



City Hall Council Chamber
1515 Sixth Street, Coachella, California
(760) 398-3502 ♦ www.coachella.org

AGENDA

SPECIAL CITY COUNCIL MEETING

OF THE CITY OF COACHELLA

THE COUNCIL SITTING AS THE COACHELLA SANITARY DISTRICT,

COACHELLA FIRE PROTECTION DISTRICT, COACHELLA FINANCING AUTHORITY,

COACHELLA EDUCATIONAL AND GOVERNMENTAL ACCESS CABLE CHANNEL CORPORATION,

COACHELLA WATER AUTHORITY, AND SUCCESSOR AGENCY TO THE COACHELLA REDEVELOPMENT AGENCY

February 10, 2020

5:00 PM

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA:

“At this time the Council/ Board/Corporation/Authority may announce any items being pulled from the Agenda or continued to another date or request the moving of an item on the agenda”

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING CALENDAR (QUASI-JUDICIAL):

1. Appeal of Planning Commission’s Decision regarding Architectural Review No. 19-08 to allow the construction of the Pueblo Viejo Villas and Transit Hub. The project entails a new three-story mixed-use building consisting of 105 apartment units with 50 one-bedroom units, 28 two-bedroom units, and 27 three-bedroom and 3,000 square feet of commercial tenant space on the ground floor in the CG-PD (General Commercial – Planned Development) zone on 2.66 acres of vacant land generally located at the northeast corner of Cesar Chavez Street and 6th Street. The appeal request seeks to modify conditions of approval for the project including allowable unit sizes, use of staircases in lieu of elevators, pedestrian access designs from the sidewalk, 5th Street extension improvements, and no audible bell tower element for this phase of the project. 6th & Cesar Chavez CIC. LP, Appellant.

NEW BUSINESS CALENDAR (LEGISLATIVE AND ADMINISTRATIVE):

2. Adopt Resolution No. 2020-14 Authorizing the City Manager to Execute Grant Documents and Submit a Joint Application with Pacific Southwest Community Development Corporation, the Project’s Managing General Partner, for Funding Under the Infill Infrastructure Grant Program to the California Department of Housing and Community Development in a Not-to-Exceed Amount of \$4,000,000 Million for the Affordable Housing Apartment Project on Sixth Street and Cesar Chavez Street in the City of Coachella

ADJOURNMENT:

*Complete Agenda Packets are available for public inspection at the
City Clerk's Office at 53-462 Enterprise Way, Coachella, California, and on the
City's website www.coachella.org.*

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES



STAFF REPORT
2/10/2020

TO: Honorable Mayor and City Council Members

FROM: Luis Lopez, Development Services Director

SUBJECT: Appeal of Planning Commission's Decision regarding Architectural Review No. 19-08 to allow the construction of the Pueblo Viejo Villas and Transit Hub. The project entails a new three-story mixed-use building consisting of 105 apartment units with 50 one-bedroom units, 28 two-bedroom units, and 27 three-bedroom and 3,000 square feet of commercial tenant space on the ground floor in the CG-PD (General Commercial – Planned Development) zone on 2.66 acres of vacant land generally located at the northeast corner of Cesar Chavez Street and 6th Street. The appeal request seeks to modify conditions of approval for the project including allowable unit sizes, use of staircases in lieu of elevators, pedestrian access designs from the sidewalk, 5th Street extension improvements, and no audible bell tower element for this phase of the project. 6th & Cesar Chavez CIC. LP, Appellant.

STAFF RECOMMENDATION:

Staff recommends that the City Council overturn the Planning Commission's decision on Architectural Review No. 19-08 and allow modifications to the conditions of approval as outlined below in this staff report.

BACKGROUND:

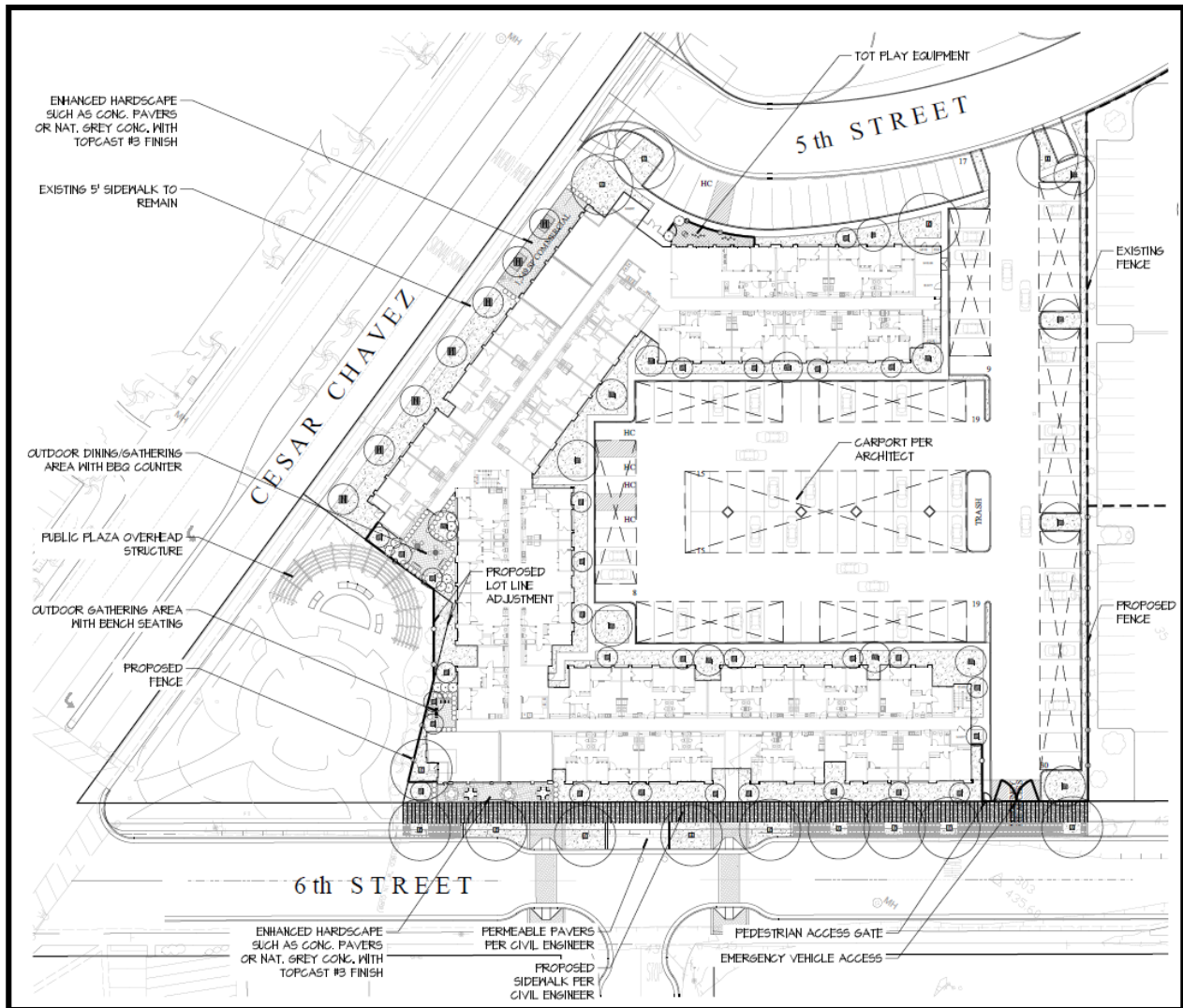
On January 15, 2020 the Planning Commission approved Architectural Review No. 19-08 to allow the construction of the Pueblo Viejo Villas and Transit Hub including a new three-story mixed-use building with 105 apartment units with 50 one-bedroom units, 28 two-bedroom units, and 27 three-bedroom units plus 3,000 square feet of leasable commercial tenant space on the ground floor in the CG-PD (General Commercial – Planned Development) zone on 2.61 acres of vacant land generally located at the northeast corner of Cesar Chavez Street and 6th Street. A transit hub kiosk building and shade structure, to be operated by Sunline Transit Agency, will be constructed on a 1.33-acre vacant parcel located at the southeast corner of 4th Street and Cesar Chavez Street.

On January 28, 2020 the applicant filed an appeal alleging that complying with some of the conditions would be cost prohibited and complying with the conditions in question would put the

project in jeopardy. Accordingly, they have requested modifications to nine of the conditions of approval as explained below.

Project Site History

The project site is a 2.5-acre portion of a 7.2 acre vacant parcel of land on which the Riverside County Department Social Services, DPSS, is currently building a 30,000 square foot building for social services. On October of 2017 the Planning Commission approved an Architectural Review 16-16 granting approval of a revised foot print of the building and architectural elevations. The site plan below illustrates the approved site plan for the DPSS building. A change of zone was also approved by the City Council on November 29, 2017 applying an overlay zone to portion of the site (Change of Zone 17-03):







At the Planning Commission hearing of January 15, 2020, where Architectural Review 19-08 was approved, the applicant expressed concern with the project's feasibility due to added costs that were being imposed through conditions of approval. These conditions were vetted through City Council in September 2019 as part of a policy discussion on design amenities, related to the public funding for this project which includes an Affordable Housing Sustainable Communities (AHSC) grant for transit-oriented development. The applicant outlined the following concerns;

- a) The cost of providing two elevators.
- b) Sidewalk designs along the project frontage on Cesar Chavez Street.
- c) Fifth Street becoming a public street instead of a private road.
- d) The commercial component limited to a total of 2,737 sf instead of 3,000 sf.
- e) The size of the residential units, now proposed at 730 sf. for the two bedroom units (instead of 760 sf.), and 920 sf. for the three bedroom units (instead of 1,000 sf.).
- f) Access front doors for the ground units from Cesar Chavez St. and Sixth St.

Requested Amendments to Conditions of Approval:

The Planning Commission approved Architectural Review 19-08 with 83 conditions of approval. The appellant has submitted a marked-up staff report showing requested changes to nine conditions of approval imposed by the Planning Commission. Listed below are the original conditions as written in the Planning Commission staff report, a summary of the Appeal Request, and a Staff Response to each condition of approval modification request.

- 2d) All masonry perimeter walls and garden walls shall be decorative masonry with decorative cap subject to review by the Development Services Director, and subject to the City's Building Codes.

APPEAL REQUEST: The appellant would like to strike the words “masonry perimeter walls and”.

Staff Response: The project requires the installation of a new masonry wall along the eastern property line adjacent to existing residences fronting on 4th Street near the Transit Hub. Because the mixed-use building requires the installation of a new access road into the main entrance from 4th Street (this is recommended as a one-way street), the perimeter wall is needed along the east property line of the Transit Hub lot, to mitigate traffic noise and glare adjacent to existing apartment homes located at 1160 4th Street. As such, a perimeter wall will be required as part of the project’s anticipated impacts. Staff recommend no changes to Condition #2d.

2e) All dwelling units shall have access to an elevator located in a central or convenient location to all residents, and all elevators shall be available and in good working order for all residents on a 24-hour basis.

APPEAL REQUEST: The appellant would like to add two new sentences that read “Elevators will be added to the project as long as the project remains financially feasible. Financial feasibility is defined as sources adequate to meet a “50% test” (at the industry standard) and fund the developer fee paid during development subject to stringent limitations from state financing partners”.

Staff Response: The applicant previously stated that the project is not feasible with the use of elevators. A letter from KVG consultants, dated January 28, 2020, was submitted which states that in studying three-story apartments with parking on grade, it is the consultant’s experience that elevators are only provided if the population is senior or disabled. While this project is not a senior-housing or disabled-housing development, those populations will be invited to live in this community. Additionally, there are new funding sources being identified at the time that this report was written to offset the costs of the elevators which have caused the appellant to reconsider elimination of the elevators as expressed in the requested modification to this condition. Staff recommends approval of the requested changes to Condition 2e.

2f) A minimum of 10 per cent of the total number of units shall be made available to developmentally disabled tenants.

APPEAL REQUEST: The appellant would like the condition to say “10 dwelling units” will be ADA accessible units.

Staff Response: If the project includes elevators, the California Building Code requires all units to be ADA accessible. However, the AHSC grant program requires a minimum of 10% of the units to be made available to developmentally disabled persons. Staff is not opposed to clarifying this condition to say that a maximum of 10 of these units would be required.

- 2i) The commercial tenant space nearest the Etherea Pocket Park shall be leased to a coffee shop, snack bar, or similar eating and drinking establishment. The owner shall enter into an agreement with the City of Coachella for use of the landscaped areas on the east side of the Etherea monument to create expanded trellis covers and outdoor seating areas to serve the commercial tenant suite.

APPEAL REQUEST: The appellant would like to amend second sentence to say “The owner shall have the option to enter into an agreement with the City of Coachella for use of the landscaped areas on the east side of the Etherea monument to create expanded trellis covers and outdoor seating areas to serve the commercial tenant suite.”

Staff Response: Staff is not opposed to the requested change to this condition of approval, in that it provides flexibility in the design and does not impose a strict financial burden for the project.

- 2j) All ground dwelling units shall have a front door accessible from the 6th Street and Cesar Chavez Street sidewalk areas, with a fenced and patio enclosure adjacent to the sidewalk. The sidewalks along Cesar Chavez Street and 6th Street shall be expanded to provide access into the ground floor units with an urban character, and reduced perimeter planter areas adjacent to the building edge.

APPEAL REQUEST: The appellant would like to re-write the sentences #2 and #3 of this condition to read: “The sidewalks along Cesar Chavez Street shall be expanded to provide access into the ground floor units with an urban character, and reduced perimeter planter areas adjacent to the building edge. This requirement will be waived if ADA ramps are triggered due to differences in grade between sidewalk and entrances.”

Staff Response: The requirement to have direct pedestrian access from 6th Street to the back patio areas of the ground-floor dwellings is an important urban design feature of the project that was mentioned briefly by City Council in September 2019. However, this would require the developer to design the building with a stepped foundation to lower the pad elevations along 6th Street which complicates design and increases costs for internal ADA ramps. Because this is a financial barrier to providing affordable housing, staff recommends approving the appellant’s requested changes.

28. Applicant shall construct and provide maintenance on 5th Street from the existing east end to as well dedication of land if Cesar Chavez Street. That portion of 5th Street shall remain as a private street within the entire length connecting to Cesar Chavez Street.

APPEAL REQUEST: The appellant would like to re-write this condition to read “Applicant shall not be required to construct any portion of 5th Street as part of the residential development.”

Staff Response: At the time that this report was being written, the City senior staff was considering removal of the 5th Street extension through the project due to its awkward design and the lack of financial feasibility. Staff recommends deleting all references to 5th Street, by re-writing this condition to read “The Applicant shall provide civil engineering design for the circulation of the area between 4th Street, 6th Street, and Cesar Chavez Street”.

32. Provide a set of proposed Covenants, Conditions and Restrictions (CC&R) for review and approval. The proposed CC&Rs shall contain the Association’s/Owner’s maintenance obligations with respect to various facilities including, but not limited to, right-of-way and private landscaping, private streets, sidewalks, utilities, street lights, and Water Quality Management Plan (WQMP) features. This document must be submitted to and approved by the City before it is submitted to any other governmental entity.

APPEAL REQUEST: The appellant would like to re-write this condition to say “If the project includes shared facilities, the owner shall provide a set of proposed Covenants, Conditions and Restrictions (CC&R) for review and approval. The proposed CC&Rs shall contain the Association's/Owner's maintenance obligations with respect to any shared facilities including, but not limited to, right-of-way and private landscaping, sidewalks, utilities, street lights, and Water Quality Management Plan (WQMP) features. This document must be submitted to and approved by the City before it is submitted to any other governmental entity.”

Staff Response: Staff is not opposed to this amended condition of approval as it will limit the need for CC&R’s only if there are shared drainage facilities.

33. Prior to issuance of building permits, all required public improvements, including landscaping and lighting of the retention basins, and landscaped areas along the exterior streets, shall be completed or secured with appropriate sureties to the satisfaction of the City Engineer. An engineering final inspection is required. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.

APPEAL REQUEST: The appellant would like to re-write sentence #1 to read: “Prior to issuance of building permits, all required public improvements, including landscaping and lighting of any retention basins, and landscaped areas along the exterior streets, shall be completed or secured with appropriate sureties to the satisfaction of the City Engineer.”

Staff Response: Staff is not opposed to this minor change.

35. Prior to issuance of certificate of occupancy, all public improvements, including landscaping and lighting of the retention basins, and landscaped areas along the exterior streets, shall be completed to the satisfaction of the City Engineer. An engineering final inspection is required. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.

APPEAL REQUEST: The appellant would like to modify the first sentence to say “Prior to issuance of certificate of occupancy, all public improvements, including landscaping and lighting of any retention basins, and landscaped areas along the exterior streets, shall be completed to the satisfaction of the City Engineer. An engineering final inspection is required.”

Staff Response: Because there are no retention basins proposed, staff is not opposed to modifying this condition of approval.

51. The applicant or successor in interest shall install “purple pipe” for a future tertiary water distribution system that would serve the irrigation needs of all common areas of the project including perimeter landscaping, entry features and median island planters, and retention basins, subject to review and approval by the City Engineer. The “purple pipe” water lines shall be installed along the entire Avenue 48 street frontage according to City standards.

APPEAL REQUEST: The appellant would like to modify the last sentence to remove incorrect reference to Avenue 48.

Staff Response: Staff is not opposed to modifying this condition of approval.

CLARIFICATIONS TO CONDIONS OF APPROVAL:

The appeal review by City Council is a De-Novo hearing and the City Council has purview over the entirety of the Planning Commission’s decision and the conditions of approval. In reviewing the Planning Commission’s conditions, the City Engineer has recommended a few clarifying statements as shown below.

Condition #7 – This condition requires the owner to submit a Traffic Analysis for the project. The City Engineer would like to add a clarifying sentence to read as follows:

“The alignment studies shall demonstrate turning movements of the largest vehicles permitted to have access to/from Cesar Chavez Street, 6th Street and 4th Street. The minimum vehicle size shall be based on the largest fire apparatus, as determined by the Fire Department. The engineer shall use AutoTURN or similar templates and indicate all relevant parameters.”

Condition #30 – This is a standard condition of approval requiring construction of all off-site and onsite water improvements. The City Engineer would like to modify this condition of approval to read as follows:

“The Applicant shall construct all off-site and on-site sewer and water improvements and any other incidental works necessary to complete the improvements consistent with current standards and Master Plans. Size and location of sewer and water improvements shall be approved by the City Engineer.”

FISCAL IMPACT:

The Pueblo Viejo Villas and Transit Hub project is an important economic development project for the City’s downtown area, as it will frame an important gateway into the civic center area from Cesar Chavez Street, and will substantially increase property tax valuations and create limited sales tax revenues. The \$15.3 Million AHSC funding, and other public funding sources that will facilitate the project are time-sensitive for the overall development strategy to offset the costs of development for the project.

CONCLUSIONS AND RECOMMENDATIONS:

Staff believes that there are negotiations needed with the developer in order to make the Pueblo Viejo Villas a feasible project for the developer, while having design amenities that are acceptable to the City of Coachella. The City staff has worked diligently to reduce the overall costs of the project in order to fit into the AHSC grant limitations, and staff has sought out additional public funding opportunities for the project. Accordingly, staff is recommending that the City Council overturn the Planning Commission’s decision and allow the requested modifications and clarifications to the conditions of approval as explained in this staff report.

Attachments: Applicant’s Letter



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www.chelseainvestco.com

February 4, 2020

Mr. Luis Lopez
Development Services Director
City of Coachella
53990 Enterprise Way
Coachella, CA 92236

Re: Pueblo Viejo Villas Project
Architectural Review AR-19-08 (Approved 5-0 on 1/15/20)
Appeal of Planning Commission Conditions of Approval

Dear Mr. Lopez:

The developer is appealing certain conditions imposed on the project at the Planning Commission hearing held on January 15, 2020 in order to clarify requirements, adjust items that add cost to the project or request modifications to features that are otherwise infeasible. The intent of this letter is first to provide background information to update the City Council on changes in the Affordable Housing financing industry that drive specific items in the appeal. Below that background section, you will find the itemized request for changes to the conditions included in the Notice of Action by Planning Commission approved by the Planning Commission on January 15, 2020.

Background:

The Pueblo Viejo Villas and Transit Hub development is a public-private partnership between the City of Coachella, Sunshine Transit, and Chelsea Investment Corporation representing the 6th & Cesar Chavez CIC L.P.. After almost two years of work, the project is poised to start construction in July 2020. Chelsea applied for and has secured, or is calendared to secure, full funding commitments including the following competitive sources:

COMPETITIVE SOURCES OF FUNDS

Tax Exempt Bonds	\$	28,500,000	Recommended for approval at 2/12/2020	CDLAC
State Tax Credits	\$	4,969,038	Award conditioned on approval of bonds	2/12/2020
Federal Tax Credits	\$	13,478,152	Award conditioned on approval of bonds	2/12/2020
TOTAL	\$	51,916,228		

With the award of tax credits and bonds recommended for 2/12/20, the developer will have full financing commitments and will be required to start construction within 180 days. This will mark another milestone in the City of Coachella’s vision for the Pueblo Viejo.

Project Financing:

Affordable housing development funding changed dramatically in the fall of 2019 when California Treasurer Fiona Ma announced that there was more demand for tax-exempt (TE) bonds than supply, and that the TE bond program for affordable housing would be competitive for the first time in over a decade starting with the November 2019 application round. Chelsea quickly responded to the new competitive financing environment and submitted the project for 4% Tax Credit and Bond financing in November 2019. Due to the new competition, these applications set the maximum budget for the project based on the information we had at the time.

Some items in the conditions of approval will materially increase the total cost of the project such that the financing per these submitted applications would be inadequate to build the project. Confirmation of the bond allocation will be made at the next California Debt Limitation and Allocation Committee (CDLAC) meeting 2/12/20. The developer must pull the project from the agenda by 2/11/2020 if it is not financially feasible thereby rejecting \$52 million in commitments.

We understand that the city wishes to add some new features to the project, however the bond program application creates a cap on construction costs. Regulations require that tax-exempt bonds fund at least 50% of the project's total costs of construction. In the past, if costs went up because additional items were added to the scope or due to unforeseen conditions, a developer could give up the current award and reapply for the higher bond authorization knowing there was little to no risk because the supply of TE bonds exceeded demand. Today, with the limited supply of bond and the newly competitive bond allocation process, it is not prudent to give up an award worth \$51.9 million since the success of a future competitive applications is very uncertain.

There is a deadline for resolution of the scope issues in the Pueblo Viejo Villas project. The developer cannot accept an award of bonds on 2/12/20 if the City's Conditions of Approval require items that increase costs beyond the limit set in the applications. After acceptance of the bonds the developer is faced with inflexible deadlines to pull building permits, close construction financing and start construction within six months. The penalty for failing to meet the deadlines will trigger bond recapture and penalize the developer's future operations by awarding "negative points" which effectively bars the developer from securing tax credit and bond financing for two years.

Elevators:

Chelsea Investment Corporation is an extremely experienced affordable housing development company with over 10,000 units in our portfolio. The company is focused on bringing affordable housing units to the market in volume to meet the overwhelming need for housing in the State of California. We own and operate the housing that we build and take lessons learned from previous developments to ensure that future developments will have smooth operations for the long term. Chelsea does not include elevators in three-story apartments with on-grade parking when the residents are not specifically restricted to seniors primarily because it increases cost both of construction and for ongoing operations. This practice is supported by industry standards for the majority of similar developments.

Mr. Luis Lopez, City of Coachella

2/4/2020

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1.

We communicated with city staff during the development of construction drawings that the design did not include elevators and that the budget did not include the added cost to install elevators. When we include elevators in a project, Chelsea's practice is always to install two elevators, because the second functions as a backup if one elevator is shut down for regular maintenance or in case an elevator becomes inoperable. Without a backup elevator, residents with disabilities are put at risk and are forced to call local fire, police or EMTs for assistance accessing their apartments. Keeping costs streamlined was a key feature of our successful competitive application for bonds to allow the project to move forward.

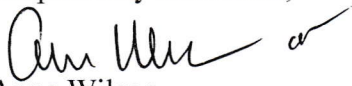
Although this requested feature was not included, we call to your attention the considerable list of other City requests that we have incorporated into development including enhanced design features, mixed use residential and commercial, net zero energy and \$6.5 million in grant funds for the City to facilitate constructions of the adjacent bus hub, purchase buses for service expansion, and improve sidewalks and bike lanes in the downtown area.

The developer will cooperate with the city's request to add elevators to the project with the caveat that this will add approximately \$850,000 to the cost, above and beyond the budget cap imposed by the competitive bond award. To add elevators and have a neutral impact on the budget and maintain financial feasibility, the Council shall remove both the 5th Street and 6th Street improvements from the Conditions of Approval and accept the transfer of responsibility from the developer to the City to build the improvements on 5th and 6th streets with alternative sources of financing such as the AHSC grant. If the City secures the additional \$500,000 in financial commitments from the County, some modifications can be made to the scope included with the residential development. Financial feasibility is defined as sources adequate to meet a "50% test" (at the industry standard) and fund the developer fee paid during development subject to stringent limitations from state financing partners.

Attached below please find itemization of Requested Changes to Notice of Action by Planning Commission conditions that constitute the developer's appeal.

In the interest of time, if you have questions or concerns related to these requests first contact the Development Executive, Colleen Edwards, at (323) 590-0233.

Respectfully submitted,



Anne Wilson

Director of Development

Project: Pueblo Viejo Villas

Requested Changes to Notice of Action by Planning Commission Conditions:

Condition 2d: Delete “masonry perimeter walls and”

Condition 2e. Add note “Note that an elevator can be added to the project as long as the project remains financially feasible. Financial feasibility is defined as sources adequate to meet a “50% test” (at the industry standard) and fund the developer fee paid during development subject to stringent limitations from state financing partners.”

Condition 2f: Replace “10 per cent of the total number of” with “10” units

Condition 2i: Replace “The owner shall enter” with “The owner shall have the option to enter”

Condition 2j: Delete the wording “and 6th Street” and add note “This requirement will be waived if ADA ramps are triggered due to differences in grade between sidewalk and entrances.”

Condition 28: Reword to read “Applicant shall not be required to construct any portion of 5th Street as part of the residential development.”

Condition 32: Reword to read: If the project includes shared facilities, provide a set of proposed Covenants, Conditions and Restrictions (CC&R) for review and approval. The proposed CC&Rs shall contain the Association’s/Owner’s maintenance obligations with respect to any shared facilities including, but not limited to, private landscaping, sidewalks, utilities, street lights, and Water Quality Management Plan (WQMP) features...” Reference to private street should be deleted.

Condition 33. Reword to read “Prior to issuance of building permits, all required public improvements, including landscaping and lighting of any retention basins...”

Condition 34. Reword to read “Prior to issuance of certificate of occupancy, all public improvements, including landscaping and lighting of any retention basins,

Condition 51. Delete the wording “The “purple pipe” water lines shall be installed along the entire Avenue 48 street frontage”.



CITY OF COACHELLA
DEVELOPMENT SERVICES DEPARTMENT
REQUEST FOR APPEAL

Date: 1-28-2020

APPLICATION INFORMATION:

Project Address: 1279 6th STREET (PUEBLO VIEJO VILLAS)
Case Type (CUP, TTM, etc) and Number: ARCHITECTURAL REVIEW #19-08
Hearing/Decision Date: 1-15-2020 Appeal Deadline: 1-30-2020

APPELLANT INFORMATION:

Appellant: 6th / CESAR CHAVEZ CIC, LP
Appellant Address: 6339 PASO DEL LAGO
CARLSBAD, CA 92011

Appellant Phone: 619-987-7280 Appellant Fax: —
Appellant e-mail: D.DAVIS@CHELSEAINVESTCO.COM

Applicant (If Different): SAME (DAVID DAVIS)

I hereby appeal the decision of the:

Planning Director

Planning Commission

REASON FOR APPEAL:

The decision maker failed to comply with the provisions of the Zoning Code, General Plan or other applicable plans in the following manner (use additional sheets if necessary):

CLARIFICATION OF CONDITIONS OF APPROVAL, REMOVAL
OF SOME CONDITIONS OF APPROVAL.

(SEE ATTACHED STAFF REPORT MARK-LP)

Office Use Only:

Date Received: _____

Appeal Fees: _____

Received by: _____



January 28, 2020

Re: Pueblo Viejo Villas – 6th & Cesar Chavez - Elevators

To Whom It May Concern:

Kinetic Valuation Group provides the highest quality services backed by more than 52 years of experience in the industry. We provide Affordable Housing Valuation and Consulting Solutions within the Affordable Housing Industry. With two offices located in Nebraska and California, the company has performed over 2,400 market studies and appraisal assignments.

In studying three-story apartments with parking on grade it is our experience that elevators are only provided if the population is senior or disabled.

Respectfully,

A handwritten signature in black ink that reads "Jay A. Wortman". The signature is written in a cursive style with a large, sweeping initial "J".

Jay Wortman

Partner



STAFF REPORT
2/10/2020

TO: Honorable Mayor and City Council Members

FROM: Celina Jimenez, Grants Manager

SUBJECT: Adopt Resolution No. 2020-14 Authorizing the City Manager to Execute Grant Documents and Submit a Joint Application with Pacific Southwest Community Development Corporation, the Project’s Managing General Partner, for Funding Under the Infill Infrastructure Grant Program to the California Department of Housing and Community Development in a Not-to-Exceed Amount of \$4,000,000 Million for the Affordable Housing Apartment Project on Sixth Street and Cesar Chavez Street in the City of Coachella

STAFF RECOMMENDATION:

Adopt Resolution No. 2020-14 authorizing the City Manager to execute grant documents and submit a joint application with Pacific Southwest Community Development Corporation, the Project’s Managing General Partner, for funding under the Infill Infrastructure Grant Program to the California Department of Housing and Community Development in a not-to-exceed amount of \$4,000,000 million for the affordable housing apartment project on Sixth Street and Cesar Chavez Street in the City of Coachella.

BACKGROUND:

The California Department of Housing and Community Development (HCD) announced availability of funding for the Infill Infrastructure Grant (IIG) Program. Grant funds can be used for “capital improvement projects” to facilitate the development of a qualifying infill project or area such as: water, sewer, or other utility improvements; streets, roads, transit; project site preparation; and sidewalk or streetscape improvement related to the affordable housing development project.

Other state funding programs have required joint applications between the City and developer, and the City submitted successful joint applications for Affordable Housing and Sustainable Communities funds (for the apartments on Sixth Street and Cesar Chavez Street). Joint applicants are typically required to accept joint liability, but the City and joint applicant may enter into a side agreement that establishes project responsibilities and indemnifies the City. Joint applications also demonstrate the City’s commitment to advancing affordable housing locally.

DISCUSSION/ANALYSIS:

In order to score and compete competitively, the funding proposal will request \$3,500,000 (or no more than \$4 million) in IIG grant QIP (Qualifying Infill Project) funds to construct capital improvements that are integral components of the Pueblo Viejo Villas Apartments project. The proposed scope of work will include:

- ❖ Streetscape improvements along Sixth Street between Cesar Chavez Street and Date Avenue
- ❖ Open space elements: landscaping and shading for the Public Plaza near the Etherea Art Park
- ❖ Transit linkage to the transportation hub from Cesar Chavez Street to Fourth Street
- ❖ Facilities to support pedestrian and bicycle transit on Fifth Street
- ❖ Install drainage: underground storm water retention chamber system
- ❖ Utility improvements: electrical power provisions and transformers for the site

SCOPE OF WORK

5TH STREET AND TRANSIT HUB LOOP SCOPE	
Transit Hub Loop Connecting Cesar Chavez Street to Fourth Street	\$ 746,220.00
5th Street Pedestrian and Bicycle Paseo	\$ 335,000.00
6TH STREET IMPROVEMENTS	
6th Street Streetscape Improvements (between Date Ave. & Cesar Chavez St.)	\$ 1,300,000.00
Public Plaza Landscaping and Shade Structure	\$ 180,000.00
UNDERGROUND STORM WATER RETENTION CHAMBER SYSTEM	
Underground Storm Water Retention Chamber System	\$ 438,780.00
ELECTRICAL	
Power Provision + Transformers for Site	\$ 500,000.00
TOTAL GRANT REQUEST	\$ 3,500,000.00

ALTERNATIVES:

1. Adopt Resolution No. 2020-14 Authorizing the City Manager to Execute Grant Documents and Submit a Joint Application with Pacific Southwest Community Development Corporation, the Project’s Managing General Partner, for Funding Under the Infill Infrastructure Grant Program to the California Department of Housing and Community Development in a Not-to-Exceed Amount of \$4,000,000 Million for the Affordable Housing Apartment Project on Sixth Street and Cesar Chavez Street in the City of Coachella

2. Not Adopt Resolution No. 2020-14 Authorizing the City Manager to Execute Grant Documents and Submit a Joint Application with Pacific Southwest Community Development Corporation, the Project’s Managing General Partner, for Funding Under the Infill Infrastructure Grant Program to the California Department of Housing and Community Development in a Not-to-Exceed Amount of \$4,000,000 Million for the Affordable Housing Apartment Project on Sixth Street and Cesar Chavez Street in the City of Coachella

FISCAL IMPACT:

There are no direct fiscal impacts for being a joint applicant for IIG funds. However, as a joint applicant, the City may share responsibility for completing some aspects of the project such as off-site street improvements. Staff will evaluate the requirements and risks, and if needed, enter into side agreements with project sponsors to clarify responsibilities and mitigate risk to the City.

ATTACHMENT(S):

1. Resolution No. 2020-14
2. IIG FY 2019-20 Funding Round Notice of Funding Availability

RESOLUTION NO. 2020-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT DOCUMENTS AND SUBMIT A JOINT APPLICATION WITH PACIFIC SOUTHWEST COMMUNITY DEVELOPMENT CORPORATION, THE PROJECT’S MANAGING GENERAL PARTNER, FOR FUNDING UNDER THE INFILL INFRASTRUCTURE GRANT PROGRAM TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN A NOT-TO-EXCEED AMOUNT OF \$4,000,000 MILLION FOR THE AFFORDABLE HOUSING APARTMENT PROJECT ON SIXTH STREET AND CESAR CHAVEZ STREET IN THE CITY OF COACHELLA

The City Council of the City of Coachella (the “Recipient”), hereby consent to, adopt and ratify the following resolutions:

Infill Infrastructure Grant Program

RESOLUTION AUTHORIZING THE RECIPIENT TO APPLY FOR AN AWARD FROM THE INFILL INFRASTRUCTURE PROGRAM

WHEREAS, the Recipient is authorized to do business in the State of California; and

WHEREAS, the Recipient wishes to apply for and receive an allocation of funds through the Infill Infrastructure Grant Program (“IIG”); and

WHEREAS, The State of California Department of Housing and Community Development (the “Department”) has issued a Notice of Funding Availability (“NOFA”) for IIG established under Assembly Bill 101 (Chapter 159, Statutes of 2019) and Part 12.5 (commencing with section 53559) of Division 31 of the Health and Safety Code, which authorizes the Department to approve funding allocations utilizing monies made available by the State Legislature, subject to the terms and conditions of the statute and the IIG Guidelines implemented October 30, 2019.

NOW, THEREFORE, IT IS RESOLVED: That the Recipient pursuant to the above-described Notice of Funding Availability wishes to apply for and receive an allocation of funds in an amount not to exceed \$4,000,000 (the "IIG Grant").

RESOLVED FURTHER: That in connection with the Recipient's IIG Grant, the Recipient is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement, and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of the above resolution, in order to evidence the IIG Grant, the Recipient's obligations related thereto, and the Department's security therefore; including, but not limited to, an affordable housing covenant, a performance deed of

trust, a disbursement agreement, and certain other documents required by the Department as security for, evidence of or pertaining to the IIG Grant, and all amendments thereto (collectively, the "IIG Grant Documents").

RESOLVED FURTHER: That the City Manager is hereby authorized to execute the IIG Grant Documents, and any amendment or modifications thereto, on behalf of the Recipient.

RESOLVED FURTHER: That this resolution shall take effect immediately upon its passage.

RESOLVED FURTHER: The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 10th day of February, 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-14 was duly adopted by the City Council of the City of Coachella at a special meeting thereof, held on the 10th day of February, 2020 by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 670
Sacramento, CA 95833
(916) 263-2771 / FAX (916) 263-2763
www.hcd.ca.gov



October 30, 2019

MEMORANDUM FOR: All Potential Applicants

FROM: Jennifer Seeger, Acting Deputy Director
Division of Financial Assistance

SUBJECT: **Infill Infrastructure Grant Program of 2019
Notice of Funding Availability for Large Jurisdictions**

The California Department of Housing and Community Development (Department) is pleased to announce the availability of approximately \$194 million in funding for the Infill Infrastructure Grant Program of 2019 (program). The purpose of the program is to provide grants for Capital Improvement Projects in support of Qualifying Infill Projects or Qualifying Infill Areas. Funding for this NOFA and program requirements are provided under Assembly Bill 101 (Stats. 2019, ch. 159, § 20) and Part 12.5 (commencing with section 53559) of Division 31 of the Health and Safety Code.

A complete original printed application with signatures and one electronic copy on compact disc or flash drive, with all applicable information and documentation, must be submitted to the Department **by 5:00 PM Pacific Standard Time on January 29, 2020**. Applications must be submitted through a carrier service such as U.S. Postal Service, UPS, FedEx or other carrier services that provide date stamp verification confirming delivery. Personal deliveries will not be accepted.

The Department will hold workshops to review the Notice of Funding Availability (NOFA) and application. The application, a list of workshop dates, and registration instructions will be available in November 2019 on the Department's program webpage at <http://www.hcd.ca.gov/grants-funding/active-funding/iigp.shtml>. To receive program NOFA FAQs and other program information and updates, please subscribe to the program listserv at http://www.hcd.ca.gov/HCD_SSI/subscribe-form.html.

Please submit questions to infill@hcd.ca.gov.

Attachment

Infill Infrastructure Grant Program of 2019

Notice of Funding Availability For Large Jurisdictions



**Gavin Newsom, Governor
State of California**

**Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency**

**Douglas R. McCauley, Acting Director
California Department of Housing and Community Development**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
Telephone: (916) 263-2771

Website: <http://www.hcd.ca.gov/grants-funding/active-funding/iigp.shtml>
Infill Infrastructure Grant Program email: infill@hcd.ca.gov

October 30, 2019

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I. Overview

A. Notice of Funding Availability

This NOFA announces approximately \$194 million in funding for projects located in Large Jurisdictions. Large Jurisdictions are defined as any county with a population of more than 250,000 as of January 1, 2019, or any city within that county, pursuant to Health and Safety Code section 53559.1 (added by Stats. 2019, ch. 159 (A.B. 101), § 20).

These funds will be used to provide grants for infrastructure improvements in support of higher-density affordable and mixed-income housing, and mixed-use infill development projects. Specific eligible improvements include construction, rehabilitation, or other physical improvement of parks or open space, transit facilities, streets, and sidewalks.

B. Timeline

NOFA Release	October 30, 2019
Application Due Date	January 29, 2020
Award Announcements	April 30, 2020

C. Authorizing Legislation, Regulations and Guidelines

Assembly Bill 101, which was signed by Governor Newsom on July 31, 2019, established the Infill Infrastructure Grant Program of 2019 (program) as set forth in Health and Safety Code sections 53559, 53559.1, and 53599.2 (added by Stats. 2019, ch. 159, § 20).

Applications submitted under this NOFA are subject to the program Guidelines (Guidelines), all applicable statutory requirements, and this NOFA. All section references in this NOFA refer to the Guidelines unless otherwise noted. All capitalized terms in this NOFA are either defined herein or in the Guidelines. The Guidelines and NOFA are available at the Department’s [IIIG webpage](#).

The Guidelines implement, interpret, or make specific the requirements set forth in Health and Safety Code sections 53559, 53559.1, and 53599.2. The Guidelines include the following significant provisions:

1. The establishment of a competitive application process to award grant funding to capital improvement projects located in Large Jurisdictions.
2. The establishment of an Over-the-Counter application process to award grant funding to Capital Improvement Projects located in Small Jurisdictions.
3. Increase in per-unit grant calculation amounts.

- 4. Increase in the maximum grant amount for a Qualifying Infill Project from \$5 million to \$7.5 million.
- 5. Nonprofit or for-profit Developers must apply jointly with Localities.
- 6. Identifies that Prohousing Policies are one of the selection criteria for Qualifying Infill Projects. Qualifying Applicants will be awarded points as specified.

II. Program Requirements

A. Eligible Applicants

Eligible Applicants shall be one of the following:

- 1. A city, county, city and county, or public housing authority that has jurisdiction over a Qualifying Infill Area.
- 2. A nonprofit or for-profit Developer of a Qualifying Infill Project applying jointly with a city, county, city and county, or public housing authority that has jurisdiction over a Qualifying Infill Area.

B. Eligible Projects/Costs

To be eligible for funding, a Capital Improvement Project must be an integral part of or be necessary to facilitate the development of a Qualifying Infill Project or the housing designated in the application for a Qualifying Infill Area. Eligible projects must meet the requirements set forth in Section 303 of the Guidelines. For details on Eligible Costs, please refer to Section 304 in the Guidelines.

Only applications for projects located in Large Jurisdictions will be accepted in response to this NOFA. The Department of Finance provided provisional population and housing estimates for the state, counties, and cities for January 1, 2019. (State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State – January 1, 2011-2019*. Sacramento, California, May 2019 – available online at <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>.) The report identified the following counties as having 250,000 or more residents. As such, these counties meet the eligibility criteria of a Large Jurisdiction:

Alameda	Monterey	San Francisco	Solano
Contra Costa	Orange	San Joaquin	Sonoma
Fresno	Placer	San Luis Obispo	Stanislaus
Kern	Riverside	San Mateo	Tulare
Los Angeles	Sacramento	Santa Barbara	Ventura
Marin	San Bernardino	Santa Clara	
Merced	San Diego	Santa Cruz	

Counties that are not included in this list may apply under the program Small Jurisdiction NOFA, which is found on the Department's [IIG webpage](#).

C. Funding Limits

For a Qualifying Infill Project, the minimum program grant award is \$1 million in urban areas and \$500,000 in rural areas. The total program grant award to any Qualifying Infill Project is limited to \$7.5 million under this NOFA.

For Qualifying Infill Areas, the minimum program grant award is \$2 million in urban areas and \$1 million in rural areas. The total program grant award to any eligible Qualifying Infill Area is limited to \$30 million under this NOFA.

Over the life of the program (to include the Infill Incentive Grant Program of 2007, the Infill Infrastructure Grant Program of 2019, and any future iterations of the program), the total of all program awards for any single Qualifying Infill Project or Qualifying Infill Area shall not exceed \$60 million.

Pursuant to Section 305 of the Guidelines, the total grant amount shall be determined by the number of units in the Qualifying Infill Project or Qualifying Infill Area, the bedroom count of these units, and the density and affordability of the housing to be developed. (See the Grant Amount Calculation Table below.) Additional requirements are set forth in Section 305 of the Guidelines.

Grant Amount Calculation Table

Income Level & Tenure	0-Bdrm	1-Bdrm	2-Bdrm	3-Bdrm	4-Bdrm
200%+ FMR ¹ or Exceeds CALHFA Sales Prices ^{2 3}	\$3,700	\$7,400	\$11,100	\$14,800	\$18,500
Program Unrestricted ⁴	\$24,700	\$28,400	\$33,000	\$40,800	\$44,500
Moderate-Income Owner	\$28,400	\$32,100	\$38,300	\$45,700	\$49,400
Low-Income Owner	\$32,100	\$35,800	\$43,200	\$50,600	\$55,600
60% AMI Rental	\$32,100	\$35,800	\$43,200	\$50,600	\$55,600
50% AMI Rental	\$37,100	\$42,000	\$48,200	\$58,000	\$61,800
30% AMI Rental	\$43,200	\$45,700	\$51,900	\$66,700	\$70,400

¹ 200% Fair Market Rent (FMR) Unit: A 200 percent FMR Unit is a rental unit with a proposed monthly rent, which is equal to or greater than 200 percent of its county's FMR as defined by HUD.

² Exceeds CalHFA Maximum Sales Price Unit: A For-Sale Unit with a proposed sales price which exceeds its county's maximum allowable sales price for a new construction unit as published by CalHFA.

³ The current CalHFA sales price chart can be viewed at <http://www.calhfa.ca.gov/homeownership/limits/salese/salesprice.pdf>.

⁴ IIG Unrestricted: An Unrestricted Unit for the purposes of calculating grant amounts in the IIG program is any unit not restricted at the other levels identified in Section 302(a), but also not meeting any of the above definitions. *Increase based on December CPI per US Bureau of Labor Statistics https://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&series_id=CUUR0400SA0,CUUS0400SA0

Net Density Adjustment Factor Chart

Grant amounts established by the Grant Amount Calculation Table may be increased based on proposed housing units per acre, as represented in the following Net Density Adjustment Factor Chart.

Net Density (housing units per acre)	Adjustment Factor
Less than 30	1
30 – 34.9	1.04
35 – 39.9	1.08
40 – 44.9	1.12
45 – 49.9	1.16
50 – 54.9	1.2
55 – 59.9	1.24
60 – 64.9	1.28
65 – 69.9	1.32
70 – 74.9	1.36
75 – 79.9	1.40
80 – 89.9	1.44
90 – 99.9	1.48
100 and above	1.52

D. Program Administrative and Activity Delivery Costs

Not Applicable

E. Threshold

To be considered for program funding, applications for Large Jurisdictions must include a Qualifying Infill Project, including those Qualifying Infill Projects used to establish the eligibility of a Qualifying Infill Area. In addition, all applications must meet all the threshold requirements set forth in Section 308.

F. Rating and Ranking

Qualifying Infill Project applications shall be rated based on the criteria set forth in Section 309 of the Guidelines.

In order to be considered for funding, project applications must receive a minimum score of 210, excluding bonus points. Applications must contain a completed IIG Self-Scoring Worksheet along with documentation acceptable to the Department that adequately supports the Self-Score provided. **Applications that do not include a Self-Scoring Worksheet will not be considered for funding.** Self-Scoring Worksheets must be included within the application at the time of submittal to the Department. No additional information may be added to an application after it has been submitted.

The highest scoring applications that meet all threshold requirements will be selected for funding in this NOFA. Applications will be funded in descending order. The Department may make adjustments to this procedure to meet the following geographic distribution objectives:

1. Target 45 percent of total funds to projects located in Southern California (Kern, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, or Ventura counties);
2. Target 10 percent of total funds to projects located in the Central Valley (Fresno, Merced, San Joaquin, Stanislaus and Tulare counties); and
3. Target 45 percent of total funds to projects located in Northern California [those not located in the Large Jurisdiction counties specified in previous paragraphs (1) and (2)].

In the event two or more applications have the same rating and ranking score, the following tiebreaking points will be awarded, in the following order of priority, until there is no longer a tie:

1. Ten bonus points will be awarded to the Qualifying Infill Project or Qualifying Infill Area having the lowest ratio between the requested grant amount to the total allowable maximum grant amount in accordance with the maximum calculated through the respective program Guidelines. All such ratios will be rounded to the nearest second decimal point.
2. An additional three bonus points will be awarded to the Qualifying Infill Project or Qualifying Infill Area for each prior awarded Qualifying Infill Project developed by the Eligible Applicant that has received a certificate of occupancy by the deadline for submittal of applications set forth in this NOFA.

Pursuant to Section 305(e) of the Guidelines, the Eligible Applicant must provide documentary evidence that the Qualifying Infill Project or the housing to be developed in the Qualifying Infill Area, as proposed in the application, is financially feasible.

Pursuant to Section 305(d) of the Guidelines, the Eligible Applicant must demonstrate that program funds are reasonably necessary for project feasibility and that no other source of funding is reasonably available.

The Department administers the competitive application process pursuant to this NOFA and will make the program award determinations.

G. State and Federal Requirements

1. Compliance with California’s Housing Element Law

The Qualifying Infill Project or Qualifying Infill Area must be located in a Locality which has an adopted Housing Element that has been found by the Department to be in substantial compliance with the requirements of Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code. Housing Element compliance must be established as of the NOFA application deadline date.

2. Climate Adaptation

Executive Order B-30-15 addressed the need for climate adaptation and ordered that:

- a. All state agencies with jurisdiction over sources of greenhouse gas emissions shall implement measures, pursuant to statutory authority, to achieve reductions of greenhouse gas emissions to meet the 2030 and 2050 greenhouse gas emissions reductions targets.
- b. State agencies shall take climate change into account in their planning and investment decisions and employ full life-cycle cost accounting to evaluate and compare infrastructure investments and alternatives.
- c. State agencies' planning and investment shall be guided by the following principles:
 - (1) Priority should be given to actions that both build climate preparedness and reduce greenhouse gas emissions;
 - (2) Where possible, flexible and adaptive approaches should be taken to prepare for uncertain climate impacts;
 - (3) Actions should protect the state's most vulnerable populations; and
 - (4) Natural infrastructure solutions should be prioritized.

In response to the Governor’s Executive Order, the Department strongly encourages Recipients to use the program funds in a manner that responsibly takes climate change into account.

III. Application Submission and Review Procedures

A. Application

Application materials consist of a Microsoft Excel IIG Application workbook and the Universal Application workbook provided by the Department. The Eligible Applicant must also submit supporting documentation, as specified.

Application forms will be available in November 2019 on the Department’s website at: <http://www.hcd.ca.gov/grants-funding/active-funding/iigp.shtml>.

B. Application Submission Process

A complete printed application with original signatures in a three-ring binder, and electronic copies on a flash drive with all applicable information and documentation, must be received by the Department **by 5:00 PM Pacific Standard Time on January 29, 2020**, in order to be considered for funding. The Department will only accept applications delivered through a postal carrier service such as U.S. Postal Service, UPS, FedEx, or other carrier services that provide date stamp verification confirming delivery to the Department. Please contact the Department if delivery is not completed by fault of the private courier/U.S. Mail. Personal deliveries are not accepted.

INFILL INFRASTRUCTURE GRANT PROGRAM
Division of Financial Assistance, NOFA Section
California Department of Housing and Community Development
2020 W. El Camino Avenue, Suite 650
Sacramento, CA 95833

Applications must be on Department forms and may not be altered or modified by the Applicant. Applications must meet all eligibility requirements upon submission. Applications with material internal inconsistencies will not be rated and ranked. It is the Applicant’s responsibility to ensure that the application is clear, complete and accurate. Program staff may request clarifying information. No Applicant may appeal the Department’s evaluation of another Applicant’s application.

C. Application Workshops

The Department will conduct four application workshops. Please go to the program website for the dates, locations, and to register.

IV. Appeals, Award Announcements and Contracts

A. Appeals

- 1. Basis of Appeals
 - a. Upon receipt of the Department’s notice that an application has been determined to be incomplete, ineligible, fail threshold review, or have a reduction to the initial point score, Applicants under this NOFA may appeal such decision(s) to the Department pursuant to this section.
 - b. No Applicant shall have the right to appeal a decision of the Department relating to another Applicant’s eligibility, point score, award, denial of award, or any other matter related thereto.
 - c. The appeal process provided herein applies solely to decisions of the Department made in this program NOFA and does not apply to any decisions made with respect to any previously issued NOFAs or decisions to be made pursuant to future program NOFAs.

2. Appeal Process and Deadlines

2.

- a. Process: To file an appeal, Applicants must submit to the Department, by the deadline set forth in subsection b. below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. Furthermore, the Applicant must provide a detailed reference to the area or areas of the application that provide clarification and substantiation for the basis of the appeal. No new or additional information will be considered if this information would result in a competitive advantage to an Applicant. Once the written appeal is submitted to the Department, no further information or materials will be accepted or considered thereafter.
- b. Filing Deadline: Appeals must be received by the Department no later than five (5) business days from the date of the Department's threshold review or initial score letters representing the Department's decision made in response to the application.

Appeals are to be submitted to the Department either via email at Craig.Morrow@hcd.ca.gov or at the following address:

Craig Morrow, Section Chief
IIG Program Appeals
Division of Financial Assistance
California Department of Housing and Community Development
2020 W. El Camino Avenue, Suite 500
Sacramento, California 95833

3. Decision

Any request to appeal the Department's decision regarding an application shall be reviewed for compliance with the Guidelines and this NOFA. All decisions rendered shall be final, binding, and conclusive, and shall constitute the final action of the Department.

B. Internal Loan Committee

Upon ranking and rating of applications, recommended projects will be presented to the Internal Loan Committee for review and approval.

C. Award Announcements

The Department anticipates announcing program awards in April 2020.

D. Contracts

Successful Applicants (Recipient(s)) will enter into a Standard Agreement with the Department. The Standard Agreement incorporates all relevant state and federal requirements, as well as specific information about the award and the work to be performed.

V. Program Overlays

A. Federal

Not applicable

B. State

State Prevailing Wages - Program funds awarded under this NOFA are subject to California prevailing wage law (Lab. Code, § 1720 et seq.). **Applicants are urged to seek professional legal advice about the law's requirements.**

VI. Other Terms and Conditions

A. Right to Modify or Suspend

The Department reserves the right, at its sole discretion, to suspend, amend, or modify the provisions of this NOFA at any time, including without limitation, the amount of funds available hereunder. If such an action occurs, the Department will notify all interested parties [via listserv](#) and will post the revisions to the Department's website. Please be sure to subscribe at the listserv link.

B. Disclosure of Application

Every application is a public record that is subject to disclosure pursuant to a request under the California Public Records Act (Gov. Code, § 6250 et seq.). The Department cautions against providing personal information that is not specifically requested (e.g., bank account numbers, personal phone numbers, and home addresses). By providing this information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

C. Conflicts

In the event of any conflict between the terms of this NOFA and either applicable state or federal law, the terms of the applicable state or federal law shall control.