

## REQUEST FOR CITY OF AUSTIN RESOLUTIONS

### 2018 - 4% Non-Competitive Low Income Housing Tax Credits

This sheet provides a guide for developers requesting resolutions required by the Texas Department of Housing and Community Affairs for 4% Low Income Housing Tax Credit applications.

**PLEASE NOTE:** If you are requesting funding from the City, please complete a Rental Housing Development Assistance (RHDA) program application. The RHDA program application can be found at: <http://austintexas.gov/page/housing-application-center>.

**Resolutions.** Please indicate which resolutions are being requested from the City of Austin.

- ☒ Resolution of No Objection from the Local Governing Body (will be provided to all applicants completing this form and providing all attachments)
- ☒ Twice the State Average Per Capita (will be provided to all applicants completing this form and providing all attachments)
- ☒ One-Mile/Three-Year Rule
- ☒ Limitations on Developments in Certain Census Tracts
- ☐ TEFRA Approval

*Please note: All resolutions being requested are subject to approval by the Austin City Council.*

**For the request to be considered, the following information will be required.**

- 1) Please complete the attached Project Summary Form (Excel)
- 2) A SMART Housing Certification letter
- 3) Provide a map (8 1/2" x 11") indicating the property location and the distance a resident would actually have to walk on a paved surface to get to the **nearest transit stop**.
- 4) Provide a **flood plain map** generated by [www.ATXFloodPro.com](http://www.ATXFloodPro.com) with the property parcel identified and the legend displayed showing the various types of FEMA Flood Plain zones, if any.
- 5) Provide information about the Developer's Experience and Development Background.

**Applications for S.M.A.R.T. Housing certification go through a separate review process.** For more information on the S.M.A.R.T. Housing Program, email Sandra Harkins, Project Coordinator, at [sandra.harkins@austintexas.gov](mailto:sandra.harkins@austintexas.gov).

**Requests should be submitted to Neighborhood Housing and Community Development, 1000 East 11<sup>th</sup> Street, 2<sup>nd</sup> Floor, Austin, TX 78702 to the attention of Ellis Morgan.** E-mail submissions are acceptable as long as they are within the size limit of the City's e-mail system for attachments (approximately 15MB). For more information, contact Ellis Morgan at 512-974-3121 or by e-mail at [ellis.morgan@austintexas.gov](mailto:ellis.morgan@austintexas.gov).

I certify that, to the best of my knowledge the information provided is true and correct.

Authorized Representative



Date

4-20-18

## Tax Credit - Project Summary Form

### 1) Development Name

Walnut Creek Apartments

### 2) Development Address, City, State, Zip

6409 Springdale Road, Austin, TX 78723

### 3) Council District (please use Dropdown box to select)

District 1 - Houston

### 4) Census Tract

48453002108

### 5) Block Group

Block Group 1

### 6) Is this a 4% or 9% Tax Credit Development? (please select)

4%

### 7) Is the development New Construction or Rehabilitation? (please use Dropdown box to select)

New Construction

### 8) Summary of Units by MFI Level

@ or below 30% MFI	
@ >30 to 50% MFI	
@ >50 to 60% MFI	98
@ >60 to 80% MFI	
@ >80 to 120% MFI	
>120% MFI	
Total Units	98

### 9) Project Attributes (numerical values only)

Units	Bedrooms	Bathrooms	Unit Size (sq ft)	Estimated Rent
35	1	1	720	\$916/\$1147
1	1	1	720	employee occupied
44	2	2	864	\$1099/\$1245
18	3	2	1056	\$1270/\$1710
98	Total Units			

### 10) Underserved Populations that are greater than 5% of total unit count (please indicated with an X if one of the following populations will be served)

na	Persons with disabilities
na	Elderly
na	Veterans
na	Children aging out of foster care

## Tax Credit - Project Summary Form

na	Homeless
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11) **Permanent Supportive Housing (PSH) or Housing First** populations to be served. Please indicate the number of units and population to be served.

# of PSH Units	Description of Population and Services to be offered
0	Please note, this development has a HAP contract with HUD. Tenants will not earn more than 50% of the Median Income nor will they pay more than 30% of their income for rent. The rents shown above are the maximum 60% tax credit rent (including utilities) and the current HAP rent for the unit type.

12) **Sources and Uses of funds** (please change descriptions and/or add rows if needed)

### Sources

Tax Credit Equity	5,591,004
Bonds/Loan	11,000,000
Seller Note	1,000,000
Deferred Developer Fee	450,233
Operating Cash Flow	915,137
<b>Total</b>	<b>\$ 18,956,374</b>

### Uses

Acquisition Costs	9,250,000
Hard Costs	4,991,899
Soft & Financing Costs	2,187,653
Reserves & Developer Fee	2,526,822
<b>Total</b>	<b>\$ 18,956,374</b>

13) Is the development located **less than 1/2 mile from an Imagine Austin Corridor?** (Yes/No)

Yes

14) Is the development **less than 1/4 mile walking distance from high frequency transit?** (Yes/No)

No The development is less than 1/2 mile from a high frequency bus

15) Is the development **less than 3/4 mile walking distance from a transit stop?** (Yes/No)

Yes



# City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

## Neighborhood Housing and Community Development Department

April 17, 2018

### S.M.A.R.T. Housing Certification

LIH Walnut Creek Austin, LP – Walnut Creek Apartments (ID 588)

TO WHOM IT MAY CONCERN:

LIH Walnut Creek Austin, LP (development representative: Sarah Andre: mobile - 512.698.3369; [sarah@structuretexas.com](mailto:sarah@structuretexas.com)) is planning to renovate a **98 unit multi-family** development at 6409 Springdale Road, Austin TX 78723. The project is subject to a 5 year minimum affordability period, unless project funding requirements are longer.

NHCD certifies the proposed project meets the S.M.A.R.T. Housing requirements at the pre-submittal stage. Since 100% of the units (**98** units) will serve households at or below **60%** Median Family Income (MFI) the development will be eligible for **100%** waiver of all fees listed in the S.M.A.R.T. Housing Ordinance adopted by the City Council with the **exception of the Capital Recovery Fees (CRF)**. **This development is not in accordance with the requirements under the Texas Local Government Code, Chapter 395.16(g) and 42 U.S.C. Section 12745 (A)(1) as it relates to how housing qualifies as affordable housing and therefore is not eligible to receive any CRF fee waivers under the S.M.A.R.T. Housing Ordinance due to the project not reserving 20% of the units for households at or below 50% MFI.**

The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees  
Building Permit  
Concrete Permit  
Electrical Permit  
Mechanical Permit  
Plumbing Permit

Site Plan Review  
Misc. Site Plan Fee  
Construction Inspection  
Subdivision Plan Review  
Misc. Subdivision Fee  
Zoning Verification

Land Status Determination  
Building Plan Review  
Parkland Dedication (*by separate ordinance*)

### Prior to issuance of building permits and starting construction, the developer must:

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed rehabilitation meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or [greenbuilding@austinenergy.com](mailto:greenbuilding@austinenergy.com)).
- ◆ Submit plans demonstrating compliance with the required accessibility standards.

### Before a Certificate of Occupancy will be granted, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection to certify that the required accessibility standards have been met.

- ◆ Enter into a Restrictive Covenant securing the affordability requirements.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the after the certificate of occupancy has been issued or repay the City of Austin, in full, the fees waived for this S.M.A.R.T. Housing certification.

Please contact me by phone 512.974.3128 or by email at [Sandra.harkins@austintexas.gov](mailto:Sandra.harkins@austintexas.gov) if you need additional information.

Sincerely,

Sandra Harkins, Project Coordinator  
Neighborhood Housing and Community Development

Cc: Rosa Gonzales, AE  
Ellis Morgan, NHCD  
Marilyn Lamensdorf, PARD  
Mashell Smith, ORS

Meredith Quick, DSD  
Alice Flora, AWU  
Jackie Chuter, PARD

Gina Copic, NHCD  
Jonathan Orenstein, AWU  
Melanie Montez, ORS





# Transportation Map

Walnut Creek Apartments  
6409 Springdale Rd  
Austin, Texas



Capital Metro Stops



Walnut Creek Apartments



DEVELOPMENT





## City of Austin Regulatory Floodplains

The City of Austin Watershed Protection Department produced this product for informational purposes. It is not intended for or suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative locations of property boundaries. No warranty is made by the City of Austin regarding specific accuracy or completeness. Final determination of the floodplain status for a property must be based on a topographic survey by a Texas registered professional. For regulatory purposes, 100-Year floodplain elevations must be determined from an engineering model created in accordance with the Drainage Criteria Manual and approved by the City of Austin.

0 200 400 Feet



Prepared: 3/22/2018

Address

Parcel

Fully Developed Floodplain

- COA Fully Developed 25-Year
- COA Fully Developed 100-Year
- COA Master Plan 25-Year
- COA Master Plan 100-Year
- 100-Year (Detailed-AE)
- 100-Year (Shallow-AO,AH)
- 100-Year (Approx-A)

## **Experience Narrative**

Levy Affiliated is a real estate investment firm that acquires and manages assets throughout the United States. The Company focuses on the acquisition of value-add commercial properties in the southwestern U.S.

Levy Affiliated was founded in 1988 by Shaoul J. Levy. Over the last 15 years, Levy Affiliated has sourced, negotiated and executed 75 transactions totaling nearly \$630 million across various property types and financing structures.

The Company's current portfolio of 41 properties has an estimated market value of over \$500 million, containing a mix of retail centers, office buildings and apartment complexes, ranging from Hawaii to North Carolina, but largely concentrated in Southern California.

To maximize investor returns and control, the Company is vertically integrated with over 50 employees across acquisitions, accounting, asset management, leasing, and construction.

Jacob Levy

A letter certifying to the compliance record of Levy Affiliated, as well as a list of key staff members with contact information, follows this description. Finally, Jacob Levy will be the developer and guarantor for this transaction. An organizational chart demonstrating the ownership structure and principals is enclosed.



Sent Via Electronic Mail

February 14, 2018

Mr. Dave Danenfelzer  
Senior Director, Development Finance  
Texas State Affordable Housing Corporation  
2200 East Martin Luther King Jr. Boulevard  
Austin, TX 78702

RE: Compliance Record of Levy Affiliated

Dear Mr. Danenfelzer,

This letter is to confirm that Levy Affiliated is in good standing with bond and tax-credit regulatory authorities in all jurisdictions it owns and operates affordable housing properties. In California and Hawaii we own fourteen projects financed with tax-credits and tax-exempt bonds and are regulated by the following entities:

California Tax Credit Allocation Committee  
California Statewide Community Development Authority  
Sacramento Housing and Redevelopment Agency  
San Diego Housing Corporation  
Hawaii Housing Finance and Development Corporation.

There are no uncorrected compliance issues outstanding, and we have never been issued a form 8823 that has resulting in tax-credit recapture for any of our projects. Attached is a list of contacts at each organization.



Jacob Levy, Principal

Jon Penkower  
Managing Director



1700 North Broadway | Suite 405  
Walnut Creek, CA 94596  
[www.cscda.org](http://www.cscda.org)

***Shannon Nardinelli***

Program Manager - Tax Credit Allocation Committee  
915 Capitol Mall, Room 485  
Sacramento, CA 95814



fax (916) 654-6033  
e-mail [snardinelli@treasurer.ca.gov](mailto:snardinelli@treasurer.ca.gov)

Mylinh Tran  
Regulatory Compliance Analyst SHRA  
801 12<sup>th</sup> Street  
Sacramento, CA 95814



Fax (916) 498-1655  
[mtran@shra.org](mailto:mtran@shra.org)  
[www.shra.org](http://www.shra.org)

Ted Miyahara  
Vice President, Multifamily Housing Finance  
San Diego Housing Commission  
1122 Broadway Street, Suite 300  
San Diego, CA 92101

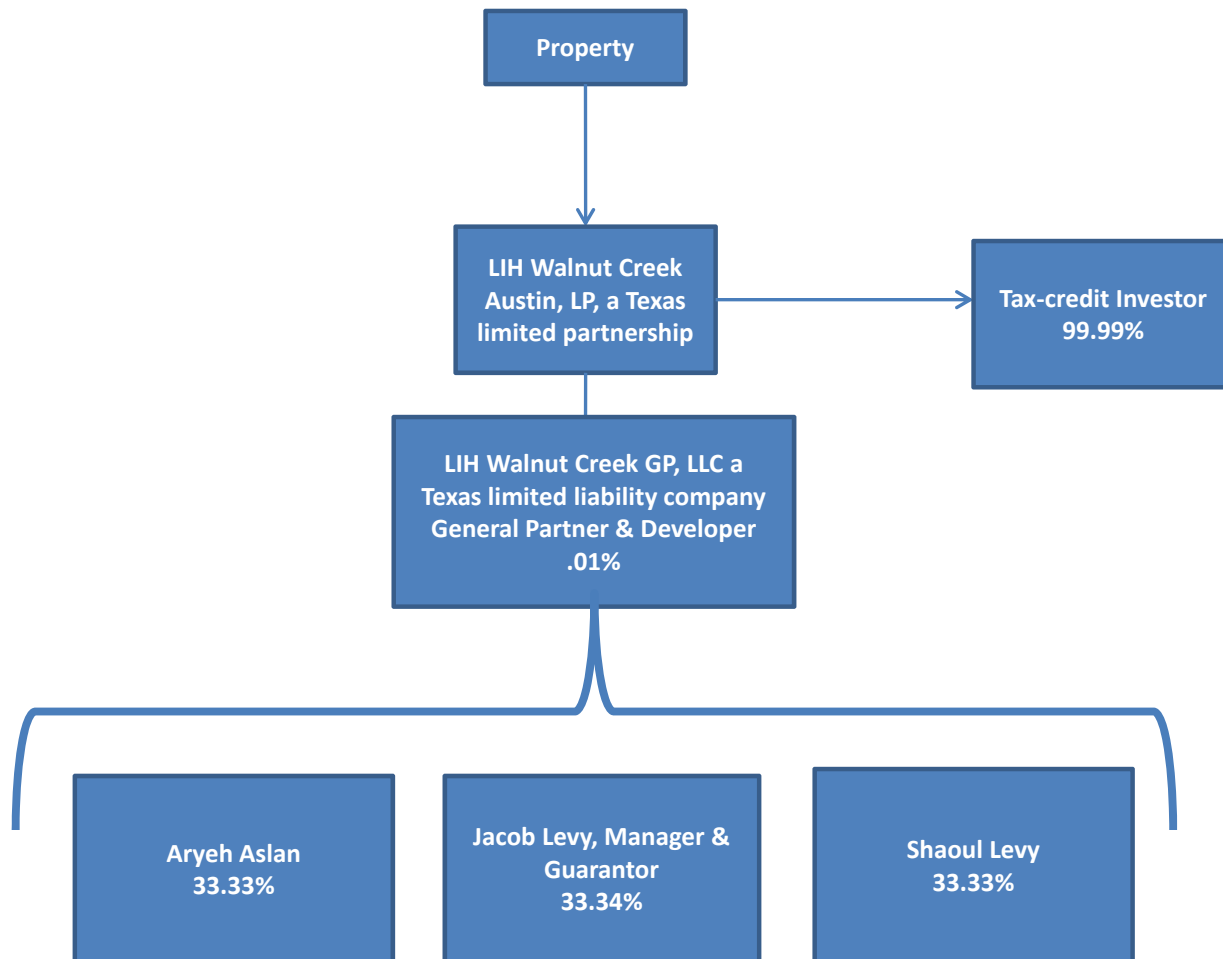


Donna M. L. Ho  
Property Management Coordinator  
Hawaii Housing Finance & Development Corporation



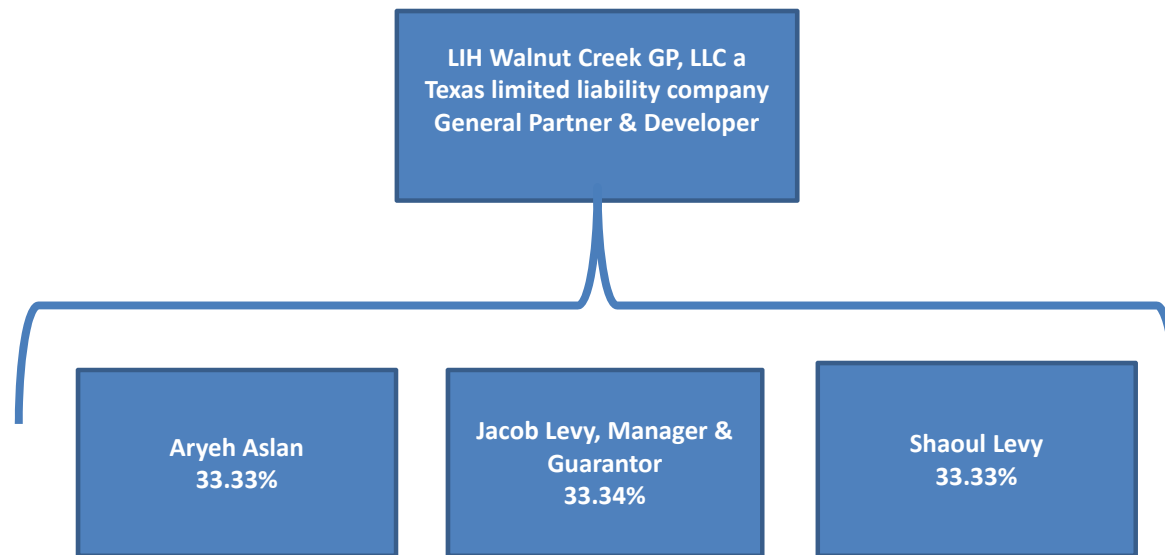
Fax: (808) 587-0600  
Email Address [donna.m.ho@hawaii.gov](mailto:donna.m.ho@hawaii.gov)

## Walnut Creek Apartments Owner Org Chart





## Walnut Creek Apartments Developer Org Chart



## Walnut Creek Apartments Guarantor Org Chart



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graph TD; A["Jacob Levy  
Guarantor"]
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Jacob Levy  
Guarantor