Committee Item No. ______ Board Item No. ______

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date January 14, 2020 Date January 14, 2020

Board of Supervisors Meeting

Cmte Board

		Motion
$\overline{\mathbf{X}}$	X	Resolution
		Ordinance
		Legislative Digest
\square	\square	Budget and Legislative Analyst Report
\square		Youth Commission Report
Π	$\overline{\Box}$	Introduction Form
R	$\overline{\mathbf{X}}$	Department/Agency Cover Letter and/or Report
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Π	Π	Grant Information Form
	Π.	Grant Budget
\square		Subcontract Budget
		Contract/Agreement
		Form 126 – Ethics Commission
		Award Letter
\boxtimes	X	Application
		Public Correspondence
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FILE NO. 191293

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RESOLUTION NO.

[Apply for Grant - Potrero Housing Associates II, L.P. - Assumption of Liability -Department of Housing and Community Development Infill Infrastructure Program -Potrero Block B]

Resolution authorizing the Mayor's Office of Housing and Community Development on behalf of the City and County of San Francisco to execute a grant application, as defined herein, under the Department of Housing and Community Development Infill Infrastructure ("IIG") Program as a joint applicant with Potrero Housing Associates II, L.P., a California limited partnership, for the 100% affordable housing project identified as Potrero Block B in Potrero HOPE SF Development Agreement; authorizing the City to assume any joint and several liability for completion of the projects required by the terms of any grant awarded under the IIG Program; and adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31.

WHEREAS, The State of California Department of Housing and Community Development ("Department") has issued a Notice of Funding Availability ("NOFA") dated October 30, 2019, under the Infill Infrastructure ("IIG") Program established under Division 31, Part 12.5 of the Health and Safety Code commencing with Section 53559; and

WHEREAS, The Department is authorized to approve funding allocations for the IIG Program, subject to the terms and conditions of the NOFA IIG Program Grant Guidelines adopted by the Department on October 30, 2019 ("Program Guidelines"), an application package released by the Department for the IIG Program ("Application Package"), and an IIG standard agreement with the State of California ("Standard Agreement"), the Department is authorized to administer the approved funding allocations of the IIG Program; and

Mayor Breed; Supervisor Walton BOARD OF SUPERVISORS

WHEREAS, The IIG Program provides infrastructure grants for Capital Improvement Projects in support of Qualifying Infill Projects or Qualifying Infill Areas to applicants identified through a competitive process for the development of projects that, per the Program Guidelines, support higher-density affordable and mixed-income housing and mixed-use infill developments; and

WHEREAS, The IIG Program requires that joint applicants for a project will be held jointly and severally liable for completion of such project; and

WHEREAS, Potrero Housing Associates II, L.P., a California limited partnership ("Developer"), has requested the City and County of San Francisco (the "City"), acting by and through the Mayor's Office of Housing and Community Development ("MOHCD"), to be a joint applicant for its a 157 unit, 100% affordable housing project, ground floor early childhood education center and adjacent public mini park (the "Project"), identified as Potrero Block B ("Potrero Block B"); in the Potrero HOPE SF Development Agreement (File Number 161161); and

WHEREAS, By Ordinance No. 19-17, the Board of Supervisors made findings under the California Environmental Quality Act (Public Resources Code, Sections 21000 et seq.) and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, which Ordinance is on file with the Clerk of the Board of Supervisors in File No. 161308 and is incorporated herein by reference; and

WHEREAS, The City, acting by and through MOHCD, desires to apply for IIG Program funds and submit an Application Package as a joint applicant with the Developer; now, therefore, be it

RESOLVED, That the Board of Supervisors delegates to MOHCD, on behalf of the City, the authority to execute an application to the IIG Program as detailed in the NOFA dated October 30, 2019, in a total amount not to exceed \$15,579,687 of which the entire

Mayor Breed; Supervisor Walton BOARD OF SUPERVISORS

amount will be provided as a as a grant for Capital Infrastructure Improvements as defined the IIG Program Guidelines and sign the IIG Program documents; and, be it

FURTHER RESOLVED, The Board of Supervisors specifically agrees that the City shall assume any joint and several liability for completion of the Project required by the terms of any grant awarded to the City and the Developer under the IIG Program; and, be it

FURTHER RESOLVED, That the Board of Supervisors acknowledges that if the Application is successful, the City, through MOHCD, shall seek Board of Supervisors approval of the IIG Standard Agreement, with terms and conditions that IIG Program funds are to be used for allowable capital asset project expenditures to be identified in the Standard Agreement, that the Application Package in full is incorporated as part of the Standard Agreement, and that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement; and, be it

FURTHER RESOLVED, That the Board of Supervisors authorizes the Acting Director of MOHCD (or his designee) to execute and deliver any documents in the name of the City that are necessary, appropriate or advisable to secure the IIG Program funds from the Department, and all amendments thereto, and complete the transactions contemplated herein and to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package; and, be it

FURTHER RESOLVED, That all actions authorized and directed by this Resolution and heretofore taken are ratified, approved and confirmed by this Board of Supervisors.

Mayor Breed; Supervisor Walton BOARD OF SUPERVISORS

RECOMMENDED:

Daniel Adams, Acting Director, Mayor's Office of Housing and Community Development

Mayor Breed, Supervisor Walton BOARD OF SUPERVISORS

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Infill Infrastructure Grant Program of 2019

2019 Notice of Funding Availability

Qualifying Infill Area and Qualifying Infill Project Supplemental Application



State of California Governor Gavin Newsom

Alexis Podesta, Secretary Business, Consumer Services and Housing Agency

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

> 2020 West El Camino Avenue, Suite 150 Sacramento, CA 95833 Phone: (916) 263-2771 Email: infill@hcd.ca.gov

> > NOFA: October 30, 2019

Rev. 12/23/19

IIG Coverpage

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ten.	5 <u>45%</u>	5.00		周11.25周		16.90		17.50		18,75		25,00		25,00	· •	25:00		0.00
8.8	<u>1</u> 40%	5.00		10.00		15.00		17.50		18.75		25.00		25,00		25.00		0.00
li su	2 35%	4.40		8,75		13.15		17.50		18.75		25.00		25.00		25.00		0.00
Red cells at right	a a 30%	3.75		7,50		11.25		15.00		18,75		22.50		25.00	·	25.00	· .	0.00
R S	10 Mar 10 Mar 10 Mar 10	3.15		6.25		9.40		12.50		15,65		18.75		21.90		25.00		0.00
		2.50	,	5,00		7,50		10.00		12.50		15.00		17.50	·	20.00		0.00
	15%			3.75		5.65		7.50		9.40		11.25		13.10	·	15.00		0.00
	10%	1.25		. 2.50		3.75		5,00		6.25		7.50		8,75		10.00		0.00

Page 6 of 25

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[•] Max Funds and Unit Mix

		1717 11 11	lity and Thr		·····		**************************************					
Eligible Projects §303												
(a) Is the CIP an integral part of, or necess						<u>eregen</u> verenee		and standard out				
FAAST File: CIP Integral to QIP		nt narrative and docum				the CIP:	File Uploa	aded?				
(b) Does the proposed Project include a Q considered for local land use approval; ha	P that is a discret	e development (all hou	Ising developm	ent compo	nents have be	en planned as or	ne development and join	·				
(c)(1) Is located in an Urbanized Area?	j	· · · · · · · · · · · · · · · · · · ·	· · · ·				· · ·					
FAAST File: Urban Area	Provide	documentation of local	tion in an urbar	i area.			File Uploa	aded?				
(c)(2) Is located in a locality that has an a with Art, 10.6 (§65580) Ch, 3 Div. 1 of Title			mpliance	A jurisdicti	on's current ho	using element c	ompliance status is obtai <u>HCD</u>	nable thru 's website.				
(c)(3) located in a locality that at time of a	pplication has sub	mitted its housing elem		gress repo								
(c)(4) Does include not less than 15% of t				<u> </u>		OIP AUs 0	Total Unit					
Required QIP Residential Units Total Q other-QIP (QIA) Res. Units Total nori-QI		0 Total QIP 0 Total non-QIP C	Ownership AU		Total non-	Sen Troop	Total QIP Unit Total non-QIP Unit					
(c)(5) Average Residential Net Density (dv			Buttlefolip / 100	1		<u>un Abaj</u> .		·				
Are parcels to be developed within a Rura		de §50199.21? (Refer	to the docume	nt			, parcels to be develope					
entitled IIG Program, Rural Area Determin If non-rural, enter minimum net density for		lanad nar lagality (ago	Appendix 4				Is the density equal to					
click here):	parcels to be deve	slobed bel locality tsee	Appendix 1,		Housing Units Acre (Net Den		than required §					
Total Site Area in Square Feet	.0	NOT qualified site deduction		nts, ·		m Density Calcu	1	<u>.</u>				
Less Qualified Site Deductions* in squ	are feet	selbacks, private drives/w common areas and facilitie				m Density Calcu	and the second se					
Public Streets Public Sidewalks		facilities exclusive to a dev	velopment project			m Density Calcu m Density Calcu						
Public Open Space		related miligation space re If contains commerce		3 below:		m Density Calcu		<u>.</u>				
Public Drainage Facilities	· ·	Square ft. of largest				al Density Calcu						
Net Site Area in Acres (43,560 square	0.00	0.7 # of bedrooms	s in largest unit	:	adjusted ne	et density as a pe	ercentage of required	0.00%				
feet per acre) ((c)(6) is, located in area designated for mi		·		L	L	· · ·	density §309(c)(2)					
pursuant to one of the following plans? If y		itial development			•		•					
FAAST File: Relevant Development		label and attach a cop	oy of the releva	nt plan sho	wing area des	ignation.	File Uploa	aded?				
(c)(7) Can the Applicant identify a mechan												
an overall Net Density equaling or exceed								c) and				
§310(c), and determining the max grant an disbursement of Program funds.	nount pursuant to	§3057 This mechanism	n must be acce	ptable to I	CD and in ene	ect and legally er	forceable prior to the					
	Provide	a minimum density ord	dinance record	ed binding	covenant or d	ate stamped ma	p and letter					
FAAST File: Net Density Verification	n certified	by a California State-li t confirming the Net De	icensed profess					aded?				
(c)(8) Will the applicant designate the pro				IA (non-Q	P), that the Ap	plicant intends t	o utilize for the purpose of	of I				
establishing the max Program grant amou	nt pursuant to §30	5, and for the purpose	of rating applic	ations pur	suant to §309 c	or §310.						
(c)(9) Does this application demonstrate the								rpose of				
determining the max Program grant amou (c)(10) Applicant certifies construction sha								NOFA				
except for AUs Identified in a disposition a												
jurisdiction over the AUs executed on or b		9 (if exception applies,	attach related a	agreement)?	•						
FAAST File: Construction exception		able, label and attach a				cal approval con	dition. File Uplo	aded?				
		MATCHERE	gible Costs §	304								
						n se managagan gan		NALES & DES				
(a)(4) Total # of required replacement tran				Are repla	cement transit	parking spaces of	costs less than \$50,000 j	NALES & DES				
(a)(5)-Minimum residential per unit parking				Are repla			costs less than \$50,000 costs less than \$50,000	per space?				
	spaces as requir	ed by local land-use		Are repla	cement transit eed one space per unit?	No Areo	costs less than \$50,000 Describe fee(s), the ass	per space? per space?				
(a)(5)-Minimum residential per unit parking entitlement approval: (b) Impact fees for the CIP are required by	spaces as requir	ed by local land-use		Are repla	cement transit eed one space per unit?	No Areo	costs less than \$50,000 Describe fee(s), the ass	oer space? oer space? ociation to				
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If Yes, provide a I									•	
number of impact					•	•	•			
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have or will be tak						1				
Relocation Assista						· · · · · · · · · · · · · · · · · · ·	· · · · ·			
FAAST File:	QIP Relocation	on Plan		Applicants must p		cation Plan or docume	ntation supp	porting no relocation.	File Uploaded?	ten des ten sites f
						larket Study				
Does Market stud	y demonstrate	QIP is fina						specified in TCAC Regs §103	22(h)(10)	
FAAST File:	Market Study			Applicants must p due date.	rovide a com	pleted market study pre	epared within	n one year of the application	File Uploaded?	
With States			205.55		Ta	x Credits (TC)				
Select appropriate	entry for each	item:			•					
Type (Select One)		Fede	ral:	Proposed	Equity Inves	tor Contribution (\$);	1	Anticipated TC Factor:	· App. Rate:	
		. Sta	ite:			tor Contribution (\$):		Anticipated TC Factor.	App. Rate:	
Timeframe for Ap	plying for 4% T	c T	Pro	posed Month:	<u></u>	· Proposed Year:				
Timeframe for Ap			Pro	posed Round:		Proposed Year.				
If already awarded	i: Date	TCAC RE	servatio	on Award:			- T	•		
FAAST File:	Tax Credit Re	servation		If this project has	already reicely	ved a tax credit reserva	tion attach	decumantation	File Uploaded?	
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Page 13 of 25

Env & Land Use Verification

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	e have completion and		ption of all neces	sary envir	onmental clear	ances includir	g those requir	ed under the	CEQA and	if .		
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(B) For the QIP, w 15 points	ve have issued of a pub	lic notice of the	availability of a dra	aft environ	mental impact	report, negativ	e declaration	, or environn	nental asses	sment? -		
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	unity development dire									· · · · · · · · · · · · · · · · · · ·	"	
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Review and Land	Use Entitlements form.	·	1 and Use Answer	ini Data	A	ougl Turne			no and C	monta		
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Large Jurisdiction QIP Scoring

	nat is reserved for qualified s			4, the QIP is within	what distance fro	m a senior center		
	ularly offering services spec	ifically designed for seniors'	7 4 or 7 points				·	
Entity Name			·	Responsible Ju	risdiction			
Site Address				City		State	Zip	
Contact		Title		Phone	<u> </u>	Date In Service		
FAAST File:	Qualified Seniors	Provide scaled ma	ap showing distances to				File Uploade	∍d?
	os where 25% of units have of the units are three bedroe		# of two bedrooms in 0 <i>Funds and Unit</i>		, % of two bedrooms	1. U% ISKID to 63	309(f)	
	eference for seniors or spec he high or highest resource		# of three+ bedroom Max Funds and Units		% of three+ bedrooms	1 .11% Iskin to 6.	309(f)	
	time of application on the cu portunity Area Map 20 pol		Does QIP have preference for	1 1	lo Does C	IP have restriction	s or preference ecial Needs Uni	
https://haasinst	within the high or highest re itute.berkeley.edu/sites/defa	ult/files/mappings/TCAC/op	portunity map 2019.ht		ed TCAC/HCD Op	portunity Area Map		
	or Enter The Entire TCAC/H							
FAAST File:	Opportunity Area	Documentation of	TCAC/HCD Opportunity	/ Area status,			File Uploade	ed?
新教育者 在1983		Consistency	with Regional Plans	§309(f) - 10 Po	nts Max			RANK
Points awarded	for each of the following .						•	
(A) Air Resour	support the implementation ces Board to achieve the re executed by an officer, or an portation commission - 5 po	gion's greenhouse gas emis n equivalent representative :	ssions target. Consisten	cy with such plans	must be demonst	rated by a letter or		
(B) an equival 5 points	able communities strategy i enhouse gas emissions. Ev ent representative from the	idence of consistency with :	such plans must be den	nonstrated by a let	er or resolution ex	ecuted by an office	r of, or	
	an 50% of the land area is v tive from the metropolitan p							- -
FAAST File.	QIP Consistency		esolutions from the local gional transportation pla				File Uploade	ed?
			Tie Breaker §307(b	(3); NOFA				
In the event two	o or more applications have	the same rating and ranking	scores, HCD will apply	tie breaking crite	ia outlined in the N	OFA. AD	plication due da	ite: 2/1
	oints to the QIP having the k							lio= 0.0
	sts, 3 points to the QIP for e						lication deadline	a.
Development N			·····	IIG prior NOFA		ert. of Occup Date:		0
Development N	lame:			IIG prior NOFA	Date C	ert. of Occup Date:	·	0
Development N	lame:		, ,	IIG prior NOFA		ert. of Occup Date:		0
Development N	lame:			IIG prior NOFA	Date C	ert. of Occup Date:		0

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Large Jurisdiction QIP Scoring

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Large Jurisdiction QIP Scoring

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		liction QIA Scoring		<u></u>	
•		nts Max (points in blue sh		al QIP Self Score	0.00
		§310(a)-100 Points Max			
		ation of Environmental Review &		File Uploaded?	
La	nd Use Verification worksheet). Identify name of locality at beg	inning of document.		
(1) Multiple Qualifying Infill Projects - 10 points max	· · · · · · · · · · · · · · · · · · ·		•	· · · · · · · · · · · · · · · · · · ·	
(A) For the QIA, we have three or more QIPs that have			that all applications required for	or construction	·
have been submitted and deemed complete under a No					0
(B) For the QIA, we have two QIPs that have received a			plications required for construct	tion have been	
submitted and deemed complete under a Nondiscretion	ary Local Approval Process	5 points		<u></u>	
(2) Environmental Review Status - 25 points max	- (i	- ()			· · · · · · · · · · · · · · · · · · ·
(A) For the QIA, we have completion and approval or ac NEPA, and all applicable time periods for filing appeals			ose required under the GEQA a	und if applicable,	
(B) For the QIA, we have a draft of a program, master o included in the application will constitute subsequent pro- tion of the application will constitute the subsequent pro- tion of the subsequ					
commencing with §15000? If no, answer (C) 15 points		a review as such pursuant to CE	QA Guidelines, Chapter 5, Tilk	3 14, OON,	
(C) For the QIA, we have a draft of a program, master o		report has been completed and	filed with the appropriate each	wood the	0
developments included in the application will constitute					
14, CCR, commencing with §15000? If no, answer (D).			parsualit to orga outdennes,	Onapter of The	
(D) For the QIA, not less than 50 percent of the land are		ubject to a Phose 1 Site Assess	most within one year prior to th	e application	•
due date 5 points	a is on sites that have been s	ubject to a mase 1,5he Assess	ment within one year phone in	e application	
(3) Land Use Entitlement Status - 25 points max					
(A) The QIA, meets the criteria in (C) below and can der	nonstrate that all necessan/ in	cal land use annrovals excludin	a design review for not less th	an 50% of the	i
housing units proposed for development within the QIA					· · ·
director or zoning administrator)? identify in table below			, (3.) Francis		
(B) The QIA, meets the criteria in (C) below and can de		cal land use approvals excludin	a design-review for not less th	an one-third of	
the housing units proposed for development within the (
development director or zoning administrator)? identify i			A.Y0-1 Elements of elements	-	0
(C) The QIA, can demonstrate that it is subject to a gen	eral plan, specific plan, comm	unity plan or similar area-specifi	c plan, adopted by the Locality	in which the QIA	
is located and the housing proposed in the application is					
(D) The QIA, can demonstrate that all approvals by a lo				itor) for the CIP	
within the QIA have been granted? Identify in table belo	w - 5 points				
Provide a listing and status of all discretionary local land	t use approvals, excluding de	sign review, required to complete	QIP that have been granted,	submitted or to be appl	lied for
to the appropriate local agencies, or consistent with local	al planning documents. This is	nformation must match the info p	rovided on the Verification of th	e Status of Environme	intal
Review and Land Use Entitlements form.		•	•		
. Agency / Issuer	Land Use Approval Date	Approval Type	Type and	Comments	
·				· · · · · · · · · · · · · · · · · · ·	
· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	·	· · · · · · · · · · · · · · · · · · ·		
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NEPA: Federal funding proposed that will trigger NEF	A? Describe special circumst	ances below: I If Ye	es, enter date of "Authority to U	se Grant Funds":	
		•		,	
• *				•.	
	•				
CEQA: Project approved "by-right"?	Project Categorically	ative Declaration Date:	Final EIR Descr	ibe special circumstan	ices
Chapter approved by light 1	Exempt?	Jaive Deciaration Date.	Date: below	•	
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(4) Funding Commitments - 20 points max					0
(A) Points awarded based on percentage of total reside					i for all
necessary construction period funding. All funding sour			ing is committed, \$310(a)(4)(A)		
Total Construction funding commitments as a % of Total				0.00%	- 0.0
		ence documenting construction t		File Uploaded?	L
(B) Points shall be awarded for obtaining enforceable c					
provided that this funding is awarded prior to or simulta considered an enforceable commitment. (must identify					y Dd
Total CIP Construction funding commitments as a % of		JUISES ON DEV JUNICES WORKSHE	vij.	0.00%	0 .
		ence documenting CIP construc	tion financinit commitmente	File Uploaded?	
(C) Points shall be awarded for obtaining/attaching doc					•
a public agency expressing interest and/or intent to fun			invo-approved term streets, of a		0
		oved term sheets, or a letter from	a nublic agency expressing		
			a papilo adonoy expressing	File Uploaded?	
(5) Local Support - 12 points max		CIP .			
	erest and/or intent to fund the	CIP .			L
	erest and/or intent to fund the		m Local Support.		0
(A) & (B) All funding sources on the Dev Sources work	erest and/or intent to fund the sheet must include Yes or No			f Grant 0.00%	0
(A) & (B) All funding sources on the Dev Sources work Total Local Public Agencies Funding Commitment	erest and/or intent to fund the sheet must include Yes or No Amt: \$0	regarding whether funding is from	Commitments as a % o		0 ·
(A) & (B) All funding sources on the Dev Sources work	erest and/or intent to fund the sheet must include Yes or No Amt: \$0 esidential units in the Qualifyi	regarding whether funding is from CIP Grant Amount \$0 ng Infill Area are located on a site	Commitments as a % o		

	Prohousing Policies - 8 points max								0
	ocated in jurisdictions that have implemented p						pusing		0
	or provide local financial incentives for housing,							·	
	ocated in jurisdictions that have adopted a Non						1		
	multifamily housing, established a Workforce	Housing Opportunity	Zone, as de	ined in Gov. Code §656	620, or a housi	ng sustainability disi	trict as		0
defined in	Gov. Code §66200, - 4 points	•		·				[<u> </u>
Projects la	ocated in jurisdictions that zone more sites for i	residential developm	ent or zoning	sites at higher densitie	s than is requir	ed to accommodate	150		0
Percent of	f the minimum regional housing need allocatior	n for the Lower Incom	ie allocation	in the current housing e	lement cycle	4 points			U
Prolects in	n jurisdictions that have adopted accessory dwo	elling unit ordinances	or other me	chanisms that reduce b	arriers for prop	erty owners to creat	e		
	y dwelling units beyond the requirements outline						•		
	reductions to 0.75 or fewer spaces per accesso				pursuant to G	ov, Code §65852.2	:.		
	ing or impact fee waivers or reductions of 50%						. 1	1	
Ministeri	ial approval in fewer than 45 days;	• • •						•	0
	on or modifications of development standards f	or side vard setback	s of five feet (or less;					0
	on or modifications of development standards to								
- Reductio	on or modifications of development standards to	o allow 60% or more	lot coverage						
- No minir	mum lot size requirement;							1	
	ns for affordability; or offering support programs	s such as a user-frier	ndly website			,			
Projects le	ocated in jurisdictions that only use objective de	esion standards for n	nultifamily rea	idential development o	r adopt fee trar	sbarency measures	s. Inc.		
	vailable fee calculators, - 4 points '			······			1		0
		Enter name of	source	Estimated Outcomes -	Describe num	erically in terms of i	increase I	n sunniv	(number
Select		document and the		of units), timing (redu					
Strategy Type	Strategy Description	where the docum		unit), entitlement stra					
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							新的资料的 资	和影响的影响	0.00
Points based to	on % of QIA units restricted to occupancy by va			unus anu onn iviix work	sneet - all QIF	5)		•	
- 必須加約常常地階段				and the second s	State of States and States and States		GA-BIOLEN STATE	instantia in consectioners	aninie metere
an and the log like of a new plant		and the local design and the second second second	They are the second	Points Max					
	on extent to which the average Net Density of C	QIA, adjusted by unit	They are the second	Points Max s the Minimum Net	t o	% QIA meets or		0.00%	0
	on extent to which the average Net Density of (ity §303(a)(4). <i>(see Eligibility and Threshold wa</i>	QIA, adjusted by unit orksheet)	size, exceed	Points Max s the Minimum Net Density =	= 0	% QIA meets or required net		0.00%	
		QIA, adjusted by unit orksheet)	size, exceed	Points Max s the Minimum Net	= 0			0.00%	
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	now many locally recognized retail c									
	ional shopping mall? (must identify	retail center type	e(s) below) - 4 points (amenities se	ving QIAs	s consisting of 20	00 or mor	e residentia	al units		0
will yield 2 points each	sh).	•								
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(D) Only for QIAs wh	ere 50% of units have 2 or more	# of two+ b	edrooms in QIA (see Max Funds ar	id ·	% of two+	0%	Belo	w 50% sk	in to (E)	O
bedrooms:			Units workshee); U	bedrooms		20101	() 00 /0 UN	"p to (L)	, ,
The QIA will include	how many public schools/communit	ity colleges that	residents of the OIA may attend (m	ust identify	v type of school	below)? -	4 points (a	menities	serving	
	00 or more residential units will yield			aot idonini;	1 Gbo of policio		. ponti- (a			
	of those residential units will yield	u z pointo cacit).	· · · · · · · · · · · · · · · · · · ·			Dete 1	0		لــــــ	L
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(E) The QIA has des	ignated units in the application which	ch qualify for sne	cial needs or single room occupan	cy use, as	defined by TCA	C, or has	a special	needs		_
	g component, as defined under MH									0
Entity Name	<u> </u>			ible Juriso						L
Site Address		·····				Clote		1-71-1		<u> </u>
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Contact		Title	Phone	·····			- Service			
	planning documents:				Specify page					
(F) The QIA will have	e designated units reserved for qual	lified senior citiz	ens under §51.2, 51.3 and 51.4 of 1	he Civil C	ode, senior cent	ers or fac	ilities regul	larly		. 0
offering services des	igned for seniors and available to the	he seniors residi	ng in the QIA? - 4 points	•						. 0
Entity Name	<u> </u>	· · · · · · · · · · · · · · · · · · ·	Respons	ible Juriso	diction			L		
Site Address	·····		City			Cinto		710		
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FAAST File: Applicant Documents (if more than two applicants co	nfinue attachements as App3.	Submitted	Comments
App1 Certs & Legal (wet signature required)			
App2 Certs & Legal (wet signature required)			· ·
App1 Reso (wet signature required)		•	
App2 Reso (wet signature required)			
Resolutions***			
1. Entity Name and Entity Type (corporation, non-profit, fo 2. Name & Title of Signatory(les)****.	r-profit, LLC, etc.).		
NOTE: Name and title of authorized signatory(ies) is prefe acceptable), supporting documentation evidencing the ind			
3. NOFA Date.			
 Language authorizing Signatory(ies) to sign Standard A Amendment Provision included, 	greement.		
6. Aggregate dollar amount (should be equal to or greater	than the requested/award amou	nt),	······
7. Person attesting validity of resolution (must be someon	e other than person authorized to	o sign Standa	ard Agreement).
 The meeting date authorizing resolution. All votes taken at meeting authorizing resolution (ayes, 	pole absort vecent)		
10. Project name as it appears on IIG application.	nos, absenç vacanıj.		
** Organizational documents for the manager of the LLC i			
*** These are minimum requirements for a resolution. Upd **** Ensure when identifying the Signatory(les), if more that			
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App1 OrgChart	·		
App2 OrgChart		· · · ·	· · · · · · · · · · · · · · · · · · ·
App1 Signature	,		<u>.</u>
App2 Signature			
App1 Payee Data or TIN			
App2 Payee Data or TIN			
Applicant Organizational Documents (submit docume Entity Type: (Overview Tab Continued under Organiza		2, etc.) Submitted	Comments
Corporations	FAAST File:	Gubinited	
Articles of Incorporation, with all amendments	App1 OrgDoc1		
By-Laws, with all amendments	App1 OrgDoc2		
Certiificate of Status from Secretary of State	App1 OrgDoc3		
Evidence of tax-exempt status from FTB	App1 OrgDoc4		
Evidence of tax-exempt status from IRS	App1 OrgDoc5		
Limited Liability Company (LLC)**	FAAST File:	Submitted	Comments
Articles of Organization LLC-1, with all amendments	App1 OrgDoc1		
Operating Agreement, with all amendments	App1 OrgDoc2		
Certificate of Status from Secretary of State	App1 OrgDoc3		
Maxefundsend Unit Mix IAB FAAST File:		Submitted	Comments
Rural Status			· ·
Eligibility and Threshold TAB		0.1	
FAAST File:		Submitted	Comments

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CIP Integral to QIP		· · · · · · · · · · · · · · · · · · ·
Urban Area	•	
Relevant Development Plan		
Net Density Verification		
Construction exception		
CIP Site Control	·	
QIP Relocation Plan		· .
Market Study		
Tax Credit Reservation		
Env.&Land/Use Verification TAB FAAST File:	Submitted	Comments
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Letter of Intent	·	
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Opportunity Area		
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Infill Infrastructure Grant Program of 2019

Guidelines



Governor Gavin Newsom State of California

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

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

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> > October 30, 2019

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ARTICLE 1. GENERAL

Section 300. Purpose and Scope

The purpose of these Infill Infrastructure Grant Program of 2019 Guidelines (Guidelines) is to implement and interpret 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 establishes the Infill Infrastructure Grant Program of 2019, hereinafter referred to as the Infill Infrastructure Grant Program).

Section 301. Program Overview

The Program's primary objective is to promote infill housing development. The Program seeks to accomplish this objective by providing financial assistance for infrastructure improvements necessary to facilitate new infill housing development.

Under the program, grants are available as gap funding for infrastructure improvements necessary for specific residential or mixed-use infill development projects or areas. Both infill projects and areas must have either been previously developed or be largely surrounded by development. Eligible improvements include development or reconstruction of Parks or Open Space, water, sewer or other utility service improvements, streets, roads, parking structures, transit linkages, transit shelters, traffic mitigation features, sidewalks, and streetscape improvements.

Section 302. Definitions

The following definitions apply to the capitalized terms used in these Guidelines:

- (a) "Affordable Unit" means a unit that is made available at an affordable rent, as defined in Health and Safety Code section 50053, to a household earning no more than 60 percent of the Area Median Income or at an affordable housing cost, as defined in Health and Safety Code section 50052.5, to a household earning no more than 120 percent of the Area Median Income. Rental units shall be subject to a recorded covenant ensuring affordability for a duration of at least 55 years. Ownership units shall initially be sold to and occupied by a qualified household, and shall be subject to a recorded covenant that includes either a resale restriction for at least 30 years or equity sharing upon resale.
- (b) "Area Median Income" means the most recent applicable county median family income published by the California Tax Credit Allocation Committee (TCAC).
- (c) "Bus Hub" means an intersection of three or more bus routes, where one route or a combination of routes has a minimum scheduled headway of 10 minutes or at least six buses per hour during peak hours. Peak hours means the time between 7 a.m. to 10 a.m., inclusive, and 3 p.m. to 7 p.m., inclusive, Monday through Friday or the alternative peak hours designated for the transportation corridor by the transit

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agency.

(f)

(d) "Bus Transfer Station" means an arrival, departure, or transfer point for the area's intercity, intraregional, or interregional bus service having a permanent investment in multiple bus docking facilities, ticketing services, and passenger shelters.

(e) "Capital Asset" means a tangible physical property with an expected useful life of 15 years or more. "Capital Asset" also means a tangible physical property with an expected useful life of 10 to15 years for costs not to exceed 10 percent of the Program grant. "Capital Asset" includes major maintenance, reconstruction, demolition for purposes of reconstruction of facilities, and retrofitting work that is ordinarily done no more often than once every 5 to 15 years or expenditures that continue or enhance the useful life of the Capital Asset. "Capital Asset" also includes equipment with an expected useful life of two years or more. Costs allowable under this definition include costs incidentally but directly related to construction or acquisition, including, but not limited to, planning, engineering, construction management, architectural, and other design work, environmental impact reports and assessments, required mitigation expenses, appraisals, legal expenses, site acquisitions, and necessary easements.

- "Capital Improvement Project" or "Project" means the construction, rehabilitation, demolition, relocation, preservation, acquisition, or other physical improvement of a Capital Asset that is an integral part of, or necessary to facilitate the development of, a Qualifying Infill Project or Qualifying Infill Area. Capital Improvement Projects that may be funded under the Program include, but are not limited to, those described in Section 304 (a).
- (g) "CCR" means the California Code of Regulations.
- (h) "Department" means the California Department of Housing and Community Development.
- (i) "Developer" means an Eligible Applicant that the Department may rely upon for Site Control of either the Qualifying Infill Project or the Qualifying Infill Area.
- (j) "Eligible Applicant" means one of the following:
 - (1) A city, county, city and county, or public housing authority that has jurisdiction over a Qualifying Infill Area, or
 - (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.

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(k) "Large Jurisdiction" means a county that is not a Small Jurisdiction, or any city within that county.

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- (I) "Local Support" means support of local public agencies.
- (m) "Locality" means a California city, county, or city and county.
- (n) "Lower Income" has the meaning set forth in Health and Safety Code section 50079.5.
- (o) "Major Transit Stop" means an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods (as defined in Public Resources Code section 21064.3).
- (p) "Master Development" means the proposed residential units within the Qualifying Infill Area identified in the Program application.
- (q) "Moderate-Income" has the meaning set forth in Health and Safety Code section 50093.
- (r) "MHP" shall mean the Multifamily Housing Program authorized and governed by Health and Safety Code sections 50675 through 50675.14 and the Multifamily Housing Program Guidelines.
- (s) "Net Density" means the total number of dwelling units per acre of land to be developed for residential or mixed use, excluding allowed deductible areas. Allowed deductible areas are public dedications of land which are for public streets, public sidewalks, public Open Space, and public drainage facilities. Non-allowed deductible areas include utility easements, setbacks, private drives and walkways, general landscaping, common areas and facilities, off street parking, and traditional drainage facilities exclusive to a development project. Mitigations required for development will not be included in the allowed deductible areas.
- (t) "NOFA" means a Notice of Funding Availability for the Program issued by the Department.
- (u) "Nondiscretionary Local Approval Process" means a process for development approval involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely ensures that the proposed development meets all the "objective zoning standards," "objective subdivision standards," and "objective design review standards" in effect at the time that the application is submitted to the local government, but uses no special discretion or judgment in reaching a decision.
- (v) "Open Space" means a parcel or area of land or water that is essentially unimproved and dedicated to one or more of the following purposes: (1) the preservation of

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natural resources; (2) the managed production of resources; (3) public and/or residential outdoor recreation; or (4) public health and safety.

(w) "Park" means a facility that provides benefits to the community and includes, but is not limited to, places for organized team sports, outdoor recreation, and informal turf play; non-motorized recreational trails; permanent play structures; landscaping; community gardens; places for passive recreation; multipurpose structures designed to meet the special recreational, educational, vocational, and social needs of youth, senior citizens, and other population groups; recreation areas created by the redesign and retrofit of urban freeways; community swim centers; regional recreational trails; and infrastructure and other improvements that support these facilities.

- (x) "Program" means the Infill Infrastructure Grant Program of 2019 as implemented by these Guidelines.
- (y) "Qualifying Infill Area" means an area designated in the Program application that meets the criteria for a Qualifying Infill Area set forth in Section 303.
- (z) "Qualifying Infill Project" means a residential or mixed-use residential development project designated in the Program application that meets the criteria for a Qualifying Infill Project set forth in Section 303.
- (aa) "Recipient" means the city, county, city and county, public housing authority and/or Developer receiving a commitment of Program funds for an approved Capital Improvement Project.
- (bb) "Rural Area" has the meaning set forth in Health and Safety Code section 50199.21.
- (cc) "Site Control" means the Eligible Applicant and/or Developer has sufficient control of the property through one or more of the following:
 - (1) fee title;
 - (2) a leasehold interest on the property with provisions that enable the lessee to make improvements on and encumber the property provided that the terms and conditions of any proposed lease shall permit, prior to grant funding, compliance with all Program requirements;
 - (3) an enforceable option to purchase or lease which shall extend through the anticipated date of the Program award as specified in the Notice of Funding Availability;
 - (4) an executed disposition and development agreement, or irrevocable offer of dedication to a public agency;

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- (5) a right of way or easement, which is either perpetual, or of sufficient duration to meet Program requirements, and which allows the Eligible Applicant and/or Developer to access, improve, occupy, use, maintain, repair, and alter the property underlying the right of way or easement;
- (6) an executed encroachment permit for construction of improvements or facilities within the public right of way or on public land;

(7) an executed agreement with a public agency that gives the Eligible Applicant exclusive rights to negotiate with the agency for the acquisition of the site; provided that the major terms of the acquisition have been agreed to by all parties;

(8) a land sales contract or other enforceable agreement for the acquisition of the property; or

(9) other forms of Site Control that give the Department equivalent assurance that the Eligible Applicant or and/Developer will be able to complete the Project and all housing designated in the application in a timely manner and in accordance with all the requirements of the Program.

- (dd) "Small Jurisdiction" means a county with a population of less than 250,000 as of January 1, 2019, or any city within that county.
- (ee) "TCAC" means the California Tax Credit Allocation Committee.
- (ff) "Transit Priority Area" means an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a transportation improvement program adopted pursuant to Title 23 of the Code of Federal Regulations section 450.216 or 450.322.
- (gg) "Transit Station" means a rail or light-rail station, ferry terminal, Bus Hub, or Bus Transfer Station. Included in this definition are planned Transit Stations otherwise meeting this definition whose construction is programmed into a regional or state transportation improvement program to be completed no more than five years from the deadline for submittal of applications set forth in the NOFA.
- (hh) "Urbanized Area" means an incorporated city or an Urbanized Area or urban cluster as defined by the United States Census Bureau. For unincorporated areas outside of an urban area or urban cluster, the area must be within a designated urban service area that is designated in the local general plan for urban development and is served by the public sewer and water.
- (ii) "Urban Uses" means any residential, commercial, industrial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

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(jj) "Very-low Income" has the meaning set forth in Health and Safety Code section 50105.

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ARTICLE 2. PROGRAM REQUIREMENTS

Section 303. Eligible Projects

- (a) To be eligible for funding, a Capital Improvement Project must be an integral part of, or necessary for the development of either a Qualifying Infill Project or housing designated within a Qualifying Infill Area.
- (b) To be eligible for funding, all applications must include a Qualifying Infill Project, including those Qualifying Infill Projects used to establish the eligibility of a Qualifying Infill Area.
 - (1) Each Qualifying Infill Project must be a discrete development and all housing development components must have been planned as one development and jointly considered for local land use approval, with common, affiliated or contractually related ownership and financing structures.
- (c) For both Large Jurisdictions and Small Jurisdictions, the Qualifying Infill Project or Qualifying Infill Area must:
 - (1) Be located in an Urbanized Area.
 - (2) Be located in a Locality with 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, pursuant to Government Code section 65585 at time of application
 - (3) Be located in a Locality that, at the time of application, has submitted its housing element annual progress reports as required by Government Code section 65400 to the State of California for 2017 through the most recently required annual progress report.
 - (4) Include not less than 15 percent of the total residential units to be developed in the Qualifying Infill Project or Qualifying Infill Area as Affordable Units.
 - (A) For developments that contain both rental and ownership units, units of either or both product types may be included in the calculation of the percentage of Affordable Units.
 - (B) To the extent included in a Capital Improvement Project grant. application, for the purpose of calculating the percentage of Affordable Units, the Department may consider the entire Master Development in which the development seeking grant funding is included.

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Where applicable, an Eligible Applicant may include a replacement housing plan to ensure that dwelling units housing persons and families of low or Moderate-Income are not removed from the low- and Moderate-Income housing market. Residential units to be replaced shall not be counted toward meeting the affordability threshold required for eligibility for funding under this section.

(D)

(C)

A Qualifying Infill Project or Qualifying Infill Area for which a recorded disposition and development agreement or other recorded project or area-specific agreement between the Developer and the local agency having jurisdiction over the project has been executed on or before July 31, 2019, shall be deemed to meet the affordability requirement of this paragraph if the agreement includes affordability restrictions that subject the Qualifying Infill Project, Qualifying Infill Area to the production of affordable units for Very Low, Lower- or Moderate-Income households.

(E) New housing units that replace demolished units that have been occupied by low or Moderate-Income households within the last five years from the deadline for submittal of applications shall not count toward meeting the requirements of this paragraph.

Include average residential Net Densities on the parcels to be developed that are equal to or greater than the densities described in subparagraph (B) of paragraph (3) of subdivision (c) of section 65583.2 of the Government Code, except that in a Rural Area the average residential Net Densities on the parcels to be developed shall be at least 10 units per acre. Minimum densities for Localities that are not Rural Areas may be found in Appendix 1 of the housing element law memorandum issued by the Department's Division of Housing Policy Development dated June 20, 2012.

- (A) A city with a population greater than 100,000 in a standard metropolitan statistical area or a population of less than 2,000,000 may petition the Department for, and the Department may grant, an exception to the density requirements set forth in this subsection, if the city believes it is unable to meet the density requirements described herein. The city shall submit the petition with its application and shall include the reasons why the city believes the exception is warranted. The city shall provide information supporting the need for the exception, including, but not limited to, any limitations that the city may encounter in meeting the density requirements specified in subsection (5). Any exception shall be for the purposes of this section only. This subdivision shall become inoperative on January 1, 2023.
- (6)

(5)

Be located in an area designated for mixed-use or residential development pursuant to one of the following:

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- (A) A general plan, or general plan amendment, adopted pursuant to Government Code section 65300.
- (B) A sustainable communities strategy adopted pursuant to Government Code section 65080.
- (C) A specific plan adopted pursuant to Government Code section 65450
- (D) A workforce housing opportunity zone established pursuant to Government Code section 65620.
- (E) A housing sustainability district established pursuant to Government Code section 66201.
- (7) The Eligible Applicant must identify a mechanism, such as a minimum density ordinance or a recorded, binding covenant, acceptable to the Department to reliably ensure that future development will occur at an overall Net Density equaling or exceeding that set forth in Section 303(c)(5) and the Net Density proposed in the application for the purposes of rating pursuant to Section 309 (c) and section 310 (c), and determining the maximum grant amount pursuant to Section 305. This mechanism must be in effect and legally enforceable prior to the disbursement of Program funds.
 - (8) Eligible Applicants shall designate the proposed residential units in the Qualifying Infill Project, or within the Qualifying Infill Area, that the Eligible Applicant intends to utilize for the purpose of establishing the maximum Program grant amount pursuant to Section 305, and for the purpose of rating applications pursuant to Sections 309 or 310. Any such designated units must be utilized for both purposes in applications from Large Jurisdictions.
 - (9) The application must demonstrate that the percentage of Affordable Units, and units restricted to other income limits and rents as designated for the purpose of determining the maximum Program grant amount in Section 305 and for rating purposes pursuant to Sections 309 or 310, shall be maintained or exceeded through the completion of each residential development proposed in the application. The Department may modify the requirement set forth in the previous sentence to conform to a similar local public agency requirement, provided that it determines that the local requirement will reliably result in completion of the required Affordable Units within a reasonable period of time.
 - (10) Construction shall not have commenced on any units designated in the application prior to the deadline for applications submittal set forth in the NOFA, except for Affordable Units identified in a disposition and development agreement or other project- or area-specific agreement between the

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Developer and the local agency having jurisdiction over the Affordable Units executed on or before July 31, 2019 that requires the Affordable Units to be built as a condition of local approval for the other units designated in the application, where the Developer of the other units contributed funds or land to cover costs of developing the Affordable Units, in an amount not less than 25 percent of the total development cost of the Affordable Units.

For purposes of evaluating applications from Large Jurisdictions:

(d)

(1) "Qualifying Infill Area" means a contiguous area located within an Urbanized Area (i) that has been previously developed, or where at least 75 percent of the perimeter of the area adjoins parcels that are developed with Urban Uses, and (ii) in which at least one development application has been approved or is pending approval for a residential or mixed-use residential project that meets the definition and criteria in this section for a Qualifying Infill Project.

(2) "Qualifying Infill Project" means a residential or mixed-use residential project located within an Urbanized Area on a site that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.

(e) For purposes of evaluating applications from Small Jurisdictions:

- (1) "Qualifying Infill Area" means a contiguous area located within an Urbanized Area that meets either of the following criteria:
 - (A) The area contains sites included on the inventory of land suitable and available for residential development in the housing element of the applicable city or county general plan pursuant to paragraph (3) of subdivision (a) of section 65583 of the Government Code, and at least 50 percent of the perimeter of the area shall adjoin parcels that are developed with urban uses.
 - (B) The Capital Improvement Project for which funding is requested is necessary, as documented by an environmental review or some other adopted planning document, to make the area suitable and available for residential development, or to allow the area to accommodate housing for additional income levels, and the area otherwise meets the requirements for inclusion on the inventory of land suitable and available for residential development in the housing element of the applicable city or county general plan pursuant to paragraph (3) of subdivision (a)

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of section 65583 of the Government Code. At least 50 percent of the perimeter of the area shall adjoin parcels that are developed with Urban Uses.

(2) "Qualifying Infill Project" means a residential or mixed-use residential project located within an Urbanized Area on a site that has been previously developed, or on a vacant site where at least 50 percent of the perimeter of the site adjoins parcels that are developed with urban uses.

- (3) Applications from Small Jurisdictions must include a complete description of the Capital Improvement Project and requested grant funding for the Project. The application must describe how the project is necessary to support the development of housing, and how it meets the criteria of this section, including;
 - (A) A financial document that shows the gap financing needed for the project.
 - (i) For a Qualifying Infill Project located in the unincorporated area of the county, the Department shall allow an Eligible Applicant to satisfy the requirement in this paragraph by submitting copies of an application or applications for other sources of state or federal funding for a Qualifying Infill Project.

(B) Documentation of all necessary entitlement and permits, and a certification from the Eligible Applicant that the project is shovel-ready.

(i) For a Qualifying Infill Project located in the unincorporated area of the county, the department shall allow the Eligible Applicant to meet the requirement described in this paragraph by submitting a letter of intent from a willing affordable housing Developer that has previously completed at least one comparable housing project, certifying that the Developer is willing to submit an application to the county for approval by the county of a Qualifying Infill Project within the area in the event that the funding requested pursuant to this subdivision is awarded.

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Section 304. Eligible Costs

(a) Program grant funds must be used for reasonable and necessary costs of a Capital Improvement Project. Costs must be reasonable compared to similar infrastructure projects of modest design in the general area of the Capital Improvement Project. Eligible costs include the construction, rehabilitation, demolition, relocation, preservation, acquisition, or other physical improvements of the following:

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- (1) The creation, development, or rehabilitation of Parks or Open Space.
- (2) Water, sewer, or other utility service improvements and relocation.
- (3) Street, road, and bridge construction and improvement.
- (4) Required replacement of Transit Station parking spaces, not to exceed \$50,000 per space.
- (5) Residential parking and mechanical parking lifts. The minimum residential per unit parking spaces in parking structures, as required by local land-use entitlement approval, not to exceed one parking space per residential unit, and not to exceed \$50,000 per permitted space.
- (6) Transit linkages and facilities, including, but not limited to, related access plazas or pathways, or bus and transit shelters.
- (7) Facilities that support pedestrian or bicycle transit.
- (8) Traffic mitigation devices, such as street signals.
- (9) Site clearance, grading, preparation and demolition.
- (10) Sidewalk or streetscape improvements, including, but not limited to, the reconstruction or resurfacing of sidewalks and streets or the installation of lighting, signage, or other related amenities, including shade structures, seating, landscaping, streetscaping, public safety improvements, and public art. Program funding for public art may not exceed 5 percent of the total Program award.
- (11) Storm drains, stormwater detention basins, culverts, and similar drainage features.
- (12) Required environmental remediation necessary for the development of the Capital Improvement Project, where the cost of the remediation does not exceed 50 percent of the Program grant amount.

(13) Site acquisition or control for the Capital Improvement Project including, but not limited to, easements and rights of way. Such costs must be deemed reasonable and demonstrated by documentation that may include appraisals, purchase contracts, or any other documentation as determined by the Department.

(14) Other capital asset costs approved by the Department and required as a condition of local approval for the Capital Improvement Project.

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- (15) Impact fees required by local ordinance are eligible for Program funding only if used for the identified Capital Improvement Project. Funded impact fees may not to exceed 5 percent of the Program award.
- (b) The following costs are not eligible:
 - Parking spaces and structures, except as provided in Section 304 (a)(4) and (5).
 - (2) Costs of site acquisition for housing and mixed-use structural improvements.
 - (3) Costs of housing or mixed-use structures.
 - (4) Soft costs related to ineligible costs.
 - (5) In-lieu fees for local inclusionary programs.

Section 305. Grant Terms and Limits

(a) The total maximum grant amount shall be limited based on 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. Replacement housing units may be included in the calculation of the total maximum grant amount. The Department shall publish a table listing per unit grant limits for each NOFA based on these factors. The total actual grant amount shall be based upon the lesser of the amount necessary to fund the Capital Improvement Project or the maximum amount calculated from the table published by the Department.

- (b) The Program establishes the following minimum and maximum award amounts:
 - For Qualifying Infill Projects, the Program grant amount shall not be less than \$1 million, or \$500,000 for Rural Areas, and shall not exceed \$7.5 million for each NOFA.
 - (2) For Qualifying Infill Areas, the Program grant amount shall not be less than \$2 million, or \$1 million for Rural Areas, and shall not exceed \$30 million for each NOFA.
 - (3) Over the life of the Program, the total of all Program awards, including previous and future awards made under the Infill Infrastructure Grant Program of 2007, shall not exceed \$60 million for any single Qualifying Infill Project or Qualifying Infill Area.

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(4) The Department will fund only one application for each Capital Improvement Project or portion thereof.

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- (5) In each NOFA, the Department will fund only one application for each Qualifying Infill Project and Qualifying Infill Area.
- (c) The Eligible Applicant must demonstrate that the grant does not result in the Developer(s) benefiting from the Qualifying Infill Project, Qualifying Infill Area or the Capital Improvement Project by realizing a profit that is within the limits set forth in California Code of Regulations, Title 4, section 10327.
- (d) The Eligible Applicant must demonstrate that Program funds are reasonably necessary for Project feasibility and no other source of funding is reasonably available
- (e) The Eligible Applicant must demonstrate that the Qualifying Infill Project or the housing to be developed in the Qualifying Infill Area, as proposed in the application, is financially feasible as evidenced by documentation such as, but not limited to, a market study, Project proforma, sources and uses statement, or other feasibility documentation that is standard industry practice for the type of proposed housing development (except as described in Section 303 (e)(3).
 - Where the Qualifying Infill Project is receiving low-income housing tax credits, the Recipient may provide Program funds to the Developer of the Qualifying Infill Project in the form of a zero (0) percent, deferred payment loan, with a term of at least 55 years. The loan may be secured by a deed of trust, which may be recorded with the local county recorder's office, provided, however, the beneficiary of the loan shall not under any circumstances exercise any remedy, including, without limitation. foreclosure, under the deed of trust without the prior written consent of the Department, in its sole and absolute discretion. The loan may not be sold, assigned, assumed, conveyed or transferred to any third party without prior written Department approval in its sole and absolute discretion. For Projects assisted by other Department funding programs, repayment of the loan between the Recipient and the Developer shall be limited to (1) no repayments to the Recipient until the maturity date or (2) repayment only from "distributions" from the Project within the meaning of Title 25, California Code of Regulations section 8301(i). The Recipient shall be responsible for all aspects of establishing and servicing the loan. The provisions governing the loan shall be entirely consistent with these Guidelines and all documents required by the Department with respect to the use and disbursement of Program funds. All documents governing the loan between the Recipient and the Developer borrower shall contain all the terms and conditions set forth in this subdivision and shall be subject to the review and approval of the Department prior to making the loan. This subdivision shall apply to any Qualifying Infill Project receiving low-income housing tax credits regardless of the date of the Program award.

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(f)

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- (g) Conditions precedent to the first disbursement of Program funds shall include receipt of all required public agency entitlements and all required funding commitments for the Qualifying Infill Project supported by the Capital Improvement Project.
- (h) Funds will be disbursed as progress payments for approved eligible costs incurred subject to the requirements of these Guidelines.
- (i) Where approval by a local public works department, or an entity with equivalent jurisdiction, is required for the Capital Improvement Project, the Recipient must submit, prior to the disbursement of grant funds, a statement or other documentation acceptable to the Department, indicating that the Capital Improvement Project is consistent with all applicable policies and plans enforced or implemented by that department or entity.
- (j) The Uniform Multifamily Regulations (UMRs) in title 25, division 1, chapter 7, subchapter 19 (commencing with section 8300) of the California Code of Regulations is hereby incorporated by reference into these Guidelines. In the event of a conflict between the UMRs and these Guidelines, the provisions of these Guidelines shall prevail.

Section 306. Performance Requirements

- (a) Recipients shall, within the time set forth in the Standard Agreement, but not more than two (2) years from the date of the Program award, begin construction of the housing units which were used as the basis for calculating the Program award.
- (b) Recipients shall, within the time set forth in the Standard Agreement, but not more than five (5) years from the date of the Program award, complete construction of the housing units which were used as the basis for calculating the Program award. Completion of construction must be evidenced by a certificate of occupancy or equivalent documentation.
- (c) The Standard Agreement and disbursement agreement must be executed in accordance with the following subsections. Failure to meet the requirements of Section 306 (c)(1) and 306 (c)(2) will result in the Department's recapture of the grants awarded.
 - (1) The Standard Agreement must be executed within two (2) years from the date of award.
 - (2) The disbursement agreement must be executed within two (2) years from the date of award.
- (d) Program funds must be disbursed in accordance with the deadlines specified in the Standard Agreement, and in no event later than the following disbursement deadlines.

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- (1) Program funds must be disbursed within four (4) years from the date of award.
- (2) The maximum disbursement extension deadline is seven (7) years from the date of award.
 - (A) The Department may approve a disbursement extension deadline request up to the applicable maximum disbursement extension deadline if the Recipient demonstrates, to the satisfaction of the Department, that it has complied with performance milestones identified in the Standard Agreement.
- (e) Recipients will be required to repay disbursed Program grant funds where construction of residential units used as the basis for calculating the grant amount pursuant to Section 305(a) has not received building permits within two years from the date of the Program grant award. The amount to be repaid shall be the same proportion to the total grant amount as the number of residential units where construction has not timely commenced to the total number of designated residential units.
- (f) Where a Locality is participating in the Program pursuant to Section 307, that Locality shall not be held liable for the construction and continued operation of the Qualifying Infill Project or the housing designated in the Qualifying Infill Area.
- (g) Recipients of Qualifying Infill Area awards must have closed construction period financing on a Qualifying Infill Project before a subsequent Program application is submitted within the same project area or adjoining project areas.

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ARTICLE 3. APPLICATION PROCEDURES

Section 307. Application Process

- (a) The Department shall offer Program funds through Notices of Funding Availability. Applications shall be made on forms made available by the Department, except as indicated in Section 303 (e)(3). Applications selected for funding shall be approved subject to conditions specified by the Department.
- (b) The Large Jurisdiction Notice of Funding Availability will specify the amount of funds available, application requirements, minimum eligibility point scores, the deadline for submittal of applications, the schedule for rating and ranking applications and awarding funds, a list of counties eligible to apply under this NOFA, and the general terms and conditions of funding commitments.
 - (1) The Department shall accept applications for Projects in Large Jurisdictions and evaluate them on a competitive basis. The NOFA for Large Jurisdictions may specify a minimum number of ranking points for a Project to be eligible for funding.
 - (2) The Department may elect to not evaluate compliance with some or all threshold requirements for applications from Large Jurisdictions that are not within a fundable range, as indicated by a preliminary point scoring.
 - (3) In the event of two or more applications having the same rating and ranking scores, the Department will apply a tie- breaking criterion outlined in the NOFA.
 - (4) The Department shall evaluate applications from Large Jurisdictions for compliance with the threshold requirements listed in Section 308, and score them based on the application selection criteria listed in Sections 309 or 310. The highest scoring Large Jurisdiction applications that meet all threshold requirements shall be selected for funding as specified in the NOFA, except that the Department may make adjustments in this procedure to meet approximately the following geographic distribution objectives of each NOFA:
 - (A) 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, and Ventura counties);

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- (B) Target 10 percent of total funds to projects located in the Central Valley (Fresno, Merced, San Joaquin, Stanislaus and Tulare counties); and
- (C) Target 45 percent of total funds to projects located in Northern California Large Jurisdiction counties (those not located in the Large Jurisdiction counties specified in previous paragraphs).
- (c) The NOFA for Small Jurisdictions will specify the amount of funds available, application requirements, the date the Department will begin accepting applications, a list of counties eligible to apply under this NOFA, and the general terms and conditions of funding commitments.
 - (1) The Department shall accept applications for Projects in Small Jurisdictions on an over the counter basis and evaluate them for compliance with the eligibility requirements listed in Section 303 and threshold requirements listed in Section 308. Small Jurisdiction applications that meet all threshold and eligible Project requirements shall be selected for funding as specified in these Guidelines and the NOFA for Small Jurisdictions.
- (d) All applications shall include a Locality or a public housing authority as an applicant.
 - (1) A Locality or public housing authority identified as an applicant of either a Qualifying Infill Area or Qualifying Infill Project shall only be a party to the Standard Agreement when that Locality or public housing authority has an ongoing ownership interest in the Capital Improvement Project identified in the application.
 - (2) Where a Locality or public housing authority is participating in the Program pursuant to Section 307(d)(2), and has no on-going ownership interest in the Capital Improvement Project, that Locality's responsibility shall be limited to providing an official written certification of support for the Capital Improvement Project, and that Locality shall not be required to be party to the Standard Agreement.

Section 308. Application Threshold Requirements

- (a) The Capital Improvement Project set forth in the application must be eligible pursuant to Section 303, and the Eligible Applicant must be eligible pursuant to Section 307. Additionally, the following requirements apply to all applications:
 - (1) Construction of the Capital Improvement Project has not commenced as of the deadline for submittal of applications set forth in the NOFA

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- (2) The Capital Improvement Project is infeasible without Program funds, and other available funds are not being supplanted by Program funds.
- (3) The Eligible Applicant of the Capital Improvement Project must have Site Control sufficient to ensure the timely commencement of the Capital Improvement Project as determined by the Department.
- (4) All proposed uses of Program funds must be eligible pursuant to Section 304.
- (5) Funds awarded pursuant to this section shall supplement, not supplant, other available funding.
- (b) The application must be sufficiently complete to assess the feasibility of the application and its compliance with Program requirements.

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Section 309. Selection Criteria for Qualifying Infill Projects in Large Jurisdictions

Applications for Qualifying Infill Projects in Large Jurisdictions shall be rated using the criteria detailed below. Eligible Applicants may elect to exclude from consideration discrete phases or portions of their developments, provided these portions or phases are not included for other purposes under these Guidelines, including rating pursuant to this Section, and determining the maximum grant amount calculated pursuant to Section 305(a). Points are not cumulative within each subparagraph unless otherwise specified.

Criterion: Qualifying Infill Project	Maximum Score
Project Readiness	100
Affordability	60
Density	40
Access to Transit	20
Proximity to Amenities	. 20
Consistency with Regional Plans	10
Total	250

Project Readiness – 100 points maximum

a)

Readiness points will be awarded as follows:

(1) Environmental Review Status - 30 points maximum

Applications will be awarded points based on the extent to which environmental reviews have been completed for the Qualifying Infill Project:

- (A) Documented compliance with the California Environmental Quality Act and the National Environmental Policy Act, if applicable. All applicable time periods for filing appeals or lawsuits must have lapsed, shall receive 30 points.
- (B) Issuance of a public notice of the availability of a draft environmental impact report, negative declaration, or environmental assessment, shall receive 15 points.

(2) Land Use Entitlement Status - 30 points maximum

Applications will be awarded points based on the extent that the Qualifying Infill Project can secure necessary entitlements from the local jurisdiction within a reasonable period of time, as follows:

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- (A) Applications which demonstrate that all necessary local land use approvals, excluding design review, have been granted for the Qualifying Infill Project, as determined by a local land use authority (e.g., planning or community development director or zoning administrator) shall receive 30 points.
- (B) Applications which demonstrate that the Qualifying Infill Project is eligible to receive all necessary local land use approvals pursuant to a Nondiscretionary Local Approval Process and has submitted all applications for such necessary approvals shall receive 15 points.
- (C) Applications which demonstrate that the Qualifying Infill Project is consistent with all relevant local planning documents and zoning ordinances and applications for all necessary discretionary local land use approvals, excluding design review, have been submitted, accepted, and deemed complete by the appropriate local agencies shall receive 15 points.

(3) Funding Commitments - 20 points maximum

Applications will be awarded points as follows based on the extent the Eligible Applicant has secured enforceable funding commitments for the combined development cost of the Capital Improvement Project and the Qualifying Infill Project.

(A) Funding Commitment Levels:

Rental housing developments

Construction	Permanent	Points
Financing	Financing	
At least 90% of the	At least 90% of the	20
total development	total development	
cost, less deferred	cost, less deferred	
costs	costs	

Construction	Permanent	Points
Financing	Financing	
At least 75% of the	At least 75% of the	10
total development	total development	·
cost, less deferred	cost, less deferred	
costs	· costs	
· ·		· · · · · · · · · · · · · · · · · · ·

Construction	-	Points
Financing		

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At least 50% of the		5
total development		
cost, less deferred	· · ·	
costs		

Ownership developments

Construction	Permanent	Points
Financing	Financing	
At least 90% of the	At least 90% of the	20
total development	total development	
cost including all	cost including all	
necessary public	necessary public	
agency funds, less	agency funds, less	
deferred costs	private mortgage	
4	financing and	
	deferred costs	,

Construction	Permanent	Points
Financing	Financing	
At least 75% of the	At least 75% of the	10
total development	total development	
costs, less deferred	cost, less deferred	
costs	costs	

Construction	Points
Financing	
At least 50% of the	5
total development	
cost including all	
necessary public	
agency funds, less	
deferred costs	

Combined rental and ownership developments

Applications designating both rental and ownership units will be awarded points on the funding commitments for the combined development cost of the Capital Improvement Project and the Qualifying Infill Project on a percentage basis in proportion to the number of rental and ownership units. For example, in a 100 unit development consisting of 80 rental units and 20 ownership units, the number of points will be weighted 80 percent for the funding commitments associated with the rental units and 20 percent for the funding commitments associated with the ownership units, then the

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respective scores for each component will be combined, not to exceed 20 points.

(B)[.] Allowable Program funds and 4 percent low-income housing tax credit equity contributions (without the necessity of a tax credit reservation letter) will be considered committed in this calculation. A Land Donation in fee for no other consideration that is supported by an appraisal or purchase/sale agreement ("Land Donation") or a Local Fee Waiver resulting in quantifiable cost savings for the Project where those fees are not otherwise required by federal or state law ("Local Fee Waiver") may be considered a funding commitment. The value of the Land Donation will be the greater of either the original purchase price or the current appraised value as supported by an independent third-party appraisal prepared by a qualified appraiser who is a Member of the Appraisal Institute (MAI) conducted within one year of the application deadline. A funding commitment in the form of a Local Fee Waiver must be supported by written documentation from the local public agency. Funds conditionally reserved under the following programs shall be accepted as funding commitments: the United States Department of Housing and Urban Development's (HUD) Continuum of Care (CoC), Home Investment Partnerships Program (HOME), and the Community Development Block Grant Program (CDBG). Deferred-payment financing, grant funds and subsidies from other Department programs proposed for Project financing must be awarded for Large Jurisdictions prior to final rating and ranking for the IIG application or prior to application submission for a Small Jurisdiction.

- (C) For self-help homeownership developments utilizing United States Department of Agriculture (USDA) 502 Loans, those funds shall be considered committed if the Eligible Applicant is an active 523 grantee that has Site Control of the Capital Improvement Project and a letter of support from USDA.
- (D) Owner equity contributions or Developer funds shall not be substituted later with a different funding source or forgone if committed in the application, except that a substitution may be made for up to 50 percent of deferred developer fee. The Department may require the Eligible Applicant to evidence the availability of the proposed amount of owner equity or developer funds.

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- (4) Local Support 12 points maximum
 - (A) Points will be awarded for one of the following:

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- Obtaining a funding commitment or commitments from a local public agency or agencies for the Qualifying Infill Project or Capital Improvement Project equivalent to at least 25 percent of the Program grant will be awarded 12 points.
- Obtaining a funding commitment or commitments from a local public agency or agencies for the Qualifying Infill Project or Capital Improvement Project equivalent to at least 15 percent of the Program grant will be awarded 3 points.
- For purposes of awarding points pursuant to this section, the following will also be considered a commitment of Local Support:
 - Conditionally reserved federal or state program funds administered by a local public agency or agencies for the Qualifying Infill Project or Capital Improvement Project shall also be accepted as funding commitments demonstrating Local Support. Such programs include, but are not limited to, the HUD Continuum of Care (CoC), Home Investment Partnerships Program (HOME), and Community Development Block Grant Program (CDBG).

A Land Donation or a Local Fee Waiver may be considered a commitment of Local Support. The value of the Land Donation will be the greater of either the original purchase price or the current appraised value as supported by an independent third-party appraisal prepared by a qualified appraiser who is a Member of the Appraisal Institute (MAI) conducted within one year of the application deadline. A commitment of Local Support in the form of a Local Fee Waiver must be evidenced by written documentation from the local public agency.

- (5) Prohousing Policies 8 points maximum
 - (A) Points will be awarded for each of the following:

Four (4) points will be awarded to Projects located in jurisdictions that have implemented programs over the last five years that finance infrastructure with accompanying increased housing capacity or provide local financial incentives for housing, including, but not limited to, a local housing trust fund or fee waivers.

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- (ii) Four (4) points will be awarded to Projects located in jurisdictions that have adopted a Nondiscretionary Local Approval Process for residential and mixed-use development in all zones permitting multifamily housing, established a Workforce Housing Opportunity Zone, as defined in Government Code section 65620, or a housing sustainability district, as defined in Government Code section 66200.
- (iii) Four (4) points will be awarded to Projects located in jurisdictions that zone more sites for residential development or zoning sites at higher densities than is required to accommodate 150 percent of the minimum regional housing need allocation for the Lower Income allocation in the current housing element cycle.

(iv) Four (4) points will be awarded to Projects in jurisdictions that have adopted accessory dwelling unit ordinances or other mechanisms that reduce barriers for property owners to create accessory dwelling units beyond the requirements outlined in Government Code section 65852.2, as follows;

- parking reductions to 0.75 or fewer spaces per accessory dwelling unit in areas not already exempt from parking pursuant to Government Code section 65852.2,
- processing and impact fee waivers or reductions of 50 percent or more,
 - ministerial approval in fewer than 45 days,
- reduction or modifications of development standards for side yard setbacks of five feet or less,
- reduction or modifications of development standards to two story heights,
- reduction or modifications of development standards to allow 60 percent or more lot coverage,
- no minimum lot size requirement,
- provisions for affordability, or
- offering support programs such as a user-friendly website.

(v) Four (4) points will be awarded to Projects located in jurisdictions that only use objective design standards for

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multifamily residential development or adopt fee transparency measures including publicly available fee calculators.

(b) Affordability – 60 points maximum

Applications will be awarded points based on the percentage of units in the Qualifying Infill Project restricted to occupancy by various income groups. Applications designating only rental units in the Qualifying Infill Project may elect to have their applications scored in accordance with any one of the two following scales. Applications designating ownership units, or a combination of rental and ownership units, must utilize the scale set forth in paragraph 2 below.

(1) The scale used by MHP, as specified in the Multifamily Housing Program Guidelines section 7320(b)(1). Eligible Applicants making this election shall be awarded 60/35 points for every 1 point they would be eligible to receive using MHP's system (applications eligible for the maximum possible 35 points using the MHP scale receive the maximum possible points in this category for the Program).

(2) The following scale:

(A) .30 points will be awarded for each percent of total units that are owner-occupied and restricted to occupancy by households with incomes not exceeding the Moderate-Income limit.

(B) .80 points will be awarded for each percent of total units that are owner-occupied and restricted to occupancy by households with incomes not exceeding the Lower Income limit.

(C) .40 points will be awarded for each percent of total units that are rental units restricted to occupancy by households with incomes not exceeding 50 percent of Area Median Income.

(D) 2.0 points will be awarded for each percent of total units that are rental units restricted to occupancy by households with incomes less than or equal to 30 percent of Area Median Income, or that are or will be covered by a long-term, project-based rental or operating subsidy contract under a program that either has a history of predominately serving households at this income level or that by design will reliably serve this population.

(3) Owner-occupied units shall be subject to a recorded covenant with a duration of at least 30 years that includes either a resale restriction or a requirement for sharing equity upon resale.

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For rental units used as the basis for point scores in the application, rent limits for initial occupancy and for each subsequent occupancy shall be based on unit type, applicable income limit, and area in which the Qualifying Infill Project is located, following the calculation procedures used by TCAC. Rents shall be restricted in accordance with the rent and income limits specified in the application and approved by the Department and set forth in a legally binding agreement recorded against the Qualifying Infill Project with a duration of at least 55 years. Rents shall not exceed 30 percent of the applicable income eligibility level.

(c) Density – 40 points maximum

Applications will be scored based on the extent to which the average Net Density of the Qualifying Infill Project, adjusted by unit size, exceeds the required density specified in Section 303(c)(5). Net Density calculations shall be evidenced by a date stamped map certified by a licensed State of California professional such as an architect, engineer, or surveyor.

(1) Net density will be adjusted by unit size (and commercial space as applicable) as follows:

Example = Mixed-use project, three-quarter ($\frac{3}{4}$) acre, urban site, with twelve 1-bedroom units at 800 sq. ft. each, twelve 2-bedroom units at 1,100 sq. ft. each, and 5,000 sq. ft. of commercial space.

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(4)

Based on the density factors in the chart below, the equation looks like this:

 12×0.9 (1 bedroom units) = 10.8 12 x 1.2 (2 bedroom units) = 14.4

To attribute density to the commercial space, utilize the square footage and bedroom count of the largest unit in the project to determine how many whole units would fit into the square footage of the commercial space.

For this example, the largest unit is a 2-bedroom, 1,100 square foot unit. 5,000 square feet (commercial space) would accommodate four (4) of these units. Multiply that result by the appropriate factor:

 4×1.2 (2-bedroom units) = 4.8

To calculate the percentage at which this project meets or exceeds the required density, add all three resulting calculations above, and divide by the minimum density required for the project site (in this case 30 units/acre for an urban site), then by the number of acres in the project, then multiply by 100 (for percentage):

$(10.8+14.4+4.8)/30 = 1/.75=1.3333 \times 100=133.33\%$

Unit Size	Factor
(Bedrooms)	
0-Bedroom	0.7
1-Bedroom	0.9
2-Bedroom	1.2
3-Bedroom	1.6
4-Bedroom	1.8

(2)

Points will be awarded in accordance with the following schedule:

Adjusted Net	Points
Density as a	
Percentage of	
Required Density	
150% or More	40
140% to 149.9%	30
130% to 139.9%	20
120% to 129.9%	15
110% to 119.9%	10
Less than 110%	0

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(d) Access to Transit – 20 points maximum

Points will be awarded based on the proximity of the Qualifying Infill Project to a Transit Station or Major Transit Stop as follows. The distance to a Transit Station or Major Transit Stop shall be evidenced by a scaled map. For the purposes of this subdivision (d), "walkable route" shall mean a route which after completion of the proposed Project, shall be free of negative environmental conditions that deter pedestrian circulation, such as barriers; stretches without sidewalks or walking paths; noisy vehicular tunnels; streets, arterials or highways without regulated crossings that facilitate pedestrian movement; or stretches without lighted streets.

- (1) 20 points will be awarded to a Qualifying Infill Project within one quarter mile of a Transit Station or Major Transit Stop as defined in Section 302 measured by a walkable route from the nearest boundary of the Qualifying Infill Project to the outer boundary of the site of the Transit Station or Major Transit Stop.
- (2) 10 points will be awarded to a Qualifying Infill Project within one half mile of a Transit Station or a Major Transit Stop as defined in Section 302 measured by a walkable route from the nearest boundary of the Qualifying Infill Project to the outer boundary of the site of the Transit Station or Major Transit Stop.
- (e) Proximity to Amenities 20 points maximum

Applications will be awarded points based on the proximity or accessibility of the Qualifying Infill Project to the following existing amenities or amenities that will be in service when the Qualifying Infill Project is completed. The distance to amenities shall be evidenced by a scaled map.

Applications may receive only one award of points from each of the following subcategories:

- (1) The Qualifying Infill Project is within one-quarter mile of a Park (onehalf mile for Rural Area projects) (not including school grounds unless there is a bona fide, formal joint use agreement between the jurisdiction responsible for the parks/recreational facilities and the school district providing availability to the general public of the school grounds and/or facilities), 6 points, or within one-half mile (one (1) mile for Rural Area projects), 4 points.
- (2) The Qualifying Infill Project is within one (1) mile of a locally recognized employment center with a minimum of fifty (50) full-time employees (two (2) miles for Rural Area projects), 7 points, or within two (2) miles

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(four (4) miles for Rural Area projects), 4 points. An employment center is a locally recognized concentration of employment opportunities practically available to the residents of the proposed Qualifying Infill Project, such as a large hospital, industrial park, commercial district, or office area.

(3) The Qualifying Infill Project is within one mile of a locally recognized retail center with a minimum of fifty full-time employees (two miles for Rural Area projects), 7 points, or within two miles (four miles for Rural Area projects), 4 points. A retail center is a downtown area or recognized neighborhood or regional shopping mall.

(4) For Qualifying Infill Projects where at least 50 percent of the units have two or more bedrooms, the Qualifying Infill Project is within onequarter mile of a public school or community college that residents of the Qualifying Infill Project may attend (one-half mile for Rural Area projects), 7 points, or within one-half mile (one mile for Rural Area projects), 4 points.

For a Qualifying Infill Project that is a special needs or single room occupancy development, as defined by TCAC, or a special needs or supportive housing project, as defined under MHP, the Qualifying Infill Project is located within one-half mile of a social service facility that operates to serve residents of the Qualifying Infill Project, 7 points or within one mile, 4 points.

(6) For a Qualifying Infill Project that is reserved for qualified senior citizens under Civil Code sections 51.2, 51.3 and 51.4, the Qualifying Infill Project is within one-quarter mile of a senior center or a facility regularly offering services specifically designed for seniors (one-half mile for Rural Area projects), 7 points or within one-half mile (one mile for Rural Area projects), 4 points.

(7) For a Qualifying Infill Project where at least 25 percent of the units are two bedroom or larger and an additional 25 percent of the units are three bedroom or larger, with no restriction or preference for seniors or special needs populations, and located within the high or highest resource community neighborhoods as indicated at time of application on the currently adopted TCAC/HCD Opportunity Area Map shall receive 20 points.

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Consistency with Regional Plans –10 points maximum

(f)

- (1) Points will be awarded for each of the following:
 - (A) 5 points will be awarded if the Qualifying Infill Project supports the implementation of a sustainable communities strategy or alternative planning strategy that has been determined by the California Air Resources Board to achieve the region's greenhouse gas emissions target. Consistency with such plans must be demonstrated by a letter or resolution executed by an officer, or an equivalent representative from the metropolitan planning organization, regional transportation agency, planning, or local transportation commission.
 - (B) If a sustainable communities strategy is not required for a region by law, 5 points will be awarded if the Qualifying Infill Project supports a regional plan that includes policies and programs to reduce greenhouse gas emissions. Evidence of consistency with such plans must be demonstrated by a letter or resolution executed by an officer of, or an equivalent representative from the metropolitan planning organization or regional transportation planning agency or local transportation commission.
 - A Qualifying Infill Project in which not less than 50 percent of the land area is within a Transit Priority Area shall receive 5 points. Evidence of Qualifying Infill Project location, or partially within (as defined in this section) a Transit Priority Area must be demonstrated by a letter or resolution executed by an officer of, or an equivalent representative from the metropolitan planning organization, regional transportation planning agency, or local transportation commission.

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(C)

Section 310. Selection Criteria for Qualifying Infill Areas in Large Jurisdictions

Applications for Capital Improvement Projects associated with Qualifying Infill Areas in Large Jurisdictions shall be awarded points using the criteria detailed below. Eligible Applicants may elect to exclude from consideration discrete phases or portions of the developments within the Qualifying Infill Area, provided that these portions or phases are not included for other purposes under these Guidelines, including rating pursuant to this Section 310 and the maximum grant amount calculated pursuant to Section 305.. Points are not cumulative within each subparagraph unless otherwise specified.

Criterion: Qualifying Infill Areas	Maximum Score
Area Readiness	100
Affordability	60
Density	40
Access to Transit	20
Proximity to Amenities	20
Consistency with Regional Plans	10
Total	250

(a) Area Readiness – 100 points

Readiness points will be awarded as follows:

- (1) Multiple Qualifying Infill Projects 10 points maximum
 - (A) Qualifying Infill Areas with three or more Qualifying Infill Projects that have received all land use entitlements required for construction or that all applications required for construction have been submitted and deemed complete under a Nondiscretionary Local Approval Process will receive 10 points.
 - (B) Qualifying Infill Areas with two Qualifying Infill Projects that have received all land use entitlements required for construction or that all applications required for construction have been submitted and deemed complete under a Nondiscretionary Local Approval Process will receive 5 points.
- (2) Environmental Review Status 25 points maximum
 - (A) Applications with documented compliance with the California Environmental Quality Act and the National Environmental

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Policy Act, if applicable. All applicable time periods for filing appeals or lawsuits must have lapsed will receive 25 points.

(B) Applications for Qualifying Infill Areas for which a draft of a program, master or tiered environmental impact report has been certified by the appropriate agency and the developments included in the application will constitute subsequent projects subject to environmental review as such pursuant to CEQA Guidelines, Chapter 3, Title 14, CCR, commencing with section 15000 will receive 15 points.

- (C) Applications for Qualifying Infill Areas for which a draft of a program, master or tiered environmental impact report has been completed and filed with the appropriate agency and the developments included in the application will constitute subsequent projects subject to environmental review as such pursuant to CEQA Guidelines, Chapter 3, Title 14, CCR, commencing with section 15000 will receive 5 points.
- (D) Applications for Qualifying Infill Areas in which not less than 50 percent of the land area is on sites that have been subject to a Phase 1 Site Assessment within one year prior to the application due date will receive 5 points.
- (3) Land Use Entitlement Status 25 points maximum

Applications will be awarded points based on the extent that developments within the Qualifying Infill Area can secure necessary entitlements from the local jurisdiction within a reasonable period of time.

- (A) Applications which meet the criteria in Subparagraph (C) and demonstrate that all necessary local land use approvals, excluding design review, for not less than 50 percent of the housing units proposed for development within the Qualifying Infill Area have been granted, as determined by a local land use authority (e.g., planning or community development director or zoning administrator) will receive 25 points.
- (B)

Applications which meet the criteria in Subparagraph (C) and demonstrate that all necessary local land use approvals, excluding design review, for not less than one-third of the housing units proposed for development within the Qualifying Infill Area have been granted will receive 20 points.

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- Applications which demonstrate that the Qualifying Infill Area is subject to a general plan, specific plan, community plan or similar area-specific plan, adopted by the Locality in which the Qualifying Infill Area is located and the housing proposed in the application is consistent with such plan will receive 10 points.
- (D) Applications which demonstrate that all approvals by a local land use authority (e.g., planning or community development director or zoning administrator) for the Capital Improvement Project within the Qualifying Infill Area have been granted will receive 5 points.

(4) Funding Commitments - 20 points maximum

Applications will be awarded points based on the extent to which the housing in the Qualifying Infill Area and the Capital Improvement Project can secure sufficient funding in a timely manner, as follows (An application may not receive points under both paragraphs (B) and (C)):

- (A) Up to 10 points shall be awarded based on the percentage of total residential units to be developed in the Qualifying Infill Area that are in developments for which enforceable commitments have been obtained for all necessary construction period funding, in accordance with the following schedule, and excluding tax credit equity, tax-exempt bonds, and funding provided by this and other Department funding program(s) provided that the other Department funding is awarded prior to or simultaneously with the final rating and ranking of the Program application.
 - A Land Donation supported by an appraisal may be considered a commitment. For self-help homeownership developments utilizing USDA 502 loans, those funds shall be considered committed if the active 523 grantee has Site Control and a letter of support from USDA.

Percentage of Total Residential Units	Points
In Developments with Committed	
Construction Funding	
75% or more	10.0
50% to 74.9%	7.5
25% to 49.9%	5.0
10% to 24.9%	2.5

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(C)

- Ten (10) points shall be awarded for obtaining enforceable commitments for all construction period funding for the Capital Improvement Project, excluding funding provided by another Department funding program provided that this funding is awarded prior to or simultaneously with the final rating and ranking of the Program application. A Land Donation supported by an appraisal may be considered an enforceable commitment.
- Five (5) points shall be awarded for obtaining documentation including, but not limited to, letters of intent, executive-approved term sheets, or a letter from a public agency expressing interest and/or intent to fund the Capital Improvement Project.
- (D) Owner equity contributions or developer funds shall not be subsequently substituted with a different funding source or forgone if committed in the application, except that a substitution may be made up to 50 percent of the deferred developer fee. The Department may require the Eligible Applicant to evidence the availability of the proposed amount of owner equity or developer funds.

(5) Local Support - 12 points maximum

- (A) Obtaining a funding commitment or commitments from a local public agency or agencies for the Qualifying Infill Area or Capital Improvement Project equivalent to at least 25 percent of the Program grant will receive 12 points. A Land Donation supported by an appraisal may be considered an enforceable commitment.
- (B) Obtaining a funding commitment or commitments from a local public agency or agencies for the Qualifying Infill Area or Capital Improvement Project equivalent to at least 15 percent of the Program grant will be awarded 6 points. A Land Donation supported by an appraisal may be considered an enforceable commitment.
- (C) Three (3) points will be awarded if at least 50 percent of the residential units in the Qualifying Infill Area are located on a site or sites designated or identified in the housing element of the local general plan as suitable for housing development consistent with application

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Prohousing Policies – 8 points maximum

(A) Points will be awarded for each of the following:

(i) Four (4) points will be awarded to Projects located in jurisdictions that have implemented programs over the last five years that finance infrastructure with accompanying increased housing capacity or provide local financial incentives for housing, including, but not limited to, a local housing trust fund or fee waivers.

- (ii) Four (4) points will be awarded to Projects located in jurisdictions that have adopted a Nondiscretionary Local Approval Process for residential and mixed-use development in all zones permitting multifamily housing, established a Workforce Housing Opportunity Zone, as defined in Government Code section 65620, or a housing sustainability district, as defined in Government Code section 66200.
- (iii) Four (4) points will be awarded to Projects located in jurisdictions that zone more sites for residential development or zoning sites at higher densities than is required to accommodate 150 percent of the minimum regional housing need allocation for the Lower Income allocation in the current housing element cycle.
- (iv) Four (4) points will be awarded to Projects in jurisdictions that have adopted accessory dwelling unit ordinances or other mechanisms that reduce barriers for property owners to create accessory dwelling units beyond the requirements outlined in Government Code section 65852.2, as follows;
 - parking reductions to 0.75 or less spaces per accessory dwelling unit in areas not already exempt from parking pursuant to Government Code section 65852.2,
 - processing and impact fee waivers or reductions of 50 percent or more,
 - ministerial approval in less than 45 days,

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reduction or modifications of development standards of side yard setbacks to five feet or less, reduction or modifications of development standards to two story heights,

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(6)

- reduction or modifications of development standards to allow 60 percent or more lot coverage,
- no minimum lot size requirement,
- provisions for affordability, or
- offering support programs such as a user-friendly website.
- (v) Four (4) points will be awarded to Projects located in jurisdictions that only use objective design standards for multifamily residential development or adopt fee transparency measures including publicly available fee calculators.

(b) Affordability – 60 points maximum

Applications will be awarded points based on the percentage of units to be developed in the Qualifying Infill Area that will be restricted to occupancy by various income groups, in accordance with the following schedule.

- (1) 2.0 points will be awarded for each percent of total units that are owner-occupied and restricted to occupancy by households with incomes not exceeding the Moderate-Income limit.
- (2) 2.4 points will be awarded for each percent of total units that are owner-occupied and restricted to occupancy by households with incomes not exceeding the Lower Income limit.
- (3) 2.0 points will be awarded for each percent of total units that are rental units restricted to occupancy by households with incomes less than or equal to 60 percent of Area Median Income.
- (4) 4.0 points will be awarded for each percent of total units that are rental units restricted to occupancy by households with incomes less than or equal to 30 percent of Area Median Income.
- (5) Owner-occupied units proposed for points under this category shall be subject to a recorded covenant with a duration of at least 30 years that includes either a resale restriction or a requirement for sharing equity upon resale.
- (6) For rental units used as the basis for point scores in the application, rent limits for initial occupancy, and for each subsequent occupancy shall be based on unit type, applicable income limit, and area in which the Qualifying Infill Area is located, following the calculation procedures used by TCAC. Rents shall be restricted in accordance with the rent

Department of Housing and Community Development

and income limits specified in the application and approved by the Department and set forth in a legally binding agreement recorded against housing developments in the Qualifying Infill Area with a duration of at least 55 years. Rents shall not exceed 30 percent of the applicable income eligibility level.

(c) Density – 40 points maximum

Applications will be awarded points based on the extent to which the average Net Density of the Qualifying Infill Area, adjusted by unit size, exceeds the required density specified in Section 303(a)(4).

(1) Net Density will be adjusted for unit size by multiplying the factors shown below by the total number of units in each unit size category, then summing the resulting products then dividing by the net area of all projects. Net Density calculations shall be evidenced by a date stamped map certified by a licensed State of California professional such as an architect, engineer, or surveyor. For a suburban three-site Qualifying Infill Area:

Project # 1	7 2-Bedroom Units	5 3-Bedroom Units	.75 Acre
Project # 2	6 2-Bedroom Units	8 3-Bedroom Units	.65 Acre
Project # 3	9 2-Bedroom Units	7 3-Bedroom Units	.50 Acre

The adjusted Net Density would be 22 two-bedroom units times 1.2 plus 20 three-bedroom units times 1.6) or 58.4. Dividing this by 20 (suburban Minimum Density) and 1.9 acres (net area of the 3 sites) and multiplied by 100 results in an adjusted Net Density as a Percentage of Required Density of 153.7 percent which yields 15 points for Density.

Unit Size	Factor
(Bedrooms)	
0-Bedroom	0.7
1-Bedroom	0.9
2-Bedroom	1.2
3-Bedroom	1.6
4-Bedroom	1.8

(2)

Points will be awarded in accordance with the following schedule:

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	Adjusted Net Density as	Points
	a Percentage of	
	Required Density	
	200% or more	40
	175% to 199.9%	30
• .	150% to 174.9%	20
	125% to 149.9%	15
	110% to 124.9%	10
	Less than 110%	0

(d)

Access to Transit – 20 points maximum

Points will be awarded based on the percentage of residential units in the Qualifying Infill Area which are in developments which meet the criteria for proximity to a Transit Station or Major Transit Stop set forth in paragraph 309(d) relative to the total number of housing units in the Qualifying Infill Area. Two (2) points will be awarded for each 10 percent of such housing units. Percentages shall be rounded off to the nearest whole tenth.

(e) Proximity to Amenities – 20 points maximum

Applications will be awarded points based on the amenities in the Qualifying Infill Area or within one-half mile of its boundary, including amenities that will be in service when construction of the Qualifying Infill Project for the Qualifying Infill Area is completed.

The one-half mile radius will be measured from the established boundaries of the Qualifying Infill Area, as defined in local planning documents.

Points shall be awarded per amenity as follows:

Amenities serving Qualifying Infill Areas consisting of fewer than 200 residential units will yield 4 points each. Amenities serving Qualifying Infill Areas consisting of 200 or more residential units will yield 2 points each. Each distinct amenity may be counted only once. The Eligible Applicant shall designate the specific subcategory for each amenity identified. No more than 25 percent of a Qualifying Infill Area's amenities may be from any one subcategory. Applications may receive only one award of points from each of the following categories. Total points for this category may not exceed 20 points.

- (1) Amenities include:
 - (A) Parks (not including school grounds unless there is a bona fide, formal joint use agreement between the jurisdiction responsible for

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the parks and recreational facilities and the school district providing availability to the general public of the school grounds and/or facilities), 4 points.

(B) Locally recognized employment center with a minimum of fifty fulltime employees. An employment center is a locally recognized concentration of employment opportunities such as a large hospital, industrial park, commercial district, or office area, 4 points.

- (C) Locally recognized retail center with a minimum of fifty full-time employees. A retail center is a downtown area or recognized neighborhood or regional shopping mall, 4 points.
- (D) Where at least 50 percent of the units designated in this application have two or more bedrooms, public schools or community colleges available for residents of the Qualifying Infill Area to attend, 4 points.
- (E) Where designated units in this application which qualify for special needs or single room occupancy use, as defined by TCAC, or has a special needs or supportive housing component, as defined under MHP, social service facilities available to serve the residents living in the Qualifying Infill Area, 4 points.
- (F) Where designated units in this application are reserved for qualified senior citizens under sections 51.2, 51.3 and 51.4 of the Civil Code, senior centers or facilities regularly offering services designed for seniors and available to the seniors residing in the Qualifying Infill Area, 4 points.
- (G) Where at least 25 percent of the total units are two bedroom or larger and an additional 25 percent of the total units are three bedroom or larger, with no restriction or preference for seniors or special needs populations, and the housing developments including these units are located within the high or highest resource community neighborhoods as indicated at time of application on the currently adopted TCAC/HCD Opportunity Area Map shall receive 20 points.

(f)

Consistency with Regional Plans –10 points maximum

- (1) Points will be awarded for each of the following:
 - (A) Five (5) points will be awarded if the Qualifying Infill
 Area supports the implementation of either a sustainable
 communities strategy or alternative planning strategy that has

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been determined by the California Air Resources Board to achieve the region's greenhouse gas emissions target. Consistency with such plans must be demonstrated by a letter or resolution executed by an officer of, or an equivalent representative from the metropolitan planning organization, regional transportation planning agency, or local transportation commission.

(B)

(C)

If a sustainable communities strategy is not required for a region by law, 5 points will be awarded if the Qualifying Infill Area supports a regional plan that includes policies and programs to reduce greenhouse gas emissions. Consistency with plans must be demonstrated by a letter or resolution executed by an officer, or equivalent representative from the metropolitan planning organization or regional transportation planning agency, or local transportation commission.

Applications for Qualifying Infill Areas in which not less than 50 percent of the land area is within a Transit Priority Area will receive 5 points. Evidence of a Qualifying Infill Area within, or partially within (as defined in this section) a Transit Priority Area must be demonstrated by a letter or resolution executed by an officer of, or an equivalent representative from the metropolitan planning organization, regional transportation planning agency, or local transportation commission.

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ARTICLE 4, PROGRAM OPERATIONS

Section 311. Legal Documents

Upon the award of Program funds, the Department shall enter into a Standard Agreement with the Recipient constituting a conditional commitment of funds. This contract shall require the parties to comply with the requirements and provisions of these Guidelines. The Standard Agreement shall encumber funds in an amount sufficient to fund the approved project, subject to limits established in the NOFA and consistent with the application. The Standard Agreement shall contain, but not be limited to, the following as appropriate for the activity:

(a) A description of the approved Capital Improvement Project and the approved Qualifying Infill Project, Qualifying Infill Area, or both, and the permitted uses of Program funds;

(b) Provisions governing the amount, terms and conditions of the Program grant;

(c) Provisions governing the construction work and, as applicable, the acquisition and preparation of the site of the Capital Improvement Project, and the manner, timing, and conditions of the disbursement of grant funds;

(d) The Recipient's responsibilities for the development of the approved Capital Improvement Project, including, but not limited to, construction management, maintaining files, accounts, and other records, and reporting requirements;

(e) Provisions relating to the development, construction, affordability and occupancy of the Qualifying Infill Project supported by the Capital Improvement Project and the development, construction and occupancy of housing designated for development in the application for funding of a Qualifying Infill Area;

- (f) Provisions relating to the placement on, or in the vicinity of, the Project site, a sign indicating that the Department has provided funding for the Capital Improvement Project. The Department may also arrange for publicity of the Department grant in its sole discretion;
- (g) Remedies available to the Department in the event of a violation, breach or default of the Standard Agreement;
- (h) Requirements that the Recipient permit the Department or its designated agents and employees the right to inspect the Project and all books, records and documents maintained by the Recipient in connection with the Program grant;
- (i) Special conditions imposed as part of Department approval of the project;
- (j) Terms and conditions required by federal or state law; and

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(k) Other provisions necessary to ensure compliance with the requirements of the Program.

Section 312. Reporting Requirements

- (a) During the full term of the Standard Agreement and covenant and according to the deadlines identified in the Standard Agreement and the covenant, the Recipient shall submit, upon request of the Department, an annual performance report regarding the construction of the Capital Improvement Project; and upon receipt of the certificate of occupancy, an annual monitoring report regarding the affordability and occupancy of the housing Project designated in the application.
- (b) At any time during the term of the Standard Agreement and/or covenant, the Department may perform or cause to be performed a financial audit of any and all phases of the Recipient's Project. At the Department's request, the Recipient shall provide, at its own expense, a financial audit prepared by a certified public accountant.
- (c) The Recipient and owner agree to regular monitoring of the housing development by the Department or such designee the Department may name at any time during the term of the Standard Agreement and/or covenant, to verify compliance with the requirements of the Program. The Recipient and owner, or designee, shall submit annual reports as required by the Department on forms approved or provided by the Department, detailing components of the on-going operations of the housing development, as noted in this subsection. The components of annual operations for which reporting is required, which the Department retains the right to inspect, or cause to be inspected, include, and are not limited to:
 - The Qualifying Infill Project or the housing designated in the Qualifying Infill Area, including interior of units, common areas, and exterior of the development;
 - (2) Tenant files, demonstrating compliance with Program affordability standards;
 - (3) Financial records, including the right to request a certified financial audit of the revenue, expenses, and operations of the housing development; and
 - (4) Insurance records to ensure continuous insurance coverage in accordance with Department and Program requirements.

The Department retains the authority to compel the Recipient and owner to comply with Program requirements as detailed in the IIG restrictive covenant recorded against the property.

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Section 313. Defaults and Cancellations

- (a) In the event of a breach or violation by the Recipient of any of the provisions of the Standard Agreement, the Department may give written notice to the sponsor to cure the breach or violation within a period of not less than 15 days. If the breach or violation is not cured to the satisfaction of the Department within the specified time period, the Department, at its option, may declare a default under the Standard Agreement and may seek legal remedies for the default including the following:
 - (1) The Department may seek, in a court of competent jurisdiction, an order for specific performance of the defaulted obligation or the appointment of a receiver to complete the Project in accordance with Program requirements.
 - (2) The Department may seek such other remedies as may be available under the relevant agreement or any law.
- (b) Funding commitments and Standard Agreements may be canceled by the Department under any of the following conditions:
 - (1) The objectives and requirements of the Program cannot be met by continuing the commitment or Standard Agreement;
 - (2) Construction of the Capital Improvement Project cannot proceed in a timely fashion in accordance with the timeframes established in the Standard Agreement; or
 - (3) Funding conditions have not been or cannot be fulfilled within required time periods.
- (c) Upon receipt of a notice of intent to cancel the grant from the Department, the Recipient shall have the right to appeal to the Director of the Department.

Section 314. Prevailing Wages

For the purposes of California's prevailing wage law (Lab. Code, 1720 et seq.), an IIG Capital Improvement Project (i.e., the construction, rehabilitation, demolition, relocation, preservation, acquisition, or other physical improvement of a Capital Asset) shall be considered a public work that is paid for in whole or in part out of public funds. As such, it is subject to California's prevailing wage law. Program funding of a Capital Improvement Project shall not necessarily, in and of itself, be considered public funding of a Qualifying Infill Project or the Qualifying Infill Area unless such funding is considered public funding under California's prevailing wage law.

It is not the intent of the Department in these Guidelines to subject Qualifying Infill Projects or Qualifying Infill Areas to California's prevailing wage law by reason of Program funding of

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the Capital Improvement Project where such public funding would not otherwise make the Qualifying Infill Project or Qualifying Infill Area subject to such law.

Although the use of Program funds does not require compliance with the federal Davis-Bacon Act, other funding sources may require compliance with the federal Davis-Bacon Act.

Department of Housing and Community Development

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GAVIN NEWSOM, Governor

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY 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/ligp.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: <u>http://www.hcd.ca.gov/grants-funding/active-funding/iigp.shtml</u> Infill Infrastructure Grant Program email: <u>infill@hcd.ca.gov</u>

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 IIG 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.

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- 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	
Contra Costa	Orange	San Joaquin	
Fresno	Placer	San Luis Obispo	
Kern	Riverside	San Mateo	
Los Angeles	Sacramento	Santa Barbara	
Marin	San Bernardino	Santa Clara	
Merced	San Diego	Santa Cruz	

Solano Sonoma Stanislaus Tulare Ventura

Counties that are not included in this list may apply under the program Small Jurisdiction NOFA, which is found on the Department's <u>IIG webpage</u>.

Department of Housing and Community Development Infill Infrastructure Grant Program of 2019 NOFA for Large Jurisdictions

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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.

	· · · · · · · · · · · · · · · · · · ·	T	T	1	1
Income Level & Tenure	0-Bdrm	1-Bdrm	2-Bdrm	3-Bdrm	4-Bdrm
200%+ FMR ¹ or Exceeds	\$3,700	\$7,400	\$11,100	\$14,800	\$18,500
CALHFA Sales Prices ^{2 3}		· · · ·			
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

Grant Amount Calculation Table

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

Department of Housing and Community Development Infill Infrastructure Grant Program of 2019 NOFA for Large Jurisdictions

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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	Adjustment
(housing units per acre)	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	1.52
above	

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.

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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:

- 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
- 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.

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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/igp.shtml.

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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.

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- 2. Appeal Process and Deadlines
 - 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.

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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 is 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 <u>via listserv</u> 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.

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OFFICE OF THE MAYOR SAN FRANCISCO



London N. Breed Mayor

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Kanishka Cheng C
RE: Apply for Grant - Potrero Housing Associates II, L.P. – Assumption of Liability – Department of Housing and Community Development Infill Infrastructure Program – Potrero Block B
DATE: Tuesday, December 17, 2019

Resolution authorizing the Mayor's Office of Housing and Community Development on behalf of the City and County of San Francisco to execute a grant application, as defined herein, under the Department of Housing and Community Development Infill Infrastructure ("IIG") Program as a joint applicant with Potrero Housing Associates II, L.P., a California limited partnership, for the 100% affordable housing project identified as Potrero Block B in Potrero HOPE SF Development Agreement; authorizing the City to assume any joint and several liability for completion of the projects required by the terms of any grant awarded under the IIG Program; and adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31.

Should you have any questions, please contact Kanishka Cheng at 415-554-6696.



1 DR. CARLTON B. GOODLETT PLACE, ROOM 200 SAN FRANCISCO, CALIFORNIA 94102-4681 TELEPHONE: (415) 554-6141