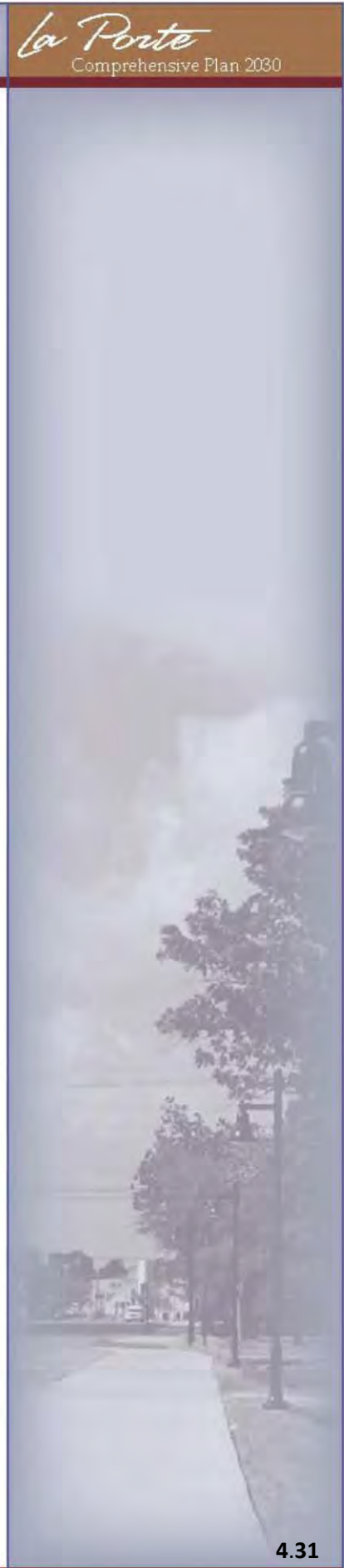
Local streets are principally intended to provide access to abutting properties. Traffic on local streets is generally slow and relatively sparse. Such streets can typically be anticipated to accommodate between 500 and 1,000 vehicles per day. Local streets in areas of cut-through traffic are candidates for traffic calming. Where local streets provide only local access to adjacent residential developments, narrower streets may be allowed to reduce the amount of impervious surfaces (to reduce storm water runoff) and to slow local traffic through residential areas. Local streets should include parkways, street trees, and sidewalk facilities.

Implementing the Thoroughfare Plan

Implementation of thoroughfare system improvements occurs in stages over time as the community grows and, over many years, builds (and rebuilds) toward the ultimate thoroughfare system shown by the Thoroughfare Plan. The fact that a future thoroughfare is shown on the plan does not represent a commitment to a specific timeframe for construction or that the City – or another jurisdiction – will build the roadway improvement. Individual thoroughfare improvements may be constructed by a variety of implementing agencies, including the City, Harris County, and/or TxDOT, as well as private developers and land owners for sections of roadways located within or adjacent to their property. Road construction can be implemented by individual entities or in partnership.

The City, Harris County, and TxDOT, as well as residents, land owners, and subdividers, can utilize the Thoroughfare Plan in making decisions relating to planning, coordination, and programming of future development and transportation improvements. Review of preliminary and final plats for proposed subdivisions in accordance with the City's development regulations and Public Improvement Criteria Manuals (PICMs) should include consideration of compliance with the Thoroughfare Plan in order to ensure consistency and availability of sufficient rights-of-way for the general roadway alignments shown on the plan. It is particularly important to provide for continuous roadways and through connections between developments to ensure mobility. By identifying thoroughfare locations

where rights-of-way are needed, land owners and subdividers can consider the roadways in their subdivision planning, dedication of public rights-of-way, and provision of setbacks for new buildings, utility lines, and other improvements located along the right-of-way for existing or planned thoroughfares.



ECONOMIC DEVELOPMENT

CHAPTER 5

Economic sustainability is essential to La Porte’s future. Simply, it will determine whether and how the City grows and redevelops in the coming years. The City’s economic strength will set the tone and pace for new development/redevelopment and impact its ability to maintain quality public facilities and services, which are necessary to help retain, attract, and support future businesses and the people that fuel them. La Porte is a thriving industrial city with high household/family incomes and housing values, and low unemployment and poverty rates (see Chapter 1, Demographic Snapshot). But, as evident during the public participation process, a majority of citizens increasingly want to find the right balance between protecting the City’s industrial roots, while also improving its livability.

In today’s talent-driven economy, the City’s ability to capture new opportunities will depend somewhat less on having the lowest business costs than on having a higher “quality of life” than its competitors. Although “quality of life” is highly generalized, and is difficult to gauge how the City measures up in things like personal safety and security, neighborhood integrity, recreational opportunities, access to healthcare and social services, availability of retail and other shopping opportunities, quality schools and higher learning, etc.; but one that is increasingly important in helping to attract and retain the people the companies need and desire.

2001 vs. 2012 Plan Comparison

2001	2012 Update
No chapter on economic development in 2001 Comp. Plan; but incorporated recommendations found in the Economic Development Strategic Plan, Jan. 2009	Ch. 5, Economic Development

Strong Metropolitan Growth

The Houston metropolitan area was recently rated among the 20 fastest-growing economic regions in the world, coming in at No. 19 on a list compiled by the Washington-based Brookings Institute.

Source: Houston Chronicle, Houston earns high marks for strong economy. Jan. 21, 2012.

5.1 Introduction

La Porte's economy does not exist in a vacuum. It is inextricably linked to the economic fortunes of both metropolitan Houston and the global economy (see inset). The economic drivers that have historically sustained the City's economy, including manufacturing, construction, and transportation and warehousing, have suffered during the recent recession.¹ However, with the City's proximity to the Port of Houston, including both the Barbour's Cut and Bayport Terminals, a short commute to Houston's Central Business District (CBD), and rail linkages to the rest of the country, La Porte is well positioned to benefit from a resurgence of the global economy. Accordingly, as the national and global economies fully recover from this recession,² the City will be primed for growth, particularly with the expansion of the Panama Canal and its predicted associated increase in containerized shipping.³

Despite these strong indicators, the City has additional issues it should consider. First, there is limited land remaining for development. In these areas, the City should seek a balance of land uses: residential, commercial, industrial, as well as park and recreation areas, streets, drainage, etc. While industrial expansion is attractive due to an increased tax base and jobs, this may not represent the collective vision for the community and its sense of livability. For this reason, this plan advocates open public dialogue and sound leadership to make decisions that are in the best and broad interests of the community.

Economic development is as much about quality as it is about quantity. It needs to be measured not just by gross tax revenues and job growth, but also by job quality and security; the impact on local wages, public services, and the environment; and the proportion of locally-owned to absentee-controlled businesses; among other factors.

Secondly, economic development does not happen on its own. It requires a deliberate, proactive strategy, as well as up-front public investment in new infrastructure and program development (see inset). Once begun though, it can start a positive and self-sustaining cycle: It helps hold the line on taxes through tax base growth thus, creating an even more attractive place for

"Economic Development" is ...

the application of public resources to stimulate private investment.

¹ Comparison of total jobs in zip codes 77571 and 77507 between 2006 versus 2009 shows a slight decrease in total number of jobs. U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2010).

² The 2008/2009 recession has been defined as starting in December 2007 and ending June 2009. Business Cycle Dating Committee of the National Bureau of Economic Research. September 20, 2010.

³ H-GAC Regional Goods Movement Study – Final Report. Dec. 2011.

businesses, as well as households. It brings in new income into the community helping to spawn local spending and wealth creation. And most importantly, it impacts the City's ability to retain and return its best and brightest by **expanding local employment and creating opportunities for new businesses.**

Economic Development Strategy

The economic development model is based on the overlap of industry and innovation, human talent, and quality of place. (see inset)

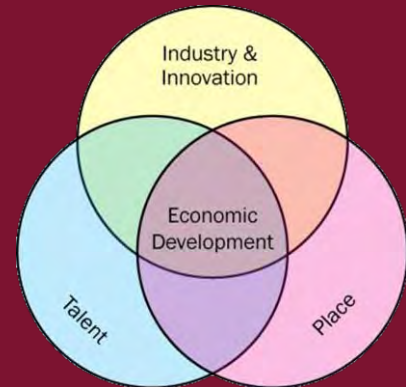
Industry & Innovation. In the economic development model, "industry" considers the full complement of economic activities, from traditional industrial employers to entrepreneurship, as well as the physical infrastructure (industrial parks, sites, transportation etc.) and business climate to support those activities. "Innovation," is about the opportunities for expansion of existing companies, and the best targets for recruitment. These are important building blocks of an economic development plan.

Talent. "Talent" refers to the individuals that possess the skills and values to make organizations effective. The concept of "talent" means more than a skilled workforce. It means bringing talented people to the community, as well as cultivating the existing talent pool. It refers to groups as diverse as students, retirees, and entrepreneurs. It also involves **ensuring that the employees and companies that have been responsible for a community's economic health continue to see reasons to remain in the area.**

Quality of Place. Much has been written about the importance of "quality of life" to the site selection process. Communities throughout the nation have positioned themselves by touting their advantages in this regard – good schools, attractive neighborhoods, strong presence of history and culture, safe streets, pleasant weather. These factors are obviously important, but the focus is still too narrow. Quality of life assumes that everyone thrives in the same environment and is attracted to the same amenities. It assumes that current residents' view of what makes a community would be shared by all.

By contrast, "quality of place" considers what is attractive to a range of residents, both existing and new. Assessing the "quality of place" involves viewing the assets of the City through the eyes of the talent it wishes to attract and retain. The idea of quality of place accommodates growth and recognizes the benefits of change. It recognizes that one person's "good

Economic Development Model



Economic development occurs where industry and innovation find talent in a place that offers a quality of life that attracts and retains both.



place to raise a family” might translate into another’s “there’s nothing to do in this town.” Quality of place is about providing options, not just for current residents, but also for those who will be residents in the future.

While La Porte has made significant strides in the last decade by establishing its Citywide trail system and improving the Sylvan Beach, bayfront, and Downtown areas, according to residents, further improvement is warranted. The bayfront established this community and remains one of our premier amenities. These should remain high priorities for action during the horizon of this plan. Expanding La Porte’s quality of place amenities and enhancing its community character will go far in making the City an attractive location for educated and skilled workers. This chapter builds upon the core community character theme – and associated action strategies – that are found throughout this Comprehensive Plan, particularly in the Land Use and Development chapter.

SWOT Analysis

SWOT analysis (alternately SLOT analysis) is a strategic planning method used to evaluate the **S**trengths, **W**eaknesses/Limitations, **O**pportunities, and **T**hreats of a community and its economic development. Among others, it involves specifying the economic and quality of life objectives of a community and identifying the internal and external factors that are favorable and unfavorable to achieve these objectives. Setting the objectives is to be done after the SWOT analysis has been performed. This allows the determination of achievable goals or objectives to be set for the community.

- **Strengths:** characteristics of the community that gives it an advantage over other communities or regions
- **Weaknesses (or Limitations):** are characteristics that place the community at a disadvantage relative to others
- **Opportunities:** external chances to improve performance (e.g. increase tax base) in the environment
- **Threats:** external elements in the environment that could cause trouble for the community in achieving its objectives

Identification of SWOTs is essential because subsequent steps in the process of planning for achievement of the selected objective may be derived from the SWOTs.

Source: Kendig Keast Collaborative.

5.2 Focus Areas, Goals, Actions and Initiatives

Throughout the planning process a number of issues were identified regarding economic sustainability, which was often framed in terms of a lack of availability and diversity of retail stores, restaurants, and other non-industry businesses in the City. There were additional concerns regarding the amount of retail leakage (and loss of associated tax dollars) to neighboring jurisdictions, and the apparent disinvestment in certain types of businesses. In addition to the public participation efforts conducted throughout the planning process, information was incorporated from the City’s existing Economic Development Strategic Plan (January 2009), which was an in-depth study of the City’s economic issues and strategies to improve them.

Strengths, Weaknesses, Opportunities, and Threats Analysis

As displayed in **Table 5.1, SWOT Analysis** (on next page), one component of the Economic Development Strategic Plan was the facilitation of a Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis

(see inset), which was performed to frame economic issues in the City. Articulating the issues in this manner is intended to facilitate the development of strategies that address the weaknesses and threats by building upon the strengths and opportunities.

As evident by the analysis, some of La Porte’s enviable strengths are its strong industrial base and proximate location. Similarly, the City’s proximate location is also listed as an *opportunity* for economic development, as was



Table 5.1, SWOT Analysis

<i>Strengths</i>	<i>Opportunities</i>
<ul style="list-style-type: none"> • Sylvan Beach / Bay Front • Historic Main Street • Strong Industry Base • Low Cost of Living • Location within Greater Houston • Current and Planned Parks 	<ul style="list-style-type: none"> • Bayfront Enhancement • Downtown Redevelopment • Sylvan Beach Improvement • Beautification • Attracting Tourists • Retail Readiness
<i>Weaknesses</i>	<i>Threats</i>
<ul style="list-style-type: none"> • Physical Appearance • Sales Tax Leakage • Disconnected Downtown / Bayfront • Division of east and west side • Intracity Communication • Limited Undeveloped Land • Economic Diversification 	<ul style="list-style-type: none"> • Truck Traffic • Oil and Gas Industry Downturn • External Perception • Flooding • Growth Management

Source: City of La Porte Economic Development Strategic Plan, Chapter 2: SWOT Analysis. January 2009.

improving the City’s overall appearance. The City’s identified weaknesses included the City’s increasingly limited land available for development, missed opportunities for generating sales tax revenue, and economic diversification. Finally, the analysis identified increasing truck traffic and a negative external perception, among others, as perceived threats to the City’s livability. All of these issues were again discussed during the public participation process of this Comprehensive Plan Update.

As such, these discussions formed the basis of the following focus areas, along with an analysis of existing conditions and review of current programs, plans, and ordinances. Each focus area contains contextual information, key planning considerations, goals, (and their rationales), and advisable implementation actions and initiatives. The areas of focus are as follows:

- **Focus Area 1** – Expanded economic development toolkit;
- **Focus Area 2** – Improved business friendliness of the City;



- **Focus Area 3** – Expanded opportunities for higher quality industrial operations within the City limits and the ETJ; and,
- **Focus Area 4** – Continued commitment to place-based economic development.

Advantages / Disadvantages of Development Corporations

Advantages

- Can act with greater confidentiality and speed
- Can help to minimize and mitigate the effects of politics on development
- Can more effectively deal with tax credits and solicit tax deductible donations from foundations and philanthropic entities
- Can act as pass-through vehicles for tax-exempt bonds

Disadvantages

- Typically exist as a self-supporting entity
- Frequently suffer from a lack of dedicated public financing
- Some are not fully established, rather they are just off-shoots of existing organizations

Source: Kendig Keast Collaborative.

Focus Area 1 – Expanded economic development toolkit.

La Porte Economic Development Corporation

Development Corporations are sometimes structured the same way as redevelopment authorities. The term “development corporation” however, usually connotes a higher degree of autonomy from City government and is often structured as a private or public-private non-profit organization. It is common for corporations to be involved in activities other than just real estate development to include the administration of low-interest loan pools that support business and economic development. (see inset)

La Porte Community Library



The La Porte Community Library is a joint venture between the City of La Porte (who is responsible for the building and furnishings) and the Harris County Library System (who staffs and runs the library). Construction of the library was facilitated by the EDC as one of its first projects.

Operating capital often derives from the ownership and management of real estate assets, private donations, development and financing fees, and fees from tax exempt bonds and special taxes. The La Porte Economic Development Corporation (EDC) is an example of a development corporation already established in La Porte. It offers a full complement of economic development programs and incentives, which are primarily coordinated by the Economic Development Division of the EDC. The Department and its activities are funded through a collection of a one-half cent sales tax (established in 1999), which must be spent on economic development projects relating to capital investment and job creation. The most recent activities include the re-nourishment of Sylvan Beach, the ball fields at Pecan Park, the library (see inset), and infrastructure improvements along Main Street.

La Porte Redevelopment Authority

The City of La Porte Redevelopment Authority⁴ was set up as a local government corporation pursuant to the provisions of Chapter 394 of the Texas Local Government Code.⁵ The Authority is organized as a public, nonprofit corporation for the “purposes of aiding, assisting, and acting on behalf of the City in the performance of its governmental function to promote the common good and general welfare of Tax Increment Reinvestment Zone (the “TIRZ”) and neighboring areas, and to promote, develop, encourage, and maintain housing, educational facilities, employment, commerce, and economic development in the City.”⁶

One of the current projects undertaken by the Authority was to enter in a Development Agreement with Port Crossing Limited for the purpose of constructing TIRZ public infrastructure in the Lakes at Fairmont Green development. Unfortunately, the national recession and downturn in the local residential housing market slowed growth. Future use of the TIRZ should include a cost benefit analysis along with established goals. In addition, other types of incentives should be considered including grants.⁷

Key Planning Considerations

Key planning considerations regarding expanding the economic development toolkit include:

- 1) Expanding the City’s economic development program to ensure there is a comprehensive and coordinated resource toolkit to serve the City’s existing and future business community.
- 2) Ensuring existing and future businesses have a dedicated person with whom to collaborate when deciding whether to relocate to the City, and to assist them through the relocation and/or development process.
- 3) Increasing coordination with partners to ensure economic development incentives are provided in a synergistic, efficient, and cost effective manner.

Goal 5.1: Re-evaluate and retool the City’s economic development program toolkit.

Actions and Initiatives

- 1) Consider becoming a member of the National Business Incubator Association (NBIA)⁸ and establishing a small business incubator site

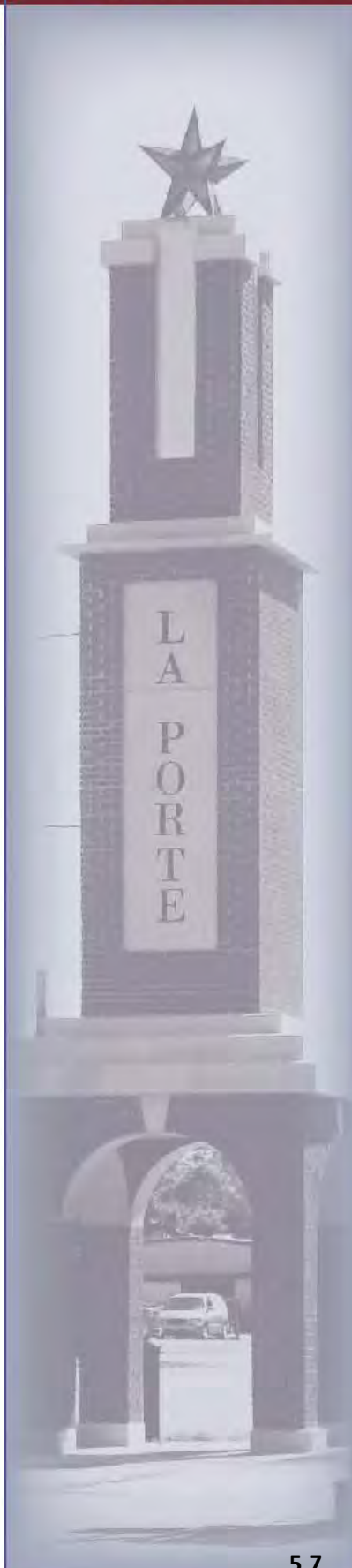
⁴ The City of La Porte Redevelopment Authority was authorized by Resolution No. 2009-19 passed on December 11, 2000.

⁵ Texas Local Government Code, Title 12, Chapter 394. Also known as the Texas Housing Finance Corporations Act of 1987.

⁶ Independent Auditor’s Report of the La Porte Redevelopment Authority. Patillo, Brown & Hill, LLP. September 30, 2010.

⁷ Ibid.

⁸ Further information on the National Business Incubator Association can be found at <http://nbia.org/>.



What are “Business Incubators”?

“Business incubators nurture the development of entrepreneurial companies, helping them to survive and grow during the start-up period, when they are most vulnerable. These programs provide their client companies with business services and resources tailored to young firms. The most common goals of incubation programs are creating jobs in a community, enhancing a community’s entrepreneurial climate, retaining businesses in a community, building or accelerating growth in a local industry, and diversifying local economies.”

Source: National Business Incubator Association (NBIA)

within the City in coordination with the San Jacinto College Small Business Development Center (SJC SBDC).⁹ Priority consideration should be given to already-owned property located in the Downtown area or in an area near San Jacinto College. The jointly sponsored incubator could include fully equipped office space at low cost (City provided) with initial and follow-along counseling at no cost (SJC SBDC provided) for entrepreneurs of small and emerging companies. Criteria would need to be developed for admission to the business incubator for start-up companies. In addition, the site could be cross-utilized as a temporary headquarters on a short-term, temporary basis (i.e., one to three months) for new arrivals of established, major companies relocating to La Porte. The Temple Business Incubator (in Temple, TX) is an example of a jointly sponsored and successful business incubator.

- 2) Continue to provide adequate funding for the Economic Development Coordinator/Business Ombudsman and associated staff positions. These are important functions as they direct economic development planning activities for the City by negotiating with business and industry representatives to encourage location (or relocation) to the area. They also conduct research, analysis, and evaluation of data to determine the economic impact of proposed expansions and/or new development.
- 3) Continue to use a single-point-of-contact protocol for all new development and business permit applications. This would be likened to a one-stop project manager or expediter who would help shepherd development applications through the process, troubleshoot problems on the applicant’s behalf, coordinate tax abatement requests with the county, and lead the applicant in the direction of other assistance. This person should continue to be the Economic Development Coordinator/Business Ombudsman.
- 4) Maintain links to the current digest of local, state, and federal economic development programs on the City’s website. The Economic Development Coordinator should be fully abreast of all non-local economic incentives and should act as a liaison for businesses interested

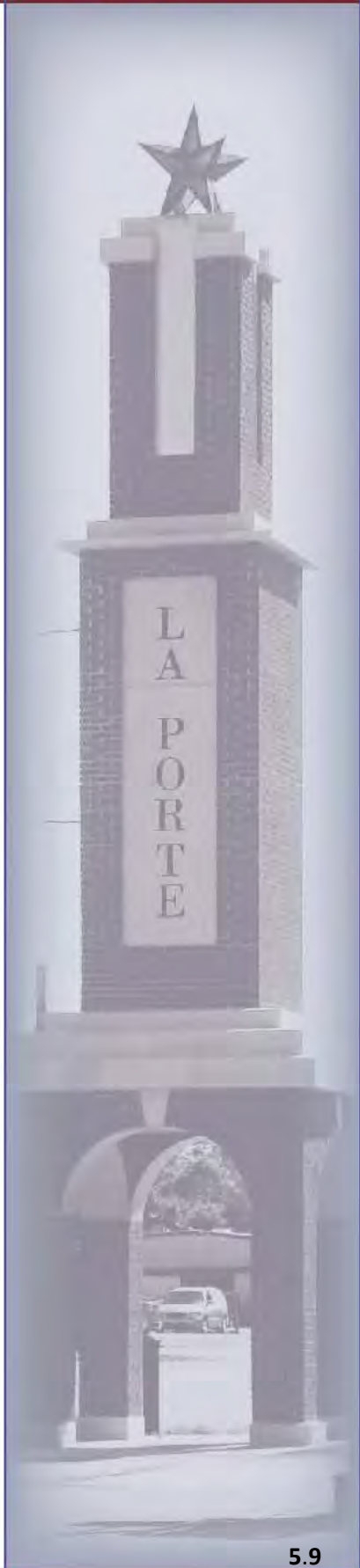
⁹ The San Jacinto College Small Business Development Center (SJC SBDC) provides free business consulting and affordable training seminars to small- and medium-sized business owners and managers. The SJC SBDC is a business consulting and training center of the University of Houston SBDC Network, which serves 32 counties in Southeast Texas through 14 business consulting and training centers. It offers customized instruction training at its facility in Pearland, Texas, or it could be facilitated at the future established incubator site in La Porte. More information can be found at <http://www.sjcd.sbdcnetwork.net/sanjacinto/default.asp>

in using these incentives as part of a location or relocation package to La Porte.

- 5) Consider adopting local tax abatement provisions for commercial construction registered with the Leadership in Energy and Environmental Design (LEED®), or other similar programs. This would include partial tax abatement for the incremental investment associated with obtaining such certification. While the City does not have any certified LEED projects, nearby City of Houston has 165 certified projects.¹⁰ Any private sector projects utilizing this incentive should agree to their involvement in marketing the community and the program.
- 6) Mobilize top government officials and business leaders as welcoming committees for promising businesses, site selectors, and selected developers.
- 7) Continue to periodically research and keep abreast of the latest state and federal economic incentives (including grants) so that the City can expand the toolkit (see inset next page) in the most efficient and cost effective manner possible.
- 8) Continue to conduct regular business outreach to understand the plans and needs of area businesses and to troubleshoot potential problems.
- 9) Continue use of the industrial payments (the Community Investment Fund) for economic development, community beautification, and revitalization programs, rather than supplementing the general fund.
- 10) Continue to use the Hotel/Motel Fund for projects that encourage visitors to the City. This includes Main Street revitalization efforts; the creation, promotion, and sponsorship of festivals and events; print, Internet, and broadcast advertising; membership dues for the Bay Area Houston Convention & Visitors Bureau; directional and historical (i.e., wayfinding) signage; and projects that enhance the City's image to out-of-town visitors.¹¹ This also includes continued funding for staff positions dedicated to economic development. A cost benefit analysis should be conducted along with establishing goals so that results can be measured.
- 11) Continue to support the Economic Development Corporation (EDC)'s efforts to fund capital investment and job creation as a means of increasing economic development within the City.

¹⁰ Green Building Certification Institute (GBCI) Certified Project Directory. January 31, 2012.

¹¹ City of La Porte, Texas Annual Budget for Fiscal Year 2011-2012 (October 1 – September 30).



- 12) Annually evaluate return on investment and consider continuing partnerships with the La Porte-Bayshore Chamber of Commerce, Bay Area Houston Convention & Visitors Bureau, Bay Area Houston Economic Partnership, Economic Alliance Houston Port Region, Greater Houston

Existing Local Incentives and Programs (Local Toolkit)

The City of La Porte currently offers several local incentives for businesses who are considering locating within the City.

- Tax Abatements – The City offers ad valorem tax abatements for new construction for qualifying facilities, including regional distribution/service (up to 10 percent), manufacturing/other basic industry (up to 10 percent), and retail/commercial office/regional entertainment (up to 50 percent). To be eligible for an abatement (averaged over five years), qualifying companies must also have a minimum \$3 million capital investment and create at least 10 jobs.
- Industrial District Agreements – The City provides incentives to businesses that relocate in the Extraterritorial Jurisdiction (ETJ). Agreements are approved where the City agrees not to annex the property for a specified period of time and sometimes includes annual fee-in-lieu of taxes for the use of City facilities or contractual services (e.g., fire department response).
- Public Improvement Districts – The City has the ability to establish a Public Improvement District (PID), which enables commercial areas to make improvements by spreading out the cost equally among all properties. Property owners are assessed based on benefits and assessments may be used to pay debt service on bonds or they may be used to pay for services directly if no bonds are issued. PID funds may also be used in connection with improvements or enhancements such as water, wastewater, streets, drainage, parking, landscaping, etc.
- Foreign Trade Zones – The City supports the Port of Houston in its efforts to apply for federal exemptions from state and local ad valorem taxes on tangible property imported from outside the United States, and held in Foreign Trade Zones (FTZ).
- Freeport Exemption – The City supports the La Porte Independent School District (La Porte ISD) which offers Freeport Exemption. These are intended to exempt personal property consisting of inventory goods or ores, other than oil, natural gas, and petroleum.
- Municipal Grants – The City Council has the authority to provide loans and grants of City funds to promote economic development projects within the City.

In addition, the City incentivizes economic growth and expansion of facilities in the industrial districts, where the company renders to the City an amount “in lieu of taxes” based on 62 percent (value years 2008 – 2013) or 63 percent (value years 2014 – 2019) of the amount of ad valorem taxes payable if it was within the City limits. Further, new construction is incentivized for substantial increases in the value of land and tangible property to the amount equal to 25 percent (value years 2008 – 2013) or 20 percent (value years 2014 – 2019) of the amount of ad valorem taxes if it was within the City limits.

Source: City of La Porte Website – Economic Development Department

Partnership, and the Houston-Galveston Area Council (H-GAC) to work towards enhancing economic development within the City. Consider convening an annual meeting with partners to ensure a synergistic, efficient, and coordinated plan of action is realized.

- 13) Consider expanding the business retention and expansion program. While recruiting new businesses is important to growing its economic base, La Porte cannot afford to ignore its current businesses and risk losing one of them to closure or relocation. A strong business retention and expansion program should include **regular visits with local employers**. These visits can include formal surveys or be informal interviews. However, they should establish a relationship with the employer and serve as a mechanism by which the Economic Development Coordinator can ascertain any major challenges or plans for expansion, and help to identify suppliers or customers who could benefit from relocating to La Porte. In addition to site visits, the **business retention and expansion program** could be expanded to include such initiatives as shop local programs, advertising cooperatives, shopping guides, frequent shopper programs, small business seminars, etc.
- 14) Budget to update the La Porte Economic Development Strategic Plan, which was prepared as a five-year plan of action (2009-2013).

Focus Area 2 – Improved business friendliness of the City.

One topic that was frequently discussed during the public participation process was the perceived lack of business friendliness of the City with regard to how projects moved through the development process. Indeed, it was a topic that came up in almost every small group charrette, many stakeholder interviews, and in public meetings. It was typically framed from the standpoint that it takes longer to permit a project than it actually takes to construct a project, or that it was overly difficult to permit rehabilitation or other improvement projects. Other times, it was framed as adding requirements during each subsequent submittal, rather than being identified during the original submittal. Some of this discontent may be attributed to the normal course of doing government business. But, a large part of it may be attributed to the City's outdated zoning and development codes and administrative and public approval processes. What is important, though, is for the City to dedicate time and resources to pinpoint the issues, and then determine an action plan to correct them.

“What we hear is that it takes a long time to review plans. Developers make seven corrections, and when it is re-reviewed, there are 10 more new things.”

Source: Interview with Louis Rigby, Mayor of La Porte.

Moving Forward

The City should consider consolidating and streamlining its development codes and associated processes by combining them into a single and comprehensive Unified Development Code (UDC). See *Chapter 6, Implementation*, for further information.

Source: Kendig Keast Collaborative.

As the City moves forward with the recommended zoning and development code changes contemplated throughout this Comprehensive Plan Update, it is highly recommended to reach out to, and involve, the development community in the process. Consolidating all the zoning and development codes into a single and comprehensive Unified Development Code (UDC) is an opportunity to implement the regulatory provisions discussed in this plan, while at the same time, providing an opportunity to greatly improve the administrative and public approval processes – all of which can improve La Porte’s business friendliness and contribute to the City’s ability to facilitate economic development.

Benefits of a Unified Development Code (UDC)

- A UDC offers procedural consistency and a single source of standards and definitions.
- It greatly simplifies the amendment process, helping to ensure consistency among the different codes.
- It makes the regulations more user-friendly for the development, real estate, and consultant communities.
- There can be better cross-referencing to ensure that all related provisions are taken into account pertaining to any particular development proposal.
- The administration of the codes is consolidated into one section, thereby simplifying the roles and responsibilities of each official and body.
- The applications and procedures for all development processes can be clearly defined, including use of a flow diagram to illustrate the submission and review process.
- It allows application of subdivision requirements to “zoning-only” projects, such as driveway access and site circulation review for a single-user site plan when subdivision is not required.

Source: Kendig Keast Collaborative.

Key Planning Considerations

Key planning considerations **improve the business friendliness of the City** include:

- 1) Analyzing the City’s permitting process to determine where processes can be streamlined.
- 2) Updating the City’s zoning and development codes in conformance with the actions identified throughout this plan.
- 3) Increasing communication with the development community to determine and solve impediments to development.
- 4) Providing the necessary online and other resources needed to successfully navigate the development process.

Goal 5.2: Update the City’s zoning and development codes to implement the regulatory improvements as a means to aid economic development.

Actions and Initiatives

- 1) Update the City’s zoning and development regulations to provide for greater predictability in land use decisions while ensuring land use compatibility and enhancing community character. Further, consider consolidating all development-

related provisions into a comprehensive Unified Development Code (UDC) that makes the regulatory specifics easier to navigate and comprehend (i.e., more “user-friendliness”) for the development, real estate, and consultant communities (see inset). Developers and the businesses that finance them want timeliness and certainty. Developers will almost always prefer to be held to a higher standard than to be subjected to an arbitrary, lengthy, and unpredictable approval process. The former allows the developer to “pencil out” the project to see if it is

financially feasible. The latter (e.g., a typical Planned Unit Development process) requires a very high tolerance for risk. Consequently, undefined development approval provisions force potential developers to jump through many regulatory “hoops” to get a project approved, which **may discourage development when the profitability of the end-product is not known**. Additionally, businesses usually need space on a relatively short notice, particularly for start-ups, who will not have the time or resources to hire a team of professionals to navigate a process for obtaining multiple zoning approvals. Indeed, undefined or multiple “hoops” may cause businesses to locate elsewhere.

Goal 5.3: Conduct a thorough review of the City’s intake procedures for development projects, business permits, and fee structures with a view toward adopting more expedited and “business-friendly” permitting processes.

Actions and Initiatives

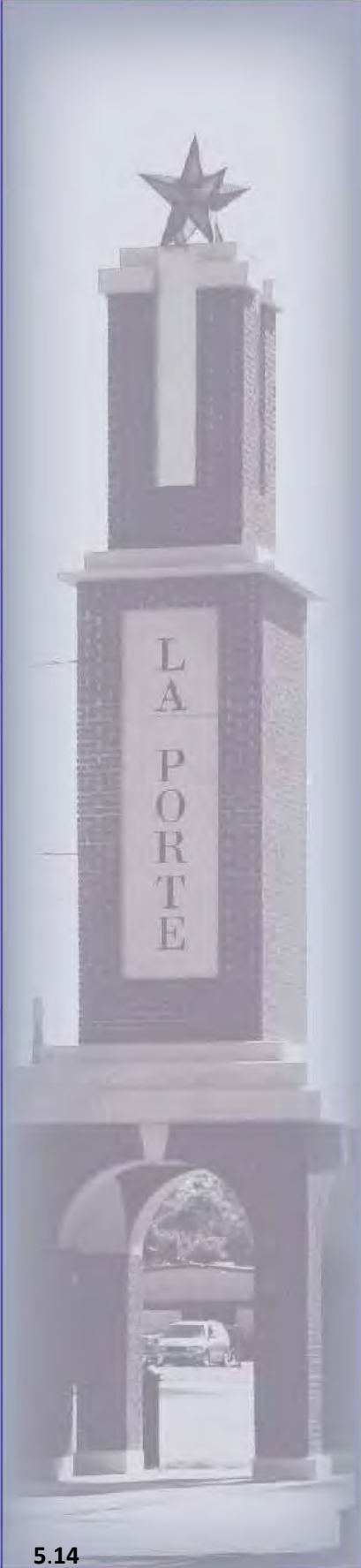
- 1) Consider conducting customer service training for front desk personnel and other key staff members and implementing a survey tool to monitor customer satisfaction.
- 2) Establish a “streamlined permitting process” for desirable developments. Develop a baseline comparison of La Porte’s development review and permitting process with neighboring communities (e.g., Deer Park, Pasadena, etc.). If no such baseline comparison already exists, then the City should begin tracking the review time for different categories of permitting. Once the data has been collected, the City should hold monthly or quarterly meetings with the development community to review the benchmark data and obtain their feedback regarding their dissatisfaction with the development process. Feedback should be requested on how to improve both regulations and the process. Develop a short- and long-term action plan to resolve issues that do not compromise the integrity of the process or conformity with established regulations. Typically, the development community wants and needs consistency and predictability. So, in some cases, streamlining may not resolve the issue. Sometimes, larger issues with the review process lie in the subjectiveness of project approvals. This can be particularly evident when trying to navigate the Planned Unit Development (PUD) process. Relevant feedback from this analysis should be presented to the Planning and Zoning Commission and City Council.
- 3) Complete the guidebook for the development community and residents to utilize during the development process. The guidebook should include descriptions of the types of applications available, flowcharts of each process, tables of submittal and hearing dates, details

Example Guidebook



A well-designed development guidebook can facilitate improved outcomes (e.g., these pages from Zachary, LA).

Source: Kendig Keast Collaborative.



as to where further information may be found, and other items pertinent to the successful navigation of the process.

- 4) Update the website to make it easier to access information required by the public to secure approval for projects. This could include Adobe PDF fillable application forms, expanded GIS data (e.g., locations and size of public infrastructure), etc.
- 5) Consider surveying applicants once the development process is complete to determine and quantify overall satisfaction with the department and processes, and to gather feedback on suggested improvements.

Focus Area 3 – Expanded opportunities for higher quality industrial operations within City limits and the ETJ.

La Porte is an industrial City. It is located just 25 miles from Downtown Houston and is located directly between the Barbours Cut and Bayport Container Terminals of the Port of Houston. The City's quick and easy access to the north/south Interstate 45 corridor and the east/west Interstate 10 corridor is further served by more than 130 trucking lines providing routes to all of the United States, Canada, and Mexico. The Union Pacific and BNSF railroads, with rail hubs in Houston and other Texas cities, serve thousands of miles of track and all Gulf Ports.¹² Combine this with the fact that the Port of Houston is expected to increase its freight tonnage by 42 million tons by 2035 (with an overall expected increase of 45 percent for the region's freight tonnage);¹³ La Porte is well-positioned to be an ideal location for businesses in warehousing and manufacturing industries. It is precisely this reason why the City should maintain its focus on industrial economic development activities.

With this being said, the U.S. manufacturing industry continues a transformation that has profound effects on the practice of economic development. It is forcing us to rethink what we mean by a *primary job*, how we measure economic impact, and how we design incentives. This is due, in large part, because **manufacturing employment continues to decline**. It is not overstatement that an economic strategy built solely around manufacturing jobs may be destined for failure.

For this reason, it is recommended to direct economic development efforts to a few key target industries that are complimentary to the City's existing industrial base. These target industries were identified by the Gulf Coast Economic Development District (GCEED) as being favorable for local economic conditions:

- Biomedical/Biotechnical;

¹² City of La Porte Economic Development website.

¹³ H-GAC Regional Goods Movement Study – Final Report. Dec. 2011.

- Chemical & Chemical Based Products;
- Fabricated Metal Product Manufacturing; and,
- Machinery Manufacturing.¹⁴

Since the growth of clusters (e.g., biotech cluster) is significantly affected by local economic factors that can be modified or improved by local policy makers, it is critical that further evaluation is undertaken.

However, expanding the City's industrial base (or targeted clusters) cannot, and should not, be to the detriment of the City's overall livability. Conversely, new industrial development should be in conformance with the City's overall vision as being a business-, tourism-, and family-friendly community (see section on Vision in *Chapter 1, Plan Context*). Achieving this business/tourism/family balance may require the City to think differently about its approach in the coming years.

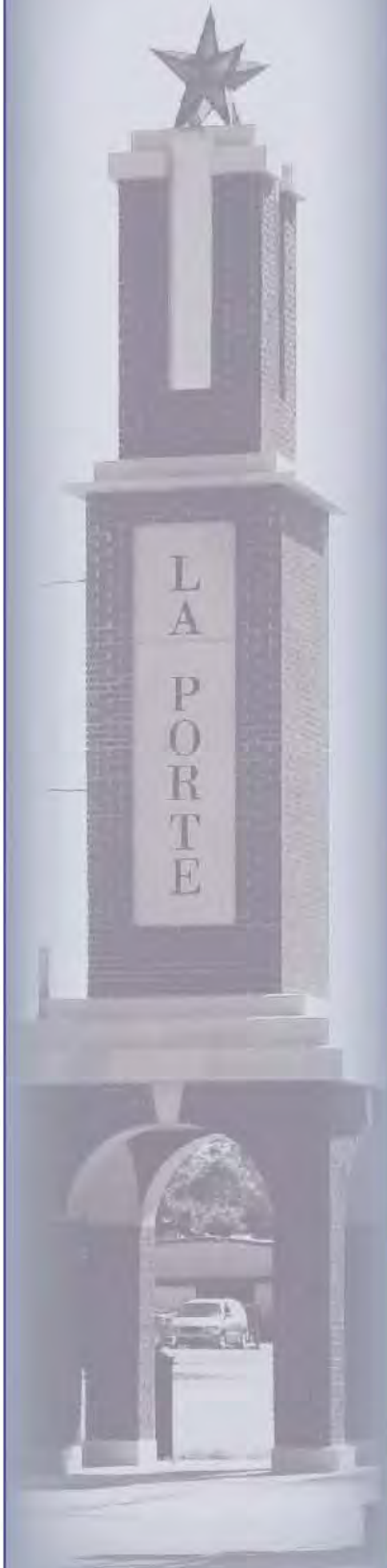
One of the primary ways to achieve this balance is to strengthen development regulations to implement the Business Park and Auto-Urban Industrial character areas. As detailed in the **Appendix A, Future Consideration of Character-based Planning**, business parks are primarily for office, medical, and technology/research uses, but can also include light industrial (including warehousing/distribution) when well screened and in buildings with enhanced materials and design. Business parks also have areas of common open space, extensive landscaping along the perimeters, special streetscape and design treatments at entries (and other areas), and site operations that are conducted indoors with limited or no outdoor storage or display.

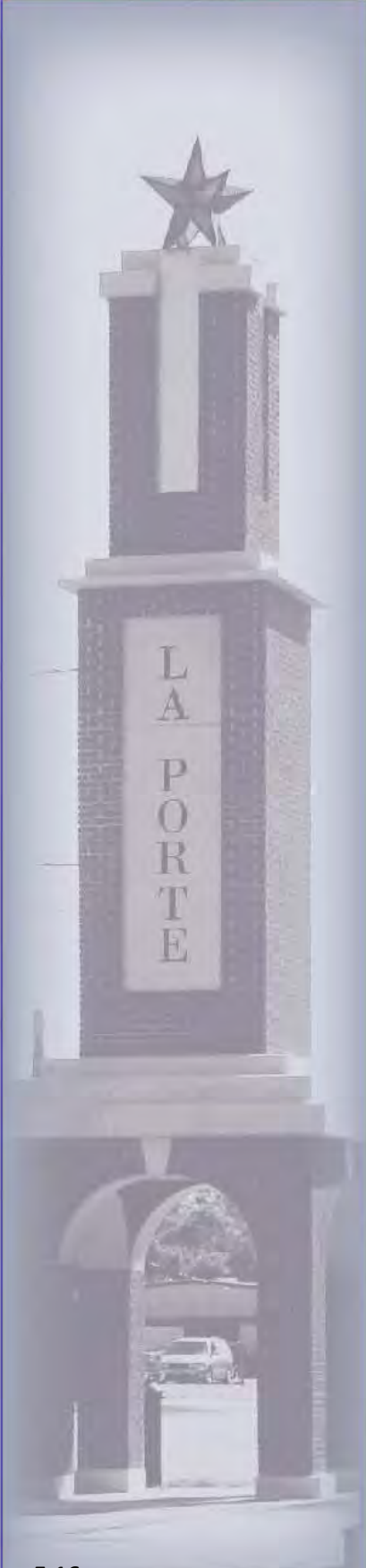
Auto-Urban Industrial, by contrast, is more typical of the industrial operations currently in existence within the City and the ETJ. They are characterized by large parking and storage areas (e.g., container yards) and unscreened or lesser screened outdoor activities. For future developed areas, strengthened regulations should mitigate these areas through landscaping and buffering standards, including screening of any outdoor activity and storage from the public rights-of-way and adjacent uses and properties.

Key Planning Considerations

Key Planning Considerations for expanding opportunities for higher quality industrial operations within the City and the ETJ include:

¹⁴ The Gulf Coast Economic Development District conducted a regional cluster analysis to assess regional competitiveness in attracting and retaining industry clusters. It revealed dominant clusters in the region as well as the ones that are emerging or transforming. Gulf Coast Economic Development District – 2009-2011 Comprehensive Economic Development Strategy. July 17, 2009.



- 
- 1) Continued partnerships and support for the Port of Houston's Barbours Cut and Bayport Terminals.
 - 2) Strengthened regulations for new Business Park and Auto-Urban Industrial development/redevelopment.
 - 3) Pursuing and offering economic incentives for those industrial activities (or targeted clusters) that complement the City's existing industrial base and agree to meet the City's livability objectives.

Goal 5.4: Balance increased economic development incentives for industry (and targeted clusters) with improved regulatory provisions to protect the City's livability.

Actions and Initiatives

- 1) Strengthen the language in Development Agreements to require new industrial development in the ETJ to adequately screen operations and storage areas from public rights-of-way, provide additional landscaping, etc., as a means to improve the City's character and livability.
- 2) Continue to promote industrial development within the City and industrial districts in the Exterritorial Jurisdiction (ETJ).
- 3) Assess local economic factors to determine favorable conditions for locating identified industry clusters. This would include identifying the most appropriate target clusters, followed by surveys, interviews, and focus group discussions with industry experts to identify their location preferences.
- 4) Update the zoning and development codes to ensure higher quality standards are achieved for those uses that would be allowed in Business Park and Auto-Urban Industrial areas. Additionally, provisions need to be strengthened to improve compatibility between areas of differing character and to achieve better community livability (see *Chapter 2, Land Use and Development*, for additional information on needed regulatory improvements).

Goal 5.5: Proactively prepare undeveloped (and appropriate) areas for future industrial development and target clusters.

Actions and Initiatives

- 1) Proactively zone land within the City for needed commercial, office, and light industrial uses, as identified on *Map 2.6, Future Land Use Plan*. In anticipation of the 45 percent increase in expected freight tonnage, this is particularly important to pre-zone those areas designated as Business Park and Auto-Urban Industrial.
- 2) Market and provide incentives for these pre-zoned areas to create large-scale business parks. This could include incentives to install the public infrastructure needed for multi-lot developments, so that future individual businesses have shovel-ready lots where all that is remaining to do is to construct the building.

- 3) Consider facilitating the discussion with property owners, state and county economic officials, and the Union Pacific Railroad, among others, to test the idea of creating a special logistics park in the vacant area bounded by State Highway (S.H.) 225 and S.H. 146 and adjacent to the existing Union Pacific rail line. There are a number of distribution-related companies in the region. The key in maximizing this opportunity is for the City to go beyond warehousing to create opportunities to add value to the goods passing through the area. Specialized facilities that allow for easy off-loading of freight combined with special financial incentives for the modifications of imports and exports (such as through a Foreign Trade Zone) could be a key in making La Porte even stronger for value-added manufacturing and distribution. This would include:
 - a. Facilitate discussion with state and federal officials on the process of creating a general-purpose Foreign Trade Zone, which can be sponsored by economic development corporations and typically involve public facilities that can be used by more than one firm, and are most commonly industrial parks used by small to medium sized businesses for warehousing/distribution and some processing/assembly.¹⁵
 - b. Facilitate rezoning and permitting the property to allow high-quality, large site industrial warehousing.
 - c. Approach Union Pacific on the possibility of building special rail sidings (i.e., a low-speed track sections distinct from the main line to be used for loading and unloading freight) into a proposed park.
- 4) Work with large undeveloped landowners to discover their goals for the property and help facilitate their goals in conjunction with the objectives of this plan or modify this plan to match mutual goals of the owner and City.

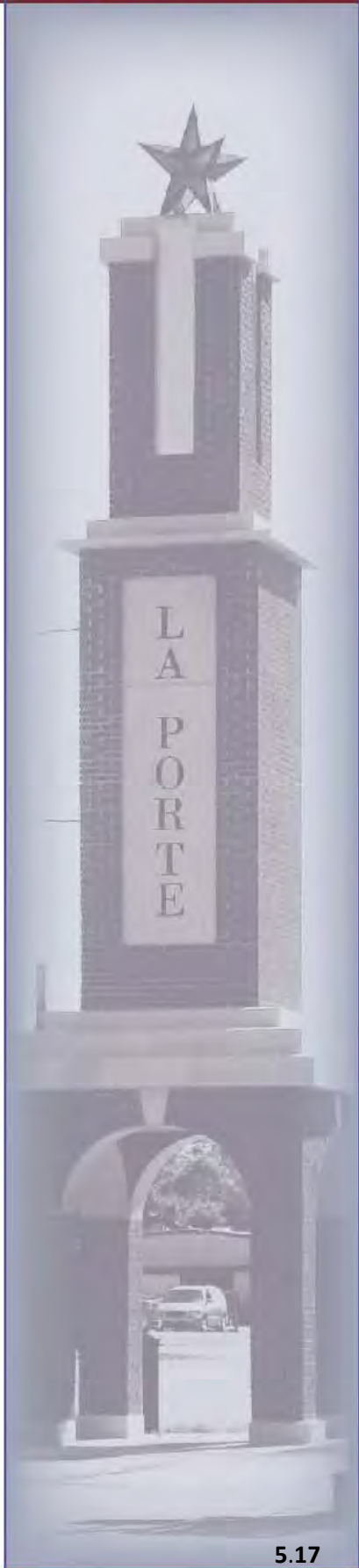
Focus Area 4 – Continued focus on expanding retail and commercial service businesses within the City.

One of the topics that came up repeatedly during the public participation process was a lack of commercial retail opportunities within the City. Indeed, per capita retail sales in La Porte were \$1,844 in 2007¹⁶, which is significantly lower than the neighboring cities of Deer Park (\$4,220), Texas City (\$4,561), and Baytown (\$7,024), and Harris County as a whole (\$5,938). This indicates that the City could potentially capture a higher level of spending by residents.

Although most retail developers have sophisticated approaches for site selection, and are primarily driven by demographics, it is beneficial to build

¹⁵ Trade Information Center. June 2000.

¹⁶ City of La Porte Economic Development Strategic Plan. Confirmed by the U.S. Census Bureau as the most recent year comparable numbers were available.



Retail Development: Fairmont and Main Street

Fairmont Parkway has been developing as the new location (or relocation) of some of the City's key destinations that were once anchors for Main Street, including City Hall, the U.S. Post Office, and many of the newer retail businesses. As business expanded on Fairmont Parkway, business declined on Main Street.

Today, there is opportunity to have complimentary retail in both locations. Main Street offers a place well suited for entertainment, fine dining, neighborhood cafes, boutique shopping, and tourist-based businesses, all in an urban, pedestrian-scaled and walkable environment. On the other hand, Fairmont Parkway has developed as an auto-urban commercial corridor, which best serves the automobile and is less conducive to pedestrians and tourist-based businesses.

Source: City of La Porte Economic Development Strategic Plan; modified by Kendig Keast Collaborative.

relationships with these businesses. As mentioned in the La Porte Economic Development Strategic Plan, continued attendance at the International Conference of Shopping Centers (ICSC) and the ICSC Texas Conference and Deal Making Event could provide increased opportunities to market La Porte's assets to those that have the ability to bring future retail shopping opportunities to the City.

Providing incentives to attract retail is already being done. Providing incentives for retail has its advantages and disadvantages; and accordingly, only certain cities choose to do it. Though retail provides an improved quality of life, increased tax revenues, and improves the property tax base on and/or near the operation, sales collected at these locations are often sent to a headquarters based elsewhere (and in some cases, out of state) and rarely are re-invested to expand the operation or provide above-average wages to local residents. To this extent, most retail, but not all, cause local dollars to flow out of the local economy. Given the lack of retail opportunities in La Porte, however, it is important to pursue additional opportunities for attracting retail and commercial service businesses to the City. This should include the continuation of the "up to 50 percent" ad valorem tax abatement for new construction of retail/commercial office/regional entertainment businesses.

Outside of marketing, incentives, and other procedural streamlining measures, the City's best economic development action may be "community development." The age-old axiom, "retail follows rooftops," is also common sense. Sellers need buyers and will tend to set up shop where they are concentrated. Since La Porte's market area is constrained on one side by the bay, and since there is limited area left for residential development, the City should be smart and strategic with regard to its zoning and development decisions so that there remains a sufficient area for higher quality (and in some cases, higher density) residential development.

Key Planning Considerations

Key planning considerations for continuing the focus on expanding retail and other commercial service business include:

- 1) Analyzing demographic and retail market conditions to determine appropriate market segments for which to provide incentives.
- 2) Expanding the types of incentives and/or procedural streamlining to help attract retail and commercial service businesses.

Goal 5.6: Increase retail and commercial service business opportunities through targeted incentives and streamlined permitting.

Actions and Initiatives

- 1) Consider the use of retail sales tax grants¹⁷, which are tax rebates based upon a percentage of the sales and use tax received by the City from the sale of taxable items. The City may also condition the incentive upon the creation of employment, construction of improvements, certain development, continued operations for a specified period of time, or other public consideration.
- 2) Undertake a retail market analysis to help identify opportunities for future expansion of the City's retail space. The analysis should include a demographic analysis of La Porte's market segments, a sales gap analysis, and an analysis of the City's economic composition and competition. The outcome of this analysis should be to develop a coordinated economic development strategy comprised of four main elements: retail development, tourism, a convention center (consistent with the available space at the soon-to-be-renovated Sylvan Beach Pavilion), and support for industry. Prepare to proactively market La Porte to identified market segments identified in the report.
- 3) Consider non-cash incentives for stimulation of new development/redevelopment of retail and other commercial service businesses, including such things as:
 - a. Fast-track plan review and permitting (as staff work allows);
 - b. Dedicated inspections;
 - c. Corporate relocation assistance for employees and their families;
 - d. Employee recruitment and training, as funded through state grant programs and potentially San Jacinto College;
 - e. Business promotion and assistance; and,
 - f. Assistance with demolition of existing structures for redevelopment and new investment.
- 4) Implement the recommendations identified in *Chapter 2, Land Use and Development* as it relates to housing development. This includes such things as encouraging life-cycle housing options in new developments, incorporating accessory dwelling units in the zoning ordinance, adopting design standards for high-density residential development, establishing average lots size provisions, adding density bonuses, adopting a by-right housing palette, among others, so that there is a sufficient and diverse housing supply (i.e., the rooftops needed to support retail expansion).
- 5) Look for ways to increase dollars available for retail spending. Some of the variables effecting increased retail dollars are number of dwellings (i.e., roof tops), household income, cost of living expenses, and a better understanding of demographics.

¹⁷ Retail sales tax grants are authorized by Section 380.001 of the Texas Local Government Code.



Quality of Life Challenge

One challenge facing local governments in their endeavor to accommodate future growth is ensuring an adequate quality of life for area residents and businesses.

Public services such as health, safety, and education, along with amenities such as cultural and recreational opportunities, scenic natural areas and “community character” are becoming increasingly important factors in the economic competition among and within regions.

Investments and public policies aimed at improving quality of life appear to have the potential to yield economic benefits by maintaining or improving the region’s desirability as a place to live and work.

Source: 2009-2011 Comprehensive Economic Development Strategy, Gulf Coast Economic Development District.

Attracting Talent

National demographic trends, most notably the aging of the baby boomers, suggest that demand for workers may soon outstrip supply. As a result, competition for labor is expected to increase among companies as well as communities. Focusing on the development, attraction, and retention of talent should, therefore, be an important part of any economic development strategy.

Source: Kendig Keast Collaborative.

Focus Area 5 – Continued commitment to place-based economic development.

Businesses that do not depend on or need the local and regional infrastructure established for the shipping and container industry (i.e., the ports, state highways, railways and rail yards) will choose to locate (or not choose to locate) in La Porte for a multitude of reasons. Years ago, these decisions were primarily related to location and costs of doing businesses. While these are still extremely important, the business environment in the 21st Century has undergone drastic changes as the national economy is transitioning from being manufacturing-based to service-based. Traditionally, economic development was mostly focused on recruiting businesses to locate in your community. This approach depends heavily on large incentives, such as tax abatements, free land, and reduced costs for infrastructure. While these types of services certainly remain an important part of the overall business/industry attraction process, most organizations stop at this point. Fortunately, these are only the most basic tools in the economic development toolkit.

Nurturing and attracting talent is perhaps the most fundamental issue for creating long-term sustainable economic vitality in the 21st Century. Much of this is due to the changing needs of U.S. employers as the economy transitions from manufacturing to services. But this “talent” goal implies more than workforce development and training. It also encompasses the idea of recruiting people.

As denoted in *Chapter 1, Demographic Snapshot*, La Porte’s decreasing rate of population growth signifies that the City will not meet the expectations established by the H-GAC 2035 Forecast due to limited areas remaining for residential development, combined with a relatively low-density pattern of development that currently exists in the City today (and is expected to continue in the future). Further, the *Demographic Snapshot* shows that the City’s younger cohorts (i.e., 40 to 44 years and younger) are decreasing, while the older cohorts (i.e., 45 to 49 years and older) are increasing in size. This will result in an overall aging of La Porte’s population. To maintain a healthy and sustainable workforce, La Porte should focus on attracting and retaining younger workers. (see inset)

The quality of education can enhance a community’s ability to attract and retain a younger demographic, as well as talent, in general. The quality of schools plays a pivotal role in attracting families and employers to an area. The perception of low-quality schools can be a major deterrent to moving to a particular community. As such, a community cannot afford to ignore its public schools. Higher education

also plays a pivotal role. Not only must employers be assured of access to educated and skilled workers, but talented individuals are often drawn to places that offer access to higher education and related amenities. As a result, it is imperative that the City remains supportive of La Porte Independent School District (La Porte ISD) and San Jacinto College to ensure the City remains a more attractive option for new residents and employers.

Increasingly, companies rely on the skills and talent of their workforce to retain or gain a competitive advantage. Only recently have employers discovered that one way to tap into talented workers is by locating operations in communities with a strong sense of place. This is because communities offering a multitude of amenities are the ones attracting many of today's skilled and talented workers. While no set definition for "quality of place" exists, the one common factor is the wide availability of choices in housing, entertainment, culture, recreation, retail, and employment.

In La Porte, the same assets that make it a desirable tourism and recreation destination enhance its quality of place. The historic Main Street, proximity to Sylvan Beach and the bay front, and the recently constructed Citywide trail system are attractive to residents and visitors alike.

For this reason, as the City supports projects to revitalize Main Street, the greater Downtown area, and Sylvan Beach; improve its physical appearance; and expand the number of choices available, marketing these opportunities is of the utmost importance. Increasing the number of visitors to and expanding the population of La Porte is a necessary component of sustaining an enhanced quality of place.

Key Planning Initiatives

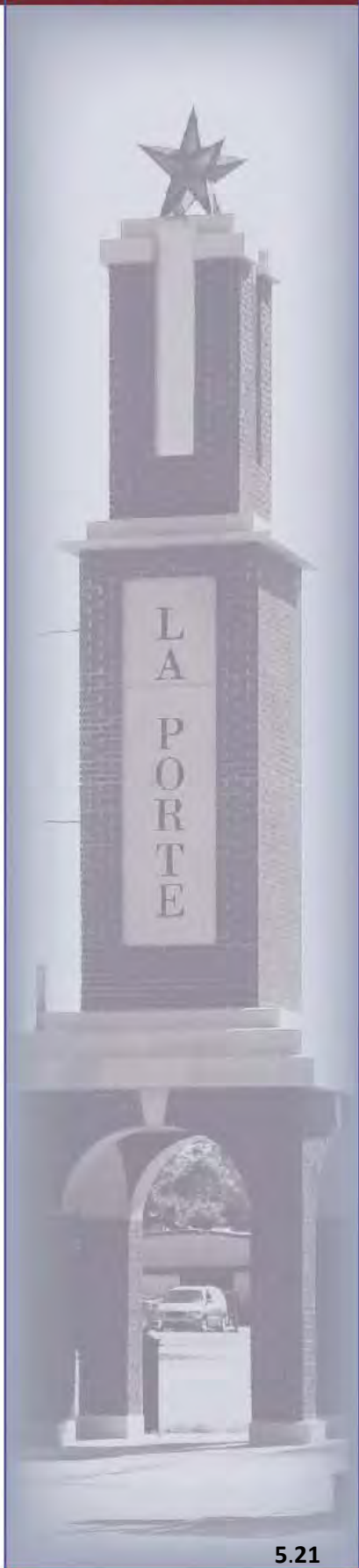
Key planning considerations for continuing to commit to place-based economic development include:

- 1) Strengthening partnerships with San Jacinto College as a means to improve the City's overall economic development conditions.
- 2) Developing a targeted tourism and internal / external marketing strategy.
- 3) Facilitating infrastructure improvements to enhance community livability.

Goal 5.7: Improving the City's overall economic development conditions by investing in the community and making La Porte an attractive place to live and work.

Actions and Initiatives

- 1) Develop collaborative programs with engineering, business, and other similar programs at San Jacinto College to encourage student-led projects that aid in the betterment of the community. Examples of such





programs are design competitions for historic building re-use or parkland design and planning, student consulting projects for area businesses or the City, internship programs with local employers, and community service programs such as Habitat for Humanity or the Keep La Porte Beautiful Program.

- 2) Support the creation of a program designed to retain San Jacinto College graduates and attract alumni. This program should involve the City, San Jacinto College, the Chamber of Commerce, and the La Porte Economic Development Corporation. The program could include scholarships to place graduates with area employers and provide incentives for them to remain in La Porte after graduation. The program should also include a marketing component to establish and maintain communication with San Jacinto College alumni to keep them informed of changes, and the opportunities and benefits of living in La Porte. This can be achieved by publishing a monthly or quarterly e-newsletter to be sent to alumni and other people with ties to La Porte.
- 3) Strengthen the City's relationship with San Jacinto College, as it plays a much wider role in the community as an economic development asset.

The City should explore ways it could partner with the college to help it carry out its goals and mitigate its challenges. In addition, the City should work to enhance San Jacinto College's student experience by encouraging improved pedestrian infrastructure around the college and supporting programs that promote student involvement in the community (see inset). Utilizing representatives from San Jacinto College as a featured speaker at the Main Street Morning Brew is a good beginning point for improving this relationship.

- 4) Develop a coordinated tourism strategy that goes beyond trying to attract visitors to the area, as this is not sufficient. Rather, the tourism strategy should be focused on capturing visitor's dollars by local businesses, so that the full economic benefit can be realized by the City and area businesses. In coordination with area partners (e.g., the La Porte Bay Area Heritage Society), the City should create a tourism plan that focuses on developing tourism "products" that attract visitors, a retail strategy that provides outlets for visitors to spend money, and a marketing plan that effectively targets those groups who are likely to come to La Porte.

- 5) Implement the recommendations identified in *Chapter 2, Land Use and Development* as related to continued investment in Main Street, Sylvan Beach, bayfront, and the Downtown area, including establishing connections between the bayfront and the Downtown area, developing a Downtown master plan, revising regulatory provisions to ensure a strengthened urban character, facilitating additional housing choice (e.g., residential over retail units), and continued pursuit of public/private bayfront development projects.

- 6) Implement the recommendations in *Chapter 2, Land Use*

Pedestrian Improvements Can Improve the Economic Bottomline for Local Businesses



In the City of Lodi, California, a series of public-private pedestrian-oriented projects were completed along five street blocks (including widening sidewalks, bulb-out intersections, and other improvements) and were credited for a large economic turnaround. Vacancy rates dropped from 18 to six percent and upon completion, the City saw a 30 percent increase in Downtown sales tax revenue.

Source: Alliance for Biking and Walking.
Photos Source: LODI.Com

and Development as related to enhancing the City’s visual character and appearance. Over time, these improvements will increase the City’s overall livability.

- 7) Implement the recommendations in *Chapter 4, Community Mobility* as related to sidewalk and trail improvements.
- 8) Continue to pursue infrastructure and facility improvements on Main Street and at Sylvan Beach. For Main Street, the City should build off of the recent gateway and Five Points Town Plaza improvements to implement other pedestrian improvements along the entire length of Main Street. For Sylvan Beach, the City should build off of the recent beach re-nourishment project and planned renovation of the Sylvan Beach Pavilion to determine other projects that will have a similar economic impact in these areas. These types of “community enhancement” projects can be significant economic development generators for the City (see inset).
- 9) Continue to sponsor festivals and events in Downtown and other parts of the City, including Christmas on Main Street, The La Porte by the Bay Half Marathon, Veteran’s Day concert, and Art Walk (see inset), among others.
- 10) Promote Main Street as the primary entertainment and retail destination for residents, students, and tourists. Downtowns are typically the lifeblood of a community, where residents, employees, and tourists can be seen walking, shopping, entertaining, and dining. The recent improvements made along Main Street are a good start, but there are still significant improvements to be made.
- 11) Once the Sylvan Beach Pavilion is renovated, utilize its historic status¹⁸ as part of an overall marketing strategy for weddings, dances, and other community events (see inset). Historic preservation activities can also have a significant impact on the City’s economic development and overall livability.¹⁹ Additionally, continued support for implementing the



Sylvan Beach Pavilion



The Sylvan Beach Pavilion restoration project, like other historic preservation projects, may yield significant economic development benefits for a community. Below are a few of the benefits:

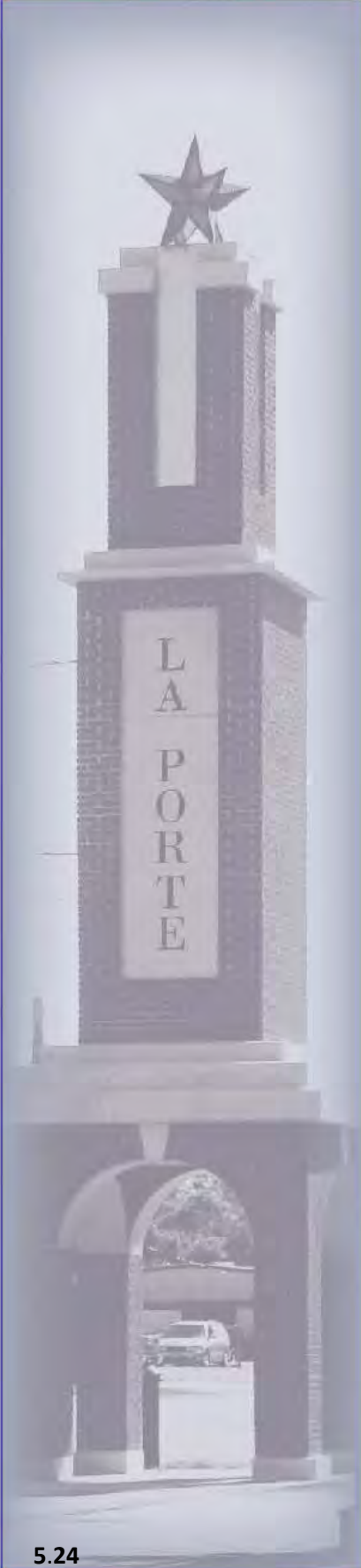
- Historical designations improve property values
- Incentives for historic properties attract reinvestment
- Historic building rehabilitation rebuilds Texas communities
- Preservation of historic properties creates jobs
- Texas’ heritage attracts tourists
- History museums draw tourists and economic vitality to communities
- Revitalization of Texas Main Street cities makes good business sense

Source: Provided by ‘Friends of the Sylvan Beach Park and Pavilion www.savethepavilion.org’

¹⁸ The Sylvan Beach Pavilion is individually listed in the National Register of Historic Places (NRHP), as well as designated as a Recorded Texas Historic Landmark (RTHL), and a State Archeological Landmark (SAL). Letter from the Texas Historical Commission. 11/15/11.

¹⁹ The Center for Urban Policy Research at Rutgers University, Texas Perspectives and The LBJ School of Public Affairs at the University of Texas at Austin. Historic Preservation at Work for the Texas Economy. 1999.





recommendations found in the San Jacinto Historic District Corridor Standards Report can help to bring in tourism dollars.

- 12) Maximize the recent improvements to Seabreeze Park and Sylvan Beach by incorporating the City-owned property into an overall bayfront experience for the citizens of La Porte.
- 13) Fully implement the economic development internal and external marketing campaign envisioned in the La Porte Economic Development Strategic Plan. La Porte's economic development players should work to build consensus for a primary theme/message to market La Porte that will be shared by all community development, economic development, and tourism-related organizations. As with all successful marketing, it is critical to identify target audiences and to focus efforts on them. The primary target audiences for La Porte should be:
 - a. Local and regional business leaders who can influence business location and other investment decisions;
 - b. Key allies, such as state and regional economic development organizations;
 - c. Members of the region's various media; and,
 - d. Decision-makers at companies within the target industries.

The most important target audience for La Porte should be the people and businesses who are already invested (either financially or emotionally) in the community (e.g., the Main Street Business Alliance). They are also the ones who represent La Porte on a daily basis in their business and personal interactions—both regionally and nationally. A sustained internal marketing campaign should be undertaken to generate and promote a positive image of La Porte. This includes maintaining support for the "Business. By the Bay." quarterly newsletter publication. Making sure that existing residents and local business leaders have a positive image of the community is critical to the success of any external campaign as these are the people who can best tell the La Porte story to the outside world.

La Porte needs to set itself apart from the competition throughout the region. The most effective marketing strategies are those that promote specific initiatives and opportunities. In other words, the various target audiences must be swayed by the message that their interests can be maximized by investing social and economic capital in La Porte.

- 14) To compensate for the closed *The Bayshore Sun* newspaper, the City should continue to pursue additional media opportunities to ensure City residents are kept fully abreast of local government news.

IMPLEMENTATION

CHAPTER 6

This plan sets forth a vision as to how La Porte should develop over the next 20 years – and beyond. With the vision in place, the community must now direct its resources of time and money to plan implementation. Each of the goals, actions, and initiatives identified throughout this plan must be turned into specific programs, initiatives, and/or new standards. This chapter establishes priorities and sets forth a process to ensure the plan is implemented and kept current over time.

2001 vs. 2012 Plan Comparison

2001	2012 Update
Ch. 13, Implementation	Ch. 6, Implementation

6.1 Introduction

Implementation is a team effort, requiring the commitment and leadership of elected and appointed officials, staff, residents, business and land owners, and other individual and collective influences that will serve as champions of this plan. This includes close coordination and joint commitment from local, regional, and state partners that significantly impact the future and growth of La Porte, including:

- Harris County;
- Texas Department of Transportation (TxDOT);
- Port of Houston Authority, and the Barbours Cut and Bayport Terminals;
- Battleground, Bayport, and South La Porte Industrial Districts;
- La Porte Independent School District (La Porte ISD);
- La Porte Economic Development Corporation;
- La Porte Redevelopment Authority;
- Bay Area Houston Convention & Visitors Bureau;
- La Porte-Bayshore Chamber of Commerce;
- San Jacinto College;
- Main Street Business Alliance; and
- Other organizations, agencies, and groups.

Each chapter of this plan outlines specific issues to be addressed to achieve what is envisioned by community residents. In response are a large number of recommended actions that relate to regulatory changes, programmatic initiatives, and capital projects. While these recommendations are comprehensive and intended to be accomplished over the 20-year horizon of this plan, near-term strategies must be put in place to take the first step toward implementation. These strategies must then be prioritized, with decisions as to the sequencing of activities, the capacity to fulfill each initiative, and the ability to obligate the necessary funding. Those deemed as top priorities and viewed as feasible in the short term are placed in a five-year action plan. In addition to implementing these targeted strategies, the broader policies set forth by the plan text and maps may be used in making decisions related to the physical and economic development of the community.

The purpose of this chapter is to integrate the elements of the plan to provide a clear path for sound decision making. This chapter outlines the organizational structure necessary to implement the plan, strategic directions and priorities for implementation, and a process for regular evaluation and appraisal of the plan to ensure it is kept relevant and viable.

6.2 Methods and Responsibility for Implementation

To be successful, the City should utilize this plan on a daily basis, and it should be integrated into ongoing governmental practices and programs. The recommendations should be referenced often and widely used to make decisions pertaining to the timing and availability of infrastructure improvements; proposed development/redevelopment applications; zone change requests; expansion of public facilities, services, and programs; and annual capital budgeting, among other considerations.

Each Councilman, staff person, and member of boards, commissions, and/or committees has an obligation to use this plan in guiding their decisions. The plan is designed to guide the growth and economic development of the community. It is intended to guide staff – of all departments – in managing their individual activities, annual work programs, and capital projects.

The primary means of implementation include:

- **Amendment of current and preparation of new land development regulations** to ensure a quality and character of development that reflects the community's vision. The zoning and development ordinances, in particular, should be re-written to improve use compatibility, conserve natural resources and open space, preserve the character and integrity of neighborhoods and valued areas, improve the efficiency of facility and service provisions, and contribute to a fiscally responsible pattern of urban growth.

- **Formation of policies**, directly and indirectly, through recommendations by City staff, the Planning and Zoning Commission, other boards, and the decisions of the City Council. As new development/redevelopment is proposed, staff and the City’s advisory boards, together with the City Council, must abide by the policies and recommendations of this plan. The text of this plan, coupled with the future land use, beautification, and thoroughfare plans, provides the requisite guidance for achieving what has been envisioned by the residents and stakeholders of this community.
- **Regular updating of a capital improvement program (CIP)**; a five-year plan identifying capital projects for street infrastructure; water, wastewater, and drainage improvements; park, trail, and recreation facility provisions; and other public buildings and municipal services. These capital improvements must be coordinated with the objectives of this plan and implemented consistent with the future land use, beautification, and thoroughfare plans, and other relevant plans.
- **Identification and implementation of special projects, programs, and initiatives** to achieve organizational, programmatic, and/or developmental objectives. These may include further studies, detailed area plans (individual neighborhoods or special districts), or initiating or expanding upon key City programs. These tend to be more managerial in function, which may support or influence physical improvements or enhancements, but themselves focus on community betterment.

6.3 Plan Administration

A host of community leaders must take “ownership” in this plan and maintain a commitment for its ongoing, successful implementation. The City’s management and staff, together with its boards and commissions, committees, and organizations, will have essential roles in implementing the plan and, thus, ensuring its success.

Education and Training

Due to the comprehensive nature of this plan update, it is necessary to conduct individual training workshops with the Planning and Zoning Commission, City Council, and City department managers, as well as each of the other boards and committees who have a role in plan implementation. These are the groups who, individually and collectively, will be responsible for implementation. The importance of their collaboration, coordination, and communication cannot be overstated. The training initiative should include:

- Discussion of the roles and responsibilities of each individual commission, board, or committee and their function in the organization.
- A thorough overview of the entire plan, with particular emphasis on the segments that most directly relate to their charge.
- Implementation tasking and priority setting, allowing each group to establish their own one-, two-, and five-year agendas in coordination with the strategic agenda of the Mayor and City Council.

- Facilitation of a mock meeting to exhibit effective use of the plan and its policies and recommendations.
- A concluding question-and-answer session.

Role Definition

The City Council will assume the lead role in implementing this plan. Their chief responsibility is to decide and establish the priorities and timeframes by which each action will be initiated and completed. In conjunction with the City Manager, they must manage the coordination among the various groups responsible for carrying out the plan's recommendations. Lastly, they are also responsible for the funding commitments required, whether it involves capital outlay, budget for expanded services, additional staffing, further studies, or programmatic or procedural changes.

The hierarchy and roles of implementation are as follows:

City Council

- Establishes overall action priorities and timeframes by which each action of the plan will be initiated and completed.
- Considers and sets the requisite funding commitments.
- Offers final approval of projects/activities and associated costs during the budget process.
- Provides direction to the Planning and Zoning Commission and the City management and staff.

Planning and Zoning Commission

- Recommends to City Council an annual program of actions to be implemented, including guidance as to the timeframes and priorities.
- Prepares an Annual Progress Report for submittal and presentation to the Mayor and City Council.
- Ensures decisions and recommendations presented to the City Council are consistent with the plan's policies, objectives, and recommendations. This relates particularly to decisions for subdivision approval, site plan review, zone change requests, ordinance amendments, and annexation.
- Ensures that the plan influences the decisions and actions of other boards and committees.

City Departments and Plan Administrator

All departments are responsible for administering this plan, specifically as it relates to their function within the organization. Many departments were involved in the plan development process and are, therefore, familiar with its content and outcomes. They must now be enrolled as implementers to ensure their budgets and annual work programs are in line with the plan. The Planning Director will serve as the Plan Administrator and will play a lead role in coordinating among the various departments.

Intergovernmental Coordination

Increasingly, jurisdictions are acknowledging that issues are regional, rather than local, in nature. Watersheds and other ecosystems, economic conditions, land use, transportation patterns, housing, and the effects of growth and change are issues that cross the boundaries of the community and impact not only La Porte, but also Harris County and each of the other adjacent communities. As a result, the economic health of La Porte is partly reliant upon the county and neighboring communities, meaning that the success of one is largely dependent on and, thus, responsible for the success of the other.

Perhaps of greatest importance to the effective implementation of this plan is recognition that all levels of government and the private sector must participate. For example, the idea of improving the overall appearance of corridors in the City, for instance, will not be effective without the coordination of the Texas Department of Transportation (TxDOT), Harris County, and in large part, the private sector as new development or redevelopment occurs along these corridors.

Strong intergovernmental cooperation will also be instrumental in effective implementation of this plan. Each of the governmental agencies shares common interests and goals, including enhancing economic development and providing for quality housing, services, and infrastructure needs. These goals can be more effectively achieved through mutual cooperation and coordination.

Recommended Strategies for Intergovernmental Cooperation

- Create an intergovernmental planning advisory council, which should include representatives from different entities and agencies including the City, Harris County, Economic Development Corporation, La Porte, ISD, San Jacinto College, Port of Houston Authority, the industrial districts, and others. The council should meet quarterly to consider and act on projects and initiatives that are of mutual interest and benefit.
- Develop agreements with La Porte ISD to address potential joint acquisition of park land, improvement and maintenance of land and facilities, and use and management of areas and buildings. This could also include a joint agreement to construct and operate a natatorium.

6.4 Implementation Strategies

Shown in **Table 6.1, Summary Action Plan**, are the key strategies for implementation, with more detail found within the individual plan chapters. These strategies highlight the steps to be taken by the City, often in coordination with other jurisdictions, organizations, or agencies. It is designed to be kept up-to-date and used on an annual basis as part of the regular review process. Projects should be further prioritized into a five-year action plan. Each year, the projects that are substantially complete should

be removed, with the corresponding years advanced one year and a fifth year of programmed actions added. In this way, this table may be used on an ongoing basis and provided to the City Council to keep them apprised of the progress of implementation.

Table 6.1, Summary Action Plan

Priority	Primary Action Items	Land Use & Development	Infrastructure & Growth Capacity	Mobility	Economic Development	
		Chapter Reference				
Highest Priority Actions (in order of priority)						
Action Agenda	1	Streamlined Permitting Process. Study existing development processes and regulations to determine a plan of action to resolve issues without compromising the integrity of the process or enforcement of established regulations. This also could include such things as fast-track permitting, assistance with demolition of structures, etc..				•
	2	Public Safety Improvements. Continue to support an excellent system of public safety services. In addition, consider: <ul style="list-style-type: none"> expanding police, fire, and EMS personnel concurrent with population growth; constructing a new animal shelter; establishing a formalized replacement and procurement program for vehicles and major equipment; and, providing adequate funding for training and community education programs. 			•	
	3	Neighborhood Improvement Program. Develop a formalized neighborhood improvement program that ensures the quality of existing neighborhoods are maintained or improved over time. This would include: <ul style="list-style-type: none"> additional planning (e.g., facilitating the development of neighborhood plans) and technical support; development of a target-area community investment fund; streamlined regulations and processes (focsed to faciliate and incentivize reinvestment); and, development of an advocacy-based code enforcement program. 	•		•	•
	4	Business Retention and Expansion Program. Improve efforts to maintain relationships with existing businesses in order to determine public/private strategies to overcome challenges or facilitate plans of expansion.				•

Continued on next page.

Table 6.1, Summary Action Plan – Continued.

Priority	Primary Action Items	Land Use & Development	Infrastructure & Growth Capacity	Mobility	Economic Development
		Chapter Reference			
Highest Priority Actions (continued in order of priority)					
Action Agenda	5	<p>Park and Trail System Improvements. Improve the existing quality of existing parks and recreation areas through:</p> <ul style="list-style-type: none"> adopting and implementing a parks-to-standard program; master planning for all new/revitalized park development; increasing the diversity of amenities; improving accessibility and connectivity; establishing an on-line registration system for programs; adding neighborhood and community parkland in areas of need and concurrent with population growth; and completing the trail system per the City’s Trail Master Plan. 	•	•	•
	6	<p>Market Retail Analysis. Undertake a market retail analysis separately or in coordination with an update to the Economic Development Strategic Plan.</p>			•
	7	<p>Infrastructure Improvements. Continue to implement the recommendations in the City’s Water Master Plan, Water Conservation Plan, and Drought Contingency Plan. In addition, consider the following:</p> <ul style="list-style-type: none"> completing the geographic information systems (GIS) utility mapping database; conducting a system-wide condition analysis of all utility infrastructure to determine an appropriate short- and long-term plan of action to repair, rehabilitate, or replace existing utility infrastructure; identifying and eliminating any dead-end water mains; and, studying to identify expanded opportunities for reuse of wastewater. 		•	
	8	<p>Unified Development Code / Modification of Regulatory Provisions. Prepare a Unified Development Code (UDC) to ensure an effective transition from comprehensive plan to the implementing regulations. Modified provisions should include, but not be limited to:</p> <ul style="list-style-type: none"> building placement, design, and materials; parking lot, streetscape, and foundation landscaping; screening, lighting, and buffering; lot design and open space; street and pedestrian connectivity and access management; and, sidewalk design, placement, and amenities. 	•	•	•

Continued on next page.

Table 6.1, Summary Action Plan – Continued.

Priority	Primary Action Items	Land Use & Development	Infrastructure & Growth Capacity	Mobility	Economic Development
		Chapter Reference			
Highest Priority Actions (continued in order of priority)					
Action Agenda	9	<p>Downtown Master Plan. Prepare a master plan for the Downtown area, including Main Street and Sylvan Beach, the connections between, and the transition to adjacent areas. This includes:</p> <ul style="list-style-type: none"> • setting a clear and collectively supported vision; • determination of implementation framework to guide new/reinvestment; and, • coordinating with previous work completed on marketing and branding. 	•		•
	10	<p>Drainage Improvements. Continue to implement the recommendations identified in the Citywide Drainage Study. In addition, consider:</p> <ul style="list-style-type: none"> • designing and constructing all future/redeveloped flood control and on-site drainage projects as community enhancements and/or recreational amenities; and, • encouraging vegetative buffers along stream and other drainageways. 			
	11	<p>Coordinated Tourism Strategy. Develop a coordinated tourism strategy to focus on capturing visitor’s dollars by local businesses.</p>			•
	12	<p>Business Parks. Proactively zone and market areas for higher quality business parks for those areas identified on the Map 2.6, Future Land Use Plan.</p>	•		•
	13	<p>Business Incubator. Establish a small business incubator site within the City in coordination with San Jacinto College Small Business Development Center (SJC SBDC). Priority consideration should be given to locating the site in Downtown or near San Jacinto College.</p>			•
	14	<p>Safe Sidewalks Program. Prepare a safe sidewalks program to identify and correct unsafe and poorly maintained sidewalk segments at key locations throughout the community.</p>			•

Continued on next page.

Table 6.1, Summary Action Plan – Continued.

Priority	Primary Action Items	Land Use & Development	Infrastructure & Growth Capacity	Mobility	Economic Development
		Chapter Reference			
Highest Priority Actions (continued in order of priority)					
15	<p>Increasing Sustainability. Determine a plan of action to improve the City’s sustainability, including:</p> <ul style="list-style-type: none"> reaching the identified per capita water reduction targets; reducing the City’s energy usage; pursuing third-party certification (e.g., LEED-NC®) for design and construction of all new municipal projects; offering tax abatement incentives for private-sector development registered with LEED or other similar sustainable design and construction programs; utilizing drought resistant landscaping for public improvement projects and providing incentives for private sector projects; and, establishing community drop-off recycling locations in each park in the short-term and curbside recycling in the long-term. 	•	•		•
	<p>Strategic Corridors Program. Develop a strategic corridors program to direct aesthetic and infrastructure improvements for those corridors identified on <i>Map 2.2, Beautification Plan</i>.</p>	•		•	
Mid- to Long-Term Priority Actions (requires further prioritization in subsequent years)					
	<p>Community Enhancement. Partner with the Texas Department of Transportation (TxDOT) and the county to enhance the appearance of existing corridors, gateways, interchanges, and bridges, as depicted on <i>Map 2.2, Beautification Plan</i>. This could include:</p> <ul style="list-style-type: none"> strengthening ordinance 1501-II; developing corridor enhancement plans for the primary and secondary corridors identified on <i>Map 2.2, Beautification Plan</i>; partnering with area partners to determine other strategies for visual improvement of the corridors; and, implementing a comprehensive wayfinding program. 	•		•	•
	<p>Scenic Texas Certification. Continue to make necessary improvements to achieve certification through the Scenic City Certification Program sponsored by Scenic Texas.</p>	•			

Action Agenda

Continued on next page.

Table 6.1, Summary Action Plan – Continued.

Priority	Primary Action Items	Land Use & Development	Infrastructure & Growth Capacity	Mobility	Economic Development
		Chapter Reference			
Mid- to Long-Term Priority Actions (requires further prioritization in subsequent years)					
Action Agenda	<p>Revitalization Program. Develop a comprehensive revitalization program for those areas identified on Map 2.1, Rehabilitation Target Areas. This program should include:</p> <ul style="list-style-type: none"> • a detailed public participation process; • the development of revitalization plans; and, • updates to the City’s development ordinance and processes to remove regular impediments to infill development, redevelopment, and revitalization. 	•			•
	<p>Existing Street Connectivity Improvements. Work with public and private stakeholders to determine a plan of action and funding source to develop the additional connections on existing streets as identified on Map 4.1, Thoroughfare Plan.</p>			•	
	<p>Signal Warrant Studies. Conduct signal warrant studies to determine if signals are warranted at the terminus of roads traversing and bounding the Lomax Area and along Fairmont Parkway and Spencer Highway.</p>			•	
	<p>Access Management Studies. Conduct access management studies along corridors of concern to identify and evaluate Transportation System Management (TSM) measures to enhance the capacity of the existing street system.</p>			•	
	<p>Complete Streets Policy. Adopt a Complete Streets policy and commit to implementing it during all new development/redevelopment projects.</p>			•	
	<p>Expand Mass Transit Availability. Coordinate with area partners to determine the feasibility of additional bus stops and routes to facilitate increased ridership over time.</p>			•	
	<p>Improved Mass Transit Quality. Improve the quality of each dedicated bus stop located within the City (e.g., installation of all-weather shelters, benches, ADA accessibility, online transit arrival information, etc.).</p>			•	
	<p>Summer Youth Pass Program. Coordinate with the Harris County Office of Transit Services (and other partners) to implement a Summer Youth Pass Program for high school-aged children to have unlimited access during the summer.</p>			•	

Source: Kendig Keast Collaborative.

Table 6.1, Summary Action Plan – Continued.

Priority	Primary Action Items	Land Use & Development	Infrastructure & Growth Capacity	Mobility	Economic Development
		Chapter Reference			
Mid- to Long-Term Priority Actions (requires further prioritization in subsequent years)					
Action Agenda	<p>Airport Master Plan. Update the Airport Master Plan which should include an:</p> <ul style="list-style-type: none"> • an operations plan; • updated facilities and development plan; • economic development strategy; and, • overall site and landscape improvement plan. 			•	
	<p>Facilitate Industry Clusters. Assess local conditions to determine favorable conditions for identified industry clusters. This includes:</p> <ul style="list-style-type: none"> • identifying appropriate clusters; and, • conducting surveys, interviews, and focus group discussions. 				•
	<p>Logistics Park. Facilitate discussion with the Union Pacific Railroad (and others) to develop a special logistics park in the vacant area bounded by State Highway (S.H.) 225 and S.H. 146 and adjacent to the existing rail line. This could include the creation of a general-purpose Foreign Trade Zone and development of special rail sidings into the proposed park.</p>			•	•

Source: Kendig Keast Collaborative.

6.5 Plan Amendment

This plan must remain flexible and allow for adjustment to change over time. Shifts in political, economic, physical, and social conditions and other unforeseen circumstances will influence the priorities of the community. As growth continues, new issues will emerge, while others may no longer be relevant. Some action statements may become less practical, while other plausible solutions will arise. To ensure that it continues to reflect the vision and remains relevant and viable over time, the plan must be revisited on a routine basis, with regular amendments and warranted updates.

Revisions to the plan are two-fold: minor plan amendments should occur bi-annually and more significant updates handled every five years. Minor amendments may include revisions to the future land use, beautification, or thoroughfare plan as the development/redevelopment pattern unfolds and enhancement

Plan Amendments

Minor Amendment

Similar to what occurred in 2005, City Staff should under take another minor update revision sometime around 2015-2016.

Major Amendment

By 2020-2021, the City should undertake a complete rewrite of this plan.

projects get implemented. Major updates will involve reviewing the base conditions and growth trends; re-evaluating the goals, policies, and recommendations; and formulating new ones in response to changing needs and priorities.

Annual Progress Report

A progress report should be prepared annually by the Planning and Zoning Commission, with the assistance of the Plan Administrator, and presented to the Mayor and City Council. This ensures that the plan is regularly reviewed and modifications are identified for the minor plan amendment process. Ongoing monitoring of plan consistency with the City's ordinances must be an essential part of this effort.

The Annual Progress Report should include:

- 1) Significant actions and accomplishments during the past year, including the status of implementation for each programmed task.
- 2) Implementation constraints, including those encountered in administering the plan and its policies.
- 3) Proposed amendments that have come forward during the course of the year, which may include revisions to the plan maps, or other recommendations, policies, or text changes.
- 4) Recommendations for needed actions, programs, and procedures to be developed and implemented in the forthcoming year, including a recommendation of projects to be included in the CIP, programs and initiatives to be funded, and priority coordination needs with public and private implementation partners.

Bi-annual Amendment Process

Plan amendments should occur on a bi-annual basis, allowing proposed changes to be considered concurrently so that the cumulative effect may be understood. The proposed amendment must be consistent with the goals and policies set forth in the plan. Careful consideration should also be given to guard against site-specific plan changes that could negatively impact adjacent areas and uses or detract from the overall vision and character of the area. Factors that should be considered include:

- 1) Consistency with the goals and policies of the plan.
- 2) Adherence with the future land use, beautification, thoroughfare, economic development, and parks and trails plans.
- 3) Compatibility with the surrounding area.
- 4) Impacts on infrastructure provision.
- 5) Impact on the ability to provide, fund, and maintain adequate services.
- 6) Impact on environmentally sensitive and natural areas.
- 7) Contribution to the vision of the plan and character of the community.

Five-Year Update/Evaluation and Appraisal Report

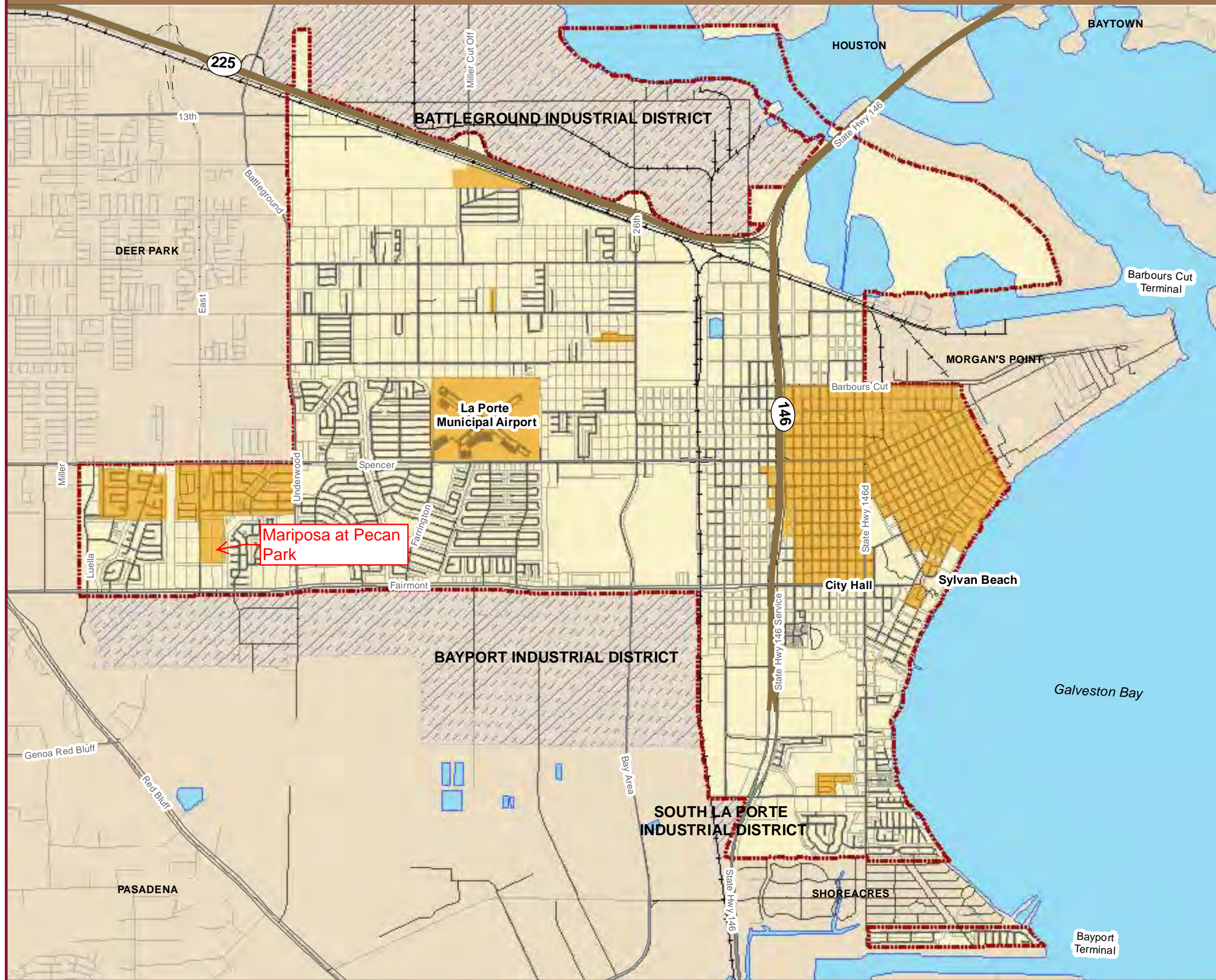
Similar to the process that was undertaken in 2005, City Staff should undertake a more comprehensive evaluation in about five years. A report should be prepared by the Plan Administrator, with input from various City departments, Planning and Zoning Commission, and other boards and committees. The report involves evaluating the existing plan and assessing how successful it has been in implementing the vision and goals. The purpose is to identify the successes and shortcomings of the plan, look at what has changed, and make recommendations on how the plan should be modified. The report should review baseline conditions and assumptions about trends and growth indicators, and it should evaluate implementation potential and/or obstacles related to any unmet goals, policies, and recommendations. The result of the evaluation report will be a revised Comprehensive Plan.

More specifically, the report should identify and evaluate the following:

- 1) Summary of plan amendments and major actions undertaken over the last five years.
- 2) Major issues in the community and how these issues have changed over time.
- 3) Changes in the assumptions, trends, and base studies including the following:
 - a. The rate at which growth is occurring relative to the projections put forward in the plan.
 - b. Shifts in demographics and other growth trends.
 - c. The area of land that is still remaining vacant and its capacity to meet projected demands.
 - d. Citywide attitudes and whether changes necessitate amendments to the vision and goals.
 - e. Other changes in the political, social, economic, or environmental conditions that dictate a need for plan amendment.
- 4) Ability of the plan to continue to successfully implement the vision.
 - a. Individual statements or sections of the plan must be reviewed and rewritten to ensure that the plan provides sufficient information and direction to achieve the intended outcome.
 - b. Conflicts between goals and policies that have been discovered in the implementation and administration of the plan must be resolved.
 - c. The action agenda should be reviewed and major actions accomplished should be highlighted. Those not accomplished should be re-evaluated to ensure their relevancy and/or to revise them appropriately.
 - d. The timeframes for implementing the individual actions should be re-evaluated. Some actions may emerge as a higher priority given new or changed circumstances, while others may become less important.

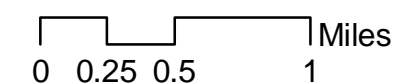
- e. Based upon organizational, programmatic, and procedural factors, as well as the status of previously assigned tasks, the implementation task assignments must be reviewed and altered to ensure timely accomplishment.
- f. Changes in laws, procedures, and missions may impact the ability to achieve the goals. The plan review must assess these changes and their impacts on the success of implementation, leading to any suggested revisions in strategies or priorities.

Map 2.1 Revitalization Areas



Legend

- Revitalization Area
- Industrial Districts
- City Limits
- Water Bodies



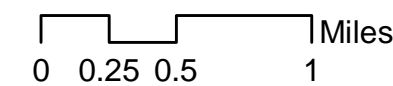
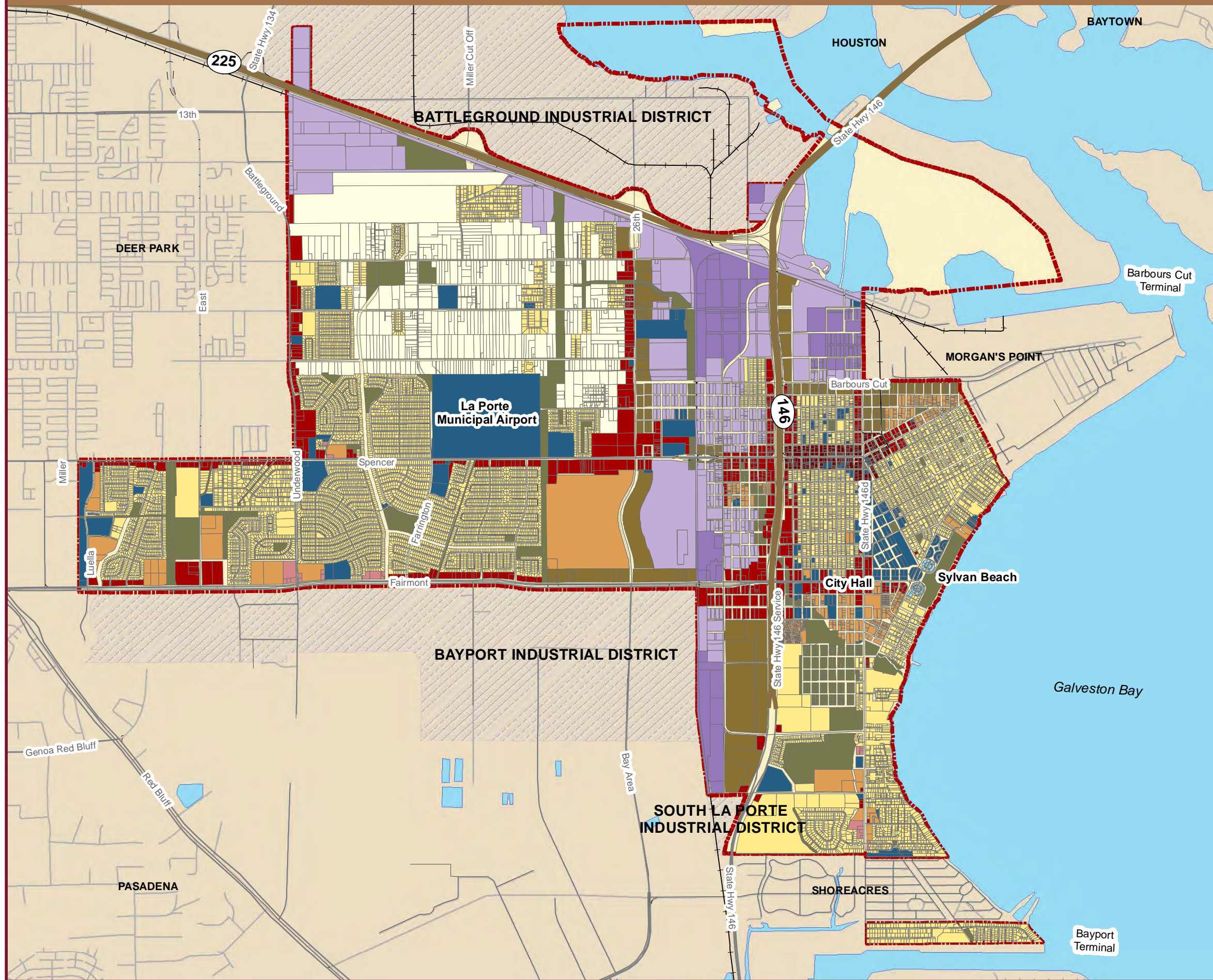
Map 2.6

Future Land Use Plan

Legend

Future Land Use (2012)

- Large Lot Residential (New)
- Low-Density Residential
- Mid- to High-Density Residential
- Mixed Use (New)
- Neighborhood Commercial (New)
- Commercial
- Main Street (New)
- Business Industrial (New)
- Light Industrial (New)
- Heavy Industrial (New)
- Parks and Open Space (New)
- Public / Institutional
- City Limits
- Water Bodies
- Industrial Districts
- Railroad



Opportunity Index

Marriposa at Pecan Park is a development in an urban area that targets the senior population, income in the census tract has a poverty rate below 15% for individuals, income in the census tract is in the top two quartiles of median household income for the county, and the Site is in the attendance zone of an elementary school that is rated recognized.

**Southside Area Development
Plan, Corpus Christi**

**Submission by Lexington Manor
#13163**



City of
Corpus
Christi

January 6, 2013

Cameron Dorsey
Director of Housing Tax Credits
Texas Departments of Housing and Community Affairs
P.O. Box 13941
Austin, TX 78700-3941

Re: Lexington Manor Apartments (TDHCA #12248) Section 50.9 (23) Community Revitalization

Dear Mr. Dorsey:

This letter affirms that the proposed Lexington Manor Apartments, TDHCA Project #12248, is located within a specific geographic area in my District 3 covered by the city's Southside Area Development plan, adopted by the Corpus Christi City Council on May 16, 1989, amended February 28, 1995, and further amended February 8, 2000. This targeted area general boundaries are as follows: West of Cayo Del Oso, East of Ayers Street, North of Oso Creek and South of South Padre Island Drive. The targeted Southside Area Development Plan is strategic in nature and applies only to this defined area of the City. **The Southside Area Development Plan has a projected economic value of \$6,000,000 or greater.**

The Southside Area Development Plan identifies four primary objectives, which include:

1. To recognize the environmentally sensitive nature of land and water forms within the study area.
2. To propose techniques or methods by which the environmentally sensitive areas should be preserved and / or developed with minimal disruptions:
3. To propose appropriate land uses and a corresponding transportation network to serve future land uses; and
4. To facilitate infrastructure planning through a reasonable estimate of future land use, thereby enabling infrastructure to be planned accordingly.

The development, production, reconstruction and/or preservation of quality affordable rental housing are consistent with the Southside Area Development Plan. Furthermore, the proposed reconstruction of the Lexington Manor Apartment community is consistent with the goals established for the Southside Area Development Plan. Please refer to the attached map detailing the boundaries inclusive of the Southside Area Development Plan.

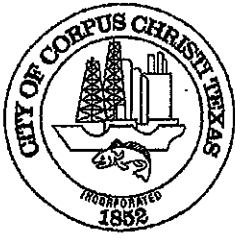
Should you have any questions, please feel free to contact Eddie Ortega at (361) 826-3234.

Sincerely,

Priscilla G. Leal



Cc: Herb Canales, Acting Assistant City Manager
Eddie Ortega, Neighborhood Services Director



February 20, 2012

Cameron Dorsey
Director of Housing Tax Credits
Texas Departments of Housing and Community Affairs
P.O. Box 13941
Austin, TX 78700-3941

Re: Lexington Manor Apartments (TDHCA # 12248)
Section 50.9 (23) Community Revitalization

Dear Mr. Dorsey:

This letter affirms that the proposed Lexington Manor Apartments, TDHCA Project #12248, is located within a specific geographic area covered by the city's Southside Area Development Plan, adopted by the Corpus Christi City Council on May 16, 1989, amended February 28, 1995, and further amended February 8, 2000. This targeted area general boundaries are as follows: West of Cayo Del Oso, East of Ayers Street, North of Oso Creek, and South of South Padre Island Drive. The targeted Southside Area Development Plan is strategic in nature and applies only to this defined area of the city.

The Southside Area Development Plan identifies four primary objectives, which include:

1. To recognize the environmentally sensitive nature of land and water forms within the study area;
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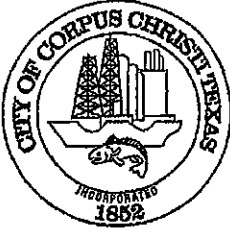
Should you or your staff have any questions, please feel free to contact Eddie Ortega at (361) 826-3234. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald L. Olson', written over the printed name.

Ronald L. Olson
City Manager

Cc: Troy Riggs, Assistance City Manager
Eddie Ortega, Neighborhood Services Director



February 20, 2012

Cameron Dorsey
Director, Housing Tax Credits
Texas Department of Housing and Community Affairs
PO BOX 13941
Austin, TX 78711

RE: City of Corpus Christi Economic Development Initiative for Lexington Manor Apartments in Corpus Christi, TX.

Dear Mr. Dorsey,

This letter verifies that the proposed Lexington Manor Apartments Tax Credit development is located within an area that has adopted an initiative that promotes economic development.

On November 5, 2002, residents of the City of Corpus Christi passed Proposition 2, New and Expanded Business Enterprises, which authorized the adoption of sales and use tax for the promotion and development of new and expanded business enterprises at the rate of one-eighth of one percent to be imposed for 15 years. In the same election, the residents of the City passed Proposition 2B, Affordable Housing, which authorized the use of a portion of the sales and use tax approved under Proposition 2B for affordable single family housing, up to \$500,000 annually.

The 1/8th cent sales tax authorized by passage of Proposition 2 and allocated under Proposition 2B for affordable housing was subsequently enacted by the City Council and filed with the State Comptroller for Texas, effective April 1, 2003, to be administered by the Corpus Christi Business and Job Development Corporation's Board of Directors (Type A Board).

The City's Type A Board is responsible for managing the use of the funds. The purpose of the Program is to expand the single family housing stock and therefore the Board puts out Request for Proposals to receive single family affordable housing projects that expand the affordable housing stocks. The projects may be for homebuyer assistance; infrastructure development; purchase of land; Green Building concepts; or any other project that furthers affordable housing.

The Lexington Manor Apartments development is within the area that has adopted the economic development initiative, known as the Corpus Christi Business and Job Development Corporation. We certify that this initiative was adopted and passed by the Unit of General Local Government on November 5, 2002 and that the person signing this letter has the authority to do so.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald L. Olson', written over the printed name.

Ronald L. Olson
City Manager

Cc: Troy Riggs, Assistance City Manager
Eddie Ortega, Neighborhood Services Director

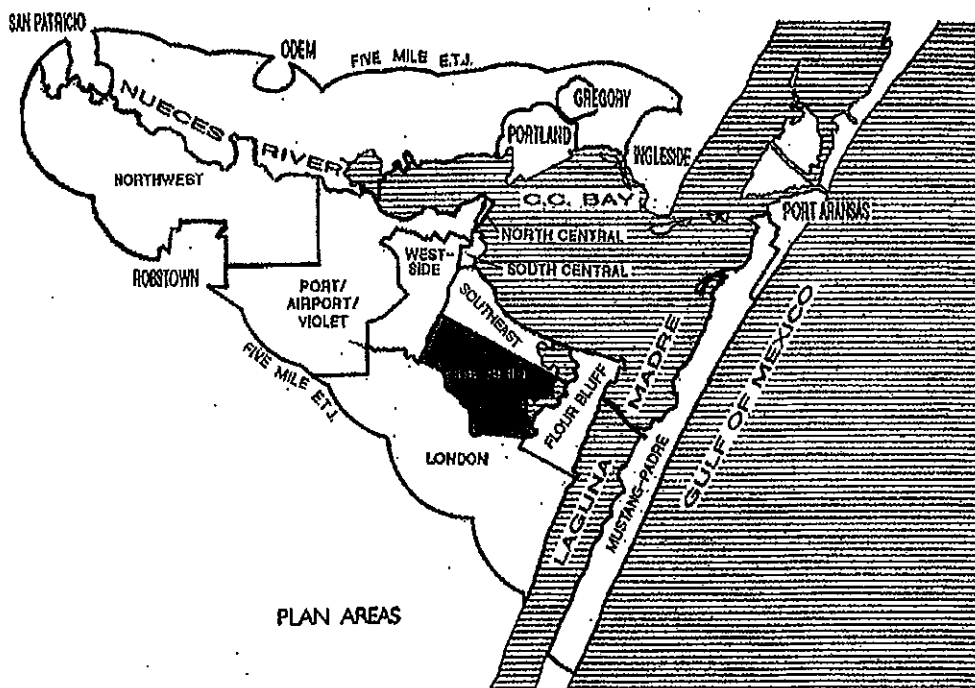
SOUTHSIDE

AREA DEVELOPMENT PLAN



*An Element of the
Comprehensive Plan*
Adopted
May 16, 1989

Amendments
February 28, 1995
February 8, 2000



DEPARTMENT OF PLANNING

**SOUTHSIDE
AREA DEVELOPMENT PLAN**

**Adopted by City Council
Ordinance #22166, February 28, 1995, superseding
City Council Resolution #20678, May 16, 1989**

**Gardendale Neighborhood amendment adopted by City Council
Ordinance #023938, February 8, 2000**

**The preparation of this document was financed in part by a Community
Development Block Grant from the United States Department of Housing and
Urban Development and a Metropolitan Planning Organization grant from the
Federal Highway Administration.**

**City of Corpus Christi
Department of Planning and Development**

AN ORDINANCE

AMENDING AND ADOPTING THE TRANSPORTATION ELEMENT OF THE CITY OF CORPUS CHRISTI COMPREHENSIVE PLAN (THE URBAN TRANSPORTATION PLAN) ADOPTED BY THE CITY COUNCIL ON APRIL 21, 1965 AS AMENDED, REVISED, AND UPDATED BY MAKING ADDITIONS, DELETIONS, AND CHANGES TO THE STREET NETWORK IN THE SOUTHSIDE, WESTSIDE, PORT/AIRPORT/VIOLET, NORTH CENTRAL, SOUTH CENTRAL, OSO PARKWAY, AND MUSTANG-PADRE ISLAND AREAS; ADOPTING NEW STREET CROSS SECTIONS; ADOPTING THOSE TRANSPORTATION PORTIONS OF THE SOUTHSIDE, WESTSIDE, PORT/AIRPORT/VIOLET, NORTH CENTRAL, AND SOUTH CENTRAL AREAS PREVIOUSLY APPROVED BY RESOLUTION AND ADOPTING THE SOUTHSIDE, WESTSIDE, PORT/AIRPORT/VIOLET, NORTH CENTRAL, AND SOUTH CENTRAL AREA DEVELOPMENT PLANS PREVIOUSLY APPROVED BY RESOLUTION.

WHEREAS, the Transportation Element of the Comprehensive Plan adopted by Resolution on April 21, 1965 has been amended, revised, and updated by Ordinances numbered 13385, 13941, 15135, 15181, 17592, 18586, 19524, 19675, 19739, 19865, 19975, 20245, 20418, 20428, 20589, 21315, 21721, 21746, 21811 and Resolutions numbered 20678, 20756, 20871, 21169, 21490 and is commonly known as the Urban Transportation Plan;

WHEREAS, the Comprehensive Plan adopted by Ordinance 19865 on July 21, 1987 has been amended, revised, and updated by Ordinances numbered 19975, 20428, 21746, and 21811 and Resolutions numbered 20678, 20756, 20871, 21169, and 21490;

WHEREAS, the Planning Commission has forwarded to the City Council its reports and recommendations concerning a proposed amendment to the Transportation Element of the Comprehensive Plan of the City of Corpus Christi;

WHEREAS, in accordance with proper notice to the public, public hearings were held on Wednesdays of May 18, 1994, October 19, 1994, and February 8, 1995 during meetings of the Planning Commission and on Tuesday, December 13, 1994 and Tuesday February 21, 1995 during meetings of the City Council, in the Council Chambers at City Hall in the City of Corpus Christi allowing all interested persons to appear and be heard; and

WHEREAS, in accordance with the laws of the State of Texas and the City Charter of the City of Corpus Christi, the City Council shall adopt by ordinance a comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. That the Corpus Christi Transportation Plan (The Urban Transportation Plan) of the City of Corpus Christi, Texas, adopted by Resolution number 12704 on April 21, 1965 as amended, revised, and updated by Ordinances numbered 13385, 13941, 15135, 15181, 17592, 18586, 19524, 19675, 19739, 19865, 19975, 20245, 20418, 20428, 20589, 21315, 21721, 21746, 21811 and Resolutions numbered 20678, 20756, 20871, 21169; 21490 are hereby adopted as the Transportation Element of the Comprehensive Plan of the City of Corpus Christi, Texas.

SECTION 2. That the Southside Area Development Plan adopted by Resolution number 20678 on May 16, 1989, the Westside Area Development Plan adopted by Resolution number 20756 on September 15, 1989, the Port/Airport/Violet Area Development Plan adopted by Resolution number 21490 on September 22, 1992, the North Central Area Development Plan adopted by resolution number 20871 on February 6, 1990, and the South Central Area Development Plan adopted by resolution number 21169 on

May 21, 1991, are hereby adopted as Elements of the Comprehensive Plan of the City of Corpus Christi, Texas.

SECTION 3. That the Comprehensive Plan of the City of Corpus Christi, Texas, is amended by making the changes hereinafter set out.

SECTION 4. That the Southside portion of the Transportation Plan is adopted and amended by realigning Ennis Joslin Road between South Padre Island Drive and Rodd Field Road; designating 1) Ennis Joslin Road and Wooldridge Road between Rodd Field Road and South Padre Island Drive as a six lane with median Arterial Street (A-7), 2) Wooldridge Road between Cimmaron Boulevard and Rodd Field Road as a four lane with turn lane Arterial Street (A-2), 3) Tiger Lane and Corona Drive between Weber Road and Everhart Road as a four lane Collector Street (C-2), and 4) Killanet Drive, North Shea Parkway, and Del Starr Drive from Collector Streets to Local Streets; and adding two new Collector Streets to connect the Cimmaron Boulevard Collector Street loop south of Yorktown Boulevard and east of Cimmaron Boulevard to Rodd Field Road and the Oso Parkway, such amendments being depicted in Attachment A attached hereto and made a part hereof for all purposes.

SECTION 5. That the Westside portion of the Transportation Plan is adopted and amended by the realigning Saratoga Boulevard and associated Collector Streets and by moving the Saratoga Boulevard intersection with Old Brownsville Road, such amendments being depicted in Attachment B attached hereto and made a part hereof for all purposes.

SECTION 6. That the Port/Airport/Violet portion of the Transportation Plan is adopted and amended by changing and realigning the Oso Parkway to incorporate changes adopted in the Oso Parkway Plan, such amendment being depicted in Attachment C attached hereto and made a part hereof for all purposes.

SECTION 7. That the North Central portion of the transportation plan is adopted and amended by designating 1) Beach Avenue and Burleson Road as four lane Collector Streets (C-2) and 2) Bridgeport and Breakwater Avenues as two lane Collector Streets (C-1), such amendments being depicted in Attachment D attached hereto and made a part hereof for all purposes.

SECTION 8. That the South Central portion of the Transportation Plan is hereby adopted, such portion of the plan being depicted in Attachment E attached hereto and made a part hereof for all purposes.

SECTION 9. That the Oso Parkway portion of the Transportation Plan is amended by changing Policy Statement D.2, pertaining to the frontage required for driveways, where the Oso Parkway does not serve as a segment of an arterial street or four lane collector street and the Oso Creek side of the parkway is public park land, such amendment being depicted in Attachment F attached hereto and made a part hereof for all purposes.

SECTION 10. That the Transportation Element of the Comprehensive Plan is amended by adding three new street cross sections by creating a new RA5/250' cross section and two new Gulf Beach Alternative Road Sections, GB 1/70 and GB2/70, all of which may be used in the Beachfront Construction Area where environmental and water quality standards dictate, such amendments being depicted in Attachment G and Attachment H attached hereto and made a part hereof for all purposes.

SECTION 11. That the Mustang-Padre Island portion of the Transportation Plan is adopted and amended by designating State Highway 361 as a RA5/250 cross section, such amendment being depicted in Attachments I attached hereto and made a part hereof for all purposes.

SECTION 12. That the Comprehensive Plan of the City of Corpus Christi, Texas, be and the same is hereby amended as herein ordained.

SECTION 13. That the Transportation Element of the Comprehensive Plan of the City of Corpus Christi, Texas, approved on the 21st day of April, 1965, as amended, revised, and updated from time to time, except as herein changed, shall remain in full force and effect.

SECTION 14. That all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed. Where any provision of this ordinance imposes standards or restrictions different from those imposed by any other provision of any other City ordinance, rule, or regulation, the provisions of this ordinance shall control.

That the foregoing ordinance was read for the first time and passed to its second reading on this the 21 day of February, 19 95, by the following vote:

Mary Rhodes	<u>Aye</u>	Edward A. Martin	<u>Aye</u>
Dr. Jack Best	<u>Aye</u>	Dr. David McNichols	<u>Aye</u>
Melody Cooper	<u>Aye</u>	Cliff Moss	<u>Aye</u>
Cezar Galindo	<u>Aye</u>	David Noyola	<u>Aye</u>
Betty Jean Longoria	<u>Aye</u>		

That the foregoing ordinance was read for the second time and passed finally on this the 28 day of February, 19 95, by the following vote:

Mary Rhodes	<u>Aye</u>	Edward A. Martin	<u>Aye</u>
Dr. Jack Best	<u>Aye</u>	Dr. David McNichols	<u>Aye</u>
Melody Cooper	<u>Aye</u>	Cliff Moss	<u>Aye</u>
Cezar Galindo	<u>Abstain</u>	David Noyola	<u>Aye</u>
Betty Jean Longoria	<u>Aye</u>		

PASSED AND APPROVED, this the 28 day of February, 1995.

ATTEST:

Armando Chapa
Armando Chapa, City Secretary

Mayor
MAYOR
THE CITY OF CORPUS CHRISTI

APPROVED THIS 17th DAY OF FEBRUARY, 1995:

JAMES R. BRAY, JR., CITY ATTORNEY

By: Norbert J. Hart
Norbert J. Hart, Assistant City Attorney

A RESOLUTION

ADOPTING THE SOUTHSIDE AREA DEVELOPMENT PLAN, AN ELEMENT OF
THE COMPREHENSIVE PLAN OF THE CITY OF CORPUS CHRISTI.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. That there is hereby adopted as a portion of the Comprehensive Plan for the City of Corpus Christi, the Southside Area Development Plan, a substantial copy of which is attached hereto and made a part hereof, marked Exhibit A.

SECTION 2. That the Southside Area Development Plan hereby amends the City's policies for growth, development and aesthetics for the area described by said plan as a portion of the master and general plan of the City.

AN ORDINANCE

AMENDING THE SOUTHSIDE AREA DEVELOPMENT PLAN, AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN; BY AMENDING THE POLICY STATEMENTS TO INCLUDE NEW STATEMENTS B.9, B.10, C.5, D.12, & D.13 RELATING TO RECOMMENDED LAND USES, TRAFFIC CALMING DEVICES, PARK IMPROVEMENTS & INCREASED CODE ENFORCEMENT; AND BY AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR SEVERANCE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Council its reports and recommendations concerning the amendment of the Southside Area Development Plan, an element of the Comprehensive Plan of the City of Corpus Christi;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, October 27, 1999, during a meeting of the Planning Commission, and on Tuesday, January 25, 2000, during a meeting of the City Council, in the Council Chambers, at City Hall, in the City of Corpus Christi, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the City Council has determined that these amendments would best serve public health, necessity, and convenience and the general welfare of the City of Corpus Christi and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. That the Southside Area Development Plan, an element of the Comprehensive plan of the City of Corpus Christi, Texas, is amended by amending the policy statements to include new statements B.9, B.10, B.11, C.5, D.12, & D.13, relating to recommended land uses, traffic calming devices, park improvements, & increased code enforcement, to read as follows: (verbiage inserted at the appropriate points)

THE COMPREHENSIVE PLAN AND THE SOUTHSIDE AREA DEVELOPMENT PLANNING PROCESS

THE COMPREHENSIVE PLAN FOR THE CITY OF CORPUS CHRISTI

The Comprehensive Planning Process is a means through which citizens and community leaders can guide community development. The Comprehensive Plan, by definition, is general, long range, and comprehensive. To formulate the Comprehensive Plan, the City Council has divided the city and areas adjacent to the city into twelve (12) Area Development Plan Study Areas. These Area Development Plans will give major consideration to land use issues, the allocation of services/facilities, and other area specific issues. Implementation of these plans will help ensure the most appropriate development of land and public services.

THE SOUTHSIDE AREA DEVELOPMENT PLAN

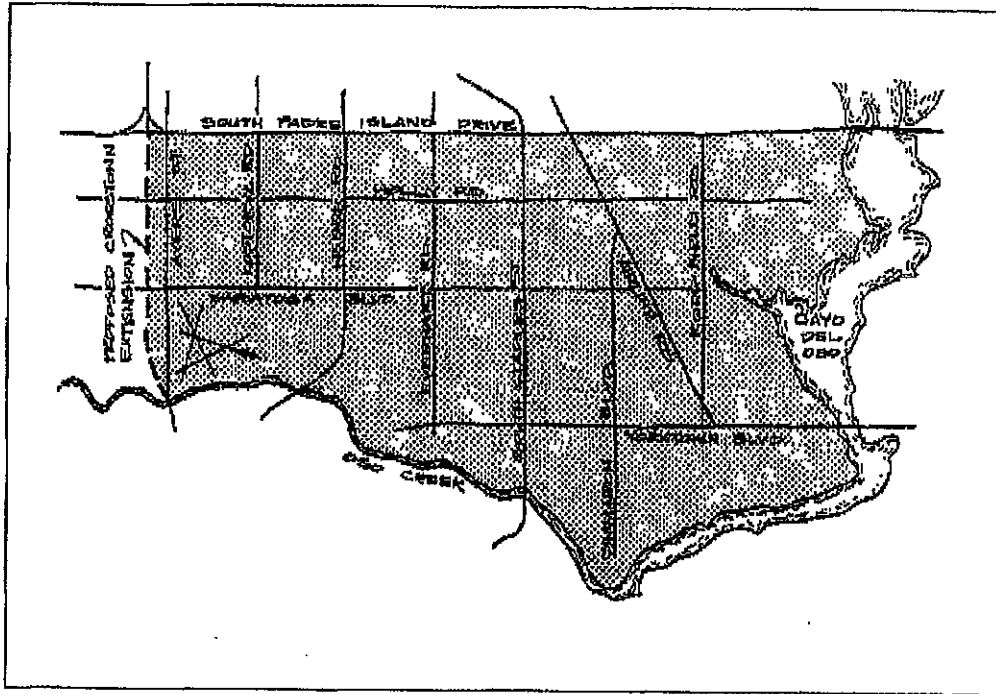
The principle objectives of this plan (see Plan Study Area Map next page) are as follows:

- 1) To recognize the environmentally sensitive nature of land and water forms within the study area;
- 2) To propose techniques or methods by which the environmentally sensitive areas should be preserved and/or developed with minimal disruptions;
- 3) To propose appropriate land uses and a corresponding transportation network to serve future land uses; and
- 4) To facilitate infrastructure planning through a reasonable estimate of future land use, thereby enabling infrastructure to be planned accordingly.

THE PLANNING PROCESS

The City Council, the Planning Commission and City Staff are committed to citizen participation in the planning process, and would encourage all interested citizens to take part in the development of this plan. Inquiries regarding City Council public hearing dates or comments regarding the Plan may be directed to Brandol Harvey, Director of Planning or Bob Payne, Senior City Planner at 880-3560.

Map of Southside Area



PART II: PLAN RECOMMENDATIONS

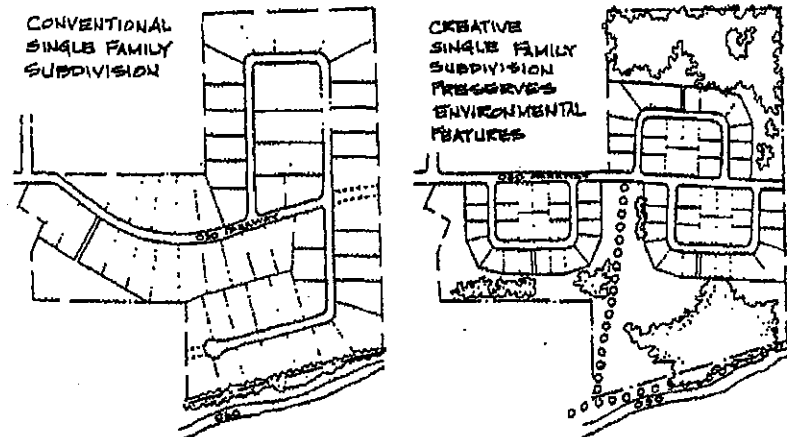
A. ENVIRONMENT

A.1 - POLICY STATEMENT

Create an overlay zoning district between the Oso Parkway corridor and the Oso to accomplish the following objectives: 1) Protection of environmentally sensitive lands; 2) Insure the best utilization of private and public open spaces; 3) Limited design control for the Oso Parkway, i.e. signage, landscaping, etc.; 4) Protection of water quality in the Oso. These objectives can be achieved through the following development guidelines.

A) Creative site development concepts (see Example: Figure 1, creative Site Development) should be encouraged within the overlay area in order to ensure that the following objectives are met:

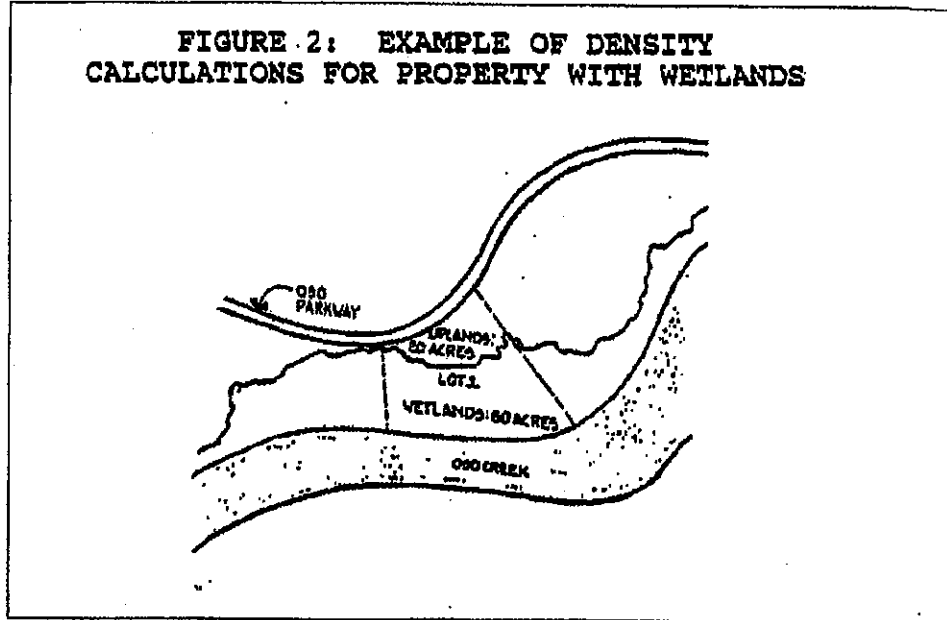
- 1) No substantial modification of major environmental features such as clay dunes, archeological sites, wetlands (as defined and designated by the Army Corps of Engineers), or creek banks;
- 2) Maximum retention, protection and preservation of hillside slopes, tree groupings, brush land, man-made lakes, ponds, bogs, and native grasslands;
- 3) The increase intensity in a particular area of a project has a compatible transition with adjacent lower intensity areas within the same project;
- 4) The higher intensity areas of one project have a proper transition to adjacent properties; and
- 5) A property owners' association is established to maintain common areas.



****Compatible transition - defined as a landscaped open space area between areas of higher and lower densities.**

- B) The gross density of the project, including its undeveloped or common areas shall not exceed the permitted density of the underlying zoning. Wetland areas, designated by the Army Corps of Engineers for preservation, may be included in the calculation of the gross density for a site. The net density is defined as the number of residential dwelling units located on developable acreage exclusive of wetland areas and shall not exceed twice the allowable gross density nor a maximum density of thirty-six (36) units per acre. However, single-family zoned property may not, as a consequence of these objectives, be developed as multi-family without rezoning and in no case should net density exceed thirty-six (36) units per acre.

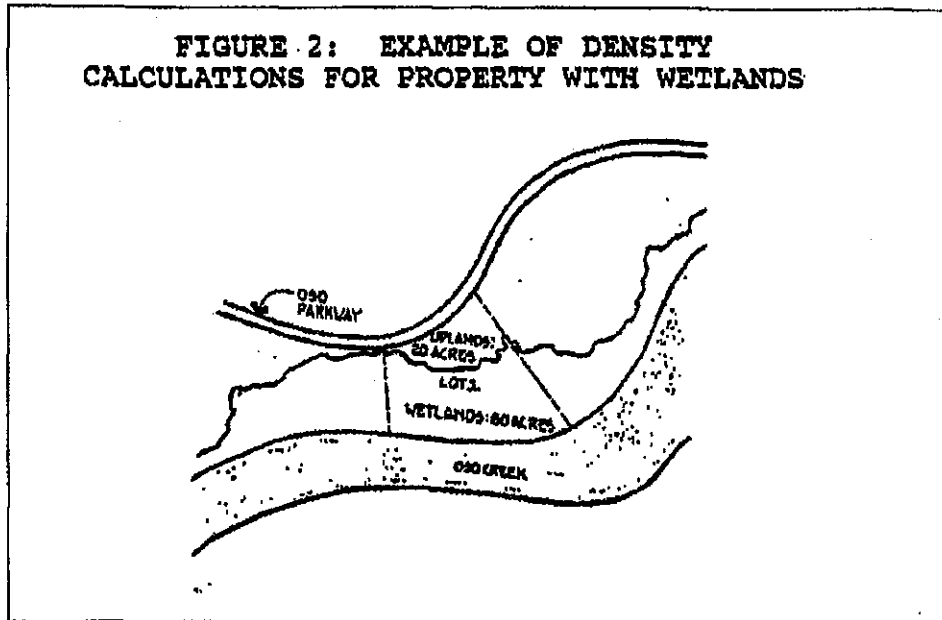
FIGURE 2: EXAMPLE OF DENSITY CALCULATIONS FOR PROPERTY WITH WETLANDS



Max. Gross Density = 7.26×100 acres
= 726 units on 100 acres
Max. Net Density = 2×7.26 units per acre
= 14.52×20 net developable acres = 290 units

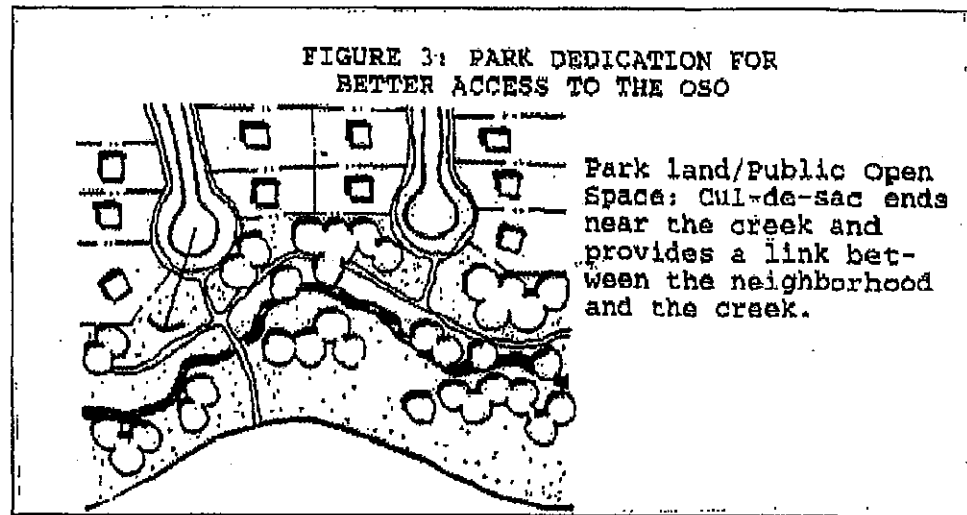
- C) The City should coordinate with the Federal Emergency Management Association to estimate the effect of full development on the Oso flood plain and floodway boundaries.
- 1) Estimates and studies are needed for planning and controlling development. Amendments, if any, to the official FEMA maps should not occur until these studies are complete and have been reviewed by the City and FEMA.
- D) Encourage park land dedication within the overlay zone area that enhances pedestrian access from neighborhoods to the Oso and, to provide pedestrian access and parks along the creek;
- 1) Where possible, locate park land adjacent to surface drainage systems for additional overflow capacity.

FIGURE 2: EXAMPLE OF DENSITY CALCULATIONS FOR PROPERTY WITH WETLANDS



$$\begin{aligned} \text{Max. Gross Density} &= 7.26 \times 100 \text{ acres} \\ &= 726 \text{ units on 100 acres} \\ \text{Max. Net Density} &= 2 \times 7.26 \text{ units per acre} \\ &= 14.52 \times 20 \text{ net developable acres} = 290 \text{ units} \end{aligned}$$

- C) The City should coordinate with the Federal Emergency Management Association to estimate the effect of full development on the Oso flood plain and floodway boundaries.
- 1) Estimates and studies are needed for planning and controlling development. Amendments, if any, to the official FEMA maps should not occur until these studies are complete and have been reviewed by the City and FEMA.
- D) Encourage park land dedication within the overlay zone area that enhances pedestrian access from neighborhoods to the Oso and, to provide pedestrian access and parks along the creek;
- 1) Where possible, locate park land adjacent to surface drainage systems for additional overflow capacity.



- E) Shoreline fills or cuts to the Oso should be designed and located so that significant damage to ecological values or natural resources will not occur; and
- F) Pipe lines (except for storm drains) located under perennial or intermittent waterways, including but not limited to creeks, rivers, streams, bays are to have shut-off valves or back flow preventers installed on both sides of the waterway.

A.2 - POLICY STATEMENT

Require a site plan review process for all developments within the Oso overlay zone area. The site plan should clearly indicate the location of dunes, wetlands, and archeological sites in relation to any proposed improvements. Site plan approval should be required prior to the approval of any building permit or other land disturbing activity regulated by the City. The process should include a quick turnaround time of one week or less (not including appeals) so as not to unduly delay the development process. The appeal process shall include a final determination by either an appointed board/commission or by the City Council.

The site plan may not necessarily require the services of a professional planner, architect, or engineer if the applicant can provide the required information. The site plan review process will assure coordination between City Staff and facilitate the "one stop" development concept. When legislation (approved amendments to City Ordinances) is drafted to implement this policy, the following information should be considered. In addition the legislation should address coordination between agencies of authority in a manner that will facilitate and not unduly delay the development process.

- A) Parcel or lot dimensions;
- B) The location, proposed use, size, and height;
- C) Yard setbacks and space between buildings;
- D) Parking, ingress, egress, and circulation;
- E) Grading/drainage;
- F) Placement and size of utilities;
- G) Screening;
- H) Required landscaping;
- I) Zoning;
- J) Notation and delineation of regulatory flood hazard or floodway boundary;
- K) Finished ground floor elevation;
- L) Location of wetlands and Army Corps of Engineer Permit number (if available or a copy of Corps' Permit);
- M) Location of all dunes;
- N) Traffic, wastewater, and stormwater generation estimate to ensure compliance with these various master plans.
- O) Refuse collection facilities for multi-family, commercial, and industrial activities; and
- P) Other permits required by agencies of authority.

B. LAND USE

B.1 - POLICY STATEMENT

The City Council, hereby, adopts Figure 4 as the guide for future land use decisions. The intent of the proposed land use plan is to support existing and planned residential neighborhoods and related growth in the Southside ADP areas. The plan provides for a compatible configuration of activities with emphasis on: accommodation of existing zoning patterns; the protection of low-density residential activities from incompatible activities; the placement of commercial activities at locations with good access and high visibility; and the identification of environmental sensitive areas that should be preserved.

B.2 - POLICY STATEMENT

The landscaping requirements, as outlined in the current Landscaping Ordinance, are considered the minimal landscaping needs for this Plan Area. Variances, special permits, or other means to reduce the landscape requirements for development in the Plan Area should be discouraged.

B.3 - POLICY STATEMENT

The minimization of curb and median cuts along arterial streets within the Plan Area are a primary objective. Median breaks should not occur in spacing of less than one-eighth mile and curb cut spacing of 150 feet or more is desirable.

- A) The City shall amend the Platting and Zoning Ordinances to include a minimum lot size requirement for each residential, commercial, and industrial district to help prevent the proliferation of curb cuts on arterial streets.

B.4 - POLICY STATEMENT

The "B-1" Neighborhood Commercial and other commercial zoning regulations, in concert with the Comprehensive Plan policies, should be reviewed and revised as necessary to control the size and use of commercial centers so they remain in scale with their surrounding uses and highway carrying capacity. True "neighborhood" commercial activities should be aimed toward meeting the daily convenience retail needs of nearby

residents for food, pharmaceuticals, personal services, etc. Rezoning to new "B-1" Neighborhood District should occur on limited site areas in existing or new residential development. Higher intensity uses and larger sites should be located away from low density residential and along highway systems with capacities commensurate with their traffic generation. Future studies should be carried out to identify these inter-relationships.

B.5 - POLICY STATEMENT

Study fair and equitable ways to promote better protection when two uses of differing intensity abut each other. The Planning Department will propose ordinance changes that will help assure a sufficient buffer of open space and/or land use, etc. when two or more differing intensities of land use abut. Such methods may include, but are not limited to, larger zoning setbacks, landscaping and/or screening.

B.6 - POLICY STATEMENT

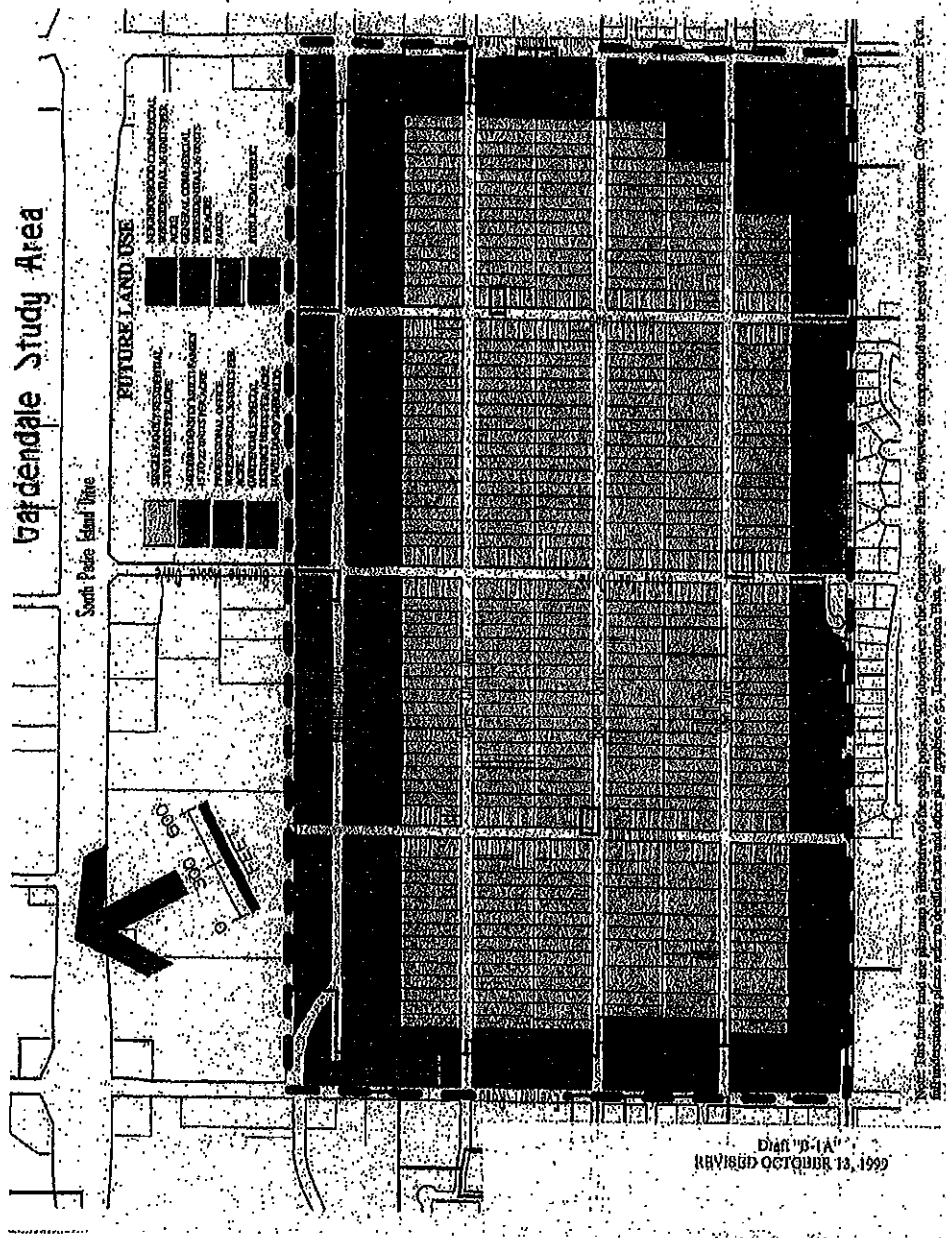
High-intensity commercial and industrial areas should be buffered to provide transition from low-density residential areas through the existence of:

- A) Main roads;
- B) Public and institutional buildings;
- C) Open space;
- D) Scale of design; and
- E) Other transitional land uses.

B.7 - POLICY STATEMENT

New high-intensity commercial developments without adequate transition or buffering should be discouraged from locating directly adjacent to low-intensity residential areas.

**Amending the Southside Area Development Plan Future Land Use Map
For the Area between Moore Plaza, Holly Road, Staples and Everhart.**



B.8 - POLICY STATEMENT

A planning and engineering study should be conducted to review existing ordinances and techniques used by other cities to balance the public costs and financial benefits associated with new development.

B.9 - POLICY STATEMENT

Rezone residentially zoned properties on Williams Drive and Holly Road between Staples Street and Everhart Road to a neighborhood Commercial district consistent with street traffic carrying capacity and protection of the abutting residential neighborhood.

The intensity of neighborhood commercial uses on Williams should be graduated from the high commercial intensity of Moore Plaza to the single-family residential uses of the Gardendale neighborhood, adjacent to Williams Drive. In the conversion of residential to non-residential uses along Williams, primary consideration should be given to maintaining traffic volumes that do not exceed safe operational standards.

Holly Road is a major arterial between Everhart and Staples and will carry a significant volume of traffic supportive of higher intensity uses. Anticipated office and commercial development on Holly could negatively impact those single-family residences behind Holly Road on Cain Street. Any commercial rezoning should reduce the impact of expected future development, protect, and preserve the residential uses in the Gardendale Neighborhood.

Design objectives for a low intensity/neighborhood compatible commercial district are summarized as follows:

- Limit the intensity of commercial land uses so as to control related traffic volumes and maintain traffic flow on Holly and Williams Drives not to exceed LOS D standards.
- Allow office and commercial development on Williams and Holly Roads, but prohibit those land uses typically found in the B-4 zoning district which are most offensive to residential properties.
- Create a unique mixed-use district compatible with adjacent residences by limiting allowable uses to primarily professional office, specialty retail and residential uses on Williams Drive.
- Maintain a scale of development compatible with adjoining residential uses by graduating the allowable building height on Williams and Holly.
- Because of large size lots on Williams and Holly, replatting of multiple lots may occur and result in various lot sizes throughout the district. Maintain minimum lot sizes and frontages.
- Create an effective buffer between Gardendale residential uses and commercial or office uses fronting Williams and Holly by requiring additional rear yard setbacks, a screening fence and a rear yard tree canopy.
- Require all exterior lighting fixtures to be directed away from residential properties.

B.10 – POLICY STATEMENT

Preserve and protect the residential nature of the Gardendale Neighborhood from Curtis Clark south to Cain Drive and from Everhart east to Staples.

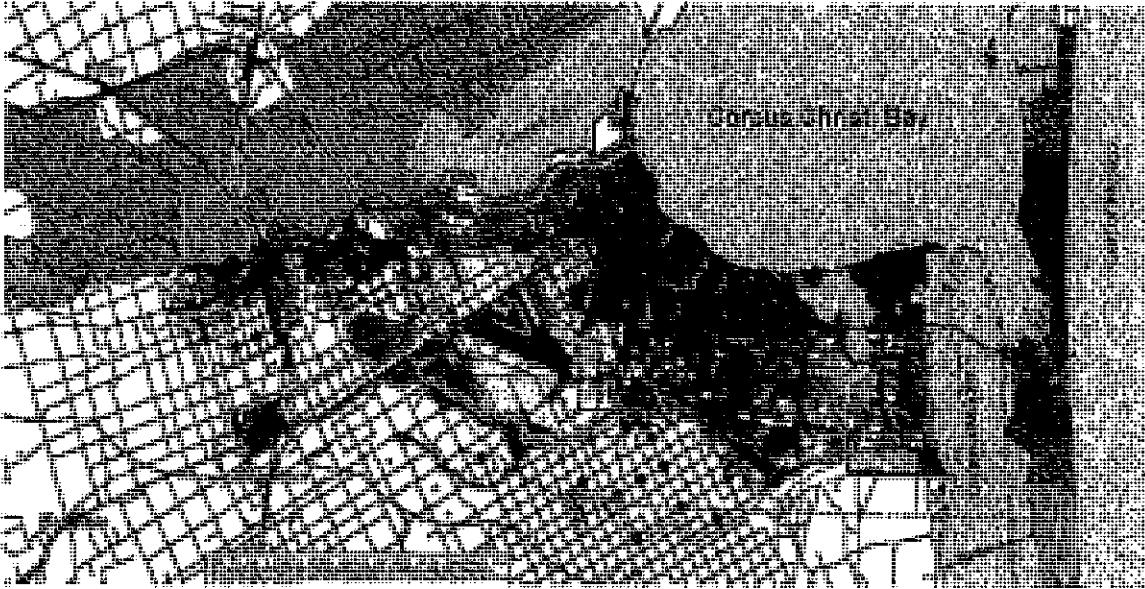
- A) Prevent the development of non-residential uses into the interior of the neighborhood;
and
- B) Limit intrusion of new commercial or expansion of existing commercial development along the western and eastern edges of the neighborhood parallel to Everhart and Staples Streets (See Policy Statement B.11).

B.11 – Policy Statement

Limited commercial expansion will be allowed along the west and east sides behind the Staples Street and Everhart Road commercial corridors.

Sensitivity to the remaining residential neighborhood will be achieved by limiting expansion of commercial development to the following conditions:

- A) Total depth of commercial development between the street row line (Staples or Everhart Road) and the neighborhood shall generally not exceed 300’;
- B) Require replatting to combine lots in order to access Staples Street or Everhart Road;
- C) Commercial retail driveway access shall be restricted to Staples Street or Everhart Road;
- D) A standard screening fence and tree planting buffer will be required between the commercial properties and the remaining residential neighborhood. This buffer will be consistent with the requirements in the “B-1A” Neighborhood Business Zoning district; and
- E) Implementation of this policy should be on a case by case basis through special permit and replatting process.

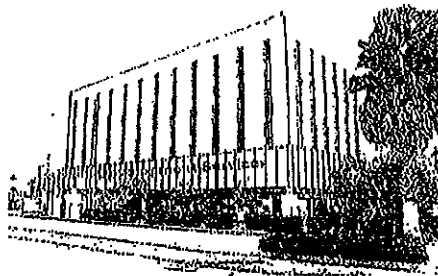


Click here for the

Corpus Christi Future Land Use Plan

Adopted

May 24, 2005, Ordinance 026278



Southside Area Development Plan
 Amended/Adopted February 8, 2000
 Page 14

TABLE
 PROPOSED LAND USE SOUTHSIDE AREA DEVELOPMENT PLAN

PROPOSED LAND USES	TOTAL ACREAGE	%	INDUSTRIAL CHARACTERISTICS	TOTAL UNITS
Low density residential 4 units per acre*	9,524	47	Low density residential	38,096
Medium density residential Max. 2 stories/10 units per acre*	1,177	5.8	Medium density residential	11,770
High density residential 3 stories/10 units per acre*	1,287	6	High density residential	24,421
Neighborhood commercial (Potential Residential yield 10 units per acre)	372	2	TOTAL UNITS	74,310
General commercial (Potential Residential yield 10 units per acre)	2,139	10	POPULATION CHARACTERISTICS	TOTAL POPULATION**
Light Industrial	751	4	Household Size Low Density 2.6	99,050
Heavy Industrial	28	0.1	Household size Medium/High Density 2.1	75,068
Public/semi-public	1,481	7	TOTAL POPULATION	174,118
Open space	26	0.1	POPULATION DENSITY	12.04 persons per acre***
Water Area	2,165	11		
Parks	1,269	6		
TOTAL	20,410	100%		

* Unit per acre density figures are reduced by 25% to compensate for street, highway, and expressway rights-of-ways.

** Potential unit per acre residential yield allowed on commercially zoned property is not included in the population calculations.

*** Population density is based on developable property (14,449 acres).

C. TRANSPORTATION

C.1 - POLICY STATEMENT

The City Council hereby adopts Figure 5 as the guide for future transportation decisions. The transportation network of this plan constitutes an amendment to the City's Transportation Plan (The Corpus Christi Urban Transportation Plan) and will be submitted for review and inclusion within the MPO Master Transportation Plan. Some of the changes to the Corpus Christi Urban Transportation Plan include the following:

- A) Rodd Field Road designated as a six-lane arterial for its entire length;
- B) Williams Drive designated as a four-lane collector street;
- C) Lipes Avenue to be a four-lane collector street for its entire length;
- D) Reconfiguration of proposed arterials and collectors east of Rodd Field Road; and
- E) Wooldridge Road to be a four-lane collector street between Airline Road and Oso Parkway.

C.2 - POLICY STATEMENT

The Planning Department and the Traffic Engineering Division shall work with the State Department of Highways and Public Transportation to formulate a strategy for beautification of South Padre Island Drive:

- A) Emphasis on landscaping and relocation of overhead utility lines underground or away from the SPID right-of-way.

C.3 - POLICY STATEMENT

Develop a special logo and design theme to promote the Oso Parkway as a scenic drive.

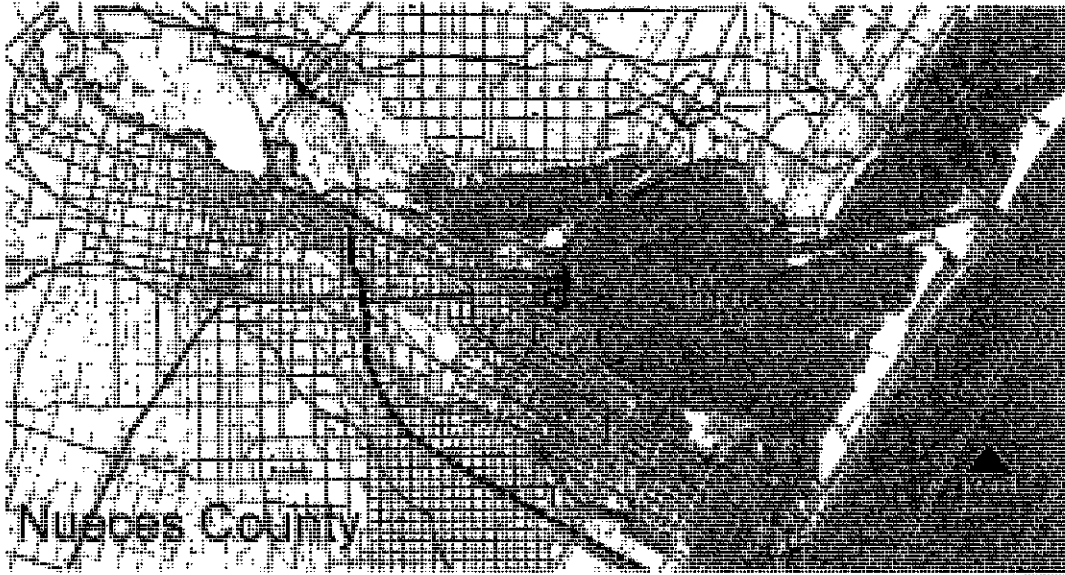
- A) The Planning Department and Traffic Engineering will propose, for City Council adoption, a special logo and unique public signage, street furniture, and lighting to be used along the Oso Parkway.
- B) Any utilities necessary to serve development adjacent to the parkway should be placed underground or away from the Oso Parkway right-of-way.

C.4 – POLICY STATEMENT

Amend City ordinances to allow increased street lighting for public safety purposes in residential subdivisions, park areas, adjacent to all school grounds, and along major arterials and collectors.

C.5 – POLICY STATEMENT

Where Nelson, Betty Jean, Burton, Curtis Clark, Bonner, or Cain Streets, satisfy the minimum eligibility criteria identified in the City's Traffic Management Program, the City may, at its discretion, waive cost participation requirements assigned to subdivision residents for the placement of traffic calming devices. These devices may include speed bumps and/or traffic diverters.

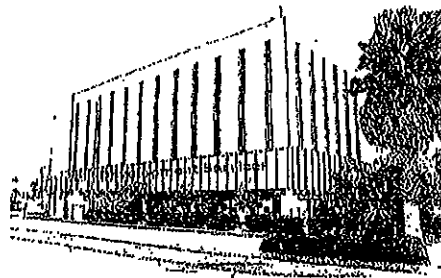


[Click here for the](#)

Corpus Christi Urban Transportation Plan

Adopted

May 24, 2005, Ordinance 026278



D.3 - POLICY STATEMENT

The Planning Department, in conjunction with the Park and Recreation Department, should consult with the Corpus Christi Independent School District to locate parks adjacent to school sites.

D.4 - POLICY STATEMENT

Develop an 18-hole public golf course next to the proposed Southside Wastewater Treatment Plant and include a scenic bike or jogging trail between the golf course and the Oso.

D.5 - POLICY STATEMENT

Drainage easements of sufficient width and appropriate slope, as dictated by the current drainage master plan, should be encouraged for installation of bike and pedestrian paths.

PUBLIC SAFETY

D.6 - POLICY STATEMENT

Obtain property, either through purchase or donation, for two new fire stations to be located near the intersection of Holly and Rodd Field Roads and off of Yorktown Boulevard between Rodd Field Road and the Cayo Del Oso.

WATER SYSTEM

D.7 - POLICY STATEMENT

Complete the water system grid in the southeastern portions of the plan area by extending and connecting water lines along Rodd Field Road and Yorktown Boulevard.

WASTEWATER SYSTEM

D.8 - POLICY STATEMENT

Develop and adopt a Southside wastewater master plan. Proceed with the acquisition of land and the construction of the Southside Wastewater Treatment Plan in the southeastern quadrant of the plan area.

STORMWATER SYSTEM

D.9 - POLICY STATEMENT

Continue to implement the master plan for storm drainage.

NATURAL GAS SYSTEM

D.10 - POLICY STATEMENT

Continue present policy to provide service as development occurs.

OTHER PUBLIC SERVICES

D.11 - POLICY STATEMENT

Purchase or encourage donation of land and facilities for a branch library with the following site criteria:

- A) Site should have direct access to an arterial street;
- B) Site should be at least 3/4 to 1 acre to accommodate a 17,400 square foot facility (60,000 volumes); and
- C) Site should be centrally located with respect to schools, and future residential areas.

D.12 – POLICY STATEMENT

Target funds for public improvements in Gardendale Park.

The Gardendale Park was dedicated in 1941 and is the only park accessible by neighborhood residents without crossing a major street. Identified improvements include:

- A) Paved parking area accessible from Betty Jean Drive and/or Holly Road;
- B) Trees around the perimeter of the park;
- C) Basketball court;
- D) Park Security Lighting;
- E) Swings and playground equipment for children;
- F) Bar-b-Que facilities and seating;
- G) Temporary seasonal restroom facilities.

D.13 – POLICY STATEMENT

Increase Code Enforcement efforts in the Gardendale Neighborhood.

The City should facilitate the formation of a Neighborhood Association to monitor, identify, and report on housing, business conditions, sanitation, brush pickup, and animal control problems:

- A) Code violations;
- B) Structures that should be demolished;
- C) Structures that are in a deteriorated condition, but could be rehabilitated and brought up to code;
- D) Non-conforming land uses;
- E) Solutions to code enforcement problems; and
- F) Recommendations for the cleaning of streets with excessive litter and trash.

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**West/Southwest Sector Plan,
San Antonio**

**Submission by Shaenfield
Apartments #13192**

WPDD – PRECLEARANCE REQUEST

SHAENFIELD APARTMENTS

Web Address of Plan

www.sanantonio.gov/planning/npud/library.aspx

Page References too Large for Cell

- adverse environmental conditions (refer to §11.9(d)(6)(A)(i)(II)(-a-));
Pages: 28-31 and A-12
- presence of inadequate transportation;
Pages: 12, 33, 34, 63 and A-11
- lack of accessibility to and/or presence of inadequate health care facilities, law enforcement and fire fighting facilities, social and recreational facilities, and other public facilities comparable to those typically found in neighborhoods containing comparable but unassisted housing;
Pages: 68, 75 and A-55
- presence of significant crime
Pages: 18, 66, 76 and A-15
- presence, condition, and performance of public education
Pages: 22-23 and A52-54
- presence of local business providing employment opportunities;
Pages: 17, 65, A-45 and A-63
- The adopted plan specifically addresses how the providing of affordable rental housing fits into the overall plan and is a necessary component thereof.
Pages: 19-21, A-13, A-16, A-77
- The adopted plan describes the planned sources and uses of funds to accomplish its purpose.
Pages: 17, A-20 & A-53 (linear creek funding and Community College Funding)



City of San Antonio, Texas

Department of Planning and Community Development

January 7, 2013

Cameron Dorsey
Director, Housing Tax Credits
Texas Department of Housing and Community Affairs
PO Box 13941
Austin, TX 78711

RE: Shaenfield Apts – 10585 Shaenfield Rd.

Dear Mr. Dorsey:

The property described above is located within the West/Southwest Sector Plan, a component of the City of San Antonio's Comprehensive Plan. The subject property is classified as *Suburban Tier* in the West/Southwest Sector Plan's Future Land Use Map. The West/Southwest Sector Plan was adopted by San Antonio's City Council on April 11, 2011, via ordinance no. 2011-04-11-0331. The process to approve the plan and resolution allowed for extensive public input and comment.

For more information regarding the West/Southwest Sector Plan, please visit http://www.sanantonio.gov/planning/npud/WestSouthwestSector/pdf/WSW_Document_20110421.pdf.

Should you have any further questions, feel free to contact me at 210.207.5889. Thank you.

Cordially,

A handwritten signature in blue ink, appearing to read "Chris Looney".

Christopher J. Looney, AICP
Assistant Director
Department of Planning and Community Development

WPDD – PRECLEARANCE REQUEST

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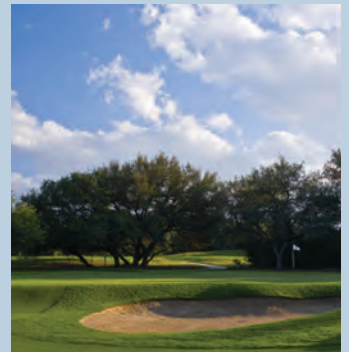
Christopher J. Looney, AICP
Assistant Director
Department of Planning and Community Development

AMENDED APRIL 21, 2011



West \ Southwest Sector Plan

Shaping the Future of San Antonio



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APRIL 21, 2011

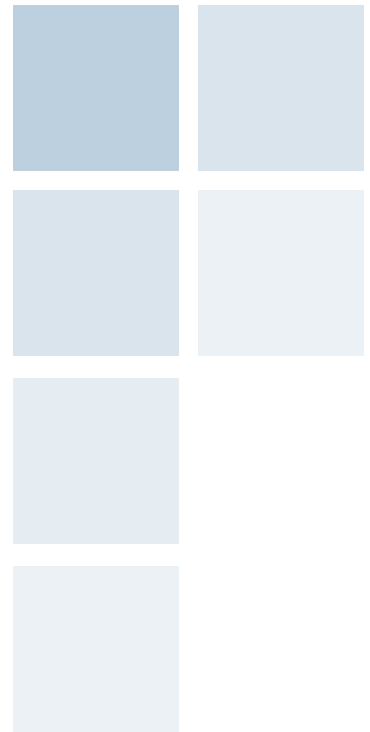


West/Southwest Sector Plan



CITY OF
SAN ANTONIO

Shaping the Future of San Antonio



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Foreword

By 2035, Bexar County is projected to have a population of approximately 2.1 million residents. This represents over half a million new residents added to the San Antonio area as forecasted by the San Antonio - Bexar County Metropolitan Planning Organization over the next 25 years. Accommodating this growth, in a manner that will meet the community's present needs without compromising the ability of future generations to meet their own needs, will require the collective efforts of all who have a stake in the planning area's future:

- *Citizens, who want an efficient transportation system, safe neighborhoods, quality schools, and job opportunities;*
- *Developers, who want to satisfy market demand for markets in residential units, retail, office, and industrial space;*
- *Companies, who want to locate or expand to a strong community that provides a high quality of life for their employees; and*
- *Public and private utility and service providers, who utilize this blueprint to guide their future planning needs and service investments.*

The Sector Plan is a strategic instrument that is one of several key planning tools used to promote a vibrant, attractive, and valued community fabric. The West/Southwest Sector Plan is one of five Sector Plans in the City, and contributes, in a unique way, to a prosperous San Antonio region. Each Sector was developed through a collaborative process that enabled individuals and organizations to share views about current community conditions and to work together to set future priorities. While market, physical and environmental factors impact continuing growth, this planning process has



addressed a full array of key issues related to transportation; utilities and storm water infrastructure; economic development; housing; community services and education; parks and natural resources; land use, urban design and historic preservation; and military compatibility.

Consistent with the Comprehensive Master Plan Framework, the Sector Plan reflects a long-range outlook over the next 25 years. While the Comprehensive Master Plan Framework offers general guidance for growth and development within the metropolitan region, the Sector Plan provides specific strategies and recommendations that address the unique needs within its defined sub-region.

The Sector Plan has been crafted to allow flexibility to address changes in community circumstances and priorities that may occur over time. The Plan will be updated every five (5) years to correspond to changes taking place in and around San Antonio. Although this document reflects outcomes of extensive community dialogue, continued effort will be needed to achieve the vision and supportive strategies. Ongoing community assistance will be required for successful strategy implementation.

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Executive Summary

The West/Southwest Sector Plan is intended to be a guide for everyone involved in making the planning area a great place to live, work, and play. The Plan will be used by City staff in recommending the appropriate land use designations for specific areas of the West/Southwest Sector, assist the development and real estate community in understanding the desired future development or outcomes for specific areas, and aid the Planning Commission and City Council in evaluating the merits of development proposals and capital investment within specific areas.

Through the implementation of this document, the Sector Plan provides an overall vision to achieve the community's

shared values. Recommended strategies are presented to guide transportation; utilities and storm water infrastructure; economic development; housing; education; community services; parks and natural resources; land use, urban design, and historic preservation; and military compatibility. An action plan is presented to identify the proposed partnerships to ensure this plan achieves the desired goals supported by the many residents, workers and others with a stake in the continued success and prosperity of the West/Southwest Sector.

The vision for the West/Southwest Sector is built on the key values and issues identified by stakeholders.

West/Southwest Sector Vision Statement

The West/Southwest Sector Plan will guide development to promote and reflect a sustainable growth plan for urban and rural areas in which the diverse resources - cultural, agricultural, military, historic, natural, recreational, and economic - are preserved and balanced to enable prosperity for all who live here today and will live here tomorrow.

Document Organization

The West/Southwest Sector Plan is divided into six chapters: Planning Into Practice, West/Southwest Sector Planning Area, Sector Plan Elements, West/Southwest Sector Adopted Neighborhood and Community Plans, Sector Action Plan, and Appendix. The following is a brief overview of the contents of each chapter.

- **Chapter 1: Planning Into Practice** provides an introduction and context for the West/Southwest Sector Plan. It discusses the relationship of the West/Southwest Sector Plan to the City's Comprehensive Master Plan.
- **Chapter 2: West/Southwest Sector Planning Area** restates the vision for the West/Southwest Sector and provides a description of the boundary and existing profile of the planning area.
- **Chapter 3: West/Southwest Sector Plan Elements** provides information for the various elements included as part of the West/Southwest Sector Plan. A brief discussion of the existing conditions provides a foundation for the goals and strategies. The nine Plan Elements are organized as follows:
 - *Transportation*
 - *Utilities and Storm Water Infrastructure*
 - *Economic Development*
 - *Housing*
 - *Education*
 - *Community Services*
 - *Parks and Natural Resources*
 - *Land Use, Urban Design, and Historic Preservation*
 - *Military Compatibility*
- **Chapter 4: West/Southwest Sector Adopted Neighborhood and Community Plans** provides a summary of each of the four adopted plans within the West/Southwest Sector. Each summary describes the major plan concepts, its supportive land use plan if applicable, and consistency with the West/Southwest Sector Plan.
- **Chapter 5: West/Southwest Sector Action Plan** provides a list of the strategies and identifies entities to undertake each strategy in order to implement the Sector Plan's goals.



- **Appendix** provides supplemental material for the West/Southwest Sector Plan, including Acknowledgements, Public Involvement Process, Planning Area Profile, Glossary, Planning Commission Resolution, and City Council Ordinance.

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CHAPTER 1: Planning Into Practice

Shaping the Future of San Antonio

Putting plans into practice is an important step to ensure that the goals and strategies of the Sector Plan are still as relevant today as when they were initially proposed.

Relationship of Plans

Sector plans are a new addition to the City's planning toolbox. Sector plans, neighborhood plans, community plans, and several functional city-wide plans are adopted as components of the City's Comprehensive Master Plan. The City's Comprehensive Master Plan Framework document provides all-encompassing, broad, long-range goals and policies to guide decision making and evaluation of City programs and initiatives. City-wide Functional Plans focus on whole areas or systems, such as the environment, transportation, and parks. A sector plan is a long-range guide for the future growth, conservation, and redevelopment of physical aspects on a sub-regional level. The Plan is a vision of the future based upon stakeholder input, projected population, current and future infrastructure, and key criteria. The Plan will be updated every five years.

Community plans are developed for areas with a population greater than 10,000 people and include multiple neighborhoods. Neighborhood plans cover a smaller area and may include at least one neighborhood unit. When proposing a project, applicants need to know which plan applies to them, and how their project is consistent with the plan.

By virtue of the plan adoption process, all proposed projects must be determined consistent with the Comprehensive Master Plan as the initial condition for approval. It is recommended that all adopted sector, community and neighborhood plans be consulted for context regardless of project scale. In the case of future land use recommendations, the most specific plan (neighborhood, community, or sector plan) should be consulted. A neighborhood plan may be more specific than a community plan; a community plan may be more specific than a sector plan. Where a neighborhood or community plan does not currently exist, then the Sector Plan should be consulted.



All of the City's plans are vital to understanding the connective vision and desires of area stakeholders. The investment of time in reviewing plans that are focused on different geographic scales and topics offers an enhanced understanding of area conditions and issues.

Development Process

When a contractor, builder or property owner applies for a building permit, the first step in the development process is to review the applicant's zoning standards (if any) that apply to the property. Zoning districts detail what types of uses are permitted on the site as well as regulations for building standards, such as height and building location. The Texas Local Government Code allows cities and towns to adopt zoning regulations in order to protect and promote the health, safety, and general welfare of the public. Most Texas counties do not have zoning enforcement authority, unless expressed in Texas Legislation. Texas counties (over 250,000 population) may extend and enforce fire codes in the extraterritorial jurisdiction (ETJ). The County Fire Marshall's Office will issue building permits for structures in the ETJ that comply with the fire codes. In addition, municipalities may extend subdivision, irrigation, scenic corridors, signs/billboards regulations, and nuisance ordinances in the ETJ. If the applicant's property is within the ETJ, zoning standards do not apply and the applicant can proceed with the requirements detailed in the Unified Development Code (UDC), see **Figure 1.1, West/Southwest Sector Plan Role in Development Process.**

If the current zoning allows for the property or structure on the property to be occupied, developed, renovated, or expanded for a proposed project, then permits may be issued as long as the proposal meets the building and zoning requirements detailed in the UDC. The following examples are for demonstrative purposes only:

For example: A property owner proposes to build a small office building on a parcel that is zoned Neighborhood Commercial (NC). City Planning and Community Development Department staff determine that the building

plans are consistent with the NC zoning district and a zoning change is not required for the proposed use. Permits for the small office are issued to the property owner or contractor to construct and operate the office building following procedures for review and inspections identified in the UDC.

In cases where the current zoning does not allow for the proposed project or development, the property owner or a designated representative may apply for a zoning change. The applicable land use plan (i.e., sector, neighborhood, or community) will be reviewed when an application is made to change the current zoning. If the request is inconsistent with the land use plan, the request cannot be approved unless an amendment is made changing the land use designation to one which is consistent with the proposed zoning change, see **Figure 1-1: West/Southwest Sector Plan Role in the Development Process.**

For example: A property owner has a parcel that is currently zoned Residential Single Family (R-6) in the Suburban Tier land use designation. The property owner is requesting a zoning change to General Commercial (C-3) in order to construct a large commercial outlet store. The Suburban Tier land use designation is primarily low to medium density residential with commercial uses that are supported at the community or neighborhood level. The highest commercial use that the Suburban Tier corresponds to is Commercial (C-2). Therefore, the zoning change request is determined to be inconsistent with the land use plan. In order for the property owner to be approved for the C-3 zoning, the Sector Land Use Plan must be amended from the Suburban Tier to the Regional Center land use designation. The Regional Center land use designation is characterized as a power center which includes a mix of multi-family residential uses and big box retail stores.

Figure 1-1: West/Southwest Sector Plan Role in the Development Process



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CHAPTER 2: West/Southwest Sector Planning Area

Shaping the Future of San Antonio

This chapter provides a foundation for the nine Sector Plan Elements which are introduced in Chapter 3. This information includes:

- [Plan Boundary](#)
- [Profile at a Glance](#)
- [Vision](#)
- [Goals and Strategies Overview](#)

Plan Boundary

The West/Southwest Sector is one of five sectors in the City. It is comprised of approximately 203,183 acres or 317 square miles of land. The West/Southwest Sector abuts the cities of Helotes, Leon Valley, and Von Ormy. The Sector is generally bounded by Highway 16, Culebra Road, and Grissom Road to the north; General McMullen, the east boundary of Port San Antonio, and Pleasanton Road to the east; Loop 410 and IH-35 to the south; and the City of San Antonio's Extraterritorial Jurisdiction (ETJ) boundary to the west, see **Figure 2-1: West/Southwest Regional Location**.

Profile at a Glance

The current socioeconomic characteristics of the planning area present both challenges and opportunities for development in the planning area. The residents of the Sector reflect a young population with slightly lower averages in income levels and educational attainment than all Sectors combined.

An extended profile of the planning area is in the Appendix: Area Profile/Demographics. Key facts of the planning area are summarized in **Table 2-1: West/Southwest Sector Profile**.



Figure 2-1: West/Southwest Sector Regional Location

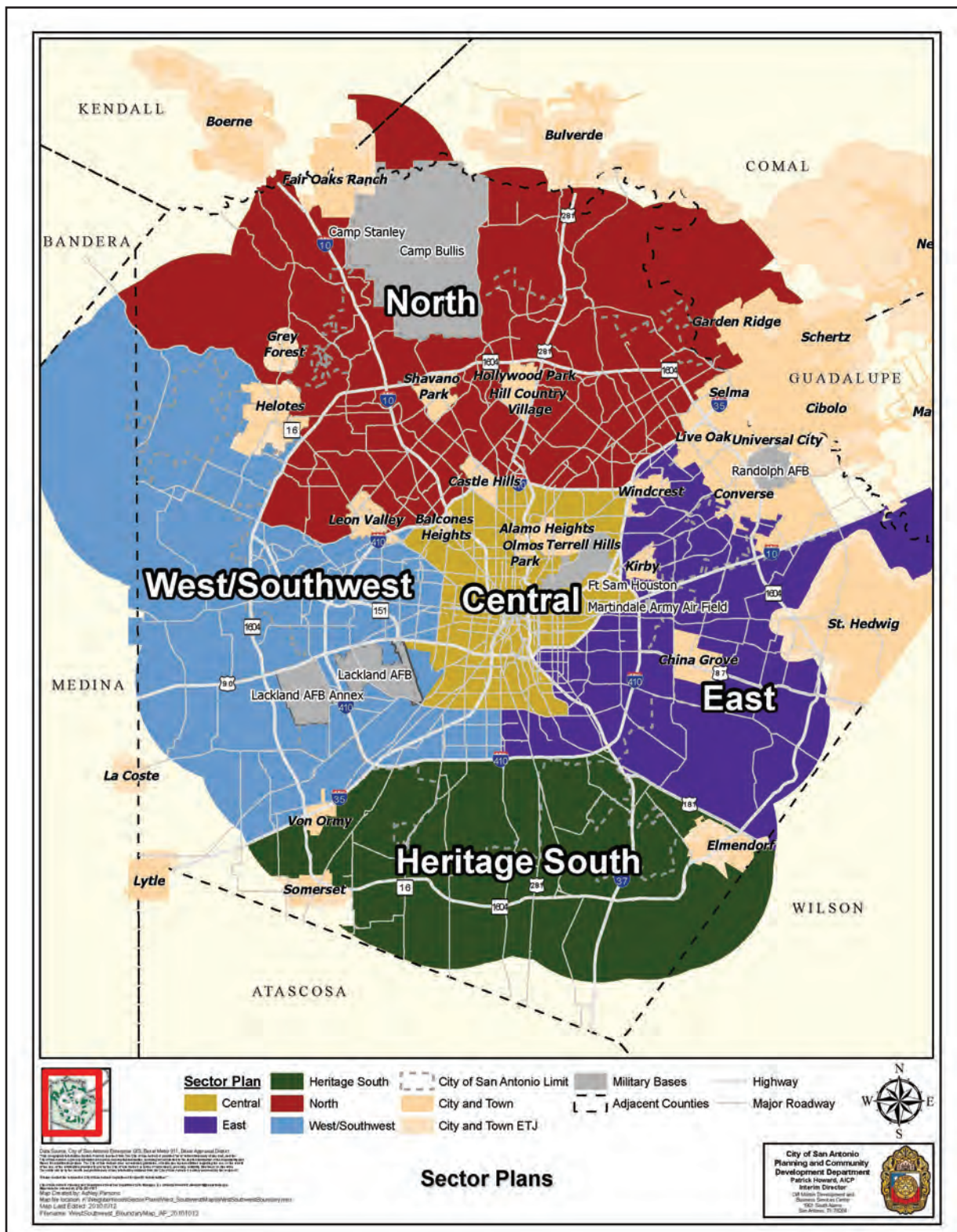


Figure 2-2: West/Southwest Sector Boundary

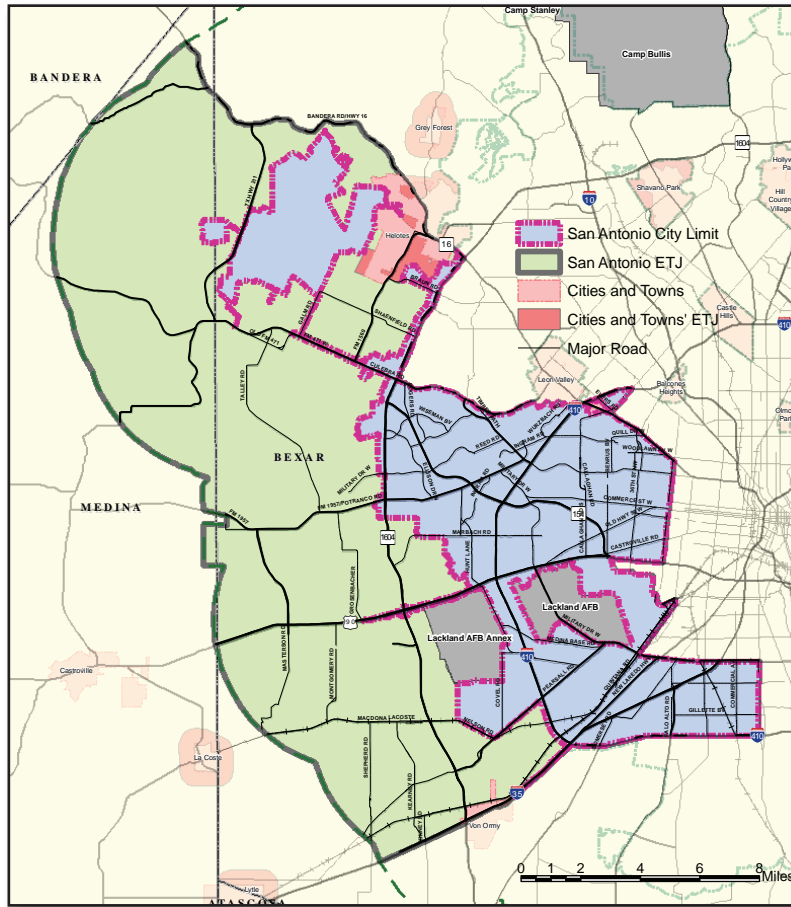


Table 2-1: West/Southwest Sector Profile

Planning Area Facts (2008)	
Size of the Sector:	317 square miles (gross)
Population:	322,410
Employed:	125,857
Median Age:	30.6 years
Ethnicity:	White 18.2%, Hispanic/Latino 72.9% Black/African American 5.7% Native American 0.3% Asian 1.5% Other 1.5%
Education:	Bachelors 8.6%, Masters 3.5%
Median Household Income:	\$42,346
Median Housing Value:	\$94,924

Source: U.S. Census, Claritas, January 2010

Vision

During the course of the Sector planning process, a series of Sector Planning Team and public meetings were conducted. Several meetings were dedicated to identifying issues, values, and assets with stakeholders in the planning area. An issue is an item of concern needing to be addressed and a value is a physical asset or existing quality of the community that is important. Assets were also identified and located within the planning area through a mapping exercise. The resulting map and values/issues are contained in the Appendix: Public Involvement Process. This process helped to identify what the community and stakeholders consider to be important in the Sector and the areas that they felt needed improvement to achieve the community's desired direction. One of the objectives of the value and issue identification process was to develop and gain community support for an overarching Vision Statement for the West/Southwest Sector.

West/Southwest Sector Vision Statement

The West/Southwest Sector Plan will guide development to promote and reflect a sustainable growth plan for urban and rural areas in which the diverse resources - cultural, agricultural, military, historic, natural, recreational, and economic - are preserved and balanced to enable prosperity for all who live here today and will live here tomorrow.



Goals and Strategies Overview

The creation of realistic and interrelated strategies is based upon goals that correspond with identified values, issues, and community assets expressed by the community during the planning process. Goals and strategies communicate a common understanding of the broad range of plan elements that guide community development activities within the planning area.

Goal: A broad, flexible, long range aim that achieves the desired result.

Strategy: A succinct statement that prescribes a course of action to implement its respective goal.

The intent of these goals and strategies is to provide a common reference point for informed decision making by residents, business owners, property owners, public entities, and development interests that fosters both consistency and predictability. The goals and strategies are intended to help guide their respective actions. The Goals and Strategies are presented within each of the plan elements in Chapter 3.



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CHAPTER 3: West/Southwest Sector Plan Elements

Shaping the Future of San Antonio

The West/Southwest Plan Elements Chapter provides guidance for elected and appointed decision makers to promote quality growth in the Sector. This chapter is presented in the following nine sections:

- *Transportation*
- *Utilities and Storm Water Infrastructure*
- *Economic Development*
- *Housing*
- *Community Services*
- *Education*
- *Parks and Natural Resources*
- *Land Use, Urban Design, and Historic Preservation*
- *Military Compatibility*

Each section is organized in a standard approach to foster ease of reference. This standard approach is identified and summarized below:

- **Overview** - Provides brief background information and describes several key issue areas.
- **Goals and Strategies** - Provides the guiding statements to manage future growth in the West/Southwest Sector

Transportation

Overview

Transportation planning is important to accommodate future growth.



Currently, the West/Southwest Sector contains a diverse street system. Much of the eastern portion of the Sector,

particularly the area located east of Loop 410, has been developed with a street grid network. To the west of Loop 410, there exist more post-World War II style suburban street networks (winding local roads and cul-de-sacs). The City’s Major Thoroughfare Plan (MTP) designates several proposed arterials throughout the Sector, especially in the western portion.

There is a desire among the West/Southwest stakeholders for a more multi-modal street system with a high degree of connectivity, which will help create travel options for motorists, pedestrians, bicyclists, and people of all physical abilities. To accomplish this multi-modal vision for the future, the following goals and strategies were developed.

Transportation Goals and Strategies

Goal TRAN-1	<i>Affordable alternative transportation options exist to lessen congestion, improve air quality and public health, and minimize impact on the environment</i>	
Strategies:	TRAN-1.1	Support coordination between the VIA Long Range Comprehensive Transportation Plan (which explores light rail, bus rapid transit, etc.) and the West/Southwest Sector Land Use Plan
	TRAN-1.2	Support additional funding to implement the VIA Long Range Comprehensive Transportation Plan
	TRAN-1.3	Expand transit options/frequency in areas identified by VIA's Long Range Comprehensive Transportation Plan
	TRAN-1.4	Encourage high densities along transit corridors identified by VIA in order to make transit more cost effective and efficient
	TRAN-1.5	Integrate hike and bike trails that connect housing areas with shopping, employment centers, and other destinations
	TRAN-1.6	Support regional intercity rail with connections in the West/Southwest Sector
	TRAN-1.7	Encourage use of existing Park and Ride facilities and consider additional facilities in low density areas at appropriate transportation nodes where access to mass transit is unavailable
Goal TRAN-2	<i>Transportation planning, construction, and maintenance is coordinated with area stakeholders and public/private transportation entities</i>	
Strategies:	TRAN-2.1	Develop a one-stop information resource for on-going and future transportation projects as well as all transportation plan documents
	TRAN-2.2	Ensure all transportation entities, including utility providers and San Antonio River Authority (SARA), are working together to implement transportation plans
Goal TRAN-3	<i>Vehicular road network is well connected, efficient, and provides multiple route options</i>	
Strategies:	TRAN-3.1	Encourage high connectivity ratios for residential and commercial developments through the use of a grid or otherwise well-connected street system that includes local, collector, and arterial streets
	TRAN-3.2	Ensure that new residential subdivisions offer multiple access points in and out of the subdivision

**Goal
TRAN-4**

Roadway design is compatible with the character of the surrounding area

- Strategies:**
- TRAN-4.1** Promote context sensitive street design standards
 - TRAN-4.2** Promote design standards for corridors, which transition from urban to rural areas, that will preserve scenic views
 - TRAN-4.3** Preserve natural open spaces along corridors and parkways
 - TRAN-4.4** Designate and preserve historic bridges and routes
 - TRAN-4.5** Discourage billboards and distracting signs
 - TRAN-4.6** Encourage the use of Sign Master Plan Development Agreements and other sign consolidation incentives to reduce the number, height, and message area of free-standing signs

**Goal
TRAN-5**

Pedestrian and bicycle facilities, and roadways are safe and well maintained

- Strategies:**
- TRAN-5.1** Use complete street design concepts for both retrofits and new construction when and where appropriate
 - TRAN-5.2** Promote the construction and maintenance of pedestrian and bicycle facilities where appropriate, especially in older neighborhoods
 - TRAN-5.3** Ensure ADA compliance on street and sidewalk projects
 - TRAN-5.4** Include drainage improvements in street reconstruction projects
 - TRAN-5.5** Promote the timely clean up of debris from roadways (especially after a storm)

Utilities and Storm Water Infrastructure

Overview

In the West/Southwest Sector, SAWS and BexarMet are the major water providers. SAWS is also the major wastewater provider and CPS Energy is the major energy utility provider.



Storm water and utilities were given high priority by the community. This priority is reflected in three goals: storm water runoff is effectively managed to prevent flooding and to reduce water runoff pollution; watersheds are regionally managed to protect water quality, floodplains, and wildlife habitat; utility investments and improvements are coordinated and based on adopted land use policies.

The first two goals reflect the fact that the Sector contains approximately 34 square miles of floodplains, lakes, rivers, and creeks, and 63 low water crossings in the City limits. The third strategy reflects the community’s desire to ensure the efficient location of new infrastructure as the area develops.

Utilities and Storm Water Infrastructure Goals and Strategies

Goal UTI-1	<i>Watersheds are regionally managed to protect water quality, floodplains, and wildlife habitat</i>
Strategies:	<p>UTI-1.1 Ensure development projects do not adversely affect one or more watersheds</p> <p>UTI-1.2 Support the Bexar Regional Watershed Management Group and implement the group’s recommendations</p> <p>UTI-1.3 Adopt coordinated drainage watershed management plans for each watershed by working with Bexar and surrounding counties, City of San Antonio, San Antonio River Authority, San Antonio Water Systems, and the Bexar Regional Watershed Management Group</p> <p>UTI-1.4 Include area residents in discussions of future storm water infrastructure projects and development of watershed management plans</p>

**Goal
UTI-2**

Storm water runoff is effectively managed to prevent flooding and to reduce water runoff pollution

- UTI-2.1** Ensure the natural rate of storm water flow pre-development is the same as post development
- UTI-2.2** Utilize low impact development and best management practices to minimize impervious cover
- UTI-2.3** Maintain natural drainage ways and minimize alterations of natural floodplains and stream channels where appropriate
- UTI-2.4** Increase the number of pocket parks and open spaces to provide permanent pervious cover so that rain water can percolate into the ground
- UTI-2.5** Promote the retention of existing trees on developing properties
- UTI-2.6** Discourage development within 100-year floodplain
- UTI-2.7** Foster joint planning, land acquisitions, and capital improvement projects between Bexar County and the City of San Antonio
- UTI-2.8** Increase inspections and maintenance of retention/detention areas

**Goal
UTI-3**

Utility investments and improvements are coordinated and based on adopted land use policies

Strategies:

- UTI-3.1** Requests for expansion of Certificate of Convenience and Necessity (CCN) for sewer and water should be consistent with the West/Southwest Sector Land Use Plan
- UTI-3.2** Include area residents in discussions regarding the expansion/improvements of infrastructure
- UTI-3.3** Consider new funding strategies to extend utility services to existing urban and suburban residential areas that are not served by central sewer or water services
- UTI-3.4** Discourage the provision of central water and sewer systems to rural areas where it would allow for high density residential development next to established farms and ranches
- UTI-3.5** Explore the use of utility rights of way as open space, parks, and hike/bike trails where appropriate
- UTI-3.6** Encourage placing utility lines underground where feasible to increase walkability and to provide an aesthetically pleasing environment

Economic Development

Overview

The West/Southwest Sector has grown consistently in the past decade and will continue to generate opportunities for future economic development. The Sector contains many of the nation's largest corporations' data centers, including Microsoft, Lowe's, and Valero, which are located along Highway 151. Due to the abundant supply of reasonably priced electricity, the area along Highway 151 will continue to attract data centers and call centers.



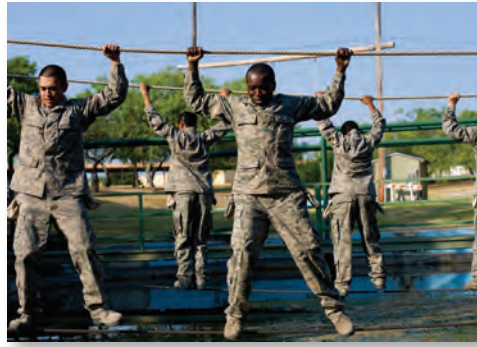
Not only are data centers moving into the area along Highway 151, but large medical facilities are moving into the area as well. CHRISTUS Santa Rosa Health System located a full-service health care campus with state of the art technology on approximately 100 acres fronting Highway 151. Methodist Healthcare System of San Antonio owns approximately 50 acres near the northeast corner of Loop 1604 and Highway 151 as well as approximately 5 acres at the southeast corner of Highway 151 and Military Dr. West. This area has the potential to become a counterpart to the medical center and has already become a major employment center.

The information security field and information technology field also have a large presence in the West/Southwest Sector. The National Security Agency (NSA) located its data-mining headquarters in the old Sony microchip plant just west of Loop 410 and east of Potranco Road. The headquarters for the 24th U.S. Air Force, which deals with a great share of the Air Forces' information security operations, and the Air Force Intelligence, Surveillance and Reconnaissance Agency (AFISRA) operate in the Sector. The cyber security field will only continue to grow as more sensitive information is stored on computers, such as trade secrets, proprietary information, personal identifiable information, and classified information.

The Southwest Research Institute, located to the east of Loop 410 and north of Highway 151, and the Texas Research Park, located at the southwest corner of Potranco and Highway 211, employ many people dedicated to the advancement of science. Employees of the Southwest Research Institute specialize in the creation and transfer of technology in engineering and the physical sciences. The Texas Research Park is composed of several organizations dedicated to the advancement of health care through the development process of drug therapies. Both the Research Institute and Research Park reside on well over 500 acres and expect to expand their facilities in the future.

Due to the above, as well as the continued success and growth of Lackland Air Force Base and Port San Antonio (discussed further in the Appendix), the Sector Planning

Team and community anticipate continued interest, continued growth, and more diverse economic opportunities in the Sector. The community wants to continue supporting the expansion of existing businesses and the establishment of future businesses and ensure they are compatible and sustainable with existing and developing residential areas.



Economic Development Goals and Strategies

Goal ED-1 *The West/Southwest Sector is an economically sustainable community in which residents have a variety of employment opportunities*

- Strategies:**
- ED-1.1** Locate business offices near existing residential areas within the Sector
 - ED-1.2** Provide opportunities for live/work locations
 - ED-1.3** Stimulate and support increased activity of existing businesses
 - ED-1.4** Continue to support the expansion of research institutes, including colleges, and medical facilities, data centers, cyber security facilities, and distribution centers
 - ED-1.5** Continue to support Palo Alto and Northwest Vista Colleges' specialized training programs that serve the industries in the Sector

Goal ED-2 *Existing and planned future corridors and accessible, pedestrian commercial nodes contain strong, vibrant business activities with a mix of uses and employment opportunities*

- Strategies:**
- ED-2.1** Revitalize existing older commercial nodes and corridors through existing economic and reinvestment programs, such as, but not limited to, Neighborhood Commercial Revitalization, Tax Increment Financing (TIF), and Corridor Overlay Districts
 - ED-2.2** Coordinate funding for revitalization opportunities with Neighborhood and Sector plans
 - ED-2.3** Design commercial nodes as town centers to promote the mix of activities for live, work, and play

- ED-2.4 Consider rezoning corridors and nodes to permit the mix of uses
- ED-2.5 Continue to manage the peak traffic periods along major corridors so that businesses are accessible

Goal ED-3 *The West/Southwest Sector community values existing and future businesses; businesses which in turn support the neighborhoods*

- Strategies:**
- ED-3.1 Ensure the development of new business locations and employment centers are compatible with the West/Southwest Sector Land Use Plan
 - ED-3.2 Explore creating new tax increment reinvestment zones (TIRZ) adjacent to existing employment centers within Loop 410 in the Sector
 - ED-3.3 Foster partnerships with businesses to promote the beautification and clean-up of existing neighborhoods, utilizing programs offered by, but not limited to, Keep San Antonio Beautiful and City of San Antonio Solid Waste Department
 - ED-3.4 Continue to utilize/increase code enforcement and other programs to address crime and graffiti

Goal ED-4 *Infill and redevelopment opportunities are well planned and incentivized within Loop 410*

- Strategies:**
- ED-4.1 Encourage high quality site and building design and best management practices for new and existing developments
 - ED-4.2 Utilize TIRZ and the Inner City Reinvestment/Infill Policy (ICRIP) to incentivize improvements to existing sites
 - ED-4.3 Connect employment centers to bicycle and pedestrian paths
 - ED-4.4 Encourage upgrades to existing infrastructure within Loop 410
 - ED-4.5 Promote the burying of utility lines where feasible

Housing

Overview

Currently, there are approximately 88,467 housing units in the West/Southwest Sector. This represents 15% of all housing units in all Sectors (approximately 575,000 housing units total). The current housing stock is a mix of both single and multi-family housing. Single-family housing is the predominant housing type. Housing in the eastern portion of the Sector is generally older than housing in the western portion where the bulk of the new homes are being constructed.

Population projections by the MPO indicate an increase in Bexar County of approximately 200,000 households by 2035 (500,000 people and approximately 2.6 people per household). It is reasonable to assume that the West/Southwest Sector will attract a large portion of those new households. The goals and strategies reflect a desire for a diverse housing stock in the West/Southwest Sector to provide options for future residents.

The 2008 median housing value was approximately \$137,138 compared to an average \$145,313 in all Sectors combined. The strategies suggest a need for a housing stock with varied price ranges.

The West/Southwest Sector Land Use Plan encourages a variety of housing densities such as high (less than 1/2 acre which necessitates central water and sewer) and large lot (greater than 1/2 acre in rural areas and greater than 10 acres in agricultural and farm areas). In addition to large lot housing,

another option is conservation subdivisions, which include dense housing nodes with dedicated open space. This option, for those who choose it, balances the best of urban living with natural beauty.

Lastly, as is vital in all Sectors of our region, sustainable building of new and existing housing is emphasized in the strategies. Also, as is important to all Sectors, encouraging the use of housing affordability and repair programs offered by the City and the County can be very useful to maintain a high quality housing stock for current and future residents of the area.



Housing Goals and Strategies

Goal HOU-1	<i>Housing stock is diverse and densities are distributed in accordance with the adopted West/Southwest Sector Land Use Plan</i>	
Strategies:	HOU-1.1	Promote quality design and construction for new housing
	HOU-1.2	Provide a range of housing types and prices to accommodate all residents within the Sector and within the same neighborhood
	HOU-1.3	Preserve rural homesteads as part of the mix of housing choices
	HOU-1.4	Encourage quality housing for senior citizens
Goal HOU-2	<i>New housing developments locate near existing community facilities, schools, and physical infrastructure (e.g., streets, water, sewer, etc.) with sufficient capacity to serve new developments</i>	
Strategies:	HOU-2.1	Provide multi-modal connections between new residential developments and existing community facilities
	HOU-2.2	Encourage business and property owners to utilize the incentives offered for inner city reinvestment and infill development
	HOU-2.3	Work with SAWS, CPS Energy, Bexar County, CoSA Public Works, and CoSA CIMS to upgrade existing infrastructure
	HOU-2.4	Promote awareness of the benefits of locating new housing near existing community facilities and physical infrastructure
Goal HOU-3	<i>Housing is well maintained to help ensure the long-term viability of neighborhoods</i>	
Strategies:	HOU-3.1	Re-invest in existing residential neighborhoods
	HOU-3.2	Increase and promote services to help low-income property owners complete minor home repairs and bring properties up to code
	HOU-3.3	Increase code enforcement where needed

**Goal
HOU-4**

New and existing housing incorporates green building technology to improve energy efficiency and reduce resource consumption

Strategies:

- HOU-4.1** Promote the use of sustainable building concepts and best management practices in the siting and construction of houses to take advantage of conditions such as wind patterns, sun exposure, etc.
- HOU-4.2** Encourage new homes and new housing developments to be LEED and LEED ND certified and homeowners to participate in San Antonio's Green Building program sponsored by Build San Antonio Green
- HOU-4.3** Continue to provide incentives that encourage homeowners to improve their homes with green technology
- HOU-4.4** Continue to promote and support SAWS and other water providers' conservation programs to improve water use efficiency
- HOU-4.5** Encourage xeriscaping, the planting of native species, and the use of water harvesting systems to reduce water use
- HOU-4.6** Promote the re-use of materials



Education

Overview

A successful educational system comprised of primary, secondary, and post-secondary opportunities will support and compliment the professional and technical demands of the West/Southwest Sector and regional employers. The Sector is served by a variety of educational and training opportunities. School districts represented in the Sector include Edgewood ISD, Harlandale ISD, Lackland ISD, Medina Valley ISD, North Side ISD, San Antonio ISD, South San ISD, and South West ISD. Additionally, St. Mary's University, Northwest Vista College, and Palo Alto College are located within the Sector area and provide vocational training and post-secondary educational opportunities.



While a strong public school system and educational opportunities are a priority, stakeholders also recognize the importance of creating educational partnerships within the Sector. A successful institutional partnership will promote the collaboration of public and private resources with community facilities, workforce development training, and the business community. These partnerships will also support the expansion of educational services and opportunities within the Sector. Further, an emphasis on affordable workforce development and training will encourage additional business investments in the community while attracting growing and emerging industries.

Maintaining and improving infrastructure near schools is also prioritized. Capital improvements and other maintenance projects located near schools should be prioritized to provide safe and unobstructed routes to the schools and institutions. These projects should also maintain compatibility with the existing character of adjacent and surrounding neighborhoods.

Education Goals and Strategies

Goal EDU-1 *Strong public schools and educational partnerships exist in the West/Southwest Sector*

- Strategies:**
- EDU-1.1** Encourage the various independent school districts to site: elementary schools within residential neighborhoods within walking distance; middle schools at the periphery of residential neighborhoods where they are served by a collector street and bicycle networks; and high schools on the edge of residential neighborhoods, in locations served by a collector or arterial street, transit service, and pedestrian and bicycle networks
 - EDU-1.2** Expand collaboration among educational partners, such as local school districts, private education organizations, the San Antonio Public Library System, YMCA, surrounding cities, Bexar County, and Medina County to serve youth with after-school programs, extended day care programs, day camps, and educational opportunities
 - EDU-1.3** Promote the accessibility of affordable educational experiences, receiving skills certification, earning a high school diploma and graduating with a college degree

Goal EDU-2 *Educational and community facilities are designed to be shared by students and non-students*

- Strategies:**
- EDU-2.1** Encourage the sharing of school facilities by promoting partnerships between various entities
 - EDU-2.2** Support and encourage adaptive reuse of existing buildings for community and educational purposes
 - EDU-2.3** Offer continuing education opportunities at school facilities for general and life-long learning

Goal EDU-3 *Capital improvement and maintenance projects located near schools are prioritized*

- Strategies:**
- EDU-3.1** Provide safe and accessible routes to schools
 - EDU-3.2** Promote and improve bike lanes and sidewalks throughout the neighborhoods

**Goal
EDU-4**

University and college campuses expand to serve future populations while maintaining compatibility with adjacent neighborhoods

- EDU-4.1** Support appropriate development and redevelopment efforts around the university and colleges
- EDU-4.2** Encourage multi-modal transportation accessibility to the university and colleges
- EDU-4.3** Promote the establishment of Alamo Colleges' satellite campuses where appropriate

**Goal
EDU-5**

Quality and affordable workforce development and vocational training are encouraged and accessible

- EDU-5.1** Focus workforce development and training programs on growing and emerging industries
- EDU-5.2** Foster partnerships among the business community and educational institutions for workforce development efforts
- EDU-5.3** Promote vocational training programs with recognized certifications and transferable college credits



Community Services

Overview

The Community Services section includes the discussion of public safety, health care, and other services within the West/Southwest Sector. Collectively, these facilities provide the foundation for a high quality of life for West/Southwest Sector residents, workers, and visitors.

Stakeholders have identified the need to promote health care services and facilities within the Sector area. Specifically, residents in rural areas experience a deficiency in medical and health provider services. Promoting affordable health care facilities within the Sector and encouraging more providers to locate in rural areas will provide additional health care opportunities to underserved areas of the Sector.

The City of San Antonio operates eight fire stations within the City limits of the West/Southwest Sector. Five volunteer fire stations serve the remainder of the Sector located in the extraterritorial jurisdiction (ETJ). An efficient level of service for emergency responses is important to growing areas within the Sector. Encouraging new facilities to be built near high growth areas, providing an improved level of service and response time, and educating residents on the various emergency service options in the urban and rural areas are important community service goals for the Sector.

Libraries and community gathering sites are also important assets to the West/Southwest Sector area. New facilities should be conveniently located and accessible to all residents and youth oriented community centers should be promoted and prioritized. Sector stakeholders also support the continued implementation of the San Antonio Bicycle Master Plan and Linear Greenways program that offer bicycle route connectivity to neighborhoods and community facilities.

Locating satellite animal care facilities, constructing new off-leash dog parks in existing and/or new park facilities, and promoting responsible pet ownership is important to the welfare of the Sector. Additional facilities and possible modifications to existing parks and facilities will help to address animal control issues within the West/Southwest Sector.



Community Services Goals and Strategies

Goal COM-1	<i>A network of quality, affordable health care services and facilities is conveniently located and available to all residents</i>	
Strategies:	COM-1.1	<i>Encourage the establishment of additional affordable health care providers in the area</i>
	COM-1.2	<i>Provide additional medical services in rural areas and extend services where needed</i>
	COM-1.3	<i>Continue to support University Health System Trauma Services located in the Medical Center and used by the most critically-injured patients from Bexar and surrounding counties</i>
Goal COM-2	<i>Police and emergency services provide an efficient level of service</i>	
Strategies:	COM-2.1	<i>Continue to address and evaluate the need for additional emergency facilities and services near high growth areas</i>
	COM-2.2	<i>Provide adequate level of police and emergency services for urban and rural residents (response times will vary due to distances traveled by emergency vehicles)</i>
	COM-2.3	<i>Educate residents on the differences between emergency service providers in urban and rural areas</i>
	COM-2.4	<i>Organize farm owners associations for mutual aid in case of emergencies</i>
Goal COM-3	<i>A variety of community gathering sites are conveniently located and accessible to all residents</i>	
Strategies:	COM-3.1	<i>Locate new community gathering sites, such as libraries and community centers, near existing neighborhoods</i>
	COM-3.2	<i>Promote and increase the number of youth-oriented community centers and programs</i>
	COM-3.3	<i>Continue to implement San Antonio’s Bicycle Master Plan and the Linear Greenways program to connect people on bikes with neighborhoods and community facilities</i>
	COM-3.4	<i>Encourage more farmers markets and community gardens</i>

**Goal
COM-4**

Responsible pet ownership and animal care services are promoted

- Strategies:**
- COM-4.1** Encourage education programs that emphasize responsible pet ownership
 - COM-4.2** Construct new off-leash dog parks in existing and/or new park facilities
 - COM-4.3** Consider locating a satellite animal care facility in the northern part of the Sector near an accessible, visible area
 - COM-4.4** Continue to enforce compliance with Chapter 5, Animals, of the City Code
 - COM-4.5** Continue to promote low cost / no cost spay and neutering services

**Goal
COM-5**

Brush and bulky items are disposed of properly and regularly

- Strategies:**
- COM-5.1** Encourage access to affordable disposal services to help discourage illegal dumping
 - COM-5.2** Promote monitoring of illegal dumping
 - COM-5.3** Continue to implement code enforcement for illegal dumping



Parks and Natural Resources

Overview

The West/Southwest Sector has very unique natural features. One of the most important features found within the Sector is the Edwards Aquifer Recharge Zone, which is partially located in the northern portion of the Sector. The Edwards Aquifer supplies the majority of San Antonio residents with drinking water. West/Southwest Sector stakeholders expressed the need to preserve the Edwards Aquifer to ensure that there is an adequate and healthy supply of water for current and future residents of San Antonio.



The Edwards Aquifer is located underneath the Edwards Plateau. The Plateau exhibits a range of topographical relief causing very steep slopes. Developing on steep slopes is typically more costly than in lower sloped areas. Development must be built in a sensitive manner to integrate it within the natural environment as well as making it structurally sound.

The landscape of the Edwards Plateau is ideal habitat for several federally listed threatened and endangered species in Bexar County. Endangered species known to exist in the area, including the northern part of the Sector, include two small song

birds, the Golden-cheeked Warbler and the Black-capped Vireo, six endangered plant species, and nine karst invertebrates often referred to as “cave bugs”. The main threat to endangered species is loss of habitat. Bexar County and the City are working on a regional habitat conservation plan, known as the Southern Edwards Plateau Habitat Conservation Plan, to balance the conservation needs of rare plants and animals with the demand for economic growth and development.

The West/Southwest Sector contains over 200 creeks, which correspond to a number of floodplains. San Antonio has a history of flooding. Floodplain areas are particularly prone to serious flooding during rainfall events. A major cause of floods is impervious cover, which impedes rainwater from draining into the ground causing it to run across surfaces and pool in low lying areas. There are approximately 32 low lying areas just within the City limits of the Sector alone. Stakeholders expressed a strong desire to protect floodplains through best management practices.

Approximately 40 established parks are located or partially located within the Sector. The largest park for the Sector is Government Canyon State Natural Area. The Canyon is a highly sensitive ecosystem, providing habitat for wildlife species and protection for the Edwards Aquifer. The Canyon also provides wonderful recreational opportunities for residents. The Leon Creek Greenway, comprised of approximately 17 miles of trail, is partially within the Sector and provides multi-use recreational trails to San Antonio residents. Parks and open space provide recreational opportunities to residents, provide connections and trails to area destinations, and provide protection for sensitive environmental features.

Parks and Natural Resources Goals and Strategies

Goal NR-1	<i>Floodplains, watersheds, steep slopes and hill tops, viewsheds, wildlife habitat, open spaces, and natural features are protected, preserved, and managed</i>	
Strategies:	NR-1.1	Develop a strategic natural resource protection plan for the Sector that encompasses the items listed in the goal
	NR-1.2	Encourage the preservation of large tracts of land and/or cluster development or utilize conservation easements
	NR-1.3	Incorporate creeks with parks and open space whenever possible to help protect the creeks and floodplains as well as to provide linear connectivity
	NR-1.4	Coordinate with multiple agencies to incentivize maintenance of natural areas
	NR-1.5	Preserve floodplains and wildlife habitat
	NR-1.6	Expand Government Canyon State Natural Area, provide a buffer around it for appropriate development, and encourage the purchase of conservation easements on land around Government Canyon
	NR-1.7	Support the City's tree ordinance to enhance the tree canopy
	NR-1.8	Explore the establishment of parks within the Country Tier and within existing floodplains
Goal NR-2	<i>Edwards Aquifer Recharge and Contributing Zones and other groundwater sources are protected</i>	
Strategies:	NR-2.1	Utilize best management practices on construction sites to preserve water quality
	NR-2.2	Encourage cluster developments and conservation subdivisions
	NR-2.3	Continue working with and implementing programs of the Texas Commission on Environmental Quality (TCEQ) to prevent non-point (i.e. water runoff, precipitation, drainage, etc.) source pollution
	NR-2.4	Encourage property owners to maintain existing septic tanks and water wells
	NR-2.5	Consider increasing the amount of land required for septic tanks
	NR-2.6	Discourage blasting of limestone over the Aquifer

NR-2.7 Enhance San Antonio Water System’s (SAWS) public education campaign regarding residential landscaping, which will help reduce runoff and improve water quality

Goal NR-3 *Parks are located within a reasonable walking distance (10-20 minutes) from every neighborhood within an urbanized area*

- Strategies:**
- NR-3.1** Identify locations for future parks and open space and encourage / incentivize land donations for them
 - NR-3.2** Encourage the development of regional parks within the rural areas of the Sector
 - NR-3.3** Ensure new residential developments provide green space for the residents
 - NR-3.4** Explore opportunities to acquire land for pocket parks within existing neighborhoods or between neighborhoods that do not have a park within close proximity
 - NR-3.5** Adequately maintain parks to assure safety, accessibility, and security as well as expand existing parks as appropriate
 - NR-3.6** Include additional recreational uses within neighborhood and community parks, such as playgrounds, tennis courts, jogging trails, and picnic pavilions
 - NR-3.7** Explore the use of drainage rights of way to provide for safe pathways to parks as well as installing sidewalks and street lights where needed
 - NR-3.8** Continue to follow the Parks and Recreation Department’s System Strategic Plan (2006-2016), San Antonio River Authority’s (SARA) San Antonio River Basin Plan for Nature-Based Resources, and SARA’s watershed master plans

Goal NR-4 *Linear Greenways Program continues to expand and connect communities*

- Strategies:**
- NR-4.1** Continue to provide funding for the purchase of land along creeks and for the construction, maintenance, and security of hike/bike trails along creeks
 - NR-4.2** Move forward to acquire land and design/construct trail projects to extend the Leon Creek Greenway Project
 - NR-4.3** Support and fund the Westside Creeks Restoration Project
 - NR-4.4** Explore the use of utility easements to provide trails between greenways so that all linear greenways connect
 - NR-4.5** Implement a maintenance schedule program of existing linear greenways
 - NR-4.6** Promote linear greenways as bicycle and pedestrian pathways, to keep citizens active, and to reduce illegal dumping in creeks

Goal NR-5 *Dark skies are protected to support Lackland's training missions and to decrease light pollution*

- Strategies:**
- NR-5.1** Apply the lighting overlay zoning district around Lackland AFB and Lackland Annex
 - NR-5.2** Require new commercial and residential developments to utilize low intensity and down-shielded lighting
 - NR-5.3** Retrofit street lights to down-shielded light fixtures
 - NR-5.4** Encourage retrofitting commercial property lights to down-shielded light fixtures



Land Use, Urban Design, and Historic Preservation

Overview

The West/Southwest Sector includes some of the largest and fastest growing neighborhoods, commercial nodes, and employment centers in the region. The prairies and gently rolling hills found within the West/Southwest Sector have made this part of the San Antonio metropolitan area a desirable location for expansive single-family residential neighborhoods, vast corporate and institutional campuses, destination hotels and resorts, and full-service retail centers. This diversity of uses and the sheer magnitude of expected future development in the West/Southwest Sector necessitates careful land use planning and thoughtful urban design. As the developed area continues to grow and extend further from the central city, it becomes even more important to guide development to areas where it is desired. By guiding growth to areas where it is desired, we can protect environmentally sensitive areas, preserve land for agricultural production, and enhance quality of life while also providing

opportunities for the growth and expansion of our economic engines. Planning for quality design is just as important as planning for the use of land. As density and population increases, so to does the importance of context-sensitive urban design to ensure the long-term viability of the places where we live, work, and play.

The West/Southwest Sector Plan promotes the concept and development of pedestrian oriented nodes at roadway intersections. Pedestrian oriented nodes offer dense and compact polycentric development patterns. These patterns create walkable, mixed-use environments. One of the primary reasons for promoting pedestrian oriented nodes is to assist in the revitalization and redevelopment of deteriorating, under-utilized transportation corridors and obsolete commercial centers. The figure to the left provides an example of a location where pedestrian oriented node development patterns can be utilized.

The land use and urban design goals focus on: creating a land use pattern that emphasizes compatibility between uses and protects neighborhoods and businesses from incompatible uses; promoting healthy lifestyles through the design of the built environment; creating dynamic mixed-use commercial nodes; preserving scenic corridors; protecting established farms and ranches; preserving historic sites and buildings; and maintaining the character of our rural communities. Each goal includes a set of strategies that articulate some of the actions required to achieve the desired outcomes.



151/410 Mixed Use Center
Example of weaving the old with the new. Town Center (1/4 mile, 100 acres) with mixed use pedestrian oriented development with pedestrian linkage to existing neighborhoods, schools and open spaces.

Land Use, Urban Design, and Historic Preservation Goals and Strategies

Goal LU-1

Land use pattern emphasizes compatibility and appropriateness between uses, and protects neighborhoods and businesses from incompatible land uses

Strategies:

- LU-1.1** Limit encroachment of commercial uses into established low-density residential areas
- LU-1.2** Limit the encroachment of residential uses into established agricultural and industrial areas when the establishment of new residential uses would interfere with the operation of existing or planned agricultural or industrial uses
- LU-1.3** Ensure that high density / intensity land uses are buffered and screened to reduce the impact on lower density / intensity land uses that are nearby
- LU-1.4** Allow for greater densities in neighborhoods adjacent or proximate to existing and planned activity centers and pedestrian oriented commercial nodes. Density should decrease as the distance from the activity center increases
- LU-1.5** Utilize pedestrian shed analysis to determine the full extent of activity centers and upgrade infrastructure within activity centers to support greater density, increase walkability, and increase transit ridership

Goal LU-2

The built environment of neighborhoods and communities encourage and facilitate healthy lifestyles

Strategies:

- LU-2.1** Ensure that residents in urban, suburban, and rural areas have access to healthy, affordable foods and restaurants
- LU-2.2** Encourage the establishment of community gardens, farmers markets, and open space for access to locally grown vegetables and opportunities for recreational activities
- LU-2.3** Provide accessible pedestrian routes to and from daily destinations, such as neighborhood parks, local convenience stores, and neighborhood schools/libraries

Goal LU-3

Existing corridors are transformed and new corridors are carefully planned to create dynamic, mixed-use, pedestrian oriented nodes that are integrated into the surrounding community

Strategies:

- LU-3.1** Consider re-zoning corridors in accordance with the West/Southwest Sector Land Use Plan
- LU-3.2** Consider the creation of corridor plans for all major corridors within the Sector, such as, but not limited to, Culebra, Potranco, Talley, Highway 90, and Highway 211
- LU-3.3** Support the use of the special zoning districts (e.g. form based zoning district and mixed-use district) and other innovative development and land use planning tools to enhance corridors and create pedestrian oriented nodes
- LU-3.4** Retrofit the streetscape on existing corridors to add street trees, wide sidewalks, planting strips (between the sidewalks and vehicle travel lanes), and dedicated bike lanes as appropriate

Goal LU-4

Scenic transportation corridors are identified and protected to preserve their cultural, aesthetic, and natural value

Strategies:

- LU-4.1** Continue to identify high-value scenic, metropolitan, and gateway transportation corridors
- LU-4.2** Develop context-sensitive site and building design standards for new construction in cooperation with property owners and area stakeholders
- LU-4.3** Establish working groups with representatives from local municipalities, counties, and the state to preserve corridors that cross through multiple jurisdictions

Goal LU-5

Pedestrians are provided safe and accessible routes

Strategies:

- LU-5.1** Develop pedestrian route designs specific to urban, suburban, and rural areas that are responsive to the different ways that pedestrian routes are used
- LU-5.2** Separate sidewalks from vehicle travel lanes on major arterials with a planting strip or parking lane to protect pedestrians from high-speed vehicular traffic

Goal LU-6

Tools are developed and strategies implemented so that established farms/ranches can be preserved

Strategies:

- LU-6.1** Support “buy local” initiatives that increase demand for locally grown foods and support local farmers and food producers
- LU-6.2** Establish and support programs that teach younger generations about the importance of food production and help them begin careers in farming and ranching
- LU-6.3** Support initiatives that protect food producers from encroachment by new development
- LU-6.4** Offer incentives/development credits to landowners and developers through programs such as transfer of development rights to help preserve working farms and ranches
- LU-6.5** Incentivize infill development in urban and suburban areas to lessen development pressure on agricultural areas

Goal LU-7

Historic sites and structures are rehabilitated, maintained, preserved, and utilized to promote the area’s character for years to come

Strategies:

- LU-7.1** Provide incentives to encourage historic preservation and re-use
- LU-7.2** Focus on programs that identify potential buyers / users of historic structures and sites and connect them with willing sellers / leasers
- LU-7.3** Incorporate historic sites / structures into local marketing campaigns (i.e. chamber of commerce, tourism board) to emphasize the history, heritage, and culture of the West/Southwest Sector

Goal LU-8

Established rural communities maintain their rural character

Strategies:

- LU-8.1** Maintain very low density in the far northwest and southwest parts of the ETJ and unincorporated areas, include the use of conservation subdivisions to balance development with the preservation of open space
- LU-8.2** Encourage context sensitive roadway design in rural areas
- LU-8.3** Incentivize higher density development to be located within Loop 410

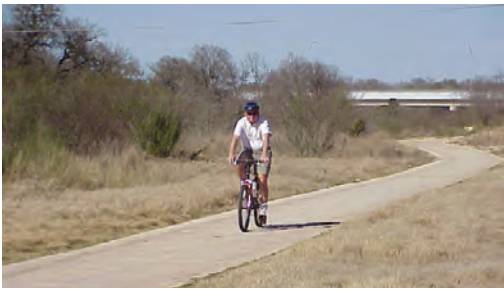
Tiers and Centers are the Land Use Components of the West/Southwest Sector Land Use Plan

The West/Southwest Sector Land Use Plan has been prepared based on the concept of Centers and Tiers. The intent of this concept is to allow for a range of compatible residential and non-residential uses within each Tier and Center. Tiers and Centers allow for a range of appropriate densities and intensities that can achieve compatibility and respond to market opportunities. Each Center and Tier utilized within the Sector Land Use Plan considers the character of the existing land use pattern, existing and proposed transportation networks, and the presence of environmental resources.

The overview of each Center and Tier and its land use guidance is presented below. There are seven Tiers, five Centers and one Overlay. The “related zoning districts” within the descriptions of each Tier and Center are those that best meet the land use descriptions for that specific Tier or Center. Special zoning districts such as MXP, IDZ, TOD, ED, AE, PUD, FBZD, etc. may have a broad range of applicability within the Sector. Requests for these special districts should be evaluated on a case by case basis. Generally, lower density or intensity uses may be accommodated in most Tiers and Centers although they are not listed as a related zoning district.

Tiers	Centers	Overlay
Natural Tier	Mixed Use Center	Military Influence Overlay Area
Country Tier	Regional Center	
Rural Estate Tier	Specialized Center	
Suburban Tier	Civic Center	
General Urban Tier	Military Center	
Urban Core Tier		
Agribusiness Tier		

Natural Tier



RESIDENTIAL: None

NON-RESIDENTIAL: Limited

Generally: Ancillary uses located within existing and man-made natural areas that supports active and/or passive open space and recreational uses

RELATED ZONING DISTRICTS:

RP, G

SUMMARY: *The Natural Tier includes parks, designated natural areas, and recreational areas. It is dispersed throughout the entire Sector in a pattern that acknowledges the natural drainage system and adjacent parks and open spaces, and provides opportunities for active and passive recreation.*

Country Tier



RESIDENTIAL: Rural Homestead

Generally: Large tract detached single family housing; Served by well water and septic systems; Lots greater than 10 acres.

NON-RESIDENTIAL: Agriculture, Commercial

Generally: Outlying areas where small-scale farms or ranches that produce, process, or distribute agricultural products and/or livestock as well as farmers market, nurseries, bed and breakfasts, small restaurants, and other small neighborhood sized stores are appropriate

RELATED ZONING DISTRICTS:

RP, FR

LOCATION: Commercial uses in the Country Tier should be located at the intersections of arterials and collectors or rural roads, or clustered into rural commercial villages.

Rural Estate Tier



RESIDENTIAL: Low Density Residential Estate

Generally: Large tract detached single family housing; Served by central water and septic systems; Lots greater than 1/2 acre.

NON-RESIDENTIAL: Neighborhood Commercial

Generally: Outlying areas where detached and limited retail services such as convenience stores, service stations, professional offices, restaurants, bed and breakfasts, and other small businesses are appropriate

RELATED ZONING DISTRICTS:

RP, RE, R-20, O-1, NC, C-1, RD

LOCATION: Commercial uses to serve these low density rural estate neighborhoods should be located at the intersection of arterials, collectors, and/or rural roads. Although these uses are small scale, they serve a large geographic area and therefore are primarily accessed by car, nearby road should be friendly to bicycles and pedestrians.



Suburban Tier



RESIDENTIAL: Low to Medium Density

Generally: Small and large tract attached and detached single family; Multi-family housing (duplex, triplex, quadplex); townhomes, garden homes, and condominiums

NON-RESIDENTIAL: Neighborhood and Community Commercial

Generally: Neighborhoods where detached retail services such as service stations, professional offices, bakeries, restaurants, bookstores, supermarkets, clinics, hotels, and other retail stores are appropriate

RELATED ZONING DISTRICTS:

NP-15, NP-10, NP-8, R-6, R-5, R-4, R-3, RM-6, RM-5, RM-4, MF-18, O-1, O-1.5, NC, C-1, C-2, C-2P
RD (Conservation Subdivision), UD

Suburban Tier (continued)



LOCATION: Commercial uses in Suburban areas serve both neighborhood and community scale markets. Neighborhood commercial is appropriate at the intersection of residential streets and collectors, and should not encroach into residential areas. Neighborhood uses should be accessible by pedestrians. Community commercial should be located at the intersections of arterials and/or collectors. The intensity of the commercial use should not interfere with the character and density of nearby residential uses and adequate buffers should be maintained. Community commercial uses should be accessible by car and bike, and the commercial areas should be pedestrian friendly.

General Urban Tier



RESIDENTIAL: Medium to High Density

Generally: Small tract detached single family housing, Multi-Family including apartments, quadplexes, triplexes, duplexes, and townhomes (condominiums)

NON-RESIDENTIAL: Community Commercial

Generally: Urbanized areas where frequent and/or attached walkable retail services such as convenience retail stores, live/work units, cafes, grocery stores, hotels, clinics and other small businesses are appropriate



RELATED ZONING DISTRICTS:

R-4, R-3, RM-6, RM-5, RM-4, MF-18, MF-25, MF-33, O-1.5, C-1, C-2, C-2P, UD

LOCATION: Community commercial uses in the General Urban Tier, which serve medium and high density residential uses, should be located at the intersections of arterials and/or collectors. Serving both a local and wider community, these commercial areas should be accessible by walking from nearby residents, biking within the vicinity, and cars from a broader range. Parking for both cars and bikes should be located as to not interfere with pedestrian circulation.

Urban Core Tier



RESIDENTIAL / NON-RESIDENTIAL: Mixed Use

Generally: High density detached, attached multi-family such as mid to high rise apartment buildings, lofts, condos. Mixed use blocks and buildings with a high concentration of attached office, hotels, and retail / services in mid to high rise buildings are appropriate

RELATED ZONING DISTRICTS: D, FBZD, TOD, MXD, MPCD

LOCATION: The Urban Core serves a mix of residential and commercial uses. The compatibility of these uses in a dense urban environment is dependent upon the urban design of the buildings and the public realm. The street pattern should be conducive to pedestrians, bikes, cars, and have appropriate access for commercial vehicles. In this environment, the form of the development takes precedence over the location of the use.

Agribusiness Tier



RESIDENTIAL: Farm Homestead

Generally: Large tract (25 acres or greater) detached single family housing significantly buffered from industrial uses. Farm worker housing is appropriate.

NON-RESIDENTIAL: Agriculture and Light Industry

Generally: Isolated areas where businesses that produce, process, or distribute agricultural products and/or livestock and conduct related agribusiness activities are appropriate

RELATED ZONING DISTRICTS: FR, I-1, MI-1, BP, L, RP

LOCATION: Agriculture uses are permitted throughout the tier. Light Industrial uses should be screened and buffered from adjoining non-industrial uses. Commercial uses should be located at the intersections of arterials and collectors or rural roads, or clustered into rural commercial villages located along arterials.

Mixed Use Center



RESIDENTIAL: Very High Density

Generally: High density detached, mid-high rise condominium buildings, apartment complexes, and row houses

NON-RESIDENTIAL: Community Commercial, Office, Mixed Use

Generally: Detached or attached walkable retail services such as convenience stores, live/work units, cafes, pantry stores, hotels, and other businesses

RELATED ZONING DISTRICTS:

MF-40, MF-50, O-1, O-1.5, O-2, C-1, C-2, C-2P, UD, FBZD, TOD, MXD, MPCD

LOCATION: Mixed Use Centers serve Suburban, General Urban, and Rural Tiers outside of the Urban Core Tier. Although mixed use developments are encouraged, Community Commercial and Office uses are also appropriate. The higher intensity of the residential and commercial uses should be located on, or at the intersection of, arterials and collectors. Streets should accommodate high volumes of commercial traffic for cars while accommodating safe and inviting access for pedestrians and bicycles within and around the center. High capacity transit should be encouraged.

Regional Center



RESIDENTIAL: High Density

Generally: Attached single family and multi-family housing; Mid-High rise condominium buildings, apartment complexes, and row houses

NON-RESIDENTIAL: Regional Commercial, Office

Generally: “Big box” or “power centers”, shopping malls, movie theaters, hospitals, office complexes, laboratories, wholesalers, and light manufacturing

Regional Center (continued)



RELATED ZONING DISTRICTS:

MF-25, MF-33, O-1, O-1.5, O-2, C-2, C-2P, C-3, UD

LOCATION: Regional Centers accommodate the most intense commercial uses and should be located at the intersection of Expressways and Major Arterials. Serving a regional market, streets need to accommodate large volumes of automobile traffic traveling to, and within, the development. Internal access and circulation is important. Pedestrians and bicycles should be able to travel safely within the development. Transit is encouraged.

Specialized Center



RESIDENTIAL: None

NON-RESIDENTIAL: Heavy Industrial, Business / Office Park

Generally: Manufacturing, wholesaling, warehouses, office parks, laboratories, and regional retail/services

RELATED ZONING DISTRICTS:

O-1.5, O-2, BP, I-1, I-2, MI-1, MI-2, SGD, QD

LOCATION: Heavy Industrial uses should be located near expressways, arterials, and railroad line. This use is not compatible with residential uses. Business/Office Park uses should take the form of a cohesive, campus setting with adequate open space and pedestrian walkways between or around buildings. Residential uses should be separated with landscape buffers.

Civic Center



RESIDENTIAL:

Generally: Dormitories and/or student housing

NON-RESIDENTIAL: Office, Educational, Governmental, Religious

Generally: Federal, state, county, or municipal governmental and quasi-governmental uses, public or private school or campus uses, retreat areas or campuses for religious organizations

Military Center



RESIDENTIAL:

Generally: Permanent or temporary housing for military personnel and civilians on military installations

NON-RESIDENTIAL:

Generally: Federal or state military installations and uses associated with military readiness and related military services and offices

RELATED ZONING DISTRICT: MR

Military Influence Overlay Area



RESIDENTIAL:

Generally: See Military Compatibility goals and strategies

NON-RESIDENTIAL:

Generally: See Military Compatibility goals and strategies

RELATED ZONING DISTRICTS: MAOZ, MLOD, MSAO

West/Southwest Sector Plan Amendments

The West/Southwest Sector Plan has been prepared to address the needs of the Planning Area, existing development pattern, considerations of the natural environment, and opportunities for growth over the next five to ten years. As such, physical, market and development conditions will continue to evolve within the Planning Area. Over the next five to ten years, any of these variables are expected to undergo any number of changes and can result in plan amendments. Amendments should only be considered after careful review of the request, findings of fact in support of the request, and a public hearing by the Planning Commission and City Council.



- The amendment must constitute an overall improvement to the Sector Plan and will not solely benefit a particular landowner or owners at a particular point in time.
- The amendment must uphold the vision for the future of the West/Southwest Sector Plan.
- The amendment will not adversely impact a portion of, or the entire Planning Area by:
 - Significantly altering acceptable existing land use patterns, especially in established neighborhoods.
 - Affecting the existing character (i.e., visual, physical and functional) of the immediate area.
 - Creating activities that are not compatible with adjacent neighboring uses and, particularly, the mission of Lackland AFB.
 - Significantly alter recreational amenities such as open space, parks, and trails.

It shall be the burden of the party requesting the amendment to prove that the change constitutes an improvement to the West/Southwest Sector Plan and that all its goals and strategies have been met under the proposed amendment.

The required findings of fact should include, but may not be limited to:

- The recommended land use pattern identified in the West/Southwest Sector Land Use Plan inadequately provides appropriate optional sites for the land use change proposed in the amendment.

Figure 3-1: Land Use Plan

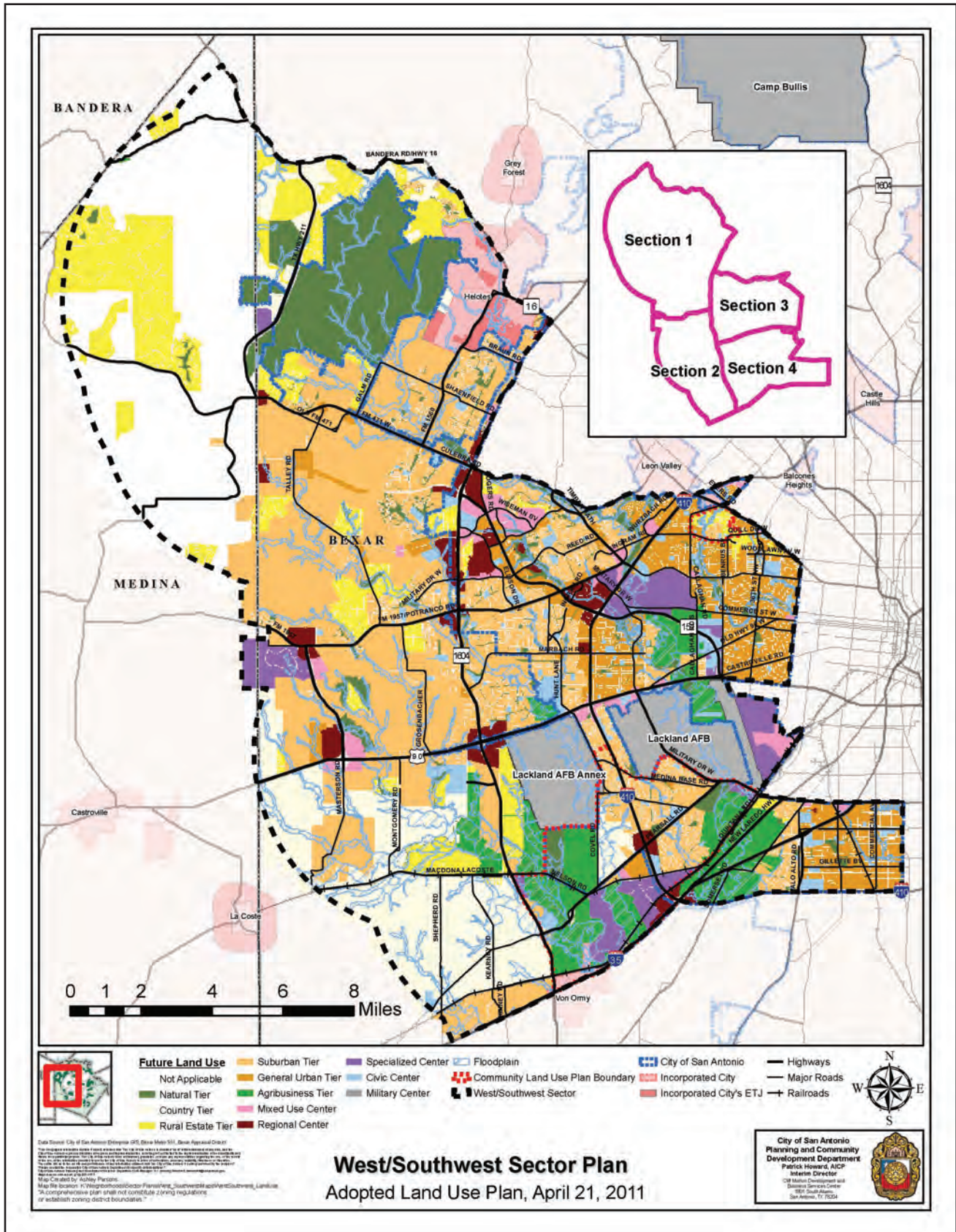


Figure 3-2: Section 1 of Land Use Plan

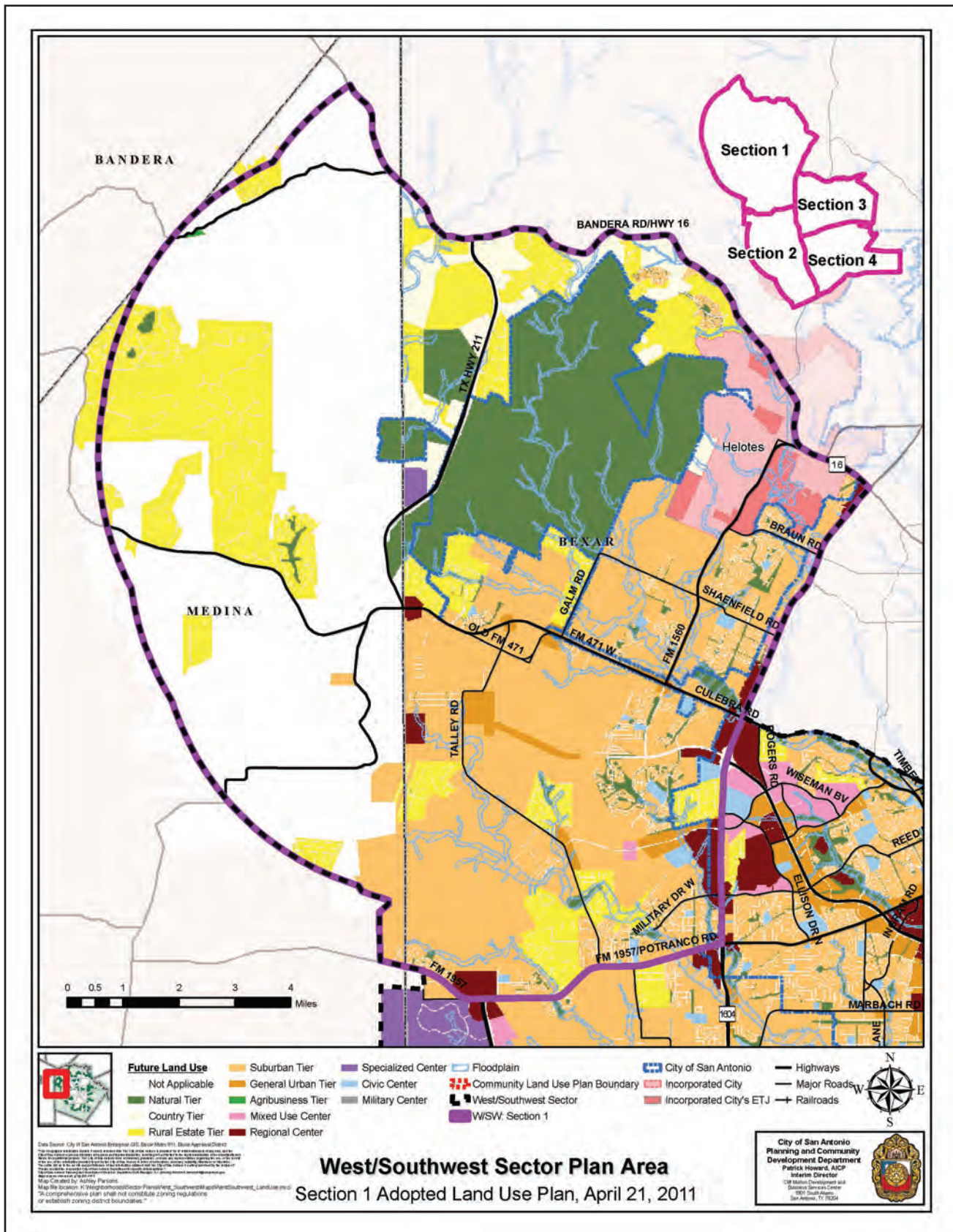


Figure 3-3: Section 2 of Land Use Plan

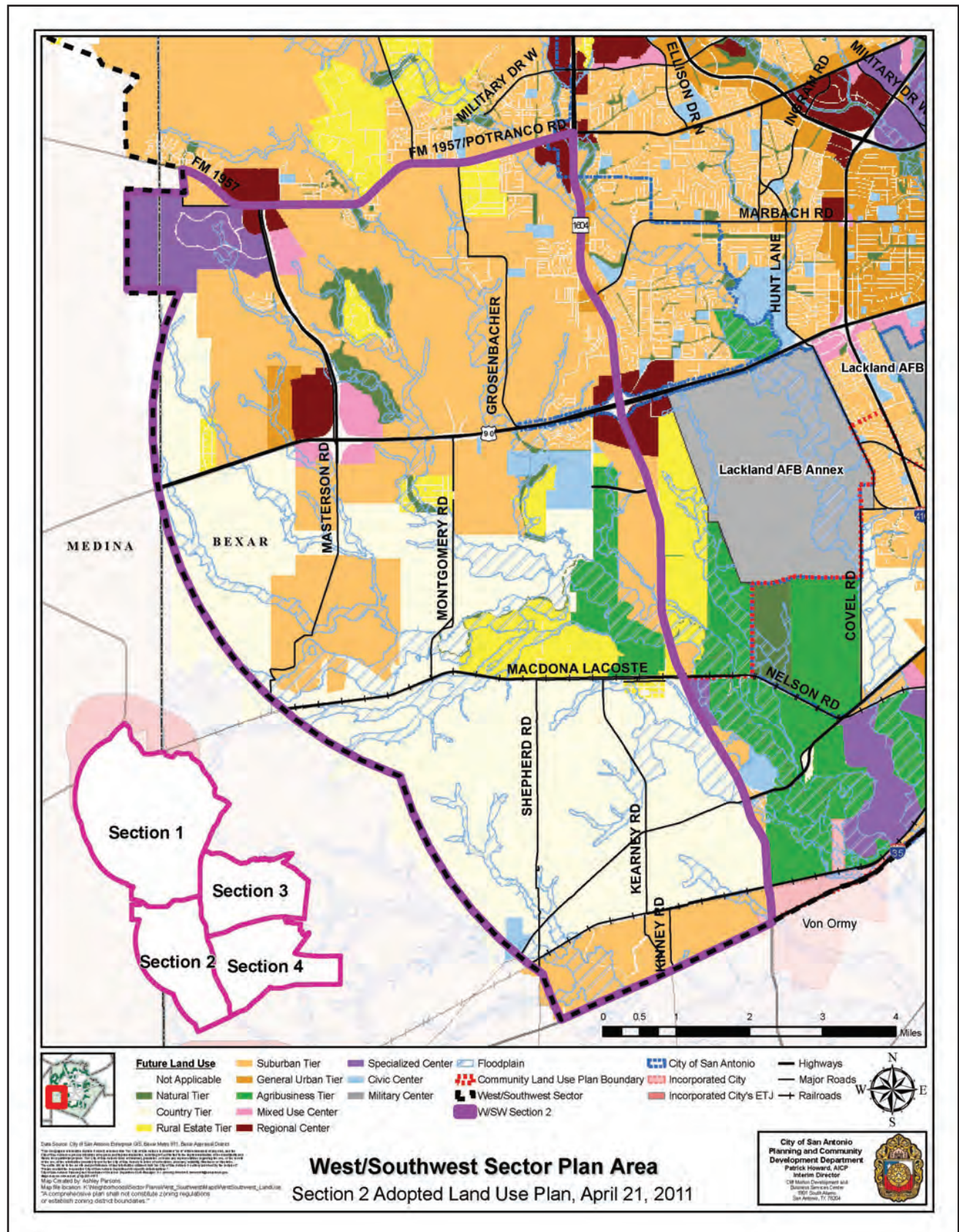


Figure 3-4: Section 3 of Land Use Plan

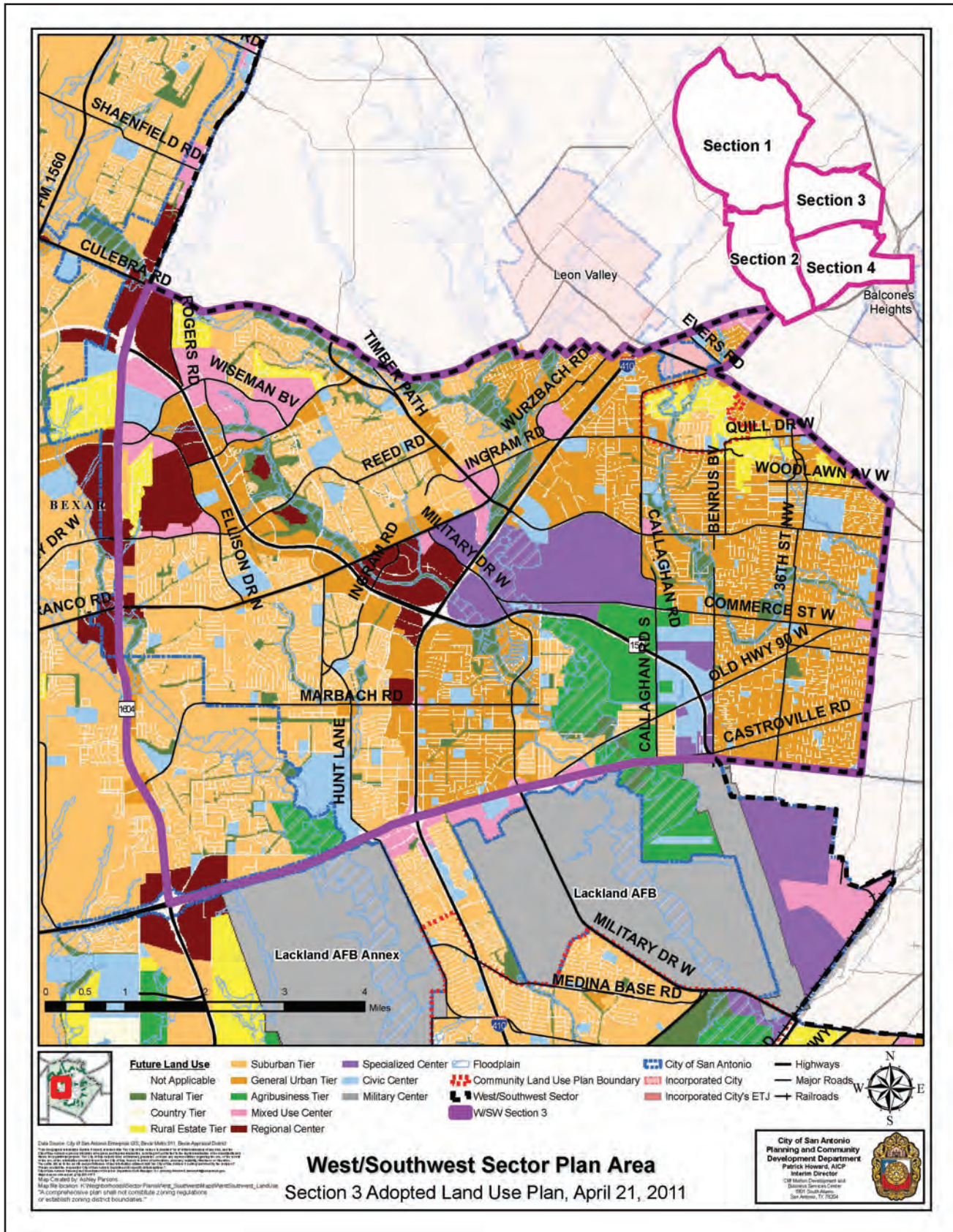
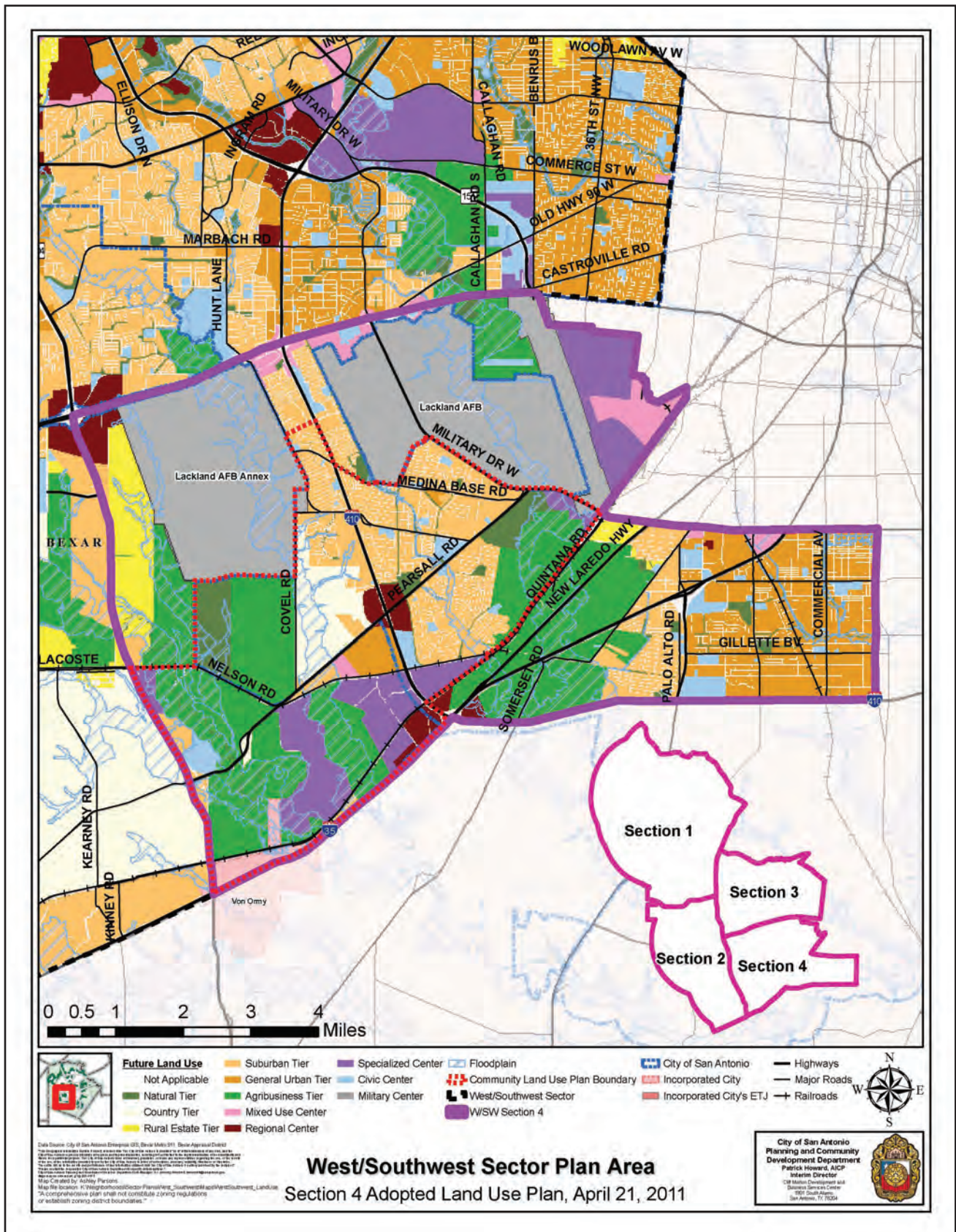


Figure 3-5: Section 4 of Land Use Plan



Military Compatibility

Overview

Lackland Air Force Base (AFB) is located in the southern portion of the West/Southwest Sector Plan area. The base serves as the only site for enlisted air force basic military training. The base offers professional, technical skills, and English language training for members of the U.S. Air Force, other military services, government agencies, and allies. The Lackland training functions graduate more than 80,000 students annually and major tenants include the Air Reserve Command's 433rd Airlift Wing, the Texas Air National Guard 149th Fighter Wing, the 59th Medical Wing, the Air Force Intelligence, Surveillance and Reconnaissance Agency, and the 67th Network Warfare Wing.



While neighboring Kelly Air Force Base closed as a result of Base Realignment and Closure (BRAC) actions, the Air Force retained use of the runway, portions of the apron east of the runway, and taxiways

and aprons west of the runway now known as the Kelly Field Annex. This is generally bound by Leon Creek and Military Drive to the southwest, the industrial area of the former Kelly AFB to the east, Highway 90 to the north, and Lackland AFB to the west.

The Air Force and Port San Antonio jointly utilize the Kelly Field runway for military and commercial airfield operations. On Port San Antonio, the Air Force continues to lease over 2.8 million square feet of space as part of a BRAC lease back footprint covering over 270 acres of Port San Antonio property. This area comprises approximately 14.5 percent of the developable property at the Port. Approximately 3,900 Air Force and other Department of Defense employees will work on Port San Antonio once the Air Force completes several improvements to the Port.

Growth is occurring in and around Lackland AFB due to ongoing BRAC actions and other Air Force organizational decisions. Recent projects on the installation include a C-5 training facility, Security Forces technical training facilities, new technical training and permanent dormitories, a military working dog hospital, and a telecommunications facility. Lackland AFB is gaining 1,131 new personnel due to BRAC and 940 new personnel from mission realignments.

San Antonio and its surrounding communities have experienced significant population growth in recent years, particularly north of downtown. However, several trends and new projects indicate the probability of increasing development pressure around Lackland AFB. Strong

residential subdivision activity has occurred in the northwest portion of the area, primarily north of Highway 90. The availability of infrastructure capacity, along with stakeholder feedback suggests the likely continued spread of residential growth south of Highway 90 and in proximity to the West Training Annex.



Military Compatibility Goals and Strategies

Goal MC-1	<i>The mission of Lackland Air Force Base is supported and promoted</i>	
Strategies:	MC-1.1	Encourage the acquisition of land around Lackland AFB and Lackland Annex to preserve Lackland’s mission
	MC-1.2	Develop a future land use pattern that minimizes incompatible issues around Lackland AFB and Annex
	MC-1.3	Discourage utility extensions in the area west of Lackland Annex that enables high density development, such as multifamily residential and high-density residential
	MC-1.4	Adopt a sound attenuation overlay district within the noise contours of Kelly Field Annex and Lackland Proper, and subsequently extend the overlay district around the specified areas of Lackland Training Annex upon completion of noise modeling
	MC-1.5	Encourage the reduction of light pollution that interferes with training activities by requiring down shielded lighting within the JLUS boundary
	MC-1.6	Support the recommended Bird Aircraft Strike Hazard (BASH) standards from the Lackland JLUS
	MC-1.7	Explore county land use regulatory authority that allows counties to establish specifically defined land use authority in unincorporated areas around military installations
	MC-1.8	Provide notifications to Lackland officials for review and comment on City or Bexar County land use actions in the JLUS boundary area that include, but are not limited to, Comprehensive Plan amendments or updates, zone changes, master development plans, and conditional/ specific use permits

**Goal
MC-2**

The area around Lackland Air Force Base is revitalized and improved

- Strategies:**
- MC-2.1** Develop an educational outreach packet utilizing materials provided by the Lackland JLUS, 802D MSG-Lackland AFB, and the 502D ABW-Joint Base San Antonio to inform the community about Lackland AFB's mission and its significance to the local economy
 - MC-2.2** Explore corridor overlay districts and other design districts to enhance and revitalize the area around the base
 - MC-2.3** Support upstream storm water detention facilities and natural channel design planning, construction and maintenance for water bodies north and northwest of Lackland installations to prevent flooding on and around Lackland

**Goal
MC-3**

Neighborhoods around Lackland Air Force Base are safe and not unreasonably impacted by military related activities

- Strategies:**
- MC-3.1** Improve communication between Lackland and the surrounding neighborhoods to increase understanding of the installation's mission and potential impacts associated with training and aviation operations
 - MC-3.2** Develop a searchable database to assist property owners in identifying if land is within a military impact/influence area or military area of concern
 - MC-3.3** Encourage real estate disclosures to ensure appropriate information about the mission and operations of Lackland are fully disclosed at the earliest possible point in the interaction/transaction process
 - MC-3.4** Promote and support noise abatement programs





CHAPTER 4: West/Southwest Adopted Neighborhood and Community Plans

Shaping the Future of San Antonio

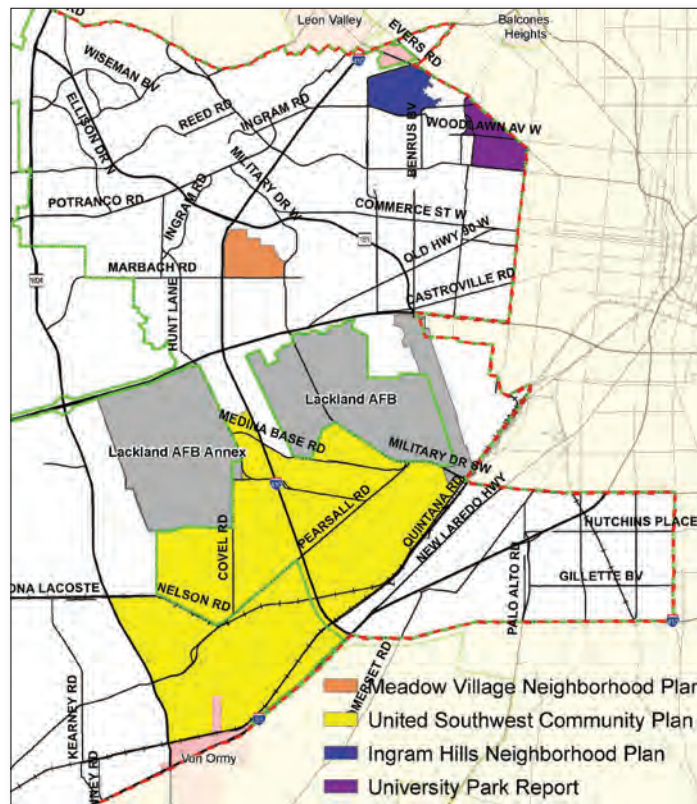
The West/Southwest Sector Adopted Neighborhood and Community Plans Chapter provides a summary of the four adopted plans, two of which provide specific land uses within the West/Southwest Sector, and thus supersede the land use recommendations presented in the West/Southwest Sector Plan. This chapter is presented in the following four sections:

- [United Southwest Community Plan Summary](#)
- [Ingram Hills Neighborhood Plan Summary](#)
- [Meadow Village Neighborhood Plan Summary](#)
- [University Park Report Summary](#)

Overview

Ingram Hills, Meadow Village, and University Park planning areas are all located within section 3 of the West/Southwest Sector. The United Southwest Community Plan is located within section 4 of the Sector and comprises a majority of the area in section 4.

To view the full text online of each of the adopted neighborhood and community plans, visit the Planning and Community Development Department Neighborhood and Community Plans website at: [http://www.sanantonio.gov/planning/neighborhoods/planning_services.asp].



United Southwest Community Plan Summary

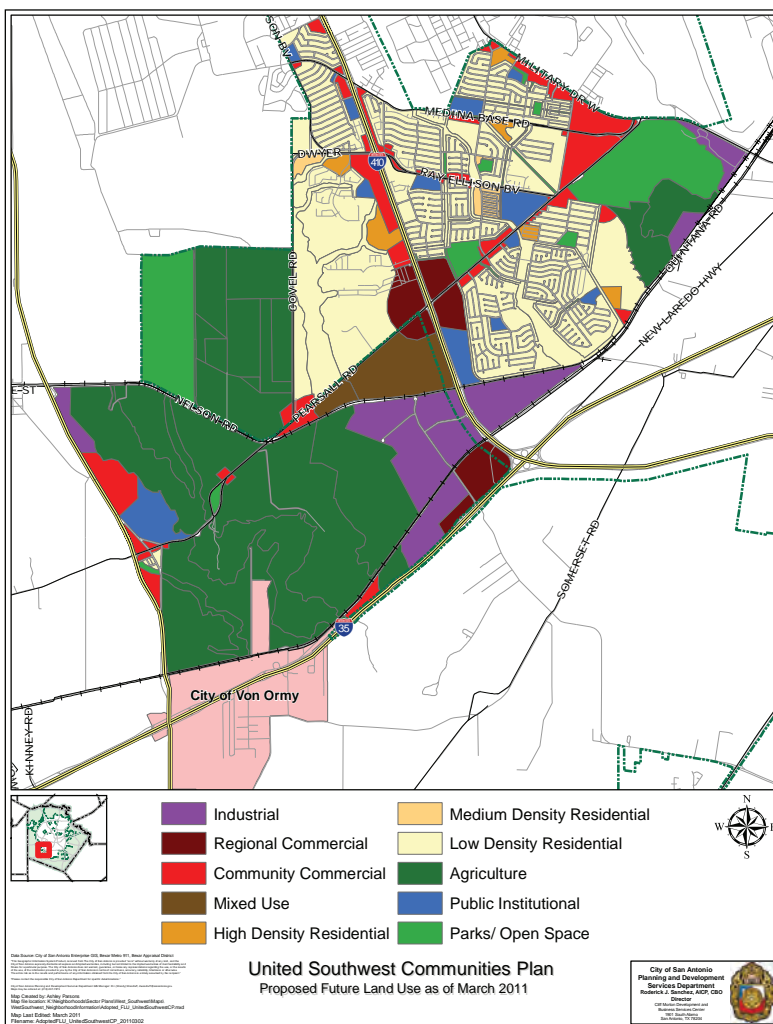
The United Southwest Community Plan was adopted in 2005 as a partnership effort of the Hidden Cove/ Indian Creek Neighborhood Association, Hillside Acres Good Neighbors, People Active in Community Effort, Southwest Community Association, Valley Forest Neighborhood Association, and the City of San Antonio Planning Department. The plan is the result of a year-long planning process involving the collaborative work of the community.

The planning area is over 22 square miles and includes a residential population exceeding 32,000. It is bound by Valley Hi

Drive, Medina Base Road, and Lackland Air Force Base to the north; Quintana Road and Interstate 35 to the east; Loop 1604 to the south and the City limits and the Lackland Air Force Base Annex to the west. The developed portions of the plan area are physically isolated from the northern portions of the City by Lackland AFB to the north and the Union Pacific Railroad tracks to the east. Much of the western half of the planning area is agricultural in nature and includes valuable water resources such as the Medina River and Medio Creek. A Bexar Metropolitan Water District reservoir is located in this area. The area west of Covell Road also includes the Covell Gardens waste management facility and the former Nelson Gardens landfill. Significant tracts of vacant, unplatted land can be found throughout the planning area, providing opportunities for future growth and development within the area.

Section 35-420 of the Unified Development Code of the City of San Antonio requires that adopted neighborhood or community plans be reviewed and updated every five years. The United Southwest Communities Plan was updated in 2010 – 2011; concurrent with the creation of the West/Southwest Sector plan. Although no significant update recommendations were made, the Parks land use and Open Space land use categories were combined for efficiency and clarity. Additionally, Agriculture land use replaced the Open Space land use category for all privately owned property.

The adopted United Southwest Communities Plan is available online at [http://www.sanantonio.gov/planning/neighborhoods/United_Southwest.asp].



Ingram Hills Neighborhood Plan Summary

The Ingram Hills Neighborhood Plan, originally adopted by City Council in 1992 and updated in May 2009, covers an area of 0.9905 square miles. It is generally bounded by Bander Road to the north, Benrus Blvd. and Ridge Road to the east, Ingram Road and Quill Road to the south, and Callaghan Road to the west. The Plan focuses on six key concepts - land use/housing, economic development, transportation/infrastructure, open space/aesthetics, community services, and public safety.

Residents wish to preserve the current land use pattern feature of single-family residences with commercial development along the perimeter of the neighborhood. The Plan calls for preventing commercial encroachment and maintaining the existing pattern of large lot, low density residential development as displayed on the adopted neighborhood land use plan and the West/Southwest Sector land use plan.

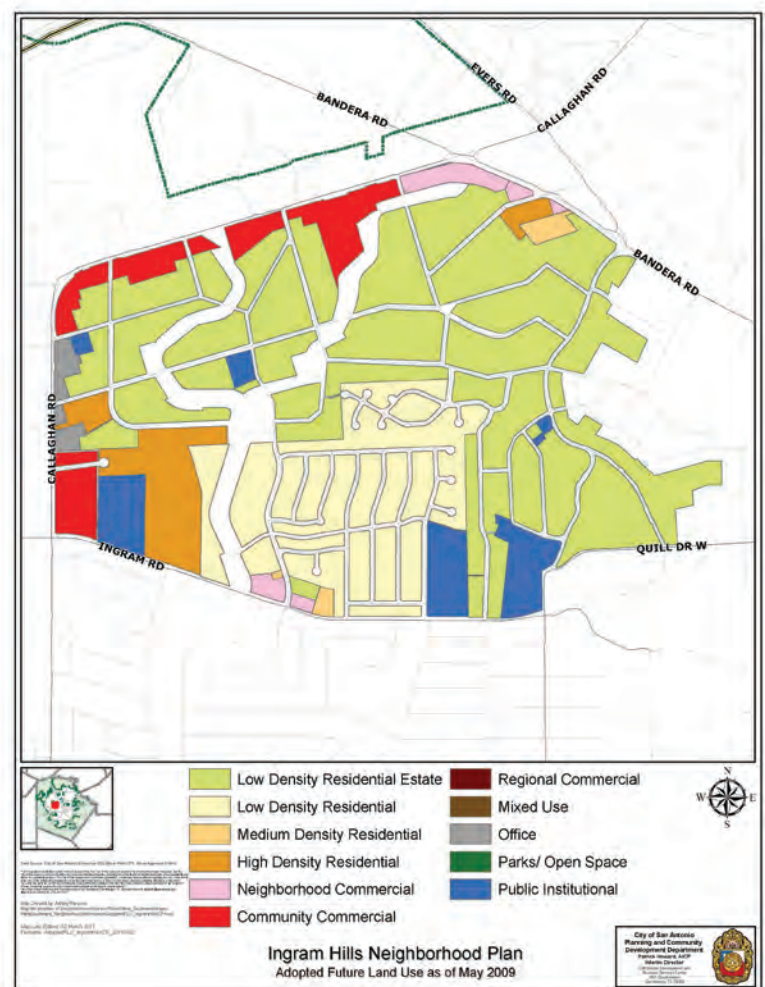
The neighborhood supports a healthy mix of commercial uses that serve the needs of the neighborhood and encourage businesses to participate in neighborhood activities. Residents would also like to see the development of design guidelines for Callaghan Road, which is also reinforced by the West/Southwest Sector Land Use strategy LU-3.2: consider the creation of corridor plans to create dynamic, mixed-use, pedestrian oriented nodes that integrate into the surrounding community.

The Plan calls for a safe and attractive transportation system for all users, which is similar to the West/Southwest Sector Transportation goal TRAN-1: create affordable alternative transportation options to lessen congestion, improve air quality and public health, and minimize impact on the environment. Residents would also like

to keep the neighborhood aesthetically pleasing and enhance open space, which is similar to several goals within the West/Southwest Sector Parks and Natural Resources Element.

The West/Southwest Sector upholds the desire in Ingram Hills to improve neighborhood facilities and increase public safety by incorporating several goals into the Sector Plan geared towards improving access to community gathering sites and ensuring emergency services provide an efficient level of service to residents.

The adopted Ingram Hills Neighborhood Plan is available online at [http://www.sanantonio.gov/planning/neighborhoods/Ingram_Hills_Neighborhood_Plan.pdf].



Meadow Village Neighborhood Plan Summary

The Meadow Village Neighborhood Plan, adopted in February 1993, provides objectives for five key areas: land use and zoning, crime, safety, environment, and vacant lots and open spaces. The Meadow Village planning area is generally bounded by Southwest Research Institute to the north, Military Drive to the east, Marbach Road to the south, and Loop 420 to the west.

Residents in 1993 stressed the desire to keep the area predominantly residential without discouraging favorable businesses in the area. The planning area to date is dominated mainly by residential land uses and is reflected as such in the West/Southwest Sector Plan.

A major concern for residents at the time was crime prevention. Burglaries, auto thefts, vandalism, and graffiti were of the utmost concern. The West/Southwest Sector Community Services goal COM-2 addresses the same desire for a safe environment. West/Southwest Sector Economic Development goal ED-3 speaks directly to ensuring the community is kept clean and free of graffiti. Several other concerns by the residents regarding flooding, animal control, code compliance, and maintenance of residential yards and business facades are reiterated in the West/Southwest Sector Community Services Element.

The Meadow Village Neighborhood Plan is available online at [http://www.sanantonio.gov/planning/pdf/neighborhoods/Meadow_Village_Neighborhood_Plan.pdf].



University Park Report Summary

The University Park Report, approved by the Planning and Development Services Department in July 2004, focuses on goals and strategies for five key categories: infrastructure, housing and economic development, sense of community, circulation and public transit, and crime/public safety. University Park planning area is generally bounded by Bandera Road to the north, General McMullen to the east, Culebra Road to the south, and 36th Street to the west.

Residents of University Park want to improve existing infrastructure, such as streets, drainage, and utilities, to improve the quality of life and safety for residents and property owners. The West/Southwest Sector Transportation and Utilities and Storm Water Infrastructure Elements reiterate this same point in goals TRAN-2, TRAN-3, UTI-2, and UTI-3, which suggest planned coordination of transportation and utility planning as well as managing storm water runoff efficiently and effectively.

The neighborhood supports the creation of new economic development opportunities

along side the need to maintain the area's housing stock. The West/Southwest Sector Plan continues to uphold this desire through its Economic Development and Housing Elements, which stress the desire for an economically sustainable community and the need for well maintained housing to ensure the long-term viability of neighborhoods.

Area residents wish to see an improved public transit system in the future to help move people in/out and through the neighborhood. Transportation goal TRAN-1 of the West/Southwest Sector reiterates this point by suggesting the additional need for affordable alternative transportation options.

Lastly, the residents of University Park support the continued improvement of public safety and the reduction in criminal activities. This same sentiment is reenforced in the West/Southwest Sector Community Services goal COM-2: police and emergency services provide an efficient level of service.

The University Park Report is available online at [http://www.sanantonio.gov/planning/pdf/neighborhoods/Goals_&_Strategy_Reports/University_Park_GSR_%20011904.pdf].



Neighborhood and Community Plan Land Use Categories

The following text includes generalized summary descriptions of the land use categories included in the adopted neighborhood and community plans in the West/Southwest Sector planning area. Full descriptions of these categories can be found within the community and neighborhood plans online through the Planning and Community Development Department website at [http://www.sanantonio.gov/planning/neighborhoods/planning_services.asp].

Parks/Open Space includes public and private land uses that encourage outdoor passive or active recreation as well as unimproved land where conservation is promoted and development is not encouraged. Examples include floodplains, utility corridors, City pocket, regional, or linear parks, as well as private parks.

Low Density Residential Estate Development includes large lot single family detached houses on individual estate-sized lots.

Low-Density Residential is composed of single-family detached houses on individual lots.

Medium Density Residential accommodates a range of housing types including single-family attached and detached houses on individual lots, duplexes, triplexes, fourplexes, and low-rise, garden-style apartments with more than four dwelling units per building.

High Density Residential includes apartments with more than four dwelling units per building. High density residential provides for compact development including apartments, condominiums, and assisted living facilities.

Office provides for medium intensity professional, personal, business, and non-profit uses that provide services to the local community, or house small to medium sized administrative functions. Examples of offices include attorney's offices, dentist's or physician's offices, administrative offices, and training centers.

Neighborhood Commercial includes smaller intensity commercial uses such as retail or offices, professional services, convenience retail, shop front retail that serves a market equivalent to a neighborhood. Examples include flower shops, small restaurants, lawyer's offices, coffee shops, barbers shops, book stores, dry cleaning, and convenience stores without gasoline.

Community Commercial provides for offices, professional services, and retail uses of moderate intensity and impact. Example of uses includes a grocery store, a medical office, music store, shoe store, nursery, or mailing services store.

Regional Commercial includes high intensity land uses that draw customers from a larger region. Example of uses include "big box" retail and retail "power centers", shopping malls, movie theaters, wholesale plant nurseries, automotive repair shops, fitness centers, hotels, automobile dealerships, and medical or office complexes that are mid to high rise.

Mixed Use (including Medium Density or High Density) allows for a concentrated, well structured, and integrated blend of residential, retail, professional services, office, entertainment, and other land uses. The integration of uses should occur within structures, as well as across the site, with commercial uses situated primarily along the higher order roadways, and on the ground floor level of individual structures.

Public/Institutional provides for public, quasi-public, utility company and institutional uses. Examples include public buildings (government, post offices, libraries, social services, police and fire stations), schools, religious facilities, museums, fraternal and service organizations and hospitals.

Business Park includes medium to large sized buildings that house professional, administrative, light manufacturing, and/or warehousing functions. Development in this category should take the form of a cohesive, campus setting where buildings are interspersed with open space and connected with pedestrian walkways.

Light Industrial includes a mix of manufacturing uses, business park, and limited retail/service uses that serve the industrial uses. Examples of light industrial uses include sporting goods manufacturing, machine shops, clothing manufacturers, sign manufacturers, auto paint and body shops, building contractor's suppliers and warehousing.

Airport comprises airport facilities necessary for the operation and development of the airport as well as off-airport property owned by the airport sponsor.

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CHAPTER 5: West/Southwest Sector Action Plan

Shaping the Future of San Antonio

The West/Southwest Sector Action Plan Chapter identifies both high priority and longer term responsibilities for implementation that will achieve the goals and strategies of the West/Southwest Sector Plan. The Chapter also includes a set of indicators to help evaluate the West/Southwest Sector’s progress towards achieving its vision. This chapter is presented in the following three sections:

- *Prioritized Strategy Responsibility Summary*
- *Overall Strategy Responsibility*
- *Indicators*

Prioritized Strategy Summary

A prioritized listing of the top 9 strategies is provided below in **Table 5.1: Prioritized Strategies**. These strategies have been listed by plan element and do not reflect a prioritized order for implementation.

Table 5.1: Prioritized Strategies

No.	Strategy	Potential Partners
TRAN-1.1	Support coordination between the VIA Long Range Comprehensive Transportation Plan (which explores light rail, bus rapid transit, etc.) and the West/Southwest Sector future land use plan	COSA, MPO, VIA, Bexar County
UTI-2.1	Ensure the natural rate of flow pre-development is the same as post development	COSA, Bexar County, SAWS, BexarMet, BRWM
ED-1.3	Stimulate and support increased activity of existing businesses	COSA, EDF, CRAG
HOU-1.3	Provide a range of housing types and prices to accommodate all residents within the Sector and within the same neighborhood	COSA, GSABA, SABOR
EDU-4.1	Support appropriate development and redevelopment efforts around the university and colleges	COSA, AC, St. Mary’s University, MPO, Bexar County
COM-2.1	Strategically locate new emergency services and facilities near high growth areas to meet future demand	COSA, Bexar County, EDF, MetroHealth, EMD
NR-2.1	Utilize best management practices on construction sites to preserve water quality	COSA, Bexar County, RECSA, SABOR, GSABA, EAA
LU-3.2	Consider the creation of corridor plans for all major corridors within the Sector, such as, but not limited to, Culebra, Potranco, Talley, Highway 90, and Highway 211	COSA, Bexar County, TxDOT
MC-2.1	Develop educational outreach materials for the community to inform them about the mission of Lackland and the importance of its continued success	COSA, Bexar County, Lackland AFB,

Partnerships

Table 5.2: West/Southwest Sector Partnerships, presented on the following pages, is organized to address the key considerations described below, to allow immediate/staged implementation by the City of San Antonio and its partners.

- **Strategy No.:** Identifies the strategy by the number presented in Chapter 3: West/Southwest Sector Plan Elements for consistency.
- **Strategy:** Provides a summary of the strategy.
- **Responsibility:** Identifies the City and/or other entity to undertake the strategy. An acronym list has been prepared to identify potential partners and is listed below:

AACOG	Alamo Area Council of Governments	MetroHealth	San Antonio Metropolitan Health District
AC	Alamo Colleges (Northwest Vista and Palo Alto Colleges)	MPO	San Antonio - Bexar County Metropolitan Planning Organization
AIA	American Institute of Architects	NA	Neighborhood Association
APA	American Planning Association	NPO	Non-profit Organizations
ARMA	Alamo Regional Mobility Authority	RECSA	Real Estate Council of San Antonio
ASLA	American Society of Landscape Architects	SAAA	San Antonio Apartment Association
BexarMet	Bexar Metropolitan Water District	SABOR	San Antonio Board of Realtors
BRWM	Bexar Regional Watershed Management	SAHA	San Antonio Housing Authority
CAB	Conservation Advisory Board	SARA	San Antonio River Authority
CDBG	Community Development Block Grant	SAWS	San Antonio Water System
COSA	City of San Antonio	TCEQ	Texas Commission on Environmental Quality
EAA	Edwards Aquifer Authority	TPWD	Texas Parks and Wildlife Department
EDF	Economic Development Foundation	TWFS	Texas Work Force Solutions
EMD	Emergency Medical Districts	TxDOT	Texas Department of Transportation
GSABA	Greater San Antonio Builders Association	ULI	Urban Land Institute
HUD	US Department of Housing and Urban Development	USACE	US Army Corps of Engineers
ISD	Independent School District	USDA	US Department of Agriculture
ITE	Institute of Transportation Engineers	USFWS	US Fish and Wildlife Service
		VIA	VIA Metropolitan Transit

Table 5.2: West/Southwest Sector Partnerships

No.	Summary	Potential Partners
TRANSPORTATION STRATEGIES		
GOAL TRAN-1	<i>Affordable alternative transportation options exist to lessen congestion, improve air quality and public health, and minimize impact on the environment</i>	
TRAN-1.1	Support coordination between VIA Long Range Comprehensive Transportation Plan and the West/Southwest Sector future land use plan	COSA, Bexar County, VIA, Lone Star Rail District, MPO, State Legislature, TxDOT
TRAN-1.2	Support additional funding to implement the VIA Long Range Comprehensive Transportation Plan	
TRAN-1.3	Expand transit options/frequency in areas identified by VIA's Long Range Comprehensive Transportation Plan	
TRAN-1.4	Encourage high densities along transit corridors identified by VIA in order to make transit more cost effective and efficient	
TRAN-1.5	Integrate hike and bike trails that connect housing areas with shopping, employment centers, and other destinations	
TRAN-1.6	Support commuter rail with connections in the West/Southwest Sector	
TRAN-1.7	Encourage use of existing Park and Ride facilities and consider additional facilities	
GOAL TRAN-2	<i>Transportation planning, construction and maintenance is coordinated with area stakeholders and public/private transportation entities</i>	
TRAN-2.1	Develop a one-stop information resource for on-going and future transportation projects	COSA, Bexar County, MPO, TxDOT
TRAN-2.2	Ensure all transportation entities are working together to implement transportation plans	
GOAL TRAN-3	<i>Vehicular road network is well connected, efficient, and provides multiple route options</i>	
TRAN-3.1	Encourage high connectivity ratios for residential and commercial developments	COSA, Bexar County
TRAN-3.2	Ensure that new residential subdivisions offer multiple access points in and out of the subdivision	
GOAL TRAN-4	<i>Roadway design is compatible with the character of the surrounding area</i>	
TRAN-4.1	Promote context sensitive street design standards	COSA, Bexar County, AIA, ULI, APA, NA, Property Owners, TxDOT, MPO, ITE
TRAN-4.2	Promote design standards for corridors that preserve scenic views	
TRAN-4.3	Preserve natural open spaces along corridors and parkways	
TRAN-4.4	Designate and preserve historic bridges and routes	
TRAN-4.5	Discourage billboards and distracting signs	
TRAN-4.6	Encourage the use of Sign Master Plan Development Agreements	

Table 5.2: West/Southwest Sector Action Plan (continued)

No.	Summary	Potential Partners
GOAL TRAN-5	<i>Pedestrian and bicycle facilities, and roadways are safe and well maintained</i>	
TRAN-5.1	Use complete street design concepts when and where appropriate	COSA, Bexar County, MPO
TRAN-5.2	Promote the construction and maintenance of sidewalk network where appropriate	
TRAN-5.3	Ensure ADA compliance on street and sidewalk projects	
TRAN-5.4	Include drainage improvements in street reconstruction projects	
TRAN-5.5	Promote the timely clean up of debris from roadways	
UTILITIES AND STORM WATER INFRASTRUCTURE STRATEGIES		
GOAL UTI-1	<i>Watersheds are regionally managed to protect water quality, floodplains, and wildlife habitat</i>	
UTI -1.1	Ensure development projects do not adversely affect one or more watersheds	COSA, Bexar County, BexarMet, BRWM, SARA, SAWS, Property Owners
UTI-1.2	Support the BRWM and implement the group’s recommendations	
UTI-1.3	Adopt coordinated drainage watershed management plans for each watershed	
UTI-1.4	Include area residents in discussions of future storm water infrastructure projects	
GOAL UTI-2	<i>Storm water runoff is effectively managed to prevent flooding and to reduce water runoff pollution</i>	
UTI-2.1	Ensure the natural rate of storm water flow pre-development is the same as post development	COSA, Bexar County, BRWM, SARA, SAWS, Property Owners
UTI-2.2	Utilize LID and BMPs practices to minimize impervious cover	
UTI-2.3	Maintain natural drainage ways and minimize alterations of natural floodplains and stream channels	
UTI-2.4	Increase the number of pocket parks and open spaces	
UTI-2.5	Promote the retention of existing trees on developing properties	
UTI-2.6	Discourage development within 100-year floodplain	
UTI-2.7	Foster joint planning, land acquisitions, and capital improvement projects	
UTI-2.8	Increase inspections and maintenance of retention/detention areas	

Table 5.2: West/Southwest Sector Action Plan (continued)

No.	Summary	Potential Partners
GOAL UTI-3	<i>Utility investments and improvements are coordinated and based on adopted land use policies</i>	
UTI-3.1	Requests for expansion of CCNs for sewer and water should be consistent with the West/Southwest Sector Land Use plan	SAWS, BexarMet, CPS Energy, COSA, Bexar County
UTI-3.2	Include area residents in discussions regarding the expansion/improvements of infrastructure	
UTI-3.3	Consider new funding strategies to extend utility services to existing urban and suburban residential areas that are not served by central sewer or water services	
UTI-3.4	Discourage the provision of central water and sewer systems to rural areas	
UTI-3.5	Explore the use of utility rights of way as open space, parks, hike/bike trails	
UTI-3.6	Encourage placing utility lines underground	
ECONOMIC DEVELOPMENT STRATEGIES		
GOAL ED-1	<i>The West/Southwest Sector is an economically sustainable community in which residents have a variety of employment opportunities</i>	
ED-1.1	Locate business offices near existing residential areas within the Sector	EDF, AC, COSA, Bexar County, AACOG
ED-1.2	Provide opportunities for live/work locations	
ED-1.3	Stimulate and support increased activity of existing businesses	
ED-1.4	Continue to support the expansion of research institutes, medical facilities, data centers, cyber security facilities, and distribution centers	
ED-1.5	Continue to support Alamo Colleges' specialized training programs	
GOAL ED-2	<i>Existing and planned future corridors and accessible, pedestrian commercial nodes contain strong, vibrant business activities with a mix of uses and employment opportunities</i>	
ED-2.1	Revitalize existing older commercial nodes and corridors through existing economic and reinvestment programs	COSA, AACOG, NA, EDF
ED-2.2	Coordinate funding for revitalization opportunities with Neighborhood and Sector Plans	
ED-2.3	Design commercial nodes as town centers to promote the mix of activities	
ED-2.4	Consider rezoning corridors and nodes to permit the mix of uses	
ED-2.5	Continue to manage the peak traffic periods along major corridors	

Table 5.2: West/Southwest Sector Action Plan (continued)

No.	Summary	Potential Partners
GOAL ED-3	<i>The West/Southwest Sector community values existing and future businesses; businesses which in turn support the neighborhoods</i>	
ED-3.1	Ensure the development of new business locations and employment centers are compatible with the West/Southwest Sector Land Use Plan	COSA, NPO, Property Owners,
ED-3.2	Explore creating TIRZ areas adjacent to existing employment centers within Loop 410	
ED-3.3	Foster partnerships with businesses to promote the beautification and clean-up of existing neighborhoods	
ED-3.4	Continue to utilize/increase code enforcement and other programs to address crime and graffiti	
GOAL ED-4	<i>Infill and redevelopment opportunities are well planned and incentivized within Loop 410</i>	
ED-4.1	Encourage high quality site and building design and BMPs for developments	COSA, MPO, SAWS, CPS Energy
ED-4.2	Utilize TIRZ and ICRIIP to incentivize improvements to existing sites	
ED-4.3	Connect employment centers to bicycle and pedestrian paths	
ED-4.4	Encourage upgrades to existing infrastructure within Loop 410	
ED-4.5	Promote the burying of utility lines	
HOUSING STRATEGIES		
GOAL HOU-1	<i>Housing stock is diverse and densities are distributed in accordance with the adopted West/Southwest Sector Land Use Plan</i>	
HOU-1.1	Promote quality design and construction for new housing	COSA, AIA, ULI, APA, SABOR, RECSA, Bexar County, NPO, SAHA, SAAA
HOU-1.2	Provide a range of housing types and prices to accommodate all residents	
HOU-1.3	Preserve rural homesteads as part of the mix of housing choices	
HOU-1.4	Encourage quality housing for senior citizens	
GOAL HOU-2	<i>New housing developments locate near existing community facilities, schools, and physical infrastructure (e.g., streets, water, sewer, etc.) with sufficient capacity to serve new developments</i>	
HOU-2.1	Provide multi-modal connections between new residential developments and existing community facilities	COSA, VIA, Bexar County, TxDOT, Property Owners, SAWS, CPS, Energy, AIA, ULI, APA, NPO, SAHA, SAAA
HOU-2.2	Encourage business and property owners to utilize the incentives offered for inner city reinvestment	
HOU-2.3	Work with SAWS, CPS Energy, Bexar County, CoSA Public Works and CoSA CIMS to upgrade existing infrastructure	
HOU-2.4	Promote awareness of the benefits of locating new housing near existing community facilities and physical infrastructure	

Table 5.2: West/Southwest Sector Action Plan (continued)

No.	Summary	Potential Partners
GOAL HOU-3	<i>Housing is well maintained to help ensure the long-term viability of neighborhoods</i>	
HOU-3.1	Re-invest in existing residential neighborhoods	Property Owners, COSA, Bexar County, AACOG
HOU-3.2	Increase and promote services to help low-income property owners complete minor home repairs	
HOU-3.3	Increase code enforcement where needed	
GOAL HOU-4	<i>New and existing housing incorporates green building technology to improve energy efficiency and reduce resource consumption</i>	
HOU-4.1	Promote the use of sustainable building and BMP practices in the siting and construction of houses	COSA, GSABA, SABOR, AIA, ULI, APA, SAWS, Bexar County, Build San Antonio Green
HOU-4.2	Encourage new homes and new housing developments to be LEED and LEED ND certified	
HOU-4.3	Continue to provide incentives that encourage homeowners to improve their homes with green technology	
HOU-4.4	Continue to promote and support SAWS and other water providers' conservation programs	
HOU-4.5	Encourage xeriscaping, the planting of native species, and the use of water harvesting systems	
HOU-4.6	Promote the re-use of materials	
EDUCATION STRATEGIES		
GOAL EDU-1	<i>Strong public schools and educational partnerships exist in the West/Southwest Sector</i>	
EDU-1.1	Encourage site planning of various school types	ISDs, COSA, Bexar County, AC, NPO, NA
EDU-1.2	Collaborate on curriculum, after-school, and extended day care programs and day camps	
EDU-1.3	Promote the accessibility of affordable educational experiences	
GOAL EDU-2	<i>Educational and community facilities are designed to be shared by students and non-students</i>	
EDU-2.1	Foster multi-use campus facilities	ISDs, COSA, Bexar County, AC
EDU-2.2	Support and encourage adaptive reuse of existing buildings	
EDU-2.3	Offer continuing education opportunities at school facilities	
GOAL EDU-3	<i>Capital improvement and maintenance projects located near schools are prioritized</i>	
EDU-3.1	Provide safe and accessible routes to schools	COSA, Bexar County, MPO, VIA
EDU-3.2	Promote and improve bike lanes and sidewalks	

Table 5.2: West/Southwest Sector Action Plan (continued)

No.	Summary	Potential Partners
GOAL EDU-4	University and college campuses expand to serve future populations while maintaining compatibility with adjacent neighborhoods	
EDU-4.1	Support appropriate development efforts around college campuses	COSA, Bexar County, VIA, MPO, AC, St. Mary's University
EDU-4.2	Encourage multi-modal transportation accessibility college campuses	
EDU-4.3	Promote the establishment of Alamo Colleges' satellite campuses	
GOAL EDU-5	Quality and affordable workforce development and vocational training are encouraged and accessible	
EDU-5.1	Focus workforce development and training programs on growing and emerging industries	TWFS, EDF, AC, ISDs, COSA, Bexar County, AACOG
EDU-5.2	Foster partnerships among the business community and educational institutions	
EDU-5.3	Promote vocational training programs with recognized certifications and transferable college credits	
COMMUNITY SERVICES STRATEGIES		
GOAL COM-1	A network of quality, affordable health care services and facilities is conveniently located and available to all residents	
COM-1.1	Encourage the establishment of additional affordable health care providers in the area	COSA, Bexar County, MetroHealth, Private hospital systems
COM-1.2	Provide additional medical services in rural areas	
COM-1.3	Continue to support University Health System Trauma Services	
GOAL COM-2	Police and emergency services provide an efficient level of service	
COM-2.1	Strategically locate new emergency services and facilities near high growth areas	COSA, Bexar County, EMD, Property Owners, AACOG
COM-2.2	Provide adequate level of police and emergency services for urban and rural areas	
COM-2.3	Educate residents on the differences between emergency service providers in urban and rural areas	
COM-2.4	Organize farm owners associations for mutual aid in case of emergencies	
GOAL COM-3	A variety of community gathering sites are conveniently located and accessible to all residents	
COM-3.1	Locate new community gathering sites, near existing neighborhoods	COSA, Bexar County, NPO, Green Spaces Alliance, AIA
COM-3.2	Promote and increase the number of youth-oriented community centers and programs	
COM-3.3	Continue to implement San Antonio's Bicycle Master Plan and the Linear Greenways program	
COM-3.4	Encourage more farmers markets and community gardens	

Table 5.2: West/Southwest Sector Action Plan (continued)

No.	Summary	Potential Partners
GOAL COM-4	<i>Responsible pet ownership and animal care services are promoted</i>	
COM-4.1	Encourage education programs that emphasize responsible pet ownership	COSA, Bexar County, MetroHealth, NPO, SNAP, Humane Society, Animal Defense League, Pet Owners
COM-4.2	Construct new off-leash dog parks in existing and/or new park facilities	
COM-4.3	Consider locating a satellite animal care facility in the northern part of the Sector	
COM-4.4	Continue to enforce compliance with Chapter 5 of the City Code	
COM-4.5	Continue to promote low cost/no cost spay and neutering services	
GOAL COM-5	<i>Brush and bulky items are disposed of properly and regularly</i>	
COM-5.1	Encourage access to affordable disposal services	COSA, Bexar County, Property Owners, Waste Management Company
COM-5.2	Promote monitoring of illegal dumping	
COM-5.3	Continue to implement code enforcement for illegal dumping	
PARKS AND NATURAL RESOURCES STRATEGIES		
GOAL NR-1	<i>Floodplains, watersheds, steep slopes and hill tops, viewsheds, wildlife habitat, open spaces, and natural features are protected, preserved, and managed</i>	
NR-1.1	Develop a strategic natural resource protection plan for the Sector that encompasses the items listed in the goal	COSA, Bexar County, MetroHealth, Green Spaces Alliance, AACOG, SARA, TPWD, SAWS, TCEQ, Property Owners, Nature Conservancy
NR-1.2	Encourage the preservation of large tracts of land and/or cluster development or utilize conservation easements	
NR-1.3	Incorporate creeks with parks and open space	
NR-1.4	Coordinate with multiple agencies to incentivize maintenance of natural areas	
NR-1.5	Preserve floodplains and wildlife habitat	
NR-1.6	Protect Government Canyon	
NR-1.7	Support the City's tree ordinance to enhance the tree canopy	
NR-1.8	Explore the establishment of parks within the Country Tier and within existing floodplains	

Table 5.2: West/Southwest Sector Action Plan (continued)

No.	Summary	Potential Partners
GOAL NR-2	<i>Edwards Aquifer Recharge and Contributing Zones and other groundwater sources are protected</i>	
NR-2.1	Utilize best management practices on construction sites to preserve water quality	EAA, COSA, Bexar County, MetroHealth, SAWS, TCEQ, Property Owners, AIA, ULI, SABOR
NR-2.2	Encourage cluster developments and conservation subdivisions	
NR-2.3	Continue working with and implementing programs of the Texas Commission on Environmental Quality (TCEQ)	
NR-2.4	Encourage property owners to maintain existing septic tanks and water wells	
NR-2.5	Consider increasing the amount of land required for septic tanks	
NR-2.6	Discourage blasting of limestone over the Aquifer	
NR-2.7	Enhance San Antonio Water System’s (SAWS) public education campaign	
GOAL NR-3	<i>Parks are located within a reasonable walking distance (10-20 minutes) from every neighborhood within an urbanized area</i>	
NR-3.1	Identify locations for future parks and open space and encourage / incentivize land donations for them	COSA, Bexar County, SARA, SABOR, RECSA, Property Owners
NR-3.2	Encourage the development of regional parks within the rural areas of the Sector	
NR-3.3	Ensure new residential developments provide green space for the residents	
NR-3.4	Explore opportunities to acquire land for pocket parks	
NR-3.5	Adequately maintain parks	
NR-3.6	Include additional recreational uses within neighborhood and community parks	
NR-3.7	Explore the use of drainage rights of way to provide for safe pathways to parks	
NR-3.8	Continue to follow the Parks and Recreation Department’s System Strategic Plan (2006-2016)	
GOAL NR-4	<i>Linear Greenways Program continues to expand and connect communities</i>	
NR-4.1	Continue to provide funding for the purchase of land along creeks	COSA, Bexar County, SARA, CPS Energy, MPO
NR-4.2	Complete the Leon Creek Greenway Project	
NR-4.3	Support and fund the Westside Creeks Restoration Project	
NR-4.4	Explore the use of utility easements to provide trails between greenways so that all linear greenways connect	
NR-4.5	Implement a maintenance schedule program of existing linear greenways	
NR-4.6	Promote linear greenways as bicycle and pedestrian pathways, to keep citizens active, and to reduce illegal dumping in creeks	

Table 5.2: West/Southwest Sector Action Plan (continued)

No.	Summary	Potential Partners
GOAL NR-5	<i>Dark skies are protected to support Lackland’s training missions and to decrease light pollution</i>	
NR-5.1	Apply the lighting overlay zoning district around Lackland AFB and Lackland Annex	COSA, Bexar County, Lackland AFB, Property Owners, CPS Energy
NR-5.2	Require new commercial and residential developments to utilize low intensity and down-shielded lighting	
NR-5.3	Retrofit street lights to down-shielded light fixtures	
NR-5.4	Encourage retrofitting commercial property lights to down-shielded light fixtures	
LAND USE, URBAN DESIGN, AND HISTORIC PRESERVATION STRATEGIES		
GOAL LU-1	<i>Land use pattern emphasizes compatibility and appropriateness between uses, and protects neighborhoods and businesses from incompatible land uses</i>	
LU-1.1	Limit encroachment of commercial uses into established low-density residential areas	COSA, Bexar County, Property Owners, SAWS, CPS Energy, AIA, ULI, APA
LU-1.2	Limit the encroachment of residential uses into established agricultural and industrial areas	
LU-1.3	Ensure that high density / intensity land uses are buffered and screened	
LU-1.4	Allow for greater densities in neighborhoods adjacent or proximate to existing and planned activity centers and pedestrian oriented commercial nodes	
LU-1.5	Utilize pedestrian shed analysis to determine the full extent of activity centers and upgrade infrastructure within activity centers	
GOAL LU-2	<i>The built environment of neighborhoods and communities encourage and facilitate healthy lifestyles</i>	
LU-2.1	Ensure that residents in urban, suburban, and rural areas have access to healthy, affordable foods and restaurants	MetroHealth, COSA, Bexar County, Green Spaces Alliance, NPOs
LU-2.2	Encourage the establishment of community gardens, farmers markets, and open space	
LU-2.3	Provide accessible pedestrian routes to and from daily destinations	
GOAL LU-3	<i>Existing corridors are transformed and new corridors are carefully planned to create dynamic, mixed-use, pedestrian oriented nodes that are integrated into the surrounding community</i>	
LU-3.1	Consider re-zoning corridors in accordance with the West/Southwest Sector Land Use Plan	COSA, Bexar County, MPO, AIA, ULI, APA, ITE
LU-3.2	Consider the creation of corridor plans for all major corridors within the Sector	
LU-3.3	Support the use of the special zoning districts and other innovative development and land use planning tools	
LU-3.4	Retrofit the streetscape on existing corridors to add street trees, wide sidewalks, planting strips, and dedicated bike lanes as appropriate	

Table 5.2: West/Southwest Sector Action Plan (continued)

No.	Summary	Potential Partners
GOAL LU-4	<i>Scenic transportation corridors are identified and protected to preserve their cultural, aesthetic, and natural value</i>	
LU-4.1	Continue to identify high-value scenic, metropolitan, and gateway transportation corridors	COSA, Bexar County, TxDOT, MPO, Surrounding Counties and Cities
LU-4.2	Develop context-sensitive site and building design standards for new construction	
LU-4.3	Establish working groups with representatives from local municipalities, counties, and the state to preserve corridors	
GOAL LU-5	<i>Pedestrians are provided safe and accessible routes</i>	
LU-5.1	Develop pedestrian route designs specific to urban, suburban, and rural areas	COSA, Bexar County, MPO, ITE
LU-5.2	Separate sidewalks from vehicle travel lanes on major arterials	
GOAL LU-6	<i>Tools are developed and strategies implemented so that established farms/ranches can be preserved</i>	
LU-6.1	Support “buy local” initiatives that increase demand for locally grown foods and support local farmers and food producers	COSA, MetroHealth, Bexar County, AACOG, Property Owners
LU-6.2	Establish and support programs that teach younger generations about the importance of food production	
LU-6.3	Support initiatives that protect food producers from encroachment by new development	
LU-6.4	Offer incentives/development credits to landowners and developers through programs such as transfer of development rights	
LU-6.5	Incentivize infill development in urban and suburban areas to lessen development pressure on agricultural areas	
GOAL LU-7	<i>Historic sites and structures are rehabilitated, maintained, preserved, and utilized to promote the area’s character for years to come</i>	
LU-7.1	Provide incentives to encourage historic preservation and re-use when the preservation of a site or structure serves a greater public good	COSA, GSABA, AIA, ULI, APA, SABOR, San Antonio Conservation Society
LU-7.2	Focus on programs that identify potential buyers / users of historic structures and sites and connect them with willing sellers / leasers	
LU-7.3	Incorporate historic sites / structures into local marketing campaigns to emphasize the history, heritage, and culture of the West/Southwest Sector	
GOAL LU-8	<i>Established rural communities maintain their rural character</i>	
LU-8.1	Maintain very low density in the far northwest and southwest parts of the ETJ and unincorporated areas	COSA, Bexar County, Medina County, MPO, AACOG
LU-8.2	Encourage context sensitive roadway design in rural areas	
LU-8.3	Incentivize higher density development to be located within Loop 410	

Table 5.2: West/Southwest Sector Action Plan (continued)

No.	Summary	Potential Partners
MILITARY COMPATIBILITY STRATEGIES		
GOAL MC-1	<i>The mission of Lackland Air Force Base is supported and promoted</i>	
MC-1.1	Encourage the acquisition of land around Lackland AFB and Lackland Annex to preserve Lackland’s mission	COSA, Bexar County, Lackland AFB, NA, Property Owners, SAWS, CPS Energy
MC-1.2	Develop a future land use pattern that minimizes incompatible issues around Lackland AFB and Annex	
MC-1.3	Discourage the extension of utilities to the area west of Lackland Annex where risk of incompatible uses, such as high density residential, could be developed	
MC-1.4	Adopt a sound attenuation overlay district around Lackland AFB and Annex	
MC-1.5	Encourage the reduction of light pollution that interferes with training activities by requiring down shielded lighting within the JLUS boundary	
MC-1.6	Support the recommended Bird Aircraft Strike Hazard (BASH) standards from the Lackland JLUS	
MC-1.7	Explore county land use regulatory authority that allows counties to establish basic land use authority around military installations	
GOAL MC-2	<i>The area around Lackland Air Force Base is revitalized and improved</i>	
MC-2.1	Develop educational outreach materials for the community to inform them about the mission of Lackland	COSA, Bexar County, MetroHealth, SAWS, SARA, Lackland AFB, NA
MC-2.2	Explore corridor overlay districts and other design districts to enhance and revitalize the area around the base	
MC-2.3	Support upstream storm water detention facilities and natural channel design planning, construction and maintenance for water bodies north and northwest of Lackland installations	
GOAL MC-3	<i>Neighborhoods around Lackland Air Force Base are safe and not unreasonably impacted by military related activities</i>	
MC-3.1	Improve communication between Lackland and the surrounding neighborhoods	Lackland AFB, NAs, COSA, Bexar County, SABOR, GSABA
MC-3.2	Develop a searchable database to assist property owners in identifying if land is within a sensitive compatibility area	
MC-3.3	Encourage real estate disclosures to ensure appropriate information about the mission and operations of Lackland are fully disclosed at the earliest possible point in the interaction/transaction process	
MC-3.4	Promote and support noise abatement programs	

West/Southwest Sector Indicators

In order to measure the success of the West/Southwest Sector Plan over time, a set of indicators has been compiled. The indicators are taken from the SA2020 Vision lead by Mayor Julian Castro. These indicators provide the public and the City with the necessary data to measure how the City as a whole is succeeding, which in turn depicts the success of the West/Southwest Sector.

Each Element has a set of corresponding indicators, see **Table 5.3: West/Southwest Sector Indicators**.

Table 5.3: West/Southwest Sector Indicators

Indicator	Description of Indicator
Transportation Element	
Transportation mode options measured by vehicle miles traveled	As residents and commuters exercise a wider array of transportation options, and as more people live closer to where they work and shop, vehicle miles traveled should decrease. Reduce VMT per person by 10% by 2020
Commute times	Increase percent of workers with commute times of 25 minutes or less to 70 percent by 2020
Air Quality Index	Maintain U.S. Environmental Protection Agency attainment compliance; improve air quality by 10% (ground level ozone)
Walkability Scores	Increase average score by 15% by 2020
Public transportation ridership	Triple VIA ridership by 2020
Travel time index	The travel time index is a measure of congestion that focuses on each trip and each mile of travel. It is the ratio of travel time in the peak period to travel time in free-flow. Decrease ratio to 1.1 by 2020
Miles of “complete streets”	Triple number of miles of complete streets by 2020
Utilities and Storm Water Infrastructure	
Tree Canopy	Goal of 40% overall tree canopy by 2020
Growth of green spaces	Increase park space proportionally with population growth
Usage rates for water and energy	Reduce water usage to 110 gallons per person per day by 2020; reduce kilowatt usage by 1% per year per household through 2020
Economic Development	
Number of people working downtown	Ten percent of all job growth will be downtown by 2020
Per capita income	Increase per capita income by 20% by 2020
Job growth by sector/ company size	Ten percent growth above U.S. average in various job sectors by 2020
Cost of living divided by average annual wage (quality of life index)	Target is to have +2% above rate of inflation
Intellectual property development	The indicator will measure innovation as a part of San Antonio’s economy, looking at elements such as new patents awarded.
Poverty rate	Reduce families in poverty to 50% of current rate, 19.5%, by 2020
Unemployment/ underemployment	Cut or improve unemployment rate by 50% by 2020

Table 5.3: West/Southwest Sector Indicators *(continued)*

Indicator	Description of Indicator
Housing	
Number of downtown residents	Grow twice as fast as total population growth downtown through 2020
Commute times	Increase percent of workers with commute times of 25 minutes or less to 70% by 2020
Usage rates for water and energy	Reduce water usage to 110 gallons per person per day by 2020; reduce kilowatt usage by 1% per year per household through 2020
New housing starts and renovations in infill area	This indicator is designed to measure new residential building and/or renovation permits issued within Loop 410. Increase residential development within Loop 410 by 25% by 2020
Ratio of urban core housing/suburban development	This indicator is designed to measure new residential building and/or renovation permits issued within Loop 410 as a percentage of new development in the San Antonio metro area. Increase permits by 35% by 2020
Education	
Intellectual property development	The indicator will measure innovation as a part of San Antonio's economy, looking at elements such as new patents awarded.
College readiness	The Texas Education Agency Academic Excellence Indicator System reports on college readiness for English, Math, and both. Increase percentage numbers for all to 85% by 2020
High school graduation rates	Increase graduation rate to 85% by 2020
Completion of higher education (2-year, 4-year degrees and certification programs)	This indicator measures the number of degrees awarded per year using the American Community Survey
Adult educational attainment	The American Community Survey reports rates for educational attainment. Increase educational attainment by 5 % by 2020
Community Services	
Decrease response times for both fire and police	Decrease response time for: fire assistance to 8:54 minutes, police emergency to 8 minutes, and non-emergency police calls to 17.5 minutes
Increase positive responses on community public safety surveys	Increase improvement on survey responses by 10% by 2020
Activity level and diversity of city boards	The indicator will track how many attend scheduled meetings, how often meetings are scheduled, and the diversity of those participating
Neighborhood Associations	The indicator will track how many neighborhood associations are registered with the City. By 2020, registered neighborhood associations will cover 90% of the City
Overall assessment of physical and mental health and behavioral risks (BRFSS)	Improve several measures within BRFSS by 10% by 2020
Access to health care, affordable and healthy food, recreation facilities, mental health	This indicator will measure the number of City miles completed for walking, hiking, biking, and greenway trails; the number of community centers, adult and senior centers, and pools; and the percentage of residents age 18-64 without health insurance. Increase access by 10% by 2020

Table 5.3: West/Southwest Sector Indicators *(continued)*

Indicator	Description of Indicator
Parks and Natural Resources	
Air Quality Index	Maintain U.S. Environmental Protection Agency attainment compliance; improve air quality by 10% (ground level ozone)
Tree canopy	Goal of 40% overall tree canopy by 2020
Growth of green spaces	Increase park space proportionally with population growth
Walkability scores	Increase average score by 15% by 2020
Land Use, Urban Design, and Historic Preservation	
Number of downtown residents	Grow twice as fast as total population growth downtown through 2020
Transportation mode options measured by vehicle miles traveled	As residents and commuters exercise a wider array of transportation options, and as more people live closer to where they work and shop, vehicle miles traveled should decrease. Reduce VMT per person by 10% by 2020
Access to health care, affordable and healthy food, recreation facilities, mental health	This indicator will measure the number of City miles completed for walking, hiking, biking, and greenway trails; the number of community centers, adult and senior centers, and pools; and the percentage of residents age 18-64 without health insurance. Increase access by 10% by 2020
Number of pedestrian-oriented neighborhoods	The indicator uses a sidewalk gap analysis or walkability scores for a grid or neighborhood based analysis. Increase the number of pedestrian-oriented neighborhoods by 20% by 2020
Population growth in center city neighborhoods and downtown	Increase number of people living downtown including center city neighborhoods by 15% by 2020
Walkability scores	Increase average score by 15% by 2020
Growth of green spaces	Increase park space proportionally with population growth
Miles of “complete streets”	Triple number of miles of complete streets by 2020
Military Compatibility	
Index crime rates	By 2020, San Antonio will be the safest big city
Poverty rate	Reduce families in poverty to 50% of current rate (19.5%) by 2020
Activity level and diversity of city boards	The indicator will track how many attend scheduled meetings, how often meetings are scheduled, and the diversity of those participating
Neighborhood associations	The indicator will track how many neighborhood associations are registered with the City. By 2020, registered neighborhood associations will cover 90% of the City



Appendix

Shaping the Future of San Antonio

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Public Involvement Process

The West/Southwest Sector Plan was prepared through the use of a communicative planning method utilized by City of San Antonio Planning and Community Development Department staff, other City staff, a Sector Planning Team, a technical committee, and input from the public and other invested stakeholders. A comprehensive public involvement program was executed throughout the eighth month planning process as summarized below.

- *Planning Team Meetings (8)*
- *Public Meetings (3)*
 - *Flyers*
 - *E-mails (350+ per meeting)*
 - *Twitter Postings (4)*
 - *Facebook Postings (4)*
- *Community Meetings (2)*
- *Website (continually updated throughout the process)*
- *Planning Commission Briefings/Hearings (3)*
- *City Council Hearing (1)*
- *Press Releases (4)*
- *Television Coverage by Media*

The Sector Planning Team is composed of stakeholders that represent community members interested in the West/Southwest Sector, including neighborhood associations, land owners, residents, businesses, community organizations, development entities, educational entities, and local government. The Planning Team was developed to represent the diverse interests of the Sector by providing input during the planning process, reviewing and commenting on draft recommendations and the draft document, and serving as a

communication conduit to each member's respective interest group throughout the process.

Meeting Schedule

Throughout the planning process, the Sector Planning Team held a series of eight meetings that were open to the public. The meetings are summarized below:

- *Planning Team Meeting #1 - September 21, 2010: This meeting provided an introduction to the Sector Planning process and discussed how the plan would be developed, the planning process timeline, the role and responsibilities of the Sector Planning Team, and a group value and issue identification exercise.*
- *Planning Team Meeting #2 - October 12, 2010: This meeting provided a review of the themes from the value and issue identification exercise. The Team conducted an asset identification mapping exercise and discussed a preliminary vision statement.*
- *Planning Team Meeting #3 - November 1, 2010: This meeting provided an overview of the demographic data and potential growth of the Sector. The Team reviewed and commented on draft vision statements and goals.*
- *Planning Team Meeting #4 - November 30, 2010: This meeting resulted in the selection of a vision statement and further review of the goals and draft strategies. The Team was presented with the concept of a land use plan and the Sector land use categories. Team members then gathered in groups to create their own land use plan for the area.*

- *Planning Team Meeting #5 - January 4, 2011: This meeting provided the Sector Planning Team with the opportunity to review two conceptual land use alternatives (based on their work at the previous meeting) and comment on a preferred alternative. The Team also reviewed and commented on the latest revised goals and strategies.*
- *Planning Team Meeting #6 - January 25, 2011: This meeting provided the Planning Team the opportunity to review and comment on the draft land use plan and the latest revised goals and strategies.*



- *Planning Team Meeting #7 - February 8, 2011: This meeting provided an overview of the Sector Plan, how the Sector Plan applies in the ETJ, and the draft document. The Team reviewed and commented on the latest draft land use plan.*
- *Planning Team Meeting #8 - March 8, 2011: This meeting provided an overview of the draft Sector Plan document and an opportunity for the Team to comment on the document and latest land use plan.*

Three public meetings were hosted during the planning process to allow members of the public to participate and voice their opinions and ideas on the development of the West/Southwest Sector Plan. The public meetings are summarized below:

- *Public Meeting #1 - December 14, 2010: This meeting provided an overview of the Sector Planning process and discussed how the plan was being developed, the planning process timeline, and the progress of the Planning Team.*
- *Public Meeting #2 - February 15, 2011: This meeting provided an overview of the Sector Plan, how the Sector Plan applies in the ETJ, and the draft document. Attendees were given the opportunity to review and comment on the draft land use plan and draft document.*
- *Public Meeting #3, March 22, 2011: This open house provided an overview of the Sector Plan document and land use plan. Attendees were given the opportunity to comment on the document and land use plan.*

Values and Issues

During the Sector planning process, the planning team identified key values and issues within the planning area. The results from the identification exercise are compiled below. These values and issues helped guide the development of the goals and strategies for the Sector.

Transportation	
Values	Issues
<ul style="list-style-type: none"> • Hwy 151 and other arterials • 151 (has helped congestion in the area) • Increased bike lanes • VIA Park & Ride opportunities • VIA Study implementation • Explore alternative modes of transportation to address area congestion • Complete 151 	<ul style="list-style-type: none"> • Lack of protected left turn lanes for commercial sites • Limited ingress/egress to neighborhoods • VIA needs to explore more service (new routes) to meet the growth • Need more bike lanes • Traffic • Traffic congestion along Loop 1604 • Sidewalks • Extend VIA service further into area • Need more Park & Ride locations (no place to park at the 90 location) • Consider light rail for passenger movement (this area is primed for growth, use existing ROW along major arterials and highways) • Need additional bike routes • Limit development to inside Loop 1604 • Educate aggressive drivers • Need to start thinking about helicopter traffic due to the new medical district developing in area • Strangles development - growth without proper infrastructure (an appropriate transportation system) stifles potential growth in some areas – want a transportation network that can accommodate future and existing development is desired • Congestion @ 1604 & Braun • Better quality corridors • Better project communication w/ TxDOT • More aesthetic roads & parkways • 410 & 151 (improved clover leaf to improve access and flow)

Utilities and Storm Water Infrastructure	
Values	Issues
<ul style="list-style-type: none"> • Have more recycled water available for public use (golf courses, irrigation, landscaping) • Medina Lake dam holds back a lot of water – what is the condition of the dam – what happens if it bursts, can affect citizens in Bexar County • SAWS and Bexar Met • CPS • City addressing low water crossing near Thunderbird Hills, Ingram, and Callaghan • Making incremental improvements in drainage 	<ul style="list-style-type: none"> • The area near 1604 and Culebra floods all the time from rainwater coming off of Government Canyon • What is CPS's plans for the future – how many more substations will be in the area – how many more high power lines – where are their future lines going • No drainage master plan for undeveloped areas • Development increases flooding & runoff • Storm drainage in many areas • Drainage, Sidewalks, Undeveloped • Poor infrastructure (no sidewalks, especially to schools) • Low water crossings in undeveloped areas • Drainage at Quintana Road • More storm water engineering with developers • Storm water run-off into neighboring properties and changing floodplain • Land owner notification for electrical, water, and service extensions that go into private property – want notification before installation, eminent domain, and planning process • Narrow streets in subdivisions – need better planning for emergency response vehicles • Flooding on roads, • Drainage/ flooding issues • 410 & Marbach (drainage) • No gas/sewer in some subdivisions • 410 & 151 flooding • Extension of water & sewage service to

Housing	
Values	Issues
<ul style="list-style-type: none"> • Larger lots on bigger/wider streets • Lower density • More green energy efficient buildings • More master planned communities • More park/open space • Neighborhood cohesion • Neighborhood Associations & COPS report code violations/issues • Land is available for development but infrastructure should to be planned • Amenities • Accessibility • Diverse quality • Property owners need to maintain home and take pride in it 	<ul style="list-style-type: none"> • Need better assisted living facilities • More coordination with developers • Mandatory sprinklers in residential homes • More oversight for nursing homes • New housing areas should have 2 acre lots or larger • Low income housing • Several defunct apartments /multi unit housing, e.g. Marbach Manor • Lack of code enforcement services • Too many apartments /multi- unit housings • Too many housing development without adequate road and infrastructure; contribute to traffic congestion • Lack of maintenance of mid to large multi unit apartments • Need for affordable and well maintained/ quality housing for: transit / military and other populations. • Balance of affordable housing • Neighborhood code compliance • Lack of new housing • “Sub-standard homes”- Edgewood area • Funding sources • Quality of public housing • Affordability • Balance of MF & SF housing (mix uses) • Rehabilitation of homes (in need of) • Lack of amenities in some areas • Lack of understanding home ownership

Economic Development	
Values	Issues
<ul style="list-style-type: none"> • Port San Antonio • Toyota and growth near Toyota • Texas A & M Campus • Northwest Vista College • Sea World • Southwest Research • Citibank • Texas Research Park (near 211) • Santa Rosa Hospital • Many hotels in the area • Military Bases • Several grocery stores , malls and retail stores • Port SA Logistics • NSA (National Security Agency) • Intel/ high security jobs • Cyber community • Wilford Hall – SAMME –South • Aerospace Academy at Lockheed Martin • Lots of developable land • Military is a major economic engine • Port San Antonio, Lackland AFB • Santa Rosa medical complex in Westover Hills is growing • Texas Research Park will bring new opportunities in high tech industries • Tourism (Sea World, Hyatt Hill Country, Lackland AFB recruit graduation) • Cyber security will be a driver for economic development • Ag land 	<ul style="list-style-type: none"> • Need a medical/trauma center on the west side (near 211) • Too much industrial zoning south (east) of Port San Antonio • Need more mix of land uses and more flexibility • No growth south of Port San Antonio • Flight patterns around Port San Antonio and Lackland restrict development • Hazardous materials left over at AFB • Restricted uses limit development • Need a children’s medical center • Empty Box stores • Lack of roads and infrastructure for new development contribute to congestion and other problems • Workforce training needs to be in place for jobs • Reinvestment Incentives in target area outside of center city • Graffiti, Vandalism • High cost of infrastructure (especially on the urban fringe) • City/ state regulations that are too onerous and/ or conflict with other regulations and/ or increase development costs disproportionately to value added • Too many different types of City inspections – inspectors from different disciplines (e.g. building vs. fire) sometimes give conflicting directions • Cadets graduate every Friday, family members stay in motels around Lackland, which is run down – need to have a better vision of area

Community Services	
Values	Issues
<ul style="list-style-type: none"> • Appreciate less crime in rural areas • Missions • Facilities for elderly like Air For Village and for normal folks • Youth programs • More parks • Several Recreation Facilities <ul style="list-style-type: none"> - Gov't Canyon Park - Hyatt Regency Resort - Wolff Stadium - Leon Creek Greenway - Sea World • Educational Facilities <ul style="list-style-type: none"> - St. Mary's University - Palo Alto College - NW Vista College • Food Bank • Animal Care Services Center • Santa Rosa Hospital -(HWY 151) • Emergency Service Districts • County brush /bulky Item pick up services • Community Centers • Public Libraries • Public library/ school library sharing ventures • Parks/ open space • Fire and police protection (within the City limits) • Good emergency services 	<ul style="list-style-type: none"> • Fire and police protection should keep up with growth • Crime (breaking & entering) & vandalism • Due to Wilford Hall Closing, there is a need for a trauma center around 211 & western area of Sector • Narrow streets in subdivisions cause issues for emergency services • Bill boards & other unsightly signs • Want a walking or jogging track near AFB • Sports programs at community centers • Not enough for youth – crime and graffiti • County law enforcement • Not all areas of the city (southeast of Kelly) received trash pick-up • Covel Gardens Landfill (8611 Covel Rd) is hazardous to residents • High crime, Confusion between SAWS & BexarMet services - sometimes Bexar Met provides water while SAWS provides sewer services • No recycled water, Illegal dumping: 410 & Marbach, near landfill vicinity • Landfill contributes to illegal dumping when operation is closed or when people do not want to pay for disposal • Animal dumping, Need to expand library hours – protect libraries from cuts in tough financial times • Insufficient fire and police protection outside of the City limits (i.e. in the ETJ and smaller jurisdictions) • Code Compliance, Trash collection/ disposal still problematic in areas without 2-bin system

Education	
Values	Issues
<ul style="list-style-type: none"> • Schools within rural area have less crime • School System • Schools involved in development planning • Northwest Vista, St. Mary's, Palo Alto • High School graduation rates and college admission rates are generally high • Good vocational training and magnet schools • Need to ensure youth are prepared to enter the workforce • Substantial knowledge base in community – need way to share with youth • Utilize technology to reach and engage students • Community colleges must make up for deficiencies in K-12 education (it is good that community colleges do this, but ideally they shouldn't have to) • Harlendale is a recognized district – 1 of 4 out of 16 • Curriculum should include vocational training • Rural schools are pretty good • More diverse curriculum 	<ul style="list-style-type: none"> • School district continues to grow tremendously • Northwest Vista does not have the capacity to serve the growing population • Insufficient planning for schools (in terms of physical infrastructure as well as maintaining quality educational programs) • High cost of post high-school education (e.g. vocational/ trade school, junior college, and 4-year college) • Youth do not have the skills needed to enter the workforce (in terms of communication, appearance, professional decorum, problem solving) • Transportation costs are major resource drain for public schools and families • High dropout rate – need to lower (Southwest School District) • Sometimes schools are built and infrastructure cannot support the new school – transportation, sidewalks, drainage, for example. • We are forgetting vocational training – we need plumbers, electricians, welders, etc. (not just college bound readiness) • Harlendale ISD: one problem is affordable housing. We need it, but we also need high-end housing because it generates more taxes and that helps the district. • Harlendale: need drainage, sidewalks, and transportation

Parks and Natural Resources

Values	Issues
<ul style="list-style-type: none"> • Preserve creeks, existing waterways, ponds, floodplains • Old Pioneer Home priceless • Bird watchers, bike riders, hang gliders • More planned developments with green spaces & parks • Natural landscapes (hills, water, vegetation, wildlife, air & water quality) • Dark skies with stars at night • Natural & beautiful views of hills, valleys, & water • Natural resources is the land itself • Protect the recharge zone • NW or Govt Canyon called San Geronimo Valley – must be protected, not as a preserve with no development, but also not covered with roof tops. Development that fits with the character of the area – very large lots. • Natural water springs should be protected • Preserve rural ambiance 	<ul style="list-style-type: none"> • Prevent gravel pits from destroying land • Money will never compensate for the value of land • No need for parks • Need developer and City to have more land donated for parks/open space • Visitors using public roads • Pollution of water • Pollution of land • Over development causes degradation of water • How will natural surroundings be affected by growth of SA • Do not like to see new residential development and no green space

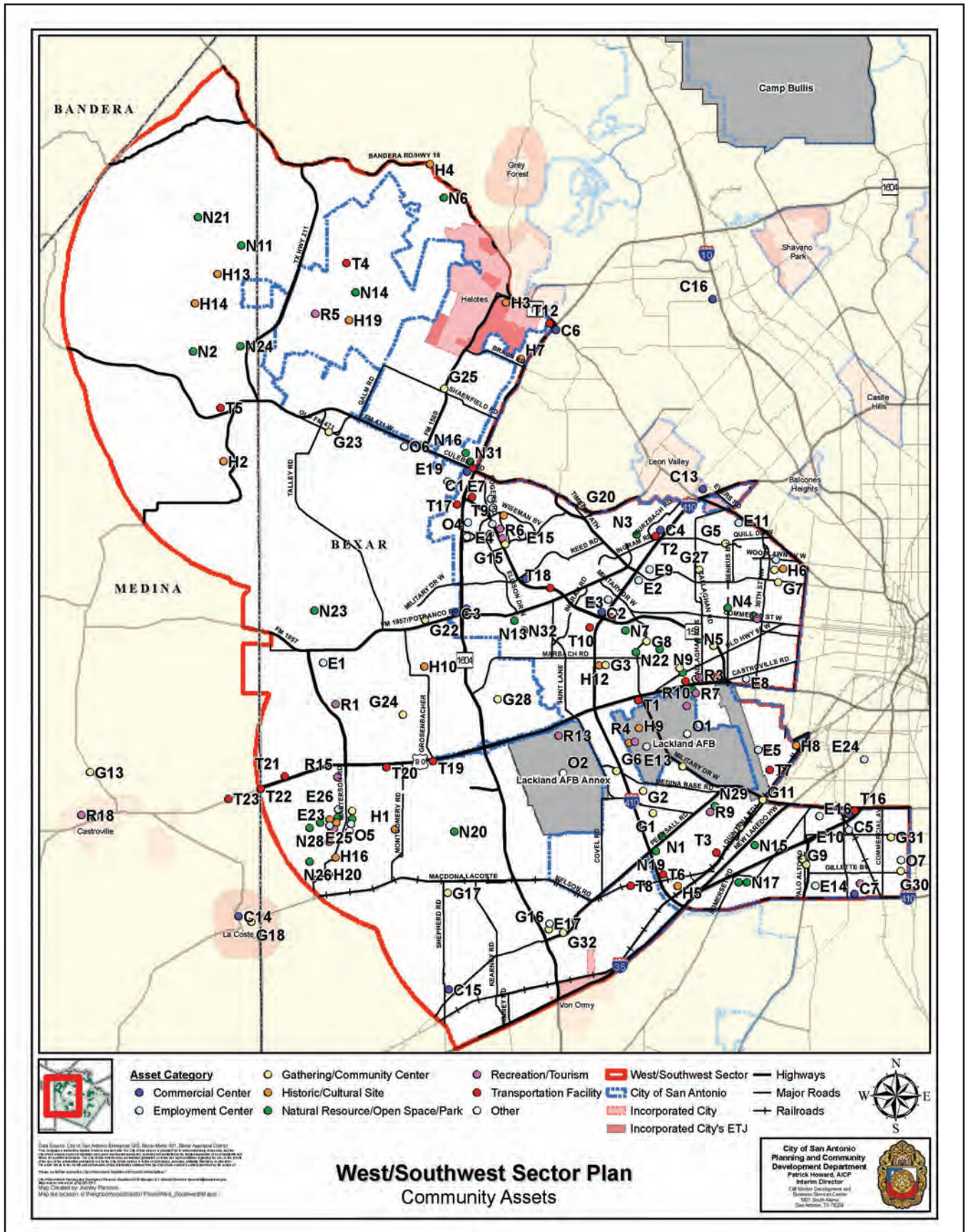
Historic Preservation	
Values	Issues
<ul style="list-style-type: none"> • Quality of life • Old Pioneer Home off Gross Lane is 160 years old • Preserve rural quality of life • Sector includes some historical structures • Tondre Farms is a Texas historic farm since 1891 – family has been honored by the Texas Dept. of Agriculture for preserving it • Preserve Old Ranch Homestead • Preserve Old Ponds & preserve areas around them • Preserve Old Pioneer Home off Grass Lane (160 years old) • Preserve family farms & ranches • Important because it can determine the character of the area • Sites and structures of historical importance should be protected • The foothills of the far NW (e.g., San Geronimo) are worth preserving. • Balance property rights with preservation • Protect history • Small structures are of value and need to be protected 	<ul style="list-style-type: none"> • Urban sprawl can destroy historic farms in a very short time. • Neighborhood cohesion • Help preserve old Ranch Homestead • Help preserve old ponds

Land Use & Urban Design	
Values	Issues
<ul style="list-style-type: none"> • Keep land like it is – keep subdivisions out • Need to zone for flood protection & wildlife • Rural value associated with the northwestern section of Sector • Protect the area north of Culebra Road and west of Government Canyon from intense, unbridled development • Appreciate the rural living & lifestyle • ETJ area – ranch land & farming contributes to the unique, picturesque green Hill Country that surrounds the northwest area of Sector • Allow landowners to be able to continue their land use • Low density & large tracts of land (Park Skies) • Developments with less houses per acre • No city taxes and no traffic (city not involved with life) • Preserve rural quality of area • Preserve family farms & ranches • We need an alternative or special set of building regulations for rural areas, maybe like the “country” tier in the south sector • The key is low-density development or development appropriate for rural context • Appropriate development for rural area 	<ul style="list-style-type: none"> • Limit commercial development in residential areas (encroachment issue) • Unwanted uses (i.e. junk yards, payday loans) need to be regulated better through zoning • Commercial and residential uses need to be balanced • Entire area needs better landscaping • People dump trash, such as tires, on farm property • Heavy dumping of refuse on private property • Sporadic growth & no continuity • Concern regarding the damages of high density development in northwestern section of the sector • Urban sprawl • Loss of Wildlife • Restriction on development per acre (Low density per acre). • Need to zone for food production & wildlife • No zoning for rural area (Limited zoning) • Some of the new development in the far west sector is too dense for the rural setting (it is like someone is trying to bring the city and population into a rural setting) • Do not want to see Stone Oak type of development. No foothills covered with rooftops

Military Compatibility	
Values	Issues
<ul style="list-style-type: none"> • Military Base(s) • Councilman Lopez leading up an anti-crime area for around the base – need to also talk with property owners to beautify home, take pride in home • Lots of money has been spent to improve the facilities and atmosphere on base • Want troops and families to come back to SA • City has resources for community revitalization (TIFF, Face-lift program, ordinances requiring to keep up with property) • Movie studio (536 acres) built southwest of base – a compatible use 	<ul style="list-style-type: none"> • Military personnel needs to mix with the neighborhood more • The base needs support businesses and suppliers to be located around the base • Need public transit to hook into Lackland, can help the young troops navigate the City • Cadets graduate every Friday, family members stay in motels around Lackland, which is run down – need to have a better vision of area • Fire ranges and exploding ordnance sites on Lackland Annex – need to ensure safety of neighbors

Other	
Values	Issues
<ul style="list-style-type: none"> • Area residents care about a variety of issues related to planning • Quality of life • Northern problems of sector are different than the southern problems • Balance property rights 	<ul style="list-style-type: none"> • Involvement of city in life causes: more red tape, more hoops to jump through, & more dictating how I have to do things on property • Poachers, visitors trespassing on private property

Figure A-1: Community Assets



Community Assets

During the Sector planning process, the Planning Team conducted an asset identification mapping exercise. The Planning Team identified key commercial centers, employment centers, gathering/community centers, historic/cultural sites, natural resources/parks, recreation/tourism areas, and transportation facilities. The results from the identification exercise are illustrated on **Figure A-1: Community Assets** and identified by name in **Table A-1: Community Assets List**. The assets helped guide the development of the goals and strategies for the Sector.

Table A-1: Community Assets List

West/Southwest Sector Asset List	
ID Number	Asset Name
C1	Shopping Center (Alamo Ranch)
C2	Shopping Center 410 & 151
C3	Shopping Center 1604 & Portranco
C4	Ingram Park Mall
C5	South Park Mall
C6	Shopping Center 1604 & Bandera
C7	Potential/Future Commercial Center
C8	Multiple Commercial Sites
C9	Regional Shopping
C10	Westside Development Corporation Center
C11	Retail Commercial along Hwy 151
C13	SAMS (keep in city)
C14	La Coste fro agriculture supplies
C15	La Esconita (restaurant and corner store)
C16	Costco (keep in city)
E1	Citi Corp & Texas Research Center
E2	Southwest Research Institute
E3	Employment Center @ Hwy 151 & Loop 410
E4	Sea World & Hyatt
E5	Port San Antonio
E6	Lackland AFB
E7	Westover Hills (NSA)
E8	Budweiser
E9	Alamo Downs
E10	Zachary Construction
E11	Texas Workforce Center (Bandera & Hillcrest)
E12	Call Centers @ Westover Hills (Capital, QVC)
E13	Lackland AFB (annex)
E14	Palo Alto College
E15	Westover Hills Development Area
E16	Southwest General Hospital Area
E17	Southwest ISD
E18	Northwest Vista College
E19	Employment Centers around/near 151
E20	Southwest Biomedical
E21	St. Mary's University
E22	Fort Sam Houston
E23	Family Farm
E24	School Districts
E25	Family Farm
E26	Family Farm
G1	Miller's Pond Community Center
G2	Knights of Columbus
G3	Virginia Gill Center
G4	Cortez Library
G5	Forest Hills Library
G6	Johnston Library
G7	Memorial Library
G8	Henry A. Guerra, Jr. Library
G9	Palo Alto Park
G10	Cortez Senior Community Center
G11	South Side Community Center
G12	Wolff Stadium
G13	Coras 471 Grill
G14	Castroville
G15	Rudy's BBQ
G16	Southwest High School
G17	Macdona Church
G18	Church in La Coste
G19	Family Farm
G20	Fire Station
G21	Great Northwest Library
G22	Potential/Future Community Gathering Center
G23	Potential/Future Community Gathering Center
G24	Potential/Future Community Gathering Center
G25	Potential/Future Community Gathering Center
G26	Quintana Community Center
G27	Garza Community Center
G28	Rainbow Hills Community Center
G29	Saint Mary's University
G30	Centro Medical Offices
G31	McCullum HS
G32	McCulloch Cemetery
G33	Rodriguez Park
H1	Arnold Hendricks House
H2	VW Farms
H3	Flores Country Store
H4	Bandera Road (Historic Trail)
H5	Historic Farm @ Quintana Rd & 410 (potential park)
H6	St. Mary's
H7	Farm House @ 1604 & Braun
H8	Bungalow Colony
H9	Lackland AFB
H10	Boot Hill
H11	The Belgium Farm
H12	Old Farm House Anna Anderson

Table A-1: Community Assets List Continued

H13	Pristine Old Ranches (maintain)
H14	Pristine Old Ranches (maintain)
H15	Static Aircraft display @ Lackland AFB
H16	Historic bridge on Masterson @ Sauz Creek
H17	Family farmsteads that go back several generations
H18	Fossils on family farmsteads
H19	Government Canyon
H20	Family cemetery on family ranch
H21	Family farmsteads that go back several generations
N1	Miller's Pond
N2	Edward's Aquifer
N3	Leon Creek
N4	Zarzamora Creek (want park)
N5	Van deWalle Farms (open space)
N6	Scenic Area Cedar Creek area
N7	Tom Slick Park
N8	Monterrey Park
N9	Leon Creek
N10	Creekway at Cable Westwood
N11	Large Ranches (maintain)
N12	Heritage Park
N13	Potential/Future Park land donation
N14	Government Canyon
N15	Leon Creek Greenway/Linear Park
N16	Culebra Creek Park
N17	Potential/Future Leon Creek Greenway/Linear Park
N18	Potential/Future Park/Open Space
N19	Potential/Future Ball Park & Sports Facility
N20	Medina River
N21	Edward's Aquifer Contributing Zone
N22	Westwood Village Park (with a pool)
N23	Whole rural westside (maintain farms & open space)
N24	Beginning location for flooding downstream
N25	Family Farm (food prod, wildlife habitat, natural)
N26	Family Farm (food prod, wildlife habitat, natural)
N27	Family Farm (food prod, wildlife habitat, natural)
N28	Family Farm (food prod, wildlife habitat, natural)
N29	Pearsall Park
N30	Camargo Park
N31	Soccer Complex
N32	Heritage Duck Pond
O1	Lackland AFB
O2	Lackland AFB (annex)
O3	Lytle
O4	Northwest Vista Library
O5	Family Farm
O6	National Shooting Range
O7	Poor Drainage Harlandale area
R1	Golf Course of Texas (2 courses)
R2	Sea World
R3	Nelson W. Wolff Municipal Stadium
R4	Lackland Air Force Museum
R5	Government Canyon
R6	Hyatt Golf Course
R7	Camargo Park
R8	Monterrey Park/Melendrez Community Center
R9	Pearsall Park (Dog Park)
R10	Lackland Golf Course
R11	Potential/Future Site for Recreation
R12	All of Hwy 151 Corridor
R13	Lackland Area 4K visitors/wk beautify area, hotels
R14	Diversion Dam Campground along Median River
R15	Family Farm (hunting fishing birding star gazing)
R16	Family Farm (hunting fishing birding star gazing)
R17	Family Farm (hunting fishing birding star gazing)
R18	Castroville
T1	VIA Park & Ride Hwy 90 & Military (Frank Madla)
T2	VIA Park Ingram Park Mall
T3	Potential/Future Commuter Rail Site
T4	Bicycling
T5	Bicycling
T6	Southwest ISD Transportation Center
T7	Port San Antonio (rail truck import/export)
T8	Union Pacific
T9	Transportation Facility @ Hwy 151 & 1604
T10	VIA Park & Ride
T11	Nelson W. Wolff Municipal Stadium
T12	Park & Ride 151 & 90
T12	Bandera Point
T13	Ingram Transit Center
T14	Potential/Future transit center 1604 & Culebra
T15	Port San Antonio (Air strip logistics)
T16	VIA Park & Ride South Park Mall
T17	Northwest Vista Park & Ride
T18	Hwy 151 travel into town
T19	Hwy 90 travel into town

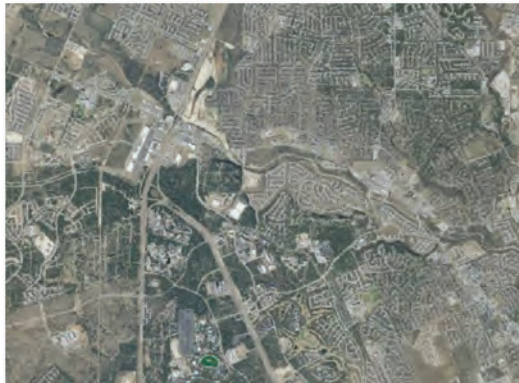


Planning Area Profile

Shaping the Future of San Antonio

Overview

The West/Southwest Sector is the fastest growing Sector. The northern portion of the Sector is within the Texas Hill Country region, which is characterized by an abundant amount of springs, creeks, rivers, and waterfalls. The area is rich with natural panoramic views and is also home to unique flora and fauna. Of the 29 plant communities found in the Hill Country, 3 occur nowhere else in Texas and 2 are found nowhere else in the world. The Texas Hill Country is an appealing region for people to reside. It is also an extremely environmentally sensitive area which should be preserved and protected. Government Canyon State Natural Area is situated in the area, preserving the natural environment and providing recreational opportunities for residents.



Much of the middle and southern portions of the West/Southwest Sector are characterized by gently rolling plains with low-growing vegetation such as mesquite and huisache. This area is well suited for crop production due to the mostly flat terrain and basic to slightly acidic soils. A great number of farms and ranches are located within the western parts of the Sector. For the same reasons the

area is adapt for crop production, the area is also easier to develop than the northern and eastern parts of Bexar County, which have either rocky terrain or clay soils. The areas west of Loop 1604 are experiencing tremendous growth, particularly in residential development, such as the Red Bird Ranch, Stillwater Ranch, Briggs Ranch, and Alamo Ranch developments.

The areas within Loop 1604 and Loop 410 are characterized by a number of traditional residential developments with winding local roads and cul-de-sacs. The Highway 151 corridor located in the area has become a major employment center as well as tourist destination. Microsoft, Lowe's, and Valero have located their data centers along Highway 151. Christus Santa Rosa Health System built a full-service health care campus. Sea World and the Hyatt Regency Hill Country Resort and Spa are both situated off of Highway 151 and attract a number of tourists throughout the year. Continued economic opportunities are anticipated within this area.

Higher densities of residential and non-residential uses are concentrated inside Loop 410. Many of the cities incentive programs promote inner-city redevelopment, such as the Inner City Reinvestment and Infill Policy (ICRIP), in order to capture part of the growing population as well as to invigorate the communities in this portion of the City.

As noted, the West/Southwest Sector is a very diverse region with varying residential developments, economic opportunities, and natural resources. Further detail regarding this diversity can be found within the following pages.

General Profile

Area Profile/Demographics

Demographic data shows that the West/Southwest Sector maintains a near average balance with all Sectors combined. The West/Southwest Sector is only slightly below the averages for educational attainment, household incomes, and home values when compared to all Sectors combined. As the area continues to grow and economic opportunities continue to expand, the area will begin to see higher averages in these categories.

Total Population and Age

The West/Southwest Sector comprised approximately 20% of the total population of all Sectors in 2000 and rose to 21% in 2008 as shown in **Table A-1: Age Distribution**. The total population of the Sector increased by over 50,000 people between 2000 and 2008. The population age cohort that experienced the greatest increase was persons 35 to 64. The population age cohort that experienced the greatest decline was persons 18 to 34. This implies that in the West/Southwest Sector, the older populations are growing at a slightly faster rate than the younger segments.

Table A-2: Age Distribution

Variable	2000 All Sectors		2000 W/SW Sector		2008 All Sectors		2008 W/SW Sector	
	Population	Percent	Population	Percent	Population	Percent	Population	Percent
17 and under	380,354	28%	84,794	32%	426,439	28%	98,518	31%
18 to 34	346,190	26%	176,823	29%	375,592	25%	87,913	27%
35 to 64	470,645	35%	86,282	32%	559,877	37%	108,748	34%
65 and Over	139,307	10%	20,989	8%	157,323	10%	27,232	8%
Total Population	1,336,496		268,886		1,519,230		322,410	
Persons per Acre	1.90		1.60		2.20		1.95	
Median Age	32.8		29.2		33.9		30.6	
Average Age	34.0		31.3		34.8		32.4	

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Gender

In the West/Southwest Sector, women slightly outnumber men. The male/female ratio for this Sector in 2000 was 0.989; in 2008 it was 0.98 as shown in **Table A-2: Gender Distribution**.

Race and Ethnicity

The Hispanic or Latino population has remained the majority population in the West/Southwest Sector (71.2 % in 2000 and 72.9% in 2008). The White non-Latino group declined in percentage from 20.3% in 2000 to 18.2% in 2008. Most other groups only increased slightly in percentage from 2000 to 2008. Compared to all Sectors combined, the West/Southwest Sector experiences a greater number of Latinos and lower numbers of African Americans and Whites. See **Table A-3: Racial/Ethnic Distribution** for additional details.

Table A-3: Gender Distribution

Variable	2000 All Sectors		2000 W/SW Sector		2008 All Sectors		2008 W/SW Sector	
	Population	Percent	Population	Percent	Population	Percent	Population	Percent
Male	649,347	48.6%	133,692	49.7%	739,939	48.7%	159,939	49.6%
Female	687,148	51.4%	135,196	50.3%	779,291	51.3%	162,472	50.4%
Male/Female Ratio	0.94		0.989		0.95		0.98	

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Table A-4: Racial / Ethnic Distribution

Variable	2000 All Sectors		2000 W/SW Sector		2008 All Sectors		2008 W/SW Sector	
	Population	Percent	Population	Percent	Population	Percent	Population	Percent
Hispanic or Latino	739,755	55.4%	191,475	71.2%	890,262	58.6%	234,876	72.9%
Black or African American	91,711	6.9%	15,537	5.8%	100,675	6.6%	18,248	5.7%
White	463,796	34.7%	54,670	20.3%	470,733	31.0%	58,566	18.2%
Other	16,788	1.3%	3,285	1.2%	22,818	1.5%	4,747	1.5%
Native American	3,248	0.2%	580	0.2%	4,751	0.3%	910	0.3%
Asian	20,328	1.5%	3,162	1.2%	28,849	1.9%	4,782	1.5%
Native Hawaiian and Other Pacific Islander	869	0.1%	178	0.1%	1,142	0.1%	282	0.1%

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Transportation

Transportation planning within the San Antonio metropolitan area involves federal, state, regional, and local agencies. The primary agencies that directly impact transportation within the West/Southwest Sector are: City of San Antonio, Bexar County, Alamo Area Council of Governments, San Antonio-Bexar County Metropolitan Planning Organization (MPO), VIA Metropolitan Transit Authority, Alamo Regional Mobility Authority (Alamo RMA), and Texas Department of Transportation.

The Sector is traversed by several major roads (e.g., Culebra, Bandera, and Potranco) and highways (Highway 90, Loop 1604, Loop 410, and Highway 151).

Major Thoroughfare Plan

The City's Major Thoroughfare Plan (MTP) is a long-range transportation plan for the City and Bexar County. The MTP depicts the general location, dimensions, and right-of-way (ROW) dedication requirements of arterial streets of various sizes. Currently, the City's Unified Development Code includes bike facilities and sidewalks as conventional street design standards for arterials and collectors.

The West/Southwest Sector includes several MTP arterials totaling approximately 249 miles. Future roads on the MTP accommodate future demand. This demand is driven primarily by development, population density increase, and increase in motor vehicle ownership.

The City of San Antonio encourages a MTP that is consistent with future development, population projections, and community values. The City also encourages the

construction of multi-modal arterials reflected in the complete streets concept. Complete streets are created when the entire right-of-way is designed so that all users (drivers, transit users, pedestrians, bicyclists, older people, children, people with disabilities, etc.) can move along and across roadways safely. Complete streets may include "sidewalks, bike lanes (or wide paved shoulders), special bus lanes, comfortable and accessible transit stops, frequent crossing opportunities, median islands, accessible pedestrian signals, curb extensions, and more. A complete street in a rural area will look quite different from a complete street in a highly urban area. But both are designed to balance safety and convenience for everyone using the road," (Source: National Complete Streets Coalition, www.completestreets.org). Complete streets share similarities with Context Sensitive Streets (CSS), but the two are not the same. CSS, like Complete Streets, emphasizes multi-modality, but the CSS street design should serve the activities generated by the adjacent context, and CSS sometimes requires that the street design changes as it passes through areas where a change in character is desired by the local community.

Transit

The West/Southwest Sector has a total of 39 VIA bus routes that cover approximately 312 miles. The majority of these bus routes operate in the eastern portion of the West/Southwest Sector where population density is greatest.

VIA is in the process of creating a 25 year plan called the Long Range Comprehensive Transportation Plan (LRCTP). This proposed plan takes into account the community

goals set forth during the LRCTP's public involvement process. Some of the key goals identified were: mobility, economic development, increasing the region's competitive image, increasing quality of life factors, sustainable strategies, historic preservation, support for employment, education and improved health, and seeking additional funding opportunities.

In the proposed VIA LRCTP, the following corridors have been identified as having potential for high capacity transit: W. Commerce/Old Highway 90; General McMullen/Southwest Military Drive/Babcock Road, Bandera Road; Wurzbach Road; Lone Star Rail. Additional local bus service improvements have been identified across the planning area. A proposed new Park and Ride facility has been identified at Loop 1604/Highway 151. Current major transit centers exist at Ingram and Kelly-Lackland.



Alamo Regional Mobility Authority (Alamo RMA)

The Alamo RMA is an independent governmental agency created by the Texas Transportation Commission and the Bexar County Commissioners Court to accelerate needed transportation projects in Bexar County. Alamo RMA is currently preparing an environmental impact statement on potential improvements to Loop 1604 from IH-35 to U.S. Highway 90. A portion of these

improvements will be located in the West/Southwest Sector. Current improvements are already underway in the form of a Super Street. The Super Street is being designed and constructed for a section of Loop 1604 from Braun Road to Highway 151, which is located within the West/Southwest Sector, to help increase the ease of use in the highest traffic areas.

Bicycle and Pedestrian

The City of San Antonio and Bexar County Commissioners Court both adopted the MPO's Bicycle Master Plan. The City is currently working on an update to the Bicycle Master Plan. This updated plan will encourage the creation of a city-wide bike network with high connectivity between origins and destinations. The West/Southwest Sector currently has approximately 31 miles of dedicated bike lanes and the updated Bicycle Master Plan recommends additional lanes.

The options for pedestrians are increasing throughout the West/Southwest Sector. The West/Southwest Sector is traversed by a section of the Leon Creek Greenway, which is part of a larger effort to create a system of connected multi-use paths along creeks and rivers throughout San Antonio and Bexar County (see Parks and Natural Resources). As new development happens, the City's Unified Development Code encourages pedestrian facilities through design standards and requirements for the construction of sidewalks on new streets.

Rail

The West/Southwest Sector contains sections of three Union Pacific rail lines: approximately 16 miles of the Del Rio Subdivision, 13 miles of the Laredo Subdivision, and 3 miles of the Corpus Christi Subdivision. Together, the Del Rio and Laredo lines carry approximately 44

freight lines per day, and the Corpus Christi line carries 18 freight lines per day. All of these railroad sections are located in the southern portion of the West/Southwest Sector.

The Freight Rail Corridors Reuse Study conducted by the Texas Department of Transportation and published in 2010 investigated the feasibility of reusing these lines if through-freight rail were ever allocated to new routes. The study recommends the following: the Del Rio, Laredo, and Corpus Christi Subdivisions, could be reused to include light rail and hike and bike trails. There is potential for redevelopment of industrial uses along the corridors that could provide opportunities for transit oriented development.

The Lone Star Rail District is an independent public agency created to bring regional passenger rail service to the Austin-San Antonio corridor. This proposed passenger rail, called LSTAR, could help alleviate congestion on IH-35, and connect communities in five counties with a combined population of more than 3 million people. The LSTAR service is planned to be integrated closely with VIA's future transit network with connections at the San Antonio Airport, Westside Multimodal Center, and City South.

Union Pacific's San Antonio Intermodal Terminal opened in southwest Bexar County in March, 2009 and is located in section 4 of the West/Southwest Sector. The 300-acre terminal functions as a container processing site. Containers carrying consumer goods arrive on train from the west coast and are unloaded. Big-rig trucks pick up the containers and drive them to their destination. The facility uses technology and streamlined operations so that trucks spend less time idling and release fewer emissions.

Aviation

The West/Southwest Sector has an active airfield located on the Kelly Field Annex. Lackland owns and operates the airfield through a Joint Land Use Agreement (JUA) with Port San Antonio. Several Port San Antonio tenants have access and use of the airfield. An air cargo terminal and federal inspection station has been completed and is being marketed to attract long haul heavy freight from foreign markets.

Alamo Area Council of Governments (AACOG)

The AACOG has a program called the Alamo Regional Transit (ART) that provides a rural ride service to people of all ages within the following counties: Atascosa, Bandera, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Medina, and Wilson. The ART program also provides rides to and from these counties and Bexar County and San Antonio. Many of these rides are for people who live outside of Bexar County and who are trying to access health care services inside Bexar County. In 2009, the program, which has 97 vehicles, provided 110,000 one-way rides.



Figure A-2: Vehicular and Aviation Transportation System

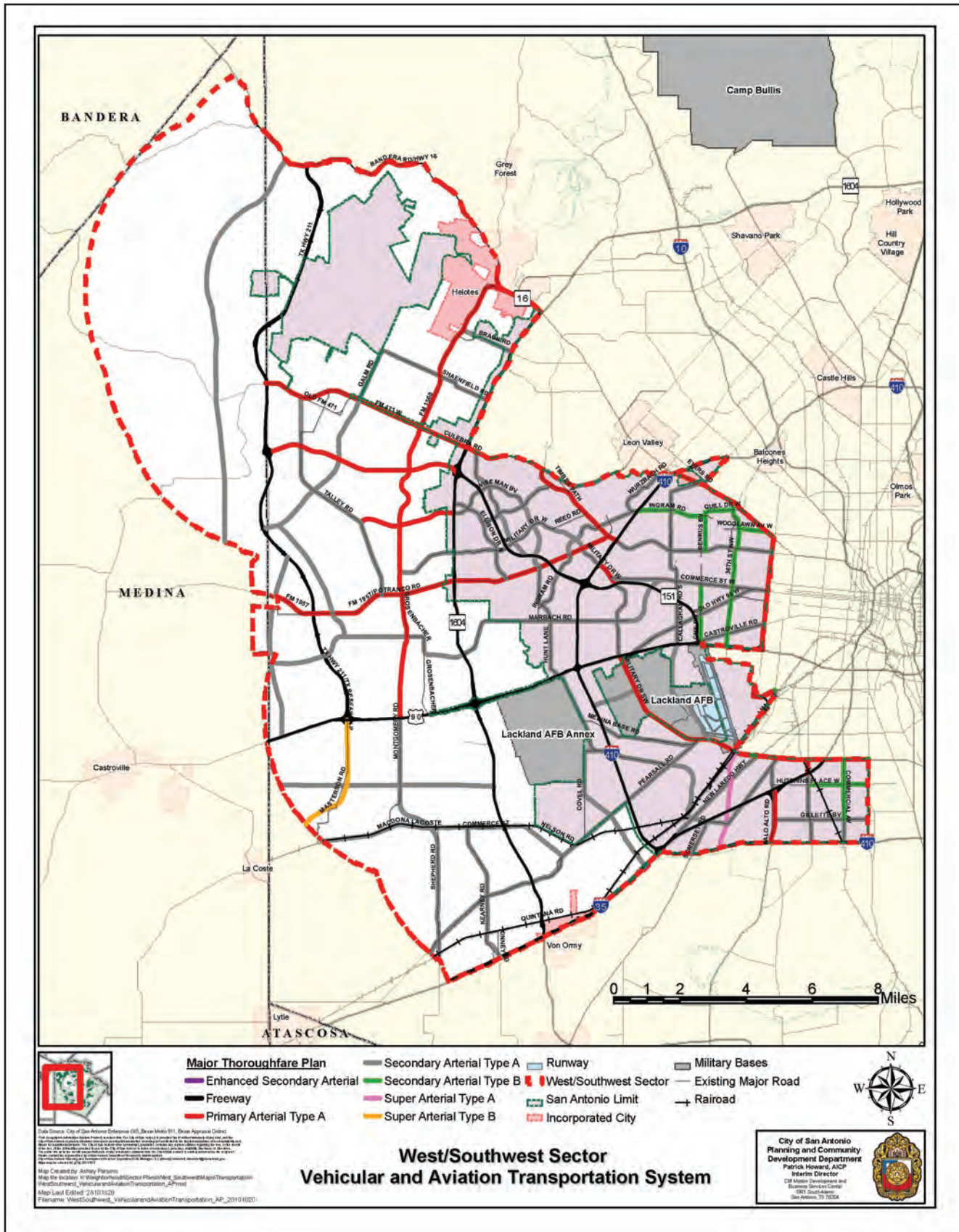


Figure A-3: Mass Transit and Non-Vehicular Transportation Systems

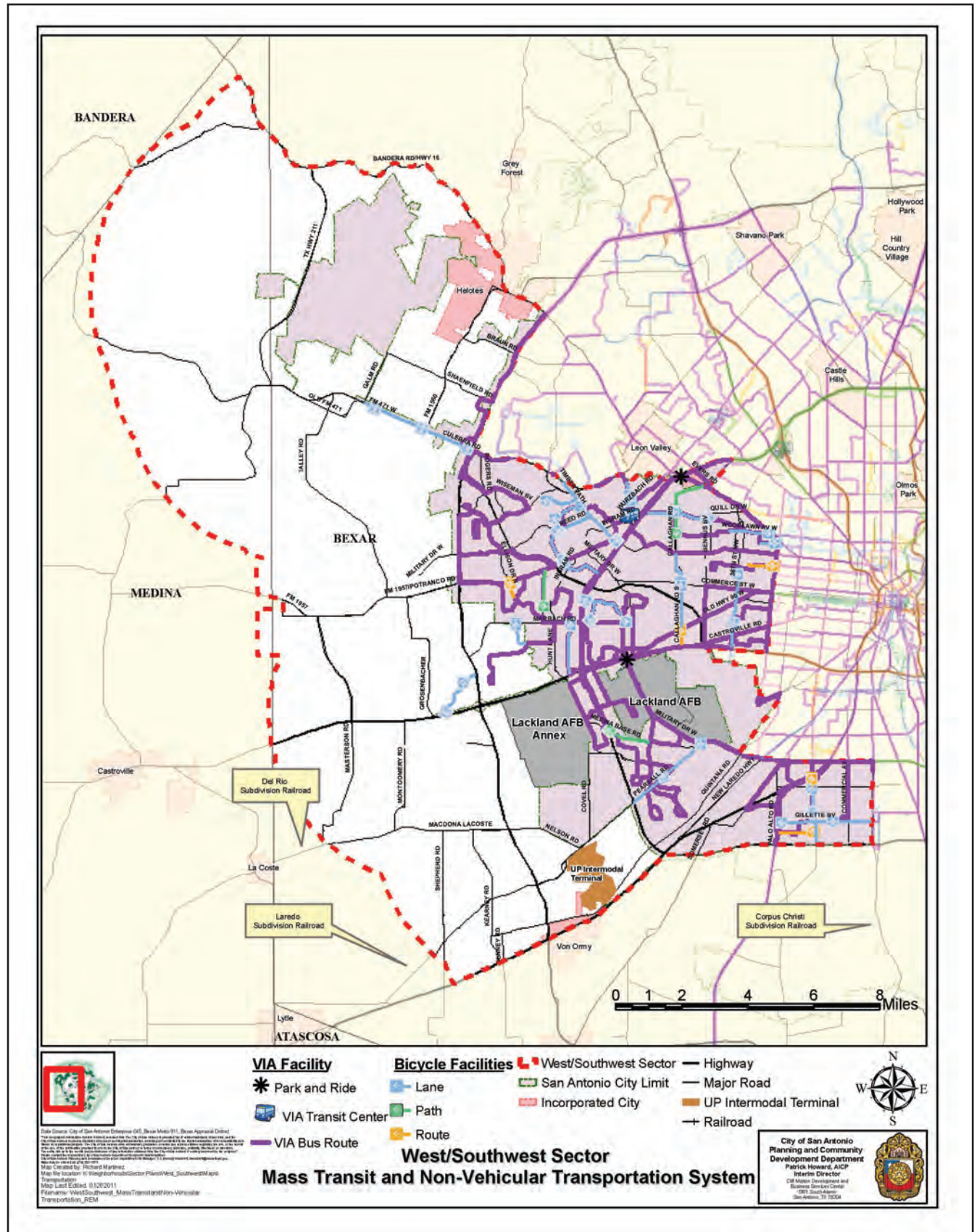


Figure A-4: Funded Transportation Projects

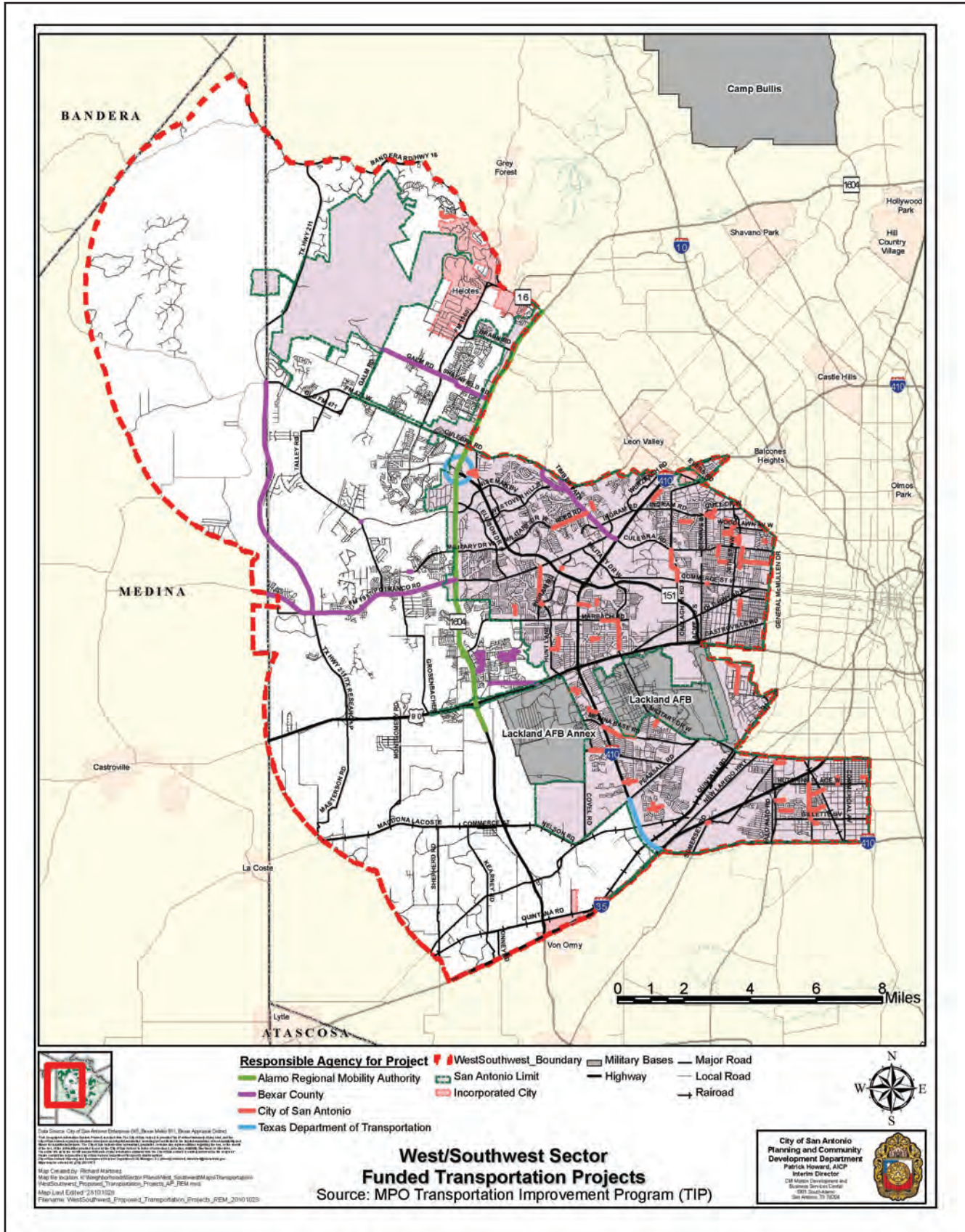
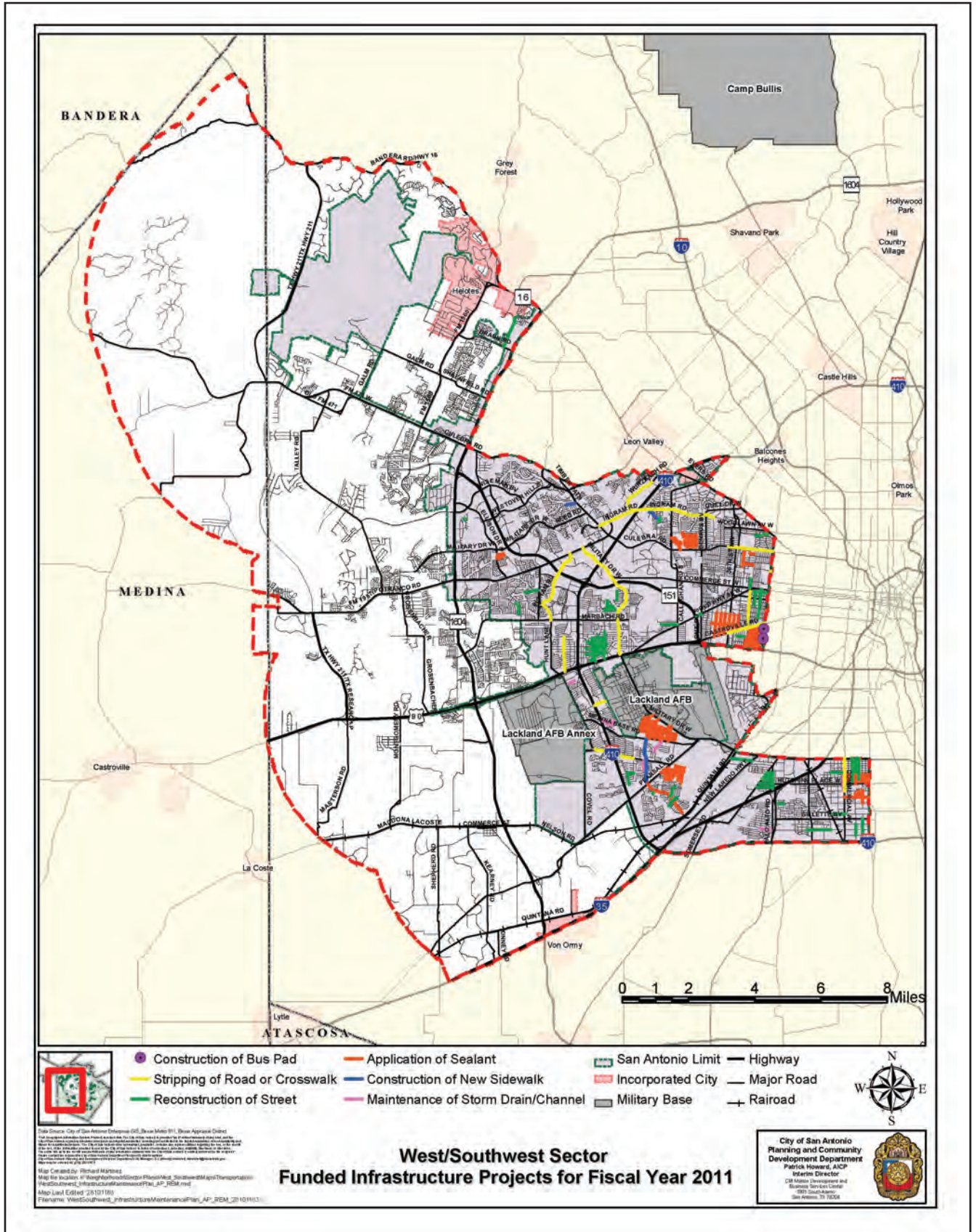


Figure A-5: Funded Infrastructure Projects for Fiscal Year 2011



Utilities and Storm Water Infrastructure

Water Providers

There are two major water providers in the West/Southwest Sector—San Antonio Water Systems (SAWS) and the BexarMet Water District (BexarMet). Atascosa Rural Water Supply Corporation and several small service providers also serve this planning area. SAWS' service area includes much of the northern and eastern portions of the Sector. BexarMet's service area includes portions of the west side and far southeast side of the Sector. In addition to central water systems, some of the rural residents rely on well water.

Wastewater Providers

SAWS is the primary wastewater service provider in the West/Southwest Sector. SAWS serves approximately 40% of the Sector (much of the far eastern and central portions). Aside from Oak Creek Environment Management, a small provider near Loop 1604 and Military Drive, the bulk of the remaining portion has no wastewater coverage and thus relies on septic systems.

CPS Energy

CPS Energy, a municipally owned energy utility company, is the sole provider of natural gas and electric service in Bexar County. CPS also provides service to portions of Atascosa, Bandera, Comal, Guadalupe, Medina, Wilson, and Kendall Counties. Until recently, coal was the major source of electricity for CPS Energy. Today, the company has diversified to include wind, solar, and nuclear energy.

Storm Water Management

The planning area contains three primary watersheds—Medina River, Leon Creek, and San Antonio River. Rivers, creeks and smaller waterways flow in and out of these watersheds. Floodplains, lakes, rivers and creeks make up approximately 34 square miles (22,177 acres) of the Sector.

San Antonio is located in one of the most flash flood prone regions in North America. Annual rainfall ranges from 15 inches to 35 inches, causing unpredictable droughts and sporadic flash floods. Another cause of flash floods is impervious cover, which impedes rainwater from percolating into the ground causing it to flow across surfaces and collect in low lying areas. Some of this rainwater runoff traverses roads at low-water crossings. There are approximately 63 low-water crossings located just within the City limits of the West/Southwest Sector alone. These crossings are unusable during flash flood weather events.

The City of San Antonio has implemented several development measures to help prevent and/or reduce flood problems. One measure is the enforcement of four mandatory detention areas and one mandatory retention area within the West/Southwest Sector. Developers can also select to utilize low-impact development features, which allow for increased storm water percolation into the ground.

Figure A-6: Water Service

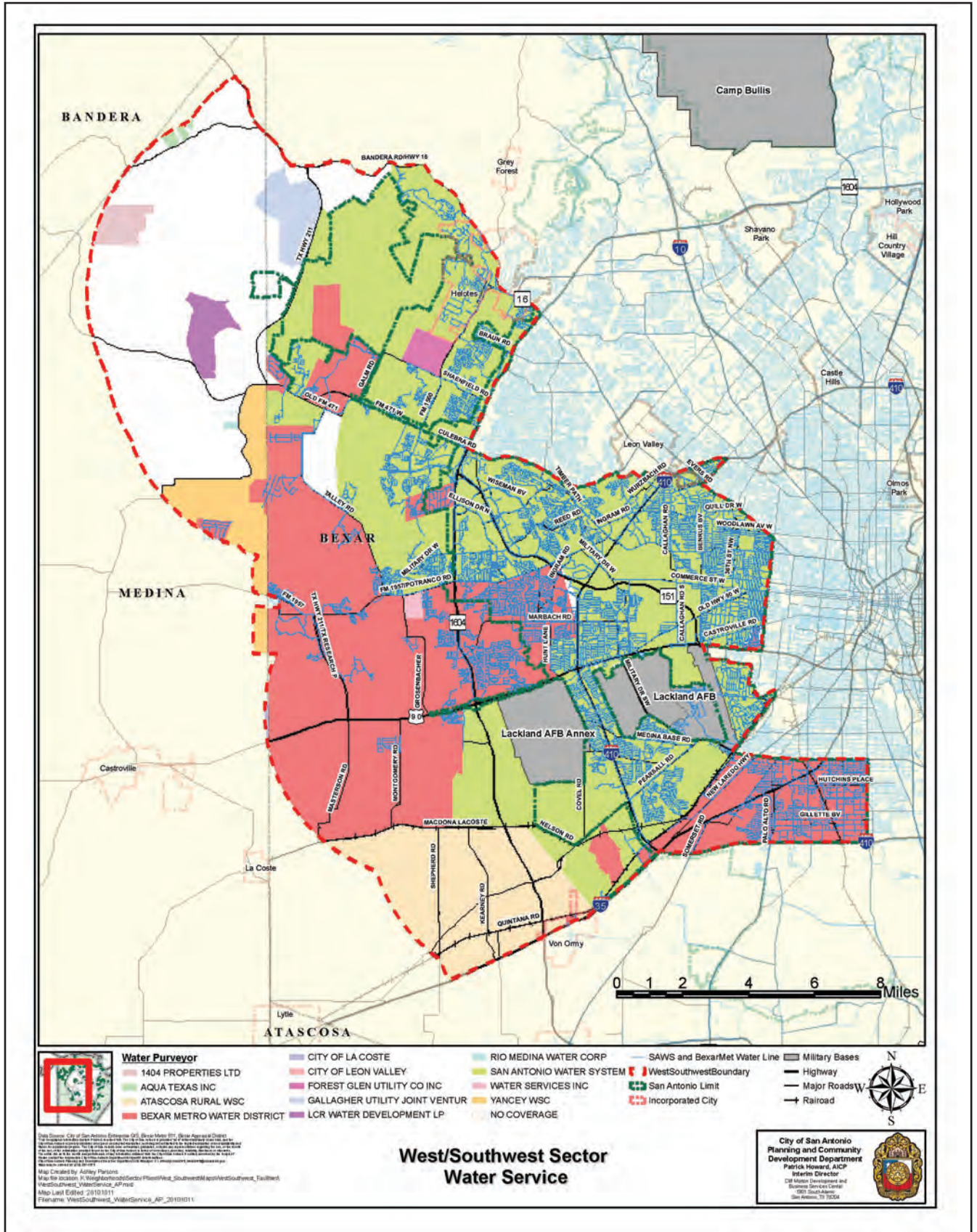


Figure A-7: Wastewater Service

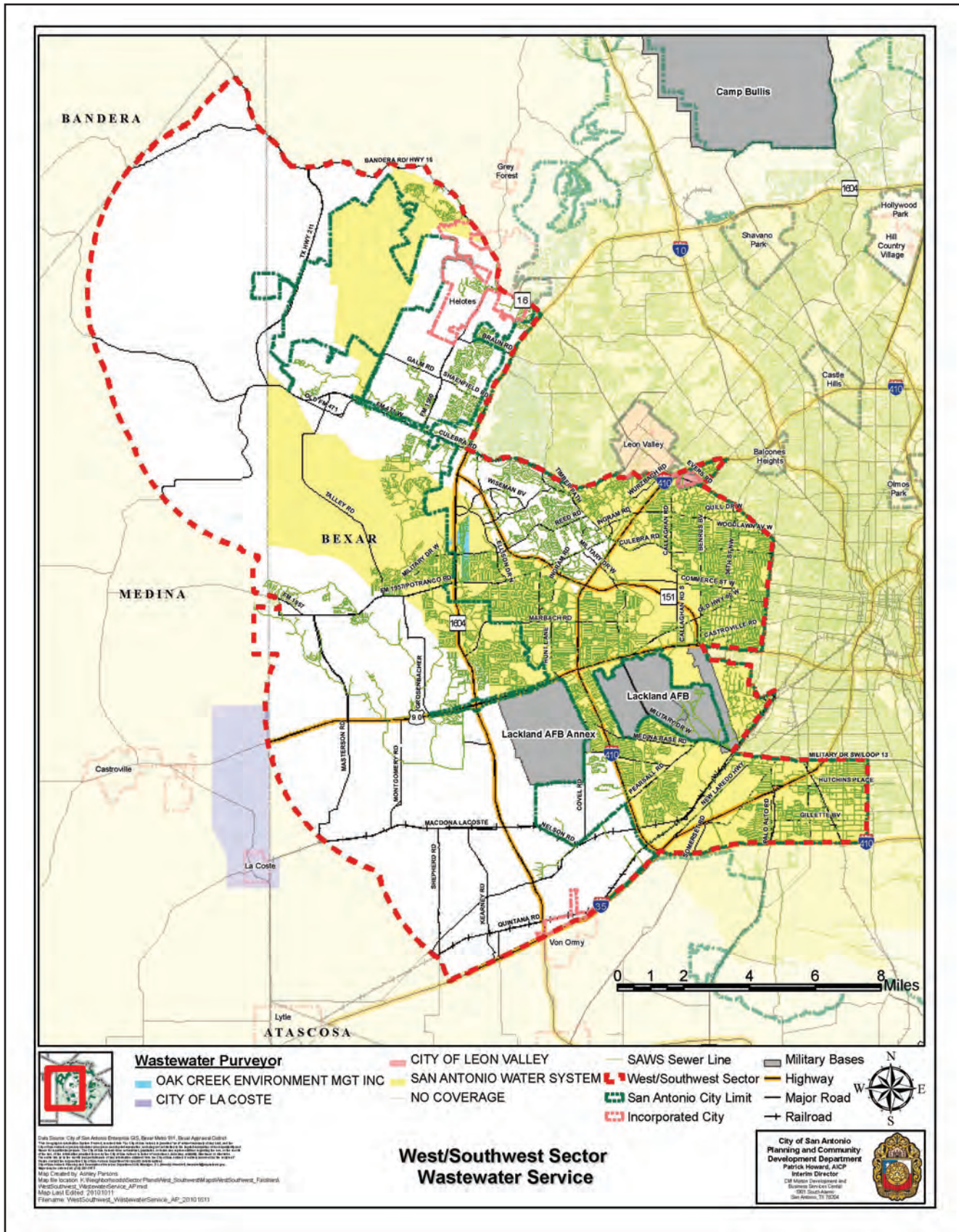


Figure A-9: Future BexarMet Projects

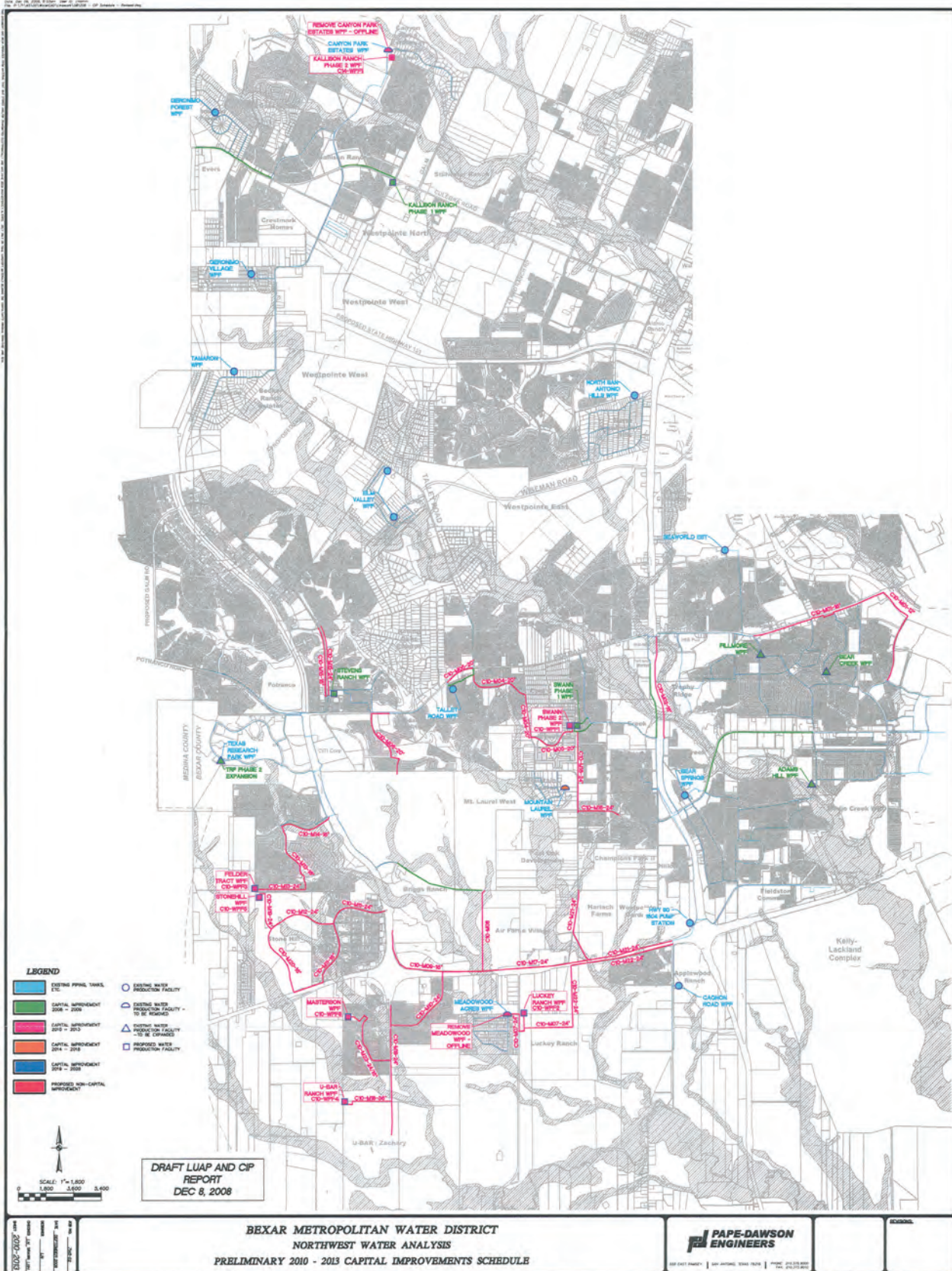


Figure A-10: Additional Future BexarMet Projects

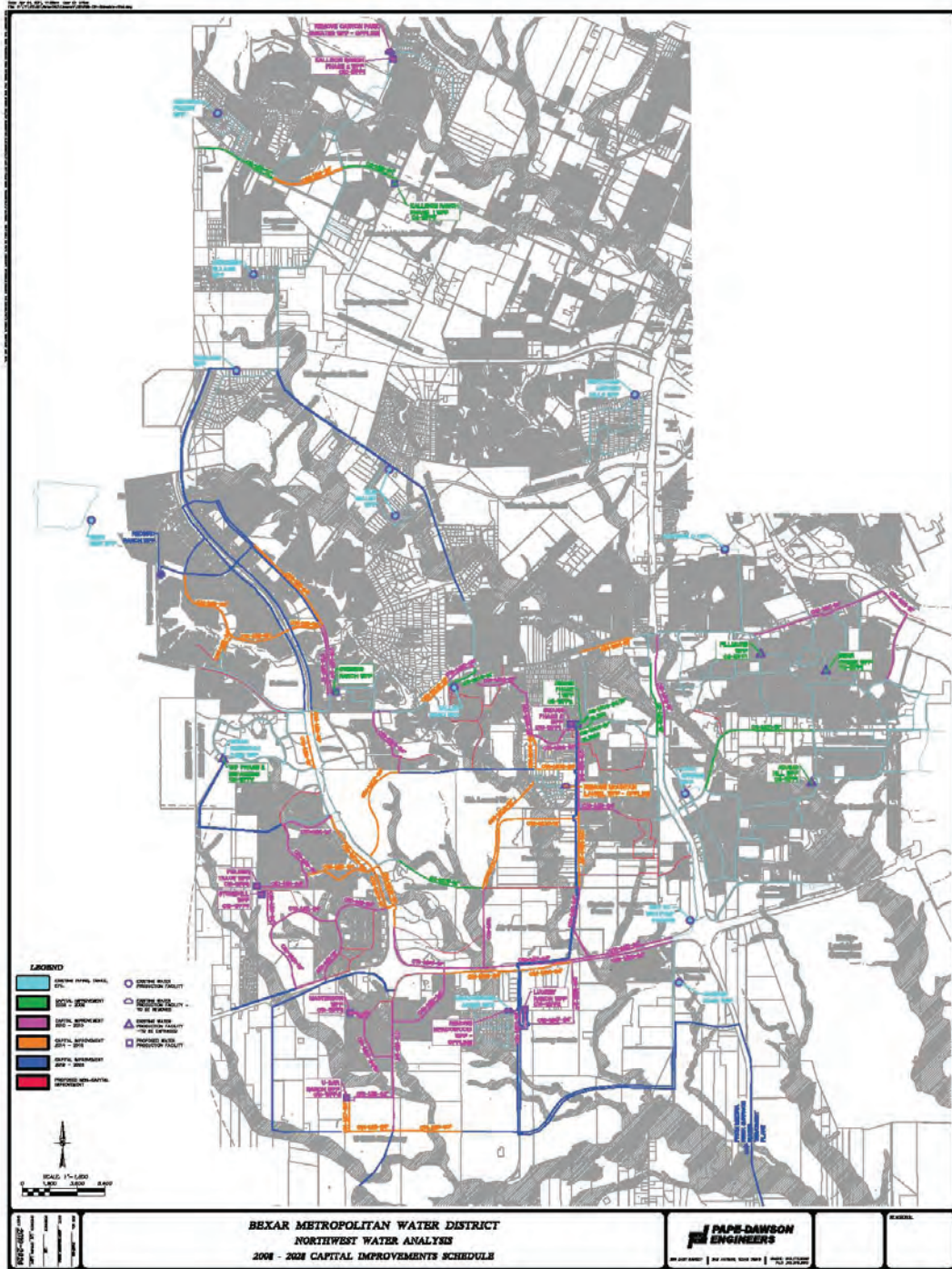


Figure A-11: Additional Future BexarMet Projects

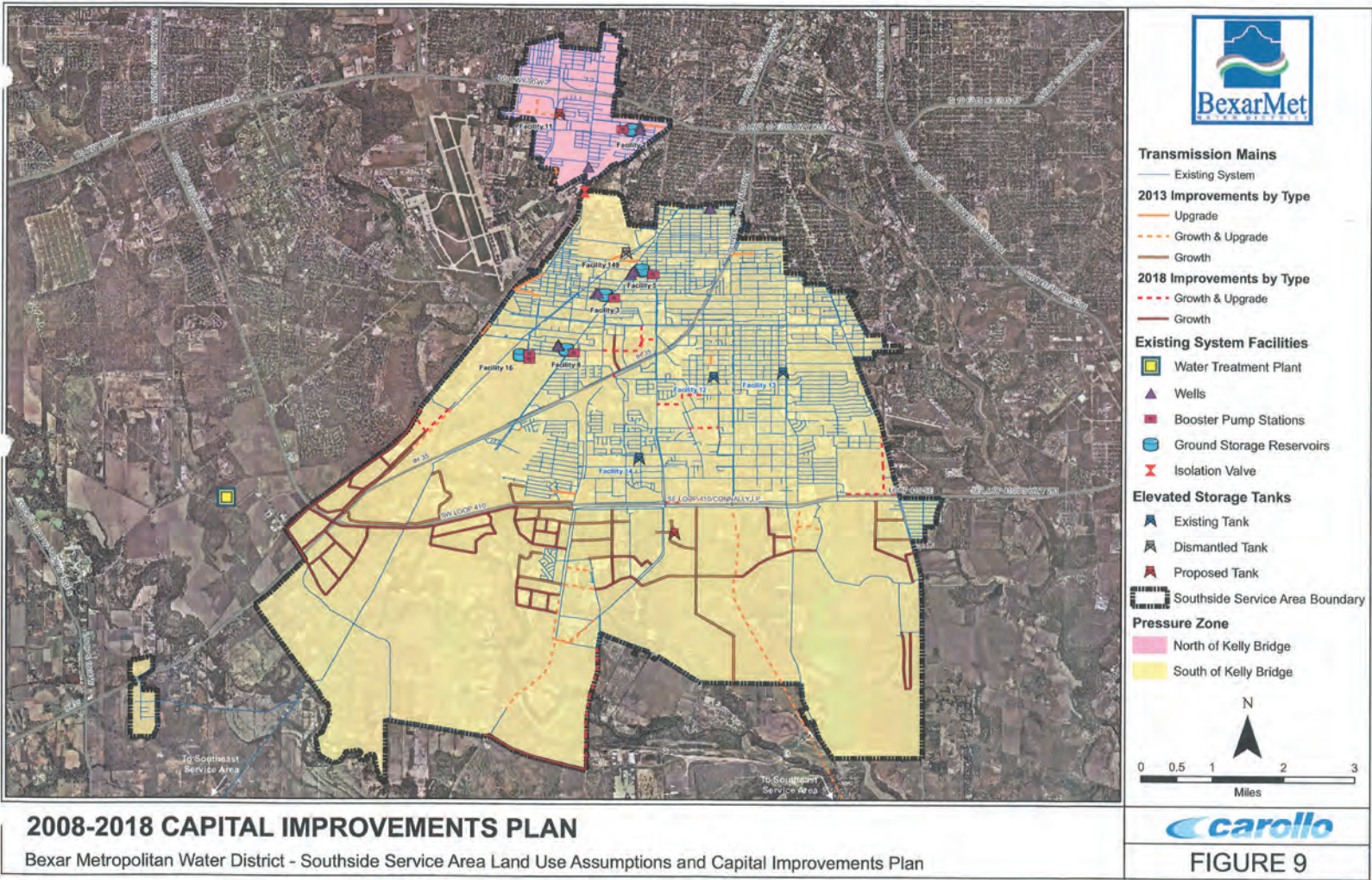


Figure A-12: Future CPS Energy Projects

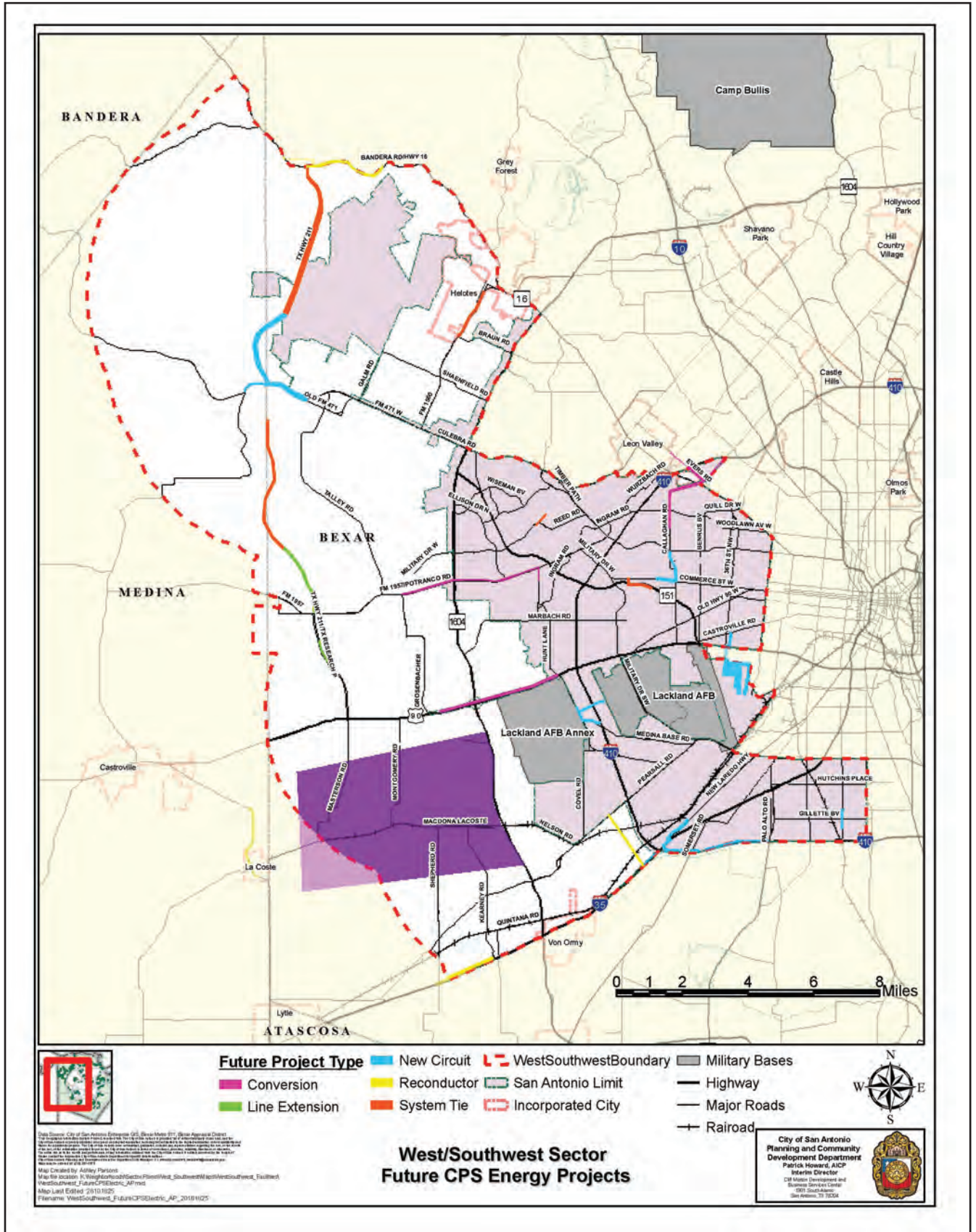
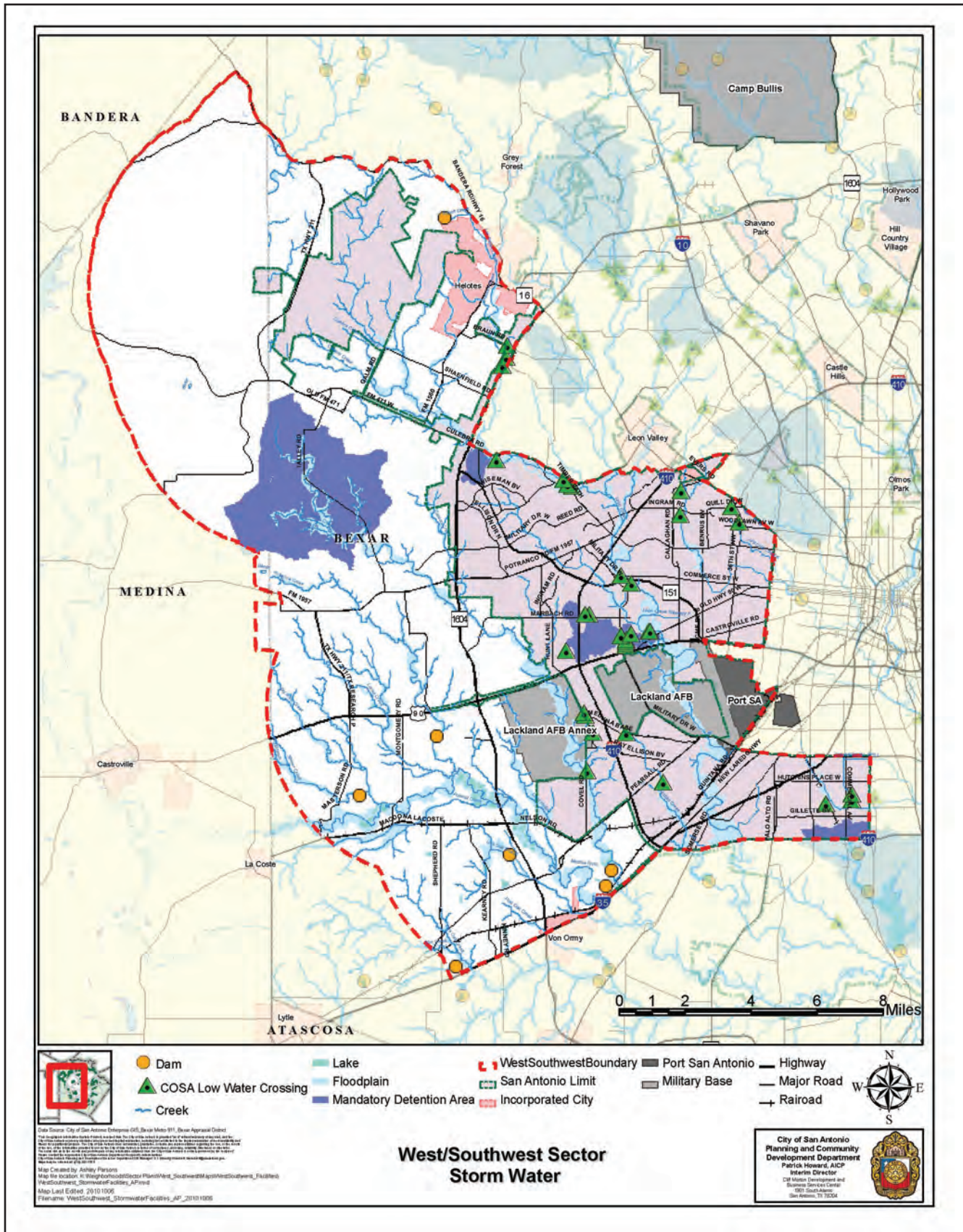


Figure A-13: Storm Water



Economic Development

The West/Southwest Sector Plan has grown consistently in the past decade and will continue to generate future opportunities for economic development. The area includes a diverse economy made up of several industries, including data centers, research and educational institutions, military installations, and tourism/hospitality.

The Information Technology (IT) industry contributes significantly to the overall economy of San Antonio and especially to the West/Southwest Sector. Many of the nation's largest corporations, including Microsoft, Lowe's, and Valero, have established data centers along Highway 151 in the West/Southwest Sector. In the past decade, the industry has doubled in size and in 2008 had an economic impact of \$8 billion. Petco Animal Supplies is the latest company to move to San Antonio. The company is opening a support center that will employ 100 people. San Antonio is an ideal location for these data centers as they utilize a lot of electricity and San Antonio has an abundant supply of reasonably-priced electricity, a highly developed power and networking infrastructure system, and has a low risk of natural disasters.

San Antonio is particularly strong in the information security field. The headquarters of the 24th U.S. Air Force, which deals with a great share of the Air Forces' information security operations, is located within San Antonio as well as the Air Force Intelligence, Surveillance and Reconnaissance Agency (AFISRA). The National Security Agency (NSA) located its data-mining headquarters, known as the Texas Cryptology Center, in an old Sony microchip plant just west of Loop 410 and east of Potranco. The headquarter employs approximately 1,500 personnel. The NSA also employs approximately 2,000 people at

Lackland AFB Annex. The AFISRA and NSA alone employ thousands in San Antonio. The University of Texas at San Antonio is helping San Antonio's emergence as a center for cyber security with its Institute for Cyber Security and the Center for Infrastructure Assurance and Security.

The Southwest Research Institute, located to the east of Loop 410 across from the Texas Cryptology Center, also specializes in information technology. The Institute employs approximately 3,000 people, whom specialize in the creation and transfer of technology in engineering and the physical sciences. The Institute occupies approximately 1,200 acres in the West/Southwest Sector and in fiscal year 2010 earned \$548 million.



Port San Antonio (PSA) located in the southeast corner of the West/Southwest Sector is a 1,880 acre master-planned site anchored by an aerospace complex and international logistics platform. The Boeing Company, Lockheed Martin, and Standard Aero occupy over 2.8 million square feet of hangar and assembly space on the site. PSA can lease space for warehouses and offices as well as rail and non-rail sites. The entire site falls within a General Purpose Foreign-Trade Zone (#80-10) designation, which means

goods are not subject to formal U.S. Customs entries or payment of duties while in the zone. The long-term master plan for the site calls for a 400-acre mixed use campus, known as Kelly Town Center. The Center will feature additional office space, shopping, dining, lodging, and housing. In 2008 all businesses at the Port generated an annual economic impact of \$3.3 billion. Total employment at PSA is 4,300 people.

Adjacent to Port San Antonio is Lackland Air Force Base (AFB) and Lackland Annex. Since 1946, all enlisted Airmen have begun their Air Force, Air Force Reserve Command, and Air National Guard careers at Lackland. More than 80,000 students graduate on an annual basis from one of four primary training missions. Lackland AFB includes almost 9,800 acres of land and serves a total military, dependent, and civilian population of more than 45,000. On a daily basis more than 33,000 people work and train on the base. The annual payroll of the installation totals over \$1.1 billion. The AFB also operates one of the busiest airfields in the Department of Defense on the former Kelly AFB, which is shared with Port San Antonio. Lackland AFB has an estimated total economic impact of approximately \$2 billion on the local economy. The base is the second largest employer in the City of San Antonio. The Department of Defense overall in San Antonio has an economic impact of approximately \$13.3 billion.

Lackland AFB and Port San Antonio will continue to see growth and mission expansion. Lackland is gaining 1,131 new personnel due to the Base Realignment and Closure (BRAC) and 940 new personnel from mission realignments.

Education in San Antonio is represented by a broad range of institutions, including community colleges and four-year universities. These institutions provide

cutting edge research and quality workforce development and training programs. The West/Southwest Sector encompasses St. Mary's University and Northwest Vista and Palo Alto Alamo Colleges. In 2004, the economic impact of higher education institutions in San Antonio accounted for \$2.2 billion. Northwest Vista College enrolled 14,584 students in 2010. Palo Alto College enrolled 8,047 students in 2010 and St. Mary's University enrolled 4,000.

The hospitality industry in 2008 had an economic impact of \$11 billion and employs 100,000 people. The West/Southwest Sector includes several travel destinations, such as Sea World, Hyatt Regency Hill Country Resort, and Mission Stadium.

Employment

In 2008, there were approximately 125,857 employed persons living in the West/Southwest Sector. This figure represents approximately 18% of employed persons living in all Sectors combined. The unemployment rate for the West/Southwest Sector was 7% in 2008; for all Sectors combined this figure was 5.4%. See **Table A-4: Employment** for additional information.

Household Income and Poverty

In 2008, median household income for the West/Southwest Sector was \$42,346, which was only slightly lower than the average for all Sectors combined. In that same year 15.9% of families in the Sector lived below the poverty level. Since 2000, the number of families earning \$50,000 or more has increased and the number of families living below the poverty level has decreased showing an overall economic improvement for the area, see **Table A-5: Household Income and Poverty**.

Table A-5: Employment

Variable	2000 All Sectors		2000 W/SW Sector		2008 All Sectors		2008 W/SW Sector	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Population Age 16+	997,598		193,234		1,138,434		234,435	
Not in Labor Force	367,213		73,797		405,385		86,080	
In Labor Force	607,429		108,480		705,440		135,303	
In Armed Forces	22,956		10,957		27,610		13,053	
Employed	571,007		100,202		693,503		125,857	
Unemployed	35,896	5.9%	8,006	7.4%	39,547	5.4%	9,446	7.0%

2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Table A-6: Household Income and Poverty

Variable	2000 All Sectors		2000 W/SW Sector		2008 All Sectors		2008 W/SW Sector	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total Households	469,048		80,088		535,973		98,499	
Less than \$25,000	149,119	31.8%	28,377	35.4%	143,162	26.7%	28,430	28.9%
\$25,000-\$49,999	148,109	31.6%	28,000	35.0%	156,937	29.3%	31,916	32.4%
\$50,000-\$99,999	126,243	26.9%	20,074	25.1%	158,240	29.5%	29,672	30.1%
\$100,000-\$149,999	29,766	6.3%	2,774	3.5%	50,612	9.4%	6,482	6.6%
\$150,000-\$249,000	11,766	2.5%	755	0.9%	19,011	3.5%	1,1608	1.6%
\$250,000 or More	4,352	0.9%	158	0.2%	8,011	1.5%	392	0.4%
Median Household Income	\$41,809		\$35,392		\$48,968		\$42,346	
Per Capita Income	\$18,300		\$12,933		\$21,448		\$15,504	
Total Families	330,364		63,916		377,507		78,148	
Families Below Poverty	42,968	13.0%	10,886	17.0%	46,299	12.3%	12,418	15.9%

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Economic Development

Within the City, the City of San Antonio's International and Economic Development Department and Center City Development Office are the lead agencies in implementing various economic development activities aimed at creating and retaining jobs and diversifying San Antonio's base of industries.



The departments operate several programs and initiatives related to tax abatements, enterprise and empowerment zones, downtown development, and small business development. The Inner City Reinvestment/Infill Policy (ICRIP), adopted February 4, 2010, further assists growth and development in targeted areas of the City, including large portions of the area inside Loop 410 within the West/Southwest Sector Plan, by providing a range of public incentives. These public incentives include such things as waiving commercial development services fees in the ICRIP areas as well as providing tax abatement for up to 10 years. The amount of abatement is based on the investment in real

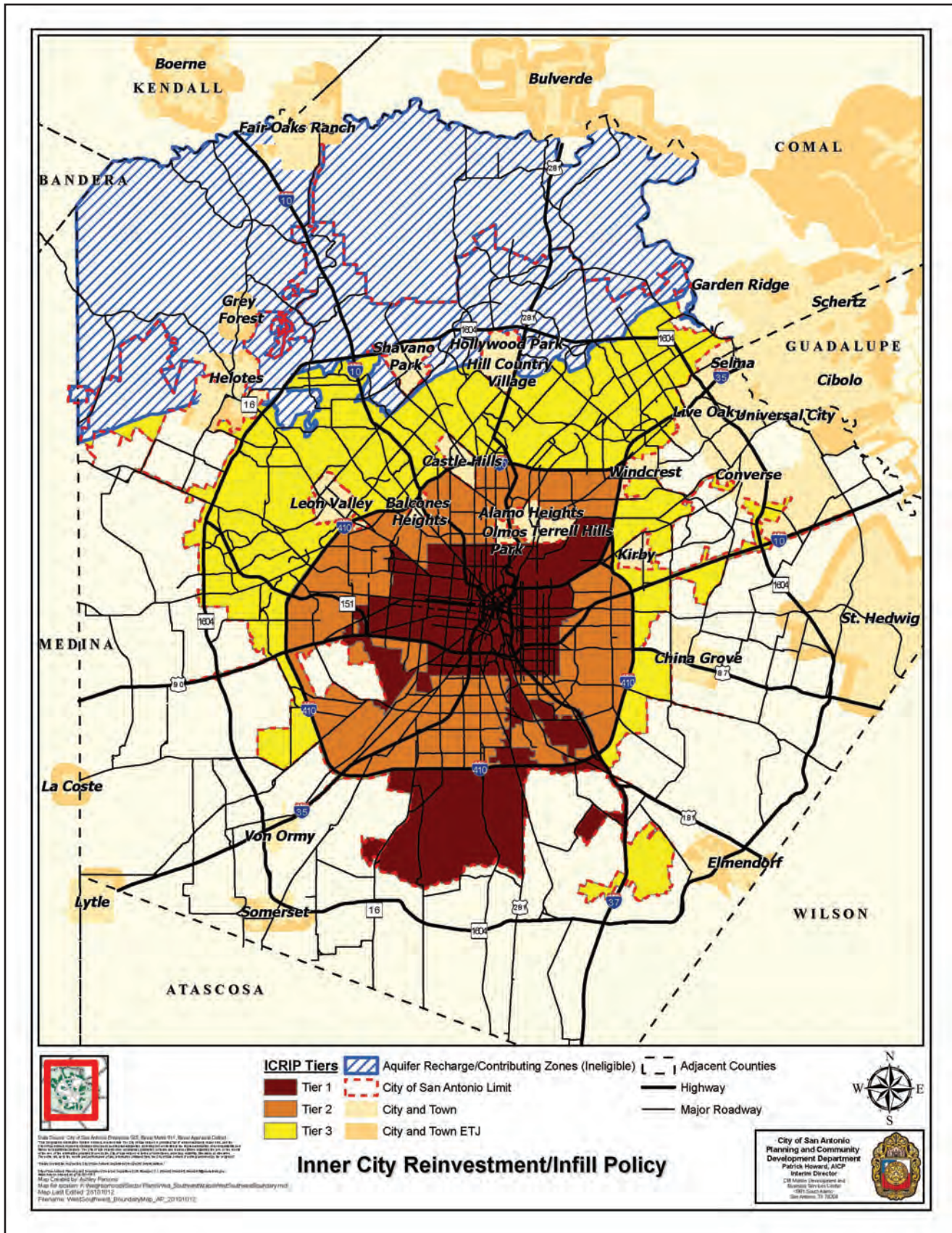
and personal property, targeted industry/job creation, wage rates, and employee health care benefits.

There are several census tract block groups within the West/Southwest Sector where at least 20 percent of the resident incomes are at or below 100 percent of the federal poverty level. As such, they qualify as State Enterprise Zone areas. The benefits of locating a project in these areas includes eligibility for state sales and use tax refunds on taxes paid for equipment and machinery, materials used in building a new structure, taxable services, and electricity/natural gas use. Additionally, projects may also be eligible for state franchise tax credits based on job creation and capital investment.

The West/Southwest Sector has one existing Foreign Trade Zone (FTZ) site (Port San Antonio) within FTZ No. 80. Locating in an FTZ is advantageous in that duties can be reduced/eliminated or deferred so that the import/export of foreign goods can be delivered to the zone without up front costs being paid.

In addition to the above, the City can assist businesses by providing grants for workforce development with customized job training and industry workforce programs, which are facilitated by the Alamo Colleges and the San Antonio Economic Development Foundation.

Figure A-15: Inner City Reinvestment/Infill Policy



Housing

Housing Units

There was a 31% increase in the number of housing units in the West/Southwest Sector between 2000 and 2008. For the sake of comparison, there was a 16% increase in the number of housing units in all Sectors combined.

The percentage of owner-occupied units in the West/Southwest Sector is 62% compared to 58% for all Sectors. The percentage of renter-occupied units in the West/Southwest Sector is 32% compared to 36% for all Sectors.

Housing Value

In 2008, the median housing value for the West/Southwest Sector was \$8,175 less than the median home value for all Sectors combined. The median housing value in the West/Southwest Sector rose from \$65,364 in 2000 to \$137,138 in 2008. For all Sectors combined, this figure rose from \$85,528 in 2000 to \$145,313 in 2008. In terms of percent difference, this increase was 109% for the West/Southwest Sector, and 70% for all Sectors combined.

Table A-7: Housing Units and Occupancy

Variable	2000 All Sectors		2000 W/SW Sector		2008 All Sectors		2008 W/SW Sector	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Total Housing Units	500,388		84,438		574,975		104,426	
Vacant	31,340	6%	4,350	5%	39,002	7%	5,926	6%
Renter Occupied	183,576	37%	28,649	34%	204,158	36%	33,726	32%
Owner Occupied	285,473	57%	51,439	61%	331,815	58%	64,774	62%

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Table A-8: Owner-Occupied Housing Value

Variable	2000 All Sectors		2000 W/SW Sector		2008 All Sectors		2008 W/SW Sector	
	Units	Percent	Units	Percent	Units	Percent	Units	Percent
Less than \$40,000	54,278	19.0%	9,306	18.1%	25,370	7.6%	5,792	8.9%
\$40,000-\$79,999	109,472	38.3%	26,120	50.8%	90,573	27.3%	24,716	38.2%
\$80,000-\$99,999	41,436	14.5%	5,422	10.5%	44,702	13.5%	11,021	17.0%
\$100,000-\$149,999	43,691	15.3%	4,024	7.8%	82,615	24.9%	14,926	23.0%
\$150,000-\$199,999	17,580	6.2%	1,017	2.0%	36,903	11.1%	5,116	7.9%
\$200,000-\$299,999	11,197	3.9%	485	0.9%	30,990	9.3%	2,263	3.5%
\$300,000 or More	7,757	2.7%	212	0.4%	20,662	6.2%	939	1.5%
Total		285,510		51,439		331,815		64,774
Median Value		\$85,528		\$92,998		\$145,313		\$94,924

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Figure A-16: 2005 Median Home Value by Traffic Analysis Zone (TAZ)

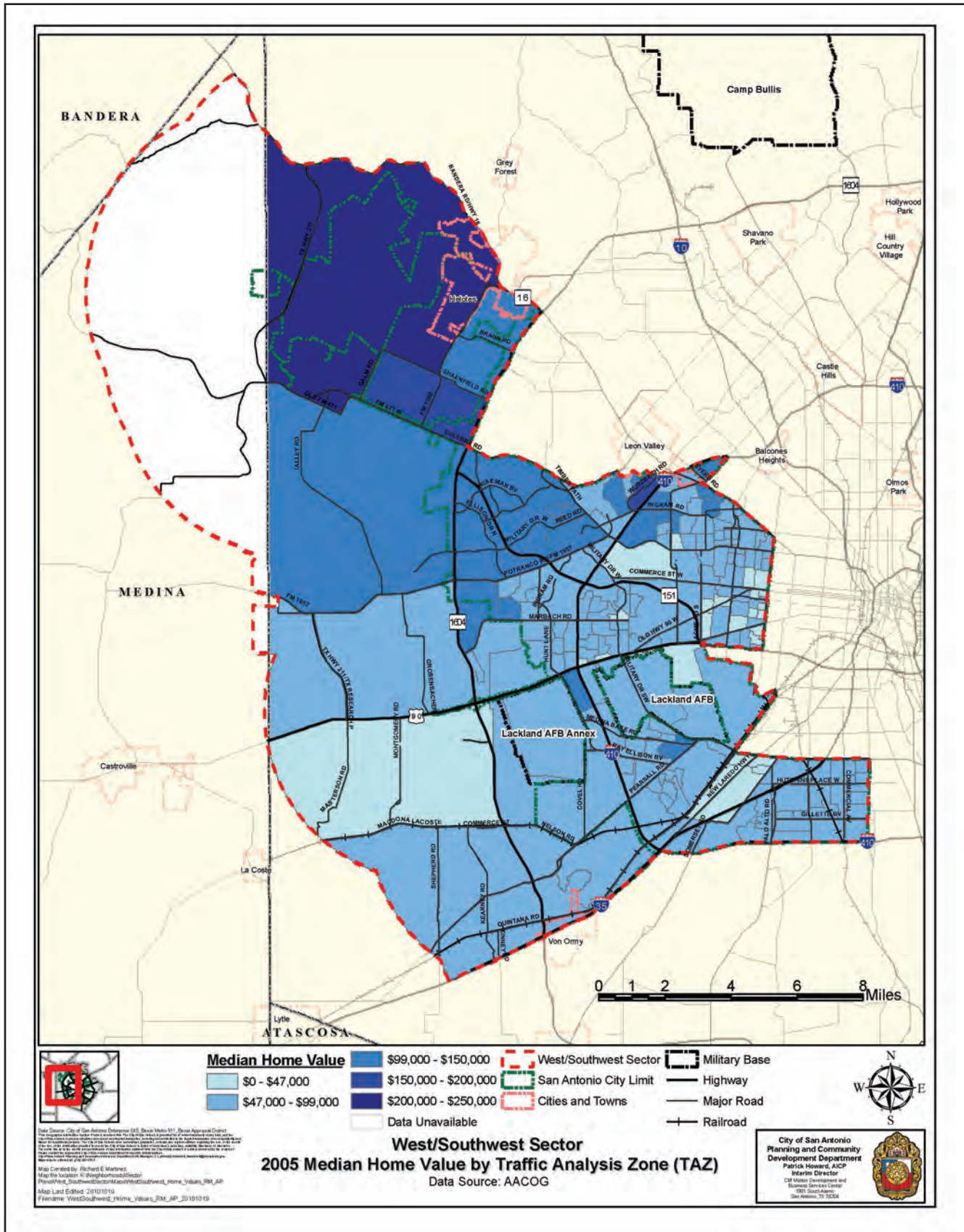
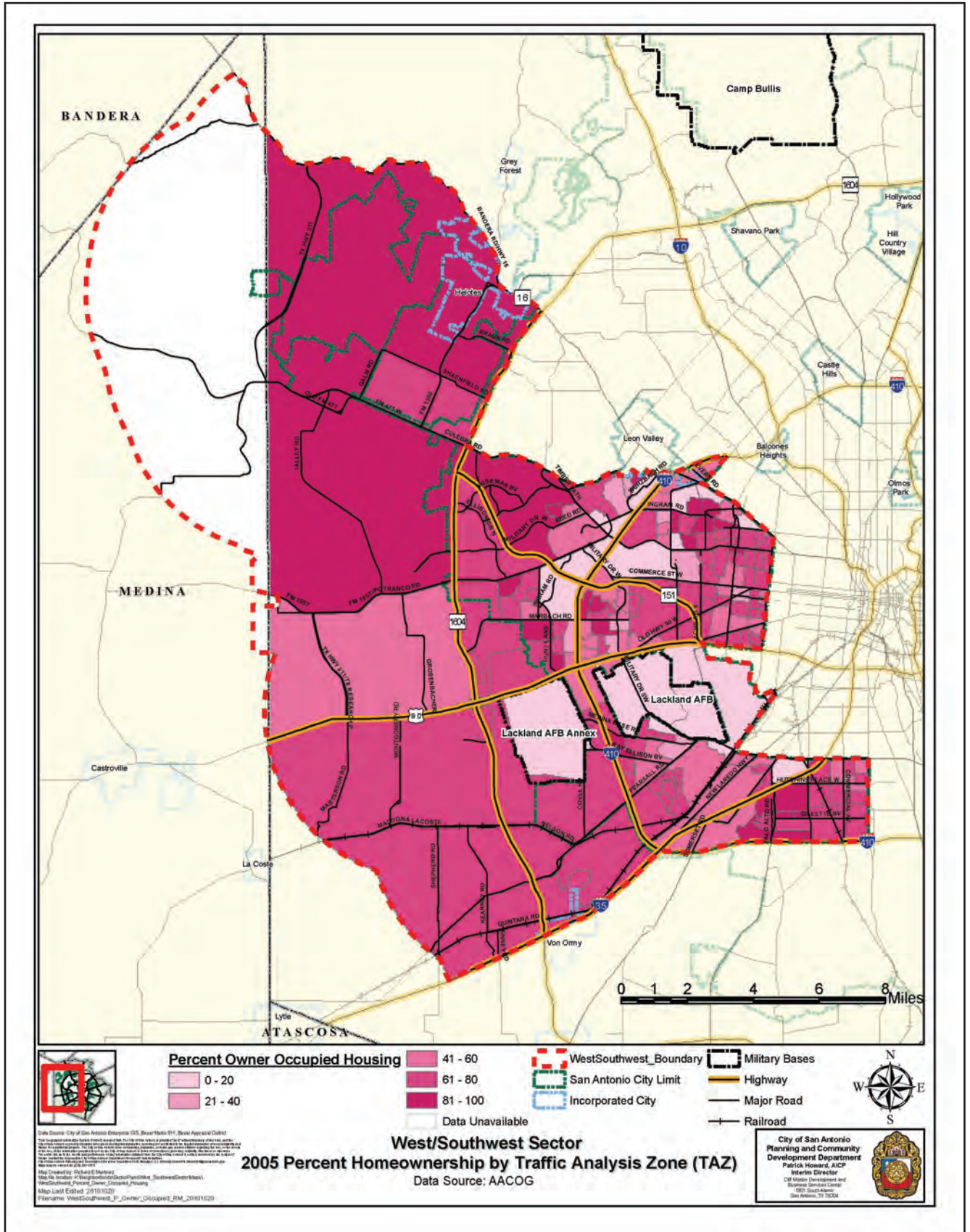


Figure A-17: 2005 Percent Homeownership by Traffic Analysis Zone (TAZ)



Education

To serve the education needs of over 72,000 primary and secondary students, the West/Southwest Sector includes the boundaries or partial boundaries of 7 independent school districts (ISDs). There are approximately 75 elementary schools and 46 middle and high schools within the Sector. Northside ISD dominates the Sector, serving about half of the West/Southwest area.

Although data from the Texas Education Agency Academic Excellence Indicator System indicates total enrollment of the combined school districts exceeding 72,000 students, many of the district boundaries extend beyond the West/Southwest Sector area. Total district enrollment, graduation rates, and percentage of economically challenged indicators are shown in **Table A-9: 2009-2010 School District Statistics**.

Higher Education

Three colleges offer higher education opportunities within the Sector boundary: Northwest Vista College and Palo Alto College, representing the Alamo College District, and St. Mary's University. In 2010, these campuses exceeded 25,000 students collectively.

Situated in the southern portion of the Sector area, Palo Alto College (PAC) began as an initiative by the south side community leaders and the Communities Organized for Public Services (COPS) to open an Alamo College District college in the underserved, predominantly Hispanic south side San Antonio community in 1982. The college was established by the Alamo College District trustees and chartered by the Texas Legislature in 1983. It began holding classes for 231 students in the fall of 1985. By 2010, enrollment has expanded to 9,117. About 66% of the student population are Hispanic, and over half (57%) are 21 years old and younger.

Table A-9: 2009 - 2010 School District Statistics

District	Student Enrollment	Graduation Rate	Percent of Economically Challenged
Northside	91,464	85%	50.3%
Medina Valley	3,382	90.6%	50.8%
Edgewood	12,392	65.9%	91%
South West	11,531	72%	84.1%
Lackland	936	97.2%	28.8%
South San	9,974	71.4%	87.7%
Harlandale	14,521	75.7%	90.3%
South Side	5,216	71.7%	78.8%

Sources: Data derived from websites of Texas Education Agency Academic Excellence Indicator System, 2009-2010.

As the newest campus of the Alamo Colleges, Northwest Vista College began offering courses in the fall of 1995. Before the physical campus was built, classes were held at Northside Independent School District facilities and at partner corporation sites. Enrollment for the first semester was 12 students. In 2005, Bexar County voters approved a \$450 million bond proposal to meet the increased enrollment at Alamo Colleges. This bond provided \$106 million to

address the growth of the Northwest Vista campus and four new buildings were built. Currently there are nearly 16,023 students enrolled in various programs and off-site courses.

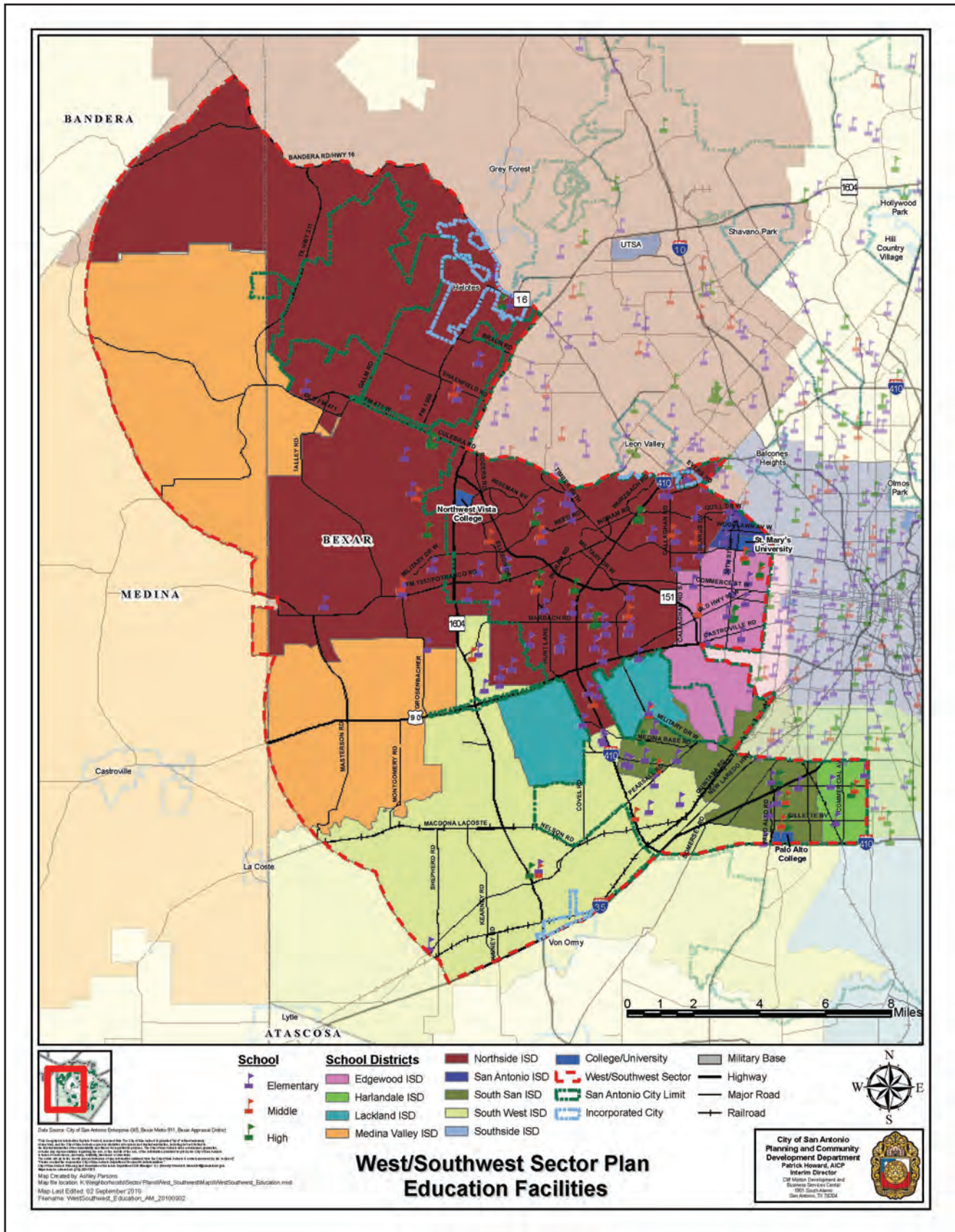
Located within loop 410, St. Mary's University is a four year campus offering advanced degree programs and a law school. In 2010, total enrollment was 4,105 students.

Table A-10: Educational Attainment

Variable	2000 All Sectors		2000 W/SW Sector		2008 All Sectors		2008 W/SW Sector	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Population Age 25+	813,517		148,386		933,054		183,803	
Less than 9 th Grade	93,708	11.5%	23,967	16.2%	97,531	10.5%	26,444	14.4%
Some High School, No Diploma	97,121	11.9%	22,694	15.3%	103,586	11.1%	25,572	13.9%
High School Graduate or Equivalent	196,788	24.2%	41,997	28.3%	220,397	23.6%	51,245	27.9%
Some College, No Degree	193,452	23.8%	34,290	23.1%	226,862	24.3%	44,566	24.2%
Associate Degree	48,326	5.9%	8,605	5.8%	57,910	6.2%	11,634	6.3%
Bachelor's Degree	116,109	14.3%	11,244	7.6%	142,871	15.3%	15,856	8.6%
Master's Degree	45,080	5.5%	4,441	3.0%	55,820	6.0%	6,425	3.5%
Professional School degree	16,571	2.0%	991	0.7%	20,373	2.2%	1,477	0.8%
Doctorate Degree	6,361	0.8%	354	0.2%	7,804	0.8%	584	0.3%

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Figure A-18: Education Facilities



Community Services

Hospitals

The West/Southwest Sector is served by three hospitals. The Southwest General Hospital is located in the southeast portion of the Sector. It is a 327 bed facility offering comprehensive health care services, emergency care, and advanced medical technology services.

University Family Health Center- Southwest is part of the University Health System. Located at the eastern edge of the Sector, the facility provides family medical care, community health education, and lab, x-ray, and other allied health science services.

CHRISTUS Santa Rosa Hospital - Westover Hills, located on Highway 151 at the intersection with Westover Hills Blvd., is a full-service health care campus offering in-patient and out-patient surgeries, imaging, ICU, and 24/7 emergency care. The hospital has approximately 150 beds.

Additionally, over 40 private direct care patient facilities serve the West/Southwest Sector.

Public Health

The San Antonio Metropolitan Health District (MetroHealth) serves residents within the San Antonio City limits and the unincorporated areas of Bexar County. Metro Health focuses on preventing illness and injury, promoting healthy behaviors, and protecting against health hazards for citizens and families. Vaccine preventable diseases, food safety, healthy food and drink choices, teen pregnancy prevention, physical activity, and chronic health conditions such as asthma and diabetes are some of the areas that MetroHealth focuses on.

Clean air and water and proper sanitation, along with a host of other environmental factors, help control preventable illness.

Healthy environments are critical to insuring public health. MetroHealth professionals provide expertise, guidance, surveillance, and testing to prevent environmental risks and help manage surrounding influences.

Emergency Services

The availability of emergency services is essential to residents in the West/Southwest Sector. Several emergency service districts are located within the Sector and are intended to help manage and coordinate the efficiency of service delivery. The City of San Antonio is responsible for providing emergency services within the City limits, while Bexar County and other agencies serve areas outside the City of San Antonio, including the City's Extraterritorial Jurisdiction (ETJ).

The City of San Antonio provides eight fire stations to serve the portion of the Sector within the City limits. In addition, the City's Fire Training Academy is located within the Sector and has provided regional training for departments outside of San Antonio.

Six volunteer fire departments service unincorporated areas of the West/Southwest Sector: Southwest VFD, Northwest VFD, Geronimo Village VFD #1, Geronimo Village VFD #2, Geronimo Village VFD #3, and the Helotes VFD.

Police service within the City limits is managed in part by the Culebra Police Substation. County sheriffs and other support agencies are responsible for unincorporated areas of the West/Southwest Sector and may issue warrants and traffic control citations within incorporated areas.

Animal Care Services

The primary animal care facility for the City of San Antonio is located in the West/Southwest Sector area. Located off the Highway 151 access road near Old Highway 90, the facility sits on 15 acres and features more than 100 dog runs, expanded dog and cat kennels, veterinarian facilities and services, separate sick bay kennels, and special housing area for feral cats. Additionally, the shelter includes covered stalls for livestock.

Opened in 2009, the facility offers a variety of educational and informational programs for the public. Rescue, spay and neuter, lost and found, and pet adoptions are among the many services provided by the facility.

The Animal Care Services Department of the City of San Antonio is responsible for animal care services and enforcement of the Animal Control Code (Chapter 5 of the City Code). Through an inter-local agreement between the City and Bexar County, the Department receives animals considered nuisances from unincorporated areas of the County.

Code Compliance and Enforcement

The City of San Antonio's Code Enforcement Services Department is responsible for enforcing public health and safety codes within the City limits. These codes include graffiti abatement, vacant dangerous premises and structures, junked vehicles, weeded vacant lots, zoning, illegal dumping, minimum housing, unsanitary premises, and front yard parking. Other codes include water, sewer alley and right-of-way violations, water leaks or discharges of wastewater on private or public property, monthly inspections of salvage/junk yards, monitoring and enforcing materials received at salvage/junk yard, and garage sale permits.

In addition, the Department has several community outreach programs, such as the

Citizens Academy, Targeted Neighborhood Sweeps, and Extreme Targeted Sweeps.

Bexar and adjacent counties are responsible for code enforcement in unincorporated areas of the Sector.

MetroHealth provides food establishment inspections, vector (mesquito) control, and environmental health services for the City of San Antonio as well as the unincorporated areas of Bexar County. Environmental health inspections include, but are not limited to, sewage discharges, water or general sanitation complaint investigations, stream pollution, and water well samples.

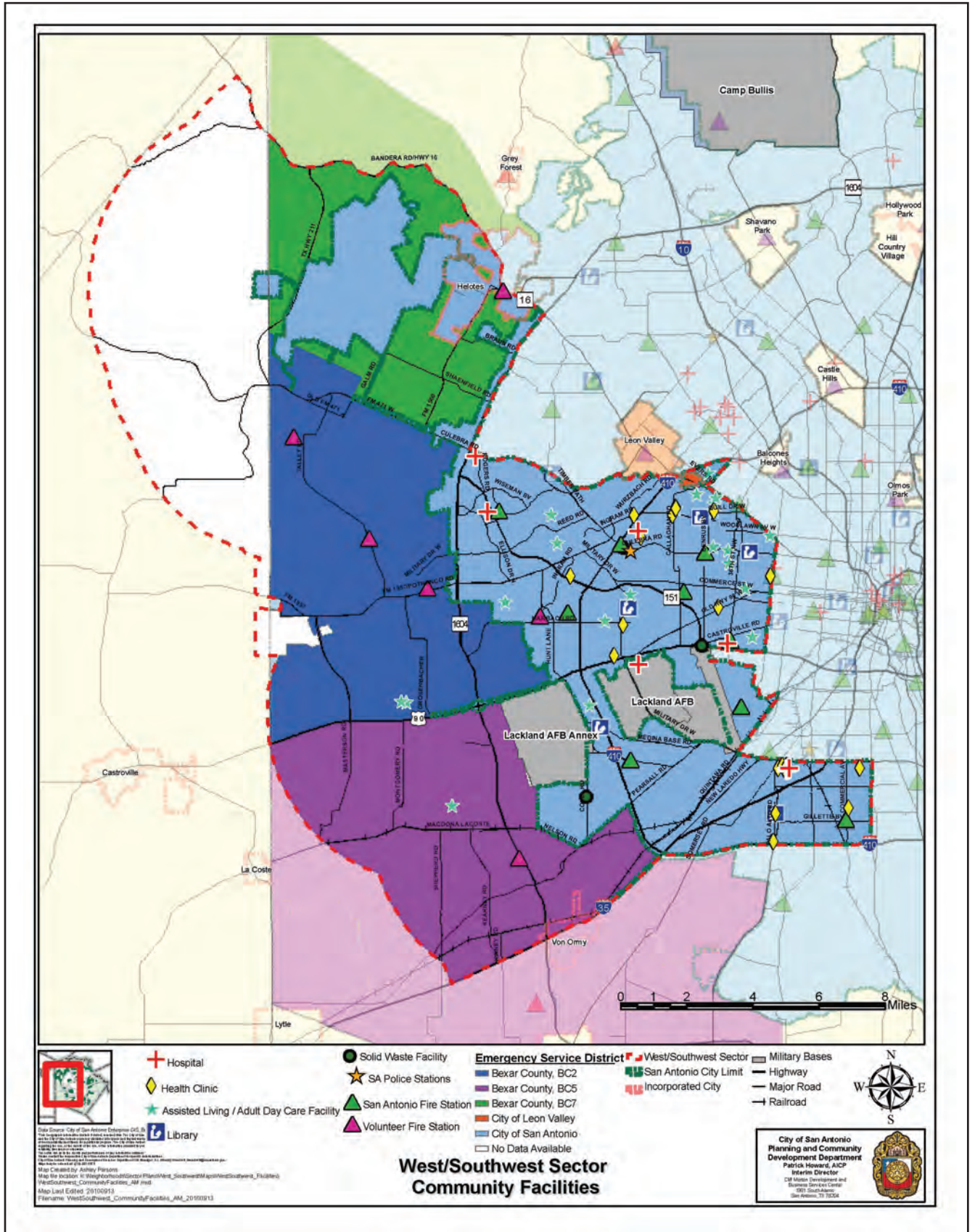
Libraries

The San Antonio Public Library, the City's educational arm, provides library services to the citizens of San Antonio and Bexar County. For more than 100 years, the library has been a vital center for free learning, attainment of knowledge, and cultural enlightenment. The Library supports literacy, formal and self-guided education, and business development and expansion. With 26 libraries located throughout the city, a bookmobile, and outstanding online resources, the San Antonio Public Library is as close as around the corner or the nearest computer.

The West/Southwest Sector is currently served by five public libraries, all of which are located within Loop 410, see **Figure A-19: Community Facilities:**

- Cortez Branch Library, 2803 Hunter Ave.
- Forest Hills Branch Library, 5245 Ingram Rd.
- Guerra Branch Library, 7978 Military Drive West
- Johnston Branch Library, 6307 Sun Valley
- Memorial Branch Library, 3222 Culebra

Figure A-19: Community Facilities



Parks and Natural Resources

The West/Southwest Sector contains a variety of natural features and open spaces within its border. These assets are important to the entire community in terms of aesthetic, recreational, environmental, and economic value. Population growth can threaten these resources, but such growth can occur in a sensitive and responsible manner that both preserves what is important and allows for enjoyment. This sentiment is reflected in the goals and strategies of the West/Southwest Sector Plan.

Parks

Preserving and enhancing the plan area's parks and natural resources are essential to ensuring the highest quality of life possible for citizens. There are 40 parks and recreational facilities within the West/Southwest Sector. Parks total approximately 13,378 acres. Government Canyon State Natural Area is the largest park in the Sector and comprises approximately 86% of total park acreage. There are also two golf courses (Golf Club of Texas, and the Hyatt Regency Hill Country) in the Sector, see **Table A-11: Parks within the West/Southwest Sector**.

Linear Greenways

The City's Linear Greenway program is designed to create a linear park system that preserves open space along San Antonio's creeks and provides hike and bike trail opportunities. The program is funded by a portion of sales tax approved by voters in 2000, 2005, and 2010, and includes land acquisitions and trail development along Salado Creek, the Medina River, Leon Creek, and the Westside creeks and other San

Antonio creeks. The Leon Creek Greenway runs through the West/Southwest Sector for approximately 7 miles and provides multi-use recreational trails for all to enjoy, see **Figure A-21: City of San Antonio Greenways**.

Water Features

Rivers, creeks, lakes, and ponds are important for both storm water drainage and visual appeal. It is crucial that developers ensure the integrity of these features by providing the appropriate mitigation measures. There are approximately 356 miles of rivers and creeks in the Sector, see **Figure A-20: Parks and Open Space**. There are also numerous small lakes and ponds totalling approximately 21 acres.

The Edwards Aquifer, partially located in the Sector, is an immense underground reservoir that stores and transports water. Rainfall and streams seep into cracks, fissures, fractures, sink holes, solution cavities, caves, and other karst features, eventually reaching the aquifer. The Edwards Aquifer is able to supply most of Central Texas with drinking water. The importance of preserving and protecting the Edwards Aquifer Recharge Zone is a fundamental step in ensuring that there is an adequate and healthy supply of water for the current and future residents of San Antonio. Stakeholders expressed a strong desire to protect the Recharge Zone through best management practices, low impact development techniques, and other means. Within the West/Southwest Sector there are approximately 25,905 acres of recharge zone located in the northern portion of the sector, see **Figure A-22: Edwards Aquifer and Karst Zones**.

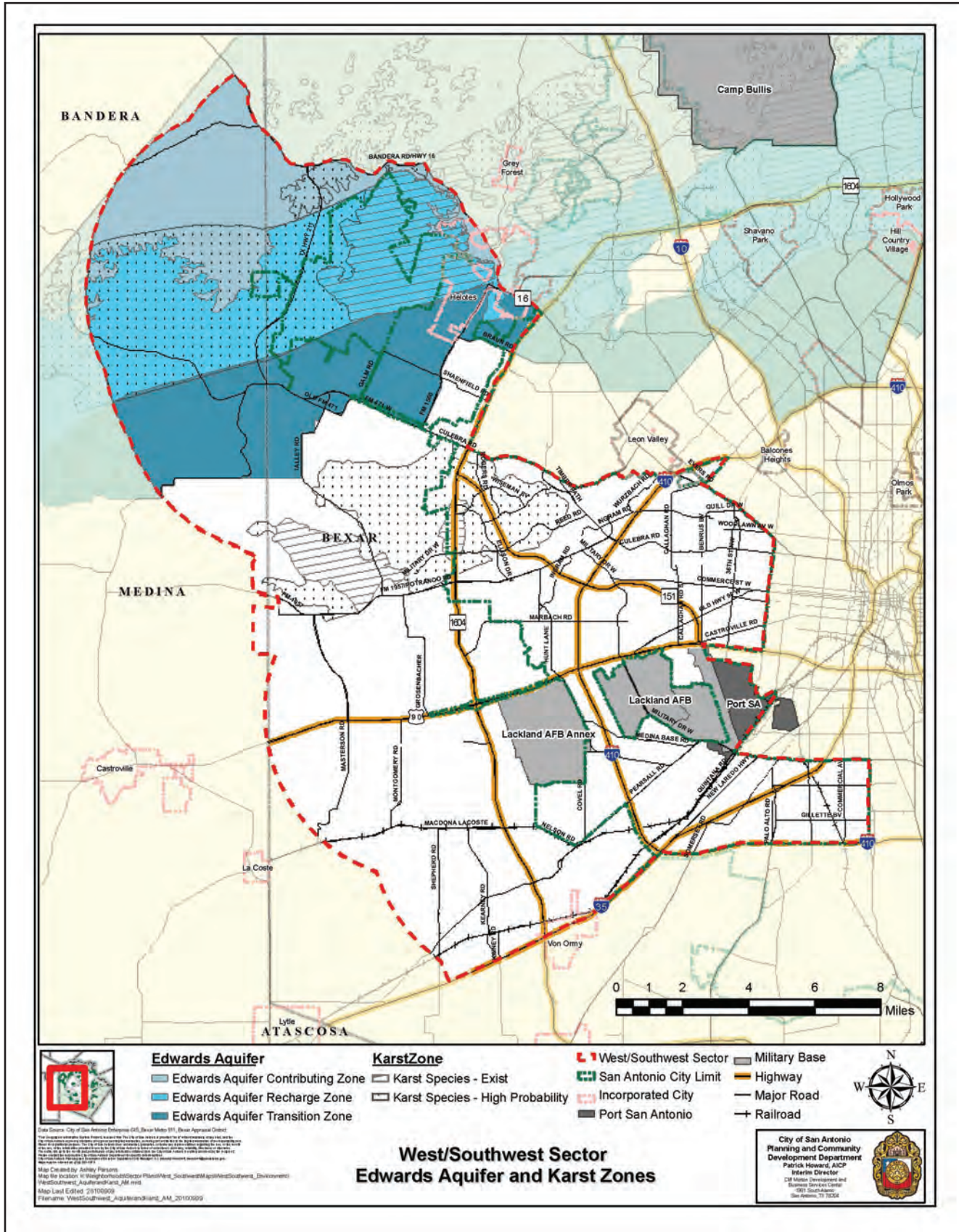
Table A-11: Parks within the West/Southwest Sector

Park Name	Address	Type	Acres
Heritage Duck Pone	900 Ellison Dr. S	Neighborhood Park	7
Hendrich Arnold	1011 Gillette Rd.	Community Park	25
Acme	534 S Acme Rd	Neighborhood Park	3
Patrolman Richard Cuellar	5626 San Fernando	Community Park	27
Officer John Randolph Wheeler	10239 Ingram Rd.	Neighborhood Park	4
Royalgate	5900 Royalgate	Neighborhood Park	8
Levi Strauss	6100 Old Hwy 90 West	Community Park	19
Mateo Camargo	5738 Castroville	Special Use Facility	42
Ingram Hills	3803 Majestic Dr.	Neighborhood Park	2
Cathedral Rock	8002 Grissom Rd.	Community Park	59
Golden Community	7801 Somerset Rd.	Community Park	15
Lackland Terrace	7902 Westshire	Community Park	8
Adams Hill	2003 Hunt Lane	Neighborhood Park	2
Gateway Terrace	5605 Stony Brook	Neighborhood Park	6
Gilbert Garza	1450 Mira Vista	Community Park	25
Clarissa Alderete	300 Aurora	Neighborhood Park	10
Medina Base Road	6303 Medina Base Rd.	Community Park	47
Ron Darner Park Facility Headquarters	5800 Old Highway 90	Special Use Facility	37
Meadowcliff	1260 Pinn Rd.	Community Park	10
Culebra Creek	10919 Westwood Loop	Community Park	143
Rodriguez	2060 Rodriguez	Community Park	40
Millers Pond	6175 Pearsall Rd.	Community Park	45
Westwood Village	7627 SW Military Dr.	Community Park	3
Hilltop Acres	Talley Rd.	Community Park	59
Gregory Van de Walle	1925 Herbert	Neighborhood Park	1
Tom Slick	7400 Hwy 151	Community Park	62
Pearsall	4700 Pearsall	Large Urban Park	246
Monterrey	5909 W Commerce	Community Park	51
Rainbow Hills	528 Rasa Dr.	Neighborhood Park	12
Palo Alto	1625 Palo Alto Rd.	Neighborhood Park	12
Crystal Hills	4707 Crystal Hill	Community Park	44
Arroyo Vista	506 Pharris	Neighborhood Park	1
Palo Alto Terrace	9700 Celeste Dr.	Neighborhood Park	8
Hillside Acres	8120 Clegg Dr.	Neighborhood Park	1
Caracol Creek Park	10939 Rousseau	Community Park	37
Heritage Neighborhood Pool	1423 S Ellison Dr.	Neighborhood Park	2
Leon Creek Greenway North		Greenway	666
Leon Creek Greenway South		Greenway	12
Government Canyon	12861 Galm Rd.	Regional Park/Preserve	11,573

Figure A-21: City of San Antonio Greenways



Figure A-22: Edwards Aquifer and Karst Zones



Land Use, Urban Design, and Historic Preservation

A History of Suburban Development

The vast majority of the residential and commercial structures within the West/Southwest Sector were constructed post World War II (WWII) in the suburban style characteristic of this time period. In the decades since WWII, development in the West/Southwest Sector has generally followed along the major highways and arterials that radiate from the central city like the spokes on a wheel. These highways, including US Highway 90 West, State Highway 151, and Bandera Road/State Highway 16, and major arterials, including Culebra Road/FM 471 W, Potranco Road/FM 1957, and Marbach Road, serve as conduits to the central city and have allowed for the outward expansion of the developed area. Pre-1970s construction was generally limited to the area inside Loop 410. Beginning in the 1970s construction of new homes and commercial buildings began on lands outside of Loop 410 with pockets of development first reaching Loop 1604 by the late 1970s. During the next ten to fifteen years, Loop 1604 generally served as the outer limit of suburban development with new residential and commercial construction occurring primarily on flat land between Loop 410 and Loop 1604. When the pace of construction in the West/Southwest Sector accelerated during the mid 1990s, developers began building in areas outside of Loop 1604 and on the previously untapped rolling hills within Loop 1604. During this period major commercial and employment nodes were constructed along US Highway 151 and Loop 1604 and in Westover Hills.

Land Use Compatibility

In addition to accommodating a large percentage of the City's suburban residential and commercial development, the West/Southwest Sector hosts several major employment centers, three college campuses, a major theme park, an expansive state natural area, and a venerable agricultural industry. Major employment centers include Lackland Air Force Base, the Westover Hills Business Park, Southwest Research Institute, and the emerging Texas Research Park. Northwest Vista and Palo Alto Colleges, both part of the Alamo Colleges District, occupy sites in the far west and southwest parts of the plan area. St. Mary's University occupies an area inside Loop 410 at the corner of Culebra Road and 36th Street. Sea World San Antonio, occupying 250 acres in Westover Hills, is the world's largest marine life adventure park and a major destination point for visitors to San Antonio. Government



Canyon State Natural Area contains 8,264 acres of protected natural area in the far northwest portion of the Sector plan area that includes rugged hills and canyons, native wildlife and vegetation, and scenic vistas all overlying the Edwards Aquifer Recharge or Contributing Zones. While these specific uses are not incompatible with suburban-style development per se, working them into the suburban fabric requires special attention to the compatibility of adjacent land uses.

Figure A-23: Existing Land Uses as of January 2010

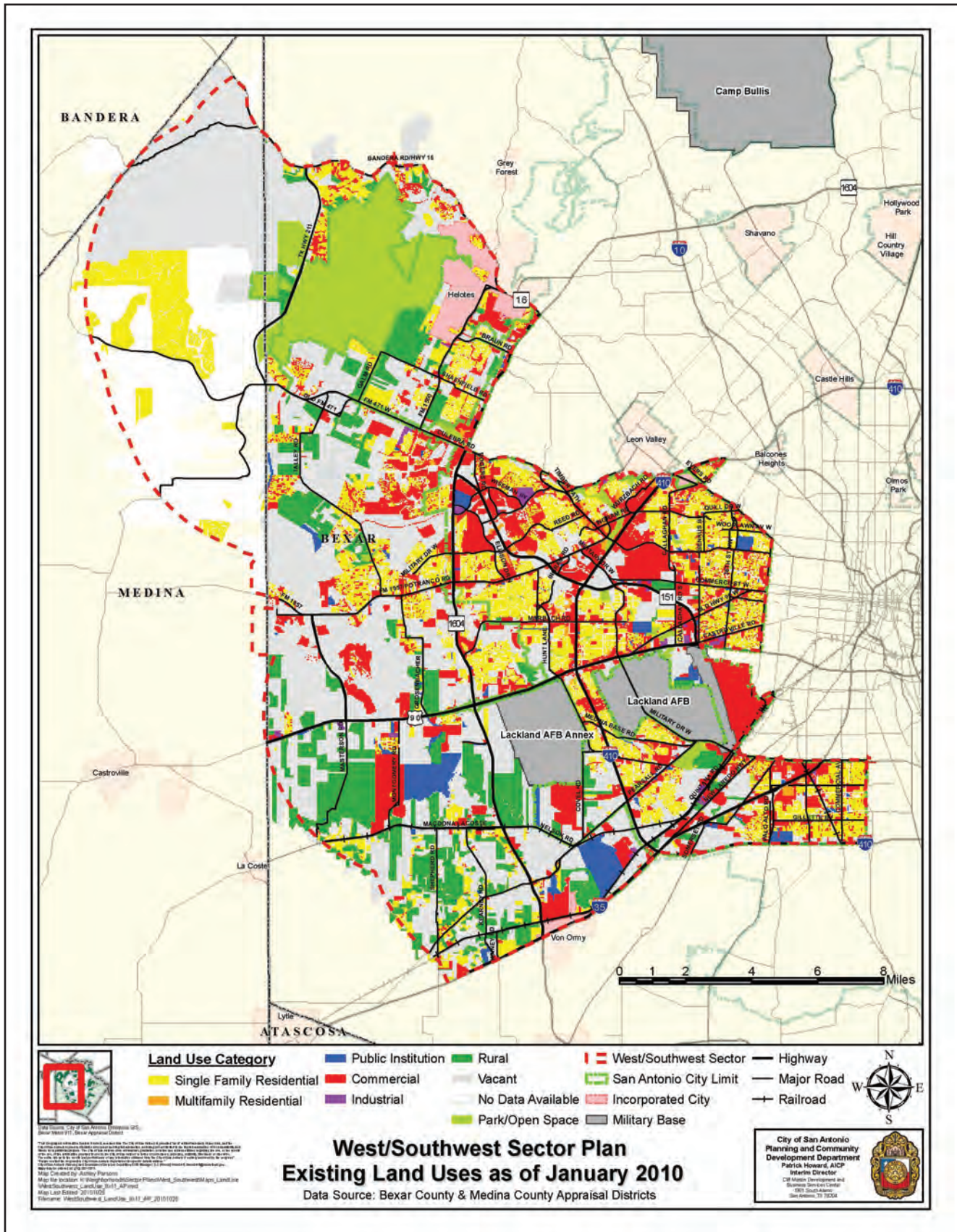


Figure A-24: Existing Zoning as of February 28, 2011

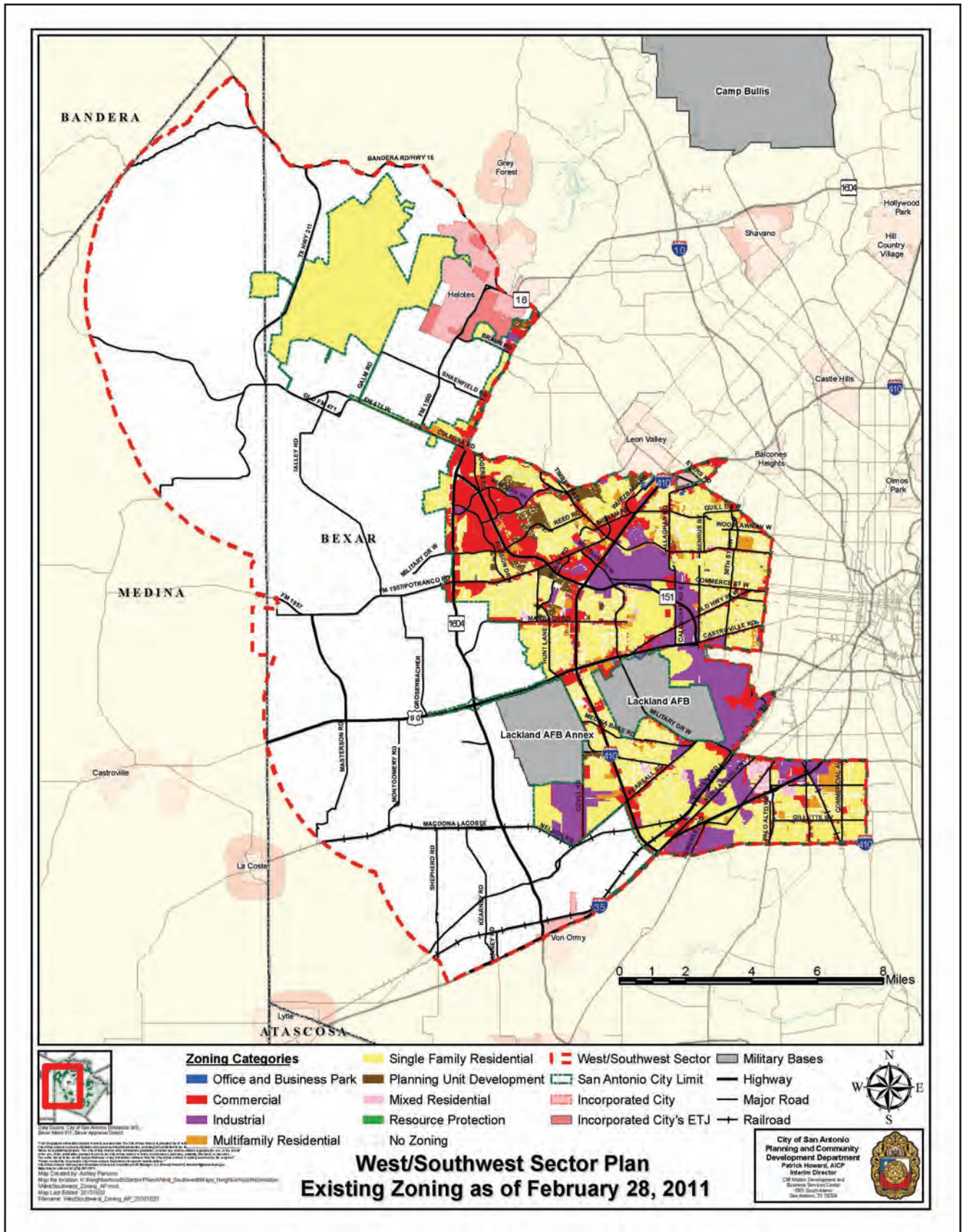


Figure A-26: Adopted / Approved Plans and Overlays

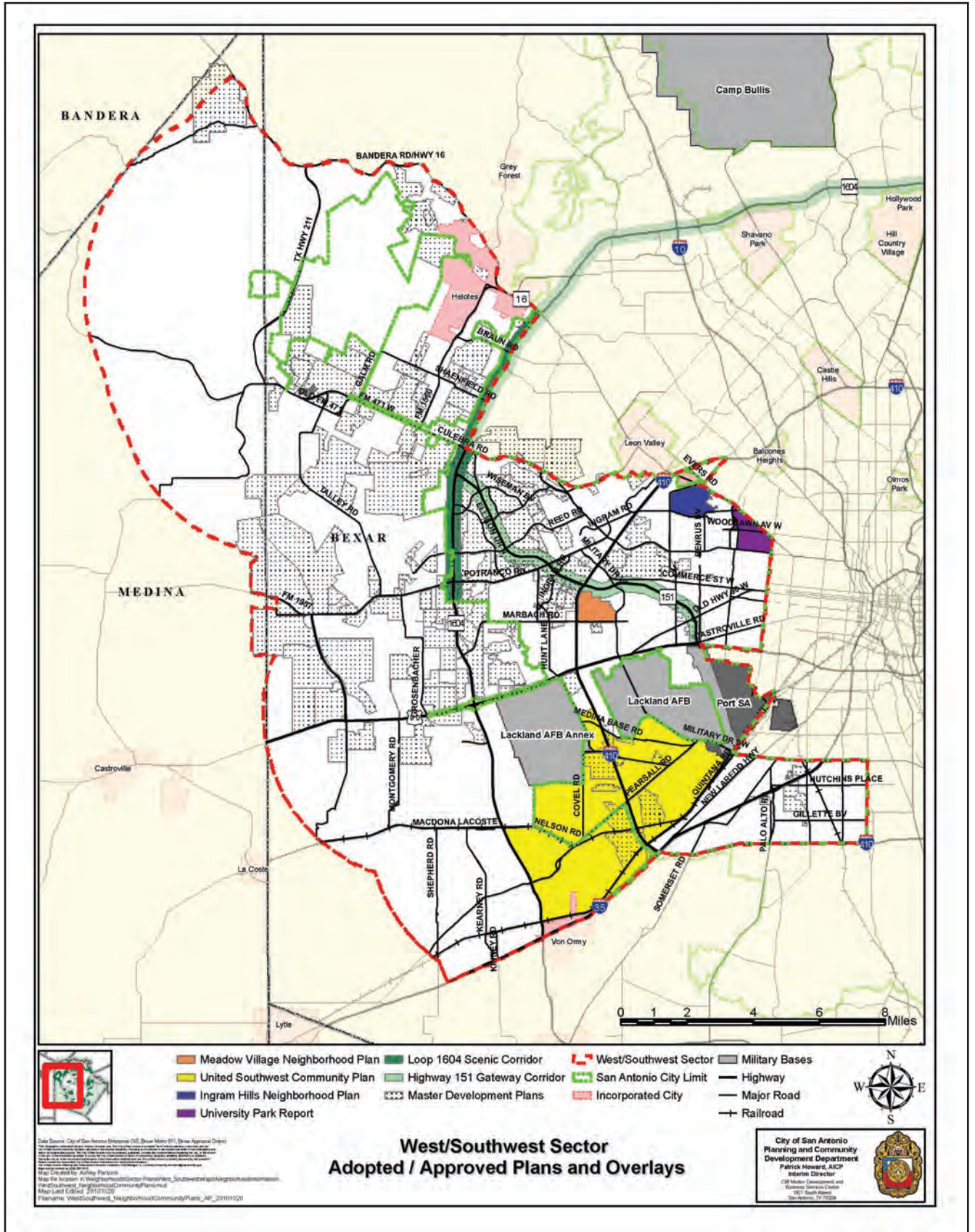


Figure A-27: 19th Century Vernacular Farm and Ranch Complexes

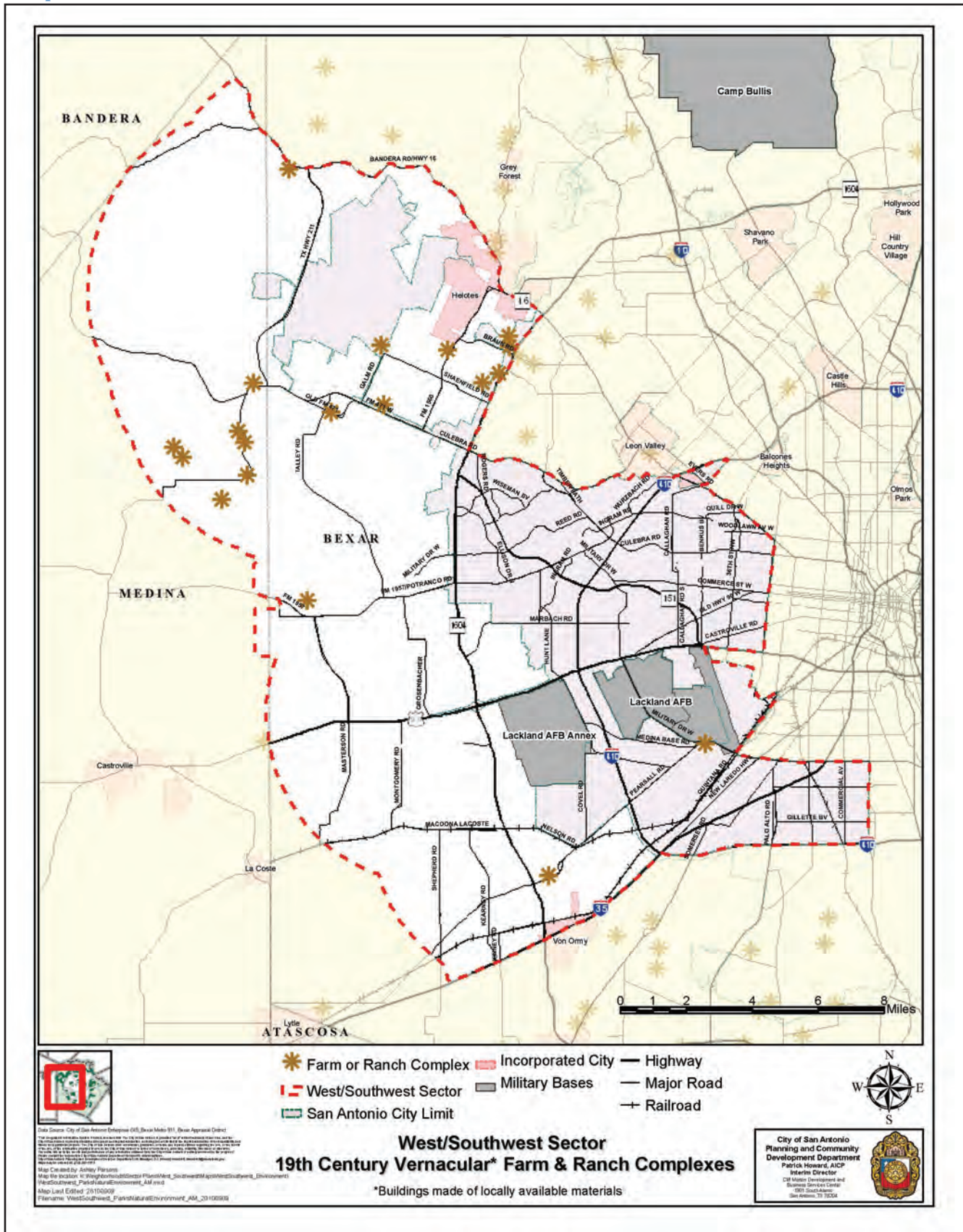


Figure A-28: City Council Districts

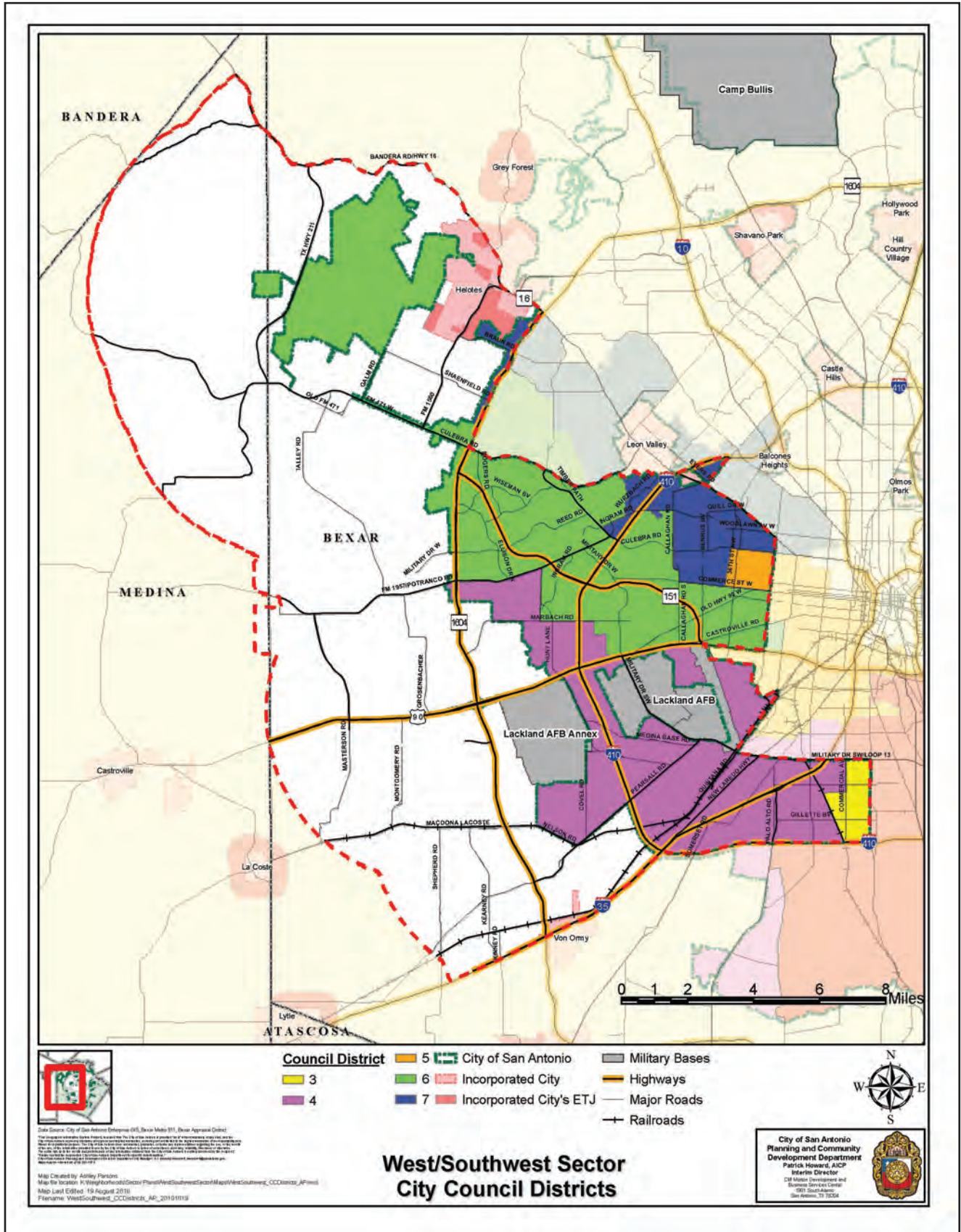
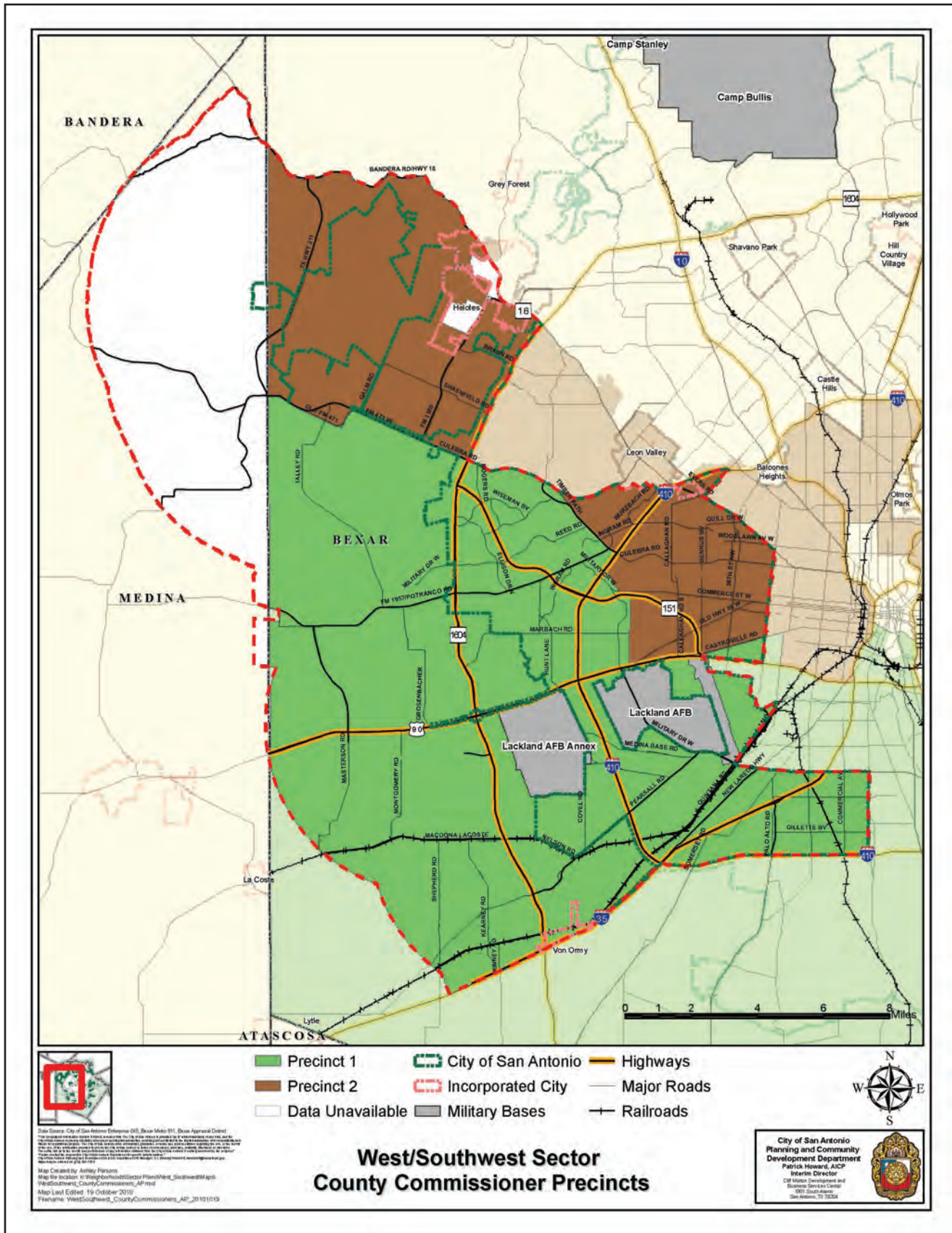


Figure A-29: County Commissioner Precincts



Military Compatibility

History of Lackland Air Force Base

Lackland Air Force Base (AFB) began as the San Antonio Aviation Cadet Center (SAACC) on July 4, 1942. Prior to this time, the portion of Kelly Field west of Leon Creek, where Lackland AFB is now situated, was known as “the Hill.” The Hill was used as a bombing range and bivouac area for cadets until an increased demand for Airmen arose in the wake of Pearl Harbor. To ensure the urgent demand for bomber pilots was met amidst the installation’s rapid expansion, the SAACC facility received designation as an independent military installation with a preflight school, classification center, station hospital, and several other units.

The SAACC grew rapidly with the mobilization for World War II. Approximately 90,000 candidates for flying training passed through the preflight school before the need diminished, and the War Department ordered the school closed in 1945. With the end of preflight training, the San Antonio Aviation Cadet Center changed its name and mission. The installation’s new mission became receiving veterans from combat and either reassigning or separating them, and was therefore redesignated as the San Antonio District, Army Air Forces Personnel Distribution Command. The base’s 1,500-bed regional hospital played a significant role in its new mission in the care for Airmen returning from war.

The mission of the installation changed again in 1946 when the War Department redesignated the base as the Army Air Forces Military Training Center, becoming the sole

basic military training mission for the Army Air Force. On July 11, 1947, the base was renamed after Brigadier General Frank D. Lackland, who originated the idea of an aviation cadet reception and training center. From 1946 onwards, with few exceptions, all enlisted Airmen have begun their Air Force careers at Lackland.



Lackland AFB Today

Lackland AFB, the “Gateway to the Air Force,” is home to the 37th Training Wing, the largest training wing in the U.S. Air Force. The wing is responsible for four primary training missions graduating more than 80,000 students annually and providing base operations and support to 45,000 people. The four missions include the Basic Military Training of all enlisted people entering the Air Force, Air Force Reserve and Air National Guard; technical training for a wide array of Air Force support functions encompassing more than 380 separate courses; English language training for international military personnel from more than 100 countries at the Defense

Language Institute English Language Center; and specialized maintenance and security training for Latin American students from more than 20 countries at the Inter-American Air Forces Academy.

While neighboring Kelly Air Force Base closed as a result of Base Realignment and Closure (BRAC) actions, the Air Force retained use of the runway, portions of the apron east of the runway, and taxiways and aprons west of the runway now known as the Kelly Field Annex. The runway is one of the busiest airfields operated by the Department of Defense. The Air Force and Port San Antonio jointly utilize the Kelly Field runway for military and commercial airfield operations.

Growth is occurring in and around Lackland Air Force Base due to ongoing BRAC actions and other Air Force organizational decisions. Lackland AFB is gaining 1,131 new personnel due to BRAC and 940 new personnel from mission realignments. A daily population of more than 33,000 at Lackland now works and trains in 1,799 buildings consisting of over 13 million square feet.

Joint Land Use Study

Lackland AFB is collaborating with Bexar County, City of San Antonio, and Port San Antonio in a joint land use study (JLUS) which will provide additional recommendations to

promote and protect the mission of the base. The long-term goal of the JLUS is to reduce potential incompatibility and accommodate safe local growth to sustain the regional economy. Designated geographic boundaries that represent noise and air safety impacts – the Accident Potential Zones (APZs) and Noise Zones – extend beyond property owned by the Air Force and Port San Antonio and into surrounding communities.

While noise and safety concerns can affect residents living and working around the base, certain nearby civilian land uses that concentrate people, such as higher density housing or public gathering places, can also threaten aviation operations and training activities.

The Joint Land Use Study includes a series of recommended policies and regulations for the Air Force, Port San Antonio, and local governments to consider, which can be found within the Lackland AFB Joint Land Use Plan. For a copy of the plan, please visit www.lacklandjlus.com or www.sanantonio.gov/oma/.

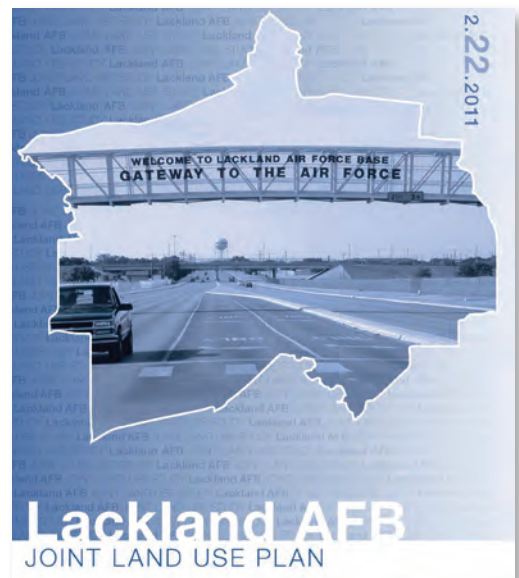


Figure A-30: JLUS Study Area

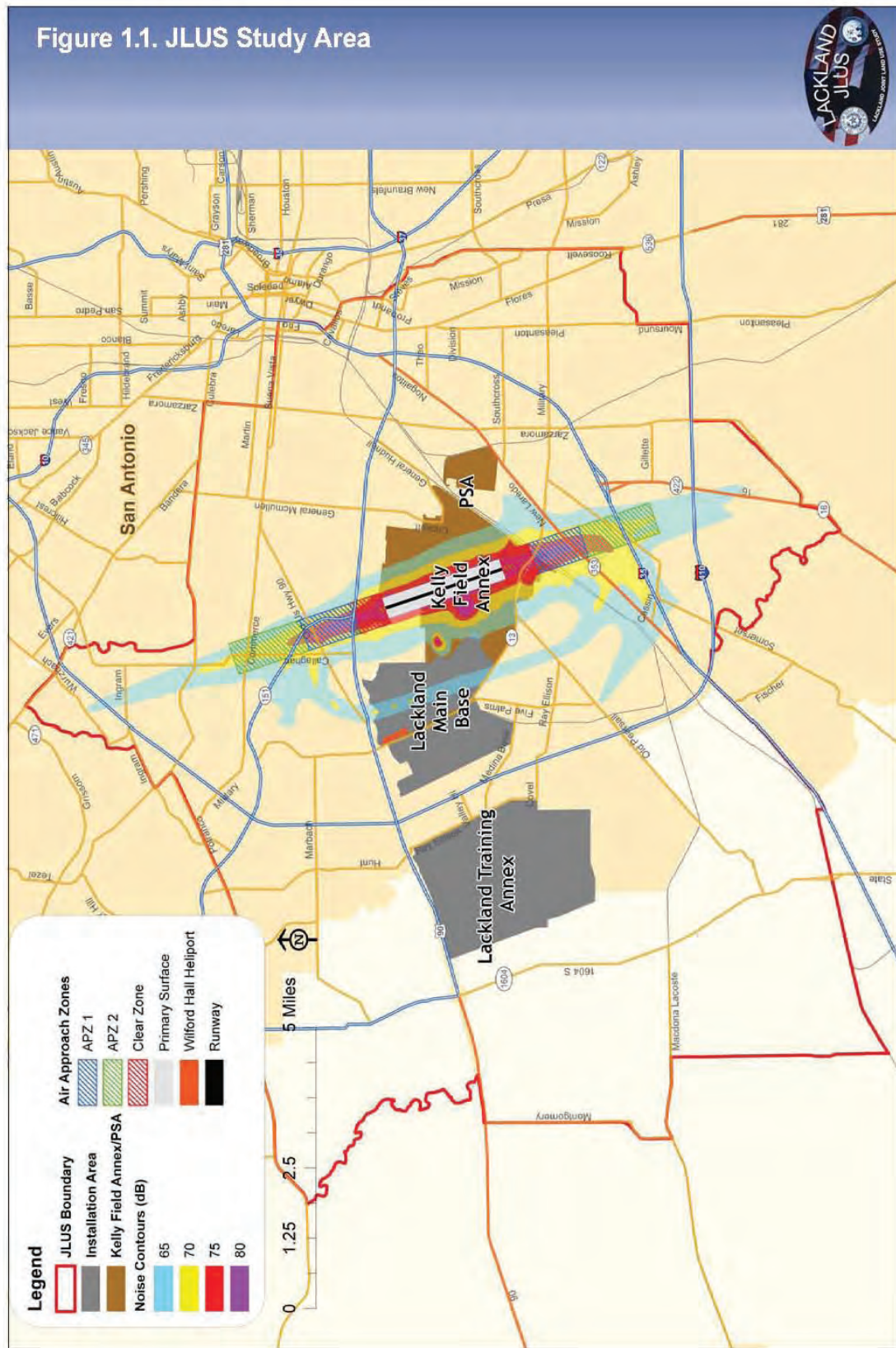
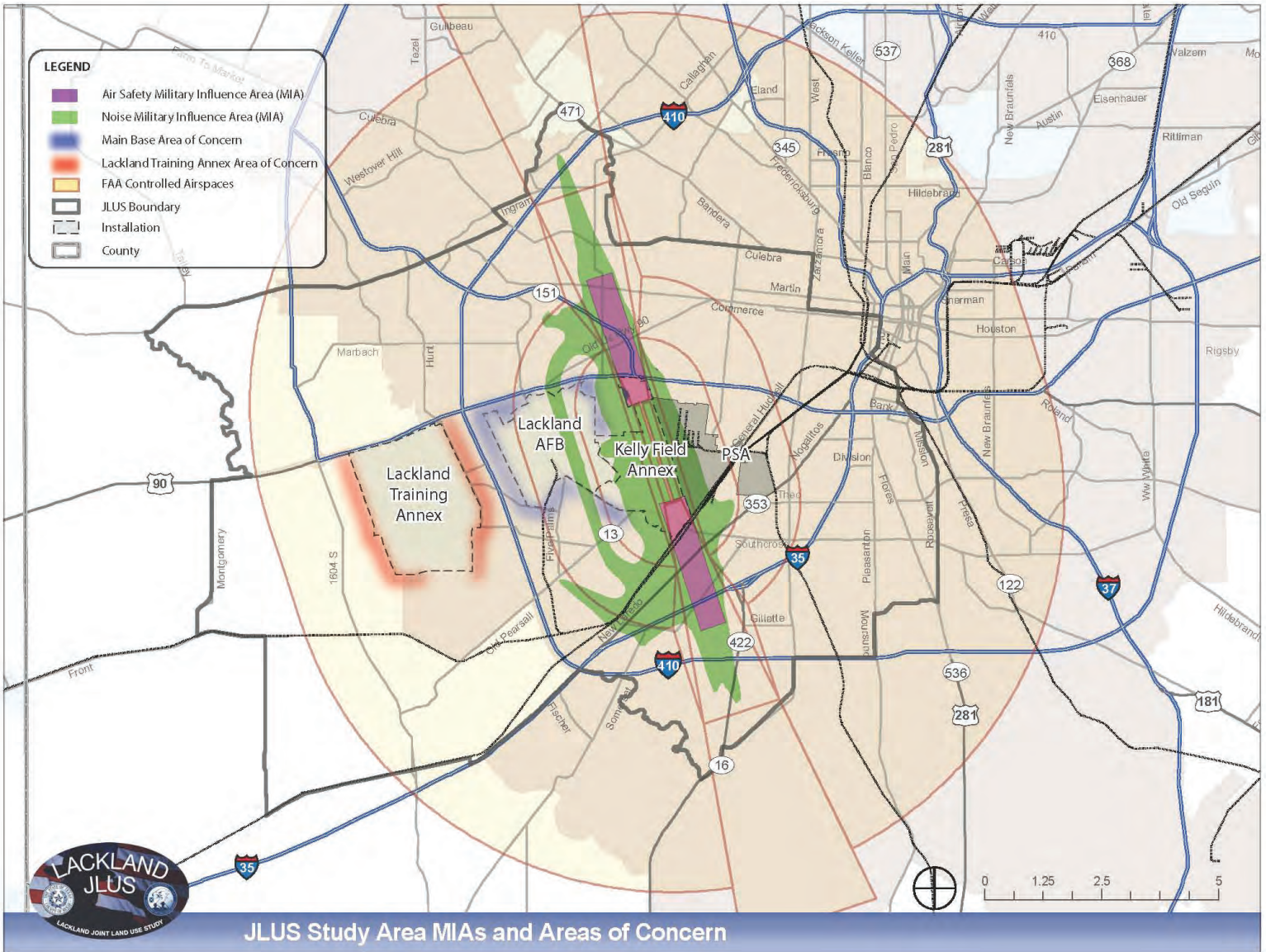


Figure A-31: JLUS Study Area MIAs and Areas of Concern



Acronyms

A

AACOG	Alamo Area Council of Governments
ADA	Americans with Disabilities Act
AFB	Air Force Base
AFISRA	Air Force Intelligence, Surveillance, and Reconnaissance Agency
Alamo RMA	Alamo Regional Mobility Authority
APZ	Accident Potential Zone
ART	Alamo Regional Transit

B

BASH	Bird Aircraft Strike Hazard
BexarMet	Bexar Metropolitan Water District
BRAC	Base Realignment and Closure

C

CCN	Certificate of Convenience and Necessity
CIP	Capital Improvement Plans
COP	Cellulars on Patrol
CoSA	City of San Antonio
CPS	CPS Energy
CSS	Context Sensitive Streets

D

Du/Ac	dwelling unit per acre
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E

EA	environmental assessment
EAA	Edwards Aquifer Authority
EMS	Emergency Medical Services
EPA	Environmental Protection Agency
ESD	Emergency Service District
ETJ	Extraterritorial Jurisdiction

F

FTZ	foreign trade zone
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H

HUBZone	historically underutilized business zone
HUD	Housing and Urban Development

I

ICRIP	Inner City Reinvestment Infill Policy
ISD	Independent School District
IT	Information Technology

J

JLUS	Joint Land Use Study
JUA	Joint Use Agreement

L

LEED	Leadership in Energy and Environmental Design
LEED ND	LEED Neighborhood Development

LRCTP	VIA's Long Range Comprehensive Transportation Plan
LSTAR	Lone Star Rail District regional passenger rail service
M	
MIA	military influence area
MLOD	military lighting overlay district
MPO	San Antonio-Bexar County Metropolitan Planning Organization
MTP	Major Thoroughfare Plan
N	
NSA	National Security Agency
P	
PC	Planning Commission
PCD	Planning and Community Development Department
PSA	Port San Antonio
PUD	Planned Unit Development
R	
ROW	right-of-way
S	
SA	San Antonio
SAACC	San Antonio Aviation Cadet Center
SAWS	San Antonio Water System

T

TCEQ	Texas Commission on Environmental Quality
TDR	Transfer of Development Rights
TIF	tax increment financing
TIRZ	tax increment reinvestment zone
TOD	transit oriented development

U

UDC	Unified Development Code
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V

VFD	Volunteer Fire Department
VIA	Via Metropolitan Transit



Glossary

A

Abut

To lie adjacent to another object or to share a boundary.

Activity Center

Hubs of commercial, institutional, and/or transportation activity. Centers can vary in size from small neighborhood-centered areas to large mixed-use areas.

Adjacent

A condition where two (2) properties, either lots and/or parcels, are located near or close to one another, but not necessarily touching and are separated by a dissimilar type of man made condition or natural feature including, but not limited to a roadway or street, right-of-way, or railroad line, or any stream, river, channel, lake or other body of water. While an adjacent condition may or may not imply contact, it always exhibits the absence of anything of the same kind between two properties.

Accessible Health Care

Health care services designated for uninsured and low-income individuals and families.

Affordable Housing

Households whose total housing costs are deemed “affordable” to those whom have a median income. Housing Urban Development (HUD) guidelines for housing affordability is that housing costs including taxes, home insurance, and utility costs, do not exceed more than 30% of annual household gross income. Affordable housing programs include HOME Investment Partnerships Program, Self-help Homeownership Opportunity Program (SHOP), and Homeownership Zone Initiative (HOZ).

Alternative Transportation

See definition for Transit

Arterial Roadway

A route used primarily for the movement of traffic, which may be both local and non-local in nature. Various classifications include:

Primary Arterial

A major thoroughfare, with limited at-grade access, which expands and links to the expressway system and is designed primarily for the movement of through traffic between activity centers of medium intensity.

Secondary Arterial

A major thoroughfare, with limited at-grade access which supports the primary arterial system by providing essential system linkages to expressways, primary arterials, and medium intensity activity centers.

B

Base Realignment and Closure (BRAC)

A process of the United States federal government directed by the Department of Defense and Congress to close certain excess military installations and realign equipment, personnel, supplies, and other resources to various operating bases. It is aimed at consolidating military forces, increasing efficiency, and reducing costs.

Best Management Practices

Best management practices (BMPs) are land use mechanisms designed to prevent or reduce pollution and excess sediment runoff from entering into bodies of water. BMPs are intended to improve and maintain water quality and provide better habitat for wildlife.

Bexar Regional Watershed Management (BRWM)

The Bexar County Commissioners Court, San Antonio City Council, and San Antonio River Authority Board of Directors in 2008 formed the BRWM partnership, which also includes 20 suburban cities within Bexar County. The BRWM is working to prevent the impact that heavy rain and flooding has on Bexar County.

Bicycle Master Plan

A document aimed at comprehensively planning for the expansion of bicycle facilities, paths, and trails, and connecting those facilities to existing infrastructure as well as ensuring its implementation in new developments. It integrates with roadway maintenance programs and identifies which projects should include bicycle infrastructure and when they should be funded.

Buffer / Buffering

A neutral zone between two incompatible uses that is implemented to reduce the chances of conflict, such as open space between industrial uses and residential areas. This can include fences and berms as well as shrubbery and trees.

Building Articulation and Massing

Building articulation refers to the various design elements on the façade of a building that can be observed from the street, such as building materials, corner treatments, cornices, architectural details, etc. Building massing is the physical area that a building occupies in three dimensional space, and is a function of its setbacks, height, width, depth.

Bus Rapid Transit (BRT)

BRT is a term applied to bus lines that receive a wide variety of treatments aimed at providing faster, more efficient service than a regular bus line. Such treatments can include dedicated bus lanes, grade separation, special vehicles, enhanced scheduling, and many more. The general idea behind BRT is to create bus lines that approach the service quality of rail transit.

C

Capital Improvement Plans (CIP)

A CIP is a short to medium range plan used by a municipality or district to identify needed capital projects and equipment purchases, and prioritize and schedule them according to necessity and available financial resources.

Census Tract

Small areas into which large cities and adjacent areas have been divided for statistical purposes. Each census tract is based upon an average population of four thousand people.

Centers and Tiers

Different land use classifications according to type of use (office, residential, mixed use, etc.), development intensity (density, building massing), and service area (regional, local, neighborhood).

Certificate of Convenience and Necessity (CCN)

A CCN is issued by the Texas Commission of Environmental Quality to an entity providing retail water or sewer service in an “uncertified” area. The purpose of obtaining a CCN is to protect these service areas from encroaching utilities.

Cluster Development

A design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive features.

Collector Streets

A street that carries traffic from minor streets to the major system of arterial streets and highways.

Community Services

Services or conveniences provided for or available to a community. Examples include parks, libraries, fire/police stations, etc.

Community Park

A publicly owned park that is usually in the range of 25 to 50 acres. These parks are larger than neighborhood parks, and provide more amenities and services, but are smaller in size and service area than regional parks.

Commuter Rail

Short-haul passenger rail service that is provided between a central city and its outlying suburbs or nearby towns. It is usually provided to people who travel on a daily basis.

Complete Streets

Streets designed so that all users - drivers, transit users, pedestrians, bicyclists, senior citizens, children, people with disabilities, etc. - can move along and across safely. Each complete street is unique, but ingredients that may be found on a complete street include sidewalks, bike lanes (or wide paved shoulders), special bus lanes, comfortable and accessible transit stops, frequent crossing opportunities, median islands, accessible pedestrian signals, curb extensions, and more. A complete street in a rural area will look quite different from a complete street in a highly urban area. But both are designed to balance safety and convenience for everyone using the road.

Comprehensive Planning Program

The process that San Antonio follows in developing, adopting, and implementing comprehensive plans.

Conditional/Special Use Permits

A permit issued by the City to a landowner or developer that authorizes land uses in zoning districts that are otherwise not automatically allowed. Usually, this authorization comes with certain conditions attached that must be fulfilled by the landowner or developer as part of the agreement.

Conservation District

Is an overlay district that includes the application of neighborhood based or context-sensitive design standards, individually tailored to address specific development or redevelopment issues.

Conservation Subdivision

A subdivision development that clusters housing on a portion of the site and retains large areas as open space for private or public use.

Context Sensitive Street

A roadway that is designed, operated, and maintained in a manner that considers not only regional transportation goals, but also the local context in which the street exists. Such streets respond to adjacent land uses and surrounding neighborhoods and generally respect traditional street design objectives for safety, efficiency, capacity, and maintenance.

Corridor

A generally linear transportation route that is dominated by one or more main lines for transport, such as rail lines or highways. The corridor can also include the origins and destinations that are linked together. When referring to a land use, it is a generally linear area where a certain type of development occurs, for example a commercial corridor. These often follow major roadways.

Curb Cut

An opening in the curb where vehicles may enter or leave the roadway. Where there is no curb, the point at which the driveway meets the roadway pavement is considered the curb cut.

D

Dark Skies

Dark skies is the concept of preserving the nighttime environment by reducing light pollution.

Density

The number of families, individuals, dwelling units, or housing structures per unit of land. Typically used to quantify residential subdivisions, and is expressed as dwelling units per acre (du/ac).

Density Bonus

An increase in the allowed density that a developer may build to above and beyond the normal level of density permitted by the zoning code, usually in exchange for some exaction from the developer, such as green building, providing affordable units, upgrading public facilities, etc.

Design Guidelines

Design guidelines are intended to provide a framework of design criteria within which physical planning can take place. The guidelines provide suggestions for the design of new homes/businesses and repair/rehabilitation of existing homes/businesses in order to maintain the overall character of the neighborhood. Generally, character-defining elements such as front porches, roof slopes, etc. are emphasized in residential guidelines while setbacks, canopies and signage may be emphasized in commercial guidelines.

Detention

A detention basin is a type of BMP used to manage storm water runoff to prevent flooding and improve water quality. Detention basins, also known as dry ponds, temporarily store water after a storm and eventually empty water out at a controlled rate to a downstream water body.

Dwelling

A building or portion of a building designed exclusively for residential occupancy, but not including motels and hotels.

Dwelling Unit

A building or portion of a building designed exclusively for residential occupancy by one family and provided with sanitation and cooking facilities.

Dwelling Unit Per Acre (du/ac)

A measure of residential density that expresses the number of households that exist within a geographic area divided by the total number of acres in that area. A higher level means more residential density.

E

Edwards Aquifer

A unique groundwater system serving the water needs of almost two million people in south central Texas, which lies on the eastern edge of the Edwards Plateau.

Edwards Aquifer Contributing Zone

The area that extends 40 miles north along the length of the Edwards Aquifer Recharge Zone, and where water flows near the surface to the Recharge Zone.

Edwards Aquifer Recharge Zone

The area where surface water enters the Edwards Aquifer, which follows the Balcones Fault line.

Edwards Plateau

The region in west-central Texas which is bounded by the Balcones Fault to the south and east, the Llano Uplift and the Llano Estacado to the north, and the Pecos River and the Chihuahuan Desert to the west.

Egress

An exit.

Encroachment

The entry of development into an area that was previously occupied solely by another use, usually one that is incompatible with the encroaching use. An example of this is the spread of residential sprawl toward an airport or military base.

Entitlement

The right to build granted by an agreement or permit issued by a municipality to a developer. The process of receiving a permit to build is called the entitlement process.

Environmental Assessment

A study for the purpose of identifying the social and environmental costs and benefits of a project or proposal, as well as the magnitude of those impacts.

Equal Housing Opportunity

Policies adopted by the federal government to ensure that all Americans have equal access to the housing of their choice.

Extraterritorial Jurisdiction (ETJ)

State law authorizes San Antonio to regulate specific functions within an area extending five miles beyond its own boundaries. These functions include signs, platting, and the subdivision of land.

F

Farm Owners Association

A farm owners association is a voluntary group of residents or property owners living in rural areas who advocate for or organize activities within a delineated geographic area. A farm owners association is very similar to a neighborhood association the only difference is the amount of land and number of residents within the association.

Floor Area Ratio (FAR)

A measurement, often used for the purposes of limiting building size in zoning ordinances, that is an expression of the total floor area of a building divided by the total land area of the parcel(s) that the building is constructed upon. For example, a building with 10,000 square feet built on a 5,000 square foot piece of property would have a FAR of 2.0.

Foreign Trade Zone (FTZ)

These areas are created in the United States to provide special customs procedures to US companies engaged in international trade-related activities. Duty-free treatment is accorded items that are processed in FTZs and then re-exported, and duty payment is deferred on items until they are brought out of the FTZ for sale in the US market.

G

Green Building

Development that has minimal environmental impact, is energy and water efficient, utilizes existing infrastructure where possible, and uses recycled or recyclable material to create healthier indoor and outdoor environments.

Green roof

A roof of a building that is partially or completely covered by vegetation for the purpose of providing open space, sequestering carbon dioxide, preventing storm water runoff, and various other benefits.

Greenway

A greenway is a long, narrow strip of land that is comprised of park or open space, such as a creek or gulch. Greenways can often be used for transportation if they contain trails, bike paths, or rail lines.

H

Heat Island Effect

Heat islands are created in urban areas where the temperature is significantly hotter than surrounding rural areas. This issue often arises due to high levels of concrete and other hard materials in urban areas that absorb heat.

High Capacity Transit

This type of transit differs from normal transit primarily in that it can move larger volumes of passengers at faster speeds. This can be achieved through dedicated right of way, grade separation, more frequent service, higher capacity modes of transit such as rail, and less frequent stops.

Historic Resource

A historic building, structure, site, or district that is significant in history, architecture, archaeology, engineering, or culture that is eligible for listing on a National or State register of Historic Places.

Household

Consists of all the people who occupy a housing unit (as defined by the census bureau).

Housing Master Plan

A comprehensive document that lays out a vision for meeting the housing needs of all of San Antonio's citizens, adopted in 2001.

Housing Unit

A house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied as separate living quarters, or if vacant, is intended for occupancy as separate living quarters (as defined by the census bureau).

High Occupancy Vehicle (HOV) Lanes

Highway or arterial street lanes that are dedicated for the exclusive or near-exclusive use of vehicles containing more than one person.

HUB Zone

A historically underutilized business zone that is the target of programs administered by the US Small Business Administration designed to promote job growth, capital investment, and economic development.

I

Impervious Cover

Ground cover that does not let rain or storm water penetrate and seep into the soil, but instead forces the water to flow downhill or stand in pools.

Infill Development

New buildings constructed on vacant lots or open sites in an area that is predominantly developed.

In-Lieu Fees

Fees that are exacted from a developer to mitigate the developer's inability or unwillingness to do something normally required by the City.

Inner City

The Inner City is generally the area located inside Loop 410.

Inner City Reinvestment Infill Policy (ICRIP)

This policy coordinates public initiatives within targeted areas in order to stimulate private investment in walkable urban communities that are the building blocks of a sustainable region.

Intensity

A term used to express the amount of development located within a particular lot utilized for commercial, office, industrial or civic use. Typically expressed as Floor Area Ratio (FAR).

K

Karst Invertebrate

Invertebrates that inhabit underground caves and mesocaverns in karst limestone. In Bexar County, Texas, nine of these species are listed as endangered.

Karst Zone

Landscape shaped by the dissolution of a layer or layers of soluble bedrock, usually carbonate rock such as limestone or dolomite.

L

Land Use

The manner in which land is used. For example, low-density residential land uses primarily include single-family houses.

Large Urban Park

One of the types of parks defined by San Antonio's park hierarchy, these parks serve a broader area than community or neighborhood parks, and can include major facilities such as pools and recreation centers.

LEED

LEED is an internationally recognized green building certification system, providing verification that a building or community was designed and built using strategies aimed at improving energy savings, water efficiency, carbon emission reductions, and improved indoor environmental quality.

LEED ND

LEED for Neighborhood Development (ND) Rating System provides verification that a development's location and design meet accepted high levels of environmentally responsible, sustainable development.

Light Rail

A type of urban rail transit that has slower speeds and lower capacities than heavy rail systems, but are larger and faster than streetcars. Light Rail is usually electric, and can operate its own right of way like heavy rail or in mixed traffic like a streetcar.

Linear Parks

Provides a physical link between two or more areas. Linear park trails can accommodate bicycling, hiking, jogging, and walking. The width of a linear park system is important because the amount of land included in the corridor is intended to reflect a park-like environment.

Live/Work Units

Housing units which also are zoned to allow small businesses to operate from a portion of the structure, generally identified by small retail or service oriented businesses or artist studios.

Local Street

A roadway, often a residential street, designed to provide direct access to individual homes, shops, abutting land, and similar minor traffic destinations. Through traffic is usually not a priority.

Low Impact Development

Low impact development (LID) is a term used to describe a land planning and engineering design approach to managing storm water runoff. LID emphasizes conservation and use of on-site natural features to protect water quality.

M

Military Influence Area (MIA)

An area surrounding a military installation that has potential to impact military operations if encroaching land uses are constructed upon it.

Military Lighting Overlay District (MLOD)

A zoning overlay district applied to property in vicinity of a military base that regulates outdoor lighting in order to protect night-time training activities at the military installation.

Military Readiness

The ability of forces, units, weapon systems, or equipment to deliver the outputs for which they were designed, including the ability to deploy and employ without unacceptable delays.

Mission Verde Plan

San Antonio's plan to develop a more sustainable economy, with a special focus on energy.

Mixed Use

Development that incorporates two or more of the following major land use types; residential, office or retail within a single project.

N

Natural Area

An area left in as near of a natural condition as possible, with minimal impact from humans.

Neighborhood Park

One of the smallest parks in San Antonio's hierarchy of parks, both in scope and size. It is typically 3-10 acres, and is designed to serve only the local neighborhood and therefore has little or no off-street parking or facilities.

Neighborhood Watch

A neighborhood watch (also called a crime watch or neighborhood crime watch) is an organized group of citizens devoted to crime and vandalism prevention within a neighborhood.

Node

A center of activity or development, often located at a major intersection.

O

Open Space

Land and/or water area with its surface open to the sky or predominantly undeveloped, which is set aside to serve the purposes of providing park and recreation opportunities, conserving valuable resources, and structuring urban development and form.

Overlay District

A zoning district which is designed to be applied on top of a base zoning district and applies more restrictions above and beyond what the base district would require.

P

Parks and Recreation Department System Strategic Plan

A plan document intended to provide guidance on future decisions concerning operations, capital improvement needs, and programs for San Antonio's parks and recreation facilities.

Pedestrian Shed Analysis

The purpose of the pedestrian shed analysis is to ensure that development responds appropriately to its urban context. The pedestrian shed analysis provides a snapshot of existing conditions within a certain distance, ranging from 1/4 mile radius to 1/2 mile radius, from proposed developments. For more information on the analysis please see Chapter 35-209(d)(2) of the San Antonio Unified Development Code.

Pervious Cover

A vegetated area that allows rainfall to infiltrate the soil.

Planned Unit Development (PUD)

A zoning category that allows innovation in development by the suspension of standard zoning to be replaced by negotiated agreements between the developer and the city.

Planning Commission

Created by ordinance with the responsibility for reviewing and approving applications for the division and development of land and recommends amendments and additions to the master plan.

R

Redevelopment

The demolition of an old building or use on a site and construction of a new use and/or building, or the renovation, improvement and/or restoration of an existing structure.

Rehabilitation

The restoration or repair of dilapidated housing or other types of structures to make habitable or usable again.

Retention

A retention basin is a type of BMP used to manage storm water runoff to prevent flooding and improve water quality. Retention basins are also referred to as wet ponds or wet detention basins. They only discharge water during very large storm events.

Revitalization

The restoration of physical activity or vitality or economic activity to a neighborhood or district.

Right-of-Way (ROW)

A strip of land that is dedicated for the purpose of transportation, such as land for a highway, road, or rail line.

Riparian

Relating to the interface between land and a river or stream. For example, a riverbank.

Road Diet Analysis

A consideration to convert an existing four-lane undivided roadway to a two-lane roadway, including a two-way left turn lane, by removing a travel lane in each direction. The remaining roadway width can be converted to bike lanes, on-street parking, or sidewalks.

Roundabout

A raised traffic island, usually landscaped, located in the middle of an intersection of arterial streets. Similar to a traffic circle but located in a busier intersection at a larger scale. Traffic circulates counter-clockwise around the island. Cars in the roundabout have the right-of-way, while cars entering must yield. Traffic slows but does not stop because left turns are not possible.

S

Sector

One of five planning areas defined by the City of San Antonio for its comprehensive plan.

Setback

The required or actual placement of a building a specified distance away from a road, property line, or other structure.

Single Family Detached Dwelling

A dwelling that is designed to be occupied by only one family and surrounded by open space or yard and is not attached to any other dwelling.

Site Grading

The process of ensuring that the slope of land on a site is appropriate for constructing a foundation or providing infrastructure such as water, sanitation, and/or storm water sewer.

Site Plan

Plans that provide a bird's-eye perspective on how structures, parking lots, and other facilities would be situated on a site.

Sports Complex

An amenity that can be found in certain types of larger parks in San Antonio that provide sports facilities such as soccer fields.

Stakeholder

A person or a formal/informal group having a direct or indirect interest, involvement or investment in the outcome of a defined process, action, or issue.

State Franchise Tax Credit

A credit for a tax that is imposed on a corporation by the State of Texas.

Storm Water Features

The use of natural and/or man-made landforms, topography and/or structures to direct the flow and retain/detain precipitation that cannot be absorbed into the land, allowing for a controlled release into designated streams, channels, or impoundments. Such features may include, but are not limited to, play fields that can serve as retention ponds or park layouts that utilize natural looking drainage corridors.

Strategic Historic Preservation Plan

A long-term plan creating a vision for strengthening and enhancing the City's current historic preservation program.

Streetscape

The visual character of a street as determined by elements such as structures, greenery, driveways, open space, view, and other natural and man-made components.

Subdivision Designs

The design and layout of the multiple smaller parcels that result from the division of a single large parcel.

Suitability Analysis

The analysis and classification of land according to its suitability and readiness to accommodate new development.

T

Tax Abatement

A reduction of real estate taxes due over a period of time.

Tax Increment Reinvestment Zone (TIRZ)

A geographically defined area with a special mechanism for funding capital improvements that involves establishing a benchmark level of property taxes during the creation of the zone, and devoting any additional property taxes generated through redevelopment toward capital improvements for a specified period of time.

Texas Enterprise Zone

The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment in economically distressed areas of the state.

Townhome

A single family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside and each unit is separated from another unit by one or more common fire resistant walls.

Transfer of Development Rights (TDR)

TDR programs allow developers to relinquish the development rights on a certain piece of property and sell or otherwise transfer them to another piece of property in the form of density bonuses.

Transit

Transit refers to various forms of mass transit, such as bus, light rail, street car, commuter rail, etc. Light rail is a form of mass transit that has several linked cars and typically operates within a city and uses rail lines. Street cars typically hold fewer passengers than a bus and travel shorter distances.

Transit Oriented Development (TOD)

Development that is located within proximity to a transit station that recognizes context and is designed to maximize access to public transport and encourage ridership.

V

Viewshed

The natural environment that is visible from one or more viewing points, especially areas having aesthetic value.

W

Watercourse

A natural or artificial channel through which water flows.

Watershed

The area of land where all of the water that is under it or drains off of it goes into the same place. Watersheds come in all shapes and sizes. They cross county, state, and national boundaries.

Watershed Management

Watershed management is the technological approach of managing the storm water runoff generated from rainfall. Management will enhance water conservation, improve water quality, and improve the biological integrity of water systems.

Wetland

An area of low-lying soil that is saturated with water either permanently or seasonally.

Z

Zoning

Regulates density and land use. Zoning is a key tool for carrying out planning policy.

Zoning Application

An application petitioning for an amendment of the City's official zoning map, such as a request to rezone a piece of property.

Zoning Ordinance

Rules and regulations that govern the way land is zoned (separated according to land uses) in a city.

Planning Commission Resolution

RESOLUTION NO. **11 04-03**

RECOMMENDING THE WEST/SOUTHWEST SECTOR PLAN, AN APPROXIMATELY 317 SQUARE MILE AREA BOUNDED BY HIGHWAY 16, LOOP 1604, CULEBRA ROAD, GRISSOM ROAD, AND BANDERA ROAD TO THE NORTH; GENERAL MCMULLEN, THE NORTH AND EAST BOUNDARY OF PORT SAN ANTONIO, MILITARY DR. SW, AND PLEASANTON ROAD TO THE EAST; LOOP 410 AND IH-35 TO THE SOUTH; AND A MEANDERING LINE FOLLOWING THE CITY OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION WESTERN BOUNDARY TO THE WEST TO CITY COUNCIL TO BECOME A COMPONENT OF THE CITY'S COMPREHENSIVE MASTER PLAN, AS IT CONFORMS TO THE APPROVAL CRITERIA SET FORTH IN THE UNIFIED DEVELOPMENT CODE, §35-420, PERTAINING TO "COMPREHENSIVE, NEIGHBORHOOD, COMMUNITY AND PERIMETER PLANS."

WHEREAS, the 1997 Master Plan Neighborhood Goal 2 calls for strengthening neighborhood plans; and

WHEREAS, the San Antonio Planning Commission has approved the 2009 Comprehensive Planning Program; and

WHEREAS, the *Unified Development Code* (adopted May 3, 2001), Section 35-420, sets forth provisions for the development and approval of Comprehensive, Neighborhood, Community and Perimeter Plans; and

WHEREAS, the San Antonio Planning Commission has reviewed the West/Southwest Sector Plan and found the plan to be consistent with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and

WHEREAS, a public hearing was held on April 13, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1: The West/Southwest Sector Plan attached hereto and incorporated herein by reference is to be submitted to the City Council with this Commission's recommendation for approval by the City Council that it be adopted as a component to the City's Comprehensive Master Plan. This Commission further recommends that City Council consider incorporating incentives into the West/Southwest Sector Plan that encourage pedestrian oriented developments.

PASSED AND APPROVED ON THIS 13th DAY OF April 2011.

Approved:


For Amelia Hartman, Chair
San Antonio Planning Commission

Attest:


Executive Secretary
San Antonio Planning Commission

City Council Ordinance

SG/ela
04/21/2011
P-1. Amended.

Master Plan Amendment West/Southwest Sector Plan

AN ORDINANCE 2011-04-21-0331

ADOPTING THE NORTH SECTOR PLAN AS A COMPONENT OF THE MASTER PLAN OF THE CITY IN AN AREA BOUNDED BY: HIGHWAY 16, LOOP 1604, CULEBRA ROAD, GRISSOM ROAD, AND BANDERA ROAD TO THE NORTH; GENERAL MCMULLEN, THE NORTH AND EAST BOUNDARY OF PORT SAN ANTONIO, MILITARY DR. SW, AND PLEASANTON ROAD TO THE EAST; LOOP 410 AND IH-35 TO THE SOUTH; AND A MEANDERING LINE FOLLOWING THE CITY OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION WESTERN BOUNDARY TO THE WEST.

WHEREAS, the West/Southwest Sector Plan includes approximately 317 square miles and 322,410 residents and is bounded by: Highway 16, Loop 1604, Culebra Road, Grissom Road, and Bandera Road to the north; General McMullen, the north and east boundary of Port San Antonio, Military Dr. SW, and Pleasanton Road to the east; Loop 410 and IH-35 to the south; and a meandering line following the City of San Antonio's Extraterritorial Jurisdiction western boundary to the west; and

WHEREAS, the planning process was initiated in September 2010, a Planning Team established, and eight Planning Team Meetings, three Public Meetings, and two Community Meetings were held; and

WHEREAS, the San Antonio Planning Commission reviewed the West/Southwest Sector Plan on April 13, 2011, and found the plan to be consistent with City policies, plans and regulations and in conformance with the *Unified Development Code*, §35-420, therefore meeting all requirements; and

WHEREAS, a public hearing was held on April 13, 2011, and the Planning Commission recommended that the City Council adopt the West/Southwest Sector Plan as a component of the City of San Antonio Comprehensive Master Plan; **NOW THEREFORE;**

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

SECTION 1. The West/Southwest Sector Plan is hereby adopted as a component of the Comprehensive Master Plan of the City of San Antonio for an area of approximately three hundred and seventeen square miles bounded by: Highway 16, Loop 1604, Culebra Road, Grissom Road, and Bandera Road to the north; General McMullen, the north and east boundary of Port San Antonio, Military Dr. SW, and Pleasanton Road to the east; Loop 410 and IH-35 to the south; and a meandering line following the City of San Antonio's Extra-territorial Jurisdiction western boundary to the west. A copy of the amended plan is attached hereto and incorporated herein by reference for all purposes as **Attachment "I"**.

SG/cta
04/21/2011
P-1, Amended.

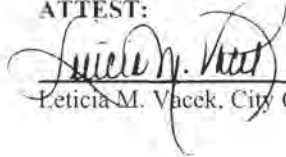
**Master Plan Amendment
West/Southwest Sector Plan**

SECTION 2. This ordinance shall take effect on May 1, 2011.

PASSED AND APPROVED on this 21st day of April 2011.

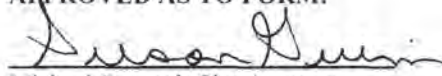

M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Michael Bernard, City Attorney

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FOR ADDITIONAL INFORMATION CONTACT:

**City of San Antonio
Planning and Community Development Department
1901 S. Alamo
San Antonio, TX 78204**

210.207.1111

www.sanantonio.gov

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North Sector Plan, San Antonio

Submission by Emerald Village

#13196

WPDD – PRECLEARANCE REQUEST

EMERALD VILLAGE

Web Address of Plan

www.sanantonio.gov/planning/npud/NorthSector/pdf/NorthSectorPlan2010.pdf

Page References to Large for Cell

- lack of accessibility to and/or presence of inadequate health care facilities, law enforcement and fire fighting facilities, social and recreational facilities, and other public facilities comparable to those typically found in neighborhoods containing comparable but unassisted housing;

Pages: 33 and 104-105

- The adopted plan specifically addresses how the providing of affordable rental housing fits into the overall plan and is a necessary component thereof.

Pages: 21, A-134 and 101



City of San Antonio, Texas

Department of Planning and Community Development

January 7, 2013

Cameron Dorsey
Director, Housing Tax Credits
Texas Department of Housing and Community Affairs
PO Box 13941
Austin, TX 78711

RE: Emerald Village – NEC of NW Loop 1604 & Corporate Woods Dr.

Dear Mr. Dorsey:

The property described above is located within the North Sector Plan, a component of the City of San Antonio's Comprehensive Plan. The subject property is classified as *Suburban Tier* in the North Sector Plan's Future Land Use Map. The North Sector Plan was adopted by San Antonio's City Council on August 5, 2010, via ordinance no. 2010-08-05-0672. The process to approve the plan and resolution allowed for extensive public input and comment.

For more information regarding the North Sector Plan, please visit <http://www.sanantonio.gov/planning/npud/NorthSector/pdf/NorthSectorPlan2010.pdf>

Should you have any further questions, feel free to contact me at 210.207.5889. Thank you.

Cordially,

A handwritten signature in black ink, appearing to read "Chris Looney".

Christopher J. Looney, AICP
Assistant Director
Department of Planning and Community Development

Bulverde Rd (Loop 1604 to Evans Rd)

District(s): 09, 10
 Project Manager: Arnulfo Ramirez
 Capital Project Officer: JOHN DONNELLY (210) 207-4019

Total Approved Budget

Source	Amount
2007 GO STREET IMPROVEMENT BOND	\$30,000,000
2007 GO STREET IMPROVEMENT BOND-A	\$1,000,000
CITY PUBLIC SERVICE	\$2,006,000
SAN ANTONIO WATER SYSTEM	\$6,959,916
Total Fund	\$39,965,916

Cost Information

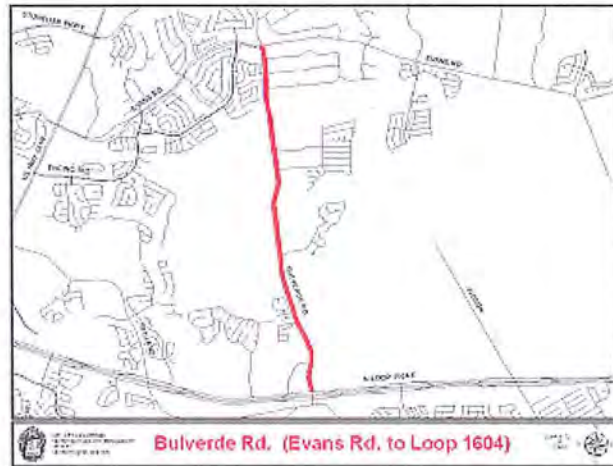
Category	Appropriations *	Expenses To-date
Design	\$4,662,856	\$4,289,234
Right of Way	\$66,589	\$56,989
Environmental	\$35,432	\$28,334
Construction	\$35,085,598	\$18,653,021
Other	\$3,250	\$3,250
Assets Purchased	\$612,189	\$611,801
Total	\$40,465,916	\$23,642,632

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: UNDER CONSTRUCTION
 Consultant: Pape Dawson Engineers, Inc.
 Contractor: Texas Sterling
 Estimated Project Advertisement: 06/2010
 Estimated Construction Start: 09/2010
 Estimated Construction Completion: 04/2013

Project Scope:

Bulverde Rd (Loop 1604 to Evans Rd) Reconstruct and widen Bulverde Road, with curbs, sidewalks, driveway approaches, and necessary drainage and traffic signal improvements. The project includes the installation of bike facilities.



Jones Maltzberger (Redland to Thousand)

District(s): 10
 Project Manager: David Matney
 Capital Project Officer: JOHN DONNELLY (210) 207-4019

Total Approved Budget

Source	Amount
2007 GO STREET IMPROVEMENT BOND	\$13,339,505
SAN ANTONIO WATER SYSTEM	\$622,755
CITY PUBLIC SERVICE	\$114,879
Total Fund	\$14,077,140

Cost Information

Category	Appropriations *	Expenses To-date
Design	\$2,807,606	\$2,405,272
Right of Way	\$214,592	\$181,260
Environmental	\$55,340	\$29,024
Construction	\$10,518,044	\$7,438,506
Assets Purchased	\$521,500	\$453,463
Total	\$14,117,084	\$10,507,526

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: UNDER CONSTRUCTION
 Consultant: HNTB Corporation
 Contractor: Yantis Company
 Estimated Project Advertisement: 09/2010
 Estimated Construction Start: 01/2011
 Estimated Construction Completion: 06/2012

Project Scope:

Jones Maltzberger (Redland to Thousand Oaks) Reconstruct and widen Jones Maltzberger to five lanes with curbs, sidewalks, driveway approaches, and necessary drainage. Project includes construction of a bridge to eliminate a low water crossing.



Redland Road Improvements at 1604

District(s): 10
 Project Manager: Arnulfo Ramirez
 Capital Project Officer: JOHN DONNELLY (210) 207-4019

Total Approved Budget

Source	Amount
2007 GO STREET IMPROVEMENT BOND-A	\$400,000
Total Fund	\$400,000

Cost Information

Category	Appropriations *	Expenses To-date
Design	\$140,000	\$92,005
Construction	\$260,000	\$62,261
Total	\$400,000	\$154,267

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: PRE-CONSTRUCTION
 Consultant: HDR, Inc.
 Contractor: Pronto
 Estimated Project Advertisement: 03/2012
 Estimated Construction Start: 07/2012
 Estimated Construction Completion: 08/2012

Project Scope:

Redland Road Improvements at 1604 This project will allow for the construction of a right turn lane approximately 200-linear feet from intersection on the Southside of Loop 1604. The project will be designed and constructed with available funds



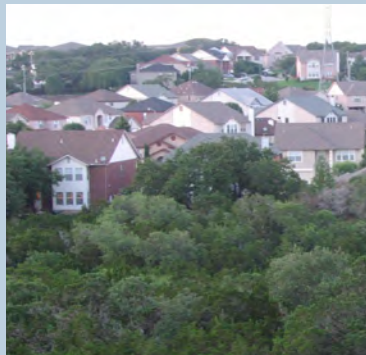
AUGUST 5, 2010



CITY OF
SAN ANTONIO

North Sector Plan

Shaping the Future of San Antonio



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AUGUST 5, 2010



CITY OF
SAN ANTONIO

North Sector Plan

Shaping the Future of San Antonio



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Foreword

By 2035, the San Antonio metropolitan area is expected to contain a population of 2.1 million residents. Approximately 35 percent are expected to be located in the North Sector. Based on an existing population base of 568,000, the growth forecasted over the next 25 years will add nearly 220,000 new residents in the North Sector as projected by the San Antonio - Bexar County Metropolitan Planning Organization. Accommodating this growth in a sustainable manner will require the collective efforts of all who have a stake in a prosperous North Sector future:

- *Developers, who want to satisfy market demand for markets in residential units and retail, office, and industrial space;*
- *Companies, who want to locate or expand to a strong community that provides a high quality of life for their employees;*
- *Citizens, who want efficient transportation, safe neighborhoods, quality schools, and job opportunities; and*
- *Public and private utility and service providers, who utilize this blueprint to guide their forward planning needs and service investments.*

The North Sector Plan is a strategic instrument which is one of several key planning tools that promote a community fabric that is vibrant, attractive and valued. It is one of seven sector plans in the City, and contributes, in a unique way, to a prosperous San Antonio region. Each sector was developed through a collaborative process that enabled individuals and organizations to share views about current community conditions and to work together to set future priorities. While market,



physical and environmental factors impact continuing growth, this planning process has addressed a full array of key issues related to transportation, economic development, housing, natural resources, community facilities, land use and urban design, and military compatibility.

Consistent with the Comprehensive Master Plan Policies, the North Sector Plan reflects a long-term outlook over the next 25 years, while the Comprehensive Master Plan Policies offer general guidance for growth and development within the metropolitan region. The North Sector Plan provides specific strategies and recommendations that address the unique needs of its defined sub region.

The North Sector Plan has been crafted to allow flexibility to address changes in community circumstances and priorities that may occur over time. Although this document reflects outcomes of extensive community dialogue, continued effort will be needed to achieve its future vision and its supportive strategies. Ongoing community assistance will be required for successful strategy implementation.

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Executive Summary

The North Sector Plan is intended to be a guide for everyone involved in making the North Sector a great place to live, work and play. The plan will be: used by City staff in recommending the appropriate land uses and zoning for specific areas of the North Sector; assist the development and real estate community in understanding the desired future for specific areas; and aid the Planning Commission and City Council in evaluating the merits of development proposals and capital investment within specific areas.

Through the implementation of this document, the North Sector Plan will provide an overall vision to achieve the plan

area's shared values of its supportive goals and strategies. Recommended strategies are presented to guide transportation, housing, economic development, parks and open spaces, community facilities, land use and urban design, and military compatibility. An action plan identifies the proposed partnerships to ensure this plan achieves the desired goals of the many residents, workers and others with a stake in the continued success and prosperity of the North Sector.

The vision for the North Sector is built on the key issues and values identified by stakeholders.

North Sector Vision Statement

The North Sector is a community, rich with natural panoramic views and abundant natural resources, nestled in the Texas Hill Country. As the North Sector Community continues to grow, compatible live, work, and play opportunities will foster a high quality of life by:

Preserving priceless natural resources, including the irreplaceable Edwards Aquifer, which provide a unique and valuable asset to the region today and in the future;

Enhancing the integration of scenic and recreational resources, outstanding educational opportunities, and diverse quality housing; while

Developing a compatible land use fabric that preserves military readiness, contributes high quality jobs to the regional economy, recognizes and respects private property rights and integrates sustainable development patterns.

Document Organization

The North Sector Plan is divided into five chapters: Planning Into Practice , North Sector Planning Area, North Sector Plan Elements, North Sector Adopted Neighborhood and Community Plans, and North Sector Action Plan. It also includes an Appendix. The following is a brief overview of the organization of the North Sector Plan, including the contents of each chapter.

- **Chapter 1: Planning Into Practice:** This chapter provides an introduction and context for the North Sector Plan. It discusses the North Sector Plan's relationship to the City's Comprehensive Plan and the North Sector Plan's role in the development process.
- **Chapter 2: North Sector Planning Area:** This chapter restates the vision for the North Sector, provides a description of the boundary, discusses the existing profile of the planning area and an includes an overview of the Plan's goals and strategies.
- **Chapter 3: North Sector Plan Elements:** This chapter provides information for the various areas of discussion and elements included as part of the North Sector Plan. A brief discussion of the existing conditions in relation to the key issues provides a foundation for the goals and strategies for each of the Plan Elements. Several of the elements also contain supportive maps and guidelines to communicate their intentions for compliance. The seven Plan Elements are organized and summarized as follows:
 - *Transportation, Infrastructure, and Utilities*
 - *Housing*
 - *Economic Development*

- *Parks, Natural Environment, and Historic Resources*
- *Community Facilities and Education*
- *Land Use and Urban Design*
- *Military Compatibility*
- **Chapter 4: North Sector Adopted Neighborhood and Community Plans:** This chapter provides a summary of each of the five adopted plans within the North Sector. Each summary describes the major plan concepts, its supportive land use plan, and consistency with the North Sector Plan.



- **Chapter 5: North Sector Action Plan:** This chapter provides both a near term and complete listing of the strategy responsibilities necessary to implement the goals over the next 5 - 10 years.
- **Appendix:** The Appendix provides supplemental material used to develop the North Sector Plan, including Acknowledgements, Public Involvement Process, Planning Area Profile, Map Atlas, Land Use / Zoning Consistency, BASH Plan, JAZB Draft Ordinance, Rotary Wing Safety Zones, Compatibility Development Standards, Acronyms, Glossary, Planning Commission Resolution, and City Council Ordinance.

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Chapter 1 Planning Into Practice



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CHAPTER 1: Planning Into Practice

Shaping the Future of San Antonio

Putting plans into practice is an important step in order to maintain the ongoing relevance of goals and strategies from their initial identification. The implementation steps that correspond to each of the goals are identified in Chapter 5: North Sector Action Plan. For items that are not identified in the actions, but are guided by the Sector Plan goals and strategies, understanding which plan element to review and how sector plans affect proposed developments is vital.

Relationship of Plans

Sector plans are a new addition to the City's planning toolbox. Sector plans, neighborhood plans, community plans, and several functional city-wide plans are adopted as components of the City's Comprehensive Master Plan. The City's Comprehensive Master Plan Policies document, which was adopted in 1997, provides all-encompassing, broad, long-range goals and policies to guide future development decision making and evaluation of City programs and initiatives. City-wide functional plans focus on whole areas or systems, such as the environment, transportation, and parks. A sector plan is a long-range guide for the future growth, conservation, and redevelopment of all physical aspects of the City on a regional level. Community plans are developed for areas with a population greater than 10,000

people and include multiple neighborhoods. Neighborhood plans cover a smaller area and may include at least one neighborhood unit. When proposing a project, applicants need to know which plan applies to them, and how their project is consistent (or not).

By virtue of the plan adoption process, all proposed projects must be determined consistent with the Comprehensive Master Plan as the initial condition for approval. It is recommended that all adopted city sector, community and neighborhood plans be consulted for context regardless of project scale. In the case of future land use recommendations, the most specific plan (neighborhood, community or sector plan) should be consulted. A neighborhood plan is more specific than a community plan; a community plan is more specific than a sector plan. Where a neighborhood or community plan does not currently exist, then the North Sector Plan should be consulted.

All of the City's plans are vital to understanding the connective vision and desires of area stakeholders. The investment of time in reviewing plans that are focused on different geographic scales and topics conducted at different points in time creates an enhanced understanding of area conditions, issues, and actions, which assists in an informed application, submission, and potential reduced approval time frame.

Development Process

When a contractor, builder or property owner applies for a building permit, the first step in the development process is to review the applicant's zoning standards (if any) that apply to the property. Texas Local Government Code allows cities and towns to adopt zoning regulations in order to protect and promote the health, safety, and general welfare of the public. Generally, counties in Texas are not allowed to enforce zoning regulations. Zoning districts detail what types of uses are permitted, as well as regulations for standards such as height and building location on the site.



If the current zoning allows for the property or structure on the property to be occupied, developed, renovated, or expanded for a proposed project, then permits may be issued as long as the proposal meets the building and zoning requirements detailed in the Unified Development Code (UDC). The following examples are for demonstrative purposes only:

For example: A property owner proposes to build a small office building on a parcel that is zoned Neighborhood Commercial (NC). City Planning and Development Services Department staff determine that the building plans are consistent with the NC zoning district and a zoning change is not

required for the proposed use. Permits for the office are issued to the property owner or contractor to construct and open the office building following procedures for review and inspections identified in the UDC.

In cases where the current zoning does not allow for the proposed project or development, the property owner or a designated representative may apply for a zoning change. The applicable land use plan (i.e., sector, neighborhood or community) will be reviewed when an application is made to change the current zoning. If the request is inconsistent with the land use plan, the request cannot be approved unless an amendment is made changing the land use designation to one which is consistent with the proposed zoning change. See **Figure 1-1: North Sector Plan Role in the Development Process.**

For example: A property owner has a parcel that is currently zoned Residential Single Family (R-6) in the Suburban Tier land use designation. The property owner is requesting a zoning change to General Commercial (C-3) to construct a large commercial outlet store. The Suburban Tier land use designation is primarily low density residential with scattered commercial uses that are supported at the community or neighborhood level. The highest commercial use that the Suburban Tier corresponds to is Commercial (C-2). Therefore, the zoning change request is determined to be inconsistent with the land use plan. In order for the property owner to be approved for the C-3 zoning, the sector land use plan must be amended from the Suburban Tier to the Regional Center land use designation. The Regional Center land use designation is characterized as a power center which includes a mix of multi-family residential uses and big box retail stores.

Figure 1-1: North Sector Plan Role in the Development Process



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Chapter 2 North Sector Planning Area



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CHAPTER 2: North Sector Planning Area

Shaping the Future of San Antonio

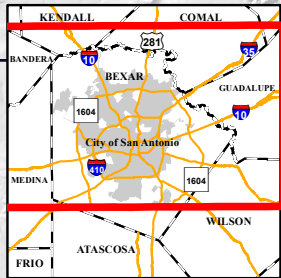
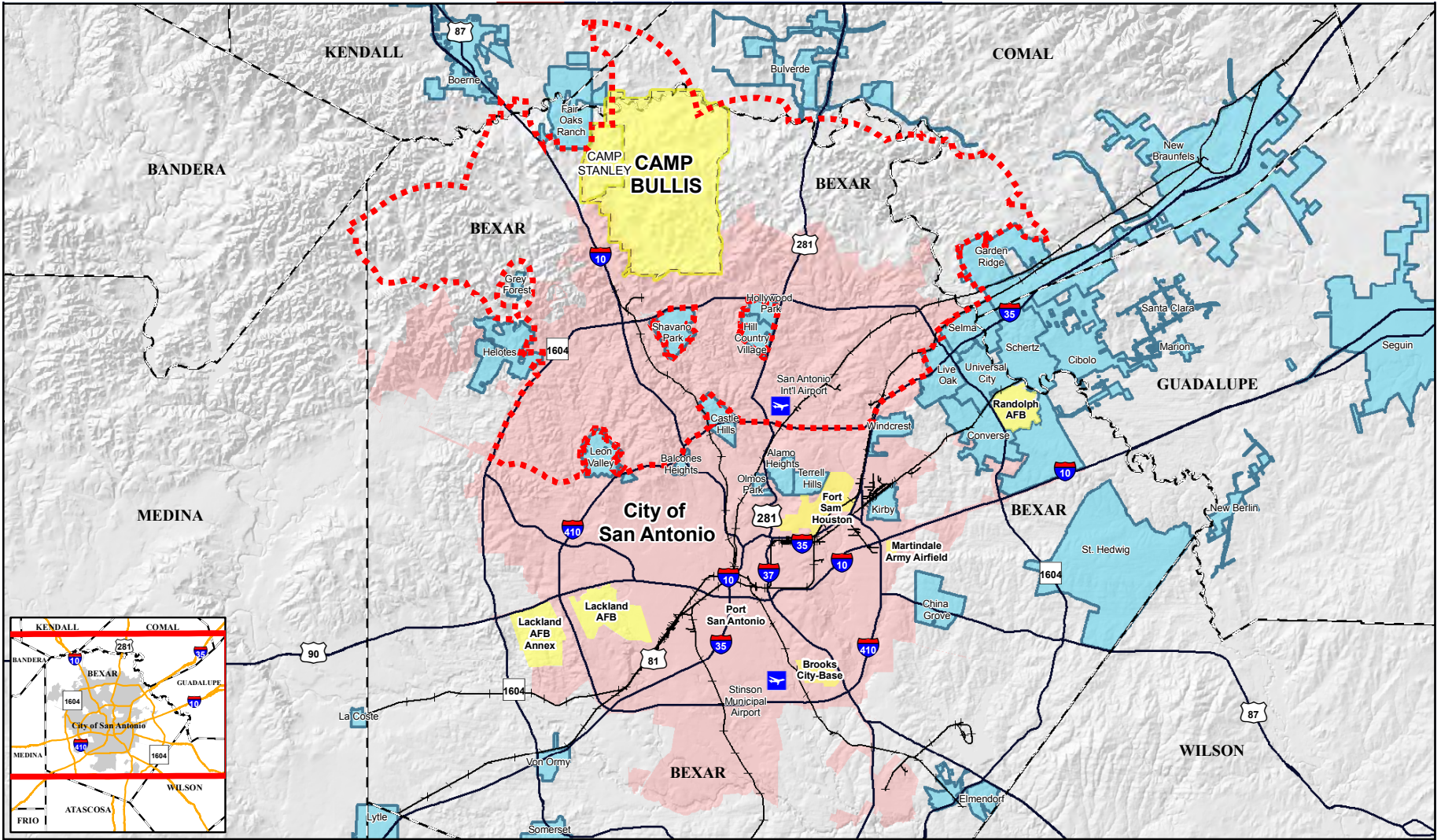
The North Sector Planning Area chapter includes important information that provides a foundation for the other chapters in this Sector Plan. This information includes an overview of the Planning Area and its division into four quadrants, the guiding vision, which underpins the goals and strategies, an overview of the demographic character of the Sector, and an overview of goals and strategies, which are components for each of the seven Sector Plan elements (contained in Chapter 3: North Sector Plan Elements).

- *Overview*
- *Profile*
- *Vision*
- *Goals and Strategies Overview*

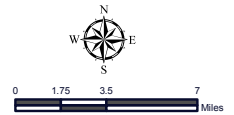


Overview

The North Sector is the largest of the seven sectors in the City, and comprises a gross total of 256,400 acres or approximately 400 square miles of land as shown on **Figure 2-1: Regional Location**. The North Sector also surrounds the incorporated communities of Hill Country Village, Hollywood Park, Shavano Park and Grey Forest, and is adjacent to portions of Castle Hills, Leon Valley and Helotes. These incorporated areas comprise approximately 11,400 acres or 17 square miles of land (and are not included within this process), which translates to a net planning area of 383 square miles. Camp Bullis and Camp Stanley are also located within the North Sector, and collectively comprise a total of 32,000 acres. These bases are currently utilized for a variety of day and night military training operations, supported by both fixed and rotary wing aircraft. While the City does not have regulatory authority over the military installations, this document contains strategies and guidelines to ensure the protection and sustainability of the military operations. The North Sector Planning Area also includes unincorporated land within Bexar, Comal, Kendall, and Medina Counties that comprise a portion of the City's Extraterritorial Jurisdiction (ETJ). The North Sector is generally bounded by: Loop 410, Grissom Road, and Culebra Road to the south; Loop 1604 and Texas Highway 16 / Bandera Road to the west; The City of San Antonio Extraterritorial Jurisdiction boundary to the north; and The City of San Antonio Extraterritorial Jurisdiction boundary, Toepperwein Road and Interstate Highway 35 to the east.



- - - North Sector
- - - Planning Area
- San Antonio
- Incorporated City
- Camp Bullis/Stanley
- Military Installation
- County
- Highway
- Railroad
- ✈ Airport

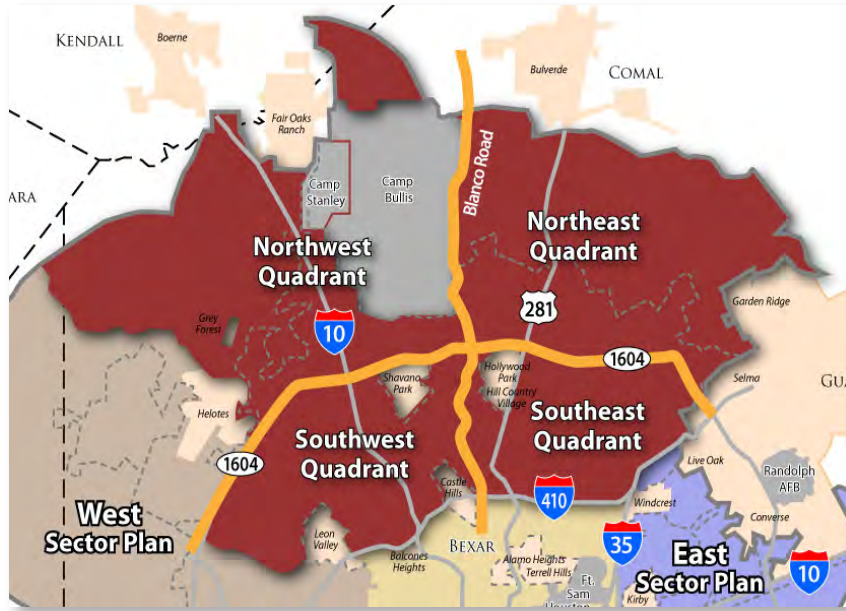


2-1

source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009
 Regional_Location_20100629_RGR.pdf

North Sector Regional Location

Figure 2-2: North Sector Boundary and Quadrants



Due to its size, the North Sector Planning Area is divided into four quadrants based on the north-south boundary of Blanco Road and the east-west boundary of Loop 1604, as shown on **Figure 2-2: North Sector Boundary and Quadrants**. These quadrants include: southwest, southeast, northwest, and northeast and will be utilized to assist in describing the recommendations for various elements of the North Sector Planning Area, including land use, transportation, and community facilities.

Table 2.1: North Sector Profile

Size of the Sector:	400 Sq. Mi. (gross) / 383 Sq. Mi. (net)
Population:	568,020 (2008)
Employed:	304,600 (2008)
Median Age:	36 years
Ethnicity:	White (50%) Hispanic/Latino (40%)
Education:	Bachelors (25%) Masters (10%)
Median Household Income:	\$63,000
Median Housing Value:	\$188,000 (2008)

Source: U.S. Census, Claritas and Matrix Design Group, January 2010

Profile

The residents of the North Sector reflect high levels of educational attainment which translate to elevated levels of household income and value of their homes as shown in **Table 2.1: North Sector Profile**. The sector also exhibits a median age that is higher than other sectors and lower levels of unemployed residents. It is the largest of all seven sectors in the city.

Vision

During the course of the North Sector planning process, a series of Planning Sector Team and Public meetings were conducted. Several meetings were dedicated to identifying issues, values, and assets. Attendees were organized into groups and asked to identify key areas within the North Sector that they felt to be either an issue – an item of concern needing to be addressed, or a value – a physical asset or existing quality of the community that is important. Assets were also identified and located within the North Sector Planning Area through a mapping exercise. The resulting map and issues and values are contained in the Appendix of this document. This process helped to identify what the community and stakeholders consider to be important to the North Sector, and the areas that they felt needed improvement to achieve the community’s desired direction. The objective of this issue and value identification and prioritization process was to develop and gain community support for an overarching Vision Statement for the North Sector. The Vision states:

North Sector Vision Statement

The North Sector is a community, rich with natural panoramic views and abundant natural resources, nestled in the Texas Hill Country. As the North Sector Community continues to grow, compatible live, work, and play opportunities will foster a high quality of life by:

Preserving priceless natural resources, including the irreplaceable Edwards Aquifer, which provide a unique and valuable asset to the region today and in the future;

Enhancing the integration of scenic and recreational resources, outstanding educational opportunities, and diverse quality housing; while

Developing a compatible land use fabric that preserves military readiness, contributes high quality jobs to the regional economy, recognizes and respects private property rights and integrates sustainable development patterns.

Goals and Strategies Overview

The creation of realistic and interrelated strategies is based on issues, values and community assets identified by North Sector stakeholders during the planning process. Goals and strategies communicate a common understanding in the guidance of the broad range of plan elements that guide community development activities within the North Sector Planning Area.

Goal: A broad, flexible, long range aim that achieves the desired result.

Strategy: A succinct statement that prescribes a course of action to implement its respective goal.

The intent of these goals and strategies are to provide a common reference point for informed decision making that fosters both consistency and predictability. Such decisions assist all residents, business owners, property owners, public entities and development interests to plan their respective actions. The goals and strategies are presented within each of the plan elements in Chapter 3: North Sector Plan Elements.



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Chapter 3 Sector Plan Elements



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CHAPTER 3: North Sector Plan Elements

Shaping the Future of San Antonio

The North Sector Plan Elements chapter provides the guidance for elected and appointed decision makers to promote quality growth in the North Sector. This chapter is presented in the following seven sections:

- *Transportation, Infrastructure, and Utilities*
- *Housing*
- *Economic Development*
- *Parks, Natural Environment, and Historic Resources*
- *Community Facilities and Education*
- *Land Use and Urban Design*
- *Military Compatibility*

Each section is organized in a standard approach to foster ease of reference. This standard approach is identified and summarized below:

- **Overview** - Provides background information and describes several key issue areas.
- **Goals and Strategies** - Provides the guiding statements to manage future growth in the North Sector
- **Element Guidance** - Contains supportive maps and standards to implement the goals and strategies

Transportation, Infrastructure, and Utilities

Overview

The planning, design, construction, and maintenance of transportation networks



within the San Antonio Metropolitan Area (and the North Sector) involves federal, state, regional, and local agencies.

The City's Major Thoroughfare

Plan (MTP) is a long-range transportation plan for both the City and Bexar County. Originally adopted in 1978 and substantially

updated over the years, the MTP designates the desired or future location, cross-sections, and dedication requirements of roadways. The City and County have also prepared the Bicycle Master Plan (adopted in 2005) which is currently in the process of being updated. VIA Metropolitan Transit is also currently working on a long-range comprehensive transportation plan (SmartwaySA) for the City and County.

The Alamo Regional Mobility Authority (Alamo RMA) is currently conducting two environmental impact statements within North San Antonio. Alamo RMA is studying US 281 from Loop 1604 to the Bexar / Comal County line and Loop 1604 from US 90 to IH 35N.

Connect Roadways and Non-Vehicular Networks for East-West Mobility

The southern quadrants of the North Sector exhibit a more developed transportation network than the northern quadrants due to the amount and density / intensity of development over the years extending outward from the central city. Hence, the northern quadrants are challenging for transit and pedestrian mobility. While a connected transportation network exists in the southern quadrants, it often becomes congested during peak traffic times, based on the dislocation of jobs and residences.

The North Sector includes numerous MTP street designations including expressways, primary arterials and secondary arterials. As future development occurs, it will be important to ensure that appropriate road networks are constructed concurrently to support increased travel demand.



New Ways to Move People and Goods

The North Sector includes portions of three railroad lines: Kerville Subdivision, Austin Subdivision-Mainline 1, and Austin Subdivision-

Mainline 2. The Kerville subdivision line extends north from downtown San Antonio, parallels IH-10, and terminates at Loop 1604 near IH-10. Union Pacific has indicated that the use of the Kerville Subdivision for freight purposes may end in three to five years. If so, it could be evaluated for reuse for commuter transportation. The Austin Subdivision-Mainline 1 extends north from downtown San Antonio parallel to the US 281 corridor and then northeast to New Braunfels. Within Bexar County, this line is approximately 33 miles long with approximately 66 percent located inside the North Sector boundary. This line appears to be ideally suited for commuter rail reuse. Austin Subdivision-Mainline 2 is proposed to become Lone Star Rail for commuters between Austin and San Antonio and extends from downtown San Antonio parallel to the IH-35 corridor and then out to New Braunfels. Outside the City, within Bexar County, this line is approximately 34 miles long, of which approximately 33 percent is located inside the North Sector boundary. However, appropriate redevelopment and the interface of transit stops in the future could transition the demand to move people instead of goods. VIA is currently conducting a study on Union Pacific Rail lines for future passenger rail potential.

While transit currently serves mainly the southern quadrants of the North Sector, current planning focuses on extending transit improvements to include new park and ride facilities, and opportunities for high occupancy corridors to provide another choice for commuters. The provision of enhanced buses, bus rapid transit (BRT) and internal circulator service to significant originations and destinations within the North Sector will also assist mobility in the area.

Changing the Behavior of the Commuter

VIA serves the North Sector with bus routes and stops. With a few exceptions, these routes are located south of Loop 1604. In total, throughout the North Sector, there are 35 bus routes in operation that cover approximately 355 linear miles. Routes 2 (Blanco Road), 14 (Perrin Beitel), 534 (Wurzbach), 92 (Fredericksburg Road) and 88 (Bandera Road) exhibit the highest ridership within the Sector. Additionally, there are three park and ride lots, which include Parkhills (temporary) Park and Ride, University Park and Ride and the Blossom Park and Ride which serves the Southeast Quadrant. Two transit stations provide connections to other areas of the City including Medical Center Transit Center. Transit facilities located south of the southern North Sector boundary include the North Star Transit Center, Randolph Park and Ride, Crossroads Park and Ride and the Ingram Transit Center. Additionally, VIA indicates that a permanent park and ride at US 281 and Loop 1604, as well as one at Loop 1604 and Highway 151 would also support mobility in the area.

The improvement of north-south arterials is expected to provide relief to IH-10 and US 281, while enhanced capacity and connectivity will assist in relieving congestion on Loop 410 and Loop 1604. East-west connectivity is impeded to the far north with the presence of Camp Bullis. VIA is studying the necessary transit improvements on Wurzbach Parkway needed to increase east-west capacity and connectivity.

As the plan is updated every five years, staff will ensure the plan is consistent with both the San Antonio - Bexar County Metropolitan Planning Organization (MPO) and VIA Metro Transit Long-Range Comprehensive Transportation Plans.

August 5, 2010

Linking Pedestrians/Cyclists & Transit

Suburban Street Network

Population: 1174
of Parcels: 956
of Street Miles: 12

Urban Street Network

Population: 6318
of Parcels: 2110
of Street Miles: 24

Ask yourself...

- Which street network is pedestrian and cyclist-friendly?
- Which street network requires a car to make most trips?
- Which street network would make it easier for more people to walk to a transit stop?

- Which street network allows transit to operate more efficiently, and serve more people?
- Which street network is more efficient for a nearby "park and ride" facility?
- Where would I want to live?

What are the benefits of Transit-supportive street networks?

Trip Length – Reduction in travel distance (*Vehicle Miles Traveled/VMT*) and travel times

Services – More efficient public service (*mail, garbage, transit*) and delivery access

Congestion – Fewer vehicles on roadways and safer roadway conditions

Health – Reduced asthma levels and increased pedestrian options

Environment – Lower emission levels offers better air quality

Accessibility – Improved pedestrian and bicycle routes

Safety – Better emergency vehicle route access

Utilities – Lower cost of infrastructure

INNOVATION
ON THE MOVE

Connecting Bicycle and Pedestrian Paths for a Healthier Community

The City of San Antonio and Bexar County both adopted the Bicycle Master Plan in 2005. The City of San Antonio is in the process of updating the Bicycle Master Plan. The North Sector currently has approximately 40 miles of dedicated bike lanes and routes which are not interconnected in all cases.

The inclusion of a connected bicycle and pedestrian network should not be overlooked. While segments of these networks have been implemented, their

true value is to connect activity areas and provide a safe and healthy alternative for North Sector residents, visitors and workers. As a component of context sensitive streets or linear parks/greenways, these paths and trails are an important component of the North Sector transportation network.

Creating a Future Land Use Pattern That Fosters Integrated Utility Planning

Utility service in the North Sector is provided by numerous public and private providers. CPS Energy serves the majority of the Planning Area with natural gas and electricity. The majority of the wastewater and water service is provided by the San Antonio Water System (SAWS), while the remaining areas are served by additional private providers.

Utilizing the land use plan as the underpinning for infrastructure investments will allow for the provision of extensions and improvements for the existing water, wastewater and natural gas providers, that will leverage the expenditure of funds for both capital and operating and maintenance expenses that match the density and intensity of anticipated development.

Protecting Existing and Future Residents from the Threat of Flooding

Bexar County is comprised of five different watersheds, all of which are partially located in the North Sector: Leon Creek, Salado Creek, Cibolo Creek, Medina River and San Antonio River. The Northwest Quadrant contains portions of the Cibolo Creek, Salado Creek, Medina River and Leon Creek watersheds. The Northeast Quadrant contains portions of the Cibolo

Creek, Salado Creek and San Antonio River watersheds. The Southwest Quadrant contains portions of the Salado Creek, San Antonio River and Leon Creek watersheds. The Southeast Quadrant contains portions of the Cibolo Creek, Salado Creek and San Antonio River watersheds. Each watershed contains several waterways and floodplains.

Flash floods are a serious problem in flood prone areas, including parts of the North Sector. Average annual rainfall can range from 15 inches to 33 inches, which can cause unpredictable droughts and also sporadic flash floods. A major cause of flash floods is impervious cover, which impedes rainwater from percolating into the ground causing it to flow across surfaces and collect in low lying areas. There are approximately 65 low water roadway crossing locations in the North Sector, which are unusable during such weather events.

There are several development measures that can be implemented to reduce the potential damages caused by flooding. Within flood areas, minimize development within mandatory detention areas or institute low-impact development features which allow for increased stormwater percolation into the ground instead of collecting in areas where it could cause property damage or harm to residents. Increased stormwater percolation also improves water quality. San Antonio currently implements many regulatory measures that are used to guide future development to manage stormwater and flood prone areas. The goal of the North Sector Plan is to reduce and mitigate flooding hazards.

Transportation, Infrastructure and Utilities

Goals and Strategies

Goal TRAN-1	<i>Connected road network constructed with improved traffic flow on local, collector, and arterial streets within and among neighborhoods.</i>
------------------------	--

- Strategies:**
- TRAN-1.1** Continue to coordinate with the San Antonio-Bexar County Metropolitan Planning Organization (MPO) to model existing and future roadways and intersections and prepare mitigation plans for roadways and intersections where projected volumes exceed capacity in the 2035 horizon year.
 - TRAN-1.2** Continue to implement and update the recommendations of the Major Thoroughfare Plan to allow for context sensitive streets that help to achieve the Sector Land Use Plan
 - TRAN-1.3** Encourage connectivity in street design within new residential developments.

Goal TRAN-2	<i>East-west roadway mobility and connectivity that alleviates north-south congestion is established.</i>
------------------------	---

- Strategies:**
- TRAN-2.1** Conduct a network mobility study to identify potential collector connections.
 - TRAN-2.2** Implement east-west intra-neighborhood collector and local road connectivity to reduce traffic on the arterial network and incorporate linear hike-bike paths, public transportation, and local road connectivity.

Goal TRAN-3	<i>Mass transit corridors within the developed southern half of the North Sector are supported through land use planning and increased density at selected locations.</i>
------------------------	---

- Strategies:**
- TRAN-3.1** Support the recommendations of SmartWaySA (Long Range Transit Comprehensive Transportation Plan) to explore options within the North Sector for high capacity transit, including bus rapid transit, electric streetcar, light rail, commuter rail, dedicated bus lanes, transit stations, and HOV lanes.
 - TRAN-3.2** Augment transit station area planning with adjacent transit oriented development (TOD) to capitalize on the access and proximity of high capacity transportation corridors.
 - TRAN-3.3** Encourage VIA to add an Express Route on Loop 1604.
 - TRAN-3.4** Support Alamo Area Council of Governments' Alamo Regional Transit Program, which provides additional connectivity for commuters.

**Goal
TRAN-4**

Enhanced and strategically located new park and ride options within the Northeast and Northwest Quadrants are encouraged.

- Strategies:**
- TRAN-4.1** In conjunction with the SmartWaySA Plan and Alamo Regional Transit Program, coordinate the siting of preferred locations and tract acquisition where park and ride facilities will provide optimum support for the extension of transit service.
 - TRAN-4.2** Work with VIA advance planning to identify mid- and long term park and ride locations along anticipated high capacity transit corridors.

**Goal
TRAN-5**

Bicycle and pedestrian network expanded along compatible streets.

- Strategies:**
- TRAN-5.1** Consider bicycle and pedestrian infrastructure improvements in capital improvement and infrastructure maintenance projects based on the updated Bicycle Master Plan and recommendations from the Bicycle Mobility Advisory Committee (BMAC).
 - TRAN-5.2** Promote secondary access through bike and pedestrian networks connecting gated and un-gated communities to nearby attractions and destinations (i.e. parks, schools, libraries, employment areas etc.).
 - TRAN-5.3** Provide incentives for “context sensitive streets” and cluster development that encourages walkability and bikability.
 - TRAN-5.4** Form public-private partnerships with major employers, the medical industry, and higher education to enhance the connection of the non-vehicular network on private property.
 - TRAN-5.5** Consider the road diet analysis conducted by the San Antonio-Bexar County MPO and the provision of bike racks, bike stations, lockers and shower facilities by employers to enhance bicycle and pedestrian commuting.
 - TRAN-5.6** Expand coordination with health organizations, businesses, and private retailers to promote bicycle and pedestrian networks.
 - TRAN-5.7** Implement the recommendations of the Regional Bicycle Master Plan and update the plan periodically.

Goal UTI-6	<i>Utility investments coordinated in order to accommodate recommended future development.</i>
-----------------------	---

- Strategies:**
- UTI-6.1** Enhance communication with all water purveyors and the City and Counties on the proposed expansions of Certificates of Convenience and Necessity (CCNs) for sewer and water that is consistent with the Sector Land Use Plan.
 - UTI-6.2** Encourage energy efficiency through green building and design and renewable energy sources such as solar and wind energy.
 - UTI-6.3**
 - *Ensure that new development meets the following conditions:*
 - *The applicant demonstrates that the necessary transportation and utilities will be installed or adequately financed; and*
 - *Anticipated environmental issues have been addressed.*

Goal INF-7	<i>Stormwater runoff is effectively managed to reduce flooding and protect the safety of citizens and property.</i>
-----------------------	--

- Strategies:**
- INF-7.1** Continue to manage the capacity and transmission capabilities of the storm drainage network to protect public and private property from damage and prevent degradation of natural resources.
 - INF-7.2** Encourage project designs that utilize low impact development and best management practices that minimize impervious cover where feasible and provide a natural water course appearance.
 - INF-7.3** Discourage development or major fill or structural improvements (except for flood control purposes) within the 100-year floodplain as regulated by the Federal Emergency Management Agency (FEMA). Recreational activities that do not conflict with habitat uses may be permitted within the floodplain.
 - INF-7.4** Increase inspections and maintenance of retention/detention areas.
 - INF-7.5** Complete watershed management master plans for all watersheds in the area.
 - INF-7.6** Promote San Antonio Flood Emergency (SAFE) system programs.
 - INF-7.7** Utilize the North Sector Land Use Plan to create a drainage master plan for future drainage infrastructure.
 - INF-7.8** Strive to design and construct future drainage infrastructure such that it does not impact historic or environmentally sensitive areas.

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Housing

Overview

Housing in the North Sector expanded faster (21 percent) than the overall pace of all the other sectors combined (13 percent) between 2000 and 2008. Out of the total housing units in all sectors, the North Sector contained 37 percent in 2000, and 41 percent in 2008. The increase in the North Sector's housing share is the result of its capture of approximately 66 percent (49,000 housing units) built between 2000 and 2008 among all Sectors. The Northeast Quadrant exhibited the greatest amount of housing growth with a 54 percent increase in housing units from 2000 to 2008. The Northwest and Southwest Quadrants also experienced growth that was higher than the overall sector total, 37 percent and 18 percent, respectively.

A Range of Housing Types Creates Choices

The existing housing stock within the North Sector is comprised of both single and multi-family housing types. Single family housing is the predominant housing type, is relatively new, and is located within the interior area of transecting major thoroughfares. Multi-family housing is typically located adjacent or proximate to employment areas and transportation corridors. In the future, the composition of the housing stock south of Loop 1604 will continue to age. Focused efforts on revitalization activities to maintain their viability through transitioning neighborhood demographic cycles will be necessary in the future. North of Loop 1604, the pattern of single family housing is expected to continue, but lot



sizes should increase to respond to site conditions. Where appropriate, higher density housing should be considered in areas where it can be carefully integrated as a stand alone project or part of a Planned Unit Development (PUD).

The Natural Environment Is Conducive To Low Impact Development

The Texas Hill Country, and the northern portions of the Northwest and Northeast Quadrants, exhibit an existing character of natural features and rural development. These areas not only provide a lifestyle choice for North Sector residents, they also contribute valuable habitat for wildlife and offer protection for Camp Bullis. For these reasons, future residential development should consider the limiting effects of slope, vegetation, floodplain, and encroachment as growth pressure is expected to extend north in the future. As such, care should be expended to master plan these lands with the intent to focus housing density in areas where limitations of development are minimal or can be reasonably mitigated.

High Density Housing Is an Important Land Use

Within the North Sector, high density residential is primarily located in the southern quadrants, primarily in a cluster surrounding the Medical Center, as well as along several major arterial roads, such as Blanco Road. These areas are the ideal locations for high density residential. It is not an appropriate land use for portions of the quadrant that are more rural in character and where higher density development would have a negative impact on sensitive natural lands. Furthermore, the placement of high density development within commercial and office areas, and as a component of mixed use, helps to foster walkable communities and live-work centers.



In addition, the redevelopment or revitalization of commercial and employment uses, may provide a higher density residential component that would appeal to a different segment of the City population than exists in such areas today. Also, the future provision of commuter/light rail would also have a resulting catalytical effect on the provision of transit oriented development concepts adjacent to transit stations, fostering the inclusion of a higher density housing in these surrounding areas.

Neighborhoods Are Well Organized

San Antonio's Planning and Development Service Department's (PDS) Neighborhood Planning and Urban Design Section assists citizens in organizing and registering a Neighborhood Association (NA) for their neighborhood. A registered NA can develop a unified voice for its residents that the City responds to, can create neighborhood plans with a consensus on goals and priorities, and can be the official point of contact between local citizens and the City. For example, registered NAs in San Antonio receive notice of proposed rezoning cases, plan amendments, and other public notices affecting the area within and near their boundaries. Approximately 240 of San Antonio's total 400 registered NAs are located within the North Sector's boundaries, spanning most of San Antonio's established residential neighborhoods in the Sector's southern quadrants. Some newer subdivisions in the northern quadrants of the North Sector are not registered NAs with the City.

Housing Goals and Strategies

Goal HOU-1

Continued support for development of diverse housing stock using infill housing development between Loop 1604 and Loop 410.

- Strategies:**
- HOU-1.1** Consider innovative allowances in zoning amendments that promote a variety of housing types in the North Sector and embrace flexible standards, including, but not limited to: zero lot lines, clustering of development, and density bonuses as per the Sector Land Use Plan.
 - HOU-1.2** Encourage compatible growth patterns and transitions of higher density residential along principal arterials and transit corridors that fit in with the existing residential character of the North Sector.
 - HOU-1.3** Advocate for new residential developments to meet energy efficiency and mitigate adverse environmental impacts as per the goals of the Mission Verde Plan.
 - HOU-1.4** Make available public information provided by other public agencies and non-profit organizations on equal housing opportunity and rehabilitation grants and programs.
 - HOU-1.5** Encourage residents and developers in the North Sector to utilize available local and state funding resources.
 - HOU-1.6** Support the efforts to designate, preserve and enhance existing and future neighborhood conservation districts within the North Sector.
 - HOU-1.7** Encourage the use of incentive and rebate programs for energy and water efficiency.

Goal HOU-2

High density housing is developed near post secondary education facilities, principal and arterial transportation routes, and major employment areas.

- Strategies:**
- HOU-2.1** Focus High Density Residential near activity centers.
 - HOU-2.2** Educate and encourage homeowners to utilize available financial mechanisms (i.e. Location Efficient Mortgages, etc.) that reflect increased disposable income from lower car ownership costs in areas served by transit.
 - HOU-2.3** Utilize High Density Residential as a buffer between principal and arterial roadways / non-residential (i.e. office, retail, commercial uses) and lower density residential housing.
 - HOU-2.4** Consider the use of High Density Residential along the periphery of concentrated employment areas to foster a compatible land use transition between single family detached/attached residential neighborhoods and concentrated locations of non-residential uses.

Economic Development

Overview

The North Sector exhibits a relatively healthy economy partly due to its demand as a desirable living environment that has generated appreciation in home values and positive market characteristics for retail uses as well as job retention and expansion efforts. The Planning Area also contains several key employers within the metropolitan area including health care, education, military, and tourism/hospitality.



Focus on Retention and Expansion of Existing Major Employers

Two of the largest contributors to the economy of the North Sector are the 900-acre South Texas Medical Center in the Southwest Quadrant and the military, including Camp Bullis in the Northwest Quadrant. The Medical Center is a prime location for future economic growth as it supports the medical field, research and study, and innovation in new science and technology for San Antonio and South Central Texas. The area surrounding the Medical Center, as well as the area surrounding the San Antonio International

Airport, in the Southeast Quadrant, are both primed to continue to foster economic growth and bring in new businesses. The Airport is currently updating its Airport Master Plan. In addition, the University of Texas at San Antonio (UTSA), USAA, Valero Energy, NuStar, Kinetic Concepts Inc., and San Antonio International Airport all contribute to an approximate 40 percent job capture for the North Sector. The military is also expanding in San Antonio, which will further boost the City's, and North Sector's, economic base.

The North Sector serves an important role as a contributing area to the City's economic base. Its roadway transportation system provides confluence areas where freeways intersect that have been and should continue to be focal areas for the attraction, retention and expansion of several targeted employment clusters, including aviation/aerospace, biotechnology, creative services, information technology and cybersecurity, finance, logistics and distribution, telecommunications, and corporate and regional headquarters. The increase of jobs in areas adjacent to the San Antonio International Airport and the South Texas Medical Center provides opportunities to work within proximity to where North Sector citizens live, which improves both air quality and their quality of life.

The achievement of the Sector's economic goals will rely on the coordinated efforts of all entities including business alliances and chambers of commerce. These efforts will range from new relocations of desired target businesses to appropriate sites in the North Sector, to the retention and expansion of existing employers who have invested in the City and its residents.

The Military Is a Significant Contributor to the Sector and Regional Economy

Camp Bullis and Camp Stanley are located within the Northwest Quadrant of the North Sector. Since 1917, Camp Bullis has served as the training site for soldiers stationed at Fort Sam Houston. Camp Bullis has evolved as the Army's premier training installation for combat medicine. As of October 2008, there were 745 full-time personnel at Camp Bullis. Recent forecasts estimate an additional 180 people resulting from the Base Realignment and Closure (BRAC) mission increases to Fort Sam Houston and Camp Bullis. In fiscal year 2008, approximately 151,000 personnel were trained at Camp Bullis.

Fort Sam Houston is the parent command to Camp Bullis and provides overall leadership, management and oversight. One of the most anticipated economic development initiatives is the expansion of Fort Sam Houston. By 2011, Fort Sam Houston will host almost all military personnel involved in combat medic training in the US. A total of 12,500 new personnel, along with their dependents are expected. Fort Sam Houston is one of four major military installations that have a significant economic impact on San Antonio, totaling \$13.3 billion from the Department of Defense (DOD) annually, apportioned among DOD contracts (\$5.7 billion), civilian and military personnel (\$5.4 billion), and retirees and beneficiaries (\$2.2 billion).



A Joint Land Use Study was finalized in 2009 for Camp Bullis that included many initiatives to promote compatibility around the training facility and minimize encroachment so that it will remain operational for future military students. The study can be viewed at www.sanantonio.gov/oma/cbjlus.asp. It is expected that the military will continue to be one of the highest contributors to San Antonio's economy in the future.

Economic Development Goals and Strategies

Goal ED-1 *Compatible economic development along major transportation routes and existing activity centers that do not interfere with the mission of Camp Bullis.*

- Strategies:**
- ED-1.1** Continue to locate higher density residential and compatible employment uses near the intersections of:
 - IH-10 / Loop 410
 - US 281 / Loop 1604
 - IH-10 / Loop 1604
 - IH-35 / Loop 410
 - Along Lone Star Rail in Selma and Garden Ridge
 - ED-1.2** Continue to locate compatible employment uses at the intersections of US 281 and Loop 410.
 - ED-1.3** Continue to maintain and revitalize the North Sector to retain and expand vibrant retail and commercial uses within the IH-10, IH-35, Loop 410 and Loop 1604 corridors and/or centers.
 - ED-1.4** Work cooperatively with other incorporated and adjacent cities and counties, and other local and regional economic development entities to retain, expand, and improve the North Sector economic base.

Goal ED-2 *Strong and stable medical and research industries that promote economic stability in the North Sector.*

- Strategies:**
- ED-2.1** Promote development activity inside Loop 1604 that is adjacent and proximate to existing medical and research employers in the western portion of North Sector for expansion as per the Sector Land Use Plan.
 - ED-2.2** Actively promote the benefits of locating and/or hiring from within areas designated as a Texas Enterprise Zone, HUBZone or Foreign Trade Zone as shown on Figure A-10.
 - ED-2.3** Support, stimulate, and foster increased activity of existing businesses within the North Sector including but not limited to finance, insurance, real estate, medical, cyber security, research and development.
 - ED-2.4** Identify and attract biotechnology and medical industry jobs that achieve the City's strategic economic objectives.

Goal ED-3

Camp Bullis' continued significance as a component of San Antonio's military and residential economy.

Strategies:

- ED-3.1** Encourage developers to coordinate with the City and/or Bexar County for all proposed non-residential developments or expansion of an existing use if located within the Military Influence Overlay Area as identified in the North Sector Land Use Plan.
- ED-3.2** Continue to work with Camp Bullis representatives to enhance the use of local and regional contractors and services, and to purchase material, equipment, and supplies from in-City or in-County sources.
- ED-3.3** Identify and support the development of businesses and suppliers to the military and their contractors that are compatible with the US Army/Air Force.



Parks, Natural Environment, and Historic Resources

Introduction

The North Sector contains a variety of man-made and natural open spaces within its boundaries. The provision of parks and open space is one of the key factors that define a community's quality of life. The ability to engage in active and passive pursuits among all age groups fosters a healthy and engaged population of residents, workers and visitors. The Texas Hill Country is also characterized by a unique natural environment and includes endangered species, the Edwards Aquifer Recharge and Contributing Zones, and the Edwards Plateau, with its often-sought after viewsheds.



Recharge And Contributing Zones Are Important To The Health And Sustainability Of The Natural Aquifer

The Edwards Aquifer, of which the Recharge and Contributing Zones are partially located in the North Sector, is an immense underground reservoir that stores and transports water. Rainfall and streams seep into cracks, fissures, fractures, sink holes, solution cavities, caves, and other karst features, eventually reaching the aquifer. The Edwards Aquifer produces many springs that feed creeks, streams, waterfalls, and rivers throughout Bexar County and Central Texas. In addition, the Edwards Aquifer is able to supply most of Central Texas with drinking water¹.

The importance of preserving and protecting the Edwards Aquifer Recharge and Contributing Zones is a fundamental step in ensuring that there is an adequate and healthy supply of water for the current and future residents of San Antonio. Low impact development such as low density residential, ranches and agricultural uses are ideally suited for areas located on sensitive Edwards Aquifer features.

¹ (www.saws.org, accessed 5-26-2009)

The Hill Country Contains Sensitive Landform, Vegetation And Wildlife Characteristics

The North Sector contains many areas exhibiting a range of topographical relief. Where such relief occurs over short distances, steep slopes result. The steepest slopes in Bexar County are located in the North Sector. Developing on steep slopes is typically more costly than in lower sloped areas and must be completed in a sensitive manner to integrate it within the natural environment as well as making it structurally sound. The landscape of the North Sector is rocky and rugged and is dominated by Ashe juniper and various oaks.

Bexar County contains several federally listed threatened and endangered species. Endangered species known to exist in the North Sector include two small song birds, the Golden-cheeked Warbler and the Black-capped Vireo, six endangered plant species, and nine karst invertebrates often referred to as “cave bugs”. Potential habitat for these species is generally located in the North Sector due to the geology and vegetation of the Edwards Plateau. Golden-cheeked Warblers utilize heavily wooded areas along steep slopes, drainages, and upland areas with a thick tree canopy typically comprised of both mature Ashe junipers (cedars) and hardwoods. Black-capped Vireos tend to occupy recently disturbed areas that are relatively open and contain a shrubby component. The main threat to both of these birds is loss of habitat and, for Vireos, nest-site parasitism from cowbirds who lay their eggs in Vireo nests.



Karstic limestone outcroppings on the Edwards Plateau provide habitat for karst invertebrate species. Frequently, karst invertebrates in Bexar County are single-cave endemics, which means they are only located in that single feature. The invertebrates cannot relocate or be relocated to other karst features. If the karst feature is disturbed by development, direct/indirect contamination, or changes to water flow/water availability, the species may be lost at that location. Additionally, karst invertebrates are an indicator of water quality and quantity.

Several measures are currently in place and being evaluated to protect sensitive habitats and endangered species within the North Sector. Federal regulations currently require site evaluations to be submitted when a developer is proposing to build on an area that could potentially support endangered species. Certain locations have been and should be acquired either through public or private funds, where available, in order to preserve as native habitat. The outlook for future development within sensitive habitat areas will be primarily low density residential and will consider the need to preserve these lands and species.

Historic Resources Provide an Important Physical Connection to the Past

The presence of historic resources in the Sector are minimal. The area itself, however, is rich in history and has been involved in important events that have shaped the City of San Antonio. Some of the important historic trails and corridors within the North Sector include the Old Spanish Trail auto highway, El Camino Real, the Pinta Trail, the Great Western Cattle Trail, and Scenic Loop Road. The northern portion of the Sector also includes several historic farms and ranches that have been in the area for generations.



Stakeholders have expressed a strong desire to retain the existing rural character in the Northwest Quadrant where several historic trails and scenic corridors exist. If these corridors and adjacent farms and/or ranches in this area are retained in their existing manner by the property owners, the area can retain its history and culture.

Parks, Natural Environment and Historic Resources Goals and Strategies

Goal NR-1 *Edwards Aquifer Recharge and Contributing Zones are protected as the City's primary potable water source.*

- Strategies:**
- NR-1.1** Continue to work with and support the Edwards Aquifer Authority (EAA), other groundwater conservation districts, other cities and counties, and local water purveyors to share groundwater data to develop a mutually beneficial Integrated Regional Water Resources Management Program, define the long-term sustainability of the groundwater basin, and work to manage groundwater uses in ways that facilitate the basin's quality and quantity.
 - NR-1.2** Work with the Texas Commission on Environmental Quality (TCEQ) on preventing non-point (i.e. land runoff, precipitation, drainage, etc.) source pollution.
 - NR-1.3** Support measures, such as low impact development standards, by counties, Edwards Aquifer Authority or other groundwater conservation districts to preserve water quality, support vegetation and protect environmentally sensitive features within the Recharge Zone and Contributing Zone.
 - NR-1.4** Continue and enhance public education campaign regarding residential landscaping to reduce runoff and improve water quality.
 - NR-1.5** Encourage the implementation or improvements to construction standards, performance measures, and best management practices to preserve water quality.

Goal NR-2 *Natural Hill Country features such as steep slopes, soils, native trees and natural vistas are protected.*

- Strategies:**
- NR-2.1** Respect the natural setting of the Hill Country area by encouraging hillside development to retain existing/incorporate natural landscape/hardscape features.
 - NR-2.2** Preserve the existing natural edges and minimize erosion along the City's creek system and wetland areas and restore impacted creeks by planting indigenous vegetation.
 - NR-2.3** Promote the use of best management practices for site grading and drainage to foster sustainable development objectives.

- NR-2.4 Encourage (where feasible) the provision of pedestrian, bicycle and wildlife access to linear creekways and open space areas.
- NR-2.5 Locate open space and parks adjacent to creeks, whenever possible.
- NR-2.6 Continue to follow the Parks and Recreation Department’s System Strategic Plan (2006-2016)
- NR-2.7 Encourage the protection and continuation of existing important wildlife corridors.

Goal NR-3

Native tree canopy is conserved and managed to provide natural stormwater mitigation, shade, and improved air quality.

Strategies:

- NR-3.1 Where feasible, incorporate low impact development features to reduce the need for structural onsite retention facilities and foster healthy vegetation through natural infiltration.
- NR-3.2 Promote the use of green roofs.
- NR-3.3 Monitor the enforcement of the tree ordinance.

Goal NR-4

Endangered species in the area are protected.

Strategies:

- NR-4.1 Pursue public and private funding to acquire endangered species habitat areas through land acquisition programs that support the dual protection of endangered species habitat and water quality.
- NR-4.2 Participate in the preparation and implementation of the Southern Edwards Plateau Habitat Conservation Plan.
- NR-4.3 Require coordination with US Fish and Wildlife Service (USFWS) for public facilities and activities proposed in wildlife habitat areas.
- NR-4.4 Educate the general public and the development community about endangered species, current protection regulations, and the need for wildlife corridors.

Goal NR-5

Historic trails, sites, structures, cemeteries, and ridges are preserved and promoted.

Strategies:

- NR-5.1** Strive to make rehabilitation the first choice in all public projects and encourage it in the private sector, consistent with the City's Strategic Historic Preservation Plan and Mission Verde Plan.
- NR-5.2** Preserve wildlife corridors, historic trails and scenic corridors such as the Old Spanish Trail, El Camino Real, Pinta Trail, Chisholm / Great Western Cattle Trail, Scenic Loop Road, Babcock (north of 1604), and Boerne Stage Road.
- NR-5.3** Support voluntary efforts by landowners to preserve historic farms, ranches, and structures within the North Sector.
- NR-5.4** Ensure that new development respects the Hill Country heritage through its preservation of the regional architectural context.



Community Facilities and Education

Overview

The Community Facilities and Education section includes the discussion of public safety, health care and educational facilities within the North Sector. These facilities provide the foundation for a high quality of life for North Sector residents, workers and visitors. A successful educational system comprised of primary, secondary, and post-secondary opportunities will match up with the professional and technical job requirements of both North Sector and regional employers.



Community Facilities are Critical Components for a Strong Community

The North Sector is currently served by eight (soon to be nine) City of San Antonio public libraries. All but two branches, Bannwolf Library at Reagan High School and the future Parman Branch, are located south of Loop 1604. The Great Northwest, Maverick, Igo and Cody Branches are located within the Southwest Quadrant. Brook Hollow, Thousand Oaks, and Semmes Branches are located within the Southeast Quadrant.

The Bannwolf Library at Reagan High School is located in the Northeast Quadrant, northwest of the intersection of Loop 1604 and US 281. The Parman Branch, currently under construction, will serve the area east of Camp Bullis and north of Loop 1604. It is anticipated that additional branch libraries will be needed to serve the growing population. The Library's new Strategic Plan is expected to determine the number and location of future libraries.

The need was also expressed for a satellite animal care facility in the North Sector. While a specific location has not been identified, a high visibility shopping area with direct arterial access is also recommended.

Public Safety and Protection Are Important Characteristics within the North Sector

All areas of the North Sector within San Antonio's city limits are served by San Antonio's police, fire, and emergency medical services (EMS). The San Antonio Police Department has an authorized strength of over 2,300 officers to protect the City's six district areas. The North Sector includes two districts (Prue [west] and North [east]). These districts are administered by a substation that is typically centralized within each district. The Department has indicated that it is considering adding another substation to serve the far northern area of the City. The City's ETJ area is patrolled by the respective County Sheriff's Department, which typically utilizes very large patrol areas and provides limited public safety service.

The San Antonio Fire Department operates a total of 16 stations within the North Sector and is interconnected through the computer aided dispatch system. The Department is expected to augment these existing stations with one new station, to be located southeast at Beckwith Boulevard and Vance Jackson (Station 51). This station will also be home to the City's second Technical Rescue Team. Areas outside of San Antonio's city limits are served by emergency service districts and a range of public agencies including Bexar County, Comal County, and Kendall County.



Schools Are the Foundation for Future Employment Bases

A total of 149,000 children currently reside in the North Sector. For those children who are enrolled in the public education system, five independent school districts (ISD) provide the majority of coverage across the entire Sector. The Northside and Northeast Independent School Districts are the two largest school districts within the Sector. Boerne, Comal, and Judson ISDs also provide service to the North Sector. Very small portions of two districts (San Antonio and Alamo Heights) are located to the south and only serve a very limited number of Sector students. There are approximately 102 elementary schools, 19 middle schools and 42 high schools within the sector. The graduation rates of the public schools are listed below in **Table 3.1: Graduation Rates at Independent School Districts**. As shown, the Boerne ISD exhibits the highest graduation rate, followed by the Comal ISD.



In addition to public schools there are approximately 8 charter schools, 46 private schools, and 2 trade schools located within the North Sector.

Even though the educational system is not under the direct purview of the City, it has a significant impact on many aspects of the community. The North Sector has a significant inventory of elementary, middle and high schools within its incorporated area. As development continues to the north, the timing of supportive schools will have to occur as well.

Table 3.1: Graduation Rates at Independent School Districts

DISTRICT	STUDENTS	PERCENT GRADUATED
Judson	21,256	73
Northside	91,578	81
Northeast	65,318	90
Boerne	6,300	99
Comal	16,600	94

Source: Judson ISD, Northside ISD, Northeast ISD, Boerne ISD, Comal ISD; June 2010

Opportunities for Post-Secondary Education Will Enhance Vitality

The North Sector includes two universities, University of Texas at San Antonio, (UTSA), and University of Texas (UT) Health Science Center San Antonio, as well as two trade schools (Hallmark College, and ITT Technical Institute). A new site has been purchased by the Alamo Community College for its North Central Campus in the Northwest Quadrant. UTSA had a 2009 enrollment of over 28,000 students, offering 64 bachelor, 49 master, and 21 doctoral programs, making it the fifth largest university in Texas and the second largest in the University of Texas system. The university is currently in the process of greatly expanding its research funding to attain Tier 1 status as a research institution. Enrollment projections expect UTSA to grow to 35,000 students by 2016. The UT Health Science Center San Antonio had an enrollment of 3,223 in the fall of 2009. It contains five schools offering programs in biomedical sciences and health professions. In order to increase the level of funding it receives from the State of Texas, UT Health Science Center's School of Nursing hopes to increase enrollment by 25 percent by 2014, but the School of Medicine and the Dental School have state-mandated enrollment caps for each class, set at 200 medical students and 90 dental students per year.²

Hallmark College offers associate degrees at its aeronautics, allied health, and information technology schools, as well as Bachelor of Science degrees at its school of business. Total enrollment is just over 750 students. ITT Technical Institute has

an enrollment of roughly 700 students at its San Antonio campus, offering two-year associate degrees in information technology related fields.

The Alamo Community College District offers associate degrees, certificates and licenses in occupational programs that prepare students for jobs. Its curriculum also includes arts and science courses that transfer to four-year colleges and universities and lead to Associate of Arts (AA) and Associates of Science (AS) degrees. Alamo Community College purchased an approximate 150-acre site in February 2009 for its future North Central Campus.



² UTHSCSA Website

Community Facilities and Education Goals and Strategies

Goal COM-1	<i>Parks, schools, libraries, animal care and other community facilities linked to one another.</i>	
Strategies:	COM-1.1	Utilize the recommendations identified in the City’s updated Parks and Recreation Department System Strategic Plan (2006-2016) to ensure adequacy, accessibility, and connectivity.
	COM-1.2	Continue to implement the City’s Bicycle Master Plan to connect existing bicycle facilities, through the use of linear parks, utility easements, riparian corridors, and other greenways.
	COM-1.3	Foster collaborative efforts by the City, independent school districts, and other quasi-public and private entities to create a common site for the possible co-location of community/recreation centers, neighborhood and community parks, elementary, middle and senior high schools, libraries and stormwater features.
	COM-1.4	Use trails incorporated within greenways as connective links among community facilities, parks, open space, libraries and commercial uses.
	COM-1.5	Prepare and adopt an amendment to the Transfer of Development Rights (TDR) policy to facilitate the preservation of open space, parks, and agricultural preservation.
	COM-1.6	Consider / encourage private funding and/or sponsorships/partnerships (e.g., adopt-an-area, after hours use of recreational facilities) to leverage public resources for acquisition and to provide for long-term operational and maintenance needs.
	COM-1.7	Consider the location of an accessible, high traffic satellite animal care facility, in the North Sector.
	COM-1.8	Construct additional off-leash dog parks in existing and/or new park facilities.
	COM-1.9	Create a partnership with schools to keep athletic fields and facilities open after hours for community use to reduce the potential for obesity and other diseases through active lifestyles.

**Goal
COM-2**

Educational facilities and libraries are cornerstones of the North Sector.

- Strategies:**
- COM-2.1** Strive to continue to upgrade and augment library facilities and services to meet educational, informational, and cultural needs of residents.
 - COM-2.2** Co-locate libraries near or adjacent to schools and park sites, and other community facilities wherever possible.

**Goal
COM-3**

All emergency and public safety services are continually improved within the North Sector.

- Strategies:**
- COM-3.1** Continue to work toward regional coordination of existing City emergency and public service facilities with existing Bexar, Kendall, and Medina County facilities, equipment, and staffing.
 - COM-3.2** Promote the use of Crime Prevention Through Environmental Design (CPTED) using site planning and building design as elements that decrease crime and calls for service.
 - COM-3.3** Continue to organize and foster citizen assistance and participation in safety programs, such as the San Antonio Fear Free Environment (SAFFE), Neighborhood Watch, National Night Out, and Cellulars on Patrol programs.
 - COM-3.4** Promote the location of a new police substation within the boundaries of the North Sector.
 - COM-3.5** Continue to build on public education to understand emergency services and wild fire prevention.
 - COM-3.6** Continue to enforce fire code safety through code enforcement.

**Goal
COM-4**

Growth and expansion of University of Texas at San Antonio (UTSA), Alamo Community College District (ACCD), and other post secondary institutions in the North Sector.

- Strategies:**
- COM-4.1** Support and encourage the expansion of UTSA and ACCD programs by:
 - *Providing supportive community infrastructure i.e. capacity of the vehicular transportation network, utilities, pedestrian/bicycle access and egress from the university, park and ride facility/ transit connectivity from key destination points outside the UTSA or ACCD areas,*
 - *Bonding projects for transportation improvements,*
 - *Forming a partnership among VIA, ACCD and UTSA to transport students to and from their campuses,*
 - *Investigating enacting parking agreements with local businesses to ease traffic and parking on -campus and in the neighborhoods near UTSA.*
 - COM-4.2** Nurture the expansion of other existing, and attract new, post secondary institutions to the North Sector as per the master plans of each institution (i.e., ACCD Master Plan and UTSA Campus Master Plan).
 - COM-4.3** Work with UTSA, ACCD, and other post secondary institutions to prepare an integrated land use and transportation plan that supports the campus' long-term housing needs while protecting environmentally sensitive features.
 - COM-4.4** Encourage the widening of Hausman Road in order to accommodate the growth around UTSA.

**Goal
COM-5**

Post secondary programs in the North Sector provide a career ready workforce in support of the targeted job needs of greater San Antonio.

- Strategies:**
- COM-5.1** Foster a partnership among the city (i.e. libraries), universities/ colleges and business community to match educational curriculum with the technical and educational skills required to enhance the City's targeted job base.
 - COM-5.2** Communicate the post secondary program to the independent public school districts and private schools to ensure senior high school students are properly prepared for college coursework.

- Strategies:**
- COM-6.1** Strive to expand the collaboration of the City with private and public school entities serving the North Sector Planning Area to serve youth through curriculum, after-school, and extended day care programs and day camps.
 - COM-6.2** Foster multi-use campus facilities comprised of public libraries, parks and recreation facilities and schools to support after school programs for North Sector youth with shared costs for operation and maintenance of such facilities.
 - COM-6.3** Encourage the various independent school districts to site: elementary schools within residential neighborhoods within walking distance; middle schools at the periphery of residential neighborhoods where they are served by a collector street and bicycle networks and high schools away from residential neighborhoods, in locations served by a collector or arterial street, transit service, and pedestrian and bicycle networks.



Land Use and Urban Design

Overview

The North Sector comprises the largest area of all seven sectors within the City. The Sector is transected by numerous principal arterial roadways as well as three railroad corridors. The Sector includes several major employment centers, such as: San Antonio International Airport, Camp Bullis, Camp Stanley, University of Texas at San Antonio, South Texas Medical Center, USAA and Valero. Camp Bullis' and Camp Stanley, covering approximately 32,000 acres, or roughly 11 percent of the North Sector land area, are located in the Northwest Quadrant; the 2,600-acre San Antonio International Airport is in the Southeast Quadrant, just northeast of the Loop 410/Highway 281 interchange; and the 900-acre South Texas Medical Center lies northwest of the Loop 410/IH-10 interchange in the Southwest Quadrant.



Single family residential occupies the majority of the developed portion of the North Sector and is the primary land use along minor collector and local streets. High density residential is generally located in a cluster around the Medical Center and along major roads. Commercial land uses are

located along major highways and principal arterials. Significant clustering of commercial uses also exists in the vicinity of the South Texas Medical Center and surrounding San Antonio International Airport. Industrial uses and zones are primarily located around the Airport, specifically along the rail corridors. Park and open space are generally sited adjacent or proximate to drainage ways and are scattered throughout the North Sector. The majority of park and open space areas are located in the Northwest and Southwest Quadrants.

Even though the net area of the North Sector is nearly 400 square miles, a significant portion has either already been developed or has been approved for development. A suitability analysis was prepared using geographic information systems (GIS) to identify lands with existing and/or potential physical and environmental factors. The suitability factors considered were organized into five categories which are summarized below:

- **Endangered Species** – potential habitat for the Golden-cheeked Warbler (not excluded-only identified) .
- **Planned/Approved Development** – contains approved community, neighborhood and master development plans.
- **Ownership** – owned by federal, state, or municipal governments.
- **Land Use** – contains existing development and/or uses.
- **Natural** – includes bodies of water, floodplains, and dedicated open space.

Effectively, over 85 percent of the land within the North Sector, more than 200,000 acres, was excluded. These lands are included within at least one of the five categories identified above (excluding Endangered Species), in an effort to illustrate those lands remaining to be planned to accommodate future development. Although potential Golden-cheeked Warbler habitat is not necessarily prohibitive to future development, it lowers the overall development suitability of the land it occupies.

Potential for Compatible Land Uses

In general, similar land uses are located next to each other within the North Sector. The northern quadrants are primarily low density residential and rural, while the southern quadrants are developed at a higher density and intensity that supports more concentrated residential, employment, and industrial areas. It is important to separate incompatible land uses so that they do not interfere with each other and infringe upon the quality of life of residents or the operational livelihood of North Sector workers. For example, locating a residential community next to an industrial area has the potential for many issues, such as noise, glare, objectionable chemicals or emissions, or other safety and/or nuisance concerns for nearby residents. Likewise, developing residential uses around Camp Bullis could interfere with military training operations at the facility as well as generating complaints from residents of noise generated by aviation and/or firing range training activities.

The concept of buffering has been identified at numerous locations within this section. Buffering is a mechanism that should be considered when any residential and non-residential development pattern or land use abuts one another, particularly if there is



substantial reason to believe the adjacency and/or proximity of such uses will be incompatible. Buffering consists of placing neutral space between two incompatible uses. Methods of buffering may employ the following techniques:

- *Natural or Landscaped Areas*
- *Concrete masonry unit block walls, opaque fences*
- *Earth berms*
- *Combinations of the above*

Another technique that can successfully be implemented is the concept of transitional uses. These are uses contained within the palette of Tier and Center land uses identified later in the chapter and can be selected to be placed between two dissimilar or incompatible land uses to assist in creating a compatible land use pattern within a defined area. An example may be the placement of medium density residential use between low density and high density residential uses.



Farms and Ranches are an Important Hill Country Component

The rural character of the northern portion of the North Sector includes farms and ranches that have been in operation for generations. These land uses have a variety of attributes that make them important for the character of the North Sector. Although all of them may not have been established over a long period of time, they are important community assets and are central to the livelihood and history of the families that own and operate them. Ranch and farmland are generally compatible uses in the region around Camp Bullis and Camp Stanley (as long as they are not excessively illuminated). Low-impact farming and ranching uses in which natural features are preserved provide reduced interference with military operations such as night-time training. Utilizing large tracts of land for ranching or farming can also help to preserve natural viewsheds.

Buffering or the placement of transitional uses is recommended when the following conditions occur:

- *Single-Family residential land uses within the Country and Rural Estate Tiers are located adjacent to Multi-Family residential land uses.*
- *Single-Family residential land uses are located adjacent to commercial or industrial land uses.*

Land Use Goals and Strategies

Goal LU-1

Compatible land use pattern promoted so that natural resources are preserved and the local economy remains viable.

Strategies:

- LU-1.1** Locate buffers between high density/intensity land uses that are potentially incompatible.
- LU-1.2** Promote the application of site plan and subdivision designs that provide residents with transportation choices to walk, ride bicycles, access public transit, as alternatives to a vehicle.
- LU-1.3** Promote a variety of housing types, including apartments, lofts, condominiums, townhouses and single family attached and detached housing between Loop 1604 and Loop 410.
- LU-1.4** Continue programs to improve the quality of life in existing neighborhoods, using available city, county, state, and federal resources, including: enforcement of all codes, participation in neighborhood associations, housing and commercial rehabilitation programs, historic or neighborhood conservation designations and other city and county departmental actions.
- LU-1.5** Promote flexibility and innovation in residential, business and recreational land uses through planned unit developments, conservation subdivisions, specific plans, mixed use projects, and other innovative development and land use planning techniques.
- LU-1.6** Identify and preserve appropriate areas, including floodplains, (based on size, location and ecological value) for preservation of natural resources.

Goal LU-2

Preservation of farm and ranch lands is encouraged.

Strategies:

- LU-2.1** Encourage the protection of agricultural land in an environmentally sensitive manner for long-term use through conservation easements

Goal LU-3

Higher density/intensity tiers are recommended adjacent or proximate to activity centers.

Strategies:

- LU-3.1** Set priority for pursuing a compatible and highest and best use for development of vacant infill and underutilized parcels between Loop 1604 and Loop 410 in a compatible manner as recommended in the Sector Land Use Plan.
- LU-3.2** Integrate mixed use areas vertically as well as horizontally, allowing for differing uses within the same building, as well as within the same project area.
- LU-3.3** Promote job growth in the Specialized, Regional, and Mixed Use Centers to achieve the City's diversified business targets through land use guidance and economic incentives.

Goal LU-4

City of San Antonio collaborates with Bexar, Comal, Kendall, and Medina counties to support the North Sector Plan goals within the City's ETJ.

Strategies:

- LU-4.1** Encourage counties located within the North Sector Planning Area to implement land use regulations to the fullest extent available by Texas State law and to make them consistent with the adopted or amended Sector Plans within the City and County.
- LU-4.2** Partner with, and provide planning support and guidance to Bexar and surrounding counties to identify land use controls, implementation measures and actions by the City and County to maintain consistency with the Sector Plan and the goals and policies of San Antonio's Comprehensive Master Plan.
- LU-4.3** Utilize the resources and benefits of collaborative planning with the MPO and the Alamo Area Council of Governments' (AACOG) regional planning programs and other regionally cooperative entities to coordinate City plans and programs with its surrounding and internal municipalities.
- LU-4.4** Work with other incorporated towns and cities in planning contiguous areas in order to ensure a compatible land use edge for both jurisdictions.

Goal LU-5

All new construction and renovation efforts within corridor overlay districts must be in compliance with applicable standards.

Strategies:

- LU-5.1** Continue to implement the standards and guidelines of existing scenic corridors, gateway corridors and overlay districts to maintain and enhance a consistent design theme along North Sector principal and arterial roadways.
- LU-5.2** Encourage development and preservation of diverse and distinctive neighborhoods that build on the patterns of the natural landscape and are sensitive to their locations and historic contexts.
- LU-5.3** Enhance the built environment by providing transitions between the street and building, encouraging variation in building articulation and massing.

Goal LU-6

Development of livable, walkable communities is encouraged.

Strategies:

- LU-6.1** Provide incentives for development proposals that create and enhance major public streets, open spaces, cityscape, and important “gateways” into the natural environment.
- LU-6.2** Create connectivity and compatible transitions among the seven City Sectors, and encourage activities in each that result in the creation of diverse and distinctive places reflective of their environmental, historical, and cultural heritage.
- LU-6.3** Designate gateway points at major entrances to the Sector/City, using street trees, welcome signs, decorative lighting, archways, etc.
- LU-6.4** Maintain a distinct urban edge between Regional and Mixed Use Centers and adjacent Tiers (using open space) to promote vitality, while creating a gradual transition in density and intensity.
- LU-6.5** Encourage development that is visually and functionally compatible with its surrounding neighborhoods by maintaining a massing and density of development that is compatible with adjacent developed neighborhoods.

Tiers and Centers are the Land Use Components of the North Sector Land Use Plan

The North Sector Land Use Plan has been prepared based on the concept of Centers and Tiers. The intent of this concept is to allow for a range of compatible residential and non-residential uses within each Tier and Center. Tiers and Centers allow for a range of appropriate densities and intensities that can achieve compatibility and respond to market opportunities. Each Center and Tier utilized within the North Sector Land Use Plan considers the character of the existing land use pattern, existing and proposed transportation networks, and the presence of environmental resources.

The overview of each Center and Tier and its land use guidance is presented below. There are seven Tiers, five Centers and one Overlay. The following “related zoning districts” are those that best meet the land use descriptions for the Tier or Center. Special zoning districts such as MXP, IDZ, TOD, ED, AE, PUD, FBZD, etc. may have a broad range of applicability. Requests for these special districts should be evaluated on a case by case basis. Generally, lower density or intensity uses may be accommodated in most Tiers and Centers although they are not listed as a related zoning district.

Tiers	Centers	Overlay
Natural Tier	Mixed Use Center	Military Influence Overlay Area
Country Tier	Regional Center	
Rural Estate Tier	Specialized Center	
Suburban Tier	Civic Center	
General Urban Tier	Military Center	
Urban Core Tier		
Agribusiness Tier		

Natural Tier



RESIDENTIAL: None

NON-RESIDENTIAL: Limited

Generally: Ancillary uses located within existing and man-made natural areas that supports active and/or passive open space and recreational uses

RELATED ZONING DISTRICTS:

RP, G

SUMMARY: *The Natural Tier includes parks, designated natural areas, and recreational areas. It is dispersed throughout the entire Sector in a pattern that acknowledges the natural drainage system and adjacent parks and open spaces, and provides opportunities for active and passive recreation. The combination of Natural Tier Land includes more in than outside the city, with over 10,000 and 4,000 acres, respectively, as shown on Chart 3.1. The Natural Tier encompasses nearly 18,000 acres or 6 percent of the North Sector.*

Country Tier



RESIDENTIAL: Rural Homestead

Generally: Large tract detached single family housing; Served by well water and septic systems; Lots greater than 10 acres.

NON-RESIDENTIAL: Agriculture, Commercial

Generally: Outlying areas where small-scale farms or ranches that produce, process, or distribute agricultural products and/or livestock as well as farmers market, nurseries, bed and breakfasts, small restaurants, and other small neighborhood sized stores are appropriate

RELATED ZONING DISTRICTS:

RP, FR

LOCATION: Commercial uses in the Country Tier should be located at the intersections of arterials and collectors or rural roads, or clustered into rural commercial villages.

Rural Estate Tier



RESIDENTIAL: Low Density Residential Estate

Generally: Large tract detached single family housing; Served by central water and septic systems; Lots greater than 1/2 acre.

NON-RESIDENTIAL: Neighborhood Commercial

Generally: Outlying areas where detached and limited retail services such as convenience stores, service stations, professional offices, restaurants, bed and breakfasts, and other small businesses are appropriate

RELATED ZONING DISTRICTS:

RP, RE, R-20, O-1, NC, C1, RD

LOCATION: Commercial uses to serve these low density rural estate neighborhoods should be located at the intersection of arterials, collectors, and/or rural roads. Although these uses are small scale, they serve a large geographic area and therefore are primarily accessed by car, nearby road should be friendly to bicycles and pedestrians.



Suburban Tier



RESIDENTIAL: Low to Medium Density

Generally: Small and large tract attached and detached single family; Multi-family housing (duplex, triplex, quadplex); townhomes, garden homes, and condominiums

NON-RESIDENTIAL: Neighborhood and Community Commercial

Generally: Neighborhoods where detached retail services such as service stations, professional offices, bakeries, restaurants, bookstores, supermarkets, clinics, hotels, and other retail stores are appropriate

RELATED ZONING DISTRICTS:

NP-15, NP-10, NP-8, R-6, R-5, R-4, R-3, RM-6, RM-5, RM-4, MF-18, O-1, O-1.5, NC, C-1, C-2, C-2P RD (Conservation Subdivision), UD

Suburban Tier (continued)



LOCATION: Commercial uses in Suburban areas serve both neighborhood and community scale markets. Neighborhood commercial is appropriate at the intersection of residential streets and collectors, and should not encroach into residential areas. Neighborhood uses should be accessible by pedestrians. Community commercial should be located at the intersections of arterials and/or collectors. The intensity of the commercial use should not interfere with the character and density of nearby residential uses and adequate buffers should be maintained. Community commercial uses should be accessible by car and bike, and the commercial areas should be pedestrian friendly.

General Urban Tier



RESIDENTIAL: Medium to High Density

Generally: Small tract detached Multi-Family including apartments, quadplexes, triplexes, duplexes, and townhomes (condominiums)

NON-RESIDENTIAL: Community Commercial

Generally: Urbanized areas where frequent and/or attached walkable retail services such as convenience retail stores, live/work units, cafes, grocery stores, hotels, clinics and other small businesses are appropriate



RELATED ZONING DISTRICTS:

R-4, R-3, RM-6, RM-5, RM-4, MF-18, MF-25, MF-33, O-1.5, C-1, C-2, C-2P, UD

LOCATION: Community commercial uses in the General Urban Tier, which serve medium and high density residential uses, should be located at the intersections of arterials and/or collectors. Serving both a local and wider community, these commercial areas should be accessible by walking from nearby residents, biking within the vicinity, and cars from a broader range. Parking for both cars and bikes should be located as to not interfere with pedestrian circulation.

Urban Core Tier



RESIDENTIAL / NON-RESIDENTIAL: Mixed Use

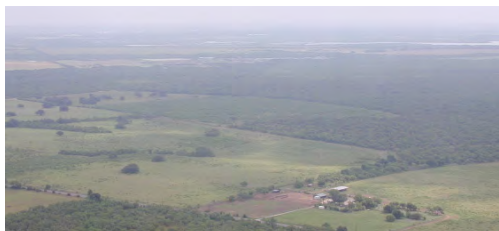
Generally: High density detached, attached multi-family such as mid to high rise apartment buildings, lofts, condos. Mixed use blocks and buildings with a high concentration of attached office, hotels, and retail / services in mid to high rise buildings are appropriate

RELATED ZONING DISTRICTS:

D, FBZD, TOD, MXD, MPCD

LOCATION: The Urban Core serves a mix of residential and commercial uses. The compatibility of these uses in a dense urban environment is dependent upon the urban design of the buildings and the public realm. The street pattern should be conducive to pedestrians, bikes, cars, and have appropriate access for commercial vehicles. In this environment, the form of the development takes precedence over the location of the use.

Agribusiness Tier



RESIDENTIAL: Farm Homestead

Generally: Large tract (25 acres or greater) detached single family housing significantly buffered from industrial uses. Farm worker housing is appropriate.

NON-RESIDENTIAL: Agriculture and Light Industry

Generally: Isolated areas where businesses that produce, process, or distribute agricultural products and/or livestock and conduct related agribusiness activities are appropriate

RELATED ZONING DISTRICTS:

FR, I-1, MI-1, BP, L, RP, L

LOCATION: Agriculture uses are permitted throughout the tier. Light Industrial uses should be screened and buffered from adjoining non-industrial uses. Commercial uses should be located at the intersections of arterials and collectors or rural roads, or clustered into rural commercial villages located along arterials.

Mixed Use Center



RESIDENTIAL: Very High Density

Generally: High density detached, mid-high rise condominium buildings, apartment complexes, and row houses

NON-RESIDENTIAL: Community Commercial, Office, Mixed Use

Generally: Detached or attached walkable retail services such as convenience stores, live/work units, cafes, pantry stores, hotels, and other businesses

RELATED ZONING DISTRICTS:

MF-40, MF-50, O-1, O-1.5, O-2, C-1, C-2, C-2P, UD, FBZD, TOD, MXD, MPCD

LOCATION: Mixed Use Centers serve Suburban, General Urban, and Rural Tiers outside of the Urban Core Tier. Although mixed use developments are encouraged, Community Commercial and Office uses are also appropriate. The higher intensity of the residential and commercial uses should be located on, or at the intersection of, arterials and collectors. Streets should accommodate high volumes of commercial traffic for cars while accommodating safe and inviting access for pedestrians and bicycles within and around the center. High capacity transit should be encouraged.

Regional Center



RESIDENTIAL: High Density

Generally: Attached single family and multi-family housing; Mid-High rise condominium buildings, apartment complexes, and row houses

NON-RESIDENTIAL: Regional Commercial, Office

Generally: “Big box” or “power centers”, shopping malls, movie theaters, hospitals, office complexes, laboratories, wholesalers, and light manufacturing

Regional Center (continued)



RELATED ZONING DISTRICTS:

MF-25, MF-33, O-1, O-1.5, O-2, C-2, C-2P, C-3, UD

LOCATION: Regional Centers accommodate the most intense commercial uses and should be located at the intersection of Expressways and Major Arterials. Serving a regional market, streets need to accommodate large volumes of automobile traffic traveling to, and within, the development. Internal access and circulation is important. Pedestrians and Bicycles should be able to travel safely within the development. Transit is encouraged.

Specialized Center



RESIDENTIAL: None

NON-RESIDENTIAL: Heavy Industrial, Business / Office Park

Generally: Manufacturing, wholesaling, warehouses, office parks, laboratories, and regional retail/services

RELATED ZONING DISTRICTS:

O-1.5, O-2, BP, I-1, I-2, MI-1, MI-2, SGD, QD

LOCATION: Heavy Industrial uses should be located near expressways, arterials, and railroad line. This use is not compatible with residential uses. Business/Office Park uses should take the form of a cohesive, campus setting with adequate open space and pedestrian walkways between or around buildings. Residential uses should be separated with landscape buffers.

Civic Center



RESIDENTIAL:

Generally: Dormitories and/or student housing

NON-RESIDENTIAL: Office, Educational, Governmental, Religious

Generally: Federal, state, county, or municipal governmental and quasi-governmental uses, public or private school or campus uses, retreat areas or campuses for religious organizations

Military Center



RESIDENTIAL:

Generally: Permanent or temporary housing for military personnel and civilians on military installations

NON-RESIDENTIAL:

Generally: Federal or state military installations and uses associated with military readiness and related military services and offices

RELATED ZONING DISTRICT: MR

Military Influence Overlay Area



RESIDENTIAL:

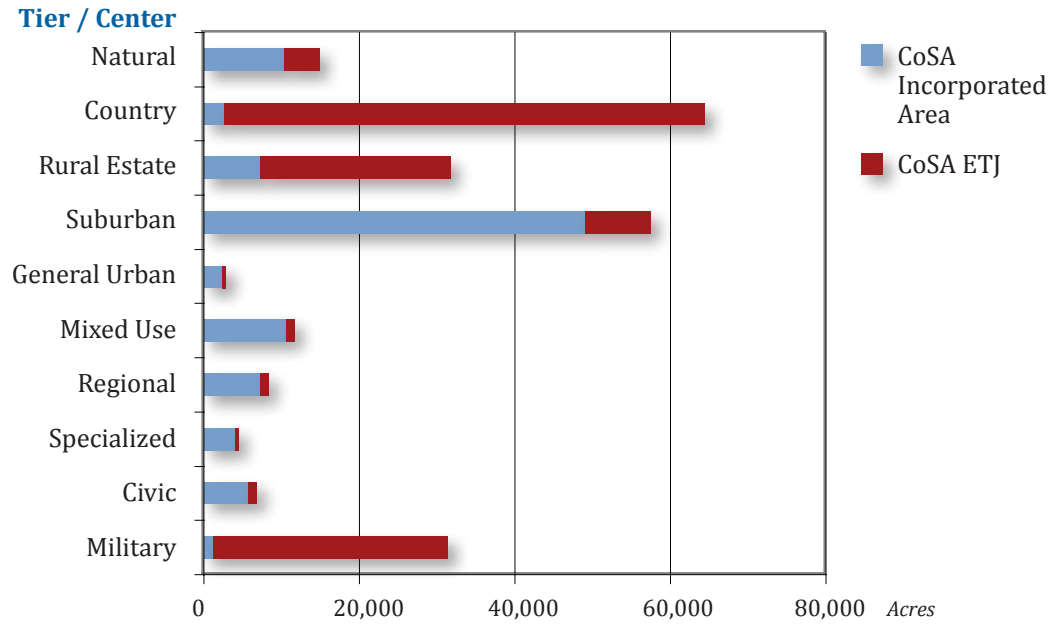
Generally: See Compatible Development Guidelines

NON-RESIDENTIAL:

Generally: See Compatible Development Guidelines

RELATED ZONING DISTRICTS: MAOZ, MLOD, MSAO

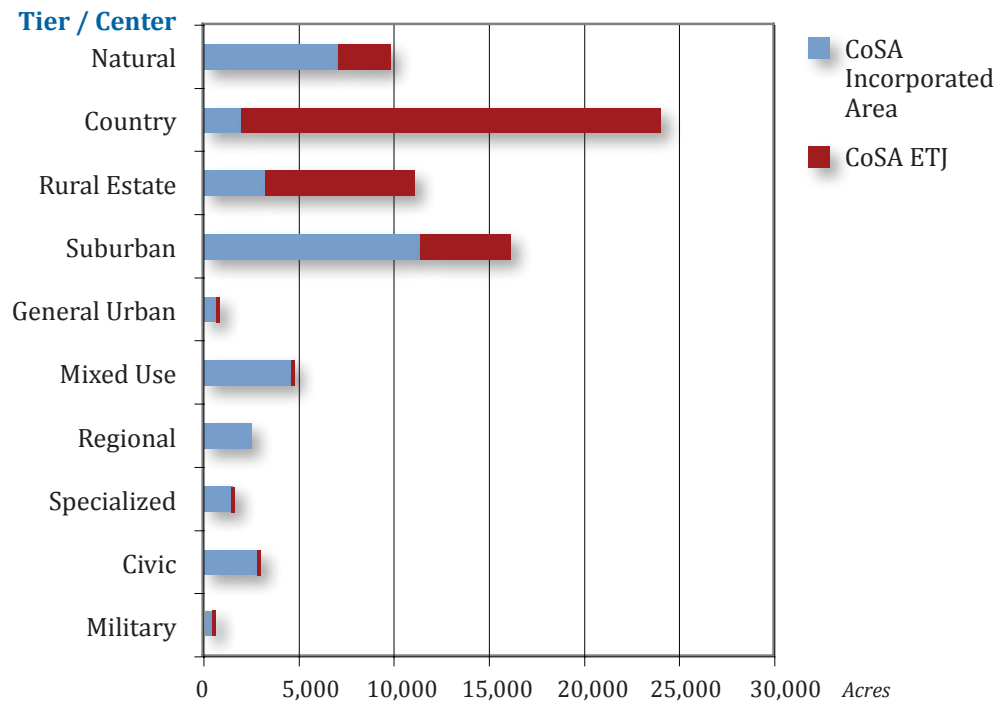
Chart 3.1: Land Use Plan Acreage Allocation by Type



Source: Matrix Design Group, June 2010

Note: All acreage calculations reflect the original tabulation based on Figure 3-1: North Sector Land Use Plan

Chart 3.2: Vacant Designated Land by Type



Source: Matrix Design Group, June 2010

Note: All acreage calculations reflect the original tabulation based on Figure 3-1: North Sector Land Use Plan

North Sector Plan Amendments

The North Sector Plan has been prepared to address the needs of the Planning Area, existing development pattern, considerations of the natural environment and opportunities for growth over the next five to ten years. As such, physical, market and development conditions will continue to evolve within the Planning Area. Over the next five to ten years, any of these variables are expected to undergo any number of changes and can result in plan amendments. Amendments should only be considered after careful review of the request, findings of fact in support of the request, and a public hearing by the Planning Commission (PC) and City Council.

The required findings of fact should include, but may not be limited to:

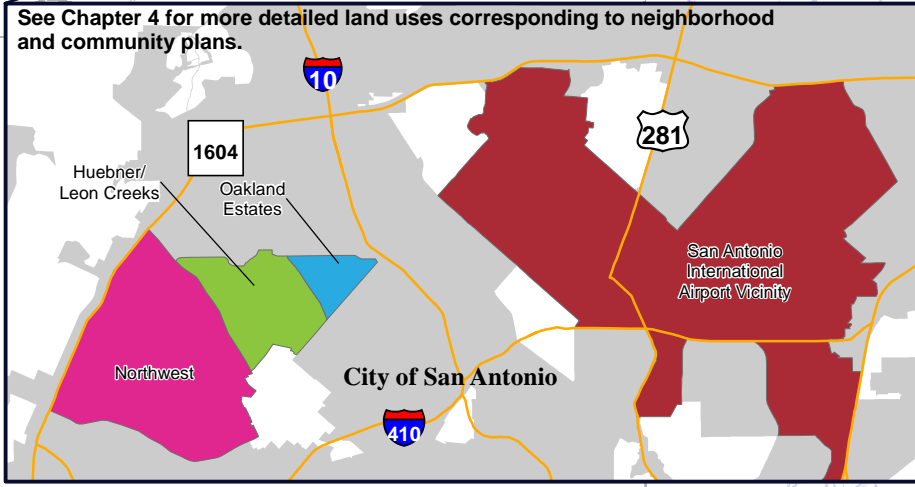
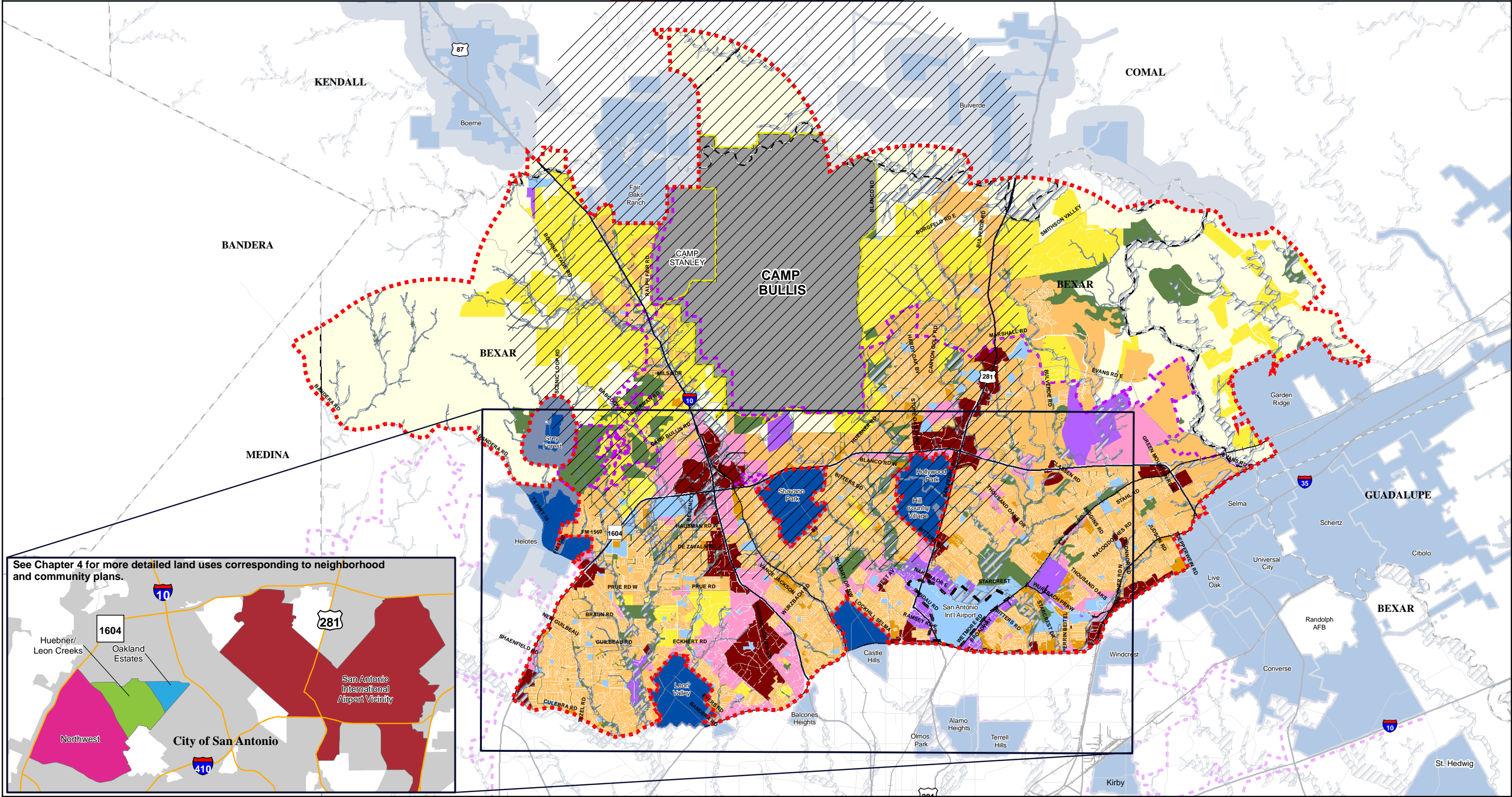
- *The recommended land use pattern identified in the North Sector Land Use Plan inadequately provides appropriate optional sites for the land use change proposed in the amendment.*
- *The amendment must constitute an overall improvement to the Sector Plan and will not solely benefit a particular landowner or owners at a particular point in time.*
- *The amendment must uphold the vision for the future of the North Sector Plan.*



- *The amendment will not adversely impact a portion of, or the entire Planning Area by:*
 - *Significantly altering acceptable existing land use patterns, especially in established neighborhoods.*
 - *Affecting the existing character (i.e., visual, physical and functional) of the immediate area.*
 - *Creating activities that are not compatible with adjacent neighboring uses and, particularly, the mission of Camp Bullis.*
 - *Significantly alter recreational amenities such as open space, parks, and trails.*

It shall be the burden of the party requesting the amendment to prove that the change constitutes an improvement to the North Sector Plan and that all its goals and strategies have been met under the proposed amendment.

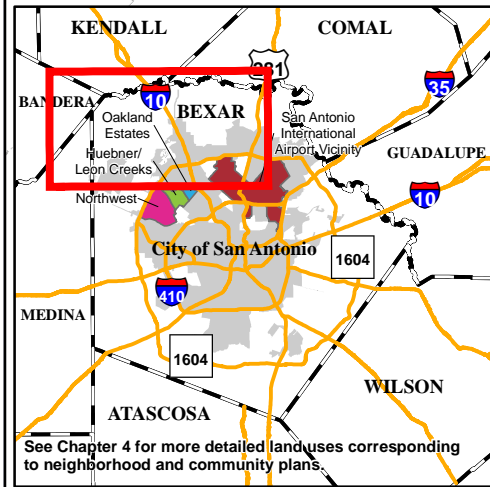
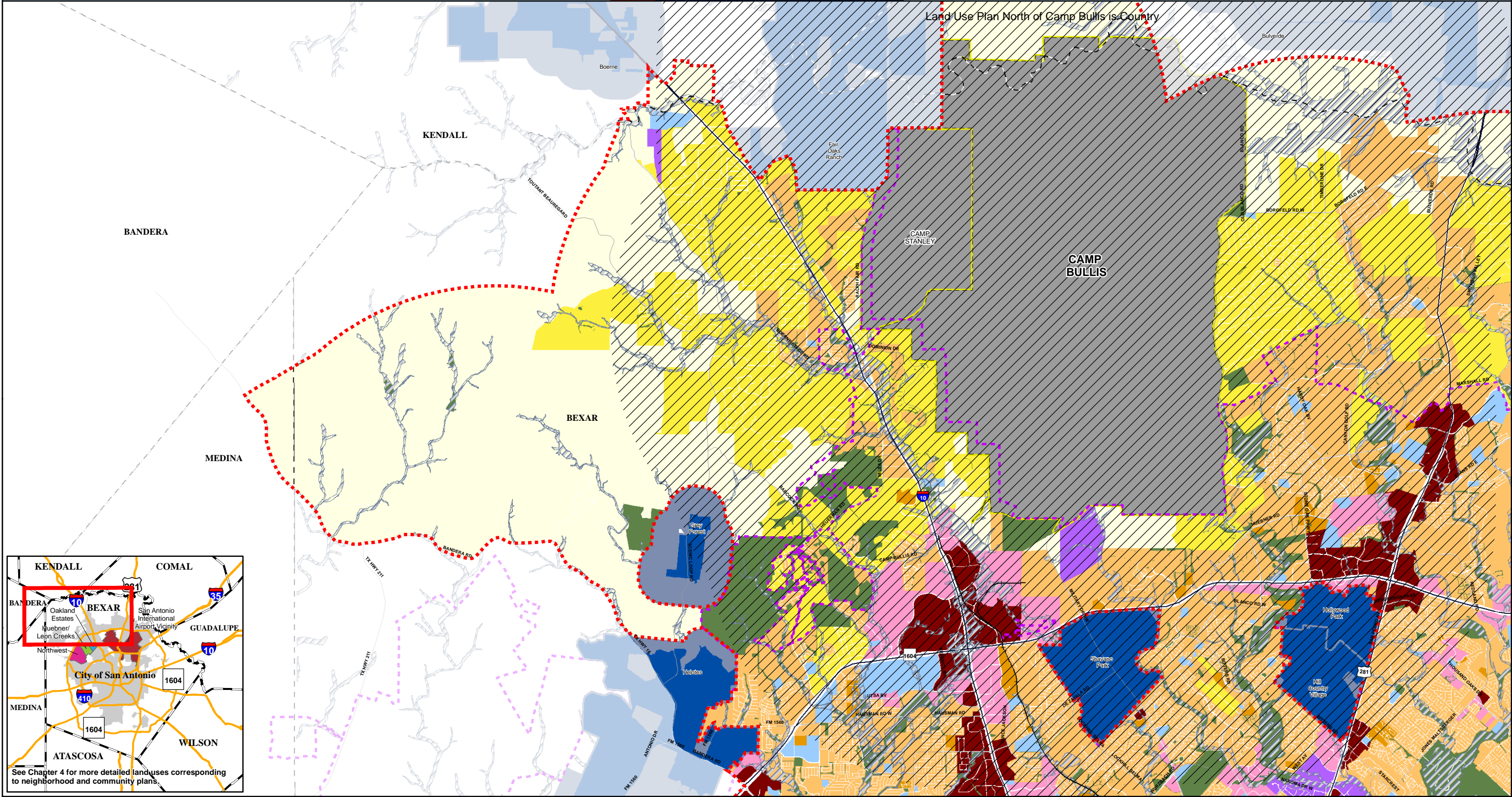
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<p>A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.</p> <p>source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009 FLU_20100722_RGR.pdf</p>	<p>Future Land Use</p> <ul style="list-style-type: none"> Natural Country Rural Estate Suburban General Urban Civic Military Influence Overlay Area* Mixed Use Regional Specialized Military 	<p>Neighborhood and Community Plan</p> <ul style="list-style-type: none"> Huebner/ Leon Creeks Northwest Oakland Estates San Antonio International Airport Vicinity <p>*Note: subject to recommended compatible uses **Note: refer to the adopted land use plans for these areas</p>	<p>Legend</p> <ul style="list-style-type: none"> Floodplain North Sector Planning Area San Antonio Incorporated City Incorporated City ETJ County Airport Highway Major Road Railroad 	<div style="text-align: right;"> <p>0 1.5 3 Miles</p> </div>
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Figure 3-1: North Sector Land Use Plan

11 x 17 Back



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

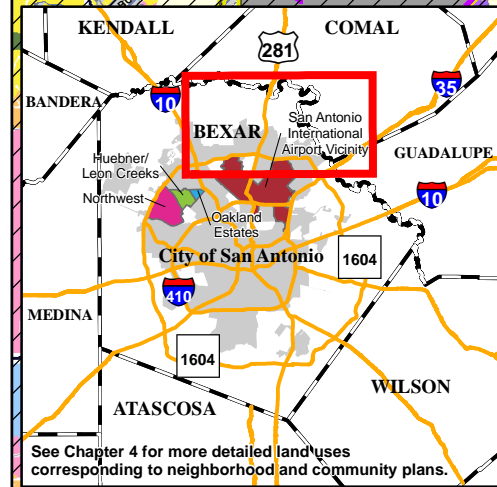
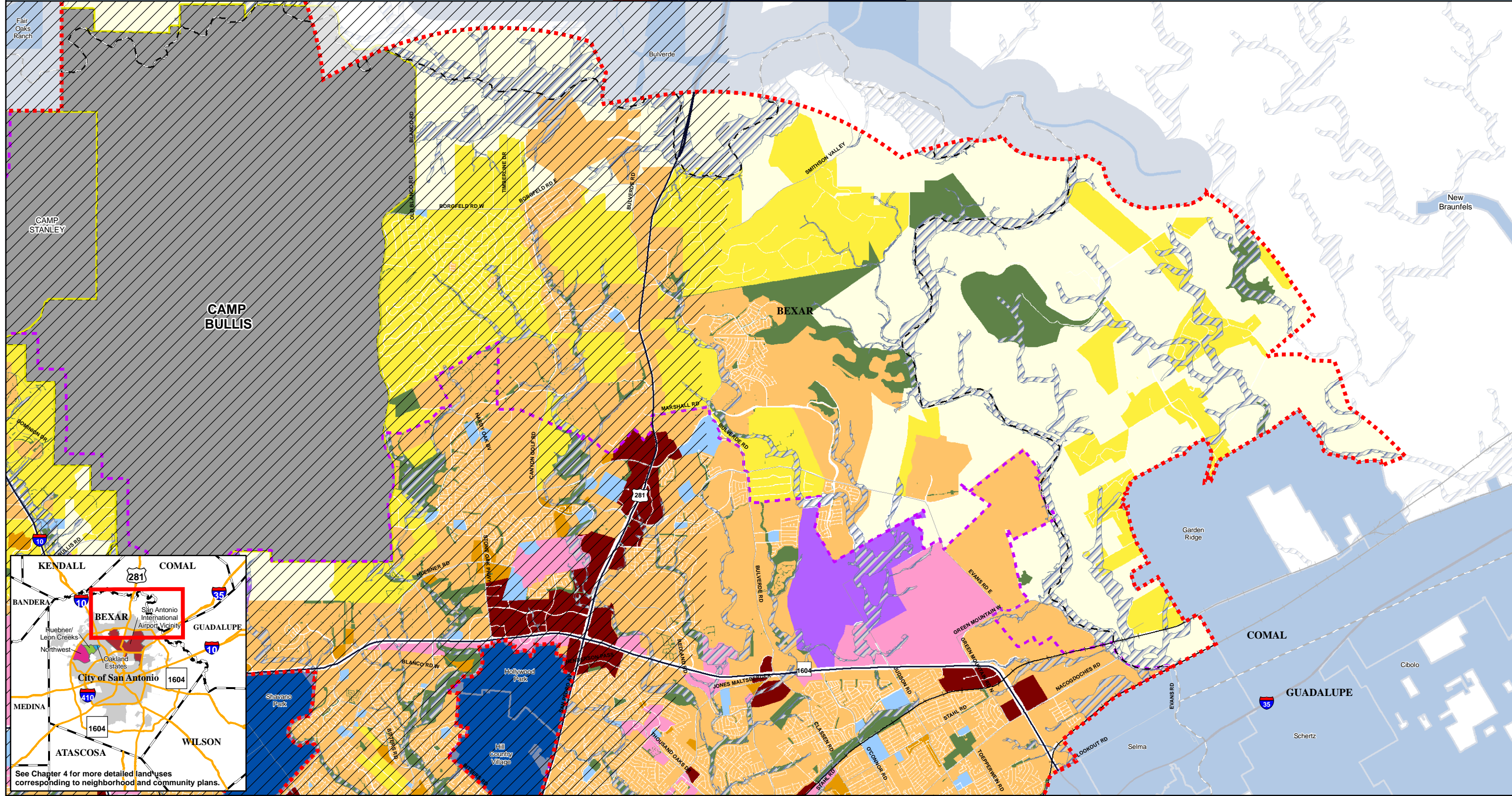
Future Land Use	junk	Neighborhood and Community Plan	Floodplain	County
Natural	Military Influence Overlay Area*	Huebner/ Leon Creeks	North Sector Planning Area	Airport
Country	Mixed Use	Northwest	San Antonio	Highway
Rural Estate	Regional	Oakland Estates	Incorporated City	Major Road
Suburban	Specialized	San Antonio International Airport Vicinity	Incorporated City ETJ	Railroad
General Urban	Military			
Civic				

*Note: subject to recommended compatible uses
 **Note: refer to the adopted land use plans for these areas



Figure 3-2: Northwest Quadrant - North Sector Land Use Plan

11 x 17 Back



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

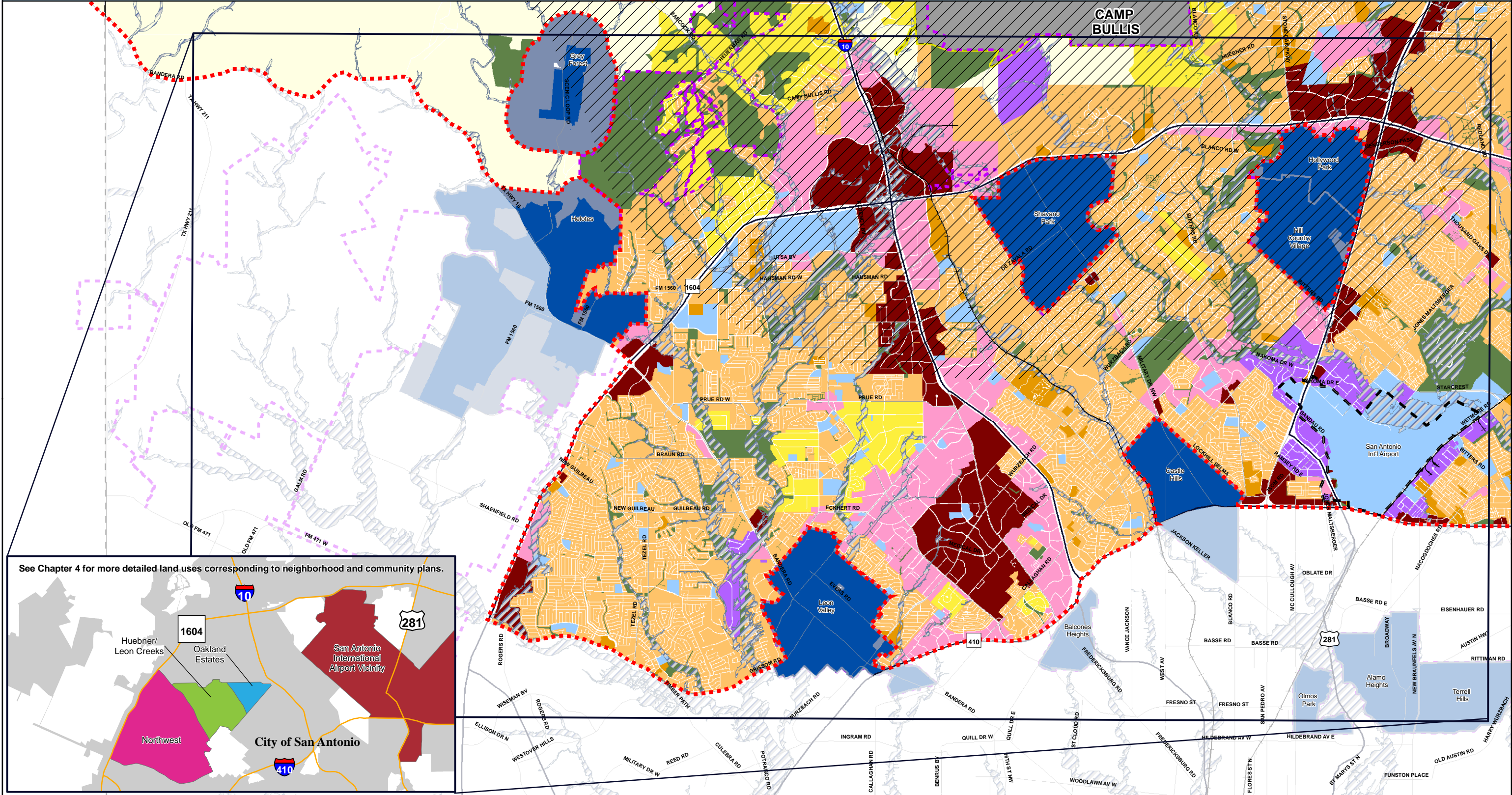
Future Land Use	junk	Neighborhood and Community Plan	Floodplain	County
Natural	Military Influence Overlay Area*	Huebner/ Leon Creeks	North Sector Planning Area	Airport
Country	Mixed Use	Northwest	San Antonio	Highway
Rural Estate	Regional	Oakland Estates	Incorporated City	Major Road
Suburban	Specialized	San Antonio International Airport Vicinity	Incorporated City ETJ	Railroad
General Urban	Military			
Civic				

*Note: subject to recommended compatible uses
 **Note: refer to the adopted land use plans for these areas

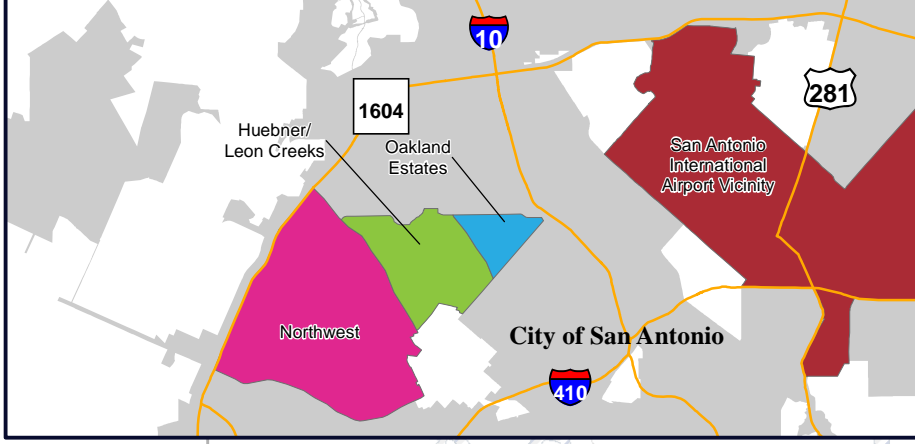


Figure 3-3: Northeast Quadrant - North Sector Land Use Plan

11 x 17 Back



See Chapter 4 for more detailed land uses corresponding to neighborhood and community plans.



A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

Future Land Use

- Natural
- Country
- Rural Estate
- Suburban
- General Urban
- Civic

Neighborhood and Community Plan

- Huebner/ Leon Creeks
- Northwest
- Oakland Estates
- San Antonio International Airport Vicinity

*Note: subject to recommended compatible uses
 **Note: refer to the adopted land use plans for these areas

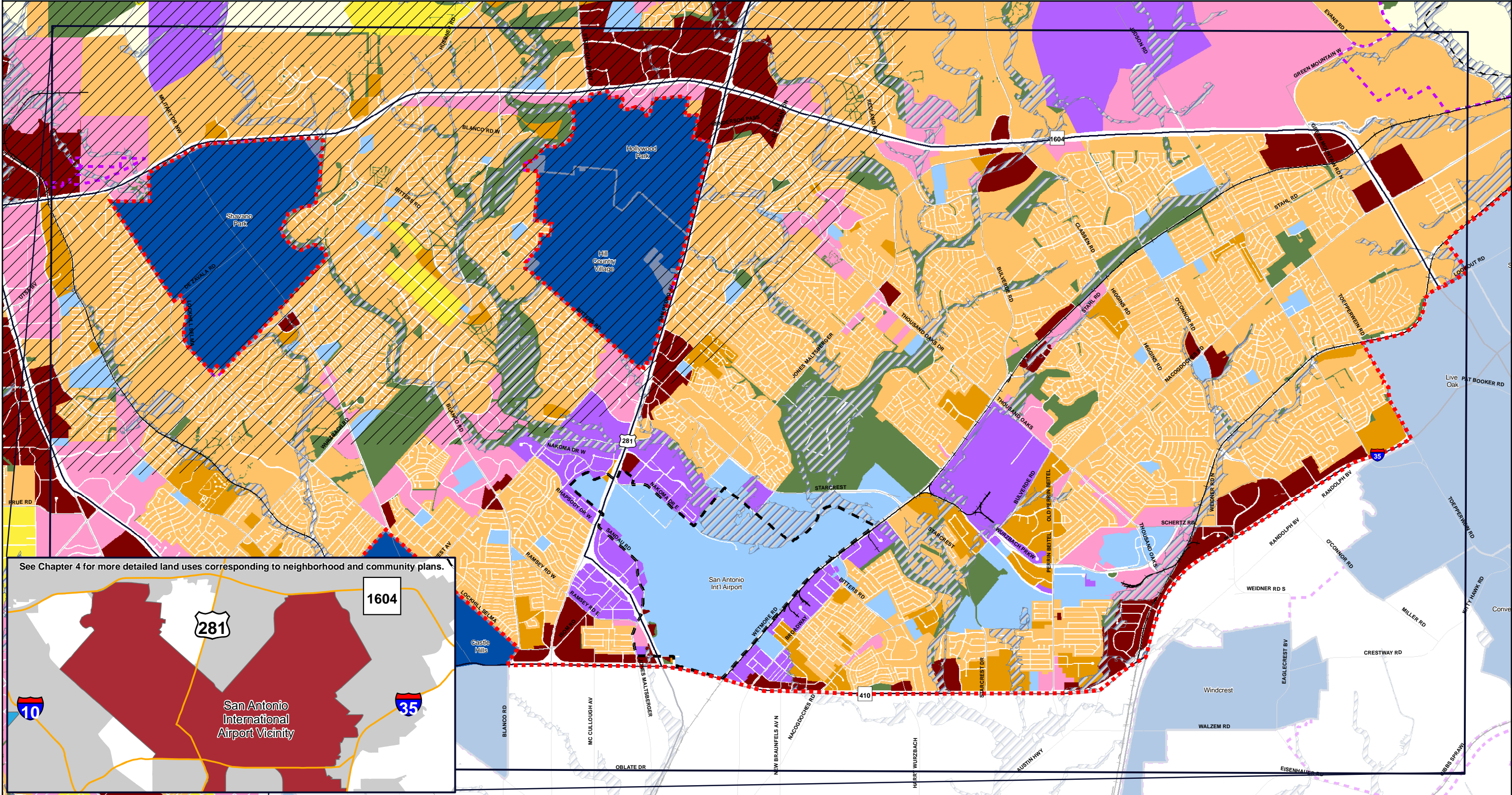
Other Features

- Floodplain
- North Sector Planning Area
- San Antonio
- Incorporated City
- Incorporated City ETJ
- County
- Airport
- Highway
- Major Road
- Railroad

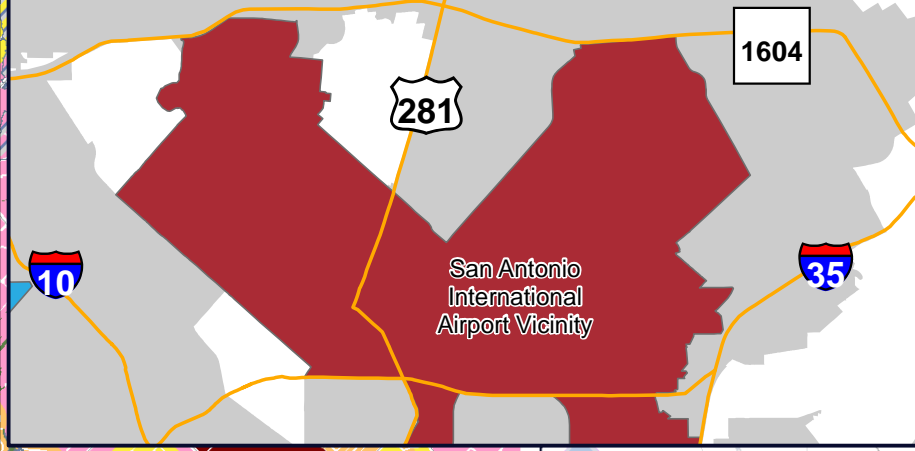


Figure 3-4: Southwest Quadrant - North Sector Land Use Plan

11 x 17 Back



See Chapter 4 for more detailed land uses corresponding to neighborhood and community plans.



<p>A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.</p> <p>source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009 FLU_SE_20100722_RGR.pdf</p>	<p>Future Land Use</p> <ul style="list-style-type: none"> Natural Country Rural Estate Suburban General Urban Civic 	<ul style="list-style-type: none"> junk Military Influence Overlay Area* Mixed Use Regional Specialized Military 	<p>Neighborhood and Community Plan</p> <ul style="list-style-type: none"> Huebner/ Leon Creeks Northwest Oakland Estates San Antonio International Airport Vicinity <p>*Note: subject to recommended compatible uses **Note: refer to the adopted land use plans for these areas</p>	<ul style="list-style-type: none"> Floodplain North Sector Planning Area San Antonio Incorporated City Incorporated City ETJ 	<ul style="list-style-type: none"> County Airport Highway Major Road Railroad
	<p>0 0.5 1 Mile</p>				
			<p>3-5</p>		
			<p>Southeast Quadrant - North Sector Land Use Plan</p>		

Figure 3-5: Southeast Quadrant - North Sector Land Use Plan

11 x 17 Back

Military Compatibility

Overview

Camp Bullis and Camp Stanley are contiguous US Army facilities located approximately 21 miles northeast of Fort Sam Houston in the Northwest Quadrant. They each have their own mission and are managed by separate commands. Camp Stanley is a weapons and munitions supply, maintenance, test, and storage facility. The site includes 4,000 acres with 630,000 square feet of storage space and supports a variety of military activities. Camp Stanley's workforce has no active duty military personnel and so it is supported by civil service employees and contractors. Industrial buildings, ammunition storage structures, and small arms ranges to facilitate weapons and ammunition testing for quality assurance purposes are located within the installation.

Camp Bullis occupies approximately 28,000 acres and its primary activities include firing ranges, maneuver areas for Army, Air Force, and Marine combat units, and field training of the various medical units from Fort Sam Houston. The training and maneuver areas cover approximately 22,000 acres and include 26 field training areas, 14 direct fire ranges (largest caliber is 7.62mm), two automated rifle ranges, one automated pistol range, a live-fire convoy range, grenade launcher range, demolition range, land navigation areas, leader reaction courses, rappel towers, obstacle courses, multiple landing zones for helicopters, and four drop zones (three for cargo and one for personnel) as shown on **Figure 3-6: Camp Bullis Operations and Influences**.

Land Use Compatibility Is Critical For Camp Bullis

The official mission statement of Camp Bullis is "To provide an unparalleled training infrastructure offering quality range, training facilities, and maneuver areas that facilitate tough, realistic training for military and government agencies." In order to accomplish this operational mission, a wide variety of training takes place at Camp Bullis including live-fire weapons, vehicle maneuvering, helicopter flights and air drops, medical simulation and response training, night vision weapons and maneuver training, and fixed-wing aircraft operations from the combat assault landing strip (CALs). Located in the northeastern corner of Camp Bullis, the CALs is utilized by C-130 and C-17 aircraft for takeoff and landing and troop air drops over Camp Bullis. Some of



these operations can be heavily impacted by incompatible land use surrounding the installation. For example, helicopter, fixed-wing aircraft, and weapons firing all have noise contours that extend beyond the boundaries of Camp Bullis. Certain

types of development, such as housing or schools that are not properly constructed with sound attenuation measures can be impacted by this noise, which reduces the quality of life for residents. Likewise, excessive ambient light generated by proximate development at night can have a negative impact on night vision training.

Camp Bullis has faced the issue of residential encroachment up to its fence line. Although most of the development around Camp Bullis is low density residential, it still can impact military operations, or be impacted by these activities. Future development around Camp Bullis should be accommodated to minimize negative impacts to both the military and the public such that the military does not have to reduce its operational training activities.



Communication Among the Military, Counties, and Cities Is Important To Understand Each Entity's Issues and Objectives

It will be important for the military and local jurisdictions to continue the initial collaborations initiated through the preparation of the Camp Bullis Joint Land Use Study (JLUS) to ensure that both can develop and grow compatibly with each other. When the military becomes aware of a new operational mission that will take place at Camp Bullis, it will be their responsibility to inform local jurisdictions of the potential impacts this will have for residents. Similarly, when a jurisdiction becomes aware of a proposed development, or wishes to consider a land use near Camp Bullis that could impact operations or be impacted by operations, it will be their responsibility to share this information. The jurisdictions will also be responsible for communicating such proposals to the public and specifically those property owners expected to be directly or indirectly impacted.

Encroachment Must Be Mitigated To Retain and Expand the Military's Presence In the North Sector and the Region

The 2005 Base Realignment and Closure (BRAC) Committee presented several recommendations that have impacted the San Antonio metropolitan area. The requirement for Fort Sam Houston entails consolidating medical enlisted personnel training for various branches of the military at the installation to create

the world's largest medical education and training institution. The Navy medical training to relocate to Fort Sam Houston brings an average daily student load of 2,700 students, a maximum student load of 3,032 students, and another 29 courses of which 11 are inter-service. The Air Force training to move to Fort Sam Houston includes an average daily student load of 1,667 students, a maximum student load of 2,375 students, and another 73 courses of which 13 are inter-service.

The strategic direction for military compatibility for Camp Bullis is based in large measure on the implementation of the Camp Bullis JLUS. Adopted by the City Council in June 2009, the JLUS provides a comprehensive approach to achieve a compatible land use pattern adjacent and proximate to Camp Bullis to limit the potential for future encroachment. Strategies that were developed focus on the following topical areas:

Acquisition. A land use planning tool used to eliminate land use incompatibilities through market transactions and the local development process.

Bird/Wildlife Aircraft Strike Hazard (BASH). A United States Air Force program aimed at reducing the potential for collisions between military aircraft and birds.

Capital Improvement Plans (CIP). A fiscal detailed planning document used to plan and direct a jurisdiction's or agency's investment in public facilities, including infrastructure.

Communications/Coordination. A series of mechanisms to maintain open and constant communication between all stakeholders.

Comprehensive Master Plan/Sector Plan. A plan that contains overarching goals and policies and a land use framework to guide the physical development of the City.

Habitat Plan. A plan to conserve natural communities at the ecosystem level while accommodating compatible land use.

Legislation. Laws allowing for the use of regulations or tools to guide land use planning around military installations.

Memorandum of Understanding (MOU). An interagency agreement between two or more government entities to establish a formal framework for coordination and cooperation.



Plans and Programs. A document or program that provides goals and alternatives for land use issues such as light or noise trespass.

Real Estate Disclosure. A document that discloses all actual known facts relating to the condition of the property.

Zoning/Building Codes. Zoning is the division of a jurisdiction into districts (zones) within which permissible uses are prescribed and restrictions on building height, bulk, layout and other requirements are defined. Building Codes set forth the minimum requirements deemed necessary to protect the health, safety, and welfare of the public.



Subsequent to its adoption, several tools have been prepared and/or adopted that will assist in the protection of the mission at Camp Bullis and its readiness within the nations' military structure. These include:

Joint Airport Zoning Board (JAZB)

Formation. A white paper was prepared (as part of the preparation of the North Sector Plan) and provides the process to stand up a JAZB for the CALS. It is located in the Appendix of this document.

Camp Bullis Bird/Wildlife Aircraft Strike Hazard (BASH) Guidelines.

A white paper was prepared (as part of the preparation of the North Sector Plan) and provides an assessment of the potential bird and animal related conflicts and identifies potential active and passive controls within proximity of the CALS and the Nap of the Earth (NOE) rotary wing flight corridor to maintain pilot safety. It is located in the Appendix of this document.

Military Lighting Overlay District (MLOD).

The San Antonio City Council approved the expansion of the previously adopted MLOD within the City's boundaries to a five-mile radius around Camp Bullis to limit the impact of outdoor lighting on evening military training operations on the installation.

Military Sound Attenuation Overlay (MSAO).

The San Antonio City Council adopted sound attenuation standards for certain noise sensitive land uses within proximity of Camp Bullis within the city limits. Applicable new development is required to utilize building materials with a certain Sound Transmission Class (STC) rating or conduct tests to show a structure achieves an outside to inside noise level reduction of 25 dBA. The STC rating required is determined by the percentage of the total exterior wall area comprised of doors or windows; a greater door / window area would increase the STC rating required. STC is a rating of the sound-insulating properties of built construction derived from measured values of transmission loss.

Military Compatibility Goals and Strategies

Goal MC-1 *Future land uses compatible with the continued operation of Camp Bullis to avoid risks to civilian/military aviators, life, property and the well-being of existing and future residents from hazards associated with fixed-wing and rotary-wing aircraft operations, firing ranges operations and training.*

- Strategies:**
- MC-1.1** Discourage development in areas where the risks to potential health and safety cannot be mitigated to accepted guidelines.
 - MC-1.2** Review City and Bexar County projects on an annual basis to identify capital improvement plans (CIP) and master infrastructure plans that may impact the mission at Camp Bullis.

Goal MC-2 *Opportunities provided to the City and Bexar County, Camp Bullis, residents, industry, and agencies to collaboratively participate in all phases of the comprehensive master planning, zoning and/or master development plan review process.*

- Strategies:**
- MC-2.1** Coordinate closely with those jurisdictions, agencies, organizations within the Camp Bullis Military Influence Overlay Area (MIOA) to ensure their policies and regulations are consistent with the North Sector Plan.
 - MC-2.2** Assist property owners within the Camp Bullis MIOA to increase their understanding of the installation’s mission, potential impacts associated with military aviation operations, land use constraints, and potential mitigation measures to guide appropriate development.
 - MC-2.3** Review development proposals to determine their propensity to cause hazards for fixed and rotary wing aircraft take offs and landings as well as in flight, including uses that:
 - Release any substance such as steam, dust and smoke into the air which would impair pilot visibility;
 - Uses that produce light emissions, glare or distracting lights which could interfere with pilot vision or be mistaken for airfield lighting;
 - Sources of electrical emissions which would interfere with aircraft communications or navigation; and
 - Uses which directly or indirectly attract large birds or waterfowl to the extent that they would pose a danger to aircraft operation in the vicinity of Camp Bullis.

- MC-2.4** Continue to honor the Memorandums of Understanding to foster on-going formal consultation among Camp Bullis, cities and counties regarding issues of mutual concern. This will include:
- Early notification by the City or Bexar County (resulting in notification of area residents) to US Army/Air Force or officials of development applications
 - Early notification by US Army/Air Force to City and Bexar County of potential changes in fixed and/or rotary aircraft operations (patterns, number, type, etc.)
- MC-2.5** Provide notifications to the US Army/Air Force for review and comment on City or Bexar County land use actions that include, but are not limited to, Comprehensive Plan amendments or updates, zone changes, master development plans, and conditional/specific use permits.
- MC-2.6** Maintain close contact with other Bexar County and other local jurisdictions within the Camp Bullis Military Influence Overlay Area (MIOA) to coordinate military compatibility planning and management activities.
- MC-2.7** Work with US Army/Air Force officials in identifying strategies to meet the housing needs of Fort Sam Houston personnel during the next update of the City's Housing Master Plan.
- MC-2.8** Encourage Real Estate Disclosures (if State law is amended) to ensure appropriate information about the missions and operations at all military installations located within the City and its Extraterritorial Jurisdiction are fully disclosed at the earliest possible point in the interaction / transaction process.
- MC-2.9** Cooperate to provide City and Bexar County staff with on-going training opportunities to maintain their awareness of the latest technology and regulations concerning military compatibility issues.
- MC-2.10** Consider the projected need for additional infrastructure and other municipal services by the US Army/Air Force in the development of new infrastructure master plans.

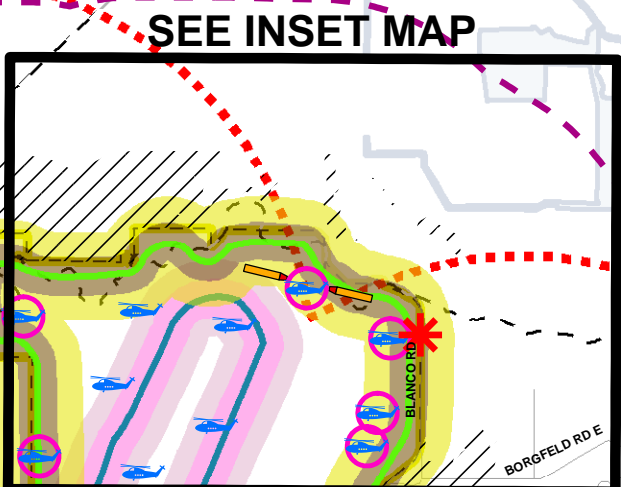
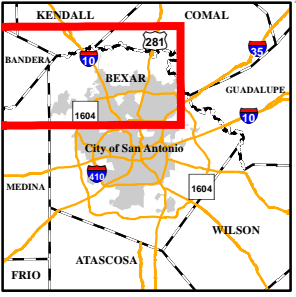
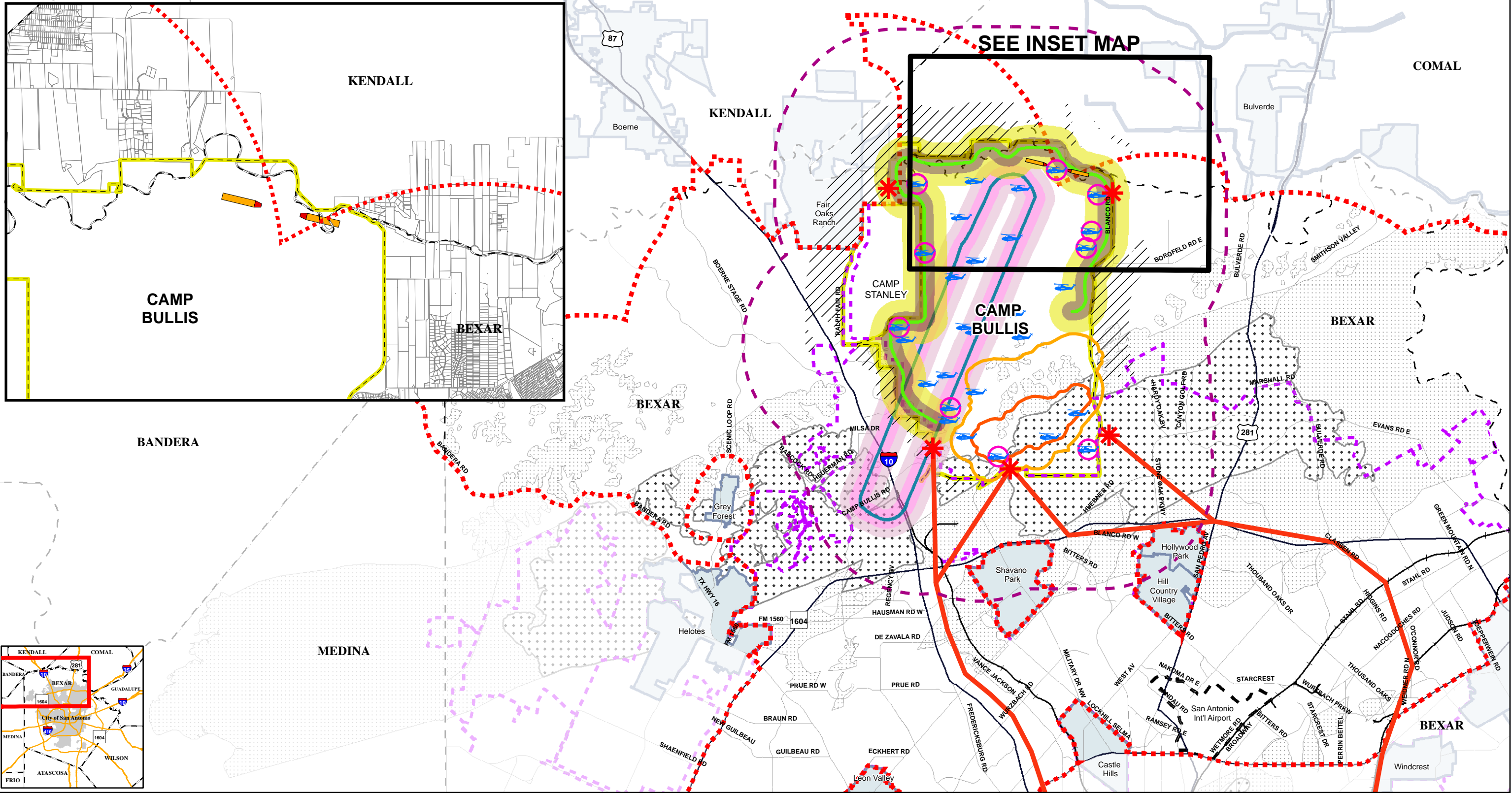
Goal
MC-3

Encroachment issues associated with development are mitigated.

- Strategies:**
- MC-3.1** Require the dedication of avigation easements when development is proposed on property within the safety zones as per JLUS recommendations.
 - MC-3.2** Monitor the compliance of master development, neighborhood, community, and other functional, and regional plans in the MIOA of the North Sector Plan for compatibility with the military, such as land use density/intensity and arrangement, transportation, dark skies, sound attenuation, and water availability and quality.
 - MC-3.3** Continue to enforce the requirement that all new development or substantial redevelopment in the MIOA to conform to Federal Aviation Regulations (FAR) Part 77 height limits.
 - MC-3.4** Continue to enforce the Military Lighting Overlay District (MLOD) such that future development includes provisions for the design of outdoor light fixtures to be directed / shielded downward and screened to avoid nighttime lighting spillover effects on adjacent land uses and nighttime sky conditions.
 - MC-3.5** Continue to improve and maintain proper lighting at City and Bexar County facilities that assist in reducing undue nuisance light and glare spillage on adjoining areas.



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|---|--|--|---|--|---|---|
| <p>Helicopter Operations</p> <ul style="list-style-type: none"> ★ Primary Entry/Exit Point — Bullis Tactical Route /// Elevations Equal to or Higher Than 1,200 Feet Mean Sea Level | <p>MEDEVAC Landing Zones</p> <ul style="list-style-type: none"> ➔ MEDEVAC Landing Zones <p>Helipad (VFR)</p> <ul style="list-style-type: none"> □ Helipad (VFR) <p>CALS Safety Zones</p> <ul style="list-style-type: none"> ■ APZ-LZ ■ CZ | <p>Nap of the Earth Flight</p> <ul style="list-style-type: none"> — Centerline — Corridor — Buffer | <p>UH-60 Helicopter Drop Zone</p> <ul style="list-style-type: none"> — Centerline — Corridor — Buffer | <p>Small Caliber Noise Contour</p> <ul style="list-style-type: none"> — 87 PK15(met) — 104 PK15(met) <p>Karst Zone</p> <ul style="list-style-type: none"> □ Karst Species - Exist □ Karst Species - High Probability | <p>Area of Influence (3-mile buffer)</p> <ul style="list-style-type: none"> — Area of Influence (3-mile buffer) — North Sector Planning Area — San Antonio Incorporated City — Camp Bullis/Stanley | <p>County</p> <ul style="list-style-type: none"> □ County <p>Airport</p> <ul style="list-style-type: none"> ✈ Airport <p>Highway</p> <ul style="list-style-type: none"> — Highway <p>Major Road</p> <ul style="list-style-type: none"> — Major Road <p>Railroad</p> <ul style="list-style-type: none"> — Railroad <p>Parcel</p> <ul style="list-style-type: none"> □ Parcel |
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Figure 3-6: Camp Bullis Operations and Influences

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Military Compatibility Development Guidelines

The Camp Bullis JLUS completed in 2009, identified numerous issues that are primary compatibility concerns within the area surrounding the installation. Among the most common factors causing incompatibility with military airfield and weapons training operations include the:

- *High levels of noise generated by fixed and rotary wing aircraft and firing ranges,*
- *Heights of civilian structures near the installation that create vertical obstructions for flight activities,*
- *Generation of off-installation light pollution that negatively impacts the use of night vision devices (NVD) for military air and ground training.*

The development of land uses that are incompatible with an installation's military mission pose credible threats to that installation's continued existence. The recommended development standards presented below are included to diminish the presence of encroachment for the installation. The Military Compatibility Development Guidelines are organized in a consistent format, which includes identifying the objective, describing recommended development standards, and identifying permissible land uses.

OBJECTIVE 1: To protect the safety of citizens by discouraging high-density development within Accident Potential Zone (APZ) and Combat Assault Landing Strip (CALs) approach and departure routes (Safety MIA).

BACKGROUND: The Clear Zone (CZ) for the existing CALS runway does not extend off base. However the APZ I and APZ II for a future Class A expanded runway¹ would extend beyond the installation. APZ I would extend halfway beyond the boundary of Camp Bullis to the east, and APZ II would be located entirely off of the boundary to the east.

RECOMMENDED DEVELOPMENT STANDARDS: The portion of the APZs which extend beyond the boundary of the installation and are located within the three mile area of influence (to be compliant with the provisions of the Regional Military Sustainability Commission territory, if implemented in the future) should be subject to the following standards:

- *Discourage new construction within 150 feet of Camp Bullis' fence line.*
- *Encourage the retention of current agricultural uses and resource protection activities.*
- *Discourage the subdivision of small lots.*
- *Seek opportunities where the transfer of development rights (TDR) can be used.*
- *Seek opportunities where the establishment of limited use easements or conservation easements can be accomplished.*
- *Discourage residential uses within any APZ.*

(1) Although there is possibility to upgrade the CALS to a Class A runway in the future, there is currently no projected timeframe for this to occur nor any plan to do so. The decision to upgrade would need to be preceded by an environmental study, community input, and potential acquisition of easements in those portions of the new APZs that extend off-post.

RECOMMENDED PERMISSIBLE LAND USES:

- *Agricultural (farm, ranch and rural development), Open Space, Resource Protection. Conditionally acceptable uses:*
 - *Office District (1-story height limitation, considered as conditional use)*
 - *Industrial (Light, General, Heavy, Mixed; considered as conditional use)*

OBJECTIVE 2: To avoid the construction of structures that could interfere with Camp Bullis' fixed and rotary-wing aircraft training and/or are within the Vertical MIA.

RECOMMENDED DEVELOPMENT STANDARDS:

- *Discourage new construction within 150 feet of Camp Bullis' fence line.*
- *Require building elevations of proposed units with height dimensions to be provided at the time of building permit application.*
- *Allow for the purchase of critically located property by an appropriate governmental entity.*
- *Per FAA requirements, any structure to be placed within three miles of Camp Bullis will not exceed:*
 - *A height of 500 feet AGL at the site of the object.*
 - *A height that is 200 feet AGL or above the established airport elevation, whichever is higher.*
 - *Within three nautical miles of the established reference point of an airport (excluding heliports), with its longest runway more than 3,200 feet in actual length, height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.*

RECOMMENDED PERMISSIBLE LAND USES:

- *Open Space.*
- *Conservation Area (pursue conservation easements where possible).*
- *Low density Residential not to exceed 35 ft. or 2.5 stories providing it is not located in high dB noise contours.*
- *Community and Neighborhood Commercial Uses (not to exceed 35 feet in height or outdoor lighting restrictions).*
- *Industrial Uses (not to exceed height restrictions or outdoor lighting restrictions).*
- *Racetracks and Emergency Vehicle Training Uses (may be appropriate as long as they do not generate excessive dust, frequency interruptions, or light at night, and are consistent with the North Sector Land Use Plan).*

OBJECTIVE 3: Avoid incompatible development in the CALS approach and departure routes.

RECOMMENDED DEVELOPMENT STANDARDS: These standards pertain to lands in Comal County that are also located within the three mile area of influence.

- Discourage new construction within 150 feet of Camp Bullis' fence line.
- Encourage the continued use of existing compatible land uses (agricultural, open space).
- Discourage new development proposed for the areas located to the north and northeast of the boundaries of Camp Bullis, which are currently used for farming or are designated to be retained in their native condition.
- Pursue conservation easements (where possible).
- Allow for the acquisition of critically located property (by an appropriate governmental entity).
- Seek opportunities where the transfer of development rights can be used.
- Create conservation area buffer zones that protect the Camp Bullis mission by preventing development.
- Discourage residential, industrial, and commercial uses.

RECOMMENDED PERMISSIBLE LAND USES:

- Resource protection and open space.
- Livestock farming and animal breeding.
- Agricultural and forestry related activities.
- Fishing activities and related services.
- Mining activities and other resources production and extraction as long as they do not generate excess dust, light pollution, or height restrictions.

Objective 4: To prevent the attraction of birds across fixed and rotary-wing flight routes and to coordinate land uses with the Camp Bullis Bird Air Strike Hazard (BASH) Plan (if authorized and implemented in the future).

BACKGROUND: The UH-60 flight paths and their noise contours extend beyond Camp Bullis to the southwest over San Antonio lands in the area of influence. In addition, the rotary-wing Nap of the Earth (NOE) route around the perimeter of the Camp and approach and departure paths to/from the CALS are areas of concern.

RECOMMENDED DEVELOPMENT STANDARDS. In order to manage these issues, the following standards should apply:

- *Recommend no construction within 150 feet of Camp Bullis' fence line.*
- *Recommend denial of all projects that include landfills or uncovered outdoor water storage areas.*
- *All development permits should be determined compatible with the requirements of the Camp Bullis BASH plan (if authorized and implemented in the future) prior to consideration and approval.*

RECOMMENDED PERMISSIBLE LAND USES:

- *Agricultural and open space (may attract birds and if allowed, should be managed to avoid crop flooding, wetlands).*
- *Residential, as long as wells and outdoor water ponds are managed.*
- *Non-residential, providing they do not interfere with aviation related ingress and egress routes.*
- *Conservation easements (pursue where possible).*

OBJECTIVE 5: To mitigate noise concerns and exposure generated by Camp Bullis fixed and rotary-wing aircraft and firing ranges.

BACKGROUND: Both the CALS 65 and 60 decibel contours extend beyond Camp Bullis from the north into Comal County. A majority of the land in this area is in agricultural use.

RECOMMENDED DEVELOPMENT STANDARDS: In order to manage these issues, the following standards should apply:

- Discourage new construction within 150 feet of Camp Bullis' fence line.
- Limit noise sensitive land uses, as designated in the Military Sound Attenuation Overlay District (MSAO), including:
 - Single-Family and Multi-family Residential.
 - Assisted living facilities, nursing facilities, adult day care and similar congregate living uses.
 - Schools-primary, secondary, colleges, and universities, with some exceptions.
 - Religious worship and/or study facilities.
 - In-patient medical facilities including hospital and residential treatment centers.
 - Funeral homes.
 - Child care facilities.
 - Senior / community centers / libraries.
 - Habitable portions of the uses identified above will either:
 - Achieve an outside to inside noise reduction of 25 decibels.
 - Utilize construction materials to achieve a sound transmission class (STC) rating of 40 for walls and ceilings; a rating ranging from 30 to 40 (based on window / door composition of wall area) for windows and doors; and comply with provisions for air circulation / fresh air without the need to open windows, doors or other exterior openings.
- Schools and hospitals should not be located in this area.

RECOMMENDED PERMISSIBLE LAND USES:

- Resource and Agricultural (allowed in all noise contours).
- The following are acceptable uses within the 65 to 74 dB noise contours:
 - Commercial- Neighborhood, Community and Regional.
 - Industrial-Heavy, Light, Business Park – providing light and vertical obstructions are not generated.
 - Office District (High-Rise, Mid-Rise) – providing vertical obstructions are not generated.
 - Conditionally acceptable uses are:
 - Residential (Single Family, Mixed) between 1 and 11 units per acre - with the appropriate sound attenuation design or real estate disclosures.

OBJECTIVE 6: To avoid additional light generation, especially by structures that are located at a higher elevation than Camp Bullis and to reduce light pollution and glare generated by existing and new development that would negatively impact night vision device (NVD) training.

BACKGROUND: The cities of San Antonio and Shavano Park, as well as the counties of Comal and Bexar have all adopted dark sky ordinances to protect the missions at Camp Bullis. Camp Bullis uses night vision devices in training areas near the perimeter of the installation's boundary for both ground and air training operations.

The Light MIA Zone 1 is a one-mile area surrounding Camp Bullis. The Light MIA Zone 1 regulations recommend mitigating point source light at elevations in excess of 1,200 feet. Communities located within the one-mile radius of Camp Bullis include portions of Bexar County directly adjacent to the installation to the northeast, portions of Comal County directly north of Camp Bullis and portions of the City of San Antonio adjacent to the western and southern boundaries of Camp Bullis.

RECOMMENDED DEVELOPMENT STANDARDS: The Light MIA Zone 2 encompasses a five-mile area around the border of Camp Bullis, where ambient light generation should be managed. Light generation from development in these areas should be closely monitored so that it does not interfere with night training. The following standards should apply:

- *Recommend no new construction within 150 feet of Camp Bullis' fence line.*
- *Where possible, limit density within the one mile area of influence to less than or equal to six units per acre, especially near Fair Oaks Ranch and Hollywood Park.*
- *Limit light and glare from existing structures within Comal County, which are sited at a higher elevation than Camp Bullis.*
- *Consider applying high-intensity lights and military filters to block the spectra of ambient light.*
- *Discourage outdoor sports complexes, sports arenas, and similar uses that produce ambient light located within 0.5 miles of the southwest corner of Camp Bullis, where a large amount of field training and night training operations occurs.*

RECOMMENDED PERMISSIBLE LAND USES:

- *Within 0.5 miles of Camp Bullis, the following are compatible land uses:*
 - *Agriculture.*
 - *Heavy Industrial / Light industrial / Business Park.*
 - *Wilderness type parks.*
- *Agriculture, open space and conservation.*
- *Such land uses are compatible as long as they abide by design standards of lighting, are consistent with the standards listed above, and do not exceed vertical height limitations.*

OBJECTIVE 7: To comply with the Endangered Species Act and prevent the reduction of karst invertebrate habitat.

BACKGROUND: Critical karst habitat includes a significant portion of land south of Camp Bullis in Bexar County, Hollywood Park and Shavano Park, within the three mile area of influence (to be compliant with the provisions of the Regional Military Sustainability Commission territory, if implemented in the future).

RECOMMENDED DEVELOPMENT STANDARDS: Strict development limitations should be imposed on areas designated Karst Zone 1 and 2. The following standards should apply:

- *Analysis of project impact to known invertebrate karst species habitat in Karst Zone 1 and Karst Zone 2 (areas which have a high probability of containing suitable habitat for listed invertebrate karst species).*
- *Any development that threatens to destroy critical habitat in Karst Zone 1 and 2 should not be approved. If such a project is approved, mitigation measures preserving habitat may be required.*
- *Encourage new development to be located in Karst Zones 3, 4 and 5 [Karst Zone 3- areas that probably do not contain listed invertebrate karst species; Karst Zone 4 – areas which require further research but are generally equivalent to Zone 3, although they may include areas which could be classified as Zone 2 or Zone 5 as more information becomes available; Karst Zone 5 – areas which do not contain listed invertebrate karst species].*
- *Pursue conservation easements and transfer of development rights, where possible.*

RECOMMENDED PERMISSIBLE USES:

- *Karst Habitat Zones 3 and 4 can tolerate moderate development such as low density residential, mixed-use and commercial provided studies do not demonstrate otherwise.*
- *Karst Habitat Zones 1 and 2 should be designated as a conservation area, proposed development should not be granted approvals, unless permitted by the USFWS.*

OBJECTIVE 8: Avoid Golden-cheeked Warbler endangered species displacement.

BACKGROUND: Potential Golden-cheeked Warbler habitat covers large areas in each of the jurisdictions within the five mile Military Influence Overlay Area. Camp Bullis remains the primary location for Golden-cheeked Warbler critical habitat. Since the Golden-cheeked Warbler is designated an endangered species, the presence of habitat on Camp Bullis imposes training limitations.

RECOMMENDED DEVELOPMENT STANDARDS: In order to manage these issues, the following standards should apply:

In order to alleviate these restrictions and create more alternatives for the bird, designated off installation habitat areas should be conserved and not developed.

- *Continue to monitor compliance with the Endangered Species Act.*

RECOMMENDED PERMISSIBLE LAND USES:

- *Agricultural.*
- *Open Space.*
- *Conservation.*
- *Recreation.*

OBJECTIVE 9: Avoid constructing roadways and transportation corridors that attract commercial development in areas where high density / intensity development would be incompatible with Camp Bullis' operations.

BACKGROUND: Interstate 10 and Loop 1604 constitute the principal arterial transportation corridors within the five mile Military Influence Overlay Area. These roadways could present development opportunities that conflict with a number of the encroachment issues facing the installation. Of particular concern are the areas surrounding the juncture of IH-10 and Loop 1604 in the City of San Antonio, where there is a great deal of critical Golden-cheeked Warbler and karst habitat located within the UH-60 flight path.

RECOMMENDED DEVELOPMENT STANDARDS: Along these roadways, the following standards should apply:

- *Limit commercial, residential and planned unit development, unless the project is consistent with the North Sector Land Use Plan.*
- *Limit the development of land around the departure and landing areas, including the area around the intersection of Dietz Elkhorn Road/Blanco Road, located on the eastern installation boundary.*

RECOMMENDED PERMISSIBLE LAND USES:

- *Agricultural.*
- *Open Space.*

Table 3.2: Land Use / Noise Compatibility Guidelines

	1		2			3				4	5	6
	RMSC		Safety			Noise Contours				General Noise	Vertical MIA	Light MIA
	1 Mile from Camp Bulls	1-3 Miles from Camp Bulls	CZ	APZ I	APZ II	Aircraft Noise Contours			Range Noise	Noise MIA	Height Restrictions	Light Controls
						65-69 dB	70-74 dB	75-79 dB	80+ dB	Small Arms 87 dB		
Residential												
Single units; detached; <= 2 du/ac												Yes
Single units; detached; > 2 du/ac												Yes
Single units; semidetached; > 2 du/ac												Yes
Single units; attached row; > 2 du/ac												Yes
Two units; side-by-side												Yes
Two units; one above the other												Yes
Apartments; walk up												Yes
Apartments; elevator												Yes
Group quarters												Yes
Residential hotels												Yes
Mobile home parks or courts												Yes
Transient lodgings												Yes
Other residential												Yes
Manufacturing												
Food & kindred products; manufacturing												Yes
Textile mill products; manufacturing												Yes
Apparel and other finished products made from fabrics, leather, and similar materials; manufacturing												Yes
Lumber and wood products (except furniture); manufacturing												Yes
Furniture and fixtures; manufacturing												Yes
Paper & allied products; manufacturing												Yes
Printing, publishing, and allied industries												Yes
Chemicals and allied products; manufacturing												Yes
Petroleum refining and related industries												Yes
Rubber and misc. plastic products, manufacturing												Yes
Stone, clay and glass products manufacturing												Yes
Primary metal industries												Yes
Fabricated metal products; manufacturing												Yes
Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks manufacturing												Yes
Miscellaneous manufacturing												Yes

Legend

- 1 RMSC General land use regulations
- 2 Safety overlay
- 3 Noise contours
- 4 General noise overlay
- 5 Vertical obstruction guidelines
- 6 Light and glare controls

- Generally recommended
- Conditionally recommended
- Noise attenuation to 45 dB interior noise level
- Noise attenuation to 45 dB interior noise level for public areas
- Not recommended

- Note: CZ Clear Zone
 APZ Accident Potential Zone
 dB Noise Decibal
 MIA Military Influence Area
 RMSC Regional Military Sustainability Commission

Source: Matrix Design Group, June 2010

Table 3.2: Land Use / Noise Compatibility Guidelines (continued)

	1		2			3					4	5	6
	RMSC		Safety			Noise Contours				General Noise	Vertical MIA	Light MIA	
	1 mile from Camp Bullis	1-3 miles from Camp Bullis	CZ	APZ I	APZ II	65-69 dB	70-74 dB	75-79 dB	80+ dB	Small Arms 87 dB	Noise MIA	Height Restrictions	Light Controls
Transportation, communications and utilities													
Railroad, rapid rail transit and street railroad transportation	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Blue	Green	Under 50' allowed. > 50' requires Part 77 assessment.	Yes
Motor vehicle transportation	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Blue	Green		Yes
Aircraft transportation	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Blue	Green		Yes
Marine craft transportation	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Blue	Green		Yes
Highway & street right-of-way	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Blue	Green		Yes
Automobile parking	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Blue	Green		Yes
Communications	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Utilities	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Other transportation communications and utilities	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Trade													
Wholesale trade	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Blue	Green	Under 50' allowed. > 50' requires Part 77 assessment.	Yes
Retail trade-building materials, hardware and farm equipment	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Blue	Green		Yes
Retail trade-general merchandise	Yellow	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Retail trade-food	Yellow	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Retail trade-automotive, marine craft, aircraft and accessories	Yellow	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Retail trade-apparel and accessories	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Retail trade-furniture, home furnishings and equipment	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Retail trade-eating and drinking establishments	Red	Yellow	Red	Yellow	Red	Green	Blue	Blue	Blue	Red	Green		Yes
Other retail trade	Yellow	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green	Yes	
Services													
Finance, insurance and real estate services	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green	Under 50' allowed. > 50' requires Part 77 assessment.	Yes
Personal services	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Cemeteries	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Blue	Green		Yes
Business services	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Repair services	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Blue	Green		Yes
Professional services	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Hospitals, nursing homes	Red	Yellow	Red	Yellow	Red	Green	Blue	Blue	Blue	Red	Blue		Yes
Other medical facilities	Red	Yellow	Red	Yellow	Red	Green	Blue	Blue	Blue	Red	Green		Yes
Contract construction services	Green	Green	Red	Yellow	Green	Green	Blue	Blue	Blue	Red	Green		Yes
Governmental services	Red	Yellow	Red	Yellow	Red	Green	Blue	Blue	Blue	Red	Yellow		Yes
Educational services	Red	Yellow	Red	Yellow	Red	Green	Blue	Blue	Blue	Red	Blue		Yes
Miscellaneous services	Yellow	Yellow	Red	Yellow	Red	Green	Blue	Blue	Blue	Red	Green		Yes

Legend	Generally recommended
1 RMSC General land use regulations	Noise attenuation to 45 dB interior noise level
2 Safety overlay	Noise attenuation to 45 dB interior noise level for public areas
3 Noise contours	Not recommended
4 General noise overlay	
5 Vertical obstruction guidelines	
6 Light and glare controls	

Note:	CZ	Clear Zone
	APZ	Accident Potential Zone
	dB	Noise Decibal
	MIA	Military Influence Area
	RMSC	Regional Military Sustainability Commission

Source: Matrix Design Group, June 2010

Table 3.2: Land Use / Noise Compatibility Guidelines (continued)

	1		2			3					4	5	6
	RMSC		Safety			Noise Contours				General Noise	Vertical MIA	Light MIA	
	1 mile from Camp Bullis	3 miles from Camp Bullis	CZ	APZ I	APZ II	Aircraft Noise Contours		Range Noise		Noise MIA	Height Restrictions	Light Controls	
						65-69 dB	70-74 dB	75-79 dB	80+ dB	Small Arms 87 dB			
Cultural, entertainment and recreational													
Cultural activities (including churches)	Red	Yellow	Red	Red	Red	Blue	Blue	Red	Red	Red	Blue	Under 50' allowed. > 50' requires Part 77 assessment.	Yes
Nature exhibits	Yellow	Yellow	Red	Yellow	Green	Yellow	Red	Red	Red	Red	Yellow		Yes
Public assembly	Red	Yellow	Red	Red	Red	Blue	Blue	Red	Red	Red	Green		Yes
Auditoriums, concert halls	Red	Yellow	Red	Red	Red	Blue	Blue	Red	Red	Red	Blue		Yes
Outdoor music shell, amphitheaters	Red	Yellow	Red	Red	Red	Red	Red	Red	Red	Red	Red		Yes
Outdoor sports arenas, spectator sports	Red	Yellow	Red	Red	Red	Yellow	Yellow	Red	Red	Red	Yellow		Yes
Amusements	Red	Yellow	Red	Red	Yellow	Green	Green	Red	Red	Red	Green		Yes
Recreational activities (including golf courses, riding stables, water recreation)	Yellow	Yellow	Yellow	Yellow	Green	Yellow	Blue	Blue	Red	Red	Yellow		Yes
Resorts and group camps	Red	Yellow	Red	Red	Red	Yellow	Yellow	Red	Red	Red	Yellow		Yes
Parks	Red	Yellow	Red	Red	Red	Yellow	Yellow	Red	Red	Red	Yellow		Yes
Other cultural, entertainment and recreation	Red	Yellow	Red	Red	Red	Yellow	Yellow	Red	Red	Red	Yellow	Yes	
Resources production and extraction													
Agriculture (except livestock)	Green	Green	Yellow	Green	Green	Green	Green	Yellow	Red	Red	Green	Under 50' allowed. > 50' requires Part 77 assessment.	Yes
Agriculture (except livestock) w/residential	Yellow	Green	Red	Green	Green	Blue	Blue	Red	Red	Red	Blue		Yes
Livestock farming and animal breeding	Green	Green	Red	Green	Green	Blue	Blue	Yellow	Red	Red	Blue		Yes
Livestock farming and animal breeding w/residential	Yellow	Green	Yellow	Green	Green	Blue	Blue	Red	Red	Red	Blue		Yes
Agricultural related activities	Green	Green	Red	Yellow	Green	Blue	Blue	Red	Red	Red	Green		Yes
Agricultural related activities w/residential	Yellow	Green	Red	Yellow	Green	Blue	Blue	Red	Red	Red	Blue		Yes
Forestry activities and related services	Green	Green	Red	Green	Green	Blue	Blue	Yellow	Red	Red	Green		Yes
Forestry activities and related services w/residential	Yellow	Green	Red	Green	Green	Blue	Blue	Yellow	Red	Red	Blue		Yes
Fishing activities and related services	Green	Green	Red	Yellow	Green	Green	Green	Green	Green	Green	Green		Yes
Mining activities and related services	Green	Green	Red	Yellow	Green	Green	Green	Green	Green	Green	Green		Yes
Other resources production and extraction	Green	Green	Red	Yellow	Green	Green	Green	Green	Green	Green	Green	Yes	

Legend

- 1 RMSC General land use regulations
- 2 Safety overlay
- 3 Noise contours
- 4 General noise overlay
- 5 Vertical obstruction guidelines
- 6 Light and glare controls

- Green Generally recommended
- Yellow Conditionally recommended
- Blue Noise attenuation to 45 dB interior noise level
- Light Blue Noise attenuation to 45 dB interior noise level for public areas
- Red Not recommended

Note: CZ Clear Zone
 APZ Accident Potential Zone
 dB Noise Decibal
 MIA Military Influence Area
 RMSC Regional Military Sustainability Commission

Source: Matrix Design Group, June 2010

Table 3.3: Recommended Zoning and Land Use Compatibility

Zoning Category				Aviation Safety Zones			Noise Zones			
City of San Antonio		Recommended DU/AC	Recommended Building Height	CZ	APZ I	APZ II	65-69 dB	70-74 dB	75-79 dB	80+ dB
RP	Resource Protection	.01	35 ft / 2.5 stories	Red	Green	Green	Yellow	Yellow	Yellow	Yellow
RE	Residential Estate	1	35 ft / 2.5 stories	Red	Red	Yellow	Yellow	Yellow	Red	Red
R20	Residential Single-Family	2	35 ft / 2.5 stories	Red	Red	Yellow	Yellow	Yellow	Red	Red
R-6	Residential Single-Family	7	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
RM-6	Residential Mixed	7	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
R-5	Residential Single Family	9	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
RM-5	Residential Mixed	9	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
R-4	Residential Single-Family	11	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
RM-4	Residential Mixed	11	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
R-3	Residential Single-Family	---	35 ft / 3 stories	Red	Red	Red	Yellow	Yellow	Red	Red
MF-18	Limited Density Multi-Family	18	35 feet	Red	Red	Red	Yellow	Yellow	Red	Red
MF-25	Low Density Multi-Family	25	35 feet	Red	Red	Red	Yellow	Yellow	Red	Red
MF-33	Multi-Family	33	45 feet	Red	Red	Red	Yellow	Yellow	Red	Red
MF-40	Multi-Family	40	60 feet	Red	Red	Red	Yellow	Yellow	Red	Red
MF-50	Multi-Family	50	---	Red	Red	Red	Yellow	Yellow	Red	Red
NC	Neighborhood Commercial		25 feet	Red	Red	Red	Green	Yellow	Red	Red
O-1	Office District		25 feet	Red	Red	Yellow	Green	Yellow	Red	Red
O-1.5	Mid-Rise Office District		60 feet	Red	Red	Green	Green	Yellow	Red	Red
O-2	High-Rise Office District		---	Red	Red	Red	Green	Yellow	Red	Red
C-1	Light Commercial		25 feet	Red	Red	Red	Green	Yellow	Red	Red
C-2	Commercial		25 feet	Red	Red	Red	Green	Yellow	Red	Red
C-2P	Commercial		25 feet	Red	Red	Red	Green	Yellow	Red	Red
C-2NA	Commercial, Nonalcoholic Sales		25 feet	Red	Red	Red	Green	Yellow	Red	Red
C-3	General Commercial		35 feet	Red	Red	Red	Green	Yellow	Red	Red
C-3R	General Commercial,		35 feet	Red	Red	Red	Green	Yellow	Red	Red
C-3NA	General Comm., Nonalcoholic Sales		35 feet	Red	Red	Red	Green	Yellow	Red	Red
D	Downtown		---	Red	Red	Red	Green	Yellow	Red	Red
L	Light Industrial		35 feet	Red	Yellow	Yellow	Green	Yellow	Red	Red
I-1	General Industrial		60 feet	Red	Yellow	Green	Green	Yellow	Red	Red
I-2	Heavy Industrial		60 feet	Red	Yellow	Green	Green	Yellow	Red	Red
UD	Urban Development	33	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
RD	Rural Development	1	35 ft / 2.5 stories	Red	Red	Yellow	Yellow	Yellow	Red	Red
FR	Farm & Ranch Development	.04	35 ft / 2.5 stories	Red	Red	Yellow	Yellow	Yellow	Red	Red
MI-1	Mixed Light Industrial		30 feet	Red	Yellow	Yellow	Green	Yellow	Red	Red
MI-2	Mixed Heavy Industrial		50 feet	Red	Yellow	Green	Green	Yellow	Red	Red

- Generally Recommended
- Conditionally Recommended
- Not Recommended

Source: Matrix Design Group and City of San Antonio, June 2010

Chapter 4
**Adopted Neighborhood
and Community Plans**



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CHAPTER 4: North Sector Adopted Neighborhood and Community Plans

Shaping the Future of San Antonio

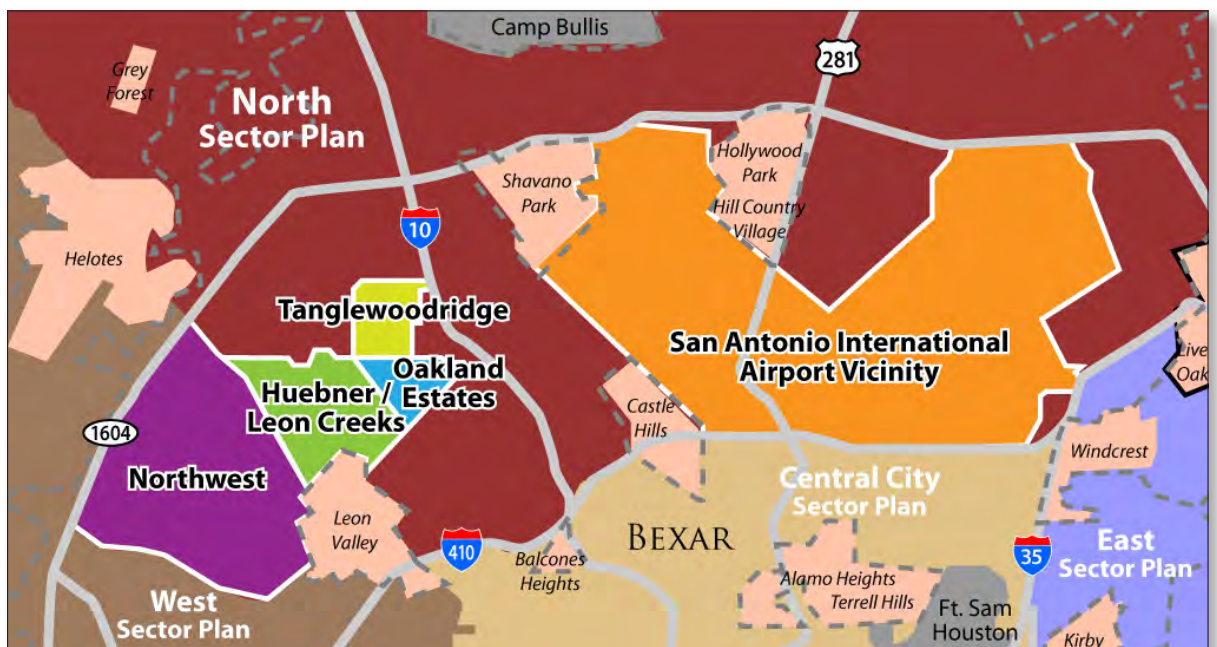
The North Sector Adopted Neighborhood and Community Plans chapter provides a summary of the five adopted plans that provide specific land uses within the North Sector, and thus supersede the land use recommendations presented in the North Sector Plan. This chapter is presented in the following five sections:

- *Tanglewoodridge Neighborhood Plan Summary*
- *Northwest Community Plan Summary*
- *Oakland Estates Neighborhood Plan Summary*
- *Huebner / Leon Creeks Community Plan Summary*
- *San Antonio International Airport Vicinity Land Use Plan Summary*

Overview

Tanglewoodridge, Northwest, Oakland Estates, and Huebner/Leon Creeks planning areas are all located within the Southwest Quadrant of the North Sector. The San Antonio International Airport Vicinity Land Use Plan is located within the Southeast Quadrant and a small portion of the Southwest Quadrant. The five adopted plans comprise approximately 15 percent of the North Sector Planning Area.

To view the full text online of each of the adopted neighborhood and community plans, visit the Planning and Development Services Department Neighborhood and Community Plans website at: [http://www.sanantonio.gov/planning/neighborhoods/planning_services.asp].



Tanglewoodridge Neighborhood Plan Summary

The top ten priorities in the Tanglewoodridge Neighborhood Plan, adopted in April 1994, include: crime, code compliance, land use, traffic, zoning, cost of taxes, safety, street maintenance, industry and services. The Tanglewoodridge Planning Area is generally bound by: De Zavala Road to the north; IH-10 and Silicon Drive to the west; Prue Road to the south; and Babcock Road to the west. Crime concerns are addressed in quality of life goals which include making the area a safer place to live with increased police patrols and better traffic control. The North Sector Plan also touches on public safety through emphasizing continuous improvement to emergency and public safety services. The neighborhood plan housing goals and environmental conditions goals stress the need to protect single family homes from commercial encroachment and the

utilization of vegetative landscape buffers. Land use goals are to maintain the suburban/country atmosphere and encourage planned development. The North Sector land use goals address compatibility issues and recommend landscape buffers. Transportation goals in the neighborhood plan include provisions of adequate streets and sidewalk, develop adequate transportation services, and minimize through traffic. Similar transportation goals are included in the North Sector Plan.

The Tanglewoodridge Neighborhood Plan was adopted prior to consistency and review requirements in the Unified Development Code (UDC). Therefore, consistency with the 1994 neighborhood land use plan is not required.

The Tanglewoodridge Neighborhood Plan is available online at [http://www.sanantonio.gov/planning/pdf/neighborhoods/Tanglewoodridge_Neighborhood_Plan.pdf].



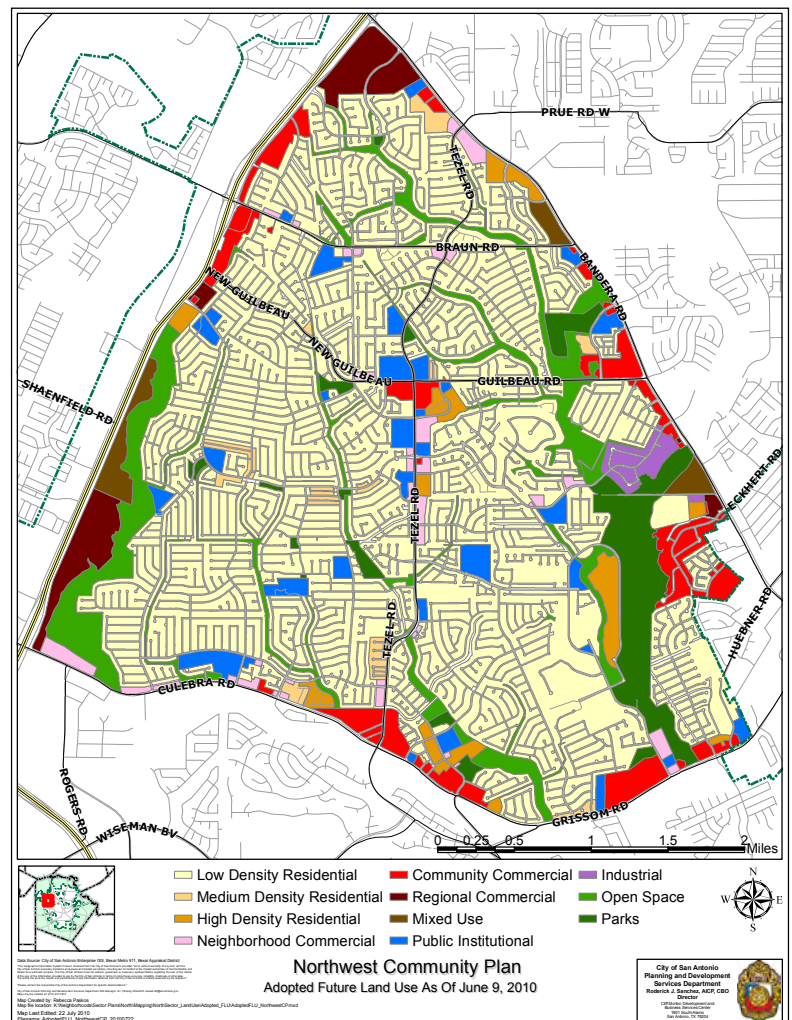
Northwest Community Plan Summary

The Northwest Community Plan, adopted in September 1998, presents four key concepts which include: arterial and land development, parks and open spaces, community facilities, and plan implementation. The Northwest Planning Area is generally bound by: Loop 1604 to the west and north; Bandera Road and the City of Leon Valley to the east and north; and Culebra Road to the south. Under the heading of arterial and land development, the key strategies are to discourage commercial strip development and encourage appropriate nodal commercial development. This strategy from the community plan is reiterated in the North Sector Plan in Economic Development Goal ED-1 focusing economic development along recommended routes and activity centers. Nodal commercial development is also encouraged in the future land use plan that recognizes areas for Regional and Mixed Use Centers. Additionally, the preservation, expansion, and development of parks and open space is also a key concept of the community plan. Similarly, the North Sector Plan upholds this strategy in the natural resources goals that recommend protection of steep slopes, soils, natural vistas, tree canopy, endangered species, and water resources. Community Facilities and Education strategies in the North Sector Plan also speak to parkland dedication and funding mechanisms for future parks. Another community facilities strategy in the community plan is to promote a shared facilities approach that combines schools, libraries, parks, and right-of-way (easements). Community Facilities and Education Goal COM-1 restates this strategy for linked community facilities utilizing trail networks and creating partnerships to share facilities. The community plan also states the strategy to maintain and enhance libraries. The North Sector Plan identifies the libraries as

cornerstones of North Sector in Community Facilities Goal COM-2.

The Northwest Community Plan was updated in May 2004 as part of the five year plan review. The land use plan was the only component of the plan that was updated. The plan will be reviewed again following the adoption of the North Sector Plan for an update to the land use plan to be consistent with the North Sector Land Use Plan.

The Northwest Community Plan adopted in 1998 is available at [<http://www.sanantonio.gov/planning/pdf/NorthwestCommunityPlan1998.pdf>]. The Northwest Community Plan Update, adopted in 2004, is available online at [<http://www.sanantonio.gov/planning/pdf/neighborhoods/northwest.pdf>].



Oakland Estates Neighborhood Plan Summary

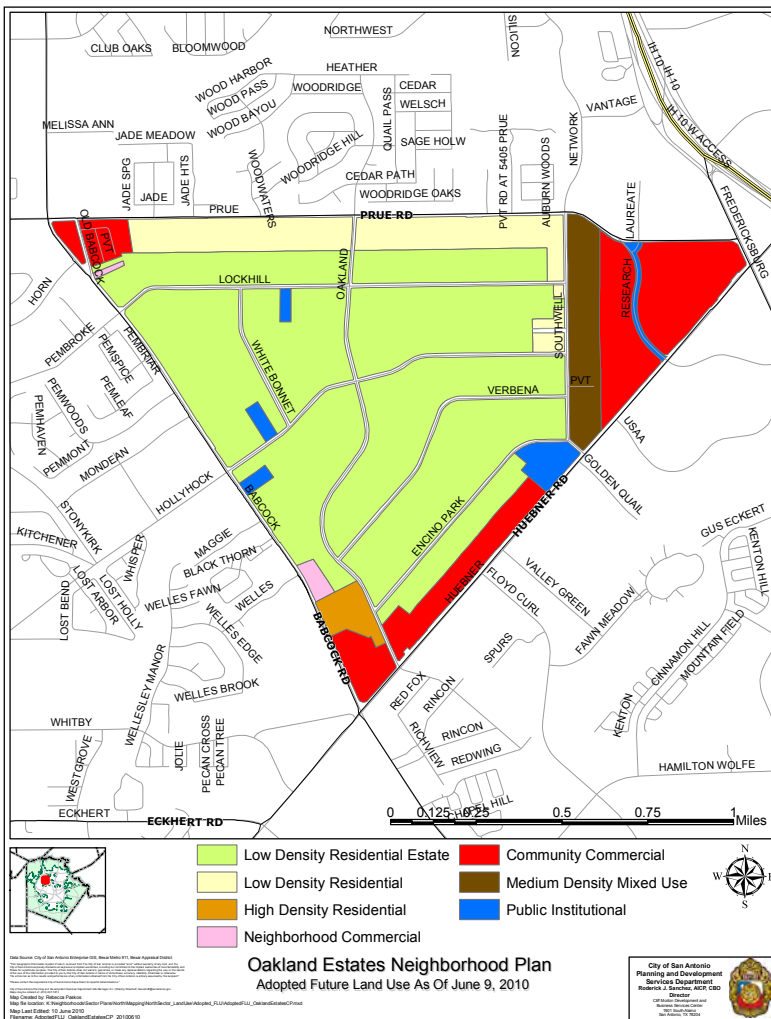
The Oakland Estates Neighborhood Plan, adopted in August 2000, identifies issues and strategies concerning: zoning and land use, traffic and crime, streets and drainage, and services and utilities. The Oakland Estates Planning Area is generally bound by: Prue Road to the north; Huebner Road to the south and east; and Babcock Road to the south and west. In the statement of purpose in the Neighborhood Plan, the neighborhood presents the desire to preserve the semi-rural and country atmosphere that currently exists in the neighborhood through maintaining low density residential uses and controlling

excessive traffic, noise, litter, and dumping. The country-like environment encourages existing and natural landscapes as much as possible with building setbacks that provide a visual buffer and natural vegetation between houses. The neighborhood plan identified speeding and cut-through traffic as major concerns. To alleviate the issue, the plan recommends stop signs, speed humps, and reduced speed limits. When originally constructed, the majority of the houses in Oakland Estates were served by private water wells and septic systems. It appears that a majority of houses now have potable water sources but remain on septic systems. Drainage and water quality concerns are expressed in the Neighborhood Plan.

The North Sector Land Use Plan upholds the desire in Oakland Estates to retain the country-like setting of large, low density residential lots by designating these areas within the Rural Estate Tier. East of Southwell Road, the neighborhood land use is designated Medium Density Mixed Use which allows residential densities up to medium density and commercial uses up to neighborhood commercial. The corresponding sector land use tier designation is the Suburban Tier for this area. Transportation, Infrastructure and Utilities Goal TRAN-7 addresses stormwater and flooding concerns.

The Oakland Estates Neighborhood Plan was updated in April 2007. The land use plan was the only component of the plan that was updated.

The Oakland Estates Neighborhood Plan, adopted in 2000 is available online at [http://www.sanantonio.gov/planning/pdf/neighborhoods/OaklandEstates/Oakland_Estates_adopted_Aug00.pdf]. The Oakland Estates Neighborhood Plan Update, adopted in 2007, is available online at [<http://www.sanantonio.gov/planning/pdf/neighborhoods/OaklandEstates/oaklandestatesfinal.pdf>].



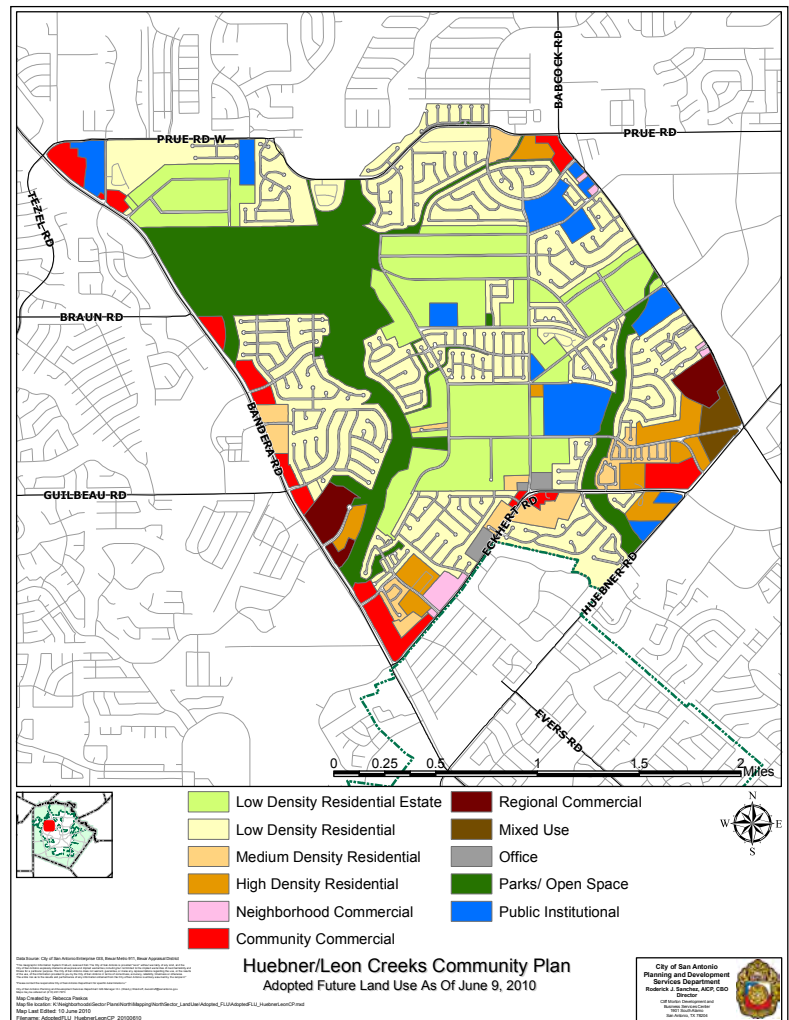
Huebner/Leon Creeks Community Plan Summary

City Council adopted the Huebner/Leon Creeks Community Plan in August 2003. The community plan contains several key concepts that are reinforced by the North Sector Plan. The Huebner/Leon Creeks Planning Area is generally bound by: Prue Road to the north; Babcock Road and Huebner Road to the east; the City of Leon Valley and Eckhart Road to the south; and Bandera Road to the west. The people residing within the plan area want to preserve the character and quality of life of the community by promoting street designs, maintaining low density, and creating a nodal pattern. The North Sector Plan is also designed to preserve the area as stated in Land Use and Urban Design Goal LU-2, which encourages the preservation of farm and ranch lands. Land Use and Urban Design Goal LU-3 recommends that high intensity development take place in centers or nodes, which are identified on the future land use plan. The Community Plan mentions the need for improved infrastructure, particularly drainage. Transportation, Infrastructure, and Utilities Goal TRAN-7 of the North Sector Plan states that stormwater runoff is effectively managed to reduce flooding and protect the safety of citizens and property, which reinforces the Community Plan's goals. The Community Plan envisions a multi-modal transportation system in the area. Transportation, Infrastructure, and Utilities Goal TRAN-3 reiterates this goal by recommending that mass transit corridors should exist within the developed southern half of the North Sector and that they are supported through land use planning and increased density at selected locations. The Huebner/Leon Creeks Community Plan's last major key concept (to maintain and increase the amount of parks and open space) is further reinforced by the North Sector Plan's Parks, Natural Environment, and Historic

Resources Goal NR-2. The goal addresses the need to protect the natural environment, topography, and vistas by preserving the natural areas along creeks and establishing open space near environmentally sensitive areas.

The Huebner/Leon Creeks Community Plan was updated in August 2009 as part of the five year plan review. The land use plan was the only component of the plan that was updated.

The Huebner/Leon Creeks Community Plan, adopted in 2003, is available online at [http://www.sanantonio.gov/planning/huebner_leon_home.asp]. The Huebner / Leon Creek Community Plan Update, adopted in 2009, is available online at [http://www.sanantonio.gov/planning/pdf/huebner_leon_pdfs/Huebner_LeonCreeksCommunityPlanUpdate.pdf].

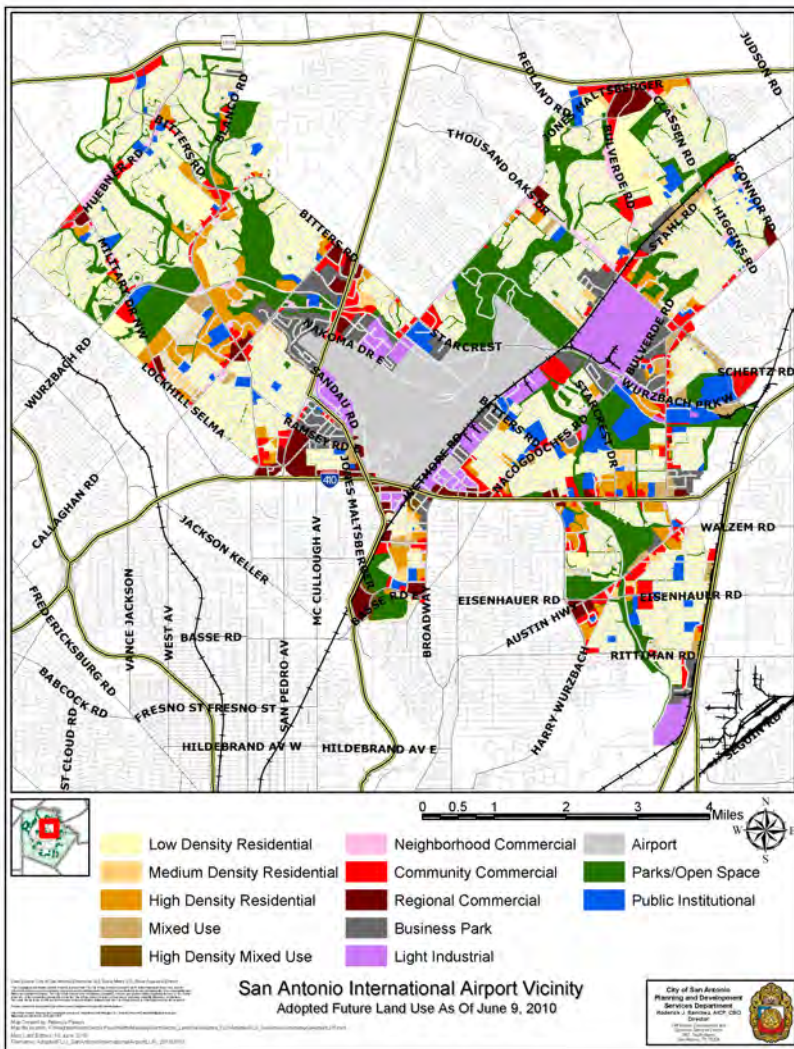


San Antonio International Airport Vicinity Land Use Plan Summary

The San Antonio International Airport Vicinity Land Use Plan, adopted in May 2010, contains three main chapters: land use, compatibility and redevelopment, and implementation. The San

Antonio International Airport Vicinity Planning Area is generally bound by: Huebner Road, Bitters Road, Jones Maltsberger Road, and Loop 1604 on the north; O'Connor Road, Bulverde Road, Nacogdoches Road and IH-35 on the east; Fort Sam Houston, Harry Wurzbach, Broadway, Alamo Heights city limits, US 281, and Loop 410 on the south; and Lockhill-Selma, and NW Military Highway on the west. The first goal of the airport land use plan is to protect the quality of life of residents including health, safety and welfare as per noise and hazards associated with the area. Compatible land uses include an expansion of business park uses in areas surrounding the airport while protecting existing low density residential uses. The North Sector Land Use Plan recognizes these desired uses. The airport land use plan encourages economic growth in the vicinity of the airport that is compatible. Similarly, the North Sector Plan also recommends economic growth and more particularly employment uses in the area of US 281 and Loop 410.

The San Antonio International Airport Vicinity Land Use Plan, adopted in 2010, is available online at [http://www.sanantonio.gov/planning/pdf/SAIT/SAIT_Vicinity_LandUsePlan_05_20_10_doco.pdf].



Neighborhood and Community Plan Land Use Categories

The following text includes summary descriptions of the land use categories included in the adopted neighborhood and community plans in the North Sector planning area. Full descriptions of these categories can be found within the community and neighborhood plans online through the Planning and Development Services Department website at [http://www.sanantonio.gov/planning/neighborhoods/planning_services.asp].

Parks/Open Space includes public and private land uses that encourage outdoor passive or active recreation as well as unimproved land where conservation is promoted and development is not encouraged. Examples include floodplains, utility corridors, City pocket, regional, or linear parks, as well as private parks.

Associated Plans: Huebner/Leon Creeks Community Plan, Northwest Community Plan Community Plan, & Oakland Estates Neighborhood Plan

Low Density Residential Estate Development includes large lot single family detached houses on individual estate-sized lots.

Associated Plans: Huebner/Leon Creeks Community Plan & Oakland Estates Neighborhood Plan

Low-Density Residential is composed of single-family detached houses on individual lots.

Associated Plans: Huebner/Leon Creeks Community Plan, Northwest Community Plan Community Plan, Oakland Estates Neighborhood Plan, & San Antonio International Airport Vicinity Land Use Plan

Medium Density Residential

accommodates a range of housing types including single-family attached and detached houses on individual lots, duplexes, triplexes, fourplexes, and low-rise, garden-style apartments with more than four dwelling units per building.

Associated Plans: Huebner/Leon Creeks Community Plan, Northwest Community Plan Community Plan, Oakland Estates Neighborhood Plan, & San Antonio International Airport Vicinity Land Use Plan

High Density Residential includes apartments with more than four dwelling units per building. High density residential provides for compact development including apartments, condominiums, and assisted living facilities.

Associated Plans: Huebner/Leon Creeks Community Plan, Northwest Community Plan Community Plan, Oakland Estates Neighborhood Plan, & San Antonio International Airport Vicinity Land Use Plan

Office provides for medium intensity professional, personal, business, and non-profit uses that provide services to the local community, or house small to medium sized administrative functions. Examples of offices include attorney's offices, dentist's or physician's offices, administrative offices, and training centers.

Associated Plans: Huebner/Leon Creeks Community Plan

Neighborhood Commercial includes smaller intensity commercial uses such as retail or offices, professional services, convenience retail, shop front retail that serves a market equivalent to a neighborhood. Examples include flower shops, small restaurants, lawyer's offices, coffee shops, barbers shops, book stores, dry cleaning, and convenience stores without gasoline.

Associated Plans: Huebner/Leon Creeks Community Plan, Northwest Community Plan Community Plan, Oakland Estates Neighborhood Plan, & San Antonio International Airport Vicinity Land Use Plan

Community Commercial provides for offices, professional services, and retail uses of moderate intensity and impact. Example of uses includes a grocery store, a medical office, music store, shoe store, nursery, or mailing services store.

Associated Plans: Huebner/Leon Creeks Community Plan, Northwest Community Plan Community Plan, Oakland Estates Neighborhood Plan, & San Antonio International Airport Vicinity Land Use Plan

Regional Commercial includes high intensity land uses that draw customers from a larger region. Example of uses include “big box” retail and retail “power centers”, shopping malls, movie theaters, wholesale plant nurseries, automotive repair shops, fitness centers, hotels, automobile dealerships, and medical or office complexes that are mid to high rise.

Associated Plans: Huebner/Leon Creeks Community Plan, Northwest Community Plan Community Plan, Oakland Estates Neighborhood Plan, & San Antonio International Airport Vicinity Land Use Plan

Mixed Use (including Medium Density or High Density) allows for a concentrated, well structured, and integrated blend of residential, retail, professional services, office, entertainment, and other land uses. The integration of uses should occur within structures, as well as across the site, with commercial uses situated primarily along the higher order roadways, and on the ground floor level of individual structures.

Associated Plans: Oakland Estates Neighborhood Plan, Huebner/Leon Creeks

Community Plan, Northwest Community Plan Community Plan, & San Antonio International Airport Vicinity Land Use Plan

Public/Institutional provides for public, quasi-public, utility company and institutional uses. Examples include public buildings (government, post offices, libraries, social services, police and fire stations), schools, religious facilities, museums, fraternal and service organizations and hospitals.

Associated Plans: Huebner/Leon Creeks Community Plan, Northwest Community Plan, & Oakland Estates Neighborhood Plan

Business Park includes medium to large sized buildings that house professional, administrative, light manufacturing, and/or warehousing functions. Development in this category should take the form of a cohesive, campus setting where buildings are interspersed with open space and connected with pedestrian walkways.

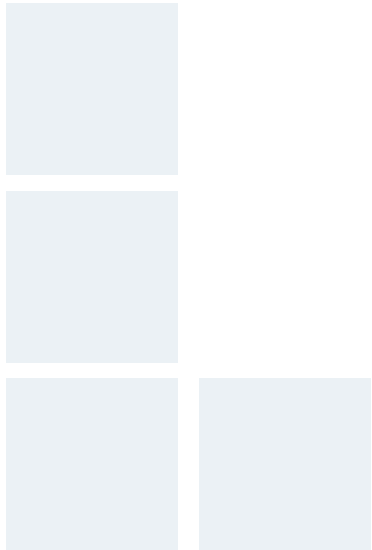
Associated Plans: San Antonio International Airport Vicinity Land Use Plan

Light Industrial includes a mix of manufacturing uses, business park, and limited retail/service uses that serve the industrial uses. Examples of light industrial uses include sporting goods manufacturing, machine shops, clothing manufacturers, sign manufacturers, auto paint and body shops, building contractor’s suppliers and warehousing.

Associated Plans: San Antonio International Airport Vicinity Land Use Plan

Airport comprises airport facilities necessary for the operation and development of the airport as well as off-airport property owned by the airport sponsor.

Associated Plans: San Antonio International Airport Vicinity Land Use Plan



Chapter 5
North Sector Action Plan



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CHAPTER 5: North Sector Action Plan

Shaping the Future of San Antonio

The North Sector Action Plan chapter identifies both high priority and longer term responsibilities for implementation that will achieve the goals and strategies of the North Sector Plan. This chapter is presented in the following two sections:

- *Prioritized Strategy Responsibility Summary*
- *Overall Strategy Responsibility*

Prioritized Strategy Responsibility Summary

A prioritized listing of the top 14 strategies is provided below in **Table 5.1: Near-Term Strategy Responsibility**. These strategies have been listed by plan element and do not reflect a prioritized order for implementation.

Table 5.1: Near-Term Strategy Responsibility

STRATEGY		RESPONSIBILITY	
No.	Summary	Primary	Partner
Goal TRAN 2: East-west roadway mobility and connectivity that alleviates north-south congestion is established.			
TRAN-2.2	Implement east-west intra-neighborhood collector and local road connectivity	COSA, Property Owners	MPO, NAs, Bexar County
Goal TRAN 3: Mass transit corridors within the developed southern half of the North Sector are supported through land use planning and increased density at selected locations.			
TRAN-3.1	Support SmartWaySA recommendations for high capacity transit	VIA	COSA
Goal HOU 1: Continued support for development of diverse housing stock using infill housing development between Loop 1604 and Loop 410.			
HOU-1.2	Encourage compatible residential growth patterns and transitions	COSA, Consultant	COSA, Consultant
HOU-1.3	Advocate for energy efficiency and to mitigate adverse environmental impacts for new housing	COSA	Homebuilders
Goal ED-1: Compatible economic development along major transportation routes and existing activity centers that do not interfere with the mission of Camp Bullis.			
ED-1.1	Locate higher density residential and compatible employment uses at key nodes	COSA	Land Brokers, AACOG
Goal ED-2: Strong and stable medical and research industries that promote economic stability in the North Sector.			
ED-2.3	Support increased activity of existing businesses	COSA, EDF	NAs, Chambers of Commerce, AACOG

Table 5.1: Near-Term Strategy Responsibility *(continued)*

STRATEGY		RESPONSIBILITY	
No.	Summary	Primary	Partner
Goal NR-2: Natural Hill Country features such as steep slopes, soils, native trees and natural vistas are protected.			
NR-2.1	Encourage hillside development that retains natural features	COSA, Bexar County	Developers, Property Owners
Goal NR-5: Historic trails, sites, structures, cemeteries, and ridges are preserved and promoted.			
NR-5.2	Preserve historic trails and scenic corridors	COSA, Bexar County	TPWD
Goal COM-1: Parks, schools, libraries, animal care and other community facilities linked to one another.			
COM-1.4	Incorporate trails, greenways and connective links in open space	COSA, Bexar County	Comal County, Kendall County, Developers
COM-1.8	New animal care facility to reunite lost pets with their owners	COSA, Property Owners	Land Brokerage Community
Goal LU-3: Higher density/intensity tiers are recommended adjacent or proximate to activity centers.			
LU-3.1	Develop vacant infill and underutilized parcels between Loop 1604 and Loop 410	COSA, CRAG	Land Brokerage Community
Goal LU-4: City of San Antonio collaborates with Bexar, Comal, Kendall, and Medina counties to support the North Sector Plan goals within the City's ETJ.			
LU-4.1	Encourage surrounding counties to implement sector land use recommendations	Bexar County, Comal County, Kendall County, Medina County	Comal County, Kendall County, Medina County, AACOG, MPO, COSA
Goal MC-3: Encroachment issues associated with development are mitigated.			
MC-3.1	Require avigation easements for development within CALS safety zones	Property Owners	COSA Bexar County
MC-3.2	Adopted plans within the Camp Bullis MIOA should address military compatibility	Bexar County, Comal County, Kendall County	COSA

Overall Strategy Responsibility

Table 5.2: Overall Strategy Responsibility, presented on the following pages, is organized to address the key considerations described below, to allow immediate/staged implementation by the City of San Antonio and its partners.

- **Strategy No.:** Identifies the strategy by the number presented in Chapter 3: North Sector Plan Elements for consistency.
- **Strategy Summary:** Provides a summary of the strategy.
- **Responsibility:** Identifies the city or other entity to undertake the strategy in the Primary and/or Partner role. An acronym list has been prepared to identify these primary or partners and is listed below:

AACOG	Alamo Area Council of Governments	NA	Neighborhood Association
ACCD	Alamo Community College District	NPO	Non-profit Organizations
AIA	American Institute of Architects	OST	Old Spanish Trail
APA	American Planning Association	PMAC	Pedestrian Mobility Advisory Committee
ART	Alamo Regional Transit	RECSA	Real Estate Council of San Antonio
ASLA	American Society of Landscape Architects	SABOR	San Antonio Board of Realtors
BexarMet	Bexar Metropolitan Water District	SARA	San Antonio Realtors Association
BMAC	Bicycle Mobility Advisory Committee	SAWS	San Antonio Water System
BRWM	Bexar Regional Watershed Management	STMC	South Texas Medical Center
CAB	Conservation Advisory Board	TCEQ	Texas Commission on Environmental Quality
CDBG	Community Development Block Grant	TPWD	Texas Parks and Wildlife Department
COSA	City of San Antonio	TWFS	Texas Work Force Solutions
CRAG	Community Revitalization Action Group	TX A&M	Texas A and M University
EAA	Edwards Aquifer Authority	ULI	Urban Land Institute
EDF	Economic Development Foundation	USACE	US Army Corps of Engineers
HUD	US Department of Housing and Urban Development	USDA	US Department of Agriculture
ISD	Independent School District	USFWS	US Fish and Wildlife Service
ITT	ITT Technical Institute	UTHSC	University of Texas Health Science Center
MPO	San Antonio - Bexar County Metropolitan Planning Organization	UTSA	University of Texas-San Antonio
		VIA	VIA Metropolitan Transit

Table 5.2: Overall Strategy Responsibility

STRATEGY		RESPONSIBILITY	
No.	Summary	Primary	Partner
TRANSPORTATION STRATEGIES			
TRAN-1.1	Coordinate to model existing and future roadways and intersections level of service	COSA, MPO	TXDOT, Bexar County, CDBG, DPW
TRAN-1.2	Implement Major Thoroughfare Plan recommendations	COSA, Bexar County	MPO
TRAN-1.3	Encourage connected residential street design	COSA	Bexar County
TRAN-2.1	Conduct a transportation network mobility study	MPO	COSA
TRAN-2.2	Implement east-west intra-neighborhood collector and local road connectivity	COSA, Property Owners	MPO, NAs, Bexar County
TRAN-3.1	Support SmartWaySA recommendations for high capacity transit	VIA	COSA, Bexar County
TRAN-3.2	Coordinate transit station area planning with transit-oriented development	VIA	MPO, COSA, ULI
TRAN-3.3	Encourage an Express Route on Loop 1604	VIA, MPO	COSA
TRAN-3.4	Support the provision of commuter connectivity for commuters	AACOG, ART	COSA
TRAN-4.1	Locate park and ride facilities to support near term transit service	VIA	MPO, COSA
TRAN-4.2	Plan for longer term park and ride locations along high capacity transit corridors	VIA, Property Owner	MPO, COSA
TRAN-5.1	Consider bicycle and pedestrian improvements in capital improvement and infrastructure maintenance	COSA, Bexar County	MPO
TRAN-5.2	Promote secondary bicycle and pedestrian connections from neighborhoods to nearby destinations	COSA, Bexar County	MPO
TRAN-5.3	Provide incentives for “Context Sensitive Streets” and cluster development that encourages walkability and bikability	COSA, Bexar County	Developers, Consultant, AIA, ULI, MPO, APA
TRAN-5.4	Form public-private partnerships to enhance connectivity of non-vehicular networks	COSA	NAs, Developers, UTSA
TRAN-5.5	Consider the road diet analysis recommendations and bike facilities to promote bicycle and pedestrian commuting	COSA, MPO	DPW, BMAC, PMAC, Bexar County, Developers
TRAN-5.6	Expand bicycle and pedestrian networks	COSA, MPO	BMAC, PMAC, Bexar County
TRAN-5.7	Implement Regional Bicycle Master Plan	COSA, MPO	Developers

Table 5.2: Overall Strategy Responsibility *(continued)*

STRATEGY		RESPONSIBILITY	
No.	Summary	Primary	Partner
UTI-6.1	Enhance communication when proposed expansion of CCNs are proposed	COSA, BexarMet	SAWS, Other Providers
UTI-6.2	Encourage energy efficiency through green building and design	COSA, CPS Energy	AIA, APA, Bexar County
UTI-6.3	Ensure new development meets requirements	COSA	Consultants, Developers
INF-7.1	Manage storm drainage network capacity and transmission capabilities	Bexar County, COSA	BRWM
INF-7.2	Minimize impervious cover and provide a natural water course appearance	COSA	EAA, Bexar County, SAWS
INF-7.3	Continue to require stormwater retention for new development	COSA	Bexar County, SAWS
INF-7.4	Increase inspection and maintenance of retention and detention areas	COSA, SAWS	Bexar County
INF-7.5	Develop watershed management master plans	COSA	Bexar County
INF-7.6	Promote SAFE programs	Bexar County, COSA	BRWM, SAWS
INF-7.7	Create drainage master plan for future drainage infrastructure	COSA, Bexar County	SAWS, BRWM
INF-7.8	Future drainage infrastructure that does not impact historic of environmental areas	COSA	Bexar County, EAA, USFWS
HOUSING STRATEGIES			
HOU-1.1	Promote innovative allowances that expand the variety of housing types and embraces flexible standards	COSA, Bexar County	AIA, ULI, TX A&M, UTSA, APA
HOU-1.2	Encourage compatible residential growth patterns and transitions	COSA, Consultant	Bexar County
HOU-1.3	Advocate for energy efficiency and to mitigate adverse environmental impacts for new housing	COSA	Bexar County, CPS Energy
HOU-1.4	Make public information on equal housing opportunities and rehabilitation grants available	COSA, HUD	RECSA, NPO
HOU-1.5	Encourage the utilization of available local and state funding by residents and developers	COSA HUD	Lending institutions, RECSA
HOU-1.6	Support efforts to organize neighborhood conservation districts	COSA	NAs, NPO
HOU-1.7	Encourage incentive and rebate programs for energy and water efficiency	CPS Energy, SAWS	COSA

Table 5.2: Overall Strategy Responsibility *(continued)*

STRATEGY		RESPONSIBILITY	
No.	Summary	Primary	Partner
HOU-2.1	Focus high density residential near activity centers	COSA	Bexar County, Developers
HOU-2.2	Educate and encourage homeowners to use financial mechanisms in areas served by transit	COSA	Lending Institutions, VIA
HOU-2.3	Utilize high density residential as a buffer	COSA	Developers
HOU-2.4	Consider high density housing as a land use transition	COSA	Developers
ECONOMIC DEVELOPMENT STRATEGIES			
ED-1.1	Locate higher density residential and compatible employment uses at key nodes	COSA	Bexar County
ED-1.2	Continue to locate compatible employment uses at the intersections of US 281 and Loop 410	COSA	EDF
ED-1.3	Continue to maintain and revitalize retail and commercial uses	COSA	Chambers of Commerce, Lending institutions
ED-1.4	Work cooperatively to improve the North Sector economic base	COSA, EDF	AACOG, Chambers of Commerce
ED-2.1	Promote medical and research development activity inside Loop 1604	COSA, EDF	UTHSC, STMC
ED-2.2	Actively promote benefits associated with utilizing existing economic incentives	COSA	Chambers of Commerce, Business organizations, EDF
ED-2.3	Support increased activity of existing businesses	COSA, EDF	NAs, Chambers of Commerce, AACOG
ED-2.4	Attract biotechnology and medical industry jobs	UTHSC, TX A&M, ITT, ACCD	TWFS, COSA
ED-3.1	Encourage coordination of non-residential development within Military Influence Areas	COSA, Bexar County	Comal County, Kendall County
ED-3.2	Work with Camp Bullis to use local and regional contractors and services	COSA, EDF	US Army, US Air Force, Embrace BRAC
ED-3.3	Support businesses and suppliers that are compatible with US Army/ Air Force	COSA, EDF	Chambers of Commerce, Embrace BRAC

Table 5.2: Overall Strategy Responsibility *(continued)*

STRATEGY		RESPONSIBILITY	
No.	Summary	Primary	Partner
PARKS, NATURAL ENVIRONMENT AND HISTORIC RESOURCE STRATEGIES			
NR-1.1	Develop an Integrated Regional Water Resources(IRWR) Management Program	BRWM	Bexar County, USACE, AACOG
NR-1.2	Prevent non-point source pollution	TCEQ, Bexar County	COSA
NR-1.3	Support low impact development standards within the Recharge and Contributing Zones	COSA, Bexar County	EAA
NR-1.4	Continue to enhance public education campaign to reduce runoff and improve water quality	SAWS, EAA	News and TV Media, COSA, Bexar County
NR-1.5	Preserve water quality	EAA	SAWS
NR-2.1	Encourage hillside development that retains natural features	COSA, Bexar County	Developers, Property Owners
NR-2.2	Preserve and restore natural edges and creeks	COSA, Bexar County	Community Organizations
NR-2.3	Promote best management practices for site grading and drainage to foster sustainable development	COSA, Bexar County	Property Owners
NR-2.4	Encourage pedestrian, bicycle and wildlife access to linear creekways and open space areas	COSA, Bexar County, MPO	BMAC, PMAC, USFWS
NR-2.5	Locate open space and parks adjacent to creeks	COSA, Bexar County	Comal County, Kendall County, CAB, TPWD
NR-2.6	Implement the Parks and Recreation Department System Strategic Plan	COSA	Bexar County
NR 2.7	Encourage the protection and continuity of wildlife corridors	COSA, Bexar County	TPWD, USFWS
NR-3.1	Incorporate low impact development features to reduce onsite retention of stormwater	COSA, Bexar County	SAWS
NR-3.2	Promote the use of green roofs	COSA Bexar County	AIA, Developers, Property Owners
NR-3.3	Monitor the enforcement of the tree ordinance	COSA	Developers
NR-4.1	Pursue funding to acquire endangered species habitat	COSA, Bexar County	Comal County, Kendall County, CAB

Table 5.2: Overall Strategy Responsibility (continued)

STRATEGY		RESPONSIBILITY	
No.	Summary	Primary	Partner
NR-4.2	Participate in the preparation of the Southern Edwards Plateau Habitat Conservation Plan	COSA, Bexar County, Kendall County, Comal County	USFWS, CAB
NR-4.3	Coordinate to incorporate public facilities and activities within wildlife habitat areas	COSA, Bexar County	Developers
NR-4.4	Educate the general public on endangered species and protection regulations and wildlife corridors	COSA, Bexar County	USFWS, TPWD
NR-5.1	Strive to make rehabilitation the first choice in all public and private projects	COSA, Bexar County	Developers, Property Owners
NR-5.2	Preserve wildlife, historic trail and scenic corridors	COSA, Bexar County	TPWD, OST
NR-5.3	Support voluntary historic farm and ranch preservation	Property Owners	COSA, Bexar County
NR-5.4	Ensure that new development respects Hill Country heritage through preservation of architectural context	COSA, Bexar County	Property Owners, Developers
COMMUNITY FACILITIES STRATEGIES			
COM-1.1	Implement Parks and Recreation Department System Strategic Plan recommendations	COSA	Developers, Consultants
COM-1.2	Implement City’s Bicycle Master Plan to connect bicycle facilities	COSA	Developers, Property Owners, BMAC
COM-1.3	Foster collaborative efforts for co-location of community facilities	COSA,	Bexar County, ISD
COM-1.4	Incorporate trails, greenways and connective links in open space	COSA, Bexar County	Comal County, Kendall County, Developers
COM-1.5	Preserve parks, open space and agriculture through TDR	COSA, Bexar County	Comal County, Kendall County
COM-1.6	Encourage private funding for acquisition and long-term operational and maintenance needs for recreational facilities	Corporate Community, Community Organizations	Developers, Property Owners
COM-1.7	Locate a new animal care facility	COSA	
COM-1.8	Locate and construct additional off-leash dog parks	COSA, Bexar County	

Table 5.2: Overall Strategy Responsibility (continued)

STRATEGY		RESPONSIBILITY	
No.	Summary	Primary	Partner
COM-1.9	Partner with schools to use facilities after hours for public use	Northeast ISD, Northside ISD, Judson ISD, Boerne ISD, Comal ISD	COSA
COM-2.1	Upgrade and augment library facilities	COSA	
COM-2.2	Libraries located near other community facilities	COSA	ISD
COM-3.1	Regional coordination of emergency and public services	COSA, Bexar County	Kendall County, Comal County
COM-3.2	Promote Crime Prevention Through Environmental Design	COSA, Bexar County	Developers
COM-3.3	Promote citizen participation in safety programs	COSA	Bexar County, NAs, Community Organizations
COM-3.4	Locate a new police substation in the North Sector	COSA	Community Organizations
COM-3.5	Public education to understand emergency services	COSA	Bexar County
COM-3.6	Enforce fire code safety through code enforcement	COSA	Volunteer Fire Departments
COM-4.1	Support expansion of UTSA programs	UTSA	COSA, MPO
COM-4.2	Nurture the expansion of existing and addition of new post-secondary institutions	EDF, COSA	Bexar County
COM-4.3	Work to integrate land use and transportation plan for UTSA that supports housing needs	COSA, MPO	UTSA
COM-4.4	Encourage the widening of Hausman Road to support UTSA growth	COSA, MPO, UTSA	TXDOT
COM-5.1	Foster partnerships to match educational curriculum with job skill needs in the City	ISD	TX A&M, ITT, ACCD, UTSA
COM-5.2	Ensure high school students are properly prepared for college coursework	Northeast ISD, Northside ISD, Judson ISD, Boerne ISD, Comal ISD	TX A&M, UTSA, ACCD
COM-6.1	Collaborate on curriculum, after-school, and extended day care programs and day camps	COSA YMCA	For and Non-Profit Childcare Providers
COM-6.2	Foster multi-use campus facilities	COSA	ISD

Table 5.2: Overall Strategy Responsibility *(continued)*

STRATEGY		RESPONSIBILITY	
No.	Summary	Primary	Partner
COM-6.3	Encourage site planning of various school types	Northeast ISD, Northside ISD, Judson ISD, Boerne ISD, Comal ISD	COSA, Bexar County
LAND USE STRATEGIES			
LU-1.1	Locate buffers between high density/intensity land uses	COSA	Bexar County
LU-1.2	Promote pedestrian, bicycle, and public transit as alternatives to vehicles	COSA, VIA	TXDOT, MPO, BMAC, PMAC, LoneStar Railroad
LU-1.3	Promote variety of housing types between Loop 1604 and Loop 410	Property Owner COSA	Non-Profit Community Development Corporations
LU-1.4	Maintain existing neighborhoods using available city, county, state, and federal resources	COSA, Bexar County	NAS HUD
LU-1.5	Promote flexibility and innovation in residential, business and recreational land uses	COSA, Consultant	AIA, ULI, Green Spaces Alliance
LU-1.6	Identify and preserve natural resource areas	COSA	Green Spaces Alliance, USFWS, TPWD, CAB
LU-2.1	Protect agricultural land in an environmentally sensitive manner for long-term use	Property Owner	USDA, TX A&M, COSA, CAB
LU-3.1	Develop vacant infill and underutilized parcels between Loop 1604 and Loop 410	COSA	Land Brokerage Community, Developers
LU-3.2	Integrate mixed use areas vertically and horizontally	COSA	Developers, ULI, SABA
LU-3.3	Promote job growth to achieve economic diversity	EDF, COSA	Bexar County, Chambers of Commerce
LU-4.1	Encourage surrounding counties to implement sector land use regulations	Bexar County, Comal County, Kendall County, Medina County	Comal County, Kendall County, Medina County AACOG, MPO, COSA
LU-4.2	Partner to provide planning support and guidance to surrounding counties	MPO, Bexar County	AACOG, MPO, COSA
LU-4.3	Collaborate on regional planning programs	Bexar County, COSA	MPO, AACOG

Table 5.2: Overall Strategy Responsibility *(continued)*

STRATEGY		RESPONSIBILITY	
No.	Summary	Primary	Partner
LU-4.4	Work with other incorporated towns and cities in planning contiguous areas	COSA, Adjacent Communities	Northeast Coalition, Other jurisdictions
LU-5.1	Continue to implement standards and guidelines of existing scenic corridors, gateways and overlay districts	COSA	TXDOT
LU-5.2	Encourage development and preservation of diverse and distinctive neighborhoods	COSA	NAs, Bexar County, Developers
LU-5.3	Enhance the built environment through urban design	COSA	TXDOT, Bexar County, Business Alliances, Chambers of Commerce
LU-6.1	Provide incentives for developments with enhanced design components	COSA	ULI, AIA, ASLA, APA
LU-6.2	Create linkages between the seven City Sectors, and create diverse and distinctive places	COSA	Developers Property Owners
LU-6.3	Designate and mark gateway points at major entrances to the Sector/ City	COSA, Consultant	TXDOT, OST
LU-6.4	Maintain a distinct urban edge	COSA, Consultant	
LU-6.5	Encourage visually and functionally compatible development with surrounding neighborhoods	COSA, Consultant	AIA, APA, ASLA
MILITARY COMPATIBILITY STRATEGIES			
MC-1.1	Discourage development in areas at risk for health and safety	COSA, Bexar County	TCEQ
MC-1.2	Annually review CIP projects for potential impact to Camp Bullis' mission	COSA, Bexar County	US Army, US Air Force
MC-2.1	Coordinate among jurisdictions and agencies within the Camp Bullis MIOA	COSA, Bexar County	Comal County, Kendall County
MC-2.2	Educate property owners in the Camp Bullis MIOA of military operations and impacts	COSA	US Army, US Air Force
MC-2.3	Review development proposals for hazards to aircraft operations	COSA, Bexar County	Comal County, Kendall County
MC-2.4	Continue formal consultation mechanism for issues of concern	COSA, Bexar County, Kendall County, Comal County	

Table 5.2: Overall Strategy Responsibility (continued)

STRATEGY		RESPONSIBILITY	
No.	Summary	Primary	Partner
MC-2.5	Provide notifications for US Army/Air Force	COSA, Bexar County, Kendall County, Comal County	
MC-2.6	Coordinate military compatibility planning and management activities	COSA, Bexar County, Comal County	US Army, US Air Force
MC-2.7	Meet housing needs of personnel at Fort Sam Houston/Camp Bullis	US Army, US Air Force	SARA
MC-2.8	Encourage Real Estate Disclosure for military missions and operations (if state law is amended)	COSA, Bexar County	
MC-2.9	Keep City and Bexar County staff up-to-date on latest military technology and compatibility regulations	US Army, US Air Force	
MC-2.10	Update infrastructure master plans with input of utility needs of US Army/Air Force	SAWS, CPS Energy, Other Providers	Bexar County, COSA
MC-3.1	Require avigation easements for development within CALS safety zones	Property Owners	COSA, Bexar County
MC-3.2	Adopted plans within the Camp Bullis MIOA should address military compatibility	Bexar County, Comal County, Kendall County	COSA
MC-3.3	Continue to enforce the requirement that new development in the MIOA conforms to FAR Part 77 height limits	COSA, Bexar County, Comal County, Kendall County	
MC-3.4	Continue to enforce the Military Lighting Overlay District	COSA	
MC-3.5	Compatible lighting at City and Bexar County facilities	COSA, Bexar County	

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Appendix

Shaping the Future of San Antonio

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City of Fair Oaks Ranch

Margaret Tovar

Northwest Neighborhood Alliance

Bob Wandrisco

San Antonio Apartment Association

Susan Wright

Greater San Antonio Builders Association

John Yoggerst

Crownridge Property Owners Association

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Public Involvement Process

The North Sector Plan was prepared through the use of a communicative planning method utilized by City of San Antonio Planning and Development Services Department staff, other City staff, a Sector Planning Team, a technical committee, private planning and website consultants, and input from the public and other invested stakeholders. A comprehensive public involvement program was executed throughout the seven month planning process as summarized below and illustrated on Chart A-1: Project Timeline.

- Planning Team Meetings (8)
- Public Meetings (4)

- Postcards and Flyers (3)
- E-mails (450+ per meeting)
- Twitter Postings (3)
- Facebook Postings (3)
- Community Meetings (4)
- Website (continually updated throughout the process)
- Technical Meetings (16)
- Planning Commission Briefings/Hearings (4)
- City Council Briefings/Hearings (2)
- Press Releases (3)
- Television Coverage by Media (4)

Chart A-1: Project Timeline

Project Timeline	2009	2010							
	DEC.	JAN.	FEB.	MARCH	APRIL	MAY	JUNE	JULY	AUGUST
PROJECT INITIATION	[Timeline bars for Project Initiation]								
<ul style="list-style-type: none"> • Select Consultant Team • Contract Review / Approval • Confirm Information Requirements • Confirm Study Area Boundary 	[Timeline bars for Project Initiation tasks]								
GENERAL REPORTS / VISIONING, POLICY	[Timeline bars for General Reports / Visioning, Policy]								
<ul style="list-style-type: none"> • Review and Evaluate Regional Visioning Results • Conduct Master Plan Policy Review • Review JLUS / Other Baseline Data 	[Timeline bars for General Reports / Visioning, Policy tasks]								
KEY PLANNING BOUNDARIES	[Timeline bars for Key Planning Boundaries]								
<ul style="list-style-type: none"> • Define MIOD • Define Geographical Boundaries • Define Compatible Land Use Areas • Identify Safety Zones 	[Timeline bars for Key Planning Boundaries tasks]								
COMPREHENSIVE LAND USE PLAN / SECTOR PLAN	[Timeline bars for Comprehensive Land Use Plan / Sector Plan]								
<ul style="list-style-type: none"> • Prepare Land Use Analysis • JAZB Recommendations • BASH Recommendation • Compatible Development Standards • Prepare and Submit Draft Sector Plan • Prepare and Submit Final Draft Sector Plan 	[Timeline bars for Comprehensive Land Use Plan / Sector Plan tasks]								
PUBLIC INVOLVEMENT PROGRAM	[Timeline bars for Public Involvement Program]								
Sector Planning Team Meetings (8)		*	*		*	*	*	*	*
Public Meetings (4)				□	□			□	□
Planning Commission Briefing (1) / Hearing (1)							◆	◆	
City Council Briefing (1) / Hearing (1)								◆	◆

Issues and Values

This listing of Issues and Values was identified by a wide cross section of stakeholders during public meetings, planning sector team meetings, and through e-mail and the project website.

Topic	Issues and Values
1. Land Use	<ul style="list-style-type: none"> • A partnership established among the City and its adjacent counties to support the future land use map within the City’s Extraterritorial Jurisdiction (ETJ). • Regulations outside the City limits established • Lack of regulation outside the City limits • Locate single family residential away from industrial uses and retail centers but near parks and open space • Northwest District better left as open space or very low density due to limitations of the terrain and water/sewer availability • Less growth located outside Loop 1604 • Existing growth outside Loop 1604 • Focus new development within Loop 1604 • Encourage infill development not rapid growth of greenfields • Within densely developed areas convert old/vacant housing into open space • Upgrade or retrofit existing apartment houses • UTSA expansion developed sensibly with plenty of bike lanes and no increased congestion • High density mixed use and walkable between the Medical Center and UTSA • Desire to see UTSA expansion /develop sensible – with plenty of bike lanes for students, less congestion • Mixed use nodal centers at 281 and Loop 1604 and IH-10 and Loop 1604 • Locate density near transportation • Focus development near employment centers • Focus new employment centers near developed areas • High density mixed use located near economic centers • Establish compatible land uses to support the Camp Bullis mission • No housing in floodplains • Limit development out of respect for natural environment and limitations of the land • Encourage very low density of 10 or more acres per unit, ranching or open space over the aquifer • Preserve ranches • Lucrative alternatives for property owners to preserve land rather than selling it for development • Desire to see less density, more open space, compatible land use • Appreciates appropriate new development • Make it appropriate-should not be able to skirt the system • New development in area • Land use (compatibility), too much density, need more open space • Commercial/residential buffers needed • Too much space used for retail • Need to balance land uses • Alternative to sprawl is density and alternative to density is sprawl: "we will either have density or sprawl" • Do not allow any billboards-including digital • Uncontrolled/unrestrained development • Inability of property owners to resist money offered by developers • Ownership

Topic	Issues and Values
<p>2. Zoning</p>	<ul style="list-style-type: none"> • Implementation of new development standards rather than allowing property to vest against new standards • No digital billboards • Less retail commercial zoning • Less dense residential zoning in order to preserve the natural landscape • Military lighting overlay district that is mindful of the need for public safety at night • Mixed use areas bordering UTSA along UTSA Blvd. • Zoning for newly annexed land should be consistent with the future land use plan • Compatible uses • Don't want incompatible uses • Proper/inappropriate zoning • Zoning, too much retail commercial, too much density residential • Lighting for public safety (MLOD a concern) • Densities are restricted by terrain and zoning code • County and ETJ have no regulations and no design/land use – perhaps annex • No county zoning ability • Grandfathered property major issue since they do not have to abide by new standards • To provide for mixed use areas bordering UTSA along UTSA Blvd. • No digital billboards • Do not make it incompatible • Compatible uses
<p>3. Property Rights</p>	<ul style="list-style-type: none"> • Concept of “Highest and best use” reconcile original intent with future unconstrained ideas - PRO-V-2 • Balance the rights of individual vs. neighbors vs. community - PRO-V-3 • Provide general guidelines of land uses - PRO-V-7 • “If you want to protect your view (or other aspects of the land) – Buy It - PRO-V-10 • Taxes rising and causing families to fracture and divide lands - PRO-I-1 • Value of property is a function of the surrounding lands - PRO-I-2 • Control developers and control development - PRO-I-3
<p>4. Urban Design</p>	<ul style="list-style-type: none"> • The inclusion of non-vehicular transportation facilities (trails and bike paths) that improve the look and feel of the sector • Office development as a campus style that provides for greater pedestrian, bicyclist, and transit access • A well designed built environment that is environmentally responsive without clear cutting forested areas and blasting hilltops • Retail lot coverage no more than 25% • Industrial lot coverage no more than 40% • Implement low impact development over the aquifer • Do not allow any billboards-including digital • The inclusion of non-vehicular transportation facilities (trails and bike paths) can improve the look and feel of the community • Like the campus style of office development

Topic	Issues and Values
5. Utilities	<ul style="list-style-type: none"> • Lack of water/sewer infrastructure to support future growth (lack of SAWS service area) • No sewers affect the aquifer • Protect the water aquifer / Recharge Area • Pursue smart ways to utilize and provide utilities • Control rush to obtain CCNs to get utilities prior to development or which drives development • Provide the truth about septic systems – properly operated and maintained • Lack of control or location of transmission lines and associated right of way • Utilities selling power outside of county • Use of eminent domain on lands less densely used • Control storm runoff (flooding & drainage) related to development • Allowing developers to develop islands of homes that become islands when subjected to 100 year floods. • Control expansion of utilities • Utilities / public services, infrastructure, need a smart way to plan the placement of utilities to plan for future growth • Lack of good water connections • Water supply • BexarMet • Storm water - flood prevention
6. Economic Development	<ul style="list-style-type: none"> • Keep major jobs in other areas • Concerned about more density • Camp Bullis is strongly supported • Would like 100 Acres next to Eisenhower Park • Stormwater is a big issue – do not take away sponges at northern part of the City • Topography, drainage, and rock make development difficult • Too much too fast • Northern area is not a conducive economy – disincentivized • Medical supply loop 281, I-10 corridor is strong • Hendricks Road, Blanco road , Crossroads Road • Perrin Beitel – Thousand Oaks to 410 • Blighted area Nacogdoches is underutilized • Wonderland Mall is getting face lift • Revitalization needs to happen along 410 corridor • The Colonies Mall needs help Keep eye on recharge zone – it’s not to pave over • Attract white collar jobs – Medtronic at Rim, NH star – coming too • East side tri-county office park • Tier 1 - UTSA, Texas A&M, Research connected to medical • \$45 million – trolley, BRT express • Light rail good – but no related development • Transportation – east-west connectivity is tough • Commercial development difficult due to lack of adequate utility and transportation infrastructure • Put jobs on corridors • Goes where market wants it to go • Regulation should not hinder economic growth and new educational facilities • Staying stagnate with what have, no new companies coming in • Need more commercial, but need to develop consistently Crime – has to be a critical factor

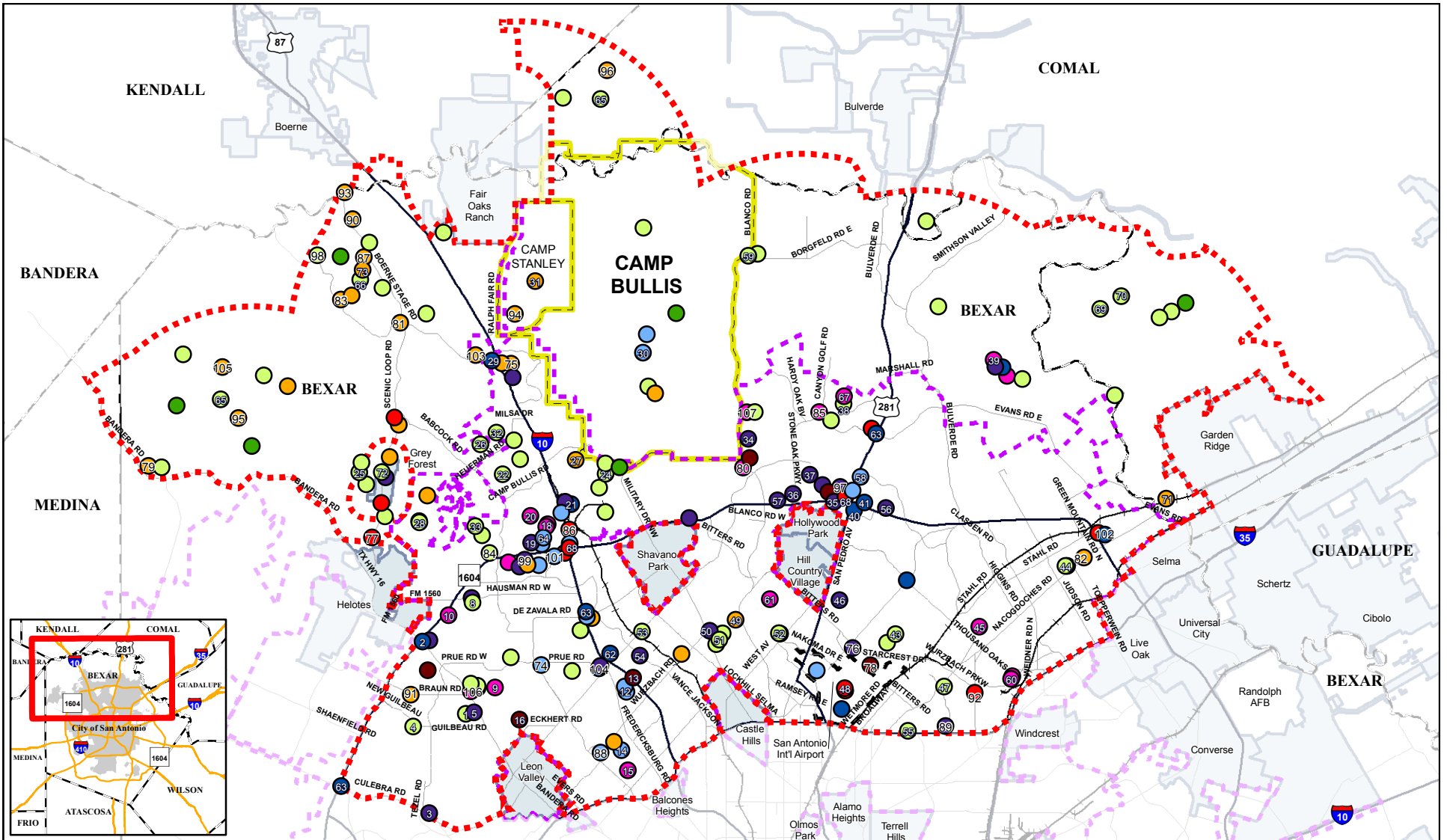
Topic	Issues and Values
<p>7. Housing</p>	<ul style="list-style-type: none"> • Encroachment of housing and development adjacent to Camp Bullis – developers do not coordinate efforts • Continue to preserve Camp Bullis with low density residential • Desirable place to live – beautiful views, breezes, cooler than other areas of the city • Maintain large lot housing in NE & NW • NW low density due to topography, utilities • Preserve residential • Housing diversity needs to be maintained – not just large lots • Large lots create sprawl and doesn't support transit • Garden homes on larger lots • Cluster homes and more open spaces • Keep low density as foundation • Limit density of housing • Too much cookie cutter homes, but not over recharge zone • Developers do not coordinate high density development - too much high density housing and no open space or inadequate facilities • Wide diversity of housing and values (\$100K to \$Million), old and new, multi-family and single-family • Maintain the diversity of housing densities • Not a lot of choices – standard single-family or multi-family • Provide diversity of housing – small and big homes • Good quality housing that is affordable which attracts good employment firms • Keep high density along major corridors • Make very dense cores and intersections • Homes are built to last for 20 years • There is affordable housing and also very expensive housing • Affordable housing is an issue – HUD definition • If regulation continues, it will affect affordable of exist • Large multi-family along Evans Road, which is already congested, Stonecreek new multi-family impact • New multi-family with appropriate infrastructure will continue to deteriorate • Too many multi-family apartments near medical – want single-family in order • We have plenty of apartments • Do not rezone for multi-family • No more multifamily housing near Babcock and Camp Bullis Rd • Multi-family is most affordable way to get into school districts • School issue – more apartments means more school demand and it is difficult to manage • Balance single family and multi-family • Better integration of housing in community • Also more congestion on existing congested streets. • I-10 & 281 congested • Traffic associated with ingress and egress from homes which make quality housing areas become undesirable • Preserve trees and open space – recreation areas • Linear park corridor • Need to preserve topography • Too many variances for flood permit building in single-family, low density • Connectivity with bike paths within housing. New developers need to provide a well balanced • Over regulations with proportionality of trees preserved ordinance / endangered species recharge. Fees in lieu of detention fees, etc • Land owners adjacent to developed lands <ul style="list-style-type: none"> • Better housing standards

Topic	Issues and Values
8. Natural Resources	<ul style="list-style-type: none"> • Water is the biggest issue • Protect creeks, improve tree ordinance, and include more parks • Have developers include more parks in projects • Create more effective tree ordinance • Protect Edwards Aquifer • Get rid of grandfathering • Ensure more inspections taking place, i.e. tree inspections • Build less on steep slopes – no retaining walls • Do not build small, cheap homes over Recharge and Contributing Zone • Have a minimum lot size over Zone, i.e. R-20 • Have larger lot requirement • When obtain green space, install walking trails • Need impervious cover restrictions • County cover limit is lots lower than City's • Need to keep commercial development away from Camp Bullis • La Cantera was a good development – took care of the environment • Saved heritage trees • Saved caves • Created great landscaping • Interior of site is walkable (more pedestrian friendly than most, i.e. the Rim – not walkable) • Need better interior designs of developments • Place parking along outside and development together in interior • No strips like the Rim • Return to live – work concept (ensure each community has a grocery store) • Developers should not be able to count backyards as open space contribution • Maintain less impervious cover – utilize pervious pavement • Make clustered housing a requirement (Kingwood, TX good example) • Need more pocket parks in developed areas • Each development should donate land • Need to have passive recreational uses in parks for kids • Need to have a place to walk to • City needs to be more open to taking on land that HOA wants to donate as park space • Need to have more inspections • Developers need to plant more trees • Enhance tree ordinance • No grandfathering • Encourage ranchers to preserve land in conservation easement • Make development more restrictive • Ensure developers obey the Endangered Species Act • Protect Recharge Zone – it is an asset for the entire region • Need to consider those areas needing less impervious cover • Impose impact fee for any type of development over the Recharge Zone • Strengthen TDR ordinance • Need to create incentives to strengthen recharge zone • Create communities – mixed use – high density – which reduces car trips • Protect flood plains and slopes • No high density development on slopes greater than 15% • Preserve more trees • Strengthen floodplain ordinance

Topic	Issues and Values
<p>8. Natural Resources (continued)</p>	<ul style="list-style-type: none"> • Protect recharge features • Utilize low density residential in area • Utilize TDR • Educate people • Edwards Aquifer Authority going to place impervious cover restriction over Recharge Zone • Need to improve water treatment requirements • Continue Proposition 1 and 3 • Retrofit older developments to treat stormwater – need to encourage • Save trees and vegetation • Saving trees and vegetation • Tree preservation ordinance, not enforced • Control development within the recharge area (EARZ) • Protection of Edwards Aquifer recharge and water supply • More open natural areas for walking/hiking/biking • Few parks and open space • Good water quality • Good rural views • Good air quality • Sustainable development • Air quality, water quality, and aquifer protection • Protect environmental quality (e.g. no blasting of land) • Environmental protection • Environmentally sensitive areas • Edwards Aquifer • Aquifer protection • Endangered species, natural environment • Endangered species • Habitat • Habitat preservation • Trees, which are also an issue because they can hinder development (La Cantera good at developing and yet keeping trees and landscaping) • Rural views • Hill Country (vistas) • Hill country vistas • More open space • Not much parks and open space • Parks • Open space for public parks • Open Space • Air quality

Topic	Issues and Values
9. Historic Preservation	<ul style="list-style-type: none"> • Extend Scenic/Urban Corridors north and south along IH-10 and 281 • During redevelopments – must retrofit to conform to corridors • Add 1604 to Scenic Corridor list • Address landscaping • Tree preservation (transplants) • Shade parking lots • Need to have all inspectors do their job • Preserve Scenic Loop – 13 miles • Preserve Old Spanish Trail • Value the National Historic Registrar • Maintain historic sites • Need landscaping standards across City to only use natives • Need to stop truck dumpers from dumping fill on sites in area • Need urban design standards in Scenic Corridors • Historic Office needs more clout • Improve process for getting a site designated as historic • Make less complicated • Give County more power • Stage Coach worth preserving • Greg Moss Inn and Herb Farm worth preserving • Identify historic sites and publicize them • Get historic sites listed in National Registrar • Rural views, scenic corridors, caves, bridges, trails, creeks. • Rubber Baron Cave • Scenic loop / Boerne Stage • Leon Springs • CCC Bridge • Maverick Ranch • State HWY 9 • Nivesbach Road • San Saba Trail • Historic ranch near Stone Wall Rd • Babcock scenic drive north of 1604 and south of Scenic Loop / Boerne Stage • Madla Preserve (just west of Rancho Diana) • Cultural heritage

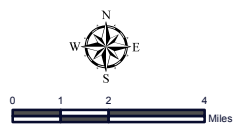
Topic	Issues and Values
<p>10. Community Facilities</p>	<ul style="list-style-type: none"> • Libraries are cornerstone of communities, although not as important with on-line availability • Need connectivity through area with linear parks • Would like to see pocket parks as a requirement for future residential developments (don't permit buying out) • NW area community Center values schools as a gathering center • Minimal YMCA facilities • Major traffic jam with YMCA during soccer season • 2 Life Time Fitness always full, one near Rim • Ronald Reagan and library dual purpose • Public safety (fire, police, EMS) • Lack of access to healthcare • High emergency response time • City needs to acquire more open space • Support biking facilities to enhance quality of life • Increase/strengthen community facilities for recreation and arts
<p>11. Education</p>	<ul style="list-style-type: none"> • Fast growth equals more parking, UTSA is transitioning from commuter college to regular college, 30,000 – 40,000 with no dorms • Lack of planning near UTSA creates negative feeling – like it is just a problem • Type of development generated by UTSA – Large amounts of multi-family and large sports complex • Could use a bus shuttle service park and ride to solve UTSA (possibly in another area) dedicated park and ride for UTSA • Traffic issues with UTSA during peak time along 1604 & I-10 & UTSA boulevard, 1604 & 281 • UTSA is important to community - need to be more accessible to community – need transit • Community supports universities to educate youth and adults • Northeast and Northside school districts – fast growing - Good and Bad, it is difficult to keep up with growth regarding facilities • Good property tax and school bond issues pass due to quality schools and importance • Exemplary school, good student / teacher ratios. Plus good facilities, high parent involvement • Most parents have high educational degrees • Maintain and preserve the school districts • Need to acquire land for more schools in future • Support educational institutions to grow and thrive • Protect the development of school districts TMI moved out here due to land and demographics • Large mega schools loose small community sense – students get lost • Not integrated environment – many apartments, need to make more walkable



Asset Type

- Commercial Center
- Community Gathering Center
- Cultural/Historic Sites
- Employment Center
- Endangered Species
- Natural Resources/Open Space
- Other
- Recreation/Tourism
- Transportation Facilities

- North Sector Planning Area
- San Antonio
- Incorporated City
- Camp Bullis/Stanley
- County
- Airport
- Highway
- Major Road
- Railroad



source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009

Planning Area Profile

Demographic Overview

Demographic data shows that the North Sector enjoys relative affluence. This is reflected by its high educational attainment, higher than average household incomes, and lower rates of poverty. The number of families in poverty, however, is increasing at a faster rate than all the sectors combined.

Total Population and Age

The North Sector comprised approximately 33 percent of the total population of all sectors in 2000 and rose to 37 percent in 2008 as shown in **Table A-1: Age Distribution**. The total population of the North Sector increased by over 100,000 people (26 percent difference) between 2000 and 2008. The population segments that experienced the greatest increase were persons 35 to 64 (32 percent difference), and 65 and over (35 percent increase). This implies that in the North Sector, the 35 and over segment of the population is growing at a slightly faster rate than the younger segments. The same trend applies to all other sectors as well. The median age of the North Sector is only slightly above the average for all sectors.

Table A-1: Age Distribution

Variable	2000 All Sectors		2000 North		2008 All Sectors		2008 North Sector	
	Population	Percent	Population	Percent	Population	Percent	Population	Percent
17 and under	380,354	28%	118,250	26%	426,439	28%	149,070	26%
18 to 34	346,190	26%	118,958	26%	375,592	25%	136,254	24%
35 to 64	470,645	35%	174,559	39%	559,877	37%	231,280	41%
65 and Over	139,307	10%	37,915	8%	157,323	10%	51,417	9%
Total Population	1,336,496		449,682		1,519,230		568,020	
Persons per Acre	1.90		2.00		2.20		2.50	
Median Age	32.8		34.4		33.9		35.9	
Average Age	34.0		34.1		34.8		35.9	

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Gender

In the North Sector, women outnumber men. In 2000, the male/female ratio for this sector was 0.93; in 2008, 0.94 as shown in **Table A-2: Gender Distribution**. These ratios are very similar to the ratios for the population of all sectors. It is also important to note that between 2000 and 2008, the North Sector added population at a faster rate than all sectors combined; in that time period, all sectors combined grew by 182,735 people, while the North Sector alone expanded by 118,338 residents. This means that the North Sector captured nearly 65 percent of the total population gain for all sectors, even though it contained only about a third of the total population for all sectors in 2000.

Table A-2: Gender Distribution

Variable	2000 All Sectors		2000 North Sector		2008 All Sectors		2008 North Sector	
	Population	Percent	Population	Percent	Population	Percent	Population	Percent
Male	649,347	49%	217,162	48%	739,939	49%	274,693	48%
Female	687,148	51%	232,520	52%	779,291	51%	293,327	52%
Male/Female Ratio	0.94		0.93		0.95		0.94	

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Race and Ethnicity

The North Sector consists of a higher percentage of White non-Latinos, Asians, and other race or ethnic groups than all the sectors overall. The representation of Latinos and African Americans in the North Sector is lower than the citywide average, with the largest group identifying itself as White non-Latino, as shown in **Table A-3: Racial Ethnic Distribution**. In contrast, the largest group by a substantial margin across the City as a whole identifies itself as Hispanic/Latino, with White non-Latinos comprising a much smaller share of the total population. However, even in the North Sector, Hispanics/Latinos are the fastest growing segment of the population, and the gap between that segment and White non-Latinos is closing quickly. Latinos increased by over 74,000 between 2000 and 2008 in the North Sector, while White non-Latinos increased by only 26,000. The Latino percentage of population increased from 33 percent in 2000 to 40 percent in 2008. The White population declined from 56 percent in 2000 to 49 percent in 2008.

Table A-3: Racial / Ethnic Distribution

Variable	2000 All Sectors		2000 North		2008 All Sectors		2008 North Sector	
	Population	Percent	Population	Percent	Population	Percent	Population	Percent
Hispanic or Latino	739,755	55.4%	151,385	33.7%	890,262	58.6%	225,414	39.7%
Black or African American	91,711	6.9%	21,329	4.7%	100,675	6.6%	29,222	5.1%
White	463,796	34.7%	256,069	56.9%	470,733	31.0%	281,762	49.6%
Other	16,788	1.3%	7,665	1.7%	22,818	1.5%	11,381	2.0%
Native American	3,248	0.2%	1,209	0.3%	4,751	0.3%	1,884	0.3%
Asian	20,328	1.5%	11,666	2.6%	28,849	1.9%	17,879	3.1%
Native Hawaiian and Other Pacific Islander	869	0.1%	361	0.1%	1,142	0.1%	478	0.1%

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Educational Attainment

In 2008, the North Sector contained the largest share of college educated persons, representing over 64 percent of people with advanced degrees. In several cases, the percentage of advanced degree attainment is even higher. Among all persons with doctoral degrees, 67 percent live in the North Sector, as shown in **Table A-4: Educational Attainment**. The same is true for persons with professional degrees. In 2008, the percentage of persons with college degrees (bachelor, master, doctoral, and professional) age 25 and over was 24 percent for all sectors. In the North Sector, this figure was 40 percent.

Table A-4: Educational Attainment

Variable	2000 All Sectors		2000 North		2008 All Sectors		2008 North Sector	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Population Age 25+	813,517		287,646		933,054		363,644	
Less than 9 th Grade	93,708	11.5%	7,653	2.7%	97,531	10.5%	9,129	2.5%
Some High School, No Diploma	97,121	11.9%	13,614	4.7%	103,586	11.1%	16,596	4.6%
High School Graduate or Equivalent	196,788	24.2%	52,694	18.3%	220,397	23.6%	64,458	17.7%
Some College, No Degree	193,452	23.8%	80,140	27.9%	226,862	24.3%	100,569	27.7%
Associate Degree	48,326	5.9%	21,786	7.6%	57,910	6.2%	27,499	7.6%
Bachelor's Degree	116,109	14.3%	70,082	24.4%	142,871	15.3%	91,103	25.1%
Master's Degree	45,080	5.5%	27,220	9.5%	55,820	6.0%	35,361	9.7%
Professional School degree	16,571	2.0%	10,452	3.6%	20,373	2.2%	13,701	3.8%
Doctorate Degree	6,361	0.8%	4,004	1.4%	7,804	0.8%	5,228	1.4%

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Household Income and Poverty

The relative affluence of the North Sector seems to have increased between 2000 and 2008. In 2000, median household income of the North Sector was 11 percent higher than all the sectors combined. In 2008, this figure increased to 29 percent, as shown in **Table A-5: Household Income and Poverty**. Approximately 70 percent of households with annual incomes greater than \$250,000 for all sectors resided in the North Sector in 2008. Not surprisingly, the poverty rate among families is less than average. In 2000, 4.8 percent of families in the North Sector earned below poverty income, compared to 13 percent for all sectors. However, the family poverty rate in the North Sector has held steady at 4.8 percent between 2000 and 2008, while it dropped slightly among all sectors as a whole, from 13 percent to 12.3 percent.

Table A-5: Household Income and Poverty

Variable	2000 All Sectors		2000 North		2008 All Sectors		2008 North Sector	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total Households	469,048		176,311		535,973		221,374	
Less than \$25,000	149,119	31.8%	34,383	19.5%	143,162	26.7%	37,588	17.0%
\$25,000-\$49,999	148,109	31.6%	51,367	29.1%	156,937	29.3%	56,533	25.5%
\$50,000-\$99,999	126,243	26.9%	61,112	34.7%	158,240	29.5%	76,137	34.4%
\$100,000-\$149,999	29,766	6.3%	18,683	10.6%	50,612	9.4%	31,686	14.3%
\$150,000-\$249,000	11,766	2.5%	7,971	4.5%	19,011	3.5%	13,799	6.2%
\$250,000 or More	4,352	0.9%	2,788	1.6%	8,011	1.5%	5,630	2.5%
Median Household Income	\$41,809		\$46,511		\$48,968		\$63,266	
Per Capita Income	\$18,300		\$20,517		\$21,448		\$30,143	
Total Families	330,364		118,222		377,507		149,158	
Families Below Poverty	42,968	13.0%	5,669	4.8%	46,299	12.3%	7,179	4.8%

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

In summary, the demographic data reveal that the North Sector has a higher percentage of White non-Latinos than any other sector by a substantial margin; residents are prepared to accept and excel in higher wage occupations due to their higher levels of education.

Trends between 2000 and 2008 show that the North Sector is also growing faster than the other sectors as a whole, its ethnic makeup in 2008 appears to track with all sectors, in that Latinos and Hispanics are comprising an increasing percentage of the North Sector's total population.

Land Use and Urban Design

Existing Land Use Pattern

The North Sector contains a variety of land uses, including residential, commercial and industrial. In general, the southern portion has higher density development that transitions from suburban to a rural character in the northern parts of the Sector. Only areas within the City limits have zoning districts, as counties do not have zoning regulatory authority.

There are three major uses in the North Sector: Camp Bullis and Camp Stanley, covering approximately 28,000 acres, roughly ten percent of the North Sector land area, are located in the northwest quadrant; the 2,600-acre San Antonio International Airport is in the northeast quadrant just northeast of the Loop 410/Highway 281 interchange; and the 900-acre South Texas Medical Center lies west of the Loop 410/I-10 interchange.

Low density residential occupies the majority of the northern portion and the North Sector surrounding Camp Bullis. Low density residential is the primary land use along minor and local streets and makes up a large percentage of the acreage in the North Sector. High density residential is generally located in a major cluster around the Medical Center and along major roads, but not substantially outside of Loop 1604. Residential zone districts generally adhere to existing residential areas: low density along local roads and medium and high density interspersed with commercial districts along high-volume roads and in commercial clusters. Planned unit developments are another significant zoning district in the North Sector and are located outside Loop 1604 in more recently developed parts of the City.

Commercial land uses are located along major highways and principal arterials; for example, a significant ribbon of commercially zoned land extends northwest along I-10 from central San Antonio, northeast along Highway 281 from central San Antonio, and east-west along both sides of Loop 1604. Significant clustering of commercial uses also exists in the vicinity of South Texas Medical Center and surrounding the airport.

Industrial uses and zones are primarily located around the airport, specifically along the rail corridor east of the airport in order to provide supportive and compatible uses with aviation.

Park and open space generally follows drainage ways and gulches or is scattered sporadically throughout the North Sector. The majority of park and open space is located in the northern portion of the Sector, around Camp Bullis and near the Sector boundaries.

Existing Entitlements

Nearly 40 percent of the land in the North Sector has been planned and entitled. A total of 288 master development plans have been reviewed and approved within the North Sector, comprising approximately 58,300 acres or 91 square miles of land. In addition, five neighborhood and/or community plans have also been prepared within the North Sector. These plans have, and will continue to provide the land use guidance for approximately 39,500 acres or 62 square miles of land. The majority of these areas are located north of Loop 1604 and east of Camp Bullis.

Limited Area to Plan

Even though the North Sector is nearly 400 square miles in size, a significant portion has already been developed, has been approved for development, or is to remain undeveloped. The exclusionary process identified lands with existing and/or future physical and environmental factors, and removed these lands from consideration. These exclusionary factors were organized into six categories which are summarized below.

- **Military** – *excluded due to military ownership or within military operating areas.*
- **Golden-Cheeked Warbler** – *potential habitat for endangered Golden-Cheeked Warblers.*
- **Planned/Approved Development** – *contains pre-existing development plans.*
- **Ownership** – *owned by Federal, State, or municipal governments.*
- **Land Use** – *contains existing development and/or uses.*
- **Natural** – *includes bodies of water, floodplains, preserved open space, and natural topography that inhibits development.*

Effectively, over 85 percent of the land within North Sector, more than 200,000 acres, falls within at least one of the six exclusionary categories, and was therefore removed from consideration for being highly suitable for future development. Although potential Golden-Cheeked Warbler habitat is not necessarily prohibitive to future development, it lowers the overall development suitability of the land it occupies, and therefore the applicable land was no longer considered highly suitable for future development.

Transportation, Infrastructure, and Utilities

Transportation planning within the San Antonio metropolitan area involves federal, state, regional, and local agencies. The primary agencies that directly impact transportation within the North Sector are: City of San Antonio, Bexar County, Alamo Area Council of Governments, San Antonio-Bexar County Metropolitan Planning Organization, VIA Metropolitan Transit, Alamo Regional Transit Authority, and Texas Department of Transportation.

Major Thoroughfare Plan

The City's Major Thoroughfare Plan (MTP) is a long-range, future transportation plan for the City and Bexar County adopted in 1978. The MTP designates the location, dimensions, and dedication requirements of expressways, primary arterials, and secondary arterials.

The North Sector includes several MTP streets of various classifications totaling approximately 367 miles. Among these 367 miles, there are approximately 319 miles of constructed roads; although it is not known how many of these 319 miles are constructed per MTP standards. Future roads on the MTP accommodate future demand that is primarily driven by development, increase in motor vehicle ownership, and increase in population density.

Transit

The North Sector has several bus routes and stops. With few exceptions, these routes are located south of Loop 1604. In total, throughout the entire North Sector area, there are 35 bus routes in operation that cover approximately 355 linear miles. Additionally, there are three park and rides and two transit stations which include Parkhills Park and Ride, Blossom Park and Ride, University Park and Ride, Medical Center Transit Center, and Ingram Transit Center. Transit facilities immediately adjacent to North Sector boundaries include the North Star Transit Center, which lies near the southern border of North Sector, along Loop 410 just west of San Antonio International Airport. Similarly, Randolph Park & Ride lies along the southeastern border near the IH-35/Loop 410 interchange, and Crossroads Park & Ride is along the southern border at the Loop 410 / IH-10 interchange.

Bicycle and Pedestrian

The City of San Antonio and Bexar County Commissioners Court both adopted the Bicycle Master Plan. The City of San Antonio adopted this plan by ordinance in 2005. The City of San Antonio is currently working on updating the Bicycle Master Plan. The North Sector currently has approximately 40 miles of dedicated bike lanes.

Railroads

The North Sector includes sections of three railroad lines: Kerville Subdivision Austin Subdivision Mainline 1, and Austin Subdivision Mainline 2.

The Kerville subdivision line starts in downtown San Antonio, parallels IH-10, and ends at Loop 1604 near IH-10. Approximately 15 miles of the line lies within Bexar County, of which approximately 60 percent lies within the North Sector. Union Pacific has indicated that the Kerville Subdivision will likely no longer be needed for freight purposes in three to five years, opening up the potential for reuse¹. This line appears ideally suited for reuse as a light rail corridor.²

Austin Subdivision Mainline 1 line runs from downtown San Antonio parallel to the 281 corridor and then out to New Braunfels. Within Bexar County, this line is approximately 33 miles long with approximately 66 percent inside the North Sector boundary. This line appears to be ideally suited for light rail and commuter rail reuse (Ibid, 38).

Austin Subdivision Mainline 2 line runs from downtown San Antonio parallel to the IH-35 corridor and then out to New Braunfels. Within Bexar County, this line is approximately 34 miles long, of which approximately 33 percent is inside the North Sector boundary. Right now, the line within Bexar County has a heavy industrial character and long distance to residential and commercial developments, therefore reuse options are limited. However, appropriate redevelopment in the future could change that. Long-distance commuter rail appears to be a reuse option.

¹ "Freight Rail Corridors Reuse Study," HDR, Pape-Dawson, RJ Rivera, January 2010, 18

² Ibid, 36

Gas and Electric

The City of San Antonio acquired its electric and gas utilities in 1942 from the American Light and Traction Company, today known as CPS Energy. CPS Energy is the nation's largest municipally owned energy company providing natural gas and electric service.³

CPS Energy serves almost the entire North Sector area except for a portion of the most northern section of San Antonio's ETJ in Kendall County. CPS Energy is currently the sole provider of electric service within the service area.

Water Providers

The largest water provider in Bexar County is the San Antonio Water System (SAWS), followed by the Bexar Metropolitan Water District (BexarMet). SAWS serves approximately 80 percent of water utility customers in Bexar County and covers an area of approximately 620 square miles (SAWS 2009 Budget Report). SAWS and BexarMet are also the largest water suppliers in the North Sector.

North Sector water providers include: SAWS, BexarMet, Water Services Inc., Oaks WSC, Aqua Texas Inc., 3009 Water Company, Ace Utility Inc., Lackland Water Company, Dobbins & Schweers, Cadillac Water Corporation, City of Fair Oaks Ranch, City of Selma, City of Garden Ridge, City of Bulverde, City of Leon Valley, City of Shavano Park, and City of Live Oak.

Wastewater Providers

In contrast to water providers, there are fewer providers for wastewater in Bexar County and in the North Sector. The largest provider of wastewater service in the North Sector is SAWS. The service area for SAWS follows natural watersheds because SAWS utilizes gravity as a means to transport wastewater to its three wastewater treatment plants in the south of the County. Bexar Metropolitan Water District does not handle wastewater. North Sector wastewater providers include: SAWS, Leon Springs Utility Company Inc., City of Fair Oaks Ranch, Denton Utility Company, City of Leon Valley, and City of Live Oak.

³ (Appendix from CoSA Bond Report 2007).

Housing

Housing Units

From 2000 to 2008, housing in the North Sector expanded at a faster pace, 20.9 percent, than the overall pace of all the sectors combined, 13 percent. Out of the total number of housing units in all sectors, the North Sector contained 37 percent in 2000, and 41 percent in 2008 as shown in **Table A-6: Housing Units and Occupancy**. The increase in the North Sector’s housing share is the result of its capture of approximately 66 percent of all housing units or 49,304 housing units built between 2000 and 2008 among all Sectors. The Northeast Quadrant experienced the most significant amount of housing growth with a 54.8 percent increase in housing units from 2000 to 2008. The Northwest and Southwest Quadrants also experienced growth that was higher than the sectors overall, 37.5 percent and 18 percent, respectively.

Table A-6: Housing Units and Occupancy

	2000			2008			% Increase of Housing Units
	Housing Units	% Vacant	% Owner Occupied	Housing Units	% Vacant	% Owner Occupied	
All Sectors	500,388	6.3%	57.1%	574,975	6.8%	57.7%	13.0%
North Sector	186,930	5.7%	56.6%	236,234	6.3%	57.6%	20.9%
Northeast Quadrant	10,099	5.2%	89.5%	22,349	6.3%	88.7%	54.8%
Northwest Quadrant	7,661	6.3%	80.2%	12,250	7.4%	82.1%	37.5%
Southeast Quadrant	63,881	5.8%	60.4%	73,078	6.2%	60.6%	12.6%
Southwest Quadrant	105,289	5.6%	55.5%	128,469	6.3%	55.7%	18.0%

Sources: 2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 Data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Housing Type

The North Sector contains a higher percentage of multi-family housing than all sectors combined. The Northeast and Northwest Quadrants have higher percentages of single family housing stock at 89 percent and 80 percent, respectively as shown in **Table A-7: Housing Type**. The Southwest Quadrant exhibits the highest percentage, 43 percent, of multi-family housing within the North Sector, followed by the Southeast Quadrant at 36 percent, reflecting the suburban character of the southern half of North Sector.

Table A-7: Housing Type

	1990				2000				Percent Changed			
	Single Family	Multi-family	Manufactured Home	Other	Single Family	Multi-family	Manufactured Home	Other	Single Family	Multi-family	Manufactured Home	Other
All Sectors	173,742 63%	88,381 32%	8,240 3%	3,941 1%	334,584 66%	154,052 30%	19,692 4%	685 0%	92.6%	74.3%	139.0%	-82.6%
North Sector	33,238 51%	30,823 47%	690 1%	391 1%	115,489 61%	70,397 37%	2,375 1%	150 0%	247.5%	128.4%	244.2%	-61.6%
Quadrants												
Northeast Quadrant	1,714 84%	293 14%	22 1%	5 0%	9,164 89%	851 8%	228 2%	0 0%	434.7%	190.4%	936.4%	-100.0%
Northwest Quadrant	1,696 68%	421 17%	345 14%	21 1%	7,053 80%	1,172 13%	581 7%	9 0%	315.9%	178.4%	68.4%	-57.1%
Southeast Quadrant	13,755 61%	8,793 39%	49 0%	106 0%	40,263 63%	22,879 36%	733 1%	99 0%	192.7%	160.2%	1395.9%	-6.6%
Southwest Quadrant	16,252 42%	21,488 56%	274 1%	262 1%	59,214 56%	45,634 43%	833 1%	42 0%	264.3%	112.4%	204.0%	-84.0%
<i>Sources: U.S. Census Bureau, 1990 and 2000</i>												

San Antonio's Community Building and Neighborhood Planning Program assists citizens in organizing and registering a Neighborhood Association (NA) for their community. Registered NAs can develop a unified voice for its residents that the City responds to, create neighborhood plans with a consensus on goals and priorities, and be the official point of contact between local citizens and City. For example, registered NAs in San Antonio receive notice of proposed rezoning, plan amendments, and demolitions affecting the area within and near their boundaries.

Approximately 240 of San Antonio's total 400 registered NAs are located within the North Sector's boundaries, spanning most of San Antonio's established residential neighborhoods in the Sector's southern half. Some newer subdivisions in the northern portion of the North Sector lack registered NAs, presumably due to both the proliferation of homeowner's associations in these new neighborhoods and also the relatively low level of community organization present in recently constructed areas.

Occupancy

The percentage of owner-occupied units in the North Sector closely matched that of all sectors. Occupancy from 2000 to 2008 remained nearly the same. There was an approximate 1 percent increase in home ownership in the North Sector overall with the greatest increase, 2 percent, occurring in the Northwest Quadrant coupled with a 1 percent decrease in the Northeast Quadrant. The Northeast and Northwest Quadrants continue to have higher percentages of owner occupied housing than all the sectors combined.

In 2000, the North Sector (for the most part) had lower vacancy rates than all of the sectors combined. In 2008, vacancy rates in the North Sector increased to similar levels of all sectors. The Northwest Quadrant experienced the highest vacancy rate of 7.4 percent compared to the overall sectors rate of 6.8 percent.

Housing Value

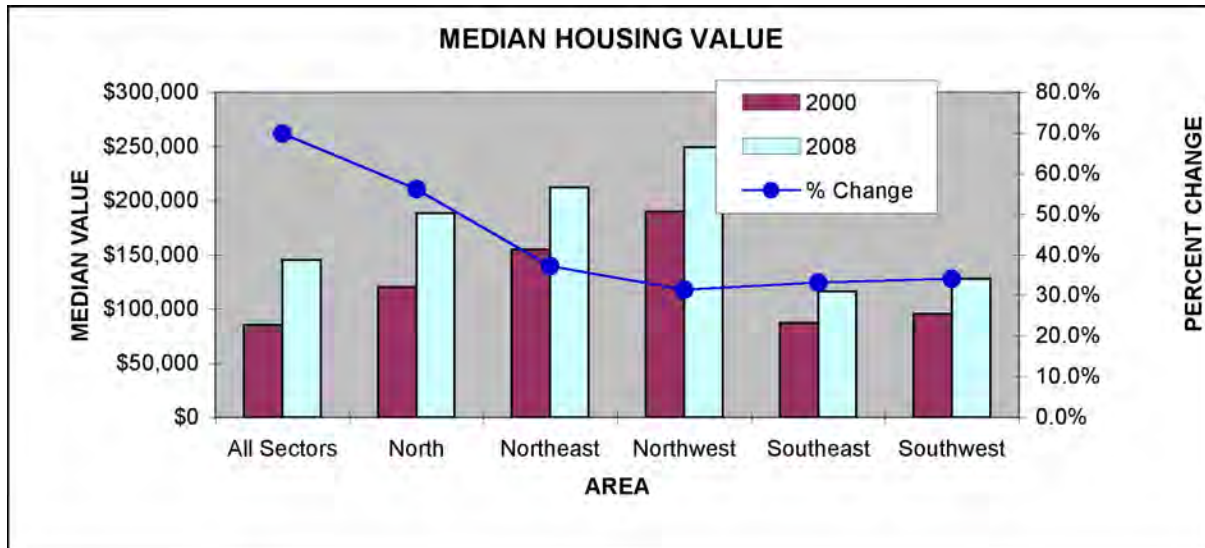
Median housing values in the North Sector are approximately \$40,000 higher than all sectors overall as shown in **Chart A-2: Median Housing Value**. The highest median housing values in the North Sector are located in the Northwest and the Northeast Quadrants with more than half valued between \$200,000 and \$499,999 as shown in **Table A-8: Owner Occupied Median Housing Value**. Median housing values in the Southeast and Southwest Quadrants are generally \$100,000 less than the Northwest and Northeast Quadrants; more than half of the homes are valued between \$80,000 and \$149,999.

Table A-8: Owner Occupied Median Housing Value

		ALL SECTORS	NORTH SECTOR	Northeast	Northwest	Southeast	Southwest
2000	Housing Units	285,473	105,840	8,572	5,758	36,363	55,148
	Median Value	\$85,528	\$120,508	\$154,572	\$189,773	\$87,432	\$95,237
	LESS THAN \$80,000	57.4%	24.2%	3.6%	10.8%	30.4%	24.7%
	\$80,000 - \$149,999	29.9%	51.6%	35.0%	18.4%	55.2%	55.4%
	\$150,000 - \$199,999	6.2%	12.2%	29.4%	19.1%	9.1%	10.8%
	\$200,000 - \$299,999	3.9%	7.7%	20.8%	33.4%	3.3%	5.8%
	\$300,000 - \$499,999	1.8%	3.1%	9.0%	13.4%	1.4%	2.1%
	\$500,000 OR MORE	0.9%	1.3%	2.4%	5.7%	0.8%	1.0%
2008	Housing Units	331,815	136,137	9,312	18,578	41,508	67,111
	Median Value	\$145,313	\$188,282	\$212,213	\$249,339	\$116,456	\$127,731
	LESS THAN \$80,000	34.9%	7.8%	3.9%	11.0%	9.3%	7.5%
	\$80,000 - \$149,999	38.4%	44.7%	7.0%	10.0%	55.5%	53.5%
	\$150,000 - \$199,999	11.1%	19.0%	21.9%	7.9%	20.0%	19.2%
	\$200,000 - \$299,999	9.3%	17.5%	38.2%	30.0%	11.3%	13.7%
	\$300,000 - \$499,999	4.1%	7.6%	20.5%	27.6%	2.6%	4.4%
	\$500,000 OR MORE	2.1%	3.3%	8.1%	13.5%	1.0%	1.8%
Percent Increase Change of Median Value		69.9%	56.2%	37.3%	31.4%	33.2%	34.1%

Sources: The data in this table are derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. Note: Data is only for areas within Bexar County inclusive of incorporated cities not included as part of the North Sector.

Chart A-2: Median Housing Value



Economic Development

The North Sector has a relatively healthy economy partly due its diversity and the stability of several industries such as health care, education, military, and tourism/hospitality.

Major Employment Centers in the North Sector

The North Sector has several major employers and employment centers, including the South Texas Medical Center, University of Texas at San Antonio, USAA, Valero Energy, Tesoro, NuStar, Kinetic Concepts Inc., West Telemarketing, and San Antonio International Airport.

Major Retail Centers in the North Sector

The North Sector also has several major shopping centers, including The Shops at La Cantera, The Rim Shopping Center, Huebner Oaks Center, Northwoods Shopping Center, Legacy Shopping Center, Blanco Village, Stone Oak Plaza, The Village at the Summit, Village at Stone Oak, Vineyard Shopping Center, and Rolling Oaks Mall.

Sales Tax. A total of nine major shopping centers serve the retail and commercial needs of the North Sector and are located along IH-10, Loop 1604, and US 281. The major shopping centers include The Shops at La Cantera, The Rim Shopping Center, Huebner Oaks Center, , Legacy Shopping Center, Blanco Village, Stone Oak Plaza, The Village at the Summit, Village at Stone Oak, Vineyard Shopping Center, and Rolling Oaks Mall.

Table A-9: Employment

Variable	2000 All Sectors		2000 North Sector		2008 All Sectors		2008 North Sector	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Population Age 16+	997,072		344,332		1,138,434		435,191	
Not in Labor Force	367,213		95,359		405,385		119,837	
Employed	593,964		240,239		693,503		304,605	
Unemployed	35,896	5.7%	8,733	3.6%	39,547	5.4%	10,749	3.4%

2008 Data derived from Block Group data provided by the Nielsen Company Claritas 2008 PopFacts dataset of projections, which are based on 2000 Census data. 2000 data derived from Block Group data from 2000 Census. Note: "All Sectors" include only the portions of Bexar County that fall within the sector boundaries. Therefore, "All Sectors" include incorporated cities.

Employment

In 2000, 40 percent of employed persons in all sectors as a whole lived in the North Sector. In 2008, this figure was 44 percent, even though the North Sector only contains just over 38 percent of the population, as shown in **Table A-9: Employment**. This disproportionately high share of employed persons relative to population means that the North Sector enjoys an unemployment rate that is lower than average for all sectors. In 2008, the unemployment rate for all sectors was 5.4 percent while for the North Sector unemployment was 3.4 percent.

Entice Appropriate Job Growth. The City of San Antonio utilizes a host of incentives to induce economic retention and expansion efforts. Within the North Sector these include the following:

Tax Abatement. The adoption of the Inner City Reinvestment Policy (ICRIP) has focused incentives to promote growth and development in the heart of the City. While the majority of the North Sector is located in Tier 3, there are currently two areas within the North Sector that are located within Tier 2 and are eligible for a 10-year tax abatement term at a maximum of 75 percent (the remainder of the Sector is eligible for a six-year term at a maximum of 50 percent). The amount of abatement is based on the investment in real and personal property, targeted industry/job creation, wage rates, and employee health care benefits. These two areas include the San Antonio International Airport and the South Texas Medical Center.

Texas Enterprise Zone: There are several areas within the North Sector that exhibit census tract block groups where at least 20 percent of the resident incomes are at or below 100 percent of the federal poverty level. As such, they qualify as State Enterprise Zone areas. The benefits of locating a project in these areas includes eligibility for state sales and use tax refunds on taxes paid for equipment and machinery, materials used in building a new structure, taxable services, and electricity/natural gas use. Additionally, projects may also be eligible for state franchise tax credits based on job creation and capital investment.

Foreign Trade Zones (FTZ): The North Sector has one existing FTZ site (Airport Cargo Facilities) and two subzones (Colin Medical and R.G. Barry) within FTZ No. 80. Locating in an FTZ is advantageous in that duties can be reduced/eliminated or deferred so that the import/export of foreign goods can be delivered to the zone without up front costs being paid.

Military

The Department of Defense (DoD) has a significant economic impact on San Antonio. The DoD spends \$13.3 billion annually in San Antonio. San Antonio has four military installations: 1) Randolph Air Force Base, 2) Fort Sam Houston 3) Brooks City-Base (the Former Brooks Air Force Base) and 4) Lackland Air Force Base. Fort Sam Houston includes Camp Bullis and Brooke Army Medical Center (BAMC). Camp Bullis and Camp Stanley are located in the North Sector providing military readiness facilities for different branches of the United States Armed Forces.

One of the most anticipated economic development initiatives is the expansion of Fort Sam Houston. By 2011, Fort Sam Houston will house almost all military personnel involved in combat medic training in the nation. Training will be held at both Fort Sam Houston and at Camp Bullis. A total of 12,500 new personnel along with their families are expected.

Parks, Natural Environment, and Historic Resources

The North Sector, which covers the northern part of Bexar County, is characteristic of the Texas Hill Country and includes endangered species, the Edwards Aquifer Contributing and Recharge Zones, the Edwards Plateau, and often-sought view sheds. The North Sector contains a majority of the environmentally sensitive areas in Bexar County.

Trees

One environmental feature of the North Sector is the incredible amount of tree canopy found in the area. San Antonio and its ETJ currently have 38 percent overall tree canopy. Wildlife utilize tree canopy for protection, foraging, and habitat. Trees also help keep air quality high by sequestering many pollutants from the atmosphere, including nitrogen dioxide (NO₂), sulfur dioxide (SO₂), ozone (O₃), carbon monoxide (CO), and particulate matter of ten microns or less (PM₁₀).

Threatened and Endangered Species

Bexar County contains several federally listed threatened and endangered species. Endangered species known to exist in the North Sector include two small song birds, the Golden-cheeked Warbler and Black-Capped vireo, six endangered plant species, and nine karst invertebrates often referred to as “cave bugs”.

Potential habitat for these species can generally be found in the North Sector due to the geology and vegetation of the Edwards Plateau. Golden-cheeked Warblers utilize heavily wooded areas along steep slopes, drainages, and upland areas with a thick tree canopy. The canopy is comprised of both mature Ashe Junipers (cedars) and hardwoods. Black-capped Vireos tend to occupy recently disturbed areas that are relatively open and contain a shrubby component. The Black-capped Vireo nests and raises its young in Texas in the spring and migrates south to tropical areas usually beginning in August. The main threat to the Vireo is loss of habitat and secondly, nest-site parasitism from cowbirds who lay their eggs in Vireo nests. Like the Vireo, the Golden-cheeked Warbler nests in Bexar County in the spring and then migrates south to tropical climates in the fall. The principal threat to the Warbler is also habitat loss.

Karstic limestone outcroppings on the Edwards Plateau usually include karst features, which provide habitat for karst invertebrate species. Frequently, karst invertebrates in Bexar County are single-cave endemic, which means they are found nowhere else but in that single feature. The invertebrates cannot relocate or be relocated to other karst features. If the karst feature is disturbed by development, direct/indirect contamination, or changes to water flow/water availability, the species may be lost at that location. Additionally, karst invertebrates are an indicator of water quality and quantity.

Edwards Aquifer

The Edwards Aquifer, of which the Contributing and Recharge Zones are partially located in the North Sector, is an immense underground reservoir that stores and transports water. Rainfall and streams seep into cracks, fissures, fractures, sinks holes, solution cavities, caves, and other karst features eventually reaching the aquifer. The Edwards Aquifer produces many springs that feed creeks, streams, waterfalls, and rivers throughout Bexar County and Central Texas. In addition, the Edwards Aquifer is able to supply most of Central Texas with drinking water.

Watersheds, Rivers, and Streams (Stormwater)

Bexar County is comprised of 5 different watersheds, four of which are located in the North Sector: Leon Creek, Salado Creek, Cibolo Creek, and San Antonio River. Each watershed contains several waterways and floodplains.

San Antonio has a history of flooding. Flash floods are a serious problem in flood prone areas, including parts of the North Sector. Average annual rainfall can range from 15 inches to 33 inches, which can cause unpredictable droughts and also sporadic flash floods (Texas Parks and Wildlife Department Wildlife Action Plan, 2005). A major cause of flash floods is impervious cover, which impedes rainwater from draining into the ground causing it to run across surfaces and pool in low lying areas. There are approximately 65 low water crossing locations in the North Sector.

Topography

A topography map is a detailed map depicting elevation changes, or relief, and includes the highest points, the steepest slopes, the flattest areas, and valleys in a particular area. The steepest slopes in Bexar County are located in the North Sector. Development on steep slopes can be very costly, environmentally damaging, and if done improperly, very dangerous.

Soils

The landscape of the North Sector is rocky and rugged and is dominated by Ashe juniper and various oaks. The sector contains a range of soils from neutral to slightly acidic sands and sandy loams to thin, rocky calcareous clays and clay loams.

Most of the soils within this area are not recommended for development of single-family homes of three stories or less built on concrete slab. Due to the rocky nature of the area, the soils are also not recommended as farmland for food, feed, fiber, forage, or oilseed crops. Most appropriate uses of the land include cattle ranching, hunting leases, and conservation.

Air Quality

Ground-level ozone is the greatest challenge to maintaining excellent air quality in the San Antonio region. Air pollution affects each sector equally. Ozone forms readily in the atmosphere during warm, sunny days when sunlight and chemicals from burning fuels and vapors react together. Common sources of emissions include power generation, industrial processes, natural gas furnaces, gasoline stations, motor vehicles, airplanes, trains, boats, petroleum storage tanks, and oil refineries (www.tceq.state.tx.us). Cement quarries, cars and trucks traveling the roadways, and coal-fired power generation are the largest contributors to air pollution in Bexar County. Ozone pollution affects the health of all individuals, particularly sensitive groups such as people with lung diseases, children, older adults, and all ages who exercise or work vigorously outdoors.

The federal ozone standard was last set in 2008 by the Environmental Protection Agency (EPA) at 75 parts per billion (ppb). The standard was created to protect human health and the environment. **Table A-10: Air Quality**, shows the ppb readings taken at air monitoring sites over the past three years that were used in the regulatory three-year average. At this time, San Antonio meets the goal and remains in attainment. If, however, the EPA decides to lower the standard again, San Antonio may find itself in non-attainment. Non-attainment could possibly bring about regulations and restrictions to economic, industrial, and transportation interests in the area.

Table A-10: Air Quality

San Antonio	Fourth Highest Average			
Monitoring Site	2007	2008	2009 as of 9:19 am CDT 12/22/2009	Current Three-Year Average (ppb)
San Antonio Northwest C23	71	78	75	74
Camp Bullis C58	74	74	73	73
Calaveras Lake C59	67	73	62	67
Heritage Middle School C622	66	72	62	66
CPS Pecan Valley C678	65	75	68	69

Community Facilities and Education

Active and Passive Recreation

The North Sector contains a total of 60 sites designated as public parks or open space, of which, 35 are parks and 25 are open space areas. These sites include city and county parks, greenways, and natural areas, totaling approximately 7,300 acres (2,456 acres of parkland and 4,989 acres of open space) and comprising roughly 43 percent of the total inventory of park and open space within the entire City (17,349 acres). Based on an existing population (568,020), a current level of service of approximately 4.3 acres of parkland per 1,000 residents and 8.7 acres of open space per 1,000 residents is provided. It should be noted that a large inventory of private parks and open space exists within each quadrant of the North Sector which would significantly add to the overall totals. **Tables A-12: Number of Parks and Acreage in North Sector Quadrants** and **A-13: Number of Open Space Areas and Acreage in North Sector Quadrants** show that the Southeast Quadrant contains the most park acreage and least amount of open space, while the Northwest Quadrant contains the most open space and the Northeast Quadrant contains the least amount of park acreage.

Table A-11: North Sector Parks identifies the parks and acreage within each North Sector quadrant.

Table A-11: North Sector Parks

Quadrant	Total Number of Parks	Total Acreage
Northwest	9	3,133
Northeast	5	725
Southwest	15	1,738
Southeast	11	1,739
NORTH SECTOR	41	7,284
CITY OF SAN ANTONIO	227	17,349

Table A-12: Number of Parks and Acreage in North Sector Quadrants

Type of Park	Northwest Quadrant		Northeast Quadrant		Southwest Quadrant		Southeast Quadrant		Total Acreage
	#	Acres	#	Acres	#	Acres	#	Acres	
Neighborhood	0	0	0	0	9	97.6	5	155.3	252.9
Community	0	0	1	64.7	10	214.8	2	17.6	297.1
Large Urban	0	0	0	0	3	514.6	4	1,223.5	1,738.1
Sports Complex	1	167.8	0	0	0	0	0	0	167.8
TOTAL	1	167.8	1	64.7	22	827.0	11	1,396.4	2,455.9

Source: Matrix Design Group, June 2010

Table A-13: Number of Open Space Areas and Acreage in North Sector Quadrants

Type of Open Space	Northwest Quadrant		Northeast Quadrant		Southwest Quadrant		Southeast Quadrant		Total Acreage
	#	Acres	#	Acres	#	Acres	#	Acres	
Greenway	0	0	1	76.7	6	534.3	4	267.0	878.0
Natural Area	8	3,109.4	2	534.0	3	385.5	0	0	4,028.9
Historic Resource	0	0	0	0	0	0	1	82.3	82.3
TOTAL	8	3,109.4	3	610.7	9	919.8	5	349.3	4,989.2

Source: Matrix Design Group, June 2010

Emergency Services

All areas of the North Sector within San Antonio’s city limits are served by San Antonio’s police, fire, and emergency medical services (EMS). Areas outside of San Antonio’s city limits are served by various agencies.

Hospitals/Clinics

The majority of the North Sector hospitals, approximately fourteen, are located in the South Texas Medical Center. However, there are other hospitals and clinics located within other areas of the Sector. The Northwest Quadrant does not currently contain any hospitals or clinics. The Northeast Quadrant contains five hospitals and five clinics. The Southwest Quadrant, as mentioned, contains fourteen hospitals within the Medical Center, two other hospitals located outside of the Medical Center, and approximately sixty-five clinics. The Southeast Quadrant contains two hospitals and approximately forty-five clinics.

Libraries

The North Sector is currently served by eight City of San Antonio public libraries and one is currently under construction. The majority of libraries are located inside Loop 1604 in the southwest and southeast quadrants. The Cody, John Igo, Great Northwest and Maverick Branches are located within the southwest quadrant. The Brook Hollow, Thousand Oaks, and Semmes Branches are located within the southeast quadrant. The Bannwolf Library at Reagan High School and the soon to be completed Parman Branch are located in the northeast quadrant.

Primary and Secondary Schools

Seven independent school districts (ISD) provide public education to residents of the North Sector. Northside and Northeast Independent School Districts are the largest school districts within the Sector. There are approximately 102 elementary schools, 42 high schools, and 19 middle schools within the Sector. The schools consist of approximately 8 charter schools, 46 private schools, 110 public schools, and 2 trade schools.



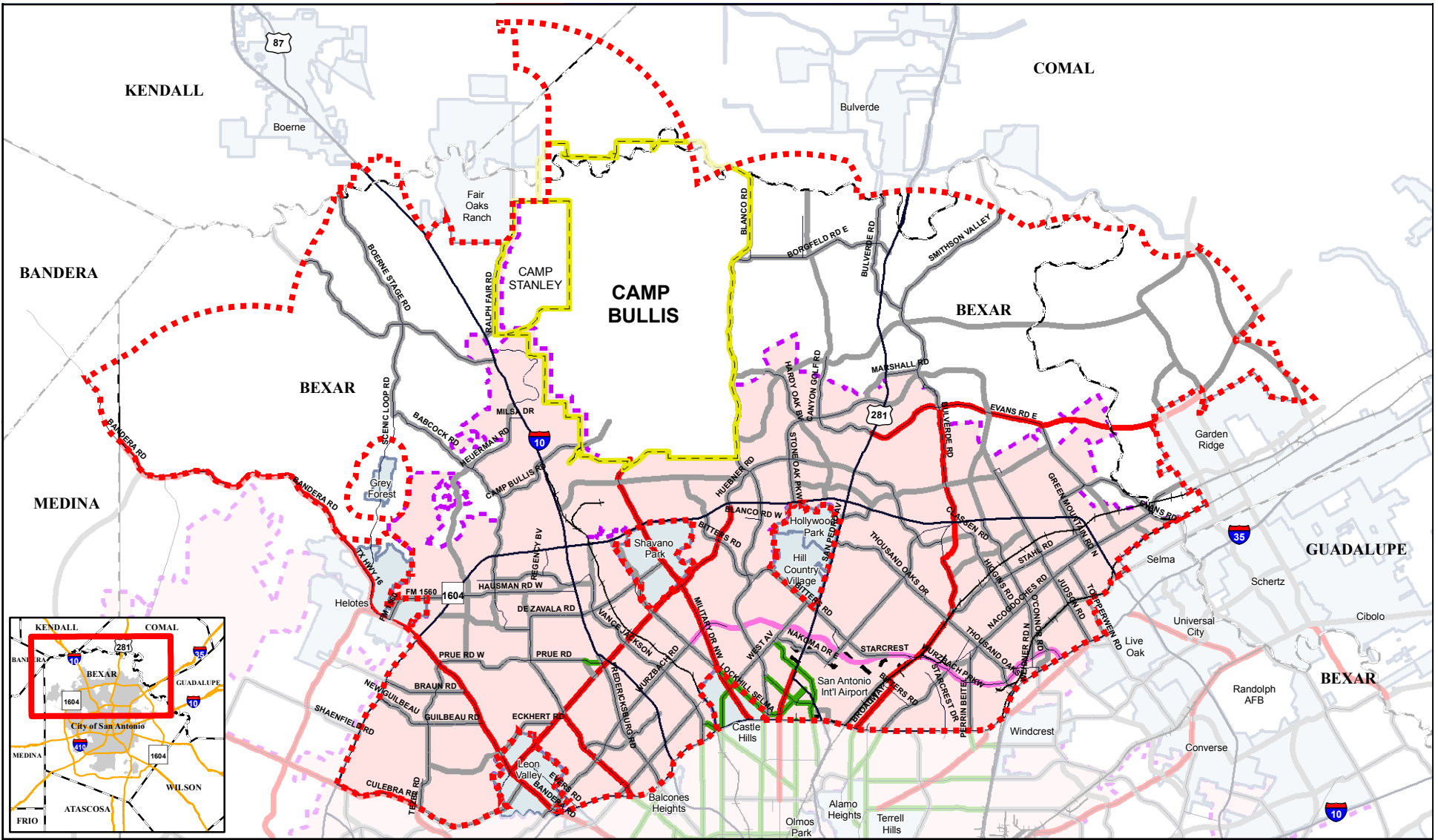
Higher Education and Technical Schools

In the North Sector there are two universities (University of Texas San Antonio [UTSA] and University of Texas [UT]Health Science Center San Antonio), and two trade schools (Hallmark, and ITT Technical Institute). UTSA currently has a 2009 enrollment of over 28,000. The UT Health Science Center San Antonio has over 3,000 students.

Map Atlas

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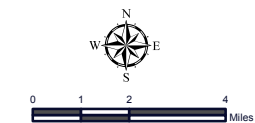


Major Thoroughfare Plan

- Primary Arterial Type A (120' ROW)
- Secondary Arterial Type B (70'-86' ROW)
- Super Arterial Type A (200'-250' ROW)
- Secondary Arterial Type A (86' ROW)

- North Sector Planning Area
- San Antonio
- Incorporated City
- Camp Bullis/Stanley

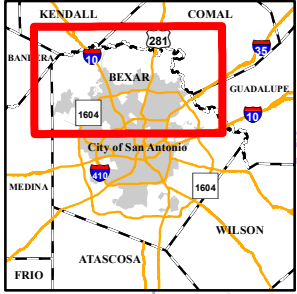
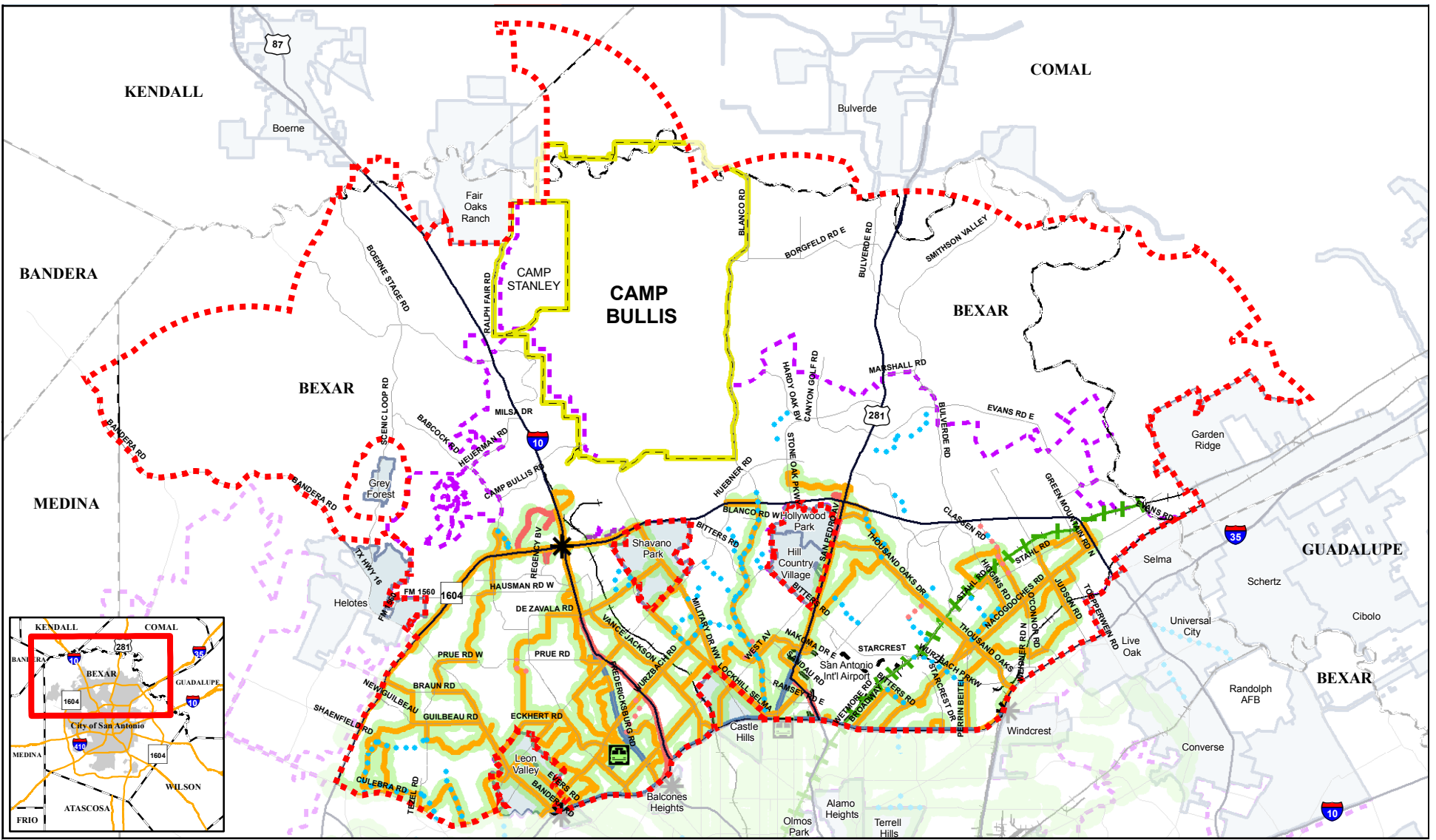
- County
- Airport
- Highway
- Major Road
- Railroad



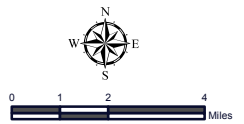
A-2

source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009

North Sector Vehicular and Aviation Transportation System



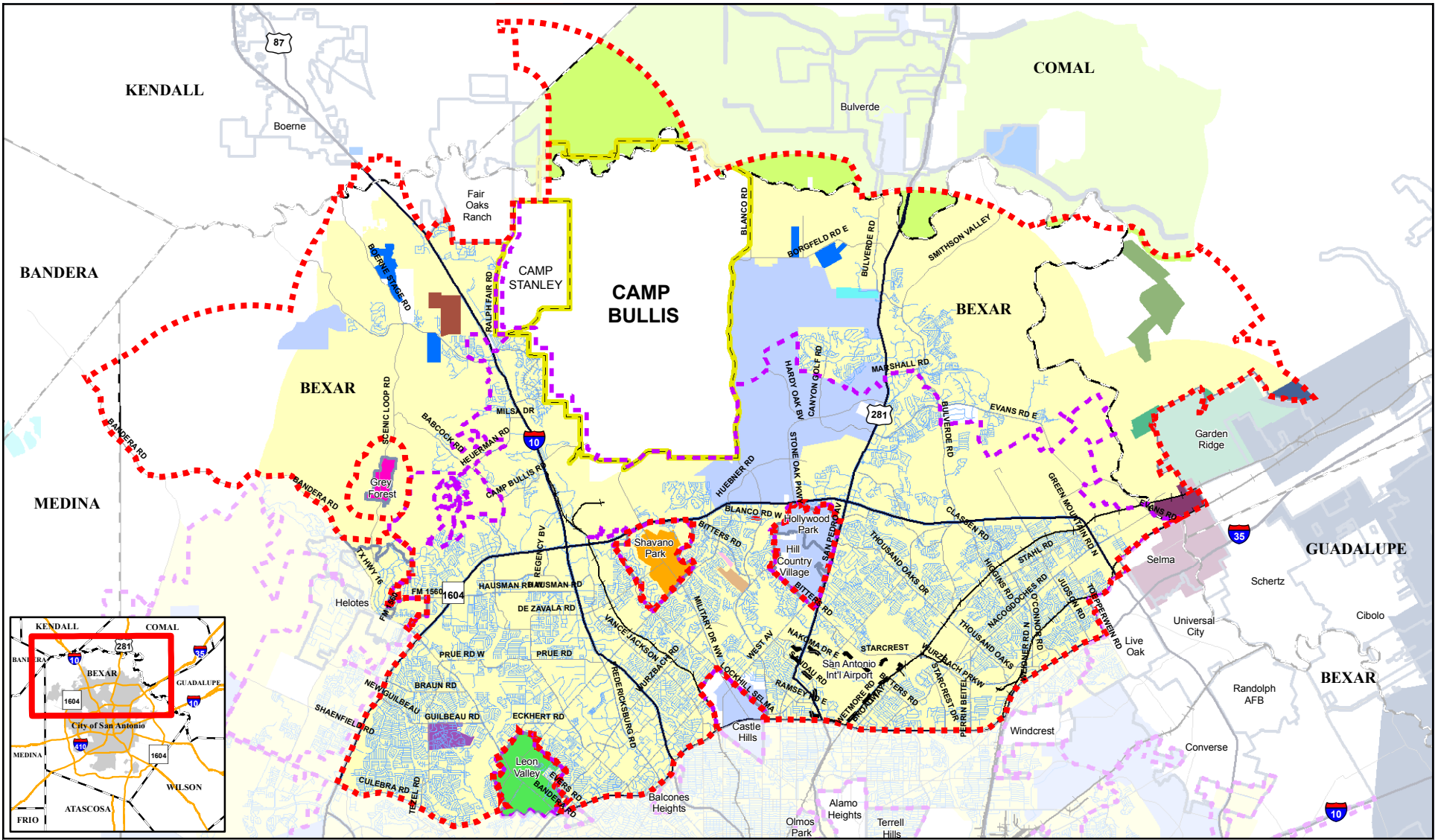
- | | | | | |
|------------------------------|----------------------|---------------------------|-----------------------------------|---------------|
| VIA Facility | VIA Bus Route | Bicycle Facilities | North Sector Planning Area | County |
| ★ Park and Ride | Express | Type | San Antonio | ✈ Airport |
| 🚏 VIA Transit Center | Frequent | ●●● Bike Lane | Incorporated City | — Highway |
| 🟩 0.25 Mile VIA Service Area | Metro | ●●● Bike Route | Camp Bullis/Stanley | — Major Road |
| 🚆 Proposed Commuter Rail | Skip | | | — Railroad |



A-3

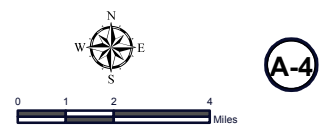
North Sector Mass Transit and Non-Vehicular Transportation System

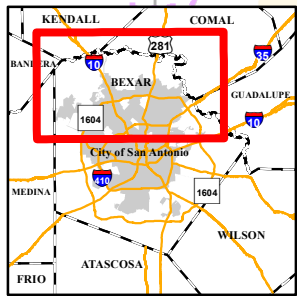
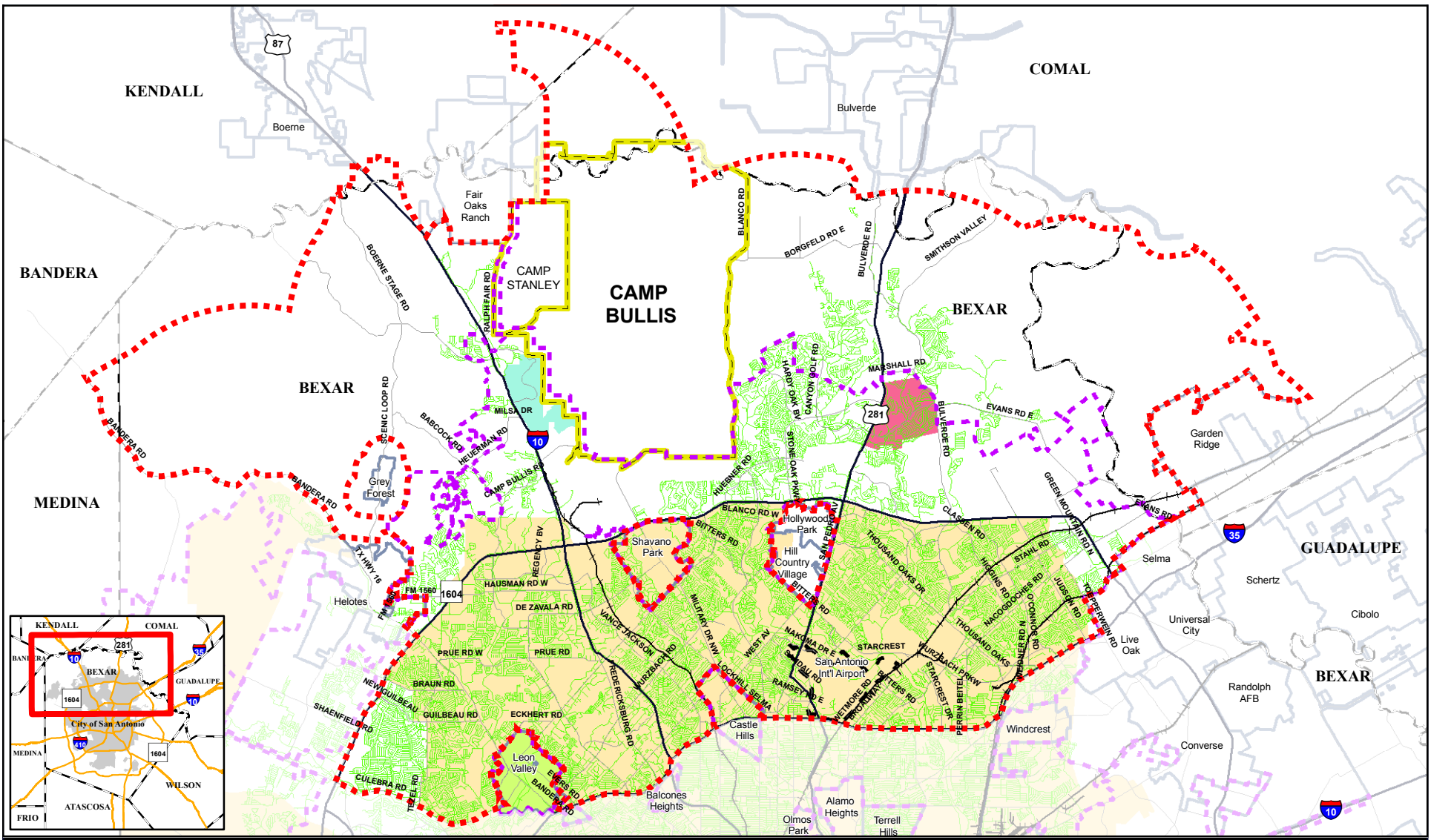
source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009



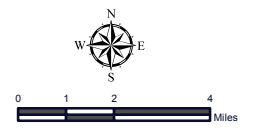
Water Purveyor CCN	City of Bulverde	Dobbins & Schweers	North Sector Planning Area	County
3009 Water Company	City of Garden Ridge	Green Valley SUD	San Antonio	Airport
Ace Utilities	City of Grey Forest	Lackland Water Co.	Incorporated City	Highway
Aqua Texas	City of Leon Valley	The Oaks WSC	Camp Bullis/Stanley	Major Road
Bexar Metro Water Dist.	City of Selma	SAWS		Railroad
Cadillac Water Corp.	City of Shavano Park	Water Services Inc.		
	SAWS Water Line			

source: Bexar County, Comal County, Kendall County / 2010; TNRS / 2009





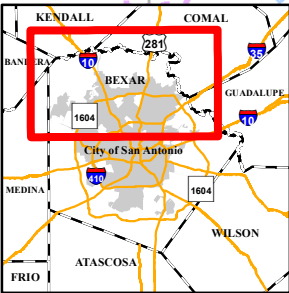
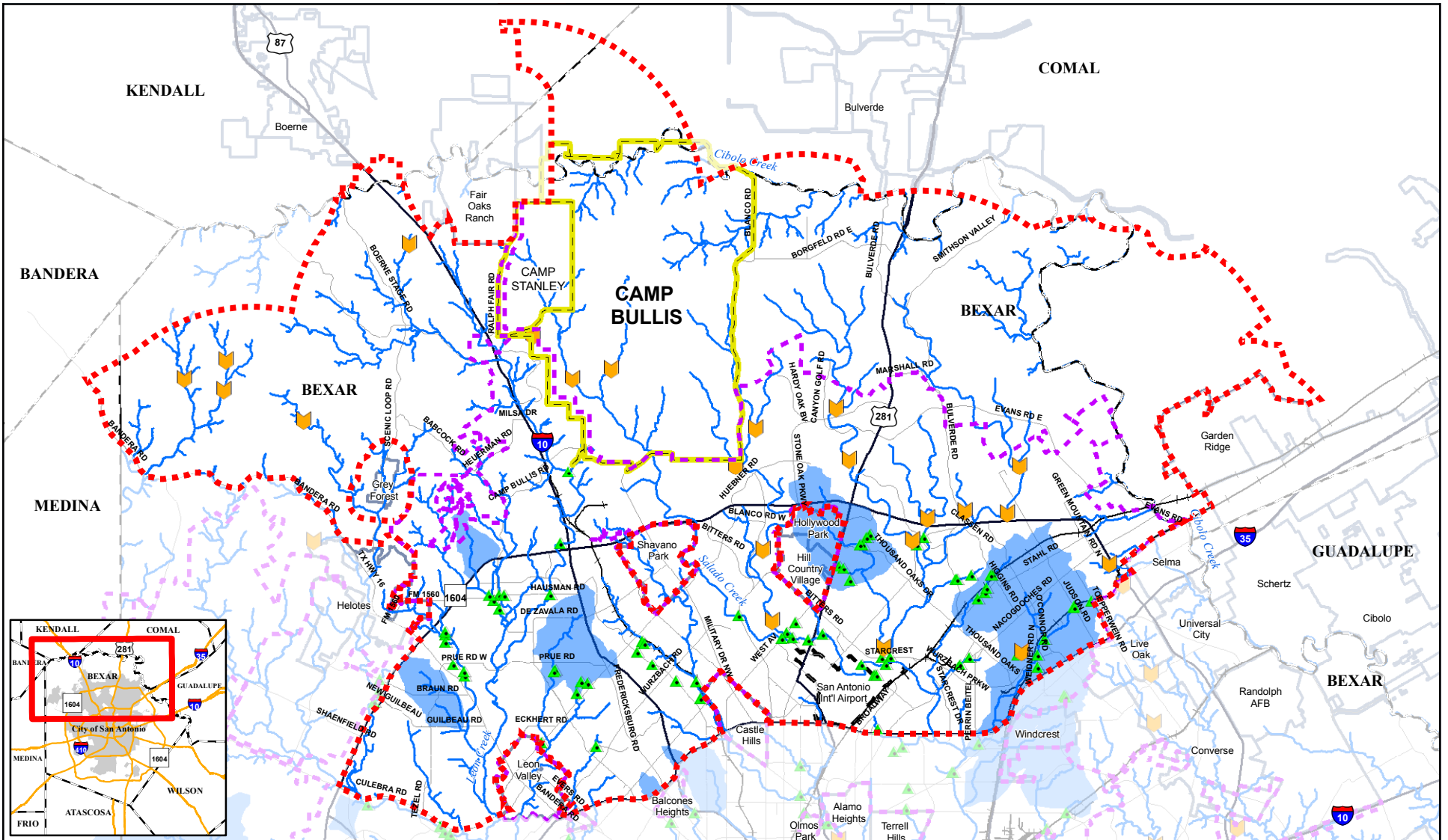
- | | | |
|--------------------------------|----------------------------|------------|
| Wastewater Purveyor CCN | North Sector Planning Area | County |
| City of Leon Valley | San Antonio | Airport |
| Denton Utility Co. | Incorporated City | Highway |
| Leon Springs Utility Co. | Camp Bullis/Stanley | Major Road |
| SAWS | | Railroad |
| SAWS Sewer Line | | |



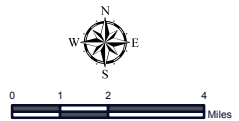
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North Sector Wastewater Service

source: Bexar County, Comal County, Kendall County / 2010; TNRS / 2009



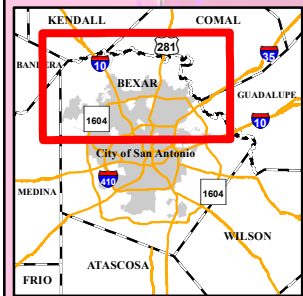
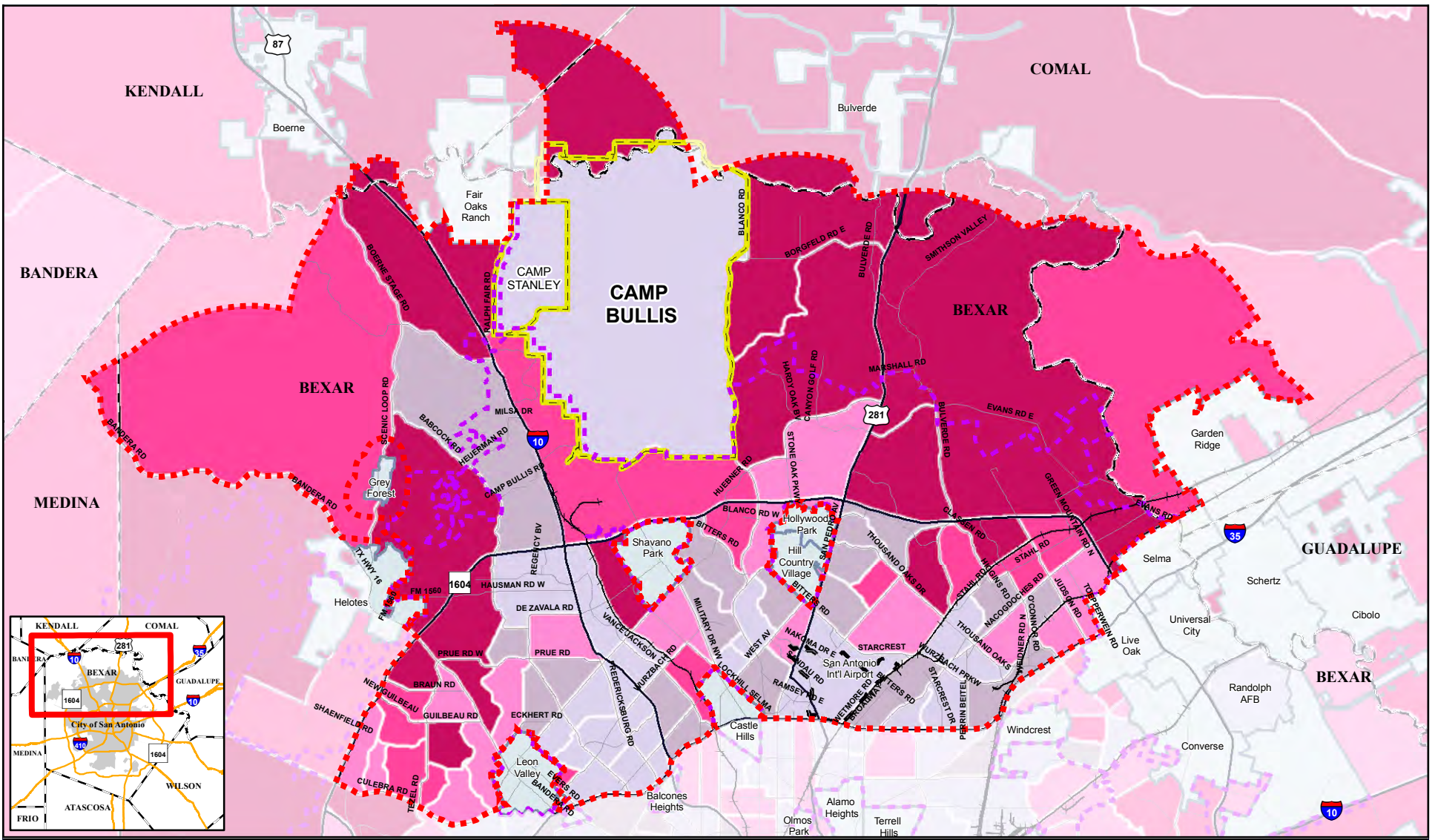
- Dam
- Low Water Crossing
- Stream
- Mandatory Detention Area
- North Sector Planning Area
- San Antonio
- Incorporated City
- Camp Bullis/Stanley
- County
- Airport
- Highway
- Major Road
- Railroad



A-6

source: Bexar County, Comal County, Kendall County / 2010; TNRS / 2009

Stormwater Facilities

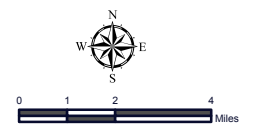


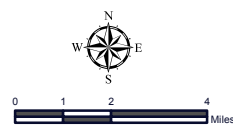
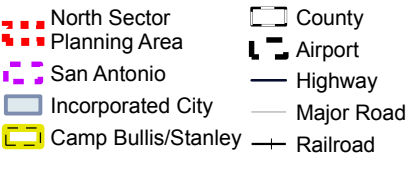
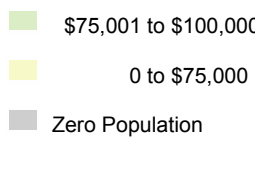
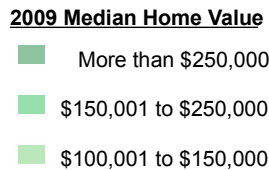
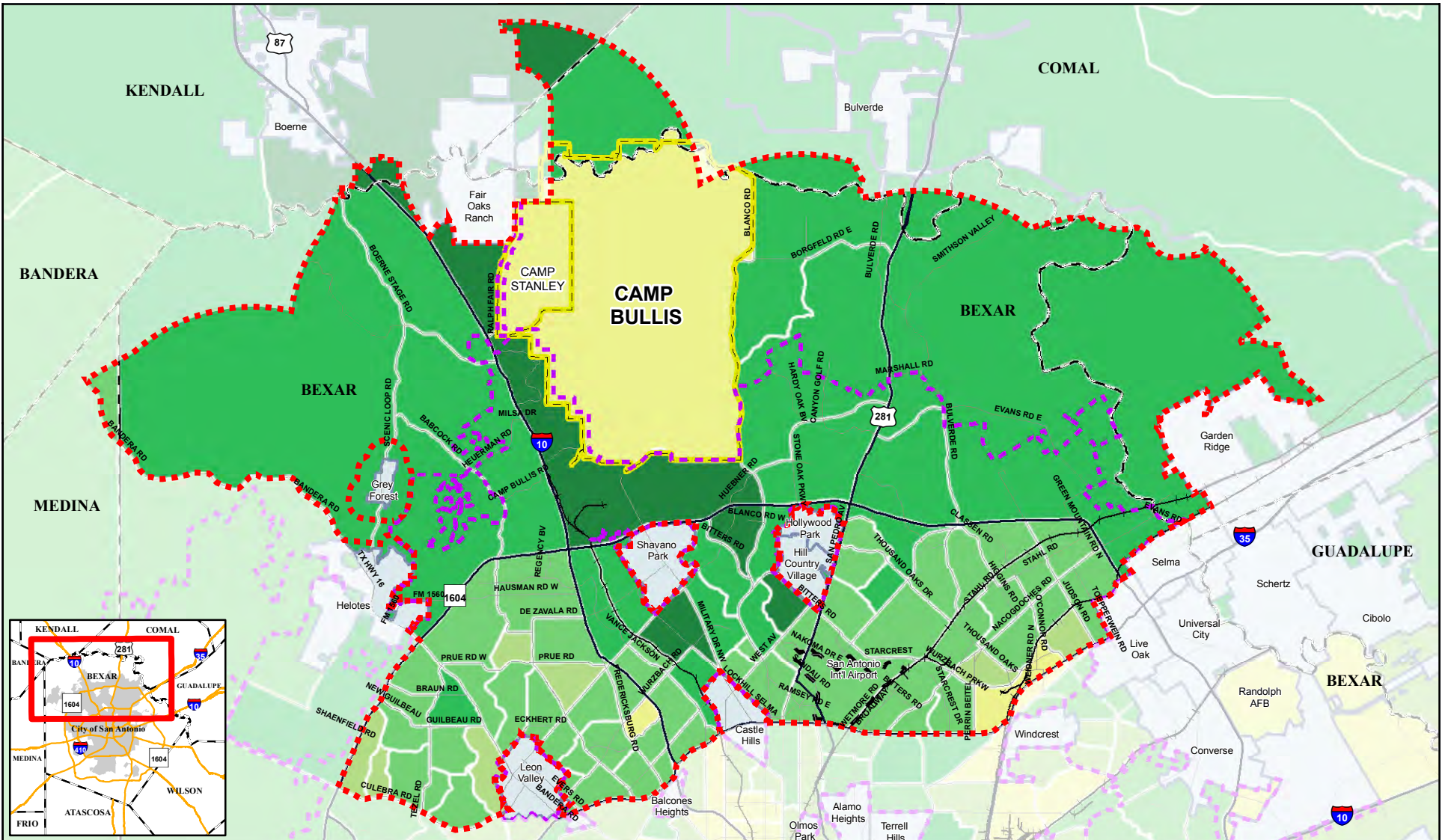
2009 Percent Owner Occupied Housing Units

- 80.1% to 100.0%
- 70.1% to 80.0%
- 60.1% to 70.0%

- 45.1% to 60.0%
- 0 to 45.0%
- Zero Population
- North Sector Planning Area
- San Antonio
- Incorporated City
- Camp Bullis/Stanley

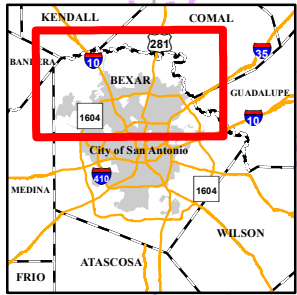
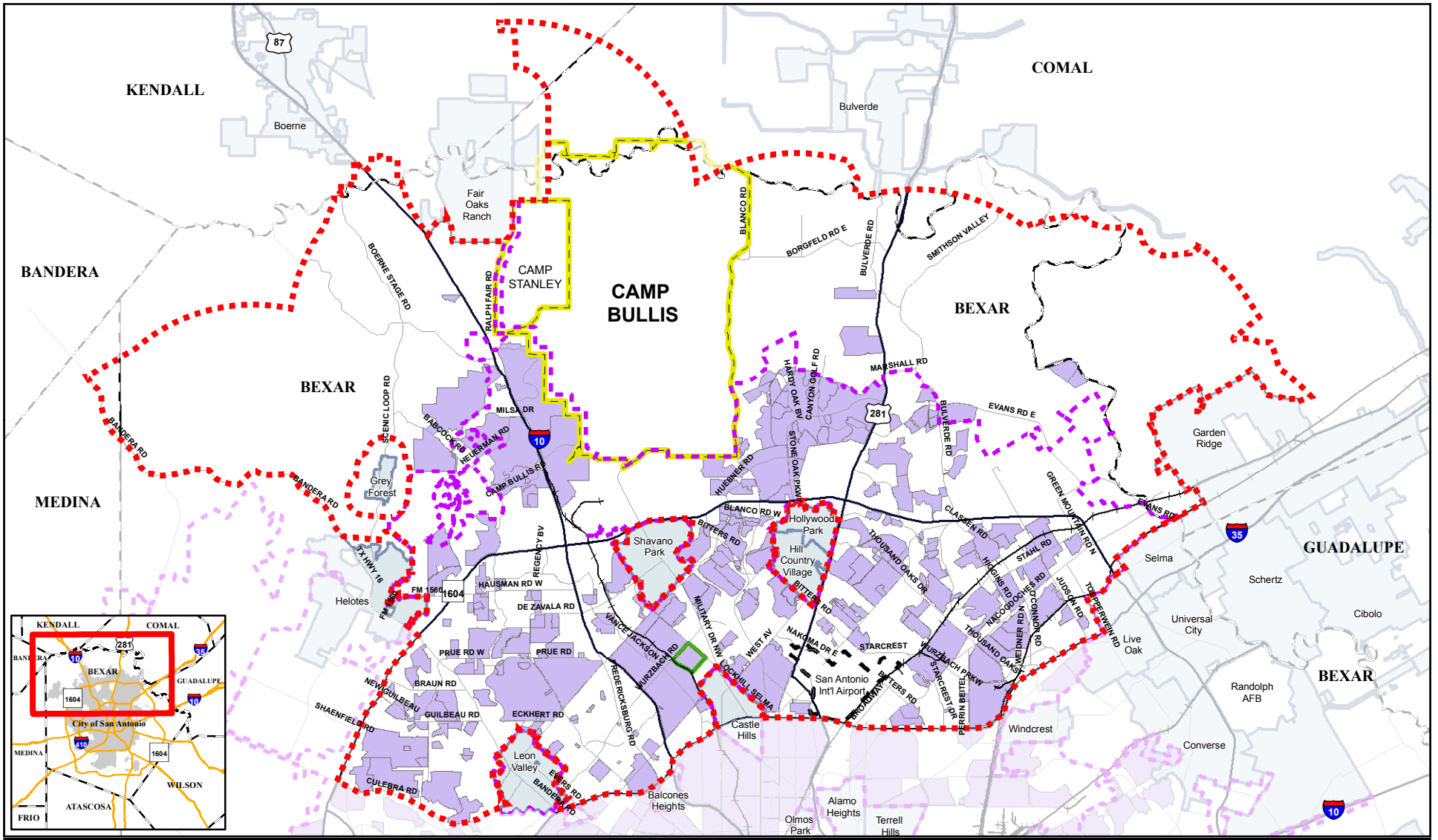
- County
- Airport
- Highway
- Major Road
- Railroad



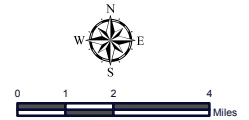


A-8

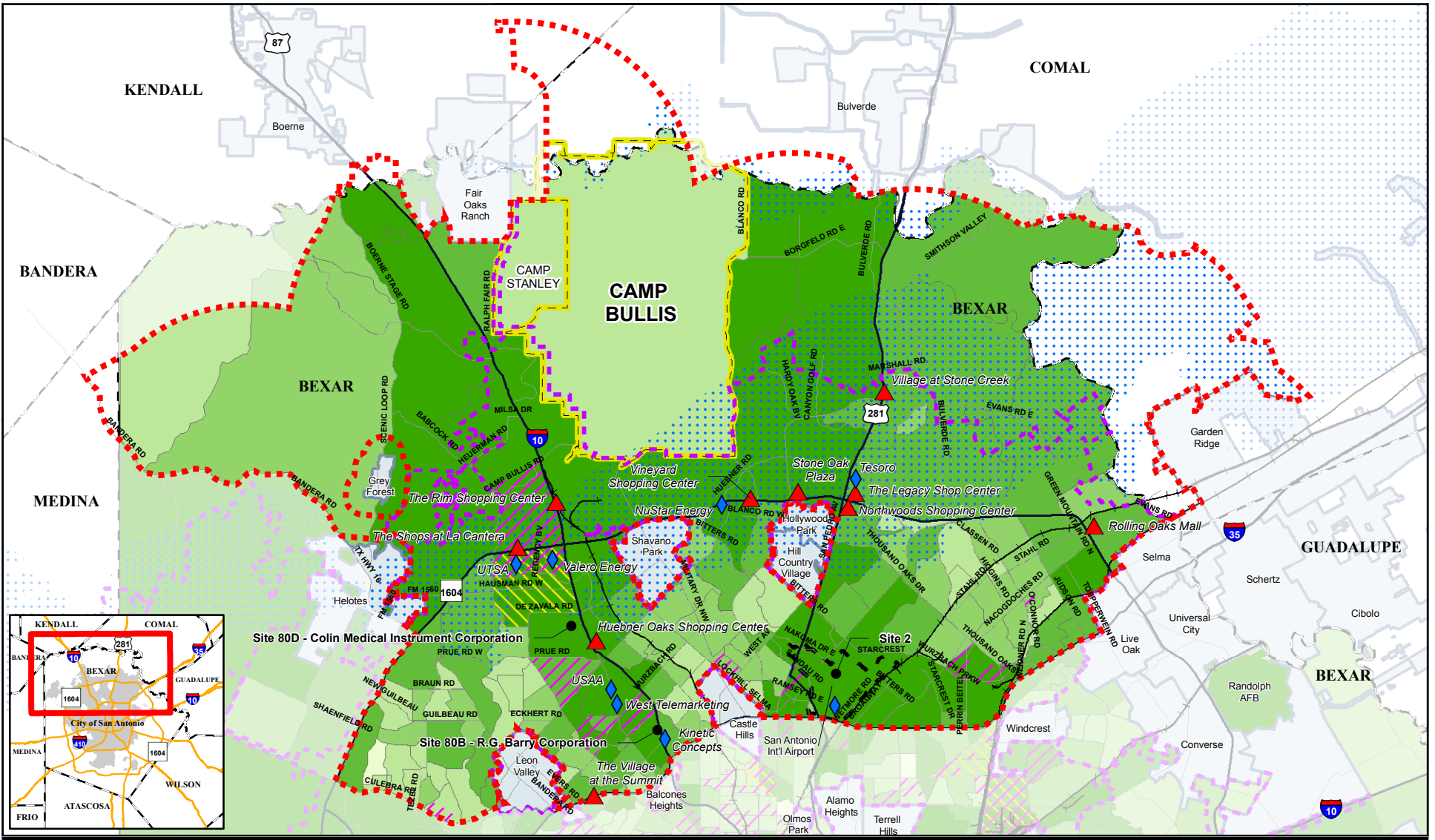
source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009; ESRI / 2009



- | | | |
|------------------------------------|----------------------------|------------|
| Neighborhood Association | North Sector Planning Area | County |
| Neighborhood Conservation District | San Antonio | Airport |
| Incorporated City | Camp Bullis/Stanley | Highway |
| | | Major Road |
| | | Railroad |

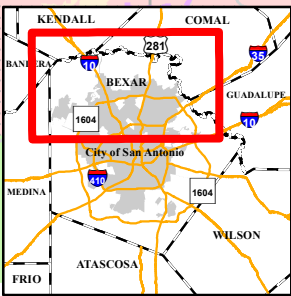
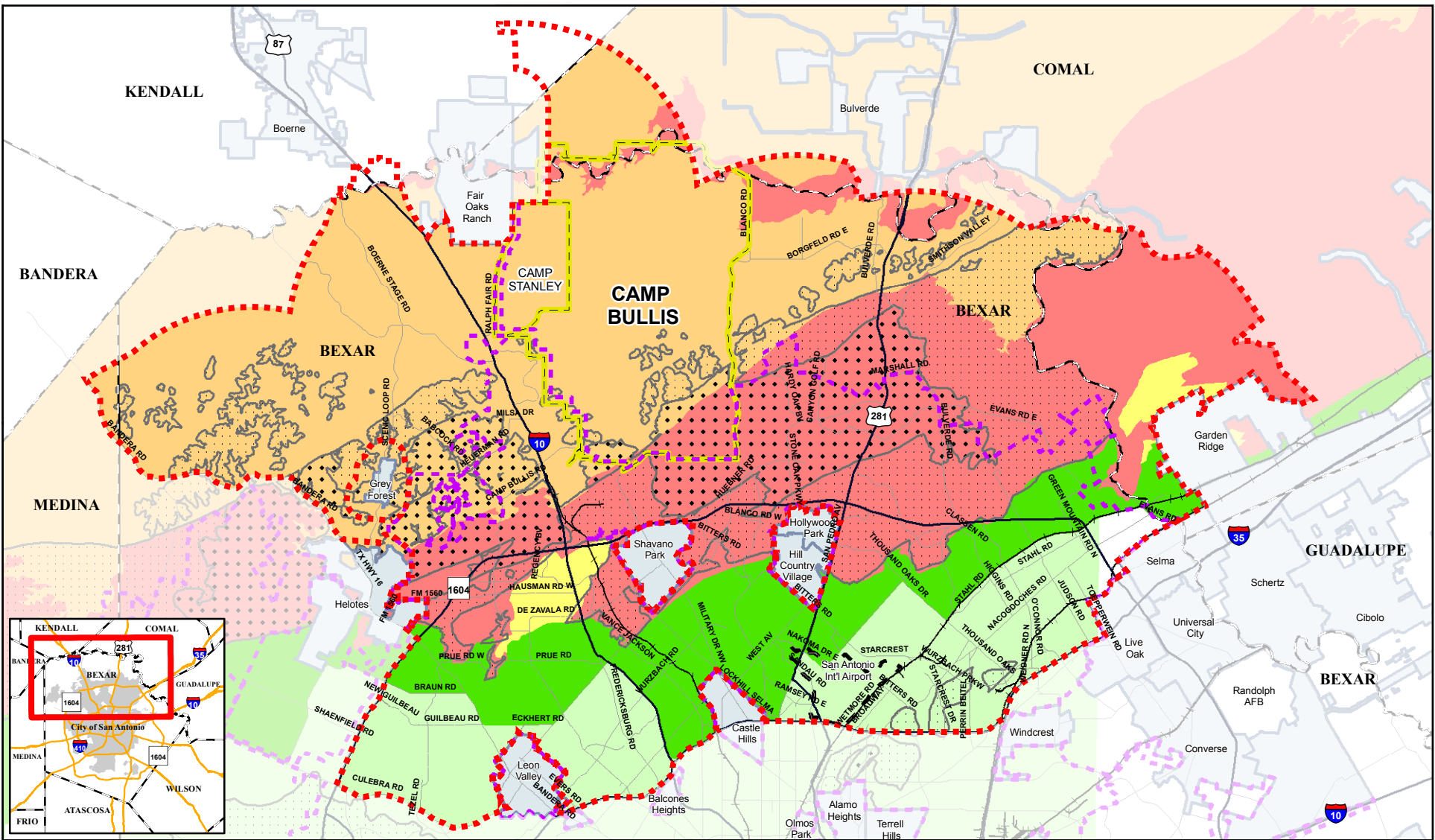


source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009



▲ Major Retail Outlet	— Texas Enterprise Zone (Eligible Areas)	2035 Job Density (employees/square mile)	■ North Sector Planning Area	□ County
◆ Major Employer	— Qualified HUB Zone	■ <100	■ San Antonio	✈ Airport
● Foreign Trade Zone Site	■ Edwards Aquifer Recharge Zone	■ 100-500	■ Incorporated City	— Highway
		■ 500-1000	■ Camp Bullis/St Stanley	— Major Road
		■ 1000-2500		— Railroad
		■ >2500		

source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009



Aquifer

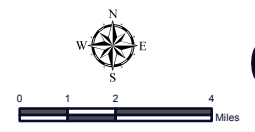
- Edwards Aquifer Recharge Zone
- Edwards Aquifer Contributing Zone
- Edwards Aquifer Contributing Zone within the Transition Zone

Karst Zone

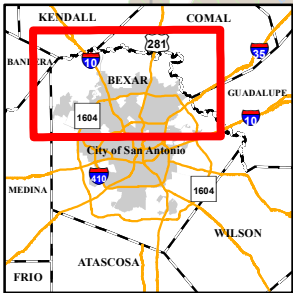
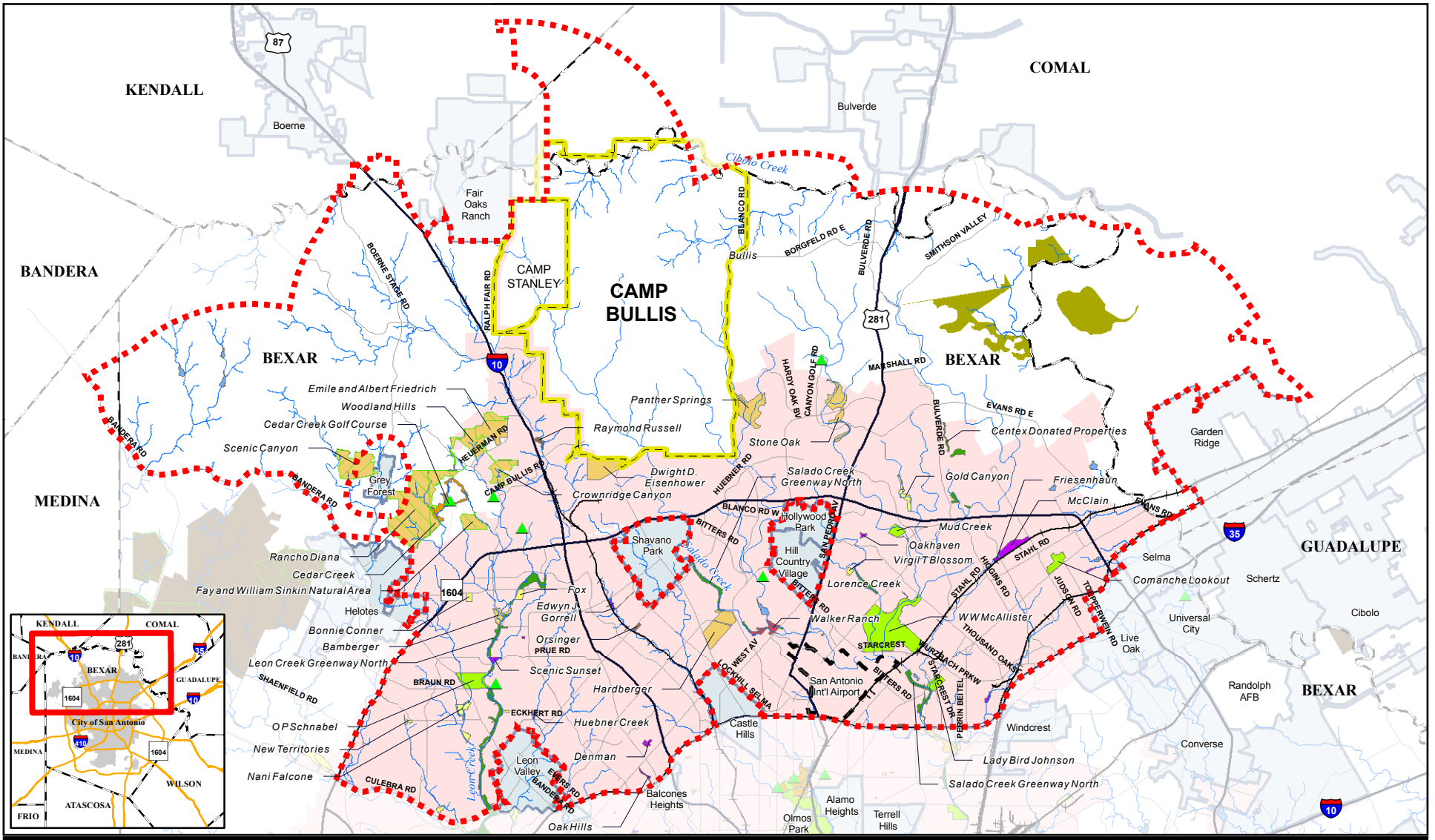
- Edwards Aquifer Transition Zone
- Artesian Zone
- Karst Species - Exist
- Karst Species - High Probability

- North Sector Planning Area
- San Antonio
- Incorporated City
- Camp Bullis/Stanley

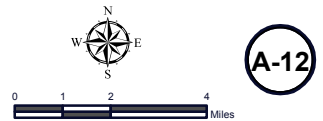
- County
- Airport
- Highway
- Major Road
- Railroad



A-11



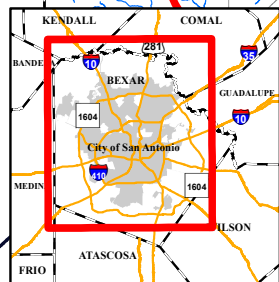
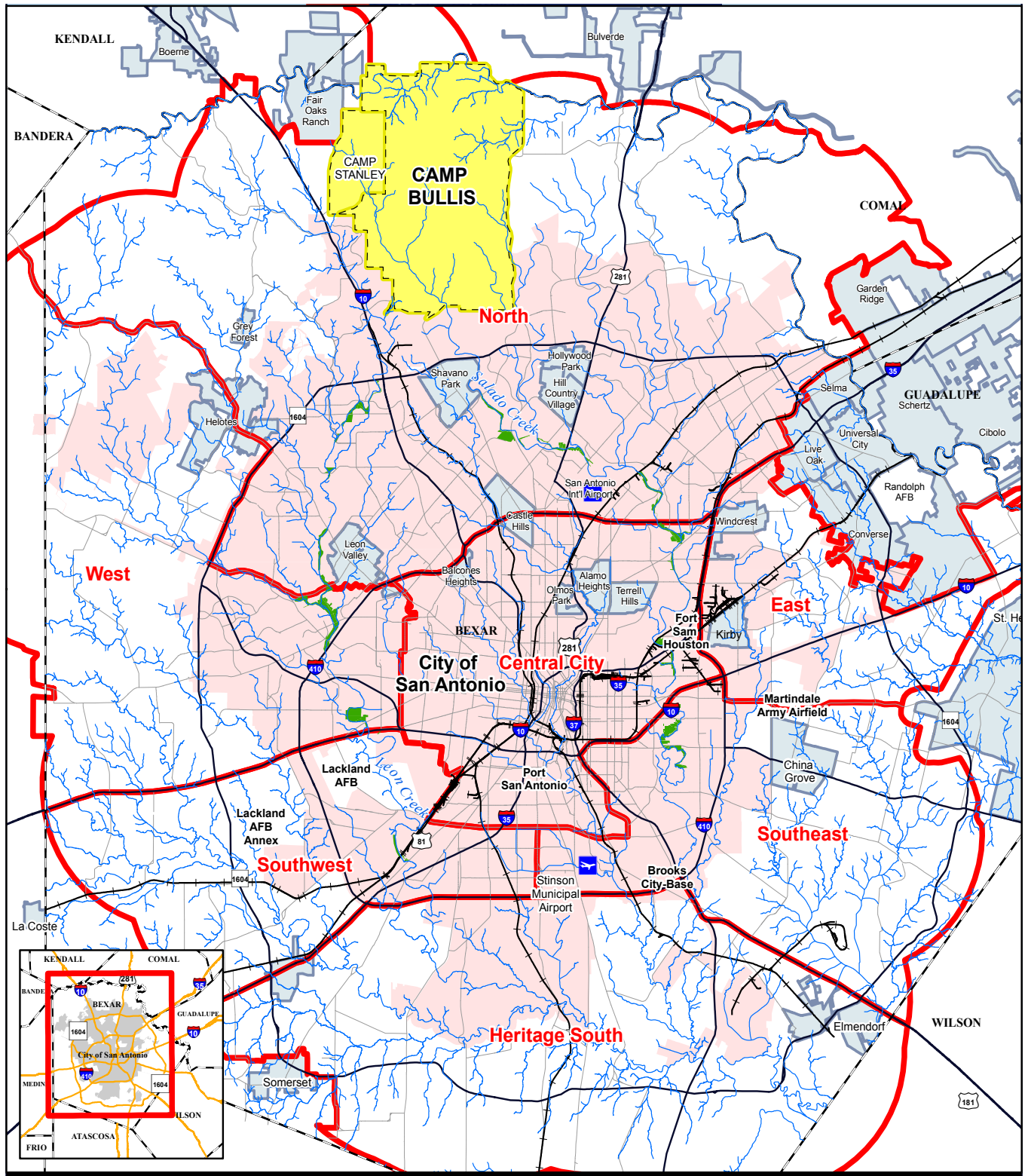
- | | | | | | |
|---------------------|--------------|---------------------|---------------------|----------------------------|----------|
| Golf Course | Parks | Large Urban | Natural Area | North Sector Planning Area | County |
| Stream | Community | Protected Lands | Historic Resource | San Antonio | Airport |
| Lake | Neighborhood | Proposition 1 Lands | Sports Complex | Incorporated City | Highway |
| Proposition 3 Lands | Greenway | Not Designated | Camp Bullis/Stanley | Major Road | Railroad |



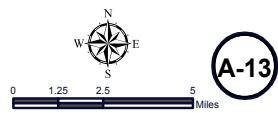
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source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009

North Sector Parks, Natural Environment, and Historic Resources

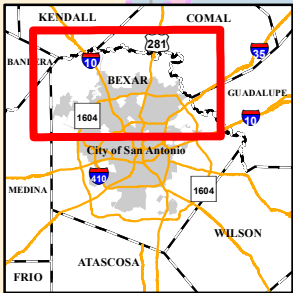
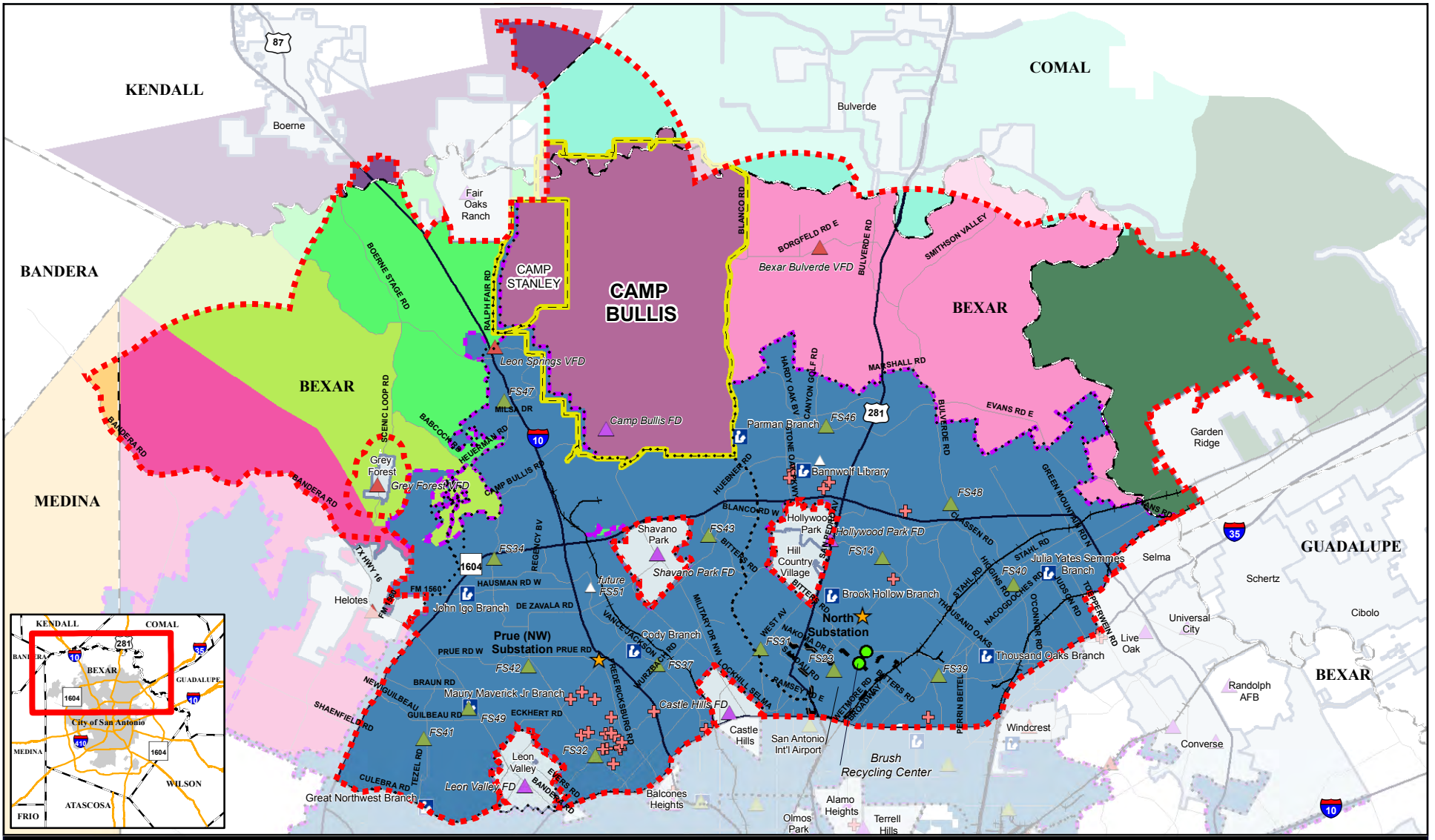


- ~ Stream
- █ Linear Creekway
- Sector Plan Boundary
- San Antonio
- Incorporated City
- County
- Highway
- Major Road
- Railroad
- ✈ Airport



source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009

Linear Creekways



Community Facility

- Library
- Hospital
- Solid Waste Transfer Station / Recycling Center
- Police Stations

SAPD Service Areas

- Fire Station
- San Antonio Fire Station
- Other Fire Station
- Volunteer Fire Station
- Future Fire Station

Emergency Service District

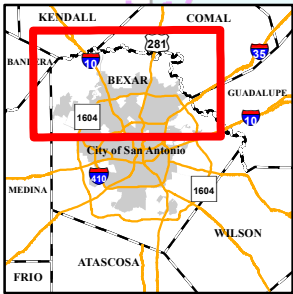
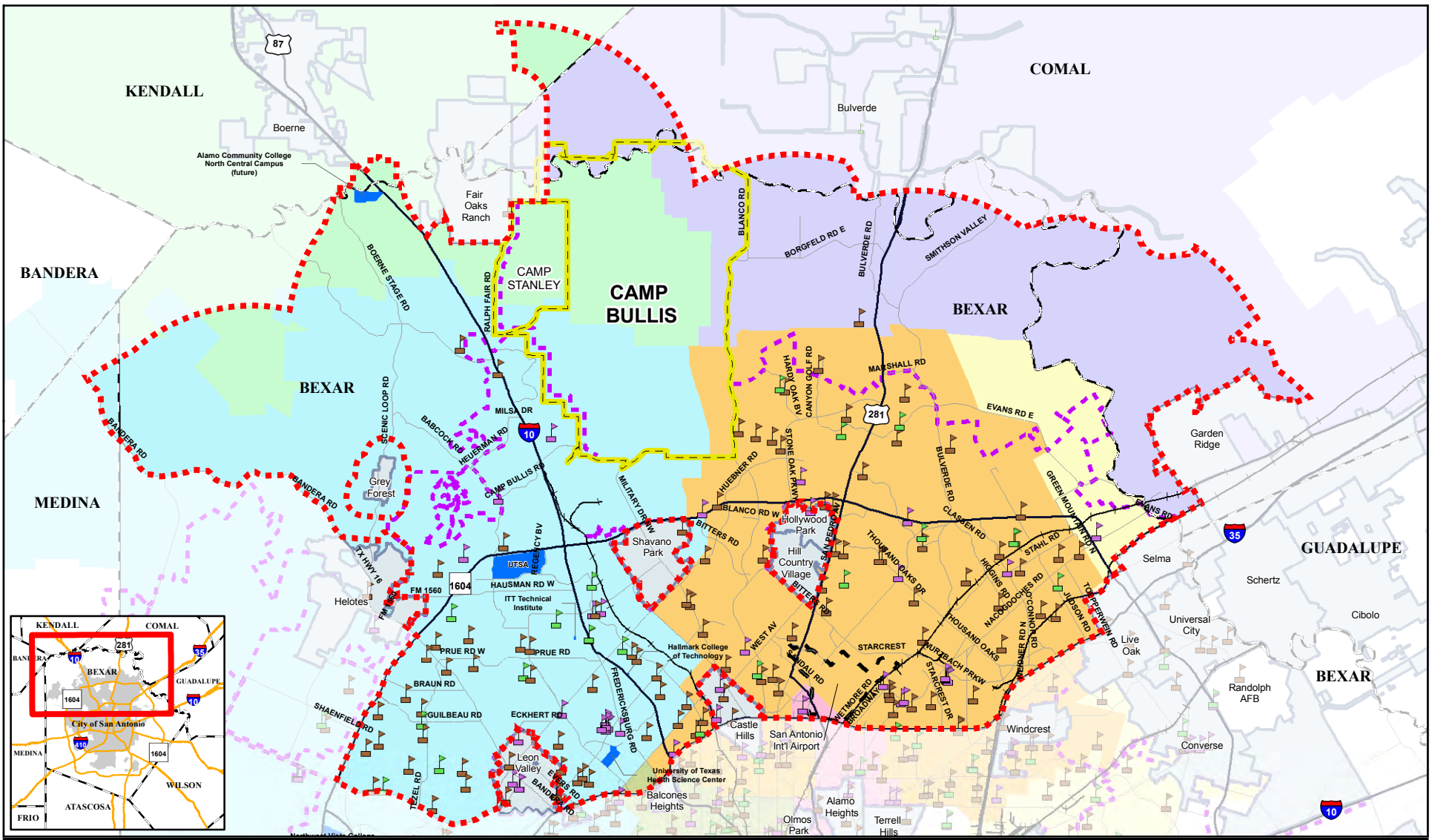
- Bexar County, BC3
- Bexar County, BC4
- Bexar County, BC7
- Bexar County, BC8
- Camp Bullis/Stanley
- Comal County, CC5 AND CC1
- Comal County, CC6
- Kendall County
- Medina County
- City of San Antonio

- North Sector Planning Area
- San Antonio Incorporated City
- Camp Bullis/Stanley

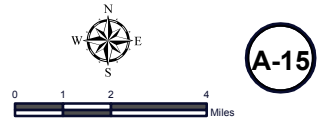
- County
- Airport
- Highway
- Major Road
- Railroad

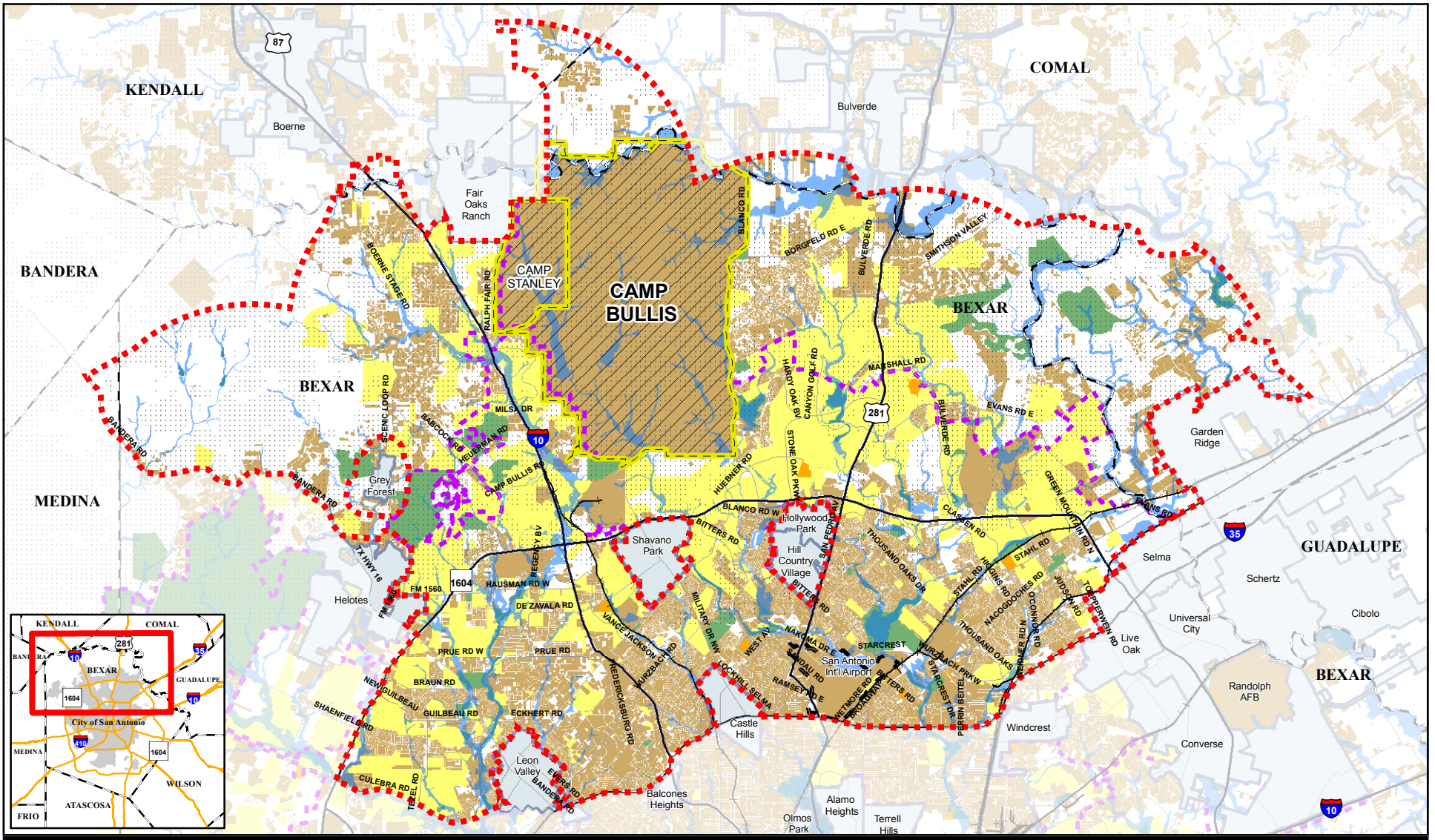


source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009

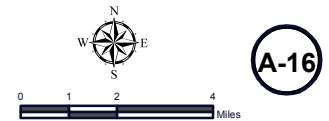


- | | | | |
|--------------------|------------------------|---------------------|---------------|
| School | School District | North Sector | County |
| Elementary | Alamo Heights ISD | North Sector | County |
| Middle | Boerne ISD | San Antonio | Airport |
| High | Comal ISD | Incorporated City | Highway |
| College/University | Judson ISD | Camp Bullis/Stanley | Major Road |
| | North East ISD | | Railroad |
| | Northside ISD (Bexar) | | |
| | San Antonio ISD | | |



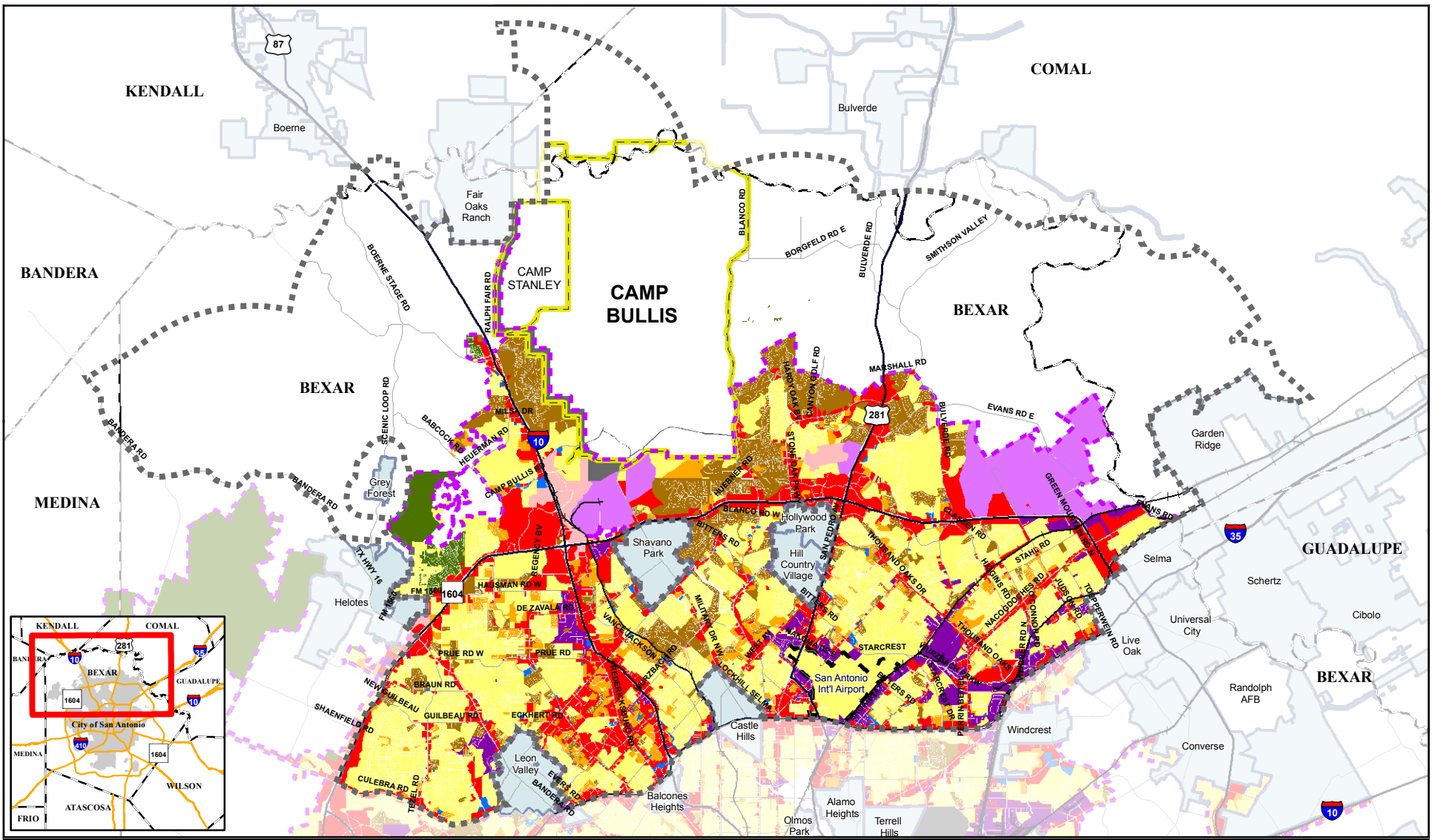


- | | | | |
|--|---------------------|----------------------------|---------|
| Planned/Approved Development Exclusion | Military Exclusion | North Sector Planning Area | County |
| Land Use Exclusion | High School | San Antonio | Airport |
| Natural Exclusion | Floodplain | Incorporated City | Highway |
| Potential Golden-Cheeked Warbler Habitat | Camp Bullis/Stanley | Railroad | |



source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009

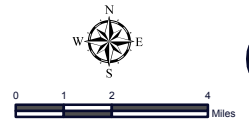
North Sector Land Use Suitability



Zoning

- Development Reserve
- Single Family Residential
- Multifamily Residential
- Planned Unit Development
- Mixed Use
- Commercial
- Office & Business Park
- Industrial
- Military Reservation
- Quarry

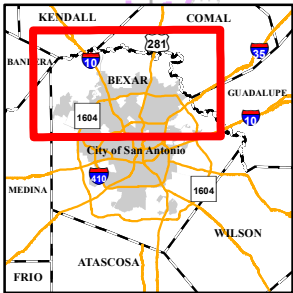
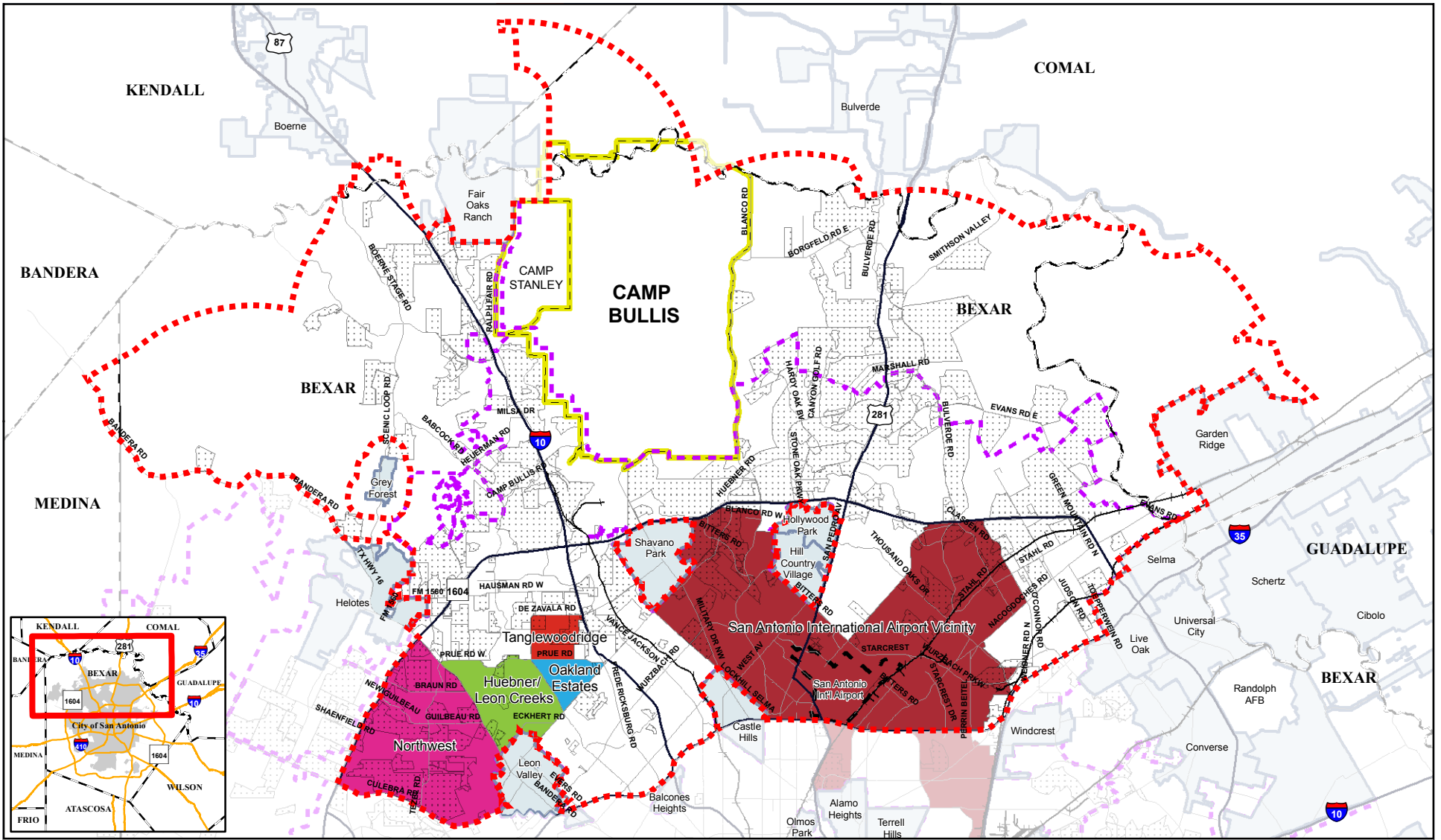
- North Sector
- Planning Area
- San Antonio
- Incorporated City
- Camp Bullis/Stanley
- County
- Airport
- Highway
- Major Road
- Railroad



A-17

Existing Zoning

source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009



Planned/Approved Master Development Plan

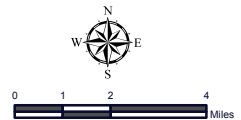
Neighborhood and Community Plan

- Huebner/ Leon Creeks
- Northwest
- Oakland Estates
- San Antonio International Airport Vicinity
- Tanglewoodridge

North Sector Planning Area

- San Antonio
- Incorporated City
- Camp Bullis/Stanley

- County
- Airport
- Highway
- Major Road
- Railroad



A-18

source: Bexar County, Comal County, Kendall County / 2010; TNRIS / 2009

North Sector Neighborhood and Community Plans and Master Development Plans

Camp Bullis Bird/Wildlife Aircraft Strike Hazard (BASH) Guidelines

The Camp Bullis Bird / Wildlife Aircraft Strike Hazard (BASH) Guidelines provide information and actions to reduce the incidences of wildlife strikes on fixed and rotary-wing aircraft. This document is presented in the six identified sections below:

- A. Overview
- B. Aircraft Operations
- C. Land Uses
- D. Wildlife and Birds On / Around Camp Bullis
- E. Airfield Hazard Control Methods
- F. BASH Plan Actions

Section A - Overview

Bird / Wildlife Aircraft Strikes

According to Bird Strike Committee USA, bird and other wildlife strikes to aircraft annually cause well over \$600 million in damage to United States (U.S.) civil and military aviation. Furthermore, these strikes put the lives of aircraft crew members, their passengers, and people on the ground at risk. Over 219 people have been killed worldwide as a result of wildlife strikes since 1988. Additional facts related to bird and animal strikes:

- *The average number of bird strikes at the San Antonio International Airport ranges from 25 to 35 each year; however, pilots have begun to report more bird strikes. Consequently, that number increased to 47 strikes in 2008.*
- *The airport had an average of 260 daily domestic and international departures and arrivals in 2008 and served 8,358,515 passengers.*
- *Over 5,000 bird strikes were reported by the U.S. Air Force in 2007.*
- *Over 780 civil aircraft collisions with deer and 280 collisions with coyotes were reported in the USA, 1990-2008.*
- *About 90 percent of all bird strikes in the U.S. are by species federally protected under the Migratory Bird Treaty Act.*
- *From 1990-2009, 381 different species of birds were involved in strikes with civil aircraft in USA that were reported to the Federal Aviation Administration (FAA).*

Based on information provided by Army and Air Force aviation operations personnel involved with aviation operations at Camp Bullis, no major incidents have occurred involving bird or wildlife striking aircraft. However, as detailed later in this document, a large number of bird species are located at Camp Bullis and the surrounding areas. Between March 2006 and June 2008, there were a reported 40 bird strikes at the San Antonio International Airport,

which is located in the City of San Antonio approximately nine miles southeast of Camp Bullis. There were also three reported mammal strikes in that period.

The primary concern for Camp Bullis is bird activity, more so than ground-based wildlife, interfering with air operations. Although strikes have not impacted aircraft operations at Camp Bullis to this point, it is important to remain vigilant and to ensure development in local communities does not change the environment so that bird and wildlife strikes become an impact to the Camp Bullis mission.

Source: www.birdstrike.org; "Bird Strikes Up At SA Int'l – Safety Advocate Says Not Enough Being Done to Mitigate Wildlife Hazards," April Molina, KSAT 12 News, November 24, 2009; Richard Johnson, Public Information Officer, San Antonio International Airport, January 28, 2010; www.sanantonio.gov/AVIATION/info_fastfacts.asp

Camp Bullis Area

Camp Bullis is comprised of approximately 28,000 acres and is located about 21 miles northwest of Fort Sam Houston (FSH) (see Figure 1-1). It is generally bound by Interstate-10 (I-10) to the west, Farm-to-Market Road 2696/Blanco Road to the east, Loop 1604 to the south, and West Ammann Road to the north. The training area is situated on the edge of the Edwards Plateau Land Resource Area in a hilly region known as the Texas Hill Country, which is locally called the Balcones Canyonlands. Topography of Camp Bullis consists of numerous hills and valleys that are drained by intermittent streams which flow east and south. The installation is used for firing ranges, maneuver areas for Army, Air Force, and Marine combat units, and for field training of the various medical units from Fort Sam Houston. To support its training mission, the training area supports small arms and large caliber firing ranges, ground and air operations night training (through the use of night vision equipment), air combat drop zones, and fixed-wing (airplane) and rotary-wing (helicopter) training. Air operations include the use of multiple landing zones (LZ) for helicopters, low-level helicopter flight corridors, and air combat drop zones (three for cargo and one for personnel).

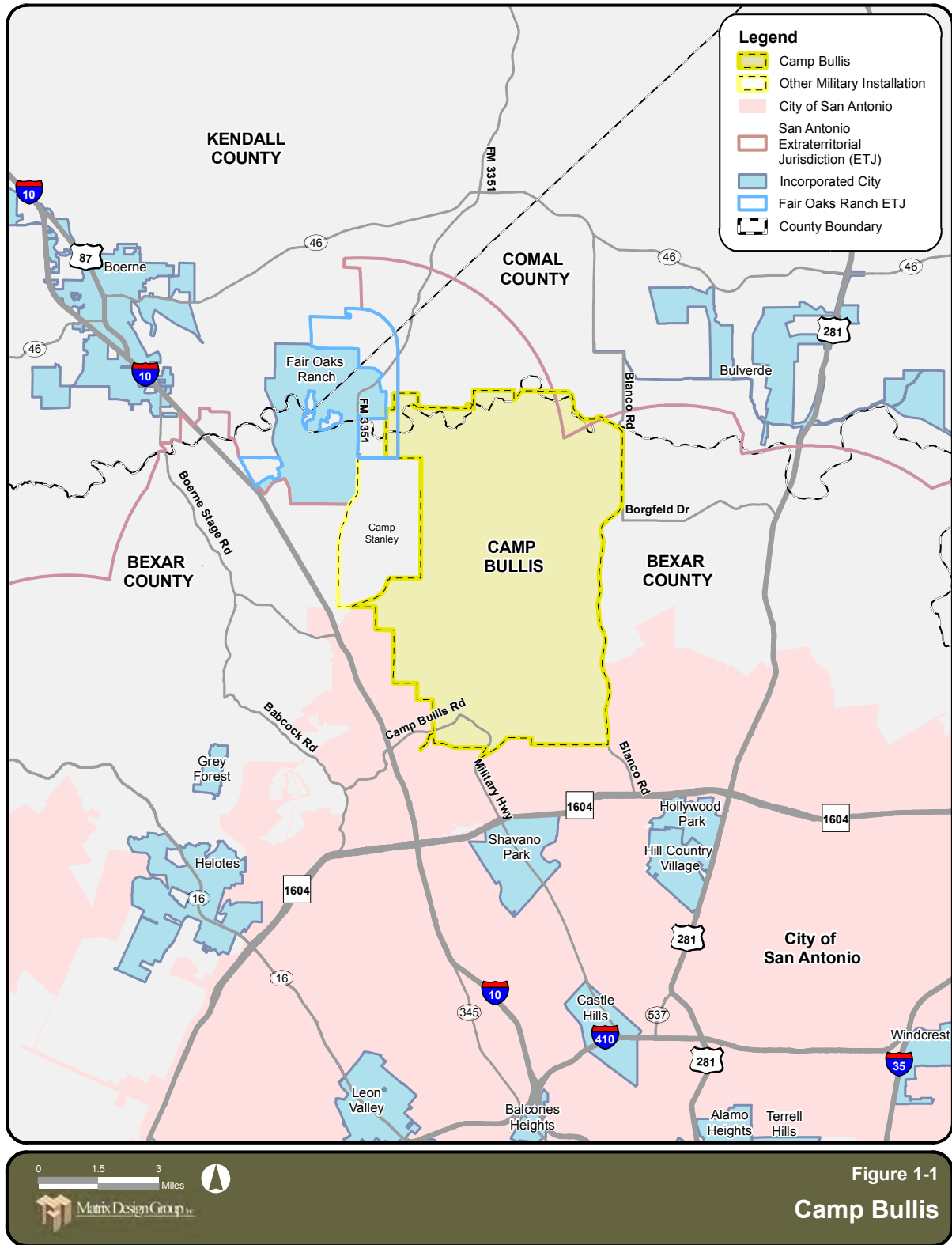
Fort Sam Houston comprises approximately 3,000 acres in a highly urbanized part of San Antonio, severely limiting the ability to conduct on-site field training, especially during the night. Camp Bullis provides nearly 22,000 acres of invaluable field training and maneuver areas for Fort Sam Houston and multi-service medical training.

Immediately adjacent to the Camp Bullis west boundary is Camp Stanley, a sub-installation of the McAlester Army Ammunition Plant. Camp Stanley has restricted access due to explosive ordnance storage and testing missions. Camp Stanley is independent of Camp Bullis and Fort Sam Houston.

Source: Integrated Natural Resources Management Plan for Fort Sam Houston & Camp Bullis Military Reservation San Antonio, Texas, October 1, 2007; Camp Bullis Joint Land Use Study, June 2009

Camp Bullis History

In 1890, the Army Post at San Antonio was renamed Fort Sam Houston. At the time, it was one of the largest garrison sites for the U.S. Army, but lacked an adequate firing range and maneuver area. The Leon Springs Military Reservation was established on 17,273 acres, to the north of San Antonio. In 1917, Camp Bullis was established and added 16,000 additional acres



to the Leon Springs Military Reservation. The original purpose of Camp Bullis was to train soldiers when the threat of war in Europe was growing. Although no units were stationed at Camp Bullis during World War I, it provided small arms and rifle firing ranges, as well as maneuver areas for troops stationed at Fort Sam Houston, which did not have the capacity for large-area training. In total, the government owned or leased over 33,000 acres at the time. Following World War I, Camp Stanley was used primarily for storage and testing of ordnance materials, while Camp Bullis was used as a site for demobilization.

As the years passed, Camp Stanley and Camp Bullis became permanent fixtures for the Army and the installations were equipped with cantonment areas and new construction and development projects. The relocation of the old arsenal from downtown San Antonio to Camp Stanley in 1931 essentially stopped the use of the camp for soldier training. Camp Bullis continued to be improved and used by various units and groups as a training site through World War II.

During and following World War II, many changing medical needs in the Army brought several new activities and missions to Fort Sam Houston and Camp Bullis. New medical training missions were brought to Camp Bullis and the Brooke Army Medical Center was established at Fort Sam Houston. Training included basic training for Army nurses, combat obstacle courses for stretcher field training and combat medicine, as well as small arms. Camp Bullis was used for medical, combat, and security training throughout the Korean and Vietnam Wars. The Air Force Security Police Training Site, known as Victor Base, was built in 1977, and the Air Force was the largest single user of Camp Bullis until 1987. Since then, the Army has become the primary user of Camp Bullis as a military training site.

Source: Camp Bullis Joint Land Use Study, June 2009

Units

Fort Sam Houston, Lackland Air Force Base, and Randolph Air Force Base comprise Joint Base San Antonio, the largest installation in the military and one of 12 joint bases mandated by the 2005 Base Realignment and Closure (BRAC). As the primary training site for Fort Sam Houston, Camp Bullis is under the control of the Commanding General of Fort Sam Houston, U.S. Army Medical Department Center & School (AMEDD C&S), which provides overall leadership, management, and oversight for Camp Bullis activities and the installation. As a joint base, installation management for both Fort Sam Houston and Camp Bullis is provided by the Air Force's Air Education and Training Command (AETC), specifically the 502d Mission Support Group based at Fort Sam Houston. This group is one of three mission support groups under the 502d Air Base Wing responsible for Joint Base San Antonio.

Although the operation of Camp Bullis is under the command of the Fort Sam Houston Garrison Commander located 21 miles to the southeast, the relationship strives to be seamless, making the physical separation between Fort Sam Houston and Camp Bullis transparent. The personnel assigned to the various functions of the Camp Bullis staff are employees of their parent directorates based at Fort Sam Houston, but their place of duty is Camp Bullis with the Camp Bullis Garrison Manager maintaining operational control.

Source: Camp Bullis Joint Land Use Study, June 2009; www.af.mil

Mission

The official mission statement of Camp Bullis is: “To provide an unparalleled training infrastructure offering quality range, training facilities, and maneuver areas that facilitate tough, realistic training for military and government agencies.” Camp Bullis currently supports training for several branches of the military, including the U.S. Army, Air Force, and the National Guard, as well as for other federal and local agencies, such as the U.S. Secret Service, U.S. Marshals Service, and the San Antonio Police Department. The installation supported 705,309 person-days of training in Fiscal Year (FY) 2005, with a daily average of 1,932. In FY08, 150,852 personnel were trained at Camp Bullis. The anticipated growth of personnel (in response to BRAC, Army Modular Force [AMF], and other activities) is expected to change these training numbers to 1,000,000 person-days annually and a 2,740 daily average. This is also expected to result in an increase in the number of air operations occurring at Camp Bullis.

Source: Camp Bullis Joint Land Use Study, June 2009

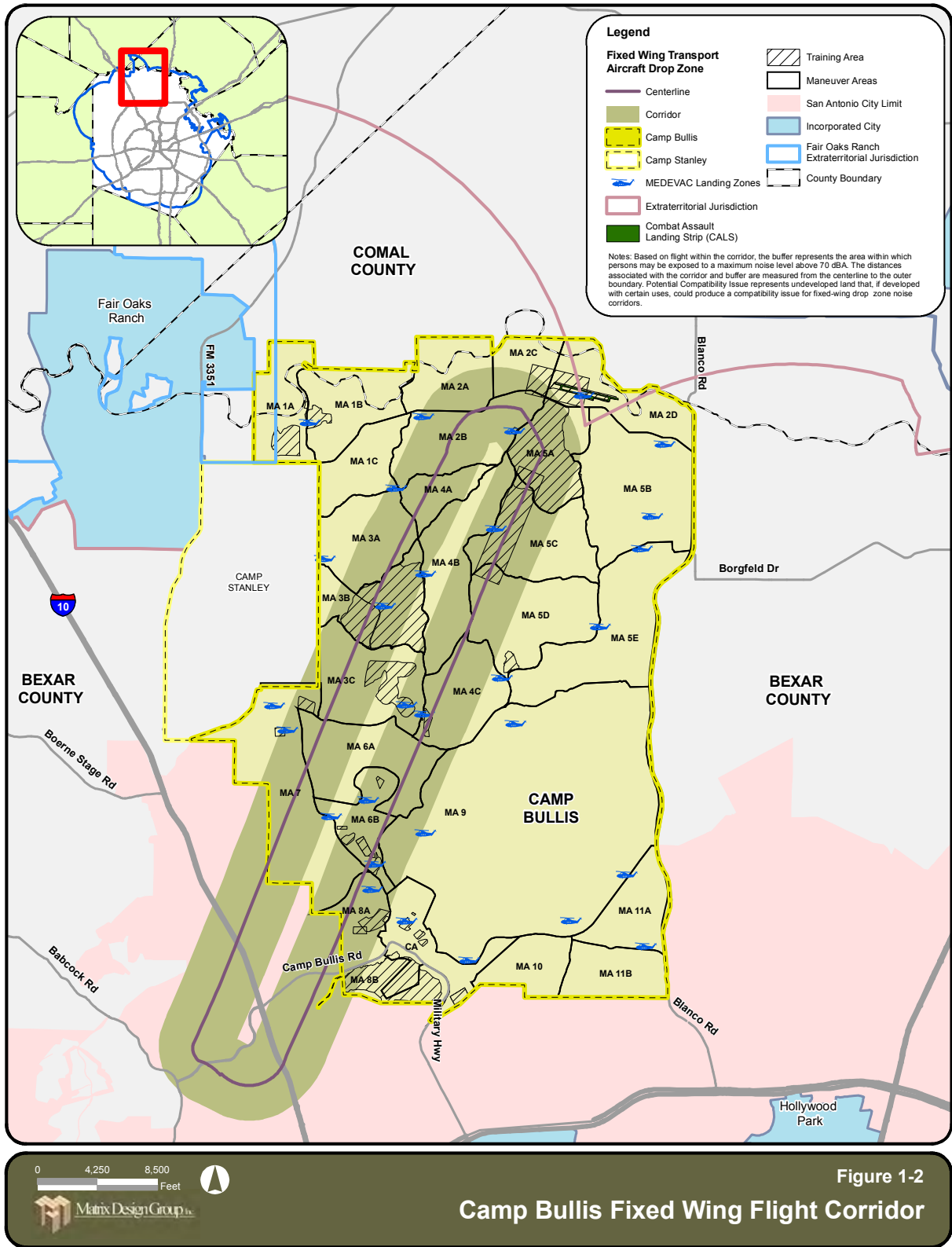
Section B - Aircraft Operations

Fixed-Wing: Combat Assault Landing Strip

Camp Bullis currently has one airfield, the Combat Assault Landing strip (CALs), which measures 3,500 feet long and 100 feet wide. The CALs has turnaround areas, a parallel taxiway, and all required safety clearances. Constructed in 1982 of compacted earth, it is located in the far northeastern portion of Camp Bullis in close proximity to the northern and eastern fence lines of the installation (see Figure 1-2). The CALs is used primarily by Air Force C-130 Hercules aircraft, but is also capable of supporting the C-17 Globemaster. The airfield supports Joint Training Exercises (JTX) conducted by the Army and Air Force by accommodating the take-off and landing of fixed-wing cargo aircraft. This airstrip allows the Army and Air Force to meet their training requirements to practice combat assault operations, loading and deploying troops, and tactical landings on an unimproved airstrip, providing realism to military preparedness training. The Camp Bullis CALs is the only certified combat assault landing strip in the state of Texas. In 2008, there were a total of 20 flight operations using the Camp Bullis CALs. This number is limited due to the extensive coordination needed for crash fire rescue support. Because Fort Sam Houston/Camp Bullis does not currently maintain the crash fire rescue equipment required to support C-130 landings at the Camp Bullis CALs, the only crash fire rescue equipment/crew that will provide support is the Air Force crew at Randolph Air Force Base (AFB). The number of CALs operations could reportedly double if the Fort Sam Houston Fire Department obtains the needed equipment.

As shown in Figure 1-2, the CALs is oriented northwest to southeast. Flight patterns are designed to work in coordination with the San Antonio International Airport traffic pattern.

The 400-acre Airborne Operations Drop Zone (DZ Hall) is located in the north-central portion of the camp, and is 2,700 yards long. Although there have been nighttime drops into this area, the majority of the drops are during the daytime. DZ Hall is approved for both personnel and equipment drops. DZ Buck is in maneuver area 2C, and DZ Turkey is located in maneuver area 1B. These are approved for equipment drops only. DZ Cougar is in maneuver area 1A and



is approved for equipment drops only. This DZ is limited to rotary-wing aircraft performing parachute drops.

Source: Integrated Natural Resources Management Plan for Fort Sam Houston & Camp Bullis Military Reservation San Antonio, Texas, October 1, 2007; Camp Bullis Joint Land Use Study, June 2009

Rotary-Wing

The primary rotary-wing aircraft used at Camp Bullis for flight training and air-drop operations is the UH-60 Blackhawk helicopter. Other helicopters occasionally used include the UH-1 Iroquois, OH-58 Kiowa, AH-1 Cobra, and the AH-64 Apache. Helicopter flights operating at Camp Bullis originate primarily from Martindale Army Airfield (AAF) located southeast of Fort Sam Houston. Martindale AAF Flight Operations indicate that there are approximately 5 to 10 helicopter training flights at Camp Bullis each week. There are five designated ingress and egress points for helicopters – the northwest corner near the City of Fair Oaks Ranch (County Line Road – West), the northeast corner along Blanco Road (County Line Road – East), the south-central boundary southeast of the cantonment area (Military Highway), the southwestern corner just west of the cantonment area (Bullis Road), and the southeastern corner vicinity of the installation boundary and Blanco Road. Within the Camp Bullis boundaries, there are 29 medical evacuation LZs, which are located at key locations across the training area (see Figure 1-3). Helicopter missions occur in both daytime and nighttime and include aerial reconnaissance, medical evacuation (medevac) by helicopter air ambulance, point-to-point flights, combat air drops of paratroopers, and nap of the earth (NOE) flights where helicopters practice flying at high-speed and at tree-top level, using valleys and hills to hide from visual observation, radar, and hostile fire. The NOE flight corridor extends from the cantonment area north along the installation’s west boundary, along the north boundary, and south along the east boundary to the northern extent of the impact area/no fly zone. According to Martindale AAF Flight Operations, the Cibolo Creek Bed on Camp Bullis’ north boundary is the primary section of this corridor.

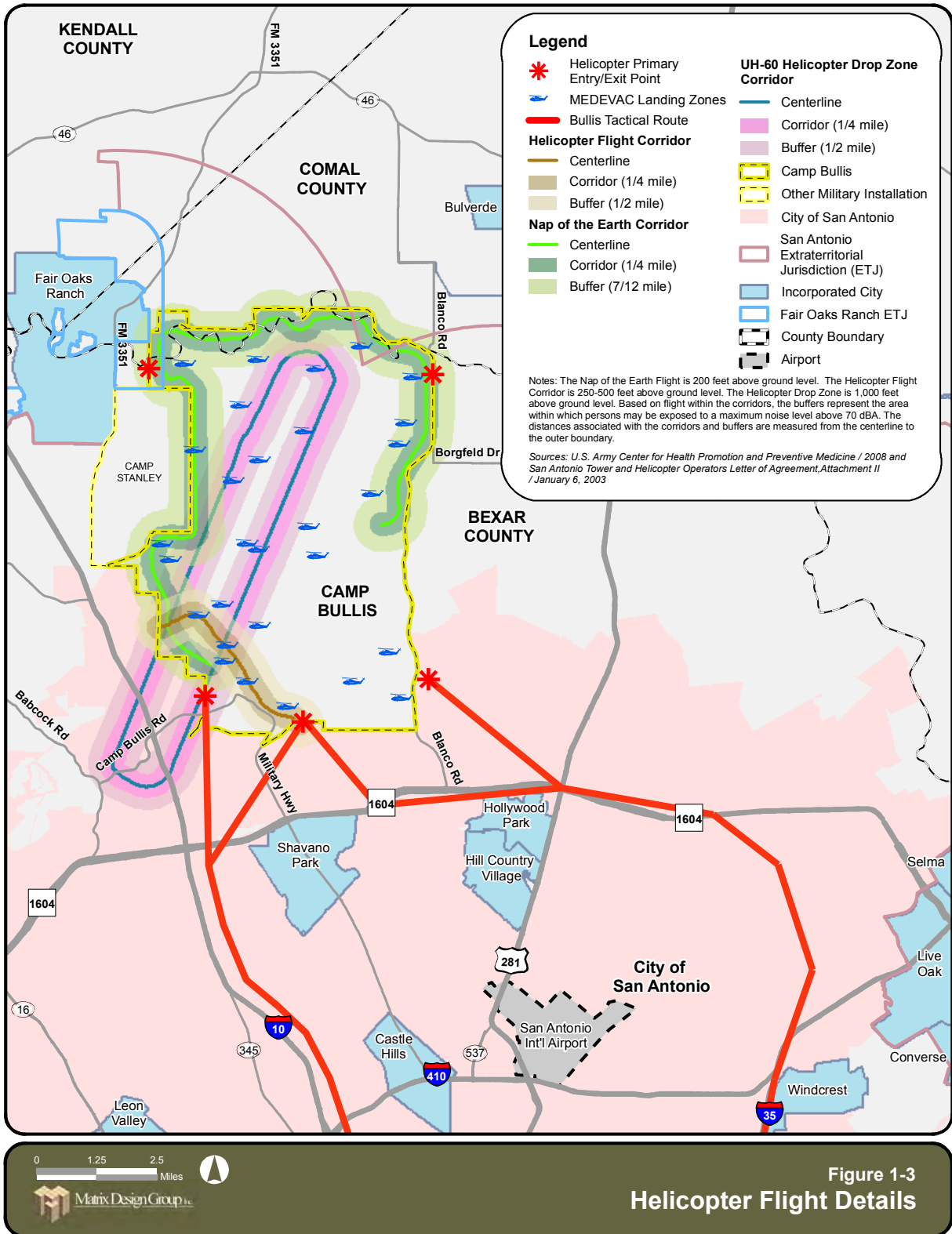
Source: Integrated Natural Resources Management Plan for Fort Sam Houston & Camp Bullis Military Reservation San Antonio, Texas, October 1, 2007; Camp Bullis Joint Land Use Study, June 2009; CPT Jeremy Eubanks, Martindale AAF, April 20, 2010

Section C - Land Uses

In the Vicinity of Camp Bullis

The general land use surrounding Camp Bullis used to be primarily rural, but it has become predominantly urbanized through residential development and the expansion of San Antonio’s suburbs. Limited industrial use is present along the southern edge, but the overwhelming use is residential. Higher density residential use comprises the west and east sides of the installation. The northern boundary is the only portion that remains relatively undeveloped, with a combination of open agricultural range land and only one or two small planned subdivisions.

Camp Bullis was originally established in response to a need for training land away from a



growing San Antonio. Currently, it is located in one of the highest residential growth corridors in the San Antonio metropolitan statistical area. Much of the area surrounding Camp Bullis has seen housing growth between 1980 and 1990 of up to 100 percent. This area has substantial capacity for more development, and this trend is anticipated to continue. The smaller communities located in the vicinity of Camp Bullis are rural in nature but are also becoming more urbanized. Although residential development is the primary development in the area, commercial development is likely to follow.

Two of the larger subdivision developments in the area, Roger's Ranch and Greystone, are located to the south of Camp Bullis. The Dominion subdivision abuts the Camp Bullis southwestern boundary. On the southwest corner of the installation is Forest Crest, and Stone Oak is the large housing development on the east side of Camp Bullis.

Directly along the southwest boundary of Camp Bullis is Eisenhower Park, a 320-acre City Natural Resource Park owned and managed by the City of San Antonio providing hiking, primitive camping, picnicking and nature study. To the south and east of Camp Bullis are several large quarries, a cemetery, and small areas of commercial development along the major roadways.

Relationship to BASH

A number of variables factor into determining whether a specific land use will result in BASH issues. Therefore, the location in relation to air operations and the unique development aspects of each land use must be assessed on a case-by-case basis. It is important to note that a BASH issue may be a natural or a man-made bird attractant and may be directly related to a component of the primary land/property use (i.e., stormwater retention ponds in a residential development) or to amenities associated with a land use (i.e., water hazards on a golf course). There are some land uses that have a higher probability than others to attract birds. These uses include, but are not limited to agriculture, conservation, open space, public/semi public, rural residential, and vacant/undeveloped.

Development near the CALS, the CALS flight patterns, established LZs near the Camp Bullis boundary and along the NOE rotary-wing flight corridor can impact aircraft operations. Wildlife habitat and bird attractants may be associated with construction projects or jobsites. Construction areas tend to provide gravel and sand for birds to ingest to aid in digestion of food. Construction equipment staging areas oftentimes will not be mowed or trimmed, resulting in growth of high grasses and broadleaf plants providing excellent cover for birds. Although construction sites are usually temporary, they can be very attractive to wildlife, especially during times when construction activities are not occurring, and can consequently impact aviation activities.

Bird and wildlife attractants may also be present on developed properties where grass is not trimmed along fences and in drainage ways. This enables habitat which provides cover for various species of wildlife. Uncovered dumpsters provide opportunities for scavenging and can attract birds and mammals.

Active and inert landfills can pose compatibility issues to aircraft operations since these operations have the potential to attract wildlife, specifically birds.

Additional attractants include golf courses, wetlands, and agricultural land uses. Golf courses, junk yards, and other uses with large open areas near Camp Bullis also have a potential to accumulate standing water during and after periods of rain. The standing water, temporary or permanent, can be significant bird attractants.

Section D - Wildlife and Birds On/Around Camp Bullis

Mammals

Approximately 57 species of mammals are known, or thought, to occur on the installation. Some of the intermediate to larger mammals include coyotes (*Canis latrans*), gray foxes (*Urocyon cinereoargenteus*), and white-tailed deer (*Odocoileus virginianus*).

A number of small mammals (i.e., rabbits) and rodents (several varieties of mice and rats) exist in undeveloped and built-up areas around Camp Bullis. These animals are the food supply for larger carnivores, including the ringtail cat (*Bassariscus astutus*), striped skunk (*Mephitis mephitis*), eastern and western spotted skunks (*Spilogale putorius* and *S. gracilis*, respectively), gray fox, bobcat (*Lynx rufus*), and coyote.

The abundance of prey on the Edwards Plateau occasionally attracts some larger predators such as the mountain lion (*Felis concolor*) and ocelot (*Felis pardalis*).

The white-tailed deer (*Odocoileus virginianus*), axis deer (*Axis axis*), Feral Hog (*Sus scrofa*), and Catalina Goat (*Capra sp.*) are four ungulates that reside on Camp Bullis. The axis deer is an exotic species from India and Ceylon that escaped from private ranches and now lives in the wild, both the feral hog and the Catalina goat are ranch escapees as well.

Camp Bullis supports a variety of wildlife that are considered game animals. These animals currently are or recently have been hunted or trapped. Some of the game animals identified on Camp Bullis include white-tail deer, axis deer, feral hog, Catalina goat, cottontail rabbit, black-tailed jackrabbit, fox squirrel, ring-tailed cat, and raccoon.

Source: Integrated Natural Resources Management Plan for Fort Sam Houston & Camp Bullis Military Reservation San Antonio, Texas, October 1, 2007

Birds

As of 2000, the San Antonio Audubon Society (SAAS) lists 426 species of birds that are known to occur in Bexar County, which is almost half of all species that occur in North America. The reason for this species diversity is Bexar County's location at the juncture of three differing ecological regions: the Edwards Plateau; the Blackland Prairie – a tall grass prairie in its natural state; and the South Texas Plains – originally a grassland savanna but now a brushland considered a part of the Tamaulipan Biotic Province. Historically, 143 species have been known to nest in Bexar County; however, now only 114 species are known to nest. While Camp Bullis has not accomplished a complete bird survey, incidental sightings indicate at least an estimated 203 species as occurring on the camp. Some of the common birds include the scissor-tailed flycatcher (*Muscivora forficata*), mockingbird (*Mimus polyglottos*), American robin (*Turdus migratorius*), cardinal (*Richmondia cardinalis*), eastern bluebird (*Sialia sialis*),

tufted titmouse (*Parus bicolor*), sparrows, finches, warblers, and vireos. Most Fringillids (i.e., sparrows and finches) are not hazardous to aircraft operations, but occasional large flocks can be encountered, particularly during migration. These birds are seedeaters as a rule, and most prefer weedy, brushy, or forested areas.

A total of 157 species of birds were observed on Camp Bullis during surveys for the Golden-cheeked Warbler and Black-capped Vireo. Of the 157 species, 45 species are known to nest at Camp Bullis, 21 species may nest, and the remaining 91 are mostly migratory. The most abundant group is the warbler, with 18 species including two nesting and 16 migrant species. Of special significance are bird species that breed in temperate North America and winter in the tropics (referred to as neotropical migrants). Much of the recent research has documented a decline of many species of neotropical migrants, partly due to destruction and fragmentation of summer breeding habitat. On Camp Bullis, 80 species (51 percent) surveyed were neotropical migrant land birds. Twenty-eight (35 percent) of these migrants nest or potentially nest at Camp Bullis, and the remainder are seen only during migration. These 28 species comprise 42 percent of the 66 species that nest or potentially nest on Camp Bullis.

Raptors known to nest on Camp Bullis are the red-tailed hawk (*Buteo jamaicensis*), eastern screech owl (*Otus asio*), and great horned owl (*Bubo virginianus*), while the red-shouldered hawk (*Buteo lineatus*), Cooper's hawk (*Accipiter gentilis*), and barred owl (*Strix varia*) may nest. Other raptors observed foraging over the installation include the barn owl (*Tyto alba*), Harris hawk (*Parabuteo unicinctus*), turkey vulture (*Cathartes aura*), black vulture (*Coragyps atratus*), and the American kestrel (*Falco sparverius*). These birds can be particularly hazardous to aircraft because of their size and widespread distribution. Raptors are known to use thermals to their advantage in search of prey. These birds become active during mid-morning and remain aloft until late afternoon.

Although Camp Bullis lacks true aquatic habitat, some shorebirds frequenting the installation include the green-backed heron (*Butorides striatus*) and the killdeer (*Charadrius vociferus*). Other aquatic species observed on Camp Bullis include migrant species such as the eared grebe (*Colymbus nigricollis californicus*), pied-billed grebe (*Podilymbus podiceps*) and double-crested cormorant (*Phalacrocorax auritus*), and species that nest or may nest such as the great-blue heron (*Ardea herodias*).

The diversity of waterfowl using the installation is fairly substantial, despite their relatively low abundance. A few of the common waterfowl species identified on Camp Bullis are wood duck (*Aix sponsa*), green-winged teal (*Anas carolinensis*), pintail (*Anas acuta tztzihoa*), American widgeon (*Mareca americana*), canvasback (*Aythya valisineria*), and ruddy duck (*Erythrorhynchus jamaicensis rudida*) (Bruns 1999). Common waterfowl that use the wastewater treatment areas include American coots (*Fulica americana*) and mallards (*Anas platyrhynchos*).

Several upland gamebirds are found on Camp Bullis including the Rio Grande turkey (a subspecies of the wild turkey; *Meleagris gallopavo*), mourning doves (*Zenaidura macroura*), and bobwhite (*Colinus virginianus*). Doves may be a threat to aircraft operations as these birds are seedeaters and are attracted to seed-producing weeds, grasses, and shrubs. The Rio Grande turkey is the major upland game species inhabiting Camp Bullis. All of these species are attracted to agricultural land use and areas with permanent surface water; since this

combination of habitat is uncommon on Camp Bullis, populations fluctuate annually depending on the availability of food.

Source: *Integrated Natural Resources Management Plan for Fort Sam Houston & Camp Bullis Military Reservation San Antonio, Texas, October 1, 2007*; Air Force Pamphlet 91-212 “Bird/Wildlife Aircraft Strike Hazard (BASH) Management Techniques”, February 1, 2004

Section E - Airfield Hazard Control Methods

Active and passive techniques can successfully reduce threats from hazardous wildlife populations. These techniques vary in cost and effectiveness. Active control involves causing wildlife to disperse from an airfield or LZ to give short-term relief from an immediate safety hazard. Passive techniques are more long-term in nature. They involve managing the airdrome to eliminate or reduce those conditions birds and other wildlife find attractive.

Active Controls

Birds and other hazardous wildlife in the air around or on runways, taxiways, or infields create a potential safety hazard and should be dispersed before flying operations can safely continue. Birds move quickly and unpredictably. Even when left in a “safe” portion of the airfield, they can move and create an immediate hazard. They may also act as decoys attracting additional birds. No single method of dispersal works for all problems. Using a combination of different dispersal tools, also known as integrated pest management, provides the best line of defense for immediate hazards.

The key to active wildlife dispersal is perseverance. When birds or other wildlife are strongly attracted to an airfield or LZ, several teams may be required to provide continual harassment. Usually, a single trip around the airfield/LZ will not remove all the birds. Some examples of active controls include:

- **Pyrotechnics.** *Pyrotechnics are noise-producing devices, which are effective in bird dispersal. These include 12-gauge (ga) shotgun systems, pistol systems, 15mm bangers or screamers or other off-the-shelf noise generating systems.*
- **Bioacoustics.** *This dispersal technique uses broadcasts of recorded bird distress calls. Depending on the species, the calls may create differing responses; some will come to the calls while others may depart the area. For this reason, the sound source must be properly placed so the birds fly away from the runway. These include the use of vehicle-mounted sound systems producing 30 to 50 watts of distortion-free sound in 90 to 100 decibel (db) with a frequency response between 12,000 and 14,000 Hertz (Hz).*

NOTE: If the use of pyrotechnics or bioacoustics will have an impact upon a federally listed threatened or endangered species, the U.S. Fish and Wildlife Service (USFWS) must be consulted prior to use.

- **Depredation.** *In cases where some species grow accustomed to bioacoustic and pyrotechnic techniques, a few birds may have to be taken via lethal means to reinforce the idea that a significant danger exists. A federal depredation permit, available from the USFWS is required before killing any protected birds.*

NOTE: Some states may require additional permits for the take of State protected species. These may be coordinated with the USFWS, as well.

Pyrotechnics, bioacoustics, depredation, and other methods have been effective in dispersing wildlife from airfields. When used together, or in an alternating manner, these techniques remain more effective over a longer period.

- **Propane Gas Cannons.** These devices should be operated, especially at dawn and dusk, as birds come in to feed or roost.
- **Falconry.** A falconry program is not limited to the use of falcons only but can incorporate several species of birds of prey. Falcons trained for airfield bird dispersal may be effective when used in combination with other frightening techniques.
- **Dogs.** The use of Border Collies or other breeds of dogs to disperse geese has been effective under certain circumstances.
- **Radio Controlled Crafts.** Use of radio controlled aircraft, dune buggies, or boats to disperse birds have shown significant results.
- **All-Terrain Vehicle (ATV).** Use of all terrain vehicles in the airfield environment has proven useful in dispersing birds and other wildlife from the aircraft operating area.

NOTE: A depredation permit is not required for non-lethal harassment of migratory birds on the airfield in accordance with 50 Code of Federal Regulations (CFR) 21.41 Migratory Bird Depredation Permits.

Some examples of ineffective active controls include:

- Stuffed owls and rubber snakes have been advertised to rid hangars and buildings of birds.
- Rotating lights have brought conflicting results; but are generally considered ineffective. Birds quickly habituate to these devices, and the problem remains unsolved.
- Eyespots on aircraft components are being studied in the United States and other countries. Early results suggest the addition of eyespots does not significantly reduce the BASH potential.
- Ultra-sonic devices have thus far proven unsuccessful in deterring wildlife from colliding with aircraft as very few bird species can hear ultra-sonic sound.

Source: Air Force Pamphlet 91-212 "Bird/Wildlife Aircraft Strike Hazard (BASH) Management Techniques", February 1, 2004

Passive Controls

The most permanent methods of discouraging birds from using airfields involve removing attractive habitat features. Some examples of passive controls include:

Managing Grass

- **Grass Height.** Maintain grass height at 7-14 inches while ensuring faster growing weeds are cut before they go to seed. This will discourage seed eating birds from using the airfield since most grass seeds found on the airfield/LZ are a less desirable food than available weed seeds. Grass kept at this height discourages flocking species from foraging on the airfield/LZ because reduced visibility disrupts inter-flock communication and flock integrity by reducing the ability to detect predators. Mowing of grass should be done far enough in advance of scheduled air operations such that birds attracted by dislodged insects will not present hazards to the air operations.
- **Herbicides and Growth Retardants.** Keep broad-leafed weeds to a minimum on the airfield. Broad-leafed weeds attract a variety of birds, may produce seeds or berries, and may limit grass growth.
- **Planting Bare Areas.** Reduce bare areas as birds frequently use them to pick up grit and as resting sites on the airfield. Birds need grit, or very small rocks, to crush seeds, allowing digestion of the seeds.
- **Fertilizing.** Fertilize as needed to stimulate grasses and promote a uniform cover.
- **Native Vegetation.** In areas where turf growth is not supported, it may be advisable to allow native vegetation to remain in a natural state (above or below the prescribed height of 7-14 inches) as disturbance may provide exotic conditions attractive to some forms of wildlife. The natural state must not supply attractive habitat for wildlife or obstruct views of the airfield/LZ from the tower. Another consideration for airfields/LZs in low-moisture environments is to consider de-vegetation as an option.
- **Removal of Edge Effects.** The greatest numbers of species are found where vegetation types change from forests to brush, or brush to grass (edge effects). Also, single trees, fence posts, snags or open spaces may provide perches or nesting areas for hawks, owls, or other bird species. Remove food, nesting or den building vegetation most attractive to particular species of birds and beasts.
- **Controlling Drainage.** Fresh water is one of the most important wildlife attractants, especially in arid regions. Standing water creates a source of drinking water and a breeding place for insects, amphibians and other food sources for birds. Make drainage ditches as deep as possible to limit the surface area of the water and still allow proper drainage according to civil engineering requirements. Wading birds are less likely to use deep drainage ditches. Grade the banks of the drainage ditches to allow mowing up to the edge of the ditch. Keep drainpipes, culverts, and screens clear of debris so drainage is not impeded. Maintain roadways and paths to eliminate standing water in pot-holes, ruts and swales.

Locating Wastewater Treatment Facilities

- *Waterfowl are often attracted to wastewater holding ponds. Birds use the water for resting and sometimes as a food source. Wastewater lagoons are most attractive in arid climates. Ponds designed with steep sides, little surface area, and no vegetation reduces the attraction to birds.*
- *Locate ponds as far from the runway/LZ and associated traffic patterns as possible and place them so birds moving from off-base areas to the ponds do not cross the runways.*

Managing Sanitary Landfills

Municipal solid waste landfills are the most significant attractant to hazardous bird species. Operate disposal sites according to FAA guidelines and state and federal laws. If an existing landfill impacts aircraft operations, make the site as unattractive to birds as possible. Methods of achieving this include, but are not limited to:

- *Maintain a small working face to minimize exposed wastes*
- *Incinerate waste*
- *Operate the landfill as a pit or trench to limit access to birds*
- *Dump waste at night or during non-flying periods*
- *Cover waste material immediately*
- *Discourage gulls and other birds with overhead wire barriers*
- *Relocate putrescible wastes to a more remote landfill*
- *Use bioacoustics and pyrotechnics to frighten birds away*

Managing Agricultural Activities.

Harvesting and planting schedules can also affect the numbers of attracted birds. When a hay crop is harvested, large numbers of invertebrates may be exposed on the ground, which could provide an intense bird attractant. Therefore, harvesting of crops in close proximity to airfields, LZs, or low-level flight operations should be planned so that those crops are not harvested too close to the time when air operations are scheduled to occur.

Agricultural activities should also consider the local flying schedule. Planting, cultivating, harvesting, or burning may temporarily increase bird attractants; therefore, these activities should be done on weekends or other periods of reduced flying.

Source: Air Force Pamphlet 91-212 "Bird/Wildlife Aircraft Strike Hazard (BASH) Management Techniques", February 1, 2004

Section F - BASH Plan Actions

The following are guidelines for the mitigation of the potential BASH threat at Camp Bullis.

City of San Antonio and Surrounding Counties

- *Establish a monitoring plan for areas off of Camp Bullis but where bird and wildlife may impact aircraft operations. These areas include non-military lands in close proximity to the CALS and lands where NOE flights occur – adjacent to the Camp Bullis southwest, north, and northeast boundaries. Also at the far southeast corner of the installation, the Compass LZ Instrument Flight Rules imaginary surfaces extend outside of the installation. The first phase of the monitoring plan should include a study of these lands to determine the current state of potential BASH hazards.*
- *Develop informational materials to educate local landowners and developers of the relationship between land uses and BASH threats. These materials should highlight the importance of maintaining a safe environment for fixed- and rotary-wing aircraft to operate in, as well as the serious consequences of bird / wildlife strikes with aircraft. A key element of these materials would be explaining the mission of Camp Bullis as a training area for all branches of the U.S. Armed Forces and other organizations, as well as the importance of the camp in supporting the Fort Sam Houston mission.*

Review all development applications:

- *for site design to limit their potential to increase the BASH threat at Camp Bullis.*
- *for building design to ensure new or remodeled buildings do not provide attractants to birds.*
- *for infrastructure design to ensure open water, ponds, drainage ditches, stormwater ponds, and poorly drained areas are designed in such a way so as to not attract birds.*
- *to ensure no waste storage or landfills are located in close proximity to the CALS, rotary-wing LZs, or in a location that could impact established aircraft flight patterns.*
- *to ensure no open sewage treatment facilities are planned.*
- *to ensure bodies of standing water are limited.*

Agriculture:

- *Limit planting of hay, alfalfa, soy, fall rye, wheat, barley, and other cereals on lands identified as potentially impacting aircraft operations at Camp Bullis.*
- *Where possible, require night-time plowing or other harvesting controls.*
- *Do not allow standing bales.*

Construction:

- *Require construction equipment staging sites and construction sites take appropriate actions to ensure they do not provide a habitat for birds (i.e., standing water ruts and potholes are eliminated, trash is policed, dumpsters covered, gravel/sand piles are covered, grass is mowed, etc.).*

- *All new construction projects should include the stipulation that all silt fences be maintained by regular mowing with weed eaters. Vegetation should not be treated with a herbicide since it serves as a filter for removal of sediments from stormwater and also minimizes soil erosion.*

Camp Bullis/Fort Sam Houston

- *Establish a bird and wildlife monitoring plan for Camp Bullis focused on camp aircraft operations areas.*
- *Develop a training program for Camp Bullis staff and users of the CALS and rotary-wing LZs to recognize and report threats to aircraft operations.*
- *Establish a BASH reaction team equipped with appropriate active control equipment to mitigate noted on-site BASH situations/threats. Include members of the military services that use the CALS and rotary-wing LZs.*
- *Establish a Camp Bullis BASH team responsible for managing the environment, habitats, and vegetation around the CALS, rotary-wing LZs, and established flight corridors (passive actions).*
- *Assign a staff person the task of developing and maintaining a daily monitoring log to gain an understanding of the wildlife on Camp Bullis as it pertains to aircraft operations areas.*
- *Review the impact of mammals on aircraft operations at the CALS and rotary-wing LZs. Should a significant threat be posed by any species, it may become necessary to manage those mammal populations. Coordinate with the City of San Antonio, USFWS, and Texas Parks and Wildlife Department for action.*
- *Partner with the USFWS, Texas Parks and Wildlife Department, Bexar County Environmental Services Division, and Comal County Engineer's Office to ensure BASH actions meet all current legal requirements.*

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Camp Bullis Joint Airport Zoning Board (JAZB) Draft Ordinance

AN ORDINANCE OF THE CAMP BULLIS JOINT AIRPORT ZONING BOARD (JAZB) IN ACCORDANCE WITH STATE LAW REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF CAMP BULLIS, TEXAS BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR RESTRICTIONS OF SUCH ZONES AND THE ENFORCEMENT OF SUCH RESTRICTIONS; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE CAMP BULLIS COMPATIBLE LAND USE ZONING MAP AND TABLE 1, PROHIBITED OR REGULATED LAND USES, BOTH OF WHICH ARE INCORPORATED HEREIN AND MADE A PART OF THESE REGULATIONS BY REFERENCE; PROVIDING FOR A BOARD OF ADJUSTMENT, ENFORCEMENT AND IMPOSING PENALTIES.

WHEREAS, these regulations are adopted pursuant to the authority conferred by the Airport Zoning Act, Texas Local Government Code, §§ 241.001, et seq;

WHEREAS, the Bexar County Commissioners Court has established the Camp Bullis Joint Airport Zoning Board (JAZB) and conferred upon it the powers authorized by the Airport Zoning Act, Texas Local Government Code Annotated §§ 241.001, et seq; and

WHEREAS, the Camp Bullis JAZB has determined that an obstruction has the potential for endangering the lives and property of users of Camp Bullis, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Camp Bullis, and that an obstruction may reduce the size of areas available for the landing, take-off and maneuvering of fixed and rotary-wing aircraft, and that excessive noise levels generated by airport operations disrupt activities and impair the welfare, use and enjoyment of land by the occupants, thus tending to destroy or impair the utility of Camp Bullis, and the public investment therein; and

WHEREAS, the Camp Bullis JAZB has declared that:

1. Camp Bullis fulfills an essential flight training role for the Department of Defense;
2. the creation or establishment of an obstruction or the encroachment of noise sensitive or otherwise incompatible land uses within certain areas set forth herein has the potential of being a nuisance and may injure the owners, occupiers or user of land in the region surrounding Camp Bullis;
3. it is necessary in the interest of public health, public safety, and general welfare that the creation or establishment of obstructions or potential incompatible land uses that are a hazard to air navigation or the public health and safety be prevented; and
4. the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

WHEREAS, it is further declared by the Camp Bullis JAZB that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of

hazards to air navigation, the marking and lighting of obstructions or the prevention of other potential incompatible land uses are public purposes for which a political subdivision may raise and expend public funds and acquire land or interest in land.

THEREFORE, BE IT ORDAINED BY THE JOINT AIRPORT ZONING BOARD OF THE COMMISSIONERS COURT OF THE COUNTY OF BEXAR, TEXAS:

Section 1. Short Title

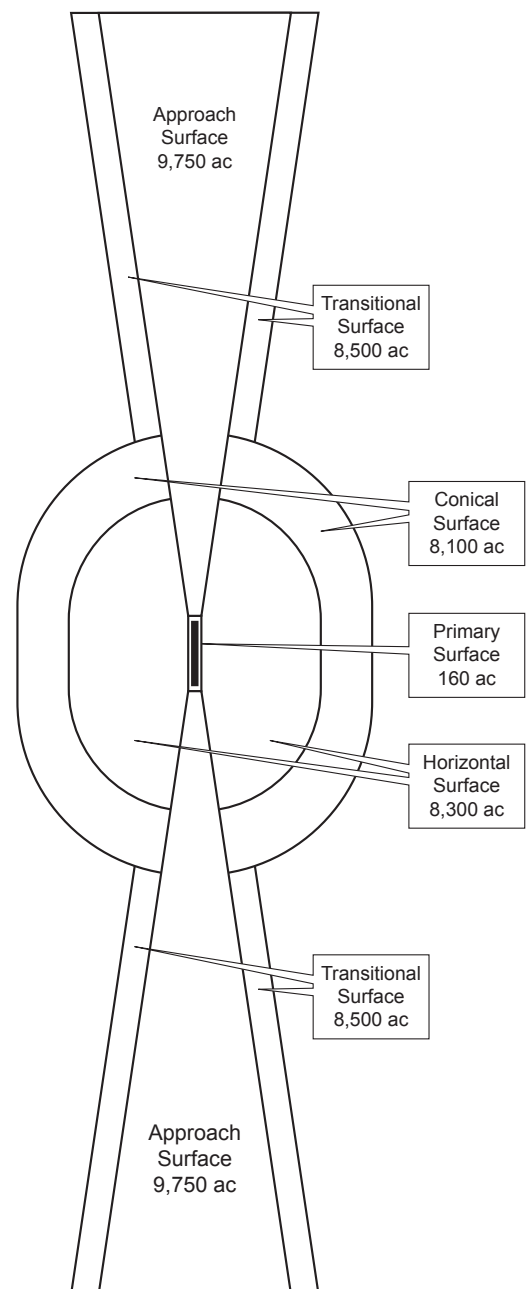
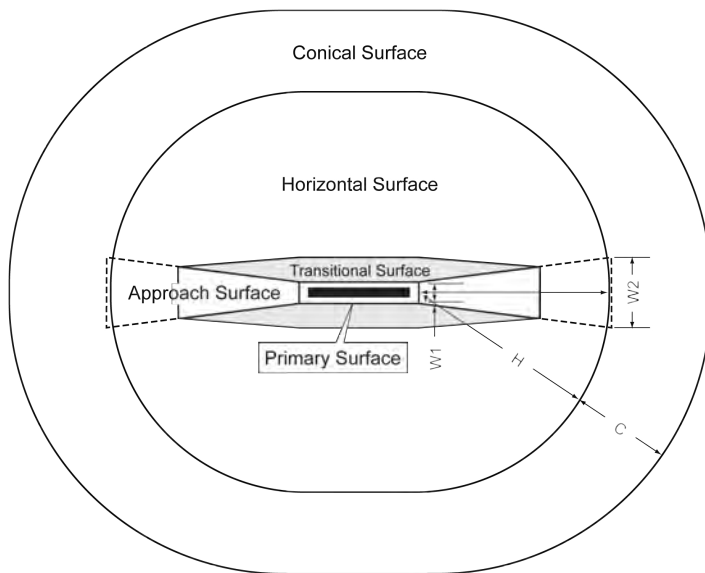
These regulations shall be known and may be cited as the “Camp Bullis Compatible Land Use Zoning Regulations.”

Section 2. Definitions

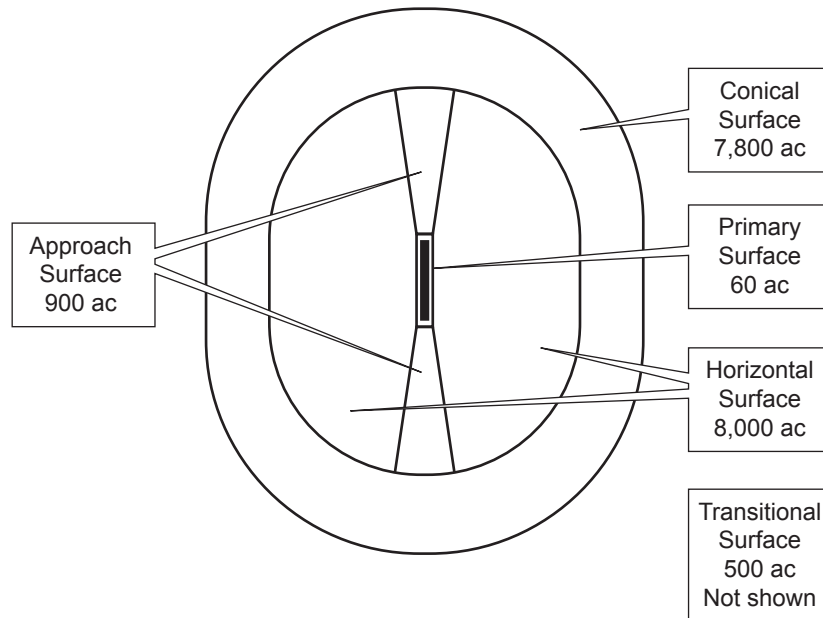
As used in these regulations, unless the context otherwise requires:

- A. Accident Potential Zone (APZ)** – An area of land adjacent to each end of an airport runway where, within the airfield environs, an accident is most likely to take place and how large an impact area is likely to result from any single accident. The dimensions have been determined by the analysis of the DOD accident history.
 - 1. Clear Zone** – A high crash potential area that is a trapezoidal area that extends directly beyond the end of the runway and outward along the extended runway center line for a distance of 500 feet. The Clear Zone is 250 feet in width at the terminus of the runway and 500 feet at its outer edge.
 - 2. APZ-Landing Zone** – The land use control area immediately beyond the clear zone of an airfield or landing zone (LZ) that possesses a significant potential for accidents; therefore, land use is a concern. For Air Force and Army operations, this land area measures 500 feet wide and 2,500 long situated along the runway’s centerline.
- B. Administrative Agency** – The appropriate person or office of a political subdivision which is responsible for the administration and enforcement of the regulations prescribed herein. The administrative agency is set forth in Section 3 of these regulations.
- C. Airport** – Refers to the Combat Assault Landing Strip (CALs) at Camp Bullis, Texas, including the ultimate development of that facility.
- D. Airport Elevation** – The established elevation of the highest point on the usable land area measured in feet above mean sea level (MSL).
- E. Airport Hazard** – Means any structure or tree or use of land which obstructs air space required for the flight of fixed and / or rotary-wing aircraft or which obstructs or interferes with the control or tracking and / or data acquisition in the landing, taking off or flight of an aircraft, or at any installation or facility relating to flight, and tracking and / or data acquisition of the flight craft; is hazardous, interferes with or obstructs such landing, taking off or flight of an aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.
- F. Airport Hazard Area** – Means any area of land or water upon which an airport hazard might be established if not prevented as provided in these regulations.

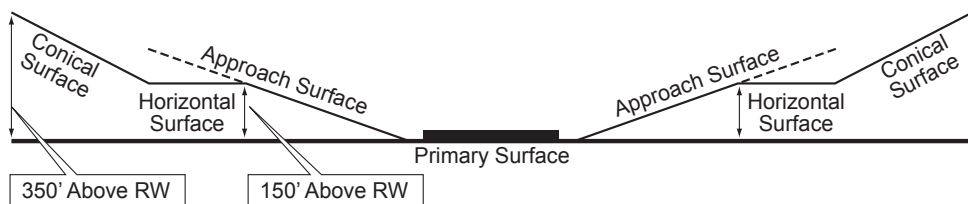
- G. **Airport Noise Zones** – Means any area of land or water between designated noise contours on a noise exposure map where an incompatible use might be established if not prevented as provided in these regulations.
- H. **Airport Reference Point** – Means the point established as the approximate geographic center of the airport landing area and so designated.
- I. **Approach Surface** – A surface longitudinally centered on the extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 4 of these regulations. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.



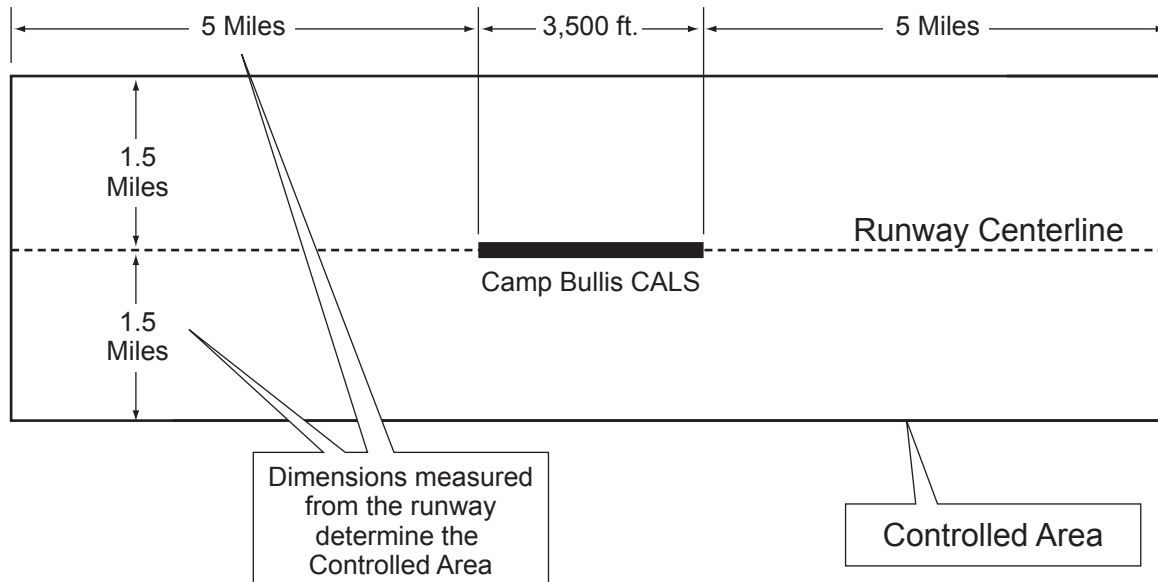
- J. **Approach, Transitional, Horizontal, and Conical Zones** – These zones are set forth in Section 3 of these regulations.



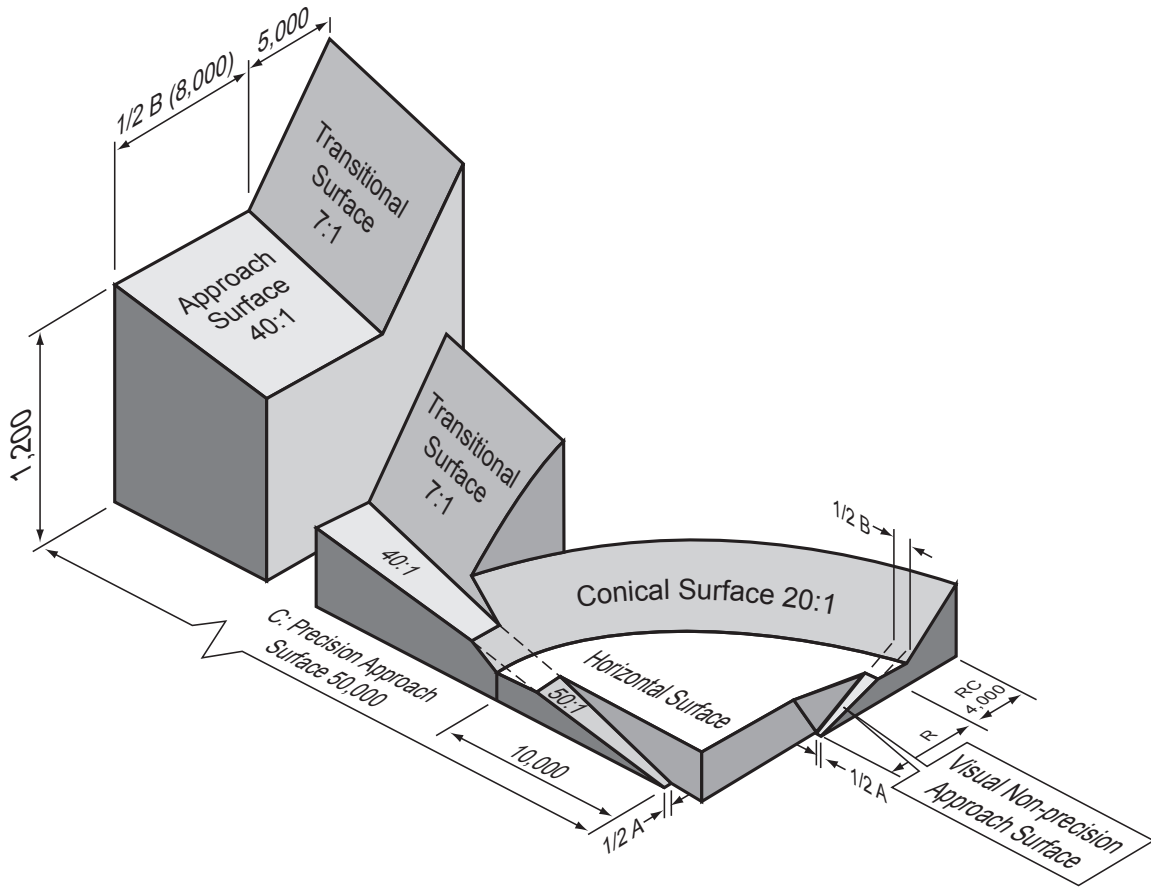
- K. **Board of Adjustment** – A board so designated by these regulations as provided in Texas Local Government Code, §§241.032. Provisions for the board of adjustment are set forth in Section 8 of these regulations.
- L. **Compatible Land Use** – Any use of land adjacent to or in the immediate vicinity of the airport that does not endanger the health, safety, or welfare of the owners, occupants, or users of the land because of levels of noise or vibrations or the risk of personal injury or property damage created by the operations of the airport, including the taking off, landing or flight of aircraft.
- M. **Conical Surface** – A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of seven-thousand (7,000) feet.



N. Controlled Compatible Land Use Area – Established by the Texas Local Government Code, Annotated, § 241.031. An area of land located outside airport boundaries and within a rectangle bounded by lines no farther than one and one-half (1 ½) statute miles from the centerline of an instrument or primary runway and lines located no farther than five (5) miles from each end of the paved surface of an instrument or primary runway.



- O. Decibel (db)** – The physical unit commonly used to describe noise levels; a unit for describing the amplitude of sound, as it is heard by the human ear.
- P. Hazard to Air Navigation** – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- Q. Height** – For the purpose of determining the height limits in all zones set forth in these regulations and shown on the Camp Bullis Compatible Land Use Zoning Map, the datum shall be mean sea level elevation.
- R. Horizontal Surface** – A horizontal plane one-hundred-fifty (150) feet above the established airport elevation, the perimeter of which in plainview coincides with the perimeter of the horizontal zone.
- S. Joint Airport Zoning Board (JAZB)** – Means a board consisting of eleven (11) members, two (2) members each appointed by the City Council’s of the cities of Fair Oaks Ranch, and Bulverde, Texas; and two (2) members each appointed by the Commissioners Courts of Bexar County, Comal County, and Kendall County, Texas. The ten (10) members so appointed shall elect an eleventh (11) member who shall serve as chairman of said Camp Bullis Joint Airport Zoning board. A Base representative for Camp Bullis shall be appointed as an Ad Hoc member.
- T. Landing Area** – Means the surface area of the airport used for the landing, take-off, or taxiing of aircraft.



- U. **Ldn (Yearly Day-Night Average Sound Level)** – The 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between 10:00 P.M. and 7:00 a.m. the following day, averaged over a span of one year. A mathematical definition of Ldn can be found in Federal Aviation Regulation Part 150; Subpart A150.201.
- V. **Noise Contour** – A noise impact line constructed by connecting points of equal noise level measured in decibels Ldn, on a map.
- W. **Noise Exposure Map** – A scaled, geographic depiction of an airport, its noise contours and surrounding area.
- X. **Noise Level Reduction (NLR)** – The amount of reduction in noise for any given point as achieved through the incorporation of noise attenuation measures incorporated into the design and construction of buildings. These reductions may be incorporated during initial construction or as additional construction for existing buildings.
- Y. **Nonconforming Use** – Any use of land which is inconsistent with the provisions of these regulations and which is existing as of the effective date of these regulations.
- Z. **Non-precision Instrument Runway** – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or approach procedure has been approved or planned.

- AA. Obstruction** – Any structure, growth, or other object, including a mobile object, which exceeds a height set forth in Section 5 of these regulations.
- AB. Person** – An individual, firm, partnership, cooperation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- AC. Primary Surface** – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two-hundred (200) feet beyond each end of that runway; but when the runway has no specially hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of a point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface for other than a utility runway is one-thousand (1,000) feet for a non-precision instrument runway having non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.
- AD. Runway** – A defined area on an airport prepared for landing and take-off of aircraft along its length.
- AE. Sound Level (also Noise Level)** – In decibels, the quantity measured by an instrument satisfying requirements of American National Standard Specification for Sound Level Meters SI.4-1971, or the latest revision thereof. Unless explicitly described otherwise, the sound level shall be the frequency-weighted sound pressure level obtained with the frequency weighted A and the standardized dynamic characteristic SLOW. In this order, the sound level is to be understood to be the A-weighted sound level matter is relatively less sensitive to low frequency sound, somewhat in the way the ear is progressively less sensitive to sounds of frequency below 1000 Hertz (cycles per sound).
- AF. Sound Transmission Class (STC)** – A single-figure rating of the sound insulating properties of a partition as determined by methods described in “Determination of Sound Transmission Class”, American Society of Testing and Materials designation E413-73.
- AG. Standard Land Use Coding Manual (SLUCM)** – A standard system for identifying and coding land use activities. “Standard Land Use Coding Manual”, Urban Renewal Administration/ Housing and Home Finance Agency and Bureau of Public Roads, Department of Commerce, First Edition, 1965.
- AH. Structure** – An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, antennae, communication towers, cranes, smokestacks, earth formations, wind power generation structures, and overhead transmission lines.
- AI. Transitional Surfaces** – These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.
- AJ. Tree** – Any object of natural growth.

AK. Visual Runway – A runway intended solely for the operation of aircraft using visual approach procedures.

AL. Zoning Board of Adjustment – An established board consisting of eleven (11) members appointed by the City Council of the City of San Antonio, Texas as provided by Texas Local Government Code Annotated, § 241.032 .

Section 3. Administrative Agency

It shall be the duty of the Director of Development Services, City of San Antonio, to administer and enforce the regulations prescribed herein and is hereby designated as the administrative agency.

Section 4. Airport Noise Zones

A. Creation of Airport Zones

In order to carry out the provisions of these regulations, there are hereby created and established certain Airport Zones for the purposes of regulating and developing uses of land within each zone that do not endanger the health, safety, and general welfare of the owners, occupants, or users of the land because of noise or vibrations or the risk of personal injury or property damage created by the operations of the airport, including the taking off and landing of aircraft.

1. The controlled compatible land use area is hereby divided into five (5) zones, shown on the Camp Bullis Compatible Land Use Zoning Map. These zones are as defined in the current Camp Bullis Joint Land Use Study.
2. Airport Noise Zone One (NZ-1) is that area within the controlled area and outside the 65 dB Ldn noise contour.
3. Airport Noise Zone Two (NZ-2) is that area within the controlled area between the 65 dB Ldn and 70 dB Ldn noise contours.
4. Airport Noise Zone Three (NZ-3) is that area within the controlled area between the 70 dB Ldn and 75 dB Ldn noise contours.
5. Airport Noise Zone Four (NZ-4) is that area within the controlled area between the 75 dB Ldn and 80 dB Ldn noise contours.
6. Airport Noise Zone Five (NZ-5) is that area within the controlled area of the 80 dB Ldn and above noise contours.

Each Airport Noise Zone shall correspond as nearly as is practical to the different noise contours within the controlled area for Camp Bullis. These noise contours are plotted in increments of five (5) dB Ldn on the Airport Noise Exposure Map and said noise contours hereby establish the boundaries of the Airport Noise Zones. Figure 1 illustrates the contours and is made a part hereof.

B. Boundaries

Where uncertainty exists as to the boundaries of the Camp Bullis Compatible Land Use Zoning Map, the following rules shall apply:

1. Boundaries shall be scaled from the nearest physical feature shown on the map.
2. Distances not specifically indicated on the original the Camp Bullis Compatible Land Use Zoning Map shall be determined by a scaled measurement on the map.
3. Where physical features on the ground differ from the information shown on the the Camp Bullis Compatible Land Use Zoning Map or when there arises a question as to how or where a parcel of property is zoned and such questions cannot be resolved by the application of the rules above, the land shall be classified as within the least restrictive the Camp Bullis Compatible Land Use zone.
4. Where a parcel of land lies within more than one (1) Airport Noise Zone or an Accident Potential Zone as herein described, the zone within which each portion of the property is located shall apply individually to each portion of the development.

C. Use Restrictions

Notwithstanding any other provisions of these regulations, no use may be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, interfere with pilots' night vision equipment using the airport, impair visibility in the vicinity of the airport, create potential bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off or maneuvering of aircraft intending to use the airport.

Incompatible uses and uses requiring either specific acreage density for development or minimum specified construction standards for noise reduction within structures that are within specific zones are hereby established as shown in Table 1, Land Use Compatibility Guidelines (attached). The entry in Table 1 with the greatest accuracy for defining a land use shall be controlling for purposes of this regulation. Table 1 and all amendments and footnotes thereto are hereby incorporated by reference into this regulation.

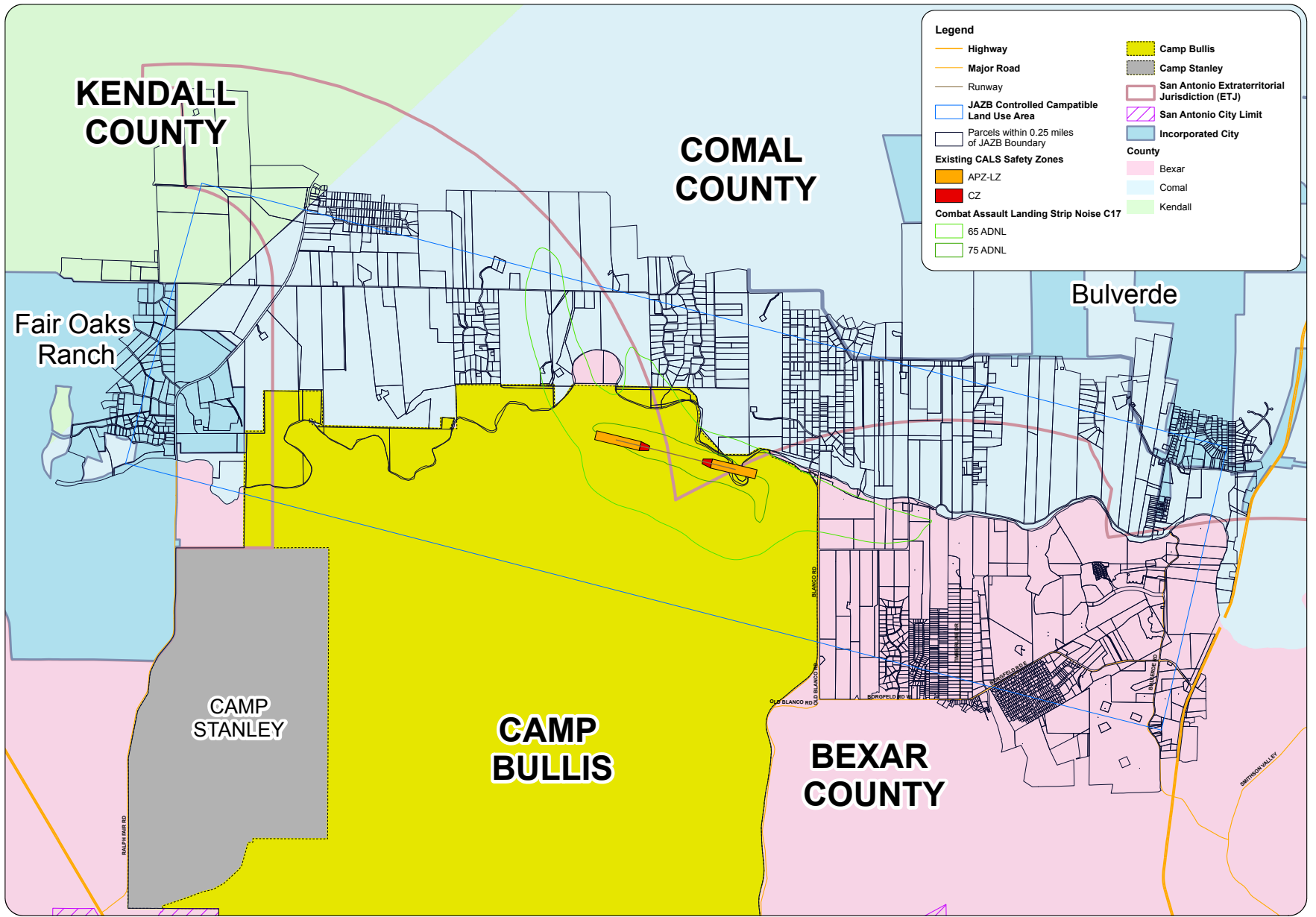


Figure 1
JAZB Controlled Compatible Land Use Area - Parcel Based

Section 5. Airport Hazard Abatement Zones and Height Limitations

In order to carry out the hazard abatement provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transition surfaces, horizontal surface and conical surface as they apply to Camp Bullis, Texas. Such zones are shown on the Camp Bullis Compatible Land Use Zoning Map. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

Except as otherwise provided in these regulations, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by these regulations to a height in excess of applicable height limits herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. Approach Zones

1. **Combat Assault Landing Strip (CALs)** - Approach zone is established beneath the approach surface at the end of CALs on Camp Bullis of non-precision instrument landings and take-offs with visibility minimums as low as three-fourths statute mile. The inner edge of the approach zone shall have a width of two-hundred-fifty (250) feet which coincides with the width of the primary surface at a distance of two-hundred (200) feet beyond the end of the runway, widening thereafter uniformly to a width of one-thousand-two-hundred-fifty (1,250) feet at a horizontal distance of five-thousand (5,000) feet beyond the end of the primary surface, its centerline being the continuation of the centerline of the runway.

Height Limitations – One (1) foot in height for each twenty (20) feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point two-thousand-five-hundred (2,500) feet from the end of the primary surface. Then continuing horizontally until it reaches five-thousand (5,000) feet.

- B. **Transition Zones** - Transition zones are hereby established beneath the transition surfaces adjacent to the runway and approach surfaces as indicated on the zoning map. Transition surfaces, symmetrically located on either side of the runway, have variable widths as shown on the zoning map. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of the approach surfaces.

Height Limitations – Slopes seven (7) feet outward for each foot upward beginning-at the sides and at the same elevation as the primary surface and the approach surface, and extending to a height of one-hundred-fifty (150) feet above the airport elevation which is fifty (50) feet above mean sea level.

- C. **Horizontal Zone** - The area beneath a horizontal plane one-hundred-fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five-thousand (5,000) feet radii from the center of each end of the primary surface of CALS and connecting the adjacent arcs by lines tangent to those arcs.

Height Limitations – Established at one-hundred-fifty (150) feet above the airport elevation, or a height of two hundred (200) feet above mean sea level.

- D. **Conical Zone** - The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of one-thousand-two-hundred-fifty (1,250) feet.

Height Limitations – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one-hundred and fifty (150) feet above the airport elevation and extending to a height of five-hundred (500) feet above the airport elevation which is five-hundred-fifty (550) feet above mean sea level.

- E. **Excepted Height Limitations** - Nothing in these regulations shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to fifty (50) feet above the surface of the land.

Section 6. Permits

Before any new structure or use which could be defined as an airport hazard or incompatible land use under this regulation may be constructed or established, and before any such existing use or structure may be increased in height or otherwise altered, a permit to do so must be secured by the owner involved or their agent. All permit applications shall be made to the administrative agency.

Application shall be made and permit procured from the administrative agency created hereunder in each of the following instances and subject to the following conditions:

- A. Where it is desired to erect or locate structures, to increase the height of existing structures, or to plant or transplant trees within the controlled compatible land use area to a height in excess of ten feet below the height limit herein provided (Section 5) with respect thereto.
- B. Where it is desired to replace, substantially alter or repair, rebuild, or relocate any nonconforming structure or tree within the controlled compatible land use area, provided however, that whenever the JAZB determines that a nonconforming structure within the controlled compatible land use area has been abandoned or more than 80% torn down, destroyed, deteriorated or decayed, no permit shall be granted.
- C. No permit shall be granted that would allow the establishment or creation of an airport hazard or that would permit a nonconforming structure or tree or nonconforming use to be made or to become higher or to become a greater airport hazard.
- D. In granting any permit, the administrative agency may, if it deems such action advisable to effectuate the purpose of this regulation and reasonable in the circumstances, so condition such permit as to require the owner of a structure or tree in question to permit

Camp Bullis, the Federal Aviation Administration or Bexar County, Comal County, Kendall County, City of Fair Oaks Ranch and City of Bulverde at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

- E. Whenever any person prior to erection, alteration or relocation of structures or planting or transplanting of trees within the controlled compatible land use area makes a report of the contemplated erection, alteration or relocation of structures or the contemplated planting or transplanting of trees within said controlled compatible land use area, to the JAZB, the JAZB shall promptly investigate and determine whether or not there would be a violation of the ordinance, and if a violation is found, the committee shall so advise such person who shall thereupon alter his plans so as to meet the requirements of these regulations.

If the administrative agency issues a permit erroneously allowing the beginning of erection of any structure or tree, such permit shall not constitute a variance or be construed in any manner to allow any person to penetrate the imaginary surfaces established. It will remain incumbent on the sponsor, building, property owner or their agents, as the case may be, to prevent the creation of any object or use that will cause an airport hazard within the meaning of these regulations.

Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of these regulations shall be granted unless a variance has been approved in accordance with Section 8.

In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four-thousand-two-hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by these regulations.

Nonconforming Uses Abandoned Or Destroyed - Whenever the Joint Airport Zoning Board, Building Official, or representatives of the Bexar County Commissioners, in consultation with the Commanding Officer of Camp Bullis, determines that a nonconforming use, hazardous structure or tree has been abandoned for a set time period or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Abandonment of a non-conforming use occurs after twelve (12) months of inactivity, or non-use.

Section 7. Nonconforming Uses

The regulations prescribed herein shall not be construed as to require changes in the use of any land or other change or alteration of any structure not conforming to these regulations as of the effective date of these regulations or otherwise interfere with the continuance of any nonconforming use. Nothing contained herein shall be construed as to require any change in the construction, alteration, or intended use of any nonconforming structure, the construction of which was begun prior to the effective date of these regulations and is diligently prosecuted.

Section 8. Variances

Any person who desires to use their property in violation of any of the regulations contained herein may apply to the board of adjustment for a variance. Such variances may be allowed where it is duly found that a literal application or enforcement of these regulations will result in practical difficulty or unnecessary hardship and the granting of relief would result in substantial justice, not be contrary to the public interest, and be in accordance with the spirit of these regulations. Any variance granted may, at the discretion of the board of adjustment, impose any reasonable conditions as may be necessary to accomplish the purpose of these regulations.

Any person who desires to erect, substantially change, or increase the height of any structure or establish or allow the growth of any tree which would exceed the height limitations set forth in Section 5 of these regulations or change the use of property in such a way as to create a hazardous condition as described in Section 4 of these regulations must apply to the board of adjustment and receive a variance. The application for variance must be accompanied by a determination from the Federal Aviation Administration under 14 C.F.R. Part 77 as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the granting of relief would result in substantial justice, not be contrary to the public interest or impede the military missions, and be in accordance with the spirit of these regulations.

Section 9. Board of Adjustment

- A. The Board of Adjustment of Bexar County is hereby designated as the board of adjustment for the purposes of these regulations and shall have and exercise the following powers:
 1. hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Agency in the administration or enforcement of these regulations;

2. hear and decide special exceptions to the terms of these regulations when the board is required to do so; and
 3. hear and decide specific variances.
- B. The board of adjustment shall be comprised of eleven (11) members and shall adopt rules for its governance and procedures in harmony with the provisions of these regulations.

Meetings of the board of adjustment shall be held at the call of the chairman and at such times as the board of adjustment may determine. The chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or if any member is absent or fails to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board of adjustment. All such records shall be public records.

- C. The board of adjustments shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of these regulations.
- D. The concurring vote of nine (9) members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the administrative agency, to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to effect any variation in these regulations.

Section 10. Appeals

- A. Any person aggrieved, or any taxpayer affected, by any decision of the administrative agency made in his administration of these regulations may appeal to the board of adjustment if that person or taxpayer is of the opinion that a decision of the administrative agency is an improper application of these regulations. This same right of appeal is extended to the governing bodies of the Bexar County, Comal County, Kendall County, City of Fair Oaks Ranch, and City of Bulverde Texas, and to the Camp Bullis Joint Airport Zoning Board.
- B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment by filing a notice of appeal with the board of adjustment and the administrative agency specifying the grounds for the appeal. The administrative agency shall forthwith transmit to the board of adjustment all papers constituting the record upon which the action appealed was taken.
- C. An appeal shall stay all proceedings in furtherance of the action appealed unless the administrative agency certifies in writing to the board of adjustment that by reason of the facts stated in the certificate, a stay would, in the opinion of the administrative agency, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of adjustment on notice to the administrative agency and on due cause shown.

- D. The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, and/or by attorney.
- E. The board of adjustment may reverse or affirm, in whole or in part, or modify the administrative agency's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for this purpose the board of adjustment has the same authority as the administrative agency.

Section 11. Judicial Review

Any person aggrieved or any taxpayer affected by any decision of the board of adjustment may present to a court of record a petition stating that the decision of the board of adjustment is illegal and specifying the grounds of the illegality, as provided by the Airport Zoning Act, Texas Local Government Code Annotated, §§ 241.041.

Section 12. Enforcement and Remedies

The governing bodies of Bexar County, Comal County, Kendall County, City of Fair Oaks Ranch, and City of Bulverde Texas, or the Camp Bullis Joint Airport Zoning Board may institute in a court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of these regulations or of any order or ruling made in connection with their administration or enforcement including, but not limited to, an action for injunctive relief.

Section 13. Penalties

Each violation of these regulations or of any regulation order, or ruling promulgated hereunder shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than \$100.00 and each day a violation continues to exist shall constitute a separate offense.

Section 14. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed herein and any other regulations applicable to the same area, whether the conflict be with respect to the use of land, the height of structures or trees, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section 15. Severability

If any of the provisions of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Section 16. Adherence with State Laws

Any actions brought forth by any person or taxpayer as a result of the administration, enforcement, or the contesting these regulations will be in accordance with the provisions of Texas Local Government Code, §§241.001 and other applicable State laws.

Section 17. Effective Date

WHEREAS, the immediate operation of the provisions of these regulations is necessary for the preservation of the public health, public safety, and general welfare, an emergency is hereby declared to exist, and these regulations shall be in full force and effect from and after its passage by the Camp Bullis Joint Airport Zoning Board and publication and posting as required by law.

Adopted by the Camp Bullis Joint Airport Zoning Board this _____ day of _____, 20__

Chairperson, Camp Bullis Joint Airport Zoning Board

Member

Member

Member

Member

Member

Member

Member

Member

Member

Member

Member

Member

Attest: _____

Secretary of Bexar County, Texas

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Camp Bullis Rotary-Wing Safety Zones

Camp Bullis Mission

Fort Sam Houston comprises approximately 3,000 acres in a highly urbanized part of San Antonio, severely limiting the ability to conduct on-site field training, especially during the night. Camp Bullis provides nearly 22,000 acres of invaluable field training and maneuver areas for Fort Sam Houston and multi-service medical training.

Source: Camp Bullis Joint Land Use Study, June 2009

Aircraft Operations

Overview

Air operations on the installation include the use of multiple landing zones (LZ) for helicopters, low-level helicopter flight corridors, and air combat drop zones (three for cargo and one for personnel). The UH-60 Blackhawk helicopter is the primary rotary-wing aircraft used at Camp Bullis in support of flight training and air-drop operations. The UH-1 Iroquois, OH-58 Kiowa, AH-1 Cobra, and the AH-64 Apache are also occasionally used. Helicopter flights operating at Camp Bullis originate primarily from Martindale Army Airfield (AAF) located southeast of Fort Sam Houston. According to Martindale AAF flight operations, approximately 5 to 10 rotary-wing training flights / missions per week are flown at Camp Bullis.

Helicopter Operations at Camp Bullis

Helicopter missions occur in both daytime and nighttime (with use of night vision devices) and include aerial reconnaissance, medical evacuation (medevac) by helicopter air ambulance, point-to-point flights, combat air drops of paratroopers, and nap of the earth (NOE) flights. NOE flights are typically at high-speed as close to the earth's surface as vegetation, obstacles, or ambient light will permit (i.e., at tree-top level). Real world medevac operations are currently performed by the not-for-profit entity, San Antonio Airlife. The Army previously conducted the air medevac mission out of Fort Sam Houston; however, this support ceased when the Army medevac unit transitioned to providing support for military operations elsewhere. There is a small Army National Guard medevac unit based out of Martindale AAF; but San Antonio Airlife is currently the primary air ambulance service provider for Camp Bullis.

Helicopters in the Helicopter Drop Zone operate at altitudes of approximately 1,000 feet Above Ground Level (AGL), and the drop zone extends from a northeast to southwest direction. The zone terminates approximately three miles beyond the southwestern boundary of Camp Bullis.

The NOE Flight Corridor extends from the cantonment area north along the installation's west boundary, along the north boundary, and south along the east boundary to the

northern extent of the impact area/no fly zone. However, the primary path followed for NOE is along the northern boundary and the Cibolo Creek Bed. This training is typically conducted at altitudes of approximately 25 feet AGL above the highest obstacle along the route.

The Helicopter Flight Corridor includes flights between 250 and 500 feet AGL, which are conducted in the southwestern portion of Camp Bullis in the vicinity of the cantonment area.

There are five designated ingress and egress points for helicopters (see Figure 1-1):

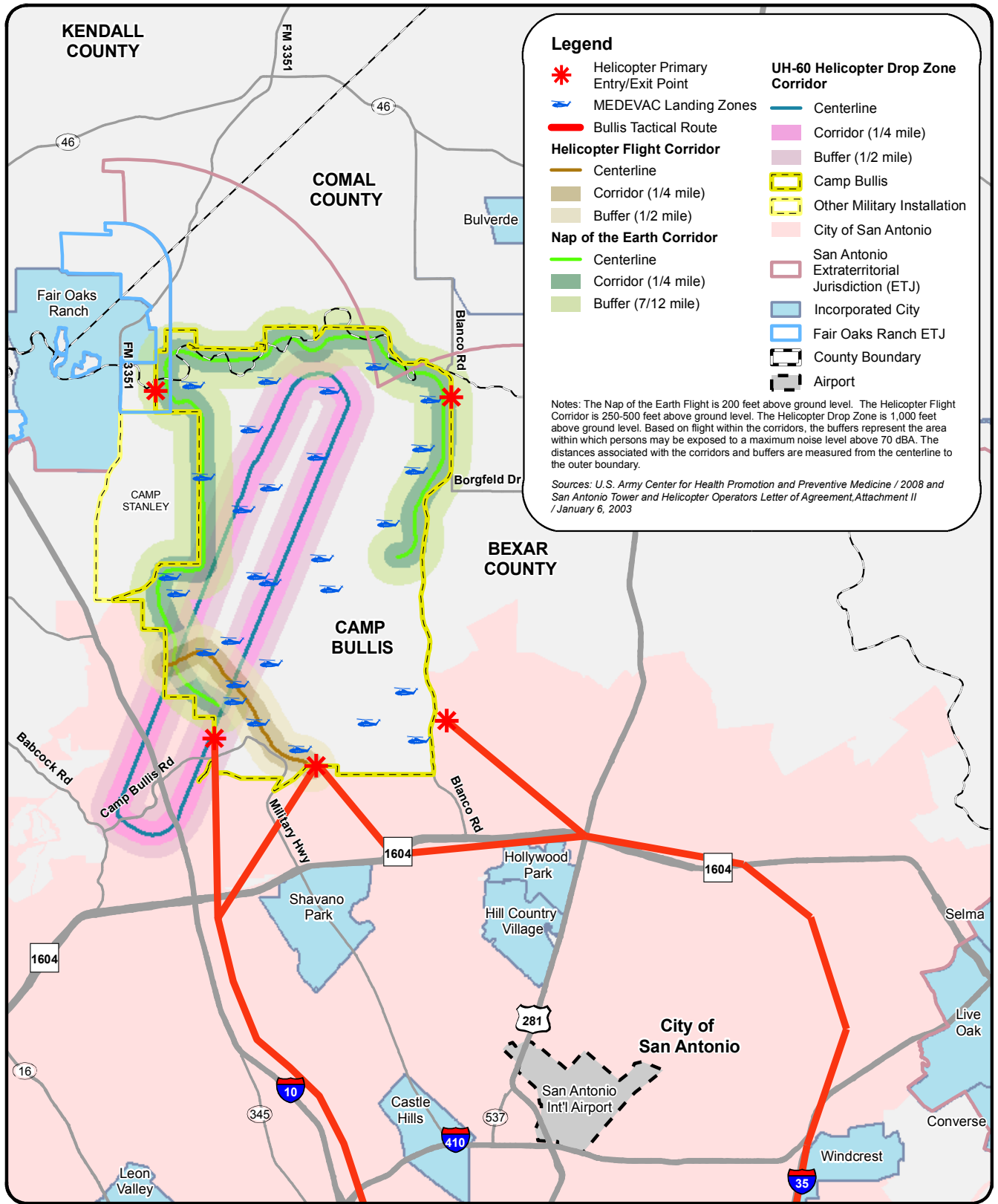
1. northwest corner near the City of Fair Oaks Ranch (County Line Road – West),
2. northeast corner along Blanco Road (County Line Road – East),
3. south-central boundary southeast of the cantonment area (Military Highway),
4. southwestern corner just west of the cantonment area (Bullis Road), and
5. southeastern corner vicinity of the installation boundary and Blanco Road.

Within the Camp Bullis boundaries, there are 29 LZs, which are located at key locations across the training area.

Helicopter Support and Flight Routes

The majority of helicopter support for training at Camp Bullis is provided by the Texas Army National Guard located at Martindale Army Airfield (AAF), southeast of Fort Sam Houston. Helicopters from Martindale AAF fly into Camp Bullis up to six times a week for day and night training missions. This usually includes one to three UH-60 helicopters per mission. A Letter of Agreement (LOA) between the San Antonio International Airport (SAI) and the Texas Army National Guard at Martindale AAF prescribes operating procedures for Army helicopters flying between Camp Bullis and Martindale. Per the LOA, two different routes (Bullis Tactical Route and Interstate 10 [I-10] Route) are used to move between the installations, which follow San Antonio's major highways and attempt to avoid overflight of residential areas.

As a consideration to local communities and to comply with Title 14 of the Code of Federal Regulations (CFR) Part 91 General Operating and Flight Rules, Texas Army National Guard helicopters fly at or above 500 feet AGL when outside of Camp Bullis. This also allows them to avoid civilian medical, media, and safety helicopter traffic. According to 14 CFR Part 91, over any congested area of a city, town, or settlement, or over any open air assembly of persons, the minimum altitude for helicopters is 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft. National Guard Supplement 1 to Army Regulation 95-1, Flight Regulations, allows for a 500-foot AGL slant range over congested areas when aircraft are at 500 feet AGL. For flights over areas that are not considered congested, helicopters must maintain an altitude of 500 feet AGL, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure (§ 91.119 Minimum safe altitudes: General). To avoid SAI commercial traffic, they also do not fly above 1,900 feet



0 1.25 2.5 Miles

Matrix Design Group, Inc.

Figure 1-1
Helicopter Noise Corridors

mean sea level (MSL). As a means of comparison, Martindale AAF sits at 674 feet MSL. The routes prescribed in the LOA are general routes that are subject to deviation based on factors such as weather, wind, and operational requirements. Within the Camp Bullis boundaries, Army National Guard helicopters are authorized to operate at or below 200 feet AGL.

The Bullis Tactical Route begins at Martindale AAF and is described in the LOA as follows:

- a. Departing Martindale AAF proceed directly to the intersection of I-35 and Loop 410 at or below 1,900 feet MSL. Helicopters should remain as high as possible (not to exceed 1,900 feet MSL), and avoid residentially developed areas in order to minimize noise pollution. Proceed along I-35 / I-410 north until reaching CP WINDSOR (intersection I-410 and I-35). Follow the railroad track / dry creek bed to intercept Loop 1604 at CP JUDSON (intersection Bulverde Road and Loop 1604) (south of rock quarry), then proceed west over Loop 1604 to south Camp Bullis as indicated. Helicopters flying to north Camp Bullis may depart the route at CP FIESTA (intersection Highway 281 and Loop 1604) as indicated proceeding directly to the east of Camp Bullis remaining clear of the range impact area and residential areas.
- b. Returning to Martindale AAF, the route is reverse of (a) above.

The I-10 Route begins at Camp Bullis and is described in the LOA as follows:

- a. Recovering to Martindale AAF, from the intersection of I-10W and northwest Loop 1604, maintain at or below 1,900 feet MSL. Helicopters should remain as high as possible (not to exceed 1,900 feet MSL), and avoid residentially developed areas in order to minimize noise pollution. Proceed along I-10 east-southeast bound, over CP CROSSROAD (intersection of I-10 and I-410), until reaching the intersection of I-10 and I-35 downtown. Proceed east, over CP DOWNTOWN (vicinity intersection I-10 and Spur 537), along I-35 until reaching the intersection of I-35 and I-410 at Salado Park. Then proceed directly to Martindale AAF.
- b. Departing Martindale AAF, the route is reverse of (a) above.

Active duty helicopters also train at and support operations at Camp Bullis. These aircraft can arrive from a variety of installations other than Martindale AAF, and there are no established tactical routes for these flights.

The approach and departure procedures are described as follows:

- a. Pilots entering the airspace from installations other than Fort Sam Houston or Martindale AAF must share the airspace with other civilian aircraft and fly to Camp Bullis under the direction of the civilian control towers.
- b. When these helicopters get close to Camp Bullis, they make radio contact with Camp Bullis range control to coordinate for, gain entry to, and maneuver within the installation's airspace. Flights from outside facilities are difficult to map since they do not fly over established routes like those noted in the SAI / Texas Army National Guard LOA.

Aircraft Operations Safety

Helicopter routes outside of and within the Camp Bullis boundaries are not exact. As noted above, deviations from the routes shown on Figure 1-1 may be made for any number of reasons. These include, but are not limited to weather, heavy winds, operational requirements, obstacles, other aircraft in the airspace, safety requirements, etc. For this reason, it is important that safety zones be established to support rotary-wing flight operations. Since Army helicopter flights are controlled by civilian air traffic controllers up to the Camp Bullis boundary, the safety zones are primarily focused along the boundaries of the installation where NOE training takes place, where the drop zone flight paths extend into City of San Antonio lands, and where ingress / egress points have been established with the Texas Army National Guard.

Flight Paths / Corridors

Nap of the Earth

By definition, NOE flights follow the terrain. Although helicopters flying this method should remain within the confines of Camp Bullis, there may be instances where crossing outside of the installation boundary is necessary (i.e., safety, weather, emergencies, etc.). In these situations, a safety buffer would be beneficial for the safety of the helicopter crew and passengers, as well as for people on the ground. As an action step, a 1/4-mile safety buffer should be established from the installation boundary along the NOE Flight Corridor. This would provide for emergency situations where a landing on property outside of the installation is needed.

Drop Zone Flight Paths

Helicopters performing air drop operations fly at approximately 1,000 feet AGL, which provides sufficient clearance from existing development and structures. Approximately 75 percent of the drop zone corridor is over Camp Bullis. The remaining 25 percent of the corridor is over City of San Antonio lands southwest of the installation. Safety zones beneath the off-installation portion of the corridor could include land use regulations restricting establishment of landfills, water bodies that could attract birds, or development of facilities that are extremely tall, produce steam / smoke, or release decorative objects (i.e., party balloons, large helium-filled balloons promoting attractions / merchandise / housing tied to commercial roofs, etc).

Designated Ingress / Egress Points

Similar to the flight routes / corridors described previously, the designated ingress / egress points located generally at the corners of the installation are not exact. Helicopters do not necessarily pass directly over a specific point on the ground. Also, the altitudes at which aircraft cross into / out of Camp Bullis vary. Consequently, in the interest of safety, zones measuring 1/4 mile in radius should be established. Land use regulations restricting the establishment of landfills, water bodies that could attract birds, or development of facilities that are extremely tall or produce steam / smoke, or the release of decorative objects would ensure a safe approach and departure.

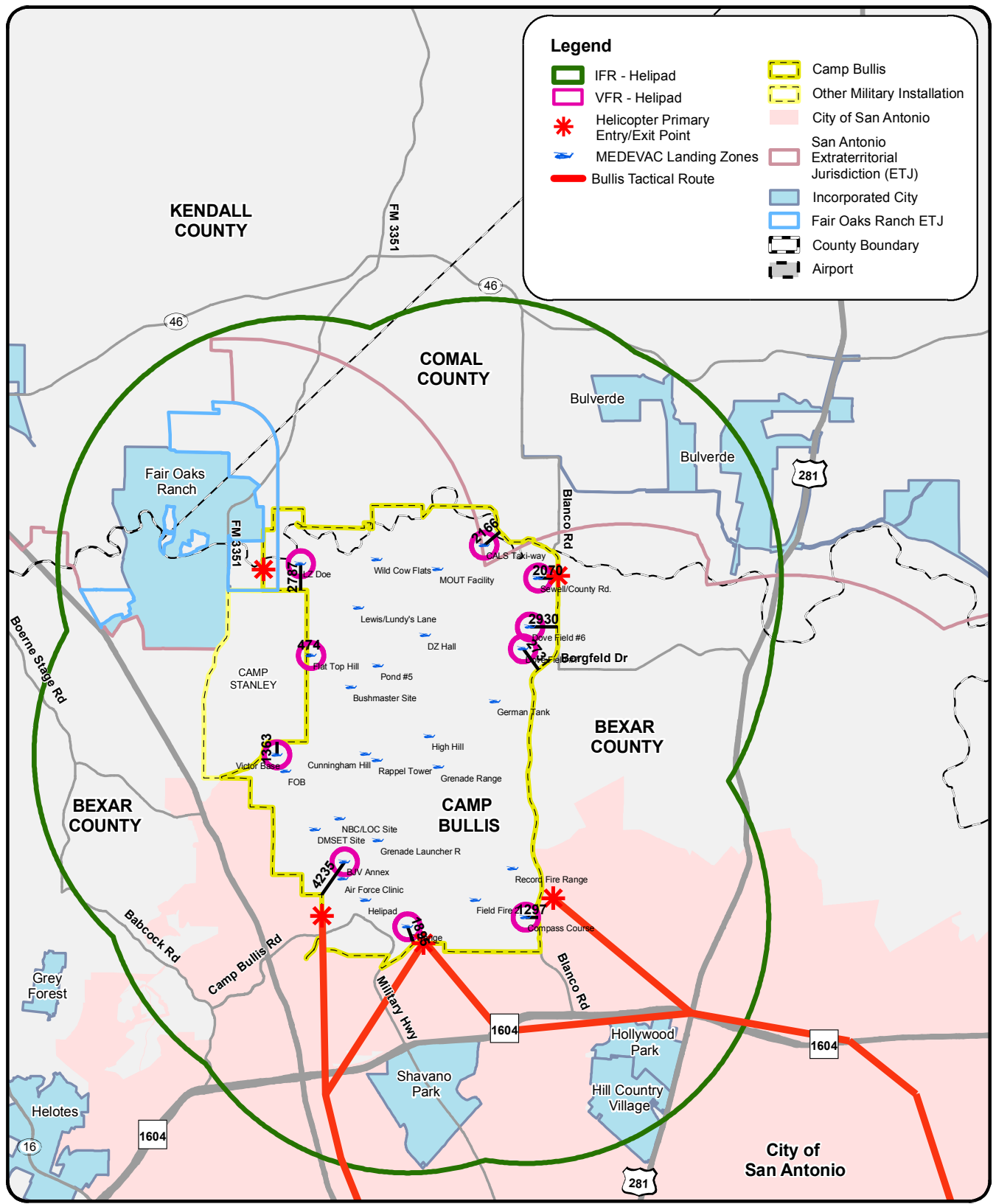
Landing Zones / Helipads

In addition to the air operations noted above, safety zones related to the 29 LZs need to be evaluated. United Facilities Criteria (UFC) 3-260-01, Airfield and Heliport Planning and Design, November 17, 2008, provides standardized airfield, heliport, and airspace criteria for the geometric layout, design, and construction of runways, helipads, taxiways, aprons, and related permanent facilities to meet sustained operations at Department of Defense military facilities in the United States. For the purposes of this document and related helicopter safety zones, the UFC provides imaginary surface dimensions and details for the Visual Flight Rules (VFR) helipads. Helipads allow for a helicopter hovering, landing, and takeoff. Except at facilities where helicopter runways are provided, helipads are the landing and takeoff locations for helicopters. The following details safety zones and imaginary surfaces for the Army and Air Force standard VFR helipad. Figure 1-2 illustrates the VFR helipads at Camp Bullis.

VFR Helipads

To ensure safe helicopter approaches and departures from a helipad while operating under VFR, the UFC calls for obstacle-free areas extending from the center of the helipad and along the approach-departure axis outward to 1,350 feet. This distance includes the helipad's primary surface, Clear Zone (CZ), and Accident Potential Zone I (APZ I) (see Figure 1-2). . The approach-departure clearance surface extends from the edge of the helipad's primary surface at a slope ratio of 8 (horizontal): 1 (vertical). This slope equates to a height of 150 feet at the furthest extents of the approach-departure clearance surface.

Of the 29 established LZs on Camp Bullis, the only LZ with safety zones not completely located within the installation boundary is the Compass Course LZ, which is located in the installation's southeast corner, south of the firing ranges. This LZ is 1,297 feet from the boundary and Blanco Road. A helicopter approaching from or departing to the east will be at a height of 143 feet at the installation boundary. Based on the requirements listed in the UFC, APZ I / the approach-departure clearance surface extends 53 feet outside of the installation boundary, which can be potentially problematic for aircraft approaching from or departing to the east from Compass LZ . Figure 1-3 illustrates the extents of the VFR APZ I / the approach-departure clearance surface for the LZs proximate to the Camp Bullis perimeter.



0 1.25 2.5 Miles

Matrix Design Group, Inc.

Figure 1-2 Helipad IFR and VFR

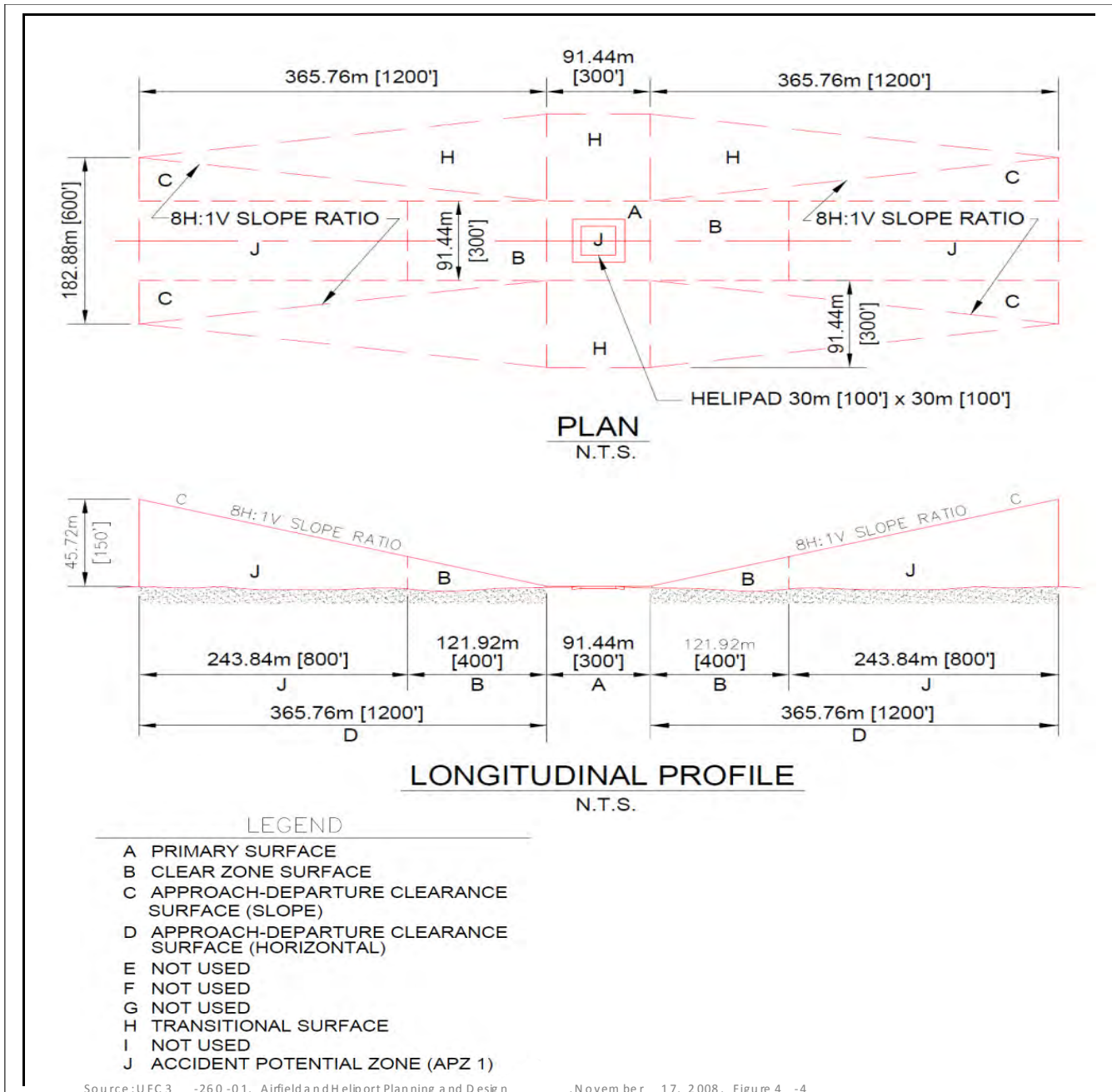


Figure 1-3 VFR Helicopter Helipad Safety and Imaginary Surfaces

Camp Bullis Joint Land Use Study (JLUS) Implementation Plan Compatibility Standards Report Per Texas House Bill 2919

Introduction

In 2009, the Legislature of the State of Texas passed House Bill 2919 (HB 2919) in an effort to increase the compatibility of civilian development surrounding military installations. The law prescribes methods for increasing coordination between local jurisdictions and military installations. It also puts in place requirements demonstrating how communities should make decisions about the types of land uses that are approved within certain proximity of a military installation.

The Camp Bullis Regional Sustainability Commission's requirement to develop Compatible Development Standards (CDS) defines the parameters of HB 2919 and provides interpretations that are relevant to the specific communities surrounding Camp Bullis. In addition, this report outlines the specific Compatible Development Standards that the Camp Bullis Regional Compatibility Commission could use in the evaluation of proposed plans, regulations and structures within the area of concern.

Purpose

In order to ensure that current military facilities remain in use for military, national security, and international training purposes, it is essential that the jurisdictions surrounding military installations encourage compatible development and use, develop and enforce adequate regulation to prevent incompatibilities with military missions that interfere with the proper continued use of those areas as secure locations for military installations and missions; and the effective operation of the military installations and missions. With this goal in mind, the intended purpose of HB 2919 is to:

1. promote the public health, safety, and general welfare;
2. protect and preserve places and areas of military and national security importance and significance;
3. protect critical military missions and operations related to those missions; and
4. ensure state and national security.

Bill Summary

HB 2919 modifies the Texas Local Government Code in two ways. Primarily, it requires defense communities (as defined by the amendments) to engage in consultation with Base Defense Authorities. The first part of the law does not apply to the Camp Bullis region and therefore will not be discussed here. Secondly, the law allows defense communities (as defined by the amendments) to create Regional Military Sustainability Commissions (RMSC) and endows those commissions with certain planning rights and responsibilities.

Regional Military Sustainability Commission

Applies to:

- A defense community constituted by a county with unincorporated area located within five miles of the boundary line of a military installation and a municipality of 1.1 million or more with extraterritorial jurisdiction located within five miles of an installation's boundary line, with certain exceptions.

In the case of Camp Bullis, the defense community is comprised of:

- Bexar County
- Comal County
- City of San Antonio

Process for Establishing a Regional Military Sustainability Commission (RMSC)¹:

Step 1: Each participating governmental entity must hold two public hearings to consider the creation of the proposed commission.²

- Hearings must not be earlier than the 60th day or later than the 30th day before the date the governing body of each participating governmental entity establishes a regional military sustainability commission.
- Each governing body is required to prominently post notice of the hearing in the administrative offices of the governmental entity and publish notice of the hearing in a newspaper of general circulation, if any, in the proposed territory at least seven days before each public hearing,.
- The notice must:
 - *state the date, time, and place for the public hearing;*
 - *identify the boundaries of the proposed territory, including a map of the proposed territory; and*
 - *provide a description of the proposed commission's functions.*

¹ Section 397A.001 and Sections 397A.002-397A.050

² Section 397A.053

Step 2: Establish and fund a regional military sustainability commission to regulate development in the area that surrounds a military installation according to the following guidelines:

- The regional military sustainability commission may not be composed of more than nine members.
- Participating governmental entities may, by joint agreement, determine the number, qualifications, and method of selecting members of a commission.
- A member of a commission may not be an elected official of a participating county or municipality.³
- Defense communities may not establish more than one commission in a county.

RMSC's Territory

- A commission's territory consists of the unincorporated area located within two miles of the boundary line of a military installation designated as the commission's territory when the commission is established.
- If a military installation is engaged in flight training at the time a commission is established under this section, the commission's territory consists of the unincorporated area located within three miles of the boundary line of the military installation.

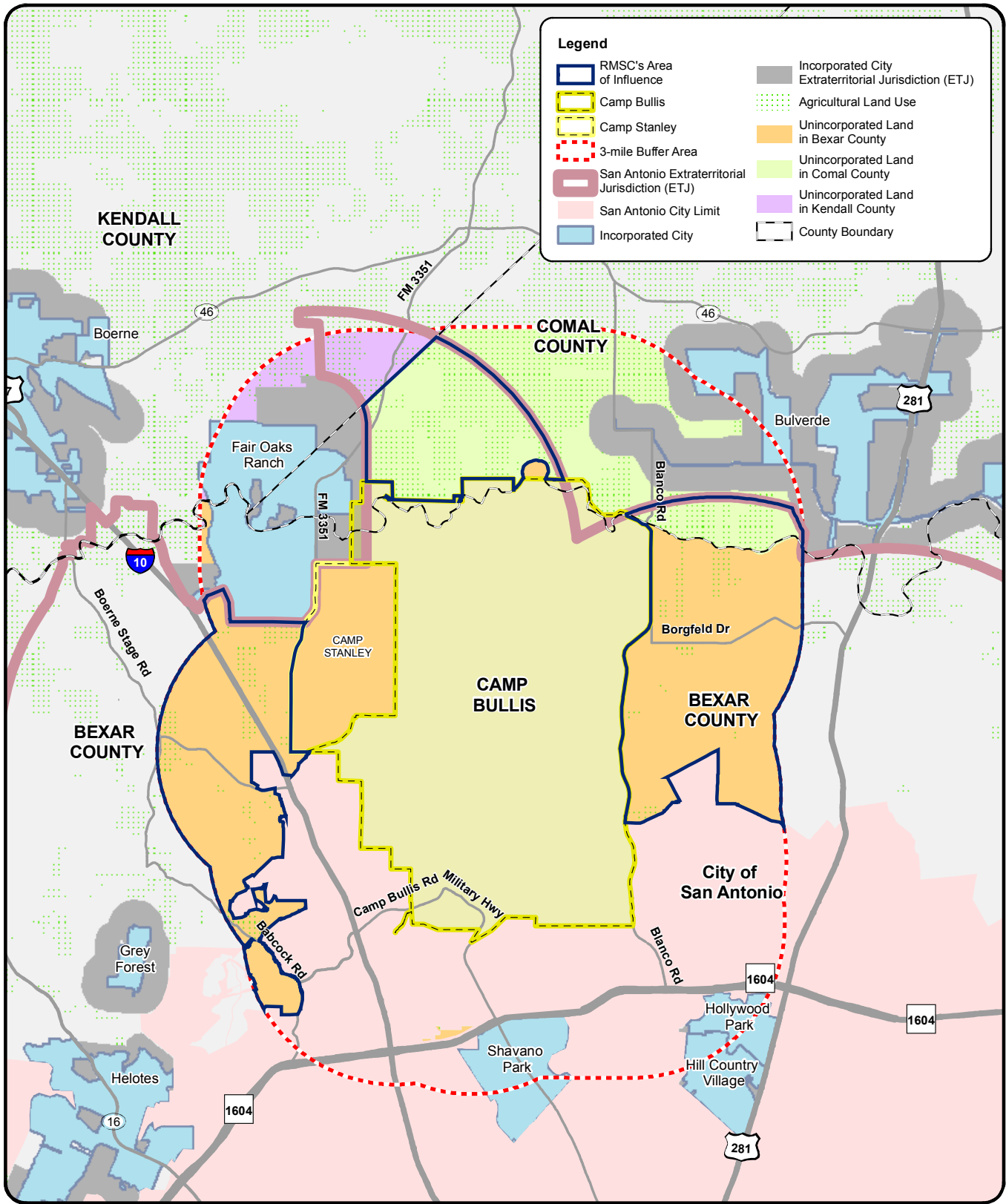
In the case of Camp Bullis, which is a military installation engaged in flight training, the commission's territory would consist of the unincorporated areas that are both located within an extraterritorial jurisdiction and are located within three miles of the boundary line of the military installation.

In a legal opinion issued by the City of San Antonio, the City Attorney's office defined the Regional Military Sustainability Commission's "territory" as the area which is located within three miles of Camp Bullis, is in the same county as the active military installation (Bexar and Comal) and in the extraterritorial jurisdiction of the City of San Antonio. 397A.052 (a) and (d).

Therefore, in keeping with this interpretation of HB 2919 the RMSC's Area of Influence (AOI) encompasses the following jurisdictions, as shown on Figure 1:

- Bexar County
- Comal County

³ Section 397A.054



Legend

RMSC's Area of Influence	Incorporated City Extraterritorial Jurisdiction (ETJ)
Camp Bullis	Agricultural Land Use
Camp Stanley	Unincorporated Land in Bexar County
3-mile Buffer Area	Unincorporated Land in Comal County
San Antonio Extraterritorial Jurisdiction (ETJ)	Unincorporated Land in Kendall County
San Antonio City Limit	County Boundary
Incorporated City	

0 1.25 2.5 Miles

Matrix Design Group Inc.

Figure 1
Camp Bullis Regional Military Sustainability Commission's (RMSC) Area of Influence

RMSC Requirements

- Recommend compatible development standards⁴ for the commission's territory, subject to approval by a majority vote of each participating governmental entity.
- The commission must consider, as part of the regional compatible development standards, standards required by the Federal Aviation Administration regulations for military installations that service aircraft and helicopters.
- The commission shall submit the proposed compatible development standards to the participating governmental entities for approval.
- Before taking action to approve or reject the compatible development standards proposed by the commission, the participating governmental entities shall:
 - *provide notice of the commission's proposed compatible development standards to property owners in the commission's territory, as determined by the most recent county tax roll.*
 - *publish notice of the commission's proposed compatible development standards in a newspaper of general circulation, if any, in the commission's territory⁵*
- The compatible development standards are final after approval by a majority vote of each participating governmental entity.
- Notice of the final compatible development standards must be provided to all appropriate taxing entities for filing in the real property records of the county.
- The commission may include, in the proposed compatible development standards, a recommendation to a participating governmental entity to purchase property in the commission's territory as practical to protect a critical military mission.
- The governing body of the participating governmental entity, on receipt of an application for a permit for a new project in the territory, must review the application and request a report from the commission regarding the proposed project's compatibility with the military installation's mission and related operations.
- Establish an advisory committee, composed of members representing both the military installation and landowners within commission territory, and to consult with that committee in its review of an application.
 - *Three of the members appointed to the committee must represent the military installation for which the commission is established and three members must represent landowners in the area surrounding the military installation.*
- Review the compatibility of the new project with the military installation's military missions and related operations based on the commission's compatible development standards.

⁴ Section 397A.056

⁵ The failure of notice to reach each property owner under Subsection (b) does not invalidate compatible development standards adopted under this section.

- Required to submit a report of its findings, including a recommendation regarding compatibility, to the reviewing governmental entity⁶ not later than the 30th calendar day after the date the request was made.
 - *The report must include an estimate of the fiscal impact on the affected property of any recommendations submitted by the commission, if the fiscal impact is determinable based on the project description and other information provided by the developer.*

RMSC Authorities

- The reviewing governmental entity can disapprove the permit application based on a recommendation of the commission and a landowner to appeal all or part of the report or permit application decision to a district court, which may reverse or modify the report or permit application.
- The commission can apply for, contract for, receive, and expend for its purposes, a grant or funds from any source, and it authorizes a participating governmental entity to appropriate funds to the commission.
- A participating governmental entity can withdraw from a regional military sustainability commission. For the continuance of a commission and its development standards (in the event of closure of the military installation) the surrounding area remains regulated by the commission.

(Source: Legislative Reference Library <http://www.lrl.state.tx.us/>)

Compatible Development Standards (CDS)

Per HB 2919, the Compatible Development Standards (CDS) must be coordinated with:

- a. the county plan for growth and development of the participating county or a county located in the Regional Military Sustainability Commission 's territory;
- b. the comprehensive plan of the participating municipality;
- c. the most recent Joint Land Use Study (JLUS), if the commission makes a finding that the conclusions of the study accurately reflect circumstances in the territory; and
- d. standards required by the Federal Aviation Administration regulations for military installations that service aircraft and helicopters.

⁶ *The reviewing governmental entity may not take action on the permit application until it receives the report of the commission. If the commission finds that the proposed new project is not compatible with the military installation's missions and recommends denial of the permit application, the reviewing governmental entity may disapprove the permit application.*

On annexation of an area in the commission's territory for full or limited purposes by a municipality, the area is removed from the commission's territory. If the municipality deannexes the area, the area is included in the commission's territory.

On receipt of an application for a permit for a new project in the commission 's territory, the governing body of the participating governmental entity shall review the application and request a report from the commission regarding the proposed

Per the regulations, the planning documents for each of the participating jurisdictions will have to be factored into the CDS. The Camp Bullis JLUS, completed in 2009, provides a recent and accurate assessment of the various local planning regulations that apply to the area in question and identifies the specific compatibility concerns relating to Camp Bullis. The CDS will correspond directly with the recommendations developed in the JLUS.

Community Plans

Bexar County Development Standards

Bexar County has adopted development standards for subdividing property into two or more parcels. Minimum standards are set for the provision of potable water, wastewater disposal, and building setbacks. The main purpose of the development standards is to ensure adequate access to water and to establish construction standards. Compatibility issues such as notification of property owners purchasing within proximity to a military installation or sound attenuation standards are not addressed.

Comal County Development Standards

Comal County's minimum lot size is 1 acre for new subdivisions when public water is provided, and 5.01 acres when individual wells are required. Lot size limitations are expected to change as additional water supply and sewage collection and treatment become available. Similar to Bexar County, development standards do not address sound attenuation or require real estate sales disclosure pertaining to proximate military activities.

City of San Antonio Comprehensive Plan

The City has not adopted a city-wide land use plan, but has prepared neighborhood, community, and corridor plans. The City is currently in the process of preparing sector plans, which will collectively comprise the city-wide land use plan. Many of these plans include proposed land uses and zoning districts. Comprehensive plan policies include the following: addressing Growth Management, Economic Development, Community Services, Neighborhoods, Natural Resources and Urban Design. Land use plans have been prepared for the San Antonio International Airport Area and the Stinson Airport Vicinity. Many neighborhood plans and several community plans have also been adopted; however there are also many master development plans that have been prepared within the area surrounding Camp Bullis. The comprehensive plan policies are a conditional planning tool.

Federal Aviation Act (FAA) Standards

The focus of the FAA Part 77 is to establish standards used to determine obstructions within navigable airspace, typically within a certain distance from an airport or airfield. It defines an obstruction to air navigation as an object that is of "greater height than any of the following heights or surfaces:

- A height of 500 feet AGL at the site of the object.

- A height that is 200 feet AGL or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to maximum of 500 feet.
- A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required clearance.
- A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off-airway route that would increase the minimum obstacle clearance altitude.
- The surface of a takeoff and landing area of an airport or any imaginary surface established under 77.25, 77.28, or 77.29. However, no part of the take-off or landing area itself will be considered an obstruction. (For additional information on FAA Part 77, please see Appendix E.)

Compatibility Issues identified in the Joint Land Use Study

The Camp Bullis JLUS, completed in 2009, identified the following issues listed below to be primary compatibility concerns within the overall JLUS study area. Among the most common factors causing incompatibility with military airfield and weapons training installations are the high levels of noise created by aircraft and firing ranges, heights of civilian structures near the installation, as well as off-installation light pollution that negatively impacts the use of night vision devices (NVD) for military air and ground training. The development of land uses incompatible with the installation's military mission threatens that installation's continued existence. The compatibility factors discussed in the Camp Bullis JLUS include:

- Land Use
- Safety Zones
- Vertical Obstructions
- Infrastructure Extensions
- Noise
- Vibration
- Light and Glare
- Frequency Spectrum Impedance and Interference
- Public Trespassing
- Legislative Initiatives
- Interagency Coordination
- Water Quality
- Threatened and Endangered Species
- Competition for Land, Air and Sea Spaces

- Frequency Spectrum Capacity
- Ground Transportation Capacity

Compatibility Development Standards

A regulation or compatible development standard does not apply to⁷:

1. A tract of land used for a single-family residence that is located outside the boundaries of a platted subdivision;
2. A tract of land in agricultural use;
3. An activity or a structure or appurtenance on a tract of land in agricultural use; or
4. An area designated as part of the commission's territory that is subject to the jurisdiction of a regulatory agency⁸, and that, on the effective date of the Act adding this chapter, is:
 - A. within the boundaries of a project⁹ and any revision to the project that has accrued rights;
 - B. the subject of a permit¹⁰ issued by or a permit application filed with a regulatory agency; or
 - C. subject to a plan for development or plat application filed with a regulatory agency.

As per HB 2919, the above stated requirements for lands, permits, projects, plans for development and plat applications overseen by the following agencies cannot be regulated by the RMSC:

- Bexar County
- San Antonio Water System
- State of Texas Fish and Wildlife
- US Fish and Wildlife Service
- Edwards Aquifer
- School Districts
 - Northside Independent School District
 - North East Independent School District
 - Boerne Independent School District
 - Comal Independent School District

⁷ Section 397A.051

⁸ "Regulatory agency" means the governing body of, or a bureau, department, division, board, commission, or other agency of, a political subdivision acting in its capacity of processing, approving, or issuing a permit. (Section 245.001)

⁹ "Project" means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor. (Section 245.001)

¹⁰ "Permit" means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought. (Section 245.001)

OBJECTIVE 1: To protect the safety of citizens by discouraging high-density development within Accident Potential Zone (APZ) and Combat Assault Landing Strip (CALs) approach and departure routes (Safety MIA).

BACKGROUND: As shown on Figure 2, the Clear Zone (CZ) for the existing CALs runway does not extend off base. However the APZ I and APZ II for a future Class A expanded runway¹ would extend beyond the installation. APZ I would extend halfway beyond the boundary of Camp Bullis to the east, and APZ II would be located entirely off of the boundary to the east.

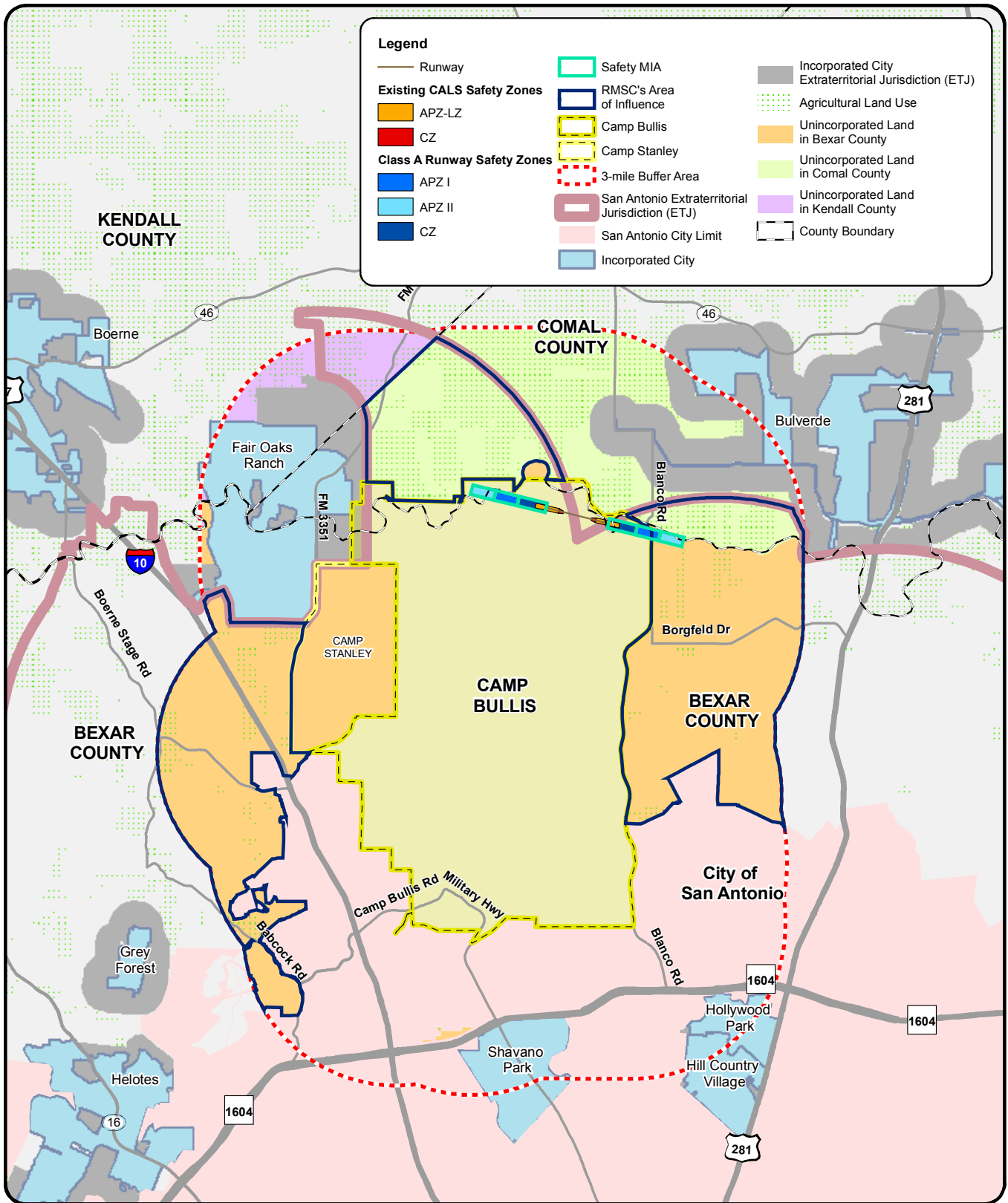
RECOMMENDED DEVELOPMENT STANDARDS: The portion of the APZs which extend beyond the boundary of the installation and are located within the three mile area of influence (to be compliant with the provisions of the Regional Military Sustainability Commission territory, if implemented in the future) should be subject to the following standards:

- *Discourage new construction within 150 feet of Camp Bullis' fence line.*
- *Encourage the retention of current agricultural uses and resource protection activities.*
- *Discourage the subdivision of small lots.*
- *Seek opportunities where the transfer of development rights (TDR) can be used.*
- *Seek opportunities where the establishment of limited use easements or conservation easements can be accomplished.*
- *Discourage residential uses within any APZ.*

RECOMMENDED PERMISSIBLE LAND USES:

- *Agricultural (farm, ranch and rural development), Open Space, Resource Protection.*
Conditionally acceptable uses:
 - *Office District (1-story height limitation, considered as conditional use)*
 - *Industrial (Light, General, Heavy, Mixed; considered as conditional use)*

(1) Although there is possibility to upgrade the CALs to a Class A runway in the future, there is currently no projected timeframe for this to occur nor any plan to do so. The decision to upgrade would need to be preceded by an environmental study, community input, and potential acquisition of easements in those portions of the new APZs that extend off-post.



0 1.25 2.5 Miles

Matrix Design Group, Inc.

Figure 2
Safety Issues in the RMSC's Area of Influence

OBJECTIVE 2: To avoid the construction of structures that could interfere with Camp Bullis' fixed and rotary-wing aircraft training and/or are within the Vertical MIA, as shown on Figure 3.

RECOMMENDED DEVELOPMENT STANDARDS:

- Discourage new construction within 150 feet of Camp Bullis' fence line.
- Require building elevations of proposed units with height dimensions to be provided at the time of building permit application.
- Allow for the purchase of critically located property by an appropriate governmental entity.
- Per FAA requirements, any structure to be placed within three miles of Camp Bullis will not exceed:
 - A height of 500 feet AGL at the site of the object.
 - A height that is 200 feet AGL or above the established airport elevation, whichever is higher.
 - Within three nautical miles of the established reference point of an airport (excluding heliports), with its longest runway more than 3,200 feet in actual length, height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.

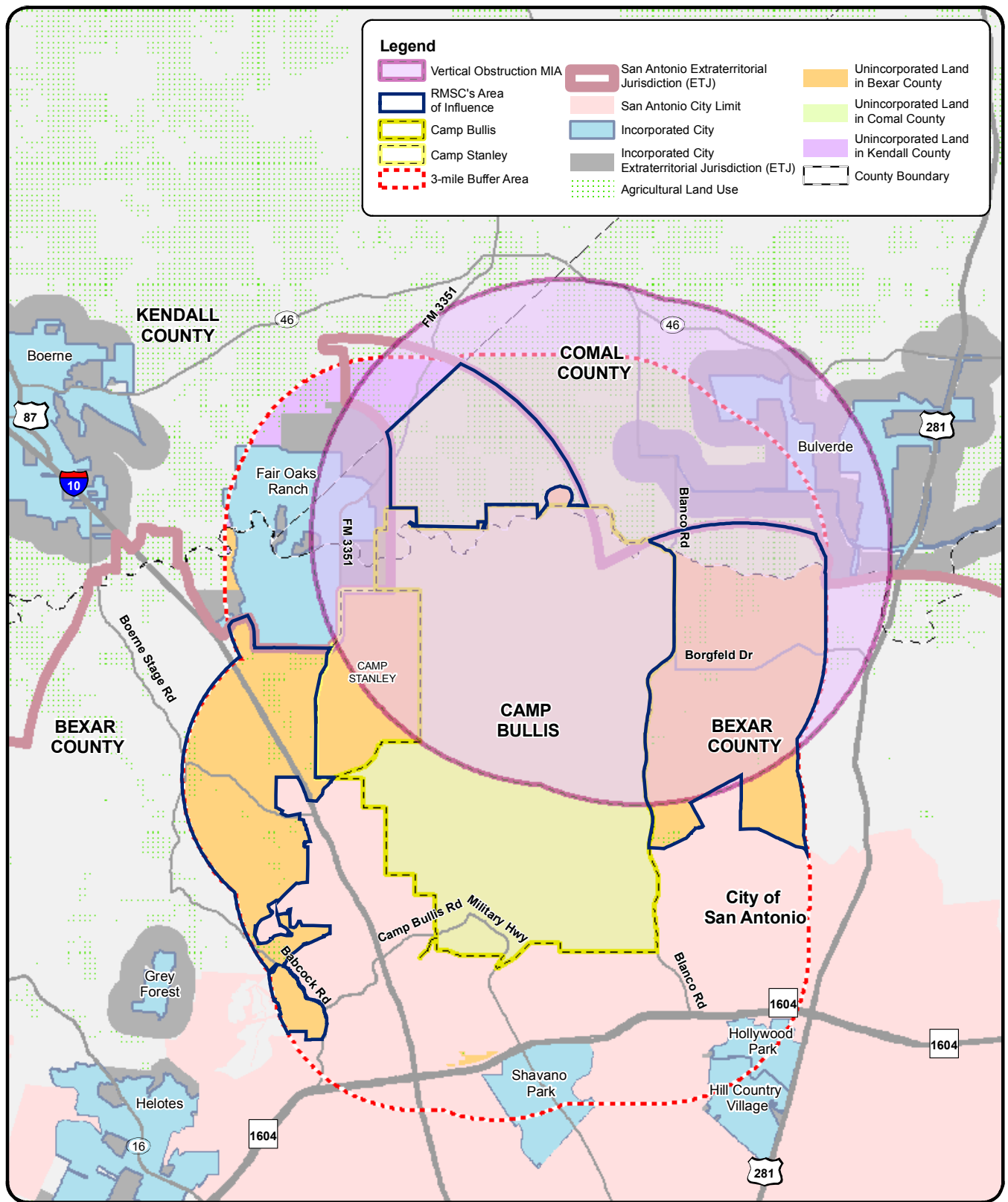
RECOMMENDED PERMISSIBLE LAND USES:

- Open Space.
- Conservation Area (pursue conservation easements where possible).
- Low density Residential not to exceed 35 ft. or 2.5 stories providing it is not located in high dB noise contours.
- Community and Neighborhood Commercial Uses (not to exceed 35 feet in height or outdoor lighting restrictions).
- Industrial Uses (not to exceed height restrictions or outdoor lighting restrictions).
- Racetracks and Emergency Vehicle Training Uses (may be appropriate as long as they do not generate excessive dust, frequency interruptions, or light at night, and are consistent with the North Sector Land Use Plan).

OBJECTIVE 3: Avoid incompatible development in the CALS approach and departure routes.

RECOMMENDED DEVELOPMENT STANDARDS: These standards pertain to lands in Comal County that are also located within the three mile area of influence.

- Discourage new construction within 150 feet of Camp Bullis' fence line.
- Encourage the continued use of existing compatible land uses (agricultural, open space).
- Discourage new development proposed for the areas located to the north and northeast of the boundaries of Camp Bullis, which are currently used for farming or are designated to be retained in their native condition.



Legend

Vertical Obstruction MIA	San Antonio Extraterritorial Jurisdiction (ETJ)	Unincorporated Land in Bexar County
RMSC's Area of Influence	San Antonio City Limit	Unincorporated Land in Comal County
Camp Bullis	Incorporated City	Unincorporated Land in Kendall County
Camp Stanley	Incorporated City Extraterritorial Jurisdiction (ETJ)	County Boundary
3-mile Buffer Area	Agricultural Land Use	

0 1.25 2.5 Miles

Matrix Design Group, Inc.

Figure 3
Vertical Obstruction in the RMSC's Area of Concern

- Pursue conservation easements (where possible).
- Allow for the acquisition of critically located property (by an appropriate governmental entity).
- Seek opportunities where the transfer of development rights can be used.
- Create conservation area buffer zones that protect the Camp Bullis mission by preventing development.
- Discourage residential, industrial, and commercial uses.

RECOMMENDED PERMISSIBLE LAND USES:

- Resource protection and open space.
- Livestock farming and animal breeding.
- Agricultural and forestry related activities.
- Fishing activities and related services.
- Mining activities and other resources production and extraction as long as they do not generate excess dust, light pollution, or height restrictions.

Objective 4: To prevent the attraction of birds across fixed and rotary-wing flight routes and to coordinate land uses with the Camp Bullis Bird Air Strike Hazard (BASH) Plan (if authorized and implemented in the future).

BACKGROUND: As shown on Figure 4, the UH-60 flight paths and their noise contours extend beyond Camp Bullis to the southwest over San Antonio lands in the area of influence. In addition, the rotary-wing Nap of the Earth (NOE) route around the perimeter of the Camp and approach and departure paths to/from the CALS are areas of concern.

RECOMMENDED DEVELOPMENT STANDARDS. In order to manage these issues, the following standards should apply:

- Recommend no construction within 150 feet of Camp Bullis' fence line.
- Recommend denial of all projects that include landfills or uncovered outdoor water storage areas.
- All development permits should be determined compatible with the requirements of the Camp Bullis BASH plan (if authorized and implemented in the future) prior to consideration and approval.

RECOMMENDED PERMISSIBLE LAND USES:

- Agricultural and open space (may attract birds and if allowed, should be managed to avoid crop flooding, wetlands).
- Residential, as long as wells and outdoor water ponds are managed.
- Non-residential, providing they do not interfere with aviation related ingress and egress routes.
- Conservation easements (pursue where possible).

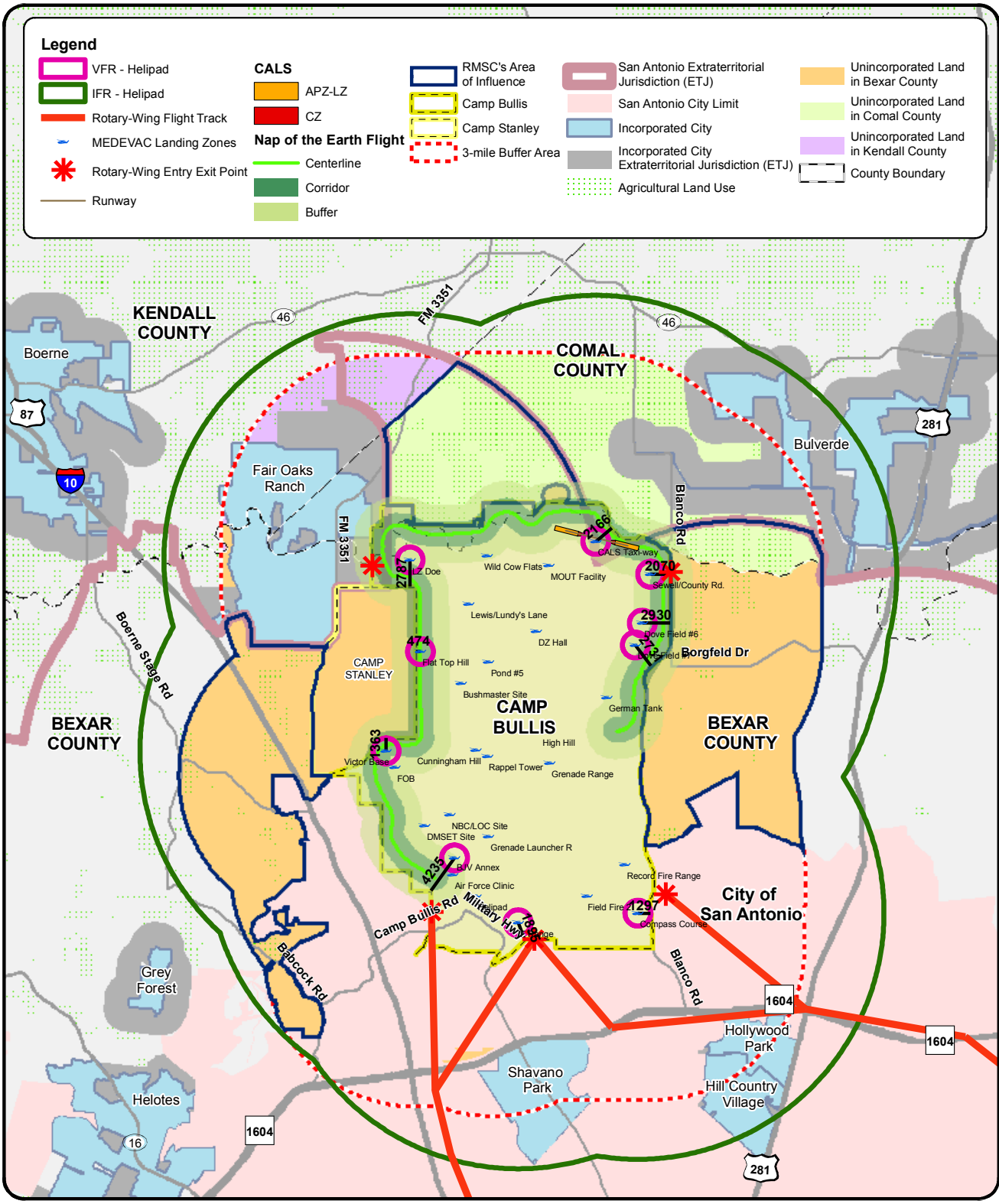


Figure 4
BASH Areas of Concern

OBJECTIVE 5: To mitigate noise concerns and exposure generated by Camp Bullis fixed and rotary-wing aircraft and firing ranges.

BACKGROUND: As shown on Figure 5, both the CALS 65 and 60 decibel contours extend beyond Camp Bullis from the north into Comal County. A majority of the land in this area is in agricultural use.

RECOMMENDED DEVELOPMENT STANDARDS: In order to manage these issues, the following standards should apply:

- Discourage new construction within 150 feet of Camp Bullis' fence line.
- Limit noise sensitive land uses, as designated in the Military Sound Attenuation Overlay District (MSAO), including:
 - Single-Family and Multi-family Residential.
 - Assisted living facilities, nursing facilities, adult day care and similar congregate living uses.
 - Schools-primary, secondary, colleges, and universities, with some exceptions.
 - Religious worship and/or study facilities.
 - In-patient medical facilities including hospital and residential treatment centers.
 - Funeral homes.
 - Child care facilities.
 - Senior / community centers / libraries.
 - Habitable portions of the uses identified above will either:
 - Achieve an outside to inside noise reduction of 25 decibels.
 - Utilize construction materials to achieve a sound transmission class (STC) rating of 40 for walls and ceilings; a rating ranging from 30 to 40 (based on window / door composition of wall area) for windows and doors; and comply with provisions for air circulation / fresh air without the need to open windows, doors or other exterior openings.
- Schools and hospitals should not be located in this area.

RECOMMENDED PERMISSIBLE LAND USES:

- Resource and Agricultural (allowed in all noise contours).
- The following are acceptable uses within the 65 to 74 dB noise contours:
 - Commercial- Neighborhood, Community and Regional.
 - Industrial-Heavy, Light, Business Park – providing light and vertical obstructions are not generated.
 - Office District (High-Rise, Mid-Rise) – providing vertical obstructions are not generated.
 - Conditionally acceptable uses are:
 - Residential (Single Family, Mixed) between 1 and 11 units per acre - with the appropriate sound attenuation design or real estate disclosures.

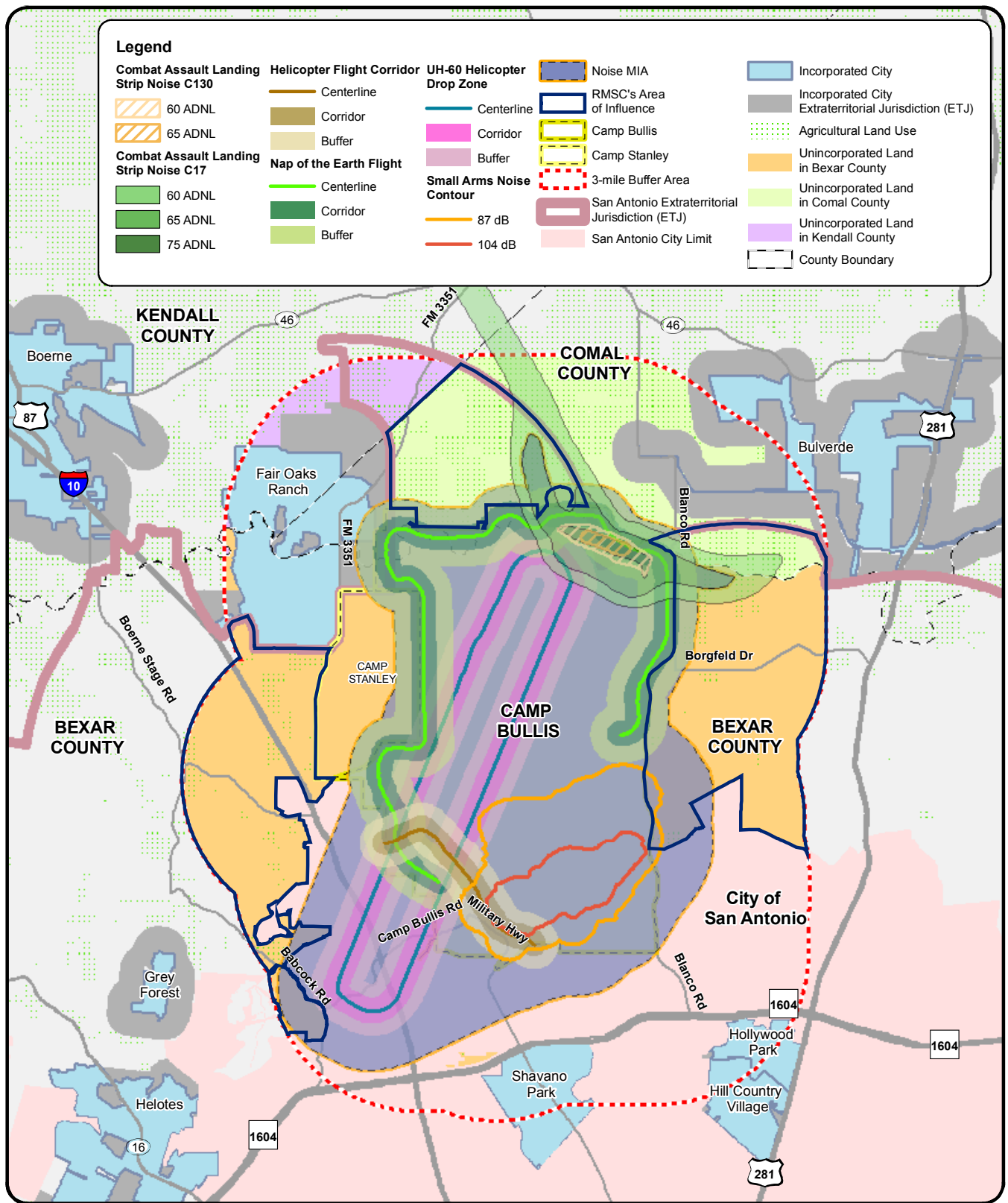


Figure 5
Noise Issues and Flight Paths in the RMSC's Area of Influence

OBJECTIVE 6: To avoid additional light generation, especially by structures that are located at a higher elevation than Camp Bullis and to reduce light pollution and glare generated by existing and new development that would negatively impact night vision device (NVD) training.

BACKGROUND: The cities of San Antonio and Shavano Park, as well as the counties of Comal and Bexar have all adopted dark sky ordinances to protect the missions at Camp Bullis. Camp Bullis uses night vision devices in training areas near the perimeter of the installation's boundary for both ground and air training operations.

As shown on Figure 6, the Light MIA Zone 1 is a one-mile area surrounding Camp Bullis. The Light MIA Zone 1 regulations recommend mitigating point source light at elevations in excess of 1,200 feet. Communities located within the one-mile radius of Camp Bullis include portions of Bexar County directly adjacent to the installation to the northeast, portions of Comal County directly north of Camp Bullis and portions of the City of San Antonio adjacent to the western and southern boundaries of Camp Bullis.

RECOMMENDED DEVELOPMENT STANDARDS: The Light MIA Zone 2 encompasses a five-mile area around the border of Camp Bullis, where ambient light generation should be managed. Light generation from development in these areas should be closely monitored so that it does not interfere with night training. The following standards should apply:

- *Recommend no new construction within 150 feet of Camp Bullis' fence line.*
- *Where possible, limit density within the one mile area of influence to less than or equal to six units per acre, especially near Fair Oaks Ranch and Hollywood Park.*
- *Limit light and glare from existing structures within Comal County, which are sited at a higher elevation than Camp Bullis.*
- *Consider applying high-intensity lights and military filters to block the spectra of ambient light.*
- *Discourage outdoor sports complexes, sports arenas, and similar uses that produce ambient light located within 0.5 miles of the southwest corner of Camp Bullis, where a large amount of field training and night training operations occurs.*

RECOMMENDED PERMISSIBLE LAND USES:

- *Within 0.5 miles of Camp Bullis, the following are compatible land uses:*
 - *Agriculture.*
 - *Heavy Industrial / Light industrial / Business Park.*
 - *Wilderness type parks.*
- *Agriculture, open space and conservation.*
- *Such land uses are compatible as long as they abide by design standards of lighting, are consistent with the standards listed above, and do not exceed vertical height limitations.*

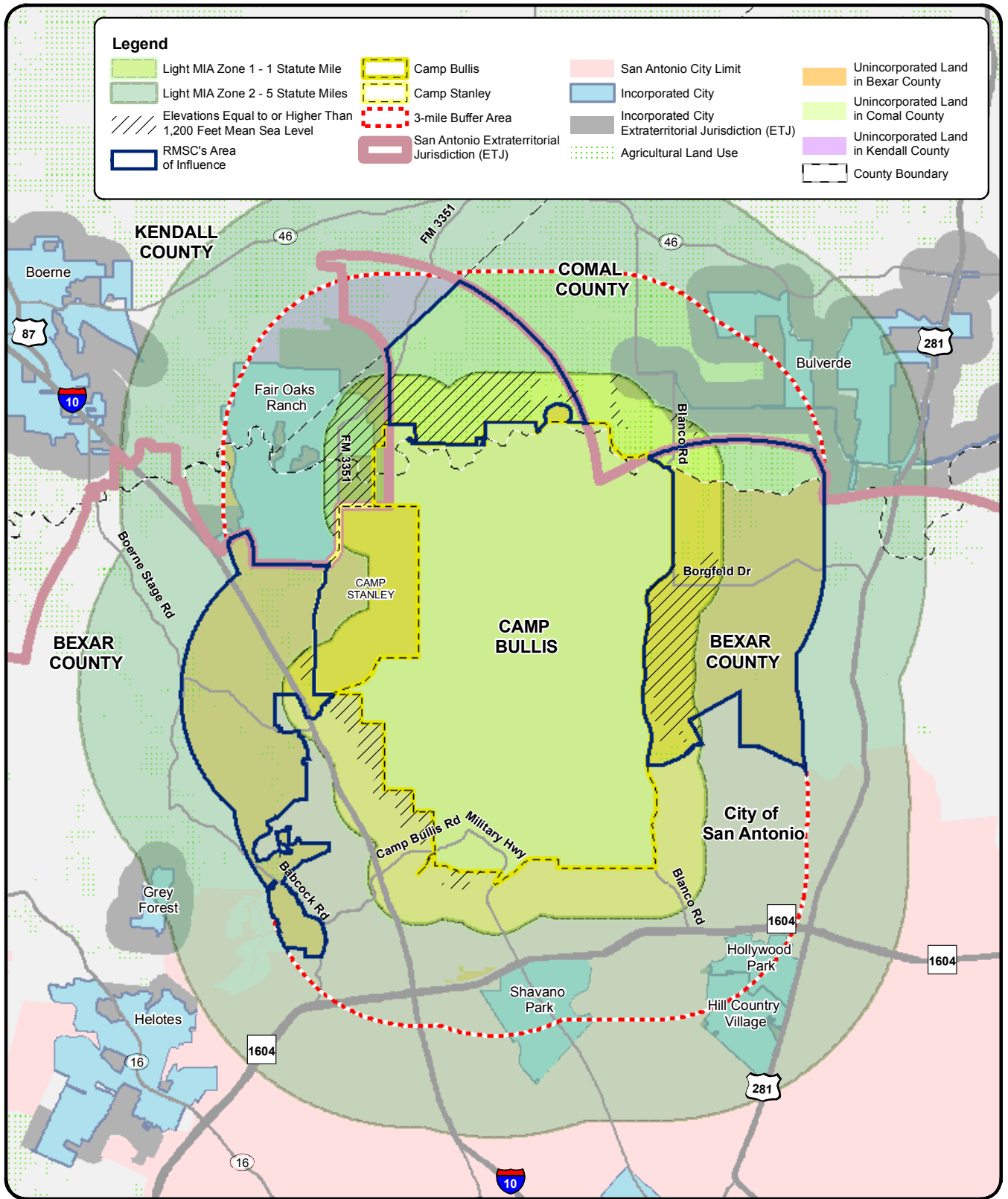


Figure 6
Light Issues in the RMSC's Area of Influence

OBJECTIVE 7: To comply with the Endangered Species Act and prevent the reduction of karst invertebrate habitat.

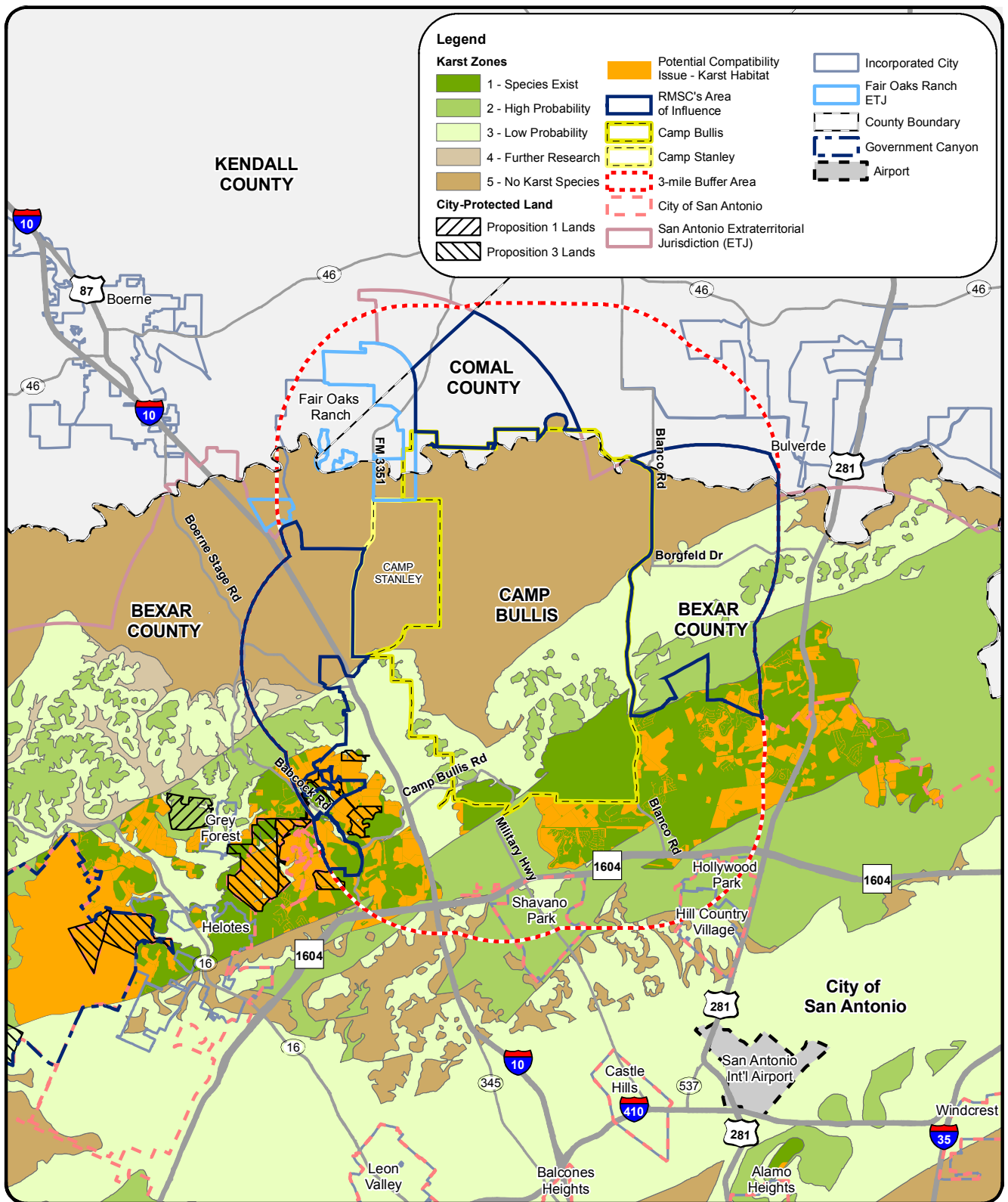
BACKGROUND: As shown in Figure 7, critical karst habitat includes a significant portion of land south of Camp Bullis in Bexar County, Hollywood Park and Shavano Park, within the three mile area of influence (to be compliant with the provisions of the Regional Military Sustainability Commission territory, if implemented in the future).

RECOMMENDED DEVELOPMENT STANDARDS: Strict development limitations should be imposed on areas designated Karst Zone 1 and 2. The following standards should apply:

- *Analysis of project impact to known invertebrate karst species habitat in Karst Zone 1 and Karst Zone 2 (areas which have a high probability of containing suitable habitat for listed invertebrate karst species).*
- *Any development that threatens to destroy critical habitat in Karst Zone 1 and 2 should not be approved. If such a project is approved, mitigation measures preserving habitat may be required.*
- *Encourage new development to be located in Karst Zones 3, 4 and 5 [Karst Zone 3- areas that probably do not contain listed invertebrate karst species; Karst Zone 4 – areas which require further research but are generally equivalent to Zone 3, although they may include areas which could be classified as Zone 2 or Zone 5 as more information becomes available; Karst Zone 5 – areas which do not contain listed invertebrate karst species].*
- *Pursue conservation easements and transfer of development rights, where possible.*

RECOMMENDED PERMISSIBLE USES:

- *Karst Habitat Zones 3 and 4 can tolerate moderate development such as low density residential, mixed-use and commercial provided studies do not demonstrate otherwise.*
- *Karst Habitat Zones 1 and 2 should be designated as a conservation area, proposed development should not be granted approvals, unless permitted by the USFWS.*



0 1.5 3 Miles

Matrix Design Group, Inc.

Figure 7
Karst Habitat in the RMSC's Area of Influence

OBJECTIVE 8: Avoid Golden-cheeked Warbler endangered species displacement.

BACKGROUND: As shown on Figure 8, potential Golden-cheeked Warbler habitat covers large areas in each of the jurisdictions within the five mile Military Influence Overlay Area. Camp Bullis remains the primary location for Golden-cheeked Warbler critical habitat. Since the Golden-cheeked Warbler is designated an endangered species, the presence of habitat on Camp Bullis imposes training limitations.

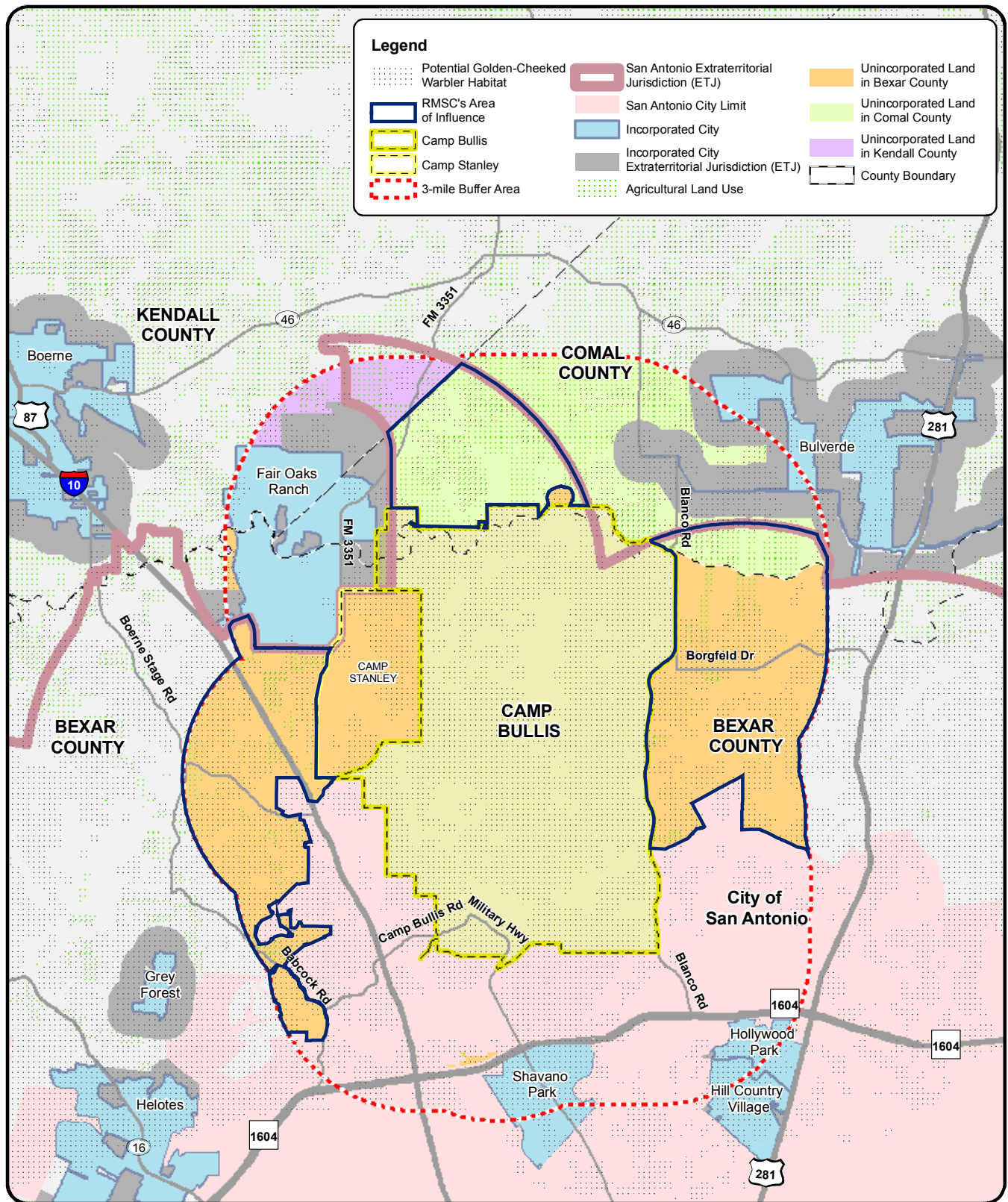
RECOMMENDED DEVELOPMENT STANDARDS: In order to manage these issues, the following standards should apply:

In order to alleviate these restrictions and create more alternatives for the bird, designated off installation habitat areas should be conserved and not developed.

- *Continue to monitor compliance with the Endangered Species Act.*

RECOMMENDED PERMISSIBLE LAND USES:

- *Agricultural.*
- *Open Space.*
- *Conservation.*
- *Recreation.*



Matrix Design Group LLC

Figure 8
Warbler Habitat in the
RMSC's Area of Influence

OBJECTIVE 9: Avoid constructing roadways and transportation corridors that attract commercial development in areas where high density / intensity development would be incompatible with Camp Bullis' operations.

BACKGROUND: As shown on Figure 9, Interstate 10 and Loop 1604 constitute the principal arterial transportation corridors within the five mile Military Influence Overlay Area. These roadways could present development opportunities that conflict with a number of the encroachment issues facing the installation. Of particular concern are the areas surrounding the juncture of IH-10 and Loop 1604 in the City of San Antonio, where there is a great deal of critical Golden-cheeked Warbler and karst habitat located within the UH-60 flight path.

RECOMMENDED DEVELOPMENT STANDARDS: Along these roadways, the following standards should apply:

- *Limit commercial, residential and planned unit development, unless the project is consistent with the North Sector Land Use Plan.*
- *Limit the development of land around the departure and landing areas, including the area around the intersection of Dietz Elkhorn Road/Blanco Road, located on the eastern installation boundary.*

RECOMMENDED PERMISSIBLE LAND USES:

- *Agricultural.*
- *Open Space.*

Table 1: Recommended Zoning and Land Use Compatibility

Zoning Category				Aviation Safety Zones			Noise Zones			
City of San Antonio		Recommended DU/AC	Recommended Building Height	CZ	APZ I	APZ II	65-69 dB	70-74 dB	75-79 dB	80+ dB
RP	Resource Protection	.01	35 ft / 2.5 stories	Red	Green	Green	Yellow	Yellow	Yellow	Yellow
RE	Residential Estate	1	35 ft / 2.5 stories	Red	Red	Yellow	Yellow	Yellow	Red	Red
R20	Residential Single-Family	2	35 ft / 2.5 stories	Red	Red	Yellow	Yellow	Yellow	Red	Red
R-6	Residential Single-Family	7	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
RM-6	Residential Mixed	7	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
R-5	Residential Single-Family	9	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
RM-5	Residential Mixed	9	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
R-4	Residential Single-Family	11	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
RM-4	Residential Mixed	11	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
R-3	Residential Single-Family	---	35 ft / 3 stories	Red	Red	Red	Yellow	Yellow	Red	Red
MF-18	Limited Density Multi-Family	18	35 feet	Red	Red	Red	Yellow	Yellow	Red	Red
MF-25	Low Density Multi-Family	25	35 feet	Red	Red	Red	Yellow	Yellow	Red	Red
MF-33	Multi-Family	33	45 feet	Red	Red	Red	Yellow	Yellow	Red	Red
MF-40	Multi-Family	40	60 feet	Red	Red	Red	Yellow	Yellow	Red	Red
MF-50	Multi-Family	50	---	Red	Red	Red	Yellow	Yellow	Red	Red
NC	Neighborhood Commercial		25 feet	Red	Red	Red	Green	Yellow	Yellow	Red
O-1	Office District		25 feet	Red	Red	Yellow	Green	Yellow	Yellow	Red
O-1.5	Mid-Rise Office District		60 feet	Red	Red	Yellow	Green	Yellow	Yellow	Red
O-2	High-Rise Office District		---	Red	Red	Red	Green	Yellow	Yellow	Red
C-1	Light Commercial		25 feet	Red	Red	Red	Green	Yellow	Yellow	Red
C-2	Commercial		25 feet	Red	Red	Red	Green	Yellow	Yellow	Red
C-2P	Commercial		25 feet	Red	Red	Red	Green	Yellow	Yellow	Red
C-2NA	Commercial, Nonalcoholic Sales		25 feet	Red	Red	Red	Green	Yellow	Yellow	Red
C-3	General Commercial		35 feet	Red	Red	Red	Green	Yellow	Yellow	Red
C-3R	General Commercial,		35 feet	Red	Red	Red	Green	Yellow	Yellow	Red
C-3NA	General Comm., Nonalcoholic Sales		35 feet	Red	Red	Red	Green	Yellow	Yellow	Red
D	Downtown		---	Red	Red	Red	Green	Yellow	Yellow	Red
L	Light Industrial		35 feet	Red	Yellow	Yellow	Green	Yellow	Yellow	Red
I-1	General Industrial		60 feet	Red	Yellow	Green	Green	Yellow	Yellow	Yellow
I-2	Heavy Industrial		60 feet	Red	Yellow	Green	Green	Yellow	Yellow	Yellow
UD	Urban Development	33	35 ft / 2.5 stories	Red	Red	Red	Yellow	Yellow	Red	Red
RD	Rural Development	1	35 ft / 2.5 stories	Red	Red	Yellow	Yellow	Yellow	Red	Red
FR	Farm & Ranch Development	.04	35 ft / 2.5 stories	Red	Red	Yellow	Yellow	Yellow	Red	Red
MI-1	Mixed Light Industrial		30 feet	Red	Yellow	Yellow	Green	Yellow	Yellow	Yellow
MI-2	Mixed Heavy Industrial		50 feet	Red	Yellow	Green	Green	Yellow	Yellow	Yellow

- Generally Recommended
- Conditionally Recommended
- Not Recommended

Source: Matrix Design Group and City of San Antonio, June 2010

Definitions

“Agricultural use” means use or activity involving agriculture.

“Agriculture” means:

- A. cultivating the soil to produce crops for human food, animal feed, seed for planting, or the production of fibers;
- B. practicing floriculture, viticulture, silviculture, or horticulture;
- C. raising, feeding, or keeping animals for breeding purposes or for the production of food, fiber, leather, pelts, or other tangible products having commercial value;
- D. planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in a government program or normal crop or livestock rotation procedure; or
- E. engaging in wildlife management.

“Business day” means any day other than a Saturday, Sunday, or state or federal holiday.

“Chapter 245” is the Chapter of the Texas Local Government Code titled “Issuance of Local Permits”.

“Defense Community” is a county with unincorporated area located within five miles of the boundary line of a military installation, and a municipality with a population of 1.1 million or more and with extraterritorial jurisdiction located within five miles of the boundary line of a military installation, each of which, with respect to the same military installation, constitutes a defense community as defined by Section 397.001.

“New project” means a project, as that term is defined by Section 245.001, for which an application for a permit that will establish a vesting date under Chapter 245 has not been submitted to project.

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Acronyms

A

AACOG	Alamo Area Council of Governments
AMF	Army Modular Force
Alamo RMA	Alamo Regional Mobility Authority

B

BexarMet	Bexar Metropolitan Water District
BMAC	Bicycle Mobility Advisory Committee
BRAC	Base Realignment and Closure
BRT	bus rapid transit

C

CCN	Certificate of Convenience and Necessity
CIP	capital improvement plans
CPTED	Crime Prevention Through Environmental Design
CRAG	Community Revitalization Action Group

D

DOD	Department of Defense
Du/Ac	dwelling unit per acre

E

EA	environmental assessment
EAA	Edwards Aquifer Authority
EDF	Economic Development Foundation

EPA	Environmental Protection Agency
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ETJ	extraterritorial jurisdiction
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F

FAR	Federal Aviation Regulations
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far	floor area ratio
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FEMA	Federal Emergency Management Agency
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FTZ	foreign trade zone
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G

GIS	Geographic Information Systems
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H

HOV	high occupancy vehicle
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HUBZone	historically underutilized business zone
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HUD	Housing and Urban Development
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I

ICRIP	Inner City Reinvestment Infill Policy
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J

JAZB	Joint Airport Zoning Board
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M

MIA	military influence area
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MLOD	military lighting overlay district
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MPO	Metropolitan Planning Organization
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MSAO Military Sound Attenuation Overlay

MTP Major Thoroughfare Plan

N

NA Neighborhood Association

P

PC Planning Commission

PM¹⁰ particulate matter (ten microns or less)

PDSD Planning and Development Services Department

PUD Planned Unit Development

R

RHCP Regional Habitat Conservation Plan

ROW right-of-way

S

SAFE San Antonio Flood Emergency

SAFFE San Antonio Fear Free Environment

SAWS San Antonio Water System

T

TCEQ Texas Commission on Environmental Quality

TDOT Texas Department of Transportation

TDR Transfer of Development Rights

TOD transit oriented development

TIRZ tax increment reinvestment zone

TWB Texas Water Board

U

UDC Unified Development Code

USFWS US Fish and Wildlife Service



Glossary

Abut

To lie adjacent to another object or to share a boundary.

Adjacent

A condition where two (2) properties, either lots and/or parcels, are located near or close to one another, but not necessarily touching and are separated by a dissimilar type of man made condition or natural feature including, but not limited to a roadway or street, right-of-way, or railroad line, or any stream, river, channel, lake or other body of water. While an adjacent condition may or may not imply contact, it always exhibits the absence of anything of the same kind between two properties.

Arterial Roadway

A route used primarily for the movement of traffic, which may be both local and non-local in nature. Various classifications include:

Primary Arterial

A major thoroughfare, with limited at-grade access, which expands and links to the expressway system and is designed primarily for the movement of through traffic between activity centers of medium intensity.

Secondary Arterial

A major thoroughfare, with limited at-grade access which supports the primary arterial system by providing essential system linkages to expressways, primary arterials, and medium intensity activity centers.

Base Realignment and Closure (BRAC)

A process of the United States federal government directed by the Department of Defense and Congress to close certain excess military installations and realign equipment, personnel, supplies, and other resources to various operating bases. It is aimed at consolidating military forces, increasing efficiency, and reducing costs.

Bicycle Master Plan

A document aimed at comprehensively planning for the expansion of bicycle facilities, paths, and trails, and connecting those facilities to existing infrastructure as well as ensuring its implementation in new developments. It integrates with roadway maintenance programs and identifies which projects should include bicycle infrastructure, and when they should be funded.

Buffer / Buffering

A neutral zone between two incompatible uses that is implemented to reduce the chances of conflict, such as open space between industrial uses and residential areas. This can include fences and berms as well as shrubbery and trees.

Building Articulation and Massing

Building articulation refers to the various design elements on the façade of a building that can be observed from the street, such as building materials, corner treatments, cornices, architectural details, etc. Building massing is the physical area that a building occupies in three dimensional space, and is a function of its setbacks, height, width, depth.

Bus Rapid Transit (BRT)

BRT is a term applied to bus lines that receive a wide variety to treatments aimed at providing faster, more efficient service than a regular bus line. Such treatments can include dedicated bus lanes, grade separation, special vehicles, enhanced scheduling, and many more. The general idea behind BRT is to create bus lines that approach the service quality of rail transit.

Capital Improvement Plans (CIP)

A CIP is a short to medium range plan used by a municipality or district to identify needed capital projects and equipment purchases and prioritize and schedule them according to necessity and available financial resources.

Census Tract

Small areas into which large cities and adjacent areas have been divided for statistical purposes. Each census tract is based upon an average population of four thousand people.

Centers and Tiers

Different land use classifications according to type of use (office, residential, mixed use, etc.), development intensity (density, building massing), and service area (regional, local, neighborhood).

Certificate of Convenience and Necessity (CCN)

A CCN is issued by the Texas Commission of Environmental Quality to an entity providing retail water or sewer service in an “uncertified” area. The purpose of obtaining a CCN is to protect these service areas from encroaching utilities.

Cluster Development

A design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive features.

Collector Streets

A street that carries traffic from minor streets to the major system of arterial streets and highways.

Community Facilities

Services or conveniences provided for or available to a community. Examples include parks, libraries, fire/police stations, etc.

Community Park

A publicly owned park that is usually in the range of 25 to 50 acres. These parks are larger than neighborhood parks, and provide more amenities and services, but are smaller in size and service area than regional parks.

Community Revitalization Action Group (CRAG) Boundaries

The inner-city area defined by the Community Revitalization Action Group as the San Antonio city limits prior to 1940, which is a 36 square mile area, with the center being the dome of the San Fernando Cathedral. The area is bounded by Hildebrand Avenue to the north, Division Street to the south, Rio Grande Street to the east, and 24th Street to the west.

Commuter Rail

Short-haul passenger rail service that is provided between a central city and its outlying suburbs or nearby towns. It is usually provided to people who travel on a daily basis.

Comprehensive Planning Program

The process that San Antonio follows in developing, adopting, and implementing comprehensive plans.

Conditional/Special Use Permits

A permit issued by the City to a landowner or developer that authorizes land uses in zoning districts that are otherwise not automatically allowed. Usually, this authorization comes with certain conditions attached that must be fulfilled by the landowner or developer as part of the agreement.

Conservation District

Is an overlay district that includes the application of neighborhood based or context-sensitive design standards, individually tailored to address specific development or redevelopment issues.

Context Sensitive Street

A roadway that is designed, operated, and maintained in a manner that considers not only regional transportation goals, but also the local context in which the street exists. Such streets respond to adjacent land uses and surrounding neighborhoods and generally respect traditional street design objectives for safety, efficiency, capacity, and maintenance.

Corridor

A generally linear transportation route that is dominated by one or more main lines for transport, such as a rail lines or highways. The corridor can also include the origins and destinations that are linked together. When referring to a land use, it is a generally linear area where a certain type of development occurs, for example a commercial corridor. These often follow major roadways.

Crime Prevention Through Environmental Design (CPTED)

The practice of influencing and deterring criminal behavior through the layout of the built environment, such as ensuring plenty of window frontage facing the streets so that the impression of surveillance is preserved, or encouraging mixed uses so that there is activity on the street during most times of the day and night.

Curb Cut

An opening in the curb where vehicles may enter or leave the roadway. Where there is no curb, the point at which the driveway meets the roadway pavement is considered the curb cut.

Density

The number of families, individuals, dwelling units, or housing structures per unit of land. Typically used to quantify residential subdivisions, and is expressed as dwelling units per acre (du/ac).

Density Bonus

An increase in the allowed density that a developer may build to above and beyond the normal level of density permitted by the zoning code, usually in exchange for some exaction from the developer, such as green building, providing affordable units, upgrading public facilities, etc.

Design Guidelines

Design guidelines are intended to provide a framework of design criteria within which physical planning can take place. The guidelines provide suggestions for the design of new homes/businesses and repair/rehabilitation of existing homes/businesses in order to maintain the overall character of the neighborhood. Generally, character-defining elements such as front porches, roof slopes, etc. are emphasized in residential guidelines while setbacks, canopies and signage may be emphasized in commercial guidelines.

Dwelling

A building or portion of a building designed exclusively for residential occupancy, but not including motels and hotels.

Dwelling Unit

A building or portion of a building designed exclusively for residential occupancy by one family and provided with sanitation and cooking facilities.

Dwelling Unit Per Acre (du/ac)

A measure of residential density that expresses the number of households that exist within a geographic area divided by the total number of acres in that area. A higher level means more residential density.

Edwards Aquifer

A unique groundwater system serving the water needs of almost two million people in south central Texas, which lies on the eastern edge of the Edwards Plateau.

Edwards Aquifer Contributing Zone

The area that extends 40 miles north along the length of the Edwards Aquifer Recharge Zone, and is where shed water flows near the surface to the Recharge Zone.

Edwards Aquifer Recharge Zone

The area where surface water enters the Edwards Aquifer, which follows the Balcones Fault line.

Edwards Plateau

The region in west-central Texas which is bounded by the Balcones Fault to the south and east, the Llano Uplift and the Llano Estacado to the north, and the Pecos River and the Chihuahuan Desert to the west.

Egress

An exit.

Electric Streetcar

A type of rail vehicle that is of lighter weight and construction than a conventional train, designed for passenger use on short-haul trips within and among nearby cities and towns. Streetcars usually have more frequent stops and headways than conventional trains, and carry fewer passengers. Electrified streetcars operate using electric motors, with the electricity usually provided by overhead electrical wires.

Encroachment

The entry of development into an area that was previously occupied solely by another use, usually one that is incompatible with the encroaching use. An example of this is the spread of residential sprawl toward an airport or military base.

Entitlement

The right to build granted by an agreement or permit issued by the city to a developer. The process of receiving a permit to build is called the entitlement process.

Environmental Assessment

A study for the purpose of identifying the social and environmental costs and benefits of a project or proposal, as well as the magnitude of those impacts.

Equal Housing Opportunity

Policies adopted by the federal government to ensure that all Americans have equal access to the housing of their choice.

Extraterritorial Jurisdiction (ETJ)

State law authorizes San Antonio to regulate specific functions within an area extending five miles beyond its own boundaries. These functions include signs, platting, and the subdivision of land.

FAR Part 77 Height Limits

Refers to Federal Regulation 49 CFR Part 77 which deals with objects affecting navigable airspace and establishes standards, height limits, and notification requirements for said objects.

Floor Area Ratio (FAR)

A measurement, often used for the purposes of limiting building size in zoning ordinances, that is an expression of the total floor area of a building divided by the total land area of the parcel(s) that the building is constructed upon. For example, a building with 10,000 square feet built on a 5,000 square foot piece of property would have a FAR of 2.0.

Foreign Trade Zone (FTZ)

These areas are created in the United States to provide special customs procedures to US plants engaged in international trade-related activities. Duty-free treatment is accorded items that are processed in FTZs and then re-exported, and duty payment is deferred on items until they are brought out of the FTZ for sale in the US market.

Green Building

Development that has minimal environmental impact, is energy and water efficient, utilizes existing infrastructure where possible and uses recycled or recyclable material to create healthier indoor and outdoor environments.

Green roof

A roof of a building that is partially or completely covered by vegetation for the purpose of providing open space, sequestering carbon dioxide, preventing stormwater runoff, and various other benefits.

Greenway

A greenway is a long, narrow strip of land that is comprised of park or open space, such as a creek or gulch. Greenways can often be used for transportation if they contain trails, bike paths, or rail lines.

Heat Island Effect

Heat islands are created in urban areas where the temperature is significantly hotter than surrounding rural areas. This issue often arises due to high levels of concrete and other hard materials in urban areas that absorb heat.

High Capacity Transit

This type of transit differs from normal transit primarily in that it can move larger volumes of passengers at faster speeds. This can be achieved through dedicated right of way, grade separation, more frequent service, higher capacity modes of transit such as rail, and less frequent stops.

Historic Resource

A historic building, structure, site, or district that is significant in history, architecture, archaeology, engineering, or culture that is eligible for listing on a National or State register of Historic Places.

Household

Consists of all the people who occupy a housing unit (as defined by the census bureau).

Housing Master Plan

A comprehensive document that lays out a vision for meeting the housing needs of all of San Antonio's citizens, adopted in 2001.

Housing Unit

A house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied as separate living quarters, or if vacant, is intended for occupancy as separate living quarters (as defined by the census bureau).

High Occupancy Vehicle (HOV) Lanes

Highway or arterial street lanes that are dedicated for the exclusive or near-exclusive use of vehicles containing more than one person.

HUBZone

A historically underutilized business zone that is the target of programs administered by the US Small Business Administration designed to promote job growth, capital investment, and economic development.

Impervious Cover

Ground cover that does not let rain or stormwater penetrate and seep into the soil, but instead forces the water to flow downhill or stand in pools.

Infill Development

New buildings constructed on vacant lots or open sites in an area that is predominantly developed.

In-Lieu Fees

Fees that are exacted from a developer to mitigate the developer's inability or unwillingness to do something normally required by the City.

Inner City Reinvestment Infill Policy (ICRIP)

This policy coordinates public initiatives within targeted areas in order to stimulate private investment in walkable urban communities that are the building blocks of a sustainable region.

Intensity

A term used to express the amount of development located within a particular lot utilized for commercial, office, industrial or civic use. Typically expressed as Floor Area Ratio (FAR).

Joint Airport Zoning Board (JAZB)

An entity created by counties and municipalities with jurisdiction within 1.5 miles of either side of an airport runway or 5 miles of each end of a runway. The board has the authority to adopt, administer, and enforce the airport hazard area zoning and compatible land use zoning regulations.

Karst Invertebrate

Invertebrates that inhabit underground caves and mesocaverns in karst limestone. In Bexar County, Texas, nine of these species are listed as endangered.

Karst Zone

Landscape shaped by the dissolution of a layer or layers of soluble bedrock, usually carbonate rock such as limestone or dolomite.

Land Use

The manner in which land is used. For example, low-density residential land uses primarily include single-family houses.

Large Urban Park

One of the types of parks defined by San Antonio's park hierarchy, these parks serve a broader area than community or neighborhood parks, and can include major facilities such as pools and recreation centers.

Light Rail

A type of urban rail transit that has slower speeds and lower capacities than heavy rail systems, but are larger and faster than streetcars. Light Rail is usually electric, and can operate in its own right of way like heavy rail, or in mixed traffic like a streetcar.

Linear Parks

Provides a physical link between two or more areas. Linear park trails can accommodate bicycling, hiking, jogging, and walking. The width of a linear park system is important because the amount of land included in the corridor is intended to reflect a park-like environment.

Live/Work Units

Living units which also are zoned to allow small businesses to operate from a portion of the structure, generally identified by small retail or service oriented businesses or artist studios.

Local Street

A roadway, often a residential street, designed to provide direct access to individual homes, shops, abutting land, and similar minor traffic destinations. Through traffic is usually not a priority.

Military Influence Area (MIA)

An area surrounding Camp Bullis that has potential to impact military operations if encroaching land uses are constructed upon it. The four military influence areas are defined by four compatibility issue categories: noise, vertical obstruction, light, and safety. For example, the light MIA contains territory that could impact base operations if land uses that produce a lot of glare or night-time light are constructed on it.

Military Lighting Overlay District (MLOD)

A zoning overlay district applied to property in vicinity of Camp Bullis that regulates outdoor lighting in order to protect night-time training activities at the military installation.

Military Readiness

The ability of forces, units, weapon systems, or equipment to deliver the outputs for which they were designed, including the ability to deploy and employ without unacceptable delays.

Mission Verde Plan

San Antonio's plan to develop a more sustainable economy, with a special focus on energy.

Mixed Use

Development that incorporates two or more of the following major land use types; residential, office or retail within a single project.

National Night Out

An event held to raise awareness of police programs in communities such as drug prevention, neighborhood watch, and other anti-crime efforts. It is held the first Tuesday of August, or the first Tuesday of October in Texas to escape hot weather. It has been held annually since 1984 and initially consisted of lights-on vigils, but has since expanded to include block parties, festivals, and other events.

Natural Area

An area left in as near of a natural condition as possible, with minimal impact from humans.

Neighborhood Park

One of the smallest parks in San Antonio's hierarchy of parks, both in scope and size. It is typically 3-10 acres, and is designed to serve only the local neighborhood and therefore has little or no off-street parking or facilities.

Neighborhood Watch

A neighborhood watch (also called a crime watch or neighborhood crime watch) is an organized group of citizens devoted to crime and vandalism prevention within a neighborhood.

Node

A center of activity or development, often located at a major intersection.

Open Space

Land and/or water area with its surface open to the sky or predominantly undeveloped, which is set aside to serve the purposes of providing park and recreation opportunities, conserving valuable resources, and structuring urban development and form.

Overlay District

A zoning district which is designed to be applied on top of a base zoning district, and applies more restrictions above and beyond what the base district would require.

Parks and Recreation Department System Strategic Plan

A plan document intended to provide guidance on future decisions concerning operations, capital improvement needs, and programs for San Antonio's parks and recreation facilities.

Particulate Matter (ten microns or less) (PM10)

Particulate matter in the air less than ten microns, which is the general threshold at which particles can enter the deepest parts of the lung.

Planned Unit Development (PUD)

A zoning category that allows innovation in development by the suspension of standard zoning to be replaced by negotiated agreements between the developer and the city.

Planning Commission

Created by ordinance with the responsibility for reviewing and approving applications for the division and development of land and recommends amendments and additions to the master plan.

Quadrant

A quarter section of the North Sector, either northwest, northeast, southwest, or southeast.

Redevelopment

The demolition of an old building or use on a site and construction of a new use and/or building, or the renovation, improvement and/or restoration of an existing structure.

Regional Habitat Conservation Plan (RHCP)

A plan to provide for the conservation of protected and endangered species within a municipality's jurisdiction. Participation is generally voluntary.

Rehabilitation

The restoration or repair of dilapidated housing or other types of structures to make habitable or usable again.

Rehabilitation Grants and Programs

Monetary grants and loans provided by municipal, state, and federal governments for the purpose of enabling and encouraging the rehabilitation of housing stock.

Revitalization

The restoration of physical activity or vitality or economic activity to a neighborhood or district.

Right-of-Way (ROW)

A strip of land that is dedicated for the purpose of transportation, such as land for a highway, road, or rail line.

Riparian

Relating to the interface between land and a river or stream. For example, a riverbank.

Road Diet Analysis

A consideration to convert an existing four-lane undivided roadway to a two-lane roadway, including a two-way left turn lane, by removing a travel lane in each direction. The remaining roadway width can be converted to bike lanes, on-street parking or sidewalks.

Roundabout

A raised traffic island, usually landscaped, located in the middle of an intersection of arterial streets. Similar to a traffic circle but located in a busier intersection at a larger scale. Traffic circulates counter-clockwise around the island. Cars in the roundabout have the right-of-way, while cars entering must yield. Traffic slows but does not stop because left turns are not possible.

Sector

One of seven planning areas defined by the City of San Antonio for its own comprehensive plan.

Setback

The required or actual placement of a building a specified distance away from a road, property line or other structure.

Single Family Detached Dwelling

A dwelling that is designed to be occupied by only one family and surrounded by open space or yards and is not attached to any other dwelling.

Site Grading

The process of ensuring that the slope of land on a site is appropriate for constructing a foundation, or providing infrastructure such as water, sanitation, and/or stormwater sewer.

Site Plan

Plans that provide a bird's-eye perspective on how structures, parking lots, and other facilities would be situated on a site.

Sports Complex

An amenity that can be found in certain types of larger parks in San Antonio that provide sports facilities such as indoor courts.

Stakeholder

A person or a formal/informal group having a direct or indirect interest, involvement or investment in the outcome of a defined process, action or issue.

State Franchise Tax Credit

A credit for a tax that is imposed on a corporation by the State of Texas.

Stormwater Features

The use of natural and/or man-made landforms, topography and/or structures to direct the flow and retain/detain precipitation that cannot be absorbed into the land, allowing for a controlled release into designated streams, channels or impoundments. Such features may include, but are not limited to play fields that can serve as retention ponds or park layouts that utilize natural looking drainage corridors.

Strategic Historic Preservation Plan

A long-term plan creating a vision for strengthening and enhancing the City's current historic preservation program.

Streetscape

The visual character of a street as determined by elements such as structures, greenery, driveways, open space, view, and other natural and man-made components.

Subdivision Designs

The design and layout of the multiple smaller parcels that result from the division of a single large parcel.

Suitability Analysis

The analysis and classification of land according to its suitability and readiness to accommodate new development.

Tax Abatement

A reduction of real estate taxes due over a period of time.

Tax Increment Reinvestment Zone (TIRZ)

A geographically defined area with a special mechanism for funding capital improvements that involves establishing a benchmark level of property taxes during the creation of the zone, and devoting any additional property taxes generated through redevelopment toward capital improvements for a specified period of time.

Texas Enterprise Zone

The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment in economically distressed areas of the state.

Townhome

A single family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside and each unit is separated from another unit by one or more common fire resistant walls.

Transfer of Development Rights (TDR)

TDR programs allow developers to relinquish the development rights on a certain piece of property and sell or otherwise transfer them to another piece of property in the form of density bonuses.

Transit Oriented Development (TOD)

Development that is located within proximity to a transit station that recognizes that context, and is designed to maximize access public transport and encourage ridership.

Watercourse

A natural or artificial channel through which water flows.

Wetland

An area of low-lying soil that is saturated with water either permanently or seasonally.

Zoning

Regulates density and land use. Zoning is a key tool for carrying out planning policy.

Zoning Application

An application petitioning for an amendment of the City's official zoning map, such as a request to rezone a piece of property.

Zoning Ordinance

Rules and regulations that govern the way land is zoned (separated according to land uses) in a city.

Planning Commission Resolution

RESOLUTION NO. 10 - 7 - 42

RECOMMENDING THE NORTH SECTOR PLAN, AN APPROXIMATELY 383 SQUARE MILE AREA BOUNDED BY LOOP 410, GRISSOM ROAD, AND CULEBRA ROAD TO THE SOUTH; LOOP 1604 AND TEXAS HIGHWAY 16/ BANDERA ROAD TO THE WEST; A MEANDERING LINE FOLLOWING THE CITY OF SAN ANTONIO EXTRA-TERRITORIAL JURISDICTION NORTHERN BOUNDARY TO THE NORTH; AND A MEANDERING LINE FOLLOWING THE CITY OF SAN ANTONIO EXTRA-TERRITORIAL JURISDICTION EASTERN BOUNDARY, IH-35, AND TOEPPERWEIN ROAD TO THE EAST TO CITY COUNCIL TO BECOME A COMPONENT OF THE CITY'S COMPREHENSIVE MASTER PLAN, AS IT CONFORMS TO THE APPROVAL CRITERIA SET FORTH IN THE UNIFIED DEVELOPMENT CODE, §35-420, PERTAINING TO "COMPREHENSIVE, NEIGHBORHOOD, COMMUNITY AND PERIMETER PLANS."

WHEREAS, the 1997 Master Plan Neighborhood Goal 2 calls for strengthening neighborhood plans; and

WHEREAS, the San Antonio Planning Commission has approved the 2009 Comprehensive Planning Program; and

WHEREAS, the *Unified Development Code* (adopted May 3, 2001), Section 35-420, sets forth provisions for the development and approval of Comprehensive, Neighborhood, Community and Perimeter Plans; and

WHEREAS, the San Antonio Planning Commission has reviewed the North Sector Plan and found the plan to be consistent with City policies, plans and regulations and in conformance with the *Unified Development Code*, Section 35-420, therefore meeting all requirements; and


WHEREAS, a public hearing was held on July 14, 2010 and July 28, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

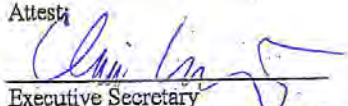
SECTION 1: The North Sector Plan attached hereto and incorporated herein by reference is to be submitted to the City Council with this Commission's recommendation for approval by the City Council that it be adopted as a component to the City's Comprehensive Master Plan.

PASSED AND APPROVED ON THIS 28th DAY OF JULY 2010.

Approved:


Amelia Hartman, Chair
San Antonio Planning Commission

Attest:


Executive Secretary
San Antonio Planning Commission

City Council Ordinance

SG/cla
08/05/2010
P-1

THE NORTH SECTOR PLAN

AN ORDINANCE **2010-08-05-0672**

ADOPTING THE NORTH SECTOR PLAN AS A COMPONENT OF THE MASTER PLAN OF THE CITY IN AN AREA BOUNDED BY: LOOP 410, GRISSOM ROAD, AND CULEBRA ROAD TO THE SOUTH; LOOP 1604 AND TEXAS HIGHWAY 16/ BANDERA ROAD TO THE WEST; A MEANDERING LINE FOLLOWING THE CITY OF SAN ANTONIO EXTRA-TERRITORIAL JURISDICTION NORTHERN BOUNDARY TO THE NORTH; AND A MEANDERING LINE FOLLOWING THE CITY OF SAN ANTONIO EXTRA-TERRITORIAL JURISDICTION EASTERN BOUNDARY, IH-35, AND TOEPPERWEIN ROAD TO THE EAST.

WHEREAS, the North Sector Plan includes approximately 400 square miles and 568,000 residents and is bounded by: Loop 410, Grissom Road, and Culebra Road to the south; Loop 1604 and Texas Highway 16/ Bandera Road to the west; a meandering line following the City of San Antonio Extra-territorial Jurisdiction northern boundary to the north; and a meandering line following the City of San Antonio Extra-territorial Jurisdiction eastern boundary, IH-35, and Toepperwein Road to the east; and

WHEREAS, the planning process was initiated in January 2010, a Planning Team was established, and eight Planning Team Meetings, four Public Meetings, and six Community Meetings were held; and

WHEREAS, the San Antonio Planning Commission reviewed the North Sector Plan on July 14 and July 28, 2010, and found the plan to be consistent with City policies, plans and regulations and in conformance with the *Unified Development Code*, §35-420, therefore meeting all requirements; and

WHEREAS, a public hearing was held on July 14 and July 28, 2010, and the Planning Commission recommended that the City Council adopt the North Sector Plan as an addendum to the neighborhood component of the Master Plan adopted May 29, 1997; **NOW THEREFORE**;

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

SECTION 1. The North Sector Plan is hereby adopted as a component of the Master Plan of the City of San Antonio for an area of approximately four hundred square miles bounded by: Loop 410, Grissom Road, and Culebra Road to the south; Loop 1604 and Texas Highway 16/ Bandera Road to the west; a meandering line following the City of San Antonio Extra-territorial Jurisdiction northern boundary to the north; and a meandering line following the City of San Antonio Extra-territorial Jurisdiction eastern boundary, IH-35, and Toepperwein Road to the east. A copy of the plan is attached hereto and incorporated herein by reference for all purposes as **Attachment "I"**.

SG/cia
08/05/2010
P-1

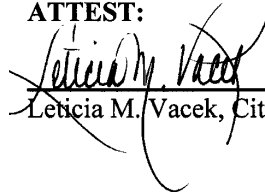
THE NORTH SECTOR PLAN

SECTION 2. This ordinance shall take effect on August 15, 2010.

PASSED AND APPROVED on this 5th day of August 2010.



M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Michael Bernard, City Attorney

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FOR ADDITIONAL INFORMATION CONTACT:

**City of San Antonio
Planning and Development Services Department
1901 S. Alamo
San Antonio, TX 78204**

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Matrix Design Group, Inc.
Integrated Design Solutions

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**2009-2014 Consolidated
Strategic Plan & 2012-2013
Action Plan, Austin**

**Submission by Oak Creek
Village #13252**

Pre Clearance Requests

Part I. Community Revitalization Plan

Portions of the 2009-2014 Consolidated Plan Strategic Plan and 2012-2013 Action Plan for the City of Austin are attached. Relevant sections have been highlighted to assist the Department in its review. The document is very lengthy, if additional information is required or the Department decides it would like a copy in full, one will be provided.

The web address for the 2009-2014 Consolidated Plan Strategic Plan is <http://www.austintexas.gov/page/reports-publications>. Scroll to the mid-bottom of the page and the various parts of the 2009-2014 Consolidated Plan are provided as separate links.

The web address for the 2012-2013 Action Plan is <http://www.austintexas.gov/page/reports-publications>. Scroll to the bottom of the page and the various parts of the Action Plan are provided as separate links.

The Downtown Affordable Housing Strategy identifies the area within 2 miles of downtown as a priority area, specifically the neighborhood including the Oak Creek Village site. Pages 1 through 8, 11 and 32 are attached. The web address for the downtown plan is <http://www.ci.austin.tx.us/downtown/downloads/Downtown%20Affordable%20Housing%20Report%20FINAL%205---11---09.pdf>

This is a portion of the Consolidated Plan and was adopted by the Austin City Council on 7-23-2009.

Chapter 6 is provided first, as it is from the 2009 plan. References to pages that start with numbers lower than 6, (1-4, for example) follow Chapter 6 from the 2009 plan and are part of the 2012-2013 Action Plan.

FY 2009-14 CONSOLIDATED PLAN STRATEGIC PLAN

Chapter 6

2009-14 STRATEGIC PLAN

The City of Austin’s Strategic Plan outlines the housing and community development needs as well as the objectives and strategies to meet those needs for the period from October 1, 2009 through September 30, 2014. This Strategic Plan covers the affordable housing and community development objectives and strategies that will be funded through four U.S. Department of Housing and Urban Development (HUD) formula grants and other funding sources administered by the Neighborhood Housing and Community Development Office of the City of Austin.

In fiscal year 2009-10, the City of Austin expects to receive the following entitlement grants:

- Community Development Block Grant (CDBG);
- HOME Investment Partnerships Program (HOME);
- Housing Opportunities for Persons with AIDS (HOPWA);
- Emergency Shelter Grant (ESG).

Sources of funding

The City of Austin also receives three competitive HUD funding sources:

- Section 108;
- Economic Development Initiative (EDI);
- Lead Hazard Grant.

In addition, NHCD expects to receive one-time federal stimulus grant funding from multiple sources. For detailed information on stimulus funds, see Chapter 1: Executive Summary.

The City recognizes that the affordable housing and community development needs of the citizens of Austin are complex and require community-wide initiative. The City requires partnerships with various departments, planning initiatives, private and public entities, and other interested citizens to address these broad issues in a comprehensive manner.

LEAD AND PARTICIPATING ORGANIZATIONS

The Neighborhood Housing and Community Development Office (NHCD) is designated by the Austin City Council as the single point of contact with HUD for the CDBG, HOME, HOPWA, and ESG grants. The City designates NHCD to administer the CDBG and HOME programs. The City designates the Austin/Travis County Health and Human Services Department (HHSD) to administer the HOPWA and ESG programs. In addition to the four formula grants, the City currently receives additional federal funds including: Economic Development Initiative (EDI), Section 108, and the Lead Hazard Control Grant.

In addition, NHCD will be the single point of contact with HUD for the two one-time American Recovery and Reinvestment Act (ARRA) of 2009 grants, Community Development Block Grant (CDBG-R) and Homeless Prevention and Rapid Re-Housing Program (HPRP) as well as the Housing and Economic Recovery Act (HERA) of 2008,

Neighborhood Stabilization Program (NSP) funds. The ARRA funds had a separate public input process, and final applications were submitted to HUD in May 2009. For more information about ARRA funds, visit www.cityofaustin.org/housing.

As the single point of contact for HUD, NHCD is responsible for developing the Five-Year Consolidated and Annual Action Plans, and the end-of-year Consolidated Annual Performance and Evaluation Report (CAPER). NHCD coordinates these reports with HHSD and the Community Development Commission (CDC).

The City implements the activities identified in the Consolidated Plan through a variety of community partners, and the Austin Housing Finance Corporation. The Austin Housing Finance Corporation (AHFC) was created in 1979 as a public, non-profit corporation of the City of Austin under the provisions of the Texas Housing Finance Corporation Act, Chapter 394, and the Texas Local Government Code. The Austin City Council serves as the AHFC's Board of Directors. The mission of the AHFC is to generate and implement strategic housing solutions for the benefit of low- and moderate- income residents of the City of Austin.

In addition to AHFC, the City partners with local non-profits, community housing development organizations (CHDOs), and other government and for-profit entities to implement activities identified in the Consolidated Plan and Action Plans. The City assesses annually the strength and gaps in the delivery of services through the Action Plan process.



COMMUNITY COORDINATION

The Neighborhood Housing and Community Development Office coordinates and maintains relationships with neighborhood groups, policy groups, and service providers. In addition to serving on numerous committees, the City takes every opportunity to involve broad public input in planning efforts, including the Consolidated Plan. The City participates in the following various efforts to coordinate information and educate the community about affordable housing and community development activities:

Community Action Network (CAN) - Serving on committees providing insight to housing and community development. CAN's mission is: "To achieve sustainable social, health, educational and economic outcomes through engaging the community in a planning and implementation process." Participants include governmental agencies, private industry, businesses, public and assisted housing providers, mental health providers, social service agencies, and homeless providers. Service on various CAN committees allows the City to participate in community planning process and enhance cooperation between the City and these entities.

Ending Community Homelessness Coalition (ECHO) – Collaborating with this issue area group of CAN that coordinates efforts around homelessness and chronic homelessness issues.

Community Housing Development Organization (CHDO) Roundtable – Coordinating with the roundtable that includes representatives of non-profit affordable housing developers in Austin.

City-wide Task Forces – Monitoring and assisting city-wide task force initiatives related to affordable housing and community development. Task forces have included the Affordable Housing Incentives Task Force, the Families and Children Task Force, and the Live Music Task Force.

Quality of Life Initiatives- Participating in the Neighborhood Sustainability Committee of the African American Quality of Life Initiative as well as in the Hispanic Quality of Life Initiative.

Mayor's Mental Health Task Force Monitoring Committee - Assisting the committee in the coordination of behavioral health planning needs in the community to fill mental health system gaps, promote accountability and maximize funding strategies.

Austin Mayor's Committee for People with Disabilities- Coordinating with this committee whose mission is to encourage, assist and enable persons with disabilities to participate in the social and economic life of the City of Austin and achieve maximum personal independence; to become gainfully employed; and to enjoy fully and use all public and private facilities available within the community.

HousingWorks- Collaborating to keep homes affordable in Austin through research, education and public policy change.

City Planning/Studies – Assisting with City-wide planning efforts and studies, including the Downtown Austin Plan, Comprehensive Plan, Waller Creek, Transit Oriented Development, and the Homestead Preservation District.

Create Austin - Participating in the cultural planning process initiated by the City of Austin that will identify Austin's creative assets and challenges, define goals, and establish recommendations to invigorate Austin's "culture of creativity" to the year 2017.

Central East Austin Weed & Seed Initiative- Participating in this community-based strategy sponsored by the U.S. Department of Justice (DOJ) to address crime prevention and community revitalization.

Texas State Legislature – Providing technical expertise on pending state legislation and testimony on behalf of issues that impact affordable housing and community development issues in Austin and the region.

Texas Association of Local Housing Finance Agencies – Participating on the Board of this statewide non-profit organization established in 1989 for the purpose of informing, planning and supporting the needs of local housing finance agencies in its delivery of affordable housing in the State of Texas.

COMMUNITY NEEDS

This section summarizes the needs identified in the Housing Market Study, Community Profile; needs assessment and public process; analysis of special needs populations, and additional available data.

A more detailed description of the public input process is provided in Chapter Five. The following provides a brief synopsis of the public input process:

Needs Assessment (January 1, 2009 –March 13, 2009)

Before NHCD staff began to draft the Consolidated Plan, feedback was received from the community during the Needs Assessment stage of the public input process. For this draft Consolidated Plan, the Needs Assessment included:

- Five Public Hearings
 - Austin City Council
 - Two hearings before the Community Development Commission, a 15-member policy advisory body appointed by the Austin City Council.
 - Community Action Network, a non-profit, community-based organization, comprised of professionals representing private, public and nonprofit entities.
 - HIV Planning Council, an Austin City Council appointed, 13 member planning council, which serves to develop and coordinate an effective and comprehensive community-wide response to HIV/AIDS.
- A Citizen Survey in English and Spanish
- Nine Stakeholder Meetings
 - Housing Opportunities for Persons with AIDS (HOPWA)
 - Ending Community Homelessness Coalition (ECHO)
 - Child Care Providers Stakeholder Meeting
 - Mayor's Mental Health Task Force Monitoring Committee (MMHTFMC)
 - Mayor's Committee for People with Disabilities (AMCPD)
 - Austin Area Human Services Association Meeting
 - Tenant Based Rental Assistance (TBRA) Stakeholder Meeting
 - Regional Stakeholder Meeting
 - Lead Based Paint Hazards Stakeholder Meeting
- 30-day written comment period

Assessment of Factors - Other

Findings: Needs Identified

The public input process, along with the housing market study, special needs analysis, and community profile, identified the following as the highest needs in the community:

Homeless and Special Needs

Emergency Housing and Supportive Services for Homeless Households

The need for services and affordable/supportive housing for homeless individuals and households includes services for those that are chronically homeless, those with HIV/AIDS, and those with multiple diagnoses including mental illness, domestic violence, or substance abuse, and very low-income families.

Seniors

Seniors represent a growing portion of Austin's community. Low-income seniors face a wide range of housing issues, including substandard housing, a need for modifications due to physical disabilities as well as a lack of affordable housing. Services for seniors ranked high or very high in the City's Consolidated Plan survey.

Child Care

Meeting with stakeholders and the Consolidated Plan survey made it clear that Austin has a need for quality childcare affordable to low-income families. The City's Consolidated Plan survey ranked child care as the second highest community development need, after job creation.

Youth

The Special Needs analysis clearly defines a need for services for at-risk youth in Austin. The three main segments in need include: youth aging out of the foster care system; older youth transitioning into adulthood with uncertain future plans; and youth that are homeless.

Housing

The adopted plan specifically addresses how the provision of affordable rental housing fits into the plan and is a necessary component

Shortage of affordable rental housing for extremely low-income renters.

The Housing Market Study revealed a large gap of 37,600 units of rental housing for renters making less than \$20,000 a year. Just one in six households making less than \$20,000 a year can find housing affordable to them. Public input supported these findings with stakeholders stating the need for permanent rental housing for homeless households and low- and very low-income renters as well as the increased need for tenant-based rental assistance.

Affordable homeownership opportunities for low- to moderate-income households.

In 2008, Austin had a median home price of \$240,000. Renters earning less than \$50,000 per year have extremely limited choices in Austin's housing market, with just 16 percent of the detached market affordable to them in 2008. Households making between \$35,000 and \$49,999 can afford a maximum home price of \$160,459. Attached homes are more affordable but are still in limited supply until potential buyers reach the \$75,000 income mark.

Rehabilitation of residential housing.

Public input highlighted the continued need to provide home repairs for existing housing. This includes repairs to make homes accessible for persons with disabilities, emergency home repairs, and more substantial home repairs for low-income households.

Education and counseling for first-time homebuyers and current homeowners.

Homeowner counseling, financial education, and foreclosure prevention counseling address a need in Austin. The current economic crisis and increase in foreclosures highlights the increasing need to ensure that renters can learn how to be successful homeowners and that current homeowners have the support needed to stay in their homes.

Community Development Needs

Presence of local business, employment

Access to Capital for Small Businesses

Small business owners need access to capital to begin or expand their ideas. Small businesses play a large role in Austin’s economy with approximately 70 percent of jobs in Travis County are small businesses of fewer than 100 employees. Without small businesses, Austin’s economic health would be in jeopardy. Flexible lending, in addition to the necessary education and training, allows small businesses to grow and contribute to the community’s economic revitalization.

Revitalize Neighborhood Commercial Districts

Commercial districts are the backbone of neighborhoods and provide vital amenities and services for communities, as well as employment and potential wealth creation for business owners and their employees. The current economic recession highlights the need for the City to support vital neighborhood commercial corridors. The City’s efforts will continue to focus on the East 11th/12th street Corridor in East Austin.

Technical Assistance and Training

To ensure the success of small businesses, technical assistance, financial counseling, and business training are needed for small businesses and microenterprises. This assistance gives small business owners the tools they need to grow a successful business that will contribute to the local economy.

Job Creation

Job creation was listed as one of the highest needs in the needs assessment survey. With the current economic climate, the public indicated the City must continue to find ways to support job creation for low- and moderate-income households.

Draft Comment Period (June 12, 2009 – July 13, 2009)

The Draft Consolidated Plan served as a second opportunity for the city to receive targeted feedback from the public. The 30-day comment period allowed the public the opportunity to give specific feedback on recommended priorities and activities outlined in the draft Plan.

The draft comment period included:

- Two Public Hearings
 - **Thursday, June 18, 2009 at 6:00 P.M.** Austin City Council Meeting at Austin City Hall, City Council Chambers, 301 W. Second St.

- **Monday, June 29, 2009 at 6:30 P.M.** Community Development Commission Meeting at Austin City Hall, Boards and Commissions Room, 301 W. Second St.
- A 30-day written comment period

The final document was approved by the Austin City Council on July 23, 2009, and submitted to HUD by August 15, 2009.

Adopted by a municipality

KEY POLICY INITIATIVES

The City of Austin continues to search for new ways to meet its mission to provide housing, community development, and economic development services to benefit eligible residents and businesses to increase opportunities for self-sufficiency. The following are some key strategies and opportunities that the City will use to meet its mission during the Consolidated Plan period. These include:

1. Promote affordable housing core values: Long-term Affordability, Geographic Dispersion, Deeper Levels of Affordability
2. Encourage private sector development of affordable housing
3. Expand alternate revenue sources
4. Provide leadership and education for affordable housing and community development

The following provides more detail about how Austin will apply each policy initiative.

1) PROMOTE AFFORDABLE HOUSING CORE VALUES: LONG-TERM AFFORDABILITY, GEOGRAPHIC DISPERSION, DEEPER LEVELS OF AFFORDABILITY

a) Long-term Affordability

Community Land Trust

The City of Austin will use the Community Land Trust tool to preserve affordable housing in Austin. As homeownership has become increasingly expensive in Austin compared to relatively stagnant household income, each affordable housing unit produced or funded by the City has required increased public subsidy to make it affordable to low- and moderate-income households.

The City recognizes that homeownership is an important avenue of wealth creation for many low-income households. The Community Land Trust model allows the City to provide affordable homeownership opportunities, provide a fair return to the homebuyer, and preserve affordable housing in perpetuity. Without this type of mechanism in areas that are rapidly gentrifying, the subsidy given to low-income households is lost to future residents when the house is sold. In addition, community land trusts allow the City to reach greater levels of affordability for lower-income homeowners. The Community Land Trust model in partnership with local nonprofit organizations and the Housing Authority of the City of Austin will utilize the Community Land Trust model in transitioning to homeownership.

The adopted plan specifically addresses how the provision of affordable rental housing fits into the plan and is a necessary component

Preservation of Current Affordable Rental Housing

Both the public stakeholder process and the housing market analysis pinpoint the loss of available affordable rental housing as a growing problem in Austin. NHCD issued the report, *Preserving Affordable Housing in Austin, A Platform for Action*, in April 2008 in order to proactively address the loss of affordable housing stock in the community. The City will continue to explore ways to preserve affordable rental housing through partnerships with lenders, foundations, and for and non-profit developers.

Homestead Preservation District

The Homestead Preservation District in Central East Austin was authorized by Texas State legislation. The legislation provides the tools to create and retain affordable housing in the District, including a land bank, a community land trust, and a reinvestment zone. House bill 3983 passed in the 81st legislative session. The bill relates to the imposition of property taxes on the residential homesteads of low-income and moderate-income persons in the district and provides clarification on participation by the County and as well clarification related to the TIF Board composition.

b) Geographic Dispersion

The City supports providing affordable housing in areas outside of low-income neighborhoods, thereby de-concentrating poverty and providing for more economic opportunities for low-income households. NHCD currently gives funding preference through a scoring matrix system to projects that assist in the distribution of affordable housing stock throughout the community, to focus on areas in Austin where there is a shortage of affordable housing. NHCD will continue to explore ways to develop and encourage the development of affordable housing that is geographically dispersed throughout the city.

c) Deeper Levels of Affordability

The Housing Market Study showed a gap of 37,600 units of affordable housing for households making less than \$20,000 a year. To assist in closing that gap the City will continue to prioritize resources to affordable housing projects that serve very-low income households. In fiscal year 2007-08, 60 percent of the households served by the City's housing programs earned less than 30 percent of Median Family Income, or about \$21,000 a year for a family of four.

2) ENCOURAGE PRIVATE SECTOR DEVELOPMENT OF AFFORDABLE HOUSING

a) Developer Incentives

The City of Austin has created several key developer incentive programs to encourage the development of affordable housing and target affordable housing to create denser developments located close to transit and other amenities.

Density Bonus Program

In December 2005, the Austin City Council adopted a resolution directing the City Manager to initiate the process of creating a Downtown Austin Plan. The City of Austin hired two consulting firms for the plan: the ROMA Design Group and Diana McIver & Associates. The firms have identified strategies and best practices for affordable housing in downtown that are under consideration as part of the Downtown Master Planning process. The City has also hired the ROMA Design Group to develop recommendations for a density bonus ordinance with an affordable housing requirement that will include a fee-in-lieu option. These recommendations should be completed in fiscal year 2009-10. For more information, visit www.cityofaustin.org/downtown.

S.M.A.R.T. Housing™

In April 2000, City Council adopted the S.M.A.R.T. Housing™ ordinance to encourage the development of reasonably priced, mixed-income housing units that meet accessibility standards. The S.M.A.R.T. Housing™ ordinance ensures that new homes are Safe, Mixed-Income, Accessible, Reasonably Priced, and Transit-Oriented and meet the City's Green Building minimum-energy efficiency rating.

The policy stipulates that all certified single-family units meet visitability standards reflected in the City's Visitability Ordinance. All multifamily developments must comply with federal, state and local accessibility standards, and at least 10 percent of the multi-family housing units must be accessible. Developments that meet these and other prerequisites are given expedited review under the city's development process and reductions/exemptions for certain development and construction fees. S.M.A.R.T. Housing™ provides a vehicle to achieve neighborhood support for housing that serves low- and moderate-income residents by requiring applicants to meet with neighborhood organizations prior to filing an application for a zoning change.

The S.M.A.R.T. Housing™ Policy is now incorporated as part of Austin's Land Development Code as a result of recommendations from the Council-appointed Affordable Housing Incentives Task Force (AHITF). The City Council has adopted Land Development Code amendments that allow density bonuses in certain single-family and/or multi-family S.M.A.R.T. Housing™ developments without a zoning change. In addition, downtown developments that request and receive additional zoning entitlements must provide a percentage of affordable housing units or pay a fee-in-lieu that will fund affordable housing within specified neighborhoods within or adjacent to the downtown area.

Transit Oriented Development (TOD)

In 2005, the Austin City Council adopted the Transit-Oriented Development (TOD) Ordinance, establishing station areas for a commuter rail line scheduled to begin service in 2009. The ordinance set affordable housing goals for new development or redevelopment in the half-mile areas surrounding the commuter rail stations. In late 2008 and early 2009, Council adopted three station area plans that specify the goals set forth in the original ordinance. The overall goal is for 25 percent of all new housing units in TOD areas to be occupied by households at 80 percent or below of MFI (for homeownership units) or at 60 percent or below of MFI (for rental units). Other sub-goals also apply, including a goal to serve lower-income levels within the Community Preservation and Revitalization Zone (CP&R), also established by the Austin City Council in 2005.

Austin City Council has adopted the following three station area plans: Saltillo Station Area Plan; Martin Luther King, Jr. Station Area Plan; and Lamar/Justin Station Area Plan.

North Burnet/Gateway

The North Burnet/Gateway Master Plan will redevelop the existing low density, auto-oriented and industrial uses into a higher density, mixed-use neighborhood that is more pedestrian-friendly and takes advantage of the links to commuter rail transit and the area's key position within Austin's Urban Core. In March 2009, Austin City Council approved the proposed rezonings that included an affordable housing density bonus. To receive a density bonus, the developer must provide 10 percent of the bonus area granted as affordable

housing or pay a fee-in-lieu of six dollars per square foot. A few specific properties may be eligible to construct new collector streets in exchange for the density bonus, instead of meeting the affordable housing requirements.

Vertical Mixed-Use (VMU)

In 2007, Austin City Council adopted changes to the Commercial Design Standards regarding Vertical Mixed Use. For those developments that want exemptions from certain dimensional and parking standards, developments must provide 10 percent of development as affordable housing for 40 years.

b) Public/Private Partnerships

The City will continue to explore partnerships with private entities to develop affordable housing. Partnerships with private developers can offer multiple public benefits, such as mixed-use, mixed-income, and increased density. Partnerships can allow low-income households to locate near schools, amenities, employment opportunities, and public transportation.

Robert Mueller Municipal Airport Redevelopment

One key public/private partnership for the City has been the Robert Mueller Municipal Airport Redevelopment (RMMA). The RMMA Master Plan was the result of years of planning by the City of Austin, stakeholders, and neighborhood residents. In 1996, a task force representing a broad spectrum of Austin interests defined a vision, as well as a set of redevelopment goals that set the stage for the RMMA master plan. The master plan outlines aggressive affordable housing requirements for the development. Twenty-five percent of all housing units at Mueller, or approximately 1,200 homes, will be affordable for residents making below Austin's median family income. In 2004, the Austin City Council, directed Catellus, the master developer, to semi-annually report its progress on the Mueller affordable housing program. Catellus makes semi-annual presentations to the Community Development Commission. The resolution (No. 041202-59) also directs Catellus to report progress of affordable housing development in the City's Consolidated Planning process. Appendix V includes these reporting requirements with the inclusion of the Mueller Affordable Housing Plan and the current semi-annual update from May 2009.

City Redevelopment Efforts

The City will explore ways to provide and encourage development of affordable housing in other City redevelopment efforts. Initiatives underway include the redevelopment of the Green Water Treatment Plant and Waller Creek.

Private Developer Agreements

The City continues to negotiate the inclusion of affordable housing in developer agreements with market-rate developers. Two key projects that have provided affordable housing include the Residence at the Domain and Robertson Hill. The Residences at the Domain is required to provide 10 percent (39) of the total units (390) developed as affordable to income eligible households at or below of 65 percent of MFI. This development is S.M.A.R.T. Housing™ certified and entered into an Economic Development Agreement (EDA) with the City and Travis County. Under the terms of the EDA the Developer is required to provide affordable units until January 1, 2028, unless the Developer reaches the limit on the Chapter 380 payments prior to that date. The Robertson Hill Development is

required to provide 10 percent (29) of the total units (290) developed as affordable to income eligible households. They must remain affordable through 2020. These developments have brought affordable housing into developments that would otherwise be unaffordable to low-income households.

3) EXPAND ALTERNATE REVENUE SOURCES

Sources of funding

a) General Obligation Bonds: Affordable Housing Program

Citizens of Austin approved the use of General Obligation Bonds to increase homeownership and rental opportunities for low-to-moderate-income households. The bond package was approved by voters in November 2006 and includes \$55 million for affordable housing. The bonds are apportioned into \$33 million for rental and \$22 million for homeownership over a seven-year period.

- *Rental* - Rental projects that receive General Obligation Bonds serve households with yearly incomes of no more than 50 percent of median family income (MFI) with a goal of assisting households at 30 percent of MFI and below. Rental projects must remain affordable for no fewer than 40 years.
- *Homeownership* - Homeownership projects that receive General Obligation Bonds serve households with yearly incomes of no more than 80 percent of MFI with a goal of serving households between 50 percent and 65 percent of MFI. Homeownership projects are preferred to have a 99-year shared equity model with right of first refusal or a Community Land Trust model to preserve affordability. These preservation tools maximize public dollars by ensuring long-term affordability of funded projects
- *Home Repair* – In May 2009, Austin City Council directed staff to identify allocating \$2 million in General Obligation Bonds towards a home repair initiative.

In 2009, NHCD will conduct a stakeholder process to set parameters around the balance of the General Obligation Bond Rental housing funds, and allocate \$2 million of the homeownership funds for a home repair program allowing for an increased number of owner-occupied households and low-income individuals to be served. The program is one more initiative that allows for low-income residents to remain in their homes, thus maintaining the City's affordable housing stock.

The funds are allocated as follows:

- 75 percent of funds are competitive awards to non-profits or for-profit developers of affordable housing.
- 20 percent are City Council priorities.
- 5 percent for rapid acquisition of real estate for non-profits.

b) Tax Increment Financing

The City considers Tax Increment Financing (TIF) to be an important tool to create new revenue for public benefit, including affordable housing. During the Consolidated Plan period, the City will continue to explore opportunities to use TIFs to increase opportunities for new funding for affordable housing.

Homestead Preservation District

The Homestead Preservation District in Central East Austin was authorized by State legislation. The legislation developed the tools to create and retain affordable housing, which are a land bank, a community land trust, and a reinvestment zone. If enacted, the reinvestment zone will use tax increment financing from the district to fund the creation and preservation of affordable housing. City Council approved the preliminary plan for TIF financing, designated several organizations as Homestead Land Trusts, and directed staff to determine the feasibility of implementing the Land Bank in December 2008. Future components of the HPD may be implemented upon City and Travis County coordination.

c) Housing Trust Fund

The Housing Trust Fund is another key source of local funding. Since 2000, the Austin City Council has directed \$8.8 million in local funds to the Housing Trust Fund. The Austin City Council also dedicates 40 percent of all City property tax revenues from developments built on City-owned lands to affordable housing. This policy is anticipated to generate revenues in perpetuity to the Housing Trust Fund. The Green Water Treatment Plant and Block 21 downtown are two projects underway that will support the Housing Trust Fund.

d) Shared Equity

The City generates funds from the use of the shared equity model of homeownership. When a low- or moderate-income homebuyer purchases a home from the City using the shared equity model, the homeowner agrees to share a portion of the equity of the home at resale with the City. The homeowner gets a fair return on its investment and the City generates funds to assist future low- or moderate-income homebuyers.

e) Fee-in-lieu

Several key developer incentive programs in the City of Austin require development of affordable housing in exchange for density and/or height bonuses. These programs can allow for the payment of a fee-in-lieu of the requirement to develop affordable housing on-site. Current districts/corridors that allow for this density incentive are Downtown, Transit-Oriented Developments, North Burnet/Gateway, Vertical Mixed-Use, and the University Neighborhoods Overlay (UNO) District. UNO has raised approximately \$1 million in funds for affordable housing development around the University of Texas. Currently fee-in-lieu generated revenue from UNO must be used to create affordable housing opportunities within the UNO district.

f) Revolving Loans

The City uses revolving loans for several loan programs that provides a revolving funding source. When a loan is repaid by the recipient, the funds are recycled back into the program creating a fiscally responsible model for asset creation.

g) Build Partnerships to Increase Financial Capacity for Affordable Housing

The City will continue to work with local, regional and national partners to build its financial capacity as well as the capacity of non-profit and private developers to create affordable housing. This will include working with lenders and foundations to strengthen financial partnerships and encouraging the development of a strong Community Development Financial Institution (CDFI) in Austin. The City will continue to look at financially viable

recommendations including those identified in the Housing Market Study in March 2009 and in the Affordable Housing Strategy Report in June 2009.

4) PROVIDE LEADERSHIP AND EDUCATION FOR AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT

a) Leadership and Education

NHCD aims to provide local, state and national leadership on affordable housing and community development issues. One key strategy is to engage the public with ongoing educational opportunities, attracting regional and national experts to engage with the Austin community. NHCD coordinates multiple activities to support public education regarding affordable housing and community development. This will include affordable housing forums that bring together affordable housing stakeholders including citizens, neighborhood advocates, developers, property managers and policymakers to discuss issues related to affordable housing in Austin. Example topics are Community Land Trusts and Geographic Dispersion.

In addition, NHCD will provide outreach to the community regarding all NHCD housing and community development programs. The Austin Housing Finance Corporation will continue to offer educational and capacity-building opportunities for local affordable housing developers. In addition, AHFC will continue to offer trainings and development certification opportunities to improve capacity for CHDOs, and operations grants for CHDOs and other local affordable housing developers.

b) Comprehensive Plan

In September 2008, City Council appropriated funding for staff and a consultant to work with the public to create a new Comprehensive Plan for Austin. The City chose a consultant for the Comprehensive Plan, Wallace Roberts & Todd, through a public input process. The public kickoff of the Comprehensive Plan is expected to take place in fall 2009. The City Charter requires that a comprehensive plan be adopted by ordinance and specifies that it contain ten chartered-mandated elements, of which housing is one element. NHCD will work with the Neighborhood Planning and Zoning Department to provide housing affordability information and data to contribute to the development of the plan.

c) Council Initiated Task Forces

NHCD will continue to support the work of city-wide task forces related to its mission and departmental objectives and goals. In the past this has included the Affordable Housing Incentives Task Force, whose work has influenced Council policy towards creating and maintaining affordable housing.

Families and Children Task Force

In June 2007, the City Council appointed the Families and Children Task Force to make recommendations to improve the quality of life for families with children in Austin. In March 2009, the Austin City Council, the Travis County Commissioners Court, and the Austin Independent School District Board of Trustees approved a Joint Resolution Regarding Families, Children, Neighborhoods and Schools. One of the recommendations included developing a Housing Assistance Program to reduce student mobility rates.

d) Quality of Life Initiatives

The City of Austin continues to explore ways to improve the quality of life for all citizens. The City has initiatives underway to improve the quality of life for African Americans and Hispanics. NHCD will continue to participate in planning processes for these initiatives and implement recommendations related to housing and community development. The City initiated the Hispanic Quality of Life Initiative in May 2008. The Hispanic Quality of Life Initiative was initiated in 2009 and is a multi-phased process and includes demographic research, trend and data analysis; community engagement and understanding through public forums; community input using print and online surveys; and oversight team review culminating in a final recommendations report.

e) Housing Market Study

The Housing Market Study serves as a key policy document for the City of Austin and a catalyst for future housing policy. The study educates the community on affordable housing needs, provides detailed housing data, and is the first housing gap analysis available in the City of Austin. The study will steer community decision making on affordable housing in the next decade. See the study at: www.cityofaustin.org/housing.

f) John D. and Catherine T. MacArthur Foundation

Staff will continue to focus on recommendations outlined in NHCD's report *Preserving Affordable Housing in Austin: A Platform for Action* available online at www.cityofaustin.org/housing. NHCD was one of 20 finalists in the country for MacArthur Foundation funding through its ongoing initiatives to address preservation of affordable housing throughout the United States. Although the City of Austin was not one of the applicants ultimately funded, the City will benefit through the MacArthur Foundation's network and technical assistance made available to the City as a finalist. This partnership will play a critical role as NHCD continues to position itself strategically to address preservation of affordable housing in Austin.

ACTIONS TO ADDRESS NEEDS

High Priority: Homeless/Special Needs

The homeless and special needs populations are Austin's most vulnerable populations and will be a high priority for the Consolidated Plan. This decision was made based on feedback from the public process, including stakeholder meetings that included homeless and special needs providers, public hearings, and the Consolidated Plan survey.

Objective 1: Assist persons who are homeless or who are at-risk of becoming homeless.

Strategy 1.1: Help low-income households avoid homelessness.

Strategy 1.2: Develop permanent and transitional housing for households at or below 30 percent of Median Family Income.¹

Strategy 1.3: Provide financial support to organizations that serve homeless and persons at risk of becoming homeless, including providing rental assistance under the Tenant Based Rental Assistance Program (TBRA).²

(d) lack of accessibility to adequate healthcare facilities, etc.

Objective 2: Assist persons living with HIV/AIDS achieve stable housing and increase access to medical care and supportive services.

Strategy 2.1: Increase the number of homeless persons living with HIV/AIDS who move into permanent housing through the provision of supportive services and permanent housing placement assistance.

Strategy 2.2: Increase the number of persons living with HIV/AIDS who access HIV medical care by providing housing assistance and supportive services.

Strategy 2.3: Provide tenant-based rental assistance and supportive services to individuals living with HIV/AIDS and their families to prevent homelessness.

Strategy 2.4: Provide short-term rent, mortgage, and utility assistance to help maintain stable housing for individuals living with HIV/AIDS and their families who are experiencing a financial crisis and the potential loss of permanent housing.

Strategy 2.5: Prevent homelessness among persons living with HIV/AIDS by providing temporary shelter and developing individualized housing and service plans for clients which links them to permanent housing.

¹ The accomplishment under this strategy will be reported under developer assistance program.

² The accomplishment for TBRA will be reported under the renter assistance program.

Objective 3: Assist low-income and special needs populations with supportive services to increase self-sufficiency.

Strategy 3.1: Increase the supply of quality child care for families that make less than 200 percent of the Federal Poverty Guidelines.

Strategy 3.2: Assist low-income seniors to maintain independent living through home care services and provide guardianship and elder shelter programs to prevent and protect seniors for becoming victims of abuse, neglect, or exploitation.

Strategy 3.3: Assist at-risk youth and their families through wrap-around services that focus on basic needs, mental health services, educational support and social enrichment.

High Priority: Renter Assistance

The Housing Market Analysis demonstrates the high needs for affordable rental housing in Austin. This analysis was echoed in every aspect of the public process from service providers, government partners, policy makers, and community members. Assistance to renters will be a high priority in the Consolidated Plan.

Objective 1: Provide tenant-based rental assistance, utility and security deposits to homeless and low-income households who earn less than 50 percent of the median family income.

Strategy 1.1: Provide tenant-based rental assistance for the purpose of transitioning homeless households out of emergency shelter into permanent housing.

Strategy 1.2: Expand the tenant-based rental assistance program to serve low-income households that earn less than 50 percent of median family income.

Objective 2: Retrofit or modify the rental units of low-income households and severely disabled renters to make their homes more accessible.

Strategy 2.1: Provide renter households that earn at or below 80 percent of median family income necessary physical improvements to their housing units to assist with daily living.

Objective 3: Provide support services that educate renters and promote housing rights.

Strategy 3.1: Provide funding for mediation services between landlords and low-income tenants that result in necessary health and safety repairs to rental units.

Strategy 3.2: Provide funding for direct counseling and technical assistance to low-income renters regarding tenant/landlord issues.

Strategy 3.3: Provide funding for public education and information to the public regarding fair housing and landlord/tenant issues.

The adopted plan specifically addresses how the provision of affordable rental housing fits into the plan and is a necessary component

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High Priority: Housing Developer Assistance

The need for affordable housing for low- and moderate-income renters, including special needs populations, and homebuyers was reflected in the housing market analysis and the public input received from the community. The City's main tool to create affordable housing is through gap financing to for- and non-profit developers. In addition, the City encourages the development of affordable housing through developer incentives. The City, therefore, makes Housing Developer Assistance a high priority for the Consolidated Plan.

Objective 1: Create and retain affordable rental units for low-income households, including households with special needs.

Strategy 1.1: Provide below market rate gap financing to for-profit and non-profit developers for the acquisition, rehabilitation, or new construction of affordable rental projects for households at or below 50 percent of Median Family Income.

Strategy 1.2: Provide gap financing to non-profit partners to develop permanent and transitional housing for households at or below 30 percent of Median Family Income and for homeless households.

Strategy 1.3: Assist in the preservation of market rate and federally subsidized affordable rental units at risk of losing affordability by providing gap financing for non-profit and for-profit developers.

Objective 2: Create new homeownership opportunities for low- and moderate-income households making at or below 80 percent of Median Family Income.

Strategy 2.1: Work with for-profit developers and non-profit Community Housing Developer Organizations (CHDOs) to leverage City and federal funds to acquire land, rehabilitate existing housing, and construct new housing to sell to low- and moderate-income households.

Strategy 2.2: Assist in the preservation of affordable homeownership through the expansion of long-term affordability tools, including shared equity and community land trust.

Strategy 2.3: Continue, through program design and marketing, to expand homeownership opportunities for low- and moderate-income families.

Objective 3: Encourage development of affordable rental and homebuyer housing through developer incentives.

Strategy 3.1: Coordinate with City planning efforts to expand affordable housing incentives for developers throughout the City.

Strategy 3.2: Promote current affordable housing incentives including: S.M.A.R.T. HousingTM, Vertical Mixed Use, Transit Oriented Development, Density Bonus Program, and Robert Mueller Airport Redevelopment.

High Priority: Commercial Revitalization

The City continues to prioritize commercial revitalization as a high priority based on the feedback received during public hearings and the Consolidated Plan survey.

Objective 1: Provide funding and technical assistance to eligible organizations in order to improve the economic viability of neighborhoods and promote the creation of jobs.

Strategy 1.1: Promote public and private partnerships with businesses, financial institutions, and non-profit communities to spur quality investment, commercial development, and job creation throughout the East 11th and 12th Street corridors.

Strategy 1.2: Continue to partner with the Urban Renewal Agency and the Austin Revitalization Authority to achieve the revitalization goals of the East 11th and 12th Street corridors.

Strategy 1.3: Conduct activities such as land acquisition, demolition of dilapidated structures, redevelopment of abandoned and/or substandard structures, improvement of infrastructure, construction of new mixed-use facilities, and gap financing to existing small businesses for the purpose of job creation to achieve the goals of the East 11th and 12th Street corridors.

High Priority: Small Business Assistance

In the current economic recession, the City prioritized assistance to small business as high. Feedback from the Consolidated Plan survey found job creation as the highest community development need in the Austin community.

Objective 1: Help small businesses grow and prosper through financing and technical assistance in order to improve the economic viability of neighborhoods and promote the creation and/or retention of jobs.

Strategy 1.1: Provide gap financing and technical assistance to small businesses to expand their businesses for the purpose of creation or retention of low- and moderate-income jobs.

Strategy 1.2: Fund a Community Development Bank to provide loans to small and minority businesses that are expanding or relocating to low-income areas for the creation of or retention of low- and moderate-income jobs.

Strategy 1.3: Provide training and technical assistance to qualified microenterprises (HUD defines a microenterprise as a business with five or fewer employees).

Strategy 1.4: Provide financial assistance to owners of eligible commercial buildings for renovation and rehabilitation to exterior facades.

Family Rapid Re-Housing Incentive – The Act requires that HUD provide incentives for rapid re-housing programs for homeless families. Rapid re-housing programs have been successfully used in numerous communities to significantly reduce family homelessness. By dramatically reducing the length of time that families are homeless, rapid re-housing programs ensure a quicker return to stability and self-sufficiency.

CONSOLIDATED PLAN PRIORITIES

HUD's Housing and Community Development Activities table in Exhibit 6-2 will guide the funding priorities for Austin for fiscal years 2009-14. This section summarizes the funding priorities that will be implemented to achieve the objectives and accompanying strategies for the five-year plan. The funding priorities were established based on the housing and community development needs identified through public and stakeholder input, the housing market analysis and the analysis of special populations. The City of Austin also used the Analysis of Impediments to Fair Housing report and several other studies to form these priorities.

To determine the five-year goals for fiscal years 2009-14 the City assumed that funding would remain level from fiscal year 2009-10 and that market conditions would remain consistent rebounding in fiscal year 2010 to 2011 as forecasted by economic reports by Moody's and the HIS Global Insight, Inc. Some grant funded programs will discontinue during the five years, including the Lead Hazard Control Grant and the Façade Improvement program.

All the proposed funding priorities will serve very-low, low-, and moderate-income households in the City of Austin. Income will be based on median family income definitions updated by HUD annually. See MFI chart in Appendix III. In addition to income, projects will serve special need populations including seniors, persons with disabilities, homeless persons, and persons with HIV/AIDS. High priority activities will be funded by the City. Medium priority activities will be funded if funds are available. Low priority activities will not be funded.

APPENDIX IX:

Maps

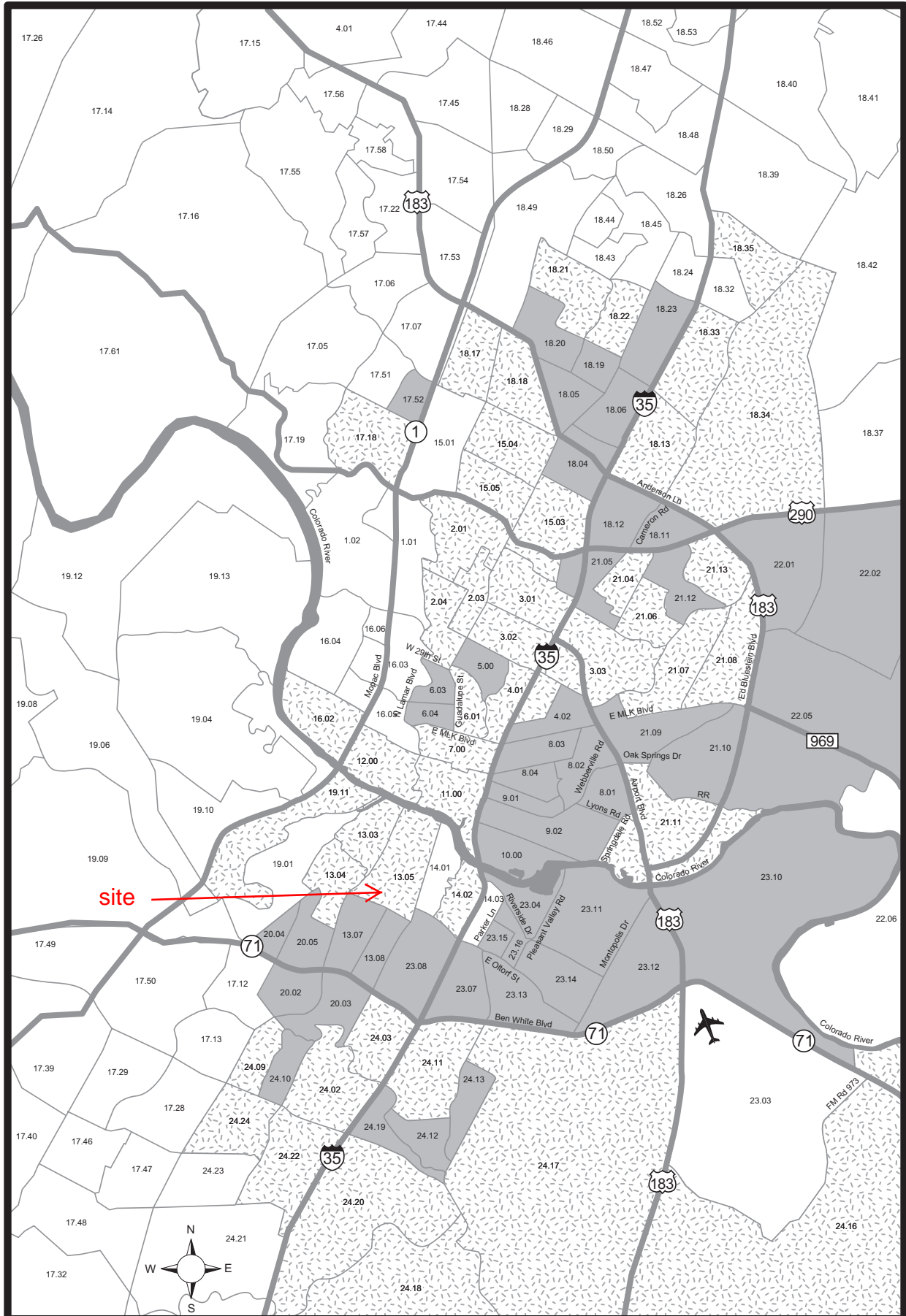
These maps are
from the
2012-2013 Action
Plan

Low to Moderate Income Census Tracts

51% or more L/M households

Partial 51% or more L/M households

Less than 51% L/M households



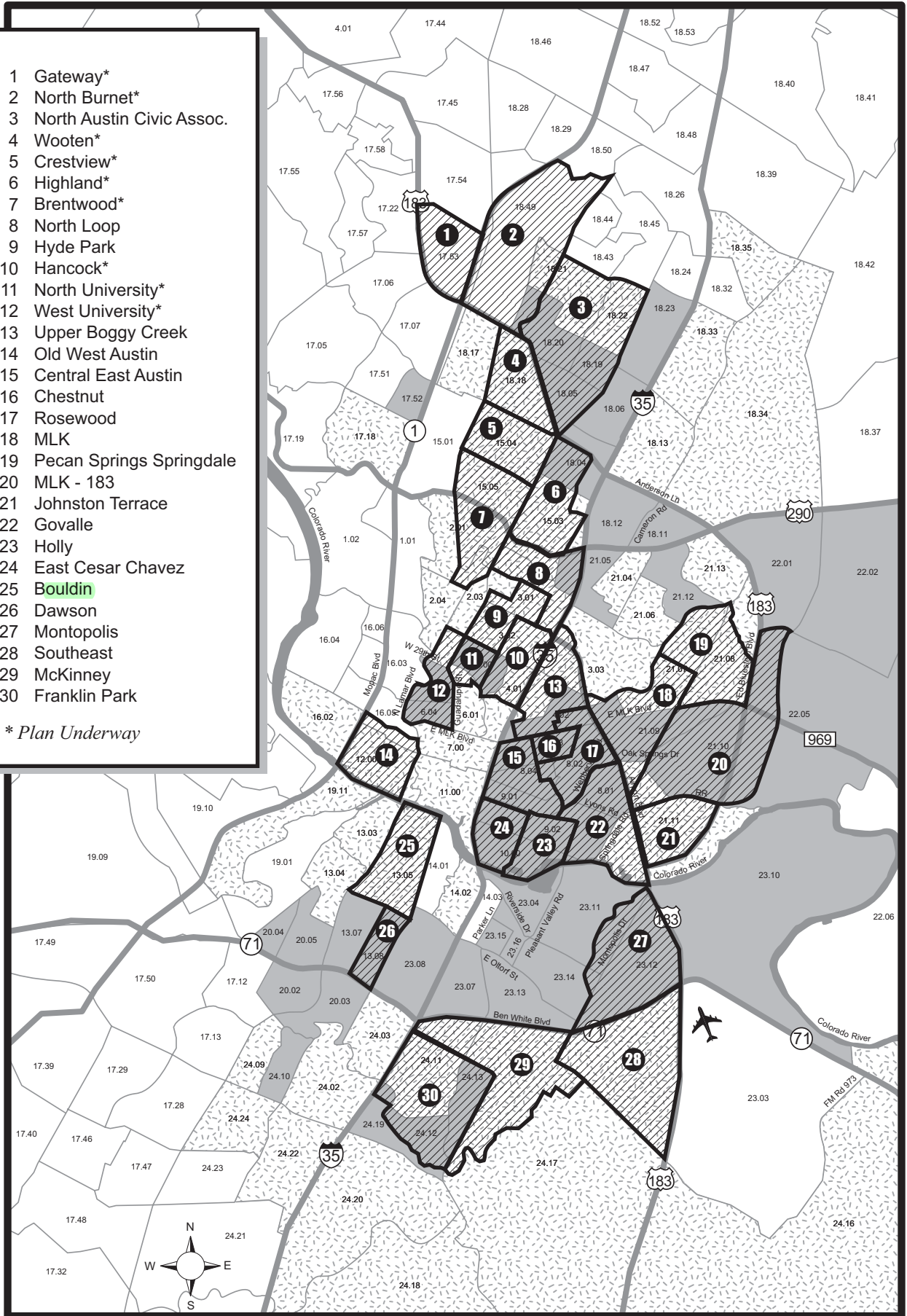
Percent Low Mod by Census Block Groups for Partial Tracts

Tract	Block	%LM	Tract	Block	%LM	Tract	Block	%LM	Tract	Block	%LM
2.01	1	31.6%	11.00	7	35.2%	18.13	4	67.8%	24.16	2	0.0%
2.01	2	72.0%	12.00	1	49.9%	18.17	1	56.1%	24.16	3	44.0%
2.01	3	61.4%	12.00	2	36.3%	18.17	2	28.1%	24.17	1	73.0%
2.01	4	68.6%	12.00	3	48.6%	18.17	3	36.8%	24.17	2	70.9%
2.01	5	58.7%	12.00	4	51.5%	18.17	4	66.4%	24.17	3	28.8%
2.01	6	20.1%	13.03	1	32.3%	18.17	5	14.8%	24.17	4	0.0%
2.03	1	50.0%	13.03	2	45.0%	18.18	1	48.8%	24.18	1	64.0%
2.03	2	69.0%	13.03	3	63.0%	18.18	2	66.3%	24.18	2	0.0%
2.04	2	29.2%	13.03	5	24.4%	18.18	3	48.0%	24.18	3	0.0%
2.04	5	65.4%	13.04	2	46.5%	18.21	4	48.8%	24.18	4	51.3%
2.04	6	47.3%	13.04	3	39.0%	18.21	5	34.1%	24.20	1	0.0%
3.01	1	62.5%	13.04	5	40.5%	18.21	6	54.8%	24.20	2	55.5%
3.01	2	40.2%	13.04	6	61.1%	18.22	1	60.1%	24.20	3	58.0%
3.01	3	69.8%	13.05	1	0.0%	18.22	2	35.3%	24.20	4	61.7%
3.01	4	53.1%	13.05	3	61.7%	18.22	3	71.2%	24.22	1	36.8%
3.01	5	37.7%	13.05	4	58.9%	18.33	2	27.5%	24.22	2	62.7%
3.01	6	70.5%	13.05	5	70.9%	18.33	3	43.7%	24.22	3	43.0%
3.02	1	54.2%	13.05	6	49.5%	18.33	4	55.4%	24.24	1	49.5%
3.02	2	62.0%	13.05	7	68.8%	18.34	2	55.9%	24.24	2	56.4%
3.02	3	61.9%	14.02	1	31.3%	18.34	6	25.7%			
3.02	4	58.9%	14.02	2	20.5%	18.35	1	59.4%			
3.02	5	40.2%	14.02	3	51.6%	18.35	2	43.6%			
3.02	6	81.3%	15.03	1	34.9%	19.11	1	39.2%			
3.03	1	42.9%	15.03	2	68.2%	19.11	2	58.4%			
3.03	2	78.5%	15.03	3	56.1%	21.04	1	56.6%			
3.03	3	82.3%	15.03	4	82.1%	21.04	2	44.9%			
3.03	7	47.0%	15.03	5	54.0%	21.06	1	69.3%			
4.01	1	36.2%	15.03	6	75.5%	21.06	2	42.4%			
4.01	2	81.5%	15.04	1	54.7%	21.06	3	36.8%			
4.01	3	0.0%	15.04	2	46.6%	21.07	1	85.0%			
4.01	4	48.5%	15.04	3	38.8%	21.07	2	50.2%			
4.01	7	76.1%	15.04	4	37.0%	21.07	3	45.2%			
4.05	1	60.1%	15.05	1	60.8%	21.07	4	75.9%			
4.05	2	0.0%	15.05	2	34.3%	21.08	1	73.7%			
4.05	3	0.0%	15.05	3	56.7%	21.08	2	50.7%			
4.05	4	51.0%	15.05	4	50.3%	21.11	1	84.6%			
4.05	5	32.6%	15.05	5	43.7%	21.11	2	72.2%			
6.01	1	82.5%	16.02	1	11.4%	21.11	3	0.0%			
6.01	2	0.0%	16.02	2	56.9%	21.11	4	69.2%			
6.01	3	0.0%	16.02	3	26.0%	21.13	1	57.7%			
6.01	4	100.0%	16.02	4	88.5%	21.13	2	41.4%			
7.00	1	0.0%	17.12	1	38.2%	24.02	1	35.1%			
7.00	2	0.0%	17.12	2	67.1%	24.02	2	67.0%			
7.00	3	48.0%	17.12	3	66.3%	24.02	3	35.4%			
7.00	4	0.0%	17.18	1	56.3%	24.02	4	73.1%			
7.00	5	79.3%	17.18	2	10.5%	24.03	1	59.2%			
7.00	6	49.7%	17.18	3	26.7%	24.03	2	49.3%			
7.00	7	68.2%	17.18	4	19.5%	24.09	1	32.0%			
11.00	1	100.0%	17.48	1	23.7%	24.09	2	51.6%			
11.00	2	0.0%	17.48	2	75.5%	24.09	3	45.6%			
11.00	3	12.7%	17.50	1	38.6%	24.11	1	0.0%			
11.00	4	35.4%	17.50	2	85.4%	24.11	2	74.3%			
11.00	5	74.0%	17.50	3	32.5%	24.11	3	74.2%			
11.00	6	34.3%	18.13	3	29.2%	24.16	1	99.0%			

Low to Moderate Income Census Tracts

51% or more L/M households
 Partial 51% or more L/M households
 Less than 51% L/M households

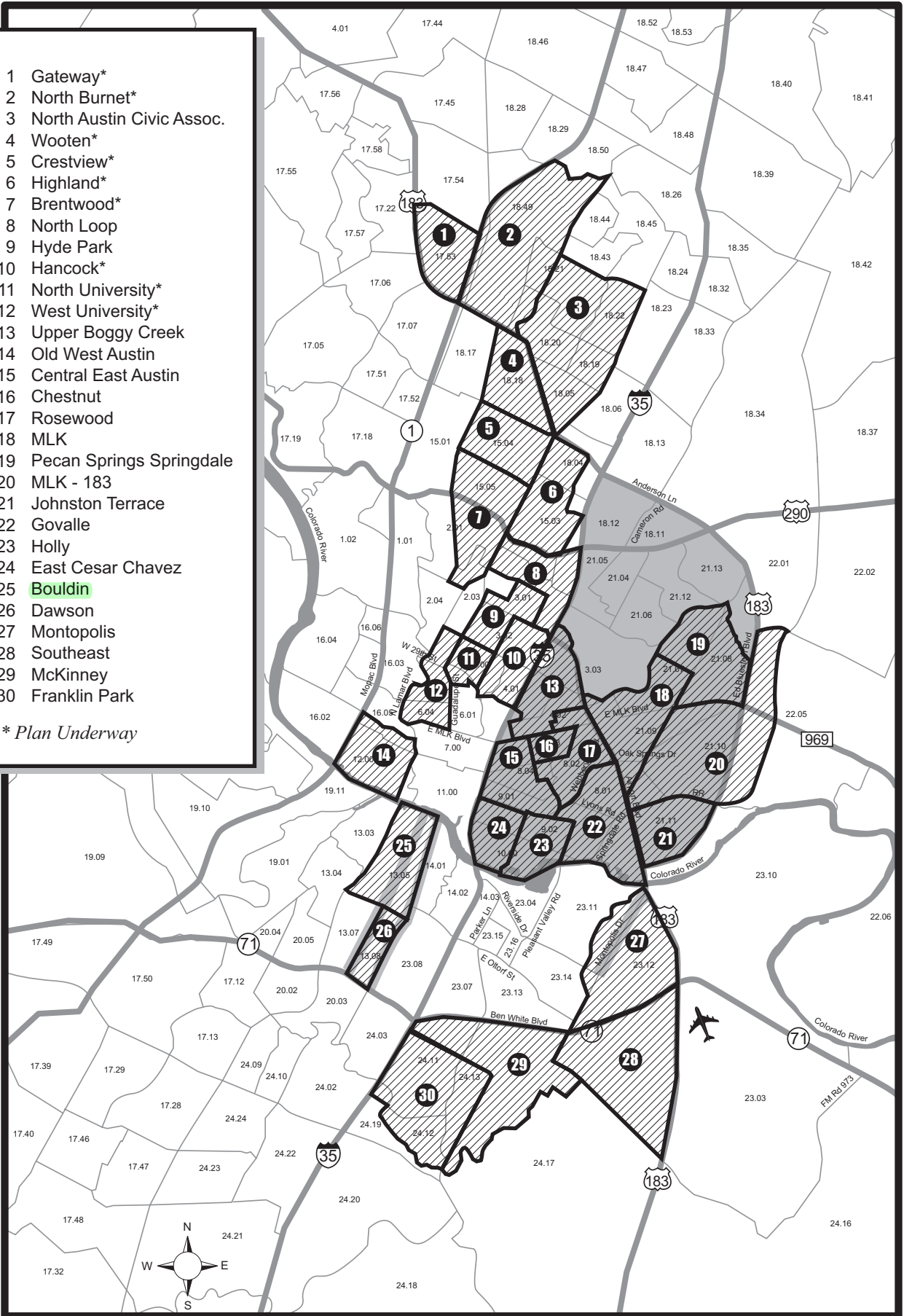
- 1 Gateway*
 - 2 North Burnet*
 - 3 North Austin Civic Assoc.
 - 4 Wooten*
 - 5 Crestview*
 - 6 Highland*
 - 7 Brentwood*
 - 8 North Loop
 - 9 Hyde Park
 - 10 Hancock*
 - 11 North University*
 - 12 West University*
 - 13 Upper Boggy Creek
 - 14 Old West Austin
 - 15 Central East Austin
 - 16 Chestnut
 - 17 Rosewood
 - 18 MLK
 - 19 Pecan Springs Springdale
 - 20 MLK - 183
 - 21 Johnston Terrace
 - 22 Govalle
 - 23 Holly
 - 24 East Cesar Chavez
 - 25 **Bouldin**
 - 26 Dawson
 - 27 Montopolis
 - 28 Southeast
 - 29 McKinney
 - 30 Franklin Park
- * Plan Underway



Commercial Management Priority Areas

Includes South Congress, South 1st Street and Montopolis Corridors

- 1 Gateway*
 - 2 North Burnet*
 - 3 North Austin Civic Assoc.
 - 4 Wooten*
 - 5 Crestview*
 - 6 Highland*
 - 7 Brentwood*
 - 8 North Loop
 - 9 Hyde Park
 - 10 Hancock*
 - 11 North University*
 - 12 West University*
 - 13 Upper Boggy Creek
 - 14 Old West Austin
 - 15 Central East Austin
 - 16 Chestnut
 - 17 Rosewood
 - 18 MLK
 - 19 Pecan Springs Springdale
 - 20 MLK - 183
 - 21 Johnston Terrace
 - 22 Govalle
 - 23 Holly
 - 24 East Cesar Chavez
 - 25 **Bouldin**
 - 26 Dawson
 - 27 Montopolis
 - 28 Southeast
 - 29 McKinney
 - 30 Franklin Park
- * Plan Underway



**Exhibit 6-2
Consolidated Plan Priorities and Proposed Accomplishments**

Program	Program Description	Priority for Federal Funds	Consolidated Plan Goal	Objectives and Outcomes
Homeless/ Special Needs	Homeless/Special Needs Assistance provides services to the City’s most vulnerable populations, including homeless individuals and families, persons with HIV/AIDS, seniors, at-risk youth, and low-income families.	High	49,060	Suitable Living Environment Availability/ Accessibility
Renter Assistance	Renter Assistance provides assistance to renters so that rent is more affordable as well as provides tenants’ rights services to equip renters with information that may allow them more stability. It also provides financial assistance for necessary rehabilitation to make homes accessible.	High	3,770	Decent Housing Availability/ Accessibility
Homebuyer Assistance	Homebuyer Assistance provides counseling to renters whom wish to become homebuyers and to existing homebuyers to help them stay in their homes. This category also includes the Down Payment Assistance Program, which offers loans to qualifying low- and moderate-income homebuyers to help them buy their first homes.	High	1,490	Suitable Living Environment Sustainability
Homeowner Assistance	Homeowner Assistance provides services for low- and moderate-income individuals who own their homes, but need assistance to make it safe, functional, and/or accessible.	High	4,419	Decent Housing Availability/ Accessibility
Housing Developer Assistance	Housing Developer Assistance includes NHCD programs that offer assistance to for and non-profit developers to build affordable housing for low- and moderate-income households.	High	5,677	Decent Housing Availability/ Accessibility

The adopted plan specifically addresses how the provision of affordable rental housing fits into the plan and is a necessary component

BARRIERS AND CHALLENGES TO AFFORDABLE HOUSING

Funding

The lack of funding for affordable housing in Austin is a large obstacle to the creation of affordable housing. The following are some of the funding issues for development of affordable housing in the City:

- The State of Texas's Housing Tax Credit (HTC) Program is one of the community's largest affordable housing funding tools for for-profit and non-profit developers. Tax credits value in the open market has weakened in recent years requiring more funding to develop projects.
- The City of Austin, unlike some larger urban areas, lacks sophisticated private lenders and foundations that fund affordable housing initiatives. The City plans to continue to work with the lending community to encourage funding of affordable housing.
- As the Housing Market Study highlights, land values in the City of Austin have increased, making it difficult to find lots that are less than \$130,000.
- Due to rising land and construction costs, more gap financing is required to make a project financially viable.

The City received cuts in federal Community Development Block Grant funds for the five years prior to the fiscal year 2009-10 allocation. In fiscal year 2008-09, for the first time, the City of Austin's Neighborhood Housing local funding was more than its federal funding. One contributing factor for this is the community's commitment to affordable housing demonstrated by the voter-approved affordable housing General Obligation bond program. The City continues to search for creative alternative sources of funding. Even with increased local revenue, more funding is needed to meet the demand of affordable housing in Austin. The City anticipates that GO Bond funds will be depleted by 2012.

Preservation of Current Affordable Housing

Both the public stakeholder process and the housing market analysis pinpoint the loss of available affordable rental housing as a growing problem in Austin. NHCD issued the report, *Preserving Affordable Housing in Austin, A Platform for Action*, in April 2008 in order to proactively address the loss of affordable housing stock in the community.

The report highlights the following critical facts regarding affordability in Austin:

- **Subsidized units are at risk.** Austin has almost 1,350 of Project-Based Section 8 units with mortgages that will expire by 2011, with about 73 percent expiring in 2010. In addition, developments financed with federal housing tax credits and elderly/disabled grants will begin to expire in a decade.
- **Most of Austin affordable housing is privately-owned and not subsidized.** Austin has more than 156,000 multifamily housing units. Less than 8,000 are publicly subsidized and 79 percent (123,678) are in small complexes with 2 to 49 units.
- **Most of multifamily stock is old but occupied.** More than 55 percent of duplexes and 79 percent of small and medium-sized apartment building were built

The plan identifies target areas that do not encompass large parts of the entire city

GEOGRAPHIC AREA OF FOCUS

The City of Austin will continue to focus much of its funding and programs in low-income neighborhoods of Austin identified by HUD as low/moderate-income priority neighborhoods. HUD defines CDBG qualifying areas as census tracts that have more than 51 percent of households living in poverty. For a map of these areas, see Appendix IV. The City, however, will not identify priority neighborhoods for exclusive or priority funding in the fiscal year 2009-14 Consolidated Plan. This does not mean that the City will not continue to fund projects and programs in past priority areas, but that the City will no longer give those neighborhoods priority for funding over other qualifying neighborhoods.

The 2006 Affordable Housing Incentives Task Force recommended several core values. The core values were adopted by Austin City Council in 2007, and now serve as guiding principals for affordable housing for the City. One of these core values was to encourage geographic dispersion of affordable housing. To implement this core value, the City must provide funding to affordable housing developments outside of low-income neighborhoods. This will give low-income households greater opportunities to locate to a variety of neighborhoods in Austin.

However, the City of Austin will continue to provide programs and services to low-income neighborhoods. For instance, the current efforts planned under the Commercial Revitalization program provide for redevelopment in the East 11th and 12th street corridors. In addition, the Small Business activities in this Consolidated Plan currently have program guidelines that focus on low-income neighborhoods.

ANTI-POVERTY STRATEGY

Introduction

Over the past decade, poverty rates in the United States have increased in spite of growth in per capita income. The term poverty is generally used to describe a condition of economic hardship, but it has a technical use as well: to define a specific low-income threshold for various family sizes. Many social services providers in Texas use this technical measure of poverty to determine eligibility for programs.

While Austin has had strong economic growth in the past, many of Austin’s residents have not realized economic gain. The fact that poverty still persists in Austin means that the City of Austin and the community at large must remain committed to providing the necessary support and services to assist these households to not only have the necessities to survive, but also to gain the necessary tools to escape poverty.

Federal Definition of Poverty

The federal poverty guidelines are established by the U.S. Department of Health and Human Services and are updated annually for price changes using the Consumer Price Index. The guidelines are adjusted for household size, but not by geographic area, except for Alaska and Hawaii. In 2009, a family of 3 is considered to be in poverty if the household earns less than \$18,310. A family of 4 is considered to be in poverty if the household earns less than \$22,050.

Exhibit 6-3
2009 Poverty Guidelines for
the 48 Contiguous States and
the District of Columbia

Source: U.S. Department of
Health and Human Services

Persons in family	Poverty Guideline
1	\$10,830
2	\$14,570
3	\$18,310
4	\$22,050
5	\$25,790
6	\$29,530
7	\$33,270
8	\$37,010

Poverty in Austin

The federal government releases information about people living in poverty each year. The most recent data available is for 2007. In 2007, 18 percent of people in Austin, or about 129,000 people, lived below the poverty threshold of \$21,220 for a family of four.⁵ That compares with 13 percent of U.S. residents, 16 percent of Texans, and 15 percent of Travis County residents living in poverty. Austin has a lower poverty rate than Dallas, Houston, and San Antonio.⁶

The poverty rate in Austin is highest for 18 to 24-year-olds, which includes college-aged residents; more than one in three 18 to 24-year-olds were living below the poverty threshold.

⁵ American Community Survey 1 Year Estimates, 2007.

⁶ American Community Survey Estimates, 2005-2007.

Austin currently has approximately 81,000 students age 18-24 enrolled in area colleges and universities.

The second most common age group to be living in poverty are children under the age of 5; nearly 17,000 children, or 28 percent of residents under the age of 5, are living in poverty. Poverty rates are lowest for the city's residents aged 35 to 64, which includes a number of adults advanced in their careers.

Among racial groups, African Americans have the highest poverty status in Austin at 32 percent. The poverty rate among whites was 13 percent, and 15 percent among Asians. Among those of Hispanic or Latino origin (of any race), 23 percent were living in poverty.

Among persons living with any disability in Austin, 23 percent were living in poverty. This is higher than the 18 percent of the general population, indicating that persons with disabilities are disproportionately represented among those living in poverty in Austin.⁷

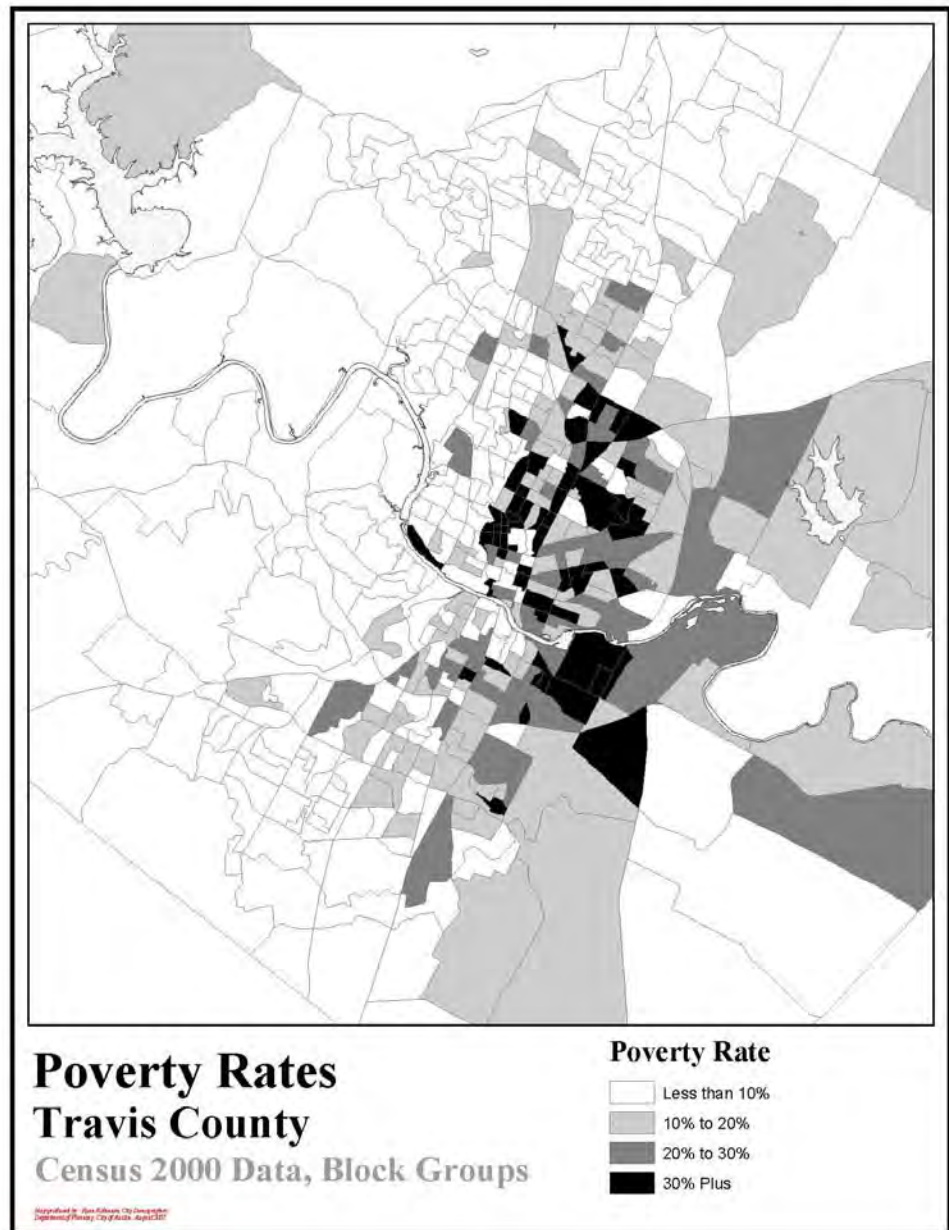
The City of Austin's overall poverty rate has fluctuated over time, from 18 percent in 1990, to 14 percent in 2000, and back to 18 percent in 2008. These fluctuations reflect changes in Austin's median family income. In the late 1990s, Austin experienced an economic boom with the rise of the technology sector. By 2003, the technology sector in Austin had significantly contracted, leading to a decrease in median family income and increasing poverty rates.

Austin's poverty has the highest concentration east of Interstate 35, as illustrated in Exhibit 6-4. Poverty rates by census tract are only available from the 2000 census, so these concentrations may have significantly changed due to gentrification or other demographic shifts in the City. From the map in Exhibit 6-4, it is clear that significant concentrations of poverty exist in north, east and south Austin, as well as around the University of Texas at Austin.

⁷ American Community Survey 1 Year Estimates, 2007.

**Exhibit 6-4
Poverty Rates,
Travis County**

Source: Ryan
Robinson, Austin
City Demographer



It has been well documented that the federal poverty level does not accurately measure today's cost of living. The Center for Public Policy Priorities' Family Budget Estimator Project⁸ provides a realistic picture of what it costs families to live in each of Texas' major metropolitan areas by estimating housing, food, child care, health care, transportation, and other basic expenses without relying on public assistance. According to the Family Budget Estimator, to afford to live in the Austin/Round Rock MSA, a family of two parents and

⁸ Center for Public Policy Priorities. <http://www.cppp.org/fbe/>

two children needs a household income of \$53,080 to cover basic expenses – more than double the federal guideline.

In order to earn the \$53,080, workers in the household would need to earn a combined wage of \$27/hour. The median wage for all occupations in the area is \$14.38/hour. This means 40 percent of families live below the “Central Texas Security Index” suggesting that any major change in their family income or expenses threatens their financial stability.

Community Anti-Poverty Strategy

A crucial complement to the City’s anti-poverty strategy is the need for community collaboration and coordination aimed at identifying resources and addressing solutions. The Community Action Network (CAN) is a collaborative effort of area partners whose mission is to achieve sustainable social, health, educational, and economic outcomes through engaging the community in a planning and implementation process that coordinates and optimizes public, private and individual actions and resources. NHCD supports CAN’s established goals for 2009:

1. CAN community agreed to work together to develop a community-wide dashboard that provides a common framework for taking action and measuring progress towards achieving a common vision.
2. CAN partners agreed to identify how best to support the work of Ready By 21⁹ to obtain broad consensus on outcomes and indicators for children and youth and identify how partners could work together in jointly developing a "Compact for Youth" that will provide a common framework for collectively improving outcomes.
3. Based on a recommendation by the CAN Community Council, CAN partners are encouraged to collaborate to increase enrollment in federally subsidized programs including TANF, Food Stamps, Medicaid and the Children’s Health Insurance Program (CHIP) in Travis County. The CAN Resource Council agreed to further review the issue and consider strategic options to maximize enrollment in public assistance programs.

In addition, NHCD anti-poverty strategies include the following:

- **Increase the supply of affordable housing available to very low-income households.**
Public input and the housing market analysis clearly demonstrate the need for affordable housing for very low-income households. The housing market study revealed a gap of over 37,000 rental units for households making less than \$20,000 annually.
- **Provide support services to low-income households to achieve self-sufficiency: child care, youth services, and elderly services.**
Support services for vulnerable populations continue to be a priority of the City. The City’s Health and Human Services Department provides a wide range of supportive services, mostly funded by the City’s general fund. In addition, this

⁹ The Ready by 21 Coalition of Austin is a collaborative group of youth service providers, educators, government agency representatives, and teen advisors who are concerned about the youth in our community.

Consolidated Plan uses the maximum of CDBG allowed for public services, 15 percent, to provide support services for these populations.

- **Support microenterprise and small business training and development to increase asset creation among low- and moderate-income households.**

The City will continue to support small businesses through training, technical assistance, and gap financing. Assistance to small business contributes to the overall health of the local economy and provides economic opportunities through job creation.

- **Reduce concentration of poverty through geographic dispersion of affordable housing.**

The City will continue encourage affordable housing developments that locate outside of existing low-income neighborhoods. This geographic dispersion allows for increased opportunities for low-income households to locate near amenities, employment, transportation, and quality schools.

Other factors considered by the plan

LEAD

In accordance with Section 91.215.i of the Consolidated Plan regulation, this section includes an estimate of the number of housing units in the City of Austin that contain lead-based paint hazards and are occupied by the City's low- and moderate-income families, a description of the actions that will evaluate and reduce the number of housing units containing lead-based paint hazards, and how lead-based hazard reduction will be integrated into housing policies and programs.

Problem with lead-based paint

Lead is a highly toxic metal that was used for many years in products found in and around our homes. Lead can cause a range of health effects, from behavioral problems and learning disabilities to seizures and even death. Childhood lead poisoning is one of the major environmental health hazards facing American children today. As the most common high-dose source of lead exposure for children, lead-based paint was banned from residential use in 1978.

The primary treatment for lead poisoning is to remove the child from exposure to lead sources. This may involve moving the family into permanent lead-safe housing. However, typically the home repairs can be done safely while the family remains in the home or temporarily relocates while the repairs are completed. Lead-safe housing is the only effective medical treatment for poisoned children and is the primary means by which lead poisoning among young children can be prevented.

Households with lead-based paint

Lead-based paint is most prevalent in homes constructed before 1940. Lead-based paint is also prevalent, but to a lesser degree, in homes built between 1950 and 1970. HUD estimates that heavily leaded paint is found in about two-thirds of the homes built before 1940, one-half built from 1940 to 1960 and in some homes built after 1960. Two housing unit estimates currently exist for Austin. The 2007 Census estimates approximately 333,000 housing units in Austin. The City of Austin Planning Department has a lower estimate of 296,600 units. If two-thirds of the pre-1940 units in Austin (as HUD estimates) contain lead paint and one-half of the units built between 1940 and 1960 also do, then it is estimated that as many as 21,500 to 24,100 units in Austin may contain lead paint. The extent to which lead paint is a hazard in these homes depends on if there has been mitigation. If the estimated number of units that contain lead is reduced to only include units occupied by households earning 80 percent and less of the AMI, then the number of homes that could potentially contain lead-based paint is approximately 12,000 units.

More than two-thirds of target area households have incomes below 80 percent of the median family income. Over 92 percent of target area residents are from minority ethnic and racial groups. While the target areas are home to only eight percent of the City's population, it is home to over eleven percent of children under age six. The zip codes containing the target areas have the highest rates of confirmed elevated blood lead levels across the entire City, and have an especially elevated rate of children identified with levels of 45 mcg/dL or more.

Lead Hazard Reduction Program Description

In January of 2007, the City of Austin received a \$3.7 million grant from the U.S. Department of Housing and Urban Development (HUD) to identify and control lead-based paint hazards in eligible low-income rental and owner-occupied housing over a three-year period. This is the second Lead Hazard Control Grant (LHCG) received by the City of Austin; the first grant was awarded for the years 2002-2005. Austin is one of twelve projects in eight states across the country to receive HUD's lead grant, which will help cities conduct a wide range of activities including cleaning up lead-based paint hazards and improving living conditions of lower-income families.

The City named its LHCG program LeadSmart. The LeadSmart program is the most significant initiative of its kind in the City of Austin that provides lead poisoning education and outreach in the homes of Austin's most vulnerable residents as well as lead testing and remediation services for qualified households. Under the current LHGC, LeadSmart has tested 140 homes and began or completed control of lead-based paint hazards in 100 eligible housing units. This cycle of the lead grant will provide lead abatement and remediation for 164 homes throughout the City of Austin.

LeadSmart provides free testing and abatement if the household meets the following criteria:

- Home built prior to 1978
- Children under the age of 6 reside or spend more than 6 hours per week
- Household earns less than 80 percent of the MFI per year (approximately \$58,700 for a family of four.)
- Home located within Austin city limits

Within the eligible pool of privately-owned, pre-1978 housing units, the LeadSmart program provides services based on the following priorities:

- Households with children who have been tested and have elevated blood lead levels regardless of their location within Austin.
- Homes with children under 6 years that are receiving CDBG funds for rehabilitation regardless of location.
- Income-eligible owner-occupied homes with children under 6 years in the CDBG target areas
- Income-eligible owner-occupied households in the remainder of the City of Austin.
- Low-income rental units in the CDBG target areas.

NHCD and the Austin Housing Finance Corporation (AHFC) joins with the Austin/Travis County Health and Human Services Department (HHSD) and other community and faith-based organizations to provide a comprehensive approach to lead hazard control, including lead poisoning testing and prevention. Certified LeadSmart staff performs the lead inspections and risk assessments. LeadSmart staff focuses on testing and treating housing with lead-based paint hazards, while referring children less than 6 years of age living in such housing to HHSD for testing and treatment. Conversely, HHSD refers individuals to the LeadSmart program for lead testing and hazard control of any families of eligible children with elevated blood levels being treated by HHSD. Certified non-profit and for-profit subcontractors perform the lead hazard control work.

Additionally, the LeadSmart program demand is driven by an outreach and education network composed of community and faith-based organizations, including the Austin Area Urban League, Community Action Network, American YouthWorks, Austin Area InterReligious Ministries and the Austin Tenants' Council. LeadSmart staff updates and maintains a lead-safe housing registry through the LHCG program, and publicize the availability of lead-safe housing through the LeadSmart Program's web page. In addition to providing lead hazard control, the LeadSmart program offers lead safe work practices training quarterly for low- and very-low income persons, simultaneously increasing the pool of certified and qualified workers and increasing economic opportunity. These trainings are also open to the larger community and target local community housing development organizations, contractors, and city employees.

Additional Lead Hazard Control

In addition to the LeadSmart Program, the City continues to address lead-based paint hazards through NHCD programs and support of local non-profit housing organizations. This includes AHFC's Home Rehabilitation Loan Program, Emergency Home Repair operated by the Urban League and Home Repair programs that assist low-income homeowners operated by Austin Interreligious Ministries and Habitat for Humanity. Education and outreach about Childhood Lead Poisoning Prevention are included in HHSD's Community Health Initiative programs.

Gaps in Lead Hazard Control Services

The Current LeadSmart Program based on grant guideline restrictions cannot perform lead hazard control activities on commercial properties, such as daycare facilities. There is an existing pool of daycare facilities operating in buildings built prior to 1978 and anecdotal stories of peeling paint indicate a high probability of lead-based paint. There are a total of 383 home-based day care centers in the City of Austin as a whole. However, the Environmental Protection Agency (EPA) passed a new Renovation and Remodeling Rule in April of 2008 that takes effect on April 22, 2010. This rule requires "all renovation firms will be required to be licensed as a certified Renovation Firm if renovation is planned on any housing or child-occupied facilities built before 1978, a certified (not licensed but trained by an accredited training provider) renovator must be utilized on the project." This new rule will ensure that proper Lead Hazard Control Assessment and Abatement procedures will be followed during renovations at any child care facilities.

HUD Needs Tables

The following tables are the HUD Needs Tables showing the needs for housing and community development for the fiscal years 2009-14 Consolidated Plan.

RESOLUTION NO. 20120802-031

WHEREAS, the City is eligible for \$10,817,846, in federal grant funds, including Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grants (ESG) from the United States Department of Housing and Urban Development (HUD) for Fiscal Year 2012-2013 (collectively, the "Federal HUD Grant"); and

WHEREAS, the City has proposed a state Community Development Program under Texas Local Government Code Chapter 373 (State Plan) and an annual Action Plan under Part 91, Title 24 of the Code of Federal Regulations (Federal Plan) for FY 2012-2013 that uses the Federal HUD Grant and Local Funding; and

WHEREAS, the City Council has, in accordance with Texas Local Government Code Section 373.006(1), (2) and (3):

1. identified in its Fiscal Years 2009-2014 Consolidated Plan, adopted on July 23, 2009, areas of the municipality in which predominantly low- and moderate-income persons reside, or that are blighted or slum areas; and
2. established in its Fiscal Years 2009-2014 Consolidated Plan, adopted on July 23, 2009, community development program areas in which community development activities, building rehabilitation, or the acquisition of privately owned buildings or land are proposed; and

3. adopted by Resolution No. 960328-31 on March 28, 1996, amended by Resolution No. 000113-29 on January 13, 2000, amended by Resolution No. 040129-8 on January 29, 2004, and amended by Resolution No. 20111215-089 on December 15, 2011, a Citizen Participation Plan (CPP) under which residents may publicly comment on proposed state community development programs (State Plan) and the annual Action Plan (Federal Plan); and

WHEREAS, the City Council, on April 5, 2012 and June 12, 2012, conducted public hearings in accordance with Texas Local Government Code Section 373.006(4) and Part 91, Title 24 of the Code of Federal Regulations to obtain public comment on the proposed State Plan and Federal Plan; and

WHEREAS, the Community Development Commission, on March 27, 2012 and June 14, 2012, conducted public hearings in accordance with Texas Local Government Code Section 373.006(4) and Part 91, Title 24 of the Code of Federal Regulations to obtain public comment on the proposed State Plan and Federal Plan; and

WHEREAS, the City made the proposed State Plan and Federal Plan available for 30-day public comment beginning on June 1, 2012; and

WHEREAS, the Community Development Commission on July 10, 2012, made its final recommendation on the proposed State Plan and Federal Plan; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The proposed State Plan and proposed Federal plan, as incorporated into the Draft Fiscal Year 2012-2013 Action Plan attached hereto as Exhibit A, as amended by Exhibit B (Change Log) and Exhibit C (Funding Table) are approved in accordance with Texas Local Government Code Section 373.006(5); and

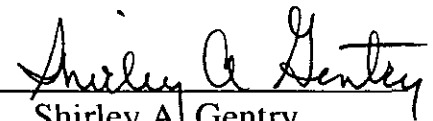
BE IT FURTHER RESOLVED:

The City Council authorizes the City Manager to submit applications, a final statement of community development objectives and projected use of funds, and any required certifications, and to negotiate with HUD for the Federal HUD Grant before August 15, 2012; and

The City Manager is further authorized to prepare, execute, attest and deliver all documents necessary to carry out the purposes of this Resolution.

ADOPTED: August 2, 2012

ATTEST:


Shirley A. Gentry
City Clerk

Action Plan for 2012-2013

City of Austin Fiscal Year 2012-13 Action Plan

Providing Opportunities, Changing Lives



Homeless /
Special Needs
Assistance

Renter
Assistance

Homebuyer
Assistance

Homeowner
Assistance

Housing
Developer
Assistance

Commercial
Revitalization

Small Business
Assistance



Neighborhood Housing and
Community Development Office

City of Austin, Texas

Fiscal Year 2012-13 Annual Action Plan

For Consolidated Plan Years
October 1, 2009 through September 30, 2014



Prepared by:
City of Austin
Neighborhood Housing and Community Development Office
PO Box 1088, Austin, TX 78767
512-974-3100
www.cityofaustin.org/housing

The font that you see throughout this document is "Spranq Eco-Font", a font type that is especially designed to save ink when printing. The City of Austin is committed to using as many sustainable and green practices as possible in an effort to responsibly conserve natural and financial resources.

Austin City Council

Lee Leffingwell
Mayor

Mike Martinez, Place 2
Mayor Pro Tem

Council Members

Chris Riley, *Place 1*
Kathie Tovo, *Place 3*
Laura Morrison, *Place 4*
Bill Spelman, *Place 5*
Sheryl Cole, *Place 6*

Marc A. Ott
City Manager

City of Austin Fiscal Year 2012-13 Action Plan

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require 15 members including representatives from geographic target areas: Colony Park, Dove Springs, East Austin, Montopolis, Rosewood-Zaragosa/Blackland, St. Johns, and South Austin. For more information on CDC's mission, visit www.austintexas.gov/boards.

Urban Renewal Board

The Urban Renewal Board (URB) oversees the Urban Renewal Agency's functions and is comprised of seven members appointed by the Mayor, with consent of the Austin City Council. The Urban Renewal Board also oversees the implementation and compliance of approved Urban Renewal Plans that are adopted by the Austin City Council. An Urban Renewal Plan's primary purpose is to eliminate slum and blighting influence within a designated area of the City.

The City Council adopted Resolution No. 971119-34 on November 19, 1997, declaring the East 11th and 12th Streets Revitalization Area to be a slum and blighted area and designated this area appropriate for an urban renewal project. Subsequently, the Austin City Council approved an Urban Renewal Plan. The City of Austin and the Urban Renewal Agency, in the shared interest of completing the Urban Renewal Project, have entered into an agreement which identifies each party's roles and responsibilities for the completion of the revitalization for these two corridors.

Reports and Publications

Public documents are available on the NHCD website at: www.austintexas.gov/housing and at the NHCD office: 1000 E. 11th Street, Austin, TX, 78702, Second Floor.

The plan addresses blighted structures

City of Austin Fiscal Year 2012-13 Action Plan

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Public Input was sought for the Action Plan as well as the full Consolidated Plan

FY 2012-13 ACTION PLAN PUBLIC INPUT PROCESS

The Action Plan is a one-year strategic plan that outlines the community's needs, priorities, local and federal resources, and proposed activities for the upcoming fiscal year. The City's FY 2012-13 Action Plan must show progress towards meeting the established goals in the FY 2009-14 Consolidated Plan. Participating jurisdictions (PJs) that receive entitlement grants must develop a Citizen Participation Plan (CPP). The CPP describes efforts that will be undertaken to encourage citizens to participate in the development of its federal reports: 5-Year Consolidated Plan, annual Action Plan, and the Consolidated Annual Performance and Evaluation Report (CAPER).

The City of Austin's CPP requires that the City conduct two public hearings during the community needs assessment period. There is a 30-day public comment period on the draft Action Plan – the City will provide the draft report electronically online and will provide hardcopies at ten community centers. During the 30-day public comment period, there are two additional public hearings on the draft Action Plan. The public hearings are held before the Community Development Commission (CDC) and before the Austin City Council.

Community Needs Assessment Period (March 19 - April 27, 2012)

In developing the annual Action Plan, community feedback is instrumental in setting priorities for the use of funds. The FY 2012-13 Action Plan community engagement process was especially important because of further reductions in federal funding. NHCD worked closely with the City's Corporate Public Information Office (CPIO) to develop an extensive community engagement and outreach strategy with the intent to increase awareness of the community needs assessment period, gain interest and increase public participation. The collaborative efforts of NHCD and CPIO resulted in the development of a FY 2012-13 Action Plan web site, an online survey, and the design and implementation of various marketing and promotional materials highlighting ways to participate in the community needs assessment.

The community needs assessment provided a variety of channels for the community to participate. To view the needs assessment, "6 Ways to Take Action" flyer, visit page 1-13.

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Draft Comment Period (June 1 – July 1, 2012)

The 30-day Draft Comment Period allowed the public an opportunity to provide specific feedback on the recommended priorities and activities outlined in the FY 2012-13 Draft Action Plan. The City of Austin received 13 comments and written testimony from the public regarding the draft Action Plan. This includes public testimony before the Community Development Commission (CDC) and the Austin City Council.

Draft Comment Period Public Hearings

- June 12, 2012: Community Development Commission (CDC)
- June 14, 2012: Austin City Council

To view the public input received along with NHCD's analysis, visit Appendix I.

Action by the Community Development Commission (CDC) (July 10, 2012)

The CDC at their July 10th regularly scheduled meeting voted to approve recommending the Draft FY 2012-13 Action Plan with the following motions:

- Recommends that the Austin City Council increase Sustainability Funds (SF) for administrative and operational expenses required for NHCD in FY 2012-13, so that Housing Trust Funds (HTF) are directed to housing programs.
- Recommends that City Council approve \$1 million in funding for the Housing Trust Fund (HTF) and designate a portion of that funding for home repair programs and for current program level funding of the Tenant-Based Rental Assistance (TBRA) Program.

Action by the Austin City Council on the final FY 2011-12 Action Plan (August 2, 2012)

The final FY 2012-13 Action Plan was approved by the Austin City Council on August 2, 2012.

FY 2012-13 Action Plan Public Notification

The City's outreach efforts targeted the general public as well as areas of low-income families and racial/minority concentration. All announcements were published in English and Spanish. In addition, to further outreach efforts and target special populations, NHCD staff highlighted the annual Action Plan process before City of Austin Boards & Commissions and external agencies with missions serve special populations.

The City notified the public about the Community Conversation, public hearings, and "6 Ways to Take Action," through the City's Austin Energy PowerPlus Newsletter, utility bill insert, which was mailed to approximately 410,000 Austin residents and published in English and Spanish. This insert to residential utility bills is a targeted and direct mail piece that serves to connect with a significant number of Austin renters and homeowners throughout Austin. To view the PowerPlus Newsletter, visit Appendix I.

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COMMUNITY NEEDS ASSESSMENT

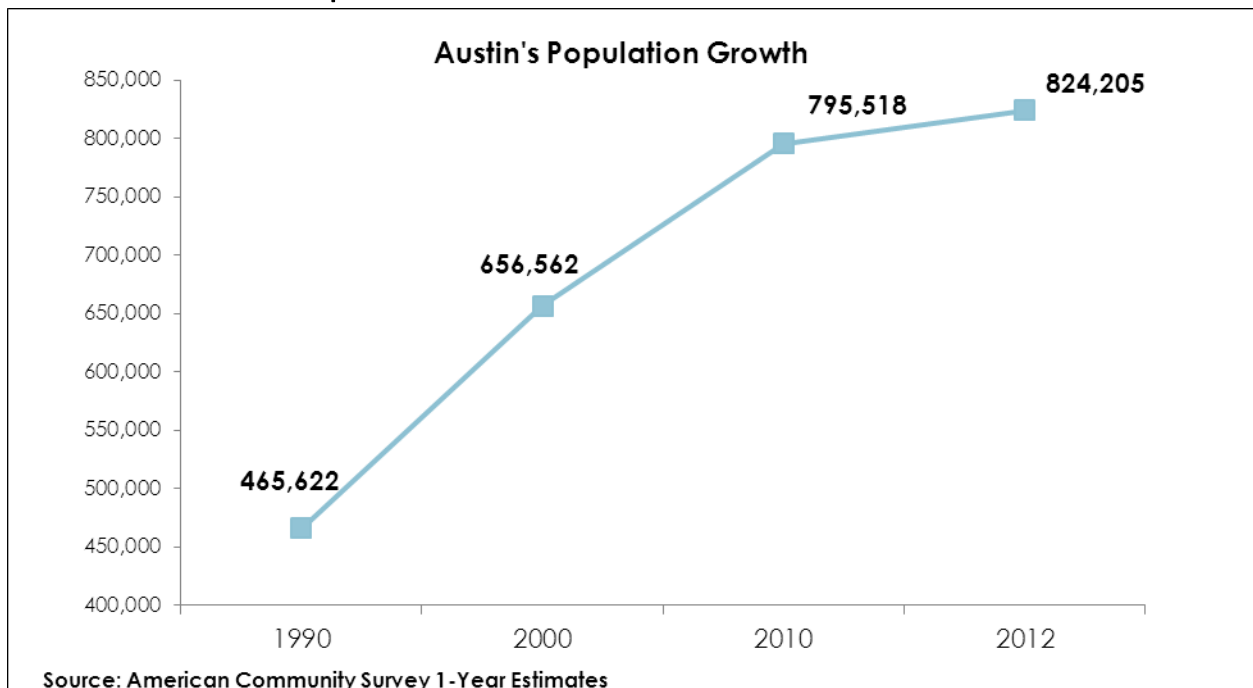
Data Profile Update

Austin's Citizen Participation Plan directs NHCD staff to gather community input and statistical data to prepare the draft Action Plan. With the release of Census 2010 data as well as 5-year estimates for the American Community Survey (2005-09), the following data profile is provided as an update to statistics included in the market analysis section of the FY 2009-14 Consolidated Plan.

Population

Since 1990 the City of Austin's population has continued to grow at a steady and rapid pace. In 1990 Austin's population was 465,622. As of 2012 it is estimated that 824,205 people now reside in Austin.¹ Population forecasts show Austin topping one million residents by 2025.² Exhibit 1.8 displays data provided by the City's Planning and Development Review Department which presents Austin's rapid and consistent population growth.

Exhibit 1.8 Austin's Population Growth



¹ City of Austin Planning and Development Review Department. Demographics: [Population & Land Area Summary, 2012](http://austintexas.gov/demographics) URL: <http://austintexas.gov/demographics>.

² Robinson, Ryan, City of Austin Planning and Development Review Department. [Austin Area Population Histories and Forecasts](#). (Austin, TX)

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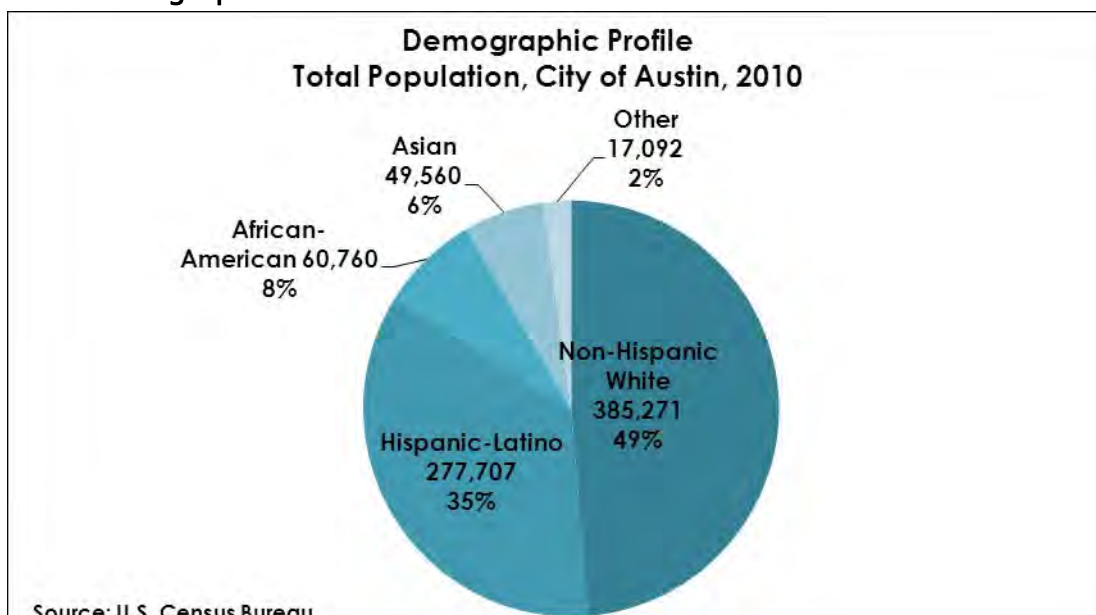
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Demographics

The City of Austin has reached a unique threshold in terms of racial composition, by becoming a “majority-minority” city. This means that in Austin, no ethnic or demographic group exists as a majority.³ The Anglo (non-Hispanic white) share represents just fewer than 49 percent of the population in 2010. The Hispanic (Latino) share has steadily increased since 1990 to 35 percent of the population in 2010. The Asian community has also grown considerably in the last ten years. In 1990, the Asian community represented about 3.3 percent of the population - in 2010 this share has grown to just over 6 percent of the population. African Americans comprised about 10 percent of Austin’s population in 1990. In 2010, the African American percentage has dropped to just under eight percent and is expected to continue to decrease as the city continues to increase in population.⁴ African Americans as well as other demographic groups have migrated to surrounding areas outside the city limits - the suburbs and neighboring communities. The geographical dispersion of affordable housing has also moved into the suburbs as the Austin housing market has become more expensive. This also accounts for the migration of residents to the suburbs.

Exhibit 1.9 provides a snapshot of Austin’s demographic profile. Exhibit 1.10 is a map that reflects the racial and ethnic breakdown along with identifying low- and moderate-income households for all census tracts, totally or partially within the Austin city limits.

Exhibit 1.9: Demographic Profile



³ Robinson, Ryan, City of Austin Planning and Development Review Department. The Top Ten Big Demographic Trends in Austin, Texas. (Austin, TX)

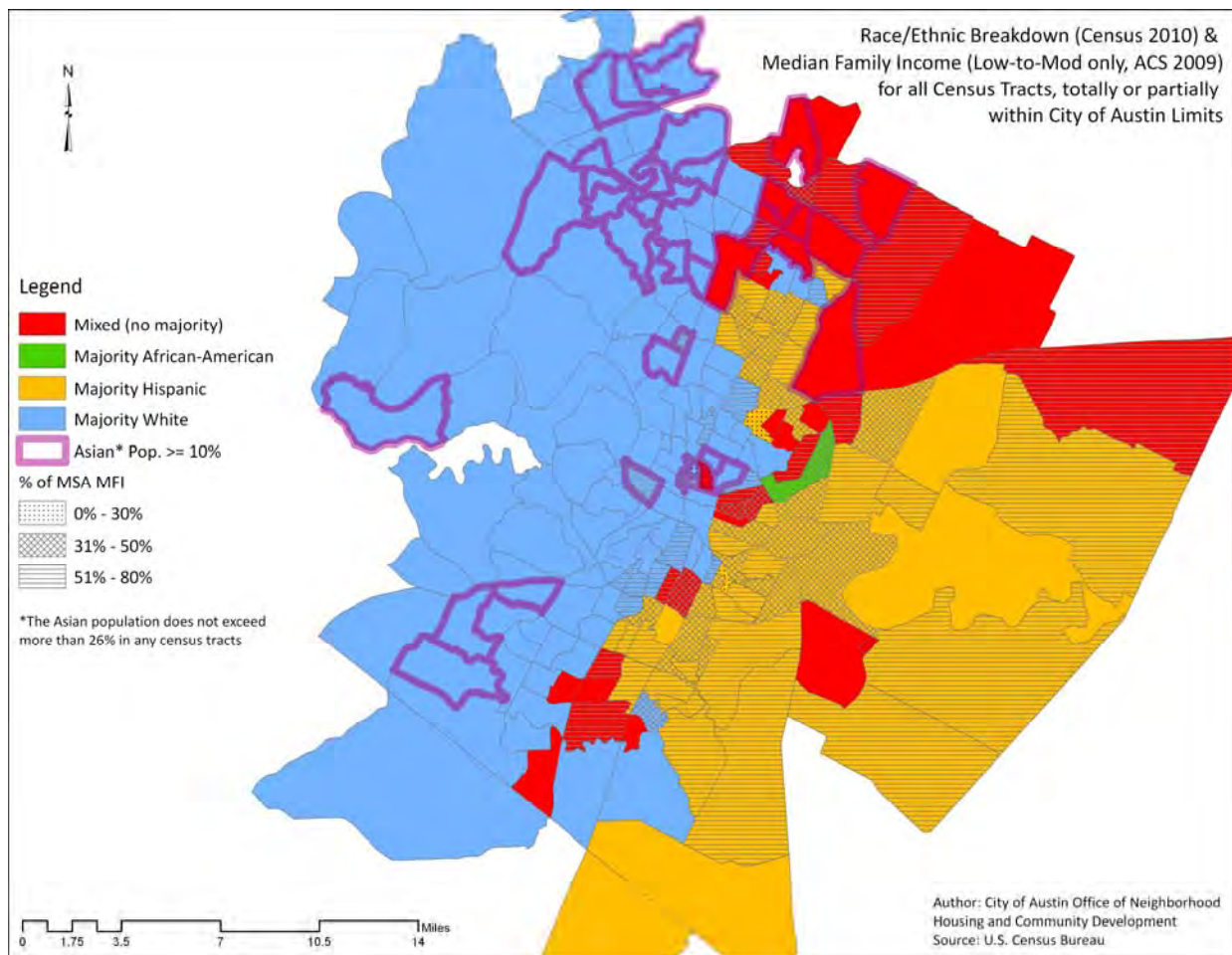
⁴ U.S. Census Bureau, American Community Survey 5-Year Estimates, 2009 URL: <http://www.census.gov/acs/www/>

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In addition, the Neighborhood Housing and Community Development (NHCD) Office uses this map to identify the City's Geographic Distribution of CDBG and HOME entitlement grant funding, by mapping proposed projects and funding sources. These maps also display the African American, Hispanic and Asian representations for the City, and Median Family Income (MFI). To view the City's Geographic Distribution maps, visit Appendix II.

Exhibit 1.10: Racial, Ethnic and Low- to Moderate Income Concentration by Census Tract



Household Types

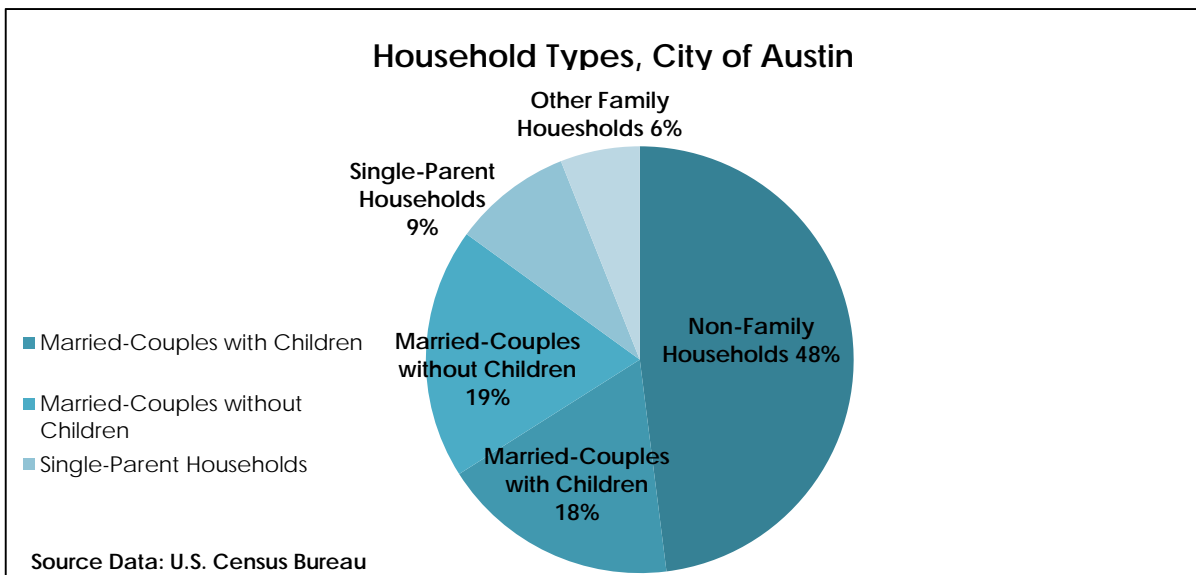
According to the 2010 Census, approximately 48 percent of Austin households are considered non-family households. These are persons living together that are un-related - for instance, they may be un-related roommates or other households who reside together but are not related by blood or marriage. Austin's large student population feeds into the non-family household share. The remaining 52 percent of Austin's households are comprised of: married couples with children (18 percent);

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married couples without children (19 percent); single parents (nine percent) and; six percent are categorized as other family households.⁵

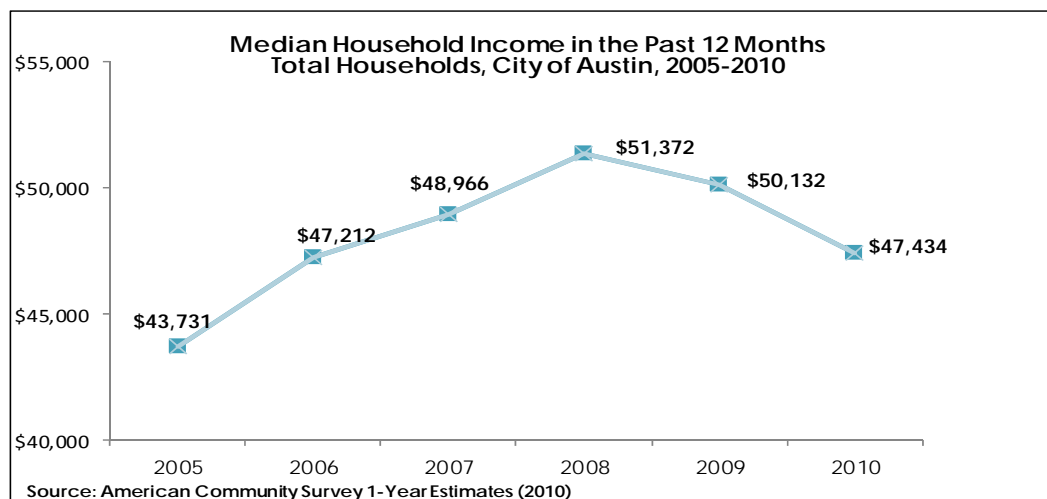
Exhibit 1.11: Household Type



Median Household Income

The median household income increased between 2005 through 2008. The reported 2010 median household income has fallen 8 percent from the 2008 level. This decrease is consistent with the decrease in median household income for Travis County, Texas and the United States. Exhibit 1.12 reflects the increase in income and the shift after 2008.

Exhibit 1.12: Median Household Income



⁵ U.S. Census Bureau, American Community Survey 5-Year Estimates, 2009 URL: <http://www.census.gov/acs/www/>

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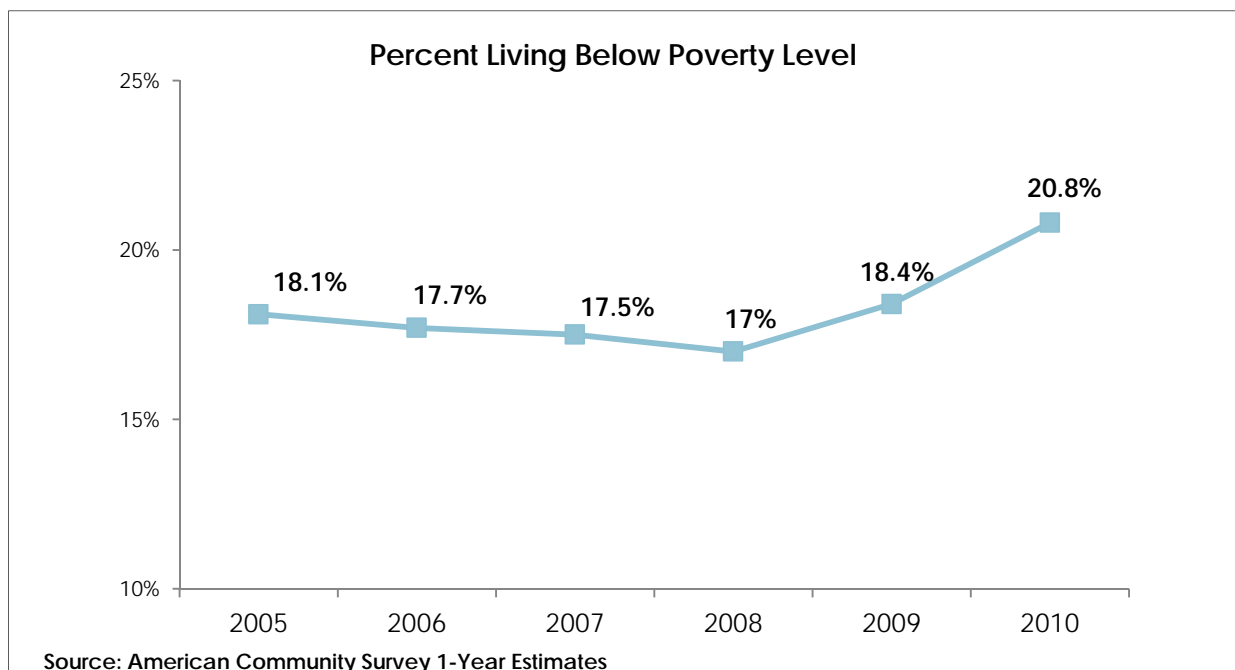
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Poverty

Poverty levels have also increased in Austin. In 1990, the poverty level was slightly below 18 percent. In 2000, the rate dropped to just above 14 percent; however, by 2010, the rate climbed to just over 20 percent. Some groups are disproportionately represented in poverty, especially in the areas of race and ethnicity, age, and education. The Community Action Network (CAN) has found that 27 percent of all Hispanics, 21 percent of all African Americans, 10 percent of all Asians, and 10 percent of all Anglo (non-Hispanic whites) live in poverty in the City of Austin.

Exhibit 1.13 shows the poverty rate in Austin at a plateau between 2005 and 2007. Between 2008 and 2010, there was a 3.8 percent increase in households living below poverty level. Several programs under the City's Homeless/Special Needs Assistance category provide housing assistance and critical services to individuals, their families and households earning less than 200 percent of the Federal Poverty Guidelines.

Exhibit 1.13: Percent Living Below Poverty Level



Housing Gap Analysis

Many local reports build upon data and conclusions released in the City's Comprehensive Housing Market Study (2009), particularly the housing gap analysis completed as a component of the study. Exhibit 1.14 below outlines the estimated housing gap by income level and housing continuum category. Exhibits 1.15 and 1.16 outline the projected housing production necessary to serve future projected growth for the estimated gaps in rental and homeownership products. This analysis was published in the FY 2011-12 Action Plan. The statistical data continues to serve as a basis in identifying and addressing community needs for FY 2012-13. NHCD used this data

The adopted plan specifically addresses how the provision of affordable rental housing fits into the plan and is a necessary component

along with feedback received during the community needs assessment period to develop long-term goals and strategies outlined in this plan.

Exhibit 1.14: Austin Housing Gap Analysis

Housing Type	Income Level Served	Number of Occupants	Number of Units	Estimated Housing Gap ⁶	Notes
Rental Housing	0-30% MFI	48,287	9,375	39,912 units	Supportive housing units are included as a portion of the total estimated housing need for rental housing units serving households at or below 30% MFI. For more information on needs for specific types of supportive housing, see Exhibit 8 below.
Rental Housing	31-50% MFI	37,140	88,392	N/A	While there is no estimated housing gap at this income level, households at this income level are likely to experience difficulty finding adequate rental housing due to the demand placed upon the market renters in other income categories (primarily <30% MFI).
Rental Housing	51-80% MFI	35,543	68,956	N/A	While there is no estimated housing gap at this income level, households at this income level are likely to experience difficulty finding adequate rental housing due to the demand placed upon the market renters in other categories (primarily >80% MFI)
Rental Housing	81-120% MFI	26,788	11,840	14,948 units	
Rental Housing	>120% MFI	17,893	1,443	16,450 units	
Home-ownership	0 - 50% MFI	24,590	9,568	15,022 homes	
Home-ownership	51-80% MFI	21,872	30,877	N/A	No estimated housing gap at this income level.
Home-ownership	81-120% MFI	27,319	40,212	N/A	No estimated housing gap at this income level.
Home-ownership	>120% MFI	67,628	65,551	2,077 homes	
Home Repair	<50% MFI	N/A	N/A	13,286 homes	Imputed figure based on the analysis conducted in the <i>Housing Repair Needs Assessment (2011)</i> report.

Sources: Austin Comprehensive Housing Market Study (2009), Housing Repair Needs Assessment (2011).

Exhibit 1.15: Estimated Production to Meet Forecasted Demand for Extremely Low-Income Renters (Units Renting at \$425 and Less)

	Units per year	Total units needed by 2020
Units to meet forecasted demand ⁷	1,045	12,540
Units to meet forecasted demand + achieve 10% reduction in gap ⁸	1,370	16,440

Source: Comprehensive Housing Market Study (2009).

⁶ Based on gap analysis conducted in the Comprehensive Housing Market Study (2009). The gap analysis was conducted by comparing the number of renters/homeowners from the American Community Survey data (2007/3-year estimates) with the number of available renter or homeownership units available at a price that does not exceed 30% of the individual's imputed income. Because the number of extremely low income persons at or below 30% MFI vastly exceeds the number of rental units available to that population, it is reasonable to expect that a majority of those renters are indeed renting but are spending an amount greater than 30% of their income for housing. In other words, low-income renters who are cost-burdened are competing with other households in higher income brackets for available rental housing, increasing demand on the overall rental housing market. A portion of the individuals in the extremely low-income category may also be homeless, precariously housed, or living in substandard housing.

⁷ Assumptions for this estimate include twelve years of City growth projections (2008-2020) and no change in the homeownership rate.

⁸ Ibid.

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Exhibit 1.16: Estimated Production to Meet Forecasted Demand for Homeownership at Affordable Levels

	Units per year	Total units needed by 2020
8% at \$113,000 and less (likely small condos)	264	3,200
13% at \$113,000 - \$160,500 (mix of condos and townhomes)	428	5,200
21% at \$160,500 - \$240,400 (range of housing options)	692	8,400

Source: Comprehensive Housing Market Study (2009).

City of Austin Fiscal Year 2012-13 Action Plan

Chapter 1: Executive Summary

PROPOSED NEW FEDERAL ENTITLEMENT GRANT FUNDING

In FY 2011-12, the City of Austin received \$12.3 million from HUD through four entitlement grants. Austin’s preliminary allocation for FY 2012-13 is \$10.8 million, a 12 percent decrease from FY 2011-12. The four entitlement grants provided through HUD are determined by statutory formulas: Community Development Block Grant (CDBG); HOME Investment Partnerships Program (HOME); Emergency Solutions Grant Program (ESG); and Housing Opportunities for Persons with AIDS (HOPWA).

Exhibit 1.18: Proposed New Federal Entitlement Grant Funding

FY 2012-13 PROPOSED NEW FEDERAL ENTITLEMENT GRANT FUNDING	
Federal Entitlement Grants	Amount
Community Development Block Grant (CDBG)	\$6,692,838
HOME Investment Partnership Program (HOME)	\$2,429,177
Emergency Solutions Grant (ESG)	\$595,612
Housing Opportunities for Persons with AIDS Program (HOPWA)	\$1,100,219
Total Federal Funds	\$10,817,846

The plan identifies funding sources

Chapter 3

Federal Objectives

City of Austin Fiscal Year 2012-13 Action Plan

Chapter 3: Federal Objectives

Architectural Barrier Program – Rental/Owner (Accessibility Modifications)

The Architectural Barrier Removal (ABR) Program modifies the homes of seniors and persons with disabilities who have limited income and accessibility needs. These accessibility modifications help persons with disabilities remain in their homes longer and live with a greater degree of independence. All services are free to eligible persons. ABR Program services include: wheel chair ramps, handrails, door widening, buzzing or flashing devices (for people with visual/hearing impairment), accessible door and faucets handles, shower grab bars and shower wands, and accessible showers, toilets and sinks.

The City will access funding through the Texas Department of Housing and Community Affairs (TDHCA) in FY 2012-13, to further its efforts in making accessibility modifications. In August 2011, TDHCA announced the availability of \$4 million in funding from the Housing Trust Fund (HTF) for the Amy Young Barrier Removal Program through the agency's Reservation System. This program provides one-time grants of up to \$20,000 to persons with disabilities qualified as "low income" for home modifications necessary for accessibility and the elimination of hazardous conditions. Program recipients may be homeowners, a tenant/renter or a person with disabilities residing in the household.

Rental Housing Development Assistance (RHDA)/ Permanent Supportive Housing

The Austin City Council passed Resolution No. 20100325-053 on March 25, 2010, directing the City Manager to give priority to federal and local funding to permanent supportive housing (PSH), and to develop a comprehensive strategy for the construction and operation of 350 permanent supportive housing (PSH) units over a four year time period. On September 30, 2010, the City's PSH strategy was presented to City Council. Implementation is underway to achieve the 350-unit goal.

PSH Unit Pipeline

In FY 2011-12, the City Council approved \$7.2 million in General Obligation (G.O.) Bond funding for the creation and retention of affordable rental housing, of which \$1.475 million was recommended to fund permanent supportive housing. Of those proposed, the following applicants have identified serving PSH sub-populations in the City's Strategy.

- Green Doors, Pecan Springs Commons, Phase II, 11 PSH Units
- Green Doors, Pecan Springs Commons, Phase III, 12 PSH units
- Lifeworks, The Works at Pleasant Valley, 10 PSH units

East 11th and 12th Streets Revitalization

The East 11th and 12th Streets Revitalization Program focuses on redeveloping an area previously impacted by slum and blight to a sustained, improved and culturally rich area. The City of Austin and the Urban Renewal Agency have entered into a

City of Austin Fiscal Year 2012-13 Action Plan

Chapter 3: Federal Objectives

the City Council and the community are informed on an amendment's potential impact on housing affordability. To date, the City of Austin has issued more than 150 Affordability Impact Statements (AIS).

Geographic Dispersion

The City supports providing affordable housing in areas outside of low-income neighborhoods; thereby reducing racial and ethnic segregation, deconcentrating poverty, and providing for more economic opportunities for low-income households. NHCD currently provides funding preference through a scoring matrix system to projects that assist in the dispersion of affordable housing stock throughout the community, to focus on areas in Austin where there is a shortage of affordable housing.

As a result of this focus, NHCD has achieved greater geographic dispersion in the units it has funded in recent years. The City of Austin has achieved significant geographic dispersion in the units funded through the City's General Obligation (G.O.) Bond funding. At the time of this report, 2,431 total units have been created. This total also includes home rehabilitation. Out of the 2,431 units, 890 are located east of Interstate Highway (IH) 35 and 857 are located west of IH-35 – this does not include home rehabilitation units. The G.O. Bond funding has leveraged \$189 million in private/public investment.

The Austin City Council passed a resolution on December 15, 2011, directing the City Manager to work with the Community Development Commission (CDC) and other stakeholders to research strategies of achieving geographic dispersion of affordable housing. The City Manager was charged with identifying additional strategies and practices for geographic dispersion of affordable housing, and the feasibility of implementing those strategies for the City of Austin. In response to this resolution, NHCD has conducted research of municipal affordable housing siting policies, and has worked closely with the Affordable Housing Siting Policy Working Group, formed by the CDC. The Working Group has assessed feasibility and developed a preliminary Affordable Housing Siting Policy Interim Update. To view the Affordable Housing Siting Policy Interim Update, view Appendix XIV.

FY 2012-13 projects are outlined in the NHCD Projects by Neighborhood Planning Area section, visit page 3-30.

City of Austin Fiscal Year 2012-13 Action Plan

Chapter 3: Federal Objectives

agreements noting affordable housing goals.

coordination with other entities

Home Repair and Other Initiatives

- Coordination with Austin Energy (AE) to administer the Holly Good Neighbor Program,
- Coordination with Austin Water Utility (AWU) to administer the private lateral Program,
- Collaboration with Code Compliance utilizing a referral system to identify and address homes needing substantial and costly repairs, and
- Coordination with Austin/Travis County Health and Human Services Department (HHS), Ending Community Homelessness Coalition (ECHO) and other key agencies for the Permanent Supportive Housing (PSH) strategy.

Additional Coordination

NHCD will continue to work closely with the following organizations to overcome gaps and enhance coordination efforts: African American Resource Advisory Commission (AARAC), Community Development Commission (CDC), Community Action Network (CAN), Community Housing Development Organizations (CHDOs), Ending Community Homelessness Coalition (ECHO), Housing Authority of the City of Austin (HACA), Housing Authority of Travis County (HATC), HousingWorks, the Urban Renewal Agency as well as other key stakeholders and organizations. NHCD will also remain engaged with housing finance agencies, the National Association of Local Housing Finance Agencies (NALHFA) and the Texas Association of Local Housing Finance Agency (TAHLFA), to connect with other agencies whose missions address critical housing needs.

In FY 2012-13, NHCD will continue to participate in the Opportunity Mapping: 2012-13 Steering Committee, which is comprised of representatives from Ohio State University's Kirwan Institute, City of Austin, Travis County, and local and regional planning agencies to determine key indicators the Kirwan Institute will utilize to update the current regional Opportunity Map. Opportunity mapping is a research tool used to understand the dynamics of "opportunity" within geographic areas. The purpose of opportunity mapping is to illustrate where opportunity-rich communities exist (and assess who has access to these communities) and to focus on areas of need in underserved or opportunity-poor communities. Key indicators include: areas with sustainable employment, high performing schools, access to high-quality healthcare, adequate transportation, quality child care, safe neighborhoods, and institutions that facilitate civic and political engagement. As NHCD moves forward in implementing a geographic dispersion/siting policy ensuring affordable housing in all parts of Austin, staff anticipates utilizing the Kirwan Opportunity Map to further the City's housing and community development goals.

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Federal Guideline - Describe Other Actions in Strategic or Action Plan Taken to: Improve public housing and resident initiatives.

The City of Austin boundaries are served by two Public Housing Authorities (PHAs), the Housing Authority of the City of Austin (HACA) and the Housing Authority of Travis County (HATC). The agencies are not departments of the City or County, respectively, but work independently of the City of Austin and Travis County. Both HACA and HATC share updates on agency progress through regular contacts and meetings with City staff.

Housing Authority of the City of Austin (HACA)

Created in 1937, the Housing Authority of the City of Austin (HACA) is a major provider of affordable housing for low-income families, disabled persons and seniors in the Austin area. HACA owns, operates and maintains 1,929 public housing units at 19 properties throughout Austin and administers more than 5,725 Housing Choice Vouchers through its regular voucher (5,253), Tenant Protection Voucher (3), Veterans Affairs Supportive Housing (270), Family Unification (85), Non-Elderly with Disabilities (36), Mainstream (59) and Hurricane Ike – Conversion programs. HACA's Housing Choice Voucher department also administers three additional special voucher programs for homeless individuals and families. The Tenant Based Rental Assistance (TBRA), Single Room Occupancy (SRO) and Shelter Plus Care programs serve approximately 220 homeless individuals and families with disabilities with housing and supportive services. HACA continually seeks opportunities to participate in specialized voucher programs through the U.S. Department of Housing and Urban Development.

HACA continues to be successful in moving families toward self-sufficiency with 80 families who have become homeowners through its down payment assistance program. The program provides qualified families participating in the Public Housing or Housing Choice Voucher programs with a \$10,000 forgivable loan to be applied towards the down payment on a new or existing home. If the applicant meets all program criteria for the first five years, then the loan is forgiven. Through its subsidiary, Austin Affordable Housing Corporation (AAHC), HACA's Six Star program provides another alternative for those who are ready to move out of public housing, but have not met all the qualifications to purchase a home. The Six-Star program allows residents to reside at one of AAHC's apartment homes at a rate lower than the fair market rental rate. The rent amount increases slightly over the course of the three year program, until the fair market rent is reached. The Six Star program allows participants to continue to learn financial management and work toward goals that will support sustainable economic and housing self-sufficiency.

HACA implements two programs designed to assist residents in achieving self-sufficiency. The Public Housing and Housing Choice Voucher Family Self-Sufficiency

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(FSS) programs provide service coordination to residents and maintain and grow community partnerships that link individuals and families to necessary supports. Services that are coordinated include: life skills training; adult basic education and literacy services; workforce development/job training; job counseling and placement; financial literacy; housing counseling and homeownership preparation; parenting classes; health and wellness classes; youth educational success programs; childcare; transportation; and connection to public benefit programs that temporarily help families as they move toward self-sufficiency. Similar to an Individual Development Account (IDA), residents in the FSS program maintain an escrow account that accrues when the resident has an increase in earned income. At the end of the FSS participants' five-year contract of participation, the funds are disbursed and can be used toward education, homeownership, debt repayment or other approved items supporting self-sufficiency goals. HACA's Public Housing Resident Opportunity and Self-Sufficiency (ROSS) program is a stepping stone for the FSS program that provides connection to similar services and allows participants to complete individual goals through modules that build upon one another. Modules include: Adult Basic Education, GED Attainment, Employment, Post-Secondary Education, Financial Management, Parent Leadership, Homeownership and Youth Leadership. The ROSS program also coordinates Youth Educational Success services for school aged children. The FSS and ROSS programs allow participants to design individual training and service plans that meet their unique needs.

Planning Activities

HACA continuously seeks HUD grants and other grants to support social service programming and capital improvements and to grow the range of services it can offer to residents. In June of 2011, HACA was awarded a \$1.75 million Capital Fund Education and Training Community Facilities grant to begin building a new community building at its Meadowbrook property.

The facility will offer adult education, job training and youth development programs. Designed primarily for HACA's public housing residents, the facility will also be utilized by residents in the surrounding community. In May 2012, HACA partnered with the City of Austin to submit a Choice Neighborhoods Initiative Planning Grant application to HUD. The Austin Housing Finance Corporation (AHFC) supported the application as a co-applicant. Camiros Ltd. was selected by HACA as the planning coordinator in the event the funding is awarded. The purpose of the Choice Neighborhoods Initiative Planning Grant is to create a plan to transform public and/or assisted housing into mixed-income, mixed-use and mixed-finance housing while completing a parallel neighborhood transformation plan which determines a plan for investments in neighborhood assets including early childhood education, education, workforce development and employment, transportation, parks and social services. The planning grant application focused on the Rosewood Courts

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public housing property and the surrounding Rosewood neighborhood. Grant award announcements are anticipated in fall 2012.

Housing Authority of Travis County (HATC)

The Housing Authority of Travis County (HATC) was created in 1975 as an administrator of two HUD housing programs, the Housing Choice Voucher Program and Public Housing. HATC administers 8 housing services programs, the largest of which is 566 units of Housing Choice Vouchers, with approximately 800 individuals and families on a waiting list to receive a voucher. HATC receives a Shelter Plus Care grant for 95 units to provide assistance for homeless individuals and families in the Austin Travis County Metropolitan area, as well as inter-local agreements with two other counties that allow for services in those areas. HATC owns and manages 105 units of public housing in Austin, 33 units of non-HUD affordable housing for seniors in Manor, and 16 affordable duplex units for families in Del Valle, TX. An affiliate of HATC, the Strategic Housing Finance Corporation, operates three tax credit/bond financed multifamily affordable housing developments in Austin: two elderly developments providing 278 units and a multi-family development with 192 units. HATC is a partner in the Permanent Supportive Housing (PSH) Leadership Council to assist in developing a financial model for a multi-jurisdictional solution to fund PSH in Austin.

The City of Austin is committed to continuing the support of partnership and efforts that will improve public housing and resident initiatives and will continue coordinating with both HACA and HATC in FY 2012-13 to inform public housing residents of affordable housing programs and opportunities. In addition, NHCD looks forward to consulting with both public housing authorities when planning and preparing for the City's FY 2014-19 Consolidated Plan.

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LEAD

Federal Guideline - Describe Other Actions in Strategic or Action Plan Taken to: Evaluate and reduce lead-based paint hazards.

NHCD received notification in September 2011 that the City of Austin was awarded \$2.5 million through HUD's Lead Hazard Reduction Demonstration Grant. The funding will be used to identify and evaluate 180 homes for the presence of lead based paint hazards in eligible low-income rental and owner-occupied housing for a three-year grant period. The City's Lead Smart Program serves homes built prior to 1978 where children under 6 years of age live or spend a significant amount of time and who have tested positive for lead poisoning. The grant targets funding to communities with the greatest need, specifically to households with a high incidence of lead poisoning and older rental housing. The Lead Hazard Reduction Demonstration Grant for the City of Austin will expire in October 2014.

NHCD will hire a temporary marketing and outreach coordinator to work closely with City of Austin marketing experts and NHCD staff to market programs in an effort to identify eligible clients and increase program participation. The coordinator will be lead in developing and evaluating long-range market planning/strategies to increase awareness of programs and develop department identity. In addition, the coordinator will work with neighborhood associations, community leaders, political action groups, and other interested groups with on-going projects.

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Federal Guideline - Describe Other Actions in Strategic or Action Plan Taken to: Enhance coordination between public and private housing and social services agencies.

Community Action Network (CAN)

CAN is a public/private partnership between 15 major community organizations that work to achieve sustainable social, health, educational, and economic outcomes for Austin and Travis County. CAN supports 12 Issue Area Groups (IAGs) that range from housing, health, and elderly services to workforce development. The Issue Area Groups bring together stakeholders from throughout the community to collaborate with organizations that provide social services. CAN maintains a listserv of more than 2,000 community contacts, which is a key resource for NHCD's outreach efforts to provide information to the public, community non-profits and small businesses.

NHCD will continue to collaborate with CAN and several agencies to move forward in participating in the Housing Stakeholders Group in FY 2012-13. CAN is working with the City of Austin, Travis County, the Travis County Housing Authority, the Housing Authority of the City of Austin and other agencies to explore opportunities to enhance local affordable housing planning efforts and incorporate this planning initiative into the CAN framework. NHCD will begin conversations and planning efforts in FY 2012-13 with the above-mentioned agencies to prepare for the City's FY 2014-19 Consolidated Plan. As NHCD moves forward with planning efforts, staff will work closely with Travis County to align Consolidated Planning timelines and processes.

Ending Community Homelessness Coalition (ECHO)

The Ending Community Homelessness Coalition (ECHO) is charged with providing dynamic proactive leadership that engages policy makers and the community in ending homelessness. ECHO serves as the lead planning entity on homeless issues in Austin/Travis County. As part of this responsibility, ECHO coordinates and completes Austin's Continuum of Care (CoC) application and Community Plan to End Homelessness. ECHO also administers Austin's homeless count and survey, which is a HUD prerequisite for CoC funding. NHCD reviews the CoC application through the Certificate of Consistency process. NHCD and the Austin/Travis County Health and Human Services Department (HHSD) serve as representatives on the Continuum of Care (CoC) Independent Review Team.

Leadership Committee on Supportive Housing Finance

On March 10, 2011, the City Council adopted the City of Austin Permanent Supportive Housing Strategy as a working document and authorized the City Manager to facilitate the Leadership Committee on Supportive Housing Finance with the intent to "work together to review and analyze the report given to Council; and recommend a comprehensive public and private financing strategy for the City Council to consider for action; and provide Council with quarterly updates on their progress beginning in May 2011 (Resolution 20110310-025). The first meeting of the Leadership Committee was held on May 5, 2011, followed by regular meetings

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through 2011 and 2012. The Committee produced a report with funding recommendations and briefed the City Council on May 24, 2012. The report identifies financing strategies and recommendations for the capital, rental subsidies and social services needed to create and sustain 350 PSH units. The Leadership Committee on Supportive Housing Finance includes, but is not to be limited to, designated representatives from: the City of Austin, Ending Community Homelessness Coalition (ECHO), Travis County, Seton Hospital Network, the St. David's Foundation, Central Health, Austin-Travis County Integral Care, the Housing Authority of the City of Austin (HACA), Housing Authority for Travis County (HATC), and the U.S. Department of Veterans Affairs.

Public Housing Authorities (PHA)

Regular contact and collaboration with local PHA officials ensures that the City housing programs are linked to the needs of public housing residents. NHCD contracts with the Housing Authority of the City of Austin (HACA) for tenant-based rental assistance through Passages Program referrals. For more information about local PHAs, visit page 3-21.

Public – Private Partnerships

The City of Austin partners with for-profit and non-profit developers to disperse affordable housing geographically throughout the community and to preserve and create long-term affordability. For more information about projects, visit page 3-30.

Chapter 4

Local Objectives

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LOCAL OBJECTIVES

The City of Austin will continue local policy and program initiatives in FY 2012-13 that will support its mission to provide housing, community development, and small business development services to benefit eligible residents so they have access to livable neighborhoods and increase their opportunities for self-sufficiency. The following are key policy strategies that the City utilizes to meet its mission during the Consolidated Plan period. These include:

1. Promote affordable housing core values: Long-term Affordability, Geographic Dispersion, Deeper Levels of Affordability,
2. Encourage private sector development of affordable housing and commercial revitalization,
3. Expand alternate revenue sources,
4. Provide leadership and education for affordable housing and community development,
5. Promote sustainable practices.

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The following highlights how Austin will apply each policy initiative.

1) PROMOTE AFFORDABLE HOUSING CORE VALUES: LONG-TERM AFFORDABILITY, GEOGRAPHIC DISPERSION, DEEPER LEVELS OF AFFORDABILITY

a) Long-term Affordability

Shared Equity Tools

The City of Austin, through the Neighborhood Housing and Community Development (NHCD) Office and Austin Housing Finance Corporation (AHFC), uses a shared equity ownership model to preserve affordable housing. NHCD and AHFC programs that apply the shared equity model include: the Home Rehabilitation Loan Program and the Acquisition and Development (A&D) program. The Shared Equity model allows income-eligible homebuyers and homeowners to obtain substantial mortgage assistance or housing reconstruction services in exchange for two provisions that preserve housing affordability in Austin:

1. A “Right of First Refusal” allows NHCD or AHFC the first option to buy the home at resale for its appraised value.
2. Homeowners are required to share the proportional amount of appreciation realized at resale with NHCD or AHFC and to repay the down payment assistance funds originally received at purchase.

The recaptured funds will allow NHCD or AHFC to assist another low- to moderate-income buyer to purchase the home.

Community Land Trust

A Community Land Trust (CLT) is a tool to preserve public investment in affordability and preserve affordable units in perpetuity. The CLT will retain ownership of the land, while the homeowner owns the improvements. The CLT limits the sales price of the home and requires that subsequent buyers be income-eligible. CLT homeowners will receive a share of the appreciation when the affordable unit is re-sold. This model provides future opportunities for low- to moderate-income households to buy the home at an affordable price. The City recognizes that homeownership is an important avenue of wealth creation for many low-income households. Without this type of mechanism in areas in which housing prices are increasing rapidly, the subsidy given to low-income households is lost to future residents when the house is sold. In addition, a CLT would allow the City to reach deeper levels of affordability for lower-income homeowners.

Texas Local Government Code, Chapter 373B Community Land Trusts, went into effect on January 1, 2012. This legislation authorizes local governments to designate by ordinance, non-profit organizations as Community Land Trusts. The organization must be a 501(c)(3) non-profit, created to acquire and hold land for the benefit of developing and preserving long-term affordable housing within the municipality. The purpose of this legislation and the designation is to allow the designated non-profit to apply for exemption from taxation by a taxing unit on specific community land trust properties. In response to the new legislation, the Austin City Council passed Resolution No. 20120202-15, directing staff to work with the Community Development Commission (CDC) and the Community Housing Development Organizations (CHDO) and other

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eligible non-profit organizations to implement a process for evaluation and consideration for designation as a CLT.

NHCD staff is working with the City's Law Department on developing criteria for CLT designation and the associated ordinances necessary to implement a process for evaluation and consideration for designation. NHCD will also consider strategic partnerships with local organizations that successfully implement the CLT model in Austin, include the Colony Park Sustainable Communities Initiative.

Publicly-Owned Land/ Public Property Tax Exemption

The Austin Housing Finance Corporation (AHFC), as a tax-exempt public entity, receives a 100 percent tax exemption on all land it owns. AHFC occasionally chooses to partner with an affordable housing developer through purchase of the land and a long-term leasehold deed of trust held by AHFC. The benefit of AHFC's property tax exemption helps sustain the project's viability and affordability. This structure is typically used when the affordable housing development meets several key criteria, among them: location on/near a transit-oriented development or core transit corridor, near critical services and amenities, in a high-opportunity area, and serving very low-income residents. Exhibit 4.1 provides a list of the properties AHFC owns and leases back to the development's operating entity.

Exhibit 4.1: AHFC Long-Term Lease Projects

Name	Operated by	Location	Population Served	Units
Villas on Sixth*	Campbell-Hogue & Associates	2011 East 6 th St.	50 % MFI and below, but also includes 24 market-rate units	160
Oak Springs Villas	Volunteers of America	2901 Oak Springs (former City Surplus)	Seniors at or below 50 % MFI	56
Spring Terrace	Foundation Communities	7101 N. IH-35	50 % MFI and below	140
Primrose at Shadow Creek*	Cascade Affordable Housing	1036 Clayton Lane	Seniors at or below 60 % MFI	176
Glen Oaks Corner	Green Doors	900 Neal St. (former City Surplus)	50 % MFI and below	6
Franklin Gardens	Chestnut Neighborhood Revitalization Corporation	MLK and E. M. Franklin Blvd. (former City Surplus)	Seniors at or below 50 % MFI	22
Retreat at North Bluff	Village on Little Texas, LLC	2912 Crow Ln.	Mixed income development with 6 PSH units, and 50 units for 30 % and 50 % MFI	240

*Owned in part by an AHFC-affiliated entity either through a Limited Partnership or Limited Liability Company.

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Preservation of Affordable Housing

NHCD issued a report, *Affordable Housing in Austin, A Platform for Action* in April 2008 to proactively address the loss of existing affordable housing stock in the community. Other City of Austin studies that have addressed the importance of preserving Austin's affordable housing stock includes the Comprehensive Housing Market Study (March 2009) and the ROMA/HR&A Downtown Affordable Housing Strategy (July 2009). In addition, community feedback provided throughout the FY 2009-14 Consolidated Plan stakeholder meetings identified preservation as a priority for Austin's affordable housing efforts.

The Preservation Report highlights the following key facts and recommendations regarding preservation of affordable housing in Austin:

- *Subsidized units are at risk.*

Austin has almost 1,350 of Project-Based Section 8 Units. In addition, developments financed with federal housing tax credits and elderly/ disabled grants will begin to expire in a decade. Developments financed with federal housing tax credits reach the end of their affordability requirements after 15 years. Therefore, affordability in tax credit developments completed after 1994 will begin to expire, and owners will no longer be required to offer affordable units. The number of units financed with tax credits in Austin is currently more than 8,000.

Recommendation: Develop and share data and strengthen intergovernmental coordination to increase opportunities for preservation in high opportunity areas.

- *Most of Austin's affordable housing is privately-owned and not subsidized.*

Austin has more than 156,000 multi-family housing units; 79 percent (123,678) are in small complexes with 2 to 49 units.

Recommendation: Maximize use of partnerships by promoting existing programs and services to affordable housing targeted for preservation.

- *Most of multi-family stock is old but occupied.*

More than 55 percent of duplexes and 79 percent of small and medium-sized apartment buildings were built before 1980. Of these, 22 percent of apartments are more than 20 years old and have high-occupancy rates.

Recommendation: Explore education and outreach initiatives to help ensure low-income residents have reasonable avenues through education to remain in affordable housing.

- *Redevelopment is underway.*

There was a 30 percent increase in the number of multi-family units built from 1995 through 2007. More than 2,000 rental units were converted to condominiums in 2007 and 2008.

Recommendation: Pursue new strategies to bring forward alternative resources and incentives, expanding efforts to increase long-term, permanent affordability.

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- *Collecting data on housing inventory posed a significant challenge.* Data regarding the condition of Austin's housing units is largely unavailable. In addition, reliable data sources have conflicting unit counts for subsidized properties.

Recommendation: Create a preservation funding pool, making available crucial revenue streams to developers in need of new resources.

NHCD would like to highlight the following preservation development that was approved in the last fiscal year:

Pecan Springs Commons

The non-profit organization, Green Doors, with assistance from Austin Housing Finance Corporation (AHFC), a private lender, and the Texas Veteran's Commission, has been able to preserve 82 affordable units on Sweeney Circle in northeast Austin. This particular development, known as Pecan Springs Commons, has not only preserved affordable rental units but has had a transformative effect on the entire neighborhood. Before Pecan Springs Commons was initiated, the four-plexes and a small apartment complex on Sweeney Circle were owned by absentee landlords. Deferred maintenance left most of the units in sub-standard condition, and the street was infamously known for being a high-crime area.

Since that time, and in three phases, Green Doors has been able to acquire and rehabilitate the 82 units on Sweeney Circle that currently house or will house formerly homeless persons, including homeless veterans, and very low-income working individuals and families. Green Doors is also able to provide supportive services to those needing such assistance. The transformative effect on the street and the surrounding neighborhood has resulted in a significant reduction in crime. Pecan Springs Commons offers its residents a safe, affordable, and supportive environment in which they have an opportunity to improve the quality of their lives, along with attractive residential units created through the rehabilitation of the properties.

NHCD nominated Pecan Springs for National Association of Local Housing Finance Agencies' (NALHFA) 2012 Annual Conference Awards. The development received an award for Multi-Family and Redevelopment Excellence on April 26, 2012.

b) Geographic Dispersion

The City supports providing affordable housing in areas outside of low-income neighborhoods; thereby reducing racial and ethnic segregation, deconcentrating poverty, and providing for more economic opportunities for low-income households. NHCD currently provides funding preference through a scoring matrix system to projects that assist in the dispersion of affordable housing stock throughout the community, to focus on areas in Austin where there is a shortage of affordable housing. As a result of this focus, NHCD has achieved greater geographic dispersion in the units it has funded in recent years. The City of Austin has achieved significant geographic dispersion in the units funded through the City's General Obligation (G.O.) Bond funding. At the time of this report, 2,431 total units have been created. This total also

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includes home rehabilitation. The G.O. Bond funding has leveraged \$177 million in private/public investment and created more than 1,500 jobs.

The Austin City Council passed a resolution on December 15, 2011, directing the City Manager to work with the Community Development Commission (CDC) and other stakeholders to research strategies of achieving geographic dispersion of affordable housing. The City Manager was charged with identifying additional strategies and practices for geographic dispersion of affordable housing, and the feasibility of implementing those strategies for the City of Austin. In response to this resolution, NHCD has conducted research of municipal affordable housing siting policies, formed and participated in an Affordable Housing Siting Policy Working Group. The Working Group has assessed feasibility and developed an Affordable Housing Siting Policy Interim Update based upon feedback gathered at the Affordable Housing Across Austin conversation. To view the Affordable Housing Siting Policy Interim Update, view Appendix XIV.

c) Deeper Levels of Affordability

The Comprehensive Housing Market Study (March 2009) showed a gap of 37,600 units of affordable housing for households making less than \$20,000 a year. To assist in closing that gap the City will continue to prioritize resources to affordable housing projects that serve very-low income households.

Permanent Supportive Housing

On March 25, 2010, the City Council passed Resolution No. 20100325-053, directing the City Manager to give priority to federal and local funding for permanent supportive housing (PSH), and to develop a comprehensive strategy for the construction and operation of 350 permanent supportive housing units over the next four years. On September 30, 2010, the City's PSH strategy was presented to City Council. Implementation is underway to achieve the 350-unit goal.

PSH that meets the goals of the City of Austin's PSH Strategy will serve individuals or families in the following categories:

- Headed by individuals that are chronically homeless as established in the final rule of the HEARTH Act¹ published in December 2011;
- Households that would otherwise meet the HUD definition as above, but have been in an institution for over 90 days, including a jail, prison, substance abuse facility, mental health treatment facility, hospital or other similar facility;
- Unaccompanied youth or families with children that demonstrate housing instability and have other barriers that will likely lead to continued instability, as detailed in the plan; and
- Youth aging-out of state systems, whether homeless or at-risk of homelessness.

² U.S. Department of Housing and Urban Development, URL: <http://www.hudhre.info/hearth/>

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Among those served, priority will be given to at least 225 households identified as frequent users of public systems, and at least 75 households identified using a method linked to 'vulnerability,' as described in the plan that can be viewed online at www.austintexas.gov/housing.

In FY 2011-12, the City Council approved \$7.2 million in General Obligation (G.O.) Bond funding for the creation and retention of affordable rental housing, of which \$1.475 million was recommended to fund permanent supportive housing. Of those proposed, the following applicants have identified serving PSH sub-populations in the City's Strategy.

- Green Doors, Pecan Springs Commons, Phase II, 11 PSH Units,
- Green Doors, Pecan Springs Commons, Phase III, 12 PSH units, and
- Lifeworks, The Works at Pleasant Valley, 10 PSH units.

Exhibit 4.2 represents the estimated number of PSH units towards that 350-unit goal (as of May 2012) with capital, operating and service components funded through the City of Austin and a variety of other funding sources. This exhibit also reflects units not funded by the City of Austin. NHCD and HHSD staff continue to coordinate efforts to educate the community on the number of PSH units coming online in Austin due to the importance of responding to this community housing need. Thus, as community partnerships are formed, the City staff will continue to incorporate this information – while being diligent to identify corresponding agencies and funding sources.

The City of Austin will continue its strategic effort to serve individuals or families in the targeted populations listed above. The City is working with service providers to track the anticipated subpopulations served by each of the projects and will provide updated information to the public on the City's PSH web site and by request. Please visit the web site at www.austintexas.gov/department/permanent-supportive-housing-initiative.

NHCD will continue to prioritize the creation of permanent supportive housing units through scoring criteria in the Rental Housing Development Assistance (RHDA) Program in FY 2012-13. To ensure that recipients of funding for projects with proposed PSH components comply with the City's PSH standards, NHCD will require development and completion of the following items through written agreements with developers receiving RHDA funding for PSH: Tenants' rights policy; reasonable criminal background policy; Qualified referral source(s) for tenants utilizing frequent user or vulnerability index as well as other procedures designed by the City in an effort to promote and increase affordable housing throughout the Austin community.

In addition, NHCD and HHSD will continue to collaborate on a number of ancillary activities to support the implementation of the PSH strategy, including support for the Leadership Committee on Permanent Supportive Housing Finance, training and technical assistance for PSH providers, an evaluation component, and community outreach, engagement and education.

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Exhibit 4.2: Initial Funding Committed

Sponsor Name	Project Name	Total PSH Units	Project Status	Approval Year	Anticipated Completion Year
Front Steps/ Travis County Housing Authority		18	HHS contract	2012	2012
Travis County/ Travis County Housing Authority		23	County awarded grant from Bureau of Justice Assistance	2012	2013
Lifeworks	The Works at Pleasant Valley	10	Initial funding committed	2012	2013
Caritas	2012 Continuum of Care (CoC) Bonus (leased units)	25	Initial funding committed	2012	2013
Green Doors	Pecan Springs Commons, Phase II	11	Initial funding committed	2012	2013
Green Doors	Pecan Springs Commons, Phase III	12	Initial funding committed	2012	2013
Caritas	2011 Continuum of Care (CoC) Bonus (leased units)	20	Leasing Up	2011	2012
Summit Housing Partners	Marshall Apartments	20	Rehab Underway	2011	2012
Foundation Communities	Arbor Terrace	25	Renovations Underway	2010	2012
FrontSteps	2010 Continuum of Care (CoC) Bonus (leased units)	26	Occupied	2010	2011
Green Doors, Inc.	Treaty Oaks	25	Occupied	2010	2012
Green Doors, Inc.	Pecan Springs Commons	17	Occupied	2009	2010
Village on Little Texas, LLC	Retreat at North Bluff	6	Initial funding committed	2009	2011
Total		238			

Leadership Committee on Supportive Housing Finance

On March 10, 2011, the City Council adopted the City of Austin Permanent Supportive Housing Strategy as a working document and authorized the City Manager to facilitate the Leadership Committee on Supportive Housing Finance with the intent to “work together to review and analyze the report given to Council; and recommend a comprehensive public and private financing strategy for the City Council to consider for action; and provide Council with quarterly updates on their progress beginning in May 2011 (Resolution 20110310-025). The first meeting of the Leadership Committee was held on May 5, 2011, followed by regular meetings through 2011 and 2012. The Committee produced a report with funding recommendations and briefed the City Council on May 24, 2012. The report identifies financing strategies and recommendations for the capital, rental subsidies and social services needed to create and sustain 350 PSH units.

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Community Engagement Plan

In January 2011, City Council requested that the City Manager offer an overview of the “best practices from other cities on engaging communities and building support for permanent supportive housing projects.” The resulting presentation, offered to the Comprehensive Planning and Transportation Subcommittee on March 7, 2011, outlined strategies for a Community Engagement Plan to inform and involve stakeholders.

In order to expand on the March presentation, build on the best practices identified in it, and offer detailed action steps and timelines to ensure that the goal of establishing 350 units of PSH by 2014 is realized with strong community support, a team from HHSD, NHCD, CPIO and the Ending Community Homelessness Coalition (ECHO) is now meeting regularly to design and implement a community education campaign to engage and dialogue with the community about supportive housing.

The PSH Community Engagement Plan is a comprehensive strategy developed by City of Austin staff in collaboration with ECHO. The plan lays out the steps that the City and its partners will take to achieve the following goals and objectives:

- educate stakeholders about PSH and increase understanding of its objectives and operations;
- empower key groups to tell the story of PSH;
- increase opportunities for stakeholders to participate in ongoing efforts to achieve the City’s PSH targets and end homelessness; and
- build long-term goodwill and support for PSH in Austin.

The City of Austin, its city-wide and local partners, will achieve these goals and objectives with the following strategies:

- *Key messages:* create, distribute and use key messages so that each messenger can explain PSH to diverse audiences;
- *Educational materials:* create and distribute materials that describe PSH’s important role in ending homelessness in Austin, including a media kit;
- *Proactive Community Outreach:* cultivate and utilize new and existing relationships to build awareness and strengthen support for Austin’s PSH plan, through briefing meetings, discussions with key community leaders, meetings with city and neighborhood groups, and well-defined opportunities for continuing participation in the evaluation and refinement of Austin’s PSH strategy.

Exhibit 4.3 illustrates the image used for the “Roof Over Austin” campaign creating awareness on PSH.

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Exhibit 4.3 Roof Over Austin



Good Neighbor Guidelines

In FY 2010-11, the Austin City Council passed Resolution No. 20110113-040, which found that a broad community dialogue that includes stakeholders from neighborhoods all across Austin is needed to establish successful approaches for integrating low-income housing throughout the city and directed the City Manager to research and report on best practices from other cities on engaging communities and building support for permanent supportive housing projects. In response to this resolution, the City conducted six listening sessions and one public workshop engaging approximately 150 participants in discussions related to notification and community engagement of proposed affordable housing developments with the surrounding neighborhood. Participants in the discussions included neighborhood leaders, current tenants of permanent supportive housing, affordable housing developers, service providers, and members of the business and faith communities.

Participants offered common themes for their desired outcomes in the above conversations, including:

- Transparency of information about the proposed development (whether provided via the developer or the City);
- Consistency with existing neighborhood plans and other city-approved planning documents;
- Effective and predictable communication methods; and
- Respect and good faith participation from all parties.

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In response to this feedback, NHCD created a set of Good Neighbor Guidelines to clarify and standardize a process for notification and community engagement on all projects funded through the City's Rental Housing Development Assistance (RHDA) and Acquisition and Development (A&D) programs. Applicants for these programs are required to prepare and begin implementing a community engagement plan, including neighborhood notification activities. The community engagement plan is needed whether the application is for funding for new construction or renovation of an existing building, regardless of whether there is a change in ownership. The guidelines will be finalized prior to FY 2012-13.

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2) ENCOURAGE PRIVATE SECTOR DEVELOPMENT OF AFFORDABLE HOUSING

a) Developer Incentives

The City of Austin has created several key developer incentive programs to encourage the development of affordable housing and target affordable housing to create denser developments located close to transit and other amenities. There are several programs in place that offer various incentives or entitlements in exchange for community benefits, including affordable housing. They include:

1. *S.M.A.R.T. Housing™*

The City Council adopted the S.M.A.R.T. Housing™ Ordinance in April 2000 to encourage the development of reasonably priced, mixed-income housing units that meet accessibility standards. The S.M.A.R.T. Housing™ Ordinance ensures that new homes are Safe, Mixed-Income, Accessible, Reasonably Priced, and Transit-Oriented and meet the City's Green Building minimum-energy efficiency rating.

The policy stipulates that all S.M.A.R.T. Housing™ certified single-family ownership units meet visitability standards reflected in the City's Visitability Ordinance. All multi-family developments must comply with federal, state and local accessibility standards, and at least 10 percent of the multi-family housing units must be accessible. Developments that meet these and other prerequisites are given expedited review under the City's development process and reductions/exemptions for certain development and construction fees. S.M.A.R.T. Housing™ provides a vehicle to achieve neighborhood support for housing that serves low- and moderate-income residents by requiring applicants to meet with neighborhood organizations prior to filing an application for a zoning change. In 2008, recommendations from the Council-appointed Affordable Housing Incentives Task Force (AHITF), some of which applied to S.M.A.R.T. Housing™, were incorporated into the City of Austin's Land Development Code. The City Council has adopted Land Development Code amendments that allow density bonuses in certain single-family and/or multi-family S.M.A.R.T. Housing™ developments without a zoning change. In addition, downtown developments that request and receive additional zoning entitlements must provide a percentage of affordable housing units or pay a fee-in-lieu to fund affordable housing in or near the downtown area.

2. *Vertical Mixed-Use (VMU)*

The City Council adopted changes to the Commercial Design Standards regarding Vertical Mixed Use in 2007. Developers who want exemptions from certain dimensional and parking standards must provide 10 percent of the units as affordable housing for 40 years for rental and 99 years for ownership.

3. *North Burnet/Gateway*

This low-density neighborhood is being transformed into a high-density bonus neighborhood with incentives, whereby developers can receive a density bonus and must provide 10 percent affordable housing or pay a fee-in-lieu (currently \$6/square foot).

4. *University Neighborhood Overlay (UNO)*

The City Council adopted Ordinance No. 040902-58 on September 2, 2004, establishing the University Neighborhood Overlay (UNO) zoning district, which includes a density

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bonus based on the provision of affordable housing. The ordinance allows for the adoption of an "opt-in" zoning overlay in the West campus area to allow for greater density and development entitlements in exchange for a set-aside of affordable housing units.

UNO requires two tiers of affordability, 10 percent of units for households earning at or below 80 percent of MFI and another 10 percent at or below 65 percent of MFI. The developer has the option to pay a fee-in-lieu of providing the units at or below 65 percent of MFI. In addition, units at or below 80 percent of MFI must be on-site. Should a developer offer 10 percent of the units to households earning at or below 50 percent of MFI, the developer has an option to receive an addition height bonus. This funding source is one of several identified in this annual Action Plan that allows for the creation and retention of affordable housing, specifically in the UNO zoning district.

Since inception, \$1,058,253 has been collected as fees-in-lieu for the UNO program. These funds are available to develop affordable units within UNO boundaries. To date, a total of 117 units have been constructed at 50 percent MFI, 10 units at 65 percent MFI, and 357 units at 80 percent MFI.

- *UNO Fee-in-Lieu Potential Adjustment*
The City Council directed the City Manager in December 2009, through Resolution No. 20091210-044 to work with the Community Development Commission (CDC) and Planning Commission to make recommendations on a potential revision to the calculation of the fee in-lieu and initiate the necessary code amendments. The amendments are scheduled to be heard before the Planning Commission in late June 2012.
- *Stakeholder Process*
As a first step to the potential revision process, there were two stakeholder meetings held in September 2010. These were hosted by NHCD and the City's Planning and Development Review Department (PDR) and focused on possible revisions to the fee-in-lieu within the UNO district, as well as a possible provision for annual adjustment based on current and future market conditions. NHCD staff provided a summary of the public input to both the Community Development Commission (CDC) and the Planning Commission. Both, CDC and Planning Commission requested that the City hire a consultant for an economic analysis of how adjustments to the fee-in-lieu would impact the feasibility and production of the UNO density bonus program before both boards make an official recommendation on revising the fee-in-lieu.

The City contracted with the firm Economic & Planning Systems (EPS) for this economic analysis. EPS worked with key stakeholders and commissioners, and presented the findings and recommendations on the fee-in-lieu to the CDC and Planning Commission, as well as City Council subcommittee members. If it is determined that there will be a revision to the fee-in-lieu, the new fee-in-lieu will be implemented in FY 2011-12.

5. *Transit-Oriented Development (TOD)*

The Transit-Oriented Development (TOD) Ordinance, establishes station areas for the

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Capital Metro commuter rail line. The ordinance set affordable housing goals for new development or redevelopment in the half-mile areas surrounding the commuter rail stations. In late 2008 and early 2009 Council adopted three station area plans that implement the goals set forth in the original ordinance. The overall goal is for 25 percent of all new housing units in the TOD areas to be occupied by households earning at or below 80 percent of MFI for homeownership or at or below 60 percent of MFI for rental. Other sub-goals also apply, including a goal to serve lower-income levels within the Central East Austin Community Preservation and Revitalization Zone (CP&R).

The TOD Ordinance states that for each TOD area, a station area plan will establish specific standards and include a housing affordability analysis and feasibility review that describes the potential strategies for achieving affordable housing goals. The City Council adopted the following three station area plans:

Saltillo Station Area Plan – The Saltillo TOD district is located close to downtown Austin, between Interstate 35 and Chicon Street and along the future commuter rail line. The City anticipates that significant development will occur along this important East Austin corridor. The integration of new developments with the existing neighborhood and other revitalization efforts will be critical to ensuring its ultimate success. The Capital Metro Transportation Authority, the largest landowner in this corridor, will be an important stakeholder in future decisions for this area. Saltillo Station Area’s Neighborhood Planning Areas: Cesar Chavez, Central East Austin, and Holly Neighborhood.

Martin Luther King, Jr. (MLK) Station Area Plan – The MLK TOD district is located adjacent to Martin Luther King, Jr. Boulevard, east of downtown and along the future commuter rail line, in an area where significant reinvestment has occurred in recent years. City analysis shows that due to high land prices and a lack of publicly-owned properties in the area, the affordable housing goals will be challenging to achieve in the MLK TOD. Foundation Communities, a nonprofit affordable housing provider, secured Low Income Housing Tax Credits and substantial local funding to acquire 8.5 acres and build a mixed-income apartment complex within the MLK TOD boundaries, MStation. Located in a transit-rich location, the complex provides a wealth of public transportation options, on-site services, green spaces, affordable utilities, an on-site daycare facility and a learning center. MLK Station Area’s Neighborhood Planning Areas: Chestnut and Rosewood, Upper Boggy Creek, and MLK Neighborhood.

Lamar/Justin Station Area Plan – The Lamar/Justin TOD district is located at the intersection of Justin Lane, Airport Blvd. and North Lamar Blvd. Austin Energy is a landowner of a property at Lamar/Airport that provides a possibility to meet the city’s goals for the station area, including housing affordability. Lamar/Justin Station Area’s Neighborhood Planning Areas: Crestview, Brentwood, and Highland Neighborhoods.

b) Incentive Programs Under Creation

In addition to the developer incentive programs already in place, there are two more that are in the process of being created in the City of Austin. These are the Downtown Density Bonus program and the East Riverside Corridor Density Bonus program.

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1. *Downtown Density Bonus*

The City Council adopted Resolution 20051215-056, directing the City Manager in December 2005 to initiate the process of creating a Downtown Austin Plan. The City's Planning and Development Review Department (PDR) is the lead department for the Downtown Austin Plan. The Downtown Austin Plan is an effort to capture and develop the community vision for Downtown and to create the best implementation strategy for achieving that vision. The City of Austin and its consulting team, led by McCann/Adams Studio, worked with citizens and Downtown stakeholders on a planning process that sets the direction for Downtown Austin for years to come. The Plan establishes action priorities for the next 10 years to ensure Downtown's long-term economic and social vibrancy and sustainability. It recommends more than 100 steps to make Downtown livable, walkable, connected, inclusive, affordable, culturally alive and economically strong - all while preserving its historic districts and authentic Austin character.

As part of the plan, there is a Downtown Density Bonus Program that includes an affordable housing component and allows developers and the community to equitably share the benefits of additional height and density. It is a city priority that Downtown Austin remains affordable for a diverse range of incomes and household types, including low to moderate-income households that make up much of the critical workforce employed Downtown. The Downtown Austin Plan was adopted with amendments by the Austin City Council in December 2011. The following fundamental principals have been established by the Downtown Austin Plan relating to Density Bonus Program.

- 1.) Maintain existing height and density limits as a baseline with some adjustments based on the surrounding context.
- 2.) Establish a Density Bonus Program that:
 - a. Enables developers and the community to equitably share the benefits of additional height and density above the existing regulations.
 - b. Is calibrated to ensure that developers are incentivized to use it.
 - c. Replace the Central Urban Redevelopment (CURE) zoning process, which has been the primary mechanism used in the last 10 years for achieving additional height/density, with a process that can be administered primarily at the administrative/staff level.
 - d. Is recalibrated when market conditions change, or at intervals of approximately five years.
- 3.) Employ additional density incentives to achieve specific community objectives.
- 4.) Establish specific scale-compatibility standards that are tailored to the Downtown context.

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NHCD will continue to assist PDR staff and affordable housing advocates from the community to ensure implementation of the density bonus program in an effort to encourage affordable housing development for low- to moderate-income households.

2. *East Riverside Corridor (ERC) Development Bonus*

East Riverside Drive is a highly traveled corridor located a few minutes from downtown Austin. The corridor presents a significant opportunity for redevelopment into a more sustainable, mixed use, transit-oriented neighborhood that can provide opportunities for a diverse range of Austinites, including low to moderate-income households. Currently, the City has moved into the Regulatory Planning stage of the East Riverside Corridor plan, which includes a Development Bonus program for more dense development in certain locations in the Corridor. Planning and Development Review Department (PDR) staff has worked with consultants, community stakeholders, and NHCD to develop this Development Bonus program. PDR released draft recommendations for the East Riverside Corridor (ERC) Development Bonus program. Local economic research firm Texas Perspectives conducted analysis that concluded that development bonus programs can help fulfill the overall community goal of sustainability and provide specific public benefits only if they are calibrated appropriately for market conditions such that participation in the program results in a decent rate of return for a developer. As part of the analysis for the ERC Development Bonus calibration, PDR consulted with both market rate developers and non-profit affordable housing providers. The analysis indicates that current demand and market rents in the East Riverside Corridor may support the construction of dense buildings under six stories, but are unlikely to support the construction of buildings taller than that in the near-to-mid-term, as the construction costs of taller buildings increase projects' costs above what can be charged in rent. Because of the differing economics for shorter and taller buildings types, PDR recommends that the public benefit requirements be tailored for each type. The public benefit requirements identified in the draft ERC Development Bonus Program were calibrated for current market conditions, but should be re-calibrated when conditions change.

The draft development bonus recommendations are currently under public review. Following the public comment period, PDR will schedule a review of the complete ERC Regulating Plan, including the development bonus program, by relevant Planning Commission's Committees, followed by Planning Commission and the City Council. To view the draft development bonus recommendations, please visit: www.austintexas.gov/eastriverside.

c) **Affordability Impact Statements (AIS)**

Chapter 25-1, Article 15 of the City of Austin's S.M.A.R.T. Housing™ Ordinance requires an Affordability Impact Statement (AIS) on proposed ordinances, rules or processes that could impact housing affordability. As part of the S.M.A.R.T. Housing™ Ordinance, staff prepares an Affordability Impact Statement (AIS) for all proposed city code amendments, ordinances and other proposed changes to identify any potential impacts

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on housing affordability. This analysis ensures that the City Council and the community are informed on an amendment's potential impact on housing affordability. To date, the City of Austin has issued more than 150 Affordability Impact Statements (AIS).

d) Public/Private Partnerships

In FY 2012-13 the City will continue to explore partnerships with private entities to develop affordable housing. Partnerships with private developers can offer multiple public benefits, such as mixed-use, mixed-income developments, and increased density. Such partnerships can allow low-income households to locate near schools, amenities, employment opportunities, and public transportation.

East 11th and 12th Streets Revitalization

The East 11th and 12th Streets Revitalization Program focuses on redeveloping an area previously impacted by slum and blight to a sustained, improved and culturally rich area. The City of Austin and the Urban Renewal Agency have entered into a long-term agreement that identifies the roles and responsibilities of the two parties. This revitalization combines federal, local and private resources to improve the economic well-being and quality of life in the neighborhood. Public and private partnerships with businesses, financial, and non-profit entities are key to spurring quality investment, commercial development, and job creation throughout the East 11th and 12th Street Corridors. The City achieves this revitalization through activities including, but not limited to, land acquisition, demolition of dilapidated structures, relocation of displaced individuals/businesses, preservation of historic structures, redevelopment of abandoned and/or substandard structures, improvement of infrastructure, construction of new mixed-used facilities, and new community parking facilities to assist the businesses in the area.

The City of Austin retained a consultant to define a development strategy for the East 11th and 12th Street Corridors. The consultant worked with the City and area stakeholders to prepare the strategy that responds to the considerable opportunities and challenges facing development within these two corridors. The East 11th and 12th Streets Development Strategy was finalized on March 1, 2012, and provides recommendations on how to advance the redevelopment vision by identifying pathways to its successful implementation in the following main areas: Development Regulations, Infrastructure, Retail, Commercial and Housing Development Opportunities and Disposition of Public Land. The City along with the Urban Renewal Agency are considering the strategy recommendations. NHCD will develop a workplan with advisement by Urban Renewal Board (URB) to address recommendations identified in the strategy.

The City of Austin broke ground on the African American Cultural and Heritage Facility (AACHF) located at 912 East 11th Street, on June 17, 2011. The project includes a restoration of the historic Dedrick-Hamilton House as well as new construction and will serve as the flagship for the newly created African American Cultural Heritage District.

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Robert Mueller Municipal Airport Redevelopment A key public/private partnership for the City has been the Robert Mueller Municipal Airport Redevelopment (RMMA). The RMMA Master Plan was the result of years of planning by the City of Austin, stakeholders, and neighborhood residents. In 1996, a task force representing a broad spectrum of Austin interests defined a vision, as well as a set of redevelopment goals that set the stage for the RMMA master plan. The master plan outlines aggressive affordable housing requirements for the development. 25 percent of all housing units at Mueller, or approximately 1,200 units, will be affordable for residents earning at or below Austin's MFI (80 percent for ownership and 60 percent for rental). In 2004, the City Council, directed Catellus, the master developer, to semi-annually report its progress on the Mueller affordable housing program. Catellus makes semi-annual presentations to the Community Development Commission (CDC). Resolution No. 041202-59 also directs Catellus to report progress of affordable housing development in the City's Consolidated Planning process. Appendix XIII includes these reporting requirements with the inclusion of the Mueller Affordable Housing Plan and the current semi-annual update from May 2012.

City Redevelopment Efforts

The City will explore opportunities to provide and encourage development of affordable housing in other City redevelopment efforts. Initiatives underway include the redevelopment of East 11th and 12th Streets Revitalization, East Riverside Corridor Regulating Plan, and Airport Boulevard, and Green Water Treatment Plant.

Private Developer Agreements The City continues to negotiate the inclusion of affordable housing in developer agreements with market-rate developers. Development agreements have included Gables West Avenue (5 percent, or 13 units, at 80 percent MFI); Robertson Hill Apartments (10 percent, or 29 units, at 80 percent MFI); the Domain (10 percent, or 42 units, at 65 percent MFI); AMLI on 2nd (5 percent, or 12 units, at 80 percent MFI); AMLI on East Riverside (5 percent, or 3 units, at 80 percent MFI), and AMLI on Burnet Road (5 percent, or 9 units, at 80 percent MFI). These units must remain affordable through 2020. These projects have brought affordable housing into developments that would otherwise be unaffordable to low- and moderate-income households.

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3) EXPAND ALTERNATE REVENUE SOURCES

a) General Obligation (G.O.) Bonds: Affordable Housing Program

The City of Austin voters approved a \$55 million bond package for affordable housing in November 2006. These resources have enabled Austin to make great strides in addressing the City's core values: reaching deeper levels of affordability in order to serve lower-income residents; preserving affordability for the long-term; and dispersing affordable housing geographically throughout the City of Austin.

As a result of this focus, NHCD has achieved greater geographic dispersion in the units it has funded in recent years. The City of Austin has achieved significant geographic dispersion in the units funded through the City's General Obligation (G.O.) Bond funding. At the time of this report 2,431 total units have been created. This total also includes home rehabilitation. Out of the 2,431 units, 890 are located east of Interstate Highway (IH) 35 and 857 are located west of IH-35 – this does not include home rehabilitation units. The G.O. Bond funding has leveraged \$189 million in private/public investment. A web site highlighting the committed G.O. Bonds allocated to affordable housing and the community's Return On Investment (ROI) related to its G.O. Bond funds dedicated to the affordable housing program was designed and launched in 2010. The site demonstrates the community return on investment and features award applicant information and development profiles (units created or retained for low-income residents), as well as a description of affordable housing impact, term and depth of affordability, and geographic dispersion of project. Summaries of all G.O. Bond projects can be found at the City's Return on Investment (ROI) Web site: www.austintexas.gov/housing/roi. Exhibit 4.4 provides snapshot of the G.O. Bond balance as well as Austin's return on investment related to rental and ownership opportunities.

Exhibit 4.4: G.O. Bond Snapshot

Rental	Amount	Units	Leverage
Workforce/Family Housing	\$11.2	529	\$85.9
Very Low-Income Persons/Families	\$19.6	733	\$39.5
Persons with Mental Disabilities	\$3.3	61	\$1.2
Senior Housing	\$3.0	108	\$22.9
Children	\$1.9	42	\$1.4
Mobility Disability - ABR Program	\$0.8	70	\$0.0
Subtotal – Rental	\$39.8M	1,543	\$150.9M
Homeownership	Amount	Units	Leverage
(\$5.4M – Repairs; \$8.3M – Buyers)			
Subtotal – Homeownership	\$13.7	888	\$31.5
Subtotal – Affordable Units	\$53.5	2,431	\$189.0
Total – All Units		3,255	
Balance Remaining from \$55M	\$1.5		

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b) Tax Increment Financing

The City considers Tax Increment Financing (TIF) to be an important tool to create new revenue for public benefit, including affordable housing. During the Consolidated Plan period, the City will continue to explore opportunities to use TIFs to increase opportunities for new funding for affordable housing. The Homestead Preservation District (HPD) proposes to utilize TIF funding for the creation and preservation of affordable housing.

c) Housing Trust Fund

The Housing Trust Fund (HTF) is another key source of local funding. The City Council directed \$8.8 million in local funds to the HTF since 2000. The City dedicates to this fund 40 percent of incremental tax revenues derived from developments that are built on city-owned property located in the Desired Development Zone and were not on the Travis Central Appraisal District property tax rolls in June 1997. This policy is anticipated to generate revenues in perpetuity to the HTF. The two projects underway that will potentially support the HTF are the Green Water Treatment Plant redevelopment and Block 21 located in downtown Austin on 2nd Street and Lavaca Street. The estimated HTF for FY 2012-13 is \$609,000.

d) Shared Equity

The City will generate funds from the use of the shared equity model of homeownership. When a low- to moderate-income homebuyer purchases a home from the City using the shared equity model, the homeowner agrees to share with a City a portion of the equity increase of the home at resale and to repay the Down Payment Assistance funds originally received at purchase. The homeowner gets a fair return on its investment, and the funds generated will assist future low- to moderate-income homebuyers. A "Right of First Refusal" allows NHCD the first option to buy the home at resale for the appraised value.

AHFC programs that apply the shared equity model include: Down Payment Assistance Program (DPA), Home Rehabilitation Loan Program (HRLP), and the Acquisition and Development (A&D) Program.

e) Fee-In-Lieu

Several key developer incentive programs in the City of Austin require development of affordable housing in exchange for density and/or height bonuses. These programs can allow for the payment of a fee-in-lieu of the requirement to develop affordable housing on-site.

Current districts/corridors allow for density incentives in S.M.A.R.T. Housing™ developments, Vertical Mixed-Use, Downtown, North Burnet/ Gateway, University Neighborhood Overlay (UNO) District, and Transit-Oriented Developments (TODs). UNO has raised approximately \$1 million in funds for affordable housing development around the University of Texas. While the UNO program has been relatively successful in creating affordable units and generating funds for the Housing Trust Fund, it also has a relatively low fee-in-lieu compared to other density bonus programs in the city. In December, 2009, the City Council directed the City Manager through Resolution No. 20091210-044 to work with stakeholders to make recommendations on a potential

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revision to the calculation of the fee in-lieu and initiate the necessary code amendments. For more information on UNO, view page 4-12.

f) Revolving Loans

The City uses revolving loans for several loan programs that provide a revolving funding source. When a loan is repaid by the borrower, the funds are recycled back into the program creating a fiscally responsible model for asset creation for the City.

g) Program Income

HUD entitlement grants CDBG and HOME provide funding to the NHCD/AHFC to fund program activities that create and retain affordable housing. These activities generate Program Income.

CDBG and HOME Program Income is gross revenue received by the City of Austin that is directly generated by the use of CDBG and HOME funds. CDBG Program Income is available to activities that do not have established revolving loan funds. The City of Austin will continue in FY 2012-13 to report all Program Income received and used in future reports to HUD.

h) Revenue-Generating Partnerships with other City Departments

As part of the Austin Clean Water Program, the Austin Water Utility tests for deficient sewer lines including private laterals. Property owners are required to repair deficient sewer lines on private property. In FY 2012-13, NHCD and Austin Water Utility (AWU) will continue its partnership in the administration of the private lateral repair program to assist income-eligible households with these repairs as a component of NHCD's other home repair programs.

i) New Funding Sources

NHCD has and will continue to increase its efforts to apply for competitive grant opportunities to increase its financial capacity to support mission-driven programs. Through additional grant funding, NHCD will be able to expand offerings for very-low to moderate-income individuals and households and persons with disabilities. As of May 1, 2012, the City has applied or plans to apply for the following grants:

- *Healthy Homes Production Grant*

The City of Austin plans to apply for the Healthy Homes Production Program grant funding through the U.S. Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control. The Healthy Homes Production Program (HHP) is part of HUD's overall Healthy Homes Initiative launched in 1999. The program takes a comprehensive approach to addressing multiple childhood diseases and injuries in the home by focusing on housing-related hazards in a coordinated fashion, rather than addressing a single hazard at a time. The program builds upon HUD's successful Lead Hazard Control programs to expand the Department's efforts to address a variety of high-priority environmental health and safety hazards. Authorization to apply for a FY 2012 grant award will benefit vulnerable residents (children, persons with disabilities, and the elderly) from housing-related environmental health and safety hazards and promote housing that is healthy, safe, affordable and accessible. Health hazards include lead exposure sources for children with elevated

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lead blood levels, non-working smoke alarms and carbon monoxide detectors, mold, dust mites and pest infestations.

- *HUD Counseling Agency Certification*

The City) applied in 2012 to become a HUD-certified *Housing Counseling Agency*. By becoming certified, the City has the opportunity to apply for additional funding that is specifically designated for certified agencies. The certification and potential funding will assist the City in furthering its financial and workforce capacity to provide expansive housing counseling services to low- and moderate-income households. Currently, the City's Housing Smarts Program offers housing counseling to City of Austin residents who earn at or below 80 percent of MFI. Counseling is offered in English and Spanish. The course consists of two classroom curricula: pre-purchase and post-purchase. The pre-purchase counseling that provides financial literacy skills such as budgeting and credit, and mortgage finance; and the post-purchase class provides foreclosure prevention counseling to homeowners who may find themselves at risk of losing their homes.

- *Texas Department of Housing and Community Affairs (TDHCA) Reservation Funds*

Amy Young Architectural Barrier Removal Program

The Texas Department of Housing and Community Affairs (TDHCA) has begun issuing grant-like reimbursements for specific fields of work, including Homeowner Rehabilitation Assistance, Tenant Based Rental Assistance (TBRA), Homebuyer Assistance and Architectural Barrier Removal Programs, providing assistance to persons with disabilities. In order to be eligible for the reimbursements, the Austin Housing Finance Corporation (AHFC) applied in 2012 to utilize TDHCA's reservation systems. AHFC will be able to reserve and draw down reimbursement funds for a set amount of time, or until the funding has been depleted at the State level.

HOME Investment Partnership Program for Persons with Disabilities Program

The HOME Investment Partnerships Program provides one-time reimbursements for qualified projects. AHFC intends to utilize the reservation fund in its Homeowner Rehabilitation Assistance program. The funding available to AHFC is specific to projects for persons with disabilities (PWD). TDHCA uses an online reservation system, in which grant recipients reserve and draw Project Costs and Administration Fees and track the status of the Program activities. Funds are available on a first come, first serve basis. The Program funds are replenished on an annual basis dependent on State budget availability. Program funds are available until completely reserved.

- *Texas Neighborhood Stabilization Program (NSP1-PI)*

On April 12, 2012, the City of Austin received conditional approval for funding through TDHCA's Neighborhood Stabilization Program-Program Income(NSP1-PI). NSP1-PI was established under the Housing and Economic Recovery Act of 2008. AHFC will use the funding to develop two separate tracts of City-owned property into affordable homeownership opportunities. The City requested \$650,000 to construct four new single-family homes on Astor Place and \$1 million to construct eight new single-family

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homes on Linden Street and Goodwin Avenue and plans to begin construction during FY 2012-13.

- *Living Cities' Cities for Financial Empowerment Fund*

The City of Austin anticipates applying for the Living Cities' for Financial Empowerment grand funding. Bloomberg Philanthropies has partnered with the national organizations Living Cities to offer a 3-year grant to recreate the financial empowerment model used in New York City. This model offers free, professional, one-on-one financial counseling and education to low-income residents at Financial Empowerment Centers. If awarded, the City of Austin would collaborate with non-profit financial empowerment and educational programs to create Financial Empowerment Centers in Austin.

j) Build Partnerships to Increase Financial Capacity for Affordable Housing

The City will continue to work with local, regional and national partners to build its financial capacity as well as the capacity of non-profit and private developers to create affordable housing. This will include working with lenders and foundations to strengthen financial partnerships and encouraging the development of a strong Community Development Financial Institution (CDFI) in Austin. The City will continue to look at financially viable recommendations including those identified in the Housing Market Study and in the Downtown Affordable Housing Strategy Report, 2009.

In March of 2011, the City Council adopted the City of Austin Permanent Supportive Housing Strategy as a working document and authorized the City Manager to facilitate a partnership through the Leadership Committee on Supportive Housing Finance to recommend a comprehensive public and private financing strategy for the City Council to consider outlining financing strategies and recommendations for the capital, rental subsidies and social services needed to create and sustain 350 units of PSH. This committee is comprised of many local funders including the City, Travis County, the two local housing authorities, Central Health, Seton, and other local non-profit health and service providers.

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4) PROVIDE LEADERSHIP AND EDUCATION FOR AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT

The City of Austin's Neighborhood Housing and Community Development (NHCD) Office provides leadership and education for affordable housing and community development through City initiatives, education, community engagement, and marketing and outreach of programs that NHCD offers.

a) City of Austin Initiatives

Imagine Austin Comprehensive Plan

The City Council identified funding for staff and a consultant to work with the public to create a new Comprehensive Plan for Austin in September 2008. The City selected the consultant, Wallace Roberts & Todd, through a public input process. The current plan, the Austin Tomorrow Comprehensive Plan, which the City currently operates, was adopted in 1979. The most recent updates to the plan occurred in 2008.

The process of developing the City's Imagine Austin Comprehensive Plan been divided into three phases: the Plan Kickoff, completed in October 2009; the Vision and Plan Framework process, which began in November 2009 and is on-going; and the Comprehensive Plan itself, which began in early 2011. This process focused on three key themes: Community Engagement, Sustainability, and Implementation.

To date, the City, in collaboration with the community and key stakeholders, has developed a unified vision statement, as well a preferred growth scenario. The City Council has formally endorsed the vision statement, and has moved the preferred growth scenario forward for Phase III of the Imagine Austin planning process. The City's Planning and Development Review (PDR) Department has continued efforts related to Phase III in FY 2011-12. For Phase III, staff at PDR has identified 7 main building blocks that will be addressed in the Comprehensive Plan document. For each building block, a set of strategies and action items have been developed using feedback from past public meetings and recommendations from the consultants. Housing and Neighborhoods was identified as the second building block and covers housing and neighborhoods in Austin, including issues related to affordable housing, services, demographics, mix of uses, character, and preservation. NHCD's Planning, Policy, and Outreach staff has served as members of the Housing and Neighborhoods Building Block Working Group, and regularly attended meetings to provide input on any action items needed to address Austin's critical housing issues.

The overall goal of the Housing and Neighborhood component is to develop and maintain affordable household affordability throughout Austin. NHCD is lead in implementing the Housing and Neighborhoods component and will partner PDR, Austin/Travis County Health and Human Services Department (HHSD), Economic Growth and Redevelopment Services Office (EGRSO), Travis County, Austin

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Independent School District (AISD), Capital Area Council of Governments, Capital Area Metropolitan Planning Organization, Capital Area Transportation Authority, Community Action Network (CAN), and Housing Authority of the City of Austin (HACA) as implementation of the Imagine Austin Comprehensive Plan moves forward. To view the Housing and Neighborhood component, visit Appendix XII.

The Austin City Council will conduct a public hearing and possibly take action on June 14, 2012, to hear and consider feedback on the Imagine Austin Comprehensive Plan.

Mobility Deterrence Task Force

In April 2009, the City, Travis County and Austin Independent School District (AISD) Joint Subcommittee created two work groups to address major issues affecting student success. The Truancy Plus and Student Mobility workgroups focused on causes of student attendance problems, and developed strategies for student and family interventions. NHCD participated in the Student Mobility working group with the recognition that the issues of affordable housing and student mobility are inextricably linked.

In 2010, the Joint Subcommittee passed a resolution creating a new Child and Youth Leadership Council to work on a plan to ensure that all children attending Austin Independent School District (AISD) successfully complete high school. The Leadership Council, created by the three agencies, established four task forces with the intent to provide recommendations in advance of the 2011-12 academic year. These task forces are: Mobility Deterrence, Judicial Supports, Workforce Development, and Academics.

NHCD will continue participating in the Mobility Deterrence Task Force and will work with partners in this arena to develop recommendations that can assist in achieving housing stability in order to strengthen families and improve student achievement and overall school performance.

b) Education and Community Engagement

Colony Park Sustainable Communities Initiative

The Colony Park Sustainable Communities Initiative community engagement process will include targeted outreach to underserved populations. While innovative community engagement methods such as social media and interactive meeting technology may be considered for specific engagement objectives, the overall public engagement strategy will focus on obtaining public feedback and creating buy-in with key stakeholder groups in the Colony Park area through face-to-face interaction in settings with existing constituencies, such as neighborhood association meetings, religious events, and business organizations. NHCD will also utilize print advertisements published in English and Spanish print and multi-media promotional materials.

Dissemination of policy lessons learned during the planning process to the public, including policymakers, other regional consortia, and interested community advocates and leaders, will be provided through a variety of methods. The Master Plan public engagement process targeted at Colony Park area residents will include opportunities to disseminate best practice techniques, data collection methods implemented on-site,

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and other policy lessons learned through the project. In addition, NHCD has designated a graduate-level intern over the 3-year grant period, who will work closely with Colony Park staff to study best practices for sustainability techniques, and perform data analysis on collected output measures. This will result in at least one research study, and a report, which will be posted on the NHCD Colony Park webpage. For more information on the Colony Park Sustainable Communities Initiative, visit page 4-34.

Community Action Network (CAN) Regional Housing Stakeholder Group

The Community Action Network (CAN) developed a Regional Housing Stakeholder Group comprised of several local agencies and regional municipalities to collaborate educate and explore opportunities to enhance local affordable housing planning efforts and incorporate this planning initiative into the CAN framework. NHCD supports CAN's efforts to increase interagency partnership with the intent of improving housing affordability across the housing continuum and enhancing coordination and communication across governmental jurisdictions.

FY 2012-13 Action Plan

NHCD's Planning, Policy and Outreach staff worked closely with the City's Corporate Public Information Office to develop an extensive community engagement and outreach strategy with the intent to increase awareness of the community needs assessment period, gain interest and increase public participation. The collaborative efforts of NHCD and CPIO resulted in the development of a FY 2012-13 Action Plan web site, an online survey for the public to rank their priorities, the design and implementation of various marketing and promotional materials highlighting ways to participate. The theme for the community needs assessment period was, "6 Ways to Take Action" - which provided a variety of channels for the community to participate. For more information on the community needs assessment period and NHCD's "6 Ways to Take Action" flyer, visit Chapter 1. Exhibit 4.5 displays the logo used to launce the City's FY 2012-13 Action Plan process.

Exhibit 4.5 FY 2012-13 Action Plan



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Joint Planning & Education Efforts

NHCD works closely with the Planning Development and Review (PDR) Department's planning team to participate in neighborhood plan meetings and facilitate affordable housing education. Collaborative efforts with PDR in FY 2012-13, will be related to the following areas: East Riverside Corridor Regulatory Plan, Imagine Austin Comprehensive Plan, Neighborhood Plans, and meetings with various boards, commissions and subcommittees to promote affordable housing education.

These initiatives will require significant continued education and outreach on crucial housing issues affecting the Austin community. NHCD anticipates assisting in this educational effort, including providing data and research to help the community reach housing goals and strategies for achieving those goals.

Media and Outreach Contacts

NHCD will continue to utilize its web site as a key educational tool receiving more than 52,000 unique page views annually, and over 100,000 page views overall to the NHCD/AHFC site for housing and community development information. NHCD Housing Information Referral services offers customers responsive information to direct inquiries made by phone and the web site. This service is essential in providing ongoing outreach and information about housing and community development programs.

NHCD also has a listserv that it uses to send out updates on all affordable housing news in the City of Austin, as well as notices about public meetings and events. There are currently over 1,149 people signed up on the NHCD listserv to receive NHCD information distributed regularly by the City.

NHCD Web Site

The City of Austin recently released the redesign of its web site. The Austin Government Online (GO): A New Era of Open Government – a web site redesign project that was launched in partnership with the community to help achieve a new standard for open government that would benefit everyone. The City issued an online survey taken by almost 2,000 Austin residents. The survey measured how the average Austinite uses the web and how they use the City web site in particular. Six town hall meetings were held throughout Austin during January and February 2008. With high attendance, the town hall meetings served as an opportunity for an open discussion about the future of the City's web site, needs and share ideas on features that could be incorporated into the redesign. For additional information on the Austin GO Web Redesign Project, visit www.austintexas.gov/austingo.

NCHD staff worked closely with the City's web development team in FY 2011-12 to complete its departmental web site overhaul that will improve its online architect and build on its resources and user-friendly navigation. NHCD/AHFC's Application Center web site was launched in FY 2010-11 to offer potential clients and housing developers seeking funding an online application submission. The web site was created to provide a more efficient and simplified application process. The effort was also intended to increase transparency on the funding awarded to RHDA and A&D applications. All RHDA and A&D applications submissions are posted online. To view projects awarded funding, visit www.austintexas.gov/housing/applications.

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For FY 2012-13 NHCD recommends continuing investment and efforts in technology through mobile devices and a web portal to allow customers and businesses to apply for programs/services electronically and provide the most current information about NHCD business and practices.

Permanent Supportive Housing Community Engagement Plan

In January 2011, City Council requested that the City Manager offer an overview of the “best practices from other cities on engaging communities and building support for permanent supportive housing projects.” The resulting presentation, offered to the Comprehensive Planning and Transportation Subcommittee on March 7, 2011, outlined strategies for a Community Engagement Plan to inform and involve stakeholders.

The PSH Community Engagement Plan is a comprehensive strategy developed by City of Austin staff in collaboration with ECHO. To view PSH community engagement goals and objectives, visit page 4-9.

Technical Assistance Work Sessions

As part of the strategy to create and retain affordable housing the NHCD/AHFC development team provides ongoing technical assistance to non-profits and for-profit developers as needed. Each year, more than 100 face-to-face meetings, as well as responses to numerous phone calls and e-mails give NHCD/AHFC development staff the opportunity to assist and inform current and potential funding applicants about various aspects of affordable housing development. Assistance can be provided at any stage in a project life cycle: pre-application, during development, and in post-development. Just a few examples of the types of assistance provided are: how the requirements of different funding sources may affect a project; complying with federal requirements; assistance with City of Austin development regulations and processes; and suggestions for alternate fund sources.

d) Partnerships and Community Involvement

NHCD coordinates and maintains relationships with neighborhood groups, policy groups, non-profit and for-profit developers, businesses, and service providers in low-to moderate-income communities in order to reach its affordable housing and economic development goals. NHCD anticipates engaging with the following Boards and Commissions, community organizations and working groups in FY 2012-13:

Boards and Commissions

African American Resource Advisory Commission (AARAC)

NHCD works with members on the African American Resource Advisory Commission (AARAC) to target outreach and marketing efforts on NHCD programs and services to the African American community. The AARAC advises the City Council on issues relating to the quality of life for the City's African American community and recommends programs designed to alleviate any inequities that may confront African Americans in social, economic and vocational pursuits, including; health care; housing, affordable housing, home ownership and homelessness; entertainment opportunities for professionals and students; employment; and cultural venues, including museums, theaters, art galleries and music venues. NHCD will continue to support the AARAC in

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FY 2012-13 as they continue to move forward with their efforts in improving quality of life for the African American community.

Austin Mayor's Committee for People with Disabilities

NHCD regularly presents and coordinates with this committee whose mission is to carry out a program to encourage, assist and enable persons with disabilities to participate in the social and economic life of the City of Austin and achieve maximum personal independence; to become gainfully employed; and to enjoy fully and use all the public and private facilities available within the community.

Bond Oversight Committee

The Bond Oversight Committee ensure efficiency, equity, timeliness, and accountability in the implementation of the 2006 and 2010 bond programs, as well as all future bond programs. The committee shall review the annual appropriation and spending plan of bond funds.

Community Development Commission

The Community Development Commission (CDC) advises the Austin City Council in the development and implementation of programs designed to serve low-income residents and the community at large, with an emphasis on federally-funded programs. The CDC is comprised of 15 members; seven members are elected through a neighborhood-based process and are appointed by the Austin City Council. The CDC also oversees the Community Services Block Grant (CSBG) program managed by HHSD. CSBG regulations require 15 members including representatives from geographic target areas: Colony Park, Dove Springs, East Austin, Montopolis, Rosewood-Zaragosa/Blackland, St. Johns, and South Austin.

Community Development Commission Housing Committee

The CDC established a CDC Housing Committee that explores in depth policy issues related to affordable housing, community development and other issues as assigned to the committee by the CDC.

Community Development Commission Working Groups

Working Groups were established by Council as a tool for Boards and Commissions to use to delve into specific policy issues. Working Groups then bring recommendations to the full Board or Commission for consideration. These Groups are intended to be short-term, organized around specific charges and dissolve after the charges are completed. Working Groups may also have members who are not Commissioners. NHCD will continue to coordinate with the current active Working Groups to address affordable housing and community development needs in FY 2012-13.

- Neighborhood Centers Working Group – Charged to 1) review and make recommendations to the CDC on the 2012 CSBG Community Action Plan, and 2) discuss and make recommendations on Food Desert Solutions.
- Holly Working Group – Charged to 1) discuss future funding of Holly program and how funds could be reallocated, and 2) discuss how to educate residents about program. NHCD is currently reviewing the Holly Good Neighbor program and

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- plans to hold a stakeholder meeting in September 2012 to discuss potentially revising program guidelines, processes and funding options.
- o Affordable Housing Siting Policy Working Group – Charged to 1) review the City’s current affordable housing siting policies and options for new approaches. 2) create an evaluation matrix/tool to assess the feasibility of various affordable housing siting policy approaches, and 3) make recommendations for the Action Plan chapter on the Affordable Housing Siting Policy.

To view a comprehensive list of Working Group members, visit Appendix IX.

Housing Bond Review Committee

The purpose of the Housing Bond Review Committee (HBRC) is to review and provide recommendations concerning RHDA and A&D project evaluation scoring criteria, to provide recommendations for project funding. HBRC is comprised of five members - two members shall be current Community Development Commissioners appointed by the CDC and three members shall be appointed by NHCD.

Bond Election Advisory Task Force

The purpose of the Bond Election Advisory Task Force is to identify and prioritize bond funding for projects that will advance the vision identified by the Imagine Austin planning process. The task force shall work within the scope of a needs assessment and funding priorities to be recommended by City staff.

Early Childhood Council

The Early Childhood Council (ECC) makes recommendations to the Austin City Council for the creation, development and implementation of programs that promote optimal development for young children and programs and activities that contribute to the continued development of a system of high-quality early care and education and after-school programs for Austin children. Staff will maintain communications and consultations with the ECC to ensure the committee has the opportunity to provide feedback on progress on NHCD programs and initiatives.

Urban Renewal Board

The Urban Renewal Board (URB), which oversees the Urban Renewal Agency’s functions, is comprised of seven members appointed by the Mayor, with consent of the Austin City Council. The Urban Renewal Board also oversees the implementation and compliance of approved Urban Renewal Plans that are adopted by the Austin City Council. An Urban Renewal Plan's primary purpose is to eliminate slum and blighting influence within a designated area of the City. The City Council adopted Resolution No. 971119-34 on November 19, 1997, declaring the East 11th and 12th Streets Revitalization Area to be a slum and blighted area and designated this area appropriate for an urban renewal project. Subsequently, the Austin City Council approved an Urban Renewal Plan. The City of Austin and the Urban Renewal Agency, in the shared interest of completing the Urban Renewal Project, have entered into an agreement which identifies each party’s roles and responsibilities for the completion of the revitalization for these two corridors.

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Community Organizations

Community Action Network (CAN)

CAN is a public/private partnership between 15 major community organizations that work to achieve sustainable social, health, educational, and economic outcomes for Austin and Travis County. CAN supports 12 Issue Area Groups (IAGs) that range from housing, health, and elderly services to workforce development. The Issue Area Groups bring together stakeholders from throughout the community to collaborate with organizations that provide social services. CAN maintains a listserv of more than 3,500 community contacts, which is a key resource for NHCD's outreach efforts to provide information to the public, community non-profits and small businesses.

NHCD will continue to collaborate with CAN and several agencies to move forward in participating in the Regional Housing Stakeholders Group in FY 2012-13. CAN is working with the City of Austin, Travis County, the Travis County Housing Authority, the Housing Authority of the City of Austin and other agencies to explore opportunities to enhance local affordable housing planning efforts and incorporate this planning initiative into the CAN framework. NHCD will begin conversations and planning efforts in FY 2012-13 with the above mentioned agencies to prepare for the City's FY 2014-19 Consolidated Plan.

Community Housing Development Organizations (CHDOs)

Community Housing Development Organizations (CHDOs) are non-profit housing providers whose organizational mission includes the development of affordable housing for low- and moderate-income households. The City is able to work closely with CHDOs to help them meet their housing development goals by coordinating with the CHDO Roundtable, an organization comprised of local, non-profit affordable housing providers. The City meets with the CHDO Roundtable to discuss policy matters and provides CHDO Operating Expenses Grants to help increase organization capacity.

Ending Community Homelessness Coalition (ECHO)

The Ending Community Homelessness Coalition (ECHO) is charged with providing dynamic proactive leadership that engages policy makers and the community in ending homelessness. In order to accomplish this, ECHO engages in a variety of activities including:

- Coordinating the annual HUD Continuum of Care (CoC) application;
- Conducting the annual homeless count;
- Providing outreach through the annual Homeless Fair and Women's Homeless Fair;
- Serving as the homeless planning entity for the community; and
- Advocating for homeless issues.

City staff from both the Austin/Travis County Health and Human Services Department (HHSD) and NHCD serve on ECHO committees and working groups, housing working group, education and outreach working group, and Membership Council. City staff also serves as institutional members on the CoC Independent Review Team, which evaluates and scores local CoC applications.

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Austin Housing Repair Coalition

The Austin Housing Repair Coalition is a collaboration of more than 17 governmental and non-profit organizations that provide low-income housing repair services. The Housing Repair Coalition helps maximize the community's resources by coordinating the delivery of an array of housing repair and weatherization services to help low-income households who may also be elderly or disabled remain safely in their homes. For the FY 2012-13 Action Plan community needs assessment, NHCD hosted a community conversation focused on "Healthy Homes & Home Repair," inviting the Housing Repair Coalition and its members to provide feedback on home repair services to help keep residents' homes hazard-free and accessible. As a result, these services create healthier homes and preserve the affordable housing stock in Austin. For more information on healthy homes and home repair, visit page 4-39.

HousingWorks

HousingWorks is a non-profit organization whose goal is keeping homes affordable for Austinites, through research, education and public policy change. NHCD meets regularly with HousingWorks and collaborates to keep homes affordable in Austin.

National Association of Local Housing Finance Agencies (NALHFA)

NALHFA, founded in 1982, is the national association of professionals working to finance affordable housing in the broader community development context at the local level. NALHFA is a supporter before federal agencies on legislative and regulatory issues affecting affordable housing and provides technical assistance and educational opportunities. In FY 2012-13, NHCD will maintain its membership with NALHFA.

Texas Association of Local Housing Finance Agencies (TALHFA)

The City of Austin maintains its membership with TALHFA, a statewide non-profit organization established in 1989 for the purpose of informing, planning and supporting the needs of local housing finance agencies in its delivery of affordable housing in the State of Texas. TALHFA has a membership of over 300 professionals in all areas of affordable housing.

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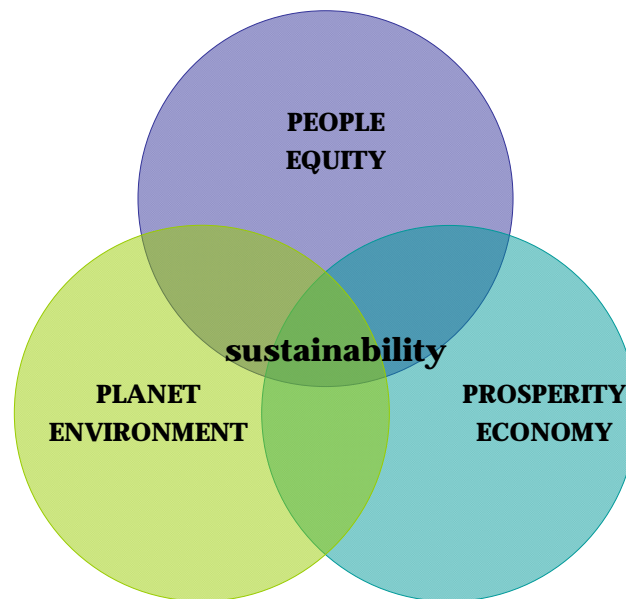
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5) PROMOTE SUSTAINABLE PRACTICES

“A sustainable community is one that has more housing and transportation choices, helps people live closer to jobs, shops and schools, is more energy independent and helps protect clean air and water.” - *U.S. HUD-DOT-EPA Partnership for Sustainable Communities*

The City of Austin launched its Office of Sustainability in September 2010. The objective of the office is to assist in aligning and connecting “green” initiatives, opportunities and programs across City’s departments and the city at large. The Office defines sustainability as finding a balance among three sets of goals: 1) prosperity and jobs, 2) conservation and the environment, and 3) community health, equity and cultural vitality. It means taking positive, proactive steps to protect quality of life now, and for future generations. Exhibit 4.6 displays the three sets of goals. Over time, the Office will incorporate the pillars of sustainability in the categories of its economy, environment and social equity. The concept of city shaping and mobility is an additional critical consideration related to sustainability.

Exhibit 4.6: Sustainability Balance



In addition, the Sustainability Office has begun a new initiative in rethinking how Austinites live, work and play – to help secure Austin’s sustainable future; the Sustainable Office is taking coordinated action in 10 areas displayed in Exhibit 4.7. For the Sustainability Action Agenda, the City tracks and reports on citywide progress as City departments move forward with projects. The goal is to advance local sustainability and climate action by providing leadership and coordination for initiatives across the City organization on and Austin Community.

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Exhibit 4.7: Sustainability Action Areas



The concept of sustainability is not new to NHCD. Energy efficiency, green building, and transit-oriented housing initiatives have long been incorporated into the spectrum of NHCD’s housing activities, and low- and moderate-income households have for years enjoyed benefits of such efforts, including lower utility bills, healthier home environments, increased mobility and reduced transportation costs. With the advent of the City’s Sustainability Office, NHCD is committed to building upon previous efforts to improve and further refine NHCD’s business models to achieve sustainability outcomes. NHCD is dedicated to being a local and national green business leader in the fields of affordable housing and community development. This section provides descriptions of initiatives that promote the City’s sustainability balance.

Colony Park Sustainable Communities Initiative

HUD’s 2011 Sustainable Communities Grant fosters reform and reduces barriers to achieving affordable, economically vital, and sustainable communities. Such efforts may include amending or replacing local master plans, zoning codes, and building codes, either on a jurisdiction-wide basis or in a specific neighborhood, district, corridor, or sector to promote mixed-use development, affordable housing, the reuse of older buildings and structures for new purposes, and similar activities with the goal of promoting sustainability at the local or neighborhood level. This grant program also supports the development of affordable housing through the development and adoption of inclusionary zoning ordinances and other activities to support planning implementation.

The City of Austin was awarded a \$3 million 2011 Sustainable Communities Grant in November 2011, to be used as a 3-year planning grant for the Colony Park Sustainable Communities Initiative. This proposed Master Planned; 208-acre development will

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incorporate best practice strategies for energy-efficient building design, water conservation and zero waste technology and standards to create a model sustainable and livable mixed-use, mixed-income community in East Austin. The project will include completion of a Master Plan, resulting in rezoning; engineering for subdivision and site planning for review and approval by the City of Austin; infrastructure construction plans and architectural design and plans for new sustainable residential and commercial development. Through its outright ownership of this 208-acre tract of land, the City of Austin is in a unique position to mold this pilot project to be completely responsive to the Challenge Grant livability principles and to promote the community vision.

The project will be led by NHCD, in partnership with AFHC and other City departments. AHFC intends to serve as developer of the site and as builder for a portion of the housing. Partners include the City of Austin Sustainability Office, Austin Energy/Austin Energy Green Building, Austin Resource Recovery, Austin Water Utility, Economic Growth and Redevelopment Services Office (EGRSO), Planning & Development Review Department, Austin/Travis County Health and Human Services Department (HHSD), Pecan Street, Inc., Capital Area Texas Sustainability Consortium (CATS), and the Capital Metropolitan Transportation Authority.

The initiative has three overarching draft outcomes:

1. Further land-use planning and development of 208 acres of publicly-owned land at Colony Park inspired by the U.S. Department of Housing and Urban Development (HUD) Livability Principles.
2. Foster cross-department/agency coordination and create successful models of comprehensive systems change to support sustainable and equitable development.
3. Support capacity building and community transformation goals of Colony Park area residents and stakeholders.

Activities conducted in grant year 1 will focus on establish clear channels of communication with area residents and stakeholders, building capacity and breadth of project team, assessing opportunities and constraints of proposed development, and determining a shared vision of the proposed development based on local interpretation of the HUD Livability Principles.

HUD Livability Principles

On June 16, 2009, the U.S. Environmental Protection Agency (EPA) joined with HUD and the U. S. Department of Transportation (DOT) to help improve access to affordable housing, more transportation options, and lower transportation costs while protecting the environment in communities nationwide. Through a set of guiding livability principles and a partnership agreement that will guide the agencies' efforts, this partnership will coordinate federal housing, transportation, and other infrastructure investments to protect the environment, promote equitable development, and help to address the challenges of climate change.

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inadequate
transportation

1. *Provide more transportation choices*

Develop safe, reliable, and economical transportation choices to decrease household transportation costs, reduce our nation's dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.

2. *Promote equitable, affordable housing*

Expand location- and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.

3. *Enhance economic competitiveness*

Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers, as well as expanded business access to markets.

4. *Support existing communities*

Target federal funding toward existing communities—through strategies like transit-oriented development, mixed-use development, and land recycling—to increase community revitalization and the efficiency of public works investments and safeguard rural landscapes.

5. *Coordinate and leverage federal policies and investment*

Align federal policies and funding to remove barriers to collaboration, leverage funding, and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.

6. *Value communities and neighborhoods*

Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods—rural, urban, or suburban.

The City of Austin recognizes the importance of these guiding principles and with the award of the 2011 HUD Sustainable Communities Challenge Grant, the City is committed to building upon its existing efforts to improve and further refine practices and incorporate these six values in its Colony Park Sustainable Communities project.

Financial Empowerment

The City of Austin believes that by investing in its residents, local businesses and innovations, the entire community can begin to cultivate its own prosperity. Economic sustainability is based on a thriving regional economy that emphasizes green business leadership, clean technology, and expanding opportunity for all. The core concepts derived from the Sustainability Balance include:

- *Promote prosperity, job growth, and affordable housing at all levels in the community,*
- *Support local businesses and buying local to benefit our economy, and*
- *Encourage creativity, resiliency, innovation, and collaboration.*

Geographic Dispersion

APPENDIX XIV: Affordable Housing
Siting Policy Interim Update

INTERIM UPDATE ON AFFORDABLE HOUSING SITING POLICY DISCUSSIONS

On December 15, 2011, the City Council passed Resolution 20111215-058 directing NHCD to work with the Community Development Commission (CDC) and other stakeholders to research and recommend strategies of achieving geographic dispersion of affordable housing. In the months following, NHCD staff researched a number of national examples of siting policies and worked closely with the CDC and the Affordable Housing Siting Policy working group created by the CDC to assess the feasibility of various approaches in Austin. This interim update includes an overview of the background, research, process, public participation activities, feedback received, and topics discussed by the Affordable Housing Siting Policy Working Group.

Background

Currently the City uses a number of geographic considerations when scoring applications for the Rental Housing Development Assistance (RHDA) program and the Acquisition and Development (A&D) program.

For all applications, the City uses the Kirwan Institute's Opportunity Map of Austin as a primary scoring criterion for geographic prioritization. In 2007,¹ the Ohio State University's Kirwan Institute analyzed multiple sources of statistical data to rank geographic opportunity according to economic, mobility, education, public health and neighborhood indicators. The map resulted in areas being ranked Very High, High, Moderate, Low and Very Low Opportunity. Applicants may receive the following scores based on the project's opportunity ranking:

25 points:	Very High priority area
20 points:	High priority area
15 points:	Moderate priority area
10 points:	Low priority area
5 points:	Very Low priority area

Other scoring criteria that can be attributed to the geographic location of the proposed project include:

1. RHDA: "Priority Location": Vertical Mixed Use/Planned Unit Development/Transit Oriented Development (10 points)
2. Preservation of existing affordable housing (10 points – Rental Housing Development Assistance program only)
3. Distance to Capital Metro stop
4. Federal Government Environmental regulations
5. Low Income Housing Tax Credit Qualified Allocation Plan rules (if applicable)
6. Compatibility with Neighborhood Plan (if applicable)

Research

¹ The Kirwan Institute Opportunity Map of Austin is scheduled to be reviewed and updated during the summer of 2012.

A number of tools used to promote geographic dispersion of affordable housing were defined through a nationwide review of various jurisdictional policies, and along with assistance from the American Planning Association's Planning Advisory Service and the Center for Housing Policy's Housing Research and Advisory Service.

Some of the methods used by other jurisdictions are not feasible for Austin. For example, inclusionary zoning is a tool used by various localities to require a certain share of new construction to be affordable to people in low to moderate income levels; however inclusionary zoning has been deemed illegal by the Texas State Legislature. Another method of achieving geographic dispersion is through state-mandated fair share laws. These are typically mandates of equitable distribution that occur as a result of a lawsuit or legislative action. Texas does not have a law that acts in this way.

However, many municipalities throughout the country have created their own policies that do not rely on inclusionary zoning policies or state mandates. They are approaches and tools that aim to achieve a level of equity within a given jurisdiction. The policy examples reviewed by staff fell into three types of approaches: goal-based, capacity-based and strategic.

- In a goal-based approach a jurisdiction manages growth by setting a number of expected affordable units per defined (new or existing) geographic area.
- A capacity-based model creates a formula by which to exempt communities/geographic areas from an affordable housing requirement if they can demonstrate they have already reached a quota based on a formulaic capacity.
- Strategic methods take a place-based approach to siting housing. A jurisdiction targets investment in specific geographic areas. Often this investment is aligned with other systems to ensure maximum efficiency in affordable housing siting (e.g. public transit, employment centers, social services, health facilities, schools, etc.) This is the category that the City of Austin's current approach most closely adheres to.

These three approaches were the basis for further discussion by staff, the CDC and community members.

Process

On January 10, 2012, NHCD staff briefed the CDC on the research and approaches described above. Per the CDC's recommendation, staff agreed to try to align the development of this Affordable Housing Siting Policy with the FY 2012-13 Action Planning process. This decision allowed the policy recommendation to be facilitated by an established public participation process. This process included a series of "Community Conversations", a prioritization exercise completed by over 200 Austinites, and a 30-day Needs Assessment comment period followed by a 30-day Draft Action Plan comment period.

On March 13, 2012, the CDC took another step in facilitating this conversation by forming an Affordable Housing Siting Policy Working Group to study and try to recommend a siting policy to include in the FY 2012-13 Action Plan. The working group, comprised of Community Development Commissioners, affordable housing professionals and representatives of various stakeholder groups, met numerous times between March 19, 2012, and July 9, 2012. View members of the working group on page VIII-6. At the time of publication, the Working Group is continuing to meet and a policy recommendation has not yet been made.

The Affordable Housing Siting Policy Working group, along with staff, promoted a well-attended Community Conversation as part of the Action Planning process titled, "Affordable Housing Across Austin." On April 24, 2012 more than 75 community participants joined together to hear from local leaders and practitioner experts from Charlotte, NC; Dallas, TX; Raleigh, NC; San Jose, CA; and Washington DC via a virtual panel. The event offered an opportunity for citizens to learn about Austin's value of achieving greater geographic dispersion of affordable housing, the various siting policy approaches studied, and specific examples of working policies from cities across the country. The session was completed with a public discussion and opportunity for citizen feedback. View this session at <http://austintx.swagit.com/play/04272012-508>.

By community request, the working group and staff held a second opportunity for the community to provide feedback at an additional "Affordable Housing Across Austin" Community Conversation held on May 7, 2012. This event brought 25 people together for another discussion.

Several other opportunities were available for members of the public to learn about the siting policy recommendation development process. A meeting was held with members of the Austin Neighborhoods Council in November 2011, discussions have occurred with the CHDO Roundtable and the City Council's Comprehensive Planning and Transportation Committee, and an online discussion board has been open on SpeakUpAustin.org since fall of 2011 to solicit feedback on the issue of geographic dispersion. More than 200 Austinites have participated in the overall discussion and provided feedback.

Community Feedback

The topic of equitably dispersing affordable housing throughout the city is one that brings together a range of interests and viewpoints from the community. Of the over 200 Austinites who have made their voices heard in this conversation, some come from a position of deep concern over what they perceived as an over-concentration of poverty in certain parts of town. Others came to the table recognizing constraints to the development of affordable housing in other parts of town. Most agree, however, that the siting of affordable housing throughout the entire city does benefit the whole community and that an affordable housing siting policy that addresses the allocation of city funding should help achieve that goal.

Other themes that community members have noted throughout the engagement process are:

- Using public land for affordable housing;
- Analyzing the current stock of affordable housing within certain geographic boundaries, including the stock of aging multi-family developments;
- Preserving existing affordable housing;
- De-stigmatizing affordable housing; and,
- Considering fair housing choice, both for those who would choose to move to another neighborhood if given the opportunity, and those who would prefer to stay in their established community.

Affordable Housing Siting Policy Working Group

Through its work with the CDC, NHCD offered the working group the following areas of focus, as related to City Council Resolution 20111215-058 and the Community Development Commission's action:

1. To review the City's current affordable housing siting policies and options for new approaches.
2. To create an evaluation matrix/tool to assess the feasibility of various affordable housing siting policy approaches.
3. To make recommendations for the Action Plan chapter on the Affordable Housing Siting Policy.

Early working group discussions focused on formulating a draft vision statement, objectives and goals to provide context for the group's work:

Vision: "The City of Austin commits to the creation and preservation of housing in all parts of Austin that meets the needs of all Austin residents of extremely low to moderate income tied to an analysis of identified housing gaps."

*The vision should incorporate the following **goals**:*

1. *Substantially increases all types of affordable housing opportunities in dispersed geographic locations;*
2. *Affirmatively further Fair Housing choice;*
3. *Is feasible for the City of Austin to administer.*

*The vision should take into account the following **tools**:*

1. *Relevant, timely and accurate data that reflects areas of high opportunity, currently demonstrated by the Kirwan Institute's Opportunity Map;*
2. *The location of existing subsidized housing stock in the City;*
3. *The location of existing aging multi-family housing stock; and*
4. *The City of Austin Draft Good Neighbor Guidelines.*

As of July 9, 2012, the working group has explored and assessed a number of policy options including land use and zoning issues such as developing a preservation strategy and the strategic use of public land, and have begun identifying measures of a gaps assessment and goal setting methodology.

The group continues to meet and discuss various other tools and approaches to achieving geographic dispersion of affordable housing. Although the working group has not made an official recommendation to the CDC, the group is expected to make a recommendation to the commission in 2012. Following the working group's recommendation, the CDC will have the opportunity to make a recommendation to the Austin City Council on this issue.

Affordable Housing Siting Policy Working Group members:

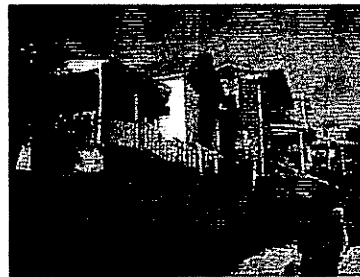
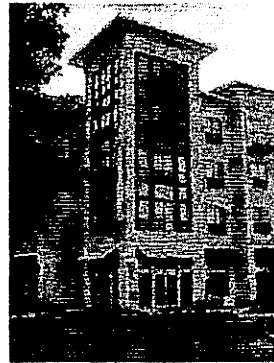
- Steven Aleman – Austin Neighborhoods Council (ANC)
- Mandy De Mayo – Housing Works
- Darla Gay – Boarding Homes/Re-Entry Roundtable
- Stuart Hersh – Community Housing Development Organization (CHDO)
- Ann Howard – Ending Community Homelessness Coalition (ECHO)
- Dianna Grey – Corporation for Supportive Housing
- Liz Mueller, Community Development Commission (CDC)
- Angelica Noyola – CDC
- Karen Paup – CDC
- Myron Smith – CDC
- Kathy Stark – Austin Tenants’ Council
- Tracy Witte - OCEAN/Swede Hill (resigned 6/17/12)

City Staff Support:

- Rebecca Giello – Neighborhood Housing and Community Development (NHCD) Office
- Kelly Nichols – NHCD
- Marti Bier – NHCD
- Maneesh Chaku – NHCD
- Kathleen Buchanan – Law Department
- Paul DiGiuseppe – Planning and Development Review Department, Imagine Austin Comprehensive Plan

DOWNTOWN AUSTIN PLAN PHASE ONE
DOWNTOWN AFFORDABLE HOUSING STRATEGY

REVISED DRAFT July 6, 2009



HR&A Advisors ROMA Austin

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EXECUTIVE SUMMARY

Purpose of the Plan

The City's Downtown is an essential contributor to the pursuit of Austin's goal to become the most livable city in the United States. The City commissioned the Downtown Austin Plan, which will propose strategies to ensure that Downtown's revitalization contributes to the City's growth, translating new investment into a variety of tangible public benefits, including affordable housing. As part of this effort, the ROMA/HR&A Team developed the Downtown Affordable Housing Strategy for the City that seeks to:

1. **Create a vision for the mix and character of housing** in Downtown Austin that can be realized as Downtown grows and evolves over time,
2. **Set goals and targets for realizing this vision**, based on a realistic assessment of opportunities and constraints, and
3. **Recommend the short- and long-term strategies** that the City and its partners can use as Downtown develops to meet these targets.

A review of affordable housing policies and efforts was conducted from November 2008 through April 2009. This included consultations with City and State officials, affordable housing stakeholders, representatives of the development community and other interested parties; research into Austin's current conditions and policies; a survey of best practices in affordable housing elsewhere in the United States; and culminated in a Town Hall Meeting in May 2009.

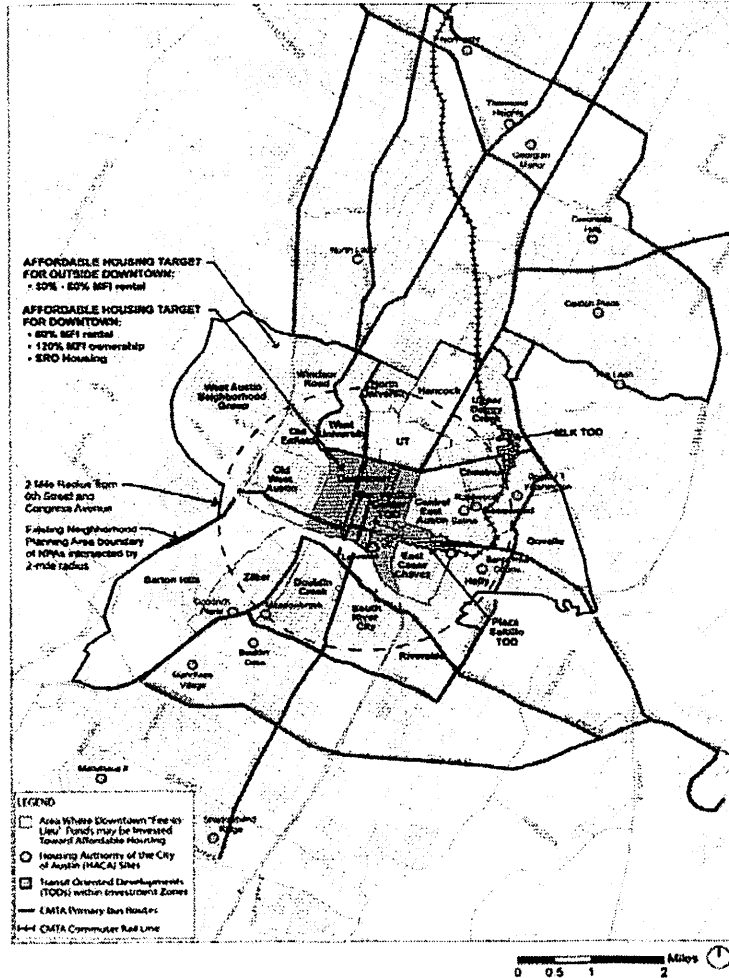
Downtown Overview

Area Boundaries

The "Downtown" (project study area) and a broader "Housing Fee Investment Area" should be considered for an affordable housing strategy. The Downtown (IH 35 to Lamar Blvd., MLK Blvd. to Lady Bird Lake) and the Housing Fee Investment Area surrounding it (neighborhoods within two miles of Sixth Street and Congress Avenue) contain roughly 200,000 Austin residents and 80,000 occupied housing units.¹ These areas are already transit-accessible and will be more so, once future infrastructure improvements are made and therefore are relevant target areas for providing a mix of housing that will support a vibrant daytime and nighttime downtown. Downtown also contains a large number of hard-to-serve residents, including a homeless population proximate to social services.

¹ See full report text for references.

Affordable Housing Fee Investment Area Map



Housing Characteristics

There is an affordable housing gap for low-income residents in Austin. The 2009 Austin Housing Market Survey found a city-wide gap of more than 48,000 units for those earning at or below 30% of median family income (MFI), and a gap of 15,000 affordable ownership opportunities for households earning at or below 50% of MFI. Many existing affordable units are substandard in quality; the majority of privately-owned, non-subsidized affordable housing is in older housing stock.

Subsidized housing is more costly to create Downtown, particularly in high-rise buildings. High-rise construction, demands for on-site parking, and higher land values make the construction of affordable units in Downtown considerably more expensive than in other parts of the City.

Market Trends

Most Downtown workers cannot afford to live in Downtown. City-wide, workforce housing is available, but it is more difficult to find affordable housing there. In 2000, only one-third of owner-occupied homes in Downtown were affordable to households with incomes at or below 120% of MFI. From 2000 to 2008, average single-family home prices in Downtown increased by more than 60%, and average condo sales prices grew by nearly half.

Downtown is becoming less affordable. New housing has begun to make the Downtown less affordable and therefore less diverse. Recent condo buyers have had higher incomes and fewer household members than the average existing Downtown household, suggesting changing demographics and declining affordability in the downtown.

Vision for Downtown Housing Strategy

Importance of a vibrant Downtown: The economic and environmental health of the region depends on the continued health and vitality of the downtown, which expresses the unique Austin character, like no other place in the region. The CBD provides the most sustainable opportunity for regional growth; it is the natural gathering place of the community, and its unique character and culture contribute to the Austin's success in attracting "creative class" businesses.

Key components of a vibrant downtown: The Downtown Austin Plan focuses on ensuring that key components of a vibrant downtown are produced as Austin grows and that an appropriate balance is maintained between these components. These components include:

- Transit accessibility
- Active retail
- Arts, culture and entertainment
- Adequate parking in centralized locations or structures
- Diversified employment
- High-quality parks and open spaces

Mix and character of Downtown housing: Ensuring that the supply of housing provides opportunities for a diverse mix of Austinites to live Downtown is crucial to supporting each of the components described above. Housing should be available *within or in proximity* to Downtown, in order to support use of public transit, to provide housing within proximity to employment centers and to provide an adequate market base for retail, arts, culture and entertainment uses. This housing should be available to:

- A range of income groups, including those able to pay market rent or sales prices, "workforce" income groups (80% MFI), very low- and low-income groups (less than 50% MFI), as well as special needs residents.
- A range of family types, including singles and small families as well as larger families, should they seek to live Downtown.
- A range of lifestyles, including Downtown workers and those active in the creative community.

Balance affordable housing with sought-after, responsible Downtown development. The Downtown is in a critical stage of growth as a mixed-use community. Although it has grown substantially in the last decade, adding 8,000 units and increasing resident population by 18%, Downtown Austin remains in the lowest third of southern and western cities in terms of population density per square mile of the CBD (Central Business District), and land prices remain substantially lower than other cities. Housing policies should be carefully crafted, so as not to interfere with the creation of dense and vibrant Downtown development, including commercial development to provide jobs and market residential development to enhance the tax base and local purchasing power.

Options for action. In the context of this vision, the Team examined three options for action:

1. **No Action:** Austin's current policies seek to: streamline the development process through S.M.A.R.T. Housing, reduce operating costs through economic development grants and lower the cost of development through bond funding and public land disposition. In a "no action" scenario, Austin would continue to use these policies, largely on a project-by-project basis, to encourage affordable housing Downtown. However, this review found that these policies apply to the Downtown in a very limited way and have not produced significant results. Most notably, current policies have not produced workforce housing for those at higher income levels to live Downtown.
2. **Limited:** In the short-term, there are a limited number of policy and funding options available to the City to create affordable housing. The City can leverage additional public land, where feasible; explore opportunities to buy down existing market-rate units for long-term affordability; acquire and reposition foreclosed properties; and continue to subsidize housing for very low- to moderate-income households. The City can also adopt a permanent downtown density bonus, which will contribute to meeting, but not fully addressing Austin's goals for affordable housing.

3. **Aggressive:** In the long-term, the City could create a comprehensive policy framework to:

- Use **public funding** to leverage institutional and private financial resources,
- Create a **comprehensive financing system** enabling developers to layer incentives and resources from a variety of public, private and non-profit entities to make deals with affordable housing successful, and
- Redirect a portion of the value produced by future growth into affordable housing.

The Team recommends that the City adopt a combination of Limited and Aggressive actions for Downtown and its adjacent neighborhoods, using direct subsidy and public land policies in the short-term and developing a comprehensive financing system in the long-term that will leverage the value from development as Austin grows.

Goals and Strategies

To increase affordable housing opportunities, we recommend the City adopt the following goals for Downtown and the surrounding Housing Fee Investment Area. (See map above.)

The Downtown and the suggested Housing Fee Investment Area should provide housing opportunities for an array of Austin households. These opportunities should be accessible by transit and proximate to appropriate amenities. A predictable and transparent system of regulations and incentives should be established and public-private partnerships created to encourage greater income diversity than currently exists Downtown.

Goals for the Downtown area should address workforce housing (80-120% MFI) and supportive housing for special needs populations. Workforce housing will provide desired income diversity in the increasingly dense Downtown, while making efficient use of scarce housing subsidy resources in a high cost environment. The City should also increase the supply of permanent supportive housing opportunities in the Downtown to accommodate hard-to-serve populations, particularly the chronically homeless.

1. **Ensure that 10% of new housing created in Downtown by 2020 is affordable to Austin's workforce. Assuming the Downtown population reaches 25,000 people by 2020, this would recommend creating a minimum of 1,440 units:**
 - 720 rental units affordable to families earning 80% of MFI, and
 - 720 ownership units affordable to families earning 120% of MFI.

2. **Double the number of privately-operated supportive housing units in the City.** Given the competition for resources and the complexity of delivering this product, we believe this goal of creating 170 new supportive housing units is aggressive but achievable.

	New Workforce Units by 2020	Subsidy Per Unit	Total Subsidy
Rental	720	\$90,000	\$65 million
Ownership	720	\$150,000	\$110 million
TOTAL	1,440 units		\$175 million
	New Units in 5 Years	Subsidy Per Unit	Total Subsidy
Supportive Housing Units	170	\$200,000	\$34 million

Affordable housing in the neighborhoods immediately adjacent to Downtown (Housing Fee Investment Area) should address the needs of very low, low and moderate income households (0 - 80% of MFI). The lower cost of creating affordable housing outside Downtown, coupled with the transit accessibility of Downtown, makes the Housing Fee Investment Area a fiscally-prudent alternative to meeting all of the Downtown's affordable housing needs within the Downtown proper.

3. **Produce very low-, low- and moderate-income units in proportion to Downtown and the Housing Fee Investment Area's share of Austin's housing stock.**
 - Rental units affordable to families earning below 60% of MFI.
 - Ownership units affordable to families earning below 80% of MFI.

Recommended Strategies

Target Workforce Housing in the CBD

1. Create or adapt a Downtown Workforce Housing Corporation to provide centralized funding and administration for Austin's workforce housing programs Downtown.
2. Develop an intergovernmental strategy for public land disposition and development, targeting 20% workforce affordability for any residential development that occurs on public land.
3. Create a revolving loan fund administered by the Downtown Workforce Housing Corporation. Capitalize the fund with public sources, including the proposed Downtown Density Bonus Program's housing fee proceeds and public low-interest bond funding.
4. Expand the public fees that are eligible to be waived by the S.M.A.R.T. Housing program, coordinating across public agencies to identify opportunities.
5. Provide economic development grants as-of-right to workforce housing units Downtown.
6. Explore opportunities to buy down existing market-rate units for long-term affordability.

Funding Sources

1. Create or adapt a non-profit Community Development Financial Institution (CDFI) to support workforce housing and leverage investment from other sources. Gain status for the Downtown Workforce Housing Corporation or develop a CDFI subsidiary of the Corporation.
2. Use public capital to seed the Corporation's programs and loan funds, including possible additional General Obligation Bond funding.
3. Implement a permanent Downtown Density Bonus Program, and dedicate in-lieu housing fees collected from the Program to capitalize the workforce housing financing system.
4. Seek private and foundation partners, including significant Downtown employers, banks with Community Reinvestment Act (CRA) obligations, and development of a non-profit intermediary system, to provide capital for long-term programs.

Target Very Low- and Low-Income Housing in the Housing Fee Investment Area and in the Downtown where feasible:

1. Continue using Austin Housing Finance Corporation (AHFC) to subsidize very low- and low-income housing, including direct public subsidy.
2. Build a model Single Room Occupancy (SRO) project Downtown to demonstrate best practices in supportive housing development and operation.
3. Support the Housing Authority of City of Austin (HACA) redevelopment efforts to increase very low-income and create low- and moderate-income housing by intensifying HACA-owned sites, including the eight sites in Downtown and the Housing Fee Investment Area. (The Team's initial analysis suggests that HACA could produce 3,500 units in addition to the units presently on these sites within maximum allowable densities of their existing zoning.)
4. Provide full property tax abatements and/or economic development grants as-of-right to affordable units in the Housing Fee Investment Area.
5. Seek private and foundation partners, including significant Downtown employers, banks with CRA obligations, and the development of a non-profit intermediary system to provide capital for long-term programs.

INTRODUCTION

Downtown Austin Plan

The City of Austin is committed to making Austin the most livable city in the United States. City policies seek to:

- Promote a rich social and cultural community.
- Build a vibrant urban fabric.
- Create a healthy and safe city.
- Promote sustainable economic development and public health.

The City's Downtown is an essential contributor to the pursuit of these goals. In part to harness the potential of Downtown's substantial growth, the City commissioned a Downtown Plan. The plan will propose strategies to ensure that Downtown's revitalization contributes to the City's growth, translating new investment into a variety of tangible public benefits, including affordable housing.

The initial planning phase recommended that the City create a Downtown affordable housing and density bonus strategy. Those specific recommendations are summarized in the figure at right. Conclusions from the first phase of the Downtown Austin Plan informing the affordable housing strategy were as follows:

- The lack of Downtown affordability and recent construction of substantial numbers of luxury residential units has created a desire to ensure that Downtown evolves as a mixed-income community. However, the cost of creating affordable units Downtown is prohibitive without market intervention. ***Downtown should continue to***

<p><i>Recommendations, Downtown Austin Plan Phase I (2/2008)</i></p> <ul style="list-style-type: none"> • Create development standards to promote better urban form and place-making. • Plan for growth and development district-by-district to recognize the specific needs and goals of each area within Downtown. • Create a master plan for parks and open spaces. • Promote entertainment and "creative community" uses Downtown. • Create an affordable housing strategy tailored to the particular needs of Downtown. • Create an implementation strategy that enables exploration of funding sources for public improvements.
--

house a diverse community as it grows. Austin should structure a transparent, predictable set of incentives to encourage the creation of community benefits for Downtown, including affordable housing. Incentives should include a density bonus program to replace CURE, in order to create a single administrative path to increased density. ***A density bonus and other incentives can help to shape Downtown's future positively.***

- The Downtown Affordable Housing Strategy should set goals and examine an array of tools to generate housing Downtown for a mix of incomes, including the density bonus, tax abatements and the use of publicly-owned land. ***Create a housing strategy tailored to Downtown.***

Approach

The City commissioned this policy review to inform specific recommendations for an Affordable Housing Strategy and a Density Bonus Program. This review included the following components:

- I. Evaluation of Austin's existing affordable housing policies and their applicability to Downtown housing.
- II. Assessment of Austin's goals for Downtown housing and the cost of achieving those goals.
- III. Survey of affordable housing programs in comparable cities across the United States, and comparisons of Austin's policies and results to those of comparable cities.
- IV. Consultations with City and State officials, affordable housing stakeholders, representatives of the development community and other interested parties.
- V. Recommendations for goals for Downtown housing, specific targets related to the goals and estimates of the timeline and cost of achieving the targets.
- VI. Recommendations on policy tools to be adapted and/or implemented to achieve targets in the most cost-effective and fair manner.

The review was conducted in tandem with a study of the potential for a Downtown density bonus to generate community benefits, including affordable housing. Together, the Downtown Density Bonus Program and Downtown Housing Strategy provide Austin with a broad vision, and specific policy recommendations, to establish short- and long-term policy in these areas.

Study Timeline

January 2009: Affordable Housing Stakeholder Consultations

May 2009: Density Bonus and Affordable Housing Joint Commissions Meeting
Town Hall Meeting

July 2009: Final Recommendations

Goals and Targets

Set housing goals for Downtown and its surrounding area.

Downtown and the Housing Fee Investment Area should provide housing opportunities for an array of Austin's households. These opportunities should be accessible by transit and proximate to appropriate amenities. A predictable, transparent system of regulations and incentives should be established and public-private partnerships created to encourage greater income diversity than currently exists Downtown.

Policy goals should be established for the Downtown and for the Neighborhood Planning areas within a two-mile radius of Downtown's center. In these neighborhoods, transit is relatively accessible and will continue to develop as regional and local transportation projects are constructed. These neighborhoods were designated as a "Downtown Impact Area" by the Interim Density Bonus Ordinance, therefore, goals are suggested for this now re-named area as well as the Downtown proper.

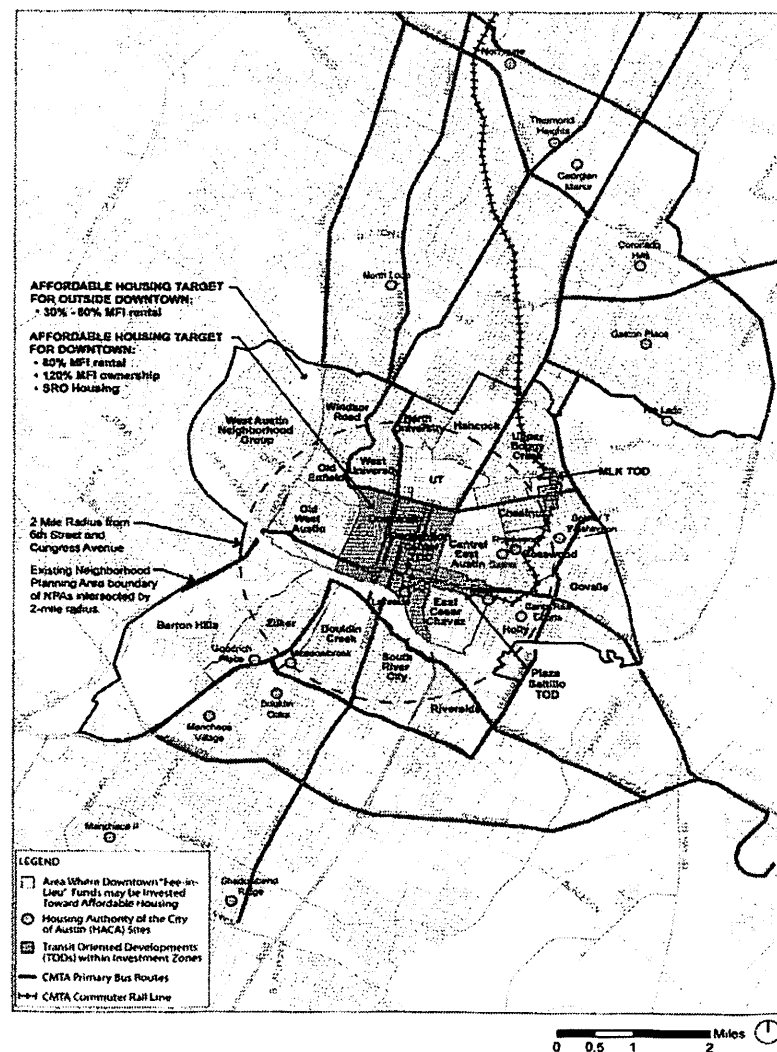
Downtown boundaries:

- IH 35 to Lamar Boulevard
- MLK Boulevard to Lady Bird Lake

Housing Fee Investment Area boundaries:

- Neighborhood Planning areas for which any land area falls within a two-mile radius of Sixth Street and Congress Avenue

Map of Housing Fee Investment Area



RECOMMENDED POLICY FRAMEWORK

Goals in the Downtown should address workforce housing (80-120% of MFI) and supportive housing for special needs populations. Workforce housing will provide desired income diversity in the increasingly dense core, while making efficient use of scarce housing subsidy resources in a high cost environment. Though amenities for families are available in the downtown, the relative level of amenities within the neighborhoods in the Housing Fee Investment Area is more suitable to a wider range of demographics and can, therefore, attract a greater number of affordable units for families.

The City should also increase the supply of permanent, supportive housing opportunities Downtown to accommodate hard-to-serve populations, particularly the chronically homeless. Permanent supportive and transitional housing are cost-effective means of providing housing for various hard-to-house populations. Average daily public costs to provide supportive housing are far below those of the most common alternatives for these individuals, including emergency shelters, hospitals, mental health facilities, and prisons.⁴⁰ And, although community objections can present obstacles to developing new supportive housing, research demonstrates that property surrounding new developments actually experience strong and consistent price appreciation compared to similar properties in other parts of a neighborhood, due to the quality of new development.⁴¹ Supportive housing can be a win-win situation for individuals in need and for the stability of the community.

⁴⁰ *The Plan to End Chronic Homelessness in Austin/Travis County*, The City of Austin Affordable Housing Bond Committee, September 26, 2005.

⁴¹ *The Impact of Supportive Housing on Surrounding Neighborhoods: Evidence from New York City*, Furman Center for Real Estate and Urban Policy, November 2008.

Housing in the neighborhoods immediately adjacent to the Downtown (Housing Fee Investment Area) should address the needs of very low- and low-income households (0- 80% of MFI). The relative lower cost of creating affordable housing outside Downtown, coupled with the transit accessibility being cultivated around Downtown, makes the Housing Fee Investment Area a fiscally-prudent alternative to meeting all of the affordable housing goals within the Downtown proper. These Downtown-adjacent neighborhoods are relatively accessible by transit and could house many Downtown workers in a cost effective manner. The City should focus resources to create more units at deeper levels of affordability here.

This section establishes targets for creating new affordable units in the Downtown and Housing Fee Investment Area, and projects the costs that would be associated with each target, if the City were to provide subsidy to fill the entire funding gap. This gap may be partially filled by a variety of existing Federal, State, local and/or private sources, but the estimate provides a starting point for the City to consider the funding gap, the impact of existing subsidy and incentive programs, and the recommendations for new initiatives presented later in this report.

DOWNTOWN OVERVIEW

The housing strategy should address both the Downtown and the immediately surrounding, more affordable areas.

Policy goals should be established for the Downtown and for the Neighborhood Planning areas within approximately a two-mile radius of Downtown. In those adjacent neighborhoods, transit is relatively accessible and will continue to develop as regional and local transportation projects are constructed. These neighborhoods were designated as a "Downtown Impact Area" by the Interim Density Bonus Ordinance. Therefore, goals are suggested for both the Downtown and this area, which the Team suggests renaming for greater clarity as the "Housing Fee Investment Area".

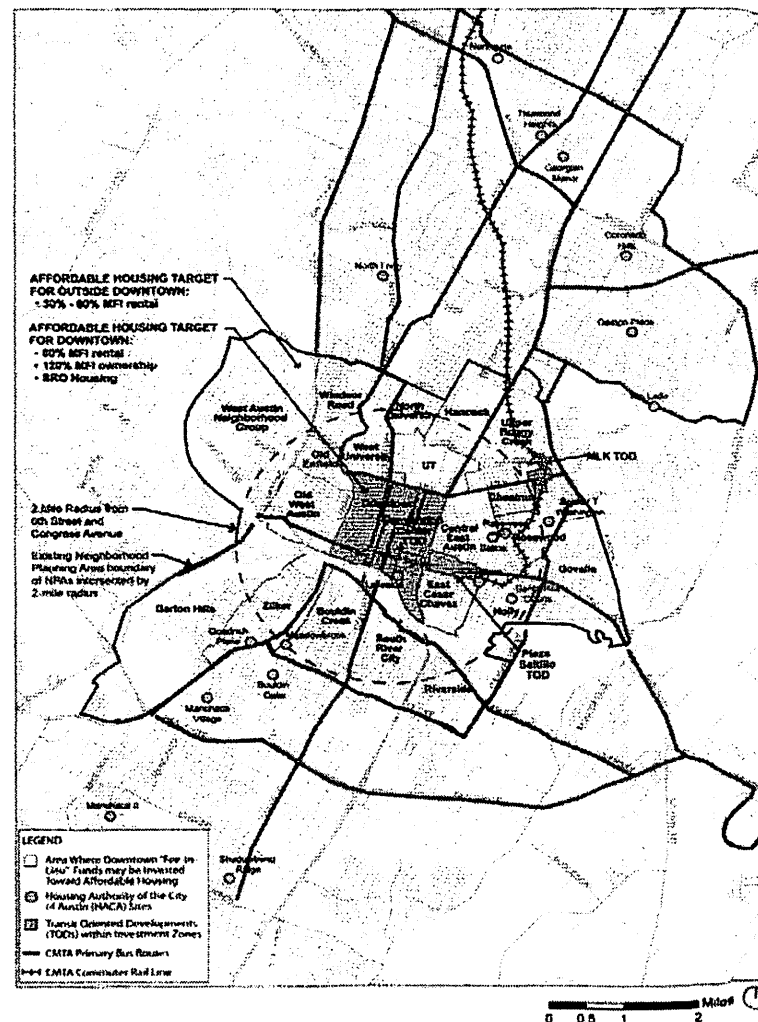
Downtown boundaries:

- IH 35 to Lamar Boulevard
- MLK Boulevard to Lady Bird Lake

Housing Fee Investment Area boundaries:

- Neighborhood planning areas for which any land area falls within a two-mile radius of Sixth Street and Congress Avenue.

Map of Housing Fee Investment Area



DOWNTOWN OVERVIEW



City of Austin

Neighborhood Housing and Community Development

P.O. Box 1088 Austin, Texas 78767

(512) 974-3100 ♦ Fax (512) 974-3112 ♦ www.cityofaustin.org/housing

January 7, 2013

Mr. Cameron Dorsey
Texas Department of Housing
& Community Affairs
P.O. Box 13941
Austin, TX 78711-3941

Dear Mr. Dorsey,

I am pleased to learn that the Eureka Holdings is submitting a proposal to the Texas Department of Housing and Community Affairs to obtain to obtain housing tax credits in order to preserve 170 units of affordable housing at Oak Creek Village.

The City of Austin's FY 2009-2014 Consolidated Plan is the city's strategic plan that addresses the housing and community development needs of the local area. The plan was developed through a community needs assessment, public hearings, and analysis of Census data. Creating and preserving affordable housing opportunities was identified as a critical community need, and thus, a high priority for the City of Austin in the FY 2009-2014 Consolidated Plan.

This letter confirms that the FY 2009-2014 Consolidated Plan was duly adopted by the City of Austin in August 2009 after an extensive public comment process required by the U.S. Department of Housing and Urban Development. Funding and activity under the plan has commenced, and the City of Austin has no reason to believe that the overall funding for the full and timely implementation of the plan will be unavailable. It is the intention of the City of Austin to continue to provide funding for plan activities for the period of October 1, 2012 through September 30, 2013, subject to future City Council authorizations and federal funding levels.

Please contact me if I can answer any questions or provide additional information.

Sincerely,

Elizabeth A. Spencer
Director

3a

BOARD REPORT ITEM
SECTION 811 PRA PROGRAM
April 11, 2013

Presentation and Discussion on the \$12 million Award to TDHCA from the U.S. Department of Housing and Urban Development (HUD) for the Section 811 Project Rental Assistance Demonstration Program.

REPORT ITEM

On February 12, 2013, the U.S. Department of Housing and Urban Development (HUD) announced that TDHCA was one of 13 states selected to participate in the first ever Section 811 Housing for Persons with Disabilities Project Rental Assistance (PRA) Demonstration. This new Section 811 PRA Demonstration is designed to assist state housing agencies to expand integrated supportive housing opportunities for people with the most significant and long term disabilities, and was the centerpiece of the Frank Melville Supportive Housing Investment Act of 2010. The Governing Board approved authorization to apply for the funds on June 14, 2012, and TDHCA submitted an application in August 2012 in response to a competitive Notice of Funding Availability (NOFA).

The Texas Department of Housing and Community Affairs (TDHCA) partnered with the State's Medicaid agency, the Health and Human Services Commission (HHSC), on the application for the Section 811 PRA Demonstration Program. HHSC oversees four other agencies, Department of Aging and Disability Services (DADS), Department of State Health Services (DSHS), Department of Assistive and Rehabilitative Services (DARS), and Department of Family and Protective Services (DFPS); all of whom are partners in this program. The Department of Aging and Disability Services (DADS) is taking the lead for all of the Health and Human Service Agencies for this program. In this partnership, TDHCA contributes the housing voucher administration and expertise, while the health and human service agencies contribute the provision and coordination of services.

As part of the effort toward expanding supportive housing in Texas, the State of Texas pursued other funds as well. The State of Texas was one of six states selected for the Centers for Medicare/Medicaid Systems (CMS) Real Choice Systems Change Grant received in 2011. DADS and TDHCA partnered on the application for these funds. The State of Texas's application was selected, in part, because of its demonstrated on-going commitment to infrastructure change, innovation, and building sustainable partnerships to benefit low income persons with disabilities. As part of the CMS Real Choice Grant, the State created the 811 Team composed of TDHCA, HHSC, DADS, DFPS, DARS, DSHS, consumers of services, advocates, and housing providers/developers. The 811 Team held multiple meetings devoted to the identification of the populations to be served through the Section 811 PRA Demonstration Program.

Program Concept

Operationally, upon negotiation of a Cooperative Agreement with HUD, TDHCA will release a Notice of Funding Availability (NOFA) for multifamily properties funded with TDHCA programs in seven geographic areas specified in TDHCA's application. Properties awarded from the NOFA will enter into a rental assistance contract with TDHCA committing to, among other things, a set number of units that they will be setting aside for use by one of the target populations noted below. The Health and Human Service agencies specified above have local providers who will identify income-eligible clients (households earning at or below 30% Median Family Income) within the target populations that are in a position to transition into a stable housing unit. Those HHSC agencies will educate the client during this process and then refer the client to TDHCA for placement in a unit. If there are no units available, clients will have the option of being placed on the waiting list for one or more of the properties (every property will have its own PRA waiting list). Upon being reached on a specific waiting list (or at first lease-up if applicable), the client will be notified. Assuming they pass any property level screening and accept that voucher, they will then sign a lease, move into their unit at that property, and a portion of monthly payments for the unit will begin being made to the property owner on that client's behalf.

Target Populations

Following extensive analysis and public input, including roundtables held in five cities, the 811 Team chose three target populations for the Section 811 PRA Demonstration Program.

1. **People with disabilities living in institutions.** People that wish to transition to the community from nursing facilities and intermediate care facilities for persons with intellectual disabilities may not have access to affordable housing in their community.
2. **People with serious mental illness.** These individuals are engaged in services but face challenges due to housing instability. Stable, integrated, affordable housing would enable these individuals to fully engage in rehabilitation and treatment, greatly improving their prospects for realizing their full potential in the community.
3. **Youth with disabilities exiting foster care.** Youth exiting foster care often become homeless, particularly without the stability of long-term housing and comprehensive support services.

Program Areas

Due to the large size of the State of Texas and the primary locations of concentrations of these populations, TDHCA will focus the agency's resources on seven areas. Specifically, the program will be located in seven distinct areas, all of which are Metropolitan Statistical Areas (MSAs) and are geographically dispersed statewide:

1. Austin-Round Rock-San Marcos
2. Brownsville-Harlingen
3. Dallas-Fort Worth-Arlington
4. El Paso

5. Houston-Sugar Land-Baytown
6. McAllen-Edinburg-Mission
7. San Antonio-New Braunfels

These MSAs were chosen because they are representative of the state's geographic, ethnic, and socio-economic diversity. Within the seven MSAs, TDHCA will be able to develop a Section 811 PRA Demonstration Program to effectively match qualified tenants with quality units. The State of Texas has identified that there are approximately 6,500 people from the target populations living in the seven identified areas. The awarded \$12 million is anticipated to provide approximately 385 Section 811 PRA vouchers that will fill six percent of the need in the seven areas.

The application review and selection of the eligible properties to participate will be completed by the Multifamily Finance Division in collaboration with HRC and other divisions. The long term oversight of the Program's administration will be under Brooke Boston, Deputy Executive Director for Community Based Program. Kate Moore, the current Policy Advisor in the Housing Resource Center, will transition to become Program Manager the Section 811 PRA Program with assistance from Spencer Duran, who is funded from a grant received by TDHCA via DADS through the Money Follows the Person program.

Next Steps

Because these funds are part of a demonstration grant, TDHCA will execute a negotiated Cooperative Agreement with HUD; the agreements will vary for each of the 13 selected states. HUD estimates that they will have a draft cooperative agreement, to begin the negotiation process in April 2013 with a signed cooperative agreement by the end of May 2013. During that time Department Staff is also taking other steps to proceed. These steps include:

- Communicating with HUD's procured technical assistance provider on the topics for which TDHCA is requesting assistance and/or needs training on
- To the extent available, attend trainings and webinars on content areas associated with the grant
- Ongoing negotiation with HUD on the Cooperative Agreement
- Begin initial outreach and communication via the HHSC agencies
- Meet with potential multifamily property owners and property managers to get their input on how the project design integrated into the project will result in a desirable program to help in NOFA development

The Section 811 PRA Program Manager will continue to provide the Board with updates on TDHCA's progress on implementing this grant award.

3b

BOARD ACTION REQUEST

EXECUTIVE DIVISION

APRIL 11, 2013

Presentation, Discussion, and Possible Action on a Reprogramming of 2014 – 2015 Community Services Block Grant (CSBG) Discretionary Funds and Notification of Capital Budget Item Request Change

RECOMMENDED ACTION

WHEREAS, in its Legislative Appropriations Request (LAR) approved by the Board and submitted to the Legislative Budget Board (LBB) in August 2012, TDHCA had proposed a Capital Budget Item that would utilize CSBG Discretionary Funds to create a statewide Homeless Information Exchange/ Data Warehouse (HIE/DW); and

WHEREAS, TDHCA and its external partners in the HIE/DW project have determined that the requested Capital Budget Item cannot be successfully implemented at this time; that delaying the project is in the best interest of the long-term viability of the project; and that delaying the project is necessary to ensure that CSBG discretionary funds, which are only available for a two year period, are not placed at undue risk through commitment to a significant project not prepared to move ahead very quickly with all necessary parties committed to a unified approach; and

WHEREAS, there are eligible and high priority TDHCA activities for which CSBG Discretionary Funds can be utilized; and

WHEREAS, one of those high priority activities includes ensuring that reductions in the administrative funding for the Section 8 Housing Choice Voucher Program (HCVP) due to the federal sequestration do not have an immediate adverse impact on the ability of TDHCA’s administrators to administer those vouchers; and

WHEREAS, one of those high priority activities also includes an identified need for additional training and technical assistance and third party consultative work in the Community Action Agency network;

NOW, therefore, it is hereby

RESOLVED, that TDHCA does not intend to implement the Capital Budget Item for the HIE/DW, has notified the appropriate legislative entities of such, and intends to utilize those funds for other eligible activities; and

FURTHER RESOLVED, that the funds previously indicated for use for the HIE/DW will now be utilized to provide funding for some of the administrative responsibilities of the local administrators of the HCVP, and to provide funding to procure third party providers of consulting services for Community Action Agencies to identify risks, areas for improvement and/or provide comprehensive management consultation from procured third party service providers.

BACKGROUND

The Department had set aside \$500,000 of its 2013 annual CSBG Discretionary funds and \$110,000 from 2014 annual Discretionary funds for the implementation of the HIE/DW project. By design, the project would provide for the first time a comprehensive statewide compilation of data relating to Texas' homeless population and how the state is meeting that population's needs. Of the states that have embarked upon this type of project, it is not uncommon for them to have spent 5 - 10 years in the initial stages before reaching consensus on the specifics of the system design and final implementation. In Texas, discussions and project work involving TDHCA have been occurring for roughly three years in coordination with a group with representation from all Texas Continua of Care (CoCs), the parties that would be active participants in this project. A subgroup of those providers is the Executive Committee ("ExCom") and they are the most actively involved in this project. At the time the LAR was submitted to the LBB, TDHCA felt that both TDHCA and this group were prepared to proceed and quickly procure a vendor for this project, which was a critical step in timely meeting the expenditure requirements on these funds. However, more recently, TDHCA and the ExCom identified several still unresolved issues which are detailed below.

- The ExCom is concerned with the idea of which party "owns" the data that is compiled. They are concerned that data "owned" by TDHCA would allow other state agencies, TDHCA, or the Legislature to access that data, and has concerns as to how those entities may use the data. This included discussing whether TDHCA or others would look at one program or community to compare its performance and outcomes with another community or program and allow the results to guide where possible future funding goes. The ExCom said CoCs do not want to be the provider of data that may ultimately harm them. TDHCA, as the entity with oversight for the federal funds and the proposed IT project, must retain ownership of the project and data.
- The ExCom is also concerned that all CoCs would be required to participate. TDHCA feels the participation of all CoCs would be necessary to have comprehensive and meaningful statewide data, which was one of the stated goals of the project. Partial state representation would severely limit the value of the data. Because there are some minimal estimated expenses to the CoCs that will not necessarily be covered by the project funds, CoCs will find it challenging to commit to definitive participation when there will be possible project costs.
- A final issue is the specificity of the data. The ExCom wanted to avoid reporting data that gives too much detail, for instance the program(s) the client is participating in, and the location of the client/where they are receiving services. TDHCA believes that only with this level of data can there be meaningful analysis to inform policymaking.

While the ExCom did vote to not proceed at this time, TDHCA and the ExCom remain engaged in working on these issues in a long term effort at a statewide data warehouse being created. However, at this time we agreed that this could not occur as quickly as would be needed to implement the project in time to meet federal expenditure deadlines on the funds and within the timeframe of the budget years covered in the legislative request.

At the January 17, 2013, Board Meeting the Board approved the use of CSBG discretionary funds including the funds that had been earmarked for this HIE/DW. Several developments have occurred in recent weeks that call for prompt prioritization and for which CSBG Discretionary funds are eligible. These include a significant reduction in the funds available for enabling local administrators of some HCVP vouchers resulting from sequestration, and in the existence of several community action agencies that require additional technical and training assistance and potential third party assessments or management consulting services.

The proposed reobligation of the CSBG Discretionary funds would result in a revised commitment as shown in the table below.

Assisting Local Operator contracts and CAA's in need of Intensive Assistance	\$500,000
Other Homeless Initiatives	
Statewide Homelessness Efforts	300,000
Local Homelessness Innovations and Possible Interplay with Community Action Agencies network	400,000
Transitional Funds for Migrant Seasonal Farmworker and Native American populations	\$100,000
Disaster Recovery Reserve	\$100,000
Total CSBG Discretionary Estimate	\$1,400,000

If approved by the Board, staff will release a NOFA and/or Request for Proposal (RFP) to identify capable providers who can provide management consulting work to TDHCA to assist in providing detailed and thorough plans for certain Community Action Agencies in need of intensive management assistance. The post ARRA period has resulted in some Community Action Agencies experiencing difficulties in the areas of financial accountability, internal control structures, loss of experienced leadership, and long term strategic planning. The goal is to provide those agencies and their governing boards with an objective 3rd party evaluation that details steps to be taken and measurable objectives that if implemented provide a solution to their identified management challenges. The NOFA or RFP will be released with applications estimated to be due in June 2013. It is anticipated that final award recommendations under these NOFAs or RFPs will be presented to the Board in July of 2013 for ratification.

In the event that the Department does not fully expend the \$500,000 for the purposes noted above, Staff is requesting flexibility to utilize the funds for other activities previously approved by the Board for CSBG Discretionary activities such as Disaster Recovery Reserves, the Transitional funds for Migrant Seasonal Farmworkers if viable projects remain or to help to defray the Department's technical assistance costs in the CSBG program..

Upon approval of this action item, applicable NOFA(s) and/or Requests for Proposals will be drafted and released.

4

BOARD ACTION REQUEST
HOUSING RESOURCE CENTER
APRIL 11, 2013

Presentation, Discussion, and Possible Action authorizing the release and award for a Request for Proposals for funds under the Affordable Housing Research and Information Program and with other funds eligible for research activities under the purview of the Housing Resource Center

RECOMMENDED ACTION

WHEREAS, the Department has been selected by the U.S. Department of Housing and Urban Development (HUD) to participate in the Section 811 Housing for Persons with Disabilities Project Rental Assistance Demonstration Program; and

WHEREAS, the award funding for the Section 811 Project Rental Assistance (PRA) program will enable the Department to provide a project based rental subsidy to multifamily properties it finances and allow persons with disabilities earning less than 30 percent of area median family income to live in integrated mainstream settings; and

WHEREAS, the Department proposes the implementation of the Section 811 PRA funding award over a seven-year period; and

WHEREAS, the funding award provides administrative funding equivalent to five percent of the grant award, which is insufficient to cover the totality of administrative costs over the seven-year implementation period; and

WHEREAS, the Section 811 PRA program requires the provision of extensive education, training, technical assistance, and information dissemination to the Department's state and local partners to ensure successful grant implementation; as well as outreach to the eligible multifamily properties, eligible consumers, and their stakeholders; and

WHEREAS, the Department has been provided legislative appropriations for the 2012-2013 biennium to support activities related to Affordable Housing Research;

NOW, therefore, it is hereby

RESOLVED, that the Executive Director and his designees each of them be and they hereby are authorized, empowered, and directed, for and on behalf of the Department, to proceed to prepare and publish a Request for Proposals for a Vendor to conduct research activities related to Section 811 Housing for Persons with Disabilities Project Rental Assistance Demonstration Program and to negotiate and approve a contract with one or more successful proposals.

BACKGROUND

On February 12, 2013, the U.S. Department of Housing and Urban Development (HUD) announced that Texas was one of 13 states selected to participate in the first ever Section 811 Housing for Persons with Disabilities Project Rental Assistance (PRA) Demonstration. This new Section 811 PRA Demonstration is designed to assist state housing agencies to expand integrated supportive housing opportunities for people with the most significant and long term disabilities, and was the centerpiece of the Frank Melville Supportive Housing Investment Act of 2010. The Department's Board approved authorization to apply for the funds on June 14, 2012 and the Department submitted an application in August 2012 in response to a competitive Notice of Funding Availability (NOFA). Due to the large size of the State of Texas and the primary locations of concentrations of these populations, the Department will focus the agency's resources on seven pilot areas. The awarded \$12 million is anticipated to provide approximately 385 Section 811 PRA vouchers that will address the needs of six percent of the targeted population in the state's seven pilot project areas.

The Section 811 PRA program requires extensive partnerships with multiple entities. First, the Department will be partnering with the owners and property managers from the agency's existing portfolio of multifamily developments, to manage and provide appropriate oversight and reporting of the Section 811 units. The state's five health and human service agencies will be responsible for the provision of an extensive array of supportive services to ensure the stability and on-going tenancy of Section 811 tenants. Additionally, the local funding recipients of each of these health and human service agencies will be responsible for conducting pre-screening, outreach, and referral activities for the program. Given the wide-ranging coordination and collaboration that the Department must undertake for this program, the provision of education, training, technical assistance, and information dissemination to the Department's state and local partners, as well as its multifamily development partners, will to ensure successful grant implementation.

The Department is requesting the authority to release a Request for Proposals (RFP) to secure a Vendor to provide one or more research activities related to the Section 811 PRA Demonstration. The Department recognizes the importance and need for affordable housing research. In addition, the Department recognizes the unique challenges of affordable housing activities related to the first ever Section 811 PRA program. The Department will use the findings reported to assist with program planning. Several ideas are currently being contemplated. Elements of one or more research activities may include:

- Market Study(ies) relating to the areas and / or properties to be served by the program
- Development of Training Manuals for Referral Agents and Service Coordinators/Providers Manuals
- Development of Training Manuals for Property Managers/Operators
- Tenant Roles and Responsibilities Manual/Brochure
- Webinar for Referral Agents and Service Coordinators/Providers
- Webinar for Property Managers/Operators
- Policies and Procedures development support

- Open House initiatives in Pilot Areas
- Other research that may be relevant to the success of the program including comparative studies; evaluation of the use of TRACS (a HUD system for rental assistance); evaluation of various rental, income or property characteristics in the program areas; mapping and or analysis of geographic trends, etc.

In Chapter 2306 of the Government Code, specifically §2306.259 Affordable Housing Research and Information Program, the Department is required to establish a research and information program and contract for the following types of activities:

- (1) periodic market studies to determine the need for housing for families of extremely low, very low, and low income in census tracts throughout the state;
- (2) research from qualified professionals to determine the effect of affordable housing developments on property values, social conditions, and quality of life in surrounding neighborhoods;
- (3) independent research in affordable housing design and development approaches that enhance community acceptance of affordable housing and improve the quality of life for the residents of the housing; and
- (4) public education and outreach efforts to assist the public in understanding the nature and purpose of affordable housing and the process for public participation in the administration of affordable housing programs.

In the Department's appropriations for the 2012-2013 biennium, the Legislature provided funding earmarked for these activities, of which the FY2013 total amount of \$120,000 has not been committed. That source, plus other eligible general revenue funds will be used as the funding source for research activities for the new Section 811 PRA Demonstration program.

Staff recommends approval of the release of one or more RFP's for research activities as proposed utilizing funds under the Affordable Housing Research and Information Program and with other eligible funds and authorization of the Executive Director to negotiate and approve a contract for services in accordance with the RFP.

5

BOARD ACTION REQUEST
BOND FINANCE DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action on Resolution 13-025 authorizing the Department's Investment Policy

RECOMMENDED ACTION

WHEREAS, the Governing Board of the Department (the "Board") desires to review the Department's Investment Policy, and the Board has found the Investment Policy in the form presented to the Board to be satisfactory and in proper form and in compliance with the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended (the "Public Funds Investment Act"); and

WHEREAS, the Director of Bond Finance and the Chief Financial Officer review and the Board approves this Policy on an annual basis;

NOW, therefore, it is hereby

RESOLVED, that Resolution No. 13-025 and the Department's Investment Policy are hereby adopted in the form presented to this meeting.

BACKGROUND

The Public Funds Investment Act (PFIA) requires State Agency Boards, with investments, to develop, adopt annually and maintain an Investment Policy that outlines the purpose of investments, the types of permissible investments, designation of an Investment Officer, selection of a reporting format and frequency, and required training for both Investment Officers and Board Members. It also sets out ethics and conflict of interest rules to which the Department must adhere. It requires the investment professionals to acknowledge their receipt of the policy in order to do business with the Department. TDHCA Investment Officers are David Cervantes, Chief Financial Officer, and Tim Nelson, Director of Bond Finance. TDHCA staff has reviewed the current investment policy that was approved on April 12, 2012.

A black-line version of the proposed Investment Policy is attached for your reference.

RESOLUTION NO. 13-025

**RESOLUTION OF THE GOVERNING BOARD APPROVING THE TEXAS
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS INVESTMENT POLICY**

WHEREAS, the Texas Department of Housing and Community Affairs, a public and official agency of the State of Texas (the "Department"), was created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended (together with other laws of the State applicable to the Department, collectively, the "Act"); and

WHEREAS, the Governing Board of the Department (the "Governing Board") desires to approve the Department's Investment Policy in the form presented to the Governing Board;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Approval of the Department's Investment Policy. The Investment Policy in the form presented to the Governing Board is hereby authorized and approved.

Section 1.2 Authorized Representatives. The following persons and each of them are hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department's seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director of the Department, the Chief Financial Officer of the Department, the Director of Bond Finance of the Department and the Secretary or any Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the "Authorized Representatives." Any one of the Authorized Persons is authorized to act individually as set forth in this Resolution; provided, however, that no such authority shall serve to alter or supersede the requirements that staff observe and adhere to the Department's established Standard Operating Procedures, as in effect from time to time, as they may apply to any such actions.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 2.2 Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 11th day of April, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

**TEXAS DEPARTMENT OF HOUSING
AND COMMUNITY AFFAIRS**

INVESTMENT POLICY

As presented to the Board for adoption on April 11, 2013

2013

April 11, 2013

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

INVESTMENT POLICY

I. POLICY

It is the policy of the Texas Department of Housing and Community Affairs (the "Department") to invest public funds in a manner which will provide by priority the following objectives:

1. safety of principal;
2. sufficient liquidity to meet Department cash flow needs;
3. a market rate of return for the risk assumed; and
4. conformance to all applicable state statutes governing the investment of public funds including the Department's enabling legislation, Texas Government Code, Section 2306, Texas Government Code, Section 2263, Ethics and Disclosure Requirements for Outside Financial Advisors and Service Providers, and specifically Texas Government Code, Section 2256, the Public Funds Investment Act (the "Act").

It is further the policy of the Department to set forth in this document how all investments will be administered, providing for an all-inclusive document that will ensure consistency and thoroughness in the presentation of such investments as they affect the Department's presentation of its financial statements.

II. SCOPE

This investment policy applies to all investments ~~assets, which including both direct investments and investments that are subject to trust indentures created and supplemented in connection with bond issuance both indenture related and non-indenture related investments, excluding funds invested under a trust indenture,~~ of the Department. All of these investments ~~These funds~~ are accounted for in the Department's Comprehensive Annual Financial Report and include the General Fund, Special Revenue Fund, Trust and Agency Fund, and Enterprise Fund.

In addition to This-the investment policy, ~~does not apply to additional guidelines for investment assets that are held under any trust indenture for the benefit of bondholders are .- Each trust indenture sets forth the authorized investments for that particular trust indenture. Any investments held under a separate Trust Indenture are not subject to the restrictions set forth in the Public Funds Investment Act.~~

As regards the possible application of the Act and this policies to investment activity within trust indentures created in connection with Department issuance of bonds, those indentures are, subject to the requirements and constraints of applicable law, structured and negotiated in a manner to protect the interests of bondholders. The contractual provisions pursuant to which indenture trustees make investments are set out in the applicable indentures and supplemental indentures and are not constrained by or subject to the requirements of the Act.

This investment policy does not apply to investments in instruments that constitute hedges, which include but are not limited to, interest rate swaps, caps, floors, futures contracts, forward contracts, etc., that

satisfy the eligibility requirements of a “qualified hedge” as defined by Section 1.148-4(h)(2) of the Internal Revenue Code.

The Department has created and adopted a separate Interest Rate Swap Policy for guidance regarding the use and management of ~~such hedges, interest rate swaps and similar derivative transactions.~~

III. PRUDENCE

Investments shall be made with judgment and care under prevailing circumstances which persons of prudence, discretion and intelligence would exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety and liquidity of capital as well as the probable income to be derived.

The standard of prudence to be used by the investment officers named herein shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. An investment officer acting in accordance with the investment policy and written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

IV. OBJECTIVES

The following are the primary objectives of investment activities in order of priority:

1. Safety. Preservation and safety of principal is the foremost objective of the investment program. Investments of the Department shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. In accordance with Section 2256.005(d) of the Act, the first priority is the suitability of the investment. The objective will be to mitigate credit risk and interest rate risk. To achieve this objective, diversification is required so that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
 - A. Credit risk is the risk of loss due to the failure of the security issuer or backer, and may be mitigated by:
 - limiting investments to the safest types of securities;
 - pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with whom the Department will do business; and
 - diversifying the investment portfolio so that potential losses on individual securities will be minimized.
 - B. Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, and may be mitigated by:
 - structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and
 - investing operating funds primarily in shorter-term securities.

2. Liquidity. The Department's investment portfolio shall remain sufficiently liquid to meet all reasonably anticipated cash flow needs. This is accomplished by structuring the portfolio so that securities mature concurrent with estimated or projected cash needs to meet anticipated demands. Since not all possible cash demands can ~~not~~ be fully anticipated or projected with total accuracy, the portfolio should consist largely of securities with active secondary or resale markets, providing a reasonable level of flexibility to deal with unforeseen cash needs.
3. Yield. The Department's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and cash flow needs of the Department. Return on investment for ~~short term operating funds is~~ short-term operating funds is of less importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low-risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

- A security experiencing or reasonably seen as being at risk of material decline in credit quality could be sold early to minimize the risk of loss of principal;
- A security swap would improve the quality, yield, or target duration of the overall portfolio without creating other material risks or adverse features;
or
- Liquidity needs of the portfolio require that the security be sold and there are no preferable alternatives.
- ~~* A declining credit security could be sold early to minimize loss of principal;~~
- ~~* A security swap would improve the quality, yield, or target duration in the portfolio; or~~
- ~~* Liquidity needs of the portfolio require that the security be sold.~~

V. DELEGATION OF AUTHORITY

The Board establishes investment policy and objectives, obtains expert advice and assistance with respect to its actions as is necessary to exercise its responsibilities prudently, and monitors the actions of staff and advisors to ensure compliance with its policy. It is the Board's intention that this policy be carried out by those persons who are qualified and competent in their area of expertise.

Authority to manage the Department's investment program is granted under the provisions of Texas Government Code, Section 2306.052(b) (4) and (5) to the Director of the Department, ("Executive Director"). Responsibility for the operation of the investment program is hereby delegated by the Executive Director to the Director of Bond Finance and the ~~Director of Financial Administration~~ Chief Financial Officer acting in those capacities (collectively the "Investment Officer") who shall carry out established written procedures and internal controls for the operation of the investment program consistent with this investment policy. The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Procedures should include reference to safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. Such procedures may include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer.

VI. ETHICS AND CONFLICTS OF INTEREST

1. Department employees and Board members must comply with all applicable laws, and should specifically be aware of the following statutes:
 - Texas Government Code, Section 825.211, *Certain Interests in Loans, Investments or Contracts Prohibited*
 - Texas Government Code, Section 572.051, *Standards of Conduct for Public Servants*
 - Texas Government Code, Sections 553.001-003, *Disclosure by Public Servants of Interest in Property Being Acquired by Government*
 - Texas Government Code, Section 552.352, *Distribution of Confidential Information*
 - Texas Government Code, Section 572.054, *Representation by Former Officer or Employee of Regulatory Agency Restricted*
 - Texas Penal Code, Chapter 36, *Bribery, Corrupt Influence and Gifts to Public Servants*
 - Texas Penal Code, Chapter 39, *Abuse of Office, Official Misconduct*.

The omission of any applicable statute from this list does not excuse violation of its provisions.

2. Department employees and Board members must be honest in the exercise of their duties and must not take actions which will discredit the Department.
3. Department employees and Board members should be loyal to the interest of the Department to the extent that such loyalty is not in conflict with other duties which legally have priority, and should avoid personal, employment or business relationships that create conflicts of interest.
 - Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.
 - Officers and employees shall disclose to the Executive Director any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the Department's investment portfolio.
 - Officers and employees shall refrain from undertaking personal investment transactions with the same individuals with whom business is conducted on behalf of the Department. Specifically, no employee of the Department is to:
 - * Accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of the employee's official duties or that the employee knows or should know is being offered him/her with the intent to influence the employee's official conduct;
 - * Accept other employment or engage in any business or professional activity in which the employee might reasonably expect would require or induce him/her to disclose confidential information acquired by reason of his/her official position;

- * Accept other employment or compensation which could reasonably be expected to impair the officer's or employee's judgment in the performance of his/her official duties;

(An employee whose employment is involved in a competitive program of the Department must immediately disclose the acceptance of another job in the same field. The disclosure must be made to either the employee's immediate supervisor or to the Executive Director. The Executive Director must be notified in all cases. Failure to make the required disclosure may result in the employee's immediate termination from the Department.)

- * Make personal investments which could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; and

(A Department employee may not purchase Department bonds in the open secondary market for municipal securities.)

- * Intentionally or knowingly solicit, accept or agree to accept any benefit for having exercised the employee's official powers or performed his/her official duties in favor of another.

4. Department employees and Board members may not use their relationship with the Department to seek or obtain personal gain beyond agreed compensation and/or any properly authorized expense reimbursement. This should not be interpreted to forbid the use of the Department as a reference or the communication to others of the fact that a relationship with the Department exists, provided that no misrepresentation is involved.

5. Department employees and Board members who have a personal business relationship with a business organization offering to engage in an investment transaction with the Department shall file a statement disclosing that personal business interest. An individual who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the Department shall file a statement disclosing that relationship. A statement required under this section must be filed with the Texas Ethics Commission and the Department's Board. For purposes of this policy, an individual has a personal business relationship with a business organization if:

- the individual owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
- funds received by the Investment Officer from the business organization exceed 10 percent of the individual's gross income from the previous year; or
- the individual has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the individual.

VII. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Department (in conjunction with the State Comptroller) will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness; these may include "primary" dealers or regional dealers

that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule). No public deposit shall be made except in a qualified public depository as established by state law.

The Department will use as its authorized list of broker/dealers and financial institutions any broker/dealer or financial institution that is authorized to do business with the State Comptroller. With respect to investments provided in connection with the issuance of bonds, the above requirements will be deemed met if the investment provider is acceptable to minimum credit ratings by rating agencies and/or by the bond insurer/credit enhancer, if applicable, and if the investment meets the requirements of the applicable bond trust indenture. A broker, engaged solely to secure a qualified investment referred to in this paragraph on behalf of the Department, which will not be providing an investment instrument shall not be subject to the above requirements, and may only be engaged if approved by the Board.

VIII. ETHICS AND DISCLOSURE REQUIREMENTS FOR OUTSIDE FINANCIAL ADVISORS AND SERVICE PROVIDERS

During the 78th Legislature, Regular Session, the Texas Legislature passed *Chapter 2263, Ethics And Disclosure Requirements For Outside Financial Advisors And Service Providers* ("Chapter 2263"). Chapter 2263, under Senate Bill 1059, requires certain actions by governing boards of state entities involved in the management and investment of state funds and adds disclosure requirements for outside financial advisors and service providers. Chapter 2263 became effective September 1, 2003. Each state governmental entity required to adopt rules under Chapter 2263, Government Code, as added by this Act, must have adopted its initial rules in time for the rules to take effect not later than January 1, 2004.

Applicability. Chapter 2263 applies in connection with the management or investment of any state funds managed or invested:

- (1) under the Texas Constitution or other law, including Chapter 404, State Treasury Operations of Comptroller, and Chapter 2256, Public Funds Investment; and
- (2) by or for:
 - (A) a public retirement system as defined by Section 802.001 that provides service retirement, disability retirement, or death benefits for officers or employees of the state;
 - (B) an institution of higher education as defined by Section 61.003, Education Code; or
 - (C) another entity that is part of state government and that manages or invests state funds or for which state funds are managed or invested.

Chapter 2263 applies in connection with the management or investment of state funds without regard to whether the funds are held in the state treasury.

Chapter 2263 does not apply to or in connection with a state governmental entity that does not manage or invest state funds and for which state funds are managed or invested only by the comptroller.

Definition. With respect to this Chapter 2263, "financial advisor or service provider" includes a person or business entity who acts as a financial advisor, financial consultant, money or investment manager, or broker.

Construction With Other Law. To the extent of a conflict between Chapter 2263 and another law, the law that imposes a stricter ethics or disclosure requirement controls.

Ethics Requirements For Outside Financial Advisors Or Service Providers. The governing body of a state governmental entity by rule shall adopt standards of conduct applicable to financial advisors or service providers who are not employees of the state governmental entity, who provide financial services to the state governmental entity or advise the state governmental entity or a member of the governing body of the state governmental entity in connection with the management or investment of state funds, and who:

- (1) may reasonably be expected to receive, directly or indirectly, more than \$10,000 in compensation from the entity during a fiscal year; or
- (2) render important investment or funds management advice to the entity or a member of the governing body of the entity, as determined by the governing body.

A contract under which a financial advisor or service provider renders financial services or advice to a state governmental entity or other person as described immediately above, in regard to compensation or duties, is voidable by the state governmental entity if the financial advisor or service provider violates a standard of conduct adopted under this section.

In addition to the disclosures required by Chapter 2263 and described below, the Department will rely upon financial advisors and service providers' submission of an Acknowledgement of Receipt of Investment Policy and Certificate of Compliance with the Public Funds Investment Act forms to evidence compliance with the Department's code of conduct and procedures as related to investments.

Disclosure Requirements For Outside Financial Advisor Or Service Provider. A financial advisor or service provider described by Section 2263.004 shall disclose in writing to the administrative head of the applicable state governmental entity and to the state auditor:

- (1) any relationship the financial advisor or service provider has with any party to a transaction with the state governmental entity, other than a relationship necessary to the investment or funds management services that the financial advisor or service provider performs for the state governmental entity, if a reasonable person could expect the relationship to diminish the financial advisor's or service provider's independence of judgment in the performance of the person's responsibilities to the state governmental entity; and
- (2) all direct or indirect pecuniary interests the financial advisor or service provider has in any party to a transaction with the state governmental entity, if the transaction is connected with any financial advice or service the financial advisor or service provider provides to the state governmental entity or to a member of the governing body in connection with the management or investment of state funds.

The financial advisor or service provider shall disclose a relationship described by the immediately preceding subsections (1) or (2) without regard to whether the relationship is a direct, indirect, personal, private, commercial, or business relationship.

A financial advisor or service provider described by Section 2263.004 shall file annually a statement with the administrative head of the applicable state governmental entity and with the state auditor. The

statement must disclose each relationship and pecuniary interest described by Subsection (a) or, if no relationship or pecuniary interest described by that subsection existed during the disclosure period, the statement must affirmatively state that fact.

The annual statement must be filed not later than April 15 on a form prescribed by the governmental entity, other than the state auditor, receiving the form. The statement must cover the reporting period of the previous calendar year. The state auditor shall develop and recommend a uniform form that other governmental entities receiving the form may prescribe. The Department's disclosure form is provided as Attachment "E".

The financial advisor or service provider shall promptly file a new or amended statement with the administrative head of the applicable state governmental entity and with the state auditor whenever there is new information to report related to the immediately preceding subsections (1) or (2).

Public Information. Chapter 552, Government Code, controls the extent to which information contained in a statement filed under this chapter is subject to required public disclosure or is excepted from required public disclosure.

IX. AUTHORIZED AND SUITABLE INVESTMENTS

Trust Indenture Funds, all of which are held by Treasury Safekeeping for the benefit of bondholders will be subject to the authorized investments set-forth in the applicable Indenture of Trust and any applicable supplemental indenture(s).

General, Special Revenue and Trust and Agency Funds, all of which are on deposit with the State Treasury (specifically excluding Enterprise Funds), are invested by the Treasury pursuant to Texas Government Code, Section 404.024 and Article 5221(f), Subsection 13A(d) as amended relating to Manufactured Housing.

Enterprise Fund

1. Subject to a resolution authorizing issuance of its bonds, the Department is empowered by Texas Government Code, Section 2306.173 to invest its money in bonds, obligations or other securities: or place its money in demand or time deposits, whether or not evidenced by certificates of deposit. A guaranteed investment contract is an authorized investment for bond proceeds. All bond proceeds and revenues subject to the pledge of an Indenture shall be invested in accordance with the applicable law and the provisions of the applicable indenture including "Investment Securities" as listed in such Indenture and so defined.
2. All other enterprise funds shall be invested pursuant to state law. The following are permitted investments for those funds pursuant to the Act:
 - A. Obligations of, or guaranteed by governmental entities:
 - Obligations of the United States or its agencies and instrumentalities.
 - Direct obligations of this state or its agencies and instrumentalities.
 - Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, that have a market value of not less than the principal amount of the certificates and which has a maturity that does not exceed 10 years.

- Other obligations the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of this state or the United States or their respective agencies and instrumentalities.
 - Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.
- B. A Certificate of Deposit is an authorized investment under this policy if the certificate of deposit is issued by a depository institution that has its main office or a branch office in this state and is:
- guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor;
 - secured by obligations that are described in subsection 2A above, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates and secured by collateral as described in Section XII of this policy; and
 - secured in any other manner and amount provided by law for deposits of the Department.

In addition to the authority to invest funds in certificates of deposit noted above, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under this policy:

- the funds are invested by an investing entity through a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;
 - the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor as selected by the investing entity arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;
 - the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States;
 - the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor as selected by the investing entity acts as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity; and
 - at the same time that the funds are deposited and the certificates of deposit are issued for the account of the investing entity, the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor as selected by the investing entity receives an amount of deposits from customers of other federally insured depository institutions, wherever located, that is equal to or greater than the amount of the funds invested by the investing entity through the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor.
- C. A “repurchase agreement” is a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations of the United States or its agencies and instrumentalities at a market value at the time the funds are disbursed of not less than the principal amount of

the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement. A fully collateralized repurchase agreement is an authorized investment under this policy if the repurchase agreement:

- has a defined termination date;
- is secured by collateral described in Section XII of this policy;
- requires the securities being purchased by the Department to be pledged to the Department, held in the Department's name, and deposited at the time the investment is made with the Department or with a third party selected and approved by the Department;
- is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state; and
- in the case of a reverse repurchase agreement, notwithstanding any other law other than the Act, the term of any such reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. In addition, money received by the Department under the terms of a reverse security repurchase agreement may be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

D. Commercial Paper is an authorized investment under this policy if the commercial paper:

- has a stated maturity of 270 days or fewer from the date of its issuance; and
- is rated not less than A-1 or P-1 or an equivalent rating by at least two nationally-recognized credit rating agencies, or one nationally-recognized credit rating agency and is fully secured, and by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

3. The following are not authorized investments pursuant to the Act:

- Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
- Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
- Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

X. DIVERSIFICATION

The Department will diversify its investments by security type and institution. The amount of required diversification will be determined based upon:

- The maturity date of the investment – longer maturity dates will require more diversification; and
- The rating of the underlying investment – lower rated investments will require a greater degree of diversification.

XI. PERFORMANCE STANDARDS

The investment portfolio shall be designed and managed with the objective of preserving principal and obtaining a rate of return throughout budgetary and economic cycles commensurate with the investment risk constraints and the cash flow needs. The basis used to determine whether market yields are being achieved shall be the three-month U.S. Treasury bill.

XII. EFFECT OF LOSS OF REQUIRED RATING

An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not meet or exceed the minimum rating. The Department shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not meet or exceed the minimum rating. Still further, the Investment Officer is required to review monthly all investments subject to this policy to ensure that there have been no rating changes which would render such investment in violation of this policy.

XIII. MAXIMUM MATURITIES

To the extent possible, the Department will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Department will not directly invest in securities maturing more than five years from the date of purchase. The Department will periodically determine what the appropriate average weighted maturity of the portfolio should be based on anticipated cash flow requirements.

~~Eserow~~ General funds dedicated to the support of single family programs funds may be invested in securities exceeding five years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of funds.

In addition, funds may be invested in any investments that are being sold from a bond indenture or are the result of the operation of the Department's single family program so long as:

1. such investment furthers the goals of that program;
2. The Investment Officer receives Board approval prior to undertaking such investment.

XIV. COLLATERALIZATION

Collateralization will be required on certificates of deposit, repurchase and reverse repurchase agreements, and savings and demand deposits if not insured by FDIC. In order to anticipate market changes and provide a level of security for all funds, the collateralization level should be at least 101% of the market value of principal and accrued interest for repurchase and reverse repurchase agreements. Collateralization of 100% will be required for overnight repurchase agreements and bank deposits in excess of FDIC insurance.

The following obligations may be used as collateral under this policy:

1. obligations of the United States or its agencies and instrumentalities;

2. direct obligations of this state or its agencies and instrumentalities;
3. collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
4. other obligations, the principal and interest of which are unconditionally guaranteed or insured by or backed by the full faith and credit of this state or the United States or their respective agencies and instrumentalities; and
5. obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally-recognized investment rating firm not less than A or its equivalent.

Collateral will always be held by an independent third party with whom the Department has a current custodial agreement. A clearly marked evidence of ownership or a safekeeping receipt must be supplied to the Department and retained. The right of collateral substitution is granted subject to prior approval by the Investment Officer.

XV. SAFEKEEPING AND CUSTODY

All security transactions, including collateral for repurchase agreements, entered into by the Department will be executed by Delivery vs. Payment (DVP). This ensures that securities are deposited in the eligible financial institution prior to the release of funds. Securities will be held by a third-party custodian as evidenced by safekeeping receipts.

XVI. INTERNAL CONTROL

The Investment Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that:

1. the cost of a control should not exceed the benefits likely to be derived; and
2. the valuation of costs and benefits requires estimates and judgments by management.

Once every two years, the Department, in conjunction with its annual financial audit, shall have external/internal auditors perform a compliance audit of management controls on investments and adherence to the Department's established investment policies. The internal controls shall address the following points:

1. *Control of collusion.* Collusion is a situation where two or more employees are working in conjunction to defraud their employer.
2. *Separation of transaction authority from accounting and record keeping.* By separating the person who authorizes or performs the transaction from the person who records or otherwise accounts for the transaction, a separation of duties is achieved.
3. *Custodial safekeeping.* Securities purchased from any bank or dealer including appropriate collateral as defined by state law shall be placed with an independent third party for custodial safekeeping.

4. *Avoidance of physical delivery securities.* Book entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.
5. *Clear delegation of authority to subordinate staff members.* Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.
6. *Written confirmation or telephone transactions for investments and wire transfers.* Due to the potential for error and improprieties arising from telephone transactions, all telephone transactions must be supported by written communications and approved by the appropriate person, as defined by investment internal control procedures. Written communications may be via fax if on letterhead and the safekeeping institution has a list of authorized signatures.
7. *Development of a wire transfer agreement with the lead bank or third party custodian.* This agreement should outline the various controls, security provisions, and delineate responsibilities of each party making and receiving wire transfers.

The Department's external/internal auditors shall report the results of the audit performed under this section to the Office of the State Auditor not later than January 1 of each even-numbered year. The Office of the State Auditor compiles the results of reports received under this subsection and reports those results to the legislative audit committee once every two years.

XVII. REPORTING

1. Methods

Not less than quarterly, the Investment Officer shall prepare and submit to the [Executive](#) Director and the Board of the Department a written report of investment transactions for all funds covered by this policy for the preceding reporting period; including a summary that provides a clear picture of the status of the current investment portfolio and transactions made over the previous reporting period. This report will be prepared in a manner which will allow the Department and the Board to ascertain whether investment activities during the reporting period have conformed to the investment policy. While not required under the Act, this report will provide information regarding investments held under bond trust indentures as well as investments covered under the Act. The report must:

- A. describe in detail the investment position of the Department on the date of the report;
- B. be prepared jointly by each Investment Officer of the Department;
- C. be signed by each Investment Officer of the Department;
- D. contain a summary statement, prepared in compliance with generally accepted accounting principles for each fund that states the:
 - book value and market value of each separately invested asset at the beginning and end of the reporting period;; and
 - fully accrued interest for the reporting period;
- E. state the maturity date of each separately invested asset that has a maturity date;

- F. state the fund in the Department for which each individual investment was acquired; and
- G. state the compliance of the investment portfolio of the Department as it relates to the investment strategy expressed in the Department's investment policy and relevant provisions of the policy.

The reports prepared by the Investment Officer under this policy shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the Board by that auditor.

2. Performance Standards

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. Portfolio performance will be compared to appropriate benchmarks on a regular basis.

3. Marking to Market

A statement of the market value of the portfolio shall be issued at least quarterly. The Investment Officer will obtain market values from recognized published sources or from other qualified professionals as necessary. This will ensure that a review has been performed on the investment portfolio in terms of value and subsequent price volatility.

4. Authorized list of Broker/Dealers and financial institutions.

Not less than quarterly, the Investment Officer shall prepare and submit to the Director and the Board of the Department a written report outlining the list of authorized broker/dealers and financial institutions maintained by the State Comptroller.

VIII. INVESTMENT POLICY ADOPTION

The Department's investment policy shall be adopted by resolution of the Board.

1. Exemptions

Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

2. Amendment

The policy shall be reviewed at least annually by the Board and any amendments made thereto must be approved by the Board. The Board shall adopt by written resolution a statement that it has reviewed the investment policies and strategies.

XIX. ACKNOWLEDGMENT OF RECEIPT OF INVESTMENT POLICY

A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction related to Department funds. The qualified representative of the business organization shall execute a written instrument in a form acceptable to the Department and the business organization, substantially to the effect that the offering business organization has:

1. received and reviewed the investment policy of the Department; and
2. acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the Department and the business organization that are not authorized by the Department's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the Department's entire portfolio or requires an interpretation of subjective investment standards.

The Investment Officer of the Department may not buy any securities from a person who has not delivered to the Department an instrument complying with this investment policy. (See sample documents at Attachments "C" and "D".)

XX. TRAINING

Each member of the Department's Board and the Investment Officer who are in office on September 1, 1996 or who assume such duties after September 1, 1996, shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties. Training under this section is provided by the Texas Higher Education Coordinating Board and must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this policy. The Investment Officer shall attend a training session not less than once in a two-year period and may receive training from any independent source approved by the Department's Board. The Investment Officer shall prepare a report on the training and deliver the report to the Board not later than the 180th day after the last day of each regular session of the legislature.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment A

STRATEGY

SECTION 1

All of the Department's funds as listed below are program / operational in nature, excluding the bond funds which are listed separately in Section 2 below. The following funds are held in the State Treasury and the Department earns interest on those balances at the then applicable rate.

- General Fund
- Trust Funds
- Agency Funds
- Proprietary Funds (excluding Revenue Bond Funds)

SECTION 2

The Department's Revenue Bond Funds, including proceeds, are invested in various investments as stipulated by the controlling bond indenture. Certain investments, controlled by indentures prior to the latest revised Public Funds Investment Act, are properly grandfathered from its provisions. Typical investments include: guaranteed investment contracts; agency mortgage-backed securities resulting from the program's loan origination; in some cases, long-term Treasury notes; and bonds used as reserves with maturities that coincide with certain long-term bond maturities.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment B

POLICY STATEMENTS AND RECOMMENDED PRACTICE

Repurchase Agreements

1. Repurchase agreements (“repos”) are the sale by a bank or dealer of government securities with the simultaneous agreement to repurchase the securities on a later date. Repos are commonly used by public entities to secure money market rates of interest.
2. The Department affirms that repurchase agreements are an integral part of its investment program.
3. The Department and its designated Investment Officer should exercise special caution in selecting parties with whom they will conduct repurchase transactions, and be able to identify the parties acting as principals to the transaction.
4. Proper collateralization practices are necessary to protect the public funds invested in repurchase agreements. Risk is significantly reduced by delivery of underlying securities through physical delivery or safekeeping with the purchaser’s custodian. Over-collateralization, commonly called haircut, or marking-to-market practices should be mandatory procedures.
5. To protect public funds the Department should work with securities dealers, banks, and their respective associations to promote improved repurchase agreement procedures through master repurchase agreements that protect purchasers’ interests, universal standards for delivery procedures, and written risk disclosures.
6. Master repurchase agreements should generally be used subject to appropriate legal and technical review. If the prototype agreement developed by the Public Securities Association is used, appropriate supplemental provisions regarding delivery, substitution, margin maintenance, margin amounts, seller representations and governing law should be included.
7. Despite contractual agreements to the contrary, receivers, bankruptcy courts and federal agencies have interfered with the liquidation of repurchase agreement collateral. Therefore, the Department should encourage Congress to eliminate statutory and regulatory obstacles to perfected security interests and liquidation of repurchase collateral in the event of default.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment “C”

ACKNOWLEDGMENT OF RECEIPT OF INVESTMENT POLICY

- 1. I am a qualified representative of _____ (the “Business Organization”).
- 2. The Business Organization proposes to engage in an investment transaction (the “Investments”) with the Texas Department of Housing and Community Affairs (the “Department”).
- 3. I acknowledge that I have received and reviewed the Department’s investment policy.
- 4. I acknowledge that the Business Organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the business organization and the Department that are not authorized by the Department’s investment policy.
- 5. The Business Organization makes no representation regarding authorization of the Investments to the extent such authorization is dependent on an analysis of the Department’s entire portfolio and which requires an interpretation of subjective investment standards.

Dated this _____ day of _____, _____.

Name: _____

Title: _____

Business Organization: _____

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment “D”

CERTIFICATE OF COMPLIANCE WITH PUBLIC FUNDS INVESTMENT ACT

I, _____, a qualified representative of

_____ (the “Business
Organization”)

hereby execute and deliver this certificate in conjunction with the proposed sale of investments to the Texas Department of Housing and Community Affairs (the “Department”). I hereby certify that:

1. I have received and thoroughly reviewed the Investment Policy of the Department, as established by the Department pursuant to Texas Government Code, Chapter 2256;
2. The Business Organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of or in any way relating to the sale of the investments to the Department by the Business Organization;
3. The Business Organization has reviewed the terms, conditions and characteristics of the investments and applicable law, and represents that the investments are authorized to be purchased with public funds under the terms of Texas Government Code, Chapter 2256; and
4. The investments comply, in all respects, with the investment policy of the Department.

Business Organization: _____

By: _____

Title: _____

Date: _____

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment “E”

Annual Disclosure Statement for Financial Advisors and Service Providers

2) Do you or does your business entity have any direct or indirect pecuniary interests in any party to a transaction with the state governmental entity if the transaction is connected with any financial advice or service that you or your business entity provides to the state governmental entity or to a member of the governing body in connection with the management or investment of state funds?

Yes _____ No _____

If yes, please explain in detail. (Attach additional sheets as needed.)

PART 3: SIGNATURE AND DATE

I hereby attest that all information provided above is complete and accurate. I acknowledge my or my firm's responsibility to submit promptly a new or amended disclosure statement to the parties listed in step 4 of the instructions if any of the above information changes.

Signature _____ Date _____

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment “F”

RESOLUTION NO. 13-025

**RESOLUTION OF THE GOVERNING BOARD APPROVING THE
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY
AFFAIRS INVESTMENT POLICY**

WHEREAS, the Texas Department of Housing and Community Affairs, a public and official agency of the State of Texas (the “Department”), was created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended (together with other laws of the State applicable to the Department, collectively, the “Act”); and

WHEREAS, the Governing Board of the Department (the “Governing Board”) desires to approve the Department’s Investment Policy in the form presented to the Governing Board;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

Section -- 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

a. Approval of the Department’s Investment Policy. The Investment Policy in the form presented to the Governing Board is hereby authorized and approved.

b. Authorized Representatives. The following persons and each of them are hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department’s seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director of the Department, the Chief Financial Officer of the Department, the Director of Bond Finance of the Department and the Secretary or any Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the “Authorized Representatives.” Any one of the Authorized Persons is authorized to act individually as set forth in this Resolution; provided, however, that no such authority shall serve to alter or supersede the requirements that staff observe and adhere to the Department’s established Standard Operating Procedures, as in effect from time to time, as they may apply to any such actions.

Section -- 2

GENERAL PROVISIONS

a. Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

b. Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

PASSED AND APPROVED this 11th day of April, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

|

Attachment “G”
Comptroller of Public Accounts Approved Broker Dealer List
APPROVED BROKER/DEALER LIST
(Updated July 2012)

Amherst Securities Group
Barclays Capital Inc
BedRok Capital
Blaylock Robert Van LLC
Bley Investment Group, Inc. **(H)**
BMO Capital Markets
BNP Paribas Securities Corp.
Cantor Fitzgerald & Co.
Capital Institutional Services, Inc.
Citigroup Global Markets Inc.
Coastal Securities
Comerica Securities, Inc.
Credit Suisse (USA), LLC
CRT Capital Group, LLC
Daiwa Capital Markets America, Inc.
Deutsche Bank Securities, Inc.
Drexel Hamilton LLC
First Southwest Company
Frost National Bank
FTN Financial Services Corp.
Goldman, Sachs & Co.
HSBC Securities (USA), Inc.
Jefferies & Company, Inc.
JP Morgan Securities LLC
Knight Execution and Clearing Services LLC
Loop Capital Markets
Merrill Lynch, Pierce, Fenner & Smith
Mesirow Financial, Inc.
Mischler Financial Group
Mizuho Securities USA Inc.
Morgan Keegan & Company, Inc.
Morgan Stanley & Co., Inc.
MFR Securities
M.R. Beal & Company
National Alliance Capital Markets
Nomura Securities International, Inc.
Piper Jaffrey Companies
RBC Capital Markets LLC
RBS Securities Inc.
Rice Securities, LLC
Robert W. Baird & Co., Inc.
SAMCO Capital Markets Inc.
S G America Securities LLC
Signature Securities Group Corp.
Sterne, Agee & Leach, Inc.
Stifel Nicolaus & Company, Inc.

.
UBS Securities
UMB (United Missouri Bank)
Vining Sparks IGB, LP
Weller, Anderson & Co., Ltd.
Wells Fargo Securities LLC
Williams Capital Group, L.P.
Zions Investment Securities

(H) -- Historically Underutilized Business

6

BOARD ACTION REQUEST

COMPLIANCE DIVISION

APRIL 11, 2013

Presentation, Discussion, and Possible Action on proposed amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, §§10.601 – 10.608, §§10.610 -10.611, §§10.613-10.621, relating to Compliance Monitoring; a proposed repeal of §10.609, relating to Annual Recertification for All Programs and Student Requirements for HTC, Exchange, TCAP, and BOND Developments; a proposed repeal of §10.612, relating to Requirements Pertaining to Households with Rental Assistance; a proposed new §10.609, relating to Tenant File Requirements; a proposed new §10.612 relating to Affirmative Marketing Requirements; and a proposed new §10.626, relating to Tenant Selection Criteria, for public comment and publication in the *Texas Register*

RECOMMENDED ACTION

WHEREAS, the Compliance Rules were adopted on December 27, 2012, and the Department began monitoring pursuant to the new provisions;

WHEREAS, the Department has solicited and received significant feedback regarding ways that the Compliance Rules could be revised to ensure they support overall objectives of administering compliant programs and activities with appropriate protections against inappropriate outcomes;

WHEREAS, it has been determined that clarification of the new provisions should be published for formal public comment;

NOW, therefore, it is hereby

RESOLVED, that currently pending noncompliance matters related to the Fair Housing Disclosure Notice form and past findings related to the Annual Eligibility form, shall be temporarily held in abeyance, to be handled in a manner consistent with the outcome of this proposed rulemaking, and thus provide for fair and consistent treatment; and

FURTHER RESOLVED, that the Executive Director and his designees be and each of them are hereby authorized, empowered and directed, for and on behalf of the Department, to approve the proposed amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, §§10.601 – 10.608, §§10.610 -10.611, §§10.613- 10.621, relating to Compliance Monitoring; the proposed repeal of §10.609, relating to Annual Recertification for All Programs and Student Requirements for HTC, Exchange, TCAP, and BOND Developments; the proposed repeal of §10.612, relating to Requirements Pertaining to Households with Rental Assistance; the proposed new §10.609, relating to Tenant File Requirements; a proposed new §10.612 relating to Affirmative Marketing

Requirements; and a proposed new §10.626, relating to Tenant Selection Criteria for public comment and publication in the *Texas Register* for review and public comment and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

The proposed changes to these rules are intended to ensure that the penalties and repercussions for noncompliance are proportionate, and that matters identified which were outside the Owner's control are addressed in a manner which takes this fact into account. Several of these recurring issues have been solicited and identified through an online discussion forum which has been available since March 11, 2013.

Previously, certain federally required record keeping requirements were addressed through the required use of the Annual Eligibility Certification ("AEC"), as provided for by the Housing and Economic Recovery Act of 2008. A number of Owners have continued to voluntarily complete annual income recertifications which capture the required data and more. Although staff continues to believe that this imposition on tenants can and should be avoided through the use of the AEC, the proposed rule simply requires the collection of the data and removes the requirement to use the AEC. Rather than outline recertification requirements, the rule now contains a listing of the minimum requirements for a tenant file.

There are new provisions to address an emerging area of complexity; utility allowances based on proprietary methodologies that staff lacks the technical expertise to evaluate.

Finally, there has been confusion about the interplay of various rule provisions addressing the intersection of material noncompliance score status with eligibility, debarment for material noncompliance with land use restriction agreements, rights of appeal, requests for reinstatement. A proposed rule treating these issues in a manner that would be consistent and controlling has been developed. It is believed that this approach will ensure consistency, protect any procedural due process rights, and enable these important matters to be administered simply and efficiently. In the future the development of Uniform Multifamily rules, definitions, rules governing administrative penalties and debarment, general rules for appeals and qualified allocation plans would, if these provisions are approved, be conformed for consistency.

Attachment 1: Proposed amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, §§10.601 – 10.608, §§10.610 – 10.611, and §§10.613-10.621, concerning Compliance Monitoring

The Texas Department of Housing and Community Affairs (the “Department”) proposes amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, §§10.601 – 10.608, §§10.610 – 10.611, and §§10.613-10.621, concerning Compliance Monitoring. The purpose of the proposed amendments is to clarify compliance requirements, ensure that the penalties and repercussions for noncompliance are proportionate, that matters identified which were outside the Owner’s control are addressed in a manner which takes this fact into account, to relax requirements for the format of the collection of data, to address any confusion about the interplay of various rule provisions addressing material noncompliance, debarment, rights of appeal, and requests for reinstatement .

FISCAL NOTE. Timothy K. Irvine, Executive Director, has determined that, for each year of the first five years the amendments are in effect, enforcing or administering the amendments do not have any foreseeable implications related to costs or revenues of the state or local governments.

PUBLIC BENEFIT/COST NOTE. Mr. Irvine also has determined that, for each year of the first five years the amendments are in effect, the public benefit anticipated as a result of the amended sections will be improved compliance with affordable housing program administered by the Department. There will not be any increased economic cost to any individuals required to comply with the amended sections.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES. The Department has determined that there will be no economic effect on small or micro-businesses.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held April 26, 2013 to May 27, 2013, to receive input on the proposed amendments. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Patricia Murphy, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or by fax to (512) 475-3140. **ALL COMMENTS MUST BE RECEIVED BY 5:00 P.M. MAY 27, 2013.**

STATUTORY AUTHORITY. The amendments sections are proposed pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The proposed amendments affect no other code, article, or statute.

§10.601.Purpose and Overview.

(a) This subchapter satisfies the requirement of Internal Revenue Code (the "Code") §42(m)(1)(B)(iii) to provide a procedure that will be followed for monitoring for noncompliance with the provisions of the Code and to notify the Internal Revenue Service (IRS) of such noncompliance. This subchapter is consistent with requirements established under applicable state and federal laws, rules, and regulations. The Department will monitor in accordance with this subchapter. Nothing in this subchapter serves to waive, alter, or amend the requirements of

any duly recorded Land Use Restriction Agreement (LURA). A party to a LURA wishing to have the LURA amended must submit a formal request to the Department, and the Department will review any such request to determine if it is acceptable and, if acceptable, specify any appropriate requirements for, or conditions, or limitations on any such amendment. The Department monitors rental Developments receiving assistance under:

- (1) the Housing Tax Credit Program (HTC);
- (2) the HOME Investment Partnerships Program (HOME);
- (3) the Tax Exempt Bond Program (BOND);
- (4) the Housing Trust Fund Program (HTF);
- (5) the Tax Credit Assistance Program (TCAP);
- (6) the Tax Credit Exchange Program (Exchange); and
- (7) the Neighborhood Stabilization Program (NSP).

(b) All Developments monitored by the Department are subject to the Department's enforcement rules, found in §1.14 [Chapter 60, Subchapter C] of this title (relating to Administrative Penalties).

(c) Compliance monitoring begins with the commencement of a contract ~~[construction]~~ and continues to the end of the long term Affordability Period. The Compliance Division monitors to ensure Owners comply with the program rules and regulations, Texas Government Code, Chapter 2306, the LURA requirements and conditions, and representations imposed by the Application or award of funds by the Department. This subchapter does not address forms and other records that may be required of Development Owners by the IRS or other governmental entities, whether for purposes of filing annual returns or supporting Development Owner tax positions during an IRS or other governmental audit.

§10.602. Contract and Construction Monitoring.

(a) HTF, NSP, and HOME contracts will be monitored to ensure that programs are administered and funds are expended in accordance with contract provisions and applicable State and Federal rules, regulations, policies and related statutes. Contract monitors will review necessary program documents and financial records through desk reviews and onsite reviews to ascertain compliance with program requirements. Selection of contracts for monitoring will be primarily based on risk assessment. Contracts may also be selected for monitoring based on other factors, including but not limited to, complaints or special requests. It is specifically noted that there are instances where the timely identification of noncompliance under such requirements may be identified by others. When the Department staff identifies documented instances of a person's failure to comply with any such applicable State or Federal requirements, this will be provided to the Compliance Division for inclusion in such person's compliance history and to be used in accordance with other applicable laws for appropriate action including, but not limited to, debarment from the Housing Tax Credit program, assessment of administrative penalties, and denial of future awards. These items may form the basis, subject to appropriate supporting documentation as, as applicable, to the right to notice and an opportunity to cure as well as rights of appeal provided herein.

(b) ~~[(a)]~~ The Department will monitor the entire construction phase for all applicable requirements according to the level of risk. After Final Construction during the Affordability Period, the Department will periodically monitor the Development to assure that the initial compliance review was correct and that the Owner maintains compliance with applicable accessibility laws and amenities as required in the Development's Land Use Restriction Agreement.

(c) ~~[(b)]~~ Owners are required to submit evidence of final construction within thirty (30) days of completion in a format prescribed by the Department. In addition, the Architect of Record must submit a certification that the Development was built in compliance with all applicable laws and the Engineer of Record (if applicable) must submit a certification that the Development was built in compliance with the design requirements.

(d) ~~[(c)]~~ The Department will conduct a final inspection after receipt of notification of final construction. During the inspection, the Department will confirm that committed amenities have been provided and will inspect for compliance with the applicable accessibility laws. In addition, a Uniform Physical Condition Standards inspection may be completed.

~~[(d) Owners will be provided a written notice after the final inspection. If any deficiencies are noted, a corrective action period will be provided.]~~

(e)~~[(e)]~~ Forms 8609 and final retainage will not be released until the Owner receives written notice from the Department that all noted deficiencies have been resolved.

~~[(f) During any construction inspection, if the Owner and the Department are unable to agree that an identified issue is a violation, the Owner must request Alternative Dispute Resolution (ADR). The process for engaging ADR is outlined in §10.622 of this chapter (relating to Alternative Dispute Resolution).]~~

§10.603. Reporting Requirements.

(a) The Department requires reports to be submitted electronically through the Department's web-based Compliance Monitoring and Tracking System (CMTS) and in the format prescribed by the Department. The Electronic Compliance Reporting Filing Agreement and the Owner's Designation of Administrator of Accounts forms must be filed no later than September 1st of the year following the award. The Department will provide general instruction regarding the electronic transfer of data. ~~[Under special circumstances, the Department may, at its discretion, waive the online reporting requirements where a hardship can be demonstrated. In the absence of a written waiver, all Developments are required to submit reports online.]~~

(b) Each Development is required to submit an Annual Owner's Compliance Report (AOCR). Depending on the Development, some or all of the Report must be submitted. The first AOCR is due the second year following the award in accordance with the deadlines set out in subsection ~~(d)~~~~[(e)]~~ of this section. Example 603(1) A Development was allocated Housing Tax Credits in July 2011. The first report is due April 30, 2013, even if the Development has not yet

commenced leasing activities. [For example, if a Development is awarded funds in calendar year 2007, the first report is due in 2009.] The AOCR is comprised of five sections:

- ~~–(1) Part A "Owner's Certification of Program Compliance." All Development Owners must annually certify to compliance with applicable program requirements. The AOCR Part A shall include answers to all questions required by Treasury Regulation 1.42-5(b)(1) or the applicable program rules. In addition, Owners are required to report on the race and ethnicity, family composition, age, income, use of rental assistance, disability status, and monthly rental payments of individuals and families applying for and receiving assistance. HTC Developments during the Compliance Period will also be required to provide the name and mailing address of the syndicator in the Annual Owner's Compliance Report;~~
- ~~–(2) Part B "Unit Status Report." All Developments must annually report the information related to individual household income, rent, certification dates and other necessary data to ensure compliance with applicable program regulations;~~
- ~~–(3) Part C "Housing for Persons with Disabilities." The Department is required to establish a system that requires Owners of state or federally assisted housing Developments with 20 or more housing Units to report information regarding housing Units designed for persons with disabilities. The questions on Part C satisfy this requirement;~~
- ~~–(4) Part D "Owner's Financial Certification." Developments funded by the Department must annually provide the data requested in the Owner's Financial Certification; and~~
- ~~–(5) Part E "Form 8703." Tax exempt bond properties must file Form 8703 each calendar year of the qualified project period. The form is due to the IRS by March 31 after the close of the calendar year for which the certification is made. The Department requires Tax Exempt Bond Development Owners to submit a copy of the filed Form 8703 for the preceding calendar year.~~

(c) The AOCR is comprised of five sections:

- (1) Part A "Owner's Certification of Program Compliance." All Owners must annually certify to compliance with applicable program requirements. The AOCR Part A shall include answers to all questions required by Treasury Regulation 1.42-5(b)(1) or the applicable program rules. HTC Developments during the Compliance Period will also be required to provide the contact information of the syndicator in the Annual Owner's Compliance Report;
- (2) Part B "Unit Status Report." All Developments must annually report the information related to individual household income, rent, certification dates and other necessary data to ensure compliance with applicable program regulations. In addition, Owners are required to report on the race and ethnicity, family composition, age, use of rental assistance, disability status, and monthly rental payments of individuals and families applying for and receiving assistance or if the household elects not to disclose the information, such election;
- (3) Part C "Housing for Persons with Disabilities." The Department is required to establish a system that requires Owners of state or federally assisted housing Developments with 20 or more housing Units to report information regarding housing Units designed for persons with disabilities. The questions on Part C satisfy this requirement;
- (4) Part D "Owner's Financial Certification." Developments funded by the Department must annually provide the data requested in the Owner's Financial Certification; and
- (5) Part E "Form 8703." Tax exempt bond properties must file Form 8703 each calendar year of the qualified project period. The form is due to the IRS by March 31 after the close of the calendar year for which the certification is made. The Department requires Tax Exempt Bond Development Owners to submit a copy of the filed Form 8703 for the preceding calendar year.

~~(d)~~~~(e)~~ Parts A, B, C, D and E of the Annual Owner's Compliance Report must be provided to the Department no later than ~~the last day in~~ April 30th of each year, reporting data current as of December 31st of the previous year (the reporting year). ~~[Part D, "Owner's Financial Certification," which includes the current audited financial statements and income and expenses of the Development for the prior year, must be submitted to the Department no later than the last day of April, each year.]~~

~~[(d) Any Development for which the AOCR, Part A, "Owner's Certification of Program Compliance," is not received or is received past the due date will be considered not in compliance with this section. If Part A is incomplete, improperly completed, or is not submitted by the Development Owner, it will be considered not received and not in compliance with this section. The Department will report to the IRS on Form 8823, Low Income Housing Credit Agencies Report of Noncompliance or Building Disposition, any HTC Development that fails to comply with this requirement.]~~

~~[(e) Department staff will review Part A of the AOCR for compliance with the requirements of the appropriate program. If it appears that the Development is not in compliance based upon the report, the Owner will be given written notice and provided a corrective action period to clarify or correct the report. If the Owner does not respond to the notice, the report will be subject to the sanctions listed in subsections (f) and (g) of this section.]~~

~~[(f) If any required section of the report are not received on or before the deadline for submission specified in subsection (e) of this section, a notice of noncompliance will be sent to the Owner, specifying a corrective action deadline. If the report is not received on or before the corrective action deadline, the Department shall:]~~

~~[- (1) For all HTC Developments issue Form 8823 notifying the IRS of the violation; and]~~

~~[- (2) For all Developments, score the noncompliance in accordance with §10.621 of this chapter (relating to Material Noncompliance Methodology).]~~

~~[(g) The Department may assess and enforce the sanctions described in paragraphs (1) and (2) of this subsection against an Owner who fails to submit all or any part of the AOCR on or before the due date of each year and has multiple, consistent, and/or repeated violations of failure to submit all or any part of the AOCR by the due date each year:]~~

~~[- (1) a late processing fee in the amount of \$1,000; and/or]~~

~~[- (2) a HTC Development that fails to submit the required AOCR for three (3) consecutive years may be reported to the IRS as no longer in compliance and never expected to comply.]~~

~~(e)~~~~(h)~~ Periodic Unit Status Reports. All Developments must submit a Quarterly Unit Status report to the Department through the Compliance Monitoring and Tracking System. Quarterly reports are due in January, April, July, and October on the 10th day of the month. The report must report occupancy as of the last day of the previous month for the reporting period. For example, the report due October 10th should report occupancy as of September 30th. The first quarterly report is due on the first quarterly reporting date after leasing activity commences.

Failure to submit these report may result in an event of noncompliance under §10.621 of this subchapter.

(f)[(†)] Owners are encouraged to continuously maintain current resident data in the Department's CMTS. Under certain circumstances, such as in the event of a natural disaster, the Department may alter the reporting schedule and require all Developments to provide current occupancy data through CMTS.

(g)[(†)] All rental Developments funded or administered by the Department will be required to submit a current Unit Status Report prior to an onsite monitoring visit.

(h)[(†)] Exchange developments must submit Form 8609 with lines 7, 8(b), 9(b), 10(a), 10(c), and 10(d) completed thirty (30) days after the Department issues the executed form(s). If an Owner elects to group buildings together into one or more multiple building projects, the owner must attach a statement identifying the buildings in the project. An owner may request to change the election made on line 8(b) only once during the Compliance Period. The request will be treated as non-material amendment, subject to the fee described in §10.901 of this chapter (relating to Fee Schedule) and the process described in §10.405 of this chapter (relating to Amendments and Extensions).

§10.604. Record Keeping Requirements.

(a) Development Owners must comply with program recordkeeping requirements. Records must include sufficient information to comply with the reporting requirements of §10.603 of this chapter (relating to Reporting Requirements) and any additional programmatic requirements. HTC Development Owners must retain records sufficient to comply with the reporting requirements of Treasury Regulation 1.42-5(b)(1). Records must be kept for each qualified Low-Income ~~Low Income~~ Unit and building in the Development, commencing with lease up activities and continuing on a monthly basis until the end of the Affordability Period.

(b) Each Development that is administered by the Department must retain records as required by the specific funding program rules and regulations. In general, retention schedules include but are not limited to the provision of subsections (c) - (f) of this section.

(c) HTC records must be retained for at least six (6) years after the due date (with extensions) for filing the federal income tax return for that year; however, the records for the first year of the Credit Period must be retained for at least six (6) years beyond the due date (with extensions) for filing the federal income tax return for the last year of the Compliance Period of the building (§1.42-5(b)(2) of the Code).

(d) Retention of records for NSP and HOME rental Developments must comply with the provisions of 24 CFR §92.508(c), which generally requires retention of rental housing records for five (5) years after the Affordability Period terminates.

(e) Housing Trust Fund (HTF) rental Developments must retain tenant files for at least three (3) years beyond the date the tenant moves from the Development. Records pertinent to the funding of the award, including, but not limited to, the Application and Development costs and documentation, must be retained for at least five (5) years after the Affordability Period terminates.

(f) Other rental Developments funded or administered in whole or in part by the Department must comply with record retention requirements as required by rule or deed restriction.

§10.605. Notices to the Department.

~~[(a)]~~ If any of the events described in paragraphs (1) – (5)~~[(4)]~~ of this section ~~subsection~~ occur, written notice must be provided to the Department within the respective timeframes:

(1) Written notice must be provided at least thirty (30) days prior to any sale, transfer, or exchange of the Development or any portion of the Development;

(2) Notification must be provided within thirty (30) days following the event of any casualty loss, in whole or in part, to the Development, using the Department's Notice of Casualty Loss (for general casualty losses) or Notice of Disaster Casualty Loss (specific to loss as a result of a Presidentially Declared Disaster);

(3) Owners of Bond Developments shall notify the Department of the date on which 10 percent of the Units are occupied and the date on which 50 percent of the Units are occupied, within ninety (90) days of such dates; and

(4) Within thirty (30) days after a foreclosure, the Department must be provided with documentation evidencing the foreclosure and a rent roll establishing occupancy on the day of the foreclosure.

(5) Within ten (10) days of a change in the contact information (including contact persons, physical addresses, mailing addresses, email addresses and/or phone numbers) for the Ownership entity, management company, and/or Development the Department's Compliance Monitoring and Tracking System must be updated.

~~[(b) Owners are responsible for maintaining current information (including contact persons, physical addresses, mailing addresses, email addresses, and phone numbers) for the Ownership entity, and management company in the Department's Compliance Monitoring and Tracking System (CMTS). Treasury Regulations require the Department to notify Housing Tax Credit Owners of upcoming reviews and instances of noncompliance. The Department will rely on the information supplied by the Owner in CMTS to meet this requirement.]~~

§10.606. Determination, Documentation and Certification of Annual Income.

~~[(a)]~~ For all rental programs administered by the Department, annual income shall be determined consistent with the Section 8 Program, using the definitions of annual income described in 24 CFR §5.609 as further described in the HUD Handbook 4350.3 as amended from time to time. For the Housing Tax Credit program, where there is a conflict between the HUD Handbook 4350.3 and the IRS Guide for Completing Form 8823, the Department will evaluate annual income consistent with the IRS Guide. At the time of program designation as a low-income household, Owners must certify and document household income. In general, all low-income households must be certified prior to move in.

~~[(b) The Department permits Owners to use check stubs or other firsthand documentation of income and assets provided by the applicant or household in lieu of third party verification forms. It is not necessary to first attempt to obtain a third party verification form.]~~

~~[(e) The Department requires the use of the TDHCA Income Certification form, unless the property also participates in the Rural Development or a Project Based HUD Program, in which case, the other program's income certification form will be accepted.]~~

§10.607.Utility Allowances.

(a) The Department will monitor to determine if HTC, HOME, BOND, HTF, NSP, TCAP, and Exchange properties comply with published rent limits which include an allowance for tenant paid utilities. For HTC, TCAP and Exchange buildings, if the residents pay utilities directly to the Owner of the building or to a third party billing company, and the amount of the bill is based on an allocation method or "ratio utility billing system" (RUBS), this monthly amount will be considered a mandatory fee. For HTC, TCAP and Exchange buildings, if the residents pay utilities directly to the Owner of the building or to a third party billing company, and the amount of the bill is based on the tenant's actual consumption, Owner may account for the utility in an allowance. The rent, plus all mandatory fees, plus an allowance for those utilities paid by the resident directly to a utility provider, must be less than the allowable limit. For HOME, BOND, HTF, and NSP buildings, Owners may account for utilities paid directly to the Owner or to a third party billing company in their utility allowance. Where residents are responsible for some, or all, of the utilities--other than telephone, cable, and internet--Development Owners must use a utility allowance that complies with both this section and the applicable program regulations. ~~An Owner may not change utility allowance methods or start charging residents for a utility without written approval from the Department. Example 607(1): A Housing Tax Credit Development has been paying for water and sewer since the beginning of the Compliance Period. In year 8, the owner decides to require residents to pay for water and sewer. Prior written approval from the Department is required. Any such request must include the Utility Allowance Questionnaire found on the Department's website.~~

(b) An Owner may not change utility allowance methods or start charging residents for a utility without written approval from the Department. Example 607(1): A Housing Tax Credit Development has been paying for water and sewer since the beginning of the Compliance Period. In year 8, the Owner decides to require residents to pay for water and sewer. Prior written approval from the Department is required. Any such request must include the Utility Allowance Questionnaire found on the Department's website and supporting documentation.

(c)[(b)] Rural Housing Services (RHS) buildings or buildings with RHS assisted tenants. The applicable utility allowance for the Development will be determined under the method prescribed by the RHS (or successor agency). No other utility method described in this section can be used by RHS buildings or buildings with RHS assisted tenants.

(d)[(e)] HUD-Regulated buildings layered with any Department program. If neither the building nor any tenant in the building receives RHS rental assistance payments, and the rents and the utility allowances of the building are reviewed by HUD (HUD-regulated building), the applicable utility allowance for all rent restricted Units in the building is the applicable HUD utility allowance. No other utility method described in this section can be used by HUD-regulated buildings.

(e)~~(d)~~ Other Buildings. For all other rent-restricted Units, Development Owners must use one of the methods described in paragraphs (1) - (5) of this subsection:

(1) The utility allowance established by the applicable Public Housing Authority (PHA) for the Section 8 Existing Housing Program. The Department will utilize Texas Local Government Code, Chapter 392 to determine which PHA is the most applicable to the Development.

(A) If the PHA publishes different schedules based on building type, the Owner is responsible for implementing the correct schedule based on the Development's building type(s). Example 607(2): The applicable PHA publishes a separate utility allowance schedule for Apartments (5+ units), one for Duplex/Townhomes and another for Single Family Homes. The Development consist of twenty buildings, ten of which are Apartments (5+ units) and the other ten buildings are Duplexes. The Owner must use the correct schedule for each building type.

(B) In the event the PHA publishes a utility allowance schedule specifically for energy efficient units, and the Owner desires to use such a schedule, the Owner must demonstrate that the building(s) meet the housing authority's specifications for energy efficiency once every five (5) years~~[on an ongoing basis].~~

(C) If the applicable PHA allowance lists flat fees for any utility, those flat fees must be included in the calculation of the utility allowance if the resident is responsible for that utility.

(D) If an Owner chooses to implement a methodology as described in paragraph (2), (3), (4), or (5) of this subsection, for Units occupied by Section 8 voucher holders, the utility allowance remains the applicable PHA utility allowance established by the PHA from which the household's voucher is received.

(E) In general, if the property is located in an area that does not have a municipal, county or regional housing authority that publishes a utility allowance schedule for the Section 8 Existing Housing Program, Owners must select an alternative methodology. In the event the property is located in an area without a clear municipal or county housing authority the Department may permit the use of another housing authority's utility allowance schedule on a case by case basis. Prior approval from the Department is ~~is]would be]required and the owner must]would be required to]obtain approval on an annual basis;~~

(2) A written estimate from a local utility provider. If there are multiple utility companies that service the Development, the local provider must be a residential utility company that offers service to the residents of the Development requesting the methodology. The Department will use the Texas Electric Choice website: <http://www.powertochoose.org/> to verify the availability of service. If the utility company is not listed as a provider in the Development's ZIP code, the request will be denied. Additionally, the estimate must be signed by the utility provider representative and specifically include all "component charges" for providing the utility service. Receipt of the information from the utility provider begins the ninety (90) day period after which the new utility allowance must be used to compute gross rent;

(3) The HUD Utility Schedule Model. A utility estimate can be calculated by using the "HUD Utility Schedule Model" that can be found at <http://www.huduser.org/portal/resources/utimodel.html> (or successor Uniform Resource Locator). Each item on the schedule must be displayed out to two decimal places. The total allowance must be rounded up to the next whole dollar amount. The rates used must be no older than the rates in effect sixty (60) days prior to the beginning of the ninety (90) day period in which the Owner intends to implement the allowance. For Owners calculating a utility allowance under this methodology, the model, along with all back-up documentation used in the model, must be submitted to the Department, on a CD, within the timeline described in subsection

(g)[(f)] of this section. The date entered as the "Form Date" on the "Location" tab of the spreadsheet will be the date used to begin the ninety (90) day period after which the new utility allowance must be used to compute gross rent;

(4) An Energy Consumption Model. The utility consumption estimate must be calculated by a properly licensed mechanical engineer or an individual holding a valid Residential Energy Service Network (RESNET) or Certified Energy Manager (CEM) certification. The individual must not be related to the Owner within the meaning of §267(b) or §707(b) of the Code. The utility consumption estimate must, at minimum, take into consideration specific factors that include, but are not limited to, Unit size, building orientation, design and materials, mechanical systems, appliances, and characteristics of building location. Use of the Energy Consumption Model is limited to the building's consumption data for the 12 month period ending no earlier than sixty (60) days prior to the beginning of the ninety (90) day period and utility rates used must be no older than the rates in place sixty (60) days prior to the beginning of the ninety (90) day period. In the case of a newly constructed or renovated building with less than twelve (12) months of consumption data, the qualified professional may use consumption data for the twelve (12) month period from units of similar size and construction in the geographic area in which the building containing the units is located. The ninety (90) day period after which the new utility allowance must be used to compute gross rent will begin sixty (60) days after the end on the last month of the twelve (12) month period for which data was used to compute the estimate; and

(5) An allowance based upon an average of the actual use of similarly constructed and sized Units in the building using actual utility usage data and rates, provided that the Development Owner has the written permission of the Department. This methodology is referred to as the "Actual Use Method."

(f)[(e)] For a Development Owner to use the Actual Use Method they must:

(1) Provide a minimum sample size of usage data for at least 5 Continuously Occupied Units of each Unit Type or 20 percent of each Unit Type whichever is greater. *Example 607(3):* A Development has 20 three bedroom/one bath Units, and 80 three bedroom/two bath Units. Each bedroom/bathroom equivalent Unit is within 120 square feet of the same floor area. Data must be supplied for at least five of the three bedroom/one bath Units, and sixteen of the three bedroom/two bath Units. If there are less than five Units of any Unit Type, data for 100 percent of the Unit Type must be provided;

(2) Scan the information in subparagraphs (A) - (E) of this paragraph onto a CD and submit it to the Department no later than the beginning of the ninety (90) day period in which the Owner intends to implement the allowance, reflecting data no older than sixty (60) days prior to the ninety (90) day implementation period. *Example 607(4):* The utility provider releases the information regarding electric usage at Westover Townhomes on February 5, 2010. The data provided is from February 1, 2009 through January 31, 2010. The Owner must submit the information to the Department no later than March 31, 2010 for the information to be valid;

(A) An Excel spreadsheet listing each Unit for which data was obtained to meet the minimum sample size requirement of a Unit Type, the number of bedrooms, bathrooms and square footage for each Unit, the household's move-in date, the actual kilowatt usage for each month of the twelve (12) month period for each Unit for which data was obtained, and the rates in place at the time of the submission;

(B) A copy of the request to the utility provider (or billing entity for the utility provider) to provide usage data;

(C) All documentation obtained from the utility provider (or billing entity for the utility provider) and/or copies of actual utility bills gathered from the residents, including all usage data not needed to meet the minimum sample size requirement and any written correspondence from the utility provider;

(D) The rent roll showing occupancy as of the end of the month for the month in which the data was requested from the utility provider; and

(E) Documentation of the current utility allowance used by the Development;

(3) Upon receipt of the required information, the Department will determine if the Development Owner has provided the minimum information necessary to calculate an allowance using the Actual Use Method. If so, the Department shall calculate the utility allowance for each bedroom size using the guidelines described in subparagraphs (A) - (E) of this paragraph;

(A) If data is obtained for more than 20 percent or 5 of each Unit Type, all data will be used to calculate the allowance;

(B) If more than twelve (12) months of data is provided for any Unit, only the data for the most current twelve (12) months will be averaged;

(C) The allowance will be calculated by multiplying the average units of measure for the applicable utility (i.e. kilowatts over the last twelve (12) months by the current rate) for all Unit Types within that bedroom size. For example, if sufficient data is supplied for 18 two bedroom/one bath Units, and 12 two bedroom/two bath Units, the data for all 30 Units will be averaged to calculate the allowance for all two bedroom Units;

(D) The allowance will be rounded up to the next whole dollar amount. If allowances are calculated for different utilities, each utility's allowance will be rounded up to the next whole dollar amount and then added together for the total allowance; and

(E) If the data submitted indicates zero usage for any month, the data for that Unit will not be used to calculate the Utility Allowance;

(4) The Department will complete its evaluation and calculation within forty-five (45) days of receipt of all the information requested in paragraph (2) of this subsection;

(5) Receipt of approval from the Department will begin the ninety (90) day period after which the new utility allowance must be used to compute gross rent; and

(6) For newly constructed Developments or Developments that have Units which have not been continuously occupied, the Department, on a case by case basis, may use consumption data for Units of similar size and construction in the geographic area to calculate the utility allowance.

~~(g)(f) Effective dates. If the Owner uses the methodologies as described in subsection (c)(b), (d)(c), or (e)(1)(d)(1) of this section, any changes to the allowance can be implemented immediately, but must be implemented for rent due ninety (90) days after the change. For methodologies as described in subsection (e)(2)(d)(2) - (5) of this section, the allowance cannot be implemented until the estimate is submitted to the Department and is made available to the residents by posting in a common area of the leasing office at the Development. This action must be taken by the beginning of the ninety (90) day period in which the Owner intends to implement the utility allowance. [With the exception of the methodology described in subsection (d)(5) of this section, if a response is not received from the Department within the ninety (90) day period, the Owner may temporarily use the submission as a safe harbor until the Department provides written authorization (the Owner cannot assume that the allowance is approved by the Department but can operate in good faith prior to notification). Failure to submit the proposed~~

utility allowance to the Department and make it available to the residents will result in a finding of noncompliance.}]

~~[(g) Requirements for Annual Review. Owners utilizing the methods described in subsections (b) and (c) of this section must demonstrate that the utility allowance has been reviewed annually. Any change in the method described in subsection (d)(1) of this section can be implemented immediately, but must be implemented for rent due ninety (90) days after the change. It is the Owner's responsibility to confirm with the applicable PHA if an updated schedule has been released to ensure timely implementation. Owners utilizing the methods described in subsection (d)(2)–(5) of this section must submit to the Department, once a calendar year, copies of the utility estimate and simultaneously make the estimate available to the residents by posting the estimate in a common area of the leasing office at the Development. Changes in utility allowances cannot be implemented until the estimate has been submitted to the Department and made available to the residents by posting in the leasing office for a ninety (90) day period. The back-up documentation required by the methodology the Owner has chosen must be submitted to the Department for approval no later than October 1st; however, the Department encourages Owners to submit documentation prior to the October 1st deadline in order to ensure that the Department has adequate time to review and respond to the Owner's estimate.]~~

(h) Requirements for Annual Review.

(1) RHS and HUD-Regulated Buildings. Owners must demonstrate that the utility allowance has been reviewed annually and in accordance with the RHS or HUD regulations.

(2) Buildings using the PHA Allowance. Owners are responsible for periodically determining if the applicable PHA released an updated schedule to ensure timely implementation. When the allowance changes or a new allowance is made available by the PHA, it can be implemented immediately, but must be implemented for rent due ninety (90) days after the change.

(3) Written Local Estimate, HUD Utility Model Schedule and Energy Consumption Model. Owners must update the allowance once a calendar year. The update and all back up documentation required by the method must be submitted to the Department no later than October 1st of each year. However, Owners are encouraged to submit prior to the deadline to ensure the Department has time to review. At the same time the update is submitted to the Department, the Owner must post the utility allowance estimate in a common area of the leasing office at the Development. The Department will review the request for compliance with all applicable requirements and reasonableness. If, in comparison to other approved utility allowances for properties of similar size, construction and population in the same geographic area, the allowance does not appear reasonable or appears understated, the Department may require additional support and/or deny the request. If approved, changes to the allowance can be implemented ninety (90) days after the request was submitted to the Department and provided to the residents.

(4) Actual Use Method. Owners must update the allowance once a calendar year. The update and all back up documentation required by the method must be submitted to the Department no later than August 1st of each year. However, Owners are encouraged to submit prior to the deadline to ensure the Department has time to review.

(i)[(h)] Combining Methodologies. With the exception of HUD regulated buildings and RHS buildings, Owners may combine any methodology described in this section for each utility service type paid directly by the resident and not by or through the Owner of the building

(electric, gas, etc.). For example, if residents are responsible for electricity and gas, an Owner may use the appropriate PHA allowance to determine the gas portion of the allowance and use the Actual Use Method to determine the electric portion of the allowance.

~~(j)(4)~~ Increases in Utility Allowances for Developments with HOME ~~or~~ and NSP funds. Unless otherwise instructed by HUD, the Department will permit owners to implement changes in utility allowance in the same manner as Housing Tax Credit (HTC) Developments.

~~(k)(4)~~ The Owner shall maintain and make available for inspection by the tenant, the data, underlying assumptions and methodology that was used to calculate the allowance. ~~[upon which the utility allowance schedule is calculated.]~~ Records shall be made available at the resident manager's office during reasonable business hours or, if there is no resident manager, at the dwelling Unit of the tenant at the convenience of both the Owner and tenant.

~~(l)(4)~~ In general, the Department permits Owners to select the method for establishing a utility allowance. However, in accordance with the HOME Final Rule 24 CFR §92.252(c) and as adopted by Texas NSP, the Department has the right to calculate the utility allowance for HOME rental Developments. In addition, the Department will select the method for establishing the utility allowance for Housing Tax Credit properties who's LURA terminated early.

~~(m)(4)~~ If Owners want to utilize the HUD Utility Schedule Model, the Written Local Estimate or the Energy Consumption Model to establish the initial utility allowance for the Development, no more than 180 days and no less than ninety (90) days prior to the commencement of leasing activities, the Owner must submit utility allowance documentation for Department approval. This subsection does not preclude an Owner from changing to one of these methods after commencement of leasing in accordance with subsection (b) of this section.

~~(m) The Department will review utility allowances for reasonableness by comparing the requested allowance to other available. If the allowance does not appear reasonable or appears understated, the Department may require additional support and/or deny the request.~~

~~(n) The Department reserves the right to outsource to a third party the review and approval of all or any utility allowance requests to use the Energy Consumption Model or when review requires the use of expertise outside the resources of the Department. In accordance with Treasury Regulation 1.42-10(c) any costs associated with the review and approval shall be paid by the Owner.~~

§10.608. Lease Requirements.

(a) Eviction, termination, refusal to renew a lease. For HTC Developments, Revenue Ruling 2004-82 prohibits the eviction or termination of tenancy of low-income households for other than good cause throughout the entire Affordability Period, and for three (3) years after termination of an extended low-income housing commitment. Owners executing or renewing leases after November 1, 2007 shall specifically state in the lease or in an addendum attached to the lease that evictions or terminations of tenancy for other than good cause are prohibited.

(b) For HOME and NSP Developments, the HOME Final Rule (and as adopted by Texas NSP) prohibits Owners from evicting low-income residents or refusing to renew a lease except for serious or repeated violations of the terms and conditions of the lease, for violations of applicable federal, state or local law, for completion of the tenancy period for transitional housing, or for other good cause. To terminate tenancy, the Owner must serve written notice to the tenant specifying the grounds for the action at least thirty (30) days before the termination of tenancy. Owners executing or renewing leases after November 1, 2007 shall specifically state in the lease or in an addendum attached to the lease that evictions or non-renewal of leases for other than good cause are prohibited (24 CFR §92.253). Owners must also comply with all other lease requirements and prohibitions stated in 24 CFR §92.253.

(c) The Department does not determine if an Owner has good cause or if a resident has violated the lease terms. If there is a challenge to a good cause eviction, that determination will be made by a court of competent jurisdiction or an agreement of the parties in arbitration. The Department will rely on the court decision or the agreement of the parties.

(d) HTC and BOND Developments must use a lease or lease addendum that requires households to report changes in student status.

(e) Owners of HTC Developments are prohibited from locking out or threatening to lock out any Development resident, except by judicial process, unless the exclusion is necessary for the purpose of performing repairs or construction work, or in cases of emergency. Owners are further prohibited from seizing or threatening to seize the personal property of a resident except by judicial process unless the resident has abandoned the premises. These prohibitions must be included in the lease or lease addendum.

~~[(f) All owners must provide prospective households with a Department approved fair housing disclosure notice. This notice must be executed by the household no more than thirty days and no less than three days prior to the effective date of the lease. This requirement pertains to all households taking initial occupancy of a unit on a Development administered by the Department, including households transferring units within the same Development.]~~

~~(f)~~[(g)] For HOME and NSP Developments, properties that were initially built for occupancy prior to 1978 must include in their lease or lease addendum a Lead Warning Statement. To demonstrate compliance, the Department will monitor that, all households at HOME and NSP Developments have signed the Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards. (24 CFR §92.355 and §570.487(c))

~~(g)~~[(h)] All Owners shall comply with the lease requirements found in Section 601 of the Violence Against Women Reauthorization Act of 2013 (“VAWA 2013”). In general, owners may not construe an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking as a serious or repeated violation of a lease term by the victim or threatened victim or as good cause for terminating tenancy. However, in accordance with VAWA 2013, owners may bifurcate a lease to terminate the tenancy of an individual who is a tenant or lawful occupant and engages in criminal activity directly relating to domestic violence, dating violence,

sexual assault, or stalking against another lawful occupant living in the unit or other affiliated individual as defined in the VAWA 2013.

§10.610.Managing Additional Income and Rent Restrictions for HTC, Exchange, and TCAP Developments.

(a) Under the Code, HTC Development Owners elect a minimum set-aside requirement of 20/50 or 40/60 (20 percent of the Units restricted to the 50 percent income and rent limit, or 40 percent of the Units restricted at the 60 percent income and rent limits). The minimum set-aside elected sets the maximum income and rent limits for the low-income units on the Development. Many Developments have additional income and rent requirements (i.e., 30 percent, 40 percent and 50 percent) that are lower than the minimum set-aside requirement. This requirement is referred to as "additional occupancy restrictions" and is reflected in the Development's LURA. The Department will examine the actual gross rent and income levels of all households to determine if the additional income and rent requirements of the LURA are met.

(b) For 100 percent HTC Developments that are not required to perform annual recertification, regardless of the requirements stated in the Development's LURA, the additional rent and occupancy restrictions will be monitored as follows:

(1) Households initially certified at the 30 percent income and rent limits. Households will maintain their designation they had at initial move-in. The Unit will continue to meet the 30 percent set-aside requirement provided that the Owner does not charge gross rent in excess of the 30 percent rent limit. When the household vacates the Unit, the next available Unit on the Development is leased to a household with an income and rent less than the 30 percent limit;

(2) Households initially certified at the 40 percent income and rent limits. Households will maintain their designation they had at initial move in. The Unit will continue to meet the 40 percent set-aside requirement provided that the Owner does not charge gross rent in excess of the 40 percent rent limit. When the household vacates the Unit, the next available Unit on the Development is leased to a household with an income and rent less than the 40 percent limit; and

(3) Households initially certified at the 50 percent income and rent limits. Households will maintain their designation they had at initial move in. The Unit will continue to meet the 50 percent set-aside requirement provided that the Owner does not charge gross rent in excess of the 50 percent rent limit. When the household vacates the Unit, the next available Unit on the Development is leased to a household with an income and rent less than the 50 percent limit.

(c) Mixed Income HTC Developments with Market Units will be monitored as follows:

(1) The HTC program requires Mixed Income ~~projects [Developments]~~ with Market Units to comply with the Available Unit Rule. When a household's income at recertification exceeds 140 percent of the applicable current income limit elected by the minimum set-aside, the owner must comply with the Available Unit Rule and lease the next available unit (same size or smaller) in the building to a low-income household to maintain compliance. For HTC ~~projects [Developments]~~ that are required to perform annual recertifications, the additional rent and occupancy restrictions will be monitored as follows;

(A) Households initially certified at the 30, 40 or 50 percent income and rent limits~~[-]~~

~~[(B) Households]~~ will maintain the designation they had at initial move in unless the household's income exceeds 140 percent of the highest income tier established by the minimum set-aside.

The Unit will continue to meet the designation from the initial certification provided that the Owner does not charge gross rent in excess of the additional rent and occupancy rent limit;[,]

~~(B)~~~~(C)~~ The household will not be required to vacate the Unit for other than good cause. When the household vacates the Unit, the next available Unit on the Development must be leased so as to meet the Development's additional rent and occupancy restrictions;[,] and

~~(C)~~~~(D)~~ If the household's income exceeds 140 percent of the highest income tier established by the minimum set-aside, the household must be redesignated as over income (OI) and the Next Available Unit Rule must be followed. *Example 610(1)*: A household was initially certified at the 40 percent income limit at move in. The household's income increases at recertification above the 40 percent income limit to the 50 percent income limit. The Unit will continue to meet the 40 percent set-aside requirement provided that the Owner does not charge rent in excess of the 40 percent rent limit. When the household vacates the Unit, the Next Available Unit on the Development is leased to a household with an income and rent less than the 40 percent limits.

(2) This subsection does not require HTC Developments to lease more Units under the additional occupancy restrictions than established in their LURA. *Example 610(2)*: If a Development is required to lease 10 units at the 40 percent income and rent levels and has satisfied the requirement, the owner is not required to offer the 40 percent rent to other households, even if their income is less than the 40 percent income limit.

(d) Units at 80 percent area median income and rent on HTC developments. In certain years, the Department's Qualified Allocation Plan provided incentives to lease 10 percent of the development's Market Rate units to households at 80 percent income and rents. This section provides guidance for implementation. If the LURA requires 10 percent of the Market Rate units be leased to households at 80 percent income and rent limits, the owner must certify the 80 percent households at the time of move in only. Recertifications will not be required. Student rules do not apply to units occupied by 80 percent households. Noncompliance with the requirement to lease to 80 percent households is not reportable to the IRS on Form 8823 but will be cited and scored as noncompliance under the event "Development failed to meet additional State required rent and occupancy restrictions".

§10.611. Household Unit Transfer Requirements for All Programs.

(a) The requirements and restrictions regarding household transfers for HTC, Exchange and TCAP Developments are based on whether the project is 100 percent low-income or mixed income and if the owner elected to treat buildings in the project as part of a multiple building project. To determine if a Development is a multiple building project, refer to the election on IRS form 8609 line 8(b) and accompanying statements (if any).

(1) 100 percent low-income multiple building projects: Households may transfer to any unit in a 100 percent low-income multiple building project and retain their program designation. The household does not need to be and should not be certified at the time of transfer. The move in date remains the date the household was first designated under the program.

(2) Each building is its own project (100 percent low-income and mixed income projects): To retain its low-income status, at the time of transfer, a household must be certified and have a current annual income less than the income limit established by the minimum set aside the owner selected.

(3) Mixed income multiple building projects: Low-income households retain their program designation when they transfer to any unit in the multiple building project if at the last annual certification their income was less than 140 percent of area median income level set by the minimum set aside.

~~[(a) Household Transfers for One Hundred percent HTC, Exchange, and TCAP Developments. For HTC Developments that are 100 percent low income, a household may transfer to any Unit within the same project, as defined as a multiple building project on Part II, question 8b of the IRS Form 8609. If the Owner elected to treat each building as a separate project, as defined on Part II, question 8b of the 8609 form, households must be certified as low income (determined by the Development's minimum set aside election) prior to moving to another building on the Development.]~~

~~[(b) Household Transfers for Mixed Income HTC, Exchange and TCAP Developments. For HTC Developments that are Mixed Income with Market Units, a household may transfer to another building in the same project, as defined as a multiple building project on Part II of the IRS Form 8609 if the household was not over income (OI) at the time of the last annual income recertification. If the Owner elected to treat each building as a separate project, as defined on Part II of the IRS Form 8609, households must be certified as low income (determined by the Development's minimum set aside election) prior to moving to another building on the Development.]~~

(b)[(e)] Household transfers for BOND, HTF, HOME, and NSP. For BOND, HTF, HOME, and NSP Developments, households may transfer to any Unit within the Development. A certification is not required at the time of transfer. If the Development is required to perform annual income recertifications, the recertification is due on the anniversary date the household originally moved onto the Development. If the Development is layered with Housing Tax Credits, default to transfer guidelines described in §10.611(a) of this chapter (relating to Household Unit Transfer Requirements) ~~[under the HTC rules].~~

(c)[(d)] Household Transfers in the Same Building for all Programs. A Household may transfer to a new Unit within the same building (for the HTC program within the meaning of IRS Notice 88-91). The unit designations will swap status. *Example 611(1)*: Building 1 has 4 low-income Units. Units 1 through 3 are occupied by low-income households and Unit 4 is a vacant low-income unit. The household in Unit 2 moves to Unit 4 and the Unit designations swap status. Unit 2 is now a vacant low-income unit.

§10.613. Onsite Monitoring.

(a) The Department may perform an onsite monitoring review of any low-income ~~[low income]~~ Development, and review and photocopy all documents and records supporting compliance with Departmental programs through the end of the Compliance Period or the end of the period covered by the LURA, whichever is later. The Development Owner shall permit the Department access to the Development premises and records.

(b) The Department will perform onsite monitoring reviews of each low-income ~~[low income]~~ Development. The Department will conduct:

- (1) the first review of HTC, Exchange and TCAP Developments by the end of the second calendar year following the year the last building in the Development is placed in service;
- (2) the first review of all other Developments as leasing commences;
- (3) subsequent reviews at least once every three years during the Affordability Period;
- (4) a physical inspection of the Development including the exterior of the Development, Development amenities, and an interior inspection of a sample of Units; and
- (5) limited reviews of physical conditions, including follow-up inspections to verify completion of reported corrective action, may be conducted without prior notice (unless access to tenant units is required, in which case at least forty-eight (48) hours notice will be provided).

(c) The Department will perform onsite file reviews and monitor:

- (1) a sampling of the low-income [~~low income~~] resident files in each Development, and review the Income Certifications [~~income certifications~~];
- (2) the documentation the Development Owner has received to support the certifications; and
- (3) the rent records and any additional information that the Department deems necessary.

(d) At times other than onsite reviews, the Department may request for review, in a format designated by the Department, information on tenant income and rent for each Low- Income Unit and may require a Development Owner to submit copies of the tenant files, including copies of the Income Certification [~~income certification~~], the documentation the Development Owner has received to support that certification, and the rent record for any low-income [~~low income~~] tenant.

(e) The Department will select the Low-Income [~~Low-Income~~] Units and tenant records that are to be inspected and reviewed. Original records are required for review. The Department will not give Development Owners advance notice that a particular Unit, tenant record, or a particular year will be inspected or reviewed. However, the Department will give reasonable notice to the Development Owner that an onsite inspection or a tenant record review will occur so the Development Owner may notify tenants of the inspection or assemble original tenant records for review. If a credible complaint of fraud or other egregious noncompliance is received, the Department reserves the right to conduct unannounced onsite monitoring visits.

§10.614. Monitoring for Social Services.

(a) If a Development's LURA requires the provision of social services, the Department will confirm this requirement is being met. Owners are required to maintain sufficient documentation to evidence that services are actually being provided. Documentation will be reviewed during onsite visits beginning with the second onsite review, and must be submitted to the Department upon request. *Example 614(1):* The Owner's LURA requires provision of onsite daycare services. The Owner maintains daily sign in sheets to demonstrate attendance and keeps a roster of the households that are regularly participating in the program. The Owner also keeps copies of all newsletters and fliers mailed out to the Development tenants that reference daycare services. *Example 614(2):* The Owner's LURA requires a monetary amount to be expended on a monthly basis for supportive services. The Owner maintains a copy of an agreement with a Supportive Service provider and documents the amount expended to evidence compliance with this requirement.

(b) A substantive modification of the scope of tenant services requires Board approval. Such requests must comply with procedures in §10.405 of this chapter (relating to Amendments). It is not necessary to obtain prior written approval to change the provider of services unless the scope of services is being changed. Failure to comply with the requirements of this section shall result in a finding of noncompliance.

(c) If the Development's LURA requires a monthly expenditure for the provision of services, the Department will monitor to confirm compliance. Includable costs to support the expenditure include those cost directly related to providing the service(s). Such costs can include, but are not limited to, the cost of contracting the services with a qualified provider, cost of notification of such services (for example, a monthly newsletter), other costs that can be documented and would only be incurred as a result of the service. An Owner cannot include any costs related to the normal expense of maintaining or operating a Development, utility bills of any kind, in-kind contributions or services, cleaning or contracted janitorial services, office supplies, cost of copier or fax, costs incurred for maintenance of machinery and volunteer hours. This list is not inclusive, but any other costs identified by the Owner shall be reviewed for consistency with this subsection.

§10.615. Monitoring for Non-Profit Participation or HUB Participation.

(a) If a Development's LURA requires the material participation of a non-profit or Historically Underutilized Business (HUB), the Department will confirm this requirement is being met throughout the development phase and ongoing operations of the Development. Owners are required to maintain sufficient documentation to evidence that a non-profit or HUB is in good standing with the Texas Comptroller of Public Accounts, Texas Secretary of State and/or IRS as applicable and materially participating. Documentation may be reviewed during onsite visits or must be submitted to the Department upon request.

(b) If an Owner wishes to change the non-profit, or HUB, prior approval from the Department is necessary. The Annual Owner's Compliance Report also requires Owners to certify to compliance with this requirement. Failure to comply with the requirements of this section shall result in a finding of noncompliance. In addition, the IRS will be notified if the non-profit is not materially participating on a HTC Development during the Compliance Period.

(c) The Department does not enforce partnership agreements or determine equitable fund distributions of partnerships. These disputes are matters for a court of competent jurisdiction.

§10.616. Property Condition Standards.

(a) All Developments funded by the Department must be decent, safe, sanitary, in good repair, and suitable for occupancy throughout the Affordability Period. The Department will use HUD's Uniform Physical Condition Standards (UPCS) to determine compliance with property condition standards. In addition, Developments must comply with all local health, safety, and building codes. The Department may contract with a third party to complete UPCS inspections.

(b) HTC Development Owners are required by Treasury Regulation 1.42-5 to report (through the Annual Owner's Compliance Report) any local health, safety, or building code violations. HTC Developments that fail to comply with local codes shall be reported to the IRS.

(c) The Department will initially evaluate UPCS reports in the manner described in paragraphs [paragraph] (1) - (3) of this subsection:

(1) A finding of Major Violations will be cited if:

(A) Life threatening health, safety, or fire safety hazards are reported on the Notification of Exigent and Fire Safety Hazards Observed form and are not corrected within twenty-four (24) hours of the inspection with notification of correction submitted to the Department within seventy-two (72) hours of the inspection. Failure to notify the Department of correction within seventy-two (72) hours of the correction of any exigent health and safety or fire safety hazards listed on the Notification will result in a finding of Major Violations of the UPCS for the Development; or

(B) An overall UPCS score of less than 70 percent (69 percent or below) is reported.

(2) A finding of Pattern of Minor Violations will be assessed if an overall score between 70 percent and 89 percent is reported; or

(3) Findings of both Major and Minor Violations will be assessed if deficiencies reported meet the criteria for both.

(4) An Owner may request an adjustment to the initial assessment of the Development's UPCS score by submitting a written request with the corrective action response identifying deficiencies that are solely tenant caused and out of the owner's control. Evidence that the condition did not exist at the time the tenant took occupancy of the unit must be supplied. Tenant related deficiencies and reasons for deficiencies the Department will consider are listed in Figure §10.616(c).

Figure: §10.616(c)

<u>Unit</u>	<u>Inspectable item</u>	<u>Inspected item</u>	<u>Reason</u>
Bathroom		<u>Lavatory sink</u>	<u>A stopper is missing</u>
Bathroom		<u>Plumbing</u>	<u>Water does not drain freely but fixture can be used</u>
Bathroom		<u>Shower/tub</u>	<u>A stopper is missing</u>
Doors		<u>Damaged Surface</u>	<u>The Department will not consider the request if the reason for the deficiency is "rusted or significant peeling/cracking/no paint"</u>
Blocked access to electrical panel		<u>Electrical systems</u>	<u>One or more items of sufficient size or weight is impeding access to the unit's electrical panel</u>
Floors-units		<u>Soft floor covering damage</u>	<u>Any reason that is solely related to a tenant caused deficiency.</u>
Kitchen		<u>Cabinets</u>	<u>Shelves are missing</u>
Kitchen		<u>Dishwasher/garbage disposal</u>	<u>Garbage disposal does not function</u>
Kitchen		<u>Plumbing/clogged drains</u>	<u>The drain is completely clogged</u>
Kitchen		<u>Range hood/Exhaust Fan</u>	<u>An accumulation of dirt, grease or other</u>

		<u>barrier noticeably reduces the free passage of air.</u>
<u>Kitchen</u>	<u>Refrigerator</u>	<u>The refrigerator has an excessive accumulation of ice</u>
<u>Outlets/Switches</u>	<u>Missing/broken cover plates</u>	<u>Any reason that is solely related to a tenant caused deficiency.</u>
<u>Smoke Detector</u>	<u>Missing/Inoperable</u>	<u>In an occupied unit if the resident removed or disabled the smoke detector, as long as the Owner has a lease addendum, community policy or other means of communicating the importance of smoke detectors to residents</u>
<u>Walls</u>	<u>Damaged</u>	<u>The Department will not consider the request if the reason for the deficiency is cracks</u>
<u>Health and Safety</u>	<u>Flammable/Combustible Materials improperly stored</u>	<u>Any resident owned item as long as the Owner has a lease addendum, community policy or other means of communicating the importance of proper storage of or restrictions concerning flammable items</u>
<u>Health and Safety</u>	<u>Garbage and Debris (Indoor)</u>	<u>Any accumulation of garbage/debris resulting from a resident action inside a unit or in the direct exterior (i.e. patio) of a unit as long as the Owner has a lease addendum, community policy or other means of communicating to residents the importance of properly disposing of garbage/debris</u>
<u>Health and Safety</u>	<u>Tripping Hazards</u>	<u>Any resident owned item that presents a tripping hazard as long as the Owner has a lease addendum, community policy or other means of communicating to the residents the importance of clear pathways</u>
<u>Health and Safety</u>	<u>Blocked/Unusable Exits (Blocked Egress)</u>	<u>Any resident owned item blocks a secondary path of egress provided the Owner has a lease addendum, community policy or other means of communicating importance of clear pathways</u>
<u>Health and Safety</u>	<u>Hazard-Sharp Edges</u>	<u>Any resident owned item</u>

(5) Upon review of the Owner's request, the Chief of Compliance may adjust the UPCS score upwards no more than 5 points. A certification from the Owner or property manager indicating

the tenant did not previously report the deficiency and request repair may be required. Example 616(1) A property scores a 68, so the initial evaluation of the UPCS report results in “Major Violations.” During the corrective action period, the Owner corrects all identified deficiencies and submits corrective action. Along with the evidence of correction, the Owner sends a written request for a score adjustment identifying 17 individual deficiencies that caused an 8 point reduction. The owner also supplies evidence that those 17 deficiencies did not exist at the time the tenant took occupancy of the unit. Since all deficiencies were corrected and 8 of the 32 points deducted were attributed to tenant caused deficiencies, the property’s score may be adjusted to a 73 and the UPCS would be scored as a “Pattern of Minor Violations” instead of “Major Violations.”

(6) Although a deficiency may be tenant caused, the Owner is responsible for correction. Scores will not be adjusted if there are any uncorrected UPCS deficiencies.

(d) The Department is required to report any HTC Development that fails to comply with any requirements of the UPCS or local codes at any time (including smoke detectors and blocked egresses) to the IRS on Form 8823. Accordingly, the Department will submit Form 8823 for any UPCS violation. However, if the violation(s) does not meet the conditions described in subsection (c)(1) or (2) of this section, the issue will be noted in the Department's compliance status system as Administrative Reporting and no points will be assigned in the Department's compliance status evaluation of the Development. Non-HTC Developments that do not meet thresholds for Major and Pattern of Minor Violations as described in subsection (c)(1) or (2) of this section and correct all life threatening health, safety, and fire safety hazards noted at the time of inspection as directed in subsection (c)(1)(A) of this section will not receive findings for UPCS inspections. Items noted that do not exceed thresholds for Major and Pattern of Minor Violations must be corrected by submission of an Owner's Certification of Repair within the ninety (90) day corrective action period.

(e) Acceptable evidence of correction of deficiencies is a certification from an appropriate licensed professional that the item now complies with the inspection standard or other documentation that will allow the Department to reasonably determine when the repair was made and whether the repair sufficiently corrected the violation(s) of UPCS standards. Acceptable documentation includes: copies of work orders (listing the deficiency, action taken or repairs made to correct the deficiency, date of corrective action, and signature of the person responsible for the correction), invoices (from vendors, etc.), or other proof of correction. Photographs are not required but may be submitted if labeled and only in support of a work order or invoice. The Department will determine if submitted materials sufficiently document correction of noncompliance. [~~examples of such documentation include work orders, photographs, and/or invoices to third party repair specialists~~]

~~[(f) The Department will provide to the Owner in writing a ninety (90) day corrective action period to respond to a notice of noncompliance for violations of the UPCS. The Department will not grant extensions unless there is good cause and the Owner clearly requests an extension during the corrective action period. The Department will respond to an owner's request for an extension within five (5) business days. Under no circumstances will the corrective action period exceed six (6) months.]~~

~~[(g) 24 CFR §92.251 of the HOME Final Rule requires rental property assisted with HOME funds to be maintained in compliance with all local codes and HQS (24 CFR §982.401). To meet this requirement, beginning the second year after completion of construction or rehabilitation, all HOME rental Development Owners must annually complete an HQS inspection of all HOME assisted Units. Any noted deficiencies must be repaired. The Department will review HQS inspection sheets for all Units for compliance with this requirement during onsite monitoring visits.]~~

~~(f)~~~~(h)~~ Selection of Units for inspection:

(1) Vacant Units will not be inspected (alternate Units will be selected) if a Unit has been vacant for fewer than thirty (30) days.~~]; and]~~

(2) Units vacant for more than thirty (30) days are assumed to be ready for occupancy and will be inspected. No deficiencies will be cited for inspectable items if utilities are turned off and the inspectable item is present and appears to be in working order.

(3) If a unit vacant less than thirty (30) days is mistakenly inspected, the Owner may request an adjustment to their UPCS score in accordance with subsection (c)(5) of this section. Although all noted deficiencies must be corrected, all deducted points (not just 5) will be added to the Development's UPCS score and the issue will be scored according to the adjusted score.

§10.617. Notice to Owners and Corrective Action periods.

(a) The Department will provide written notice to the [Development]Owner if the Department does not receive the Annual Owner Compliance Report (AOCR) or discovers through audit, inspection, review or any other manner that the Development is not in compliance with the provisions of the deed restrictions, conditions imposed by the Department, this subchapter, or other program rules and regulations, including §42 of the Code.

(b) Treasury Regulations require the Department to notify Housing Tax Credit Owners of upcoming reviews and instances of noncompliance. The Department will solely rely on the information supplied by the Owner in CMTS to meet this requirement. Correspondence sent to the email or physical address shown in CMTS will be deemed delivered to the Owner. Correspondence from the Department may be directly uploaded to the property's CMTS account using the secure electronic document attachment system. Once uploaded, notification of the attachment will be sent electronically to the email address listed in CMTS. A paper copy will not be mailed unless specifically requested at the time the electronic notice is sent.

~~(c) [Correspondence from the Department may be sent electronically to the email addresses in the Compliance Monitoring Tracking System. If sent electronically, a paper copy will not be mailed unless specifically requested.]~~ The notice will specify a corrective action period, which in general, will be a ninety (90) day period. [correction period during which the Development Owner may respond to the Department's findings, bring the Development into compliance, or supply any missing documentation or certifications.] During the corrective action period, the Owner has the opportunity to show that either the Development was never in noncompliance, or that the event of noncompliance has been corrected. The Department may extend the correction period for up to six (6) months from the date of the notice to the Development Owner only if

there is good cause for granting an extension and the owner requests an extension during the original ninety (90) day corrective action period.

(d) If any communication to the [Development] Owner under this section is returned to the Department as refused, unclaimed or undeliverable, the Development may be considered not in compliance without further notice to the [Development] Owner. The [Development] Owner is responsible for providing the Department with current contact information, including address(es) (physical and electronic) and phone number(s). The [Development] Owner must also provide current contact information to the Department as required by §1.22 of this title (relating to Providing Contact Information to the Department).

(e) Events of noncompliance will not be reported to the IRS, referred for administrative penalties, considered cause for debarment or scored in accordance with §10.621 of this subchapter (relating to Material Noncompliance Methodology) until after the end of the corrective action period established in the notice described in this section.

§10.618.Special Rules Regarding Rents and Rent Limit Violations.

(a) Rent or Utility Allowance Violations of the maximum allowable limit (HTC). Under the HTC program, the amount of rent paid by the household plus an allowance for utilities, plus any mandatory fees, cannot exceed the maximum applicable limit (as determined by the minimum set-aside elected by the Owner) published by the Department. If it is determined that a HTC Development, during the Compliance Period, collected rent in excess of the rent limit established by the minimum set-aside, the owner must correct the violation by reducing the rent charged. The Department will report the violation as corrected on January 1st of the year following the violation. The refunding of overcharged rent does not avoid the disallowance of the credit by the IRS. However, if the Owner, during the corrective action period, voluntarily refunds the full amount collected in excess of the limits to all affected households, the event of noncompliance will be noted as “Gross rent exceeds the highest rent allowed under the LURA or other deed restriction and was refunded”. The Department must still report this event of noncompliance to the IRS on form 8823. The refund must be in the form of an actual payment to the household (not a credit to amounts owed the Development) and must be made to all affected households, including those beyond the scope of the Department’s monitoring sample.

(b) Rent or Utility Allowance Violations of additional rent restrictions (HTC). If Owners agreed to additional rent and occupancy restrictions, the Department will monitor to confirm compliance. If noncompliance is discovered, the Department will require the Owner to restore compliance by refunding (not a credit to amounts owed the Development) any excess rents to a sufficient number of households to meet the set aside. Example 618 (1) A 100 unit development is required to lease 10 units to households at the 30 percent income and rent limits. The utility allowance is miscalculated resulting in overcharged rents. Fifteen households have an income under 30 percent. The owner must refund 10 of these households. ~~If the Owner agreed to lease Units at rents less than the maximum allowed under the Code (additional occupancy restrictions), the Department will require the Owner to refund to the affected residents the amount of rent that was overcharged. This applies during the entire Affordability Period. The noncompliance event will be considered corrected on the date which is the later of the date the overcharged rent was refunded/credited to the resident or the date that the rent plus the utility allowance is equal to or less than the applicable limit. Example 618(1): For Code §42 purposes, the maximum allowable~~

limit is 60 percent. However, the Owner agreed to lease some Units to households at the 30 percent income and rent limits. It was discovered that the 30 percent households were overcharged rent. The Owner will be required to reduce the current amount of rent charged and refund the excess rents to the households.]

(c) Rent Violations of the maximum allowable limit due to application fees (HTC). Under the HTC program, Owners may not charge tenants any overhead costs as part of the application fee. Owners must only charge the actual cost for application fees as supported by invoices from the screening company the Owner uses.

(1) The amount of time Development staff spends on checking an applicant's income, credit history, and landlord references may be included in the Development's application fee. Development Owners may add \$5.50 per Unit for their other out of pocket costs for processing an application without providing documentation. *Example 618(2)*: A Development's out of pocket cost for processing an application is \$17.00 per adult. The property may charge \$22.50 for the first adult and \$17.00 for each additional adult. Should an Owner desire to include a higher amount to cover staff time, prior approval is required and wage information and a time study must be supplied to the Department.

(2) Documentation of Development costs for application processing or screening fees must be made available during onsite visits or upon request. The Department will review application fee documentation during onsite monitoring visits. If the Development pays a flat monthly fee to a third party for credit or criminal background checks, Owners must calculate the appropriate fee to be charged applicants by using the total number of applications processed, not just approved applications. If the Department determines from a review of the documentation that the Owner has overcharged residents an application fee, the noncompliance will be reported to the IRS on Forms 8823 under the category Gross rent(s) exceeds tax credit limits. The noncompliance will be corrected on January 1st of the next year.

(3) Owners are not required to refund the overcharged fee amount. ~~[If the Development refunds the overcharged fee in full or in part,]~~ To correct the issue, owners must reduce the application fee for prospective applicants. Once the fee is reduced for prospective applicants, the Department will report the affected units [will remain out of] back in compliance on [until] January 1st of the [next] year after they were overcharged the application fee. However, if the Owner, during the corrective action period, voluntarily refunds the excess application fees collected from all affected households, the event of noncompliance will be noted as "Gross rent exceeds the highest rent allowed under the LURA or other deed restriction and was refunded." The Department must still report this event of noncompliance to the IRS on form 8823. The refund must be in the form of an actual payment to the household (not a credit to amounts owed the Development) and must be made to all affected households, including those beyond the scope of the Department's monitoring sample.

(d) Rent or Utility Allowance Violations on Non-HTC Developments and foreclosed HTC properties for three years after foreclosure. If it is determined that the Development collected rent in excess of the allowable limit, the Department will require the Owner to refund to the affected residents the amount of rent that was overcharged.

(e) Trust Account to be established. If the Owner is required to refund rent under subsection (b) or (d) or chooses to refund rent under subsection (a) or (c)(3) of this section and cannot locate the resident, the excess monies ~~[rent collected]~~ must be deposited into a trust account for the tenant. The account must remain open for the shorter of a four (4) year period, or until all funds are

claimed. If funds are not claimed after the four year period, the unclaimed funds must be remitted to the Texas Comptroller of Public Accounts Unclaimed Property Holder Reporting Section to be dispersed as required by Texas unclaimed property statutes.

(f) Rent Adjustments for HOME Developments:

(1) 100 percent HOME assisted Developments. If a household's income exceeds 80 percent at recertification, the owner must charge rent equal to 30 percent of the household's adjusted income;

(2) HOME Developments with any Market Rate units. If a household's income exceeds 80 percent at recertification, the owner must charge rent equal to the lesser of 30 percent of the household's adjusted income or the comparable Market rent; and

(3) HOME Developments layered with other Department affordable housing programs. If a household's income exceeds 80 percent at recertification, the owner must charge rent equal to the lesser of 30 percent of the household's adjusted income or the rent allowable under the other program.

(g) Special conditions for NSP Developments. To determine if a Unit is rent restricted, the amount of rent paid by the household, plus an allowance for utilities, plus any rental assistance payment must be less than the applicable limit.

(h) Employee Occupied Units (HTC and HTF Developments). Revenue Rulings 92-61 and 2004-82 provide guidance on employee occupied units. Provided that all the criteria in the Rulings are met, if the owner of the Development does not charge the employee for rent, the unit will be removed from the numerator and denominator of the applicable fraction to determine compliance. If the owner charges the employee any amount of rent, the Department will evaluate the eligibility of the household. If the household's income exceeds the maximum allowable limit or there is any other noncompliance, the event will be cited, scored and reported to the IRS on Form 8823 as appropriate. Owners must ensure that additional rent and occupancy restrictions are maintained even if units are leased to employees.

§10.619. Notices to the Internal Revenue Service (HTC Properties during the Compliance Period).

(a) Even when an event of noncompliance is corrected, the Department is required to file IRS Form 8823 with the IRS. IRS Form 8823 will be filed not later than forty-five (45) days after the end of the correction period specified in the Notice to Owner (including any extensions permitted by the Department) but will not be filed before the end of the correction period. The Department will indicate on IRS Form 8823 the nature of the noncompliance and will indicate whether the Development Owner has corrected the noncompliance.

(b) The Department will retain records of noncompliance or failure to certify for six (6) years beyond the Department's filing of the respective IRS Form 8823. The Department will retain the AOCRs and records for three years from the end of the calendar year the Department receives the certifications and records.

(c) The Department will send the Owner of record copies of any IRS Forms 8823 submitted to the IRS. Copies of Forms 8823 may [will] be submitted to the syndicator provided that the

Department has the correct contact information. [~~for Developments awarded tax credits after January 1, 2004. The Development Owner is responsible for providing the name and mailing address of the syndicator in the Annual Owner's Compliance Report.~~]

§10.620. Monitoring Procedures for Housing Tax Credit Properties After the Compliance Period.

(a) HTC properties allocated credit in 1990 and after are required under the Code (§42(h)(6)) to record a LURA restricting the Development for at least thirty (30) years. Various sections of the Code specify monitoring rules State Housing Finance Agencies must implement during the Compliance Period.

(b) After the Compliance Period, the Department will continue to monitor HTC Developments using the rules detailed in paragraphs (1) - (12) of this subsection:

(1) The frequency and depth of monitoring household income, rents, social services and other requirements of the LURA will be determined based on risk. Factors will include changes in ownership or management, compliance history, timeliness of reports and timeliness of responses to Department request;

(2) At least once every three (3) years the property will be physically inspected including the exterior of the Development, all building systems and 10 percent of Low-Income [~~Low-Income~~] Units. No less than five but no more than thirty-five of the Development's HTC Low-Income [~~Low-Income~~] Units will be physically inspected to determine compliance with HUD's Uniform Physical Condition Standards;

(3) Each Development shall submit an annual report in the format prescribed by the Department;

(4) Reports to the Department must be submitted electronically as required in §10.603 of this chapter (relating to Reporting Requirements);

(5) Compliance monitoring fees will continue to be submitted to the Department annually in the amount stated in the LURA;

(6) All HTC households must be income qualified upon initial occupancy of any Low-Income [~~Low-Income~~] Unit. Proper verifications of income are required, and the Department's Income Certification form must be completed unless the Development participates in the Rural Rental Housing Program or a project based HUD program, in which case the other program's certification form will be accepted;

(7) Rents will remain restricted for all HTC Low-Income [~~Low-Income~~] Units. After the Compliance Period, utilities paid to the Owner can be accounted for in the utility allowance. The tenant paid portion of the rent plus the applicable utility allowance must not exceed the applicable limit;

(8) All additional income and rent restrictions defined in the LURA remain in effect;

(9) For Additional Use Restrictions, defined in the LURA (such as supportive services, nonprofit participation, elderly, etc), refer to the Development's LURA to determine if compliance is required after the completion of the Compliance Period;

(10) The Owner shall not terminate the lease or evict low-income [~~low-income~~] residents for other than good cause;

(11) The total number of required HTC Low-Income [~~Low-Income~~] Units must be maintained Development wide; and

~~(12) Owners must continue to collect and report data in accordance §10.609(b)(1) of this subchapter (relating to Tenant File Requirements). [The Annual Eligibility Certification must be collected for all low income households on an annual basis. See §10.609 of this chapter (relating to Annual Recertification for All Programs and Student Requirements for HTC, Exchange, TCAP, and BOND Developments).]~~

(c) After the first fifteen (15) years of the Extended Use Period, certain requirements will not be monitored as detailed in paragraphs (1) - (5) of this subsection.

(1) The student restrictions found in §42(i)(3)(D) of the Code. An income qualified household consisting entirely of full time students may occupy a Low-Income [~~Low Income~~] Unit. If a Development markets to students or leases more than 15 percent of the total number of units to student households, the property will be found in noncompliance unless the LURA is amended through the Material Amendments procedures found in §10.405 of this chapter (relating to Amendments);

(2) The building's applicable fraction found in the Development's Cost Certification and/or the LURA. Low-Income [~~Low Income~~] occupancy requirements will be monitored Development wide, not building by building;

(3) All households, regardless of income level or 8609 elections, will be allowed to transfer between buildings within the Development;

(4) The Department will not monitor the Development's application fee after the Compliance Period is over; and

(5) Mixed income Developments are not required to conduct annual income recertifications. However, Owners must continue to collect and report data in accordance §10.609(b)(1) of this subchapter.

(d) Regardless of the requirements stated in a LURA, the Department will monitor in accordance with this section.

(e) Unless specifically noted in this section, all requirements of this chapter, the LURA and §42 of the Code remain in effect for the Extended Use Period. These Post-Year Fifteen (15) Monitoring Rules apply only to the HTC Developments administered by the Department. Participation in other programs administered by the Department may require additional monitoring to ensure compliance with the requirements of those programs.

§10.621. Material Noncompliance Methodology.

(a) The Department maintains a compliance history of each monitored Development in the Department's Compliance Status System. Developments with more than one program administered by the Department are scored by program. The Development will be considered in Material Noncompliance if the score for any single program exceeds the Material Noncompliance threshold for that program.

~~[(b) A Development will not be assigned the scores noted in this section until after the Owner has been provided a written notice of the noncompliance and provided a corrective action deadline to show that either the Development was never in noncompliance or that the noncompliance event has been corrected.]~~

~~(b)~~~~(e)~~ This section identifies all possible noncompliance events for all programs monitored by the Physical Inspection and Compliance Monitoring Sections of the Compliance Division. However, not all issues listed in this section pertain to all Developments. In addition, only certain noncompliance events are reportable on Form 8823. Those events that are reportable under the HTC program on Form 8823 are so indicated in subsections ~~(i)~~~~(h)~~ and ~~(j)~~~~(f)~~ of this section.

~~(c)~~~~(d)~~ For HTC Developments, all Forms 8823 issued by the Department will be entered into the Department's Compliance Status System. However, Forms 8823 issued prior to January 1, 1998 will not be considered in determining Material Noncompliance.

~~(d)~~~~(e)~~ For all programs, a Development will be in Material Noncompliance if the noncompliance event is stated in this section to be Material Noncompliance. The Department may take into consideration the representations of the Owner regarding monitoring notices and Owner responses; however, unless an Owner can prove otherwise, the compliance records of the Department shall be presumed to be correct.

~~(e)~~~~(f)~~ All Developments, regardless of status, that are or have been administered, funded, or monitored by the Department, are scored even if the Development no longer actively participates in the program, with the exception of properties in the CDBG disaster recovery and Federal Deposit Insurance Corporation's (FDIC) Affordable Housing Disposition Program.

~~(f)~~~~(g)~~ Noncompliance events are categorized as either "Development events" or "Unit/building events." Development events of noncompliance affect some or all the buildings in the Development; however, the Development will receive only one score for the noncompliance event rather than a score for each Unit or building. Other noncompliance events are identified individually by Unit and will receive the appropriate score for each Unit cited with an event. The Unit scores and the Development scores accumulate towards the total score of the Development. Violations under the HTC program are identified by Unit; however, the building is scored rather than the Unit and the building will receive the noncompliance score if one or more of the Units in that building are in noncompliance.

~~(g)~~~~(h)~~ Uncorrected noncompliance events, if applicable to the Development, will carry the maximum number of points until the noncompliance event has been reported corrected by the Department. Once reported corrected by the Department, the score will be reduced to the "corrected value." Corrected noncompliance will no longer be included in the Development score three (3) years after the date the noncompliance was reported corrected by the Department. Certain events of noncompliance cannot be corrected. Points for those events of noncompliance will no longer be included in the Development score three (3) years after the date the points were assigned.

~~(h)~~~~(i)~~ Each noncompliance event is assigned a point value. The possible events of noncompliance and associated "corrected" and "uncorrected" points are listed in subsections ~~(i)~~~~(j)~~ and ~~(j)~~~~(k)~~ of this section.

(i)(+) Figure: 10 TAC §10.621(i)(+) lists events of noncompliance that affect the entire Development rather than an individual Unit. The first column of the chart identifies the noncompliance event. The second column identifies the number of points assigned this event while the issue is uncorrected. The Material Noncompliance threshold for a HTC and Exchange Developments is 30 points. The Material Noncompliance threshold for a non-HTC Development with 1-50 Low-Income [~~Low Income~~] Units is 30 points. The Material Noncompliance threshold for a non-HTC Development with 51-200 Low-Income [~~Low Income~~] Units is 50 points. The Material Noncompliance threshold for non-HTC Developments with 201 or more Low-Income [~~Low Income~~] Units is 80 points. The third column lists the number of points assigned to the event from the date the issue is corrected until three (3) years after correction. The fourth column indicates which programs the noncompliance event applies. The last column indicates if the issue is reportable on Form 8823 for HTC Developments.

Noncompliance Event	Uncorrected Points	Corrected Points	Programs	If HTC, on Form 8823?
Major property condition violations	Material Noncompliance	10	All programs	Yes
Pattern of minor property condition violations	5	3	All programs	Yes
Administrative reporting of property condition violations	0	0	HTC	Yes
Owner refused to lease to a holder of rental assistance certificate/voucher because of the status of the prospective tenant as such a holder	Material Noncompliance	10	See §10.612	Yes
Owner failed to approve and distribute an Affirmative Marketing Plan as required under §10.612 of this chapter	10	3	All programs-See §10.612	No
Development failed to comply with requirements limiting minimum income standards for Section 8 residents	10	3	See §10.612	No
Development is not available to general public	10	0	HTC	Yes
HUD or DOJ notification of possible Fair Housing Act violation	0	0	HTC	Yes
Determination of a violation under the Fair Housing Act	Material Noncompliance	10	All programs	Yes
Development is out of compliance and never expected to comply/Foreclosure	Material Noncompliance	NA correction not possible	All programs	Yes

Owner did not allow on-site monitoring review	Material Noncompliance	5	All programs	Yes
LURA not in effect	Material Noncompliance	5	All programs	Yes
Development failed to meet minimum set aside	20	10	HTC Bonds	Yes
No evidence of, or failure to certify to, material participation of a non-profit or HUB, if required by the Land Use Restriction Agreement	10	3	HTC	Yes
Development failed to meet additional State required rent and occupancy restrictions	10	3	All programs	No
The Development failed to provide required supportive services as promised at Application	10	3	HTC Bonds	No
The Development failed to provide housing to the elderly as promised at Application	10	3	All programs	No
Failure to provide special needs housing	10	3	All programs	No
Changes in Eligible Basis or Applicable Percentage	3	NA, No correction possible	HTC	Yes
Failure to submit part or all of the AOCR or failure to submit any other annual, monthly, or quarterly report required by the Department	10	3	All programs	Yes
Utility Allowance not calculated properly	20	10	All programs	Yes
Owner failed to execute required lease provisions, including language required by §10.608 of this subchapter or exclude prohibited lease language	10	3	All programs	No
Failure to provide annual Housing Quality Standards inspection	10	3	HOME	NA
Development has failed to establish and maintain a reserve account in accordance with §10.405 of this chapter	Material Noncompliance	10	All programs	No

Development substantially changed the scope of services as presented at initial Application without prior Department approval	10	3	HTC	No
Failure to provide a notary public as promised at Application	10	3	HTC	No
Violations of the Unit Vacancy Rule	3	1	HTC	Yes
Casualty loss	0	0	All programs	Yes
Failure to provide pre-onsite documentation as required	10	3	All programs	No
Failure to provide amenity as required by LURA	10	3	HTC	No
Failure to pay compliance monitoring or asset management fee	10	3	HTC, TCAP, Exchange, Bond	No
Change in ownership without prior Department approval	<u>Material Noncompliance</u> 30	10	All programs	No
Failure to provide Fair Housing Disclosure	10	3	All programs	No
<u>Noncompliance with tenant selection requirements</u>	<u>10</u>	<u>3</u>	<u>All programs</u>	<u>No unless finding is because Owner refused to lease to Section 8 households</u>
<u>Failure to distribute General Information Notice or move in Notice and HUD information booklet as required by the Uniform Relocation Assistance and Real Property Acquisition Act of 1970</u>	<u>10</u>	<u>3</u>	<u>NSP and HOME</u>	<u>No</u>
<u>Failure to timely distribute Notice of Eligibility/ Ineligibility and 90 day Notice to Vacate as required by the Uniform Relocation Assistance and Real Property Acquisition Act of 1970</u>	<u>10</u>	<u>3</u>	<u>NSP and HOME</u>	<u>No</u>

<u>Failure to inspect temporary dwelling or replacement dwelling as required by the Uniform Relocation Assistance and Real Property Acquisition Act of 1970</u>	<u>10</u>	<u>3</u>	<u>NSP and HOME</u>	<u>No</u>
<u>Failure to provide Notice to owner regarding potential acquisition of the Property as required by the Uniform Relocation Assistance and Real Property Acquisition Act of 1970</u>	<u>10</u>	<u>3</u>	<u>NSP and HOME</u>	<u>No</u>
<u>Commencement of Construction prior to lock in of applicable General Wage Determination as required by the Davis-Bacon Act</u>	<u>10</u>	<u>3</u>	<u>NSP and HOME</u>	<u>No</u>
<u>Failure to Pay applicable general wage determination prevailing wages as required by the Davis-Bacon Act</u>	<u>10</u>	<u>3</u>	<u>NSP and HOME</u>	<u>No</u>
<u>Failure to pay overtime as required by the Contract Work Hours Safety Standards Act</u>	<u>10</u>	<u>3</u>	<u>NSP and HOME</u>	<u>No</u>
<u>Failure to implement mitigation outlined in environmental review</u>	<u>Material Noncompliance</u>	<u>10</u>	<u>NSP and HOME</u>	<u>No</u>
<u>Major environmental issues concealed during environmental review</u>	<u>Material Noncompliance</u>	<u>10</u>	<u>NSP and HOME</u>	<u>No</u>

(j)(4) Figure: 10 TAC §10.621(j)(4) lists [ten] events of noncompliance associated with individual Units. The first column of the chart identifies the noncompliance event. The second column identifies the number of points assigned this event while the issue is uncorrected. The Material Noncompliance threshold for a HTC or Exchange Development is 30 points. The Material Noncompliance threshold for a non-HTC property with 1-50 Low-Income [~~Low Income~~] Units is 30 points. The Material Noncompliance threshold for a non-HTC Development with 51-200 Low-Income [~~Low Income~~] Units is 50 points. The Material Noncompliance threshold for non-HTC properties with 201 or more Low-Income [~~Low Income~~] Units is 80 points. The third column lists the number of points assigned to the event from the date the issue is corrected until three (3) years after the event is corrected. The fourth column indicates what programs the noncompliance event applies to. The last column indicates if the issue is reportable on Form 8823 for HTC Developments.

Noncompliance Event	Uncorrected Points	Corrected Points	Programs	If HTC, on Form 8823?
Unit not leased to Low_	5	1	All programs	Yes

Income Household				
Low_ Income Units occupied by nonqualified full-time students	3	1	HTC during the compliance period and Bond	Yes
Low_ Income Units used on transient basis	3	1	HTC Bond	Yes
Household income increased above the re-certification limit and an available Unit was rented to a market tenant	3	1	HTC During the compliance period Bonds HOME HTF	Yes
Gross rent exceeds the highest rent allowed under the LURA or other deed restriction	5	1	All programs	Yes
Failure to maintain or provide tenant <u>Income Certification</u> income certification and documentation	3	1	All programs	Yes
Unit not available for rent	3	1	All programs	Yes
Failure to <u>collect data required by §10.609(b)(1) and/or §10.609(b)(2)</u> maintain or provide Annual Eligibility Certification	3	1	<u>HTC, TCAP, Exchange and Bond</u> All programs	No
Development evicted or terminated the tenancy of a low_ income tenant for other than good cause	10	3	HTC, HOME, and NSP	Yes
Household income increased above 80 percent at recertification and Owner failed to properly determine rent	3	1	HOME	NA
<u>Gross rent exceeds the highest rent allowed under the LURA or other deed restriction and was refunded</u>	<u>5</u>	<u>1</u>	<u>All programs</u>	<u>Yes</u>
<u>Building (s) in the project failed to meet the minimum set aside</u>	<u>10</u>	<u>5</u>	<u>HTC</u>	<u>Yes</u>

(k) If the events of noncompliance place the Development in Material Noncompliance, Owners will be provided the opportunity to request an adjustment to their score through an informal conference with the Department's Compliance Review Committee, comprised of Department staff. Principal factors the Committee will consider include but are not limited to:

- (1) Documented efforts the Owner took to prevent the issue from occurring.
- (2) Changes made to policies and procedures to prevent future occurrence.
- (3) The compliance status of other Developments controlled by the Owner.
- (4) Prompt correction of the identified events of noncompliance.
- (5) Any other compelling reasons cited by the Owner.

(l) An adverse decision of the Committee can be appealed in accordance with the process described in §1.7 of this title (relating to Staff Appeals). Owners can also request reinstatement of an application terminated because of Material Noncompliance by following the procedures described in §1.5 of this title (relating to Previous Participation Reviews).

(m) After the end of the corrective action period, in general, all uncorrected noncompliance and certain corrected issues of noncompliance may be referred for consideration of administrative penalties in accordance with §1.14 of this title (relating to Administrative Penalties).

(n) In accordance with Texas Government, §2306.6721 and §60.309 of this title (relating to Debarment), the Department shall debar a person from participation in the Housing Tax Credit program if the person is in material noncompliance with a Land Use Restriction Agreement or has repeatedly violated the terms of a Land Use Restriction Agreement. A person will be considered in material noncompliance with a Land Use Restriction Agreement if they control a Development that has, on more than one occasion scored 50 or less on a UPCS inspection, refused to allow a monitoring visit, or refuses to reduce rents to less than the highest allowed under the LURA. A person will be found to have repeatedly violated the terms of a Land Use Restriction Agreement if they control a Development that during two sequential monitoring visits are found out of compliance with the following events of noncompliance:

- (1) Owner failed to approve and distribute an Affirmative Marketing Plan as required under §10.612 of this subchapter (relating to Affirmative Marketing Requirements).
- (2) No evidence of, or failure to certify to, material participation of a non-profit or HUB, if required by the Land Use Restriction Agreement;
- (3) Development failed to meet additional state required rent and occupancy restrictions;
- (4) Development failed to provide required supportive services as promised at application;
- (5) Development failed to provide housing to the elderly as promised at application;
- (6) Utility allowance not properly calculated;
- (7) Owner failed to execute required lease provisions, including language required by §10.608 of this subchapter (relating to Lease Requirements) or exclude prohibited language; or
- (8) Failure to provide fair housing disclosure notice.

Attachment 2: Proposed repeal to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, §10.609, concerning Annual Recertification for All Programs and Student

Requirements for HTC, Exchange, TCAP, and BOND Developments and §10.612 concerning Requirements Pertaining to Households with Rental Assistance

The Texas Department of Housing and Community Affairs (the “Department”) proposes the repeal of 10 TAC Chapter 10, Uniform Multifamily Rules, §10.609, concerning Annual Recertification for All Programs and Student Requirements for HTC, Exchange, TCAP, and BOND Developments and §106.12 concerning Requirements Pertaining to Households with Rental Assistance. The sections are proposed to be repealed because the Department is proposing, concurrently with this repeal, a new §10.609 concerning Tenant File Requirement and a new §10.612 concerning Affirmative Marketing Requirements.

FISCAL NOTE. Timothy K. Irvine, Executive Director, has determined that, for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

PUBLIC BENEFIT/COST NOTE. Mr. Irvine also has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the repeal will be improved compliance with affordable housing program administered by the Department. There will not be any increased economic cost to any individuals required to comply with the repeal.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES. The Department has determined that there will be no economic effect on small or micro-businesses.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held April 26, 2013 to May 27, 2013, to receive input on the proposed repeal. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Patricia Murphy, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or by fax to (512) 475-3140. ALL COMMENTS MUST BE RECEIVED BY 5:00 P.M. MAY 27, 2013.

STATUTORY AUTHORITY. The repeal is proposed pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The proposed repeal affects no other code, article, or statute.

§10.609 Annual Recertification for All Programs and Student Requirements for HTC, Exchange, TCAP, and BOND Developments

§10.612 Requirements Pertaining to Households with Rental Assistance

Attachment 3: Proposed new to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, §10.609, §10.612 and §10.626, concerning Tenant File Requirements, Affirmative Marketing requirements and Tenant Selection Criteria

The Texas Department of Housing and Community Affairs (the “Department”) proposes new 10 TAC Chapter 10, Uniform Multifamily Rules, §10.609 concerning Tenant File Requirements, §10.612 concerning Affirmative Marketing Requirements and §10.626, concerning Tenant Selection Criteria. The purpose of the new sections is to clarify compliance requirements. New §10.609, regarding Tenant File Requirements, sets out the information and documentation that must be collected and maintained in tenant files. New §10.612, regarding Affirmative Marketing Requirements, sets out the requirements for Affirmative Fair Housing Marketing. New §10.626, regarding Tenant Selection Criteria, sets out the requirements and prohibitions related to tenant selection criteria.

FISCAL NOTE. Timothy K. Irvine, Executive Director, has determined that, for each year of the first five years the new sections are in effect, enforcing or administering the new sections do not have any foreseeable implications related to costs or revenues of the state or local governments.

PUBLIC BENEFIT/COST NOTE. Mr. Irvine also has determined that, for each year of the first five years the new sections are in effect, the public benefit anticipated as a result of the new sections will be improved compliance with affordable housing program administered by the Department. There will not be any increased economic cost to any individuals required to comply with the new sections.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES. The Department has determined that there will be no economic effect on small or micro-businesses.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held April 26, 2013 to May 27, 2013, to receive input on the proposed new sections. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Patricia Murphy, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or by fax to (512) 475-3140. ALL COMMENTS MUST BE RECEIVED BY 5:00 P.M. MAY 27, 2013.

STATUTORY AUTHORITY. The new sections are proposed pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The proposed amendments affect no other code, article, or statute.

§10.609 Tenant File Requirements.

(a) At the time of program designation as a low-income household, typically at initial occupancy, Owners must create and maintain a file that at minimum contains the following:

(1) A Department approved Income Certification form signed by all adults. At the time of program designation as a low-income household, Owners must certify and document household income. In general, all low-income households must be certified prior to move in. The Department requires the use of the TDHCA Income Certification form, unless the property also

participates in the Rural Development or a Project Based HUD Program, in which case, the other program's Income Certification form will be accepted.

(2) Documentation to support the Income Certification form including, but not limited to, applications, first hand or third party verification of income and assets, and documentation of students status (if applicable). The Department permits Owners to use check stubs or other firsthand documentation of income and assets provided by the applicant or household in lieu of third party verification forms. It is not necessary to first attempt to obtain a third party verification form.

(3) A lease with addendums that comply with applicable federal regulations and §10.608 of this chapter.

(4) The Department's Fair Housing Disclosure Notice form. This notice should be presented to the household at the time of application for occupancy and must be executed no more than 120 days prior to the effective date of the lease. This requirement pertains to all households taking initial occupancy of a low-income unit on a Development administered by the Department including households transferring within the same Development. If the household is not provided this notice prior to move in or transfer, the Department will consider the event corrected if the Fair Housing Disclosure Notice is provided to the household no more than 40 days and no less than 30 days prior to the date that the household is legally obligated to provide written notice of their intention to terminate their current lease.

(b) Annually thereafter:

(1) Throughout the Affordability Period, all Owners of Housing Tax Credit, TCAP and Exchange Developments must collect and maintain current data on each household that includes the number of household members, age, ethnicity, race, disability status, rental amounts and rental assistance (if any). This information can be collected on the Department's Annual Eligibility Certification form or the Income Certification form or HUD Income Certification form or USDA Income Certification form.

(2) During the Compliance Period for all Housing Tax Credit, TCAP, and Exchange Developments and throughout the affordability period for all Bond developments Owners must collect and maintain current student status data for each low-income household. This information can be collected on the Department's Annual Eligibility Certification or the Department's Certification of Student Eligibility form or the Department's Income Certification form. Throughout the Compliance Period for HTC, TCAP and Exchange developments, low-income households comprised entirely of full-time students must qualify for a HTC program exception, and supporting documentation must be maintained in the household's file. For Bond developments, if the household is not an eligible student household, it may be possible to re-designate the full-time student household to an Eligible Tenant (ET).

(3) The following types of properties are required to recertify annually the income of each low-income household using a Department approved Income Certification form and documentation to support the Income Certification (see §10.609(a)(1) and 10.609(a)(2) of this chapter):

(i) Mixed income Housing Tax Credit, TCAP and Exchange projects (as defined by line 8(b) of form 8609 and accompanying statements, if any) that have not completed the 15 year Compliance Period;

(ii) All Bond developments with less than 100% of the units set aside for households with an income less than 50% or 60% of area median income;

(iii) HTF Developments with Market Rate units. However, HTF Developments with other Department administered programs will comply with the requirements of the other program. Example 609(1): If a Development is mixed income HTF and 100 percent low-income HTC, all households must be certified at move in. Then, once a calendar year, the Owner must collect the data required by and in accordance with the §§10.609(b)(1) and (2) of this chapter.

(iv) HOME Developments. Refer to §10.609(c) of this chapter.

(c) Ongoing tenant file requirements for HOME Developments:

(1) HOME Developments must complete a recertification with verifications of each HOME assisted Unit every sixth year of the Development's affordability period. The recertification is due on the anniversary of the household's move-in date. For purposes of this section the beginning of a HOME Development affordability period is the effective date on the first page of the HOME LURA. For example, a HOME Development with a LURA effective date of May 2001 will have the years of the affordability determined in Example 609(2) as follows:

(A) Year 1: May 15, 2001 - May 14, 2002;

(B) Year 2: May 15, 2002 - May 14, 2003;

(C) Year 3: May 15, 2003 - May 14, 2004;

(D) Year 4: May 15, 2004 - May 14, 2005;

(E) Year 5: May 15, 2005 - May 14, 2006;

(F) Year 6: May 15, 2006 - May 14, 2007;

(G) Year 7: May 15 2007 - May 14, 2008;

(H) Year 8: May 15, 2008 - May 14, 2009;

(I) Year 9: May 15 2009 - May 14, 2010;

(J) Year 10: May 15 2010 - May 14, 2011;

(K) Year 11: May 15 2011 - May 14, 2012; and

(L) Year 12: May 15 2012 - May 14, 2013.

(2) In the scenario in paragraph (1) of this subsection, all households in HOME Units must be recertified with source documentation during the sixth and twelfth years or between May 15, 2006 to May 14, 2007 and between May 15, 2012 and May 14, 2013.

(3) In the intervening years the Development must collect a self certification by the effective date of the original Income Certification from each household that is assisted with HOME funds, Example 609(3): a household moved into a HOME unit on June 10, 2010, the household's self certification must be completed by June 10, 2011, and the household must be recertified with source documentation effective June 10, 2012. The Development must use the Department's Income Certification form, unless the property also participates in the Rural Development or a project Based HUD program, in which case, the other program's Income Certification form will be accepted. If the household reports on their self certification that their annual income exceeds the current 80 percent applicable income limit or there is evidence that the household's written statement failed to completely and accurately provide information about the household's characteristics and/or income, then an annual income recertification with verifications is required.

§10.612.Affirmative Marketing Requirements

(a) Owners of Developments with 5 or more units must use an Affirmative Fair Housing Marketing Plan to attract prospective applicants of all minority and non-minority groups in the housing market area regardless of their race, color, religion, sex, national origin, disability, familial status, or religious affiliation. Racial groups to be marketed to may include White,

African American, Native American, Alaskan Native, Asian, Native Hawaiians or Other Pacific Islanders. Other groups in the housing market area who may be subject to housing discrimination include, but are not limited to, veterans, Hispanic or Latino groups, persons with disabilities, families with children, or persons with different religious affiliations. Owners are encouraged to use HUD Form 935.2A, and may use any version of this Form as applicable.

(b) The Affirmative Marketing Plan must identify:

(1) Which group(s) the Owner believes are least likely to apply for housing at the Development without special outreach; and

(2) Organizations and groups in the area that serve the disabled; and

(3) Certain HTC Developments must include methods for informing veterans about the availability of units.

(c) When identifying racial/ethnic minority groups the Development will market to, factors such as the characteristics of the housing's market area should be considered. *Example 612(1):* An Owner obtains census data showing that 6.5 percent of the city's total population are Asian Americans. However, the Owner's demographic data for the Development shows that zero Asian American households are represented. The Owner chooses to identify Asian American groups as one of the groups least likely to apply at the Development without special outreach.

(d) The Affirmative Marketing Plan must identify specific media and community contacts that reach those groups designated as least likely to apply. At minimum, contact must be made annually but more frequent contact is encouraged. Community outreach contacts may include neighborhood, minority, veteran's organizations, or women's organizations, grass roots faith-based or community-based organizations, labor unions, employers, public and private agencies, disability advocates, or other groups or individuals well known in the community that connect with the identified group(s). *Example 612(2):* An Owner has identified the disabled as least likely to apply and has decided to send letters on a quarterly basis to the Case Manager at a non-profit organization coordinating housing for developmentally disabled adults. Additionally, the Owner will advertise upcoming vacancies in a monthly newsletter circulated by an organization serving the hearing impaired.

(e) The Owner must assess the success of Affirmative Marketing efforts by annually reviewing the Development's demographics in relation to the housing area. The plan must be updated every five (5) years to fully capture demographic changes in the housing's market area.

(f) Owners must maintain records of marketing efforts which will be reviewed by the Department during onsite monitoring visits. *Example 612(3):* The Owner keeps copies of all quarterly correspondence mailed to the contacts or community groups identified in the Affirmative Marketing Plan. The letters are dated and addressed and show that the Owner is actively marketing vacancies, or a waiting list to the groups identified in the Owner's plan. Failure to maintain a reasonable Affirmative Marketing Plan and documentation of marketing efforts on an annual basis will result in a finding of noncompliance.

(g) If a Development does not have any vacant units, Affirmative Marketing is still required and Owners must maintain a waiting list. If a Development does not have any vacancies and the waiting list is closed, Affirmative Marketing is not required.

§10.626.Tenant Selection Criteria.

(a) Owners must maintain written tenant selection criteria. The criteria cannot:

(1) exclude an individual or family from admission to the Development solely because the individual or family participates in the HOME Tenant Based Rental Assistance Program, the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. §1437f), or other federal rental assistance program;

(2) use a financial or minimum income standard for an individual or family participating in the voucher program that requires the individual or family to have a monthly income of more than 2.5 times the individual's or family's share of the total monthly rent payable to the Owner of the Development. However, if a family's share of the rent is \$50 or less, Owners may require a minimum annual income of \$2,500; and

(3) in accordance with the Violence Against Women Reauthorization Act of 2013, deny admission on the basis that the applicant has been a victim of domestic violence, dating violence, sexual assault or stalking.

(b) The criteria must:

(1) state that the Development will comply with state and federal fair housing and antidiscrimination laws;

(2) apply screening criteria uniformly (rental, credit, and/or criminal history), including employment policies, and in a manner consistent with the Texas and Federal Fair Housing Acts, program guidelines, and the Department's rules;

(3) be reasonably related to program eligibility and the applicant's ability to perform the obligations of the lease;

(4) include a criminal background check on all adult tenants, head and co-head of households; and

(5) For all elderly Developments, must specify age requirements and demonstrate an intent to operate the Development as Housing for Older Persons.

(c) Owners of HOME Developments must also:

(1) Provide any rejected applicant written notification of the grounds for rejection within thirty (30) days; and

(2) Maintain a written waiting list and select tenants from the waiting list in chronological order, insofar as is practicable.

7

BOARD ACTION REQUEST
COMMUNITY AFFAIRS DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action on approval to release and subsequently award a Request for Applications (RFA) to administer for one year the Comprehensive Energy Assistance Program (CEAP) in Dimmit, LaSalle, and Maverick counties and the Weatherization Assistance Program (WAP) in Dimmit, Edwards, Kinney, LaSalle, Maverick, Real, Uvalde, Val Verde, and Zavala counties.

RECOMMENDED ACTION

WHEREAS, due to continuing unresolved monitoring findings and program management issues at the Community Services Agency of South Texas, there is no existing Comprehensive Energy Assistance Program (CEAP) service provider in Dimmit, LaSalle, and Maverick counties, and no existing Weatherization Assistance Program (WAP) service provider in Dimmit, Edwards, Kinney, LaSalle, Maverick, Real, Uvalde, Val Verde, and Zavala counties; and,

WHEREAS, the Texas Legislature designated the Texas Department of Housing and Community Affairs to administer the CEAP and WAP pursuant to Texas Government Code, §2306.094;

NOW, therefore, it is hereby

RESOLVED, that the Executive Director be granted the authority to release and subsequently award a Request for Applications to solicit one or more CEAP and WAP service providers in the above mentioned counties for one year, and with the condition that all awards made are subsequently presented to the Board for ratification.

BACKGROUND

Due to unresolved monitoring findings and program management issues at Community Services Agency of South Texas, the Department did not execute CEAP or WAP contracts in PY 2012 or 2013, leaving Maverick, Dimmit, and La Salle Counties without a CEAP service provider and Dimmit, Edwards, Kinney, LaSalle, Maverick, Real, Uvalde, Val Verde, and Zavala counties without a WAP service provider.

Staff requests approval for the release of an RFA to restore CEAP and WAP service for one year to the effected counties. Staff will receive and score qualified applications, and prepare recommended awards for Board ratification. Applicant organizations may apply for one or both of the CEAP and WAP programs. Applicant organizations must apply for all counties in the service area of the program.

CEAP provides assistance to low-income households in meeting their immediate energy needs and to encourage consumers to control energy costs for years to come through energy education.

WAP provides for the installation of weatherization measures to increase energy efficiency of a home including caulking, weather-stripping, adding ceiling, wall, and floor insulation, patching holes in the building envelope, duct work, and repair or replacement of energy inefficient heating and cooling systems. Additionally, the funds allow for subrecipients to complete financial audits, household energy audits, outreach and engagement activities, and program administration. Further, funding provides for State administration and State training and technical assistance activities.

8

BOARD ACTION REQUEST
ASSET MANAGEMENT DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action to approve the repayment of HOME funds to HUD with non-federal funds

RECOMMENDED ACTION

WHEREAS, HUD has determined that the loss of affordability resulting from HOME funded properties that cannot be restored to compliance will require repayment to HUD and that such repayment may only be made from sources that were originally non-federal in nature;

WHEREAS, TDHCA currently has limited non-federal funds;

WHEREAS, TDHCA has non-federal funds dedicated for use in escrows, reserves, and down payment assistance with Single Family Bond transactions and taxable mortgage loan programs and for workout of multifamily properties, some of which might be used for the repayment of a portion of the HOME funds;

NOW, therefore, it is hereby

RESOLVED, that the Executive Director or his designee be and each of them hereby are authorized, empowered, and directed, for and on behalf of this Board to take such actions as they or any of them may deem necessary or advisable to effectuate the use of non-federal funds to repay HUD for Mexia Homes, Duncan Place, and Flamingo Bay Apartments, and;

FURTHER RESOLVED, that all such actions, projects, and their results shall be reported to this Board.

BACKGROUND

The Department has been actively attempting to resolve defaulted and or/noncompliant HOME funded developments by recapitalizing properties and reestablishing compliance with their Land Use Restriction Agreements (“LURA”). Staff believes it has exhausted all means of remedy for material recovery for at least three properties: Mexia Homes (\$208,545 in Mexia), Duncan Place (\$308,375 in Hillsboro) and Flamingo Bay (\$416,390 in LaPorte). In these instances, all Department liens have been extinguished, the debt was non-recourse or the borrowers are no longer active entities, and/or the properties are no longer suitable due to changes in permitted use. This amounts to a potential repayment of \$933,310. HUD issued a monitoring letter dated August 17, 2012, which required corrective action for two of these three properties (Duncan and Flamingo Bay), “...through repayment of the HOME Investment to the

State's HOME Treasury Account; approval of a grant reduction; or otherwise be brought into compliance..."

The Department has limited sources of non-federal funds and most, if not all, of such funds are planned, dedicated, obligated, or encumbered for purposes authorized by Board. The Single Family Bond Program has non-federal funds, previously committed for purposes of funding bond escrows, reserves, and providing down payment assistance, that could be re-purposed to make this payment to HUD. In addition the Department has a small workout fund derived from proceeds of the below market interest rate (BMIR) program income which also can be repurposed for payment to HUD.

On February 14, 2013, the Department received a follow up response from HUD identifying two remaining unresolved monitoring issues; one of which related to the multifamily HOME portfolio of eight remaining items that required resolution or repayment to HUD. In this letter, HUD requested final resolution for all eight developments no later than April 30, 2013, and described possible resolution for each through repayment of the original loan amount to the local HOME account (from non-federal funds only) or a request for reduction of the States HOME grant in a subsequent fiscal year.

The Department contacted HUD officials to discuss the most recent letter and the timeframe for resolution. During this conversation, staff presented HUD with a status update on two of the properties that are working on reinstating compliance with the HOME Program and, our assertion that these two properties (Juan Linn Apartments and Colonias Del Valle) should be removed from the resolution list. All of the 2009 monitoring findings have been corrected on both developments and the owners are working diligently with the Department to restore compliance findings from recent monitoring reviews. HUD officials were receptive toward the information presented and recommended that the Department submit a response outlining the specific plan of action for each property with a timeline for completion. This response was sent on March 14, 2013, outlining a three pronged plan of action. First, the three developments identified in this request will, if approved by the Board, be resolved through the repayment of approximately \$933,310 in non-federal funds. Secondly, the two developments described above should be deleted from the list since they are materially in compliance (or working toward this status). The Department requested additional time to work to resolve the remaining three activities comprising four properties through negotiation with the current owners to reinstate and extend the HOME LURA to restore compliance and the replacement of newly constructed HOME units under a new LURA to cover the Federal affordability period.

The resolution proposed herein is expressly a voluntary resolution. HUD has not made demand or taken formal action or given notice to suspend or take additional measures except to identify the issue and require a plan for resolution. Not providing or completing such an acceptable plan could result in HUD making demand for the repayment at which time the Department could request a hearing or take other measures to prevent an involuntary resolution.

By letter received on April 1, 2013, HUD officially accepted the State's proposed plan for all remaining HOME developments listed in the monitoring visit to include repayment requested under this agenda item, removal of two developments from the list, and continued work/out of the remaining three development activities with the anticipated restoration of compliance within the next eighteen (18) months.

Upon approval of this Board action item, the Department will continue its diligent efforts to resolve the remaining three development activities. As part of this effort, a Request for Proposal for broker services has been posted to the TDHCA website and sent by Listserv announcement, Twitter and Facebook, requesting proposals for Broker services to assist in the negotiation of the acquisition of these remaining developments. A subsequent RFP/NOFA will be posted shortly to announce fund availability for the re-development of this last HOME development. Additional staff resources are also being redirected to focus solely on these remaining asset resolution activities.

9a

BOARD ACTION REQUEST
HOME PROGRAM DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action to approve certain actions as necessary for adherence to deadlines established by regulation for the HOME Investment Partnerships Program and to direct the Executive Director to execute such actions.

RECOMMENDED ACTION

WHEREAS, as a recipient of HOME funds from the U. S. Department of Housing and Urban Development (HUD), the Department must commit funds allocated, under the state's cumulative HOME allocation within 24 months of receipt, or risk return of those uncommitted funds; and

WHEREAS, the Department must minimize the risk of returning funds; and

WHEREAS, the Department awarded approximately \$16 million of HOME funds in Contract Awards during State Fiscal Year 2012 to thirty-three (33) HOME Program Administrators; and

WHEREAS, certain HOME Program Administrators continue to meet and exceed their contractually obligated performance benchmarks; and,

WHEREAS, to ensure that the Department can meet the HOME commitment deadline by June 30, 2013, Board approval is needed pursuant to 10 TAC §20.14 to award contract fund to administrators that can successfully demonstrate their ability to administer HOME contracts and to extend the contractual deadlines for those contract award amounts being increased,

NOW, therefore, it is hereby

RESOLVED, that pursuant to and in fulfillment of 10 TAC §20.14, the Board approves funding awards or contract award increases for those administrators successfully administering their contracts, and extends the contractual deadlines for those contract award amounts being increased;

FURTHER RESOLVED, that the Executive Director and his designees be and they hereby are authorized, empowered, and directed, for and on behalf of the Board and the Department, to take any such actions as may be required to implement the approvals hereby given and to make and expedite contract amendments and set-aside awards to assure timely commitment of HOME funds by June 30, 2013, subject to ratification by the Board as provided herein; and

FURTHER RESOLVED, that the Department continue to take actions in accordance with the Department's Deobligation Policy pursuant to 10 TAC §1.19; and

FURTHER RESOLVED, that the Department will conduct an assessment of HOME Administrators performance in accordance with 10 TAC §20.14(e) and will consult with the Board Chair prior to taking any related actions to ensure that the Department is satisfactorily executing the direction of the Board; and

FURTHER RESOLVED, that the Governing Board will be provided with interim reports at each Board meeting while this authority is in effect and a final report to provide for and include ratification of all actions at the July 11, 2013, meeting.

BACKGROUND

As a recipient of HOME funds from the U. S. Department of Housing and Urban Development (HUD), TDHCA must commit funds allocated under the state's cumulative HOME allocation within 24 months of receipt. This commitment deadline must be met by the last day of the month following receipt of funds from HUD. To ensure that the Department can meet the HOME commitment deadline by June 30, 2013, the Department is requesting Governing Board approvals under 10 TAC §20.14 to:

- Increase current contract awards for those administrators successfully administering their contracts, and
- Award set-aside funding to current Contract For Deed Conversion administrators successfully administering those activities, and
- Extend the contractual deadlines for those contract award amounts being increased

The availability and use of HOME funds are subject to the Department's 2012 Single Family Umbrella Rules at 10 TAC Chapter 20. The Program Rule under 10 TAC §20.14(b) requires that contract extensions exceeding twelve (12) months will be presented to the Board for approval, approval with modifications, or denial of the requested extension. Additionally, the Program Rule under 10 TAC §20.14(e) requires, among other items, that all requests for increases in funding be evaluated by the Department on a first-come, first-served basis to assess the capacity to manage additional funding, the demonstrated need for additional funding, and the ability to expend the increase in funding within the contract period. This section also requires Governing Board approval for award increases that exceed of 25 percent of the original award amount or \$50,000, whichever is greater.

With this Action Request, the Governing Board is approving the award of set-aside funding, and funding increases and time extensions to existing Contract Administrators, in accordance the Single Family Umbrella Rules and the HOME Program Rule. This approval will be given with the understanding that there will be consultation with the Board Chair prior to taking related actions to ensure the Department is satisfactorily executing the direction of the Board, and based upon the necessity of such actions to meet the HOME commitment deadline in the estimation of the Governing Board chair, an assessment of the Administrator as required under 10 TAC §20.14(e), and subject to funding availability. Any such actions that are taken in accordance with this approval will be reported at each Board meeting while this authority is in effect, with a final report to provide for and include ratification of all actions at the July 11, 2013, meeting.

9b

BOARD ACTION REQUEST
HOME PROGRAM DIVISION
APRIL 11, 2013

Presentation, Discussion, and Possible Action to authorize the issuance of the 2013 HOME Single Family Development (SFD) Activity Notice of Funding Availability.

RECOMMENDED ACTION

WHEREAS, the Department previously released the 2012 HOME Single Family Development (SFD) Activity Notice of Funding Availability (NOFA) and made available \$1,291,353 all of which is still available; and

WHEREAS, the Department received three applications to become reservation system participants under that NOFA by the application submission deadline of March 15, 2013; and

WHEREAS, the Department continues to hear of concerns regarding the availability of affordable housing options, especially in areas experiencing high levels of oil and gas activity;

NOW, therefore, it is hereby

RESOLVED, that the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to draft and publish a 2013 HOME Single Family Development (SFD) Activity Notice of Funding Availability in the *Texas Register* accepting additional applications for SFD HOME funding on a first come first served basis.

BACKGROUND

On October 9, 2012, the Board approved the Single Family Development (SFD) NOFA which made \$1,291,353 in Community Housing Development Organization (CHDO) funds available for the development of affordable single-family housing. The application acceptance period ended March 15, 2013. The Department received three applications for participation in the reservation system; however, no reservations for funding for specific projects have been submitted under this NOFA, leaving a current reservation system set-aside balance of \$1,291,353.

Exceptionally strong economic activity in certain areas of our state, particularly but not exclusively in areas where oil and gas development is occurring, has resulted in a shortage of affordable housing. Although the Department has not experienced an oversubscription of funding requests in this set-aside, many comments have been received related to increased housing

development needs. The Department would like to promote the expansion of the network of SFD providers, and the reissuance of a HOME SFD Activity NOFA would support that effort.

If approved, the 2013 Single Family Development NOFA will allow additional SFD Administrators to apply to become Reservation System Participants. Application for participation will be accepted until December 13, 2013. The \$1,291,353 in funds will continue to be made available under the Reservation System, on a first come first served basis. The Reservation System can be accessed by both new applicants and existing system participants. Approval for participation in the reservation system is not a guarantee of funding availability. On February 28, 2014, any funds remaining in the reservation system may be reprogrammed to other CHDO eligible HOME activities.

The availability and use of these funds are subject to the Department's Single Family Rule at Title 10 Texas Administrative Code (TAC) Chapter 20 and Department's HOME Program Rule at Title 10 TAC Chapter 23, as well as the federal regulations governing the HOME Program (24 CFR Part 92). An open application cycle will be used to process applications received in response to this NOFA, and the Regional Allocation Formula (RAF) does not apply to these funds.

9c

BOARD ACTION REQUEST

HOME PROGRAM DIVISION

APRIL 11, 2013

Presentation, Discussion, and Possible Action to authorize the issuance of a 2013 HOME Single Family Programs Notice of Funding Availability (NOFA) for the Contract for Deed Conversion (CFDC) Program.

RECOMMENDED ACTION

WHEREAS, the Department has approximately \$1,000,000 to make available for HOME Contract for Deed Conversion activities; and

WHEREAS, the Department recently released a Housing Trust Fund Contract for Deed Conversion Program “Assistance Grants” NOFA; and

WHEREAS, it is the desire of the Department to ensure that funding is available to address CFDC activities through the HOME and HTF programs in furtherance of Texas Government Code Section 2306.111;

NOW, therefore, it is hereby

RESOLVED, that the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to publish a HOME Single Family Programs NOFA for the CFDC Program in the *Texas Register*; and,

FURTHER RESOLVED, that funds in the amount of approximately \$1,000,000 available from the Department’s 2012 allocation of HOME funds set-aside for this purpose and deobligated HOME funds available from the release of previous HOME NOFAs is hereby combined and made available to the 2013 HOME Single Family Programs NOFA for the CFDC Program to be published in the *Texas Register*.

BACKGROUND

The Department previously released a HOME Single Family Programs NOFA totaling \$22,768,903, of which \$2,000,000 was set-aside to assist eligible households under the CFDC legislative mandate set-aside. The NOFA provided that if insufficient demand existed for this set-aside on March 29, 2013, staff could re-direct (reprogram) \$1,000,000 to satisfy excess (higher) demand of other Single Family HOME Program Activities. As of March 29, 2013, approximately \$200,000 was reserved under this set-aside; however, the Department is not currently experiencing excess demands under other HOME single family activities.

With this Board request, Staff recommends that \$1,000,000 be programmed for possible contract award to current CFDC Administrators to support the recent release of the Housing Trust Fund CFDC “Assistance Grants.” To incentivize Administrators to participate in both Programs, current HOME CFDC Administrators may request a HOME contract award not to exceed \$500,000 from CFDC set-aside funding, subject to funding availability, contingent upon also applying under the HTF NOFA. Funds remaining under the HOME set-aside totaling approximately \$800,000 (original \$2,000,000 set-aside, less \$200,000 reserved, less \$1,000,000 in CFDC awards) would remain available to current CFDC reservation system Administrators that do not request an award of funds.

The availability and use of these funds will be subject to the Department’s Single Family Programs Umbrella Rule at 10 TAC Chapter 20, §§20.1 - 20.15, and the Department’s HOME Rules at 10 TAC Chapter 23, concerning Single Family HOME Program (“HOME Rules”) in effect at the time the request for award is made and would be conditioned on the approval as an Administrator under the HTF CFDC Assistance Grant NOFA. The timely award of these funds is conditioned upon the Board’s approval of actions described under a separate Action Request.

CFDC provides funds for the conversion of a contract for deed to a traditional mortgage. Additional funds for rehabilitation or reconstruction are also available. Specific program guidelines can be found at 10 TAC Chapter 23, Single Family HOME Program, Subchapter E, Contract for Deed Conversion Program, §§23.50 - 23.52.

10

BOARD REPORT ITEM

PROGRAM PLANNING, POLICY, AND METRICS (3PM)

APRIL 14, 2013

Presentation and Discussion on the Department Snapshot tool for the Housing Trust Fund and Colonia Self Help Center programs.

BACKGROUND

The Program Planning, Policy, and Metrics group (3PM) was established in the spring of 2012 with the purpose of promoting an agency wide use of uniform metrics as a key management tool. 3PM has been coordinating efforts to enhance interdivisional efficiency and creating uniform cross agency reporting and performance tools. One of 3PM's priorities since its inception has been the creation of the "Department Snapshot." The Snapshot is intended to give Board members and stakeholders a quick reference resource to gauge where each program stands in meeting its highest level objectives, chiefly expenditures.

As outlined in the February 2013 Board meeting, staff will be presenting the programs represented in the Snapshot in small groups at each meeting in conjunction with the Directors of the respective divisions. This best enables staff to articulate specific nuances of each program and how those nuances will be represented by the Snapshot. Because of the complexity of Department programs, accuracy is critical. Therefore, the purpose of the discussion today is to focus on only the Housing Trust Fund and Colonia Self Help Center programs, explaining the unique details of each program and also what likely trends in the program the reader might see and how those would be reflected. 3PM staff will be presenting with the Director of the Office of Colonia Initiatives and the Housing Trust Fund.



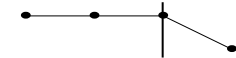

The Housing Trust Fund program is funded with State General Revenue dollars and funds a variety of different programs. The Housing Trust Fund provides loans and grants to finance, acquire, rehabilitate, and develop decent and safe affordable housing. The Housing Trust Fund administers various single family programs, and also provides funds for programs administered by other TDHCA Divisions, including the Homeless Housing and Rapid Services Program and Bootstrap Self-Help Housing. Housing Trust Fund dollars are appropriated to TDHCA biennially.

The Colonia Self Help Center program serves 28 colonias in the five counties designated by statute and two additional counties; the counties have approximately 10,000 colonia residents whom qualify as beneficiaries of these services. These Self Help Centers provide concentrated on-site technical assistance to low and very low-income individuals and families in a variety of ways including housing, community development activities, infrastructure improvements, outreach and education. In addition, on-site technical assistance is provided to colonia residents. Operation of the colonia SHC's is funded from the U.S. Department of Housing and Urban

Development (HUD) - Texas Community Development Block Program (CDBG) 2.5% colonia set aside.

Quarterly Snapshot - Program Debut Housing Trust Fund and Colonia Self Help Centers

Q1 2013

	A	B	C	TDHCA Admin			F	G	H	I	J	K	L	M	N	O	P
				D	E	%											
Programs	Awards to be Administered	Program Income	Cumulative Total Funds	Retained	Expended	% Expended	Non-TDHCA Admin Funds for Programming	Funds Unencumbered	Funds Contracted	% Contracted	% Contracted Trendline	Expended /Drawn	% Expended	% Expended Trendline	Units/ Households	Persons	Properties
Housing Trust Fund	\$ 39,722,027	\$ 1,022,202	\$ 40,744,229	\$ 2,732,956	\$ 2,303,129	84%	\$ 38,011,273	\$ 2,558,009	\$ 35,453,264	93%		\$ 27,067,420	71%		20,515		
Colonia Self Help Centers	\$ 10,059,418	\$ -	\$ 10,059,418	\$ 138,686	\$ 114,887	83%	\$ 9,920,732	\$ 877,290	\$ 9,043,441	91%		\$ 3,504,398	35%		140	40,584	

The "% Contracted Trendline" and "% Expended Trendline" (columns J and M) reflect four quarters of history. Each data point on the line reflects a quarter, with the value in fields I and L being the rightmost data point. These lines show the reader recent trends in program activity. The vertical lines represent an influx of new funding for the program. The presumed affect always being a decrease in the percents contracted and expended.

As an example, the Colonia Self Help Center row in column J shows this most recent quarter to dip after having remained flat for multiple quarters. This occurred because the program had fully obligated all of its funds, but then recently received a new funding cycle award which reduced the percent of funds under executed contract. A similar situation is occurring with the "% Expended Trendline" in column M. Funds were being expended when a new award was received, thus lowering the overall percent expended.

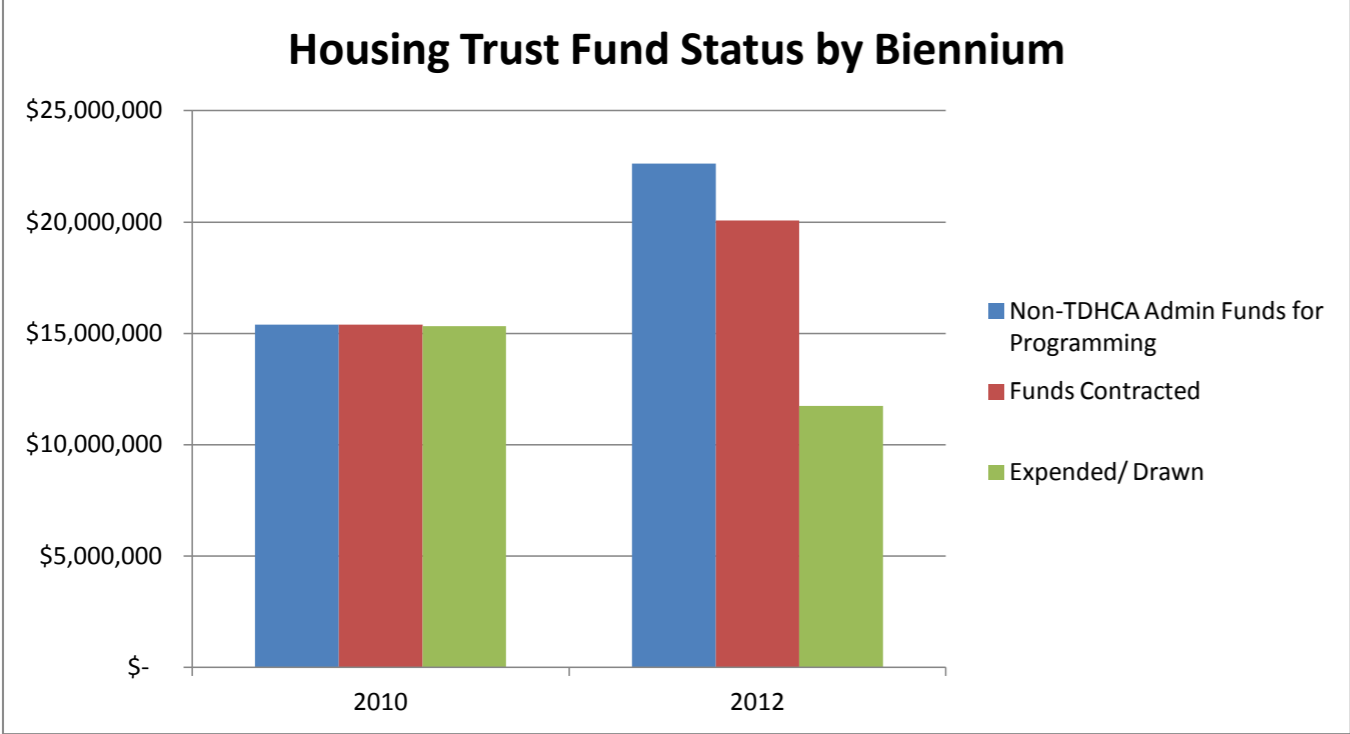
The total timeframe that these trendlines encompass will always be the same as for the "Awards to Administer," column A, field. For example, the Colonia Self Help Center row represents all funds in open contracts, unobligated, as well as program income, and TDHCA administrative dollars. Currently, the list of open contracts extends back to 2008 as contracts are open for statutorily required four years. Over the next year, these contracts will close and the formulas will no longer include those figures but will likely be replaced with new funding amounts. The focus of this tool is to reflect the status for "all funds for which the program is currently responsible for administering," and the trendlines will always focus on that as well. It will be a program-specific evaluation which determines how many funding cycles that includes.

Quarterly Snapshot - Program Debut

Program Area Snapshot - Housing Trust Fund

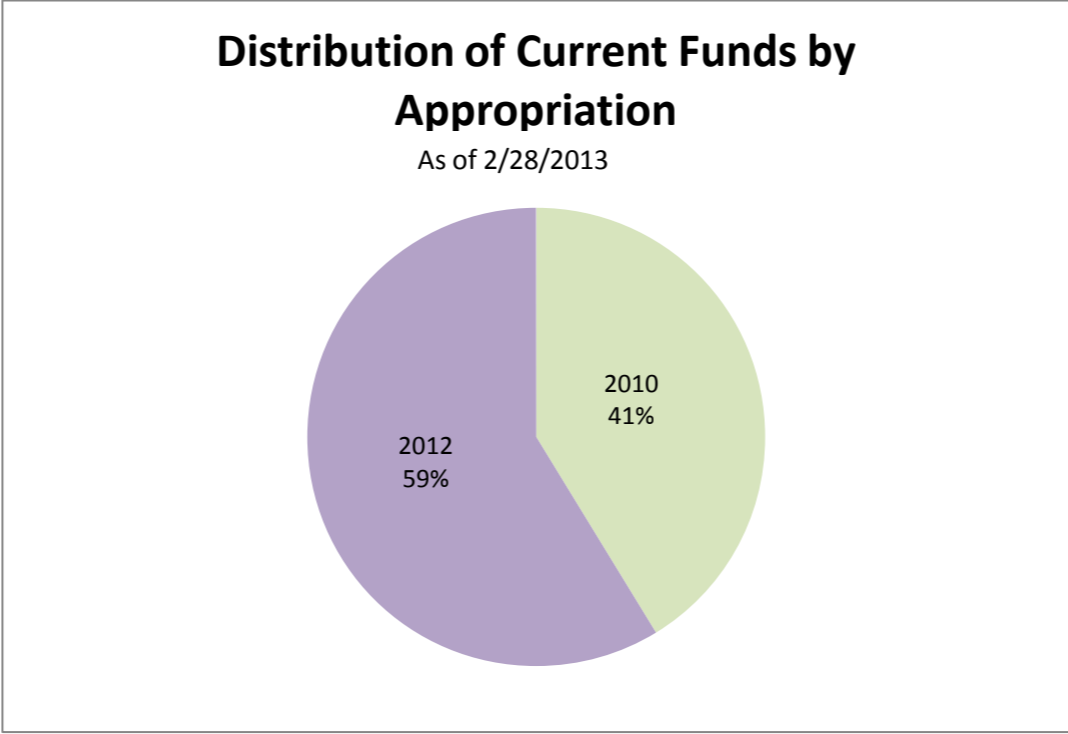
Q1 2013

Biennium	Award to Administer	Program Income	Total Cumulative Funds	TDHCA Administrative Funds			Non-TDHCA Admin Funds for Programming	Funds Unencumbered	Funds Contracted	% Contracted	Expended/ Drawn	% Expended	Units
				Admin Retained	Admin Expenditure	% Expended							
2010	\$ 16,809,015	\$ -	\$ 16,809,015	\$ 1,414,244	\$ 1,259,948	89.1%	\$ 15,394,771	\$ -	\$ 15,394,771	100.0%	\$ 15,318,491	99.5%	1,195
2012	\$ 22,913,012	\$ 1,022,202	\$ 23,935,214	\$ 1,318,712	\$ 1,043,181	79.1%	\$ 22,616,502	\$ 2,558,009	\$ 20,058,494	88.7%	\$ 11,748,929	51.9%	19,320
Total	\$ 39,722,027	\$ 1,022,202	\$ 40,744,229	\$ 2,732,956	\$ 2,303,129	84.3%	\$ 38,011,273	\$ 2,558,009	\$ 35,453,264	93.3%	\$ 27,067,420	71.2%	20,515

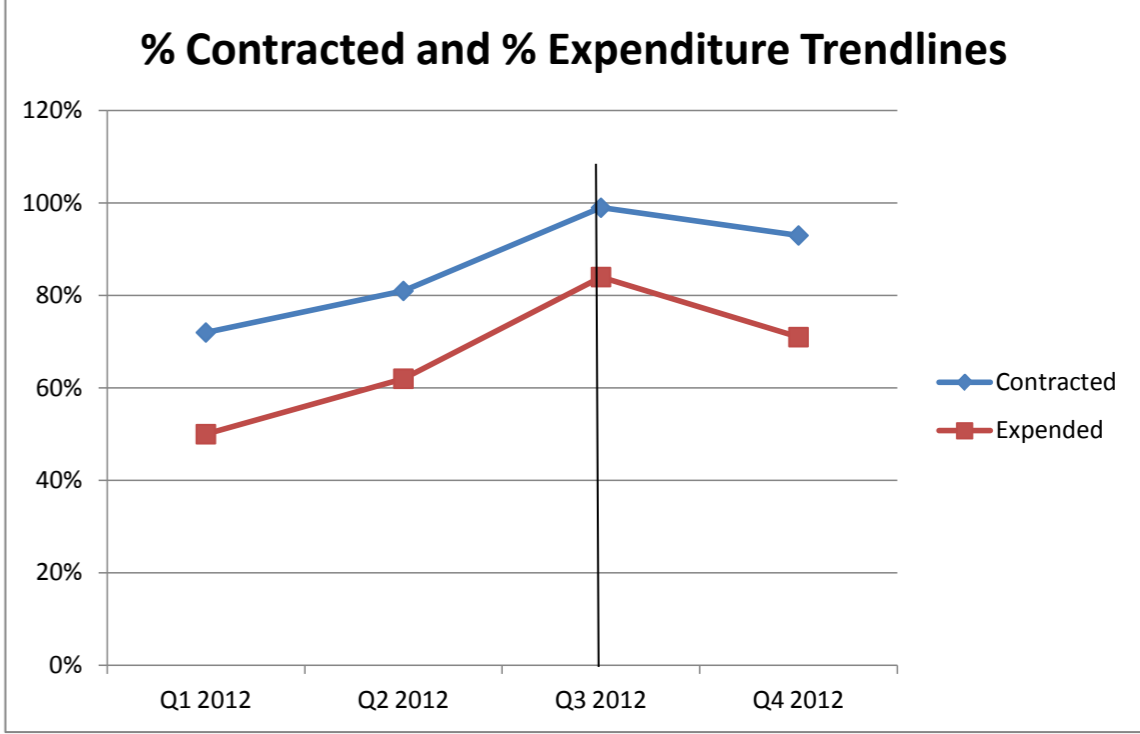


The bar chart shows the status of the program by biennium. The chart shows the progress of the obligations and expenditures for appropriations in that biennium, not the actual obligations and expenditures that took place during that biennium. For example, the red line for 2010 shows that the entire ~\$15M in that biennium's appropriation has been obligated. Some of that amount may have been obligated in the most recent biennium. Additionally staff may have finished obligating the 2008/09 biennium during 2010, so the amount actually obligated during the biennium may have been different. The above bar chart is a look at the status of a biennium's progress, not the activity that took place during that biennium.

The blue lines show how much funding was available in the biennium. This is essentially the yardstick by which we can measure progress. The red lines show the funds that have been obligated by executed contract or reservation setup agreement. As one might expect, the older biennium is fully obligated where the most recent biennium is far along but not fully obligated. The green line represents expenditures, the final metric the Snapshot uses to measure progress. The 2010 biennium's appropriation is almost completely expended (99.5%) while the newest appropriation is just over 50% expended.



This pie chart simply shows the distribution of funds for the Housing Trust Fund program across biennia. For example, of the roughly \$40M TDHCA is administering, almost 58% comes from the newest biennium.



Quarterly Snapshot - Program Debut

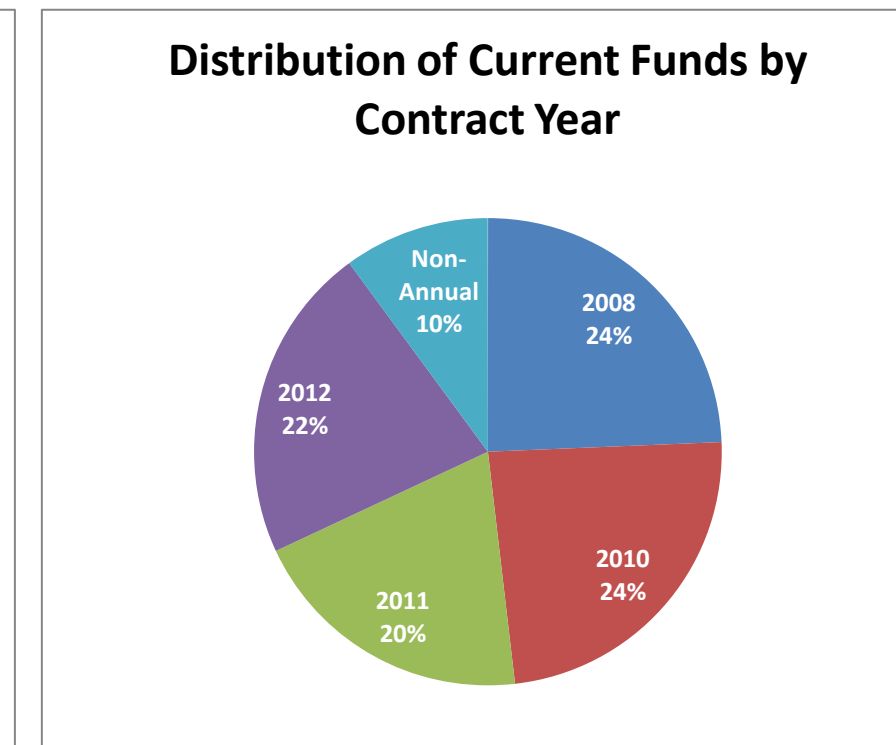
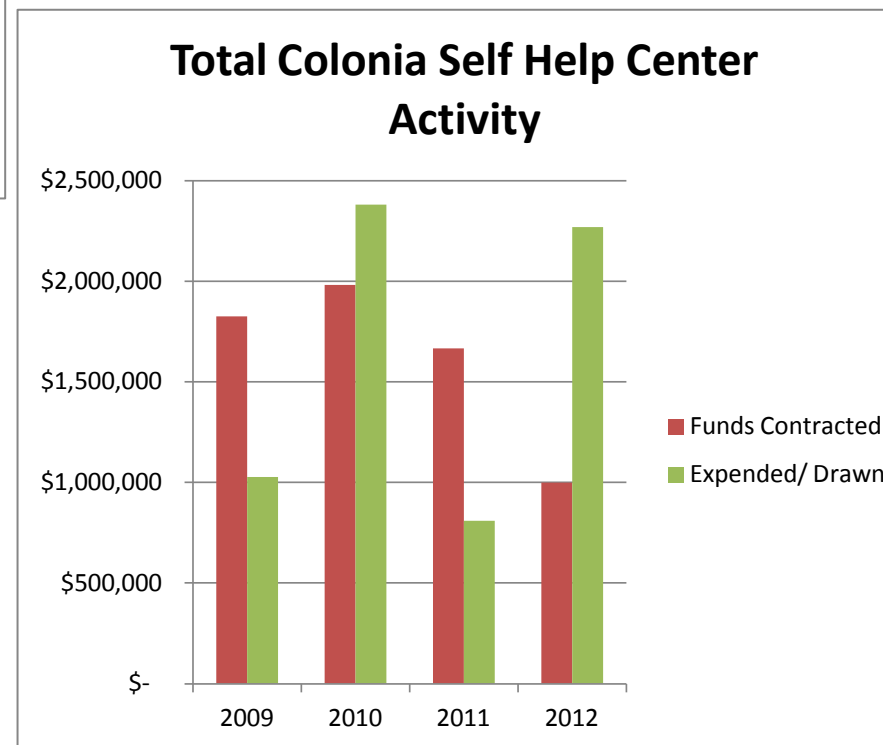
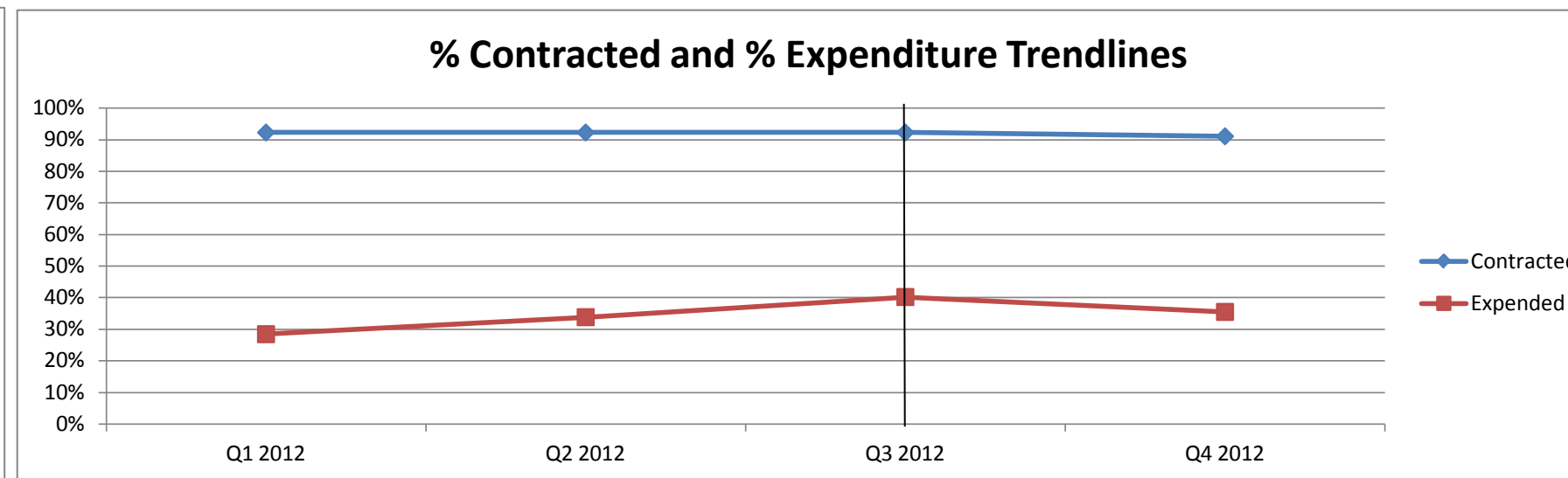
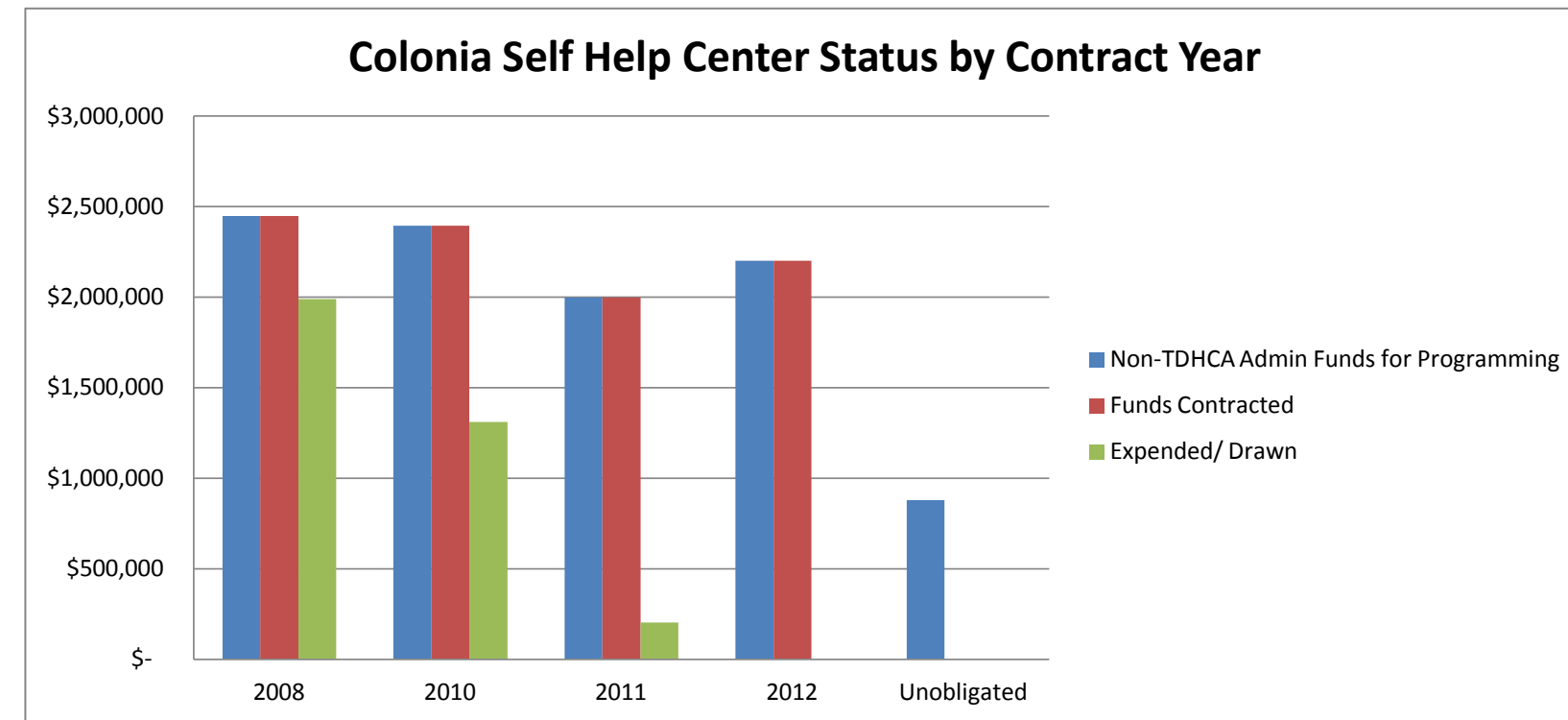
Program Area Snapshot - Colonia Self Help Centers

Q1 2013

Year	Award to Administer	Program Income	Total Cumulative Funds	TDHCA Administrative Funds			Non-TDHCA Admin Funds for Programming	Funds Unencumbered	Funds Contracted	% Contracted	Expended/ Drawn	% Expended	Rehab/ Reconstruction	Public Services
				Admin Retained	Admin Expenditure	% Expended								
2008	\$ 2,449,613	\$ -	\$ 2,449,613				\$ 2,449,613	\$ -	\$ 2,449,613	100%	\$ 1,990,359	83%	105	9,440
2010	\$ 2,393,828	\$ -	\$ 2,393,828				\$ 2,393,828	\$ -	\$ 2,393,828	100%	\$ 1,310,847	55%	25	16,331
2011	\$ 2,000,000	\$ -	\$ 2,000,000				\$ 2,000,000	\$ -	\$ 2,000,000	100%	\$ 203,192	10%	10	14,813
2012	\$ 2,200,000	\$ -	\$ 2,200,000				\$ 2,200,000	\$ -	\$ 2,200,000	100%	\$ -	0%	0	0
Non-Annual	\$ 1,015,976	N/A	\$ 1,015,976	\$ 138,686	\$ 114,887	83%	\$ 877,290	\$ 877,290	N/A	N/A	N/A	N/A	N/A	N/A
Total	\$ 10,059,418	\$ -	\$ 10,059,418	\$ 138,686	\$ 114,887	83%	\$ 9,920,732	\$ 877,290	\$ 9,043,441	91%	\$ 3,504,398	35%	140	40,584

*Admin funds are tied to appropriation years and not contract years.

Units
Persons Served



In this bar chart we see all funding years that currently have open contracts plus any unobligated funds. You may notice that 2009 saw no executed contracts. This is due to the timing of the funding awards and subrecipient's closing contracts. At the time funding became available, no subrecipients were available to take on additional funds so the contracts were awarded in 2010. Also, 2013 contracts have not yet been executed so those are not represented here either. Please note that the years on the horizontal axis represents activity on contracts executed in those years, not activity in a year. For example, the graph show zero expenditures (green) in 2012. The program expended almost \$2.3M in 2012, but on contracts executed prior to 2012.

The blue lines show how much funding was available in the contract year. This is essentially the yardstick by which we can measure progress. The red lines show the funds that have been obligated by executed contract. The chart shows that all contract years have fully obligated the funds. The unobligated amount will, by definition, always show no contracted funds. The goal with this column is to move all of these funds into a program year, eventually having no funds in this column. The red bar shows the first major and critical step in the process because program funds cannot be expended until they are obligated. The green bar shows the final goal, which is expenditure. As one would expect, the older contract years show higher levels of expenditure as they've been working longer than the newer contract years. The Snapshot is a very cyclical tool. A future Snapshot will show 2008 fully expended and closed out, which will mean its removed about the time 2013 will appear with executed contracts.

In contrast to the previous bar chart, the above chart shows activity during a given year. For example, in 2012 the program obligated approximately \$1M and spent about \$2.25M. Please note that these obligations and expenditures are across multiple years so no contract went over their allocation. This chart is focused on the activity of the program, as opposed to the progress of individual contract years.

This pie chart simply shows the distribution of funds for the Colonia Self Help Centers across years. For example, of the roughly \$10M TDHCA is administering, almost 25% comes from 2010. About 10% comes from either Unobligated or Non-Annual funds.