

VILLAS AT PRIMROSE

June 27, 2024

Texas Department of Housing and Community Affairs
Multifamily Division
221 East 11th Street
Austin, Texas 78701
Attention: Bobby Wilkinson, Executive Director

RE: Villas at Primrose – 2024 Application Deficiency Notice for TDHCA #24174

Dear Mr. Wilkinson,

Please accept this correspondence as an official appeal of the conclusion reached by staff regarding Villas at Primrose (the "**Development**"). Specifically, staff is maintaining that the Target located at 3600 Nolana Avenue fails to meet the definition of a Grocery Store as stated in the QAP:

A full service grocery store of sufficient size and volume to provide for the needs of the surrounding neighborhood including the proposed Development; offering a wide variety of fresh, frozen, canned and prepared foods, including but not limited to a variety of fresh meats, poultry, and seafood; a wide selection of fresh produce including a selection of different fruits and vegetables; a selection of baked goods and a wide array of dairy products including cheeses, and a wide variety of household goods, paper goods and toiletry items.

Although we believe the Target satisfies the QAP definition and currently offers a wide selection of groceries, Target has announced plans to provide fresh groceries in-store starting in September 2025, more than a year before the development's placed-in-service deadline of December 31, 2026. The residents of Villas at Primrose will have access to a full-service grocery store that meets all the criteria established by the QAP.

Our previous response to the Administrative Deficiency provided a letter from Mr. Jose Flores, the Store Director of the Target in question, attached as Exhibit A, that explained that Target's corporate office has announced plans to provide fresh groceries in-store at that location starting in 2025, before the development's placed-in-service deadline. We have provided an additional letter from Mr. Flores dated June 25th that stipulates that:

"This remodeling is part of a comprehensive corporate strategy to better serve our consumers in McAllen. In fact, the two Target stores closest to our location have already been remodeled and are offering the entire gamut of grocery products including a variety of fresh meats, poultry, and seafood and a wide selection of fresh produce. The planning and schematics for our location are being finalized and I anticipate that construction will begin in February of 2025 and be completed later that year by September."

Target will meet the QAP definition of a Grocery Store prior to the Development's Placed-in-Service date of December 31, 2026.

Additionally, the QAP provides that, to qualify as an amenity, "all amenities must be operational or have started Site Work at the Pre-Application Final Delivery Date." This is a unique situation that Staff

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VILLAS AT PRIMROSE

failed to differentiate. The QAP is relatively silent on store renovations; however, it is important to note that the Target does meet the language of the rule. In this instance, Target is operational and has already completed all construction of the building itself. Instead, Target is undergoing an in-store renovation that provides the space for fresh groceries.

We respectfully assert that TDHCA has previously dealt with these identical circumstances. Attached as Exhibit B is the TDHCA Board Book and Board Book Supplement that provides a precedent from 2017. A competitor challenged Westwind of Killeen (TDHCA #17731) regarding several tie-breaker amenities, specifically proximity to a grocery store, museum, park, and public transportation. Staff ruled in favor of Westwind on the grocery store issue but found merit in the other items. Ultimately, the Board upheld staff's decision regarding the grocery store and allowed the other three tie-breaker amenities to be counted.

The core finding is that staff **did allow the grocery store to count as a tie-breaker amenity** prior to their presentation to their Board on the other items. Specifically, on page 23 of 51 of the Board Book Supplement a letter from Tim Irvine, the previous Executive Director advises Kelly Garrett, the developer being challenged that the "grocery store" under construction when the application was submitted to TDHCA qualified as a tie-breaker amenity. Below is this specific excerpt from this letter:

Dear Kelly Garrett:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of three Third Party Requests for Administrative Deficiency ("RFAD") requesting that the Department review the Application above to determine whether it should be awarded three tie-breaker items under 10 TAC §11.9(c)(4), related to Opportunity Index. The request asserts that the Application did not contain sufficient documentation of several community assets used to claim the tie-breakers. Consistent with similar decisions made by the Department's Governing Board at its May 25, 2017, meeting an Administrative Deficiency was determined to be appropriate for the Application. The Department issued a deficiency notice on June 5, 2017, and the response was received timely.

After reviewing the response, the Department has determined that the Boys and Girls Club qualifies as outdoor recreation as the rules do not include restrictions on the age of persons using the amenity, and the HEB grocery store qualifies as amenities under significant construction at the time of application, and may be allowed. In this case, the store is built and operating.

As we explained to staff in our first response to the challenge, Target's corporate office has announced plans to provide fresh groceries in-store at that location starting in 2025, before the construction of the Development is completed. As confirmed by Mr. Flores, the schematic design is already underway and the remodel will modify the in-store offerings and provide fresh meat and produce selections, allowing customers to purchase these items directly in the store. This upcoming enhancement will further reinforce Target's commitment to being a full-service grocery store that meets all the needs of the surrounding community. As Mr. Flores explains, he anticipates that construction will begin in February 2025 and be completed by September 2025.

We believe that current staff administering the tax credit program is unaware of this previous action and therefore failed to take this precedent into account in their final analysis. Because Target is operational, fully constructed, and going to offer fresh groceries in-store prior to the Development's

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placed-in-service deadline in accordance with QAP requirements, the amenity should be considered in the Applicant's tie-breaker. We humbly ask that you as Executive Director take into consideration this past staff position and allow the Target to be counted as an amenity.

After your review, if you have any questions or need additional information, please don't hesitate to reach out at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Enrique Flores, IV".

Enrique Flores, IV

VILLAS AT PRIMROSE

EXHIBIT A

May 13, 2024

Texas Department of Housing and Community Affairs
Multifamily Division
221 East 11th Street
Austin, Texas 78701
Attention: Joshua Goldberger

RE: Villas at Primrose

Dear Mr. Goldberger,


As Store Director of the Target at 3600 Nolana Avenue in McAllen, I wanted to express my excitement regarding the development of an elderly apartment community at the corner of N. Ware and Primrose near our location. We pride ourselves on being a full-service grocery store offering a wide array of fresh, frozen, canned, and prepared foods, including, through our same-day delivery program, a variety of fresh meats, poultry, and seafood and a wide selection of fresh produce including a selection of different fruits and vegetables. We also maintain a selection of baked goods, a wide array of dairy products including cheeses, and a varied assortment of household goods, paper goods and toiletry items.

By using appropriate packaging and timely delivery, Target ensures that customers receive fresh and high-quality produce and meats, poultry, and seafood on the same day they are ordered. Target's commitment to providing fresh goods through online ordering and delivery demonstrates our dedication to meeting the needs of the community. In addition, while our on-line ordering system is simple to use, we have highly trained customer service representatives available to assist any customer, but especially the elderly, to better understand and utilize our delivery program. In fact, Target's delivery service is designed to maintain the freshness and quality of perishable items.

The availability of high-quality frozen and prepared alternatives, combined with the extensive range of other grocery and household items, means Target can adequately serve the community's needs. Combining in-store shopping with online ordering and delivery services provides a comprehensive solution that meets the diverse needs of the surrounding neighborhood including the proposed Villas at Primrose. This hybrid approach effectively expands the store's offerings.

Lastly, let me add that our corporate office is finalizing the plans for a remodeling of this store in 2025 that will provide us the capacity to provide fresh meats, poultry, and seafood and a wide selection of fresh produce in our store without the need to order online.

Please let me know if you have any questions. Thank you.



Jose Flores, Store Director
Target at 3600 Nolana Avenue



JOSE FLORES
Store Director

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[Target.com](#) | [Finance](#) | [Retail Services](#) | [Target Sourcing Services](#) | [Target India](#)

June 24, 2024

Texas Department of Housing and Community Affairs
Multifamily Division
221 East 11th Street
Austin, Texas 78701
Attention: Bobby Wilkinson, Executive Director

RE: Villas at Primrose

Dear Mr. Wilkinson,

I am writing to provide details regarding the remodeling of the Target store located at 3600 Nolana Drive. As Store Director of this Target, I earlier communicated with Mr. Joshua Goldberger by correspondence dated May 13th, explaining that our location was scheduled for an extensive upgrade to our facility that will allow us to provide fresh meats, poultry, and seafood and a wide selection of fresh produce in our store without the need to order online.

As you know, we pride ourselves on being a full-service grocery store offering a wide array of fresh, frozen, canned, and prepared foods, including, after the rehabilitation, a variety of fresh meats, poultry, and seafood and a wide selection of fresh produce including a selection of different fruits and vegetables. We also maintain a selection of baked goods, a wide array of dairy products including cheeses, and a varied assortment of household goods, paper goods and toiletry items.

This remodeling is part of a comprehensive corporate strategy to better serve our consumers in McAllen. In fact, the two Target stores closest to our location have already been remodeled and are offering the entire gamut of grocery products including a variety of fresh meats, poultry, and seafood and a wide selection of fresh produce.

The planning and schematics for our location are being finalized and I anticipate that construction will begin in February of 2025 and be completed later that year by September. We look forward to providing the senior residents of Villas at Primrose quality products at a reasonable cost and the availability of high-quality fresh, frozen, and prepared alternatives, combined with the extensive range of other grocery and household items, means Target can adequately serve the community's needs.

Please let me know if you have any questions. Thank you.



Jose Flores, Store Director
Target at 3600 Nolana Avenue



JOSE FLORES
Store Director

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EXHIBIT B

Texas Department of Housing and Community Affairs Governing Board
Board Meeting Minutes Summary
May 25, 2017

On Thursday, the twenty-fifth day of May 2017, at 9:00 a.m., the regular meeting of the Governing Board (“Board”) of the Texas Department of Housing and Community Affairs (“TDHCA” or the “Department”) was held in Room 3.102 of The University of Texas Thompson Conference Center, 2405 Robert Dedman Drive, Austin, Texas.

The following members, constituting a quorum, were present and voting:

- J.B. Goodwin
- Leslie Bingham-Escareño
- Paul Braden
- Tom H. Gann
- Asusena Reséndiz
- Leo Vasquez

J.B. Goodwin served as Chair, and James “Beau” Eccles, TDHCA General Counsel, served as secretary.

1) The Board unanimously approved the Consent Agenda as amended with the following items removed: 1(g) – Presentation, discussion, and possible action on awards for Federal Fiscal Year (“FFY”) 2017 Community Services Block Grant (“CSBG”) Discretionary Funds for education and employment services to Native American and Migrant Seasonal Farm Worker populations; 1(r) – Presentation, discussion, and possible action on an order proposing the new 10 TAC Chapter 1 Subchapter E, §1.501 Housing Finance Corporation Reporting Requirements and directing that they be published for public comment in the *Texas Register*; and 1(s) – Presentation, discussion, and possible action on an order adopting amendments to 10 TAC Chapter 6 Community Affairs Programs, including the 1) amendments in Subchapter A, General Provisions, of §6.2 Definitions, §6.4 Income Determination, and §6.5 Documentation and Frequency of Determining Customer Eligibility; and 2) amendments in Subchapter C, Comprehensive Energy Assistance Program (“CEAP”), of §6.308 Allowable Subrecipient Administrative, Program Services Costs, and Assurance 16, and §6.310 Household Crisis Component; and directing that they be published for adoption in the *Texas Register*.

2) The Board unanimously adopted a resolution recognizing June 2017 as Homeownership Month in Texas

3) At 9:14 a.m. the Board went into Executive Session and reconvened in open session at 9:45 a.m. No action was taken in Executive Session.

4) Action Item 1(g) – Presentation, discussion, and possible action on awards for Federal Fiscal Year (“FFY”) 2017 Community Services Block Grant (“CSBG”) Discretionary Funds for education and employment services to Native American and Migrant Seasonal Farm Worker populations – was presented by Brooke Boston, TDHCA Deputy Executive Director, with additional information from Tim Irvine, TDHCA Executive Director. Following public comment (listed below), the Board unanimously approved staff recommendation to make the awards.

- Angela Young, Urban Inter-Tribal Center of Texas, provided information on the item
- Kendria Taylor, Urban Inter-Tribal Center of Texas, provided information on the item

5) Chairman Goodwin exercised his discretion on consideration of the agenda to take up Action Item 3(g) – Presentation, discussion and possible action regarding a request for waiver, appeals under 10 TAC §10.901 et seq. of the Department’s Multifamily Program Rules, and disclosures under 10 TAC §10.101(a)(3) related to Applicant Disclosure of Undesirable Neighborhood Characteristics for Blue Flame, HTC #17330 – was presented by Marni Holloway, TDHCA Director of Multifamily Finance, with additional information from Mr. Irvine and Mr. Eccles. Following public comment (listed below), the Board unanimously voted to deny staff recommendation and, consequently, approved the waiver request and appeal.

- Michael Lyttle, TDHCA Chief of External Affairs, read a letter of opposition to staff recommendation from the Honorable Jose Rodriguez, State Senator, Texas Senate District 29. Mr. Lyttle also notated received letters also in opposition to staff recommendation from Veronica Escobar, El Paso County Judge, and Oscar Leeser, Mayor of the City of El Paso.
- Barry Palmer, Coats Rose, testified in opposition to staff recommendation
- Jessica Herrera, City of El Paso, provided information on the matter
- Gerald Cichon, Housing Authority of the City of El Paso, testified in opposition to staff recommendation
- Robert Blumenfeld, Housing Authority of the City of El Paso, testified in opposition to staff recommendation

6) Chairman Goodwin exercised his discretion on consideration of the agenda to take up Action Item 3(d) – Presentation, discussion, and possible action on timely filed appeals under 10 TAC §10.901 et seq. of the Department’s Multifamily Program Rules (Subchapter G) related to Fee Schedule, Appeals and other Provisions for 17151 Albany Village, Albany; 17036 Merritt McGowan Manor, McKinney; 17134 Vista Park West, Fort Worth; 17253 Samuel Place Apartments, Corpus Christi; 17275 Aria Grand, Austin; 17331 Westwind of Killeen, Killeen; 17363 Residences of Long Branch, Rowlett; 17708 Cedar Ridge Apartments, Dayton; 17724 Liv Senior at Johnson Ranch, Bulverde; and 17736 Providence at Ted Trout Drive, Hudson – was presented by Ms. Holloway with additional information from Mr. Irvine and Mr. Eccles. However, staff removed sub-items 17151 Albany Village, 17134 Vista Park West, and 17253 Samuel Place from the agenda prior to the Board considering the item.

Following public comment (listed below), the Board unanimously voted to deny staff recommendation and grant the appeals from 17036 Merritt McGowan Manor, 17708 Cedar Ridge Apartments, 17736 Providence at Ted Trout Drive, 17363 Residences of Long Branch, 17331 Westwind of Killeen, and 17275 Aria Grand.

The Board also voted unanimously, with an abstention from Ms. Reséndiz, to deny staff recommendation and grant part of the appeal from 17724 Liv Senior at Johnson Ranch and to approve staff recommendation on the other portion of the appeal.

The Board also voted unanimously, with an abstention from Mr. Braden, to instruct staff to deal with Applicants 17134 and 17253 through the administrative deficiency process in a manner that is consistent with how the Board has dealt with those applications during the meeting of May 25, 2017.

- Frank Jackson, Texas Affiliation of Affordable Housing Providers, expressed his organization’s general concern on how TDHCA was handling administrative deficiencies as they related to the item
- Audrey Martin, Purple Martin Real Estate, expressed concern on how TDHCA was handling administrative deficiencies as they related to the item
- Sarah Anderson, Texas Coalition of Affordable Developers, expressed concern on how TDHCA was handling administrative deficiencies as they related to the item

- Jean Latsha, on her own behalf, later clarified as not as a representative of any other entity, expressed concern on how TDHCA was handling administrative deficiencies as they related to the item
- Will Henderson, applicant for 17036 Merritt McGowan Manor, testified in opposition to staff recommendation on 17036
- Roslyn Miller, McKinney Housing Authority, provided information regarding consideration of 17036 Merritt McGowan Manor
- Barry Palmer, Coats Rose, testified in opposition to staff recommendation regarding 17036 Merritt McGowan Manor
- Mr. Lyttle read a letter into record from the Honorable Ernest Bales, State Representative, Texas House District 18, in opposition to staff recommendation regarding 17708 Cedar Ridge Apartments
- Cynthia Bast, Locke Lord, testified in opposition to staff recommendation on 17708 Cedar Ridge Apartments
- Lora Myrick, BETCO Consulting, testified in support of staff recommendation on 17736 Providence at Ted Trout Drive
- Audrey Martin, Purple Martin Real Estate, testified in opposition to staff recommendation on 17736 Providence at Ted Trout Drive
- Craig Litner, Pedcor Investments, testified in opposition to staff recommendation on 17363 Residences of Long Branch
- John Shackelford, Shackelford, Bowen, McKinley, and Norton, testified in opposition to staff recommendation on 17363 Residences of Long Branch
- Cynthia Bast, Locke Lord, testified in opposition to staff recommendation on 17363 Residences of Long Branch
- Gary Lacey testified in support of staff recommendation on 17363 Residences of Long Branch
- Donna Rickenbacker, consultant to Salem Park Company, testified in opposition to staff recommendation on 17331 Westwind of Killeen
- John Shackelford, Shackelford, Bowen, McKinley, and Norton, testified in opposition to staff recommendation on 17331 Westwind of Killeen
- John Shackelford, Shackelford, Bowen, McKinley, and Norton, testified in opposition to staff recommendation on 17275 Aria Grand
- Sarah Anderson, S. Anderson Consulting, provided information regarding consideration of 17275 Aria Grand
- Terri Anderson, Anderson Development and Construction, provided information regarding consideration of 17275 Aria Grand
- Joel Pollack, Two Ten Development Group, testified in opposition to staff recommendation on 17724 Liv Senior at Johnson Ranch
- Breck Keene testified in support of staff recommendation on 17724 Liv Senior at Johnson Ranch
- Jose Gonzalez provided information regarding consideration of 17724 Liv Senior at Johnson Ranch
- Barry Palmer, Coats Rose, provided information regarding consideration of 17724 Liv Senior at Johnson Ranch

7) Action Item 3(a) – Presentation, discussion, and possible action on an Amendment to the 2017-1 Multifamily Direct Loan Notice of Funding Availability – was presented by Andrew Sinnott, TDHCA Multifamily Loans Programs administrator. The Board unanimously approved staff recommendation to approve the amendment.

8) Action Item 3(b) – Presentation, discussion and possible action on a Determination Notice for Housing Tax Credits with another Issuer and an Award of a Direct Loan Funds for 17402 Harris Ridge Apartments, Austin – was presented by Mr. Sinnott. The Board unanimously approved staff recommendation to issue the determination notice and make the award.

9) Action Item 3(c) – Presentation, discussion and possible action on staff determinations regarding Application disclosures under 10 TAC §10.101(a)(3) related to Applicant Disclosure of Undesirable Neighborhood Characteristics for 17008 East Meadows Phase II, San Antonio; 17013 Rio Lofts, San Antonio; 17028 The Vineyard on Lancaster, Fort Worth; 17186 Oasis on Ella, Houston; 17273 The Residence at Lamar, Wichita Falls; and 17336 Westwind of Lamesa, Lamesa (*this item was not considered as the applicant requested to be pulled following the posting of the agenda*). The Board unanimously approved staff recommendation to determine the sites as eligible.

10) Action Item 3(e) – Presentation, discussion, and possible action regarding awards of Direct Loan funds from the 2017-1 Multifamily Direct Loan Notice of Funding Availability for 17503 The Reserve at Dry Creek, Hewitt; 17504 Merritt Heritage, Georgetown; and 17505 Merritt Monument, Midland (*this item was not considered as the applicant requested to be pulled following the posting of the agenda*) – was presented by Ms. Holloway with additional information from Mr. Irvine, Mr. Eccles, and Brent Stewart, TDHCA Director of Real Estate Analysis. Following public comment (listed below), the Board unanimously approved staff recommendations for an award to 17503 and denial of an award to 17504.

- Janine Sisak, DMA Development Company, testified in support of staff recommendation on 17503 The Reserve at Dry Creek
- Colby Denison, applicant for 17504 Merritt Heritage, testified in opposition to staff recommendation on 17504
- Dan Kearse, RBC Capital Markets, testified in opposition to staff recommendation on 17504 Merritt Heritage
- Cynthia Bast, attorney for Locke Lord and representing the applicant for 17504 Merritt Heritage, testified in opposition to staff recommendation on 17504

11) Action Item 3(f) – Presentation, discussion, and possible action regarding a waiver of 10 TAC §13.11(b) of the Multifamily Direct Loan Rule – was presented by Mr. Sinnott. The Board unanimously approved staff recommendation to approve the waiver request.

12) The following public comment was made on matters other than items for which there were posted agenda items:

- Chelsea Dawson, San Antonio citizen, presented a petition of opposition to 2017 9% Housing Tax Credit applications #17356 The Acacia and #17376 The Bristol
- Bruce Decker, San Antonio citizen, commented in opposition to 2017 9% Housing Tax Credit applications #17356 The Acacia and #17376 The Bristol
- Michelle Robledo, Braun Station East Homeowners Association, commented in opposition to 2017 9% Housing Tax Credit applications #17356 The Acacia and #17376 The Bristol
- Mark Howson, San Antonio citizen, commented in opposition to 2017 9% Housing Tax Credit application #17356 The Acacia
- Bianca Maldonado, San Antonio citizen, commented in opposition to 2017 9% Housing Tax Credit applications #17356 The Acacia and #17376 The Bristol

- Ana Sandoval, Councilwoman-elect for San Antonio City Council District 7, commented in opposition to 2017 9% Housing Tax Credit applications #17356 The Acacia and #17376 The Bristol

13) The Board unanimously approved a resolution in honor of Tom H. Gann who was stepping off the TDHCA Governing Board after serving on it since March 2008.

Except as noted otherwise, all materials presented to and reports made to the Board were approved, adopted, and accepted. These minutes constitute a summary of actions taken. The full transcript of the meeting, reflecting who made motions, offered seconds, etc., questions and responses, and details of comments, is retained by TDHCA as an official record of the meeting.

There being no further business to come before the Board, the meeting adjourned at 2:48 p.m. The next meeting is set for Thursday, June 29, 2017.

Secretary

Approved:

Chair

17331

Westwind of Killeen

BOARD ACTION ITEM
MULTIFAMILY FINANCE DIVISION
JULY 27, 2017

Presentation, discussion, and possible action on timely filed Scoring Notice appeal for Application 17331 Westwind of Killeen under the Department's Multifamily Program Rules

RECOMMENDED ACTION

WHEREAS, a 9% Housing Tax Credit Application #17331, for Westwind of Killeen was submitted to the Department by the Full Application Delivery Date;

WHEREAS, staff determined that the Application does not qualify for three tie-breaker items requested under §11.9(c)(4) of the 2017 Qualified Allocation Plan ("QAP"), related to Opportunity Index, because the Application did not provide sufficient evidence that the Meadows Gallery at the Vive les Arts Theater is a museum, that the Development Site is less than ½ mile on an accessible route from a public park with an accessible playground, and that the Development Site is less than ½ mile on an accessible route from public transportation;

WHEREAS, a Competitive HTC scoring notice was provided to the Applicant;

WHEREAS, the Applicants timely filed an appeal; and

WHEREAS, the Executive Director denied the appeal;

NOW, therefore, it is hereby

RESOLVED, that the scoring appeal for Application #17331, Westwind of Killeen is denied.

BACKGROUND

10 TAC §11.9 related to Competitive HTC Selection Criteria identifies the scoring criteria used in evaluating and ranking Applications. It includes those items required under Tex. Gov't Code, Ch. 2306, §42 of the Internal Revenue Code (the "Code"), and other criteria established in a manner consistent with ch. 2306 and §42 of the Code.

Pursuant to 10 TAC §11.10 of the Qualified Allocation Plan related to Third party Request for Administrative Deficiency, staff reviewed the Application to determine whether it qualified for four tie-breakers. Staff determined that the Application did not provide sufficient evidence that the Meadows Gallery at the Vive les Arts Theater is a museum, that the Lions Clubs Senior Center Library at Lions Club Park is a public library, that the Development Site is less than ½ mile on an accessible route from a public park with an accessible playground, and that the Development Site is less than ½ mile on an accessible route from public transportation. A scoring notice was issued to

the Applicant, and the Applicant appealed staff's decision. The Executive Director determined that the Lions Club Senior Center Library at Lions Club Park is a public library under the rule and granted the Applicant's appeal for that item. The Executive Director denied the appeal for the other three items, and the Applicant is appealing the scoring result.

§11.9(c)(4), Opportunity Index

(B) An application that meets the foregoing criteria may qualify for additional points (for a maximum of seven (7) points) for any one or more of the following factors. Each facility or amenity may be used only once for scoring purposes, regardless of the number of categories it fits:

(i) For Developments located in an Urban Area, an Application may qualify to receive points through a combination of requirements in clauses (I) through (XIII) of this subparagraph.

(I) The Development site is located less than 1/2 mile on an accessible route from a public park with an accessible playground, both of which meet 2010 ADA standards. (1 point)

(II) The Development Site is located less than 1/2 mile on an accessible route from Public Transportation with a route schedule that provides regular service to employment and basic services. For purposes of this scoring item, regular is defined as scheduled service beyond 8 a.m. to 5 p.m., plus weekend service. (1 point)

(X) Development site is within 2 miles of a museum that is a government-sponsored or non-profit, permanent institution open to the public and is not an ancillary part of an organization whose primary purpose is other than the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value. (1 point). (1 point)

The Applicant was issued an Administrative Deficiency notice directing the Applicant to provide evidence to support the selections. After reviewing the response, the Department determined that the Application did not provide sufficient evidence that the Meadows Gallery at the Vive les Arts Theater is a museum, that the Development Site is less than 1/2 mile on an accessible route from a public park with an accessible playground, and that the Development Site is less than 1/2 mile on an accessible route from public transportation.

The Vive Les Arts Theater does not meet the QAP requirements for a museum as the organization's primary purpose is "live theatrical performance." Any artwork displayed is ancillary to that purpose.

Staff determined that the accessible route to the park was not proven, as the availability of accessible transportation cannot substitute for the required accessible route, and the Applicant cannot promise to build a sidewalk on property not controlled by the Applicant. The appeal includes a letter which states that the land owner gives permission for the Applicant to construct a sidewalk that will connect to existing sidewalks. Unless the Applicant has obtained a legal easement through the City of Killeen that would allow the Applicant to construct such a sidewalk, the letter is unenforceable and the Department cannot rely on it. Finally, the accessible route to public transportation remains unproven as the HOP transportation service does not provide service on Sundays and therefore, does not meet the rule requirement that service be provided on weekends.

Staff recommends the Board deny the appeal.

17331

Scoring Notice and Documentation



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - REVISED 2017 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Kelly Garrett

Phone #: (903) 450-1520

Email: kelly@salemclark.com

Second Email: dru@dharmadevelop.com

Date: June 27, 2017

**THIS NOTICE WILL ONLY BE
TRANSMITTED VIA EMAIL**

**RE: 2017 Competitive Housing Tax Credit (HTC) Application for Westwind of Killeen, TDHCA Number:
17331**

The Texas Department of Housing and Community Affairs has completed its program review of the Application referenced above as further described in the 2017 Qualified Allocation Plan ("QAP"). This scoring notice provides a summary of staff's assessment of the application's score. The notice is divided into several sections.

Section 1 of the scoring notice provides a summary of the score requested by the Applicant followed by the score staff has assessed based on the Application submitted. You should note that four scoring items are not reflected in this scoring comparison but are addressed separately.

Section 2 of the scoring notice includes each of the five scoring criteria for which points could not be requested by the Applicant in the application self-score form and include: §11.9(d)(1) Local Government Support, §11.9(d)(4) Quantifiable Community Participation, §11.9(d)(5) Community Support from State Representative, §11.9(d)(6) Input from Community Organizations, and §11.9(d)(7) Concerted Revitalization Plan.

Section 3 provides information related to any point deductions assessed under §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules.

Section 4 provides the final cumulative score in bold.

Section 5 includes an explanation of any differences between the requested and awarded score and tie-breakers as well as any penalty points assessed.

The scores provided herein are merely informational at this point in the process and may be subject to change. For example, points awarded under §11.9(e)(4) "Leveraging of Private, State, and Federal Resources", 11.9(b)(1)(A) "Unit Sizes", 11.9(b)(1)(B) "Unit and Development Features", 11.9(c)(1) "Income Levels of Tenants", 11.9(c)(2) "Rent Levels of Tenants", 11.9(e)(1) "Financial Feasibility", 11.9(e)(3) "Pre-Application Participation", and may be adjusted should the underwriting review result in changes to the Application that would affect these scores. If a scoring adjustment is necessary, staff will provide the Applicant a revised scoring notice.

Be further advised that if the Applicant failed to properly disclose information in the Application that could have a material impact on the scoring information provided herein, the score included in this notice may require adjustment and/or the Applicant may be subject to other penalties as provided for in the Department's rules.

This preliminary scoring notice is provided by staff at this time to ensure that an Applicant has sufficient notice to exercise any appeal process provided under §10.902 of the Uniform Multifamily Rules. All information in this scoring notice is further subject to modification, acceptance, and/or approval by the Department's Governing Board.



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - REVISED 2017 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Page 2 of Final Scoring Notice: 17331, Westwind of Killeen

Section 1:

Score Requested by Applicant (Does not include points for §11.9(d)(1), (4), (5), or (6) of the 2017 QAP):

122

Score Awarded by Department staff (Does not include points for §11.9(d)(1), (4), (5), or (6) of the 2017 QAP):

122

Difference between Requested and Awarded:

0

Section 2:

Points Awarded for §11.9(d)(1) Local Government Support:

17

Points Awarded for §11.9(d)(4) Quantifiable Community Participation:

4

Points Awarded for §11.9(d)(5) Community Support from State Representative:

8

Points Awarded for §11.9(d)(6) Input from Community Organizations:

4

Points Awarded for §11.9(d)(7) Concerted Revitalization Plan:

0

Section 3:

Points Deducted for §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules:

0

Section 4:

Final Score Awarded to Application by Department staff:

155

Section 5:

Explanation for difference between points requested and points awarded by the Department as well as penalties assessed:

NA

Explanation for difference between requested tie-breakers and tie-breakers qualified by the Department:

§11.7 Tie-break Factors. Vive Les Arts does not meet the QAP requirements for a museum; the library at the Lions Club is not a public library; accessible route to the park has not been proven, as the Applicant cannot promise to build a sidewalk on property not controlled by the Applicant; public transportation service does not meet the requirements as there is no Sunday service. (Items Selected 8, Items Qualified 4)

Restrictions and requirements relating to the filing of an appeal can be found in §10.902 of the Uniform Multifamily Rules. If you wish to appeal this scoring notice, you must file your appeal with the Department no later than 5:00 p.m. Austin local time, Wednesday, July 5, 2017. If an appeal is denied by the Executive Director, an Applicant may appeal to the Department's Board.

In an effort to increase the likelihood that Board appeals related to scoring are heard at the Board meeting, the Department has provided an Appeal Election Form for all appeals submitted to the Executive Director. In the event an appeal is denied by the Executive Director, the Applicant is able to request that the appeal automatically be added to the Board agenda.

If you have any concerns regarding potential miscalculations or errors made by the Department, please contact Sharon Gamble at (512) 936-7834 or by email at <mailto:sharon.gamble@tdhca.state.tx.us>.

Sincerely,

Sharon Gamble

Sharon Gamble

9% Competitive HTC Program Administrator



Google earth

Imagery Date: 2/8/2015 31°04'12.50"N 97°44'16.16"W elev. 924 ft eye alt. 3702 ft

February __26____, 2017

Texas Department of Housing and Community Affairs

221 E. 11th Street

Austin, TX 78701

Attn: Tim Irvine

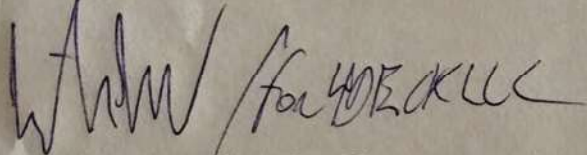
Executive Director – Via Email – tim.irvine@tdhca.state.tx.us

Re: Westwind of Killeen

Dear Mr. Irvine,

As the owner of the land at 1200 E Stan Schlueter and W Stan Schlueter LP Killeen Texas, I am giving SCF Killeen 17, LP permission to install a sidewalk in front of my property that will connect the existing sidewalks to provide an ADA accessible path for pedestrians in the area.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W.D. Morris for 4 DECK LLC'. The signature is stylized and written over a horizontal line.

William D. Morris/4 DECK LLC

cc: Zach Krochtengel – zach@saalemclark.com



1/2 Mile Accessible Route to Public Transportation



Welcome to The HOP

Operated by Hill Country Transit District

Hill Country Transit District (HCTD) operates The HOP, a regional public transit system that started in the 1960's as a volunteer transit service that has since grown to serve a nine-county area covering over 9,000 square miles. In the last decade, the system has experienced significant growth and consists of three divisions: the nine-county Rural Division, the Killeen Urban Division consisting of Copperas Cove, Harker Heights, and Killeen, and the Temple Urban Division consisting of Belton and Temple.

The HOP coordinates many types of trips. Service is provided to passengers with disabilities via the Special Transit Service (STS) which often connects with the Fixed Route Service (FRS). The HOP partners with many area social service agencies to provide transportation to their clients.

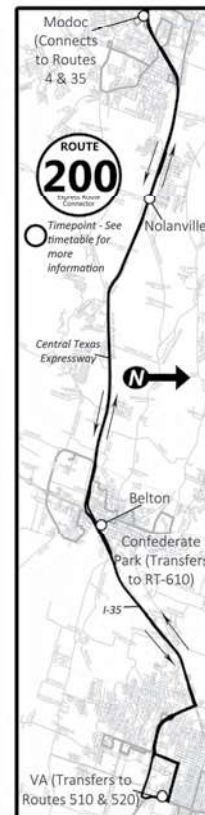
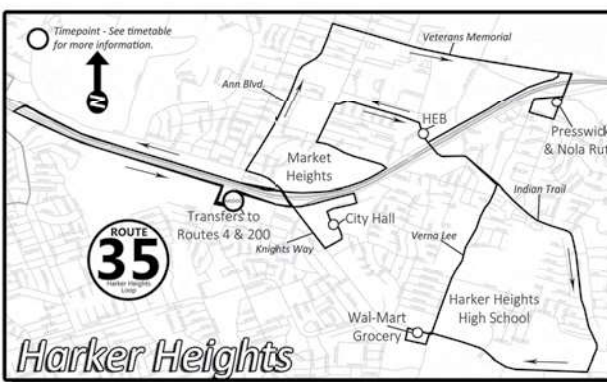
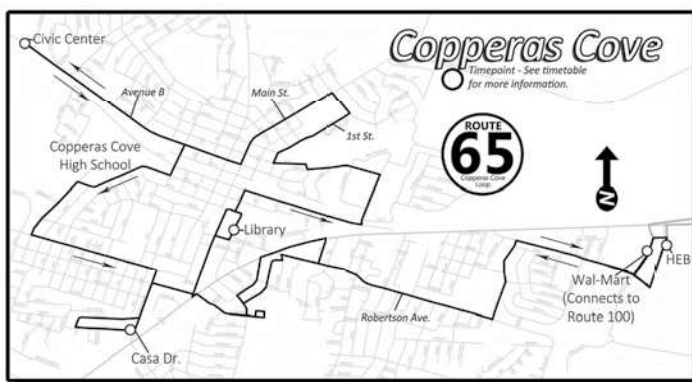
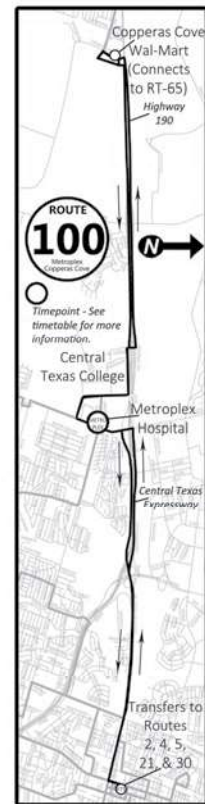
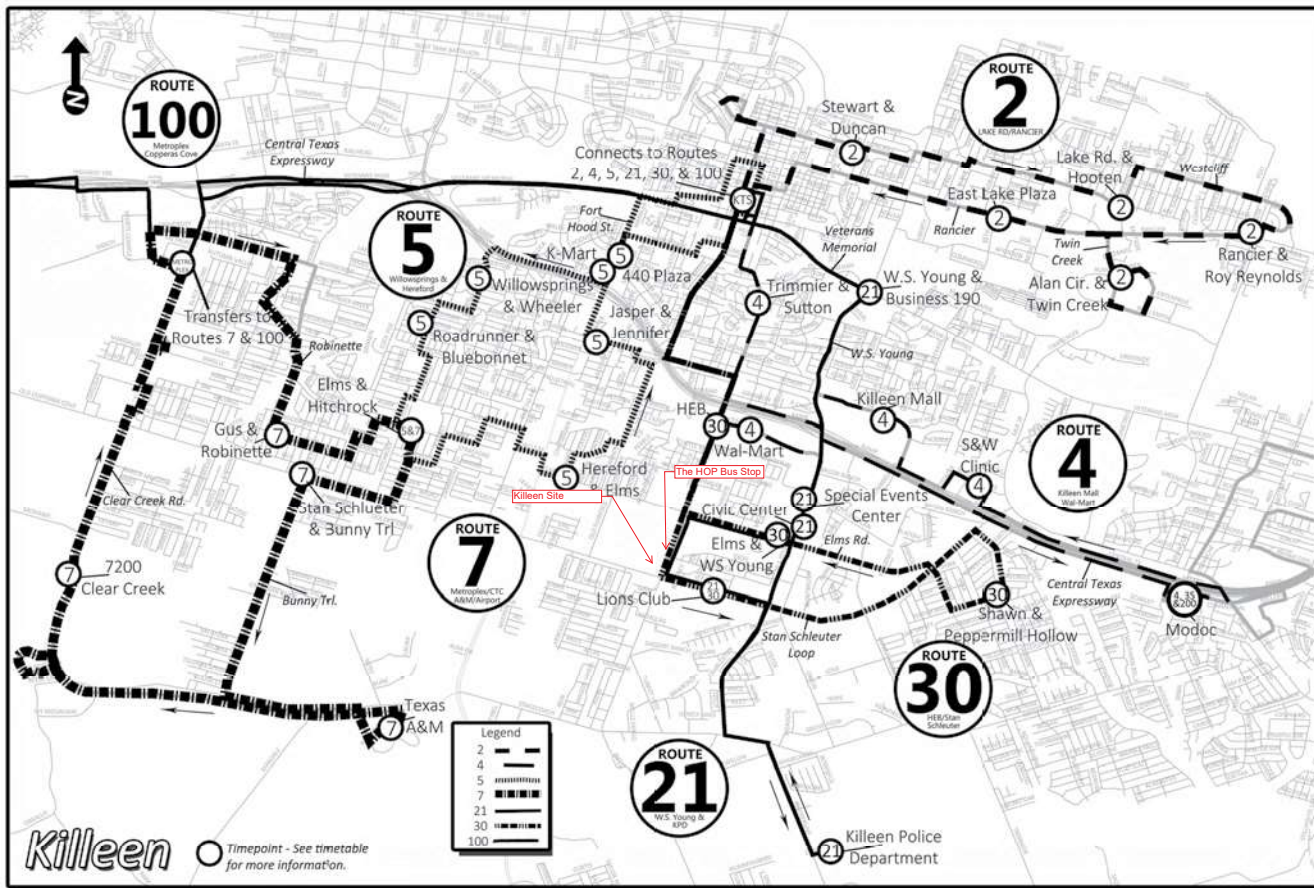
The local time is:
12:19:58 pm

Inclement Weather:

Thanks to KWTX in Waco, the following link has been provided in order to notify our passengers of any service delays: [KWTX Closings](#)

Mission Statement

Hill Country Transit District, a political subdivision of the State of Texas, is a regional transit system whose mission is to build, refine, and operate a safe, dependable, and effective transportation network that provides mobility, improves the quality of life, and stimulates economic development through the provision of rural, urban Fixed route, and ADA complementary paratransit service for citizens and visitors of the Central Texas area.



1 - LAKE RD / RANCIER RD - KILLEEN

Direction	Stop	Time
Northbound	Central Texas Expressway	6:00, 6:30, 7:00, 7:30
	W.S. Young & Business 190	6:05, 6:35, 7:05, 7:35
	W.S. Young	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

2 - KILLEEN MALL / WAL-MART - KILLEEN

Direction	Stop	Time
Northbound	W.S. Young & Business 190	6:00, 6:30, 7:00, 7:30
	W.S. Young	6:05, 6:35, 7:05, 7:35
	W.S. Young & Business 190	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

3 - WILLOWSPRINGS & WHEELER - KILLEEN

Direction	Stop	Time
Northbound	W.S. Young & Business 190	6:00, 6:30, 7:00, 7:30
	W.S. Young	6:05, 6:35, 7:05, 7:35
	W.S. Young & Business 190	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

4 - KILLEEN MALL / WAL-MART - KILLEEN

Direction	Stop	Time
Northbound	W.S. Young & Business 190	6:00, 6:30, 7:00, 7:30
	W.S. Young	6:05, 6:35, 7:05, 7:35
	W.S. Young & Business 190	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

5 - WILLOWSPRINGS & WHEELER - KILLEEN

Direction	Stop	Time
Northbound	W.S. Young & Business 190	6:00, 6:30, 7:00, 7:30
	W.S. Young	6:05, 6:35, 7:05, 7:35
	W.S. Young & Business 190	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

6 - WILLOWSPRINGS & WHEELER - KILLEEN

Direction	Stop	Time
Northbound	W.S. Young & Business 190	6:00, 6:30, 7:00, 7:30
	W.S. Young	6:05, 6:35, 7:05, 7:35
	W.S. Young & Business 190	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

7 - HEB / SCHLUTER - KILLEEN

Direction	Stop	Time
Northbound	W.S. Young & Business 190	6:00, 6:30, 7:00, 7:30
	W.S. Young	6:05, 6:35, 7:05, 7:35
	W.S. Young & Business 190	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

8 - HEB / SCHLUTER - KILLEEN

Direction	Stop	Time
Northbound	W.S. Young & Business 190	6:00, 6:30, 7:00, 7:30
	W.S. Young	6:05, 6:35, 7:05, 7:35
	W.S. Young & Business 190	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

9 - HEB / SCHLUTER - KILLEEN

Direction	Stop	Time
Northbound	W.S. Young & Business 190	6:00, 6:30, 7:00, 7:30
	W.S. Young	6:05, 6:35, 7:05, 7:35
	W.S. Young & Business 190	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

10 - HEB / SCHLUTER - KILLEEN

Direction	Stop	Time
Northbound	W.S. Young & Business 190	6:00, 6:30, 7:00, 7:30
	W.S. Young	6:05, 6:35, 7:05, 7:35
	W.S. Young & Business 190	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

11 - WILLOWSPRINGS & WHEELER - KILLEEN

Direction	Stop	Time
Northbound	W.S. Young & Business 190	6:00, 6:30, 7:00, 7:30
	W.S. Young	6:05, 6:35, 7:05, 7:35
	W.S. Young & Business 190	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

12 - WILLOWSPRINGS & WHEELER - KILLEEN

Direction	Stop	Time
Northbound	W.S. Young & Business 190	6:00, 6:30, 7:00, 7:30
	W.S. Young	6:05, 6:35, 7:05, 7:35
	W.S. Young & Business 190	6:10, 6:40, 7:10, 7:40
	W.S. Young & Business 190	6:15, 6:45, 7:15, 7:45
Southbound	W.S. Young & Business 190	6:20, 6:50, 7:20, 7:50
	W.S. Young	6:25, 6:55, 7:25, 7:55
	W.S. Young & Business 190	6:30, 7:00, 7:30, 8:00
	Central Texas Expressway	6:35, 7:05, 7:35, 8:05

Bike Rack Instructions

PULL HANDLE

DEPLOY RACK

LOAD BIKE

SECURE BIKE



Fares:

REGULAR: \$1.00 AGE 60+: 50¢*

MEDICARE: 50¢* AGE 2-12: 50¢*

DISABLED: 50¢* STUDENTS: 50¢*

AGE 0 - 2: FREE

MONTHLY PASS: \$25.00

*REQUIRES CERTIFICATION CARD FROM TRANSIT SYSTEM

ALL DISCOUNT CARDS ARE FOR THE FIXED ROUTE SERVICES ONLY



This map is current as of February 2015. For most recently updated maps, see www.take-the-hop.com or call The HOP at (254) 933-3700

The Hop Bus Stop

Killeen Site

© 2016 Europa Technologies
© 2016 Google

Google Earth

Tour Guide

1996

Imagery Date: 2/8/2015 31°04'24.29" N 97°44'24.50" W elev. 923 ft. eye alt. 1671 ft.

The Meadows Gallery

The Meadows Gallery

Located at the Vive Les Arts Lobby, the gallery features art pieces created by our local artists and local arts organizations.

Killeen Civic Art Guild

Mission Statement:

The purpose for which this corporation is formed is to stimulate and encourage artistic endeavor and a general interest in art and crafts in the greater Killeen, Texas area, to provide an association for artists, craftsmen, and laymen of varying skills, styles, schools, and interests in the arts, and to sponsor art shows and exhibits for the general public.

Studio hours are Monday and Thursday 5-8pm, Saturday 10am-2pm, our general membership meetings are the third Monday of the month and we host several workshops, contests, art challenges and other fun events throughout the year.

Location: 802 N 2ND ST, Suite D Killeen, Texas 76541-4711

***If you are a local artist looking to showcase your talents in our gallery, please email traci@vllakilleen.org or call 254-526-9090!*

2 Miles Non-Profit Museum

Mission Statement

Vive Les Arts is a non-profit 501(c)3 community theatre in Killeen, one hour northwest of Austin, Texas.

We provide quality, live performance, programming for adults and families year around. We have been an established community organization since 1976 and continue to enrich our community with cultural arts.

Our Mission:

The VIVE LES ARTS SOCIETE is dedicated to excellence in the fine arts and to enriching the cultural experience of the citizens of Central Texas through quality presentations.

The Vive Les Arts Season is supported by funds from the City of Killeen Arts Commission and a grant from the Texas Commission on the Arts. Vive Les Arts Societe is a non-profit 501(c)3 corporation founded in 1976 for the support of the arts in the Greater Killeen area.

17331

Applicant Appeal to
Executive Director



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2017 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Appeal Election Form: 17331, Westwind of Killeen

Note: If you do not wish to appeal this notice, do not submit this form.

I am in receipt of my 2017 scoring notice and am filing a formal appeal to the Executive Director on or before Wednesday, July 5, 2017.

If my appeal is denied by the Executive Director:

☒ I do wish to appeal to the Board of Directors and request that my application be added to the Department Board of Directors meeting agenda. My appeal documentation, which identifies my specific grounds for appeal, is attached. If no additional documentation is submitted, the appeal documentation to the Executive Director will be utilized.

☐ I do not wish to appeal to the Board of Directors.

Signed *Kelly Garrett*

Title *applicant*

Date *7-5-17*

Please email to Sharon Gamble:
<mailto:sharon.gamble@tdhca.state.tx.us>

SALEM | CLARK

July 5, 2017

Via Email

Timothy Irvine, Esq.
Executive Director
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, TX 78711

Re: Appeal: TDHCA #17331; Westwind of Killeen, Killeen, Texas

Dear Mr. Irvine:

SCF Killeen 17, LP ("Project Owner") submitted a competitive housing tax credit application (the "Application") to develop Westwind of Killeen (the "Project") on a site located in Killeen, Texas (the "Development Site"). I have been requested by Kelly Garrett, President of the general partner of the Project Owner, to appeal the conclusions of a revised Scoring Notice (the "Scoring Notice") issued by the Texas Department of Housing and Community Affairs ("TDHCA") on June 27, 2017. Particularly, Project Owner appeals the denial of points claimed for Opportunity Index amenities under Section 11.9(c)(4)(B)(i) of the Qualified Allocation Plan ("QAP") that are being used for Tie-Breaker purposes pursuant to Section 11.7 of the QAP. A copy of the Scoring Notice is attached hereto as **Exhibit "A"**.

TDHCA Staff ("Staff") claims that the Project Owner is ineligible for points associated with the Development Site's proximity to the following Opportunity Index amenities:

1. Museum- Meadows Gallery at Vive Les Arts

Section 11.9(c)(4)(B)(i)(X) of the QAP awards one (1)-point if the Development Site is located within 2 miles of:

"a museum that is a government-sponsored or non-profit, permanent institution open to the public and is not an ancillary part of an organization whose primary purpose is other than the acquisition conservation, study, exhibition and educational interpretation of objects having scientific, historical, or artistic value."

The Project Owner provided evidence in the Application of Meadow Gallery at Vive Les Arts, a museum located within 2 miles of the Development Site. The Scoring Notice states that Vive Les Arts does not meet the QAP requirements for a museum with no further discussion. Based on a determination notice from TDHCA dated June 22, 2017 (the "Determination Notice") relating to Third Party Requests for Administrative Deficiencies ("RFAD") that predated the Scoring Notice, Staff stated that the museum does not meet the requirements of the QAP because the "organization's primary purpose is *"live theatrical performance"* and the artwork displayed is *"ancillary to that purpose"*. A copy of the Determination Notice is attached hereto as **Exhibit "B"**.

In a letter from the City of Killeen to TDHCA dated June 6, 2017 (the "City Confirmation Letter") made a part of the Project Owner's response to the Administrative Deficiency Notice dated June 8, 2017 requesting information relating to the RFADs (the "RFAD Response"), the City confirmed that The

Meadows Gallery at Vive Les Arts is a museum, and that the facility is dedicated to the arts. The City of Killeen also stated that such art exhibits are not “*ancillary, but an integral part*” of the Vive Les Arts mission in the community. The artwork is available to be viewed Tuesday through Thursday 9am-5pm and attached as **Exhibit “C”** are advertisements and social media postings related to exhibitions at The Meadows Gallery at Vive Les Arts. As set forth on its website and in the Application, the mission statement of Vive Les Arts is as follows:

“The VIVE LES ARTS SOCIETE is dedicated to excellence in the fine arts and to enriching the cultural experience of the citizens of Central Texas through quality presentations.”

There is nothing in either the mission statement or the City Confirmation Letter that would lead to Staff’s conclusion that the museum’s primary purpose is “*live theatrical performance*” or that the artwork displayed is “*ancillary to that purpose*”. A copy of the City Confirmation Letter is attached hereto as **Exhibit “D”** and a copy of the RFAD Response is attached hereto as **Exhibit “E”**. For the reasons stated, I respectfully request on behalf of the Project Owner your reconsideration of Staff’s denial of one (1)-point for having a Development Site within 2-miles of a museum, as defined in Section 11.9(c)(4)(B)(i)(X) of the QAP.

2. Library – Lions Club Senior Center Library at Lions Club Park

Section 11.9(c)(4)(B)(i)(VII) of the QAP awards one (1)-point if the Development Site is located within 1 mile of “*a public library*”.

The Scoring Notice states that the library is not a public library. As confirmed by the City of Killeen in the City Confirmation Letter the Senior Center Library at Lions Club Park is “*free*” and “*open to the public*”. The only restriction is that the public library is available to anyone who is 55 years or older or married to anyone 55 years or older. There is nothing in the QAP or Multifamily Rules that includes restrictions on the age of persons using any of the Opportunity Index amenities. Several applicants have used age restricted amenities and Staff has accepted these public facilities in spite of any applicable age restrictions. This same reasoning should apply to a public library.

The City of Killeen views this facility as a public library as stated in the City Confirmation Letter, and in the newspaper article attached as **Exhibit “F”** as well as stated in the RFAD Response. The Library has regular hours with books available for check-out, computers for internet access as well as a place to read and enjoy the books available. For the reasons stated, I respectfully request on behalf of the Project Owner your reconsideration of Staff’s denial of one (1)-point for having a Development Site within 1-miles of a public library as defined in Section 11.9(c)(4)(B)(i)(VII) of the QAP.

3. Accessible Route to Public Park – Lions Club Park

Section 11.9(c)(4)(B)(i)(I) of the QAP awards one (1)-point if the Development Site is located “less than ½ mile on an accessible route from a public park with an accessible playground, both of which meet 2010 ADA standards.” The Scoring Notice states that the Department has determined that “*the accessible route to the park has not been proven, as the Applicant cannot promise to build the sidewalk on property not controlled by the Applicant.*”

Timothy Irvine, Esq.
Executive Director, TDHCA
#17331-Appeal
July 5, 2017
Page -3-

SALEM | CLARK

As set forth in the Application and reconfirmed by Quintero Engineering, LLC in the RFAD Response the route to Lions Club Park is accessible. Furthermore, the Project Owner acknowledged in the Application that a 100 ft. section of the accessible route is incomplete and provided a letter from the owner of the land containing the missing section (the "Accessible Route Letter"). The Accessible Route Letter grants permission to the Project Owner to install a sidewalk across his property that will connect to the existing sidewalks to provide an ADA accessible path. A copy of the Accessible Route Letter is attached as **Exhibit "G"**. The Project Owner also obtained a letter from a local engineer confirming the route using the sidewalk as well as an accessible route using HOP Fixed Route Public Transportation available to Lions Club Park. The Engineer's letter that was supplied as part of the RFAD Administrative Deficiency Response is attached as **Exhibit "H"**. For the reasons stated, I respectfully request on behalf of the Project Owner your reconsideration of Staff's denial of one (1)-point for having a Development Site within 1/2-miles on an accessible route from a public park, as defined in Section 11.9(c)(4)(B)(i)(I) of the QAP.

4. Accessible Route from Public Transportation – the HOP

Section 11.9(c)(4)(B)(i)(II) of the QAP awards one (1)-point if the Development Site is located less than ½ mile on an accessible route from:

"Public Transportation with a route schedule that provides regular service to employment and basic services. For purposes of this scoring item, regular is defined as scheduled service beyond 8 a.m. to 5 p.m., plus weekend service."

The HOP Bus Stop adjacent to our site provides Saturday service which we believe should qualify as weekend service and would follow the requirements set forth in the QAP. For the reasons stated, I respectfully request on behalf of the Project Owner your reconsideration of Staff's denial of one (1)-point for having a Development Site within 1/2-mile on an accessible route from Public Transportation, as defined in Section 11.9(c)(4)(B)(i)(II) of the QAP.

As you are aware, these appeals may be granted by you as the Executive Director. If you determine that one or more of these request should be denied, then the Project Owner hereby requests that your decision be appealed to the Board and that this letter be made the basis for the appeal of your decision for consideration at the next Board meeting scheduled for July 13, 2017.

Very truly yours,



Kelly Garrett

Schedule of Exhibits (A-H)

John Shackelford (via email)
Donna Rickenbacker (via email)
Dru Childre (via email)
Marni Gamble (via email)
Sharon Gamble (via email)

Exhibit A



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - REVISED 2017 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Kelly Garrett

Phone #: (903) 450-1520

Email: kelly@salemclark.com

Second Email: dru@dharmadevelop.com

Date: June 27, 2017

**THIS NOTICE WILL ONLY BE
TRANSMITTED VIA EMAIL**

**RE: 2017 Competitive Housing Tax Credit (HTC) Application for Westwind of Killeen, TDHCA Number:
17331**

The Texas Department of Housing and Community Affairs has completed its program review of the Application referenced above as further described in the 2017 Qualified Allocation Plan ("QAP"). This scoring notice provides a summary of staff's assessment of the application's score. The notice is divided into several sections.

Section 1 of the scoring notice provides a summary of the score requested by the Applicant followed by the score staff has assessed based on the Application submitted. You should note that four scoring items are not reflected in this scoring comparison but are addressed separately.

Section 2 of the scoring notice includes each of the five scoring criteria for which points could not be requested by the Applicant in the application self-score form and include: §11.9(d)(1) Local Government Support, §11.9(d)(4) Quantifiable Community Participation, §11.9(d)(5) Community Support from State Representative, §11.9(d)(6) Input from Community Organizations, and §11.9(d)(7) Concerted Revitalization Plan.

Section 3 provides information related to any point deductions assessed under §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules.

Section 4 provides the final cumulative score in bold.

Section 5 includes an explanation of any differences between the requested and awarded score and tie-breakers as well as any penalty points assessed.

The scores provided herein are merely informational at this point in the process and may be subject to change. For example, points awarded under §11.9(e)(4) "Leveraging of Private, State, and Federal Resources", 11.9(b)(1)(A) "Unit Sizes", 11.9(b)(1)(B) "Unit and Development Features", 11.9(c)(1) "Income Levels of Tenants", 11.9(c)(2) "Rent Levels of Tenants", 11.9(e)(1) "Financial Feasibility", 11.9(e)(3) "Pre-Application Participation", and may be adjusted should the underwriting review result in changes to the Application that would affect these scores. If a scoring adjustment is necessary, staff will provide the Applicant a revised scoring notice.

Be further advised that if the Applicant failed to properly disclose information in the Application that could have a material impact on the scoring information provided herein, the score included in this notice may require adjustment and/or the Applicant may be subject to other penalties as provided for in the Department's rules.

This preliminary scoring notice is provided by staff at this time to ensure that an Applicant has sufficient notice to exercise any appeal process provided under §10.902 of the Uniform Multifamily Rules. All information in this scoring notice is further subject to modification, acceptance, and/or approval by the Department's Governing Board.



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - REVISED 2017 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Page 2 of Final Scoring Notice: 17331, Westwind of Killeen

Section 1:

Score Requested by Applicant (Does not include points for §11.9(d)(1), (4), (5), or (6) of the 2017 QAP):

122

Score Awarded by Department staff (Does not include points for §11.9(d)(1), (4), (5), or (6) of the 2017 QAP):

122

Difference between Requested and Awarded:

0

Section 2:

Points Awarded for §11.9(d)(1) Local Government Support:

17

Points Awarded for §11.9(d)(4) Quantifiable Community Participation:

4

Points Awarded for §11.9(d)(5) Community Support from State Representative:

8

Points Awarded for §11.9(d)(6) Input from Community Organizations:

4

Points Awarded for §11.9(d)(7) Concerted Revitalization Plan:

0

Section 3:

Points Deducted for §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules:

0

Section 4:

Final Score Awarded to Application by Department staff:

155

Section 5:

Explanation for difference between points requested and points awarded by the Department as well as penalties assessed:

NA

Explanation for difference between requested tie-breakers and tie-breakers qualified by the Department:

§11.7 Tie-break Factors. Vive Les Arts does not meet the QAP requirements for a museum; the library at the Lions Club is not a public library; accessible route to the park has not been proven, as the Applicant cannot promise to build a sidewalk on property not controlled by the Applicant; public transportation service does not meet the requirements as there is no Sunday service. (Items Selected 8, Items Qualified 4)

Restrictions and requirements relating to the filing of an appeal can be found in §10.902 of the Uniform Multifamily Rules. If you wish to appeal this scoring notice, you must file your appeal with the Department no later than 5:00 p.m. Austin local time, Wednesday, July 5, 2017. If an appeal is denied by the Executive Director, an Applicant may appeal to the Department's Board.

In an effort to increase the likelihood that Board appeals related to scoring are heard at the Board meeting, the Department has provided an Appeal Election Form for all appeals submitted to the Executive Director. In the event an appeal is denied by the Executive Director, the Applicant is able to request that the appeal automatically be added to the Board agenda.

If you have any concerns regarding potential miscalculations or errors made by the Department, please contact Sharon Gamble at (512) 936-7834 or by email at <mailto:sharon.gamble@tdhca.state.tx.us>.

Sincerely,

Sharon Gamble

Sharon Gamble

9% Competitive HTC Program Administrator

Exhibit B



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

Greg Abbott
GOVERNOR

BOARD MEMBERS

J.B. Goodwin, *Chair*
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Sharon Thomason, Member
Leo Vasquez, Member

June 22, 2017

Writer's direct phone # (512) 475-1676
Email: marni.holloway@tdhca.state.tx.us

Kelly Garrett
Salem Clark
7801 Jack Finney Blvd, Ste101
Greenville, TX 75402

RE: REQUESTS FOR ADMINISTRATIVE DEFICIENCY: 17331 WESTWIND OF KILLEEN

Dear Kelly Garrett:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of three Third Party Requests for Administrative Deficiency ("RFAD") requesting that the Department review the Application above to determine whether it should be awarded three tie-breaker items under 10 TAC §11.9(c)(4), related to Opportunity Index. The request asserts that the Application did not contain sufficient documentation of several community assets used to claim the tie-breakers. Consistent with similar decisions made by the Department's Governing Board at its May 25, 2017, meeting an Administrative Deficiency was determined to be appropriate for the Application. The Department issued a deficiency notice on June 5, 2017, and the response was received timely.

After reviewing the response, the Department has determined that the Boys and Girls Club qualifies as outdoor recreation as the rules do not include restrictions on the age of persons using the amenity, and the HEB grocery store qualifies as amenities under significant construction at the time of application, and may be allowed. In this case, the store is built and operating.

Regarding the museum amenity, the Department has determined that Vive Les Arts does not meet the QAP requirements for a museum as the organization's primary purpose is "live theatrical performance" and the artwork displayed is ancillary to that purpose. The Department has determined that the library at the Lions Club is not a public library, and the accessible route to the park has not been proven, as the Applicant cannot promise to build a sidewalk on property not controlled by the Applicant. Since the rules require that public transportation be available on weekends (i.e. Saturday and Sunday) the service does not meet this requirement as there is no Sunday service.



June 22, 2017

Page 2

I find that the response clearly demonstrated that the Application qualifies for two of the tie-breakers in question. While the RFAD process does not include a mechanism by which an Applicant can appeal this decision, you will be issued a revised scoring notice that does include such. For purposes of the request, the matter is considered closed. If you have questions or require further information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marni Holloway', with a long horizontal flourish extending to the right.

Marni Holloway
Multifamily Division Director

Cc: Robert Picerne
Henry Flores
Lisa Stephens

Exhibit C

Reflections of a Fiber Artist

by Pauline Barrett

Vive Les Arts Theatre – Exhibit

FEB 4

Posted by [paulinebarrettfineartquilts](#)

I was invited by the Vive Les Arts Theatre in Killeen, Texas to exhibit my art for the grand opening of the Mucisal “Beehive”. Opening night is February 6th, 2015 at 7pm.



(<https://reflectionsofafiberartist.files.wordpress.com/2015/02/vive-les-arts-theatre.jpg>)



(https://reflectionsofafiberartist.files.wordpress.com/2015/02/quilts_vla_3.jpg)



(https://reflectionsof FiberArtist.files.wordpress.com/2015/02/quilts_vla_2.jpg)



(https://reflectionsof FiberArtist.files.wordpress.com/2015/02/quilts_vla_1.jpg)

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Posted on February 4, 2015, in [Uncategorized](#) and tagged [art exhibit](#), [art show](#), [exhibit](#), [fiber art](#), [fiber art exhibit](#), [fiber artist](#), [fine art quilt exhibit](#), [fine art quilter](#), [fine art quilts](#), [killeen artist](#), [killeen quilter](#), [Killeen texas exhibit](#), [pauline barrett](#), [quilt](#), [quilt exhibit](#), [Texas artist](#), [Texas exhibit](#), [theatre](#), [Vive Les Arts Theatre](#). Bookmark the [permalink](#). [1 Comment](#).

◦ **Leave a comment**

◦ **Comments 1**

Essie Maduro | February 4, 2015 at 1:05 pm

http://kdhnews.com/living/arts_and_entertainment/artist-s-work-on-display-at-vla/article_6ee1f226-6c42-528e-871d-dc24e185ddd0.html

Artist's work on display at VLA

Colleen Flaherty The Killeen Daily Herald Sep 24, 2010

By Colleen Flaherty

Killeen Daily Herald

Painter Sally Grasse-Fanto Williams has devoted most of her artistic life to art instruction, but starting today she's showing her own work at Vive Les Arts Theatre's Meadows Gallery.

The show features 11 works, mostly ethereal but natural watercolors, including one 40-foot-long painting called "Texas Garden of Eden Guarded by Two Angels."

"I painted that because I was sitting on my back porch drinking coffee," said the artist, whose "painting name" is Grasse-Fanto. "My husband came out and said, 'What are you doing?' and I told him, 'I see a painting.'"

"He said, 'Why don't you paint it?'" she recounted, laughing.

One hundred hours of work and several hundred dollars of paint later, she had her painting. It fills an entire gallery wall.

Other natural scenes fill the opposing wall.

"I'm primarily a landscape painter," she said. "I'm an outdoor person."

One of her paintings features a scene from a dream she once had, however.

That painting, "The Soldier's Dream," features a dove flying toward the heavens.

"I paint what I see," she said. "It's about a Texas soldier."

Grasse-Fanto, a Pennsylvania native who moved around the country with her first, now deceased husband, spent most of her life teaching art.

She doesn't believe that art is beyond anyone's reach, as all children are artists, she said.

"Have you ever heard a child say, 'I don't paint?'" she asked.

All that's required is stimulation of the creative mind, she said.

"Once you put paint on a canvas," she said, "it starts becoming part of you."

Grasse-Fanto settled in Killeen late last year with her second husband and has already taught adult education and children's art classes at Central Texas College.

Vive Les Arts Director Eric Shephard saw Grasse-Fanto's work this summer and asked her to show it at the Meadows Gallery at Vive Les Arts Theatre.

"There was a real natural quality about it," said Shephard, who wants to feature more regional artists in the gallery. "It was appealing to me in its simplicity."

"Even though she's a trained artist, there's a quality in the art that makes it seem like folk art," he added.

Grasse-Fanto was flattered.

"I'm in awe that I was even asked," she said, "because artists go through an entire life and nobody recognizes them."

Grasse-Fanto's show opens tonight at Vive Les Arts, with a reception from 5:30 to 7.

Contact Colleen Flaherty at colleenf@kdhnews.com or (254) 501-7559. Follow her on Twitter at KDHfeatures.

Art Exhibit Event



2

Events

Events

Calendar

Birthdays

Discover

Past

Art Showing at Vive Les Arts

+ Create Event



NOV
26

Art Showing at Vive Les Arts

Public · Hosted by Krysta Lyssy Art

★ Interested

✓ Going

...

🕒

November 26, 2016 – December 10, 2016

Nov 26, 2016 at 10 PM to Dec 10, 2016 at 5 PM

📍

Vive Les Arts Theatre

3401 S W S Young Dr, Killeen, Texas 76542

Show Map


About

Discussion

Art Exhibit Event

FOR ME


MAP

 **evensi**
events for me

LOG IN

SIGN UP


Map > Five Hills Art Guild > VLA Art Reception



PROMOTE THIS EVENT

FIND TICKETS
tickets.vendini.com

Vive Les Arts Theatre
3401 S W S Young Dr, Killeen, 76542, TX,
United States



Leaflet | © OpenStreetMap Contributors

PLACES TO STAY

Art Exhibit Event



👑 VLA EXHIBITION FOR BLACK HISTORY MONTH 👑

TIME: February 3rd to March of 2012

ART EXHIBITION, ART, ETHNIC MASKS AND DOLLS ON DISPLAY, ALL OF FEBRUARY TILL THE FIRST WEEK OF MARCH 2012.

LOCATION: VLA (Vive Les Arts Theatre)

**3401 South W.S. Young Drive
Killeen, TX (76542)**

What: Art exhibit

**Where: Vive Les Arts Theatre, 3401 S. W.S. Young Drive,
Killeen.**

When: 9 a.m. to 5 p.m. Tuesday and Friday. The exhibit is open to the public when the theater opens for shows, typically at 7 p.m. Fridays and Saturdays and 2 p.m. Sundays.

More information: (254) 526-9090.

Exhibit D



**CITY OF KILLEEN
COMMUNITY DEVELOPMENT**

June 6, 2017

Marni Holloway
Director of Multifamily Finance
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, Texas 78701

RE: Application #17331 Westwind of Killeen, Located in Killeen, Texas

Dear Ms. Holloway:

The applicant for Westwind of Killeen has requested that I confirm the validity of their opportunity index amenities as it relates to their application for 2017 tax credit funding. I have reviewed the administrative deficiency issued by the department on June, 5th 2017 and my responses are found below.

1. The Meadows Gallery at Vive Les Arts- The Applicant submitted The Meadows Gallery at Vive Les Arts which displays art by local artists and is overseen by the Killeen Civic Arts Guild. The art work displayed is usually corresponding to the live theater performances that are taking place in the theater. The displays rotate regularly and are available to be viewed by the public 9am-5pm Tuesday through Friday. Vive Les Arts is an entire building dedicated to the arts, including live performances and artist exhibitions. This should qualify as a museum under the QAP because the exhibition of artwork is not ancillary, but an integral part of Vive Les Arts mission in the community.
2. Lions Club Senior Center Library at Lions Club Park- The Applicant submitted the Senior Center Library at Lions Club Park as a public library. This facility is free and available to anyone who is 55 years or older or married to anyone 55 years or older. There are books available to be checked out as well as computers for public use. Although there is an age restriction this library is open to the public and an important resource to our community.
3. Accessible Route to Lions Club Park-The Applicant has stated they will provide an engineer's letter stating this route is ADA accessible.
4. Boys and Girls Club- The Applicant submitted The Boys and Girls Club as an outdoor recreation facility. The Boys and Girls Club provides various outdoor activities for the children of Killeen. There is a membership fee of \$20/year but there are no further requirements. Anyone in the general public can enroll their children in the Boys and Girls Club. Outdoor activities available at the Boys and Girls Club include Flag Football Leagues, a playground and cheerleading programs. While many of the programs are age restricted to children, there are many ways for adults to participate such as volunteering in the afternoons or coaching in the various leagues. As the Applicant is proposing a Family deal in Killeen we believe this is a great Outdoor Recreation facility for the children of future tenants and a great way for the public to be involved.

5. Weekend Public Transportation-The Applicant's proposed development site is situated at the corner of Trimmier Rd and Stan Schlueter Loop adjacent to the Route 30 Bus Stop. The Route 30 bus runs Monday through Saturday and provides fixed route service throughout Killeen. This particular bus route provides weekend service.
6. HEB Grocery Store-The HEB grocery store located on Stan Schlueter Loop that the Applicant submitted is open and operating. A grand opening was held on April 21, 2017.

The City of Killeen supports Westwind of Killeen and we are available to answer any questions you may have regarding these amenities or any other matters. Feel free to contact me at 254-501-7847 or via email at lhinkle@killeentexas.gov.

Regards,



Leslie K. Hinkle
Executive Director of Community Development

Exhibit E

Marque Real Estate Consultants
710 North Post Oak Road, Suite 400
Houston, TX 77024
(713) 560-0068 – p
(713) 583-8858 – f
donna@marqueconsultants.com

June 8, 2017

Via Serv-U Portal

Nicole Fisher
Housing Specialist
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, Texas 78701

Re: TDHCA No. 17331-Westwind of Killeen

Dear Nicole,

The following is in response to your Administrative Deficiency Notice dated 06/05/17 for information in connection with your Eligibility/Selection/Threshold review of the above-described application.

1. The requestor states that the Vive Les Arts museum does not qualify. Provide evidence in the form of certification from the city or from another professional certified to make such a determination that the Vive Les Arts Museum qualifies under the QAP and how it qualifies.

Response: See attached letter from the City of Killeen

2. The requestor states that the Lions Club Library is not a public library. Provide evidence in the form of certification from the city or from another professional certified to make such a determination that the Lions Club Library is a public Library.

Response: See attached letter from the City of Killeen

3. The requestor states that there is not accessible route to the park. Provide evidence in the form of certification from the city or from another professional certified to make such a determination that the ½ mile route between the site and the Lions Club Park is accessible.

Response: See attached letter from Quintero Engineering, LLC

4. The requestor states that the Boys/Girls club is for the general public. Provide evidence in the form of a certification from the city or from another professional certified to make such a determination that the Boys/Girls club is for the general public.

Response: See attached letter from the City of Killeen

5. The requestor states that there is no weekend service for the public transportation. Provide evidence in the form of certification from the city or from another professional certified to make such a determination that public transportation is available on the weekend.

Response: See attached letter from the City of Killeen

6. The requester states that the grocery store is under construction. Provide evidence in the form of a certification from the city or from another professional certified to make such a determination that the HEB is not under construction and/or when it is open for business.

Response: See attached letter from the City of Killeen

Thank you for allowing us the opportunity to clarify the described administrative deficiency. In the event you have any additional questions or comments, please feel free to contact us.

Sincerely,


Donna Rickenbacker

cc: Kelly Garrett (Via Email)
Dru Childre (Via Email)

Exhibit F

http://kdhnews.com/living/director-says-senior-centers-are-killeen-s-best-kept-secret/article_025efeda-d88a-11e3-8f7e-001a4bcf6878.html

TOP STORY

Director says senior centers are Killeen's best-kept secret

Natalie Stewart | Herald staff writer May 11, 2014



Miguel Vasquez lines up his shot during a game of pool at the Lions Club Senior Center on Thursday May 8, 2014.

Buy Now

Bryan Correira | Herald

When people walk through the doors of the Lions Club Park Senior Center, the staff knows them by name. They also know how to say "good morning" to seniors who are from various parts of the world in their native language.

"We're the best-kept secret in Killeen," said Debbie Edwards, senior center manager.

When residents join the center, they gain access to the Lions Club facility and the Bob Gilmore Senior Center, both of which provide a wide array of activities to peak the interest of all seniors.

The centers offer art and pottery classes, exercise classes, computer classes, scrapbooking, dance classes, yoga and tai chi, and knitting and crocheting. There's something for everyone.

"When seniors come through the front door, they leave their status, they leave their infirmities and all their hang-ups at the door," Edwards said. "We're here to have a good time, that's it."

The centers also host games from dominos and bridge to pinochle and bingo. They have weekly billiards tournaments, and are equipped with a fitness room and **a library for people who just want to sit in a quiet place and read a book.**

"All these things keep seniors busy

and active in life," Edwards said. "The most wonderful compliment we receive is that this doesn't feel like a senior center. We don't want it to feel like a senior center. Seniors are still active and participating in life. We're still having fun."

In April, Edwards said more than 4,200 seniors went through the Lions Club center doors.

"As a person ages, they have to re-direct their life. Once a person retires, they feel they have to find meaning," she said. "The healthiest ones are those who get out of the house and get active whether they're volunteering or participating."

Edwards said the elderly have a crucial purpose, and that's to be an example to youth — showing them how to live their lives up until their last breaths.

"We don't age here," she said. "Your body can physically age, but don't let your spirit age. When you stop participating in life, that's when you become old."

The Lions Club Park Senior Center, 1700-B E. Stan Schlueter Loop, is open from 8 a.m. to 4 p.m. Monday through Friday. On Tuesdays, the center stays open until 9:30 p.m. Joining the center is free; the only requirement is that a person be 55 or older. Call 254-501-6399.

The Bob Gilmore Senior Center, 2205 E. Veterans Memorial Blvd., is open from 8 a.m. to 4 p.m. Monday through Friday. Call 254-699-1717.

Contact Natalie Stewart at nstewart@kdhnews.com or 254-501-7555

Natalie Stewart

Exhibit G

February __26____, 2017

Texas Department of Housing and Community Affairs

221 E. 11th Street

Austin, TX 78701

Attn: Tim Irvine

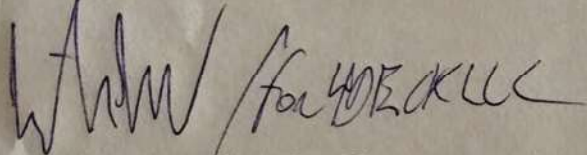
Executive Director – Via Email – tim.irvine@tdhca.state.tx.us

Re: Westwind of Killeen

Dear Mr. Irvine,

As the owner of the land at 1200 E Stan Schlueter and W Stan Schlueter LP Killeen Texas, I am giving SCF Killeen 17, LP permission to install a sidewalk in front of my property that will connect the existing sidewalks to provide an ADA accessible path for pedestrians in the area.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W.D. Morris for 4 DECK LLC'. The signature is stylized and written over a horizontal line.

William D. Morris/4 DECK LLC

cc: Zach Krochtengel – zach@saalemclark.com

Exhibit H



Quintero Engineering, LLC

PLANNING • SURVEYING • CIVIL ENGINEERING • CONSTRUCTION MANAGEMENT

June 7, 2017

Marni Holloway
Director of Multifamily Finance
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, Texas 78701

RE: Application #17331 Westwind of Killeen, Located in Killeen, Texas

Dear Ms. Holloway:

The applicant for Westwind of Killeen has engaged with our firm to provide professional services to address the validity of the 2010 ADA Accessible Path from their site to Lions Club Park. We reviewed the administrative deficiency issued by the department on June 6th, 2017, and our evaluation determinations are noted below.

Accessible Route to Lions Club Park - There are two known ADA accessible routes from the applicant's subject site located at the northwest corner of the Trimmier Road and Stan Schlueter Loop intersection in Killeen, Texas. The two accessible routes consist of a public transit route and pedestrian sidewalk route as noted below.

The public transit route consists of utilizing a local regional public transit system known as the Hill Country Transit District, The HOP. The HOP currently has two fixed service routes known as Route 21 and Route 30 that have designated bus stops at each site connecting the two sites, please Exhibit A attached. The applicant's site plan reflects that they will connect to the existing sidewalk allowing for an accessible route to the bus stop fronting their site. The HOP's bus service is ADA accessible and the next stop is Lions Club Park. From the bus stop there is an accessible route to the ADA accessible playground. This can be seen in the aerial attached as Exhibit B.

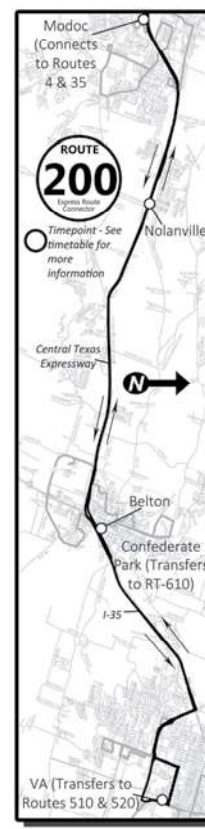
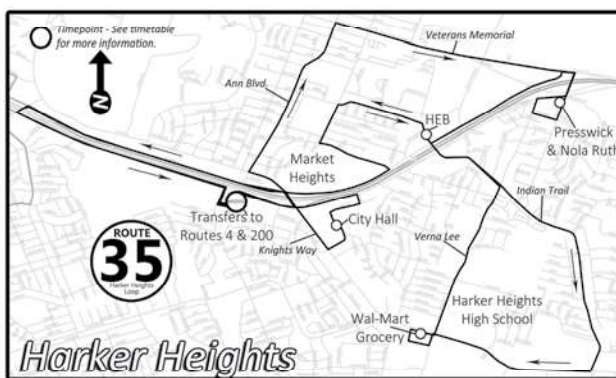
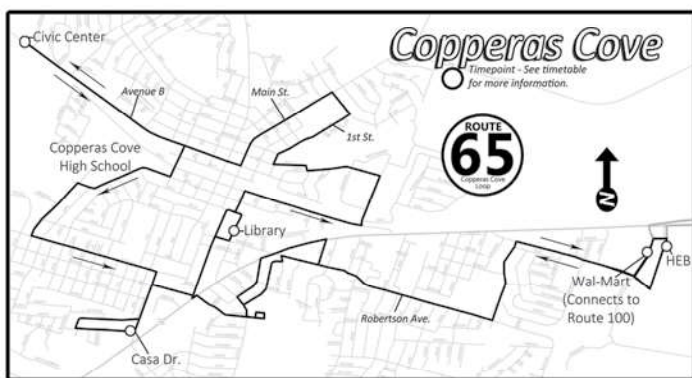
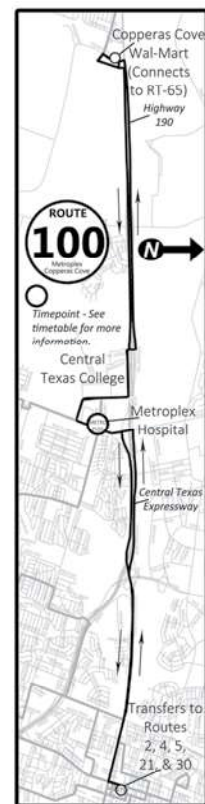
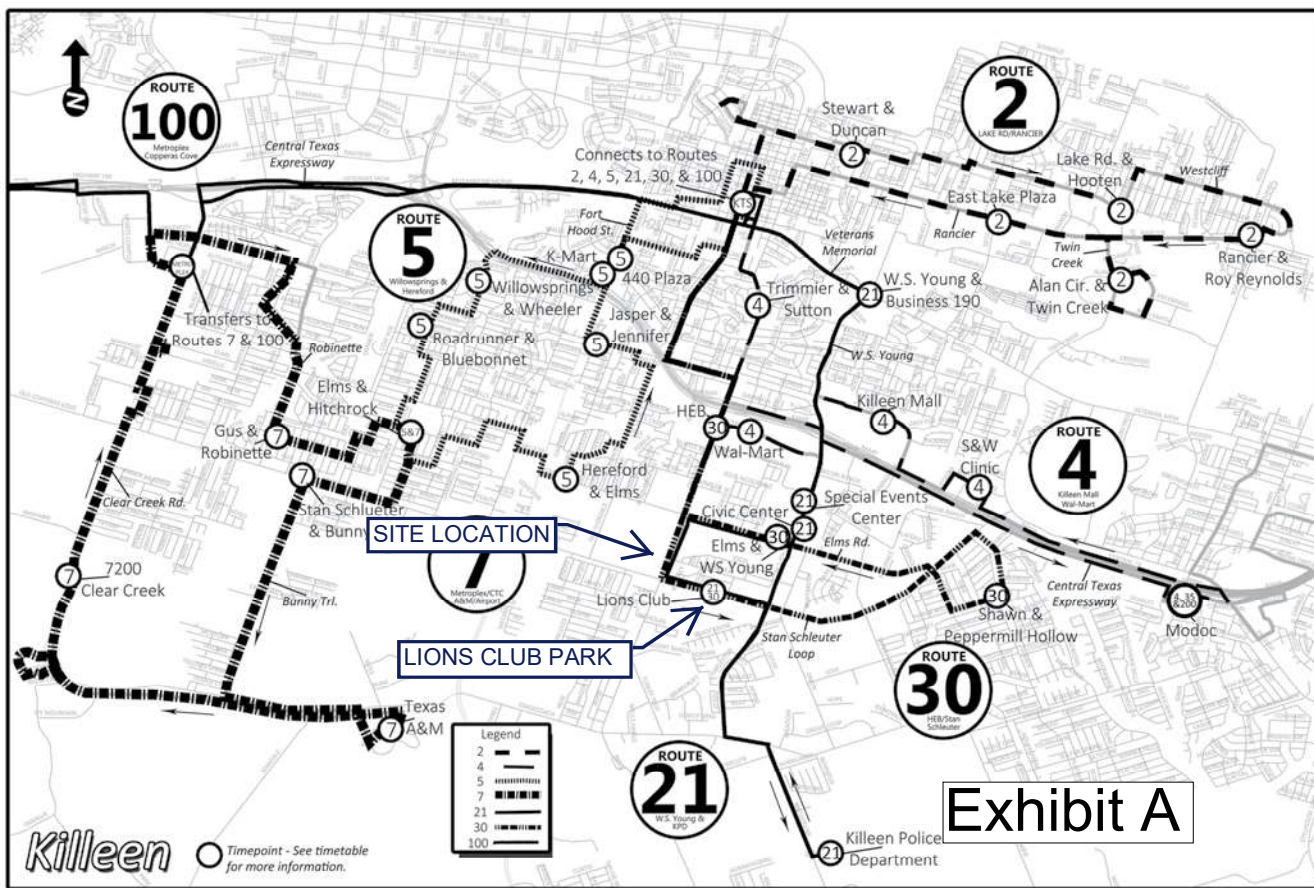
The pedestrian sidewalk route is a public accessible route providing access from the site to the park utilizing existing pedestrian infrastructure consisting of sidewalks, pedestrian signing, striping and signalization at the intersection crossings. There is one portion of sidewalk missing on vacant tract of land that the Applicant has shown they have permission to furnish and construct. If this portion of sidewalk is installed there will be an accessible route available to Lions Club Park. This route can be seen in the aerial attached as Exhibit C.

Should you have any questions, please don't hesitate to contact me.

Respectfully,

Pedro Quintero, P.E.
President

Attachments: Exhibit A, B & C



1. LAKE RD / HOOTEN BLVD - KILLEEN

Direction	Time	Stop	Time	Stop	Time	Stop	Time	Stop
Northbound	6:00	LAKE RD / HOOTEN BLVD	6:05	LAKE RD / HOOTEN BLVD	6:10	LAKE RD / HOOTEN BLVD	6:15	LAKE RD / HOOTEN BLVD
Southbound	6:30	LAKE RD / HOOTEN BLVD	6:35	LAKE RD / HOOTEN BLVD	6:40	LAKE RD / HOOTEN BLVD	6:45	LAKE RD / HOOTEN BLVD

2. KILLEEN MALL / WAL-MART - KILLEEN

Direction	Time	Stop	Time	Stop	Time	Stop	Time	Stop
Northbound	6:00	KILLEEN MALL / WAL-MART	6:05	KILLEEN MALL / WAL-MART	6:10	KILLEEN MALL / WAL-MART	6:15	KILLEEN MALL / WAL-MART
Southbound	6:30	KILLEEN MALL / WAL-MART	6:35	KILLEEN MALL / WAL-MART	6:40	KILLEEN MALL / WAL-MART	6:45	KILLEEN MALL / WAL-MART

3. WILLOWSPRINGS & WHEELER - KILLEEN

Direction	Time	Stop	Time	Stop	Time	Stop	Time	Stop
Northbound	6:00	WILLOWSPRINGS & WHEELER	6:05	WILLOWSPRINGS & WHEELER	6:10	WILLOWSPRINGS & WHEELER	6:15	WILLOWSPRINGS & WHEELER
Southbound	6:30	WILLOWSPRINGS & WHEELER	6:35	WILLOWSPRINGS & WHEELER	6:40	WILLOWSPRINGS & WHEELER	6:45	WILLOWSPRINGS & WHEELER

4. METROPOLIS / CTS / A&M / MODOC - KILLEEN

Direction	Time	Stop	Time	Stop	Time	Stop	Time	Stop
Northbound	6:00	METROPOLIS / CTS / A&M / MODOC	6:05	METROPOLIS / CTS / A&M / MODOC	6:10	METROPOLIS / CTS / A&M / MODOC	6:15	METROPOLIS / CTS / A&M / MODOC
Southbound	6:30	METROPOLIS / CTS / A&M / MODOC	6:35	METROPOLIS / CTS / A&M / MODOC	6:40	METROPOLIS / CTS / A&M / MODOC	6:45	METROPOLIS / CTS / A&M / MODOC

5. W.S. YOUNG - KILLEEN

Direction	Time	Stop	Time	Stop	Time	Stop	Time	Stop
Northbound	6:00	W.S. YOUNG	6:05	W.S. YOUNG	6:10	W.S. YOUNG	6:15	W.S. YOUNG
Southbound	6:30	W.S. YOUNG	6:35	W.S. YOUNG	6:40	W.S. YOUNG	6:45	W.S. YOUNG

6. HEB / STAN SCHLEUTER - KILLEEN

Direction	Time	Stop	Time	Stop	Time	Stop	Time	Stop
Northbound	6:00	HEB / STAN SCHLEUTER	6:05	HEB / STAN SCHLEUTER	6:10	HEB / STAN SCHLEUTER	6:15	HEB / STAN SCHLEUTER
Southbound	6:30	HEB / STAN SCHLEUTER	6:35	HEB / STAN SCHLEUTER	6:40	HEB / STAN SCHLEUTER	6:45	HEB / STAN SCHLEUTER

7. HEB / STAN SCHLEUTER - KILLEEN

Direction	Time	Stop	Time	Stop	Time	Stop	Time	Stop
Northbound	6:00	HEB / STAN SCHLEUTER	6:05	HEB / STAN SCHLEUTER	6:10	HEB / STAN SCHLEUTER	6:15	HEB / STAN SCHLEUTER
Southbound	6:30	HEB / STAN SCHLEUTER	6:35	HEB / STAN SCHLEUTER	6:40	HEB / STAN SCHLEUTER	6:45	HEB / STAN SCHLEUTER

8. WILLOWSPRINGS & WHEELER - KILLEEN

Direction	Time	Stop	Time	Stop	Time	Stop	Time	Stop
Northbound	6:00	WILLOWSPRINGS & WHEELER	6:05	WILLOWSPRINGS & WHEELER	6:10	WILLOWSPRINGS & WHEELER	6:15	WILLOWSPRINGS & WHEELER
Southbound	6:30	WILLOWSPRINGS & WHEELER	6:35	WILLOWSPRINGS & WHEELER	6:40	WILLOWSPRINGS & WHEELER	6:45	WILLOWSPRINGS & WHEELER

9. METROPOLIS / CTS / A&M / MODOC - KILLEEN

Direction	Time	Stop	Time	Stop	Time	Stop	Time	Stop
Northbound	6:00	METROPOLIS / CTS / A&M / MODOC	6:05	METROPOLIS / CTS / A&M / MODOC	6:10	METROPOLIS / CTS / A&M / MODOC	6:15	METROPOLIS / CTS / A&M / MODOC
Southbound	6:30	METROPOLIS / CTS / A&M / MODOC	6:35	METROPOLIS / CTS / A&M / MODOC	6:40	METROPOLIS / CTS / A&M / MODOC	6:45	METROPOLIS / CTS / A&M / MODOC

10. W.S. YOUNG - KILLEEN

Direction	Time	Stop	Time	Stop	Time	Stop	Time	Stop
Northbound	6:00	W.S. YOUNG	6:05	W.S. YOUNG	6:10	W.S. YOUNG	6:15	W.S. YOUNG
Southbound	6:30	W.S. YOUNG	6:35	W.S. YOUNG	6:40	W.S. YOUNG	6:45	W.S. YOUNG

Bike Rack Instructions

PULL HANDLE DEPLOY RACK LOAD BIKE SECURE BIKE

Please wear your seat belt for safety. For loading, unloading, or other instructions, visit www.thehop.com.



Fares:

REGULAR: \$1.00 AGF 60+: 50¢
 MEDICARE: 50¢ AGF 2-12: 50¢
 DISABLED: 50¢ STUDENTS: 50¢
 AGF 0-2: FREE
 MONTHLY PASS: \$25.00

*REQUIRES CERTIFICATION CARD FROM TRANSIT SYSTEM
 ALL DISCOUNT CARDS ARE FOR THE FIXED ROUTE SERVICES ONLY

This map is current as of February 2015.
 For most recently updated maps, see
www.thekhop.com or call The HOP
 at (254) 933-3700

Exhibit B

21/30
Bus
Stop

Proposed Site

21/30
Bus
Stop

Accessible
Playground

Bus Route
Walking Path



Exhibit C

Proposed Site



Accessible
Playground

- Existing Path
- Additional Sidewalk to be installed

17331

Executive Director's
Response



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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July 10, 2017

Writer's direct phone # (512) 475-3296
Email: tim.irvine@tdhca.state.tx.us

Kelly Garrett
Salem Clark
7801 Jack Finney Blvd, Ste101
Greenville, TX 75402

RE: SCORING APPEAL RESPONSE: 17331 WESTWIND OF KILLEEN

Dear Kelly Garrett:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your appeal, dated July 5, 2017, of the scoring notice for the above referenced Application. This Application was denied four tie-breaker items under 10 TAC §11.9(c)(4), related to Opportunity Index, because the Application did not provide sufficient evidence that the Meadows Gallery at the Vive les Arts Theater is a museum, that the Lions Clubs Senior Center Library at Lions Club Park is a public library, that the Development Site is less than ½ mile on an accessible route from a public park with an accessible playground, and that the Development Site is less than ½ mile on an accessible route from public transportation.

After reviewing the appeal, the Department has determined that the Lions Club Senior Center Library at Lions Club Park is considered a public library under the rules. Though not in the statute that addresses Low Income Housing Tax Credits, Tex. Gov't Code §441.122(12) defines "public library" as a library operated by a single public agency or board that is freely open to the public and receives it funding (at least in part) from public funds. Since TDHCA's rules do not further or particularly define "public library," the definition that does exist, even though outside Tex. Gov't Code ch. 2306, provides an appropriate basis for how the term should be defined. Lions Club Park and the Senior Center at Lions Club Park are part of the City of Killeen parks and recreation department; so the library is eligible.

Regarding the museum amenity, the appeal states that included Department has determined that the Vive Les Arts Theater does not meet the QAP requirements for a museum as the organization's primary purpose is "live theatrical performance" and the artwork displayed is ancillary to that purpose. The definition of what a museum must be for the purposes of this scoring item is specific:

(X) Development site is within 2 miles of a museum that is a government-sponsored or non-profit, permanent institution open to the public and is not an ancillary part of an organization whose primary purpose is other than the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value. (1 point)



The website of the Vive les Arts Theater describes the gallery thusly:

"The Meadows Gallery"

"Located at the Vive Les Arts Lobby, the gallery features art pieces created by our local artists and local arts organizations"

Clearly, the gallery is an ancillary part of the theater and as such is not a museum.

The Department determined that the accessible route to the park was not been proven, as the availability of accessible transportation cannot substitute for the required accessible route, and the Applicant cannot promise to build a sidewalk on property not controlled by the Applicant. The appeal includes a letter which states that the land owner gives permission for the Applicant to construct a sidewalk that will connect to existing sidewalks. Unless the Applicant has obtained a legal easement through the City of Killeen that would allow the Applicant to construct such a sidewalk, the letter is unenforceable and the Department cannot rely on it. Finally, the accessible route to public transportation remains unproven as the HOP transportation service does not provide service on Sundays and therefore, does not meet the rule requirement that service be provided on weekends.

I find that the Application qualifies for the library, and I am granting the appeal for that item. I must deny the appeal for the park, public transportation, and museum as those items have not been proven. You have indicated that you wish for this appeal to be heard by the Department's Governing Board, and the appeal has been placed on the agenda for the board meeting of July 13, 2017. Should you have any questions, please contact Sharon Gamble, Competitive Tax Credit Program Administrator, at sharon.gamble@tdhca.state.tx.us or by phone at 512-936-7834.

Sincerely

A handwritten signature in black ink, appearing to read 'TKI', is written over the word 'Sincerely'.

Timothy K. Irvine
Executive Director

TKI